

Malsama
John Lynch Farm Loc. 1145 18/16

MALSAMA Pre-Application Plan

Issues.

1. Peach Tree Road is a Rural Rustic Road.
This section of Peach Tree Road is one of the largest undeveloped areas remaining on the road. The distance between Comus Road and Route 28 is 6.6 miles. Along this stretch of Peach Tree Road are 62 structures which are visible from the road. That represents 9 structures per mile and is what helps to define the rural character of Peach Tree Road. In order to maintain this character, no more than a net increase of 2 structures should be visible after the property is developed. (9 per mile X 0.9 miles = 8 structures – 6 existing structures = 2 new structures.) While this may seem like a simplistic approach it is an effective means of quantifying what constitutes the Rural Rustic Character. Lining up new homes all along any give stretch of a Rural Rustic Road destroys that character.
2. The proposed development will change the character of the roadside view experience. The existing view of the working grain and horse farm from Peach Tree Road is the essence of the Rural Rustic Road Plan.
3. The area proposed for development by the applicant is the best of the farming soils and topography on the property.
4. The poorest soils and the areas are those being preserved for agriculture by the applicant's plan.
5. The proposed setbacks from Peach Tree Road are less than those of the existing housing in the area.
6. The proposed lots do not match the lot size of the lots they adjoin, which is contrary to the existing character. From a community planning perspective, any proposed new residential lot should have the same street frontage, size and shape as the existing lots the new lots adjoin or co-join. Transitioning from the larger lots at a proposed projects external boundary to smaller lots within the new subdivision is the standard practice in all other areas of the county and should be in the rural community as well.
7. The proposed subdivision does not address the existing horse boarding operation on the property concerning adequate ingress and egress. The plan intimates that the horse boarding facility will share a drive with lots number 6, 7, 8 and 9 or some combination of these lots. The level of daily traffic in and out of the boarding facility is much greater than should take place on a driveway that is to serve four house sites. If the boarding facility is to continue to operate and use the Peach Tree Road entrance as its primary entrance, then the drive should not be shared with the proposed new lots. A new street needs to be constructed that aligns with the Wooden subdivision entrance to serve the new lots and the boarding facility if development is allowed on this section of the property. The new street will afford safer

ingress and egress and create a less disruptive living condition for the future resident of the lots affected. If it is the applicant's intention to change the primary entrance to Route 109, Bealsville Road, there will then be a public safety issue to address. The sight distances at the existing farm access point from Route 109 are poor at best. Entering and exiting the property with horse trailers and horse vans creates a dangerous condition for the farm patrons and the traffic on route 109.

8. The resulting subdivision is not rural in character, it is suburban. Proposed development in the RDT Zone should receive the same Urban Design scrutiny as a plan in any other zone. The issues of compatibility, bulk and scale are equally as important, if not more important, in the Rural Community as they are in any other zone. The visual impact of development is greater in the rural setting because of the expansive vistas and the visual exposure of the resulting buildings. The view shed that is adversely impacted by this property extends far beyond its borders with Peach Tree Road and Bealsville Road and must be taken into consideration.
9. The proposed plan does not promote the goals of the RDT Zone. It is not an efficient cluster plan nor a rural community, it is nothing more than another conventional subdivision based on a preconceived notion of what the current real estate market might be. The lots are larger than some of the exiting lots in the neighborhood but are not large enough to be effective and efficient equestrian estates. The soils in this part of the county, while being well suited to crops are difficult to manage as pastures. This is particularly true of smaller lots like those proposed by this pre-application.
10. The proposed subdivision responds to only the lessening of development cost. By utilizing the existing Peach Tree Road frontage little or no cost is incurred in bringing a finished lot to market. This, however does not maintain the rural vistas nor does it preserve the prime agricultural land for agricultural uses. Development cost should not be a consideration in approving or denying the proposed plan. The cost to the County's Rural Planning Policy is the only cost that is relevant.
11. Development in the RDT Zone should either be, tightly clustered, in order to preserve the maximum agricultural and open space possible, or be on large lots with a random pattern to reflect the existing character of the rural community. The location of house sites should respond to the natural terrain. The ultimate lot yield should be determined by the sites' characteristics and the existing community, not by the mathematical calculation of allowable yield. Nothing in any county plan or ordinance guarantees a property owner full yield, only the right to attempt to obtain that yield. The development pattern should not be that of a conventional subdivision found in the urban and suburban zones, when the resulting subdivision is highly visible from the adjoining Rural Rustic Roads. The same urban design standards applied to projects in the down county area are relevant in the rural community. Standards for lot size, setbacks, screening and buffer zones and compatibility with the existing neighborhood must to be honored. The Planning Board and staff must pay greater attention to rural development if the goals and objectives of the agricultural preserve are to be achieved.
12. There is another way to develop this property that will protect the rural views and vistas, preserve the maximum amount of agricultural land and provide the applicant with the same general lot type and yield. (See attachments Alternative # 1 and Alternative # 2.) Alternative

1 is the better development program for the preservation of agriculture. Alternative # 2 has larger lots than Alternative # 1 and while still protecting the rural character of the existing roads, is not the better of the two alternatives.

**Plan comparison
Benning Plan (Pre-application Plan) vs. Alternative Plan # 1.**

	Benning Plan	Alternative Plan # 1
Tract Area	840.31 AC	840.31 Ac
Lots	33 Lots	33 Lots
Area in Lots	176 AC	121 .0 AC
Area in Street	33.0 AC 30.8 AC Existing 2.2 AC New	40.9 AC 30.8 AC Existing 10.1 AC New
Area in Development	209 AC	131.44 AC
% of site in Development	25 %	16 %
Best soils removed from farming	195 AC. 40%	65 AC. 13%
Area in Agriculture Preserve	631.31 AC	719.06 AC
% of site in Agriculture Preserve	75 %	84 %
Impact on Peach Tree Road Frontage and the Rural Rustic Road Experience.	100 %	0 %

The primary purpose of the RDT Zone is for the preservation of agriculture and the character of the rural community not for the development of residential subdivisions. The area master plan, zoning ordinance and subdivision regulations are supposed to control the growth and development in the agricultural reserve. With more and more development occurring in the agricultural reserve it is time to strengthen the controls on the form this development takes. We must maintain a balance between the landowner's right to develop their property and their responsibility to develop it in a manner that promotes the goals and objectives of the planning area. The master plans for all planning areas of the county are guides for growth that are for the benefit of the larger community not just the individual who wants to subdivide their land. The Pre-application Plan for the Malsama property does not promote or even recognize the larger goals for the planning area and must not be allowed to proceed in the form proposed by the applicant.

Items the Planning Board and County Council should implement in an effort to protect the Agricultural Preserve and control the form residential development takes when it does occur.

