



## MEMORANDUM

**DATE:** January 2, 2004  
**TO:** Montgomery County Planning Board  
**VIA:** Joseph R. Davis, Chief  
 Michael Ma, Supervisor *Ma*  
 Development Review Division  
**FROM:** Robert A. Kronenberg, RLA *RAK*  
 Planning Department Staff  
 (301) 495-2187



**REVIEW TYPE:** Site Plan Review  
**APPLYING FOR:** RNC Zone; 70.50 Acres Property  
 32 One-Family Dwelling Units/Lots  
**PROJECT NAME:** Meadowsweet (Farquhar Property)  
**CASE #:** 8-04004  
**REVIEW BASIS:** Site Plan Review Required in the RNC Zone, Article 59-D  
 Site Plan Review Required for reduced width tertiary street,  
 Subd. Rgl. 50-26(h)

**ZONE:** RNC  
**LOCATION:** Sandy Spring/Ashton  
 Located west of Brooke Road and north of Olney-Sandy Spring Road  
 (MD 108), approximately 2,000 feet west of the intersection of MD Route  
 108 and Brooke Road  
**MASTER PLAN:** Sandy Spring/Ashton  
**APPLICANT:** Pulte Homes  
**FILING DATE:** September 28, 2003  
**HEARING DATE:** January 8, 2004

**STAFF RECOMMENDATION:** Approval of 32 one-family detached lots on 70.5 acres in the RNC Zone, and waiver for a reduced width tertiary street, with the following conditions:

1. Signature Set

Prior to signature set approval of the site/landscape plans the following revisions shall be made and/or information provided, subject to staff review and approval:

- a. Show all easements, Limits of Disturbance, Right-of-Way's, Forest Conservation Areas and Stormwater Management Parcels, HOA Parcels, PUE's, PIE's, common open space, rural open space, dimensions and placement of sidewalks, pedestrian

paths, bicycle paths, equestrian trail, high priority forests and storm drain outlets development program inspection schedule, numbers and dates of approval on the drawing;

- b. Provide details of the paved surfaces and trails on the landscape plan and site plan;
  - c. Provide fence details;
  - d. Deflectors to be installed on all street lights causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties;
  - e. Illumination levels not to exceed 0.5 footcandles (fc) at any property line abutting residential properties;
  - f. Provide location and details of the proposed 8-foot wide asphalt path parallel to MD Rte 108;
  - g. A 4-foot-wide sidewalk from Meadowsweet Drive to the Board of Education property (Sherwood Elementary School) to the south between lots 11 and 12 through the Public Access Easement. Revise the impervious calculations and plans to reflect the additional paving.
2. Site Plan Enforcement Agreement  
Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:
- a. Development Program to include a phasing schedule as follows:
    - 1) Clearing and Grading to correspond to the construction phasing, to minimize soil erosion;
    - 2) Coordination of each section of the development and roads;
    - 3) Phasing of dedications, stormwater management, sediment and erosion control, forest conservation or other features;
    - 4) Streets tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
    - 5) Community-wide pedestrian pathways, including the equestrian trails and recreation facilities must be completed prior to the issuance of the 24<sup>th</sup> building permit.
  - b. No clearing or grading prior to M-NCPPC approval of signature set of plans.
3. Home Owners Association Documents  
Home Owners Association documents and declaration of covenants shall contain specific language that identifies all activities and limitations regarding the equestrian uses on Parcels C, D and E. Documents shall be recorded in the land records of Montgomery County. Recorded documents shall be referenced on the record plat.
4. Forest Conservation  
Conditions of approval of the Forest Conservation Plan. Final Forest Conservation Plan (including grading and tree protection information) shall satisfy all conditions referenced in the M-NCPPC Environmental Planning Section memorandum dated December 29, 2003 [See Appendix A], prior to recording plat or the Montgomery County Department of Permitting Services (DPS) issuance of sediment and erosion control permit:
- a. Category I conservation easements to be placed over forest retention areas, forest planting areas, natural regeneration areas, and environmental buffer areas.  
Easements to be shown on record plats.

