



Schramm Property: Preliminary Plan No. 120150140

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Staff Report Date: 8/26/16

Description

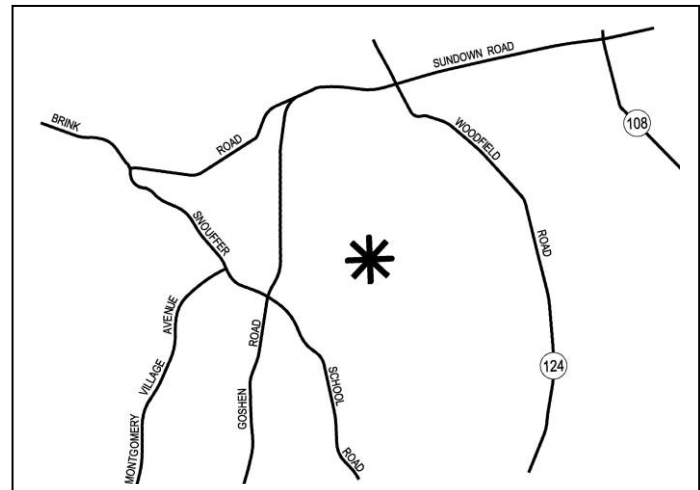
Schramm Property: Preliminary Plan No. 120150140

Request to create a 2.63 acre lot from Parcel 554 (8365 Warfield Road); Located on the north side of Warfield Road, approximately 700 feet east of Doubleland Road; 2.72 acres; RE-2 Zone; Agricultural and Rural Open Space Master Plan.

Submitted date: 1/8/2015

Applicant: Jeffrey Schramm

Review Basis: Chapter 50, Chapter 22A



Summary

- Staff recommends **approval** with conditions.
- The Application includes a Chapter 22A variance for the removal of one tree and impact to two trees that are 30 inches or greater diameter at breast height.
- The Application is consistent with the recommendations of the Preservation of Agriculture & Rural Open Space Master Plan.
- The proposed lot meets the standards of development in the RE-2 Zone.

RECOMMENDATION: Approval subject to the following conditions:

1. This Preliminary Plan is limited to one lot for one single-family dwelling unit.
2. Include the stormwater management concept approval letter and Preliminary Plan Resolution on the Certified Preliminary Plan approval or cover sheet(s).
3. The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan No. 120150140, approved as part of this Preliminary Plan, subject to the following conditions:
 - a) The Applicant must record a Category I Conservation Easement over all areas of forest retention as specified on the approved Forest Conservation Plan.
 - b) A Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to demolition, clearing, or grading and the Liber Folio for the easement must be referenced on the record plat.
 - c) The Applicant must install permanent Category I Conservation Easement signage along the perimeter of the conservation easements.
 - d) The Final Sediment Control Plan must be consistent with the final limits of disturbance shown on the approved Final Forest Conservation Plan.
 - e) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.
4. The Applicant must dedicate and show on the record plat a dedication of 35-feet of right-of-way from the centerline of Warfield Road as shown on the Preliminary Plan.
5. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated December 16, 2015, 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.
6. Prior to plat recordation, the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
7. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated December 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.
8. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Well and Septic Section in its letter dated June 8, 2016, 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 – Well and Septic Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

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 development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”

10. The record plat must show necessary easements.
11. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for 85 months from the date of mailing of this Planning Board Resolution.
12. The Subject Property is within the Gaithersburg School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the elementary school, middle school and high school levels at the single-family detached unit rates for all units for which a building permit is issued and a School Facilities Payment is applicable. 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 a 2.72 acres (118,322 SF) unplatted parcel, Parcel 554 (L 08669 F 0236) shown on Tax Map GU123 ("Property" or "Subject Property"). The Property is located at 8365 Warfield Road Gaithersburg, MD 20882, on the north side of Warfield Road, approximately 700 feet west of Doubleland Drive. The Property is east of Goshen Elementary School, within Planning Area 14 identified in the Preservation of Agriculture and Rural Open Space Master Plan.

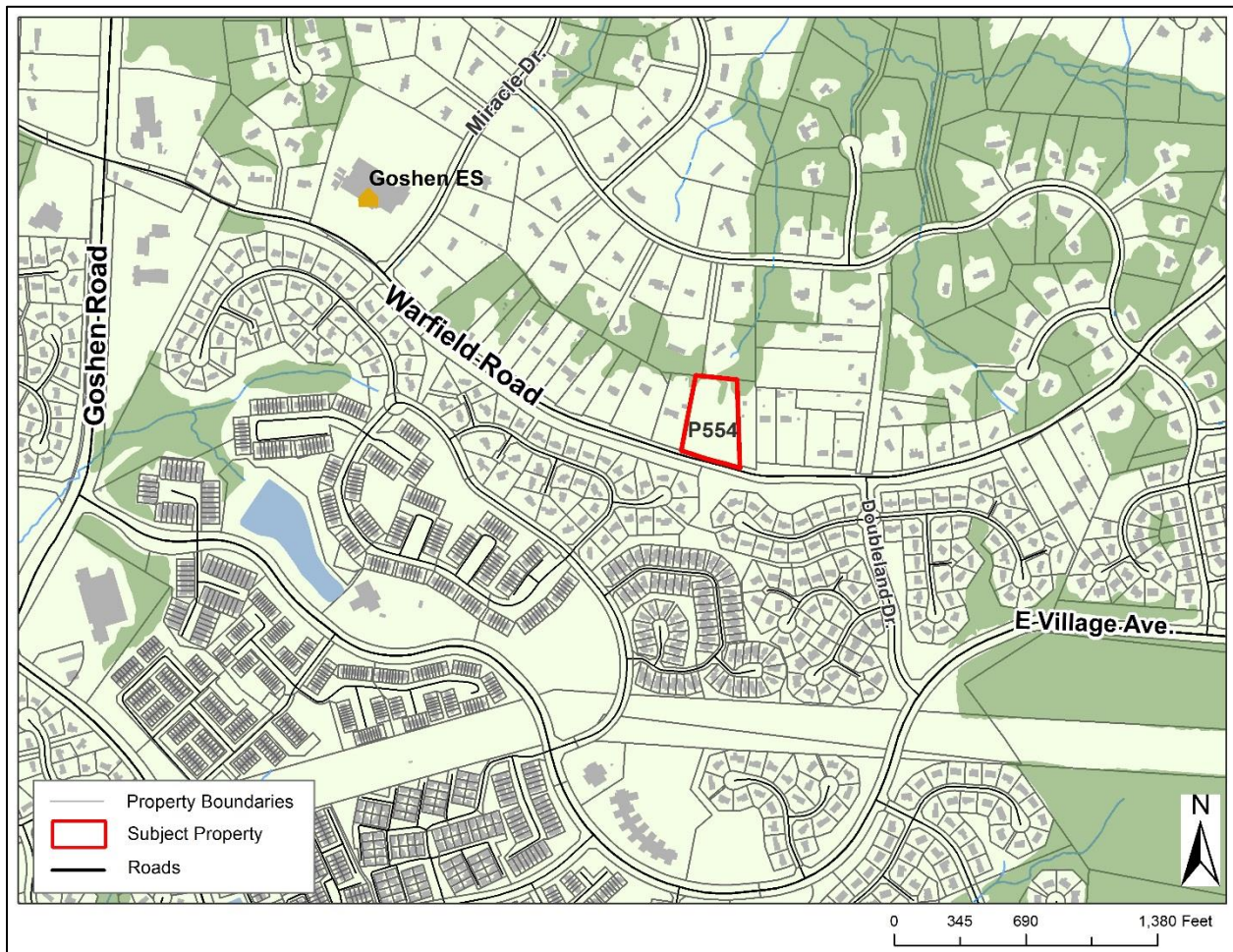


Figure A – vicinity map

The Property is zoned RE-2 and is located in the water and sewer category W-3 and S-1, respectively. On the north side of Warfield Road, the area surrounding the Property is zoned RE-2 and developed with single-family detached units. The Property is adjacent to the boundary of Montgomery Village, which is located on the south side of Warfield Road, and is developed with a mix of single-family detached and townhouse units which are zoned T-S.