1. There should be a moratorium on all residential development in the RDT zone, including on all Pre-application submissions currently filed, until the items below are adopted by the planning board and other county and state agencies that are involved
2. All Pre-application plans must go through the public hearing process not just be handled administratively by the subdivision review office at the Park and Planning Commission. Area residents must not be placed in a second class citizen posture by the subdivision process.
3. The Zoning Ordinance needs to change to recognize that any subdivision containing a lot less than twenty-five acres in area is in fact a "Cluster Subdivision."
4. All Cluster Subdivision Plans must be required to go through a modified Urban Design review process. The Site Plan review stage could be eliminated from the process if, at the Pre-application stage, the Urban Design Division were to review the application with respect to the compatibility issues. That way the interests of the existing neighborhood and existing residents will be given the same protections already provided to residents elsewhere in the county. The intent and purpose clauses of the Zoning Ordinance would also be addressed at the Pre-application stage, which will further insure the protection of the Agricultural Reserve. A public hearing on the proposed subdivision will insure that the interests of all parties concerned will be considered.
5. Proposed lots that adjoin or co-join with existing residential lots must be of the same or larger size and configuration as the existing residential lot to ensure compatibility and protect the general character of the immediate neighborhood. Smaller lots should only be permitted if agreed to by the adjoining owner impacted by the proposed development.
6. Cluster subdivisions, should be allowed and encouraged to use private streets. The private street standard could be set up to allow a maximum number of lots to front on them, much the way the County's Tertiary Street standard does. The private streets also have the potential of saving trees in the wooded areas they meander through and reducing the amount of grading required. This would be more environmentally friendly than the public street standard currently in use and more in keeping with the rural character of the neighborhood and existing rustic roads. The private streets also could reduce the development cost of the proposed subdivisions.
7. Repeal or modify the minor subdivision code. This code does not treat the existing residents equitably. The existing resident should have the right to express their concern and seek relief from the potential adverse impact caused by any subdivision, minor or major, that directly affects them. It is naive to assume that a landowner subdividing their property will take into consideration the best interest of their neighbor and avoid adversely affecting him. It is only the knowledge that the planning board can and will change an applicant's plan that brings out the honorable action of the applicant. Even then, it can still be a struggle to reach an accord between the parties. The minor subdivision regulation stacks the deck and that is not fair.
8. The planning board should work to have the state and county health departments expand and encourage the use of sand mound septic disposal systems in the Agricultural Reserve. This will allow the poorer agricultural soils to be the ones subdivided and save the best and most productive soils for future farming activity. The state and county currently allow Sand mound septic systems but it is

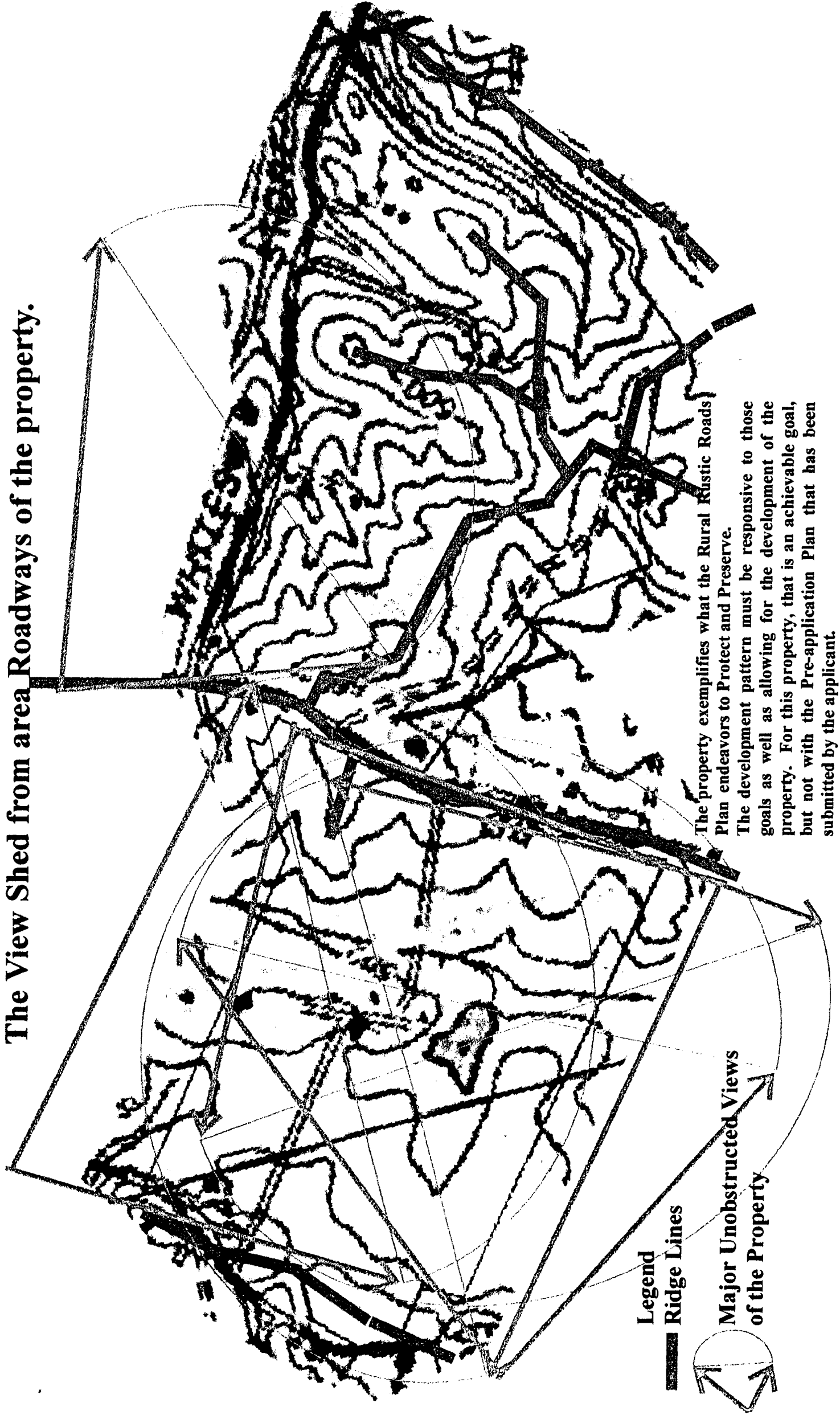
difficult to obtain a permit to use the system. Amending permitting and approval process would facilitate agricultural preservation and eliminate the multiple percolation tests often necessary to obtain a building lot. The health department should also be directed to investigate other options for septic systems that will give greater flexibility in the location of lots in the agricultural reserve. The use of all of the suggested septic system flexibility provisions should be predicated on the preservation of the best agricultural land, the protection of the character of the neighborhood and the protection of the adjoining landowners.

All of the above suggestions should be implemented as quickly as possible without being studied to the extreme, there are no new technologies being suggested here. All that is required is cooperation between governmental agencies and a clear vision of what the agricultural reserve is supposed to be. The longer we debate the issues the more land we are going to lose to the subdivision practices now being applied on the reserve.

Some will feel these suggestions take away the right of the landowner who wants to subdivide. They are wrong. No rights will be taken away. Others will feel that some of the suggestions loosen the county's control in some way. They too are wrong. The suggestions are simply a series of small steps that are required to allow for the orderly and controlled growth of the reserve as it occurs. It is quite a problem, one property owner's right versus another's. The planning board has the responsibility to protect everyone's rights and interests. These suggestions provide a way to facilitate implementing the intent and purpose of the RDT Zone, the Agricultural Reserve and the Rural Roads Plan. The suggestions also protect the interests of all area residents not just those who want to subdivide their land.

If we do not take tighter control of the subdivision process in the agricultural reserve the only land that will be left, is the marginal land that's left over, behind the houses that line our rural rustic roads.

The View Shed from area Roadways of the property.



Legend

— Ridge Lines

— Major Unobstructed Views of the Property



The property exemplifies what the Rural Rustic Roads Plan endeavors to Protect and Preserve.

