



Camberwell, Lot 13, Preliminary Plan Amendment for Forest Conservation Plan Purposes, 11995016B

dj

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Completed: 07/06/17

Description

Camberwell, Lot 13: Preliminary Plan No. 11995016B

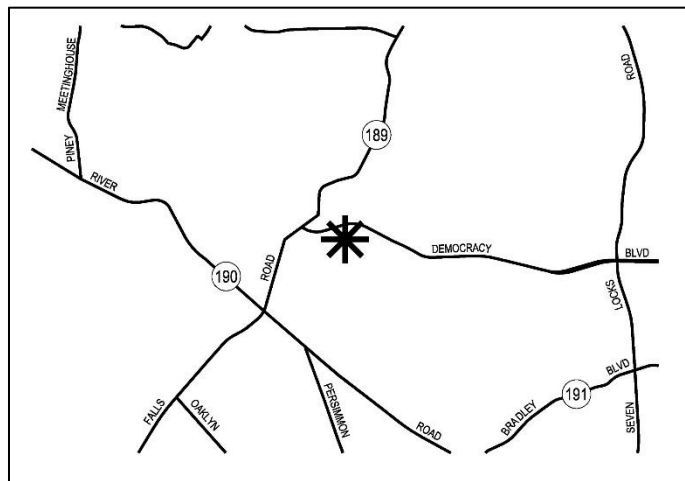
Application to remove 10,050 square feet of Category I Conservation Easement; Located at 10220 Iron Gate Rd., Potomac, MD; 2.03 acres; Zoned RE-2; Potomac Subregion 2002 Master Plan.

Applicant: Ms. Seema P. Kakar

Acceptance Date: January 6, 2017

Review Basis: Chapters 59 and 22A

Staff Recommendation: Approval with Conditions



Summary

- Staff Recommendation: **Approval with Conditions**
- Proposal to remove approximately 10,050 square feet of Category I Conservation Easement on Lot 13 to construct single family unit.
- Tree variance request for impact to two specimen trees.
- Off-site forest bank credits to mitigate for removal of Category I Conservation Easement.
- It has been Planning Board practice to review all plans that remove or significantly change a conservation easement.
- Meets requirements of Chapter 22A, Forest Conservation Law.

SECTION 1 – RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN NO. 11995016B: Staff recommends approval of the limited amendment to the Preliminary Plan for Forest Conservation Plan purposes with the following conditions. All conditions of Preliminary Plan No. 119950160 as contained in the Montgomery County Planning Board's Resolution mailed February 23, 1995, or as amended, remain in full force and effect except as modified below:

CONDITIONS:

1. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must extinguish the existing 10,050 square foot Category I Conservation Easement on Lot 13. The extinguishment document must be approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed.
2. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank to satisfy the mitigation requirement specified on the Approved Amended Final Forest Conservation Plan (FFCP).
3. Within ninety (90) days of the mailing date of the Planning Board Resolution approving the limited amendment to the Preliminary Plan, the Applicant must submit a complete record plat application that delineates the revised conservation easements and references the Liber/Folio of the recorded deed. The existing easement remains in full force and effect until the existing 10,050 square foot Category I Conservation Easement is recorded as removed.
4. Applicant must have all required site inspections performed by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
5. Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspector.
6. The limits of disturbance (LOD) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Amended FFCP.

SECTION 2 – SITE LOCATION AND DESCRIPTION

Site Location

The subject property is located at 10220 Iron Gate Road, Potomac, MD, Lot 13, Block A, in the Camotop Subdivision on Plat No. 21390, Tax Map FP563 (Figure 1 and Attachment A), with a total lot area of 2.03 acres ("Property"). The Property is zoned RE-2 and located in the *Potomac Subregion 2002 Master Plan* area.



Figure 1 – Record Plat No. 21390

Site Vicinity

The Property is located at 10220 Iron Gate Road, approximately 1,200 feet southwest of the intersection of Democracy Boulevard and Iron Gate Road in Potomac. The Property is a developed lot with an existing tennis court and no residential structure. The Property is surrounded by residential RE-2 lots of similar size and configuration (Figure 2).

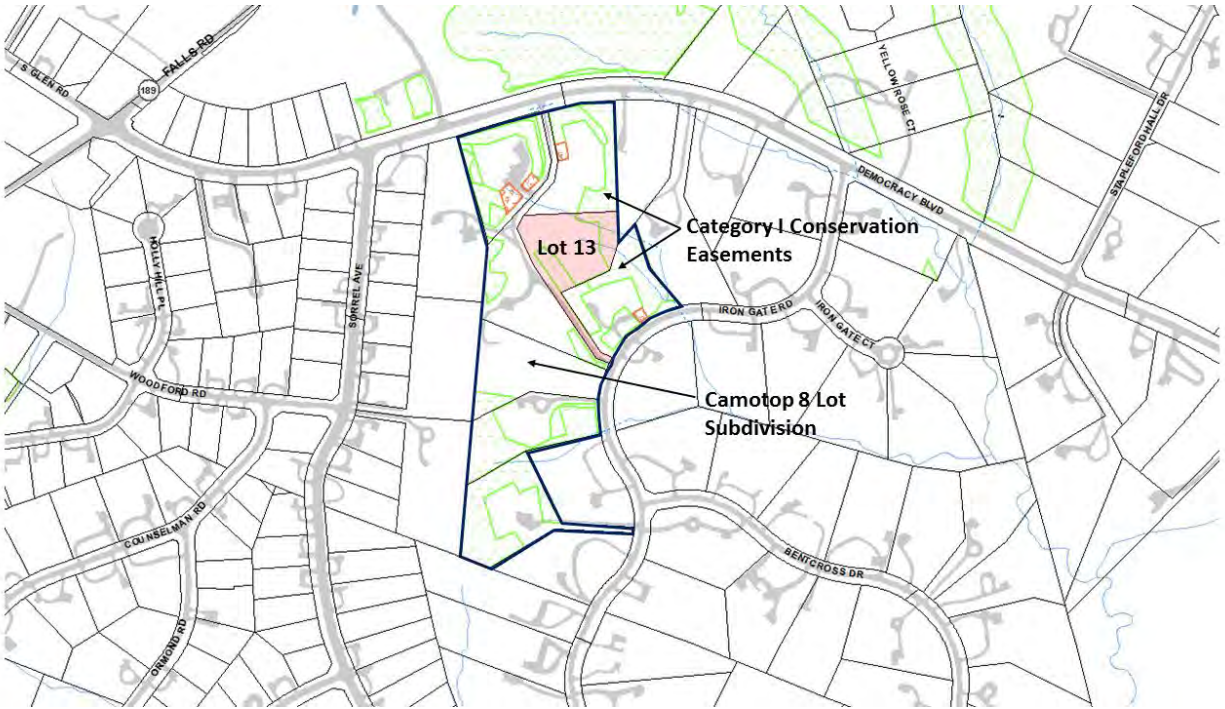


Figure 2 – Site Vicinity

Site Description

The Property is a 2.03 acre flag lot with pipestem access to Iron Gate Road. The Property currently has no residential structures on the lot, but does contain a standard hard surface tennis court with lighting. The project site is a typical suburban lot with similar lots surrounding this site. The Property contains approximately 24,662.7 square feet (0.56 acres) of existing Category I Conservation Easement separated into two areas.



Figure 3 – 2015 Aerial Photograph of Site

SECTION 3 – APPLICATION AND PROPOSAL

Previous Approvals

Preliminary Plans 119950160 and 11995016A

The Montgomery County Planning Board approved Preliminary Plan #119950160 “Camberwell”, on February 9, 1995. The original approval was for the creation of eight (8) lots on 17.54-acres of land in the RE-2 zone. The forest conservation law of Montgomery County (Chapter 22A of the County Code) applied to this plan; thus, a forest conservation plan (FCP) was required. The Planning Board approved a limited amendment to the Preliminary Plan for Forest Conservation Plan purposes, plan #11995016A, on September 15, 2009. This amendment was limited to Lot 12 only.

The original FCP approved on February 9, 1995 (Attachment B) showed 10.34 acres of existing forest onsite, with 5.62 acres retained, and 4.72 acres cleared. The original FCP did not generate a planting requirement. The FCP was subsequently revised on January 29, 1998 and again on March 4, 1999. The final revised FCP showed 10.34 existing forest on-site, 5.38 acres being retained and 4.96 acres being cleared, generating 0.25 acres of reforestation requirement that was satisfied by retaining additional forest on-site. All retained forest areas were placed into Category I Conservation Easements.

Current Application

This limited amendment to the Preliminary Plan and associated Final Forest Conservation Plan is not for the entire subdivision, but only applies to Lot 13, Block B of Camberwell (89,733 square feet or 2.06 acres), located at 10220 Iron Gate Road in Potomac.

The Applicant requests the Planning Board amend the approval of both the Preliminary Plan of Subdivision and the Final Forest Conservation Plan to remove a portion of the Category I Conservation Easements on Lot 13 (Attachment D). The Category I Conservation Easements are separated into two segments as shown on Plat No. 21390. One segment is located at the front of the property as it faces the entry drive from Iron Gate Road and this area measures 10,050 square feet (0.23 acres). The second segment is located generally in the northeast corner of the lot and measures 14,494.6 square feet (0.33 acres). Both Conservation Easement areas total 24,544.6 square feet (0.56 acres). The Applicant requests to remove the smaller of these two segments to provide enough area to construct a single family residential structure. This amendment proposes to remove approximately 10,050 square feet (0.23 acres) of Category I Conservation Easement and to compensate for this removal by taking this acreage to an off-site forest bank at a 2:1 rate.



