



Hillmead (6421 Bradley Blvd): Administrative Subdivision Plan No. 620200160



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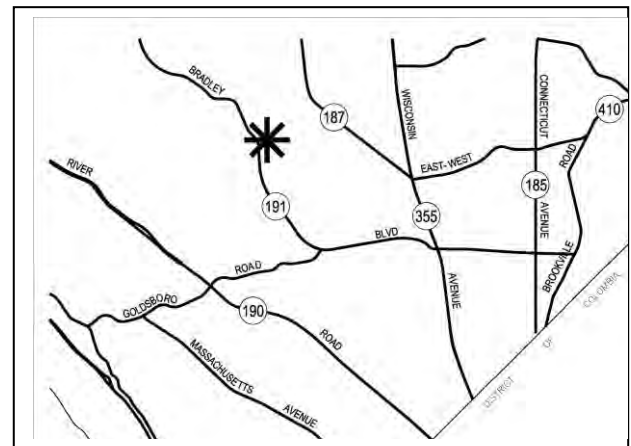


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Completed: 7/19/2021

Description

- Request to create two (2) lots for one (1) single-family detached dwelling unit on each lot
- Location: 6421 Bradley Blvd, 350 feet SE of Fallen Oak Drive
- Zone: R-60
- Master Plan: 1990 *Bethesda-Chevy Master Plan*
- Property size: 1.06 acres
- Applicant: Hamid Reza Izadi
- Date Accepted: January 27, 2021
- 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 retain the existing home and subdivide one lot into two, for a single-family dwelling on each lot.
- The Planning Director referred consideration of the Application to the Planning Board, per Section 50.6.3.B.1 of the Subdivision Ordinance due to neighborhood concerns and the proposed flag lot configuration.
- On April 8, 2021 the Planning Board approved a request to extend the review period from April 27, 2021 to July 29, 2021.
- Based on the initial application submittal, Staff received one letter of opposition from the community mainly regarding tree removal and traffic concerns. The correspondence is contained herein as Attachment E.
- Since the time the community letter was written, the Applicant has reduced overall impacts, enhanced the tree preservation and expanded the footprint of the Category II Easement.
- Installation of a master-planned sidepath associated with the frontage and connecting to a nearby bus stop and crosswalk is recommended as a condition of approval.

RECOMMENDATION AND CONDITIONS

Administrative Subdivision Plan No. 620200160

Staff recommends approval of Administrative Subdivision Plan No. 620200160 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 Facilities (APF) review for the Administrative Subdivision will remain valid for five (5) years from the date of mailing of the Planning Board resolution.
3. Access for the two lots subject to this Administrative Subdivision is limited to a single shared driveway entrance for both lots.
4. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
5. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated July 2, 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.
6. The Planning Board has reviewed and accepts the recommendations of the Maryland Department of Transportation State Highway Administration (“MDOT SHA”) in its letter dated June 29, 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 MDOT SHA if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
7. Prior to Certification of the Administrative Subdivision Plan, the Applicant must revise the Administrative Subdivision Plan to include a cross-section of Bradley Boulevard showing the sidepath on the north side of Bradley Boulevard along the Property’s frontage.
8. Before recording a plat for the Subject Property, the Applicant must satisfy SHA’s requirements for access and improvements including the construction of the sidepath along the Property frontage and connecting to the bus stop/crosswalk at Howell Road on the north side of Bradley Boulevard.
9. 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 June 28, 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.
10. 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 June 21, 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.
11. The Applicant must install street trees along the Bradley Boulevard frontage subject to MDOT SHA review and approval. The street tree plantings must be installed as seasonally appropriate and prior to the Final Inspection for the new residence.

12. There shall be no clearing or grading of the site prior to recordation of plat.
13. Prior to any construction activity, demolition, clearing, or grading the Applicant must conduct an onsite meeting with the M-NCPPC Forest Conservation Inspector and the project arborist (hired by the Applicant) who is an International Society of Arboriculture (ISA) Certified Arborist and a Maryland Licensed Tree Care Expert.
14. The record plat must show necessary easements.
15. The record plat must reflect the following building restriction lines as shown on the Administrative Subdivision Plan:
 - a. A 231-foot minimum Building Restriction Line (BRL) associated with the front building line on Lot 1 (30-foot minimum BRL from the southwest property line shared with Lot 2).
 - b. A 133-foot BRL from the front lot line for Lot 2.
16. The Applicant must comply with the following conditions of approval of Preliminary/Final Forest Conservation Plan 620200160, 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 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. Prior to certification of the Administrative Subdivision Plan, the Applicant must revise plans/notes to include details and specifications for soil restoration in areas of the LOD which are not built (i.e. to remain in a lawn or landscape setting).
 - c. Prior to certification of the Administrative Subdivision Plan, the Applicant must revise and/or update notes regarding phasing and specialized construction practices to minimize impact to trees and sensitive environmental features (such as sloped areas and highly erodible soils) to the satisfaction of staff. The measures may include techniques such as air spading and temporary matting.
 - d. Prior to certification of the Administrative Subdivision Plan, the Applicant must coordinate with M-NCPPC Staff to adjust the LOD and/or provide specialized construction techniques to reduce overall impact to trees where possible, particularly for trees 21 and 27.
 - e. Prior to certification of the Administrative Subdivision Plan, the Applicant must coordinate with M-NCPPC Staff to update placement of utilities on Proposed Lot 2 such that the utilities maintain at least 5-feet of clearance from the proposed Category II Conservation Easement.
 - f. The driveway and associated curbing located within the new Category II Easement must be removed and replaced with topsoil and/or mulch and be naturalized with native woody species. The Applicant must implement appropriate tree save measures during removal of the driveway as shown on the certified tree save plan and/or as directed by the M-NCPPC Forest Conservation Inspector.
 - i. The gravel portion of the driveway (and associated curbing) must be removed/addressed as part of the pre-construction measures and the area fenced off for the remainder of the construction.
 - ii. The concrete portion of the driveway (and associated curbing) must be removed/addressed prior to Final Inspection for the new residence.
 - g. Within the first planting season following the pre-construction meeting, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install plantings as shown on the certified FFCP. Adjustments to the planting locations, species and quantities are subject to M-NCPPC staff approval.

- h. Prior to certification of the Administrative Subdivision Plan, the Applicant must revise the Forest Conservation Plan planting list to provide alternative plant species with a diversity of sizes, including shrubs, subject to M-NCPPC staff approval.
 - i. Prior to certification of the Administrative Subdivision Plan, the Applicant must update plans to include the required bicycle and pedestrian sidepath and the associated limits of disturbance along the Site frontage and update the overall tables, notes, and figures as applicable.
 - j. Prior to the start of any demolition, clearing, grading, or construction for this development Application the Applicant must record a Category II Conservation Easement as specified on the certified Final Forest Conservation Plan. The Category II Conservation Easement 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.
 - k. 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 supplemental forest plantings, any mitigation trees/plantings required by the FFCP, and associated maintenance.
 - l. 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 plantings required by the FFCP. The MMA must include invasive species management control measures.
 - m. Prior to any demolition, clearing, grading or construction on the project Site, the Applicant must record, in the Montgomery County Land Records, an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Cabin John Creek watershed to satisfy the reforestation requirement for a total of 0.37-acres of mitigation credit, or as shown on the FFCP. The offsite requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Cabin John Creek watershed, or by making a fee-in-lieu payment if mitigation credits are not available at any bank.
 - n. The Applicant must provide supplemental native species and invasive species management control measures within the proposed Category II Conservation Easement as shown on the FFCP. The cost to control non-native invasive species must be incorporated into the forest conservation financial surety.
 - o. Prior to the initial planting acceptance inspection by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install permanent conservation easement signage and split rail fencing along the perimeter of the conservation easement, as shown on the FFCP or to the satisfaction of M-NCPPC staff.
 - p. Prior to the Final Inspection for the new home, the existing overhead wires serving the existing home must be relocated out of the Category II Easement area and replaced within the LOD and/or in a manner which does not adversely impact trees. The Applicant must include plan notes regarding this coordination prior to certification of the Administrative Subdivision Plan.
17. The Applicant must comply with all tree protection and tree save measures shown on the certified 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.

18. The Applicant must hire a project arborist to implement the tree save plan who is qualified as an ISA-certified Arborist and also a MD Licensed Tree Care Expert.
19. 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.
20. 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.
21. Prior to approval of the Certified Administrative Subdivision Plan, the Applicant must address the following:
 - a. The Applicant must include all applicable agency approval letters and Administrative Subdivision Plan Resolution on the cover sheet(s).
 - b. Include 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.*
 - c. Coordinate with M-NCPPC staff regarding minor clarifications, corrections, and updates which may be needed.

SECTION 1 – SITE DESCRIPTION

Site Location and Vicinity

The Project is located at 6421 Bradley Boulevard in Bethesda, approximately 350 feet southeast of Fallen Oak Drive. The vicinity is developed with single-family detached dwellings in the R-60, R-90 and R-200 zones and the nearby lot sizes range widely, with the Subject Property being among the upper range relative to size. The Property is also within 1990 *Bethesda-Chevy Chase Master Plan*.

The vicinity is developed as a single-family detached neighborhood with lots of similar size and shape located along Bradley Boulevard. However, smaller lots are also present toward the north and east. Bulls Run stream is located nearby to the north and west and Booze Creek is located towards the southwest.



Figure 1 – Vicinity Map

Site Description

The Subject Property (Property, or Project) is known as Lot 8, Block 3, as recorded in 1922 by MSA Plat # 234 (MNCPPC Plat # D-01). The Subject Property is located on the north side of Bradley Boulevard near the intersection with Fallen Oak Drive. As platted, the Property consists of 46,050 square feet (1.06 acres) and is located in the R-60 zone (which has a minimum lot size of 6,000 square feet) within the 1990 *Bethesda-Chevy Chase Master Plan*. As shown below in Figure 2, the Property is currently developed with

a single-family house. The Property contains steep slopes of $\geq 25\%$ on soil classified by the Montgomery County Environmental Guidelines as highly erodible. These sensitive environmental features are located in the forested area at the front of the Site along Bradley Blvd and continues through to the middle of the lot, ending prior to the existing home. Steep slopes are also present within areas neighboring the Site including within the forested area to the east on the adjacent lot, as well as within the adjacent stream valley buffer (SVB) on the neighboring lots to the west. There are no cultural resources or historic sites located within or adjacent to this site nor any known endangered species or critical habitats. The subject Property lies within the Cabin John Creek Watershed, which is a Use Class I-P¹ watershed.



Figure 2 – Aerial Map (Shaded areas represent existing offsite conservation easements)

SECTION 2 – PROPOSAL

Proposal

The Applicant proposes to retain the existing single-family residence and subdivide the 1.06-acre lot into two lots, Lot 1 (associated with existing residence) containing 26,889 square feet and Lot 2 containing 19,161 square feet. The existing driveway will be enlarged to meet Fire Access standards and serve as a consolidated driveway entrance for the two lots. The Property is required to provide a frontage sidepath in accordance with Section 49-33(e) of the County Code and in compliance with the 2018 *Bicycle Master Plan*.

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.

In Figure 3 (below) the proposed lot configuration demonstrates that the proposed lots can accommodate the two single-family detached dwellings as proposed in conformance with the development standards for the R-60 zone. Bradley Boulevard has a total of 100 feet of right-of-way dedicated along the lot frontage (Plat 234). Therefore, no further dedication is required as part of this Application. The recorded plat also includes an existing 10-foot Public Utility Easement (PUE) recorded along the Bradley Boulevard frontage within the Subject Property. As conditioned the Applicant will construct the master-planned sidepath along the Site frontage with the work extending to and connecting with a nearby bus stop and cross walk (beyond the Property frontage) at Howell Road. The Applicant will coordinate with MDOT SHA to finalize the design for the facilities as applicable. The development includes a new onsite Category II Conservation Easement which is proposed to protect substantial portions of the steep slopes, highly erodible soils and the associated tree cover, some of which are specimen in size. The proposed 0.21-acres of conservation easement setting will provide partial forest conservation credit and the remainder of the worksheet requirements will be addressed offsite either through credits purchased in an offsite bank or via a payment of fee-in-lieu, as conditioned by this report.