- b. Change proposed chain link fence through Category I conservation easements to a split rail fence that is no more than 4 feet high.
  - c. Compliance with the conditions of approval for the final forest conservation plan. The applicant must satisfy all conditions of the forest conservation plan prior to recording of plat(s) and DPS issuance of sediment and erosion control permit. Conditions include, but are not limited to, the following:
    - 1) Provide sediment and erosion control plan with final forest conservation plan.
    - 2) Record Category II conservation easement over parcel G, where champion black gum is located or, alternatively, locate tree on record plat and include language that tree must be protected and that any land-disturbing activities that could disturb the tree, including its root system, is prohibited without prior written approval from M-NCPPC.
    - 3) Category II conservation easement to be 25-foot wide and to be placed over tree-save area and HOA open space in the back of Lots 8-13 and part of Lot 7.
    - 4) Split rail fence to be placed along the rear lot lines of Lots 8-13 and part of Lot 7, except where path to elementary school is to be located.
    - 5) Final forest conservation plan to include 2-inch caliper trees at 100 trees/acre or 1-inch caliper trees at 200 trees/acre.
    - 6) Provide critical root zone analysis for trees 6 inches and greater in diameter at breast height (DBH) 25 feet on either side of limits of disturbance for Class I bike path along MD 108.
5. Stormwater Management  
 Conditions of MCDPS stormwater management concept approval dated May 15, 2003 [Appendix A].
6. Park Planning  
 Applicant shall construct or provide the following trails and easements in accordance with the M-NCPPC technical specifications and standards as described in the M-NCPPC Memorandum from Park Planning and Resource dated November 13, 2003 [Appendix A]:
- a. Provide a 15-foot wide Public Use Trail Easement from the development's entrance off of Brooke Road to the southern boundary of the subject property at MD 108 near or adjacent to the Sherwood Elementary School property. Final alignment approximately as shown on Preliminary Plan revised on October 13, 2003, except final adjustments as needed to avoid sensitive areas to be coordinated with Park Planning and Resource Analysis staff prior to recordation of plat;
  - b. Provide a 15-foot-wide Public Use Trail Easement and 4-foot-wide natural surface trail starting at the northeast property boundary (Brooke Road) and following the wetland buffer to the northeast property boundary of Parcel 119.
  - c. Provide an 8-foot-wide Class I bikeway and 4-foot-wide natural surface equestrian trail from the eastern boundary of Parcel 587 to the western driveway of Sherwood Elementary School, on the north side of MD 108.
  - d. Provide a 15-foot-wide Equestrian Trail Easement along the entire east boundary of the subject property adjacent to Brooke Road as shown on Preliminary Plan Revised on October 13, 2003;
  - e. Provide a 4-foot-wide natural surface trail within the Trail Easements;
  - f. The proposed 8-foot-wide hike/bike path, 5-foot-wide sidewalk along Brooke Road

and trails shall be completed prior to the issuance of the building permit for the 24<sup>th</sup> building permit or within 36 months of issuance of first building permit, whichever comes first.

- g. Easements and trails shall be adequately identified and signed to mark their location. Identification to be reviewed and approved by M-NCPPC staff prior to construction of trails;
- h. Public Use Trail Easements and trail access to be provided from Meadowsweet Court and at the end of Meadowsweet Drive to the HOA rural open space parcels D and E;
- i. The final alignment of the all of the proposed trails to be field located by M-NCPPC Staff and the applicant.

7. Open Space

The applicant shall convey approximately 22.0 acres of Rural Open Space (Parcels A-E) and 0.24 acres of Common Open Space (Parcel I) to the Homeowners Association. Rural Open Space Parcels F-H to remain in private ownership. Dedication of Rural Open Space Parcels A-E to the Homeowners Association shall be conveyed free of trash and unnatural debris.

8. Transportation Planning

Applicant to comply with the following conditions of approval by memorandum dated December 24, 2003 and revised December 31, 2003 [Appendix A]:

- a. Limit the development to a maximum of 32 new one-family dwellings.
- b. Satisfy the PATR component of the APF test by entering into a TMA (as detailed in Attachment 2) with MCPB and DPWT to sponsor and implement a trip reduction program for 12 years.
- c. Dedicate along site frontage to provide:
  - 1) 40 feet of right-of-way from centerline of Olney-Sandy Spring Road (MD 108).
  - 2) 35 feet of right-of-way from the centerline of Brooke Road, and
  - 3) 30 feet of right-of-way from the centerline of Marden Lane.
- d. Provide a public access and maintenance easement across parcel 444 for a Class I bikeway.
- e. Provide a continuous eight-foot-wide Class I bikeway along the north side of MD 108 (and across parcel 444) between Sherwood Elementary School/eastern property line and the western property line at parcel 587.
- f. Provide a five-foot-wide sidewalk along site frontage to the west side of Brooke Road and an eight-foot bikeway within the portion of the property to the east side of Brooke Road.
- g. Provide a 15-foot-wide public easement for a pedestrian connection to Sherwood Elementary School from Meadowsweet Drive (between lots 11 and 12) through coordination with Montgomery County Public School (MCDPS) and Sherwood Elementary School.
- h. Provide a 15-foot-wide public easement (between lots 6 and 7) for a possible future connection to the Ligon Property located to the east of the subject property.
- i. Provide a 15-foot public easement (between lots 21 and 22) and access to the trail to the north of the property from Meadowsweet Court.
- j. Per requested waiver, provide adequate pedestrian circulation within the site along the internal residential streets by constructing sidewalks on at least one side of the