Figure 4 – Proposed Category I Easement removal on Lot 13

SECTION 4 – ANALYSIS AND FINDINGS

PLANNING BOARD REVIEW AUTHORITY

The Forest Conservation Regulations require Planning Board action on certain types of modifications to an approved FFCP. COMCOR 22A.00.01.13 A (2), the Forest Conservation Regulations, state:

Major amendments which entail more than a total of 5000 square feet of additional forest clearing must be approved by the Planning Board or the Planning Director (depending on who approved the original plan).

The Applicant proposes to remove 10,050 square feet out of a total of 24,544.6 square feet (0.56 acres) of a Category I Conservation Easement on the subject site.

FOREST CONSERVATION PLAN

As a function of this application, the Applicant proposes to remove the 10,050 square foot segment of Category I Conservation Easement at the front of the Property. Within this existing easement area, there is currently a conservation easement violation condition that consists of a diesel generator, ground transformer box, an electrical panel, an overhead electrical power line, and a well, all within the conservation easement area. Each of these items would constitute a separate violation under the terms of the easement recorded at Liber 16797/Folio 622 (Attachment E). No civil citation has been issued in this case since this situation was only discovered by Staff at the time of plan submittal and Planning Board approval of this application would eliminate the violations by removing the easement.

At the time of initial Planning Board approval of the preliminary plan on February 23, 1995 seven of the eight lots in this subdivision were very constrained by having Category I Conservation Easements placed on each of these lots (Figure 2). To date, this has led to two documented forest conservation violations in this development. In the past, the Planning Board has approved the removal of segments of each of these on-lot conservation easements, totaling approximately 89,806.68 square feet (2.06 acres) of Category I Conservation Easement removed from this subdivision.

Although, initially recorded in 1998, the Category I Conservation Easement meets all the more stringent current standards for forest dimensions, requirements and restrictions. Also, it is contiguous to an adjacent Category I conservation easements on the south side of the property. The conservation easement was placed over retained forest. However, this forest is not in an environmentally sensitive area such as a stream buffer.

The Applicant has proposed to mitigate for the loss of the 10,050 square foot area of conservation easement by purchasing the required acreage in an off-site forest bank at a 2:1 rate. This mitigation has been typical in the past for removal of any portion of a conservation easement on a property.

FOREST CONSERVATION VARIANCE

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree 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 Forest Conservation Law. The law requires 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.

Variance Request - The Applicant submitted a variance request in a letter dated March 14, 2017. The Applicant proposes to impact two (2) 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 (Figures 5, 5A & 5B).

Specimen trees to be impacted:

Tree Number	Tree Species	DBH Inches	Percent Impact to CRZ	Status
ST-17	Northern Red Oak (<i>Quercus rubra</i>)	31"	3%	Good condition. Off-site. 3% impact to critical root zone. Leave in place.
ST-22	White Oak (<i>Quercus alba</i>)	35"	2%	Good condition. On-site. 2% impact to critical root zone. Leave in place.

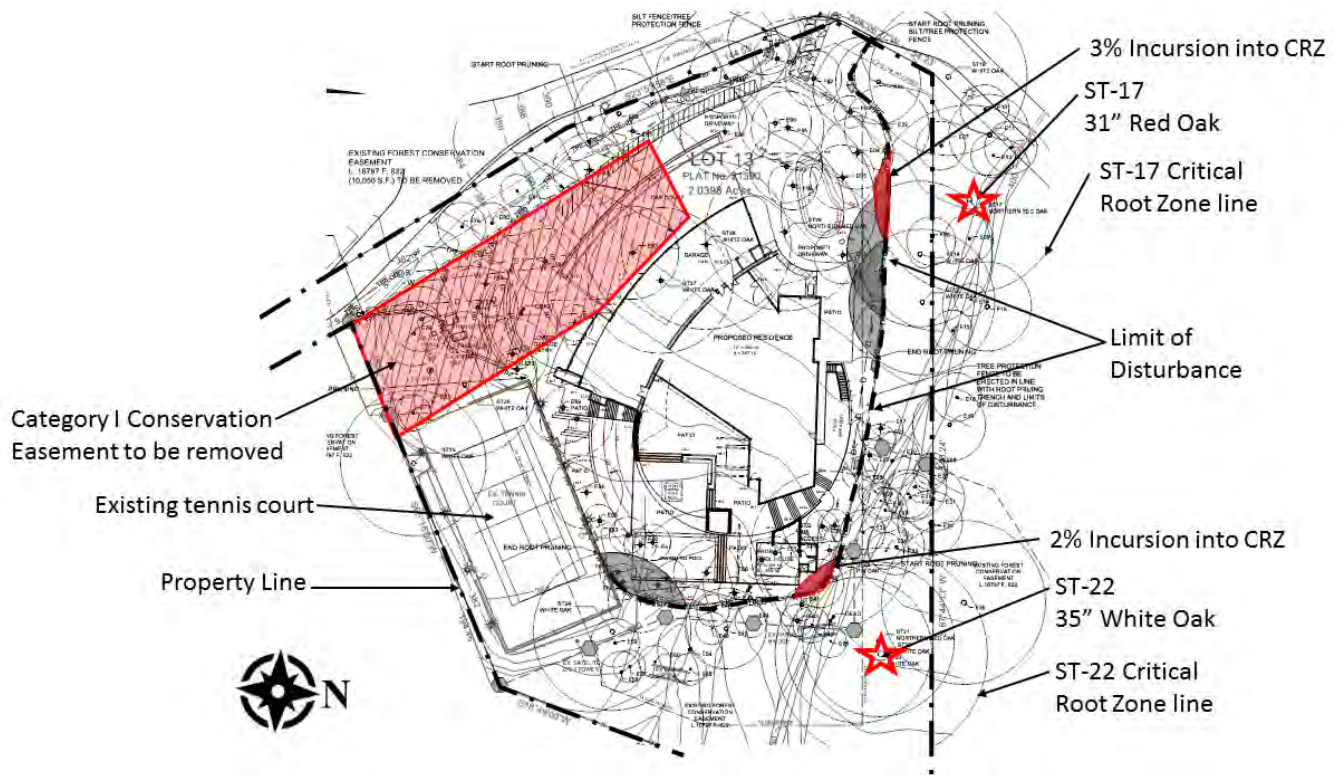


Figure 5-overall location of specimen trees to be impacted

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 a result of necessary county agency setbacks, public utility easements and a Category I Forest Conservation Easement which restrict the buildable area of this lot. As a result, the impacts to the two specimen trees are unavoidable. However, the Applicant has reduced the overall area of disturbance to the minimum amount possible to construct the house and associated elements. In both cases, the limits of disturbance (LOD) have been pulled to within approximately 6-feet of the structure thereby reducing the impacts to the specimen trees to 2 to 3 percent of their respective CRZs. So, the inability to impact these two trees could potentially render the site unbuildable for this project. 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 impacts to the two trees is due to the location of the trees and necessary site design requirement. 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 of this project. The Applicant has voluntarily reduced the overall LOD area to limit the amount of impact to these two trees as much as possible.

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 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 variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed are not located within a stream buffer, wetland or special protection area. The Application proposes mitigation for the removal of these three trees 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 – No mitigation is required for this project. There are two (2) trees proposed to be impacted in this variance request. M-NCPPC only requires mitigation for specimen trees that are removed and not for trees that are impacted.

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 and staff received a reply on April 4, 2017 recommending approval of the variance (Attachment F).

Variance Recommendation - Staff recommends approval of the variance request.

SECTION 5 – CITIZEN CORRESPONDENCE AND ISSUES

As of the date of this report, Staff has not received any citizen correspondence and is not aware of any outstanding issues associated with this project.

SECTION 6 – CONCLUSION

The proposed amendment meets all requirements established in Chapter 22A, Forest Conservation Law. Therefore, approval of the Application with the conditions specified herein is recommended.

Staff recommends that the Planning Board approve this Preliminary Plan Amended for Forest Conservation Plan purposes with the conditions specified above.

ATTACHMENTS

- A. Plat No. 21390
- B. Original Planning Board Resolution dated 1/22/1993
- C. Original FFCP dated 4/2/1993
- D. Amended FFCP dated 5/2017
- E. Category I Conservation Easement Agreement, L16797/F622
- F. Montgomery County Arborist's letter dated 4/4/2017

OWNER'S DEDICATION

We, the undersigned, owners(s) of the property described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines and to Montgomery County, MD., slope easements 10 feet wide across all lots adjacent, contiguous and parallel to all street right of way lines as required by Montgomery County Ordinance No. 4-115. Said slope easement shall be extinguished at such time as the public improvements on the abutting rights-of-way have been completed and accepted for maintenance by Montgomery County, MD.

Further, we grant to the Washington Suburban Sanitary Commission (W.S.S.C.) such exclusive rights as necessary for the construction, reconstruction, operation, maintenance and repair of sanitary sewers and/or water mains and appurtenances within the water and/or sewer rights-of-way/easements shown hereon, subject to and together with the conditions contained in a right-of-way document from the grantor(s), their successors and assigns to the W.S.S.C. and to be recorded hereafter.

Further, we grant to the Potomac Electric Power Company (P.E.C.) such exclusive rights as necessary for the construction, reconstruction, operation, maintenance and repair of electric lines and appurtenances within the electric rights-of-way/easements shown hereon, subject to and together with the conditions contained in a right-of-way document from the grantor(s), their successors and assigns to the P.E.C. and to be recorded hereafter.

All terms, conditions, agreements, limitations and requirements associated with any preliminary plan, site plan, project plan or other plan, allowing development of this property, approved by the Montgomery County Planning Board are intended to survive and not be extinguished by the recordation of this plat, unless expressly contemplated by the plan as approved. The official public files for any such plan are maintained by the Planning Board and are available for the public review during normal business hours.

