

LOT 23 WILLERBURN ACRES

ADMINISTRATIVE SUBDIVISION PLAN NO. 620220010

Description

Administrative Subdivision Plan to create a two lot subdivision to allow the construction of two single-family detached dwellings in the R-90 zone.

No. 620220010

Completed: 7-15-2022

MCPB

Item No. 7

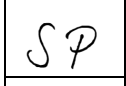
7-28-2022

2425 Reddie Drive
Floor 14
Wheaton, MD 20902


Planning Staff



Phillip Estes, AICP, Planner III, Upcounty Division, Phillip.Estes@montgomeryplanning.org



Sandra Pereira, Supervisor, Upcounty Division, Sandra.Pereira@montgomeryplanning.org



Patrick Butler, AICP, Division Chief, Upcounty Division, Patrick.Butler@montgomeryplanning.org

LOCATION/ADDRESS

11820 Gainsborough Road

MASTER PLAN

2002 Potomac Subregion Master Plan

ZONE

R-90 (Residential)

PROPERTY SIZE

0.83 acres

APPLICANT

Jennifer Hemann

ACCEPTANCE DATE

December 15, 2021

REVIEW BASIS

Chapters 22A, 24A, 50, and 59



Summary:

- Staff recommends approval of the Administrative Subdivision Plan with conditions.
- Per Section 50.6.1.C of the Subdivision Ordinance, subdivisions for the creation of up to 3 lots for residential detached houses are permitted to be reviewed administratively.
- Staff has received community correspondence raising concerns about trees, the elevation of the proposed houses, stormwater management implications, and impacts due to construction. Therefore, per Section 50.6.3.B.1 of the Subdivision Regulations, the Application is being reviewed by the Planning Board, instead of the Planning Director.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

ADMINISTRATIVE SUBDIVISION PLAN 620220010

Staff recommends approval with conditions of the Administrative Subdivision Plan 620220010 to create a two-lot subdivision to allow the construction of two single-family detached dwelling units in the R-90 zone. All site development elements shown on the latest electronic version of the Administrative Subdivision Plan No. 620220010 as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.

GENERAL APPROVAL

1. This Administrative Subdivision Plan is limited to two lots for two single-family detached dwelling units.

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

2. The Adequate Public Facilities (“APF”) review for the Administrative Subdivision Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

PLAN VALIDITY PERIOD

3. The Administrative Subdivision Plan will remain valid for three (3) years 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 Administrative Subdivision Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated June 16, 2022, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
5. Prior to Recordation of Plan for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. Prior to Record Plat, the Applicant must obtain an approved stormwater management concept plan from the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section.

7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated May 19, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Administrative Subdivision Plan approval.

OTHER APPROVALS

8. Prior to recordation of plat(s) or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Administrative Subdivision Plan.

ENVIRONMENT

Forest Conservation

9. The Applicant must comply with the following conditions of approval for the Preliminary/Final Forest Conservation Plan No.620220010, approved as part of this Administrative Subdivision Plan:
 - 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 Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan ("FCP") may be required by the M-NCPPC Forest Conservation Inspection Staff.
 - c) Prior to the start of any demolition, clearing, grading or construction, whichever comes first, for this development Application, the Applicant must submit the forest conservation fee-in-lieu payment to the M-NCPPC Planning Department for the 0.14 acres of afforestation requirement.
 - d) Prior to any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must execute 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 mitigation tree plantings associated with the tree variance.
 - e) Prior to any demolition, clearing, grading or construction for this development Application, whichever comes first, 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 mitigation trees, as shown on the FCP, and their necessary maintenance.
 - f) Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings as shown on the FCP.

- g) The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of three caliper inches totaling nine caliper inches as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of 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 Final Forest Conservation Plan.

TRANSPORTATION

Existing Frontage Improvements

- 10. Prior to the release of the first building permit, the Applicant must construct a six-foot wide sidewalk along the property frontage on Gainsborough Road and satisfy all necessary requirements of MCDPS for the construction.

RECORD PLATS

- 11. There shall be no clearing or grading of the site prior to recordation of plat(s).

Easements

- 12. The record plat must show necessary easements.

CERTIFIED ADMINISTRATIVE SUBDIVISION PLAN

- 13. The Applicant must include the Administrative Subdivision Plan Resolution, and agency approval letters on the approval or cover sheet(s).
- 14. The certified Administrative Subdivision Plan must contain the following notes:
 - a. *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Administrative Subdivision Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
 - b. *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Administrative Subdivision Plan is required to be on-site at all times.*
- 15. Prior to submittal of the Certified Administrative Subdivision Plan, the Applicant must make the following changes:
 - a) Include the approved Fire and Rescue Access plan in the certified set.
 - b) Ensure plans and data tables reflect approved plans and data tables in the staff report.

SECTION 2: SITE DESCRIPTION

VICINITY

The property is located at 11820 Gainsborough Road (“Property” or “Subject Property”), in the northeastern area of the Potomac community as identified in the 2002 *Potomac Subregion Master Plan* (“Master Plan”). The general vicinity of the Property is bounded by Montrose Road on the north, Cabin John Creek to the east, Tuckerman Lane to the south, and Seven Locks Road to the west. The neighborhood is comprised of single-family detached dwellings generally constructed between the 1950s to the 2010s. The interchange of Montrose Road and I-270 is approximately one-half mile to the north and the Cabin John Center is located approximately one-half mile to the south of the Property.

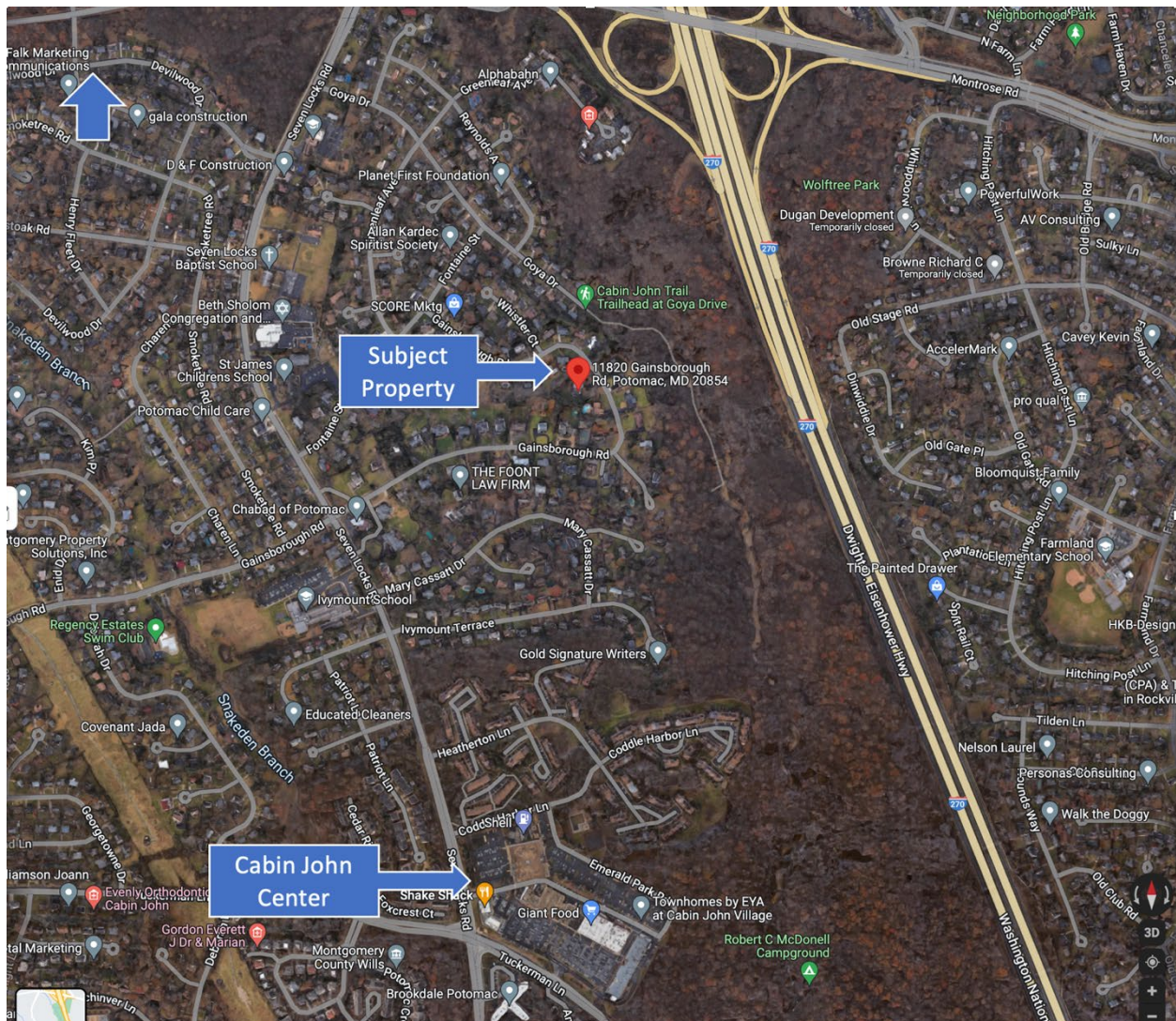


Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The 0.83-acre Property consists of Lot 23, Block A, Wilburn Acres, shown on Plat No. 11825 in the Land Records of Montgomery County. The Property is zoned R-90 (Residential) and is subject to the 2002 *Potomac Subregion Master Plan* ("Master Plan"). The Property, with 108 feet of frontage along Gainsborough Road, is improved with a detached house which was constructed in 1961. The house is currently unoccupied. The Applicant indicates the house requires substantial renovation to render it fit for occupancy.

The Property is located in the Cabin John Creek watershed, which is classified by the State of Maryland as Use Class I-P waters. The site topography slopes downward to the northeast and contains slopes greater than 15 percent. The existing house is surrounded by tree cover and maintained yard. The Property does not contain any forest, streams, wetlands, 100-year flood plain, stream buffers, steep slopes, highly erodible soils, or other sensitive environmentally features. No historic resources or cemeteries are known to exist on the Property.



Figure 2 - Subject Property

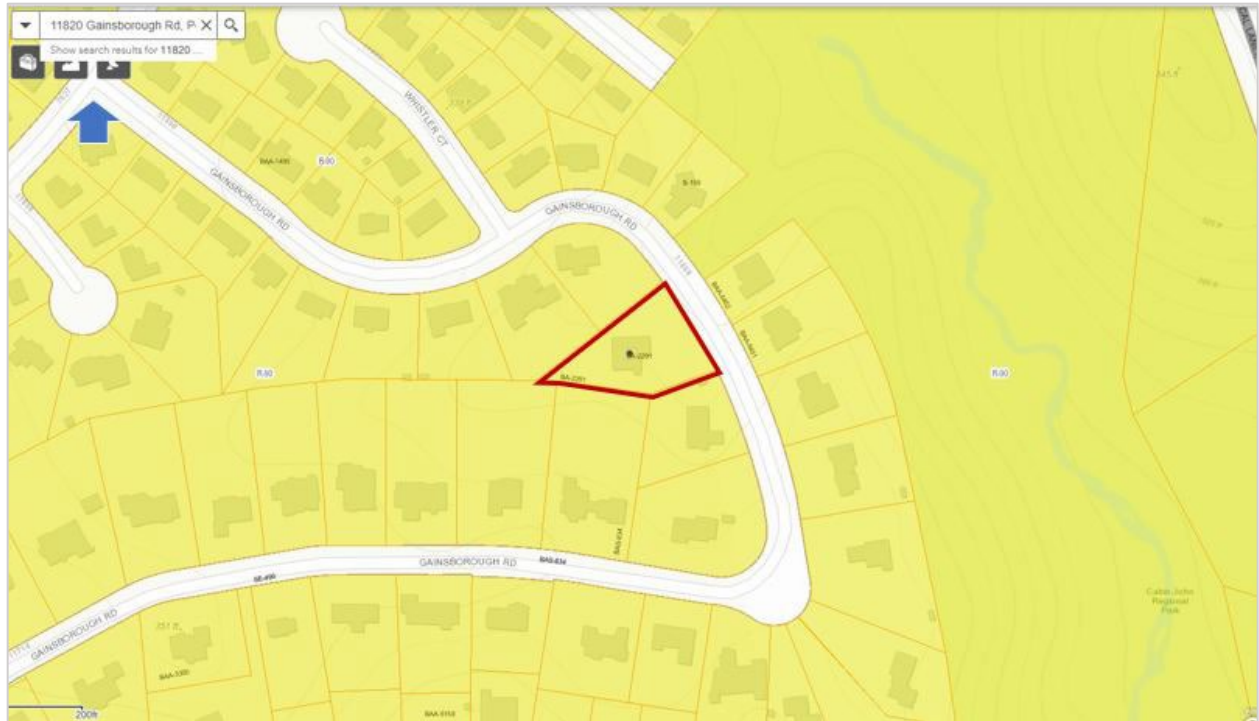


Figure 3 - Zoning Map: surrounding and subject properties are located in the R-90 zone (yellow).

