

Chapter Four

LAND USE AND ZONING PLAN

Land Use Plan

Land Use Plan: Critical Parcels and Areas

Recommendations on the Most Critical Parcels and Areas

Green Corridors Policy

Commercial Revitalization

Land Use Plan

Existing land use has developed in response to Kensington-Wheaton's strategic location within the County and region. Focusing on the predominantly residential parts of Kensington-Wheaton, this Master Plan encourages the protection, stabilization, and continuation of current land use patterns.

Kensington-Wheaton is almost completely built out, and it possesses many characteristics of other "mature areas." These characteristics consist mainly of:

- A limited amount of vacant and redevelopable land remaining.
- A limited capacity of existing roads to accommodate present and future traffic volumes.

- An established character and density of development.

Housing accounts for most land use in the Kensington-Wheaton planning area. This use is characterized by a wide variety of housing types, from detached homes on large and small lots to town-houses and garden apartments within the sector plan areas. In terms of lifestyle preference and affordability, this housing stock serves the residents of the area well. Except in the sector plan areas, commercial uses in the planning area are limited in their extent and have shown very little tendency for recent growth. The commercial and service opportunities provided in the areas now covered by the sector plans and the commercial uses at Veirs Mill and Randolph Roads are sufficient to accommodate the needs of the community for the foreseeable future. Therefore, no additional commercial uses are needed within the area covered by this Plan.

It is recognized that the planning area is at a crucial location within the older, urbanized part of the County, located between the I-270 and US 29 corridors. (See Figure 3-1, General Plan Concept, and associated discussion on "wedges and corridors.") This Plan adopts a strategy that will balance the planning area's high transportation accessibility with the vulnerability created by its position within the region. The accessibility attributed to the planning area's location at the terminus of the Metro system and at the juncture of numerous regional highway facilities exacerbates the area's sensitivity to pressures for more intensive development and conversion to non-residential uses.

ATTACHMENT 3



May 30, 2018

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

Chevy Chase View
Request for Specimen Tree Variance
Preliminary Plan 120180160

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

Project Description:

The Subject Properties

The combined properties total 1.16 acres comprised of two properties, one being located at 4205 & 4201 Saul Road in Kensington, Montgomery County, Maryland. The site is currently developed with one single family detached house. The project consists of razing the current house and constructing three new homes. The site is surrounded by residential properties.

The Surrounding Neighborhood

For analysis purposes, the two subject properties are larger than most of the surrounding community. Subdividing the property will fit with the character of the neighborhood.

The Proposed Subdivision

This Preliminary Plan application proposes to subdivide two properties into three proposed lots. The Standard Method, Development Standard is proposed to fit three lots. The subdivision shall propose access to each lot through individual driveways.

Forest Conservation

Natural Resources Inventory/Forest Stand Delineation has been approved for the Subject Property. A Preliminary Forest Conservation Plan is filed with this application. There is no forest on the Subject Property. The afforestation requirement for the property is 0.18 acres. The afforestation requirement of forest required shall be paid through fee-in-lieu or forest bank as further defined on the final forest conservation plan.

The following specimen trees require a variance:

SpecimenTree Summary 30" +										
Tree #	Species	Species	D.B.H	Critical Root	Critical Root Zone	Percent of CRZ	Tree	Comments	Status	Variance
	Scientific Name	Common Name	(Inches)	Zone (Sq. Ft.)	Impacts	Impacted (SF)	Condition			
6	JUGLANS NIGRA	BLACK WALNUT	36	6362		831	13% GOOD		IMPACTS ONLY	YES
7	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	32	7238		2038	28% GOOD		IMPACTS ONLY	YES
10	FAGUS GRANDIFOLIA	BEECH	34	8171		8171	100% GOOD	LIMBS	REMOVAL	YES
11	ACER RUBRUM	RED MAPLE	30	6362		816	13% GOOD		IMPACTS ONLY	YES
12	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	33	7698		7698	100% FAIR	VINES	REMOVAL	YES
14	PICEA ABIES	NORWAY SPRUCE	30	6362		6362	100% GOOD		REMOVAL	YES
15	TILIA AMERICANA	AMERICAN LINDEN	34	8171		8171	100% GOOD		REMOVAL	YES
16	FAGUS GRANDIFOLIA	BEECH	43	13070		13070	100% GOOD	SPLITS AT 2"(26.38)	REMOVAL	YES
18	TILIA AMERICANA	AMERICAN LINDEN	38	7698		7698	100% GOOD	SPLITS AT 2"(22.20,17)	REMOVAL	YES
19	TAXODIUM DISTICHUM	BALD CYPRESS	38	10207		10207	100% GOOD	SPLITS AT 18"(24.28,18)	REMOVAL	YES
26	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	38	10207		593	6% GOOD	SPLITS AT DBH	IMPACTS ONLY	YES
27	QUERCUS RUBRA	RED OAK	40	11310		282	2% GOOD		IMPACTS ONLY	YES

