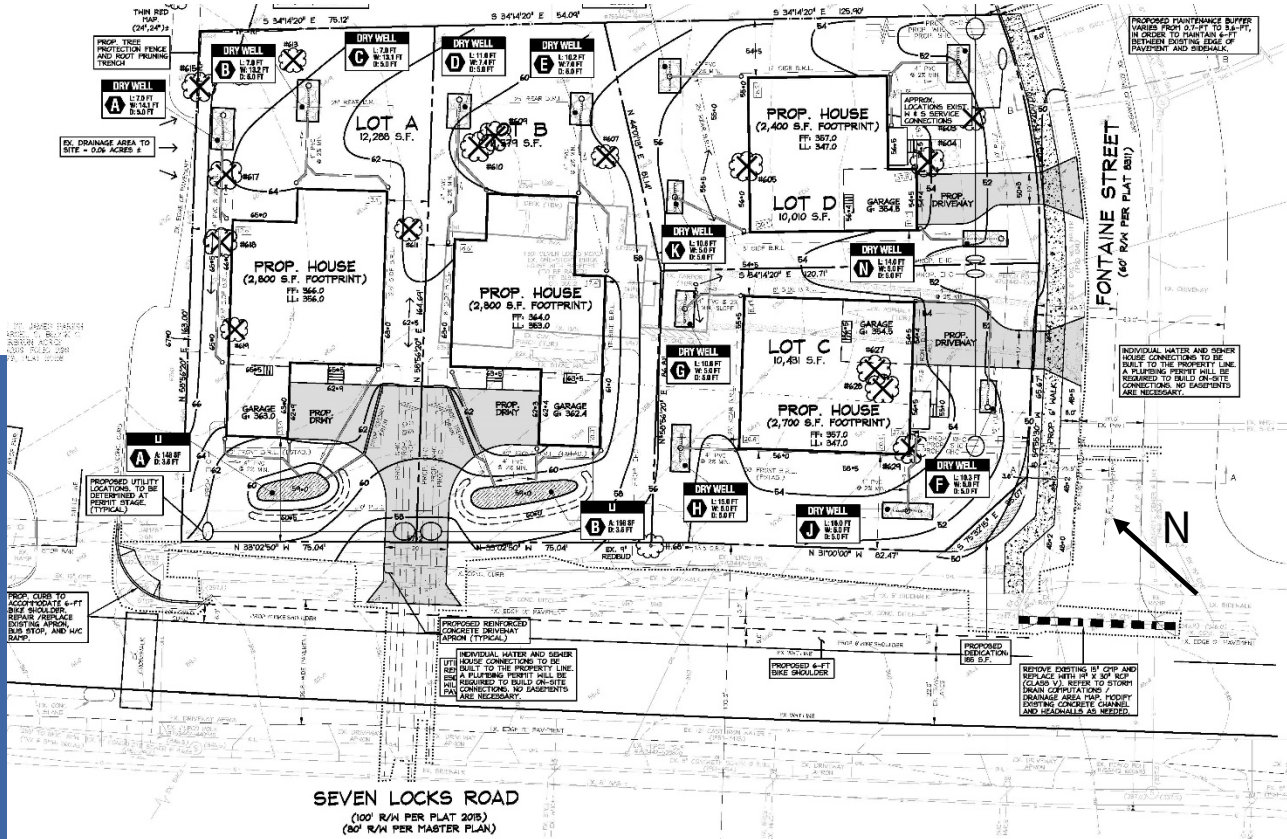


11801 SEVEN LOCKS ROAD, WILLERBURN ACRES, SECTION 2

PRELIMINARY PLAN NO. 120210160



Description

Request to subdivide to create four (4) lots for four (4) Detached Houses.

No. 120210160

Completed: 1-7-2022

MCPB

Item No. 7

1-20-2022

2425 Reddie Drive

Floor 14

Wheaton, MD 20902

RS
SP
PB

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Summary:

- Staff recommends **approval with conditions**
- The Application will subdivide an existing corner lot to create four (4) lots for Detached Houses, two lots will front and be accessed from Seven Locks Road and two lots will be accessed from Fontaine Street.
- Meets afforestation requirement of 0.18 acres off-site. A tree variance is also requested to remove ten specimen trees.
- Constructs a bikeable shoulder and stormwater improvements in the right-of-way on Seven Lock Road and a sidewalk on Fontaine Street.
- Substantially conforms to the 2002 *Potomac Subregion Master Plan* by following the land use recommendations and zoning in the Master Plan.
- Staff has received six community correspondence letters in opposition to this application.

LOCATION

11801 Seven Locks Road (Seven Locks Road and Fontaine Street intersection)

MASTER PLAN/ZONE

2002 *Potomac Subregion Master Plan*

R-90

PROPERTY SIZE

1.01 acres

APPLICANT

11801 Seven Locks Road LLC

ACCEPTANCE DATE

February 8, 2021

REVIEW BASIS

Chapters 50, 22A and 19

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SECTION 1

Recommendations and conditions

PRELIMINARY PLAN NO. 120210160:

Staff recommends approval of the Preliminary Plan, based on documents contained in ePlans as of December 7, 2021, subject to the following conditions:

1. This Application is limited to four (4) lots for four Detached Houses as defined by Section 4.1.3.A of the Zoning Ordinance.
2. The Applicant must comply with the conditions of approval for the Preliminary/Final Forest Conservation Plan No. 120210160, approved as part of this Preliminary Plan, as follows:
 - a. 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.
 - b. The Applicant must comply with all tree protection and tree save measures shown on the approved Preliminary/Final Forest Conservation Plan (“FFCP”). Tree save measures not specified on the Preliminary/Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
 - c. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must record 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 afforestation requirement for a total of 0.18 acres of mitigation credit. The off-site 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.
 - d. 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 twenty-three (23) variance mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FFCP.
 - e. 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 variance mitigation tree plantings credited toward meeting the requirements of the FFCP. The MMA includes invasive species management control measures.
 - f. The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 4 caliper inches totaling 92 caliper inches as shown on the approved FFCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

- g. The Applicant must plant the variance mitigation trees in the first planting season following stabilization of the applicable disturbed areas or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - h. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.
- 3. 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 September 29, 2021 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
- 4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated December 9, 2021 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
- 5. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated December 9, 2021, and hereby 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 amendments do not conflict with other conditions of Preliminary Plan approval.
- 6. The Applicant must dedicate the rights-of-way and ensure construction of all necessary road improvements for the following public streets, as shown on the Preliminary Plan, to the design standards imposed by all applicable road codes.
 - a. Replace culvert under Fontaine Street with a MCDOT approved culvert as shown on the Certified Preliminary Plan.
 - b. Convert existing shoulder to a 6-foot wide bikeable shoulder along the frontage on Seven Locks Road.
 - c. Construct a 6-foot-wide sidewalk along the frontage on Fontaine Street, subject to DPS review pursuant to Section 49-40.b.1.C.
- 7. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a. The truncated corner of right-of-way consistent with MCDOT standards at the intersection of Seven Locks Road and Fontaine Street as shown on the Certified Preliminary Plan.
- 8. Record plat must show all necessary easements.
- 9. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

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

11. The Certified Preliminary Plan must contain the following note:

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

SECTION 2

SITE LOCATION & DESCRIPTION

SITE LOCATION

The 1.02-acre property is made up of one platted lot identified as Lot 1 on Plat No. 2015, Willerburn Acres, Section 2 filed in the Land Records on August 26, 1947 (Figure 1), (“Subject Property” or “Property”) in the R-90 zone. The Subject Property is located at 11801 Seven Locks Road which is the northeast corner of the intersection of Seven Locks Road and Fontaine Street.

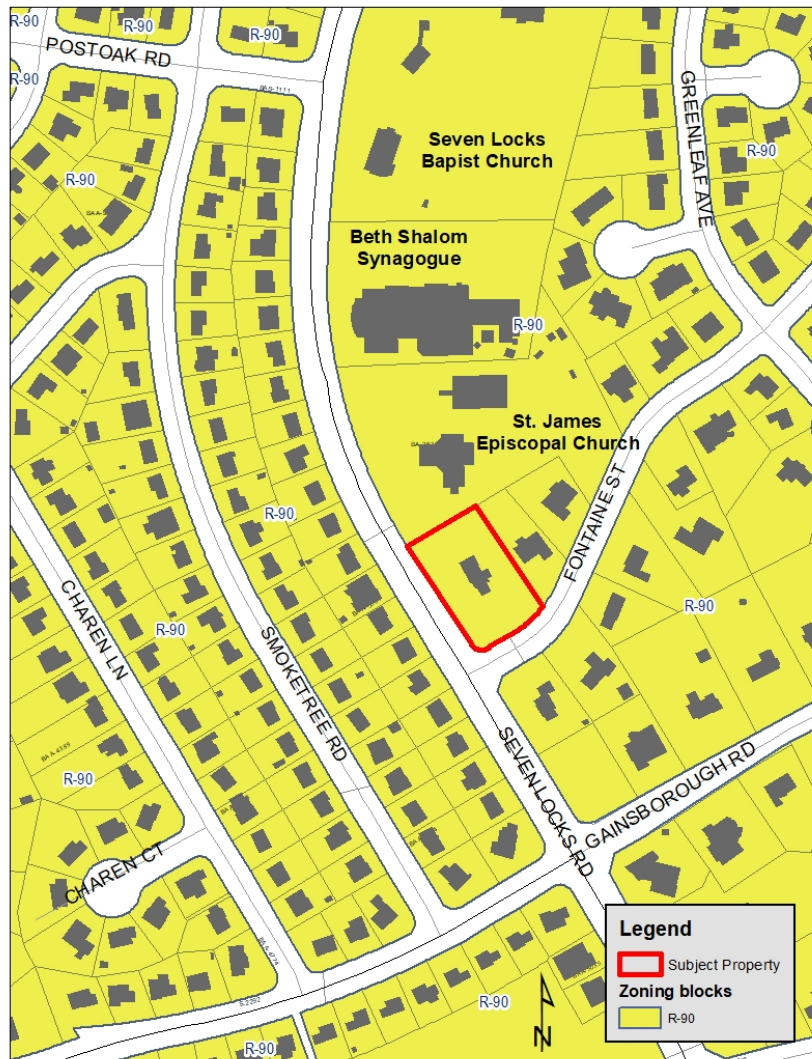


Figure 1– Vicinity

SITE DESCRIPTION

The Property is improved with an existing detached residential structure which will be razed as part of the Application. The existing house contains a single driveway access from Fontaine Street.



Figure 2 – Existing Conditions of Subject Property

The Property contains no forests, streams, wetlands, steep slopes or other environmentally sensitive elements. The Property does contain 10 trees that are either 30-inches or greater in diameter or 75% of the County Champion. The Property consists of approximately 14 feet of elevation change sloping toward Fontaine Street from north to south.

SITE VICINITY

Directly to the south are similar sized lots with detached houses in the R-90 zone. To the north along Seven Locks Road are additional detached houses and three religious assembly land uses (St. James Episcopal, Beth Shalom Synagogue, and Seven Locks Baptist). To the east and west are more detached houses in the R-90 zone.



Figure 3 – Aerial

SECTION 3

APPLICATIONS AND PROPOSAL

PREVIOUS APPROVALS

Concept Plan 520200180

A Concept Plan was submitted on May 6, 2020 proposing four (4) lots for single-family detached structures. Staff provided extensive feedback on master plan requirements, access, and lot orientation to improve the overall design, which resulted in the revised layout included in the current Application.

CURRENT APPLICATION

Preliminary Plan 120210160

The plan, designated as Preliminary Plan No. 120210160, 11801 Seven Locks Road, Willerburn Acres, Section 2 ("Preliminary Plan" or "Application"), proposes to create four (4) lots for Detached Houses as defined by Section 4.1.3.A of the Zoning Ordinance ("Detached House(s)") in the R-90 zone. Public water and sewer will serve all structures associated with the Application.

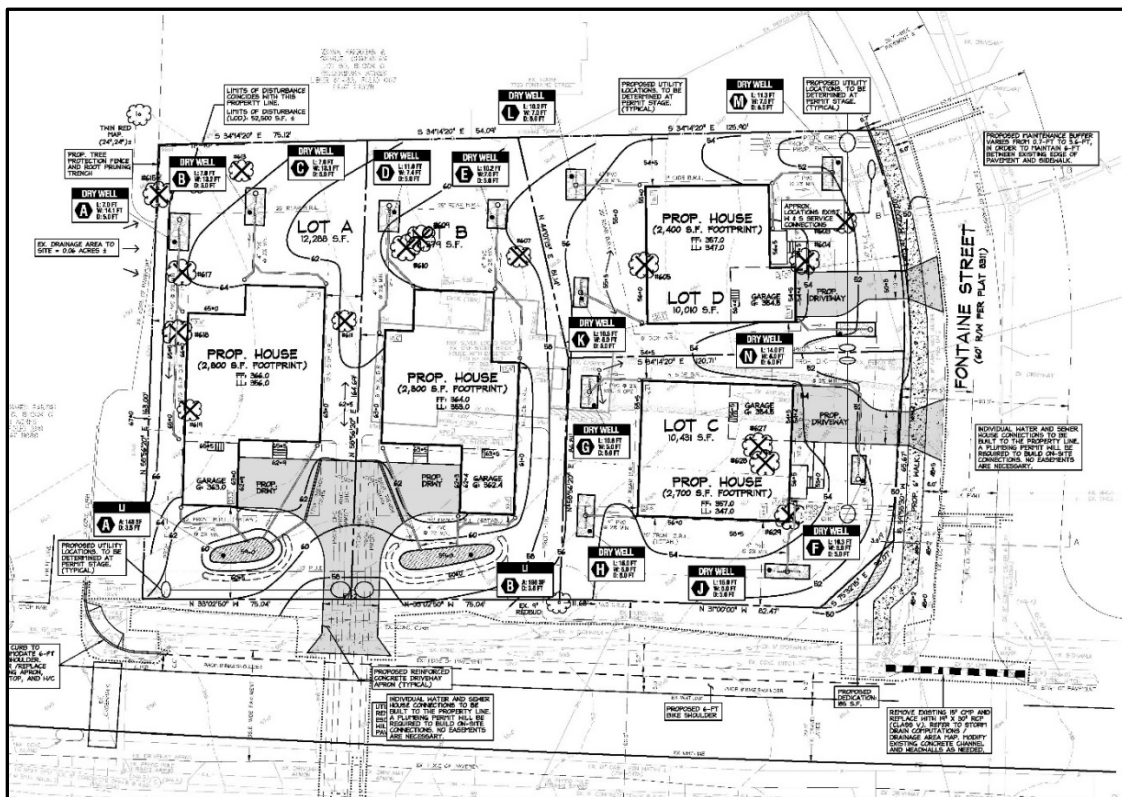


Figure 4 - Preliminary Plan

With the Application, vehicle access will be shared using a private driveway by two lots with frontage on Seven Locks Road. The other two lots with frontage on Fontaine Street will utilize individual

driveways. The Application proposes no additional right-of-way dedication with the exception of truncation of the corner at the Seven Lock Road and Fontaine Street in order to meet MCDOT requirements. Frontage improvements consist of a replacing the culvert under Fontaine Street to allow for increased stormwater flow and a six-foot-wide bicycle shoulder along Seven Locks Road. A new six-foot-wide sidewalk is proposed along Fontaine Street frontage.

The Preliminary/Final Forest Conservation Plan proposes to meet the afforestation requirement of 0.18 acres off-site. A tree variance is also requested to allow for removal of ten specimen trees.

