



Administrative Subdivision Plan No. 620180030, 10202 Falls Road

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Completed: 5/4/18

Description

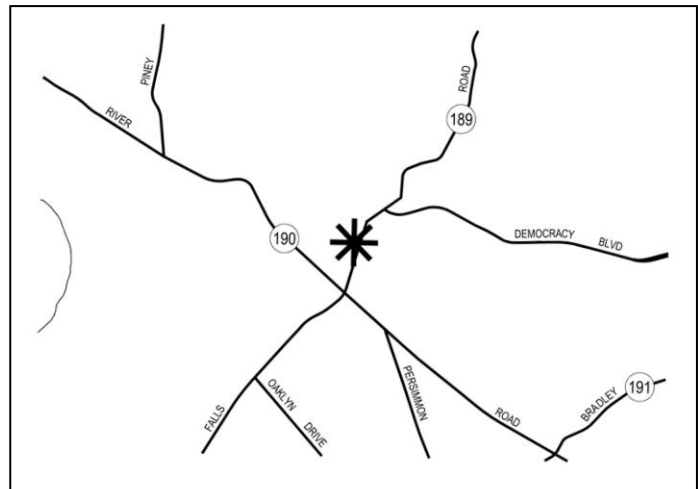
Administrative Subdivision Plan No. 620180030, 10202 Falls Road: Request to create two lots from one platted lot; located at 10202 Falls Road; 1.14 acres; R-200 zone; 2002 Potomac Subregion Master Plan.

Recommendation – Approval with conditions

Applicant: Terrier Falls LLC

Submittal Date: December 7, 2017

Review Basis: Chapter 50



Summary

- Staff recommends **Approval with conditions**.
- Although this application is an Administrative Subdivision Plan, the Director has required that the application be acted on by the Planning Board in accordance with Section 50.6.3.B.1 due to Staff having received correspondence in opposition to the application.
- Meets the applicability requirements for Administrative Subdivision Plan to create up to two (2) lots for two detached houses.
- Meets requirements of Chapter 22A, Forest Conservation Law.
- Meets stormwater management and floodplain requirements of Chapter 19.
- Substantially conforms to the 2002 Potomac Subregion Master Plan.

ADMINISTRATIVE SUBDIVISION PLANS

Chapter 50, Section 6.1 of the County Code permits subdivision of land by filing an Administrative Subdivision Plan instead of a Preliminary Plan in limited circumstances. The necessary technical requirements of these applications must be reviewed under Section 50.4.3.

Under Section 50.6.3.B, the Planning Director must act upon the application, in writing, or may require that the application be acted upon by the Planning Board. Because Staff has received correspondence in opposition to the application, the Director, in accordance with Section 50.6.3.B.1 has required that the application be acted on by the Planning Board.

A Pre-submittal Community Meeting with the community/public/parties of record is not required. However, as required, the Applicant posted signs on the development site and provided public notice that the application was filed under Section 50.00.01 of the Administrative Procedures for Development Review.

On December 7, 2017, Terrier Falls LLC (“Applicant”) filed an administrative subdivision plan application designated Administrative Subdivision Plan No. 620180030 (“Administrative Subdivision Plan” or “Application”). The Application was filed for approval of an administrative subdivision of property that would create two lots on 1.14 acres of land in the R-200 zone, located in 10202 Falls Road (“Property” or “Subject Property”), in the Potomac Policy Area and *2002 Potomac Subregion Master Plan* (“Master Plan”) area.

A notice of the subject administrative subdivision plan was sent to all required parties by the Applicant on December 7, 2017. The notice gave the interested parties 15 days to review and comment on the contents of the plan. Staff did receive correspondence regarding the Application as further discussed in the Citizen Correspondence section of this Staff Report on Page 17.

RECOMMENDATION: Approval subject to the following conditions:

1. This Administrative Subdivision Plan is limited to two (2) lots for two (2) one-family detached dwelling units.
2. The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan (PFCP) No. 620180030, approved as part of this Administrative Subdivision Plan, including:
 - a. Prior to record plat approval, the Final Forest Conservation Plan (FFCP) must be reviewed and approved by the Planning Board or Planning Director as specified in Section 22A-11(g) of the Forest Conservation Law.
 - b. The FFCP must be consistent with the approved PFCP.
 - c. The Limits of Disturbance (LOD) shown on the Final Erosion and Sediment Control Plan must be consistent with the LOD shown on the approved FFCP.
 - d. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting and environmentally sensitive areas as shown on the approved FFCP. The Category I Conservation Easements approved by the M-NCPPC Office of General Council must be recorded in the Montgomery County Office of Land Records

by deed and the Liber/Folio of the Category I Conservation Easement must be referenced on the record plat.

- e. 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 0.69-acre forest conservation requirement.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated February 1, 2018, and hereby incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Administrative Subdivision Plan approval.
 4. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated February 15, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Administrative Subdivision Plan approval.
 5. The Planning Board accepts the recommendations of the MCDPS – Water Resources Section in its stormwater management concept letter dated April 10, 2018, and hereby incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Administrative Subdivision Plan approval.
 6. The record plat must show necessary easements.
 7. The Applicant must construct a minimum 5-foot wide bikeable shoulder on Falls Road along the frontage of the Subject Property subject to permitting by the Maryland State Highway Administration.
 8. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
 9. The Adequate Public Facility (“APF”) review for the Administrative Subdivision Plan will remain valid for sixty-one (61) months from the date of mailing of this Memorandum.
 10. The Certified Administrative Subdivision 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 Administrative Subdivision 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.”

PROPERTY and VICINITY DESCRIPTION (Figures 1 and 2)

Administrative Subdivision Plan No. 620180030 is a request to subdivide a property identified as Lot 8 on Plat No. 1866 entitled Potomac Hills, Section One; located at 10202 Falls Road and consisting of 1.14 acres, zoned R-200 into two lots. The Property is within the 2002 *Potomac Subregion Master Plan*. As depicted in the figures below, the Subject Property is undeveloped with an adjacent undeveloped public right-of-way directly adjacent to the south of the Subject Property. The surrounding properties are all single family residential dwellings in the R-200 zone.



Figure 1 – Vicinity



Figure 2 – Aerial View

PROJECT DESCRIPTION (Figures 3)

The Application proposes two lots to accommodate two detached one-family homes using a shared driveway. The lot will utilize public water and sewer service. The Application will preserve trees located within the stream buffer on the Subject Property.

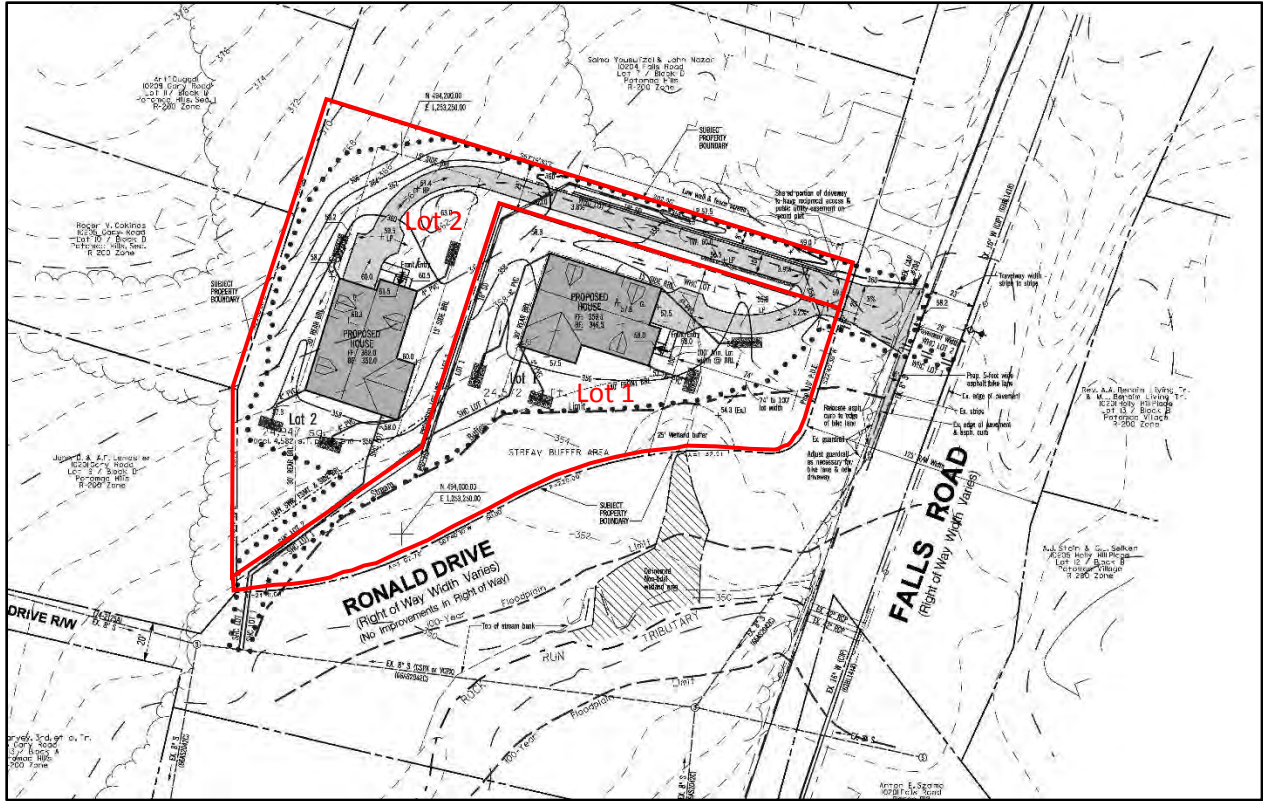


Figure 3 - Administrative Subdivision Plan

ANALYSIS AND FINDINGS FOR CHAPTER 50, SECTION 6.1.C - Applicability

1. *The lots are approved for standard method development.*
 The lots were submitted and are approved for standard method development in the R-200 zone.

2. *Written approval for any proposed well and septic area is received from the MCDPS, Well and Septic Section before approval of the plat.*
 The lots are classified S-1 for the use of public sewer. Therefore, this finding does not apply.

3. *Any required road dedications and associated public utility easements are shown on the plat and the applicant provides any required improvements.*
 The Application requires no additional right-of-way dedication because previously recorded Plat No. 1866 and Plat No. 16604 (adjacent plat on the opposite side of Falls Road) combined to grant

a total of 125 feet which exceeds the Master Plan recommendation by five feet. The Application shows all necessary public utility easements.

4. *The requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat.*

As conditioned and discussed below, the requirements for adequate public facilities have been met.

5. *Forest conservation, stormwater management, and environmental protection requirements are satisfied before approval of the plat.*

a. As conditioned and discussed below, the Forest Conservation requirements of Chapter 22A have been met.

b. As conditioned above and discussed in the findings below, the Application has received approval from MCDPS for a stormwater concept.

c. There no additional environmental protection requirements to be met.

ANALYSIS AND FINDINGS FOR CHAPTER 50, SECTION 4.3 – Technical Review

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59, Sections 50.4.3.B, 50.4.3.C, and 50.4.3.E.*

The Administrative Subdivision Plan meets all applicable sections of the Subdivision Regulations. The proposed lot sizes, widths, shapes and orientations are appropriate for the location of the subdivision, environmental constraints, the funnel shaped lot created by the Ronald Drive right-of-way (paper street), and for the building type (single family homes) contemplated for the Subject Property.

The lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Table 1. The Administrative Subdivision Plan has been reviewed by other applicable County agencies, all of whom have recommended approval.