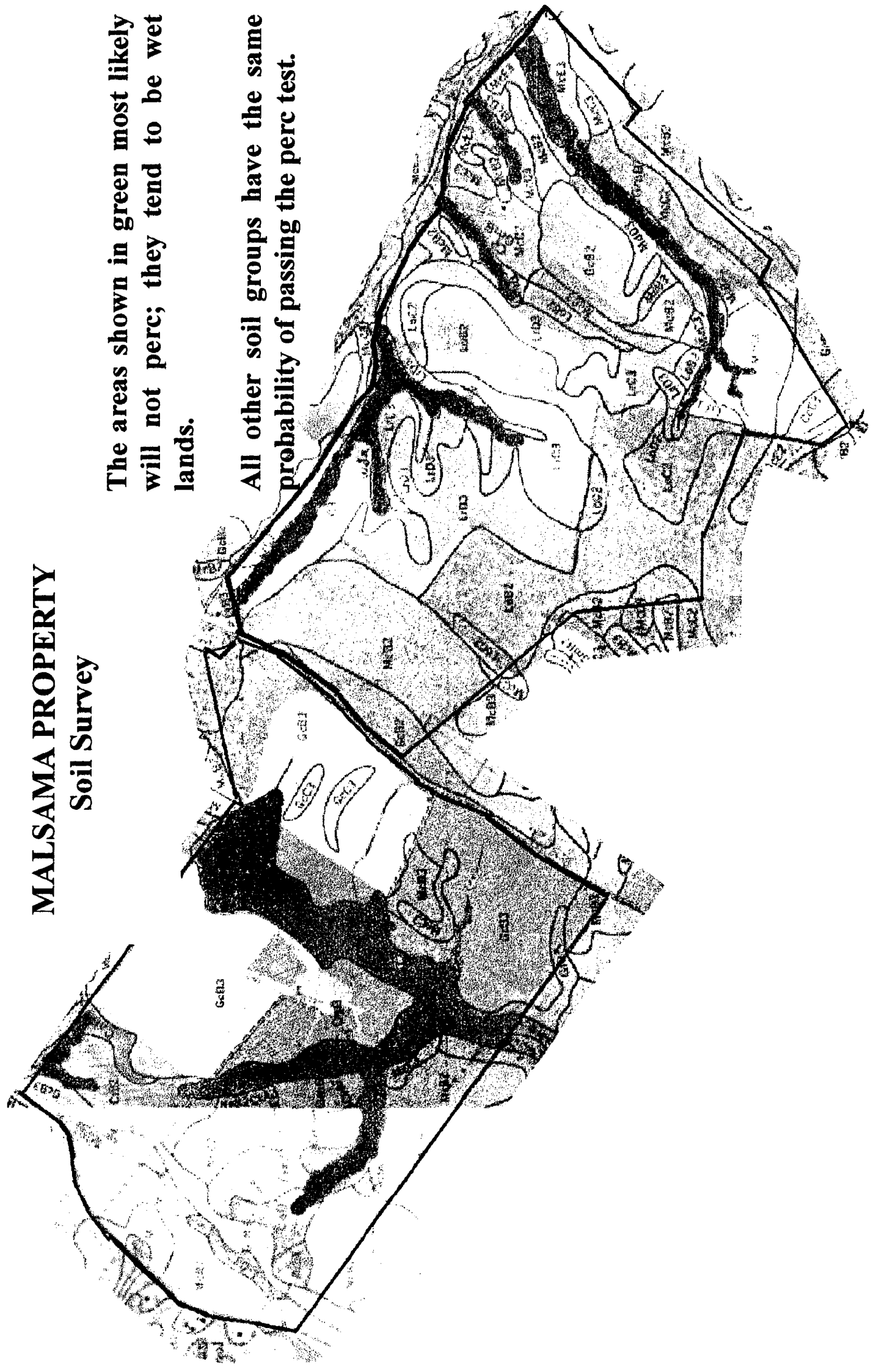
The development pattern must be responsive to those goals as well as allowing for the development of the property. For this property, that is an achievable goal, but not with the Pre-application Plan that has been submitted by the applicant.

MALSAMA PROPERTY

Soil Survey

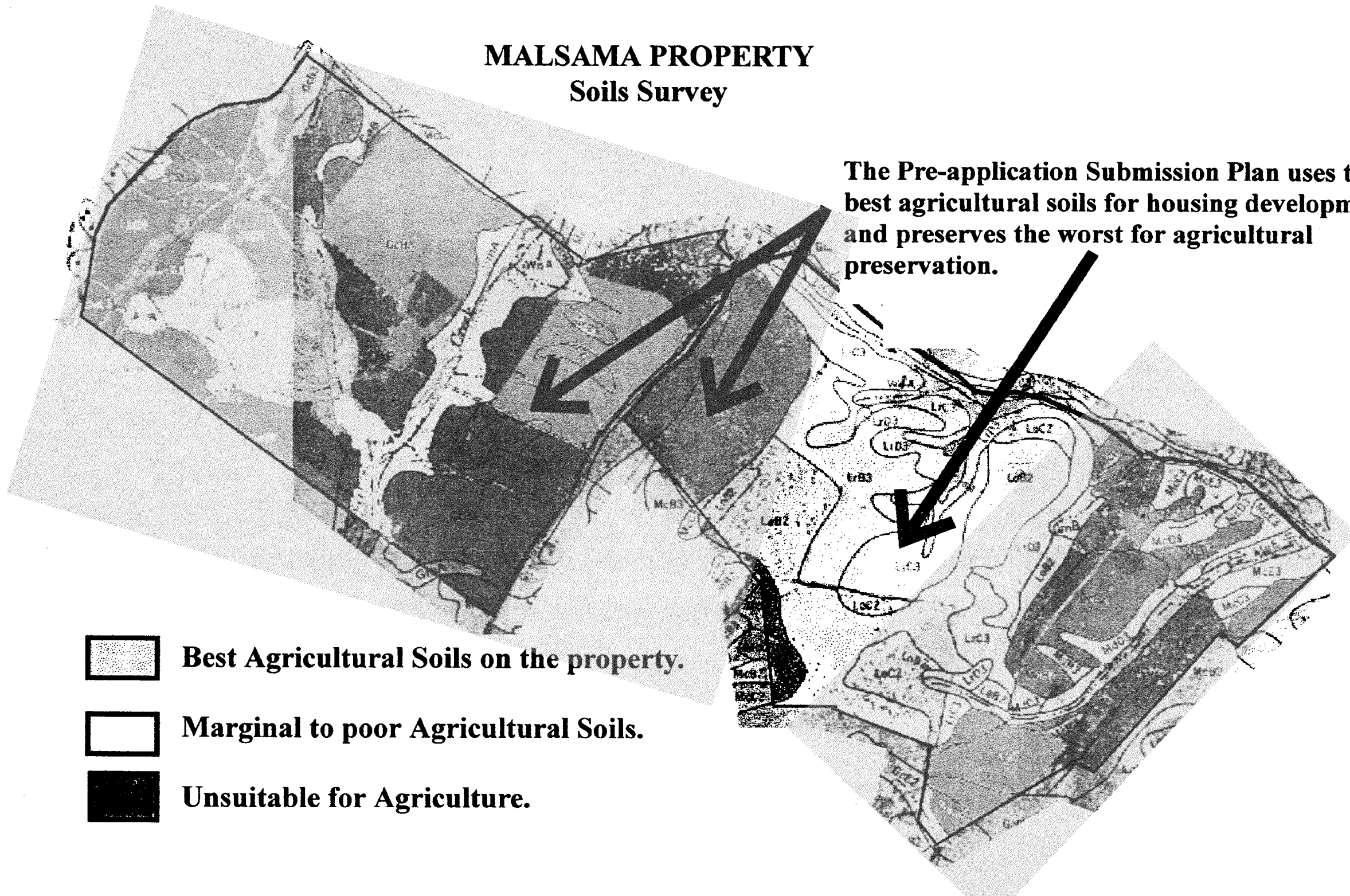
The areas shown in green most likely will not perc; they tend to be wet lands.

All other soil groups have the same probability of passing the perc test.



MALSAMA PROPERTY Soils Survey

The Pre-application Submission Plan uses the best agricultural soils for housing development and preserves the worst for agricultural preservation.



Best Agricultural Soils on the property.