internal streets.

- k. Per requested waiver, provide a modified, reduced radius of the (with a minimum outside radius of 40-feet) cul-de-sac on Meadowsweet Drive.
- l. Coordinate with the Maryland State Highway Administration (SHA), the Montgomery County Department of Public Works and Transportation (DPWT) the Department of Permitting Services (per letter dated November 21, 2003), and MCPS/Sherwood Elementary School, as needed, to facilitate construction of the above bikeways, sidewalks, sidewalk connections and cul-de-sac, and to provide necessary easements.
- m. Coordinate with the M-NCPPC Park Planning and Development Staff to provide necessary trail connections and easements through the property.

## **SUMMARY OF ISSUES RESOLVED IN THE COURSE OF SITE PLAN REVIEW:**

During the course of Site Plan review, staff recommended approval of the cluster layout as supported within the RNC zone. The proposal seeks approval of 31 cluster lots surrounding a public road and cul-de-sac, and 1 conservancy lot (lot 32) to be retained by the owner. The site is partially within the boundaries of the Patuxent Primary Management Area (PMA) limiting that portion of the site to 10 percent impervious coverage. The proposed lots access Brooke Road and provide a pedestrian and equestrian access to MD 108 at the end of the public road terminus.

Staff reviewed landscaping along the frontage of Brooke Road as well as existing forest to be retained for screening. A sidewalk is proposed along the frontage of the property from Sherwood Elementary School to Parcel 587, near the intersection with Marden Lane.

Staff also reviewed open space requirements for the site as required in the RNC zone. Common Open Space is provided within the green area of the cul-de-sac and includes passive recreation for the community. Rural Open Space throughout the entire perimeter of the property including the majority of the conservancy lot. The minimum 70 percent Rural Open Space is provided on-site.

Additionally, staff reviewed the alignment of the existing and proposed equestrian trails and their connections with the applicant and equestrian community through the subject property and surrounding neighborhoods.

## **RELATED ISSUES PERTINENT TO SITE PLAN REVIEW:**

### **A. Site Plan Waiver for Reduced Width Tertiary cul-de-sac and sidewalk on one side of road [Zoning Regulation 50-26(h)]:**

A waiver is required for the site plan to change the functional classification of the proposed Meadowsweet Drive and Court, secondary roads to a reduced-width tertiary road. The cul-de-sac bulb would be reduced from a diameter of 120 feet to 88 feet, 8 inches. The waiver also addresses the request to construct a sidewalk on only one side of the road and cul-de-sac.

#### Applicant Position

In order to provide a central green consistent with the zoning requirements for "common open space", the applicant is proposing a modification to the design standards to allow for sitting areas, pathways and landscaping within the open space. The minimum 40-foot outside turning radius has been maintained.

The applicant believes the request is justified in that it provides the central open space required by the RNC zone, while maintaining the minimum design standards permitted by the county. The request for the deletion of sidewalk is justified based on the environmental standards to minimize impervious coverage in the Patuxent Primary Management Area (PMA).

#### Staff Recommendation

Staff supports the request for both waiver conditions. The reduction or modification of the cul-de-sac maintains the integrity of the common open space as a central feature to the site while visually linking the rural open space through the use of pedestrian walkways. The waiver request for sidewalks on one side of the road is also justified based on the need to limit impervious coverage within the PMA.

