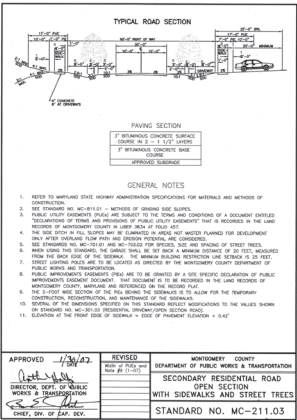


- NOTES:
- 1. AREA OF PROPERTY - 43,200 SF
  - 2. EXISTING ZONING - R-200
  - 3. NUMBER OF LOTS PERMITTED - 2
  - 4. NUMBER OF LOTS SHOWN - 2
  - 5. AREA TO BE DEDICATED TO STREETS - N/A
  - 6. SITE TO BE SERVED BY PUBLIC WATER AND SEWER
  - 7. EXISTING SEWER & WATER SERVICE CATEGORIES: S-1, W-1
  - 8. LOCATED IN CABIN JOHN CREEK WATERSHED
  - 9. UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, PEPCO



NOTE:

Standard No. MC-211.03 to be modified to fit the existing 50-foot right-of-way area for Longwood Drive.

Professional Certification:

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed landscape architect registered to practice in the State of Maryland.

David William McKee

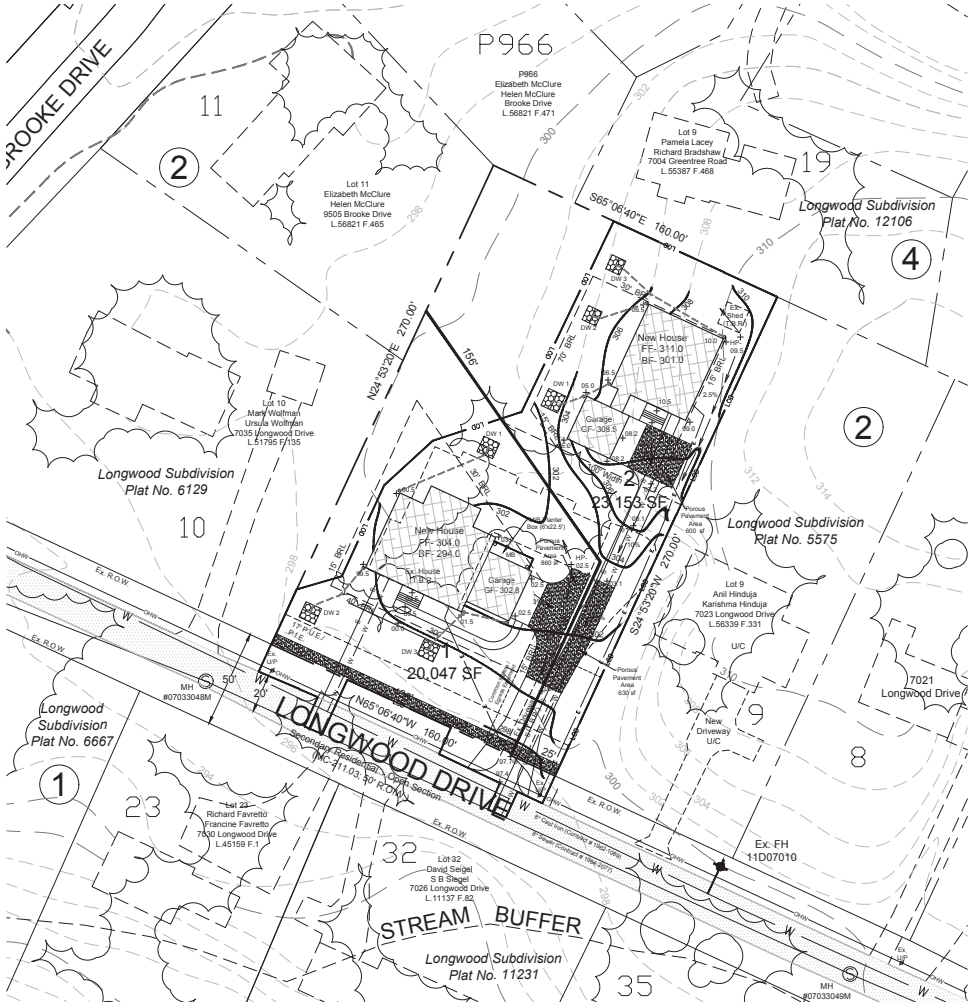
10-21-20

Signature Date Exp. Date

Surveyor's Certificate:

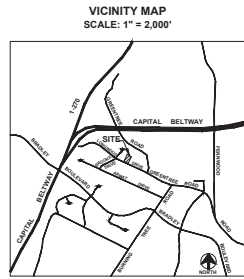
I hereby certify that the boundary shown hereon is correct to my best knowledge and belief based upon existing records and visual observations.

Signature Professional Land Surveyor Date Exp. Date



ZONING STANDARDS			
ZONE: R-200	Req.	Lot 1	Lot 2
Lot Size	20,000 sf	20,047 sf	23,153 sf
Front Setback	40'	48'	159'
Side Setback	12' min./ 25' Total	24' / 92'	16' / 84'
Rear Setback	30'	30'	51'
Building Height	40' Max.	40' Max.	40' Max.
Lot Coverage	20% (initial)	4,009 sf (3,220 sf Shown)	4,630 sf (2,506 sf Shown)
Lot Width @ Building Line	100'	135'	108'
Frontage	25'	135'	25'

- LEGEND:
- Property Line
  - Proposed House
  - New Lot Line
  - Sewer House Connection
  - Water House Connection
  - Ex. Contour
  - Proposed Contour
  - Building Restriction Line
  - Limit of Disturbance
  - Drywell
  - Ex. Canopy
  - Ex. Building
  - Porous Pavement



Note:

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

Prepared for:

Paul Katinas

1609 17th Street NW

Washington, DC 20009

(202)487-5882

pkatinas@aol.com

Revisions

Rev. 8-7-19
Rev. 10-22-19



date: 03/01/19

scale: 1" = 30'

Bennett & Associates, Inc.

8933 Shady Grove Court

Gaithersburg, MD 20877

(301)946-4640



ADMINISTRATIVE SUBDIVISION PLAN

Lot 4, Block 2 of Longwood

7025 Longwood Drive

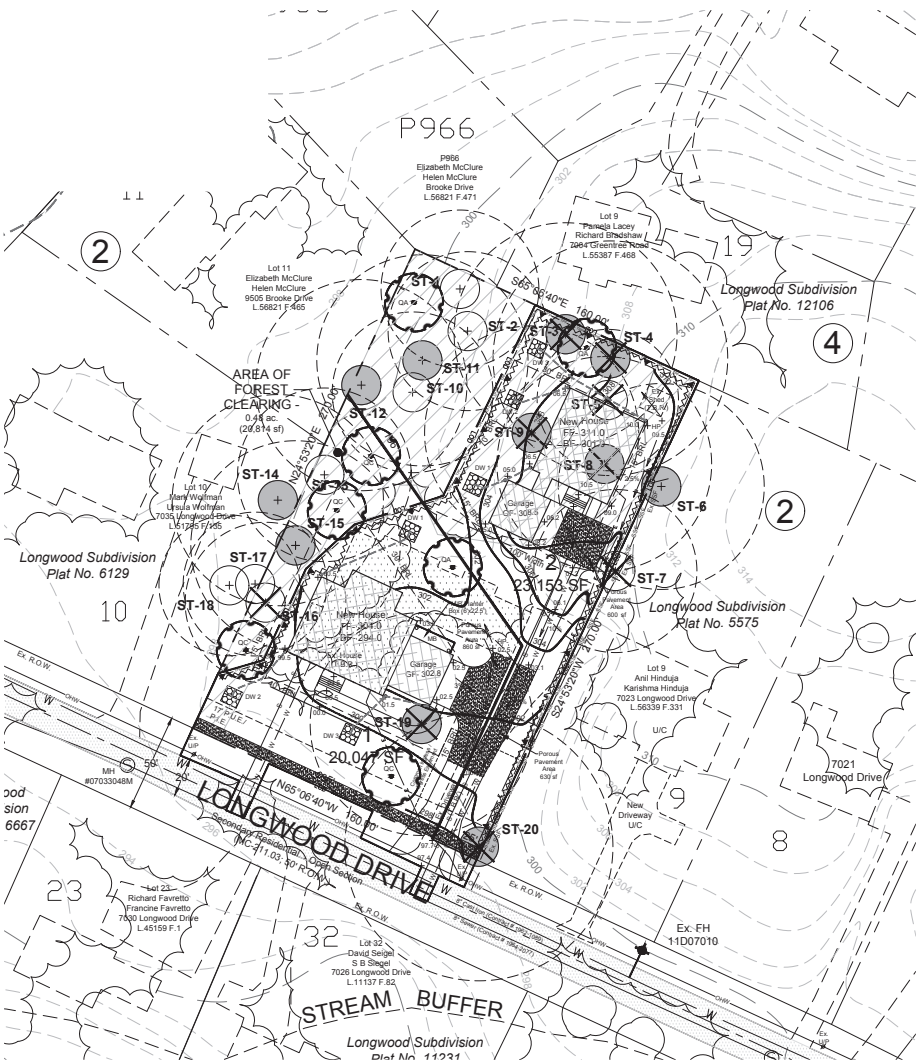
Montgomery County, Maryland

VSSC Grid 21NW07

Tax Map GP41

MNCPRC File No. 65800508

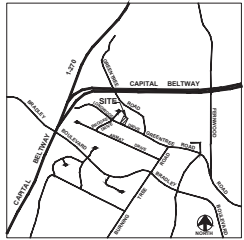
Sheet 3 of 3



**Professional Certification:**  
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed landscape architect registered to practice in the State of Maryland.  
David William McKee  
Signature Date Exp. Date 10-21-20



Prepared for:  
**Paul Katinas**  
1609 17th Street NW  
Washington, DC 20009  
(202)487-5882  
pkatinas@aol.com



VICINITY MAP  
SCALE: 1" = 2,000'

Revisions

Rev. 8-7-19
Rev. 10-22-19

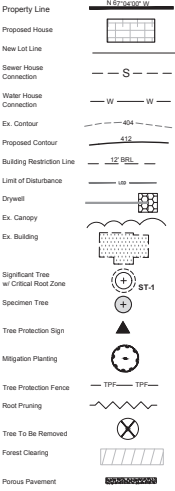


date: 03/01/19  
scale: 1" = 30'

**TREE REMOVAL / PLANTING NOTES:**  
1. TREES DESIGNATED FOR REMOVAL OUTSIDE OF THE LOD ARE TO BE FLUSH CUT TO THE GROUND AND THE STUMP LEFT IN PLACE.  
2. ADDITIONAL HAZARD TREE PRUNING OUTSIDE THE LOD CAN BE APPROVED BY THE M-NCPPC FOREST CONSERVATION INSPECTOR AT THE PRE-CONSTRUCTION MEETING PROVIDED THIS TREE PRUNING IS DONE BY THE MARYLAND LICENSE TREE EXPERT.  
3. THE LOCATIONS OF THE MITIGATION TREE PLANTINGS MAY BE REVISED BY THE M-NCPPC FOREST CONSERVATION INSPECTOR IN THE FIELD SO THAT THE ROOTS OF EXISTING TREES ARE NOT DAMAGED DURING THE PLANTING.

MITIGATION TREE PLANTING SCHEDULE					
QUANTITY	TREE ID	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	COMMENTS
3	QA	Quercus alba	White Oak	2"	BBB
4	QC	Quercus coccinea	Scarlet Oak	2"	BBB

LEGEND:



- NOTES:**
- The Limits of Disturbance may be adjusted in the field to save adjacent trees.
  - Total specimen tree removal d.b.h. is 63.7" (ST-19, ST-20). Required mitigation is 21" d.b.h.
  - Mitigation tree planting to be planted pursuant to the ANSI planting standards.
  - M-NCPPC Inspector is to be contacted for an inspection of mitigation tree planting prior to completion of the project.
  - The proposed tree planting locations and species shown on this plan can be revised with approval from the forest conservation inspector.
  - Protection from deer damage is required to be installed on each tree before M-NCPPC acceptance of tree planting. See Sheet 2 of 2 for details.
  - Tree sizes were obtained by measuring diameter-at-breast height with a diameter tape. Sizes for off-site trees are by bolar estimates.
  - On-site and off-site tree locations from a field survey by:  
Thomas A. Maddox  
Professional Land Surveyor  
8933 Shady Grove Court  
Gaithersburg, Maryland 20877  
301-948-8804
  - Area of forest to be cleared is 0.50 acres.
  - All tree protection and stress reduction measures are intended to be completed within the limits of the property.
  - Locations of symbols for tree protection signs and tree protection fencing may have been adjusted for graphic and legibility reasons.
  - Additional root pruning may be required by the M-NCPPC Inspector if determined necessary to mitigate construction related damage to adjacent trees.

DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 620190100 including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: \_\_\_\_\_  
Contact Person or Owner: Paul Katinas  
Printed Name  
Address: 1609 17th St. NW Washington, DC 20009  
Phone and Email: 202.487.5882  
Signature: \_\_\_\_\_

FINAL FOREST CONSERVATION PLAN																				
ACREAGE OF TRACT	ACREAGE OF TRACT REMAINING IN AGRICULTURE USE	ACREAGE OF ROAD AND UTILITY R.O.W. NOT TO BE IMPROVED	ACREAGE OF EXISTING FOREST	ACREAGE OF TOTAL FOREST RETENTION	ACREAGE OF TOTAL FOREST CLEARED	LAND USE CATEGORY	CONSERVATION THRESHOLD	AFFORESTATION THRESHOLD	FOREST WITHIN WETLANDS TO BE RETAINED	FOREST WITHIN TOTAL WETLANDS TO BE CLEARED	FOREST WITHIN WETLANDS TO BE PLANTED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE RETAINED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE CLEARED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE PLANTED	FOREST WITHIN STREAM BUFFER TO BE RETAINED	FOREST WITHIN STREAM BUFFER TO BE CLEARED	FOREST WITHIN STREAM BUFFER TO BE PLANTED	FOREST WITHIN PRIORITY AREAS TO BE RETAINED	FOREST WITHIN PRIORITY AREAS TO BE CLEARED	FOREST WITHIN PRIORITY AREAS TO BE PLANTED
0.99 AC	0.00 AC	0.00 AC	0.50 AC	1.30 AC	0.50 AC	HIGH DENSITY RESIDENTIAL	20% = 0.20 AC	15% = 0.15 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC

PRELIMINARY / FINAL FOREST CONSERVATION PLAN  
**Lot 4, Block 2 of Longwood**  
7025 Longwood Drive  
Montgomery County, Maryland

Sequence of Events for Properties Required to Comply with Forest Conservation Plans, Exemptions from Submitting Forest Conservation Plans, and Tree Save Plans

Pre-Construction

1. An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged and before any land disturbance. The property owner shall contact the Montgomery County Planning Department inspection staff before any land disturbing activities occur to verify the limits of disturbance and discuss tree protection and tree care measures. The property owner's representative, construction superintendent, International Society of Arboriculture (ISA) certified arborist or Maryland licensed tree expert that will implement the tree protection measures, Forest Conservation Inspector, and Montgomery County Department of Permitting Services (DPS) Sediment Control Inspector must attend this pre-construction meeting.

2. No land disturbance shall begin before stress-reduction measures have been implemented. Appropriate stress-reduction 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

Measures not specified on the plan may be required as determined by the Forest Conservation Inspector in coordination with the property owner's arborist.

3. A Maryland licensed tree expert, or an ISA certified arborist must perform all stress reduction measures. Implementation of the stress reduction measures must be observed by the Forest Conservation Inspector or written documentation must be sent to the Forest Conservation Inspector at 8787 Georgia Avenue, Silver Spring, MD 20910. The Forest Conservation Inspector will determine the exact method to convey the implementation of all stress reductions measures during the pre-construction meeting.

4. Temporary tree protection devices shall be installed per the approved Forest Conservation Plan, exemption from submitting a Forest Conservation Plan, or Tree Save Plan and prior to any land disturbance. Tree protection fencing locations must be staked and flagged 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 silt fence with wire strung between the 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 must be maintained and installed by the property owner 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 is permitted. Tree protection must not be removed without prior approval of Forest Conservation Inspector.

6. Forest retention area signs must be installed as required by the Forest Conservation Inspector, or as shown on the approved plan.

7. Long-term protection devices must be installed per the approved plan. Installation will occur at the appropriate time during the construction project. Refer to the approved plan drawing for the 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 Forest Conservation Inspector.

9. The property owner must immediately notify the Forest Conservation Inspector of any damage to trees, forests, understorey ground cover, and any other undisturbed areas shown on the approved plan. Remedial actions to restore these areas will be determined by the Forest Conservation Inspector and those corrective actions must be made within the timeframe established by the Forest Conservation Inspector.

Post-Construction

10. After construction is completed, the property owner must request a final inspection with the Forest Conservation Inspector. At the final inspection, the Forest Conservation Inspector may require additional corrective measures, which 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 including trash removal

11. After the final inspection and completion of all corrective measures the Forest Conservation Inspector will request all temporary tree and forest protection devices be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both DPS and the Forest Conservation Inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.

Inspections:

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

Tree Save Plans and Forest Conservation Plans without Planting Requirements

- 1) After the limits of disturbance have been staked and flagged, but before any clearing or grading resumes.  
2) After necessary stress reduction measures have been completed and the protection measures have been installed, but before any clearing or grading resumes.  
3) After completion of all construction activities to determine the level of compliance with the provisions of the forest conservation plan;

Additional Requirements for Plans with Planting Requirements

- 4) Before the start of any required reforestation and afforestation planting  
5) After required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start of the maintenance  
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.