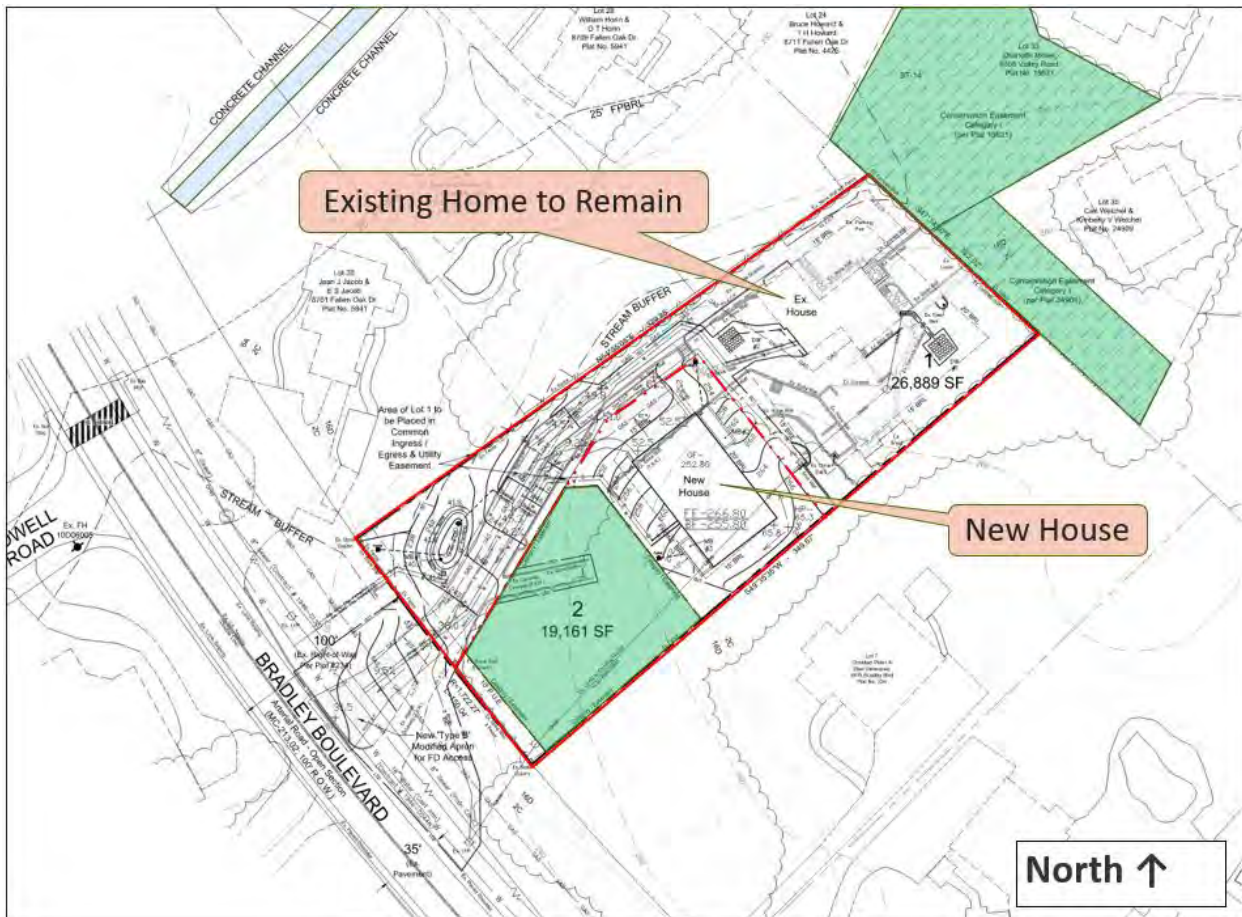


Figure 3: Proposed Administrative Subdivision Lot Configuration.
 Green shading represents existing (offsite) and proposed (onsite) conservation easements

The tree save plan has been designed to also preserve additional trees outside of the proposed conservation easement setting. Furthermore, modified BRLs are also proposed to further protect the on and offsite environmentally sensitive resources.

Lot Design

The lot design is in a flag/pipestem configuration which is similar layout as the existing adjacent lots towards northeast. Through the review process, the proposed conservation easement footprint was expanded, and the associated BRL has been modified accordingly to maintain at least 15 feet of separation between the BRL for the new home and the conservation easement. The resulting 133-foot modified front BRL is considerably more restrictive than the established building line (EBL) of 90 feet and will generate a building envelop for the new home that would be similar in character for other homes in the R-60 zone. The R-60 zone requires a minimum 8-foot and 18-foot combined side setback, and the Applicant proposes 15-foot side setbacks for both lots. The proposed lots meet the minimum development standards for the R-60 zone in terms of size, street frontage, and setbacks, and meet the infill development standards for lot coverage.

Environmental Guidelines

The Property lies approximately 200 feet east of Bulls Run stream and minor portions of the associated stream valley buffer extend into the site but will not be directly impacted by this Application. The Project does, however, impact onsite forest and environmentally sensitive areas including mature trees, and slopes of $\geq 25\%$ on soil classified by the Montgomery County Environmental Guidelines as highly erodible. However, the majority of the natural resources will be adequately protected by a number of means including a Category II Conservation Easement, modified building restriction lines, and the forest conservation/tree save plan containing plan notes regarding specialized construction methods such as phasing to minimize the overall disturbance at any one time, soil restoration and supplemental plantings which will (in combination with the other measurers) further protect and enhance the remaining environmentally sensitive areas found onsite.

Forest Conservation

There are 0.37-acres of forest onsite and the Property has approximately 14 specimen sized trees located on or near the site. The Applicant submitted a Preliminary/Final Forest Conservation Plan proposing to clear a portion of the forest area for new construction. Most of the forest setting and the associated environmentally sensitive areas will be retained within a Category II Conservation Easement and enhanced with supplemental plantings. However, the resulting area within the Category II Easement will not meet the forest definition and will therefore only qualify for partial credit. Per the figures shown in the submitted worksheet, the Applicant plans to meet the Forest Conservation Requirements associated with this development through a combination of onsite credit and offsite credit from a forest conservation bank or by payment of a fee-in-lieu should no credits be available.

Variance trees associated with this Project are 30 inches or greater DBH and are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. The Applicant currently proposes to impact, but retain, eight (8) of these subject trees. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. The Applicant has submitted a variance request for the proposed impacts which is discussed in the technical analysis and findings sections further below.

Stormwater Management

Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on June 28, 2021 (Attachment D). The Applicant proposes to meet stormwater management requirements via drywells, micro-bioretenion, and bioretention planter boxes. With the methods proposed, the Applicant will meet all required stormwater management goals without the need for a waiver. As conditioned by this report all stormwater requirements will be met and Applicant must comply with each of the recommendations as set forth in the MCDPS approval letter.

Access and Circulation

Access to the proposed lots will be via a single shared driveway from Bradley Boulevard. Although there are no existing sidewalks in the immediate vicinity, the Project will provide a new, master-planned sidepath with a landscaped buffer along the Site frontage. The Applicant will construct the master-planned sidepath beyond the Site frontage connecting to an existing bus stop and crosswalk at Howell Road.

The Project generates fewer than three (3) net new peak hour person 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, provision of a new shared use path connecting to an existing bus stop and cross walk, and consolidation of site access points to a single shared driveway, vehicle and pedestrian access for the Administrative Subdivision will be adequate.

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-60 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;

Bradley Boulevard, an Arterial, has a total width of 100 feet of right-of-way dedicated along the lot frontages (Plat 234); therefore, no further dedication is required as part of this Application.

As conditioned, the Applicant will construct the master-planned sidepath along the Site frontage and connecting to a nearby bus stop and crosswalk at Howell Road. The Applicant will coordinate with State agencies to finalize the design for the facilities as applicable.

The Applicant will coordinate with County agencies to ensure that any other necessary public utility easements are shown on the record plat.

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

Transportation access, provided by a single shared driveway, is adequate to serve the proposed development by this Administrative Subdivision Plan.

Local Area Transportation Review (LATR)

The Project generates fewer than three (3) net new 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 shared use path connecting to an existing bus stop and cross walk, vehicle and pedestrian access for the Administrative Subdivision will be adequate.

School Adequacy

This application proposes a net of one single family detached unit. The application review will be completed in July 2021, therefore the FY22 Annual School Test, approved by the Planning Board on June 17, 2021 and effective July 1, 2021 is applicable to this Project.

School Adequacy Test

The project is served by Bradley Hills ES, Thomas W. Pyle MS and Walt Whitman HS. Based on the FY22 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 1. Applicable FY2022 School Adequacy.

School	Projected School Totals, 2025				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Bradley Hills ES	663	503	75.9%	+160	No UPP	245	293	393
Thomas W. Pyle MS	1,502	1,577	105.0%	-75	No UPP	51	226	451
Walt Whitman HS	2,262	2,236	98.9%	+26	No UPP	206	479	818

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school’s adequacy status and ceilings, as determined in the Annual School Test. **Under the FY22 Annual School Test, development projects approved within these school service areas are not automatically subject to Utilization Premium Payments as identified in Table 1.**

Analysis Conclusion

Based on the school capacity analysis performed, using the FY2022 Annual School Test, this application is not subject to a Utilization Premium Payment. Therefore, no UPP condition is required.

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 Administrative Subdivision is subject to Chapter 22A of the County Code. There are 0.37-acres of forest onsite and the Property has approximately 14 specimen sized trees located on or near the site. The Applicant submitted a Preliminary/Final Forest Conservation Plan proposing to physically retain most of the onsite forest (although considered as cleared for calculation purposes). Accordingly, the Forest Conservation worksheet requires a 0.46-acre planting requirement. The Preliminary/Final Forest Conservation Plan will comply with the requirements of the Forest Conservation Law through a proposed 0.09-acres of landscaping credit associated with the onsite 0.21-acre Category II Conservation Easement. The remaining requirement of approximately 0.37-acres will be met via offsite bank or payment via fee-in-lieu, as conditioned.

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.

The Applicant proposes to impact eight (8) subject trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Therefore, a variance request is required with this Application. As discussed in greater detail in the Technical Review Section 4.3 (further below) no subject trees are proposed for removal and Staff recommends approval of the variance request for the trees to be impacted but retained.

The Stormwater Management Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) in a letter dated June 28, 2021 (Attachment D). The approval letter indicates that the Applicant will meet stormwater management requirements onsite, without the use of waivers, via drywells, micro-bioretenion, and bioretention planter boxes. As conditioned by this report all stormwater requirements will be met and Applicant must comply with each of the recommendations as set forth in the MCDPS approval letter.

Furthermore, under 50.4.3.K. the Board must restrict the subdivision or development of any land for environmental protection relative to highly erodible soils, steep slopes and the associated objectives of Chapter 22A relating to conservation of trees and forest resources. However, the modified BRL(s) and Category II Conservation Easement (along with other enhancements and special measures which are recommended as conditions of approval) adequately address protection of the environmentally sensitive areas as required under 50.4.3.K. 2.b.ii.

Technical Review, 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*

- 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 (50.4.3.C)

The Administrative Subdivision Plan meets all applicable sections of the Subdivision Code. Proposed Lots 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.

Other properties in the vicinity within the R-60 zone range from 6,000 square feet in size to more than 50,000 square feet. While the predominant shape of the lots in the vicinity are rectangular, there are existing lots adjacent to the subject property (towards the northeast) which are configured similarly to the proposed layout of this Application. The proposed lots meet the minimum development standards for the R-60 zone in terms of size, street frontage, setbacks, and meet the infill development standards for lot coverage. Therefore, the lot design is appropriate for the development and use contemplated.

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 Master Plan recommendations for public facilities or local recreation requirements for the Subject Property regarding a sidepath. As conditioned, the Applicant must satisfy SHA’s requirements for the construction of the sidepath along the Property frontage and connecting to the bus stop/crosswalk at Howell Road. Adequate roadway dedication has already been provided and an associated 10-foot Public Utility Easement (PUE) is recorded along the Bradley Boulevard frontage.

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

The lots were reviewed for compliance with the dimensional requirements for the R-60 zone as specified in the Zoning Ordinance. The lots 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 2.

Table 2 – Development Standards in the R-60 Zone

Standard	Required/Permitted	Proposed	
		LOT 1	LOT 2
Minimum lot size	6,000 sq ft	26,889 sq feet	19,161 sq feet
Min Lot Width at Front Building Line	60 feet	130 feet	109 feet
Min Lot Width at Front Lot Line	25 feet	86 feet	64 feet
Maximum Density (units/acre)	7.26	1	1
Max Lot Coverage	20% ¹	5,377 SF (max)	3,832 SF (max)
Front setback	25 feet (min)	231 feet ²	133 feet ^{2, 3}
Side setbacks	8 feet (min)	15 (min)	15 (min)
Sum of Side setbacks	18 feet (min)	30 feet (min)	30 feet (min) ³

Rear setbacks	20 feet (min)	20 feet (min)	20 feet (min)
Max Building Height to highest point on any roof.	35 feet	≤ 35 feet	≤ 35 feet

¹Maximum lot coverage is 20% for lots ≥ 16,000 sf per Residential Infill Compatibility, Section 59.4.4.1.B.

²Front setbacks for the lots were increased to enhance protection of environmentally sensitive areas.

