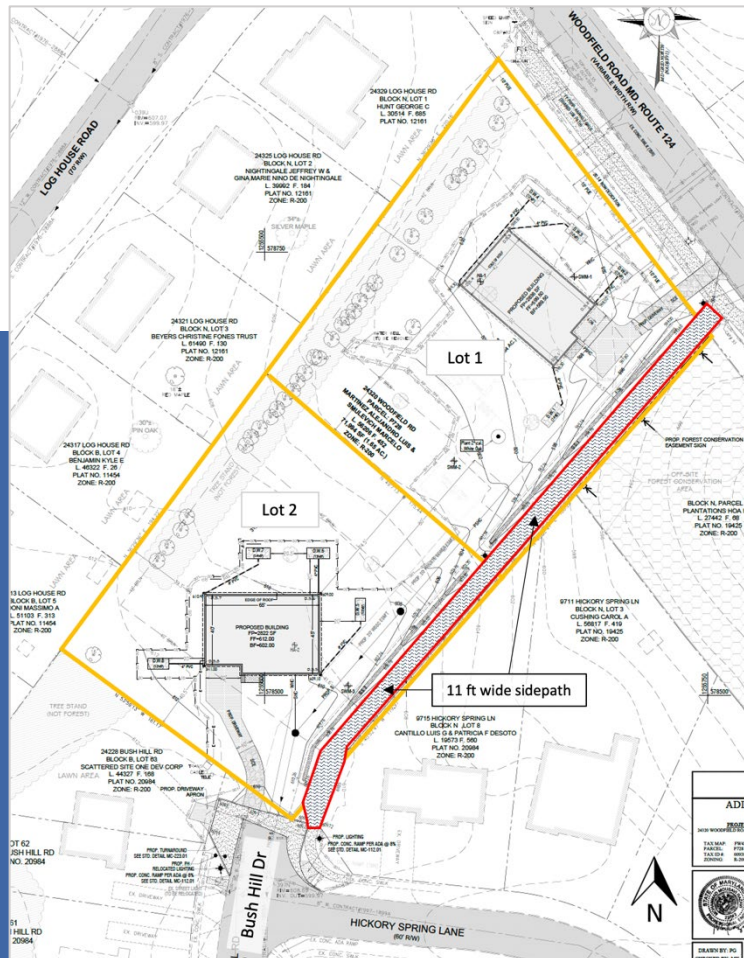


ADDITION TO RAY'S ADVENTURE PRELIMINARY PLAN NO. 120200030



Description

Application to create two lots for two single-family detached dwelling units in the R-200 zone.

No. 120200030

Completed: 3-18-2023

MCPB

Item No. 11

3-30-2023

Montgomery County

Planning Board

2425 Reedie Drive, Floor 14

Wheaton, MD 20902

Planning Staff

PE

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

SP

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

PB

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

LOCATION/ADDRESS

24320 Woodfield Road (Woodfield Road about 320 feet southwest of Log House Road)

MASTER PLAN

2006 Damascus Master Plan

ZONE

R-200 (Residential 200)

PROPERTY SIZE

1.56 acres

APPLICANT

Alejandro Martinez

ACCEPTANCE DATE

December 1, 2021

REVIEW BASIS

Chapters 24A, 50, 59



Summary:

- Staff recommends approval of the Preliminary Plan, including the Preliminary/Final Forest Conservation Plan, with conditions.
- Although originally filed as a three (3) lot subdivision, the Application was revised to a two (2) lot subdivision. After the initial review, the Applicant made revisions to address major issues including lot configurations, connectivity, and a possible roadway connection. Once resubmitted, these issues were resolved, and the Application was able to proceed.
- The Applicant proposes to create one (1) 36,588 square foot lot and one (1) 31,438 square foot lot to construct one (1) single-family detached unit on each lot in the R-200 zone.
- The Application will provide an 11-foot wide sidepath connection between Bush Hill Road and Woodfield Road.
- Staff has received no community comments or correspondence concerning the Application.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS	3
PRELIMINARY PLAN 120200030	3
SECTION 2: SITE DESCRIPTION	7
VICINITY	7
PROPERTY DESCRIPTION	9
SECTION 3: PROJECT DESCRIPTION	11
PREVIOUS APPROVALS	11
PROPOSAL	11
SECTION 4: COMMUNITY OUTREACH	13
SECTION 5: PRELIMINARY PLAN 120200030 FINDINGS AND ANALYSIS	14
SECTION 6: CONCLUSION	23
ATTACHMENTS	23

SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 120200030

Staff recommends approval with conditions of the Preliminary Plan to create two (2) lots to build two (2) single-family detached dwelling units. All site development elements shown on the latest electronic version of the Preliminary Plan No. 120200030 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 Preliminary Plan is limited to two (2) lots for two (2) single-family detached dwelling units.

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

2. The Adequate Public Facilities (“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).

PLAN VALIDITY PERIOD

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before 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.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated February 27, 2023, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations 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. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. 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 August 25, 2020 and reconfirmed in a letter dated February 23, 2023, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letters, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated February 19, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

ENVIRONMENT

8. 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.
9. The Applicant must comply with all tree protection and tree save measures shown on the approved Preliminary/Final Forest Conservation Plan ("FCP"). Tree save measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspection Staff.
10. 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.
11. Before the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application, the Applicant must:
 - a) Install permanent conservation easement signage along the perimeter of the conservation easement on the adjacent property to the southeast as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - b) Submit the forest conservation fee-in-lieu payment to the M-NCPPC Planning Department for the 0.26 acres of afforestation/reforestation requirement.
 - c) Execute a five-year Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all variance tree mitigation plantings credited toward meeting the requirements of the FFCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
 - d) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the variance mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.
12. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services ("MCDPS") for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the approved FCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling 16.25 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.
13. Before Certified FCP set submittal, the Applicant must address all revisions requested on the FCP submitted for review on 2/10/2023 in Eplans.

TRANSPORTATION

Existing Frontage Improvements

14. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - e) All land necessary to accommodate forty feet (40 ft) from the existing pavement centerline along the Subject Property frontage for Woodfield Road (MD 124).
15. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of the MDOT SHA to ensure construction of an 11-foot wide sidepath along the Property frontage on Woodfield Road (MD 124).
16. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements to ensure construction of an 11-foot-wide shared use path through Lot 1 and Lot 2 to provide a connection between Woodfield Road and Bush Hill Road.
17. Before release of the first use and occupancy permit, the Applicant must construct an 11-foot-wide shared use path on Lot 1 and Lot 2 to provide a connection between Woodfield Road and Bush Hill Road as shown on the certified preliminary plan. The path must have a no motor vehicle sign at both ends of the trail as well as a bollard or similar feature as required by DPS to prevent motor vehicle access.
18. Before approval of the right-of-way permit, the Applicant must coordinate with MCDPS to determine whether the required 11-foot wide sidepath between Woodfield Road and Bush Hill Road will be maintained by the County or privately maintained. If the sidepath is maintained by the County, the path must be lit, and a public improvement easement (PIE) shall be required and shown on the Record Plat. If declined by the County, the Applicant must produce a maintenance and liability agreement for the homeowners to maintain the trail in perpetuity.

RECORD PLATS

19. There shall be no clearing or grading of the site before recordation of plats.

Easements

20. The record plat must show necessary easements.
21. The record plat must reflect a common use and access covenant for the benefit of the public over all trails, sidewalks and paths not included in a public right-of-way or private street parcel. The covenant must be in a form approved by the M-NCPPC Office of the General Counsel and recorded among the Montgomery County Land Records.

CERTIFIED PRELIMINARY PLAN

22. The certified Preliminary 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 Preliminary 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 Preliminary Plan is required to be on-site at all times.*

23. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a. Include Resolution and agency approval letters on the approval or cover sheet(s).
- b. Include the approved Fire and Rescue Access plan in the certified set.

SECTION 2: SITE DESCRIPTION

VICINITY

The Subject Property (Property or Subject Property) is located at 24320 Woodfield Road about 320 feet southwest of Log House Road in the Town Neighborhood Transition Area of the 2006 *Damascus Master Plan* (Master Plan) (Figure 1, Figure 2). The vicinity is developed predominantly with single-family detached dwelling units with a limited number of townhomes. Woodfield Elementary School is located about 0.2 miles to the southeast.

The Property is zoned Residential 200 (R-200). Surrounding property south of Woodfield Road is also zoned R-200. Property on the northerly side of Woodfield Road is zoned Residential Estate 2 (RE 2C) (Figure 3).



Figure 1: Vicinity Map

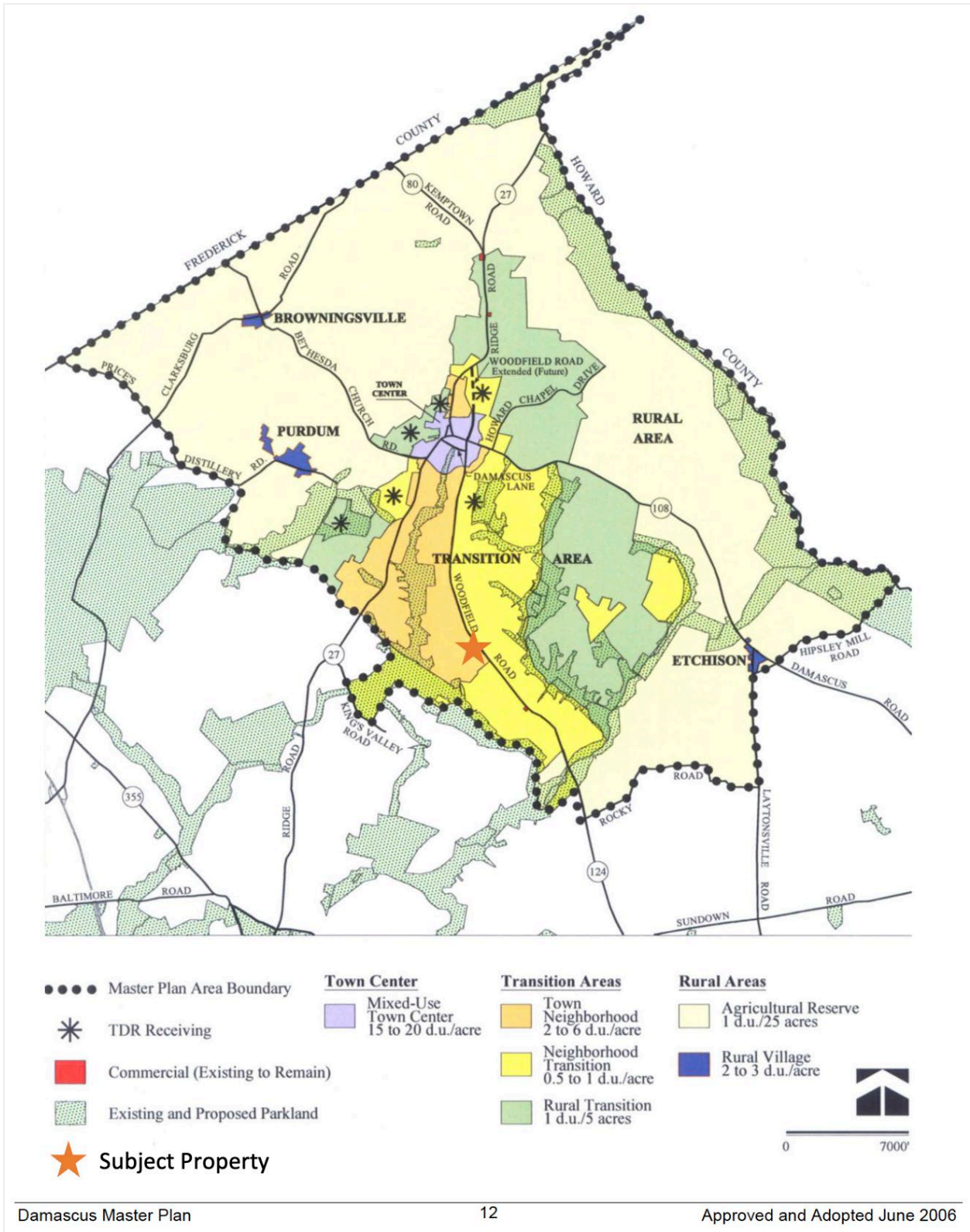


Figure 2: Damascus Master Plan Land Use Map and Subject Property



Figure 3: Zoning Map

PROPERTY DESCRIPTION

Currently, the Property consists of 1.56 acres of land improved with one single-family detached dwelling unit. According to public records, the dwelling unit was built in 1964 (Figure 4).