Marginal to poor Agricultural Soils.



Unsuitable for Agriculture.

Pre-application Plan MASSAMETT

Bealsville Road
Rev 1009

Views of the countryside from Peach Tree Road and Bealsville Road will be Destroyed in this plan. This is not the goal of the Rural Roads Plan.

Note that there are currently 62 buildings along Peach Tree Road from Conus Road to Route 28 a 6.2 mile stretch. This represents 9 buildings per mile. And is a major factor in defining the character of the Rural Rustic Road for this property to maintain the same Rural Rustic Road character there should not be no more than 8 buildings visible from Peach Tree Road after development. Counting the 6 that exist along this section, no more than 2 should be visible from Peach Tree Road.

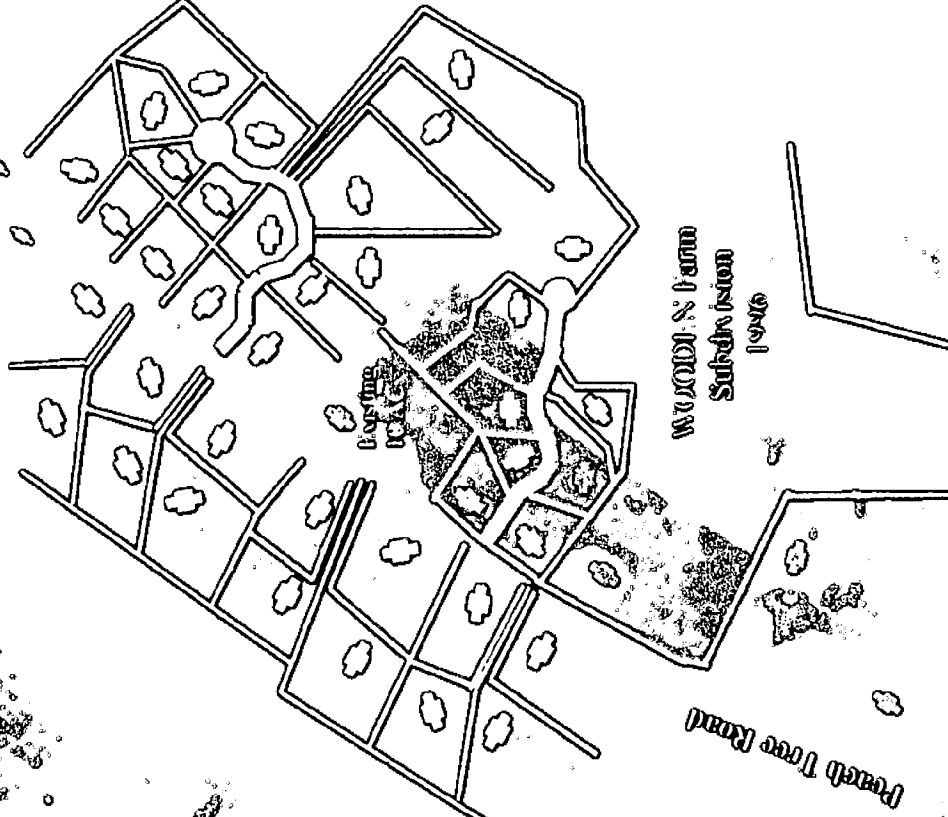
Scale: 1" = 933' ±

This plan will completely change the character of the visual experience of Peach Tree Road as well as Bealsville Road.

It is not the intent of the Agricultural Preserve or the Rural Roads Plan to have the best farm land converted to house sites. Nor to have all of the road frontage consumed by residential lots.

This property can be developed in a manner that places no lots on the Rural Roads and preserves all but approximately 30 acres of the actively farmed land area. While still providing the applicant with the same lot yield and similar lot type.

The only reason for the plan to take this configuration is that it has little or no development cost because it utilizes the existing road. That is not enough reason to approve the plan.



Alternative Development Plan # 1 for the MALSAMA Property

Bealsville Road
(Rte 109)

This area of the property is totally visible from Peach Tree Road and Bealsville Road.

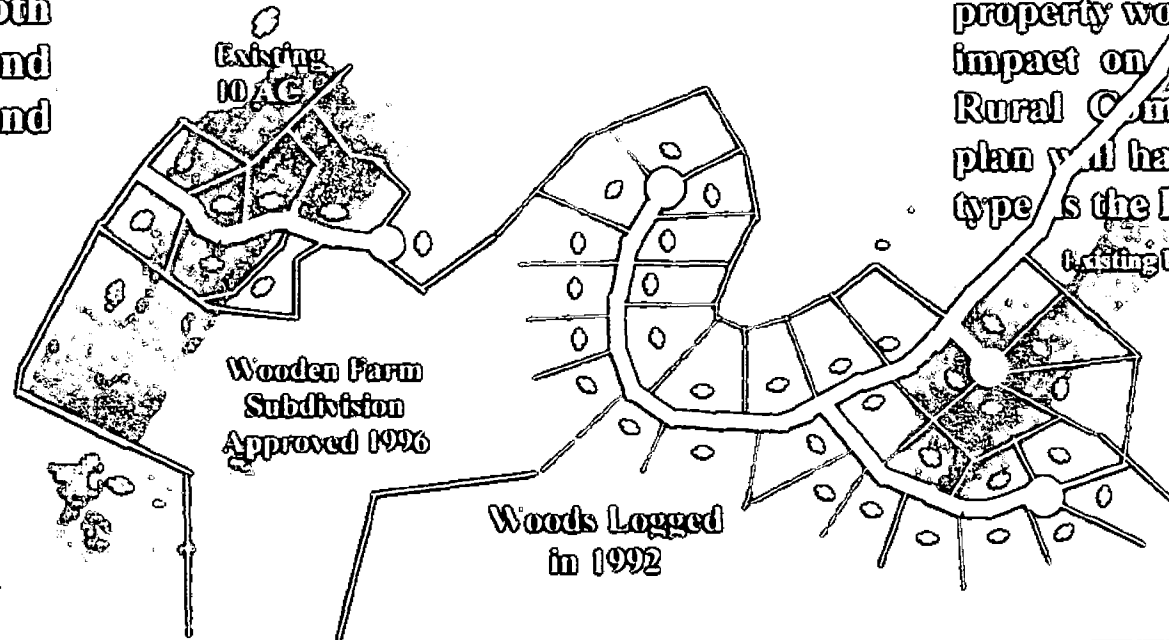
The best agricultural soils are located on this section of the property.

Development here would be contrary to the intent of both the Agricultural Preserve and the Rural Roads Plan goals and objectives.

Existing

	Benning Plan	Better Plan
Tract Area	840.31 Ac.	840.31 Ac.
Lots	33 Lots	33 Lots
Area in Lots	176 Ac.	121.25 Ac.
Area in Streets	33.0 Ac. 30.8 Ac. Existing 2.2 Ac. New	40.9 Ac. 30.8 Ac. Existing 10.1 Ac. New
Area in Development	209 Ac.	131.44 Ac.
% in Development	25 %	16 %
Best Soils removed from Farming	195 AC. 40 % of the best soils.	65 AC. 13 % of the best Soils.
Area in Ag. Preserve	631.31 Ac.	719.06 Ac.
% in Ag. Preserve	75 %	84 %
Impact on Area Roads	100 %	0 %

Development on this section of the property would have little or no visual impact on the Rural Roads or the Rural Community. The resulting plan would have the same lot yield and type as the Benning Plan.