SECTION 4

ANALYSIS AND FINDINGS, 50.4.2.D

1. THE LAYOUT OF THE SUBDIVISION, INCLUDING SIZE, WIDTH, SHAPE, ORIENTATION AND DIVERSITY 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.

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The size, width, shape and orientation of the proposed lots are appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, and for the building type (single-family detached structures) use contemplated for the Property.

The lots were reviewed for compliance with the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area, frontage and can accommodate the single-family detached structures which can reasonably meet the width and setbacks requirements in that zone. A summary of this review is included in Table 1. The Application is proposed under the standard method in accordance with Section 4.4.8.A of the Zoning Ordinance. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

Table 1 – Development Standards Table – R-90 (Standard Method)

R-90	Required by the Zone	Proposed for Approval
Minimum Lot Area	9,000 sq. ft. min.	9,000 sq. ft. or more
Minimum Lot Frontage	25 ft.	25 ft. or more
Minimum Lot Width at B.R.L.	75ft.	75 ft. or more
Maximum Lot Coverage	30% max.	30% or less
Principle Building, Min. Setbacks (for all lots)		
Front	30 ft. min.	30 ft. or more
Side	5 ft. min.	5 ft. or more

R-90	Required by the Zone	Proposed for Approval
Side street setback, abutting lot fronts on side street	30 ft. ore more	30 ft. or more
Sum of sides	25 ft. or more	25 ft. or more
Rear	25 ft. min.	25 ft. or more
Accessory Structure Min. Setbacks (for all lots)		
Front	60 ft. min.	60 ft. or more
Side	5 ft. min.	5 ft. or more
Rear	5 ft. min	5 ft. or more
Building Height	35 ft. max. (peak) 30 ft. (mean)	35 ft. or less (peak) 30 ft. or less (mean)
Site Plan Required	No	No

2. THE PRELIMINARY PLAN SUBSTANTIALLY CONFORMS TO THE MASTER PLAN

The Preliminary Plan substantially conforms to the recommendations included in the 2002 *Potomac Subregion Master Plan*. The Property is located within the Potomac area of the Master Plan. The Master Plan does not specifically identify or provide any specific recommendations for the Subject Property.

The Master Plan's vision for Potomac area emphasizes specific parcels or areas recommended for a change in use or density. The Master Plan "supports the retention and reconfirmation of existing zoning for all developed, underdeveloped, and undeveloped land in the Subregion except for those sites recommended for change" (Page 40). The Subject Property is not one of the properties focused on by the Master Plan for a change. As such, the Master Plan supports development which conforms to the zoning implemented at the time of adoption of the Master Plan and associated sectional map amendment such as the proposal in this Application.

3. PUBLIC FACILITIES WILL BE ADEQUATE TO SUPPORT AND SERVICE THE AREA OF THE SUBDIVISION.

ROADS AND TRANSPORTATION FACILITIES

Seven Locks Road is an arterial street with a recommended right-of-way width of 80 feet with two travel lanes in the Master Plan. The existing right-of- way along Seven Locks Road exceeds the Master Plan recommendation with 100 feet of right-of-way. As a result, no additional right-of-way dedication is necessary. The Master Plan does not specifically identify Fontaine Street, but it functions as a secondary street. Per section 49-32 (d)(4) a secondary residential street must have a minimum 60 feet right-of-way. The 60 feet of existing right-of-way granted by Plat No. 8311 is adequate given Fontaine Street's function and design. Therefore, no additional right-of-way dedication on Fontaine Street is necessary. The only right-of-way dedication necessary as part of this Application is a dedication to truncate the corner of Seven Lock Road and Fontaine Street per

MCDOT standards in order to provide adequate room for utilities and pedestrians to navigate the corner (Figure 5).

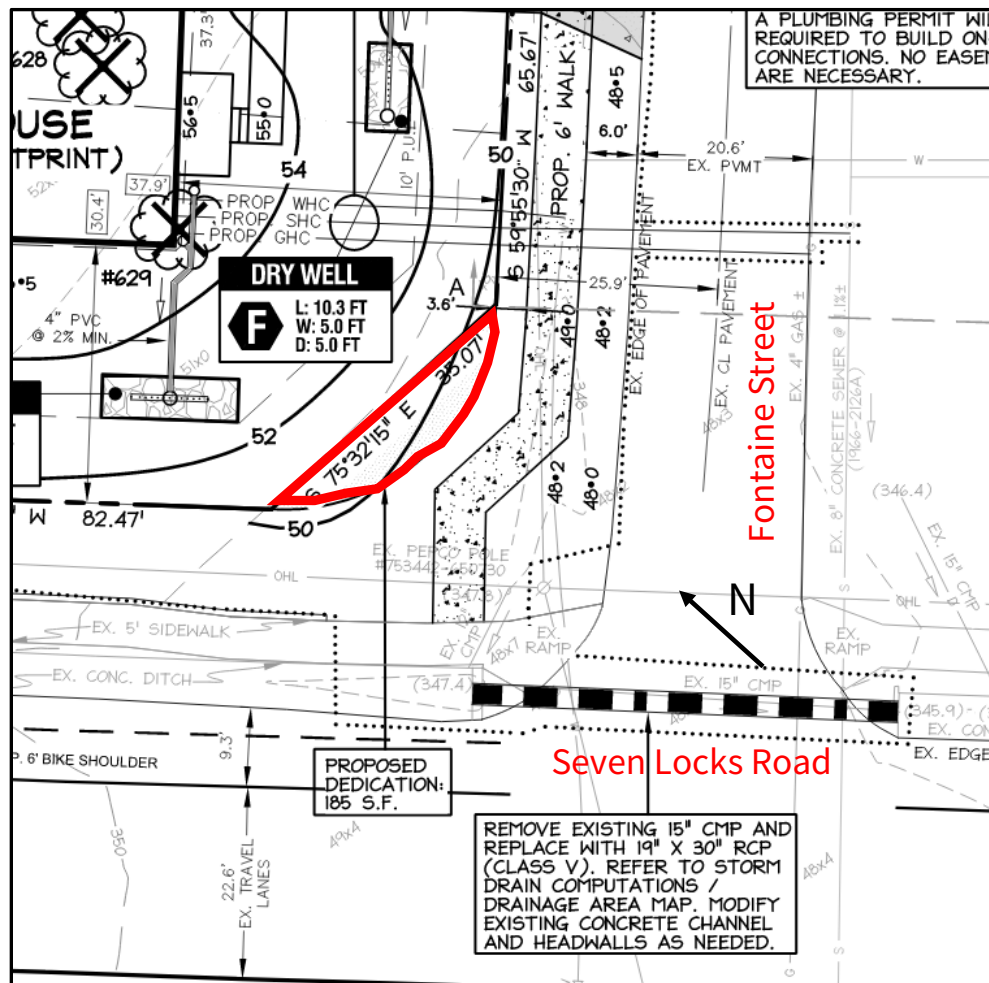


Figure 5 - Right-of-way dedication to provide truncation at Seven Locks Road and Fontaine Street

The Subject Property consists of approximately 270 feet of frontage along Seven Locks Road and 172 feet of frontage on Fontaine Street. The Subject Property is located in the Potomac Policy Area. The *2018 Bicycle Master Plan* recommends bikeable shoulders for the east side of Seven Locks Road between Montrose Road and Tuckerman Lane (Page 162) and no improvements along Fontaine Street. As conditioned, the Applicant will construct a bikeable shoulder along Seven Locks Road and preserve the existing sidewalk. The Fontaine Street frontage requires a 6-foot-wide sidewalk. The neighborhood to the northwest of the Subject Property has no existing sidewalks. As a result, the Fontaine Street sidewalk may be waived by the Department of Permitting Services (“MCDPS”) at permitting in accordance with Section 49-33(e) of Montgomery County Code

LOCAL AREA TRANSPORTATION REVIEW (LATR)

The estimated impact of the proposed four (4) (net of three additional units) single-family detached houses are one (1) AM and one (1) PM peak-hour person trips per unit. As a result, this Application is exempted from additional Local Area Transportation Review (LATR), because the proposed land use generates fewer than 50 peak-hour person trips. The Applicant included a Transportation Exemption Statement as part of this Application.

Transportation access is safe and adequate for the proposed use. This Application is consistent with the 2018 *Bicycle Master Plan*, the 2002 *Potomac Subregion Master Plan* and satisfies the Adequate Public Facilities (APF) test under the 2016 - 2020 Subdivision Staging Policy.

OTHER PUBLIC FACILITIES AND SERVICES

Other public facilities and services are available and adequate to serve the proposed lots. The Subject Property is in the W-1 and S-1 water and sewer service categories, respectively, and will utilize public water and sewer.

The Application was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on December 9, 2021 (Attachment 4). The Fire Department Access Plan indicates that fire access will be provided by Seven Locks Road and/or Fontaine Street. Fire equipment does not need to enter the Subject Property to provide adequate fire protection. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Instructure Policy (GIP) in effect at the time that the Application was accepted.

OVERVIEW AND APPLICABLE SCHOOL TEST

The Application is scheduled to come before the Planning Board in January 2022. Therefore, the FY22 Annual School Test, approved by the Planning Board on June 17, 2021 and effective July 1, 2021 is applicable to this Application. This plan proposes four single-family detached units, replacing one single-family unit to be razed.

School Adequacy Test

The Subject Property is served by Beverly Farms ES, Herbert Hoover MS and Winston Churchill 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 2 - 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
Beverly Farms ES	689	580	84.2%	+109	No UPP	194	247	351
Herbert Hoover MS	1,139	1,060	93.1%	+79	No UPP	205	307	478
Winston Churchill HS	1,969	2,096	106.4%	-127	No UPP	53	267	563

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 2.**

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the Application, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net of three units that are not age-restricted, the proposed Application is estimated to generate the following number of students based on the Subject Property's location within a Turnover Impact Area:

Table 3 - Estimated Student Enrollment Impacts.

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	3	0.185	0.555	0.108	0.324	0.154	0.462
SF Attached	0	0.225	0.000	0.123	0.000	0.159	0.000
MF Low-rise	0	0.107	0.000	0.058	0.000	0.070	0.000
MF High-rise	0	0.051	0.000	0.024	0.000	0.030	0.000
TOTALS	3		0		0		0

As shown in Table 2, on average, this Application is estimated to generate zero elementary school students, zero middle school students and zero high school students. The number of students generated does not exceed the adequacy ceilings identified for each school in Table 3; therefore, no additional UPPs are required and neither are partial payments across multiple UPP tiers.

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.

4. ALL FOREST CONSERVATION LAW, CHAPTER 22A REQUIREMENTS ARE SATISFIED

FOREST CONSERVATION

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420132130 for this Property was approved on September 25, 2020. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The Property is located within the Cabin John Watershed, a Use Class I-P stream. The NRI/FSD calls out the site to be a total of 1.012 acres in size. The Property contains no forests, streams, wetlands, steep slopes or other environmentally sensitive elements. The Property does contain 10 trees that are either 30-inches or greater in diameter or 75% of the County Champion and are protected under 22A-12(b)(3).

Forest Conservation Plan

The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s Environmental Guidelines.

On January 15, 2021 the Applicant submitted a Preliminary/Final Forest Conservation (Attachment 3) addressing the requirements of Chapter 22A of the Zoning Ordinance, Montgomery County Forest Conservation Law (“FCL”).

The Subject Property is zoned R-90 and assigned a Land Use Category of High Density Residential as defined in Section 22A-3 of the FCL and in the Land Use Table of the Trees Technical Manual. This results in an afforestation requirement of 15% and a conservation threshold of 20% of the Net Tract Area.

The FFCP shows a total Net Tract Area of 1.21 acres. This includes the net tract of 1.03 acres plus 0.18 acres for offsite work associated with this Application. There is no forest on the Subject Property which results in an afforestation requirement of 0.18 acres. As conditioned, the Applicant meets this requirement through purchasing the necessary credits in an off-site forest bank or submitting a fee-in-lieu payment if no forest banks are available.

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 (“Protected 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 under Section 22A-12(b)(3) (“Variance”). Otherwise, such resources must be left in an undisturbed condition. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater Diameter Breast Height (“DBH”); are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request

The Applicant submitted a variance request in a letter dated September 1, 2021 (Attachment 7) seeking a variance from Section 22A-12(b)(3) of the FCL. The Applicant proposes to remove ten (10) trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the FCL (Figure 6).

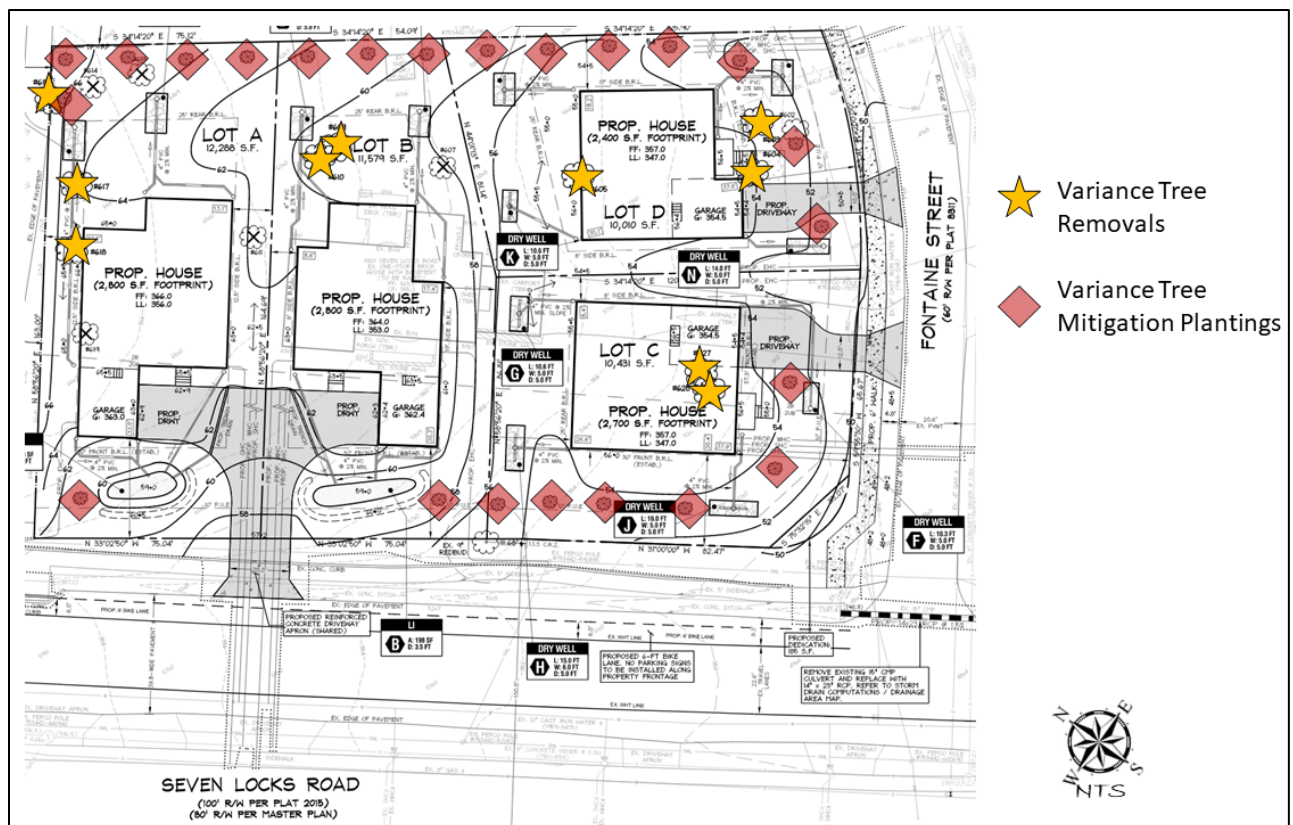


Figure 6 – Protected Trees to be Removed and Mitigation Plantings

Table 4 – Protected Trees to be Removed

Tree Number	Species	DBH Inches	% CRZ Impacts	Notes
603	Red Maple (<i>Acer rubrum</i>)	34.5"	80.5%	Good condition; slight decay
604	Red Maple (<i>Acer rubrum</i>)	40"	87.9%	Good condition; twin co-dominate with included bark, high chance of failure
605	Red Maple (<i>Acer rubrum</i>)	46"	89.5%	Fair condition; multi-stem, included bark, high chance of failure
609	Tulip Poplar (<i>Liriodendron tulipifera</i>)	38"	86.8%	Good condition; co-dominate with tree 610, potential hazard tree
610	Tulip Poplar (<i>Liriodendron tulipifera</i>)	37"	90.5%	Good condition; co-dominate with tree 609, potential hazard tree
615	White Pine (<i>Pinus strobus</i>)	37"	36.3%	Good condition; co-dominate, included bark, high chance of failure, hazard tree
617	Tulip Poplar (<i>Liriodendron tulipifera</i>)	33"	62.0%	Good condition; within construction zone for rooftop disconnect pipe
618	American Elm (<i>Ulmus americana</i>)	32"	62.3%	Good condition; multi-stem, included bark high chance of failure, hazard tree
627	American Beech (<i>Fagus grandifolia</i>)	31"	100%	Good condition; within footprint of proposed house
628	Red Maple (<i>Acer rubrum</i>)	35.5"	100%	Poor condition; root damage, fungus, severe dieback

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship is caused by the necessary layout of the proposed development on the Property and the location of the subject trees. The 10 trees requested to be removed are all located within the construction footprints of the proposed residential structures or within the construction envelopes of the homes and the inability to remove these trees would potentially render the site undevelopable for this project. Therefore, the Applicant has a sufficient unwarranted hardship to justify a variance request.