SECTION 3: PROJECT DESCRIPTION

PROPOSAL

The Applicant proposes an Administrative Subdivision Plan in order to subdivide 0.83 acres of land into two lots with direct access and frontage on Gainsborough Drive. The existing house will be demolished. Lot 25 will contain approximately 20,260 square feet for a new single-family detached dwelling; Lot 26 will contain approximately 15,723 square feet for a new single-family detached dwelling ("Application"). In Figure 4 (below) the proposed lot configuration demonstrates that proposed lots can accommodate the two single-family detached dwellings as proposed in conformance with the development standards for the R-90 zone. It is important to note, however, that the future single-family dwelling footprints are illustrative and final design and location will be determined at the time of building permit.

Access to the proposed lots will be via separate driveways from Gainsborough Drive. Although there are no existing sidewalks in the immediate vicinity, the Project will construct a new six-foot wide sidewalk along the Gainsborough Road frontage.

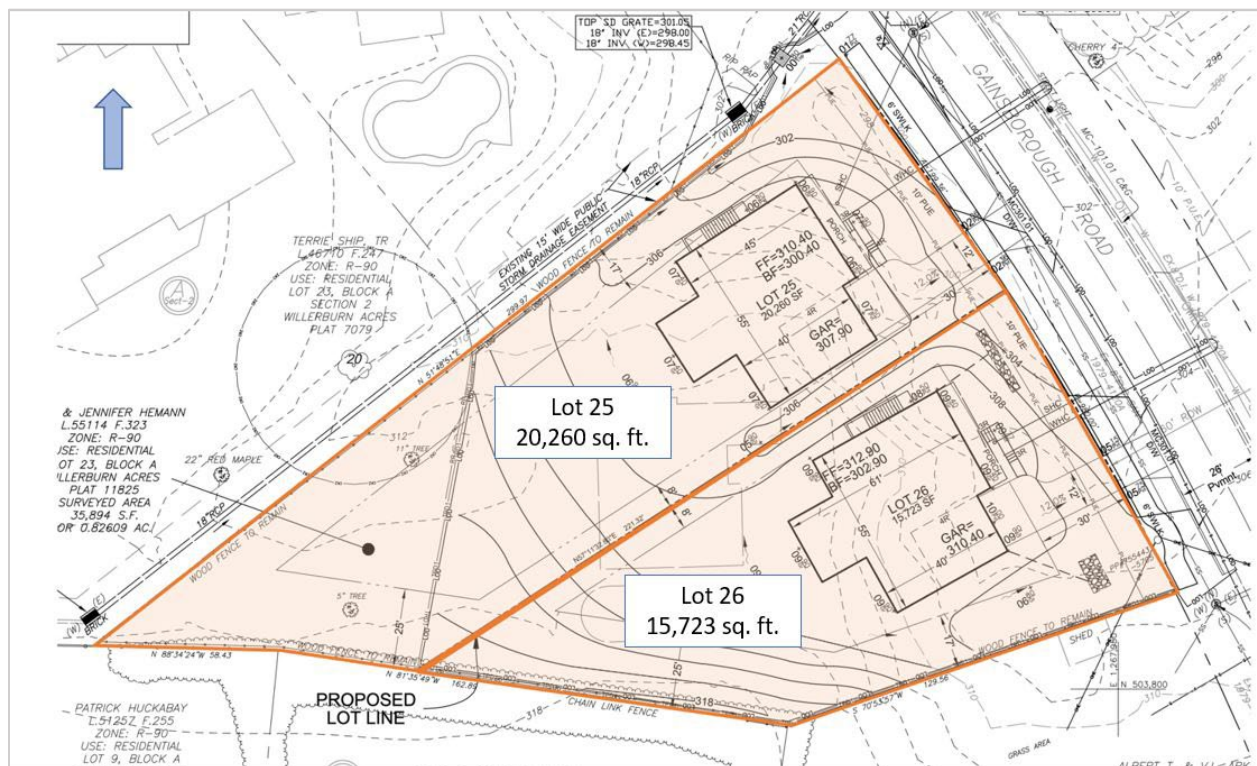


Figure 4 - Proposed Administrative Subdivision Plan No. 620220010

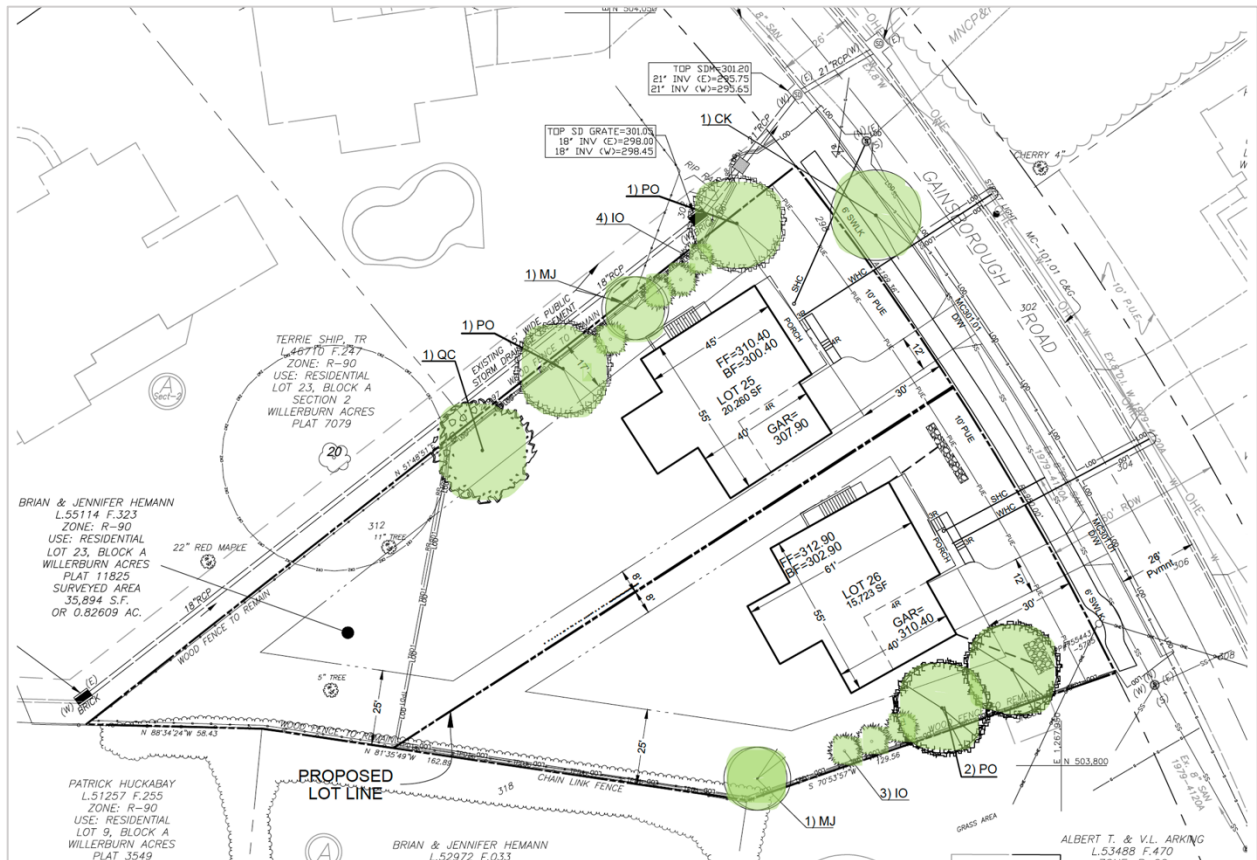


Figure 5 – Proposed tree and Landscape Plan

Since there is no forest on the Property, the Preliminary/Final Forest Conservation Plan submitted with this Application will not result in forest removal. The Application includes an afforestation requirement of 0.14 acres which will be satisfied via a fee-in-lieu payment. The Preliminary/Final Forest Conservation Plan includes a request for a variance to remove one tree subject to the variance provision of the Forest Conservation Law. Since there is no forest retention, forest planting or environmentally sensitive resources onsite, there will be no conservation easements required.

SECTION 4: ADMINISTRATIVE SUBDIVISION PLAN 620220010 FINDINGS AND ANALYSIS

APPLICABILITY, SECTION 50.6.1 OF THE SUBDIVISION ORDINANCE

The Application meets the criteria for the Administrative Subdivision process per Section 50.6.1.C as demonstrated below:

C) Subdivision for creation of certain residential lots. Up to 3 lots for detached houses may be created in any residential or rural residential zone under these procedures if:

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

The lots were submitted and are approved for standard method development in the R-90 zone.

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

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

2. Any required road dedications and associated public utility easements are shown on the plat and the Applicant provides any required improvements;

Currently, the Gainsborough Road right-of-way, at this location, is 60 feet. No additional right-of-way is necessary as the Master Planned ROW has been achieved. The Applicant will coordinate with County agencies to ensure that any necessary public utility easements are shown on the plat.

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

As conditioned and discussed below, the requirements for adequate public facilities have been met.

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

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. Included with the Forest Conservation Plan is a request for a tree variance for the removal of one subject tree. The Administrative Subdivision Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned and described below in the findings section of this report.

As conditioned, the Project will obtain an approved stormwater management concept plan from the Montgomery County Department of Permitting Services – Water Resources Section prior to approval of record plat. There are no additional environmental protection requirements to be met.

FINDINGS REQUIRED BY SECTION 50.6.3.C, INCLUDING TECHNICAL REVIEW CRITERIA OF SECTION 50.4.3 OF THE SUBDIVISION ORDINANCE

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

a) The block design is appropriate for the development or use contemplated

The length, width, and shape of the block are consistent with Section 50.4.3.B of the Subdivision Code. The proposed subdivision is within an existing residential neighborhood with an established street grid. Lots in the vicinity are typical of those following a curvilinear street pattern: a mix of regular and irregularly- shaped lots. The proposed lots are similar in shape and size to those located to the north and south of the Property. The Application is not proposing to create any new residential blocks. Therefore, this finding is satisfied.

b) The lot design is appropriate for the development or use contemplated

The Administrative Subdivision Plan meets all applicable sections of the Subdivision Code. Proposed Lots 25 and 26 are appropriate in size, shape, width, and orientation, taking into account the recommendations of the 2002 *Potomac Subregion Master Plan*, the existing lot pattern of surrounding properties, and the building type (single-family detached dwelling units) contemplated for the Property. Therefore, this finding is satisfied.

c) The Administrative Subdivision Plan provides for required public sites and adequate open areas

The Property was reviewed for compliance with Section 50.4.3.D, “Public Sites and Adequate Public Facilities,” of the Subdivision Code. There are no Master Plan recommendations for public facilities or local recreation requirements for the Subject Property. Therefore, this finding is satisfied.

d) The Lot(s) and Use comply with the basic requirements of Chapter 59

The proposed 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 width. A summary of this review is included in Table 2.

Table 1 - Development Standards in the R-90 Zone.

