



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Agenda Item #4
Date: 2/3/05

MEMORANDUM



DATE: January 28, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

Cathy Conlon, Acting Supervisor
Development Review Division

FROM: Richard Weaver, Planner Coordinator
Development Review

REVIEW TYPE: Preliminary Plan of Subdivision
APPLYING FOR: Approval for Seven (7) Residential Lots

PROJECT NAME: Cromwell Property
CASE #: 1-05045
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RC (cluster option)
LOCATION: Located on the north side of Brooke Road, approximately 800 feet west of the intersection with New Hampshire Avenue (MD 650)

MASTER PLAN: Sandy Spring-Ashton
APPLICANT: MB Cromwell
FILING DATE: October 11, 2004
HEARING DATE: February 3, 2005

STAFF RECOMMENDATION: Approval, pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to seven (7) detached dwelling units.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan including:
 - a. Detailed forest planting plan to be shown as part of the final forest conservation plan.
 - b. Permanent split-rail, or similar type, fence to be located along the environmental buffer line on lots 6 and 7, along the environmental buffer line near the eastern property line of lot 5, and along the rear property lines of lots 3, 4, and 5. Details of fence to be shown on final forest conservation plan.
- 2) Category I conservation easements to be placed over environmental buffer areas, forest retention areas, and forest-planting areas. Easements to be shown on record plats.
- 3) Compliance with the conditions of the MCDPWT approval letter.
- 4) Compliance with the conditions of approval of the MCDPS stormwater management approval.
- 5) Compliance with conditions of MCDPS (Health Dept.) septic approval dated January 25, 2005.
- 6) Access and improvements as required to be approved by MDSHA prior to recordation of plats.
- 7) Record Plat shall reflect all areas under Homeowners Association ownership, open space and stormwater management areas.
- 8) Record plat to contain a note: "The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed".
- 9) Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 10) 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.
- 11) Other necessary easements.

SITE DESCRIPTION:

The subject property ("Subject Property") is located on the north side of Brooke Road, approximately 800 feet west of the intersection with New Hampshire Avenue (MD 650) (Attachment A). The 37.08-acre site has pasture, hedgerows, and forest. Four small streams flow into the site and converge to form a tributary to the Hawlings River, a Use IV stream of the Patuxent River watershed. Much of the 10.04-acres of forest lie within

the stream valleys of the site. The entire site lies within the Patuxent River Primary Management Area (PMA).

The Subject Property has frontage on both Brooke Road and New Hampshire Avenue. The former Brinklow Post Office building is located on the southern portion of the property, opposite the intersection with Haviland Mill Road. It will be demolished when development occurs on proposed Lot 1.

PROJECT DESCRIPTION:

This is an application to subdivide the Subject Property into seven (7) lots for the construction of seven (7) one-family detached dwellings. Lots 6 and 7 as shown on the preliminary plan will access Brooke Road via a shared driveway. Lots 2, 3, 4 and 5 will share a separate common driveway access to Brooke Road. Lot 1 will have driveway access to New Hampshire Avenue opposite Haviland Mill Road.

The project is in the Rural Cluster zone, which allows a density of one unit per five acres. Under the cluster option within this zone, the plan must preserve 60% of the site as open space. The plan shows two open space parcels totaling 22.31 acres and approximately 0.66 acres of open space on private lots, which is slightly greater than 60% of the entire tract area. All seven lots meet the minimum dimensional requirements outlined in Section 59-C-9.54 of the Zoning Ordinance.

ENVIRONMENTAL ISSUES

Environmental Buffers

The applicant proposes to create seven lots on well and septic under the RC zone. Most of the environmental buffer areas (18.7 acres) will be within the proposed HOA open space. Some areas of environmental buffers (about 0.66 acre) will be within private lots.

Originally, the proposed plan showed houses and parts of yard areas on two proposed houses within environmental buffer areas. In addition, to access one of these lots, a very long driveway (about 350 to over 600 feet long, depending on the configuration) would also be located either on steep, forested slopes or adjacent to a stream within the environmental buffer. To lessen the environmental buffer encroachments, lots 6 and 7 were reconfigured such that the house and yard on lot 6 were outside the buffer and lot 7 was located on a knoll near Brooke Road. That alternative would have required sand mound septic systems instead of the traditional septic fields for lot 7; an alternative that was not acceptable to the Department of Permitting Services Well and Septic Section. In addition, there would still be buffer encroachment for part of the yard area for lot 7.

The current proposal is to configure lot 7 such that the house would be close to lot 6. The house and yard area for lot 6 would be outside the environmental buffer. There

would no longer be a need for a long driveway through the buffer. A traditional septic field for lot 7 could be located in the northwestern corner of the site. A pipe to connect the house to the septic field would have to be constructed within the environmental buffer. And 8,022 square feet of environmental buffer encroachment would occur to site part of lot 7's house and yard area. To compensate for the environmental buffer encroachment, the applicant proposes to plant in forest 16,044 square feet of land next to the buffer (twice as much land as the proposed permanent encroachment).

Staff believes this encroachment, in combination with the reforestation of twice as much land next to the buffer, is acceptable. The proposed lot would encroach into the buffer in a relatively small area (8,022 square feet) that is not wooded and not on steep slopes. The overall permanent encroachment has been reduced from the original application (from parts of two houses, two yard areas, and a long driveway down to part of one house and yard area). Compensation is proposed at a ratio of 2:1. Although there will still be disturbance within the buffer to install the septic pipe that connects the house to the septic field, staff believes this is an unavoidable disturbance for a utility similar to sewer line construction. In addition, once the pipe is installed, the disturbed area will revegetate.

Forest Conservation

The existing forest on the site covers 10.07 acres. The proposed subdivision would clear 2.01 acres and retain 8.03 acres of forest. The applicant proposes to provide 9.20 acres of onsite forest planting: 4.02 acres to meet the forest conservation requirements for the cluster subdivision, 0.37 acre to compensate for the environmental buffer encroachment on lot 7, and 4.81 acres to be used as a forest bank for other development projects. These amounts of forest retention and plantings meet the forest conservation law requirements. Staff recommends approval of the preliminary forest conservation plan with conditions as stated above.

Patuxent River Primary Management Area (PMA)

The "Environmental Guidelines" recommends a 10% imperviousness limit on new development within the PMA. The proposed subdivision lies within the PMA. The proposed imperviousness for the subdivision is 5%. Therefore, the subdivision meets the PMA imperviousness guideline limit.

ANALYSIS

Staff's review of Preliminary Plan #1-05045, Cromwell Property, indicates that the plan conforms to the recommendations of the Sandy Spring-Ashton Master Plan. The proposed preliminary plan is consistent with the master plan goal to maintain the area's low density, residential character.

Staff also finds that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that the public facilities are adequate to serve the proposed development and the size, shape, and orientation of the proposed lots, as outlined in Section 50-29(a) of the Subdivision Regulations, are appropriate for the location of the subdivision. The requirements of Chapter 22A, the Forest Conservation Law, are being met as shown on the approved preliminary forest conservation plan.

CONCLUSION:

Staff finds that Preliminary Plan #1-05045, Cromwell Property conforms to the Sandy Spring-Ashton Master Plan and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan, subject to the above conditions.

ATTACHMENTS:

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| Attachment A | Air Photo |
| Attachment B | Preliminary Plan |
| Attachment C | Neighborhood Development Map |
| Attachment D | Environmental Planning Memo |