



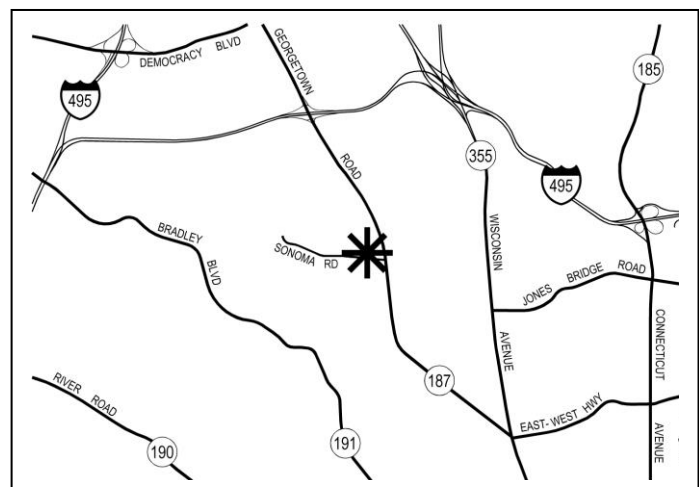
## 5701 Sonoma Road, Administrative Subdivision Plan No. 620190020

- MF** Marco Fuster, Planner Coordinator, Area 1, [Marco.Fuster@montgomeryplanning.org](mailto:Marco.Fuster@montgomeryplanning.org), 301.495.4521
- EL** Elza Hisel-McCoy, Supervisor, Area 1, [Elza.Hisel-McCoy@montgomeryplanning.org](mailto:Elza.Hisel-McCoy@montgomeryplanning.org), 301.495.2115
- MP** Mark Pfefferle, Interim Chief, Area 1, [Mark.Pfefferle@montgomeryplanning.org](mailto:Mark.Pfefferle@montgomeryplanning.org), 301.495.4730

Completed: 4/22/19

### Description

- Request to subdivide a Property into two single-family lots;
- Current use: single-family dwelling and a shared access drive
- Located on Sonoma Road, approximately 1500 feet west of Old Georgetown Road
- 0.40 acres, zoned R-60
- 1990 *Bethesda-Chevy Chase Master Plan*
- Applicant: Rebecca Gillespie
- Acceptance date: November 2, 2018.



### Summary

- Staff recommends approval of the Administrative Subdivision Plan with conditions.
- Although this Application is an Administrative Subdivision Plan, Staff has received comments on the item and is therefore presenting the Application to the Planning Board. Community comments are attached and discussed within the Staff Report.
- In accordance with Chapter 50, Subdivision Code, Section 50.6.3.B.3, on January 24, 2019 the Planning Board extended the review period for this application from January 31, 2019 until May 2, 2019.
- The Applicant is in agreement with the recommended conditions of approval.

**Administrative Subdivision Plan No. 620190020:** Staff recommends approval of the Administrative Subdivision Plan subject to the following conditions:

1. This Administrative Subdivision Plan is limited to two lots for one single-family detached dwelling unit on each lot.
2. The construction of the two single-family detached dwelling units must either be concurrent, or Lot 2 must be constructed prior to Lot 1. However, the construction of both of the single-family structures must utilize the same construction access on Lot 1 as shown on the Tree Save Plan.
3. The house on proposed Lot 2 must be designed and built so that the entire structure and associated foundation do not encroach into the existing recorded access easement area.
4. Prior to certification of the Administrative Subdivision Plan, the Applicant must coordinate with Staff on minor corrections and clarifications as required.
5. Prior to any staging, clearing, grading, or demolition, the Applicant must obtain Planning Department approval of the certified Tree Save Plan which addresses the following items to the satisfaction of Staff:
  - a. Address the LOD and associated tree care for all the work connected with the project such as utility demolition and sidewalk construction including the proposed ramp on the south side of Sonoma Road.
  - b. Provide insets or other graphic means of clearly showing the LOD extents for each phase and also address removal/resetting of temporary tree protection fences as applicable.
  - c. Clarify the phasing notes/graphics to specifically avoid staging, stockpiling, access, or other disturbance in areas outside of any current phase.
  - d. Clarify the timing and staging of backfill for the existing foundation to be removed.
  - e. Reformat the arborist qualifications to apply only to the contract arborist and remove references to a consulting arborist.
  - f. Increase the frequency of the arborist site visits to *daily* during the demolition phase and a minimum of once per week during the construction phase, unless an alternate time frame is agreed to by the Forest Conservation Inspector.
  - g. Provide a program to communicate the tree save protocols to all construction personnel prior their site entry.
  - h. Confirm the accuracy of the tree survey and the associated extrapolation of the tree centers/locations and revise any locations if applicable.
  - i. Clarify the extents of the proposed permanent and temporary mulch beds.
  - j. Provide for the planting of at least two native canopy trees per lot, within 6 months after construction completion. The trees are to be planted and maintained as part of the contract with the arborist.
  - k. Coordinate with Staff on minor corrections and clarifications as required.

6. After the preconstruction meeting with the Planning Department Forest Conservation Inspector and Prior to any staging, clearing, grading, or demolition necessary to construct the project, the Applicant (or builder as applicable) must sign a contract with a tree care firm having the following minimum qualifications: International Society of Arboriculture (ISA) Certified, Tree Risk Assessment Qualification (TRAQ) Certified, Maryland Licensed Tree Care Expert, and ISA Board Certified Master Arborist. The tree care firm must also demonstrate successful experience of completing a minimum of three projects similar in scope to the 5701 Sonoma Tree Save Plan. Alternate qualifications/experience may also be considered, subject to approval by MNCPPC Staff. The contract must include the necessary tree care work for this project including pre and post construction maintenance and monitoring.
7. The Planning Board accepts the recommendations of MCDPS – Water Resources Section in its stormwater management concept letter dated November 14, 2018, and hereby incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Administrative Subdivision Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.
8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Fire Code Enforcement Section in its letter dated August 16, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Administrative Subdivision Plan approval.
9. The Planning Director accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated April 15, 2019, and hereby incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Administrative Subdivision Plan approval.
10. The record plat must show necessary easements.
11. The Adequate Public Facility (“APF”) review for the Administrative Subdivision Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.
12. The Certified Administrative Subdivision Plan must contain the following note:

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

## SECTION 1

### PROPERTY AND VICINITY DESCRIPTION

#### Site Description

The Subject Property includes Lot: 7, Block: 9, and part of a “Reserved” area appearing on Plat 157 (Property or Subject Property). The “Reserved” area appears to have been set aside for a potential right of way (ROW) extending north off Sonoma Road. However, the area was not improved for public access and is not necessary for future ROW use. The “Reserved” area features an existing driveway shared with the neighboring properties to the north and is under a private easement agreement (found in Attachment C, letter from Leonard Murphy). Note: The record Plat 157 is included in the report as Attachment D; the Subject property is located near the upper left of the plat image.

The Subject Property is located on Sonoma Road, approximately 1,500 feet west of Old Georgetown Road and consists of 0.40 acres, zoned R-60. The Property is within the 1990 *Bethesda Chevy Chase Master Plan* (Master Plan).

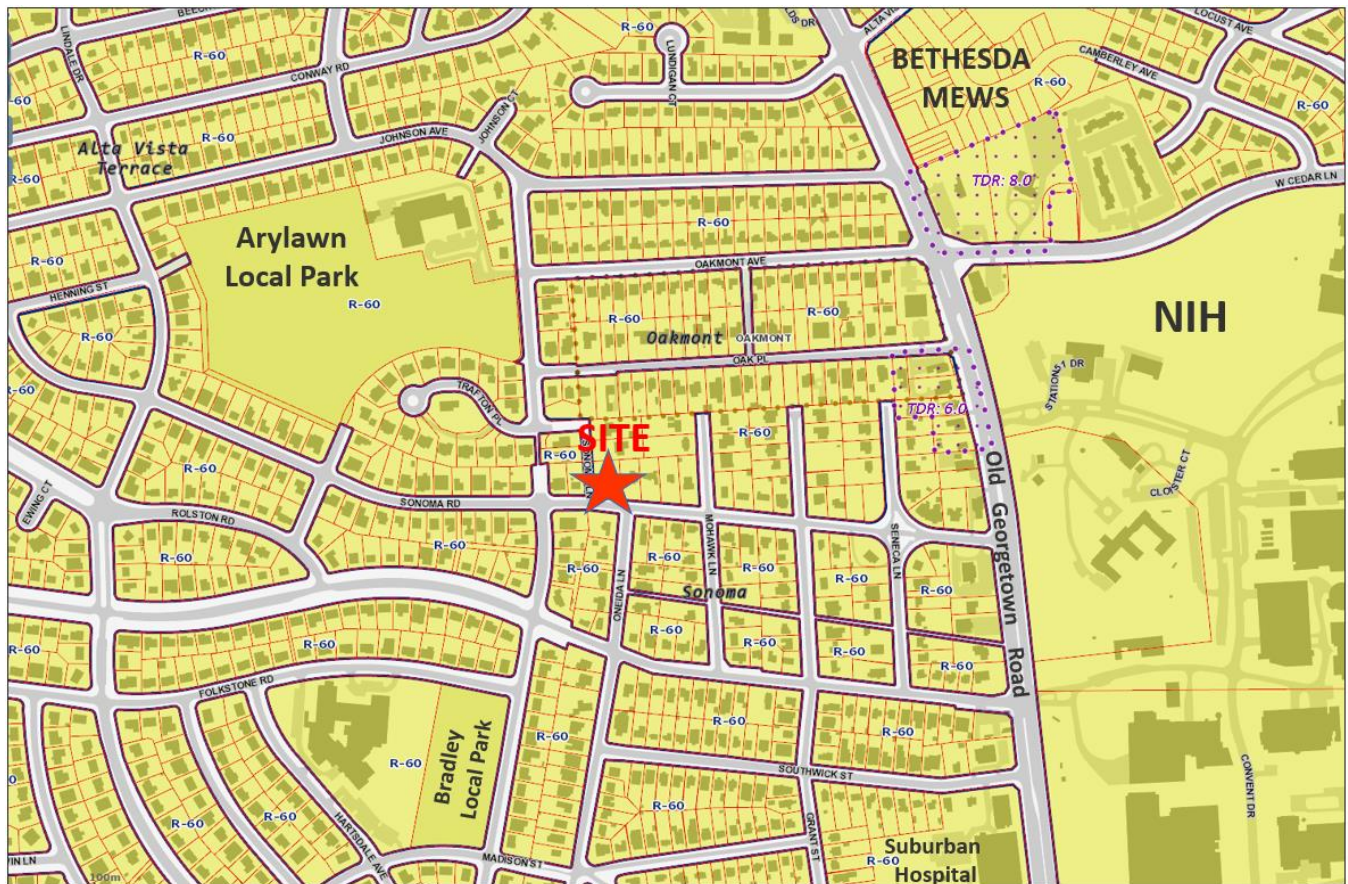


Figure 1-Vicinity Map





*Figure 2-Surrounding Properties*

As depicted in Figure 3, the Property is developed with a single-family house and an access drive shared with the two neighbors to the north of the Subject Property (Lots 8 & 9). The Site contains four specimen sized trees along with several other trees measuring less than 30" DBH. The onsite and offsite trees establish a considerable canopy which is generally present among the surrounding properties. The Site lies within the Cabin John Creek watershed which is a Use I-P watershed<sup>1</sup>. It is not associated with a special protection area. There are no other environmentally sensitive features on or near the Site such as forest cover, steep slopes, highly erodible soils, streams, wetlands or associated buffers.

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<sup>1</sup> Use I-P: WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply, industrial water supply, and use as a public water supply.



Figure 3-Existing Conditions

## SECTION 2 –PROPOSAL

### Proposal

The Application proposes to create two lots for two single-family detached dwelling units, both of which will front on and have vehicular access from Sonoma Road. Proposed Lot 2 will retain access to the existing shared driveway along the western property line, and Proposed Lot 1 will have a new driveway on Sonoma Road. The Property is required to provide a frontage sidewalk in accordance with Section 49-33(e) of the County Code. The sidewalk work also includes a new access ramp on the south side of Sonoma Road (near the southwest quadrant of the intersection of Sonoma Road and Oneida Lane). The project includes an elaborate Tree Save Plan discussed in the *Forest Conservation and Tree Save* section of the report.

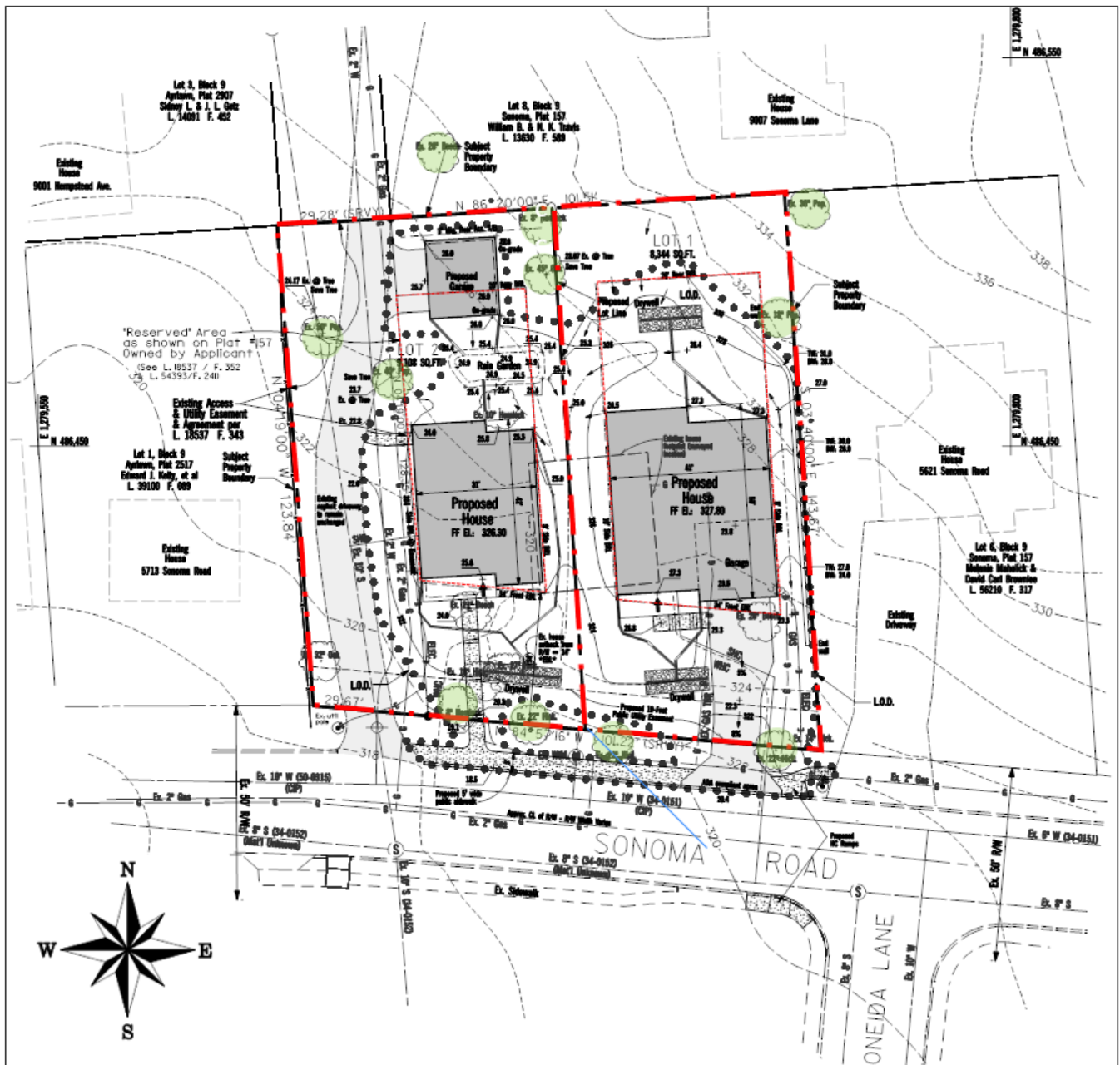


Figure 4-Administrative Subdivision Plan



### SECTION 3 – ANALYSIS AND FINDINGS, CHAPTER 50

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

- a. *The block design is appropriate for the development or use contemplated*

The length, width, and shape of the block are consistent with Section 50.4.3.B of the Subdivision Code. The proposed subdivision is within an existing residential neighborhood with an established street grid. The Application is not proposing to create any new residential blocks.

