



Allanwood, Preliminary Plan, 120140150



Carlton W. Gilbert, Planner Coordinator, Area 2 Division, Carlton.Gilbert@montgomeryplanning.org, 301-495-4576



Khalid Afzal, Supervisor, Area 2 Division, Khalid.Afzal@montgomeryplanning.org, 301-495-4650

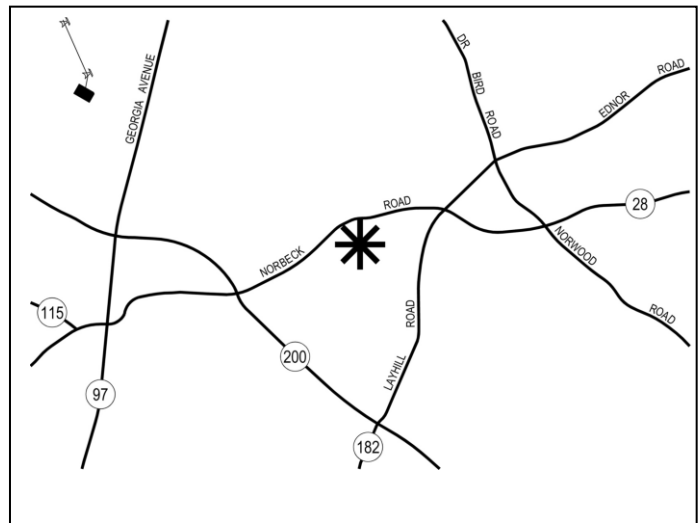


Glenn Kreger, Chief, Area 2 Division, Glenn.Kreger@montgomeryplanning.org, 301-495-4653

Completed: 09-26-14

Description

- Request to subdivide Parcel 145 to create three (3) one-family detached lots;
- Preliminary Forest Conservation Plan (PFCP) and Tree Variance;
- Location: southeast quadrant of the intersection of Norbeck Road and Woods Center Road;
- 5.6 acres of land;
- R-200 Zone in the *1984 Aspen Hill Master Plan*;
- Applicant: Mitchell & Best;
- Filing Date: March 11, 2014.



Summary

- Staff recommends approval of Preliminary Plan 120140150 with conditions. The staff recommendation includes approval of a Preliminary Forest Conservation Plan, including a variance for the removal of 25 trees and impact to ten (10) trees that are 30 inches and greater DBH.

STAFF RECOMMENDATION: Staff recommends approval of Preliminary Plan 120140150, subject to the following conditions:

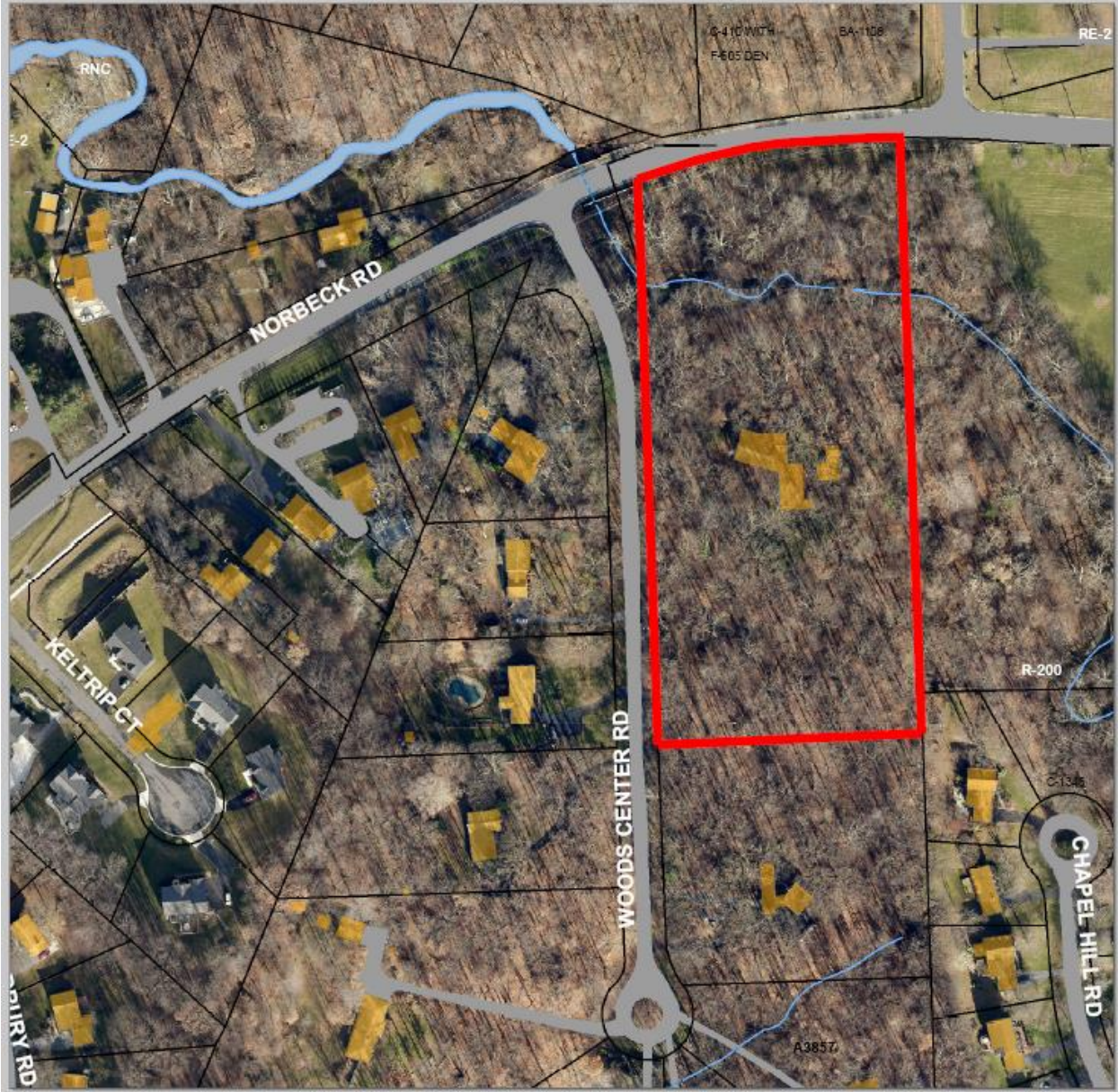
- 1) This Preliminary Plan is limited to three (3) residential lots.
- 2) The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan No. 120140150, approved as part of this Preliminary Plan, subject to the following:
 - a. Prior to any land disturbing activities, the Applicant must obtain M-NCPPC approval of a Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan.
 - b. The Applicant must record a Category I Conservation Easement over all areas of forest retention and planting by record plat, referencing the Category I Conservation Easement recorded at liber 13178, folio 412 prior to submittal of Final Forest Conservation Plan.
 - c. The Final Forest Conservation Plan must include 15 3-inch caliper native shade trees as mitigation plantings for the loss of trees requiring a variance.
- 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. 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) The Applicant must dedicate, and the record plat must reflect, eighteen (18) feet of right-of-way for a total of seventy-eight (78) feet along Woods Center Road as an open-section secondary residential street as required under Road Code Standard No. 2002.04.
- 5) Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 6) The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its stormwater management concept letter dated June 25, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 7) The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes.
- 8) The Applicant must coordinate their building plans with the Maryland State Highway Administration (SHA) regarding future frontage improvements associated with SHA's Consolidated Transportation Plan (CTP) Project No. M08861, MD 28 (Norbeck Road) / MD 198 (Spencerville Road) Corridor Improvement Study.