Table 1 – Development Standards Table

<i>R-200</i>	Required by the Zone	Proposed for Approval
Minimum Lot Area	20,000 sq. ft.	Lot 1 = +/-24,570 sq. ft. Lot 2 = +/- 24,940 sq. ft.
Minimum Lot Frontage on Falls Road	25 feet	Lot 1 = +/- 60 feet Lot 2 = 25 feet
Minimum Lot Width at B.R.L.	100 feet	Lot 1 = 100 feet Lot 2 = +/- 140 feet
Maximum Lot Coverage	25%	No to exceed 20%
Setbacks (for all lots)		
Front	40 feet	40 feet or greater
Side, abutting Residential	12 feet min./ 25 feet total	12 feet min./ 25 feet total or greater
Rear, abutting Residential	30 feet	30 feet or greater
Building Height	40 feet max.	40 feet or lower
Site Plan Required	No	No

2. *The Administrative Subdivision Plan substantially conforms to the master plan*

Planning staff (“Staff”) finds that the Application substantially complies with the 2002 Potomac Subregion Master Plan. The Master Plan recognizes the largely developed nature of this area and recommends “infill development of the remaining vacant properties with residential development essentially similar to what is now there...” (p 41). The land use recommendations for this part of the plan focus on properties that were undeveloped at the time the plan was prepared and on the Planning Area’s commercial centers. While there is no specific recommendation for this recorded lot in the Master Plan, this subdivision is consistent with the Plan’s recommendation for infill development in the Potomac Planning Area.

3. *Public facilities will be adequate to support and service the area of the subdivision*

Roads and Transportation Facilities

The transportation Adequate Public Facilities test is satisfied under the current 2016-2020 Subdivision Staging Policy. The Property is located in the Potomac Policy Area.

A traffic study is not required to satisfy the APF’s Local Area Transportation Review (LATR) test because the two new single-family detached units do not generate 50 or more person trips during the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods.

Falls Road is classified as a Major Highway under the management of the Maryland State Highway Administration with 120 feet of right-of-way. The existing right-of-way width on Falls Road is 125 feet, which is slightly more than the Master Plan requirement. Therefore, no additional right-of-way dedication is necessary as part of this Application.

Ronald Drive is an undeveloped right-of-way commonly known as a “paper” street, which lies within an existing stream and stream buffer. Due to these environment constraints, no additional right-of-way or frontage improvements are required.

The 2005 Countywide Bikeways Functional Master Plan designates Falls Road in front of the subject property as a Dual Bikeway (DB-2) with a shared use path on the east side of the street and bike lanes. The forthcoming Bicycle Master Plan Update also designates this section of Falls Road for a shared use path on the east side and bikeable shoulders. M-NCPPC now considers facilities formerly described as bike lanes to be a similar bicycle facility as bikeable shoulders. As conditioned, this Application should construct a minimum 5’ wide bikeable shoulder along the frontage of the Subject Property to be consistent with both the Master Plan and Bicycle Master Plan.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. The Subject Property has W-1 and S-1 water and sewer service categories, respectively, and will utilize public water and sewer.

The Application was reviewed by the Montgomery County Department of Permitting Services, Fire Department Access and Water Supply office. A Fire Access Plan was approved on February 15, 2018 (Attachment 8). Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy Resolution currently in effect.

School Capacity

The Application was reviewed for school adequacy. The Property associated with this application is located within the Winston Churchill High School cluster and is within the attendance area for Potomac Elementary and Hoover Middle Schools. The following analysis looks at the school capacity within each of these schools and the Application’s impacts to the school enrollment.

Student Generation

To calculate the number of students generated by the Application, the number of dwelling units of each dwelling unit type is multiplied by the applicable student generation rate for that dwelling type, at each school level. The Application proposes to build two new one-family detached houses. Based on the student generation rates and the proposed development type, Table 2 below summarizes how many students are expected to be added to each school level by this Application.

Table 2 – Proposed Student Generation Rates Per School Level

Type of Unit	Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	2	0.204	0.41	0.111	0.22	0.150	0.30

This Application is expected to generate, on average, less than one student at each school level. Because of the negligible impact of this Application, there is adequate cluster and individual school capacity for the amount and type of development proposed.

Cluster Adequacy

Based on the FY18 Annual School Test, the following table, Table 3, shows the projected August 2022 enrollment for the Churchill Cluster at the elementary, middle and high school levels. The table also looks at data furnished from MCPS for what 100% of the programed capacity would be and what the actual utilization percentage is projected to be in August 2022. The moratorium enrollment threshold measures what the enrollment numbers would have to be to cause a cluster wide moratorium, which is 120% program capacity, and what the actual projected enrollment is for August 2022 considering the additional students from this Application. The projected enrollment associated with this Application at all three school levels is well under the moratorium threshold, therefore there is adequate cluster capacity for this Application.

Table 3 – Proposed Student Generation Rates Per School Level

School Level	Projected Aug. 2022 Enrollment	100% Program Capacity, 2022	Cluster % Utilization, 2022-2023	Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
Elementary	2,445	2,826	86.5%	3,391	2,445
Middle	1,292	1,689	76.5%	2,026	1,292
High	2,026	1,986	102.5%	2,383	2,026

Individual School Adequacy

In addition to looking at cluster adequacy, Staff analyzed the capacity at the individual school level for Potomac Elementary and Hoover Middle Schools. At the individual school level, a school is deemed inadequate if the school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for the elementary school or 180 seats for the middle school. If the school enrollment numbers exceed one but not both triggers, the school is still considered open for additional students. Table 4 below looks at the 120% utilization rate and the seat deficit number for Potomac Elementary and Hoover Middle School, as well as the projected enrollment of both schools with the new students proposed by this Application included. The projected enrollment including this Application is below the 120% utilization rate and below the seat deficit for both schools, therefore there is adequate capacity for students for this Application.

Table 4 – Proposed Student Generation Rates Per School Level

School	Projected Aug. 2022 Enrollment	100% Program Capacity, 2022	School Utilization 2022-2023 School Year	Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
				120% Utilization	Seat Deficit	
Potomac ES	432	450	96.0%	540	560	432
Hoover MS	771	1,139	67.7%	1,366	1,319	771

Based on the school cluster and individual school capacity analysis performed, there is adequate cluster and individual school capacity for the amount and type of development proposed by this Application.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied*

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420180620 for the Property was approved on October 24, 2017. The NRI/FSD identifies the environmental features and forest resources on the Property. The Subject Property is 1.14-acres located within the Rock Run watershed, a Use I-P stream. The entire site gently slopes and drains to the south to an unnamed perennial stream located approximately 70-feet off the southern property line running parallel to the property line. A site visit by staff on October 23, 2017 revealed no evidence of on-site streams. The Property includes a stream buffer extending from the off-site stream. A wetland area of approximately 2,100 square feet is located abutting the Property against the southeast corner of the site. Both the stream and wetland area are located within the existing right-of-way for Ronald Drive. The 100-foot stream buffer (SB) for the off-site stream extends approximately 30-feet onto the Subject Property resulting in an environmental buffer of approximately 0.19 acres which also encompasses the 100-year floodplain and wetland area.

The Property contains 1.14 acres of forest which has a Retention Priority of 1 (High) due to the forest quality and the location of a stream and wetland. The forest stand is dominated by Tulip Poplar (*Liriodendron tulipifera*) and Red Maple (*Acer rubrum*) with an average canopy closure of 60%. There are twenty-six (26) trees equal to or greater than 24" DBH that were identified on or within 100-feet of the property lines. Of those 26 trees, nine (9) trees are 30" diameter breast height (DBH) or greater (specimen). The Property contains no steep slopes or highly erodible soils.

Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. As required by the County Forest Conservation Law, Chapter 22A of the County Code, a Preliminary Forest Conservation Plan (PFCP) for the project was submitted with the Administrative Subdivision Plan application. The total net tract area for forest conservation

purposes is 1.17 acres, which includes 0.03 acres of off-site work for the water line connection to the existing 16" water line in Falls Road and the sewer line connection at the southwest corner of the site. The Property is zoned R-200 and is considered High Density Residential (HDR) under the Trees Technical Manual. The PFCP worksheet shows the removal of 1.14 acres of forest, the retention of 0.00 acres of forest resulting in a total reforestation/afforestation requirement of 0.69 acres. The Applicant has proposed to meet the reforestation/afforestation requirement by taking the total 0.69 acres to an off-site forest bank. A total of 0.22 acres of on-site forest is proposed to be placed into a Category I Conservation Easement. 0.19 acres of this total lies within the stream buffer which must be placed into a conservation easement and 0.03 acres are adjacent to the stream buffer along the eastern property line. However, since the physical dimensions and square footage of this 0.22-acre area does not meet the definition of forest it cannot be used to off-set the reforestation/afforestation requirement even though it is to be protected by a conservation easement.

Forest Conservation 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 diameter breast height (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 to the 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 impact to trees identified as high priority for retention and protection, therefore, the Applicant has submitted a variance request for these impacts.

Variance Request

The Applicant submitted a variance request in a letter dated February 15, 2018 (Attachment 5). There are four (4) specimen sized trees, 30 inches or greater DBH, within the property boundary and two (2) specimen trees within close proximity of the property boundary that will be impacted by construction. The Applicant proposes to remove the 4 specimen trees within the property and impact the 2 specimen trees outside of the property (Table 5).

The 4 trees proposed to be removed are within the active construction area of the proposed residential structures. Three of the trees are located within structural components of the houses or driveways and the remaining tree is located within the grading for the pad areas of the homes. The 2 trees to be impacted are located off-site on the adjoining properties and are being impacted by the installation of the required sewer connections and grading for the house pads.

Table 5: Variance Trees to be impacted or removed

Tree Number	Species	DBH Inches	Percent Impact to CRZ	Status
4	Red Maple (<i>Acer rubrum</i>)	36	100%	To be removed.
8	Tulip Poplar (<i>Liriodendron tulipifera</i>)	36	100%	To be removed.
10	Tulip Poplar (<i>Liriodendron tulipifera</i>)	41	100%	To be removed.
12	Red Maple (<i>Acer rubrum</i>)	30	100%	To be removed.
15	Red Maple (<i>Acer rubrum</i>)	40	23%	To be impacted.
23	Tulip Poplar (<i>Liriodendron tulipifera</i>)	46	12%	To be impacted.

Unwarranted Hardship Basis

Per Section 22A-21(a), an applicant may request a variance from Chapter 22A if the applicant can demonstrate that enforcement of Chapter 22A would result in an unwarranted hardship. In this case, the Applicant is faced with having to remove 4 specimen trees and impact 2 others. 4 of these trees are located on the site and 2 are located off-site on adjoining properties (Figure 4).

Trees #4, #8, #10 and #12 are proposed to be removed. These four trees are located within the active construction area of the residential structures for this subdivision. There is little preventative actions that can be taken to ensure the health of these trees either during or after construction. Trees #15 and #23 are on adjoining properties outside of the limits of disturbance (LOD), but will have their critical root zones (CRZ) impacted with either site grading or the installation of the sewer lines for the proposed homes. Trees #15 and #23 will have approximately 23% and 12% of their critical root zones (CRZ), respectively, impacted with this construction activity. The arboriculture industry standard for construction impacts to trees is to limit those impacts to no more than approximately 30 percent of the Critical Root Zone (CRZ). More than 30 percent impact to the CRZ and the overall healthy viability of the tree comes into question. Therefore, Staff believes that Trees #15 and #23 will recover from these impacts.

M-NCPPC Staff has determined that the impacts to these trees for the construction on these lots are unavoidable. The site is very constrained with almost no excess room to relocate the residential structures to avoid impacts to the specimen trees. The location of the proposed homes has been pushed as far away as possible from the southern property line to lessen the impacts to the stream and stream buffer area.