- b. *The lot design is appropriate for the development or use contemplated*

The Administrative Subdivision Plan meets all applicable sections of the Subdivision Code. The proposed lot sizes, widths, shapes, and orientations are appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, the existing lot pattern of surrounding properties, and for the building type (single family detached dwelling units) contemplated for the Property.

- c. *The Preliminary Plan provides for required public sites and adequate open areas*

The Site was reviewed for compliance with Section 50.4.3.D, “Public Sites and Adequate Public Facilities,” of the Subdivision Code. There are no Master Plan recommendations for public facilities or local recreation requirements for the Subject Property.

- d. *The Lots and Use comply with the basic requirements of Chapter 59*

The lots were reviewed for compliance with the dimensional requirements for the R-60 zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area, frontage, and width, and can each accommodate a building which can reasonably meet the setbacks requirements in that zone. A summary of this review is included in Table 1.



**Table 1-Development Standards R-60 Zone**

	<b>Required by the Zone</b>	<b>Proposed for Approval</b>
Minimum Lot Area	6,000 sq. feet	Lot 1 = 8,334 sq. feet Lot 2 = 9,108 sq. feet
Minimum Lot Frontage	25 feet	Lot 1 = 60 feet Lot 2 = 70 feet
Minimum Lot Width at B.R.L.	25 feet	Lot 1 = 60 feet Lot 2 = 70 feet
Maximum Lot Coverage Per infill standards 59.4.4.1.B.2	Lot 1 = 27.66% Lot 2 = 26.89%	Lot 1 = 25% Lot 2 = 20%
Minimum Front Setback	34' Established Building Line	34' Established Building Line
Minimum Side Setbacks	8 feet min. / 18 feet total	Lot 1 = 18 feet Lot 2 = 38 feet
Minimum Rear Setback	20 feet	Lot 1 = 20 feet Lot 2 = 20 feet
Minimum setbacks for Accessory Structure	Placement per 59.4.4.9.2.	Lot 1 and Lot 2 Must satisfy 59.4.4.9.2.
Maximum Building Height	35 feet	Lot 1 = 35 feet Lot 2 = 35 feet
Site Plan Required	No	No

## 1. Master Plan Conformance

The Administrative Subdivision Plan substantially conforms to the 1990 *Bethesda-Chevy Chase Master Plan*. This Property is in the “Mid-Bethesda” area of the Master Plan. The Master Plan does not have site specific recommendations for the Property. However, page 152 recommends examining ways to protect trees as part of the subdivision process. The application addresses the Master Plan recommendation through the elaborate Tree Save Plan. The Approved and Adopted 2018 Bicycle Master Plan recommends Sonoma Road as a shared roadway. The application proposes a frontage sidewalk on Sonoma Road and has no adverse effect on the planned bikeway.

## 2. Adequate Public Facilities

### Roads and Transportation Facilities

There are adequate public facilities to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations. The Property is located within the Bethesda/Chevy Chase Policy Area, which is categorized as an Orange Policy Area under the 2016 – 2020 Subdivision Staging Policy (the “SSP”). The proposed Administrative Subdivision generates fewer than 50 peak-hour person trips and is therefore exempt from Local Area Transportation Review under the SSP. Sonoma Road is currently improved within a dedicated 50-foot-wide public roadway (Plat 157, dated 1912). Based on the established single-family development pattern of Sonoma Road and the ability to accommodate the sidewalk shown on the proposed subdivision, no additional dedication is required. Therefore, roads and transportation facilities are adequate to support the Application.

#### School Adequacy

The Property is served by Wyngate Elementary School, North Bethesda Middle School, and Walter Johnson High School. With a net of one new single-family-detached dwelling unit, the application falls within the de minimis (three units or less) exemption. Therefore, the project is not subject to testing for its estimated impact on school enrollment.

#### Other Public Facilities and Services

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision. Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy Resolution currently in effect.

### **3. Forest Conservation**

#### a. Environmental Guidelines

The Site contains four specimen sized trees along with other onsite and offsite trees which result in a considerable tree canopy among the Site and its surrounding properties. The Subject Property lies within the Cabin John Creek watershed which is a Use I-P watershed and is not associated with a special protection area. There are no other environmentally sensitive features on or near the Site such as forest cover, steep slopes, highly erodible soils, streams, wetlands or associated buffers.

#### b. Forest Conservation and Tree Save

This Application is subject to Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2) because the proposed activity occurs on a tract of land less than 1 acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen tree or champion tree, and afforestation requirements would not exceed 10,000 square feet. However, since the project includes impacts to specimen trees, the tree save provision under Section 22A-6(b) is in effect. The Development and Regulatory Coordination Staff (DARC) confirmed Forest Conservation Exemption #42018256E for the project on July 12, 2018, with a condition that a Tree Save Plan addressing construction impacts to trees be submitted as part of the Administrative Subdivision Plan review. The proposed Tree Save Plan for the site work protects many of the onsite and neighboring trees. The recommended conditions of approval associated with the Tree Save Plan are generally in keeping with the language already in the plan as submitted (such as the requirements for a 5-year maintenance and monitoring contract and extensive qualifications of the tree care professional who will be performing the work). The Tree Save Plan complies with the requirements of the Forest Conservation Law.

### **4. Stormwater Management**

The Montgomery County Department of Permitting Services approved the Stormwater Concept Plan on November 14, 2018 (see Attachment B). The Administrative Subdivision Plan will meet stormwater management goals through a variety of techniques including the use of dry wells and a rain garden.

## SECTION 4 – CITIZEN CORRESPONDENCE AND ISSUES

A pre-submittal community meeting is not required for an Administrative Subdivision Plan. However, applicants must post signs on the development site and provide written public notice. A notice of the Application was sent to all required parties by the Applicant on November 5, 2018. The notice gave the interested parties 15 days to review and comment on the contents of the Application. Staff has received correspondence from community groups and citizens, focused on the following topics:

- The application is inconsistent with the terms/intention of the Sonoma Lane Agreement for a private shared access drive recorded in the land records at L.18537, F.343. (found in Attachment C, letter from Leonard Murphy).

*Staff notes that the Planning Board does not consider conformance with private agreements in its review of development applications.*

- The application ignores the platted building restriction lines associated with the corner lot and the recorded BRL provides an important buffer for the “Reserved” parcel/access easement area. Sonoma Lane should remain as a separate parcel and is not usable to the Subject Property except for access.

*Staff has coordinated with DOT which confirmed that Sonoma Lane is not a public ROW but is actually a private shared driveway. Therefore, the existing BRL (relative to the “Reserved” area appearing on the Plat 157, Attachment D) can be extinguished along the west side of the Property as there is no associated public ROW.*

- The proposed house on Lot 2 will abut the “Reserved” area/shared access drive rather than be situated 15’ away as required by the existing BRL, resulting in adverse impacts to the setting.

*As conditioned the house on proposed Lot 2 must be designed and built so that the entire structure and associated foundation do not encroach into the existing recorded access easement area. Since the foundation design typically projects beyond the face of the structure, some level of setback (although modest) would be anticipated.*

- The requested Forest Conservation Variance should not be granted.

*The project is not subject to a forest conservation variance although one had been inadvertently submitted by the applicant and subsequently withdrawn.*

- Onsite and offsite tree/vegetation loss.

*Staff concurs that the originally submitted Tree Save Plan was inadequate, however the Tree Save Plan has undergone robust upgrades since the initial submission and has greatly reduced or avoided the impacts/removals of the onsite and offsite trees.*

## SECTION 5– CONCLUSION

The Administrative Subdivision Plan meets the technical requirements of Section 50.4.3 of the Subdivision Code, and the applicable requirements of Section 50.6.1.C. The lots meet all requirements established in the Subdivision Code and the Zoning Ordinance and substantially conform to the recommendations of the 1990 *Bethesda-Chevy Chase Master Plan* (and the Approved and Adopted 2018 *Bicycle Master Plan* which replaces the previous bicycle facility recommendations included in the 1990 *Bethesda Chevy Chase Master Plan*). Access and public facilities

will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan.

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

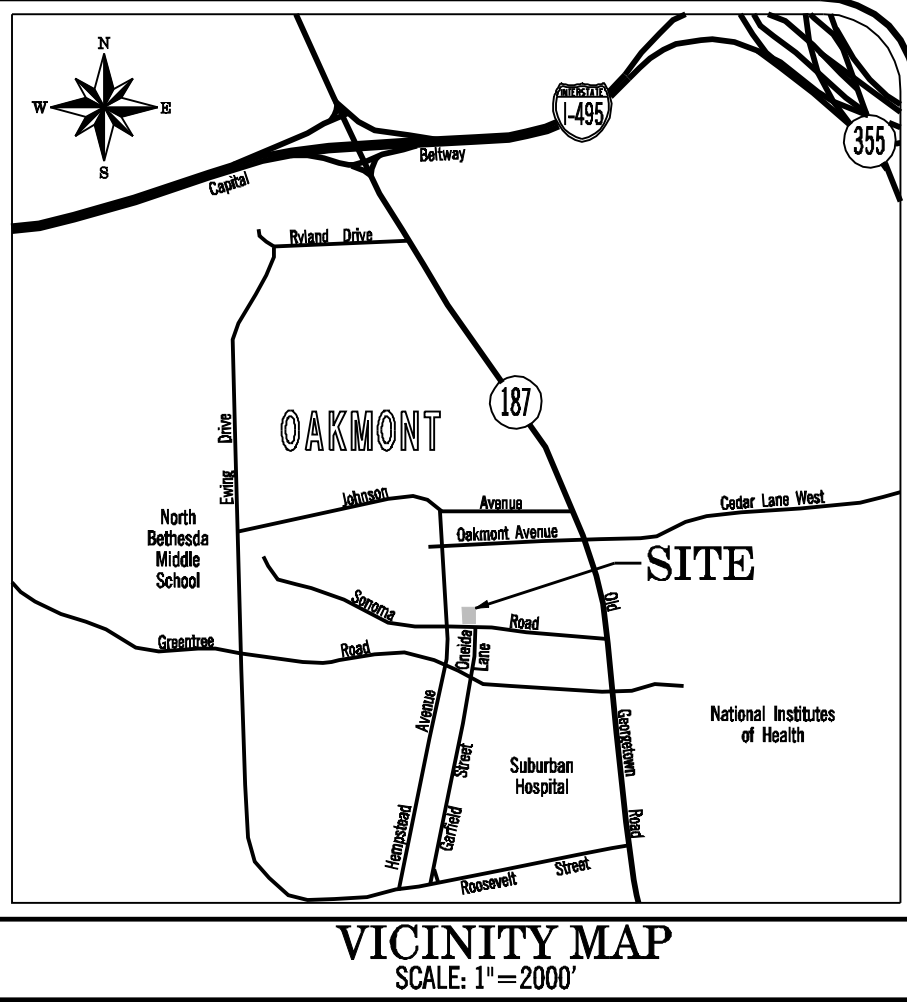
Attachment A – Administrative Subdivision Plan

Attachment B – Agency Letters

Attachment C – Community Letters

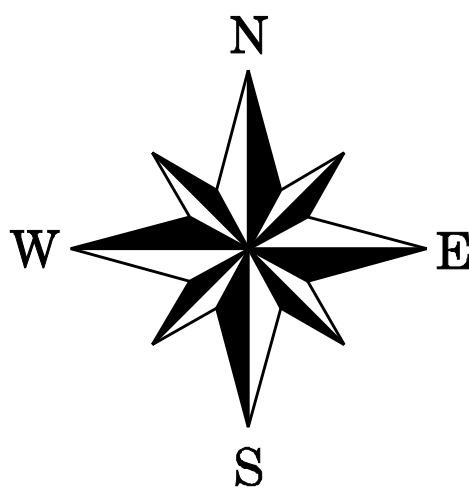
Attachment D – Record Plat





### Plan Notes

- Gross Tract Area: 0.40 Acres (17,452 sq.ft.) – Per Boundary Survey, 2018
- Zoning: R-60
- Proposed Standard Method Development per Sec. 59.4.4.9.B of the Zoning Ordinance
- Number of Lots Proposed: 2
- Description: This is a resubdivision of Lot 7, Block A, Sonoma subdivision, which includes the adjacent portion of the "Reserved Area" owned by the Applicant.
- Watershed: Cabin John Creek (State Water Use I-P)
- Planning Area: Bethesda-Chevy Chase (M-NCPPC Area 1)
- Public Utilities to Serve the Proposed Lots: PEPCO, WSSC, Verizon, Washington Gas
- WSSC Grid: 211NW06 Tax Map: 6P561



SCALE: 1"=20'

### R-60 Zone Development Standards - Standard Method

STANDARD	REQUIRED / PERMITTED	PROPOSED / PROVIDED
Min. Lot Area	6,000 sq.ft.	Lot 1: +/- 8,344 sq.ft. Lot 2: +/- 9,108 sq.ft.
Min. Lot Width @ Front B.R.L.	60 ft.	Lot 1: 60' Lot 2: 69'
Min. Lot Width @ Front Lot Line	25 ft.	Lot 1: 60' Lot 2: 70'
Max. Density (DU / Acre)	7.26	2.0
Max. Lot Coverage (by buildings) (Infill Lot Standards per 59-4.4.1.B.2)	27.66% (Lot 1) 26.89% (Lot 2)	Lot 1: Not to Exceed 25% Lot 2: Not to Exceed 18%
Min. Setback from Street R/W (Established Building Line - Method 59-4.4.1.A.4.c.)	34 ft.	Lot 1: 34' Lot 2: 34'
Min. Side Setback	8 ft.	8 ft.
Min. Sum of Side Setbacks	18 ft.	Lot 1: 18' Lot 2: 37'
Min. Rear Setback	20 ft.	20 ft. min. (Both Lots)
Max. Building Height (Principal building, highest point of a flat roof) 35 ft.		Not to Exceed 35'
Max. Building Height (Principal building, mean height between the eaves and ridge of a gable, hip, mansard or gambrel roof) 30 ft.		Not to Exceed 30'

### General Notes

- Boundary and topographic data indicated on this drawing are from a field survey by Packard & Associates, LLC, 2018.
- Note that there is an extensive TREE SAVE PLAN (phased plan on multiple drawings). Highly specialized tree save techniques are to be employed along with post-construction maintenance and monitoring also required as part of implementing this subdivision and construction of houses.
- Because of tight constraints established by the proposed Tree Save Plan referenced in note 2, above, the proposed lot configuration and house locations indicated on this Administrative Subdivision Plan limit flexibility in design of the final construction plans.

