

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

MCPB ITEM# 1

DATE: 11/15/01

**MEMORANDUM**

**DATE:** November 9, 2001

**TO:** Montgomery County Planning Board

**VIA:** Joseph R. Davis, Chief  
Development Review Division

**FROM:** A. Malcolm Shaneman, Supervisor (301) 495-4587  
Planning Department Staff *AMS*

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Six (6) Lot Subdivision (Single Family Detached)

**PROJECT NAME:** Snider Estates

**CASE #:** 1-01017

**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations, Chapter 59,  
Montgomery County Zoning Ordinance, Approved and Adopted Cloverly  
Master Plan

**ZONE:** RE-1

**LOCATION:** Located between the eastern and western termination points of Snider Lane

**MASTER PLAN:** Cloverly

**APPLICANT:** Patricia Thornton and Christopher Stifle

**FILING DATE:** September 12, 2000

**HEARING DATE:** November 15, 2001

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**STAFF RECOMMENDATION:** Approval of Preliminary Plan and Water Quality Plan Subject to the Following Conditions:

- 1) Prior to recordation of plat(s), applicant to enter into an agreement with the Planning board to limit impervious surfaces to no more than ten percent (10%) as shown on the revised preliminary plan
- 2) Prior to release of building permits, Applicant to demonstrate conformance with the impervious surface limits as shown on the revised preliminary plan. Any modifications to these plans which increase site imperviousness may require Planning Board action
- 3) Compliance with the conditions of approval for the preliminary forest conservation plan. The final forest conservation plan must be approved prior to recording of the plat(s). The applicant must meet all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 4) Provide larger undisturbed area around the thirty-eight (38") walnut tree and twenty-five (25") red oak by shifting the proposed road and house driveway locations as far as possible from these trees
- 5) As part of the final forest conservation plan, evaluate the extent of invasive species within the forest save areas and the need for control of these species. The amount of invasive species control and supplemental plantings of native trees and shrubs within the forest save areas, if any, instead of some forest planting, to be determined as part of the final forest conservation plan.
- 6) Forest planting to commence at initial stages of development. Forest planting areas to be covered by a five-year maintenance program, with a two-year bond.
- 7) Forest save and forest planting area to be placed in Category I conservation easements. Easements to be shown on record plat
- 8) Conformance to the conditions as stated in MCDPS' water quality plan approval letter, dated February 1, 2001
- 9) All road right-of-ways shown on the approved preliminary plan shall be dedicated by the Applicant to the full width mandated by the Cloverly Master Plan, unless otherwise designated on the Preliminary Plan.
- 10) All roads shall be constructed by the Applicant and shall be designed in conformance with all applicable road codes
- 11) Access and improvements, including the extension and connection of Snider Lane as required, to be approved by MCDPWT
- 12) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 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) Necessary easements

## **PREVIOUS PLANNING BOARD ACTION**

The Planning Board previously considered this preliminary plan on February 22, 2001 at which time the Board recommended approval of six (6) lots, subject to conditions. At this hearing the issue of interconnection was discussed with staff. Representatives of local civic associations and neighbors to the subject property expressed concerns about the potential for non-local traffic to use the new connection. Staff indicated that in their judgment, the new connection would be for the benefit of the local traffic only. The Board in their final recommendation supported the interconnection with six lots.

Due to noticing irregularities, the preliminary plan was brought back to the Planning Board on May 3, 2001, to allow additional testimony from the public. The discussion centered entirely on the connection of the two ends of Snider Lane. Staff prepared additional maps showing potential traffic movements. Citizen opposition cited increased traffic, decreased safety, and diminished neighborhood character as their primary concerns. After considering the testimony of staff and the citizens, the Planning Board upheld their previous decision and recommended conditional approval. Upon request for reconsideration by several neighbors and the Cloverly Civic Association, the Planning Board voted to reconsider this application on September 20, 2001.

## **PROJECT DESCRIPTION**

The application proposes the creation of six (6) lots on 8.10 acres under the standard method of development to allow the construction of six (6) new-detached single-family dwellings. The proposal also includes a dedication of a sixty-foot (60') right-of-way for the connection of Snider Lane through the Property. The original Preliminary Plan called for the creation of one cul-de-sac at the western and eastern terminations of Snider Lane. The Applicants, at the request of Staff, revised the application to provide interconnectivity for local traffic between New Hampshire Avenue/MD 650 and Rainbow Drive by constructing the missing segment of Snider Lane through the Property as a secondary residential roadway. Six single-family detached units generate less than 50 peak-hour trips during weekdays in the morning and evening peak periods, thus the Applicants were not required to submit a traffic study

## **SITE DESCRIPTION**

### **The Property**

The property, consisting of 8.10 acres and identified as Parcels 895 and 947 ("Property"), is located within the Cloverly Master Plan area. The Property lies within close proximity to the Cloverly Business District at the intersection of New Hampshire Avenue/MD-650 and Briggs Chaney Road. The site is located 1,500 feet east of New Hampshire Avenue and is south of McNeil Lane.

The Property falls within the Upper Paint Branch Special Protection Area ("SPA") and is part of the Left Fork Tributary subwatershed. There are no streams, wetlands, or environmental buffers on

the property. There are two forest stands that total 5.25 acres, which are relatively young, in good health, with a moderate amount of invasive plants. Some individual trees outside the forest stands also occur on the Property. The Property is improved by one (1) existing single-family home and various storage sheds, all of which will be removed by the Applicants in accordance with the Preliminary Plan.

The surrounding area is largely residential and is zoned RE-1 (single-family residential, 40,000 square feet minimum lot size). It is bordered on the western side by the western terminus of Snider Lane, a secondary residential street with a 60-foot right-of-way, and two single-family homes that are part of Snider Estates. On the eastern side of the property is the eastern terminus of Snider Lane, in close proximity to Rainbow Drive and Good Hope Estates across Good Hope Road. Both ends of Snider Lane are currently dead ends. Access to the property is currently gained at the western terminus of Snider Lane near the intersection with Rainbow Drive.

### **Roads of the “Local Community”**

The roadway network for the “local community” is bounded by New Hampshire Avenue, a major roadway, to the west, Spencerville Road (MD 198), a major roadway, to the north, Upper Paint Branch Park and a stream to the east, and Briggs Chaney Road, an arterial roadway, to the south. The local community includes Colesville Heights, Snider Estates, Montgomery View, Good Hope Estates, Fairland Acres, and Peach Orchard Heights

Several primary residential streets provide connectivity to the surrounding major and arterial roadway network, as well as serving as distributors of local “community” traffic. They are Good Hope Road, Rainbow Drive, Thompson Road, Peach Orchard Road and Kinghouse Road

A network of secondary residential streets provides direct access to the single family residences in the community and opportunities for local traffic circulation. The future extension and/or connection of other existing secondary residential streets, e.g. McNeil Lane, Pamela Drive, Harding Lane, Colesberg Street, could be considered should additional infill residential development be requested. Such connections would also support the interconnectivity principle advocated in the Master Plan

## **DISCUSSION OF ISSUES**

### **Interconnection of Snider Lane**

Staff recommends that Snider Lane be connected through the subject site. As stated, Snider Lane exists as a public right-of-way, and is named as such, on either side of the site. The roadway itself is improved to either side of the subject property. Section 50-2 of the Subdivision Regulations lists the purpose of the section, one of them being the “coordination of roads within the subdivisions with other existing, planned or platted roads”. Further Section 50-2 lists the purpose of the Subdivision Regulations “the avoidance of such scattered or premature subdivision or development of land as would involve danger or injury to health, safety, or welfare by reason of the lack of

Transportation or other public services....” Section 50-25 provides for the continuation of existing roads and states, “the proposed plan shall provide for continuation of any existing roads or streets (constructed or recorded) in accordance with adopted highway plans and the road construction code, unless otherwise determined by the Board. The authority to coordinate the roadway network and provide for the interconnection of existing streets lies solely with the Planning Board and not with the MCDPW&T

Staff notes that the intention to connect and construct Snider Lane as a through road was evident from the right of way dedication which occurred in 1955 with the subdivision of Snider Estates and then again when Good Hope Estates was recorded in 1969. Snider Lane was named and identified on both subdivision record plats and on both of the segments of right of way dedicated to public use. The intentions were to connect the two subdivisions, not to divide the neighborhoods.

The Department of Public Works and Transportation (DPWT) supported the connection of Snider Lane at the previous public Hearing. In a letter to the Chairman dated August 10, 2001 from Albert Genetti, Director, DPWT reversed its original position, citing its desire to “discourage and/or minimize speeding and through traffic” in neighborhoods. [Mr. Genetti states that “given the physical layout of Montgomery View, Snider Lane will become a ‘cut through’ route, although it is impossible to predict any volumes at this time.....]

