



Dyson Property: Preliminary Plan No.120140080

Jce

Jonathan Casey, Senior Planner, Area 3 Jonathan.Casey@montgomeryplanning.org, (301) 495-2162

JP

Joshua Penn, Senior Planner, Area 3 Joshua.Penn@montgomeryplanning.org, (301) 495-4546

RAW

Richard Weaver, Supervisor, Area 3 Richard.Weaver@montgomeryplanning.org, (301) 495-4544

JAC

John Carter, Chief, Area 3

Staff Report Date: 8/29/14

Description

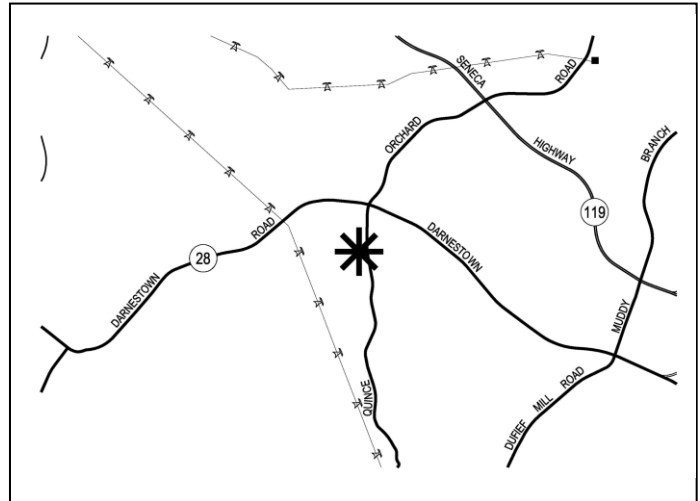
Dyson Property: Preliminary Plan No.120140080

Request to subdivide Parcel 626 (12211 Fellowship Lane) to create two lots; located on the north side of Fellowship Lane, approximately 200 feet west of Quince Orchard Road; 0.95 acres; R-200/TDR Zone; Potomac Subregion Master Plan.

Staff Recommendation: Approval with conditions

Applicant: Kelyn Chipman

Submitted date: May 28, 2014



Summary

- Includes a Chapter 22A variance for the impact to six trees that are 30 inches and greater diameter at breast height (DBH).
- The Application is consistent with the recommendations of the Potomac Subregion Master Plan.
- The proposed lots meet the standards for standard method of development in the R-200 Zone.

RECOMMENDATION: Approval, subject to the following conditions:

- 1) This Preliminary Plan is limited to two residential lots.
- 2) Prior to Planning Board approval of the record plat, the Applicant must obtain staff approval of a final forest conservation plan.
- 3) The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 15, 2014, 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 the plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 5) The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept approval letter dated July 8, 2014, 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.
- 6) 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.
- 7) 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).”
- 8) Record plat must show necessary easements.
- 9) The Adequate Public Facility review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
- 10) The Application is within the Quince Orchard School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the elementary and high school levels at the single-family detached unit rate for all units for which a building permit is issued. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

SITE DESCRIPTION

The subject property is located at 12211 Fellowship Lane, on the north side of Fellowship Lane, approximately 200 feet west of Quince Orchard Road and consists of a 0.95 acre parcel (P626, Tax Map ES562) in the R-200/TDR zone (“Property” or “Subject Property”).

The Subject Property is located south of Quince Orchard High School within the “North Potomac” community area of the 2002 Potomac Subregion Master Plan (Attachment A). The surrounding land uses consist of one-family detached dwellings on the west and south, an unimproved parcel on the east and an HOA/open space parcel on the north, all of which are zoned R-200/TDR and recommended for three (3) units per acre by the Master Plan. The east half of the Subject Property is improved with a single-family home and the west half is unimproved. The Property is generally flat with a gentle slope from the southeast to northwest corner. The Property is located within the Muddy Branch watershed; this portion of the watershed is classified by the State of Maryland as Use Class I waters. There are no streams, wetlands, 100-year floodplains, or environmental buffers located on or adjacent to the Property. Nor are there any steep slopes, highly erodible soils, or forests on the Property.



Figure 1- Vicinity

PROJECT DESCRIPTION

Preliminary plan application No.120140080 (“Application” or “Preliminary Plan”) proposes to subdivide the 0.95 acre (41,350 sq. ft.) parcel into two lots for two, one-family residential dwelling units. The Property has frontage on Fellowship Lane, a public road, which will serve as access to the lots. The existing dwelling unit currently accesses Fellowship Lane via a private driveway; a new driveway from Fellowship Lane will be constructed to serve the new dwelling unit on Lot 2. Both houses will tie into new public water and sewer extensions and the well and septic system used by the existing house will be removed in accordance with Department of Environmental Protection (MCDEP) and MCDPS requirements. Stormwater quantity and quality will be managed on each lot via drywells and recharge chambers. A water and sewer category change request was recently approved for public water and sewer access for the Property. This Application also includes a variance for impact to six (6) specimen trees on the Property.



**Figure 2 - Proposed
(See Attachment B for full plan)**

ANALYSIS AND FINDINGS – Chapter 50

Conformance to the Master Plan

The Subject Property is located in the Potomac Subregion Master Plan (“Master Plan”) area, within the North Potomac community area as defined by the Master Plan. North Potomac includes part of the Travilah and Darnestown planning areas and is the most densely populated of the Master Plan’s four community areas. North Potomac is described as “an emerging community... striving to create a clear identity” (p. 69). The Property is located within the proposed sewer envelope, and the Master Plan confirmed the R-200/TDR zoning at three (3) units per acre. The Master Plan does not make any site specific recommendations for the Property.

The Applicant applied for a water and sewer category change from W-4 and S-6 to W-1 and S-3 and was approved by DEP on May 22, 2014 (Attachment C & D). This Application proposes to develop the Property under the R-200 standard method of development. While the Master Plan recommends a TDR-3 density for properties in the general area, the Subject Property is too small to utilize the optional TDR method of development. Development using the R-200 standard method is therefore, consistent with the Potomac Subregion Master Plan. The proposed subdivision substantially conforms to the recommendations adopted in the Potomac Subregion Master Plan.

Adequate Public Facilities

Roads and Transportation Facilities

Local Area Transportation Review (LATR)

The two proposed lots do not generate 30 or more vehicle trips during the morning (6:30 a.m. to 9:30 a.m.) or evening (4:00 p.m. to 7:00 p.m.) peak-hours. Therefore, the Application is not subject to LATR.

Transportation Policy Area Review (TPAR)

The Property is located in the North Potomac Transportation Policy Area, which is defined as *inadequate* under the transit test and *adequate* under the roadway test for TPAR. To mitigate the transit test the Applicant must make a TPAR Mitigation Payment, equal to 25 percent of the General District Transportation Impact Tax, pursuant to the 2012-2016 Subdivision Staging Policy. The timing and amount of the payment must be in accordance with Chapter 52 of the Montgomery County Code.

Road Design

Each lot has frontage on Fellowship Lane which is classified as a tertiary residential street (Montgomery County Road Code Standard Number MC-2001.02) with 20 feet of pavement and total right-of-way width of 50 feet. The right-of-way for Fellowship Lane was previously dedicated and no additional dedication is required as part of this Application. There are existing sidewalks along the north side of Fellowship Lane, between its eastern terminus and Quince Orchard Road.