The Property slopes gently downward from the rear Property line towards Woodfield Road. There is a mature stand of trees along the northwest Property line. There is no existing forest cover on the Property. Landscaping generally consists of ornamental trees, shrubs and an open lawn area in the front and rear yard areas.

There are no streams, wetlands, or highly erodible soils located on or immediately adjacent to the Property. The Property does not contain any known rare, threatened, or endangered species, and no historic resources, burial sites, or cemeteries are known to exist on the Property.

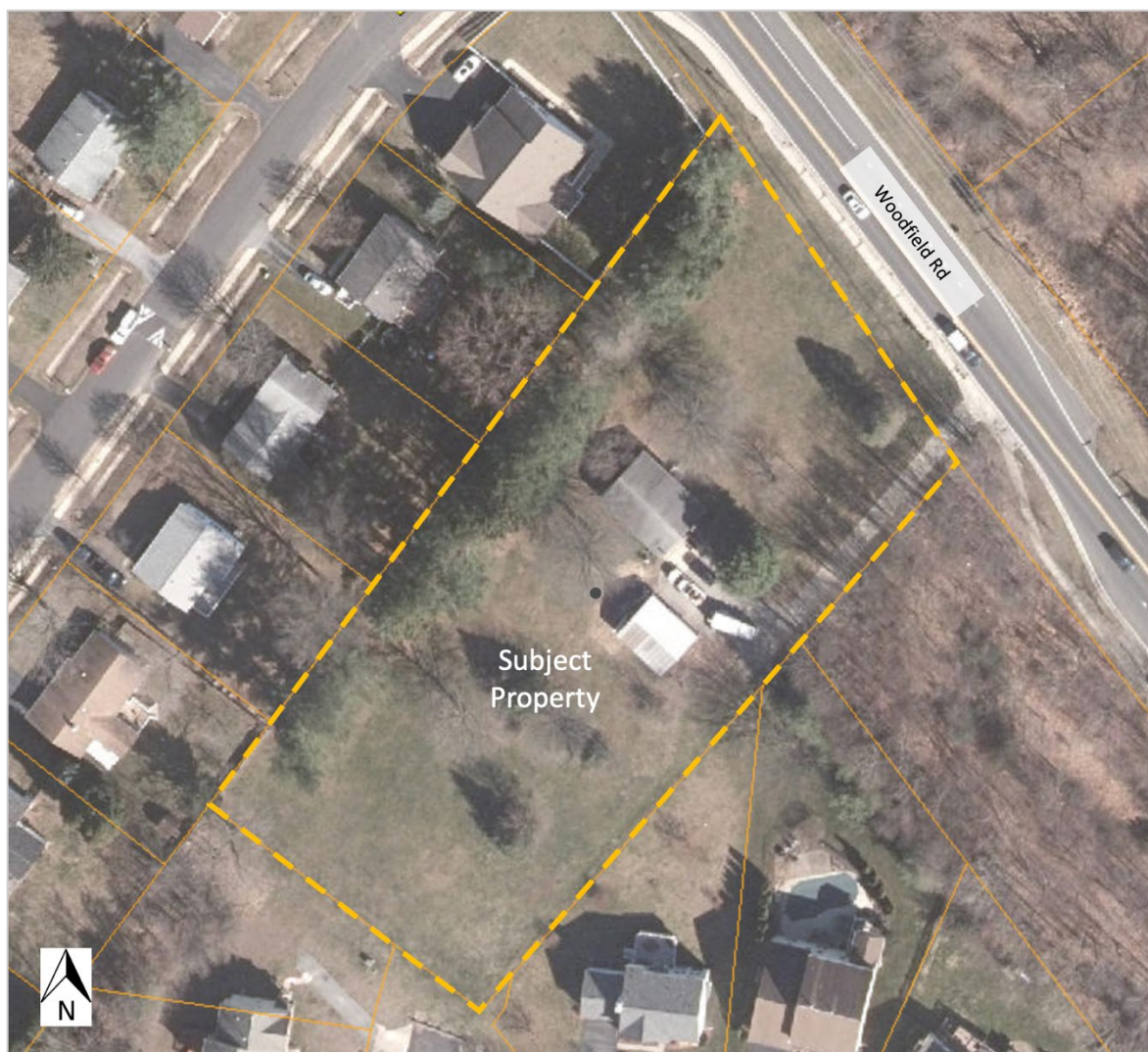


Figure 4: Subject Property

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

Preliminary Plan No. 120090240 was approved on June 21, 2012, for a two-lot subdivision to construct one single-family detached dwelling unit with an existing single-family detached dwelling unit to remain. A final record plat was not recorded, and the approval expired on June 21, 2017.

Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No. 420200290 was approved on December 11, 2019.

PROPOSAL

Preliminary Plan No. 620230020 (“Project” or “Application”) requests to create two lots from an unplatted parcel of land (Parcel 725) to allow the development of two new single-family detached dwelling units in the R-200 zone. The existing house would be removed (See Figure 5).

Vehicular and pedestrian access to Lot 1 is provided from Woodfield Road (MD 124) and to Lot 2 from Bush Hill Road. Additional bicycle and pedestrian connectivity are provided via a new 11-foot wide sidepath connecting Woodfield Road with Bush Hill Road.

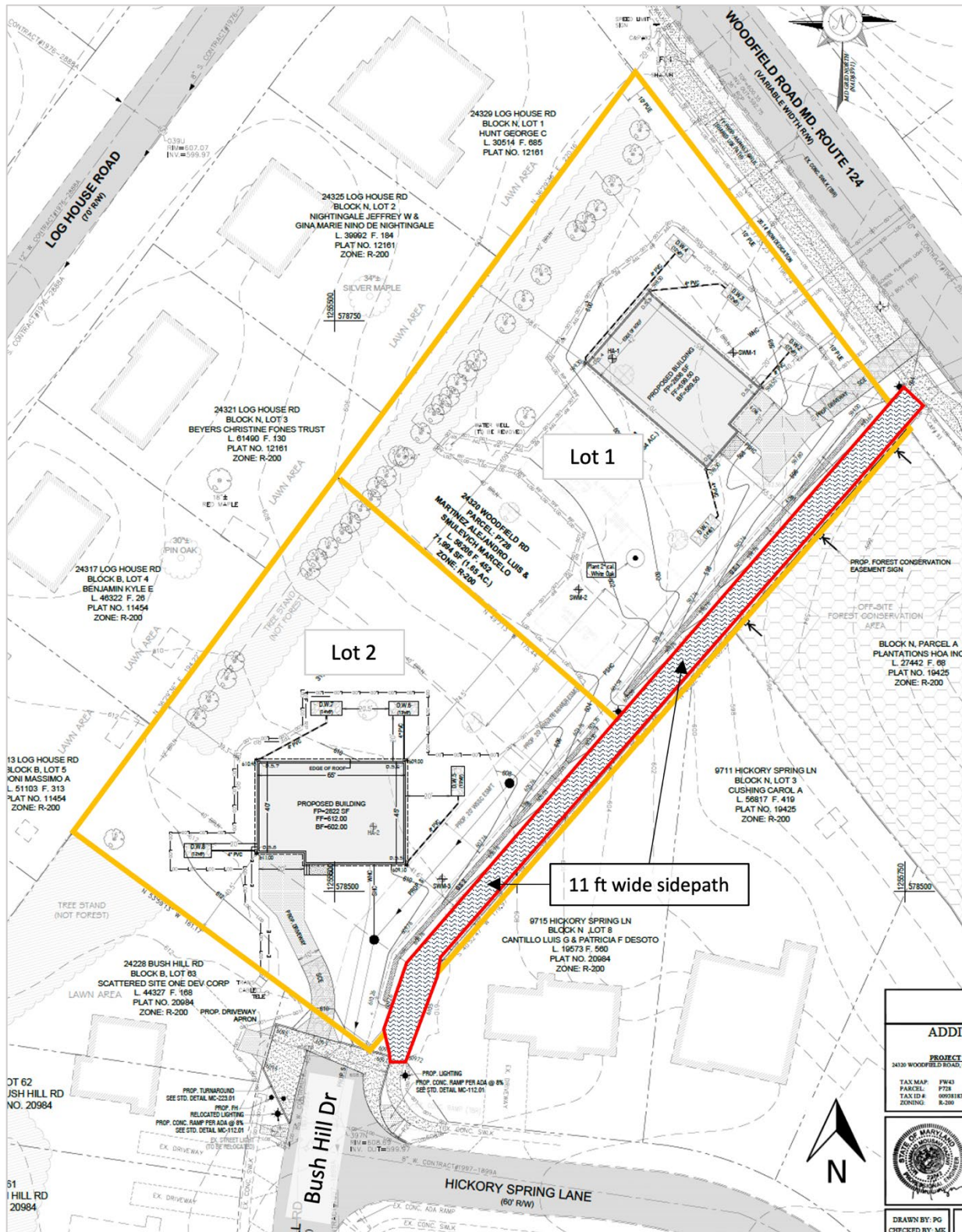


Figure 5: Proposed Preliminary Plan showing Lot 1 and Lot 2 with 11-foot wide sidepath connecting Bush Hill Road with Woodfield Road.

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all application submittal, noticing, and sign posting requirements under Division 7.5 of the Zoning Ordinance. The required hearing notice sign was adequately posted at the Property. Written notice of the Application was mailed by the Applicant to all required parties.