* BOLD TYPE DENOTES SPECIMEN TREES

Condition Scoring System	
No Apparent Problems	Excellent
Minor Problems	Good
Major Problems	Fair
Extreme Problems	Poor

Requirements for Justification of Variance:

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

- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
- (2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
- (3) Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and
- (4) Provide any other information appropriate to support the request.

Justification of Variance

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

Response: This work will require disturbance of the root zones of a total of twelve (12) specimen trees. Seven (7) of the impacted trees will be required to be removed. Each of the existing variance trees lies within or very near the footprints of a detached house, stormwater management facility, grading due to topographic conditions, the private access driveway. The trees that require removal to develop the proposed lots are the only obstacle to a development proposal that furthers the county's housing goal of avoiding sprawl by locating greater density in developed, urban communities.

Unwarranted hardship is demonstrated, for the purpose of obtaining a Specimen Tree Variance when an applicant presents evidence that denial of the Variance would deprive the Applicant of the reasonable and substantial use of the property. The subdivision of existing properties into conforming and compatible lots in a fully developed urban transition community, of residential lots is clearly within the class of reasonable and substantial uses that justify the approval of a Specimen Tree Variance for the Subject Property. If the requested Variance were denied the Applicant would be precluded from developing the Subject Property for a reasonable and significant use commonly enjoyed by virtually all other property owners in the community.

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

Response: If the requested Variance were denied, the Applicant would suffer unwarranted hardship and would be deprived of rights commonly enjoyed by other property owners in the R-90 zone and adjoining areas similar to the location of the Property. If the requested variance were denied, the Applicant would be denied the right enjoyed by other similarly situated property owners to develop their R-90 zoned property in a manner permitted by the zoning ordinance that is consistent with the development history of the neighborhood, block and subdivision.

If the variance were not granted for the trees identified on the attached chart would have to remain and the Applicant would be unable to develop the property with any houses in the disparate treatment of the Applicant in comparison the exercise of rights commonly enjoyed by others in the same area and in similar R-90 zoned areas.

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

Response: Tree removals have been minimized by careful design of the layout ensuring the preservation of as many specimen trees as possible. In addition, this property will be developed in accordance with the latest Maryland Department of the Environment criteria for stormwater management. This includes Environmental Site Design to provide for protecting the natural resources to the Maximum Extent Practicable. This includes removing excess impervious areas and providing on-site stormwater management systems. A Stormwater Management Concept is currently under review by the Montgomery County Department of Permitting Services to ensure that this criterion is enforced. Therefore, the proposed activity will not degrade the water quality of the downstream areas and will not result in *measurable degradation in water quality*.

Specimen tree removals are proposed to be mitigated for onsite through new plantings as depicted on the Preliminary FCP. Additional canopy planting will serve to create greater ecological quality while establishing further buffering of adjacent land uses (residential). The tree #10 and 12 slated for removal poses potential hazards for both the existing and proposed residences; it has multiple broken limbs and vines.

