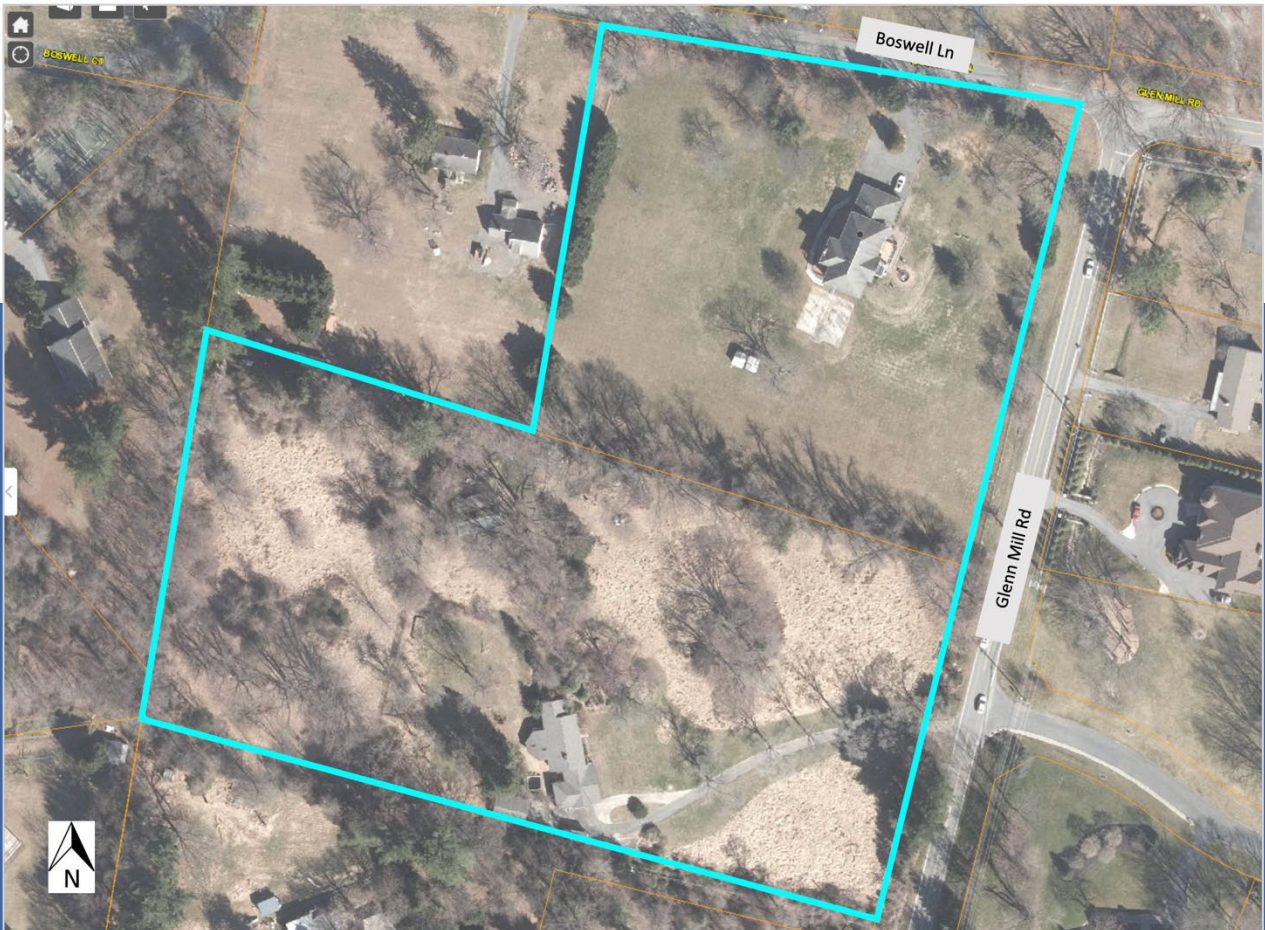


Montgomery Planning

ARORA ESTATES

PRELIMINARY PLAN NO. 120230050, PRELIMINARY/FINAL FOREST CONSERVATION PLAN NO. 120230050



Description

Application to create four lots for four single-family detached units.

No. 120230050

Completed: 9-8-2023

MCPB

Item No. 7

9-21-2023

Montgomery County

Planning Board

2425 Reedie Drive, Floor 14

Wheaton, MD 20902

Planning Staff

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LOCATION/ADDRESS

At the southwest intersection of Boswell Lane and Glen Mill Road; Addresses: 10400 Boswell Lane, 12900 Glen Mill Road

MASTER PLAN

2002 Potomac Subregion Master Plan

ZONE

Residential Estate-2 (RE-2)

PROPERTY SIZE

9.3 acres

APPLICANT

Design Engineering, Inc.

ACCEPTANCE DATE

December 2, 2022

REVIEW BASIS

Chapters 22A, 50

Summary

- Staff recommends approval of the Preliminary Plan of Subdivision and Preliminary/Final Forest Conservation Plan, with conditions.
- The Applicant proposes to create four lots to construct two new single-family detached units. Two existing single-family detached units will remain.
- The Application conforms to the Potomac Master Plan by proposing compatible infill housing within residential areas without impacting sensitive areas.
- The property has frontage on Boswell Lane and Glen Mill Road. This portion of Glen Mill Road is classified as a Rustic Road, and as such, the Applicant is exempt from providing any pedestrian or bicycle improvements.
- The Application is located within the Piney Branch SPA. MCDPS, Water Resources Section determined that the Application is exempt from submitting a Water Quality Plan, but instead is required to submit a Water Quality Inventory for DPS review.
- To date, Staff has received no community correspondence concerning this Application.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 120230050

Staff recommends approval with conditions of the Preliminary Plan 120230050 to create four (4) lots for four (4) single-family detached units. All site development elements shown on the latest electronic version of the Preliminary Plan No. 120230050 and Preliminary/Final Forest Conservation Plan No. 120230050 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 four (4) lots for four (4) detached single-family houses.

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 March 28, 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 May 9, 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 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 – Well and Septic Section in its letter dated April 25, 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 MCDPS – Well and Septic Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
8. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated June 14, 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.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Rustic Road Advisory Committee (“RRAC”) in its letter dated February 27, 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

Forest Conservation

10. The Applicant must schedule the required site inspections by the M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
11. The Applicant must comply with all tree protection and tree save measures shown on the approved Preliminary/Final Forest Conservation Plan (“FFCP”). Tree save measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspection Staff.
12. 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.
13. Within the first planting season following the release of the first Sediment and Erosion Control Permit from 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 FFCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling 59.75 caliper inches, as shown on the approved FFCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
14. 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:
 - a. Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Potomac River watershed or Priority Area to satisfy the reforestation requirement for a total of 2.63 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Potomac River watershed or Priority Area or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available at any bank.

- b. 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.
- 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 forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape 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.

TRANSPORTATION

Existing Frontage Improvements

- 15. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a. All land necessary to accommodate seventy (70) feet from the opposite right-of-way line along the Subject Property frontage for Glen Mill Road.
 - b. All land necessary to accommodate seventy (70) feet from the opposite right-of-way line along the Subject Property frontage for Boswell Lane Road.

RECORD PLATS

- 16. There shall be no clearing or grading of the site before recordation of plat(s).
- 17. Before record plat approval, the Applicant must remove all existing structures that cross proposed or existing lot lines.

Easements

- 18. The record plat must show necessary easements.
- 19. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

CERTIFIED PRELIMINARY PLAN

- 20. 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.*

21. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a) Show resolutions and approval letters on the certified set.
 - b) Include the approved Fire and Rescue Access plan in the certified set.

SECTION 2: SITE DESCRIPTION

VICINITY

The Subject Property, located at 12900 Glen Mill Road and 10400 Boswell Lane, is situated at the southwest corner of the intersection of Boswell Lane and Glen Mill Road ("Property" or "Subject Property"), within the Travilah community of Potomac as identified in the 2002 *Potomac Subregion Master Plan* ("Master Plan") (Figure 1). All surrounding properties are residentially zoned and consist primarily of large, single-family detached units on one-acre or larger lots. The Property is situated approximately one mile southwest of the City of Rockville boundary line.



Figure 1 - Vicinity Map

PROPERTY DESCRIPTION

The nine-acre Property is zoned Residential Estate-2 (RE-2) (Figure 2, Figure 3). The Property consists of two un-platted parcels of land identified as Parcel No. 741 on Tax Map FR31 and Parcel No. 825 on Tax Map FR31. Each parcel is developed with a single-family detached unit with accessory buildings and ornamental landscaping. The Property has approximately 430 feet of frontage along Boswell Lane and approximately 745 feet of frontage along Glen Mill Road. Glen Mill Road is classified as a Rustic Road in the 2023 *Rustic Roads Functional Master Plan*. Existing vehicular access for Parcel No. 741 is taken from Boswell Lane and from Glen Mill Road for Parcel No. 825.

The Property is located in the Watts Branch watershed, which is classified by the State of Maryland as Use Class I-P waters. The Property is located in the Piney Branch Special Protection Area. The site topography generally slopes upward from Glen Mill Road toward the rear of the Property, with some slopes greater than 15 percent. The Property contains 0.82 acres of forest.

There are no streams, wetlands, 100-year flood plain, stream buffers, steep slopes, highly erodible soils, or other sensitive environmentally features present on the Property.

No historic resources, cemeteries, burial grounds, or archeological sites are known to exist on the Property.

