

WILLERBURN ACRES

ADMINISTRATIVE SUBDIVISION PLAN NO. 620230040

PRELIMINARY/FINAL FOREST CONSERVATION PLAN NO. F20230030

Description

Administrative Subdivision Plan to create a two-lot subdivision to allow the construction of two single-family detached dwellings units.

No. 620230040

Completed: 7-14-2023

MCPB

Item No. 11

7-27-2023

2425 Reddie Drive  
Floor 14  
Wheaton, MD 20902

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### LOCATION/ADDRESS

11712 Gainsborough Road

### MASTER PLAN

2002 Potomac Subregion Master Plan

### ZONE

R-90 (Residential)

### PROPERTY SIZE

1 acre

### APPLICANT

Robert Gamzeh

### ACCEPTANCE DATE

February 24, 2023

### REVIEW BASIS

Chapters 22A, 50, 59

## Summary

- Staff recommends approval of the Administrative Subdivision Plan and Preliminary/Final Forest Conservation Plan, with conditions.
- Per Section 50.6.1.C of the Subdivision Ordinance, subdivisions to create one to three lots for residential detached houses may be reviewed and approved administratively by the Planning Director.
- The Application proposes a flag lot. Per Section 50.6.3.B.2 and Section 50.4.3.C.1.b of the Subdivision Ordinance, the Application is being considered by the Planning Board, instead of the Planning Director.
- Additionally, Staff received community correspondence raising concerns about impacts to trees, traffic-related noise, square footage of proposed houses, tree variance, existing landscape on the property, and fire department requirements.

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## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### ADMINISTRATIVE SUBDIVISION PLAN 620230040

Staff recommends approval with conditions of Administrative Subdivision Plan No. 620230040 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. 620230040 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 29, 2023, 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. Before recordation of 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 June 7, 2023, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with

each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.

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 20, 2023, 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. Before 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.

#### TRANSPORTATION

9. Before release of the first building permit, the Applicant must construct a six-foot wide sidewalk along the property frontage on Gainsborough Road, as well as an additional offsite connection that will tie into an existing sidewalk connection. The Applicant must satisfy all necessary MCDPS requirements for the pedestrian connection construction.
10. Before the issuance of a new use and occupancy certificate for Lot 1 or Lot 2, the Applicant must remove the existing driveway. New driveway access must be located at the southwest corner of the Property as shown on the Certified Preliminary Plan.

#### RECORD PLATS

11. There shall be no clearing or grading of the site before recordation of plat.

#### 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. Before 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 those approved as approved by the Planning Board.

## PRELIMINARY/FINAL FOREST CONSERVATION PLAN F20230030

Staff recommends approval with conditions of Preliminary/Final Forest Conservation Plan No. F20230030 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 Preliminary/Final Forest Conservation Plan No. F20230030, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions:

1. The Applicant must comply with the following conditions of approval for the Preliminary/Final Forest Conservation Plan No. F20230030 (“FFCP”), 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 FFCP. Tree-save measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspection Staff.
  - c. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.
  - d. The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of three caliper inches totaling 12.0 caliper inches. Planting locations to be shown on the FFCP or as required by the M-NCPPC Inspection Staff.
  - e. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application, the Applicant must:
    - i. Submit the forest conservation fee-in-lieu payment to the M-NCPPC Planning Department for the 0.17-acres of afforestation/reforestation requirement.
    - ii. 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 and maintenance, including invasive species management controls, credited toward meeting the requirements of the FFCP.
    - iii. 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 the variance tree mitigation plantings. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.

## SECTION 2: SITE DESCRIPTION

### VICINITY

The Subject Property is located at 11712 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 Property is located approximately 450 feet northeast of the intersection of Seven Locks Road and Gainsborough Road (Figure 1).



Figure 1 – Vicinity Map



## PROPERTY DESCRIPTION

The one-acre Property consists of Lot 3, Block A of Section 1 of Willerburn Acres, as shown on Plat No. 2014 in the Land Records of Montgomery County. The Property is zoned R-90 (Residential) and is subject to the policies and recommendations of the Master Plan. The Property has 146 feet of frontage along Gainsborough Road. It is improved with a detached house and a driveway, which were constructed around 1953. In order to subdivide the property into two lots, the existing house and driveway will be removed.

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 generally downward to the southwest. The existing house on the Property is surrounded by tree cover, ornamental landscaping, and internal walkways. The Property is not located in a Special Protection Area or the Patuxent River Primary Management Area. No forest exists on the Property. The Property does not contain any streams, wetlands, floodplains, stream buffers, steep slopes, highly erodible soils, or other sensitive environmental features. No rare, threatened or endangered species or their habitats were observed or are known to occur on the Property. No historic resources, cemeteries, or burial sites are known to exist on the Property.



*Figure 2 - Subject Property*



Figure 3 - Zoning Map

## SECTION 3: PROJECT DESCRIPTION

### PROPOSAL

The Applicant proposes to subdivide one acre of land into two lots with direct access and frontage on Gainsborough Drive. To accommodate the new subdivision, the existing house and associated driveway will be removed. Lot No. 1 will contain approximately 19,602 square feet for a new single-family detached dwelling; Lot 2 will contain approximately 24,198 square feet for a new single-family detached dwelling (“Application”). Figure 4 (below) shows the proposed configuration of the lots, vehicular access, and building restriction lines (BRL). The single-family dwelling footprints are illustrative with the final design and location determined at the time of building permit.

Access to the proposed lots is via a shared driveway from Gainsborough Road. The Project includes a new six-foot wide sidewalk along the Property’s frontage, with a six-foot wide buffer from the street per Complete Streets Design Guidelines. The new sidewalk will tie into an existing sidewalk which currently terminates at the property line boundary of 11702 and 11706 Gainsborough Road, to the west.

Preliminary/Final Forest Conservation Plan No. F20230030 (“FFCP”) shows no forest or environmental features on the one-acre property. This results in an afforestation requirement of 0.17 acres. The Applicant will satisfy this requirement by providing 0.17 acres of mitigation in an M-NCPPC approved offsite forest bank or pay a fee-in-lieu if no forest bank credits are available. The Applicant submitted a tree variance request to remove one and impact two protected trees. Please see the analysis in Section 5 of this Staff Report for an expanded discussion of the FFCP and tree variance request.

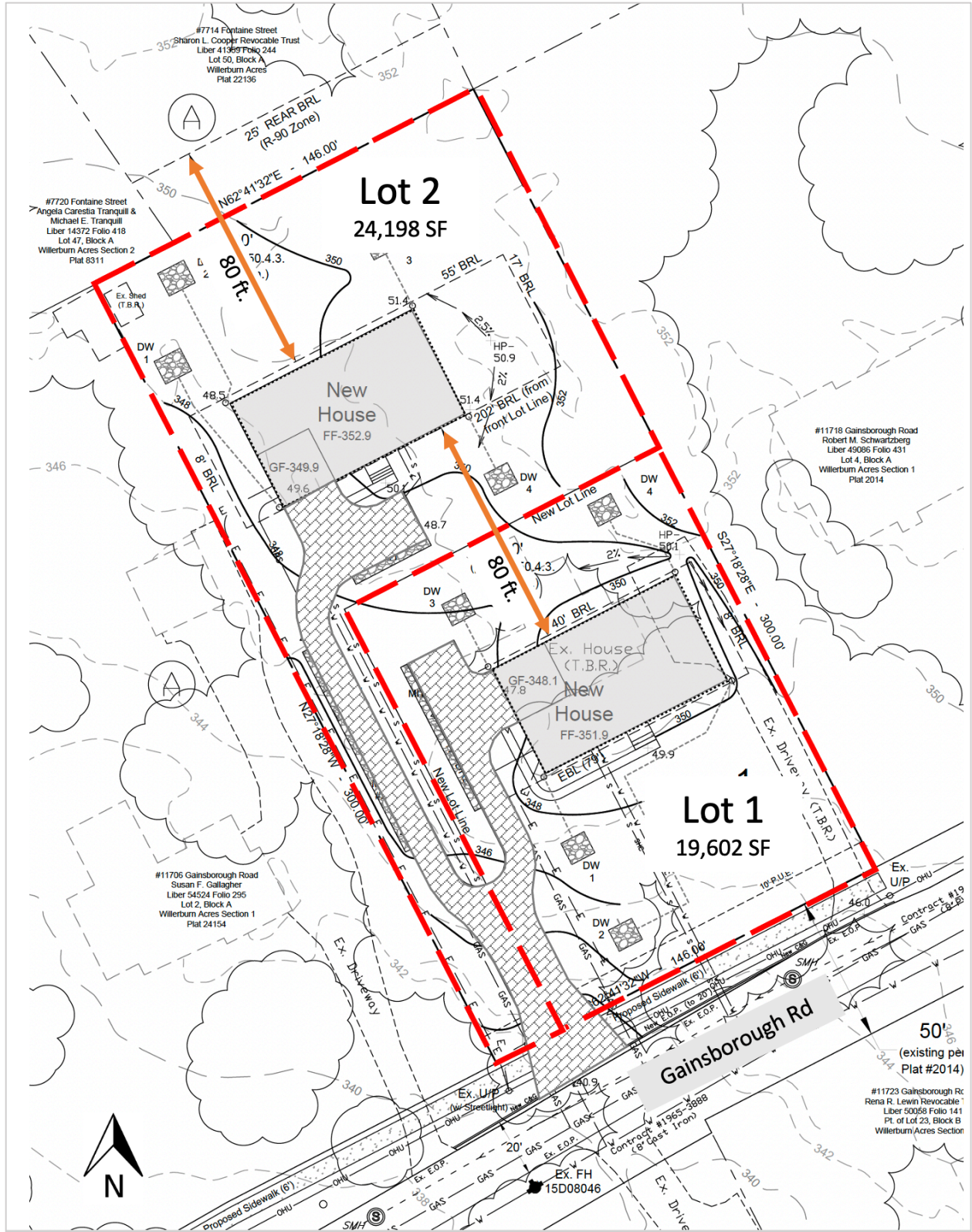


Figure 4 - Proposed Administrative Subdivision Plan No. 620230040

## SECTION 4: 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 February 27, 2023. The notice gave the interested parties 15 days to review and comment on the contents of the Application.

Within the 15-day comment period, Staff received one letter from the adjacent property owner to the east (Attachment D) and a telephone call from an unidentified neighbor, both of whom expressed opposition to the Project. The letter stated concerns regarding impacts to trees, traffic-related noise, the square footage of the proposed houses, a tree variance, the existing landscape on the Property, and fire department requirements. The caller stated a general opposition to a flag lots in the area. Staff concludes that the Applicant has reasonably and sufficiently addressed comments through plan revisions and approvals from other reviewing agencies. A summary of comments and staff's response are below in Table 1.

*Table 1 - Summary of community comments and staff responses*

Comment	Staff Response
Opposed to flag lots, generally.	Flag lots are allowed under limited conditions. Section 50.4.3.C.1.b provides that the Board must not approve flag lots except where unusual topography, environmental conditions, or the position of the tract in relation to surrounding properties and rights-of-way allow no other feasible way to subdivide the Property. As described in the findings section of this Staff Report, the Project meets the criteria to approve a flag lot, while meeting all other applicable development standards in the R-90 zone and Master Plan. Furthermore, there are two existing flag lots within close proximity to the Property, as well as other irregularly shaped lots. The proposed flag lot would not be inconsistent with other flag lots present in the vicinity.
Impacts to trees along the east property line.	The Project was redesigned to relocate the driveway and gas line to the western portion of the property, avoiding impacts to trees along the east property line.
Impacts to Specimen Tree No. 1.	The Project was redesigned to relocate the driveway and gas line to the western portion of the property to avoid impacts to Specimen Tree No 1. Pursuant to the Forest Conservation Plan, the existing driveway will be removed with light equipment and impact no more than 15 percent of the critical root zone, which extends onto the Property.