The Application has been reviewed by the MCDOT who determined that the Property has adequate vehicular access and sight distance (see letter dated, May 15, 2014 Attachment E). Vehicle and pedestrian access for the subdivision will be adequate with the existing public improvements.

Other Public Facilities and Services

All other public facilities and services including electric, telecommunication, police and health services are available and adequate to support and serve the proposed dwelling units. As a result of the water and sewer category change the Property is now located in the W-1 and S-3 water and sewer service categories which permit public water and sewer connections. The Application has been reviewed by the Washington Suburban Sanitation Commission who determined that there is an existing 10-inch water main and 8-inch gravity sewer main in Fellowship Lane, which are adequately sized and can be extended to serve the proposed lots.

The Application has been reviewed by the Montgomery County Department of Fire and Rescue Service who determined that the Property has adequate access for fire and rescue vehicles by transmittal dated July 10, 2014 (Attachment F).

The Application is in the Quince Orchard High School Cluster which is operating at an inadequate level (more than 105 percent utilization) at the elementary school (112.3 percent) and high school (108.3 percent) level according to the current Subdivision Staging Policy. Therefore, the Applicant must make a School Facilities Payment to MCDPS at the elementary and high school level at the single-family detached unit rates for all units for which a building permit is issued. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

Environment

ENVIRONMENTAL GUIDELINES

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No.420140170 for this Property was approved on September 12, 2013. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The Property contains no forest, but does contain trees between 24" and 30" DBH, and trees 30 inches and greater DBH. The topography is generally flat and there are no streams, wetlands, or environmental buffers on the Subject Property.

The Property is within the Muddy Branch watershed; a Use I-P watershed. The Countywide Stream Protection Strategy rates streams in this section of the watershed as overall fair condition.

FOREST CONSERVATION

The Forest Conservation Plan (FCP) proposes no forest clearing and no forest retention. The Subject Property is 0.95 acres, with the off-site disturbance necessary to construct the sewer connection the net tract area for purposes of forest conservation is 1.1 acres. The proposed development on the Property generates a 0.17 acre afforestation planting requirement. The afforestation planting requirement is generated because the Property contains no existing forest and under the High Density Residential land use category the Property has a 15 percent afforestation threshold for the net tract area. The Applicant proposes to meet the entire planting requirement through an off-site mitigation bank or Fee-In-Lieu.

FOREST CONSERVATION VARIANCE

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The law requires no impact to trees that: measure 30 inches or greater, DBH (“Protected Tree”); are part of a historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to a Protected Tree, including removal or disturbance within the Protected Tree’s critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. In the written request for a variance, an applicant must demonstrate that strict adherence to Section 22A-12(b)(3), i.e. no disturbance to a Protected Tree, would result in an unwarranted hardship as part of the development of a property.

Unwarranted Hardship

Given the small size of the Property, the required minimum building setbacks and the location on the critical root zones of the Protected Trees, the area available for house siting and grading would be too small to allow any reasonable development of the Property if the critical root zones were to be totally undisturbed. This would not allow subdivision of an otherwise developable property.

Variance Request

In May 2014, the Applicant requested a variance for impacts only, to six Protected Trees (Attachment H). The six Protected Trees are # 1, 3, 5, 8, 9, and 10 (Table 1). None of the Protected Trees are proposed for removal.

Table 1

	Species	Size	Condition	% Impact
Tree #1	White Oak	40" DBH	Good	5% CRZ
Tree #3	White Oak	35" DBH	Good	21% CRZ
Tree #5	Hickory	43" DBH	Good	12% CRZ
Tree #8	White Oak	34" DBH	Good	17% CRZ
Tree #9	Red Oak	33" DBH	Good	26% CRZ
Tree #10	White Oak	42" DBH	Good	7% CRZ

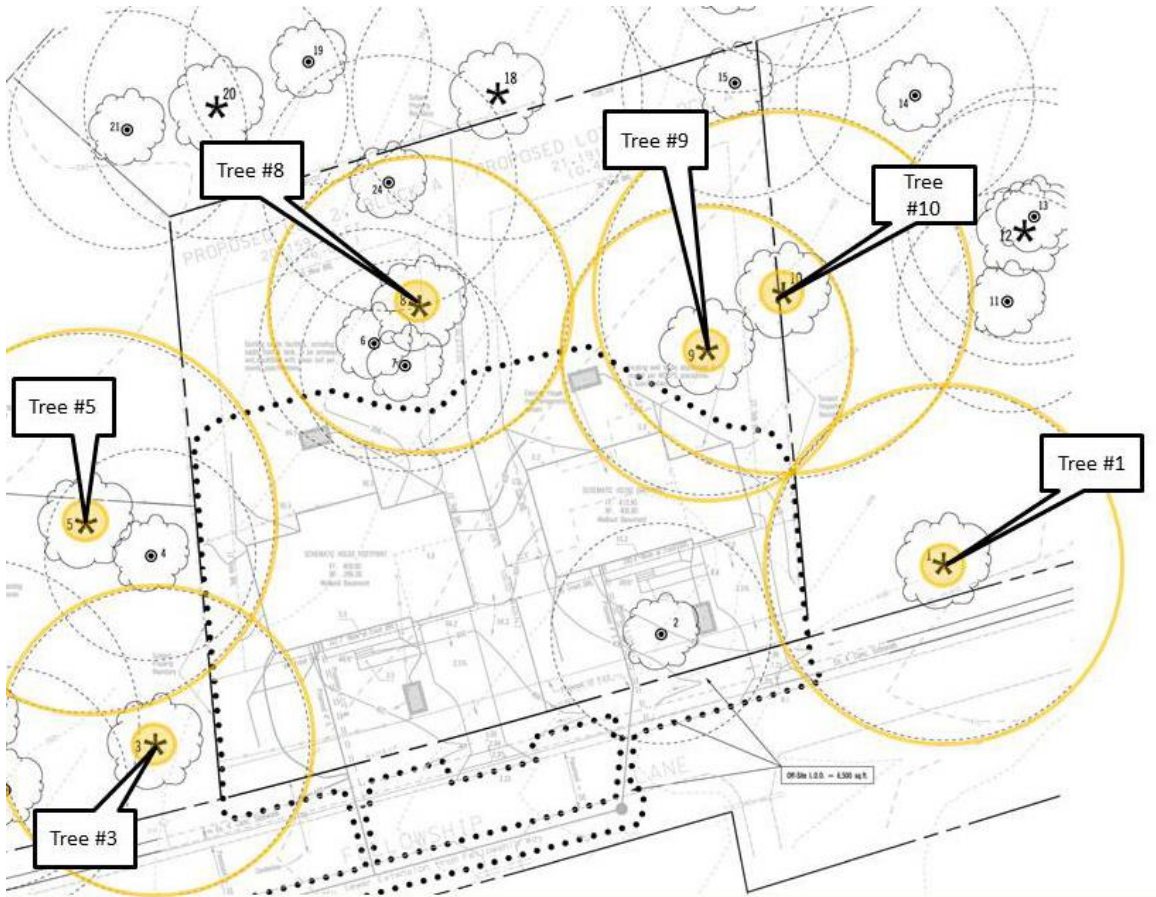


Figure 1: Variance Tree Locations and Impacts

Variance Findings

The Planning Board must make findings that the Application has met all requirements of section 22A-21 of the County Code before granting the variance. Staff has made the following determination on the required findings for granting the variance:

1. Will not confer on the applicant a special privilege that would be denied to other applicants;

Granting of the variance is not unique to this Applicant and does not provide special privileges or benefits that would not be available to any other applicant.