Staff strongly disagrees with this assumption. Snider lane serves as an access for a relatively small amount of local, community traffic. Moreover, given the circuitry of the route, it will not be used as a cut through between New Hampshire Avenue and Spencerville Road

### **Master Plan Recommendations Regarding the Cloverly Roadway Network**

On July 8, 1997, the Montgomery County Council approved and adopted the *Cloverly Master Plan* as a Comprehensive Amendment to the *Approved and Adopted Master Plan for Eastern Montgomery County Planning Area: Cloverly, Fairland, White Oak, 1981*. That Master Plan recommended the following actions related to the future construction of the primary residential streets in the Cloverly-Good Hope Estates area:

1. Retain the recommended connection of Rainbow Drive and Thompson Road from the 1981 Plan.
2. Remove the recommended connection of Rainbow Drive to Briggs Chaney Road from the 1981 Plan.
3. Improve the western section of Thompson Road, near Briggs Chaney Middle School to enhance safety for the drop-off of students and on-street parking. A sidewalk has been built by the DPW&T as endorsed by the Master Plan.
4. Retain the connection of Kingshouse Road between Peach Orchard Road and Thompson Road.

Regarding road interconnections, the Master Plan further states: “There are limited street connections between neighborhoods. This restricts opportunities for local circulation and requires residents to travel longer distances and use major and arterial highways for short, local trips. As development occurs, connections to existing residential streets can be designed to improve local circulation without creating excessive levels of cut-through traffic.”

The Master Plan recommends that “all new residential developments should include, where feasible, interconnected vehicle and pedestrian networks that permit movement between existing and proposed neighborhoods and public facilities. The design of interconnections can utilize measures that allow local circulation without creating routes that attract an inappropriate level of cut-through traffic.”

The connection of Snider Lane is one of those opportunities. As Transportation staff stated at the previous public hearing, the likelihood for non-local traffic to use Snider Lane as a short cut route is very small given the circuitry of travel and the difficulty making left turns from Snider Lane to access southbound New Hampshire Avenue.

### **Master Plan Classification of Nearby Roadways**

According to the *Cloverly Master Plan*, the nearby roadways are classified as follows:

1. Snider Lane, at both locations, is a secondary residential street with a 60-foot right-of-way (not shown in the *Master Plan*). It is 16’-20’ wide and has no sidewalks.
2. Rainbow Drive/Thompson Road is classified as a primary roadway, P-8, with a 70-foot right-of-way and a planned Class III bikeway, PB-36. The roadway is 36 feet wide with curb and gutter. A sidewalk exists on one side of Thompson Road between Peach Orchard Road and Briggs Chaney Middle School, shifting from the north side to the south side at Kingshouse Road. A sidewalk exists on the south side of Rainbow Drive from Good Hope Road to the school. There is a missing segment of roadway and sidewalk that would connect Rainbow Drive to Thompson Road in front of Briggs Chaney Road Middle School. A four-way stop sign control exists at Rainbow Drive and Good Hope Road.
3. Good Hope Road is classified as a primary roadway, P-12, with a 70-foot right-of-way and a planned Class II bikeway, PB-35. The roadway is 24 feet wide open section, and there are no sidewalks. There is a four-way stop sign control at Good Hope Road and Rainbow Drive and at Good Hope Road and Windmill Lane. There are four 20-mph speed bumps (e.g., humps) on Good Hope Road between Briggs Chaney Road and Spencerville Road (MD 198).
4. Peach Orchard Road is classified as a primary roadway, P-10, with a 70-foot right-of-way and a planned Class II bikeway, PB-35. The roadway is 24’ wide open section with no sidewalks. A 4-way stop control exists at Peach Orchard Road and Thompson Road.
5. Kingshouse Road is classified as a primary roadway, P-11, with a 70-foot right-of-way (there is a missing segment west of Peach Orchard Road). Kingshouse Road is 36’ feet wide with

curb and gutter and no sidewalks north of Craddock Street, and 24' wide open section with no sidewalks west of Peach Orchard Road.

6. Briggs Chaney Road is classified as an arterial roadway, A-86, with an 80-foot right-of-way and an existing Class II bikeway, EB-10. Briggs Chaney Road is 24' wide with paved shoulders (Class II Bikeway) and no sidewalks.
7. New Hampshire Avenue (MD 650) is classified as a major highway, M12, with a 100-foot right-of-way and a planned Class II bikeway, PB-23. New Hampshire Avenue has been widened to four lanes from south of Briggs Chaney Road to Spencerville Road. A sidewalk exists on the east side of New Hampshire Avenue.
8. Spencerville Road (MD 198) is classified as a major highway, M-76, with a 120-foot right-of-way and a planned Class I bikeway, PB-34. Spencerville Road is 24' wide and has no sidewalks. A project planning study to consider widening the road to four lanes between Georgia Avenue (MD 97) and the Prince George's County line is underway by the Maryland Department of Transportation.

## **Traffic Circulation**

### **Use of Good Hope Road versus New Hampshire Avenue by Non-Local Traffic**

Motorists in the region have developed a pattern of travel using Good Hope Road as a connection between Spencerville Road and New Hampshire Avenue. This developed at a time when New Hampshire Avenue was only a two-lane major road and is the primary source of concern within the community regarding non-local, short cut traffic.

Four speed bumps and two four-way stop controls have been installed by DPWT on Good Hope Road as traffic calming measures. However, the existing volumes on Good Hope Road continue to be high, given its classification as a primary residential street, ranging from 6,500 vehicles per day at Spencerville Road to 8,000 vehicles per day at Briggs Chaney Road. Although high, the daily volumes do not exceed the desirable operating volume for a primary road, i.e. 9,000 vehicles per day.

Peach Orchard Road, the other north-south primary residential street in the community, carries approximately 2,000 vehicles per day.

New Hampshire Avenue has been widened to four lanes in the section from south of Briggs Chaney Road to Spencerville Road, but is underutilized today, carrying 19,000 vehicles per day, compared to a "capacity" of 45,000 vehicles per day.

Spencerville Road, a major highway, carries 16,000 vehicles per day between New Hampshire Avenue and Good Hope Road, compared to its "capacity" of 24,000 vehicles per day. Briggs Chaney Road, an arterial roadway, carries 9,300 vehicles per day, compared to a "capacity" of 20,000 vehicles per day.

Additional steps could be taken to encourage non-local traffic to use New Hampshire Avenue rather than Good Hope Road when traveling from west to south or from north to east. Initially, guide signs could be installed by DPWT or MSHA westbound on Spencerville Road at Good Hope Road directing southbound traffic to continue on Spencerville Road to New Hampshire Avenue. Similarly, guide signs could be installed by DPWT or MSHA northbound on New Hampshire Avenue at Good Hope Road and at Cape May Road directing eastbound traffic to continue north on New Hampshire Avenue to Spencerville Road and then proceed east.

The signalized intersections along New Hampshire Avenue between Good Hope Road and Spencerville Road (i.e., at Norwood Road, Briggs Chaney Road, and Spencerville Road) operate at acceptable levels today, well below the congestion standard of 1,525 for the Cloverly Policy Area. These signalized intersections along New Hampshire Avenue are estimated to continue to operate at acceptable levels, with critical lane volumes between 800 and 1,200 in the future, and thus could handle additional traffic diverted from Good Hope Road.

Alternatively, the community could petition the Montgomery County Department of Public Works and Transportation (DPWT) to limit access to Good Hope Road during peak traffic periods, e.g., "No Left Turn 7:00-9:00 AM, Monday-Friday" westbound on Spencerville Road (MD 198), and/or "No Right Turn 4:00-6:00 PM, Monday-Friday" northbound on New Hampshire Avenue. Such actions do limit the ability of local residents to access their homes during peak traffic periods. The tradeoff between the convenience of local access and the affect of non-local traffic must be weighed by the community in terms of the livability of their local neighborhood.

In conclusion, DPWT in their operational role and the Planning Board in their planning role must consider the advantages and disadvantages above to optimize such diverse objectives as traffic levels on local streets, local access and neighborhood livability, and minimizing roadway congestion for both local and non-local traffic.

### **Local Area Transportation Review**

The approved seven single-family detached units generate fewer than 50 peak-hour trips during the weekdays morning peak hours (7:00 to 9:00 a.m.) and the evening peak hours (4:00 to 6:00 p.m.). Thus, a traffic study was not required at preliminary plan review to analyze the traffic impact at nearby intersections to satisfy Local Area Transportation Review.

### **Policy Area Review/Staging Ceiling Condition**

As of September 31, 2001, the Cloverly Policy Area has a remaining capacity of 1,249 housing units in the transportation-staging ceiling under the *FY 02 Annual Growth Policy*.



## CONCLUSION

Staff recommends that the two ends of Snider Lane be connected and the roadway constructed as part of the conditions of approval of this preliminary plan application. The connection of Snider Lane, in staff's estimation will facilitate local traffic and is unlikely to create a "cut-through" traffic situation for the neighboring community. Staff finds this interconnection is in keeping with the standards set forth in the Subdivision Regulations and is consistent with the goals and objectives adopted in the Cloverly Master Plan. The Master Plan recommends improved overall interconnection of neighborhood streets to provide options for local neighborhood circulation without having to use arterial and major roads. The Master Plan also recommends joining new development with existing neighborhoods through street and pedestrian connections.

