



Old Angler's Cove, Preliminary Plan No. 120170290

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Completed: 1/24/19

Description

Old Angler's Cove, Preliminary Plan No. 120170290:

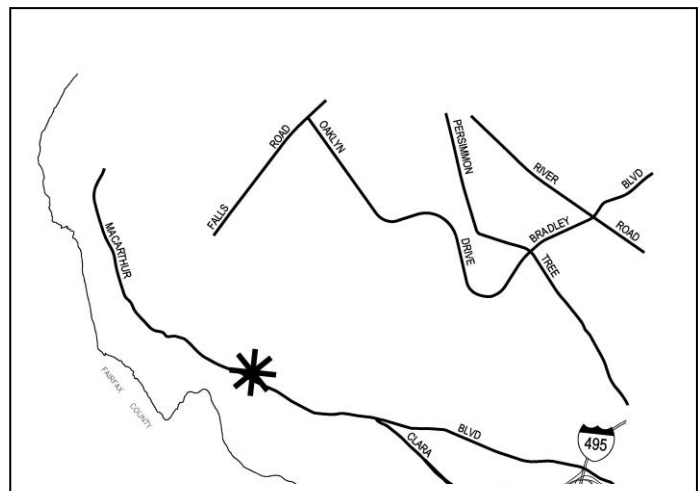
Request to subdivide the Subject Property into three (3) lots for three (3) detached one-family houses, located on MacArthur Boulevard, 2,500 feet West of Brickyard Road; 1.865 acres, R-200; 2002 *Potomac Subregion Master Plan*.

Staff Recommendation: *Approval with conditions*

Applicant: Benjamin B. Wisler

Acceptance Date: September 21, 2017

Review Basis: Chapter 50



Summary

- Staff recommends **Approval with conditions**.
- The Subject Property is zoned R-200 and it abuts the Chesapeake & Ohio Canal National Historical Park to the south.
- The Application creates three lots for three one-family detached homes.
- The Application will pay into the MacArthur Bikeway Improvement Project – Segment 1, Capital Improvement Project (CIP) No. 509337 based on an engineered cost estimate for the construction of a 10-foot wide shared use path along the frontage of the Subject Property, as required by the 2018 Bicycle Master Plan.
- Afforestation requirements will be met by afforesting a 0.29-acre area along the southern property line and placing it in Category I Conservation Easement, which will expand and enhance the existing off-site protected forest on the U.S. National Park Service property to the south.
- The Application has received four extensions since the application acceptance date.
- Staff has received one instance of correspondence regarding this Application.

SECTION 1 – RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN NO. 120170290: Staff recommends approval of the Preliminary Plan subject to the following conditions:

General Approval

1. This Preliminary Plan is limited to three (3) lots for three (3) one-family detached dwelling units.

Adequate Public Facilities and Outside Agencies

2. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.

Outside Agencies

3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated December 24, 2018 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated August 31, 2018 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
6. 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 December 7, 2018 and 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 amendment does not conflict with other conditions of Preliminary Plan approval.

Environment

Forest Conservation

7. The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan (PFCP), No. 120170290, approved as part of this Preliminary Plan.
 - a. Prior to Certified Preliminary Plan, the Applicant must submit for review and approval a Final Forest Conservation Plan (FFCP) consistent with the approved Preliminary Forest Conservation Plan (PFCP) and Section 22A.00.01.09.B of the Forest Conservation Regulations.

- b. 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 the 0.29 acres as specified on the approved FFCP. The Category I Forest Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed and the Book/Page for the easement must be referenced on the record plat.
- c. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must provide financial surety to the M-NCPPC Planning Department for the 0.29 acres of new afforestation planting.
- d. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must submit a two-year Maintenance and Management Agreement approved by the M-NCPPC Office of General Counsel. The maintenance and management agreement is required for all forest planting areas credited toward meeting the requirements of the FFCP, including the afforestation/reforestation of environmental buffers.
- e. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must install permanent Category I Conservation Easement signage along the perimeter of the conservation easements.
- f. The Final Sediment Control Plan must be consistent with the final limits of disturbance shown on the approved FFCP.
- g. The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.

Transportation

Existing Frontage Improvements

- 8. The Applicant must provide the following dedication and show them on the record plat(s) for the following existing road:
 - a) No less than forty-two feet from the existing pavement centerline along the Subject Property frontage for MacArthur Boulevard.
- 9. Prior to filing a record plat, the Applicant must pay into MacArthur Bikeway Improvement Project – Segment 1, Capital Improvement Project No. 509337 based on an engineer's cost estimate for a required 10-foot shared use path along the Property's frontage as referred to in MCDOT's letter dated December 24, 2018.

Record Plats

- 10. There shall be no clearing or grading of the site prior to recordation of plat(s).

Easements

- 11. The record plat must show necessary easements.
- 12. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

Certified Preliminary Plan

13. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).

14. The Certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

15. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following change:
 - a. Modify the data table to accurately reflect the correct building heights based on lot size required by the Zoning Ordinance and the correct maximum heights allowed for each lot.

SECTION 2 – SITE LOCATION & DESCRIPTION

Site Location

The property is made up of three unplatted parcels comprising 1.865 acres, identified as P788 on Tax Map FN122, P735 on Tax Map FN122, and P09 on Tax Map FN22, located at 10640 McArthur Boulevard, 2,500 feet West of Brickyard Road (“Property or Subject Property”) (Figure 1).

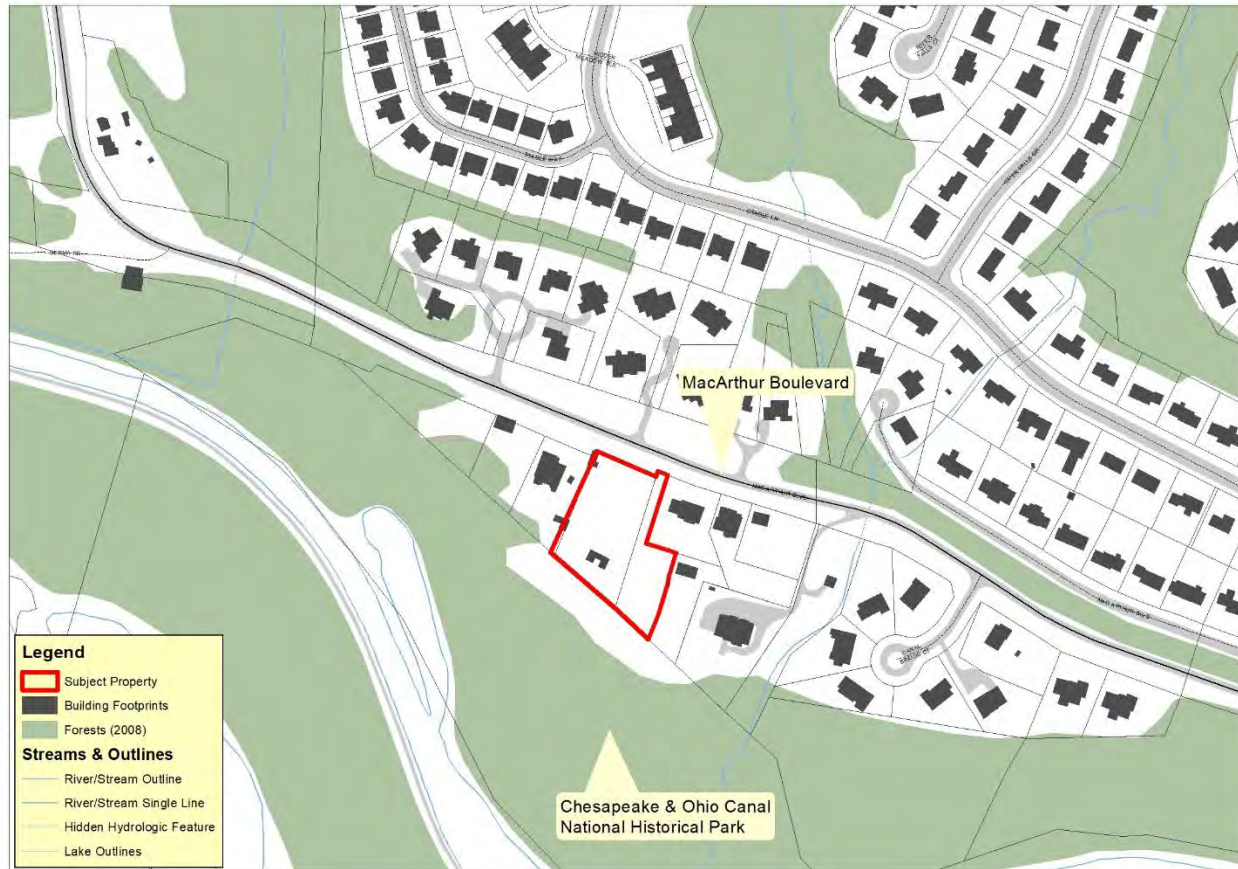


Figure 1 – Vicinity

The Property is zoned R-200 in the *2002 Potomac Subregion Master Plan* (“Master Plan”). The Property has one existing detached single-family home (Figure 3) with a driveway accessing McArthur Boulevard.

Site Vicinity

To the east, west and north of the Property are detached single-family homes in the R-200 zone. To the south of the Property is the Chesapeake & Ohio Canal National Historical Park (Figure 1). The Subject Property is in close proximity to the Washington Aqueduct located in the McArthur Boulevard right-of-way.