- 9) 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). Please refer to the zoning data table for applicable development standards.”
- 10) The record plat must show all necessary easements.
- 11) The Adequate Public Facilities (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

SITE DESCRIPTION

The subject property (Property) is located at the southeast quadrant of the intersection of Norbeck Road and Woods Center Road, and consists of a 5.6-acre unplatted parcel (Parcel 145) zoned R-200. The Property consists of a vacant single-family house, garage, and shed situated in a forest with mature specimen trees. It gently slopes towards an existing stream and wetlands. The stream, wetlands, floodplains and associated buffers occupy approximately one-third of the northern part of the Property. The surrounding land uses are predominantly residential houses in the R-200 Zone.



Vicinity Aerial Photo

PROJECT DESCRIPTION

Preliminary Plan No. 120140150, Allanwood, proposes to subdivide the existing 5.6-acre parcel into three (3) lots for three (3) one-family detached residential dwelling units. The Property is accessible from Woods Center Road, which will remain a public street terminating in an existing cul-de-sac. Each of the three proposed lots (25, 26, and 27) will have frontage on Woods Center Road and each will have a new private driveway. Adequate space for traffic and dedicated road right-of-way already exists along the Property's frontage on Woods Center Road. The proposed subdivision provides adequate space for stormwater management.

This Application also includes a request for a variance for impact and removal of trees on the Property.



Preliminary Plan
(See Attachment A for full plan)

ANALYSIS AND FINDINGS – Chapter 50

Conformance to the Master Plan

The Property is located in the 1984 *Aspen Hill Master Plan*. It is included in the *Allanwood/Gayfield/Wilson Hills/Gaywood Area*, (Significant Parcel No. 25, page 77). The Master Plan highlights the large lot character of the area and states that the “area is dominated by single-family detached houses on lots that are larger than the rest of the Aspen Hill community (page 77). It recommends that “the character should be emphasized and encouraged in the development of the unimproved area in this portion of the planning area” (page 80). In general, the *Aspen Hill Master Plan* recommends sustaining and enhancing residential neighborhoods while providing safe linkages to public facilities and town centers. The proposed Preliminary Plan follows this recommendation by creating 3 lots that will provide additional housing in a desirable area.

TRANSPORTATION

Master-Planned Roadway and Bikeway Status

The roadway and bikeway recommended in the 1994 *Aspen Hill Master Plan* and the 2005 *Countywide Bikeways Functional Master Plan* are listed below:

Norbeck Road (MD 28) is designated as a six-lane divided major highway, M-18, with a 150-foot wide right-of-way and a Master Planned Class I, or a Bikeways Master Planned dual bikeway, DB-12, bike lanes and a shared use path on the north side.

Woods Center Road is not designated as a Master Plan roadway, but is classified as a “secondary residential street – open section” (Road Code Standard No. 2002.04) with a 78-foot wide right-of-way (instead of the typical 60 feet).

On-Going Transportation Project

The Applicant must coordinate the design plans with the SHA regarding the SHA CTP Project No. MO8861, MD 28 (Norbeck Road)/MD 198 (Spencerville Road) Corridor Improvement Study to construct improvements along the corridor between Georgia Avenue and I-95 including sidewalks and bicycle facilities.

Available Transit Service

Transit service is not available along this section of Norbeck Road or on Woods Center Road.

Pedestrian Facility

Future pedestrian facilities will be provided along the Norbeck Road frontage as part of the SHA project plans. As a single-family detached development in the R-200 Zone, a sidewalk is not necessary along Woods Center Road because the road has adequate width and is safe for pedestrians.

