



## Kensington Heights, Site Plan 820130140

---

CM

Crystal Myers, Senior Planner, Area 2 Division, [Crystal.Myers@montgomeryplanning.org](mailto:Crystal.Myers@montgomeryplanning.org), 301-495-2192

KA

Khalid Afzal, Planner Supervisor, East County Team, Area 2 Division, [Khalid.Afzal@montgomeryplanning.org](mailto:Khalid.Afzal@montgomeryplanning.org), 301-495-4650

GK

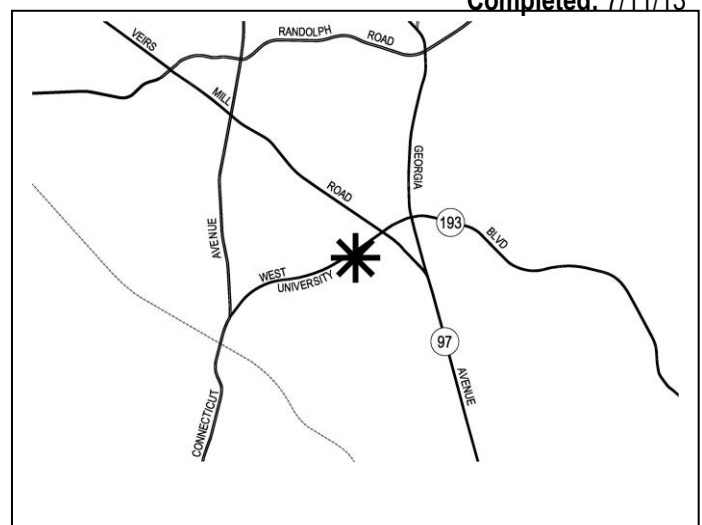
Glenn Kreger, Chief, Area 2 Division, [Glenn.Kreger@montgomeryplanning.org](mailto:Glenn.Kreger@montgomeryplanning.org), 301-495-4653

---

### Description

Completed: 7/11/13

- Request for the construction of 26 dwelling units;
- Located at the southern corner of the intersection of University Boulevard West and Valley View Avenue in the *Wheaton Central Business District and Vicinity Sector Plan*;
- Subject Property is 3.02 acres in the RT-8 Zone;
- Applicant: Kensington Heights 2, LLC
- Submitted Date: February 8, 2013



### Summary

- Staff recommends approval of the Site Plan with conditions.
- The Site Plan approval includes approval of the Final Forest Conservation Plan.
- Applicant is proposing a tot lot that does not fully meet the Recreation Guidelines but Staff supports it for the reasons discussed in the report.

## RECOMMENDATIONS AND CONDITIONS

Staff recommends approval of Site Plan 820130140, Kensington Heights, for one single-family dwelling and twenty-five townhouses including four moderately priced dwelling units on the Subject Property. All site development elements as shown on the site plan, landscape plan, and lighting plan, stamped by M-NCPPC on June 20, 2013, are required except as modified by the following conditions:

### Conformance with Previous Approvals

1. Development Plan Binding Elements

The development must comply with the binding elements of the Local Map Amendment G-877, approved by the County Council on November 9, 2009, Resolution No. 16-1189.

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of the approved Resolution for Preliminary Plan 120100290, unless amended and approved by the Planning Board. This includes but is not limited to all references to density, right-of-way, dedications, easements, transportation conditions, Department of Permitting Services Right-of-Way and Department of Permitting Services stormwater conditions.

### Environment

3. Final Forest Conservation Plan

The development must comply with the conditions of the approved Final Forest Conservation Plan. The Applicant must satisfy all conditions prior to the recording of a plat(s) or to the issuance of sediment and erosion control permit by the Montgomery County Department of Permitting Services.

- a) Prior to any demolition, clearing, or grading, the Applicant must obtain legal Staff approval of a Certificate of Compliance Agreement for use of an M-NCPPC-approved offsite forest mitigation bank to satisfy the afforestation requirement.

4. Noise Attenuation

- a) Prior to Certified Site Plan provide M-NCPPC staff with a certification from an engineer specialized in acoustics that the building shell for lots 2 through 13 has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The builder commits to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the acoustical engineer in advance of installation.
- b) Noise levels must be no more than 65 dBA Ldn for areas of common outdoor activity.
- c) After construction is complete, and prior to use-and-occupancy permits for lots 2 through 13, the builder must provide M-NCPPC staff a certification from an engineer specialized in acoustics confirming that interior noise levels do not exceed 45 dBA Ldn.

5. Stormwater Management

The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Services- Water Resources Section ("MCDPS") in its letter dated June 7, 2013, and does hereby incorporate them as conditions of the Site Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS provided that the amendments do not conflict with the other conditions of the Site Plan approval.

## **Parks, Open Space & Recreation**

### **6. Common Open Space Covenant**

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the 20th building permit that Applicant's recorded Homeowners Association Documents incorporate the Covenant by reference.

### **7. Recreation Facilities**

- a) Provide one tot lot and one picnic/sitting area as shown on the proposed Site Plan.
- b) The development must meet the square footage requirements for all of the applicable recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines, except for the minimum recommended setback for tot lots in the Recreation Guidelines as shown in the proposed Site Plan.

## **Transportation**

### **8. Transportation**

- a) All sidewalks along Findley Road, Valley View Avenue and within the development must be provided as shown in the proposed Site Plan and must meet ADA standards.
- b) The Applicant must provide signage on private streets to prohibit on-street parking within the Subject Property except in designated areas to make sure Fire and Rescue access to all properties within the development is not impacted by residential and visitor parking.
- c) The Applicant must ensure that all necessary easements and dedications are provided to the sidewalks along University Boulevard and Findley Road.

### **9. Right-of-Way**

The Planning Board has accepted the recommendations of MCDPS - Right-of-Way Permitting and Plan Review Section ("MCDPS") in its letter dated June 26, 2013, and does hereby incorporate them as conditions of the Site Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS provided that the amendments do not conflict with the other conditions of the Site Plan approval.

## **Density & Housing**

### **10. Moderately Priced Dwelling Units (MPDUs)**

- a) The development must provide four (4) MPDUs on-site in order to use the optional method of development, in accordance with the requirements of Chapter 25A.
- b) The MPDU agreement must be executed prior to the release of any building permits.
- c) All of the MPDUs shall be on-site and in the location shown on the Site Plan.

## **Site Plan**

### **11. On-Site Lighting**

- a) The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential/commercial development.
- b) Deflectors shall be installed on all fixtures causing potential glare or excess illumination.
- c) Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting public roads and residential properties.
- d) The height of the light poles shall not exceed 16 feet including the mounting base.
- e) All on-site, down- light fixtures must be full cut-off fixtures.

12. Compatibility/Architecture

The fronts of the townhouses along the Findley Road cul-de-sac must maintain a single-family house appearance with one entrance per elevation as shown on the elevation drawings.

13. Landscape Surety

The Applicant shall provide a performance bond/surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a) Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.
- b) The amount of the bond/surety shall include plant material, on-site lighting, recreational facilities, and exterior site furniture within the relevant phase of development.
- c) Prior to issuance of the first building permit, the Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d) The bond/surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

14. Development Program

The applicant must construct the development in accordance with a development program that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan. The development program must include the following items in the phasing schedule:

- a) Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices
- b) Private street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next planting season.
- c) On-site amenities including, but not limited to, sidewalks, landscaping, benches, recreational equipment, and trash receptacles must be installed prior to issuance of the 20<sup>th</sup> use-and-occupancy permit.
- d) Phasing for installation of on-site landscaping and lighting.
- e) Phasing of stormwater management, sediment and erosion control, and other features.

15. Certified Site Plan

The Certified Site Plan must include the following:

- a) The Final Forest Conservation Plan approval, Stormwater Management concept approval development program, inspection schedule, and Site Plan Resolution on the approval or the cover sheet.
- b) A note stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c) The data table must reflect development standards enumerated in the Staff Report.
- d) Consistency of all details and layout between Site Plan and Landscape Plan.

**PROJECT DESCRIPTION**

Site Vicinity and Description

The 3.02-acre Subject Property, zoned RT-8, is identified as Outlot B in the Kensington Heights subdivision and is currently undeveloped. It is located in the southern corner of the intersection of University Boulevard West and Valley View Avenue. The property is bounded by University Boulevard West to the northwest and Valley View Avenue to the northeast. South of the property are R-60 zoned single-family detached houses. North and east of the property is the Westfield Wheaton Shopping Mall (Wheaton Mall) and about a half-a-mile further east is the Wheaton Metro Station.

**Vicinity Map**



## Site Map



## Previous Approvals

### *Development Plan*

The Montgomery County Council approved Local Map Amendment G-877 on November 10, 2009, which changed the site's R-60 and C-T zoning to RT-8. The approved Development Plan allows for up to 27 single-family and townhouse lots and contains seven binding elements which are listed later in this report on page 12.

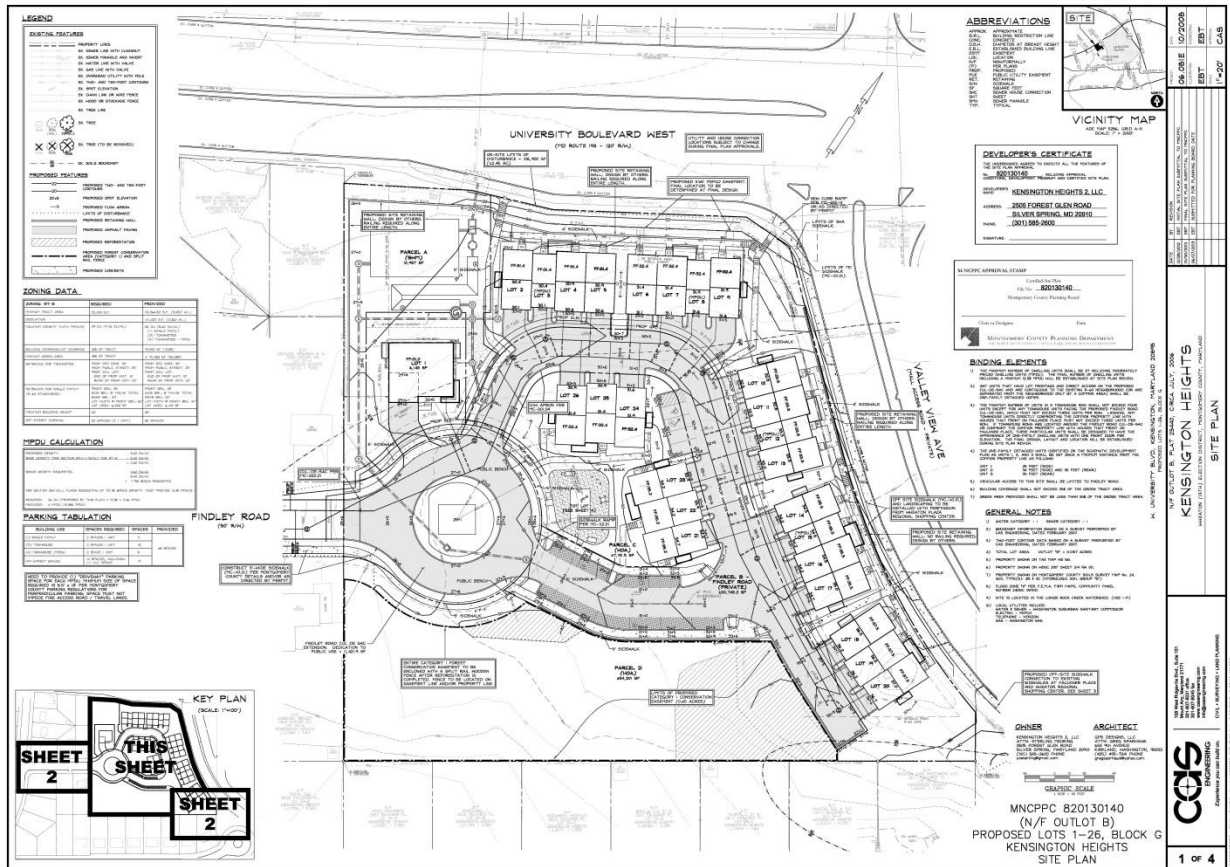
### *Preliminary Plan*

On May 25, 2011, the Planning Board approved Preliminary Plan 120100290 with conditions, which allowed 25 townhouse lots and one detached single-family house lot on the site (Resolution 11-28).

## Proposal

The Applicant is proposing to improve the site with 25 townhouses and one single-family detached house. Four of the proposed townhouses will be moderately priced dwelling units (MPDUs). The project will also include a seating area and a tot lot for both residents and the general public. However, the proposed tot lot does not fully meet the Recreation Guidelines for recommended setback from nearby buildings and streets as described later in this report.