Site Analysis

The Subject Property is improved with an existing single-family house and associated outbuildings with an access driveway to McArthur Boulevard (Figure 2). The Subject Property contains no forest or environmentally sensitive features. Adjacent to the southern property line of the Subject Property is a federally recognized wetland situated on U.S. National Park Service (NPS) property. A portion of the 25-

foot wetland buffer extends onto the Subject Property. The Subject Property is located within the Rock Run watershed, a Use I-P stream.



Figure 2 – Aerial View

SECTION 4 – ANALYSIS AND FINDINGS - Preliminary Plan No. 120170290

1. *The Preliminary Plan substantially conforms to the Master Plan*

The Application is in substantial conformance with the objectives and recommendations of the 2002 *Potomac Subregion Master Plan*.

The Property is located in the “Potomac” community area of the Master Plan. The Master Plan does not specifically address the Subject Property. However, the Master Plan recognizes this part of the Subregion as more developed than the other three community areas identified in the Master Plan (Page 41). Because residential development is dispersed throughout the area, the Master Plan “recommends infill development of remaining vacant properties with residential development essentially similar to what is now there, unless specifically stated otherwise in this Plan.” (Page 41)

This Application is in conformance with the Master Plan recommendations for residential infill in this part of the Subregion.

Transportation

The 2018 Bicycle Master Plan recommends a 10-foot wide shared use path along the frontage of the Subject Property. The Application will pay into the MacArthur Bikeway Improvement Project – Segment 1, Capital Improvement Project (CIP) No. 509337 based on an engineer’s cost estimate for the construction of a 10-foot wide asphalt shared use path along the frontage of the Subject Property. This existing CIP project is a larger scope than just the Subject Property. For efficiency and engineering purposes, it makes more sense for the Applicant to pay for their share of the frontage improvement rather than construct the improvement at this time. The payment in lieu of construction will satisfy the 2018 Bicycle Master Plan.

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

Roads and Transportation Facilities

The transportation Adequate Public Facilities (APF) test is satisfied under the 2016-2020 Subdivision Staging Policy. The Property is located in the Rural West Policy Area.

MacArthur Boulevard is an arterial street requiring 80 feet of right-of-way in accordance with the 2002 *Potomac Subregion Master Plan*. The Application proposes a variable width right-of-way dedication ranging between approximately 42.4 feet and 45.4 feet, as measured from the centerline of MacArthur Boulevard. This amount of right-of-way dedication satisfies and exceeds the minimum Master Plan requirements in order to accommodate the Master Plan recommended shared use path. The Application would be required to install a 10-foot wide shared use path, based on the 2018 Bicycle Master Plan, along the shoulder of MacArthur Boulevard. As discussed above, the Applicant will instead contribute to the MacArthur Boulevard Bikeway Improvement Project – Segment 1 (Capital Improvement Project (CIP) No. 509337).

Local Area Transportation Review (LATR)

A traffic study is not required to satisfy the Local Area Transportation Review because a net of two new single-family detached units generate fewer than 50 peak hour person trips.

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 MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on December 7, 2018 (Attachment 6). 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 in effect at the time the Application was submitted.

Staff requested comments from the National Park Service due to the Chesapeake & Ohio Canal National Historic Park boundary abutting the Subject Property (Attachment 9). However, the National Park Service provided no response.

Staff also contacted the United States Army Corp of Engineers due to the proximity of the Subject Property to the Washington Aqueduct. The Army Corp of Engineer's responded to Staff with no concerns regarding the Application but did provide the following comments (Attachment 8):

- MacArthur Boulevard has a 6-ton gross vehicle weight (GVW) limit. Therefore, any vehicle exceeding this GVW, must call the Washington Aqueduct at 202-764-2776 or 202-587-9135 for approval and permission to travel on MacArthur Blvd. Permission will only be granted to overweight vehicles with a GVW of up to 15 tons.
- The proposed concrete ramp leading to these properties off MacArthur Blvd. will be constructed directly over our "New Conduit", which is a 9' diameter unreinforced concrete structure. The clearance to the top of the conduit is only 24". Therefore, the contractor must hand dig when working in this area.
- The stairs that are shown to be removed are also directly over our "New Conduit" with a 24" clearance. Hence, the contractor will have to hand dig when working in this area.
- Please have the developer provide the Washington Aqueduct with one weeks' notice prior to starting work on this subdivision.

Applicable School Test

With a net of two new dwelling units, Preliminary Plan #120170290 for Old Angler's Cove falls within the *de minimis* (three units or less) exemption. Therefore, the Application is exempt from any applicable residential development moratoria and it is unnecessary to test the project's estimated impact on school enrollment. Nevertheless, below is additional information about the schools and school cluster that serve the Subject Property.

Cluster Information

The Application is located in the Walt Whitman High School Cluster. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for the Whitman Cluster are noted in Table 1.

Table 1 – Cluster Enrollment and Capacity Projections

| School Level | Projected Cluster Totals, September 2023 | | | Moratorium Enrollment Threshold |
|--------------|--|------------------|---------------|---------------------------------|
| | Enrollment | Program Capacity | % Utilization | |
| Elementary | 2,410 | 2,539 | 94.9% | 3,047 |
| Middle | 1,336 | 1,502 | 88.9% | 1,803 |
| High | 2,129 | 2,397 | 88.8% | 2,877 |

The Moratorium Enrollment Threshold identified in the table is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. Current projections for the cluster fall well within the threshold at each level, therefore the cluster service area remains open to new residential development.

Individual School Information

The applicable elementary school for this Application is Carderock Springs ES and the applicable middle school is Thomas W. Pyle MS. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted in Table 2:

Table 2 – Student Enrollment and Capacity Projections

| School | Projected School Totals, September 2023 | | | | Moratorium Enrollment Thresholds | |
|----------------------|---|------------------|---------------|--------------|----------------------------------|--------------|
| | Enrollment | Program Capacity | % Utilization | Seat Deficit | 120% Utilization | Seat Deficit |
| Carderock Springs ES | 325 | 407 | 79.9% | +82 | 489 | 517 |
| Pyle MS | 1,336 | 1,502 | 88.9% | +166 | 1,803 | 1,682 |

Under the individual school adequacy test, a school is deemed inadequate if the projected 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 a school's projected enrollment exceeds both thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. Current projections for both Carderock Springs ES and Pyle MS fall well within the thresholds, therefore both service areas remain open to new residential development.

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The Preliminary 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, taking into account the design recommendations included in the Master Plan, and for the building type (single family homes) contemplated for the 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 3. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

Table 3 – Development Review Table

| R-200 | Required by the Zone | Proposed for Approval |
|------------------------------|--|--|
| Minimum Lot Area | 20,000 sq. ft. | Lot 1 = 20,000 sq. ft. Lot 2 = 27,435 sq. ft. Lot 3 = 33,825 sq. ft. |
| Minimum Lot Frontage | 25 feet | 25 feet or more |
| Minimum Lot Width at B.R.L. | 100 feet | 100 feet or more |
| Maximum Lot Coverage | 25% | 25% or less |
| Min. 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 | Greater than or equal to 15,000 sq. ft. and less than 25,000 square feet = 40 feet Greater than or equal to 25,000 and less than 40,000 sq. ft. = 45 feet | Lot 1 = 40 feet or lower Lot 2 and Lot 3 = 45 feet or lower |
| Site Plan Required | No | No |

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

Environmental

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420170080 for the Subject Property was approved on August 16, 2016. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The Subject Property is located within the Rock Run watershed, a Use I-P stream. The Subject Property contains no forest or environmentally sensitive features. Adjacent to the southern property line of the Subject Property is a federally recognized wetland situated on U.S. National Park Service (NPS) property. A portion of the 25-foot wetland buffer extends onto the Subject Property.

Forest Conservation Plan

The Applicant submitted a Preliminary Forest Conservation Plan (PFCP) as part of this Application as was required under the previous approved version of Chapter 22A, Section 22A-11.b.2.A at the time of initial application. Chapter 22A was updated on October 17, 2018 with no grandfathering clause for the sequencing of submittal of the PFCP and then the Final Forest Conservation Plan (FFCP). This section currently states in part:

“...If only one approval subject to this subsection is required, an applicant must submit a preliminary forest conservation plan and a final forest conservation plan at the time of development application.”

In order to satisfy the currently approved Chapter 22A, Section 22A-11.b.2.A, the Applicant has agreed to submit the FFCP for review and approval prior to the certification of the Preliminary Plan. This FFCP will be in compliance with the approved PFCP and Section 22A.00.01.09.B of the Forest Conservation Regulations.

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. The total net tract area for forest conservation purposes is 1.95 acres which includes the Subject Property of 1.87 acres and off-site work of 0.08 acres. The Property is zoned R-200 and is classified as High Density Residential as specified in the Trees Technical Manual.

The Subject Property contains no forest cover. However, based on the forest conservation calculations on the Forest Conservation Plan Worksheet, the Applicant has an afforestation requirement of 0.29 acres. The Applicant proposes to meet this requirement by afforesting a 0.29-acre area along the southern property line and placing this area in Category I Conservation Easement. This proposed afforestation area and Category I Conservation Easement ranges from 24-feet wide up to approximately 70-feet wide and is roughly 12,632 square feet in size. Although, this proposed Category I Conservation Easement is, in some areas, less than the minimum required 50-feet in width, it is deemed acceptable because its placement against the southern property line expands and enhances the existing off-site protected forest on the NPS property.

