

# Attachment A

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

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

### Pre-Construction

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

Measures not specified on the Forest Conservation Plan may be required as determined by the Forest Conservation Inspector in coordination with the property owner's arborist.

- A Maryland Licensed Tree expert must perform, or directly supervise, the implementation of all stress reduction measures. Documentation of the process (including photographs) may be required by the Forest Conservation Inspector, and will be determined at the pre-construction meeting.
- Temporary tree protection devices must be installed per the approved Forest Conservation Plan, Exemption Plan, or Tree Save Plan and prior to any land disturbance. The Forest Conservation Inspector, in coordination with the DPS Sediment Control Inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan.

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

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

### During Construction

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

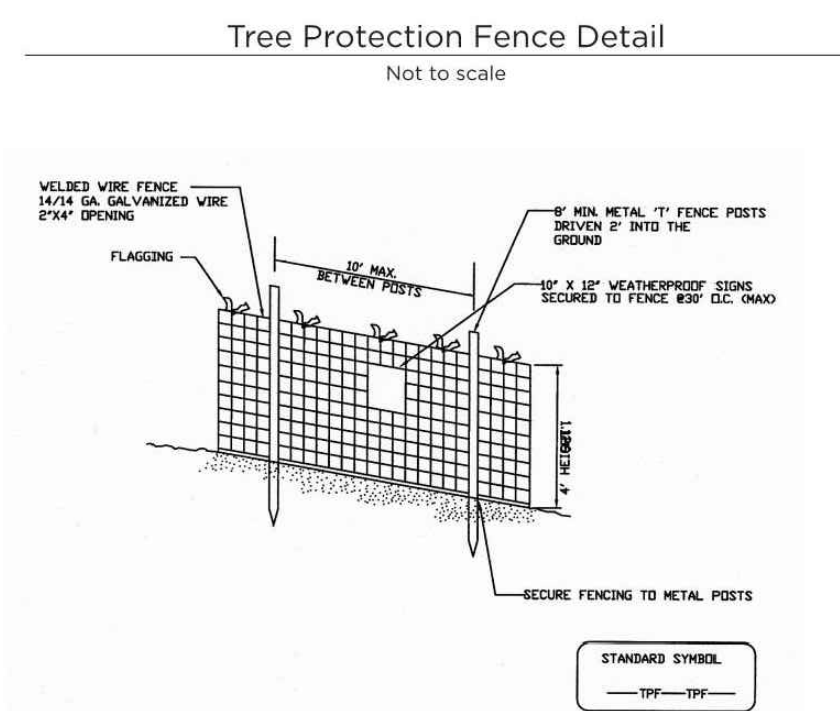
### Post-Construction

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

FOREST CONSERVATION WORKSHEET TREETMAN PROPERTY WITHIN SAME WATERSHED OR PRIORITY AREA		FOREST CONSERVATION WORKSHEET TREETMAN PROPERTY OUTSIDE SAME WATERSHED OR PRIORITY AREA	
<b>NET TRACT AREA:</b>		<b>NET TRACT AREA:</b>	
A. Total tract area ...	2.10	A. Total tract area ...	2.10
B. Additions to tract area (Off-Site Work, etc.; construction required by this plan)...	0.00	B. Additions to tract area (Off-Site Work, etc.; construction required by this plan)...	0.00
C. Land dedication acres (parks, county facility, etc.) ...	0.00	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	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	E. Area to remain in commercial agricultural production/use ...	0.00
F. Other deductions (specify) .....	0.00	F. Other deductions (specify) . AREA WITHIN PMA (SEE OTHER WORKSHEET)	0.00
G. Net Tract Area .....	2.10	G. Net Tract Area .....	2.10
<b>LAND USE CATEGORY:</b> (from Chapter 22A-3, Definitions) Input the number "1" under the appropriate land use, limit to only one entry.		<b>LAND USE CATEGORY:</b> (from Chapter 22A-3, Definitions) Input the number "1" under the appropriate land use, limit to only one entry.	
ARA 0 CDR 0 MDR 1 IDA 0 HDR 0 MPD 0 CIA 0		ARA 0 CDR 0 MDR 1 IDA 0 HDR 0 MPD 0 CIA 0	
G. Afforestation Threshold ...	20% x G = 0.42	G. Afforestation Threshold ...	20% x G = 0.42
H. Conservation Threshold ...	35% x G = 0.74	H. Conservation Threshold ...	35% x G = 0.74
<b>EXISTING FOREST COVER:</b>		<b>EXISTING FOREST COVER:</b>	
I. Existing forest cover .....	0.00	I. Existing forest cover .....	0.00
J. Area of forest above afforestation threshold .....	0.00	J. Area of forest above afforestation threshold .....	0.00
K. Area of forest above conservation threshold .....	0.00	K. Area of forest above conservation threshold .....	0.00
<b>BREAK EVEN POINT:</b>		<b>BREAK EVEN POINT:</b>	
L. Forest retention above threshold with no mitigation ....	0.00	L. Forest retention above threshold with no mitigation ....	0.00
M. Clearing permitted without mitigation .....	0.00	M. Clearing permitted without mitigation .....	0.00
<b>PROPOSED FOREST CLEARING:</b>		<b>PROPOSED FOREST CLEARING:</b>	
N. Total area of forest to be cleared .....	0.00	N. Total area of forest to be cleared .....	0.00
O. Total area of forest to be retained .....	0.00	O. Total area of forest to be retained .....	0.00
<b>PLANTING REQUIREMENTS:</b>		<b>PLANTING REQUIREMENTS:</b>	
P. Reforestation for clearing above conservation threshold ....	0.00	P. Reforestation for clearing above conservation threshold ....	0.00
Q. Reforestation for clearing below conservation threshold ....	0.00	Q. Reforestation for clearing below conservation threshold ....	0.00
R. Credit for retention above conservation threshold .....	0.00	R. Credit for retention above conservation threshold .....	0.00
S. Total reforestation required .....	0.00	S. Total reforestation required .....	0.00
T. Total afforestation required .....	0.42	T. Total afforestation required .....	0.42
U. Credit for landscaping (may not be used to meet reforestation requirement if project is located outside an EFA. For projects within EFA, may not exceed 20% of project) .....	0.00	U. Credit for landscaping (may not be used to meet reforestation requirement if project is located outside an EFA. For projects within EFA, may not exceed 20% of project) .....	0.00
V. Total reforestation and afforestation required .....	* 0.42	V. Total reforestation and afforestation required .....	* 0.42
worksheet date	5/13/2019	worksheet date	5/13/2019