Adequate Public Transportation Facilities Review

The Local Area Transportation Review (LATR) guidelines require a traffic study to be performed if a development generates 30 or more weekday peak-hour trips. The three proposed dwelling units will generate three morning peak-hour trips (6:30 a.m. to 9:30 a.m.) and four evening peak-hour trips (4:00 p.m. to 7:00 p.m.), far below the 30-trip threshold. Therefore, no LATR is required to satisfy the APF test.

For the Transportation Policy Area Review (TPAR) test, a transportation impact tax payment is not required to satisfy the TPAR test because the Aspen Hill Policy Area has adequate capacity for the transit and roadway tests. No TPAR is required to satisfy the APF test.

The Application has been reviewed by the Montgomery County Department of Transportation, which determined that the Property has adequate vehicular access and site distance as mentioned in their letter dated, April 15, 2014 (Attachment B). Vehicular and pedestrian access for the proposed subdivision will be safe and adequate with the proposed 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. The Property is located in the W-1 and S-1 water and sewer service categories which permit public water and sewer connection.

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

The Application is in the Blake High School Cluster area. The Applicant is not required to make a School Facilities Payment to MCDPS at any school level for the development of three, single-family detached units.

ENVIRONMENT

Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #420140660) for the Property on January 21, 2014. The 5.60-acre Property is currently developed with a single-family house and the remainder of the site is covered with 4.56 acres of high priority forest. The Property is within the Northwest Branch watershed – a Use IV watershed. The Batchellors Forest tributary to the Northwest Branch bisects the property from east to west at the north end of the property. There are wetlands and a floodplain associated with the stream and 2.28 acres of environmental buffer and the Property slopes downward to the north and east.

The Planning Board generally requires applicants to remove all areas of encroachment from the environmental buffer and place the entire buffer in a Category I Conservation Easement. In this case, the existing driveway encroaches 0.03 acres into the environmental buffer and the Applicant has requested to maintain a portion of the existing driveway. The Applicant is proposing to plant 0.03 acres of forest within an unforested portion of the environmental buffer to mitigate for the loss of buffer. The Applicant does not have a planting requirement under Chapter 22A. Also, the use of the existing driveway reduces the disturbance to the Critical Root Zones of specimen trees #101 and #112. Staff believes that, with the 0.03 acres of forest planting and minimization of impacts to specimen trees, the proposed development complies with the Environmental Guidelines.

Forest Conservation Law

The proposed subdivision is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). There are 4.56 acres of high priority forest on site. The proposed Preliminary Forest Conservation Plan (PFCP) shows 1.94 acres of forest clearing, 2.62 acres of forest retention, and 0.03 acres of forest planting (Attachment D). The 0.03 acres of forest planting is to mitigate for environmental buffer encroachment, not a planting requirement. All forest conservation requirements are being met on-site. Areas of forest retention and planting will be protected by a Category I Conservation Easement.

Forest Conservation Variance

Section 22A-12(b)(3) of the County Code identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or disturbance within the 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 Code. The code requires no impact to trees measuring 30 inches or greater diameter at breast height (DBH); are part of a historic site or designated with a historic structure; or are designated as 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.

The Applicant submitted a variance request on March 12, 2014, for the impacts to trees with the proposed layout (Attachment E) and revised it on May 29, 2014, June 27, 2014, and July 23, 2014. The applicant proposes to remove 25 trees and to impact but not remove 10 trees that are considered high priority for retention under Section 22A-12 (b) (3) of the County Forest Conservation Law. Table 1 describes the impacts to the trees proposed to be removed.

Table 1: Proposed Tree Removal

ID	Type	DBH	Condition	Comments
1	Tulip poplar	35.5"	Good	In the buildable area.
2	Tulip poplar	45"	Good	In the buildable area.
3	Tulip poplar	30"	Good	In the buildable area.
6	Tulip poplar	34"	Good	In the buildable area.
16	Tulip poplar	35"	Good	In the buildable area.
66	Tulip poplar	37"	Good	In the buildable area.
72	Tulip poplar	40.5"	Good	Adjacent to the LOD.
74	Tulip poplar	33.5"	Good	In the buildable area.
75	Red oak	34"	Good	In the buildable area.
114	Tulip poplar	30.5"	Good	In the buildable area.
117	Tulip poplar	36"	Good	In the buildable area.
119	Tulip poplar	30"	Good	In the buildable area.
120	Red oak	30.5"	Good	In the buildable area.
123	Tulip poplar	46.5"	Fair	In the buildable area.
124	Tulip poplar	30"	Good	In the buildable area.
128	Tulip poplar	31"	Good	In the buildable area.
132	Tulip poplar	36.5"	Good	In the buildable area.
133	Tulip poplar	39.5	Good	In the buildable area.
136	Tulip poplar	33"	Good	In the buildable area.
137	Tulip poplar	37.5"	Good	In the buildable area.
147	Tulip poplar	32.5"	Good	In the buildable area.
149	Tulip poplar	27"&34"	Fair	In the buildable area.
175	Tulip poplar	33.5"	Good	Adjacent to the LOD.
177	Tulip poplar	30"	Good	In the buildable area.
179	Red oak	41"	Good	Adjacent to the LOD.