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

The configuration of the Subject Property, regulatory requirements, and the location of the Protected Trees are not the result of actions by the Applicant. There are no feasible options to reconfigure this two-lot subdivision to avoid impact to the Protected 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 not related in any way to a condition on an adjacent, neighboring property.

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

Impact to the CRZ's of the six Protected Trees will not violate State water quality standards or cause measurable degradation in water quality. No Protected Trees are being removed from the Property. The Property will have stormwater management controls whereas the existing house has none.

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 for a recommendation prior to acting on the request. Via a letter dated July 2, 2014, the County Arborist recommended the variance be approved with mitigation (Attachment I).

Mitigation

Staff does not recommend that additional compensation be required for the impact to the six Protected Trees associated with the variance request since none are being removed as part of this Application.

Variance Recommendation

Staff recommends that the variance be granted. The submitted FCP meets all applicable requirements of the Chapter 22A of the County Code (Forest Conservation Law).

Stormwater Management

MCDPS approved a stormwater management concept on July 8, 2014 (Attachment J). The concept proposes to meet the required stormwater management goals via dry wells and recharge chambers located on the individual lots.

Compliance with the Subdivision Regulations and Zoning Ordinance

The Application has been reviewed for compliance with the Subdivision Regulations and meets all applicable sections. The proposed lot size, width, shape and orientations are appropriate for the location of the subdivision taking into account the recommendations of the Potomac Subregion Master Plan and the intended residential use. There is a slight jog in the property line separating Lot 1 and 2 which is intentional and necessary in order to retain the existing dwelling (Lot 1) and allow both residential structures to be in conformance with the R-200 side yard setbacks.

The lots were reviewed for compliance with the dimensional requirements for the R-200 Zone. The proposed lots meet all the dimensional requirements for area, frontage, width, and setbacks in the R-200 Zone. A summary of this review is included in Table 2. The Application has been reviewed by other applicable County agencies, all of whom have recommended approval of the Preliminary Plan.

Table 2: Preliminary Plan Data Table (R-200 Zone)

Plan Data	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan
Minimum Lot Area	20,000 sq. ft.	20,000 sq. ft. min.
Lot Width @ building line	100 ft. min.	100 ft. min.
Lot Frontage	25 ft. min.	90 ft. min.
Setbacks		
Front	40 ft. min.	Must meet minimum ¹
Side	12 ft. min./ 25 ft. total	Must meet minimum ¹
Rear	30 ft. min.	Must meet minimum ¹
Building Coverage	25% max.	25% max.
Maximum Residential Dwelling Units	2	2

¹ As determined by MCDPS at the time of building permit.

Citizen Correspondence and Issues

This Application was submitted and noticed in accordance with all required procedures. Signs referencing the Application were posted along the Property’s frontage on Fellowship Lane. The Applicant held an informational meeting on Thursday October 3, 2013 at 7:00 p.m. at Quince Orchard Library (15831 Quince Orchard Road). Three community members attended the meeting where the Applicant presented the Preliminary Plan and answered questions regarding forest conservation, the proposed construction, market conditions and the general project timeline. In addition to answering the questions that were raised, the Applicant explained that there would be additional notification regarding the Preliminary Plan hearing. To date, Staff has not received any community inquiries or correspondence regarding the Application.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Potomac Subregion Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the Application with the conditions specified above is recommended.

Attachments

- Attachment A – Potomac Subregion Master Plan
- Attachment B - Proposed Preliminary Plan
- Attachment C/D – Water and Sewer
- Attachment E – MCDOT letter
- Attachment F – F&R letter
- Attachment G – Preliminary Forest Conservation Plan
- Attachment H – Variance Request
- Attachment I – Arborist letter
- Attachment J – MCDPS SWM concept letter

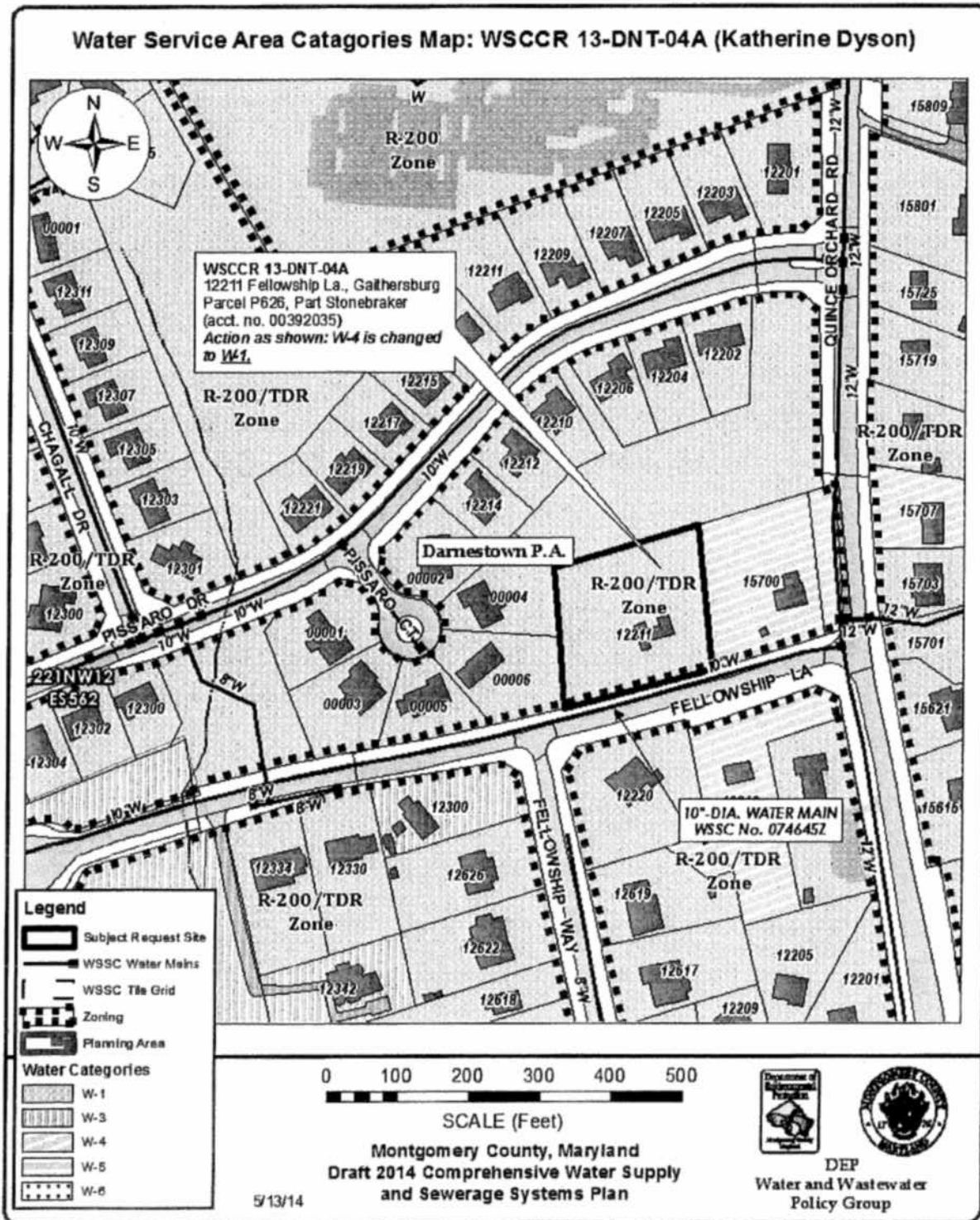
Community Areas

Map 2



..... Community Areas
(Approximate Boundaries)