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

Response: The Approved and Adopted Trees Technical Manual lists several factors for consideration when reviewing applications for clearing that now require the approval of a Specimen Tree Variance. Generally, the Technical Manual recognizes that clearing is appropriate for street and driveway construction to provide access to new development and to create a building envelope for development. Among the development factors that the Technical manual considers appropriate for consideration when a Variance request is before the Planning Board is whether an urban form of development is desired at a particular location. The area in which the subject Property is located, with its high density residential zoning is far more appropriate for an urban form of development than for a large lot suburban pattern.

The Technical Manual also acknowledges that well planned clearing balances the public policies of preserving forest and funneling development into appropriate locations. The Technical Manual provides that one factor to be considered.

"The extent to which the actual or intended use of the property, as developed or as proposed to be developed in accordance with the regulations of the Zoning Ordinance and/or area master plans, require clearing of trees."

The proposed subdivision of the subject Property into detached houses, locational desirable urban style R-90 lots fully complies with the specific regulations of the Zoning Ordinance and the land use recommendations and intentions of the Master Plan.

As further basis for its variance request, the applicant can demonstrate that it meets the Section 22A-21(d) *Minimum criteria*, which states that a variance must not be granted if granting the request:

- (1)** Will confer on the applicant a special privilege that would be denied to other applicants;

Response: The construction of the residence onsite is in conformance with the subdivision regulations and zoning code. As such, this is not a *special privilege* to be conferred on the applicant.

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

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

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

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

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

Response: Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality. The specimen tree removal is further proposed to be mitigated through the installation of 21 – 3" caliper trees.

Conclusion:

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Norton', written in a cursive style.

Michael Norton

ATTACHMENT 4



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Patty Bubar
Acting Director

July 12, 2018

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

RE: Chevy Chase View, ePlan 120180160, NRI/FSD application accepted on 11/9/2017

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 the revised 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.

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www.montgomerycountymd.gov/dep

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: Amy Lindsey, Planner Coordinator

ATTACHMENT 5



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

July 2, 2018

Mr. Mike Norton
Norton Land Design
5146 Dorsey Hall Drive, 2ND Floor
Ellicott City, MD

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN**
for Chevy Chase View
4025 Saul Road
PP# 120180160
SM File #: 283664
Tract Size/Zone: 1.15 ac./R-90
Total Concept Area: 1.15 ac/ 49873 sf
Lots/Block: Tax Map 342 parcel
to be subdivided into Lots 101 - 103/Block D and
Outlot A
Watershed: Lower Rock Creek

Dear Mr. Norton:

Based on a review by the Department of Permitting Services Review Staff, the Combined Stormwater Management/Site Development Stormwater Management Plan for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals for each lot as follows: Lot 101 - 3 dry wells, Lot 102 - 3 dry wells and 1 micro-infiltration trench, Lot 103 - 3 dry wells and 1 micro-infiltration trench.

The following items need to be addressed during the detailed Sediment Control/SWM plan stage:

1. A detailed review of the SWM computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices must consist of MDE approved material.
4. All measures must be designed in accordance with the latest MCDPS guidance documents.



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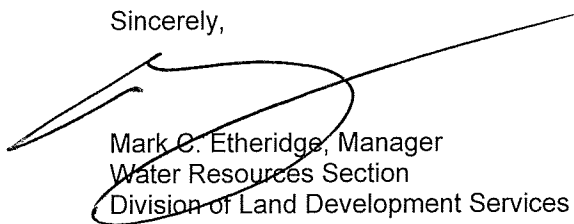
Mr. Mike Norton
July 2, 2018
Page 2 of 2

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.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not 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 # 283664

Lot 101 - 0.52 ac
ESD: Required/Provided: 319 cf / 414 cf
PE: Target/Achieved: 1.0"/1.0"
STRUCTURAL Required/Provided: n/a
WAIVED: n/a

Lot 102 - 0.29 ac
ESD: Required/Provided: 462 cf / 520 cf
PE: Target/Achieved: 1.6"/1.6"
STRUCTURAL Required/Provided: n/
WAIVED: n/a

Lot 103 - 0.29 ac
ESD: Required/Provided: 476 cf / 530 cf
PE: Target/Achieved: 1.6"/1.6"
STRUCTURAL Required/Provided: n/a
WAIVED: n/a

ATTACHMENT 6

March 20, 2018

MCP-Chair@mnecppc-mc.org

Casey Anderson, Chair

Montgomery County Planning Board

RE: Application for Preliminary Plan
Application #120180160
4205 Saul Road, Chevy Chase View

Dear Mr. Anderson:

We are writing to express our strong opposition to the above-referenced application preliminary plan. Although the final plan application has not appeared online, the developer's initial submissions make it clear that he is seeking to construct three single-family residences on 1.15 acres of property which should hold, at most, two homes.

