



**\*Potomac Highland: Preliminary Plan and Site Plan**

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**Completed: 11-22-13**

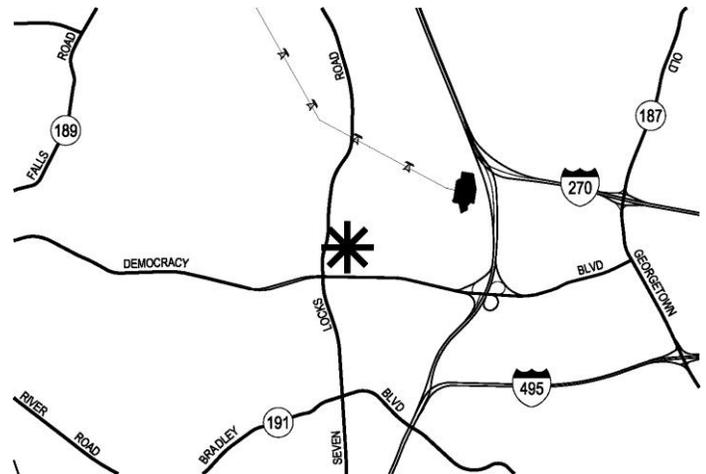
**Description**

**\*Potomac Highland: Preliminary Plan and Site Plan**

- A. Preliminary Plan No. 120130260: Potomac Highland**  
*Staff recommendation: Approval with Conditions.*
- B. Site Plan No. 820130260: Potomac Highland**  
*Staff recommendation: Approval with Conditions*

Request to construct 23 townhouse units (including 19 market rate units and 4 MPDUs) on 5.24 acres of land zoned R-90; located on the east side of Seven Locks Road approximately 1,600 feet north of Democracy Blvd, within the Potomac Subregion Master Plan

**Applicant:** Winchester Homes, Inc.  
**Filing Date:** May 22, 2013



**Summary**

Staff has addressed the following concerns in this report:

- The Pre-Preliminary Application No. 720130040 (presented May 30, 2013) was unanimously approved by the Planning Board, subject to a condition stipulating no more than 23 townhouse lots. In accordance with this approval, the Preliminary and Site Plans were filed within 90 days of the Planning Board action (see Appendix A). The Preliminary Plan application is in substantial conformance with the approved concept plan and the Applicant will be required to make a Transportation Policy Area Review (TPAR) payment prior to the first building permit.
- Staff has received opposing correspondence from local residents (Appendix E) regarding environmental concerns, the safety of the vehicular traffic and the type of units proposed. These concerns were addressed at the public hearing of the Pre-Preliminary Plan application and will be compared to submitted plans within this report.

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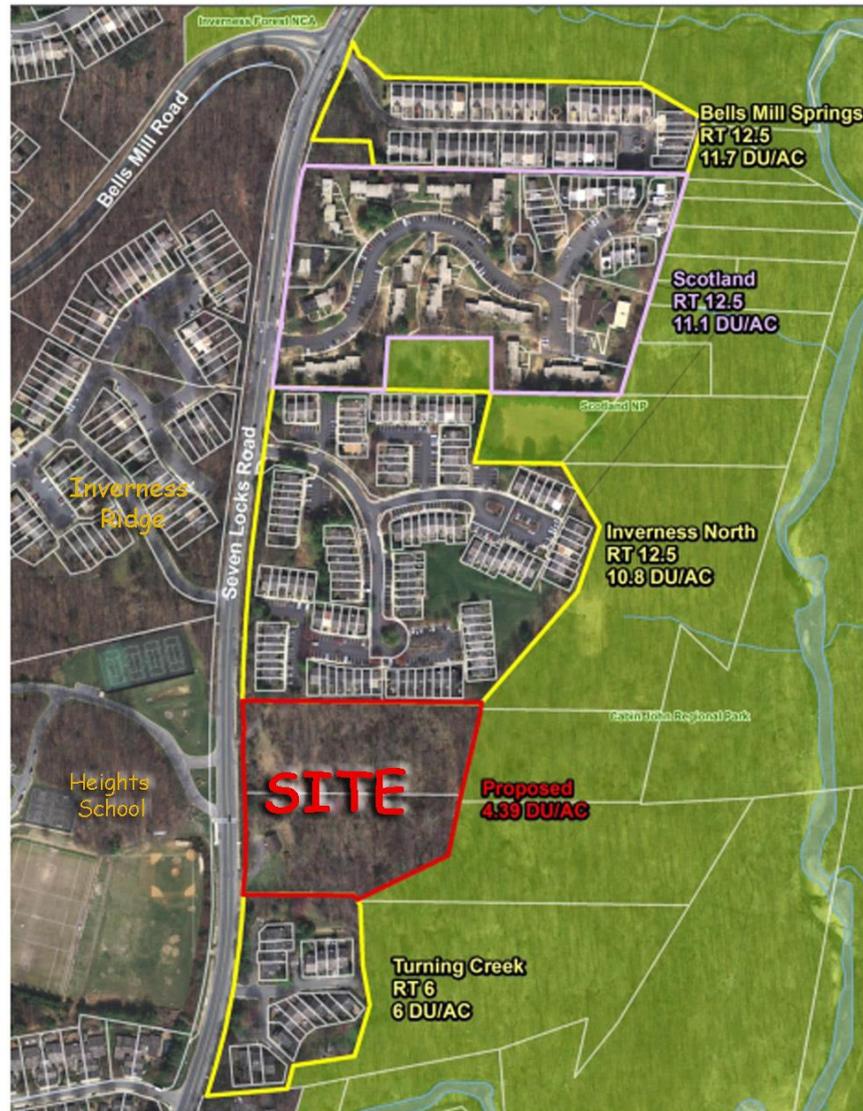
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## SECTION 1: CONTEXT AND PROPOSAL

### SITE DESCRIPTION

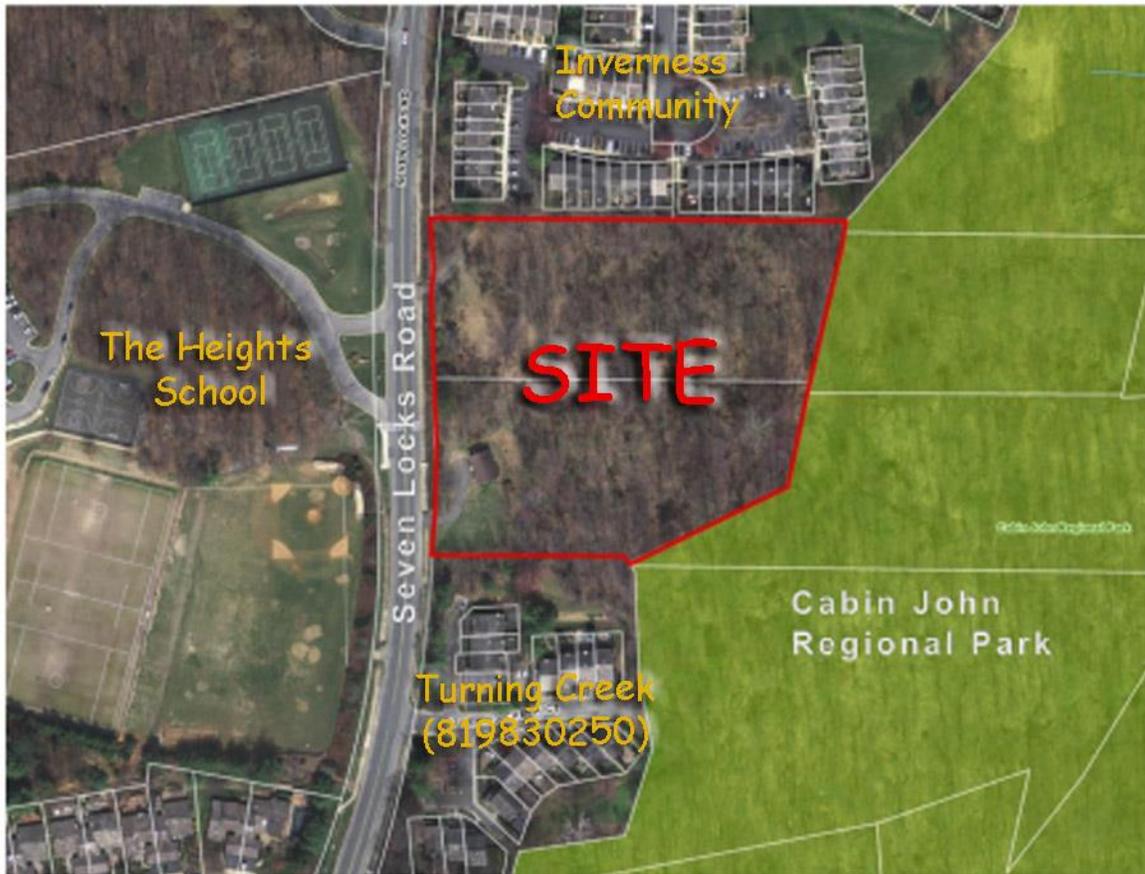
#### Vicinity

The subject site is known as the Burley Property, is within the Potomac Subregion Master Plan area, and consists of two parcels (P361 and P417 on Tax Map GP23) totaling approximately 5.24 acres of land. It is zoned R-90. The property is located on the east side of Seven Locks Road, approximately 1,600 feet from Democracy Boulevard (“Subject Property” or “Property”). Directly across Seven Locks Road is a private educational institution (The Heights School) zoned R-90. South of The Heights School is a single-family development (Site Plan No. 819831090) zoned R-90. The Turning Creek subdivision (Site Plan No. 819830250) is located immediately to the south and is zoned RT-6. The Inverness North subdivision is located immediately to the north and is currently zoned RT-12.5. Cabin John Regional Park borders the eastern property boundary. The existing parcels form a rectangular shape with approximately 458 feet of frontage along Seven Locks Road.



Vicinity Map

## Existing Conditions



*Aerial Photo*

The Property is currently developed with a single-family detached dwelling unit located in the southwest corner. A winding, steeply-sloped driveway provides access from Seven Locks Road to the existing residence. A second driveway is located in the northwest area of the Subject Property and leads up to a plateau close to the northern property line; there are some ruins in this location. With the exception of a cleared area for the existing residence, the Property is heavily forested, with significant specimen trees and steep slopes near the entrance of the site.

The existing grades form a prominent hilltop in the center of the Property, with elevations dropping from the hilltop in a radial fashion in all directions. The steep slopes are primarily located toward the front of the Property, directly adjacent to Seven Locks Road. The existing driveway rises approximately 42 feet to a plateau at the center of the site, and falls toward the northeast corner of the Property.

There are no known wetlands, floodplains, historic features, endangered species or critical habitats identified on the Property. The development is subject to the Montgomery County Forest Conservation Law; a Final Forest Conservation Plan is included with the review of the Preliminary and Site Plans.

## **PROJECT DESCRIPTION**

### **Previous Approvals**

#### Pre-Preliminary Plan No. 720130040:

On May 30, 2013, the Planning Board reviewed the pre-preliminary concept plan 7220130040 for Potomac Highlands, Seven Locks Road, Potomac, MD. The Planning Board unanimously approved the staff recommendation (5-0) to approve the pre-preliminary concept plan, subject to the following conditions:

- a) No more than 23 townhouse lots may be included on a future preliminary plan containing a 100 percent townhouse layout.
- b) An application for a preliminary plan shall be filed within ninety (90) days following the action of the Board on the Pre-Preliminary; otherwise the concept plan shall expire, unless extended by action of the Board.
- c) The Preliminary Plan application must contain the statement of the Board's action on the Pre-Preliminary concept plan.
- d) The Preliminary Plan application must be in substantial conformance with the Pre-Preliminary concept plan.
- e) Absent amendments to regulations in the interim, the project will not be subject to Local Area Transportation Review (LATR) because it would generate fewer than 30 peak hour trips. Similarly, Transportation Policy Area Review (TPAR) will apply if and when a Preliminary Plan is filed for the project.

### **Proposal**

The Preliminary and Site Plan applications will to meet the requirements of the R-90/MPDU optional method of development. The Applicant (Winchester Home, Inc.) is requesting to construct 100 percent attached units (23 townhouses). The development will consist of 19 market rate townhouse units including 4 moderately priced dwelling units (MPDUs), which allow a 22 percent density bonus under the code.

The townhouse lots will have frontage on a private street, which is designed to function as a public street. Sidewalks are proposed along the frontage of each lot and will connect into the recreation areas, parking facilities and the proposed sidewalk along Seven Locks Road. Existing forest along the perimeter will be protected within an easement and forms a green buffer between the proposed development and the existing communities.



*Illustrative Landscape Plan*

**Community Outreach**

The Applicant has met all proper signage, noticing, and submission meeting requirements upon filing the joint Preliminary Plan and Site Plan Applications. A community meeting was held on May 16, 2013 and the community was informed through a Notice of Application letter dated June 18, 2013. Staff received correspondence regarding the current status of the project, transportation related issues and grading issues (see Appendix E). Staff provided further clarification and addressed their concerns, questions and comments over the phone and via an email. As of the posting of this report, Staff has not received any other correspondence.

## SECTION 2: PRELIMINARY PLAN



*Preliminary Plan*

**RECOMMENDATION AND CONDITIONS:** Approval, subject to the following conditions:

1. Approval under this Preliminary Plan is limited to twenty-three (23) townhouse lots with a minimum of 15 percent MPDUs.
2. The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan, approved as part of the Site Plan.

3. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated November 6, 2013, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
5. The Applicant must make the Transportation Policy Area Review (“TPAR”) Mitigation Payment, equal to 25 percent of Impact Tax, in accordance with the 2012-2016 Subdivision Staging Policy prior to obtaining the first building permit.
6. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated April 30, 2013, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. The Applicant must dedicate and show on the record plat(s) a minimum of 40 feet from the existing pavement centerline along the Subject Property frontage on Seven Locks Road.
8. 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 Master Plan and/or to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, “To Be Constructed By \_\_\_\_\_” are excluded from this condition.
9. The record plat must reflect a Category I easement over all areas of stream valley buffers and forest conservation.
10. The record plat must show all private streets within separate parcels, and it must reflect a public use and access easement over all private streets and adjacent parallel sidewalks.
11. The Certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site

circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s) [or] Site Plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.

12. The record plat must show necessary easements.

13. 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.