Table 2 below describes the trees proposed to be impacted, but not removed:

Table 2: Trees To Be Impacted, But Not Removed

ID	Type	DBH	Condition	Impacts	Comments
27	Tulip poplar	33"	Good	5%	Grading and clearing of debris
46	Tulip poplar	34"	Good	1%	Grading
62	Pin oak	36"	Good	15%	Grading, existing driveway
101	Sycamore	31.5"	Good	5%	Driveway grading, water line connection
112	Tulip poplar	33"	Good	38%	Grading
146	Tulip poplar	36"	Good	21%	Grading
153	Tulip poplar	33.5"	Good	10%	Grading
157	Tulip poplar	35.5"	Good	7%	Grading
158	Tulip poplar	35.5"	Good	37%	Grading
181	Tulip poplar	31"	Good	5%	PUE

Unwarranted Hardship

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the variance trees in an undisturbed state would result in unwarranted hardship. The variance is necessary because of the environmental site constraints that include streams, wetlands, floodplains, environmental buffers, and high priority forest severely constrain the developable area of the site, making reasonable development impossible without impacting the forest. To the extent practicable, the proposed development has been located in less environmentally sensitive areas of the site to minimize forest loss and environmental buffer impacts. Leaving the variance trees in an undisturbed state will prevent the Property from developing with the proposed three lots, which constitutes as an unwarranted hardship.

Variance Findings

Based on the review of the variance request and the proposed Preliminary Forest Conservation Plan, staff finds that granting the requested variance:

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

Granting this variance will not confer a special privilege on the Applicant as disturbance of the specified trees is due to the location of the trees in less sensitive parts of the Property. The Property is predominately forested and has many environmental features constraining the developable area. The proposed development protects the environmental buffers and minimizes forest impacts. Granting a variance request to remove 25 trees and disturb the CRZs of 10 trees for the purposes of developing single-family houses is not unique to this Applicant. Therefore, staff believes that granting this variance is not a special privilege that would be denied to other applicants.

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

The requested variance is based on the locations of the trees and the minimum disturbance required in order to develop the Property, and not on conditions or circumstances that are the result of actions by the Applicant.

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 location of trees on the property impacted by the proposed layout of the three lots on the Property 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.*

The proposed development does not impact environmental buffers and provides mitigation plantings for trees lost outside of existing forest. The requested variance will not violate State water quality standards or cause a measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

The Applicant is requesting a variance to remove 25 trees and to impact but not remove 10 trees. Generally, mitigation is not recommended for trees impacted but retained and for trees within forest shown as being removed. The Applicant will plant 15, 3-inch caliper, native shade trees as part of the Final Forest Conservation Plan mitigating for impacts to existing specimen trees outside of the forest boundary.

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 for a recommendation prior to acting on the request. The County Arborist has reviewed the variance request and recommended approval (Attachment F).

Variance Recommendation - Staff recommends that the variance be granted.

Stormwater Management

MCDPS approved a stormwater management concept on June 25, 2014 (Attachment G). The concept proposes to meet the required stormwater management goals via dry wells for each lot.

COMPLIANCE WITH THE SUBDIVISION REGULATIONS AND ZONING ORDINANCE

The Application has been reviewed for compliance with the Subdivision Regulations and satisfies all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations of the *Aspen Hill Master Plan* and the intended residential use. The lots are appropriately dimensioned and provide for an orderly completion of the subdivision. 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 the Table below. The Application has been reviewed by other applicable County agencies, all of whom have recommended approval of the plan.

Preliminary Plan Data Table

Plan Data	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan
Minimum Lot Area	20,000 sq. ft.	51,566 sq. ft.
Lot Width @ building line	100 ft. min.	137 ft.
Lot Frontage	25 ft. min.	162 ft.
Setbacks		
Front	40 ft. min.	80 ft.
Side	12 ft. min./ 25 ft. total	51 ft. / 102 ft.
Rear	30 ft. min.	124 ft.
Maximum Residential Dwelling Units	12	3
MPDUs	NA	NA
TDRs	NA	NA
Site Plan Required	No	NA