³Established Building Line applies per Section 59.4.4.1.A.

b. *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 Property is located in the “Mid-Bethesda - Northern B-CC” area of the 1990 *Bethesda-Chevy Chase Master Plan* which is described as a mature, stable area, predominantly zoned R-60, R-90 with the westernmost portion being zoned R-200. The Master Plan reconfirmed the existing single family detached, low-density residential zoning throughout the Property’s vicinity and recommended a moderate level of development within the mature community. The Application proposes two residential lots (with a net of one additional lot) for a detached house on each lot meeting the development standards of the R-60 zone. Therefore, the Administrative Subdivision Plan substantially conforms to the land use recommendations of Master Plan through the redevelopment of a property without creating a significant demand increase in public infrastructure and transportation needs.

b. Environment

The Subject Property is not specifically referenced in the *Bethesda-Chevy Chase Master Plan*; however, the Master Plan has numerous general recommendations and major goals that apply to the proposed redevelopment of the site. The B-CC Plan has extensive language concerning the preservation of natural resources (such as wooded areas, steep slopes, highly erodible soils and mature trees) throughout the plan area even when located outside of a stream buffer, which among other concerns, could otherwise adversely impact the character of the community and also result in large amounts of sediment wash off into streams. These Master Plan goals are addressed by the Application in a number of ways including the extensive tree save plan, the new onsite Category II Easement area, modified Building Restriction Lines (BRLs) to further protect the easement and environmentally sensitive areas from potential future impacts, new plantings (and invasive species control) within the proposed easement, and the conditioned soil restoration within portions of the LOD which serves to enhance the permeability of the soil for improved health of existing and proposed trees and helping to increase stormwater infiltration, further minimizing offsite runoff. Additionally, new street trees are 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.4 above, public facilities will be adequate to support and service the area of the subdivision.

d. *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 December 4, 2020. The Subject Property is located within the Cabin John Creek Watershed, a Use I-P watershed. The Property contains mature trees subject to the Variance provision of the Forest Conservation Law, including a number of specimen trees which measure 30-inches or greater in diameter-at-breast height (DBH). The mature trees are generally located throughout the Property and along the bordering neighboring properties. The site contains a mix of moderate to steep slopes; much of the steeply slopes area lies within the wooded portion of the Property near the driveway spur. This same area is also located within the proposed Lot 2 on the plans. Steep slopes are also present to the west of the Property on the hillside within the stream buffer as well as in the offsite forested area to the east.

The stream buffer is attributed to Bulls Run stream, which lies approximately 200 feet east of the Property. The stream valley buffer in this location is particularly wide due to the presence of the steep slopes and associated gradients including slopes of $\geq 25\%$ as well as slopes of 15%-25% on soil classified by the Montgomery County Environmental Guidelines as highly erodible.

There are no known rare, threatened, or endangered species on or near the site; there are no 100-year floodplains or associated BRLs, however there are highly erodible soils, steep slopes and minor portions of streams buffers on site. The environmentally sensitive features found onsite include numerous significant and specimen trees, and isolated pockets of steep slopes and highly erodible soils (as defined in the County Environmental Guidelines). Along the northern boundary of the site, there is an existing off-site Category I Forest Conservation. There are no historic features on or near the site.

b. Forest Conservation Plan

A Preliminary/Final Forest Conservation Plan 620200160 was submitted as part of the Application (Attachment B). The Property is in the R-60 zone and shows that the entire 0.37-acres of onsite forest will be considered to be removed for calculation purposes. Accordingly, the FFCP shows a 0.46-acre forest planting requirement. The Applicant proposes to meet this requirement partly through onsite landscape planting (0.09-acres) and offsite in a forest conservation mitigation bank or payment of fee-in-lieu (0.37-acres).

The site contains environmentally sensitive areas such as steep slopes and mature trees within a forest setting. The Chapter 22A Regulations associated with the Forest Conservation Law prioritize retention of trees and plantings located on such environmentally sensitive areas. Further, the Master Plan recommends these same features be preserved and protected whenever possible. With these strategies in mind, the Applicant has proposed a total of approximately 0.21-acres of Category II Conservation Easement which will be further protected by an increased BRL for the proposed single-family home.

Due to the proposed impacts of eight (8) 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.

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.

Variance Request - The Applicant submitted a variance request in a letter dated July 2, 2021, for the impacts of subject trees (Attachment C). The Applicant proposes to impact eight (8) 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 Table 3 below. Staff notes that although the numerical CRZ disturbance related to Tree 5 is apparently high, due to site conditions which have limited growth root (such as the existing driveway, retaining walls and the associated grade separation) and the proposed use of specialized construction techniques to carefully demolish and naturalize the driveway spur nearest to the tree, the actual disturbance to tree is effectually lower than the numerical figures would suggest. Further, as shown in Figure 4, the construction impacts to ST-5 (aside from the careful demolition of the driveway spur) are generally proposed to occur on the fringes of the CRZ rather than in closer proximity to its trunk. Additionally, tree protection work is conditioned to occur under the direction of an ISA Certified Arborist who is also a MD Licensed Tree Care Expert (MD LTE) and in coordination with the M-NCPPC Forest Conservation Inspector; the disturbance will be limited to the minimum practical extent.

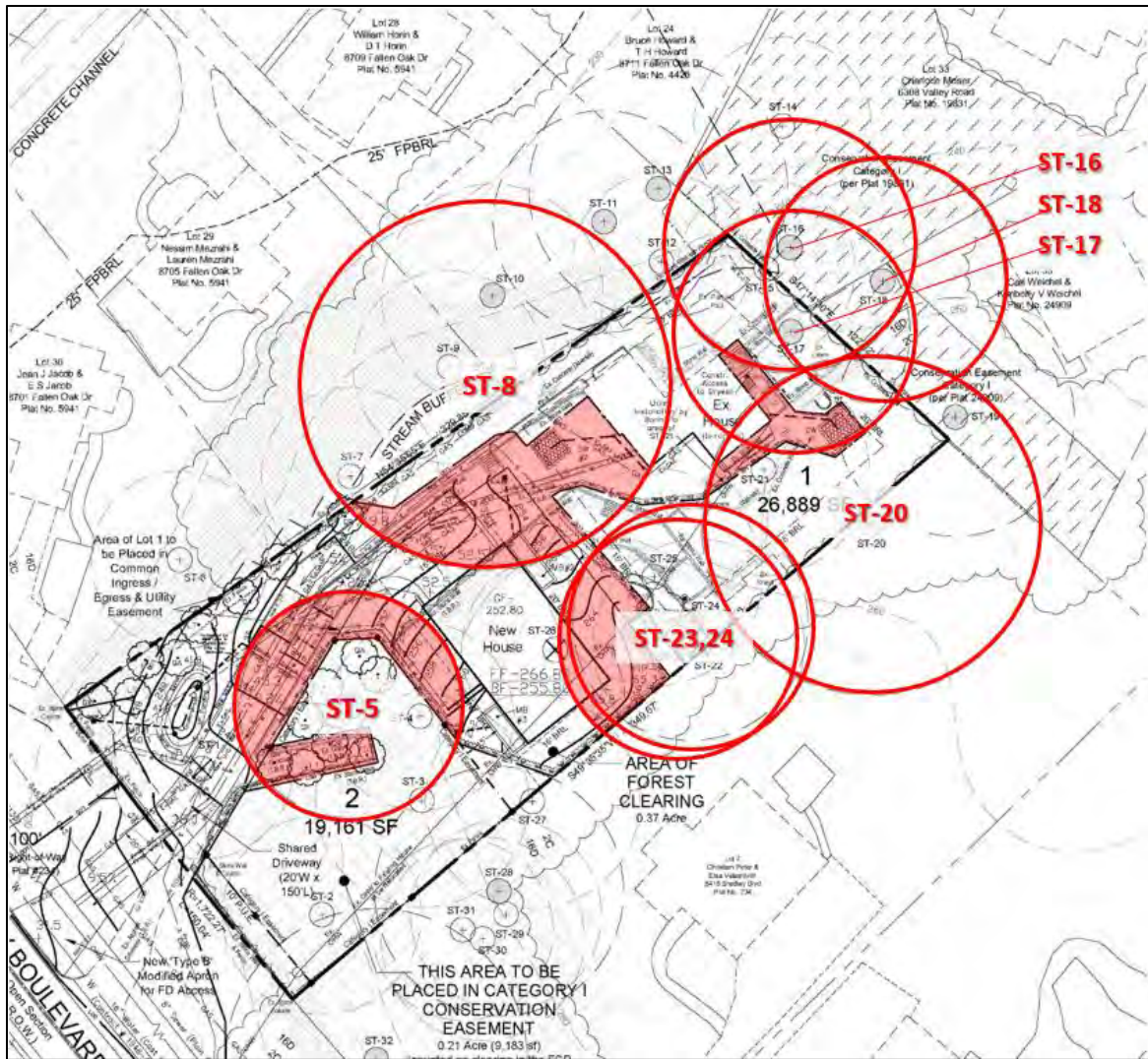


Figure 4: Variance Exhibit – Shaded areas shown include updated tree impacts

Table 3: Trees to be Impacted but Retained

TREE #	TYPE	DBH	CRZ Impact (%)	CONDITION	PROPOSED STATUS
ST-5	White Oak	30.5"	52% ¹	Fair/Poor	SAVE
ST-8	Red Oak	50"	23%	Fair	SAVE
ST-16	Tulip Poplar	34"	1%	Poor	SAVE
ST-17	Bitternut Hickory	32"	12%	Fair	SAVE
ST-18	Red Oak	33"	2%	Fair	SAVE
ST-20	Red Oak	46"	6%	Fair	SAVE
ST-23	Red Oak	32"	26%	Fair	SAVE
ST-24	Red Oak	31.8"	20%	Fair	SAVE

¹Includes the use of use of specialized construction techniques for the demolition of existing driveway under the direction of an ISA-Certified Arborist/MD LTE and the M-NCPPC inspector.

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 features existing structures including a concrete and gravel spur off of the existing driveway. This driveway spur is bordered by stone walls and curbing; both of these features extend into a forested area of the site which contains mature and specimen trees (where naturalization and enhancements are proposed). The site is also bounded by adjacent lots which are populated with many mature and specimen trees whose CRZ's extend onto the Subject Property. Given the existing Site composition and proximity, nearly any construction activity on the site would require impact to subject trees. Accordingly, the Applicant has minimized subject tree impact where possible (no subject removals are proposed) and will implement specialized construction techniques and construction phasing to further lessen the impact to subject trees and other environmentally sensitive features of the Site. 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 modified BRLs, an onsite conservation easement and associated supplemental plantings. The Applicant's proposal also includes extensive tree protection measures throughout portions of the site, soil restoration as conditioned in this report, and careful phasing of construction activities. Although the site is greatly covered by the CRZs of subject trees, the Applicant has taken steps to minimize the impacts to the greatest extent possible while avoiding the removal of any subject trees. Further, per conditions of approval, the Applicant will conduct construction activities under the direction of an ISA-Certified Arborist who is a Maryland Licensed Tree Care Expert. The project includes onsite supplemental tree plantings both within the proposed easement as well as outside of the easement area in addition to other 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 as well as existing site features whose removal will ultimately result in an improved environment for some of the mature and subject trees. Although the implementation of proposed site features such as a revised driveway layout, adequate public facilities/utilities, and stormwater

management features necessitate the variance request, the Application reflects considerable efforts to lessen overall site impacts. Further, the Applicant proposes an onsite Category II Easement area, with supplemental plantings and invasive species control and expanded BRLs, in order to provide long-term protection to specimen tree #5 and other mature trees within the site area. 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. Notably there is no removal of subject trees proposed with the Application. Therefore, this variance request is not based on circumstances which are the result of actions by the Applicant. The Variance is based on development allowed under the existing zoning and required by existing site conditions and necessary design requirements of this application. The Variance can be granted under this condition so long as the impacts are avoided or minimized, and any required mitigation is provided.

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-60 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 wetlands; although a minor portion of stream buffer from nearby Bulls Run stream is mapped on minor fringes of the site, these minor areas are not impacted by this Application. The Site is currently developed with a single-family home accessed via an asphalt driveway which features a concrete and gravel spur. There are presently no stormwater management facilities onsite. The proposed development will continue the use of the single access driveway entrance which will be shared by both homes. As conditioned in this Staff Report, the Applicant will install supplemental plantings within the site and proposed Category II Easement; these plantings and the conditioned soil restoration will help the maintain the permeability of the soil which serves to aid reducing runoff and promoting passive stormwater management. Additionally, the Category II Easement and tree save areas will continue to provide passive stormwater management. Further, per the SWM concept approval letter dated June 28, 2021, adequate stormwater management is achieved (without waivers) using dry wells, bioretention, and microbioretention planter boxes. 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 no subject trees proposed for removal in association with this Application. Therefore, no mitigation planting is required.

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 (8) subject trees associated with the application.

- d. *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 June 28, 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 drywells, micro-bioretenion, and bioretention planter boxes.

Furthermore, the Site is not in a Special Protection Area (SPA) that would necessitate a water quality plan and the Site is not associated with a floodplain.

- e. *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.

- f. *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 January 30, 2021. 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 one letter of correspondence (Attachment E). The correspondence received was based on the initial submission and expressed concern for the sign posting location, tree removal and general issues with traffic and the environment. The Staff responses to the concerns are summarized below.

Sign Posting Location

The letter received expressed concerns on the sign placement which was installed a considerable distance from the roadway. Per the sign posting requirements, which are excerpted below (with emphasis added), the sign posting cannot be located with the public right-of-way. In this instance the right-of-way extends approximately 65' beyond the edge of pavement, and the property boundary corresponds with the existing fence/walls where the sign was installed in the field. Therefore, the sign is located as close to the roadway as possible while also remaining in compliance with the posting requirements.

The sign(s) must be placed on the property in the most visible location available in such a manner that landscaping or other obstructions do not impair the visibility of the sign(s) from the street. The sign(s) must not be placed on the public street right-of-way. The sign(s) should not be placed more than 10 feet behind the property line adjacent to the street.

