




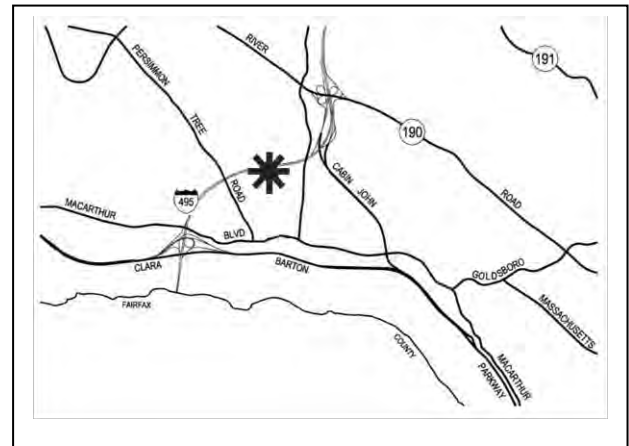
Carderock Springs, Administrative Subdivision Plan No. 620200140

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Completed: 5/28/2021

Description

- Request to create two (2) lots for one (1) single-family detached dwelling unit on each lot
- Location: On Osage Lane, 350 feet east of the intersection with Tomlinson Avenue
- Zone: R-200
- Master Plan: 1990 *Bethesda-Chevy Master Plan*
- Property size: 1.07 acres
- Applicant: Kaz Malachowski
- Date Accepted: September 2, 2020
- Review Basis: Chapter 50, Chapter 22A, Chapter 59



Summary

- Staff recommends **APPROVAL** of the administrative subdivision with conditions.
- Per Section 50.6.1.C of the Subdivision Ordinance, subdivisions for the creation of up to 3 lots for residential detached houses are permitted to be reviewed administratively.
- The Administrative Subdivision proposes to demolish the existing home and subdivide one lot into two, for a new single-family dwelling on each lot.
- Due to initial neighborhood opposition, the Planning Director deferred consideration of the application to the Planning Board, per Section 50.6.3.B.1 of the Subdivision Ordinance.
- The Application received the first extension request approval from the Planning Board to extend the review period from December 2, 2020 to February 2, 2021, while a second request was subsequently approved to shift the hearing date from February 2, 2021 to April 2, 2021, and a third request was approved to further shift the date from April 2, 2021 to July 29, 2021.
- Based on the initial application submittal, Staff received two letters of opposition from the community mainly regarding tree removal and traffic concerns. The correspondence is contained herein as Attachment C.
- Since the time the community letters were written, the Applicant has significantly improved the scope of tree preservation and is also meeting the forest conservation requirements onsite within new Category I Conservation easements (which also connect to the existing easement setting on neighboring properties).
- The existing access easement currently serving the Subject Property will be extinguished.

RECOMMENDATION AND CONDITIONS

Administrative Subdivision Plan No. 620200140

Staff recommends approval of Administrative Subdivision Plan No. 620200140 with the following conditions.

1. This Administrative Subdivision is limited to two (2) lots for one (1) single-family dwelling unit on each lot.
2. The Adequate Public Facility (APF) review for the Administrative Subdivision will remain valid for sixty (60) months from the date of mailing of the Planning Board resolution.
3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated May 25, 2021 and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
5. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated February 12, 2021 and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated February 8, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Administrative Subdivision Plan approval.
7. Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of a 5-foot wide sidewalk along the Property frontage on Tomlinson Avenue, unless construction is waived by MCDPS. If construction of the sidewalk is waived, the Applicant must pay a fee-in-lieu for the total cost of implementation of the sidewalk as approved by MCDPS staff, in compliance with Section 49-40(b)(1)(C) of the County Code.
8. The Applicant must install street trees along the Tomlinson Avenue frontage subject to MCDPS-ROW review and approval (even if the sidewalk construction is waived). The street tree plantings associated with the frontage of each lot must be installed as seasonally appropriate and prior to the issuance of the final Use and Occupancy Certificate for each respective lot.
9. Except for limited clearing and grading associated with the demolition of building and paving, there shall be no clearing or grading of the site prior to recordation of plat(s).
 - a. Prior to any demolition, the Applicant must conduct an onsite meeting with the M-NCPPC Forest Conservation Inspector and the project arborist (hired by the Applicant) who is qualified as an ISA-certified Arborist and also a MD Licensed Tree Care Expert.
10. The record plat must show necessary easements.
11. The existing access easement serving the subject property must be extinguished prior to the plat recordation.

12. The record plat must reflect the following building restriction lines as shown on the Administrative Subdivision Plan:
 - a. A variable-width BRL from the east lot line for Lot B.
 - b. A 120-foot BRL from the rear lot line for Lot B.
13. The Applicant must comply with the following conditions of approval of Preliminary/Final Forest Conservation Plan 620200140, approved as part of this Administrative Subdivision Plan.
 - a. Prior to certification of the Administrative Subdivision Plan, the Applicant must coordinate with M-NCPPC Staff to update the conservation easement footprint and also address updates and additions to the Forest Conservation/tree save plan notes, details and specifications in order to provide clarity and consistency across plan sheets.
 - b. The offsite portion of the gravel driveway, located within the existing access easement to be abandoned, must be removed and replaced with a mulch or lawn cover as part of the pre-construction measures associated with demolition of the paving (and the existing residence) unless the affected property owner does not grant permission to perform the work. The Applicant must implement appropriate tree save measures during removal of the gravel driveway as shown on the certified tree save plan and/or as directed by the M-NCPPC Forest Conservation Inspector.
 - c. Within the first planting season following the pre-construction meeting for new construction on the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install forest enhancement plantings as shown on the certified FFCP. Adjustments to the planting locations, species and quantities is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
 - d. Prior to the release of Maintenance & Management Agreement and associated financial security, the Applicant must install the associated variance tree mitigation plantings consisting of native canopy trees, with a minimum size of 3 caliper inches, totaling 24 caliper inches as shown on the FFCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
 - e. Prior to certification of the Administrative Subdivision Plan, the Applicant must coordinate with Staff regarding the proposed location of onsite trees credited towards variance mitigation which must be at least five (5) feet away from any structures, paving, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or their associated easements.
 - f. Prior to certification of the Administrative Subdivision Plan, the Applicant must coordinate with Staff to enhance the tree preservation by the use of specialized construction techniques and/or shifting of LOD along the northern property line adjacent to the neighboring Lot 8.
 - g. Prior to the start of any demolition, clearing, grading, or construction for this development Application (except for limited clearing and grading associated with the demolition of the existing building and paving), the Applicant must record Category I Conservation Easements as specified on the certified Forest Conservation Plan. The Category I Conservation Easements must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
 - h. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the approximately 0.22-acres of new forest planting, mitigation trees, and maintenance credited toward meeting the requirements of the FFCP.
 - i. Prior to any demolition, clearing, grading or construction for this development

Application, the Applicant must submit a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas and mitigation plantings required by the FFCP.

- j. The Applicant must provide supplemental native species and invasive species management control measures within the proposed Category I Conservation Easements as shown on the FFCP and/or as directed by the M-NCPPC Forest Conservation Inspection Staff. The cost to control non-native invasive species must be incorporated into the forest conservation financial surety.
 - k. Prior to the initial planting acceptance inspection by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FFCP or as determined by the Forest Conservation Inspection Staff.
- 14. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
 - 15. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
 - 16. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
 - 17. The Applicant must include all applicable agency approval letters and Administrative Subdivision Plan Resolution on the approval or cover sheet(s).
 - 18. The certified Administrative Subdivision Plan must contain the following note:
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Administrative Subdivision Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
 - 19. Prior to submittal of the certificated Administrative Subdivision Plan, the Applicant must address the following:
 - a. Revise notes and corresponding tree save plan to address the initial phasing for the demolition of the existing building, paving and the limited clearing and grading associated with the work prior to record plat.
 - b. Update Category I Forest Conservation Easement footprint to incorporate the additional easement area as shown in the Staff report.
 - c. Coordinate with Staff regarding minor clarifications, corrections, and updates which may be needed.

SECTION 1 – SITE DESCRIPTION

Site Location and Vicinity

The Project is located at 8200 Osage Lane in Bethesda, approximately 350 feet east of the intersection with Tomlinson Avenue. The Property is also located approximately 350 feet south of the Capital Beltway. The vicinity is developed with single-family detached dwellings in the R-200 and R-90 zones and the nearby lot sizes range widely, with the Subject Property being the largest in the vicinity. The Property is also within the Palisades subsection of the 1990 *Bethesda-Chevy Chase Master Plan*.