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

Variance Findings

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

Granting the variance will not confer a special privilege on the Applicant as the removal of the 10 trees is due to the location of the trees and necessary site design requirement. The Applicant

proposes removal of the 10 trees with mitigation. Therefore, the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*
The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions, locations of the Protected Trees and necessary design requirements of this project.
3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*
The requested variance is a result of the existing conditions and not as a result of land or building use on a neighboring property.
4. *Will not violate State water quality standards or cause measurable degradation in water quality.*
The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed are not located within a stream buffer, wetland or special protection area. The Application proposes mitigation for the removal of these trees by planting larger caliper trees on-site. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision

There are 10 trees proposed for removal in this variance request resulting in a total of 364 inches of DBH being removed. These 10 trees being removed are not located within an existing forest stand on the Subject Property. The Applicant has proposed to provide mitigation for the specimen tree loss by replacing the total number of DBH removed with $\frac{1}{4}$ of the amount of inches replanted. This results in a total mitigation of 92 inches of replanted trees. In this case, the Applicant proposes to plant 23 four inch caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements as shown on the FFCP.

Variance Recommendation

Staff recommends approval of the variance request.

5. *ALL STORMWATER MANAGEMENT, WATER QUALITY PLAN, AND FLOODPLAIN REQUIREMENTS OF CHAPTER 19 ARE SATISFIED.*

The Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on September 29, 2021 (Attachment 5). The Application will meet stormwater management goals through the use of Environmental Site Design (“ESD”) to the Maximum Extent Practicable (“MEP”) using drywells and landscape infiltration.

6. *ANY BURIAL SITE OF WHICH THE APPLICANT HAS ACTUAL NOTICE OR CONSTRUCTIVE NOTICE OR THAT IS INCLUDED IN THE MONTGOMERY COUNTY INVENTORY AND LOCATED WITHIN THE SUBDIVISION BOUNDARY IS APPROVED UNDER SUBSECTION 50-4.3.*

There is no evidence, actual notice, or constructive notice of a burial site on the Subject Property. The Subject Property is not included in the Montgomery County Inventory.

7. ANY OTHER APPLICABLE PROVISIONS SPECIFIC TO THE PROPERTY AND NECESSARY FOR APPROVAL OF THE SUBDIVISION IS SATISFIED.

There are no other applicable provisions specific to the Property that are necessary for approval of this Application.

SECTION 5

COMMUNITY CORRESPONDENCE

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. Two signs, one on the Seven Locks Road frontage and one on the narrow Fontaine Street frontage, referencing the proposed Application were posted along the Subject Property's dual frontages. Due to the COVID-19 pandemic, a pre-submission meeting was held virtually on December 21, 2020 using Microsoft Teams as an online community gathering place.

As of the date of this report, Staff has received six community correspondence letters expressing concerns about this Application (Attachment 8). These letters are primarily concerned with stormwater control, tree removal, the proposed retained wall along the western property boundary, effects on character of the neighborhood with the proposed increase in density, and the corresponding increase in traffic.

Staff has addressed the concerns regarding stormwater in the right-of-way by coordinating with MCDOT and DPS, Right-of-Way Section to address the inadequacy of the culvert under Fontaine Street under existing condition. The Applicant will upgrade the culvert from a 15-inch corrugated metal pipe to a 19 X 30 inch ovalized concrete culvert to alleviate the stormwater bottleneck under Fontaine Street. The stormwater on the lots will be controlled through the use of modern stormwater control requirements under County Code.

The retaining wall along the west property line and adjacent to the church, which was originally proposed, has been removed. Grading and home construction methods will accommodate the slope of the Property.

The person trip impacts are well below the currently adopted LATR guidelines. As a result, no additional study is necessary under County Code.

There are 10 variance trees proposed for removal with this application, which are not located within an existing forest stand on the Subject Property. As mitigation, the Applicant proposes to plant 23 four-inch caliper overstory native trees on the proposed lots. Although these trees will not be as large as the trees lost, they will provide some immediate benefit and ultimately replace the canopy lost by the removal of the variance trees.

The Master Plan supports the zoning adopted after Master Plan approval. As a result, any development which meets the standards set forth in the Zoning Ordinance is supported by the Master Plan. In this case, the Master Plan supports Detached Houses on lots that exceed 9,000 square feet which the Application achieves.

SECTION 6

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations in Chapter 50, Forest Conservation Law in Chapter 22A, Montgomery County Planning Department's Environmental Guidelines and the proposed use substantially conforms to the recommendations of 2002 *Potomac Subregion Master Plan*. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan with the conditions provided. Therefore, Staff recommends approval of this Application, with the conditions specified above.

ATTACHMENTS

Attachment 1 – Statement of Justification

Attachment 2 – Preliminary Plan

Attachment 3 – Preliminary/Final Forest Conservation Plan

Attachment 4 – DPS Fire Department Access and Water Supply Approval Letter and Plan, December 9, 2021

Attachment 5 – MCDPS Stormwater Concept Approval Letter, Sept. 29, 2021

Attachment 6 – MCDOT Approval Letter, December 9, 2021

Attachment 7 – Tree Variance Request, September 1, 2021

Attachment 8 – Community Correspondence

STATEMENT OF JUSTIFICATION
PROPOSED LOTS A-D, BLOCK C
WILLERBURN ACRES, SECTION 2

January 14, 2021

PRELIMINARY PLAN APPLICATION
M-NCPPC FILE No. 120210160

I. INTRODUCTION

The Owner / Applicant, 11801 Seven Locks Road LLC, Zion Avissar ("Applicant"), hereby submits this Preliminary Plan Application for approval of a four (4) lot subdivision.

The subject property ("the property") consists of approximately 1.02 acres and is located at 11801 Seven Locks Road (intersection of Seven Locks Road and Fontaine Street). It is more particularly described as Lot 1, Block C, as recorded by deed Book 59148, Page 314 and in Plat Book 32, Plat 2015. The property is currently zoned R-90. A virtual Pre-Submittal Meeting was conducted on December 21, 2020. As a result of the meeting citizen comments and concerns have been incorporated in the current plan. Lot sizes were adjusted and stormwater management design was finalized in conjunction with the Stormwater Management Concept Plan. Additionally, tree mitigation requirements have been provided through on-site tree planting.

II. EXISTING CONDITIONS AND SURROUNDING AREA

The property is currently developed with a single-family home, an attached carport and two sheds. The property is well maintained with a manicured lawn area and tree canopy. The property is bound by a single-family residence to the east and by a church (Vestry of St. James Parrish) to the North. The property is also bound by the Seven Locks Road Right-of-Way to the west and by the Fontaine Street Right-of-Way to the south. Similarly sized residential properties are located along the opposite sides of each public street.

III. PROPOSED PRELIMINARY PLAN

The application proposes the removal of the existing single-family home and all of its appurtenances and the creation of four (4) lots for residential use. The proposed lots range in size from 10, 010 square feet to 12,288 square feet. Four new driveways will serve future lots A, B, C and D. Access to Lot A and to Lot B will be provided from Seven Locks Road and access to Lot C and to Lot D will be provided from Fontaine Street. In total the application is projected to generate only three trips during the AM peak and four trips during the PM peak.



IV. COMPLIANCE WITH SUBDIVISION REGULATIONS

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

This application proposes a 4-lot subdivision in the R-90 zone. All applicable zoning standards (use, lot size, density, placement, etc.) have been provided. Proposed lot sizes range from 10,010 square feet to 12,288 square feet. Lots sizes throughout the surrounding and confronting neighborhood range from 9,750 square feet to 31,841 square feet, excluding the adjacent St. James Parish property which is not a residential use. The proposed lots are consistent in size, shape and configuration with other lots within the neighborhood.

- **§ 50.4.2.D.2.** *the preliminary plan substantially conforms to the master plan*

The subject properties are located in the Potomac Subregion Master Plan, approved and adopted in April 2002 ("Master Plan"). The Master Plan reconfirms the Property's R-90 zoning but does not make any specific recommendations with regard to the Property. The Application is consistent with the overall goal of infill development with residential properties similar to those which currently exist.

- **§ 50.4.2.D.3.** *public facilities will be adequate to support and service the area of the subdivision*

Public facilities including transportation, police, and fire and health services are adequate to support the proposed development. Schools will not be adversely impacted by the Application. All major utilities necessary to service lots are immediately available and adequate. As noted above and in the *Traffic Study Scope of Work Agreement*, the traffic associated with the Application will be minimal. Although the proposed residences will generate some schoolchildren in the Thomas S. Wootton Cluster, the application is eligible for the De Minimis exemption because it will only result in a net-increase of three dwelling units.

- **§ 50.4.2.D.4.** *all Forest Conservation Law, Chapter 22A requirements are satisfied*

The property is subject to a Forest Conservation Plan; reforestation/afforestation requirements will be met through the use of an off-site easement or fee in lieu. The reforestation / afforestation requirement for the subdivision is 0.19 acres. Mitigation trees will be planted on-site for the unavoidable removal of 11 specimen trees. A specimen tree variance request is included.

- **§ 50.4.2.D.5.** *all stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

A Stormwater Management (SWM) Concept Plan has been submitted for review by the Montgomery County Department of Permitting Services. The SWM Concept Plan will ensure that water quality



standards will be met in accordance with State and County criteria. Water quality and floodplain requirements are not applicable to this application.

- **§ 50.4.2.D.6.** *any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied.*

N/A

V. CONCLUSION

Based on the foregoing, the Applicant respectfully requests that the Director and the Development Review Committee recommend approval of this Preliminary Subdivision Plan. As explained above and in conjunction with the plans submitted, this Application satisfies the findings that the Director must make in recommending approving a Preliminary Subdivision Plan application under Montgomery County Code Section 50.4.2. and the Manual of Development Review Procedures for Montgomery County, MD.

PRELIMINARY SUBDIVISION PLAN - M-NCP&PC No. 120210160

Attachment 2

GENERAL NOTES

- Boundary information and two-foot contour data are based upon surveys performed by CAS Engineering, dated June, 2020.
- Total lot area: Lot 1 = 44,431 sq. ft. (1.02 acres)
- Property is located on Tax Map GQ122 and WSSC 200' Sheet 215NW08.
- Property is located on Sole Survey Map Number 23.
Soil type(s): 2B, Glenelg silt loam, HSG "B".
2UB, Glenelg Urban land complex, HSG "B".
- Flood zone "X1" per F.E.M.A. Firm Maps, Community Panel Number 24031C0341D.
- Property is located in the Cabin John Creek Watershed.
- Water Category - 1, Sewer Category - 1
- Local utilities include:
Water / Sewer - Washington Suburban Sanitary Commission
Electric - PERCO
Telephone - Verizon
Gas - Washington Gas
- Property is not located in a Special Protection Area.
- Property is not a Historic Site or located in a Historic District.
- This plan was created without the benefit of a title report.
- Owner Information: Property Information:
11801 Seven Locks Road LLC Lot 1, Block C, Willerburn Acres, Section 2
Attn: Zon Adviser 44,431 s.f. (1.02 ac) per Plat 2015
11700 Old Georgetown Rd, Unit 100-06 Tax Account: 00113875
Rockville, MD 20852