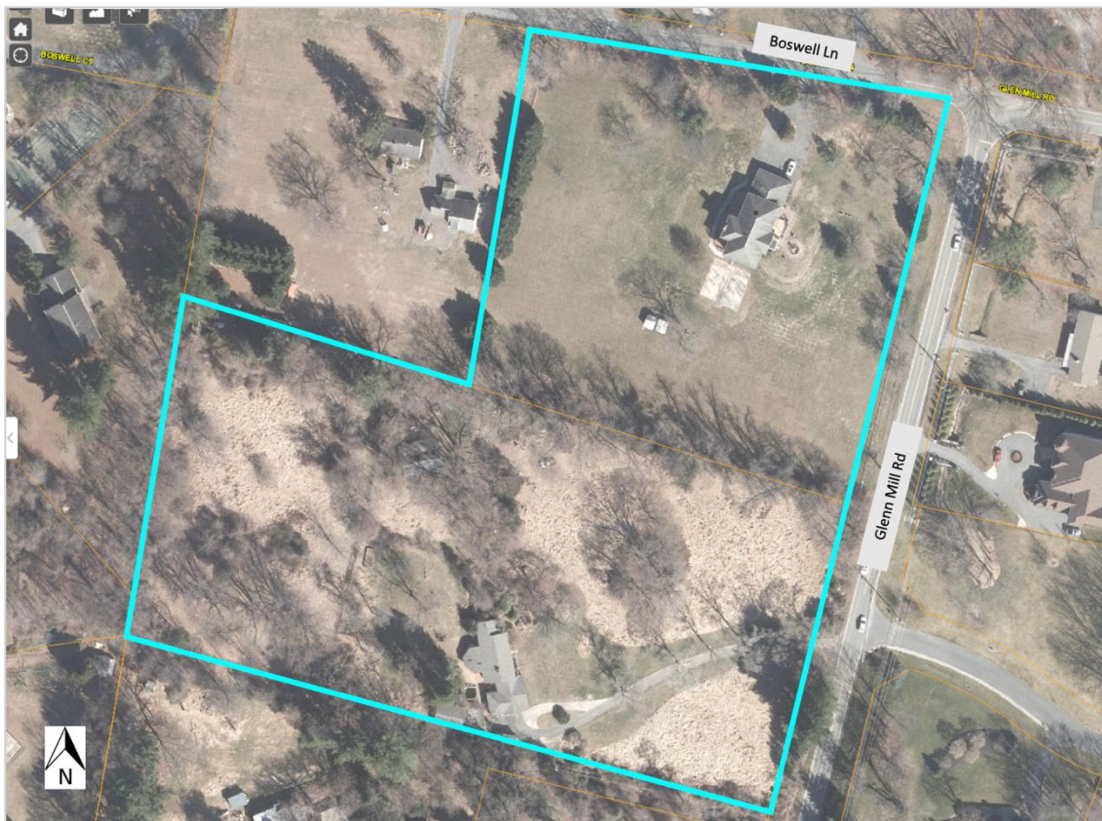


Figure 2 - Subject Property with two parcels and two existing single-family detached units

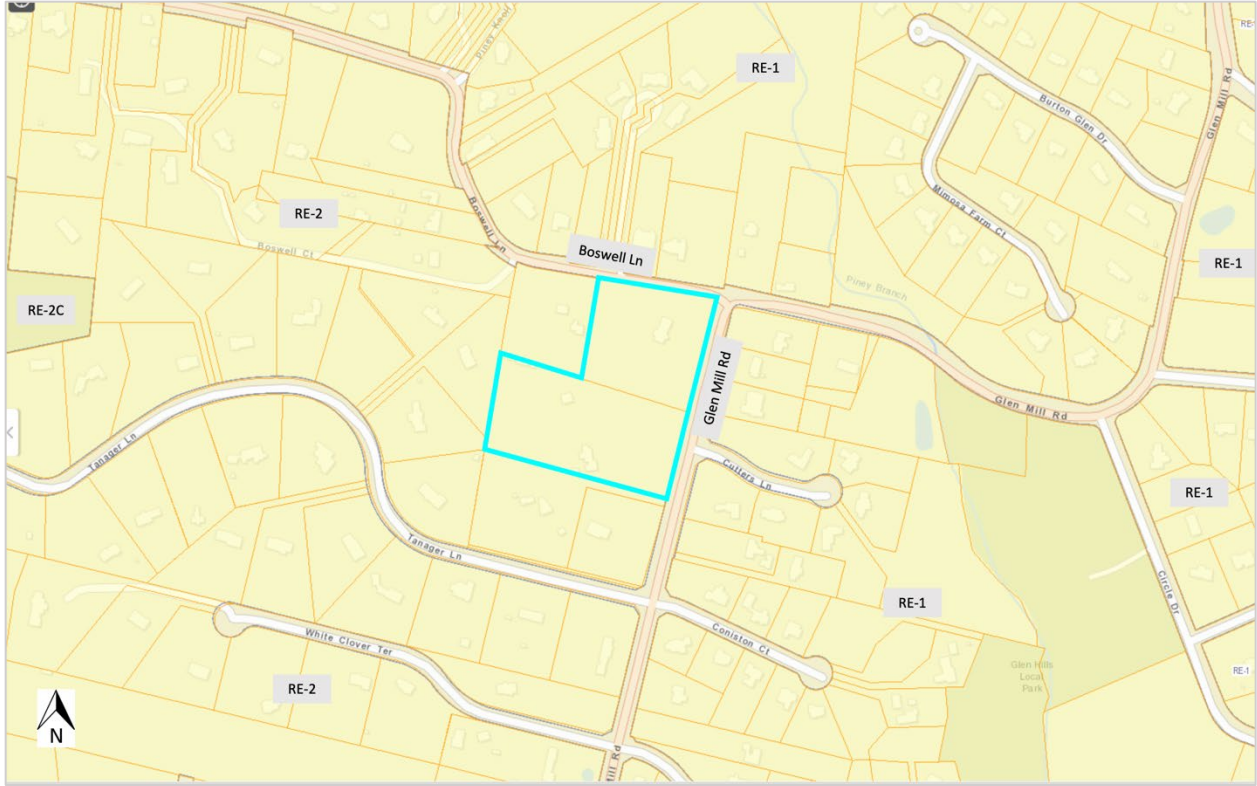


Figure 3 - Zoning Map

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

There are no other known approvals associated with the Property.

PROPOSAL

Preliminary Plan No. 120230050 (“Project” or “Application”) is a request to create four lots from two un-platted parcels of land to allow for four single-family detached dwelling units. Two new single-family detached units would be constructed, and two existing single-family detached units would remain. Figure 4 illustrates the proposed Preliminary Plan and configuration of the four lots.

Existing vehicular and pedestrian access to the Property is from Boswell Lane and Glenn Mill Road. Access to the proposed lots will be via one driveway from Boswell Lane and three driveways from Glen Mill Road. The existing driveway on Lot 1 will remain unchanged. Lot 2 and Lot 3 will require new driveways and curb cuts. To avoid a third curb cut on Glen Mill Road (Rustic Road) and impacting or removing mature trees along the road frontage, the existing driveway for Lot 4 will remain in its current alignment and require an access easement across Lot 3. An existing garage on Lot 4 will be removed because it crosses the south property line of Lot 4.



Figure 4 - Proposed Preliminary Plan with four lots; new driveways (orange arrows) and existing driveways (gray arrows).

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittals and noticing requirements. A Notice of the Application letter was mailed to all required parties by the Applicant.

The Applicant held a pre-submittal public meeting on July 21, 2022, related to the Application. According to the Applicant, there were seven persons present and no major issues were raised by attendees.

As of date of this Staff Report, no community comments or correspondence have been received.

SECTION 5: PRELIMINARY PLAN 120230050 FINDINGS AND ANALYSIS

The Preliminary Plan would create four lots for four single-family detached units in the RE-2 zone. 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.

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

The Project does not propose any new blocks. The proposed subdivision is within an existing residential community 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 Code, including lot design. The proposed lots are appropriate in size, shape, width, and orientation, taking into account the recommendations of the 2002 *Potomac Subregion Master Plan*, the existing lot pattern of surrounding properties, and the building types (single-family detached dwelling units) contemplated for the Property.

c) The Preliminary 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 sites or open areas for the Property.

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 RE-2 zone as specified in the Zoning Ordinance. The proposed lots will meet all the dimensional requirements for area, frontage, and width. A summary of this review is included below in Table 1.

Table 1 - Arora Estates, Data Table for RE-2 Zone, Standard Method, Section 59.4.4.4.B

Development Standard ¹	Permitted/ Required	Lot 1	Lot 2	Lot 3	Lot 4
Lot Area (min.)	87,120 sq. ft.	93,862 sq. ft.	114,055 sq. ft.	90,326 sq. ft.	87,134 sq. ft.
Lot Width at Front Building Line (min.)	150 ft.	411.84 ft.	168.23 ft.	150.72 ft.	163.23 ft.

¹ Lots will satisfy applicable development standards for the RE-2 zone; however, the final development standard provided may be adjusted during record plat approval.

Development Standard¹	Permitted/ Required	Lot 1	Lot 2	Lot 3	Lot 4
Lot Width at Front Lot Line (min.)	25 ft.	384.84 ft.	171.36 ft.	150.93 ft.	152.02 ft.
Coverage (max.)	25%	25%	25%	25%	25%
Front Setback (min.)	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Side Setback (min.)	17 ft.	17 ft.	17 ft.	17 ft.	17 ft.
Sum of Side Setbacks (min.)	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Rear Setback (min.)	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Building Height (max.)	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.