Standard	Required/Permitted	Proposed Lot 25	Proposed Lot 26
Minimum lot size	9,000 sq. ft. min.	20,260 sq. ft.	15,723 sq. ft.
Front setback	30 ft. min.	30 ft. min.	30 ft. min.
Side setback	8 ft. min.	8 ft. min.	8 ft. min.
Rear setback	25 ft. min	25 ft. min.	25 ft. min.
Lot width at front lot line	25 ft. min.	90 ft.	108 ft.

Standard	Required/Permitted	Proposed Lot 25	Proposed Lot 26
Lot width at front building restriction line (BRL)	75 ft. min.	86 ft.	99 ft.
Lot coverage	Per Sec. 59-4.4.1.B	20% max. coverage of the lot area	30% max. coverage, less .001% per square foot of lot area exceeding 6,000 sq. ft.
Building height	35 ft. max.	35 ft. max.	35 ft. max.

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

The Administrative Subdivision Plan substantially conforms to the recommendations within the 2002 *Potomac Subregion Master Plan*. The Master Plan does not make specific recommendations for the Subject Property but reconfirmed the existing single family detached residential zoning throughout the Property's vicinity. The Application demonstrates conformance to the Master Plan by proposing compatible infill housing within residential areas. The proposed subdivision will meet the County's housing development objective by increasing the housing density on a larger property. The proposed subdivision meets the Area Land Use Guidelines of the Master Plan through the redevelopment of a property without creating significant demand or increase in public infrastructure and transportation needs. Therefore, this finding is satisfied.

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

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations. The Property is located in the Potomac Policy Area, which is categorized as a Yellow Policy Area under the *2020 – 2025 Growth and Infrastructure Policy* (the "GIP"). As demonstrated in the Applicant's traffic statement, dated November 18, 2021, the proposed Administrative Subdivision generates fewer than 50 peak-hour person trips and is therefore exempt from Local Area Transportation Review under the GIP without further review. Therefore, roads and transportation facilities are adequate to support the Application.

As noted above in this report, the Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision. Dry utilities including electricity, gas, and telephone are also available to the Property. 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 Subdivision Staging Policy Resolution currently in effect.

a) Roads and other Transportation Facilities

As conditioned, the Applicant will ensure the construction of a six-foot wide sidewalk along the property frontage on Gainsborough Road to improve the pedestrian transportation infrastructure. As

detailed below, this Application does not qualify for an alternative in-lieu fee through the 2022 De Minimis Criteria for Very Small Residential and Commercial Development Projects.

De Minimis Policy Worksheet:

Application Frontage: **198 ft.**

Qualifying Min. Frontage: 2 X 2 dwelling units X 75 ft. lot width at Front Building Line = **375 ft.**

Application does not qualify for policy: 198 frontage < 375 qualifying minimum.

b) Local Area Transportation Review (LATR)

The Application generates one net-net peak hour trip and is considered to have a de minimis impact on the transportation network. As a result, the Application is not subject to additional Local Area Transportation Review (LATR). Transportation will be adequate to serve the Application.

School Adequacy Test

The school adequacy test was completed in May 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 one net new single-family detached unit.

The Project is served by Beverly Farms Elementary School, Herbert Hoover Middle School and Winston Churchill High School. 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 Fiscal Year 2022 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, Beverly Farms Elementary School, Herbert Hoover Middle School and Winston Churchill High School do not require any UPP as identified in Table 2. If the project is estimated to generate more students than the identified ceilings, then UPPs or partial payments at multiple tiers may still be required.

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.

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

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. Included with the Forest Conservation Plan is a request for a tree variance for the removal of one subject tree. The Administrative Subdivision Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned in the Staff Report and described below.

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420212650 for this Property was approved in July 2021. The NRI/FSD identifies the 0.83-acre Subject Property located within the Cabin John Creek watershed, which is classified by the State of Maryland as Use I-P waters. There is no forest on the Property; however, there are ten trees with a diameter at breast height (“DBH”) of 24 inches or more located on or immediately adjacent to the Property. One of these trees has a DBH of 30 inches or more. There are no streams, wetlands, 100-year flood plain, stream buffers, steep slopes, highly erodible soils, or other sensitive environmentally features located on the Property.

Forest Conservation Plan

The Applicant has submitted a Preliminary/Final Forest Conservation Plan (“FCP”) with the Administrative Subdivision Plan No. 620220010 (Attachment C). The Application satisfies the applicable requirements of the Forest Conservation Law, Chapter 22A of the Montgomery County Code, and complies with the Montgomery County Planning Department’s approved *Environmental Guidelines*.

The Subject Property is zoned R-90 and is assigned a Land Use Category of High Density Residential (“HDR”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in the Land Use Table of the *Trees Technical Manual*. This results in an afforestation threshold of 15% and a conservation threshold of 20% of the Net Tract Area.

The tract area for forest conservation purposes includes the 0.83-acre Subject Property plus 0.11 acres of offsite disturbance associated with this Application, for a total net tract area of 0.94 acres. There is no existing forest within the net tract area. Since there is no forest on the Property, the Application results in an afforestation requirement of 0.14 acres. The Applicant proposes to meet the planting requirement by paying fee-in-lieu as permitted under Section 22a-12(g)(2) since the planting requirement is less than 0.5 acres and there are no priority or appropriate on-site planting areas on the two proposed lots, which will both be less than 0.5 acre in size. The Application proposes to remove eight (8) trees that are between 24-29.9 inches DBH and one (1) tree that is greater than 30 inches DBH. The removal of Tree #5, which is greater than 30 inches DBH requires approval of a variance.

Forest Conservation Variance

Section 22A-12(b)(3) of the 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. A request for a variance must provide certain written information in *support* of the required findings in accordance with Section 22A-21 of the Montgomery County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as 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 March 21, 2022 (Attachment C). The Application proposes to remove one (1) tree that is 30 inches or greater DBH, that is considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Table 1).

Table 3 - Protected Trees to be Removed

Tree ID	Species	DBH	Reason	Status
#5	Tulip Tree (<i>Liriodendron tulipifera</i>)	33.8"	House construction and grading	Remove tree

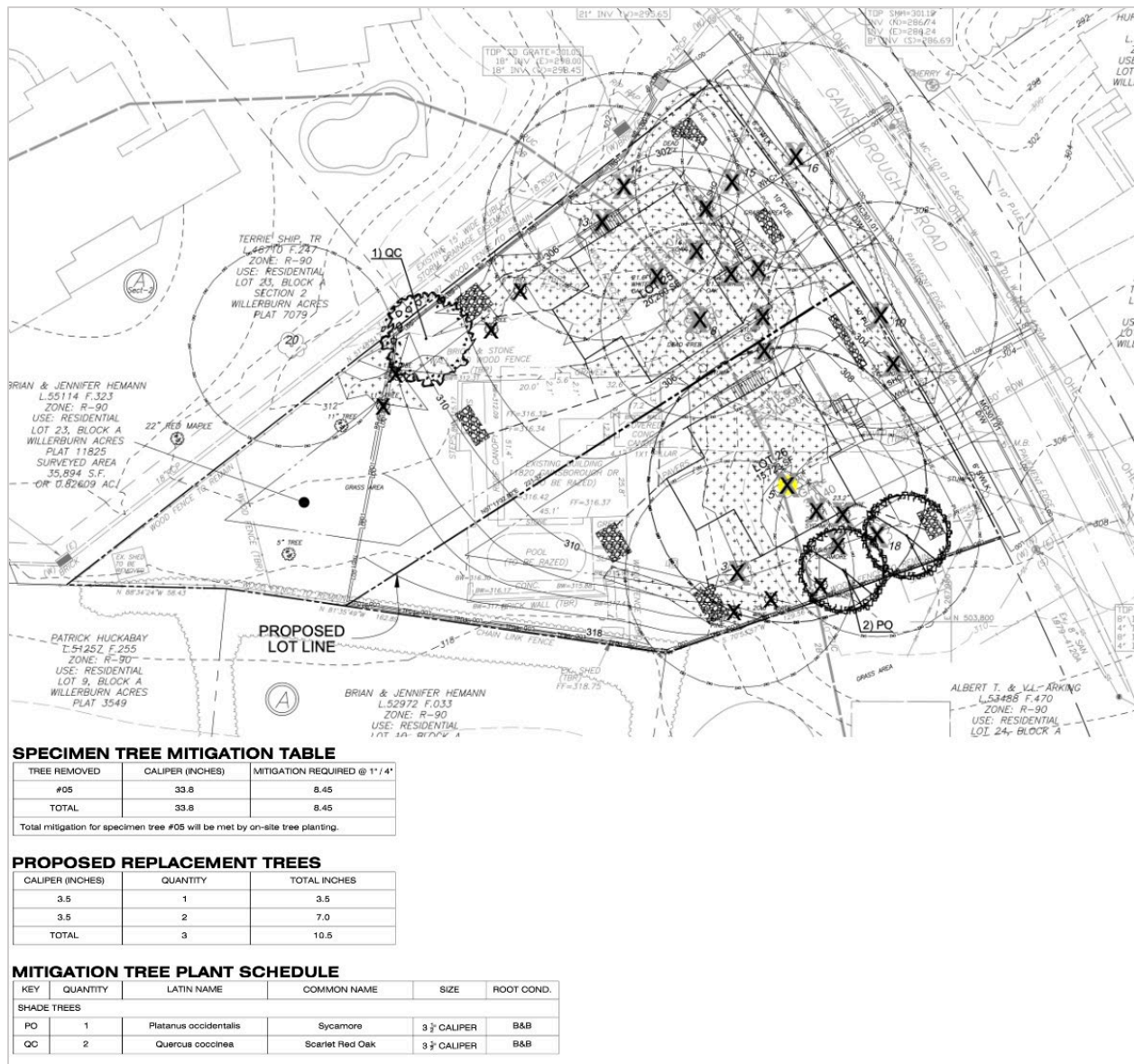


Figure 6 - Tree Variance Exhibit

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested tree 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 which is dictated by the existing site conditions, development standards of the zone, and Montgomery County agency requirements. The one Protected Tree requested to be removed is located within the developable area of the Property, with its critical root zone (CRZ) extending approximately one half of the width of the Property. The inability to remove this tree would render a significant portion of the site undevelopable for this

project. Therefore, there is a sufficient unwarranted hardship to justify a variance request because the Applicant would otherwise be denied the ability to use the Property for two single family homes, which is a reasonable and significant use of the Property.

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

9. 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 and disturbance to the specified tree is due to the proposed development of the Property, location of the tree and necessary site design requirements. The Property contains a large tree located within the developable area of the site. Granting a variance to allow disturbance within the developable portion of the site and meet the objectives of the Master Plan is not unique to this Applicant. The granting of this variance is not a special privilege that would be denied to other applicants.

10. 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, development standards of the zone, and necessary design requirements of this Application.

11. 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 the proposed site design and layout of the Subject Property, and not as a result of land or building use on a neighboring property.

12. 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 Protected Tree being removed is not located within a stream buffer, wetland or Special Protection Area. The Application proposes mitigation for the removal of this tree by planting larger caliper trees on-site. These trees will replace water quality functions that may be lost by the removed tree. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision

There is one Protected Tree proposed for removal in this variance request, resulting in a total of 33.8 inches of DBH being removed. This tree being removed is an individual tree that is not part of a forest.

The Applicant proposes mitigation at a rate that approximates the form and function of the tree removed. This tree will be replaced at a ratio of approximately 1-inch caliper for every four inches removed using trees that are a minimum of three caliper inches in size. This results in a total mitigation of 8.5 inches which the Applicant has proposed to meet with the installation of three 3.5-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. Although these trees will not be as large as the tree lost, they will be planted on the Subject Property and provide some immediate benefit, ultimately replacing the canopy lost by the removal of this tree. As conditioned, the mitigation trees will be protected as part of a 5-year maintenance and management agreement.

Variance Recommendation

Staff recommends approval of the variance request.

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

Prior to Record Plat, the Applicant must obtain an approved stormwater management concept plan from the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section, per Chapter 19 of the County Code. Therefore, this finding is satisfied.