## **ANALYSIS AND FINDINGS**

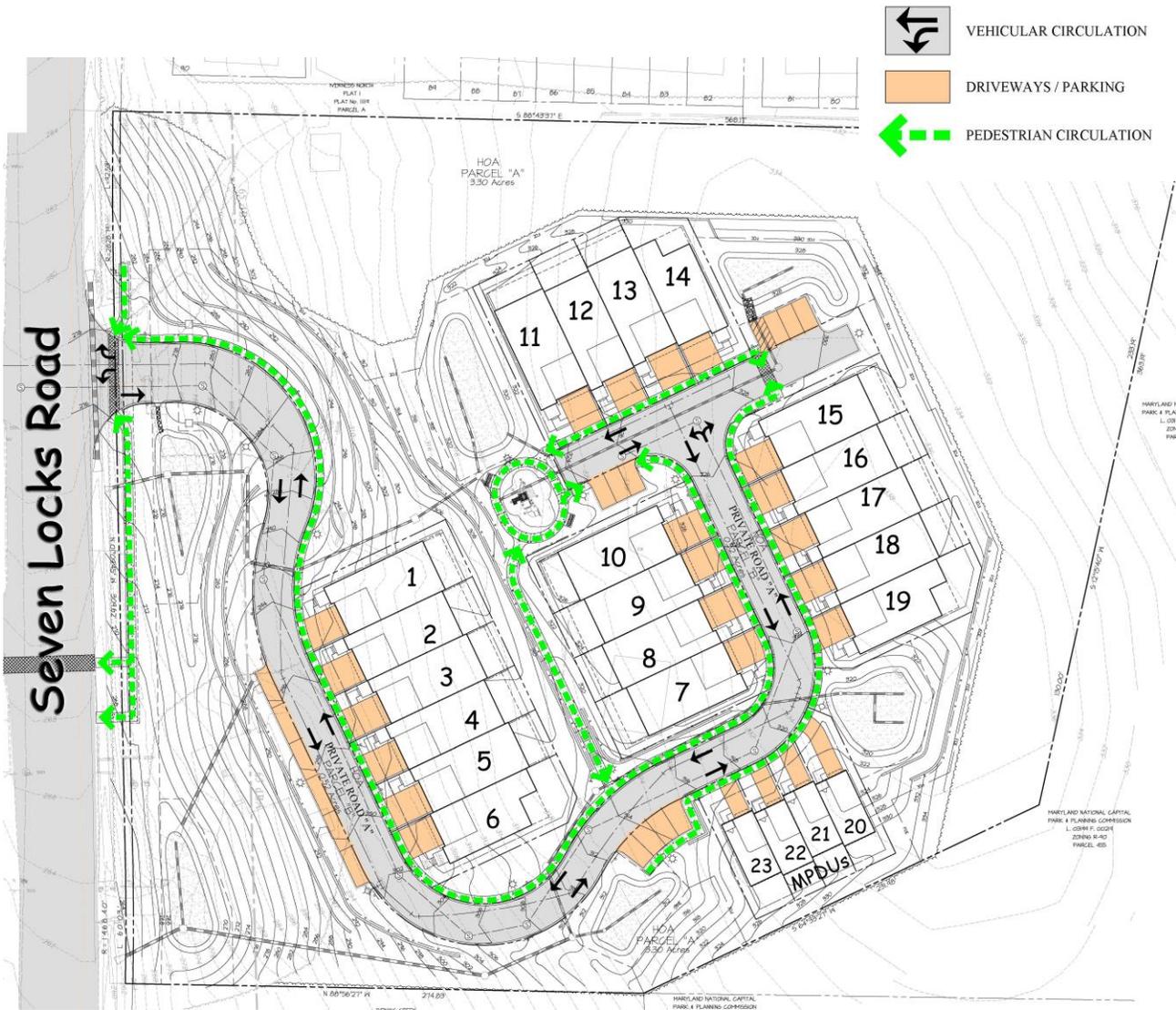
### **Master Plan Compliance**

The 2002 Potomac Subregion Master Plan ("Master Plan") does not specifically address the Potomac Highlands property but does recommend a continuation of the R-90 Zone. The Master Plan (page 36) also includes affordable housing as one of its goals:

*"One goal of this Master Plan is to retain and expand the supply of affordable housing in the Potomac Subregion. The Plan supports the Montgomery County Housing Policy and endorses opportunities that will result in meeting the Policy's objectives. The Plan also supports measures to provide affordable housing in the Subregion and recommends continuing to seek ways to fill this need."*

This development will provide additional affordable housing units in an area of Montgomery County that is currently under served, and that otherwise would not be provided under the standard method of development for single family detached dwelling units.

The project satisfies the relevant recommendations contained in the Master Plan for the Property. It is consistent with the Plan's recommendation of residential land use, and consistent with its zoning recommendation, which calls for retaining the R-90 Zone. The development provides affordable housing, a goal specifically recommended in the Master Plan. The application will provide for 15 percent MPDUs or a total of four MPDUs.



*Circulation Diagram*

Seven Locks Road is a two lane arterial roadway with a minimum 80-foot right-of-way. This project proposes to dedicate 40-feet from the centerline of the roadway, as recommended by the Master Plan.

**Adequate Public Facilities (APF) Compliance**

Roads and Transportation Facilities

The Property is located in the Potomac Policy Area. This development will generate eleven peak-hour trips during the weekday morning (6:30 a.m. to 9:30 a.m.) and nineteen peak-hour trips during the weekday evening (4:00 p.m. to 7:00 p.m.) peak periods. This development will generate less than 30 peak hour trips in either the morning or evening peak hour periods; therefore, no traffic study is required to satisfy the LATR test. A full-movement access to the Property will be provided from Seven Locks Road as required by MCDOT. Seven Locks Road was

built as a 2-lane arterial roadway and the Applicant will provide a 5 foot sidewalk along the Property frontage. The proposed private street access point will meet safe site distance requirements and a lead-in sidewalk will be connected to the internal pedestrian network. Staff has reviewed the access points and internal traffic/pedestrian circulation system shown on the Preliminary Plan and finds them to be safe and adequate.

According to the 2012-2016 Subdivision Staging Policy (SSP), the Potomac Policy Area is adequate under the roadway test and inadequate under the transit test, requiring 25 percent of the Impact TPAR payment. The Applicant will make the TPAR Mitigation Payment prior to obtaining the first building permit.

#### Other Public Facilities and Services

Public utilities including water, sewer, gas, electric and telecommunications are available and are adequate to serve the proposed number of residential units. The fire department and police services are operating at adequate service levels according to the SSP currently in effect. The Application was reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. The Property is in the Churchill High School Cluster, which has adequate capacity and does not require a school facility payment according to the FY 2014 SSP.

#### **Environment**

This site is located in the Cabin John Creek mainstem watershed, a Use I stream. This subwatershed has fair water quality and fair habitat conditions. Runoff from the site currently drains down-slope to a channel along Seven Locks Road. This drainage enters the mainstem of Cabin John Creek approximately 1,700 feet down the road near where the creek is crossed by Seven Locks Road. The site has access to public water and sewer service with categories of W-1 and S-1. According to the Potomac Subregion Master Plan and the approved Natural Resource Inventory and Forest Stand Delineation (No. 4-03148); the Subject Property contains both priority contiguous forest and specimen trees. The Property has steep slopes averaging approximately 20 percent across the front of the site, becoming more gently sloped 5-10 percent in the rear of the Property.

There are no sensitive areas, streams or wetlands located on this site. The street frontage is a hydrologically remote severe steep slope; this area is being completely re-graded in order to create the entrance road. As part of this process, the area will be re-stabilized using a series of retaining walls.

### Forest Conservation

The site is forested except for the street frontage. A significant amount of damage has been done to the forest by storms in recent years. The area of forest to be removed is 3.05 acres with 1.26 acres of forest retention. Forest retention exceeds the 20 percent forest conservation threshold by 0.17 acres. A 0.48-acre reforestation requirement is being partially met onsite by supplementing remaining forest areas with 0.28 acres of planting. In addition, off-site mitigation (0.20 acres) is required.

### Forest Conservation Plan Variance

Section 22A-12(b) (3) of the County Code requires applicants to identify certain trees, shrubs, plants, and specific areas as priority for retention and protection (“Protected Trees”). This section requires those areas to be left in an undisturbed condition unless the applicant obtains a variance in accordance with Chapter 22A-21 of the County code. More specifically the vegetation to remain undisturbed includes:

- A. *Trees, shrubs, or plants determined to be rare, threatened, or endangered under:*
  - (1) *The federal Endangered Species Act of 1973,*
  - (2) *The Maryland Nongame and Endangered Species Conservation Act, Natural Resources Article, §§10-2A-01—10-2A-09, Annotated Code of Maryland, and*
  - (3) *COMAR 08.03.08;*
- B. *Trees that:*
  - (1) *Are part of an historic site,*
  - (2) *Are associated with an historic structure, or*
  - (3) *Have been designated by the State or the Department as a national, State, or county champion tree; and*
- C. *Any tree having a diameter measured at 4.5 feet above the ground of:*
  - (1) *30 inches or more, or*
  - (2) *75 percent or more of the diameter, measured at 4.5 feet above the ground, of the current State champion tree of that species as designated by the Department of Natural Resources.*

### Unwarranted Hardship Basis

Twelve specimen trees are located on and adjacent to the site. Of these there are six specimen trees on the property that will be removed:

- Tree #942 – 33.5” Black Cherry
- Tree #948 – 36” White Ash
- Tree #953 – 35” Tulip Poplar
- Tree #954 – 36.5” Sycamore
- Tree #960 – 43” Red Maple
- Tree #966 – 37” Scarlet Oak

Two specimen trees will have impacts to their critical root zone, but preserved:

Tree #605 – 32” Red Oak

Tree #961 – 30” Tulip Poplar

Four specimen trees on or adjacent to the site will be preserved with no impacts to their critical root zones.

Staff has reviewed the Applicant’s justification and based on the existing conditions of the site including the severe topography of the site frontage, and the high density residential zoning, staff finds that there would be an unwarranted hardship if a variance were not considered.

### Variance Findings

The Planning Board must make findings that the Applicant has met all requirements of Chapter 22A-21 before granting a variance. Staff has made the following determination on the approval of a variance:

1. 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 as the zone of the property together with its severe topography along the road frontage require significant grading in order to develop the property. Granting a variance request to allow land disturbance on this site is not unique to this applicant.

2. Is not based on conditions or circumstances which are the result of the actions by the Applicant;

The Applicant has prepared and submitted plans which meet all applicable master plan, and forest conservation requirements. The requested variance is based upon existing site conditions, the high intensity zone and the number and locations of the large trees.

3. 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.

4. Will not violate State water quality standards or cause measurable degradation in water quality.

A Stormwater Management Concept Plan has been accepted by the MCDPS – Stormwater Management Section. In accordance with that approval, the concept

design will satisfy the water quality, quantity and recharge requirements to maintain appropriate water quality standards.

#### Mitigation for Trees Subject to the Variance Provisions

The six trees proposed for removal are located in the existing forest and their removal is being mitigated as part of the forest conservation plan requirements.

#### County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection. The request was forwarded to the County Arborist on May 30, 2013, and Staff will provide her recommendation on this request at the time of the Planning Board hearing.

#### Variance Recommendation

Staff recommends that the variance for the removal of six trees and impact to two trees be granted and finds that the Final Forest Conservation Plan meets all applicable requirements of Chapter 22A of the County Code.

#### **Subdivision Regulations Compliance**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, and the Subdivision Regulations meets all applicable sections. The proposed lot sizes, widths, shapes and orientations are appropriate for the location of the subdivision taking into account the recommendations included in the Master Plan, and for the type of development or use contemplated. The use of townhouse lots for this Property was found to be appropriate at the time of Pre-Preliminary Plan review by the Planning Board. This Application meets the conditions of the Pre-Preliminary Plan No. 720130040, and the townhouse lots are consistent with the lots in adjoining townhouse subdivisions.

The lots were reviewed for compliance with the dimensional requirements for the R-90/MPDU zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, and width, and can accommodate townhouse units within the setbacks established in that zone. A summary of this review is included in with the Site Plan review. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

## SECTION 3: SITE PLAN



Site Plan

### RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan 820130260, Potomac Highland, for 23 townhouse units, including 4 MPDUs, on 5.24 acres of land. All site development elements shown on the submitted plans stamped "Received" by the M-NCPPC on November 6, 2013 are required except as modified by the following conditions.

#### Conformance with Previous Approvals

1. Pre-Preliminary Plan Conformance

The development must comply with the conditions of approval for Pre-Preliminary Plan No.720130040.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No.120130260, unless amended.

**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 the issuance of sediment and erosions control permits by the Montgomery County Department of Permitting Services (“MCPDS”). Additionally, the Applicant must:

- a) Meet offsite mitigation of 0.20 acres prior to land disturbing activities;
- b) Ensure that the record plat reflects a Category I easement over forest retention and planting areas along the perimeter of the Subject Property; and
- c) Provide native evergreen landscaping and reforestation on the north side of the property under the supervised by a certified arborist to ensure that existing trees within the forest are not harmed. Particular attention should be paid to protection of the 42” white oak (tree #955).

**Parks, Open Space, & Recreation**

4. Common Open Space Covenant

The record plat of subdivision must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (“Covenant”). The Applicant must provide verification to Staff prior to issuance of the first building permit that the Applicant’s recorded Homeowners Association Documents incorporate the Covenant by reference.

5. Maintenance of Common Open Space

The Certified Site Plan must include a description of the procedure and methods to be followed for assuring the common use and adequate maintenance of common open space included in the plan.

**Density & Housing**

6. Moderately Priced Dwelling Units (MPDUs)

- a. The development must provide 4 MPDUs on-site in accordance with the approval letter from the Department of Housing and Community Affairs (“DHCA”) dated November 13, 2013. The Applicant is receiving a 22 percent density bonus for providing 4 MPDUs (15 percent of the total dwelling units on-site).
- b. The MPDU agreement to build must be executed prior to the release of any building permits.

## Site Plan

### 7. Site Design

- a. The internal sidewalk along the private roadway must be a minimum of 5-feet wide.
- b. Parking spaces that directly abut the 5-foot sidewalk must include wheel stops.
- c. The playground detail must indicate minimum clearing distances (i.e. fall zones) around the playground equipment.

### 8. Private Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b. All on-site downright fixtures must be full cut-off fixtures.
- c. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles must not exceed 13 feet including the mounting base.