## Proposed Site Plan



## PROJECT ANALYSIS

### Zoning

The proposed Site Plan has been submitted in compliance with Zoning Ordinance *Section 59-C-1.75, Procedure for application and approval*, which requires all developments in the RT-8 Zone to submit and receive approval of a Site Plan in accordance with Section 59-D-3. The Applicant is using the MPDU optional method of development. The following table shows the Site Plan's conformance to the development standards of the RT-8 Zone:

**Table 1: Applicable Development Standards – Optional Method, RT-8 Zone**

Development Standards	Required	Provided
<b>Minimum Tract Area: (59-C-1.731a)</b>	20,000	131,364.52 (3.02 Ac.)
<b>Maximum number of units (Local Map Amendment G-877)</b>	27	26
<b>Minimum Building Setbacks (for the Townhouse portion of the development) (59-C-1.732)</b>		
From any single-family dwelling lot or land classified in a one-family, detached, residential zone.	30'	30'
From a public street	25'	25'
From an adjoining lot:		
(1)Side (end unit)	10'	10'
(2)Rear	20'	20'
<b>Minimum Building Setbacks (for the one single-family detached unit) (R-60 Standards, (59-C-1.323))</b>		
Minimum Setback from Street:	25'	25'
Minimum Side Yard Setback:	8 ft. one side, 18 ft. sum of both sides	8' one side, 18' sum of both sides
Minimum Rear Yard Setback:	20'	20'
<b>Lot Area and Width (for the one single-family unit): (R-60 Standards) (59-C-1.322)</b>		
Minimum Lot Area	6,000	6,143 sq. ft.
Minimum Lot Width at Street Line	25'	60.7'
Minimum Width at Front Building Line	60'	67'
<b>Coverage and Green Area (for townhouses) (59-C-1.734)</b>		
Maximum Building Coverage	40%	14.8% (19,500 sq. ft.)
Minimum Green Area	45%	55.08% (72,356 sq. ft.)
<b>Minimum Required Parking Spaces (59-C-1.735)</b>	52 spaces (2 spaces/DU)	68 spaces



## Master Plan

The proposed development's Preliminary Plan 120100290 and Development Plan G-877 were found to be in substantial conformance with the 1990 Approved and Adopted *Wheaton Central Business District and Vicinity Sector Plan*. However, since these plans were approved the Sector Plan has been updated.

The Subject Property is within the 2012 Approved and Adopted *Wheaton CBD and Vicinity Sector Plan*. The Sector Plan has no specific guidance or discussion of the Subject Property or the vicinity. The Subject Property is within the residential areas surrounding the Plan's mixed-use districts in the core (page 42, the districts). On page 58, in its "Existing Neighborhoods surrounding the Districts" section, the Sector Plan states that it wants to protect the existing neighborhoods. The proposed development is consistent with the Sector Plan's guidance for this area

## Landscaping and Lighting Plan

The proposed Landscaping Plan shows that a mix of shrubs and large shade and ornamental trees will be used throughout the site. The shade trees will primarily be located around the cul-de-sac and the ornamental trees will be in the center of the development and along the sidewalks. The shrubs will mostly be along the sidewalks on University Boulevard West and Valley View Avenue.

The proposed Lighting Plan shows traditional residential street lamps throughout the property. In some areas the illumination levels are slightly higher than 0.5 foot candles (fc) along property lines abutting public roads and residential properties. And, the proposed lights are partial cut-off, not full cut-off to reduce light pollution on neighboring properties. Staff recommends that all outdoor lights be the full cut-off lights.

## Transportation

### ***Vehicular Site Access Point***

Vehicular access to the proposed development will be provided by an extension of Findley Road onto the Subject Property terminated in a cul-de-sac just inside the western property line. The single-family detached dwelling will have driveway access from the cul-de-sac. A private loop street, starting from and ending at the proposed cul-de-sac, will provide access to the townhouses.

### ***Parking***

The one single-family detached dwelling will have a driveway and a garage for parking. Each of the townhouses will have a garage for two vehicles, except for the four MPDU townhouses, each of which will have a one-car garage and one parking space along the private street for a second car. In addition, there will be 14 on-street parking spaces (including one handicap parking space).

In order to keep vehicular access for fire and rescue trucks clear of any obstructions or intrusions, private vehicles must not be allowed to park in undesignated areas along the rear of the market rate townhouses. Therefore, "No Parking" signs must be provided along the private road.

### ***Public Transit Service***

The proposed development is located approximately half-a-mile from the Wheaton Metrorail Station. Ride-On route 34 provides service along University Boulevard West between Aspen Hill and the Friendship Heights Metrorail Station.

### ***Sector-Planned Roadway and Bikeway***

University Boulevard West is designated as a Major Highway (M-19) in the 2012 Approved and Adopted *Wheaton CBD and Vicinity Sector Plan*. Valley View Avenue is a private road maintained by the Wheaton Mall and includes a signed shared roadway (LB-5) as designated by the Sector Plan, on page 67. Findley Road is a local tertiary residential street, not a designated master plan road in the Sector Plan.

### ***Pedestrian Access and Facilities***

Pedestrian access will be provided by sidewalks on Findley Road, University Boulevard West, and Valley View Avenue, and walkways leading into the site from those streets.

There are currently no sidewalks along Findley Road. The proposed development will construct a sidewalk along the south side of Findley Road from Drumm Avenue east to their property line, and continue it around the cul-de-sac and along parts of the internal private road to provide access to the recreation amenities and townhouse entrances. The Applicant will construct a sidewalk along the Valley View Avenue frontage of the property. All sidewalks must be a minimum of five feet wide and be ADA compliant. The sidewalks and ADA ramps must be approved by the Department of Permitting Services at the time of the building permit.

The sidewalks along Valley View Avenue will be constructed within the private road right-of-way maintained by the Wheaton Mall. The Applicant must coordinate the construction of the sidewalk with the Mall.

### **Environment**

On May 25, 2011, the Planning Board approved a Preliminary Forest Conservation Plan (PFCP) (#120100290) with a variance request for the Subject Property to impact and remove specimen trees. The PFCP, based on the use of the optional method of development in the RT-8 Zone, allowed the Applicant to meet the minimum on-site forest retention requirement of 0.65 acres through a combination of on-site forest retention and on-site reforestation.

### ***Environmental Guidelines***

The Property is currently undeveloped and partially forested. As depicted on the Natural Resource Inventory/Forest Stand Delineation (#420072150) approved on June 27, 2007 and recertified on November 30, 2009, the Property contains 1.02 acres of forest, but no wetlands, streams, 100-year floodplains, or stream valley buffers, and does not contain any rare, threatened, or endangered species. There are no steep slopes or highly-erodible soils on-site.

The property is located in the Lower Rock Creek watershed designated as Use Class I-P Waters<sup>1</sup> by the State of Maryland. There are 15 specimen trees on-site.

---

<sup>1</sup> Use I-P - Waters that are suitable for: water contact sports; play and leisure time activities where the human body may come in contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply, industrial water supply, and public water supply.

### ***Final Forest Conservation Plan***

This Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code), and a Final Forest Conservation Plan (“FFCP”) has been submitted for Planning Board approval. The Applicant is proposing the use of the optional method of development in the one-family RT-8 Zone; and therefore, a minimum amount of forest, which in this case is 0.65 acres, must be retained on-site per Section 22A-12(f)(2)(B). The proposed FFCP provides the maximum possible on-site forest retention in combination with on-site reforestation by retaining 0.47 acres of forest and planting 0.18 acres of reforestation to meet the applicable conservation threshold of 0.65 acres, required by Section 22A-12(f)(2)(B) and (f)(3). The 0.65 acres will be placed in a Category I Conservation Easement.

The FFCP also requires planting of 0.46 acres. The Applicant is meeting this requirement by planting the 0.18 acres of forest (counted as on-site reforestation above) and purchasing 0.28 acres in an off-site forest conservation bank.

### ***Noise***

The Applicant prepared a Traffic Noise Impact Analysis, dated October 12, 2010, for the Subject Property to assess the current and projected 2030 outdoor noise levels. A noise analysis is necessary to determine the projected interior and exterior noise levels requiring mitigation for residential units and outdoor recreational areas along University Boulevard West and Valley View Avenue. The Montgomery County “Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development” stipulate a 65 dBA Ldn maximum noise level for outdoor recreation areas and 45 dBA Ldn for indoor areas.

The Noise Analysis for this property indicates that future unmitigated traffic noise levels above 65 dBA Ldn will impact Lots 2-13. Consistent with the noise guidelines, dwelling units that are impacted by traffic outdoor noise levels over 65 dBA Ldn should have interior noise no greater than 45 dBA, Ldn. Most residential units meet the interior noise level through current construction methods, but, on occasion, additional acoustical noise mitigation is necessary. The additional mitigation may include special materials and additional construction measures of the building shell to attenuate exterior noise levels to acceptable levels inside the dwelling units. The Traffic Noise Impact Analysis dated October 12, 2010 does not address interior noise levels and does not provide recommendations for mitigation measures necessary to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. Therefore, prior to the Certified Site Plan, the Applicant must submit certification from an engineer that specializes in acoustical treatment that the building shell for the residential dwelling units will attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

For residential lots, the noise guidelines identify recreational backyards as noise sensitive areas where residents should be able to enjoy the use of outdoor areas free of the annoyance and hazards associated with high noise levels. In addition, the guidelines identify outdoor residential noise guidelines, which vary depending on where the affected site is located in the County. The Subject Property is located within the “urban ring” and the recommended outdoor noise guideline level for outdoor use in this area is 65 dBA, Ldn.

The projected noise levels for the outdoor areas and the tot lot are at or below 65 dBA, Ldn without any noise mitigation. Therefore, no additional noise mitigation measures are necessary.

### ***Stormwater Management***

Montgomery County Department of Permitting Services-Water Resources Section (“MCDPS”) originally reviewed and approved the stormwater management concept for this project on December 9, 2009 during the Preliminary Plan process. Since then, the review process has changed to include Environmental Site Design (ESD) requirements and the project had to be reviewed again.

MCDPS issued a letter accepting the Stormwater Management Concept for the Subject Property on June 7, 2013 (Attachment B). The Stormwater Management Concept proposes to meet required stormwater management goals via ESD to the Maximum Extent Practicable (MEP) with the use of microbioretention/planter boxes, landscape infiltration, and porous pavement. Additional treatment is provided via a volume based proprietary filter structure.

### **Community Outreach**

On June 10, 2013 the Applicant submitted to Staff a letter from Aaron Garnett, Kensington Heights Community Association Acting Liaison in support of the location of the tot lot at the end of driveway/alley in the eastern corner of the site along Valley View Avenue. Staff did not think that was the best location for a tot lot and discussed an alternate location near the cul-de-sac in a more visible location on the Property. The Kensington Heights Citizens Association (KHCA) representatives agreed with the staff and now support the relocation of the tot lot to the center of the site.

### **Compliance with Binding Elements from Local Map Amendment G-877**

The proposed Site Plan complies with all the applicable binding elements of County Council Resolution No. 16-1189 approving Local Map Amendment G-877, approved on November 10, 2009, rezoning the Subject Property from R-60 and C-T to RT-8. The resolution contains the following seven binding elements:

- 1. The maximum number of dwelling units shall be 27 including moderately priced dwelling units (MPDUs). The final number of dwelling units including a minimum of 12.5% MPDUs will be established at site plan review.*

Preliminary Plan 120100290 restricts the Subject Property to 26 dwelling units. And, the Site Plan is providing 4 MPDUs which is 13.3% of the total development.

- 2. Any units that have lot frontage and direct access on the proposed cul-de-sac and are contiguous to the existing R-60 neighborhood (or are separated from that neighborhood only by a common area) shall be one-family detached homes.*

Lot 1, the only unit with lot frontage and direct access off of the proposed cul-de-sac, is a one-family detached home.

- 3. The maximum number of units in a townhouse row shall not exceed four units except for any townhouse units facing the proposed Findley Road cul-de-sac, which must not exceed three units per row. Likewise, any townhouse units directly confronting the common property line with houses that front on Faulkner Place must not exceed three units per row. If townhouse rows are located around the Findley Road cul-de-sac or confront the common property line with houses that front on Faulkner Place, these particular units shall be designed to have the appearance of one-family dwelling units with one front door per elevation. The final design, layout, and location will be established during site plan review.*

None of the proposed townhouse rows exceed four units. The townhouses facing the Findley Road cul-de-sac are in three-unit rows. These townhouses will have the appearance of one-family dwelling units with one front door per elevation.

4. *The one-family detached units identified on the Schematic Development Plan as Units 1, 2, and 3 shall be set back a minimum distance from the common property line as follows:*
  - Unit 1: 25 feet (side)*
  - Unit 2: 30 feet (side) and 35 feet (rear)*
  - Unit 3: 35 feet (rear)*

Unit 1 on the approved Development Plan is now Lot 1 on the proposed Site Plan. It is setback over 25 feet from the common property line. Units 2 and 3 were removed during the Preliminary Plan review.

5. *Vehicular access to this site shall be limited to Findley Road.*  
The site's only vehicular access is from Findley Road.
6. *Building coverage shall not exceed 25% of the gross tract area.*  
The proposed Site Plan indicates 14.8% building coverage.
7. *Green area provided shall not be less than 55% of the gross tract area.*  
The proposed Site Plan is providing 55.08% green area.

## **SITE PLAN FINDINGS**

Section 59-D-3.4. (c) of the Zoning Ordinance states that the Planning Board, in reaching its decision, must require that:

- (1) *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan;*

The Site Plan conforms to all non-illustrative elements of Local Map Amendment G-877 development plan as discussed in the section above.

- (2) *The Site Plan meets all of the requirements of the zone in which it is located and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed residential uses are allowed in the RT-8 Zone. The proposed Site Plan, with the staff's recommended conditions of approval, meets all the requirements of the zone as shown by the data analysis table on page 8 of this report.

The Subject Property is not in an urban renewal area.