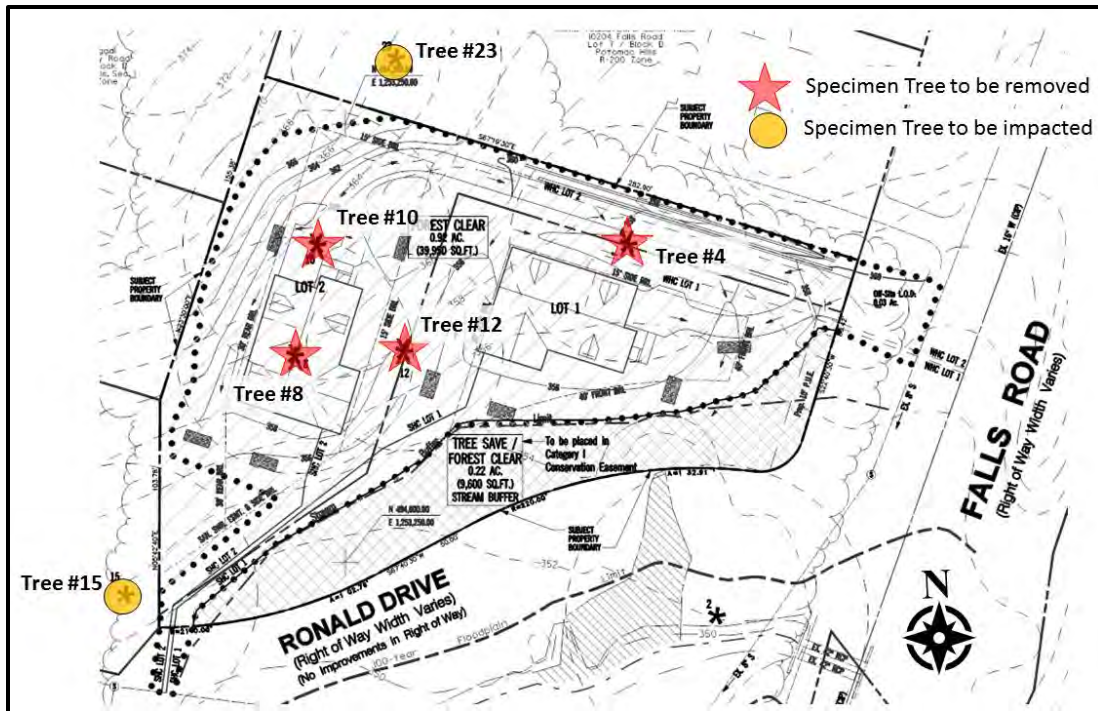


Figure 4 – Variance Trees and Site Constraints

As a result, not being able to request a variance to remove these four specimen trees and impact two others would constitute an unwarranted hardship on this Applicant to develop the Property. 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, for a variance to be granted.

Variance Findings

Staff has made the following determinations based upon the required findings in the review of the variance request and the Forest Conservation Plan:

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 the 4 trees and impacts to 2 others is due to the location of the trees, necessary site design requirements and environmental constraints on the Property. The Applicant proposes removal of the 4 trees with mitigation. 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 preliminary plan application. The Subject Property is a very constrained by environmentally sensitive features, combined with utility requirements and government regulations which limit options to relocate the proposed residential structures in order to eliminate the need to remove or impact variance trees.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the 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 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. The Application proposes mitigation for the removal of these four trees by planting twelve (12) larger caliper trees on-site. The 12 mitigation trees will eventually provide more shade and more groundwater uptake than what the four existing trees currently provide. 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 are 4 trees proposed for removal in this variance request resulting in a total of 143.0 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 $\frac{1}{4}$ of the amount of inches replanted. This results in a total mitigation of 35.75 inches of replanted trees. In this case, the Applicant proposes to plant 12 three-inch-caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements.

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 referred to the County Arborist on February 16, 2018. The County Arborist responded by letter on February 26, 2018 with a recommendation to approve the variance request.

Variance Recommendation

Staff recommends approval of the variance request.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The Administrative Subdivision Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on April 10, 2018 (Attachment 8). The Application will meet stormwater management goals through the use of drywells, rooftop disconnection, landscape infiltration, and micro-infiltration.

CITIZEN CORRESPONDENCE

Within the 15-day comment period, Staff received six letters (Attachment 11) from surrounding property owners prompting the Planning Director to refer this Application to the Planning Board in accordance with Section 50.6.3.B.1. These letters primarily focused on environmental issues, lot size/design, and driveway design. Staff has addressed these concerns as follows:

Environmental – The received letters contend that environmental degradation will occur if two lots are created on the Subject Property. While Lot 1, as shown on the Administrative Subdivision Plan, does contain a portion of the 100-foot stream buffer to help protect the stream located in the public right-of-way for Ronald Drive (“paper street”), none of the proposed structures encroach into the stream buffer. The creation of regulatory stream buffers, in this case 100 feet, is the mechanism by which Montgomery County Code protects streams from encroachment and degradation. Montgomery County Code does not place additional setbacks or buffer requirements from regulatory stream buffer lines. As such, the proposed lots and the structures, as shown, meet Planning Board requirements for protection of sensitive environmental features.

Lots – Multiple letters refer to lots that are tightly squeezed into the allotted space. The Subject Property is in the R-200 zone requiring a minimum lot size of 20,000 square feet. Both lots meet this standard. Furthermore, both lots can fit a realistic house footprint while meeting all the applicable development standards in the Zoning Ordinance including setbacks. Based on these facts, the standards set forth in the Zoning Ordinance have determined that these lots are not too dense or small. Finally, a “flaglot” or “pipesteam” lot is a commonly used lot shape which occurs frequently in Montgomery County especially when property is narrower at the front and wider at the back as is the case in this Application.

Driveway – The received letters state that the driveway is too narrow for cars to pass and doesn’t provide enough parking. It should be noted that driveway design and location is illustrative on all administrative subdivision plans and/or preliminary plans and subject to change at the time of building permit. Secondly, Montgomery County Code places no width requirements on private driveways except when a shared driveway is used as fire access (see approved Fire Access Plan in Attachment 10). In which case, a driveway must be at least 20 feet in width up to the last shared point of the driveway. The last shared driveway point in this Application occurs where the driveway for Lot 1 splits off near the front property line. The rest of the driveway for Lots 2 is not governed by any specific width requirements due to the extremely low volumes on a single driveway. Furthermore, the MCDPS will provide the permit review and inspection of any driveway construction at the time of building permit.

CONCLUSION

The Administrative Subdivision Plan meets the technical requirements of Section 50.4.3 of the Subdivision Regulations, and the applicable requirements of Section 50.6.1.C. The lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the *2002 Potomac Subregion Master Plan*. Access and public facilities will be adequate to serve the proposed lots.

This Administrative Subdivision Plan will remain valid for 36 months from its initiation date (as defined under Section 50.4.2.G of the Subdivision Regulations), by which time a plat must be recorded in the Montgomery County Land Records, or a request for extension must be filed under Section 50.4.2.H.

ATTACHMENTS

- Attachment 1 – Statement of Justification
- Attachment 2 – Administrative Subdivision Plan
- Attachment 3 – Forest Conservation Plan, Sheet 1
- Attachment 4 – Forest Conservation Plan, Sheet 2
- Attachment 5 – Applicant Tree Variance Request Letter
- Attachment 6 – County Arborist Tree Variance Letter, February 26, 2018
- Attachment 7 – MCDOT Approval Letter, February 1, 2018
- Attachment 8 – DPS Fire Access and Water Supply Approval, February 15, 2018
- Attachment 9 – DPS Stormwater Concept Approval Letter, April 10, 2018
- Attachment 10 – Approved Fire Access Plan
- Attachment 11 – Citizen correspondence

Planning Area Three – Montgomery County Planning Department
The Maryland-National Capital Park & Planning Commission

Property:	Lot 8, Block D, Potomac Hills (Sec. 1)
Tax Map:	FP343
Property Address:	10202 Falls Road, Potomac
Zoning:	R-200
Planning Area:	Potomac Subregion
Owner / Applicant:	Terrier Falls LLC
Date:	November, 2017

STATEMENT OF JUSTIFICATION IN SUPPORT OF ADMINISTRATIVE SUBDIVISION PLAN #620180030

Pursuant to the Manual of Development Review Procedures, the Applicant, Terrier Falls, LLC, hereby submits this Statement of Justification setting forth the facts and reasons in support of Planning Board approval of the Proposed Administrative Subdivision Application #620180030. The purpose of this application is to create two subdivided, buildable lots for constructing two single-family detached homes on the subject property.

Introduction

This subdivision application proposes to create two lots from one existing subdivided lot, as identified above. The subject property is a lot on record plat #1866, recorded in the year 1946.

The Administrative Subdivision Plan is being filed pursuant to criteria for subdivision of property in Section 50.6.1.C of the Subdivision Regulations (being also Chapter 50 of the Montgomery County Code, 2017) and the development standards applicable to property classified in the R-200 zone. This proposed subdivision plan provides a form of development consistent with the approved and adopted 2002 Potomac Subregion Plan.

Development History

The subject property, was created by record plat (#1866) in 1946 (L.35000 / F.47). This property is Lot 8, Block D of the Potomac Hills subdivision (Section 1).

The Subject Property

The subject property is comprised of one lot, containing 1.14 acres or 49,517 square feet of land. The property is located on the west side of Falls Road, approximately 750 feet south of Woodford Road, the nearest cross street. The subject property also has frontage along its south side on a paper street, Ronald Drive. Ronald Drive has a 50-foot right-of-way width, but widens to 200-feet at its intersection with Falls Road. Part of the Ronald Drive right-of-way width, to the west of the subject property, has been abandoned, leaving a 20-foot wide right-of-way where Ronald Drive intersects with Gary Road to the west.

The property does not contain any structures or improvements.

Master Plan Compliance

The proposed subdivision of the subject property into one lot is in full compliance with the objectives and general land use recommendations of the 2002 Potomac Subregion master plan. The recommended zoning in the master plan for this property is R-200, maintaining the existing zoning classification.

Standards for Approval

Section 50.6.1.C of the Subdivision Regulations sets forth the findings the Planning Director must confirm in approving an administrative subdivision plan for the creation of up to three lots for detached houses in any residential zone. The following explains compliance with the required findings:

1. *the lots are approved for standard method development;*

Per the submitted plan and as indicated in the application, the two proposed lots comply with the R-200 zone standard method development standards of Section 59.4.4.7.B of the Montgomery County Zoning Ordinance.

2. *written approval for any proposed well and septic area is received from the Department of Permitting Services, Well and Septic Section before approval of the plat;*

This requirement does not apply since the subject property is served by public water and sewer and is classified as service areas W-1 and S-1.

3. *any required road dedications and associated public utility easements are shown on the plat and the applicant provides any required improvements;*

According to the Montgomery County "Functional Classification Listing of the Master Plan of Highways", Falls Road, as it fronts on the subject property is classified as a Major Highway with a 120-foot wide right-of-way and two lanes of traffic. The right-of-way width of Falls Road along the subject property frontage is slightly more than the required 120 feet. No further right-of-way dedication is anticipated. In addition, the recorded plat (#1866), containing the subject property, does not indicate a public utility easement along Falls Road, thus no public utility easement is anticipated. However, if a public utility easement becomes required, such an easement will be provided. Ronald Drive is a "paper" street that lies along the southern boundary of the subject property. Due to severe environmental constraints, we do not anticipate any further dedication requirement or any improvements be made to Ronald Drive.

4. *the requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat; and*

According to the current Subdivision Staging Policy (SSP), the subject property is located in the Potomac Policy Area (Area 25), a "Yellow" classification. Since this application will generate

less than 50 peak-hour person trips (adding 1 lot to the existing 1 lot, a total of 2 lots) this subdivision is exempt from Local Area Transportation Review (LATR) under the SSP. Therefore roads and transportation facilities are adequate to support this subdivision application.

There are adequate public school facilities to support this application. Schools serving this proposed subdivision are Potomac Elementary School, Herbert Hoover Middle School and Winston Churchill High School. None of these schools are currently in a moratorium for school capacity. This is confirmed by the results of the FY 2018 schools test data.

As stated in #2, above, the subject property is served by public water and sewer mains and is classified in service categories W-1 and S-1, thus these two utilities are available for the requested subdivision. Additionally, dry utilities including electric, gas and communications lines are available to the subject property.

Fire and Rescue protection is located approximately 1 mile south of the subject property on Falls Road with Station 30, the Cabin John Station.

5. *forest conservation, stormwater management, and environmental protection requirements are satisfied before approval of the plat.*

This subdivision application complies with forest conservation, stormwater management and environmental protection requirements. A forest conservation plan has been designed and submitted with the application in accordance with Chapter 22A of the County Code. All criteria for forest conservation approval have been met. A stormwater management Concept Plan has been submitted for approval by the County Department of Permitting Services. The stormwater management concept plan provides stormwater runoff treatment using Environmental Site Design (ESD) to the Maximum Extent Possible (MEP). A Natural Resources Inventory / Forest Stand Delineation (NRI/FSD) was submitted and approved prior to submission of this Administrative Subdivision Plan. The NRI/FSD includes the location of and adjacent stream, the stream buffer, adjacent non-tidal wetlands (located off-site) and their buffers. There will be no impact on any of these environmental features with development of the two proposed residential lots that are part of this application.