### 9. Landscape Surety

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

- a. The amount of the surety will include plant material, on-site lighting, recreational facilities, site furniture, and private roads within the relevant block of development. The surety must be posted prior to the issuance of the first building permit within each relevant phase of development, and it must be tied to the development program.
- b. The Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial bond amount.
- c. Plantings will be completed by phase and followed by inspection and bond reduction. Inspection approval starts the first year maintenance period, and the bond release occurs at the expiration of the one year maintenance period.
- d. The Applicant must provide a Surety Agreement that outlines the responsibilities of the Applicant and incorporates the cost estimate. The Surety Agreement must be executed prior to issuance of the first building permit.

### 10. Development Program

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

- a. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- b. The on-site amenities including, but not limited to, benches, trash receptacles, playground facilities and bicycle facilities must be installed after the release of 70 percent of the building occupancy permits.
- c. The sidewalks will be constructed with the associated stick of townhouse units to ensure safe and adequate pedestrian access to the townhouse units and the other on-site amenities.
- d. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- e. The development program must provide phasing for installation of on-site landscaping and lighting.
- f. Landscaping associated with each parking lot and building must be completed as construction of each facility is completed.
- g. Each section of the development must be provided with necessary roads.
- h. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation and other features.

#### 11. Certified Site Plan

Prior to approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the Final Forest Conservation approval, stormwater management concept approval, development program, inspection schedule, and Site Plan resolution on the approval or cover sheet.
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices prior to clearing and grading."
- c. Modify data table to reflect development standards enumerated in the Staff Report.
- d. Ensure consistency of all details, site layout and forest conservation easement lines between the Site and Landscape Plans.

## ANALYSIS AND FINDINGS

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 does not require a Development Plan, Diagrammatic Plan, Schematic Development Plan or Project Plan.

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.*

This Site Plan fulfills the purpose of the R-90 Zone by providing market rate housing and MPDUs under the MPDU optional (alternative) method of development, which permits increased density where such units are included in accordance with Chapter 25A of the County Code (Section 59-C-1.2). In the R-90 Zone, the Zoning Ordinance states that the maximum number of one-family attached dwelling units, semidetached dwelling units or townhouses allowed in a subdivision is 50 percent of the total units. Section 59-C-1.629 allows the Applicant who voluntarily builds at 12.5 percent MPDUs (or more) in a development with 20 or fewer dwelling units to use the optional method development standards and provide 100 percent of the units consist of townhouses, if the Planning Board finds that the increased use of townhouses is: A) more desirable for environmental reasons and B) the increased use of townhouses is compatible with adjacent developments. This Application satisfies the provisions of the Zoning Ordinance under these sections for the following reasons:

A. Environment

The standard R-90 development with one family attached lots would require a larger impact to the site and existing forest due to the requirements and design standards for public road access. The overall existing conditions designate 4.31 acres land to forest cover, of which 3.05 acres will be removed and 1.26 acres will be retained. This project provides more significant common open space (with conservation easements) than would occurred if the Property were developed for single family dwelling units with private yards. The townhouse development will preserve a greater number of specimen trees and allows the Applicant to exceed forest conservation thresholds (20 percent of the Property) onsite.

B. Compatibility

The development with 100 percent townhouses is compatible with the abutting Inverness North townhouse development (north of the Property) and the Turning Creek townhouse development (south of the Property). The residential use is appropriate and

continues the existing townhouse residential character along the east side of Seven Locks Road. There are no single family detached dwellings adjacent to the proposed development. All adjacent areas are either parkland or existing townhouse developments. The MPDU units are similar in width, appearance, building height (3 stories), and unit type (front load garage) as the market rate units.

In accordance with the additional requirements, the Applicant will be dedicating 0.17 acres (approximately 7,405 sq. ft.) toward the Seven Lock Road right-of-way, which reduces the net site area (i.e. usable area) of the Property. All of the townhouse units will front onto a private roadway, and common open space is included in the overall green area calculations.



Green Area Diagram

## Development Standards

The following data table indicates the development's compliance with the Zoning Ordinance.

*Project Data Table for the R-90 Zone*

<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Proposed for Approval</b>
<b>Gross Site Area (ac.)</b>	N/A	5.41 ac.
<b>Road Dedication</b>	Required	0.17 ac.
<b>Net Site Area (Usable Area, ac.)</b>	Required	5.24 ac.
<b>Property Calculations</b>		
Max. Lot Coverage (%)	N/A	80%
Min. Green Area (sq. ft.) <sup>1</sup>	46,000 sq. ft.	161,944 sq. ft.
<b>Residential Calculations</b>		
Max. Density (du./ac.)	4.39 du./ac.	3.6 du/ac.
Min. Lot Size (sq. ft.)	1,500 sq. ft.	1,506 sq. ft.
Total Number of Units	24 units	23 units
Market Rate Units	? units	19 units
MPDUs (%/ units)	12.5% (3 units)	15% (4 units)
<b>Max. Building Height (feet)</b>	3 stories (40 feet)	3 stories (40 feet)
<b>Total Parking Spaces</b>	46 spaces <sup>2</sup>	61 spaces
Garage Spaces	N/A	42 spaces
Driveway	N/A	4 spaces
Surface Spaces	N/A	15 spaces

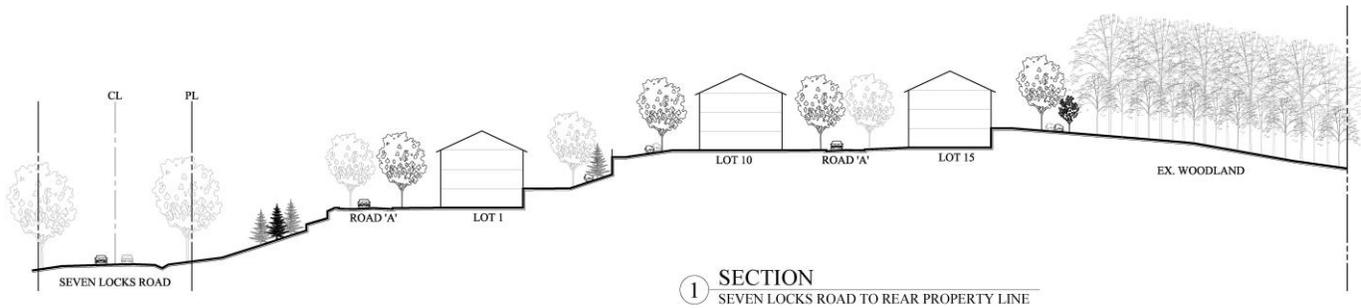
The Site Plan meets all of the development standards of the zone. The building heights and the density of this development do not exceed the maximum standards allowed.

- The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

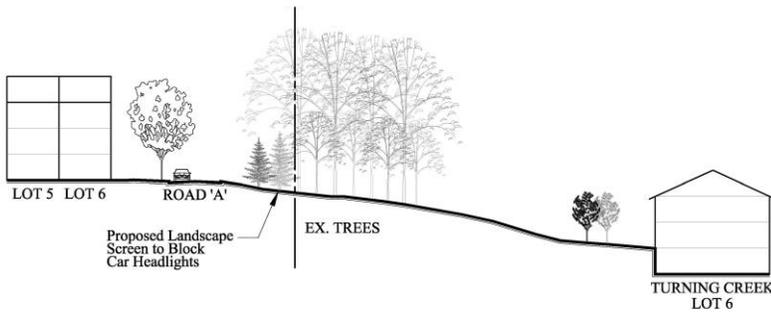
The townhouse units are located in the center of the Property (i.e. on a plateau), and are adequately buffered from Seven Locks Road with steep slopes and forested edges along the Property boundaries. The retaining walls along the main entrance driveway stabilize and carve space into the existing topography in order to gain adequate access to the site and create more usable common space areas. Some of the rows of townhouses are also built into the grade in order to create more usable space between lots. The MPDUs (four units) are not dispersed throughout the development as typically desired; however, DHCA and Staff find that their proximity to parkland, public amenities and the elevation (high point) are positive benefits to the potential owners. All of the units are efficiently aligned to front onto the private roadway, adequately meet the aesthetic concerns of the area and do not pose any safety concerns onsite.

<sup>1</sup> Per section 59C-1.627, Green area must be provided for each townhouse at the rate of 2,000 sq. ft. per unit.

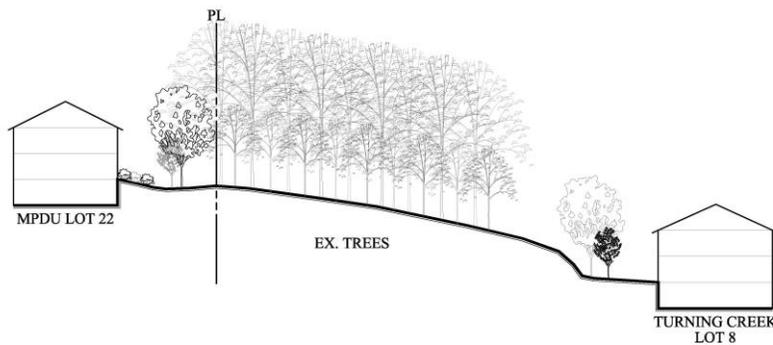
<sup>2</sup> Per section 59E-3.7, Townhouse units require 2 spaces for each townhouse unit.



1 SECTION  
SEVEN LOCKS ROAD TO REAR PROPERTY LINE



2 SECTION  
LOT 6 SOUTH TO TURNING CREEK



4 SECTION  
LOT 22 SOUTH TO TURNING CREEK

The onsite green areas include common open space (i.e. recreational facilities), pathways, forested buffers, landscaped areas and lawns. Each of these spaces will be transferred over to the Homeowner's Association; however, until such time these public amenities will be maintained by the developer. The main entrance area is designed with decorative retaining walls, signage and seasonal plantings that are intended to orient and welcome visitors to the site. The forested backdrop further enhances the aesthetic appeal from the right-a-way and provides a landscape buffer to the parallel parking spaces and rear yards of Lots 11 thru 14.

The Landscaping provides a screen for the parking, SWM facilities, and the front and rear yards of the building. Street trees and light fixtures are provided along the street to enhance the pedestrian environment. Interior lighting will create enough visibility to provide safety, but not so much as to cause glare on the adjacent roads or properties. Recreational facilities are not required for this Site Plan, but benches and playground facilities are provided. The common open spaces, landscaping, and site details adequately and efficiently address the site requirements and the recommendations of the Master Plan, while providing a safe and comfortable environment for the residents.

The internal sidewalks will consistently connect into the 5-foot public sidewalk along Seven Locks Road within the public right-of way. Therefore, the pedestrian access from adjacent sidewalks adequately and efficiently integrates this Property into the surrounding area. The private roadway follows the existing topography into the Subject Property, and provides safe and adequate access to the parking facilities, the townhouse units and common space areas. Internal traffic through the Property will have minimal impacts to the pedestrian circulation. This Property meets the recommendations of the Master Plan and provides a safe atmosphere for pedestrians, cyclists, and vehicles.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

#### Sustainable Design Details

Staff finds that the development of this Property with 100 percent townhouses provides environmental benefits, maintains the minimum forest conservation thresholds needed onsite and is compatible with the neighboring properties. Compared to the standard method of development (i.e. the construction of one-family detached units) within the R-90 Zone, the following sustainable benefits can be determined based on the site layout of this proposal:

- Compact building footprint and overall site layout;
- Preservation of specimen trees onsite and common open space;
- Less grading impacts to the existing soil and steep slopes; and
- Less impervious surface areas and stormwater runoff.

#### Compact building footprint and overall site layout

The existing character of the surrounding neighborhoods (towards the north and south) is developed with townhouse units. This development is compatible with the adjacent and confronting properties (i.e. Inverness North and Turning Creek), which are also developed with 100 percent townhouse units. The residential use is appropriate and continues the existing townhouse residential character along the east side of Seven Locks Road. The townhouse units will not exceed the maximum building height requirements and are adequately buffered from Seven Locks Road and the surrounding communities with an existing forested property edge. There are no single family

detached dwellings adjacent to the proposed development. The MPDU units will be similar in width, appearance, building height (3-stories), and unit type (i.e. front load garages) as compared to the market rate units onsite.

The gross site area of the Property is 5.41 acres, which 0.17 acres will be dedicated to roadway, 1.52 acres (66,310 sq. ft.) will be developed with and 3.72 acres (161,944 sq. ft.) is designated as forest and green area. The MPDUs are the smallest lots on the Property, and are located directly adjacent to the existing Cabin John Regional Park (setback minimum of 24 feet). The development meets the minimum lot size requirements of 1,500 sq. ft. and the overall lot sizes range from approximately 2,000 sq. ft. to 3200 sq. ft. Parking (61 spaces) is provided along the private streets for the residents and their guests (15 spaces).

Preservation of specimen trees onsite and common open space

This development will retain 29 percent of the existing forest, which exceeds the 20 percent forest conservation threshold by 0.17 acres (7,405 square feet). The reforestation requirements are being partially met onsite by supplementing remaining forest areas with 0.28 acres of planting. In addition, off-site mitigation of 0.20 acres is also required. Of the total number of specimen trees (12 existing onsite), 6 specimen trees will be protected within the forest (i.e. Category I Forest Conservation easement). There are no sensitive areas, streams or wetlands located onsite.

Less grading impacts to the existing soil and steep slopes

The areas of steep slopes are located directly adjacent to Seven Locks Road near the existing driveway entrance. The use of retaining walls near the entrance is intended to provide adequate space and accessible grades for the internal private street and parallel parking spaces. The rows of townhouse units are built into the existing grades and provide useable space for additional parking and recreational space. Residential lot sizes are typically significantly smaller for townhouses than for detached units and consume less land. The topography and areas outside the limits of the disturbance (LOD) will remain ungraded and will serve the same function as they do currently.

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

The existing conditions of the Property are almost entirely forested. The area of forest to be removed is 3.05 acres with 1.26 acres of forest retention. Forest retention exceeds the 20 percent forest conservation threshold by 0.17 acres. A 0.48-acre reforestation requirement is being partially met onsite by supplementing remaining forest areas with 0.28 acres of planting. In addition, off-site mitigation (0.20 acres) is required. The SMW concept consists of dry wells and micro-bioretenion that have been deemed acceptable by the MCDPS.