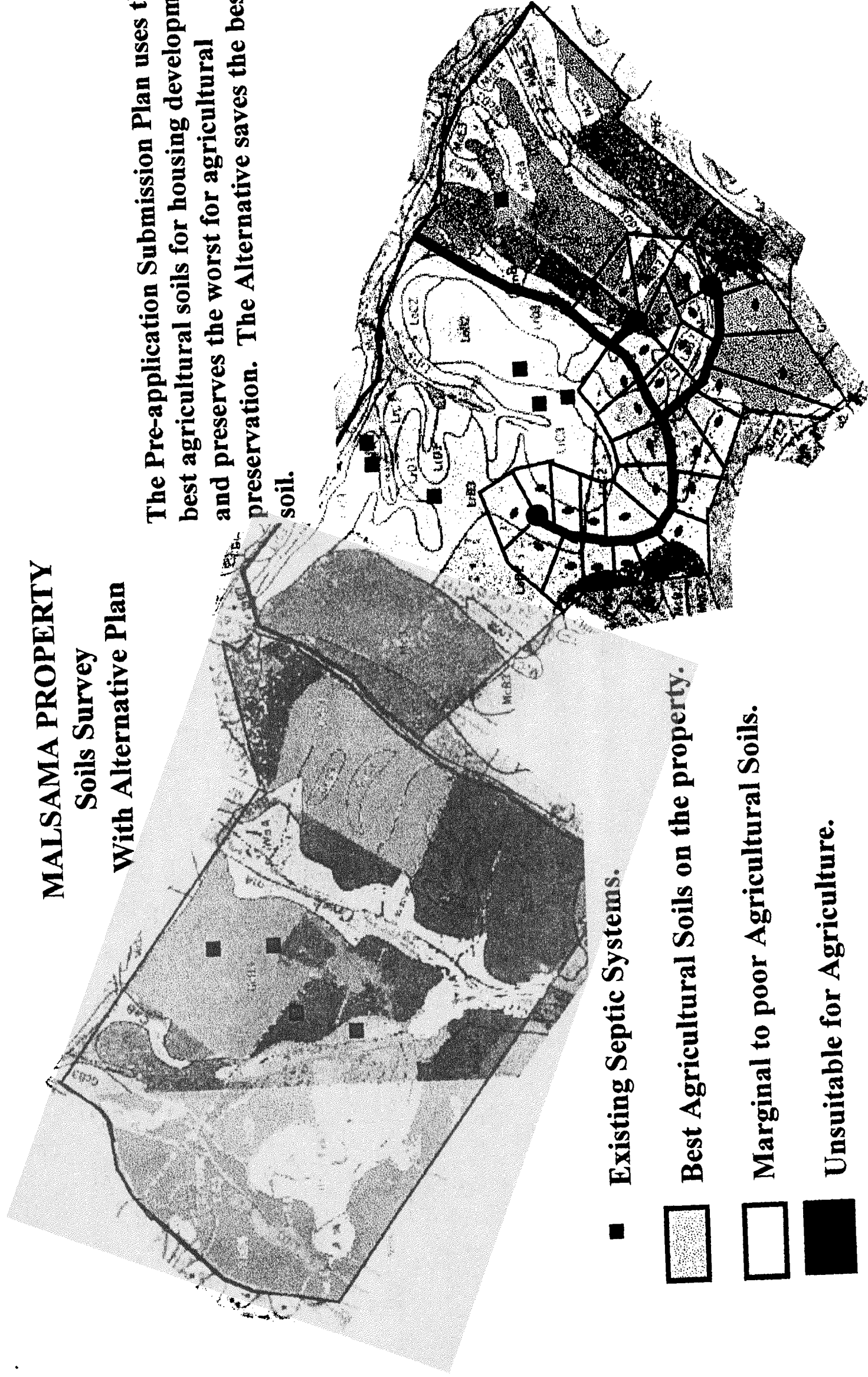
Peach Tree

MALSAMA PROPERTY

Soils Survey

With Alternative Plan

The Pre-application Submission Plan uses the best agricultural soils for housing development and preserves the worst for agricultural preservation. The Alternative saves the best soil.



Alternative Development Plan #1
for the Alabama Property and

Beardslee Road
Rte 109

393.51 Acres

(Forest Proposed
House
1866 feet to Peach
Tree Rd

79.66 Acres

Lot 32
Main House
142.37 Acres

Lot 33
Hillside
John Lynch Farm
93.66 Acres

White's Store Road

(Forest Proposed
House
1866 feet to
White's Store Rd

Alternate
Parcels
Road

Existing

Existing
Lot
96 AC

Wooden Farm
Subdivision
Approved 1992

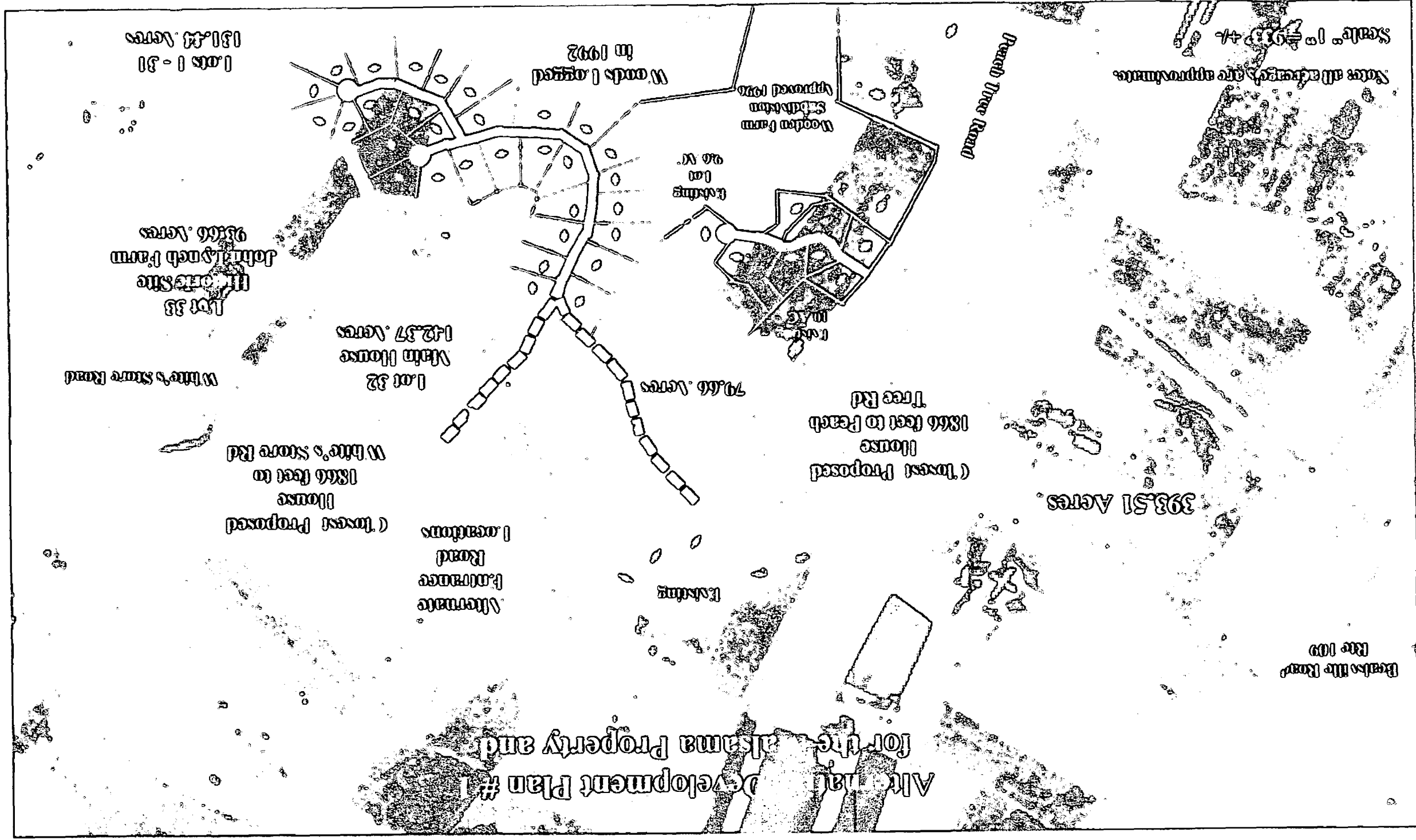
Woods Logged
in 1992

Lot 1 - 31
131.43 Acres

Peach Tree Road

Note: all acreages are approximate.