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

The Project substantially conforms to the recommendations within the 2002 *Potomac Subregion Master Plan*. The Master Plan does not make specific recommendations for the Subject Property but reconfirmed the existing single family detached residential zoning throughout the Property’s vicinity. The Application demonstrates conformance to the Master Plan by proposing compatible infill housing within residential areas without impacting sensitive areas. Furthermore, the proposed subdivision will help to achieve *Thrive Montgomery’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.

As conditioned, adequate public facilities exist to support and service the Project Area in accordance with Section 50.4.2.D of the Subdivision Regulations. The Adequate Public Facilities (APF) test for existing facilities, including utilities, fire and rescue services, and transportation, is satisfied under the 2020 – 2024 *Growth and Infrastructure Policy* (“GIP”). The Property is in the Rural West Policy Area, which is categorized under the GIP as a Green Policy Area.

a) Roads and other Transportation Facilities

As conditioned, road and other transportation facilities are adequate to support the Project. The Subject Property contains frontages on two streets – Glen Mill Road to the east and Boswell Lane to the north. According to the 2018 *Master Plan of Highways and Transitways* and 2023 *Rustic Roads Functional Master Plan*, Glen Mill Road is classified as a Rustic Road. With the update of the 2023 *Rustic Roads Functional Master Plan*, Boswell Lane was removed from the Rustic Road list. Both roads contain an approximate right-of-way of 70 feet. The Applicant must dedicate 35 feet of right-of-way as measured from the roadway centerline to achieve the complete master planned width for both

thoroughfares. The *Bicycle Master Plan* does not contain any recommendations for bike facilities along either road frontage.

Under Section 49-33 (1)(B) of the County Code, frontage improvements are prohibited on roads designated as Rustic or Exceptional Rustic. As such, the Applicant is exempt from providing any pedestrian or bicycle improvements along the property Glen Mill Road frontage. Although Boswell Lane is no longer considered rustic, Section 49-33(1)(A) further states that residential properties with a land area of 25,000 square feet or more in rural zones are also exempt from providing pedestrian and bicycle facilities. As such, the Applicant is precluded from providing such frontage improvements on both roads.

The RRAC provided a comment letter dated February 27, 2023. As conditioned, the Project will comply with the RRAC recommendations regarding the widths of two new driveways and driveway aprons. Additionally, to avoid a new curb cut for Lot 4 and to protect existing mature trees along Glen Mill Road, the existing driveway alignment for Lot 4 will remain the same. As such, an access easement across a small portion of Lot 3 is required. See Figure 4.

b) Local Area Transportation Review (LATR)

This Application requests a total of four lots. Lot 1 and Lot 4 have one existing single-family detached unit on each lot. Two new single-family detached units are proposed for Lots 2 and 3. Lots 2 and 3 are estimated to generate a net increase of two morning peak-hour person trips and two evening peak-hour person trips. As demonstrated via the Applicant’s Traffic Exemption Statement (“TES”) dated October 18th, 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

Schools are adequate to serve the Project. The Project proposes a net increase of two single-family detached units. The Project is served by Wayside Elementary School, Herbert Hoover Middle School, and Winston Churchill High School. Based on the FY23 Annual School Test results, the student enrollment and capacity projections for these schools are noted in Table 2 below.

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
Wayside ES	631	510	80.8%	+121	No UPP	206	248	342
Herbert Hoover MS	1,139	1,077	94.6%	+62	No UPP	188	290	461

School	Projected School Totals, 2026				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Winston Churchill HS	1,949	2,070	106.2%	-121	No UPP	59	269	562

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

To calculate the number of students generated by the proposed amendment, 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 zero non-age-restricted units, the proposed amendment 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	2	0.185	0.370	0.108	0.216	0.154	0.308
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	2	-	0	-	0	-	0

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

d) Other Public Facilities and Services.

Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

The Application has been reviewed by the MCDPS Fire Department Access and Water Supply Section who determined that the Project Area has adequate access for fire and rescue vehicles by transmittal letter dated June 14, 2023.

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

All Forest Conservation Law, Chapter 22A requirements are satisfied. The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Preliminary/Final Forest Conservation Plan (“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 October 18, 2022, before updates to the 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 Preliminary 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 PLAN

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420222680 for this Property was approved on October 10, 2022. The NRI/FSD identifies the environmental features and forest resources on the Property. The NRI/FSD identifies the 9.26-acre Subject Property located within the Watts Branch watershed classified as Use Class I-P by the State of Maryland and it is located within the Piney Branch Special Protection Area (“SPA”). The Property contains 0.82 acres of forest located in the southwest quadrant of the property. In addition, there are 20 onsite trees with a diameter breast height (“DBH”) of 30 inches or more. The Property does not contain any streams, wetlands, or other sensitive environmental features.

FOREST CONSERVATION PLAN

The Applicant has submitted a FFCP for concurrent review with the development plan application for a Preliminary Plan of Subdivision No. 120230050. The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and complies with the Montgomery County Planning Department’s approved Environmental Guidelines.

The Property is zoned RE-2 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 and a conservation threshold of 25 percent of the Net Tract Area.

The Net Tract Area for forest conservation purposes includes the 9.26-acre Total Tract Area plus 0.22 acres of offsite disturbance associated with this Application and minus 0.41 acres of land dedication for rights-of-way, for a Net Tract Area of 9.07 acres. There is a total of 0.82 acres of land classified as forest on the Property. The Applicant proposes to remove all 0.82 acres of forest. This results in a total reforestation requirement of 2.63 acres. The Applicant proposes to meet the planting requirement by purchasing mitigation credits from an offsite forest bank within the Watts Branch watershed or another watershed if no credits are available within the Watts Branch 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 M-NCPPC.

FOREST CONSERVATION TREE VARIANCE

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (“CRZ”) requires a variance under Section 22A-12(b)(3) (“Variance”). Otherwise, such resources must be left in an undisturbed condition. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater diameter breast height (DBH); are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request

The Applicant submitted a variance request in a letter dated April 16, 2023 (Attachment D). The Applicant proposes to impact eight and remove seven 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, Retained or Removed

Tree No.	Botanical Name	Common Name	Size DBH	Tree Condition	% CRZ Impacted	Status
1	<i>Pinus strobus</i>	White Pine	34”	Poor	15%	Retain
3	<i>Acer saccharinum</i>	Silver Maple	47”	Poor	4.6%	Retain
4	<i>Acer saccharinum</i>	Silver Maple	37”	Good	2.7%	Retain
6	<i>Acer saccharinum</i>	Silver Maple	44”	Good	0.2%	Retain
12	<i>Acer saccharinum</i>	Silver Maple	36”	Poor	44%	Remove
16	<i>Morus alba</i>	Mulberry	36”	Poor	100%	Remove
22	<i>Prunus serotina</i>	Black Cherry	40”	Poor	33%	Retain
23	<i>Prunus serotina</i>	Black Cherry	32”	Excellent	21%	Retain

Tree No.	Botanical Name	Common Name	Size DBH	Tree Condition	% CRZ Impacted	Status
24	<i>Prunus serotina</i>	Black Cherry	32"	Fair	21%	Retain
26	<i>Prunus serotina</i>	Black Cherry	36"	Excellent	48%	Remove
27	<i>Acer saccharinum</i>	Silver Maple	30"	Excellent	100%	Remove
28	<i>Acer saccharinum</i>	Silver Maple	30"	Excellent	100%	Remove
30	<i>Prunus serotina</i>	Black Cherry	32"	Excellent	100%	Remove
35	<i>Liquidanmbur stryaciflua</i>	Sweet Gum	39"	Excellent	20%	Retain
37	<i>Acer saccharinum</i>	Silver Maple	39"	Excellent	100%	Remove

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. A reasonable and significant use of the Property is the expectation to subdivide and subsequently develop the Property in accordance with applicable development standards of the RE-2 zone. This includes the two-acre minimum lot size standard. In this case, the unwarranted hardship is caused by the combination of the necessary layout of the proposed development on the Property which is dictated by the existing site conditions, development standards of the zone and Montgomery County agency requirements combined with the location of the Protected Trees. There are eight Protected Trees requested to be impacted and seven Protected Trees requested to be removed all of which are located within or adjacent to the limits-of-disturbance ("LOD") within the developable area of the Property (Figure 5). These trees are, for the most part, centrally located within the Property. Therefore, virtually any permitted use, constructed in accordance with the RE-2 development standards, would be expected to impact at least 10 of the 15 Protected Trees.



Figure 5 - Variance Trees

The inability to impact or remove these highly impacted Protected Trees would potentially render portions of the site undevelopable for this Project or pose threats to the health, safety and welfare of future homeowners, and deny the owner of a reasonable and significant use of the Property. 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 proposed subdivision and subsequent 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. Staff has made the following determinations in the review of the variance request and the proposed Forest Conservation Plan:

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 eight trees and the removal of seven trees are due to the location of the trees within and adjacent to the limits-of-disturbance (“LOD”) of the Property and necessary site design requirements for this Property. 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 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 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. Proposed mitigation includes planting 20, three-inch caliper, Maryland native overstory trees on-site. The mitigation trees will replace the ecological and water quality functions that may be lost by removal of the seven trees. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

There are seven Protected Trees proposed for removal in this variance request that are outside of the existing forest cover, resulting in a total of 239.0 inches of DBH being removed as shown on the FFCP. The Applicant proposes mitigation at a rate that approximates the form and function of the tree removed. These trees 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 59.75 inches with the installation of 20, 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 trees lost, they will be planted on the Subject Property and provide some immediate benefit, ultimately replacing the canopy lost by the removal of seven Protected Trees. There is some disturbance within the CRZ of eight trees; however, such trees will receive adequate tree protection measures, 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 Application received an approved stormwater concept plan from the MCDPS, Water Resources Section on May 9, 2023 (Attachment E). The Application will meet stormwater management goals through the use of Environmental Site Design (ESD) during the detailed sediment control/stormwater management plan stage.