This density is completely inconsistent with the character of the entire Chevy Chase View community. Chevy Chase View is a beautiful neighborhood. Aside from its wonderful people, one of its most distinctive characteristics is the lovely, understated residences, which sit balanced with the lots, the landscaping and the streetscape. Forcing three homes into this lot is grossly out of character with the neighborhood, disproportionate to the residential plan of the community, and disruptive of our community's aesthetic values.

We moved into this community several years ago in part because we loved its beautiful and restrained layout. The developer here is proceeding without any sensitivity to these values, which are obvious to anyone driving down the street. Nearly every resident makes an effort to respect the limits of their property and find that right balance between the land, the structure and the landscaping. This developer should, too.

We urge you to reject the application for preliminary plan and insist that the developer proceed with no more than two residences, consistent with overall development of Chevy Chase View.

Please note us as parties of record and include us in notices of future proceedings and filings in this matter.

Sincerely,



Tim and Sheila Maloney

4213 Glenridge Street

Kensington (Chevy Chase View), Maryland 20895

tmaloney@jglaw.com

Copies to:

Members and Town Manager, Chevy Chase View

Paula Fudge, Chair pdfudge@gmail.com

Tom Brown mdfpe@hotmail.com

Peter Marks pmarks225@verizon.net

Ron Sherrow rsherrowccv@gmail.com

Jana Coe, Town Manager ccviewmanager@verizon.net

Montgomery County Planning Department

Gwen Wright, Planning Director
gwen.wright@montgomeryplanning.org

Amy Lindsey, Area 2 Planner
amy.lindsey@mncppc-mc.org

From: Kevin McCarthy
To: Shirley, Lori
Cc: Lindsey, Amy; Anderson, Casey; Amy McCarthy
Subject: Plan Number: 120180160 - Subdivision Plan at Saul & Gartrell
Date: Thursday, April 26, 2018 4:15:45 PM

Dear Ms. Shirley,

This letter is to let you know of our strong objections and concerns regarding the proposed subdivision at Saul & Gartrell (Plan 120180160). There are several areas of concern we would like you to consider regarding the proposed subdivision in question:

1) Variance to the Forest Conservation Ordinance

The Forest Conservation Plan submitted for the proposed subdivision references 27 Significant/Specimen Trees that have a diameter of 24" or greater. Of those 24 trees referenced, 13 trees are located on the two lots of the proposed subdivision and 14 are located on neighboring lots. The Applicant has requested a variance from the MNCPPC to the Montgomery County Forest Conservation Ordinance to allow impact to or removal of many trees on subject property. The subdivision plan as submitted proposed to remove every single specimen tree located on the two existing lots. That is correct - the plan shows removal of 13 out of 13 specimen trees (24" + diameter) located on the property (trees numbered 8, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 on the plan). In addition the subdivision plan shows that the development will impact an additional 9 specimen trees located on other neighboring properties including our own property. Furthermore, the proposed plan shows removal of the vast majority of the trees on the property that are less than 24" in diameter. The plan reflects that virtually all existing vegetation on the currently wooded lots will be removed with the subdivision.