Conclusion

On behalf of the Applicant, Terrier Falls LLC, the undersigned certifies that the information set forth in this Statement of Justification is true, complete, and correct to the best of his knowledge, information and belief, and hereby requests that the subject application be approved as submitted. Thus, the Applicant respectfully requests that the Planning Director grant approval of this application, which will permit the creation of two lots in the R-200 zone.

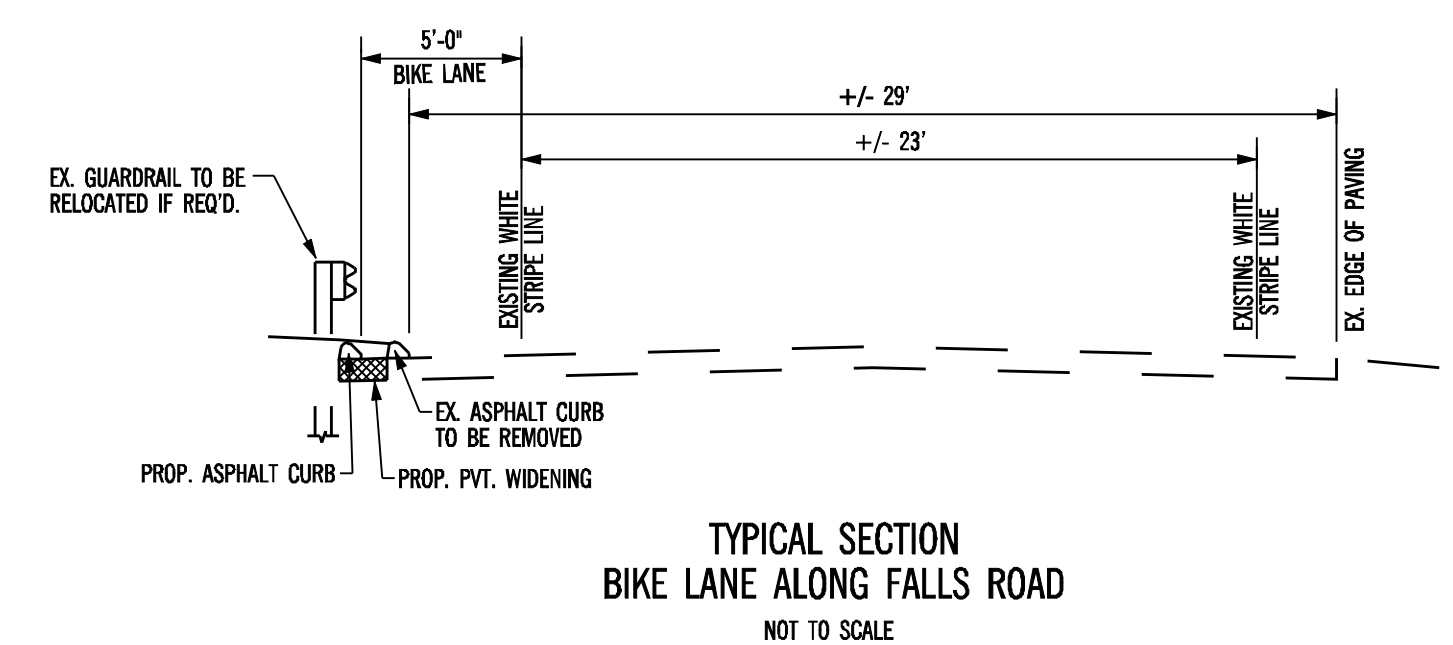
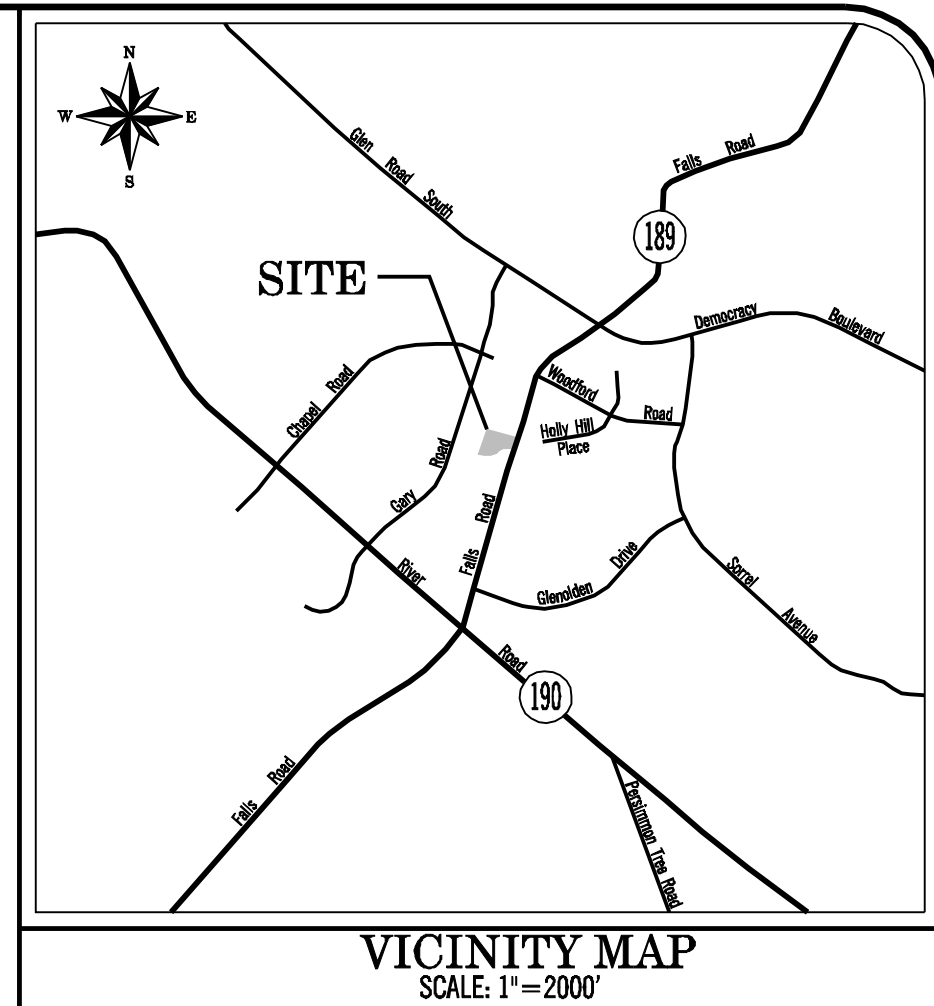
SITE SOLUTIONS, INC.

Don Rohrbaugh, R.L.A., Principal

Attachment 2

Plan Notes

- Gross Tract Area: 1.14 Acres (49,517 sq.ft.) - Per Plat #1866
- Zoning: R-200
- Proposed Standard Method Development per Sec. 59.4.4.7.B of the Zoning Ordinance
- Number of Lots Proposed: 2
- Description: This is a resubdivision of Lot 8, Block D, Sec. 1, Potomac Hills
- Watershed: Rock Run (State Water Use 1, I-P)
- Planning Area: Potomac Subregion (Area 3)
- Public Utilities to Serve the Proposed Lots: PEPCO, WSSC, Verizon



LEGEND

	Existing Contours - 2-Foot Interval		Proposed House Footprint (Schematic)
	Stream Buffer Limit		Proposed Driveway
	100-Year Floodplain Limit		Existing Tree Line
	Non-Tidal Wetland Area		Proposed Tree Line
	Proposed Limit of Disturbance (L.O.D.)		Proposed SWM Drywell Locations

R-200 Zone Development Standards - Standard Method

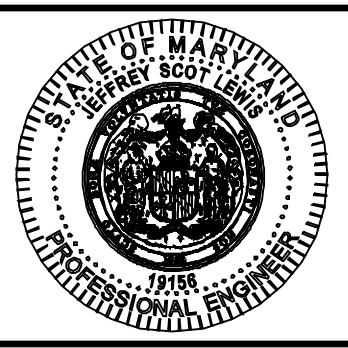
STANDARD	REQUIRED / PERMITTED	PROPOSED / PROVIDED
Min. Lot Area	20,000 sq.ft.	Lot 1: +/- 24,570 sq.ft. Lot 2: +/- 24,940 sq.ft.
Min. Lot Width @ Front B.R.L.	100 ft.	Lot 1: 100' Lot 2: +/- 140' (Pipestem lot)
Min. Lot Width @ Front Lot Line	25 ft.	Lot 1: +/- 60' (along Falls Rd.) Lot 2: 25' (Pipestem lot)
Max. Density (DU / Acre)	2.18	1.75
Max. Lot Coverage (by buildings)	25%	Lot 1: Not to Exceed 20% Lot 2: Not to Exceed 20%
Min. Setback from Street R/W	40 ft.	Lot 1: 74' (from Falls Road) Lot 2: 198' (Pipestem Lot from Falls Rd.)
Min. Side Setback	12 ft.	15 ft. min. (Both Lots - per Mont. Co. Fire & Rescue access requirements)
Min. Sum of Side Setbacks	25 ft.	27 ft. min. Total (Both Lots)
Min. Rear Setback	30 ft.	30 ft. min. (Both Lots)
Max. Building Height (highest point of roof) - Based on Lot Area		
- Lot 1	40 ft.	Not to exceed 40 ft.
- Lot 2	40 ft.	Not to exceed 40 ft.

620180030

Plan Set - Sheet 2 of 4

Administrative Subdivision Plan
10202 FALLS ROAD
Lot 8, Block D, Potomac Hills
ELECTION DISTRICT #10
MONTGOMERY COUNTY, MARYLAND

DWR	1" = 30'
DESIGN	SCALE
JSL	1 of 1
CHECKED	SHEET
2/15/2018	2104
PLOT DATE	PROJ. No.
	D-

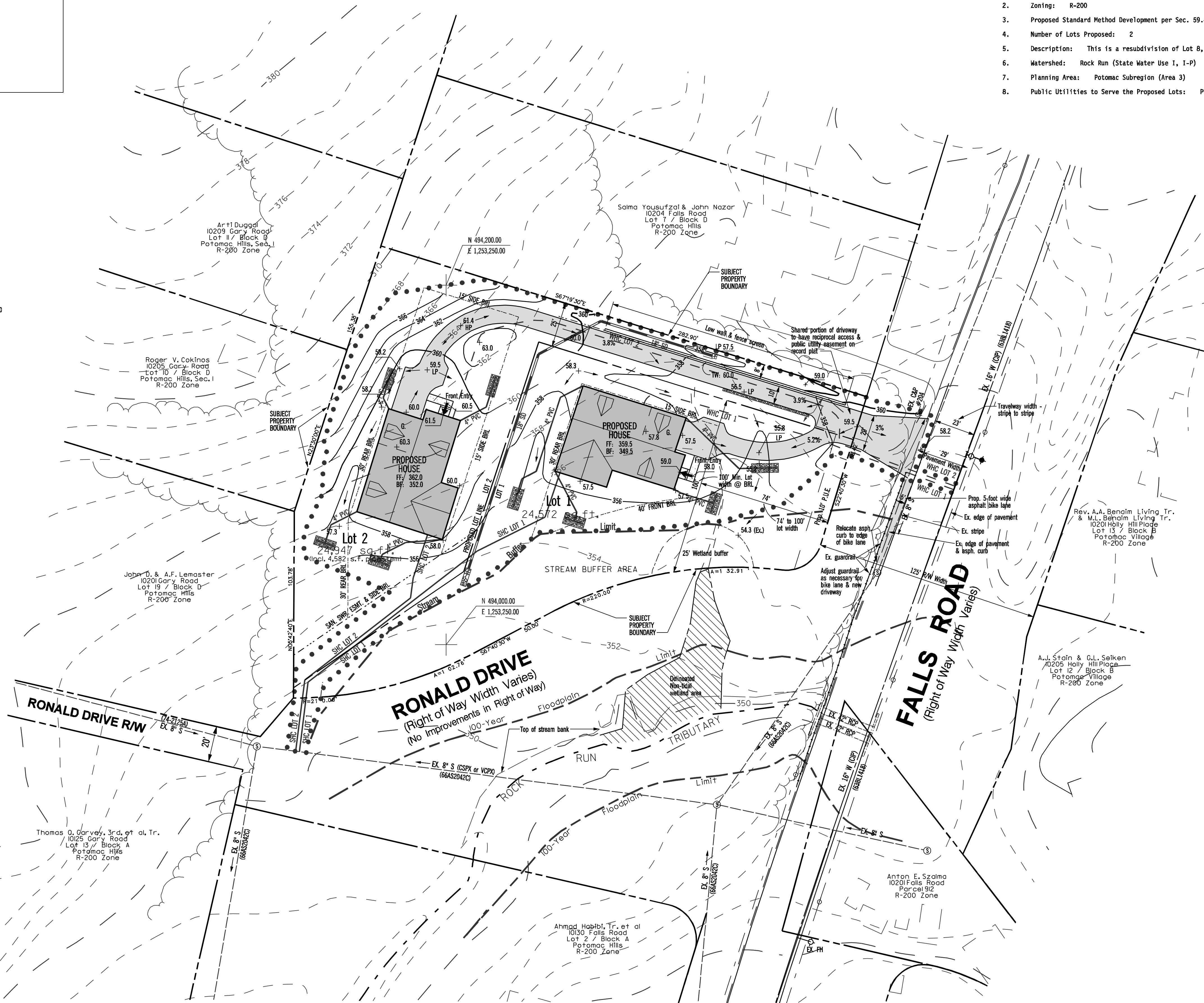
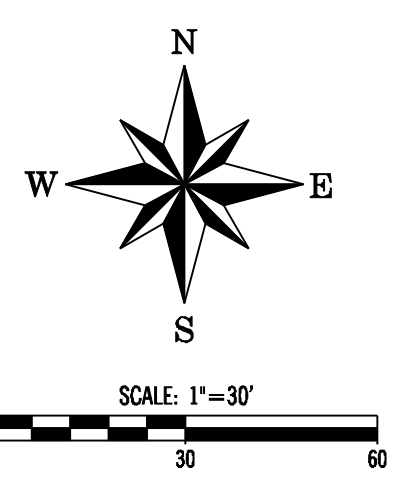


Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 19156, Expiration 06-02-2019.

NO	REVISION	DATE
2	Revise per review comments	2/15/18
1	Revise per DRC & e-plans comments	1/29/18
NO	REVISION	DATE

APPLICANT:
Terrier Falls, L.L.C.
14660 Rothgeb Drive
Rockville, MD. 20850

SITE SOLUTIONS, INC.
19508 Amaranth Drive Suite A
Germantown, Maryland 20874-1211
(301) 540-7890 Fax (301) 540-7891
Planning • Landscape Architecture • Engineering • Surveying



Specimen Tree Action Key (Revised 02/15/2018)

TREE #	BOTANICAL NAME	COMMON NAME	D.B.H.	CONDITION (Per NRI/FSD)	CRZ AREA	% CRZ SAVED	SAVE / REMOVE	REMARKS
2	Platanus occidentalis	Sycamore	46"	Fair	14,957 s.f.	100	Save	Off-site
4 *	Acer rubrum	Red Maple	36"	Good	9,161 s.f.	0	Remove	Within graded area
8 *	Liriodendron tulipifera	Tulip Poplar	36"	Good	9,161 s.f.	0	Remove	Within graded area
10 *	Liriodendron tulipifera	Tulip Poplar	41"	Good	11,982 s.f.	0	Remove	Within graded area
12 *	Acer rubrum	Red Maple	30"	Good	6,362 s.f.	0	Remove	Within graded area
15 *	Acer rubrum	Red Maple	40"	Good	11,310 s.f.	77	Save	Off-site
16 *	Platanus occidentalis	Sycamore	32"	Poor	7,698 s.f.	100	Save	Off-site
23 *	Liriodendron tulipifera	Tulip Poplar	32"	Good	7,238 s.f.	88	Save	Off-site
26	Acer rubrum	Red Maple	40"	Good	11,310 s.f.	100	Save	Off-site

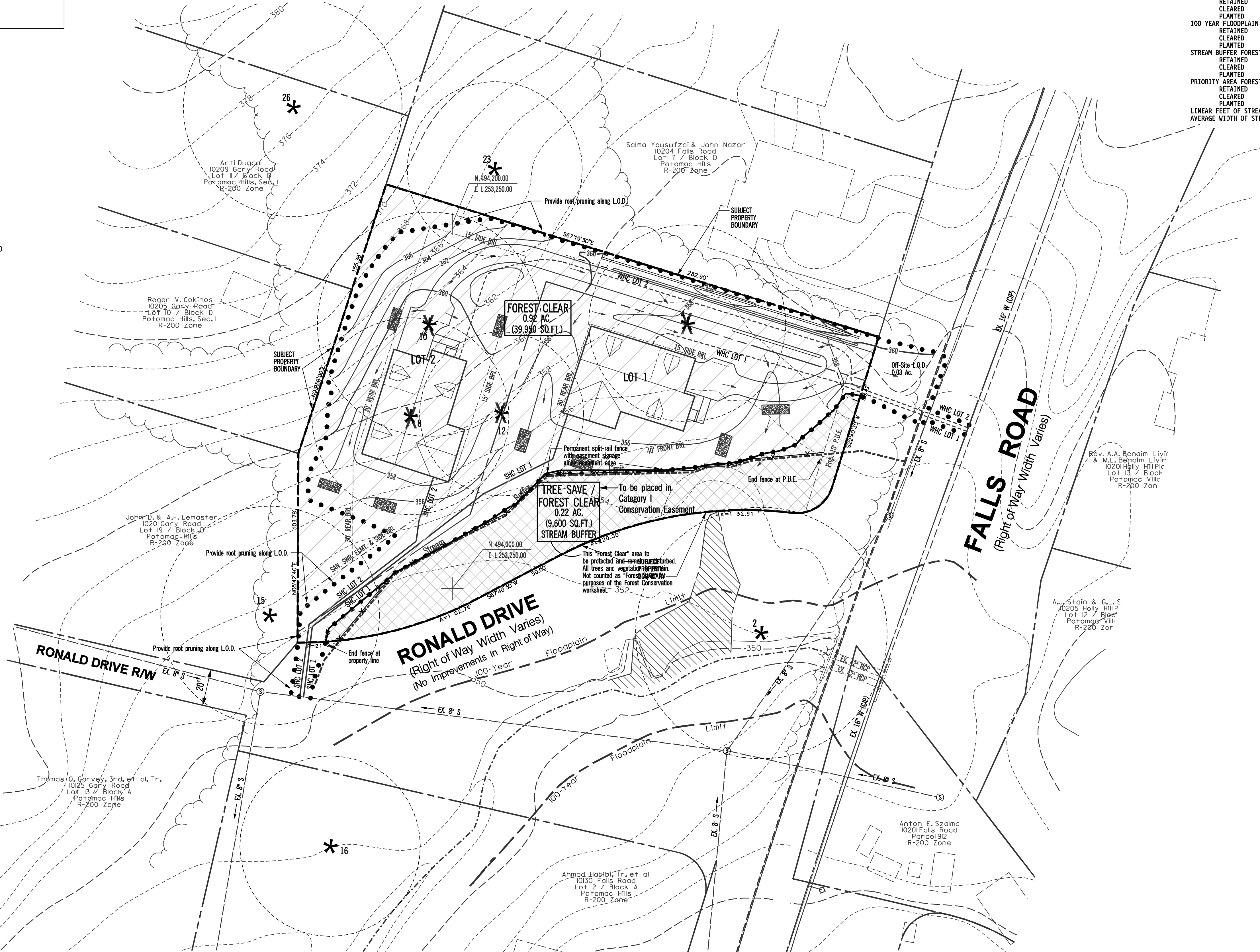
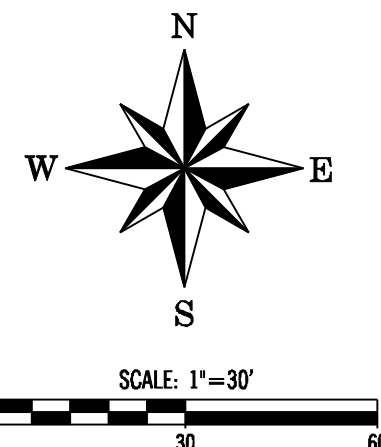
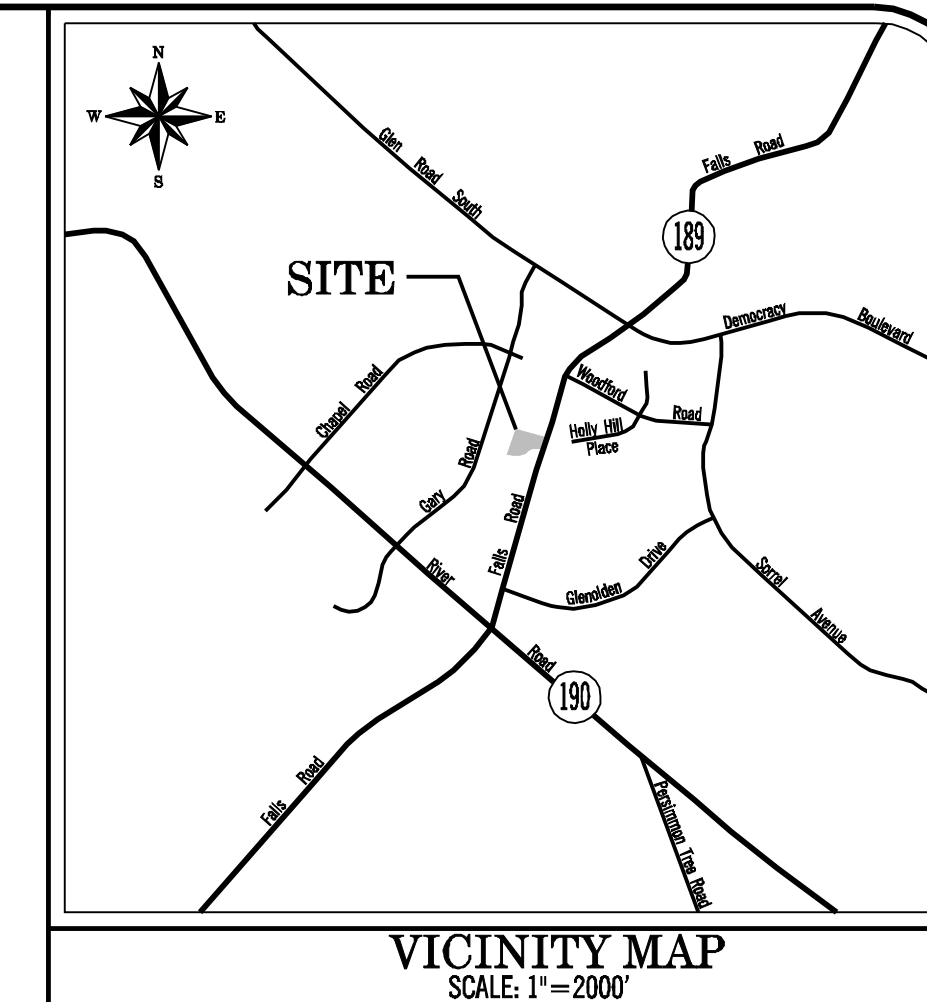
* = Denotes Specimen Tree Impacted and subject to Specimen Tree Variance (6 trees)

Plan Notes

- Gross Tract Area: 1.14 Acres (49,517 sq.ft.) - Per Plat #1866
- Zoning: R-200
- Proposed Standard Method Development per Sec. 59.4.4.7.B of the Zoning Ordinance
- Number of Lots Proposed: 2
- Description: This is a resubdivision of Lot 8, Block D, Sec. 1, Potomac Hills
- Watershed: Rock Run (State Water Use I, I-P)
- Planning Area: Potomac Subregion (Area 3)
- Public Utilities to Serve the Proposed Lots: PEPCO, WSSC, Verizon