Figure B – Aerial view of existing Subject Property

Currently the Property is unimproved with approximately 320 feet of frontage on Warfield Road. It is relatively flat and is partially forested and partially cleared (Figure B). The Property is within the Great Seneca Creek watershed, which is classified by the State of Maryland as Use I-P watershed, and does not contain any steep slopes, streams, wetlands, floodplains, or Environmental Buffers. However, there are three specimen trees on the Property.

PROJECT DESCRIPTION

Preliminary plan application No. 120150140, Schramm Property (“Application” or “Preliminary Plan”) proposes to convert an existing parcel into a single lot for the construction of a one-family detached residential dwelling unit (Figure C). The Property has frontage on Warfield Road, a public road, which will serve as the access to the lot via a new driveway. Applicant is dedicating 3,835 square feet (0.09 acres) along the Property’s frontage to achieve the full master planned right-of-way width required for on the Warfield Road.

Site plan for the proposed development at 3307 Frontwell Circle, Montgomery Village, MD. The plan shows a large green area labeled "PROPOSED LOT 1" (114,488 SF) and two green areas labeled "CATEGORY I CONSERVATION EASEMENT" (0.59 ACRES and 0.34 ACRES). A red line indicates the "LIMIT OF DISTURBANCE = 48,966 SQ. FT.". The plan also shows existing structures, including a house, garage, and septic field, and various trees and vegetation. A north arrow and scale bar are included.

OWNER INFORMATION
 JEFFREY C. & TERESA R. SCHR
 3307 FRONTWELL CIRCLE
 MONTGOMERY VILLAGE, MD 20854

ANALYSIS AND FINDINGS – CHAPTER 50

The Application substantially conforms with the recommendations adopted in the *Preservation of Agricultural and Rural Open Space (AROS) Master Plan* in that the Property is being developed at a density consistent with the recommended density permitted under the RE-2 zone. The Property is located in the Central Sector of the AROS Master Plan, and specifically in the P.A. 14 - Goshen Woodfield, Cedar Grove and Vicinity area (Figure D). The AROS Master Plan confirmed an existing 7,689 acres of RE-2 zoning in

this area, and acknowledged an abundance of subdivisions that have already occurred in the RE-2 zoned areas between Gaithersburg and Damascus (p. 53).

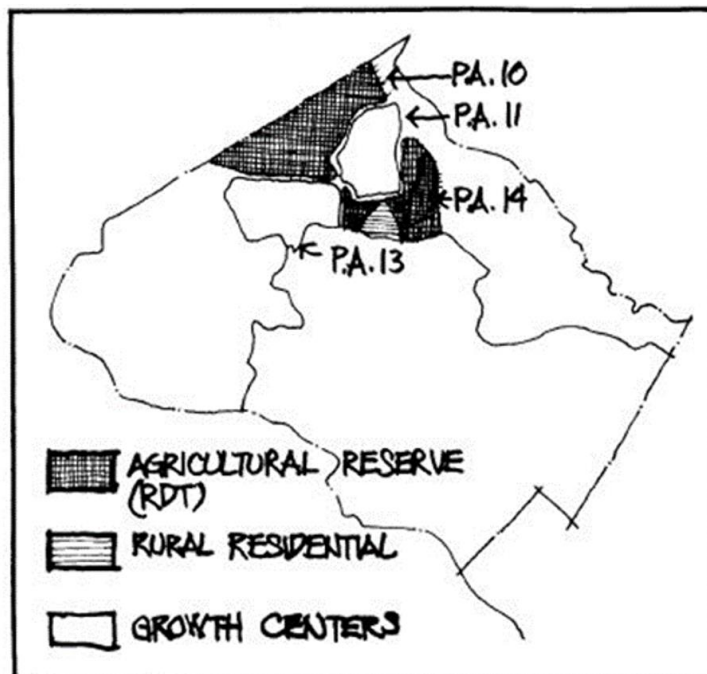


Figure D - AROS Master Plan Areas

The AROS Master Plan did not make specific land use recommendations for the Subject Property, but includes general recommendations for the surrounding planning area. Converting the Subject Property from a parcel to a single lot for a single-family detached dwelling is consistent with the RE-2 zoning recommended by the AROS Master Plan. The subdivision is a continuation of the residential densities found throughout the Goshen Woodfield, Cedar Grove and Vicinity area.

Adequate Public Facilities Review (APF)

Roads and Transportation Facilities

The lot has frontage on Warfield Road (P-1) which is classified as a primary residential road (Montgomery County Road Code Standard Number MC-212.03) with 24 feet of pavement and total Master Planned right-of-way width of 70 feet. Applicant is dedicating 3,835 square feet (0.09 acres) along the Property's frontage to achieve the full Master Planned right-of-way width necessary for Warfield Road.

The Applicant will construct a 10-foot wide asphalt driveway to provide vehicular access to the lot from Warfield Road. Vehicle parking is provided on-site on driveways and/or in garages. The Application has been reviewed by the MCDOT who determined that the Property has adequate vehicular access and sight distance (see letter dated December 16, 2015 - Attachment B). Vehicle and pedestrian access for the subdivision will be adequate with the existing public improvements. A sidewalk is not required because the Property is zoned RE-2, within the rural area according to the County Road Code.

Local Area Transportation Review (LATR) & Transportation Policy Area Review (TPAR)

The proposed development will generate fewer than 3 trips during the morning and evening peak hour. As a result of this *de minimis* impact, this project is exempt from the Local Area Transportation Policy Review (LATR) because it generates 30 or fewer peak hour trips and Transportation Policy Area Review (TPAR) because it generates 3 or fewer peak hour trips. The proposed development satisfies Adequate Public Facilities (APF) requirements and does not necessitate further traffic analysis. In consideration of the *de minimis* traffic impact, the vehicle access will be adequate to serve the proposed subdivision.

The Preliminary Plan has been evaluated by Staff and the Montgomery County Department of Transportation, who support the transportation elements of the Application. The proposed driveway access, as shown on the Preliminary Plan, is adequate to serve the proposed development.

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 unit. The Property is located in the W-3 and S-1 water and sewer service categories which permit public water and sewer connections. Although intended for public water use, public water mains are not currently available to this site; the expected cost and timing for a water main extension to serve this property favors the temporary use of a well. The use of a well to support the proposed development of this property is acceptable as proposed, per MCDPS – Well & Septic Section correspondence dated June 8, 2016 (Attachment C). Category S-1 was approved under the “abutting mains” policy which restricts sewer service to only a single hookup for the Property. The proposed development for one single-family house satisfies this restriction. The Application has been reviewed by the Washington Suburban Sanitation Commission who determined that there is an existing 8-inch sewer line in Warfield Road, which is adequately sized and can be extended to serve the lot.

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 August 22, 2016 (Attachment D).

The Subject Property is in the Gaithersburg High School Cluster which is operating at an inadequate level (more than 105 percent utilization) at the elementary school (112.14 percent), middle school (107.5 percent) and high school (107.6 percent) level according to the current Subdivision Staging Policy. Therefore, the Applicant must make a School Facilities Payment to MCDPS at the elementary, middle, and high school levels at the single-family detached unit rates for all unit 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. Other public facilities and services, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy Resolution currently in effect.