Figure 1 – Vicinity Map

Site Description

The Subject Property (Property, or Project) is known as Lot 11, Block T, as recorded in Plat 14215/548-16. The Subject Property is located on the north side of Tomlinson Avenue near the intersection with Buxton Terrace. The Property consists of approximately 46,325 square feet (1.07 acres), zoned R-200 within the 1990 *Bethesda-Chevy Chase Master Plan*. As shown below in Figure 2, the Property is currently developed with a single-family house, and a gravel driveway accessing from Osage Lane through a private access easement. The Property is in a forest-like setting containing numerous significant and specimen trees. The topography slopes gently towards the center of the property. No highly erodible or hydric soils are located

on the Property and there are no streams wetlands or their associated buffers on or near the Subject Property. The Property is located within the Potomac Direct watershed which is a Use Class I-P¹ watershed.

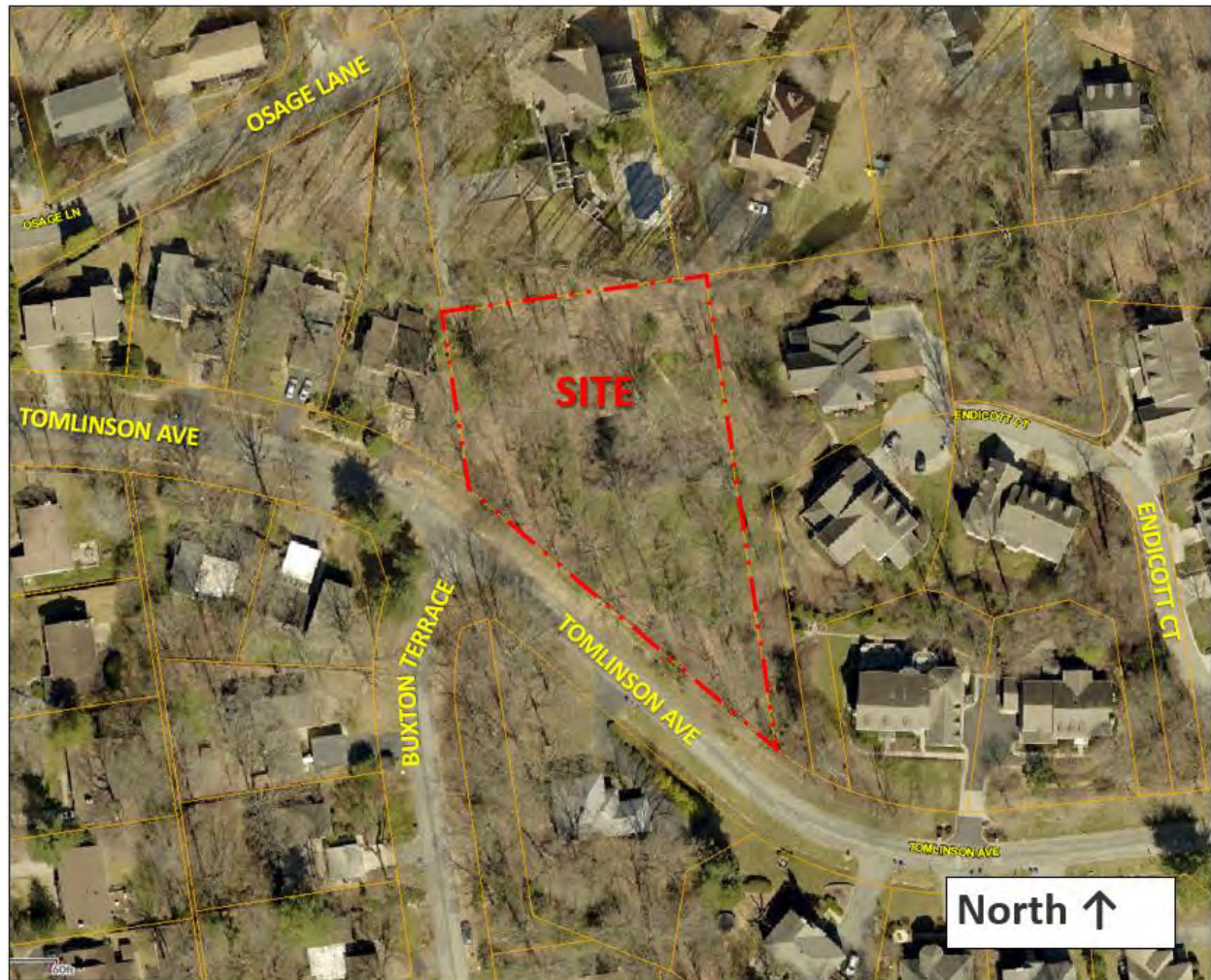


Figure 2 – Aerial Map

SECTION 2 – PROPOSAL

Proposal

The Applicant proposes to demolish the existing residence and subdivide the 1.07-acre lot into two lots with direct access and frontage on Tomlinson Avenue (the existing access easement from Osage Lane will be extinguished): Lot A, the eastern lot, will contain approximately 20,246 square feet with one single-family detached dwelling; and Lot B, the western lot, will contain approximately 26,162 square feet for a new single-family detached dwelling. In Figure 3 (below) the proposed lot configuration demonstrates that proposed lots can accommodate the two single-family detached dwellings as proposed in conformance with the development standards for the R-200 zone. No roadway dedications are proposed

¹ Use I-P:

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY

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

as adequate dedication had already occurred and an associated 10' Public Utility Easement (PUE) was recorded along the Tomlinson Avenue frontage as part of a roadway extension project which was implemented decades ago. A sidewalk with street tree plantings along the Tomlinson frontage is now proposed as part of this application. The development includes new onsite Category I Forest Conservation Easements which will exceed the forest conservation worksheet requirements and also connect to the existing Category I Forest Conservation Easement setting on adjacent properties. The tree save plans have been designed to also preserve additional trees outside of the proposed conservation easement setting.

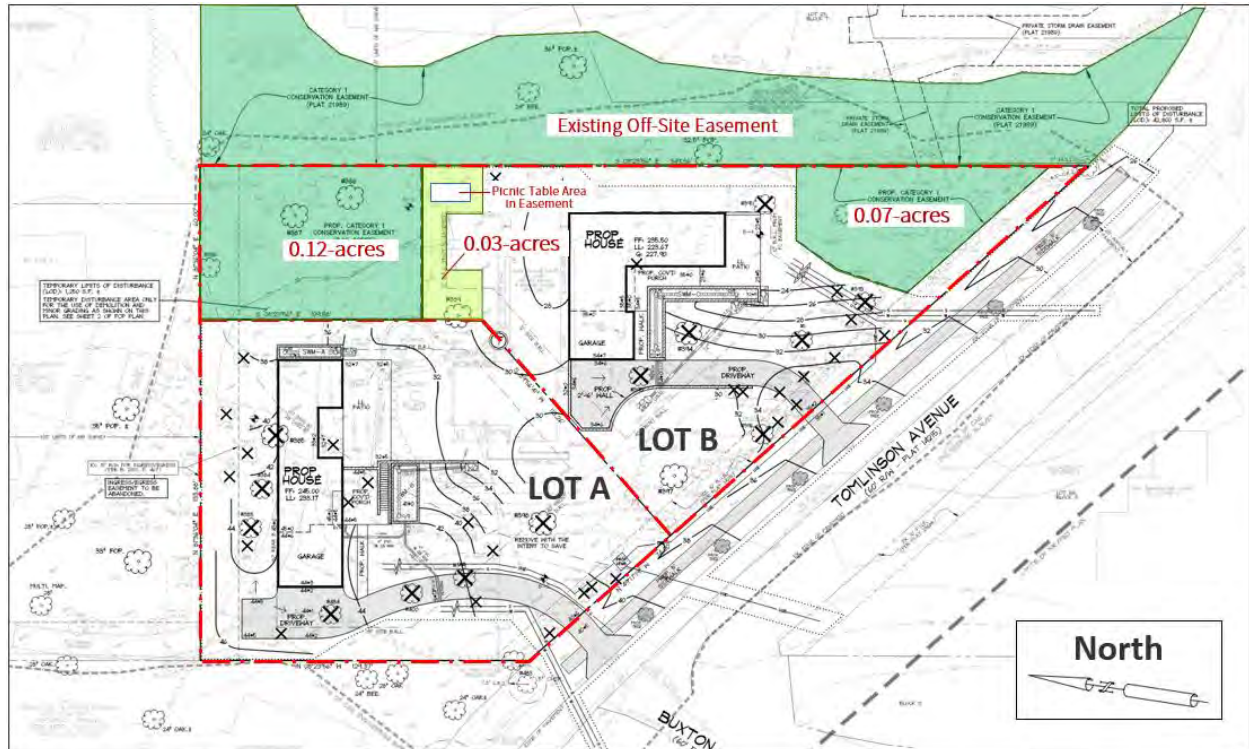


Figure 3: Proposed Administrative Subdivision Lot Configuration.
Green shading represents existing (offsite) and proposed (onsite) conservation easements.