SIGNIFICANT TREE CHART						
TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	COMMENTS	STATUS
ST-1	Liriodendron tulipifera	Tulip Poplar	26.9"	Moderate	English ivy is climbing trunk, view of canopy is obstructed from ground due to dense English ivy, photosynthetic lean, co-dominant leaders, co-dominant leaders, galls on trunk	To Remain
ST-2	Quercus rubra	Northern Red Oak	27.1"	Moderate	Trunk is covered with multiple English ivy vines, obstructed view into canopy due to dense English ivy, co-dominant leaders, adventitious limbs	To Remain
ST-3	Liriodendron tulipifera	Tulip Poplar	38.0" (Estimate)	Moderate	Trunk is covered with multiple Poison Ivy vines & English ivy, dead English ivy on trunk, dead limbs with decay, adventitious limbs, co-dominant leaders	To Be Removed
ST-4	Liriodendron tulipifera	Tulip Poplar	40.0" (Estimate)	Moderate	Poison Ivy & English ivy on trunk, adventitious limbs, broken dead limbs with decay, co-dominant leaders	To Be Removed
ST-5	Quercus rubra	Northern Red Oak	24.1"	Moderate	English ivy is starting to climb trunk, dead broken limbs with decay, adventitious limbs, co-dominant leaders, slight bend in trunk	To Be Removed
ST-6	Liriodendron tulipifera	Tulip Poplar	35.1"	Poor	Off-site, about 25% visible getting roots, several small canopies on root collar, English ivy starting to climb trunk, multi-stem, response wood growth & possible vertical crack, leaders growing together, included bark, adventitious limbs, broken dead limbs with decay, co-dominant leaders, buck rub, possible butt rot, galls on trunk	Off-Site; To Remain <sup>1</sup>
ST-7	Quercus rubra	Northern Red Oak	27.8"	Poor	Shared tree, photosynthetic lean, large trunk on root collar, English ivy & Poison Ivy are climbing trunk, dead broken limbs with decay, co-dominant leaders	Off-Site; To Be Removed (by others) <sup>1</sup>
ST-8	Quercus rubra	Northern Red Oak	38.6"	Moderate	Good root flare, traces Ivy on English ivy climbing trunk, flagstone leaning against trunk, photosynthetic lean, co-dominant leaders, broken dead limbs with decay, adventitious limbs	To Be Removed
ST-9	Liriodendron tulipifera	Tulip Poplar	36.5"	Moderate - Poor	English ivy has been on tree for some time, possibly sprouts live, co-dominant leaders, adventitious limbs	To Be Removed
ST-10	Quercus rubra	Northern Red Oak	27.4"	Moderate	English ivy, Virginia Creeper climbing trunk, photosynthetic lean, adventitious limbs, co-dominant leaders, response wood growth at branch union, broken dead limbs with decay	To Remain
ST-11	Liriodendron tulipifera	Tulip Poplar	36.0" (Estimate)	Poor	Trunk is covered with Poison Ivy and English ivy, Blittersweid is in canopy, adventitious limbs, co-dominant leaders, broken dead limbs with decay, die-back	To Remain
ST-12	Liriodendron tulipifera	Tulip Poplar	38.0" (Estimate)	Moderate - Poor	Trunk is covered by English ivy, Virginia Creeper & English ivy are climbing trunk and canopy, broken dead limbs with decay, adjacent to fence, adventitious limbs, die-back, co-dominant leaders	To Remain
ST-13	Liriodendron tulipifera	Tulip Poplar	29.6"	Moderate - Poor	Adjacent to fence, English ivy is starting to climb trunk, photosynthetic lean, adventitious limbs, thin canopy, broken dead limbs with decay	To Remain
ST-14	Liriodendron tulipifera	Tulip Poplar	36.0" (Estimate)	Moderate	Off-site, co-dominant leaders, adventitious limbs, response wood growth at branch union, die-back, broken dead limbs with decay	Off-Site; To Remain
ST-15	Platanus occidentalis	Sycamore	35.7"	Moderate	English ivy & Virginia Creeper are leaning to climb trunk, tree has been pruned, galls on trunk, adventitious limbs, minor broken limbs	To Remain
ST-16	Liriodendron tulipifera	Tulip Poplar	27.4"	Moderate	English ivy is starting to climb trunk, adventitious limbs, co-dominant leaders, broken dead limbs with decay, die-back, thin canopy	To Be Removed
ST-17	Liriodendron tulipifera	Tulip Poplar	24.5"	Moderate	Shared tree, photosynthetic bend in trunk, adventitious limbs, thin canopy, co-dominant leaders, broken dead limbs	Off-Site; To Remain
ST-18	Liriodendron tulipifera	Tulip Poplar	24.0"	Poor	Off-site, large canopies on root collar, co-dominant leaders, root rot, adventitious limbs, English ivy starting to climb trunk, broken dead limbs with decay	Off-Site; To Remain
ST-19	Liriodendron tulipifera	Tulip Poplar	38.0"	Moderate	Flag mounting brackets on trunk, adventitious limbs, co-dominant leaders, die-back, response wood growth in branch union, minor dead limbs	To Be Removed
ST-20	Liriodendron tulipifera	Tulip Poplar	45.7"	Moderate	English ivy is starting to climb trunk, multi-stem, included bark, response wood growth below branch union, tree has been pruned for overhead wires, English ivy is climbing trunk, die-back, thin canopy, broken dead limbs with decay, English ivy in canopy, Virginia Creeper on trunk	To Be Removed <sup>1</sup>

1. This tree has been impacted by the installation of super silt fence by the owner's of 7023 Longwood Drive. Construction of a new home is currently underway at #7023. The super silt fence was installed very close to the base of the tree in the area between the tree and the subject property. The tree is shown to be retained on plans for the development of #7023.  
2. This tree is shown to be removed on plans for the development of 7023 Longwood Drive. As of 8/29/18, the tree is still standing and super silt fence has been installed at the base of the tree along the east side (shown on plan).  
3. This tree has been impacted by the installation of super silt fence by the owner's of 7023 Longwood Drive for the construction of the new home on that property. The super silt fence was installed along the common boundary line between the two properties.

FOREST CONSERVATION WORKSHEET  
LONGWOOD

NET TRACT AREA:  
A. Total tract area ... 0.99  
B. Land dedication areas (parks, county facility, etc.) ... 0.00  
C. Land dedication for roads or utilities not being constructed by this plan ... 0.00  
D. Area to remain in commercial agricultural production/lease ... 0.00  
E. Other disturbance (specify) ... 0.00  
F. Net Tract Area ... 0.99

LAND USE CATEGORY: (from Trees Technical Manual)  
Input the number "1" under the appropriate land use, limit to only one entry.  
ARA MDR IDA HCR MPD OA  
0.00 0.00 0.00 1.00 0.00 0.00

G. Afforestation Threshold ... 0.15 x F = 0.15  
H. Conservation Threshold ... 0.20 x F = 0.20

EXISTING FOREST COVER:  
I. Existing forest cover ... 0.50  
J. Area of forest above afforestation threshold ... 0.35  
K. Area of forest above conservation threshold ... 0.30

BREAK EVEN POINT:  
L. Forest retention above threshold with no mitigation ... 0.26  
M. Clearing permitted without mitigation ... 0.34

PROPOSED FOREST CLEARING:  
N. Total area of forest to be cleared ... 0.50  
O. Total area of forest to be retained ... 0.00

PLANTING REQUIREMENTS:  
P. Reforestation for clearing above conservation threshold ... 0.09  
Q. Reforestation for clearing below conservation threshold ... 0.40  
R. Credit for retention above conservation threshold ... 0.00  
S. Total reforestation required ... 0.47  
T. Total afforestation required ... 0.00  
U. Credit for landscaping may not exceed 20% of "S" ... 0.00  
V. Total reforestation and afforestation required ... 0.47

NOTE:

Reforestation requirement of 0.47 acre to be satisfied by the purchase of off-site forest bank credits.

DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 620190109 including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: Printed Company Name

Contact Person or Owner: Paul Katinas  
Printed Name

Address: 1609 17th St. NW Washington, DC 20009

Phone and Email: 202.487.5882

Signature:

Professional Certification:

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed landscape architect registered to practice in the State of Maryland.

David William McKee 10-21-20  
Signature Date Exp. Date



Revisions
Rev. 8-7-19
Rev. 10-22-19

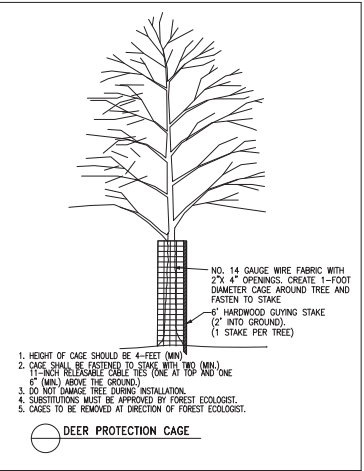
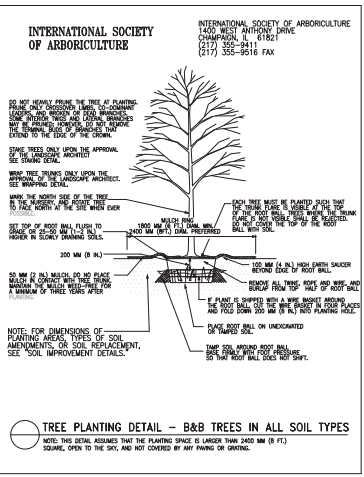
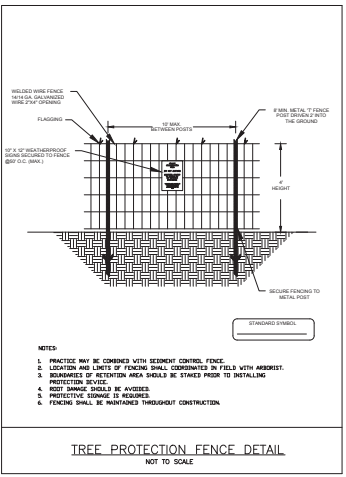
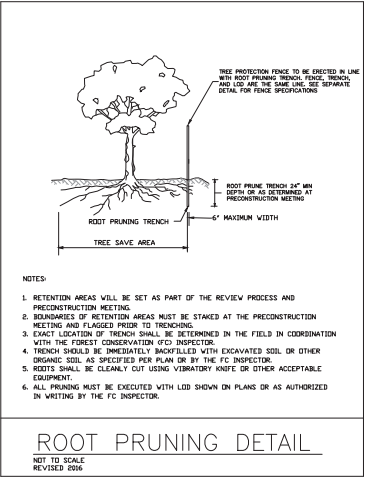
date: 03/01/19  
scale:

Bentley & Associates, Inc.  
10000 Shady Grove Court  
Gaithersburg, MD 20877  
(301) 770-5644



PRELIMINARY / FINAL FOREST CONSERVATION PLAN  
Lot 4, Block 2 of Longwood  
7025 Longwood Drive  
Montgomery County, Maryland

VSSC Grid 21NW07  
Tax Map 0F41  
MNCPPC File No. 620190109  
Sheet 2 of 3



DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 620190100 including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: \_\_\_\_\_  
Contact Person or Owner: Paul Katinas  
Address: 1609 17th St. NW Washington, DC 20009  
Phone and Email: 202.487.5882  
Signature: \_\_\_\_\_

Professional Certification:  
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed landscape architect registered to practice in the State of Maryland.  
David William McKee 10-21-20  
Signature Date Exp. Date



Revisions	
Rev. 8-7-19	
Rev. 10-22-19	

date: 03/01/19  
scale:

Benning & Associates, Inc.  
893 Shady Grove Court  
Gaithersburg, MD 20877  
(301) 944-0240



PRELIMINARY / FINAL FOREST CONSERVATION PLAN  
Lot 4, Block 2 of Longwood  
7025 Longwood Drive  
Montgomery County, Maryland

VSSC Grid 211NW07
Tax Map GP41
HCPCPC File No. 65020008
Sheet 3 of 3



**STATEMENT FOR THE APPLICANT****Paul Katinas, Property Owner****FOR A VARIANCE IN ACCORDANCE WITH SECTION 22A-21****OF THE MONTGOMERY COUNTY CODE****PRELIMINARY PLAN NO. 620190100****LONGWOOD****August 14, 2019 (Revised October 24, 2019)****I. BACKGROUND INFORMATION**

The Applicant, Paul Katinas, makes this request for a variance pursuant to the provisions of Section 22A-21 of the Montgomery County Code. The Applicant is owner of the subject property, also designated as Lot 4, Block 2 of the Longwood Subdivision on Tax Map GP41. The Applicant proposes to subdivide the property into two lots for single-family detached homes. The two proposed lots will comply with the development standards applicable to the subject property's R-200 zoning classification. The property is located at 7025 Longwood Drive in Bethesda. The subject property consists of 0.9917 acres or 43,200 square feet of land area, and is improved with the existing single-family residence (constructed in 1949) that is proposed to be razed.

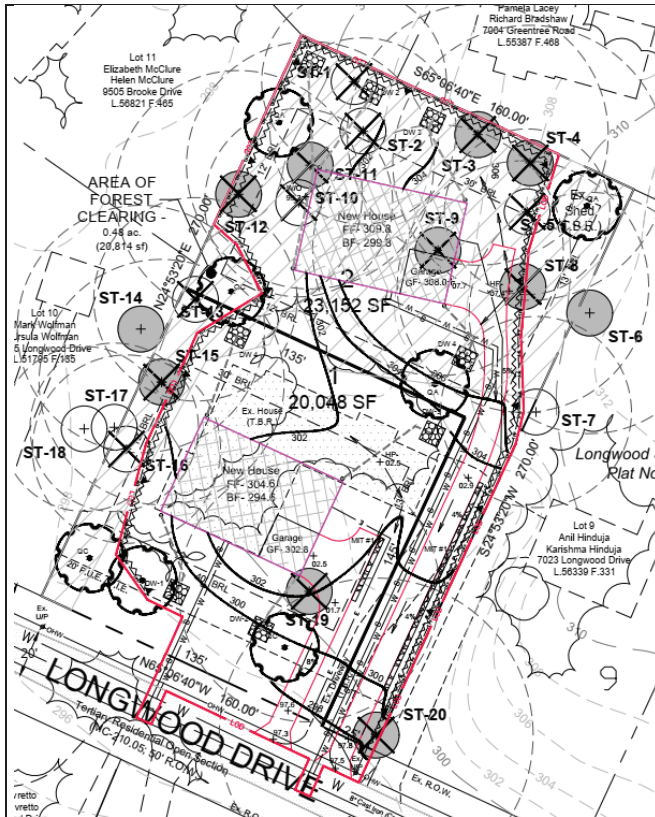
About 50 percent of the property is under forest cover. A Natural Resources Inventory / Forest Stand Delineation (No. 420190320) has been submitted to and approved by M-NCPPC. There are no streams, stream buffers or environmental priority areas on or adjacent to the subject property. Ten (10) specimen trees (30" DBH and larger) have been survey-located on and adjacent to the subject property that are impacted by the project.

**II. APPLICANT'S PROPOSAL**

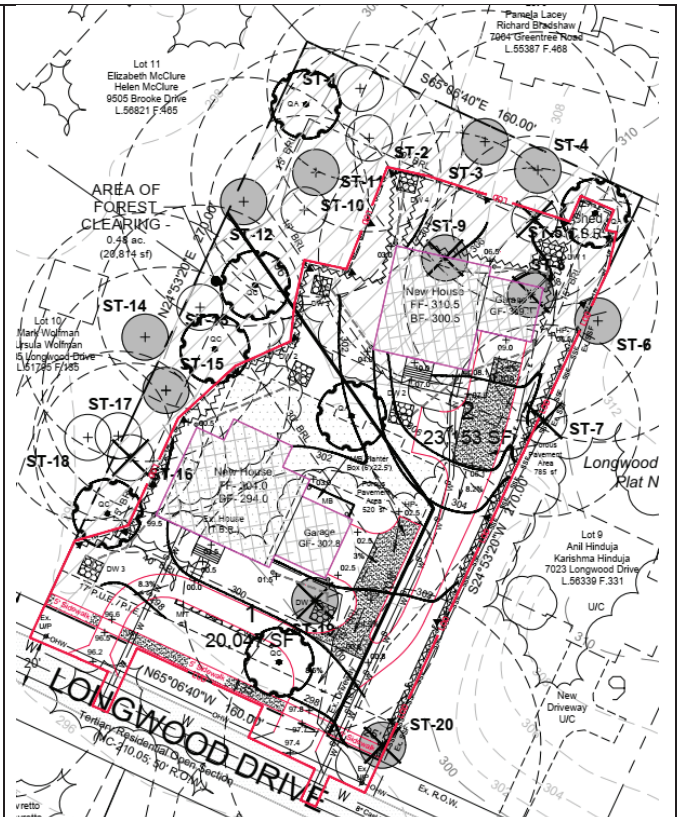
This project is an infill development that seeks to subdivide the existing R-200 zoned property into two (2) single-family residential lots where adequate public facilities already exists. The existing residence (built in 1949) is to be razed and a new home constructed in its place on Lot 1, which is currently proposed to be 20,048 square feet in size, with a second home on Lot 2 that is proposed to be 23,153 square feet in size.

Applicant's Initial Submission had reflected a more typical house location layout that depicted general building footprints sited centrally on the new lots. The resulting limits of disturbance of the Initial Submission, however, would not have preserved any on-site specimen trees of which

there are eleven. Upon further consideration and in response to constructive comments provided by planning staff, the Applicant's Resubmission of August 14, 2019 proposed to significantly revise the lot layout and reduce the project's proposed limits of disturbance (LOD) in order to achieve a more environmentally sensitive project. The Resubmission plan also proposed to "right-size" the new homes and orient them on the site in a manner that would achieve visibility of both from the street.

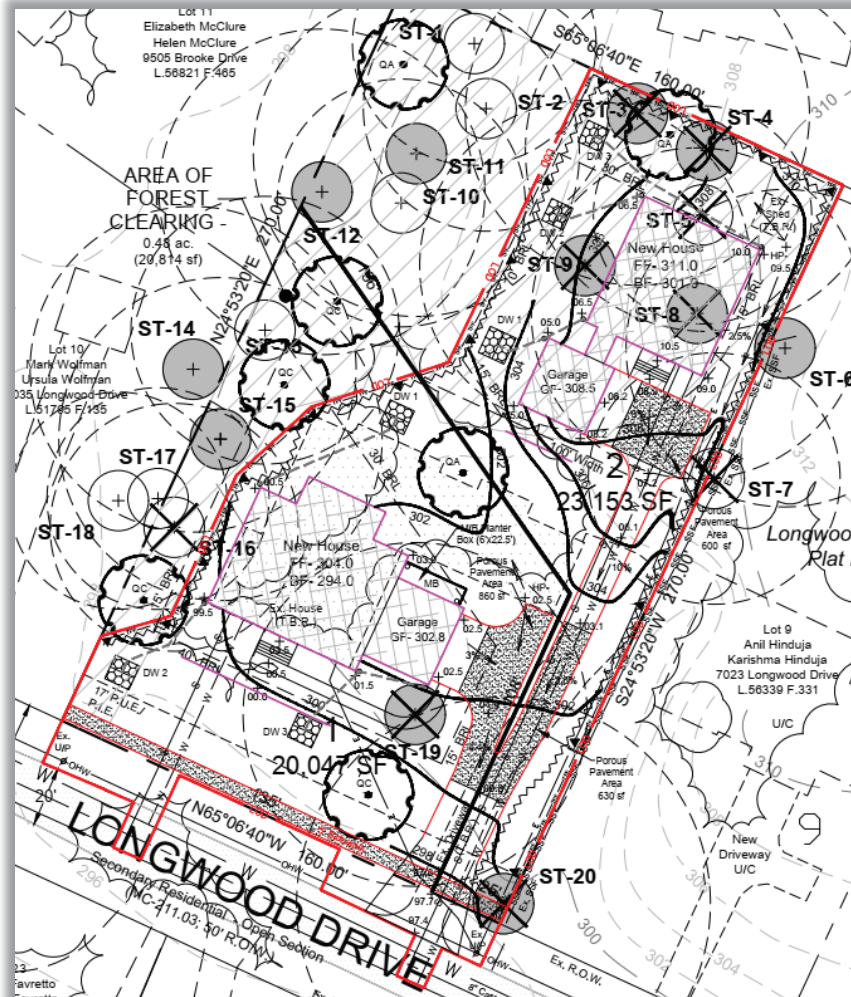


Initial Submission



Resubmission

While planning staff's response to Applicant's Resubmission was generally positive, further refinements suggested by staff have been incorporated by the Applicant, resulting in the Final Proposal below.