- (3) *The locations of building and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;*

The proposed Site Plan locates the housing along Findley Road cul-de-sac, University Boulevard West and Valley View Avenue. Staff finds that this location is adequate and efficient and poses no safety concerns.

***Open Space***

The main open public space is provided in the center of the property and includes a tot lot. The location of the space in the center of the property in front of two rows of townhouses provides for easy access and visibility. The other open space area is the proposed seating area in the southeast corner of the site. There will be two entrances to it: One from Valley View Avenue and the other through the development via a walkway.

***Landscaping***

The Proposed Site Plan locates large shade trees around Findley Road cul-de-sac. Smaller ornamental trees will be located throughout the site and along Valley View Avenue and University Boulevard West. Staff finds that the open space and landscaping on the site are adequate, safe and efficient.

***Pedestrian and Vehicular Circulation***

The proposed development will provide a sidewalk along the extension of Findley Road leading from the cul-de-sac to a new sidewalk to be constructed by the applicant along Valley View Avenue (near the Wheaton Mall entrance off of University Boulevard West). In addition to the Valley View Avenue sidewalk, the Site Plan is also proposing another off-site sidewalk along the south side of Findley Road from Drumm Avenue east to the site's property line (and continuing into the site around the cul-de-sac). These sidewalks will improve pedestrian access in the area. Vehicular circulation on the site meets County standards. Pedestrian and vehicular circulation are adequate, safe, and efficient.

***Recreational Facilities***

The proposed development is providing a sufficient amount of recreational facilities to serve all age ranges. Along with the on-site sidewalks and the natural area created by the .65-acre conservation easement, the project is meeting its recreation requirements by providing a seating area and a tot lot. The proposed seating area, located on the southeast section of the site, will consist of two benches and a pedestrian path.

The proposed tot lot is located in the center of the property and will include play equipment, benches, and trash receptacles. The tot lot meets the area and dimensional requirements of the Recreation Guidelines but it is not meeting all of the Guidelines' setback requirements. According to the Guidelines, the tot lot playground equipment must be setback at least 30 feet from any building or curb. The equipment is appropriately setback on every side of the tot lot except for the side closest to the private street off of the cul-de-sac. On this side, the equipment is setback 23 feet from the curb instead of the recommended 30 feet.

Staff recognizes that the proposed tot lot does not meet all of the setbacks specified in the Recreation Guidelines; however, the center of the site is the best location for a tot lot because it is the most visible and most accessible location for all users. The proposed tot lot is approximately 1,550 square feet and is significantly larger than the minimum size of 1,000 square feet recommended by the Guidelines. Requiring the recommended setback from the curb will cause a reduction in the number of residential units, which is not desirable in this Metro accessible location. The proposed tot lot is near an internal dead-end street with no through traffic, and any potential noise from the tot lot will likely not be significant enough to cause any disturbance to the adjacent residents. And the only setback not meeting the Recreation Guidelines recommendation is along an internal private road where the traffic volume will not be significant enough to cause any safety concerns for children. Staff recommends approval of the tot lot at the proposed location.

The proposed Site Plan is receiving off-site credits for the site's close proximity (within one-half of a mile) to Kensington Heights Local Park. The Recreation Guidelines allow off-site credits for recreation facilities in a public park within one mile of a site.

As conditioned, the recreational facilities are adequate, safe, and efficient.

- (4) Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development; and*

The proposed Site Plan fulfills the intent of the RT-8 Zone by providing a townhouse development that serves as an effective transition between residential and commercial developments. The proposed development uses site design techniques such as topography, setbacks and forested buffers to achieve compatibility with the surrounding area. The Site Plan is proposing a single-family detached house (lot 1) adjacent to the existing single-family dwellings on Findley Road. The 0.65-acre forest conservation easement area along the southeastern property line, next to single-family houses along Faulkner Place, serves as a buffer between the proposed townhouses and the single-family houses along Faulkner Place. Additionally, the binding elements established in G-877 require that the proposed development maintain compatibility with surrounding single-family neighbors by designing the townhouses fronting on Findley Road cul-de-sac to have a single-family house appearance by having only one entrance on each side of the rows of three townhouses.

- (5) The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resources protection, and any other applicable law.*

The proposed Site Plan is in compliance with the Environmental Guidelines, Chapter 22A of the Montgomery County Forest Conservation Law. The Planning Board approved a Preliminary Forest Conservation Plan (#120100290) on May 25, 2011. The Final Forest Conservation Plan, as part of this Site plan approval, is consistent with the approved PFCP.

Based on a review by the Department of Permitting Services staff, the stormwater management concept for the site is acceptable. As mentioned earlier, the stormwater management concept proposes to fulfill the required stormwater management goals through the use of microbioretention/planter boxes, landscape infiltration, and porous pavement. Additional treatment is provided via a volume based proprietary filter structure.

**Attachments**

Attachment A: Preliminary Plan Resolution

Attachment B: DPS Stormwater Management Concept Approval

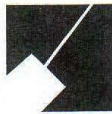
Attachment C: DPS Right-of-Way Section Approval E-mail

Attachment D: Department of Housing and Community Affairs Approval Memo

Attachment E: Fire Marshal Approval Letter

Attachment F: Final Forest Conservation Plan





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

MAY 25 2011

**MCPB No. 11-28**  
**Preliminary Plan No. 120100290**  
**Kensington Heights**  
**Date of Hearing: April 14, 2011**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on May 20, 2010, Kensington Heights 2, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 27 lots on 3.02 acres of land in the RT-8 zone, located in the southwest quadrant of the intersection of University Blvd and the Wheaton Plaza access road ("Property" or "Subject Property"), in the Wheaton Central Business District and Vicinity Sector Plan area ("Sector Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120100290, Kensington Heights ("Preliminary Plan" or "Application"); and

WHEREAS, on March 10, 2011, Applicant submitted a revision of the Preliminary Plan that would create 26 lots on the Subject Property; and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated April 1, 2011, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on April 14, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to  
Legal Sufficiency:

*Christina Sorrento* 5/10/11

8787 Georgia Avenue, N.C. Legal Department 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

WHEREAS, on April 14, 2011, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Dreyfuss; seconded by Commissioner Presley; with a vote of 5-0, Commissioners Alfandre, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120100290 to create 26 lots on 3.02 acres of land in the RT-8 zone, located in the Wheaton Central Business District and Vicinity Sector Plan area, subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to 26 lots for 1 one-family detached dwelling unit and 25 townhouses, including 13.7% moderately priced dwelling units (MPDUs).
- 2) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable. Specific conditions include:
  - a. The final forest conservation plan must include a plan to remove and manage non-native and invasive plants within the forest retention and planting areas.
  - b. Any unpaved paths and/or seating within protected forest areas must be shown on the final forest conservation plan.
  - c. Specific numbers, sizes, species, and planting locations for native trees that receive landscape credits in the forest conservation plan worksheet will be determined at site plan.
- 3) The record plat must reflect a Category I conservation easement over all areas of forest retention and forest planting. The Category I conservation easement may be modified to allow for limited unpaved paths and/or seating areas within protected forest areas on the site.
- 4) Specific noise mitigation measures for private, outdoor use areas will be determined at site plan.
- 5) Prior to issuance of building permits for the affected units, the following must be submitted to M-NCPPC Staff:
  - a. Certification from an acoustical engineer that the building shell for the dwelling units on proposed Lots 2-13 (identified as proposed Lots 4-14 in the noise analysis report) have been designed to attenuate projected interior levels to or below 45 dBA, Ldn using projected 2030 traffic noise levels identified in the noise analysis report, dated October 12, 2010.
  - b. Signed, notarized commitment to construct the dwelling units on proposed Lots 2-13 (identified as proposed Lots 4-14 in the noise analysis report) in

accord with the acoustical design specifications contained in the building shell analysis. Any changes to the building shell construction that may negatively affect acoustical performance must be approved in writing by the acoustical engineer to provide acoustical attenuation for affected units to the same level as the specifications in the building shell analysis. A copy of the written approval must be provided to M-NCPPC Staff.

- 6) The Applicant must dedicate and the record plat must show dedication of approximately 11,030 square feet of right-of-way for the extension of Findley Road, as shown on the Preliminary Plan.
- 7) The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the Sector Plan and to the design standards imposed by all applicable road codes.
- 8) The Applicant must satisfy MCDPS requirements prior to recordation of the plat to ensure the construction of a five-foot-wide sidewalk along the Property frontage on the extension of Findley Road, unless construction is waived by MCDPS.
- 9) The record plat must reflect a public use and access easement over all private streets and adjacent parallel sidewalks and all sidewalks that connect between a private street and either University Boulevard or the Wheaton Plaza access road.
- 10) The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 11) The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant must provide verification to Commission Staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate the Covenant by reference.
- 12) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated December 22, 2009. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 13) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated September 13, 2010. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 14) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 15) No clearing, grading or recording of plats prior to certified site plan approval.
- 16) The final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan.
- 17) In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or right-of-way location, width, or alignment, the Applicant must

- obtain approval of a preliminary plan amendment prior to certification of the site plan.
- 18) The Applicant must comply with the binding elements of County Council Resolution No. 16-1189 approving Local Map Amendment G-877.
  - 19) Consistent with condition #1 above, the final number of MPDU's will be determined at the time of site plan.
  - 20) 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 during the site plan process. 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."
  - 21) Prior to certification of the Preliminary Plan, the plan drawing must be amended to specify a parcel letter for the common open space along the outside perimeter of the Subject Property.
  - 22) The record plat must show necessary easements.
  - 23) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

BE IT FURTHER RESOLVED, that having given full consideration to 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, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

*1. The Preliminary Plan substantially conforms to the Sector Plan.*

The 1990 Wheaton Central Business District and Vicinity Sector Plan recommends low intensity residential uses for the Subject Property. The Property was rezoned in 2009 to RT-8, despite a recommendation in the Sector Plan for the RT-6 and C-T zones. Notwithstanding the recommendation in the Sector Plan, the hearing examiner and the County Council found that the proposed development and RT-8 zoning were in substantial conformance with the intent of the Sector Plan.

Specifically, the Sector Plan states on page 46 that "low intensity new developments [in this area] are encouraged to buffer existing single-family residences from adverse effects associated with major traffic arteries." The

Application will accomplish this goal by providing buffering for existing dwellings from University Boulevard and the Wheaton Plaza access road.

The Sector Plan also recommends on page 48 the use of "Townhouse and Planned Development zoning. This zoning would encourage the development of a variety of housing types on individual parcels. Higher density development should be sited closer to the Metro station, to the business district, and to major roads. Lower density development (primarily single-family homes) would be developed adjacent to existing single-family areas." The proposed subdivision meets this goal by providing higher density townhouse residential development adjacent to University Boulevard and the Wheaton Plaza mall (i.e., closer to the business district and major roads).

The Proposed Street and Highway Plan on page 96 of the Sector Plan shows that Findley Road should be extended onto the Subject Property and ended in a cul-de-sac. The Application accomplishes this objective.

Based on the above, the Planning Board finds that the Preliminary Plan substantially conforms to the recommendations of the Sector Plan.

- 2. Public facilities will be adequate to support and service the area of the proposed subdivision.*

#### Roads and Transportation Facilities

Vehicular access to the proposed subdivision will be provided by an extension of Findley Road onto the Subject Property. Findley Road will be terminated in a cul-de-sac just inside the western property line. The one one-family detached dwelling will have driveway access from the cul-de-sac. A private loop street, with two entrances from the proposed cul-de-sac will provide access to the townhouses. Pedestrian access will be provided by sidewalks on Findley Road, University Boulevard, and the Wheaton Plaza access road, and walkways leading into the site from those streets.

The Application does not generate 30 or more vehicle trips during the morning or evening peak hours. Therefore, the Application is not subject to Local Area Transportation Review. To satisfy the Policy Area Mobility Review (PAMR) requirements of the Adequate Public Facilities (APF) test, any development located within the Kensington/Wheaton Policy Area is required to mitigate 10 percent of its new peak-hour trips. The Application, as a result of being located within a Metro Station Policy Area (MSPA), is estimated to generate 18 percent fewer trips compared to similar uses located outside an MSPA and, therefore,

satisfies the 10 percent PAMR trip mitigation requirement. Based on the above finding, the Application satisfies the PAMR requirements of the APF test.

Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

#### Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services, are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the Property. Electrical, telecommunications, and gas services are also available to serve the Property.

- 3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

A private street is proposed to provide access to and frontage for the 25 townhouse lots. Section 50 29(a)(2) of the Subdivision Regulations requires that lots must front on a street that has been dedicated to public use or that has acquired the status of a public street. The proposed private street meets the minimum standards necessary to make the finding that it has acquired the status of a public street. These standards, as previously applied by the Planning Board for townhouse lots, include a 20-foot pavement width, five-foot sidewalk width, an appropriate circulation pattern, and an appropriate paving cross-section. The road will also be placed within an easement that ensures it remains fully accessible to the public. Therefore, the Planning Board finds that the proposed private street has acquired the status of a public street.

The lots were reviewed for compliance with the dimensional requirements for the RT-8 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan.

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

#### Preliminary Forest Conservation Plan

As required by the County Forest Conservation Law (Section 22A of the County code), a Preliminary Forest Conservation Plan (PFCP) was submitted with the Application.

The PFCP proposes to retain 0.47 acres and clear 0.55 acres of existing onsite forest. The reforestation requirement is 0.46 acres. The Applicant will meet this requirement through 0.18 acres of onsite reforestation, 0.09 acres of onsite landscape credits, and 0.19 acres of offsite measures (reforestation at an offsite location or buying credits at a forest bank). The final offsite location will be determined with the Final FCP at Site Plan.