### Report Contributing Staff:

Ron Welke – Transportation Planning  
Richard Weaver – Development Review  
Ed Axler – Transportation Planning

## ATTACHMENTS

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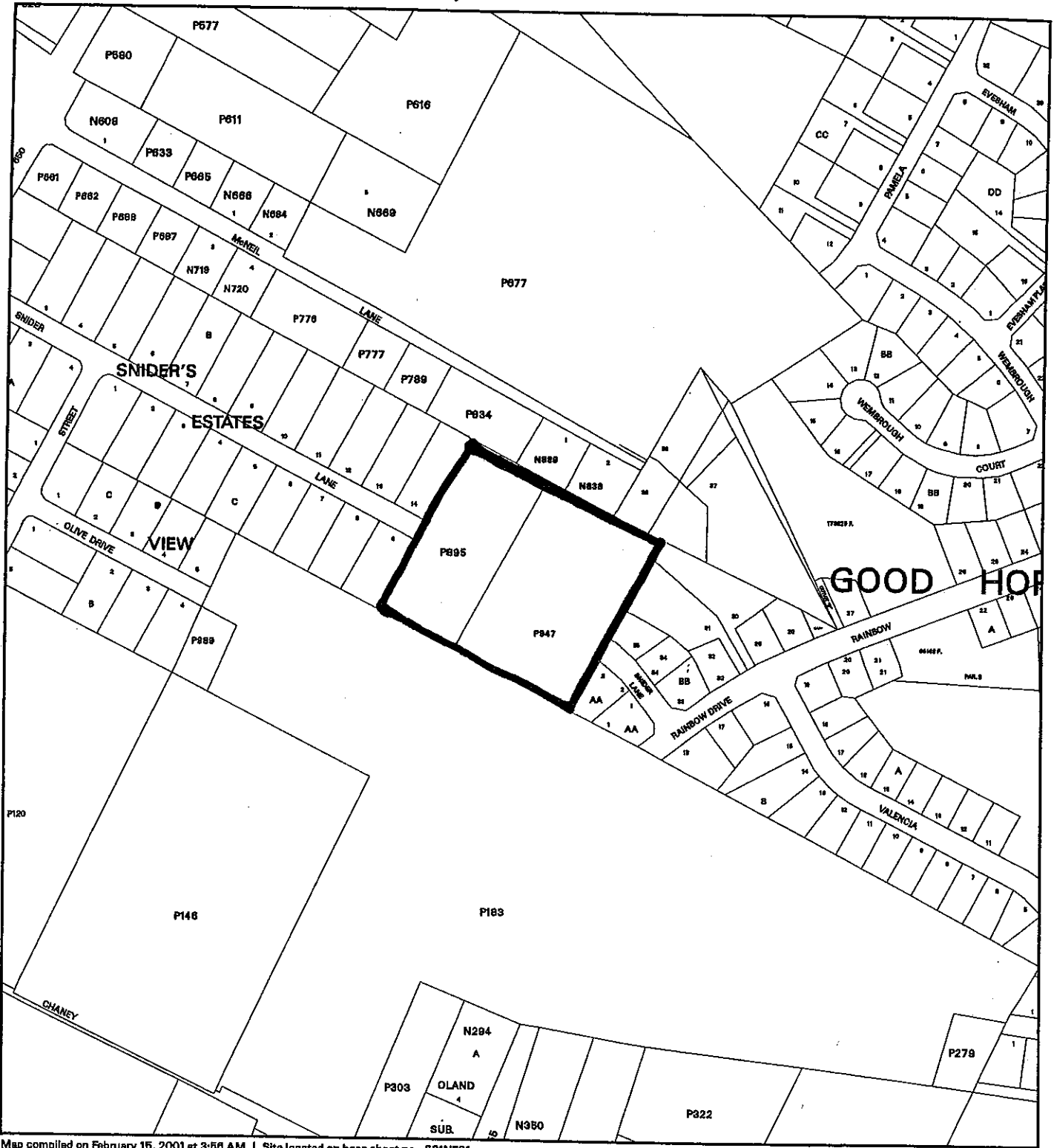
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### **Policy Area Review/Staging Ceiling Condition**

VICINITY MAP FOR  
**SNIDERS ESTATES (1-01017)**



Map compiled on February 15, 2001 at 3:56 AM | Site located on base sheet no - 221NE01

**NOTICE**

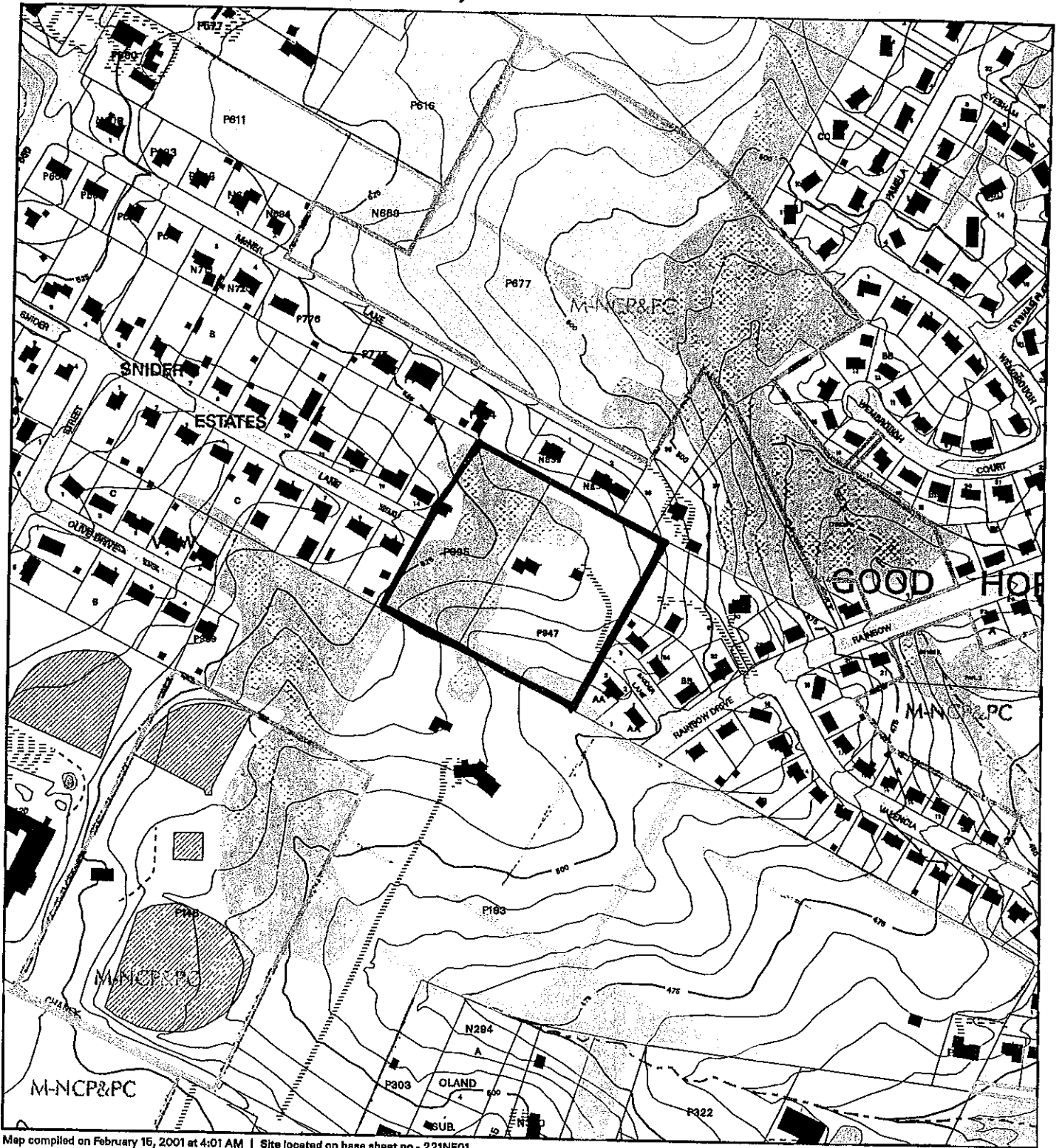
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VICINITY MAP FOR  
**SNIDERS ESTATES (1-01017)**



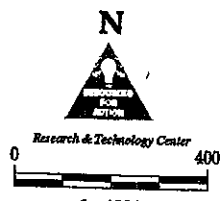
Map compiled on February 15, 2001 at 4:01 AM | Site located on base sheet no - 221NE01