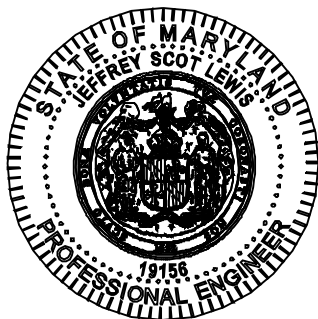


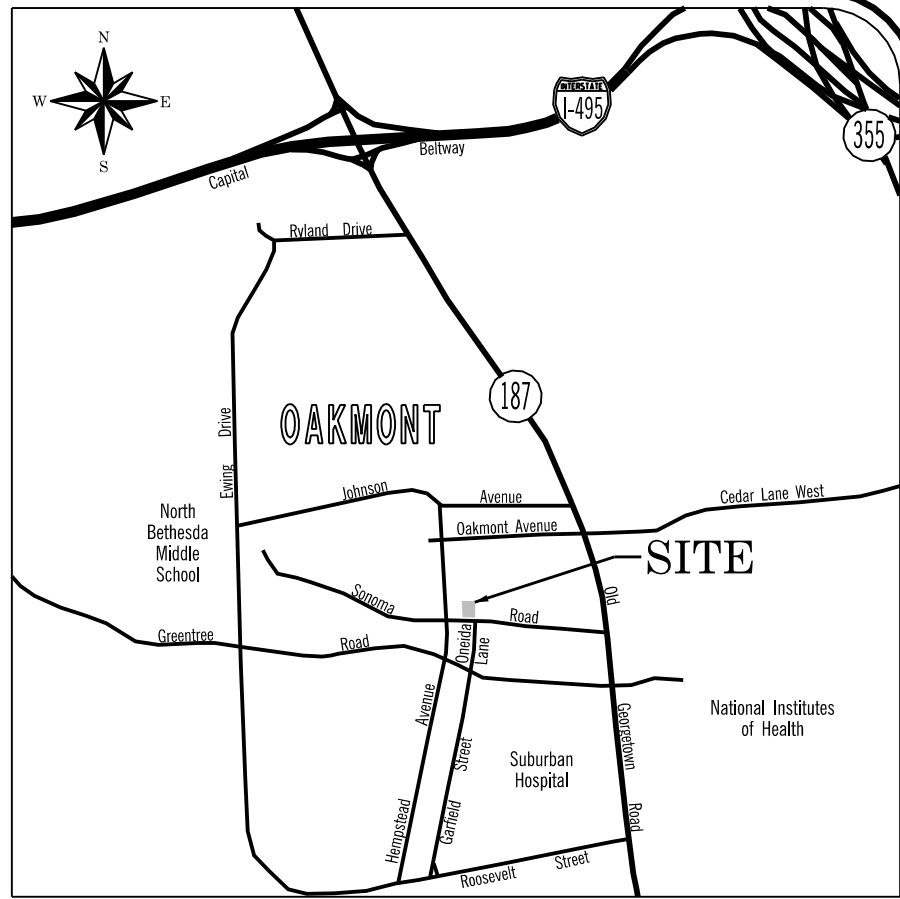
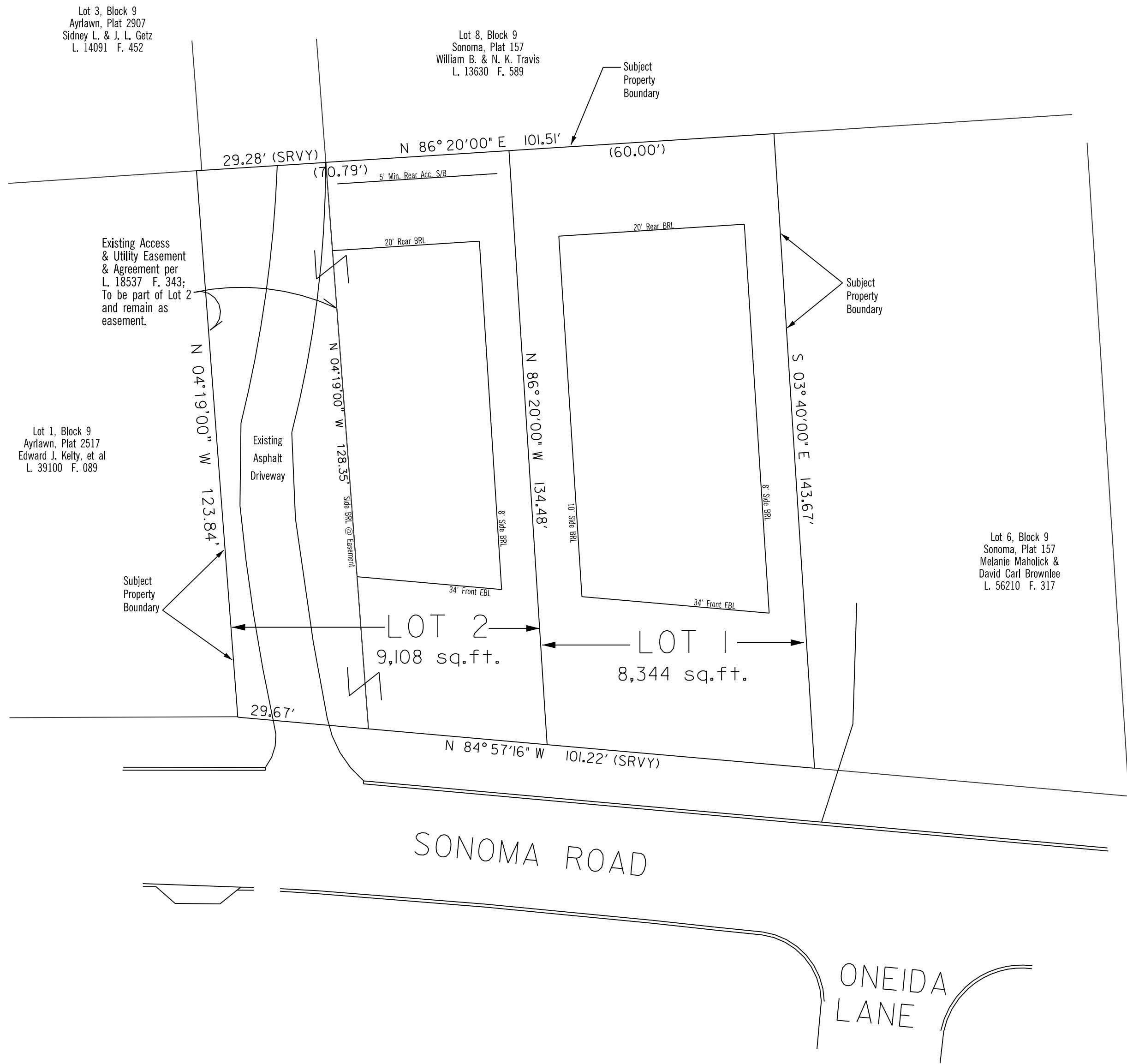
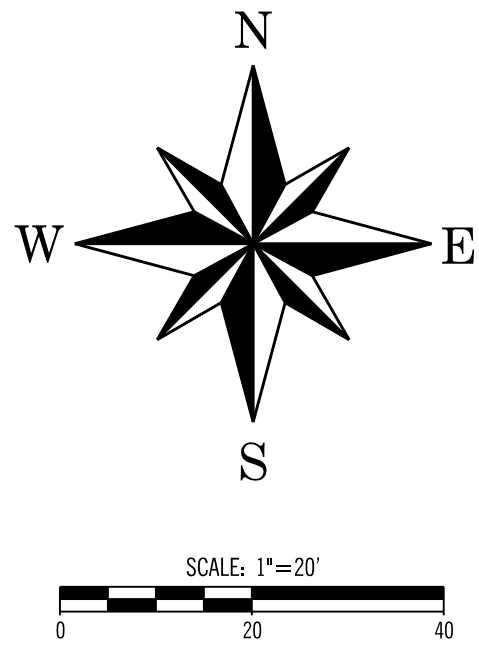
### Legend

- Existing Contours - 2-Foot Interval
- Proposed Contours - 2-Foot Interval
- Proposed Limit of Disturbance (L.O.D.)
- Existing House Footprint
- Proposed House Footprints
- Subject Property Boundary
- Proposed Retaining Wall
- Proposed Walks
- Existing Tree Locations
- Proposed Drywells for SWM
- Trees to be Removed - See Tree Save Plan for detailed information
- Small Evergreen Trees to be Removed

NO	REVISION	DATE
2	Revisions made per comments on plans	4/1/19
1	Revise per DARC intake comments	10/25/18
NO	REVISION	DATE

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





VICINITY MAP  
SCALE: 1"=2000'

Plan Set - Sheet 4 of 10



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

OWNER:  
Donald T. & Rebecca A. Gillespie  
5701 Sonoma Road  
Bethesda, MD. 20817

NO	REVISION	DATE

LOT PLAN  
5701 SONOMA ROAD  
Lot 7 / Block 9, Sonoma Subdivision  
ELECTION DISTRICT #7  
MONTGOMERY COUNTY, MARYLAND

DWR DESIGN	1" = 20' SCALE
CHECKED	2 OF 2 SHEET
1/31/2019 PLOT DATE	2129 PROJ. No.
	D-

LOT PLAN  
5701 Sonoma Road  
SITE SOLUTIONS, INC.

# Attachment B – Agency Letters



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

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**DATE:** 16-Aug-18  
**TO:** Jeffrey Lewis - jsl@ssimd.net  
Site Solutions, Inc.  
**FROM:** Marie LaBaw  
**RE:** 5701 Sonoma Road  
620190020

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### PLAN APPROVED

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





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

November 14, 2018

Mr. Jeffery Lewis  
Site Solutions Incorporated  
19508 Amaranth Drive, Suite A  
Germantown, MD 20874

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
5701 Sonoma Road  
Preliminary Plan #: 620190020  
SM File #: 284269  
Tract Size/Zone: .4/R-60  
Total Concept Area: .4  
Lots/Block: 2 Lots Proposed  
Parcel(s): N/A  
Watershed: Cabin John Creek

Dear: Mr. Lewis

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via the use of drywells and a rain garden.

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. Safe overflow conveyance of the developed 10yr storm for the rain garden must be demonstrated during the detailed plan submission.
5. All setback requirements must be met for each proposed stormwater management facility.

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



255 Rockville Pike, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311  
[www.montgomerycountymd.gov/permittingservices](http://www.montgomerycountymd.gov/permittingservices)

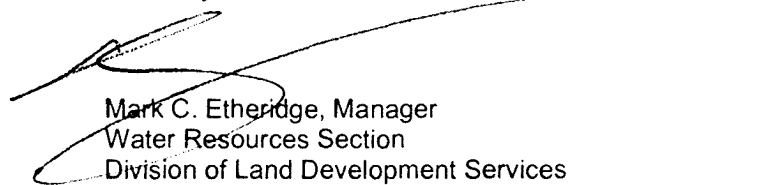


Mr. Jeffery Lewis  
November 14, 2018  
Page 2

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.

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

Sincerely,



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

MCE: TEW

cc: N. Braunstein  
SM File # 284269

ESD: Required/Provided 710 cf / 710 cf  
PE: Target/Achieved: 1.8"/1.8"  
STRUCTURAL: N/A  
WAIVED: N/A



DEPARTMENT OF TRANSPORTATION

Marc Elrich  
County Executive

Al R. Roshdieh  
Director

April 15, 2019

Mr. Marco Fuster, Senior Planner  
Area 1 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Administrative Subdivision Plan No. 620190020  
5701 Sonoma Road

Dear Mr. Fuster:

We have completed our review of the Administrative Subdivision Plan dated April 1, 2019 (Revision Date). This plan was reviewed by the Development Review Committee at its meeting on December 4, 2018. We recommend approval for the plan based on 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.

**Significant Plan Review Comment**

1. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation Form is enclosed for your information and reference.
2. The proposed driveways must be American Disabilities Act (ADA) compliant.
3. Sight Distance:

Proposed Driveway: The sight distance is approved.

Sonoma Lane (Existing): The sight distance is **not approved** for this location. At the permit stage, the applicant must provide a signed and sealed sight distance certification for review and approval of the Department of Permitting Services (DPS).

4. Storm Drain Analysis: **INCOMPLETE.**

At permit stage, submit storm drain and/or flood plain studies with computations to DPS for review and approval. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. If the proposed

**Office of the Director**

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*

subdivision drains to an existing closed section street, include spread computations in the impact analysis. The DPS may require improvements to the existing public storm drain system based on the review of the storm drain report.

**Note:** ESD cannot be used to determine the runoff coefficient for storm drain analysis.

5. 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. Sidewalk, driveways and ADA ramps along Sonoma Road as shown in the plan.
  - b. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
  - c. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
  - d. 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) if deemed necessary by the DPS.

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](mailto:deepak.somarajan@montgomerycountymd.gov) or (240) 777-7170.

Sincerely,



Rebecca Torma, Manager  
Development Review  
Office of Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Administrative Subdivision Review\5701 Sonoma Road\Letter\ 620190020 5701 Sonoma Road-12-04-2018

Enclosure: Sight Distance Form (Proposed Driveway)

Mr. Marco Fuster  
Administrative Subdivision Plan No. 620190020  
April 15, 2019  
Page 3

cc: Letters notebook

cc-e:	Donald Rohrbaugh	Site Solutions, Inc.
	Peter Ciferri	McMillan Metro, P.C.
	Matthew Folden	MNCPPC
	Atiq Panjshiri	MCDPS RWPR
	Sam Farhadi	MCDPS RWPR
	Deepak Somarajan	MCDOT OTP





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

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: 5701 Sonoma Rd / Sonoma Preliminary Plan Number: + 620190020

Street Name: Sonoma Road Master Plan Road Classification: Tertiary

Posted Speed Limit: None Observed mph (25 Assumed)

Street/Driveway #1 (New Driveway) Street/Driveway #2 ( )

Sight Distance (feet) OK?  
Right 600 ✓  
Left 600 ✓

Sight Distance (feet) OK?  
Right \_\_\_\_\_  
Left \_\_\_\_\_

Comments: Ex Utility Pole  
has partial obstruction to  
left between 132' - 268',  
but still visible

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'

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)

\*Source: AASHTO

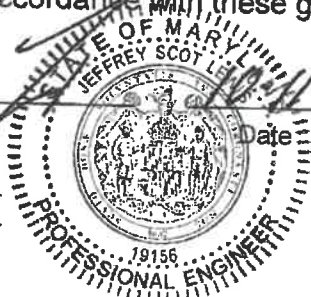
**ENGINEER/ SURVEYOR CERTIFICATE**

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

Signature: \_\_\_\_\_

MD 19156

PLS/P.E. MD Reg. No.