LEGEND

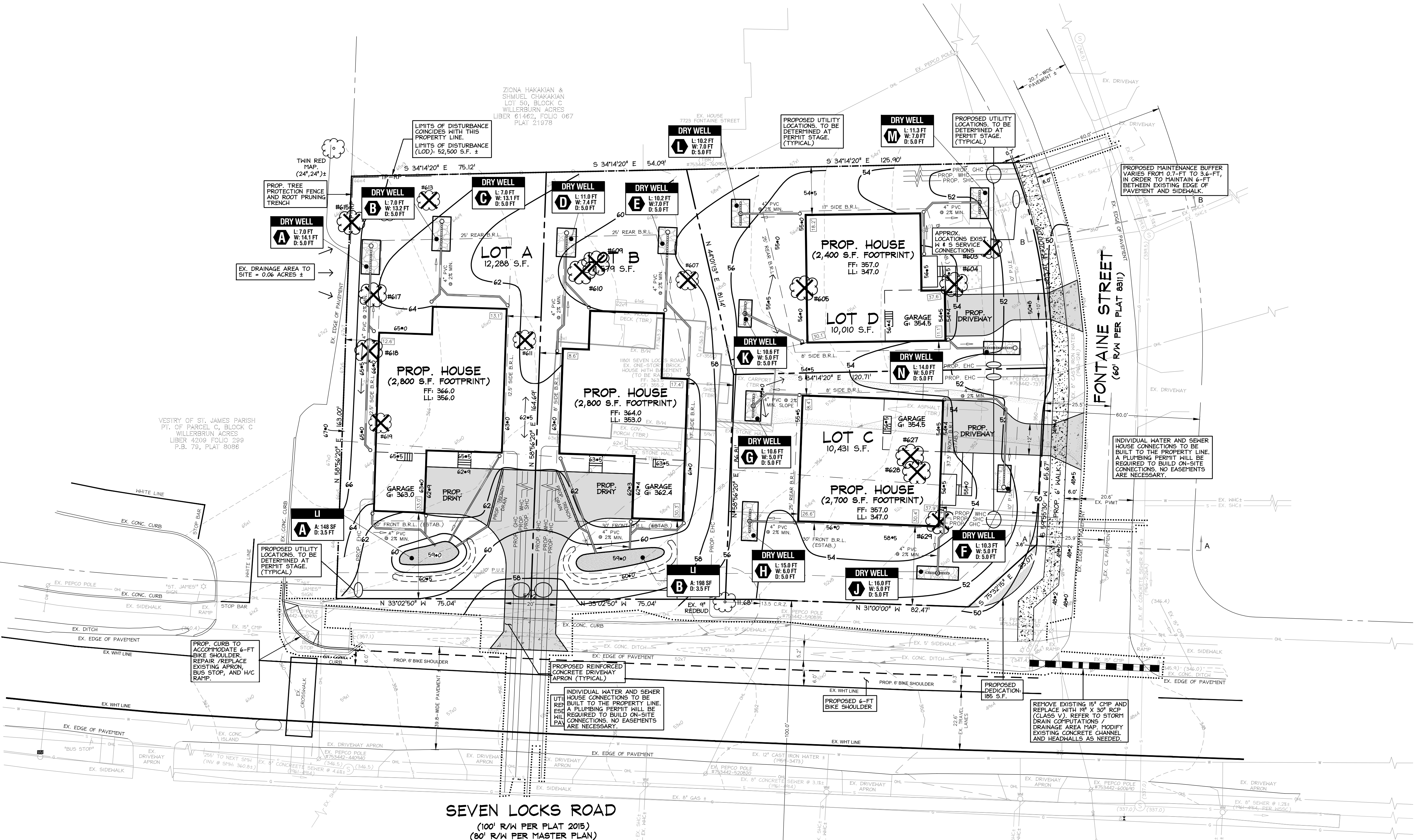
EXISTING FEATURES	
	Ex. Storm Drain with Manhole
	Ex. Sewer Manhole and Invert
	Ex. Water Line with Valve
	Ex. Gas Line with Valve
	Ex. Overhead Utility with Pole
	Ex. Drain Pipe and Inlet
	Ex. Downspout Pipd / Spilled
	Ex. Two- And Ten-foot Contours
	Ex. Spot Elevation
	Ex. Chain Link or Wire Fence
	Ex. Retaining Wall
	Ex. Soil Line with Soil Types
	Ex. Tree Line
	Ex. Tree, With CRZ
	Ex. Significant Tree (DBH > 24")
	Ex. Specimen Tree (DBH > 30")
	Ex. Tree To Be Removed
	Ex. Center Drain Inlet (CDI)
PROPOSED FEATURES	
	Limit Of Disturbance (L.O.D.)
	Prop. Water-House Connection
	Prop. Sewer-House Connection
	Prop. Gas-House Connection
	Prop. Electric-House Connection
	Prop. Contour with Elevation
	Prop. Spot Elevation
	Prop. Retaining Wall
	Prop. 4" PVC Drain Pipe
	Prop. Surface Flow Direction
	Prop. Pipe Flow Direction
	Prop. Tree Protection Fence and Root Pruning Trench
	Prop. Gravel Dry Well with Observation Well and Pop-up Emitter for Overflow
	Prop. Landscape Infiltration Facility
	Prop. Mitigation Tree

TREE DATA (ONSITE SPECIMEN TREES ONLY)

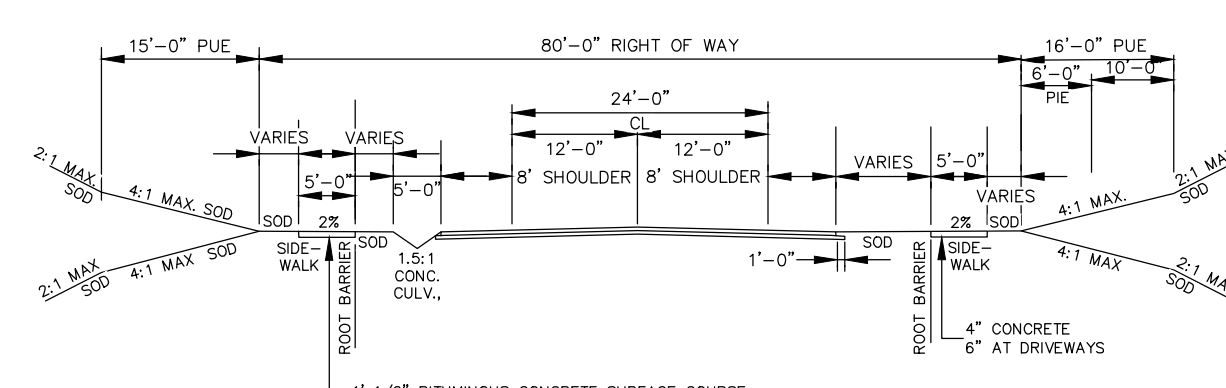
TREE NO.	SPECIES	BOTANICAL NAME	D.B.H. (INCHES)	CR.Z. RADIUS (FEET)	CR.Z. AREA (S.F.)	% CR.Z. AREA DISTURBED	CONDITION	COMMENTS
603	RED MAPLE	Acer rubrum	34.5	51.75	8,413 S.F.	80.5%	GOOD	(REMOVE) SLIGHT DECAY
604	RED MAPLE	Acer rubrum	40	60.0	11,309 S.F.	87.9%	GOOD	(REMOVE) TWN, CO-DOMINATE W/ INCLUDED BARK, SEAM, HIGH PROBABILITY OF FAILURE, HAZARD
605	RED MAPLE	Acer rubrum	46	69.0	14,957 S.F.	89.5%	FAIR	(REMOVE) MULTI-STEM, INCLUDED BARK, HIGH PROBABILITY OF FAILURE, HAZARD DEADWOOD LIMBS
609	TULIP POPLAR	Liriodendron tulipifera	38	57.0	10,207 S.F.	86.8%	GOOD	(REMOVE) POSSIBLY CO-DOMINATE WITH TREE 610, POTENTIAL HAZARD
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615	WHITE PINE	Pinus strobus	37	55.5	9,677 S.F.	36.3%	GOOD	(REMOVE) TWN, CO-DOMINATE WITH INCLUDED BARK, SEAM, HIGH PROBABILITY OF FAILURE, HAZARD, SHARED TREE
617	TULIP POPLAR	Liriodendron tulipifera	33	49.5	7,698 S.F.	62.0%	GOOD	(REMOVE)
618	AMERICAN ELM	Ulmus Americana	32	48.0	7,238 S.F.	62.3%	GOOD	(REMOVE) MULTI-STEM, INCLUDED BARK, SEAM, HIGH PROBABILITY OF FAILURE, HAZARD
627	AMERICAN BEECH	Fagus grandifolia	31	46.5	6,792 S.F.	100%	GOOD	(REMOVE)
628	RED MAPLE	Acer rubrum	35.5	53.25	8,906 S.F.	100%	POOR	(REMOVE) ROOT DAMAGE, FUNGUS AT FLARE, SEVERE DIEBACK, MOSTLY DEADWOOD, INCLUDED BARK, SEAM, HIGH PROBABILITY OF FAILURE, HAZARD
629	PERSIMMON	Diospyros virginiana	16	24.0	1,810 S.F.	100%	GOOD	(REMOVE)

TREE DATA (ONSITE SIGNIFICANT TREES ONLY)

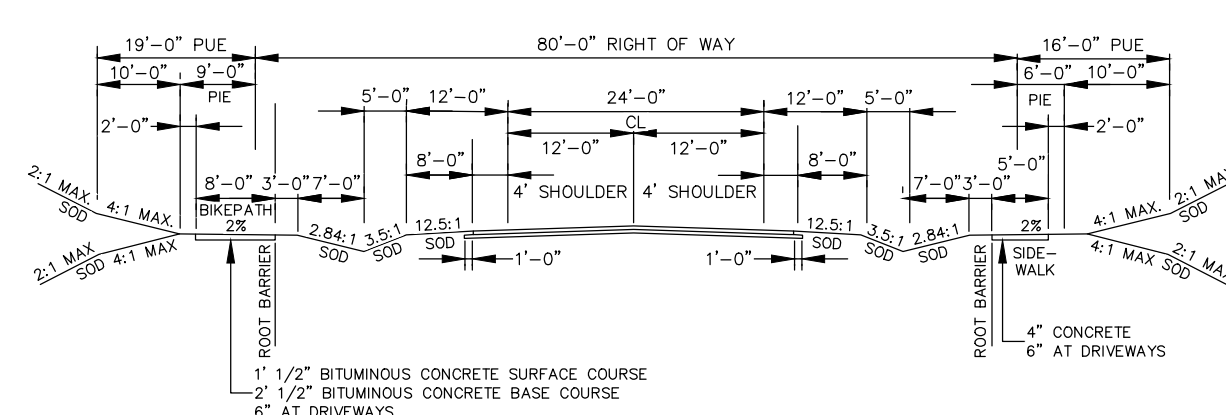
TREE NO.	SPECIES	BOTANICAL NAME	D.B.H. (INCHES)	CONDITION	COMMENTS
602	RED MAPLE	Acer rubrum	27	GOOD	(REMOVE)
607	EASTERN REDCEDAR	Juniperus virginiana	26	GOOD	(REMOVE)
611	EASTERN REDCEDAR	Juniperus virginiana	25	GOOD	(REMOVE)
613	WHITE PINE	Pinus strobus	24.5	GOOD	(REMOVE)
614	RED MAPLE	Acer rubrum	29	GOOD	CO-DOMINATE WITH INCLUDED BARK, SEAM, HIGH PROBABILITY OF FAILURE, HAZARD
619	RED MAPLE	Acer rubrum	27	GOOD	CO-DOMINATE WITH INCLUDED BARK, SEAM, HIGH PROBABILITY OF FAILURE, HAZARD



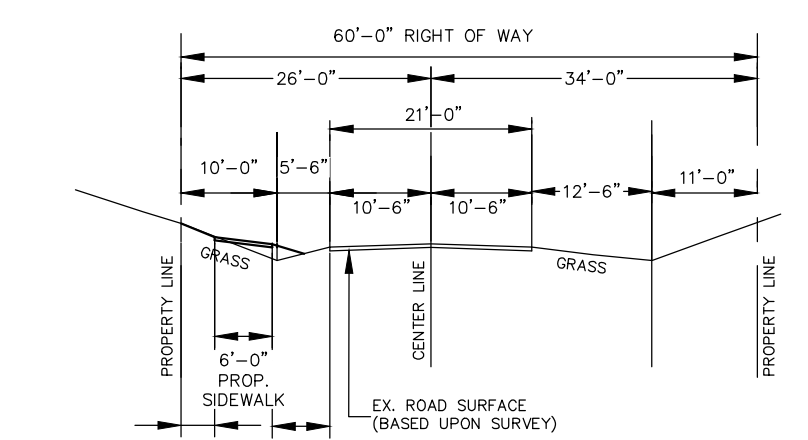
RETROFIT ROAD SECTION-ARTERIAL ROAD OPEN SECTION



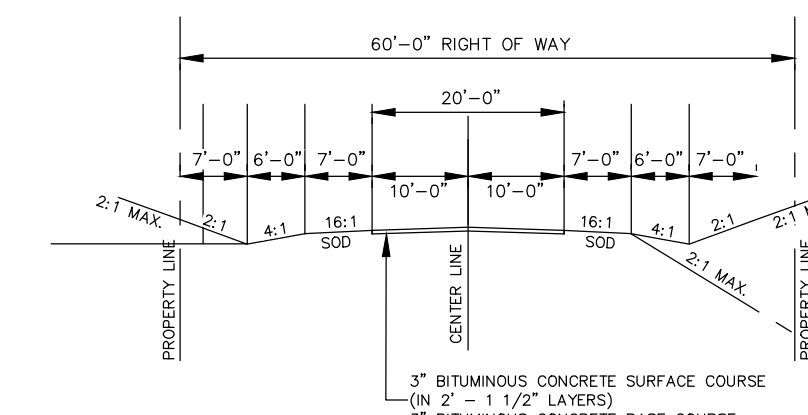
TYPICAL ROAD SECTION-ARTERIAL ROAD OPEN SECTION (MC-213.04)



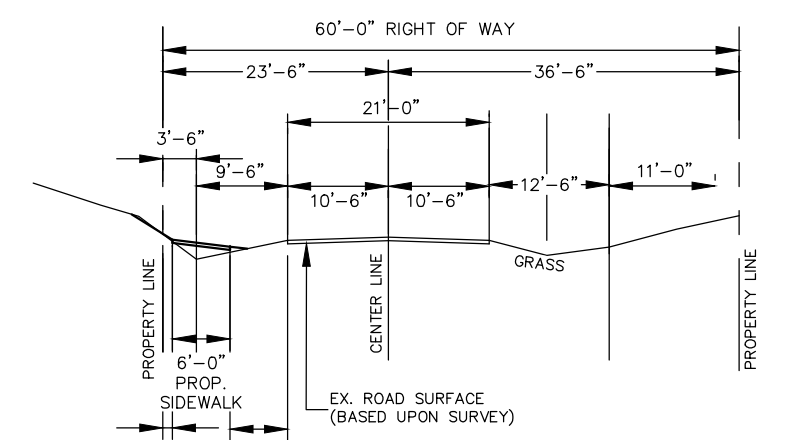
EXISTING ROAD SECTION W/ PROPOSED SIDEWALK (A-A) SECONDARY RESIDENTIAL OPEN SECTION (MC-211.02)



TYPICAL ROAD SECTION SECONDARY RESIDENTIAL OPEN SECTION (MC-211.02)



EXISTING ROAD SECTION W/ PROPOSED SIDEWALK (B-B) SECONDARY RESIDENTIAL OPEN SECTION (MC-211.02)



OWNER/APPLICANT
11801 Seven Locks Road LLC
Attn: Zon Adviser
11700 Old Georgetown Road
Rockville, MD 20852
301-770-1701 direct
240-475-6722 cell
zavissar@caseng.net

11801 Seven Locks Road Lot 1, Block C Willerburn Acres, Section 2 Proposed Lots A - D Preliminary Subdivision Plan

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

CAS JOB NO.: 19-119
DATE: 02/2021

DATE	REVISION
02/15/21	SMF: Resubmittal to MNCPS for review / approval
08/19/21	JAR: Resubmittal to MNCPPC for review / approval
09/02/21	JAR: Resubmittal to MNCPPC for review / approval
10/22/21	JAR: Resubmittal to MNCPPC for review / approval
11/11/21	JAR: Resubmittal to MNCPPC for review / approval
11/19/21	JAR: Resubmittal to MNCPPC for review / approval

VICINITY MAP
ADC MAP 5284, GRID D-3, SCALE: 1" = 200'

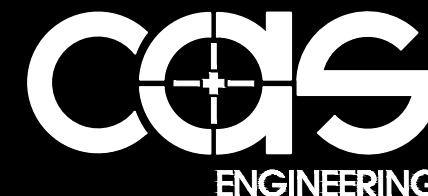


Curt A. Schreffler, PE
CURT A. SCHREFFLER, PE
11/19/2021

PROFESSIONAL ENGINEER CERTIFICATION:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 19568, expiration date 3/31/2022.