Citizen Correspondence and Issues

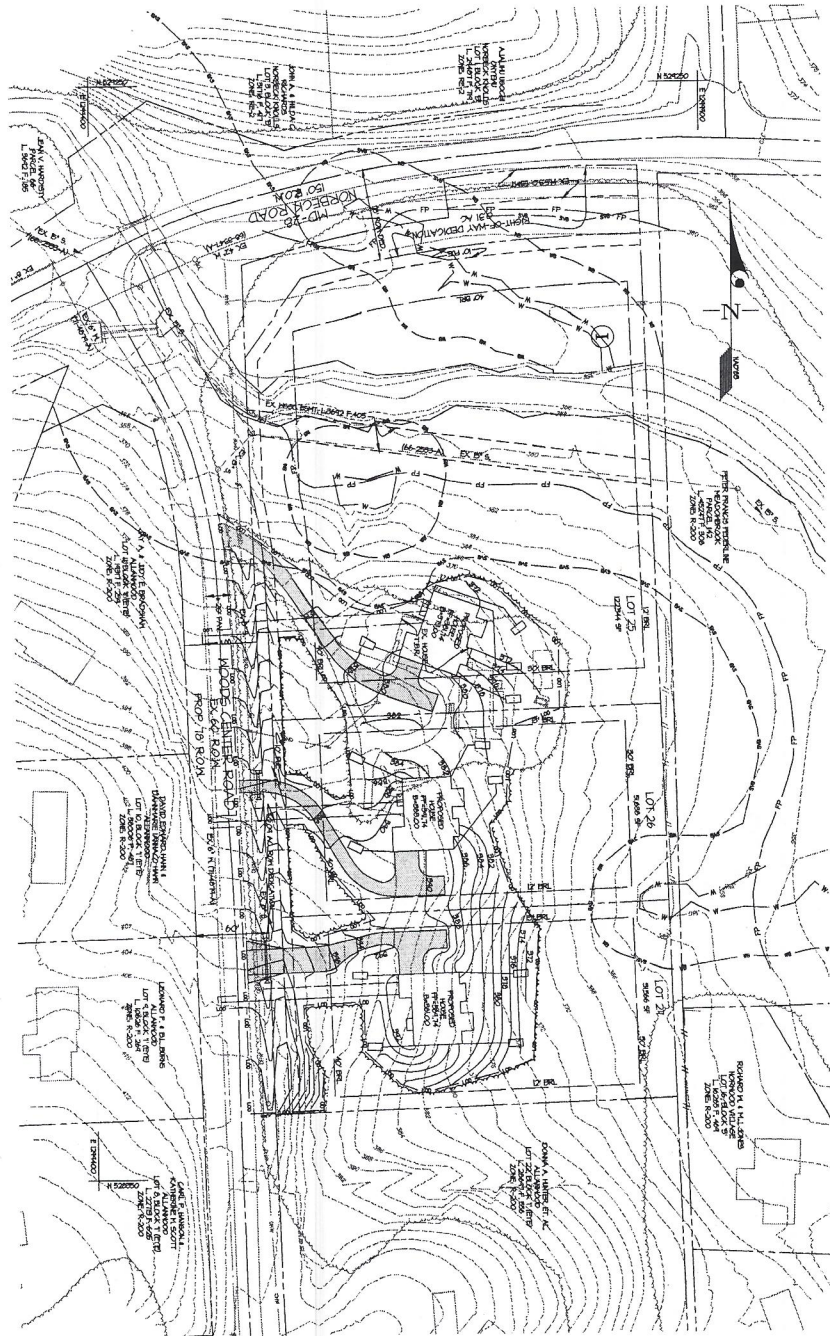
This Application was submitted and noticed in accordance with all required procedures. Signs referencing the Application were posted at the Property’s frontage along Woods Center Road and at the intersection of Norbeck Road and Woods Center Road. The Applicant held a pre-submission community meeting on February 19, 2014 from 7:00 p.m. to 9:00 p.m. at James Hubert Blake High School (300 Norwood Road). 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 *Aspen Hill 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, staff recommends approval of the Application with the conditions specified at the beginning of this report.

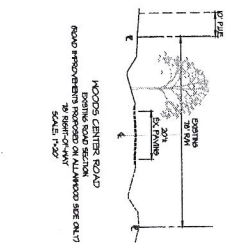
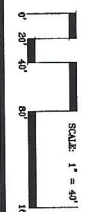
Attachments:

- Attachment A – Proposed Preliminary Plan
- Attachment B – MCDOT letter
- Attachment C – Fire and Rescue Service letter
- Attachment D – Preliminary Forest Conservation Plan
- Attachment E – Variance Request
- Attachment F – County Arborist letter
- Attachment G – MCDPS SWM concept letter



GJM/Gumpertz Litta & Mann, P.A.
 ONE EAST RIVERSIDE AVENUE, SUITE 300
 ATLANTA, GEORGIA 30303
 TEL: 404.525.1200 FAX: 404.525.1201
 www.gjm.com

NO.	DATE	DESCRIPTION
1	11/12/2014	PRELIMINARY PLAN
2	12/15/2014	REVISIONS
3	01/20/2015	REVISIONS
4	02/02/2015	REVISIONS
5	02/02/2015	REVISIONS
6	02/02/2015	REVISIONS
7	02/02/2015	REVISIONS
8	02/02/2015	REVISIONS
9	02/02/2015	REVISIONS
10	02/02/2015	REVISIONS
11	02/02/2015	REVISIONS
12	02/02/2015	REVISIONS
13	02/02/2015	REVISIONS
14	02/02/2015	REVISIONS
15	02/02/2015	REVISIONS
16	02/02/2015	REVISIONS
17	02/02/2015	REVISIONS
18	02/02/2015	REVISIONS
19	02/02/2015	REVISIONS
20	02/02/2015	REVISIONS



DATE	SCALE	PREPARED BY
FEB. 2014	1"=40'	UNIVERSAL & BERT RODOLFO O. PARRA MARTIN UNIVAS 301-742-9311
MAY 2014	1"=40'	UNIVERSAL & BERT RODOLFO O. PARRA MARTIN UNIVAS 301-742-9311
FEB. 2014	1"=40'	UNIVERSAL & BERT RODOLFO O. PARRA MARTIN UNIVAS 301-742-9311

PROFESSIONAL CERTIFICATION

I hereby certify that to the best of my knowledge, information and belief that the person whose name is hereon subscribed has prepared the foregoing drawings and specifications to the best of his skill and ability, and that he is a duly Licensed Professional Engineer under the laws of the State of Virginia.

Signature: Rodolfo Parrar
 Title: Registered Professional Engineer
 License No. 40714

LEGEND

- EXISTING TOPOGRAPHY
- PROPOSED TOPOGRAPHY
- PROPOSED BUILDING
- PROPOSED DRIVEWAY
- PROPOSED DRIVE
- PROPOSED SIDEWALK
- PROPOSED WALKWAY
- PROPOSED BIKEWAY
- PROPOSED SIGN SYSTEM
- PROPOSED TREES
- PROPOSED FENCES
- PROPOSED WALLS
- PROPOSED WATERS

GENERAL NOTES

- OWNER: DAVID T. SHERMAN, P.O. BOX 660, CHARLES, VIRGINIA 22604
- ARCHITECT: DAVID T. SHERMAN, P.O. BOX 660, CHARLES, VIRGINIA 22604
- THESE PLANS SHALL BE CONSIDERED VOID WITHOUT THESE NOTES
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SITE DATA