Environment

Environmental Guidelines

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 420142020 for the Subject Property was approved in July 2014. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The Subject Property is not located within a Special Protection Area (SPA). The NRI/FSD calls out the site to be a total of 2.72 acres of which 1.47 acres are forest separated into two forest stands. The site does not contain any streams, wetlands, floodplains, environmental buffers, or steep slopes.

Forest Conservation Plan

A forest conservation plan (FCP) (Attachment E) was submitted for review as part of the Application. The Application shows 0.54 acre of forest clearing and 0.93-acre forest retention. According to the FCP worksheet, development and associated clearing on the Property does not generate a planting requirement. All areas of retained forest will be protected by a Category I Conservation Easement.

Forest Conservation Tree Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an 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 high priority vegetation, including disturbance within a 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. Development of the Property requires removal of one, and impact to two specimen trees that are 30 inches or greater DBH and the Applicant has submitted a variance request for these impacts.

Variance Request - The Applicant submitted a variance request in a letter dated April 18, 2016 (Attachment F). The Applicant proposes to remove one and impact two specimen trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

Table 1 – Specimen Trees to be impacted or removed

No.	Scientific Name	Common Name	D.B.H (inches)	Condition	Comments	Variance Req.	Impact (%)	Proposed
3	Liriodendron Tulipifera	Yellow Poplar	38	Fair	Included bark, vines, wisteria	Yes	1	Save
8	Morus Alba	White Mulberry	25,36	Fair	Potential County Champion, lower limbs dead, 25" side has heavy lean, cav	Yes	5	Save
9	Ulmus Americana	American Elm	34	Good	Vines, damaged broekn limbs	Yes	100	Remove

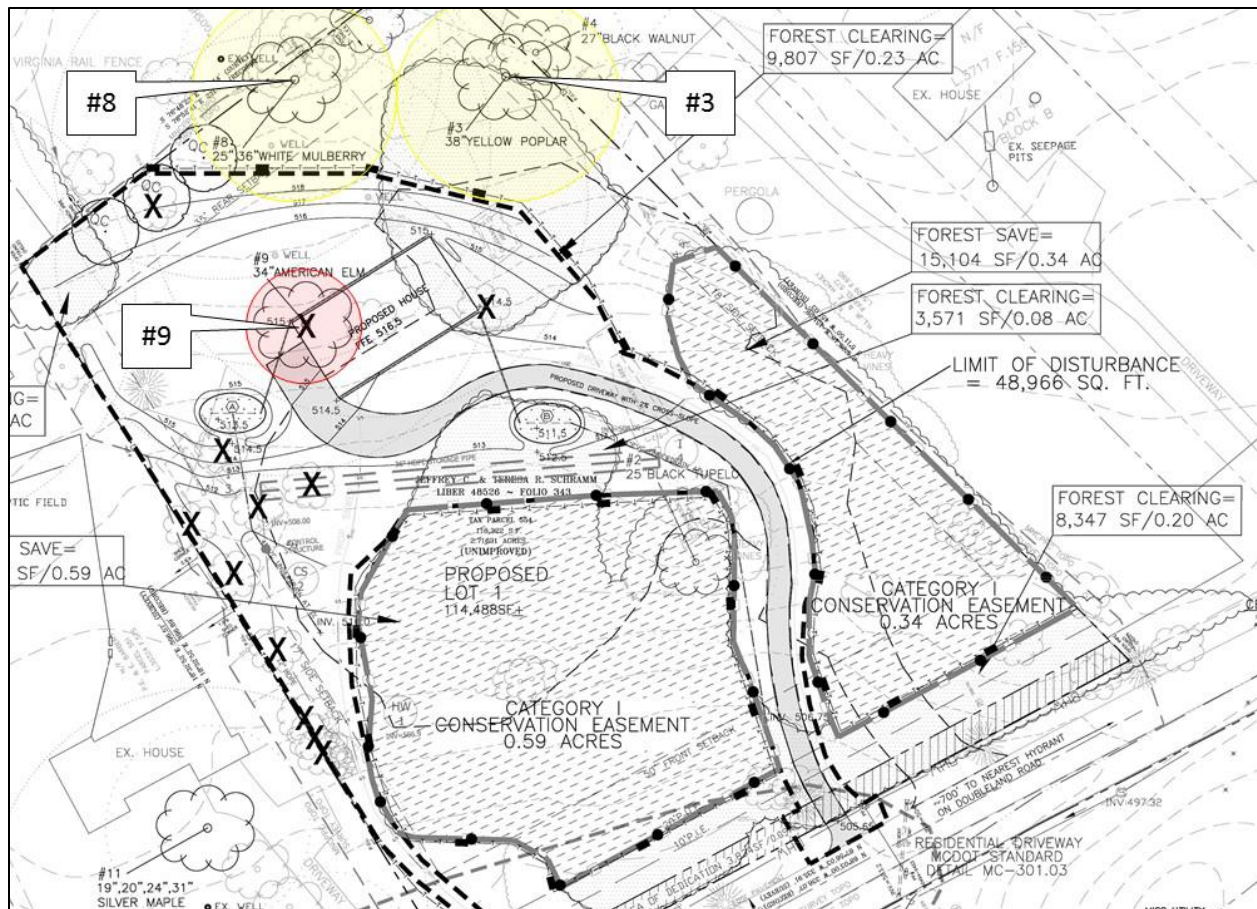


Figure E – Tree Variance

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship is caused by the necessary layout of the proposed development on the Property and the locations of the subject trees. The tree requested to be removed or impacted are located within the developable area of the site and the inability to remove these trees would potentially render the site undevelopable or cause extensive forest loss onsite. Therefore, Staff concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan:

Variance Findings - Staff has made the following determination based on the required findings that granting of the requested variance:

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

Granting the variance will not confer a special privilege on the Applicant as the removal of one tree and impact to two others is due to the location of the trees and necessary site design requirements where the home is to be located in the most reasonable portion of the Property. The Applicant will be required to mitigate the loss of the one specimen tree. Therefore, Staff believes that the granting of 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 not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements that are reasonable for this project.

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 existing conditions and not as 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 removal of the variance tree will not cause there to be a violation of State water quality standards or cause measurable degradation in water quality. The specimen tree being removed is not located within a stream buffer. The Application proposes mitigation for the removal of the one tree by planting larger caliper trees on-site. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision - There is one tree proposed for removal in this variance request which results in 34 inches of DBH being removed. For removal of specimen trees associated with a variance request, Staff recommends mitigation for the tree loss by replacing the total number of DBH removed with one quarter of the amount of inches replanted. This results in a total mitigation of 8.5 inches of replanted trees ($34/4=8.5$). In this case, the Applicant proposes to plant three 3" caliper overstory trees native to the Piedmont Region of Maryland on the Property.

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 request was forwarded to the County Arborist. On June 1, 2016, the County Arborist provided a letter recommending that the requested variance be granted with mitigation (Attachment G).

Variance Recommendation - Staff recommends approval of the variance request.

Variance Conclusion - The submitted FCP meets all applicable requirements of Chapter 22A of the County Code. Therefore, Staff recommends that the Planning Board approve the Forest Conservation Plan with the conditions cited in this Staff Report.

Stormwater Management

The MCDPS - Water Resources Section approved a stormwater management concept for the development on December 8, 2014 (Attachment H). The approved concept will meet stormwater management goals through the use of micro biofiltration.