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

There are no known burial sites of which the applicant has actual notice or constructive notice or that are included in the Montgomery County Cemetery inventory. Therefore, this finding is not applicable.

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

No other provisions apply to the subdivision Application.

SECTION 5: COMMUNITY OUTREACH

A pre-submittal community meeting is not required for an Administrative Subdivision Plan. However, applicants must post signs on the development site and provide written public notice. A notice of the Application was mailed to all required parties by the Applicant on December 17, 2021. The notice gave the interested parties 15 days to review and comment on the contents of the Application.

Staff received one correspondence from the adjacent property owner to the north (Attachment D). The letter stated specific concerns with the a) removal of trees along the property line, b) changes to grading and drainage, and c) the extent of impacts to their property. The Applicant has responded to the comments (Attachment D), which is summarized below:

- Due to the size and location of the trees, it would likely be infeasible to preserve the trees located along the property line and meet the required setbacks. As describe above, the Applicant will mitigate the tree removal by planting three new trees and additional landscaping within the side yards of the two proposed lots.
- To prevent flooding and erosion, in accordance with the submitted and required Stormwater Concept Plan, stormwater drainage will remain onsite and directed to a swale. A new stormwater inlet is also required within the public storm drain easement to adequately manage stormwater flow.
- The existing property line fence will remain in place and additional landscaping will be provided as described above in this report to provide privacy and visual buffers.

Staff concludes that the Applicant has reasonably and sufficiently addressed comments concerning trees, grading and drainage, and other impacts as noted.

SECTION 6: CONCLUSION

The Administrative Subdivision meets the requirements of Section 50.6.3.C and the technical requirements of Section 50.4.3 of the Subdivision Regulations, and the applicable requirements of Section 50.6.1.C.

The lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the 2002 *Potomac Subregion Master Plan*. Access and public facilities will be adequate to serve the proposed lot(s), and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

ATTACHMENTS

Attachment A: Administrative Subdivision Plan

Attachment B: Agency Letters

Attachment C: Forest Conservation Plan and Tree Variance Request

Attachment D: Community Correspondence and Applicant Response

ATTACHMENT A

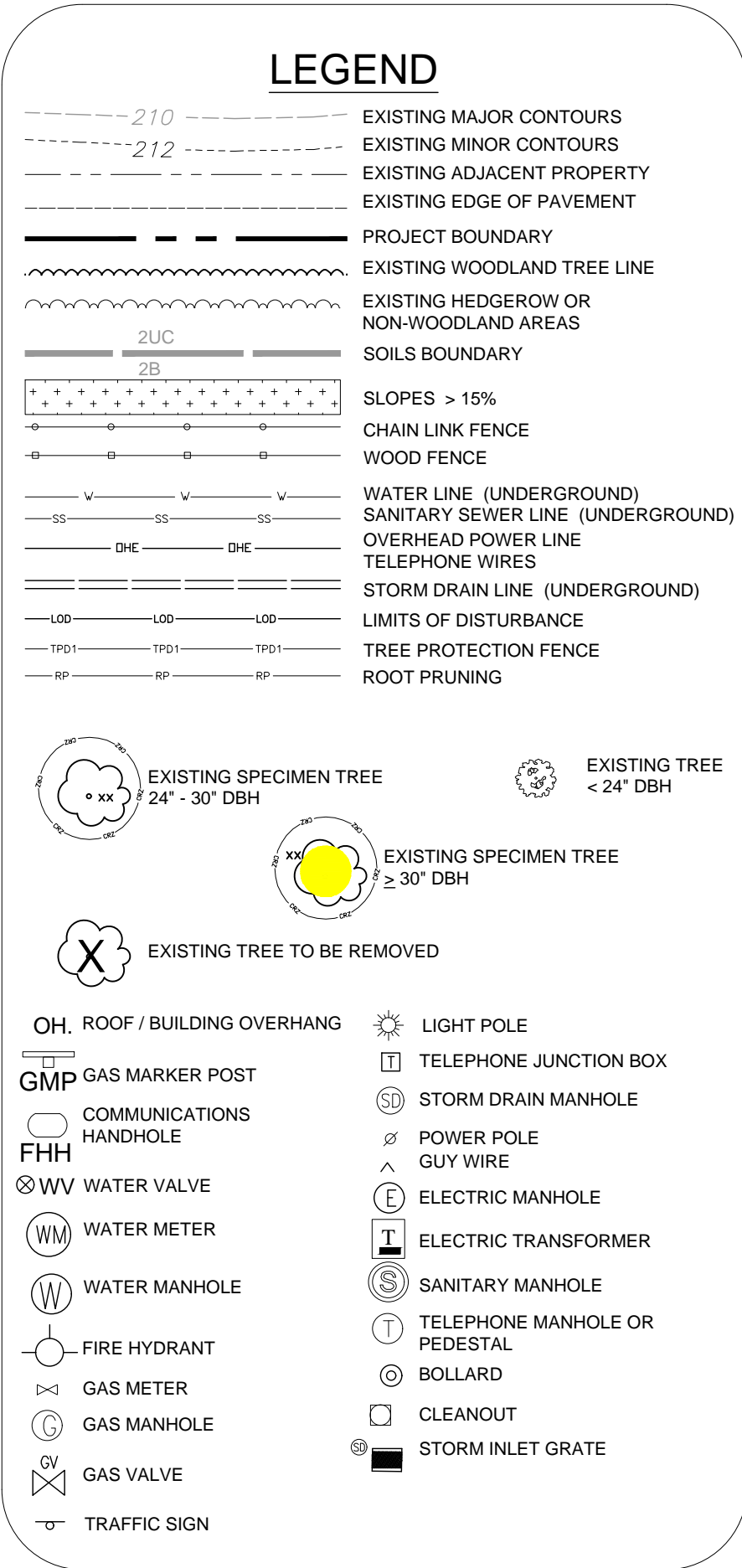


KEVIN MACK
2101 GAITHER ROAD SUITE 340
ROCKVILLE, MD 20850
PH: 301.337.2861
www.dewberry.com

JENNIFER HEMANN
11754 GAINSBOROUGH ROAD
POTOMAC, MD 20854
PH: 240.483.3250

620220010
LOT 23 A WILLERBURN ACRES
11820 GAINSBOROUGH ROAD
POTOMAC, MD 20854

LOT 23 / BLOCK A
MONTGOMERY COUNTY, MARYLAND
4TH ELECTION DISTRICT
PLAT 55114 FOLIO 323 / PLAT 52972 FOLIO 33
WSSC SHEET MAP 215NW07 TAX MAP GRID G0342



Zoning Data Table (R-90) - (4.4.8)			
Standard Method Development Standards			
Tract Area			
Gross Tract		0.83 Ac;	36,063 SF
Dedications		0.00 Ac;	0 SF
Net Tract Area		0.83 Ac;	36,063 SF
Lot 25		0.47 Ac;	20,260 SF
Lot 26		0.36 Ac;	15,723 SF
	Required	Proposed (Lot 25)	Proposed (Lot 26)
Lot Area (min)	9,000 SF	20,260 SF	15,723 SF
Lot Width at front building line (Min)	75 feet	86 feet	99 feet
Lot Width at front lot line (Min)	25 feet	90 feet	108 feet
Frontage on street or open space	Required	On street	On street
Density (Max)	4.84 units/ac	2.42 units/ac	2.42 units/ac
Lot Coverage (Max)	Per Section 4.4.1.B Requirements	20.00%; 4,052 SF	21.28%; 3,188 SF
Principal Building Setbacks			
Front Setback (Min)*	30 feet	30 feet*	30 feet*
Side Setback (Min)	8 feet	8 feet	8 feet
Sum of Side Setbacks (Min)	25 feet	25 feet	25 feet
Rear Setback (Min)	25 feet	25 feet	25 feet
Accessory Structure Setbacks			
Front Setback (Min)	60 feet	60 feet	60 feet
Side Setback (Min)	5 feet	5 feet	5 feet
Rear Setback (Min)	5 feet	5 feet	5 feet
Principle Building Height (Max)***	35 feet (measured to highest point of roof surface, regardless of roof type)	35 feet (measured to highest point)	35 feet (measured to highest point)
	30 feet (measured to mean height between the eaves and ridge of a gable, hip, or gambrel roof)	30 feet (measured to mean height)	30 feet (measured to mean height)
Accessory Structure Height(Max)	20'	20'	20'
<p>* Per 4.4.1.A, the minimum Front Setback = 30' or established building line (EBL), whichever is greater. The EBL will be determined by DPS at permitting.</p> <p>** Accessory Structures are subject to additional requirements per Section 4.4.8.2.a through .e</p> <p>*** Principle Building maximum height will be determined by DPS at permitting.</p>			

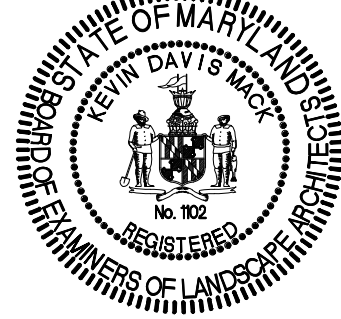
Preliminary Plan Notes:
Unless specifically noted on this plan drawing or in the conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures, and hardscape 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.

I HEREBY CERTIFY THAT THE BOUNDARY LINE DATA AND TOPOGRAPHIC DATA ARE ACCURATELY INDICATED HEREON. BOUNDARY FROM A RECORD PLAT BY DEWBERRY, DATED AUGUST 2013. TOPOGRAPHY FROM AN AERIAL SURVEY PROVIDED BY AIR SURVEY CORPORATION DATED JUNE 1999.



ERIC V DAY, PROFESSIONAL LAND SURVEYOR
MARYLAND REGISTRATION No. 10771

DATE _____

Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional landscape architect under the laws of the State of Maryland, License No. 1102, Expiration Date: 08/03/2022



SCALE: 1"=30'



A horizontal scale bar with alternating black and white segments. The total length is 30 feet, divided into six 5-foot segments. The first segment is black, and the others alternate. The bar is labeled '0'' at the left end and '30'' at the right end.

No.	DATE	BY	Description

DRAWN BY	PJN
APPROVED BY	KDM
CHECKED BY	PJN
DATE	May 2022

ADMINISTRATIVE SUBDIVISION PLAN

PROJECT NO.	50133401
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ADSUB-003