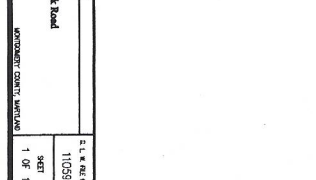
Location: 3400 N. ...
 Area: 1.25 Acres
 Zoning: R-200
 Surrounding Uses: Residential, Commercial, Office

R-200 ZONING STANDARDS

Maximum Lot Area: 40,000 sq. ft.
 Minimum Lot Area: 2,000 sq. ft.
 Maximum Building Height: 35 feet
 Minimum Building Height: 12 feet
 Maximum Floor Area Ratio (FAR): 0.4
 Minimum Floor Area Ratio (FAR): 0.15

PRELIMINARY PLAN

Site: ATLWOOD
 Address: Silberman Property - 2100 Norwood Road
 City: CHARLES, VIRGINIA



VICINITY MAP

Project Location: ATLWOOD
 2100 Norwood Road
 CHARLES, VIRGINIA 22604



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

May 15, 2014

Mr. Carlton Gilbert, Planner Coordinator
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120140150
Allanwood

Dear Mr. Gilbert:

We have completed our review of the March 13, 2014 submittal of the preliminary plan. This plan was reviewed by the Development Review Committee at its meeting on May 5, 2014. We recommend approval of the plan based to the following comments:

Note: 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 (DPS) 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 of 39 feet along Wood Center Road in accordance with Montgomery County standard MC-2002.04.
2. Necessary dedication of 75 feet along Norbeck Road in accordance with Aspen Hill Master Plan [Note: designated for shared-use path and signed shared roadway].
3. Revise the preliminary plan to reflect deed reference indicating ownership of parcel/property between the applicant's property and Norbeck Road.
4. Grant necessary slope and drainage easements prior to record plat. Slope easements are to be determined by study or set at the building restriction line. 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.

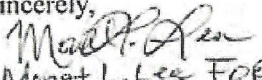
Division of Traffic Engineering and Operations

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

5. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant. {Note: All underground utilities need to be placed within the Public Utility Easement with the exception of public water and sewer. Public Utilities Easement is to be graded on a side slope not to exceed 4:1.}
6. Spacing and species of trees in the County rights-of-way shall be in accordance with the applicable MCDOT standards. Tree planting within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at 240-777-7651.
7. If the proposed development will alter any existing County-maintained 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.
8. 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.
9. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
10. 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 modifications:
 - a. Improvements to Wood Center Road in accordance with Montgomery County standard MC-2002.04. We recommend adherence to this standard to preclude the installation of a sidewalk.
 - b. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - c. 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.
 - d. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Mr. Carlton Gilbert
Preliminary Plan No. 120140150
May 15, 2014
Page 3

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. William Haynes, our Development Review Area Engineer for this project, at william.haynes@montgomerycountymd.gov or (240) 777-2132.

Sincerely,

Monet L. Lee FOR
Gregory M. Leck, Manager
Development Review Team

\\Dot3\traffic\Subdivision\HAYNEW01\Developments\Spring Arbor (120140120)\Letters\120140120,
Spring Arbor, Prelim Plan Ltr.doc

GML:wh

cc: Marty Mitchell Mitchell & Best Homebuilders
Ralph Mobley Mitchell & Best Homebuilders
David Little Gutschick, Little & Weber, P.A.
Kevin Foster Gutschick, Little & Weber, P.A.
Julie Soss Gutschick, Little & Weber, P.A.
Scott Newill MDSHA
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Catherine Conlon M-NCPPC DARC
Khalid Aszal M-NCPPC Area 2
Edward Axler M-NCPPC Area 2
Amy Butler Stevens MCDPS SWFMP
Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Bill Campbell MCDPS WRM
Marie LaBaw MCFRS
Brett Linkletter MCDOT DHS
Dan Sanayi MCDOT DTEO
Fred Lees MCDOT DTEO
Andrew Bossi MCDOT DTEO
Seifu Kerse MCDOT DTEO
William Haynes MCDOT DTEO



FIRE MARSHAL COMMENTS

DATE: 10-Jun-14
TO: Julie Soss
Gutschick Little & Weber, PA
FROM: Marie LaBaw
RE: Allanwood
120140150

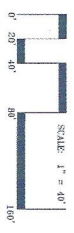
PLAN APPROVED

1. Review based only upon information contained on the plan submitted **10-Jun-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.



GIW GURCHICK LITTLE & WEBER PA
2115 ROUTE 302, SUITE 201
WILKES BARRE, PA 18253

NO. OF SHEETS	2
SHEET NO.	2
TITLE	FIRE ACCESS PLAN
DATE	
SCALE	



PROPOSED PERMIT NO. 1089
DATE OF PERMITTING 10/11/17

DATE	11-14-17
SCALE	1" = 40'

PREPARED FOR:
SHEPHERD PROJECT, 21100 Norwood Road,
Wilkes Barre, PA



Daniel J. Grieb, Professional Engineer
No. 30230



Allison Wood, Professional Engineer
No. 34474

FIRE ACCESS PLAN
THIS PLAN SHOWS THE PROPOSED FIRE ACCESS ROUTE AND THE LOCATION OF THE FIRE SERVICE WATER TOWER AND PUMP STATION. IT IS THE RESPONSIBILITY OF THE FIRE SERVICE TO MAINTAIN THE ACCESS ROUTE AND WATER SUPPLY AT ALL TIMES.