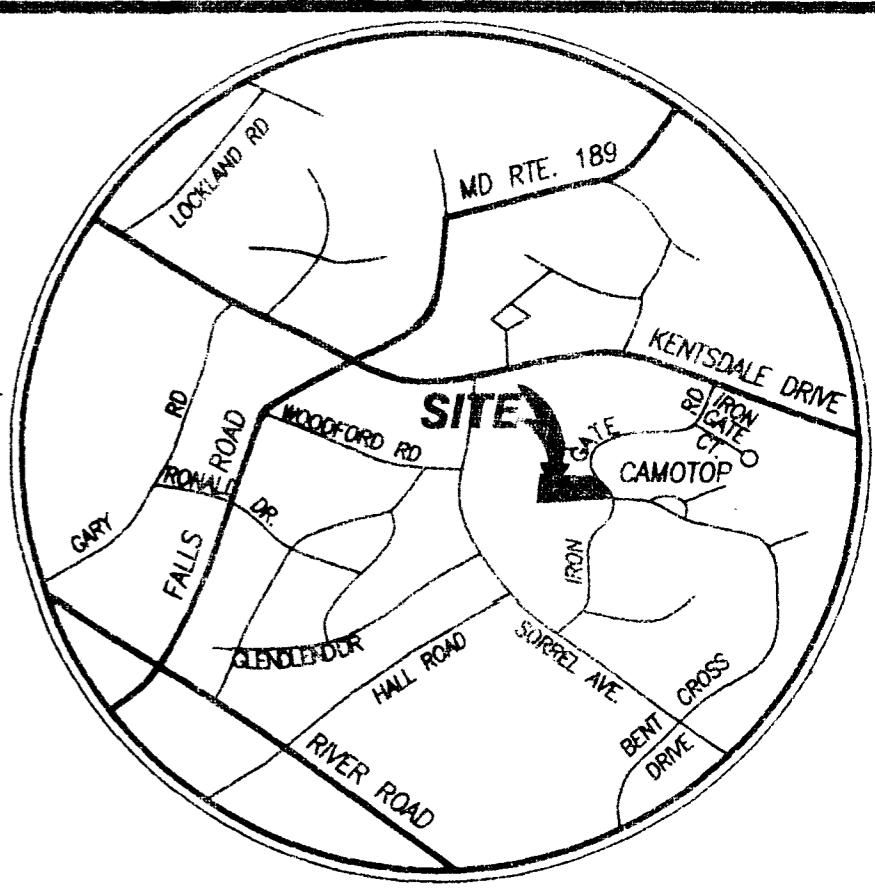
As owner of this subdivision, we, our successors and assigns, will cause all property corner markers and any other required monumentation to be set by registered Maryland, Surveyor in accordance with Section 50-24 (e)(2) of the Montgomery County Code.

There are no recorded suits, actions at law, liens, leases, mortgages or trusts affecting the property included in this plan of subdivision, except certain deeds of trust, and all parties in interest thereto, have below indicated their assent.

Camberwell Prop LLC
A Maryland Limited Liability Company

Date: 2-18-00
Loudy Z. Alwazir
Vice President, Camberwell Inc. Manager

Witness
We hereby assent to this plan of subdivision
Sabo Holdings LTD.
Peter Baumbusch
Trustee



VICINITY MAP
SCALE: 1"=2000'

SURVEYOR'S CERTIFICATE:

I hereby certify that the information shown hereon is true to the best of my professional knowledge and belief, that it is a subdivision of part of the land conveyed by United States Trust Company of New York, trustee to Camberwell Properties LLC by deed dated November 26, 1993 and recorded among the Land Records of Montgomery County Maryland in Liber 12083 at Folio 477, and also being a resubdivision of part of Lot 1 as shown on a plat of subdivision entitled "LOT ONE, ANTONELLI'S ADDITION TO POTOMAC" recorded among the aforesaid Land Records in Plat Book 79 as Plat 8047 and also being a resubdivision of all of Lot 9, Block B as shown on a plat of subdivision entitled "PART OF BLOCKS A, B & C, CAMOTOP" recorded among said Land Records in Plat Book 85 as Plat 8902, and that once engaged as described in the Owner's Dedication hereon all property markers and other boundary markers shown thus will be set as delineated herein in accordance with the provisions of Section 50-24 (e)(2) of the Montgomery County Code.

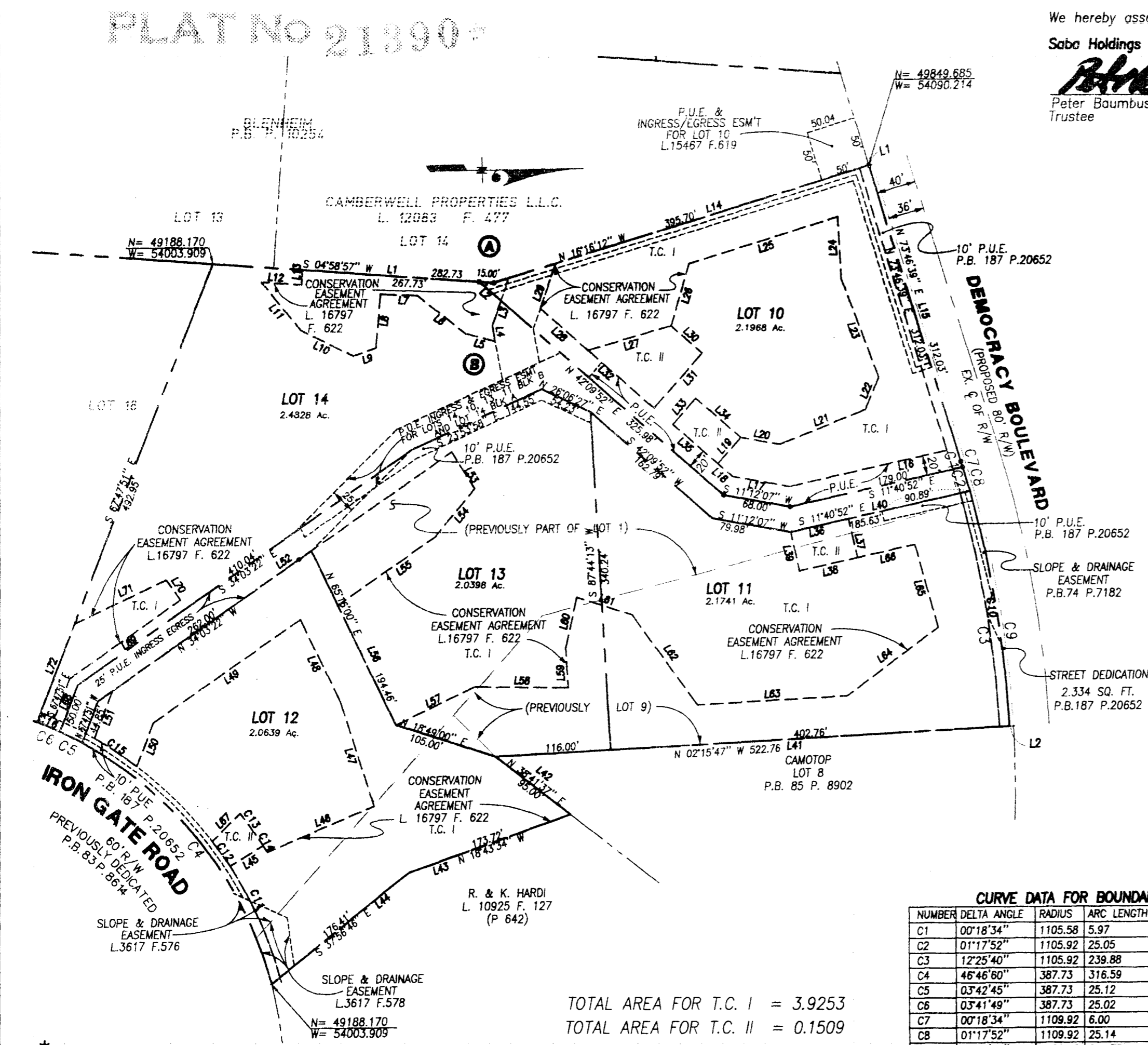
The total STREET DEDICATION by this plat is 2.334 square feet or 0.0536 of an acre of land and the TOTAL AREA of this plat which includes 5 LOTS is 11.0109 Acres.

David R. Gady
MARYLAND REGISTERED PROPERTY LINE SURVEY NO. 388

Date: 3/07/00

GENERAL NOTES:

- The Conservation Easement shown hereon are to be recorded among the Land Records of Montgomery County, Maryland. Development is subject to the terms of an agreement between M.N.C.P. & P.C. and Camberwell Properties LLC recorded in Liber 15467, at Folio 632.
- This minor plat of correction is filed in accordance with Sec. 50-35A(a) 5 of the Montgomery County, Maryland Code.