Forest Conservation Data Table

ACREAGE OF TRACT (Gross)	1.14
ACREAGE OF TRACT (Net)	1.17 (Incl. 0/S L.O.D.)
ACREAGE OF ROAD & UTILITY R/W'S THAT WILL NOT BE IMPROVED AS PART OF THE DEVELOPMENT APPLICATION	0
ACREAGE OF STREAM VALLEY BUFFER	0
ACREAGE OF TOTAL EXISTING FOREST	1.14
NET TRACT AREA:	1.17
ACREAGE OF FOREST RETENTION	0
ACREAGE OF TOTAL FOREST CLEARED	1.14
LAND USE CATEGORY	HIGH-DENSITY RESIDENTIAL
CONSERVATION THRESHOLD (20%)	0.23 ACRES
AFFORESTATION THRESHOLD (15%)	0.18 ACRES
WETLAND FOREST:	
RETAINED	0
CLEARED	0
PLANTED	0
100 YEAR FLOODPLAIN FOREST:	
RETAINED	0
CLEARED	0
PLANTED	0
STREAM BUFFER FOREST:	
RETAINED	0
CLEARED	0.22
PLANTED	0
PRIORITY AREA FOREST:	
RETAINED	0
CLEARED	1.14
PLANTED	0
LINEAR FEET OF STREAM BUFFERS	270 ft.
AVERAGE WIDTH OF STREAM BUFFERS	100 ft. (Inc. Off-Site)



LEGEND

Existing Contours - 2-Foot Interval	Proposed Category I Conservation Easement
Stream Buffer Limit	Forest Clear Area
100-Year Floodplain Limit	Specimen Tree to be Removed
Non-Tidal Wetland Area	Proposed Drywells
Proposed Limit of Disturbance (L.O.D.)	Forest Stand Boundary

PRELIMINARY FOREST CONSERVATION WORKSHEET VERSION 1.0

NET TRACT AREA:	
A. Total tract area.....	1.14
B. Area of Off-Site L.O.D.....	0.03
C. Area within WSSC R/W or road R/W constructed by public fund.....	0.00
D. Net tract area.....	1.17
LAND USE CATEGORY: (from Table 2, page 42, "Trees" Manual)	
Input the number "1" under the appropriate land use zoning, and limit to only one entry.	
ARA MDR IDA HDR MPD CIA	0 0 0 1 0 0
E. Afforestation Threshold.....	15% x D = 0.18
F. Conservation Threshold.....	20% x D = 0.23
EXISTING FOREST COVER:	
G. Existing forest cover (excluding floodplain).....	1.14
H. Area of forest above afforestation threshold.....	0.96
I. Area of forest above conservation threshold.....	0.91
BREAK EVEN POINT:	
J. Forest retention above threshold with no mitigation.....	0.42
K. Clearing permitted without mitigation.....	0.72
PROPOSED FOREST CLEARING:	
L. Total area of forest to be cleared.....	1.14
M. Total area of forest to be retained.....	0.00
PLANTING REQUIREMENTS:	
N. Reforestation for clearing above conservation threshold...=	0.23
P. Reforestation for clearing below conservation threshold...=	0.47
Q. Credit for retention above conservation threshold.....=	0.00
R. Total reforestation required.....=	0.69
S. Total afforestation required.....=	0.00
T. Total reforestation and afforestation required.....=	0.69

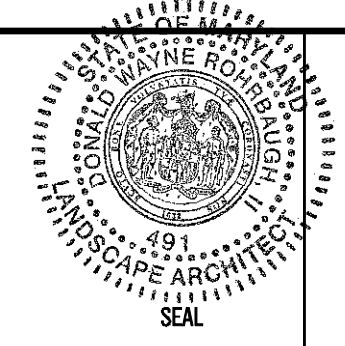
Reforestation requirement of 0.69 acres (30,100 sq.ft.) to be acquired in an approved off-site forest bank.

SITE SOLUTIONS, INC.
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APPLICANT:
 Terrier Falls, L.L.C.
 14660 Rothgeb Drive
 Rockville, MD. 20850

NO	REVISION	DATE
2	Revise per review comments	2/15/18
1	Revise per e-plans comments	1/29/18

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

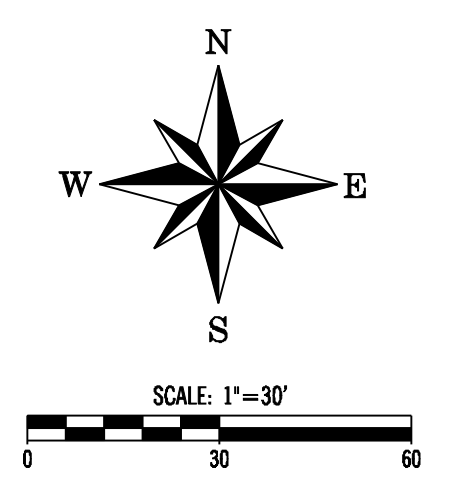
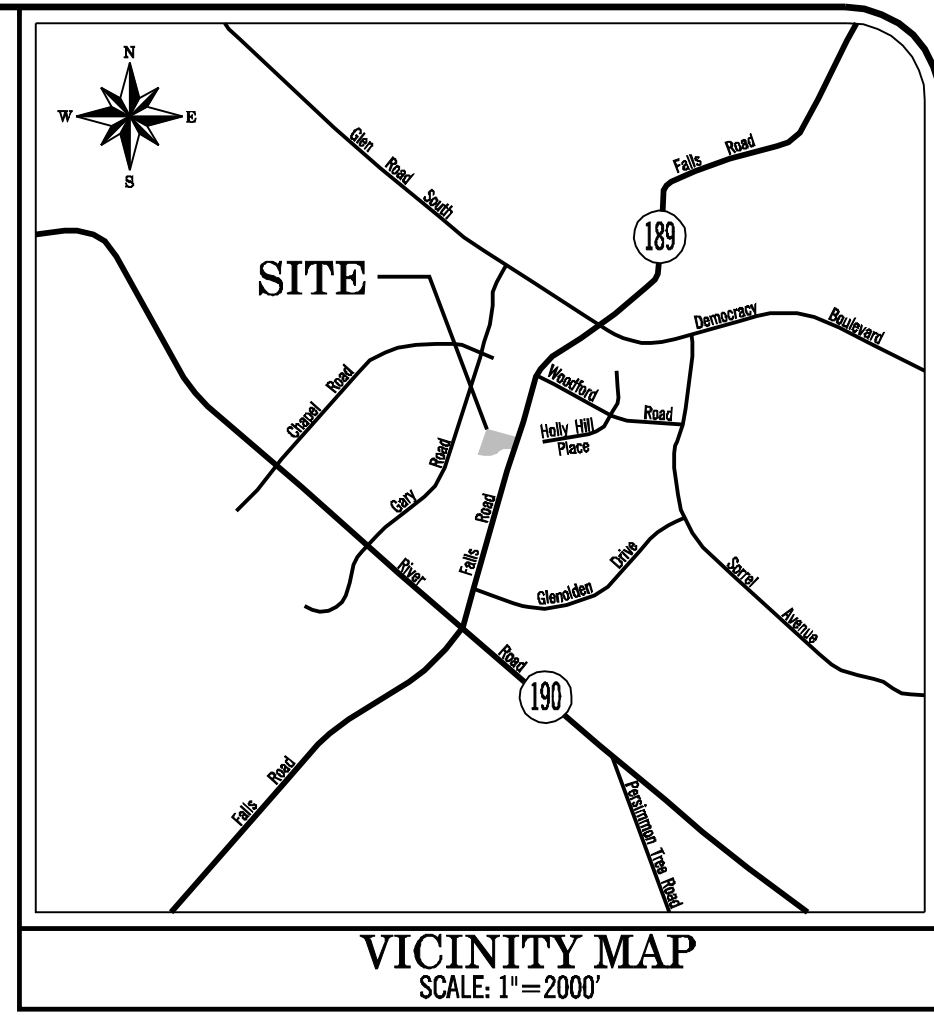


Preliminary Forest Conservation Plan
 10202 FALLS ROAD
 Lot 8, Block D, Potomac Hills
 ELECTION DISTRICT #10
 MONTGOMERY COUNTY, MARYLAND

DWR DESIGN	1" = 30'
JSL CHECKED	1 of 2
2/15/2018 PLOT DATE	2104 PROJ. No.
	D-

SITE SOLUTIONS, INC. 10202 Falls Road

Attachment 4



LEGEND



Specimen Tree Replacement Mitigation

Number of Specimen Trees to be Removed:	4
Specimen Tree Caliper Inches to be Removed:	143"
Mitigation Rate:	1/4 X caliper inches removed
Replacement Caliper Inches Required:	36 Inches
Number of Replacement Trees Required:	12
Minimum Size of Replacement Trees Required:	3"
Number of Replacement Trees Proposed:	12

PLANT LIST

KEY #	BOTANICAL NAME	COMMON NAME	SIZE*	QUANTITY	REMARKS
1	<i>Acer rubrum</i> 'October Glory'	October Glory Red Maple	3" - 3-1/2" cal. / 14' - 16' ht.	4	B & B, Full crowns and well-branched
2	<i>Nyssa sylvatica</i>	Black Gum	3" - 3-1/2" cal. / 14' - 16' ht.	4	B & B, Full crowns and well-branched
3	<i>Quercus phellos</i>	Willow Oak	3" - 3-1/2" cal. / 14' - 16' ht.	4	B & B, Full crowns and well-branched

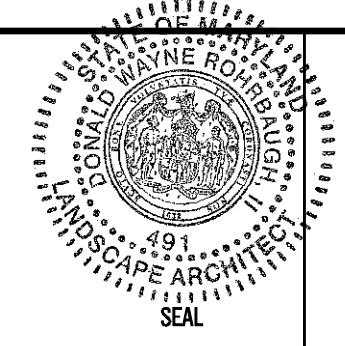
SIZE* All plant material specified on this plant list shall conform to size, root condition, ball dimensions, spread / height, etc., as specified in 'American Standard for Nursery Stock' (ANSI Z60.1), most recent edition, published by the American Nursery & Landscape Association, Washington, D.C.

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APPLICANT:
 Terrier Falls, L.L.C.
 14660 Rothgeb Drive
 Rockville, MD. 20850

NO	REVISION	DATE
1	This sheet added per staff review comments	2/15/18

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



Replacement Tree Mitigation Plan
 Preliminary Forest Conservation Plan
10202 FALLS ROAD
 Lot 8, Block D, Potomac Hills
 ELECTION DISTRICT #10
 MONTGOMERY COUNTY, MARYLAND

Plan Set - Sheet 4 of 4

DWR	1" = 30'
DESIGN	SCALE
JSL	1 of 2
CHECKED	SHEET
2/15/2018	2104
PLOT DATE	PROJ. No.
	D-

Preliminary TCP 10202 Falls Road SITE SOLUTIONS, INC.

STATEMENT OF TERRIER FALLS LLC
FOR A VARIANCE IN ACCORDANCE WITH SECTION 22A-21
OF THE MONTGOMERY COUNTY CODE
ADMINISTRATIVE SUBDIVISION PLAN #620180030

10202 FALLS ROAD

Revised February 15, 2018

I. BACKGROUND INFORMATION.

The Applicant for a variance pursuant to the provisions of Section 22A-21 of the Montgomery County Code is Terrier Falls LLC, the owner of the property. The owner proposes to subdivide an existing recorded lot into two lots. The property consists of 1.14 acres. The site is located on the west side of Falls Road (Md. Route 189), approximately 750 feet south of Woodford Road. There is 1.14 acres of forest cover within the property boundary. There are no structures, houses or other improvements on the subject property.

II. APPLICANT’S PROPOSAL.

Attached is a copy of the proposed Administrative Subdivision Plan (see e-file) indicating the proposed lot configuration and schematic house / driveway locations. An area of 100-Year floodplain lies about 50 feet south of the property boundary along a tributary of Rock Run. The prescribed stream buffer limit overlaps the southern property boundary by an average of 25 to 30 feet (see approved NRI/FSD). Non-tidal wetlands have been delineated, but do not encroach into the subject property. Required stormwater management facilities will be implemented as shown on the subdivision plan.

III. EXPLANATION FOR NEED TO REMOVE FOUR TREES AND IMPACT TWO TREES THAT ARE IDENTIFIED IN STATE LAW FOR PROTECTION

Attached to this variance application is a copy of the Preliminary Forest Conservation Plan (PFCP) (see e-file), on which four protected specimen trees are proposed to be removed and two additional impacted specimen trees that are to be saved have been identified.