### SITE TABULATIONS:

ACREAGE OF NET TRACT:	2.10
ACREAGE OF TRACT REMAINING IN AGRICULTURE:	0.00
ACREAGE OF ROAD AND UTILITY R/W WHICH WILL NOT BE IMPROVED AS PART OF DEV. APPLICATION:	0
ACREAGE OF EX. FOREST:	0.00
ACREAGE OF TOTAL FOREST RETENTION:	0.00
ACREAGE OF TOTAL FOREST CLEARED:	0.00
LAND USE CATEGORY:	MDR
AFFORESTATION THRESHOLD:	0.42
CONSERVATION THRESHOLD:	0.74
ACREAGE OF FOREST RETAINED, CLEARED, AND PLANTED WITHIN WETLANDS:	0.00/0.00/0.00
ACREAGE OF FOREST RETAINED, CLEARED, AND PLANTED WITHIN 100-YEAR FLOODPLAIN:	0.00/0.00/0.00
ACREAGE OF FOREST RETAINED, CLEARED, AND PLANTED WITHIN STREAM BUFFERS:	0.00/0.00/0.00
ACREAGE OF FOREST RETAINED, CLEARED, AND PLANTED WITH PRIORITY AREAS:	0.00/0.00/0.00
LINEAR EXTENT & AVERAGE WIDTH OF STREAM BUFFER:	0'/0'



### NOTES

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

Montgomery County Planning Department • M-NCPPC  
MontgomeryPlanning.org

### INSPECTIONS

All field inspections must be requested by the applicant.

Field Inspections must be conducted as follows:

#### Plans without Planting Requirements

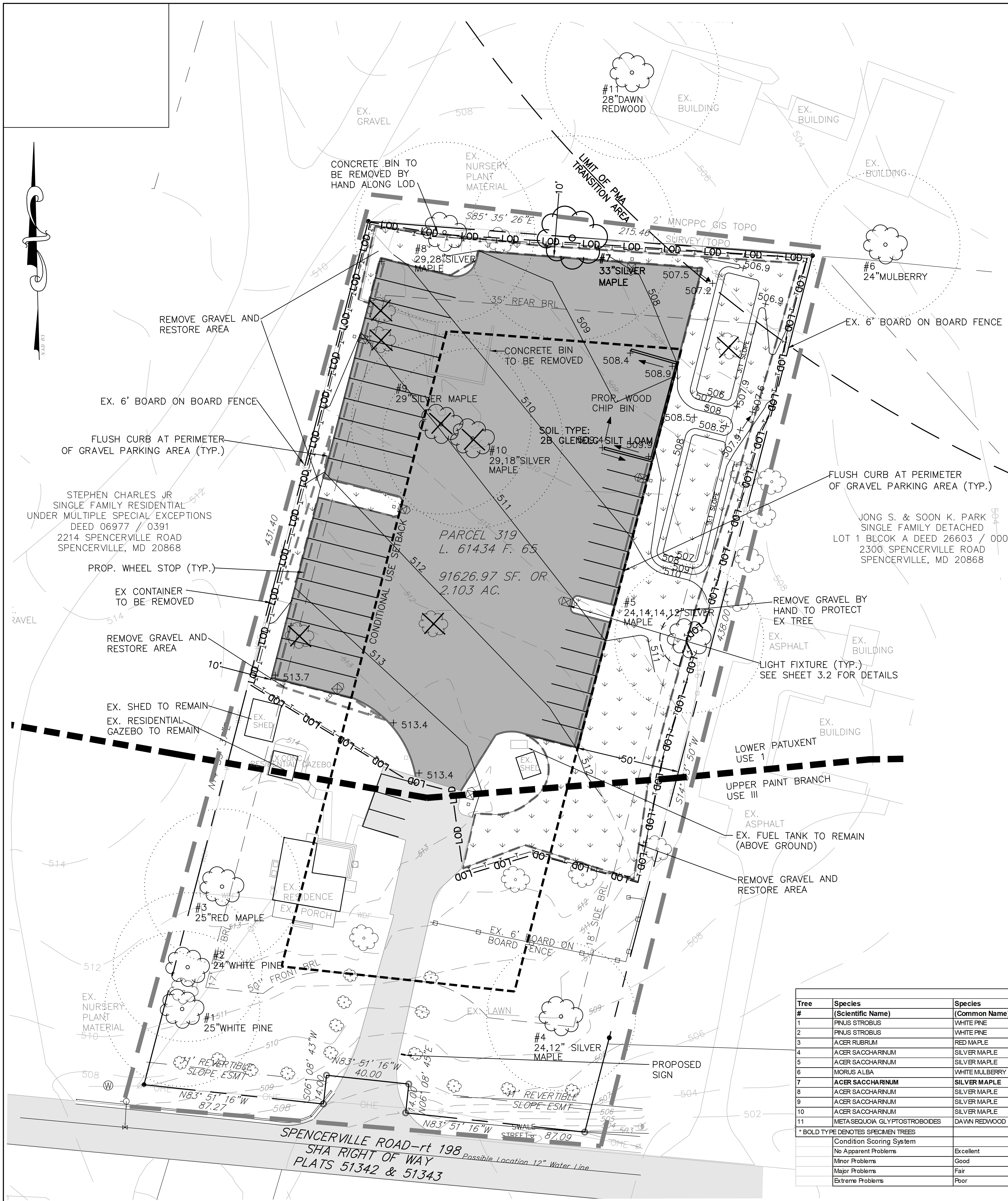
- After the limits of disturbance have been staked and flagged, but before any clearing or grading begins.
- After necessary stress reduction measures have been completed and protection measures have been installed, but before any clearing and grading begins and before release of the building permit.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

#### Additional Requirements for Plans with Planting Requirements

- Before the start of any required reforestation and afforestation planting.
- After the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start of the maintenance period.
- At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate, release of the performance bond.

DEVELOPER'S CERTIFICATE	
The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. <b>F20240190</b> including, financial bonding, forest planting, maintenance, and all other applicable agreements.	
Developer's Name:	Jose Polanco <small>Printed Company Name</small>
Contact Person or Owner:	Jose Polanco <small>Printed Name</small>
Address:	16201 Batson Road, Spencerville, MD 20868
Phone and Email:	240.353.0444 treemaninc@gmail.com
Signature:	

PRELIMINARY/FINAL FOREST CONSERVATION PLAN NOTES & DETAILS F20240190			
PROJECT: TREEMAN PROPERTY 2230 SPENCERVILLE ROAD SPENCERVILLE, MD 20868 PARCEL 319 MONTGOMERY COUNTY, MD ELECTION DISTRICT 5			
PREPARED FOR: JOSE & NELSY POLANCO 16201 BATSON ROAD SPENCERVILLE, MD 20868 240.353.0444 treemaninc@gmail.com			
nld NORTON LAND DESIGN		5146 DORSEY HALL DRIVE 2ND FLOOR ELLCOTT CITY, MD 21042 0.443.542.9199 NORTONLANDDESIGN.COM LANDSCAPE ARCHITECTURE & ENVIRONMENTAL PLANNING	
REVISIONS: [Blank]			
VIGNITY MAP T=2000 SITE: [Map showing Batson Road, Spencerville, Orchard Road, Thompson Road, Rainbow Drive, Peach Road, and Forest Reserve]			
CERTIFICATION OF QUALIFIED PROFESSIONAL I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE ACCORDANCE WITH MARYLAND STATE, MNC&PC AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS.			
WATER CLASS	IP/II/III	WATERSHED	LOWER PATUXENT
TRIBUTARY	UNNAMED	UPPER BRANCH	24031C03800
TAX MAP	KS342	200 SHEET	221NE03
SCALE	AS SHOWN	DATE	MARCH 2023
8/31/2023		MICHAEL A. NORTON MDNR / COMAR 08.19.06.01 QUALIFIED PROFESSIONAL	
PROJ. NO.	21-139	SHEET NO.	L-4.2