SHEET NO. 07-ADSUB-620220010-003
4 of 8

ATTACHMENT B

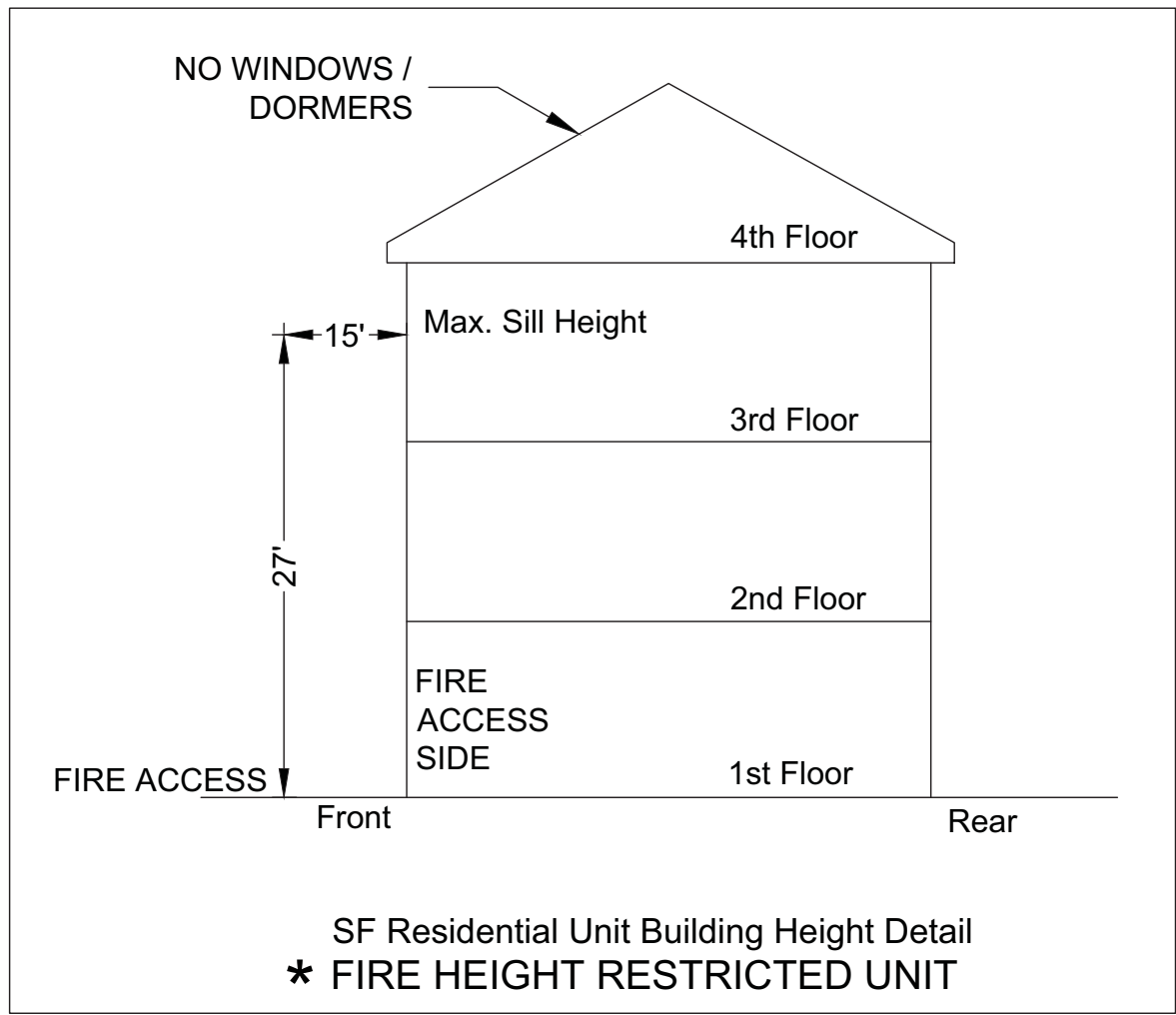
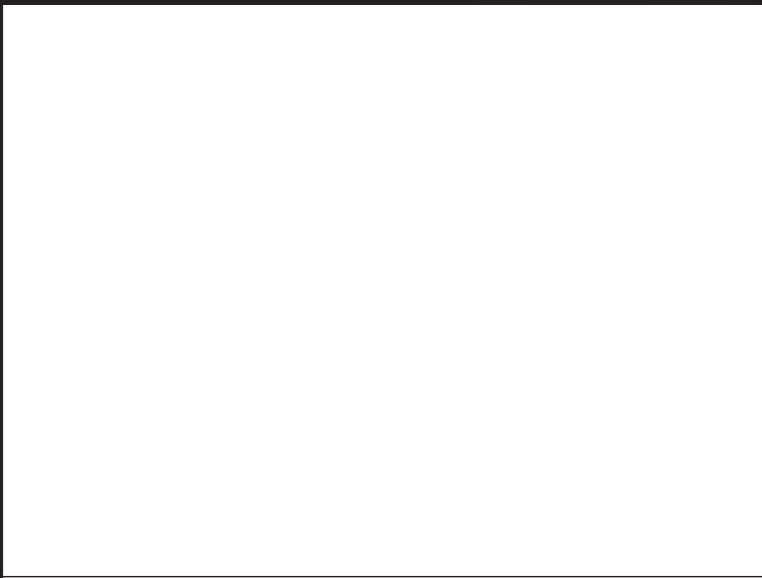


Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 19-May-22
TO: Alan Barney - abarney@dewberry.com
Dewberry
FROM: Marie LaBaw
RE: Lot 23 A Willerburn Acres
620220010

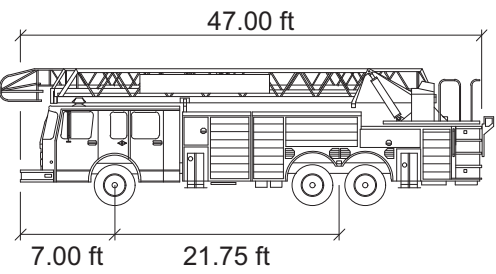
PLAN APPROVED

1. Review based only upon information contained on the plan submitted **05-May-22**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



- GENERAL NOTES:
1. The Building Height Maximum per Zoning is 35 feet (measured to highest point of roof surface, regardless of roof type), or 30 feet (measured to mean height between the eaves and ridge of a gable, hip, or gambrel roof)
 2. Unless all side BRLs are at least 15 feet, dwellings with main side-hinge doors greater than 50 feet from the edge of compliant Fire Department vehicular access shall be height restricted per note 3.
 3. 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. For units of three (3) stories or more, access must be within fifty (50) feet of the access route. Maximum Building Heights and Minimum Building Setbacks shall be determined at time of DPS.
 - 4.

MONTGOMERY COUNTY
FIRE TRUCK



AT-29 GERMANTOWN

Width	: 8.25 ft
Track	: 8.25 ft
Lock to Lock Time	: 6.0 ft
Steering Angle	: 33.2 ft

LEGEND

- EXISTING FIRE HYDRANT
- MAIN SIDE HINGED DOOR
- PROPOSED FIRE ACCESS LANE
- FIRE HEIGHT RESTRICTED UNIT



Preliminary Plan Notes:
Unless specifically noted on this plan drawing or in the planning board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the 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.

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 FM: 43 DATE: 5/19/2022



DEWBERRY CONSULTANTS LLC
2101 GAITHER ROAD SUITE 340
ROCKVILLE, MD 20850
PH: 301.948.8300 FX: 301.258.7607
www.dewberry.com

CONTACT

KEVIN MACK
2101 GAITHER ROAD SUITE 340
ROCKVILLE, MD 20850
PH: 301.337.2861
www.dewberry.com

APPLICANT / DEVELOPER

JENNIFER HEMANN
11754 GAINSBOROUGH ROAD
POTOMAC, MD 20854
PH: 240.483.3250

ADMINISTRATIVE SUBDIVISION PLAN

620220010
LOT 23 A WILLERBURN ACRES
11820 GAINSBOROUGH ROAD
POTOMAC, MD 20854

LOT 23 / BLOCK A
MONTGOMERY COUNTY, MARYLAND
4TH ELECTION DISTRICT
PLAT 55114 FOLIO 323 / PLAT 52972 FOLIO 33
WSSC SHEET MAP 215NW07, TAX MAP GRID GQ342

SEAL



Professional 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. 29891
Expiration Date: 01/14/2024

KEY MAP

SCALE
SCALE: 1"=30'



No.	DATE	BY	Description

REVISIONS

DRAWN BY	PJN
APPROVED BY	KDM
CHECKED BY	PJN
DATE	May 2022

TITLE

FIRE DEPARTMENT
ACCESS PLAN

PROJECT NO. 50133401

FDA-001

SHEET NO. 13-FDA-620220010-001



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher Conklin
Director

June 16, 2022

Mr. Phillip Estes, Planner III
Up-County Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Drive
Wheaton, Maryland 20902

RE: Administrative Plan No. 620220010
Lot 23 Willerburn Acres

Dear Mr. Estes:

We have completed our review of the administrative plan uploaded to Eplans on May 31, 2022. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on January 4, 2022. We recommend approval of the plan subject to the following comments:

Significant Plan Review Comments

1. Provide a six (6) foot wide, concrete sidewalk along the Gainsborough Road frontage.

Standard Plan Review Comments

2. All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.
3. Design driveways to be at-grade with the sidewalk, dropping down to the street level between the sidewalk and roadway.
4. The storm drain study was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.
5. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation certification form is enclosed for your information and reference.

Office of the Director

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

Located one block west of the Rockville Metro Station

6. If the proposed development will alter any existing street lights, signage and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
7. Trees in the County rights-of-way – spacing and species are to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
8. Posting of a right-of-way permit bond is a prerequisite to DPS approval of the record plat. The right-of-way permit will include, but not necessarily be limited to, the following improvements:
 - A. Paving, curb, gutter, sidewalks, street lights and street trees along Gainsborough Road.
 - B. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.
 - C. Erosion and sediment control measures as required by Montgomery County Code 19 and on-site stormwater management, where applicable, shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

Thank you for the opportunity to review this administrative plan. If you have any questions or comments regarding this letter, please contact me at william.whelan@montgomerycountymd.gov or (240) 777-2173.

Sincerely,

William Whelan

William Whelan
Development Review Team
Office of Transportation Policy

Enclosures (1)

Sight Distances

Mr. Phillip Estes
Administrative Plan No. 620220010
June 16, 2022
Page 3

Sharepoint/transportation/director's office/development review/WhelanW/620220010 Lot 23 Willerburn Acres - MCDOT Review Letter
061622.docx

cc: SharePoint Correspondence FY 22

cc-e:	Kevin Mack	Dewberry
	Sam Farhadi	MCDPS RWPR
	Marie LaBaw	MCFRS

ATTACHMENT C

March 21, 2022

Ms. MaryJo Kishter
M-NCPPC
2425 Reddie Drive
Wheaton, MD 20902

Re: Lot 23 A Willerburn Acres – 11820 Gainsborough Road
Admin. Sub. Plan# 620220010
Variance Request for Specimen Tree Removal

Dear Ms. Kishter:

As required by the State Forest Conservation Act, the Applicant, Jennifer Hemann, hereby requests a variance for the removal of one (1) specimen tree (30" diameter of greater) on the property located at 11820 Gainsborough Road, in Potomac, Maryland (the "Property") in connection with this proposed subdivision.

The Property is located on Gainsborough Road approximately 400 feet south of Whistler Court, and has a total gross tract area of approximately 36,063 square feet (or 0.83 acres) fronting on a public street within a 60' wide right of way. The Property is within the R-90 zone and is improved with a vacant, single-story residential home and associated driveway built in 1961. All of the existing improvements on the Property will be demolished to accommodate the re-subdivision. The Applicant is planning to subdivide this single lot into two (2) lots for the development of two new single-family homes (the "Project"). No new right of way dedication is proposed.

The Project is consistent with the goals and recommendations of the *2002 Approved and Adopted Potomac Subregion Masterplan*. The Master Plan's vision for Potomac is to "respect and enhance the Subregion's environmental quality, while helping build communities and resources that will serve existing and future generations of residents". The proposed Project furthers many of the specific goals of the Sector Plan and will contribute to the creation of a "semi-rural and suburban subregion".

As shown on the Forest Conservation Plan and the attached Tree Variance Exhibit, Tree #5, a Yellow Poplar (*Liriodendron tulipifera*), has a 33.8" diameter at breast height. It is located at the southeast quadrant of the Property. The tree is located on a steep slope adjacent to the existing driveway to the north. In order to preserve this tree, there would be a great loss of buildable area on the site. In addition, the type of tree and health of the tree do not make it a good candidate for preservation. There is observed damage/ decay to the trunk (possible cavity), top damage, and poor branching.

The following describes the above requested variance in further detail and provides additional justification, in accordance with Section 22A-21(b) *Variance Provisions* of the Montgomery County Forest Conservation Ordinance.

Requirements for Justification of Variance:

1. Describe the special conditions peculiar to the property which would case the unwarranted hardship;
2. Describe how enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;
3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance;
4. Provide any other information appropriate to support the request.

Justification of Variance:

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

Justification: Avoidance of the above-mentioned specimen Tree #5, Liriodendron tulipifera, located approximately 44 feet from the southern property line and 59 feet from the eastern property line would severely limit the developable area of the Property. The critical root zone of this tree extends across approximately one-half (1/2) of the width of the site and includes the majority of the existing driveway. The tree is located near the center of the proposed house. Due to the location and size of the critical root zone, any development of this site on the remaining land is severely encumbered. It would not be feasible to build the proposed houses on this lot due to the location of this tree and the necessary grading required for this site if tree were to be retained. Any attempt to avoid disturbing would not allow for the project to move forward.