## **CONCLUSION**

This project meets all requirements established in the Subdivision Regulations and the Zoning Ordinance, and substantially conforms to the recommendations of the Potomac Subregion Master Plan. Adequate access and public facilities are provided and will serve the development. The applications have been reviewed by other applicable county agencies; all of which have recommended approval. Therefore, Staff recommends approval of the Preliminary and Site Plan applications subject to the conditions of approval.

## **APPENDICES**

- A. Previous Approvals
- B. Agency Approval Letters
- C. Statement of Justification
- D. Revised Plans
- E. Community Correspondence

## APPENDIX A (Previous Approvals)

### Zoning History:

1964	Two contiguous parcels abutting the Property were acquired by M-NCPPC from the Burley estate and now constitute part of Cabin John Regional Park.
1969	The Property was reclassified from R-90 to the R-T Zone by a Local Map Amendment (LMA, F-419), permitting townhouses to be constructed onsite with densities up to 12.5 dwelling units per acre.
1973	The Property was reclassified at the specific request of the owner from the R-T Zone back to the R-90 Zone to avoid the increased tax burden of the R-T Zone by LMA (F-903).
1992	The Planning Board recommended acquisition of the Property as an extension to Cabin John Regional Park. The owner objected and the County Council disapproved the Planning Board's recommendation.
2003	The owner filed an LMA application for the RT-8 Zone, with a Schematic Development Plan that proposed 30 units. The owner requested a deferral of the application, due to environment concerns and no approved SWM approval letter.
2004	The contract purchaser of the Property filed an application for the RT-8 Zone with a Schematic Development Plan for 32 units (further reduced a year later to 31 units). The County Council remanded the case recommending that the zone be changed to the RT Zone, and that more consideration given to the SWM and traffic concerns.
2005	The Planning Board recommended approval of the Zoning Application subject to changes to the number, size and layout of the units at the Subdivision and Site Plan review stage. The Planning Board agreed that the Schematic Development Plan was compatible with the adjacent development in terms of unit type, density and setbacks, but also indicated concerns regarding the preservation of natural features, erosion control and SWM. The total number of units may need to be reduced at Site Plan, pending a level of engineering detail that was not available at the schematic plan stage.

2006

The County Council enacted a legislative change that reduced the threshold for MPDUs. The Hearing Examiner concluded that the Property would be more appropriate for RT zoning and recommended that the Applicant address SWM and traffic issues. The Applicant withdrew the LMA application without prejudice; therefore, the Property is still zoned R-90 Zone.



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

OFFICE OF THE CHAIR

June 5, 2013

Mr. Michael P. Lemon  
Winchester Homes  
6905 Rockledge Drive, Suite 800  
Bethesda Maryland 20817

**Re: Potomac Highlands - 720130040**

Dear Mr. Lemon:

On May 30, 2013, the Planning Board reviewed the pre-preliminary concept plan 7220130040 for Potomac Highlands, Seven Locks Road, Potomac, Maryland. On a motion by Commissioner Dreyfuss, seconded by Commissioner Wells-Harley, the Planning Board unanimously approved the staff recommendation (5-0) to approve the pre-preliminary concept plan, subject to the following conditions:

1. No more than 23 townhouse lots may be included on a future preliminary plan containing a 100 percent townhouse layout.
2. An application for a preliminary plan shall be filed within ninety (90) days following the action of the Board on the pre-application submission; otherwise the concept plan shall expire, unless extended by action of the Board.
3. The preliminary plan application must contain the statement of the Board's action on the pre-application submission concept plan.
4. The preliminary plan application must be in substantial conformance with the pre-application submission concept plan.
5. Absent amendments to regulations in the interim, the project will not be subject to LATR because it would generate less than 30 peak hour trips. Similarly, TPAR will apply as in effect if and when a Preliminary Plan is filed for the project.

If you have any questions regarding this transmittal, please contact Callum Murray at 301-495-4733.

Sincerely,

Françoise M. Carrier  
Chair

cc: Steven A. Robins, Lerch, Early and Brewer



## DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

Richard Y. Nelson, Jr.  
Director

November 13, 2013

Ms. Molline Smith  
M-NCPPC, Area 3  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Potomac Highlands  
Preliminary Plan No. 120130260  
Site Plan No. 820130060

Dear Ms. Smith:

The Department of Housing and Community Affairs (DHCA) has reviewed the above Preliminary Plan and Site Plan applications and recommends Approval.

Sincerely,

Lisa S. Schwartz  
Senior Planning Specialist

cc: Kevin Foster, Gutschick, Little & Weber, P.A.  
Michael Lemon, Winchester Homes  
Steven A. Robins, Lerch Early & Brewer

S:\Files\FY2014\Housing\MPDULisa Schwartz\Potomac Highlands DHCA Letter 11-12-2013.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, 4<sup>th</sup> Floor • Rockville, Maryland 20850 • 240-777-3600 • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
*County Executive*

Arthur Holmes, Jr.  
*Director*

November 6, 2013

Ms. Molline Smith, Senior Planner  
Area 3 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120130260  
Potomac Highlands

Dear Ms. Smith:

We have completed our review of the unsigned preliminary plan dated April 2013. This plan was reviewed by the Development Review Committee at its meeting on July 22, 2013. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show all existing planimetric and topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, bus stops, utilities, etc.) as well as existing rights of way and easements on the preliminary plan.
2. Dedicate right-of-way along Seven Locks Road in accordance with the master plan.
3. The Department of Transportation has conducted a Facility Planning Study to implement master planned improvements along Seven Locks Road [*"Seven Locks Road Sidewalk and Bikeway (Montrose Road – Bradley Blvd), CIP Project No. 501303"*]. However, this project is currently on hold – as there is no funding available for further engineering or construction activities at this time.

Prior to submission of the record plats, the applicant's consultant should contact the Division of Transportation Engineering's Project Manager (Mr. Jon Hutchings) to determine if additional design has occurred since submission of this letter. If the CIP project has been reactivated, the applicant's consultant will need to coordinate those plans with the County's. Mr. Hutchings may be contacted at (240) 777-7220.

**Division of Traffic Engineering and Operations**

---

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878  
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
[trafficops@montgomerycountymd.gov](mailto:trafficops@montgomerycountymd.gov)

Ms. Molline Smith  
Preliminary Plan No. 120130260  
November 6, 2013  
Page 2

4. As the CIP plans have not progressed to the final design stage, we do not recommend implementing the Facility Planning Study typical section in conjunction with this development. Instead, we accept the applicant's proffer to construct an interim five (5) foot wide concrete sidewalk, behind the existing concrete drainage ditch, across the site frontage. The front edge of this sidewalk should be located a minimum of three (3) feet behind the rear hinge point of the existing concrete drainage ditch.
5. To implement the aforementioned sidewalk construction, the applicant will need to grant a Public Improvements Easement (with overlapping Public Utilities Easement) along the Seven Locks Road site frontage. The width of this Public Improvements Easement is to be confirmed prior to approval of the record plat; it will need to extend a minimum of two (2) feet behind the rear edge of the proposed sidewalk. This Public Improvements Easement may be retained, when the CIP improvements are constructed, for the construction and maintenance of proposed retaining walls along the site frontage. The Public Utilities Easement will need to extend a minimum of ten (10) feet beyond the limit of the Public Improvements Easement. The deed reference for the Public Improvements Easement document will need to be provided on the record plat.
6. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
7. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
8. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
9. The applicant's storm drain capacity and impact analysis has been accepted.
10. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
11. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
12. In accordance with Section 49-33(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided on both sides of the proposed public streets unless the applicant is able to obtain a waiver from the appropriate government agency.
13. The proposed private streets must be sufficiently wide to accommodate two-way vehicular traffic. Private streets are to be designed to allow an SU-30 truck to circulate without crossing the centerline or the curbline.
14. Private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, maintenance, and drainage characteristics of private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.

Ms. Molline Smith  
 Preliminary Plan No. 120130260  
 November 6, 2013  
 Page 3

15. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
16. Where perpendicular parking spaces border a sidewalk, a two (2) foot vehicle overhang is assumed. The applicant should either provide a seven (7) foot wide sidewalk or wheelstops within those parking spaces.
17. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
18. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
19. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
20. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
21. At or before the permit stage, please coordinate with Ms. Stacy Coletta of our Division of Transit Services to relocate the existing RideOn bus stop approximately twenty seven (27) to the north – so that the bus stop will be approximately twenty (20) feet from the existing marked crosswalk. The landing area should be a minimum of six (6) feet wide. Provide a culvert to facilitate pedestrian movements across the existing ditch from the existing marked crosswalk to the relocated bus stop pad. Ms. Coletta may be contacted at (240) 777-5800.
22. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - A. Construct a 5' wide concrete sidewalk with ADA-compliant leadwalks & handicap ramps along Seven Locks Road site frontage.
  - B. Construct 5' wide concrete leadwalk and install appropriate culvert across the existing concrete ditch to facilitate pedestrian access from the existing marked crosswalk to the RideOn bus stop.
 

**\* NOTE: the Public Utilities Easement along Seven Locks Road is to be graded on a side slope not to exceed 4:1.**
  - C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

Ms. Molline Smith  
Preliminary Plan No. 120130260  
November 6, 2013  
Page 4

- D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Ms. Monet L. Lea, our Development Review Area Engineer for this project, at [monet.lea@montgomerycountymd.gov](mailto:monet.lea@montgomerycountymd.gov) or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager  
Development Review Team

m:/correspondence/FY14/Traffic/Active/120130260, Potomac Highlands, MCDOT plan review comments ltr.doc

Enclosure

cc: David L. Little; Gutschick Little & Weber, P.A.  
Kevin Foster; Gutschick Little & Weber P.A.  
Michael Lemon; Winchester Homes  
Steven Robins; Lerch, Early & Brewer  
Katherine Holt; M-NCPPC Area 3  
Catherine Conlon; M-NCPPC DARC  
Preliminary Plan folder  
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri; MCDPS RWPR  
Sam Farhadi; MCDPS RWPR  
Henry Emery; MCDPS RWPR  
Stacy Coletta; MCDOT DTS  
Jon Hutchings; MCDOT DTE  
Bruce Mangum; MCDOT DTEO  
Dan Sanayi; MCDOT DTEO  
Fred Lees; MCDOT DTEO  
Kyle Liang; MCDOT DTEO  
Monet Lea; MCDOT DTEO



## DEPARTMENT OF PERMITTING SERVICES

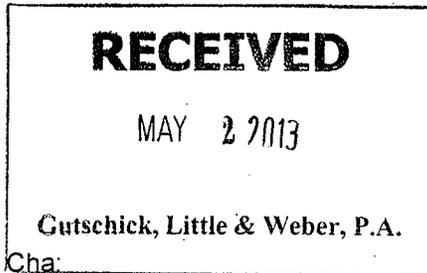
Isiah Leggett  
County Executive

April 30, 2013

Diane R. Schwartz Jones  
Director

Mr. David Cha  
Gutschick, Little & Weber, P.A.,  
3909 National Drive  
Burtonsville, MD 20866

Re: Stormwater Management **CONCEPT** Request  
for Potomac Highlands (Burley Property)  
Preliminary Plan #: Pending  
SM File #: 246951  
Tract Size/Zone: 5.24 acres / R-90  
Total Concept Area: 5.24 acres  
Lots/Block: NA  
Parcel(s): P417  
Watershed: Cabin John Creek



Dear Mr. Cha:

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 Micro-Bioretenention and Dry Wells.

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. The Pe calculation used for the basis of the ESDv computation for this submission was based on the developed RCN for the property. Although it is acceptable for this project, DPS has not formally approved this method for computing the target ESDv for projects.

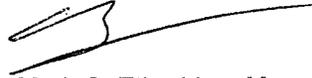
This list may not be all-inclusive and may change based on available information at the time.

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 me at 240-777-6338.

Sincerely,



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

MCE: jb mce

cc: C. Conlon  
SM File # 246951

ESD Acres:	5.24
STRUCTURAL Acres:	na
WAIVED Acres:	na



ATTORNEYS

STEVEN A. ROBINS  
DIRECT 301.657.0747  
FAX 301.347.1778  
SAROBINS@LERCHEARLY.COM

June 21, 2013

Mr. John Carter  
Mr. Callum Murray  
Montgomery County Planning Board  
Maryland-National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Winchester Homes, Inc. –Preliminary Plan and Site Plan Application  
Submissions for Potomac Highlands

Dear Mssrs. Carter and Murray:

Our firm represents Winchester Homes, Inc. (“Winchester”), the contract purchaser of approximately 5.24 acres of land located on the east side of Seven Locks Road (10401 and 10525 Seven Locks Road and commonly referred to as the Burley Property) and part of the Potomac Subregion Master Plan (the “Property”). The purpose of this letter is to transmit the Preliminary Plan and Site Plan Applications for development of the Property and to provide a narrative description of the nature of the Application.

If you recall, this development was the subject of Pre-Preliminary Plan Application No. 7220130040 and was reviewed by the Montgomery County Planning Board on May 30, 2013. A copy of the Board’s approval is attached to this letter. The Planning Board, pursuant to Section 50-33A of the Montgomery County Subdivision Regulations (binding review), reviewed the Pre-Preliminary Concept Plan for Potomac Highlands, and by a vote of 5-0, approved the plan subject to the following conditions:

1. No more than 23 townhouse lots may be included on a future preliminary plan containing a 100 percent townhouse layout.
2. An application for a preliminary plan shall be filed within ninety days following the action of the Board on the pre-application submission; otherwise the concept plan shall expire, unless extended by action of the Board.
3. The preliminary plan application must contain the statement of the Board’s action on the pre-application submission concept plan.
4. The preliminary plan application must be in substantial conformance with the pre-application submission concept plan.
5. Absent amendments to regulations in the interim, the project will not be subject to LATR because it would generate less than 30 peak hour trips.

Mr. John Carter  
Mr. Callum Murray  
June 21, 2013  
Page 2

Similarly, TPAR will apply as in effect if and when a Preliminary Plan is filed for the project.