**GENERAL NOTES**

- 1) ZONE: RE-1
- 2) WATER CATEGORY -- W-6 SEWER CATEGORY -- S-6
- 3) BOUNDARY INFORMATION BASED ON BOUNDARY SURVEY BY: MERIDIAN SURVEYS, APRIL 2023.
- 4) 1" TOPOGRAPHIC INFORMATION SHOWN IS IN ASSUMED DATUM BY: MERIDIAN SURVEYS INC, APRIL 2023. 2' TOPO OFFSITE ADJUSTED TO MATCH FROM MC GIS.
- 5) TOTAL TRACT AREA = 91,627 SF OR 2.10 AC.
- 6) PROPERTY SHOWN ON TAX MAP K3342
- 7) PROPERTY SHOWN ON WSSC 200' SHEET 221NE03
- 8) PROPERTY SHOWN ON USDA CUSTOM SOIL SURVEY REPORT SOIL TYPE(S): 2B - GLENELG SILT LOAM, 3-8% SLOPES.
- 9) SITE IS NOT LOCATED IN A FLOOD ZONE: FEMA FLOOD MAP 24031C 03800
- 10) SITE IS LOCATED IN THE LOWER PATUXENT WATERSHED, USE I,P, AND PAINT BRANCH WATERSHED, USE III.
- 11) LOCAL UTILITIES INCLUDE:  
SEWER - SEPTIC  
WATER - PUBLIC  
ELECTRIC - PEPCO  
TELEPHONE - VERIZON
- 12) THERE ARE NO WELLS ONSITE.
- 13) A SMALL PORTION OF THIS PROPERTY IS WITHIN THE PMA TRANSITION AREA, AND A PORTION OF THE PROPERTY IS IN THE UPPER PAINT BRANCH OVERLAY SPECIAL PROTECTION AREA. EXISTING IMPERVIOUS IN PMA = 1,125 SF (67% OF PMA AREA ONSITE) PROPOSED IMPERVIOUS IN PMA = 15 SF (0.9% OF PMA AREA ONSITE) EXISTING IMPERVIOUS IN SPA = 7,949 SF (23.53% OF SPA AREA ONSITE) PROPOSED IMPERVIOUS IN SPA = 5,309 SF (15.72% OF SPA AREA ONSITE)
- 14) PROPERTY ADDRESS: 2230 SPENCERVILLE ROAD SPENCERVILLE, MD 20868
- 15) TAX ACCOUNT NO. 00263833 LOT P319 LIBER 61434 FOLIO 65 2.10 ACRES

**SOIL TABLE (ONSITE AND VICINITY)**

SOILS	ERODIBLE	HYDRIC	CONTAINS 15-25% SLOPES	CONTAINS 25% SLOPES	CAPABILITY SUBCLASS SYMBOL	PRIME AGRICULTURAL SOIL
2B GLENELG SILT LOAM 3-8% SLOPES	NO	NO	N/A	NO	Ile	YES

**GENERAL NOTES:**

- NO CLEARING IS TO TAKE PLACE OUTSIDE OF THE LIMITS OF DISTURBANCE.
- A COPY OF THE APPROVED FOREST CONSERVATION PLAN MUST BE MAINTAINED ONSITE THROUGHOUT CONSTRUCTION.

**DEVELOPER'S CERTIFICATE**

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. **F20240190** including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: **Jose Polanco**  
Printed Company Name: \_\_\_\_\_

Contact Person or Owner: **Jose Polanco**  
Printed Name: \_\_\_\_\_

Address: **16201 Batson Road, Spencerville, MD 20868**

Phone and Email: **240.353.0444 treemaninc@gmail.com**

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

**CERTIFICATION OF QUALIFIED PROFESSIONAL**

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE ACCORDANCE WITH MARYLAND STATE, MNCPP&PC AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS.

09.07.2023  
DATE

*[Signature]*  
MICHAEL A. NORTON  
MDNR / COMAR 08.19.06.01  
QUALIFIED PROFESSIONAL

Significant/Specimen Tree Summary 24" +										
Tree #	Species (Scientific Name)	Species (Common Name)	D.B.H (Inches)	CRZ (SF)	Impact (SF)	Impact (%)	Tree Condition	Comments	Disposition	
1	PINUS STROBUS	WHITE PINE	25	4418	0	0%	GOOD		SAVE/PROTECT	
2	PINUS STROBUS	WHITE PINE	24	4072	0	0%	GOOD		SAVE/PROTECT	
3	ACER RUBRUM	RED MAPLE	25	4418	0	0%	GOOD		SAVE/PROTECT	
4	ACER SACCHARINUM	SILVER MAPLE	24, 12	4072	0	0%	GOOD		SAVE/PROTECT	
5	ACER SACCHARINUM	SILVER MAPLE	24, 14, 12, 12	4072	2346	58%	GOOD		SAVE/PROTECT	
6	MORUS ALBA	WHITE MULBERRY	24	4072	0	0%	GOOD	OFFSITE	SAVE/PROTECT	
7	ACER SACCHARINUM	SILVER MAPLE	33	7698	3621	47%	GOOD	CO-OWNED, IN FENCE	SAVE/PROTECT	
8	ACER SACCHARINUM	SILVER MAPLE	29, 28	5945	2868	48%	GOOD		SAVE/PROTECT	
9	ACER SACCHARINUM	SILVER MAPLE	29	5945	5945	100%	FAIR	WATERSPROUTS	REMOVE	
10	ACER SACCHARINUM	SILVER MAPLE	29, 18	5945	5945	100%	FAIR	WATERSPROUTS	REMOVE	
11	QUERCUS GLYPTOSTROBODES	DAWN REDWOOD	28	5542	0	0%	GOOD	OFFSITE	SAVE/PROTECT	

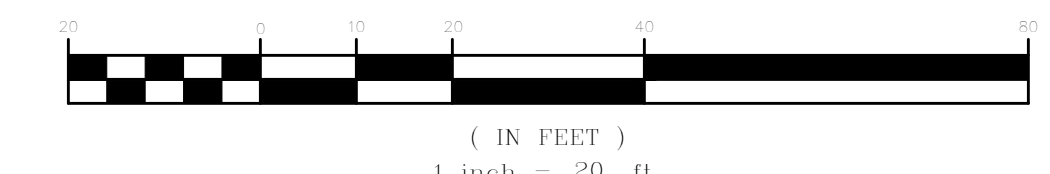
\* BOLD TYPE DENOTES SPECIMEN TREES

Condition Scoring System	
No Apparent Problems	Excellent
Minor Problems	Good
Major Problems	Fair
Extreme Problems	Poor