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 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 March 6, 2018 and updated on December 3, 2018. As part of this variance request, there are two (2) off-site specimen sized trees proposed to be removed, Trees #1 and #7. There are also four (4) off-site specimen trees, Trees #2, #5, #6, #7 and #8, that will be impacted by construction (Table 4).

The two trees proposed to be removed, Trees #1 and #7, are located within the right-of-way of MacArthur Blvd. and within the LOD of the proposed 8" water main extension. These two trees are listed in Fair to Good conditions, however, given the amount of impacts to the tree's CRZs is it felt that these trees would not fully recover and it is prudent to remove them now. The only other tree of concern to Staff is Tree #2 which is shown to be impacted by the required installation of the 8" water main. Under most circumstances, given the amount of impact to the tree's CRZ, Staff would recommend removal of this tree. However, in this case, Tree #2 is located off-site on the property addressed 10562 MacArthur Blvd. (Parcel 780). Tree #2 will be impacted by the installation of an 8-inch water main line as shown on the submitted PFCP. The Applicant is proposing to install the 8-inch water line by using horizontal drilling methods to place the water line under Tree #2 below the typical root zone of this tree.

Staff has contacted WSSC and has learned that horizontal drilling will most likely not be allowed along MacArthur Blvd. due to the proximity of a U.S. Corp of Engineers (USCOE) easement containing a 9-foot diameter aqueduct conduit (Washington Aqueduct) within MacArthur Blvd. WSSC will allow the Applicant to use standard trenching methods to install the 8-inch water line. Given the amount of impacts to Tree #2's CRZ by installing the water line by trenching, Staff recommends removal of Tree #2 pending the approval of the property owner. Staff recommends that the Applicant show Tree #2 as being removed on the FCP with a callout note stating that removal of Tree #2 requires the approval of the property owner at 10562 MacArthur Blvd. Typical mitigation for removal of specimen trees will apply to Tree #2.

Table 4: Variance Trees to be impacted or removed

| Tree Number | Species | DBH Inches | Percent Impact to CRZ | Status |
|-------------|--|------------|-----------------------|---|
| 1 | Yellow Poplar (<i>Liriodendron tulipifera</i>) | 33 | 48% | In R/W of Macarthur Blvd., To be removed. |
| 2 | American Sycamore (<i>Plantanus occidentalis</i>) | 33 | 45% | On Parcel 780, To be removed pending property owner's approval. |
| 5 | Yellow Poplar (<i>Liriodendron tulipifera</i>) | 34 | 29% | On Lot 9, To be saved. |
| 6 | Red Maple (<i>Acer rubrum</i>) | 33 | 34% | On Parcel 781, To be saved. |
| 7 | Boxelder (<i>Acer negundo</i>) | 35 | 100% | In R/W of Macarthur Blvd., To be removed. |
| 8 | Yellow Poplar (<i>Liriodendron tulipifera</i>) | 43 | 25% | On Parcel 781, To be saved. |

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 three (3) specimen trees and impacting three (3) others. The three trees to be removed and the three trees being impacted are located off-site. (Figure 4).

Staff has determined that the impacts to these trees for the construction on these proposed lots and for the installation of the 8" water main are unavoidable. The proposed lots range in size from 20,000 square feet up to 33,825 square feet. Lot 11 is a 27,435 square foot pipe-stem lot that is encumbered with a Category I Conservation Easement at the rear of the property. This results in the buildable area being constrained on this lot and pushing a portion of the construction area into the CRZ of Tree #5.

The two specimen trees proposed to be removed (Tree #1 and #7), the one specimen tree that Staff recommends for removal (Tree #2) and the three additional trees proposed to be impacted lie within the LOD of the required 8" water main. The location of this water main cannot be shifted to prevent the removal of Trees #1 and #7, and reduce the impacts to Trees #2, #6 and #8 since there is a U.S. Corp of Engineers (USCOE) easement containing aqueduct conduits within MacArthur Blvd. which limits the installation of the 8" water main to the extreme edge of right-of-way of MacArthur Blvd.

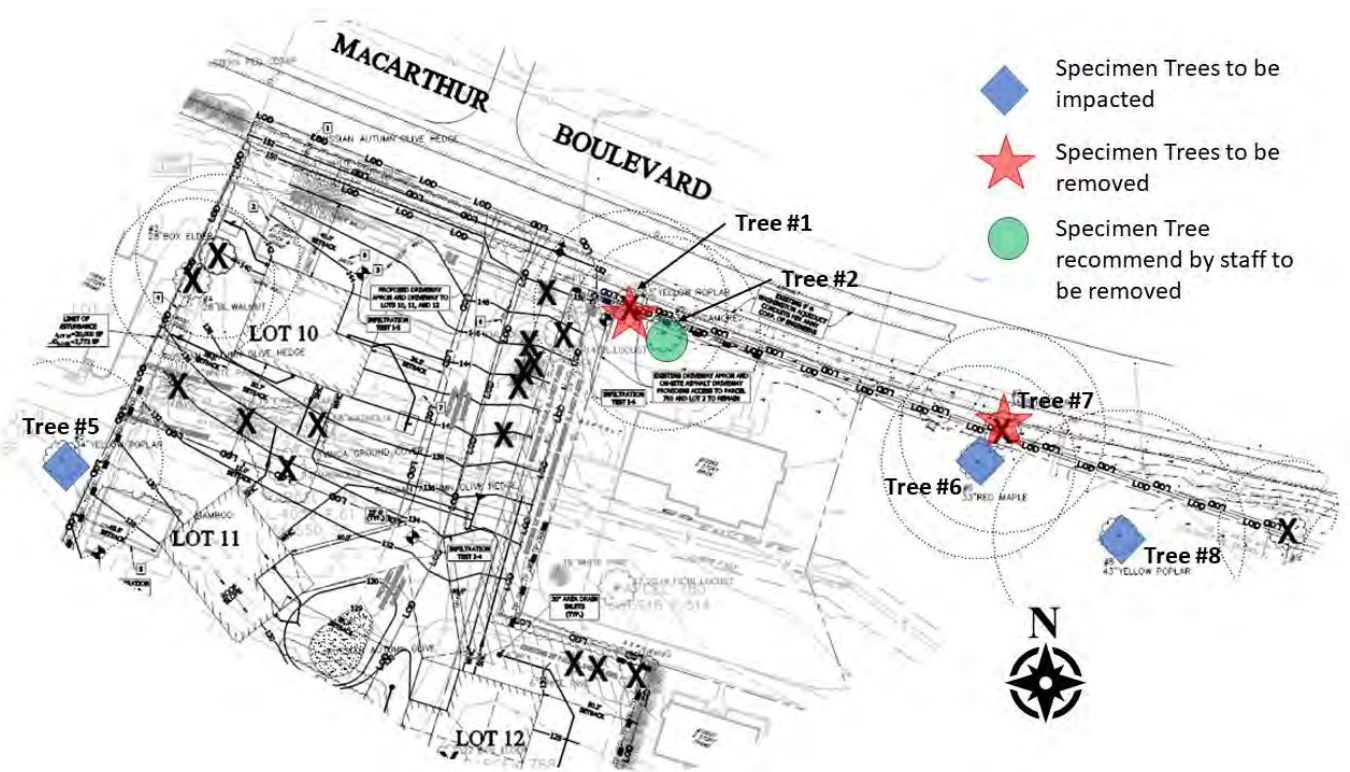


Figure 4 – Variance Trees and Site Constraints

As a result, not being able to request a variance to remove these three trees and impacting three others would constitute an unwarranted hardship on this Applicant to develop this site. 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.

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

Variance Findings

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 three trees and impacting three others is due to the location of the trees and necessary site design requirements imposed by governmental agencies. 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, requirements

of governmental agencies and necessary design requirements of this Preliminary Plan. Of the three specimen trees proposed to be removed (Trees #1, #2 as recommended by Staff, and #7), two are located within the active construction area of the development for the installation of the 8" water main and one is outside the LOD, but being severely impacted by construction. The remaining three trees (Trees #5, #6 and #8, Tree #2 no longer impacted due to recommended removal by Staff) are located off-site, but the LOD will encroach into each tree's CRZ.

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.

Mitigation for Trees Subject to the Variance Provision

As shown on the PFCP, there are two specimen trees proposed for removal and one tree Staff recommends for removal in this variance request resulting in a total of 101.0 inches of DBH being removed. The FFCP will include mitigation at a rate that approximates the form and function of the trees removed. These trees will be replaced at a ratio of approximately 1-inch caliper for every 4 inches removed using trees that are a minimum of 3 caliper inches in size, resulting in a mitigation requirement of 25.25 caliper inches of planted, native canopy trees. The PFCP includes the planting of nine 3-inch caliper native canopy trees on the property as mitigation for the removal of the three variance trees. Although these trees will not be as large as the trees lost, they will provide some immediate benefit and ultimately replace the canopy lost by the removal of these trees. No mitigation is required for trees that are impacted, but are retained.

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 prior to acting on the request. The tree variance request was forwarded to the County Arborist on November 15, 2018. No response was received as of the date of this staff report.

Variance Recommendation

Staff recommends approval of the variance request.