Compliance with the Subdivision Regulations and Zoning Ordinance

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations and meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations for limited development included in the Preservation of Agricultural and Rural Open Space Master Plan, and for development of a single-family detached home in the RE-2 zone. The proposed lot is in conformance with the dimensional requirements of the RE-2 zone which was the zoning recommended by the AROS Master Plan. This zone was recommended to continue the existing land use patterns already in place at the time of the adoption of the AROS Plan in 1980.

Table 2: Preliminary Plan Data Table - Residential Estate-2 Zone (RE-2)

PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan
Minimum Lot Area	2 acres/87,120 SF min.	2.63 acres/114,487 SF
Lot Width at Building Line	150 ft. min.	150 ft. minimum ¹
Lot Frontage	25 ft. min.	25 ft. minimum ¹
Setbacks		
– Front	50 ft. min.	50 ft. min. ¹
– Side	17 ft. min./ 35 ft. total	17 ft. min./ 35 ft. total ¹
– Rear	35 ft. min.	35 ft. min. ¹
Maximum Residential Dwelling Units per Zoning	1	1
MPDUs	NA	NA
TDRs	NA	NA
Site Plan Required	No	NA

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

The lot were reviewed for compliance with the dimensional requirements for the RE-2 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, and width in the RE-2 zone and the RE-2 setbacks provide sufficient room to locate a house on the Property (See Table 2). The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan.

Citizen Correspondence and Issues

The Application was submitted and noticed in accordance with all required procedures. Application signs were posted along the Property's frontage on Warfield Road. The Applicant held a pre-submission meeting with the citizens on September 20, 2014 at 8307 Frontwell Circle, in Montgomery Village. Four

community members attended the meeting where the Applicant's engineer presented the Preliminary Plan and answered questions regarding the proposed subdivision and density. As of the date of this staff report, Staff has not received any community inquiries or correspondence regarding this Application.

CONCLUSION

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Preservation of Agricultural and Rural Open Space Master Plan. Access and public facilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan. Therefore, approval of the Application with the conditions specified above is recommended.

Attachments

- A – Preliminary Plan
- B – MCDOT letter
- C – MCDPS Well and Septic Letter
- D – Fire and Rescue Letter
- E – Forest Conservation Plan
- F – Tree Variance Request
- G – County Arborist Recommendation Letter
- H – Stormwater Management

GENERAL NOTES

- 1) ZONE: RE-2
2) WATER CATEGORY - W-3 SEWER CATEGORY - S-1
3) BOUNDARY INFORMATION BASED ON BOUNDARY SURVEY BY: SNIDER AND ASSOCIATES, GERMANTOWN, MARYLAND APRIL, 2014
4) TOPOGRAPHIC INFORMATION SHOWN IS BY: SNIDER AND ASSOCIATES, GERMANTOWN, MARYLAND
5) TOTAL TRACT AREA = 118,322 SF OR 2.72 AC.
6) PROPERTY SHOWN ON TAX MAP GU123
7) PROPERTY SHOWN ON WSSC 200' SHEET 228NW08
8) PROPERTY SHOWN ON MONTGOMERY COUNTY SOILS SURVEY MAP No. 21
SOIL TYPE(S): 2B GLENELG SILT LOAM 3-8%
6A BAILE SILT LOAM 0-3%
9) SITE IS NOT LOCATED IN A FLOOD ZONE: FEMA FLOOD MAP 24031C 0185D
10) SITE IS LOCATED IN THE MIDDLE GREAT SENECA CREEK WATERSHED USE I-P.
11) LOCAL UTILITIES INCLUDE:
SEWER - WASHINGTON SUBURBAN SANITARY COMMISSION
WATER - PRIVATE WELL
ELECTRIC - PEPCO
TELEPHONE - VERIZON
12) ALL VISIBLE WELLS WITHIN 100 FEET OF THE PROPERTY HAVE BEEN SHOWN HEREON.
THE SITE SHALL BE SERVED BY WELL.
13) PROPERTY ADDRESS:
8365 WARFIELD ROAD
GATHERSBURG, MD 20882
14) TAX ACCOUNT NO. 00010841
PARCEL 554 LIBER 08669 FOLIO 0236
2.72 ACRES
15) NRI/FSD APPROVAL # 420142020
16) THE BUILDING FOOTPRINTS SHOWN ON THE PRELIMINARY PLAN ARE ILLUSTRATIVE. FINAL BUILDING LOCATIONS WILL BE DETERMINED DURING THE BUILDING PERMIT PROCESS. PLEASE REFER TO THE ZONING DATA TABLE FOR DEVELOPMENT STANDARDS SUCH AS SETBACKS, BUILDING RESTRICTION LINES AND LOT COVERAGE FOR EACH LOT. OTHER LIMITATIONS FOR SITE DEVELOPMENT MAY ALSO BE INCLUDED IN THE CONDITIONS OF THE PLANNING BOARD'S APPROVAL.

SOILS

2B GLENELG SILT LOAM, 3 TO 8 PERCENT SLOPES (NON-HYDRIC)
THIS SOIL IS VERY DEEP, WELL DRAINED AND MODERATELY PERMEABLE. AVAILABLE WATER CAPACITY IS HIGH. PRODUCTIVITY IS MODERATE. EROSION HAZARD IS SLIGHT. CAPABILITY SUBCLASS IS IIe.
6A BAILE SILT LOAM, 0 TO 3 PERCENT SLOPES (HYDRIC)
THIS SOIL IS VERY DEEP, POORLY DRAINED AND HAS LOW PERMEABILITY. AVAILABLE WATER CAPACITY IS HIGH. PRODUCTIVITY IS HIGH. EROSION HAZARD IS SLIGHT. CAPABILITY SUBCLASS IS Vm.

SITE AREA TABULATION

GROSS AREA OF PRELIMINARY PLAN: 118,322 SF OR 2.72 AC.
AREA DEDICATED TO PUBLIC USE: 3,835 SF OR 0.09 AC
TOTAL NET AREA: 114,487 SF OR 2.63 AC.
AREA BY ZONE: 114,487 SF OR 2.63 AC.
AREA OF LOTS: 114,487 SF OR 2.63 AC.