The Variance requires that the applicant describe the special conditions peculiar to the property which would cause the unwarranted hardship. The Applicant's response is that "subdividing the two properties into three lots that are more in character with the community" and that as the property currently sits there is substantial fill that will have to be placed to connect a driveway with Gartrell Place. The Applicant further states that the majority of the specimen trees would have to be removed even if only two houses are built. The Applicant's response is simply incorrect:

- Creating smaller lots with what can expected to be large homes is not in character with the Chevy Chase View neighborhood.
- If there is no subdivision of the lots and only two home are built there will be no "substantial fill" to connect a driveway with Gartrell as the two lots front Saul Road and the driveways would lead to Saul not Gartrell.
- If only two homes are built a majority of the specimen trees can be salvaged. Even if the existing house on Lot 101 is razed, a new home built in proximity to the footprint of the existing home would require disturbance and removal of far fewer specimen trees on that lot. Also, absent a subdivision and with only one home built on the right side of the property, a vast majority of the specimen trees on that parcel would also not have to be removed.
- The Applicant states in the Variance request that seven of the specimen trees are proposed for removal, however inspection of the plans submitted reflects that they are seeking to remove all 13 specimen trees on the subdivided lots.

The Variance requires that the Applicant describe how enforcement of the Forest Conservation Ordinance will deprive the landowner of rights commonly enjoyed by others in similar areas. The Applicant's response is that "if the Applicant is required to keep all improvements outside the root zones of the specimen trees, the residence could fail to be built" and that "this would be true if the two properties remained and were built without going through subdivision process." This statement is simply not true for the reasons stated above. The sheer number of trees scheduled for removal and impact could be substantially mitigated if the lots are not subdivided and there is thoughtful planning to the building of two homes on the two existing lots.

2) Resulting Lots from Subdivision Not Compatible with Lots in Immediate Vicinity

The proposed new lots #102 and #103 created from the subdivision are not compatible and would not be of the same character as other lots in the immediate vicinity. Specifically:

a) Alignment

The front of proposed Lot #102 faces east, whereas all other lots in the immediate vicinity face south or north. For this reason Lot #102 lacks compatibility and would not be of the same character as other lots.

b) Street Frontage

The proposed street frontage for Lot #102 is 100.4' on Gartrell Place, and the proposed frontage for Lot #103 is 101.7' on Gartrell Place. The street frontage on Gartrell for both of these lots is not within 10% of the average street frontage of typical lots in the immediate vicinity. For this reason Lot #102 and Lot #103 lacks compatibility and would not be of the same character as other lots.

c) Width

The proposed width for Lot #102 is 100' at the building restriction line. The 100' width at the BRL is not within 10% of the average width of typical lots in the immediate vicinity. For this reason Lot #102 lacks compatibility and would not be of the same character as other lots.

3) Calculation of Building Restriction Lines

The proposed subdivision plan carefully plans the "Staging of the Project" as a way to avoid the existing EBL calculations. This includes the proposal to raze the existing house on Lot 101, and then building on the new lot 102, then lot 103, followed by a new home on Lot 101 in order to avoid dealing with the existing setback of the Pietsch house on Lot 101. The method is simply against the spirit and intent of the County's Building Regulations.

4) Approval of Subdivision Puts Existing House Out of Compliance with Building Regulations

Any subdivision or moving of the rear property line prior to the existing house being razed would immediately put the existing Pietsch house located on Lot 101 out of compliance with Building Regulations as the house would be less than 25' from the rear property line.

For the above reasons I would strongly urge the Montgomery County Planning Board to deny the request for subdivision of the lots as the proposed subdivision lacks compatibility with the neighborhood.

Could you please confirm receipt of this letter, and also advise if I should be sending this to someone else at the Planning Commission or the reviewer of the Variance request to the Montgomery County Forest Conservation Ordinance. Thank you for your time and

consideration.

Sincerely,

Kevin and Amy McCarthy
4117 Saul Road
Kensington, MD 20895

ATTACHMENT 7



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdieh
Director

July 20, 2018

Ms. Lori Shirley, Planner Coordinator
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan Letter-**AMENDED**
Preliminary Plan No. 120180160
Chevy Chase View

Dear Ms. Shirley:

This letter is to amend the comments contained in our June 26, 2018 preliminary plan letter.

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services (MCDPS) 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. All previous comments in our June 26, 2018 letter remain applicable unless modified below
2. **Comment # 1:**

Original language:

"We defer to Town of Chevy Chase View for any improvements along Saul Road and Gartrell Place."