PROFESSIONAL CERTIFICATION
I, Daniel J. Grieb, a duly Licensed Professional Engineer in the State of Pennsylvania, do hereby certify that I am the author of the above described Fire Access Plan. I am not aware of any falsification of information and the work of the Fire Service Engineer, Allison Wood, who has provided the fire service information on this plan. The fire service information on this plan was prepared and reviewed by the Fire Service Engineer, Allison Wood, who is a duly Licensed Professional Engineer in the State of Pennsylvania. I am not aware of any falsification of information and the work of the Fire Service Engineer, Allison Wood, who has provided the fire service information on this plan.

LEGEND
- Fire Access Route
- Fire Service Water Tower
- Fire Service Pump Station
- Fire Service Water Main
- Fire Service Hydrant
- Fire Service Valve
- Fire Service Alarm Box
- Fire Service Sign

DATE: 10/11/17
SCALE: 1" = 40'
SHEET 2 OF 2

1 OF 1

GLW GUTSCHICK, LITTLE, & WEBER, P.A.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

June 27, 2014

Forest Conservation Program Manager
Environmental Planning Section
Maryland National Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Allanwood Property
Variance Request

On behalf of our client, Mitchell & Best, we are requesting a variance of Section 5-1607. (c). (2). (III) Natural Resources of the Maryland State Code.

5-1607.(c) (2) The following trees, shrubs, plants and specific areas shall be considered priority for retention and protection, and they shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the state or local authority, that reasonable effects have been made to protect them and the plan cannot be reasonably altered. The applicant qualifies for a variance under Section 5-1611 of this subsection.

- (III) Trees having a diameter measured 4.5 feet above the ground of*
- (1) 30 inches, or*
 - (2) 75 % of the diameter measured 4.5' above the ground, of the current state champion tree of that species as designated by the Department.*

Section 5-1611 of the Maryland State Code grants the authority to Montgomery County (local authority) for approval of the variances, and Section 22A-21 Variance, of the Montgomery County Code establishes the criteria to grant a variance.

The subject property, Allanwood, Parcel 145, is located at the intersection of Norbeck Road (Maryland Route 28) and Woods Center Road in Silver Spring, Maryland, a community in the southern area of Montgomery County. The site is currently forested. A stream cuts through the northern part of the site. Exiting single family houses surround the property to the north, east, south, and west.

The applicant is requesting a variance to affect the following trees that measures 30" or greater in diameter at breast height (dbh).

We would like to remove the following twenty-five trees:

- Tree #1 – 35.5" dbh Tulip Poplar, good condition
- Tree #2 – 35" dbh Tulip Poplar, good condition
- Tree #3 – 30" dbh Tulip Poplar, good condition
- Tree #6 – 34" dbh Tulip Poplar, good condition
- Tree #16 – 35" dbh Tulip Poplar, good condition
- Tree #66 – 37" dbh Tulip Poplar, good condition
- Tree #72 – 40.5" dbh Tulip Poplar, good condition

Tree # 74 – 33.5” dbh Tulip Poplar, good condition
 Tree #75 – 34” dbh Red Oak, good condition
 Tree #114 – 30.5” dbh Tulip Poplar, good condition
 Tree #117 – 36” dbh Tulip Poplar, good condition
 Tree #119 – 30” dbh Tulip Poplar, good condition
 Tree #120 – 30.5” dbh Red Oak, good condition
 Tree #123 – 46.5” dbh Tulip Poplar, fair condition (crown damage)
 Tree #124 – 30” dbh Tulip Poplar, good condition
 Tree #128 – 31” dbh Tulip Poplar, good condition
 Tree #132 – 36.5” dbh Tulip Poplar, good condition
 Tree #133 – 39.5” dbh Tulip Poplar, good condition
 Tree #136 – 33” dbh Tulip Poplar, good condition
 Tree #137 – 37.5” dbh Tulip Poplar, good condition
 Tree #147 – 32.5” dbh Tulip Poplar, good condition
 Tree #149 – 27” & 34” dbh Tulip Poplar, fair condition (crown damage)
 Tree #175 – 33.5” dbh Tulip Poplar, good condition
 Tree #177 – 30” dbh Tulip Poplar, good condition
 Tree #179 – 41” dbh Red Oak, good condition

We would like to impact the critical root zones of ten trees:

Tree #27 – 33” dbh Tulip Poplar, good condition
 Tree #46 – 34” dbh Tulip Poplar, good condition
 Tree #62 – 36” dbh Pin Oak, good condition
 Tree #101 – 31.5” dbh Sycamore, good condition
 Tree #112 – 33” dbh Tulip Poplar, good condition
 Tree #146 – 36” dbh Tulip Poplar, good condition
 Tree #153 – 33.5” dbh Tulip Poplar, good condition
 Tree #157 – 35.5” dbh Tulip Poplar, good condition
 Tree #158 – 35.5” dbh Tulip Poplar, good condition
 Tree #181 – 31” dbh Tulip Poplar, good condition

<u>TREE #</u>	<u>TREE TYPE</u>	<u>% DISTURBED</u>	<u>REASON</u>
27	Tulip Poplar	5%	grading and clearing of debris
46	Tulip Poplar	1%	grading
62	Pin Oak	15%	grading/ex driveway
101	Tulip Poplar	5%	driveway grading and water line connection
112	Tulip Poplar	38%	grading
146	Tulip Poplar	21%	grading
153	Tulip Poplar	10%	grading
157	Tulip Poplar	7%	grading
158	Tulip Poplar	37%	grading
181	Tulip Poplar	5%	PUE

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 would cause the unwarranted hardship:*

The 5.60 acre parcel is developed, consisting of a vacant single family house, garage, and shed, nestled in a forest with scattered, mature specimen trees. Sporadic understory vegetation exists under the tree canopy. The property gently slopes towards an existing stream and wetlands.