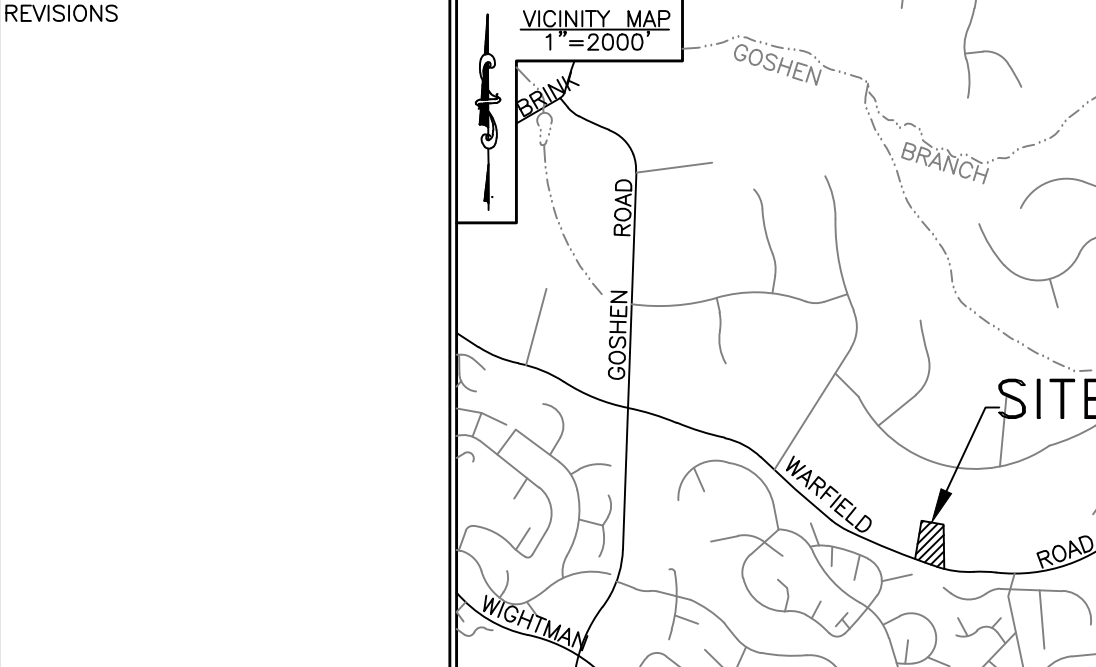
PRELIMINARY PLAN# 120150140

PRELIMINARY PLAN

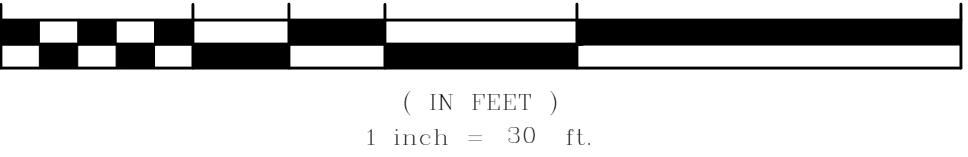
SCHRAMM PROPERTY
8365 WARFIELD ROAD
PARCEL 554, TAX MAP GU13
LIBER 8669 ~ FOLIO 236
K.D. & B.H. CANADAY

PREPARED FOR
JEFFREY C. & TERESA R. SCHRAMM
8307 FRONTWELL CIRCLE
MONTGOMERY VILLAGE, MD 20886

NORTON LAND DESIGN
LANDSCAPE ARCHITECTURE + ENVIRONMENTAL PLANNING
17830 NEW HAMPSHIRE AVENUE, SUITE 101
P. 240.342.2329 F. 240.342.2632 WWW.NORTONLANDDESIGN.COM



GRAPHIC SCALE



OWNER INFORMATION

JEFFREY C. & TERESA R. SCHRAMM
8307 FRONTWELL CIRCLE
MONTGOMERY VILLAGE, MD 20886

STAGING SEQUENCE/DEVELOPMENT PROGRAM

1. INSTALL SEDIMENT CONTROL AND TREE PROTECTION MEASURES.
2. CONSTRUCT LOT

SITE YIELD CALCULATIONS

THEORETICAL YIELD: 118,322 SF (2.72 AC.) / 87,120 SF = 1 LOT ALLOWABLE
PROPOSED YIELD: 1 LOT TOTAL

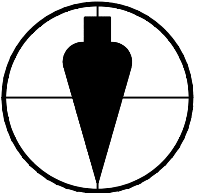
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE INFORMATION RELATING TO THE BOUNDARY FOR THE SUBJECT PROPERTY INCLUDED IN THIS PRELIMINARY PLAN IS CORRECT. THAT IT IS THE RESULT OF A FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE LAWS REGULATING LAND SURVEYING IN THE STATE OF MARYLAND.

DATE

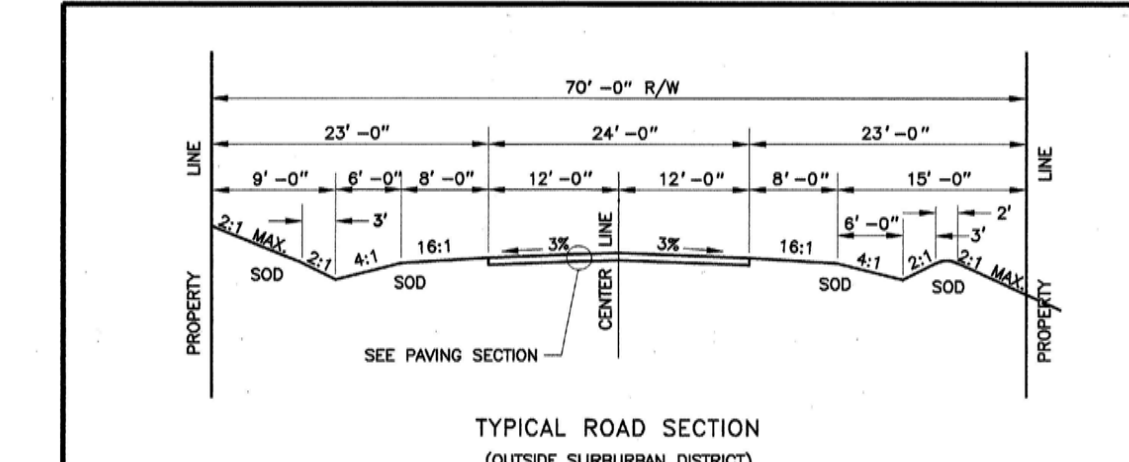
SNIDER AND ASSOCIATES
WAYNE AUERTON
PROFESSIONAL LAND SURVEYOR
MARYLAND LIC. NO. 21330
EXP. DATE 01/07/17

SNIDER & ASSOCIATES
LAND SURVEYORS
20270 Goldenrod Lane, Suite 110
Germantown, Maryland 20876
301/948-5100 Fax 301/948-1286



LEGEND

- EXISTING TREE <24"DBH
EXISTING SIGNIFICANT TREE ≥24" AND <30"DBH
EXISTING SPECIMEN TREE ≥30"DBH
PROPERTY BOUNDARY
SCRUB AREA
FOREST BOUNDARY
SOIL BOUNDARY
LIMITS OF SURVEY
EX. CONTOUR
PROP. CONTOUR
PROP. PROPERTY
PROP. HOUSE
BUILDING RESTRICTION LINE (BRL)
WELL RADIUS
WELL LOCATION
LIMITS OF DISTURBANCE
PROPOSED STORMWATER MANAGEMENT
PROP. HDPE STORMWATER STORAGE PIPE
FOREST SAVE AREA
FOREST CLEARING AREA
CATEGORY 1 CONSERVATION EASEMENT



GENERAL NOTES

1. REFER TO MARYLAND STATE HIGHWAY ADMINISTRATION SPECIFICATIONS FOR MATERIALS AND METHODS OF CONSTRUCTION.
2. SEE STANDARD NO. MC-811.01 - METHODS OF GRADING SIDE SLOPES.
3. THE SIDE SLOPE IN FULL SLOPES MAY BE ELIMINATED IN AREAS NOT MASTER PLANNED FOR DEVELOPMENT ONLY AFTER OVERLAND FLOW PATH AND EROSION POTENTIAL ARE CONSIDERED.
4. WHEN SUBGRADE DRAINS ARE REQUIRED, THEY SHALL BE INSTALLED IN ACCORDANCE WITH STANDARD NO. MC-529.01.

APPROVED	JAN. 8/10	REVIS		MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION
				PRIMARY RESIDENTIAL ROAD OPEN SECTION
				STANDARD NO. MC-212.03

ZONING STANDARDS - RE-2

STANDARD	REQUIREMENT	LOT 1
LOT AREA (MIN.)	87,120 SF	114,487
LOT WIDTH AT B.R.L. (MIN.)	150'	≥150'
LOT WIDTH AT R/W (MIN.)	25'	≥25'
FRONT B.R.L. (MIN.)	50'	≥50'
SIDE B.R.L. - ONE SIDE (MIN.)	17'	≥17'
SIDE B.R.L. - SUM OF BOTH SIDES (MIN.)	35'	≥35'
REAR B.R.L. (MIN.)	35'	≥35'
BUILDING COVERAGE (MAX.)	25%	≤25%
BUILDING HEIGHT (MAX.)	50'	≤50'

SITE TABULATIONS

PROPERTY (ACRES)	2.72
DEDICATION TO WARFIELD ROAD	0.09
NET PROPERTY (ACRES)	2.63
TOTAL UNITS THEORETICAL YIELD	1

NOTE: SITE/ZONING DATA SUBJECT TO CHANGE BASED ON FINAL ARCHITECTURAL AND SITE DESIGNS.
**LOT COVERAGE SCALED PER LOT SIZE AND IS SUBJECT TO CHANGE PENDING ARCHITECTURAL FOOTPRINTS.