LINE DATA FOR T.C. I AREAS

NUMBER	DIRECTION	DISTANCE	NUMBER	DIRECTION	DISTANCE
L1	N 04°58'57" E	177.73'	L37	N 78°19'08" E	40.00'
L2	N 42°09'52" E	26.90'	L40	N 11°40'52" W	115.61'
L3	S 09°52'16" E	26.69'	L41	S 02°15'47" E	508.76'
L4	N 80°42'04" E	15.77'	L42	N 38°41'57" E	85.00'
L5	S 19°25'12" W	30.44'	L43	S 18°43'34" E	173.72'
L6	S 39°26'56" W	61.85'	L44	S 37°58'45" E	165.47'
L7	S 03°26'04" W	37.01'	L45	N 30°54'02" W	39.12'
L8	S 83°57'24" E	54.01'	L46	N 22°10'49" W	116.82'
L9	S 19°27'41" E	24.17'	L47	S 73°12'17" W	110.30'
L10	S 27°08'56" W	58.31'	L48	S 65°16'00" W	91.74'
L11	S 51°55'27" W	62.96'	L49	S 34°03'22" E	180.09'
L12	N 04°58'58" E	40.25'	L50	S 67°47'51" E	46.93'
L13	N 85°01'03" W	15.00'	L51	N 87°47'51" W	51.13'
L14	N 16°16'12" W	320.71'	L52	N 34°03'22" W	416.51'
L15	N 73°46'40" E	297.14'	L53	N 59°14'04" E	43.63'
L16	S 11°40'52" E	163.35'	L54	S 49°19'05" E	62.48'
L17	S 11°12'07" W	58.41'	L55	S 34°03'22" E	119.58'
L18	S 42°09'52" W	19.41'	L56	N 65°16'00" E	133.66'
L19	N 47°50'08" W	35.00'	L57	N 24°33'33" W	88.11'
L20	N 11°12'07" E	40.00'	L58	N 01°31'44" E	93.65'
L21	N 20°49'59" W	93.56'	L59	S 87°44'13" W	39.00'
L22	N 66°24'37" W	35.00'	L60	N 76°54'46" W	52.89'
L23	S 70°09'13" W	106.61'	L61	N 18°27'04" E	58.39'
L24	S 87°45'59" W	61.85'	L62	N 55°07'04" E	112.01'
L25	S 18°16'12" E	156.87'	L63	N 02°15'47" W	151.44'
L26	S 72°44'22" E	64.98'	L64	N 83°36'04" W	114.83'
L27	S 15°28'17" E	87.31'	L65	S 78°19'08" W	86.71'
L28	S 42°09'52" W	63.81'	L66	S 11°40'52" W	60.00'
L29	N 69°52'16" W	47.94'	L67	N 30°54'02" W	136.72'
			L68	S 85°56'58" W	24.67'
			L69	S 24°18'02" E	102.32'
			L70	S 67°47'51" E	95.39'
			L71		
			L72		

LINE DATA FOR T.C. II AREAS

NUMBER	DIRECTION	DISTANCE
L19	N 47°50'08" W	35.00'
L27	S 15°28'17" E	87.31'
L30	S 42°29'43" W	41.53'
L31	S 47°50'08" E	73.50'
L32	S 42°09'52" W	88.27'
L33	N 47°50'08" W	35.00'
L34	N 42°09'52" E	60.00'
L35	S 42°09'52" W	60.00'
L36	N 11°40'52" W	60.00'
L37	N 78°19'08" E	40.00'
L38	S 11°40'52" E	60.00'
L39	S 78°19'08" W	40.00'
L45	N 30°54'02" W	39.12'
L67	N 43°58'56" W	39.44'
L68	S 67°47'51" E	42.51'

CURVE DATA FOR BOUNDARY/STREET DEDICATION

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD DIRECTION	CHORD LENGTH
C1	00°18'34"	1105.58	5.97	2.99	S 73°55'57" W	5.97
C2	01°17'52"	1105.92	25.05	12.53	N 74°44'10" E	25.05
C3	12°25'40"	1105.92	239.88	120.41	S 81°35'56" W	239.41
C4	46°46'80"	387.73	316.59	167.72	N 53°00'12" E	307.87
C5	03°42'45"	387.73	25.12	12.57	S 27°45'20" W	25.12
C6	03°41'49"	387.73	25.02	12.51	N 24°03'03" E	25.01
C7	00°18'34"	1109.92	6.00	3.00	N 73°55'57" E	6.00
C8	01°17'52"	1109.92	25.14	12.57	S 74°44'10" W	25.14
C9	12°25'40"	1109.92	240.75	120.85	S 81°35'56" W	240.28

LINE DATA FOR BOUNDARY/STREET DEDICATION

NUMBER	DIRECTION	DISTANCE
L1	N 16°13'21" W	4.00'
L2	N 02°11'14" W	4.00'

TOTAL AREA FOR T.C. I = 3.9253
TOTAL AREA FOR T.C. II = 0.1509

MONTGOMERY COUNTY, MARYLAND DEPARTMENT OF PERMITTING SERVICES

APPROVED March 14, 2000
DIRECTOR

THE MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD

APPROVED December 16, 1999
CHAIRMAN

M.N.C.P. & P.C. RECORD FILE NO. 611-78

ASST. SECRETARY/TREASURER

2-09141 Minor(s)

DRAWN _____
COMPUTED _____
CHECKED _____

RECORDED _____
PLAT BOOK _____
PLAT NO. _____



CHESTERFIELD COUNTY, VIRGINIA
FAIRFAX COUNTY, VIRGINIA

BENGTSON, DeBELL & ELKIN, LTD.
ENGINEERS • SURVEYORS • PLANNERS • LANDSCAPE ARCHITECTS
170 ROLLINS AVENUE ROCKVILLE, MARYLAND 20852
(301) 468-9400

OFFICE LOCATIONS

PRINCE WILLIAM COUNTY, VIRGINIA
VIRGINIA BEACH, VIRGINIA

MONTGOMERY COUNTY, MARYLAND
LOUDOUN COUNTY, VIRGINIA

Date of Mailing: February 23, 1995


 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

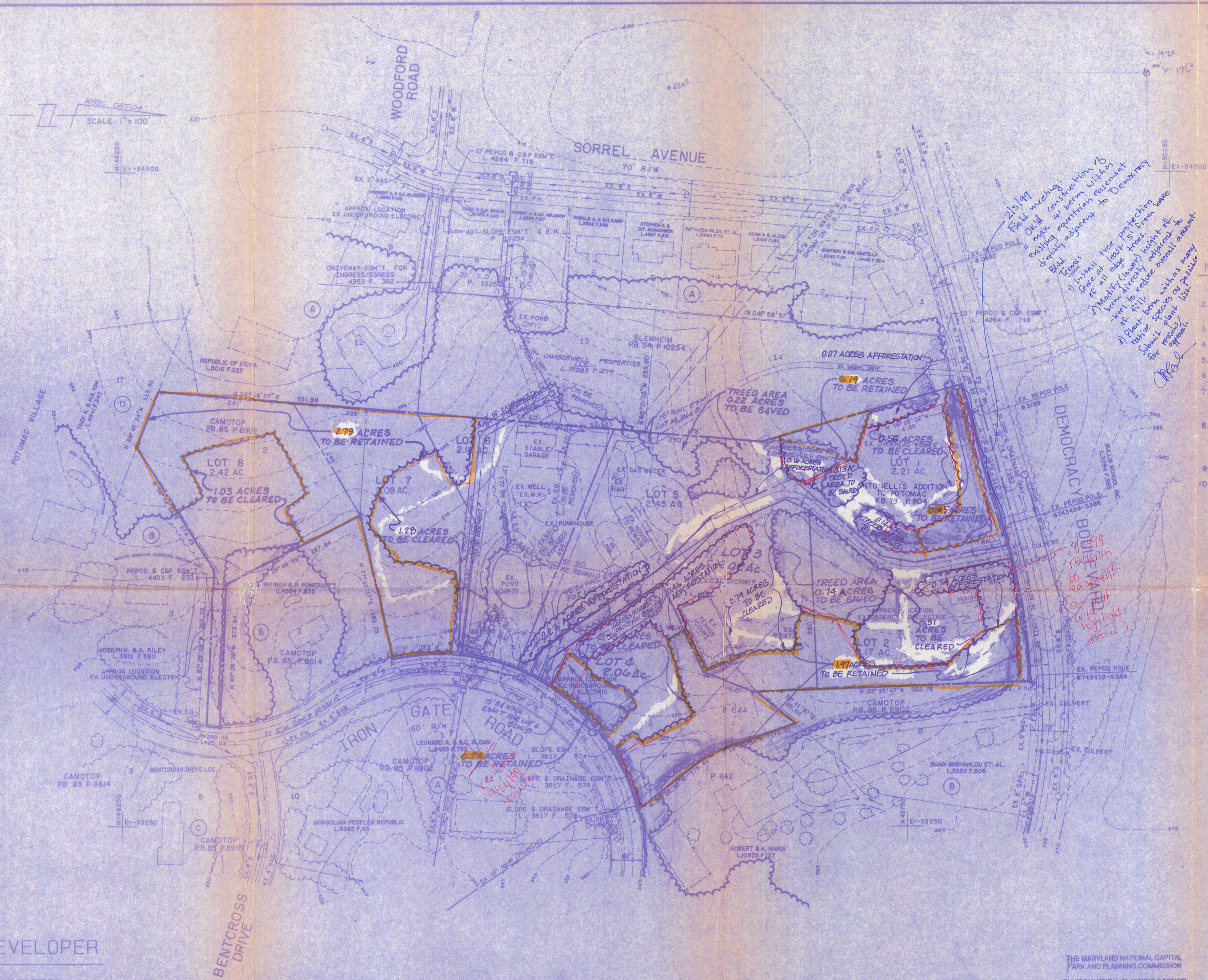
Action: Approved Staff Recommendation with Conditions
 (Motion of Comm. Aron, seconded by Comm. Holmes, with a vote
 of 4-0; Comms. Aron, Holmes, Baptiste, and Hussmann voting
 in favor, with Comm. Richardson absent).