Access and Circulation

Access to the proposed lots will be via separate driveways on Tomlinson Avenue. Although there are no existing sidewalks in the immediate vicinity, the Project proposes a new 5-foot wide sidewalk with 6-foot vegetated buffers along the Site frontage.

SECTION 3 – ANALYSIS AND FINDINGS, CHAPTER 50

Applicability, Section 6.1.C

- 1. The lots are approved for the standard method of development;**

The lots were submitted and are approved for standard method development in the R-200 zone.

2. **Written approval for any proposed well and septic area is received from the Department of Permitting Services, Well and Septic Section before approval of the plat;**

The lots will not be served by wells or septic areas, as the Property is served by public water and sewer service and is designated in the W-1 and S-1 categories.

3. **Any required road dedications and associated public utility easements are shown on the plat and the applicant provides any required improvements;**

Tomlinson Avenue provides direct access to fewer than 75 residential units and does not directly connect to other neighborhood uses, such as schools or libraries. As a result, Tomlinson Avenue meets the criteria for a Tertiary Residential Street with a total of 70 feet of right-of-way dedicated along the lots frontages (Plat MSA s1249-020420, 1983). Therefore, no further dedication is required as part of this Application. The recorded plat also includes an existing 10' Public Utility Easement (PUE) recorded along the Tomlinson frontage. However, the Applicant will coordinate with County agencies to ensure that any other necessary public utility easements are shown on the new plat.

4. **The requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat; and**

Transportation access is adequate to serve the proposed development by this Administrative Subdivision Plan.

Local Area Transportation Review (LATR)

The Project generates fewer than three (3) peak hour trips and is considered to have a *de minimis* impact on the transportation network. As a result, the Application is not subject to the Local Area Transportation Review (LATR). Based on the Project's *de minimis* impact and provision of new 5-foot sidewalks (unless waived) with 6-foot vegetated buffers on the Tomlinson Avenue frontages, vehicle and pedestrian access for the administrative subdivision will be adequate.

School Adequacy

The Property is served by Carderock Springs Elementary School, Pyle Middle School and Whitman High School. Since the application was accepted prior to January 1, 2021 it falls under the rules of the 2016 Subdivision Staging Policy (SSP). Under the 2016 SSP, testing for estimated impact on school enrollment is not required as there is a net increase of only of one new single-family-detached dwelling unit and the application falls within the *de minimis* (three units or less) exemption.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The Property is proposed to be served by public water and public sewer and there is sufficient capacity and infrastructure available for other utilities such as electrical, telecommunications, and gas. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the Subdivision Staging Policy resolution currently in effect and will be adequate to serve the Property.

5. Forest conservation, stormwater management, and environmental protection requirements are satisfied before approval of the plat.

The Subject Property is subject to Chapter 22A of the County Code. As conditioned, the Preliminary/Final Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Application received approval of a Stormwater Management Concept Plan from the Department of Permitting Services, on February 12, 2021, per Chapter 19 of the County Code. The SWM Concept Plan demonstrates that stormwater will be managed onsite (with no waiver) using planter box microbioretention.

There no additional environmental protection requirements to be met.

Technical Review, Section 4.3

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

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

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

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

The Administrative Subdivision Plan meets all applicable sections of the Subdivision Code. Proposed Lots A and B are appropriate in size, shape, width, and orientation, taking into account the recommendations of the 1990 *Bethesda-Chevy Master Plan*, the existing lot pattern of surrounding properties, and the building type (single-family detached dwelling units) contemplated for the Property.

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

The Property was reviewed for compliance with Section 50.4.3.D, "Public sites and adequate open spaces," of the Subdivision Code. There are no Master Plan recommendations for public facilities or local recreation requirements for the Subject Property. Adequate roadway dedication has already been provided and an associated 10' Public Utility Easement (PUE) was recorded along the Tomlinson frontage as part of a roadway extension which was previously implemented.

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

The lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Table 1.

Table 1 – Development Standards in the R-200 Zone

Standard	Required/Permitted	Proposed	
		LOT A	LOT B
Minimum lot size	20,000 sq ft	20,246 sq feet	26,162 sq feet
Min Lot Width at Front Building Line	100'	119 feet	173 feet
Min Lot Width at Front Lot Line	25 feet	74 feet	219 feet
Maximum Density (units/acre)	2.18	1	1
Max Lot Coverage	25%	<25%	<25%
Front setback	40 feet (min)	40 feet ¹	40 feet ¹
Side setbacks	12 feet (min)	12 (min)	12 (min)
Sum of Side setbacks	25 feet	25 feet	30 feet ²
Rear setbacks	30 feet	30 feet	120 feet ²
Max Building Height to highest point on any roof.			
If lot is ≥ 25,00sf and < 40,000	45 feet	N/A	<45 feet
If lot is ≥ 15,00sf and < 25,000	40 feet	<40 feet	N/A

¹Established Building Line does not apply because more than 50% of the buildings satisfying Section 4.4.1.A.2 are set back less than the minimum of the R-200 zone (40 feet).

²Eastern side setback and rear setback for Lot B were increased to enhance forest protection efforts.

2. *The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan*

The Administrative Subdivision Plan substantially conforms to the recommendations within the 1990 *Bethesda-Chevy Chase Master Plan*.

a. Land Use

The Master Plan reconfirmed the existing single family detached, low-density residential zoning throughout the Property's vicinity. The project demonstrates conformance to the Master Plan by proposing a moderate level of new housing development achieving a greater housing supply. The proposed subdivision will meet the housing development objective by increasing the housing density on a larger property. The proposed subdivision meets the Area Land Use Guidelines through the redevelopment of a property without creating a significant demand increase in public infrastructure and transportation needs.

b. Environment

The Bethesda-Chevy Chase Master Plan has extensive recommendations and major goals on the protection of the Palisades' delicate, irreplaceable environmental features such as mature trees and their associated character. These Master Plan goals are addressed in a number of ways including the extensive tree save plan, the new onsite Category I Easement areas (which exceed the forest conservation worksheet requirements), modified Building Restriction Lines (BRLs) to further protect the easements areas from potential future encroachment, and new street trees proposed along the roadway frontage where none currently exist.

3. *Public Facilities will be adequate to support and service the area of the subdivision*

As discussed in findings 6.1.C.4 above, public facilities will be adequate to support and service the area of the subdivision.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied*

a. Environmental Guidelines

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Subject Property on February 26, 2020. The Subject Property is located within the Potomac Direct Watershed, a Use I-P watershed. The Property contains mature trees subject to the Variance provision of the Forest Conservation Law, including many specimen trees which measure 30-inches or greater in diameter-at-breast height (DBH). The mature trees are generally located throughout the Property and bordering neighboring properties. The site slopes moderately upward from the central portion towards both the northern and southern boundaries of the property. There are also pockets of steep slopes (of 25% or greater) along the Tomlinson Avenue at the southern boundary of the site as well as in the central portion of the site just west of the existing house.

There are no known rare, threatened, or endangered species on or near the site; there are no 100-year floodplains, highly erodible or hydric soils, streams wetlands or associated buffers on site. Aside from the watershed itself, the numerous mature significant and specimen trees, and isolated pockets of steep slope, there are no other environmentally sensitive resources associated with the Subject Property nor any historic features on or near the site. Along the eastern boundary of the site, there is an existing off-site Category I Forest Conservation Easement.

b. Forest Conservation Plan

Although there is no forest on-site, this Application is subject to Chapter 22A Forest Conservation Law and has included a Preliminary/Final Forest Conservation Plan with this Application. The submitted worksheet calculates an Afforestation Requirement of 0.18-acres; and as conditioned, this requirement will be met onsite within two areas of new Category I Conservation easement. It is important to note that this property is located within the Palisades area of the 1990 *Bethesda-Chevy Chase* Master Plan, which contains distinctive environmental features, such as steep slopes and mature trees, that the Master Plan notes should be preserved and protected whenever possible; in an effort to maximize the protection of these environmental resources, the Applicant has proposed a total of approximately 0.22-acres of Category I Conservation Easement which considerably exceeds the calculated afforestation requirement for the proposed development. This 0.22-acre area consists of 0.19-acres of easement as proposed on the submitted Forest Conservation Plan as well as an additional of 0.03-acres of easement which was the result of further coordination between the Applicant and Staff during the plan review. This additional area will provide protection for a 41" specimen beech tree located near the existing residence. However, an approximate location for an outdoor table or play equipment is included of within a minor portion of the expanded easement area. As a result of this collaboration with the Applicant, Staff and recommends approval of the full 0.22-acres of easement as shown in Figure 3.