**LEGEND**

- EXISTING TREE ≤24"
- EXISTING SIGNIFICANT TREE ≥24" AND <30" DBH WITH TAG NUMBER AND CRZ
- EXISTING SPECIMEN TREE >30" DBH WITH TAG NUMBER AND CRZ
- EXISTING TREE TO BE REMOVED
- LIMITS OF SURVEY
- PROPOSED CONTOUR
- EX. CONTOUR
- PROPERTY BOUNDARY
- BUILDING RESTRICTION LINE/ CONDITIONAL USE SETBACK
- PROPOSED LANDSCAPE INFILTRATION
- LIMIT OF DISTURBANCE
- PROPOSED LANDSCAPE PLANTING AREA
- PROPOSED GRAVEL PARKING (INCLUDES SOME OF THE EXISTING GRAVEL AREA)
- EXISTING ASPHALT
- WATERSHED BOUNDARY
- LIMIT OF PMA TRANSITION AREA
- TREE PROTECTION FENCE
- EX. GRAVEL TO BE REMOVED

**GRAPHIC SCALE**



**PRELIMINARY/FINAL FOREST CONSERVATION PLAN F20240190**

PROJECT: TREEMAN PROPERTY 2230 SPENCERVILLE ROAD SPENCERVILLE, MD 20868 PARCEL 319 MONTGOMERY COUNTY, MD ELECTION DISTRICT 5

PREPARED FOR: JOSE & NELSY POLANCO 16201 BATSON ROAD SPENCERVILLE, MD 20868 240.353.0444 treemaninc@gmail.com

**nld LAND DESIGN** 5146 DORSEY HALL DRIVE ELLICOTT CITY, MD 21042 0.443.542.9199 NORTONLANDDESIGN.COM LANDSCAPE ARCHITECTURE & ENVIRONMENTAL PLANNING

REVISIONS: \_\_\_\_\_

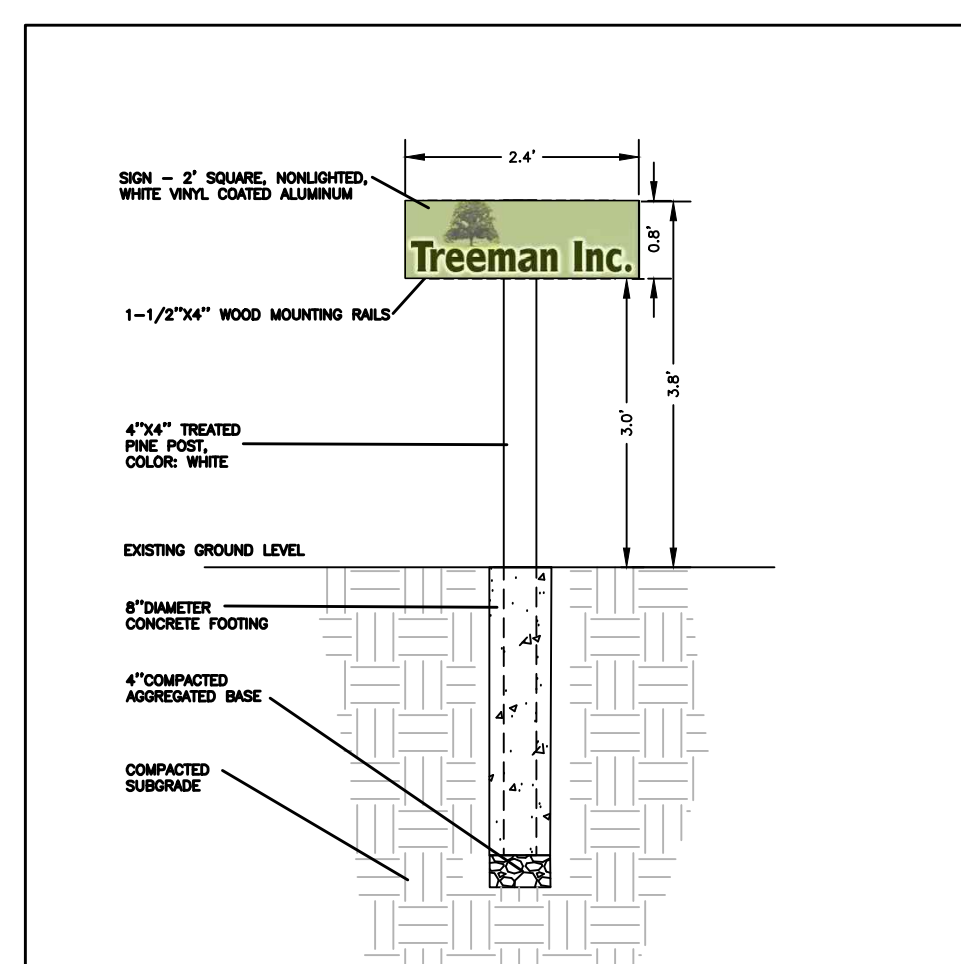
VICINITY MAP 1"=2000'