### **B. Equestrian and Pedestrian Easement**

During the site plan hearing on January 8, 2004, the Planning Board requested that staff take a closer look at the equestrian trails in the Sandy Spring/Ashton area and coordinate with the equestrian community to determine the best alignment through the subject property. The applicant has proposed four easements for equestrian and pedestrian use on the property. The first easement runs north and south connecting MD 108 and the private drive for the Brooke Grove Foundation approximately halfway in the middle of the adjacent Lot 2. The applicant will provide a natural surface path in the easement for equestrian and pedestrian use. The second easement will start at the northeast property boundary, following the wetland buffer through Parcel D and connecting with an existing trail at the northeast property boundary of Parcel 119. The first trail intersects this proposed connection. The third trail is parallel to Brooke Road and contains an 8-foot-wide Class I bikeway. The fourth trail, including a Class I bikeway is on the north side of MD 108 and is contained within a public access easement.

### Applicant position

The applicant is providing the necessary easements along MD 108, Brooke Road and through the subject property to allow for the necessary pedestrian and equestrian circulation. The owner of the property still does not wish to have a public easement through the conservancy lot, bringing riders in close proximity to the existing house on lot 32 and the two adjacent houses on Parcels 119 and 170. The applicant also believes that an easement through the subject property to Marden Lane does not provide any additional relief to get to Dr. Mess' property, to the north and west of Brook Grove, because the existing trails still go through Brook Grove property. Brook Grove does not have any public easements for any of these proposed trails to connect.

### Community position

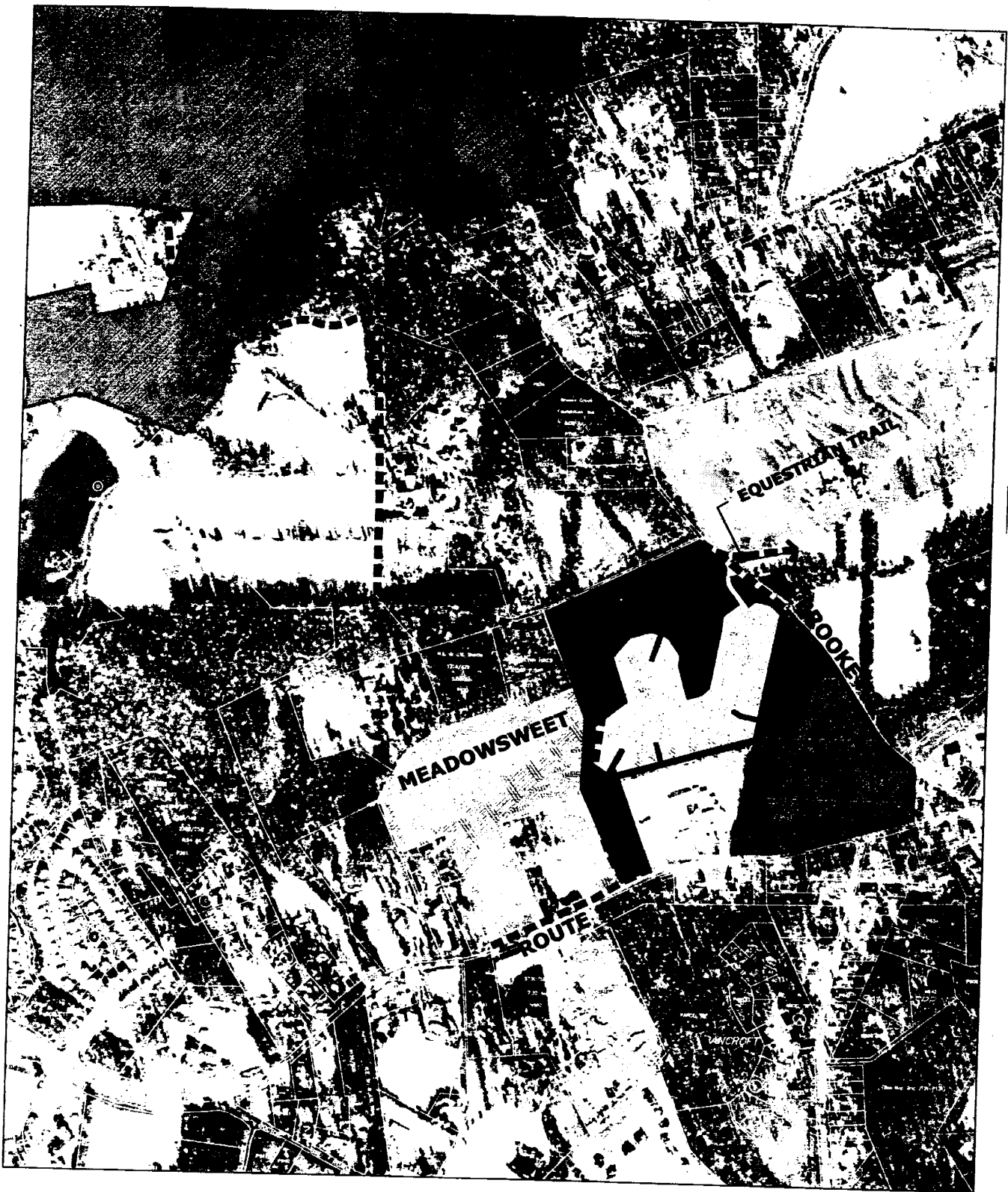
The properties fronting on Marden Lane have mixed feelings about the location of the equestrian trails, specifically the trails leading to points on Marden Lane. The parcels near MD 108 do not want a bikeway or equestrian trail on MD 108 because of safety and concerns for improvements that only serve this property at the present time. The equestrian community wants the equestrian trail, parallel to the bikeway with the belief that MD 108 will be further improved and will provide future access for pedestrians and equestrians, not only to Marden Lane but roads further west.