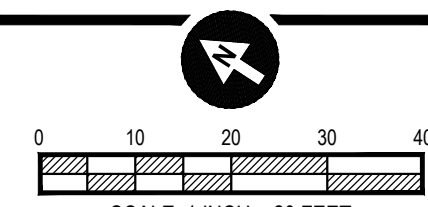
Lot 1, Block C, Willerburn Acres, Section 2
Plat Book 32, Plat No. 2015, Recorded 08/26/1947
Rockville (4th) Election District, Montgomery County, MD

11801 Seven Locks Road
Rockville, Maryland 20854



CAS ENGINEERING-MD
10 South Bend Street
Frederick, Maryland 21701
301-507-5031 Phone
info@caseng.net
www.caseng.net

CAS ENGINEERING-DC, LLC
1001 Connecticut Avenue, NW, Suite 401
Washington, DC 20036
202-393-7200 Phone
info@caseng.net
www.caseng.net



SHEET TITLE:
Preliminary Subdivision Plan

PP-4

PRELIMINARY SUBDIVISION PLAN - M-NCP&PC No. 120210160

Attachment 3

GENERAL NOTES

- Boundary information and two-foot contour data are based upon surveys performed by CAS Engineering, dated June, 2020.
- Total lot area: Lot 1 = 44,431 sq. ft. (1.02 acres)
- Property is located on Tax Map G0122 and WSSC 200' Sheet 215MW08.
- Property is located on Soils Survey Map Number 23
Soil type(s): 2B, Glenelg silt loam, HSG "B".
2UB, Glenelg Urban land complex, HSG "B".
- Flood zone "X" per F.E.M.A. Firm Maps, Community Panel Number 240310341D.
- Property is located in the Cabin John Creek Watershed.
- Water Category - 1, Sewer Category - 1
- Local utilities include:
Water / Sewer - Washington Suburban Sanitary Commission
Electric - PERCO
Telephone - Verizon
Gas - Washington Gas
- Property is not located in a Special Protection Area.
- Property is not a Historic Site or located in a Historic District.
- This plan was created without the benefit of a title report.
- Owner Information: Property Information:
11801 Seven Locks Road LLC Lot 1, Block C, Willerburn Acres, Section 2
Attn: Zion Avissar 44,431 s.f. (1.02 ac) per Plat 2015
11700 Old Georgetown Rd, Unit 100-06 Tax Account: 00113875
Rockville, MD 20852

ZONING DATA

- Zoning: R-90**
Minimum Lot Area = 9,000 sq. ft.
Minimum Lot Width at R/W = 25 ft.
Minimum Lot Width at B.R.L. = 25 ft.
Side B.R.L. = 8 ft. min.
Fontaine Street Front B.R.L. = 37.3 ft. (estab.) (1)
Seven Locks Road Front B.R.L. = 30 ft. (estab.) (1)
Rear B.R.L. = 25 ft.
Side B.R.L. = 8 ft. min.

(1) Per Montgomery County Code Section 4.4.1 A.2, the established building line has been determined by averaging the front setbacks of the 2 or more detached houses within 300 feet of the side lot lines measured along the street frontage.

NARRATIVE STATEMENT

The subject property is located at 11801 Seven Locks Road. This 44.431 square foot (1.020 acre) lot is improved with a single-family home, asphalt driveway and associated appurtenances. The subject property is bounded by similar lots containing single-family dwellings to the east, by St. James Episcopal Church to the north, by Fontaine Street to the south and by Seven Locks Road to the west. The property is currently accessed via a driveway that originates within the Fontaine Street right-of-way.

The property contains eleven (11) specimen trees and various trees greater than 24" D.B.H. Existing areas of on-site tree canopy lack the required understory, size and structure to be classified as forest. No forest, streams, flood plains, stream buffers or flood plain buffers exist on the property.

LEGEND

EXISTING FEATURES	
	Ex. Storm Drain with Manhole
	Ex. Sewer Manhole and Invert
	Ex. Water Line with Valve
	Ex. Gas Line with Valve
	Ex. Overhead Utility with Pole
	Ex. Drain Pipe and Inlet
	Ex. Downtop Piped / Spilled
	Ex. Two-And-Ten-Foot Contours
	Ex. Spot Elevation
	Ex. Chain Link or Wire Fence
	Ex. Retaining Wall
	Ex. Soil Line with Soil Types
	Ex. Tree Line
	Ex. Tree, With C.R.Z.
	Ex. Significant Tree (DBH ≥ 24")
	Ex. Specimen Tree (DBH ≥ 30")
	Ex. Tree To Be Removed
	Ex. Center Drain Inlet (CDI)
PROPOSED FEATURES	
	Limit Of Disturbance (L.O.D.)
	Prop. Water-House Connection
	Prop. Sewer-House Connection
	Prop. Gas-House Connection
	Prop. Electric-House Connection
	Prop. Contour with Elevation
	Prop. Spot Elevation
	Prop. Retaining Wall
	Prop. 4" PVC Drain Pipe
	Prop. Surface Flow Direction
	Prop. Pipe Flow Direction
	Prop. Tree Protection Fence and Root Pruning Trench
	Prop. Gravel Dry Well with Observation Well and Pop-up Emitter For Overflow
	Prop. Landscape Infiltration Facility
	Prop. Mitigation Tree

UTILITY INFORMATION

EXISTING UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE AND MUST BE FIELD VERIFIED. UTILITY LOCATIONS ARE BASED UPON AVAILABLE RECORDS AND ARE SHOWN TO THE BEST OF OUR ABILITY.

UTILITY CO.	REQUEST DATE	BY	INFO RECEIVED	PLAN REVISED	BY
AT&T	02/28/2020	KAM	03/03/2020	NO FACILITIES	DMJ
PERCO	03/28/2020	KAM	03/03/2020	NO FACILITIES	DMJ
VERIZON/GAS	02/29/2020	KAM	04/23/2020	07/03/2020	DMJ
WASH. GAS	02/29/2020	KAM	04/23/2020	07/03/2020	DMJ
W.S.S.C.					
SEWER CONTRACT DRAWING	07/01/2020		07/03/2020		DMJ
WATER CONTRACT DRAWING	07/01/2020		07/03/2020		DMJ
HOUSE-CONNECTION PLUMBING CARDS					

MISS UTILITY

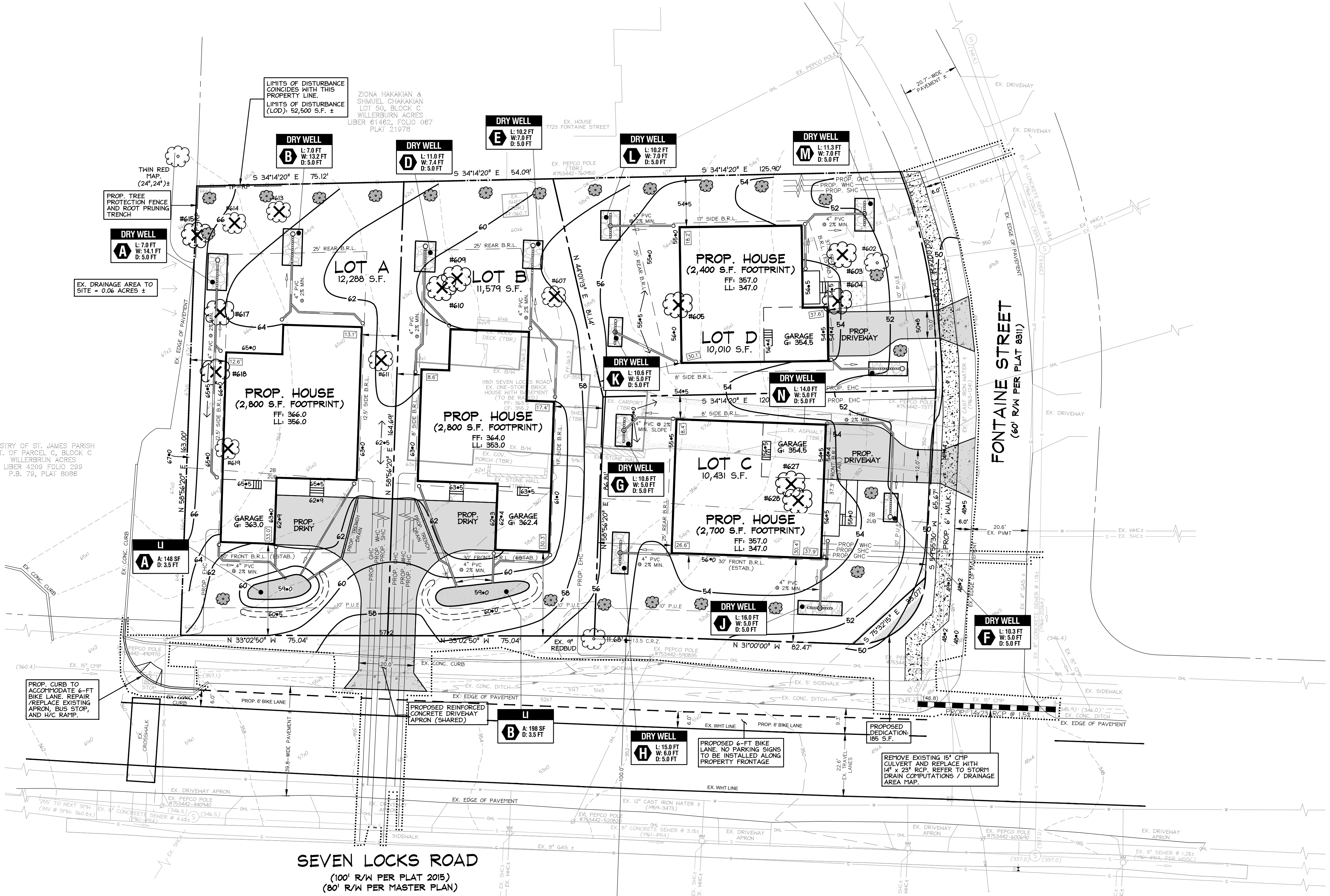
FOR LOCATION OF UTILITIES, CALL "MISS UTILITY" AT 1-800-257-7777, OR LOG ON TO WWW.MISSUTILITY.ORG 24 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDER GROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.

TREE DATA (ONSITE SPECIMEN TREES ONLY)

TREE NO.	SPECIES	BOTANICAL NAME	D.B.H. (INCHES)	C.R.Z. RADIUS (FEET)	C.R.Z. AREA	% C.R.Z. AREA DISTURBED	CONDITION	COMMENTS
603	RED MAPLE	Acer rubrum	34.5	51.75	8,413 S.F.	80.5%	GOOD	(REMOVE) SLIGHT DECAY
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628	RED MAPLE	Acer rubrum	35.5	53.25	8,908 S.F.	100%	POOR	(REMOVE) ROOT DAMAGE, FUNGUS AT FLARE, SEVERE DIEBACK, MOSTLY DEADWOOD, INCLUDED BARK, SEAM, HIGH PROBABILITY OF FAILURE, HAZARD

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619	RED MAPLE	Acer rubrum	27	GOOD	CO-DOMINATE WITH INCLUDED BARK, SEAM, HIGH PROBABILITY OF FAILURE, HAZARD



SEVEN LOCKS ROAD
(100' R/W PER PLAT 2015)
(80' R/W PER MASTER PLAN)

TREE MITIGATION NOTE

THIS PLAN PROPOSES THE REMOVAL OF TEN (10) SPECIMEN TREES (603, 604, 605, 609, 610, 615, 617, 618, 627, 628.) AS A RESULT, THE PLANTING OF TWENTY-THREE (23) TREES ARE HEREBY PROPOSED. THE TREES WILL BE 4" CALIPER NATIVE MARYLAND PIEDMONT CANOPY TREES. THE LOCATIONS AND SPECIES OF SAID TREES ARE SUBJECT TO PLACEMENT WITH M-NCP&PC FOREST CONSERVATION INSPECTOR'S APPROVAL.

Tree 603 - 34.5"
Tree 604 - 40"
Tree 605 - 46"
Tree 609 - 38"
Tree 610 - 37"
Tree 615 - 37"
Tree 617 - 33"
Tree 618 - 32"
Tree 627 - 31"
Tree 628 - 35.5"

TOTAL DBH - 364" / 4" = 91" REQUIRED FOR MITIGATION
PROVIDE TWENTY-THREE (23) 4" CALIPER TREES TOTALING 92"
THE FOLLOWING 4" CALIPER TREES ARE TO BE PLANTED:

ELEVEN (11) SUGAR MAPLE
(Acer saccharum)
TWELVE (12) WHITE OAKSWAMP WHITE OAK
(Quercus bicolor)

A PRE-PLANTING MEETING WITH THE MNCPPC FOREST CONSERVATION INSPECTOR WILL BE REQUIRED PRIOR TO THE PLANTING OF THE TREES.

DEVELOPER CERTIFICATE

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF THE APPROVED FINAL FOREST CONSERVATION PLAN NO. 0220200 INCLUDING, FINANCIAL BONDING, FOREST PLANTING, MAINTENANCE, AND ALL OTHER APPLICABLE AGREEMENTS.

DEVELOPER NAME: 11801 SEVEN LOCKS ROAD, LLC
CONTACT PERSON OR OWNER: ZION AVISSAR
ADDRESS: 11801 SEVEN LOCKS ROAD
BETHESDA, MD 20854
PHONE: (301) 770-1701
EMAIL: zavissar@corncast.net
SIGNATURE:

CAS JOB NO.:	19-119
DATE:	02/20/21
DATE	REVISION
01/05/21	SMF: Initial Submission to MCDCPS for review
01/14/21	SMF: Preliminary Plan Uploaded for MNCPC Review
02/15/21	SMF: Resubmission to MCDCPS for review
08/19/21	JAR: Resubmission to MCDCPS for review / approval
09/02/21	JAR: Resubmission to MNCPC for review / approval

VICINITY MAP

ADC MAP 5284, GRID D-3, SCALE: 1" = 200'

QUALIFIED PROFESSIONAL CERTIFICATION:
I hereby certify that these documents were prepared in accordance with Maryland state and Montgomery County Forest Conservation Laws and MNCPC Guidelines. (DNR / COMAR 08.19.06.01)

JEFFREY A. ROBERTSON
09/03/2021

DISCLAIMER: Trees are living things whose livability and structural integrity are subject to a wide array of natural factors and impacts, among those impacts are genetics, climate, weather, water regime, soils, insects, and disease. As such, trees are subject to changes in health or condition very slowly over time or very abruptly. I do not take liability for these actions or other factors upon the health or structure of the trees involved in this document. This plan should not be interpreted as a tree hazard evaluation as internal, structural, or aerial inspections were not performed on or upon these trees, conditions and weaknesses may exist out of sight from the human eye.

Lot 1, Block C, Willerburn Acres, Section 2
Plat Book 32, Plat No. 2015, Recorded 08/26/1947
Rockville (4th) Election District, Montgomery County, MD
11801 Seven Locks Road
Rockville, Maryland 20854

CAS
ENGINEERING

CAS ENGINEERING-MD
10 South Bond Street
Frederick, Maryland 21701
301-507-5031 Phone
info@cas-md.com
www.cas-engineering.com

CAS ENGINEERING-DC, LLC
1001 Connecticut Avenue, NW, Suite 401
Washington, DC 20036
202-393-7200 Phone
info@cas-dc.com
www.cas-dc.com

11801 Seven Locks Road
Lot 1, Block C
Willerburn Acres, Section 2
Proposed Lots A - D
Preliminary / Final
Forest Conservation Plan

SHEET TITLE:
Preliminary / Final Forest
Conservation Plan

P/F FCP-2



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 09-Dec-21
TO: Curt Schreffler - curt@casengineering
CAS Engineering
FROM: Marie LaBaw
RE: 11801 Seven Locks Road, Willerburn Acres, Section 2
120210160

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **02-Dec-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.

PRELIMINARY SUBDIVISION PLAN - M-NCP&PC No.120210160

CAS JOB NO.:	19-119
DATE:	02/2021
DATE	REVISION
02/15/21	SMF: Resubmitted to MCDPS for review.
08/19/21	JAR: Resubmitted to MNCPPC for review / approval.
09/02/21	JAR: Resubmitted to MNCPPC for review / approval.
10/22/21	JAR: Resubmitted to MNCPPC for review / approval.
11/11/21	JAR: Resubmitted to MNCPPC for review / approval.
11/19/21	JAR: Resubmitted to MNCPPC for review / approval.