WSSCR 13-DNT-04A: Katherine Dyson

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> 12211 Fellowship La., Gaithersburg Parcel P626, Part Stonebreaker (acct. no. 00392035) Map tile: WSSC – 221NW12; MD – ES52 North side of Fellowship La., east of Fellowship Way R-200/TDR Zone; 42,253 sq. ft. (0.97 ac.) Darnestown Planning Area Potomac Subregion Master Plan (2002) Muddy Branch Watershed (MDE Use I) <u>Existing use</u>: one single-family house <u>Proposed use</u>: two single-family houses 	Service Area Categories: <table border="1"> <thead> <tr> <th>Existing</th> <th>Requested</th> </tr> </thead> <tbody> <tr> <td>W-4</td> <td>W-1</td> </tr> <tr> <td>S-6</td> <td>S-3</td> </tr> </tbody> </table> Administrative Action Approve W-1 and S-3. Administrative policy V.F.1.a.: Consistent with Existing Plans.	Existing	Requested	W-4	W-1	S-6	S-3
Existing	Requested						
W-4	W-1						
S-6	S-3						

Fairland – Beltsville Planning Area**WSSCR 13-FAL-01A: Ronald Gardner**

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification				
<ul style="list-style-type: none"> 14000 Old Columbia Pk., Fairland Pt. Lot 3, Pt Lt 2 Stringers Add Fairland Acres (acct. no. 00336451) Map tile: WSSC – 218NE03; MD – KR42 Northwest corner, intersection of Old Columbia Pk. and Old Briggs Chaney Rd. R-200 Zone; 22,717 sq. ft. (0.52 ac.) Fairland - Beltsville Planning Area Fairland Master Plan (1997) Paint Branch Watershed (MDE Use III) – Mont. Co. SPA <u>Existing use</u>: one single –family house <u>Proposed use</u>: no change; provide service for the existing house 	Existing – Proposed – Service Area Categories <table border="1"> <tbody> <tr> <td>W-1</td> <td>W-1 (no change)</td> </tr> <tr> <td>S-6</td> <td>S-1</td> </tr> </tbody> </table> Administrative Action Approve S-3. Administrative policy V.F.1.a.: Consistent with Existing Plans.	W-1	W-1 (no change)	S-6	S-1
W-1	W-1 (no change)				
S-6	S-1				

Potomac – Cabin John Planning Area**WSSCR 13-POT-01A: Merrill Stock**

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification						
<ul style="list-style-type: none"> 11018 Rock Run Drive, Potomac Lot 15, Block 1, Fawsett Farms (acct. no. 02214878) Map tile: WSSC – 210NW11; MD – FN23 Southeast corner, intersection of Rock Run Dr. and Falls Rd. (MD 189) R-200 Zone; 1.19 ac. Potomac – Cabin John Planning Area Potomac Subregion Master Plan (2002) Rock Run Watershed (MDE Use I) <u>Existing use</u>: single-family house <u>Proposed use</u>: add guest cottage 	Service Area Categories: <table border="1"> <thead> <tr> <th>Existing</th> <th>Requested</th> </tr> </thead> <tbody> <tr> <td>W-1</td> <td>W-1 (no change)</td> </tr> <tr> <td>S-6</td> <td>S-1</td> </tr> </tbody> </table> Administrative Action Approve S-1. Administrative policy V.F.1.a.: Consistent with Existing Plans. <i>DEP note: DEP issued a sewer service connection memo to WSSC on Sept. 4, 2012, under the provisions of the abutting mains policy in the Water and Sewer Plan. Administrative approval of the request was considered under the "consistent with existing plans" policy.</i>	Existing	Requested	W-1	W-1 (no change)	S-6	S-1
Existing	Requested						
W-1	W-1 (no change)						
S-6	S-1						



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

May 15, 2014

Jonathan Casey, 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.120140080
Dyson Property

Jonathan
Dear Mr. Casey:

We have completed our review of the preliminary plan dated December 4, 2013. This plan was reviewed by the Development Review Committee at its meeting on January 21, 2014. 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. Necessary dedication for Fellowship Lane per Montgomery County standard MC-2001.02.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. Submitted storm drain study has been approved as the analysis shows that there is no major impact on the capacity of the existing downstream public storm drain system.
4. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
5. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
6. 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.

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



Mr. Jonathan Casey
Preliminary Plan No. 120140080
May 15, 2014
Page 2

7. 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.

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

Sincerely,



Gregory M. Leck, Manager
Development Review Team

m:/correspondence/ active/FY14/120140080_Dyson Property Prelim Plan Ltr

Enclosure

cc: Kelyn Chipman
Donald Rohrbaugh, Site Solutions, Inc.
Jeffrey Lewis, Site Solutions, Inc.
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Catherine Conlon; M-NCPPC DARC
Katherine Holt; M-NCPPC Area 3
Atiq Panjshiri; MCDPS RWPR
Sam Farhadi; MCDPS RWPR
Monet L. Lea, MCDOT DTEO



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: DYSON PROPERTY Preliminary Plan Number: 1-2014-0080

Street Name: FELLOWSHIP LANE Master Plan Road Classification: SECONDARY

Posted Speed Limit: 25 mph

Street/Driveway #1 (PROPOSED LOT 1)
@ FELLOWSHIP LANE

Sight Distance (feet) OK?
 Right 485 ✓
 Left 210 ✓

Street/Driveway #2 (PROPOSED LOT 2)
@ FELLOWSHIP LANE

Sight Distance (feet) OK?
 Right 390 ✓
 Left 310 ✓

Comments: VISIBILITY LEFT TO
QUINCE ORCHARD ROAD

Comments: VISIBILITY LEFT TO
QUINCE ORCHARD ROAD

GUIDELINES

Classification or Posted Speed
 (use higher value)

Tertiary	-	25 mph
Secondary	-	<u>30</u> ✓
Business	-	30
Primary	-	35
Arterial	-	40
		(45)
Major	-	50
		(55)

Required
 Sight Distance
 in Each Direction*

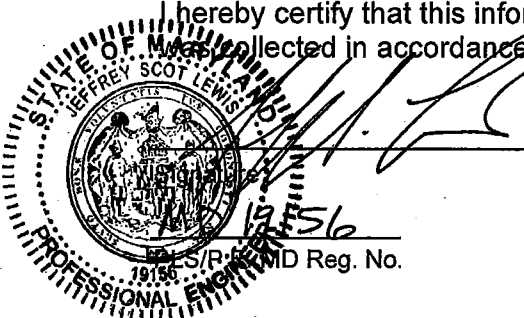
150'
<u>200'</u> ✓
200'
250'
325'
400'
475'
550'

*Source: AASHTO

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and collected in accordance with these guidelines.