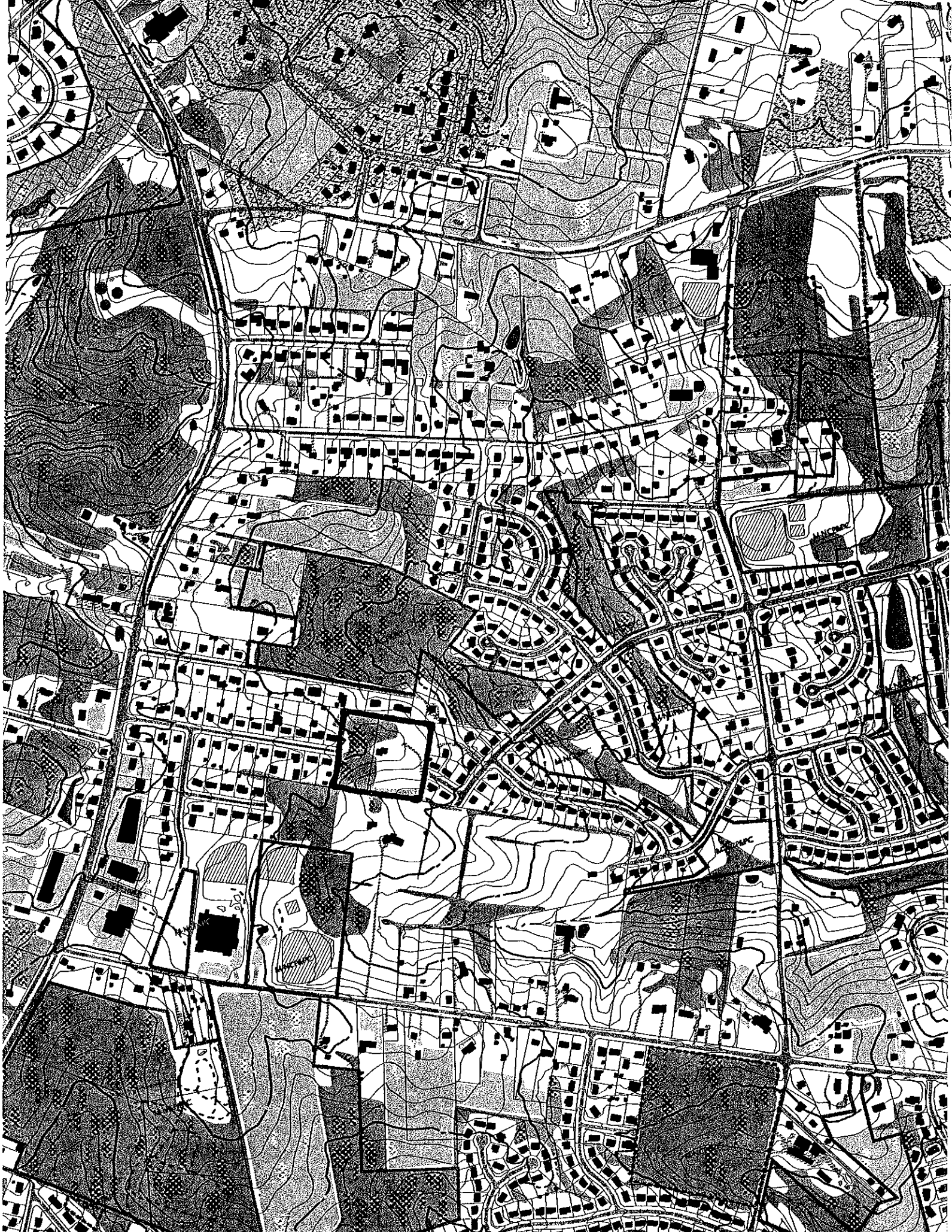
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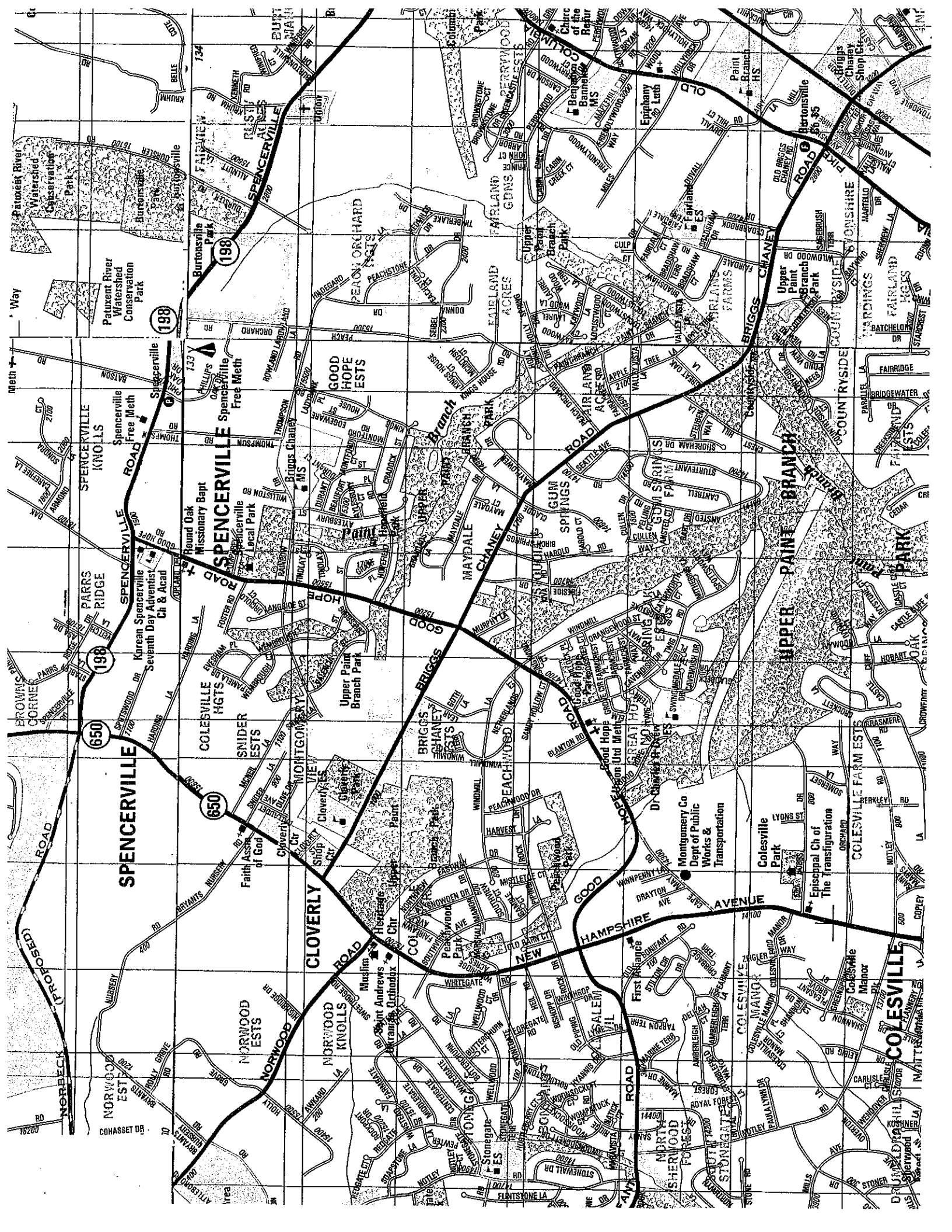
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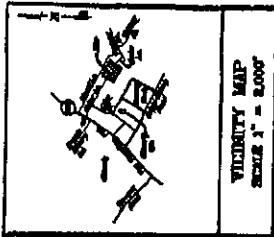
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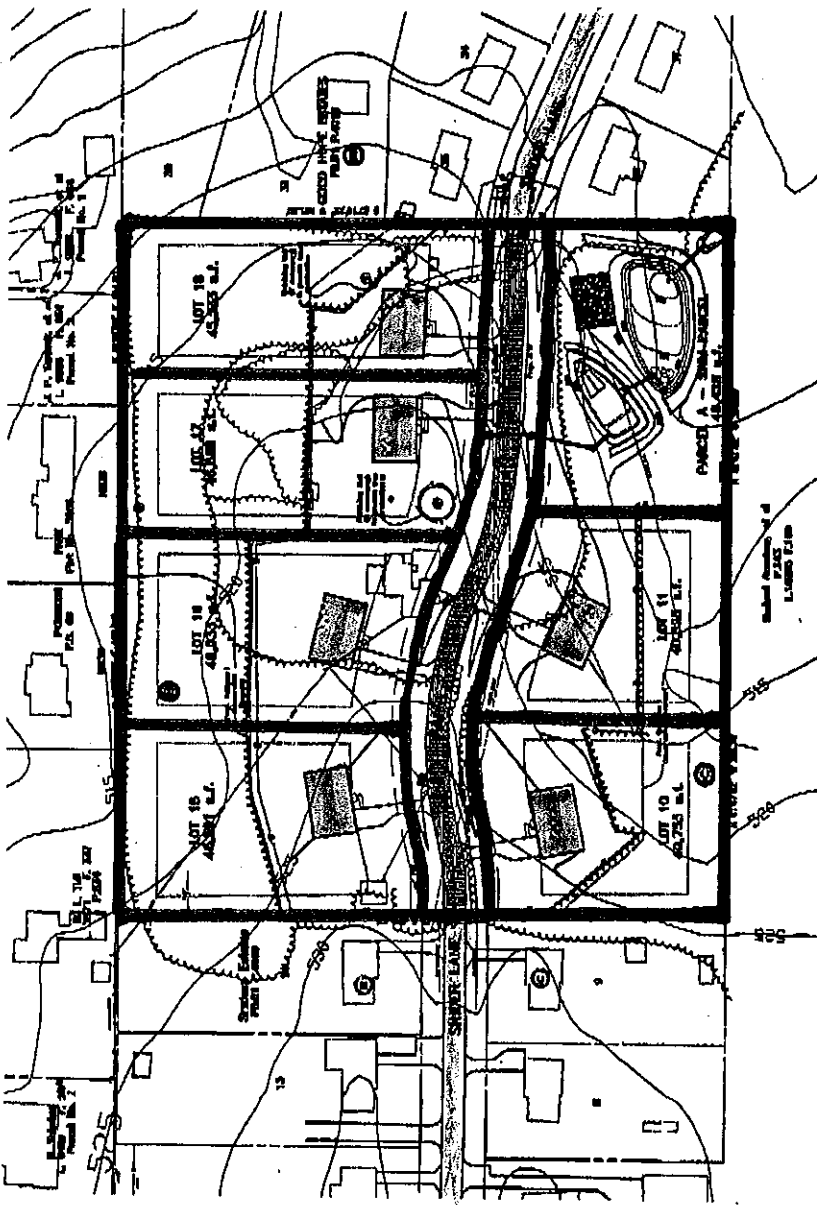
VIVIDITY MAP  
SCALE 1" = 800 FT.