Tree Removal

The letter expressed concern regarding tree removal for new development. Since the time the community letter was written in response to the initial submission, the Applicant has reduced the overall impacts and enhanced the tree preservation; although the proposal still includes some active tree and forest clearing, the project no longer includes the removal of any trees subject to a Forest Conservation variance. Furthermore, the proposal now includes an expanded footprint over the initially proposed Category II Conservation Easement, and increased BRL's which will also help protect the associated trees and environmentally sensitive resources. Additionally, as conditioned the project includes the planting of new street trees along Bradley Boulevard (where none currently exist) which will further enhance canopy cover in the neighborhood.

Additional Traffic

The community letter also expressed concerns regarding traffic conflict with driveway usage relative to vehicles on Bradley. 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 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 Administrative Subdivision Plan meets the technical requirements of Section 50.4.3 of the Subdivision Code, and the applicable requirements of Section 50.6.1.C. The lots meet all requirements established in the Subdivision Code and the Zoning Ordinance and substantially conform to the recommendations of the 1990 *Bethesda-Chevy Chase Master Plan*. Therefore, Staff recommends approval of this Administrative Subdivision Plan, with the conditions as specified at the beginning of this report.

Attachments

- Attachment A – Administrative Subdivision Plan
- Attachment B – Preliminary/Final Forest Conservation Plan
- Attachment C – Variance Request
- Attachment D – Agency Letters
- Attachment E – Community Correspondence

Attachment A – Administrative Subdivision Plan

GENERAL NOTES:

1. AREA OF PROPERTY - 46,050 SF
2. EXISTING ZONING: R-60
3. NUMBER OF PROPOSED LOTS - 2
4. AREA TO BE DEDICATED TO STREETS - 0 SF
5. SITE TO BE SERVED BY PUBLIC WATER AND SEWER.
6. EXISTING SEWER & WATER SERVICE CATEGORIES: S-1, W-1
7. LOCATED IN CABIN JOHN CREEK WATERSHED (Class I-P).
8. UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, PEPCO



LEGEND:

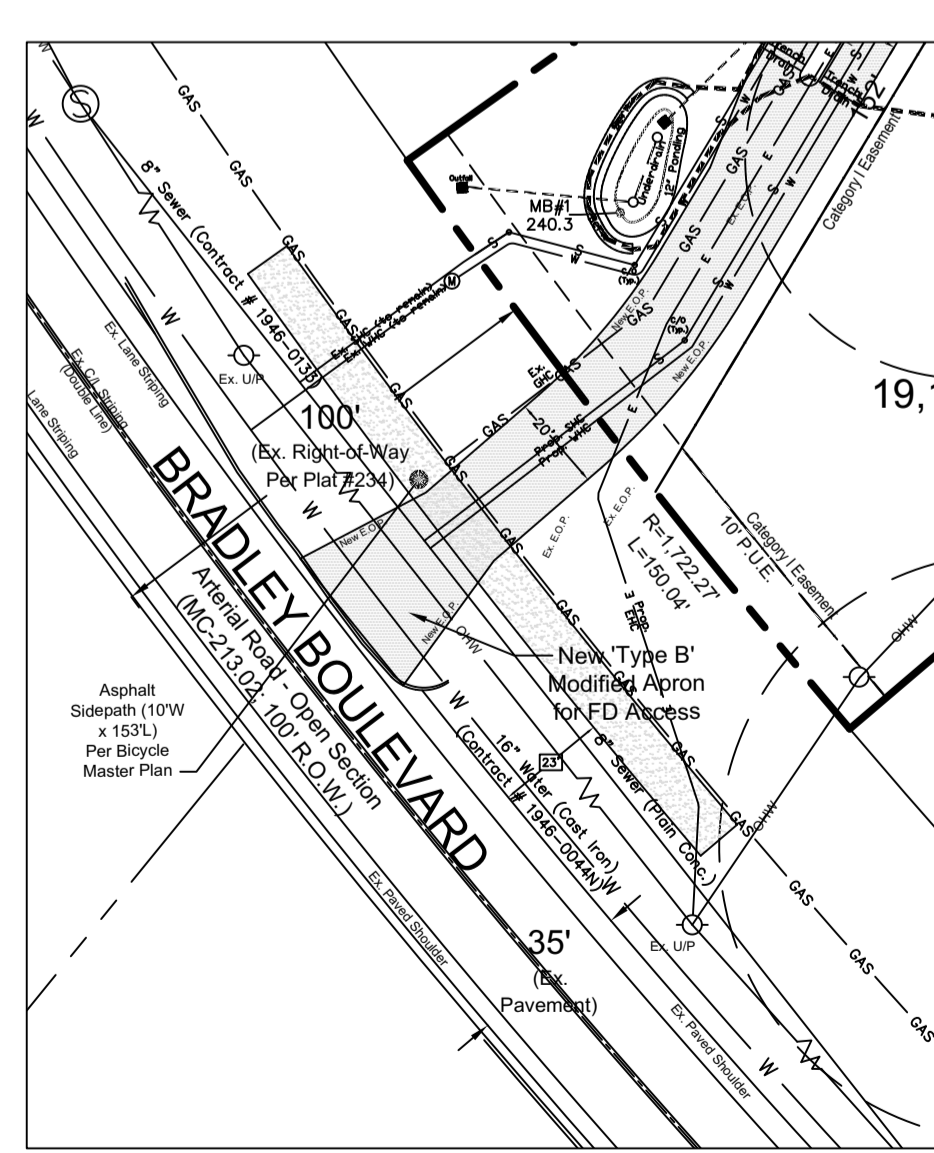
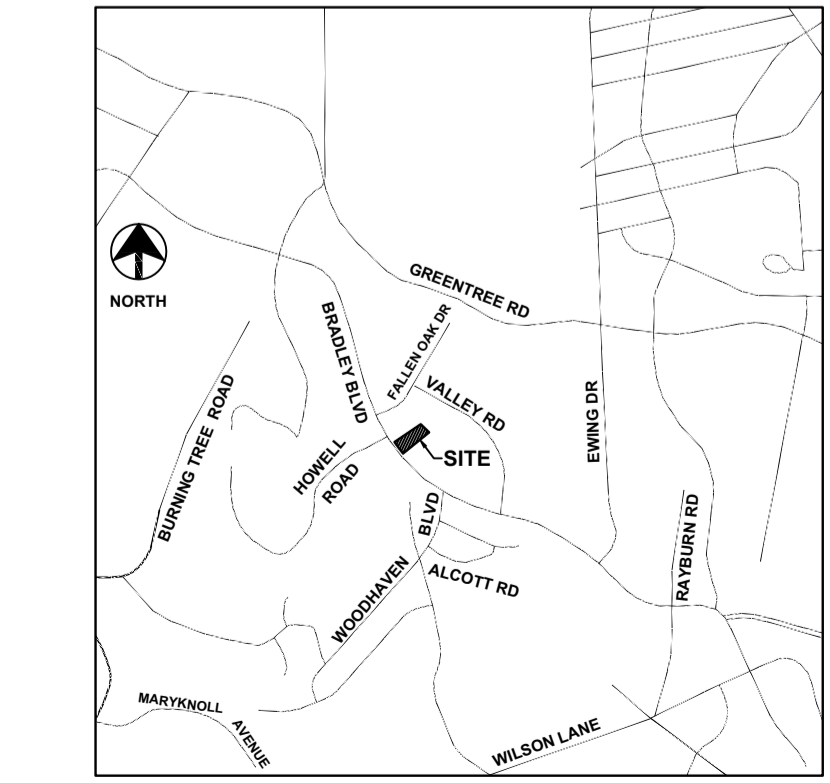
- CANOPY COVERAGE
- EXISTING BUILDING
- EXISTING CATEGORY I CONSERVATION EASEMENT
- INDEX CONTOUR (2' INTERVAL)
- INTERMEDIATE CONTOUR
- OVERHEAD WIRES
- PROPERTY LINE (SUBJECT)
- SOILS SERIES DIVIDE
- STREAM
- STREAM BUFFER
- UTILITY POLE
- EX. CONCRETE SURFACE
- EX. STONE SURFACE
- EX. BRICK SURFACE
- EX. METAL FENCE
- EX. CHAIN-LINK FENCE
- 100 YEAR FLOODPLAIN
- 25' FPBRL
- PROPOSED HOUSE
- NEW LOT LINE
- NEW PAVEMENT
- SEWER HOUSE CONNECTION
- WATER HOUSE CONNECTION
- PROPOSED CONTOUR
- BUILDING RESTRICTION LINE
- LIMIT OF DISTURBANCE
- CONSERVATION EASEMENT (CATEGORY II)
- PROPOSED SPOT ELEVATION
- DRYWELL
- MICROBIORETENTION AREA
- MICROBIORETENTION PLANTER BOX

ZONING STANDARDS

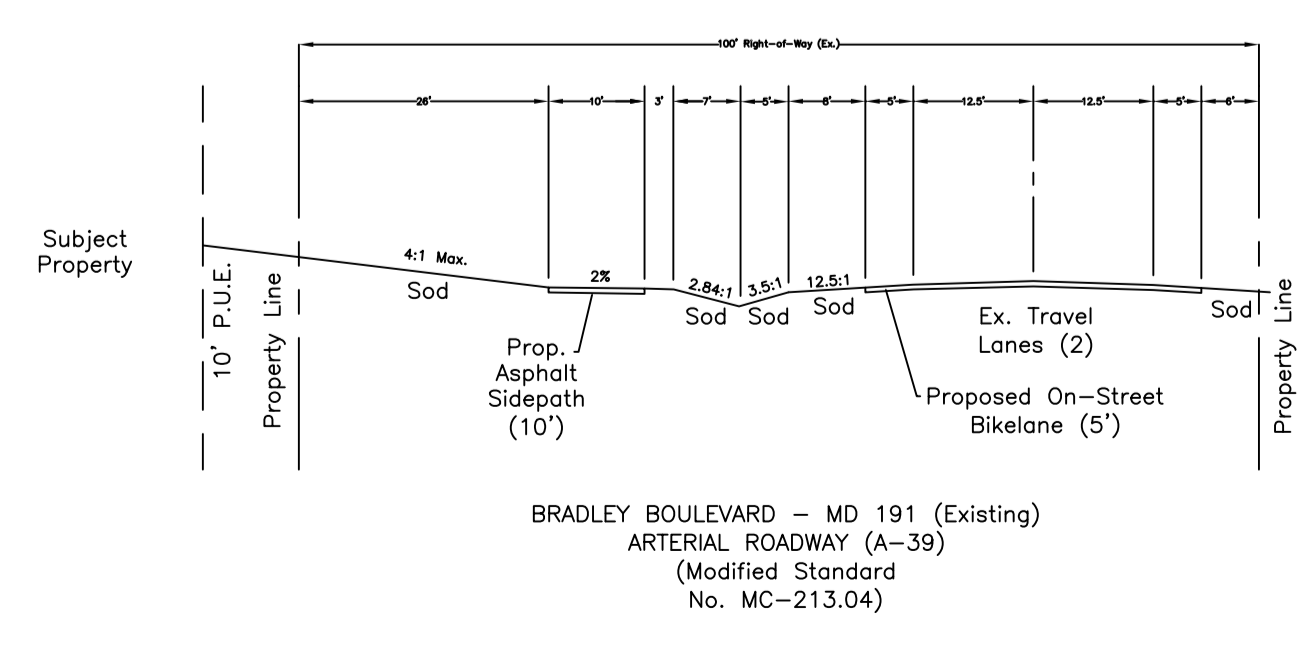
ZONE: R-60	Req.	Lot 1	Lot 2
Lot Size	6,000 sf	26,889 sf*	19,161 sf*
Front Setback	25'	Will Meet Minimum	132' **
Side Setback	8' min./ 18' Total	Minimum of 15' Each Side	Minimum of 15' Each Side
Rear Setback	20'	Will Meet Minimum	Will Meet Minimum
Building Height	35' Max.	Will Not Exceed Maximum	Will Not Exceed Maximum
Lot Coverage	20%***	5,377 sf (1,920 sf existing)	3,832 sf (3,180 sf shown)
Lot Width @ Building Line	60'	Will Meet Minimum (130' shown)	Will Meet Minimum (94' shown)
Frontage	25'	86'	64'

* each lot will meet minimum for the zone; final area to be determined at Record Plat
 ** the front BRL for Lot 2 is proposed to be set 15' from the front property line; the adjacent category one conservation easement and is at least 132' from the front property line; the Established Building Line (EBL) for Lot 2 is estimated to be 90' based upon MNCPPC-GIS data; the proposed front BRL exceeds the estimated EBL.
 *** Maximum lot coverage is 20% for lots over 20,000 square feet as per Section 4.4.1.B. (Residential Infill Compatibility) of the Zoning Ordinance

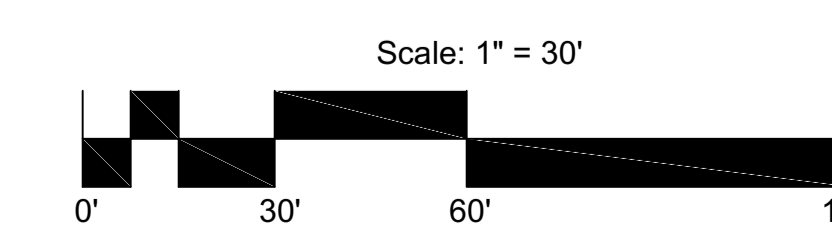
VICINITY MAP
SCALE: 1" = 2,000"



DETAIL VIEW: FUTURE SIDEWALK
SCALE 1" = 30'



BRADLEY BOULEVARD - MD 191 (Existing)
ARTERIAL ROADWAY (A-39)
(Modified Standard No. MC-213.04)



- NOTES:
1. Source of 100-Year Floodplain shown hereon is FEMA Floodmap Panel 24031C0435D for Montgomery County effective on 09/29/2006.
 2. Two-foot contour-interval topography from M-NCPPC GIS map data.
 3. Property boundary from a survey conducted by Total Engineering Services Inc..