WATER CLASS: UNNAMED IP/IIIIP WATERSHED: LOWER PATUXENT UPPER PAINT BRANCH FEMA FLOODPLAIN PANEL #: 24031C03800

TAX MAP: K3342 200 SHEET: 221NE03 ADC MAP: 22 GRID: K13

SCALE: AS SHOWN DATE: MARCH 2022 PROJ. NO.: 21-139 SHEET NO.: L-4.1

TOTAL CONCEPTUAL LIMITS OF DISTURBANCE: LOD= 57,400 SF

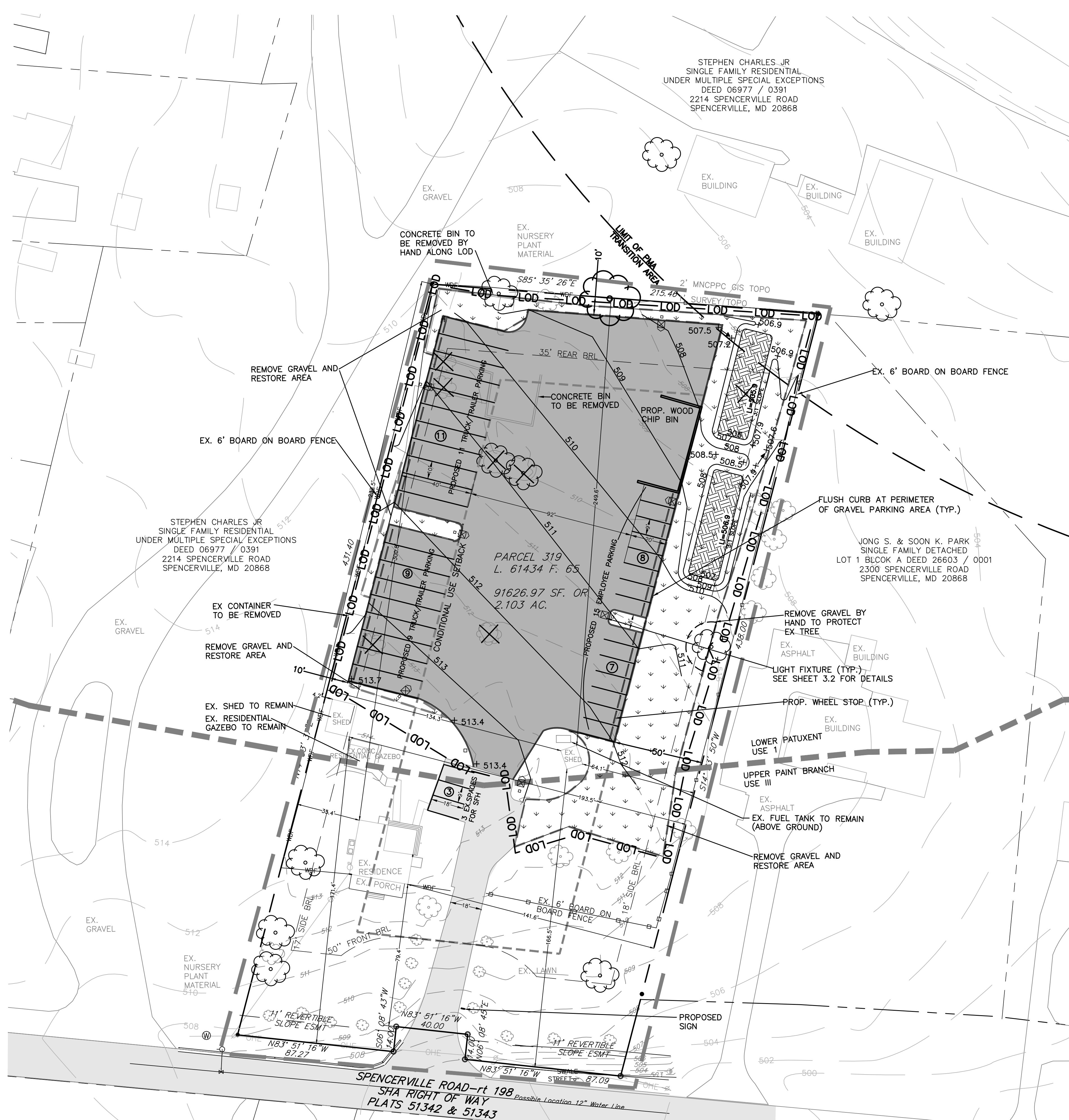


1 SIGN DETAIL SCALE 1/2\"/>

GENERAL NOTES

- 1) ZONE: RE-1
2) WATER CATEGORY - W-6 SEWER CATEGORY - S-6
3) BOUNDARY INFORMATION BASED ON BOUNDARY SURVEY BY: MERIDIAN SURVEYS, APRIL 2023
4) 1' TOPOGRAPHIC INFORMATION SHOWN IS IN ASSUMED DATUM BY: MERIDIAN SURVEYS INC, APRIL 2023.
2' TOPO OFFSITE ADJUSTED TO MATCH FROM MC GIS.
5) TOTAL TRACT AREA = 91.627 SF OR 2.10 AC.
6) PROPERTY SHOWN ON TAX MAP KS342
7) PROPERTY SHOWN ON WSSC 200' SHEET 221NE03
8) PROPERTY SHOWN ON USDA CUSTOM SOIL SURVEY REPORT SOIL TYPE(S): 2B - GLENELG SILT LOAM, 3-8% SLOPES.
9) SITE IS NOT LOCATED IN A FLOOD ZONE: FEMA FLOOD MAP 24031C 0380D
10) SITE IS LOCATED IN THE LOWER PATUXENT WATERSHED, USE I.P, AND PAINT BRANCH WATERSHED, USE III.
11) LOCAL UTILITIES INCLUDE: SEWER - SEPTIC WATER - PUBLIC ELECTRIC - PEPCO TELEPHONE - VERIZON
12) THERE ARE NO WELLS ON SITE.
13) A SMALL PORTION OF THIS PROPERTY IS WITHIN THE PMA TRANSITION AREA, AND A PORTION OF THE PROPERTY IS IN THE UPPER PAINT BRANCH OVERLAY SPECIAL PROTECTION AREA.
EXISTING IMPERVIOUS IN PMA = 1,125 SF (67% OF PMA AREA ONSITE) PROPOSED IMPERVIOUS IN PMA = 15 SF (0.9% OF PMA AREA ONSITE)
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14) PROPERTY ADDRESS: 2230 SPENCERVILLE ROAD SPENCERVILLE, MD 20868
15) TAX ACCOUNT NO. 00263833 LOT P319 LIBER 61434 FOLIO 65 2.10 ACRES

Table with 5 columns: Development Standard, RE-1 Standard 59.4.4.7.B Required, Conditional Use Standard 59.3.5.5.B Required, General Standards 59.6.2.4.B Required, Proposed. Rows include Minimum Lot Area, Maximum Lot Coverage, Minimum Principal Building Setback, Accessory Building Setback, Minimum Parking Set Back, Height of Principal Building, Height of Accessory Building, Minimum Parking Spaces, Vehicle Spaces, Lighting, Light Source, Illumination, Conditional Use, Sign, and Area.



