



Akbari Residence: Preliminary Plan No. 120150210

Jee

Jonathan Casey, Senior Planner, Area 3 Jonathan.Casey@montgomeryplanning.org, (301) 495-2162

SP

Sandra Pereira, Supervisor, Area 3 Sandra.Pereira@montgomeryplanning.org, (301) 495-2186

RAW

Richard Weaver, Chief, Area 3 Richard.Weaver@montgomeryplanning.org, (301) 495-4544

Completed: 5/3/19

Description

Akbari Residence: Preliminary Plan No. 120150210

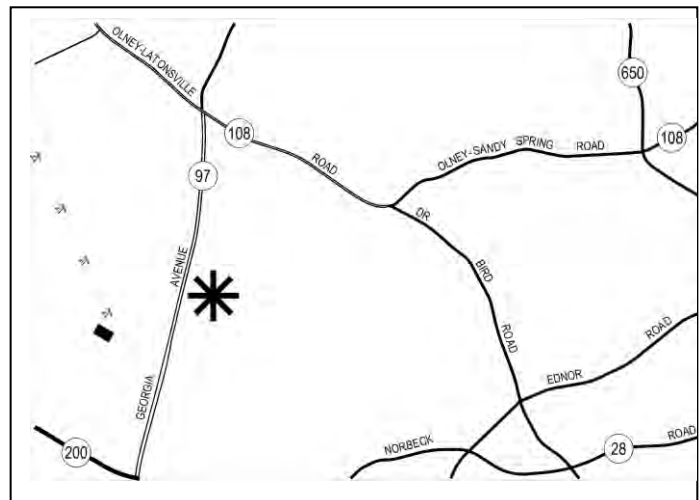
Request to create a lot from a parcel of land for a single-family detached house, located on the south side of Old Baltimore Road, approximately 775 feet east of Georgia Avenue (MD 97); 2 acres, RE-2 Zone; 2005 Olney Master Plan.

Applicant: Shafiq Akbari

Acceptance date: 8/12/2015

Review Basis: Chapter 50, Chapter 22A

Staff Recommendation: Approval with Conditions



Summary

- Staff recommends **approval** with conditions.
- The Application was reviewed under the 2012-2016 Subdivision Staging Policy since it was submitted prior to January 1, 2017.
- At the Applicants request, the Application was put on hold from September 15, 2015 until May 22, 2018 while the Applicant pursued a water and sewer service category change.
- The Application includes a request for a waiver of Section 50-30(c)(1) to reduce the amount of dedication on Old Baltimore Road to allow the Property to remain at or above 2.0 acres in size in order to meet Zoning Ordinance requirements.
- Staff and MCDOT staff support the waiver request, which includes the provision of a Public Improvement Easement where dedication is not possible.
- The Application satisfies the requirements of Chapter 22A, Forest Conservation Law, by retaining existing forest on-site in a Category I Forest Conservation Easement.
- *Staff has not received any citizen correspondence on the Application.*

SECTION 1 – RECOMMENDATION AND CONDITIONS

General Approval

1. This Preliminary Plan is limited to one lot for a one-family detached dwelling unit.

Adequate Public Facilities and Outside Agencies

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

Outside Agencies

3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated December 28, 2018 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated March 11, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services, Fire Department Access and Water Supply Section in its letter dated March 15, 2019 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

Environment and Noise

Forest Conservation

7. The Applicant must comply with the conditions of the approved Final Forest Conservation Plan (FFCP) No. 120150210.
 - a) The Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Forest Conservation Plan. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the start of any demolition, clearing, or grading on the Subject Property, and the Book and Page for the easement must be referenced on the record plat.

- b) The Applicant must install permanent Category I Conservation Easement signage along the perimeter of the conservation easements.
- c) The Final Sediment Control Plan must be consistent with the final limits of disturbance shown on the approved Final Forest Conservation Plan.
- d) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.

Transportation

Frontage Improvements

- 8. As shown on the Certified Preliminary Plan, where right-of-way dedication for Old Baltimore Road has been waived by the Planning Board, the record plat shall reflect a public improvement easement (PIE) and a Maintenance and Liability Agreement, or other instrument as determined by Montgomery County, for the entire area that would otherwise be dedicated as public right-of-way. The PIE and Maintenance and Liability Agreement must be approved or executed by Montgomery County, as appropriate, unless Montgomery County determines that no instrument is necessary.

Record Plats

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

Easements

- 10. The record plat must show necessary easements.

Certified Preliminary Plan

- 11. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
- 12. The Certified Preliminary Plan must contain the following note:

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

SECTION 2 – SITE LOCATION AND DESCRIPTION

The Subject Property is located at 17131 Old Baltimore Road, on the south side of Old Baltimore Road, approximately 775 feet east of Georgia Avenue (MD 97) and consists of a 2.0 acre unplatted parcel (P631 on Tax Map HT51) zoned RE-2 (“Property” or “Subject Property”). The Subject Property is located in the northern most portion of the Southeast Quadrant area identified in the 2005 *Olney Master Plan* (“Master Plan”). The Subject Property has frontage on Old Baltimore Road, an arterial road, with approximately 20-22 feet of existing pavement and a master planned right-of-way width of 70 feet. The Property has a 25-foot-wide pipestem from Old Baltimore Road to the body of the Property (building area) behind Parcel 558 (17133 Old Baltimore Road). Like most of the Southeast Quadrant, the surrounding area has already been developed with single-family detached houses in the RE-2 and RC zones. The abutting property to the south known as the “Danshes Property” is zoned RNC and is approved (unbuilt) for an assisted living facility with up to 107 units and 135 beds (Spring Arbor – Olney, Site Plan No.820140100) (Attachment A).

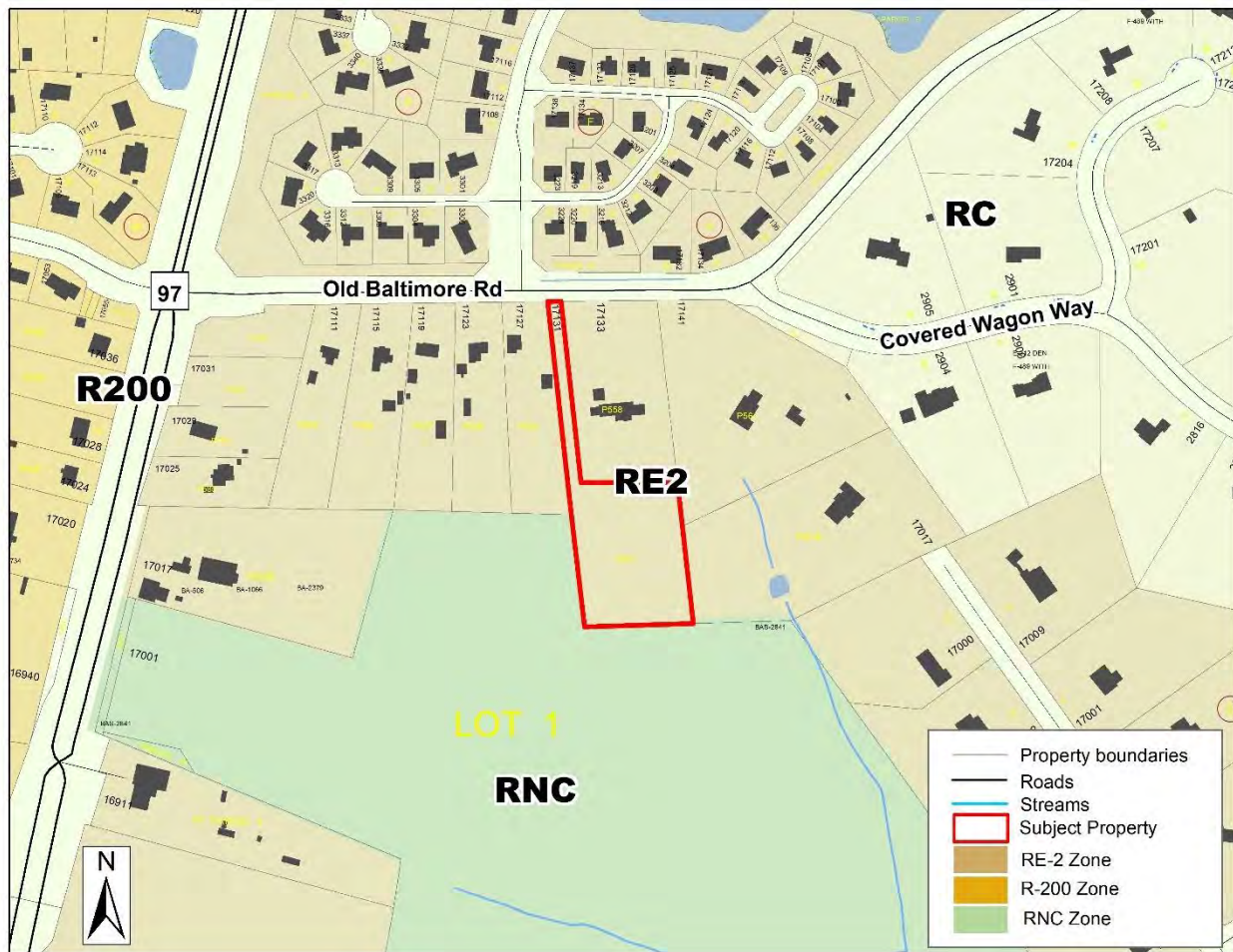


Figure 1 – Vicinity and Zoning

The Property is located within the Northwest Branch watershed; this portion of the watershed is classified by the State of Maryland as Use Class IV-P waters. The Property drains into an unnamed tributary of Batchellors Run beginning on the adjacent property to the east. The Property is primarily forest consisting of one stand of primarily Tulip Poplars and White Oaks, some of which are specimen trees. The Property

generally slopes downhill from west to east and includes several natural rock outcroppings. There are no streams, wetlands, 100-year floodplains, or environmental buffers located on the Property.



Figure 2 – Aerial View

SECTION 3 – PROPOSAL

Preliminary Plan Application No. 120150210, Akbari Residence (“Application” or “Preliminary Plan”) proposes to convert the Subject Property from a parcel to a lot to allow construction of a single-family detached house (Figure 3 & Attachment B). A new, 10-foot-wide driveway will be constructed within the 25-foot-wide pipestem between Old Baltimore Road and the proposed house.

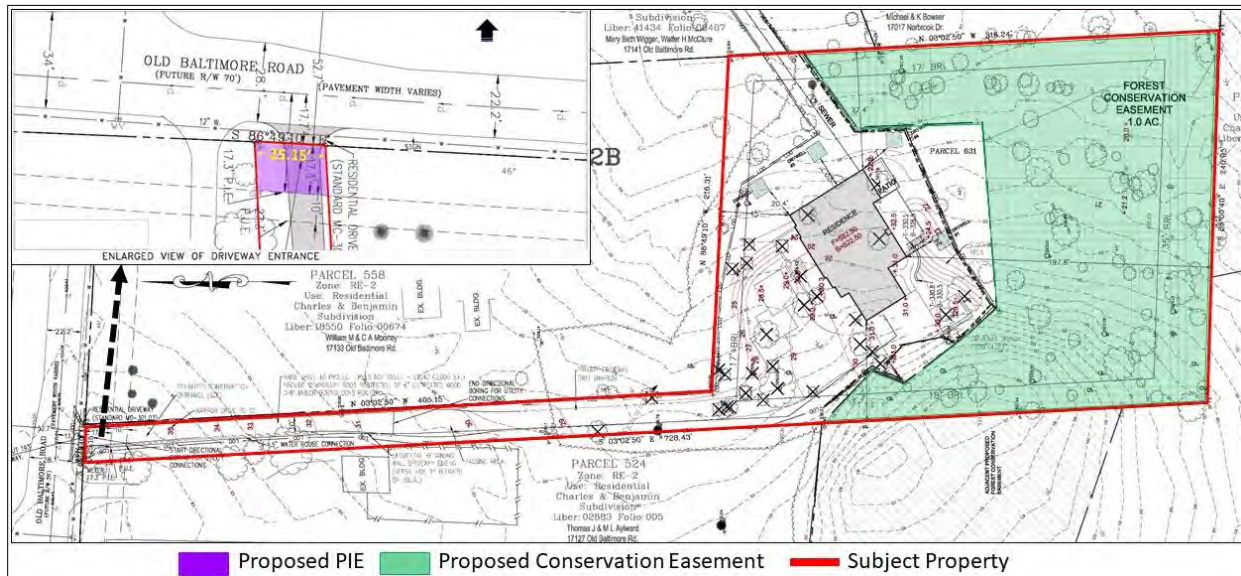


Figure 3 – Preliminary Plan

The Applicant requests a subdivision waiver of Section 50-30(c)(1) to provide relief from the full width right-of-way dedication of Old Baltimore Road. Dedication of the master plan recommended 70-foot wide right-of-way along the Property frontage would reduce the lot area of proposed lot 435 square feet to less than the Zoning Ordinance requirement of 2.0 acres for the RE-2 Zone. Section 50-38(a)(1) states that the Planning Board has the authority to approve a reduced width right-of-way (describe how/ when). Staff recommends that the Applicant’s subdivision waiver request for a reduced width right-of-way be granted based on Section 50-38(a)(1).

The Property is within the W-1 and S-3 water and sewer service categories, respectively. The Applicant is extending public water and sewer to serve the Property. Stormwater management goals will be met on-site via drywells and a micro-infiltration trench. This Application also includes a Final Forest Conservation Plan (FFCP) and a tree variance request.

SECTION 4 - ANALYSIS AND FINDINGS

Conformance to the Master Plan

The Preliminary Plan is consistent with recommendations in the 2005 *Olney Master Plan*. This Property is located in the Master Plan area designated the Southeast Quadrant area of Olney. There are no specific land use recommendations for the Subject Property. The focus of this Master Plan area was on environmentally appropriate cluster development of remaining undeveloped properties in the quadrant. In general, the Master Plan supports infill residential development of the type proposed.

The Master Plan also made recommendations for providing public sewer service, creating a mapped sewer envelope to show areas recommended for service. The Akbari Property is outside the envelope, consistent with the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan's policy discouraging service to large lot zones. The Planning Board unanimously recommended maintaining this Property in the existing S-6 sewer category, when it reviewed category change request 16-OLN-2A in 2017. The County Council determined that category S-3 could be considered if the Applicant could demonstrate that the Property could accommodate a septic system and if the Department of Permitting Services was assured by the Washington Suburban Sanitary Commission that public service could be provided by connecting to an existing 8-inch gravity sewer main where it currently terminated on Parcel P561 (17141 Old Baltimore Road) north of Norbrook Drive. The Department of Environmental Protections has determined that both criteria have been met (Attachment C). While providing public sewer service to this Property is inconsistent with the Master Plan, the County Council, which sets final service policy, has provided a clear set of conditions that can allow approval of service to the Property. Since those conditions have been met, the proposed development can be allowed to go forward.

Given that the Property is largely forested, and adjacent to an off-site stream, a conscious effort was made by Staff and the Applicant to minimize the environmental impacts on site.

As shown, the Preliminary Plan includes 1.0 acre of existing high-priority forest retention on-site and still provides a reasonable building envelope on the lot that can accommodate a house and a sufficient rear yard or room for future improvements.

While the Preliminary Plan does not specifically bind the Applicant to the house location shown on the Preliminary Plan, however, the Applicant is bound to the building envelope shown based on the elevation needed to connect to the gravity sewer line, setbacks and the location of propose Category I Conservation Easement. In this case utilizing public sewer service is beneficial because an ample amount of on-site forest that would be cleared if on-site septic was utilized is being retained in a contiguous Category I Conservation Easement.

Compliance with the Subdivision Regulations and Zoning Ordinance

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations included in the *Olney Master Plan*. A summary of the zoning conformance for the 2.0-acre lot is included in the table below.

Preliminary Plan Data Table - Residential Estate-2 Zone (RE-2)

Development Standard	Zoning Ordinance Required	Proposed for Approval by the Preliminary Plan
Minimum Lot Area	2 acres/87,120 SF min.	2 acres/87,120 SF min.
Lot Width at Building Line	150 ft. min.	150 ft. minimum
Lot Frontage	25 ft. min.	25 ft. minimum
Setbacks		
– Front	50 ft. min.	50 ft. min. ¹
– Side	17 ft. min./ 35 ft. total	17 ft. min./ 35 ft. total ¹
– Rear	35 ft. min.	35 ft. min. ¹
Maximum Residential Dwelling Units per Zoning	1	1
Building Height	50 ft. max.	Less than 50 feet ¹

¹As determine by DPS at the time of building permit

The lot was reviewed for compliance with the dimensional requirements for area, frontage, width, and setbacks of the RE-2 zone and additional regulations as specified in the Zoning Ordinance. The lot can comply with the dimensional requirements of the RE-2 zone, but a waiver of dedication is necessary so that the lot may stay above the 2.0-acre (87,120 sf) minimum lot size required in the zone. The waiver request is discussed below. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan.

SUBDIVISION WAIVER 50-38

In the Planning Board's review of a preliminary plan and record plat, Subdivision Regulation Section 50-30 - *Public sites and adequate open spaces* specifies the circumstances by which adequate areas for parks, playgrounds, schools, recreation and roads are determined and acquired. Section 50-30(c)(1) instructs the Board to require dedication to public use of roads, whether existing or planned, in order to locate such road within the public domain. Section 50-30(c)(1) states:

(c) *Adequate open space for traffic, coordination of roads, utilities and storm drainage.*

- (1) Roads. In its consideration of the approval of a proposed subdivision, resubdivision or of a preliminary plan of subdivision, or resubdivision, **the board shall require the dedication to public use of adequate open spaces for traffic and the coordination of roads within the subdivision with other existing, planned or platted roads, or with other feature of the district, or with the commission's general plan or with**

any road plan adopted or approved by the commission as a part of the commission's general plan. Such dedication to public use shall be to the full extent of any and all rights-of-way for all roads, street and highways, including widening of any existing street, determined to be necessary and proper and such as would be required by reason of the maximum utilization and development of the subject property in its present zone classification or that higher use shown on any adopted or approved master plan of the applicable jurisdiction.