## Final Proposal

In working with staff to achieve better tree protection and other planning goals relative to site design, Applicant has agreed to place a 70' building restriction line (BRL) on Lot 2, measured from the westernmost boundary line. As a result, the project's proposed limits of disturbance (LOD) has been pulled further away from the northern and western boundaries of the property where the site is significantly treed, resulting in the ability to enhance preservation of the overall forest stand and the specimen trees therein.

The 70' BRL and LOD adjustments will not only further reduce CRZ impacts to the treed area in the northwestern corner of the site, but will facilitate an orientation of the home on Lot 2 that will allow more visibility of its front façade from the street. The footprint of the proposed house on Lot 1 (forward lot) inclusive of the attached garage on the Final

Proposal (excerpt above) is approximately 3,220 square feet while the house on Lot 2 (back lot) continues to reflect a smaller footprint of approximately 2,508 square feet inclusive of the garage. The proposed structures are oriented in a manner that achieves visibility and street presence for both homes similar to other pipestem lot configurations that exist on adjacent and nearby lots within the neighborhood.

Attached is a copy of the proposed Preliminary Plan of Subdivision (see E-plans) showing the proposed lots, houses and driveway locations. Also attached is the Preliminary / Final Forest Conservation Plan (FCP) (see E-plans) showing the area of existing forest to be cleared. The plan proposes to retain existing trees that are currently within the existing forest area along the northern and western boundaries of the site. The trees to be preserved in these areas include several specimen trees and other smaller trees not identified on plans. Specifically, the Preliminary / Final FCP indicates the location of four (4) impacted specimen trees proposed for preservation with tree protection measures and six (6) specimen trees to be removed based on critical root zone impacts.

<b>SPECIMEN TREE CHART</b>						
<b>TREE NUMBER</b>	<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	<b>SIZE (D.B.H.)</b>	<b>TREE CONDITION</b>	<b>%CRZ IMPACTED</b>	<b>Status</b>
ST-3	Liriodendron tulipifera	Tulip Poplar	38.0"	Moderate	41%	<b>Remove</b>
ST-4	Liriodendron tulipifera	Tulip Poplar	40.0"	Moderate	50%	<b>Remove</b>
ST-6	Liriodendron tulipifera	Tulip Poplar	35.1"	Poor	20%	Retain
ST-8	Quercus rubra	N. Red Oak	36.6"	Moderate	79%	<b>Remove</b>
ST-9	Liriodendron tulipifera	Tulip Poplar	36.5"	Moderate-Poor	79%	<b>Remove</b>
ST-11	Liriodendron tulipifera	Tulip Poplar	36.0"	Poor	8%	Retain
ST-14	Liriodendron tulipifera	Tulip Poplar	36.0"	Moderate	6%	Retain
ST-15	Platanus occidentalis	Sycamore	35.7"	Moderate	26%	Retain
ST-19	Liriodendron tulipifera	Tulip Poplar	38.0"	Moderate	100%	<b>Remove</b>
ST-20	Liriodendron tulipifera	Tulip Poplar	45.7"	Moderate	37%	<b>Remove</b>



**ST-3**, a 38" Tulip Poplar in moderate condition is located within the existing forest stand on the property, adjacent to the rear boundary line of the site. The tree will be impacted by construction related to the project, grading within the CRZ of the trees, and installation of drywells within the CRZ. Due to the severity of impacts to the CRZ of the tree, the proximity of the tree to existing and proposed homes, and the tree species general intolerance to construction activities, the tree is proposed to be **removed**.

**ST-4**, a 40" Tulip Poplar in moderate condition is located within the existing forest stand on the property, adjacent to the rear boundary line of the site. The tree will be impacted by construction related to the project, grading within the CRZ of the trees, and installation of drywells within the CRZ. Due to the severity of impacts to the CRZ of the tree, the proximity of the tree to existing and proposed homes, and the tree species general intolerance to construction activities, the tree is proposed to be **removed**.

**ST-6**, a 35.1" Tulip Poplar in poor condition is located off-site on the adjoining property to the east. This tree was shown to be retained on development plans for the new home under construction at 7023 Longwood Drive. However, super silt fence not shown on plans was installed at the base of the tree on two sides. This super silt fence has likely severed the roots located between the tree and the subject property. The CRZ of the tree will be impacted by construction related to the proposed project. Since impacts to the tree have already occurred (from neighbor's super silt fence installation) and new impacts are not likely to occur in this area from the planned development, and since the tree is located off-site, the tree is proposed to be **retained**.

**ST-8**, a 36.6" Northern Red Oak in moderate condition is located within the existing forest stand in the rear of the property. The tree lies within the planned construction area of the project and is proposed to be **removed**.

**ST-9**, a 36.5" Tulip Poplar in moderate-poor condition is located within the existing forest stand in the rear of the property. The tree is within the planned construction area of the project, impacted by major grading and installation of drywells. Due to the severity of these impacts, the tree is proposed to be **removed**.

**ST-11**, a 36" Tulip Poplar in poor condition is located within the existing forest stand on the property. The tree will be impacted by minor grading and the installation of drywells within the critical-root-zone (CRZ) of the tree. Due to the minor nature of these impacts, the tree is proposed to be **retained**.

**ST-14**, a 36" Tulip Poplar in moderate condition is located off-site on an adjoining property to the west. The tree will be impacted by construction related to the project. However, the impact from this encroachment has been minimized to the greatest extent practicable and root pruning and other tree protection practices will be employed. Since the impacts to the CRZ are just 6% and the tree is off-site, the tree is proposed to be **retained**.

**ST-15**, a 35.7" Sycamore in moderate condition is located within the existing forest area on the property, along the western boundary of the site. The tree will be impacted by construction related to the project and minor grading within the CRZ. Impacts to the CRZ have been

minimized to the greatest extent practicable and since the species is generally tolerant of construction activities it is proposed to be **retained**.

**ST-19**, a 38" Tulip Poplar in moderate condition is located at the front of the property immediately adjacent to the existing home on the property that will be razed and reconstructed. The tree will be impacted by construction related to the project, grading within the CRZ, installation of stormwater management drywells within the CRZ, removal of the existing driveway, installation of new/replacement driveways and installation of underground utilities. Due to the severity of impacts to the CRZ of the tree, the tree is proposed to be **removed**. New tree planting is proposed to occur on-site as mitigation for removal of this tree.

**ST-20**, a 45.7" Tulip Poplar in moderate condition is located at the front right corner of the property along Longwood Drive. The tree will be impacted by the removal of the existing driveway and construction of a new shared 20' wide driveway that complies with fire access requirements, installation of underground utilities, new sidewalk and installation of stormwater management measures. The tree is also located within the proposed public utility easement (PUE) to be made available for future utility improvements. Finally, the tree has already been damaged by the installation of super silt fence on an adjoining property (7023 Longwood Drive) as shown on plans. Due to the existing/proposed impacts and the required PUE, the tree is proposed to be **removed**. New tree planting is proposed to occur on-site as mitigation for removal of this tree.

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

A Chapter 22A variance is required in order to secure approval of the disturbance of ten identified trees that are considered priority for retention and protection under the Natural Resources Article of the Maryland Annotated Code and the County Code. This variance request is submitted pursuant to Section 22A-21 of Chapter 22A of the County Code and Section 5-1607(c) and Section 5-1611 of Title 5 of the Natural Resources Article of the Maryland Annotated Code (the "Natural Resources Article").

Section 22A-12(b)(3) identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone (CRZ) requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to ten Protected Trees as identified on the resubmitted Final FCP.

In accordance with Section 22A-21(a), the Applicant requests approval of a Variance on the basis that without a Variance, the Applicant will suffer *unwarranted hardship* by being denied reasonable and significant use of the subject property. The need for a Variance in this case is based upon existing site conditions and compliance with necessary lot design and infrastructure elements that are required of any preliminary plan application, such that

if disturbance or removal of Protected Trees pursuant to Chapter 22A is not allowed in this case, the Applicant would suffer unwarranted hardship. Specifically, a Variance is required to facilitate certain required public facilities such as the provision of a public utility easement (PUE) along the site's frontage for future utility improvements and a new 5' sidewalk, which conflicts with the location of ST-20 in particular.

*(1) Granting the Variance 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 disturbance to the Protected Trees, i.e., impacting 4 and the removing 6 trees, is due to the reasonable development of the property and is necessitated by the location of the trees and compliance with lot design as well as provision of public facilities typically associated with the subdivision process.

The tree impacts and removals associated with the site are within the buildable area established by setbacks and by Applicant's efforts to minimize impacts to the significant treed area located in the northwestern corner of the site.

Granting a Variance to allow land disturbance within the buildable area of the subject property is not unique to this Applicant.

The submitted subdivision plan which proposes to divide the subject property into two lots under the R-200 lot design standards is clearly within the class of reasonable and substantial uses that justify the approval of a Chapter 22A variance. Without this variance, the Applicant would be deprived of the ability to implement a reasonable and substantial use of the property consistent with the property's existing zoning that has been made available to others. Other owners in Montgomery County have removed specimen trees in order to reconstruct an existing house, further subdivide/develop as allowed by existing zoning and/or improve access to their properties, all of which are implicated in this case.<sup>1</sup>

Over fifty percent of the subject property is under forest cover and contains eleven (11) specimen trees that are identified for protection under Chapter 22A. These eleven trees are scattered throughout the subject property, along the northern, western and southern areas of the site, and thus impact both proposed lots. The minimum required lot area in the R-200 zone is 20,000 square feet. The subject property is 43,200 square feet in size, thus the proposed lot sizes are 20,047 square

<sup>1</sup> The following is a partial list providing just a few examples of other Preliminary Plan approvals involving proposals to subdivide 2 lots from 1 lot/parcel under existing zoning that also required approval of an associated Tree Variance:

- 1) Rock Creek Forest – Preliminary Plan No. 120070550, MCPB No. 14-18
- 2) Glen Mill/Parcel 833 – Preliminary Plan No. 120160180, MCPB No. 18-045
- 3) Shi Property – Preliminary Plan No. 120160280, MCPB No. 17-008
- 4) 8912 Liberty Lane – Preliminary Plan No. 120170070, MCPB No. 17-050

feet and 23,153 square feet. As a result of the configuration of the subject property and minimum 20,000 square foot lot size of the property's zone, both proposed lots contain specimen trees. Of the eleven specimen trees identified, ten are impacted by the proposed development (as listed in the chart on page 4 herein) and included in this Variance request.<sup>2</sup>

One of the four trees proposed for removal (ST-19) is located adjacent to the existing home on the property that will be razed and reconstructed under Applicant's proposal. A second specimen tree (ST-20) that must be removed is located immediately adjacent to the property's existing driveway which will need to be reconfigured and widened to meet minimum fire access requirements. It must be noted that ST-20 has already been impacted by on-going construction activity on the adjacent neighbor's property (7023 Longwood Drive) and those impacts alone are enough to call for removal of the tree. Moreover, ST-20 conflicts with the location of both the public utility easement (PUE) along the property's frontage on Longwood Drive and the new 5' sidewalk improvement required in conjunction with the Preliminary Plan.

Due to the locations of specimen trees adjacent to the existing house, driveway, future PUE and sidewalk, it is not possible to achieve reasonable and substantial use of the property that avoids impacting specimen trees on this site, and, thus, without approval of a variance, the Applicant would be deprived of reasonable and substantial use of the subject property.

Careful placement of the project's limit-of-disturbance, proposed house locations, root pruning, fencing, and signage as shown on the Preliminary / Final FCP will provide for the protection of the specimen trees proposed to be retained.

*(2) The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The Variance is based on development allowed under the existing zoning and required by existing site conditions and necessary design requirements of this application. The Variance can be granted under this condition so long as the impacts are avoided or minimized, and required mitigation is provided. As detailed herein, the Applicant has incorporated design changes to reduce the impact of tree disturbance and removal, and mitigation is being provided for the disturbed trees.

In a case such as this, the question for the Board is not whether the Applicant would still have a reasonable use of the property if the proposed subdivision were denied. The question is whether the Applicant has proposed a reasonable use, and whether

<sup>2</sup> ST-12, a 38" Tulip Poplar in moderate-poor condition is located within the existing forest stand on the property, adjacent to the western boundary line of the site. With the LOD changes made by the Applicant reflected in the Final Proposal, this tree will not be impacted at all by the proposed development.



denying the Variance would deprive the Applicant of it. Where, as here, the Applicant has proposed a development that 1) complies with zoning, 2) substantially conforms to the master plan, 3) is compatible with the surrounding neighborhood, and 4) takes reasonable steps to avoid unnecessary tree impacts, the requisite standard for approval of the Variance is met.

Any alternative preliminary plan application relative to the subject property would impact at least a similar number of specimen trees and potentially could result in the loss/removal of more of the site's variance trees if different building placement or lot configurations are proposed. Although not material to the specific variance standards, it is noteworthy that if the resubdivision of this property is not allowed and it remains as one buildable lot, it would be possible for the lot to be cleared in a manner that could evade forest conservation altogether resulting in potentially most if not all of the Protected Trees being cleared. There is 21,780 square feet of forest on the subject property currently per the approved NRI/FSD. A lot owner is allowed to clear up to 20,000 square feet of forest and still qualify for an exemption from the requirement to submit a forest conservation plan so long as mitigation is provided for any 30" trees removed.

*(3) The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for the Variance is a result of the existing conditions and the proposed site design and layout on the subject property and not a result of land or building use on a neighboring property.

*(4) Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The variance does not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being removed or impacted are not located within a stream buffer, wetland or special protection area.

A total of seven (7) trees will be planted on-site as mitigation for removal of Protected Trees not located within existing forest to be cleared as required. While newly planted mitigation trees are obviously smaller in size than trees being removed, they will grow into larger trees over a lifespan of 30+ years providing water quality protection throughout that time. The Protected Trees that are impacted but not removed will continue to provide the same water quality protection.

In conjunction with its proposed development of the subject property, the Applicant has prepared a Stormwater Management Concept Plan (see E-plans) that has been found to be acceptable by MCDPS as stated in a letter dated October 1, 2019. This proposed concept proposes proper measures to protect stormwater quality and quantity that may impact the subject property and surrounding area. The proposed

concept complies with current Environmental Site Design to the Maximum Extent Possible stormwater management regulations.

The Applicant confirms that the impact on the ten affected variance trees will not cause degradation to water quality associated with development of the proposed subdivision as a result of the granting of the requested variance.

For all the above reasons, the Applicant respectfully requests approval of this request for a variance from provisions of Section 22A-21 of the Montgomery County Code.

Submitted on behalf of the Applicant, Paul Katinas

By

Benning & Associates, Inc.  
David W. McKee



## DEPARTMENT OF TRANSPORTATION

Marc Elrich  
County Executive

Christopher R. Conklin  
Director

November 25, 2019

Ms. Grace Bodgan, Planner Coordinator  
Area 1 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Administrative Plan No.  
120190100  
Longwood

Dear Ms. Bodgan:

We have completed our review of the administrative plan dated October 25, 2019. A previous plan was reviewed by the Development Review Committee at its meeting on April 30, 2019. We recommend approval of the plan subject to the following comments:


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

Significant Plan Review Comments

1. The storm drain analysis is incomplete. At the permit stage, the applicant needs to provide the following information to DPS and receive their approval:
  - a. For study point A - Pre-development flow is shown to be 5.27 cfs and post-development flow is 5.56 cfs. The flow increases by 0.29 cfs from existing to proposed conditions.
    - A. You cannot increase flow to point A, thus making post-development conditions worse than existing conditions.
    - B. At minimum the post-development flow should match the existing flow. The additional flow must be managed on site or the existing 18" CMP needs to be upgraded.
  - b. The maximum allowable headwater must meet to Montgomery County's Drainage Design Criteria section 4.4.3.7. Provide details of "Existing 18" CMP Culver Elevation". DPS needs to see how those elevations were calculated at the time of permit.

Office of the Director

101 Monroe Street, 10<sup>th</sup> Floor, Rockville, MD 20850 · 240-777-7170 · 240-777-7178 Fax  
[www.montgomerycountymd.gov/mcdot](http://www.montgomerycountymd.gov/mcdot)

 [montgomerycountymd.gov/311](http://montgomerycountymd.gov/311) 301-251-4850 TTY

Ms. Grace Bodgan  
 Administrative Plan No. 120190100  
 November 25, 2019  
 Page 2

2. The applicant's plan shows a proposed 17 foot wide Public Utility Easement (PUE) and a 7 foot wide Public Improvement Easement that overlap. This is due to the location of the proposed sidewalk. At the time of permit, if DPS waives the sidewalk for a fee in lieu, then the applicant will only be required to provide a 10 foot wide PUE.

Standard Plan Review Comments

3. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by the common driveway.
4. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation certification form is enclosed for your information and reference.
5. Provide a ten (10) foot wide Public Utility Easement (PUE) along all existing street frontages. Where a Public Improvement Easements (PIE) are being proposed, the PUE will need to be increased by the width of the PIE.
6. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
7. In all underground utility installations, install identification tape or other "toning" device approximately 2' above the utility.
8. If the proposed development will alter any existing street lights and/or replacement of signing, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
9. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
10. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:

**NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**

- a. Street Trees along your Longwood Drive street frontage.
- b. Upgrade the 18" CMP if the storm drain flow cannot be managed onsite.
- c. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.