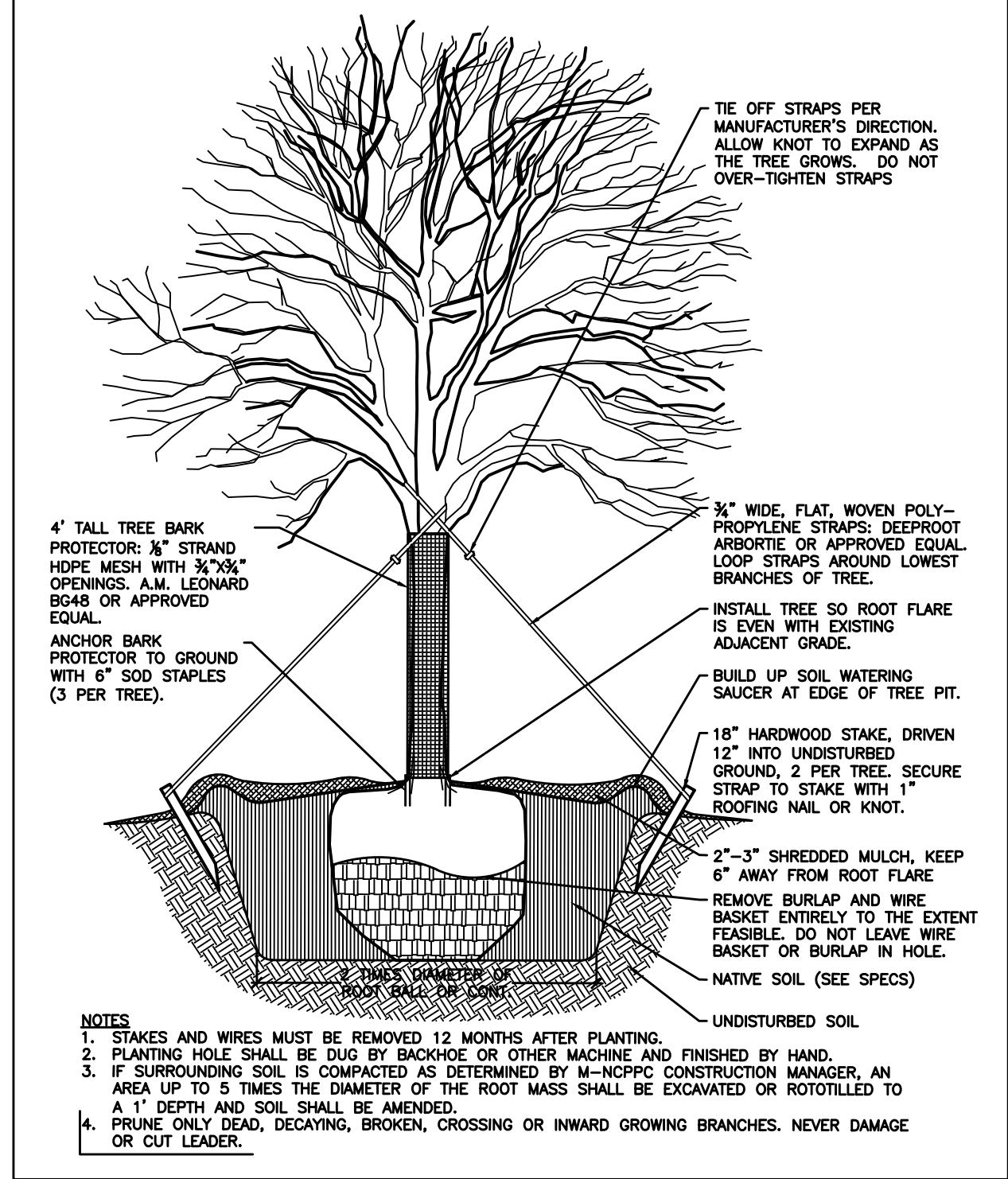
LEGEND section containing symbols for existing trees, boundaries, contours, and proposed features like asphalt, lawn, and signs.



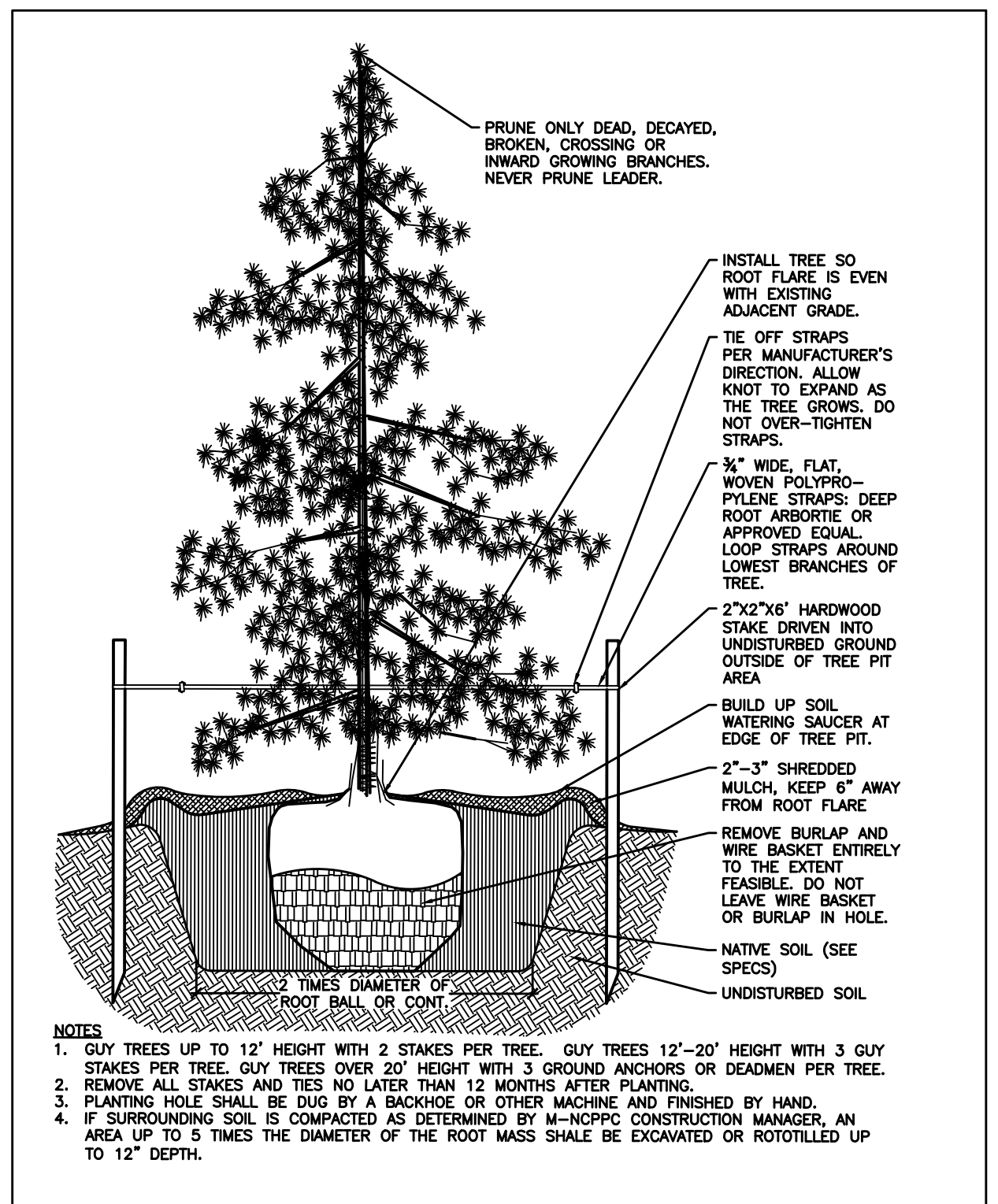
I HEREBY CERTIFY THAT THESE CONTRACT DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED REGISTERED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE #: 3310 EXPIRATION DATE: 9.7.2025 GRAPHIC SCALE 1 inch = 30 ft.

Project information box including Title (CONDITIONAL USE PLAN), Project (TREEMAN PROPERTY), Prepared For (JOSE & NELSY POLANCO), and a table of revisions.

Table with 4 columns: WATER CLASS, TRIBUTARY, TAX MAP, SCALE; IP/IMP, UNNAMED; WATERSHED, UPPER PAINT BRANCH; FEMA FLOODPLAIN, 24031C0380D; and other project details like sheet number and date.