The comment shall be revised as follows:

We defer to Town of Chevy Chase View for any improvements along Gartrell Place. Since Saul Road is maintained by Montgomery County and classified as a Primary Residential Road, the applicant shall be responsible to install a 5-ft wide sidewalk along the property frontage per

Office of the Director

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Located one block west of the Rockville Metro Station

Ms. Lori Shirley
Preliminary Plan No. 120180160
AMENDED LETTER
July 20, 2018
Page 2

Montgomery County Code 49-33. Please show the 5-ft wide Americans with Disabilities Act (ADA) compatible sidewalk along the Saul Road frontage on the certified preliminary plan.

3. **Sight Distance:**

- a) Lot 101 & 103: The proposed driveway access does not meet the sight distance for the Primary Residential Road. We would accept the sight distance if the applicant does a study to support that the sight distance meets the 85th percentile speed along Saul Road.
- b) Lot 102: We defer to Town of Chevy Chase for approval of the sight distance since the proposed access is from Gartrell Place.

Thank you for the opportunity to review this Preliminary Plan. If you have any questions or comments regarding this letter, please contact Deepak Somarajan, our Development Review Team Engineer for this project at deepak.somarajan@montgomerycountymd.gov or (240) 777-7170.

Sincerely,



Rebecca Torma, Acting Manager
Development Review
Office of Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\ Chevy Chase View \Letter\ 120180160
Chevy Chase View-Amended Letter

cc: Dan Demeria PHH Loring LLC
Michael Norton Norton Land Design LLC
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Kwesi Woodroffe MDOT SHA District 3
Marie LaBaw MCDPS Fire Dept. Access
Vince Subramaniam MCDOT DTEO
Khursheed Bilgrami MCDOT DTEO
Deepak Somarajan MCDOT OTP



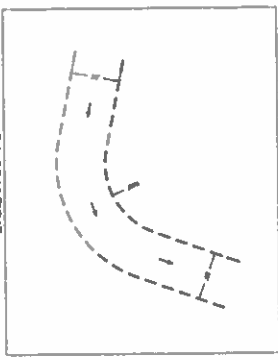
**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 02-Jul-18
TO: Sean Lindaman - slindaman@clarkazar.com
Clark | Azar & Ass
FROM: Marie Lallaw
RE: Chevy Chase View - Lot 101, 102, 103 (Block D)
4705 Saul Road

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 02-Jul-18. Review and approval does not cover manufacturing installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of manufacturing installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** Minimum 15 foot BRI *****



SCALE: 1" = 40'



PRELIMINARY PLAN # 120160160

FIRE ACCESS PLAN

CHEVY CHASE VIEW

LOTS 101, 102 & 103, BLOCK D

CLARK, KIM & ASSOCIATES
PLANNERS & ARCHITECTS
1000 15th Street, NW
Washington, DC 20004
202.462.1000
www.clarkkim.com



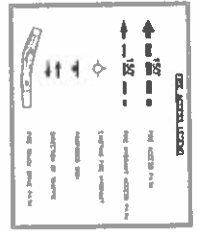
NORTON LAND DESIGN
1000 15th Street, NW
Washington, DC 20004
202.462.1000
www.nortonlanddesign.com

PRELIMINARY PLAN # 120160160

FIRE ACCESS PLAN

CHEVY CHASE VIEW

LOTS 101, 102 & 103, BLOCK D





DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdieh
Director

June 26, 2018

Ms. Lori Shirley, Planner Coordinator
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan Letter
Preliminary Plan No. 120180160
Chevy Chase View

Dear Ms. Shirley:

We have completed our review of the Preliminary Plan dated February 2018 and e-plans task dated June 19, 2018. A previous plan was reviewed by the Development Review Committee at its meeting on April 24, 2018. We recommend approval for the plan based to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services (MCDPS) 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 Town of Chevy Chase View for any improvements along Saul Road and Gartrell Place.
2. Storm Drain Analysis: The storm drain study has been accepted and the applicant is not responsible for any downstream improvements.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX
www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

Ms. Lori Shirley
Preliminary Plan No. 120180160
June 26, 2018
Page 2

Thank you for the opportunity to review this Preliminary Plan. If you have any questions or comments regarding this letter, please contact Deepak Somarajan, our Development Review Team Engineer for this project at deepak.somarajan@montgomerycountymd.gov or (240) 777-7170.