Comment	Staff Response
Traffic-related noise disturbances.	To avoid impacts, the existing driveway on the east side of the Property will be removed and relocated to the west side of the Property. Additionally, the expected total additional AM and PM peak-hour traffic generated is one vehicle trip in either peak hour. This level of traffic generated is typical for the proposed permitted use and would have a de minimis impact.
The smaller square footage of the proposed houses is out of character with other houses in the neighborhood and a house on a flag lot may depress real estate values in the area.	The Zoning Ordinance does not prescribe a minimum square footage for dwelling units and therefore a minimum square footage is not recommended. Flag lots are allowed under limited conditions.
The tree variance letter incorrectly identified the zoning of the Property as R-200.	The tree variance letter was revised to correctly identify the zoning as R-90.
The existing landscape is a “certified wildlife habitat” and the Project will destroy it.	As shown in the approved Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) dated May 27, 2022, the Property contains no forested land or official record of rare, threatened or endangered plant or animal species of concern. As described below in Section 5, the Applicant will adequately mitigate the removal of one on-site protected tree.
The Project could pose fire exposure hazards to neighboring properties re Fire Department comments to adequately show building restriction lines or 150 ft. fire department access compliance on the plans.	As indicated in a letter dated May 20, 2023, the Project has received preliminary approval by MCDPS Fire Department Access and Water Supply Section.

## SECTION 5: ADMINISTRATIVE SUBDIVISION PLAN FINDINGS AND ANALYSIS

### APPLICABILITY, SECTION 50.6.1 OF THE SUBDIVISION ORDINANCE

The Application meets the applicability 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 Application was submitted for standard method of development in the R-90 zone.

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

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

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

This section of Gainsborough Road contains a right-of-way of 60 feet, per Section 49-32 road design standards for Neighborhood Streets/Tertiary Residential Streets. No additional right-of-way is necessary as the appropriate right-of-way has been achieved as determined by applicable design standards in Section 49-32 of the County Code. The Applicant will coordinate with County agencies to ensure that any necessary public utility easements are shown on the plat.

**4. 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.

**5. 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 onsite and impacts to two offsite trees that are 30 inches or greater diameter breast height ("DBH"). 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.

The Application received an approved stormwater concept plan from the MCDPS, Water Resources Section on June 7, 2023. The Application will meet stormwater management goals through the use of Environmental Site Design (ESD) using drywells and micro-infiltration trenches. The Project meets all requirements of Chapter 19.

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

- 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.**

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

The Project does not propose any new residential blocks. The proposed subdivision is within an existing residential neighborhood with an established street grid and block design.

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

The Project meets all applicable sections of the Subdivision Ordinance including the requirements under Section 50.4.3.C. for flag lots. Proposed Lot 1 is regularly shaped, and Lot 2 is a flag lot. Overall, the lots are appropriate in size, shape, width, and orientation, taking into account the recommendations of the Master Plan, the existing lot pattern of surrounding properties, and the building type (single-family detached units) contemplated for the Property. Lots in the vicinity are typical of those following the existing curvilinear street pattern: a mix of regular- and irregular-shaped lots, and flag lots. As shown in Figure 5 below, the proposed lots are similar in shape and size to nearby lots located to the north and southeast of the Property. Per Section 50.4.3.C.b, the Board must not approve flag lots, except where unusual topography, environmental conditions, or the position of the tract in relation to surrounding properties and rights-of-way permit no other feasible way to subdivide and that appropriate separation between building envelopes can be achieved.

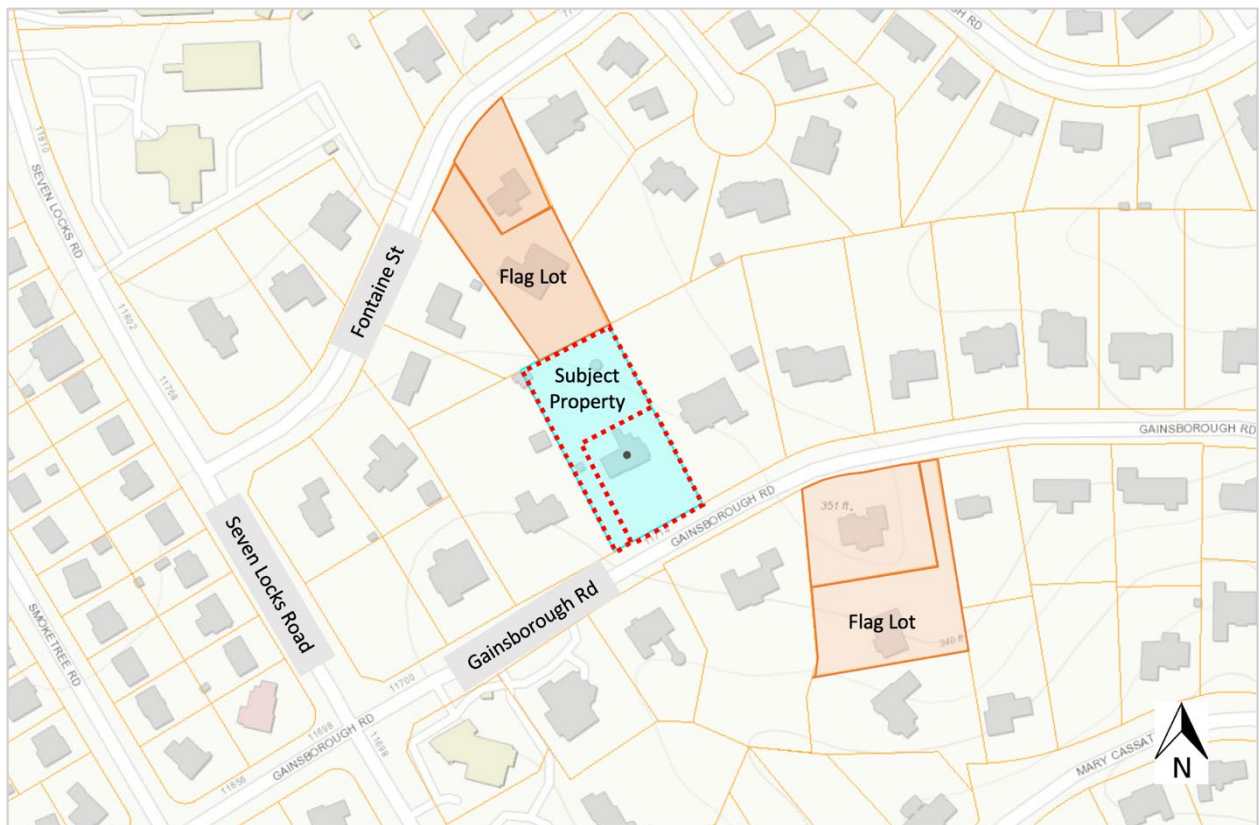
In approving a flag lot, the following criteria applies:

*In residential zones, the Board must require building restriction lines as needed to provide separation of at least 80 feet between the building envelope of the proposed flag lot and (a) the building envelopes of all lots that are adjacent to the rear lot line of the proposed flag lot; and (b) the building envelopes of all lots that are between the proposed flag lot and the road on which it fronts.*

The Project meets the applicable criteria to approve a flag lot. The position of the existing track of land in relation to surrounding properties and Gainsborough Road permits no other feasible way to subdivide the property. The Property has 146 feet of frontage along Gainsborough Road and a depth



of 300 feet. In the R-90 zone, the minimum lot size is 9,000 square feet with a minimum lot width of 75 feet. A side-by-side configuration of two lots is infeasible due to the minimum lot width of 75 feet and the property's shape in relation to its road frontage. Additionally, the Project meets all applicable development standards in the R-90 zone and Master Plan. Also as shown on Figure 4, and as applicable to flag lots (Sec. 4.3.C.1.b.i.), the Project meets all appropriate building line restrictions and separation distances between buildings. Additionally, in response to community comments, the Applicant redesigned the Project and relocated the driveway and gas line to the western portion of the property, avoiding impacts to trees along the east property line. The existing driveway will be removed with light equipment and impact no more than 15 percent of the critical root zone of Specimen Tree No. 1, which is located on the adjoining property to the east.



*Figure 5 – Subject Property and examples of existing flag lots in the vicinity*

**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. The Project provides adequate open areas as it meets all required building setbacks, maximum lot coverage, and minimum yard areas.

**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 2 - Development Standards in the R-90 Zone.*

Standard	Required/Permitted	Proposed Lot 1 <sup>1</sup>	Proposed Lot 2 <sup>2</sup>
Lot size, min.	9,000 sq. ft.	19,602 sq. ft.	24,198 sq. ft.
Lot width at front building restriction line (BRL), min.	75 ft.	121 ft.	146 ft.
Lot width at front lot line, min.	25 ft.	121 ft.	25 ft.
Lot coverage, maximum	20%	20%	20%
Front setback, min.	30 ft.	79 ft.	202 ft.
Side setback, min.	8 ft.	8 ft.	8 ft.
Rear setback, min.	25 ft.	25 ft.	25 ft.
Building height, max.	35 ft.	35 ft.	35 ft.

**2. The Administrative Subdivision Plan substantially conforms to the Master Plan.**

The Administrative Subdivision Plan substantially conforms to the recommendations within the 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. Furthermore, the proposed subdivision will help to achieve the County's housing development objective by increasing the number of housing units in all communities. 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.

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

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<sup>1</sup> Lot 1 is subject to the requirements of Section 59.4.4.1.A (Established Building Line); the established building line is 79 feet.

<sup>2</sup> Lot 2 is subject to the requirements of Section 50.4.3.C.1.b.i (Flag Lots).

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations. As noted above, 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. 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 2020 – 2025 *Growth and Infrastructure Policy* (the “GIP”) currently in effect.

**a) Roads and other Transportation Facilities**

**i. Existing Facilities**

Gainsborough Road is considered a *Tertiary Residential Street* with an approximate right-of-way width of 60 feet, per applicable road design standards for Secondary & Tertiary Neighborhood Streets as outlined in Section 49-32 of the County Code. No bicycle facilities exist on this section of Gainsborough Road. A sidewalk connection presently terminates 150 feet west of the property line at 11706 Gainsborough Road.

**ii. Planned Facilities**

Per the 2018 *Bicycle Master Plan*, no planned bicycle facilities are proposed for the section of Gainsborough Road fronted by the Subject Property. As a condition of this Application, the Applicant is constructing a six-foot-wide sidewalk along their frontage. The sidewalk will also contain a 6-foot-wide street buffer consistent with Complete Streets Design Guidelines recommendations for Neighborhood Streets. The proposed sidewalk will continue offsite 150 feet to the west and meet with an existing sidewalk terminus at property line boundary of 11702 and 11706 Gainsborough Road. No additional master planned improvements are required for this Application. Therefore, roads and transportation facilities are adequate to support the Application.

**b) Local Area Transportation Review (LATR)**

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 via the Applicant’s Traffic Exemption Statement (“TES”) dated December 28th, 2022, the Application will generate fewer than 50 peak-hour person trips in the morning and evening peak hours. As a result, the Application is not subject to additional Local Area Transportation Review (“LATR”) and is exempt from completing further transportation adequacy analysis.

**c) Schools**

As described above, the Project proposes to subdivide the property into two lots for one new single-family detached unit on each lot. The existing single-family detached unit will be removed. This equals a total of one net-new single-family detached unit. The Project is served by Beverly Farm Elementary School, Herbert Hoover Middle School and Winston Churchill High School. Based on the FY24 Annual

School Test results, the student enrollment and capacity projections for these schools are noted in Table 3:

*Table 3 – Preliminary School Adequacy Test*

School	Projected School Totals, 2025				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Beverly Farms ES	722	613	84.9%	+109	No UPP	194	254	362
Herbert Hoover MS	1,139	1,017	89.3%	+122	No UPP	248	350	521
Winston Churchill HS	1,991	2,129	106.4%	-138	No UPP	42	261	559

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 FY24 Annual School Test, development projects approved within these school service areas are not automatically subject to Utilization Premium Payments as identified in Table 3.

Based on the school capacity analysis performed, using the FY24 Annual School Test, this application is not subject to a Utilization Premium Payment. Therefore, no UPP condition is required.

**d) Other Public Facilities and Services**

As discussed above, all 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 GIP currently in effect.

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

The Application is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The FFCP was reviewed under Montgomery County Code, Chapter 22A, Forest Conservation Law that was effective on February 25, 2021 because the development application was submitted and all initial plans uploaded on January 11, 2023 before the current Forest Conservation Law became effective on April 3, 2023. Included with the Forest Conservation Plan is a request for a tree variance for impacts and removal of subject trees. The 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 on May 27, 2022. The NRI/FSD identifies the one-acre 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 is one tree onsite and two offsite trees which are adjacent to this property that have a diameter breast height (“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 submitted a Preliminary/Final Forest Conservation Plan No. F20230030 (“FCP”) (Attachment C) for concurrent review with the development plan application for an Administrative Subdivision Plan No. 620230040. 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 percent and a conservation threshold of 20 percent of the Net Tract Area.