6. The Project is located within the Piney Branch SPA. MCDPS, Water Resources Section determined that the Project is exempt from submitting a Water Quality Plan, but instead is required to submit a Water Quality Inventory as specified under Sec. 19-63.b.1 of Montgomery County Code and Sec. 4.A.1 of Executive Regulation 29-95AM to be reviewed and approved by MDCPS, Water Resources Section only before the issuance of any sediment control permit. 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 and Preliminary/Final Forest Conservation Plan applications each satisfy the findings under Section 50.4.2.D (Preliminary Plan Findings) and the applicable standards of the Zoning Ordinance, Chapter 22A (Forest Conservation Law), substantially conform to the recommendations of the 2002 *Potomac Subregion Master Plan* and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of the Preliminary Plan and Preliminary/Final Forest Conservation Plan with the conditions specified in this Staff Report.

ATTACHMENTS

Attachment A: Statement of Justification

Attachment B: Preliminary Plan

Attachment C: Preliminary/Final Forest Conservation Plan

Attachment D: Tree Variance Request

Attachment E: Agency Letters



DESIGN ENGINEERING
INCORPORATED

18229-A Flower Hill Way
Gaithersburg, MD 20879
301/258-1173 ☎ 240-417-6426 (M)

March 14, 2023

M-NCPPC, Montgomery County Planning Department
Attn: Ms. Sandra Pereira,
Area 3 Regulatory Supervisor
2425 Reddie Drive
Wheaton, Maryland 20952

Ref: DEI’s STATEMENT OF JUSTIFICATION FOR ARORA ESTATES for PRELIMINARY PLAN # 120230050 (12900 Glen Mill Road & 10400 Boswell Lane, Potomac, MD 20854) (Site Zoning: RE-2) (Site Area = 9.26 Acres)

Dear Ms. Pereira,

To the best of my knowledge, information, and belief, I hereby certify that the proposed preliminary plan application and attachments submitted addresses all elements of the Montgomery County Subdivision Code Section 50 and related policies and procedures.

Master Plan & Zoning

The property is located within Potomac Subregion Master Plan and is zoned RE-2. The proposed use is permitted within RE-2 zone. This plan showing four lots (1 thru 4) complies with all applicable Montgomery County Zoning Code requirements. Two homes (one on Lot 1 and the other on Lot 4) are existing. Two new homes one on Lot 2 and one on Lot 3 are shown.

Development Standards:

- Maximum Density permitted: 0.5 DU /AC Provided: 0.45 DU /AC
- Minimum Lot Area required = 2 acres Provided: 2 acres
- Lot Width Minimum

- At Front Building Line = 150 feet
- At Front Lot Line = 25'
- Principal Building Setbacks Minimum
 - Front Setback = 50 feet Provided: > 50 feet
 - Side = 17' Provided: > 17 feet
 - Sum of Both Sides = 35' Provided: > 35 feet
 - Rear = 35' Provided: > 35'
- Height Maximum
 - Principal Building = 50 feet Provided = 50 feet
 - Accessory Structure = 50 feet Provided = 50 feet
- Maximum Lot Coverage Permitted = 25% Provided = < 25%

Note: Lot 2 rear accessory structures conformance is being coordinated as required and Preliminary Plan will be updated accordingly.

LAYOUT

The layout is based on providing all required septic area (initial + 3 reserve areas) on same lot. As a result, the lot lines have been adjusted to comply w/ MCDPS Well & Septic Requirements which do not allow shared septic easement. The access is limited to narrow driveway (12' as agreed by the Rustic Roads Advisory Committee). A shared driveway is not recommended due to Fire Trucks Access and Turning are requirement and wide returns on each side of the driveway.

PUBLIC FACILITIES

The property is already served by existing public facilities including roads, water, utilities, schools, and emergency services. As outlined below, the addition of 2 new homes in this area makes sense from a public facility standpoint since all the necessary services are existing and available. The subject property is in water category W-1 and sewer category S-1 restricted w/ approved on-site exception for septic. There is an existing 12" water main in the adjacent Glen Mill Road right of way. The two proposed houses will require new water house connections in the public street right of way from the existing water line in the Glen Mill Road right of way.

Development of the subject property in accordance with the proposed Preliminary Plan will have minimal impact on the public schools that serve the surrounding area. Existing police, fire, and health facilities are adequate to serve the development that is proposed for the subject property. The lot and layout shown on the Preliminary Plan is acceptable to MCDPS Fire Protection. The additional fire hydrant along Glen Mill Road is added as required.

STORMWATER MANAGEMENT

The plan for the property has been designed to meet all applicable State and County requirements for stormwater management including the current “Environmental Site Design” standards. Runoff from the proposed improvements to the site will be controlled using “ESD” methods as detailed on the Stormwater Management Concept Plan. The Stormwater Management Concept has been submitted to the Department of Permitting Services for review and approval as part of the Preliminary Plan application.

BURIAL SITES

There are no burial sites known to exist on the Subject Property or listed on the Montgomery County Cemetery Inventory.

IMPERVIOUS AREA %

The impervious area proposed is well below 15%. The proposed driveway width is to allow non-rooftop disconnect buffer for the section applicable. Based on MCDPS & Montgomery Planning pre-application meeting, SPA Plan is not applicable.

FOREST CONSERVATION

To comply w/ Montgomery Planning preference for not allowing forest conservation easement on smaller lots (< 5 acres). As a result, forest conservation plan requirements will be satisfied using forest bank site if available or by paying fee in lieu if forest bank site is not available. The tree mitigation required for removal of specimen trees is being provided on-site.

WATER & SEWER CATEGORY

The site water category is W-1. The existing watermain is directly along the Lot frontage of all four lots. Based on WSSC’s coordination, HPA is not required. The Sewer Category is S-1 restricted. As applicable MCDEP On-site exception for on-site septic system for all lots has been secured.

RUSTIC ROADS

The abutting streets (Boswell Lane & Glen Mill Road) are rustic roads. The width of driveway is being coordinated w/ the Rustic Roads Coordinator. No road widening is proposed. The ROW dedication required for Boswell Lane & Glen Mill Road is shown. A 10' wide PUE as not required along the street frontage.

ROW TREES & DRAINAGE & SIGHT DISTANCE

The street trees as required along ROW are being provided. The existing d/s pipe culvert is adequate under developed conditions. The sight distance for the proposed driveway entrances for Lots 2 & 3 is adequate based on the applicable speed limit.

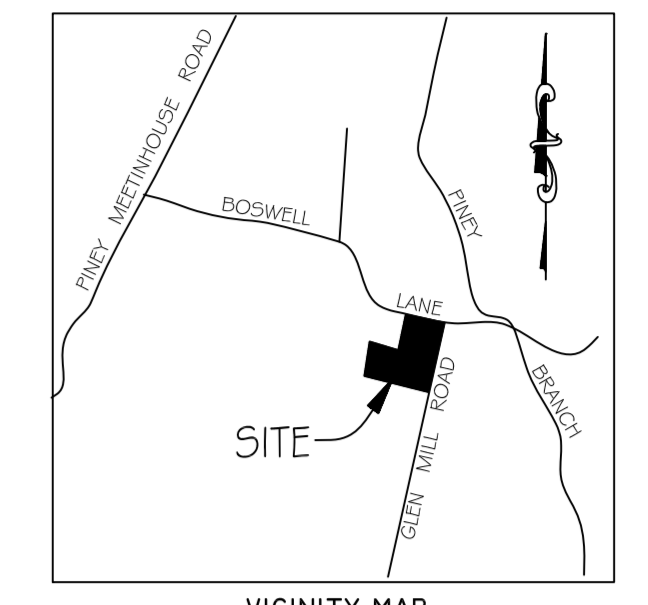
Should you have any questions, please advise.

Sincerely,

Pritam Arora
Digitally signed by Pritam Arora
DN: c=US, st=Maryland,
l=Gaithersburg, o=Design
Engineering Inc, cn=Pritam Arora,
email=parora@deius.com
Date: 2023.03.14 15:34:17 -04'00'

Pritam Arora, P.E.

President

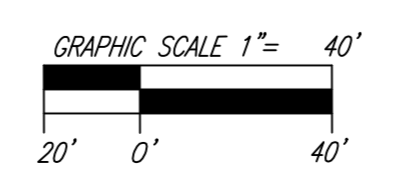


VICINITY MAP
SCALE: 1" = 2000'
WSSC 200 SCALE: 217 NW 10



ZONING DATA TABLE
(ZONING: RE-2)

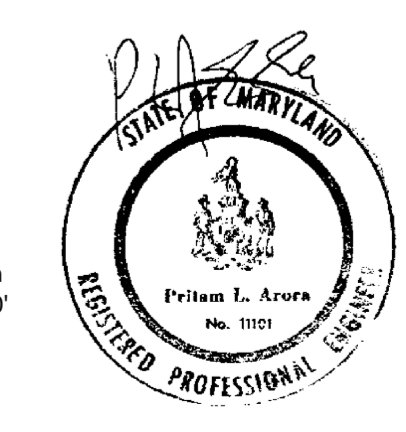
NO.	ITEM	PERMITTED/REQUIRED	LOT 1	LOT 2	LOT 3	LOT 4
1	Lot Area (min.)	87,120 SF	93,862 SF	114,055 SF	90,326 SF	87,134 SF
2	Lot Width at Front Building Line (min.)	150'	411.84'	168.23'	150.72'	163.23'
3	Lot Width at Front Lot Line (min.)	25'	384.84'	171.36'	150.93'	152.02'
4	Coverage (max.)	25.0%	3.5%	4.0%	3.7%	4.2%
5	Front Setback (min.)	50'	77.7'	301.3'	300.3'	273.9'
6	Side Setback (min.)	17'	138.8'	17.2'	20.0'	20.2'
7	Sum of Side Setbacks (min.)	35'	350.7'	92.1'	76.8'	64.1'
8	Rear Setback (min.)	35'	63.4'	44.2'	40.4'	336.5'
9	Height (max.)	50'	<50'	<50'	<50'	<50'



NOTE: BOTH BOSWELL LANE AND GLEN MILL ROAD ARE RUSTIC ROADS.