Ms. Grace Bodgan  
Administrative Plan No. 120190100  
November 25, 2019  
Page 3

- d. Erosion and sediment control measures as required by Montgomery County Code 19-10(02) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- e. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me for this project at [Rebecca.torma@montgomerycountymd.gov](mailto:Rebecca.torma@montgomerycountymd.gov) or (240) 777-2118.

Sincerely,

*Rebecca Torma*

Rebecca Torma, Manager  
Development Review Team  
Office of Transportation Policy

Sharepoint/transportation/development review/Rebecca/developments/north bethesda/620190100 Longwood.docx

Enclosure

cc: Letters notebook

cc-e: David McKee, Benning & Associates  
Atiq Panjshiri, MCDPS RWPR  
Mark Etheridge, MCDPS



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

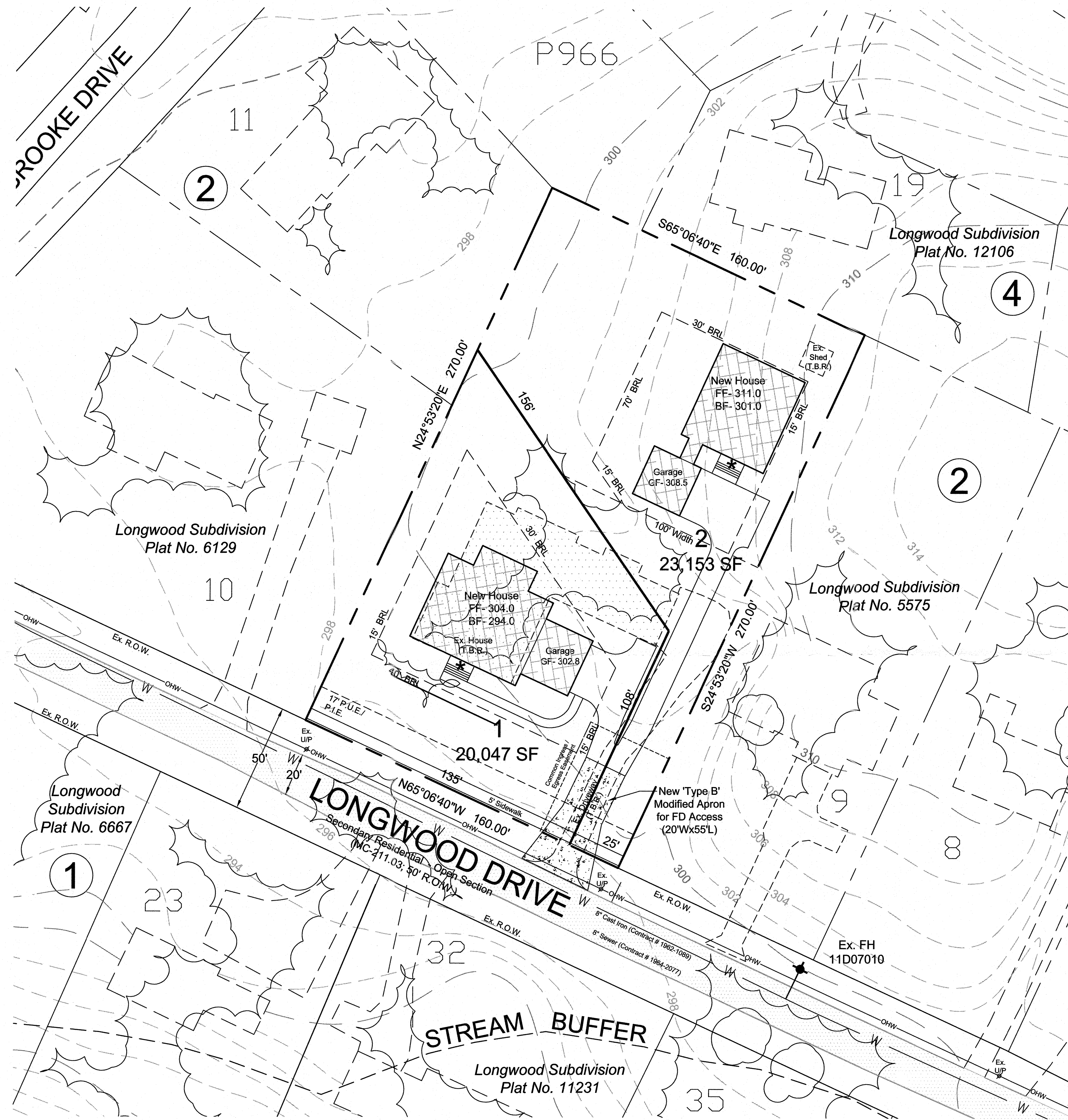
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**DATE:** 19-Nov-19  
**TO:** David McKee  
Benning and Associates  
**FROM:** Marie LaBaw  
**RE:** Longwood  
620190100

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**PLAN APPROVED**

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

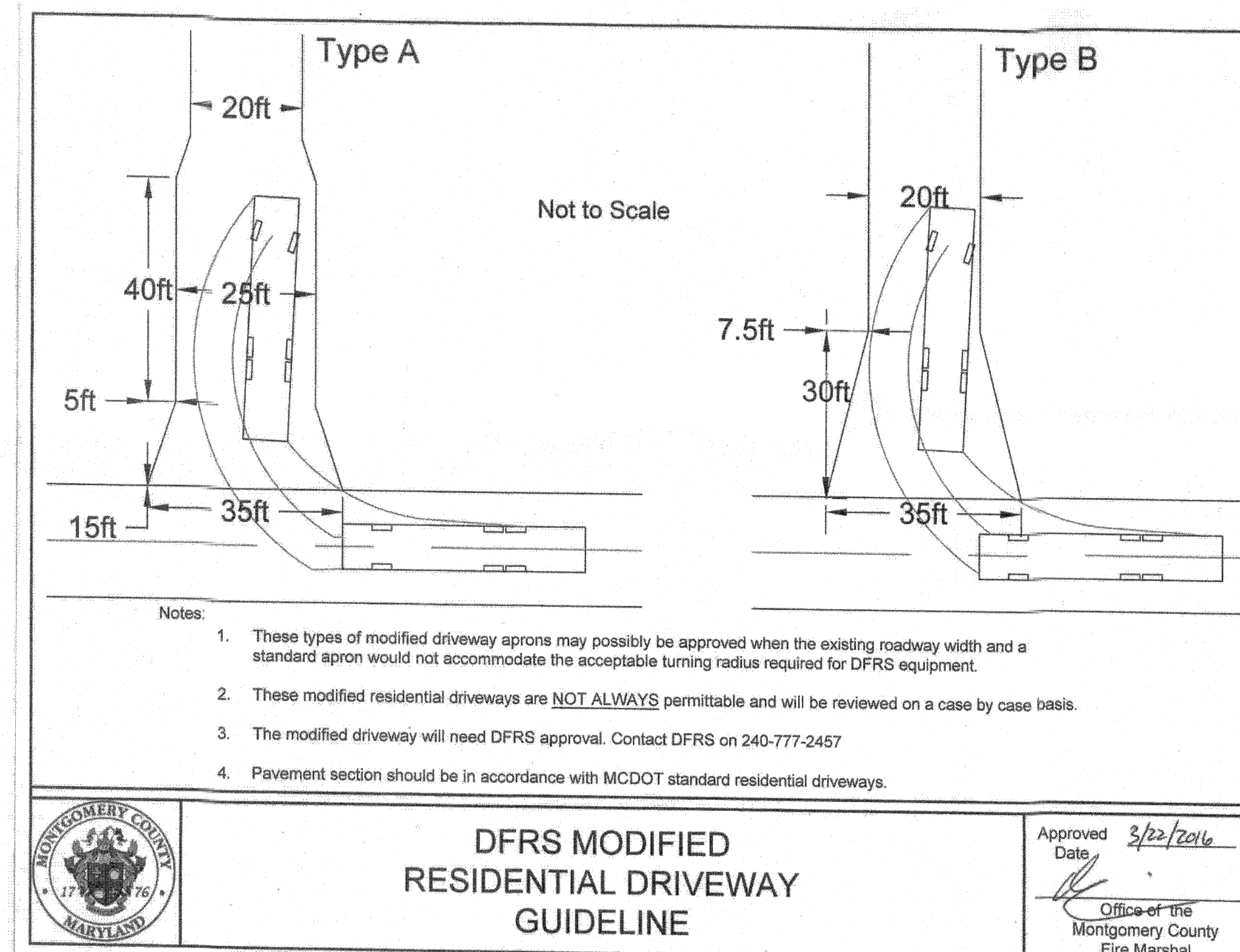


LEGEND:

- Property Line
- Proposed House
- New Lot Line
- Sewer House Connection
- Water House Connection
- Ex. Contour
- Building Restriction Line
- Ex. Canopy
- Ex. Building
- Main Side Hinge Door
- N 67°04'00" W
- S —
- W —
- 404 —
- 1'2" BRL
- \* \* \*

NOTES:

1. AREA OF PROPERTY - 43,200 SF
2. EXISTING ZONING - R-200
3. NUMBER OF LOTS PERMITTED - 2
4. NUMBER OF LOTS SHOWN - 2
5. AREA TO BE DEDICATED TO STREETS - N/A
6. SITE TO BE SERVED BY PUBLIC WATER AND SEWER
7. EXISTING SEWER & WATER SERVICE CATEGORIES: S-1, W-1
8. LOCATED IN CABIN JOHN CREEK WATERSHED.
9. UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, PEPCO

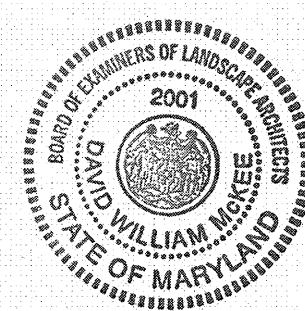


**FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY NOTES:**

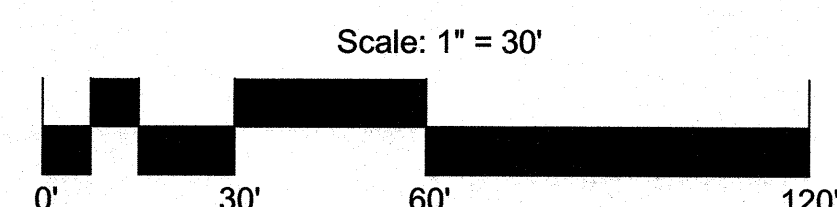
1. The purpose of this plan is to address requirements of Executive Regulation 8-16 (Fire Department Apparatus Access and Water Supply) as appropriate for the proposed subdivision.
2. An existing secondary residential street will serve the proposed subdivision. The street meets MCDOT secondary road standards (MC 211.02) or equivalent.
3. Proposed lots 1 and 2 are to utilize a shared driveway. A modified apron is proposed for this access.
4. For water supply, an existing WSSC fire hydrant is located 100' east of the property along Longwood Drive.
5. Posted speed limit is 25 mph.

Professional Certification:  
I hereby certify that this Fire Department Apparatus Access Plan has been prepared in accordance with the requirements of Executive Regulation 8-16 (Fire Department Apparatus Access and Water Supply) to the best of my knowledge and belief.

Signature 11-18-19 Date



Source of Topography:  
M-NCP&PC, 2-foot contour interval map,  
Sheet 211NW07



FIRE CODE ENFORCEMENT

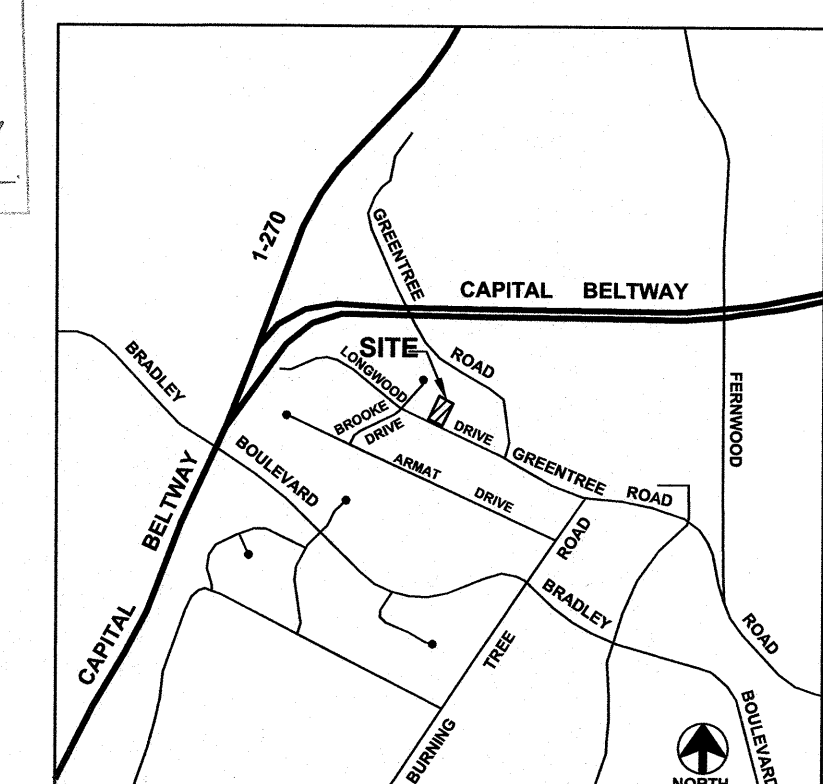
Fire Department Access Review

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

11/19/2019

BY: 946 FM: 43 DATE: \_\_\_\_\_

**VICINITY MAP**  
**SCALE: 1" = 2,000'**



**Prepared for:**  
**Paul Katinas**  
1609 17th Street NW  
Washington, DC 20009  
(202)487-5882

**Benning & Associates, Inc.**  
Land Planning Consultants  
8933 Shady Grove Court  
Gaithersburg, MD 20877  
(301)948-0240

# BR&A

**FIRE DEPARTMENT APPARATUS ACCESS PLAN**  
**Lot 4, Block 2 of Longwood**  
**7025 Longwood Drive**  
**Montgomery County, Maryland**

WSSC Grid 211NW07

Tax Map GP41

MNCPPC File No.  
620100100



LAW OFFICES OF

**KNOPF & BROWN**

401 EAST JEFFERSON STREET

SUITE 206

ROCKVILLE, MARYLAND 20850

(301) 545-6100

FAX: (301) 545-6103

E-MAIL BROWN@KNOPF-BROWN.COM

WRITER'S DIRECT DIAL

(301) 545-6105

DAVID W. BROWN

SOLE PRACTITIONER (2017)

**MEMORANDUM**

**TO:** Grace Bogdan  
**FROM:** Dave Brown  
**SUBJECT:** Preliminary Plan #620190100, 7025 Longwood Drive  
**DATE:** April 22, 2019

This memo is provided in response to your request that I outline areas of concern that my clients have regarding the proposed subdivision of 7025 Longwood Drive (the "Property") into two lots (the "Plan"), in advance of our meeting on April 29<sup>th</sup>. My clients, most of whom will attend the meeting, are Mark & Ursula Wolfman (abutting to the west), 7035 Longwood; Jan Bove & Kathy Tilmans (abutting the abutting property to the east), 7021 Longwood; Hillary Davidson & Jordan Goldstein (abutting the abutting property to the north, 9315 Brooke Drive; and Bruce & Diane Heiman (abutting the Goldstein property), 9512 Brooke Drive.

**Background**

Looking at the Plan from the perspective of the layout and design of lots in the immediate neighborhood, we consider the relevant neighborhood to be the properties fronting on Longwood Drive, most immediately the 15 homes on lots between Brooke Drive and Greentree Road fronting on Longwood. A map highlighting this area, and showing the square footage of each lot is attached. Looking at the Plan in terms of its environmental impacts from the clear-cutting of at least 90% of the area of the Property, the neighborhood is broader, and includes, *inter alia*, the lots of my clients who reside in nearby properties on Brooke Drive.

**Neighborhood Character**

The neighborhood consists of a quiet and fully developed community of upscale R-200 zoned homes inside the Beltway in Bethesda dating from the 1950's to the 1980's. The neighborhood experiences stormwater runoff problems on a regular basis, but the problems have thus far not called for installation of a curb and gutter system along Longwood or Brooke. All neighborhood homes are on carefully groomed lots with many mature trees and ornamental shrubbery. These added materially to the look, desirability



and value of the neighborhood. All the Longwood homes are on rectangular lots with homes that front on the street. The lots have varying front yard depths, varying widths, expansive yards and roughly equal depths on both sides. In keeping with this long-standing neighborhood character, my clients would strongly support the redevelopment of the Property with one new single-family home facing the street, in replacement of the existing home in the front half of the Property. There are no pipestem lots in this Longwood neighborhood, and pipestem lots are very few and far between in the larger Bradley Hills area. The few that exist appear to be mostly not recent but rather intrinsic to original subdivision plans.

### **Issue 1: Compliance with Subdivision Criteria**

A major concern is the creation of a pipestem lot incompatible with the character of the neighboring Longwood lots. Section 50.4.3.C.1.a.: “Lot size, width, shape and orientation must be appropriate for the location of the subdivision and for the type of development or use contemplated, considering the recommendations of the master plan and the applicable requirements of Chapter 59.”<sup>1</sup> Meeting the lot criteria is also a required finding of plan approval. § 50.4.2.D.1. Substantial conformity to the master plan is also required. § 50.4.2.D.2.

The Plan works only if a pipestem lot with minimal street frontage of 25’ is created for the second house.<sup>2</sup> A pipestem lot would be out of character for the Neighborhood, both in terms of lot width and shape. The two proposed lots (at 20,048 sf and 23,152 sf) would rank first and third smallest in the then 16-lot Longwood neighborhood, as detailed in the attached map. Only six of the existing lots are under 30,000 sf, and of the nine over 30,000 sf, there are, in addition to the subject property, three additional lots at over 40,000 sf. If the Plan were approved, those three other larger lots would become attractive targets for developers no matter the impact on an existing, mature neighborhood. In fact, as often happens, redevelopment is contemplated in connecting with the passing of a landowner and the creation of an estate that must sell the property on behalf of the heirs. The executor has an ethical obligation to maximize estate value, and that very likely would include seeking to create two new, buildable lots.