The Net Tract Area for forest conservation purposes includes the 1.00-acre Total Tract Area plus 0.10 acres of offsite disturbance associated with this Application, for a total net tract area of 1.10 acres. There is no existing forest on the Subject Property. This results in a total afforestation/reforestation requirement of 0.17 acres. The Applicant proposes to meet the planting requirement by purchasing credits from an offsite forest bank within the Cabin John Creek watershed or another watershed if no credits are available within the Cabin John Creek watershed. If no forest bank credits are available in any forest bank within Montgomery County, then the Applicant will make a fee-in-lieu payment to the M-NCPPC forest conservation fund.

### 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 May 16, 2023 (Attachment C). The Applicant proposes to remove one and impact two trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Table 4).

Table 4 - Protected Trees to be impacted or removed

Tree Number	Botanical Name	Common Name	Size DBH	Tree Condition	% CRZ Impacted	Status
ST-1	<i>Pinus strobus</i>	White Pine	32.0"	Moderate-Poor	15%	Retain
ST-2	<i>Picea glauca</i>	White Spruce	38.5"	Moderate-Poor	100%	Remove
ST-4	<i>Acer saccharinum</i>	Silver Maple	55.0"	Moderate	29%	Retain

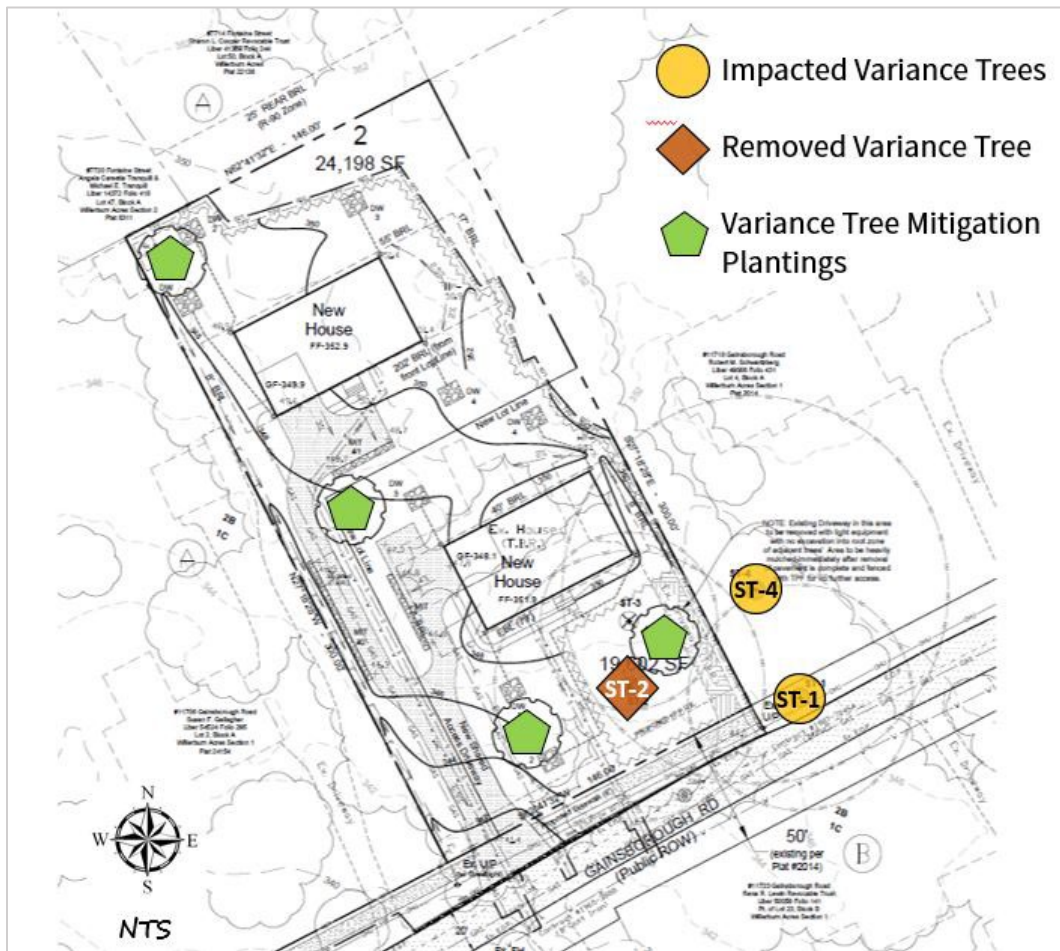


Figure 6 - Tree Variance Exhibit

### Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. To lessen construction impact to the trees, the Applicant redesigned the Project to consolidate two driveways into one driveway, and to locate the new driveway (away from the variance trees) to the south/southwest side of the property. The unwarranted hardship is also caused by the existing site conditions, development standards of the zone, Montgomery County agency requirements, and requirements associated with Master Plan objectives.

Two Protected Trees (Tree Nos. ST-1 and ST-4) are being impacted by the limits-of-disturbance (“LOD”) for the project. Tree Nos. ST-1 and ST-4 are both located on the adjacent property to the east and approximately 25-feet from the property line. The CRZs of both of these trees extend onto the Subject Property and the LOD is encroaching into these CRZs. Tree ST-1 will have approximately 15 percent of its CRZ impacted and Tree ST-4 will have about 29 percent impacts to its CRZ. The majority of impacts to these two trees is for the removal of the existing driveway and rehabilitation of the area on the Subject Property.

One Protected Tree (Tree ST-2) is proposed for removal. Tree ST-2 is located at the front of the Property and in proximity to the proposed house on Lot 1. Tree ST-2 would have a significant portion of its CRZ removed due to the installation of utilities, construction of the house, and frontage improvements along Gainsborough Road. Given the current moderate to poor condition of ST-2, it is possible that the tree may become a hazard and it is recommended that it be removed now.

The inability to impact or remove these trees would potentially render portions of the site undevelopable for this project or pose threats to the health, safety and welfare of future homeowners. 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 the development of single-family detached homes allowed under the zone, 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.

#### **a) Variance Findings**

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

- i. ***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 impacts to trees ST-1 and ST-4, and the removal of tree ST-2 are due to the development of the Property, location of the trees within the limits-of-disturbance (“LOD”) of the Property and necessary site design requirements for the Property. Tree No. ST-2 is located in the front portion of the Property and is near an existing driveway; it is in moderate- to poor condition. Tree No. ST-2 will be significantly impacted by the installation of stormwater management controls, drywells, a new public sidewalk, new utility lines, and the excavation for a new single-family detached unit on proposed Lot No. 1. Removal of Tree No. ST-2 is warranted, given the significant construction impacts, as well as the tree’s moderate- to poor condition. Granting a variance to allow disturbance within the developable portion of the site is not unique to this Applicant. Therefore, the granting of this variance is not a special privilege that is granted only this Applicant and 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 upon the existing site conditions, development standards of the zone, and necessary design requirements of this Application.

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 site design and layout of the Subject Property, 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 Trees being removed are not located within a stream buffer, wetland or Special Protection Area. At time of the FFCP, mitigation is proposed for the removal of tree ST-2 by planting on-site a quantity of four, three-inch minimum caliper, Maryland native overstory trees. The mitigation trees will replace the ecological and water quality functions that may be lost by removal of ST-2. 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 38.5 inches of DBH removed as shown on the FFCP. 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 one-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 9.63 inches with the installation on-site of a quantity of four, three-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 removed, they will be planted on the Subject Property and provide some immediate benefit, ultimately replacing the canopy lost by the removal of tree ST-2. There is some disturbance within the CRZ of two trees, Trees ST-1 and ST-4; however, these trees will receive adequate tree protection measures, an existing driveway currently within their CRZ will be removed and the area rehabilitated, and their roots will regenerate, and the functions they currently provide will continue. Therefore, no mitigation is recommended for trees that are impacted but retained. As conditioned, the mitigation trees will be protected as part of a five-year maintenance and management agreement.

#### Variance Recommendation

Staff recommends approval of the variance request.

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

The Project satisfies the requirements of Chapter 19. The Project received an approved stormwater concept plan from the MCDPS, Water Resources Section on June 7, 2023. The Project will meet stormwater management goals through the use of Environmental Site Design (ESD) using drywells and micro-infiltration trenches.

**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.**

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.

**7. 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 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 Ordinance, and the applicable requirements of Section 50.6.1.C.

The lots meet all requirements established in the Subdivision Ordinance 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 lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

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 Administrative Subdivision Plan and the Preliminary/Final Forest Conservation Plan with the conditions as cited in this Staff Report.

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### ATTACHMENTS

*Attachment A: Administrative Subdivision Plan*

*Attachment B: Agency Letters*

*Attachment C: Forest Conservation Plan and Tree Variance Request*

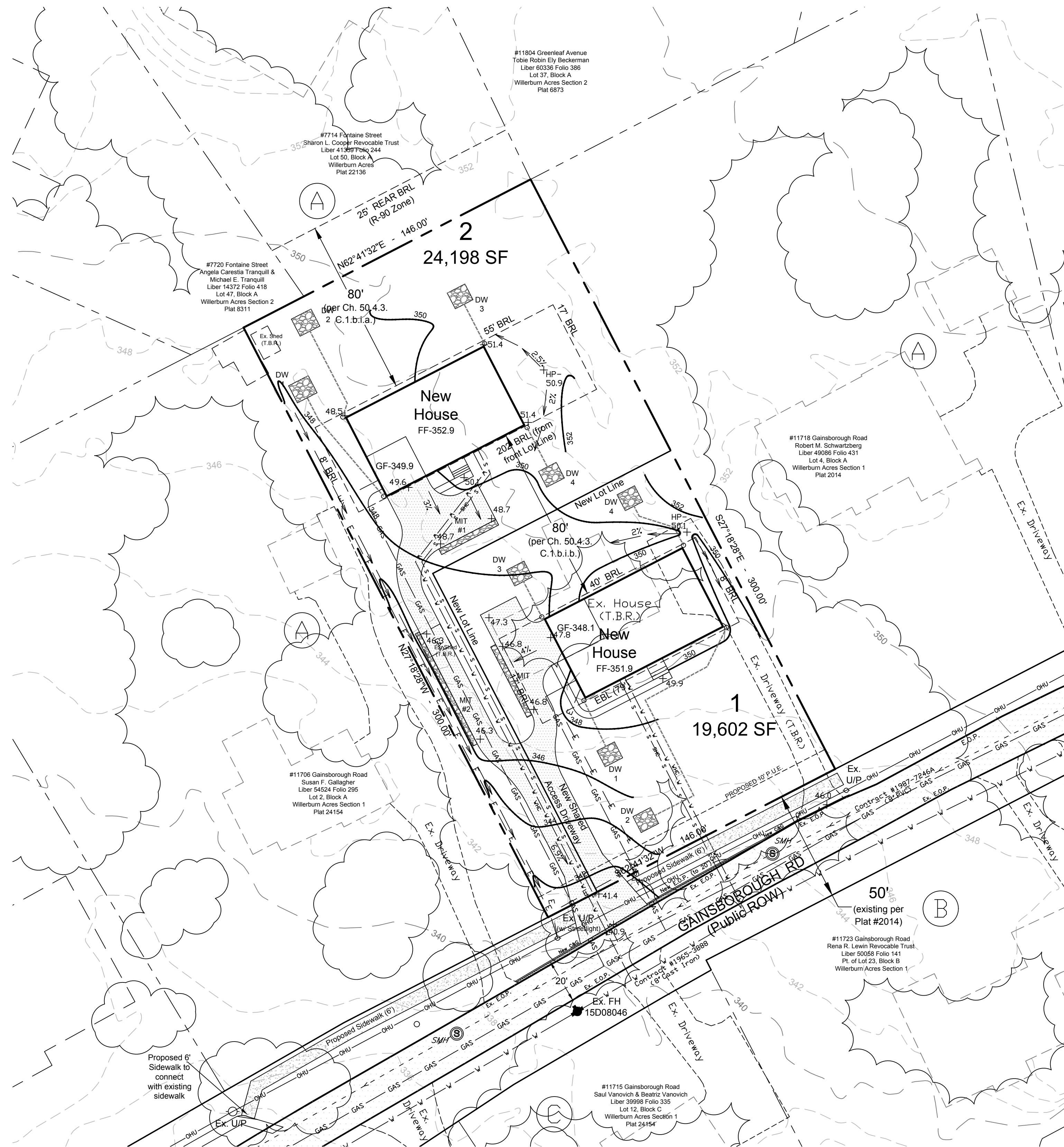
*Attachment D: Community Correspondence*