11-13-13
 Date

Montgomery County Review:

Approved

Disapproved:

By: [Signature]

Date: 5/15/2014

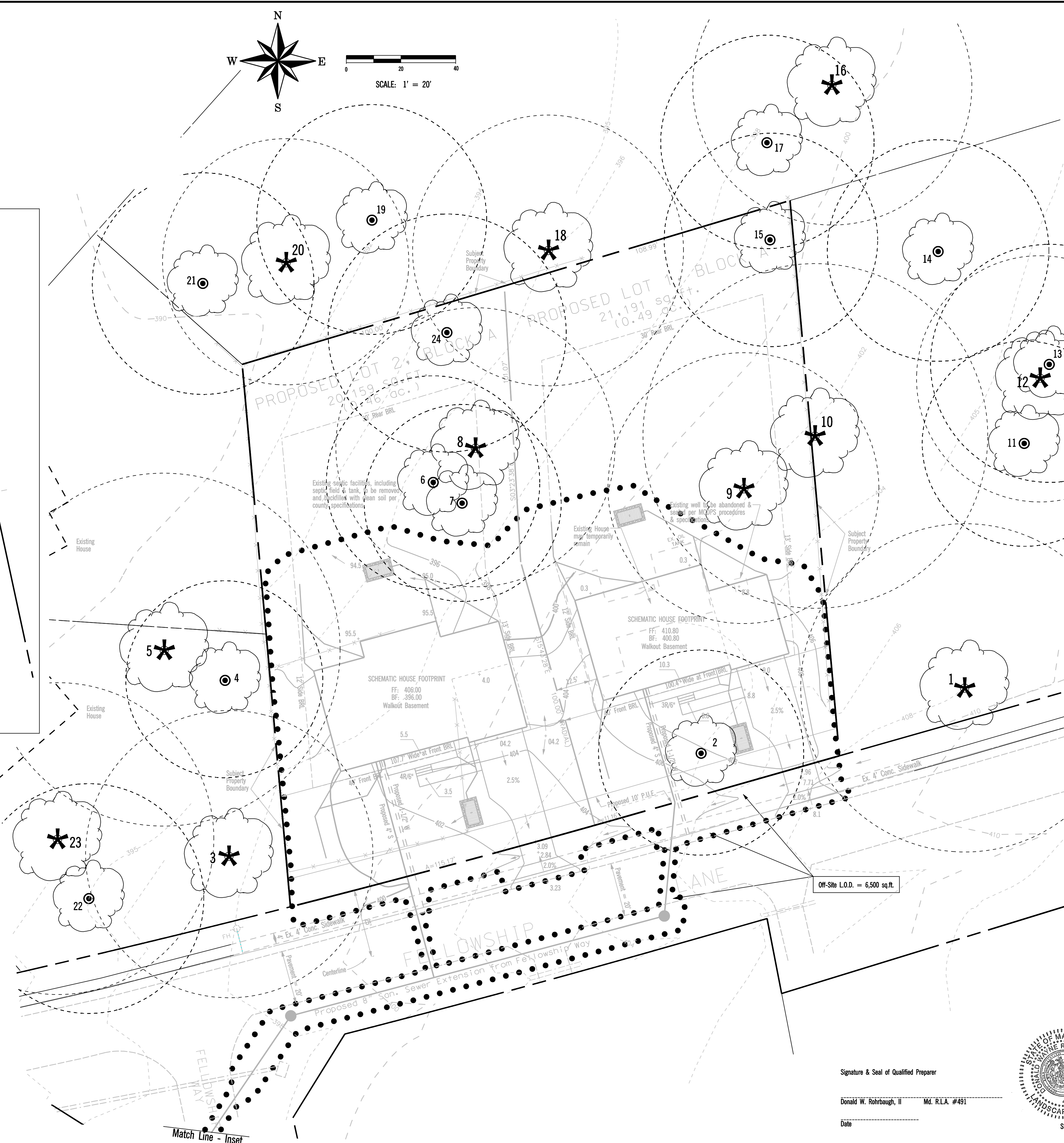
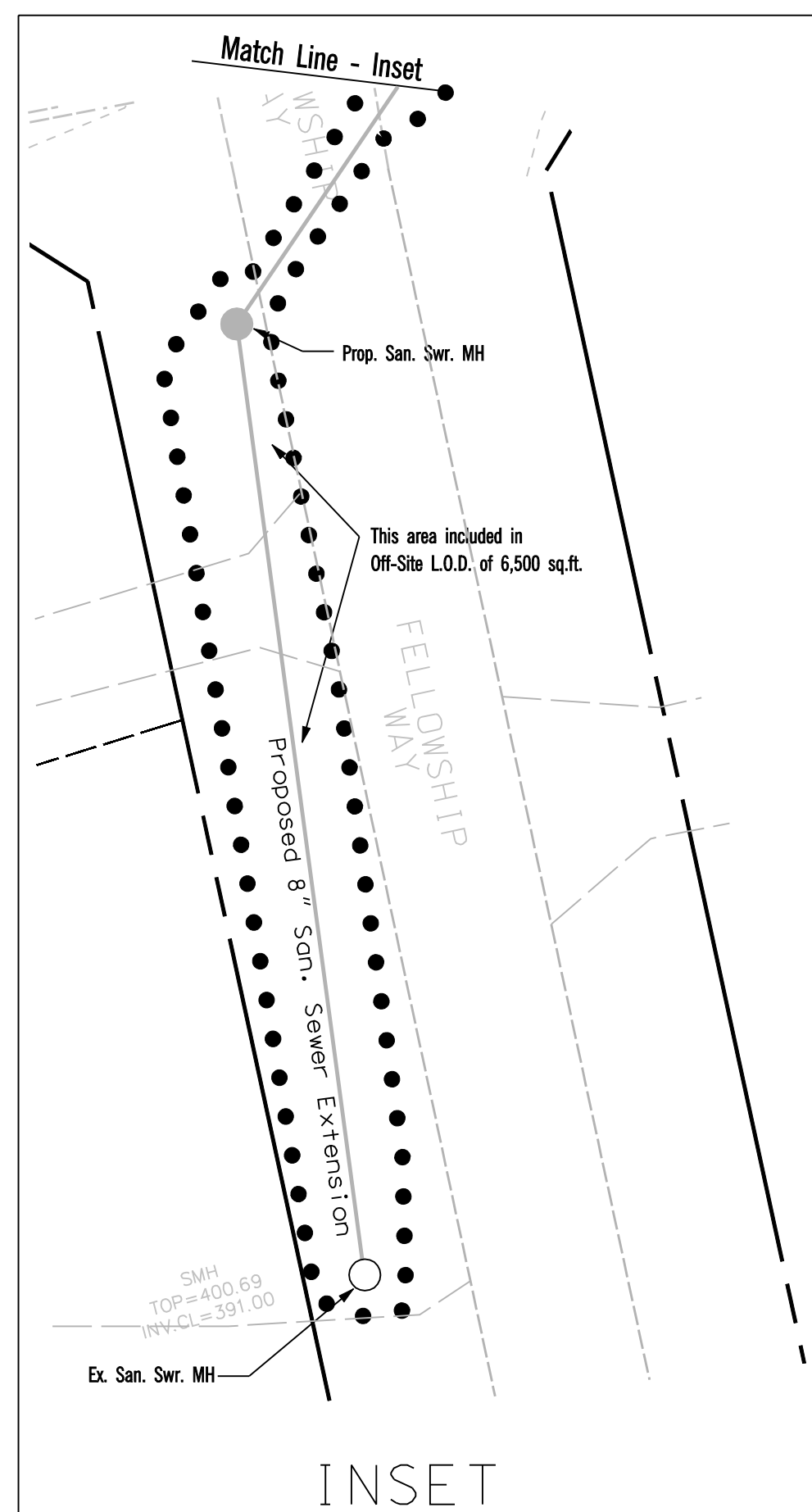