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

Justification: By not granting variance approval to the applicant, redevelopment of this property would not be viable. The limitations to the developable and disturbed area, when restricted by the tree's critical root zone and the steep topography, would significantly impair the economic viability of redevelopment of this Property. It would also deprive the Applicant of opportunities reasonably enjoyed by others with similarly situated properties in the R-90 zone near the site.

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

Justification: The removal and potential CRZ impacts to this tree will not violate the State water quality standards, nor will a measurable degradation in water quality occur. Currently the stormwater on this site is not being managed or treated at all. For the post-development condition, stormwater management will be provided utilizing current practices and standards -- Environmental Site Design to the Maximum Extent Practicable. Thus, the development of this property with the removal of this tree will improve the water quality for this site. Stormwater management will be provided through use of infiltration dry-wells to treat runoff from the new single family detached homes.

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

Justification: The specimen tree #5 is in an undesirable location within the property making any plans for development infeasible. The tree is not in good health – there is observed damage/ decay to the trunk (possible cavity) and the top of the tree, poor branching, and pruning is needed. Yellow Poplars are notorious for soft wood and branches that will fall due to storm damage. This tree is not providing such benefits to the Property as to outweigh the potential of the new development which includes proposed trees, as well as putting back into productive use a site that is vacant today.

In conformance with Section 22A-21(d) of the Code, the Variance will not confer a special privilege on the Applicant that would be denied to others. Rather, as discussed above, the Variance will prevent the deprivation of rights to the Applicant that have been enjoyed by others similarly situated. The requested variance is based on plans being developed under 1) the approved zoning, and 2) the County's goals as expressed through the approved Master Plan, not conditions or circumstances resulting from actions by the Applicant. There are no conditions relating to land or building use, either permitted or non-conforming, on a neighboring property that have played a role in the need for this variance.

Thank you for your consideration of this Tree Variance Request. We believe that the supporting information provided with this letter clearly demonstrates that the grant of the Variance pursuant to Section 22A-21(b) of the Code is appropriate in this case. If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further. We appreciate your consideration of this request.

Lot 23 A Willerburn Acres
ASP# 620220010
March 21, 2022

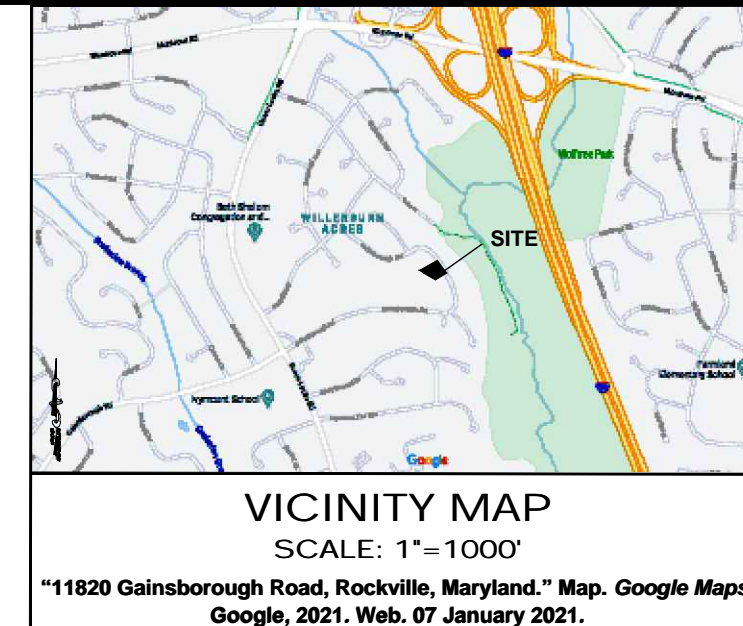
Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Mack", with a stylized flourish extending from the end.

Kevin Mack, RLA
Associate
Dewberry Engineers Inc.

LOT 23A WILLERBURN ACRES

PRELIMINARY/ FINAL FOREST CONSERVATION PLAN #620220010



Dewberry
DEWBERRY ENGINEERS INC.
2101 GATHER ROAD SUITE 340
ROCKVILLE, MD 20850
PH: 301.948.8300 FX: 301.258.7607
www.dewberry.com

CONTACT
KEVIN MACK
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www.dewberry.com

APPLICANT / DEVELOPER
JENNIFER HEMANN
11754 GAINSBOROUGH ROAD
POTOMAC, MD 20854
PH: 240.483.3250

LEGEND

EXISTING MAJOR CONTOURS
EXISTING MINOR CONTOURS
EXISTING ADJACENT PROPERTY
EXISTING EDGE OF PAVEMENT
PROJECT BOUNDARY
EXISTING WOODLAND TREE LINE
EXISTING HEDGEROW OR NON-WOODLAND AREAS
SOILS BOUNDARY
SLOPES > 15%
CHAIN LINK FENCE
WOOD FENCE
WATER LINE (UNDERGROUND)
SANITARY SEWER LINE (UNDERGROUND)
OVERHEAD POWER LINE
TELEPHONE WIRES
STORM DRAIN LINE (UNDERGROUND)
LIMITS OF DISTURBANCE
TREE PROTECTION FENCE
ROOT PRUNING

EXISTING SPECIMEN TREE
24" - 30" DBH
EXISTING SPECIMEN TREE
> 30" DBH
EXISTING TREE TO BE REMOVED

OH, ROOF / BUILDING OVERHANG
GMP GAS MARKER POST
COMMUNICATIONS HANDHOLE
FHH WATER VALVE
WM WATER METER
WM WATER MANHOLE
FIRE HYDRANT
GAS METER
GAS MANHOLE
GAS VALVE
TRAFFIC SIGN

LIGHT POLE
TELEPHONE JUNCTION BOX
STORM DRAIN MANHOLE
POWER POLE
GUY WIRE
ELECTRIC MANHOLE
ELECTRIC TRANSFORMER
SANITARY MANHOLE
TELEPHONE MANHOLE OR PEDESTAL
BOLLARD
CLEANOUT
STORM INLET GRATE



GENERAL NOTES:

- TAX MAP: GQ342
- TAX ID#: 04-00115043
- WSSC GRID: 215NW07; 215NW08
- TOTAL AREA OF TRACT: 0.83 AC; ± 36,063 sq.ft.
- EXISTING ZONING: R-90
- BOUNDARY: Survey by Dewberry Engineers Inc., May 2021.
- TOPOGRAPHY: Field Survey by Dewberry Engineers Inc., May, 2021, supplemented with Montgomery County GIS Information.
- HORIZONTAL DATUM: Maryland State Grid System, NAD-83
- VERTICAL DATUM: Maryland State Grid System, NGVD29 using WSSC benchmark #3544.
- COMMUNITY PLAN: Potomac Subregion 2002
- EXISTING LAND USE: RESIDENTIAL
- PROPOSED LAND USE: RESIDENTIAL
- WATER CATEGORY: W-1
- SEWER CATEGORY: S-1
- STREAMS: No streams are located on site. Source: Maryland Department of Natural Resources Interactive Map, mdmerlin.net
- WATERSHED: Cabin John Creek Use Class: 1 Source: www.mcatlas.org
- WETLANDS: No wetlands are located on site. Source: Maryland Department of Natural Resources Interactive Map, mdmerlin.net
- FLOODPLAIN: There are no 100-year floodplains on this site Source: FEMA Flood Map 24031C0341D effective 09/29/2006.
- SPA: This site is not within a special protection area. Source: www.mcatlas.org
- HISTORIC RESOURCES: There are no historic resources located on site. Source: MCAAtlas
- WILDLIFE: A letter dated June 29, 2021 was received from The Wildlife and Heritage Service (MDNR) stating that there are no official state or federal records for listed plant or animal species within the site.
- CEMETERIES: There are no cemeteries that exist on site.
- SLOPES: Slopes of 15% or greater exist on this site.
- SOILS: See Soils Table on this page.
- No Forest Areas exist on this site.

RESOURCE DATA

TRACT AREA	±0.83 AC.
EXISTING FOREST	0.00 AC.
EXISTING STREAM BUFFER	0 AC.
EXISTING FORESTED STREAM BUFFER	0 AC.
EXISTING WETLANDS	0 AC.
EXISTING FORESTED WETLANDS	0 AC.
EXISTING 100-YEAR FLOODPLAIN	0 AC.
EXISTING 100-YEAR FORESTED FLOODPLAIN	0 AC.
AVERAGE WIDTH OF BUFFER	0 FT.
LINEAR FEET OF STREAM(S)	0 FT.

FOREST CONSERVATION NOTES

- SPECIMEN TREE #05 WILL BE REMOVED AND REPLACED THROUGH MITIGATION, AS APPROVED BY STAFF.
- NO FOREST EXIST ON SITE.
- SEE VARIANCE REQUEST FOR SPECIMEN TREE #05.
- THE FOREST CONSERVATION REQUIREMENT (AFFORESTATION THRESHOLD OF 0.14) WILL BE MET BY FEE IN LIEU.

Web Soils Survey Soils Table Montgomery County, Maryland					
Map Unit	Map Unit Name	Soil Types % Group	K-Factor (Whole Soils)	Hydrologic Group	Hydric (Rating)
2B	Glenside silt loam, 3-8% slopes	Glenside - 85	0.37	B	No (0)
2UC	Glenside-Urban land complex, 8-15% slopes	Glenside - 45 Litchum - 30	0.28	B	No (0)

Taken from: USDA, NRCS, Web Soil Survey (WSS) available online at <http://websoilsurvey.nrcs.usda.gov/>

SPECIMEN TREE TABLE					
Tree #	Common Name	Latin Name	DBH (inches)	Condition Rating	Comments
3	White Oak	Quercus alba	28.5	Poor (05)	Root, trunk & top damage, v-fork, included bark, poor branching decay, dieback
5	Yellow Poplar	Liriodendron tulipifera	33.8	Good (81)	Trunk & top damage, decay, needs pruning, poor branching
8	White Oak	Quercus alba	24.6	Fair (78)	Trunk & top damage, decay, possible cavity, needs pruning, Light mounted on tree
10*	Sycamore	Platanus occidentalis	28.2	Good (84)	Trunk & top damage, decay, dieback, lvy, needs pruning
13	White Oak	Quercus alba	29.0	Fair (72)	Trunk & top damage, decay, dieback, poor branching
14	White Oak	Quercus alba	28.8	Excellent (91)	Top damage, poor branching, decay, dieback, lvy
15	White Oak	Quercus alba	24.8	Good (84)	Trunk & top damage, poor branching, decay, dieback, lvy
16*	Northern Red Oak	Quercus rubra	28.2	Excellent (91)	Top damage, poor branching, decay, dieback, leaning lvy
18	Sycamore	Platanus occidentalis	25.2	Good (84)	Root, trunk & top damage, decay, forked
20*	Sycamore	Platanus occidentalis	25.0	Good (81)	Root, trunk & top damage, decay

Trees denoted with an asterisk () are located off-site but within 100-foot of the property boundary.

SPECIMEN TREE MITIGATION TABLE

TREE REMOVED	CALIPER (INCHES)	MITIGATION REQUIRED @ 1" / 4"
#05	33.8	8.45
TOTAL	33.8	8.45

Total mitigation for specimen tree #05 will be met by on-site tree planting.

PROPOSED REPLACEMENT TREES

CALIPER (INCHES)	QUANTITY	TOTAL INCHES
3.5	1	3.5
3.5	2	7.0
TOTAL	3	10.5

MITIGATION TREE PLANT SCHEDULE

KEY	QUANTITY	LATIN NAME	COMMON NAME	SIZE	ROOT COND.
PO	1	Platanus occidentalis	Sycamore	3 1/2" CALIPER	B&B
OC	2	Quercus coccinea	Scarlet Red Oak	3 1/2" CALIPER	B&B

FOREST CONSERVATION WORKSHEET

Willerburn 620220010

NET TRACT AREA:

- A. Total tract area ... (Includes 0.11 Ac of off-site disturbance) ...
B. Additions to tract area (Off-Site Work, etc.; construction required by this plan) ...
C. Land dedication areas (parks, county facility, etc.) ...
D. Land dedication for roads or utilities (construction not required by this plan) ...
E. Area to remain in commercial agricultural production/use ...
F. Other deductions (specify)
G. Net Tract Area

LAND USE CATEGORY: (from Chapter 22A-3. Definitions)

Input the number "1" under the appropriate land use, limit to only one entry.