**Montgomery County Review:**

☒ Approved

☐ Disapproved:

By: \_\_\_\_\_

Date: 4/4/19

# Attachment C – Community Letters

**Balmer, Emily**

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**From:** Charles Stevens <stevens.cg@gmail.com>  
**Sent:** Wednesday, November 14, 2018 10:12 AM  
**To:** Fuster, Marco  
**Subject:** 5701 Sonoma Road Case #620190020

In re: Subdivision Application 620190020 5701 Sonoma Road 20817

Mr. Fuster -

By way of introduction, I am one of the three original signers of the Sonoma Lane Agreement (the Agreement), which memorializes our intentions with respect to the Reserved Area.

It was created by the original developers of Sonoma in 1913. The Reserved has had a long and contentious history. Starting in 1950, developers of neighboring Ayrlawn Farms unsuccessfully attempted to secure access to two of their lots via the Reserved Area thus avoiding the costs of constructing Hempstead Avenue. These same two lots again in 1999 were the subject of another unlawful attempted encroachment on the Reserved Area. At that time, the three abutting owners decided it was time to settle the matter once and for all. Montgomery County in 2000 ceded any interest it might have in the Reserved Area it to them in fee simple.

I can testify that the three owners at the time, having expended considerable effort and money to protect their rightful interests, were concerned about future encroachments and unwanted development. They wished to preserve the status quo of the Reserved Area as far into the future as possible and executed The Agreement to that end. An example of the collegial nature of the Agreement is that all expenses are to be shared on a 1/3rd basis by each owner. In terms of area owned, one owner has no pavement on his section, another has pavement partially encroaching outside of the Reserved Area, and the third owner has 2/3 of the pavement on his portion. In addition, any changes needed approval by 2 of the 3 owners. It is clear, then, that the Reserved Area was intended to be more of a joint venture among the three owners, regardless of their respective real property interests. The proposed subdivision plans are clearly inconsistent with the intention of the Agreement as it was written and accepted by the current applicant as part of his deed.

Furthermore, when I was attempting to sell my property, which is the subject of the current subdivision request, in 2016, I was told that the Reserved Area could not be counted towards any building setback requirements. We had a one hour meeting with Mr. Braunstein of the MNCPPC and he left no doubt that such an arrangement would be completely unacceptable to the County. Without using this width, the lot did not meet the requirements for frontage of two houses on Sonoma Road. It is my hope that the County will not change its position on this matter.

Thank you for your time in reading this. If you need more information or have any questions, please call me at 703-573-7120 or respond via email.

Charles G Stevens

**Balmer, Emily**

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**From:** ellen larsen <ellenlarsen2000@yahoo.com>  
**Sent:** Friday, November 16, 2018 5:43 PM  
**To:** Fuster, Marco  
**Subject:** 5701 Sonoma Road, Bethesda

Dear Mr. Fuster,

I am writing in opposition to the Gillespies request to combine their lot with the adjacent road right-of-way. As you know the purpose is to end up with two lots to build houses. They will not live in the neighborhood because they have purchased a house in Kensington. Also, approximately 13 large trees are on the lot, 10 will be destroyed, leaving 3 trees. The beauty of our small, 105-year old community are the trees. Less trees and more houses take away the beauty. I am totally opposed to the Gillespies request.

Thank you for your attention to this request.

ELLEN

**Balmer, Emily**

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**From:** Andreas Schliessler <andreas.schliessler@gmail.com>  
**Sent:** Sunday, November 18, 2018 10:38 PM  
**To:** Fuster, Marco  
**Subject:** Objection to Development Application for 5701 Sonoma Road (Subdivision Plan No. 620190020)

Dear Mr. Fuster,

I am the owner of the house located at 9011 Sonoma Lane. I bought the house in 1999 and I have lived there ever since with my wife (Carolina Correa).

The purpose of my email is to express my objection to the Development Application for 5701 Sonoma Road (Subdivision Plan No. 620190020) presented by the Gillespie family. The proposed development would (i) combine the existing corner lot at **5701 Sonoma Road** with a portion of the **Sonoma Lane Right-of-Way** (which is the sole access to our house) to create one large lot and then (ii) subdivide the large lot into two separate lots to allow for the construction of two houses. My wife and I oppose this proposed development plan for the following reasons:

- Sonoma Lane is the sole access to our house at 9011 Sonoma Lane. Even though a part of the Sonoma Lane right-of-way is owned by the Gillespie family, they are bound by the "Sonoma Lane Agreement" signed with us and the Travis family (which you are most probably aware of) to maintain the characteristic of this area as a moderately landscaped area providing access to 9007 and 9011 Sonoma Lane.
- We believe that the portion of the Sonoma Lane owned by the Gillespies should not be allowed to become part of a larger lot, but should instead remain a separate parcel of land governed by the Sonoma Lane agreement. The required building setback lines should not be counted from the boundaries of the new large lot to be created, but from the boundaries of the current lot at 5701 Sonoma Road.
- As mentioned before, Sonoma Lane is the sole access to our house. The planned construction of a new house immediately adjacent to Sonoma Lane (with practically no setback) would seriously alter the characteristics of the access to our house. It would force us to drive by at a very short distance (a few feet) of the new house giving Sonoma Lane the characteristics of a "back alley" similar to those common in DC, with trash cans inevitably in clear sight. It would thereby negatively alter the characteristics and "feel" of our own house.
- The proposed construction of two new houses will inevitably alter the tree canopy not only of the current lot at 5701 Sonoma Lane, but also of the adjacent lots, because (i) a number of large old trees would need to be cut and (ii) the root systems of several other trees would be affected, with the risk that those trees may also die.
- The proposed subdivision by the Gillespie family is simply a land speculation move creating only negative effects for the neighbors (including ourselves) since the Gillespies have already bought a house elsewhere and have no intention to remain in the neighborhood.

I sincerely hope that that the development application will be rejected.

Regards,

Andreas Schliessler



**Balmer, Emily**

---

**From:** Nancy Hoos <nancyj.hoos@gmail.com>  
**Sent:** Monday, November 19, 2018 11:40 AM  
**To:** Fuster, Marco  
**Subject:** 5701 Sonoma Road, Bethesda

Dear Mr. Fuster,

I would like to request a public hearing on the subdivision request for the property at 5701 Sonoma Road in Bethesda, 20817. As long time residents of the Sonoma neighborhood, we have seen what happens when large properties are subdivided into two smaller, buildable lots. We have lost so many majestic trees and much of the character of the neighborhood. The tree loss is an issue, but also the fact that the property owners are trying to skirt around the Sonoma Lane agreement is disturbing.

Thank you for your consideration,  
Nancy Hoos  
John Kough  
9012 Seneca Lane  
Bethesda, MD 20817

## Balmer, Emily

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**From:** Joy Rafey <ohboyitsjoy2000@yahoo.com>  
**Sent:** Wednesday, November 21, 2018 9:49 AM  
**To:** Fuster, Marco  
**Subject:** Re: Subdivision and Tree Variance at 5701 Sonoma Road, Bethesda, MD, 20817, Plan Number 620190020  
**Attachments:** SCA Letter Re Plan Number 620190020.pdf; SCA Letter Attachment A Re Plan Number 620190020.pdf; SCA Letter Attachment B Re Plan Number 620190020.pdf; SCA Letter Attachment C Re Plan Number 620190020.pdf; SCA Letter Attachment D Re Plan Number 620190020.pdf

November 19, 2018

Mr. Marco Fuster  
Senior Planner, Area 1  
M-NCPPC Montgomery Planning Board  
Development Applications and Regulatory Coordination Division (DARC)  
8787 Georgia Ave.  
Silver Spring, MD 20910  
marco.fuster@montgomeryplanning.org

Re: Subdivision and Tree Variance at 5701 Sonoma Road, Bethesda, MD, 20817, Plan Number 620190020

Dear Mr. Fuster:

The Sonoma Citizens Association (SCA), representing more than 100 households in the community bordered by Old Georgetown Road, Greentree Road, Hempstead Avenue, and the town of Oakmont, has been asked to consider the concerns of this community with regard to the Subdivision and Tree Variance request at 5701 Sonoma Road, Bethesda, MD, 20817, Plan Number 620190020. While SCA in no way wishes to impinge on individual property owner rights, there are concerns associated with this request that would have far-reaching effects for our community and the quality of life for our residents.

After careful review and consideration, SCA supports the positions presented in correspondence by David Brownlee and Melanie Maholick, owners/future residents of 5621 Sonoma Road (Attachment A); Will and Nancy Travis, owners/residents of 9007 Sonoma Lane (Attachment B); and Andreas Schliessler and Carolina Correa, owners/residents of 9011 Sonoma Lane (Attachment C).

Additionally, SCA recognizes the correspondence of Charles Stevens, former owner/resident of 5701 Sonoma Road and party to the original Sonoma Lane Reserved Area Agreement (Attachment D), as the disposition of the Reserved Area is of grave concern to multiple households and may set precedent for other reserved/restricted/easement areas throughout the SCA community.

Finally, with regard to the Tree Variance, the SCA recognizes the correspondence of Maureen Thomas, owner/resident of 8913 Oneida Lane, and past president of SCA as well as the community's tree advocate/expert, and fully supports the positions outlined therein.

On behalf of the Sonoma community, SCA's officers appreciate your time and attention to our concerns. Should questions arise, please feel free to contact us at the email addresses provided below. We believe this matter warrants a

public hearing and look forward to receiving notice of any further matters related to Plan Number 620190020/5701 Sonoma Road, including but not limited to hearings, opportunities to comment, etc.

Sincerely,  
Joy Rafey, SCA Vice President

Attachments in PDF format:  
Sonoma Citizens Association Letter  
Attachment A Brownlee/Maholick Letter  
Attachment B Travis Letter  
Attachment C Schliessler/Correa Letter  
Attachment D Stevens Letter

## SONOMA CITIZENS ASSOCIATION

Bordered by Old Georgetown Road, Greentree Road, Hempstead Avenue, and Oakmont  
BETHESDA, MD

November 19, 2018

Mr. Marco Fuster  
Senior Planner, Area 1  
M-NCPPC Montgomery Planning Board  
Development Applications and Regulatory Coordination Division (DARC)  
8787 Georgia Ave.  
Silver Spring, MD 20910  
[marco.fuster@montgomeryplanning.org](mailto:marco.fuster@montgomeryplanning.org)

Re: Subdivision and Tree Variance at 5701 Sonoma Road, Bethesda, MD, 20817, Plan Number 620190020

Dear Mr. Fuster:

The Sonoma Citizens Association (SCA), representing more than 100 households in the community bordered by Old Georgetown Road, Greentree Road, Hempstead Avenue, and the town of Oakmont, has been asked to consider the concerns of this community with regard to the Subdivision and Tree Variance request at 5701 Sonoma Road, Bethesda, MD, 20817, Plan Number 620190020. While SCA in no way wishes to impinge on individual property owner rights, there are concerns associated with this request that would have far-reaching effects for our community and the quality of life for our residents.

After careful review and consideration, SCA supports the positions presented in correspondence by David Brownlee and Melanie Maholick, owners/future residents of 5621 Sonoma Road (Attachment A); Will and Nancy Travis, owners/residents of 9007 Sonoma Lane (Attachment B); and Andreas Schliessler and Carolina Correa, owners/residents of 9011 Sonoma Lane (Attachment C).

Additionally, SCA recognizes the correspondence of Charles Stevens, former owner/resident of 5701 Sonoma Road and party to the original Sonoma Lane Reserved Area Agreement (Attachment D), as the disposition of the Reserved Area is of grave concern to multiple households and may set precedent for other reserved/restricted/easement areas throughout the SCA community.

Finally, with regard to the Tree Variance, the SCA recognizes the correspondence of Maureen Thomas, owner/resident of 8913 Oneida Lane, and past president of SCA as well as the community's tree advocate/expert, and fully supports the positions outlined therein.

On behalf of the Sonoma community, SCA's officers appreciate your time and attention to our concerns. Should questions arise, please feel free to contact us at the email addresses provided below. We believe this matter warrants a public hearing and look forward to receiving notice of any further matters related to Plan Number 620190020/5701 Sonoma Road, including but not limited to hearings, opportunities to comment, etc.

Sincerely,  
Joy Rafey, SCA Vice President

### 2018-19 OFFICERS

Barbara Fichman, President  
[barbara.fichman@verizon.net](mailto:barbara.fichman@verizon.net)  
Ted Rosen, Secretary  
[gted666@gmail.com](mailto:gted666@gmail.com)

Joy Rafey, Vice President  
[ohboyitsjoy2000@yahoo.com](mailto:ohboyitsjoy2000@yahoo.com)  
Nancy Hoos, Treasurer  
[nancyj.hoos@gmail.com](mailto:nancyj.hoos@gmail.com)

## Balmer, Emily

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**From:** Barbara Fichman <barbara.fichman@verizon.net>  
**Sent:** Monday, November 19, 2018 11:36 AM  
**To:** Fuster, Marco  
**Cc:** Joy Rafey; Nancy Hoos; Ted Rosen  
**Subject:** Request for Public Hearing re: 5701 Sonoma Road

November 19, 2018

Dear Mr. Fuster,

I am writing to request a public hearing regarding the proposed subdivision of 5701 Sonoma Road.

There are three important aspects that Sonoma Citizens Association (SCA) would like to ensure are given full consideration before a decision is made concerning the proposed subdivision:

- Corner building restriction lines that have been in place since the Sonoma subdivision was created in the 1930s.
- The Sonoma Lane Agreement, a legally binding document that governs the use of Sonoma Lane and entails encumbrances.
- Five specimen or significant trees that are identified for protection by state law.

Joy Rafey, SCA Vice President, will follow up later today with a more detailed explanation of the SCA concerns.

Because the administrative review is scheduled for tomorrow, Nov. 20, I would very much appreciate a brief response indicating that you have received this message. Thank you very much for your work on this issue.

Sincerely,

Barbara Fichman  
President, Sonoma Citizens Association  
5605 Sonoma Road  
Bethesda, MD 20817  
301-530-0103

**Balmer, Emily**

---

**From:** Barbara Dunbar <bdunbar2009@hotmail.com>  
**Sent:** Monday, November 19, 2018 11:58 AM  
**To:** Fuster, Marco  
**Subject:** Strong Objection to 5701 Sonoma Road Easement Request

Dear Mr. Fuster,

I will keep this short but I want you to be well aware of how **STRONGLY** I, as well as our wonderful neighborhood, feel about the request of Don and Becky Gillespie regarding plans that they have filed with M-NCPPC to attempt to join their existing 100' wide corner lot with the adjacent separate 30' wide portion of Sonoma Lane to provide them the ability to sub-divide into two R-60 lots. They are completely ignoring the corner building restriction lines that have been in place and the terms of the Sonoma Lane Agreement, a legal document which governs the use of all of Sonoma Lane. It is a right-of-way which is also owned by the two other Sonoma Lane homeowners. Because of this the Gillespie's portion of this 30' wide parcel is heavily encumbered by legally binding rights and restrictions.