MONTGOMERY COUNTY PLANNING BOARD**OPINION****Preliminary Plan 1-95016****NAME OF PLAN: CAMBERWELL PROPERTY**

On 08-19-94, IRONGATE PROPERTIES, submitted an application for the approval of a preliminary plan of subdivision of property in the RE2 zone. The application proposed to create 8 lots on 20.20 ACRES of land. The application was designated Preliminary Plan 1-95016. On 02-09-95, Preliminary Plan 1-95016 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-95016 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-95016, subject to the following conditions:

- 1) Compliance with Environmental Planning Division approval regarding the requirements of the forest conservation legislation (as part of the preliminary plan). Applicant shall satisfy all conditions prior to recording of plat(s) or MCDEP issuance of sediment and erosion control permit, as appropriate
- 2) Access and improvements as required and approved by MCDOT including access from existing driveways to Democracy Boulevard
- 3) Record plat(s) to reflect delineation of a conservation easement over the areas of tree preservation and wetland buffer
- 4) Conditions of MCDEP stormwater management approval dated 1-24-95
- 5) Dedication of Democracy Boulevard 40 feet off center line
- 6) Record plat(s) to reference common ingress/egress easements
- 7) Record plat to reference a 20 foot building restriction line/non-disturbance line on proposed lot 4 adjoining side line of parcel 642
- 8) Other necessary easements

- 9) This preliminary plan will remain valid until March 23, 1998. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.



- NOTES:
- 1. EXISTING ZONING IS RE-2.
 - 2. BOUNDARY INFORMATION IS FROM A BOUNDARY SURVEY BY LOIEDERMAN ASSOCIATES, INC. DATED NOVEMBER, 1993.
 - 3. TOPOGRAPHY IS FROM MNCBPCC.
 - 4. TOTAL AREA = 17.54 ACRES.
 - 5. DEDICATION FOR DEMOCRACY BOULEVARD = 0.04 ACRES.
 - 6. NUMBER OF LOTS PROPOSED = 8.
 - 7. PROPOSED LOT LOCATIONS, SHAPES, DIMENSIONS AND SQUARE FOOTAGE ARE APPROXIMATIONS. FINAL COMPUTATIONS AND INFORMATION WILL BE PROVIDED ON THE RECORD PLAT.
 - 8. THIS PLAN IS A RESUBDIVISION OF LOT 1, ANTONELLI'S ADDITION TO POTOMAC (P.B. 79 P. 8047), LOT 14 BLOCK A, BLENHEIM (P.B. 94 P. 10254), LOTS 2, 4, AND 9 BLOCK B CAMOTOP (P.B. 85 P. 8902), AND PARCEL 644.
 - 9. WATER AND SEWER CATEGORIES ARE W-1 AND S-1.
 - 10. THE NATURAL RESOURCE INVENTORY MAP AND FOREST STAND DELINEATION PLAN # 4-94191 WAS APPROVED BY MNCBPCC ON MAY 24, 1994.

PRELIMINARY FOREST CONSERVATION WORKSHEET COMPUTATIONS CAMBERWELL PROPERTY

Zone: RE-2, Conservation Threshold = 25%		
Afforestation Thresholds = 20%		
Land Use Category = MDR		
a.) Total Tract Area:		17.54 Acres
b.) Afforestation Threshold (20% of a):		3.51 Acres
c.) Conservation Threshold (25% of a):		4.39 Acres
d.) Existing Forest Cover:		10.24 Acres
e.) Forest Cover Above Afforestation Threshold (d-b):		6.73 Acres
f.) Forest Cover Above Conservation Threshold (d-c):		5.85 Acres
g.) Since Existing Forest Cover is Less Than Afforestation Threshold (d < b), Afforestation Planting Is Required.		
h.) Total Afforestation Requirement (b-d):		0.00 Acres
i.) Forest Cover to be Retained:		5.62 Acres
j.) Forest To be Cleared:		4.72 Acres
k.) Area of Forest Above Conservation Threshold To Be Cleared (j-c):		4.72 Acres
l.) Area of Forest Below Conservation Threshold To Be Cleared (j-c):		0.00 Acres
m.) Forest Above Conservation Threshold To Be Retained (i-c):		1.23 Acres
n.) Reforestation Req'd For Clearing Above Threshold (k x 0.25):		1.18 Acres
o.) Reforestation Req'd For Clearing Below Threshold (l x 2.0):		0.00 Acres
p.) Credit For Forest Saved Above Threshold (m):		1.23 Acres
q.) Total Reforestation Requirement (n+o-p):		0.00 Acres
r.) Total Planting Requirement (h+q):		0.00 Acres

*Computations do not include individual significant trees outside forested areas.
**Existing forest includes only forest areas 1 & 2. Treed areas are not included in the existing Forest Conservation computations.

OWNER/DEVELOPER

IRONGATE PROPERTIES
9601 SEVEN LOCKS ROAD
P.O. BOX 34936
BETHESDA, MD. 20817
301-299-3632

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
ENVIRONMENTAL PLANNING DIVISION

CONDITIONAL APPROVAL

Plan No. 1-95016
DATE 2/19/95
APPROVED WORKSHEET 1/24/95
SUBMITTED TO LOCAL AGENCY 2/19/95

LOIEDERMAN ASSOCIATES, INC.
CIVIL ENGINEERING LAND PLANNING LAND SURVEYING
15200 Shady Grove Road
Rockville, Maryland 20850
(301) 948-2750

4407 Forbes Boulevard
Lanham, Maryland 20706
(301) 794-7555

258 West Patrick Street
Frederick, Maryland 21701
(301) 698-1240
Metro (301) 831-4544

Designed KBB	REVISED FCP AREAS	MFN 2/12/95
Drafted JWN	Revised FCP Worksheet per MNCBPCC	MFN 7/6/95
Checked KBB	REVISED FCP WORKSHEET	MFN 11/11/97
Proj. Eng. MIF	REVISED BAWHC ESMIT LOT 14-A LOT 9-46-B	MFN 7/27
OFFICE ROCKVILLE	REVISED CLEARED & RETAINED AREAS	MFN 5/27
DATE AUGUST, 1994	REVISED LAYOUT LOTS 3 & 4	MFN 5/97
	PLAN REVISED PER MNCBPCC COMMENTS	MJK 7/95
	PLAN REVISED FROM LOTS TO CLOVE	10/94
	REVISIONS	BY DATE

PRELIMINARY FOREST CONSERVATION PLAN

CAMBERWELL PROPERTY
L. 10961 F. 484
POTOMAC (10TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

SCALE 1" = 100'
SHEET 1
OF 1 SHEETS
DATE 653 - 00

LEGEND

- LOD --- LIMITS OF DISTURBANCE
- TPF --- TPF --- TREE PROTECTION FENCE
- RP --- RP --- ROOT PRUNING
- PERMANANT FOREST CONSERVATION EASEMENT SIGN
- TEMPORARY TREE PROTECTION SIGN
- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO REMAIN
- S --- S --- PROPOSED SEWER
- E --- E --- PROPOSED ELECTRIC
- D --- D --- PROPOSED STORM DRAIN
- W --- W --- PROPOSED WATER

NOTE:
MITIGATION FOR THE FOREST CONSERVATION EASEMENT REMOVAL WILL BE TAKEN TO AN OFF-SITE FOREST CONSERVATION BANK. THE BANK IS IDENTIFIED AS B-CCIWLA PROPERTY BANK, (LIBER 49037, FOLIO 237), PO BOX 542, 20601 IZAAK WALTON WAY, POOLESVILLE, MD 20837.

EXISTING FOREST CONSERVATION EASEMENT L. 16797 F. 622 (10,050 S.F.) TO BE REMOVED

DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 11995016B including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: SEEMA KAKAR
Printed Company Name

Contact Person or Owner: SEEMA KAKAR
Printed Name

Address: 10220 IRON GATE DR., POTOMAC, MD 20854

Phone and Email: 240-477-3776 SKAKAR@SEVATEC.COM

Signature: _____

FOREST CONSERVATION PLANNER CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED ACCORDING TO THE MARYLAND FOREST CONSERVATION ACT (COMAR TITLE 08, SUBTITLE 19, FOREST CONSERVATION) AND CHAPTER 22A, FOREST CONSERVATION OF THE MONTGOMERY COUNTY CODE (COMAR 1-01AM)

SIGNATURE
David B. Post
Registered Landscape Architect No. 615

DATE _____

CALL "MISS UTILITY" AT 1-800-257-7777
FOR UTILITY LOCATION AT LEAST 48
HOURS PRIOR TO BEGINNING CONSTRUCTION.

0 20 40 60 80 FT
SCALE: 1" = 20'

No.	Date	Revision Notes
2	3/14/2017	PER MNCPPC REVIEW
1	2/14/2017	PER MNCPPC REVIEW

PostModern
Landscape Architecture, LLC
10725 SANTA ANITA TERRACE
DAMASCUS, MD 20872
301-968-7214
INFO@POSTMODERN-LA.COM

Project Title	KAKAR RESIDENCE 10220 IRON GATE ROAD POTOMAC, MD	Drawn By	DBP	Project ID	11995016B
Drawing Title	FINAL FOREST CONSERVATION PLAN AMENDMENT	Date	DEC. 2016	Scale	1" = 20'
		CAD File Name		Drawing No.	F-3
					of 6

CONSERVATION EASEMENT AGREEMENT

Category I

DEFINITIONS

Grantor: Fee simple owner of real property subject to a:

- (i) Plan approval conditioned on compliance with a FCP;
- Or
- (ii) Plan approval conditioned on compliance with a conservation easement agreement (issued pursuant to Chapter 50 or 59, Montgomery County Code).

Grantee: Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ("Commission").

Planning Board: Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission.

Planning Director: Director of the Montgomery County Planning Department of The Maryland-National Capital Park and Planning Commission, Montgomery County, or the Director's designee.