VICINITY MAP
ADC MAP 5284, GRID D-3, SCALE: 1" = 200'



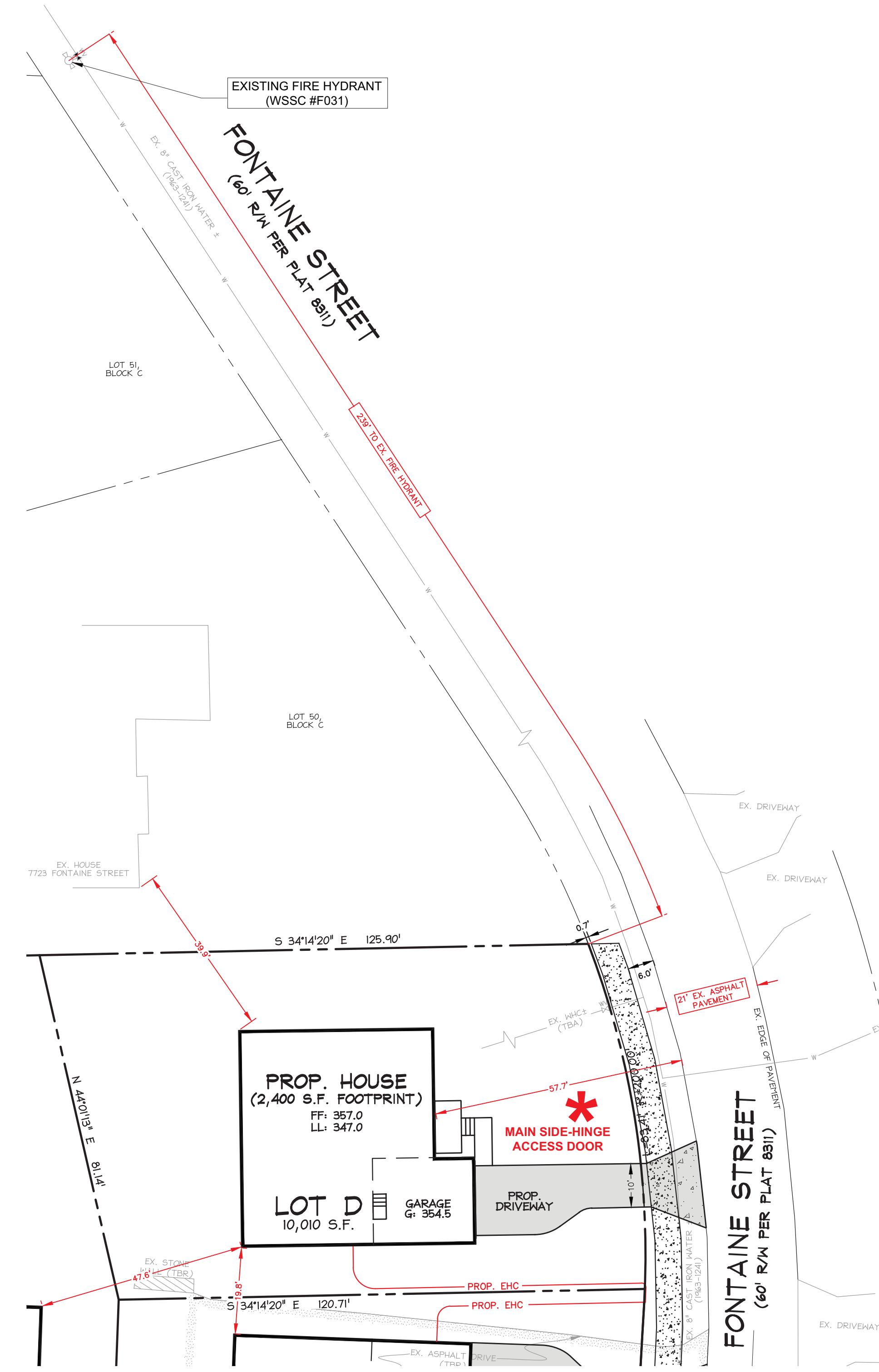
Curt A. Schreffler, PE
CURT A. SCHREFFLER, PE
12/02/2021

PROFESSIONAL ENGINEER CERTIFICATION:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 19588, expiration date 3/30/2022.

Lot 1, Block C, Willerburn Acres, Section 2
Plat Book 32, Plat No. 2015, Recorded 08/26/1947
Rockville (4th) Election District, Montgomery County, MD
11801 Seven Locks Road
Rockville, Maryland 20854

OFF-SITE FIRE HYDRANT LOCATION (FONTAINE STREET)

SCALE: 1" = 20'



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.

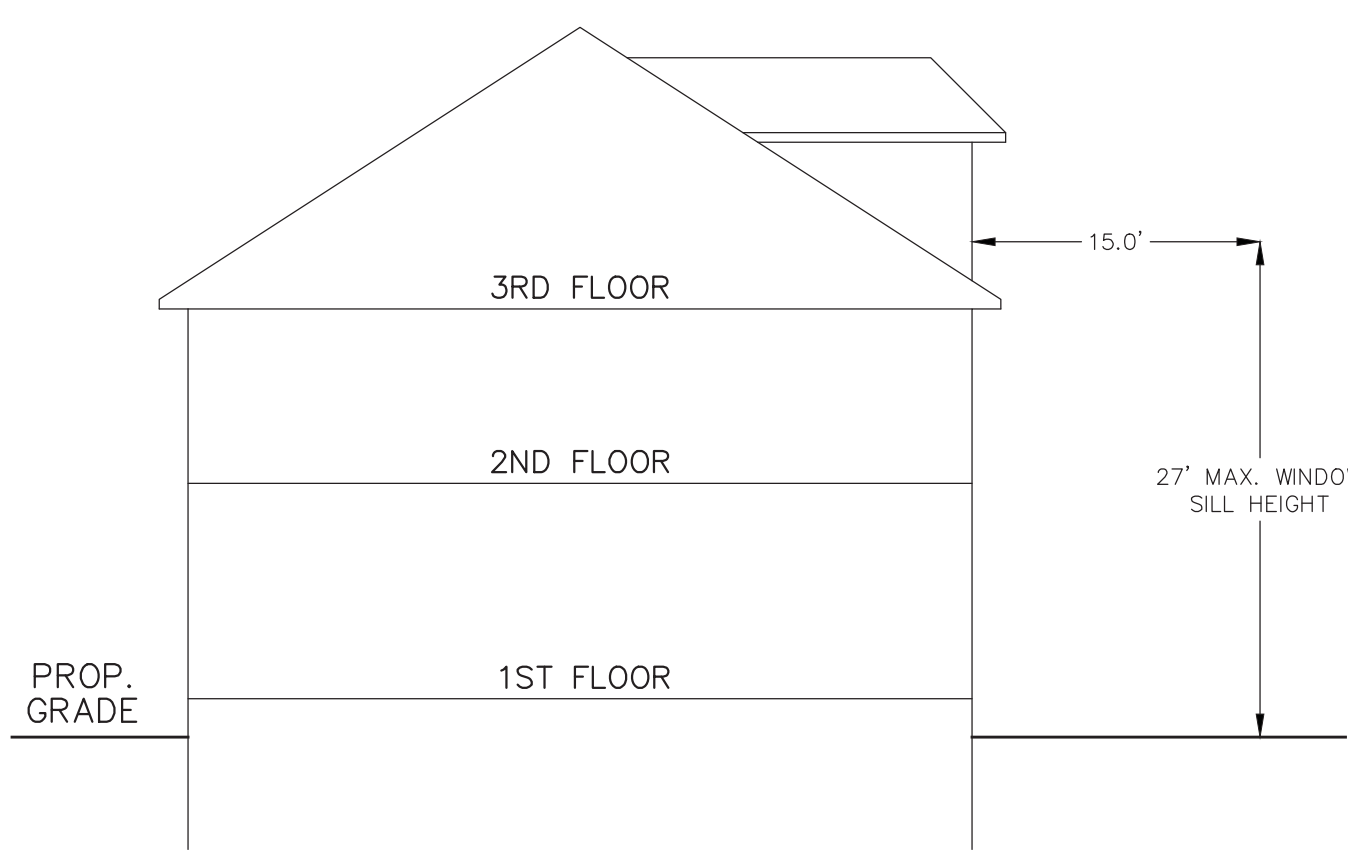
BY: SAC PM: 43 DATE: 12/9/2021

OWNER/APPLICANT
11801 Seven Locks Road LLC
Attn: Zon Address
11700 Old Georgetown Road
#100-06
Rockville, MD 20852
301-770-1701 direct
240-476-6721 cell
zavissar@comcast.net

11801 Seven Locks Road Lot 1, Block C Willerburn Acres, Section 2 Proposed Lots A - D Fire Department Access Plan

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

FIRE HEIGHT RESTRICTED - SINGLE FAMILY DETACHED HOME DETAIL



GENERAL NOTES:

- One and two-family dwellings of three (3) stories (27' to highest sill, including false dormers) or less must provide access to the occupied interior through a main, side-hinge door within 150 feet of a fire department access route.

PROPOSED HOUSES ARE SUBJECT TO HEIGHT RESTRICTIONS WHERE THE MAXIMUM WINDOW HEIGHT ON THE 3RD FLOOR (OR UPPER HALF STORY, INCLUDING FALSE DORMERS) IS LIMITED TO 27-FEET ABOVE GRADE, AS MEASURED 15-FT FROM THE HOUSE. (SEE DETAIL THIS SHEET)

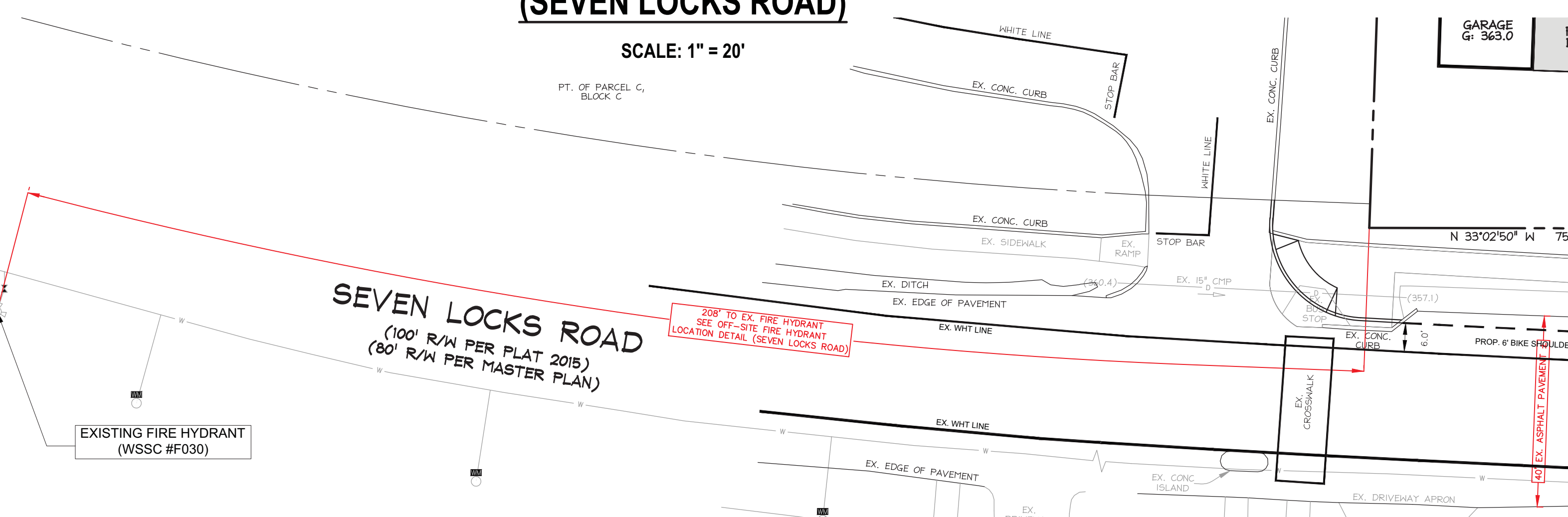
A FD ACCESS APPENDIX, ELIMINATING THE ABOVE HEIGHT RESTRICTION, MAY BE SUBMITTED TO MCDPS FOR APPROVAL IF PROPOSED HOUSES ARE 15-FT OR MORE FROM RESPECTIVE PROPERTY LINES (30-FT APART).

LEGEND

EXISTING FEATURES	
Ex. Property Line (Subject)	---
Ex. Property Line (Other)	---
Ex. Water Line with Valve	---
Ex. Fire Hydrant	⊕

OFF-SITE FIRE HYDRANT LOCATION (SEVEN LOCKS ROAD)

SCALE: 1" = 20'





DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

September 29, 2021

Ms. Stephanie Fisher
CAS Engineering
10 South Bentz Street
Frederick, Maryland 21701

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
11801 Seven Locks Road
Preliminary Plan #: 620210160
SM File #: 286702
Tract Size/Zone: 1.02 Acres
Total Concept Area: 1.02 Acres
Lots/Block: Lot A
Parcel(s): Willerburn Acres Section 2
Watershed: Cabin John Creek Class 1

Dear Ms. Fisher:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP using Drywells and Landscape Infiltration.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Each of the four lots provides full Stormwater Management via Environmental Site Design to the Maximum Extent Practicable. The proposed imperviousness within the public right of way must provide stormwater management via the use of permeable pavement if possible. If it is not possible, please provide that information with the submission and we will make a determination whether or not to issue a stormwater management waiver for that portion of the project as a part of the detailed plan review.
5. This list may not be all-inclusive and may change based on available information at the time.



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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required** as long as full stormwater management is provided for the project.

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 Andrew Kohler at 240-777-6275.

Sincerely,



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

MCE: CN 286702

cc: N. Braunstein
SM File # 286702

Lot A
ESD: Required/Provided 735 cf / 737 cf
PE: Target/Achieved: 1.8"/1.81"
STRUCTURAL: N/A cf
WAIVED: NA ac.

Lot B
ESD: Required/Provided 680 cf / 681 cf
PE: Target/Achieved: 1.8"/1.8"
STRUCTURAL: N/A cf
WAIVED: NA ac.

Lot C
ESD: Required/Provided 577 cf / 581 cf
PE: Target/Achieved: 1.8"/1.8"
STRUCTURAL: N/A cf
WAIVED: NA ac.

Lot D
ESD: Required/Provided 540 cf / 547 cf
PE: Target/Achieved: 1.8"/1.8"
STRUCTURAL: N/A cf
WAIVED: NA ac.