Due to the proposed impacts and removal of several specimen trees, this Application is also subject to the Variance Provisions of the Forest Conservation Law. Accordingly, a Variance

Request has been submitted with this Application and is described below; Staff has recommended approval of the request. As conditioned, all Forest Conservation Requirements will be met.



Figure 4 – Forest Conservation Variance Exhibit. (The grey shading near the northeast portion of the site includes very limited disturbance utilizing specialized construction techniques under the supervision of the project arborist.

c. Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of an historic site or designated with an historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species ("Protected Trees"). Any impact to a Protected Tree, including removal or disturbance within the Tree's critical root zone ("CRZ") requires a variance. An application for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Staff recommends that a variance be granted.

Variance Request - The Applicant submitted a variance request in a letter dated May 11, 2021, for the impacts/removal of trees. The Applicant proposes to impact 8 and remove 3 subject trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Details of the variance trees are shown graphically in Figure 4 and listed in Tables 2 and 3 below. Staff further notes that although the numerical CRZ disturbance related to particular trees, such as Tree 389 and Tree 397, are apparently high however, due to site conditions which have limited growth root (such as the existing residence and the adjacent

roadway) and the proposed use of specialized construction techniques, the actual disturbance to trees is believed to be much lower than the numerical figures would suggest. Tree protection work is conditioned to occur under the direction of an ISA Certified Arborist who is also a MD Licensed Tree Care Expert and in coordination with the M-NCPPC Forest Conservation Inspector; the disturbance will be limited to the minimum practical extent.

Table 2: Trees to be Removed

TREE #	TYPE	DBH	CRZ Impact (%)	CONDITION	PROPOSED STATUS
385	White Oak	30"	87.9%	Good	REMOVE
394	White Oak	33"	100%	Good	REMOVE
398	Tulip Poplar	30"	66.7%	Good	REMOVE*

**Designated as a removal, however the Applicant will take steps to save this tree*

Table 3: Trees to be Impacted but Retained

TREE #	TYPE	DBH	CRZ Impact (%)	CONDITION	PROPOSED STATUS
387	Black Oak	34.5"	19.1%**	Good	SAVE
388	White Oak	33.5"	25.7%**	Good	SAVE
389	American Beech	41"	66.7%**	Fair	SAVE
397	Red Oak	46"	61.6%**	Fair	SAVE
N/A Offsite Tree – Lot 8	Tulip Poplar	33"	19.3%	Good	SAVE
N/A Offsite Tree – Lot 8	Tulip Poplar	35"	15.7%	Fair	SAVE
N/A Offsite Tree – Lot 22	Tulip Poplar	36"	5.9%	Good	SAVE
N/A Offsite Tree – Lot 22	Tulip Poplar	32.5"	31.8%	Poor	SAVE

***Includes the use of use of specialized construction techniques and temporary LOD for demolition of existing improvements located within proposed Category I Conservation Easement.*

Unwarranted Hardship Basis

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. In addition to the required findings outlined numerically below, Staff has determined that the Applicant has demonstrated that enforcement of the variance provision would result in an unwarranted hardship due to the unique layout of the site, which is the largest lot in the vicinity and is almost entirely covered by the Critical Root Zones (CRZ) of subject trees. Therefore, nearly any construction activity on the site would require impact to subject trees. Staff has reviewed this Application and finds that there would be an unwarranted hardship if a variance were not considered.

Variance Findings

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determination based on the required findings in the review of the

variance request and the Preliminary/Final Forest Conservation Plan. Granting of the requested variance:

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

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Trees is due to the reasonable development of the Property which provides onsite forest conservation easements that exceed the worksheet requirements and includes extensive tree protection measures throughout portions of the site. Although the site is almost entirely covered by the CRZs of subject trees, the Applicant has redesigned the layout in coordination with a consulting arborist and Staff to avoid/minimize the impacts to the greatest extent possible. Furthermore, the project includes onsite mitigation plantings for the removal of variance trees (in addition to other plantings and enhancements such as the removal of invasive species). Therefore, the variance request would be granted to any Applicant in a similar situation.

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

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. As stated above, the requested variance and associated tree impacts are due to the extensive coverage of the CRZs of subject trees throughout the site. Although site frontage requirements, in addition to the tapering shape of the lot, limit the buildable area of the site the variance request submitted by the Applicant reflects considerable efforts to lessen overall site impacts. Further, the Applicant has agreed to expand the Category I Easement Area, in the eastern portions of the site (as shown in Figure 3) in order to provide long-term protection to Tree 389, a specimen American Beech and maximize the buffering between the new and existing residences. In all, the approach in the proposed design and redevelopment of the site is based according to site limitations and provides appropriate mitigation where tree impact is unavoidable. Therefore, this variance request is not based on circumstances which are the result of actions by the Applicant, and the variance can be granted under this condition provided that the necessary mitigation requirements are fulfilled.

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

The requested variance is not based on a condition relating to land or building use on a neighboring property. Rather, the requested variance is based on meeting the site's R-200 zoning requirements while working within the overall lot constraints.

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

The variance will not violate State water quality standards or cause measurable degradation in water quality. The Subject Property is not directly associated with any streams, wetlands or related buffers. The Site is currently developed with a single-family home accessed via a gravel driveway. There are presently no stormwater management facilities onsite. The proposed development will increase the residential structures on the Property from one to a

total of two and will provide access driveways associated with each home. However, as conditioned in this Staff Report, the Applicant will install mitigation plantings (along with other onsite plantings) which will help the maintain the permeability of the soil which serves to aid in further reducing runoff. Additionally, the Category I Forest Conservation Easements and tree save areas will continue to provide passive stormwater management. Further, per the SWM concept approval letter dated February 12, 2021, adequate stormwater management is achieved (without waivers) using planter box microbio retention. Therefore, as conditioned, this Application will not cause measurable degradation in water quality or violate State water quality standards.

Mitigation for Protected Trees

There are three subject trees proposed for removal in association with this Application. Planting mitigation for the removals should be at a rate that approximates the form and function of the trees removed, at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" caliper. As a result of the proposed removal of three subject trees, for a total of 93" DBH removed, mitigation in the form of at least 23.25 caliper inches is required. The Applicant currently proposes planting 24 caliper inches of variance mitigation onsite, which fulfills this requirement and is recommended as a condition of approval.

Variance Recommendation

As a result of the above findings, Staff recommends approval of the Applicant's request for a variance from the Forest Conservation Law to impact, but retain, eight subject trees associated with the application and to remove three subject trees (one of which is a potential removal).

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied*

The Application received approval of a Stormwater Management Concept Plan from the Department of Permitting Services, on February 12, 2021, per Chapter 19 of the County Code. The SWM Concept Plan demonstrates that stormwater will be managed onsite (with no waiver) using planter box microbio retention.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.*

There are no known burial site associated with the Subject Property.

7. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

There are other applicable provisions associated with the subdivision.

SECTION 4 – CITIZEN CORRESPONDENCE AND ISSUES

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. A pre-submittal community meeting is not required for an Administrative Subdivision Plan. However, applicants must post signs on the development site and provide written public

notice. A notice of the Application was sent to all required parties by the Applicant on September 2, 2020. The notice gave the interested parties 15 days to review and comment on the contents of the Application.

As of the date of this staff report, Staff has received two letters of correspondences (Attachment C). The correspondence received was based on the initial submission and relates to extensive tree removal, questioning the necessity and function of the sidewalk, and concerns for driveway access/traffic on Tomlinson Avenue (rather than the continued use of driveway from Osage Lane) and the Staff responses to the concerns are summarized below.