1. The proposed subdivision is shown on the attached map.
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APPROVED FOR THE BOARD OF SUPERVISORS  
 APRIL 27, 2001  
 COUNTY OF MARYLAND  
 DEPARTMENT OF GENERAL SERVICES  
 DIVISION OF LAND AND NATURAL RESOURCES  
 1000 EAST BALTIMORE AVENUE  
 BALTIMORE, MARYLAND 21201  
 TEL: 410-326-7000  
 FAX: 410-326-7000

**PRELIMINARY PLAN OF SUBDIVISION**  
 Lots 15-18 Block B & 10-11 Block C  
**SINDERS ESTATES**  
 PARCELS 105 & 947  
 CITY DISTRICT DISTRICT - MONTGOMERY COUNTY - MARYLAND

Macreda, Eisenbach & Glasscock, P.A.  
 Engineers & Planners & Surveyors  
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 Tel: 410-326-7000  
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DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION

Douglas M. Duncan  
County Executive

Albert J. Genetti, Jr., P.E.  
Director

August 10, 2001

Mr. Art Holmes, Chairman  
M-NCPPC Planning Board  
~~8787 Georgia Avenue~~  
Silver Spring, Maryland 20910

Dear Mr. Holmes: *Art*

In follow-up to our conversation on August 2, I have discussed the matter of the connectivity of Sniders Lane with my staff. I want to apologize for our apparent reversal on this issue and any resulting discomfort to yourself and the other members of the Planning Board.

I have concluded that the two letters issued by my Department (and our apparent change of position on this issue) were the result of an unsatisfactory job of internal coordination. The original letter was prepared by staff in the Development Review Unit based solely on a consideration of the perceived benefits to the neighborhood in the immediate vicinity of the proposed preliminary plan: connectivity between adjacent subdivisions, alternative routes for emergency vehicles, and better distribution of traffic volumes on the nearby residential roadway network.

We were unaware of any opposition from the neighboring civic associations until after the Planning Board had approved the preliminary plan. The authors of our letter also did not know that our department had a history of dealings with the Good Hope Estates Civic Association regarding traffic speed and volume issues. One of the stated objectives (in our Department's Strategic Plan) is to "...discourage and/or minimize speeding and through traffic ...". When we received letters from the Cloverly and Good Hope Estates Civic Associations on this situation, a review of our comments was in order. As a result of that review, changes have now been implemented to ensure better internal coordination on the connectivity elements of future subdivision plans.

Since our original letter, staff in both the DPWT Development Review Unit and the M-NCPPC Transportation Planning Division have become aware of prior subdivision and Master Plan decisions that effectively limit the number and classes of nearby roads that are available to absorb traffic in this area. These decisions are well documented in the June 15, 2001, letter from the Cloverly Civic Association to Mr. Anthony Ricchiuti of my staff. When one considers the significant impact of those decisions on local traffic circulation, it becomes difficult to justify the connection of Sniders Lane.

Office of the Director

101 Monroe Street, 10th Floor • Rockville, Maryland 20850-2540 • 240/777-7170, FAX 240/777-7178



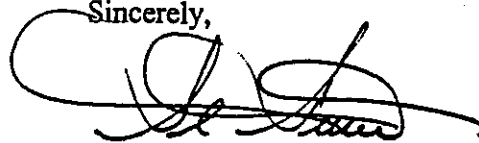
Art Holmes  
August 10, 2001  
Page 2

DPWT fully recognizes the Planning Board's authority to decide connectivity matters. What we have indicated to these associations is that we would "...support a revised site plan ... that would include a non-connected Snider Lane provided that it feature County standard cul-de-sacs at both termini." How and when this reconsideration might occur is a matter to be decided by the Planning Board and the appellants.

In this particular case, I believe it would be wise for the Planning Board to agree to reconsider this specific preliminary plan. Such a decision would be made not to facilitate future appeals to decisions by the Planning Board by disgruntled opponents. Rather, this reconsideration would be appropriate because it is desired by the immediate residents and the local civic associations who will be the most affected by this connection.

It appears that both of our agencies have learned a painful lesson on the issue of connectivity between adjacent neighborhoods. We each need to make appropriate changes to our individual review processes to avoid future repeats of this situation.

Sincerely,

A handwritten signature in black ink, appearing to read "Albert J. Genetti, Jr.", written in a cursive style.

Albert J. Genetti, Jr.  
Director

AJG:GML:dj  
docs/misc/snidersla



Office of the Director

August 14, 2001

Art Holmes, Chairman  
M-NEPPC Planning Board

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AUG 17 2001

Art -

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

*I personally reviewed the issue of Snider Lane. I do not feel either of our respective organizations "rose to the occasion" on this one. Two critical connections that would have mitigated any Snider "cut through" traffic have not been connected, i.e. McNeil and Rainbow in the vicinity of Briggs Chaney MS. Additionally, the connection of Rainbow to Briggs Chaney was removed from the Master Plan recently thereby eliminating any opportunity for traffic to move west through the Montgomery View area. I am informed that neither of our staffs really considered these facts when the initial recommendation was made to connect Snider Lane.*

*I have two concerns with making the connection: (1) given the physical layout of Montgomery View, Snider*

Department of Public Works and Transportation

Lane will become a "cut through" route, although it is impossible to predict any volumes at this time. (2) Snider Lane will not take much traffic - it is not designed for any substantial volume. If a large cut through volume does materialize we feel the road will almost certainly break down and require major repairs and upgrading. Additionally, a large cut through volume is likely to produce speed issues.

I have already made internal changes to both our structure and procedures to ensure we provide our best advice to you in the future "the first time." If the Planning Board decides to reconsider a "connected Snider Lane," I would support a revised site plan that does not connect Snider Lane.



Al Genetti



## MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

November 8, 2001

MEMORANDUM**TO:** Malcolm Shaneman, Development Review Division**FROM:** Calvin Nelson, Jr., Community-Based Planning **SUBJECT:** Snider Estates #1-01017 – (Reconsideration)

Community-Based Planning staff previously offered comments on the subject preliminary plan in a memo dated April 17, 2001 (see attachment). Community-Based Planning staff were asked to provide additional information regarding master plan recommendations for Rainbow Drive / Thompson Road (P-8), as noted in the earlier 1981 Eastern Montgomery County Master Plan, and as amended by the 1997 Approved and Adopted Master Plan for Cloverly.

Rainbow Drive (western extension)

- The 1981 Eastern Montgomery County Master Plan recommended connecting the western end of Rainbow Drive (P-8) to Briggs Chaney Road. The 1997 Cloverly Master Plan removed this connection.

Rainbow Drive / Thompson Road (eastern extension)

- The 1981 Eastern Montgomery Master Plan recommended connecting the eastern end of Rainbow Drive at the Briggs Chaney Middle School site to the part of Thompson Road which extends to Peach Orchard Road. The 1997 Cloverly Master Plan also recommends retaining this connection. This connection was not made by the Montgomery County Board of Education when the Briggs Chaney Middle School was built. Figure 18, "Street and Highway Plan" incorrectly, does not show this connection.