The location of the east-west connection from Brooke Road to Marden Lane is the primary connection sought by the equestrian community, although the existing alignment traverses north through Brook Grove to Dr. Mess' property (See attached map on next page for location of properties and existing trails). During the hearing the equestrian community testified that an easement through the subject property would be more desirable because it provides a clear connection to Marden Lane without having to encroach onto Brooke Grove property. In lieu-of the fact that all points lead north through Brook Grove, the equestrian community has decided that the alignment north of Parcel 119, which closely follows the existing trail, is preferable. Mr. Hines (Parcel 119) has offered a letter of support (Appendix D) for the equestrian riders to access his property with the condition that an easement would not be provided on his property. The existing trail leads to the southern boundary of the Brook Grove property containing a portion of Marden Lane that was abandoned by County Council Resolution No. 13-914. The equestrian community realizes that public easements have not been obtained through the Brook Grove property but feels optimistic that continued use of the existing trails and a longstanding relationship with the Brook Grove Foundation will be permitted.

### Staff Recommendation

Staff supports the location of the proposed equestrian and pedestrian easements but contends that the future alignment and access will always be through Brooke Grove property to the Mess property, regardless of whether the equestrian trail connects to Marden Lane north of Parcel 119 or to the south through the subject property. Equestrians will have designated easements from Brooke Road to MD 108, through the subject property, providing a future link to the Rural Legacy Trail south of MD 108. The easement also provides access along the northern property line to Parcel 119, connecting to an existing equestrian trail presently used by the equestrian community.