Plan approval here means two houses, one behind the other, where every other house along Longwood has an open, wooded or cultivated back yard. This would be a

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<sup>1</sup> The 2016 recodification of Chapter 50, though it eliminated “resubdivisions” as something different from “subdivisions,” did not abandon the lot character criteria in prior § 50-29(b)(2). Instead, the Board opted to remove the separate subdivision analysis from Chapter 50 because the Planning Board concluded that “the general requirements for lot dimensions in Section 50.4.3.C.1.a. provide a sufficient basis to judge the suitability of any subdivision, including a resubdivision.” Staff Worksession Memo on Draft Chapter 50 at 4 (June 11, 2015), for MCPB Agenda Item No. 6 (July 16, 2015).

<sup>2</sup> The Property is a rectangular lot with a lot width of 160’, so two homes could not both front on Longwood with the lots meeting the 100’ minimum width (at the front building line) requirement for the R-200 zone.

most unwelcome departure from the neighborhood character and an outcome my clients find no support for among their neighbors along Longwood. My clients recall that there have been at least two previous failed attempts to subdivide some of the larger Longwood lots (including 7013 Longwood) into two lots with a pipestem lot, and that those applications were denied by the Board, apparently sometime in the 1990's. I request that you check Planning Department records for this earlier history; my clients (and I) see no good reason for a different result in this instance, notwithstanding the reorganization of the Subdivision Ordinance.

As for Master Plan conformity, the B-CC Master Plan (1990) addresses this area by reconfirming the existing zoning (p.51) and providing that "A major goal of the Master Plan is to protect the high quality of life, the existing residential character, and the natural environment throughout the area." Id. at 29. Here, the "natural environment" of the subject property is being destroyed in a way that cannot be restored. The applicant has characterized the stand of mature trees on the property, for which a variance authorizing removal is sought, as "an inordinate number of specimen trees in the back portion of the lot in a relatively small area." Neither the Forest Conservation Act nor the B-CC Master Plan view a stand of mature specimen trees as anything but a community asset, and certainly not as an "inordinate" hindrance to development.

### **Issue 2: Increased Stormwater Runoff**

My clients are very concerned about the inevitable long-term effect of converting an historically single lot into two lots, while denuding it of trees and other stormwater-absorbent groundcover, along with the contemplated extensive disturbance of the soil otherwise. They retained the services of a Maryland professional engineer with extensive experience and expertise in stormwater control to evaluate the situation. He concluded that "the large lot homes of this area have extensive forest cover which reduces runoff and erosion problems from the existing homes. The existing drainage problems in the area have been problematic but tolerable due to the large forest cover of these lots. With the proposed development and land clearing proposals for these adjacent properties, the drainage problems will become intolerable." He also advised my clients that the stormwater management plan proffered for the subdivision did not show the required on-site quantity control necessary to contain runoff adequately. A more graphic presentation of the existing problems, and concern about their worsening if the Plan is approved, will be detailed for you at the meeting, with a view towards your finding that stormwater management as proposed will be insufficient under § 50.4.2.D.5.

### **Issue 3: Variance for Specimen Tree Removal**

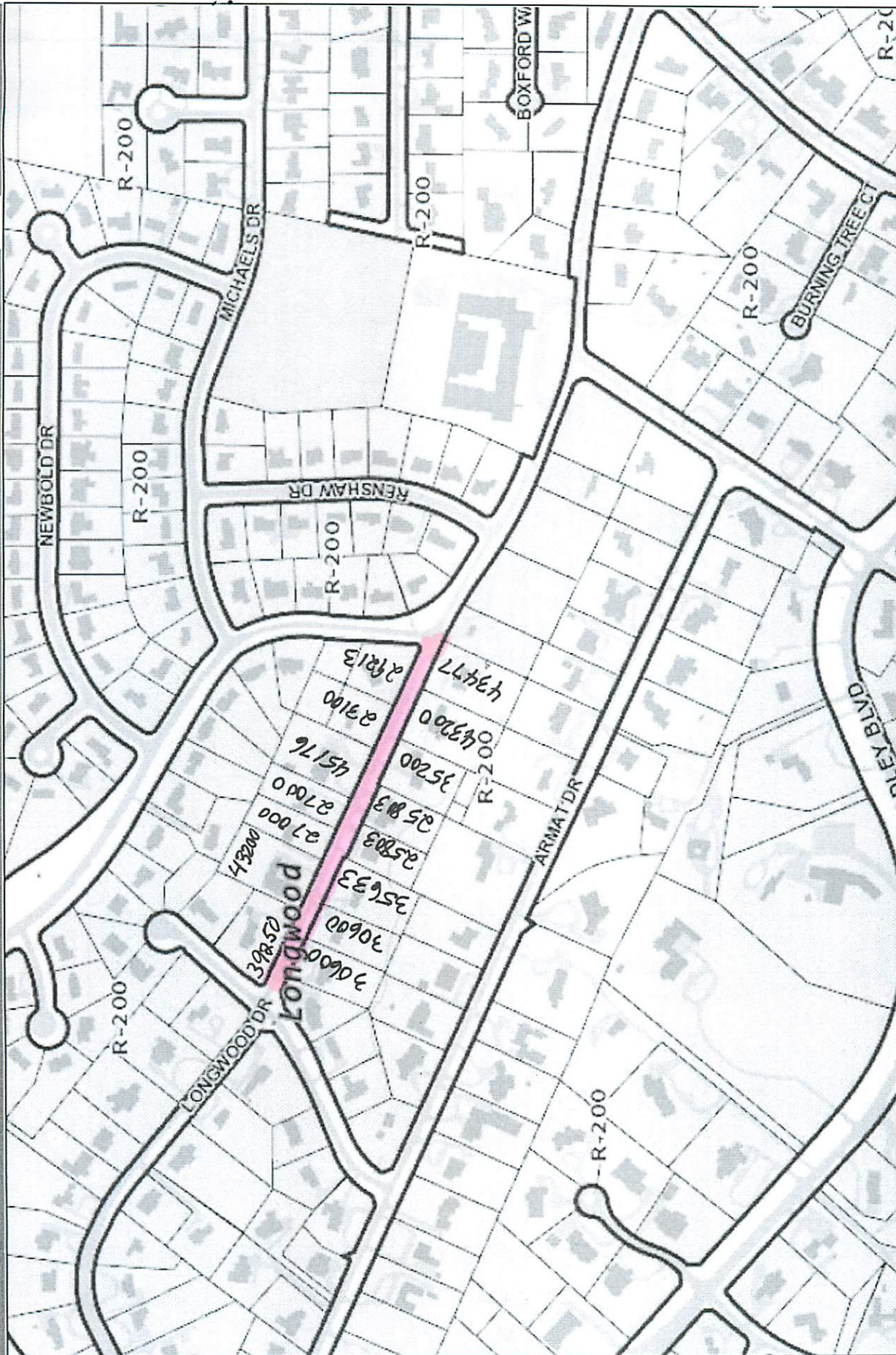
The Plan envisions two homes on two lots were one home now stands on one lot. To that end, the applicant seeks a variance to remove "an inordinate number of specimen trees in the back portion of the lot in a relatively small area." His claim is that "impacts to many of the specimen trees are unavoidable if the property is to be developed for 2 new

homes.” We agree; it is also true, however, that impacts to many, if not all, specimen trees are avoidable if the property is to be developed, as before, for one new house. The applicant discusses compliance with certain statutory criteria that must be met for the granting of a variance, but does not discuss the overriding requirement to explain how denial of the variance would result in an “unwarranted hardship” to him. § 22A-21(a). The Board has decided in other cases that denial of a variance rises to the level of “unwarranted hardship” only when it would result in “denial of reasonable and significant use of the property.” The Property, however, now has, and has had for decades, a reasonable and significant use: single-family dwelling. In fact, that dwelling is assessed on the SDAT records today at \$290,000. Next door, at 7023 Longwood, a considerably smaller lot, a new, replacement house is being built, likely to have a market value in excess of \$1,000,000, not counting the land value at all. The same could be done at 7025 Longwood, upon variance denial, all without the destruction of the “inordinate number of specimen trees in the back portion of the lot.” Variance denial would not be tantamount to “denial of reasonable and significant use of the property.” It would only mean denial of the opportunity to develop the property at twice its historic density. The applicant has no legally protectable property right to that largely discretionary outcome.




# Montgomery County Zoning

Date: 4/18/2019



Account #	00574783	Parking District	N/A	Bike/Ped Priority Area	N/A
Address	6005 RYLAND DR BETHESDA, 20817	CBD	N/A	Urban Renewal Area	N/A
Zone	R-60	Special Protection Area	N/A	Metro Station Policy Area	N/A
Overlay Zone	N/A	Urban District	N/A	Priority Funding Area	Yes
TDR Overlay Zone	N/A	Enterprise Zone	N/A	Septic Tier	Tier 1: Sewer existing
Landuse	Single Family Detached	Arts & Ent. District	N/A	Municipality	N/A
Parcel, Lot, Block	N/A, 3, N	Special Tax District	N/A	Master Plan	BETHESDA CHEVY CHASE
WSSC Grid	212NW06	Legal Description	WYNGATE	Historic Site/District	N/A
				Water/Sewer Categories	W 4 / S 1



1 inch = 532 feet





**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
Item No. 8  
Date: 7/16/2015

**Worksession to Discuss the Draft Subdivision Regulations**

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- CC** Cathy Conlon, Supervisor, DARC [catherine.conlon@montgomeryplanning.org](mailto:catherine.conlon@montgomeryplanning.org), 301.495.4542
- P.B.** Patrick Butler, Planner Coordinator, Area 2 [patrick.bulter@montgomeryplanning.org](mailto:patrick.bulter@montgomeryplanning.org), 301.495.4561
- NB** Neil Braunstein, Planner Coordinator, Area 1 [neil.braunstein@montgomeryplanning.org](mailto:neil.braunstein@montgomeryplanning.org), 301-495-4532
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- CS** Christina Sorrento, Associate General Counsel [christina.sorrento@montgomeryplanning.org](mailto:christina.sorrento@montgomeryplanning.org), 301-495-4646
- SS** Stephen Smith, Senior Planner, DARC [stephen.smith@montgomeryplanning.org](mailto:stephen.smith@montgomeryplanning.org), 301-495-4522

**Completed: 6/11/15**

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**Description**

This report provides an overview of the information to be presented at the worksession on the Draft Rewritten Subdivision Regulations, Montgomery County Code Chapter 50. This worksession is designed to give the Board and general public an overview of major changes and provide an opportunity for discussion.

**Summary**

A comprehensive revision of Chapter 50, the Subdivision Regulations has been contemplated since the start of the Planning Department's efforts to revise the zoning ordinance. We knew at that time changes would be needed based on how the zoning ordinance changed. We also recognized that, even in the absence of a zoning ordinance revision, it was time to review and update provisions of the subdivision ordinance that hadn't been comprehensively looked at for more than 50 years.

The general objectives in rewriting the Subdivision Regulations were:

- Modernize and clarify existing language
- Improve organization and ease of reference
- Codify current interpretations
- Ensure consistency with new provisions of the zoning ordinance
- Improve the efficiency of review

To meet these objectives, the organization and layout of the revised regulations has significantly changed and the language of most provisions has been updated. For the most part, the updated language clarifies the existing requirements but, some changes have been made. The discussion below contains a combined summary of the changes that were presented as a part of the Planning Board's public hearing, and the new changes that have been made since the hearing in response to comments received. Copies of the comments that were received in writing are included in Attachment A.



## Discussion of Changes

### **Article I. In General**

This Article contains general provisions and requirements.

#### **Division 50.1. Purpose**

- Combined previous purpose list (Sec. 50-2) into a consolidated purpose statement that retains the important elements.

#### **Division 50.2. Defined Terms**

- Added new section of rules for interpretation of the Chapter.
- Modified the list of defined terms (Sec. 50-1) by clarifying existing language, removing terms that duplicate the zoning ordinance definitions or that are not specifically used in the Chapter, and adding new terms as needed.

#### **Division 50.3. General Requirements**

- Retained previous requirements for applicability (Sec. 50-3), approving authority (Sec. 50-4), and impacts to other ordinances (Sec. 50-5) with only minor language updates.
- Placed emphasis on the fact that subdivisions of land must be recorded by plat prior to land transfer (Sec. 50-8) and issuance of building permits (Sec. 50-20) by moving existing provisions to a new section.
- Modified the language of the existing exceptions to platting requirements (Sec. 50-9) provisions for clarification. The section is now broken into subsections covering the types of land transfers that can be done without a record plat, and uses that can receive building permits without being located on a record lot.
- Moved existing provisions for submission of subdivision plans (Sec. 50-23) to a new section under this Division and modified the existing language for clarification.
- Building permit language moved to Ch. 8 (50-20 and 50-32).

#### Significant changes made in this Division include:

- Prohibiting the issuance of a building permit for a dwelling unit on unplatted parcels of agricultural land that are less than 25 acres in size.  
*The current exception applies to "land that is and will remain part of a farm, as defined in this chapter, but that is used concurrently for a related use that requires a building permit." A farm is defined as "a tract of land, with or without associated buildings, that is devoted to agriculture", as it is defined in the chapter. In the agricultural zone (AR), a problem is created by the existing language because it can be interpreted to permit construction of a dwelling on a tract of land less than 25 acres in size which violates the density requirement of the zone.*
- Permitting construction of one detached dwelling unit on a part of a previously platted lot that has not change in size or shape since June 1, 1958, as anticipated by the new zoning ordinance.
- Permitting the reconstruction of any existing detached dwelling under the new zoning ordinance.

#### Additional changes made in response to comments from the public hearing:

- Added rule clarifying "in writing" to include electronic communication.

- Added, removed, and added clarifying language to defined terms.
- Added exemption to platting for advanced dedication or donation of master planned rights-of-way.

## **Article II. Subdivision Plans**

Article II now contains provisions for the different types of subdivision plans, instead of the record plat provisions. This change was made because it reflects the actual order of the process. The types of plans covered in the article are preliminary plans, pre-preliminary submissions, simplified subdivision plans, and minor subdivisions. Simplified subdivision plans are a new plan type.

### **Division 50.4. Preliminary Plan**

- More clearly separated the plan drawing requirements from the requirements for supporting information (Sec. 50-34)
- Modified and updated the provisions for review and approval of preliminary plans, including provisions for plan validity (Sec. 50-35), to clarify and provide better organization.
- Modified the general standard for review of lot dimensions to include consideration of the applicable requirements of Chapter 59 in addition to the recommendations of the applicable master plan.
- Retained the requirement that all lots abut a road, but the road can now be either public or private.
- Continue to permit a maximum of two lots without public or private road frontage on a shared driveway, but added the requirement that the two lots include any existing lots to codify our current interpretation of the existing section.
- Language of the current requirements for providing public sites and open space areas (Secs. 50-30 and 50-31) has been modified for clarity, but not significantly changed except that the language covering objection to required dedication was deleted because it's not needed; the applicant can make their case as part of review, and after decision, can file an appeal.
- Eliminated road design standards that are out of date such as: planning secondary streets to discourage use by nonlocal traffic; local bypasses around shopping centers; parallel streets with lots backing to major thoroughfares; and short culs-de-sac having terminal lots backing to major thoroughfares.
- Added provision that a subdivision with only one non-through road providing access must be limited to a maximum of 75 lots.
- Added minimum standard intersection spacing requirements for all road types, but retained the provision that the Planning Board may specify different spacing than the standard.
- The septic tier language was moved into the Water supply and sewage disposal facilities sections (50-24, 50-27)
- The requirement that public utilities be placed underground (50-40) was modified to apply to all subdivisions rather than basing it on the number of buildings, but language was added that allows the Planning Board to grant an exemption if it finds that underground placement is infeasible.
- Modified requirements for environmental review (Sec. 50-32) to clarify that a Forest Conservation Plan approval is required as part of approval of a preliminary plan.

- Modified the provisions for residential cluster subdivision (50-39) to eliminate language that is out of date and no longer necessary.

Significant changes made in this Division include:

- Added application processing and hearing schedule that conform with the new zoning ordinance requirements for site plan; including the requirement that a hearing date be established within 120 days of the acceptance of the application, with provisions for requesting extensions.
- Added new requirements for the timing of agency plan review so that the 120 day hearing schedule can be met.
- Added new provisions to explicitly state which public agency approvals are needed before the Planning Board may take action on a preliminary plan, and moved the review for conformance with the State's Sustainable Growth and Agricultural Preservation Act of 2012 (Sec. 50-35(e)) to the new technical review section.
- Added a list of specific findings that the Planning Board must make in order to approve a preliminary plan. The findings generally codify the findings made currently in Board resolutions, with additional language added to include a finding about the adequacy of roads.
- Removed sediment control provisions that are now covered by Chapter 19 (Sec. 50-35(j)). These included requirements that a preliminary plan approval be conditioned upon execution of an erosion and sediment control plan approved by the Board after consideration of recommendations from the Montgomery Soil Conservation District, that the permit for clearing and grading issued by the Department of Permitting Services (DPS) be in conformance with this plan, and that the Board could revoke a preliminary plan approval if a developer proceeded to clear and grade a site without a DPS permit.
- Review standards that form the basis for Planning Board findings (Secs. 50-24, 50-25, 50-26, 50-27, 50-28, 50-29, 50-30, 50-31, 50-32, parts of 50-35, 50-39, and 50-40) are now consolidated in a new Technical Review section.

*Issue: The draft retains the existing provision that the Planning Board may find "that events have occurred to render the relevant master plan, sector plan, or urban renewal plan recommendation no longer appropriate." The County Council discussed, but rejected a similar provision for the master plan finding that is now required for site plans by the new zoning ordinance. Thus, the Planning Board will not be able to find that a master plan recommendation is no longer appropriate for projects that require both preliminary and site plan approval. Nonetheless, staff recommends retaining the provision in the subdivision regulations for the projects that only need preliminary plan review. In staff's opinion, the provision is needed because the development standards that apply to a preliminary plan that doesn't go to site plan will not be as flexible as those for a site plan.*

- Removed requirements for a separate resubdivision analysis from the Chapter.  
*After discussion prior to the public hearing, the Planning Board concluded that the general requirements for lot dimensions in Section 50.4.3.C.1.a provide a sufficient basis to judge the suitability of any subdivision, including a resubdivision, and opted to remove requirements for a separate resubdivision analysis from the Chapter.*
- Added new provisions for creating private roads to address what has become a common desire for their use. The provisions include:
  - Private roads created by subdivision must be platted in right of way parcels that are separate from adjoining lots to maintain the Board's ability to ensure adequate space for road related uses within subdivisions.
  - Private road right of way parcels, like a dedicated public right of way, must be platted to the full width of the right of way recommended for the applicable road classification in

**HILLARY DAVIDSON  
JORDAN GOLDSTEIN  
9513 BROOKE DRIVE  
BETHESDA, MARYLAND 20817**

April 9, 2019

Mark C. Etheridge, Manager  
Montgomery County Department of Permitting Services  
Water Resources Division  
255 Rockville Pike, 2<sup>nd</sup> Fl.  
Rockville, MD 20850-4166

Re: Stormwater Management Concept Plan for Longwood (7025  
Longwood Drive); MCDPS Stormwater Management No. 284565

Dear Mr. Etheridge:

We are writing in response to your March 21, 2019 letter. Our property, located at 9513 Brooke Drive, is located downhill from the proposed subdivision of 7025 Longwood. As downstream property owners, we strongly oppose the proposed stormwater management concept plan for, and the proposed subdivision of, 7025 Longwood Drive, which would substantially worsen the flooding that already occurs on both sides of our property.