Tree Removal

The initial submission proposed disturbance to the entire site and would have also resulted in the removal of various trees located within neighboring properties (including some of located within an existing offsite Category 1 Easement). However, the plans have since been substantially revised to address the concerns on tree preservation. The development no longer removes any offsite trees and now proposes extensive tree protection measures throughout portions of the site which also features two permanent forest conservation easements that exceed the worksheet requirements (all the forest conservation requirements are satisfied onsite without the use of offsite banking or the payment of a fee-in lieu). Furthermore, the project includes the planting of new street trees along Tomlinson Avenue which will further help to maintain canopy cover in the neighborhood.

Unnecessary Sidewalks

Per Section 49-33(e)(1)(C) and Section 49-33(e)(1)(D), if a lot or lots front on a public road, the permittee must install sidewalks, master-planned bikeways, ramps, curbs, and gutters except if the Planning Board finds that a sidewalk is unnecessary for public movement or if the Department of Permitting Services finds that a sidewalk will not connect potentially to other sidewalk segments. If the sidewalk requirement is waived, as conditioned the Applicant will be required, to participate in the required infrastructure improvements by ways of a fee-in-lieu payment.

Additional Traffic

The 2017 *Local Area Transportation Review Guidelines* (LATR) is the document used by transportation engineers, planners, public agency reviewers and community members participating in the development review process and provides guidance on how to evaluate the capacity of the regional and local transportation network. Page 24 of the LATR states that a transportation study is not required for any expansion that generates five or fewer peak-hour person trips. Furthermore, on page 8 of the LATR, it states that projects generating more than five but fewer than 50 net new peak-hour person trips are exempt from a study but are required to provide a transportation exemption statement. The Subject Project proposes subdivision of up to two lots, which is estimated to generate one net new person trip during both the morning and evening peak travel hours. Therefore, as conditioned, the Project does not exceed five net new person trips during either the morning or evening peak travel hours and is not expected to generate significant traffic volumes.

SECTION 5 – CONCLUSION

The proposed Application meets all the requirements established in the Subdivision Regulations and the Zoning Ordinance and conform to the recommendations of the 1990 *Bethesda-Chevy Master Plan*. Access

to the lots is adequate and all public facilities and utilities have been deemed adequate to serve this Development. The Application was reviewed by other applicable County agencies, all of whom have recommended approval of the plans. Therefore, Staff recommends approval this Administrative Subdivision Plan, with the conditions as specified at the beginning of this report.

Attachments

Attachment A – Agency Letters

Attachment B – Forest Conservation Variance Request

Attachment C – Community Correspondence



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher Conklin
Director

May 25, 2021

Mr. Marco Fuster, Planner Coordinator
Down-County Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Drive
Wheaton, Maryland 20902

RE: Administrative Plan No. 620200140
Carderock Springs

Dear Mr. Fuster:

We have completed our review of the administrative plan uploaded to Eplans on April 20, 2021. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on September 29, 2020. 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 Montgomery County 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. Tomlinson Avenue is classified as a Secondary roadway. In consideration of the limitations in Section 49-33(e) of the Montgomery County Code regarding sidewalk construction on tertiary and secondary residential streets, MCDOT is not recommending the applicant construct a sidewalk along the site frontage of Tomlinson Avenue. However, the Montgomery County Planning Board may require the installation in certain situations; we defer to the Planning Board for the decision for this specific project.

Standard Plan Review Comments

2. The storm drain study was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.
3. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation certification form is enclosed for your information and reference.

Office of the Director

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

Located one block west of the Rockville Metro Station

4. Relocation of utilities along Tomlinson Avenue to accommodate the required roadway improvements shall be the responsibility of the applicant.
5. If the proposed development will alter any existing street lights, signage and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
6. Trees in the County rights-of-way – spacing and species are 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.
7. Provide a minimum five-foot continuous clear path (no grates) sidewalk along Tomlinson Avenue.
8. Posting of a right-of-way permit bond is a prerequisite to DPS approval of the record plat. The right-of-way permit will include, but not necessarily be limited to, the following improvements:
 - A. Grading, sidewalk and street trees along Tomlinson Avenue.
 - B. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.
 - C. 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.
 - D. The 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 administrative plan. If you have any questions or comments regarding this letter, please contact me at william.whelan@montgomerycountymd.gov or (240) 777-2173.

Sincerely,

William Whelan

William Whelan
Development Review Team
Office of Transportation Policy

Mr. Marco Fuster
Administrative Plan No. 620200140
May 25, 2021
Page 3

Enclosures (1)

Sight Distances

Sharepoint/transportation/director's office/development review/WhelanW/620200140 Carderock Springs – MCDOT
Review Letter 052521.docx

cc: Plan letters notebook

cc-e:	Jared Carhart	CAS Engineering
	Sam Farhadi	MCDPS RWPR
	Marie LaBaw	MCFRS



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

February 12, 2021

Mr. Jared Carhart, P.E.
CAS Engineering
10 South Bentz Street
Frederick, MD 20817

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
8200 Osage Lane
Preliminary Plan #: 620200140
SM File #: 286160
Total Concept Area: 46,408 sf / 1.065 ac
Lots/Block: Lot A&B Carderock Springs
Watershed: Lower Potomac Direct

Dear Mr. Carhardt:

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

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. The conveyance of surface drainage must be demonstrated to be safe, nonerosive and not conflicting with ESD practices.

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

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

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way



2425 Reedy Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permittingervices

Mr. Carhardt
February 12, 2021
Page 2 of 2

unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Jean Kapusnick at jean.kapusnick@montgomerycountymd.gov or at 240-777-6345.

Sincerely,

Mark Etheridge

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

MCE: jak

cc: N. Braunstein
SM File # 286160

ESD:

LOT A:
Required/Provided 851.8 cf / 851.5 cf
PE: Target/Achieved: 1.6"/1.6"
STRUCTURAL: 0.0 cf
WAIVED: 0.0 ac.

LOT B:
Required/Provided 646.8 cf / 626.2 cf
PE: Target/Achieved: 1.24"/1.20"
STRUCTURAL: 0.0 cf
WAIVED: 0.0 ac.



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

DATE: 08-Feb-21
TO: Jared Carhart - jcarhart@casengineering.com
CAS Engineering
FROM: Marie LaBaw
RE: Carderock Springs
620200140

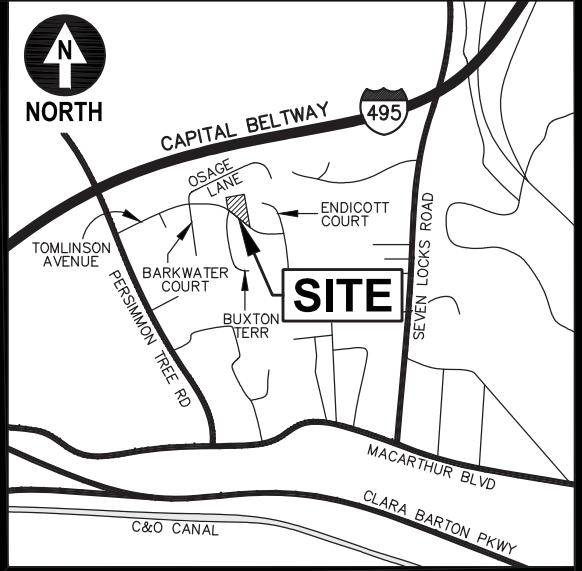
PLAN APPROVED

1. Review based only upon information contained on the plan submitted **08-Feb-21**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

GENERAL NOTES

- Boundary information and two-foot contour data are based upon surveys performed by CAS Engineering, dated December, 2019.
- Record Lot Area: Lot 11 = 46,408 sq. ft. (1.065 ac.)
- Surveyed Lot Area: Lot 11 = 46,324.78 sq. ft. (1.063 ac.)
- Property is located on Tax Map GN 122 and WSSC 200' Sheet 209NW08.
- Property is located on Soils Survey Map Number 26.
- Soil type(s): 28, Glenalg Sil Loam, HSG "B"; 2C, Glenalg Sil Loam, HSG "B";
- Flood zone "X" per F.E.M.A. Firm Maps, Community Panel Number 24031C0435D.
- Property is located in the Lower Potomac Direct Watershed.
- Water Category - 1, Sewer Category - 1
- Local utilities include:
Water / Sewer - Washington Suburban Sanitary Commission
Electric - PSCO
Telephone - Verizon
Gas - Washington Gas
- This plan was created without the benefit of a title report.