The Planning Board's authority to grant a waiver is found in Section 50-38(a)(1) of the Subdivision Regulations. A waiver may be granted provided certain findings can be made. The section states:

"The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is:

- 1) the minimum necessary to provide relief from the requirements;
- 2) not inconsistent with the purposes and objectives of the General Plan; and
- 3) not adverse to the public interest."

As explained in the Applicant's waiver letter dated April 11, 2019 (Attachment D), the Subject Property is exactly 2 acres (87,120 square feet), the minimum area needed to record a Property as a buildable lot in the RE-2 zone. Additional dedication was not anticipated when it was created and dedication of additional right-of-way to meet the full master planned 70-foot-wide right-of-way as recommended in the Master Plan of Highways Functional Master Plan would reduce the Property by 435 square feet below the minimum lot size requirement for the zone. Therefore, the Applicant requests a waiver from dedication, and proposes a Public Improvement Easement in lieu of dedication.

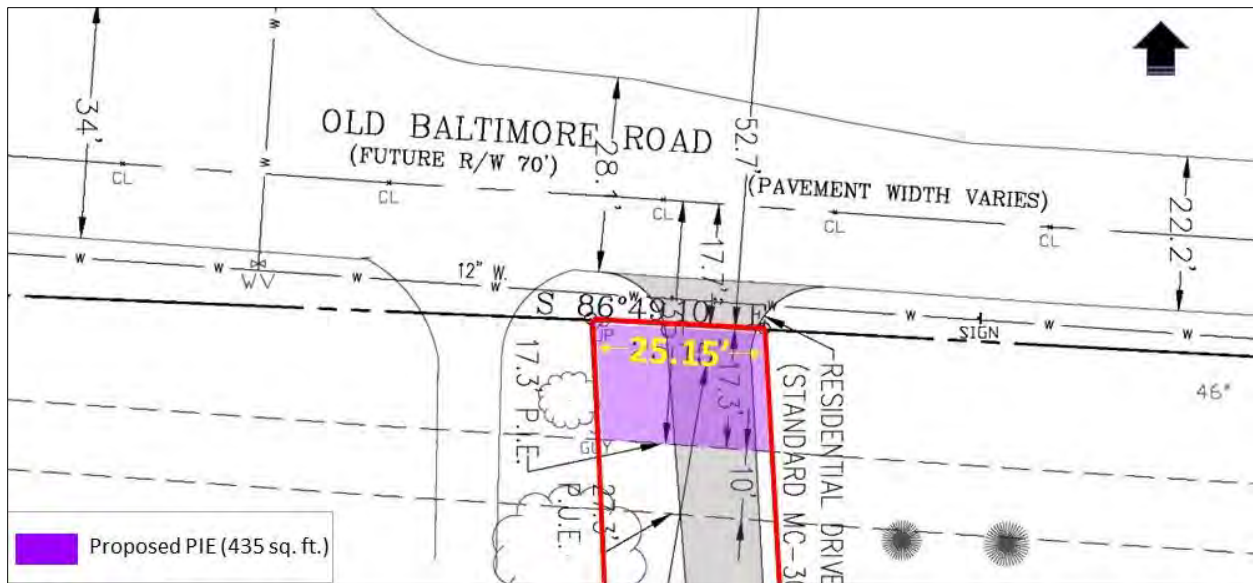


Figure 4 – Enlarged View of Driveway Entrance and Public Improvement Easement

As proposed, the Applicant will record a Public Improvement Easement, granted to the County, over the 435 square foot area that would have been dedicated under normal circumstances. The concept of the

PIE has been reviewed and approved by MCDOT (Attachment E). The PIE affords the County the same level of access and maintenance capabilities that would be provided by dedication. The area of the Property within the PIE remains with the resulting recorded lot and the lot remains at the 2.0-acre threshold. The *Olney Master Plan* recommends Old Baltimore Road in this location with a 70-foot-wide right-of-way, however; the Master Plan also specifically recommends that the road remain two lanes. There is sufficient right-of-way currently existing along the Property frontage (52 feet), and with the agreed upon PIE the road can be maintained in its current configuration, consistent with the Master Plan.

The Applicant has made a reasonable case that practical difficulties exist that prevent full compliance with the Subdivision Regulations. The waiver is the minimum necessary to provide relief from the requirements of Chapter 50 to allow this lot to be platted. The waiver is not inconsistent with the objectives of the General Plan and the waiver is not adverse to the public interest because the PIE provides the same function as would full dedication.

Based on the Applicant's request, Staff and MCDOT do not object to providing a PIE instead of dedication due to the unusual circumstances and because the Applicant is requesting to record a single parcel, not subdividing to create more than one lot.

Adequate Public Facilities Review (APF)

The Preliminary Plan application was submitted prior to January 1, 2017 and is therefore being reviewed under the 2012-2016 Subdivision Staging Policy that was in effect on December 31, 2016.

Roads and Transportation Facilities

The Property is located in the Olney Policy Area fronting Old Baltimore Road, accessing the road via a "pipe stem" driveway. Old Baltimore Road between Georgia Avenue and Olney Sandy Spring Road is classified as an Arterial Road (A-312) with 70 feet of right-of-way and 2 travel lanes by the 2018 *Master Plan of Highways and Transitways*. Approximately 52.7 feet of right-of-way currently exists along the Property frontage.

As discussed above, in order to accommodate the full Master Planned 70-foot-wide right-of-way for Old Baltimore Road, the Applicant would need to dedicate an additional 435 square feet along the 25-foot-long Property frontage (an area measuring approximately 17.3 feet deep), which would reduce the lot size below the RE-2 Zone 2.0 acre minimum. The Applicant is requesting a waiver of right-of-way dedication and instead proposes a 17.3-foot-wide Public Improvement Easement (PIE) along the frontage in lieu of right-of-way dedication. The PIE will encumber an area equivalent in size to what would otherwise be right-of-way dedication along Baltimore Road and maintain the minimum lot size required for the zone. Staff and MCDOT support the Applicant's request because the Subject Property has minimal frontage on a public roadway and the PIE would permit future public improvements within the right-of-way with no adverse impacts to the public interest.

The 2018 Bicycle Master Plan recommends a 10-foot wide shared use path along the West side of Old Baltimore Road, opposite to the frontage of the Subject Property. Although the Application does not propose building the off-site shared use path, its approval would not preclude its future implementation.

The proposed access to the Subject Property, as shown on the Preliminary Plan, is adequate to serve the development.

Local Area Transportation Review (LATR)

A traffic study is not required to satisfy the Local Area Transportation Review because a net of one new single-family detached units generate fewer than the 30 peak-hour vehicle trip threshold set by the 2012-2016 Subdivision Staging Policy.

School Adequacy

The Application proposes one single-family detached residential dwelling unit. The project falls within the de minimis (three units or less) exemption. Therefore, the project is exempt from any applicable residential development moratoria and it is unnecessary to test the project's estimated impact on school enrollment. Nevertheless, below is additional information about the school cluster and schools that serve the Property.

School Cluster Adequacy Test

The project is located in the James Hubert Blake Cluster. The student enrollment and capacity projections for the Cluster in the FY19 Annual School Test are below:

School Level	Projected Cluster Totals, September 2023			Moratorium Threshold
	Enrollment	Program Capacity	% Utilization	
Elementary	2,927	2,687	108.9%	3,225
Middle	1,485	1,547	96.0%	1,857
High	1,862	1,743	106.8%	2,092

The Moratorium Enrollment Threshold identified in the table is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. Current enrollment projections fall below the threshold at each school level.

Individual School Adequacy Test

The elementary school and middle school serving the Subject Property are Sherwood ES and William H. Farquhar MS. The student enrollment and capacity projections for these schools in the FY19 Annual School Test are below:

School	Projected School Totals, September 2023				Moratorium Thresholds	
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit	120% Utilization	Enrollment
Sherwood ES	432	547	79.0%	+115	657	657
Farquhar MS	592	800	74.0%	+208	961	980

Under the school test, an individual elementary school is deemed inadequate if the projected utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats. An individual middle school is deemed inadequate if the projected utilization rate exceeds 120% and if the school seat deficit meets or exceeds 180 seats. If deemed inadequate, a school service area is placed in a residential development moratorium. Current projections for both Sherwood ES and Farquhar MS fall below moratorium thresholds.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lot. The lot will be served by public water and sewer which the Applicant will be extending. The Subject Property is located in the W-1 and S-3 (restricted to single sewer hookup) service category, respectively, which is consistent with use of community water and sewer. The Application has been reviewed by Washington Suburban Sanitation Commission, which determined that there is an existing 12-inch water line in the right-of-way for Old Baltimore Road, and an 8-inch gravity main on 17141 Old Baltimore Road (P561). The Applicant has secured a 15-foot-wide easement (Book 41434 Page 407) extending approximately 450 feet between the Subject Property and the existing sewer manhole to install a new 8-inch sewer line. The Application has been reviewed by the Washington Suburban Sanitation Commission and determined that the existing water and sewer lines are adequately sized and can be extended to serve the proposed lot.

The Application has been reviewed by the Montgomery County Department of Permitting Services, Fire Department Access and Water Supply Section, which determined that the Property has adequate access for fire and rescue vehicles as shown on the approved Fire Department Access Plan dated March 15, 2019. (Attachment F).

Other public facilities and services, police stations, and health services are currently operating within the standards set by the 2012-2016 Subdivision Staging Policy Resolution. The Preliminary Plan has been evaluated by Staff and the Montgomery County Department of Transportation, who support the waiver and all other transportation elements of the Preliminary Plan.

Forest Conservation

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 420150180 for this Property was approved on December 10, 2014. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The NRI/FSD calls out the Property to be a total of 2.0 acres of which 1.79 acres are high priority existing forest. The Property does not contain any streams, seeps, wetlands, or environmental buffers. The Property does have some steep slopes ($\geq 25\%$) located near the western portion of the Property.

Forest Conservation Plan

A Final Forest Conservation Plan (FFCP) No. 120150210 for the Application was submitted as part of the Preliminary Plan Application (Attachment G).

This Property is zoned RE-2 which is assigned a Land Use Category of Medium Density Residential (MDR) in the Land Use Table of the Environmental Guidelines. This give the Property an afforestation requirement of 20% of the net tract and a conservation threshold of 25%.

The FFCP shows a total of 1.74 acres of forest on the Property. The FFCP proposes to remove 0.74 acres and retain 1.0 acre of forest. When the numbers of the total tract area, land use category, total amount of forest, forest removed, and forest retained are entered into the Forest Conservation Worksheet, it

results in no afforestation/reforestation requirement. All the retained forest will be protected by a Category I Conservation Easement.

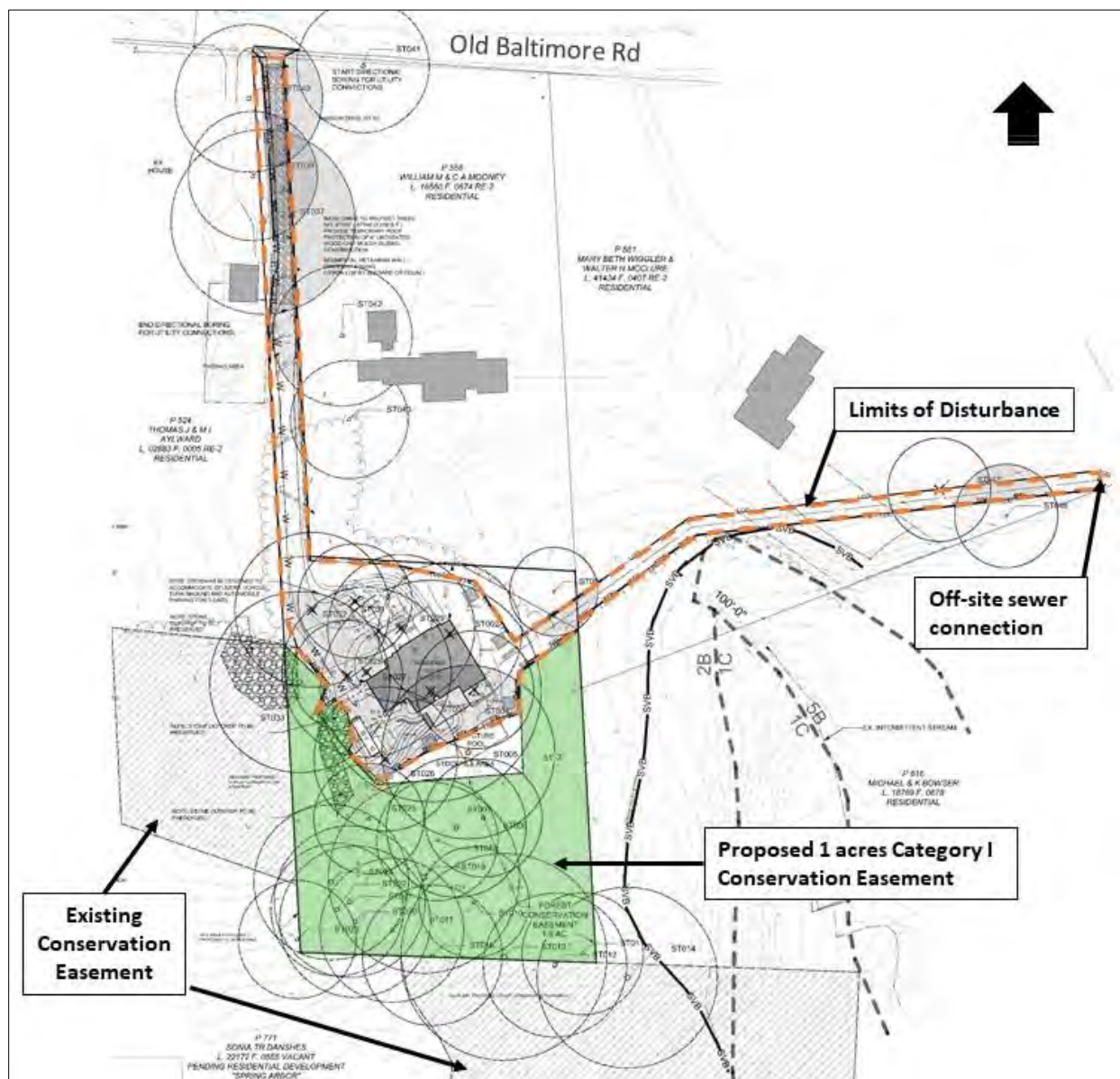


Figure 5 – Forest Conservation Plan

Forest Conservation Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings

in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request - The Applicant submitted a variance request in a letter dated February 25, 2019 (Attachment H). The Applicant proposes to remove nine (9) trees and impact eight (8) trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

Table 1: Variance Trees to be Removed

ID	Botanical Name	Common Name	DBH	2011 County Champion (DBH x 75%)	Condition	CRZ (S.F.)	CRZ Disturbed		SAVE OR REMOVE	Notes
							(S.F.)	(%)		
ST002	Liriodendron tulipifera	Tulip Poplar	39	70	Fair	10753		100%	REMOVE	CROWN DIEBACK, SIGNIFICANT LEAN
ST003	Quercus rubra	Northern Red Oak	60	55	Good	25450		100%	REMOVE	DBH IS 81% OF COUNTY CHAMPION
ST004	Liriodendron tulipifera	Tulip Poplar	32	70	Good	7241		100%	REMOVE	
ST026	Liriodendron tulipifera	Tulip Poplar	39	70	Fair	10753		100%	REMOVE	DEAD SCAFFOLD BRANCHES
ST027	Liriodendron tulipifera	Tulip Poplar	46	70	Fair	14956		100%	REMOVE	LARGE CAVITY
ST028	Liriodendron tulipifera	Tulip Poplar	30	70	Good	6363		100%	REMOVE	
ST029	Liriodendron tulipifera	Tulip Poplar	40	70	Good	11309		100%	REMOVE	
ST031	Acer rubrum	Red Maple	31	53	Fair	6792		100%	REMOVE	LEANING, TWIN, DEAD SCAFFOLD BRANCHES
ST032	Quercus alba	White Oak	42	57	Good	12471		100%	REMOVE	

Table 2: Variance Trees to be Impacted but Retained

ID	Botanical Name	Common Name	DBH	2011 County Champion (DBH x 75%)	Condition	CRZ (S.F.)	CRZ Disturbed		SAVE OR REMOVE	Notes
							(S.F.)	(%)		
ST005	Liriodendron tulipifera	Tulip Poplar	32	70	Good	7241		37%	SAVE	
ST025	Liriodendron tulipifera	Tulip Poplar	30	70	Good	6363	285	4%	SAVE	
ST033	Liriodendron tulipifera	Tulip Poplar	49	70	Good	16971	6215	36%	SAVE	
ST037	Liriodendron tulipifera	Tulip Poplar	50	70	Good	17677	8117	46%	SAVE	EX. PAVING WITHIN 3' WEST
ST039	Platanus occidentalis	American Sycamore	35	61	Good	8662	2179	25%	SAVE	
ST040	Quercus alba	White Oak	40	57	Excellent	11309	3851	34%	SAVE	
ST042	Liriodendron tulipifera	Tulip Poplar	38	70	Good	10211	1203	12%	SAVE	
ST043	Liriodendron tulipifera	Tulip Poplar	32	70	Good	7239	337	5%	SAVE	

Unwarranted Hardship Basis

Pursuant to Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship is caused by the necessary layout of the proposed development on the Property and the locations of the subject trees. The nine trees requested to be removed are all located within the developable area of the Property. Three of the trees to be impacted but retained are located adjacent to the Property's only access point. The inability to remove or impact these trees would render the Property undevelopable for this project. Therefore, Staff concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan:

Variance Findings - Staff has made the following determination based on the required findings that granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the removal of the nine trees is due to the location of the trees and necessary site design requirement. Therefore, Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements of this project.