Currently, we regularly need to re-grade the right side of our house, which is directly downhill from the proposed subdivision, in order to keep our basement from flooding. Even with the re-grading, water pools outside of our basement and sediment settles on the pavement area outside of our basement after any moderate rainfall. We had an initial consultation with Vince Berg, who pointed out to us evidence of rust on our outdoor air conditioner unit, located on the right side of our house. Mr. Berg recommended a drainage system to carry the water all the way to the culvert in the back of our property. An estimate that we received to put in such a drainage system was \$12,000-15,000 – but that cost only covered one side of the house (the right side), and just accounted for drainage to carry the water to the backyard and not across the backyard to the culvert. We have attached a picture of the flooding on the right side of our house that regularly occurs with any rain.

On the other side of our house, our driveway, the grass to the left of our driveway, and the grass between our property and that of our neighbors, at 9512 Brooke Drive, also regularly floods with any moderate amount of rain. We have attached three pictures showing the flooding that occurs with rainfall, and particularly with heavy rainfall.

We understand that the proposal for the lot at 7025 Longwood is to subdivide the property into two lots where there had previously been only one home, thereby doubling the density. We also understand that pursuant to the proposal, the back area of the existing lot, which contains, according to the applicant, an "inordinate" number of specimen trees, will be cleared of those specimen trees. It is unclear to us how the clearing of specimen trees, which are provided with special environmental protection, conforms in any way to the B-CC Master Plan to protect environmentally sensitive areas.

More to the point for purposes of this letter, both clearing these trees and adding another house to the property, which is located uphill from us, will contribute to a much greater degree of water and sediment runoff to our property, thereby severely aggravating the flooding issues on our property. We are extremely concerned about the runoff and erosion problems that will worsen from the proposed plans, the potential damage to our property, and the cost to us of any mitigation we will be forced to undertake.

We appreciate the opportunity to provide this information to the Department of Permitting Services, and we implore you to take this information into account when determining stormwater runoff compliance requirements for 7025 Longwood.

Sincerely,  
Hillary Davidson and Jordan Goldstein



**HILLARY DAVIDSON  
JORDAN GOLDSTEIN  
9513 BROOKE DRIVE  
BETHESDA, MARYLAND 20817**

December 2, 2019

Mr. Casey Anderson  
Chairman, Montgomery County Planning Board, M-NCPPC  
8787 Georgia Ave.  
Silver Spring, MD 20910

Re: Preliminary Plan #620190100, 7025 Longwood Drive

Dear Mr. Anderson:

We are writing to express our strong opposition to Preliminary Plan #620190100, the subdivision of 7025 Longwood Drive.

We have lived at 9513 Brooke Drive since July 2009. We moved to this neighborhood (from the area near Suburban Hospital) because we were attracted to this quiet, fully developed community and heavily-wooded neighborhood, which made it a highly valued location notwithstanding the proximity of the Beltway. In sharp contrast to the area we moved from, where smaller and older homes were being rapidly torn down in favor of large new builds that took up every available square foot of the lot, with the result that the neighborhood felt and looked cramped and overbuilt with less greenery, we were instantly drawn to the character and the feel of this neighborhood. All of the homes on Longwood have expansive groomed lots with mature trees. Twelve of the homes are on lots over 30,000 square feet (with only half of that number – six lots – at less than 30,000 square feet). Each lot has a single home, facing the street, with a large backyard. The subdivision of 7025 Longwood Drive, where one house would be placed behind the other on a lot that had long had a single home, would deviate substantially from the look and character of the existing neighborhood.

Indeed, one of the reasons that we decided to stay in Maryland rather than move to Virginia, with its lower taxes, is the focus in this area of maintaining the desirable character of its neighborhoods, as spelled out so clearly in the 1990 B-CC Master Plan: “A major goal of the Master Plan is to protect the high quality of life, the existing residential character, and the natural environment throughout the area.” The subdivision of 7025 Longwood Drive clearly violates the B-CC Master Plan because it would degrade, not protect, the existing residential character and natural environment. Not only would the pipestem lot be inconsistent with the existing residential character of the neighborhood, as noted above, but it would also result in

the loss of five specimen trees. It is unclear to us how the clearing of specimen trees, which are provided with special environmental protection, conforms in any way to the B-CC Master Plan to protect the natural environment. If, instead, a single home is built on the lot – as it was intended when the neighborhood was created – only one specimen tree would be cut down.

We understand from our neighbors that the Planning Board has previously denied two other attempts to create pipestem lots, and we urge you to do the same here. We know that, if this subdivision is allowed, not only would it change the character of our neighborhood, but it would undoubtedly lead to attempts to subdivide several other properties on Longwood. The neighborhood is already dealing with the likely loss of trees and green space from the project to widen the Beltway. Allowing pipestem lots into the neighborhood will forever degrade the character of the neighborhood, destroy its desirability, and substantially reduce the property values of every homeowner.

Moreover, the proposed subdivision will exacerbate stormwater runoff issues in the neighborhood. Currently, we regularly need to re-grade the right side of our house, which is directly downhill from the proposed subdivision, in order to keep our basement from flooding. Even with the re-grading, water pools outside of our basement. We had an initial consultation with Vince Berg, who pointed out to us evidence of rust on our outdoor air conditioner unit, located on the right side of our house. On the other side of our house, our driveway, the grass to the left of our driveway, and the grass between our property and that of our neighbors, at 9512 Brooke Drive, also regularly floods with any rain. In a previous letter to the Department of Permitting Services, we included pictures showing the flooding that occurs with rainfall, and particularly with heavy rainfall.

The proposed subdivision of the lot at 7025 Longwood would undoubtedly worsen the stormwater runoff that we already face. The proposal to clear the trees from the back of the lot and add another house to the property will contribute to a much greater degree of water flow to our property, thereby severely aggravating the flooding issues on our property. While we are currently able to manage the runoff to keep it away from our home, this proposed subdivision will likely make the situation intolerable. And to reiterate, because the stormwater runoff comes from the back of property, a curbside drain and gutter system would not remedy the issue.

We appreciate the opportunity to provide this information to the Montgomery County Planning Board. We urge you to follow the B-CC Master Plan, as well as the foresight of your predecessors, who previously denied pipestem lots in our neighborhood, and deny the proposed subdivision and pipestem lot.

Sincerely,  
Hillary Davidson and Jordan Goldstein

# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation, (Motion of Comm. Keeney, seconded by Comm. Hewitt, with a vote of 4-0; Commissioners Keeney, Hewitt, Christeller and Floreen voting in favor, with Comm. Henry being absent).

## MONTGOMERY COUNTY PLANNING BOARD

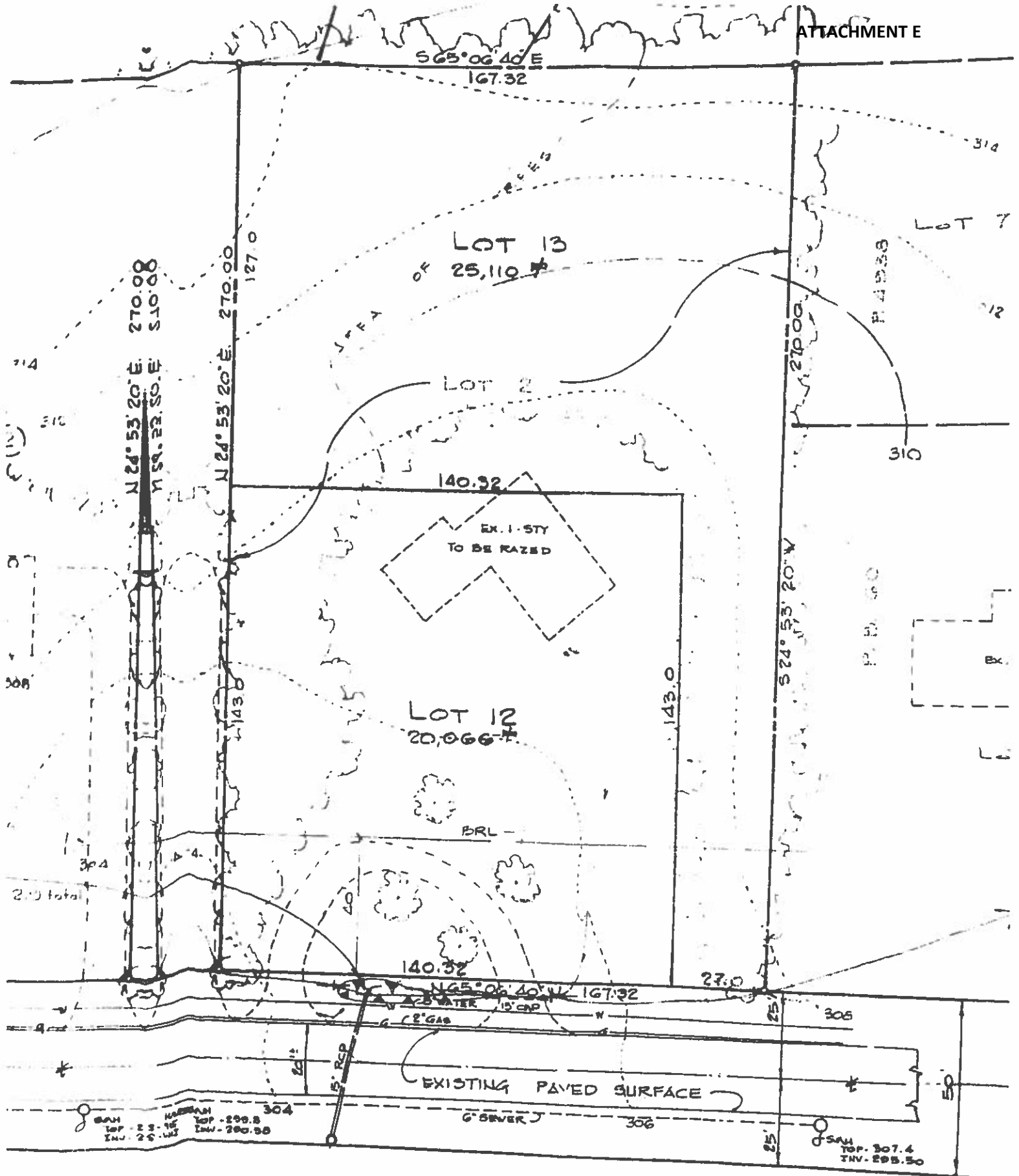
### OPINION

Preliminary Plan 1-88114  
NAME OF PLAN: LONGWOOD

On 03-21-88, MARIO & E.M. DEJORQUERA, submitted an application for the approval of a preliminary plan of subdivision of property in the R200 zone. The application proposed to create 2 lots on 45176.00 SQ FEET of land. The application was designated Preliminary Plan 1-88114. On 09-29-88, Preliminary Plan 1-88114 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-88114 to be in accordance with Section 50-29(b)(2) of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and DISAPPROVES Preliminary Plan 1-88114.

The Board concurs with the staff recommendation that, for the purposes of applying Section 50-29(b)(2), the neighborhood to be considered includes the lots along both sides of Longwood Drive between Brooke Drive and Greentree Road.

Date of Mailing: October 7, 1988



LO O-ONGWOOD (50' R/W) DRIVE

SURVEYOR'S CERTIFICATE

I hereby certify that the pl is an accurate representation of of record and aerial survey by M-N

Date 3/10/88

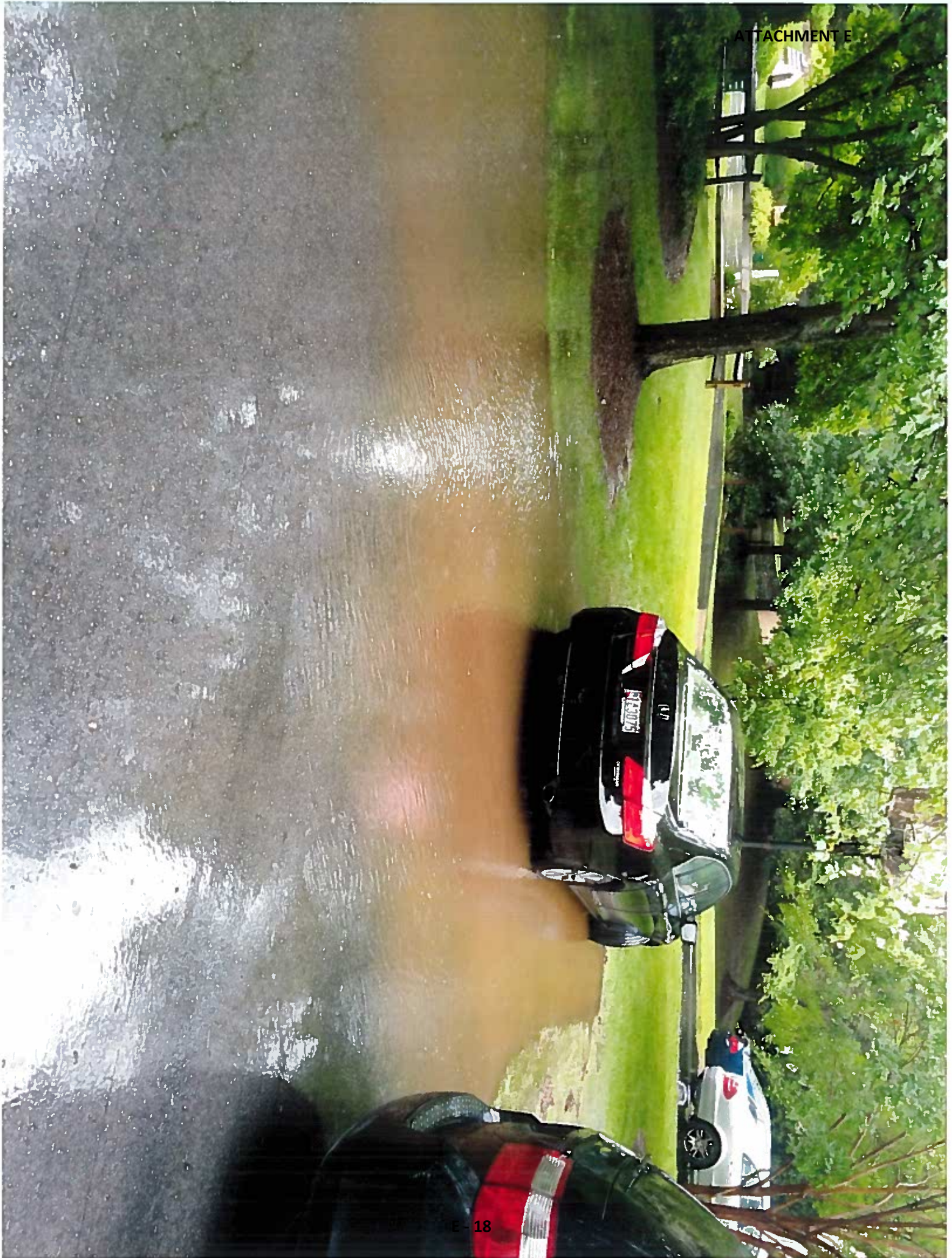


















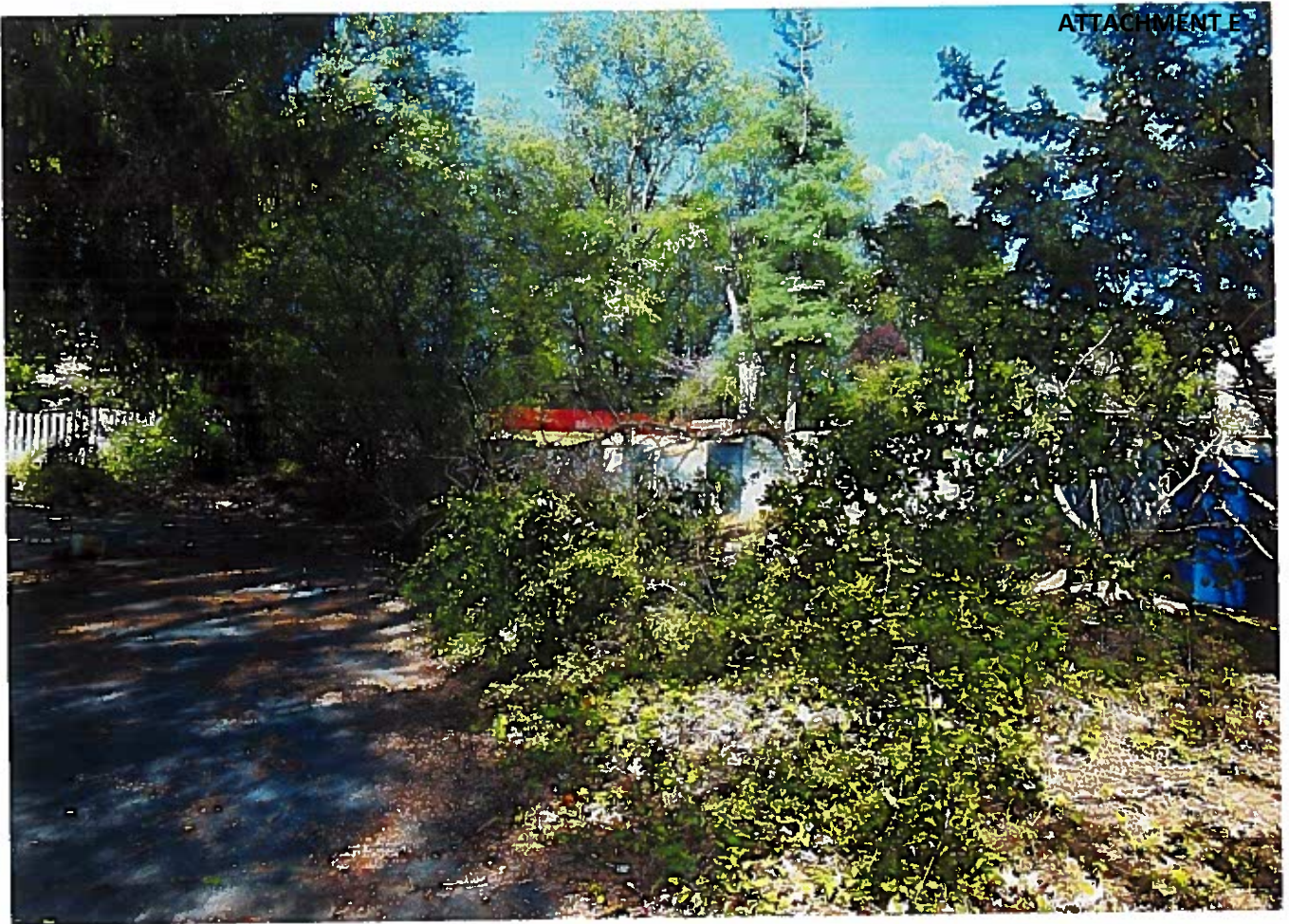
# 7025 Longwood Drive – request for subdivision