The PFCP includes a conceptual landscape plan that shows the general locations and species of native trees that may be planted within the subdivision and are proposed for use as landscape credits towards meeting part of the subdivision's reforestation requirement. The concept is acceptable, but the details of the species, amounts, planting locations, and allowed credit should be reviewed and determined at the site plan stage. Some of the landscaped areas may also be considered to be suitable as a visual screen for some of the residences from traffic noise on University Boulevard.

The Application is an optional method of development in the RT-8 zone, a one-family zone, and, therefore, a minimum amount of forest must be retained onsite. Section 22A-12(f) of the County Forest Conservation Law states:

- (1) General. Any site developed in an agricultural and resource area, any planned unit development, any site developed under a cluster or other optional method of development in a one-family residential zone, and any waiver from a zoning requirement for environmental reasons, must include a minimum amount of forest on-site as part of meeting its total forest conservation requirement.
- (2) Retention, reforestation and afforestation. Forest retention must be maximized where possible on each site listed in this subsection. At a minimum, on-site forest retention, and in some cases reforestation and afforestation, must be required as follows:

(B) In a planned unit development or a site development using a cluster or other optional method of development in a one-family residential zone, on-site forest retention must equal the applicable conservation threshold...

For the Subject Property, the applicable conservation threshold is 0.65 acres. The Forest Conservation Law allows for some flexibility of the above requirement for onsite forest retention. Section 22A-12(f)(3) states that "if the Planning Board or Planning Director, as appropriate, finds that forest retention required in this subsection is not possible, the applicant must provide the maximum possible on-site retention in combination with on-site reforestation and afforestation, not including landscaping." That is, if onsite forest retention cannot be used to partly or entirely meet the conservation threshold amount, then onsite forest planting may be used to meet this threshold amount.

Originally, the Applicant proposed a subdivision with 27 lots with no onsite forest retention and 0.44 acres of onsite forest planting. This proposal was not in conformance with Sections 22A-12(f)(2)(B) and (f)(3) and the Applicant would have had to request a waiver from these provisions.

However, the Applicant later revised the Preliminary Plan to delete one of the one-family detached lots, convert a second one-family detached lot into a townhouse lot, and re-arrange the remaining lots to create a 0.65-acre combined onsite forest retention and planting area. The revised layout does not provide the entire onsite forest through retention alone. This is because the density of the RT-8 zone, in combination with infrastructure requirements such as the full cul-de-sac at the public road termination on the site, limits the amount of forest retention that can occur onsite. The maximum possible forest retention is provided by the revised layout and is in conformance with Section 22A-12(f)(3).

The Preliminary Plan complies with the Forest Conservation Law's minimum onsite forest requirement for an optional method of development in a one-family residential zone (Section 22A-12(f)(2)(B)) and provides the maximum possible on-site forest retention in combination with onsite reforestation (Section 22A-12(f)(3)).

In order to protect the onsite forest, a modified Category I conservation easement will be placed over the retained forest area. The modified conservation easement would allow for a limited amount of unpaved paths and seating for use and enjoyment by the residents of the subdivision.



### Forest Conservation Variance

Section 5-1607(c) of the Natural Resources Article, MD Ann. Code identifies certain individual trees as high priority for retention and protection (Protected Trees). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone (CRZ), requires a variance under Section 22A-12(b)(3) of the County Code. Otherwise, such resources must be left in an undisturbed condition.

As more specifically identified in the Staff Report, this project will require eight Protected Trees, 30 inches and greater DBH to be removed. Further, the project will impact three Protected Trees that will not be removed. Therefore, a variance is required. Although the Applicant proposed tree preservation measures to help ensure that the Protected Trees with anticipated impacts survive construction, the variance is required simply due to the impact.

The Board made the following findings necessary to grant the Tree Variance:

- i. *Granting the Tree Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant because disturbance and removal of the specified trees are due to the development of the site, consistent with the density approved in the rezoning to RT-8. The trees and/or their critical root zones lie within the developable area of the site. Granting a variance request to allow land disturbance within the developable portion of a site is not unique to this Applicant. The Planning Board has granted variances to applicants of other sites for impacts or removal of large trees within the developable portion of these other sites.

- ii. *The need for the Tree Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The County Council determined that the Subject Property is appropriate for townhouse development and provides an appropriate transitional land use from the shopping center to the adjacent one-family detached residential development.

The extent and type of development on the site is based on the goal of the District Council to provide a transitional use on this site between the mall

and the residential uses. Therefore, the variance request is not based on the result from actions by the Applicant.

- iii. *The need for the Tree Variance is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the proposed development and not a result of land or building use on a neighboring property.

- iv. *Granting the Tree Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed or disturbed are not within a stream buffer, wetland, or a special protection area. A Stormwater Management Concept Plan has been approved by the Montgomery County Department of Permitting Services.

The Planning Board finds that with the conditions imposed by this Resolution the Preliminary Forest Conservation Plan complies with the requirements of Chapter 22A, the Montgomery County Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The MCDPS Stormwater Management Section approved the stormwater management concept on December 22, 2009. The stormwater management concept consists of onsite channel protection measures via underground storage; onsite water quality control via disconnects, infiltration filters, and a stormfilter; and onsite recharge via drywells and an infiltration trench.

6. *The Application complies with all applicable binding elements of County Council Resolution No. 16-1189 approving Local Map Amendment G-877.*

Local Map Amendment G-877 was approved on November 10, 2009, and rezoned the Subject Property from R-60 and C-T to RT-8. The resolution approving the local map amendment contains seven binding elements:

1. The maximum number of dwelling units shall be 27 including moderately priced dwelling units (MPDUs). The final number of dwelling units including a minimum 12.5% MPDUs will be established at site plan review.
2. Any units that have lot frontage and direct access on the proposed cul-de-sac and are contiguous to the existing R-60 neighborhood (or are separated from that neighborhood only by a common area) shall be one-family detached homes.
3. The maximum number of units in a townhouse row shall not exceed four units except for any townhouse units facing the proposed Findley Road cul-de-sac, which must not exceed three units per row. Likewise, any townhouse units directly confronting the common property line with houses that front on Faulkner Place must not exceed three units per row. If townhouse rows are located around the Findley Road cul-de-sac or confront the common property line with houses that front on Faulkner Place, these particular units shall be designed to have the appearance of one-family dwelling units with one front door per elevation. The final design, layout, and location will be established during site plan review.
4. The one-family detached units identified on the Schematic Development Plan as Units 1, 2, and 3 shall be set back a minimum distance from the common property line as follows:
  - Unit 1: 25 feet (side)
  - Unit 2: 30 feet (side) and 35 feet (rear)
  - Unit 3: 35 feet (rear)
5. Vehicular access to this site shall be limited to Findley Road.
6. Building coverage shall not exceed 25% of the gross tract area.
7. Green area provided shall not be less than 55% of the gross tract area.

The Application is in compliance with each of the binding elements, as evidenced on the Preliminary Plan.

BE IT FURTHER RESOLVED, that 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.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) 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 among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

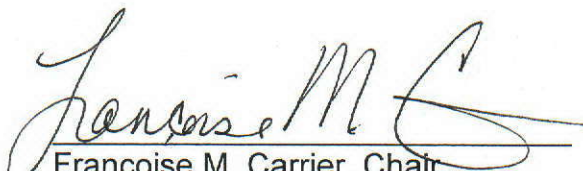
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 25 2011 (which is the date that this Resolution is mailed to all parties of record); and

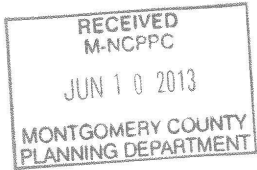
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland 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 Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor of the motion, and with Commissioner Alfandre absent, at its regular meeting held on Thursday, May 19, 2011, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Françoise M. Carrier, Chair  
Montgomery County Planning Board



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

June 7, 2013

Diane R. Schwartz Jones  
Director

Eric Tidd, P.E.  
CAS Engineering  
108 W. Ridgeville Boulevard, Suite 101  
Mount Airy, MD 21771

Re: Stormwater Management **CONCEPT** Request  
for REVISION to Wheaton Parcels/Kensington  
Heights  
Preliminary Plan #: 120100290  
SM File #: 234274  
Tract Size/Zone: 3.02 Ac./RT-8(currently R-60)  
Total Concept Area: 3.02 Ac.  
Parcel(s): N600  
Watershed: Lower Rock Creek

Dear Mr. Tidd:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP with the use of micro-bioretentation/planter boxes, landscape infiltration, and porous pavement. Additional treatment is provided via a volume based proprietary filter structure.

The following items will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Montgomery County Department of Permitting Services, Water Resources Section.
6. All stormwater structures must have easements and covenants unless they are on private residential lots.
7. Overbank and extreme flood protection are provided for the University Blvd drainage area. Please verify that all pipes and inlets draining to the storage structure are designed to handle the 10 and 100 year storm.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY  
www.montgomerycountymd.gov

8. A Fluidic Amp is being used in the overbank and extreme flood protection control structure to help provide more actual storage.
9. Provide access reinforcement with H-20 loading to allow maintenance vehicles to get to the underground structures.
10. The easement around the underground structures must not include the retaining wall.

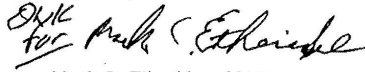
This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,

Handwritten signature of Mark C. Etheridge in black ink. The signature is written in a cursive style and includes the initials 'DVK' and 'for Mark C. Etheridge' written above the main signature.

Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: jb CN234274 Revised Wheaton Parcel Kensington Heights.DWK

cc: C. Conlon  
SM File # 234274

ESD Acres: 3.02  
STRUCTURAL Acres: 1.0  
WAIVED Acres: 0.0

**Myers, Crystal**

---

**From:** Farhadi, Sam <Sam.Farhadi@montgomerycountymd.gov>  
**Sent:** Wednesday, June 26, 2013 3:11 PM  
**To:** Myers, Crystal  
**Cc:** Eric Tidd  
**Subject:** FW: Kensington Heights Site Plan 820130140 (CAS 06-081E)  
**Attachments:** Kensington Heights Site Plan 820130140 06-26-2013.pdf

Hi Crystal,

The attached site plan (revised on 6/26/13) now is acceptable subject to the followings to become conditions of the certified site plan:

- No trailer is permitted onsite;
- The eastern site access will serve as entry only (right in) and the western site access as exit only (right out);
- The cul-de-sac will have one way signage as shown to be done at the time of permit;
- All private roads to be built to tertiary roadway structural standards;
- The cul-de-sac is to be built at MC-222.01 standard at minimum;
- No tree planting in the cul-de-sac island;
- All proposed public sidewalks including the extension to Drumm Ave and handicap ramps to be ADA compliant;
- The followings need to be done at permit stage:
  - o Storm drain adequacy analysis;
  - o Private open space covenant;
  - o Slope/drainage easement.

Please let me know if you have any question.

Sam

-----Original Message-----

**From:** Eric Tidd [mailto:eric@casengineering.com]  
**Sent:** Wednesday, June 26, 2013 2:33 PM  
**To:** Farhadi, Sam  
**Cc:** Eric B Tidd, P.E.  
**Subject:** Kensington Heights Site Plan 820130140 (CAS 06-081E)

Sam,

Corrections made as we've discussed.

Thanks.

---

Eric B. Tidd, P.E.  
Project Manager

**CAS ENGINEERING**  
108 w. ridgeville blvd, suite 101  
mount airy, maryland 21771  
301.703.2342 direct  
301.607.8031 ext 12  
301.607.8045 fax  
301.471.9460 cell  
[www.casengineering.com](http://www.casengineering.com)



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

Richard Y. Nelson, Jr.  
Director

June 17, 2013

Ms. Crystal Myers  
Area 2 Division  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Kensington Heights  
Site Plan No. 820130140

Dear Ms. Myers:

The Department of Housing and Community Affairs (DHCA) has reviewed the applicant's revisions to the above Site Plan and finds that the applicant has addressed DHCA's Development Review Committee (DRC) comments. DHCA therefore recommends Approval of the Site Plan.