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

The requested variance is a result of the existing conditions and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed are not located within a stream buffer, wetland or special protection area. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision - There are nine (9) trees proposed for removal in this variance request all of which are within existing forest stands. For removal of specimen trees associated with a variance request within a forest stand, Staff does not recommend additional mitigation beyond the mitigation already provided by the forest conservation worksheet.

County Arborist's Recommendation on the Variance - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist via Eplans. The County Arborist has recommended approval of the revised plans via Eplans.

Variance Recommendation - Staff recommends approval of the variance request.

Stormwater Management

The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Section on March 11, 2019. The Application will meet stormwater management goals via the installation of drywells and a micro infiltration trench (Attachment I).

Citizen Correspondence and Issues

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Application. A pre-submission meeting for the Preliminary Plan was held on June 13, 2015 at the Faith Presbyterian Church (17309 Old Baltimore Road, Onley, MD 20832). To date, Staff has not received any correspondence.

CONCLUSION

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the 2005 *Olney Master Plan*. Access and public facilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Application. Therefore, Staff recommends approval of the Application with the conditions specified at the beginning of this Report.

Attachments

Attachment A – Adjacent development - Spring Arbor Site Plan No. 820140100 (2 pages)

Attachment B – Preliminary Plan No. 120150210

Attachment C – DEP Water and Sewer

Attachment D – Subdivision Waiver

Attachment E – MCDOT Letter

Attachment F – FDA Letter

Attachment G – Forest Conservation Plan (2 pages)

Attachment H – Tree Variance

Attachment I – MCDPS Water Resources Letter

SPRING ARBOR - OLNEY

OLNEY (8th) ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND

GENERAL NOTES

- Zone: RNC
Area: 37.68 Acre
- The site is located on Tax Map HT561 and WSSC grid 223NW03.
 - The site is Parcel 771, L. 22171 F. 555, Tax ID #160800723142.
 - The boundary is based on a Boundary Survey prepared by Rodgers Consulting, Inc. June 2013.
 - Topography was obtained by flown topo - 2' contours.
 - The soils were obtained by GIS data and the Soil Survey of Montgomery County dated July 1996, sheet 14.
 - The 100 year floodplain was prepared by Charles P. Johnson & Associates, Inc., and approved by Montgomery County DPS on March 16, 2011 FP #239725.
 - The wetlands were delineated by Klebasco Environmental LLC.
 - The site contains an unnamed First Order stream that drains into the Bachelors Forest tributary. This portion of the Northwest Branch Watershed is designated Class IV waters by the State of Maryland.
 - No Rare or Threatened species, Critical Habitats were observed during the site investigation.
 - Historic site "Berry-Mackall House, Site 23/104-00A" is located on adjacent Parcel 638.
 - On-site SWM Quality and Quantity to be provided.
 - NRI/FSD #4-20120150 approved December 22, 2011, expires December 22, 2013.
 - Environmental area of floodplain and wetland area = 2.62 acres.
 - Percentage of site area within environmental area = 7.0%.
 - Utility services to be provided by PEPCO, Washington Gas, Verizon and Comcast.
 - M-NCP&PC staff must inspect all tree-save areas and protection devices prior to clearing and grading.

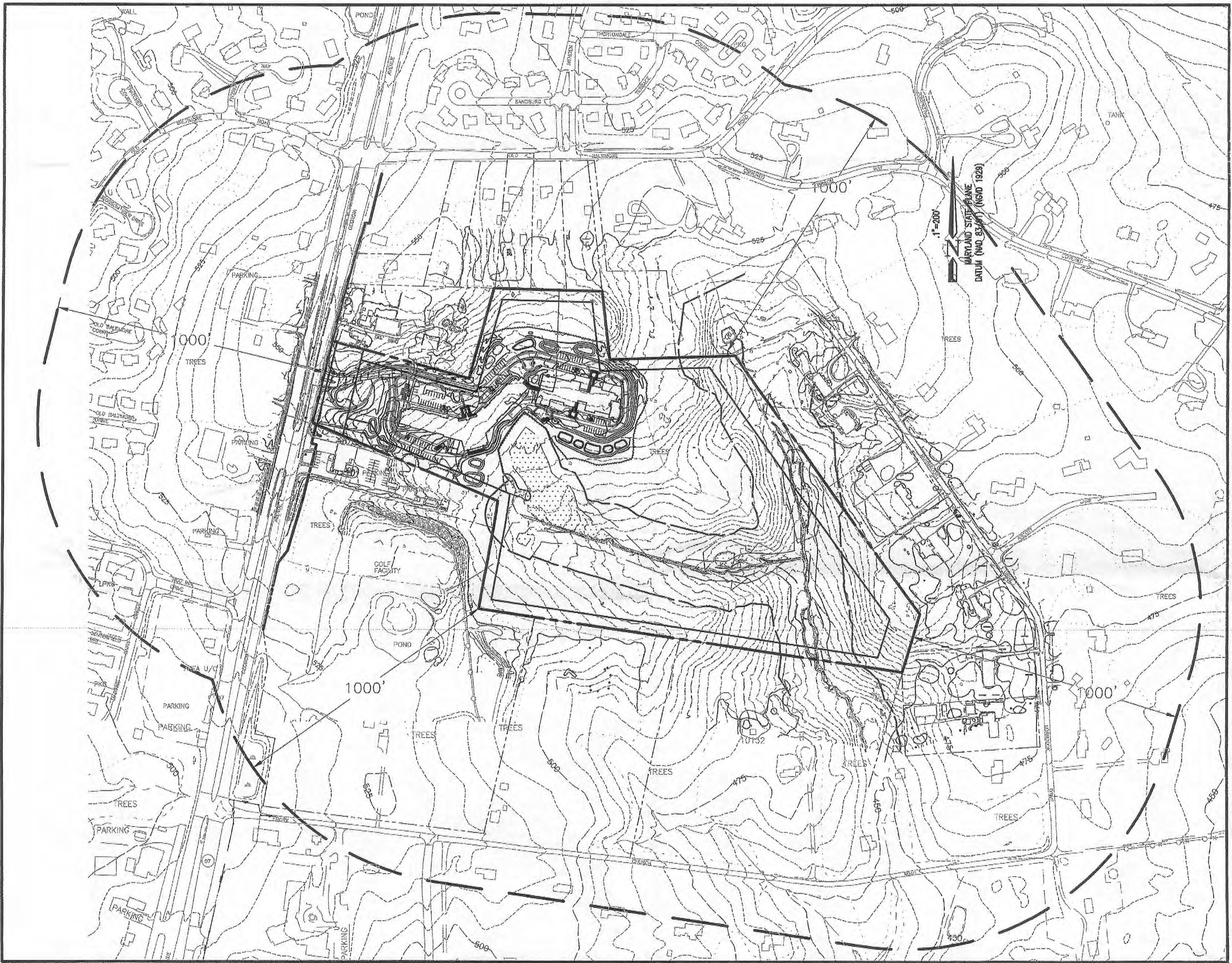


TABLE OF CONTENTS

SITE PLAN - COVER SHEET	SP-1
SITE PLAN - COMPOSITE 1"=50'	SP-2
SITE PLAN - 1"=30'	SP-3
SITE PLAN - 1"=30'	SP-4

LEGEND	
	EX. TREELINE
	PROP. TREELINE
	EX. CONTOURS
	EX. STREAM
	100 YR FLOODPLAIN
	STREAM VALLEY BUFFER
	NON TIDAL WETLANDS
	40' WETLAND BUFFER
	LIMIT OF DISTURBANCE
	WETLANDS



REVISION	DATE	REVISION	DATE	REVISION	DATE	OWNER:	APPLICANT/DEVELOPER:
						SONIA DASHES, INDIVIDUALLY SONIA DASHES, TRUSTEE OF THE RUBIN DASHES QTIP TRUST 2229 RICHLAND STREET SILVER SPRING, MD 20910-2334	HHHUNT CORPORATION 1401 SUNDAY DRIVE SUITE 109 RALEIGH, NC 27607 PHONE: (919) 461-0587 CONTACT: BO COOK

SITE PLAN COVER SHEET

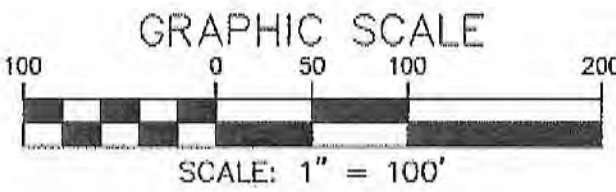
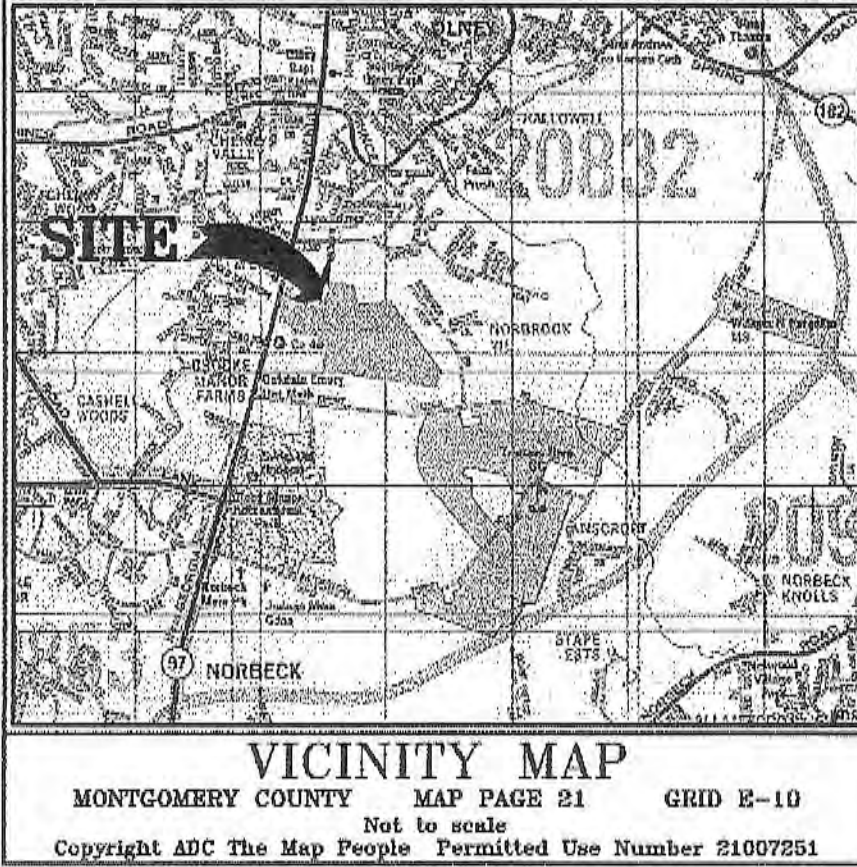


19847 Century Boulevard
Suite 200
Carmichael, Maryland 20874
Ph: 301.948.4700 (Main)
Ph: 301.253.6609 (Frederick)
Fax: 301.948.6256
www.rodgers.com

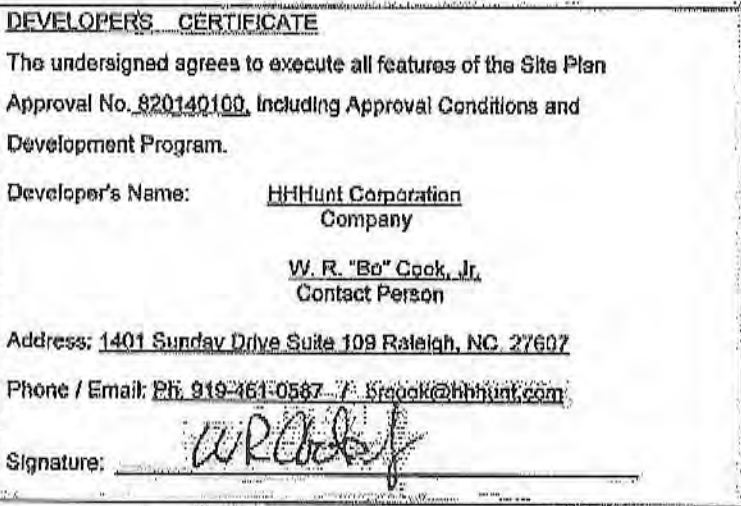
BASE DATA	BY	DATE
DESIGNED	CPU	8/12
DRAWN	CPU/RCI	2012
REVIEWED	FGB	
RODGERS CONTACT:		
RELEASE FOR		
BY _____ DATE _____		

SPRING ARBOR - OLNEY

OLNEY - ELECTION DISTRICT No. 8
MONTGOMERY COUNTY, MARYLAND



DEVELOPMENT STANDARDS		
Current Zone	RNC	
Gross Tract Area	37.68 ac	
Area of Dedication	0.13 ac	
Net Tract area	37.55 ac	
Proposed Use	Nursing Home	
	Required	Proposed
Dwelling Units	0.2/du per ac. or 7 units	107 Units / 135 Beds
WSSC Categories	W-1, S-3	*W-1, S-3 (1)
Setbacks		
Minimum Lot Area	25,000 sqft	37.55 ac. or 1,635,678 sqft
Minimum Lot Width	100'	320'
Along Front BRL	25'	320'
Along Street	15'	307'
Front BRL	17' (one side) 35' sum of both	106' one side / 223' sum of both
Side BRL	30'	430'
Rear BRL	30'	430'
Maximum Lot Coverage	10%	8.00%
Maximum Building Height	35'	35'
Building Square Footage	n/a	136,736 sq ft
*Notes		
1. Category changed approved Montgomery County DEP memo dated July 5, 2011.		
2. Scenic Setback back from Georgia Avenue per 2005 Adopted and Approved Olney Master Plan		
Parking:		
Parking Required - 59-G-2-37 (d)		Required
1 sp per 4 Bed (133 Beds)	135 divided by 4 = 33.75	34 spaces
1 sp per 2 employees-largest work shift	100 employees divided by 2 =	50 spaces
Total spaces required		84 spaces
Motorcycle spaces required	100 automobile spaces provided x 2% =	2 motorcycle spaces
Bicycle spaces or lockers required	1 space per 20 automobile spaces =	5 bicycle spaces
Parking Provided		
Provided		
100 spaces (including 8 HC spaces)		
3 motorcycle spaces		
5 bicycle spaces		
Impervious Area:	Site Area = 37.55 ac.	
	Impervious Area = 4.07 ac. (10.85%)	
Openspace Area:	Site Area = 37.55 ac.	
	Required 66% - 85%	Proposed for Approval 84% = 31.8 acres
Rural Open Space		



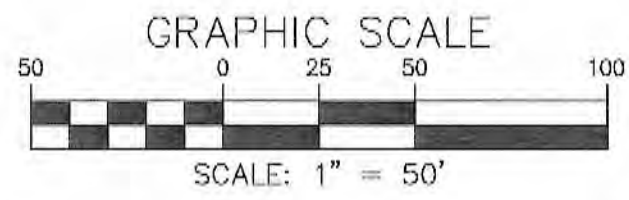
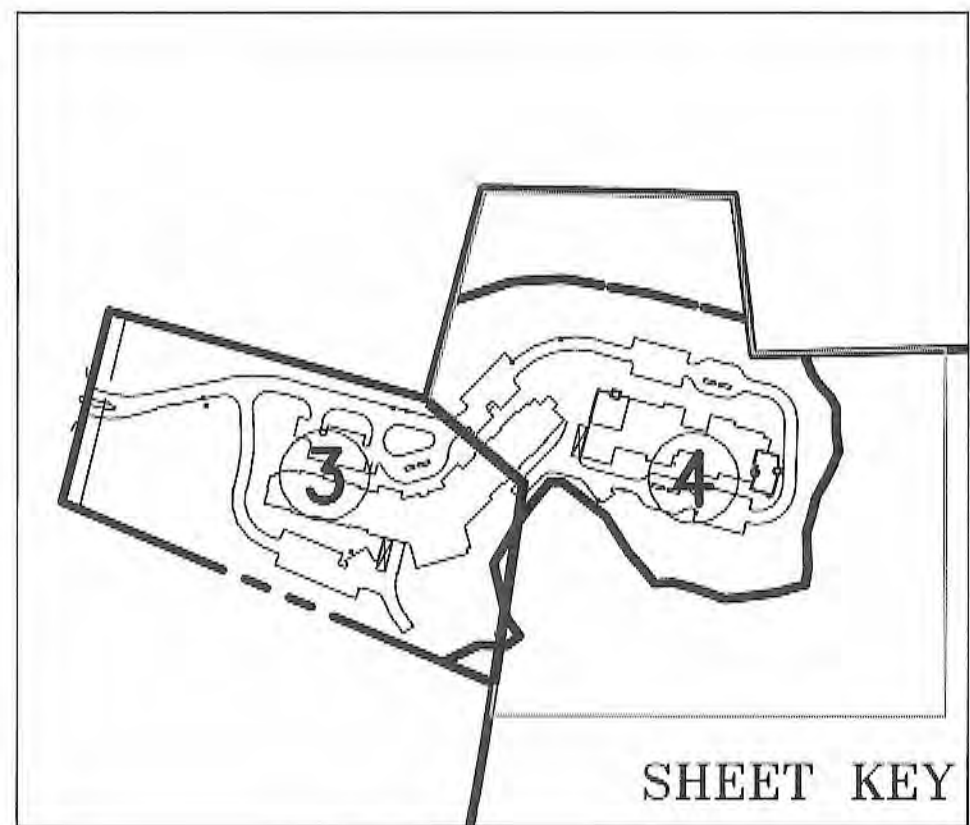
The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

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. 16870, Expiration Date: 8/1/14."