## Property 7025 Longwood

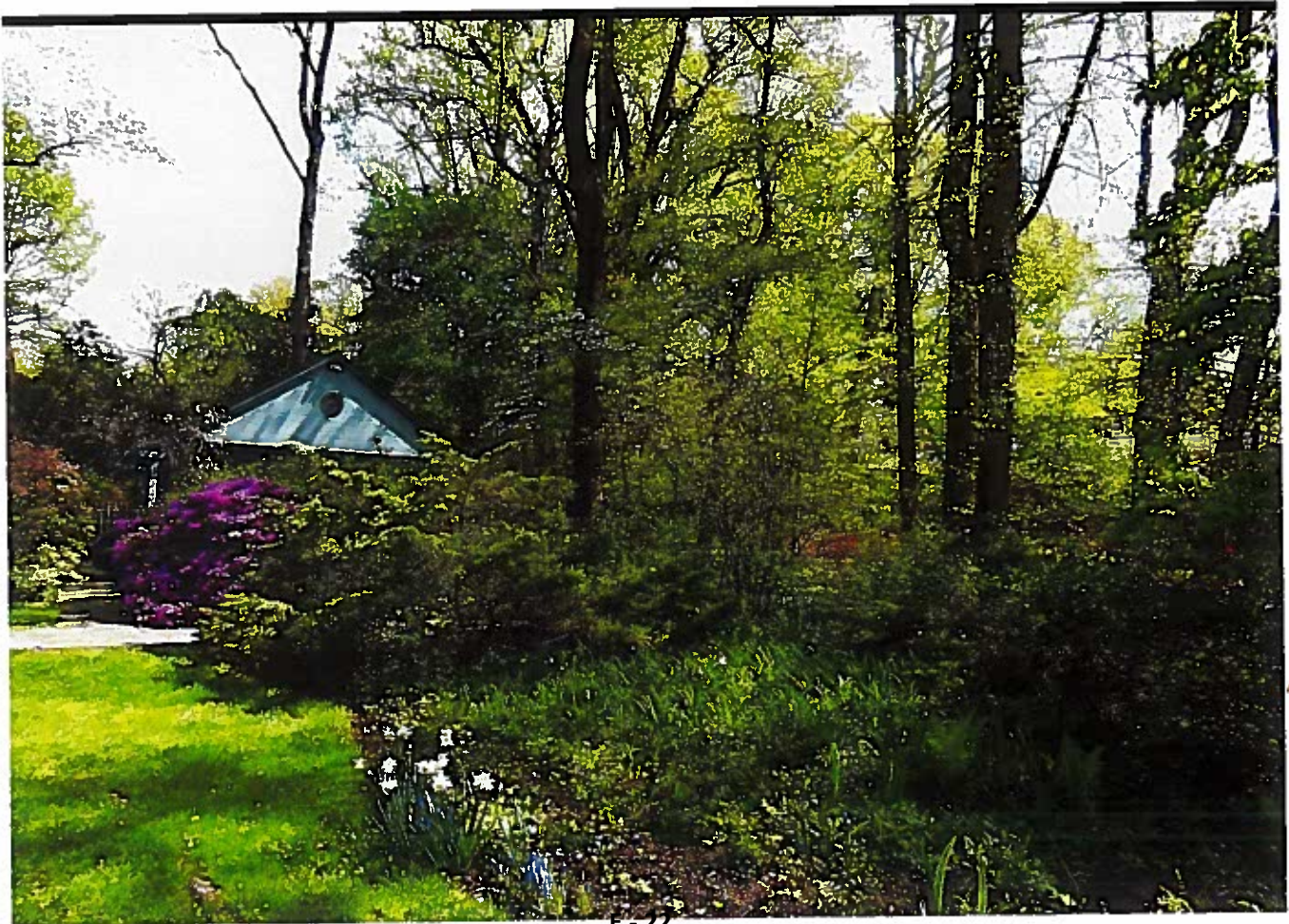
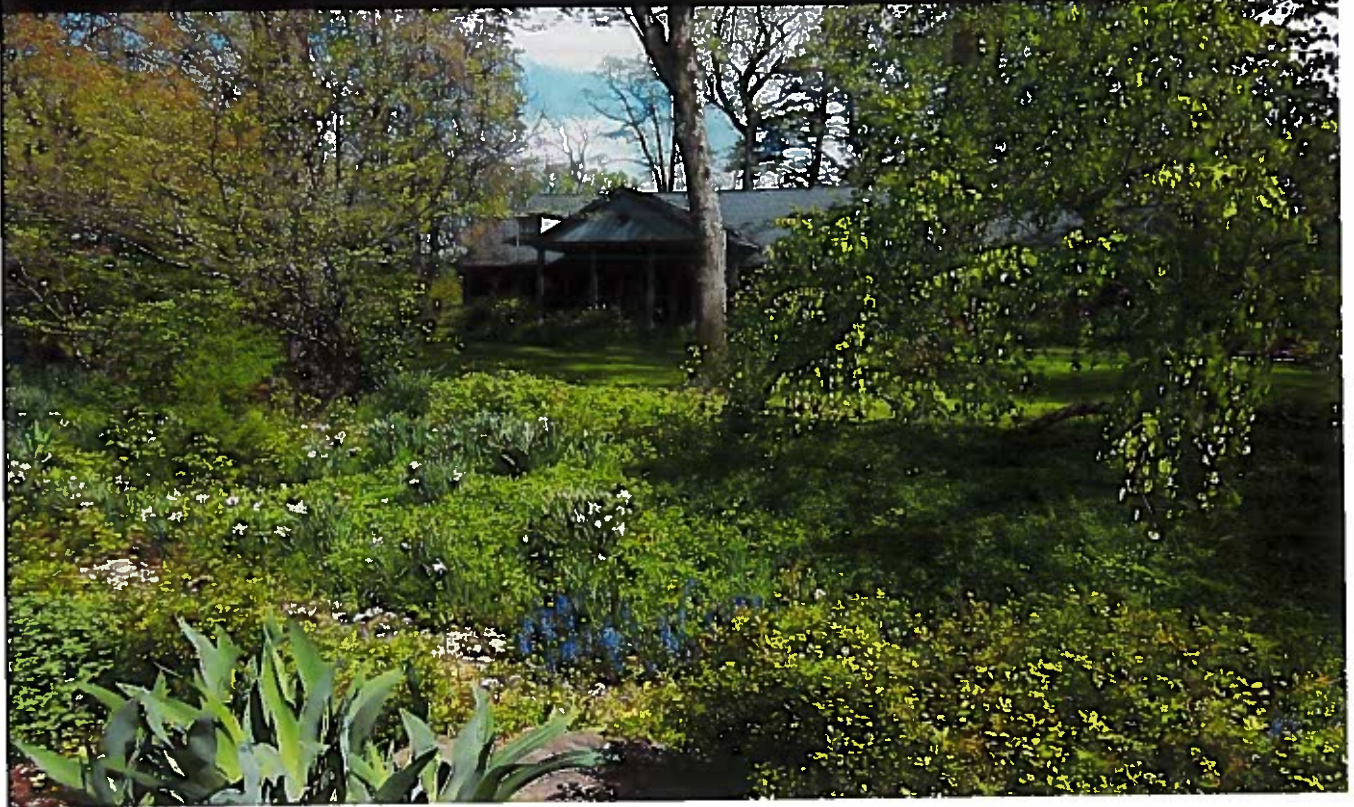








7035 Longwood Drive – adjacent to  
the requested subdivision





# Property 7023 before the destruction





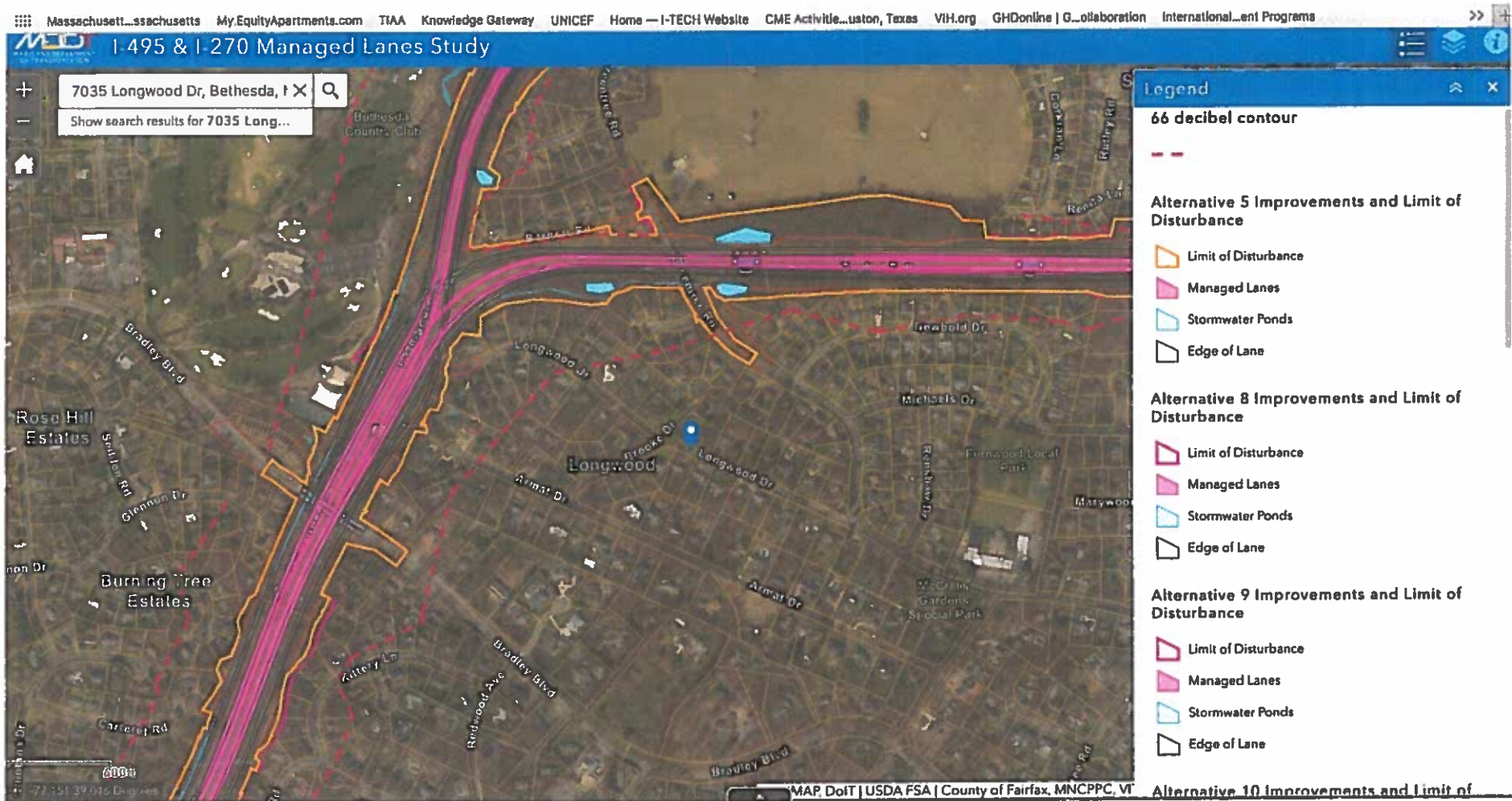
# 7013 Longwood – previously denied subdivision



# 7021 Longwood Drive

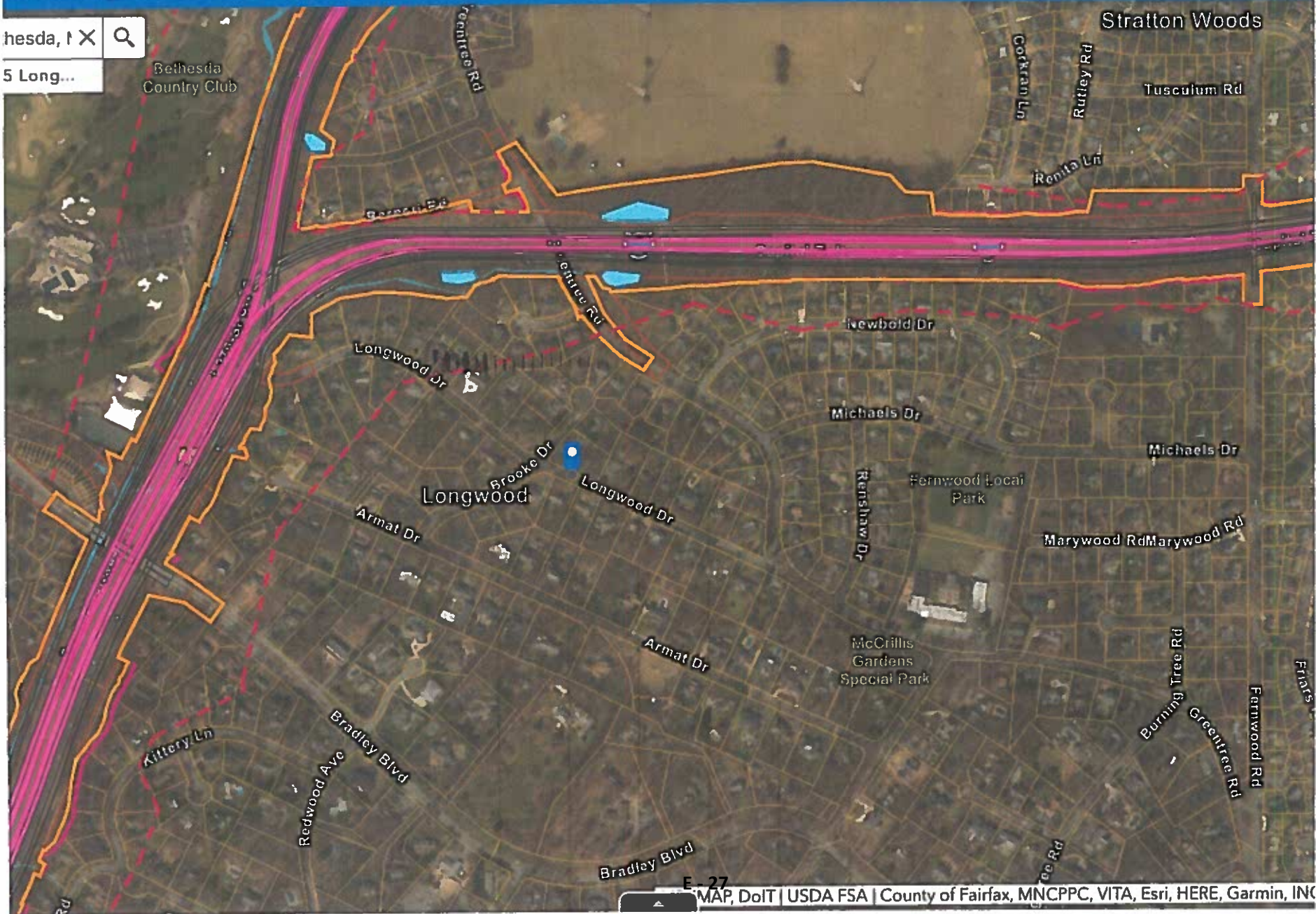




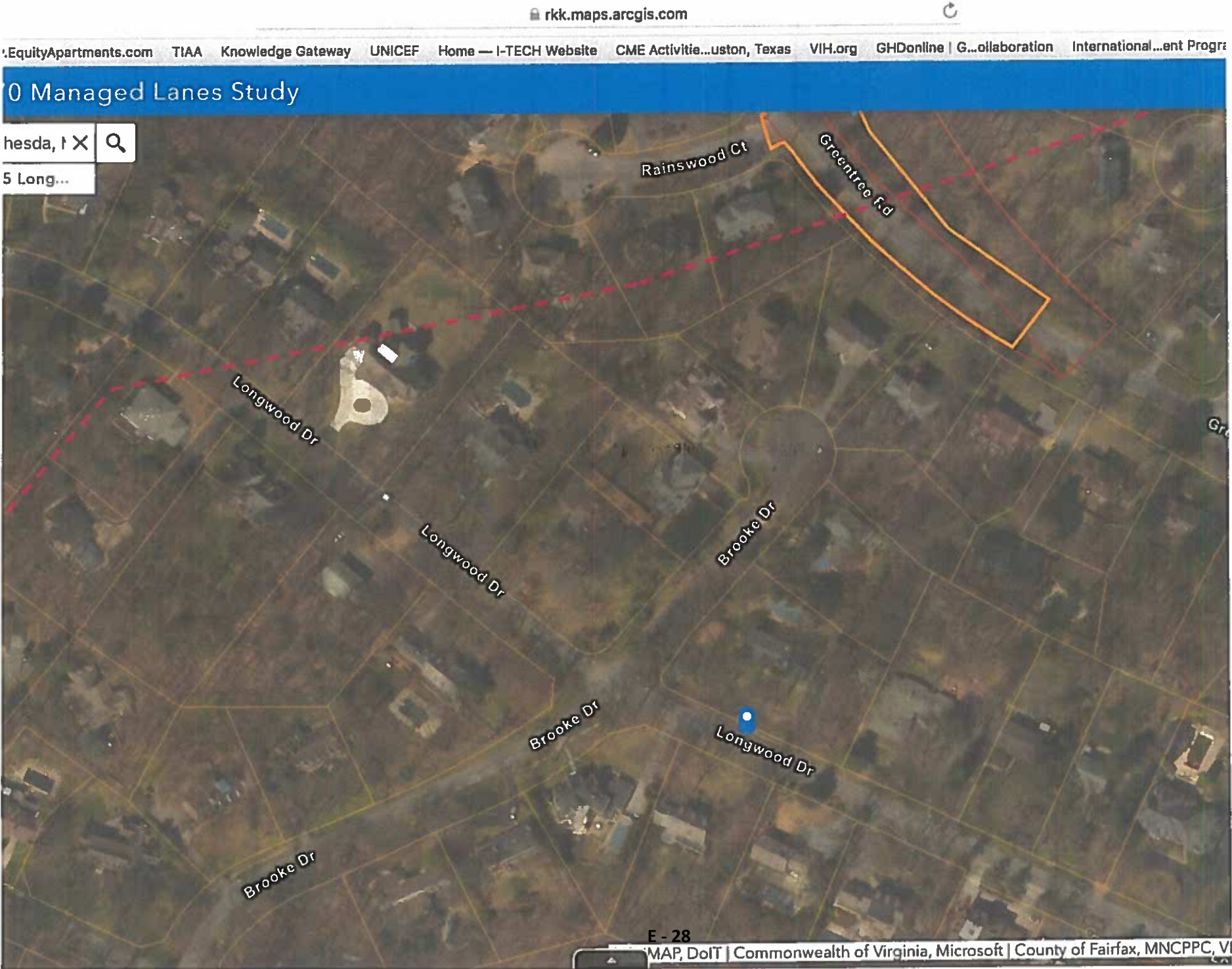




0 Managed Lanes Study







**From:** [Favretto, Richard J.](#)  
**To:** [Bogdan, Grace](#)  
**Cc:** [Mark.etheridge@montgomerycountymd.gov](mailto:Mark.etheridge@montgomerycountymd.gov); [Francine Grace Favretto](#)  
**Subject:** Plan No. 620190100 (7025 Longwood Drive)  
**Date:** Tuesday, April 16, 2019 6:27:45 PM  
**Attachments:** [0077\\_001.pdf](#)

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Dear Ms. Bogdan:

We have received a notice from Benning & Associates, Inc. (copy attached) of an application for the above-referenced subdivision plan at 7025 Longwood Drive and understand that you are the Planning Department's lead reviewer on the project and the one to whom written comments may be provided. We have previously received notice of an earlier application for a Stormwater Management Concept Plan at the same site. We are forwarding below our comments to Mark Etheridge on that pending application for inclusion with this response in connection with the Planning Board's consideration of the Longwood subdivision plan. In sum, as long time homeowners of property directly across Longwood Drive from the targeted subdivision site, we oppose the application's approval in its present form because it will have a lasting adverse impact on the neighborhood and write to record our reasons for this opposition.