In conclusion, the Application meets all applicable requirements of Chapter 22A of the County Code. Therefore, Staff recommends that the Planning Board approve the Applicant's request for a variance from Chapter 22A and the PFCP with the conditions cited in this Staff Report.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

The Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on August 31, 2018 (Attachment 5). The Application will meet stormwater management goals via ESD for all three lots with the use of drywells and micro-bioretenment facilities.

SECTION 5 – CITIZEN CORRESPONDENCE AND ISSUES

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. One sign referencing the proposed Application was posted along the Subject Property's frontage. A pre-submission meeting was held at the Carderock Springs Elementary School located at 7401 Persimmon Tree Lane, Bethesda, MD on April 11, 2018.

As of the date of this report, Staff has received correspondence regarding this Application from one citizen (Attachment 10). The emails are concerned with the design having four lots on a small piece of property. Subsequent revisions removed one lot from the Application. The email exchange with Staff also insisted that the Property was subject to an easement buffering the Property from the Chesapeake & Ohio National Historic Park. No evidence of any easement has been found. The easement provided by the citizen does not indicate a geographic location to connect the document to the Property. The plat, also provided by citizen, is for a property directly adjacent to the Subject Property. This adjacent plat only includes a Category I Forest Conservation easement. As the email exchange (Attachment 10) demonstrates, the citizen didn't refute Staff's findings or follow-up with any additional evidence related to any type of easement. As part of this Application, a Category I Forest Conservation easement will be placed on the Subject Property, which is consistent with County Code and follows the process implemented on surrounding properties.

SECTION 6 – CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations in Chapter 50, Forest Conservation Law in Chapter 22A, and the proposed use substantially conform to the recommendations of *2002 Potomac Subregion Master Plan*. Access and public facilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan with the conditions provided. Therefore, approval of the Application with the conditions specified herein is recommended.

ATTACHMENTS

Attachment 1 – Statement of Justification
Attachment 2 – Preliminary Plan
Attachment 3 – Forest Conservation Plan
Attachment 4 – MCDOT Approval Letter, December 24, 2018
Attachment 5 – MCDPS Stormwater Concept Approval Letter, August 31, 2018
Attachment 6 – DPS Fire and Rescue Approval Letter, December 7, 2018
Attachment 7 – Applicant's Request for a Tree Variance
Attachment 8 - United States Army Corp of Engineers correspondence/letter
Attachment 9 - Staff's correspondence to National Park Service
Attachment 10 – Citizen Correspondence

Statement of Justification
Old Angler's Cove
10640 MacArthur Boulevard
Application for Preliminary Plan

1. Introduction

Mr. Benjamin B. Wisler (the "Applicant") requests approval of a Preliminary Plan to facilitate the subdivision and redevelopment of property located at 10640 MacArthur Boulevard in Potomac, Maryland (the "Property"). The proposed development (the "Project") will create two (2) additional residential Lots, for a total of the three (3) Lots.

2. Property Description

a. **Site Location and Characteristics**

The property is comprised of two parcels located on the south side of MacArthur Boulevard, approximately 2,300 feet west of the intersection with Canal Bridge Court. The total property area is 81,260 square feet, or 1.865 acres.

b. **Zoning and Permitted Uses**

The property is zoned R-200. Each lot within this zone is required to be a minimum size of 20,000 square feet. The intended use is residential (single family homes).

c. **Existing Condition**

The Property is currently improved by a residential structure (No. 10640), a small two story frame structure, and an open frame shed accessed by an asphalt and gravel driveway via MacArthur Boulevard. A right-of-way operated by the Washington Suburban Sanitary Commission runs in an east-west direction through the property providing sanitary and water services. The property is within the Great Falls Tributary; this watershed outfalls directly into the Potomac River due south of the subject Property. Abutting the Property along its east are cedar trees. Abutting the Property along the south are willow trees, as well as a wetlands buffer, and the Chesapeake and Ohio River Canal.

d. **Surrounding Zoning and Land Uses**

The Property is surrounded predominantly by R-200 zoned properties; to the north, east, and west are single-family detached residences. To the far west along MacArthur Boulevard is a 15,000 SF retail parcel zoned NR-0.75 H-45. To the south is the Chesapeake and Ohio Historic District which embodies the Chesapeake and Ohio Canal and Potomac River.

3. Property Description

a. **Development Program**

The Applicant proposes to redevelop the Property under the standard method of development. The proposed Project will subdivide the two existing parcels into three (3) buildable Lots, two of which are pan handle-shaped. All proposed Lots would access MacArthur Boulevard from a shared driveway. An existing driveway easement for the benefit of the adjacent property to the east will remain on the eastern extreme of the property. The proposed driveway will comply with fire department access standards and regulations.

b. **Architecture and Design**

All existing features are to be removed during construction including residences, sheds, asphalt and gravel driveways, driveway aprons, and fences. The new proposed homes will be designed in compliance to zoning height and setback regulations.

c. **Parking & Loading**

Each of the proposed lots will have 20.0-ft by 20.0-ft parking available by way of their driveways.

d. **Site Layout and Vehicular/Pedestrian Circulation**

A new concrete driveway apron accessible by MacArthur Boulevard will grant access to the Property. A 20.0-ft wide driveway compliant with fire department access standards will provide access to all proposed Lots.

This Project does not propose sidewalks on the residential lots.

4. Master Plan Conformance

The Property lies within the Potomac Subregion Master Plan. The Project is in substantial conformance with the requirements of the Master plan, and continues to further its objectives, including:

- Protect the Subregion's rich natural environment and unique ecosystems;
- Rely on the land use framework established by earlier plans to strengthen and support the Subregion's residential communities;
- Maintain a transportation network that provides needed links and alternatives, while preserving the Subregion's semi-rural character;
- Protect the Potomac's historic resources

5. Zoning Ordinance Conformance

a. General Requirements

Section 4.4.1 of the Zoning Ordinance provides the following requirements for standard development in the R-200 Zone:

1. *The minimum net lot area is 20,000 SF (0.45 acres).*

Each of the proposed lots has a minimum lot area of 20,000 SF.

2. *The minimum lot width at the front of the building is at least 100.0-ft.*

Each of the proposed lots has a minimum lot width of 100.0-ft at the front building restriction line.

3. *The maximum building coverage for the building in terms of the lot is 25%.*

The Lots have a building coverage ranging between 8.31%-14.05% based on concept level house designs.

6. Findings Required for Preliminary Plan Approval

The purpose of this portion of the statement is to provide justification that the Preliminary Plan satisfies the applicable provisions of Section 50, et seq., of the Montgomery County Code (the "Subdivision Regulations").

a. General Requirements

The Preliminary Plan indicates that the size, width, shape, and orientation of the proposed lots will be appropriate for the location of the proposed subdivision.

b. Sediment Control / Water Quality

The Project will comply with the requirements of the Chapter 19 Montgomery County Code. The Property is located in the Great Falls Tributary Watershed.

Applicable requirements under Chapter 19 are addressed in a Stormwater Concept Plan submitted to the Montgomery County Department of Permitting Services for review on December 22nd, 2016. The Project provides an opportunity to greatly improve the treatment of the stormwater runoff. Currently, there is no stormwater management on the Property. The Project proposes on-site Environmental Site Design (ESD) Facilities to effectively treat and reduce the stormwater runoff from the proposed residential developments. In accordance with 2010 MDE Stormwater Management Regulations, the Project will implement drywells, landscape infiltrations, and micro-bioretenion practices to the maximum extent practicable. The proposed design on each of the lots treats an effective P_E from anywhere between 1.2" to 1.6", and provides over 100% of ESD volume for each lot (with the

exception of proposed Lot 10 which is treated to the maximum extend possible). Any untreated surface flow will outfall into the Potomac River via Rock Run and Potomac Direct Watersheds.

c. Adequate Public Facilities

Assuming local school attraction, the Project will increase attendance to local elementary, middle, and high schools in minor fashion.

The project will be served by Tier 1-classified public water and sewer systems. Electric, gas, and telecommunication services will also be available. Other public facilities and services – including police stations, firehouses, and health care facilities – will continue to be sufficient following construction of these new Lots.

d. Forest Conservation

A Natural Resources Inventory / Forest Stand Delineation (NRI/FSD) and Forest Conservation Exemption were prepared for the Property and submitted to M-NCPPC for review on August 9th, 2016. The NRI/FSD was approved August 16th, 2016.

This Project does not yet have an approved Forest Conservation Plan or approved Forest Conservation Exemption.

7. Community Outreach

The Applicant held a pre-submission meeting on April 11th, 2017 and May 4th, 2017 at the Carderock Springs Elementary School in Potomac, Maryland. The plans submitted to M-NCPPC are in substantial conformance to those presented and discussed at the pre-submission meetings.

8. Conclusion

As demonstrated herein, the Project complies with all applicable requirements of the Zoning Ordinance that govern the approval of a standard method development project in the R-200 zone, and a Preliminary Plan. The Project represents substantial reinvestment in the Property and furthers the intent of the Potomac Subregion Master Plan. For these reasons, we respectfully request that this Preliminary Plan be approved.