*Attachment E: Record Plat No. 2014*

# Attachment A

## LEGEND:

BUILDING RESTRICTION LINE	--- 20' BRL ---
CANOPY COVERAGE	~~~~~
CENTERLINE	- - - - -
EXISTING BUILDING	[---]
EXISTING STREET	[---]
INDEX CONTOUR (2' INTERVAL)	510
INTERMEDIATE CONTOUR	508
LIMIT-OF-DISTURBANCE	LOD
OVERHEAD LINES	OHU
PROPERTY LINE (SUBJECT)	N 32°04'22" W
PROPERTY LINE	---
PROPOSED BUILDING	[---]
SEWER CONNECTION	S
STORMWATER MANAGEMENT (Drywell, Micro Infiltration Trench)	[---]
UNDERGROUND UTILITY (Electric)	E
UNDERGROUND UTILITY (Gas)	GAS
WATER CONNECTION	W



ZONING DATA TABLE			
ZONE: R-90	Req.	Lot 1**	Lot 2***
Lot Area (min)	9,000 SF	19,602 sf	24,198 sf
Lot Width at Front Building Line (min)	75'	121'	146'
Lot Width at Front Lot Line (min)	25'	121'	25'
Coverage (max)	20%*	20% (3,920 SF; 2,800 SF Shown)	20% (4,839 SF; 2,800 SF Shown)
Front Setback (min)	30'	79'	202'
Side Setback (min)	8'	8'	8'
Sum of Side Setbacks (min)	25'	25'	25'
Rear Setback (min)	25'	40'	55'
Height (max)	35'	35'	35'

\*per Section 59.4.4.1.B (Residential Infill Compatibility) the maximum coverage allowed for the proposed lots is 20%  
 \*\* Lot 1 is subject to the requirements of Section 59.4.4.1.A (Established Building Line); the established building line has been calculated to be 79 feet  
 \*\*\* Lot 2 is subject to the requirements of Ch. 50.4.3.C.1.b.i. for flag lots

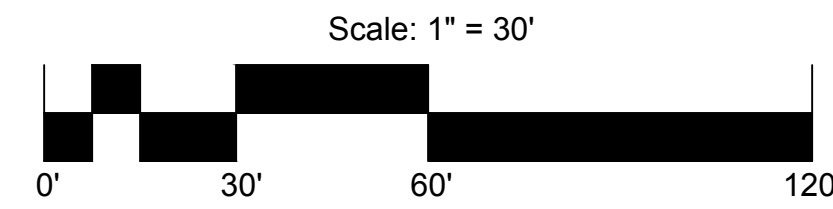
### ZONING DATA NOTES:

- Each lot will meet minimum lot areas and other dimensional requirements of the zone (no waivers); final lot areas, coverage maximums, and other dimensions to be determined at time of Record Plat.
- The requirement of Section 59.4.4.1.A (Established Building Line) is applicable to Lot 1. The established building line (EBL) has been determined to be 79 feet based upon the locations of existing homes within 300 feet of the property along Gainsborough Road based upon the following measurements:  
 #11702 - 50.3'  
 #11706 - 80.0'  
 #11718 - 91.5'  
 #11724 - 93.7'  
 $315.5 / 4 = 78.87' (-79')$
- The maximum lot coverage is 20% multiplied by the square footage of lot area for lots 16,000 square feet or larger per Section 59.4.4.1.B (Residential Infill Compatibility).

- NOTES:
- Standard MC-2001.02 (as modified) is applicable to Gainsborough Road.
  - The section has been modified to provide a sidewalk 6-feet in width.
  - Portions of Gainsborough Road in front of the site are to be widened to provide the minimum pavement width of 20 feet in accordance with the standard section.
  - New curb and gutter is to be installed along the site frontage in accordance with the standard section.
  - The new sidewalk is to extend off-site to the southeast to an existing sidewalk.

PROPERTY BOUNDARY FROM A SURVEY BY:  
 Thomas A. Maddox, Professional Land Surveyor  
 8933 Shady Grove Court  
 Gaithersburg, MD 20877  
 (301)984-5804

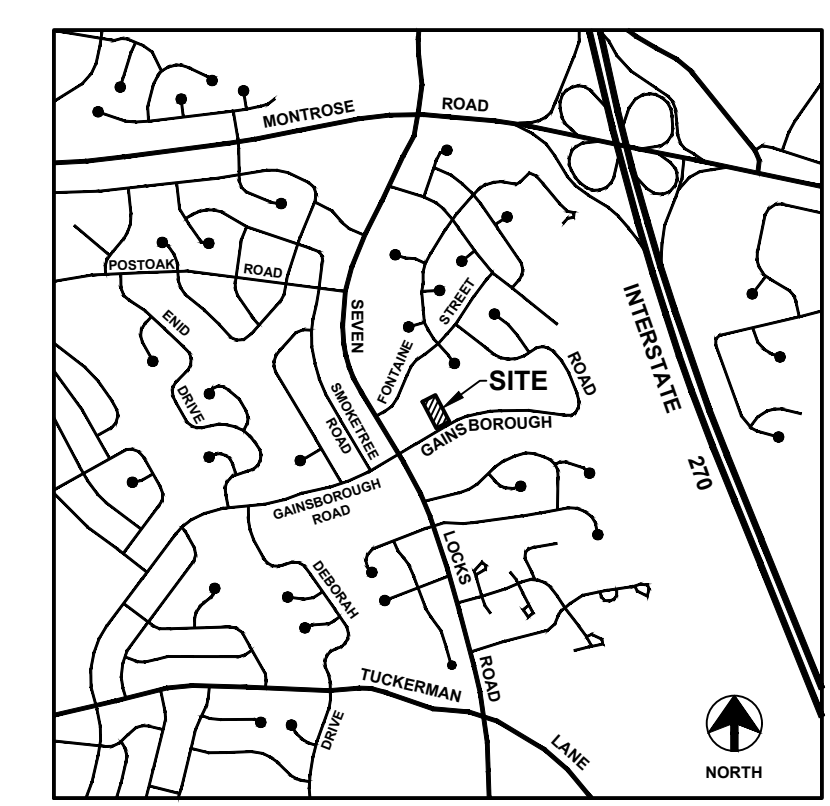
**Professional Certification:**  
 I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed landscape architect registered to practice in the State of Maryland.  
 Signature: [Signature] Date: 05-10-2023 Exp. Date: 10-21-2024



Note:  
 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 Administrative Subdivision Plan are illustrative. The final location of buildings, structures and hardscape will be determined at the time of issuance of building permit(s) approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of approval.

- NOTES:
- Area of property - 43,800 SF
  - Existing zoning: R-90
  - No. of lots proposed by this plan - 2
  - Method of Development Proposed - Standard
  - Area to be dedicated to streets by this plan - 0.00 Acre
  - Property is located in the *Cabin John Creek* watershed (Use I-P).
  - Existing sewer and water service categories: S-1, W-1
  - Lot to be served by public sewer and public water.
  - Utilities as available: Washington Gas, Verizon, BGE
  - Source of Two-foot Interval Topography: M-NCPPC GIS Data Sheet 215NW08.

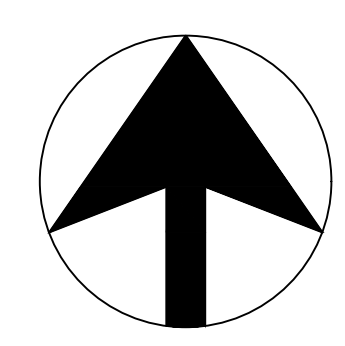
VICINITY MAP  
 SCALE: 1" = 2,000'



Prepared for:  
**Robert Gamzeh & Kamilya Gamzeh**  
 11733 Gainsborough Road  
 Potomac, MD 20854  
 (202) 361-3050

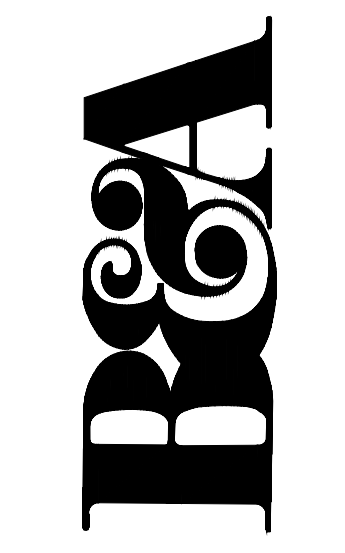
Revisions

Rev. 06-29-23



date: 05/10/2023  
 scale: 1" = 30'

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



ADMINISTRATIVE SUBDIVISION PLAN  
**Willerburn Acres**  
 Lot 3, Block A of Section 1 - 11712 Gainsborough Road  
 Montgomery County, Maryland



DEPARTMENT OF TRANSPORTATION

Marc Elrich  
County Executive

Christopher Conklin  
Director

June 29, 2023

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. 620230040  
Willerburn Acres

Dear Mr. Estes:

We have completed our review of the administrative plan uploaded to Eplans on May 18, 2023. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on March 14, 2023. We recommend approval of the plan subject to the following comments:

Significant Plan Review Comments

1. The applicant will be required to construct a six (6) foot wide, concrete sidewalk along the Gainsborough Road frontage, and extend the sidewalk along the existing lot to the west, connecting into the existing sidewalk.

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.

**Office of the Director**

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

*Located one block west of the Rockville Metro Station*

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.
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 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](mailto:william.whelan@montgomerycountymd.gov) or (240) 777-2173.

Sincerely,

***William Whelan***

William Whelan  
Development Review Team  
Office of Transportation Policy

Mr. Phillip Estes  
Administrative Plan No. 620230040  
June 29, 2023  
Page 3

Enclosures (1)

Sight Distances

**Sharepoint/transportation/director's** office/development review/WhelanW/620230040 Willerburn Acres - MCDOT Review Letter  
062923.docx

cc: SharePoint Correspondence FY 23

cc-e:	David McKee	Benning & Associates
	Sam Farhadi	MCDPS RWPR
	Marie LaBaw	MCFRS



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Rabbiah Sabbakhan  
Director

June 7, 2023

Mr. David McKee  
Benning & Associates, Inc.  
8933 Shady Grove Court  
Gaithersburg, MD 20877

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
Willerburn Acres  
Administrative Subdivision #: 620230040  
SM File #: 288763  
Tract Size/Zone: 43,800 sf  
Total Concept Area: 43,800 sf  
Lots/Block: 3/A  
Watershed: Cabin John Creek/ IP  
Type of Development: New

Dear Mr. McKee:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via ESD to the MEP using 8 Drywells and 3 Micro infiltration trenches.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. The final design must demonstrate redirected surface flows away from the adjacent downstream lot.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required** for the proposed new sidewalk in the public right-of-way.



2425 Reedie Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311  
[www.montgomerycountymd.gov/permittingervices](http://www.montgomerycountymd.gov/permittingervices)

*Mr. David McKee*  
*June 7, 2023*  
*Page 2 of 2*

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way

unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

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

Sincerely,

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

MCE:jbk

cc: Neil Braunstein  
SM File # 288763

**LOT1**

ESD: Required/Provided 711 cf / 728 cf  
PE: Target/Achieved: 1.6"/1.6"  
STRUCTURAL: na  
WAIVED: 0 cf.

**LOT 2**

ESD: Required/Provided 839 cf / 859 cf  
PE: Target/Achieved: 1.6"/1.6"  
STRUCTURAL: na  
WAIVED: 0 cf.

**ROW**

ESD: Required/Provided 334 cf / 0 cf  
PE: Target/Achieved: 1.8"/0"  
STRUCTURAL: na  
WAIVED: 334 cf.