FIRE MARSHAL COMMENTS

DATE: 10-Jul-14
TO: Don Rohrbaugh - dwr@ssimd.net
Site Solutions, Inc.
FROM: Marie LaBaw
RE: Dyson Property
120140080

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **10-Jul-14** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



PRELIMINARY FOREST CONSERVATION WORKSHEET VERSION 1.0 07-May-14

NET TRACT AREA:

A. Total tract area	0.95
B. Area within 100 year Floodplain	N/A
C. Area within NSCC R/W or road R/W constructed by public fund	0.00
D. Net tract area (Net Tract Area Includes 0.15 ac. of Offsite L.O.D.)	1.10

LAND USE CATEGORY: (from Table 2, page 42, "Trees" Manual)

Input the number "1" under the appropriate land use zoning, and limit to only one entry.

ARA	MDR	IDA	HDR	MPD	CIA
0	0	0	1	0	0

E. Afforestation Threshold: 15% x D = 0.17
 F. Conservation Threshold: 20% x D = 0.22

EXISTING FOREST COVER:

G. Existing forest cover (excluding floodplain)	0.00
H. Area of forest above afforestation threshold	0.00
I. Area of forest above conservation threshold	0.00

BREAK EVEN POINT:

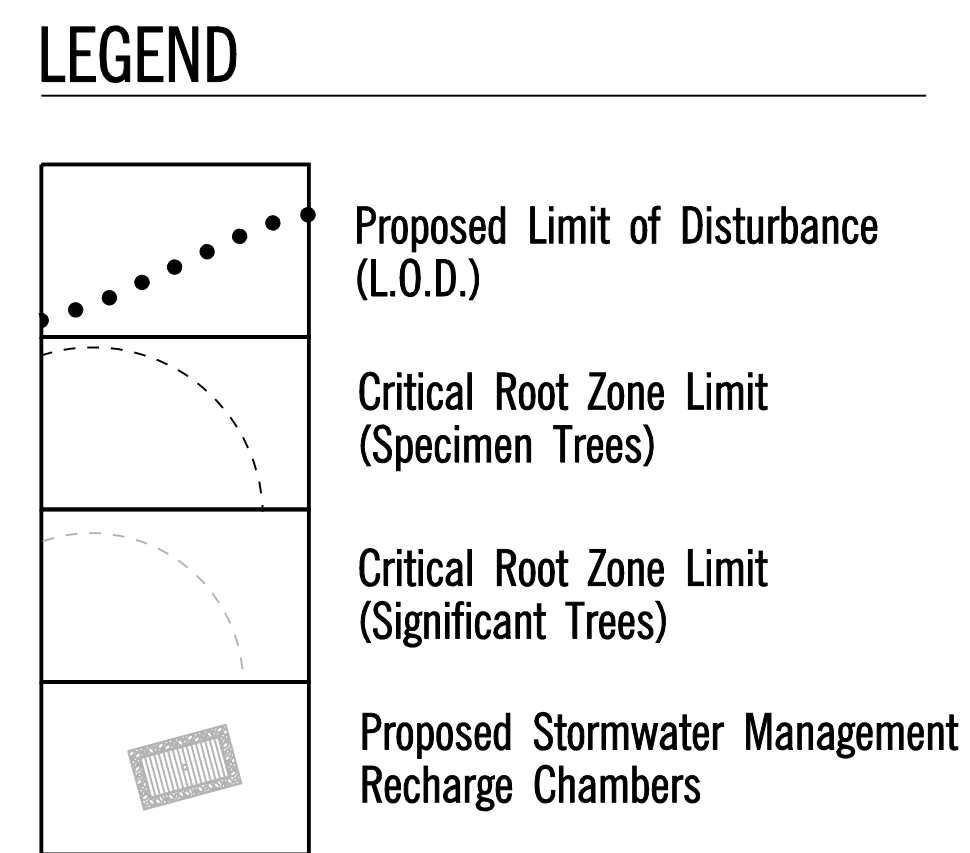
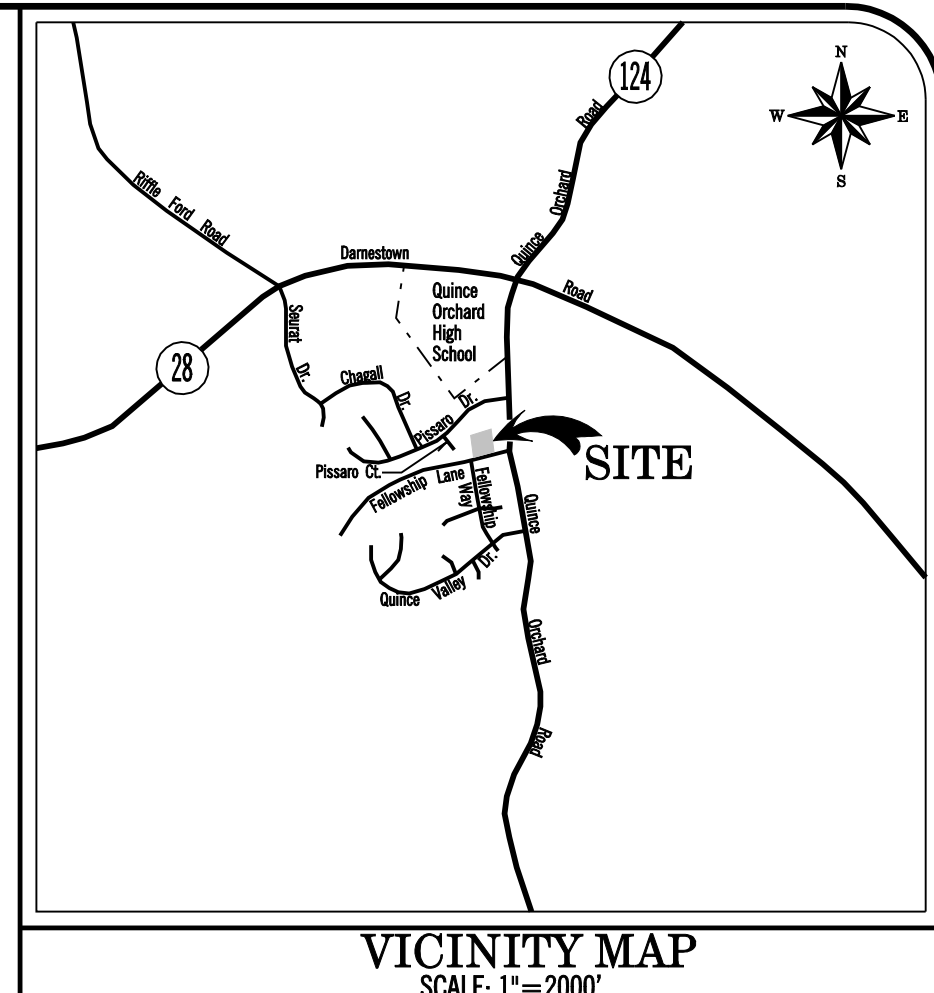
J. Forest retention above threshold with no mitigation	0.00
K. Clearing permitted without mitigation	0.00