A pre-submittal community meeting was held on June 18, 2019 at the Damascus Public Library. There were six persons in attendance. Questions were raised as to whether the development would join the existing HOA, if sidewalks were to be provided from Bush Hill Road to Woodfield Road, if the forest conservation easement to the south would be disturbed, and the type of housing proposed. The Applicant explained that it was unknown if the development would join the HOA and that the adjacent forest conservation easement would not be disturbed as part of this proposal. Additionally, the Applicant restated the proposal would allow single-family detached units and not townhomes. As a condition of approval, the Project will provide a pedestrian and bicycle sidepath connection between Bush Hill Road and Woodfield Road.

A second pre-submittal community meeting was held on March 31, 2021 via a GoTo Meeting virtual event. No persons attended the meeting.

As of published date of this staff report, no other community comments or correspondence have been received about this Application.

SECTION 5: PRELIMINARY PLAN 120200030 FINDINGS AND ANALYSIS

The Preliminary Plan would create two lots for two single-family detached dwelling units on 1.56 acres of R-200 zoned land. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies.

- 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.***

The Preliminary Plan meets all applicable sections of Chapter 50, Subdivision of Land. The layout of the subdivision, including its size, shape, orientation, density of lots, and location and design of roads is appropriate for the residential use and single-family detached development contemplated in the R-200 zone.

The block design is existing and appropriate for the proposed development and use. The length, width and shape of the block are compatible with the development patterns in the vicinity, including properties and block designs. Both proposed lots have right-of-way frontage on different roadways. Lot 1 has frontage along Woodfield Road and will use the existing driveway access, which currently serves one single-family detached unit. Lot 2 fronts a hammerhead intersection between Bush Hill Road and Hickory Spring Lane, which as conditioned, provides adequate access to Lot 2. A roadway connection between Bush Hill Road and Hickory Spring Lane was considered and deemed infeasible because the 60-foot right-of-way dedication would have unreasonably compromised the ability to subdivide the Property into two or three lots and meet the development standards for single-family detached units. Additionally, and as noted in this report, the existing roads are adequate to support the Application and no additional roadways are required. Therefore, to improve pedestrian and bicycle connectivity as recommended by the Master Plan, the proposed shared-use path through the Property is necessary to connect with the existing sidewalk and sidepath network.

The Preliminary Plan proposes two lots for single-family detached units. Lot 1 has a minimum lot area of 36,588 square feet and Lot 2 has a minimum lot area of 31,438 square feet. Lot 1 is trapezoidal in shape with a minimum width of 163 feet at the front building line. Lot 2 is rectangular in shape with a minimum width of 184 feet at the front building line. Pursuant to the R-200 requirements, the Project exceeds the minimum required lot area of 20,000 square feet and minimum lot width of 100 feet at the front building line. All lots will have access to public roads. The size and dimensions of the lots are appropriate for the location and single-family detached development. The Preliminary Plan does not propose any flag lots. The size, width, shape, and orientation of the proposed lots are appropriate for the zone, location and residential use proposed. As shown in Preliminary Plan drawing and Table 1 (below), the proposed lots comply with the development standards for R-200 standard method of development.

Table 1: Data Table for R-200 Zone, Standard Method, Section 59.4.4.7.B

Development Standard	Permitted/ Required	Proposed/Provided Lot 1	Proposed/Provided Lot 2
Minimum Lot Area for Zone	20,000 square feet	36,588 square feet ¹	31,438 square feet ¹
Minimum Lot Width at Front Building Line	100 feet	163 feet	184 feet
Maximum Density	2.17 (units/acre)	1.28 (units/acre)	
Minimum Lot Width at Front Lot Line	25 feet	Must meet minimum	
Maximum Lot Coverage	25 percent	Must not exceed maximum	
Minimum Front Setback	40 feet	Must meet minimum	
Minimum Side Setback	12 feet	Must meet minimum	
Minimum Sum of Side Setbacks	25 feet	Must meet minimum	
Minimum Rear Setback	30 feet	Must meet minimum	
Maximum Height	45 feet	Must not exceed maximum	
Site Plan Required	No	No	

2. The Preliminary Plan substantially conforms to the Master Plan.

a) Land Use

The Property is located in the Town Neighborhood transition area of the 2006 *Damascus Master Plan* which provides a residential density of two to six dwelling units per acre. The Application is supported by the existing R-200 zone and does not conflict with the general recommendations provided for the Town Neighborhood area. The Application substantially conforms with the 2006 *Damascus Master Plan* general recommendations, including providing a variety of housing types and expanding the pedestrian and bicycle path networks.

b) Environment

There are no specific Master Plan environmental recommendations that would apply to the Property.

c) Transportation

There are no specific Master Plan transportation recommendations that would apply to the Property. However, as discussed below, general recommendations include community-wide goals to improve pedestrian and bikeway systems throughout Damascus. Therefore, as shown on the Preliminary Plan

¹ The lot will exceed the minimum lot area for the zone; actual lot size may be adjusted during final record plat review.

drawing, the Application will provide an 11-foot wide sidepath along Woodfield Road, and to provide a pedestrian and bicycle connection between Woodfield Road and Bush Hill Road an 11-foot wide shared-use path is provided along the eastern Property line.

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

As conditioned, adequate public facilities exist to support and service the Property in accordance with Section 50.4.2.D of the Subdivision Regulations.

TRANSPORTATION

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 Damascus Policy Area, which is categorized as a Green Policy Area under the *2020–2024 Growth and Infrastructure Policy* (GIP). As demonstrated in the Applicant’s traffic exemption statement, dated January 26, 2023, the proposed Application for two single-family detached homes (one net-new home) is exempt from completing a Transportation Impact Study because the Application will not generate 50-weekday net-new person peak-hour trips. Therefore, the Local Area Transportation Review (LATR) analysis is satisfied with the transportation exemption and no further evaluation is needed. Roads and transportation facilities are adequate to support the Application.

The Subject Property is located along Woodfield Road (MD 124), classified by the 2021 *Complete Streets Design Guide* as an Area Connector. The *Master Plan of Highways and Transitways* additionally recommends an 80-foot total right-of-way for the road. The Applicant will ensure dedication of 40 feet of right-of-way as measured from the existing pavement centerline along the Subject Property frontage for Woodfield Road to comply with the master-planned width of the right-of-way. While Lot 1 will be accessed from Woodfield Road, Lot 2 will be accessed to the southeast from Bush Hill Road, a secondary residential street. Near Woodfield Road, the sidepath connects with a new shared use path being constructed as described below. No additional right-of-way dedication is required for Bush Hill Road.

The Applicant will construct an 11-foot wide sidepath along Woodfield Road as recommended in the 2018 *Bicycle Master Plan* (see Figure 5). Additionally, the Applicant will construct an 11-foot-wide asphalt path through Lot 1 and Lot 2 to connect Bush Hill Road with Woodfield Road, addressing Staff’s concern that the neighborhood at present has insufficient bike and pedestrian connectivity to Woodfield Road, particularly to Ride On transit service on that road. Signage will be provided to prohibit vehicular usage of the path. Additionally, there is adequate separation between the Lot 1 driveway and the sidepath to limit conflicts with motor vehicles. A public access and improvement easement will contain the path to accommodate public bike and pedestrian movement. Long term maintenance of the path will be determined at the time of the approval of the site access permit.

SCHOOLS

The Project is served by Woodfield Elementary School, John T. Baker Middle School, and Damascus High School. Based on the FY23 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 2: Applicable FY2023 School Adequacy

School	Projected School Totals, 2026				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Woodfield ES	365	381	104.4%	-16	No UPP	69	86	112
John T. Baker MS	746	830	111.3%	-84	No UPP	42	67	178
Damascus HS	2,007	1,464	72.9%	+543	No UPP	723	945	1,246

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 FY23 Annual School Test, Woodfield Elementary School, John T. Baker Middle School and Damascus 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 additional UPPs or partial payments at multiple tiers may still be required.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the proposed 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 one single family detached unit that is not age-restricted, the Project 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	1	0.185	0.185	0.108	0.108	0.154	0.154
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	1	-	0	-	0	-	0

As shown in Table 3, on average, this Application is estimated to generate zero (0) elementary school students, zero (0) middle school student and zero (0) high school students. The number of students generated does not exceed the adequacy ceilings identified for each school in Table 2, therefore no additional UPPs are required, and neither are partial payments across multiple UPP tiers.

OTHER FACILITIES

All other necessary public facilities and services are available and adequate to serve the proposed lots. The Property is within the W-1/S-1 water and sewer service categories and will utilize public water and sewer service. Adequate fire department access and water supply are provided as noted in a letter dated February 19, 2023 by MCDPS.

Adequate electric and telecommunications services are available to serve the Property. Other public facilities and services, such as police stations, fire stations, and health services are currently operating within the standards set by the *2020-2024 Growth and Infrastructure Policy*.

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

a) Forest Conservation Plan/Exemption

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 impacts and removal of subject trees. The Preliminary Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned.

NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420200290 for this Property was approved on December 11, 2019. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The NRI/FSD identifies the 1.65-acre Subject Property located within the Upper Great Seneca Creek watershed classified as Use Class I-P by the State of Maryland. The Subject Property contains no forest but does have one onsite tree and two offsite trees with a diameter breast height (“DBH”) of 30 inches or more. The Subject Property does not contain any streams, wetlands or other sensitive environmental features.

FOREST CONSERVATION PLAN

The Applicant submitted a Preliminary/Final Forest Conservation Plan (“FCP”) (Attachment C).

The Subject Property is zoned R-200 and is assigned a Land Use Category of Medium Density Residential (“MDR”) 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 20 percent (20%) and a conservation threshold of 25 percent (25%) of the Net Tract Area. The tract area for forest conservation purposes includes the 1.65-acre Subject Property plus 0.18 acres of offsite disturbance associated with this Application, for a total net tract area of 1.74 acres. There is a total of 0.00 acres of existing forest on the Subject Property. This results in a total afforestation requirement of 0.26 acres. The Applicant proposes to meet this requirement by making a fee-in-lieu payment.

FOREST CONSERVATION VARIANCE APPLICABILITY

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 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.

FOREST CONSERVATION VARIANCE REQUEST

This Application requires the removal or CRZ impact to one (1) Protected Tree as identified in Table 4. The Applicant submitted a variance request letter dated February 8, 2023 (Attachment D) for the removal of one Protected Tree (Figure 6) for the construction of the proposed house on Lot 1. Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made for a variance to be granted.