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**Department of Permitting Services  
Fire Department Access and Water Supply Comments**

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**DATE:** 20-May-23  
**TO:** David McKee  
Benning and Associates  
**FROM:** Marie LaBaw  
**RE:** Willerburn Acres  
620230040 F20230030

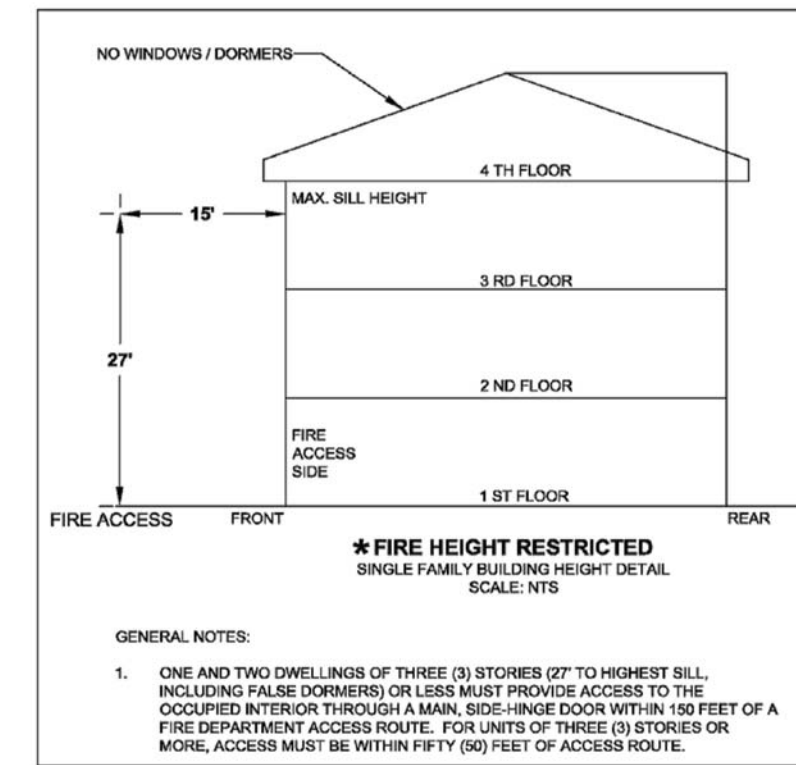
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**PLAN APPROVED**

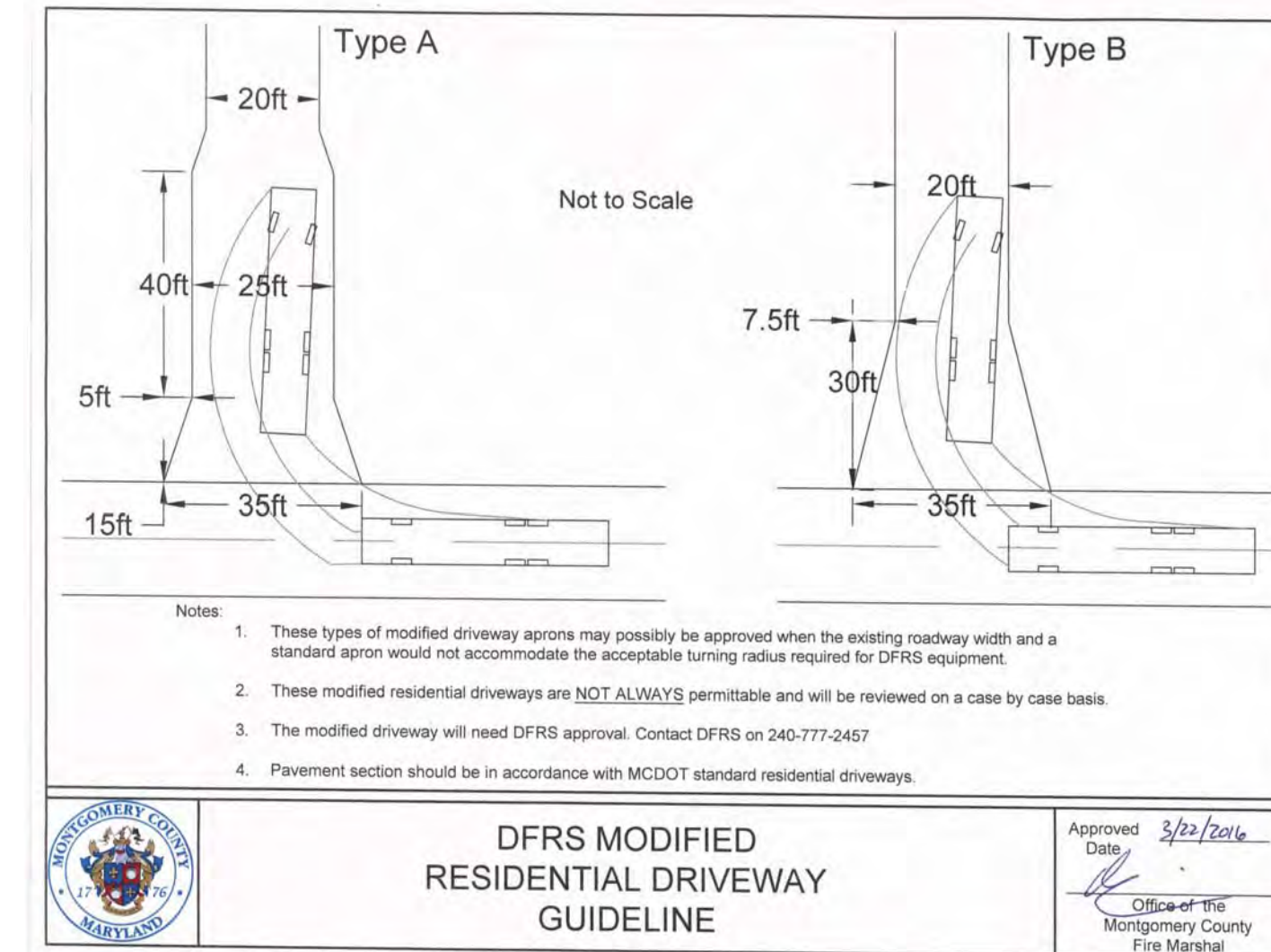
1. Review based only upon information contained on the plan submitted **18-May-23**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**LEGEND:**

BUILDING RESTRICTION LINE	--- 20' BRL ---
CANOPY COVERAGE	~~~~~
CENTERLINE	- - - - -
EXISTING BUILDING	[Hatched Box]
EXISTING STREET	[Hatched Box]
INDEX CONTOUR (2' INTERVAL)	510
INTERMEDIATE CONTOUR	508
LIMIT-OF-DISTURBANCE	--- L.O.D. ---
OVERHEAD LINES	OH
PROPERTY LINE (SUBJECT)	N 32°04'20" W
PROPERTY LINE	---
PROPOSED BUILDING	[Solid Box]
SEWER CONNECTION	S
STORMWATER MANAGEMENT (Drywell, Micro Infiltration Trench)	[Symbol]
UNDERGROUND UTILITY (Electric)	E
UNDERGROUND UTILITY (Gas)	GAS
WATER CONNECTION	W
EX. FIRE HYDRANT	[Symbol]
MAIN SIDE HINGE DOOR	[Star Symbol]
DFRS MODIFIED RESIDENTIAL DRIVEWAY (TYPE B)	[Dashed Line]



GENERAL NOTES:  
 1. ONE AND TWO DWELLINGS OF THREE (3) STORES (27' TO HIGHEST BILL INCLUDING FALSE DORMERS OR LESS MUST PROVIDE ACCESS TO THE OCCUPIED INTERIOR THROUGH A MAIN SIDE-HINGE DOOR WITHIN 50 FEET OF A FIRE DEPARTMENT ACCESS ROUTE. FOR UNITS OF THREE (3) STORES OR MORE, ACCESS MUST BE WITHIN FIFTY (50) FEET OF ACCESS ROUTE.

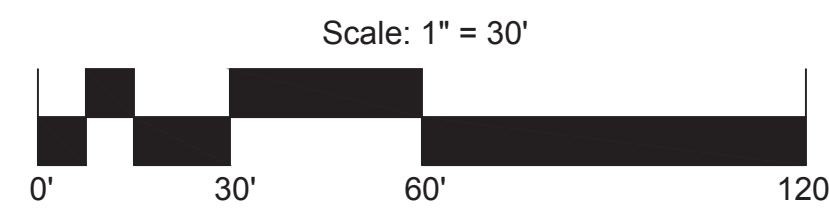


DFRS MODIFIED RESIDENTIAL DRIVEWAY GUIDELINE  
 Approved Date: 5/22/2022  
 Office of the Montgomery County Fire Marshal

Professional Certification:  
 I hereby certify that this Fire Department Apparatus Access Plan has been prepared in accordance with the requirements of Executive Regulation 29-08AM (Fire Department Apparatus Access and Water Supply) to the best of my knowledge.  
 Signature: [Signature] Date: 05-10-2023



PROPERTY BOUNDARY FROM A SURVEY BY:  
 Thomas A. Maddox, Professional Land Surveyor  
 8933 Shady Grove Court  
 Gaithersburg, MD 20877  
 (301)984-5804

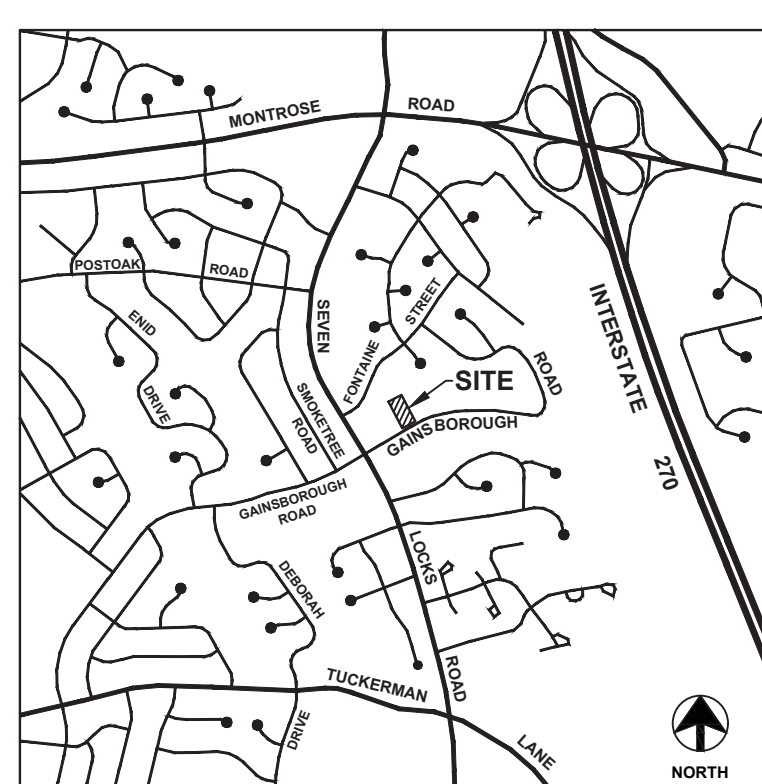


**FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY NOTES:**

- The purpose of this plan is to address requirements of Executive Regulation 29-08AM (Fire Department Apparatus Access and Water Supply) as appropriate for the proposed subdivision.
- A shared driveway is planned for this site. A modified apron is proposed to be built for access to the tow new homes.
- For water supply, an existing WSSC fire hydrant is located near the property along the south side of Gainsborough Road.
- Portions of Gainsborough Road measure less than 20 feet wide in the area of the site. The road is proposed to be widened as shown on the plan to a minimum of 20 feet of paved width between the hydrant and the proposed driveway.
- The height restriction (see detail this plan) applies to the proposed houses on each lot based upon the building restriction lines (BRL's) shown on this plan (less than 15 feet). If BRL's of 15 feet or more are provided along all sides, the height restriction would not apply.
- The posted speed limit along Gainsborough Road is 25 mph.