Community-Based Planning staff defers to the County's Division of Traffic and Parking Services and our Transportation Planning Division in regard to traffic issues involving the Snider Lane Subdivision.

attachment



February 15, 2001

Revised: April 17, 2001

**MEMORANDUM**

**TO:** Malcolm Shaneman, Development Review Division

**FROM:** Calvin Nelson, Jr., Community-Based Planning *CN*

**SUBJECT:** Sniders Estates #1-01017

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Community-Based Planning staff offers the following comments on the revised preliminary plan for Sniders Estates:

The subject RE-1 zoned site is located in the Cloverly Master Plan area, and is within the Approved Upper Paint Branch Special Protection Area (SPA). The SPA requires protection of high stream quality through stringent controls on new development, and recommends limiting impervious surfaces as much as possible, but with a 10 percent cap. The revised plans proposes 9.99 percent imperviousness, just below the limit.

There is an existing 8" sewer that traverses the site, located within the unimproved portion of Snider Lane. The Cloverly Master Plan recommends providing water and sewer service to RE-1 zoned properties in the Upper Paint Branch SPA provided that the main extensions are logical, economical, and environmentally acceptable. CBP staff finds that the proposed preliminary plan meets this criteria, and that for the subject site, public sewer is environmentally better than a septic system.

One of the Master Plan objectives is to provide connections between communities. The Master Plan states:

*"There are limited street connections between neighborhoods. This restricts opportunities for local circulation and requires residents to travel longer distances and use major and arterial highways for short, local trips. As development occurs, connections to existing residential streets can be designed to improve local circulation without creating excessive levels of cut-through traffic."*

The Master Plan also provides the following recommendation:

*"All new residential developments should include, where feasible, interconnected vehicle and pedestrian networks that permit movement between existing and proposed neighborhoods and public facilities. The design of interconnections can utilize measures that allow local circulation without creating routes that attract an inappropriate level of cut-through traffic." (Page 48, Approved and Adopted Cloverly Master Plan).*

The Master Plan does not comment specifically as to whether or not Snider Lane should be connected to become a thru street, so it needs to be determined if connecting Snider Lane would attract an inappropriate level of cut-through traffic.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring Maryland 20910-3760

**MONTGOMERY COUNTY PLANNING BOARD  
OPINION**

Preliminary Plan Review No. 1-01017  
Project: Snider Estates  
Date of Hearing: May 3, 2001

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*Action: PRELIMINARY PLAN APPROVAL, SUBJECT TO CONDITIONS. (Motion to approve was made by Commissioner Bryant; duly seconded by Commissioner Holmes; with a vote of 2-1, Commissioners Holmes and Bryant voting in favor; Commissioner Wellington voting against the motion; Commissioners Hussman and Perdue necessarily absent.)*

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**I. INTRODUCTION**

On September 12, 2000, Patricia Thornton and Christopher Stifel ("Applicants") submitted an application for Preliminary Plan review, designated as Preliminary Plan 1-01017 ("Preliminary Plan"), with the Montgomery County Planning Board ("Planning Board"). The Preliminary Plan requested approval to build seven (7) single-family detached homes on 8.10 acres in an area zoned RE-1. After review by the Planning Board's expert technical staff ("Staff"), the Applicants reduced the number of units on the Preliminary Plan to six (6) to meet imperviousness limitations. The revised Preliminary Plan and its accompanying Water Quality Plan were brought before the Montgomery County Planning Board for a public hearing on February 22, 2001. At the public hearing, the Planning Board heard testimony and received evidence submitted into the record on the Preliminary Plan. Based upon the testimony and evidence presented by Staff and on the information on the Preliminary Subdivision Plan Application Form, the Planning Board found Preliminary Plan 1-01017 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approved Preliminary Plan 1-01017 and its accompanying Water Quality Plan.

However, a neighborhood association in the area of the subject property did not receive direct notice of the hearing and, consequently, the Applicants and neighborhood residents requested a rehearing on the issue of street connectivity. The Planning Board

agreed to reopen the record on the Preliminary Plan and scheduled the item for rehearing.

After due notice, the Planning Board held a second public hearing on May 3, 2001, to consider Preliminary Plan No. 1-01017, in accordance with the requirements of Maryland Code Ann., Article 28 ("Regional District Act"), Chapters 50 ("Subdivision Regulations") and 59 ("Zoning Ordinance") of the Montgomery County Code,<sup>1</sup> and the Planning Board's Rules of Procedure. At the public hearing, the Planning Board considered the Preliminary Plan and accepted into the record evidence, testimony, and correspondence from its Staff, representatives of the Applicants, community representatives, and neighboring property owners.

At the close of the hearing, the Planning Board approved Staff's recommendation to approve Preliminary Plan No. 1-01017 subject to the conditions listed at the end of this Opinion.

## II. THE SUBJECT PROPERTY

The property, consisting of 8.10 acres and identified as Parcels 895 and 947 ("Property"), is located within the Cloverly Master Plan area. The Property lies within close proximity to the Cloverly Business District at the intersection of New Hampshire Avenue/MD-650 and Briggs Chaney Road. The site is located 1,500 feet east of New Hampshire Avenue and is south of McNeil Lane.

The Property falls within the Upper Paint Branch Special Protection Area ("SPA") and is part of the Left Fork Tributary subwatershed. There are no streams, wetlands, or environmental buffers on the property. There are two forest stands that total 5.25 acres, which are relatively young, in good heath, with a moderate amount of invasive plants. Some individual trees outside the forest stands also occur on the Property. The Property is improved by one (1) existing single-family home and various storage sheds, all of which will be removed by the Applicants in accordance with the Preliminary Plan.

The surrounding area is largely residential and is zoned RE-1 (single-family residential, 40,000 square feet minimum lot size). It is bordered on the western side by the western terminus of Snider Lane, a secondary residential street with a 60-foot right-of-way, and two single-family homes that are part of Snider Estates. On the eastern side of the property is the eastern terminus of Snider Lane, in close proximity to Rainbow Drive and Good Hope Estates across Good Hope Road. Both ends of Snider Lane are currently dead ends. Access to the property is currently gained at the western terminus of Snider Lane near the intersection with Rainbow Drive.

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<sup>1</sup> All statutory citations are to the Montgomery County Code unless otherwise specified.



There is an existing eight-inch (8") sewer that traverses the site, located within the unimproved portion of Snider Lane. The Cloverly Master Plan recommends providing water and sewer service to RE-1 zoned properties in the Upper Paint Branch SPA provided that the main extensions are logical, economical, and environmentally acceptable.

The application proposes the creation of six (6) lots on 8.10 acres under the standard method of development to allow the construction of six (6) new-detached single-family dwellings. The proposal also includes a dedication of a sixty-foot (60') right-of-way for the connection of Snider Lane through the Property. The original Preliminary Plan called for the creation of one cul-de-sac at the western terminus of Snider Lane. The Applicants, at the request of Staff, revised the application to provide interconnectivity for local traffic between New Hampshire Avenue/MD 650 and Rainbow Drive by constructing the missing segment of Snider Lane through the Property as a secondary residential roadway.<sup>2</sup> Six single-family detached units generate less than 50 peak-hour trips during weekdays in the morning and evening peak periods, thus the Applicants were not required to submit a traffic study.

At the public hearing on February 22, 2001 and again at the second hearing on May 3, 2001, the issues discussed included tree preservation and stormwater management, but the primary issue raised was that of the connection of Snider Lane through the proposed development.

### **III. THE SUBDIVISION CRITERIA**

An application for subdivision requires the Planning Board to undertake its legislatively delegated authority under the Regional District Act and the Subdivision Regulations. The application must also meet the requirements of the Zoning Ordinance applicable to the subject preliminary plan.

Section 50-35 of the Subdivision Regulations provides the approval procedure for preliminary plans of subdivision. After presentation of the plan to the Planning Board, the Board must act to approve or deny the plan, or to approve the plan subject to conditions and/or modifications necessary to bring the plan into accordance with the Montgomery County Code and all other applicable regulations. The general provisions for lot design for a subdivision are set forth in Section 50-29 of the Subdivision Regulations. In order to be approved by the Planning Board, lot size, width, shape, and orientation must be appropriate for the location of the subdivision and for the type of use contemplated. Lots must also abut a dedicated street or public road. In addition, the

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<sup>2</sup> At the May 3, 2001 hearing, the Applicants presented a Preliminary Plan depicting two cul-de-sacs on the Property at the eastern and western ends of Snider Lane. Staff again recommended approval subject to, among other things, the connection of the two ends of Snider Lane.

Preliminary Plan must meet the zoning requirements for the RE-1 zone set forth in Section 59-C-1.32 of the Zoning Ordinance.