Sincerely,

Lisa S. Schwartz  
Senior Planning Specialist

cc: Eric B. Tidd, CAS Engineering

S:\Files\FY2013\Housing\MPDULisa Schwartz\Kensington Heights DHCA Letter 6-17-2013.doc

**Division of Housing**

Moderately Priced  
Dwelling Unit  
FAX 240-777-3709

Housing Development  
& Loan Programs  
FAX 240-777-3691

Landlord-Tenant Affairs  
FAX 240-777-3691

Licensing & Registration Unit  
240-777-3666  
FAX 240-777-3699

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-3600 • www.montgomerycountymd.gov/dhca







---

---

**FIRE MARSHAL COMMENTS**

---

---

**DATE:** 07-May-13  
**TO:** Eric Tidd - eric@casengineering.com  
CAS Engineering  
**FROM:** Marie LaBaw  
**RE:** Kensington Heights (Findley Road)  
120100290 820130140

---

**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **07-May-13**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**GENERAL NOTES**

- 1) WATER CATEGORY - 1 SEWER CATEGORY - 1
- 2) BOUNDARY INFORMATION BASED ON A SURVEY PERFORMED BY CAS ENGINEERING, DATED FEBRUARY 2007.
- 3) TWO-FOOT CONTOUR DATA BASED ON A SURVEY PERFORMED BY CAS ENGINEERING, DATED FEBRUARY 2007.
- 4) TOTAL LOT AREA: OUTLOT "B" = 3,057 ACRES (PER PLAN)
- 5) PROPERTY SHOWN ON TAX MAP HD 561, KENSINGTON HEIGHTS.
- 6) PROPERTY SHOWN ON HSSC 2007 SHEET 214 NH 03.
- 7) PROPERTY SHOWN ON MONTGOMERY COUNTY SOLID SURVEY MAP NO. 24, SOIL TYPES(S): 2B & 2C; HYDROLOGIC SOIL GROUP: "V"
- 8) FLOOD ZONE "X" PER F.E.M.A. FIRM MAPS, COMMUNITY PANEL NUMBER 240041 0200 C.
- 9) SITE IS LOCATED IN THE LOWER ROCK CREEK WATERSHED. (USE I-P)
- 10) LOCAL UTILITIES INCLUDE:  
WATER & SEWER - WASHINGTON SUBURBAN SANITARY COMMISSION  
ELECTRIC - PEPCO  
TELEPHONE - VERIZON  
GAS - WASHINGTON GAS

**SOILS**

1. 2B GLENDELG SILT LOAM, 3 TO 8 PERCENT SLOPES. EROSION HAZARD IS SLIGHT (NOT HYDRC.)
2. 2C GLENDELG SILT LOAM, 8 TO 18 PERCENT SLOPES. EROSION HAZARD IS SLIGHT (NOT HYDRC.)

**FOREST SUMMARY**

THIS 1.02 ACRE FOREST STAND CONSIST PRIMARILY OF VARIOUS MAPLES, BLACK LOCUST, AND TULIP POPLAR. UNDERSTORY SPECIES INCLUDE VARIOUS MAPLES, BOXELDERS, BLACK LOCUST, AND BLACK CHERRY. THE EASTERN PORTION OF THIS FOREST STAND HAS A SIGNIFICANT AMOUNT OF INVASIVE VINES AND BRIBARS WHICH HAVE SIGNIFICANTLY IMPACTED THE HEALTH OF THE FOREST STAND. THE WESTERN INTERIOR PORTION OF THIS FOREST STAND HAS FEWER INVASIVE SPECIES. THIS FOREST STAND HAS A PRIORITY FOR RETENTION BASED ON THE DEFINITIONS IN THE "TREES" TECHNICAL MANUAL. THERE ARE NO STREAMS, WETLAND, OR FLOODPLAINS LOCATED ON THIS SITE. SEE THE APPROVED HNVPSO REPORT FOR MORE FOREST STAND INFORMATION.

**NRI NOTES**

1. NO CULTURAL AND/OR HISTORICAL FEATURES EXIST ON-SITE BASED ON RESEARCH OF AVAILABLE RECORDS AND ON-SITE OBSERVATION.
2. THERE ARE NO STATE AND/OR COUNTY CHAMPION TREES LOCATED ON THIS SITE NOR ARE THERE TREES WHICH MEASURE 75% OR MORE OF THE SIZE OF A COUNTY OR STATE CHAMPION.
3. NO RARE, THREATENED, OR ENDANGERED (RTE) SPECIES WERE OBSERVED DURING OUR SITE ANALYSIS. THE DEPARTMENT OF NATURAL RESOURCES HAS NO RECORDS OF RARE/RTE SPECIES EXISTING ON OR WITHIN PROXIMITY OF THE SITE.
4. THE NRI FIELD ANALYSIS FOR THIS PROJECT WAS CONDUCTED IN JANUARY 2007 BY JAMES WITTEK.
5. OFF-SITE LOCATIONS AND SIZES OF TREES, STRUCTURES, AND OTHER IMPROVEMENTS ARE APPROXIMATE AND BASED ON AVAILABLE MNCPPC DIGITAL FILES.
6. ON-SITE TREE MEASUREMENTS MADE BY A TREE DIAMETER TAPE.
7. NO WETLANDS, STREAMS, OR ASSOCIATED BUFFERS EXIST ON SITE OR WITHIN THE STUDY AREA.
8. THERE ARE NO EXISTING ON-SITE CONSERVATION EASEMENTS NOR ARE THERE ANY CATEGORY I OR II FOREST CONSERVATION EASEMENTS WITHIN 100 FEET OF THE SITE'S PROPERTY LINES ACCORDING TO MNCPPC'S EASEMENT LOCATOR TOOL.
9. THIS SITE IS NOT LOCATED IN AN IDENTIFIED SPECIAL PROTECTION AREA (SPA) OR PRIORITY MANAGEMENT AREA (PMA).
10. THERE ARE NO STEEP SLOPES ON THE SUBJECT PROPERTY.
11. THIS PROPERTY IS SUBJECT TO PRELIMINARY PLAN #20080020, KENSINGTON HEIGHTS.

**FOREST CONSERVATION WORKSHEET**

**I. NET TRACT AREA**

3.27	A. TOTAL TRACT AREA (INCLUDES OFF-SITE DISTURBANCE)
0.00	B. LAND DEDICATION AREA (PARKS, COUNTY FACILITY, ETC.)
0.00	C. AREA TO REMAIN IN AGRICULTURAL PRODUCTION
0.00	D. OTHER DEDICATIONS
3.27	F. NET TRACT AREA

**II. LAND USE CATEGORIES**

NOTE: THE MEMBER "M" INDICATES THE APPROPRIATE LAND USE / ZONING CATEGORY. LISTED TO ONE ENTRY ONLY.

0.41	C. AFFORESTATION THRESHOLD	ARA	HDR	IDA	HDR	PFD	CA
0.45	L. CONSERVATION THRESHOLD	205	205	205	205	205	205

**III. EXISTING FOREST COVER**

1.02	I. EXISTING FOREST COVER
0.53	J. AREA OF FOREST ABOVE AFFORESTATION THRESHOLD
0.37	K. AREA OF FOREST ABOVE CONSERVATION THRESHOLD

**IV. BREAK-EVEN POINT**

0.73	L. FOREST RETENTION ABOVE THRESHOLD WITH NO MITIGATION
0.29	M. CLEARING PERMITTED WITHOUT MITIGATION

**V. PROPOSED FOREST CLEARING**

0.55	N. TOTAL AREA OF FOREST TO BE CLEARED
0.47	O. TOTAL AREA OF FOREST TO BE RETAINED
0.04	P. REFORESTATION FOR CLEARING ABOVE CONSERVATION THRESHOLD
0.57	Q. REFORESTATION FOR CLEARING BELOW CONSERVATION THRESHOLD
0.00	R. CREDIT FOR RETENTION ABOVE CONSERVATION THRESHOLD
0.46	S. TOTAL REFORESTATION REQUIRED

**VI. PLANTING REQUIREMENTS**

0.00	U. CREDIT FOR LANDSCAPING (NOT TO EXCEED 20% OF "P")
0.46	V. TOTAL REFORESTATION REQUIRED

**0.10 AC (7,734 SF) OF REFORESTATION PROPOSED ON-SITE**  
**0.28 AC (12,147 SF) PROVIDED IN AN OFF-SITE FOREST BANK**

**FOREST CONSERVATION TABLE**

ACREAGE OF TRACT	3.03 ACRES (ON-SITE) + 0.25 ACRES (OFF-SITE)
ACREAGE OF TRACT REMAINING IN AGRICULTURAL USE	0.00 ACRES
ACREAGE OF ROAD AND UTILITY ROWS WHICH WILL NOT BE IMPROVED AS PART OF THE DEVELOPMENT APPLICATION	0.00 ACRES
ACREAGE OF TOTAL EXISTING FOREST	1.02 ACRES (ON-SITE) + 0.00 ACRES (OFF-SITE)
ACREAGE OF TOTAL FOREST RETENTION	0.47 ACRES (ON-SITE)
ACREAGE OF TOTAL FOREST CLEARED	0.55 ACRES (ON-SITE) + 0.00 ACRES (OFF-SITE)
LAND USE CATEGORY AND CONSERVATION AND AFFORESTATION THRESHOLD FROM THE SECTION 22A-12(c) OF THE FOREST CONSERVATION LAW	HIGH DENSITY RESIDENTIAL (0.49 ACRES) AFFOREST. THRESHOLD (0.45 ACRES); CONSERV. THRESHOLD
	AREA RETAINED    AREA CLEARED    AREA PLANTED
ACREAGE OF FOREST RETAINED, CLEARED AND PLANTED WITHIN WETLANDS	0.00 ACRES    0.00 ACRES    0.00 ACRES
ACREAGE OF FOREST RETAINED, CLEARED, AND PLANTED WITHIN 100-FOOT FLOODPLAIN	0.00 ACRES    0.00 ACRES    0.00 ACRES
ACREAGE OF FOREST RETAINED, CLEARED, AND PLANTED WITHIN 100-FOOT BUFFERS	0.00 ACRES    0.00 ACRES    0.00 ACRES
TOTAL ACREAGE OF FOREST RETAINED, CLEARED, AND PLANTED WITHIN PROXIMITY AREAS	0.00 ACRES    0.00 ACRES    0.00 ACRES
LINEAR FEET AND AVERAGE WIDTH OF STREAM/ BUFFER PROVIDED	LENGTH - 0'    AVERAGE WIDTH - 0'

**UTILITY INFORMATION**

EXISTING UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE AND MUST BE FIELD VERIFIED. UTILITY LOCATIONS ARE BASED UPON AVAILABLE RECORDS AND ARE SHOWN TO THE BEST OF OUR ABILITY.

UTILITY	REQUEST DATE	BY	INFO RECEIVED	PLAN REVISED	BY
ASST	11/02/07	MR	10/25/07	NO FACILITIES	EBT
COMCAST	11/02/07	MR	11/02/07	NO FACILITIES	EBT
MD	11/02/07	MR	10/25/07	NO FACILITIES	EBT
PEPCO	11/02/07	MR	11/02/07	NO FACILITIES	EBT
VERIZON	11/02/07	MR	11/02/07	NO FACILITIES	EBT
WISCONSIN	11/02/07	MR	11/02/07	NO FACILITIES	EBT
WISCONSIN	11/02/07	MR	11/02/07	NO FACILITIES	EBT
WISCONSIN	11/02/07	MR	11/02/07	NO FACILITIES	EBT
WISCONSIN	11/02/07	MR	11/02/07	NO FACILITIES	EBT
WISCONSIN	11/02/07	MR	11/02/07	NO FACILITIES	EBT

**MISSING UTILITY**  
FOR LOCATION OF UTILITIES, CALL MISS UTILITY AT 1-800-331-7777. OR LOG ON TO WWW.MISSUTILITY.NET/DC. 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY. THE REQUESTOR MUST NOTIFY ALL PUBLIC UTILITIES COMPANIES WITH UNDERGROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH REQUIREMENTS OF CHAPTER 26A OF THE MONTGOMERY COUNTY CODE.

**ENVIRONMENTAL DATA TABLE**

FEATURE	EXISTING
FORESTED FLOODPLAIN AREA	0 AC.
ENVIRONMENTAL BUFFER AREA	0 AC.
TOTAL FORESTED AREA	1.02 AC.
FORESTED ENVIRONMENTAL BUFFER	0 AC.
100-YEAR FLOODPLAIN	0 AC.
WETLANDS	0 AC.
FORESTED WETLANDS	0 AC.
AVERAGE WIDTH OF ENVIRONMENTAL BUFFER	0 FT.
LINEAR EXTENT OF STREAM	0 FT.

**ATTACHMENT F**

**CERTIFICATION OF QUALIFIED PROFESSIONAL**

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS, AND 11-MCPC GUIDELINES.