ADMINISTRATIVE SUBDIVISION PLAN - M-NCP&PC No. 620200140



VICINITY MAP
ADC MAP 5406, GRID D-4, SCALE: 1" = 200'

CAS JOB NO.: 18-544
DATE: 09/2020

DATE	REVISION
07/26/20	SWP: Admin Subdivision and SWMC applications submitted
01/25/21	JSC: Admin Subdivision and SWMC application re-submitted

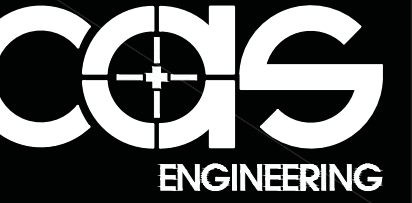


Curt A. Schreffler, PE
CURT A. SCHREFFLER, PE
01/25/2021

PROFESSIONAL ENGINEER CERTIFICATION:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 15968, expiration date 3/30/2022, and that this plan meets MDPCS criteria for building and sediment control permit applications.

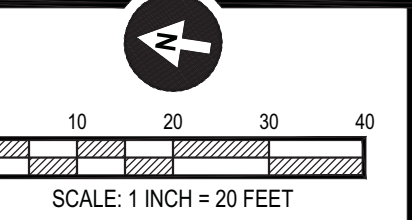
Lot 11, Block T, Carderock Springs
Plat Book 121, Plat No. 14215, Recorded 3/31/1983
Bethesda (7th) Election District, Montgomery County, MD

8200 Osage Lane
Bethesda, Maryland 20817



CAS ENGINEERING-MD
10 South Bend Street
Frederick, Maryland 21701
301-507-8031 Phone
info@casengineering.com
www.casengineering.com

CAS ENGINEERING-DC, LLC
1001 Connecticut Avenue, NW, Suite 401
Washington, DC 20036
202-365-7200 Phone
info@cas-dc.com
www.cas-dc.com



SHEET TITLE:
Fire Department
Access Plan

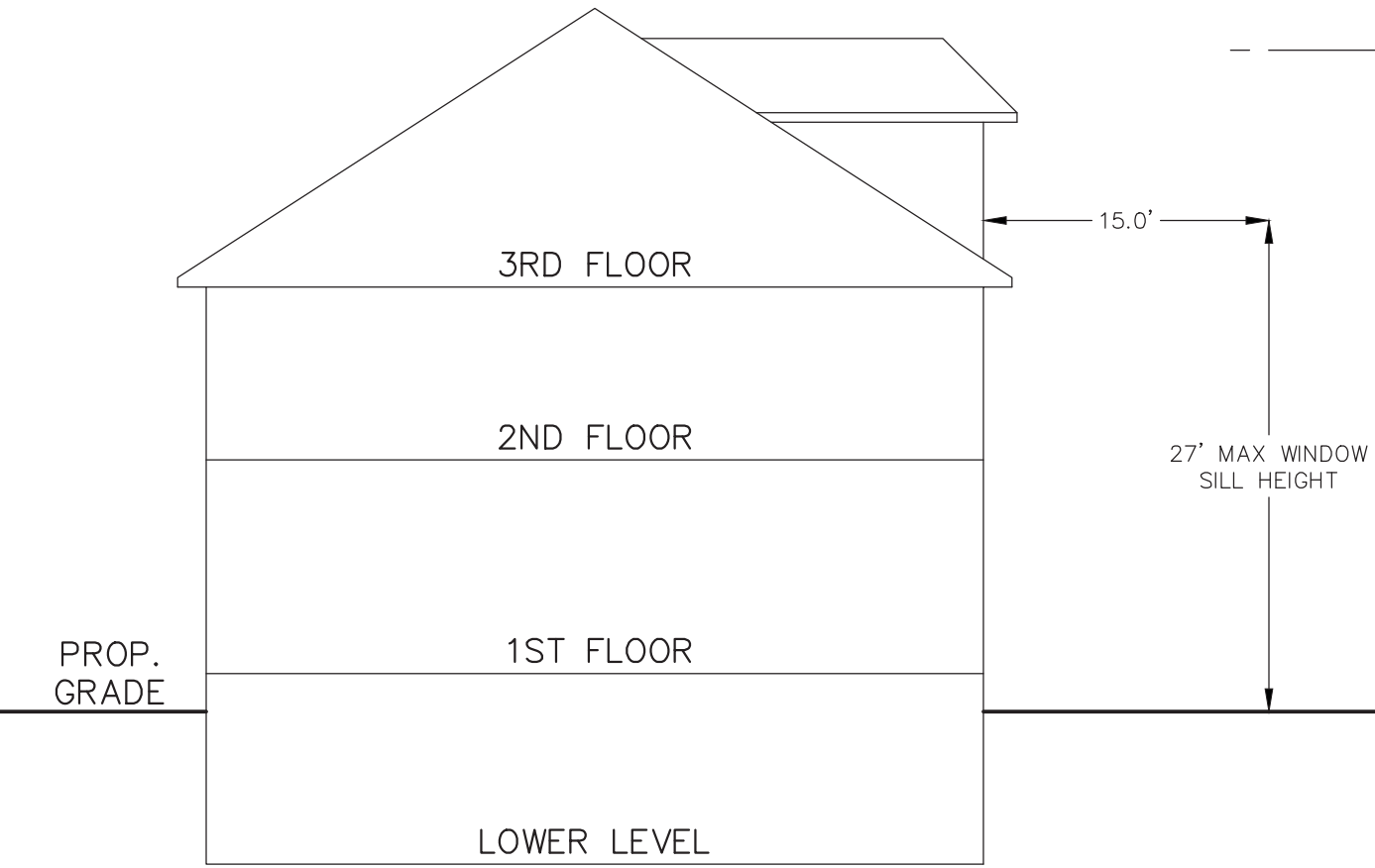
FDAP

FIRE HYDRANT EAST OF
SITE: 328.2 FT TO
PROPOSED DRIVEWAY
ENTRANCE AS MEASURED
ALONG TRAVEL ROUTE

EXISTING FIRE HYDRANT
(WSSC #F034)

328.2'

* FIRE HEIGHT RESTRICTED - SINGLE
FAMILY DETACHED HOME DETAIL



GENERAL NOTES:

- ONE AND TWO-FAMILY DWELLINGS OF THREE (3) STORIES (27' TO HIGHEST SILL, INCLUDING FALSE DORMERS) OR LESS MUST PROVIDE ACCESS TO THE OCCUPIED INTERIOR THROUGH A MAIN, SIDE-HINGE DOOR WITHIN 150 FEET OF A FIRE DEPARTMENT ACCESS ROUTE.
- IF HOUSES ARE CONSTRUCTED MORE THAN 15' AWAY FROM ALL PROPERTY LINES THAN HEIGHT TO HIGHEST WINDOW SILL MAY EXCEED 27'.



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.

BY: SML* PM: 43 DATE: 2/8/2021

OWNER/APPLICANT
Attn: Michał Malachowski
& Kajetan Malachowski
8200 Osage Lane
Bethesda, MD 20817
301-293-3100 Cell
kaz@falconconstruction.us

8200 Osage Lane
Lot 11, Block T, Carderock Springs
Proposed Lots A & B
Fire Department Access Plan

ADMINISTRATIVE SUBDIVISION PLAN NOTE: Unless explicitly noted on this Administrative Subdivision Plan or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, sidewalks, and other proposed features are for illustrative purposes only. The final locations of the proposed improvements will be determined at the time of building permit issuance. Please refer to the Zoning Data Table for development standards such as setbacks, building restriction lines, building height, and lot coverage. Other site development limitations may be included in the conditions of the planning board or planning staff approvals.

May 11, 2021

M-NCP&PC
Development Review Division
8787 Georgia Avenue, 2nd Floor
Silver Spring, MD 20910

Attn: Tsaiquan Gatling

Re: **CAS Job No. 18-544**
8200 Osage Lane, Bethesda, MD 20817
Lot 11, Block T, Carderock Springs
Administrative Subdivision Plan #: 620200140
Forest Conservation (Chapter 22A) Variance Request - Revised

Dear Mr. Gatling:

This letter is intended to serve as the Forest Conservation Variance Request pursuant to Section 22A-21 of the Montgomery County Code. The Final Forest Conservation Plan is attached hereto for your review and approval.