There is also the dreadful idea of destroying the big 100 year old trees that we all love and that are IDENTIFIED FOR PROTECTION BY STATE LAW. The consequences of allowing this to go forward, especially even without a public hearing, can be nothing short of reprehensible. Most of us have lived on Sonoma Road for many years and are a very close community. We are very aware of builders and house flippers invading our neighborhood with their greed and we have had enough.

This request of the Gillespie's should be denied and I sincerely hope that you will act promptly to review and take action.

Sincerely,  
Barbara H. Dunbar  
5612 Sonoma Road  
Bethesda, MD 20817

cc: Barbara.Fichman@verizon.net

**Balmer, Emily**

---

**From:** David C. Brownlee <davidcbrownlee@gmail.com>  
**Sent:** Tuesday, November 20, 2018 8:32 AM  
**To:** Fuster, Marco  
**Cc:** mm.business@yahoo.com  
**Subject:** 5701 Sonoma Road, Application #620190020  
**Attachments:** 5701 Sonoma Road Brownlee-Maholick Letter 181119.docx

Attached is our letter of opposition to Application #620190020, 5701 Sonoma Road, Bethesda. Please, keep us updated on the progress or lack thereof of this project. We believe that if this project does go forward, that a public hearing should be required.

Thank you for considering our concerns.

Sincerely,

David C. Brownlee, PhD, CFM  
443-624-0530

And

Melanie Maholick

4213 Dresden Street  
Kensington, MD 20895

Owners and future residents of 5621 Sonoma Road, Bethesda, MD 20817



November 20, 2018

Marco Fuster  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Subdivision and Tree Variance at 5701 Sonoma Road, Bethesda, MD, 20817, Plan Number 620190020

Dear Mr. Fuster,

As an adjoining neighbor to the proposed project, we received a notice of the intent of the owners of 5701 Sonoma Road to subdivide their property, which also requires a variance to the Montgomery County Forest Conservation Program (Section 22A-21 of the Montgomery County Code). We own the home to the east of the subject property and share a property line with same. We oppose the subdivision of the property and variance request. Our reasons for our opposition are given below.

Lot 2 of the subdivision includes a private lane, Sonoma Lane. This reserved area is encumbered by deed for access to two properties to the north of the subject property and is unusable to the subject property except for access. The density and frontage at the front Building Restriction Line (BRL) are not in compliance with R60 Zoning if the Sonoma Lane reserved area is omitted. The minimum lot size in the R60 Zoning is 6,000 sq. ft. Lot 2 is 9,108 sq. ft., but without the Sonoma Lane reserved area (3,165.65 sq. ft.), it is only 5,391.35 sq. ft., over 600 sq. ft. short of the requirement. The required frontage at the front BRL for Lot 2 is 60 ft. The proposed frontage at the front BRL is 69 feet, but if the reserved Sonoma Lane area is excluded (29.475 ft.), the frontage at the front BRL is only 39.525 ft. Therefore, the proposed development will not be in character with the neighborhood or consistent with the R60 Zoning requirements.

Based on the Tree Save Plan, the variance, if granted, will allow the destruction of between 8% and 36% of the critical root zone of 5 Specimen (30" diameter or greater) trees that are identified for protection by state law: one tree on their property (Tree #19, 45" diameter, 36% CRZ impact), one on our property (Tree # 20, 36" diameter, 8% CRZ impact) and three trees on the 30' wide designated area for Sonoma Lane (Tree #11, 32" diameter, 20% CRZ impact; Tree #13, 40" diameter, 36% CRZ impact; and Tree #14, 50" diameter, 21% CRZ impact). In addition to those 5 trees, 1 tree on private property to the north of subject lot will also be affected.

In our opinion, there is no undue hardship in not creating two lots from their existing lot as the owners have "reasonable and substantial use of their property" with their existing house and could add on or demolish and rebuild a larger house if they wish on the existing lot. The granting of a variance would impact the Critical Root Zone of 5 Specimen trees. These are very large and tall trees. Allowing impacts to their Critical Root Zone could impair the trees resulting in their death, reduced health, loss of limbs or their falling over. An analysis should be conducted on the possible impact to adjacent homes and the proposed homes from the falling of

these trees. The impacts and destruction of neighbor's homes could be enormous. Three of the specimen trees are in the reserved area on Sonoma Lane. Do they have a right to impact the trees in this area? Also, there are 12 trees to the east of Sonoma Lane on the subject property. Only 4 are shown on the Tree Save Plan with 2 to be removed. The other trees may not meet the definition of a significant tree (diameter greater than or equal to 24" and less than 36"), but these trees appear to be over 50 feet tall and it appears most will also be removed.

In addition, on Lot 1, grading is proposed right up to the property line with our property at 5621 Sonoma Road and a retaining wall is proposed just inside the property line. If this occurs, the vegetated buffer between my house and the proposed 2 new houses will be destroyed including the portion of the vegetated buffer on our property. We have a row of cedar trees over 20-feet tall on our property but with their trunks within 1-2.5 feet from the property line. There are also many other smaller trees and shrubs on our property but near the property line. The trees and shrubs provide a wonderful visual buffer between our houses. We expect an almost complete loss of this buffer as the critical root zone of this vegetation would be greatly impacted by the proposed grading along the property line.

In summary, we are opposed to the proposed subdivision as it can only meet the zoning regulations to subdivide by including the reserved area of Sonoma Lane, and opposed to the variance from Section 22-A-21 of the Montgomery County Code due to the unnecessary impacts to the Critical Roots Zones of 5 specimen trees and the trees and shrubs along our property line. In addition, the two crowded houses and extensive removal of trees on the lot are not consistent with the character of the neighborhood.

Sincerely,

David C. Brownlee, PhD, CFM

Melanie Maholick

4213 Dresden Street  
Kensington, MD 20895

Owners and future residents of:  
5621 Sonoma Road  
Bethesda, MD 20817

**Balmer, Emily**

---

**From:** nancy travis <nancykilgoretravis@gmail.com>  
**Sent:** Tuesday, November 20, 2018 10:34 PM  
**To:** Fuster, Marco  
**Subject:** Subdivision Plan for 5701 Sonoma Road, Bethesda MD 20817 (Plan # 620190020)

November 20, 2018

Marco Fuster

M-NCPPC

8787 Georgia Avenue

Silver Spring, MD 20910

Re: Subdivision and Tree Variance at 5701 Sonoma Road, Bethesda, MD, 20817, Plan Number 620190020

Dear Mr. Fuster:

As an adjacent neighbor at 9007 Sonoma Lane, we received by letter, notice that the owners of 5701 Sonoma Road intend to subdivide their property, and have applied for a variance to the Montgomery County Forest Conservation Program (Section 22A-21 of the Montgomery County Code). We own the home directly to the north of 5701 Sonoma Road and share a property line with this lot. We also have legal rights over the "reserved" parcel that the applicants are proposing to combine with their lot at 5701 Sonoma Road. We oppose the subdivision of their property and tree variance request based on the following points below:

**Point 1.** Since originally recorded in 1913, 5701 Sonoma Road has always been a corner lot. There has always been a 30' wide "reserved" parcel adjacent to the west side of 5701 Sonoma Road, and in front of 9007 and 9011 Sonoma Lane. This "reserved" parcel provides an additional means of ingress and egress to the side of 5701 Sonoma Road, and provides the SOLE means of ingress and egress to the front of the (2) adjacent properties at 9007 and 9011 Sonoma Lane. All three of these abutting lots have always had a 15' building restriction line running parallel to the "reserved" parcel. For the past 105 years, the land has functioned as it was originally designed, with the 15' building restriction line doing its job of keeping buildings 15' away from and providing a buffer for the "reserved" parcel, thus protecting the ingress and egress rights of the adjacent property owners. The applicant is proposing to abolish their portion of this 105-year-old building restriction line, so that a house can be constructed directly adjacent to the "reserved" parcel and across the full 15' width of the restricted area. This proposal completely ignores and overruns the rights that the adjacent property owners have on the "reserved" parcel, INCLUDING the buffer protection that the existing building restriction line provides. If the applicant is allowed to arbitrarily remove this building restriction line, then the ingress and egress rights of the adjacent property owners will be comprised, and the adjacent property owners' interests will be irreparably damaged.

**Point 2.** In the applicants' justification letter, the 30' "reserved" parcel is mischaracterized as a "private driveway" so that the two adjacent lots appear to be like all other pipe-stem lots in the county -- but this is not the case. The "reserved" parcel is a right-of-way called Sonoma Lane – it is shown on every county map available. The address on my driver's license is 9007 Sonoma Lane. Sonoma Lane exists. Over the past 105 years, a unique set of circumstances has occurred that has caused the "reserved" parcel to be first owned by the original developers in 1911, then to exist as a lost parcel for 88 years, then to be jointly owned by the 3 property owners abutting Sonoma Lane, and then finally, to be apportioned and owned by each individual property owner, but heavily encumbered to one another by means of a legal document: the Sonoma Lane Agreement. (If you have any availability, I would love to walk you through the history). But the point I would like to make is this: no matter who owns what part of the "reserved" parcel, the intended use of this parcel is to provide the ingress and egress to the adjacent lots, and that has NEVER changed (and as such, the need for the protection that the 15' building restriction line provides to the "reserved" parcel has ALSO NEVER changed.)

**Point 3.** As mentioned above, the "reserved" parcel is heavily encumbered by a legally binding document, the Sonoma Lane Agreement – an agreement that the applicants were aware of when they initially purchased 5701 Sonoma Road less than two years ago. I realize that the county does not like to get involved with private agreements among property owners but I wanted to bring some of the details of the agreement to your attention because the applicants' justification letter mischaracterizes the Sonoma Lane Agreement as simply a "road maintenance agreement" at one point and a "driveway agreement" at another point, and the application only highlights the clauses that support their position while other important provisions are left out. I am sure that, in your thorough review of the project, you will carefully read the entire agreement, but I did want to highlight from that document what I consider a pertinent provision:

The Owners, [including the applicants], acknowledge the past history and current character of the Parcel as a buffer to abutting developments and as a joint entryway to their residences. As such, the Owners undertake, for themselves, their heirs, successors and assigns, **to preserve the verdant, park-like nature and character of the Parcel, as it exists today.** The area shall remain moderately landscaped, with fencing along its western and northern boundaries. **The intent of the Owners is to jointly establish and maintain a visually appealing entrance to their homes.**

From a purely legal standpoint, I do not see how building a new, 30' high house directly abutting the reserved land could ever be allowed. This is land that the applicants have a legal responsibility to preserve in a park-like nature, and land that they have a legal responsibility to maintain as a visually appealing entrance to their own AND their neighbors' homes. Furthermore, the 15' building restriction line was put in place to protect all three home owners from exactly this type of attack on each of their property rights, and as such, allowing this line to be removed should not be considered. I fully understand (and even agree with) the following concept: if the applicants want to build the biggest house allowed by code right up to the building restriction line, then they are well within their rights to do just that, as land owners in Montgomery County -- and I will just have to look at their big house from 15' away. But what I don't understand and what I do not agree with is the applicants' right to arbitrarily remove a building restriction line for the sole purpose of acquiring enough width of lot frontage to sub-divide their lot and squeeze two houses on their property (which was always meant for just one), while at the same time ignoring and over-running the rights I have on the protection of the "reserved" parcel.

**Point 4.** As noted in the tree variance application, between 8% and 36% of the critical root zone of five specimen trees will be destroyed. Three of these specimen trees are located on the "reserved" parcel. Robert Blakely, a certified

arborist, indicated that it was very likely that AT LEAST one of the large Tulip Poplars on the "reserved" parcel would not survive the destruction of 36% of its CRZ, due to its age and particular specie. He also said that in addition to the CRZ, many of the very important smaller roots of these trees would also be destroyed (the ones that absorb all of the water and nutrients, and that extend out from the trunk 2.5 times the diameter of the tree's canopy). The Sonoma Lane Agreement was created in 1999 to protect these magnificent trees, which was then agreed upon by the applicants at the time they purchased their home. As such, they cannot claim "undue hardship" in being denied the ability to create two lots, as the trees on the "reserved" parcel have been and are still protected, and in addition, their lot is a single corner lot that was never intended to be subdivided. The applicants still have "reasonable and substantial use of their property" as is, and can choose to add on to their existing house, demolish and rebuild a larger house, or sell their property.

In summary, we strenuously oppose the applicants' proposed conjoining of their corner lot with their portion of Sonoma Lane into one "super-lot" and the subsequent subdivision of this "super-lot" into two lots, as they can only achieve this by eliminating their portion of the existing building restriction line along all three lots abutting Sonoma Lane. We are equally opposed to the tree variance from Section 22-A-21 of the Montgomery County Code as they will be destroying the critical roots zones of the very trees they are legally required to protect.

Sincerely,

Will Travis

Nancy Travis

9007 Sonoma Lane

Bethesda, MD 20817

**Balmer, Emily**

---

**From:** Terence Brady <trnc\_brady@yahoo.com>  
**Sent:** Tuesday, November 20, 2018 3:47 PM  
**To:** Fuster, Marco  
**Cc:** Kathleen Brady  
**Subject:** Administrative Subdivision Plan No. 620190020 : Objection to Plan # 620190020 & Request for Public Hearing  
**Attachments:** Ltr 11-20-2018 Objection and Hearing.pdf  
**Importance:** High

Dear Mr. Fuster,

Together with my wife, Kathleen, we have owned and lived in the Sonoma Subdivision at 9005 Mohawk Lane since 1982. As longstanding residents of Sonoma, we have witnessed many changes in our little community. The cumulative impacts of these changes have already destroyed much of the tree canopy and diminished the early 20th Century of our neighborhood. This simply has to stop.

I have attached a PDF copy of my letter setting forth my objections to the proposal to subdivide Lot 7, Block 9 of the Sonoma Subdivision. I am respectfully requesting that a public hearing be held before this subdivision proposal is given any further consideration.

Thank you.

**Terence M Brady**

Terence M. Brady

9005 Mohawk Lane  
Bethesda, MD 201817  
November 20, 2018

Development Applications and Regulatory Coordination Division (DARC)  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

**Subject: Objection to Plan # 620190020 &  
Request for a Public Hearing**

Dear Sir or Madam,

I live in the Sonoma Subdivision at the above address and have done so continuously since 1982. I am writing in Opposition to the Administrative Subdivision Plan 620190020. I respectfully request that the Planning Director hold a public hearing on the Application for Administrative Subdivision Plan # 620190020 ( the "Application") before giving the Application further consideration.