**I. DESCRIPTION OF PROPOSED DEVELOPMENT AND ZONING COMPLIANCE**

As reflected in the materials submitted with these Applications, and on the Application forms itself, the Property is zoned R-90. This Preliminary Plan and Site Plan proposes the development of this 5.24 acre tract of land (gross tract area is 5.41 acres) with 23 townhouse dwelling units (19 market rate and 4 Moderately Priced Dwelling Units) in substantial conformance with the Pre-Preliminary Plan approved by the Planning Board. The Property is surrounded by townhouse developments (immediately north of, and abutting the Property, is zoned R-T 12.5 and is developed with the Inverness North townhouses; the Scotland Community abuts the Inverness North townhouses to the north and is zoned R-T 12.5 (100 townhouses); to the south of the Property, the property is zoned R-T 6 and developed with the Turning Creek townhouse complex) and parkland owned by the Maryland-National Capital Park & Planning Commission. Directly across Seven Locks Road and west of the Property, the property is zoned R-90 and developed with a private educational institution, the Heights School. South and west of the Heights School, the properties are zoned R-90 and developed with single-family detached dwelling units. North of the Heights School, the property is zoned R-90 and developed with the Inverness Forest subdivision, consisting of single family and townhouse units.

Among the plans being submitted is a general representation of the contemplated layout of the proposed 23 units. The project is being developed under Section 59-C-1.6 of the Zoning Ordinance, Development including Moderately Priced Dwelling Units. Under this section of the Zoning Ordinances, townhouses are permitted in the R-90 zone. Minimum lot sizes for townhouses are 1,500 square feet and that is what is being proposed as part of this Application. The maximum density allowed is 4.39 dwelling units/acre (with an MPDU bonus). This Application proposes 15% MPDUs for a total of 4 MPDUs. The density is far below the townhouse densities that either already were approved by a prior LMA or thereafter proposed for the Property (*see* zoning history). The maximum building height permitted is 40 feet and the minimum green area required is 2,000 square feet per dwelling unit. All of these requirements will be respected.

In the R-90 zone, the Zoning Ordinance states that the maximum number of one-family attached dwelling units, semidetached dwelling units or townhouses allowed in a

Mr. John Carter  
Mr. Callum Murray  
June 21, 2013  
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subdivision is 50% of the total units. However, the Planning Board may approve a development in which up to 100% of the total number of units are one-family attached dwelling units, one-family semidetached dwelling units, or townhouses upon a finding that (1) a proposed development is more desirable from an environmental perspective than development that would result from adherence to these percentage limits, or (2) limits on development at that site would not allow the applicant to achieve MPDUs under Chapter 25A on-site. The Board also must find that any dwelling unit type above the standard percentage allowed must achieve not less than the same level of compatibility as would exist if the development were constructed using the standard percentage of that type of dwelling unit and that any development that exceeds the maximum percentage of allowable dwelling unit types must be compatible with adjacent existing and approved development.

As part of the Pre-Preliminary Plan application, Winchester set forth its reasoning as to why the Application satisfies each of these requirements. Technical Staff (in its staff report) agreed with Winchester's reasoning and the Planning Board concurred in its decision to permit 100% townhouses on the property for the following reasons:

- 100% townhouses will allow the Applicant to save or maintain the minimum forest conservation threshold on-site. Standard R-90 development will require a significantly larger impact to the Property and existing forest due to the requirements and design standards for public road access into the Property.
- 100% townhouses will preserve a greater number of specimen trees on-site.
- 100% townhouses will reduce grading and impacts to the soil and slopes by having a more compact development footprint.
- 100% townhouses will place a greater portion of the Property in open space rather than in private yards.
- 100% townhouses will result in less impervious area with the use of private roadways and smaller building footprints compared to standard R-90 development. As a result, the proposed development reduces storm water and nutrient runoff.
- The proposed development with 100% townhouses will be fully compatible in regards to the density and product type with the existing Inverness North townhouse development to the north and the Turning Creek townhouse development to the south – the two neighborhoods in close proximity to the Property. This development pattern will be an appropriate use of the Property and continue the existing medium density residential character along Seven Locks Road.

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The 2002 Potomac Subregion Master Plan, on page 38, lists affordable housing as one of its goals. More specifically, page 38 of the Master Plan states:

*“One goal of this Master Plan is to retain and expand the supply of affordable housing in the Potomac Subregion. The Plan supports the Montgomery County Housing Policy and endorses opportunities that will result in meeting the Policy’s objectives. The Plan also supports measures to provide affordable housing in the Subregion and recommends continuing the seek ways to fill this need.”*

- The Planning Board agreed that the proposed development will provide additional affordable housing units in an area of Montgomery County that is currently under served, and that otherwise would not be provided under standard development methods for single family dwelling units.

Section 59-C-1.629 also allows an Applicant that is proposing 20 or fewer dwelling units to voluntarily provide MPDUs in such a development. More specifically, “An applicant who voluntarily builds at least 12.5 percent MPDUs in a development with 20 or fewer dwelling units may use the optional method development standards of Sec. 29-C-1.62, except: (1) any perimeter lot that is adjacent, abutting, or confronting one or more existing one-family detached dwellings must conform to the lot area and yard requirements of the standard method of development; (2) the MPDU buildings must be similar in size and height to the market rate dwellings in that development, and (3) the maximum percentage of townhouses must not exceed 40% of the total residential dwellings in that development; however, the Planning Board may approve a development in which up to 100 percent of the units consist of townhouses, if the Board finds that the increased use of townhouses is more desirable for environmental reasons and the increased use of townhouses is compatible with adjacent development.”

The Planning Board also found that the Pre-Preliminary Plan application satisfied the provisions of the Zoning Ordinance under this section for the following reasons:

- There is no one-family detached dwelling adjacent to the proposed development. All adjacent areas are either parkland or existing townhouse developments. Thus, the first clause of this particular section is not applicable.
- The proposed MPDU units will be similar in appearance, height (3 story), and unit type (front load garage) as the market rate units. The Montgomery County

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Department of Housing and Community Affairs has reviewed the Plan and evaluated the MPDUs and is satisfied with the Plan and recommending approval.

- As discussed above, 100% townhouses will allow the Applicant to save or maintain the minimum forest conservation threshold on site. Standard R-90 development will require significantly larger impact to the site and existing forest due to the requirements and design standards for public road access into the Property. This townhouse layout also will provide more meaningful open space (with conservation easements) than what would occur if the Property was site planned for single family dwelling units with private yards.
- As discussed above, 100% townhouses will preserve a greater number of specimen trees.
- As discussed above, 100% townhouses will reduce grading and impacts to the soil and slopes by having a more compact development footprint.
- Less impervious area with the use of private roadways and smaller building footprints compared to standard R-90 development will reduce storm water and nutrient runoff.
- The proposed development with 100% townhouses will be fully compatible in regards to the density and product type with the existing Inverness North townhouse development to the north and the Turning Creek townhouse development to the south. It will be an appropriate use of the property and continue the existing medium density residential character along Seven Locks Road.

As a result, the Planning Board concluded (as the Applicant had requested pursuant to Section 50-33A of the Subdivision Regulations) that the proposed development on the property, with 100% townhouses, satisfies the requirements of Section 59-C-1.62 and 59-C-1.629 of the Zoning Ordinance. This finding is binding on the Preliminary Plan for the property (and the Site Plan that will be heard concurrently with the Preliminary Plan) pursuant to the Section 50-33A review requested by the Applicant as part of the Pre-Preliminary Plan review.

## II. ZONING HISTORY OF THE PROPERTY

As mentioned above, the Property is zoned R-90 and has a rather unique zoning history as follows:

- In 1964, two contiguous parcels abutting the Property were acquired by M-NCPPC from the Burley estate and now constitute part of Cabin John Regional Park.

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- In 1969, the Property was reclassified from the R-90 zone to the R-T zone by LMA F-419, permitting townhouse densities of up to 12.5 dwelling units per acre.
- In 1973, the property was reclassified at the request of the owner from the R-T zone back to the R-90 zone to avoid the increased tax burden of the R-T zone by LMA F-903.
- In 2003, the owner filed an LMA application for the RT-8 zone, with a schematic development plan for 30 units (reduced from 34). The owner ultimately requested deferral of the application.
- In 2004, the contract purchaser of the Property filed an application for the RT-8 zone with a schematic development plan for 32 units. In 2005, the application was further amended to show 31 units. This case ultimately was remanded by the Council in 2006 (the Hearing Examiner concluded that the Property would be appropriate for RT zoning but recommended that the applicant further address stormwater management and traffic concerns).
- In 2006, the Council permitted the Applicant of the LMA to withdraw the application, without prejudice.

But for the property owner's desire to rezone the property back to R-90 from R-T in 1973 for tax reasons, the Property already would be zoned R-T for townhouses.

### **III. SUBDIVISION REGULATION COMPLIANCE**

The Preliminary Plan Application demonstrates that the size, width, shape, and orientation of the proposed lot are appropriate for the location of the proposed subdivision.



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**IV. ADEQUATE PUBLIC FACILITIES**

As the Planning Board found as part of the Pre-Preliminary Plan review, public facilities will be adequate to support and service the proposed subdivision:

**Roads**

As the Planning Board found as part of the Pre-Preliminary Plan review, absent amendments to regulations in the interim, the project will not be subject to LATR because it will generate less than 30 peak hour trips. Similarly, TPAR will apply as in effect at the time of the filing of the Preliminary Plan.

**Other Public Facilities and Services**

Public water and sewer and other public utilities are available to and currently serve the Property. Fire service and police service also is located in close proximity to the Property.

**Schools**

The Property is in the Churchill School Cluster. School capacity has been deemed adequate at the elementary, middle and high school levels. The Planning Board concluded that school capacity was adequate for this development.

**V. SUBSTANTIAL CONFORMANCE WITH THE POTOMAC SUBREGION MASTER PLAN**

The Project satisfies the relevant recommendations contained in the Master Plan for the Property. The Property is recommended for R-90 zoning and the Project is residential as recommended by the Master Plan. The Project also provides affordable housing, a goal specifically recommended in the Master Plan (see p. 38). The Applicant will provide for 15% MPDU's or a total of 4 MPDUs.

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**VI. FOREST CONSERVATION**

The Applicant already received approval of its Natural Resources Inventory/Forest Stand Delineation prepared for the Property. A Preliminary Forest Conservation Plan has been submitted with the Preliminary Plan of Subdivision application.

**VII. WATER QUALITY AND QUANTITY**

Applicable requirements under Chapter 19 are addressed in the Stormwater Management Concept Plan that has been submitted for review and in an application to the Water Resources Section of the Montgomery County Department of Permitting Services. There was significant discussion regarding stormwater management for the property as part of the Pre-Preliminary Plan application and the Planning Board found that the Applicant was providing its stormwater management protection entirely on-site through ESD measures and had satisfied DPS review to earn approval of its Stormwater Management Concept Plan.

**VIII. BOARD ISSUES AND FINDINGS**

As previously mentioned, as part of the Section 50-33A Pre-Preliminary Plan review, the Planning Board was requested to make affirmative findings on the following topics, which it did:

- That the project conforms to the provisions of the Zoning Ordinance. More particularly, that development of the Property with 100% townhouses is supported.
- That the project is consistent with the Potomac Master Plan.
- That the plan conforms to the purposes and other requirements of the Subdivision Regulations.
- That public facilities are adequate to support the development and that the Application satisfies the Adequate Public Facilities Ordinance particularly for transportation and schools.

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**IX. COMMUNITY OUTREACH**

The Applicant conducted its public meeting regarding the Preliminary Plan Application on May 16, 2013 at the Seven Locks Elementary School.

**X. CONCLUSION**

As demonstrated by the content of these Applications, the Preliminary Plan and Site Plan Applications comply with all requirements of the Subdivision Regulations and Zoning Ordinance for approval. Furthermore, the plans facilitates a project that complies with the standards of the R-90 Zone under the MPDU method of development, including but not limited to being able to provide 100% townhouses, and is in substantial compliance with the recommendations of the Potomac Subregion Master Plan. The Project will make a significant contribution to this area of Potomac, including but not limited to providing some affordable housing in this area of the County and results in greater environmental sensitivity than a single-family detached R-90 development. For all of the reasons set forth herein, the Planning Board approved the Pre-Preliminary Plan, with binding findings, and urged the Applicant to file its Preliminary Plan (and Site Plan) Application within 90 days of the approval to be able to avail itself of the Board's findings related to the Pre-Preliminary Plan. The Applicant has done just that – the Preliminary Plan and Site Plan Applications mirror the Pre-Preliminary Plan that was just approved by the Planning Board on May 30, 2013.

Thank you for your consideration regarding this matter.

Sincerely,



Steven A. Robins

Enclosure

cc: Michael Lemon  
Kevin Foster



48 Hours  
Before You Dig  
Call  
"MISS UTILITY"  
Service Protection Center

MEMBER  
ONE CALL SYSTEMS INTERNATIONAL

CALL TOLL FREE  
1-800-257-7777

PROFESSIONAL ENGINEER'S CERTIFICATION  
THE UNDERSIGNED LICENSED PROFESSIONAL ENGINEER CERTIFIES THAT THE SITE PLANS HEREIN CONFORM TO THE STANDARDS OF THE ZONE, AND THE PLANNING BOARD SITE PLAN CRITERIA. IN ADDITION, THE SITE PLANS ARE CONSISTENT WITH THE DATA TABLE PROVIDED ON THE COVER SHEET. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 12464, EXPIRATION DATE: May 28, 2015.

Date: David L. Little, P.E.

DEVELOPER'S CERTIFICATE  
The Undersigned agrees to execute all the features of the Site Plan Approval No. 820130060, including Approval Conditions, Development Program, and Certified Site Plan.