Surveyor's Certificate:
I hereby certify that the boundary shown hereon is correct to my best knowledge and belief based upon existing records and visual observations.
[Signature] 05-10-2021 02-10-2023
Signature Date Exp. Date

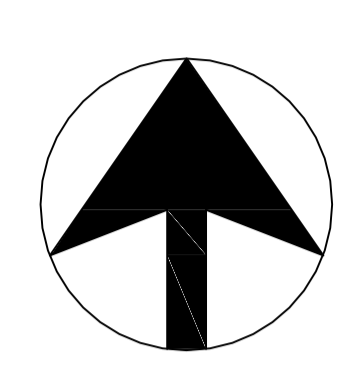
Professional Certification:
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed landscape architect registered to practice in the State of Maryland.
[Signature] 06-21-2021 10-21-2022
Signature Date Exp. Date



PREPARED FOR:
HAMID REZA IZADI & MARJAN PANAZI
4711 Rosedale Avenue
Bethesda, MD 20814
(301)654-9299
rayizadi@gmail.com

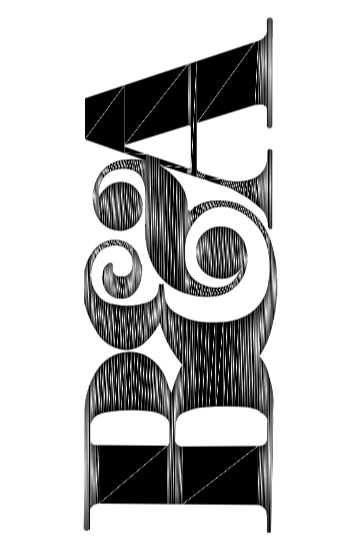
Revisions

Rev. 06-21-2021	



date: 01/18/2021
scale: 1" = 30'

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



ADMINISTRATIVE SUBDIVISION PLAN
HILLMEAD (Lot 8, Block 3)
6421 Bradley Boulevard
Montgomery County, Maryland

Attachment B - Preliminary/Final Forest Conservation Plan

FOREST CONSERVATION WORKSHEET
HILLMEAD

NET TRACT AREA:		
A. Total tract area ...	1.05	
B. Land dedication acres (parks, county facility, etc.) ...	0.00	
C. Land dedication for roads or utilities (not being constructed by this plan) ...	0.00	
D. Area to remain in commercial agricultural production/use ...	0.00	
E. Other deductions (specify) ...	0.00	
F. Net Tract Area ...	1.05	

Revisions

Rev. 06-21-2021

LAND USE CATEGORY: (from Trees Technical Manual)
Input the number "1" under the appropriate land use, limit to only one entry.

ARA	MDR	IDA	HDR	MPD	CIA
0.00	0.00	0.00	1.00	0.00	0.00

EXISTING FOREST COVER:

G. Afforestation Threshold ...	0.15 x F =	0.16
H. Conservation Threshold ...	0.20 x F =	0.21

BREAK EVEN POINT:

L. Forest retention above threshold with no mitigation ...	0.24
M. Clearing permitted without mitigation ...	0.13

PROPOSED FOREST CLEARING:

N. Total area of forest to be cleared ...	0.37
O. Total area of forest to be retained ...	0.00

PLANTING REQUIREMENTS:

P. Reforestation for clearing above conservation threshold ...	0.04
Q. Reforestation for clearing below conservation threshold ...	0.42
R. Credit for retention above conservation threshold ...	0.00
S. Total reforestation required ...	0.46
T. Total afforestation required ...	0.00
U. Credit for landscaping (may not exceed 20% of "S") ...	0.09
V. Total reforestation and afforestation required ...	0.37

FCP Worksheet Notes:
1. Landscape credit of 0.09 acre is for retention and enhancement of the category I conservation easement area.
2. The 0.37 acre reforestation requirement is to be met off-site.

DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 620200160 including, financial bonding, forest planting, maintenance and all other application agreements.

Developer's Name: **HAMID REZA IZADI & MARJAN PANAH**
Print Company Name

Contact Person or Owner: **HAMID REZA IZADI & MARJAN PANAH**
Print Name

Address: 4711 Rosedale Avenue, Bethesda, MD 20814

Phone # and Email: (301)654-9299, rayizadi@gmail.com

Signature: _____

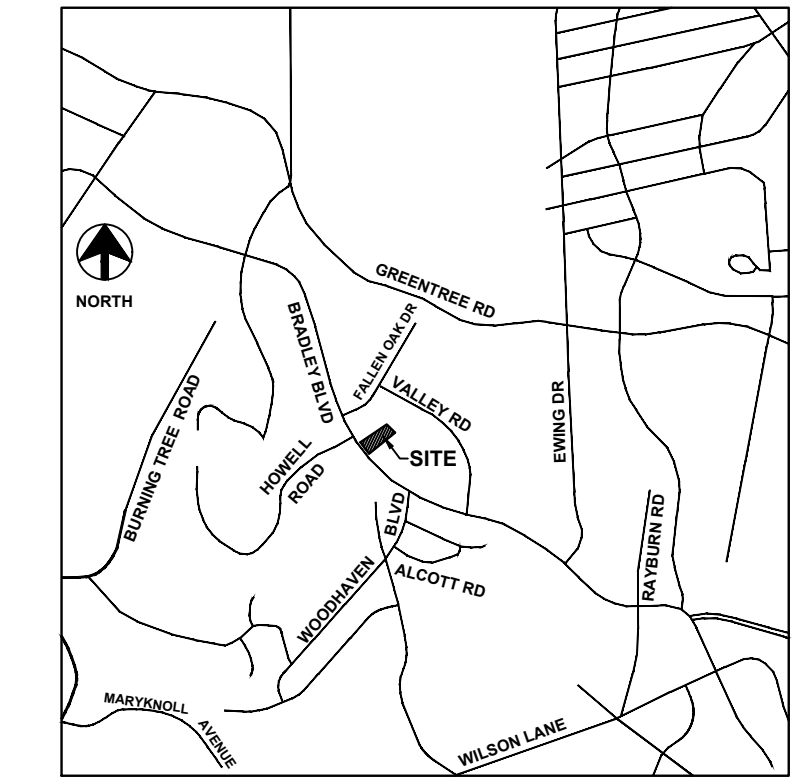
FCP NOTES:

- The Limits-of-Disturbance may be adjusted in the field to save adjacent trees.
- Tree sizes were obtained by measuring diameter-at-breast height with a diameter tape. Sizes for off-site trees are by ocular estimates.
- Area of forest to be counted as cleared is 0.37 acres.
- All tree protection and stress reduction measures are intended to be completed within the limits of the property.
- Locations of symbols for tree protection signs and tree protection fencing may have been adjusted for graphic and legibility reasons.
- Additional root pruning may be required by the M-NCPPC inspector if determined necessary to mitigate construction related damage to adjacent save trees.

PLANTING PLAN NOTES:

- This plan proposes the placement of existing forest and additional adjacent unforested area within a category one conservation easement. The easement area is shown to be 0.21 acre and includes specimen tree ST-5 and 3 other significant trees. The retained forest is proposed to be counted as "landscape credit" in the FC worksheet.
- The unforested area of the proposed conservation easement area including the area of existing pavement to be removed is proposed to be planted with 8 native trees for enhancement of the existing forest area.
- The plan proposes an additional 8 trees to be planted outside of the easement area in areas abutting or within 25% or steeper slopes.
- Tree locations can be adjusted in the field with approval by the M-NCPPC inspector.

VICINITY MAP SCALE: 1" = 2,000'

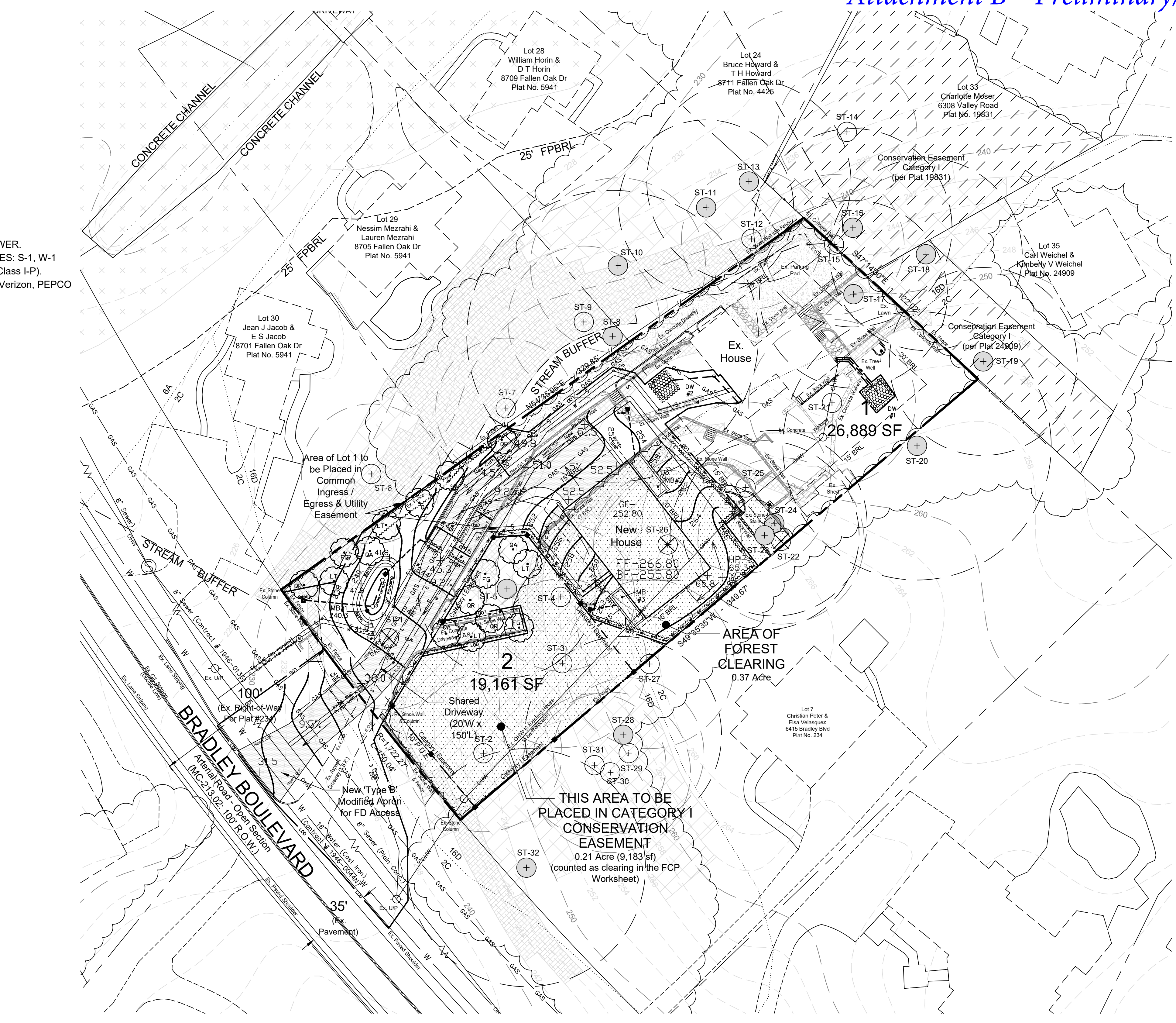


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- LOCATED IN CABIN JOHN CREEK WATERSHED (Class I-P).
- UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, PEPCO

LEGEND:

- CANOPY COVERAGE
- EXISTING BUILDING
- EXISTING CATEGORY I CONSERVATION EASEMENT
- INDEX CONTOUR (2' INTERVAL)
- INTERMEDIATE CONTOUR
- OVERHEAD WIRES
- PROPERTY LINE (SUBJECT)
- SOILS SERIES DIVIDE
- SLOPES ≥ 25%
- SLOPES ≥ 15-25% ON HIGHLY ERODIBLE SOILS
- STREAM
- STREAM BUFFER
- UTILITY POLE
- EX. CONCRETE SURFACE
- EX. STONE SURFACE
- EX. BRICK SURFACE
- EX. METAL FENCE
- EX. CHAIN-LINK FENCE
- 100 YEAR FLOODPLAIN
- 25' FPBRL
- PROPOSED HOUSE
- NEW LOT LINE
- NEW PAVEMENT
- SEWER HOUSE CONNECTION
- WATER HOUSE CONNECTION
- PROPOSED CONTOUR
- BUILDING RESTRICTION LINE
- LIMIT OF DISTURBANCE
- AREA OF FOREST CLEARING
- CONSERVATION EASEMENT (CATEGORY II)
- CATEGORY II CONSERVATION AREA
- SPECIMEN TREE
- SIGNIFICANT TREE
- CRITICAL ROOT ZONE
- SIGNIFICANT TREE TO BE REMOVED
- PROPOSED SPOT ELEVATION
- DRYWELL
- MICROBIORETENTION AREA
- MICROBIORETENTION PLANTER BOX
- FOREST CONSERVATION EASEMENT MARKER / SIGN
- NEW TREE PLANTING



TREE PLANTING SCHEDULE

QUANTITY	TREE ID	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	COMMENTS
4	FG	Fagus grandifolia	American Beech	2"	B&B
4	LT	Liriodendron tulipifera	Tulip Poplar	2"	B&B
4	QA	Quercus alba	White Oak	2"	B&B
4	QR	Quercus rubra	N. Red Oak	2"	B&B

NOTES:
1. Source of 100-Year Floodplain shown herein is FEMA Floodmap Panel 24031C0435D for Montgomery County effective on 09/29/2006.
2. Two-foot contour-interval topography from M-NCPPC GIS map data.