Simply put, the Application seeks to subdivide Lot Number 7, Block Number 9 in the Subdivision known as Sonoma per the plat filed **July 8, 1913** among the Land Records of Montgomery County (Plat Book 2, Plat No. 57).<sup>1</sup>

Lot 7 is not an exceptionally large lot in the Sonoma Subdivision that might suggest that splitting it into two housing sites was ever contemplated by the planners of Sonoma. It has been a single family lot for 105 years with a single family house on it for most of that time.

In order to subdivide Lot 7, it would be necessary to attribute to that lot 3,780 square feet of the land which has been designated on the Sonoma Subdivision plat as "RESERVED" for more than 105 years. The Sonoma Subdivision plat also clearly designates a "Building Restriction Line" that borders Lot 7 on two sides and is several feet east of the parcel designated as "Reserved." That Building Restriction Line for Lot 7 and the other two lots adjoining the Reserved parcel are the same character as those designated on all of the other lots in the Sonoma Subdivision that adjoin public streets. Purchasers of lots in the Sonoma Subdivision such as myself rely on Montgomery County to protect our reasonable expectations that lots will not be carved up in ways that are clearly contrary to the established subdivision plat.

In their Justification Statement, Applicants admit that the property they seek to subdivide "is encumbered by the Sonoma Lane Agreement" which is, by its terms, a "Road Maintenance Agreement." A copy of the Sonoma Lane Agreement is attached as Exhibit B to the

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<sup>1</sup>The Applicants through their attorneys have filed a copy of the Sonoma Subdivision Plat as "Exhibit A" to the Justification Statement in support to their Application.



Justification Statement.<sup>2</sup> The Sonoma Lane Agreement is more than a simple driveway agreement or mere easement. The parties themselves characterize Sonoma Lane as **“a paved road connecting their lots to Sonoma Road.”** The Sonoma Lane Agreement establishes an “Ingress and Egress Easement” which they themselves define as the **“Road Easement”**<sup>3</sup> over the existing paving in the Reserved area which they refer to as **“being a macadam road.”**<sup>4</sup>

If it walks like a duck and quacks like a duck it is a duck. Sonoma Lane is not a private driveway—it is a road. Whether it is a public road or a private road is not relevant to the issue of the appropriateness of attributing the square footage of the roadbed to the total size of the lot for purposes of determining whether a lot is sufficient in size to be further subdivided into more R60 building lots.

The Sonoma Lane Agreement goes well beyond a simple driveway easement. It is clear from the paragraphs from that agreement quoted below, that the parties intended to preserve the long established size of their lots and to preserve the character of the Reserved area as part of the original Sonoma Subdivision:

***“The owners acknowledge the past history and current character of the Parcel as a buffer to abutting developments and as a joint entryway to their residences. As such, the Owners undertake, for themselves, their heirs, successors and assigns, to preserve the verdant, park-like nature and character of the Parcel [the Reserved area] as it exists today. the [sic] area shall remain moderately landscaped, with fencing along its western and northern boundaries. The intent of the Owners is to jointly establish and maintain a visually appealing entrance to their homes.” Liber 18537, Folio 345***

If that were not clear enough to protect the trees in the Reserved area, the Sonoma Lane Agreement further provides:

***“No tree greater than six inches in diameter, on any part of the Parcel [the Reserved area] may be cut down for any reason, except with the unanimous approval of the owners [sic], such approval not to be unreasonably withheld, or if such tree shall be determined by an independent professional arborist to be in danger of falling or to be terminally diseased.” Liber 18537, Folio 346***

The Application, as does the Sonoma Lane Agreement itself, mentions various deeds by various parties over a period of years but it is not clear from the materials submitted so far what the legal status of the Reserved area on the Sonoma Subdivision plat is and who, if anybody, has the legal authority to subdivide the Reserved area. Is the 2000 Sonoma Lane Agreement together with the related deed to the Reserved area adjacent to Lot 7 referred to on pages 1 and 2 of the Justification Statement an unauthorized subdivision of the Reserved area?

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<sup>2</sup> The Sonoma Lane Agreement is recorded among the Land Records of Montgomery County in Liber 18537, at folio 343 and is dated October 13, 2000. The Application defines the agreement as the “Driveway Agreement.” The agreement is more than a mere driveway agreement and therefore is not redefined in this letter.

<sup>3</sup> Emphasis supplied.

<sup>4</sup> Emphasis supplied.

Page 5 of the Justification Statement states that on July 12, 2018 the Planning Department approved the both the Applicant's request for exemption from the requirements of Montgomery County Code Section 22A-5(s)92) and the Applicant's submission of a simplified Natural Resources Inventory/Forest Stand Delineation. Apparently these were preliminary steps to tee up the Application that has been submitted for Administrative Subdivision. The underlying submissions and approvals from last summer were referenced but not included with the materials filed October 24, 2018 as part of Administrative Subdivision Plan. Apparently, these steps were taken without any public hearing.

It is time that this process be conducted more openly and with opportunity for all property owners who may be adversely impacted by further subdivision of Sonoma to be heard.

Respectfully submitted,

Terence M. Brady

## Balmer, Emily

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**From:** Leonard Murphy <lmurphylaw@gmail.com>  
**Sent:** Tuesday, November 20, 2018 6:42 PM  
**To:** Fuster, Marco  
**Subject:** Re: Administrative Plan #620190020, 5701 Sonoma Road Administrative Subdivision Application  
**Attachments:** Travis, Will and Nancy - Sonoma Agreement - 11-20-18.pdf; Travis, Will and Nancy - Ltr. to Marco Fuster - 11-20-18.pdf

Marco,

Please see attached.

Leonard M. Murphy, Esquire  
Law Offices of Leonard M. Murphy  
4405 East West Highway  
Suite 603  
Bethesda, Maryland 20814  
Phone: (301) 656-3802  
Fax: (301) 951-7230  
[lmurphylaw@gmail.com](mailto:lmurphylaw@gmail.com)

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LAW OFFICES  
**LEONARD M. MURPHY**  
4405 EAST WEST HIGHWAY  
SUITE 603  
BETHESDA, MARYLAND 20814  
(301) 656-3802  
FAX (301) 951-7230

November 20, 2018

**BY USPS and Email:**

Marco Fuster  
Montgomery County Planning Dept.  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Administrative Plan No.:620190020  
5701 Sonoma Road Administrative  
Subdivision Application

Dear Mr. Fuster:

I am writing on behalf of my clients, Will and Nancy Travis, the owners of 9007 Sonoma Lane, Bethesda, Maryland, the residence immediately adjacent to 5701 Sonoma Road, to express my clients' opposition to the proposed Administrative Subdivision Plan 620190020 by Donald and Rebecca Gillespie.

My clients are joined by many of their neighbors who have been or will be in touch with you directly to express their dismay and opposition to the Gillespies' proposal to merge their Lot 7 in Block 9 in 'Sonoma' with their adjacent portion of the "Reserved Parcel" as shown on Plat Book 2 at Plat 157 among the Land Records of Montgomery County, Maryland.

My clients were among the three original families that were the parties to what has become known as the Sonoma Lane Agreement which, after much time, effort and expense at the turn of this century, they were able to effect for the purpose of assuring the maintenance of the access to 9007 and 9011 Sonoma Lane which were owned by the Travis and Schliessler families and the preservation of the "park" for the benefit of the three properties. A copy of that Agreement is attached to this letter.

As is stated in Paragraph 5 of that Agreement, "The Owners acknowledge the past history and current character of the Parcel as a buffer to abutting developments and as a joint entryway to their residences. As such, the Owners undertake, for themselves, their heirs, successors and assigns, to preserve the verdant, park-like nature and character of the Parcel as it exists today.

Mr. Marco Fuster  
November 20, 2018  
Page 2

The area shall remain moderately landscaped, with fencing along its western and northern boundaries. The intent of the Owners is to jointly establish and maintain a visually appealing entrance to their homes."

As is clear from a review of the Sonoma Lane Agreement, the intent of the parties was to assure the existence of access to all three properties and to assure the maintenance of the "verdant park-like nature and character of the Parcel."

My clients contend and will testify, as required, that the intent of the parties in the creation of this Agreement, binding on each of the three families and their successors, was to assure both the existence of a road access to the three properties and to assure the continuance of the park-like setting of the Reserved Parcel as it is identified in the Record Plat.

Creating a subdivided buildable lot for the purpose of erecting a single-family residence on the "Reserved Parcel" is totally inconsistent with the provisions of the Sonoma Lane Agreement and represents an attempt by the current owner of 5701 Sonoma Road to ignore and violate the covenants and agreements which they knew of and took subject to when they purchased the residence at 5701 Sonoma Road. For this reason alone, the Gillespies' application should be denied.

Further, my clients ask that the Applicants' request for a tree variance from the "Tree" ordinance be denied because of the significant number of substantial and specimen trees that will either be killed or substantially damaged by this proposed development. My clients will offer testimony documenting their contention that this proposed subdivision plan will have a substantial adverse effect on the treescape in the Sonoma area and, in particular, on the number of trees with ages in excess of 100 years on or adjacent to Sonoma Lane.

In response to the Applicants' contention that the denial of a Tree Variance and denial of their request for re-subdivision would constitute an "unwarranted hardship" on them as the owners of 5701 Sonoma Road, my clients would point out the fact that the Applicants are recent purchasers of 5701 Sonoma Road and had knowledge at the time of purchase that there was no expectation or assurance that they would be able to redevelop the properties, destroy the current residence, and construct two new residences on the combined property. The hardship to which they are alluding is not the denial of their right to own and use 5701 Sonoma Road, but rather their inability to exploit their acquisition of that property to redevelop the entire parcel and, presumably, generate a significant profit for themselves.

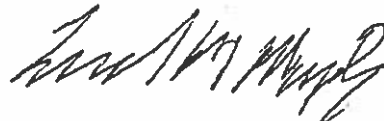
My clients are not suggesting that the Applicants should be denied the opportunity to make a profit on their property, but are urging that any benefit or profit accruing to them should relate

Mr. Marco Fuster  
November 20, 2018  
Page 3

to ownership of 5701 Sonoma Road and not to the destruction of a current residence and the destruction of a verdant park-like parcel which has been in existence for more than 90 years.

My clients would request that to the extent that it is necessary to keep the record open with regard to this development plan that the Planning Board do so and afford my clients and the other neighbors and interested parties in the Sonoma area the opportunity to further respond and to provide, as appropriate, expert and knowledgeable testimony as to the inappropriateness of this request for a development plan.

Very truly yours,

A handwritten signature in black ink, appearing to read "Leonard M. Murphy". The signature is fluid and cursive, with the first name "Leonard" being more prominent.

Leonard M. Murphy

LMM:amr  
Enclosure  
cc: Will and Nancy Travis  
Andreas Schliessler  
Douglas Lohmeyer

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## Road Maintenance Agreement

## SONOMA LANE AGREEMENT

This Agreement is made and entered into this 13<sup>th</sup> day of October, 2000, by and among the Caroline F. Stevens Revocable Trust as established September 13, 1993 by Charles G. Stevens, Trustee for the Caroline F. Stevens Revocable Trust (Stevens); William B. and Nancy Travis (the Travises); and Andreas Schliessler (Schliessler), collectively referred to as the "Owners".

## WITNESSETH:

WHEREAS, Stevens is the Trustee for the Caroline F. Stevens Revocable Trust which is the owner of Lot numbered 7, in Block numbered 9, in the subdivision known as "Sonoma", as per Plat thereof recorded at Plat Book 2, Plat Number 157, among the Land Records of Montgomery County, Maryland, known as 5701 Sonoma Road and also the unsubdivided 3780 square foot parcel adjacent and contiguous thereto as described on Exhibit "A" attached hereto; and

WHEREAS, the Travises are the owners of Lot numbered 8, in Block numbered 9, in the subdivision known as "Sonoma", as per Plat thereof recorded at Plat Book 2, Plat Number 157, among the Land Records of Montgomery County, Maryland, known as 9007 Sonoma Lane; and also the unsubdivided 2250 square foot parcel adjacent and contiguous thereto as described on Exhibit "B" attached hereto; and

WHEREAS, Schliessler is the owner of Lot numbered 9, Block numbered 9, in the subdivision known as "Sonoma", as per Plat thereof recorded at Plat Book 2, Plat Number 157, among the Land Records of Montgomery County, Maryland, known as 9011 Sonoma Lane; and also the unsubdivided 2250 square foot parcel adjacent and contiguous thereto as described on Exhibit "C" attached hereto; and

WHEREAS, Stevens, the Travises, and Schliessler are the grantees of a series of quit claim deeds from the owners of various record title interests in the hereinafter described Parcel or Sonoma Lane; and

WHEREAS, the Owners have agreed to enter into this agreement granting unto each other, and their successor Owners, free and perpetual ingress and egress easements across portions of their respective portions of a certain parcel of land, described below, and hereinafter known as the "Parcel", and also being described as that portion of the "Reserved" parcel adjoining Lots 7, 8 and 9 in Block numbered 9 on the plat of "Sonoma" recorded at Plat Book 2, Plat Number 157, as recorded among the Land Records of Montgomery County, Maryland; and

WHEREAS, Stevens has agreed to grant unto Travis and Schliessler, and their heirs, successors and assigns an ingress and egress easement across that portion of the Parcel adjoining Lot 7 as more fully described on Exhibit "A" attached hereto for the benefit of Travis and Schliessler, their heirs, successors and assigns and to provide access to Lots 8 and 9, Block 9; and

RECORDING FEE 75.00  
 STATE TAX 5.00  
 COUNTY TAX 30.00  
 TOTAL 110.00  
 11/19/00

00 NOV -9 P 1:18.5

FILED  
 MOLLY G. RUHL

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BT



WHEREAS, the Travises have agreed to grant unto Schliessler, his heirs, successors and assigns an ingress and egress easement across that portion of the Parcel adjoining Lot 8 as more fully described on Exhibit "B" attached hereto for the benefit of Schliessler, his heirs, successors and assigns and to provide access to Lot 9, Block 9; and

WHEREAS, the Owners desire to further provide certain covenants and agreements for the benefit of themselves and their heirs, successors and assigns as successor Owners, and to provide for the maintenance, repair and use of said ingress and egress easement upon a paved road connecting their lots to Sonoma Road; and

WHEREAS, the Owners now desire to enter into this agreement to memorialize the terms and conditions of their understandings.

**NOW THEREFORE:**

In consideration of the sum of \$10.00 paid by each to the other, receipt of which is hereby acknowledged, the Owners do agree as follows:

1. **DESCRIPTION OF PARCEL AND EASEMENT:** The Parcel is as platted on the plat prepared by West Consulting Group and labeled "Exhibit of Reserved Area, Block 9, Sonoma" a copy of which is attached hereto as Exhibit "D". The Parcel is also described as that portion of the "Reserved" area abutting Lots 7, 8 and 9 in Block numbered 9 in the subdivision known as "Sonoma" as per plat thereof recorded at Plat Book 2, Plat number 157 among the Land Records of Montgomery County, Maryland. The Parcel is further described in the metes and bounds description attached hereto as Exhibit "E".