SCALE: 1" = 200'
JOB No. 1133A
DATE: MAR 2014
SP-1
SHEET No. 1 of 6



- LEGEND
- EX. TREELINE
 - PROP. TREELINE
 - EX. CONTOURS
 - EX. STREAM
 - 100 YR FLOODPLAIN
 - STREAM VALLEY BUFFER
 - NON TIDAL WETLANDS
 - 40' WETLAND BUFFER
 - LIMIT OF DISTURBANCE
 - ALUMINUM PICKET FENCE
 - VINYL FENCE
 - FOREST CONSERVATION EASEMENT
 - WETLANDS
 - SEWER LINE
 - FIRE HYDRANT
 - FM METER VAULT

DEVELOPER'S CERTIFICATE
The undersigned agrees to execute all features of the Site Plan
Approval No. 820140100, including Approval Conditions and
Development Program.
Developer's Name: HHHunt Corporation
Company
W. R. "Bo" Cook, Jr.
Contact Person
Address: 1401 Sunday Drive Suite 100 Raleigh, NC 27607
Phone / Email: Ph: 919-461-0587 / https://hhhunt.com
Signature: *W. R. Cook, Jr.*

CALL "MISS UTILITY" AT
1-800-257-7777
48 Hours Before Start Of Construction

The excavator must notify all public utility companies with
underground facilities in the area of proposed excavation
and have those facilities located by the utility companies
prior to commencing excavation. The excavator is
responsible for compliance with requirements of Chapter
36A of the Montgomery County Code.

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. 13970, Expiration Date 01/1/14."



REVISION	DATE	REVISION	DATE	REVISION	DATE	OWNER:	APPLICANT/DEVELOPER:
						SONIA DASHES, INDIVIDUALLY SONIA DASHES, TRUSTEE OF THE RUBIN DASHES QTIP TRUST 2229 RICHLAND STREET SILVER SPRING, MD 20910-2334	HHHUNT CORPORATION 1401 SUNDAY DRIVE SUITE 109 RALEIGH, NC 27607 PHONE: (919) 461-0587 CONTACT: BO COOK

SITE PLAN



19847 Century Boulevard
Suite 200
Germantown, Maryland 20874
Ph: 301-348-4700 (Main)
Ph: 301-253-6609 (Frederick)
Fax: 301-348-6256
www.rodgers.com

BY	DATE
BASE DATA	CPJ 8/12
DESIGNED	TJS 8/12
DRAWN	CPJ/RCI 2012
REVIEWED	FCB
RODGERS CONTACT:	
RELEASE FOR	
BY:	DATE:

SPRING ARBOR - OLNEY

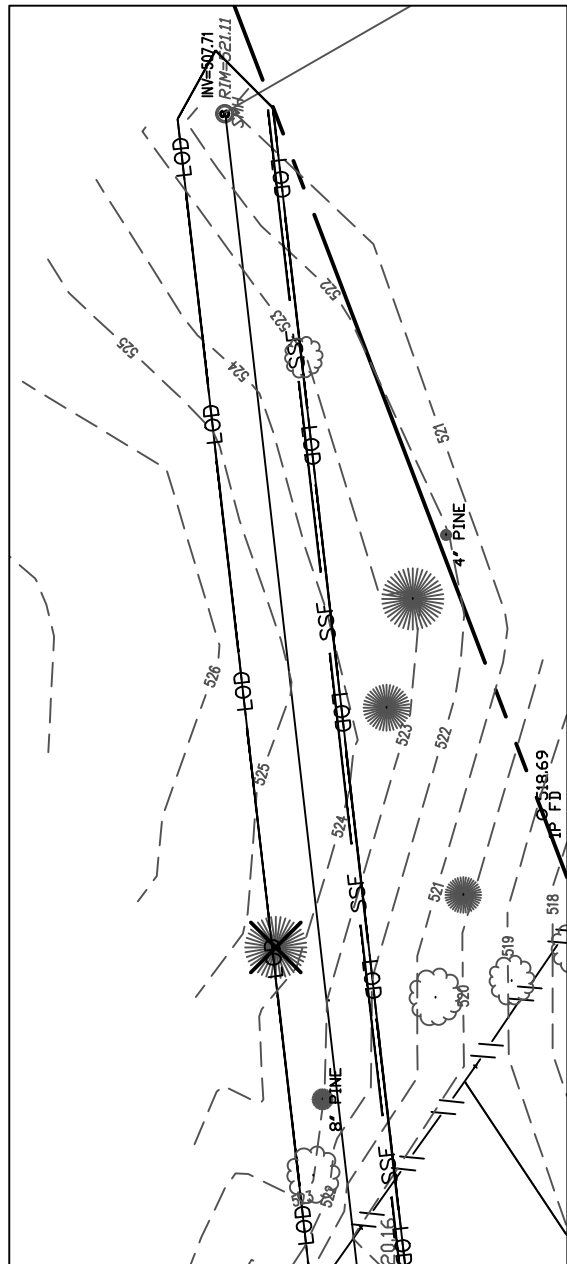
OLNEY - ELECTION DISTRICT No. 8
MONTGOMERY COUNTY, MARYLAND

RECEIVED
M-NCPPC
OCT 22 2014
MONTGOMERY COUNTY
PLANNING DEPARTMENT

SCALE: 1" = 50'
JOB No. 1133A
DATE: MAR 2014
SP-2
SHEET No. 2 OF 6

GENERAL NOTES

1. PROPOSED SITE CONSISTS OF PARCEL P631, LIBER 48439 FOLIO 294.
2. TAX MAP HT51 AND SUBDIVISION 0501.
3. W.S.C. SHEET 223NW03.
4. PROPOSED CONSTRUCTION OF 2 STORY RESIDENTIAL BUILDING WITH BASEMENT AND ASSOCIATED DRIVEWAY & UTILITIES.
5. NO PRIOR APPROVAL.
6. GROSS TRACT AREA: 2.00 AC. NET TRACT AREA: 2.00 AC, TOTAL ACREAGE: 2.00 AC.
7. ACREAGE OF ENVIRONMENTAL REGULATED FEATURES - N/A
8. ACREAGE OF 100-YEAR FLOODPLAIN - N/A
9. ACREAGE OF ROAD DEDICATION - N/A
10. EXISTING ZONING USE: RE-2 (RESIDENTIAL)
11. INTERIM LAND USE CONTROL - NO
12. CENTER OR CORRIDOR LOCATION - YES (GEORGIA AVE. MD-97)
13. GROSS FLOOR AREA:
EXISTING - 0 SF
PROPOSED - 3,972 SF
14. CONCEPT SWM PLAN APPLIED SEPARATELY TO MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES (DPS).
15. NEW WATER AND SEWER CONNECTIONS PROPOSED FOR THE NEW BUILDING.
WATER AND SEWER CATEGORIES (PER WSCCR 16-OLN-02A)
WATER W-1
SEWER S-3
16. AIRPORT - MONTGOMERY COUNTY AIRPORT (GAI)
AVIATION POLICY AREA (APA) NUMBER - N/A
17. MANDATORY PARK DEDICATION REQUIREMENT - N/A
18. CEMETARIES ON OR CONTIGUOUS TO THE PROPERTY - NO
19. HISTORIC SITES ON OR VICINITY OF THE PROPERTY - NO
20. TYPE ONE CONSERVATION PLAN - YES
21. WITHIN CHESAPEAKE BAY CRITICAL AREA - NO
22. WETLANDS - NO
23. STREAMS - NO
24. SOIL TYPE - SANDY CLAY AND SANDY SILT TYPE SOIL WITH HIGH INFILTRATION RATE (HYDROLOGIC SOIL GROUP B)
IN OR ADJACENT TO AN EASEMENT HELD BY THE MARYLAND ENVIRONMENTAL TRUST, THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION, OR ANY LAND TRUST OR ORGANIZATION - NO.
25. SUSTAINABLE TIER GROWTH - YES, TIER #1
26. INTERIM LAND USE CONTROL - NO
27. WATERSHED - ANACOSTIA RIVER
28. TRIBUTORY - NORTHWEST BRANCH BACHELLOR'S RUN

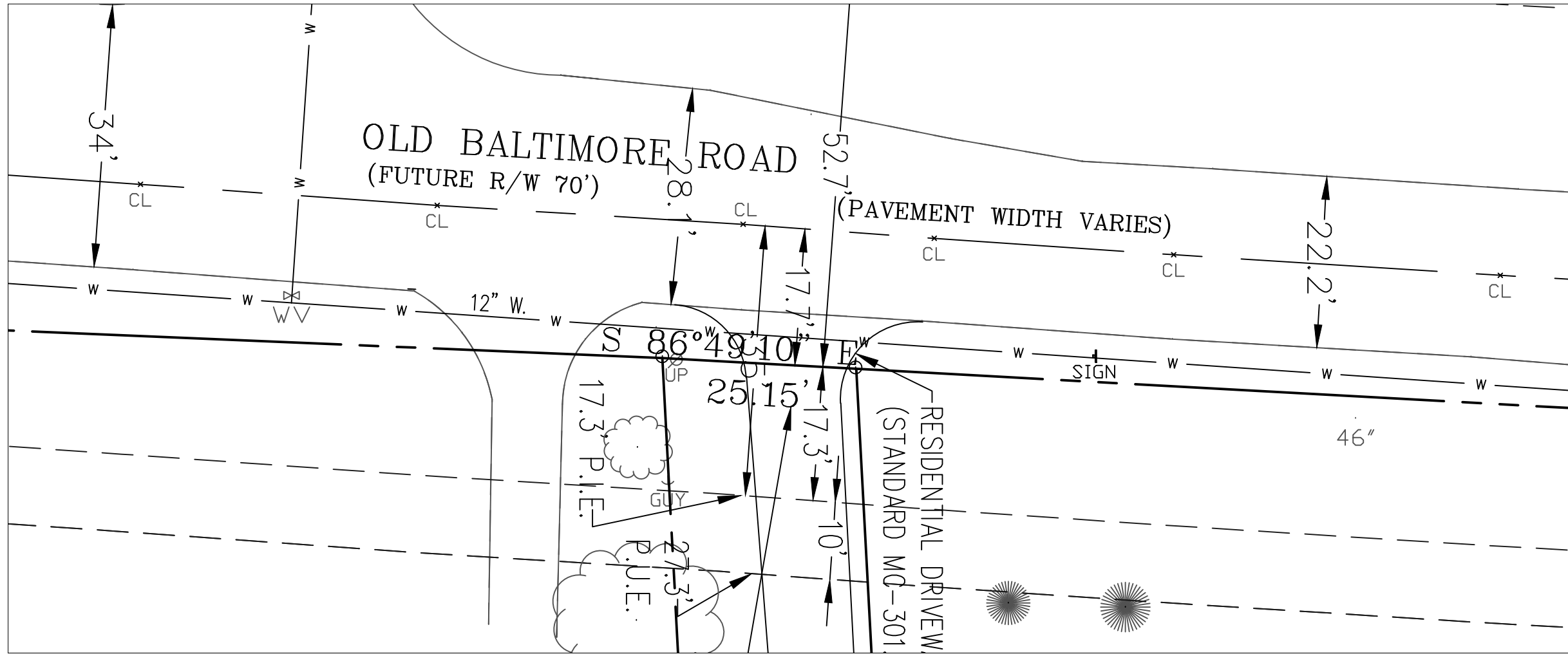


MATCH LINE A-A

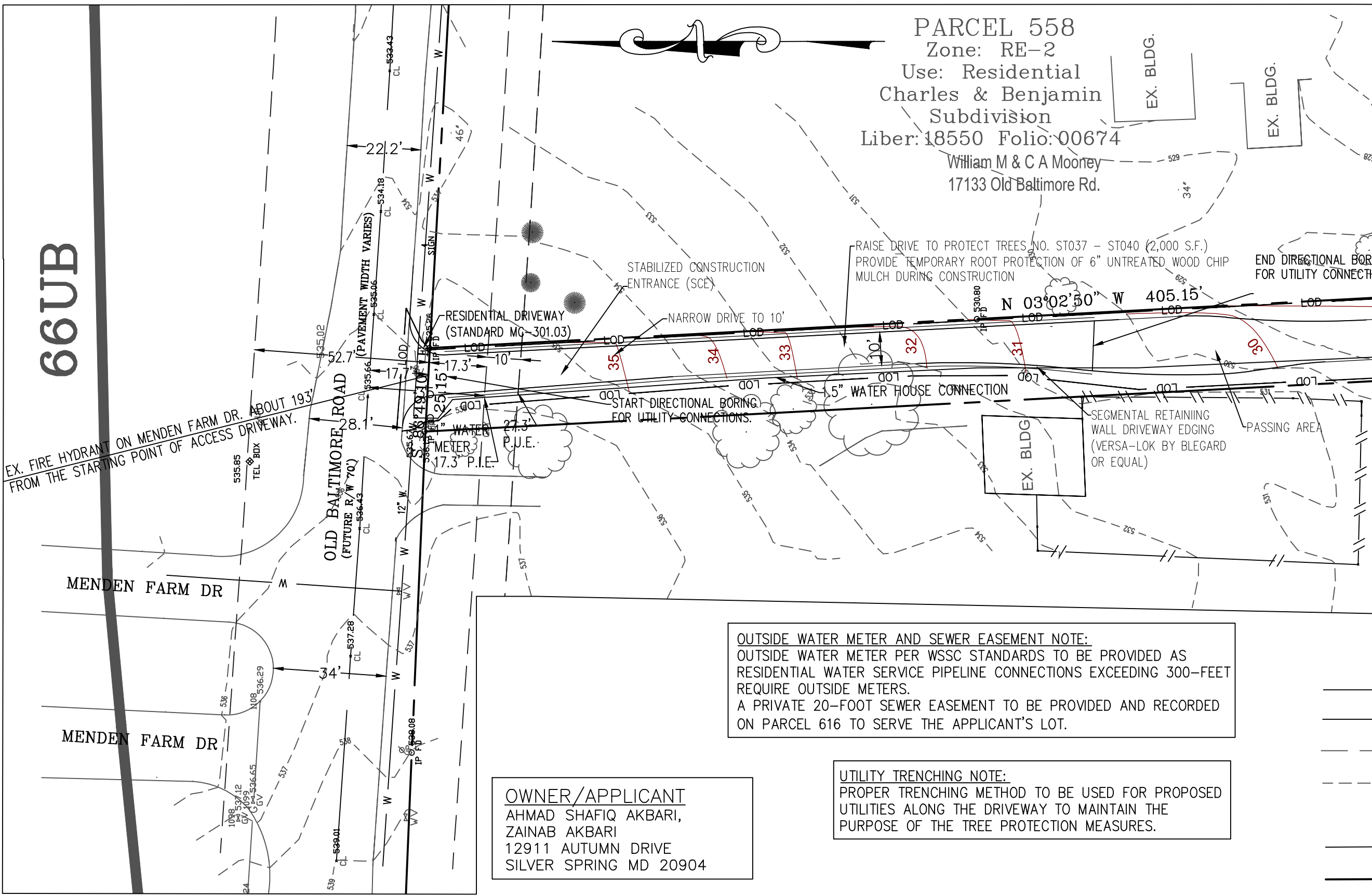
ZONING REQUIREMENTS FOR RE-2 ZONE:

DESCRIPTION	REQUIRED	PROVIDED
MIN. LOT SIZE	2 AC.	2 AC.
FRONT LOT WIDTH	150'	216.31'
MIN. LOT WIDTH AT STREET	25'	25.15'
FRONT SETBACK	50'	447'
SIDE SETBACK	18'/17'	65'/77.4'
(MINIMUM 17' ON ONE SIDE PROVIDED)		
REAR SETBACK	35'	197.8'
BUILDING HEIGHT	50' (NTE)	40'
BUILDING COVERAGE	25% (NTE)	4.56%
DENSITY	SINGLE FAMILY RESIDENTIAL	
(NTE-NOT TO EXCEED)		