Pritam Arora

Digitally signed by Pritam Arora
DN: cn=US, st=Maryland,
InGaithersburg, o=Design
Engineering Inc, cn=Pritam
Arora, email=parora@deius.com
Date: 2023.07.31 17:26:00 -0400'



I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 11101, EXPIRATION DATE: SEPT. 17, 2024

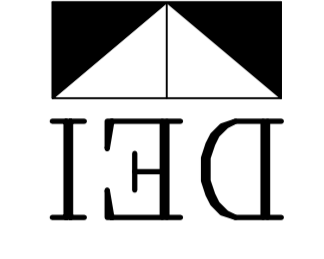
PRELIMINARY PLAN NO. 120230050

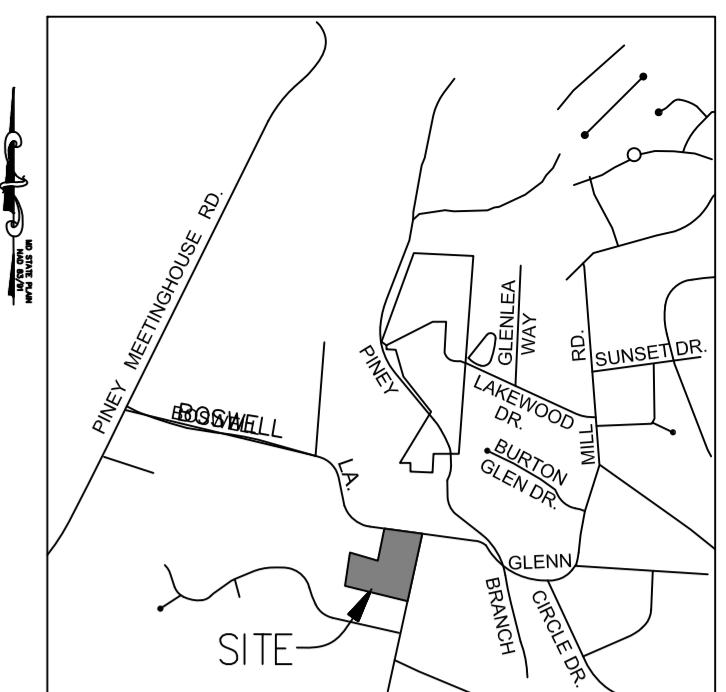
ARORA ESTATES
PARCEL 741 & 825, TAX MAP FR 31
TAX ID: 04-00047148, L.20614 F.210
& 04-00044634, L.63157 F.00035
10400 BOSWELL LANE & 12900 GLEN MILL ROAD
POTOMAC, MD 20854
4TH ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

REVISIONS	DESCRIPTION	DATE

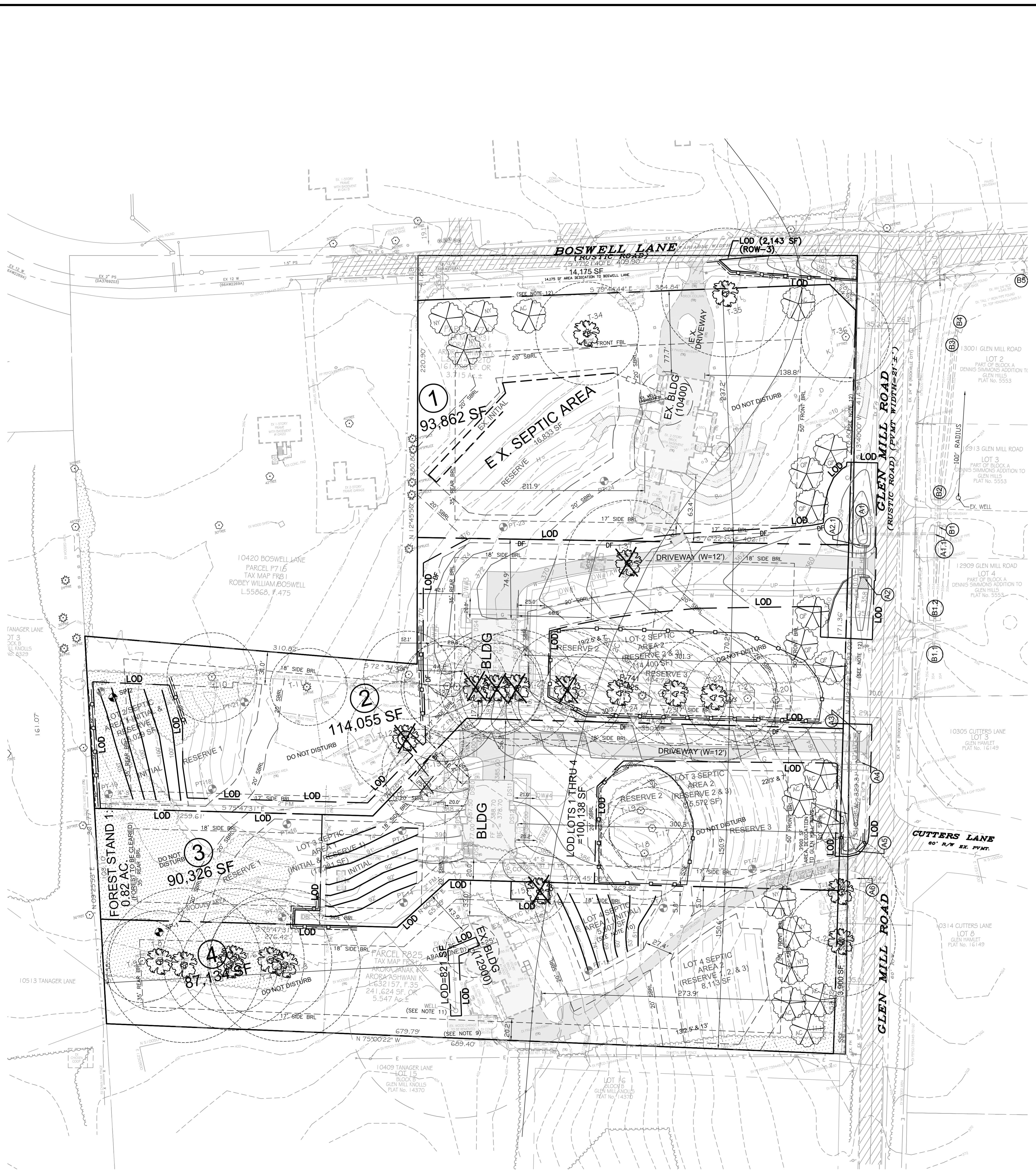
DATE:	TITLE:	DRAWN:	DESIGNED:	CHECKED:
07/10/22	PRELIMINARY PLAN	EMB	PLA/EMB	PLA
SCALE: 1" = 40'				
SHEET: C-3				
(3 OF 3)				

DESIGN ENGINEERING INCORPORATED
FULL SERVICE CIVIL ENGINEERING & RELATED SERVICES
18229-A FLOWERS HILL WAY GAITHERSBURG, MARYLAND 20879
PHONE: (301) 258-1173x102 CONTACT: PRITAM ARORA, P.E.
www.deius.com EMAIL: parora@deius.com





VICINITY MAP
SCALE: 1" = 2000'
WSSC 200 SHEET # 217NW10



- SP EX. FOREST SAMPLE POINT
- 2B EX. SOIL LINE WITH SOIL TYPES
- 2C EX. STEEP SLOPES (>25%)
- EX. FOREST AREA
- EX. SPECIMEN TREE TO BE RETAINED
- EX. SPECIMEN TREE TO BE REMOVED
- EX. SIGNIFICANT TREE TO BE RETAINED
- EX. SIGNIFICANT TREE TO BE REMOVED
- CRITICAL ZONE
- MITIGATION TREE
- EXISTING METAL FENCE
- METAL FENCE
- LOD LIMITS OF DISTURBANCE (LOD)
- ROW DEDICATION LIMITS (ROW)
- BUILDING RESTRICTION LINE (BRL)
- TREE PROTECTION FENCE
- ROOT PRUNING LINE
- EX. SEWER LINE WITH CLEANOUT
- EX. WELL
- EX. OVERHEAD POWER LINE
- EX. UNDERGROUND ELECTRIC LINE
- EX. TWO AND TEN FOOT CONTOURS
- EX. SPOT ELEVATION
- EX. WOOD OR STOCKADE FENCE OR CHAINLINK FENCE
- EX. RETAINING WALL
- EX. BUILDING OR SHED
- EX. FIRE HYDRANT
- EX. GAS MAIN
- EX. STORM DRAIN/MANHOLE
- EX. WATER MAIN
- EX. CONCRETE WALK/PAVEMENT
- EX. WATER METER
- EX. WATER VALVE
- EX. BITUMINOUS CONCRETE PAVEMENT
- DF DIVERSION FENCE (DF)
- SSF SUPER SILT FENCE (SSF)
- G GAS
- W WATER
- UP UP
- S SANITARY SEWER