The Ingress and Egress Easement, hereinafter the "Road Easement", shall be over the existing paving as located substantially within the Parcel, being a macadam paved roadbed, averaging approximately 10 feet in width and extending from Sonoma Road in a northerly direction over the Parcel to the southerly line of Lot 9, Block 9, and as shown on Exhibit "D", or as it may be modified from time to time by agreement of the Owners.

The parties do acknowledge and agree that the portion of the macadam paved roadbed which currently encroaches on Lot 8, Block 9, (9007 Sonoma Lane) is not a portion of this Easement and may be removed or modified by the Owners thereof at any time.

2. **GRANT OF EASEMENTS:** Stevens and the Travises hereby grant and convey unto the Travises and Schliessler, their heirs, successors, and assigns the following described easements and rights:

- A. **INGRESS AND EGRESS EASEMENT:** A free and perpetual, exclusive easement and right of way over and across the portions above described on Exhibits "A" and "B" as the Road Easement of the Parcel abutting Lots 7 and 8, for the purpose of providing ingress to and egress from Lots 7, 8 and 9 to Sonoma Road for the Owners, their guests, tenants, servants, employees, tradesmen, mailmen and deliverymen.
3. **UTILITY EASEMENT:** The Owners do further grant and convey each to the others, their heirs, successors, and assigns, the right to install, operate, repair, maintain, and reconstruct underground or overhead utility lines or conduits on, over, or under the Parcel, for all utilities, including, without limitation, water, sewer, gas, electricity, cable TV, and telephone service. The installing party/ies shall be solely responsible for all installation costs.
4. **RETENTION OF OTHER OWNERSHIP RIGHTS:** Except as herein described, the Owners, for themselves, their heirs, successors, and assigns, as to their respective portions of the Parcel, do retain all other ownership rights.
5. **PARCEL AND ROAD EASEMENT MAINTENANCE AND OPERATION**

The Owners acknowledge the past history and current character of the Parcel as a buffer to abutting developments and as a joint entryway to their residences. As such, the Owners undertake, for themselves, their heirs, successors and assigns, to preserve the verdant, park-like nature and character of the Parcel as it exists today. The area shall remain moderately landscaped, with fencing along its western and northern boundaries. The intent of the Owners is to jointly establish and maintain a visually appealing entrance to their homes. To those ends, the Owners do covenant and agree, each with the other, for the benefit of each and every party hereto, their heirs, successors and assigns as follows:

A. **PARCEL MAINTENANCE AND OPERATION**

- (i) **PARKING:** Parking on the Parcel is prohibited, except for vehicles belonging to the Owners, their guests, employees, servants, clients, and tenants, and others with permission from at least one of the Owners. Parking shall not take place on another Owner's portion of the Parcel without prior permission, and shall in no event restrict egress or ingress. Paid parking is prohibited. Enforcement shall be by towing, with signs posted to this effect, should it become necessary. Each Owner may, at his sole discretion, construct and maintain an area upon his portion of the Parcel on which to park. Such area shall accommodate no more than three vehicles, none of

which may be a trailer, recreational vehicle, commercial vehicle, or truck or van with more than four wheels, nor any unlicensed or inoperable vehicle.

- (ii) **MAINTENANCE OBLIGATION:** The Owners, for themselves, their heirs, successors and assigns, hereby undertake an obligation to maintain their respective portions of the Parcel in good order and condition, free from trash, debris, and overgrowth.
- (iii) **GENERAL LANDSCAPING:** Costs of general landscaping and maintenance are the sole responsibility of the respective Owner of each portion thereof. Landscaping may not obstruct the passage of any vehicle on the Road Easement.
- (iv) **TREES:** Costs associated with tree maintenance or removal necessary to provide for ingress and egress over the Road Easement shall be shared equally among the three Owners, that is, one-third each. No tree greater than six inches in diameter, on any part of the Parcel, may be cut down for any reason, except with unanimous approval of the owners, such approval not to be unreasonably withheld, or if such tree shall be determined by an independent professional arborist to be in danger of falling or to be terminally diseased.
- (v) **TRASH AND RECYCLING AND YARD DEBRIS:** Trash and recycling containers must not be placed on the Parcel. All such containers, together with yard debris, shall be placed on the public right of way at the northwest corner of Sonoma Lane and Sonoma Road for pickup by Montgomery County.
- (vi) **LEAF PICKUP:** Leaves may not be left on the Parcel, but must be removed to Sonoma Road for pickup by Montgomery County. The Owner of 5701 Sonoma Road hereby grants permission for temporary placement along his frontage of leaves awaiting pickup. No leaves shall be placed there after the final pickup for the season by Montgomery County.
- (vii) **FENCING:** The western and northern boundaries of the Parcel shall be fenced. The cost of erecting and maintaining fencing shall be the sole responsibility of the respective Owner. The selection and style, subject to the following provision, is the prerogative of the respective Owner. Such fencing shall be of sufficient height, with a 48-inch minimum, and substance so as to preserve the private nature and character of the Parcel and prevent through pedestrian traffic. Fencing shall not be spiteful, garish, or conflict with adjoining fencing. In lieu of erecting a fence over his portion of the Parcel, an Owner may use the currently existing chain

link fence. Such Owner shall be obligated to erect his own fence when, as, and if the current fence is removed.

**B. ROAD EASEMENT MAINTENANCE AND OPERATION:**

- (i) **PAVED ROADWAY:** The paved portion of the parcel, also referred to as the Road Easement, shall be known as Sonoma Lane. It shall be a private road used solely for the purposes hereafter described, with a sign advertising its status.
  - (ii) **SHARED COSTS:** All decisions involving shared costs or aesthetic changes to the Road Easement shall require the affirmative approval of at least two of the three Owners, and shall be binding on all three Owners, unless indicated otherwise.
  - (iii) **ENCROACHMENT ON 9007 SONOMA LANE:** The Owners specifically acknowledge and agree that the portion of the paved roadbed which currently encroaches on 9007 Sonoma Lane is not a portion of the Road Easement and may be removed or modified by the Owner thereof at any time, at his sole discretion and expense, but subject to the provision of subparagraph (iv), Roadbed Changes, and provided that the Owner simultaneously realigns and relocates the roadbed within his portion of the Parcel.
  - (iv) **ROADBED CHANGES:** Costs of any changes to, or realignment of, the Road Easement shall be the sole responsibility of the initiating Owner. Such changes shall not reduce the total surface area nor change the average width, and construction shall be with like materials and to like standards as the present roadbed.
  - (v) **MAINTENANCE AND IMPROVEMENTS:** All costs associated with maintenance and repair of, and improvements to, the Road Easement shall be shared equally, that is, one third each, by the three Owners. Such costs shall include, without being limited to, periodic seal coating, patching, and snow removal.
6. **AGENT:** For the convenience of dealing with third parties, The Owners may be represented by an Agent. this Agent shall be The Owner maintaining the longest continuous ownership of his portion of his Lot and its contiguous portion of the Parcel. The Owner maintaining the next longest continuous ownership shall be the alternate Agent. Written notice by the other two Owners to the Agent shall be required to change agents to the Alternate. Such a change may be exercised only in case of the Agent's legal incompetence, infirmities that materially affect his ability to act in the best interests of the Owners, or other good cause.

7. **WARRANTY:** Stevens, the Travises, and Schliessler represent and warrant that:
  - A. Each is the fee simple owner of his portion of the Parcel and,
  - B. Each has the full right, power and authority to grant the easements set forth above, and
  - C. Each will execute such further assurances of said Easements as may be requisite.
8. **MODIFICATION:** The agreements and easements set forth herein shall not be modified or terminated except by written instrument, executed by all three then current Owners and recorded among the Land Records of Montgomery County, Maryland.
9. **SEVERABILITY:** If any provision hereof shall be declared by a court of competent jurisdiction to be invalid or unenforceable, such provision shall be deemed severable and the remaining provisions hereof shall continue in full force and effect in accordance with their terms.
10. **BINDING EFFECT:** The Easements, covenants, conditions and restrictions set forth herein shall run with the land and the title to Lots 7, 8, and 9 and the Parcel, and shall be binding upon the heirs, successors and assigns of the parties hereto. The Easements, covenants, conditions and restrictions set forth herein shall be for the benefit of all the parties hereto and the subsequent Owners of the land benefitted and burdened hereby, their heirs, successors and assigns.
11. **ATTORNEYS' FEES:** If any party to this agreement, their heirs, successors and assigns finds it necessary to employ legal counsel or to bring an action at law or other proceedings against an other party to this agreement, their heirs, successors and assigns to enforce any of the terms, covenants or conditions hereof, the unsuccessful party shall pay to the prevailing party a reasonable sum for attorneys' fees. Attorneys' fees shall include attorneys' fees on any appeal, and in addition, a party entitled to attorneys' fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and the discovery, expert witness fees, and all other necessary costs incurred in such litigation.
12. **MISCELLANEOUS:** Captions herein are intended for convenience of reference only and shall not be construed to define, expand or limit the terms hereof. Use herein of any gender shall include all genders, and use of the singular shall include the plural.

13. **CONSTRUCTION:** This Agreement shall be governed by and construed in accordance with the Laws of the State of Maryland.

IN WITNESS WHEREOF, the Parties hereto have caused these presents to be executed under seal as of the day and year first above written.

D. M. Georgiev  
Witness (D. M. Georgiev)

Charles G. Stevens  
Charles G. Stevens, Trustee

D. M. Georgiev  
Witness (D. M. Georgiev)

William B. Travis  
William B. Travis

D. M. Georgiev  
Witness (D. M. Georgiev)

Nancy Travis  
Nancy Travis

D. M. Georgiev  
Witness (D. M. Georgiev)

Andreas Schliessler  
Andreas Schliessler

This instrument was prepared under the supervision of an attorney duly admitted to practice before the Court of Appeals, Maryland

Leonard M. Murphy  
Leonard M. Murphy, Esquire

STATE OF MARYLAND/COUNTY OF MONTGOMERY

SS:

THIS CERTIFIES that on this 13th day of October, 2000, before the subscriber, a Notary Public of the State of Maryland, personally appeared CHARLES G. STEVENS, Trustee, and made oath in due form of law that the matters and facts contained in said Agreement are true and correct.

WITNESS my hand and official seal.

(Seal)

My Commission Expires:

D. M. Georgiev  
Notary Public (D. M. Georgiev)  
9/1/04

## STATE OF MARYLAND/COUNTY OF MONTGOMERY

SS:

THIS CERTIFIES that on this 18<sup>th</sup> day of October, 2000, before the subscriber, a Notary Public of the State of Maryland, personally appeared WILLIAM B. TRAVIS, and made oath in due form of law that the matters and facts contained in said Agreement are true and correct.

WITNESS my hand and official seal.

(Seal)

My Commission Expires:

D. N. Georgiev  
Notary Public (D. N. Georgiev)  
9/1/04

## STATE OF MARYLAND/COUNTY OF MONTGOMERY

SS:

THIS CERTIFIES that on this 13<sup>th</sup> day of October, 2000, before the subscriber, a Notary Public of the State of Maryland, personally appeared NANCY TRAVIS, and made oath in due form of law that the matters and facts contained in said Agreement are true and correct.

WITNESS my hand and official seal.

(Seal)

My Commission Expires:

D. N. Georgiev  
Notary Public (D. N. Georgiev)  
9/1/04

## STATE OF MARYLAND/COUNTY OF MONTGOMERY

SS:

THIS CERTIFIES that on this 13<sup>th</sup> day of October, 2000, before the subscriber, a Notary Public of the State of Maryland, personally appeared ANDREAS SCHLIESSLER, and made oath in due form of law that the matters and facts contained in said Agreement are true and correct.


WITNESS my hand and official seal.

(Seal)

My Commission Expires:

D. N. Georgiev  
Notary Public (D. N. Georgiev)  
9/1/04

I, the undersigned, hereby certify that the within instrument was prepared in my office under my direction and that I am an attorney in good standing and admitted to practice before the Court of Appeals of the State of Maryland.

  
LEONARD M. MURPHY, ESQ.

Addresses of Parties:

Charles G. Stevens,  
Trustee for the Caroline  
Stevens Revocable Trust  
2618 Shelby Court  
Falls Church, VA 22043

William B. and Nancy Travis  
9007 Sonoma Lane  
Bethesda, MD 20817

Andreas Schliessler  
9011 Sonoma Lane  
Bethesda, MD 20817

Title Insurance: N/A

Tax I.D.#: 134826, 7-43-3312576, 7-43-3312587

After Recording Return to: Leonard M. Murphy, Esquire  
4405 East West Highway  
Suite 603  
Bethesda, MD 20814

C:\Word\Sonoma.Ag3



LEGAL DESCRIPTION  
FOR  
PORTION OF "RESERVED" AREA  
ADJACENT TO LOT 7  
BLOCK 9, SONOMA SUBDIVISION

BEING PART OF AREA LABELLED AS "RESERVED" ADJACENT, CONTIGUOUS AND PARALLEL TO THE WESTERLY OR SOUTH 04° 19' EAST 128.34 FOOT LINE OF LOT 7, BLOCK 9 AS SHOWN ON A PLAT OF SUBDIVISION ENTITLED "SONOMA" RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN PLAT BOOK NO 2 AS PLAT NO. 157

BEGINNING AT THE NORTHWESTERLY CORNER OF THE AFORESAID LOT 7, BLOCK 9 RECORDED ON A PLAT OF SUBDIVISION ENTITLED "SONOMA" AND RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN PLAT BOOK NO 2 AS PLAT NO 157 AND RUNNING THENCE WITH AND ALONG THE WESTERLY LINE OF THE AFORESAID LOT 7, BLOCK 9

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2. NORTH 84° 56' WEST 30.40 FEET TO A POINT ON THE WESTERLY LINE OF THE AFORESAID "RESERVED" AREA; THENCE WITH SAID WESTERLY LINE

3. NORTH 04°19' WEST 123.72 FEET TO A POINT; THENCE CROSSING THE AFORESAID "RESERVED" AREA

4. NORTH 86°20' EAST 30.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 3780 SQUARE FEET OF LAND MORE OR LESS.

LEGAL DESCRIPTION  
FOR  
PORTION OF "RESERVED" AREA  
ADJACENT TO LOT 8,  
BLOCK 9, SONOMA SUBDIVISION

BEING PART OF THE AREA LABELLED AS "RESERVED" ADJACENT, CONTIGUOUS AND PARALLEL TO THE WESTERLY OR SOUTH 04°19' EAST 75.01 FOOT LINE OF LOT 8, BLOCK 9 AS SHOWN ON A PLAT OF SUBDIVISION ENTITLED "SONOMA" RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN PLAT BOOK 2 AS PLAT NO 157

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4. NORTH 86° 20' EAST 30.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 2250 SQUARE FEET OF LAND MORE OR LESS.

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PORTION OF "RESERVED" AREA  
ADJACENT TO LOT 9  
BLOCK 9, SONOMA SUBDIVISION

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EXHIBIT  
 "RESERVED" AREA, BLOCK 9  
 SONOMA  
 ELECTION DISTRICT NO. 7  
 MONTGOMERY COUNTY, MARYLAND

LOT 3 BLK 10  
 AYRLAWN  
 P.B.32 P.2018

LOT 30  
 OAKMONT  
 P.B.1 P.49

SCALE: 1" = 30'

TRAFTON PL  
 PUBLIC STREET  
 40' R.O.W.