Plan: Sediment control permit approved pursuant to Montgomery County Code Chapter 19; preliminary plan approved under Montgomery County Code Chapter 50; site plan, development plan, planned unit development or special exception application approved under Montgomery County Code Chapter 59; mandatory referral review pursuant to Article 28 of Maryland State Code Annotated; approved major utility construction (as defined by Washington Suburban Sanitary Commission's regulations).

Forest Conservation Plan ("FCP"): Forest Conservation Plan approved by the Planning Board or Planning Director pursuant to Chapter 22A, Montgomery County Code.

IMP FD SURE \$ 2.00
 RECORDING FEE 75.00
 TOTAL 77.00
 Rest # M088 Rct # 95283
 MCR ANN Bk # 5378
 Feb 18 1999 09:18 AM

99 FEB 19 A 9:15

75
2 AT

WITNESSETH:

This Agreement reflects a grant of easement by Grantor to the Grantee.

WHEREAS Grantor (or Grantor's agent) has obtained authority to develop pursuant to a Plan in accordance with Montgomery County, Maryland laws; and

WHEREAS, the Planning Board or other approving authority approved Grantor's Plan conditioned upon a requirement that development occur in strict accordance with a FCP approved by the Planning Board after full review of the FCP pursuant to the provisions of Montgomery County Code Chapter 22A (Forest Conservation); Chapter 50 (Subdivision Regulations); and/or Chapter 59 (Zoning Ordinance); and/or

the Planning Board approved Grantor's Plan conditioned upon Grantor subjecting the property to be developed ("Property") or a portion of the Property to a conservation easement ("Easement") pursuant to the provisions of Montgomery County Code Chapter 50 (Subdivision Regulations), and/or Chapter 59 (Zoning Ordinance); and

WHEREAS, the FCP includes 0.83 acres of forested area to be retained in excess of the amount required to achieve compliance with Chapter 22A, Montgomery County Code (the "Forestation Credit"); and

WHEREAS, Grantor intends to reserve the right to: 1) utilize the Forestation Credit for purposed of adjusting the amount of forested area provided on record plats for property governed by Preliminary Plan No. 1-95016 (the "Camberwell Property"), so long as said adjustments do not result in a reduction in forested area which exceeds the total area of the Forestation Credit; and 2) utilize areas identified as "treed areas to be saved" on the FCP to mitigate for the clearing of forested area designated for retention

(over and above the Forestation Credit) at a ration of 1 acre of trees saved per .25 acres cleared, or reforestation at a ratio of 2 acres planted for every acre removed; and

WHEREAS, the location of the area subject to the Easement, which area Grantor may reduce in Grantor's sole discretion, subject to the restrictions contained herein, is as described on Schedule "A" and shown on Exhibits "A", "B" and "C" (attached to and incorporated by reference into the terms of this Agreement) ("Easement Area"); and

WHEREAS, in the event that Grantor utilizes the Forestation Credit to achieve reduction the forested areas shown on the FCP and record plats for the Camberwell Property, Grantor shall record an amendment to this Agreement revising the Easement Area shown on Exhibit "A", "B" and "C".

WHEREAS, the purpose of this Easement is to protecting existing and future forest cover; individual trees; streams and adjacent buffer areas, wetlands and other sensitive natural features within the Easement Area; and to maintain existing natural conditions within the Easement Area to protect plant habitats, water quality and wildlife; and

WHEREAS, the purpose includes preservation of the natural beauty of the Easement Area and prevention of any alteration, construction or destruction of the Easement Area that may tend to mar or detract from such natural beauty; and

WHEREAS, the purpose also includes the protection and preservation of natural features of the Easement Area which efforts are consistent with the terms and conditions of the approved Plan and applicable law; and

WHEREAS, the Parties intend for the conditions and covenants contained in this Easement Agreement to run with the land in perpetuity and to be binding on all subsequent owner and occupants of the Property; and

WHEREAS, the Parties intend that a servitude be placed upon the Property to create a conservation benefit in favor of the Planning Board.

NOW, THEREFORE, the Grantor has executed this agreement for no monetary consideration but for the purpose of ensuring compliance with development standards imposed in accordance with Montgomery County law as a condition of development approval. The Grantor does hereby grant and convey unto the Planning Board, in perpetuity, an Easement on the Property of the size and location described in Exhibits "A", "B" and "C" and further described on the applicable record plat(s), of the nature and character described herein, subject, however, to an adjustment of the forested area shown on Exhibits "A", "B" and "C", in accordance with the provisions of this Agreement, in the event that Grantor elects to apply all or a portion of the Forestation Credit toward a reduction in the forested area shown on one or more of the record plats for the Camberwell Property. In no event, however, may a reduction in the forested area subject to the Easement, as shown on Exhibits "A", "B" and "C", exceed, in the aggregate, the total area encompassed by the Forestation Credit, unless Grantor utilizes areas identified as "treed areas to be saved" on the FCP to mitigate the clearing of forested area designated for retention (over and above the area of the Forestation Credit) at a ration of 1 acre of trees saved for every .25 acres cleared, or provides reforestation at a ration of 2 acres planted for every acre cleared, in accordance with Chapter 22A of the Montgomery County Code. This Easement constitutes a covenant real running with the

title of the land, and is granted to preserve, protect and maintain the general topography and natural character of the Easement Area. Grantor, its heirs, successor and assigns covenant to abide by the following limitations on the use of land within the Easement Area:

1. The foregoing recitals are agreed to and incorporated herein and shall be binding upon the parties.
2. No living trees or shrubs (of any size or type) in the Easement Area shall be cut down, removed or destroyed without prior written consent from the Planning Board or its designee. Diseased or hazardous trees or limbs may be removed to prevent personal injury or property damage after reasonable notice to the Planning Board or its designee, unless such notice is not practical in an emergency situation or is undertaken pursuant to a forest management plan approved by the Planning Director or Maryland's Department of Natural Resources ("DNR").
3. No plant materials (including, but not limited to brush, saplings, undergrowth, or non-woody vegetation) in the Easement Area shall be mowed or cut down, dug up, removed or destroyed unless removed pursuant to the terms and conditions of an approved forest management plan. Noxious weeds (limited to those weeds defined as "noxious" under Maryland State or Montgomery County laws or regulations) may be removed as required by law or according to an approved forest management plan, but the method of removal must be consistent with the limitations contained within this Agreement. Vegetation removal shall be

limited to noxious weeds only, and protective measures must be taken to protect nearby trees and shrubs.

4. No mowing, agricultural activities, or cultivation in the Easement Area shall occur. Grantor may replace dead trees or undergrowth provided that new plantings are characteristic of trees or undergrowth native to Maryland.
5. Nothing in the Agreement precludes activities necessary to implement or maintain afforestation or reforestation efforts pursued pursuant to an approved forest conservation plan or maintenance agreement implemented under Chapters 19 or 22A of the Montgomery County Code. Such activities may include care and maintenance by the developer's or builder's designees of trees and shrubs planted in the easement areas as part of an approved reforestation or afforestation plan.
6. The following activities may not occur at any time within the Easement Area:
 - (a) Construction, excavation or grading (except for afforestation and reforestation efforts conducted in compliance with an approved forest conservation plan).
 - (b) Erection of any building or structural improvements on or above ground, including (but not limited to) sheds, dog pens, play equipment and retaining walls.
 - (c) Construction of any roadway or private drive.

- (d) Activities which in any way could alter or interfere with the natural ground cover or drainage (including alteration of stream channels, stream current or stream flow).
 - (e) Industrial or commercial activities.
 - (f) Timber cutting, unless conducted pursuant to an approved forest management plan approved by DNR.
 - (g) Location of any component of a septic system.
 - (h) Excavation, dredging, or removal of loam, gravel, soil, rock, sand and other materials.
 - (i) Diking, dredging, filling or removal of wetlands.
 - (j) Pasturing of livestock (including horses) and storage of manure or any other suit.
 - (k) Alteration of stream.
7. No dumping of unsightly or offensive material, including trash, ashes, sawdust or grass clippings shall occur within the Easement Area. Natural biodegradable materials may be allowed in a properly located, designed, managed and maintained compost pile, provided the activity does not damage adjacent trees. Upon prior written approval of the Planning Director, suitable heavy fill and other stabilization measures may be placed to control and prevent erosion, provided that the fill is covered by arable soil or humus and properly stabilized.

8. Fences consistent with the purposes of the Easement may be erected within the Easement Area only after written approval from the Planning Director.
9. Unpaved paths or trails consistent with the purposes of the Easement may be created within the Easement Area only after written approval from the Planning Director.
10. All rights reserved by or not prohibited to Grantor shall be exercised so as to prevent or minimize damage to the forest and trees, streams and water quality, plant and wildlife habitats, and the natural topographic character of the land within the Easement Area.
11. Upon prior written notice given by the Planning Board, Grantor authorizes Planning Board representatives to enter the Property and Easement Area at their own risks and at a reasonable hours for the purpose of making periodic inspections to ascertain whether the Grantor , its heirs, successor or assigns have complied with the limitations, conditions, and Easement established herein. This Easement does not convey to the general public the right to enter the Property or Easement Area for any purpose. The Easement does not restrict or enlarge to the general public in common open space held under community or homeowner association control beyond any access rights created by applicable community or homeowner association covenants and by-laws.
12. Grantor further agrees to make specific reference to this Easement in a separate paragraph of any subsequent deed, sales contract, mortgage, lease

or other legal instrument by which any interest in the Property is conveyed.