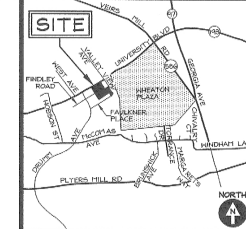
6/19/13  
DATE

*Jeffrey A. Robertson*  
JEFFREY A. ROBERTSON  
REGISTERED PROFESSIONAL  
LAND SURVEYOR, 06.11.06.01

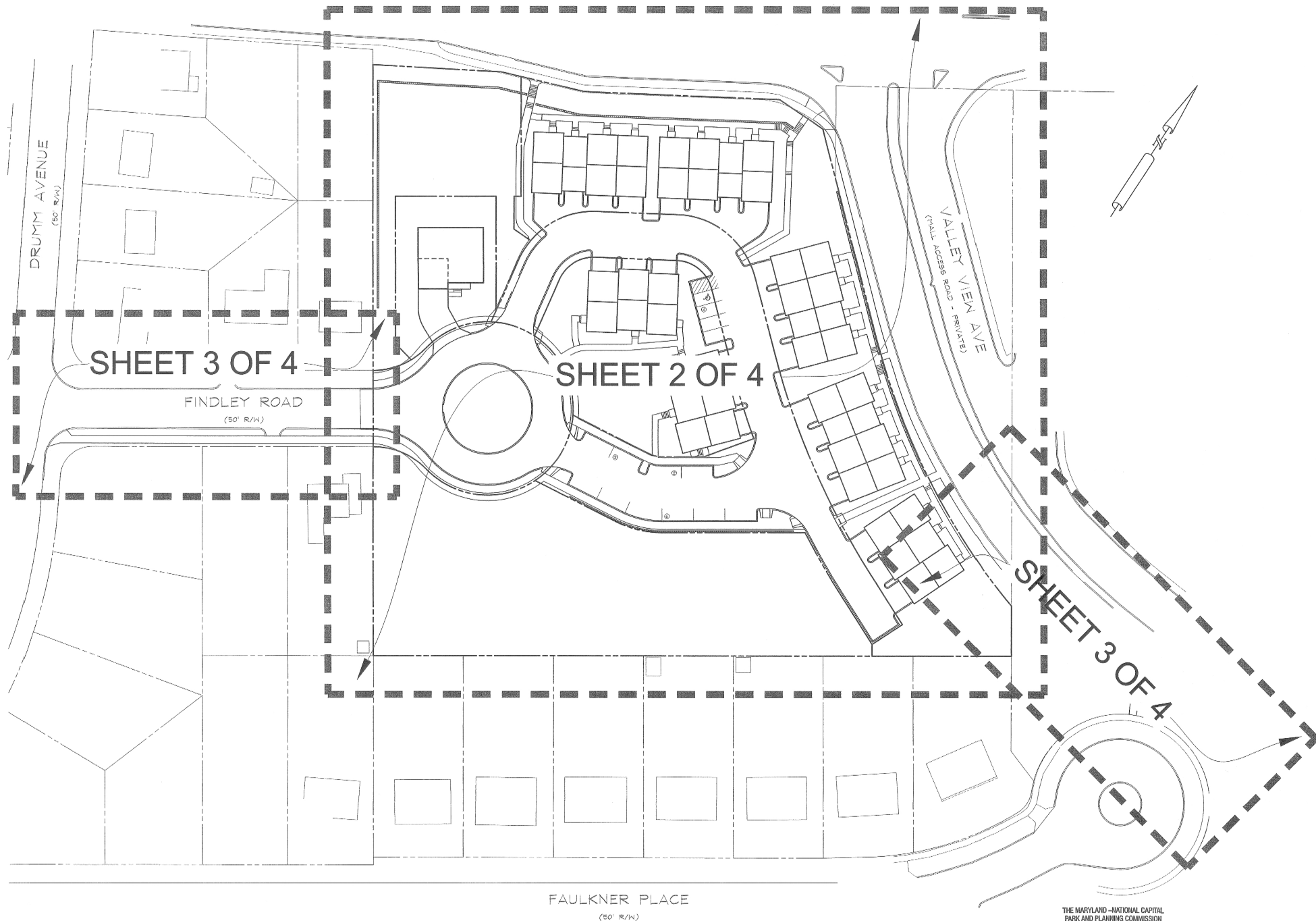
**DEVELOPER CERTIFICATE**

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF THE APPROVED FINAL FOREST CONSERVATION PLAN NO. 820130140 INCLUDING, FINANCIAL BONDING, FOREST PLANTING, MAINTENANCE, AND ALL OTHER APPLICABLE AGREEMENTS.

DEVELOPER NAME: KENSINGTON HEIGHTS 2, LLC  
CONTACT PERSON OR OWNER: STERLING MERRING  
ADDRESS: 2505 FOREST GLEN ROAD  
PHONE: (301) 585-2600  
EMAIL: yosterling@gmail.com  
SIGNATURE: \_\_\_\_\_



**VICINITY MAP**  
ADC MAP 5286, GRID A-5  
SCALE: 1" = 200'



DATE	BY	REVISION
11/17/2012	EBT	FINAL FC PLAN SUBMITTAL TO MNCPPC (FINAL)
06/06/2013	EBT	FINAL FC PLAN SUBMITTAL TO MNCPPC (FINAL)
06/07/2013	EBT	SUBMITTED FOR PLANNING BOARD DATE
06/19/2013	EBT	ADDRESS ADDITIONAL MNCPPC COMMENTS

RECEIVED  
MNCPPC  
JUN 20 2013  
MONTGOMERY COUNTY  
PLANNING BOARD

108 West Ridgeville Blvd., Suite 101  
Mount Airy, Maryland 21771  
301-407-5645 fax  
www.casengineering.com  
info@casengineering.com

CIVIL + SURVEYING + LAND PLANNING  
6/19/2013 3:22:17 PM EDT

**CAS ENGINEERING**  
Experience you can build on.

**OWNER**  
KENSINGTON HEIGHTS 2, LLC  
ATTN: STERLING MERRING  
2505 FOREST GLEN ROAD  
SILVER SPRING, MARYLAND 20910  
(301) 585-2600 PHONE  
yosterling@gmail.com

**ARCHITECT**  
GPS DESIGN, LLC  
634 9th AVENUE  
KIDSLAND, WASHINGTON, 98035  
(425) 495-7241 PHONE  
greg@gpsdesign.com

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Forest Conservation Plan  
Submitted for Planning Board Approval  
Plan No. 820130140  
Signature: *Sterling Merring* Date: 6/19/13

PRINTED BY  
JUN 19 2013  
CAS ENGINEERING

MNCPPC 820130140  
(N/F OUTLOT B)  
PROPOSED LOTS 1-26, BLOCK G  
KENSINGTON HEIGHTS  
FINAL FOREST CONSERVATION PLAN

TREE DATA

Table with columns: TREE NO., SPECIES, D.B.H. (INCHES), C.R.Z. (FEET), CONDITION, COMMENTS. Lists various tree species and their measurements.

DISCLAIMER: TREES ARE LIVING THINGS WHOSE LIABILITY AND STRUCTURAL INTEGRITY ARE SUBJECT TO A WIDE ARRAY OF NATURAL FACTORS AND IMPACTS...

LEGEND

Legend defining symbols for existing features (property lines, sewer lines, etc.) and proposed features (retaining walls, reforestation, etc.).

NOTE: EXISTING UTILITY LOCATIONS ARE APPROXIMATE. THEY ARE BASED UPON AVAILABLE RECORDS AND ARE SHOWN TO THE BEST OF OUR ABILITY...

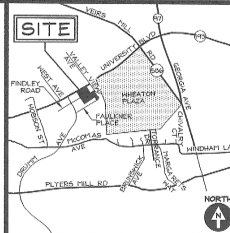
ATTACHMENT F

CERTIFICATION OF QUALIFIED PROFESSIONAL

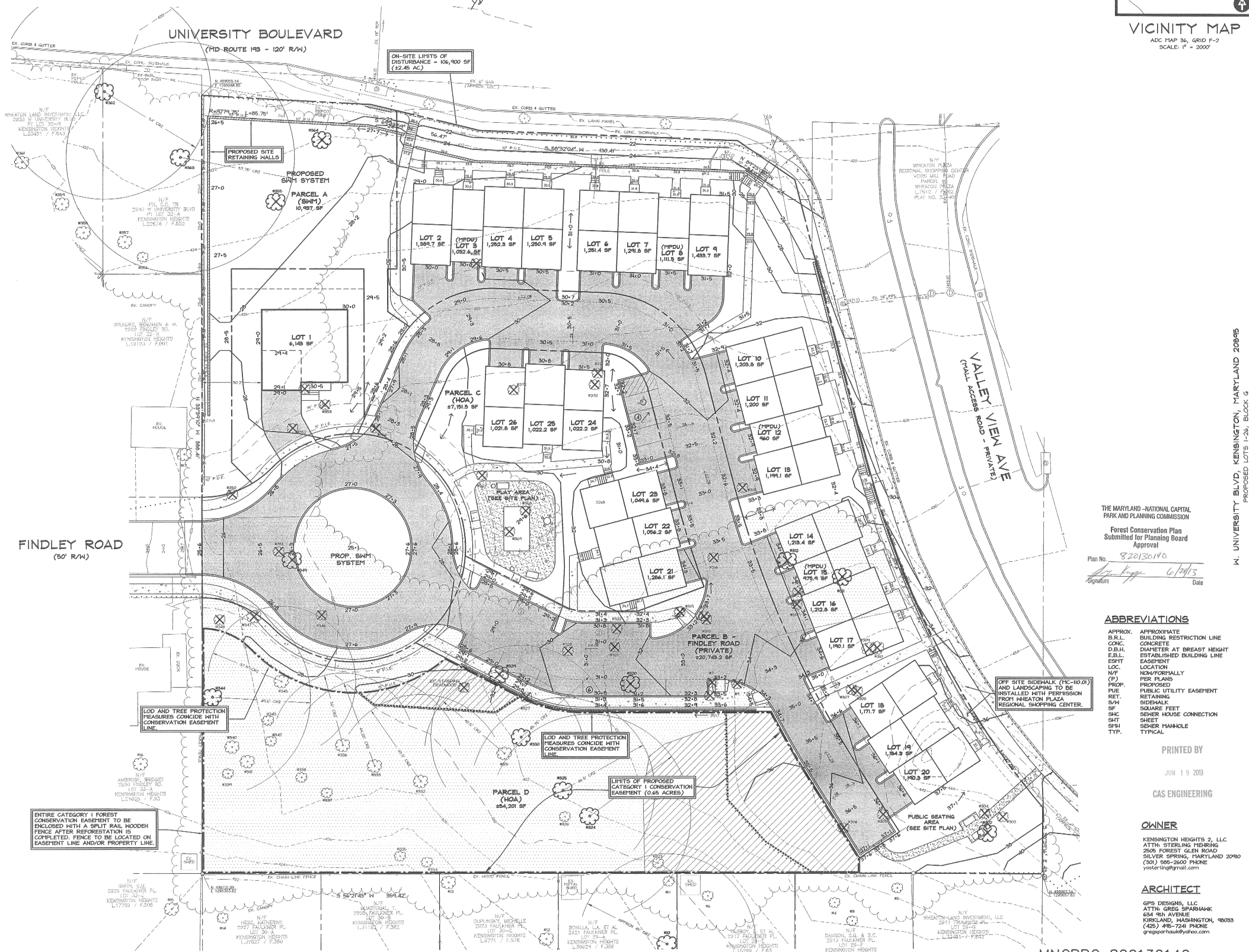
I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS, AND THE MNCPPC GUIDELINES.

DEVELOPER CERTIFICATE

THE UNDERSIGNED AGREES TO INCORPORATE ALL THE FEATURES OF THE APPROVED FINAL FOREST CONSERVATION PLAN...



Approval table with columns: DATE, BY, FOR, PROJECT, and rows for various stages like Final PC Plan, Final FC Plan, etc.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION Forest Conservation Plan Submitted for Planning Board Approval.

ABBREVIATIONS: APPROX. APPROXIMATE, B.R.L. BUILDING RESTRICTION LINE, CONC. CONCRETE, etc.

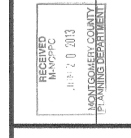
PRINTED BY JUN 19 2013 CAS ENGINEERING

OWNER: KENSINGTON HEIGHTS 2, LLC ATTN: STERLING MERRING

ARCHITECT: GPS DESIGNS, LLC ATTN: GREG SPARSHANK

MNCPPC 820130140 (N/F OUTLOT B) PROPOSED LOTS 1-26, BLOCK G KENSINGTON HEIGHTS FINAL FOREST CONSERVATION PLAN

KENSINGTON HEIGHTS FINAL FOREST CONSERVATION PLAN

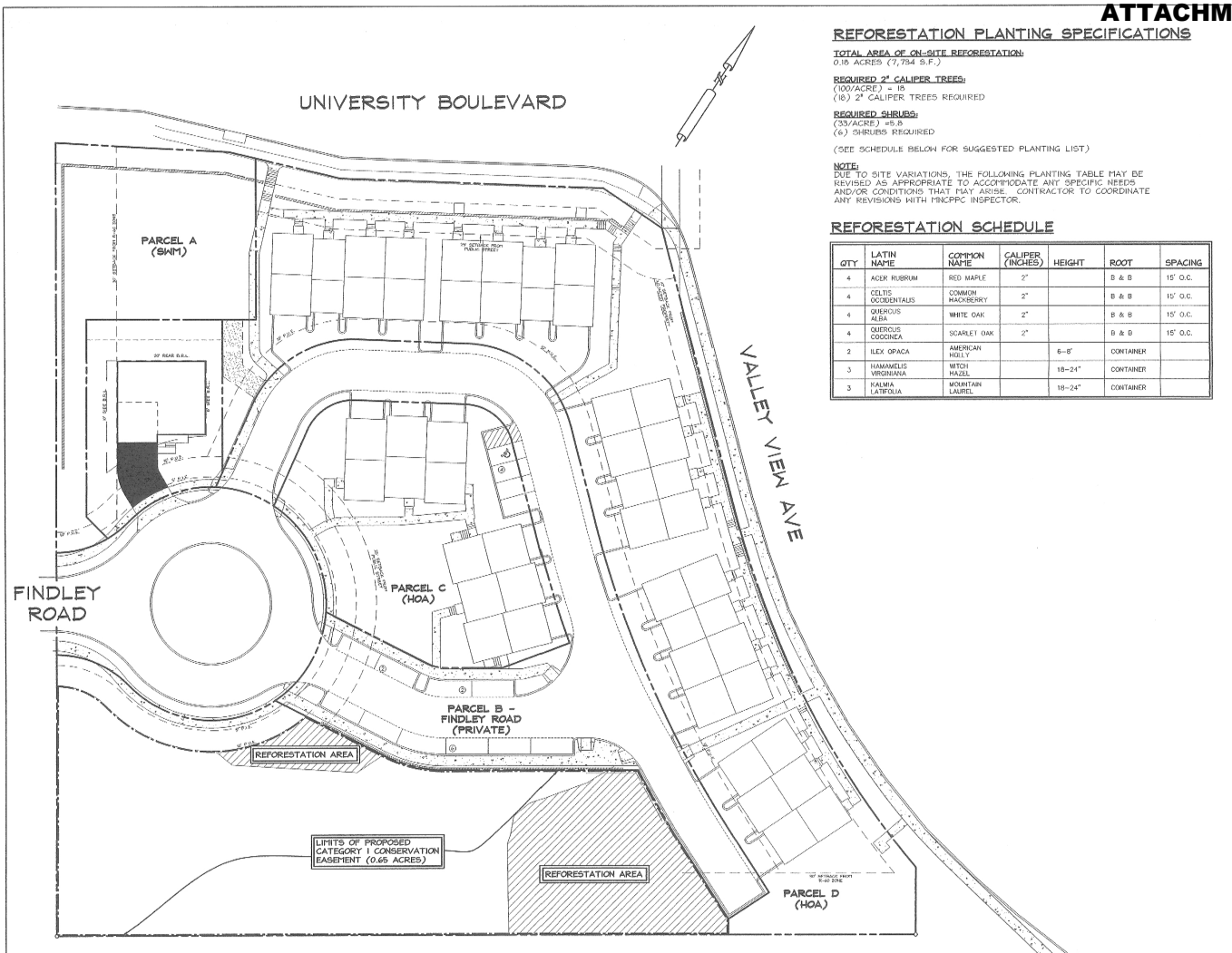


108 West Ridgeville Blvd., Suite 101 Mount Airy, Maryland 21771



**PLANTING PLAN**

SCALE: 1" = 60'