Scale 1" = 93.74'



Alternative Development Plan # 2

the

MIALSAMA Property

Bealsville Road
Rte 1099

This area of the property is totally visible from Peach Tree Road and Bealsville Road.

The best agricultural soils are located on this section of the property.

Development here would be contrary to the intent of both the Agricultural Preserve and the Rural Roads Plan goals and objectives.

Note that there are currently 62 buildings along Peach Tree Road from Conus Road to Route 28.

This represents 9 buildings per mile. For this property to maintain the same Rural Rustic Road character there should not be more than 8 buildings visible after development. Counting the 6 that exist along this section, no more than 2 should be visible from Peach Tree Road.

If larger lots are desired they can be facilitated on this section of the property while still having minimal visual impact on the Rural Road environment.

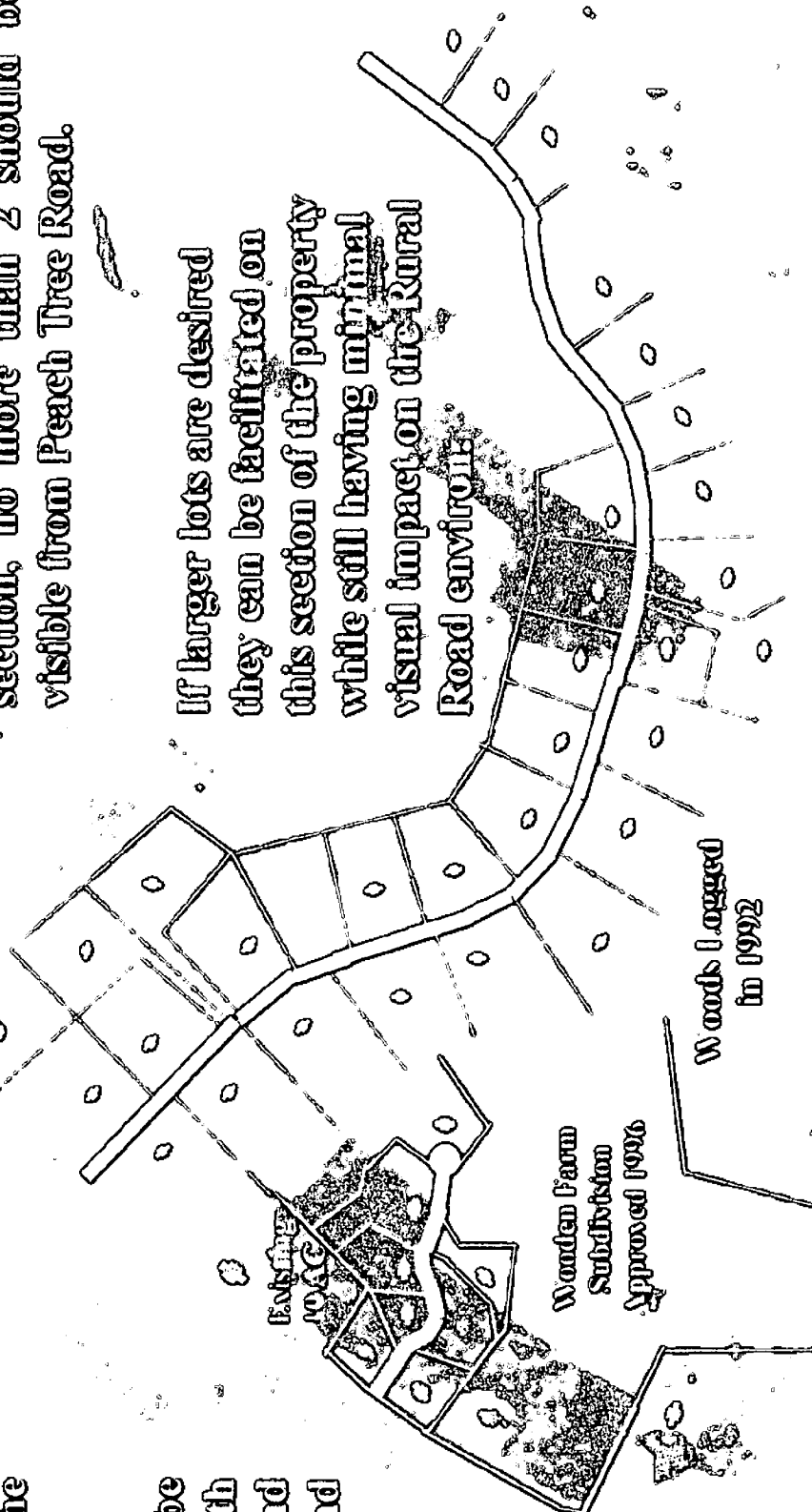
Existing

Existing
10 AC

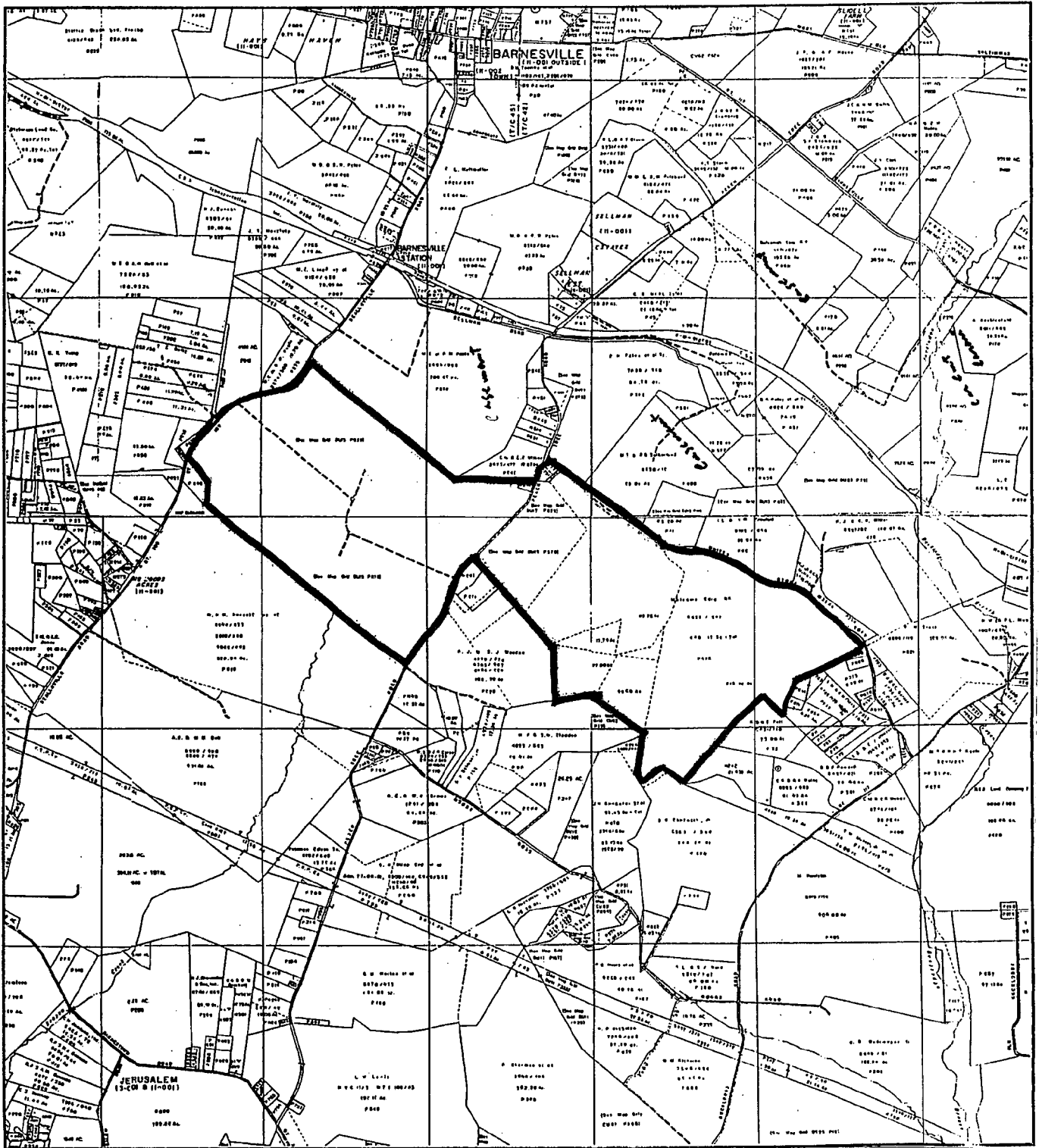
Wooden Farm
Subdivision
Approved 1996

Woods Logged
in 1992

Peach Tree



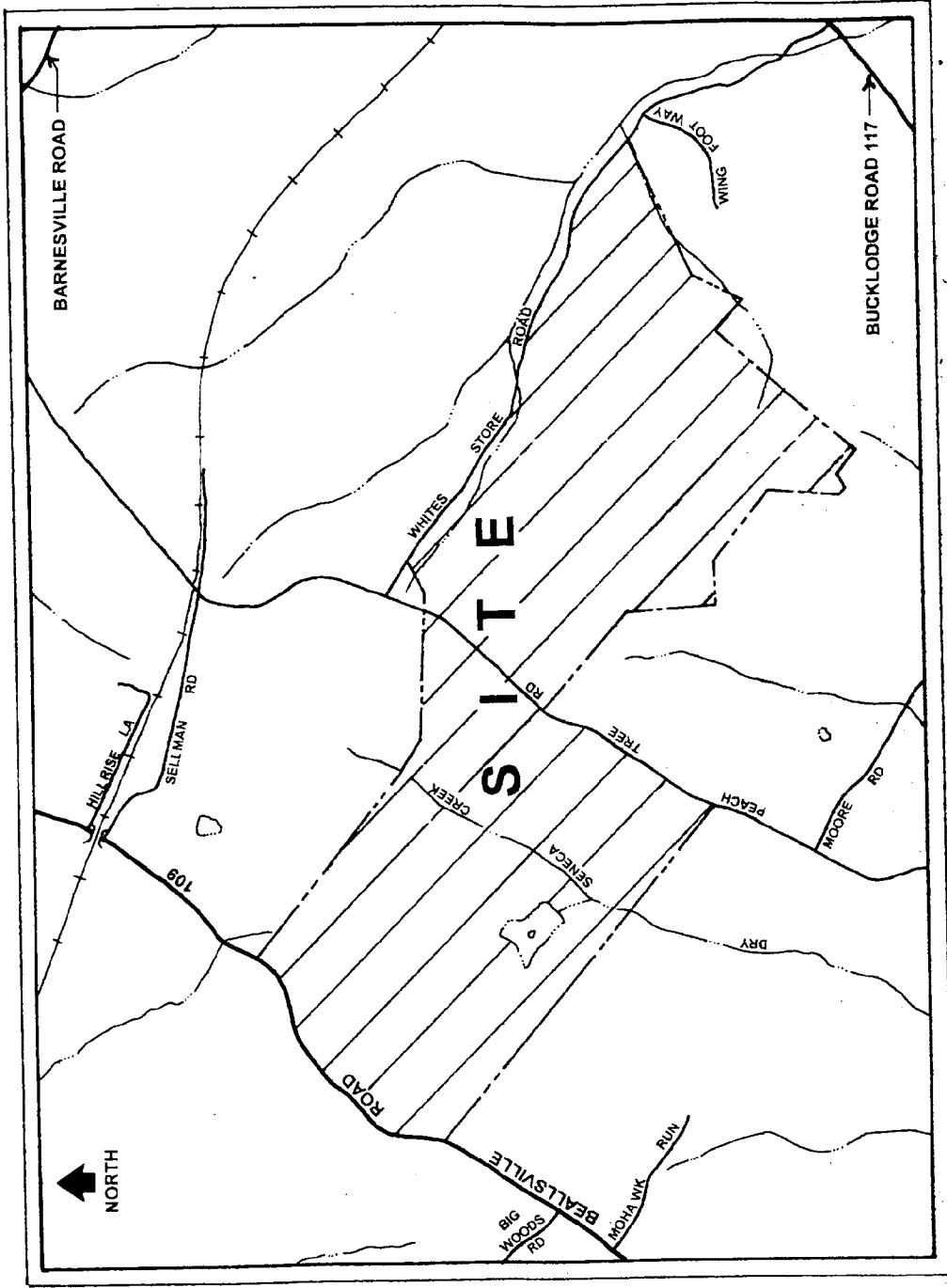
VICINITY MAP FOR
MALSAMA (7-99032)



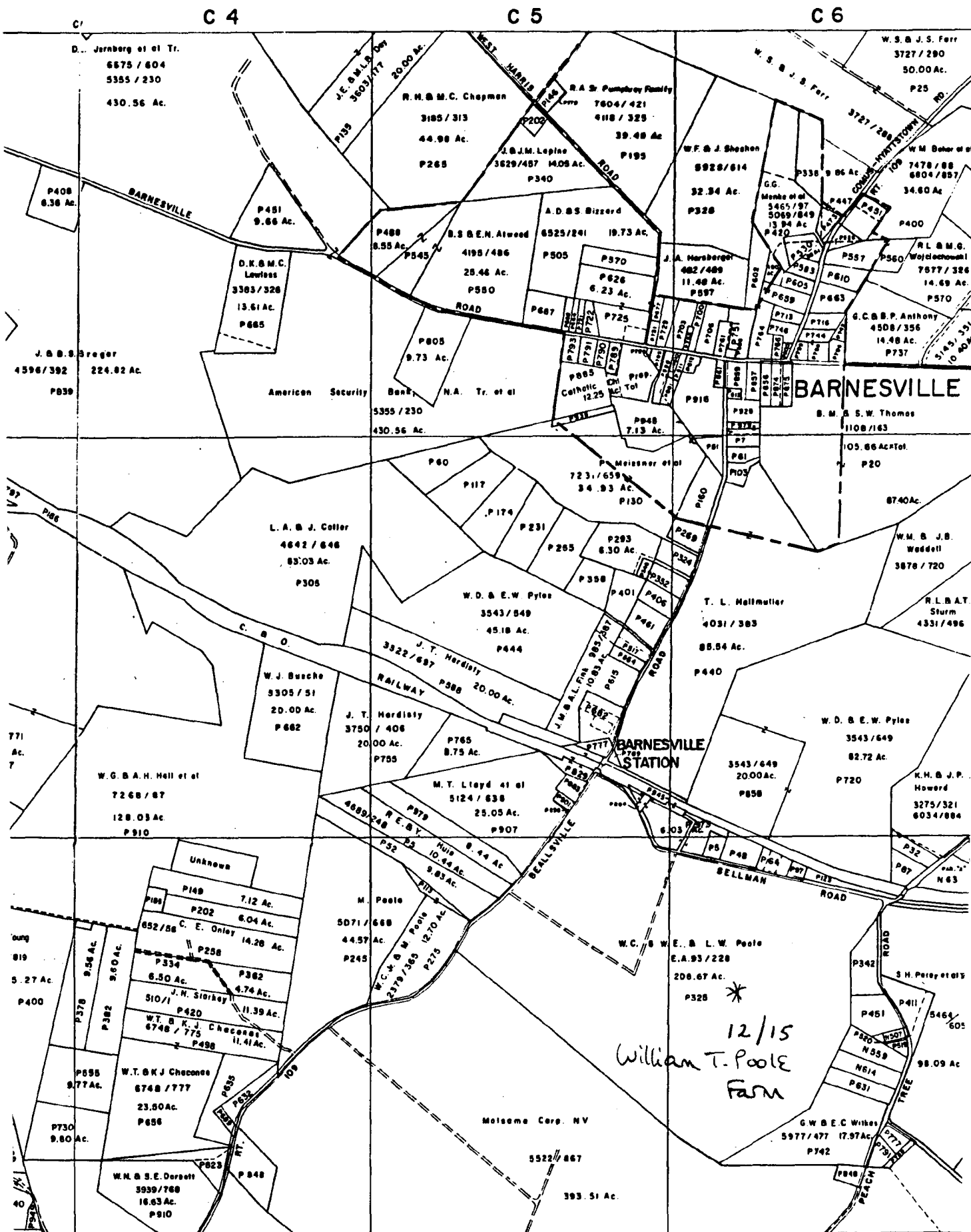
Map compiled on February 19, 1999 at 10:27 AM