Developer's Name: WINCHESTER HOMES Michael Lemon  
Company: Contact Person

Address: 6905 Rockledge Drive, Suite 800  
Bethesda, Maryland 20817

Phone: 301-656-4111

Signature: \_\_\_\_\_

M-NCPPC APPROVAL STAMP

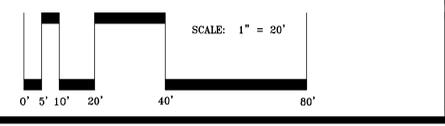
Certified Site Plan  
File No. 820130060  
Montgomery County Planning Board

Chair or Designee: \_\_\_\_\_ Date: \_\_\_\_\_

MONTGOMERY COUNTY PLANNING DEPARTMENT  
THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**GLWGUTSCHICK LITTLE & WEBER, P.A.**  
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS  
3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK  
BURTONSVILLE, MARYLAND 20866  
TEL: 301-421-4024 FAX: 301-421-4186  
BAL: 410-880-1820 DC/VA: 301-989-3524

DATE	REVISION	BY	APP'R.
11/11/13	Revised per M-NCPPC comments	KAF	KAF
10/10/13	Revised per DRC comments	KAF	KAF



PREPARED FOR:  
WINCHESTER HOMES  
6905 ROCKLEDGE DR.  
SUITE 800  
BETHESDA, MD 20817  
ATTN: MR. MICHAEL LEMON

SCALE: 1" = 20'  
DATE: JUNE, 2013

ZONING: R-90  
TAX MAP - GRID: CP - 123  
WSSC GRID: 213NW08

**SITE PLAN**  
**POTOMAC HIGHLANDS**  
**LOTS 1-23 & PARCEL 'A' & 'B'**

G. L. W. FILE No. 11031  
SHEET 4 OF 9

48 Hours Before You Dig Call "MISS UTILITY" Service Protection Center	
CALL TOLL FREE 1-800-257-7777	<b>VICINITY MAP</b> SCALE: 1" = 2,000' MONT. CO. MAP #5284 GRID E-6, 213 NW 08

**LEGEND**

	EXISTING TOPOGRAPHY		FOREST CONSERVATION AREA
	PROPOSED TOPOGRAPHY		FOREST CLEARING AREA
	PROPOSED BUILDING		REFORESTATION AREA
	EXISTING BUILDING		SPECIMEN TREE AND CRITICAL ROOT ZONE
	EXISTING TREELINE		TREE TO BE REMOVED
	PROPOSED TREELINE		PERMANENT TREE PROTECTION FENCE*
	PROPOSED SEWER		TEMPORARY TREE PROTECTION FENCE / ROOT PRUNING*
	PROPOSED WATER		PERMANENT FOREST CONSERVATION SIGN EASEMENT*
	PROPOSED STORM DRAIN		
	FOREST CONSERVATION EASEMENT AREA		
	LIMIT OF DISTURBANCE		

\*NOTE: LINES OFFSET FOR GRAPHICAL PURPOSES ONLY. ACTUAL FENCE, SIGNS, AND ROOT PRUNING TO FOLLOW LIMITS OF DISTURBANCE, OR FCE AS APPROPRIATE.

- NOTES**
- OWNER: MARIA R. BURLEY  
17409 BLACK ROCK ROAD  
POTOMAC, MARYLAND 20854
  - APPLICANT/DEVELOPER: WINCHESTER HOMES  
6905 ROCKLEDGE DRIVE, SUITE 800  
BETHESDA, MARYLAND 20811  
ATTN: MR. MIKE LEMON  
TEL: (301) 803-4800
  - BOUNDARY INFORMATION BY: GUTSCHICK, LITTLE & WEBER, P.A., 2012
  - AERIAL TOPOGRAPHY BY: PATTON, HARRIS & ASSOCIATES, 2006. FIELD RUN TOPOGRAPHY BY: GLW, 2012.
  - THE SITE IS LOCATED IN THE CABIN JOHN CREEK WATERSHED, USE CLASS 1-P.
  - EXISTING WATER AND SEWER CATEGORIES: S-3, H-1.
  - THIS PROPERTY WILL BE SUBJECT TO A FOREST CONSERVATION PLAN.
  - TRAFFIC STUDY BY: LENHART TRAFFIC CONSULTING, INC., MAY 28, 2013.
  - THIS PROPERTY DOES NOT CONTAIN A SITE LISTED ON THE INVENTORY OF HISTORIC SITES.
  - DEVELOPMENT PROGRAM:  
THIS PLAN WILL BE DEVELOPED IN A SINGLE PHASE.
  - HOUSE LOCATIONS, FOOTPRINTS AND GRADINGS ARE ILLUSTRATIVE AND WILL BE FINALIZED AT THE TIME OF BUILDING PERMIT BASED ON THE BUILDING STANDARDS ESTABLISHED AT TIME OF SITE PLAN.
  - ALL UTILITIES ARE CONCEPTUAL AND SUBJECT TO CHANGE. SEE APPROPRIATE APPROVED FINAL UTILITY CONSTRUCTION PLANS.
  - THERE ARE NO KNOWN RARE, THREATENED ENDANGERED SPECIES OR CRITICAL HABITATS ON SITE.
  - THERE IS NO FLOODPLAIN ON THIS SITE. THERE ARE NO KNOWN WETLANDS ON THIS SITE.
  - NR/FSD BY: GUTSCHICK, LITTLE & WEBER, P.A.  
APPROVED: 4/20/13 DATED NOVEMBER 21, 2012.
  - SNM CONCEPT BY: GUTSCHICK, LITTLE & WEBER, P.A.  
APPROVED: 2/4/13 DATED APRIL 30, 2013.

**DEVELOPERS CERTIFICATE**

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. \_\_\_\_\_ including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: \_\_\_\_\_  
 Contact Person or Owner: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone and Email: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Name/Title: \_\_\_\_\_



<b>GLWGUTSCHICK LITTLE &amp; WEBER, P.A.</b> CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS 3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK BURTONSVILLE, MARYLAND 20866 TEL: 301-421-4024 FAX: 301-421-4186	DATE: 10-9-13 REVISION: REVISED PER MNCPPC COMMENTS	BY: JW APPR:	SCALE: 1" = 30' 	PREPARED FOR: WINCHESTER HOMES 6905 ROCKLEDGE DR. SUITE 800 BETHESDA, MD 20817 ATTN: MR. MICHAEL LEMON	SCALE: 1" = 30' ZONING: R-90 DATE: JUNE, 2013 TAX MAP - GRID: GP - 123 WSSC GRID: 213NW05	<b>FINAL FOREST CONSERVATION PLAN</b> <b>POTOMAC HIGHLANDS</b> <b>LOTS 1-23 &amp; PARCEL 'A'</b>	G. L. W. FILE No. <b>11031</b> SHEET <b>1 OF 2</b>
	L:\CADD\DRAWINGS\11031\PLANS BY GLW\FOP\11031FOP.DES. JRS. DRN. JRS. CHK. KAF		POTOMAC ELECTION DISTRICT No. 10 MONTGOMERY COUNTY, MARYLAND				

**SPECIMEN/SIGNIFICANT TREE LIST**

No.	Common Name	Species Name	DBH (in.)	Condition	Disposition
6	TULIP POPLAR	LIRIODENDRON TULIPIFERA	24	POOR - LIMB DAMAGE	SAVE
7	RED OAK	QUERCUS RUBRA	21	FAIR - TRUNK DAMAGE, LIMB LOSS (FROM ANOTHER FALLEN TREE)	SAVE
8	WHITE OAK	QUERCUS ALBA	20	GOOD	SAVE
9	RED OAK	QUERCUS RUBRA	20	GOOD	SAVE
10	RED OAK	QUERCUS RUBRA	24	GOOD	SAVE
11	RED OAK	QUERCUS RUBRA	36	GOOD	SAVE
12	TULIP POPLAR	LIRIODENDRON TULIPIFERA	20	GOOD	SAVE
13	RED OAK	QUERCUS RUBRA	35	POOR - LIMB DAMAGE	SAVE
14	WHITE OAK	QUERCUS ALBA	33	FAIR - TRUNK DAMAGE, VINES	SAVE
15	BLACK CHERRY	PRUNUS SEROTINA	31	GOOD	SAVE
22	TULIP POPLAR (TWIN)	LIRIODENDRON TULIPIFERA	37	GOOD/FAIR - CROWN DAMAGE	SAVE
23	RED MAPLE	ACER RUBRUM	24	GOOD	SAVE
24	TULIP POPLAR	LIRIODENDRON TULIPIFERA	28	GOOD	SAVE
25	BLACK CHERRY	PRUNUS SEROTINA	25	GOOD	SAVE
26	BLACK CHERRY	PRUNUS SEROTINA	28	GOOD	SAVE
27	TULIP POPLAR	LIRIODENDRON TULIPIFERA	33	GOOD	SAVE
28	TULIP POPLAR	LIRIODENDRON TULIPIFERA	27	GOOD	SAVE
29	TULIP POPLAR	LIRIODENDRON TULIPIFERA	31	GOOD	SAVE
30	RED MAPLE	ACER RUBRUM	27	GOOD	SAVE
31	RED MAPLE	ACER RUBRUM	26	GOOD	SAVE
32	TULIP POPLAR	LIRIODENDRON TULIPIFERA	24	FAIR - LIMB DAMAGE	SAVE
33	TULIP POPLAR	LIRIODENDRON TULIPIFERA	21	FAIR - LIMB DAMAGE	SAVE
34	BLACK CHERRY (TWIN)	PRUNUS SEROTINA	26	POOR - LIMB DAMAGE, VINES	REMOVE
35	TULIP POPLAR	LIRIODENDRON TULIPIFERA	24.5	POOR - CENTRAL LEADER, DAMAGE - TOP DEAD	REMOVE
36	TULIP POPLAR	LIRIODENDRON TULIPIFERA	28	GOOD	REMOVE
37	TULIP POPLAR	LIRIODENDRON TULIPIFERA	28	FAIR - LIMB DAMAGE	REMOVE
38	WHITE ASH	FRAXINUS AMERICANA	28	POOR - LIMB DAMAGE, VINES	REMOVE
39	RED MAPLE	ACER RUBRUM	20, 18, 14	VERY POOR - BROKEN CENTRAL LEADER, SHOOT GROWTH ONLY	REMOVE
605*	RED OAK	QUERCUS RUBRA	32	POOR - HEAVY LIMB, CROWN LOSS & DAMAGE	SAVE**
603*	RED OAK	QUERCUS RUBRA	37	FAIR - MAIN LEADER GOOD, SUB LEADER DEAD	SAVE
442*	BLACK CHERRY	PRUNUS SEROTINA	33.5	POOR - SIGNIFICANT LIMB LOSS & DAMAGE, HOLLOW AREA IN TRUNK	REMOVE**
443*	TULIP POPLAR	LIRIODENDRON TULIPIFERA	28	MODERATE-GOOD - SOME CROWN LOSS	REMOVE
446*	WHITE ASH	FRAXINUS AMERICANA	36	MODERATE-GOOD	REMOVE**
453*	TULIP POPLAR	LIRIODENDRON TULIPIFERA	35	GOOD	REMOVE**
454*	SYCAMORE	PLATANUS OCCIDENTALIS	36.5	MODERATE-GOOD - SOME CROWN LOSS	REMOVE**
455*	WHITE OAK	QUERCUS ALBA	44	GOOD	SAVE
460*	RED MAPLE	ACER RUBRUM	43	FAIR-MODERATE - DEADWOOD IN CANOPY, VINE GROWTH	REMOVE**
461*	TULIP POPLAR	LIRIODENDRON TULIPIFERA	30	MODERATE - SOME LIMB LOSS	SAVE**
462*	KENTUCKY COFFEETREE	GYNOCLEADUS DIOICIS	24	MODERATE - SOME LIMB LOSS (OUTSIDE FOREST)	SAVE
466*	SCARLET OAK	QUERCUS COCCINEA	37	MODERATE/POOR - DAMAGE/DECAY NEAR BASE, EVIDENCE OF SOME HEALING, SOME LIMB DAMAGE	REMOVE**
467*	BOX ELDER	ACER NEGUNDO	24	POOR - MOSTLY DEAD, POOR FORM (TREE HOUSE)	REMOVE
468*	RED OAK	QUERCUS RUBRA	26	POOR - SPLIT TRUNK, 1/2 DEAD	SAVE

\*NOTE: TREE NUMBERS FROM PREVIOUSLY APPROVED NRI/FSD 4-03148. TREES HERE MARKED WITH NUMBERED ROUND ALUMINUM TAGS.  
 \*\*CRITICAL ROOT ZONE DISTURBANCE AND REMOVAL TO TREES WITH 30" DBH AND GREATER WILL BE REQUIRED. (TREES 605 AND 461 FOR CRZ DISTURBANCE AND TREES 942, 448, 453, 454, 460 AND 466 FOR REMOVAL).

**PLANT SCHEDULE- ADDITIONAL SCREENING**

KEY (QTY)	BOTANICAL NAME	COMMON NAME	SIZE	CONT. / B/B	COMMENTS
10	Ilex opaca	American Holly	8' - 10' HT.	B/B	
11	Juniperus virginiana	Eastern Red Cedar	8' - 10' HT.	B/B	
12	Magnolia g. 'Alta'	Alta Southern Magnolia	8' - 10' HT.	B/B	

**FOREST CONSERVATION WORKSHEET**  
 Potomac Highlands (Barley Property) 5-A-02

A. Total tract area (after area 5.41 AC + 0.04 ac off-site disturbance)	5.45
B. Land dedication area (park, sports facility, etc.)	0.00
C. Land dedication for uses or activities (not being constructed by this plan)	0.00
D. Area to remain in commercial agricultural production/uses	0.00
E. Other dedications (if any)	0.00
F. Net Tract Area	5.45

LAND USE CATEGORY (from Tree Technical Manual)  
 Input the number "1" under the appropriate land use limit to only one entry.

