



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 21-049
Administrative Subdivision No. 620200140
Carderock Springs
Date of Hearing: June 10, 2021

JUL 08 2021

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review administrative subdivision applications; and

WHEREAS, on September 2, 2020, Kaz Malachowski ("Applicant") filed an application for approval of an administrative subdivision plan of property that would create two lots on 1.07 acres of land in the R-200 zone, located on Osage Lane, 350 feet east of the intersection with Tomlinson Avenue ("Subject Property"), in the 1990 *Bethesda-Chevy Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's administrative subdivision plan application was designated Administrative Subdivision Plan No. 620200140, Carderock Springs ("Administrative Subdivision Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 28, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 10, 2021, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on June 10, 2021, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Cichy, seconded by Commissioner Fani-Gonzalez, with a vote of 4-0; Chair Anderson, Commissioners Cichy, Fani-Gonzalez and Verma voting in favor, with Commissioner Patterson being absent.

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Approved as to
Legal Sufficiency: /s/ Matthew T. Mills
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Administrative Subdivision Plan No. 620200140 to create two lots on the Subject Property, subject to the following conditions:¹

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 June 4, 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.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

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 demolition of the existing building and portions of the 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 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 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 are permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
 - d. Prior to the release of the applicable 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 and 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 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 certified 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.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Administrative Subdivision Plan meets the requirements of Chapter 50, Section 6.1.C, for the creation of up to 3 lots for detached houses permitted in any residential zone.*

A. 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.

- B. 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.

- C. 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 lot 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.

- D. 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 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 development. The Property will 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 which 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.

E. 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.

2. The Administrative Subdivision Plan meets the technical review requirements of Chapter 50, Section 4.3.

A. 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.

i. 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.

ii. 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 Chase Master Plan*, the existing lot pattern of surrounding properties, and the building type (single-family detached dwelling units) contemplated for the Property.

iii. 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.

iv. 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.

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 $\geq 25,00\text{sf}$ and $< 40,000$	45 feet	N/A	<45 feet
If lot is $\geq 15,00\text{sf}$ 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.

B. The Administrative Subdivision Plan substantially conforms to the Master Plan.

i. 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 subdivision will meet the housing development objective by increasing the housing density on a larger property. The 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.

ii. 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.

C. Public facilities will be adequate to support and service the area of the subdivision.

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

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

Technical Review 50.4.3.K

1. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

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 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 of the Forest Conservation Law and has included a Preliminary/Final Forest Conservation Plan with this Application. The 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; in an effort to maximize the protection of these environmental resources, the plan includes 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 shown on the approved Forest Conservation Plan as well as an additional 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 within a minor portion of the expanded easement area. As a result of this collaboration with the Applicant, The Planning Board approves the full 0.22-acres of easement.

2. Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law 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 11 Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant requested a Variance, and the Board agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance. 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. Furthermore, although the numerical CRZ disturbances related to particular trees, such as Tree 389 and Tree 397, are apparently high, 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.

The Board makes the following findings necessary to grant the Variance:

- a. *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 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.

- b. *The need for the Variance 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

expanded Category I Easement Area in the eastern portions of the site provides long-term protection to Tree 389, a specimen American Beech and maximizes 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.

- c. *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 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.

- d. *Granting the Variance 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, the Applicant will install mitigation plantings (along with other onsite plantings) which will help 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 microbioretention. Therefore, as conditioned, this Application will not cause measurable degradation in water quality or violate State water quality standards.

Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board approved replacement of Protected Trees 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. Planting 24 caliper inches of variance mitigation onsite, fulfills this requirement, as conditioned. No mitigation is required for Protected Trees impacted but retained.

E. 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 microbioretention.

F. 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 sites associated with the Subject Property.

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

There are no other applicable provisions associated with the subdivision.

BE IT FURTHER RESOLVED that this Administrative Subdivision Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Administrative Subdivision Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 08 2021 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of

this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Fani-González, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, and Verma voting in favor of the motion, and Commissioner Patterson abstaining at its regular meeting held on Thursday, June 24, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board