13. No failure on the part of the Planning Board to enforce any covenant or provision herein shall waive the Planning Board's right to enforce any covenant or provision herein shall waive the Planning Board's right to enforce any covenant within this agreement.
14. Upon finding a violation of any of the limitations, conditions, covenants and Easement established by this Agreement, the Planning Board shall have the right to enforce such provisions in accordance with any statutory authority (including , if applicable, the imposition of civil monetary fines or penalties in amounts and by such means as may be promulgated from time to time). The Planning Board also may seek injunctive or other appropriate relief in any court of competent jurisdiction, including the right to recover damages in an amount sufficient to restore the land within the Easement Area to its condition prior to the violation, and Grantor agrees to pay for court costs and reasonable attorney fees if the Planning Board successfully seeks judicial relief.
15. Grantor shall record an amendment to this Agreement among the land records for Montgomery County, Maryland if, pursuant to the provisions of this Agreement, Grantor revises Exhibit "A" for purposes of utilizing the Forestation Credit to reduce the forested area to be retained on one or more record plats for the Camberwell Property. The right to so amend this Agreement is, however, reserved solely to Grantor and may not be

exercised by Grantor's heirs, successors and assigns unless Grantor expressly assigns said right pursuant to a declaration, recorded among the land records of Montgomery County, which specifically references this Agreement.

16. All written notices required by this Agreement shall be sent to the Planning Director, M-NCPPC, 8787 Georgia Avenue, Silver Spring, Maryland 20910
17. Nothing in this Agreement shall prevent construction or maintenance of stormwater structures and/or facilities or other utilities, including, but not limited to water and sewer lines, on over, or under the Easement Area, if said structures, facilities or utilities are (i) required to implement the Plan, (ii) shown on the approved FCP and (iii) approved by the appropriate governing bodies or agencies in accordance with applicable laws and regulations.

To HAVE AND TO HOLD unto the Planning Board, its successors and assigns forever, this Grant shall be binding upon the heirs, successors and assigns of the Grantor in perpetuity and shall constitute a covenant real running with the title of the Property.

[SIGNATURE PAGE FOLLOWS]

WITNESS/ATTEST:

DECLARANT:

CAMBERWELL PROPERTIES, LLC, a
Maryland limited liability company

[Signature]

By: CAMBERWELL, INC., Manager

By: [Signature]
Louay Alwazir, President

* * *

COUNTY OF Montgomery
STATE OF Maryland

I HEREBY CERTIFY that on this 23rd day of December, 1998,
before me, a Notary Public in and for the jurisdiction aforesaid, personally appeared
Louay Alwazir, known to me (or satisfactorily proven) to be the person whose name is
subscribed to the within instrument as President of Camberwell, Inc., Manager of
Camberwell Properties, LLC, a Maryland limited liability company, and acknowledge
that he executed the foregoing and annexed instrument as the act and deed of the said
company for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

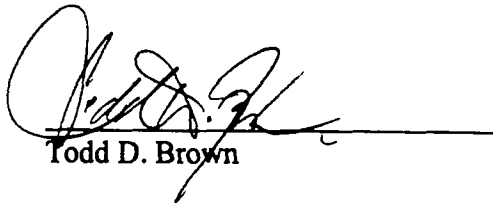
[Signature]

My Commission Expires: 1/1/02

[NOTARIAL SEAL]

ATTORNEY'S CERTIFICATION

I HEREBY CERTIFY that the foregoing document was prepared by or under the supervision of the undersigned, an attorney duly licensed to practice before the Court of Appeals of Maryland.



Todd D. Brown

Bengtson, DeBell & Elkin



a division of **BURGESS & NIPLE**

**DESCRIPTION OF A
CONSERVATION EASEMENT
ACROSS
PROPOSED CAMOTOP
L. 12083 F. 477
7.0204 ACRES**

Bengtson, DeBell & Elkin
a division of
Burgess & Niple, Inc.

170 Rollins Avenue
Rockville, MD 20852
301 468.9400
Fax 301 468.9669

Being five (5) pieces or parcels of land situate, lying and being in the Potomac (10th) Election District of Montgomery County, Maryland and being part of the land conveyed by United States Trust Company of New York, Trustees to Camberwell Properties LLC by deed dated November 26, 1993 and recorded among the Land Records of the aforesaid County in Liber 12083 at Folio 477, **Part One** also being part of Lots 15, 16 and 17, Block B, as shown on plats of subdivision entitled, "CAMOTOP" prepared by Loiederman Associates, Inc. of Rockville, Maryland; containing 2.9776 acres of land, and being amended as shown on the proposed plat of subdivision correction by Bengtson, DeBell & Elkin, Ltd. of Rockville, Maryland; also being part of Lots 18, 19 and 17, Block B containing 2.7896 acres of land, dated December 20, 1998, **Part Two** being part of Lot 12, Block B, as shown on a plat of subdivision entitled "CAMOTOP" prepared by Loiederman Associates, Inc. of Rockville, Maryland; containing 0.2343 of an acre of land, and being amended as shown on the proposed plat of subdivision correction by Bengtson, DeBell & Elkin, Ltd. of Rockville, Maryland; **Part Three** being part of Lots 11, 12 and 13,

Block B as shown on the said plat of subdivision; containing 2.6463 acres of land, and being amended as shown on the proposed plat of subdivision correction by Bengtson, DeBell & Elkin, Ltd. of Rockville, Maryland; **Part Four** being part of Lots 14, Block B, as shown on said plat of subdivision; containing 0.2530 acres of land, and being amended as shown on the proposed plat of subdivision correction by Bengtson, DeBell & Elkin, Ltd. of Rockville, Maryland; **Part Five** being part of Lot 10, Block B, as shown on the said plat of subdivision; containing 1.0978 acres of land, and being amended as shown on the proposed plat of subdivision correction by Bengtson, DeBell & Elkin, Ltd. of Rockville, Maryland. Parts 1 through 5 being more particularly described as shown on "Conservation Easement Plats, labeled "Exhibits A, B, and C" attached hereto and made a part hereof; containing a total area of 7.0204 acres of land.

Subject to any and all other easements, rights of way, and covenants of record.

J:\PROJ\R0589800\CNSRVTN.doc

Tax ID NOS

10-045-00863101

10-045-00863112

10-045-00863134

10-045-01531882

10-045-01531927

10-045-01531938

10-001-02766882

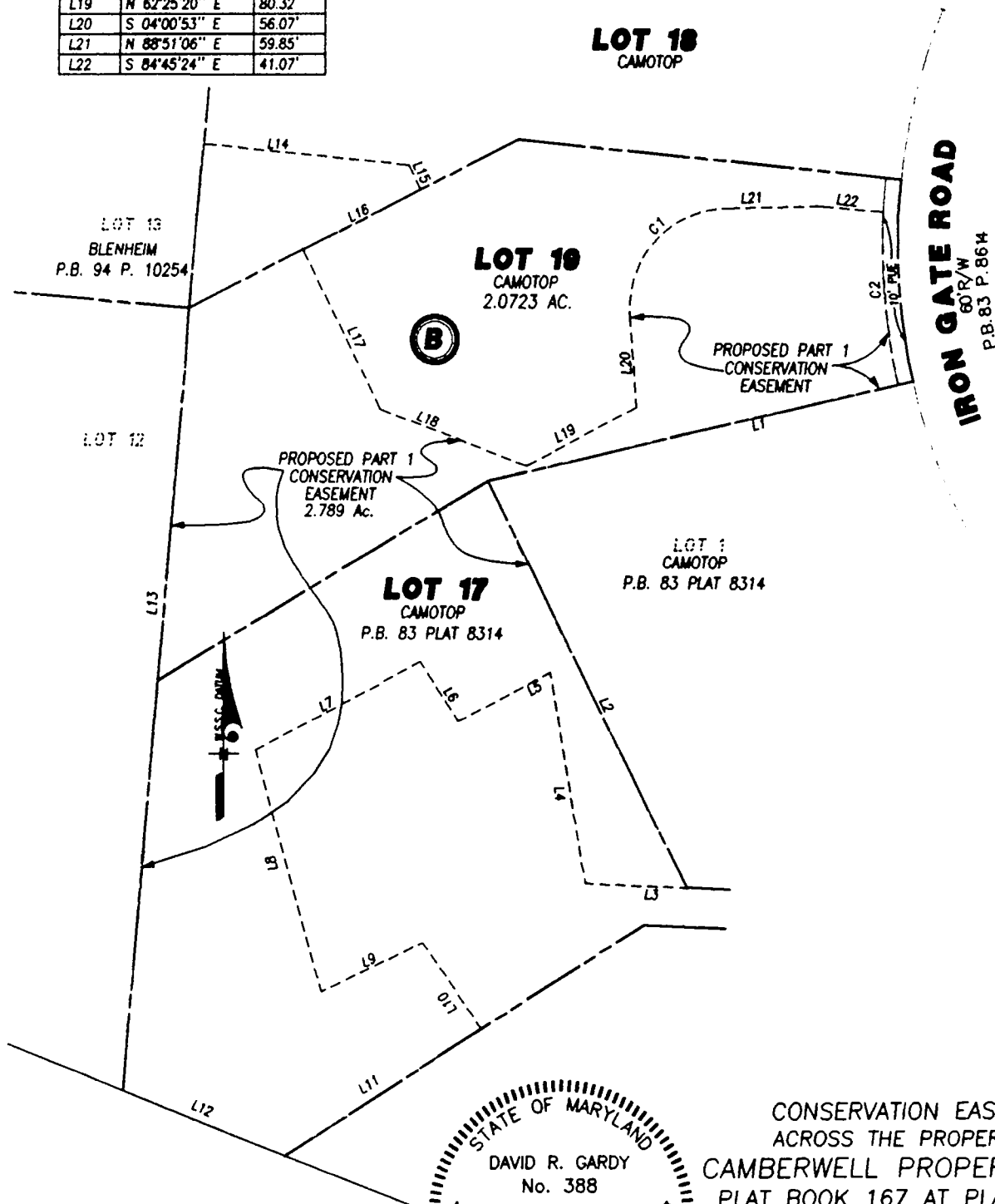
LINE DATA

NUMBER	DIRECTION	DISTANCE
L1	S 77°10'17" W	273.23'
L2	S 26°48'59" E	287.94'
L3	S 87°28'08" E	66.14'
L4	N 09°50'13" W	135.43'
L5	S 63°11'01" W	67.23'
L6	S 33°30'00" E	44.94'
L7	S 62°30'41" W	120.13'
L8	S 15°27'23" E	159.82'
L9	N 64°37'28" E	72.99'
L10	S 34°48'47" E	66.85'
L11	S 58°04'02" W	150.00'
L12	N 68°45'24" W	113.50'
L13	N 04°58'57" E	600.64'
L14	S 84°06'27" E	134.28'
L15	S 25°02'26" E	17.32'
L16	N 63°39'12" E	84.78'
L17	S 26°23'11" E	112.31'
L18	S 69°09'07" E	101.90'
L19	N 62°25'20" E	80.32'
L20	S 04°00'53" E	56.07'
L21	N 88°51'06" E	59.85'
L22	S 84°45'24" E	41.07'