Right of Way
ESD: Required/Provided 0 cf / 140 cf
PE: Target/Achieved: 0"/1.6"
STRUCTURAL: N/A cf
WAIVED: 140CF, QN and QL Waiver Consideration



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

December 09, 2021

Mr. Ryan Sigworth, Senior Planner
Upcounty Planning Division
The Maryland-National Capital
Park & Planning Commission (M-NCPPC)
2425 Reedie Drive
Wheaton, Maryland 20902

RE: Preliminary Plan Letter
Preliminary Plan No. 120210160
11801 Seven Locks Road, Willerburn Acres, Section

Dear Mr. Sigworth:

We have completed our review of the Preliminary Plan uploaded in eplans dated November 19, 2021. A previous plan was reviewed by the Development Review Committee at its March 2, 2021, meeting. We recommend approval of the plan subject to the following comments:

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

1. Seven Locks Road: The Bicycle Master Plan requires a bikeable shoulder along the site frontage and sidepath across the street. To comply with the master plan, the applicant shall be responsible to improve the existing shoulder to a bikeable shoulder within their frontage. Since the bikeable shoulder does not extend on either end past the site frontage, we recommend that the applicant improve the existing shoulder for future bikeable shoulder as shown in the submitted plan. The improved shoulder shall be stripped off and "NO PARKING" be installed with the approval from our Division of Traffic Engineering along the site frontage as interim condition. The details of the pavement marking and installation of the "NO PARKING" signs will be determined at the permit stage.
2. Fontaine Street: The applicant shall be responsible to install the 6-ft sidewalk along the site frontage as shown on the 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

3. The signing and marking plan shall be submitted prior to the release of the right-of-way permit.
4. Design all access points to be at-grade with the sidewalk, dropping down to street level between the sidewalk and roadway.
5. There is an existing bus stop at the north end on proposed Lot A. At or before the permit stage, please coordinate with Mr. Wayne Miller of our Division of Transit Services for any impacts to the existing RideOn bus stop in the vicinity of this project due to the installation of the bikeable shoulder. Mr. Miller may be contacted at Wayne.Miller2@montgomerycountymd.gov or at 240-777-5836.
6. **Storm Drain Analysis:** The storm drain analysis has been accepted with the following condition:
 - The applicant shall be responsible to replace the existing 18-inch CMP culvert under Fontaine Street with a 19-inch x 30-inch RCP as shown on the plan.
7. **Sight Distance:** The sight distance study has been accepted with the following condition:
 - There are cars parked in the existing shoulder under current conditions on Seven Locks Road. With the new access on Seven Locks Road, parking will **not** be allowed as it would hinder with the line of sight and the applicant shall be responsible to install “NO PARKING” signs with the approval from our Division of Traffic Engineering at the permit stage.

A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.

8. Consider waste collection siting as to ensure that there is a minimum 10-ft x 4-ft flat area (per direction from Willie Wainer of DEP) capable of storing bins and bags without impeding ped/bike access.
9. Upgrade pedestrian facilities at intersections along the site frontage & at adjacent intersections to comply with current ADA standards.
10. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with MCDPS Right-of-Way Plan Review Section.
11. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - a. Sidewalk, handicap ramps, improve and restripe shoulder pavement, storm drainage and appurtenances and street trees along Seven Locks Road.
 - b. Sidewalk, handicap ramps, pavement restriping, storm drainage and appurtenances and street trees along Fontaine Street.

- c. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
- d. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- e. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by MCDPS and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by MCDPS.

If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Team Engineer for this project, at 240-777-7170 or at deepak.somarajan@montgomerycountymd.gov.

Sincerely,

Deepak Somarajan

Deepak Somarajan, Engineer III
Development Review
Office of Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\ 120210160-11801 Seven Locks Road, Willerburn Acres, Section 2\ Letter\ 120210160-11801 Seven Locks Road Prelim Letter

Attachment(s): Sight Distance Form

cc: Sharepoint Correspondence FY-21

cc-e:	Jeffrey Robertson	CAS Engineering
	William Kominers	Lerch Early Brewer
	Atiq Panjshiri	MCDPS RWPR
	Sam Farhadi	MCDPS RWPR
	Wayne Miller	MCDOT DTS
	Rebecca Torma	MCDOT OTP



MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: _____ Preliminary Plan Number: **1-** _____

Street Name: _____ Master Plan Road
Classification: _____

Posted Speed Limit: _____ mph

Street/Driveway #1 (_____) Street/Driveway #2 (_____)

Sight Distance (feet) OK?
Right _____
Left _____

Sight Distance (feet) OK?
Right _____
Left _____

Comments: _____

Comments: _____

GUIDELINES

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

*Source: AASHTO

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

ENGINEER/ SURVEYOR CERTIFICATE

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

Curt A. Schreffler

Signature

Date



PLS/P.E. MD Reg. No.

Montgomery County Review:

☒ Approved

☐ Disapproved:

By: *Deepak Somarajan*

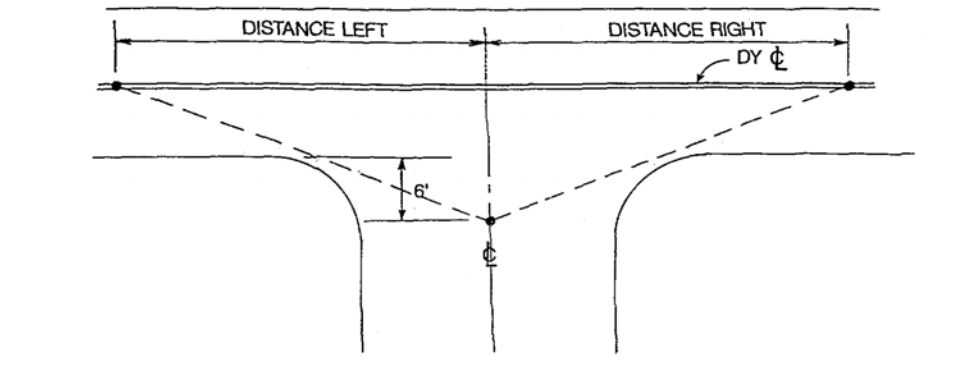
Date: *12/1/2021*



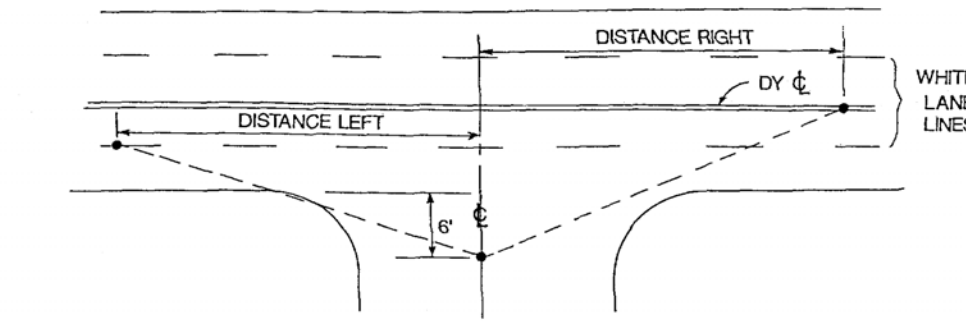
MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION ATTACHMENT

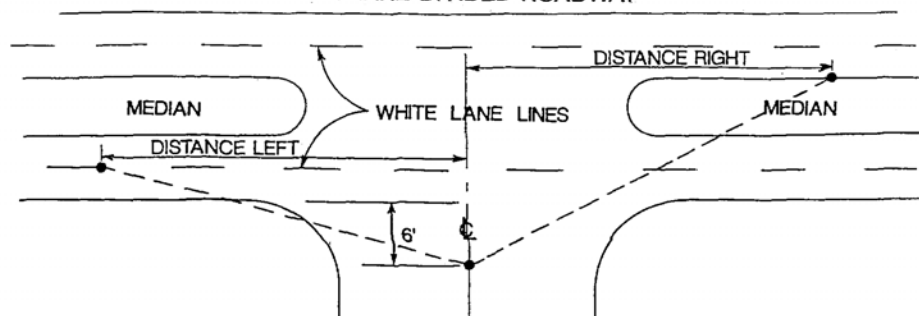
2 LANE UNDIVIDED ROADWAY



MULTI-LANE UNDIVIDED ROADWAY



MULTI-LANE DIVIDED ROADWAY





MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: WILLERBURN ACRES, SECTION 2 Preliminary Plan Number: 120210160

Street Name: FONTAINE STREET Master Plan Road Classification: TERTIARY

Posted Speed Limit: 25 mph

Street/Driveway #1 (PROP LOT C) Street/Driveway #2 (PROP LOT D)

Sight Distance (feet) OK?
Right 100 FT Y
Left 225 FT Y

Sight Distance (feet) OK?
Right 156 Y
Left 215 Y

Comments: SIGHT DISTANCE MEASURED ON
JANUARY 8TH, 2021

NOTE: SIGHT DISTANCE TO
RIGHT IS TO THE SEVEN LOCKS
INTERSECTION

Comments: SIGHT DISTANCE MEASURED ON
JANUARY 8TH, 2021

NOTE: SIGHT DISTANCE TO
RIGHT IS TO THE SEVEN LOCKS
INTERSECTION

GUIDELINES

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

*Source: AASHTO

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

ENGINEER/ SURVEYOR CERTIFICATE

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

Curt A. Schreffler

01/13/2021

Signature

Date

19568

PLS/P.E. MD Reg. No.



Montgomery County Review:

☒ Approved

☐ Disapproved:

By: Deepak Somarajan

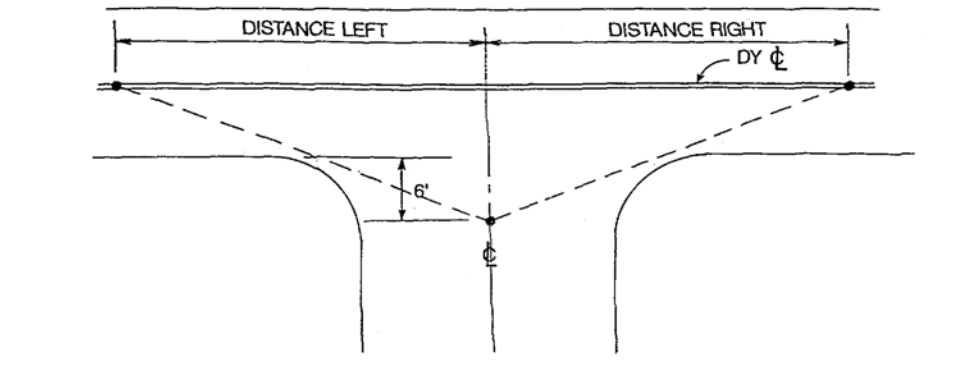
Date: 12/1/2021



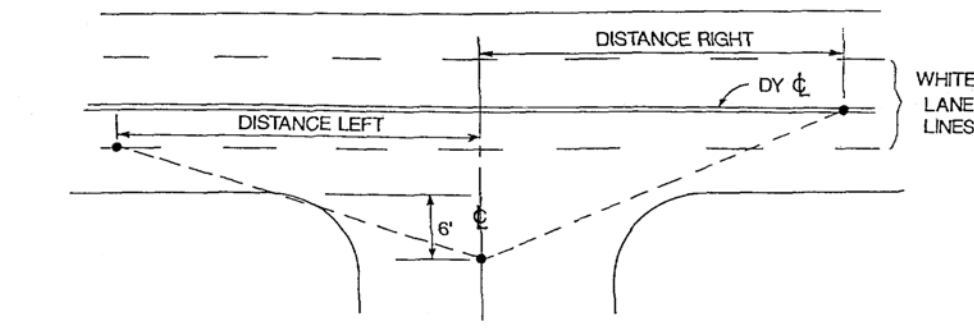
MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION ATTACHMENT

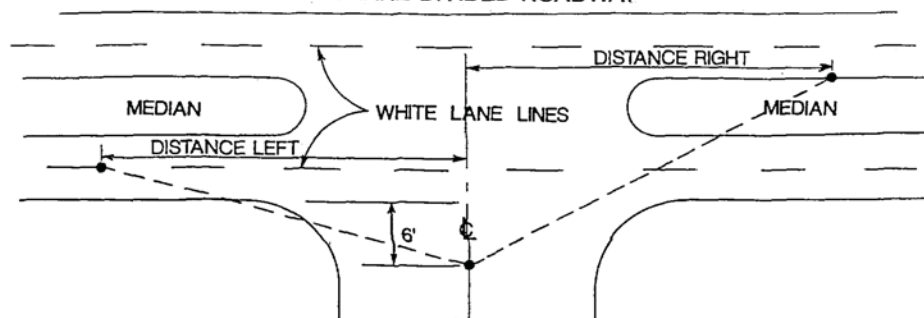
2 LANE UNDIVIDED ROADWAY



MULTI-LANE UNDIVIDED ROADWAY



MULTI-LANE DIVIDED ROADWAY





Experience you can build on.

Attachment 7

108 w. ridgeville blvd., suite 101
mount airy, maryland 21771
office 301.607.8031
fax 301.607.8045
info@casengineering.com
www.casengineering.com

civil • surveying • land planning

September 1, 2021

M-NCP&PC
Up-County Planning
2425 Reddie Drive
Wheaton, MD 20902

Attn: Plan Review Staff

Re: **CAS Job No. 19-554B**
Preliminary Plan 120210160
11801 Seven Locks Road
Proposed Lots A - D, Willerburn Acres
Forest Conservation Tree Variance Request

Dear Plan Review Staff:

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

Variance Justification

The applicant, 11801 Seven Locks Road LLC / Zion Avissar, is requesting a variance for the impact to ten (10) specimen trees located on the property 11801 Seven Locks Road, Rockville, MD 20854. The property is comprised of 1.02 acres (44,431 sq. ft.) of land and is currently improved with an existing single-family dwelling, driveway and typical appurtenances. The property is zoned R-90 and is bounded by Seven Locks Road to the west, Fontaine Street to the south, by similarly single-family residences to the east and by the Vestry of St. James Parish to the north. The topography slopes from north to south at approximately 6%. There are no steep slopes ($\geq 25\%$), floodplains, or streams on the property. Ten specimen trees (#603, 604, 605, 609, 610, 615, 617, 618, 627, and 628) exist on the property. There is no forested area on-site or on adjacent properties. There are five (5) significant trees on the property and one (1) significant tree on the adjacent Vestry of St. James Parish property.

The existing single-family home, driveway and other improvements, will be removed. Four (4) new single-family homes are proposed. The property was subject to a recently approved Natural Resources Inventory / Forest Stand Delineation Plan (#420210440). As a result of the proposed subdivision, the property will now be subject to a Forest Conservation Plan and Specimen Tree Variance. The Preliminary / Final Forest Conservation Plan proposes the unavoidable removal of all specimen and significant trees. A forest conservation requirement of 0.19 acres results from the subdivision. This requirement will be provided through a fee in lieu payment or through the purchase of an off-site easement.

Impacts to the (10) specimen trees require their removal. Given the locations of the trees with respect to proximities to proposed houses, stormwater management devices, and a retaining wall, the trees cannot be protected and retained.

In summary, the applicant is requesting a variance for the removal of (10) specimen trees. The table below lists the variance specimen tree as identified on the Preliminary / Final Forest Conservation Plan and provides the respective proposed impact.