PHASING NOTES:

- For protection of the off-site stream valley buffer, the following project phasing is to be implemented at this site:
- PHASE ONE - HOUSE EXCAVATION, FOUNDATION & CONSTRUCTION**
- The existing driveway will be used to access the homestead.
 - The homestead area will be wrapped with super silt fence.
 - The homestead area will be cleared of trees and a construction entrance will be installed off of the existing driveway.
 - Excavation, grading, and removal of dirt from the site will occur for the new home.
 - The foundation will be poured and construction of the home will commence.
 - The area around the homestead will be stabilized.
- PHASE TWO - DRIVEWAY AND UTILITIES**
- Once the house is under roof and the adjacent areas are stabilized, driveway and utility work will commence.
 - The area of driveway replacement and the stormwater management facility will be wrapped with super silt fence.
 - A second construction entrance will be installed for the new driveway apron.
 - Utility trenching will commence.
 - Final grading and base paving for the shared driveway will be completed.
 - Disturbed areas will be stabilized.
 - Stormwater management measures will be installed once the site is fully stabilized.

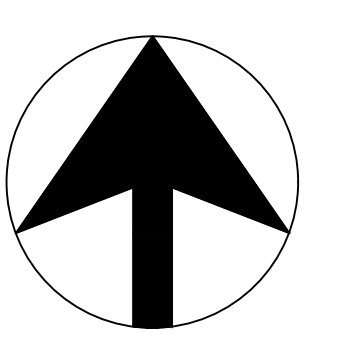
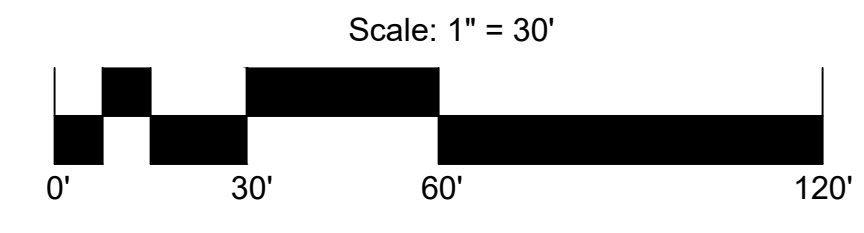
Professional Certification:
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed landscape architect registered to practice in the State of Maryland.

Signature: _____ Date: 06-21-2021 Exp. Date: 10-21-2022



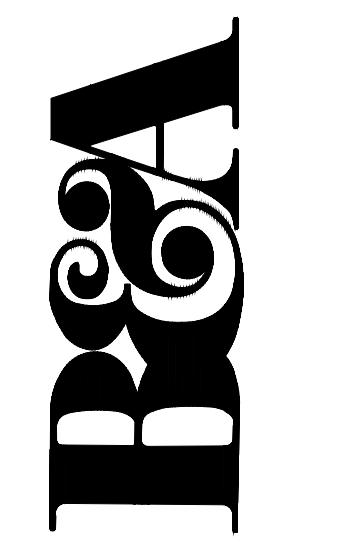
PREPARED FOR:
HAMID REZA IZADI & MARJAN PANAH
4711 Rosedale Avenue
Bethesda, MD 20814
(301)654-9299
rayizadi@gmail.com

TREE REMOVAL NOTES:
1. TREES DESIGNATED FOR REMOVAL OUTSIDE OF THE LOD ARE TO BE FLUSH CUT TO THE GROUND AND THE STUMP LEFT IN PLACE.
2. ADDITIONAL HAZARD TREE PRUNING OUTSIDE THE LOD CAN BE APPROVED BY THE M-NCPPC FOREST CONSERVATION INSPECTOR AT THE PRE-CONSTRUCTION MEETING PROVIDED THIS TREE PRUNING IS DONE BY A MARYLAND LICENSE TREE EXPERT.



date: 01/18/2021
scale: 1" = 30'

Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20887
(301)948-0240



PRELIMINARY / FINAL FOREST CONSERVATION PLAN
HILLMEAD (Lot 8, Block 3)
6421 Bradley Boulevard
Montgomery County, Maryland

STATEMENT FOR THE APPLICANT

Hamid Reza Izadi & Marjan Panahi, Property Owners

FOR A VARIANCE IN ACCORDANCE WITH SECTION 22A-21

OF THE MONTGOMERY COUNTY CODE

ADMINISTRATIVE SUBDIVISION PLAN NO. 620200160

HILLMEAD

Revised 07-02-2021

I. BACKGROUND INFORMATION

The Applicants, Hamid Reza Izadi and Marjan Panahi, make this request for a variance pursuant to the provisions of Section 22A-21 of the Montgomery County Code. The Applicants are the owners of the subject property, also designated as Lot 8, Block 3 of the Hillmead Subdivision on Tax Map GN563. The Applicants propose to subdivide the property into two lots for single-family detached homes. The two proposed lots will comply with the development standards applicable to the subject property's R-60 zoning classification. The property is located at 6421 Bradley Boulevard in Bethesda. The subject property consists of 1.057 acres or 46,050 square feet of land area, and is improved with an existing single-family residence (constructed in 1951) which is proposed to remain.

About 35 percent of the property is under forest cover. A Natural Resources Inventory / Forest Stand Delineation (No. 420202030) has been submitted to and approved by M-NCPPC. Fourteen (14) specimen trees (30" DBH and larger) have been identified and survey-located on and adjacent to the subject property and are shown on the NRI/FSD.

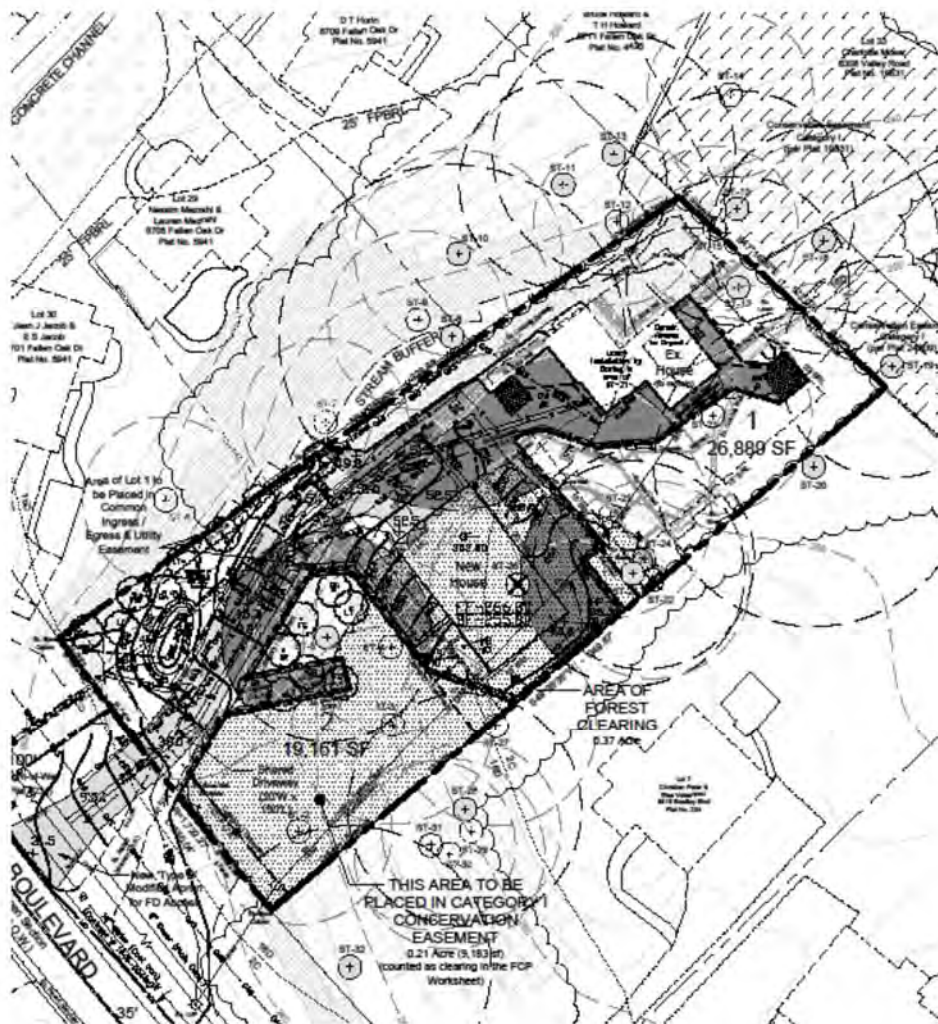
II. APPLICANT'S PROPOSAL

The subject property is proposed to be subdivided into two (2) single-family residential lots as an infill development in an area where public infrastructure already exists. Attached is a copy of the proposed Preliminary Plan of Subdivision (see E-plans) showing the proposed lots, existing house and propose house, and existing and proposed driveways including shared access from Bradley Boulevard. Also attached is the Preliminary / Final Forest Conservation Plan (FCP) (see E-plans) showing the area of existing forest to be cleared. The plan proposes to retain existing trees within a category I conservation easement area which are currently within the existing forest area and within an area which contains 15-25% slopes on erodible soils. The trees to be preserved in

these areas include one specimen tree, significant trees and other smaller trees not identified on plans.

The Preliminary / Final FCP indicates the location of eight (8) impacted specimen trees with tree protection measures proposed for the preservation of these trees.

SPECIMEN TREE CHART						
TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	%CRZ IMPACTED	Status
ST-5	Quercus alba	White Oak	30.5"	Fair-Poor	52%	Retain
ST-8	Quercus rubra	N. Red Oak	50.0"	Fair	23%	Retain
ST-16	Liriodendron tulipifera	Tulip Poplar	34.0"	Poor-Dead	1%	Retain
ST-17	Carya cordiformis	Bitternut Hickory	32.2"	Fair	12%	Retain
ST-19	Quercus rubra	N. Red Oak	32.2"	Fair	2%	Retain
ST-20	Quercus rubra	N. Red Oak	46.0"	Fair	6%	Retain
ST-23	Quercus rubra	N. Red Oak	32.4"	Fair	26%	Retain
ST-24	Quercus rubra	N. Red Oak	31.8"	Fair	20%	Retain



ST-5, a 30.5" White Oak in fair to poor condition is located within the central portion of the site on proposed Lot 2. The tree is located outside of the existing forest stand but within an area now proposed to be placed in a category I conservation easement area. The tree will be impacted by the installation of underground utilities, grading for the new driveway to the new home on Lot 2, and installation of stormwater management measures. However, with careful removal of an existing paved area and walls which currently lie within the critical-root-zone (CRZ) of the trees, the current pervious growth area will be expanded. The tree is proposed to be retained with monitoring.

ST-8, a 50" Northern Red Oak in fair condition is located off-site to the north of the subject property and within a wooded area on an adjacent residential lot. The tree will be impacted by

grading and construction for the new home and driveway, installation of stormwater management measures, and the installation of a new underground utility line to be run to the existing house. However, the impacted area of the CRZ of this tree has already been impacted in the past by the installation of an existing gas line and water and sewer lines to the existing home on proposed Lot 1. Therefore, these new impacts are not expected to be detrimental to the tree. The tree is proposed to be retained.

ST-16, a 34.0" Tulip Poplar located off-site is identified on plans as a "poor-dead" tree. A very small portion of the CRZ of the tree lies within the limit-of-disturbance proposed for access to a new drywell. This tree should be removed due to its current condition but will not be impacted by the proposed development. The tree is shown to remain on plans due to the fact that it is off-site.

