



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

MCPB No. 17-056  
Preliminary Plan No. 120160360  
Manfield Property  
Date of Hearing: July 20, 2107

JUL 25 2017

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on August 16, 2016, Melanie Manfield (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create two lots on 0.66 acres of land in the R-60 zone, located at 5115 Bradley Boulevard, approximately 500 feet west of its intersection with Fairfax Road. (“Subject Property”), in the Bethesda-Chevy Chase Policy Area and Bethesda-Chevy Chase Master (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120160360, Manfield Property (“Preliminary Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 10, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 20, 2107, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120160360 to create two (2) lots on the Subject Property, subject to the following conditions:<sup>1</sup>

<sup>1</sup> For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

Approved as to  
Legal Sufficiency:

MNCPPC Legal Department  
www.montgomeryplanningboard.org

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
E-Mail: mcp-chair@mncppc-mc.org

1. Approval is limited to two one-family residential lots.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its stormwater management concept letter of December 23, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. Prior to any demolition, clearing or grading on the Subject Property, the Applicant must hold a preconstruction meeting with the project arborist, who must be both an ISA-Certified Arborist and a Maryland Licensed Tree Care Expert, and the M-NCPPC Forest Conservation Inspector. Any tree protection measures required by the Forest Conservation Inspector must be implemented prior to any demolition, clearing or grading on the Subject Property.
4. The Tree Save Plan dated as shown in Eplans, as of the date of this staff report, July 10, 2017, or as amended by the MNCPPC forest conservation inspector, must be fully implemented.
5. The planting of native canopy trees (one tree on each lot, as shown on the Tree Save Plans, measuring a minimum of 3” caliper at the time of planting) must be installed within the first growing season after the completion of the associated house.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated September 20, 2016, and does hereby incorporate them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan.
7. The record plat must show a common access easement from Bradley Boulevard (MD 191) over the shared driveway.
8. Prior to recordation of plat, the Applicant must satisfy the provisions for access and improvements as required by Maryland State Highway Administration (MSHA) including relocating the existing storm drain inlet outside the limits of the proposed driveway apron, unless this requirement is waived by MSHA.

9. The Applicant must dedicate 10-feet along the Subject Property's frontage as mandated by the 1990 *Bethesda-Chevy Chase Master Plan* and as shown on the Preliminary Plan.

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 Resolution.

11. The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permits. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.

12. Prior to approval of the Certified Preliminary Plan, the Applicant must include: the stormwater management concept approval letter, MCDOT recommendation letter, and Preliminary Plan resolution in the plan set or on the cover sheet(s).

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The layout of the subdivision is appropriate given its location, the type of development contemplated and the requirements of Chapter 59. The two proposed lots were reviewed for compliance with the dimensional requirements for the R-60 zone as required by the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone.

The subdivision is an infill development and will be located on an existing residential block and will not change the overall block design. The Preliminary Plan will consist of two rectangularly shaped one-family lots. Each lot will consist of approximately 13,634 square feet and have a lot width of 66 feet. The

lots are located on MD 191, a public road, and will access to this roadway via a shared driveway. Both lots are aligned perpendicular to this road.

Both lots have been designed to accommodate any future buildings, infrastructure, onsite stormwater management, onsite parking and a shared access points that are necessary to serve the lots. No pedestrian paths are proposed for this subdivision. However, the existing sidewalk, along MD 191, will be replaced after 10 feet of right-of-way is dedicated along the site's frontage. No required public sites or open areas are recommended in the Master Plan for this Property. The block and lot design of this subdivision are appropriate in terms of size, width, shape, and orientation for the area. The subdivision will be compatible with the existing development patterns and land use goals in this area.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

The Subject Property is located in the 1990 *Bethesda-Chevy Chase Master Plan* area, which does not specifically address the Subject Property. The Master Plan offers the following general goals and objectives for land use and zoning: to reconfirm the zoning for the extensive single-family detached residential area and to maintain and enhance residential communities along major highways and arterials.

The Application complies with the recommendations adopted in the Master Plan in that it maintains and enhances the residential community along an arterial (MD 191) with new one-family residential development consistent with surrounding existing residential development and the R-60 zoning designation. This development replaces one very large lot with two smaller lots. With respect to dimensions and orientation, the two lots will be similar in size to existing lots in the surrounding residential community. Thus, this subdivision will not alter the existing pattern of development or land use. The subdivision substantially conforms to the Master Plan recommendations for zoning and residential development.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

This Application was submitted prior to January 1, 2017, and was reviewed under the *2012-2016 Subdivision Staging Policy* for Adequate Public Facilities.

*Existing Facilities*

The 1990 *Bethesda-Chevy Chase Master Plan* recommends that MD 191, designated Major Highway M-3, be maintained within a 120-foot wide right-of-

way with six travel lanes. In its existing configuration, the roadway is comprised of six travel lanes with off-peak parking permitted on the outside travel lanes.