ARA	MDR	IDA	HDR	MFD	CA
0	0	0	1	0	0

G. Afforestation Threshold: 15% x F = 0.82  
 H. Conservation Threshold: 20% x F = 1.09

**EXISTING FOREST COVER**

L. Existing forest cover	4.31
M. Area of forest above afforestation threshold	3.49
N. Area of forest above conservation threshold	3.22

**BREAK EVEN POINT:**  
 L. Forest retention above threshold with no mitigation = 1.73  
 M. Clearing permitted without mitigation = 2.58

**PROPOSED FOREST CLEARING:**  
 N. Total area of forest to be cleared = 3.05  
 O. Total area of forest to be retained = 1.26

**PLANTING REQUIREMENTS:**  
 P. Reforestation for clearing above conservation threshold = 0.76  
 Q. Reforestation for clearing below conservation threshold = 0.00  
 R. Credit for retention above conservation threshold = 0.17  
 S. Total reforestation required above conservation threshold = 0.59  
 T. Total afforestation required = 0.11  
 U. Credit for lands casing (may not exceed 20% of "S") = 0.00  
 V. Total reforestation and afforestation required = 0.48  
 W. Total on-site reforestation provided = 0.28  
 X. Total off-site reforestation provided = 0.20

**Forest Conservation Data Table**

Number of Acres	5.45
Remaining in Agricultural Use	0.00
Road & Utility ROW	0.00
Total Existing Forest	4.31
Forest Retention	3.34
Forest Cleared	3.08

Land Use & Thresholds

Land Use Category	HDR	ARA, MDR, IDA, HDR, MFD, CA
Conservation Threshold	20	percent
Afforestation Threshold	15	percent

Total Channel Length (ft): 0  
 Average Buffer Width (ft): 0

Stream: 0

Acres of Forest: Retained 3.34, Cleared 3.08, Planted 0.28

**FOREST CLEARING AREAS**

AREA	AC
AA	3.05
TOTAL	3.05

**FOREST PRESERVATION AREAS**

AREA	AC
A	1.25
TOTAL	1.25

**REFORESTATION AREAS**

AREA	AC
1	0.09
2	0.04
3	0.02
4	0.04
TOTAL	0.28

**1. TWO-YEAR MANAGEMENT PLAN FOR REAFFORESTATION AREAS**  
 Field check the re-afforestation areas according to the following schedule:  
 Year 1: Site preparation and tree planting (annual check once every September-November) - see Note 1  
 Note: If needed (2 x weekly) control of undesirable vegetation as needed (3 x in June and 1 x in September)  
 Year 2: Reforestation planting if needed - see Note 2  
 Note: If needed (2 x weekly) control of undesirable vegetation as needed (3 x in June and 1 x in August)  
 Year 3: Final check. Check planted stock against plant list (or as-built) by marking the site and taking inventory. Plants must show vitality. Assess final site condition Check Shear to cover after each inspection. Remove all dead plants.  
 2. Reforestation Planting: Replace dead or missing plants in sufficient quantity to bring the total number of new plants to at least 10% of the number originally planted. If a particular species suffers unusually high mortality, replace with:  
 a. Seedlings of the same species  
 b. Seedlings of a different species  
 c. Seedlings of a different species  
 3. Maintenance: Fertilization or weeding during years 1 through 2 will be done on an as-needed basis. Special return operations or recommendations will be conducted on an as-needed basis.

**PLANTING SCHEME A**  
 UPLAND PLANTING AREA

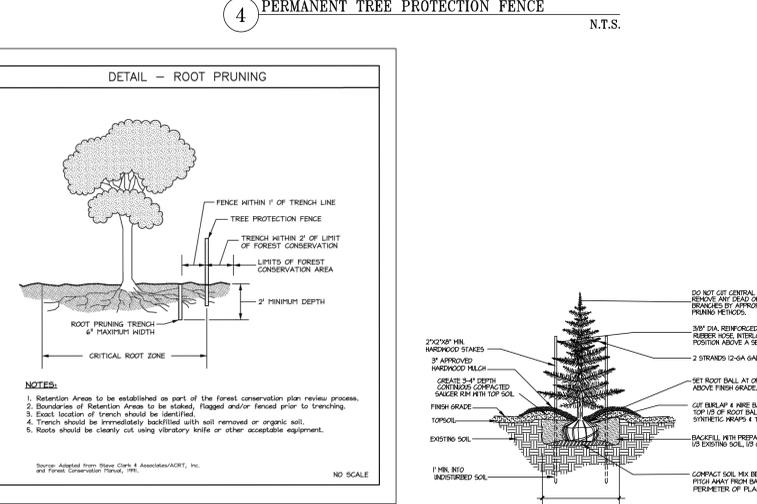
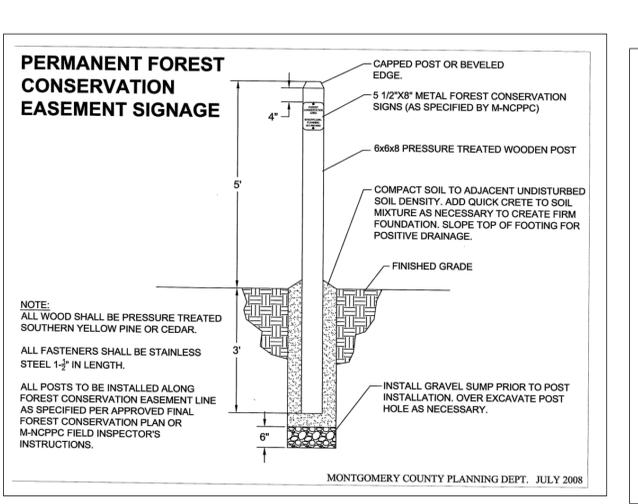
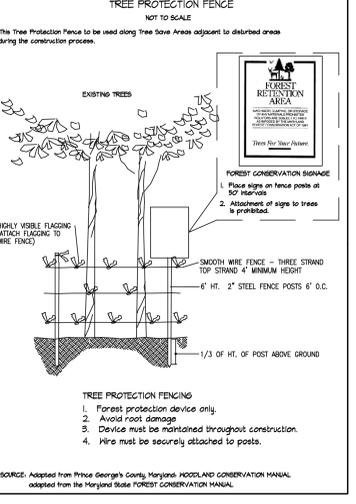
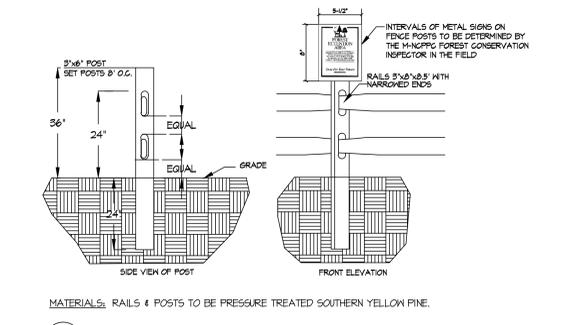
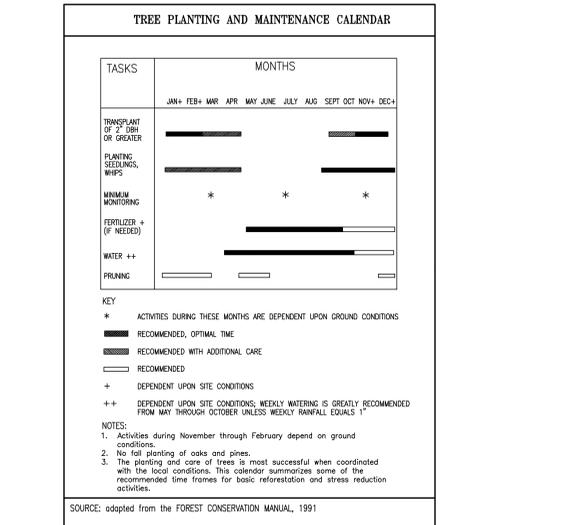
BOTANICAL/COMMON NAME	QUANTITY (%)
<b>TREES</b>	
Carya cordiformis/Bitternut Hickory	20%
Quercus phellos/Willow Oak	20%
Quercus rubra/Northern Red Oak	20%
Liquidambar styraciflua/Sweet Gum	20%
Juniperus virginiana/Red Cedar	20%
Cercis canadensis/Red Bud	20%
<b>SHRUBS</b>	
Kalmia latifolia/Mountain Laurel	34%
Rhododendron calendulaceum/Flame Azalea	33%
Sambucus racemosa/Red Elderberry	33%

**PLANTING SCHEME B**  
 UPLAND PLANTING AREA

BOTANICAL/COMMON NAME	QUANTITY (%)
<b>TREES</b>	
Carya cordiformis/Bitternut Hickory	20%
Celtis occidentalis/Hackberry	20%
Quercus alba/White Oak	20%
Liquidambar styraciflua/Sweet Gum	20%
Cornus Florida/White Dogwood	20%
Cercis canadensis/Red Bud	20%
<b>SHRUBS</b>	
Cornus racemosa/Gray Dogwood	34%
Hamelis virginiana/Witch Hazel	33%
Kalmia latifolia/Mountain Laurel	33%

**PLANTING SCHEDULE**

PLANTING AREA	SIZE	TREE STOCKING RATE (100/AC)	SHRUB STOCKING RATE (50/AC)	PLANTING SCHEME
REFORESTATION PLANTING AREA #1	0.18 AC	18 - 15'-2" CAL. STOCK	6 - 18"-24" HEIGHT CONT.	A
REFORESTATION PLANTING AREA #2	0.04 AC	4 - 15'-2" CAL. STOCK	2 - 18"-24" HEIGHT CONT.	B
REFORESTATION PLANTING AREA #3	0.02 AC	2 - 15'-2" CAL. STOCK	1 - 18"-24" HEIGHT CONT.	B
REFORESTATION PLANTING AREA #4	0.04 AC	4 - 15'-2" CAL. STOCK	2 - 18"-24" HEIGHT CONT.	A
<b>TOTAL PLANTING AREA</b>	<b>0.28 AC</b>	<b>28 - 15'-2" CAL. STOCK</b>	<b>11-18"-24" HEIGHT CONT.</b>	



**FOREST CONSERVATION/LANDSCAPE SCREENING PLANTING SPECIFICATIONS**

**1.0 GENERAL CONDITIONS**  
 A. The landscape contractor shall provide all materials, labor and equipment to complete all landscape work as shown on the plans and specifications.  
 B. Total number of plants shall be shown on the landscape plan. If there is a discrepancy between the drawing and the list on the plans, the contractor shall request clarification from the landscape architect.

**1.1 STANDARDS**  
 A. All plant material shall conform to the current issue of the American Standard for Nursery Stock published by the American Association of Nurserymen. All trees to branch symmetrically around central leader. No forked leader stock will be accepted.  
 B. Plant material must be selected from nurseries that have been inspected and certified by state plant inspectors.  
 C. Nomenclature will be in accordance with Hortus III by L.H. Bailey.  
 D. When requested by the owner or owner's representative, samples of all material other than plants shall be submitted to the owner's designated representative for approval.  
 E. All approvals will be in writing.  
 F. Substitutions:  
 M-NCPPC staff approval required for planting plan substitutions.

**1.2 UTILITIES AND UNDERGROUND FEATURES**  
 The landscape contractor shall notify utility companies and/or the general contractor in advance of construction to locate utilities.

**1.3 PLANTS**  
 A. If plants are to be installed in areas that show obvious poor drainage, and the plants are inappropriate for that condition, the landscape contractor shall notify the landscape architect and owner. If they deem necessary, the plants shall be relocated, the contractor shall be allowed to allow for drainage correction of a negotiated cost, or the plant selection modified by the landscape architect to accommodate the poor drainage situation.

**1.4 WORKMANSHIP**  
 A. During delivery and installation, the landscape contractor shall perform in a workmanlike manner, coordinating his/her activities so as not to interfere unduly with the work of other trades and leaving his/her work area(s) clean of litter and debris at the close of each workday.  
 B. During planting all areas shall be kept neat and clean; precautions shall be taken to avoid damage to existing plants, large trees, turf and structures. Where existing trees are to be preserved, additional precautions shall be taken to avoid unnecessary accumulation of excavated materials, soil compaction or root damage.  
 C. Upon completion, all debris and waste material resulting from planting operations shall be removed from the project and the area cleaned up.  
 D. Any damage to the existing utilities, buildings, paving curb and walls, and vegetation (not so designated for removal on these plans) shall be repaired to previous condition or replaced by the Contractor at his expense.

**1.5 WATER**  
 A. The landscape contractor shall supply water to the site as required for their use.

**1.6 PLANTING SEASONS**  
 A. Red Oak, White Oak, Willow Oak, Scarlet oaks, Dogwood, Sweet Gum, cypresses, and Broad Leaf Evergreens will not be planted between November 15 and March 1 unless the landscape contractor states in writing that he/she will guarantee plants.  
 B. Initial inspection: Prior to planting all plant locations shall be staked in the field by the contractor. The landscape architect shall be contacted to inspect and approve all plant locations before planting.  
 C. Final acceptance inspection: A verification of performance for work by contract documents, to be conducted by the landscape architect or owner's representative on-site and in the presence of the landscape contractor for the purpose of acceptance.  
 D. Final warranty inspection: The landscape contractor shall conduct a final inspection with the owner or owner's representative at the end of the one year period.

**1.7 WARRANTY**  
 A. The standard warranty is for one (1) year period, excluding bulbs and annuals, commencing on the date of initial acceptance. All plants shall be alive and in satisfactory growth at the end of the guarantee period.  
 B. Any material that is 25% dead or more shall be considered dead and must be replaced at no charge. A tree shall be considered dead when the main leader has died back, or 25% of the crown is dead.

**2.0 PLANT MATERIALS**  
 2.1 SCOPE OF WORK  
 The landscape contractor shall be responsible for furnishing and installing all plant material shown on the drawings and plant list.  
 2.2 INSPECTION  
 A. Plants shall be subject to inspection and approval by the owner or owner's representative at the place of growth before digging - trees or holding up (stems) for conformity to specification requirements as to quality, size, and variety.  
 3.0 PRODUCTS  
 3.1 QUALITY ASSURANCE  
 Manufacturer's certified analysis shall accompany packaged standard products.  
 3.2 ORGANIC MATTER  
 A. Peat Moss - Type 1 sphagnum peat moss; finely divided with a pH of 3.1 to 5.0.  
 B. Sedge Peat - decomposed peat containing no identifiable fibers.  
 C. Leaf Compost - that is screened and free to trash.  
 D. Composted Sewage Sludge - approved, screened, polymer-dewatered sewage sludge with a pH of 4.2 - 7.2 g/m

**3.3 TOPSOIL**  
 A. It shall be free of stones, lumps, plants, roots and other debris over 1/2". Topsoil must also be free of plants or plant parts of Bermudagrass, quackgrass, Johnsongrass, mugwort, nutsedge, poison ivy, Canadian thistle or others as specified.  
 B. It shall not contain toxic substances harmful to plant growth, i.e. pesticide residues.  
 3.4 BACKFILL MIXTURE  
 A. Backfill mixture for trees and shrubs shall be 1/3 top soil, 1/3 existing soil mixed with 1/3 organic material plus granular fertilizer.  
 3.5 MULCH  
 A. Material shall be composted, shredded hardwood bark, with less than 10% sawwood, dark brown in color, or approved equal.  
 B. Material shall be uniform in size and free of foreign matter.  
 4.0 PLANTING PROCEDURE FOR TREES  
 4.1 TREE PLANTING  
 A. Hole of tree pit shall be dug so that they are vertical or sloping outward in heavy soils, be and scarified.  
 B. The tree pit must be a minimum of 9" larger on every side than the ball of the tree.  
 C. Place the tree in the pit, camming the ball and then lowering it into the pit. Never lift the tree by the trunk or branches.  
 D. Set the tree straight and in the center of the pit with the most desirable side facing toward the prominent view.  
 E. Backfill tree pit with a soil mixture stated in the specifications.  
 F. Cut and remove rope or wire off the top 50% of rootball and pull burlap back to the edge of the ball. Remove as much burlap, woven products and twine as possible. All plastic or synthetic film must be removed from the rootball. Cut all twine away from trunk.  
 G. Form a saucer above existing grade, around the outer rim of the tree pit, especially on slopes and in heavy soils.  
 H. Mound top of root ball and saucer to a minimum depth of 2", not to exceed 3". Do not place mulch against the trunk.  
 I. Water thoroughly on the interior of the tree saucer until it is filled, even if it is raining.  
 A second watering may be necessary to insure saturation of the root ball and elimination of air pockets.  
 J. Pruning should be restricted to corrective pruning to improve form only.  
 K. Stake tree per planting detail

**FOREST CONSERVATION NOTES**

1. An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner should contact the Montgomery County Planning Department Inspection staff before construction to verify the limits of disturbance and discuss tree protection and tree care measures. The developer's representative, construction superintendent, ISA certified arborist or Maryland-licensed tree expert that will implement the tree protection measures, forest conservation inspector and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.