NOTE:

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

MISS UTILITY

CALL "MISS UTILITY AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF WORK. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDERGROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. BEFORE EXCAVATION THE CONTRACTOR IS RESPONSIBLE FOR CALLING TICKET CHECK AT 1-866-821-4226 TO VERIFY THAT ALL UTILITIES HAVE BEEN MARKED, 48 HOURS AFTER CALLING MISS UTILITY. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdiah
Acting Director

December 16, 2015

Mr. 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. 120150140
Schramm Property

Jonathan
Dear Mr. Casey:

We have completed our review of the preliminary plan dated November 20, 2014. This plan was reviewed by the Development Review Committee (DRC) at its meeting on February 23, 2015. We recommend approval for the plan based to the following comments:

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

1. Show all existing planimetric and topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, bus stops, utilities, etc.) as well as existing rights of way and easements on the preliminary plan.
2. Necessary dedication for future widening of Warfield Road in accordance with the master plan.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction or reconstruction of Warfield Road, whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.

Office of the Director

101 Monroe Street, 10th Floor • Rockville, Maryland 20850 • 240-777-7170 • 240-777-7178 FAX
www.montgomerycountymd.gov/dot

Mr. Jonathan Casey
Preliminary Plan No. 120150140
December 16, 2015
Page 2

5. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
6. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
7. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
8. We have accepted the applicant's revised storm drain computations dated November 6, 2015 and December 1, 2015 as follows:
 - a. Point of Study-1: The existing twelve (12)-inch culvert is currently undersized. Since there is no change in runoff nor headwater elevation under the proposed conditions at this point of study from the site, MCDOT **shall not require** the applicant for any improvements to the existing 12-inch culvert.
 - b. Point of Study-2: The thirteen (13) by seventeen (17) inch corrugated metal pipe (CMP) culvert is undersized under existing conditions. Since there is an increase in runoff from the site during the post development conditions, the applicant has proposed to install an on-site stormwater management facility to ensure their post-development runoff from the 25-year will not exacerbate the current situation. Therefore MCDOT **shall not require** the applicant for any improvements to the existing storm drain pipe as the applicant is proposing to remedy the impact of the post development runoff on the existing culvert.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Area Engineer for this project, at deepak.somarajan@montgomerycountymd.gov or (240) 777-2194.

Sincerely,



Gregory M. Leck, Manager
Development Review Team
Office of Transportation Policy

Mr. Jonathan Casey
Preliminary Plan No. 120150140
December 16, 2015
Page 3

Enclosure

cc: Jeffrey Schramm; Owner
Michael Norton; Norton Land Design LLC
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Mark Etheridge; MSDPS WRM
Atiq Panjshiri; MCDPS RWPR
Sam Farhadi; MCDPS RWPR
Deepak Somarajan; MCDOT DO



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

MEMORANDUM

June 8, 2016

TO: Cathy Conlon, Development Review

Maryland National Capital Park and Planning Commission

FROM: Gene von Gunten, R.S.

Manager, MCDPS- Well & Septic Section

SUBJECT: Status of Preliminary Plan: #120150140, Schramm Property (8365 Warfield Rd)- 1 lot

This is to notify you that the plan received in this office on April 29, 2016, is as follows:

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan.
2. The water well must be constructed prior to the approval of a building permit.

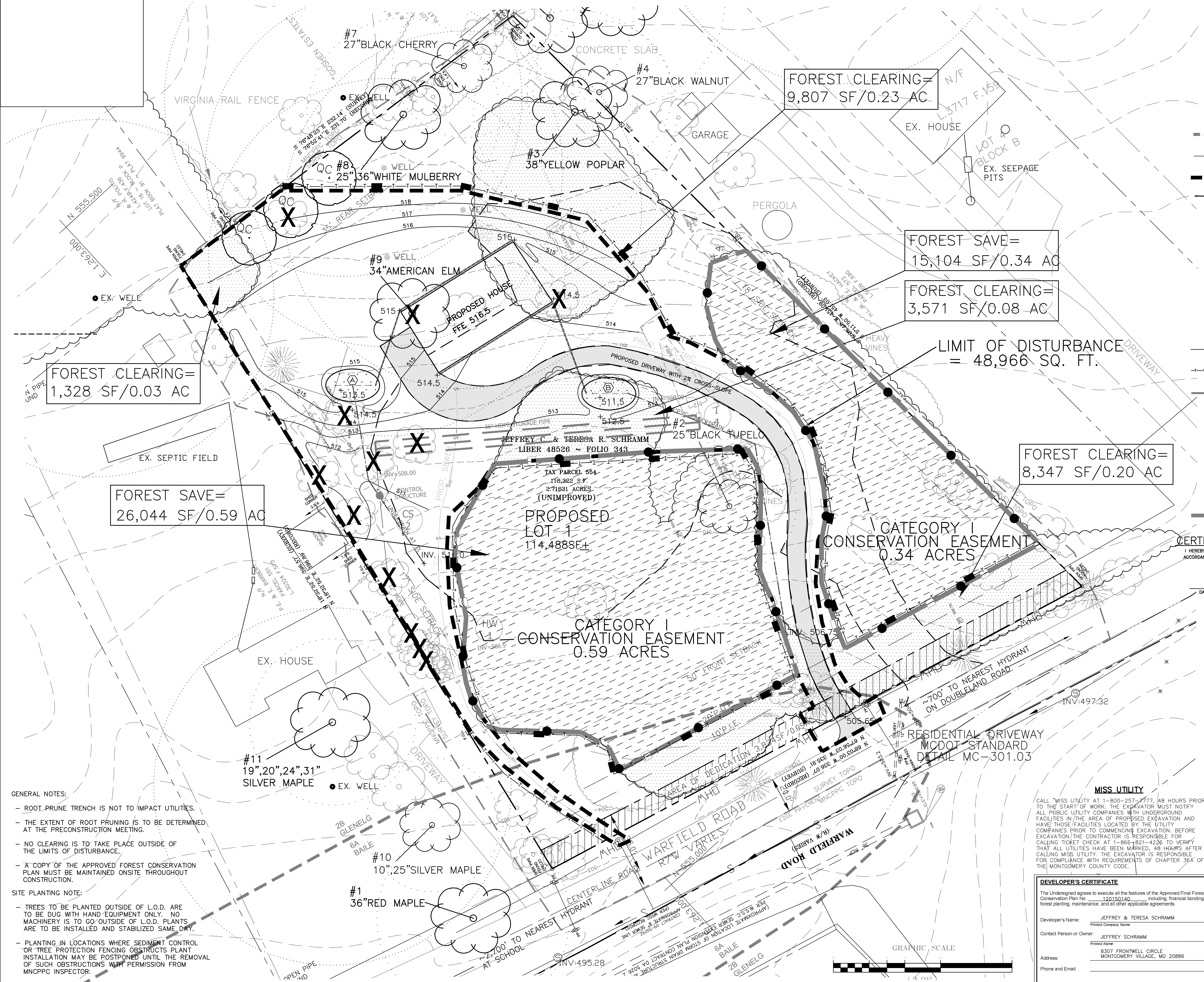


**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 22-Aug-16
TO: Michael Norton - michael-norton@nortonlanddesig
Haines Norton Land Design, LLC
FROM: Marie LaBaw
RE: Schramm Property
120150140

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **22-Aug-16** .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.