The 2005 *Countywide Bikeway Functional Master Plan* designates MD 191 as a Dual Bikeway DB-4 (both a shared-use path and signed shared roadway) along the subject property's frontage. It is noted that although the Montgomery County Department of Transportation (MCDOT) is designing a Dual Bikeway west of Glenbrook Road, this subdivision is not required to upgrade the frontage sidewalk to a shared use path due to the Subject Property's limited frontage on MD 191. Additionally, a shared use path could not be extended beyond the site's frontage because the adjacent lots have not dedicated the 120-foot wide right-of-way recommended in the 1990 *Bethesda Chevy Chase Master Plan*.

Transit service within ¼ mile of the site, a walk time of approximately 5 minutes, is located at the intersections of MD 191 and Fairfax Road and MD 191 and Glenbrook Road. These bus stops are served by the Ride-On 36 Route (Bethesda - Potomac via Hillandale Road). Additionally, beyond the ¼ mile radius, the Bethesda Circulator stops on Arlington Road north of MD 191.

Transportation access is adequate to serve the proposed development by this Preliminary Plan.

*Proposed public transportation infrastructure.*

This Preliminary Plan will dedicate a 10-foot wide strip across the Subject Property's entire frontage for a total of 1,325 square feet. This dedication will provide the minimum width of 60 feet between the property line and the MD 191 right-of-way centerline which will support the Master Plan recommendation for a right-of-way width of 120-feet on MD 191.

This Application eliminates the Subject Property's existing driveway from MD 191 in favor of a single right-in/right-out shared driveway located in the middle of the site's frontage on MD 191. This access concept is preferable to the existing condition because it consolidates access to a single point between the two lots.

The new driveway location is improved with a storm drain inlet that must be relocated outside of the proposed driveway apron to facilitate safe and adequate vehicular ingress/egress. Maryland State Highway Administration (MSHA) may permit the driveway to be constructed around the existing inlet or in the alternative require the applicant to relocate the inlet along the site's frontage.

The estimated traffic impact of one new one-family dwelling unit, exclusive of the existing one-family dwelling unit which will be replaced with another one-family dwelling unit on the site, is one (1) AM peak-hour trip and one (1) PM

peak-hour vehicular trip. As a result of this *de minimis* impact, the Application satisfies LATR with the submitted traffic statement. Under the 2012-2016 *Montgomery County Subdivision Staging Policy (SSP)* the Preliminary Plan is subject to a Transportation Policy Area Review (TPAR) mitigation payment. However, because the building permit for this development will be filed after March 1, 2017, the Applicant will be required to pay the updated General District Transportation Impact Tax. Therefore, this Application satisfies the Adequate Public Facilities requirements for transportation without further traffic analysis.

#### Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the development. The Subject Property will be served by public water and sewer systems. The Application was reviewed by the Montgomery County Fire and Rescue Service and determined that the Subject Property has appropriate access for fire and rescue vehicles. The Subject Property is in the Bethesda-Chevy School Cluster. The Application was filed prior to January 1, 2017 and was reviewed under the 2012-2016, *SSP*. Under the *FY 2017 Annual School Test*, adequate school facilities exist within the Bethesda-Chevy Chase cluster. However, at the time of building permit issuance, the Applicant will be required to pay an impact tax for the project. Other public facilities and services, such as police stations, firehouses and health services are available to serve the proposed dwelling units. Electrical, gas, and telecommunications services are also available to serve the property.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

#### A. Forest Conservation

This Application is subject to Chapter 22A, the Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2) because the activity occurs on a tract of land less than 1 acre, that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen tree or champion tree, and reforestation requirements would not exceed 10,000 square feet. The forest conservation exemption application #42016208E was confirmed on July 6, 2016

The Subject Property is not associated with any forest areas or other environmentally sensitive resources such as highly erodible soils, steep slopes, streams, floodplains or related buffers. There are no known rare,

threatened, or endangered species on or near the site. There are a few specimen trees which measure over 30" Diameter at Breast Height (DBH) located near the subject property (along with significant trees measuring 24" DBH and greater located both on and offsite). The site is located within the Willett Branch watershed, a Use I-P watershed

The development is subject to a Tree Save Plan. The limits of disturbance cover most of the Subject Property, but some reductions and special measures will help avoid the potentially severe impacts to neighboring trees that would otherwise occur without these special measures. The Tree Save Plan calls for the careful demolition of the garage under the direction of an ISA-Certified Arborist who is also a Maryland Licensed Tree Care Expert. This work includes careful backfill of the foundation area with rich clean topsoil. After the initial demolition/backfill work is completed, the tree protection fence will be reset to cordon off the northwest corner of the site for the remainder of construction activity, to protect the larger offsite trees. The Tree Save Plan also includes the planting of two native canopy trees at the rear of each proposed lot that will measure a minimum of 3" caliper at the time of planting (minimum quantity of one tree planted per lot).

*5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

This finding is based upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards. The Montgomery County Department of Permitting Services (MCDPS) approved a stormwater management concept plan (#282101) for the Subject Property on December 23, 2016.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for thirty-six (36) months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 25 2017 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of

this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Thursday, July 20, 2017, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board