Attachment 2

LEGEND - EXISTING

| | | | |
|--|-------------------------------------|--|---|
| | STONE MONUMENT | | TACK FOUND |
| | CROSS CUT SET | | NAIL FOUND |
| | IRON PIPE FOUND | | DRAIN |
| | AIR CONDITIONER | | GAS VALVE |
| | STORM MANHOLE | | TREE SYMBOL, NAME & SIZE |
| | LIGHT POLE | | WATER MANHOLE |
| | POWER POLE | | DC SL/TS MANHOLE |
| | GUY WIRE ANCHOR | | GROUND SHOT |
| | GUY POLE | | ELECTRIC METER |
| | GAS METER | | TELEPHONE JUNCTION BOX |
| | SANITARY MANHOLE | | ELECTRIC JUNCTION BOX |
| | WATER VALVE | | LIGHT FIXTURE |
| | WATER METER | | RAIN LEADER |
| | FIRE HYDRANT | | DOWNSPOUT |
| | WATER SPIGOT | | ELECTRIC MANHOLE & U.G. VAULT (V.I.F.) |
| | SPRINKLER HEAD | | TELEPHONE MANHOLE & U.G. VAULT (V.I.F.) |
| | WALL MOUNTED VENT | | |
| | SEWER CLEANOUT | | |
| | UNDERGROUND GAS LINE (V.I.F.) | | |
| | UNDERGROUND TELEPHONE LINE (V.I.F.) | | |
| | UNDERGROUND ELECTRIC LINE (V.I.F.) | | |
| | OVERHEAD WIRES | | |
| | WOOD FENCE | | |
| | CHAIN LINK FENCE | | |
| | METAL HANDRAIL OR ROD FENCE | | |
| | UNDERGROUND WATER LINE (V.I.F.) | | |
| | UNDERGROUND SEWER LINE (V.I.F.) | | |
| | FOREST CONSERVATION EASEMENT | | |

LEGEND - PROPOSED

| | |
|--|----------------------------------|
| | PROPERTY LINES (LOTS 10, 11, 12) |
| | GROUND-LEVEL BUILDING FOOTPRINT |
| | SPOT ELEVATIONS |
| | CONTOUR ELEVATIONS |
| | CURB STOP |
| | WATER VALVE |
| | WATER METER |
| | REDUCER |
| | DRAIN BASIN WITH GRATE TOP |
| | CLEAN-OUT |
| | OBSERVATION WELL |

DEMOLITION / REMOVAL NOTES

- EXISTING BRICK LEADWALK TO BE REMOVED.
- EXISTING TWO-STORY BRICK-AND-FRAME BUILDING (PRINCIPLE STRUCTURE) TO BE REMOVED WITH ITS APPURTENANCES.
- EXISTING STONE, CONCRETE, AND TIMBER WALLS TO BE REMOVED.
- EXISTING WOOD SHED TO BE REMOVED.
- EXISTING SECONDARY STRUCTURE TO BE REMOVED WITH ITS APPURTENANCES.
- EXISTING OPEN FRAME SHED TO BE REMOVED.
- ALL ON-SITE EXISTING FENCES TO BE REMOVED (TYP.).
- ALL STONE, BRICK, CONCRETE, AND ASPHALT SURFACES, INCLUDING DRIVEWAYS, TO BE REMOVED.

GENERAL NOTES

- DEVELOPER/APPLICANT: MR. BENJAMIN B. WISLER
PO BOX 102
CABIN JOHN, MD 20818
PHONE: (301)-299-3890
EMAIL: WISLERBB@VERIZON.NET
- THIS PLAN IS BASED UPON THE FOLLOWING:
ALTA/ACSM LAND TITLE SURVEY TITLED:
"10640 MACARTHUR BOULEVARD, ELECTION DISTRICT #10, MONTGOMERY COUNTY, MARYLAND"
PREPARED BY: MADDOX ENGINEERS AND SURVEYORS, INC.
DATED: APRIL 27, 2016
PROJECT NO.: 89023
- PROPERTY IS KNOWN AS BEING THE LAND OF BENJAMIN WISLER, AS RECORDED IN LIBER 4059 FOLIO 61, LIBER 14527 FOLIO 628, AND LIBER 12350 FOLIO 09. ALL RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND AND HAVING TAX MAP NUMBER OF FN22 P735, FN 22 P788, AND FN22 P09.
- TRACT AREA = 81,260 SF OR 1.865 ACRES
- THE PROPERTY IS ZONED R-200 (RESIDENTIAL)
- THE SUBJECT PROPERTY IS LOCATED IN THE POTOMAC DIRECT AND GREAT FALLS TRIBUTARIES WATERSHED.
- THE SUBJECT PROPERTY IS NOT IDENTIFIED BY THE MONTGOMERY COUNTY ATLAS AND INDEX OF HISTORIC SITES, DISTRICTS, OR MUNICIPALITIES.

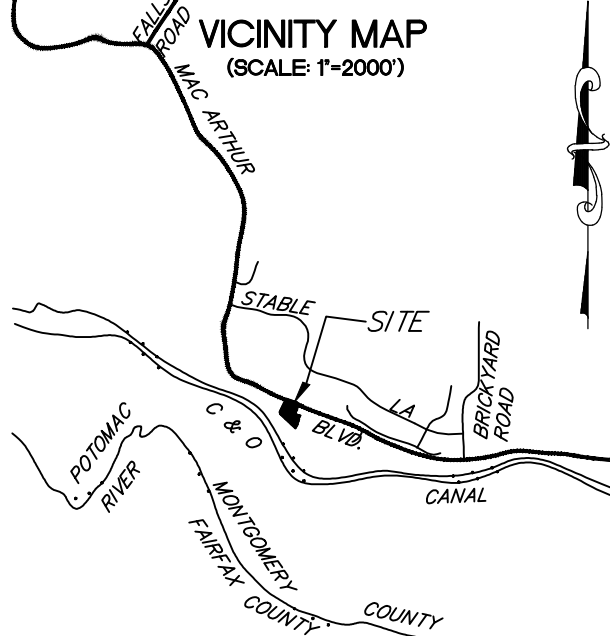
SITE UTILITIES

| | |
|--|--|
| SANITARY SEWER WASHINGTON SUBURBAN SANITARY COMMISSION (WSSC) 14501 SWEITZER LANE LAUREL, MD 20707 CONTACT: TBD PHONE: 301-206-8604 | GAS WASHINGTON GAS 6801 INDUSTRIAL ROAD SPRINGFIELD, VA 22151 CONTACT: JACK HIGGINS PHONE: 703-750-7908 EHIGGINS@WASHGAS.COM |
| DOMESTIC WATER WASHINGTON SUBURBAN SANITARY COMMISSION (WSSC) 14501 SWEITZER LANE LAUREL, MD 20707 CONTACT: TBD PHONE: 301-206-8604 | ELECTRIC PEPCO 701 NINTH STREET, NW WASHINGTON, D.C. 20068 PHONE: 410-685-0123 |
| STORM DRAINAGE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES (MCDPS) PLANS 255 ROCKVILLE PIKE, 2ND FLOOR ROCKVILLE, MD 20850 | TELEPHONE VERIZON 3901 CALVERTON BLVD, 3RD FLOOR BELTSVILLE, MD 20705 CONTACT: ERIC DAHL PHONE: 301-282-5336 FAX: 301-282-7876 EMAIL: ERIC.D.AHL@VERIZON.COM |

PRELIMINARY PLAN NOTES

- PER THE REQUEST OF M-NCPPC AREA SUBDIVISION, ALL VEGETATION AND ENVIRONMENTAL INFORMATION PERTAINING TO TREES AND SHRUBS ARE NOT VISIBLE ON THIS PLAN. PLEASE SEE FOREST CONSERVATION PLAN.
- FOR FULL EXTENT OF PROPOSED WATER MAIN EXTENSION. PLEASE SEE WSSC HPA PLANS.
- THE APPLICANT MUST BUILD THE PROPOSED SHARED USE PATH ON MACARTHUR BOULEVARD OR PARTICIPATE ON A PRO-RATA BASIS TOWARDS THE CONSTRUCTION OF THE SHARED USE PATH. ENGINEER'S COST ESTIMATE HAS BEEN SUBMITTED WITH THIS PLAN.