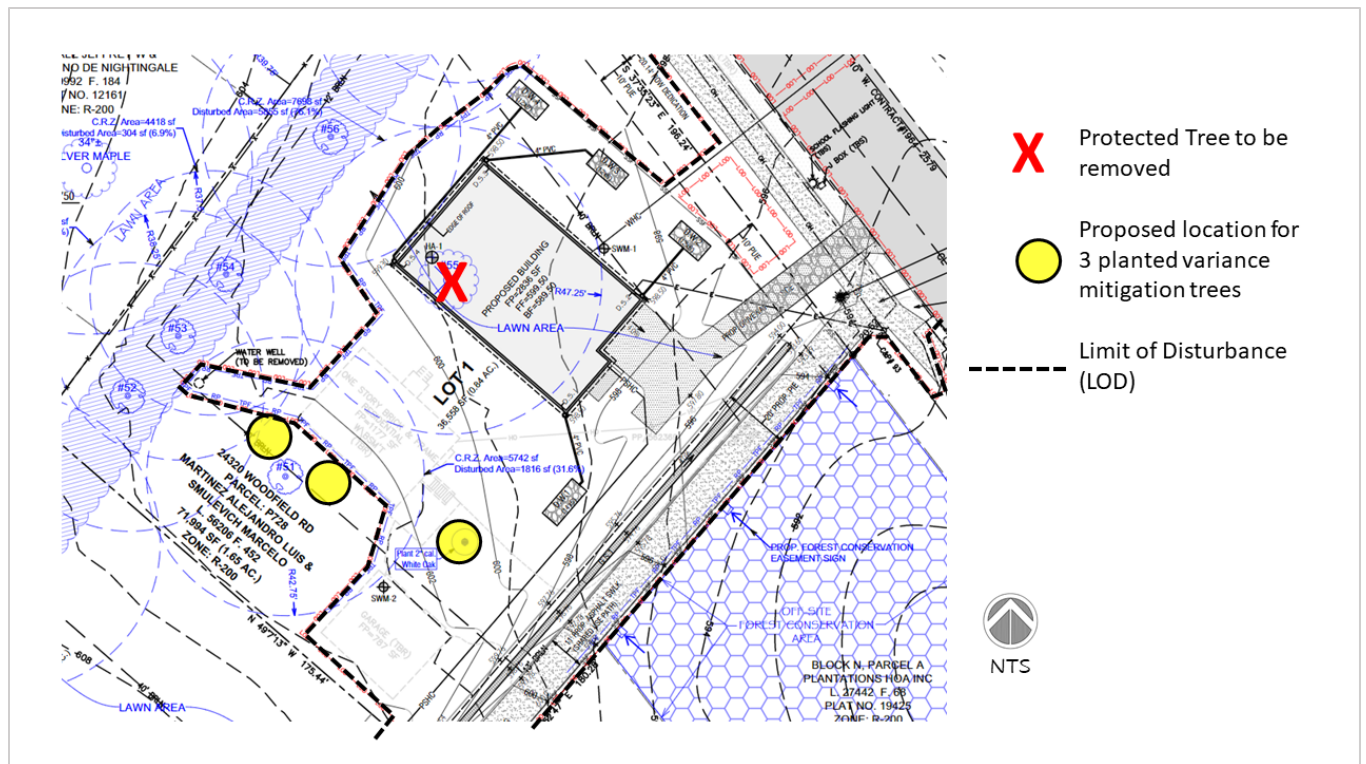


Figure 6 - Protected tree to be removed

Table 4 - Protected tree to be impacted or removed

Tree Number	Species	DBH Inches	% CRZ Impacts	Status and Notes
55	Pin Oak (Quercus palustris)	33.5"	100	Good condition; sound base and trunk, broken limbs, some dieback. Remove tree.

UNWARRANTED HARDSHIP BASIS

Per Section 22A-21, a variance may only be considered 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 their property.

In this case, the unwarranted hardship is caused by the existing site conditions, the location of the Protected Tree on Lot 1, the setback requirements in Sec. 4.4.7 and the established building line in Sec. 4.4.1 of the Zoning Ordinance. Tree No. 55 is located approximately in the middle of Lot 1 and centrally located within the developable portion of the lot. The front setback and the established building line necessitate the location of the home toward the front of the lot and put the home on top

of Tree No. 55. In addition, there is virtually no practical location within the developable area on the lot that would prevent the removal of Tree No. 55. Therefore, there is a sufficient unwarranted hardship to justify a variance request because the Applicant would otherwise be denied the ability to use the Subject Property for the approved residential use for one house, 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.

b) Variance Findings

The following determinations are based on the required findings for granting of the requested variance. The granting of the variance:

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

Granting the variance to allow the removal of Tree No. 55 will not confer a special privilege on the Applicant, as the impacts are due to necessary development requirements of the Property. The removal of Tree No. 55 is due to the location of the tree within the construction area of the proposed house on Lot 1 resulting in 100 percent impacts to this tree's critical root zone. The removal of this Protected Tree is necessary due to the zoning and setback requirements limiting the location of the proposed house on Lot 1 resulting in the necessary removal of Tree No. 55. Therefore, the granting of this variance is not a special privilege that would be denied to other applicants.

ii. 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 on existing site conditions, the location of the Protected Tree and the requirements of the Zoning Ordinance that drive the location of the proposed house on Lot 1.

iii. 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 improvements, and not as a result of land or building use on a neighboring property.

iv. 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 or a wetland. The

Application proposes mitigation for the removal of this one tree by planting three 3-inch caliper trees on-site. These three 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. In addition, the proposed stormwater management measures will provide additional on-site water quality benefits.

MITIGATION FOR TREES SUBJECT TO THE VARIANCE PROVISIONS

There is one (1) Protected Tree proposed for removal in this variance request, resulting in a total of 31.5 inches of DBH being removed. This tree is located within the construction footprint of the proposed house on Lot 1. The Applicant proposes mitigation at a rate that approximates the form and function of the trees removed. This one 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 7.88 inches with the installation of three 3-inch caliper overstory trees. The mitigation trees must be native to the Piedmont Region of Maryland and planted on the Property, outside of any rights-of-way and outside of any utility easements. As conditioned, the mitigation trees will be protected as part of a 5-year maintenance and management agreement.

Staff recommends approval of the variance request.

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

The Application received an approved stormwater concept plan from the MCDPS, Water Resources Section on August 25, 2020, and was reconfirmed in a letter dated February 23, 2023 (Attachment B). 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 infiltrations. The Project meets all requirements of Chapter 19.

6. 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.

The Applicant has no actual notice or constructive notice of a burial site; and the Property is not included in the Montgomery County Cemetery 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 that are specific to the Property or necessary for approval of the subdivision.

SECTION 6: CONCLUSION

As conditioned, the Preliminary Plan application satisfies all applicable standards of the Zoning Ordinance, substantially conforms to the recommendations of the 2006 *Damascus Master Plan* and satisfies the required findings of the Subdivision Regulations. 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 plan. Therefore, Staff recommends approval of the Preliminary Plan subject to the conditions specified in this report.

The Application satisfies all of 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. Therefore, Staff recommends approval of the Preliminary/Final Forest Conservation Plan with the conditions as cited in this Staff Report.

ATTACHMENTS

Attachment A: Preliminary Plan

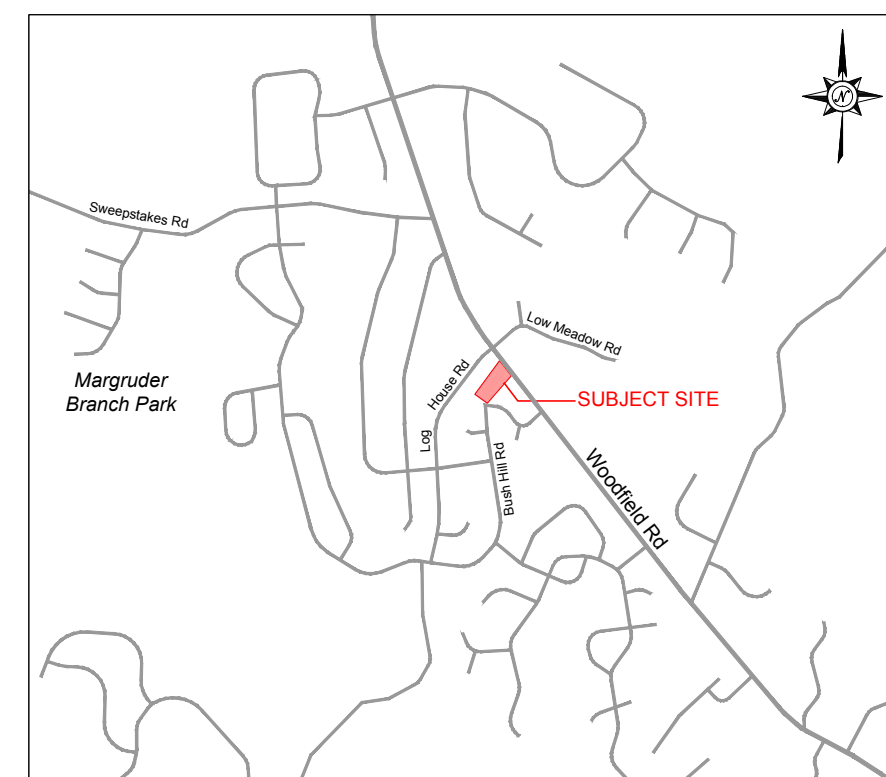
Attachment B: Agency Letters

Attachment C: Preliminary/Final Forest Conservation Plan

Attachment D: Tree Variance Request Letter

ATTACHMENT A

24320 WOODFIELD ROAD, GAITHERSBURG, MD 20882



SCALE : 1"=2000

1. Address : 24320 WOODFIELD RD. GAITHERSBURG, MD 20882
2. Owner Name: LUIS MARTINEZ ALEJANDRO & MARCELO SMULEVICH
3. Legal Description: ADDITION TO RAYS ADVENTURE
4. Parcel: P728
5. LIBER & FOLIO: 56206 & 452
6. Existing Use: Residential
7. Proposed Use: Residential
8. Tax Map: FW43
9. Tax ID No.: 00938183
10. Election District Number: 12
11. Gross Tract Area: 71994 S.F. (1.65 Ac.)
12. Dedication ROW Area: 3968 S.F. (0.09 Ac.)
13. Net Tract Area: 68026 S.F. (1.56 Ac.)
14. Zoning: R-200
15. WSSC Grid: 234NW10
16. Water and sewer service to be provided by WSSC.
17. Electric service is provided by ALLEGHENY POWER.
17. Gas service is provided by WASHINGTON GAS COMPANY.
18. Water Category: W-1
19. Sewer Category: S-1
20. Sewer Basin Name: Seneca Creek
21. Historic Site: No
22. Special Protection Area: No
23. Watershed: Upper Great Seneca Creek
24. The Site Surveyed by: Goode Surveys LLC

ZONING ORDINANCES

DESCRIPTION	REQUIRED/ PERMITTED	PROVIDED	
		LOT 1	LOT 2
Minimum Lot Area	20,000 SF	36,568 SF (0.84 AC)	31,438 SF (0.72 AC)
Minimum Lot Width (At Front Building Line)	100'	163'	184'
Minimum Lot Width (At Front Street Line)	25'	171'	95'
Maximum Lot Coverage	25%	7.76%	8.97%
Maximum Building Height	40'	40'	40'
Front Setback	40'	40.7'	40.5'
Side Setbacks	12' Min (25' Total)	58' 6" x 55' 5"	39' 3" x 41' 6"
Rear Setback	40'	109' 0"	74' 5"
Maximum Density (Units/ acre)	2.18 (3 units)	1.28 (2 units)	