LEGEND

#1 26"RED OAK
#1 32"RED OAK

EXISTING SIGNIFICANT TREE >24" AND <30"DBH WITH TAG NUMBER

EXISTING SPECIMEN TREE >30"DBH WITH TAG NUMBER

16D BRINKLOW
SUB GLENELG
SURVEY TOPO
MNCPPC TOPO

FOREST TREELINE

SOIL BOUNDARY

LIMITS OF SURVEY

LIMITS OF DISTURBANCE

PROPERTY BOUNDARY

X #1 26"RED OAK
X #1 32"RED OAK

EXISTING SIGNIFICANT TREE >24" AND <30"DBH WITH TAG NUMBER AND CRZ TO BE REMOVED

EXISTING SPECIMEN TREE >30"DBH WITH TAG NUMBER AND CRZ TO BE REMOVED

LIMITS OF DISTURBANCE

FOREST SAVE AREA

FOREST CLEARING AREA

COMBINED ROOT PRUNE TRENCH/TREE PROTECTION FENCE (TEMPORARY)

TREE PROTECTION FENCE (TEMPORARY)

PROP. HDPE STORMWATER STORAGE PIPE

TEMPORARY TREE PROTECTION SIGNAGE (APPROX. 50' O.C.)

CONSERVATION EASEMENT PERMANENT POSTS WITH SIGNAGE AT 50' O.C.

PROPOSED CANOPY TREE FOR MITIGATION FOR IMPACTS TO SPECIMEN TREES

QC

PLANT TYPE

CATEGORY 1 CONSERVATION EASEMENT

CERTIFICATION OF QUALIFIED PROFESSIONAL
I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE, MNC&PC AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS.

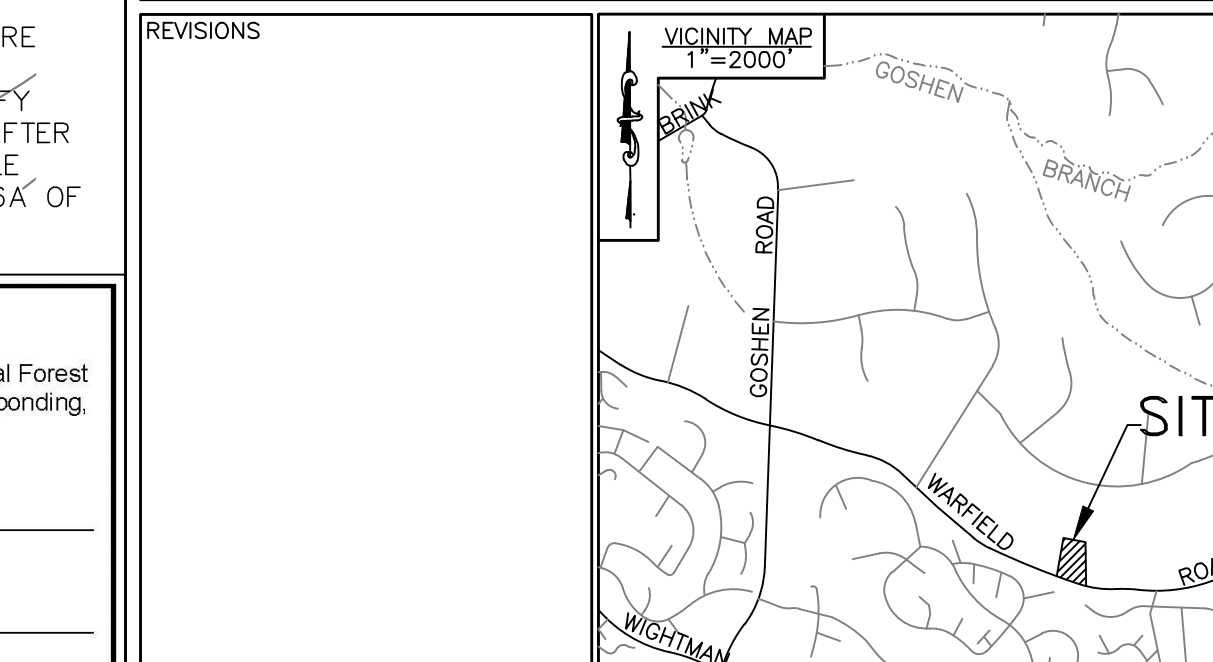
DATE: _____
MICHAEL A. NORTON
MDMR / COMAR 08.19.06.01
QUALIFIED PROFESSIONAL
PRELIMINARY PLAN# 120150140

FINAL FOREST CONSERVATION PLAN

SCHRAMM PROPERTY
8365 WARFIELD ROAD
PARCEL 554, TAX MAP GU13
LIBER 8669 ~ FOLIO 236
K.D. & B.H. CANADAY

PREPARED FOR:
JEFFREY C. & TERESA R. SCHRAMM
8307 FRONTWELL CIRCLE
MONTGOMERY VILLAGE, MD 20886

NORTON LAND DESIGN
LANDSCAPE ARCHITECTURE + ENVIRONMENTAL PLANNING
17830 NEW HAMPSHIRE AVENUE, SUITE 101 ASHTON, MD 20861
P.240.342.2329 F.240.342.2632 WWW.NORTONLANDDESIGN.COM

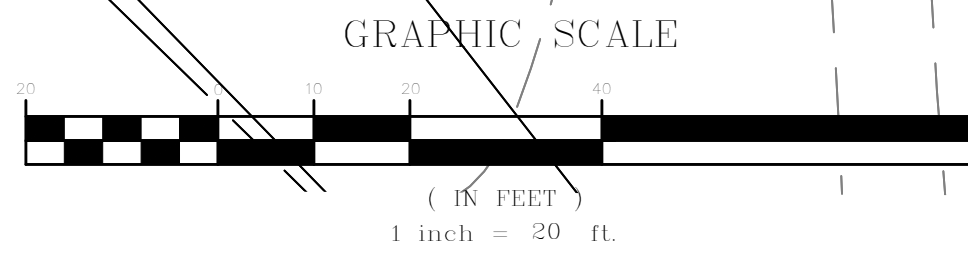


MISS UTILITY
CALL "MISS UTILITY AT 1-800-257-7777 48 HOURS PRIOR TO THE START OF WORK. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDERGROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. BEFORE EXCAVATION THE CONTRACTOR IS RESPONSIBLE FOR CALLING TICKET CHECK AT 1-866-821-4226 TO VERIFY THAT ALL UTILITIES HAVE BEEN MARKED. 48 HOURS AFTER CALLING MISS UTILITY, THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.