ST-17, a 32.2" Bitternut Hickory in fair condition is located at the back of the site adjacent to the rear property line and near the existing home on proposed Lot 1. The CRZ of the tree lies within the proposed limit-of-disturbance for access to a new drywell to be installed. The drywell is also within the CRZ of the tree. However, the root zone of the tree is likely impeded by an existing retaining wall which lies between the tree and the proposed drywell. Therefore, the actual impacts from the proposed activity will be small. Due to the minor nature of the impacts, the tree is proposed to be retained with tree protection fencing.

ST-19, a 32.2" Northern Red Oak in fair condition is located off-site near the northeast property line. The tree will be slightly impacted by the installation of a drywell and associated underground piping. Due to the minor nature of these impacts, the tree is proposed to be retained.

ST-20, a 46.0" Northern Red Oak in fair condition is located off-site adjacent to the southeast property line. The tree will be slightly impacted by the installation of a drywell and associated underground piping and by trenching for the relocated underground electric line to the existing home. Due to the minor nature of these impacts to the overall CRZ, the tree is proposed to be retained.

ST-23, a 32.4" Northern Red Oak in fair condition is located in the central part of the site near the common boundary line between the two proposed lots. The tree will be impacted by grading and excavation for the new home to be built on proposed Lot 2. Root pruning will be employed to reduce stress to the tree from the proposed activities. The tree is proposed to be retained due its current condition, the limited impacts, and stress reduction measures to be implemented.

ST-24, a 31.8" Northern Red Oak in fair condition is located in the central part of the site near the common boundary line between the two proposed lots and near ST-23. The tree will be impacted by grading and excavation for the new home to be built on proposed Lot 2. Root pruning will be employed to reduce stress to the tree from the proposed activities. The tree is proposed to be retained due its current condition, the limited impacts, and stress reduction measures to be implemented.

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

A Chapter 22A variance is required in order to secure approval of the disturbance of eight (8) identified trees that are considered priority for retention and protection under the Natural Resources Article of the Maryland Annotated Code and the County Code. This variance request is submitted pursuant to Section 22A-21 of Chapter 22A of the County Code and Section 5-1607(c) and Section 5-1611 of Title 5 of the Natural Resources Article of the Maryland Annotated Code (the “Natural Resources Article”).

Under the County Code, Section 22A-21(b) lists the criteria for the granting of the variance requested herein. The following narrative explains how the requested variance is justified under the set of circumstances described above.

“(1) Describe the special conditions peculiar to the property which caused the unwarranted hardship.”

Unwarranted hardship is demonstrated, for the purpose of obtaining a Chapter 22A variance when an applicant presents evidence that denial of the variance would deprive the Applicant of the reasonable and substantial use of the property. Section 22A-21 of the County Code authorizes the grant of a variance under that chapter when an applicant “shows that enforcement would result in unwarranted hardship.”

Natural Resources Article Section 5-1611 authorizes the Planning Board to grant a forest conservation variance “where owing to special features of a site or other circumstances, implementation of this subtitle would result in unwarranted hardship to the applicant.” Those special features or other circumstances justifying granting of a variance are described below.

In this case, the Applicant would suffer unwarranted hardship if disturbance of the designated trees was not allowed. The submitted subdivision plan that proposed dividing the subject property into two lots under the R-60 lot design standards is clearly within the class of reasonable and substantial uses that justify the approval of a Chapter 22A variance. If the variance were denied, then the Applicant would be precluded from developing the subject property in accordance with its R-60 zoning, a right that, in the past, has been commonly enjoyed by owners of similar properties.

The subject property is currently improved with an existing single-family residence, driveway access from Bradley Boulevard, and other on-site improvements which are all identified on the approved NRI/FSD for the site. The NRI/FSD also identifies that 32 trees with a diameter-at-breast-height (dbh) of 24” or larger exist on or adjacent to the site. Of these 32 trees, 14 are specimen size (30” or larger dbh). The project has been designed to be as sensitive as possible to site conditions and the area of planned disturbance has been kept to a

minimum. The existing house is to be retained with the only planned activity in the area of the house the addition of new drywells for stormwater management and for minor utility relocation. The majority of specimen trees (11) are on or near the existing house lot (proposed Lot 1). Because the critical-root-zone (CRZ) of many of the adjacent trees reach into the site, there are some small impacts but none of these trees are proposed to be removed.

Impacts to certain on-site specimen trees for the development of the home on proposed Lot 2 are unavoidable but have been minimized to the greatest extent practical. No specimen trees are proposed to be removed. ST-5 will receive the greatest impacts but the tree is to be placed within the area proposed as category I conservation easement for preservation. The driveway in the area of ST-5 is proposed to be widened for fire department access and new underground utilities are to be installed for the new home on Lot 2. The house on Lot 2 has been placed to fit the site to avoid excessive grading and disturbance and is mostly outside the CRZ of ST-5.

In order to limit and/or mitigate any impacts to on-site or nearby environmentally sensitive features, special measures are proposed. The Forest Conservation Plan includes notes which describe a proposed phasing schedule to limit the amount of disturbance at any one time. The existing driveway will be used for construction access during the initial site disturbance for the new home. After this initial work is done and the initial disturbed areas are stabilized, the second phase of work to install a new shared and new utilities will commence. By dividing the project into two clear phases, the actual area of the site to be disturbed at any one time will be small. In addition, for long term enhancement of environmentally sensitive features on or near the site, a significant portion of the site will be placed into a category one conservation easement area and 16 new trees will be planted on the site.

“(2) Describe how enforcement of these rules will deprive the owner of rights commonly enjoyed by others in similar areas.”

Any alternative subdivision design that would propose two lots in the R-60 zone would impact at least a similar number of specimen trees and potentially could result in the loss/removal of more of the site’s variance trees if different building placement or lot configurations are proposed. Without this variance, the Applicant would be deprived from the ability to, based on the existing R-60 zoning, implement their plan to subdivide the subject property into two lots and would thus be deprived of reasonable use of their property that would be available to others. Other owners in Montgomery County have impacted specimen trees in order to reconstruct an existing house, further develop as allowed by existing zoning and improve access to their properties, all of which are implicated in this case.

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

In conjunction with its proposed development of the subject property, the Applicant has prepared a Stormwater Management Concept Plan (see E-plans). This proposed concept proposes proper measures to protect stormwater quality and quantity that may impact the subject property and surrounding area. Specifically, the Stormwater Management Concept Plan proposes a new microbioretention area to collect stormwater runoff from the new shared driveway, 2 microbioretention planter boxes to collect stormwater from the entire roof area of the proposed new home, and 2 drywells to collect stormwater runoff from roof areas of the existing home. The proposed concept complies with current Environmental Site Design to the Maximum Extent Possible in accordance with stormwater management regulations.

The Applicant proposes to mitigate any adverse effects to water quality by limiting activities on the site to the minimum area needed to develop one new homesite. In addition, the Applicant proposes to place a significant area of the site which currently contains forest and slopes with highly erodible soils into a category one conservation easement. Finally, the Applicant proposes new tree planting within the proposed category one easement area to enhance the area of retained on-site forest and additional planting adjacent to an off-site stream valley buffer area which contains steep slopes.

The Applicant confirms that the impact on the eight (8) affected variance trees will not cause degradation to water quality associated with development of the proposed subdivision as a result of the granting of the requested variance.

“(4) Provide any other information appropriate to support the request.”

The information set forth above satisfies the criteria to grant the requested variance to allow the proposed development to impact eight (8) protected trees as part of this proposed subdivision.

Furthermore, the Applicant’s request for a variance complies with the “minimum criteria” of Section 22A-21(d) for the following reasons:

1. The Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant;
2. The configuration of the subject property, regulatory requirements, and the location of the protected trees are not the result of actions by the Applicant, since any similar development of the subject property as a R-60 zoned residential subdivision would encounter the same constraints;
3. The requested variance is not related in any way to a condition on an adjacent, neighboring property; and

4. The impact on the CRZ's of eight (8) trees will not violate State water quality standards or cause measurable degradation in water quality as evidenced by the information provided on the Stormwater Management Concept Plan and Preliminary / Final Forest Conservation Plan (see E-plans).

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

Submitted on behalf of the Applicant, Hamid Reza Izadi & Marjan Panahi

By

Benning & Associates, Inc.

David W. McKee



Attachment D – Agency Letters

DEPARTMENT OF PERMITTING SERVICES

March Elrich
County Executive

Mitra Pedoeem
Director

Mr. Douglas G. Tilley, PE
Vice President of Engineering & Surveying
O'Connell & Lawrence, Inc.
17904 Georgia Avenue, Suite 302
Olney, MD 20832

Re: Combined **STORMWATER MANAGEMENT CONCEPT/SITE DEVELOPMENT STORMWATER PLAN** for
Hickey and Offutt's Subdivision
2710 Washington Avenue
Administrative Subdivision #620190030
SM File #: 285596 (formerly 284203)
Tract Size: 0.9515 ac
Total Concept Area: 0.9515
Zone: R-60
Legal Description: Lot 46 and Outlot A, Hickey and Offutt's Subdivision, to be subdivided into 2 lots with one outlot.
Watershed: Lower Rock Creek

Dear Mr. Tilley:

Based on a review by the Department of Permitting Services Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals of Environmental Site Design to the Maximum Extent Practicable for the outlot and one new lot via Micro-bioretention Planters and a Bio-swale. Because the existing house will remain, stormwater management is not required for its proposed lot at this time.

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.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingervices

Mr. Douglas G. Tilley, PE
July 7, 2020
Page 2 of 2

4. All stormwater management practices must be designed using the latest available MCDPS guidance documents. Please note that micro-bioretenion practices are not permitted to be constructed in areas where existing slopes exceed 15%.
5. At time of final engineering the plan must demonstrate the method for collection and safe conveyance of runoff from uphill of the proposed wall to the public right-of-way.

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 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 Mary Fertig at 240-777-6340 or at mary.fertig@montgomerycountymd.gov.

Sincerely,



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

MCE: MMF

cc: N. Braunstein
SM File # 285596

New Lot 141
ESD: Required/Provided 378 cf / 378 cf
PE: Target/Achieved: 1.2"/1.2"
STRUCTURAL: N/A
WAIVED: N/A

Outlot A
ESD: Required/Provided 165 cf / 165 cf
PE: Target/Achieved: 1.25"/1.25"
STRUCTURAL: N/A
WAIVED: N/A



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher Conklin
Director

July 2, 2021

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

RE: Administrative Plan No. 620200160
Hillmead

Dear Mr. Fuster:

We have completed our review of the administrative plan uploaded to Eplans on June 21, 2021. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on February 16, 2021. 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.

General Comments

1. The public streets fronting the subject property; Bradley Boulevard (MD 191) is maintained by Maryland State Highway Administration (MSHA). Therefore, MCDOT does not have any jurisdiction and per Montgomery County Code Chapter 50 Section 4.2, MCDOT shall provide recommendation for the attention of the concerned agencies.

Significant Plan Review Comments

2. We recommend that the applicant construct the 10-foot, shared-use path and bikeable shoulder **along the site's Bradley Boulevard (MD 191) frontage to comply with the 2018 Bicycle Master Plan**. We also recommend that the shared-use path extend beyond the site frontage to the existing bus stop located at the intersection of Bradley Boulevard (MD 191) and Howell Road and that this extension be shown on the Certified Administrative Subdivision Plan.

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

Standard Plan Review Comments

3. We defer to MSHA for all access and improvements to Bradley Boulevard (MD 191).
4. We defer to MSHA for sight distance along Bradley Boulevard (MD 191).
5. Design the access point to be at-grade with the shared-use path, dropping down to street level between the path and the roadway.
6. 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. The portion of the site draining to Bradley Boulevard (MD 191) or any storm drain/inlet relocations along Bradley Boulevard (MD 191) shall be approved by MSHA.
7. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

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

Sharepoint/transportation/director's office/development review/WhelanW/620200160 Hillmead – MCDOT Review Letter 070221.docx

cc: Correspondence folder FY 2021

cc-e: David McKee Benning & Associates
Kwesi Woodroffe MSHA
Katherine Mencarini MNCP&PC
Sam Farhadi MCDPS RWPR
Marie LaBaw MCFRS

RE: Agency Approval Letters due for Administrative Subdivision



Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>

To: Mencarini, Katherine
Cc: Fuster, Marco; Dickel, Stephanie

You replied to this message on 7/13/2021 4:19 PM.

Reply Reply All Forward

Tue 7/13/2021 4:19 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Katie,

Yes, they can serve as approval.

Thanks, Kwesi

Kwesi Woodroffe
Regional Engineer
District 3 Access Management
MDOT State Highway Administration
KWoodroffe@mdot.maryland.gov
301-513-7347 (Direct)
1-888-228-5003 – toll free
Office Hours
M-Thurs.: 6:30a-3:30p
Fr: 6:30a-10:30a
9300 Kenilworth Avenue,
Greenbelt, MD 20770
<http://www.roads.maryland.gov>



STATE HIGHWAY
ADMINISTRATION

From: Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>
Sent: Tuesday, July 13, 2021 4:17 PM
To: Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>
Cc: Fuster, Marco <marco.fuster@montgomeryplanning.org>; Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>
Subject: RE: Agency Approval Letters due for Administrative Subdivision

Kwesi,

Can you confirm that your email on the 29th of June is to serve at MDOT SHA's approval letter for the Hillmead Administrative Subdivision 620200160? If not, please send your letter by close of business Wednesday July 14, 2021.