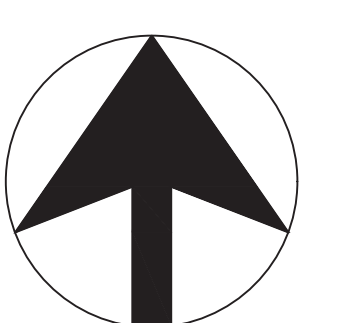
**FIRE CODE ENFORCEMENT**  
 Fire Department Access Review  
 Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.  
 BY: SAC FM: 43 DATE: 5/20/2023

VICINITY MAP  
 SCALE: 1" = 2,000'



Prepared for:  
**Robert Gamzeh & Kamilya Gamzeh**  
 11733 Gainsborough Road  
 Potomac, MD 20854  
 (202) 361-3050

Revisions

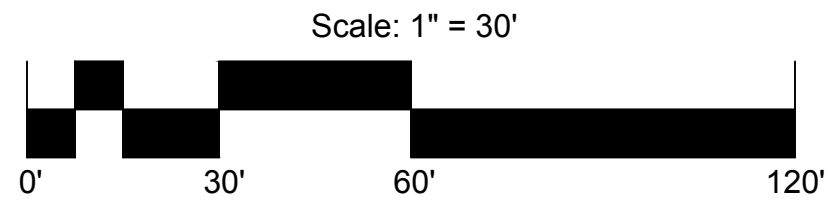
date: 05/10/2023  
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Benning & Associates, Inc.  
 Land Planning Consultants  
 8933 Shady Grove Court  
 Gaithersburg, MD 20877  
 (301)948-0240



FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY PLAN  
**Wilderburn Acres**  
 Lot 3, Block A of Section 1 - 11712 Gainsborough Road  
 Montgomery County, Maryland

**Attachment C**



**FOREST CONSERVATION WORKSHEET**  
Willerburn Acres 620230050

**NET TRACT AREA:**

A. Total tract area ...	1.00
B. Additions to tract area (Off-Site Work, etc.; construction required by this plan)...	0.10
C. Land dedication acres (parks, county facility, etc.) ...	0.00
D. Land dedication for roads or utilities (construction not required by this plan) ...	0.00
E. Area to remain in commercial agricultural production/use ...	0.00
F. Other deductions (specify) .....	0.00
G. Net Tract Area .....	1.10

**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 = 0.17  
H. Conservation Threshold ... 20% x G = 0.22

**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 .....	0.17
U. Credit for landscaping (may not exceed 20% of "S") .....	0.00
V. Total reforestation and afforestation required .....	0.17

**NOTES:**  
1. Addition to net tract area is for off-site LOD.  
2. Afforestation requirement to be met off-site using forest bank credits or fee-in-lieu payment.

**Specimen Tree Mitigation**

Spec. Tree T.B.R.	DBH	Mitigation Required (@25% of DBH)
ST-2	38.5"	9.7"
Total Caliper Inches of Mitigation Required		10"

**NOTES:**  
1. Area of property - 43,800 SF  
2. Existing zoning: R-90  
3. No. of lots proposed by this plan - 2  
4. Method of Development Proposed - Standard  
5. Area to be dedicated to streets by this plan - 0.00 Acres  
6. Property is located in the *Cabin John Creek* watershed (Use I-P).  
7. Existing sewer and water service categories: S-1, W-1  
9. Lot to be served by public sewer and public water.  
10. Utilities as available: Washington Gas, Verizon, BGE  
11. Source of Two-foot Interval Topography: M-NCPPC GIS Data Sheet 215NW08.

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

Signature: \_\_\_\_\_ Date: 05-10-2022 Exp. Date: 10-21-2024

**PROPERTY BOUNDARY FROM A SURVEY BY:**  
As A. Maddox, Professional Land Surveyor  
8933 Shady Grove Court  
Gaithersburg, MD 20877  
(301)984-5804



**TREE PLANTING SCHEDULE**

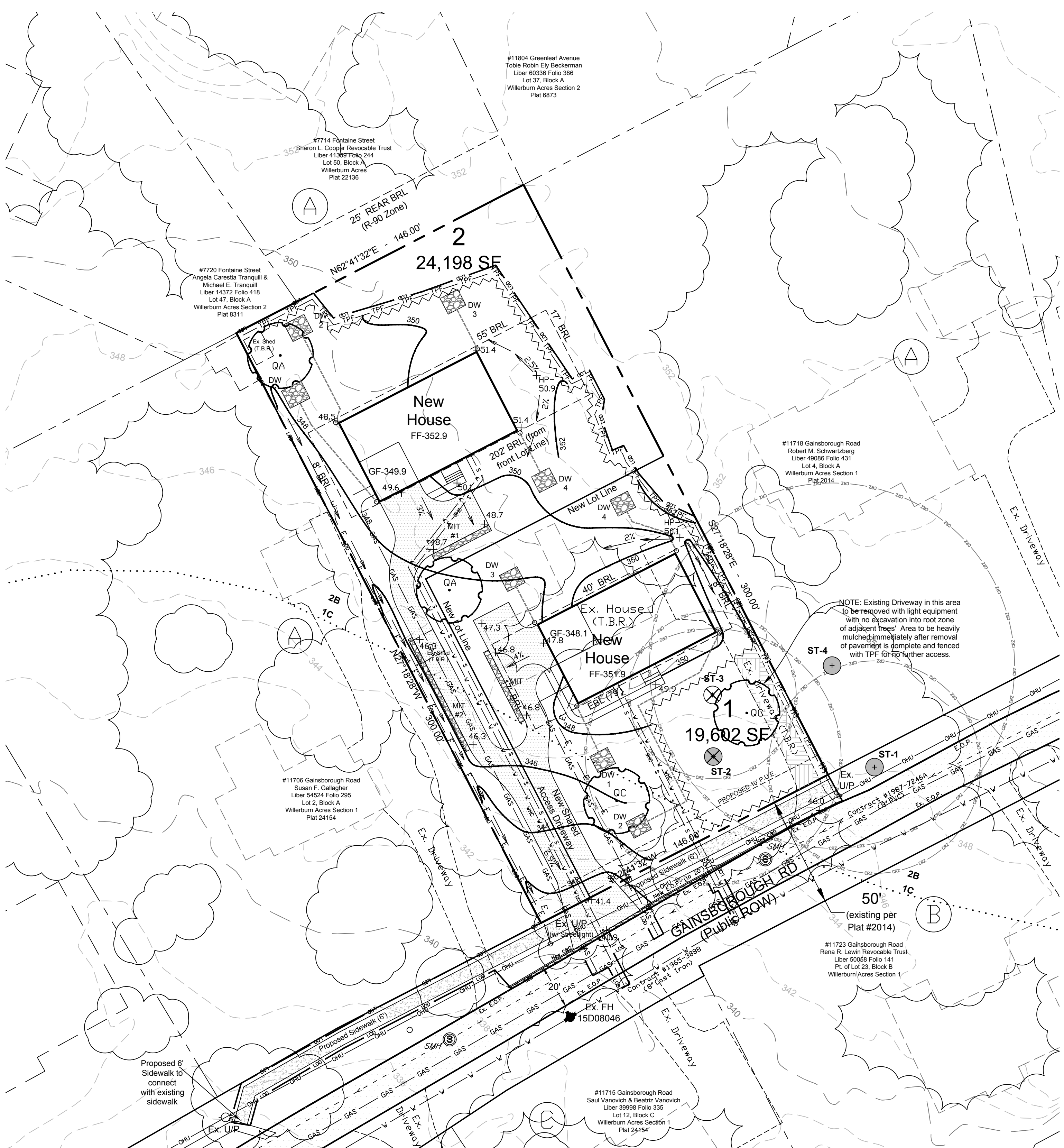
QUANTITY	TREE ID	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	COMMENTS
2	QA	Quercus alba	White Oak	3"	B&B
2	QC	Quercus coccinea	Scarlet Oak	3"	B&B

**NOTE:** The locations of ST-2 and ST-3 were reversed on the approved NRI/FSD. The correct locations are shown on this plan.

**SIGNIFICANT / SPECIMEN TREE TABLE**

TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	COMMENTS	STATUS
ST-1*	<i>Pinus strobus</i>	White Pine	32.0" (Estimate)	Moderate-Poor	Tree has been pruned, multiple vine species growing on trunk, off-site overhead utilities go through canopy	Right-of-Way Tree; To Remain
ST-2*	<i>Picea glauca</i>	White Spruce	38.5"	Moderate-Poor	Basal rot, tree has been pruned, dead limbs, co-dominant leaders	To Be Removed w/ Mitigation Planting On-Site
ST-3	<i>Taxus canadensis</i>	Eastern Hemlock	25.2"	Moderate	Phototropic lean, covered in English ivy, co-dominant leaders	To be Removed
ST-4*	<i>Acer saccharinum</i>	Silver Maple	55.0" (Estimate)	Poor	Off-site, co-dominant leaders, galls, multiple vine species on trunk, broken dead limbs, canker, basal rot, included wood, hangers	Off-Site, To Remain

\*SPECIMEN TREE



**LEGEND:**

CANOPY COVERAGE	
CRITICAL ROOT ZONE	CRZ
EXISTING BUILDING	
EXISTING STREET	
INDEX CONTOUR (2' INTERVAL)	510
INTERMEDIATE CONTOUR	508
LIMITS-OF-DISTURBANCE	100
MITIGATION PLANTING	
OVERHEAD UTILITY LINE	
PROPERTY LINE (SUBJECT)	N 32°04'20" W
PROPERTY LINE	
PROPOSED BUILDING	
PROPOSED CONTOUR	596
ROOT PRUNING	
SEWER CONNECTION	S
SIGNIFICANT TREE	ST-1
SIGNIFICANT TREE TO BE REMOVED	ST-1
SPECIMEN TREE	ST-1
SPECIMEN TREE TO BE REMOVED	ST-1
SOIL TYPE / DIVIDE	2B 1C
STORMWATER MANAGEMENT (Drywell, Micro Infiltration Trench)	
TREE PROTECTION FENCE/SIGNS	TPF
UNDERGROUND UTILITY (Electric)	E
UNDERGROUND UTILITY (Gas)	GAS
WATER CONNECTION	W
MULCH AREA FOR ROOT ZONE PROTECTION	

**Forest Conservation Data Table**

Tract	Number of Acres
Remaining in Agricultural Use	1.1
Road & Utility ROWs <sup>1</sup>	-
Total Existing Forest	-
Forest Retention	-
Forest Cleared	-

Land Use & Thresholds <sup>2</sup>	Land Use Category	ARA, MDR, IDA, HDR, MPD, or CIA
Conservation Threshold	20%	percent
Afforestation Threshold	15%	percent

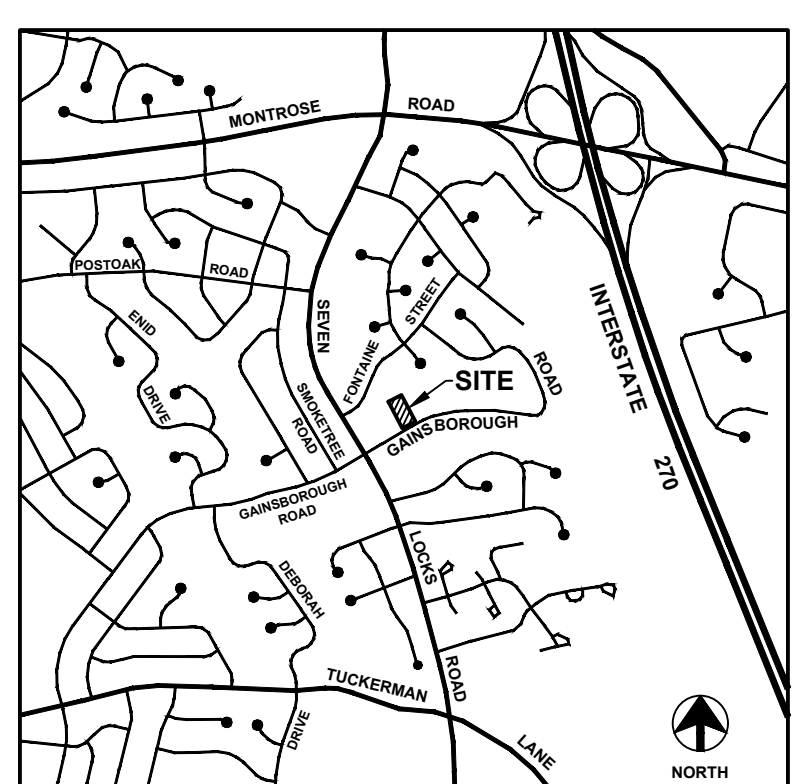
  

Stream(s)	Total Channel Length (ft.)	Average Buffer Width (ft.) <sup>3</sup>
-	-	-

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

**VICINITY MAP**  
SCALE: 1" = 2,000'



**DEVELOPER'S CERTIFICATE**

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. F20230050 including, financial bonding, forest planting, maintenance and all other application agreements.