**ATTACHMENT F**

**REFORESTATION PLANTING SPECIFICATIONS**

**TOTAL AREA OF ON-SITE REFORESTATION:**  
0.16 ACRES (7,734 S.F.)

**REQUIRED 2" CALIPER TREES:**  
(300 ACRES) = 15  
(10) 2" CALIPER TREES REQUIRED

**REQUIRED SHRUBS:**  
(33 ACRES) = 5.5  
(4) SHRUBS REQUIRED  
(SEE SCHEDULE BELOW FOR SUGGESTED PLANTING LIST)

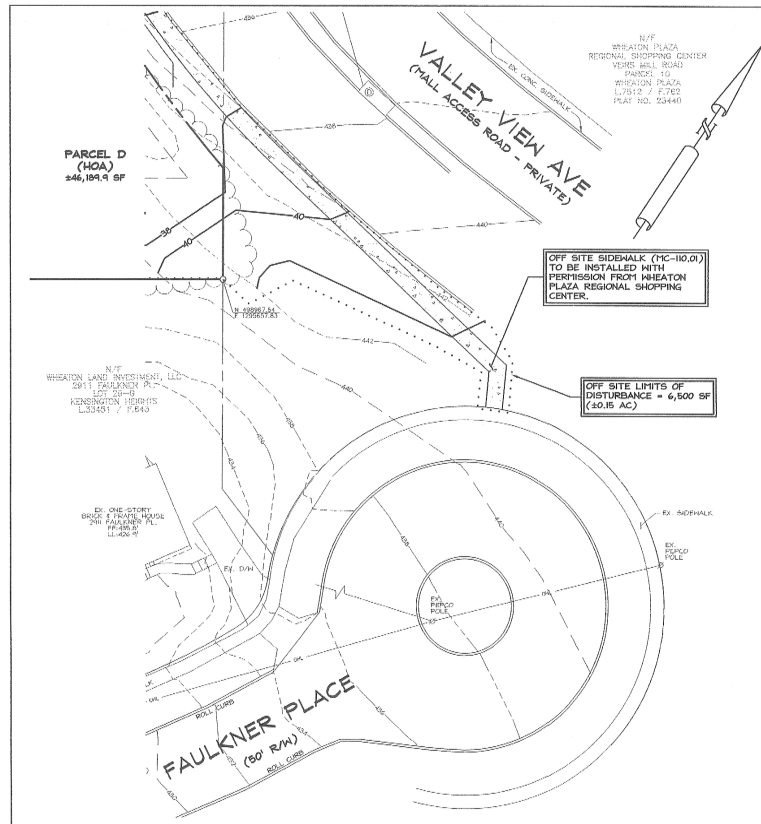
**NOTE:**  
DUE TO SITE VARIATIONS, THE FOLLOWING PLANTING TABLE MAY BE REVISED AS APPROPRIATE TO ACCOMMODATE ANY SPECIFIC NEEDS AND/OR CONDITIONS THAT MAY ARISE. CONTRACTOR TO COORDINATE ANY REVISIONS WITH MNCPPC INSPECTOR.

**REFORESTATION SCHEDULE**

QTY	LATIN NAME	COMMON NAME	CALIPER (INCHES)	HEIGHT	ROOT	SPACING
4	ACEK RUBRUM	RED MAPLE	2"		B & B	15' O.C.
4	CELIS	COMMON HAWTHORN	2"		B & B	10' O.C.
4	QUERCUS	WHITE OAK	2"		B & B	15' O.C.
4	QUERCUS COCCINIFERA	SCARLET OAK	2"		B & B	15' O.C.
2	ILEX OPACA	AMERICAN HOLLY		6'-8'	CONTAINER	
3	FRAXINUS VIRGINIANA	BEECH		18'-24"	CONTAINER	
3	PALEA LATIFOLIA	MOUNTAIN LABEL		18'-24"	CONTAINER	

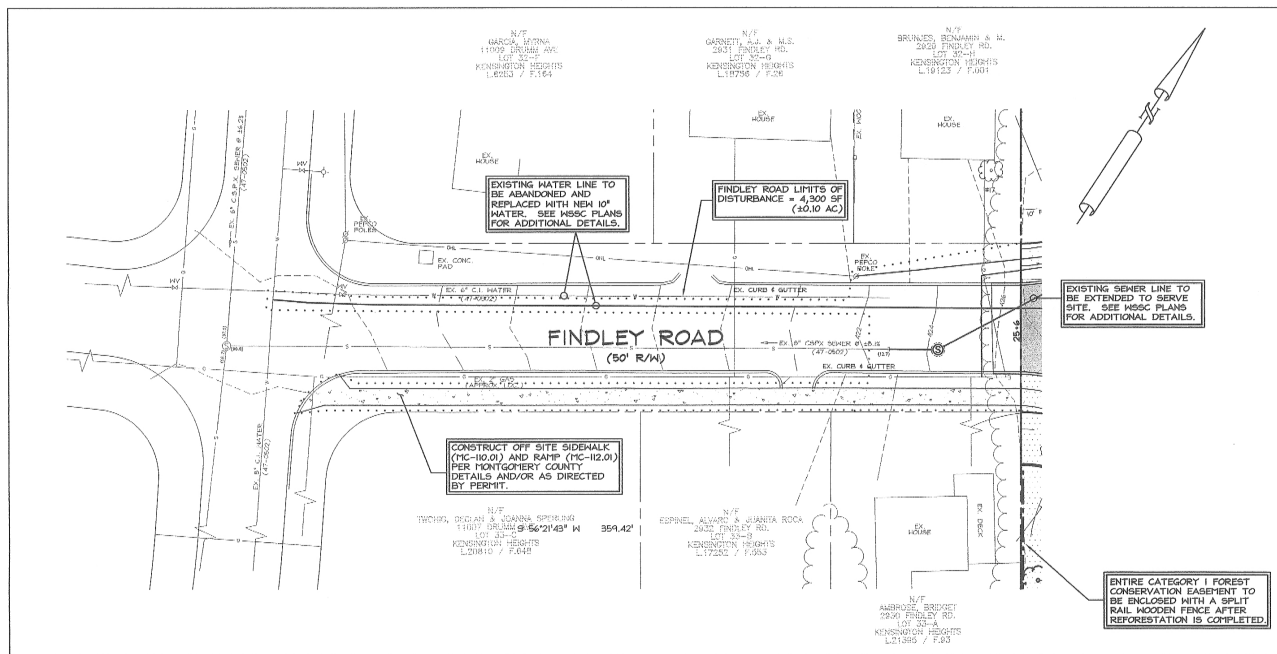
**OFF SITE DISTURBANCE (WHEATON PLAZA)**

SCALE: 1" = 20'



**OFF SITE DISTURBANCE (FINDLEY ROAD)**

SCALE: 1" = 20'



**CERTIFICATION OF QUALIFIED PROFESSIONAL**

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS, AND F-NMPC GUIDELINES.

6/19/13  
DATE

*Signature*  
JEREMY A. ROBERTSON  
MONTGOMERY COUNTY REGISTERED PROFESSIONAL ENGINEER

**DEVELOPER CERTIFICATE**

THE UNDERSIGNED AGREE TO EXECUTE ALL THE FEATURES OF THE APPROVED FINAL FOREST CONSERVATION PLAN INCLUDING FINANCIAL BONDING, FOREST PLANTING, MAINTENANCE, AND ALL OTHER APPLICABLE AGREEMENTS.

DEVELOPER NAME: KENSINGTON HEIGHTS 2, LLC  
 CONTACT PERSON OR OWNER: STERLING FIERING  
 ADDRESS: 2605 FOREST GLEN ROAD  
 PHONE: (301) 565-2600  
 EMAIL: yesterling@gmail.com  
 SIGNATURE: \_\_\_\_\_

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Forest Conservation Plan  
Submitted for Planning Board Approval

Plan No. 820130140

*Signature* 6/20/13  
Date

**OWNER**

KENSINGTON HEIGHTS 2, LLC  
ATTN: STERLING FIERING  
2605 FOREST GLEN ROAD  
SILVER SPRING, MARYLAND 20910  
(301) 565-2600 PHONE  
yesterling@gmail.com

**ARCHITECT**

GPS DESIGN, LLC  
ATTN: GREG SPARHAWK  
634 9th AVENUE  
KIRKLAND, WASHINGTON, 98033  
(425) 495-7241 PHONE  
gregsparhawk@yahoo.com

K. UNIVERSITY BLVD, KENSINGTON, MARYLAND 20895  
PROPOSED LOTS 1-26, BLOCK G

N/F OUTLOT B, PLAT 28440, CIRCA JULY, 2006  
**KENSINGTON HEIGHTS**

WHEATON (18TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

**FINAL FOREST CONSERVATION PLAN**

108 West Ridgeway Blvd., Suite 101  
Mount Airy, Maryland 21771  
www.caseengineering.com  
info@caseengineering.com

**COS ENGINEERING**  
Experience you can build on.

NOTE: EXISTING UTILITY LOCATIONS ARE APPROXIMATE. THEY ARE BASED UPON AVAILABLE RECORDS AND ARE SHOWN TO THE BEST OF OUR ABILITY. ALL UTILITY LOCATIONS MUST BE FIELD VERIFIED.

SEQUENCE OF EVENTS

PRE-CONSTRUCTION

- 1. AN ON-SITE PRE-CONSTRUCTION MEETING IS REQUIRED AFTER THE LIMITS OF DISTURBANCE HAVE BEEN STAKED AND FLAGGED... 2. NO CLEARING OR GRADING SHALL BEGIN BEFORE STRESS-REDUCTION MEASURES HAVE BEEN IMPLEMENTED... 3. A MARYLAND-LICENSED TREE EXPERT OR AN INTERNATIONAL SOCIETY OF ARBORICULTURE- CERTIFIED ARBORIST MUST PERFORM ALL STRESS REDUCTION MEASURES...

DURING CONSTRUCTION

- 8. PERIODIC INSPECTIONS BY THE FOREST CONSERVATION INSPECTOR WILL OCCUR DURING THE CONSTRUCTION PROJECT... 9. CORRECTIONS AND REPAIRS TO ALL TREE PROTECTION DEVICES, AS DETERMINED BY THE FOREST CONSERVATION INSPECTOR, MUST BE MADE WITHIN THE TIMEFRAME ESTABLISHED BY THE INSPECTOR.

POST-CONSTRUCTION

- 10. AFTER CONSTRUCTION IS COMPLETED, AN INSPECTION SHALL BE REQUESTED, CORRECTIVE MEASURES MAY INCLUDE... 11. REMOVAL AND REPLACEMENT OF DEAD AND DYING TREES... 12. CLEAN UP OF REMEDIATION AREAS.

SITE PREPARATION AND PLANTING SPECIFICATIONS

- 1. PRE-PLANTING CONSIDERATIONS
A. IN AREAS WITH SUBSTANTIAL GROWTH OF INVASIVE UNDERCOVER SPECIES, MEASURES WILL BE TAKEN TO REMOVE AND CONTROL INVASIVE WEEDS AND PLANTS...
B. A SOIL ANALYSIS WILL BE CONDUCTED PRIOR TO CORRECTION OF APPROPRIATION...
C. SOLIDS SHOULD BE TREATED BY INCORPORATING NATURAL FULCH WITHIN THE TOP 12 INCHES...
D. IF FILL MATERIAL IS USED AT THE PLANTING SITE IT SHOULD BE CLEAN FILL WITH 12 INCHES OF NATIVE SOIL.