Sincerely,



Rebecca Torma, Acting Manager
Development Review
Office of Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\ Chevy Chase View \Letter\ 120180160
Chevy Chase View

cc: Dan Demeria PHH Loring LLC
Michael Norton Norton Land Design LLC
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Kwesi Woodroffe MDOT SHA District 3
Marie LaBaw MCDPS Fire Dept. Access
Vince Subramaniam MCDOT DTEO
Khursheed Bilgrami MCDOT DTEO
Deepak Somarajan MCDOT OTP



WSSC PRELIMINARY PLAN REVIEW REQUIREMENTS CHECKLIST

ITEM	YES	N/A
GENERAL		
Major Review Fee – Non-residential or more than 10 residential properties.		x
Minor Review Fee - Ten residential units or less.	x	
Provided WSSC map number and ADC Map Book grid for connection points.	x	
Location and size of existing WSSC lines, connections and rights of way shown?	x	
Proposed abandonment or relocation of WSSC lines?		x
WSSC WATER SERVICE		
Requesting WSSC water connection? <i>(If yes, please show following items on plan, if applicable, and indicate status (yes, or N/A) on this checklist)</i>	x	
• Proposed water service connections and on-site lines shown?	x	
• Are proposed water lines shown connecting to an existing water line?	x	
• Proposed water line and connection rights-of-way easement delineated on plan?	x	
• The highest plumbing fixture elevation proposed for the highest structure on site (approximate).	High elevation: 324.00	
• The lowest plumbing fixture elevation proposed for the lowest structure on site (approximate).	Low elevation: 315.00	
WSSC SEWER SERVICE		
Requesting WSSC sewer connection? <i>(If yes, please show following items on plan, if applicable, and indicate status (yes or N/A) on this checklist)</i>	x	
• Proposed sewer service connections and on-site lines shown?	x	
• Are proposed sewer lines shown connecting to an existing sewer line?	x	
• Proposed sewer line and connection rights-of-way easement delineated on plan?	x	
• Direction of flow shown?	x	
• Proposed sewer is a gravity line that is between 8 and 18 feet deep?	x	
• Lowest basement requiring sewer.	Lowest elevation: ~305.50 bsmt	

Important Notes:

Extensions of water and sewer lines are required to follow the WSSC's System Extension Process (SEP) for developer-built lines. The SEP requires the preparation of plans that meet WSSC water and sewer design guidelines which dictate right-of-way widths, the use of NAD 83-91 & NGVD 1929 for survey information, etc...

Obtaining WSSC plan comments will increase the probability that the property can be served as approved. WSSC review comments will identify service restrictions, rights-of-way issues and conditions that might otherwise go unaddressed early in the process. Omitting checklist requirements may affect the quality of WSSC's comments and result in the need to re-subdivide or otherwise delay service and increase costs.

INVOICE**To:**

Andrew Funsch
5146 Dorsey Hall Drive Second Floor Drive, Second Floor
Ellicott City, Md 21042

Invoice Number	Invoice Date	Invoice Amount	Amount Due	Invoice Status	Invoice Description
00064114	02/26/2018	\$726.00	\$0.00	Paid In Full	NONE

Reference Number	GL Account	Description	Quantity	Total
120180160	06-40651	GOV Review (Minor)	1	\$726.00

Total Non-SDC Fees **\$726.00**

Note: When making an online payment, Western Union charges a \$5.95 convenience fee per online transaction. The convenience fee is not included on the WSSC permit/plan invoice total.