# EQUESTRIAN TRAIL MAP

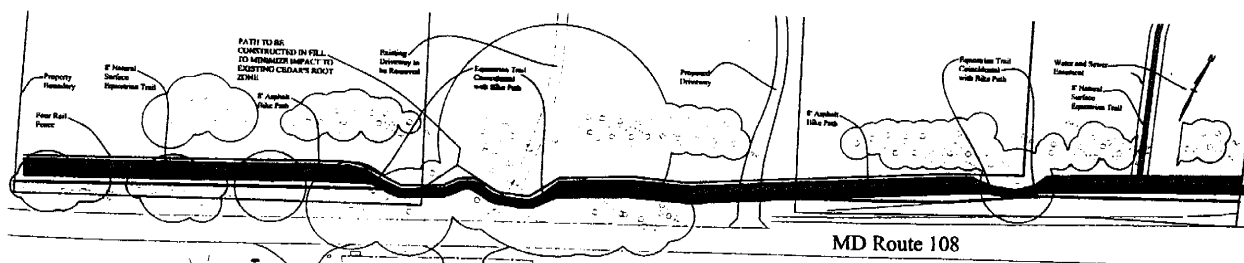
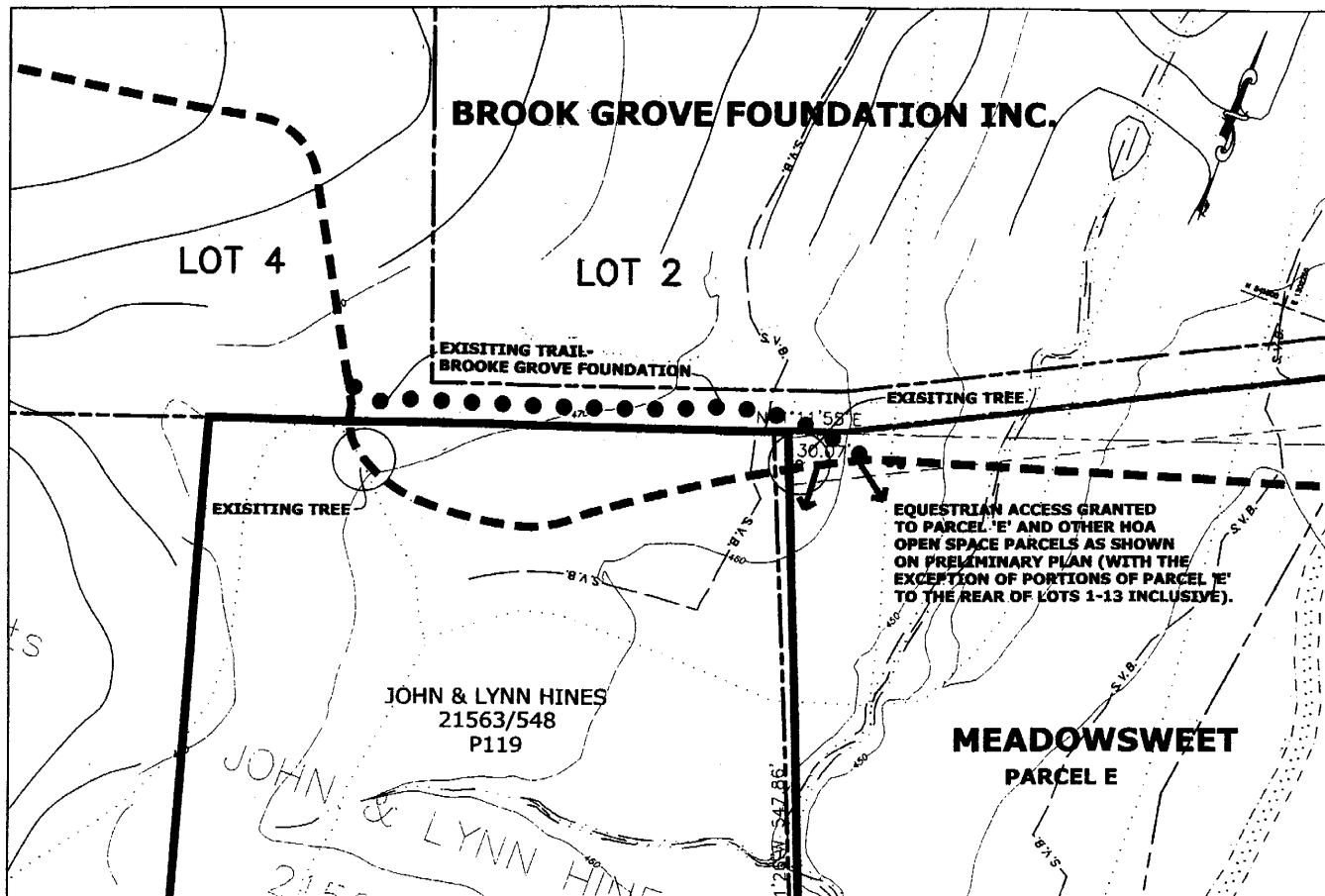


Property information is owned and controlled by the Registrar General's Office, Department of Planning and the State Department of Assessment and Taxation.

**RODGERS**  
CONSULTING

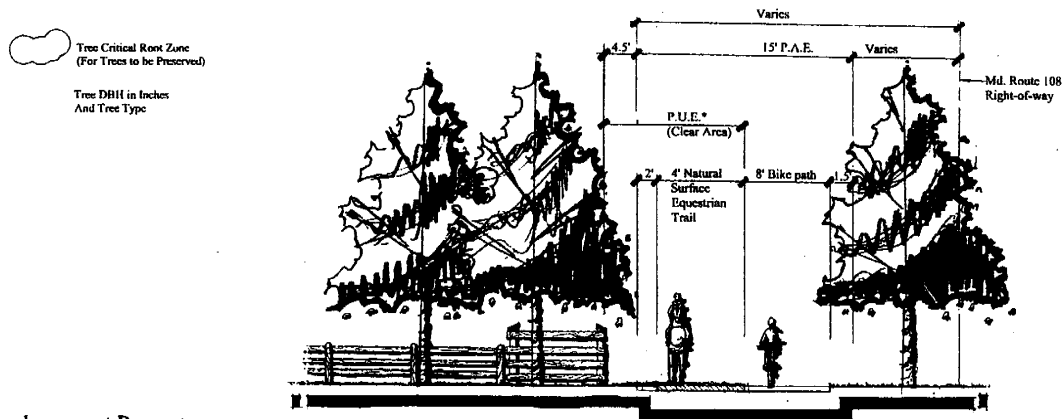
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Plan View of Bike Path and Equestrian Trail