The two impacted trees are described as follows (Numbering is per the Preliminary FCP): Please note that the “Condition” is per the approved NRI/FSD.

Tree #15	Red Maple	40” DBH	Good Condition	75% CRZ Saved
Tree #23	Tulip Poplar	32” DBH	Good Condition	88% CRZ Saved

The four specimen trees to be removed are as follows:

Tree #4	Red Maple	36" DBH	Good Condition	Within graded area
Tree #8	Tulip Poplar	36" DBH	Good Condition	Within graded area
Tree #10	Tulip Poplar	41" DBH	Good Condition	Within graded area
Tree #12	Red Maple	30" DBH	Good Condition	Within graded area

The Final FCP will specify temporary tree protection fence or super silt fence to be placed along the limit of disturbance that lies along the proposed graded area of the subject property. Root pruning will be specified where soil cut is to occur for grading or utility installation.

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

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

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

The four trees to be removed are located in central, internal areas of the two proposed lots. Being approximately half-acre lots, the proposed houses are generally located in the centers of the lots, respecting statutory building restriction lines for the R-200 zone. Thus, given the proposed house footprint areas and necessary driveways to serve the houses, it would be impossible to save the four trees to be removed. The tree being impacted lies on an adjacent property near the southwest corner of the subject property. Proposed sanitary sewer house connections must tie into an existing sewer main located just off of the southwest corner of the subject property, cutting across part of the critical root zone of tree #15. The majority of tree #15's CRZ (75%) will be preserved and tree #15 should remain in good health after the sewer connections are made.

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

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 design requirements established by the underlying R-

200 zoning regulations. Other houses in the adjacent subdivision, within which the subject property was originally subdivided (Potomac Hills – Section 1) were developed prior to implementation to current forest conservation and specimen tree regulations.

“(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.*”

In conjunction with its proposed development of the subject property, the Applicant has prepared a stormwater management concept plan which will improve water quality measures on the subject property and in the surrounding area. The concept complies with current Environmental Site Design to the Maximum Extent Possible stormwater management regulations.

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

A stormwater management concept plan has been prepared and submitted to the Montgomery County Department of Permitting Services (Plan #283459), is under review and is awaiting approval at the time of this report.

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

The information set forth above, the Applicant believes, is adequate to justify the requested variance to impact the six protected trees on the subject property. Furthermore, the Applicant’s request for a variance complies with the “minimum criteria” of Section 22A-21(d) for the following reasons:

1. This Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant.
2. The configuration of the subject property, regulatory requirements, and the location of the protected trees are not the result of actions by the Applicant, since any similar development of the subject property as a R-200 zoned subdivision would encounter the same constraints.
3. The requested variance is not related in any way to a condition on an adjacent, neighboring property, and
4. Impact on the CRZ’s of the six affected trees will not violate State water quality standards or cause measurable degradation in water quality (which is being improved by the Applicant’s overall proposal).

5. In addition, the applicant is submitting a specimen tree replacement mitigation plan indicating twelve replacement native shade trees at a minimum of 3-inch caliper to be planted on the property.

On behalf of Terrier Falls LLC,
Site Solutions, Inc.,
Donald W. Rohrbaugh, II, R.L.A.
Revised February 15, 2018



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Patty Bubar
Acting Director

February 26, 2018

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

RE: 10202 Falls Road, ePlan 620180030, NRI/FSD application accepted on 10/16/2017

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.

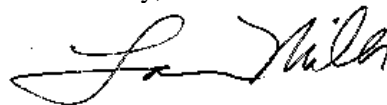
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation,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



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdieh
Director

February 1, 2018

Mr. Ryan Sigworth, Senior Planner
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Administrative Plan No. 620180030
10202 Falls Road

Dear Ms. Reilly:

We have completed our review of the preliminary plan submitted on November 14, 2017 and reviewed by the Development Review Committee at its January 16, 2018 meeting. We recommend approval of the plan subject to the following comments:

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

1. We defer to MSHA for access and improvements to Falls Road (MD Route 189).
2. We defer to MSHA for sight distance certification onto Falls Road (MD Route 189).
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. The storm drain study is acceptable, and no improvements to downstream, county-maintained systems are required.
5. On the certified Preliminary plan, label Falls Road (MD Route 189) width.
6. The Administrative Subdivision plan and record plat are to reflect a reciprocal access and public utilities easement to serve the lots served by a common driveway.
7. Relocation of utilities along existing roads to accommodate the required roadway improvements, if necessary, shall be the responsibility of the applicant.


Office of the Director

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

Mr. Ryan Sigworth
Administrative Subdivision Plan No. 620180030
February 01, 2018
Page 2

Thank you for the opportunity to review the Preliminary Plan. If you have any questions or comments regarding this letter, please contact Mr. Billy Whelan, our Development Review Engineer for this project, at william.whelan@montgomerycountymd.gov or (240) 777-7170.

Sincerely,



Rebecca Torma-Kim, Acting Manager
Development Review Team
Office of Transportation Policy

cc: Craig Kazanjian Terrier Falls LLC
Donald Rohrbaugh Site Solutions, Inc.
Jeffrey Lewis Site Solutions, Inc.
Kwesi Woodroffe MSHA District 3
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Sam Farhadi MCDPS RWPR
William Whelan MCDOT OTP

<https://mcgov.sharepoint.com/teams/DOT/dir/Shared Documents/Development Review/WhelanW/620180030 - 10202 Falls Road - MCDOT FINAL Plan Letter.docx>

MAILING LIST

Mr. Ryan Sigworth, Senior Planner
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Craig Kazanjian
Terrier Falls LLC
14660 Rothgeb Drive
Suite 201
Rockville, MD 20850

Donald Rohrbaugh
Site Solutions, Inc.
19508-A Amaranth Drive
Germantown, MD 20874

Jeffrey Lewis
Site Solutions, Inc.
19508-A Amaranth Drive
Germantown, MD 20874

Kwesi Woodroffe
MDSHA District 3
9300 Kenilworth Avenue
Greenbelt, MD 20770



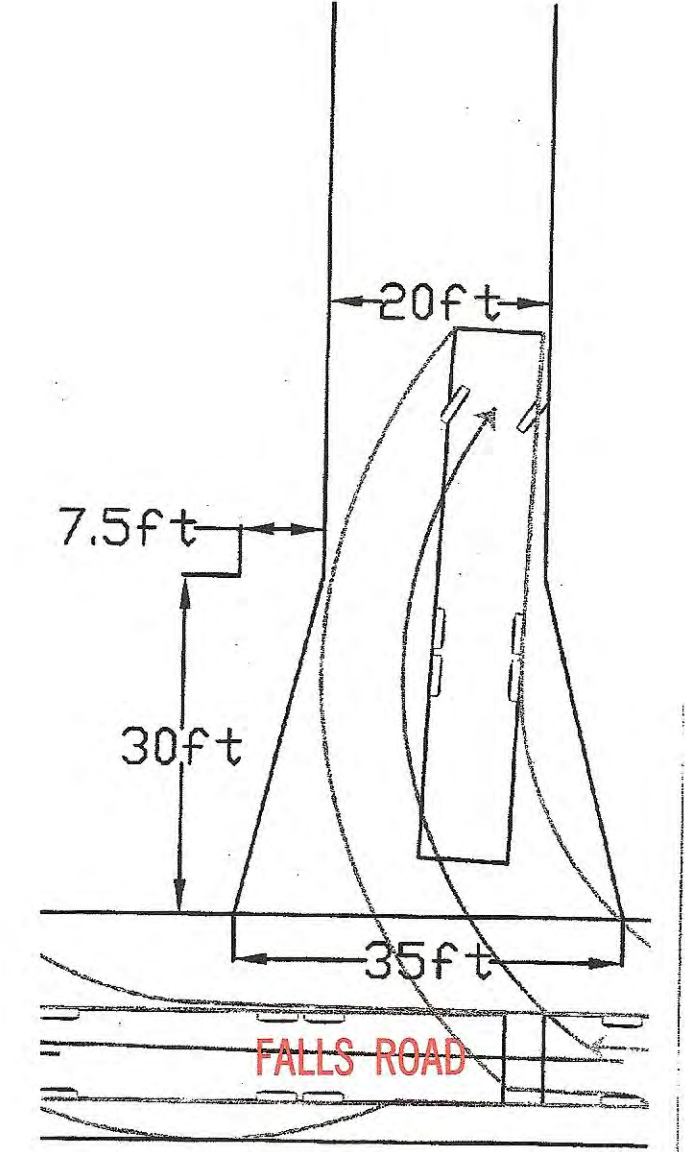
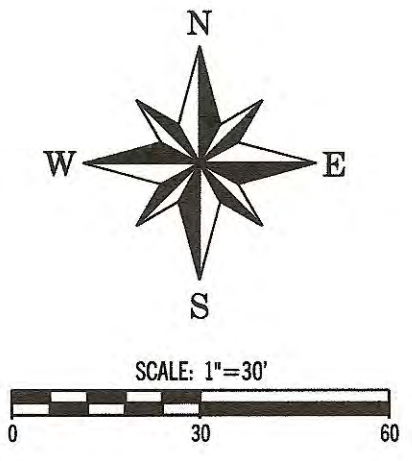
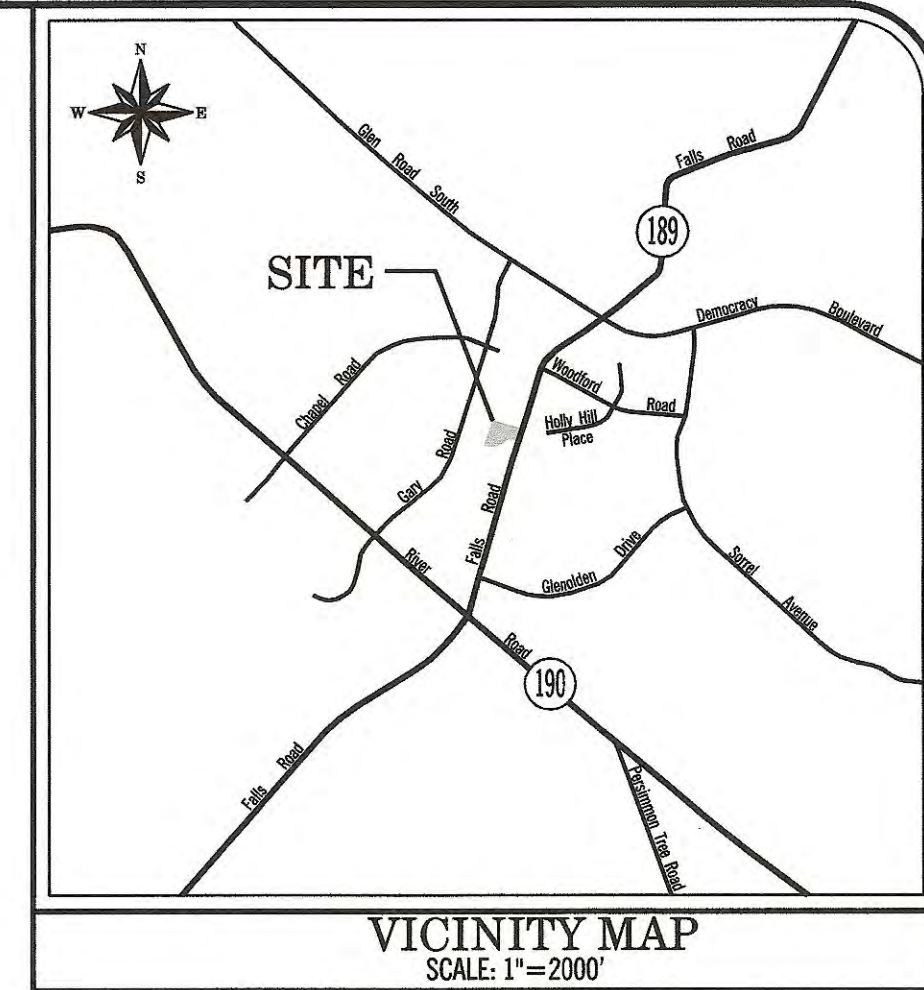
Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 15-Feb-18
TO: Don Rohrbaugh - dwr@ssimd.net
Site Solutions, Inc.
FROM: Marie LaBaw
RE: 10202 Falls Road
620180030

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **15-Feb-18** .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.