Section 50-2 of the Subdivision Regulations lists the purposes of the regulations themselves, one of them being "coordination of roads within the subdivisions with other existing, planned or platted roads" (§ 50-2(b)). Further, Section 50-2 lists as a purpose of the Subdivision Regulations "the avoidance of such scattered or premature subdivision or development of land as would involve danger or injury to health, safety, or welfare by reason of the lack of...transportation or other public services..." (§ 50-2(h)).

Finally, the Water Quality Plan for the Preliminary Plan must satisfy Chapter 19, Article V of the Code (Water Quality Review in the Special Protection Areas) and Section 59-C-18.15 of the Zoning Ordinance (Environmental Overlay Zone for the Upper Paint Branch Special Protection Area).

#### **IV. DISCUSSION OF ISSUES**

##### **A. CONNECTION OF SNIDER LANE**

Neighboring property owners ("Neighbors") and community groups submitted extensive correspondence and petitions into the record in opposition to the condition imposed on the Preliminary Plan requiring the connection of the two segments of Snider Lane. The Neighbors contended that the connection of Snider Lane is inappropriate for the existing street network in the neighborhood, and that it would create an unreasonable amount of non-local "cut-through" traffic through the neighborhood. The Neighbors argued that the additional cut-through traffic would endanger children and families that currently use the street for recreation and pedestrian travel to the nearby schools and would have a deleterious effect on the character of their neighborhood.

##### **B. February 22, 2001 Hearing**

Staff testified that it had recommended connection of Snider Lane after review by the Development Review Committee and at the suggestion of the Montgomery County Department of Public Works and Transportation ("DPWT"). The primary purpose of connection of these two portions of Snider Lane would be to facilitate important interconnectivity and, within the community, local traffic access to and from New Hampshire Avenue/MD 650.

A representative of the Good Hope Civic Association testified that while the Association favored the development, they had grave concerns over the impact the connection of the two segments of Snider Lane would have on the character and safety of the neighborhood. The Association contended that because east-west traffic on Spencerville Road/MD-198 was often congested, those looking to access Briggs

Chaney Middle School and the Good Hope Estates neighborhoods would, if heading north, turn right off of New Hampshire Avenue/MD-650 onto Snider Lane and follow that route, via Rainbow Drive across Good Hope Road as a "cut-through" to their desired destinations. The residents pointed out that there are no sidewalks on Snider Lane or Rainbow Drive, and because of the narrow width of Snider Lane and the number of pedestrians using Snider Lane; cut-through traffic posed a significant danger to the residents of the neighborhood surrounding the subject property.

Staff testified that the likelihood of regional traffic cutting through on Snider Lane was greatly diminished by the fact that the greater public is not currently, and would not necessarily become, aware of the fact that Snider Lane and Rainbow Drive connect New Hampshire Ave/MD-650 and Good Hope Road. Moreover, the narrow width of Snider Lane, which impedes navigation through the neighborhood, would actually slow down anyone trying to cut-through, rather than speed their trip towards Briggs Chaney Middle School and Good Hope Estates. Staff further noted that a small increase in traffic would be of a local rather than regional nature. The Planning Board noted their responsibility to look at the connection in terms of planning the County and going along with both Master Plan recommendations and Planning Board and County policies of encouraging connectivity.

C. May 3, 2001 Hearing

At the public hearing on May 3, 2001, Staff recommended approval of the Preliminary Plan, subject to conditions. Staff advised the Planning Board that the subject application conforms to the standards for development within the RE-1 Zone, and that the subject application is consistent with the recommendations of the Master Plan and complies with the provisions of the Subdivision Regulations. Staff advised the Planning Board that the Master Plan encourages road connectivity and that DPWT had also recommended the connection of the two segments of Snider Lane.

Staff explained that the Preliminary Plan had originally been submitted as proposing the creation of seven (7) individual lots with seven single-family detached residential dwelling units. The Development Review Committee, in review of the application, recommended limiting the plan to six (6) lots and six (6) dwelling units to comply with limits on imperviousness imposed in connection with the Upper Paint Branch SPA, and recommended the connection of the two portions of Snider Lane in conformity with the Cloverly Master Plan's policy of interconnection of road networks and the Planning Board's and County's policies of connectivity.

Staff further testified that, while there is nothing specifically mentioned about Snider Lane within the Cloverly Master Plan, the Plan generally encourages interconnectivity of local streets when appropriate and when it will not encourage use by

non-local traffic.<sup>3</sup> Because of the narrow width of Snider Lane, 16 to 20 feet, Staff posited that the road would not be an appealing alternative for drivers attempting to reach New Hampshire Avenue/MD-650 from Good Hope Road. Moreover, Staff testified that potential existing cut-through traffic volumes are low.

Transportation Staff noted in their report that most of the downstream traffic along Good Hope Road from Spencerville Road is through southbound movements at the intersection with Briggs Chaney Road. The volume turning right from southbound Good Hope Road onto Briggs Chaney Road is only forty-two (42) vehicles per hour during the morning peak period and thirty-eight (38) vehicles per hour during the evening peak period. Similarly, most of the downstream traffic along northbound Good Hope Road from Briggs Chaney Road is in the form of right-turn movements at the intersection with Spencerville Road. The volume turning left from northbound Good Hope Road into Spencerville Road is only six (6) vehicles per hour during the morning peak period and twelve (12) vehicles per hour during the evening peak period. Since six (6) single-family detached units generate less than 50 peak-hour trips during weekdays in the morning and evening peak periods, a traffic study is not required. Given this relatively low number of trips, Staff testified that a dramatic increase in cut-through traffic is improbable. Finally, Transportation Staff noted in their report that when traveling along Snider Lane, motorists must make a difficult left-turn onto New Hampshire Ave/MD-650 and that the more convenient route when traveling, especially to the Cloverly Shopping Center, would be to stay on Good Hope Road, and turn right at Briggs Chaney Road.

In response to Staff's recommendations, several neighbors testified regarding their concerns about the interconnection of Snider Lane having a deleterious effect on the character of their neighborhood. They expressed concern that widening of Snider Lane in order to accommodate the interconnection would result in the destruction of septic and drain fields of some homes on the street through the loss of frontage area; that approximately thirty-nine (39) trees within six (6) feet of the sides of the Lane would have to be removed if Snider Lane were widened; and that Snider Lane as it stands can barely accommodate two (2) lanes of traffic. Many citizens testifying reminded the Planning Board and Staff that there are no sidewalks on Snider Lane, and, as a result, most of the pedestrian traffic occurs in the middle of the street. Most residents testified that, while they were not opposed to the development in general, they were strongly opposed to the connection of Snider Lane. One neighbor testified that she purchased her home in the neighborhood of the Subject Property because it provided safe walking areas and access for the disabled, which she predicted would deteriorate if Snider Lane were connected. Another neighbor testified that she currently carools her children to

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<sup>3</sup> Snider Lane is a secondary residential street with a 60-foot right-of-way, and is not shown in the Master Plan as most Secondary streets are not specifically dealt with in the Master Plan process. A "Secondary Residential Road," as defined by Section 49-34(e) of the Code, "means any road...whose principal function is to provide direct access between a residential development housing less than two hundred (200) families and a primary residential road, a state road, business district road or arterial road, whether within or without the suburban district."

Briggs Chaney Middle School from her residence on Snider Lane and that it takes her 5 minutes to get them there by going down New Hampshire/MD-650, up Spencerville Road/MD-198 and down Good Hope Road. She further indicated that she did not feel the connection of Snider Lane was necessary. Residents also testified that due to the existing traffic congestion at the intersections of New Hampshire Avenue/MD-650 and Spencerville Road/MD-198, and of Spencerville Road/MD-198 and Good Hope Road, the opening of Snider Lane would provide a cut-through that, while otherwise impractical or inefficient, would spare drivers a few minutes and/or signal cycles at those intersections by cutting through the residential neighborhood.

The Planning Board questioned Staff about the possibility of installing some form of traffic calming device such as speed bumps to discourage the use of Snider Lane. Staff testified that that decision would have to be made by DPWT, and would require community support. The Planning Board also asked Staff whether the Preliminary Plan or Master Plan called for widening of the road. Staff replied that the width of the road through the new subdivision would be twenty (20) feet and there would be no widening of Snider Lane on either side of the development. The Board noted that one of its primary responsibilities is the building of communities, which is facilitated by interconnectivity between housing developments. The Board further noted that the lack of a specific Master Plan recommendation with respect to this particular road does not presuppose a decision to maintain the status quo.

To the contrary, the Master Plan recommends improved overall interconnection of neighborhood streets to provide options for local neighborhood circulation without having to use arterial and major roadways. The Master Plan also recommends joining new development with existing neighborhoods through street and pedestrian connections, thus eliminating barriers between residents and creating a greater sense of community. The Master Plan recommends that these interconnections should utilize measures that provide for local circulation without creating cut-through routes that attract an excessive level of cut-through traffic. The Master Plan further recommends protection of existing homes from effects of traffic and road improvements through careful design, minimal grading, tree preservation, and landscape treatments.