Scale: NTS



Section View of Bike Path and Equestrian Trail Scale: NTS

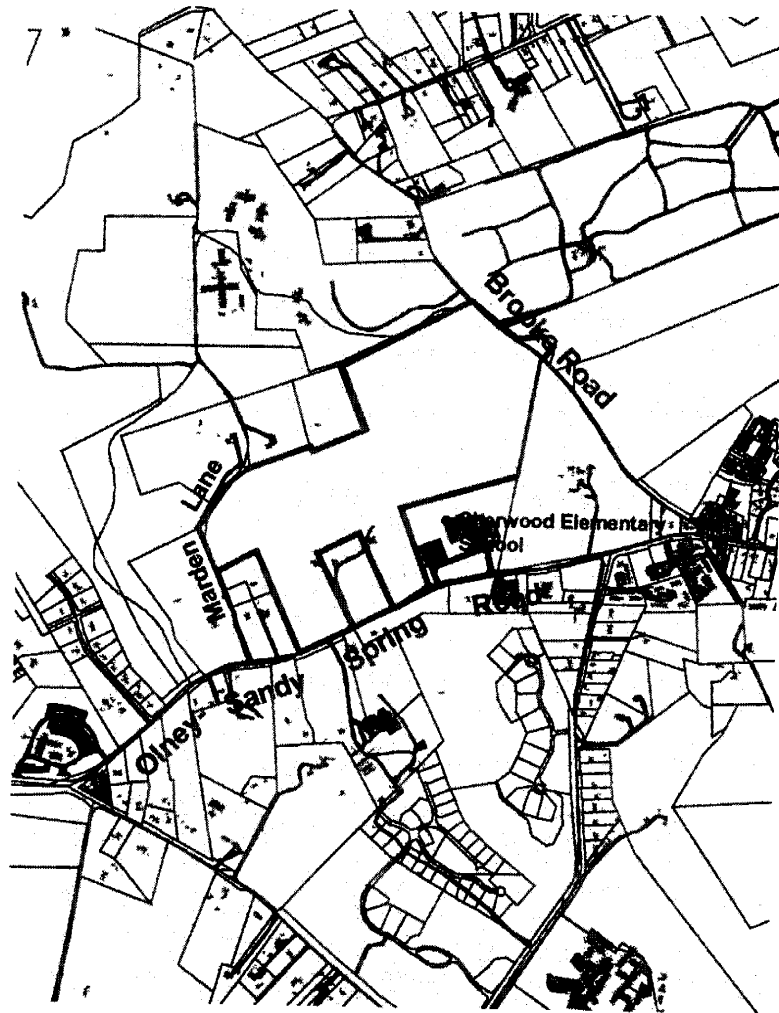
**Meadowsweet Property:**  
Proposed Location of  
8' Asphalt Bike Path



**PROJECT DESCRIPTION: Surrounding Vicinity**

The property is located north of Olney Sandy Spring Road (MD Route 108) and west of Brooke Road, directly north of Sherwood Elementary School in the Sandy Spring/Ashton Master Plan Area. The site gains access from Brooke Road approximately 1,500 feet north of MD Route 108.

The subject site and adjacent properties to the east and southeast (Danches property, Pcl. 773 and Ligon property, Pcl. 327) are zoned RNC, as well as the conglomeration of properties directly south of Route 108. The adjacent properties to the north and west of the site along Marden Lane are zoned RE-2 and R-200, respectively. The Sherwood Elementary School and properties directly across Route 108 from the school site are also zoned RE-2. The properties directly across the Ligon property are zoned R-200 and are within the Sandy Spring/Ashton Rural Overlay Zone. The properties located at the intersection of Route 108 and Brooke Road are zoned C-1, C-2 and O-M and consist of a variety of local shops.



## **PROJECT DESCRIPTION: Site Description**

The site contains rolling topography with a series of knolls following the course of the proposed development, including lot 32, the conservancy lot. The majority of the site north of Sherwood Elementary School and west and north of Brooke Road is located within the Patuxent Primary Management Area (PMA). This is a protected area containing streams and their associated buffers, wetlands, steep slopes and other sensitive environmental features. Impervious coverage is limited to 10% within the boundary of the PMA. The site contains two stream systems containing wetlands and a floodplain draining to a tributary to the north toward the adjacent Brooke Grove Foundation property. The larger of the two stream and associated buffers separates the property into an eastern and western tract for development purposes. There are two pieces of the property or fingers that connect the rest of the site to Route 108.