Note:
* Measured to mean height between eaves and ridges of gables, hip, mansard or gambrel roof

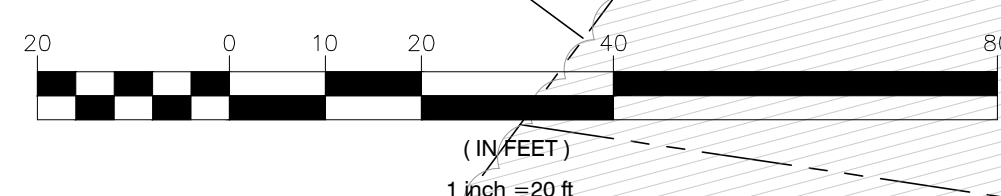
Required Parking Spaces for Single Family Units is 2.00 Spaces per Unit. Therefore:
Required Parking Spaces = 2.00 x 2 = 4 Spaces

Provided Parking Spaces = 4 Spaces (Garage Spaces)

POS	POINT OF BEGINNING	OU	OVERHEAD UTILITY
IPB	IRON PIN SET	UE	UNDERGROUND UTILITY
IPF	IRON PIN POLE	CMP	CORRUGATED METAL PIPE
PP	PRECAST CONCREMENT FOUND	CC	REINFORCED CONCRETE PIPE
PP	UTILITY POLE	PVC	POLYVINYL CHLORIDE PIPE
LP	LIGHT POLE	GW	GUY WIRE ANCHOR
PM	FLAG POLE	TR	TRANSFORMER
SMH	SANITARY SEWER MANHOLE	JB	JUNCTION BOX
SDMH	STORM DRAIN MANHOLE	SWCB	SINGLE WIND CATCH BASIN
SV	SEWER	DCUB	DOUBLE WIND CATCH BASIN
FH	FIRE HYDRANT	CLF	CHAR LINK FENCE
EP	EDGE OF PAVEMENT	WV	WATER VALVE
C	TOP OF CURB	WM	WATER MAIN
BC	EDGE OF CURBS	CO	SEWER CLEAN-OUT
BT	TOP OF WALL	GV	Gas VALVE
TW	BOTTOM OF WALL	BR	TO BE REMOVED
		(TRB)	TO BE SAVED

FEATURE	SYMBOL	FEATURE	SYMBOL
EXISTING STRUCTURES		EXISTING WATER LINE	
PROPOSED STRUCTURES		EXISTING SEWER LINE	
BUILDING RESTRICTION LINE		PROPOSED WATER HOUSE CONNECTION	
PROPERTY BOUNDARY LINE		PROPOSED SEWER HOUSE CONNECTION	
ROAD CENTERLINE		PROPOSED STORM DRAIN PIPE	
EXISTING TOPOGRAPHY		PROPOSED GRAVEL DRYPWELL	
PROPOSED GRADING		PROPOSED GRASSED SWALE	
PROP. UNDERGROUND ELECTRIC LINE		EXISTING OVERHEAD WIRE	
EXISTING FENCE		PROPOSED DOWN-SLOPE	
LIMIT OF DISTURBANCE		PROPOSED WSSC EASEMENT	
SOIL BORING - HAND AUGER		EXISTING SEWER MANHOLE	
SOIL BORING - INFILTRATION TEST HOLE		PROPOSED SEWER MANHOLE	
EXISTING TREE LINE		EXISTING FOREST CONSERVATION EASEMENT	
POWER POLE		PROP. FOREST CONSERVATION EASEMENT SIGN	
EXISTING LIGHT POLE		TREE PROTECTION FENCE / ROOT PRUNING	
PROPOSED LIGHT POLE		PROPOSED CONCRETE SIDEWALK	
DRAINAGE AREA LINE		PROPOSED ASPHALT PAVEMENT	
FLOW PATH			
EXISTING TREE (TO BE REMOVED)		EXISTING TREE (TO BE SAVED)	
PROP. STABILIZED CONSTRUCTION ENTRANCE		PROPOSED SUPER SILT FENCE	

REV#	DATE	
1	02/07/2023	(REVIEW AGENCY) COMMENTS ADDRESSED
2	01/19/2023	(REVIEW AGENCY) COMMENTS ADDRESSED
3	02/10/2023	(REVIEW AGENCY) COMMENTS ADDRESSED
4	02/22/2023	(REVIEW AGENCY) COMMENTS ADDRESSED



LOT 7
305 LOG HOUSE
PLAT NO. 11454

LOT 62
24224 BUSH HILL RD
PLAT NO. 20984

LOT 61
24222 BUSH HILL RD
PLAT NO 20984

24329 LOG HOUSE RD
BLOCK N, LOT 1
HUNT GEORGE C
L. 30514 F. 685
PLAT NO. 12161

24325 LOG HOUSE RD
BLOCK N, LOT 2
NIGHTINGALE JEFFREY W &
GINA MARIE NIÑO DE NIGHTINGALE
L. 39992 F. 184
PLAT NO. 12161
ZONE: R-200

24321 LOG HOUSE RD
BLOCK N, LOT 3
BEYERS CHRISTINE FONES TRUST
L. 61490 F. 130
PLAT NO. 12161
ZONE: R-200

24317 LOG HOUSE RD
BLOCK B, LOT 4
BENJAMIN KYLE E
L. 46322 F. 26
PLAT NO. 11454
ZONE: R-200

24313 LOG HOUSE RD
BLOCK B, LOT 5
IDONI MASSIMO A
L. 51103 F. 313
PLAT NO. 11454
ZONE: R-200

LOT 6
24309 LOG HOUSE RD
PLAT NO. 11454

24228 BUSH HILL RD
BLOCK B, LOT 63
ENTERED SITE ONE DE
L. 44327 F. 168
PLAT NO. 20984
ZONE: R-200

9715 HICKORY SPRING LN
BLOCK N LOT 8
CANTILLO LUIS G & PATRICIA F DESOTO
L. 19573 F. 560
PLAT NO. 20984
ZONE: R-200

PRELIMINARY PLAN

Preliminary Plan# 120200030

ADDITION TO RAY'S ADVENTURE

24320 WOODFIELD ROAD

<p>PROJECT ADDRESS:</p> <p>24320 WOODFIELD ROAD, GAITHERSBURG, MD 20882</p>	<p>OWNER/APPLICANT INFO:</p> <p>1/US MARTINEZ AL EANDRO & MARCELO SMULEVICH 22547 SWEETLEAF, GAITHERSBURG, MD 20882</p>
--	--

<p>TAX MAP:</p> <p>FW43</p>	<p>PARCEL:</p> <p>P728</p>	<p>12nd DISTRICT</p>
<p>TAX ID #:</p> <p>00925183</p>	<p>ZONING:</p> <p>R-200</p>	<p>MONTGOMERY COUNTY, MD</p>



PROFESSIONALS' REVIEW STATEMENT:
I 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 AND LICENSE NUMBER: 27242 EXPIRES: JUNE 15, 2024

DRAWN BY: PG CHECKED BY: MK	DATE FEB, 2023	SCALE 1"=20'	SHEET NUMBER PP 2 OF 4
--------------------------------	-------------------	-----------------	---------------------------

ATTACHMENT B



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

February 23, 2023

Mr. Mike Razavi
Raztec Associates Inc.
341 W. Patrick St.
Frederick, MD 21701

Re: Stormwater Management **CONCEPT**
RECONFIRMATION for Addition to Ray's
Adventure
SWM Concept #:284873

Dear Mr. Razavi:

Your request for a stormwater management reconfirmation for the above site has been evaluated. The original approved SWM concept dated 8/24/2020 is hereby reconfirmed. Please adhere to all conditions required as part of that approval.

If you have any questions regarding these actions, please feel free to contact Joel Karpas at 240-777-6206.

Sincerely,

A handwritten signature in cursive script that reads "Mark Etheridge".

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

Cc: SM File #: 284873



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



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

February 27, 2023

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

RE: Preliminary Plan No. 120200030
Addition to Ray's Adventure
Preliminary Plan Letter

Dear Mr. Estes:

We have completed our review of the preliminary plan uploaded on eplans dated February 20, 2023. A previous plan was reviewed by the Development Review Committee at its December 21, 2021, meeting. We recommend approval of the plan subject to the following comments:

Plan Review Comments

1. Woodfield Road (MD-124):
 - a. Per Bicycle Masterplan: sidepath along the frontage. We recommend the applicant install the sidepath along the frontage with a minimum 6-ft buffer as shown in the plans.
 - b. We defer to Maryland State Highway Administration (MDSHA) for any other improvements along this roadway.
2. Bush Hill Road:
 - c. The proposed Temporary Turnaround as shown in the plan meets the minimum standards per MC-223.01.
 - d. The details of the handicap ramps as shown on the plan will be determined at the right-of-way permit stage by Montgomery County Department of Permitting Services (MCDPS).
 - e. The proposed driveway entrances shall be per MC-301.02

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. At or before the right-of-way permit stage, the applicant shall provide a written consent from the adjacent property owner (exiting Lot 63) which is not part of this application for the modification of their driveway.
4. The proposed 11-ft sidewalk/shared use path along Lots 1 and 2 as shown in the plan is located within a 20-ft public improvement easement (PIE). The applicant shall coordinate with MCDPS at the right-of-way permit (ROW) stage to determine whether the proposed 11-ft sidewalk/shared use path along Lots 1 and 2 shall be maintained by the county or privately maintained. If it is decided to be maintained by the county, then the applicant shall install the sidewalk/shared use path with proper lighting per the county standards. If it is privately maintained a PIE is not required.
5. **Storm Drain Analysis:** We defer to MDSHA for portions of the site draining to Woodfield Road (MD-124). No Improvements are needed to County maintained systems.
6. **Sight Distance:**
 - a. The sight distance has been approved as the driveway is at the terminus of Bush Hill Road.
 - b. The proposed driveway on Woodfield Road (MD-124) shall be approved by MDSHA.

Standard Plan Review Comments

1. 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.
2. Trees in the County ROW – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public ROW must be coordinated with MCDPS ROW Plan Review Section.
3. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at yazdan.sanayi@montgomerycountymd.gov or at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
4. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
5. Design all access points and alleys to be at-grade with the sidewalk, dropping down to street level between the sidewalk and roadway.

6. Posting of a ROW permit bond is a prerequisite to MCDPS approval of the record plat. The ROW permit will include, but not necessarily be limited to, the following improvements:
- a. Street grading, paving, curbs and gutters, sidewalk and handicap ramps, storm drainage and appurtenances, and street trees along Bush Hill Road.
 - b. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County ROW and all drainage easements.
 - c. Permanent monuments and property line markers, as required by Section 50.4.3(G) of the Subdivision Regulations.
 - d. Erosion and sediment control measures as required by Chapter 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 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 the MCDPS.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Engineer for this project at deepak.somarajan@montgomerycountymd.gov or at (240) 777-7170.