Section 50-25(b) of the Subdivision Regulations states that proposed site plans "shall provide for the continuation of any existing roads or streets (constructed or recorded) in accordance with adopted highway plans and the road construction code, unless otherwise determined by the [Planning] Board." Further, Section 50-25(d) provides, "Secondary residential streets shall be planned to discourage their use by nonlocal traffic." Finally, while the Subdivision Regulations provide for the construction of cul-de-sacs, Section 50-26(d) states that "unrestricted use of cul-de-sacs shall not be permitted." Instead, cul-de-sacs may be used "with the approval of the [Planning] Board" when "an improved street layout will result because of the unusual size, shape,

or topography of the subdivision." There was no testimony or evidence in the record indicating any of these factors exist in the proposed subdivision.

D. WATER QUALITY PLAN

As part of the requirements of the SPA Law, a preliminary and final water quality plan must be reviewed as part of the review of the preliminary subdivision plan. Under the SPA Law, the Planning Board is responsible for determining whether the site imperviousness, environmental buffer, and SPA forest planting requirements have been satisfied.

E. Stormwater Management

To help meet performance goals, the stormwater management concept approved by the Montgomery County Department of Permitting Services ("DPS") incorporates a linked system of best management practices in which water quality controls will be provided by a dry pond, and water quality treatment will be provided by a network of vegetated swales, sand filter, and infiltration trenches set up in a series that outfall into the dry pond.

F. Environmental Buffers

As stated above, there are no streams, wetlands, floodplains, or environmental buffers on the Property.

G. Site Imperviousness

An environmental overlay zone exists in the Upper Paint Branch SPA. The overlay zone restricts impervious cover in new development to ten percent (10%). The water quality plan proposes 0.81 acre of impervious surfaces. This results in a ten percent (10%) site imperviousness for this subdivision which complies with the SPA requirements.

H. Forest Conservation

The preliminary forest conservation plan proposes to retain about 2.4 acres of forest and plant 0.3 acres. Each of the proposed lots would contain a forest-save and/or forest-planting area. These areas would be protected by Category I Conservation Easements. In addition, Staff recommended preserving a thirty-eight inch (38") walnut tree on the site.

Since there are currently moderate amounts of invasive vegetation within the forest, Staff recommended that as part of the final forest conservation plan, an evaluation be made as to whether the invasive vegetation should be removed and supplemental plantings be done within the forest-save areas. If invasive controls and

supplemental plantings are required, they would be done to satisfy part or all of the forest-planting requirement. This is consistent with the Forest Conservation Law, Chapter 22A of the Code.

I. Sewerage

The Applicants submitted conceptual plans of a sewer subdivision versus a septic subdivision. The plans show significantly more tree and forest save with the sewer subdivision than the septic subdivision. There is an existing eight-inch (8") sewer that traverses the Property, located within the unimproved portion of Snider Lane. The Cloverly Master Plan recommends providing water and sewer service to RE-1 zoned properties in the Upper Paint Branch SPA provided that the main extensions are logical, economical, and environmentally acceptable. At the public hearing on February 22, 2001, Staff testified that the ability to save trees on site by virtue of connecting to the existing sewer rather than clearing trees for septic creates an environmentally superior plan, thereby satisfying the Cloverly Master Plan condition for sewer service in the RE-1 zone. In addition, the Montgomery County Department of Environmental Planning also found that the Cloverly Master Plan recommendations for providing water and sewer service to the Property were satisfied.

V. FINDINGS

After review and consideration of the evidence of record, including testimony given at the public hearing, the Planning Board finds that Preliminary Plan No. 1-01017 is in accordance with the Subdivision Regulations, the Zoning Ordinance, and the Regional District Act. Based on the testimony and evidence contained in the record, the Planning Board finds that: (1) the proposed lots are appropriate with regard to lot size, width, shape, and orientation for the location of the subdivision and the contemplated residential use; (2) the proposed lots will abut public roads; (3) the Preliminary Plan meets the development standards of the RE-1 Zone; (4) the Preliminary Plan is in accordance with the Cloverly Master Plan; and, (5) the site is adequately served by public facilities. The Board further finds that the proposed conditions will ensure the appropriate use of the Property as well as provide adequate access and road improvements, forest conservation measures, stormwater management, and screening.

The Planning Board finds that the proposed sewer system satisfies the recommendations of the Cloverly Master Plan and provides an environmentally superior plan than septic systems due to the existing sewer line on the Property and the ability to save trees, rather than the massive clearing that is required to lay septic systems on each of the six (6) lots.

In addition, the Planning Board finds that the Water Quality Plan satisfies the requirements under Chapter 19, Article V of the Code and Section 59-C-18.15 of the Zoning Ordinance.

The Planning Board further finds, with regard to the interconnection of the two ends of Snider Lane, that the community and County, as a whole, will best be served by connection of Snider Lane as it will facilitate local traffic. The Board finds that the connection of Snider Lane is unlikely to create a significant (or even appreciable) amount of "cut-through" traffic in the neighborhood. This finding is supported by the evidence that: (1) there currently is a relatively low number of trips during the morning and evening peak periods that utilize the surrounding arterial roads; (2) Snider Lane is currently between sixteen feet (16') to twenty feet (20') wide and is not planned to be widened through the Property and, as such, is not conducive to high speeds; (3) it is a difficult left-turn from Snider Lane onto New Hampshire Ave/MD-650 which will further discourage cut-through traffic; and (4) it currently only takes 5 minutes to get from Snider Lane to Briggs Chaney Middle School utilizing the existing roadways, thus, an alternate route will have minimal beneficial impact. In addition, the Planning Board finds that connection of Snider Lane is in accordance with the Cloverly Master Plan recommendations, the requirements of the Subdivision Regulations and the County and Planning Board policies encouraging interconnectivity of County roadways. Balancing the neighborhood's concerns related to the connection of Snider Lane against the limited potential for cut-through traffic, the Board finds that connection of Snider Lane meets the Subdivision Regulations standards and furthers its policy on interconnectivity. In addition, the Board finds no testimony or evidence in the record that would support the approval of a cul-de-sac under the standards of Section 50-26(d) (i.e., unusual size, shape or topography of the subdivision). Finally, in response to the neighborhood's concerns, the Planning Board will forward a letter to DPWT recommending that a study be conducted on whether calming devices should be installed on Snider Lane and will recommend that the County install them should they be found necessary.

The Planning Board adopts the conditions listed in Staff's report and approves Preliminary Plan 1-01017 and its accompanying Water Quality Plan subject to the conditions listed below.

## **VI. CONCLUSION**

Based on the testimony, evidence and exhibits presented, as well as the contents of the Preliminary Plan file, the Planning Board finds Preliminary 1-01017 to be in accordance with the Subdivision Regulations of the Montgomery County Code and the provisions of Article 28 of the Maryland Code Annotated. Therefore, the Planning Board approves Preliminary Plan No. 1-01017, subject to the following conditions:

- 1) Revise Preliminary Plan to shift proposed road further away from the thirty-eight inch (38") specimen walnut tree as much as possible.



- 2) Prior to record plat, Applicants to enter into an agreement with the Planning Board to limit impervious surfaces to no more than ten percent (10%) as shown on the revised preliminary plan.
- 3) Prior to release of building permits, Applicants to demonstrate conformance to impervious surface limits as shown on the revised preliminary plan. Any modifications to these plans which increase site imperviousness may require Planning Board action.
- 4) Compliance with the conditions of approval for the preliminary forest conservation plan. The final forest conservation plan must be approved prior to the recording of plat. The Applicants must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit(s), as appropriate.
- 5) Provide larger undisturbed areas around the thirty-eight inch (38") walnut and twenty-five (25") red oak by shifting the proposed road and house driveway locations as far as possible from these t
- 6) As part of the final forest conservation plan, evaluate the extent of invasive species within the forest save areas and the need for control of these species. The amount of invasive species control and supplemental plantings of native trees and shrubs within the forest save areas, if any, instead of some forest planting to be determined as part of the final forest conservation plan.
- 7) Forest planting to commence at initial stages of development. Forest planting areas to be covered by a five-year maintenance program, with a two-year bond.
- 8) Forest save and forest planting areas to be placed in Category I Conservation Easements. Easements to be shown on record plats.
- 9) Conformance to the conditions as stated in MCDPS' water quality plan approval letter dated February 1, 2001.
- 10) All road rights-of-way shown on the approved preliminary plan shall be dedicated by the Applicant, to the full width mandated by the Cloverly Master Plan, unless otherwise designated on the Preliminary Plan.
- 11) All roads shall be constructed by the Applicants and shall be designed in conformance with all applicable road codes.

- 12) Access and improvements, including the extension and connection of Snider Lane as required, to be approved by DPWT.
- 13) This Preliminary Plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded or a request for an extension must be filed.
- 14) The Adequate Public Facility (APF) Review for this Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 15) Other necessary easements.

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