1 DECIDUOUS TREE PLANTING DETAIL  
NTS



2 EVERGREEN TREE PLANTING DETAIL  
NTS

6.2.9. PARKING LOT REQUIREMENTS CALCULATION

TOTAL PROPOSED PARKING AREA P1	8,871 S.F.
TOTAL LANDSCAPED ISLANDS WITHIN PARKING AREA P1	856 S.F.
TOTAL LANDSCAPED ISLANDS COVERAGE WITHIN PARKING AREA P1	9.6%
TOTAL REQUIRED LANDSCAPED ISLANDS COVERAGE FOR PARKING	5.0%
TOTAL PROPOSED PARKING AREA P2	2,860 S.F.
TOTAL LANDSCAPED ISLANDS WITHIN PARKING AREA P2	158 S.F.
TOTAL LANDSCAPED ISLANDS COVERAGE WITHIN PARKING AREA P2	5.5%
TOTAL REQUIRED LANDSCAPED ISLANDS COVERAGE FOR PARKING	5.0%

6.2.9.C2 CANOPY COVERAGE CALCULATION

TOTAL PROPOSED PARKING AREA P1	8,871 S.F.
TOTAL PROPOSED CANOPY COVERAGE AREA WITHIN THE PARKING P1	2,295 S.F.
TOTAL PROPOSED CANOPY COVERAGE (%) P1	25.9%
TOTAL REQUIRED CANOPY COVERAGE (%) P1	25.0%
TOTAL PROPOSED PARKING AREA P2	2,860 S.F.
TOTAL PROPOSED CANOPY COVERAGE AREA WITHIN THE PARKING P2	1,591 S.F.
TOTAL PROPOSED CANOPY COVERAGE (%) P2	55.6%
TOTAL REQUIRED CANOPY COVERAGE (%) P2	25.0%

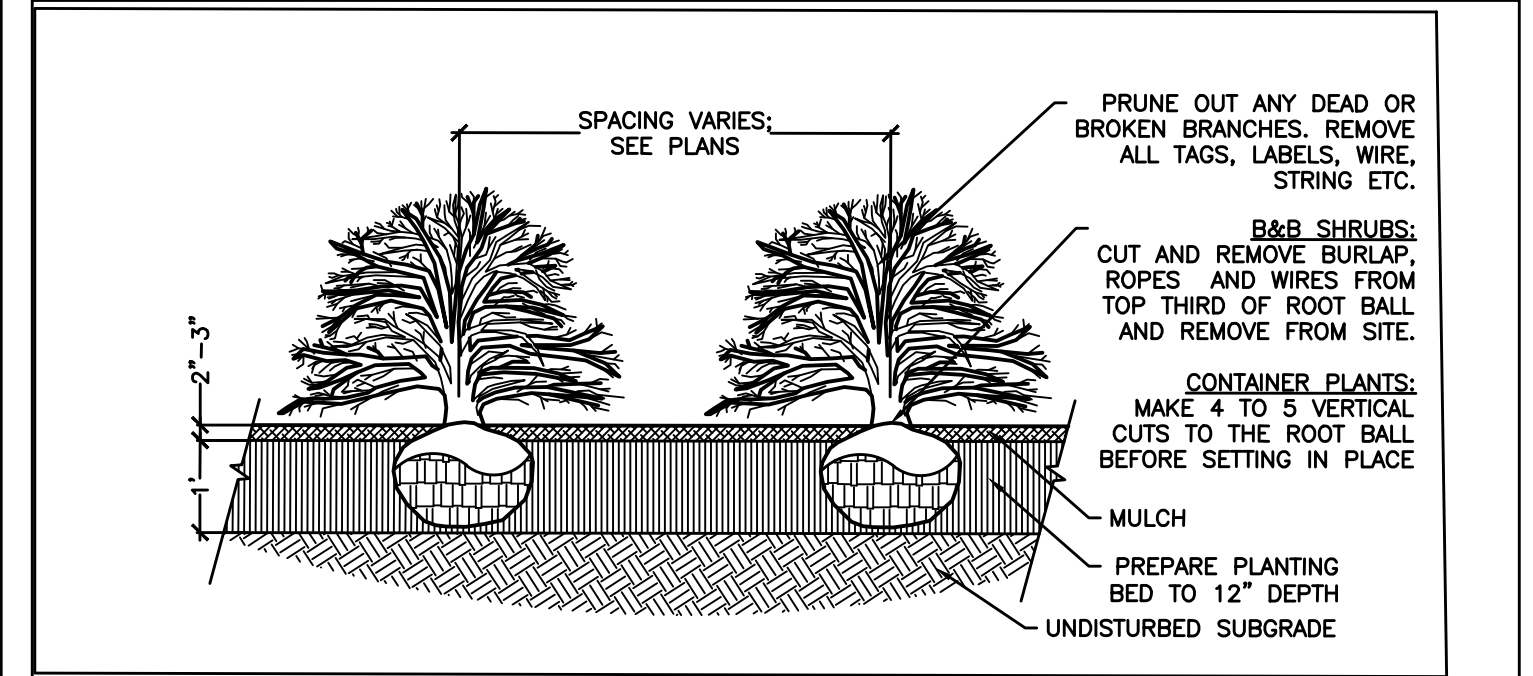
6.4.3. GENERAL LANDSCAPING REQUIREMENTS

STANDARD	ZONING REQUIREMENT
CANOPY TREE SPREAD (MIN.)	30'
CANOPY TREE MATURE HEIGHT (MIN.)	40-70'
CANOPY TREE SIZE AT TIME OF PLANTING (MIN.)	2" CAL. OR 14" HEIGHT