Variance Justification

The applicant, Kaz Malachowski ("Applicant"), is requesting a variance for the impact / removal of several specimen trees located at 8200 Osage Lane, Bethesda, MD 20817 (Lot 11, Block T, Carderock Springs). The subject property proposed for development is comprised of 1.065 acres (46,408 square feet) of land and is currently improved with a single-family home, gravel driveway, and associated appurtenances. The subject property is a right angle trapezoid with 293.24-ft of road frontage. The property is located along the north side of the 60-ft wide Tomlinson Avenue Right-of-Way. It is bounded by single family homes to the east, west and north. A fifteen-foot wide ingress & egress easement exists along the western property line of the adjacent Lot 8 and provides access to the rear of the subject property from the Osage Lane Right-of-Way. The majority of the property is sloped to the southeast corner of the property towards a privately maintained storm drain system which eventually connects into a publicly maintained storm drain system location within the Tomlinson Avenue Right-of-Way. A small amount of steep slopes exist on the property and appear to be a result of the previous construction of Tomlinson Avenue. The existing house is currently served by public utilities. There is no forest on-site, however, seven (7) specimen trees exist on the subject property.

The property is subject to an Administrative Subdivision Plan of which two (2) new lots are proposed. The existing house will be demolished and the two new lots will be improved with new single family homes accessed via individual driveways originating from Tomlinson Avenue. The onsite portion of the existing driveway originating from Osage Lane will be removed and the onsite existing fifteen-foot wide ingress and egress easement will be abandoned. A reforestation / afforestation requirement of 0.18 acres has been computed for the proposed development and it will be provided through an on-site Category 1 easement (0.22 acres).

Eleven (11) specimen trees are included in this variance request. Trees 385 and 394 are proposed for removal due to their proximity to the proposed houses and necessary grading. Tree 398 is proposed for removal with the intent to save due to its proximity to the proposed utilities and grading. Trees 387, 388, 397, 398 and four offsite trees are proposed to be retained and are in good condition.

In summary, the applicant is requesting a variance for the impact to eleven (11) specimen trees, of which two (2) are proposed for removal and one (1) is proposed for removal with the intent to save. The following charts indicate the specimen trees proposed for removal and the proposed amount of root zone disturbance to each of the eight (8) specimen trees to be retained.

Specimen Trees Proposed for Removal

Tree No.	Common Name	Botanical Name	D.B.H.	C.R.Z. Radius	C.R.Z. Area	% C.R.Z. Area Disturbed	Condition
385	White Oak	<i>Quercus alba</i>	30 in.	45 feet	6,362 s.f.	87.9%	Good (Remove)
394	White Oak	<i>Quercus alba</i>	30 in.	45 feet	6,362 s.f.	100%	Good (Remove)
398	Tulip Poplar	<i>Liriodendron tulipifera</i>	30 in.	45 feet	6,362 s.f.	66.7%	Good (Intended to be saved but may require removal)*

* Intent to save but may require removal if impacts from nearby disturbance is detrimental to tree.

Specimen Trees to be Saved – Impacted

Tree No.	Common Name	Botanical Name	D.B.H.	C.R.Z. Radius	C.R.Z. Area	% C.R.Z. Area Disturbed	Condition
387	Black Oak	<i>Quercus velutina</i>	34.5 in.	51.75 feet	8,413 s.f.	19.1% (includes temporary limits of disturbance)**	Good / Save
388	White Oak	<i>Quercus alba</i>	33.5 in.	50.25 feet	7,933 s.f.	25.7% (includes temporary limits of disturbance)**	Good / Save
397	Red Oak	<i>Quercus rubra</i>	46 in.	69 feet	14,957 s.f.	61.6%	Good / Save
389	American Beech	<i>Fagus grandifolia</i>	41 in.	61.5 feet	11,882 s.f.	66.7%	Good / Save
N/A (Offsite / Lot 8)	Tulip Poplar	<i>Liriodendron tulipifera</i>	33 in.	49.5 feet	7,698 s.f.	19.3%	Good / Save
N/A (Offsite / Lot 8)	Tulip Poplar	<i>Liriodendron tulipifera</i>	35 in.	52.5 feet	8,659 s.f.	15.7%	Good / Save
N/A (Offsite / Lot 22)	Tulip Poplar	<i>Liriodendron tulipifera</i>	36 in.	54.0 feet	9,161 s.f.	5.9%	Good / Save
N/A (Offsite / Lot 22)	Tulip Poplar	<i>Liriodendron tulipifera</i>	32.5 in.	48.75 feet	7,466 s.f.	31.8%	Good / Save

** Temporary limits of disturbance is for demolition of existing improvements located within proposed Category 1 Conservation Easement. See Forest Conservation Plan for additional information.

In accordance with Section 22A-21(b) of the Forest Conservation Law, the following is a description of the application requirements:

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

The property (proposed Lot A and Lot B) has a combined area of 1.065 acres with no existing forest. Eleven (11) specimen trees (all in good condition) are located throughout and adjacent to the property. The three (3) specimen trees proposed for removal are located within and/or in close proximity to the development areas of proposed Lots A and B. Removal of the two of the three specimen trees (385 & 394) is unavoidable due to the available building areas and necessary tree preservation areas proposed to protect other onsite specimen trees. One of the three specimen trees (398) proposed for removal is intended to be saved but removal may be necessary due to the species historical sensitivity to construction impacts. The proposed building areas and stormwater management devices were configured in a way to maximize tree protection areas in other parts of the site. The proposed tree protection areas retain other onsite specimen trees that should be considered more valuable to the site and neighborhood's character. Retaining two of the three specimen trees is not possible without relocating the buildable areas. This potential relocation would result in more severe impacts to other onsite specimen trees which would result in their removal.

In order to minimize overall site impacts, and potentially save one of the two specimen trees proposed for removal (Tree 385), providing access to proposed Lot A and Lot B from Osage Lane was explored. This was determined infeasible for the following reasons:

- Utilizing the existing ingress/egress easement from Osage Lane would propose that three (3) properties would be accessed via the existing common driveway. This common driveway would need to be upgraded to meet fire department access requirements.
- Adequate fire department access is not feasible within the existing fifteen-foot wide ingress / egress easement. A fire department access road is typically required to be twenty feet wide.
- Stormwater Management within the existing ingress / egress area cannot be provided.
- Improvements within the existing ingress / egress easement would result in additional tree impacts and tree disturbances.

The removal of some of the property's specimen trees is necessary and unavoidable. Substantial efforts have been made to preserve eight specimen trees, located throughout and adjacent to the property. Although the trees are impacted, those impacts have been minimized and root zone disturbance has been limited to maximum extent practicable. Tree preservation techniques, such as root pruning, tree protection fencing and other measures specified by the Certified Arborist, Ryan Grubb: Certified Arborist MA-5195BT, MD Tree Expert #1870, on the Forest Conservation Plan will help ensure survival of these specimen trees that are to remain.

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

All specimen trees that will either be removed or impacted by the proposed development are located within and/or within close proximity of the buildable areas of proposed Lots A and B. The proposed development and associated regulatory requirements makes removal of existing trees unavoidable. Saving all of these trees would require preserving a substantial amount of their critical root zones and as such would greatly diminish, if not eliminate the development of the two (2) proposed lots.

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

State water quality standards will be achieved by implementation of the Stormwater Management (SWM) Concept Plan that is currently being reviewed by the Montgomery County Department of Permitting Services. The SWM Concept Plan will ensure that water quality standards are met in accordance with State and County criteria. All applicable stormwater management requirements have been addressed and met.

In addition, the proposed development of this property will reduce runoff leaving the site by means of grading and installation of Best Management Practices that will capture and treat rainwater. Specific practices proposed on the approved Stormwater Management (SWM) Concept Plan are non-rooftop disconnects, and a planter box micro-bioretenention facilities.

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

The forest conservation requirements resulting from the redevelopment of this property will be met through a 0.22-acre on-site forest conservation easement. Furthermore, eight (8) native trees are proposed as mitigation (at a rate of every 4" DBH removed: 1" DBH to be planted) for the removal of trees 385 and 394 and the potential removal of tree 398. In addition to the eight (8) mitigation trees to be planted an additional six (6) trees are to be planted in the Tomlinson Avenue Right-of-Way.

The locations of the mitigation trees are within the disturbed area of the project where there is either open space or where tree canopy will be lost due to development. None of the subject trees either proposed for removal or impacted are rare, threatened, or endangered, per the Maryland Nongame and Endangered Species Conservation Act. The property is not part of a historic site nor does it contain any historic structures. Specimen tree loss is often unavoidable when developing small properties under similar zoning criteria.

In accordance with Section 22A-21(d) of the Forest Conservation Law, the following is a description of the minimum criteria necessary for granting a variance. A variance may not be granted unless the following conditions are achieved. Granting the variance....