Thanks,
Katie



Katherine (Katie) Mencarini
Planner Coordinator
Montgomery County Planning Department
2425 Reedie Drive, 13th floor, Wheaton, MD 20902
Katherine.mencarini@montgomeryplanning.org
p: 301.495.4549



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: Mencarini, Katherine
Sent: Tuesday, June 29, 2021 9:18 AM
To: Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>
Cc: Fuster, Marco <Marco.Fuster@montgomeryplanning.org>; Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>
Subject: RE: Agency Approval Letters due for Administrative Subdivision

Kwesi,

Thank you so much for following up on this. We need to reference an approval letter from MDOT SHA for the administrative subdivision. If you prefer, we can make reference to the email you just sent this morning if you weren't planning on sending something on SHA letterhead. If you were, we'd prefer to reference a letter.

Katie



Katherine (Katie) Mencarini
Planner Coordinator
Montgomery County Planning Department
2425 Reedie Drive, 13th floor, Wheaton, MD 20902
Katherine.mencarini@montgomeryplanning.org
p: 301.495.4549



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>
Sent: Tuesday, June 29, 2021 9:15 AM
To: Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>
Subject: RE: Agency Approval Letters due for Administrative Subdivision

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Katie,

I didn't have much to offer on this other than my comment below (provided in Eplans).

Modifications to the existing residential driveway accessing MD 191 and the water and sewer connections will require a District Office (DO) Permit. Please contact Mr. Mark Loeffler at 301-513-7350 (or via email at MLoeffler@mdot.maryland.gov) for further coordination and instructions on how to apply for DO Permit.

This type of permit (residential) is handled by our Utility Section (contact info is in comment). Is any further action required on my part?

Thanks, Kwesi

Kwesi Woodroffe
Regional Engineer
District 3 Access Management
MDOT State Highway Administration
KWoodroffe@mdot.maryland.gov
301-513-7347 (Direct)
1-888-228-5003 – toll free
Office Hours
M-Thurs.: 6:30a-3:30p
Fr: 6:30a-10:30a
9300 Kenilworth Avenue,
Greenbelt, MD 20770
<http://www.roads.maryland.gov>



From: Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>
Sent: Friday, June 25, 2021 4:43 PM
To: Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>
Cc: Fuster, Marco <marco.fuster@montgomeryplanning.org>; sicho@mmcanby.com; Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>
Subject: Agency Approval Letters due for Administrative Subdivision

Kwesi,
We are finalizing the review for the Administrative Subdivision 620200160 (Hillmead) on Bradley Boulevard. Would it be possible to get your letter by Thursday July 1, 2021?

Please let me know if you have any questions or concerns.

Thanks,
Katie



Katherine (Katie) Mencarini
Planner Coordinator
Montgomery County Planning Department
2425 Reedie Drive, 13th floor, Wheaton, MD 20902
katherine.mencarini@montgomeryplanning.org

p: **301.495.4549**



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 21-Jun-21
TO: David McKee
Benning and Associates
FROM: Marie LaBaw
RE: Hillmead (Lot 8, Block 3)
620200160

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **21-Jun-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:

1. AREA OF PROPERTY - 46,050 SF
2. EXISTING ZONING: R-60
3. NUMBER OF PROPOSED LOTS - 2
4. AREA TO BE DEDICATED TO STREETS - 0 SF
5. SITE TO BE SERVED BY PUBLIC WATER AND SEWER.
6. EXISTING SEWER & WATER SERVICE CATEGORIES: S-1, W-1
7. LOCATED IN CABIN JOHN CREEK WATERSHED (Class I-P).
8. UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, PEPCO



LEGEND:

- CANOPY COVERAGE
- EXISTING BUILDING
- EXISTING CATEGORY I CONSERVATION EASEMENT
- INDEX CONTOUR (2' INTERVAL)
- INTERMEDIATE CONTOUR
- OVERHEAD WIRES
- PROPERTY LINE (SUBJECT)
- STREAM
- UTILITY POLE
- EX. CONCRETE SURFACE
- EX. STONE SURFACE
- EX. BRICK SURFACE
- EX. METAL FENCE
- EX. CHAIN-LINK FENCE
- 100 YEAR FLOODPLAIN
- 25' FPBRL
- PROPOSED HOUSE
- NEW LOT LINE
- NEW PAVEMENT
- SEWER HOUSE CONNECTION
- WATER HOUSE CONNECTION
- PROPOSED CONTOUR
- BUILDING RESTRICTION LINE
- CONSERVATION EASEMENT (CATEGORY II)
- PROPOSED SPOT ELEVATION
- DRYWELL
- MICROBIORETENTION AREA
- MICROBIORETENTION PLANTER BOX

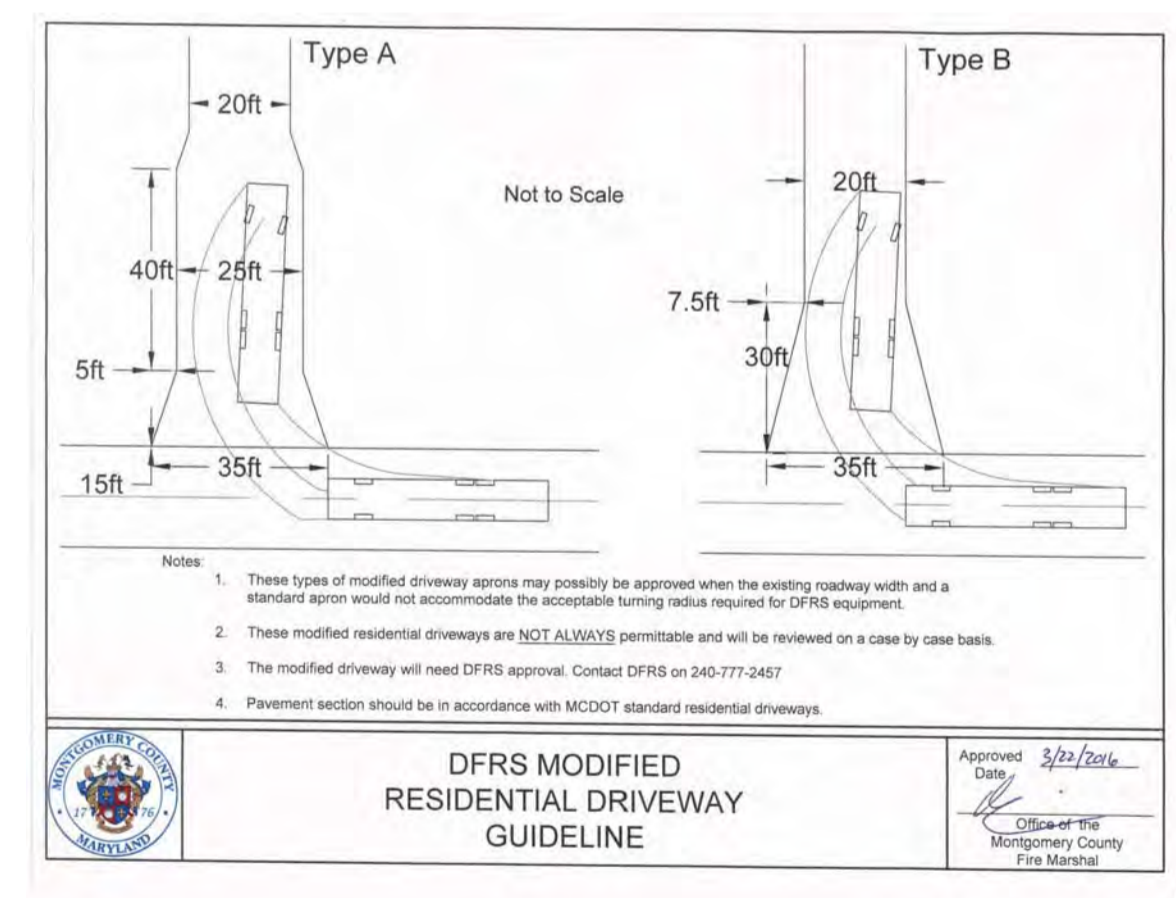
Revisions

Rev. 06-21-2021

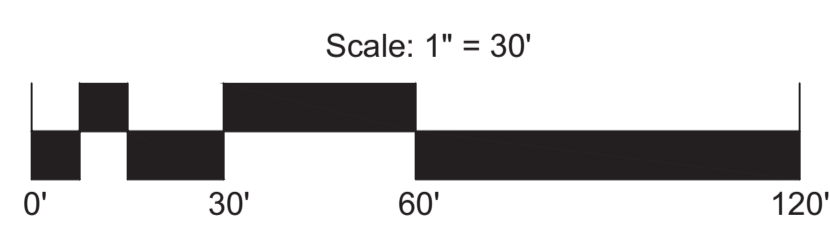


date: 01/18/2021
scale: 1" = 30'

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



DFRS MODIFIED RESIDENTIAL DRIVEWAY GUIDELINE



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

Signature: [Signature] Date: 06-21-2021



FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY NOTES:

1. The purpose of this plan is to address requirements of Executive Regulation 8-16 (Fire Department Apparatus Access and Water Supply) as appropriate for the proposed subdivision.
2. An existing arterial roadway (Bradley Boulevard) provides access to the proposed lots. The street meets or exceeds MCDOT secondary road standards (MC 211.02) or equivalent.
3. Proposed lots 1 and 2 are to utilize a shared driveway. A new Type 'B' modified apron is proposed for this access.
4. The shared driveway is to be 20 feet wide for the all shared portions beyond the modified apron. The maximum length to be shared is 150 feet. No turnaround is required or planned based upon this layout.
4. For water supply, an existing WSSC fire hydrant is located 200' west of the property along Howell Drive near the intersection with Bradley Boulevard.
6. Setbacks for each of the proposed lots are proposed to be 15 feet or more from all property lines.

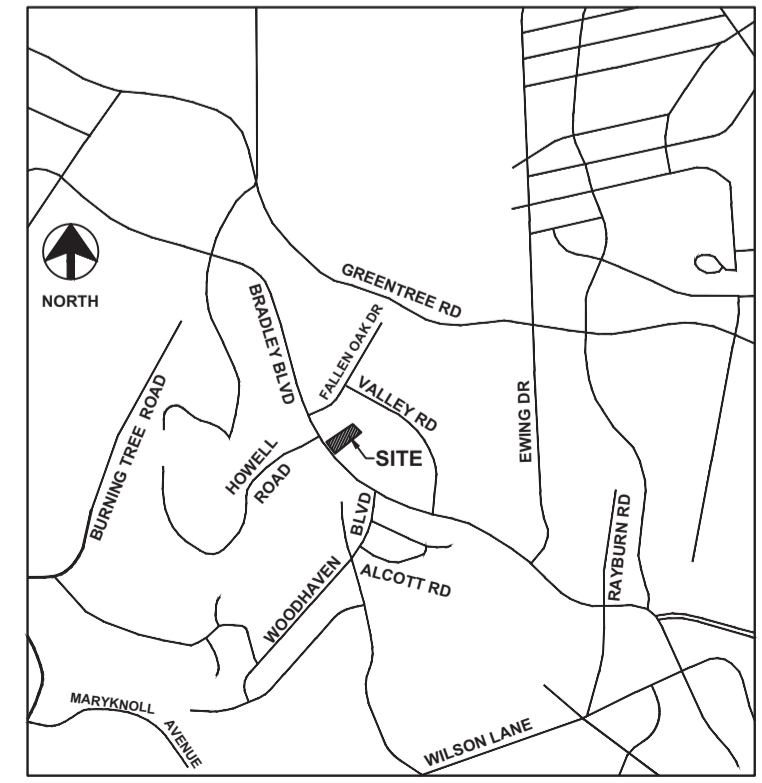
FIRE CODE ENFORCEMENT

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: SMC FM: 43 DATE: 6/21/2021

VICINITY MAP
SCALE: 1" = 2,000'



PREPARED FOR:
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FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY PLAN
HILLMEAD (Lot 8, Block 3)
6421 Bradley Boulevard
Montgomery County, Maryland

Attachment E - Community Correspondence

February 15, 2021

Mr. Marco Fuster, Planner Coordinator
Montgomery County Park & planning
2425 Reddie Drive
Wheaton, MD 20902

Mr. Fuster:

I am writing you about Plan 620200160 that I took from the sign at 6421 Bradley Blvd. I live in the neighborhood and I noticed the sign a few days ago as I walking my dog. I do not know the rules about sign placement, but It looked like the lot owner is trying hard so the drivers & public do not notice the sign by putting the sign far from the road to defeat the purpose of the sign. I took a picture & as you can see one can hardly see the writings on the sign from the road.

It looks like the application is for making two houses on the lot with one driveway.

I know the Bradley traffic in the mornings and some days with trash truck & school bus is very bad when 3 or 4 cars from each house get in & out of the narrow driveways.

It will be a shame to cut the nice old trees from this land to make two homes

Please protect our environment & neighborhood from unnecessary congestion, traffic and environmental problems because of this application. I know a lot of neighbors have the same concerns now that a big house is built very close to the road across the street from this land

Thank you

Concerned Neighbor