| RESIDENTIAL - 200 ZONE (R-200) PROJECT DATA TABLE FOR R-200 ZONE DETACHED HOME STANDARD METHOD DEVELOPMENT vs. PROPOSED DEVELOPMENT | | | | | |
|---|---|--------------------|-----------------|-----------------------|-----------------------|
| CHAPTER 59 ZONING SECTION | ZONING REQUIREMENT DESCRIPTION | ZONING REQUIREMENT | PROPOSED LOT 10 | PROPOSED LOT 11 | PROPOSED LOT 12 |
| 4.4.7.B.1 | LOT AREA | 20,000 SF (MIN.) | 20,000 SF | 27,435 SF | 33,825 SF |
| 4.4.7.B.1 | LOT WIDTH AT FRONT BUILDING LINE | 100' (MIN.) | 133.3' | 100.0' | 100.0' |
| 4.4.7.B.1 | LOT WIDTH AT FRONT LOT LINE | 25' (MIN.) | 133.2' | 25.0' | 50.0' |
| 4.4.7.B.1 | DENSITY (UNITS/ACRE) | 2.18 (MAX.) | 2.18 | 1.59 | 1.29 |
| 4.4.7.B.1 | LOT COVERAGE | 25% (MAX.) | 14.05% | 10.24% | 8.31% |
| 4.4.7.B.2 | PRINCIPAL BUILDING: FRONT SETBACK | 40' (MIN.) | 40' | 100' (40' OR GREATER) | 100' (40' OR GREATER) |
| 4.4.7.B.2 | PRINCIPAL BUILDING: SIDE STREET SETBACK WHERE ABUTTING LOT FRONTS ON THE SIDE STREET | 40' (MIN.) | N/A | N/A | N/A |
| 4.4.7.B.2 | PRINCIPAL BUILDING: SIDE STREET SETBACK WHERE ABUTTING LOT DOES NOT FRONT OF THE SIDE STREET | 15' (MIN.) | N/A | N/A | N/A |
| 4.4.7.B.2 | PRINCIPAL BUILDING: SIDE SETBACK | 12' (MIN.) | 12.5' | 12' | 12' |
| 4.4.7.B.2 | PRINCIPAL BUILDING: SUM OF SIDE SETBACKS | 25' (MIN.) | 25' | 25' | 25' |
| 4.4.7.B.2 | PRINCIPAL BUILDING: REAR SETBACK | 30' (MIN.) | 30' | 30' | 30' |
| 4.4.7.B.2 | ACCESSORY STRUCTURE: FRONT SETBACK | 65' (MIN.) | N/A | N/A | N/A |
| 4.4.7.B.2 | ACCESSORY STRUCTURE: SIDE STREET SETBACK WHERE ABUTTING LOT FRONTS ON THE SIDE STREET | 40' (MIN.) | N/A | N/A | N/A |
| 4.4.7.B.2 | ACCESSORY STRUCTURE: SIDE STREET SETBACK WHERE ABUTTING LOT DOES NOT FRONT OF THE SIDE STREET | 15' (MIN.) | N/A | N/A | N/A |
| 4.4.7.B.2 | ACCESSORY STRUCTURE: SIDE SETBACK | 12' (MIN.) | N/A | N/A | N/A |
| 4.4.7.B.2 | ACCESSORY STRUCTURE: REAR SETBACK, ON A CORNER LOT WHERE ABUTTING LOT FRONTS ON THE SIDE STREET | 12' (MIN.) | N/A | N/A | N/A |
| 4.4.7.B.2 | ACCESSORY STRUCTURE: REAR SETBACK, IF NOT OTHERWISE ADDRESSED | 7' (MIN.) | N/A | N/A | N/A |
| 4.4.7.B.3 | BUILDING HEIGHT | 50' (MAX.) | 40' | 45' | 45' |



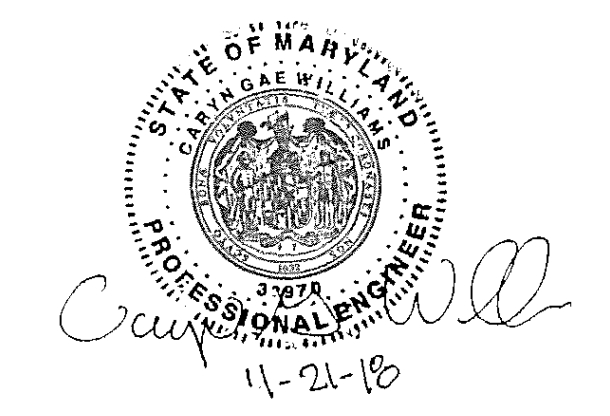
OWNER/APPLICANT

BENJAMIN B. WISLER
PO BOX 102
CABIN JOHN, MD 20818
(P) 301-299-3890
(C) 301-412-5139
(EMAIL) WISLERBB@VERIZON.NET

LOTS 10, 11, 12
BLOCK A

OLD ANGLER'S COVE

ELECTION DISTRICT No. 10
MONTGOMERY COUNTY, MD



| Date | Revision |
|----------|---|
| 11/21/18 | FINAL ISSUE |
| 11/19/18 | ADDRESS MCFR FDA COMMENTS |
| 11/8/18 | ADDRESS MNCPPC COMMENTS |
| 09/24/18 | ADDRESS MNCPPC COMMENTS |
| 09/24/18 | ADDRESS FDA COMMENTS |
| 08/10/18 | ADDRESS DRC COMMENTS - 2nd Round |
| 08/07/18 | SWM CONCEPT REVISIONS - 2nd Round Comments |
| 06/14/18 | SWM CONCEPT REVISIONS - 1st Round Comments |
| 05/24/18 | LOD REVISIONS FOR 3 LOTS AND WSSC EXTENSION |
| 04/17/18 | REVISED SWM CONCEPT FOR 3 LOTS |
| 01/22/18 | ADDRESS DRC COMMENTS - 1st Round |

| | |
|--|---------------|
| DATUM Hz: NAD 83/91 Vt: NGVD 1929 | |
| | Scale: 1"=30' |

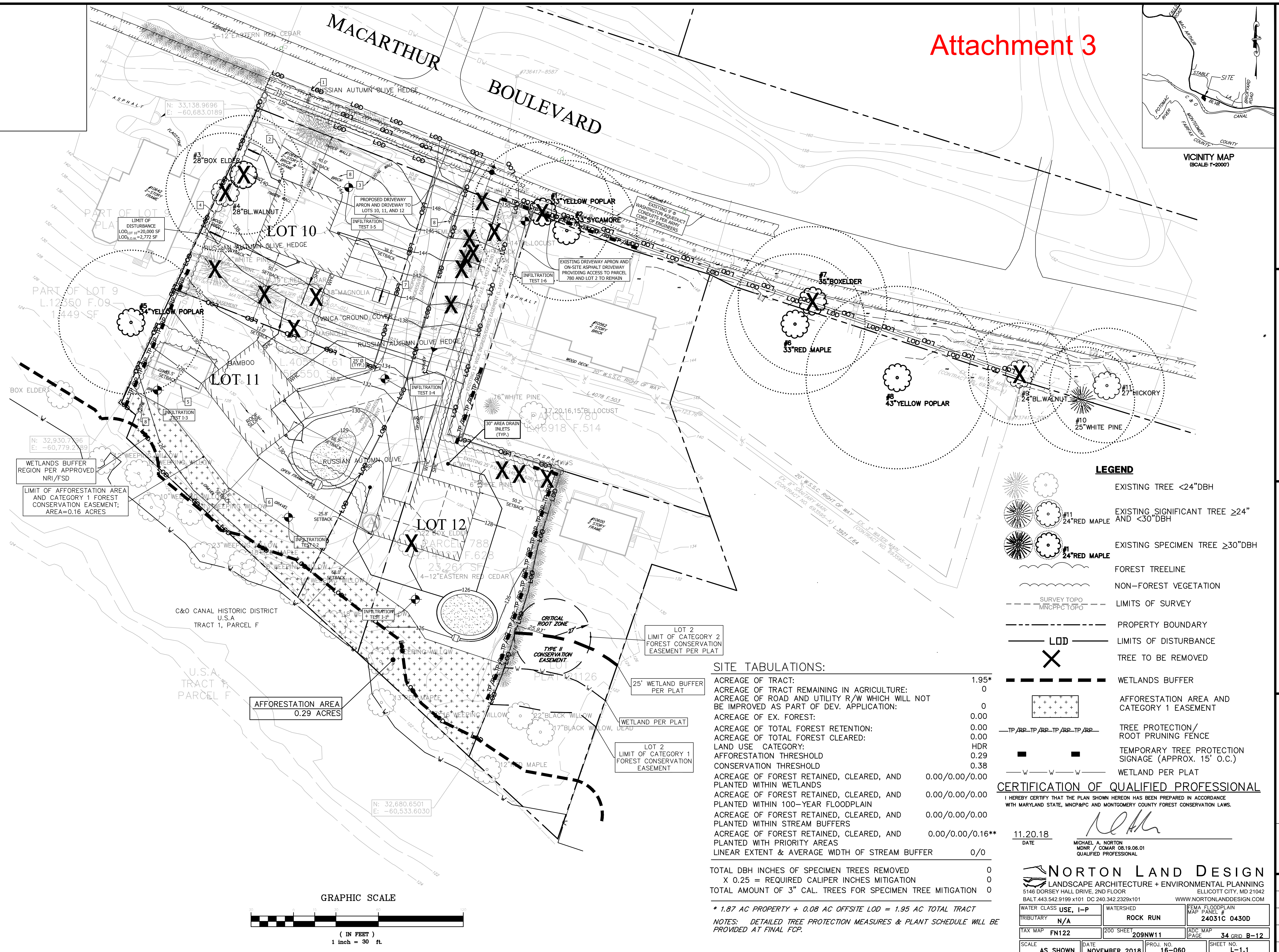
PRELIMINARY PLAN

File: 89023 CIVIL.dwg

07-PREL-120170290

MADDOX
Engineers & Surveyors, Inc.
3204 Tower Oaks Boulevard, Suite 200-A, Rockville, MD 20852
(301) 762-9001 www.maddoxinc.com

PROPERTY OF BENJAMIN B. WISLER, JR.
..4059 F.61, L.14527 F.628 & L.12350 F.09
ELECTION DISTRICT 10
MONTGOMERY COUNTY, MARYLAND

[illegible]



Attachment 4

DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

December 24, 2018

Al R. Roshdiah
Director

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: Preliminary Plan No. 120170290
Old Anglers Cove

Dear Mr. Sigworth:

We have completed our review of the preliminary plan uploaded to eplans on November 26, 2018. A previous version of this plan was reviewed by the Development Review Committee at its meeting on October 31, 2017. 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. The applicant must build the proposed shared use path on MacArthur Boulevard per the MacArthur Boulevard Bikeway Improvement Project – Segment 1(CIP 509337). The applicant must provide an engineer's cost estimate for the ten-foot, asphalt shared use path that will include contingencies and be approved by and paid to MCDOT prior to the issuance of the right-of-way permit. If the County has already completed the project or decides not to implement the project, the applicant will continue to make the payment prior to issuance of the first building permit. Coordinate with Ms. Angel Cheng of our Division of Transportation Engineering. Ms. Cheng can be contacted at 240-777-7274 or angel.cheng@montgomerycountymd.gov.
2. The proposed common driveway apron needs to be constructed with Fire Department-compliant driveway returns and paved a minimum of twenty (20) feet wide within the public right-of-way. Extend the twenty (20) foot wide paved driveway into the site as necessary to satisfy emergency vehicle access requirement.
3. The private common driveway shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile and drainage characteristics of the private common driveway, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.