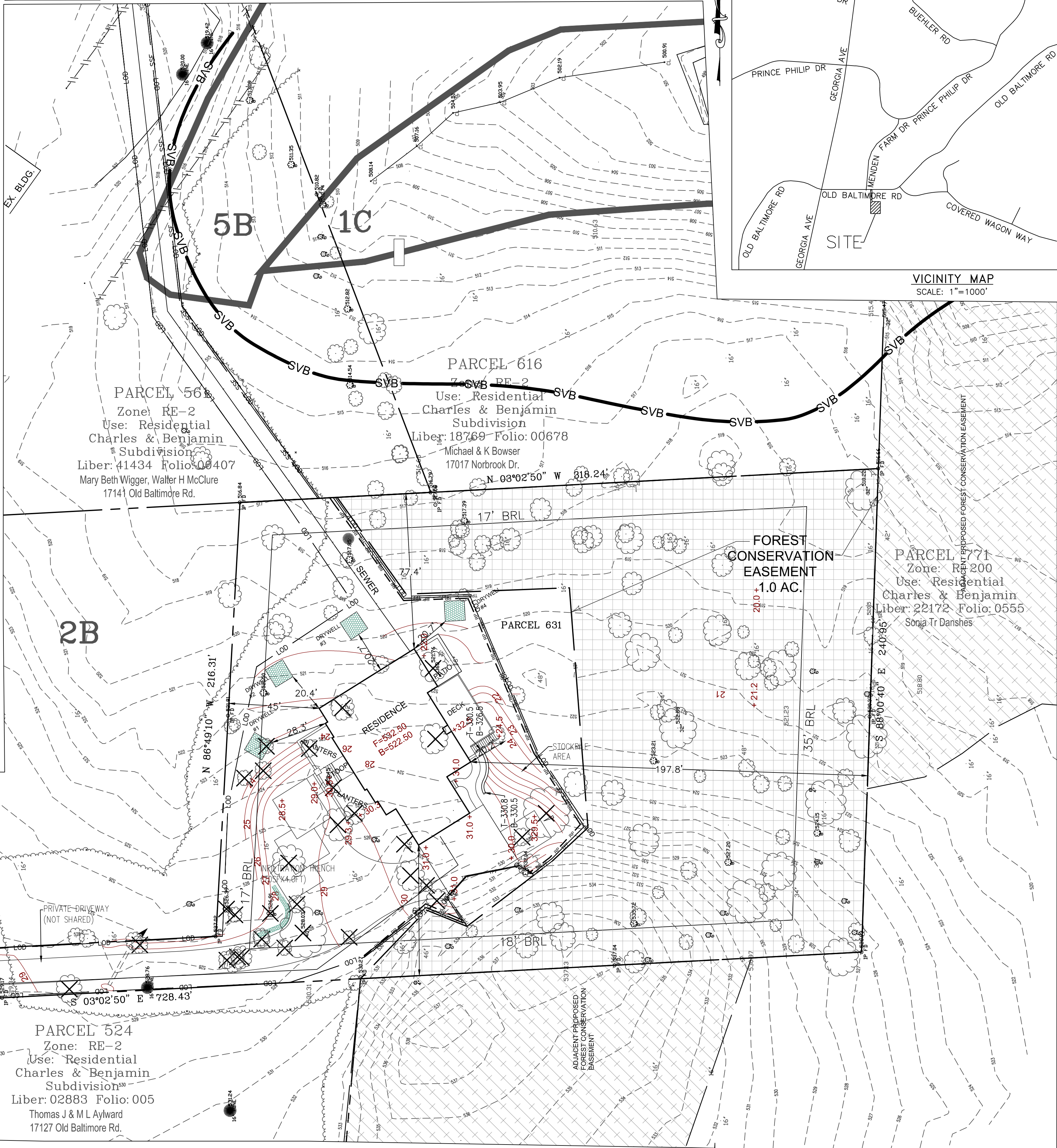
FIRE DEPARTMENT NOTE:
PROPOSED DRIVEWAY IS NOT SHARED AND STRUCTURE CANNOT BE CONSTRUCTED WITHIN 30FT OF THE NEAREST NEIGHBORING OCCUPIED STRUCTURE (MINIMUM 15FT BRLS). FIRE DEPARTMENT ACCESS DRIVEWAY IS NOT NECESSARY. EXISTING OLD BALTIMORE ROAD AND WATER SUPPLY IS COMPLIANT WITH MONTGOMERY COUNTY FIRE DEPARTMENT REQUIREMENTS.



ENLARGED VIEW OF DRIVEWAY ENTRANCE
SCALE: 1" = 16'



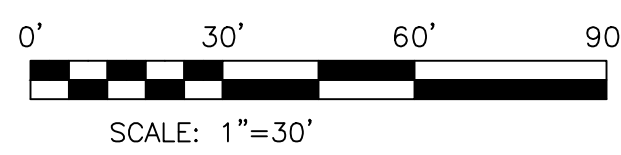
MATCH LINE A-A



LEGENDS

- W EX. WATER MAIN
- PROF. WATER CONNECTION
- EDGE OF PAVEMENT
- EX. CONTOUR LINE
- EX. SPOT ELEVATION
- EX. ROAD CENTER LINE
- PROPERTY LINE

- EASEMENT LINE
- L00 LIMIT OF CLEARING AND GRADING
- SSF SUPER SILT FENCE
- EXISTING TREES
- STABILIZED CONSTRUCTION ENTRANCE
- SVB STREAM VALLEY BUFFER



PLAN NUMBER: PREL-120150210

PROFESSIONAL CERTIFICATION

BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 37638, EXPIRATION DATE 7-9-2019



PARCEL P631, SUBDIVISION 0501

TAX MAP # HT51

17131 OLD BALTIMORE ROAD
OLNEY, MD 20834

PRELIMINARY PLAN

OWNER:
AHMAD SHAFIQ AKBARI,
ZAINAB AKBARI

Sheet No.

1

Project No. 14-102

BHUMA

ENGINEERING, LLC

48477 HOPESTONE TERRACE
CHANTILLY VA 20152
TEL: 703-327-9543
bhumaengineering@gmail.com

ELECTION DISTRICT - 08
MONTGOMERY COUNTY, MARYLAND



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Patty Bubar
Acting Director

MEMORANDUM

April 18, 2018

TO: D. Lee Currey, Acting Director, Water Management Administration
Maryland Department of the Environment

FROM: Alan Soukup, Senior Planner, Water and Wastewater Policy Group
Department of Environmental Protection

SUBJECT: Approval of Comprehensive Water and Sewer Plan Category Map Amendments

This is to notify you that the Acting Director of the Department of Environmental Protection (DEP) has acted to approve two amendments to the County's Comprehensive Water Supply and Sewerage Systems Plan (CWSP) under the authority delegated by the County Council in that Plan. Attached for your consideration and distribution are two copies each of the approval documents addressing the following category map amendments:

Action	Amendment Approved
CR 12-1162 (6/15/93)	Final Action (3/14/18): WSCCR 91B-TRV-01
CR 18-647 (10/25/16)	Final Action (4/18/18): WSCCR 16-OLN-02A

You may also review and download these documents from DEP's Service Area Category Changes webpage at www.montgomerycountymd.gov/waterworks; refer to the "Completed Actions" tab on that page.

Once MDE has concurred with these actions, DEP will revise the water and sewer category map database in the County's geographic information system (GIS), MC:MAPS, to include these amendments, and they will be shown as part of the next Water and Sewer Category Map update.

If you have any questions concerning these actions, please do not hesitate to contact either me at either 240-777-7717 or alan.soukup@montgomerycountymd.gov.

ADS/ads/

R:\Programs\Water_and_Sewer\CCRs\action-transmittals\docs\2018\mde-trns-ltr--2018-0418--finals--16-oln-02a--91b-trv-01.docx

cc: See "DISTRIBUTION" Section of the Attached Approval Document

Attachments



MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION

**Comprehensive Water Supply and Sewerage Systems Plan Amendments
Final Approval Action for County Council Action CR 18-647:
WSSCR 16-OLN-02A (Ahmad Akbari)**

April 18, 2018

AUTHORITY: Chapter 1, Section III.D.10. "Conditional Category Changes", of the Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan authorizes the Director of the Montgomery County Department of Environmental Protection (DEP) to grant final approval for water/sewer service area category change requests (WSSCRs) which have previously received a conditional approval.

BACKGROUND: Conditional Approval Action: The Montgomery County Council acted to conditionally approve this service area category change request, WSSCR 16-OLN-02A (Ahmad Akbari), under County Council action CR 18-647 on October 25, 2016. Under this action, the Council placed the following condition for final approval of category S-3 for the request:

"Maintain S-6, with a final approval action for S-3 conditioned on both of the following requirements:

- **"Confirmation to DEP from DPS that septic system testing results for the property will allow for construction of the applicant's proposed single-family house.**
- **"Confirmation to DEP from WSSC and M-NCPPC that public sewer service can be provided via a non-abutting sewer connection to the existing main located at 17141 Old Baltimore Rd.**

"The applicant's inability to satisfy these requirements will allow for the reconsideration of the request for S-1 by the County Council."

Fulfillment of Conditions: On May 5, 2017, Jason Flemming of the Dept. of Permitting Services (DPS) Well and Septic Section, notified DEP that DPS had identified a suitable septic area on the property. The septic area was sufficient for a six-bedroom house. This action satisfied the first condition for final approval above.

Comments provided by the Washington Suburban Sanitary Commission (WSSC) Development Services Group on February 25, 2016, had confirmed the feasibility of the applicant's proposed offsite sewer hookup alignment to the existing 8-inch sewer main on 17141 Old Baltimore Rd. On March 2, 2018, Jonathan Casey of the Maryland – National Capital Park and Planning Commission (M-NCPPC) Area 3 Team, notified DEP that the existing offsite sewer easement crossing 17141 Old Baltimore Rd. does not overlap a nearby stream buffer. These two actions satisfy the second condition for final approval cited above.

DEP FINAL APPROVAL ACTION: The water and sewer categories designated by the Montgomery County are revised as follows:

WSSCR 16-OLN-02A: Ahmad Akbari					
Property Information and Location Property Development	Applicant's Request County Council Action				
<ul style="list-style-type: none"> • 17131 Old Baltimore Rd., Olney • Parcel P361, Charles & Benjamin (acct. no. 03316277) • Map tile: WSSC – 223NW03; MD – HT51 • South side of Old Baltimore Rd., east of and opposite Menden Farm Dr. • RE-2 Zone; (2.00 acres) • Olney Planning Area Olney Master Plan (2005) • Northwest Branch Watershed (MDE Use IV) • <u>Existing use:</u> vacant, wooded <u>Proposed use:</u> one new single-family house; plan no. 120150210 "Akbari Residence" 	<p><u>Existing - Requested - Service Area Categories</u></p> <table border="0"> <tr> <td>W-1*</td><td>W-1 (No Change)</td></tr> <tr> <td>S-6**</td><td>S-1</td></tr> </table> <p>*W-1 approved under CR 18-647, WSSCR 16-OLN-02A. **With conditional approval for S-3 (see conditions above.)</p> <p>Final Approval Action</p> <p><u>Change S-6, with conditional approval for S-3, to S-3, restricted to a single sewer hookup only.</u></p> <p><i>DEP notes: Sewer service will be provided from the existing 8-inch main on 17141 Old Baltimore Rd., contract no. 1984-6278A (see page 3). This requirement signals to WSSC the County's acceptance for the use of a non-abutting sewer connection for this property.</i></p>	W-1*	W-1 (No Change)	S-6**	S-1
W-1*	W-1 (No Change)				
S-6**	S-1				

Department of Environmental Protection Director's Office – Water and Wastewater Policy Group

Rockville Center ■ 255 Rockville Pike, Suite 120 ■ Rockville, Maryland 20850-4166

Telephone No.: 311/240-777-0311 ■ FAX No.: 240-777-7715

Now therefore be it resolved by the Director of the Montgomery County Department of Environmental Protection that the amendments described above for inclusion in the County's Comprehensive Water Supply and Sewerage Systems Plan are approved. DEP will revise the water and sewer category maps database in the County's geographic information system (GIS), MC:MAPS, to include these amendments, and they will be shown as part of the next interim or triennial general map update.

Approved

Patty Bubar

4/17/18

Patty Bubar, Acting Director
Montgomery County Department of Environmental Protection

DATE

PRELIMINARY PLAN REVIEW for 120150210 "Akbari Residence": The use of public sewer service for the development proposed by this plan is consistent with the restricted S-3 sewer category granted by this final approval action. DEP will continue to monitor the preliminary plan review process to ensure that approved preliminary plan continues to conform to the conditional approval requirements established under CR 18-647.

DISTRIBUTION: Interagency Distribution:

D. Lee Currey, Director, Water and Science Administration, Maryland Department of the Environment
Hans Riemer, President, County Council
Casey Anderson, Chair, Planning Board
Keith Levchenko, County Council
Heidi Benham, Well and Septic Section, DPS
Mark Pfeifferle, Development Applications and Regulatory Coordination Team, M-NCPPC
Pamela Dunn, Functional Planning Team, M-NCPPC
Richard Weaver & Katherine Nelson, Area 3 Planning Team, M-NCPPC
Geoffrey Mason, Parks Planning and Stewardship Division, M-NCPPC
Ray Chicca, Beth Kilbourne, Rufus Leeth, and Tom Gingrich, Development Services Division, WSSC
Luis Tapia, Permit Services Section, WSSC

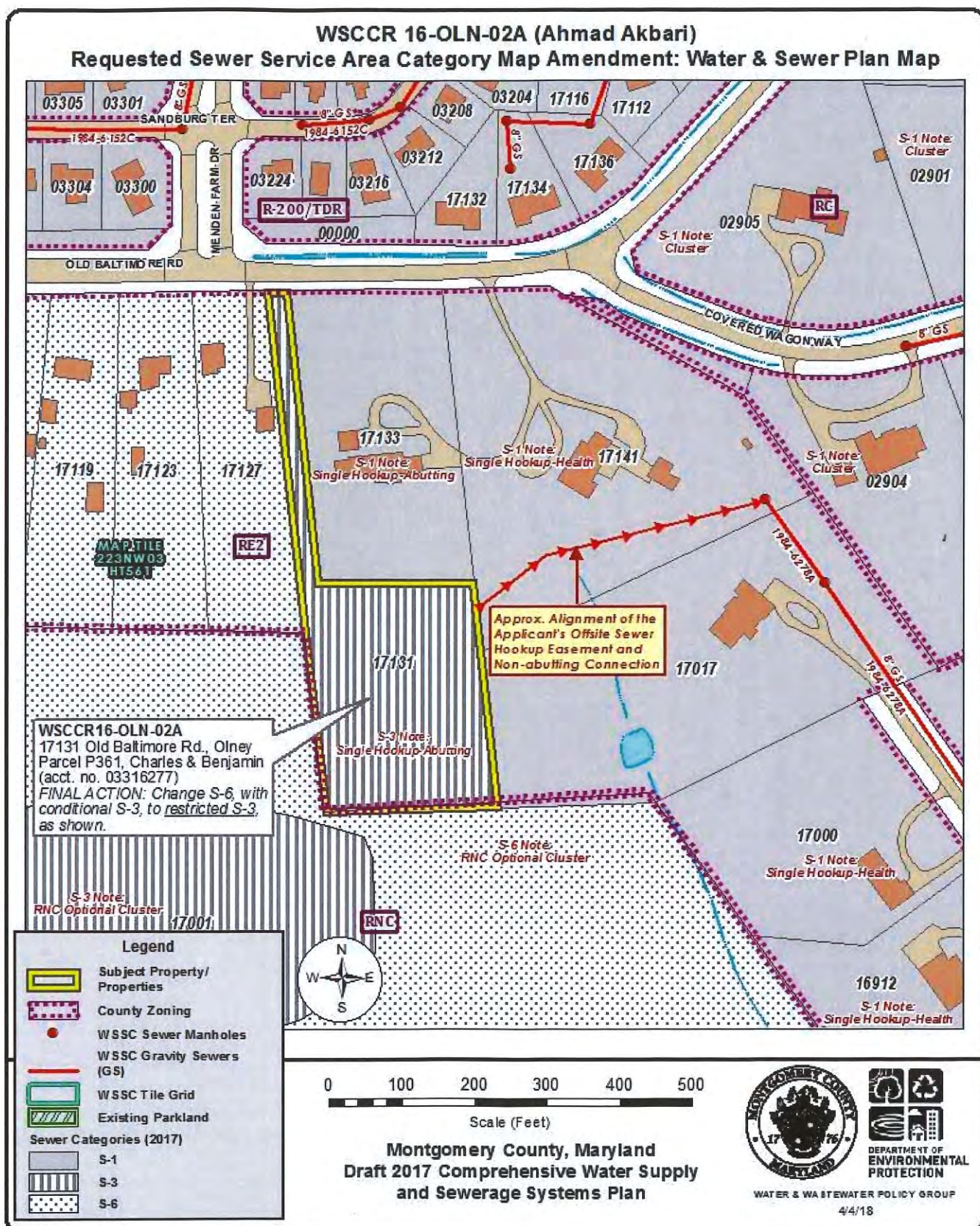
Applicant, Owner & Others Distribution:

Ahmad Akbari
Mahesh Adhikari, Bhuma Engineering

Attachment – Sewer Service Area Category Change Map: See page 3

PB:ADS:ads

R:\Programs\Water_and_Sewer\CCRs\FINAL\CASES\OLN\16-OLN-02A--akbari--s-final\16-oln-02a--final-actn-final--2018-0416.docx



April 11, 2019

Mr. Jonathan Casey, Senior Planner
 M-NCPPC, Area 3 Planning Division
 8787 Georgia Ave
 Silver Spring, MD 20901

RE: Akbari Residence, 17131 Old Baltimore Road, Parcel 631 – (120150210)

Dear Mr. Casey,

On behalf of Ashafiq Akbari, the applicant for the subject project, I am writing to request a waiver of one of the requirements of Chapter 50 (Subdivision of Land) per Section 50-38(a)(1) as it applies to this property. Specifically, we are requesting a waiver from Section 50-30(c)(1) which states, "Roads. In its consideration of the approval of a proposed subdivision, resubdivision or of a preliminary plan of subdivision, or resubdivision, the board shall require the dedication to public use of adequate open spaces for traffic and the coordination of roads within the subdivision with other existing, planned or platted roads, or with other feature of the district, or with the commission's general plan or with any road plan adopted or approved by the commission as a part of the commission's general plan. Such dedication to public use shall be to the full extent of any and all rights-of-way for all roads, street and highways, including widening of any existing street, determined to be necessary and proper and such as would be required by reason of the maximum utilization and development of the subject property in its present zone classification or that higher use shown on any adopted or approved master plan of the applicable jurisdiction." Dedication in accordance with this requirement for this single-lot subdivision project would result in a serious hardship to the applicant than section 50-30(c)(1) intends.