Attachment 9



FIRE CODE ENFORCEMENT
Fire Department Access Review
Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.
BY: SAC FM: 43 DATE: 2/15/2018

620180030

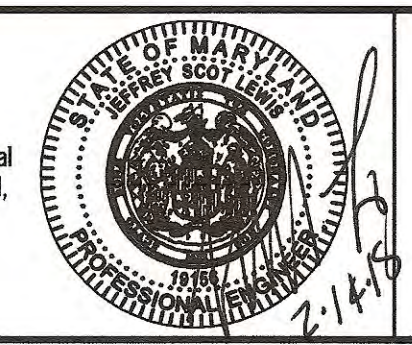
EMERGENCY ACCESS PLAN

SITE SOLUTIONS, INC.
19508 Amaranth Drive Suite A
Germantown, Maryland 20874-1211
(301) 540-7990 Fax (301) 540-7991
Planning - Landscape Architecture - Engineering - Surveying

APPLICANT:
Terrier Falls, L.L.C.
14660 Rothgeb Drive
Rockville, MD. 20850

NO	REVISION	DATE
1	Revise per DRC & e-plans comments	1/31/18
NO		

Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 19156, Expiration 06-02-2019.



Administrative Subdivision Plan
10202 FALLS ROAD
Lot 8, Block D, Potomac Hills
ELECTION DISTRICT #10
MONTGOMERY COUNTY, MARYLAND

OWNER	SCALE	1" = 30'
DESIGN		
CHECKED		1 OF 1
DATE		
2/1/2018		
PROJECT NO.	2104	D-

EMERGENCY ACCESS PLAN
10202 Falls Road
SITE SOLUTIONS, INC.



Attachment 10

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

April 10, 2018

Mr. Jeff Lewis, PE
Site Solutions, Inc.
19508 Amaranth Drive, Suite A
Germantown, MD 20874

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
10202 Falls Road, Potomac
PP#: TBD
SM File #: 283459
Tract Size/Zone: 1.14ac/R200
Total Concept Area: 1.17 ac / 49,517 sq.ft.
Legal Description:
Lots/Block: Lot 8/Block D Potomac Hills
Proposed to be subdivided into two lots
Parcel(s): n/a
Watershed: Rock Run

Dear Mr. Lewis:

Based on a review by the Department of Permitting Services Review Staff, the combined stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals of Environmental Site Design to the Maximum Extent Practicable for each lot individually via drywells, rooftop disconnection, landscape infiltration and micro-infiltration.

The following items will need to be addressed during the detailed plan review as applicable:

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. A review of the stormwater management computations will occur at that detailed plan review.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Mr. Jeff Lewis, PE
April 10, 2018
Page 2 of 2

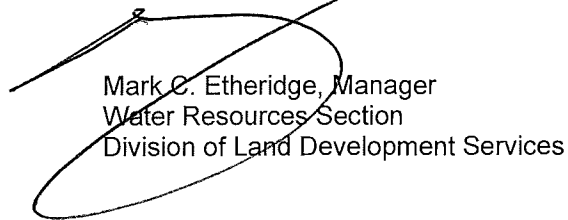
This list may not be all-inclusive and may change based on available information at the time.

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

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

If you have any questions regarding these actions, please feel free to contact Mary Fertig at 240-777-6202 or at mary.fertig@montgomerycountymd.gov.

Sincerely,



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

MCE: mmf

cc: N. Braunstein
SM File # 283459

ESD: Required/Provided Lot 1-413cf /414cf and Lot 2-917cf/918cf
PE: Target/Achieved: Lot 1-1.0"/1.0" and Lot 2-1.5"/1.5"
STRUCTURAL: N/A
WAIVED: N/A



From: [Wright, Gwen](#)
To: [Weaver, Richard](#); [Pereira, Sandra](#)
Subject: Fwd: Plan # 6201800030
Date: Wednesday, December 13, 2017 9:51:32 AM

Since there has been a request for public hearing, we need to schedule this with the Board.

Sent from my iPhone

Begin forwarded message:

From: <ginnybarnes@juno.com>
Date: December 13, 2017 at 9:47:09 AM EST
To: gwen.wright@montgomeryplanning.org, Casey.Anderson@mncppc-mc.org
Cc: susannelee1@hotmail.com, cgarvey@garveyassociates.com
Subject: Plan # 6201800030

From : **West Montgomery County Citizens Association**

Re: Plan # 6201800030 - 10202 Falls Road, Potomac, Md.

Dear Director Wright and Commission Chair Anderson

We have just received by mail an application proposing to turn 1 lot into 2 and indicating that the decision may be handled administratively. We are informed by the applicant letter to WMCCA and abutting neighbors we have just 15 days from time of mailing on December 8. WMCCA and the neighbors did not receive the letter until December 11th or 12th. Several abutting neighbors are out of town and cannot be reached.

In reviewing an enclosed map of the proposed plan and hearing observations of the site from neighbors, I request this be taken to the full Commission in a public hearing. Both proposed houses are tightly squeezed into the allotted space. The limits of disturbance closely follow the the edges of the stream buffer area. A tributary of Rock Run with 100 year floodplain with non tidal wetlands are potentially impaired. Lot 1 has virtually no back yard. What is shown pushes up against the wetland buffer. It appears a seep, spring or ephemeral stream would be under both the front walk and driveway.

With such an array of environmental constraints in a watershed already severely impacted because headwaters run through Potomac Village , it would seem this site deserves the closer scrutiny afforded by a full public hearing. We look forward to working with you on this proposal.

Sincerely,

Ginny Barnes, *President*
West Montgomery County Citizens Association
www.wmcca.org

(301) 762-6423

After Weeks Of Rumors, Joanna Gaines Comes Clean

risingstarnewspaper.com

<http://thirdpartyoffers.juno.com/TGL3142/5a313b3b740293b3b2af5st02vuc>



December 14, 2017
Arti and Naresh Duggal
10209 Gary Road, Potomac
MD, 20854.

Re: Plan # 6201800030 - 10202 Falls Road, Potomac, MD.

To Director Wright and Commission Chair Anderson,

In continuation to the above referenced subject, we just received yesterday by mail an application proposing to turn 1 lot into 2 by Site Solutions Incorporated and indicating that the decision may be handled administratively. We recently learned of this situation on December 9th by our neighbor Mrs. Carol Garvey as well.

In response to this letter, we totally agree with the issues raised in the letter by Ms. Ginny Barnes, *President*, **West Montgomery County Citizens Association** who held the informed event yesterday, which we were also a part of. We agree that both proposed houses are tightly squeezed into the allotted space which will create several issues, hence we strongly feel that this situation deserves the closer scrutiny afforded by a full public hearing. We look forward to working with you on this proposal.

Sincerely,

Naresh P Duggal
Arti Duggal
Naresh and Arti Duggal

Thomas Quincy Garvey III, MD Carol Wilson Garvey, MD, MPH
10125 Gary Road
Potomac, Maryland 20854

301-983-9282 (P) 301-299-5931 (F) cgarvey@garveyassociates.com

December 12, 2017

Re: Plan # 620180030
10202 Falls Road

We oppose the proposed construction of two houses on the oddly shaped lot that abuts the right of way called Ronald Drive.

- Two houses can be fitted onto the lot only by subdividing it into very oddly shaped lots and by putting the homes very close to each other – much closer together than other houses in the neighborhood.
- The privacy of the house closest to Falls Road (House 1) is seriously compromised by the proximity of House 2's driveway to House 1's front door.
- Both lots include significant parts of the Rock Run wetland buffer area. It is hard to imagine that the disruption caused by building two houses would not threaten that tributary. The placement of House 1's parking area and garage access is especially bad.

The lot would be appropriate for a single home. A single home would not have to push right up against the lot line on the western boundary. It could be rotated 45 degrees to better fit the lot and to better protect the stream and the woodland environment. Such a house would also better fit the contours of the land, rather than working against them, as the proposed houses do.

We hope that M-NCPPC will reject the two-house plan and will encourage the property owner to build a house that is environmentally and aesthetically suitable to its surroundings.

Carol W. Garvey, MD

Thomas Q. Garvey III, MD

Thomas Quincy Garvey III, MD Carol Wilson Garvey, MD, MPH
10125 Gary Road
Potomac, Maryland 20854

301-983-9282 (P) 301-299-5931 (F) cgarvey@garveyassociates.com

April 27, 2018

Ryan Sigworth, AICP
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Plan #620180030
10202 Falls Road

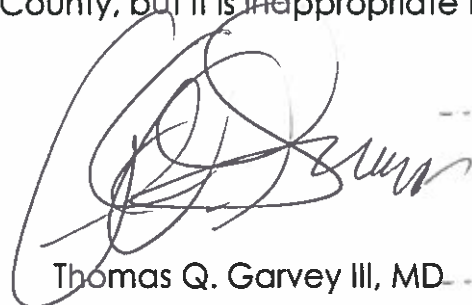
Dear Mr. Sigworth:

Please convey to the Planning Board at or prior to the May 17 hearing that we are vehemently opposed to squeezing two houses onto the lot at 10202 Falls Road lot as proposed in Plan #62080030. We shall be unable to attend the hearing in person.

We have lived nearby, on Gary Road, since 1976. Although the lot under consideration does not directly abut our property, we are very familiar with the proposed building site. Given the presence of a flood plain and stream buffer zone on the southern side of the lot, the two houses would be unreasonably close to each other. This configuration might be acceptable in more urban areas of the County, but it is inappropriate for houses in the Master Plan's "wedge."

Sincerely yours,


Carol W. Garvey, MD


Thomas Q. Garvey III, MD



From: MCP-CRM-Tracker
Sent: Monday, December 18, 2017 12:08 PM
To: MCP-Chair <mcp-chair@mncppc-mc.org>
Subject: Plan # 620180030 located at 10202 Falls Road in Potomac

From: 10201garyrd@verizon.net [<mailto:10201garyrd@verizon.net>]
Sent: Thursday, December 14, 2017 4:34 PM
To: Wright, Gwen <gwen.wright@montgomeryplanning.org>; Anderson, Casey <Casey.Anderson@mncppc-mc.org>
Cc: cgarvey@garveyassociates.com; ginnybarnes@juno.com; Susan Tipton <stipto7@outlook.com>
Subject: Plan # 620180030 located at 10202 Falls Road in Potomac

I am contacting you about the proposed plan # 6201800030 because, as of today, there is no lead contact person assigned to the proposed project on the DAIC web page. I am requesting that you please pass my comments on to the correct person handling this project.

I am writing to oppose the construction of these two houses on a lot better suited to the building of only one house.

The project creates a high density area that is not in the character of the surrounding houses who all have more vegetation and open space on their lots than this proposed plan would allow. In an effort to preserve the Montgomery County Wedges and Corridors plan established in 1964, the Green Wedge would be better preserved by leaving more green space . This would be achieved if there were only one house and one driveway.

The drive that serves the rear house is not wide enough for two cars to pass unless they drive on the grass and it creates a problematic parking situation when there are guests or service providers . There is no parking on Falls Road and the drives to both houses are not wide enough to accommodate guest parking. It is not realistic to think that there will not be driving and parking on the green space of the lots.

Please reject this proposal to build two houses on a site that is not big enough to support two houses and still be in conformity with the county's master plan.

Adair LeMaster
10201 Gary Road
Potomac, MD 20854

From: Susan Tipton
To: [Sigworth, Ryan](#)
Cc: [Carol Garvey](#); "Arti Duggal"; 10201garyrd@verizon.net
Subject: Plan #620180030
Date: Sunday, December 17, 2017 1:17:23 PM

To Director Wright and Commission Chair Anderson:

I object to the proposal to squeeze two houses into this area on Falls Road. The drawing of the proposed development raises several issues.

One serious issue is that the drawing shows the house closest to Falls Road with the proposed driveway on top of a stream buffer area in two places. This is not appropriate.

I concur with the points made by Ginny Barnes, President of the West Montgomery County Citizens Association in her letter to you.

I am writing in support of holding a public hearing regarding this ill-advised proposal development.

Susan J. Tipton
10301 Gary Road
Potomac, MD 20854