ARA	MDR	IDA	HDR	MPD	CIA
0	0	0	1	0	0

- G. Afforestation Threshold ... 15% x G = 0.14
H. Conservation Threshold ... 20% x G = 0.19

EXISTING FOREST COVER:

- I. Existing forest cover
J. Area of forest above afforestation threshold
K. Area of forest above conservation threshold

BREAK EVEN POINT:

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

PROPOSED FOREST CLEARING:

- N. Total area of forest to be cleared
O. Total area of forest to be retained

PLANTING REQUIREMENTS:

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

worksheet date

Forest Conservation Data Table

Number of Acres	
Tract	0.8
Remaining in Agricultural Use	-
Road & Utility ROWs ¹	-
Total Existing Forest	-
Forest Retention	-
Forest Cleared	-

Land Use & Thresholds²

Land Use Category	MDR	ARA, MDR, IDA, HDR, MPD, or CIA
Conservation Threshold	0%	percent
Afforestation Threshold	0%	percent

Total Channel Length (ft.)	Average Buffer Width (ft.) ³
Stream(s)	-

Acres of Forest in	Retained	Cleared	Planted
Wetlands	-	-	-
100-Year Floodplain	-	-	-
Stream Buffers	-	-	-
Priority Areas	-	-	-

¹ Only Road or Utility ROWs not to be improved as part of development application.

² Information from FC Land Use Categories & Thresholds document.

³ Measured from stream edge to buffer edge.

Developer's Certificate

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF THE APPROVED FINAL FOREST CONSERVATION PLAN NO. 620220010, INCLUDING FINANCIAL BONDING, FOREST PLANTING, MAINTENANCE, AND ALL OTHER APPLICABLE AGREEMENTS.

Developer: N/A Company JENNIFER HEMANN Contact Person
Address: 11754 GAINSBOROUGH ROAD POTOMAC, MD 20854
Phone: 240.483.3250

Signature: _____

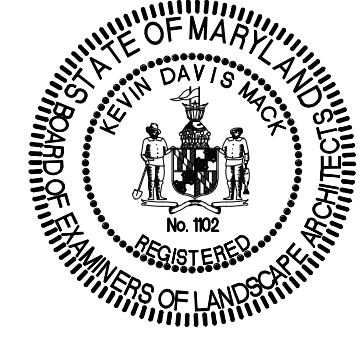
PRELIMINARY/ FINAL FOREST CONSERVATION PLAN

LOT 23 A WILLERBURN ACRES
11820 GAINSBOROUGH ROAD
POTOMAC, MD 20854

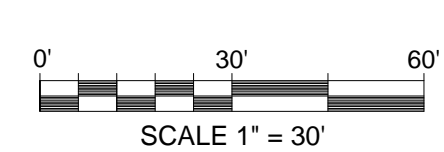
LOT 23 / BLOCK A
MONTGOMERY COUNTY, MARYLAND
4TH ELECTION DISTRICT
PLAT 11825 LIBER 55114 FOLIO 323
WSSC SHEET MAP 215NW07, TAX MAP GRID GQ342

SEAL

PROFESSIONAL CERTIFICATION:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional landscape architect under the laws of the State of Maryland. License No. 1102
Expiration Date: 09/03/2020



SCALE



REVISIONS

No.	DATE	BY	Description

DRAWN BY: P.J.N.
CHECKED BY: K.M.
APPROVED BY: J.M.C.
DATE: May 2022

TITLE

FOREST CONSERVATION PLAN

PROJECT NO. 50133401

FCP-001

SHEET NO. 7 of 8 10-FCP-620220010-001

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

The property owner is responsible for ensuring all tree protection measures are performed in accordance with the approved final forest conservation plan or tree save plan, and as modified in the field by a Planning Department Forest Conservation Inspector. The measures must meet or exceed the most recent standards published by the American National Standards Institute (ANSI A300).

Pre-Construction

1. An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged and before any land disturbance.
2. The property owner must arrange for the meeting and following people **should** must participate at the pre-construction meeting: the property owner or their representative, construction superintendent, International Society of Arboriculture (ISA) certified arborist, Maryland Licensed Tree Expert (representing owner) that will implement the tree protection measures, The Planning Department Forest Conservation Inspector, and Montgomery County Department of Permitting Services (DPS) Sediment Control Inspector. The purpose of this meeting is to verify the limits of disturbance and discuss specific tree protection and tree care measures shown on the approved plan. No land disturbance shall begin before tree protection and stress-reduction measures have been implemented and approved by the Planning Department's Forest Conservation Inspector.
 - a. Typical tree protection devices include:
 - i. Chain link fence (four feet high)
 - ii. Super silt fence with wire strung between the support poles (minimum 4 feet high) with high visibility flagging.
 - iii. 14 gauge, 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
 - b. Typical stress reduction measures may include, but are not limited to:
 - i. Root pruning with a root cutter or vibratory plow designed for that purpose. Trenchers are not allowed, unless approved by the Forest Conservation Inspector
 - ii. Crown Reduction or pruning
 - iii. Watering
 - iv. Fertilizing
 - v. Vertical mulching
 - vi. Root aeration systemsMeasures not specified on the Forest Conservation Plan may be required as determined by the Forest Conservation Inspector in coordination with the property owner's arborist.
3. A Maryland Licensed Tree expert must perform, or directly supervise, the implementation of all stress reduction measures. Documentation of the process (including

Page 1 of 3 February 2017

photographs) may be required by the Forest Conservation Inspector, and will be determined at the pre-construction meeting.

4. Temporary tree protection devices must be installed per the approved Forest Conservation Plan, Exemption Plan, or Tree Save Plan and prior to any land disturbance. The Forest Conservation Inspector, in coordination with the DPS Sediment Control Inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan.

5. Tree protection fencing must be installed and maintained by the property owner for the duration of construction project and must not be altered without prior approval from the Forest Conservation Inspector. All construction activity within protected tree and forest areas is prohibited. This includes the following activities:
 - a. Parking or driving of equipment, machinery or vehicles of any type.
 - b. Storage of any construction materials, equipment, stockpiling, fill, debris, etc.
 - c. Dumping of any chemicals (i.e., paint thinner), mortar or concrete remainder, trash, garbage, or debris of any kind.
 - d. Felling of trees into a protected area.
 - e. Trenching or grading for utilities, irrigation, drainage, etc.

6. Forest and tree protection signs must be installed as required by the Forest Conservation Inspector. The signs must be waterproof and wording provided in both English and Spanish.

During Construction

7. Periodic inspections will be made by the Forest Conservation Inspector. Corrections and repairs to tree protection devices must be completed within the timeframe given by the Inspector.
8. The property owner must immediately notify the Forest Conservation Inspector of any damage to trees, forests, understory, ground cover, and any other undisturbed areas shown on the approved plan. Remedial actions, and the relative timframes to restore these areas, will be determined by the Forest Conservation Inspector.

Post-Construction

9. After construction is completed, but before tree protection devices have been removed, the property owner must request a final inspection with the Forest Conservation Inspector. At the final inspection, the Forest Conservation Inspector may require additional corrective measures, which may include:
 - a. Removal, and possible replacement, of dead, dying, or hazardous trees
 - b. Pruning of dead or declining limbs
 - c. Soil aeration
 - d. Fertilization
 - e. Watering
 - f. Wound repair
 - g. Clean up of retention areas, including trash removal
10. After the final inspection and completion of all corrective measures the Forest Conservation Inspector will request all temporary tree and forest protection devices be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both DPS and the Forest Conservation Inspector and cannot be removed without permission of the Forest Conservation Inspector. No additional grading, seeding, or burial may take place after the tree protection fencing is removed.
11. Long-term protection measures, including permanent signage, must be installed per the approved plan. Installation will occur at the appropriate time during the construction project. Refer to the approved plan drawing for the long-term protection measures to be installed.

Page 3 of 3 February 2017

INSPECTIONS

All field inspections must be requested by the applicant.

Field inspections must be conducted as follows:

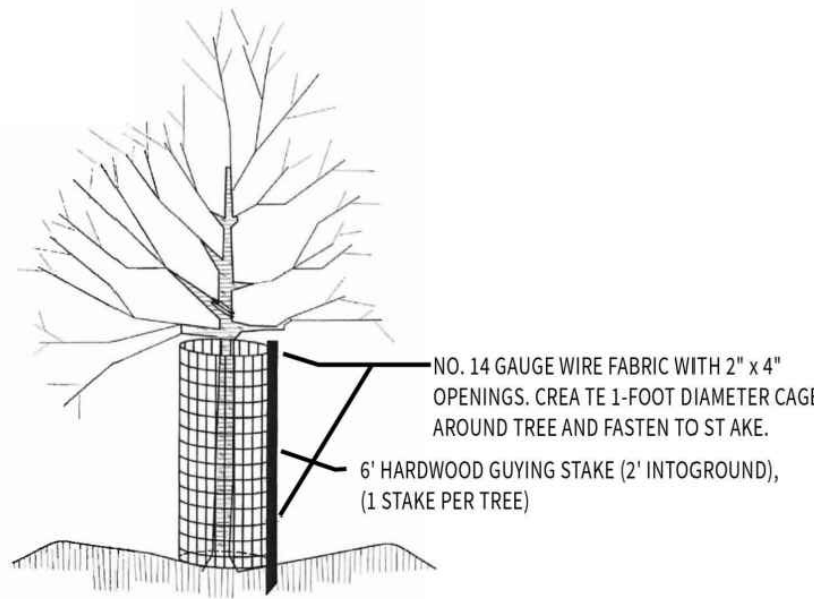
Plans without Planting Requirements

1. After the limits of disturbance have been staked and flagged, but before any clearing or grading begins.
2. After necessary stress reduction measures have been completed and protection measures have been installed, but before any clearing and grading begin and before release of the building permit.
3. After completion of all construction activities, but before removal of tree protection fencing, to determine the level of compliance with the provision of the forest conservation.

Additional Requirements for Plans with Planting Requirements

4. Before the start of any required reforestation and afforestation planting.
5. After the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start the maintenance period.
6. 2 years after reforestation and afforestation have been completed, to determine survival and assess necessary maintenance activities for the remaining duration of the maintenance and management period.
7. At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate, release of the performance bond.

Deer Protection Fencing

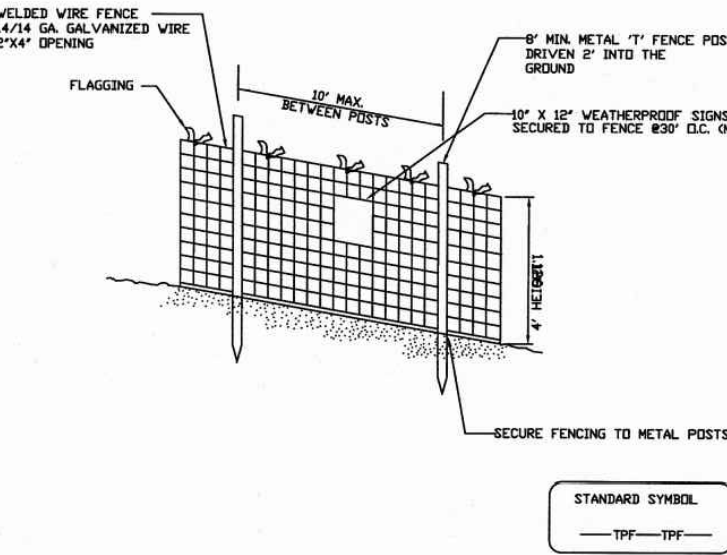


- Notes:
1. Height of cage shall be 4-feet (min.).
 2. Cage shall be fastened to stake with two (min.) 11-inch releasable cable ties (one at top and one 6" (min.) above the ground.
 3. Do not damage tree during installation.
 4. Substitutions must be approved by Forest Conservation Inspector.
 5. Cases to be removed at direction of Forest Conservation Inspector.