INDEX OF DRAWINGS

SR NO.	SHEET NO.	TITLE
1	1 OF 3	COMBINED PRELIMINARY & FINAL FOREST CONSERVATION PLAN
2	2 OF 3	FOREST PRELIMINATION NOTES & DETAILS
3	3 OF 3	FOREST CONSERVATION NOTES & DETAILS

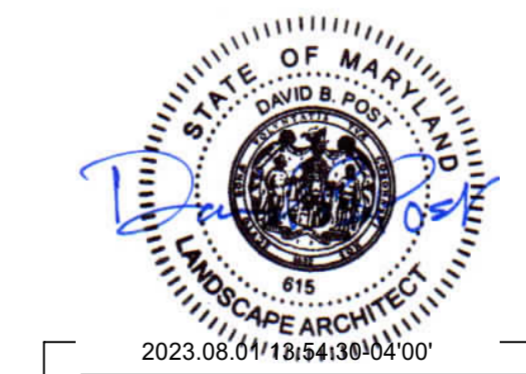
NOTES:

1. TOTAL TRACT AREA: 9.26 AC. BASED ON FIELD SURVEY.
2. CURRENT ZONING: RE-2.
3. WATERSHED: WATTS BRANCH.
4. USE CLASS OF STREAM: 1-P.
5. SPECIAL PROTECTION OR PRIMARY MANAGEMENT AREAS: PINEY BRANCH.
6. FLOODPLAIN: NO SOURCE; SURVEY PREPARED BY DESIGN ENGINEERING, INC. DATED MARCH 7, 2022.
7. 200 SCALE BASE MAP NO.: 217 NW 10.
8. TAX MAP GRID: FR31.
9. THE EXISTING GARAGE SUPERSTRUCTURE IS TO BE REMOVED. GARAGE FLOOR SLAB & RETAINING WALLS TO REMAIN. LOD IS NOT APPLICABLE.
10. LOD FOR LOT 4 SEPTIC AREA 1 (INITIAL) IS NOT SHOWN. THIS IS AN EXISTING SEPTIC AREA AND NO ADDITIONAL EXPANSION IS PROPOSED.
11. WATER MAIN FOR LOT 4 IS NOT REQUIRED. THE APPLICANT WILL USE THE WATER WELL AS REQUIRED IN COORDINATION WITH MCDPE AND MCDPS WELL & SEPTIC.
12. EXISTING FENCE ALONG BOSWELL LANE AND GLEN MILL RD. TO REMAIN. THIS IS BEING COORDINATED W/ MCDPS ROW & MCDOT.

REPLACEMENT OF (7) SPECIMEN TREES: 239 DBH
23' x .25 + = 59.75 / 3' dbh = 19.9 Mitigation Trees @ 3'dbh
PROPOSED 20 TREES

PLANT LIST

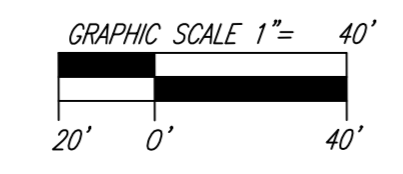
Symbol	Botanical Name	Common Name	Qty	Size(Cal)	Remarks
AC	ACER RUBRUM	RED MAPLE	8	3-3 1/2" CAL.	B&B
NY	NYSSA SYLVATICA	BLACKGUM	6	3-3 1/2" CAL.	B&B
QP	QUERCUS PALUSTRIS	PIN OAK	6	3-3 1/2" CAL.	B&B



DAVID B. POST
08-01-2023
DATE
MD DEPT. OF NATURAL RESOURCES
COMAR 08.19.06.01
Qualified Professional Certification
I hereby certify that the information shown hereon is correct and that this plan has been prepared in accordance with the requirements of the existing state and county forest conservation legislation.

No.	Date	Revision Notes

DEVELOPER'S CERTIFICATE
The undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. _____ including, financial bonding, forest planting, maintenance, and all other applicable agreements.
Developer's Name: Ashwani Arora
Company: Ashwani Arora
Address: 12900 Glen Mill Road, Potomac, MD 20854
Phone & Email: 301-814-9001, natrajnc@yahoo.com
Signature: _____ Date: _____



CLIENT:
ASHWANI ARORA
12900 GLEN MILL ROAD
POTOMAC, MD 20854
301-814-9001
natrajnc@yahoo.com

DESIGN ENGINEERING INCORPORATED
FULL SERVICE ENGINEERING & RELATED SERVICES
18229-A FLOWER HILL WAY GAITHERSBURG, MARYLAND 20879
PHONE: (301) 258-1173 EXT. 102 FAX: (301) 258-0690
CONTACT PERSON: PRITAM ARORA E-MAIL: parora@delius.com

COMBINED PRELIMINARY & FINAL
FOREST CONSERVATION PLAN
ARORA ESTATES
10400 BOSWELL LANE & 12900 GLEN MILL ROAD
POTOMAC, MD

TAX MAP / GRID: FR31; PARCEL: 741 & 825
4TH ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND
APPLICATION # 120230050

SCALE: 1" = 40'
SHEET 1 OF 3
PLAN NO: 120230050
10/4/2022



**DESIGN ENGINEERING
INCORPORATED**

**18229-A Flower Hill Way
Gaithersburg, MD 20879
301/258-1173 ♦ FAX 301/258-0690**

February 7, 2023 (Revised April 6, 2023)

The Maryland-National Capital Park and Planning Commission
Environmental Planning Division
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Arora Estates – #120230050 – 10400 Boswell Lane & 12900 Glen Mill Road
Request for Variance from Section 22A-21 of the County Code

Dear Reviewer:

On behalf of the applicant, Ashwani Arora, and in accordance with Section 22A-21 of the County Code and Maryland Senate Bill 666, we hereby request a variance to allow the disturbance to the critical root zones and removal of the following inventoried specimen trees:

<u>Tree #</u>	<u>D.B.H.</u>	<u>Common Name</u>	<u>Condition</u>	<u>Action</u>	<u>CRZ* Impact</u>
#1	24"	White Pine	Poor	Root prune	2.6%
#3	47"	Silver Maple	Poor	Root prune	4.6%
#4	37"	Silver Maple	Good	Root prune	2.7%
#6	44"	Silver Maple	Good	Root prune	0.2%
#12	36"	Silver Maple	Poor	To be removed	44%
#16	36"	Mulberry	Poor	To be removed	Within LOD*
#22	40"	Black Cherry	Poor	Root prune	33%
#23	32"	Black Cherry	Excellent	Root prune	21%
#24	32"	Black Cherry	Fair	Root prune	21%
#26	36"	Black Cherry	Excellent	To be removed	48%
#27	30"	Silver Maple	Excellent	To be removed	Within LOD
#28	30"	Silver Maple	Excellent	To be removed	Within LOD
#30	32"	Black Cherry	Excellent	To be removed	Within LOD
#35	39"	Sweet Gum	Excellent	Root prune	20%
#37	39"	Silver Maple	Excellent	To be removed	Within LOD

*LOD = Limits of disturbance. CRZ = Critical Root Zone.

Existing Site Description

The subject property consists of two single family residential parcels (Parcel 741 & 825) that total approximately 9.26 acres. Located on Glen Mill Road at its intersection with Boswell Lane in Potomac, the two properties are currently the site of residential houses with buildings, sheds, driveways, septic tanks with septic areas for initial and three (3) reserve areas, utility connections, and concrete pads, fences, etc. The topography of the property is generally level with no moderately or significantly steep

slopes. The properties are surrounded by other residential lots to the west and south. The property is bound on the north and east by Boswell Lane and Glen Mill Road.

The property is developed. A forest area of 0.82 acres is located on the property. This forested area is to remain undisturbed. No State or County champion trees or trees $\geq 75\%$ of a State or County champion tree are located on or adjacent to the site.

No streams, wetlands or floodplains are located on the property. The properties are located in the Watts Branch watershed.

Tree Impact Descriptions

The submitted plan proposes a total of four (4) residential lots (Lots 1 thru 4) on the RE-2 zoned property. Three lots will front onto Glen Mill Road, and one will front onto Boswell Lane. The accompanying Forest Conservation Plan is proposing the removal of seven on-site specimen trees.

Specimen Tree #12 (36" d.b.h. Silver Maple)

Located near the existing barn on proposed Lot 2, this tree has a heavy CRZ impact due to the excavation for the sewer line connection to the septic field. This tree is in poor condition with a weak crotch and constitutes a hazard to the buildings on site.

Specimen Tree #16 (36" d.b.h. Mulberry)

Located within proposed lot 4, the mulberry's critical root zone will be impacted by construction of the proposed dwelling on Lot 3. This tree is in poor condition. The scaffold branches have weak angles and would constitute a hazard in a residential area.

Specimen Tree #26 (36" d.b.h. Black Cherry)

Located on lot 2, the double cherry's critical root zone falls within the initial septic area and will also be impacted by house construction.

Specimen Tree #27 (30" d.b.h. Silver Maple)

Located on Lot 2, this silver maple falls within the building envelope for the proposed dwelling.

Specimen Tree #28 (30" d.b.h. Silver Maple)

Located on Lot 2, this silver maple falls within the building envelope for the proposed dwelling.

Specimen Tree #30 (32" d.b.h. Black Cherry)

Located on lot 2, the double cherry's critical root zone falls within the building envelope for the proposed dwelling.