EXHIBIT A

CURVE DATA

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD DIRECTION
C1	96°41'21"	63.04	106.37	N 42°25'06" E
C2	15°49'18"	397.73	109.83	N 05°05'24" W

LOT 18
CAMOTOPCONSERVATION EASEMENT
ACROSS THE PROPERTY OF
CAMBERWELL PROPERTIES LLC
PLAT BOOK 167 AT PLAT No. 20651**CAMOTOP**POTOMAC (10th) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE 1" = 100' DECEMBER, 1998**Bengtson, DeBell & Elkin, Ltd.**

PLANNERS • ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

170 ROLLINS AVENUE ROCKVILLE, MARYLAND, 20852

PH. (301) 468-9400 FAX (301) 468-9669

REVISIONS

DRAWN BY: SAS

CHECKED: DRG

FINAL:

SCALE: 1"=100'

DATE: 12/20/98

RECERT:

NO TITLE REPORT FURNISHED

OFFICE LOCATIONS

**BDE**

- ◆ CHESTERFIELD COUNTY, VA.
- ◆ FAIRFAX COUNTY, VA.
- ◆ PRINCE WILLIAM COUNTY, VA.
- ◆ VIRGINIA BEACH, VA.
- ◆ MONTGOMERY COUNTY, MD.
- ◆ LOUDOUN COUNTY, VA.

LINE DATA

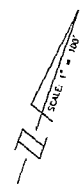
EXHIBIT B

CURVE DATAT

NUMBER	DIRECTION	DISTANCE
L1	E 02°15'43" E	508.75
L2	N 38°41'33" E	50.00
L3	E 18°43'34" E	1173.75
L4	E 37°50'45" E	1165.47
L5	E 44°50'15" E	42.08
L6	N 32°10'48" W	116.80
L7	E 73°13'17" W	110.30
L8	E 85°16'00" W	91.74
L9	E 34°02'53" E	148.26
L10	E 55°54'30" W	50.00
L11	N 34°03'20" W	395.54
L12	N 59°14'04" E	78.06
L13	E 49°17'05" E	83.58
L14	E 34°03'22" E	119.58
L15	N 45°11'00" E	133.66
L16	N 24°31'33" W	88.11
L17	N 01°31'44" E	93.65
L18	E 87°44'13" W	35.00
L19	N 76°54'46" W	52.89
L20	N 18°27'00" E	1121.23
L21	E 54°57'33" E	26.40
L22	E 82°48'02" E	24.33
L23	N 55°07'04" E	29.68
L24	N 08°15'43" W	151.44
L25	N 35°16'04" W	114.83
L26	E 75°28'44" W	86.71
L27	E 11°40'53" E	1120.00
L28	E 76°19'08" W	40.00
L29	N 11°40'53" W	125.61
L30	N 50°26'57" W	54.35
L31	N 50°45'42" E	40.00
L32	N 17°08'03" E	58.79
L33	N 52°57'03" E	44.68
L34	E 43°56'56" E	82.00

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD	DIRECTION	CHORD LENGTH
C1	12°27'19"	1095.92	238.24	119.59	N 81°25'09" E		237.77
C2	16°47'12"	397.73	116.93	58.69	E 67°21'05" W		116.11
C3	20°21'22"	397.23	1141.31	71.41	N 43°27'58" E		140.56

DEMOCRACY BLVD.
80' R/W



CAMOTOP
L. 12083 F. 477

LOT 11
CAMOTOP
L. 12083 F. 477

Part Three
Conservation Easement
Area - 2.6463 Ac.

CAMOTOP
P.B. 85 P. 8902

LOT 13
CAMOTOP
L. 12083 F. 477

CAMOTOP
L. 12083 F. 477

LOT 12
CAMOTOP
L. 12083 F. 477

15
CAMOTOP
L. 12083 F. 477

Part Two
Conservation Easement
Area - 0.2343 Ac.

IRONGATE
ROAD
60' R/W

CONSERVATION EASEMENT
ACROSS THE PROPERTY OF
CAMBERWELL PROPERTIES LLC
LIBER 12083 FOLIO 477

CAMOTOP

POTOMAC (10th) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE 1" = 100' DECEMBER, 1998



Bengtson, DeBell & Elkin, Ltd.

PLANNERS • ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

170 ROLLIS AVENUE ROCKVILLE, MARYLAND 20852

PH. (301) 468-9400 FAX (301) 468-9689

REVISIONS

DRAWN BY: SA

CHECKED:

REVISED EASEMENT 2-15-99

SCALE: 1" = 100'

DATE: 12-20-98



BDE

OFFICE LOCATIONS

- CHESTERFIELD COUNTY, VA.
- FAIRFAX COUNTY, VA.
- PRINCE WILLIAM COUNTY, VA.
- VIRGINIA BEACH, VA.
- MONTGOMERY COUNTY, MD.
- LOUDOUN COUNTY, VA.

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MGR 16797, p. 0637 MSA CE63 16752, Date of

EXHIBIT C

DEMOCRACY BLVD.

80' R/W

SCALE 1" = 100'

LOT 10

LOT 10
LINE DATA

NUMBER	DIRECTION	DISTANCE
L1	N 73° 46' 40" E	289.14'
L2	S 11° 40' 50" E	122.25'
L3	S 11° 12' 07" V	58.41'
L4	N 42° 09' 56" E	79.41'
L5	N 47° 50' 08" V	35.00'
L6	E 42° 09' 53" V	60.00'
L7	S 11° 12' 07" V	40.00'
L8	S 20° 49' 59" E	93.36'
L9	N 66° 24' 37" V	35.00'
L10	S 70° 09' 13" V	106.61'
L11	S 87° 45' 59" V	61.65'
L12	S 16° 16' 12" E	126.87'
L13	S 78° 44' 22" E	64.90'
L14	S 47° 50' 08" E	73.50'
L15	S 42° 09' 53" V	161.04'
L16	N 87° 44' 13" E	26.63'
L17	N 16° 16' 12" V	250.55'

Part Five
Conservation Easement
Area - 1.0978 Ac.

14
BLENHEIM
P.B. 94 P. 10254

LOT 14

LOT 14
LINE DATA

NUMBER	DIRECTION	DISTANCE
L1	N 87° 44' 13" E	61.79'
L2	S 19° 25' 12" V	37.36'
L3	S 39° 26' 36" V	61.85'
L4	S 03° 58' 04" V	37.01'
L5	S 83° 57' 24" E	54.01'
L6	S 19° 27' 41" E	24.17'
L7	S 27° 08' 56" V	58.31'
L8	S 51° 55' 29" V	62.90'
L9	N 04° 58' 57" E	40.25'
L10	N 65° 01' 03" V	15.00'
L11	N 04° 58' 57" E	192.73'
L12	N 16° 16' 12" V	4.23'

Part Four
Conservation Easement
Area - 0.2530 Ac.

PROPOSED CAMOTOP
L. 12083 F. 477

CAMOTOP
P.B. 85 P. 8302
8

CONSERVATION EASEMENT
ACROSS THE PROPERTY OF
CAMBERWELL PROPERTIES LLC
LIBER 12083 FOLIO 477

CAMOTOP

POTOMAC (10th) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE 1" = 100' DECEMBER, 1998



Bengtson, DeBell & Elkin, Ltd.

PLANNERS • ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

170 ROLLIS AVENUE ROCKVILLE, MARYLAND 20852
PH. (301) 468-9400 FAX (301) 468-9669

REVISIONS

DRAWN BY: SAS

CHECKED:

REVISED EASEMENT 2-17-99

SCALE: 1" = 100'

DATE: DEC. 1998



BDE

OFFICE LOCATIONS

- CHESTERFIELD COUNTY, VA.
- FAIRFAX COUNTY, VA.
- PRINCE WILLIAM COUNTY, VA.
- VIRGINIA BEACH, VA.
- MONTGOMERY COUNTY, MD.
- LOUDOUN COUNTY, VA.

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 16707, p. 0638, MSA_CE63_16752, Date av



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Lisa Feldt
Director

April 4, 2017

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

RE: Camberwell Lot 13 Block B, ePlan 11995016B, FCP amendment application accepted on 1/17/2017

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

Casey Anderson
April 4, 2017
Page 2

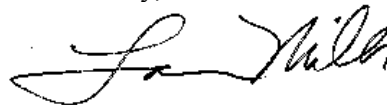
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, 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 meeting 'conditions of approval' pertaining to variance trees recommended by Planning staff, as well as 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: Doug Johnsen, Senior Planner