Office of the Director

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

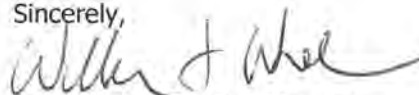
4. The record plat must reflect a reciprocal ingress, egress and public utilities easement for the common driveway.
5. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
6. Provide a ten (10) foot wide Public Utility Easement (PUE) along the MacArthur Boulevard street frontage.
7. The sight distance evaluation is acceptable. An approved copy of the certification is included with this letter.
8. The storm drain report was reviewed by MCDOT, and the subject site does not drain to a storm drain system maintained by the county.
9. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
10. Relocation of utilities along existing roads to accommodate the required roadway improvements, if necessary, shall be the responsibility of the applicant.
11. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Grade, construct a shoulder, ten-foot asphalt shared use path, side drainage ditch and appurtenances along MacArthur Boulevard per comment number 1.

NOTE: The Public Utility Easement is to be graded at a side slope not to exceed 4:1.

 - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

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,


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

Mr. Ryan Sigworth
Preliminary Plan No. 120170290
December 24, 2018
Page 3

120170290 Old Anglers Cove - MCDOT final plan review ltr 121918

Enclosure

cc: Benjamin Wisler, Owner
Emily Reese, Maddox Engineers
Letters notebook

cc-e: Marie LaBaw, MCDPS FRS
Sam Farhadi, MCDPS RWPR
Angel Cheng, MCDOT DTE



MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: OLD ANGLER'S COVE Preliminary Plan Number: 1-

Street Name: MACARTHUR BLVD Master Plan Road ARTERIAL
Classification: RESIDENTIAL ROAD

Posted Speed Limit: 30 mph

Street/Driveway #1 (PROPOSED DRIVE) Street/Driveway #2 ()

| | | | |
|-----------------------|----------|-----------------------|-----|
| Sight Distance (feet) | OK? | Sight Distance (feet) | OK? |
| Right <u>650 ±</u> | <u>✓</u> | Right | |
| Left <u>1420 ±</u> | <u>✓</u> | Left | |

Comments: SINGLE LANE, TWO-WAY ROAD ACCESSIBLE BY THE DRIVEWAY FROM EITHER DIRECTION.

Comments:

GUIDELINES

Classification or Posted Speed
(use higher value)

Tertiary - 25 mph
Secondary - 30
Business - 30
Primary - 35
Arterial - 40
(45)
Major - 50
(55)

Required
Sight Distance
in Each Direction*

150'
200'
200'
250'
325'
400'
475'
550'

*Source: AASHTO

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Signature

1101A

PLS/P.E. MD Reg. No.

Date

5.24.17

Montgomery County Review:

☒ Approved

☐ Disapproved:

By: Mike J. A.

Date: 12/24/10



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

August 31, 2018

Ms. Caryn Williams, P.E.
Maddox Engineers & Surveyors, Inc.
3204 Tower Oaks Boulevard, Suite 200-A
Rockville, MD 20852

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN
REVISION** for Old Angler's Cove
Preliminary Plan #: 120170290
SM File #: 282562
Tract Size/Zone: 1.816 Ac. / R-200
Total Concept Area: 1.816 Ac.
Parcel(s): P735 and P788
Watershed: Rock Run

Dear Ms. Williams:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD for all three lots with the use of dry wells, and micro-bioretenion facilities.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Preliminary Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. Underdrains and outfalls from micro-bioretenion practices must not cross lot lines.
6. Additional recommendations for construction of the stormwater management structures from the geotech may be required at time of engineered plan submittal.
7. Use the latest MCDPS design standards at time of plan submittal.



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

Ms. Caryn Williams, P.E.
August 31, 2018
Page 2 of 2

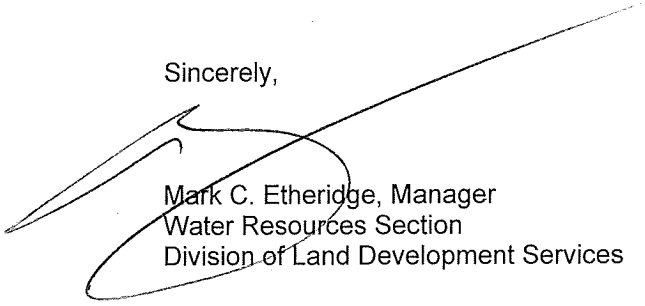
This list may not be all-inclusive and may change based on available information at the time.

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 David Kuykendall at 240-777-6332.

Sincerely,



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

MCE: CN282552 Old Angler's Cove Revised.DWK

cc: N. Braunstein
SM File # 282552

ESD: Required/Provided 2629.2 cf / 3284 cf
PE: Target/Achieved: 1.3"/1.6"
STRUCTURAL: 0.0 cf
WAIVED: 0.0 ac.



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 07-Dec-18
TO: Caryn Williams - cgwilliams@maddoxinc.com
Maddox Engineers & Surveyors, Inc
FROM: Marie LaBaw
RE: Old Angler's Cove
120170290

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **07-Dec-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.



March 7, 2018
 Updated May 17, 2018
 Updated August 8, 2018

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

Wisler Property
 Request for Specimen Tree Variance
 Preliminary Forest Conservation Plan
 Norton Project #16-060

On behalf of Benjamin B. Wisler, Jr. 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 Wisler Property is 1.87 acres comprised of Part of Lot 9, Parcel 735, and Parcel 788 located at 10640 MacArthur Boulevard in Potomac, Montgomery County, Maryland. The site is currently developed. The project consists of the removal of existing buildings and structures and the construction of four proposed homes and access drive(s). The site is surrounded by residential properties to the north, west, and eastern sides. The site is bordered to the south by National Park Service Property.

The following specimen trees will be impacted or removed:

| Specimen Tree Summary/30" + | | | | | | | | |
|-----------------------------|------------------------|-------------------|----------|-----------|---|----------------|-------------------|----------|
| Tree # | Species | Species | D.B.H | Tree | Impact Comments | Percent of CR2 | Status | Variance |
| | Scientific Name | Common Name | (Inches) | Condition | | Impacted (SF) | | |
| 1 | LIRIODENDRON TULIIFERA | YELLOW POPLAR | 33 | GOOD | OFFSITE | 48% | REMOVAL | YES |
| 2 | PLATANUS OCCIDENTALIS | AMERICAN SYCAMORE | 33 | GOOD | BARK DAMAGE BASE, OFFSITE | 22% | SAVE/IMPACTS ONLY | YES |
| 5 | LIRIODENDRON TULIIFERA | YELLOW POPLAR | 34 | GOOD | LEANING, OFFSITE | 23% | SAVE/IMPACTS ONLY | YES |
| 6 | ACER RUBRUM | RED MAPLE | 33 | GOOD | OFFSITE | 4% | SAVE/IMPACTS ONLY | YES |
| 7 | ACER NEGUNDO | BOXELDER | 35 | FAIR | CAVITY/DEAD LIMB/BROKEN BRANCH/SIGN OF STRESS/OFFSITE | 4% | REMOVAL | YES |
| 8 | LIRIODENDRON TULIIFERA | YELLOW POPLAR | 43 | FAIR | COVERED IN VINE/OFFSITE | 0% | SAVE/IMPACTS ONLY | YES |

Requirements for Justification of Variance:

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

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

Justification of Variance

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

Response: The program for the project consists of the removal of existing buildings and structures and the construction of three proposed homes and a shared access drive. Efforts have been made to impact as few trees as possible. The houses, garages and driveway have been located to minimize impacts to existing trees.

The proposed plan will impact the root zone of six (6) off-site specimen trees. Two (2) of the specimen trees are slated for removal and all are in fair to good condition.

Majority of impacts arise from the grading related to the installation of the proposed shared-access driveway – impacting trees one (1) and two (2); the proposed driveway will align with the current location of the existing driveway in order to minimize these impacts. The shared-use drive utilizes the existing driveway to the extent possible and also pulls the grading in further to stay out of the structural rootzones of the specimen trees. Secondary impacts to specimen tree five (5) arise from the construction of the new home within proposed Lot 12. Efforts have been made to improve impacts to this tree; the proposed house footprint is located outside of the critical root zone for tree five (5), whereas the current residence is situated within the critical root zone.

Additional impacts occur for the extension of the utility along the public right-of-way for 360 linear feet. Tree 1, listed above for site impacts, is also impacted and must be removed for the utility line connection. Trees 6, and 8 are impacted by the new utility. Tree 7 must be removed for the new utility line.