Developer's Name: **Robert Gamzeh & Kamilya Gamzeh**  
Print Company Name: \_\_\_\_\_

Contact Person or Owner: **Robert Gamzeh & Kamilya Gamzeh**  
Print Name: \_\_\_\_\_

Address: 11733 Gainsborough Road Potomac, MD 20854

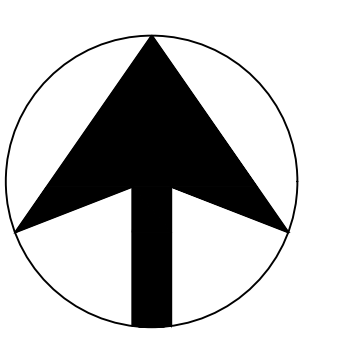
Phone # and Email: (202)361-3050

Signature: \_\_\_\_\_

**Prepared for:**  
**Robert Gamzeh & Kamilya Gamzeh**  
11733 Gainsborough Road  
Potomac, MD 20854  
(202) 361-3050

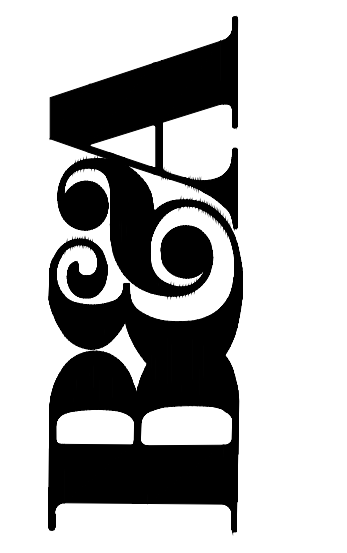
Revisions

Rev. 06-29-23



date: 05/10/2023  
scale: 1" = 30'

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



**PRELIMINARY / FINAL FOREST CONSERVATION PLAN**  
**Willerburn Acres**  
Lot 3, Block A of Section 1 - 11712 Gainsborough Road  
Montgomery County, Maryland

# Benning & Associates, Inc.

LAND PLANNING CONSULTANTS  
8933 Shady Grove Court  
Gaithersburg, MD 20877  
Phone: 301-948-0240  
E-mail: [dmckee@benninglandplan.com](mailto:dmckee@benninglandplan.com)

To: Mr. Patrick Butler, Chief – M-NCPPC Upcounty Planning Area  
From: David W. McKee  
Date: 01-11-2022 (Revised 05-16-23)  
Re: Willerburn Acres – MNCPPC File Nos. 620230040 & F20230030

Dear Mr. Butler,

In accordance with the requirements of Section 22A-21 of the County Code and on behalf of the applicant for this project, I am writing to request a variance from provisions of Chapter 22 as it applies to this project. Specifically, a variance is required to impact or remove specimen trees.

The trees proposed to be removed are shown on the pending Preliminary / Final Forest Conservation Plan (FCP) for the subject project. A total of 3 trees which are of specimen-size for their species are proposed to be impacted or removed. The trees requiring a variance are as follows:

<b>SPECIMEN TREE CHART</b>						
<b>TREE NUMBER</b>	<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	<b>SIZE (D.B.H.)</b>	<b>TREE CONDITION</b>	<b>%CRZ IMPACTED</b>	<b>Status</b>
ST-1	Pinus strobus	White Pine	32.0"	Moderate-Poor	15%	Retain
ST-2	Picea glauca	White Spruce	38.5"	Moderate-Poor	100%	Remove
ST-4	Acer saccharinum	Silver Maple	55"	Poor	29%	Retain

The subject application proposes to create 2 new building lots for the construction of 2 new single-family homes. The site contains ornamental landscaping but only 1 specimen tree exists on the property. Two (2) other specimen trees exist off-site to the northeast of the property. The proposed arrangement of the 2 lots, including a flag lot, is the only possible way to develop the site in accordance with development standards of the R-90 zone and other standards from chapters 50 and 59 of the County Code. Given the relatively small

property area and the location of the specimen trees, certain impacts cannot be avoided. However, the layout of the site has been carefully planned to minimize impacts to the off-site specimen trees. The impacts will be minimized by removing an existing paved driveway currently located within the CRZ areas of the off-site trees, and by placement of a new shared driveway to the other side of the subject property to avoid new impacts and impervious areas near the trees.

Specific impacts to each of the 3 trees included in this variance request are as follows:

ST-1, a 32" White Pine, is located off-site and within the public right-of-way for Gainsborough Road. The critical-root-zone of the tree extends into the subject property in an area where an existing driveway is already located. The tree will be impacted by removal of the existing driveway and by installation of a new public sidewalk. No other activities are planned within the root zone of the tree. The removal of the existing pavement within the CRZ will be a longterm benefit to the tree. To minimize impacts during removal of the pavement, the forest conservation plan calls for careful removal of the paved areas within the CRZ and immediate mulching of the area. The tree is proposed to remain.

ST-2, a 38.5" White Spruce, is in the front right corner of the site near the existing driveway. The tree is in moderate to poor condition and will be impacted installation of stormwater management drywells, installation of a new public sidewalk in the right-of-way, and installation of new utilities, and grading and excavation for the new home on proposed lot 1. The tree is planned to be removed due to the severity of impacts given the current condition of the tree. Mitigation planting will occur on-site to off-set the removal of this tree.

ST-4, a 55" Silver Maple, is located off-site on an adjacent property and approximately 24 feet away from the common boundary line. The tree will be impacted by removal of the existing driveway, by installation of a new public sidewalk, and by construction activities for the new home on lot 1. The impacts have been minimized to the greatest extent practical. The removal of the existing pavement within the CRZ will be a longterm benefit to the tree. To minimize impacts during removal of the pavement, the forest conservation plan calls for careful removal of the paved areas within the CRZ and immediate mulching of the area. The tree is proposed to remain.

**Requirements for Justification of Variance:**

Section 22A-21(b) *Application requirements* states the applicant must:

1. Describe the special conditions peculiar to the property which would cause unwarranted hardship;
2. Describe how enforcement of these rules will deprive the landowner 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 granting of the variance; and
4. Provide any other information appropriate to support the request.

There are special conditions peculiar to the property which would cause unwarranted hardships should the variance not be approved. The property contains an existing driveway along the northeast boundary of the site which lies within the critical root zone of each of the 3

specimen trees identified in this variance request. The driveway is proposed to be removed which will add new green space within the root zones of the off-site specimen trees. However, the removal of the existing pavement is an impact which requires a variance. Furthermore, the unique arrangement of the property and the standards of the R-200 and other requirements of chapters 50 and 59 (as identified on the Administrative Subdivision Plan) result in a configuration of lots and placement of houses which unavoidably impacts specimen trees. Denial of the variance would make it impossible to meet the applicable development standards.

Should this variance not be approved, the property owner would be deprived of rights commonly enjoyed by others in similar circumstances. The proposed new lot has been carefully planned to meet the requirements of the R-200 zone and other development standards. Other property owners with land in the R-200 zone have been allowed to develop their properties in accordance with the standards applicable to properties in these areas.

The granting of a variance to remove specimen trees will not result in a violation of State water quality standards or any measurable degradation in water quality. The project has been planned to comply with the latest State and County stormwater management requirements and will provide environmental site design (ESD) practices to address these requirements. On-site tree planting is proposed to mitigate for the removal of the on-site specimen tree.

**In addition to the above, Section 22A-21(d) indicates that a variance must not be granted if granting the request:**

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

This request for a variance will not confer a special privilege that would be denied to other applicants. Approval of the requested variance will allow the property owner to develop the property in a manner appropriate for the R-200 zone given the circumstances of the site.

This variance request is not based on conditions and circumstances which are the result of actions by the applicant. The applicant has not taken any actions other than to propose subdivision in accordance with Master Plan and Zoning Ordinance requirements.

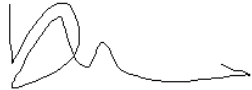
The request for a variance does not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

Granting this variance request will not violate State water quality standards or cause measureable degradation in water quality. As stated earlier, the project has been planned to

comply with the latest State and County stormwater management requirements and will provide environmental site design (ESD) practices to address these requirements.

For the above reasons, we respectfully request approval of this request for a variance from provisions of Section 22A-21 of the Montgomery County Code. If you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'David W. McKee', with a stylized, cursive flourish extending to the right.

David W. McKee

Reed 3-22-23

Attachment D

**Robert M. Schwartzberg**  
11718 Gainsborough Road  
Potomac, MD 20854  
[Rob\\_Schwartzberg@verizon.net](mailto:Rob_Schwartzberg@verizon.net)  
(202)-253-0533

March 22, 2023

Mr. Phillip Estes  
Planning Commissioner  
Intake and Regulatory Coordination Division (IRC)  
M-NCPPC  
2425 Reddie Drive  
Wheaton, Maryland 20902

Re: Plan Number 620230040 & F20230030  
Proposed Subdivision  
11712 Gainsborough Road  
Potomac, MD 20854

Dear Mr. Estes:

I am writing to strongly object to the above referenced subdivision proposal. I currently reside at 11718 Gainsborough Road which is the property immediately adjacent to the eastern boundary of the proposed development. This development will severely negatively impact me as well as other homeowners in the Willerburn Acres neighborhood and set an unhealthy precedent for the future. The reasons supporting my objection are as follows:

First, the western border of my property has a series of mature evergreens which are approximately forty feet high and run approximately 125 feet along the border (see photo 1). These trees provide the main privacy, shade and wind break on the western side of my property and also represent a significant landscaping investment. Given the analysis provided to me regarding the impact to specimen trees on my property, I don't see how the critical root zone system of these trees will be not destroyed by the excavation of the new gas line which will run nearly the entire length of the east-west border. This tree coverage is irreplaceable so it would be difficult to estimate replacement cost, but my best estimate is in excess of \$100,000.

Second, the plan shows a mature white pine (Specimen Tree 1) which effectively is on my property (see photo 2). The excavation of the new gas line appears to be within this tree's critical root zone and has the possibility of weakening this tree. Besides the loss of a beautiful tree which enhances my property as well as the neighborhood, I will most likely be held financial responsibility when it falls or has to be removed.



Third, the main sleeping quarters for our home is on the first floor on the western side of the house approximately 40 feet from the proposed driveway. The proposed new driveway will create substantial traffic-related noise disturbance as we are trying to sleep.

**THE ABOVE THREE FACTORS CLEARLY SUPPORT THE PLANNING COMMISSION'S ALREADY HELD VIEW (REF# 5 FCP MARYJO KISTER ) THAT THE PROPOSED DRIVEWAY BE RELOCATED TO THE OTHER SIDE OF THE PROPOSED DEVELOPMENT.**

Fourth, the proposed development does not substantially conform to the neighborhood. The homes in this neighborhood typically total in excess of 5,000 square feet and are situated on roughly 1 acre. In the situation where newer homes have been developed to replace previous homes, they have tended to conform to this trend. Please see the attached pictures three through ten of nearby homes. This development is totally out of character in that it proposes two homes of 2,800 square feet on substantially smaller lots of 17,750 sf and 26,011 sf (flag lot), respectively. Please note that the flag lot includes square footage which reduces, rather than enhances, the aesthetics of the neighborhood. To the best of my knowledge, no other flag lot has ever been approved in Willerburn Acres.

Moreover, the proposed home to be built on the flag lot will probably need to sell at a substantial discount as it will be facing a wall of mature evergreens to the east and limited privacy to the north and south with neighbors looking into their home from a higher elevation to the north. When this home sells, I believe it will effectively depress the values of the surrounding homes by as much as 20% according to advice I have received from a business associate who has over forty years of experience as a residential developer and who has built and sold over 200 residential homes.

Fifth, the proposal requests a variance from the provisions of Chapter 22 of the County Code as it to the impact or removal of specimen trees. In the last paragraph on page 2 of the letter dated 12-28-2022 to Chief Patrick Butler it states, "The proposed new lot has been carefully planned to meet the requirements of the R-200 zone and other development standards."

**GIVEN THAT THE PROPOSED DEVELOPMENT IS IN THE R-90 ZONE RATHER THAN R-200 ZONE THIS VARIANCE REQUEST MUST, ON ITS FACE, BE DENIED.**

Sixth, the previous homeowner (Stan Miller) invested heavily in beautifying his property such that The National Wildlife Foundation designated it as a Certified Wildlife Habitat (see picture 11). The proposed development will destroy this habitat which cost hundreds of thousands of dollars to build over many years. Its destruction will detract, rather than enhance, the neighborhood.