2. No clearing or grading shall begin before stress-reduction measures have been implemented. Appropriate measures may include, but are not limited to:  
 a. Root pruning  
 b. Crown reduction or pruning  
 c. Watering  
 d. Fertilizing  
 e. Vertical mulching  
 f. Root aeration matting

Measures not specified on the forest conservation plan may be required as determined by the forest conservation inspector in coordination with the arborist.

3. A Maryland-licensed tree expert or an International Society of Arboriculture - certified arborist must perform all stress reduction measures. Documentation of reduction measures must be either observed by the forest conservation inspector or sent to the Inspector at 8181 Georgia Avenue, Silver Spring MD 20910. The forest conservation inspector will determine the exact method to convey the stress reduction measures during the pre-construction meeting.

4. Temporary tree protection devices and signage shall be installed per the Forest Conservation Plan / Tree Save Plan and prior to any construction activities. Tree protection fencing locations should be staked prior to the pre-construction meeting. The forest conservation inspector, in coordination with the DPS sediment control inspector may make field adjustments to increase the survivability of trees and trees shown as saved on the approved plan. Temporary tree protection devices may include:  
 a. Chain link fence (four feet high)  
 b. Super silk fence with wire strung between support poles (minimum 4 feet high) with high visibility flagging.  
 c. 1/4 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.

5. Temporary protection devices shall be maintained and installed by the contractor for the duration of construction project and must not be altered without prior approval from the forest conservation inspector. No equipment, trucks, materials, or debris may be stored within the tree protection fence areas during the entire construction project. No vehicle or equipment access to the fenced area will be permitted. Tree protection shall not be removed without prior approval of the forest conservation inspector.

**During Construction**

6. Periodic inspections by the forest conservation inspector will occur during the construction project. Corrections and repairs to tree protection devices, as determined by the forest conservation inspector, must be made within the timeframe established by the inspector.

**Post-Construction**

7. After construction is completed, an inspection shall be requested. Corrective measures may include:  
 a. Removal and replacement of dead and dying trees  
 b. Pruning of dead or declining limbs  
 c. Soil aeration  
 d. Fertilization  
 e. Watering  
 f. Round repair  
 g. Clean up of retention areas

8. After inspection and completion of corrective measures have been undertaken, all temporary protection devices shall be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both the Department of Permitting Services and the forest conservation inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.

9. Long-term protection devices, fencing and signage will be installed per the Forest Conservation Plan / Tree Save Plan and attached details. Installation will occur at the appropriate time during the construction project. Refer to the plan drawing for long-term protection measures to be installed. Forest retention area signs shall be installed as required by the forest conservation inspector, or as shown on the approved plan.

**INSPECTION NOTES**

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, but before any clearing or grading begins.  
 2. After necessary stress reduction measures have been completed and protection measures have been installed, but before any clearing and grading begin.  
 3. After completion of all construction activities, but before removal of tree protection fencing, to determine the level of compliance with the provisions of the Forest Conservation Plan, and approve location of long term tree protection, fencing and signage.  
 4. All long term protection measures to be completed within 30 days of above mentioned inspection unless additional time is approved by the inspector.

Additional requirements for plans with planting requirements:  
 5. A field inspection must be requested by the applicant before the start of any required reforestation/afforestation planting.  
 6. A field inspection is required after the reforestation/afforestation planting has been completed to verify that the planting is acceptable prior to the start of the maintenance period.  
 7. At the end of the maintenance period, and inspection is required to determine the level of compliance with the provisions of the Forest Conservation Plan, and if appropriate, the release of the performance bond.

**DEVELOPERS CERTIFICATE**

The undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. \_\_\_\_\_ including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: \_\_\_\_\_ Printed Company Name  
 Contact Person or Owner: \_\_\_\_\_ Printed Name  
 Address: \_\_\_\_\_  
 Phone and Email: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Name/Title: \_\_\_\_\_

**From:** Carter, John  
**Sent:** Monday, August 12, 2013 2:34 PM  
**To:** Smith, Molline; Murray, Callum  
**Subject:** FW: CTRACK #2013-0653 - Gupta/Potomac Highlands

APPENDIX E

**From:** MCP-CTRACK  
**Sent:** Monday, August 12, 2013 1:59 PM  
**To:** Carter, John  
**Cc:** Boone, Rebecca; Wright, Gwen; Krasnow, Rose; MCP-CTRACK  
**Subject:** CTRACK #2013-0653 - Gupta/Potomac Highlands

**CTRACK ROUTING SLIP  
MONTGOMERY COUNTY PLANNING BOARD  
CHAIRMAN'S OFFICE**

<b>File Number:</b>	2013-0653	<b>Date Received:</b>	N/A
<b>Correspondence Type:</b>	Email	<b>Date Of Letter:</b>	N/A
<b>Agenda Date:</b>	N/A		
<b>To:</b>	Françoise Carrier		
<b>From:</b>	Revendra Gupta		
<b>Description:</b>	Potomac Highlands - Preliminary Plan 720130040		
<b>Transmitted To:</b>	<b>Director and Chairman</b>		
<b>Action For:</b>	Carter, J		
<b>Copies To:</b>	Boone, R		
<b>Date Due:</b>	N/A		
<b>Remarks From Chairman's Office:</b>			
For Staff Action. Scanning a series of emails from Mr. Gupta received on different dates.			

**Garcia, Joyce**

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**From:** ravigupta@comcast.net  
**Sent:** Sunday, May 26, 2013 11:57 PM  
**To:** MCP-Chair  
**Subject:** Comments

**RECEIVED**  
0653  
MAY 28 2013

OFFICE OF THE CHAIRMAN  
THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

With reference to my comments and objections on the preliminary application for proposed 23 town houses on the piece of land adjoining Inverness North on Seven Locks Road north of Democracy Boulevard in Potomac that I e-mailed to you on May 24, 2013, please note and add the following:

My Name: Ravendra Gupta  
my address: 10608 Muirfield Drive (Inverness North)  
Potomac, MD 20854, Montgomery County  
My Telephone: 301-365-0827  
My e-mail address: [ravigupta@comcast.net](mailto:ravigupta@comcast.net)  
Thanks

**MCP-CTRACK**

---

**From:** ravigupta@comcast.net  
**Sent:** Friday, June 07, 2013 7:10 PM  
**To:** MCP-Chair  
**Subject:** Comments on Proposed Potomac Highlands 23 Townhouses and 4 MPDUs Zoning R-90 Pre-Preliminary Plan Number 720130040

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**From:** [ravigupta@comcast.net](mailto:ravigupta@comcast.net)  
**To:** [/MCP-Chair@montgomeryplanning.org](mailto:/MCP-Chair@montgomeryplanning.org)  
**Sent:** Friday, May 24, 2013 2:38:47 PM  
**Subject:** Comments on Proposed Potomac Highlands 23 Townhouses and 4 MPDUs Zoning R-90 Pre-Preliminary Plan Number 720130040

To: Hon. Chairman Montgomery County Planning Board

This is to record my objection to the proposed 23 Townhouse developed adjacent to Inverness North off Seven Locks Road where I own a Townhouse facing the above proposed development. My comments for your consideration are as follows:

The land on which the development is proposed is at a very high elevation from the level of the Seven Locks Road. Access from the proposed development to Seven Locks Road would be very steep and dangerous for the automobiles in accessing the Seven Locks Road especially in the winter months with snow and will surely cause serious accidents and pose a serious hazard to public health and safety.

When I bought my town house I was given to understand that the adjoining piece of land would either be used as a park or for a limited number of single family homes because of its high elevation per original County plan.

Several Town House developments on this land have been proposed and rejected by the County Planning Board in the past several years. Reference should be made to the record of the objections and the considerations for rejecting the earlier proposals to build Town Houses on this piece of land. The proposed construction will upset the ecology of the area and create further traffic jams on Seven Locks road which now exceeds the limit for an orderly flow of traffic. Adding another approx. 46 cars (2 per town house) to the current traffic would create unbearable traffic jams on Seven Locks Road.

In light of the above and other considerations and objections recorded on file by the Planning Board in rejecting prior applications to build town houses on the land next to my town house at Inverness North, I request that you please also reject the current proposed construction of the 23 town houses and 4 MPDUs on the proposed piece of land as inappropriate development.

Thanking you,

Sincerely,

**MCP-CTRACK**

---

**From:** ravigupta@comcast.net  
**Sent:** Friday, June 07, 2013 6:53 PM  
**To:** MCP-Chair  
**Subject:** Re: Comments

To: MCP Chair: As requested by you my previous email to you requested by you, I do not have a copy it now. But the gist of my message is given below:

1. The proposed land sits on a very high elevation in relation to the Seven Locks Road and the access to the road would be very steep and pose a traffic safety problem by causing accidents.
2. Adding another 46 automobiles (2 per 23 town houses) to the traffic on Seven Locks Road which is already highly congested at traffic times would make the traffic worse and intolerable for current tax paying residents.
3. When I bought my town house I was given to understand that the adjoining land shall be approved by the City only for single family homes or for a park due to the steepness of the access to Seven Locks Road.
4. The proposed development will also pose an adverse ecological effect on the ater resources of the area.
5. Town House developments on the proposed land have been rejected by the MCP in the past. Reference should be made by the MCP Chair to the prior proposals and hold the reasons for the rejections as valid and reject the currently prosed development.

For the above reasons and more please disapprove the proposed development of 23 town houses on the adjoining land. Please attach this to my prior email quoted below to form my one email constituting my comments.

Thanking you,

Ravendra Gupta  
 10608 Muirfield Drive  
 Potomac, MD 20854

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**From:** "MCP-Chair" <[mcp-chairman@mncppc-mc.org](mailto:mcp-chairman@mncppc-mc.org)>  
**To:** [ravigupta@comcast.net](mailto:ravigupta@comcast.net)  
**Sent:** Friday, June 7, 2013 4:52:42 PM  
**Subject:** RE: Comments

Dear Ravendra Gupta:

You reference a previous email in your message. Is it possible for you to resubmit that email as I do not have a copy? Thank you.

Joanne Hill  
Office of the Chair  
Montgomery County Planning Board  
301-495-4605  
[MCP-CTRACK@mncppc-mc.org](mailto:MCP-CTRACK@mncppc-mc.org)

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**From:** [ravigupta@comcast.net](mailto:ravigupta@comcast.net) [mailto:[ravigupta@comcast.net](mailto:ravigupta@comcast.net)]  
**Sent:** Sunday, May 26, 2013 11:57 PM  
**To:** MCP-Chair  
**Subject:** Comments

With reference to my comments and objections on the preliminary application for proposed 23 town houses on the piece of land adjoining Inverness North on Seven Locks Road north of Democracy Boulevard in Potomac that I e-mailed to you on May 24, 2013, please note and add the following:

My Name: Ravendra Gupta  
my address: 10608 Muirfield Drive (Inverness North)  
Potomac, MD 20854, Montgomery County  
My Telephone: 301-365-0827  
My e-mail address: [ravigupta@comcast.net](mailto:ravigupta@comcast.net)  
Thanks

**From:** Smith, Molline  
**Sent:** Tuesday, August 13, 2013 11:51 AM  
**To:** 'ravigupta@comcast.net'  
**Cc:** Carter, John; Murray, Callum; Boone, Rebecca; Hill, Joanne; Reed, Rosemary; Conlon, Catherine  
**Subject:** RE: CTRACK #2013-0653 - Gupta/Potomac Highlands

Good morning Mr. Gupta,

Thank you for taking the time to review the Potomac Highland Preliminary (120130260) and Site Plan (820130260) applications. We have received your comments, and greatly appreciate your feedback. This correspondence has been entered into the public record, will be strongly considered during the review process and you will be properly notified when/if this project is scheduled for the Planning Board.

As a more current update, the submitted plans are currently being revised to address comments received at the Development Review Committee (DRC) meeting on July 10, 2013. With regard to your specific concerns, the Applicant is required to provide a traffic statement that thoroughly analyses the number of trips generated during the peak hours of the weekday. The staff report of the Pre-Preliminary application No. 720130040 (<http://www.daicsearch.org/imageENABLE/search.asp?Keyword=720130040>) provides more specific details regarding the site's compliance with the Master Plan, previous approvals, existing conditions and the adequate public facilities proposed for this project. This application was intended to get the Planning Boards approval on the following issues:

- Conformance with the Zoning Ordinance, in particular that 23 townhouses (total units) could be constructed on this site;
- Master Plan consistency;
- Conformance with the Subdivision Regulations; and
- Public facilities are adequate, particularly for transportation and schools.

Should you have any additional other questions, comments or concerns, please feel free to use the contact information below. Have a wonderful week and I look forward to working with you in the near future.

Regards,



MNCPPC-MC

**Molline "Molly" Smith, ASLA**

Area 3 Senior Planner & Art Review Panel Coordinator

8787 Georgia Avenue / Silver Spring, MD 20910

(301) 495-4573 Office / (301) 495-1306 Fax

[molline.smith@montgomeryplanning.org](mailto:molline.smith@montgomeryplanning.org)

[www.montgomeryplanning.org](http://www.montgomeryplanning.org)

[http://www.montgomeryplanning.org/development/public\\_art/index.shtm](http://www.montgomeryplanning.org/development/public_art/index.shtm)