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

Response: If the Applicant is required to keep all improvements outside the root zones of the specimen trees, the three proposed homes could fail to be built due to the close proximity of specimen trees if the above referenced improvements must be implemented.

- (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 Sediment Control and Stormwater Management permit application 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*.

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

Response: An afforestation area in the amount of 0.29 acres will be planted within priority areas on-site to further mitigate runoff.

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 homes onsite are in conformance with the Masterplan. 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. On-site stormwater management systems will also be installed to mitigate runoff from the proposed development.

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 Preliminary Forest Conservation Plan 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', is written over a light blue horizontal line.

Michael Norton

Attachment 8

From: [Cole, Nathan H CIV USARMY CENAB-WA \(US\)](#)
To: [Sigworth, Ryan](#)
Cc: [McLaughlin, John G CIV USARMY CENAB \(US\)](#); [Taylor, Glenn W CIV USARMY CENAB-WA \(US\)](#)
Subject: FW: For your review of a M-NCPPC subdivision plan: Old Angler's Cove, Preliminary Plan #120170290
Date: Monday, October 16, 2017 12:27:00 PM
Attachments: [07-PREL-120170290.pdf](#)

Ryan,

We have reviewed the attached proposed subdivision plan and have the following comments:

- There is a 6 ton gross vehicle weight (GVW) limit on MacArthur Blvd. Therefore, any vehicle exceeding this GVW, must call the Washington Aqueduct at 202-764-2776 or 202-587-9135 for approval and permission to travel on MacArthur Blvd. Permission will only be granted to overweight vehicles with a GVW of up to 15 tons.
- The proposed concrete ramp leading to these properties off MacArthur Blvd. will be constructed directly over our "New Conduit", which is a 9' diameter unreinforced concrete structure. The clearance to the top of the conduit is only 24". Therefore, the contractor must hand dig when working in this area.
- The stairs that are shown to be removed are also directly over our "New Conduit" with a 24" clearance. Hence, the contractor will have to hand dig when working in this area.
- Please have the developer provide the Washington Aqueduct with one weeks' notice prior to starting work on this subdivision.

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

Nathan Cole, P.E.
Chief, Planning & Engineering Branch
Washington Aqueduct
5900 MacArthur Blvd., NW
Washington, DC 20016
202-764-2776 or 202-589-9368
nathan.h.cole@usace.army.mil

-----Original Message-----

From: Sigworth, Ryan [<mailto:Ryan.Sigworth@montgomeryplanning.org>]
Sent: Thursday, October 5, 2017 3:29 PM
To: Cole, Nathan H CIV USARMY CENAB-WA (US) <Nathan.H.Cole@usace.army.mil>
Subject: [EXTERNAL] For your review of a M-NCPPC subdivision plan: Old Angler's Cove, Preliminary Plan #120170290

Mr. Cole,

Per our conversation regarding this proposed subdivision plan, attached is a copy of the subdivision plan which is about 0.25 mile east of Old Angler's Inn on the south side of MacArthur Blvd.

If you have any comments, please forward them by October 20th. I would be happy to pass any comments on to the applicant at our upcoming Development Review Committee meeting.

If you have any additional questions, please let me know.

Ryan Sigworth, AICP

Senior Planner - Area 3

Maryland National Capital Parks and Planning Commission

Address:

8787 Georgia Avenue

Silver Spring, MD 20910

Telephone: (301) 495-2112

Fax: (301) 495-1304

Email: ryan.sigworth@montgomeryplanning.org <<mailto:ryan.sigworth@montgomeryplanning.org>>

Website: MontgomeryPlanning.org

From: [Sigworth, Ryan](#)
To: jeri_deyoung@nps.gov; michelle_carter@nps.gov
Subject: Review and comment on Old Angler's Cove, Preliminary Plan #120170290
Date: Tuesday, October 31, 2017 2:40:00 PM

Jeri and Michelle,

It is my understanding that the Development Application and Regulatory Coordination (DARC) division of the Maryland-National Capitol Park and Planning Commission (M-NCPPC) set you notification of a subdivision application along with links to download the plan set for we received on a property along MacArthur Blvd and abutting the C&O Canal NHP. As the lead reviewer for M-NCPPC, I wanted to check with both you to find out if you had any comments or concerns. Also, can you confirm whether or not the federal government has a scenic easement on the property proposed to be subdivided?

Thanks for your participation. Please contact or call me at your convenience.

Ryan Sigworth, AICP
Senior Planner – Area 3
Maryland National Capital Parks and Planning Commission

Address:
8787 Georgia Avenue
Silver Spring, MD 20910

Telephone: (301) 495-2112
Fax: (301) 495-1304
Email: ryan.sigworth@montgomeryplanning.org
Website: MontgomeryPlanning.org



From: [Sigworth, Ryan](#)
To: ginnybarnes@juno.com
Subject: RE: Old Anglers Cove - easement?
Date: Tuesday, October 31, 2017 3:07:00 PM

Thanks for sending this. However, the easement does not include "Exhibit A" referenced in the easement document to provide the legal description of the property so I can't confirm which property the easement is connected to. The other attachment is the plat for the lot directly to the east. This property is not part of the current application. Thus, it's forest conservation easement is irrelevant.

Ryan Sigworth, AICP
Senior Planner – Area 3
Maryland National Capital Parks and Planning Commission

Address:
8787 Georgia Avenue
Silver Spring, MD 20910

Telephone: (301) 495-2112
Fax: (301) 495-1304
Email: ryan.sigworth@montgomeryplanning.org
Website: MontgomeryPlanning.org



From: ginnybarnes@juno.com [mailto:ginnybarnes@juno.com]
Sent: Tuesday, October 31, 2017 3:08 PM
To: Sigworth, Ryan <Ryan.Sigworth@montgomeryplanning.org>
Subject: Fw: Old Anglers Cove - easement?

Ryan -

Thanks for getting back to me - attached please find what I believe is a previous easement on the property or at least part of it.

I'm grateful Staff agrees about the tight plan. WMCCA is prepared to oppose this proposal for 4 lots should it come before the PB.

Let me know if the attached helps.

regards.....ginny

Ginny Barnes, *President*
West Montgomery County Citizens Association

www.wmcca.org

(301) 762-6423

Hello Ms. Barnes,

Thanks for contacting me in regards to Old Angler's Cove. I'll try to answer your questions in the order you wrote them.

1. Easements: M-NCPPC sent the application to National Park Service staff for review and/or comment. As of this writing, NPS has not commented or expressed any concern. I have done property records research and found no indication of a scenic easement on this property as you have stated exists. If you have any documentation or a Liber/Folio for me to follow up on, please let me know. However, at this point property searches and database searches have yielded no evidence of any easement. As far as imposing a new easement, M-NCPPC doesn't have the authority to force an easement on the property owner or NPS outside of the requirements of the Forest Conservation Law. In the Dan Snyder case, that dealt with violations of existing Forest Conservation and Scenic easements. It has no parallels with this particular property.
2. Subdivision Design: Staff agrees with your concerns about the tightness of the subdivision because it results in no rear yard for Lots 10 & 11. At the DRC meeting, we informed the applicant that, as submitted with 4 lots, staff would be recommending denial of the application. Expectedly, the applicant didn't like that very much but they can explain why their design works in front of the Planning Board if they choose to proceed further.

If you have any further information I can follow up on regarding the easement, please send it to me.

Ryan Sigworth, AICP
Senior Planner – Area 3
Maryland National Capital Parks and Planning Commission

Address:
8787 Georgia Avenue
Silver Spring, MD 20910

Telephone: (301) 495-2112
Fax: (301) 495-1304
Email: ryan.sigworth@montgomeryplanning.org
Website: MontgomeryPlanning.org



From: ginnybarnes@juno.com [<mailto:ginnybarnes@juno.com>]

Sent: Monday, October 30, 2017 3:26 PM

To: Sigworth, Ryan <Ryan.Sigworth@montgomeryplanning.org>

Subject: Plan #120170290 - Old Angler's Cove

RE: Plan #120170290 - Old Angler's Cove

Hi Ryan,

I see you are the main reviewer on this plan and that the DRC meets in the morning and it is on the agenda. I would like to attend but have to be at the County Council. However, WMCCA has concerns about the proposal. Chief among them is the lack of easements. Maps we've seen show no easements to buffer lots from the C&O Canal NHP. We know there were easements placed by the previous owner. Given the size of the property, the zoning (R-200), the initial lot configuration and the lack of easements, 4 houses seems too tight on a property so close to the NHP.

We would like to know why there are no easements and if the County can create and impose some to buffer the NHP. MNCPPC did so with Dan Snyder in 2004 or 5 and given how narrow the park is, it would seem a wise environmental decision to add easements. I would appreciate talking to you or receiving written update on the DRC discussion tomorrow.

Thanks for your time and attention to this issue.
regards.....ginny

Ginny Barnes, *President*

West Montgomery County Citizens Association

www.wmcca.org

[How To Remove Eye Bags & Lip Lines Fast \(Watch\)](http://thirdpartyoffers.juno.com/TGL3142/59f8c80c8f571480c49c2st01vuc)

Fit Mom Daily

<http://thirdpartyoffers.juno.com/TGL3142/59f8c80c8f571480c49c2st01vuc>