Sincerely,

Deepak Somarajan

Deepak Somarajan, Engineer III
Development Review Team
Office of Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\120200030-Addition to Ray's Adventure\Letter\ 120200030-Addition to Ray's Adventure-Prelim Plan Letter

cc: SharePoint correspondence Folder FY-23

Mr. Philip Estes
Preliminary Plan No. 120200030
February 27, 2023
Page 4

cc-e:	Michele Rosenfeld	The Law Office of Michele Rosenfeld
	Mike Razavi	Raztech Associates Inc
	Kwesi Woodroffe	MDSHA District 3
	Atiq Panjshiri	MCDPS RWPR
	Sam Farhadi	MCDPS RWPR
	Mark Etheridge	MCDPS WRS
	Dan Sanayi	MCDOT DTEO
	Rebecca Torma	MCDOT OTP

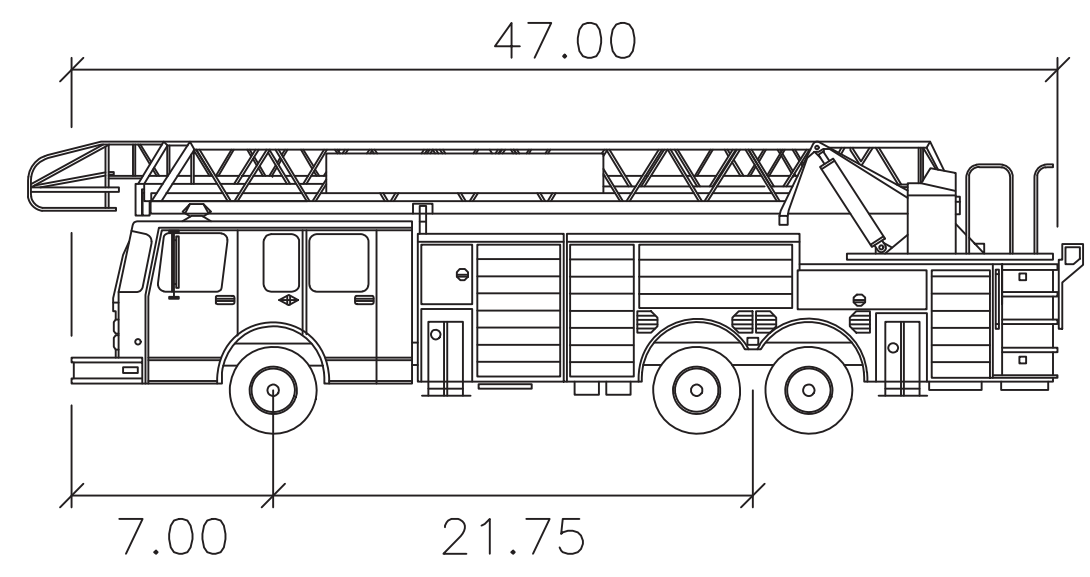
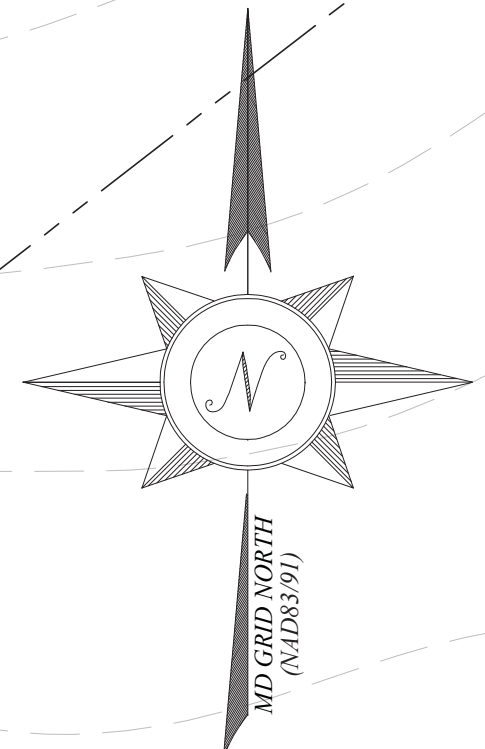
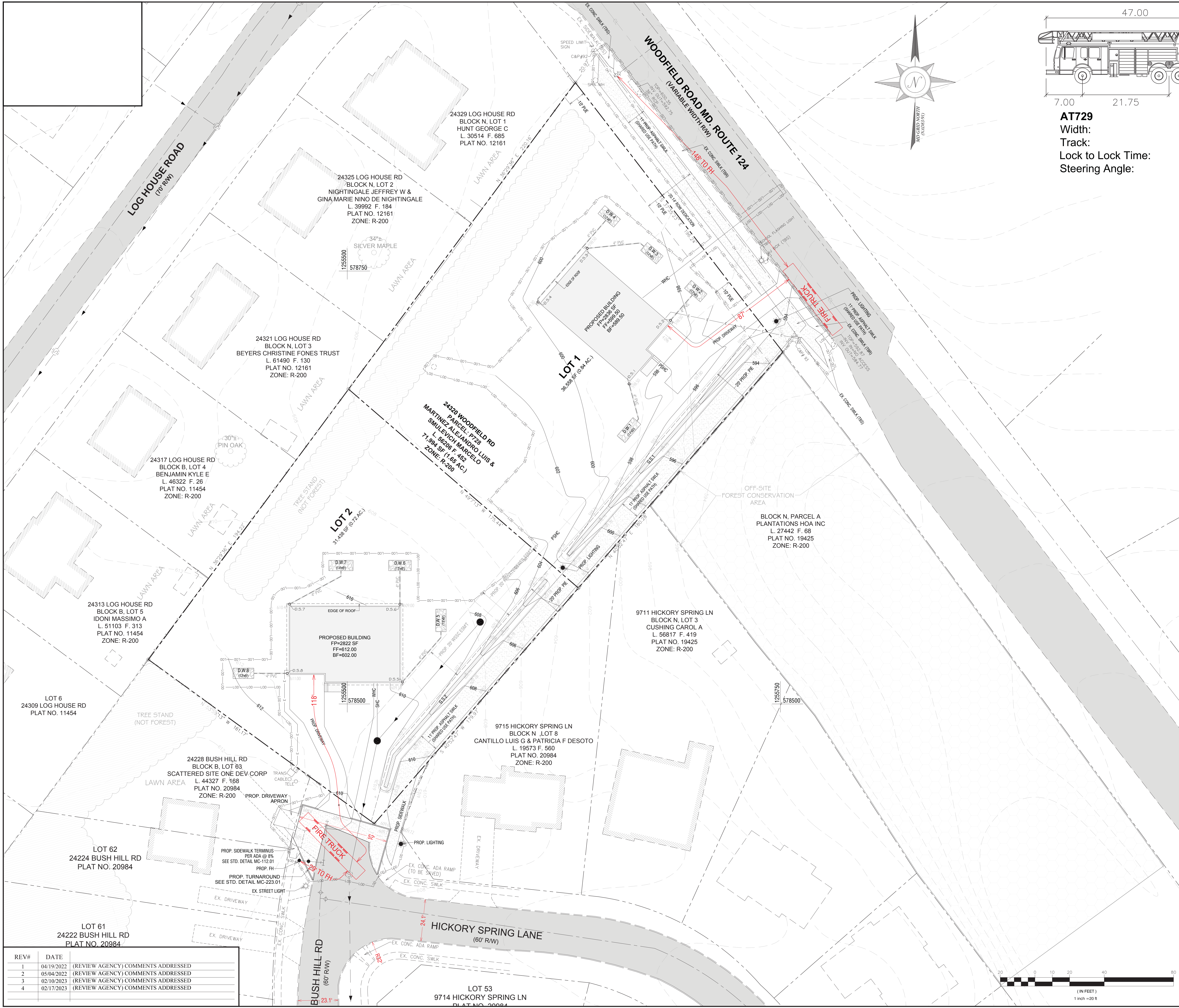


Department of Permitting Services
Fire Department Access and Water Supply Comments

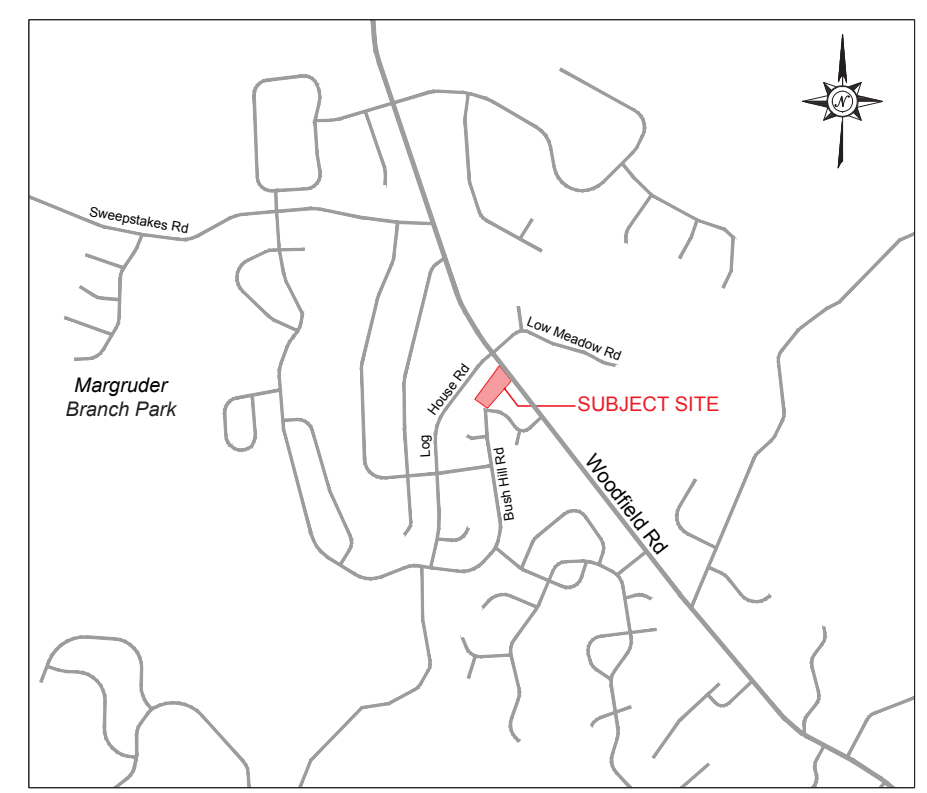
DATE: 19-Feb-23
TO: Mike Razavi
Raztec Associates Inc.
FROM: Marie LaBaw
RE: Addition to Ray's Adventure
120200030

PLAN APPROVED

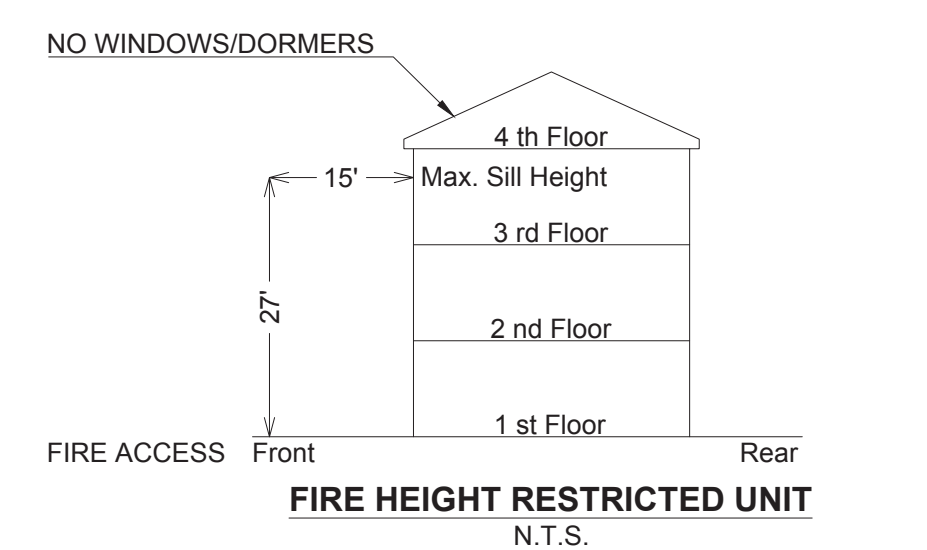
1. Review based only upon information contained on the plan submitted **17-Feb-23** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



AT729
Width: 8.00
Track: 8.00
Lock to Lock Time: 6.00
Steering Angle: 33.20



VICINITY MAP
SCALE : 1"=2000'



General Notes:
1. One and two-family dwelling 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 access route.