The subject property abuts Old Baltimore Road which is not identified as a Rustic Road. The master plan identifies the right-of-way width of Old Baltimore Road to be 70 feet. Under normal circumstances, dedication of land within 35 feet of the center of Old Baltimore Road would be provided during the subdivision of the property in accordance with the requirements of section 50-30(c)(1). However, dedication of land area from the subject property to this extent would result in a lot size for the one lot proposed of less than the minimum required by Article 59-C of the Montgomery County Zoning Ordinance. Therefore, it is not possible to contemporaneously meet both the requirements of section 50-30(c)(1). and 59-C.

As shown on the Preliminary Plan submitted for this property, the subject site consist of an existing 2.0 acre parcel which was created by deed September 6, 2000. The property is required to meet the area and dimensional requirements of the zone which was in existence when it was created. The current zone of this property is RE-2. The minimum lot size requirements for this property in this zone is 2.0 acres. Since the property as currently exists is exactly 2.0 acres, land dedication of any amount to public use will result in a lot which does not meet the requirements of the RE-2 zone. The frontage for this lot consists of a 25' wide pipe

stem where the driveway will be provided and utility connections will be made. There are no existing or proposed impediments to the construction of a driveway apron and necessary utility connections. The requested right-of-way width will be provided at this pipe stem location in a 435 square foot Public Improvement Easement which is agreeable with Montgomery County Department of Transportation in a letter dated Dec. 28, 2018. The area of the easement is quite small relative to the total area of the proposed lot. An easement of this type is equivalent to a right of way dedication for the purpose of providing utility access. We must therefore request a minor amount of relief from section 50-30(c)(1) so that the requirements of 59-C and the RE-2 zone can be met.

Section 50-38 of Subdivision of Land states "The Board may grant a waiver from a requirements of this Chapter upon determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest." I believe it has been shown that practical difficulties do exist which support granting a waiver of dedication in this case. If a waiver is not granted, the minimum lot size requirement of Section 59-C cannot be met as such the property cannot be recorded as a building lot. Therefore, the requirement to dedicate to meet Section 50-30(c)(1) results in a situation not intended by Chapter 50.

The requested waiver is the minimum necessary to provide relief from the requirements. The waiver is only required so that the minimum lot size requirements of Chapter 59 and RE-2 zone can be met. Granting the waiver allows the property to be recorded as a building lot in conformance with all requirements of Chapter 59.

The requested waiver is not inconsistent with the purposes and objectives of the General Plan. The road will not be widened or improved in such a way that additional right-of-way is needed. The roadway will continue to function as it currently does and will maintain the same relationship to the subject property as currently exists. Even so, the Preliminary Plan for the property proposes to provide an area of easement for public use where dedication would normally exist so that the county will have the ability to maintain and improve the roadway in the future as it sees fit to do so. The fact that dedication of land to the public use will not occur does not in any way interfere with the current or future objectives of the General Plan. The granting of this waiver does not set any precedents for future developments on Old Baltimore Road.

The requested waiver is not adverse to the public interest. In fact, approval of the waiver actually benefits the public interest. Without approval of the waiver, the minimum lot size requirement of the RE-2 zone cannot be met and property cannot be recorded as a building lot. There would be no dedication of land to public use and in this case the situation would remain as currently exists. In order to obtain any necessary right-of-way for old Baltimore Road, the County would need to purchase the land from the property owner. Approval of the requested waiver allows the property to be recorded as a building lot with the proposed easement to public use (in lieu of dedication) at no cost to the County.

We appreciate your consideration of this request. Please let us know if any further information is needed. We look forward to review of this matter before the Planning Board as soon as is practicable.

Submitted by:

David B. Post

David B. Post, ASLA



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Al R. Roshdieli
Director

December 28, 2018

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

RE: Preliminary Plan No. 120150210
Akbari Residence
REVISED LETTER

Dear Mr. Casey:

We have completed our review of the revised preliminary plan uploaded to eplans dated December 10, 2018 and reviewed by the Development Review Committee at its August 31, 2018 meeting. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services (DPS) 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 Comments

1. Per the Olney Master Plan; Old Baltimore Road between Georgia Avenue (MD-97) and Olney Laytonsville Road (MD 108) is classified as an Arterial Road with 70-foot right-of-way and 2-travel lanes. In order to bring Old Baltimore Road up to the 70-foot right-of-way standard, the applicant will need to dedicate an additional 435 square feet; however, this dedication will reduce the lot size to less than the minimum standard. Since the applicant is not subdividing the property to

Office of the Director

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

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

create more than one lot, MCDOT agrees to a Public Improvement Easement (PIE) or similar document, that is approved by the County Attorney. This PIE will be 17.3 feet along the subject site frontage as shown in the plan and be shown on the record plat.

2. Storm Drain Analysis: INCOMPLETE

At permit stage, submit storm drain and/or flood plain studies with computations to Department of Permitting Services (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 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.

Standard Plan Review Comments

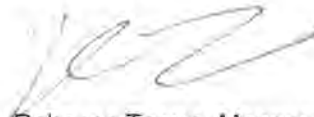
3. The sight distance study has been accepted and attached along with this letter.
4. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
5. The applicant shall establish the slope and grading easements in order to incorporate the roadway cross section for Old Baltimore Road per the Montgomery County standard for an Arterial Road.
6. The Forest Conservation shall not extend into the Slope Easements and the Public Utility Easements.
7. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - a. 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.
 - b. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - c. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by MCDPS and will comply with their

Mr. Jonathan Casey
Preliminary Plan No. 120150210
December 28, 2018
Page 3

specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by MCDPS.

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

Sincerely,



Rebecca Torma, Manager
Development Review Team
Office to Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\Akbari Residence\Letter\120150210- Akbari Residence-DOT Preliminary Plan REVISED Letter

Enclosures: Sight Distance Form (1)

cc: Shafiq Akbari Owner
Mahesh Adhikari Bhuma Engineering
Letters notebook

cc-e: 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: Charles & Benjamin

Preliminary Plan Number: 1- 120150210

Street Name: Old Baltimore Road

Master Plan Road
Classification: Arterial

Posted Speed Limit: 35 mph

Street/Driveway #1 (Driveway)

Street/Driveway #2 (_____)

Sight Distance (feet) OK?
Right 470 yes
Left 560 yes

Sight Distance (feet) OK?
Right _____
Left _____

Comments: _____
Required minimum Sight
Distance available on both sides.

Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

*Source: AASHTO

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

ENGINEER/ SURVEYOR CERTIFICATE

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

Signature

09/26/2018
Date

37638
PLS/P.E. MD Reg. No.

Montgomery County Review:

☒ Approved
☐ Disapproved:

By:
Date: 12/27/18



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 15-Feb-19
TO: Mahesh Adhikari
Bhuma Engineering, LLC
FROM: Marie LaBaw
RE: Akbari Residence
AP#274515 120150210

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **15-Feb-19** .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.

GENERAL NOTES

1. 1 FOOT TOPOGRAPHY SHOWN IS DERIVED FROM A FIELD RUN SURVEY COMPLETED BY KRIS CONSULTANT, INC.
2. PROPERTY IS LOCATED ON DISTRICT 8, TAX MAP HT51, PARCEL 631 AND W.S.S.C. SHEET 223NW03.
3. PROPERTY IS IN RE-2 ZONE PER MONTGOMERY COUNTY ZONING MAP.
4. TOTAL DISTURBED AREA = 0.95 AC

SWM CONCEPT NOTES

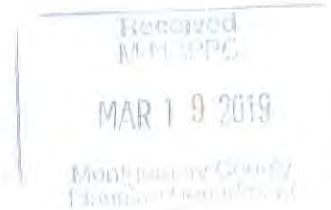
1. STORMWATER MANAGEMENT FOR THE PROPOSED DEVELOPMENT ENVIRONMENT SITE DESIGN (ESD) TO MAXIMUM EXTENT POSSIBLE (MEP) IS PROVIDED BY UTILIZING DRY WELLS ALONG WITH INFILTRATION TRENCH.
 2. THE SUBJECT PROPERTY IS WITHIN THE ANACOSTIA WATERSHED.
- TRIBUTORY-- NORTHWEST BRANCH BACHELOR'S RUN MARYLAND SURFACE WATER STATE CLASS - IV

PROPOSED IMPERVIOUS AREAS:

BUILDING: 3,972 SF
DRIVEWAY: 9,569 SF
SIDEWALK: 2,547 SF
TOTAL = 16,088 SQ. FT.

TOTAL SITE AREA = 87,120 SF

IMPERVIOUS WITHIN NEW COMBINED COVER = 16,088/87,120= 18.47%



SOILS TABLE

SOIL	HYDROLOGIC GROUP	DESCRIPTION
2B	B	GLENELG SILT LOAM 3 TO 8% SLOPES

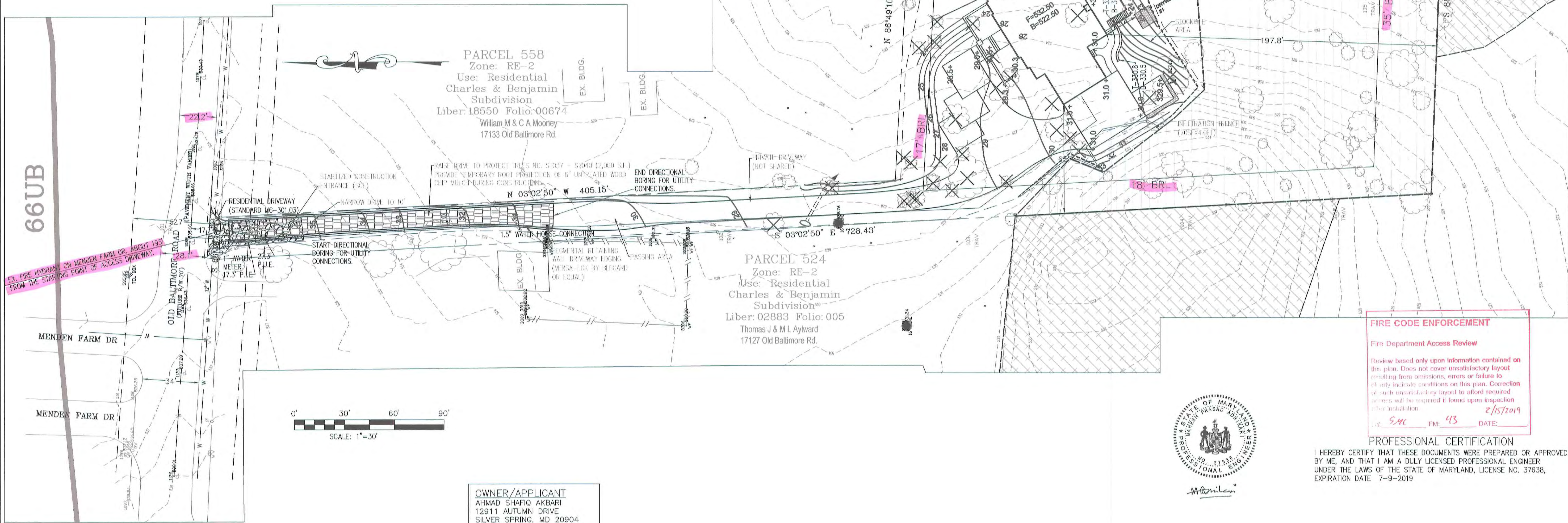


SOILS MAP

SCALE: 1" = 200'

"MISS UTILITY" NOTE

CALL "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF WORK. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDERGROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION.



FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

DATE: 2/15/2019

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. 37638, EXPIRATION DATE 7-9-2019



PARCEL P631, SUBDIVISION 0501

TAX MAP # HT51

17131 OLD BALTIMORE ROAD
OLNEY, MD 20834

ELECTION DISTRICT - 08
MONTGOMERY COUNTY, MARYLAND

STORMWATER MANAGEMENT
CONCEPT PLAN - 1

OWNER:
AHMAD SHAFIQ AKBARI,
ZAINAB AKBARI

Sheet No.

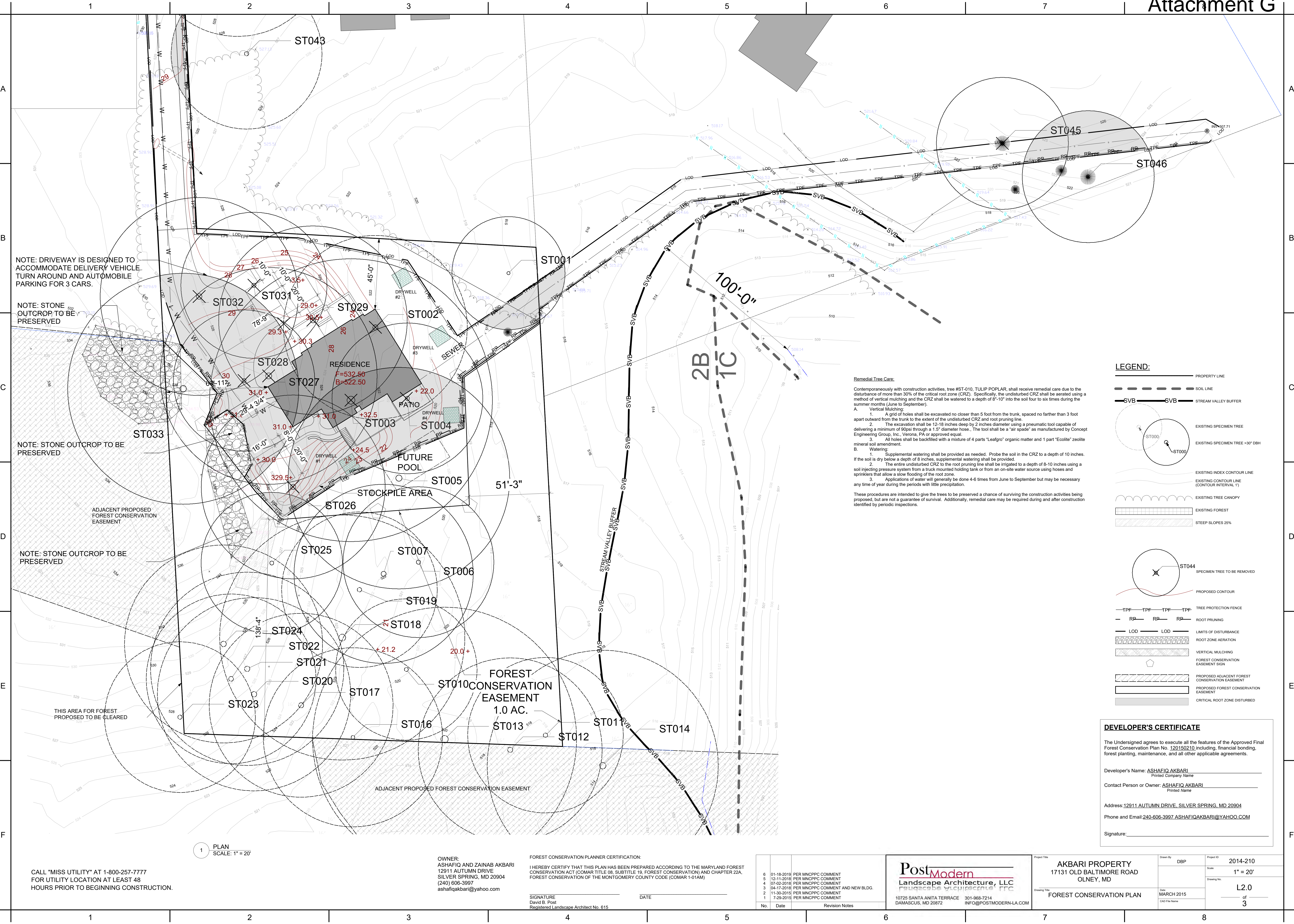
1

Project No. 14-102

BHUMA
ENGINEERING, LLC

43477 HOPESTONE TERRACE
CHANTILLY VA 20152
TEL: 703-927-9543
bhumaengineering@gmail.com





NOTE: DRIVEWAY IS DESIGNED TO ACCOMMODATE DELIVERY VEHICLE TURN AROUND AND AUTOMOBILE PARKING FOR 3 CARS.