Specimen Tree #37 (39" d.b.h. Silver Maple)

Located on lot 2, the silver maple's critical root zone falls within the alignment of the proposed driveway.

Specimen trees with impacts to Critical Root Zones but not being removed.

Specimen Tree #1 (34" d.b.h. White Pine)

Located on the front property line at the intersections of Lots 3 and 4, this tree has just 2.6% of critical root zone impact and will be preserved with root pruning and tree protection fencing.

Specimen Tree #3 (47" d.b.h. Silver Maple)

Located on Lot 4 near the septic field distribution box for Lot 3, this tree has just 4.6% of critical root zone impact and will be preserved with root pruning and tree protection fencing.

Specimen Tree #4 (37" d.b.h. Silver Maple)

Located on Lot 4 near the septic field distribution box for Lot 3, this tree has just 2.7% of critical root zone impact and will be preserved with root pruning and tree protection fencing.

Specimen Tree #6 (44" d.b.h. Silver Maple)

Located on Lot 4 near the septic field distribution box for Lot 3, this tree has just 0.2% of critical root zone impact and will be preserved with root pruning and tree protection fencing.

Specimen Tree #22 (40" d.b.h. Black Cherry)

Located on lot 2, the double cherry's critical root zone falls within the Lot 3 driveway alignment. This tree will have an impact to 33% of the critical root zone but is not considered a hazard to the property. Root pruning and tree protection fencing is provided.

Specimen Tree #23 (32" d.b.h. Black Cherry)

Located on lot 2, the double cherry's critical root zone falls within the Lot 3 driveway alignment. This tree will have an impact to 21% of the critical root zone but is not considered a hazard to the property. Root pruning and tree protection fencing is provided.

Specimen #24 (32" d.b.h. Black Cherry)

Located on lot 2, the double cherry's critical root zone falls within the Lot 3 driveway alignment. This tree will have an impact to 21% of the critical root zone but is not considered a hazard to the property. Root pruning and tree protection fencing is provided.

Justification for Variance Request

This request is to remove seven (7) specimen trees, preserve seven (7) specimen trees with tree protection measures and plant 20 tree to mitigate the impacts. The variance justification is requested as required by the Maryland Natural Resources Article, Title 5, Subtitle 16, Forest Conservation, Section 5- 1611, and in accordance with Chapter 22A- 21(b) of the Montgomery County Code.

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

The applicant is proposing to subdivide the property. The size and shape of the property in conjunction with the location of the fourteen (14) trees that require disturbance or removal is in

such a manner that would prevent the efficient subdivision of the property into buildable lots in the RE-2 zone while conforming to the zoning/subdivision regulations, sewage disposal requirements and stormwater management regulations, thus causing an unwarranted hardship if these trees could not be removed/impacted.

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

In accordance with Chapter 22A-21(b)(2) of the Montgomery County Code, trees with diameters-at-breast height (d.b.h.) of 30" or greater shall be considered priority for retention and protection.. The specimen trees are located throughout the site. And although seven (7) trees are in conflict with the proposed development and must be removed, 13 other specimen trees will remain, most with little or no impact. These impacts to the trees in conflict are directly related to construction of 2 new homes, and their associated septic fields, driveways and other associated site development. These trees are located outside any environmentally sensitive area. Three of the trees are in poor condition. The inability to remove these trees will deprive the landowner of rights commonly enjoyed by owners of similar properties or in neighboring areas.

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

A lawful and fully compliant Stormwater Management Plan has been submitted for the proposed improvements. The proposed improvements are not in a stream valley buffer area nor are they in a special protection area. The approval of the Stormwater Management Plan will confirm that the goals and objectives of the current state water quality standards are being met.

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

Pursuant to Section 22A 21(d) Minimum Criteria for Approval.

- 1) The Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available by any other applicants. The variance will not confer a special privilege because the removal of the tree is due to the development of the site and the existing conditions (as outlined above) which is not out of line with approvals granted to others similarly situated. The location of the existing improvements that need redevelopment and the nearby specimen tree would constrict the development area of the property if the removal was not allowed.
- 2) The variance request is not based on conditions or circumstances which result from the actions of the applicant. The variance is based upon site conditions and development constraints that developed and existed before the enactment of the specimen tree legislation. The requested variance is not based on conditions or circumstances which are the result of the applicant.
- 3) The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property. The requested variance pertains to the land area near the car wash. The variance being requested is based on the applicants existing site layout. It is not a result of any land or building on a neighboring property.

- 4) Will not violate State water standards or cause measurable degradation in water quality.
Full ESD stormwater management will be provided as part of the proposed development.
The variance will not violate State water quality standards or cause measurable degradation in water quality. The applicant is following all applicable water quality requirements. Further, the specimen trees to be impacted are not within a special protection area or a stream valley buffer area.

The forest conservation plan and all supporting materials are included with this variance request. Please let us know if any other information is necessary.

Respectfully,

David B. Post

David B. Post, PLA #615

Landscape Architect

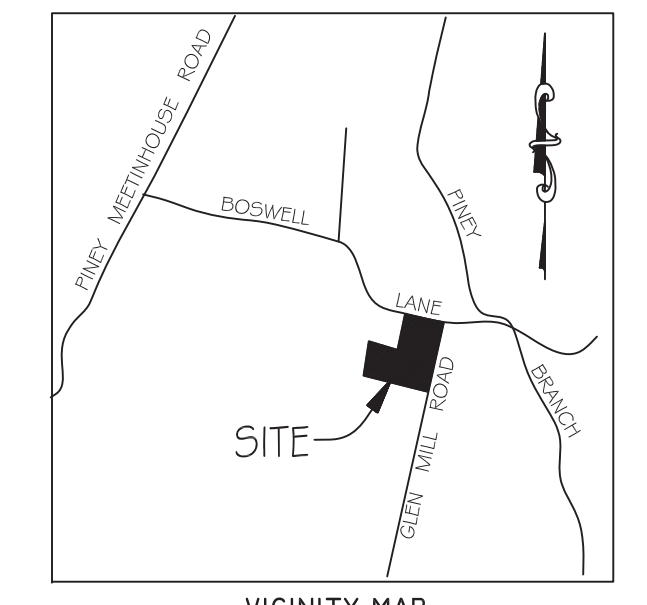


**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 14-Jun-23
TO: Pritam Arora - parora@deius.com
Design Engineering Inc
FROM: Marie LaBaw
RE: Arora Estates
120230050

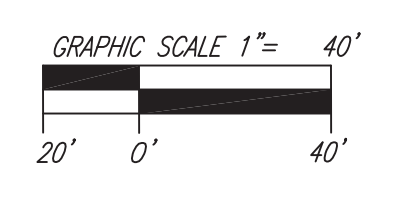
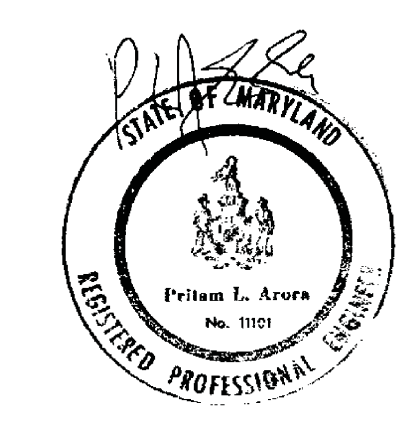
PLAN APPROVED

1. Review based only upon information contained on the plan submitted **12-Jun-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.



VICINITY MAP
SCALE: 1" = 200'
WSSC 200 SCALE: 217 NW 10

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: 6/14/2023



NOTE: BOTH BOSWELL LANE AND GLEN MILL ROAD ARE RUSTIC ROADS.

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 11101, EXPIRATION DATE: SEPT. 17, 2024

PRELIMINARY PLAN NO. 120230050

ARORA ESTATES
PARCEL 741 & 825, TAX MAP FR 31
TAX ID: 04-00047148, L20614 F.210
& 04-00044634, L63157 F.00035
10400 BOSWELL LANE & 12900 GLEN MILL ROAD
POTOMAC, MD 20864
4TH ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

REVISIONS		REVISIONS	
DATE	DESCRIPTION	DATE	DESCRIPTION

DATE:	07/10/22	TITLE:	PRELIMINARY PLAN
SCALE:	1" = 40'	DRAWN:	EMB
SHEET:	C-3	DESIGNED:	PLA/EMB
	(3 OF 3)	CHECKED:	PLA

DESIGN ENGINEERING INCORPORATED
FULL SERVICE CIVIL ENGINEERING & RELATED SERVICES
18229-A FLOWER HILL WAY GAITHERSBURG, MARYLAND 20879
PHONE: (301) 258-1173x102 CONTACT: PRITAM ARORA, P.E.
www.dei.us.com EMAIL: parora@dei.us.com





DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

March 28, 2023

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

RE: Preliminary Plan No. 120230050
Arora Estates
Preliminary Plan Letter

Dear Mr. Estes:

We have completed our review of the revised redlined preliminary plan uploaded to eplans on March 14, 2023. This plan was reviewed by the Development Review Committee at its January 3, 2023, meeting. We recommend approval of the plan subject to the following comments:

Significant Preliminary Pan Comments:

1. Glen Mill Road & Boswell Lane: Based on Master Plan of Highways and Transitways, both roadways are classified as a Rustic Road with 2 travel lanes and 70-ft right-of-way. The plan shows right-of-way dedication along the public roadway frontages which complies with the masterplan.
2. Prior to the approval of the plat, the applicant shall remove or relocate all existing private features like the brick wall/column, fence, gate etc. outside the Glen Mill Road and Boswell Lane rights-of-way.
3. The proposed driveway shall be per MC 301.03. The driveway culverts shall have a minimum cover of one foot.
4. The proposed Lot 4 with existing house, has the driveway extending into the proposed Lot 3. Please relocate the existing driveway to be within the proposed Lot 4 or revise the proposed lot lines to include the driveway within the property or provide necessary easement.