FIRE CODE ENFORCEMENT
Fire Department Access Review
Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.
BY: *SMC* PM: 43 DATE: 2/19/2023

LEGEND			
FEATURE	SYMBOL	FEATURE	SYMBOL
EXISTING STRUCTURES		EXISTING WATER LINE	
PROPOSED STRUCTURES		EXISTING SEWER LINE	
BUILDING RESTRICTION LINE		PROPOSED WATER HOUSE CONNECTION	
PROPERTY BOUNDARY LINE		PROPOSED SEWER HOUSE CONNECTION	
ROAD CENTERLINE		PROPOSED STORM DRAIN PIPE	
EXISTING TOPOGRAPHY		PROPOSED GRAVEL DRYWELL	
PROPOSED GRADING		PROPOSED GRASSED SWALE	
PROP. UNDERGROUND ELECTRIC LINE		EXISTING OVERHEAD WIRE	
EXISTING FENCE		PROPOSED DOWN-SPOUT	
LIMIT OF DISTURBANCE		PROPOSED WSSC EASEMENT	
SOIL BORING - HAND AUGER		EXISTING SEWER MANHOLE	
SOIL BORING - INFILTRATION TEST HOLE		PROPOSED SEWER MANHOLE	
EXISTING TREE LINE		EXISTING FOREST CONSERVATION EASEMENT	
POWER POLE		PROP. FOREST CONSERVATION EASEMENT SIGN	
EXISTING LIGHT POLE		TREE PROTECTION FENCE / ROOT PRUNING	
PROPOSED LIGHT POLE		PROPOSED CONCRETE SIDEWALK	
DRAINAGE AREA LINE		PROPOSED ASPHALT PAVEMENT	
FLOW PATH		EXISTING TREE (TO BE SAVED)	
EXISTING TREE (TO BE REMOVED)		PROPOSED SUPER SILT FENCE	
PROP. STABILIZED CONSTRUCTION ENTRANCE			

FIRE TRUCK ACCESS PLAN

ADDITIONAL TO RAY'S ADVENTURE
24320 WOODFIELD ROAD

PROJECT ADDRESS:
24320 WOODFIELD ROAD,
GAITHERSBURG, MD 20882

OWNER/APPLICANT INFO:
LUIS MARTINEZ ALEJANDRO & MARCELO SMULEVICH
22547 SWEETLEAF, GAITHERSBURG, MD 20882

TAX MAP: FW43
PARCEL: P728
TAX ID #: 00938183
ZONING: R-200

12nd DISTRICT
MONTGOMERY COUNTY, MD

RAZTEC ASSOCIATES, INC.
civil engineers & planners
341 W. Patrick St., Frederick, Md. (301) 775-4394
Maryland 21701 email: raztecengr@comcast.net

I 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 NUMBER: 27442. EXPIRES: JUNE 15, 2024.

DRAWN BY: PG
CHECKED BY: MR

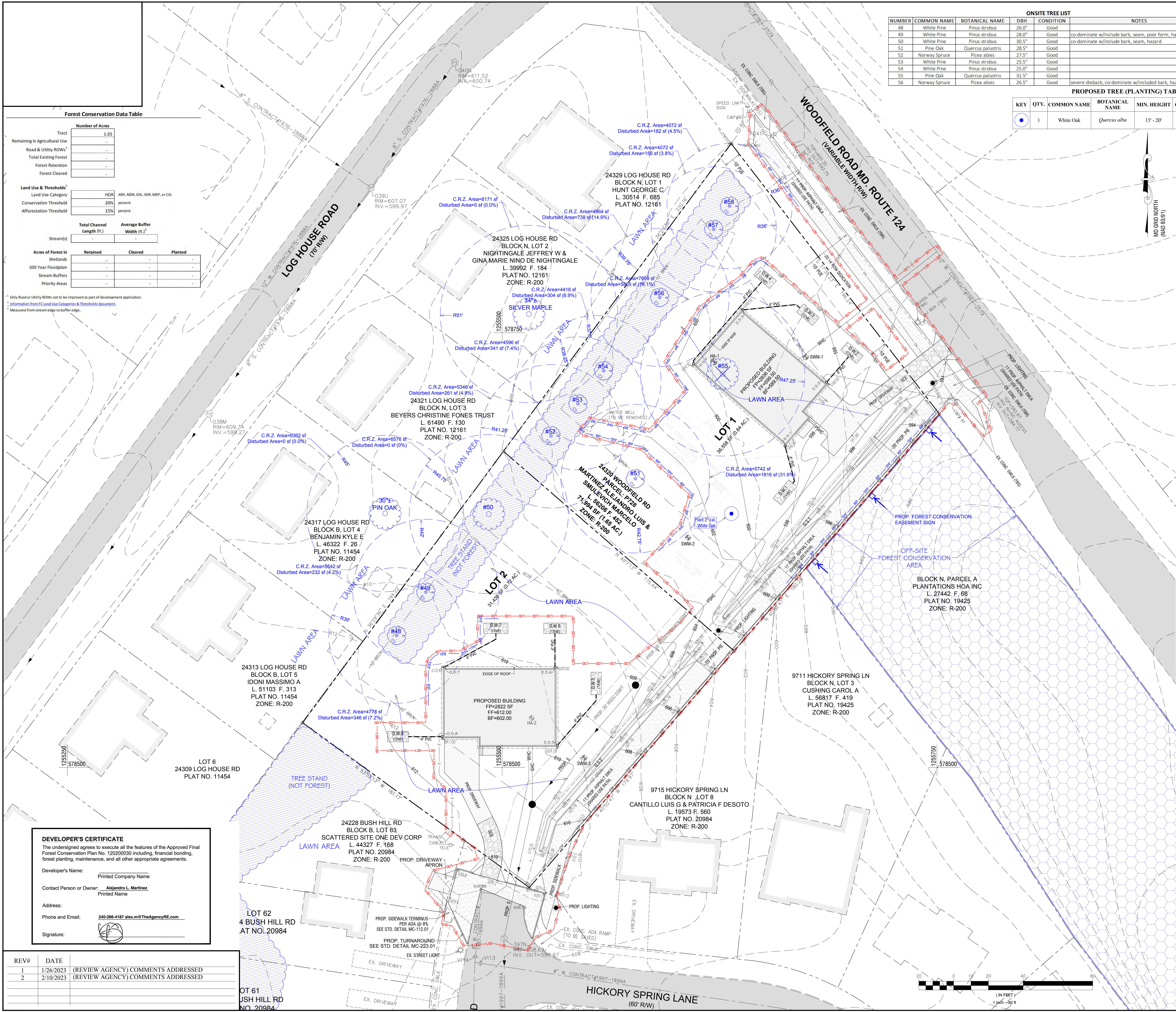
DATE
FEB, 2023

SCALE
1"=20'

SHEET NUMBER
FAP 1 OF 1

REV#	DATE	REVISION
1	04/19/2022	(REVIEW AGENCY) COMMENTS ADDRESSED
2	05/04/2022	(REVIEW AGENCY) COMMENTS ADDRESSED
3	02/10/2023	(REVIEW AGENCY) COMMENTS ADDRESSED
4	02/17/2023	(REVIEW AGENCY) COMMENTS ADDRESSED

ATTACHMENT C

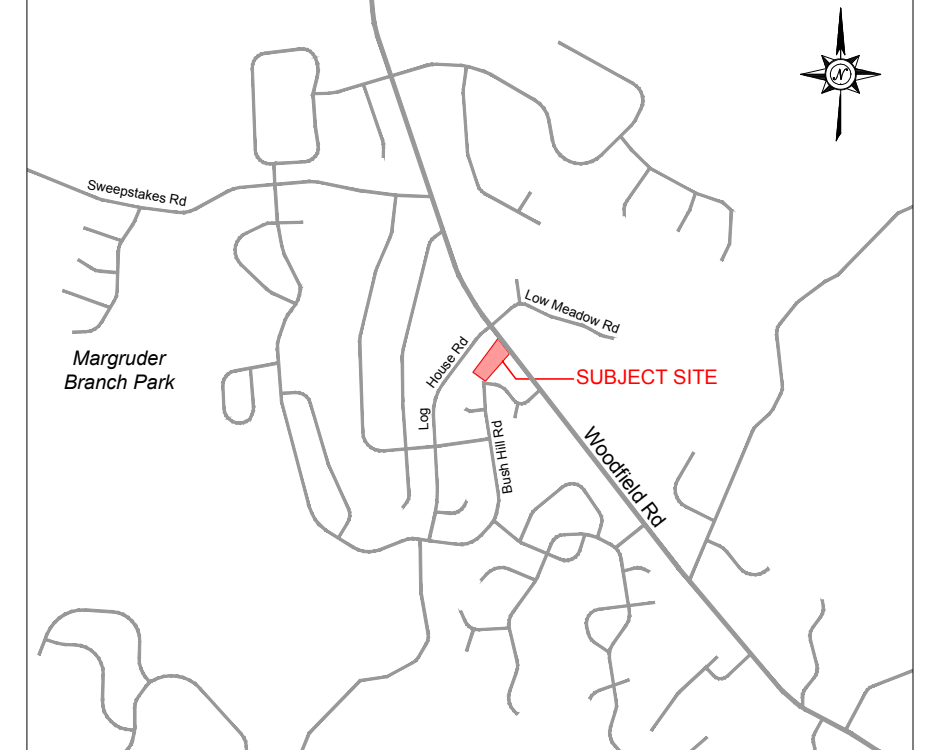


Forest Conservation Data Table			
	Number of Acres		
Tract	1.65		
Remaining in Agricultural Use	-		
Road & Utility ROWs ¹	-		
Total Existing Forest	-		
Forest Retention	-		
Forest Cleared	-		
Land Use & Thresholds ²			
Land Use Category	HDR	ARA, MDR, IDA, HDR, MDP, or CIA	
Conservation Threshold	20%	percent	
Afforestation Threshold	15%	percent	
Acres of Forest in			
Stream(s)	Total Channel Length (ft.)	Average Buffer Width (ft.) ³	
	-	-	
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.