NOTE: STONE OUTCROP TO BE PRESERVED

NOTE: STONE OUTCROP TO BE PRESERVED

NOTE: STONE OUTCROP TO BE PRESERVED

THIS AREA FOR FOREST PROPOSED TO BE CLEARED

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

1 PLAN SCALE: 1" = 20'

OWNER:
ASHAFIQ AND ZAINAB AKBARI
12911 AUTUMN DRIVE
SILVER SPRING, MD 20904
(240) 606-3997
ashafiqakbari@yahoo.com

FOREST CONSERVATION PLANNER CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED ACCORDING TO THE MARYLAND FOREST CONSERVATION ACT (COMAR TITLE 08, SUBTITLE 19, FOREST CONSERVATION) AND CHAPTER 22A, FOREST CONSERVATION OF THE MONTGOMERY COUNTY CODE (COMAR 1-01AM)
SIGNATURE: David B. Post
DATE: Registered Landscape Architect No. 615

No.	Date	Revision Notes
6	01-18-2019	PER MNCPPC COMMENT
5	12-11-2018	PER MNCPPC COMMENT
4	07-02-2018	PER MNCPPC COMMENT
3	04-17-2018	PER MNCPPC COMMENT AND NEW BLDG.
2	11-30-2015	PER MNCPPC COMMENT
1	7-29-2015	PER MNCPPC COMMENT

PostModern
Landscape Architecture, LLC
70725 SANTA ANITA TERRACE
DAMASCUS, MD 20872
301-968-7214
INFO@POSTMODERN-LA.COM

Project Title	AKBARI PROPERTY 17131 OLD BALTIMORE ROAD OLNEY, MD
Drawn By	DBP
Project ID	2014-210
Scale	1" = 20'
Drawing No.	L2.0
Date	MARCH 2015
CAD File Name	
Developer's Name	ASHAFIQ AKBARI
Contact Person or Owner	ASHAFIQ AKBARI
Address	12911 AUTUMN DRIVE, SILVER SPRING, MD 20904
Phone and Email	240-606-3997 ASHAFIQAKBARI@YAHOO.COM
Signature	

LEGEND:

- PROPERTY LINE
- SOIL LINE
- SVB
- EXISTING SPECIMEN TREE
- EXISTING SPECIMEN TREE >30" DBH
- EXISTING INDEX CONTOUR LINE
- EXISTING CONTOUR LINE (CONTOUR INTERVAL 1')
- EXISTING TREE CANOPY
- EXISTING FOREST
- STEEP SLOPES 25%
- SPECIMEN TREE TO BE REMOVED
- PROPOSED CONTOUR
- TREE PROTECTION FENCE
- ROOT PRUNING
- LIMITS OF DISTURBANCE
- ROOT ZONE AERATION
- VERTICAL MULCHING
- FOREST CONSERVATION EASEMENT SIGN
- PROPOSED ADJACENT FOREST CONSERVATION EASEMENT
- PROPOSED FOREST CONSERVATION EASEMENT
- CRITICAL ROOT ZONE DISTURBED

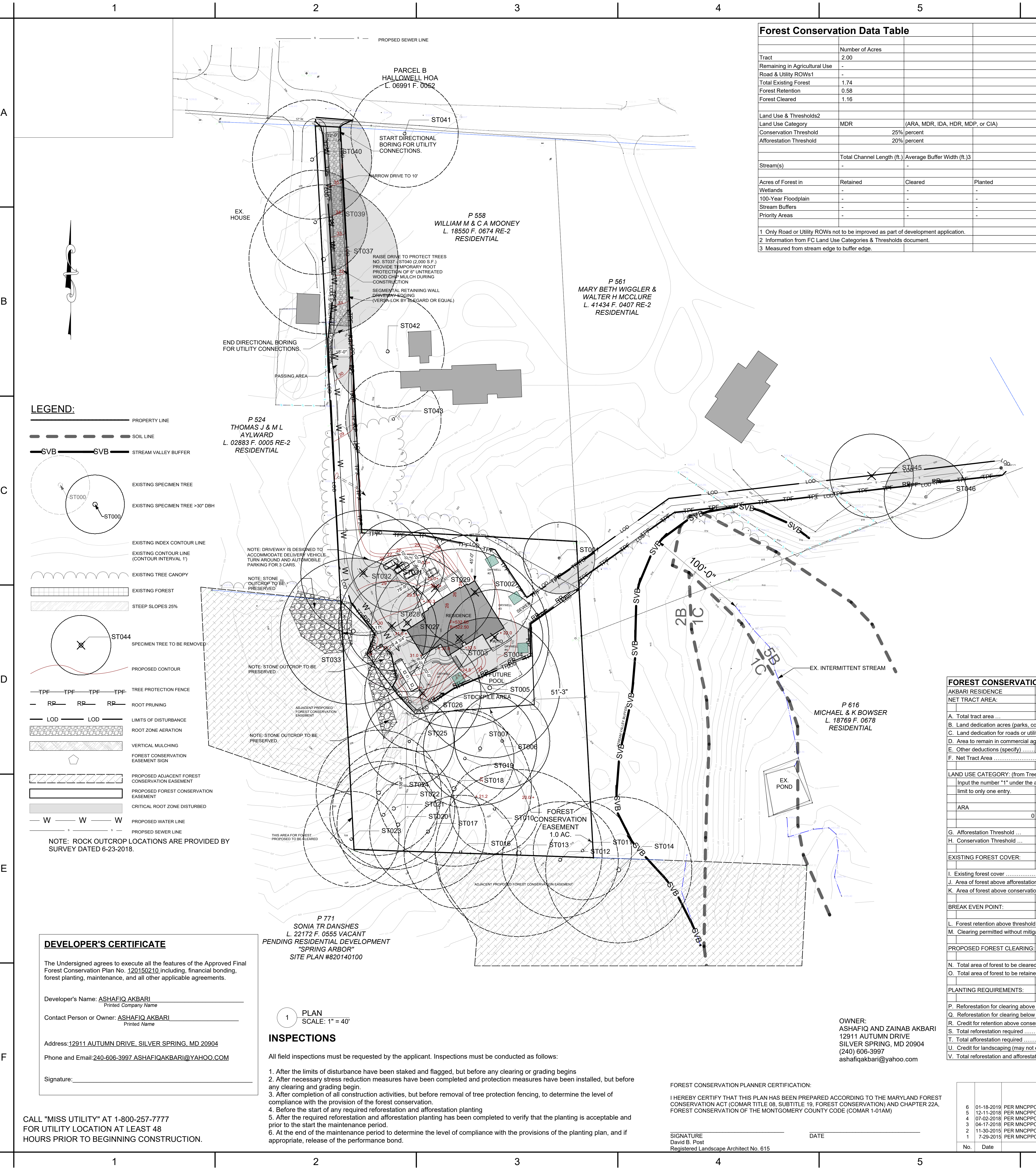
DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 120150210, including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: ASHAFIQ AKBARI
Contact Person or Owner: ASHAFIQ AKBARI

Address: 12911 AUTUMN DRIVE, SILVER SPRING, MD 20904
Phone and Email: 240-606-3997 ASHAFIQAKBARI@YAHOO.COM

Signature:



Forest Conservation Data Table

	Number of Acres		
Tract	2.00		
Remaining in Agricultural Use	-		
Road & Utility ROWs1	-		
Total Existing Forest	1.74		
Forest Retention	0.58		
Forest Cleared	1.16		
Land Use & Thresholds2			
Land Use Category	MDR	(ARA, MDR, IDA, HDR, MDP, or CIA)	
Conservation Threshold	25%	percent	
Afforestation Threshold	20%	percent	
	Total Channel Length (ft.)	Average Buffer Width (ft.)3	
Stream(s)	-	-	
Acres of Forest in	Retained	Cleared	Planted
Wetlands	-	-	-
100-Year Floodplain	-	-	-
Stream Buffers	-	-	-
Priority Areas	-	-	-
1 Only Road or Utility ROWs not to be improved as part of development application.			
2 Information from FC Land Use Categories & Thresholds document.			
3 Measured from stream edge to buffer edge.			

NOTES:

- 1) TOTAL TRACT AREA: 2.00 ACRES
- 2) CURRENT ZONING: RE-2
- 3) WATERSHED: NORTHWEST BRANCH - BATCHELLORS RUN
- 4) USE CLASS OF STREAM: IV
- 5) SPECIAL PROTECTION OF PRIMARY MANAGEMENT AREAS: NONE
- 6) FLOODPLAIN: NONE SOURCE: FEMA FLOOD INSURANCE RATE MAP 2400490150B AND MONTGOMERY COUNTY GIS
- 7) WETLAND: NONE SOURCE: MONTGOMERY COUNTY GIS
- 8) RARE, THREATENED, OR ENDANGERED SPECIES: NONE OBSERVED
- 9) HISTORIC SITES: NO HISTORIC FEATURES ON SITE. ONE HISTORIC PROPERTY IS LOCATED APPROXIMATELY 500' WEST OF THE PROPERTY
- 10) METHOD USED TO MEASURE DIAMETER OF TREES: DIAMETER TAPE
- 11) DATE FIELD WORK CONDUCTED: OCTOBER 17, 2014
- 12) FIELD WORK CONDUCTED BY DAVID POST
- 13) STEEP SLOPES ON PROPERTY GREATER THAN 25 PERCENT WERE FOUND
- 14) ONE STREAM AND A POND ARE LOCATED APPROXIMATELY 175' EAST OF THE PROPERTY
- 15) TOPOGRAPHIC SURVEY DATA TAKEN FROM PARTIAL TOPOGRAPHIC SURVEY PREPARED BY THE PROPERTY OWNER OCTOBER 1, 2014

EXISTING TREE LIST

ID	Botanical Name	Common Name	Diameter at Breast Height	2011 MONTGOMERY COUNTY CHAMPION (DBH x 75%)	Critical Root Zone	Condition	CRZ (S.F.)	CRZ DISTURBED (S.F.)	CRZ DISTURBED (%)	SAVE OR REMOVE	Notes
ST001	Liriodendron tulipifera	Tulip Poplar	24 INCHES	70 INCHES	72 FEET	Excellent	4072	937	23%	SAVE	
ST002	Liriodendron tulipifera	Tulip Poplar	39 INCHES	70 INCHES	117 FEET	Fair	10753		0%	REMOVE	CROWN DIEBACK, SIGNIFICANT LEAN
ST003	Quercus rubra	Northern Red Oak	60 INCHES	55 INCHES	180 FEET	Good	25450		0%	REMOVE	DBH IS 81% OF COUNTY CHAMPION
ST004	Liriodendron tulipifera	Tulip Poplar	32 INCHES	70 INCHES	96 FEET	Good	7241		0%	REMOVE	
ST005	Liriodendron tulipifera	Tulip Poplar	47 INCHES	70 INCHES	141 FEET	Excellent	15619	5830	37%	SAVE	
ST006	Liriodendron tulipifera	Tulip Poplar	32 INCHES	70 INCHES	96 FEET	Good	7241		0%	SAVE	
ST007	Liriodendron tulipifera	Tulip Poplar	38 INCHES	70 INCHES	114 FEET	Good	10211		0%	SAVE	
ST008	Liriodendron tulipifera	Tulip Poplar	25 INCHES	70 INCHES	75 FEET	Fair	4417		0%	SAVE	BACTERIAL WETWOOD INDICATES STRESS
ST009	Liriodendron tulipifera	Tulip Poplar	24 INCHES	70 INCHES	72 FEET	Good	4072		0%	SAVE	
ST010	Liriodendron tulipifera	Tulip Poplar	30 INCHES	70 INCHES	90 FEET	Good	6363		0%	SAVE	
ST011	Liriodendron tulipifera	Tulip Poplar	33 INCHES	70 INCHES	99 FEET	Good	7699		0%	SAVE	
ST012	Liriodendron tulipifera	Tulip Poplar	39 INCHES	70 INCHES	117 FEET	Fair	10753		0%	SAVE	BROKEN LEADER
ST013	Liriodendron tulipifera	Tulip Poplar	56 INCHES	70 INCHES	168 FEET	Good	22173		0%	SAVE	BOSTON IVY, SOME DEAD BRANCHES
ST014	Liriodendron tulipifera	Tulip Poplar	49 INCHES	70 INCHES	147 FEET	Good	16971		0%	SAVE	TWIN
ST015	Liriodendron tulipifera	Tulip Poplar	26 INCHES	70 INCHES	78 FEET	Fair	4780		0%	SAVE	BOSTON IVY & VA. CREEPER
ST016	Liriodendron tulipifera	Tulip Poplar	28 INCHES	70 INCHES	114 FEET	Good	5541		0%	SAVE	
ST017	Liriodendron tulipifera	Tulip Poplar	39 INCHES	70 INCHES	117 FEET	Fair	10753		0%	SAVE	BROKEN SCAFFOLD LIMBS
ST018	Liriodendron tulipifera	Tulip Poplar	52 INCHES	70 INCHES	156 FEET	Poor	19113		0%	SAVE	LARGE CAVITY, WEAK CROWN
ST019	Liriodendron tulipifera	Tulip Poplar	33 INCHES	70 INCHES	99 FEET	Good	7699		0%	SAVE	
ST020	Liriodendron tulipifera	Tulip Poplar	41 INCHES	70 INCHES	123 FEET	Good	11886		0%	SAVE	
ST021	Liriodendron tulipifera	Tulip Poplar	41 INCHES	70 INCHES	123 FEET	Good	11886		0%	SAVE	
ST022	Liriodendron tulipifera	Tulip Poplar	36 INCHES	70 INCHES	108 FEET	Good	9162		0%	SAVE	
ST023	Liriodendron tulipifera	Tulip Poplar	32 INCHES	70 INCHES	96 FEET	Good	7241		0%	SAVE	FUTURE CLEARING ON ADJ. PROP.
ST024	Quercus alba	White Oak	42 INCHES	57 INCHES	126 FEET	Excellent	12471		0%	SAVE	
ST025	Liriodendron tulipifera	Tulip Poplar	30 INCHES	70 INCHES	90 FEET	Good	6363	285	4%	SAVE	
ST026	Liriodendron tulipifera	Tulip Poplar	39 INCHES	70 INCHES	117 FEET	Fair	10753		0%	REMOVE	DEAD SCAFFOLD BRANCHES
ST027	Liriodendron tulipifera	Tulip Poplar	46 INCHES	70 INCHES	138 FEET	Fair	14956		0%	REMOVE	LARGE CAVITY
ST028	Liriodendron tulipifera	Tulip Poplar	30 INCHES	70 INCHES	90 FEET	Good	6363		0%	REMOVE	
ST029	Liriodendron tulipifera	Tulip Poplar	40 INCHES	70 INCHES	120 FEET	Good	11309		0%	REMOVE	
ST030	Quercus alba	White Oak	26 INCHES	57 INCHES	78 FEET	Fair	4780		0%	REMOVE	DEAD SCAFFOLD BRANCHES
ST031	Acer rubrum	Red Maple	31 INCHES	53 INCHES	93 FEET	Fair	6792		0%	REMOVE	LEANING, TWIN, DEAD SCAFFOLD BRANCHES
ST032	Quercus alba	White Oak	42 INCHES	57 INCHES	126 FEET	Good	12471		0%	REMOVE	
ST033	Liriodendron tulipifera	Tulip Poplar	49 INCHES	70 INCHES	147 FEET	Good	16971	6215	36%	SAVE	
ST034	Liriodendron tulipifera	Tulip Poplar	26 INCHES	70 INCHES	78 FEET	Poor	4780		0%	SAVE	LARGE CAVITY
ST035	Juglans nigra	Black Walnut	27 INCHES	43 INCHES	81 FEET	Fair	5154		0%	SAVE	DBH IS 72% OF COUNTY CHAMPION
ST036	Carya glabra	Pignut Hickory	26 INCHES	27 INCHES	78 FEET	Good	4780		0%	SAVE	EX. PAVING WITHIN 3' WEST
ST037	Liriodendron tulipifera	Tulip Poplar	50 INCHES	70 INCHES	150 FEET	Good	17677	8117	46%	SAVE	
ST038	Acer rubrum	Red Maple	25 INCHES	53 INCHES	73 FEET	Good	4417		0%	SAVE	
ST039	Platanus occidentalis	American Sycamore	35 INCHES	61 INCHES	105 FEET	Good	8662	2179	25%	SAVE	
ST040	Quercus alba	White Oak	40 INCHES	57 INCHES	120 FEET	Excellent	11309	3851	34%	SAVE	
ST041	Liriodendron tulipifera	Tulip Poplar	36 INCHES	70 INCHES	108 FEET	Fair	9162		0%	SAVE	4' FROM EDGE OF ROAD
ST042	Liriodendron tulipifera	Tulip Poplar	38 INCHES	70 INCHES	114 FEET	Good	10211	1203	12%	SAVE	
ST043	Liriodendron tulipifera	Tulip Poplar	32 INCHES	70 INCHES	96 FEET	Good	7239	337	5%	SAVE	
ST045	Pinus strobus	White Pine	28 INCHES	49 INCHES	84 FEET	Good	5542		0%	REMOVE	
ST046	Pinus strobus	White Pine	28 INCHES	49 INCHES	84 FEET	Good	5542	1709	30%	SAVE	

Existing trees indicated in BOLD are to be removed.
Specimen trees indicated in BOLD and ITALIC require a variance request for removal.