REQUIRED INSPECTIONS

- ALL FIELD INSPECTIONS MUST BE REQUESTED BY THE APPLICANT. INSPECTIONS MUST BE CONDUCTED AS FOLLOWS... 1. AFTER THE LIMITS OF DISTURBANCE HAVE BEEN STAKED AND FLAGGED... 2. AFTER NECESSARY STRESS REDUCTION MEASURES HAVE BEEN COMPLETED... 3. AFTER COMPLETION OF ALL CONSTRUCTION ACTIVITIES... 4. BEFORE THE START OF ANY REQUIRED REFORESTATION AND AFFORESTATION PLANTING... 5. AFTER THE REQUIRED REFORESTATION AND AFFORESTATION PLANTING HAS BEEN COMPLETED... 6. AT THE END OF THE MAINTENANCE PERIOD TO DETERMINE THE LEVEL OF COMPLIANCE WITH THE PROVISIONS OF THE PLANTING PLAN...

LONG TERM MAINTENANCE SPECIFICATIONS

- 1. THIS PROPERTY IS SUBJECT TO A MAINTENANCE AND MANAGEMENT AGREEMENT TO BE RECORDED IN THE LAND RECORDS OF MONTGOMERY COUNTY... 2. THE OWNER SHALL MAINTAIN AND MANAGE THE FOREST PLANTINGS IN ACCORDANCE WITH THE PLAN... 3. THE OWNER SHALL MONITOR THE REFORESTATION SITE OF THE PROPERTY FOR TWO YEARS AND THE OWNER SHALL REPLACE ANY PLANTINGS THAT DIE FOR ANY REASON... 4. INVASIVE SPECIES (SILENT MINUTE, ENGLISH IVY, AND JAPANESE HONEYSUCKLE SPECIFICALLY) TO BE MONITORED AND ERADICATED ACCORDING TO NOTES AND SPECIFICATIONS SHOWN HEREIN... 5. THE OWNER IS REQUIRED TO PROVIDE, ON A SEMIANNUAL BASIS, EVIDENCE OF PLANT COMPLIANCE AND THAT THE FINANCIAL SECURITY IS IN FULL FORCE AND EFFECT... 6. THE OWNER MUST NOTIFY THE BOARD'S INSPECTOR AT THE END OF THE TWO-YEAR MAINTENANCE PERIOD TO SCHEDULE A FINAL INSPECTION...

ENGLISH IVY REMOVAL NOTES

HELPFUL HINTS:

- AN EVERGREEN CLIMBING VINE THAT ATTACHES TO TREE TRUNKS AND BRANCHES WITH SMALL, STICKY ROOT LIKE STRUCTURES... 1. CLIPPING VINES ON TREES CAN BE CUT NEAR THE BASE AND SEVERAL INCHES HIGHER UP TO KILL THE UPPER PORTIONS OF THE VINE... 2. SINCE ENGLISH IVY REMAINS ACTIVE YEAR ROUND, HERBICIDE TREATMENT CAN BE DONE IN THE WINTER... 3. USE TRICLOPYR SALT # 255 (E.G., GARLON 3A), READY-TO-USE PRODUCTS SUCH AS PATHFINDER N OR VINE-X ARE ALSO EFFECTIVE... 4. ACCESSIBLE LOW-GROWING PLANTS SHOULD BE CUT AND HERBICIDE APPLIED IMMEDIATELY TO CUT STEMS WITH A SPRAY OR BRUSH BOTTLE, OR SACKPACK SPRAYER... 5. FOR CLIPPING VINES, CUT A SECTION FROM THE VINE (I.E., 'CUT A HINDON') AND TREAT THE ROOTED PORTION WITH HERBICIDE... 6. ENGLISH IVY IS PERENNIAL AND TREATMENTS FOLLOW UP TREATMENTS USUALLY.

JAPANESE HONEYSUCKLE REMOVAL NOTES

HELPFUL HINTS:

- A PERENNIAL VINE-SAPS-EVERGREEN IN OUR AREA THAT CLIMBS BY THISTLING AROUND TRUNKS AND LIMBS OF SHRUBS AND SMALL TREES... 1. USE GLYPHOSATE # 208 (E. G., ROUNDUP PRO) ON CUT SURFACES ANY TIME OF THE YEAR... 2. JAPANESE HONEYSUCKLE THAT STAY GREEN LONG AFTER OTHER PLANTS HAVE LOST THEIR LEAVES... 3. SUGGEST TREATING JAPANESE HONEYSUCKLE IN THE SPRING AT THE SAME TIME LESSER CANNADINE IS BEING SPRAYED.

MILE-A-MINUTE REMOVAL NOTES

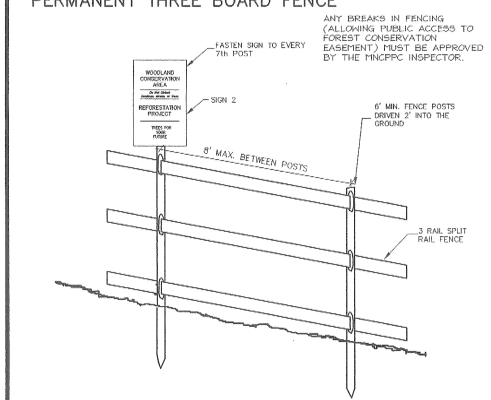
HELPFUL HINTS:

- A FAST-GROWING, BUT HEAVY-STEMMED ANNUAL VINE THAT SCRAMBLES OVER SHRUBS AND OTHER VEGETATION IT CAN ALSO CLIMB TO 15-20 FT IF IT HAS SUFFICIENT SUPPORT AND GROWING CONDITIONS... 1. MANUAL REMOVAL CAN BE DONE THROUGHOUT THE SUMMER, JUNE THROUGH JULY IS OPTIMAL... 2. HERBICIDE PRODUCTS, SUCH AS ROUNDUP PRO OR RODEO OR AGUA NEAT IN NET AREAS... 3. TRICLOPYR PRODUCTS (E.G., GARLON 3A # 1 TO 25) WILL ALSO KILL MILE-A-MINUTE... 4. IMPACT ON DESIRABLE PLANTS IS VIRTUALLY UNAVOIDABLE.

INVASIVE SPECIES REMOVAL PROCEDURES

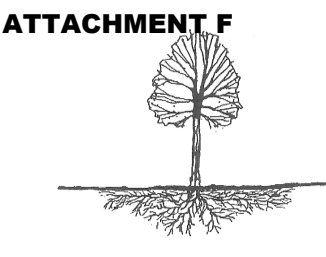
- 1) ERADICATION EFFORTS ARE DESIGNED TO REMOVE THE ABOVE LISTED INVASIVE SPECIES, WHICH COMPETE WITH NATIVE VEGETATION FOR SPACE AND RESOURCES... 2) EFFORTS SHALL INCLUDE THE INITIAL REMOVAL OR TREATMENT OF THE TARGET SPECIES AND THE MAINTENANCE REQUIRED TO CONTROL REGROWTH... 3) ERADICATION AND CONTROL EFFORTS SHALL BE CONDUCTED WITHIN THE ENTIRE PROPOSED FOREST CONSERVATION EASEMENT... 4) MECHANICAL METHODS SHOULD BE USED TO THE MAXIMUM EXTENT PRACTICABLE PRIOR TO USE OF ANY CHEMICAL MEANS FOR ERADICATION... 5) CHEMICAL METHODS OF TREATMENT CAN BE USED, BASED ON THE CRITERIA ON THIS SHEET... 6) FOLLOWING INITIAL MECHANICAL REMOVAL, AREAS SHOULD BE INSPECTED AND RETREATED (MECHANICAL OR CHEMICAL) AT LEAST TWICE A YEAR (SPRING AND FALL) PER YEAR DURING THE TWO-YEAR MAINTENANCE PERIOD.

PERMANENT THREE BOARD FENCE



ANY BREAKS IN FENCING (ALLOWING PUBLIC ACCESS TO FOREST CONSERVATION EASEMENT) MUST BE APPROVED BY THE MNCPPC INSPECTOR... TIGHTEN SOIL TO EVERY 10th FOOT... 6" MIN. FENCE POSTS DRIVEN 2' INTO THE GROUND... 3 RAIL SPLIT RAIL FENCE...

ATTACHMENT F



PREVENT THE FOLLOWING IMPACTS:

- CROWN: Branches of damaged limbs, Wounds to bark, Disturbance/Infection, Upper crown damage. TRUNK: Sun wound, Wounds to bark, Disturbance/Infection, Wind scars. CRITICAL ROOT ZONE: Rooting/Infection/Contamination, Soil compaction, Flooding, Trimming, Changes in soil pH, Removal of understory.

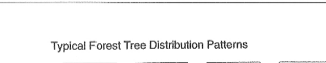
Protecting Trees During Construction

Figure A:17

Tree Planting and Maintenance Calendar

Figure A:20

Typical Forest Tree Distribution Patterns



Undisturbed Soil



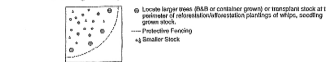
Disturbed Soil



Aggregate Distribution



Mixing Transplant Stock



Planting on Slope

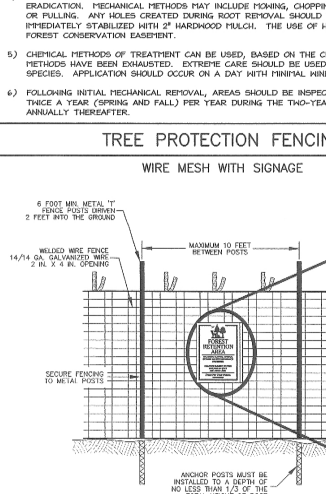


Container Growth and B&B Planting Techniques



Figure A:19

Tree Protection Fencing



NOTES: 1. LOCATION AND LIMITS OF FENCING SHALL BE COORDINATED IN FIELD WITH ARBORIST... 2. BOUNDARIES OF PROTECTION AREA SHOULD BE STAKED PRIOR TO INSTALLING PROTECTIVE DEVICE... 3. ROOT DAMAGE SHOULD BE AVOIDED... 4. PROTECTIVE SIGNAGE IS REQUIRED... 5. FENCING SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION... SIGNAGE CAN BE PURCHASED FROM: The Tree Company, 20 N. Beaman Ave., Columbia, MD 21038...

Tasks

Table with columns for Tasks and Months (Jan to Dec). Tasks include Pre-Construction Meeting, Stress Reduction Measures, Tree Protection Fencing, etc.

Notes:

- 1. Activities during November through February depend on ground conditions. 2. No fall planting of oaks and pines. 3. The planting and care of trees is most successful when coordinated with the local conditions. This calendar summarizes some of the recommended time frames for basic restoration and stress reduction activities.

Figure A:20

Unintended Impacts



Disturbed Soil



Planting on Slope



Container Growth and B&B Planting Techniques

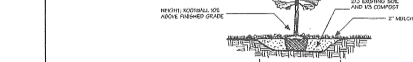
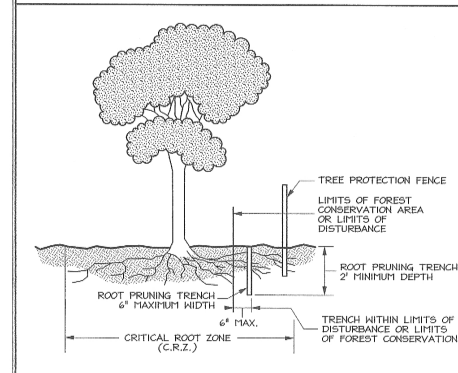


Figure D:16

DETAIL - ROOT PRUNING

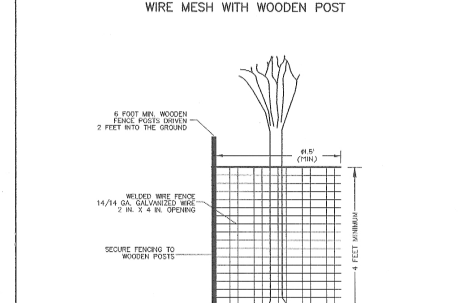


NOTES:

- 1. Retention Areas to be established as part of the forest conservation plan review process. 2. Boundaries of Retention Areas to be staked, flagged and/or fenced prior to trenching. 3. Exact location of trench to be determined at pre-construction meeting. 4. Trench should be immediately backfilled with soil removed or organic soil. 5. Roots must be cleanly cut using vibratory knife or other acceptable equipment. 6. Shallow root pruning to be provided where specified or determined at pre-construction meeting.

DEER PROTECTION FENCING

WIRE MESH WITH WOODEN POST



NO SCALE

Developer Certificate

THE UNDERSIGNED AGREES TO ENSURE ALL THE FEATURES OF THE PROPOSED FINAL FOREST CONSERVATION PLAN BE COMPLIED INCLUDING, BUT NOT LIMITED TO, MAINTENANCE AND MANAGEMENT PERIOD, FENCING, PAINT/STAKE, AND ALL OTHER APPLICABLE AGREEMENTS...

Certification of Qualified Professional

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS, AND M-CPPC GUIDELINES.

Owner: KENSINGTON HEIGHTS 2, LLC. Architect: GPS DESIGNS, LLC. Engineer: CAS ENGINEERING. Final Forest Conservation Plan. Printed by CAS ENGINEERING. 4 OF 4

Project schedule and revision table with columns for DATE, REVISION, BY, and PROJECT. Includes dates from 06/08/16 to 02/20/19 and various initials.

N/F OUTLOT B, PLAT 29-44-0, CIRCA JULY, 2006. KENSINGTON HEIGHTS. MONTGOMERY COUNTY, MARYLAND. FINAL FOREST CONSERVATION PLAN. 4 OF 4