On-Site Specimen Tree Data

Tree No.	Common Name	Botanical Name	D.B.H.	C.R.Z. Radius	C.R.Z. Area	% C.R.Z. Area Disturbed	Condition	Notes
603	Red Maple	<i>Acer rubrum</i>	34.5 In.	51.75 feet	8,413 s.f.	80.5%	Good	Remove
604	Red Maple	<i>Acer rubrum</i>	40 In.	60 feet	11,309 s.f.	87.9%	Good	Remove
605	Red Maple	<i>Acer rubrum</i>	46 In.	69 feet	14,957 s.f.	89.5%	Fair	Remove
609	Tulip Poplar	<i>Liriodendron tulipifera</i>	38 In.	57 feet	10,207 s.f.	86.8%	Good	Remove
610	Tulip Poplar	<i>Liriodendron tulipifera</i>	37 In.	55.5 feet	9,677 s.f.	90.5%	Good	Remove
615	White Pine	<i>Pinus strobus</i>	37 In.	55 feet	9,697 s.f.	36.3%	Good	Remove
617	Tulip Poplar	<i>Liriodendron tulipifera</i>	33 In.	49.5 feet	7,698 s.f.	62.0%	Good	Remove
618	American Elm	<i>Ulmus Americana</i>	32 In.	48 feet	7,238 s.f.	62.3%	Good	Remove
627	American Beech	<i>Fagus grandifolia</i>	31 In.	46.5 feet	6,792 s.f.	100.0%	Good	Remove
628	Red Maple	<i>Acer rubrum</i>	35.5 In.	53.25 feet	8,908 s.f.	100.0%	Poor	Remove

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

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

The subject property has a total tract area of 1.02 acres. In accordance with R-90 zoning criteria, a four (4) lot subdivision is proposed. The application proposes the removal of the existing single-family home and all of its appurtenances and the creation of four lots for residential use. In order to develop the property as the applicant intends, it is not feasible to avoid the impact to the subject specimen trees located on the property. Minimum requirements of the R-90 zone have limited the areas where houses and driveways can be located. Furthermore other governmental agency requirements, such as those imposed for utilities, stormwater management, and right-of-way improvements also impact on-site development and have negative consequences relating to tree preservation and protection. Stormwater management requirements for each lot necessitate the installation 3-4 devices per lot as well as grading for positive drainage. Each device and requires excavation and trenching for pipe connections. The need for individual water, sewer, gas and electric connections and applicable separations from each utility on each of the lots also necessitates areas of open trenching thus impacting specimen trees. Right-of Way improvements including proposed driveways also negatively affect the potential to retain specimen trees. The development of four (4) single-family homes with reasonable appurtenances, the need to ensure positive surface drainage, provide utility connections, and vehicular access results unwarranted hardship in avoiding critical root zones of variance trees as referenced in the table above.

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

The requested variance is based on plans that are consistent with the applicable R-90 zoning criteria and not conditions or circumstances resulting from actions by the applicant. The saving and protecting of variance trees as required by Chapter 22A of Montgomery County Code would severely restrict the development of this property as permitted by the R-90 zone. The requirement to retain the (10) variance trees would limit, if not eliminate the proposed homes and their associated appurtenances.

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

A Stormwater Management (SWM) Plan has been submitted to the Montgomery County Department of Permitting Services. The SWM Plan will ensure that water quality standards will be met in accordance with State and County criteria. All applicable stormwater management requirements have been addressed and met. Disturbance to any of these specimen trees will not create a measurable degradation in water quality. The subject trees to be removed are not located near or within on-site streams, wetlands, floodplains, or associated buffers.

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

The forest conservation requirements resulting from the development of this site will be met through an off-site forest conservation easement or by a fee-in-lieu payment. The property is not part of a historic site nor does it contain any historic structures. None of the variance trees proposed for removal are rare, threatened, or endangered, per the Maryland Nongame and Endangered Species Conservation Act. Specimen trees impact is often unavoidable when developing small properties under similar zoning criteria.

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

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

Granting the variance will not confer a special privilege as the disturbance of the specimen trees noted above are necessary in order to develop the property under R-90 zoning, to meet State and County stormwater management requirements and to ensure proper drainage on the subject lot. Furthermore, the need for a variance is often necessary and unavoidable in order to develop single-family homes on a high-density residential property with existing tree cover and in accordance with County criteria. It is a property owner's right to make use of planning and zoning options for development while still providing the greatest protection for variance trees. No special privileges have been requested by or provided to the applicant.

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

The requested variance is not based on conditions or circumstances which are the result of actions by the applicant. The variance is necessitated by governmental agency requirements relating to R-90 zoning, site topography as it relates to positive drainage, required BMP's for stormwater management, and reasonable site appurtenances for the use and enjoyment of the property. No previous actions by the applicant have necessitated the need for a variance.

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

The requested variance is not necessitated by land or building use, either permitted or non-conforming, on a neighboring property. The locations of house and other improvements on adjoining properties do not impact these specimen trees nor do they necessitate the need for a variance.

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

The requested variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being impacted are not within a stream buffer or a special protection area. A Stormwater Management Plan will be approved by Montgomery County.

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

Sincerely,



Jeffrey A. Robertson
Branch Manager
DNR/COMAR 08.19.06.01, Qualified Professional

cc: Z. Avissar

From: bht1113@aol.com
To: [Sigworth, Ryan](#)
Subject: Fw: Development on corner of Seven Locks Road and Fontaine Street, Potomac
Date: Thursday, March 4, 2021 12:10:56 PM

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

Ryan,
Please let me know that you have received this. Thank you.
Barry

[Sent from the all new Aol app for iOS](#)

Begin forwarded message:

On Monday, March 1, 2021, 11:18 AM, bht1113@aol.com <bht1113@aol.com> wrote:

Mr. Sigworth,

The wardens, a vestry member, and I walked yesterday the area between our church, St. James' Episcopal, and the proposed development to the south of the church property.

We confirmed the concerns that you and I discussed last week, to wit:

- the proposed retaining wall to be erected along the lot line between church property and the development.

It is my understanding that the wall and consequently, the grade difference between the two properties is to be 6.5 feet. If that is the case, it seems that the developer must place (wrought iron) fencing atop the wall to avoid having pedestrians or even cars from toppling over the wall into the yard below.

- water run-off from church property (in yesterday's deluge) is channeled properly down the existing church driveway to the open, concrete drain along Seven Locks (in the area of the bus stop). Run-off from the church does not appear to be an issue for the development.

- unnoticed before is the proposed removal of a large, multi-trunked pine tree that sits astride the property line on the plat provided by the developer. The church has not been approached regarding the removal of this tree nor the effect on church property occasioned by the removal of the tree and roots (in order to allow a portion of the retaining wall proposed by the developer). Details are requested.

Representing the church, our group will appreciate you raising concerns (first and third above) in the discussion tomorrow evening between MNCPPC and the developer.

Please also provide permission for the individuals listed below to attend the electronic meeting on 2 March. We acknowledge that no input or comment by other than MNCPPC staffers and the development is allowed (but is deferred to a future public meeting).

Dr. Lori Minasian, Senior Warden
minasilol6@gmail.com

240-426-4414
Kenneth VanValkenburgh,
Junior Warden
kjvv64@gmail.com
301-452-6646
Barry Thompson
Immediate-past Senior Warden
bht1113@aol.com
301-922-1810

Thank you for your assistance in this matter.
Barry Thompson

[Sent from the all new Aol app for iOS](#)

From: [Lisa Douek](#)
To: [Sigworth, Ryan](#)
Subject: Plan 120210160
Date: Friday, June 18, 2021 1:13:15 PM

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

Dear Montgomery Planning,

I am writing to oppose the subdivision of the lot at 11801 Seven Locks Road to allow for the building of 4 homes.

As a resident of an adjacent street for 13 years, I drive on Fontaine most days past this property. My objections are based on 4 homes not conforming with the character of the community Willburne Acres and the negative impact on traffic.

First, the property in question is located in Willburne Acres and not Regency Estates which is across Seven Locks Road. No where else in Willburne Acres will you find 4 homes on a lot this size. In fact, it is noteworthy that a new home is under construction in Willburne Acres on the corner of Gainsborough Rd and Seven Locks Road. There is a single home being built, not several homes. This is consistent with the character of the neighborhood.

Second, I find that the Transportation Impact Study under estimated the number of trips generated by these proposed homes. It is already difficult to turn left or right at this corner and having more cars enter and exit nearby either on Fontain or Seven Locks would increase the existing congestion and could contribute to increased accidents.

In summary, I object to the subdivision to allow for the construction of 4 homes. My hope is that the Montgomery County Planning Board will consider this feedback and deny the construction of 4 homes on this lot.

On a related note, my hope is that this email is not being sent too late for consideration. Additionally, I would like to learn how to stay up to date on the Planning Board's decisions for this property.

Thanks,

Lisa Douek
12112 Greenleaf Ave
Potomac,MD 20854

From: [John Shefferman](#)
To: [Sigworth, Ryan](#)
Subject: Plan Number 120210160
Date: Wednesday, February 24, 2021 1:00:28 PM

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

Dear Mr. Sigworth,

I am writing to express my opposition to the subdivision plan proposed for [11801 Seven Locks Road](#).

I will keep this fairly short and to the point. This letter will serve as a notice in regards to future vehicular accidents at the corner of Fontaine Street and Seven Locks Rd which will be directly related to overflow of storm water that crosses Fontaine Street and freezes during some winter nights.

Any waiver of a Stormwater Management plan is completely unacceptable, irresponsible, and potentially fatal. It appears that after building and paving over the acre of land, the developer is unable to meet the ESD criteria and is requesting a Stormwater Management Waiver. It will be a grave mistake to provide a Stormwater Management Waiver. If you do your research, you will find that there have been many accidents at the corner of Fontaine Street and Seven Locks Rd. Some of the accidents that occurred during the winter were the result of overflowing water that crosses Fontaine Street, and then Freezes approximately 20 feet from Seven Locks Rd.

If there are 4 houses built on this lot, there will be next to no soil to absorb water from rainfall. This is why the developer can not meet the ESD criteria for Stormwater Management. This can NOT be overlooked because any additional water crossing over Fontaine Street will result in a much larger area of potential ice formation that will spread all the way to Seven Locks Rd. Any accidents resulting from these winter time icing events would rightfully place the blame on the County and the Developer, especially in light of this revelation.

I would strongly suggest that you either reduce the number of houses and/or figure out how to get all of the storm water directly to the storm gulley running parallel to Seven Locks Rd. Any approval of a Stormwater Management Waiver will be met with an overwhelming outcry from our entire neighborhood.

Sincerely,

John C. Shefferman
[7721 Fontaine Street](#)
[Potomac, MD 20854](#)

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The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

From: [William Walsh](#)
To: [Sigworth, Ryan](#)
Subject: Plan Number 120210160
Date: Tuesday, February 16, 2021 7:43:54 PM

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

Dear Mr. Sigworth,

I am writing to express my opposition to the subdivision plan proposed for 11801 Seven Locks Road. As a long time resident of Fontaine Street and owner of an adjacent property I have difficulty understanding why anyone would think it is a good idea to subdivide a one acre parcel into FOUR separate lots. The proposed lots would not only be the smallest lots in the immediate vicinity, but would also require the removal of at least 11 trees of significant size. Another concern centers on the Stormwater Management plan, it appears that after building and paving over the acre of land, the developer is unable to meet the ESD criteria and is requesting a Stormwater Management Waiver. I would also take issue with the Transportation Impact Study and the assumptions the developer made regarding the amount of car trips generated by the addition of 4 houses.

The lot sizes proposed are completely out of character of the neighborhood. The smallest adjoining parcel is 21,476 sq. ft. while the two smallest proposed lots (10,010 sq. ft. and 10,431 sq. ft.) would be the smallest and third smallest lots in ALL of Willerburn Acres. The developer would like to compare the proposed lots to the neighborhood across Seven Locks Road which, while convenient, is not the same neighborhood as it is a part of Regency Estates.

The developer is requesting a Variance for the Forest Conservation. They would like to remove 11 specimen trees. The removal of these trees would also significantly change the character of the neighborhood. These are not small saplings that can simply be replaced, these large trees take DECADES to get to their current size and no manner of off site forest conservation or fee-in-lieu payment can replace these trees nor the contribution these substantial trees make to the overall character of the neighborhood.

The Transportation Impact Study makes a very interesting assumption. Bullet Point number 9 titled "Trip Generation" supposes 3 "Person Trips" every morning and 4 "Person Trips" every evening. I'm not sure of the methodology of making these assumptions, but it seems to me to be quite a leap to assume a single family home in Montgomery County would generate LESS than a single trip per house, per day. I think, based on living in Montgomery County since 1972 that at a MINIMUM there would be 1.5 to 2 trips per house, per day.

I am sure the Planning Board is aware of the impact that such a non conforming subdivision can have on an established neighborhood and how it can change the character of a neighborhood. Why should the existing, adjacent homeowners assume the burden of a property subdivision that removes trees, causes storm water issues, and changes the character of a neighborhood. I would hope that the Planning Board would take that impact into account when deciding to either approve or deny the request to subdivide.

Thank you,

William J. Walsh
7728 Fontaine Street
Potomac, MD 20854

From: [Larry Rosen](#)
To: [Sigworth, Ryan](#)
Subject: Proposed Plan Number 120210160
Date: Tuesday, February 16, 2021 8:08:45 PM

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

To: ryan.sigworth@montgomeryplanning.org
Subject: Plan Number 120210160

Dear Mr. Sigworth,

I am writing to express my strong opposition to the subdivision plan proposed for 11801 Seven Locks Road at the corner with Fontaine Street.

We have been living here since 1989 and traffic along 7 Locks Road has been growing over the years. We live at the 1st house on the corner at, right across from the current driveway for 11801 7 Locks Road. Like Mr Walsh, I have difficulty understanding why anyone would think it is a viable idea to subdivide a one acre parcel into Four separate properties.

NOTE for info below:

Borrowed from Mr Walsh, because I agree totally with what he has said here:

The proposed lots would not only be the smallest lots in the immediate vicinity, but would also require the removal of at least 11 trees of significant size. Another concern centers on the Stormwater Management plan, it appears that after building and paving over the acre of land, the developer is unable to meet the ESD criteria and is requesting a Stormwater Management Waiver. I would also take issue with the Transportation Impact Study and the assumptions the developer made regarding the amount of car trips generated by the addition of 4 houses.

The lot sizes proposed are completely out of character of the neighborhood. The smallest adjoining parcel is 21,476 sq. ft. while the two smallest proposed lots (10,010 sq. ft. and 10,431 sq. ft.) would be the smallest and third smallest lots in ALL of Willerburn Acres. The developer would like to compare the proposed lots to the neighborhood across Seven Locks Road which, while convenient, is not the same neighborhood as it is a part of Regency Estates.

The developer is requesting a Variance for the Forest Conservation. They would like to remove 11 specimen trees. The removal of these trees would also significantly change the character of the neighborhood. These are not small saplings that can simply be replaced, these large trees take DECADES to get to their current size and no manner of off site forest conservation or fee-in-lieu payment can replace these trees nor the contribution these substantial

~ ~ ~
Sincerely - Larry and Aviva Rosen
Cell: 240-475-4311
Visit our website for helpful information:
www.abroadworks.com



Ryan Sigworth, AICP
Senior Planner
Montgomery County Planning Department
2425 Reddie Drive, 13th Floor
Wheaton, MD 20902

Dear Mr. Sigworth,

I am writing to express my opposition to the subdivision plan proposed for 11801 Seven Locks Road. I have lived in the proximity of this property for 40 years (was previously on Gainsborough Road) and recently purchased the specific adjacent property at 7723 Fontaine Street. The concept of building on this property is not the issue, but rather the volume of proposed lots is of huge concern. Having four separate lots on that small square footage would create many structural concerns for myself, being immediately adjacent, as well as the others in this neighborhood. The clearing of the land and the removal of almost a dozen trees is a concern for water retention and runoff. The trees that are currently standing on this property are decades old. If they are to be removed, the current flooding concerns that have been documented at the corner of Fontaine and Seven Locks will only get worse. This has been evidenced, in part, by the developer not being able to meet the Environmental Site Design criteria for Stormwater Management. Permitting a waiver in order to meet the ESD criteria is unacceptable for myself, the neighborhood, and any potential homeowners on that lot. I hope that you are able to take this huge factor in to consideration. The ramifications could be detrimental to the neighborhood.

Sincerely,
Ziona Hakakian
7723 Fontaine Street