An existing WSSC easement and right-of-way dedication abut Norbeck Road. The stream, wetlands, floodplain, and associated buffers occupy approximately 1/3 of the northern part of the site. Another easement for the existing sewer runs just to the south of the stream, bisecting the property. Existing single family homes abut the property on all sides.

Removal of Trees #1, 2, 3, 6, 16, 66, 72, 74, 75, 114, 117, 119, 120, 123, 124, 128, 132*, 133, 136, 137, 147, 149, 175, 177, & 179

The removal of trees #1, 2, 3, 6, 16, 66, 72, 74, 75, 114, 117, 119, 120, 123, 124, 128, 132*, 133, 136, 137, 147, 149, 175, 177, & 179 could not be avoided because they are located in the buildable area of the site. It is necessary to remove them to allow construction for the proposed houses, grading, and required stormwater management features. The house on Lot 25 has been located on part of the foundation of the existing house to minimize disturbance to the trees. The existing driveway is also being reused to provide access to the proposed house to preserve the mature trees that line the driveway. Tree #132 has the potential to be saved. Tree protection measures and details for tree #132 will be further investigated at time of Final Forest Conservation Plan. Because of the large area occupied by the stream, wetlands, floodplain, associated environmental buffers, and existing utility easements on the site, it is necessary to remove some significant trees.

Impacting Critical Root Zones (CRZ) of Tree #27, 46, 62, 101, 112, 146, 153, 157, 158 & 181

Tree #27, 46, 62, 101, 112, 146, 153, 157, 158 & 181 will have grading impacts to one side of their CRZ area. Prior to construction, root pruning, and temporary tree protection fencing and signage will be employed to minimize the effects of construction.

Based on comments by the Environmental Section, the proposed house has been shifted approximately 15' from the stream buffer to allow for a reasonable construction area on Lot 25. The proposed house has been sited in nearly the same location as the existing house (which will be demolished) to minimize its impact of construction on the surrounding existing trees and their critical root zones. If the existing driveway and culvert located within the root zone of tree #62 will need to be repaired or replaced, the pavement will be removed by placing a backhoe outside the critical root zone and using the bucket, hoe, or forks to lift and drag the pavement out and away from the critical root zone. Care will be taken to minimize disturbance that could be caused by digging or excavating soil within the critical root zone. The proposed driveway will be constructed over the existing driveway where tree #62 has already adapted to the pavement over its root zone. This seems a less harmful solution than tearing out the driveway and rerouting it around the critical root zone. Additionally, rerouting the driveway would require relocating it into the critical root zones of other surrounding significant trees.

2. *Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas:*

Not granting the variance would cause undue hardship on the applicant because there would be very limited buildable area on the property, and therefore will deny the applicant ability to full use the property. Having a virtually unbuildable parcel is an unwarranted hardship to the applicant and by enforcement of this chapter will deprive the landowner the rights to build on the property. Granting of the variance will ultimately allow the property to be developed.

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:

The variance will not violate state water quality standards or cause measurable degradation in water quality. All proposed land development activities will require sediment control and or storm water management plan approvals by Montgomery County.

4. Provide any other information appropriate to support the request:

The variance request is not based on conditions or circumstances which result from the actions of the applicant. The applicant did not create the utility line easements, the stream, wetlands, floodplain, buffers, or plant the trees. As mentioned above, great care has been taken to locate development in the buildable area of the site while trying to minimize disturbance to the majority of the significant and specimen trees along the eastern property line by using the existing driveway and locating the house in part of the footprint of the existing house to reduce the extent of disturbance and grading. The applicant recognizes the value and need for mature trees and has selected areas to locate the houses that would impact the trees the least amount. Special attention will be given to any construction work that may impact the critical root zones of specimen trees that can be saved. In particular: The Applicant believes that the information set forth above is adequate to justify the requested variance to impact the critical root zone of six specimen 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 variance request is not based on conditions or circumstances which result from the actions of the applicant. The applicant did not create the existing site conditions, including the random location of the specimen trees.
3. The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property. All of the conditions discussed above exist on Parcel 145.
4. Loss of the requested trees will not violate State water quality standards or cause measurable degradation in water quality.

If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

Julie Soss
Landscape Architect



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

August 1, 2014

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

RE: Allanwood, ePlan 120140150, NRI/FSD application accepted on 10/15/2013

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

variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

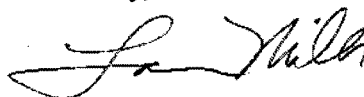
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, 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.

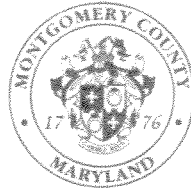
If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Steve Findley, Senior Planner



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones

RECEIVED

June 25, 2014

JUN 30 2014

Ms. Natalya Basumallick
Gutschick, Little and Weber, P.A.
3909 National Dr.
Burtonsville, MD 20866

Gutschick, Little & Weber, P.A.

Re: Stormwater Management **CONCEPT** Request
for Allanwood
Preliminary Plan #: 120140150
SM File #: 262215
Tract Size/Zone: 5.6Ac/R-200
Total Concept Area: 5.6Ac
Lots/Block: N/A
Parcel(s): #145
Watershed: Northwest Branch

Dear Ms. Basumallick:

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 for each lot.

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.

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

Ms. Natalya Basumallick
June 25, 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 Jay Beatty at 240-777-6340.

Sincerely,



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

MCE: me JRB

cc: C. Conlon
SM File # 262215

ESD Acres:	5.6 Ac
STRUCTURAL Acres:	na
WAIVED Acres:	na