FOREST CONSERVATION WORKSHEET

AKBARI RESIDENCE	
NET TRACT AREA:	
A. Total tract area ...	2.16 AC
B. Land dedication acres (parks, county facility, etc.) ...	0.00 AC
C. Land dedication for roads or utilities (not being constructed by this project) ...	0.00 AC
D. Area to remain in commercial agricultural production/use ...	0.00 AC
E. Other deductions (specify) ...	0.00 AC
F. Net Tract Area ...	2.16 AC
LAND USE CATEGORY: (from Trees Technical Manual)	
Input the number "1" under the appropriate land use.	
limit to only one entry.	
ARA	MDR IDA HDR MPD CIA
	0 1 0 0 0 0
G. Afforestation Threshold ...	
20% x F =	
0.43 AC	
H. Conservation Threshold ...	
25% x F =	
0.54 AC	
EXISTING FOREST COVER:	
I. Existing forest cover ...	1.74 AC
J. Area of forest above afforestation threshold ...	1.31 AC
K. Area of forest above conservation threshold ...	1.20 AC
BREAK EVEN POINT:	
L. Forest retention above threshold with no mitigation ...	0.78 AC
M. Clearing permitted without mitigation ...	0.96 AC
PROPOSED FOREST CLEARING:	
N. Total area of forest to be cleared ...	0.74 AC
O. Total area of forest to be retained ...	1.00 AC
PLANTING REQUIREMENTS:	
P. Reforestation for clearing above conservation threshold ...	0.19 AC
Q. Reforestation for clearing below conservation threshold ...	0.00 AC
R. Credit for retention above conservation threshold ...	0.46 AC
S. Total reforestation required ...	0.00 AC
T. Total afforestation required ...	0.00 AC
U. Credit for landscaping (may not exceed 20% of "S") ...	0.00 AC
V. Total reforestation and afforestation required ...	0.00 AC

Sequence of Events

- Pre-Construction**
1. An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner should contact the Montgomery County Planning Department inspection staff before construction to verify the limits of disturbance and discuss tree protection and tree care measures. The developer's representative, construction superintendent, ISA certified arborist or Maryland-licensed tree expert that will implement the tree protection measures, forest conservation inspector, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.
 2. No clearing or grading shall begin before stress-reduction measures have been implemented. Appropriate measures may include, but are not limited to:
 - a. Root pruning
 - b. Crown reduction or pruning
 - c. Watering
 - d. Fertilizing
 - e. Vertical mulching
 - f. Root aeration matting
 - g. Measures not specified on the forest conservation plan may be required as determined by the forest conservation inspector in coordination with the arborist.
 3. A Maryland-licensed tree expert or an International Society of Arboriculture- certified arborist must perform all stress reduction measures. Documentation of stress reduction measures must be either observed by the forest conservation inspector or sent to the inspector at 8787 Georgia Avenue, Silver Spring, MD 20910. The forest conservation inspector will determine the exact method to convey the stress reductions measures during the pre-construction meeting.
 4. Temporary tree protection devices shall be installed per the Forest Conservation Plan/Tree Save Plan and prior to any construction activities. Tree protection fencing locations should be staked prior to the pre-construction meeting. The forest conservation inspector, in coordination with the DPS sediment control inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan. Temporary tree protect devices may include:
 - a. Chain link fence (four feet high)
 - b. Super site fence with wire strung between support poles (minimum 4 feet high) with high visibility flagging.
 - c. 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
 5. Temporary protection devices shall be maintained and installed by the contractor for the duration of construction project and must not be altered without prior approval from the forest conservation inspector. No equipment, trucks, materials, or debris may be stored within the tree protection fence areas during the entire construction project. No vehicle or equipment access to the fenced area will be permitted. Tree protection shall not be removed without prior approval of forest conservation inspector.
 6. Forest retention area signs shall be installed as required by the forest conservation inspector, or as shown on the approved plan.
 7. Long-term protection devices will be installed per the Forest Conservation Plan/Tree Save Plan and attached details. Installation will occur at the appropriate time during the construction project. Refer to the plan drawing for long-term protection measures to be installed.
- During Construction**
8. Periodic inspections by the forest conservation inspector will occur during the construction project. Corrections and repairs to all tree protection devices, as determined by the forest conservation inspector, must be made within the timeframe established by the inspector.
- Post-Construction**
9. After construction is completed, an inspection shall be requested. Corrective measures may include:
 - a. Removal and replacement of dead and dying trees
 - b. Pruning of dead or declining limbs
 - c. Soil aeration
 - d. Fertilization
 - e. Watering
 - f. Wound repair
 - g. Clean up of retention areas
 10. After inspection and completion of corrective measures have been undertaken, all temporary protection devices shall be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both the Department of Permitting Services and the forest conservation inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.

DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 120150210 including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: ASHAFIQ AKBARI

Printed Company Name

Contact Person or Owner: ASHAFIQ AKBARI

Printed Name

Address: 12911 AUTUMN DRIVE, SILVER SPRING, MD 20904

Phone and Email: 240-606-3997 ASHAFIQAKBARI@YAHOO.COM

Signature: _____

1 PLAN SCALE: 1" = 40'

INSPECTIONS

All field inspections must be requested by the applicant. Inspections must be conducted as follows:

1. After the limits of disturbance have been staked and flagged, but before any clearing or grading begins
2. After necessary stress reduction measures have been completed and protection measures have been installed, but before any clearing and grading begin.
3. After completion of all construction activities, but before removal of tree protection fencing, to determine the level of compliance with the provision of the forest conservation.
4. Before the start of any required reforestation and afforestation planting
5. After the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start the maintenance period.
6. At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate, release of the performance bond.

FOREST CONSERVATION PLANNER CERTIFICATION:

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

SIGNATURE David B. Post Registered Landscape Architect No. 615

DATE

OWNER: ASHAFIQ AND ZAINAB AKBARI 12911 AUTUMN DRIVE SILVER SPRING, MD 20904 (240) 606-3997 ashafiqakbari@yahoo.com

No.	Date	Revision Notes
6	01-18-2019	PER MNCPPC COMMENT
5	12-11-2018	PER MNCPPC COMMENT
4	07-02-2018	PER MNCPPC COMMENT
3	04-17-2018	PER MNCPPC COMMENT AND NEW BLDG.
2	11-30-2016	PER MNCPPC COMMENT
1	7-29-2016	PER MNCPPC COMMENT

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

Project Title	AKBARI PROPERTY 17131 OLD BALTIMORE ROAD OLNEY, MD	Drawn By	DBP	Project ID	2014-210
Scale	1" = 40'	Sheet			
Drawing No.	L1.0	Date	MARCH 2015		
of	3	CAD File Name			

Feb. 25, 2019

Mr. Josh Penn, Senior Planner
 M-NCPPC, Area 2 Planning Division
 8787 Georgia Ave
 Silver Spring, MD 20901

RE: Variance Request - Akabari Property

A. Background Information:

The applicant for a variance pursuant to the provisions of Section 22A-21 of the Montgomery County code is Ahmad Shafiq Akbari, (owner/applicant). The two (2) acre property located at 17131 Old Baltimore Road, Olney, MD is zoned RE-2. The proposed plan is to build a private residence. The variance is necessary to allow removal and disturbance of trees on the property that are 30" diameter at breast height (DBH).

B. Proposed Development:

The applicant's site development plan includes a main residence, with attached garage, parking court, driveway, and terraces. The driveway is located in a 25 foot wide pipe stem section of the property that fronts Old Baltimore Road. The structures will be located within the remainder of the property which is currently mostly forested. Stormwater management is being provided by dry wells from each downspout. While most of the utility connections will be provided through the property via the pipe-stem, the sewer connection will be provide by easement through the adjacent property. The removal of nine (9) specimen trees is unavoidable given he limited area of developable site that is not forested. Eight (8) other trees with a 30" DBH (diameter at breast height) or greater will be preserved on site with some critical root zone impact. The plan proposes to save twenty four (24) specimen trees with a 30" minimum DBH and an additional ten (10) trees with a 24" minimum DBH.

The development window is designed to provide forest conservation easement on three sides of the property that will be contiguous with forest conservation easements on the adjacent west and south property lines. In addition, a fifty foot (50') wide section wide section of forest conservation easement will provide additional protection of the stream valley buffer located on the adjacent property to the east.

C. Specific Specimen Trees (30" DBH) to Be Removed:

Tree No. ST002: Tulip Poplar / Liriodendron tulipifera - 39" DBH, fair condition with crown dieback with significant lean. Tree is within the limits of disturbance.

Tree No. ST003: Northern Red Oak / Quercus rubra - 60" DBH, good condition. The DBH is 81% of the county champion. This tree is located within the footprint of the proposed house.

Tree No. ST004: Tulip Poplar / Liriodendron tulipifera - 32" DBH, good condition, within the limits of disturbance.

Tree No. ST026: Tulip Poplar / Liriodendron tulipifera - 39" DBH, fair condition with dead scaffold branches. Tree is within the limits of disturbance and would likely not survive the disturbance to the CRZ if it were to be saved.

Tree No. ST027: Tulip Poplar / Liriodendron tulipifera - 46" DBH, fair condition with large cavity. Tree is within the limits of disturbance.

Tree No. ST028: Tulip Poplar / Liriodendron tulipifera - 30" DBH, good condition. Tree is within the limits of disturbance.

Tree No. ST029: Tulip Poplar / Liriodendron tulipifera - 40" DBH, good condition. Tree is within the limits of disturbance.

Tree No. ST031: Red Maple / Acer rubrum - 31" DBH, fair condition, leaning, twin, dead scaffold branches. Tree is within the limits of disturbance.

Tree No. ST032: White Oak / Quercus alba - 42" DBH, good condition. Tree is within the limits of disturbance.

D. Specimen Trees (30" DH) with Critical Root Zone Impact to be retained:

Tree No. ST005: Tulip Poplar / Liriodendron tulipifera - 47" DBH, excellent condition with 37% root zone impact. This tree is located in an area of the back yard close to the house and where a future swimming pool is to be located, therefore, it is not protected by the Forest Conservation Easement.

Tree No. ST025: Tulip Poplar / Liriodendron tulipifera - 30" DBH, good condition with 4% root zone disturbance.

Tree No. ST033: Tulip Poplar / Liriodendron tulipifera - 49" DBH, good condition with 36% root zone disturbance. This tree is located within 100' of the panhandle portion of the parcel where the driveway is located. Because it is close to the

existing rock outcrop to be preserved, it will be somewhat naturally protected. Root pruning and tree protection fencing are provided.

Tree No. ST037: Tulip Poplar / *Liriodendron tulipifera* - 50" DBH, good condition with 46% root zone impact. This tree is on the property line of the adjacent parcel 524 and lies between an existing driveway to the West and the proposed driveway to the East in the panhandle portion providing the only road frontage and driveway access to the subject parcel. A raised paving system and directional horizontal boring will be employed to protect the critical root zone.

Tree No. ST039: American Sycamore / *Platanus occidentalis* - 35" DBH, good condition with 25% root zone impact. This tree is on the adjacent parcel 524 and lies between an existing driveway to the West and the proposed driveway to the East in the panhandle portion providing the only road frontage and driveway access to the subject parcel. A raised paving system and directional horizontal boring will be employed to protect the critical root zone.

Tree No. ST040: White Oak / *Quercus alba* - 40" DBH, excellent condition with a 34% root zone impact. This tree is on the adjacent parcel 524 and lies between an existing driveway to the West and the proposed driveway to the East in the panhandle portion providing the only road frontage and driveway access to the subject parcel. A raised paving system and directional horizontal boring will be employed to protect the critical root zone.

Tree No. ST042: Tulip Poplar / *Liriodendron tulipifera* - 38" DBH, good condition with a 12% root zone impact. This tree is on the adjacent parcel 558 and lies to the East of the proposed driveway panhandle portion providing the only road frontage and driveway access to the subject parcel.

Tree No. ST043: Tulip Poplar / *Liriodendron tulipifera* - 32" DBH, good condition with a 5% root zone impact. This tree is on the adjacent parcel 558 and lies to the East of the proposed driveway panhandle portion providing the only road frontage and driveway access to the subject parcel.

E. Justification Statement:

1. *Describe the special conditions peculiar to the property which would cause the unwarranted hardship;*

The subject property is approximately 2.00 acres and includes approximately 1.74 acres of forest. The property is undeveloped. The forest is near climax stage and contains many significant trees and some steep slopes with outcroppings. It does not contain any streams, wetlands or other priority areas, however, a stream is located on adjacent Parcel 616 to the East. In addition,

there is existing Forest conservation Easement on parcel 771 to the South. The applicant is proposing to build a single family residence on the site and has centered the improvements in a way to minimize impacts to trees and forest. Three specimen trees line the panhandle portion of the property where the driveway and utility connections will be located and will be within their critical root zones. In order to protect these trees, tree protection matting will be provided during construction, utilities will be directionally bored under the root zones and the driveway will be placed on grade with root protection matting. Through no fault of their own, the applicant cannot connect to public sewer at the lot frontage. Sewer will be connected through adjacent properties with an alignment that will not disturb any specimen trees. The alignment of the sewer house connection is located specifically to miss an adjacent stream valley buffer. In order to provide sewer to the basement level the house is set at an elevation which allow gravity flow to the sewer connection shown.

Given the restraints of the site for building construction, the circumstances of the impacts as described above and the lack of reasonable alternatives, not allowing the impacts would be a hardship that is not warranted in light of the special conditions particular to the property.

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

The affected trees are located within and outside of the developable area on the property. The inability to impact the subject trees would limit the development of the property. This creates a significant disadvantage for the applicant and deprives the applicant of the rights enjoyed by the neighboring and/or similar properties not subject to this approval process.

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

Stormwater Management Concept has been submitted for the project. The approval of this plan will confirm that the goals and objectives of the current state water quality standards are being met.

4. *Provide any other information appropriate to support the request.*

Pursuant to Section 22A 21(d) Minimum Criteria for Approval.

(1) The Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available by any other applicants.

The variance will not confer a special privilege because the impact is due to the development of the site. The site constraints are explained above. The constraints constrict the development area of the property and do not leave a reasonable alternative for the applicant to meet their needs.

(2) The variance request is not based on conditions or circumstances which result from the actions of the applicant.

The property is developed and is constrained by site conditions and development constraints that already exist as detailed above. The applicant has worked with MNCP-PC staff to mitigate, as much as possible, the amount of disturbance which is inherent in the construction of a single family residence, driveway and associated grading and stormwater management. The building footprint has been reduced to a modest size. A proposed swimming pool has been eliminated from the application. A circular driveway was changed to a pull in turnaround. As there is no on street parking available and because of the long pipe stem configuration of the site, the turnaround driveway configuration allows for deliveries, large vehicle maneuvering and area for a few visiting family and friends. A very small play lawn area is proposed for the back yard. Therefore, the requested variance is not based on conditions or circumstances which are the result of the applicant which are not normally associated with the construction of a single family residence in Montgomery County.

(3) The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property.

The requested variance is a result of the topography and location of the storm drain relative to the trees to be impacted and not a result of land or building use on a neighboring property. The location of the existing storm drain and topography dictates the necessary locations for the outfall.

(4) Will not violate State water standards or cause measurable degradation in water quality. Full ESD stormwater management will be provided as part of the proposed development.

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being impacted are not within a special protection area. The Montgomery County Department of Permitting Services approval of the Stormwater concept for the property will confirm that the goals and objectives of the current state water quality standards are being met.

A copy of the Forest Conservation Plan and a variance tree spreadsheet have been provided as part of this variance request. Please let us know if any other information is necessary to support this request.

Please contact me via email, at DBPOST@GMAIL.COM or phone, at (301) 968-7214 should you have any additional comments or concerns.

Submitted by:

David B. Post

David B. Post, ASLA
PostModern Landscape Architecture, LLC
Registered Landscape Architect #615
I.S.A Certified Arborist #MA-5220-A

ID	Botanical Name	Common Name	DBH	2011 MONTGOMERY COUNTY CHAMPION (DBH x 75%)	Condition	CRZ (S.F.)	CRZ DISTURBED (S.F.)	CRZ DISTURBED (%)	SAVE OR REMOVE	Notes
ST002	Liriodendron tulipifera	Tulip Poplar	39	70	Fair	10753		100%	REMOVE	CROWN DIEBACK, SIGNIFICANT LEAN
ST003	Quercus rubra	Northern Red Oak	60	55	Good	25450		100%	REMOVE	DBH IS 81% OF COUNTY CHAMPION
ST004	Liriodendron tulipifera	Tulip Poplar	32	70	Good	7241		100%	REMOVE	
ST005	Liriodendron tulipifera	Tulip Poplar	32	70	Good	7241		37%	SAVE	
ST025	Liriodendron tulipifera	Tulip Poplar	30	70	Good	6363	285	4%	SAVE	
ST026	Liriodendron tulipifera	Tulip Poplar	39	70	Fair	10753		100%	REMOVE	DEAD SCAFFOLD BRANCHES
ST027	Liriodendron tulipifera	Tulip Poplar	46	70	Fair	14956		100%	REMOVE	LARGE CAVITY
ST028	Liriodendron tulipifera	Tulip Poplar	30	70	Good	6363		100%	REMOVE	
ST029	Liriodendron tulipifera	Tulip Poplar	40	70	Good	11309		100%	REMOVE	
ST031	Acer rubrum	Red Maple	31	53	Fair	6792		100%	REMOVE	LEANING, TWIN, DEAD SCAFFOLD BRANCHES
ST032	Quercus alba	White Oak	42	57	Good	12471		100%	REMOVE	
ST033	Liriodendron tulipifera	Tulip Poplar	49	70	Good	16971	6215	36%	SAVE	
ST037	Liriodendron tulipifera	Tulip Poplar	50	70	Good	17677	8117	46%	SAVE	EX. PAVING WITHIN 3' WEST
ST039	Platanus occidentalis	American Sycamore	35	61	Good	8662	2179	25%	SAVE	
ST040	Quercus alba	White Oak	40	57	Excellent	11309	3851	34%	SAVE	
ST042	Liriodendron tulipifera	Tulip Poplar	38	70	Good	10211	1203	12%	SAVE	
ST043	Liriodendron tulipifera	Tulip Poplar	32	70	Good	7239	337	5%	SAVE	



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Diane R. Schwartz Jones
Director

March 11, 2019

Mr. Mahesh Adhikari
Bhuma Engineering, LLC.
43477 Hopestone Terrace
Chantilly VA 20152

**Re: COMBINED STORMWATER
MANAGEMENT CONCEPT/SITE
DEVELOPMENT STORMWATER
MANAGEMENT PLAN** for
Akbari Residence
Preliminary Plan #: NA
SM File #: 274515
Tract Size/Zone: 2.00ac
Total Concept Area: 0.95ac
Lots/Block: NA
Parcel(s): P361
Watershed: Northwest Branch

Dear Mr. Adhikari:

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 installation of Drywells and a Micro Infiltration Trench.

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. The computations, as submitted, for the concept approval will not be acceptable for detailed plan approval.
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. The on-site and off-site conveyance systems including site grading will be re-evaluated during the detailed plan submission. It must be demonstrated that safe conveyance of all the drainage can be provided. Additional storm drain may be required.

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

This 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 Bill Musico at 240-777-6340.

Sincerely,



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

MCE: WJM

cc: N. Braunstein
SM File # 274515

ESD: Required/Provided 898 cf / 912 cf
PE: Target/Achieved: 1.2"/1.2"
STRUCTURAL: 0.00 cf
WAIVED: 0.00 ac.