The tract is bounded by Marden Lane on the west and Brooke Road on the east, with the two fingers connecting to Route 108. Sherwood Elementary School and the Ligon property (parcel 327) directly abut the site to the south. Brooke Grove Foundation directly abuts the property to the north adjacent to Brooke Road whereas three larger parcels abut the subject site to the northwest near Marden Lane.



## **PROJECT DESCRIPTION: Proposal**

The current proposal for Site Plan consists of 32 single-family detached lots in the RNC Zone. The lots range in size from 16,000 square feet +/- to 36,000 square feet +/- . Lot 32, adjacent to Marden Lane on the western boundary is designated as a conservancy lot and is approximately 15.4 acres. The site is partially within the boundaries of the Patuxent Primary Management Area (PMA) limiting that portion of the site to 10 percent impervious coverage. Impervious restrictions are necessary to protect the natural resources of the buffers to Haulings River. Impervious coverage includes roads, walks, houses and any other feature associated with the construction of the property. Limits of the PMA are graphically designated on the site plan. M-NCPPC staff will monitor impervious coverage during the construction process for compliance with the PMA guidelines.

Access to the units is from proposed Meadowsweet Drive and Court, directly off of Brooke Road. Lot 32 will improve its access from MD 108. The public road will extend into the property as a modified radius on Meadowsweet Drive and terminate into a cul-de-sac to the north on Meadowsweet Court. A waiver to the radius modification on the cul-de-sac and sidewalks on one side of the public road has been requested with this application. Staff has no objection to either one of these requests.

Proposed recreation facilities consist of open play areas, seating areas within the common areas, and pedestrian and equestrian trails. The natural surface equestrian-pedestrian trail connects MD 108 to Meadowsweet Drive and continues out to Brooke Road. An 8-foot wide bike path and 4-foot-wide equestrian trail is proposed along MD 108 from the Sherwood Elementary School driveway to Parcel 587, just short of Marden Lane. The path will meander along the road, so as not to impact the hedgerow and existing vegetation that is consistent with the properties along the Olney Sandy Spring Road. The bikeway and path are being provided along the subject property frontage with the anticipation that the State Highway Administration will continue the improvements east toward Olney. A five-foot-wide sidewalk is proposed on the east side of Brooke Road, paralleling the road until it reaches an area of wetlands where the sidewalk follows the buffer. A four-foot-wide sidewalk is also provided from Meadowsweet Drive to the Sherwood Elementary School boundary for future access.

A five-foot wide sidewalk, combined with a 15-foot-wide equestrian easement is proposed along the frontage of the property on Brooke Road. An additional 15-foot-wide equestrian easement is also provided along the northern property line, following the wetland buffer and connecting to an existing trail at the northeastern boundary of Parcel 119, adjacent to the Brooke Grove Foundation property. This east-west connection will provide an equestrian and pedestrian circulation from Brooke Road to Dr. Mess' property (parcel 200), albeit through the adjacent Brook Grove property. A simple connection to Marden Lane does not resolve the issue of existing and proposed connections to properties to the north, which all connect through Brook Grove property. Marden Lane is a private road and prescriptive right-of-way, providing access to six properties. The north-south connection will provide equestrian and pedestrian access from Brook Road to MD 108, with the intention of a future connection to the Rural Legacy Trail.

Landscaping consists of shade trees within the public right-of-way for Meadowsweet Drive and Court, as well as a mix of trees and shrubs along Brooke Road. Additional screening was included to buffer the stormwater management facility from the adjacent houses and for the properties along MD 108. The common open space in the center of the modified cul-de-sac, containing passive recreation amenities also provides shade and flowering trees to highlight the area. Lighting consists of twelve-foot tall poles within the public right-of-way, providing a rural neighborhood setting for the clustered homes.

Forest Conservation requirements are being met with the preservation of 11.89 acres of existing forest and a reforestation obligation of 5.93 acres. Existing vegetation is being preserved as a buffer to the adjacent school and behind the lots where the natural surface trail is proposed.

Storm Water Management for the Site Plan was approved on May 15, 2003 by the Montgomery County Department of Permitting Services and consists of on-site water quality and quantity control.