PROPOSED FOREST CLEARING:

L. Total area of forest to be cleared	0.00
M. Total area of forest to be retained	0.00

PLANTING REQUIREMENTS:

N. Reforestation for clearing above conservation threshold	0.00
P. Reforestation for clearing below conservation threshold	0.00
Q. Credit for retention above conservation threshold	0.00
R. Total reforestation required	0.00
S. Total afforestation required	0.17
T. Total reforestation and afforestation required	0.17



FOREST CONSERVATION PROPOSED COMPLIANCE

The planting requirement of 0.17 acres (7,400 sq.ft.) indicated above will be satisfied by the applicant purchasing credit in a certified Montgomery County forest bank.

Forest Conservation Data Table

ACREAGE OF TRACT (Net)	1.10
ACREAGE OF ROAD & UTILITY R/W'S THAT WILL NOT BE IMPROVED AS PART OF THE DEVELOPMENT APPLICATION	0
ACREAGE OF STREAM VALLEY BUFFER	0
ACREAGE OF TOTAL EXISTING FOREST	0
NET TRACT AREA	1.10
ACREAGE OF FOREST RETENTION	0
ACREAGE OF TOTAL FOREST CLEARED	0
LAND USE CATEGORY	HIGH-DENSITY RESIDENTIAL
CONSERVATION THRESHOLD (20%)	0.22 ACRES
AFFORESTATION THRESHOLD (15%)	0.17 ACRES

WETLAND FOREST:

RETAINED	0
PLANTED	0

100 YEAR FLOODPLAIN FOREST:

RETAINED	0
PLANTED	0

STREAM BUFFER FOREST:

RETAINED	0
PLANTED	0

PRIORITY AREA FOREST:

RETAINED	0
PLANTED	0

LINEAR FEET OF STREAM BUFFERS: None
 AVERAGE WIDTH OF STREAM BUFFERS: N/A

Specimen & Significant Tree Action Key

(Updated May 28, 2014)

TREE #	COMMON NAME	D.B.H.	C.R.Z. AREA	C.R.Z. DISTURBED	C.R.Z. % SAVED	SAVE / REMOVE
1*	White Oak	40"	11,310 s.f.	594 s.f.	95%	Save
2	Norway Spruce	25"	4,418 s.f.	4,418 s.f.	0	Remove
3*	White Oak	35"	6,659 s.f.	1,860 s.f.	79%	Save
4	White Oak	24"	4,072 s.f.	801 s.f.	80%	Save
5*	Hickory spp.	43"	13,070 s.f.	1,585 s.f.	88%	Save
6	White Oak	26"	4,778 s.f.	964 s.f.	79%	Save
7	White Oak	24"	4,072 s.f.	1,339 s.f.	67%	Save
8*	White Oak	34"	8,171 s.f.	1,367 s.f.	83%	Save
9*	Red Oak	33"	7,698 s.f.	2,034 s.f.	74%	Save
10*	White Oak	42"	12,469 s.f.	809 s.f.	93%	Save
11	White Oak	25"	4,418 s.f.	0	100%	Save
12*	Red Oak	30"	6,362 s.f.	0	100%	Save
13	Red Oak	29"	5,945 s.f.	0	100%	Save
14	White Oak	27"	5,153 s.f.	0	100%	Save
15	White Oak	26"	4,778 s.f.	0	100%	Save
16*	White Oak	34"	8,171 s.f.	0	100%	Save
17	White Oak	26"	4,778 s.f.	0	100%	Save
18*	Tulip Poplar	33"	7,698 s.f.	0	100%	Save
19	Red Oak	28"	5,542 s.f.	0	100%	Save
20*	White Oak	30"	6,362 s.f.	0	100%	Save
21	White Oak	27"	5,153 s.f.	0	100%	Save
22	Hickory spp.	28"	5,542 s.f.	0	100%	Save
23*	Red Oak	38"	10,207 s.f.	0	100%	Save
24	White Oak	29"	5,945 s.f.	0	100%	Save

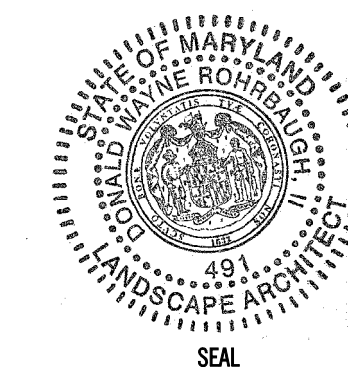
* = Denotes Specimen Tree
 Note that there are no trees on or adjacent to this property that are 75% or larger of the size of county or state champion trees for their species.
 ○ = Trees included in Specimen Tree Variance request.

DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 120140080 including financial bonding, forest planning, maintenance, and all other applicable agreements.

Developer's Name: See "Owner"
 Printed Company Name: _____
 Contact Person or Owner: Kelyn Chipman (Owner)
 Printed Name: _____
 Address: 15309 Spring Meadows Drive, Darnestown, Md. 20874
 Phone and Email: (301)801-1913 k4chip@gmail.com
 Signature: _____

Signature & Seal of Qualified Preparer
 Donald W. Rohrbough, II Md. R.L.A. #491
 Date: _____



#120140080

SSI SITE SOLUTIONS, INC.
 20410 Observation Drive Suite 205
 Germantown, Maryland 20876-4000
 (301) 540-7990 Fax (301) 540-7991
 Planning Landscape Architecture
 Engineering Surveying

APPLICANT:
 Mr. Kely Chipman
 15309 Spring Meadows Drive
 Darnestown, Md. 20874

NO	REVISION	DATE
1	Rev. per Staff EPlan comments (Incl. adding Inset)	5/7/14

Preliminary Forest Conservation Plan
DYSON PROPERTY
 PARCEL P626 / TAX MAP ES562
 DARNESTOWN ELECTION DISTRICT #6
 MONTGOMERY COUNTY, MARYLAND

DWR DESIGN	1" = 20'
JSL CHECKED	1 of 1
5/28/2014	SHEET
PLOT DATE	PROJ. No. 1884 D-

Preliminary FCP DYSON PROPERTY SITE SOLUTIONS, INC.