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

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

(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. **Storm Drain Analysis:** The revised storm drain analysis was reviewed and is acceptable. No improvements are needed to the downstream public storm drain system for this plan.
3. **Sight Distance:** The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference with this letter.
4. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with MCDPS Right-of-Way Plan Review Section.
5. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - a. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
 - 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 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) 777-2194.

Sincerely,

Deepak Somarajan

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

Mr. Phillip Estes
Preliminary Plan No. 120230050
March 28, 2023
Page 3

Enclosures: Sight Distance

cc: SharePoint Correspondence FY 23

cc-e: Pritam Arora	Design Engineering Inc.
Atiq Panjshiri	MCDPS RWPR
Sam Farhadi	MCDPS RWPR
Rebecca Torma	MCDOT OTP



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

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Arora Estates Preliminary Plan Number: 1-20230050

Boswell Lane & Master Plan Road
 Street Name: Glen Mill Road Classification: Rustic

Posted Speed Limit: 30 mph

Street/Driveway #1 (Lot 1 @ Boswell lane) Street/Driveway #2 (Lot 4 @ Glen Mill Road)

Sight Distance (feet) OK?
 Right >200 _____
 Left >200 _____

Sight Distance (feet) OK?
 Right >200 _____
 Left >200 _____

Comments: _____

Comments: _____

GUIDELINES

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

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

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

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

P. J. Esber 3/21/23
 Signature

11101
 PLS/P.E. MD Reg. No.



Montgomery County Review:	
<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved:
By: <u>Deepak Somarajan</u>	
Date: <u>3/23/2023</u>	



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

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Arora Estates Preliminary Plan Number: 1- 20230050

Street Name: Glen Mill Road Master Plan Road Classification: Rustic

Posted Speed Limit: 30 mph

Street/Driveway #1 (Lot 2) Street/Driveway #2 (Lot 3)

Sight Distance (feet) OK?
 Right >200 _____
 Left >200 _____

Sight Distance (feet) OK?
 Right >200 _____
 Left >200 _____

Comments: _____

Comments: _____

GUIDELINES

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

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

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

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

P. Arora 3/21/23

Signature
 11101
 PLS/P.E. MD Reg. No.



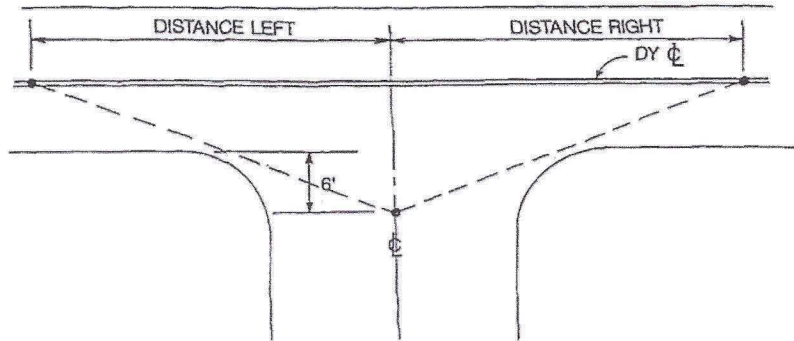
Montgomery County Review:	
<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved:
By:	<u>Deepak Somarajan</u>
Date:	<u>3/23/2023</u>



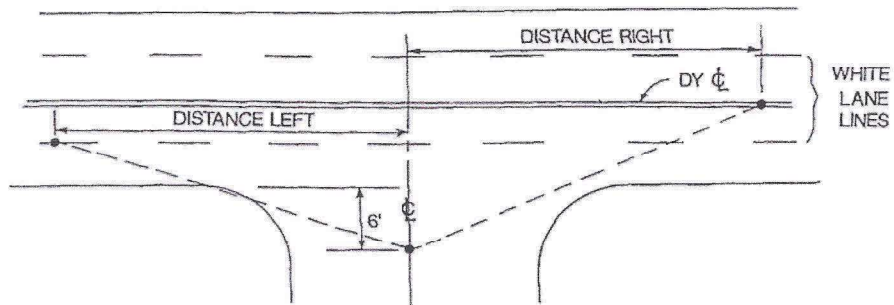
MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION ATTACHMENT

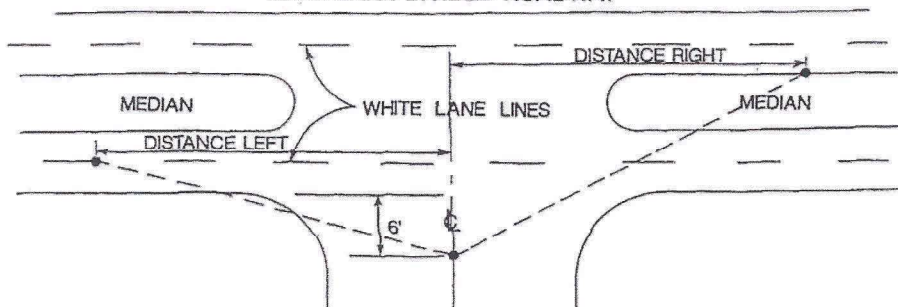
2 LANE UNDIVIDED ROADWAY



MULTI-LANE UNDIVIDED ROADWAY



MULTI-LANE DIVIDED ROADWAY





DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

May 9, 2023

Mr. Pritam Aurora, P.E.
Design Engineering Incorporated
18229-A Flower Hill Way
Gaithersburg, Maryland 20879

Re: **WATER QUALITY INVENTORY
STORMWATER MANAGEMENT PLAN** for
12900 Glen Mill Road
Preliminary Plan #: N/A
SM File #: 288764
Tract Size/Zone: 9.26 Acres
Total Concept Area: 9.26 Acres
Lots/Block: 1, 2, 3, and 4
Parcel(s): 74 and 825.
Watershed: Watts Branch. I. Piney Branch SPA.

Dear Mr. Aurora:

Based on a review by the Department of Permitting Services Review Staff, the Water Quality Inventory for the for the above-mentioned site is **acceptable**. A Water Quality Inventory is required for projects that are located in a Special Protection Area but are not required to submit a Water Quality Plan. This Water Quality Inventory proposes to meet required stormwater management goals via Environmental Site Design.

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. Lots 2 and 3 must provide full Stormwater Management. Lots 1 and 4 are existing and no improvements associated with those lots.
3. Please provide the Special Protection Area meeting minutes for each application associated with this Water Quality Inventory.
4. An engineered sediment control plan must be submitted for this development.
5. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

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



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

Mr. Pritam Arora, PE
May 9, 2023
Page 2 of 2

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Andrew Kohler at 240-777-6275.

Sincerely,

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

MCE: CN 288764

cc: SM File # 288764

Lot 2

ESD: Required/Provided 914 cf / 1133 cf
PE: Target/Achieved: 1.0"/1.23"
STRUCTURAL: N/A cf
WAIVED: N/A cf.

Lot 3

ESD: Required/Provided 954 cf / 1025 cf
PE: Target/Achieved: 1.01"/1.07"
STRUCTURAL: N/A cf
WAIVED: N/A cf.



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

M E M O R A N D U M

April 25, 2023

TO: Philip Estes, Lead Reviewer
Development Review
Maryland National Capital Park and Planning Commission

FROM: Heidi Benham, Manager
Well and Septic Section *HB*
Department of Permitting Services

SUBJECT: Preliminary Plan: Arora Estates
120230050

This is to notify you that the Well & Septic Section of MCDPS has approved the Preliminary Plan for the subject property. Approved with the following reservations:

- The record plat must show the septic reserve areas as they are shown on this plan.
- The existing well on Lot 4 must be abandoned and sealed prior to approval of the record plat.
- Forest conservation easements established subsequent to this approval must meet all minimum well and septic setback requirements:
 - 5 feet from the septic area

If you have any questions, please contact Heidi Benham at (240) 777-6318.

Cc: Pritam Arora



RUSTIC ROADS ADVISORY COMMITTEE



DATE: February 27, 2023

TO: Pritam Arora, P.E., Design Engineering Inc.

CC: Phillip Estes, Planner III, Montgomery County Planning Department

RE: Rustic Road name and Classification: Glen Mill Road (rustic) and Boswell Lane (rustic)

Application #: Preliminary Plan No. 120230050, subdivision with two new homes

Address: Intersection Glen Mill Road and Boswell Lane

DATE OF COMMITTEE ACTION: Feb. 2, 2023

REVIEW AND RECOMMENDATIONS: Approval based upon the following

1. Site visit was performed on Jan. 6, 2023
2. The two driveway widths will be 10' wide within the ROW
3. The driveways beyond the ROW will be 12' wide instead of 15' wide
4. Aprons at road will be no more than 5' wide on either side of each driveway
5. Committee understands that the roadside grade will be lowered on Boswell for line of sight
6. Signage on roadside will be removed

OTHER INFORMATION:

If there are changes or additions to the work as reviewed, please submit those changes to the Committee.

Please feel free to contact us through our staff coordinator, Darcy Buckley, at Darcy.Buckley@montgomerycountymd.gov. Thank you.

Laura Van Etten, Chair

Committee Members:

N. Anne Davies, Barbara Hoover, Charles Mess, Kamran Sadeghi, Dan Seamans, Elena Shuvalov, Jamey Pratt