ONSITE TREE LIST						
NUMBER	COMMON NAME	BOTANICAL NAME	DBH	CONDITION	NOTES	Remain/ Remove
48	White Pine	Pinus strobus	26.0"	Good		To Remain
49	White Pine	Pinus strobus	28.0"	Good	co-dominate w/included bark, seam, poor form, hazard	To Remain
50	White Pine	Pinus strobus	30.5"	Good	co-dominate w/included bark, seam, hazard	To Remain
51	Pine Oak	Quercus palustris	28.5"	Good		To Remain
52	Norway Spruce	Picea abies	27.5"	Good		To Remain
53	White Pine	Pinus strobus	25.5"	Good		To Remain
54	White Pine	Pinus strobus	25.0"	Good		To Remain
55	Pine Oak	Quercus palustris	31.5"	Good		To be Removed
56	Norway Spruce	Picea abies	26.5"	Good	severe dieback, co-dominate w/included bark, hazard, seam	To Remain

PROPOSED TREE (PLANTING) TABLE						
KEY	QTY.	COMMON NAME	BOTANICAL NAME	MIN. HEIGHT	CALIPER	REMARK
	1	White Oak	Quercus alba	15' - 20'	2"	-



VICINITY MAP
SCALE : 1"=2000'

LEGEND			
FEATURE	SYMBOL	FEATURE	SYMBOL
EXISTING STRUCTURES		EXISTING WATER LINE	
PROPOSED STRUCTURES		EXISTING SEWER LINE	
BUILDING RESTRICTION LINE		PROPOSED WATER HOUSE CONNECTION	
PROPERTY BOUNDARY LINE		PROPOSED SEWER HOUSE CONNECTION	
ROAD CENTERLINE		PROPOSED STORM DRAIN PIPE	
EXISTING TOPOGRAPHY		PROPOSED GRAVEL DRYWELL	
PROPOSED GRADING		PROPOSED GRASSED SWALE	
EXISTING FENCE		PROPOSED DOWN-SPOUT	
LIMIT OF DISTURBANCE		PROPOSED WSSC EASEMENT	
SOIL BORING - HAND AUGER		EXISTING SEWER MANHOLE	
SOIL BORING - INFILTRATION TEST HOLE		PROPOSED SEWER MANHOLE	
EXISTING TREE LINE		EXISTING FOREST CONSERVATION EASEMENT	
POWER POLE		PROP. FOREST CONSERVATION EASEMENT SIGN	
LIGHT POLE		TREE PROTECTION FENCE / ROOT PRUNING	
PROPOSED SUPER SILT FENCE		PROP. UNDERGROUND ELECTRIC LINE	
SIGNIFICANT TREE (24"-29") CRITICAL ROOT ZONE (C.R.Z.)		SPECIFIC TREE (24"-29") CRITICAL ROOT ZONE (C.R.Z.)	
EXISTING TREE TO BE REMOVED		PROP. STABILIZED CONSTRUCTION ENTRANCE	
EXISTING OVERHEAD WIRE		PLANTING (PROPOSED) TREE	

FOREST CONSERVATION WORKSHEET
24320 WOODFIELD ROAD

NET TRACT AREA:		
A. Total tract area ...		1.65
B. Additions to tract area (Off-Site Work, etc.; construction required by this plan)...		0.18
C. Land dedication acres (parks, county facility, etc.) ...		0.00
D. Land dedication for roads or utilities (construction not required by this plan) ...		0.09
E. Area to remain in commercial agricultural production/use ...		0.00
F. Other deductions (specify)		0.00
G. Net Tract Area		1.74

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 = 0.26
H. Conservation Threshold ...				20%			x G = 0.35

EXISTING FOREST COVER:		
I. Existing forest cover		0.00
J. Area of forest above afforestation threshold		0.00
K. Area of forest above conservation threshold		0.00

BREAK EVEN POINT:		
L. Forest retention above threshold with no mitigation		0.00
M. Clearing permitted without mitigation		0.00

PROPOSED FOREST CLEARING:		
N. Total area of forest to be cleared		0.00
O. Total area of forest to be retained		0.00

PLANTING REQUIREMENTS:		
P. Reforestation for clearing above conservation threshold		0.00
Q. Reforestation for clearing below conservation threshold		0.00
R. Credit for retention above conservation threshold		0.00
S. Total reforestation required		0.00
T. Total afforestation required		0.26
U. Credit for landscaping (may not exceed 20% of "S")		0.00
V. Total reforestation and afforestation required		0.26

NOTE:
Forest conservation obligation to be provided by fee-in-lieu.

Plan Certified By: 02/10/23
Michael J. Klebasko, PWS
Manager - Maryland Environmental Science
Wetland Studies and Solutions, Inc.
Phone: (703) 679-5742, (410) 271-4793
Email: MKlebasko@wetlands.com

DEVELOPER'S CERTIFICATE

The undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 120200030 including, financial bonding, forest planting, maintenance, and all other appropriate agreements.

Developer's Name: Printed Company Name
Contact Person or Owner: Alejandro L. Martinez
Printed Name
Address:
Phone and Email: 240-286-4187 alex.m@TheAgencyRE.com
Signature:

REV#	DATE	REVIEW AGENCY COMMENTS ADDRESSED
1	1/26/2023	(REVIEW AGENCY) COMMENTS ADDRESSED
2	2/10/2023	(REVIEW AGENCY) COMMENTS ADDRESSED

PRELIMINARY/ FINAL FOREST CONSERVATION PLAN
#120200030

ADDITION TO RAY'S ADVENTURE
24320 WOODFIELD ROAD

PROJECT ADDRESS: 24320 WOODFIELD ROAD, GAITHERSBURG, MD 20882
OWNER/APPLICANT INFO: LUIS MARTINEZ ALEJANDRO & MARCELO SMULEVICH
22547 SWEETLEAF, GAITHERSBURG, MD 20882

TAX MAP: FW43
PARCEL: P728
TAX ID #: 00938183
ZONING: R-200

12nd DISTRICT
MONTGOMERY COUNTY, MD

RAZTEC ASSOCIATES, INC.
civil engineers & planners
341 W. Patrick St., Frederick, Maryland 21701
Tel (301) 775-4394
email raztecengr@comcast.net

DRAWN BY: PG
CHECKED BY: MK

DATE
FEB, 2023

SCALE
1"=20'

SHEET NUMBER
FCP 1 OF 2

ATTACHMENT D



February 8, 2023

Montgomery County Planning Board
2425 Reddie Drive, 14th Floor
Weaton, MD 20902

RE: § 22A-21 Variance Request for 24320 Woodfield Road

Dear Planning Board,

As required by the Code of Montgomery County Regulations, Luis Martinez Alejandro and Marcelo Smulevich (applicant) hereby request a variance for the removal of one (1) Specimen Tree at 24320 Woodfield Road. The tree to be removed is located near the center of the buildable area of the lot within the footprint of the proposed building. Locating the house elsewhere on the lot would necessarily cause disturbance to and/or removal of other Significant and Specimen Trees on the property. The proposed design minimizes Specimen Tree disturbance by concentrating construction activities towards the front of the buildable lot area. Variance is requested to allow for construction of the proposed building. The subject tree was assessed on January 30, 2023 by Cene Ketcham (ISA Certified Arborist MA-5812A, TRAQ, Maryland LTE #2475) of Wetland Studies and Solutions, Inc. (WSSI).

The subject tree is a pin oak (*Quercus palustris*) measured at 33.5 inches Diameter at Breast Height (DBH) and identified as Tree 55 on the Preliminary/Final Forest Conservation plan prepared by Raztec Associates, Inc. and dated January 2023. The tree is located approximately 34 feet northeast of the existing building and 47 feet southwest of the building restriction line. Its condition is rated as Good — the trunk and base appear sound, and there were no indications of declining health. Large and small deadwood and broken branches are present — the amount of deadwood is normal for a mature tree that has been minimally maintained.

The following describes the above requested variance in further detail, illustrates compliance with the Code of Montgomery County Regulations, Chapter 22A, Article III, § 22A-21, and provides additional justification:

Table 1: Trees requiring variance for removal.

Tree #	Common Name	Scientific Name	DBH (in.)	Condition	Assessment Notes
55	Pin Oak	<i>Quercus palustris</i>	33.5	Good	Full crown; small deadwood, particularly in lower crown; broken limbs

- a) *Written request.* An applicant may request in writing a variance from this Chapter or any regulation adopted under it if the applicant shows that enforcement would result in unwarranted hardship. A request for a variance suspends the time requirements in Section 22A-11 until the Planning Board or Planning Director acts on the request.

b) *Application requirements.* An applicant for a variance must:

- (1) describe the special conditions peculiar to the property which would cause the unwarranted hardship;

Comment: Given the building restriction lines, lot size, and the location of Significant and Specimen Trees on the property, there is no location on site in which the proposed structure can be built without removal of at least one (1) Specimen Tree. Preservation of this tree would cause an unwarranted hardship by preventing the applicant from building on the lot in a manner consistent with its R-200 zoning.

- (2) describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas;

Comment: Other similar residential construction projects that encounter trees in similar locations on a site would be provided the same considerations during the review of the required variance application. Furthermore, trees on sites with similar constraints are routinely granted variances for removal.

- (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; and

Comment: To ensure that there are no adverse effects on waterways in the immediate area of the project or the watershed in general, all grading and construction will be in accordance with an MDE-approved Erosion and Sediment Control Plan that provides for adequate sediment and erosion control. Four (4) 12 × 6-foot drywells are also proposed to capture runoff from the proposed building and retain it on site.

- (4) provide any other information appropriate to support the request.

Comment: The removal of Specimen Tree 55 is the option that allows construction of the proposed building with the least possible overall disturbance. All possible locations for the building require the removal of one or more Significant or Specimen Trees; concentrating the disturbance in the proposed location minimizes CRZ impacts to the other regulated trees on site.

I trust that this information is sufficient for your office to render a decision regarding this variance request. Please do not hesitate to contact me if you have any questions or if you should require further information.

Sincerely,
WETLAND STUDIES AND SOLUTIONS, INC.

A handwritten signature in black ink, appearing to read 'Cene Ketcham', with a stylized, sweeping flourish at the end.

Cene Ketcham
Manager — Urban Forestry
ISA Certified Arborist #MA-5812A, TRAQ
Maryland Licensed Tree Expert #2475