MALSAMA

VICINITY MAP
SCALE: 1" = 2,000'



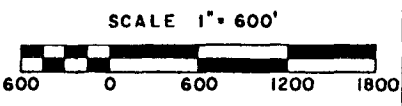
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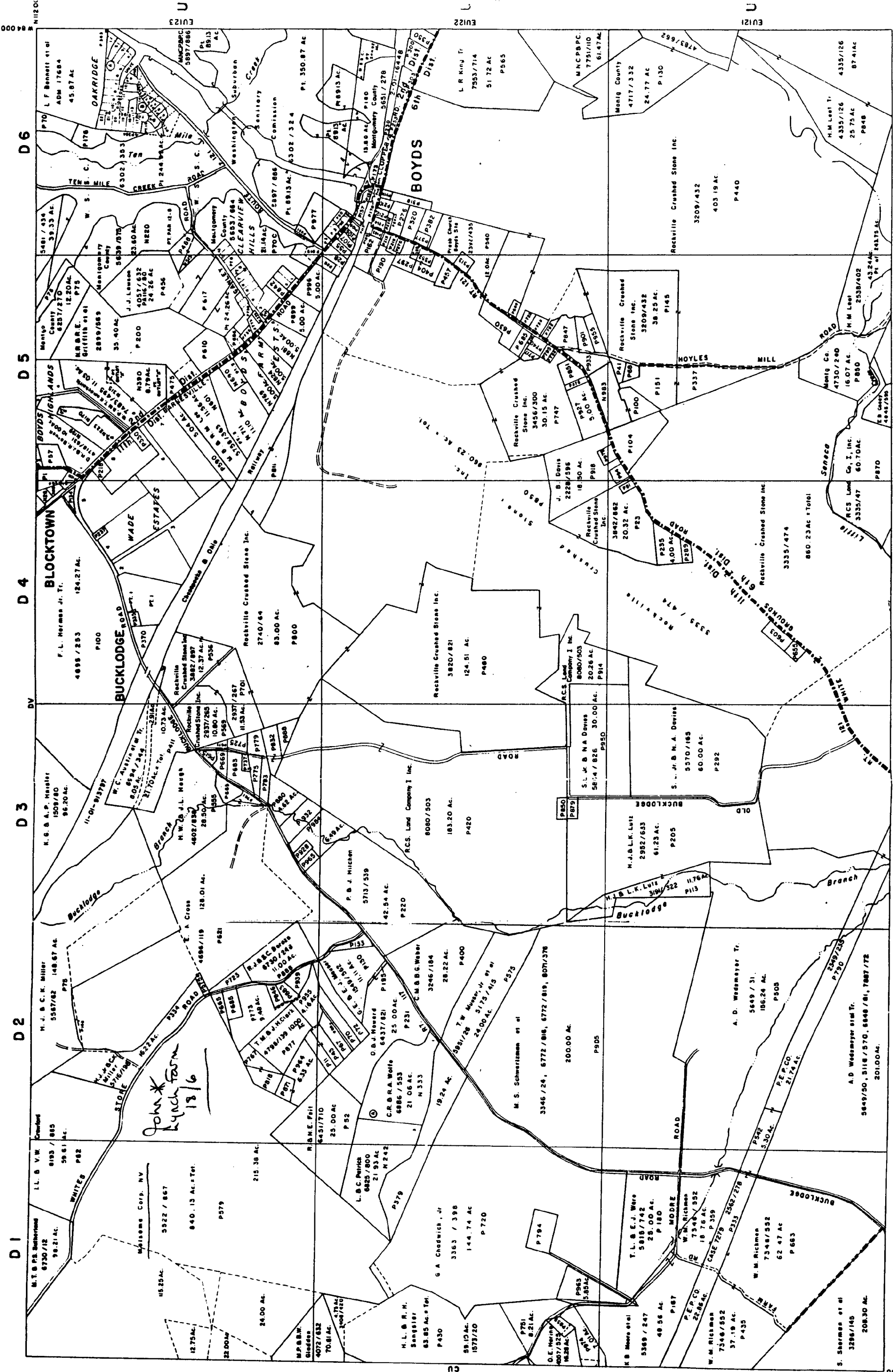
T BY STATE DEPARTMENT
 SMENTS & TAXATION,
 SUPERVISOR OF ASSESSMENTS,
 IERY COUNTY, MARYLAND



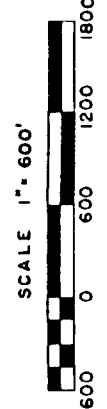
DIST.	CURRENT TO
3	7-1-88
11	7-1-88



Map CV



Map DU



DIST.	CURRENT TO
2	7-1-88
6	7-1-88
11	7-1-88



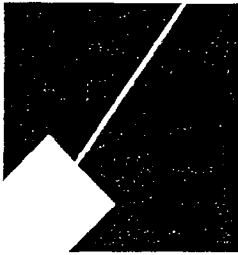
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LEGEND
 - - - - - ELECTION DISTRICT BOUNDARY
 - - - - - CORPORATE BOUNDARY
 P-768 PARCEL NO. IS USED FOR OWNERSHIP IDENTIFICATION AND MUST BE PRECEDED BY GRID REFERENCE READING

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N 100 000

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

*Location Atlas
1876
John Lynch
also
write Steve Ed 13
Lustica*

FROM: Development Review Division, M-NCPPC

NAME: MALSAMA

FILE No.: 7-99032

Enclosed please find the information checked below. This material will be discussed at the Development Review Committee meeting of 3/1, 1999 (no meeting scheduled if blank).

- New Preliminary Plan application with supporting material as appropriate
- Supporting material for previously reviewed Preliminary Plan
- Revised Preliminary Plan drawing
- New Pre-Preliminary Plan application
- Request for Waiver
- Discussion Item
- Comments due by _____
- Planning Board date (if available) _____ (date subject to change)

*Check w/15
w/ At
PDR (w/m.T.)
Farm
Farm to North
of Subject
Property*