Seventh, and lastly (for now), the plan review dated March 10, 2023 cites a comment from the Fire Department REF #3 that the proposed development could pose an exposure hazard to neighbors (including my home). I would like more clarity on how the developers intend to mitigate this potential danger to my home and family.

The evidence is overwhelming that this proposed development will severely negatively impact the neighborhood without providing the slightest positive benefit. Therefore, I strongly urge you to deny approval of the proposed development 620230040 at 11712 Gainsborough Road, Potomac, MD 20854.

Sincerely,

A handwritten signature in black ink that reads "Robert M. Schwartzberg". The signature is written in a cursive style with a large, prominent 'R' and 'S'.

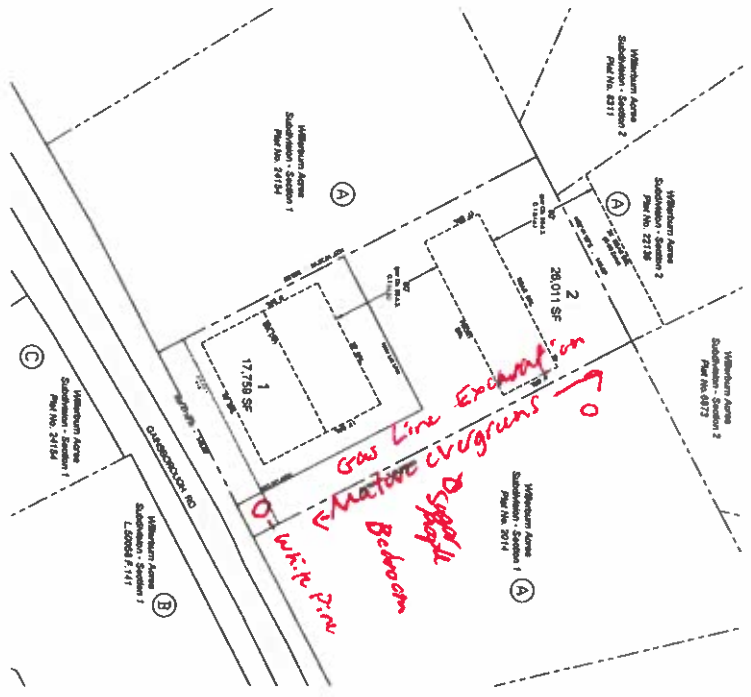
Robert M. Schwartzberg

Willerbum Acres - Administrative Subdivision Plan No. 620230040

- SHEET INDEX:**
- 1. Cover Sheet / Lot Diagram
  - 2. Final Survey
  - 3. Administrative Subdivision Plan
  - 4. Final Focal Conversion Plan 1 of 2
  - 5. Final Focal Conversion Plan 2 of 2
  - 6. Final Focal Conversion Plan 3 of 2
  - 7. Final Focal Conversion Plan 4 of 2
  - 8. Final Focal Conversion Plan 5 of 2
  - 9. Final Focal Conversion Plan 6 of 2
  - 10. Final Focal Conversion Plan 7 of 2
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  - 12. Final Focal Conversion Plan 9 of 2
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**PROJECT INFORMATION:**

PROJECT NO. 620230040

DATE: 12-20-2011

PROJECT NAME: WILLERBUM ACRES

PROJECT LOCATION: 11712 GAINSBOROUGH ROAD, MONTGOMERY COUNTY, MARYLAND

PROJECT CONTACT: BARRY A. ADAMS, PROJECT MANAGER

PHONE: (301) 984-4304

EMAIL: bbar@bga.com



Professional Seal  
Barry A. Adams  
Registered Professional Engineer  
License No. 12345  
Montgomery County, Maryland

<p><b>ADMINISTRATIVE SUBDIVISION PLAN</b></p> <p><b>Willerbum Acres</b></p> <p>Lot 3, Block A of Section 1 - 11712 Gainsborough Road Montgomery County, Maryland</p>		<p>B&amp;A</p>	<p>Barry A. Adams, Inc. Landforming Division 600 West Street, Suite 300 Columbia, MD 21047 (301) 984-4304</p>	<p>date: 12/20/2011</p> <p>scale: 1" = 10'</p>		
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11702 Gainsborough two houses left of proposed development



**11724 Gainsborough 2 houses east of proposed development**



**11725 Gainsborough 2 Houses from proposed development opposite side of street**



**11736 Gainsborough four houses east of proposed development**



**11740 Gainsborough five houses east of proposed development**



FX



11/14/22 Gainsborough House - east of proposed development



67

11748 Gainsborough 7 Houses east of Proposed Development



8/10

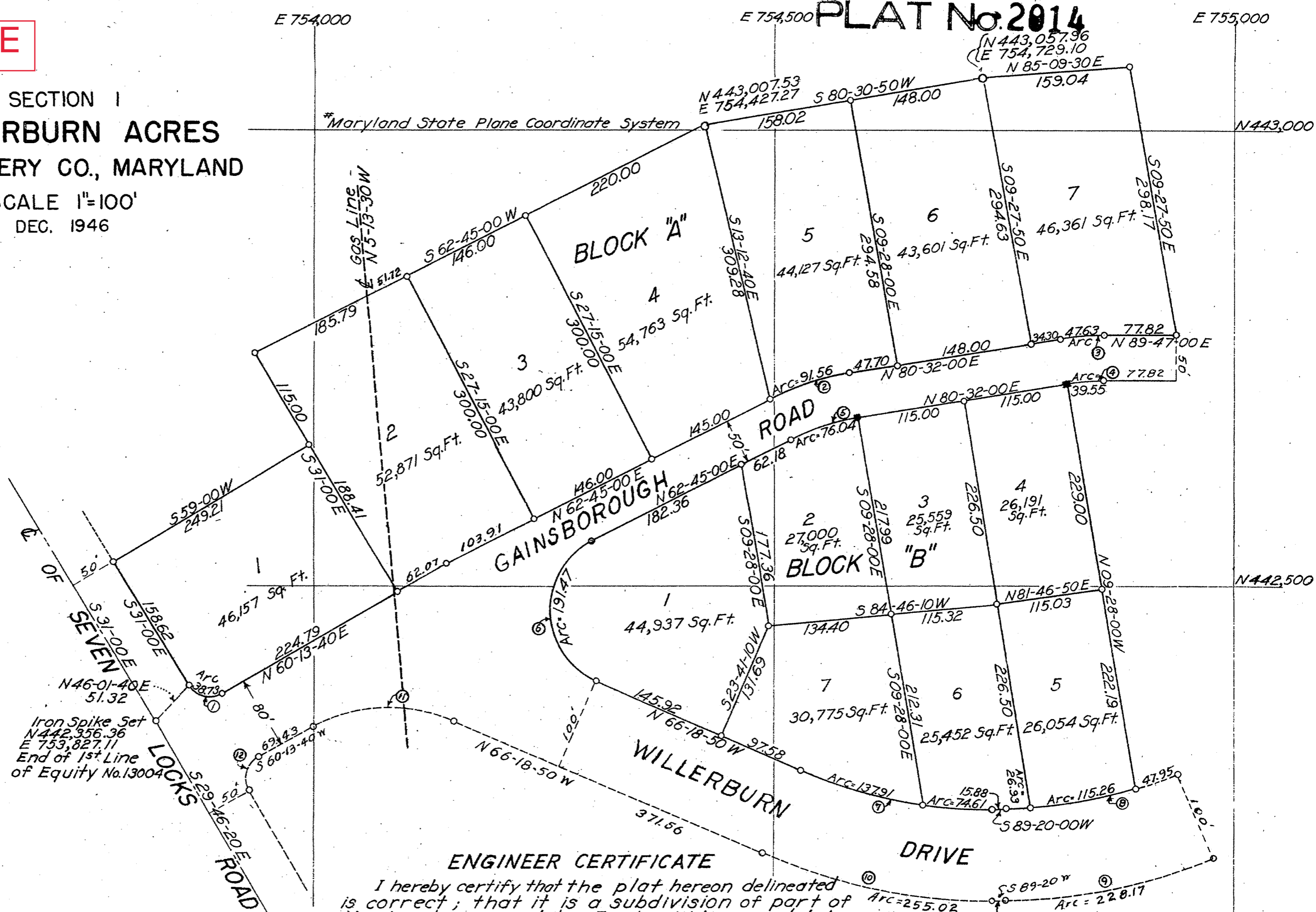
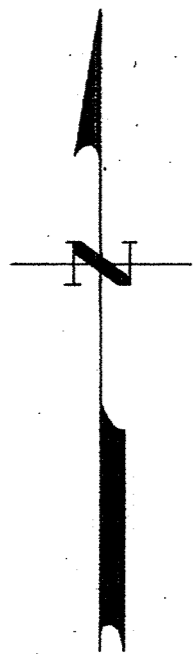


Photo 11

**Attachment E**

**SECTION I  
WILLERBURN ACRES  
MONTGOMERY CO., MARYLAND**

SCALE 1"=100'  
DEC. 1946



**OWNER'S DEDICATION**

We, Earl L. Williams, Raymond A. Miller and Lester T. Burn, being the owners, as equal joint tenants of the tract of land shown hereon and described in the Engineer's Certificate, hereby adopt this plan of subdivision, dedicate the streets for public use, and establish the minimum building restriction lines.

There are no suits of action, leases, liens, or trusts on the property shown hereon, except a certain mortgage to Otis W. Watkins & Marjorie E. Watkins, his wife, now assigned to J. Thomas Kelly, Jr., recorded in Liber 983 Folio 350.

**ENGINEER CERTIFICATE**

I hereby certify that the plat hereon delineated is correct; that it is a subdivision of part of the land conveyed by Earl L. Williams et al. to Hazel W. Young pursuant to a decree of the Circuit Court for Mont. Co., sitting as a Court of Equity, wherein the said Earl L. Williams et al. were plaintiffs and the said Hazel W. Young defendant being Equity No. 13004 therein, and part of the same land which was reconveyed by the said Hazel W. Young, widow, to the said Earl L. Williams et al., by deed dated the 25 day of June, 1947 A.D. and recorded among the Land Records of Montgomery County, Maryland, that this subdivision does not encroach on any other subdivision heretofore made, and that concrete monuments marked thus ■ and pipes marked thus ○ have been placed as shown.

Date Feb. 1947

*H.M. White*  
H. M. White, Chief Eng.  
H. M. White Surveys

I assent to the plan shown hereon.

*J. Thomas C. Kelly*  
Witness

*J. Thomas Kelly, Jr.*  
J. Thomas Kelly, Jr.

**CONSULTANT SURVEYOR'S CERTIFICATE**

I hereby certify that I have personally checked all computations and field work for this subdivision.

*Frank B. Lane*  
Frank B. Lane (Consultant)  
Reg. Surveyor Md. #1690  
Va. #441

CURVE TABLE					
NO.	RADIUS	Δ	ARC	CHORD	BEARING
1	25.00	88-46-20	38.73	34.91	S75-23-10E
2	295.00	17-47-00	91.56	91.19	N71-38-30E
3	295.00	09-15-00	47.63	47.57	N 85-09-30E
4	245.00	09-15-00	39.55	39.51	N 85-09-30E
5	245.00	17-47-00	76.04	75.74	N 71-38-30E
6	85.00	129-03-50	191.47	153.48	N01-46-55W
7	500.00	24-21-10	212.52	210.88	S78-29-25E
8	500.00	21-47-20	190.14	189.00	N78-26-20E
9	600.00	21-47-20	228.17	226.80	S78-26-20W
10	600.00	24-21-10	255.02	254.87	N78-29-25W
11	170.00	53-27-30	158.61	152.92	S86-57-25W
12	25.00	90-00-00	39.27	35.36	S15-13-40W

*Nancy Pratt*  
Witness

*Earl L. Williams*  
Earl L. Williams

*Nancy Pratt*  
Witness

*Raymond A. Miller*  
RAYMOND A. MILLER

*Nancy Pratt*  
Witness

*Lester T. Burn*  
LESTER T. BURN

FILED  
AUG 26 1947

MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

APPROVED: JULY 24, 1947

*Walter D. ...*  
DIRECTOR OF PLANNING  
*James F. ...*  
CHIEF ENGINEER  
*John F. ...*  
SECRETARY

M.N.C.P. & P.C. RECORD FILE NO: 126-19