LOT 4

AYRLAWN  
 P.B. 40 P.2907

LOT 3

BLOCK 9  
 AYRLAWN  
 P.B.37 P.2517

LOT 2

LOT 1

LOT 9

LOT 8

BLOCK 9  
 SONOMA  
 P.B.2 P.157

LOT 7

10" WATER  
 8" SEWER

SONOMA

ROAD  
 (50' ROW)

THIS PROPERTY IS SUBJECT TO RESTRICTIONS OF RECORD.  
 THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT

#### CERTIFICATE

I HEREBY CERTIFY THAT THE POSITION OF ALL  
 THE EXISTING IMPROVEMENTS ON THE ABOVE  
 DESCRIBED PROPERTY HAS BEEN CAREFULLY  
 ESTABLISHED BY A TRANSIT-TAPE SURVEY.

RICHARD H. KEHR  
 PROFESSIONAL LAND SURVEYOR No.

#### REFERENCES

PLAT BK. 2  
 PLAT No. 157  
 LIBER  
 FOLIO  
 FIELD BOOK 204  
 PAGE No. 43

WEST CONSULTING GROUP, INC.

4424 MONTGOMERY AVENUE,  
 BETHESDA, MARYLAND 20814  
 (301) 654-7907 654-7908 (FAX)

DATE OF SURVEY

WALL CHECK  
 HOUSE LOC.  
 BOUNDARY

SCALE: 1" = 30'

DRAWN BY:

JOB No. 99-093

LEGAL DESCRIPTION  
FOR  
PORTION OF "RESERVED" AREA  
TO BE DEEDED TO LOT 9  
BLOCK 9, SONOMA SUBDIVISION

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BLOCK 9, SONOMA SUBDIVISION

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**Balmer, Emily**

---

**From:** Joy Rafey <ohboyitsjoy2000@yahoo.com>  
**Sent:** Wednesday, November 21, 2018 10:06 AM  
**To:** Fuster, Marco  
**Subject:** Re: Subdivision and Tree Variance at 5701 Sonoma Road, Bethesda, MD, 20817, Plan Number 620190020  
**Attachments:** Ltr 11-20-2018 Objection and Hearing.pdf

Re: Subdivision and Tree Variance at 5701 Sonoma Road, Bethesda, MD, 20817, Plan Number 620190020

The Rafey Family, residing at 8909 Mohawk Lane, Bethesda, MD 20817

Judd and Joy Rafey, owners/residents since 1997

Wishes to submit the letter of Terrence and Kathleen Brady, 9005 Mohawk Lane, Bethesda, MD 20817 as fully representing our personal position on the above-referenced plan for 5701 Sonoma Road, Bethesda, MD 20817.



---

**From:** Don Gillespie <dbjmbaldridgebunch@gmail.com>  
**Sent:** Saturday, December 8, 2018 7:39 PM  
**To:** Fuster, Marco  
**Subject:** Letters in support of Plan 620190020  
**Attachments:** Letter of Support for Plan 620190020-8905 Grant St..pdf; Letter of Support for Plan 620190020-5512 Sonoma Road.pdf; Letter of Support for Plan 620190020-8915 Grant St..pdf

Attached are letter in support for plan 620190020.  
Thank you!

Date: 12-8-18

Development Applications and Regulations Coordination Division

M-NCPPC

8787 Georgia Avenue


Silver Spring, Maryland 20910-3760

**Subject: Support for Plan #620190020**

Dear Sir or Madam,

I live in the Sonoma neighborhood and support the plan to subdivide the lot located at 5701 Sonoma Road for development into two lots. It is currently a large lot with one house, and redevelopment into two houses is a reasonable request that fits with the character of our neighborhood. Development of these properties will have a positive effect on the overall look and feel of Sonoma, which is currently a mix of older and newer homes. In my opinion, the value of my own home will increase as a result of this development.

Thank you for your time and consideration,

  
\_\_\_\_\_

5512 SONOMA RD  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

Date: 12/8/18

Development Applications and Regulations Coordination Division

M-NCPPC

8787 Georgia Avenue

Silver Spring, Maryland 20910-3760

Subject: Support for Plan #620190020

Dear Sir or Madam,

I live in the Sonoma neighborhood and support the plan to subdivide the lot located at 5701 Sonoma Road for development into two lots. It is currently a large lot with one house, and redevelopment into two houses is a reasonable request that fits with the character of our neighborhood. Development of these properties will have a positive effect on the overall look and feel of Sonoma, which is currently a mix of older and newer homes. In my opinion, the value of my own home will increase as a result of this development.

Thank you for your time and consideration,



---

8915 Grant St, Bethesda MD 20817

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---

Date: 12/8/18

Development Applications and Regulations Coordination Division

M-NCPPC

8787 Georgia Avenue

Silver Spring, Maryland 20910-3760

Subject: Support for Plan #620190020

Dear Sir or Madam,

I live in the Sonoma neighborhood and support the plan to subdivide the lot located at 5701 Sonoma Road for development into two lots. It is currently a large lot with one house, and redevelopment into two houses is a reasonable request that fits with the character of our neighborhood. Development of these properties will have a positive effect on the overall look and feel of Sonoma, which is currently a mix of older and newer homes. In my opinion, the value of my own home will increase as a result of this development.

Thank you for your time and consideration,

Kevin Jane

8905 Grant St.

Date: 12/25/18

Development Applications and Regulations Coordination Division

M-NCPPC

8787 Georgia Avenue

Silver Spring, Maryland 20910-3760

Subject: Support for Plan #620190020

Dear Sir or Madam,

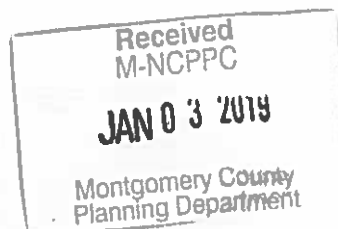
I own property directly abutting the reserve area mentioned in this subdivision plan and support the plan to subdivide the lot located at 5701 Sonoma Road for development into two lots. It is currently a large lot with one house, and redevelopment into two houses is a reasonable request that fits with the character of our neighborhood. Development of these properties will have a positive effect on the overall look and feel of Sonoma, which is currently a mix of older and newer homes. In my opinion, the value of my own home will increase as a result of this development.

Thank you for your time and consideration,

Sid Getz

91001 Henfstead Ave

Bethesda MD 20817





PITCHFORDASSOCIATES  
arboriculture + environmental consulting

February 3, 2019

Mr. Marco Fuster  
Montgomery County Planning Department  
8787 Georgia Ave.  
Silver Spring, MD 20910

Dear Marco:

At the request of Mr. Will Travis, 9007 Sonoma Lane, Bethesda, MD, I have reviewed the development plans for 5701 Sonoma Road, Bethesda, Maryland with regard to the potential for tree preservation on this property, and adjacent properties.

I visited the site on January 10th, and reviewed the trees slated for preservation. While on site, I utilized a site plan you provided, and as prepared by Site Solutions, Inc. At no time did I enter the subject property as I did not have permission to do so. However, this is a small lot, so I was able to assess the trees in question with moderate precision based solely on my visual inspection from a short distance.

My experience with tree preservation planning spans 30 years in the DC metro region. So, I have good insight into the consequences of new construction around larger diameter trees, and also what steps can be taken to avoid irreversible damage. Based upon my survey, I can say with a high level of certainty that if this plan is instituted as shown, trees #13 and 19 will die within 3-5 years. It is also quite possible that both trees could experience whole tree failure as a result of severing the important supporting roots close to the tree base.

I see from the site plan that several significant trees identified in front are slated for removal. You should also know that all of the other trees here, including some nice hickories and a beech tree will have to be removed.

Tree #13 is identified as a tulip poplar (*Liriodendron tulipifera*) with a trunk diameter at breast height (dbh) of 40 inches. It is listed on the site plan as being in fair condition. I completely disagree with this condition rating. My survey revealed a tree in good to excellent condition. I did not measure the diameter since I was not given permission to enter the property, but the tree was close enough to Sonoma Lane that I could get a good look at the entire tree. Tree #19 is listed as a white oak (*Quercus alba*) in good condition, and with a diameter of 45 inches. My survey was from a further distance than tree #13, but I would characterize it as good to fair condition. I concur with the surveyor's tree identifications, but disagree in terms of tree condition.

I take exception to one of critical root zone (CRZ) calculations, and also the assumptions of impact to the structural root zone (SRZ). This zone contains the large diameter supporting roots that keeps these trees upright. Severing them can lead to whole tree failure, and almost certain tree death. In short, roots in this zone CANNOT be cut. The plan preparer assumes that some portion of the SRZ can be impacted without consequences to tree health or structural integrity. It is true that a portion of the CRZ can be lost with less consequence, but this is absolutely not the case with the SRZ.

## Balmer, Emily

---

**From:** Travis, Will (Avison Young - US) <Will.Travis@avisonyoung.com>  
**Sent:** Monday, March 25, 2019 10:26 AM  
**To:** Fuster, Marco  
**Subject:** application 620190020  
**Attachments:** Tree impact letter\_020319.pdf

Hi Marco – hope all is well

While everyone is still in the information gathering part of this project, could I submit the attached letter to you from Keith Pitchford? – I had him come over and take a look and give his professional opinion – I know that you and he go way back so hopefully his opinion will be well received – please let me know if it would be better to submit this through my atty or if this will suffice – I want to make sure im following proper protocol

Please let me know and thanks

**Will Travis, AIA**  
Principal  
[will.travis@avisonyoung.com](mailto:will.travis@avisonyoung.com)

Avison Young  
2099 Pennsylvania Avenue, NW  
Suite 500  
Washington, DC 20006 United States

D 202.644.8695  
T 202.644.9700  
C 202.253.7769

[avisonyoung.com](http://avisonyoung.com)

**AVISON  
YOUNG**



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Avison Young Washington, D.C., LLC

[Legal Disclaimer](#)



PITCHFORD ASSOCIATES  
arboriculture + environmental consulting

April 12, 2019

Mr. Marco Fuster  
Montgomery County Planning Department  
8787 Georgia Ave.  
Silver Spring, MD 20910

Re: Tree preservation planning - 5701 Sonoma Road, Bethesda, MD

Dear Marco:

I have reviewed the updated tree preservation plan for the above-referenced property. It is my professional opinion that while the changes represent a significant improvement to the plans as originally presented, I remain skeptical about the potential to retain the two large trees, #13 and 19.

The proposed house footprint has been altered to accommodate the SRZ of the tulip poplar (#13), which is favorable. However, the density of development and construction activity makes it unlikely that this tree will survive for more than a few years following the initial root loss. My survivability analysis shows a 64% likelihood of survival when root pruned during the dormant season. This figure goes down considerably when performed in any other season. My experience is that a score of 70%, or higher is required to best insure that the tree will survive the standard 3-5 year post impact recovery period.

The white oak (#19) has a better chance of survival if the garage is built on a slab and the tree roots are retained. This will be a monumental task including the use of pier footings and grade beams installed above grade, and with considerable oversight. Additionally, utility alignments must also be considered, and in particular how will electric or other utilities going to be run to the garage.

In my professional opinion, both the tulip poplar and white oak will require several years of highly intensive after-care programs for them to have a chance of survival. And, even if provided, the poplar is not likely to survive. In summary, I remain skeptical that one house can be demolished, and two new homes built on such a small lot without causing irreparable harm to these two large trees.

Sincerely,

Keith C. Pitchford  
ISA Certified Arborist, MA-0178  
ISA Certified Tree Risk Assessor  
MD Licensed Tree Expert, #589  
MD Licensed Forester, #675



The preparer appears to have used the correct dimension for the SRZ, which should be 6" for each inch of trunk diameter. But, their assumptions that some of these roots can be cut is entirely wrong. It is unprofessional and very dangerous, especially given trees of this size. The SRZ for trees #13 and 19 should be 20' and 22.5,' respectively. There can be NO excavation within this zone. My interpretation of the site plan includes excavation on Lot 2 that is within 10' of tree #13 for the main house, and 15' for the garage. Both of these structures are within the SRZ. The garage on Lot 2 is also within the SRZ of tree #19. The impacts of this is almost certainly whole tree failure, and/or tree death within 3-5 years. I do not see that development of Lot 1 would have the same affect. If the drywell feature in Lot 1 were relocated to the northeast corner, versus its present location then the impacts to tree #19 would be negligible.

The critical root zone (CRZ) size represented for tree #13 on this plan are highly misleading. This may be a typo, but the preparer has provided an estimate of the CRZ as 1,310 square feet. The correct area of this CRZ should be 11,304 square feet. The CRZ area for tree #19 is accurately shown at 14,306 square feet.

The preparer suggests that 64% of the CRZ for trees #13 and 19 will be preserved. I don't see any calculations to validate these claims, and I highly doubt that they are accurate. Putting aside that the house on Lot 2 will cut into the SRZ, I don't see how the proposed new building would not remove at least 40% of the CRZ. A CRZ loss of 36% may be close for Lot 1, although even this is a stretch given the amount of new grading shown on this plan. In short, I feel that the true CRZ loss calculations would be much higher for both trees than is represented here.

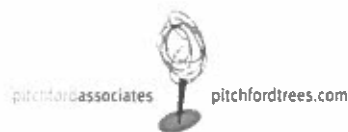
It is my professional opinion that trees #13 and 19 will not survive the construction plans shown here. In fact, both trees would become high risks for whole tree failure if construction moves forward as shown. I also don't believe that either tree would live more than 3-5 years after construction given the amount of land disturbance done within their critical root zones.

Thank you for the opportunity to present these observations. Please let me know if you have any additional questions.

Sincerely,



Keith C. Pitchford  
ISA Certified Arborist, MA-0178  
ISA Certified Tree Risk Assessor  
MD Licensed Tree Expert, #589  
MD Licensed Forester, #675



## SONOMA

MONTGOMERY COUNTY

## MARYLAND

Surveyed

May 1912

J. H. Starkey

Civil Engineer

I hereby certify that this is a true and correct copy of the plat filed July 8th A. D. 1913, recorded as Plat No. 157 in Plat Book No. 2, one of the Plat Books of Montgomery County, Maryland.

*John L. Burnett,*  
Clerk.



I hereby certify that all the lots, blocks, roads, lanes, etc. shown on this plat have been carefully and accurately surveyed, and are a part of tracts of land called "Huntington Purchase," lying in Montgomery County, Maryland, which was conveyed to Joseph Burkhardt and Carl Heinrich, by J. Mary Morrison by deed dated Oct. 17, 1911 and of record in Liber No. 224, folio 162, one of the land records of Montgomery County, Maryland.

I further certify that the bearings have been reduced to the Time Meridian, and that monument stones, at least six inches square on top, designated on the plat as No. 1, and No. 2, have been planted two feet in the ground at each end of one of the principal lines as shown on this plat.

James H. Starkey.

*Filed July 8th 1913.*