In addition to the substantial water and sediment runoff concerns described below, we are distressed by the overall nature and magnitude of the subdivision plan and the transformative environmental effect it will have on our community. The plan calls for the destruction and clearing of practically all of the existing trees on the site. As indicated in our comments to Mr. Etheridge, this will not only exacerbate the existing runoff issues affecting adjacent properties but will also materially diminish the distinctive wooded quality of our neighborhood and result in the elimination of sizable and irreplaceable trees. This has already occurred during ongoing construction at 7023 Longwood Drive, a site adjacent to the proposed subdivision, and is more likely to occur to an even greater degree as a direct consequence of converting through subdivision what was originally a single-home site into two back-to-back lots for development purposes. The complete destruction of mature trees on the site with no obvious replacement or mitigation alternative is inconsistent with the Planning Department's traditional mission to preserve the inherent environmental quality of Montgomery County's residential areas. This impact is made more severe by the pipe-stem nature of the new home proposed for the subdivided rear lot and its proximity to the proposed structure on the subdivided front lot. The removal of the trees as mentioned together with the construction of two new large back-to-back homes is incompatible with the surrounding residential area and will negatively impact neighboring properties by materially destabilizing the neighborhood's environmental balance and devaluing its current residential character, as I am sure the Planning Board has heard from many of our neighbors.

Accordingly, we oppose the application in its present form and urge the Planning Board to carefully and fully take our concerns and those of our neighbors into consideration in evaluating the above-referenced subdivision proposal as submitted. Thank you for considering our concerns and do not hesitate to request further information as you may need from us. Please also keep us advised on the status of the Board's review of the pending application and provide opportunity for further input as the review process develops.

Sincerely yours, Francine and Richard Favretto

**Richard J. Favretto**

Mayer Brown LLP  
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**From:** Favretto, Richard J.  
**Sent:** Tuesday, April 09, 2019 3:42 PM  
**To:** 'Mark.etheridge@montgomerycountymd.gov' <Mark.etheridge@montgomerycountymd.gov>  
**Cc:** Fran Favretto <ffavrett@umd.edu>  
**Subject:** MCDPS Stormwater Management No. 284565 (7025 Longwood Drive)

Dear Mr. Etheridge:

This email responds to the March 21, 2019 notification from Benning & Associates, Inc. (copy attached) respecting a pending application to the Montgomery County Department of Permitting Services ("DPS") for approval of a Proposed Stormwater Management Concept Plan relating to prospective construction and site development at 7025 Longwood Drive. My wife and I are owners of a home located on property immediately across Longwood Drive from the designated site and will be directly affected by stormwater and other runoff both during and after the planned construction. Our home and property are downgrade from the site in question and runoff from the site naturally pools and flows across Longwood Drive and down our driveway (and the driveways of our neighbors) toward the foundation of our home, raising the prospect of wet basement issues. We are concerned that this flow will be substantially increased during construction and after the completion of two large new homes on the subdivided lot where there was only one family home previously. Removal of trees and other foliage during the pre-construction phase of development will likely intensify the amount and force of resulting runoff. In the past, we have taken steps to divert much of this stormwater runoff away and further downgrade from our home's foundation but we fear increased runoff volume and flow will present new challenges with potential landscaping and structural damage.

Accordingly, while we understand the stormwater management steps incorporated into the Proposed Concept Plan, we are concerned about their sufficiency in the existing circumstances for both the short and longer term. In particular, we question the adequacy of the Plan's drywells and micro-infiltration trenches to control water and sediment runoff resulting from new construction and we urge DPS to require the applicant to formulate a drainage plan reflecting satisfactory measures to ensure control and safe conveyance of any runoff caused by new construction of the magnitude contemplated. Also, we question whether the micro-infiltration trenches reflected on the Proposed Concept Plan are sufficient to capture impermeable and other runoff from the two upgrade driveways contemplated for the referenced subdivided lots before they naturally flow into, across and down Longwood Drive onto adjacent properties, with resulting risks of downgrade flooding and foundation infiltration of neighboring homes. These concerns are based upon past patterns of runoff water flow from the 7025 Longwood Drive property, which will only become more serious given the scope and size of the planned site development.

Thank you for taking the time to consider and act upon the concerns expressed herein. If you have any need for elaboration or further information about the issues raised or any others -- or believe an interview or property inspection would be helpful to your review -- before acting on the pending Stormwater Management Permit, please do not hesitate to let us know.

Sincerely yours, Francine and Richard Favretto

**Richard J. Favretto**

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9508 Brooke Drive  
Bethesda MD 20817  
November 25, 2019

Mr. Casey Anderson  
Chairman, Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring MD 20910

Dear Mr. Anderson:

I write today on behalf of myself and my husband, homeowners for nearly 36 years at 9508 Brooke Drive, Bethesda MD 20817, in opposition to the Preliminary Plan # 620190100 for 7025 Longwood Drive, Bethesda.

Briefly, this proposed plan would call for the subdivision of the above-referenced property-- currently the site of an existing single-family detached home-- into two separate properties and the construction thereon of two houses in tandem with access to the far house via a pipestem driveway. My husband and I oppose this Preliminary Plan for several important reasons.

The Longwood Drive-Brooke Drive neighborhood is a long-standing community of single-family homes dating from the 1950s-1980s. We are understandably proud of our wooded lots and carefully-tended yards on generous parcels of land with many mature and specimen trees and ornamental shrubbery. Our substantial property tax rate attests to the high value placed on this neighborhood and shared by the Montgomery County government authorities.

The subdivision of this single-family property to squeeze in two houses and make way for an inferior pipestem development would Balkanize the nature of our well-integrated and historically preserved community of single-family homes and destroy the values that residents and others have come to appreciate and hold dear. No pipestems have been approved in recent memory; no existing lots have been subdivided; and, proposed clear-cutting of trees and failure to protect specimen trees for the sake of development are likely to increase stormwater runoff problems and to diminish the environmental and aesthetic values which our neighborhood has rightfully enjoyed.

With respect to uncontrolled and excessive stormwater runoff, in particular, the damage to our property from recent clear-cutting and lack of stormwater controls has led directly to the flooding of our basement and severe soil erosion on our property. As a result, we have been forced to hire a company to excavate the affected area around our home to provide appropriate barriers against water incursion and to prevent the continuing loss of soil. This has come at a significant cost to us in out-of-pocket expenses and will be reflected in the impact on the future value of our property.

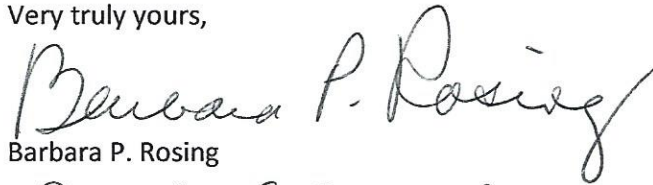
No less than the Bethesda-Chevy Chase Master Plan, approved in 1990 and still in force, speaks to the issues we raise. It reconfirms the existing zoning of our area and states that, "A major goal of the

Master Plan is to protect the high quality of life, the existing residential character, and the natural environment throughout the area."

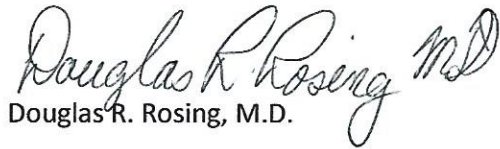
We perceive this Preliminary Plan for 7025 Longwood Drive as having an unacceptable impact on the character of our neighborhood, on the beneficial values of clean air, clean water, smart land-use, and the protection of natural wildlife habitat which have been neighborhood touchstones since the beginning. Further, approval of this Preliminary Plan sets the county on a dangerous path of making other comparable or larger lots in our neighborhood attractive targets for future detrimental development.

I appreciate the opportunity to provide our views and hope the Board will take them fully into account.

Very truly yours,

A handwritten signature in cursive script that reads "Barbara P. Rosing".

Barbara P. Rosing

A handwritten signature in cursive script that reads "Douglas R. Rosing MD".

Douglas R. Rosing, M.D.

Subdivision\_7025\_letter

7035 Longwood Drive  
Bethesda MD 20817  
November 21, 2019

Mr. Casey Anderson  
Chairman of Montgomery County Planning Board  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910  
Email: [MCP-Chair@mncppc.org](mailto:MCP-Chair@mncppc.org)

Re: Preliminary Plan #6202902100, 7025 Longwood Drive

Dear Mr. Anderson:

We are writing in strong opposition to the proposal for subdivision of the property at 7025 Longwood Drive, Bethesda. We have been the homeowners at the immediately adjacent property at 7035 Longwood since October 1982, and have been part of this fully developed R-200 zoned neighborhood for the last 37 years. The neighborhood consists of single homes, all on roughly rectangular lots, fronting the street, lining both sides of Longwood Drive, extending from the intersections of Longwood and Greentree to Longwood and Brooke Drive. Each of the neighborhood homes have large, groomed yards with many mature trees and similar widths on each side of the houses; these features contribute significantly to the appearance and value of the houses in the neighborhood.

The character of our neighborhood would be irreparably changed by the approval of pipestemmed houses in our long-established area. As the size, width and shape and orientation must be appropriate for the (Longwood) subdivision, the width and shape of the proposed pipestem would result in one house behind the other, in contrast to all the other Longwood neighborhood houses having open and/or forested back yards. The two proposed lots would be the first and third smallest among the 16-lot Longwood neighborhood. Approval of the subdivision request would, in our view, violate the Master Plan's goal of preservation of the existing residential character and natural environment. In effect, this subdivision plan, with extensive de-forestation and destruction of numerous specimen trees would irreparably harm the Longwood neighborhood. Such degradation, in addition to the potential future subdivision and re-development of three existing neighborhood lots over 40,000 square feet with additional pipestems would further degrade the character, increase the potential for significant environmental and property damage from ongoing and worsening flooding, and could affect property values of the other lots/houses such as ours.

To preserve the long-standing character of the neighborhood, we strongly support the replacement of the existing house by redevelopment of the 7025 property with **one** new single-family home in the front half of the property, facing the street, rather than the proposed

pipestem development plan. There are no pipestem lots in our Longwood neighborhood; those that exist in the larger surrounding area appear to be from original subdivision plans and not from more recently approved subdivisions. In addition, the submitted plan calls for removal of 5 specimen trees, only one of which would be sacrificed if one, rather than two, houses were built upon the subject property.

The neighborhood has frequently had stormwater runoff problems. Specifically, we have had persistent issues with basement flooding, necessitating the installation of a pumping system at considerable expense. Over the past several years we have noted a substantial increase in pooling of water, even from moderate rainfall, in between our property and 7025 with substantial runoff and soil erosion through the front portion of the lawn. In addition, in heavier rains there is already a massive flow of water and silt down Longwood, completely inundating and overflowing the drainage channel that runs the length of our property into the storm drain at the corner of Longwood and Brooke Drive. The proposed development plan for 7025 Longwood, with cutting of the trees on at least 90% of the property, with the loss of the absorptive capacity of these trees, raises down-stream stormwater runoff with direct implications for our property. In addition, we have recently learned of proposed redevelopment plans with two houses for lots including 9505 Brooke Drive, which also borders our property, with yet additional destruction of mature trees, compounding the water runoff/flooding issues for us, as well as for our neighbors at 9513, 9512, and 9508 Brooke Drive.

As we have had significant concerns about the impact of the proposed subdivision, we sought professional input from a water management engineer who concluded that “the large lot homes of this area have extensive forest cover which reduces runoff and erosion problems from existing homes. The existing drainage problems in the area have been problematic but tolerable due to the large forest cover of these lots. With the proposed development and land clearing proposals for these adjacent properties, the drainage problems will become intolerable”.

We recall that some years ago that an application for a pipestem development at 7212 Longwood was rejected by the Planning Board on some of the same grounds that we believe would result from the current application for subdivision of 7025: namely, unacceptable deforestation and unacceptable stormwater runoff.

Finally, we would strongly argue that denial of the variance for specimen tree removal would not result in “unwarranted hardship”, or denial of “reasonable use of the property”. But it would result in the continued use of the property as the location for one house on a lot with characteristics consistent with the rest of this mature neighborhood.

Thank you for your consideration.

Mark Wolfman, M.D.

Ursula Wolfman, Ph.D.

November 26, 2019

Mr. Casey Anderson  
Chairman, Montgomery County Planning Board, M-NCPPC  
8787 Georgia Avenue, Silver Spring, MD 20910

RE: Preliminary plan #620190100

Mr. Chairman:

We are writing to request the Planning Board to deny the above-referenced preliminary plan for a subdivision at 7025 Longwood Drive in Bethesda.

We have been living two houses over, at Longwood Drive 7021, since February 1983. We bought the house not only because of the schools nearby, but our house specifically, because it was situated in a beautiful and heavily wooded neighborhood. And we planted several more trees in our yard over the years.

Preliminary plan #620190100 for the subdivision of the property at Longwood Drive 7025, involves the creation of a pipestem lot with two small houses sitting one behind the other on, what would then become, tree-less lots. This would be in direct conflict with the Bethesda-Chevy Chase Master Plan which states that "a major goal of the Master Plan is to protect the high quality of life, the existing residential character, and the natural environment throughout the area". Indeed, the proposed subdivision and development at 7025 Longwood drive would change the character of our neighborhood radically, while, given the price points the two new houses would come on the market for, it would not at all serve Montgomery County's goal of providing more low-income housing. It would merely lead to a lowering of the values of the adjacent properties, including ours. The only one gaining from the proposed subdivision is a non-resident developer who would reap a windfall at the expense of all of us. The lot was originally meant to have one single family home. Replacing the existing home, even with one that would be significantly larger (as seems to be an unavoidable trend in our neighborhood, given the land values, the size of the lots and the evolution in tastes) will surely not create a hardship for anyone—neither neighbors, nor a profit-oriented developer.

We also want the proposed subdivision denied in the context of Governor Hogan's proposal to widen the Beltway. Since our neighborhood is close to the intersection of the I-270 and the Beltway, where car and truck traffic is particularly intense, the adverse effect on air and noise pollution on our neighborhood resulting from the removal of the buffer zone protecting our



neighborhood would be greatly exacerbated by the proposed wholesale removal of shrubs and trees (of which 4 or 5 are large specimens) in the backyard of the 7025 property.

In the mid-90's we successfully fought a preliminary plan to subdivide the next door property (at 7013 Longwood Drive) on the basis that it involved the creation of a pipestem lot, and that it would have resulted in breaking the front-alignment of the houses on our side of Longwood Drive between Greentree Road and Brooke Drive. These are the same reasons why we, now again, oppose the proposed subdivision of the 7025 property. In the case before us now, the disruption to our neighborhood would be even more severe because the trees in front of the house closest to the street would be sacrificed, in addition to all the specimen trees in the back yard.

Last but not least, several very large trees were removed from the property at 7004 Greentree Road some months ago; this, we suspect, in preparation of a possible subdivision of the McClure property at 9505 Brooke Drive to whom part of the Greentree property could be ceded in order to create the acreage necessary to divide McClure's land. Moreover, as part of a McClure subdivision, we fear that several large trees would also be removed there. While removing trees would worsen the problem of the shrinking Beltway pollution buffer, it would, according to a study prepared by a professional engineer, not only create severe water runoff problems for the adjacent properties on Brooke Drive, but intolerable drainage problems beyond. The resulting cost to upgrade the sewage system would be borne by the taxpayer, i.e. us, instead of the developer.

In a nutshell: we are facing an environmental disaster which may seem small from a distance, but is, up close, catastrophic for our little neighborhood. We request that the Planning Board deny the proposed pipestem subdivision at 7025 Longwood Drive.

Sincerely,

Kathy Tilmans and Jan Bové

7021 Longwood Drive, Bethesda, MD 20817  
Tel: 301-767-5939  
Email: [bovejan@yahoo.com](mailto:bovejan@yahoo.com)