PAYMENTS (This Invoice only)

Reference Number	Payment Receipt #	Description	Payment Method	Amount Paid
120180160	TRC-057070-26-02-2018	GOV Review (Minor)	Credit / Debit Card #3122	\$726.00

Total Paid This Invoice **\$726.00**

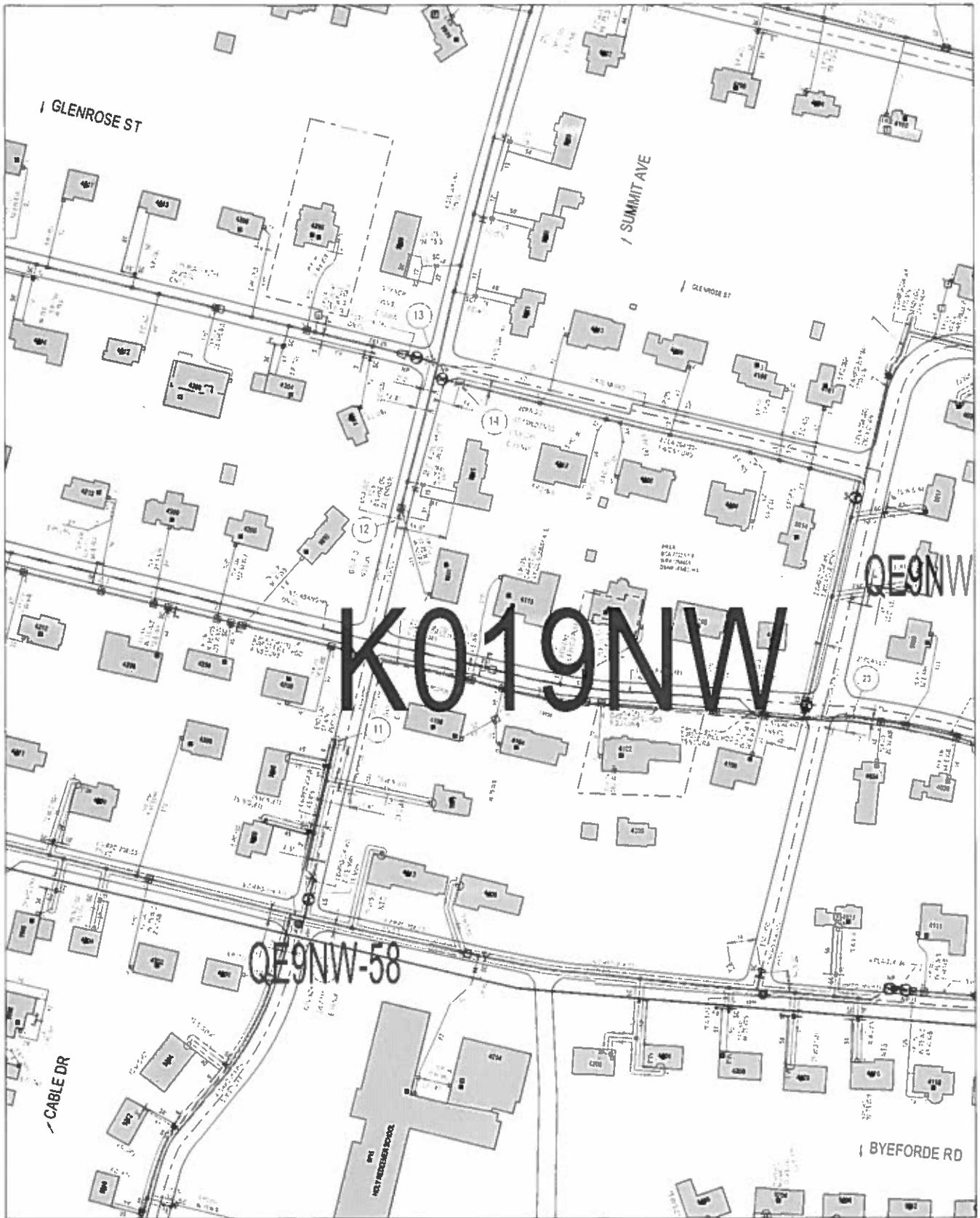
NW

K

NW



019



NW

DATE AND TIME: 06/20/2018 8:23:31 AM

This information is not a guarantee and is not to be used as a basis for any decision. It is the user's responsibility to verify the accuracy of the information.

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WASHINGTON GAS LIGHT CO

NW

MAP

SCALE 1:500