STATEMENT OF KELYN CHIPMAN
FOR A VARIANCE IN ACCORDANCE WITH SECTION 22A-21
OF THE MONTGOMERY COUNTY CODE

DYSON PROPERTY

November, 2013

Revised May, 2014

I. BACKGROUND INFORMATION.

The Applicant for a variance pursuant to the provisions of Section 22A-21 of the Montgomery County Code is Kelyn Chipman, the owner of the property. The owner proposes to subdivide an existing parcel (P626) in the R-200 zone into two recorded, buildable lots. The property consists of 0.95 acres. The site is located along the north side of Fellowship Lane, 200 feet west of Quince Orchard Road, just west of Gaithersburg. There is no forest cover within the property boundary and there are no priority environmental features on or adjacent to the subject property.

II. APPLICANT'S PROPOSAL.

Attached is a copy of the proposed Preliminary Plan of Subdivision (see e-file) for the two proposed residential lots. Proposed Lot 1 contains an existing home that is to eventually be demolished and replaced with a new home while proposed Lot 2 will have a new home built upon it. Each home will have its own individual driveway.

III. EXPLANATION FOR NEED TO IMPACT SIX TREES THAT ARE IDENTIFIED IN STATE LAW FOR PROTECTION (NO PROTECTED TREES TO BE REMOVED).

Attached to this variance application is a copy of the Preliminary Forest Conservation Plan (PFCP) (see e-file), on which the six protected specimen trees proposed to be impacted have been identified.

There are eleven existing specimen trees of 30" DBH or larger noted on the PFCP. Five of these trees will not be impacted, while six will be marginally impacted by the proposed development.

The six impacted trees are described as follows (Numbering is per the Preliminary FCP):

Tree #1	White Oak	40" DBH	Good Condition	95% CRZ Saved
Tree #3	White Oak	35" DBH	Good Condition	79% CRZ Saved
Tree #5	Hickory	43" DBH	Good Condition	88% CRZ Saved
Tree #8	White Oak	34" DBH	Good Condition	83% CRZ Saved
Tree #9	Red Oak	33" DBH	Good Condition	74% CRZ Saved
Tree #10	White Oak	42" DBH	Good Condition	93% CRZ Saved

As stated above, no specimen trees will be removed and the six impacted trees will only be marginally affected. The Final FCP will specify temporary tree protection fence or super silt fence to be placed along the limit of disturbance that lies within the critical root zones of the impacted trees. Root pruning will be specified where soil cut is to occur for grading or utility installation.

IV. SATISFACTION OF THE CRITERIA LISTED IN SECTION 22A-21(b) OF THE MONTGOMERY COUNTY CODE.

Section 22A-21(b) lists the criteria for the granting of the variance requested herein. The following narrative explains how the requested variance is justified under the set of circumstances described above.

“(1) describe the special conditions peculiar to the property which caused the unwarranted hardship.”

- A. Due to the configuration of the subject property (roughly a rectangle) and to comply with R-200 zoning dimensional requirements, there is only one suitable design configuration to divide the property into two lots. The subject property is just over 40,000 sq.ft. in area and both lots must be a minimum of 20,000 sq.ft. each with a 100 foot minimum width at the front building line.
- B. Front and side minimum setbacks dictate placement of the two proposed houses. The two proposed houses are to be placed as far to the front of the lot as possible in order to preserve trees, including specimen trees, in the rear of the lots.
- C. Given the required minimum building setbacks and the critical root zone limits of the impacted trees, the net building envelopes available for house siting & grading would be too small to be practical if the critical root zones were to be fully left undisturbed. Marginal impact to the critical root zones is necessary to provide sufficient space to build the two proposed homes.

“(2) Describe how enforcement of these rules will deprive the owner of rights commonly enjoyed by others in similar areas.”

There is no alternative subdivision design that would not impact the six trees affected by this development proposal. Because of zoning restrictions, the limited impact on the six trees (four of the trees are off-site) is unavoidable. Essentially, the proposed subdivision of these two lots could not take place without the limited impact proposed on the six trees. The two proposed lots would not contain sufficient buildable area without granting of this variance, thus causing a hardship on the applicant. Surrounding lots in the subject property neighborhood were subdivided prior to Sec. 22A-21 being enacted. This is the last unsubdivided parcel on Fellowship Lane and this application requests this variance to be granted accordingly.

“(3) *Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance.*”

There are currently no stormwater quantity or quality provisions on the property. In conjunction with its proposed development of the subject property, the Applicant has prepared a stormwater management concept plan which will improve water quality measures on the subject property and in the surrounding area.

The Applicant confirms that the impact on the six affected trees will cause no degradation in water quality associated with the proposed two-lot subdivision as a result of the granting of the requested variance.

“(4) *Provide any other information appropriate to support the request.*”

The information set forth above, the Applicant believes, is adequate to justify the requested variance to *impact* the six protected trees on the subject property.

Furthermore, the Applicant’s request for a variance complies with the “minimum criteria” of Section 22A-21(d) for the following reasons:

1. This Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant.
2. The configuration of the subject property, regulatory requirements, and the location of the protected trees are not the result of actions by the Applicant, since any two-lot subdivision of the subject property would encounter the same constraints.

3. The requested variance is not related in any way to a condition on an adjacent, neighboring property, and
4. *Impact* on the CRZ's of the six affected trees will not violate State water quality standards or cause measurable degradation in water quality (which is being improved by the Applicant's overall proposal).

Site Solutions, Inc.
May 28, 2014



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

July 2, 2014

Françoise Carrier, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Dyson Property, ePlan 120140080, NRI/FSD application accepted on 7/29/2013

Dear Ms. Carrier:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the

Division of Environmental Policy & Compliance

255 Rockville Pike, Suite 120 • Rockville, Maryland 20850-2589 • 240-777-0311
www.montgomerycountymd.gov

Françoise Carrier
July 2, 2014
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variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

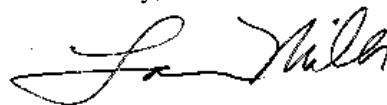
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Josh Penn, Senior Planner



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

July 8, 2014

Mr. Jeffrey Lewis
Site Solutions, Inc.
20410 Observation Dr., Suite 205
Germantown MD, 20876

Re: Stormwater Management **CONCEPT** Request
for Dyson Property:
Preliminary Plan #: 120140080
SM File #: 258115
Tract Size/Zone: .95 acres/R200
Total Concept Area: .95 acres
Lots/Block: 1,2
Parcel(s): P626
Watershed: Muddy Branch

Dear Mr. Lewis:

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 drywells and recharge chambers.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. Proprietary structures used in place of drywells must be sized in accordance with DPS guidelines.

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

Mr. Jeffrey Lewis
July 8, 2014
Page 2

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 William Campbell at 240-777-6345.

Sincerely,



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

MCE: wrc

cc: C. Conlon
SM File # 258115

ESD Acres:	.95
STRUCTURAL Acres:	0
WAIVED Acres:	0