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

Granting the variance will not confer a special privilege as the removal and/or disturbance of the specimen trees noted above is the minimum necessary in order to redevelop the property under R-200 zoning, to meet State and County stormwater management requirements, and to ensure proper surface drainage across the

lots. Furthermore, the loss of certain trees and the need for a variance is often necessary and unavoidable in order to develop single-family homes on similar sized residential lots containing mature tree cover.

2. Is not based on conditions or circumstances which result from the actions by the applicant;

The requested variance is not based on conditions or circumstances which are the result of actions by the applicant. The variance is necessitated by R-200 zoning requirements, site topography, required BMP's for stormwater management, necessary grading and reasonable site appurtenances for the use and enjoyment of the property. Additionally, the locations of the trees and their proximity to buildable areas of the lots also necessitate a variance.

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

The requested variance is necessitated based on the site's R-200 zoning requirements, topography, required BMP's for stormwater management, necessary grading and reasonable site appurtenances for the use and enjoyment of the property and is not a result of land or building use on a neighboring property.

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

The requested variance will not violate State water quality standards or cause measurable degradation in water quality. The proposed development of this property will reduce runoff leaving the site by means of grading and installation of Best Management Practices that will capture and control rainwater in a safe and non-erosive manner. Specific practices proposed on the Stormwater Management (SWM) Concept Plan are non-rooftop disconnects, and planter box micro bioretention facilities.

As mentioned previously a Stormwater Management (SWM) Concept Plan is currently being reviewed by Montgomery County Department of Permitting Services. The specimen trees being removed or impacted are not within a stream buffer or a special protection area. Furthermore, fourteen (14) new trees will be planted as mitigation and roadside trees. Additional plantings will be provided in the proposed on-site forest conservation easement. These trees will provide additional shade, water uptake, and water retention for the site.

Should you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

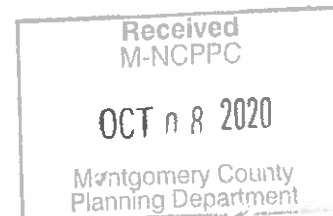


Jared Carhart, PE
Senior Project Manager

September 13, 2020

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

Re: Development Plan No. 620200140
 8200 Osage Lane, Bethesda, MD 20817
 Proposed Lots A & B, Carderock Springs



Dear Mr. Fuster:

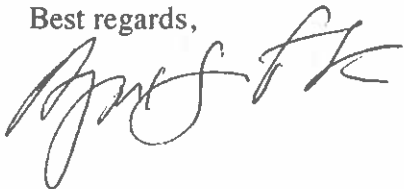
We are immediate neighbors, at 8209 Tomlinson Avenue, of the proposed redevelopment of 8200 Osage Lane, in Bethesda. We recently reviewed the development application for the site, and would like to express several serious concerns with the proposed development.

1. In the development plan, there are 20 large trees that are proposed to be removed. We want to call your attention to one large tree in particular, which is located on Tomlinson Avenue across the street from Buxton Terrace. We believe that **this tree is on our property and we do not consent to its removal.**
2. We strongly believe that the removal of 20 large trees is unnecessary to the project and that the removal of these trees will be detrimental to the community for many reasons:
 - a. 20 large trees and their extensive root systems are crucial to reducing runoff in this steep, (currently) wooded property, particularly in this time of changing weather patterns and increase in dramatic rain events.
 - b. Preserving tree canopy is a priority in Montgomery County: this plan significantly reduces tree canopy.
 - c. These large trees absorb carbon dioxide (a greenhouse gas) and immobilize carbon in the environment. This is particularly beneficial in our neighborhood sited very near I-495 and its large (and increasing) volume of traffic.
 - d. Many of these trees are specimen trees native to Maryland: 3 White Oaks, one Red Oak, one Black Oak, one Tulip Poplar and one American Beech. Native trees attract native insects, which in turn attract native birds and contribute to a thriving and sustainable ecosystem (already under threat by the nearby Beltway and its impending expansion).
 - e. These trees provide food and cover for numerous animals.
 - f. The trees reduce I-495 noise (which, again, will likely increase with Beltway Expansion).
 - g. Trees reduce energy costs through shading in summer and blockage of winds in winter, so are a benefit to both the property owner and to society as a whole.
3. Driveway for Proposed Lot A: We question the location of the proposed new driveway. The current driveway for 8200 Osage Lane exits onto Osage Lane. We believe that new

construction for Lot A should utilize the existing driveway in order to maintain privacy, minimize paved surfaces and preserve 2-4 trees marked for removal in the development plan. Furthermore, the proposed driveway abuts our property at the property line. The proposed driveway's proximity to our home, along with the proposed removal of 4 trees nearest us, will infringe upon our privacy. Finally, maintaining the existing driveway on Osage Lane would reduce traffic on Tomlinson Avenue, which is a busy street already compared to Osage Lane.

Thank you for your attention to these matters. We hope to see revised plans that consider more fairly the interests of the development's immediate neighbors, including us.

Best regards,



Ayal Frank and Bobbi Kraham
8209 Tomlinson Avenue
Bethesda, MD 20817

Phone: 202-246-8163

Email: bkraham@yahoo.com, ayal_2000@yahoo.com

September 14, 2020

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

Re: Development Plan No. 620200140
8200 Osage Lane, Bethesda, Maryland 20817

Dear Mr. Fuster,

We are neighbors of the proposed redevelopment site at 8200 Osage Lane. Having reviewed Administrative Subdivision Plan Number 620200140 on file for the site, we would like to express several concerns with the proposed development.

1. We believe that the removal of 20 large trees is unnecessary to the project and that the removal of these trees will be detrimental to the community for many reasons:
 - a. 20 large trees and their extensive root systems are crucial to reducing runoff in this steep, (currently) wooded property, particularly in this time of changing weather patterns and increase in dramatic rain events.
 - b. Preserving tree canopy is a priority in Montgomery County: this plan significantly reduces tree canopy.
 - c. These large trees absorb carbon dioxide (a greenhouse gas) and immobilize carbon in the environment. This is particularly beneficial in our neighborhood sited very near I-495 with its large (and increasing) volume of traffic.
 - d. Most of the trees slated for removal are specimen trees native to Maryland: 3 White Oaks, one Red Oak, one Black Oak, one Tulip Poplar and one American Beech. Native trees attract native insects, which in turn attract native birds and contribute to a thriving and sustainable ecosystem (already under threat by the nearby Beltway and its impending expansion).
 - e. These trees provide food and cover for numerous animals.
 - f. The trees reduce I-495 noise (which, again, will likely increase with Beltway Expansion).
 - g. Trees reduce energy costs through shading in summer and blockage of winds in winter, so are a benefit to both the property owner and to society as a whole.

We are also concerned about two of the paved features proposed in the plan and would ask that the county propose alterations to the plans and/or clarify the plans.

2. Driveway for Proposed Lot A: while we appreciate the plan to use permeable pavers, we question the length and location of this driveway. The current driveway (and address) for 8200 Osage lane exits onto Osage Lane. We believe that the new construction should utilize this existing driveway in order to minimize paved surfaces and maintain 2-4 of the trees marked for removal. This would also reduce traffic on Tomlinson Avenue, which is

a busy street already compared to Osage Lane, rather than increase it as the proposed redevelopment will do with two new driveways on Tomlinson.

3. Proposed 5-foot sidewalk on Tomlinson: We have several questions and concerns about the sidewalk outlined in the plan.
 - a. Since it lies within the property boundaries of 8200 Osage Lane, will this sidewalk be for public or private use?
 - b. There are no other sidewalks on Tomlinson: will this one abruptly begin and end at the property boundaries?
 - c. Given the sidewalk's extensive replacement of plantings currently helping to mitigate runoff, we question its value to the neighborhood and necessity on the site. If its purpose is for the sole use of the property owners, a short path from house to house on the site would be a better alternative. If it is for the benefit of the public, we would ask that the neighbors be consulted as to its desirability.
 - d. Does the county provide guidance on "sidewalk fragments" such as this? It is unclear whether it would be a benefit or a hazard to pedestrians, bikers and motorists.

Thank you for your attention to these matters. We hope to see revised plans that better serve the interests of the community as this project proceeds.

Best regards,

Jennifer Spreitzer and Jonathan Aronoff
8212 Tomlinson Avenue
Bethesda, MD 20817

Phone: 708-362-3881

Email: jspreitzer@gmail.com, aronoffjon@gmail.com