DEVELOPER'S CERTIFICATE
The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 120150140 including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: JEFFREY & TERESA SCHRAMM
Printed Company Name: _____
Contact Person or Owner: JEFFREY SCHRAMM
Printed Name: _____
Address: 8307 FRONTWELL CIRCLE
MONTGOMERY VILLAGE, MD 20886
Phone and Email: _____
Signature: _____

- GENERAL NOTES:**
- ROOT PRUNE TRENCH IS NOT TO IMPACT UTILITIES.
 - THE EXTENT OF ROOT PRUNING IS TO BE DETERMINED AT THE PRECONSTRUCTION MEETING.
 - NO CLEARING IS TO TAKE PLACE OUTSIDE OF THE LIMITS OF DISTURBANCE.
 - A COPY OF THE APPROVED FOREST CONSERVATION PLAN MUST BE MAINTAINED ONSITE THROUGHOUT CONSTRUCTION.
- SITE PLANTING NOTE:**
- TREES TO BE PLANTED OUTSIDE OF L.O.D. ARE TO BE DUG WITH HAND EQUIPMENT ONLY. NO MACHINERY IS TO GO OUTSIDE OF L.O.D. PLANTS ARE TO BE INSTALLED AND STABILIZED SAME DAY.
 - PLANTING IN LOCATIONS WHERE SEDIMENT CONTROL OR TREE PROTECTION FENCING OBSTRUCTS PLANT INSTALLATION MAY BE POSTPONED UNTIL THE REMOVAL OF SUCH OBSTRUCTIONS WITH PERMISSION FROM MNCPPC INSPECTOR.
 - OAKS TO BE SPRING PLANTED ONLY.



WATER CLASS	USE IP	WATERSHED	SENECA CREEK	FEMA FLOODPLAIN	MIDDLE GREAT	24031C 0185D
TRIBUTARY						
TAX MAP	GU123	200 SHEET	228NW08	ADC MAP	PAGE 10	GRID J-3
SCALE	AS SHOWN	DATE	JUNE 2014	PROJ. NO.	14-048	SHEET NO. J-3.1



April 18, 2016

Maryland National Capital Park and Planning Commission (M-NCPPC)
8787 Georgia Avenue
Silver Spring, Maryland 20910

Schramm Property
Request for Specimen Tree Variance
Preliminary Plan 120150140

On behalf of Jeff and Terry Schramm and pursuant to Section 22A-21 *Variance provisions* of the Montgomery County Forest Conservation Ordinance and revisions to the State Forest Conservation Law enacted by S.B. 666, we are writing to request a variance(s) to allow impacts to or the removal of the following trees identified on the approved Natural Resource Inventory/Forest Stand Delineation for the above-named residential construction project:

3	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	38	FAIR	INCLUDED BARK, VINES, WISTERIA	YES	1	SAVE
8	MORUS ALBA	WHITE MULBERRY	25,36	FAIR	POTENTIAL COUNTY CHAMPION, LOWER LIMBS DEAD, 25" SIDE HAS HEAVY LEAN, CAV	YES	5	SAVE
9	ULMUS AMERICANA	AMERICAN ELM	34	GOOD	VINES, DAMAGED BROKEN LIMBS	YES	100	REMOVE

Project Description:

The Schramm Property is a 2.72 acres parcel located at 8365 Warfield Road in Gaithersburg, Montgomery County, Maryland. The site is undeveloped. The project consists of a proposed access drive and residence. The site is surrounded by residential properties.

Requirements for Justification of Variance:

Section 22A-21(b) *Application requirements* states that the applicant must:

- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
- (2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
- (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; and
- (4) Provide any other information appropriate to support the request.

Justification of Variance

- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

Response: The program for the project consists of building a home with an attached garage for a family to live in and pursue their ideal standard of living. Efforts have been made to impact as few trees as possible. The house, garage and driveway have been located to minimize impacts to existing forest and trees. The downstream adequacy study determined the existing Warfield Road does not support current stormwater so extensive stormwater must be provided underground onsite beyond that of ESD.

The proposed plan will impact the root zone of three (3) specimen trees. One (1) specimen trees will require removal.

If the applicant is not permitted to impact or remove the trees, the residence will have to be moved and impact more forest and specimen trees.

- (2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;

Response: If the Applicant is required to keep all improvements outside the root zones of the specimen trees, the residence will fail to be built due to the close proximity of specimen trees, overlapping neighbor well radii and extensive stormwater.

- (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;

Response: Tree removals have been minimized and proposed well locations from the house satisfy radii requirements throughout the design of the layout ensuring the preservation of as many specimen trees as possible. In addition, this property will be developed in accordance with the latest Maryland Department of the Environment criteria for stormwater management. This includes Environmental Site Design to provide for protecting the natural resources to the Maximum Extent Practicable. This includes limiting the impervious areas and providing on-site stormwater management systems. This also includes treating stormwater management through a series 36" HDPE pipes and outfall. A Stormwater Management Concept is approved to ensure that this criterion is enforced. Therefore, the proposed activity will not degrade the water quality of the downstream areas and will not result in *measurable degradation in water quality*.

- (4) Provide any other information appropriate to support the request.

Response: The Category I Forest Conservation Easement proposed onsite is intended to provide the site with perpetual protection of forest and other sensitive and significant environmental features. In addition, the forest along the right-of-way along Warfield Road is begin saved.

As further basis for its variance request, the applicant can demonstrate that it meets the Section 22A-21(d) *Minimum criteria*, which 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;

Response: The construction of the residence onsite is in conformance with the County's General plan. As such, this is not a *special privilege* to be conferred on the applicant.

- (2) Is based on conditions or circumstances which are the result of the actions by the applicant;

Response: The Applicant has taken no *actions leading to the conditions or circumstances* that are the subject of this variance request.

- (3) Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or

Response: The surrounding land uses (residences) do not have any inherent characteristics or conditions that have created or contributed to this particular need for a variance.

- (4) Will violate State water quality standards or cause measurable degradation in water quality.

Response: Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality.

Conclusion:

For the above reasons, the applicant respectfully requests that the MNCPPC Staff APPROVE its request for a variance from the provisions of Section 22A of the Montgomery County Forest Conservation Ordinance, and thereby, GRANTS permission to impact/remove the specimen trees in order to allow the construction of this project.

The recommendations in this report are based on tree conditions noted at the time the NRI/FSD field work was conducted. Tree condition can be influenced by many environmental factors, such as wind, ice and heavy snow, drought conditions, heavy rainfall, rapid or prolonged freezing temperatures, and insect/disease infestation. Therefore, tree conditions are subject to change without notice.

The site plans and plotting of tree locations were furnished for the purpose of creating a detailed Tree Protection Plan. All information is true and accurate to the best of my knowledge and experience. All conclusions are based on professional opinion and were not influenced by any other party.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Norton', with a stylized, cursive script.

Michael Norton



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Lisa Feldt
Director

June 1, 2016

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

RE: Schramm Property, ePlan 120150140, NRI/FSD application received on 6/25/2014

Dear Mr. Anderson:

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



Casey Anderson
June 1, 2016
Page 2

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

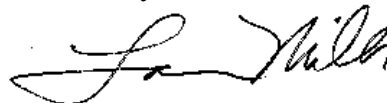
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation,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



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

December 8, 2014

Mr. Michael Norton
Norton Land Design, LLC
17830 New Hampshire Avenue, Suite 101
Ashton, MD 20861

Re: Stormwater Management **CONCEPT** Request
for Schramm Property
Preliminary Plan #: N/A
SM File #: 270135
Tract Size/Zone: 2.7/R-2
Total Concept Area: 2.7ac
Lots/Block: 1 Proposed
Parcel(s): 554
Watershed: Seneca Creek

Dear Mr. Norton:

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 the use of micro biofiltration.

The following **item(s)/condition(s)** will need to be addressed **during/prior to** 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.

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

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

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

Mr. Michael Norton
December 8, 2014
Page 2 of 2

If you have any questions regarding these actions, please feel free to contact Thomas Weadon at 240-777-6309.

Sincerely,



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

MCE: me 270135

cc: C. Conlon
SM File # 270135

ESD Acres:	2.7ac
STRUCTURAL Acres:	N/A
WAIVED Acres:	N/A