Montgomery Planning
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

3 TREE PROTECTION FENCING
(2"-1/2" CALIPER AND LARGER)
NOT TO SCALE

Tree Protection Fence Detail
Not to scale

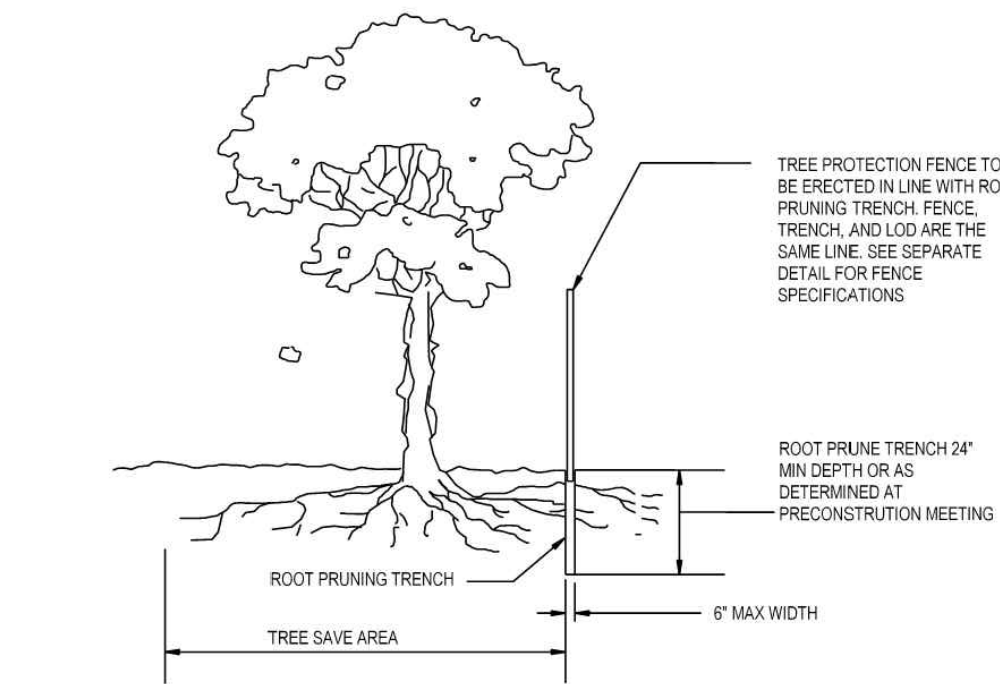


NOTES

1. Practice may be combined with sediment control fencing.
2. Location and limits of fencing should be coordinated in field with arborist.
3. Boundaries of protection area should be staked prior to installing protective device.
4. Root damage should be avoided.
5. Protection signage is required.
6. Fencing shall be maintained throughout construction.

Montgomery County Planning Department • M-MNPPC
MontgomeryPlanning.org

2 TYPICAL EVERGREEN TREE PLANTING DETAIL
NOT TO SCALE



NOTES

1. RETENTION AREAS WILL BE SET AS PART OF THE REVIEW PROCESS AND PRECONSTRUCTION MEETING.
2. BOUNDARIES OF RETENTION AREAS MUST BE STAKED AT THE PRECONSTRUCTION MEETING AND FLAGGED PRIOR TO TRENDING.
3. EXACT LOCATION OF TRENCH SHALL BE DETERMINED IN THE FIELD IN COORDINATION WITH THE FOREST CONSERVATION (FC) INSPECTOR.
4. TRENCH SHOULD BE IMMEDIATELY BACKFILLED WITH EXCAVATED SOIL OR OTHER ORGANIC SOIL AS SPECIFIED PER PLAN OR BY THE FC INSPECTOR.
5. ROOTS SHALL BE CLEANLY CUT USING VIBRATORY KNIFE OR OTHER ACCEPTABLE EQUIPMENT.
6. ALL PRUNING MUST BE EXECUTED WITH LOD SHOWN ON PLANS OR AS AUTHORIZED IN WRITING BY THE FC INSPECTOR.

ROOT PRUNING DETAIL

NTS

4 ROOT PRUNING
NOT TO SCALE

Developer's Certificate

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF THE APPROVED FINAL FOREST CONSERVATION PLAN NO. 620220010 INCLUDING FINANCIAL BONDING, FOREST PLANTING, MAINTENANCE, AND ALL OTHER APPLICABLE AGREEMENTS.

Developer: N/A JENNIFER HEMANN
Company Contact Person

Address: 11754 GAINSBOROUGH ROAD
POTOMAC, MD 20854

Phone: 240.483.3250

Signature: _____

Dewberry

DEWBERRY ENGINEERS INC.
2101 GATHER ROAD SUITE 340
ROCKVILLE, MD 20850
PH: 301.948.8300 FX: 301.258.7607
www.dewberry.com

CONTACT

KEVIN MACK
2101 GATHER ROAD SUITE 340
ROCKVILLE, MD 20850
PH: 301.337.2861
www.dewberry.com

APPLICANT / DEVELOPER

JENNIFER HEMANN
11754 GAINSBOROUGH ROAD
POTOMAC, MD 20854
PH: 240.483.3250

PRELIMINARY/ FINAL FOREST CONSERVATION PLAN

LOT 23 A WILLERBURN ACRES
11820 GAINSBOROUGH ROAD
POTOMAC, MD 20854

LOT 23 / BLOCK A
MONTGOMERY COUNTY, MARYLAND
4TH ELECTION DISTRICT
PLAT 11825 LIBER 45114 FOLIO 323
WSSC SHEET MAP 215NW07, TAX MAP GQ42

SEAL

PROFESSIONAL CERTIFICATION:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional landscape architect under the laws of the State of Maryland, License No. 1102
Expiration Date: 09/03/2020



SCALE

REVISIONS

No.	DATE	BY	Description

DRAWN BY P.J.N.
CHECKED BY K.D.M.
APPROVED BY J.M.C.
DATE May 2022

TITLE

FCP
NOTES & DETAILS

PROJECT NO. 50133401

FCP-002

SHEET NO. 10-FCP-620220010-002
8 of 8

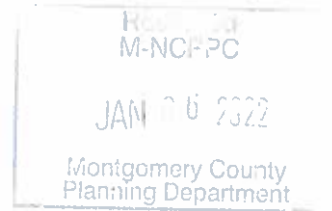
ATTACHMENT D

Patrick Butler

Kevin Mack
Dewberry Consultants, LLC
2101 Gaither Road
Suite 340
Rockville, MD 20850
Day Phone: (301)337-2861

December 27, 2021

Dear Mr. Mack,



We are commenting on plan no. 620220010, at 11820 Gainsborough Road, Potomac, MD 20854.

As residents for over 23 years at 11830 Gainsborough Road, we object to the proposed plan to subdivide the property to accommodate two large homes. One of the main reasons for our objection is the deforestation that would result with the destruction of the tree-lined separation of our properties that is well over 50 years old. We love the community we call home because of the serenity and lush natural landscapes. Both would be destroyed with this proposal.

If this undesirable project moves forward, we request that the developer either maintain a lush tree line, or plant mature native trees to support the ecosystem and maintain our much-desired privacy.

In addition, we object to any proposal that results in higher home elevation. The property in question is on a slope and we assume, to accommodate two homes, the land would need to be leveled. This would impact the water flow and direct it towards our property, causing flooding and erosion. It is unclear from the 07-ADSUB-620220010-004.pdf drawing if the proposed storm drain/ runoff structures would be within the project boundary or on our property. We require clarification and assurance that water runoff will not be directed to our property.

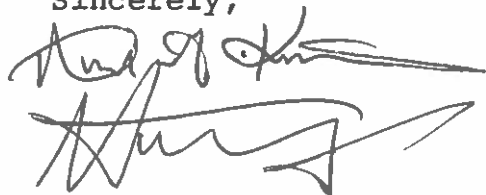
We also require a clear document with a list of potential impacts to our property during and after construction, including but not limited to: privacy, water/drainage, safety (e.g. fence for our current pool), surrounding road structure, landscaping, etc.

As you can well understand, this project is causing us grave concern. After three years of unacceptable neglect of the

property, we welcome beautification, not congestion, uncertainty and possible expense on our part due to unintentional project impact.

Thank you for your attention to our concerns.

Sincerely,

Two handwritten signatures are present. The top signature is in dark ink and appears to be 'Miranda G. Katsoyannis'. The bottom signature is in a lighter, possibly blue or grey, ink and appears to be 'Michael N. Paraloglou'. Both signatures are stylized and cursive.

Miranda G. Katsoyannis
Michael N. Paraloglou

Cc: Intake and Regulatory Coordination Division
M-NCPPC
2425 Reedie Drive
Wheaton, MD 20902

Miranda G. Katsoyannis and
Michael N. Paraloglou
11830 Gainsborough Road
Potomac, MD 20854

Re: Administrative Subdivision Plan No. 620220010 – 11820 Gainsborough Road, Potomac, Maryland 20854 (“Property” or “Site”)

Dear Ms. Katsoyannis and Mr. Paraloglou,

On behalf of the applicants, Brian and Jennifer Hemann, we are writing to respond to your letter dated December 27, 2021. The Applicants’ proposal to demolish the existing house on the Property and redevelop it with two new homes takes into account and attempts to minimize impacts to the surrounding neighborhood. Your letter states specific concerns with: 1) the removal of trees along the lot line between your property at 11830 Gainsborough Road and the Property; 2) changes to grading and drainage; and 3) the extent of impacts to your property.

Regarding the removal of the trees located along the property line, every effort has been made in the design to minimize disturbance to existing trees. However, due to their size and the site’s topography, it has proven impossible to preserve the trees located along the property line. Mitigation for the loss of these trees will be provided. In particular, the 33” caliper tree to be removed will be replaced with three new trees. Additionally, to form a buffer along the property line, a mix of native evergreen, flowering, and shade trees is proposed within the side yards of the two proposed lots. The flowering and evergreen trees to be installed will have heights of eight to ten feet. Additionally, the shade trees will have a caliper of 3.5 inches, rather than the three inches required, to create a more substantial buffer.

Regarding grading and drainage, the Project does not result in a higher home elevation. The proposed homes will be built several feet lower than the existing house due to the grading constraints on this Site. The grading in the rear yards will be lowered to match. To prevent flooding and erosion and to ensure that drainage remains onsite until it reaches the low point near the street, a swale will be provided adjacent to the property line. The proposed swale will reduce the amount of drainage flowing to your property by keeping it on the Property.

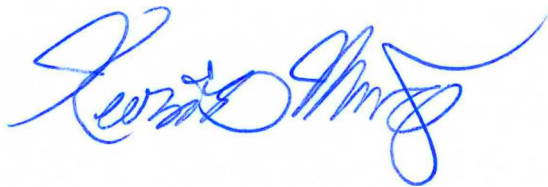
Additionally, the low point of both the Property and your property is below the street level. Therefore, a new inlet is required within the existing 15 foot wide public storm drain easement located on your property adjacent to the rear lot line. The grading within the public storm drain easement will be kept to the minimum required to install this inlet.

Direct impacts to your property will be limited to the minor grading and installation of the inlet within the storm drain easement described above. In all other respects, the Project seeks to limit impacts to your property as follows:

- As noted, the proposed swale will reduce the amount of drainage flowing to your property by keeping it on the Property until it reaches the inlet.
- The existing fence on the Property will remain, providing continued safety and privacy for your yard.
- The Applicants are required to install a sidewalk with curb and gutter. These improvements will be limited to the Property's frontage and will not directly affect your property.
- Additional landscaping will be provided along the property line, as described above.

In conclusion, we hope that this letter is responsive to your concerns. Please do not hesitate to contact us should you have any further questions or comments.

Sincerely,



Kevin D. Mack, RLA
Associate