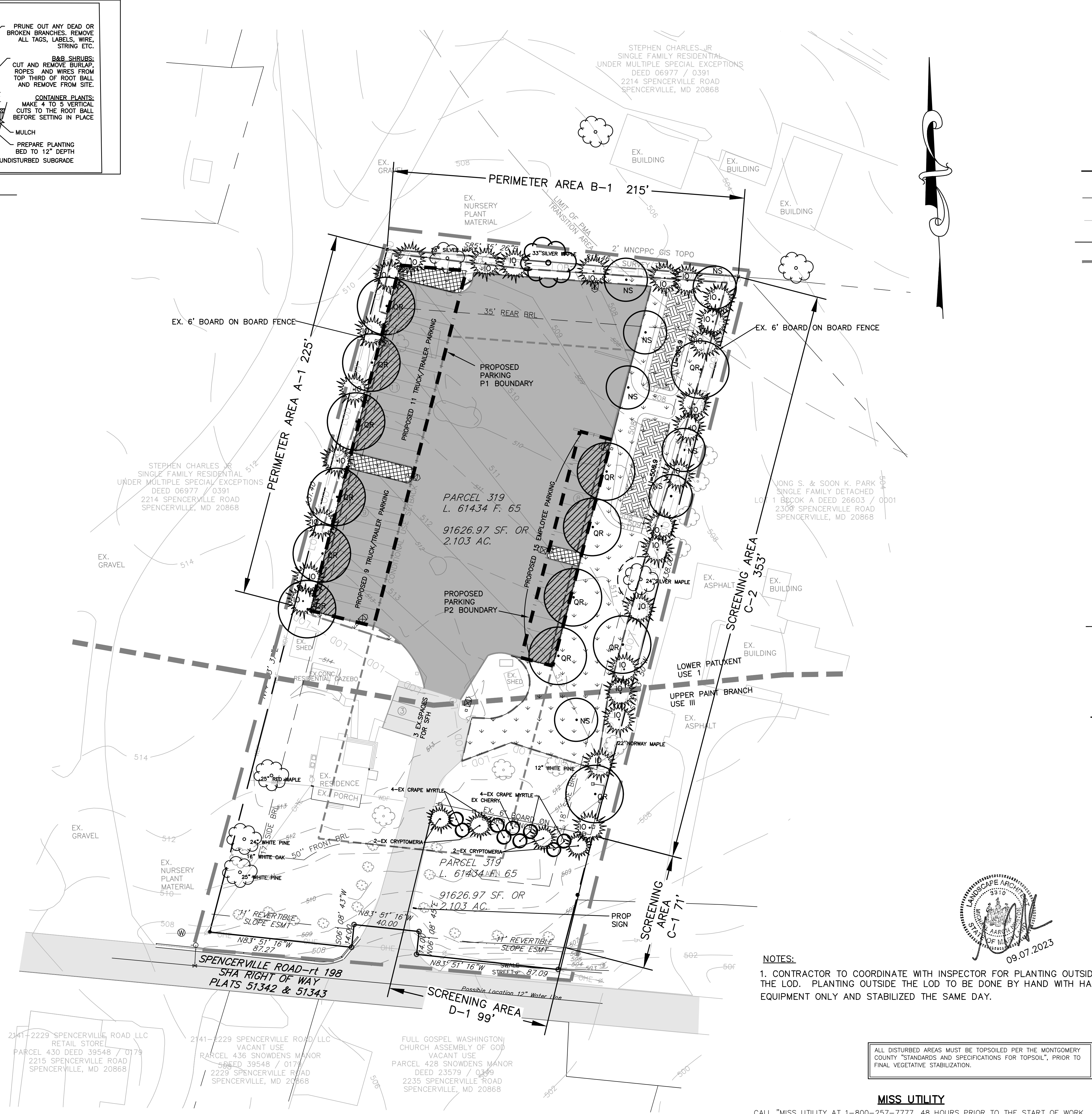
LANDSCAPE PLANTING PLAN SCHEDULE								
KEY	BOTANICAL NAME	COMMON NAME	SIZE	FORM	20-YR CANOPY DIAMETER	SPACING	QUANTITY	COMMENTS
<b>SHADE TREES:</b>								
NS	<i>Nyssa sylvatica</i>	Black Gum	2" cal.	B&B	26'	AS SHOWN	7	
OR	<i>Quercus rubra</i>	Red Oak	3" cal.	B&B	35'	AS SHOWN	13	
<b>EVERGREEN TREES:</b>								
HO	<i>Ilex opaca</i>	American Holly	6-7 ht.	B&B	12'	AS SHOWN	27	
<b>GRASSES:</b>								
SOD	<i>SOD - Tall Fescue/Kentucky Bluegrass</i>	SOD	SOD			SQUARE YARD		STABILIZATION

NOTE: SOD ALL DISTURBED AREAS NOT COVERED BY PLANTINGS.

1. PLANTINGS SHOWN ON APPROVED LANDSCAPE PLAN AS PART OF THE APPROVED SITE PLAN MAY BE CHANGED AT THE TIME OF DETAILED REVIEW OF THE SEDIMENT CONTROL/STORMWATER MANAGEMENT PLANS BY MCDPS, WATER RESOURCES SECTION.  
2. PLANT LOCATIONS CAN BE MODIFIED IN THE FIELD WITH THE APPROVAL OF MNCPPC INSPECTOR.



3 SHRUB PLANTING DETAIL  
NTS



NOTES:  
1. CONTRACTOR TO COORDINATE WITH INSPECTOR FOR PLANTING OUTSIDE THE LOD. PLANTING OUTSIDE THE LOD TO BE DONE BY HAND WITH HAND EQUIPMENT UNDO AND STABILIZED THE SAME DAY.

ALL DISTURBED AREAS MUST BE TOPSOILED PER THE MONTGOMERY COUNTY "STANDARDS AND SPECIFICATIONS FOR TOPSOIL", PRIOR TO FINAL VEGETATIVE STABILIZATION.

**MISS UTILITY**  
CALL "MISS UTILITY AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF WORK. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDERGROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. BEFORE EXCAVATION THE CONTRACTOR IS RESPONSIBLE FOR CALLING TICKET CHECK AT 1-866-821-4226 TO VERIFY THAT ALL UTILITIES HAVE BEEN MARKED. 48 HOURS AFTER CALLING MISS UTILITY, THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.

6.2.9.C3 PERIMETER PLANTING

PERIMETER PLANTING AS REQUIRED PER 6.2.9.C.3.b.  
I. BE A MINIMUM OF 6' WIDE,  
II. CONTAIN A HEDGE OR LOW WALL A MIN. OF 3' HIGH; AND  
III. HAVE A CANOPY TREE PLANTED EVERY 30' ON CENTER; UNLESS  
IV. THE PROPERTY ABUTS ANOTHER PARKING LOT, IN WHICH CASE A PERIMETER PLANTING AREA IS NOT REQUIRED.

ALTERNATIVE COMPLIANCE IS REQUESTED FOR PERIMETER AREAS A-1 AND A-2. EVERGREEN TREES HAVE BEEN SUBSTITUTED FOR SOME CANOPY TREES.

6.2.9.C-3 PERIMETER PLANTING REQUIREMENTS

	ZONING REQUIREMENT	PERIMETER AREA A-1 (225 LF)	PERIMETER AREA B-1 (215 LF)
DEPTH (MIN.)	6'	>6'	>6'
CANOPY TREE (MIN. PER 100')	4	6 (9 REQ.)	4 (9 REQ.)
HEDGE OR LOW WALL MIN 3' HIGH	2	6' FENCE	6' FENCE
UNDERSTORY OR EVERGREEN (MIN. PER 100')	-	7	6

6.5.3.A,B,AND C SCREENING REQUIREMENTS

PER 6.5.3.A, SCREENING IS REQUIRED ON THE EAST SIDE OF THE PROPERTY. ALTERNATIVE COMPLIANCE IS REQUESTED FOR AREAS C-1 AND C-2 - EXISTING 6' BOARD ON BOARD FENCE AT PROPERTY LINE PLUS CANOPY AND EVERGREEN TREES WILL MEET INTENT OF SCREENING.

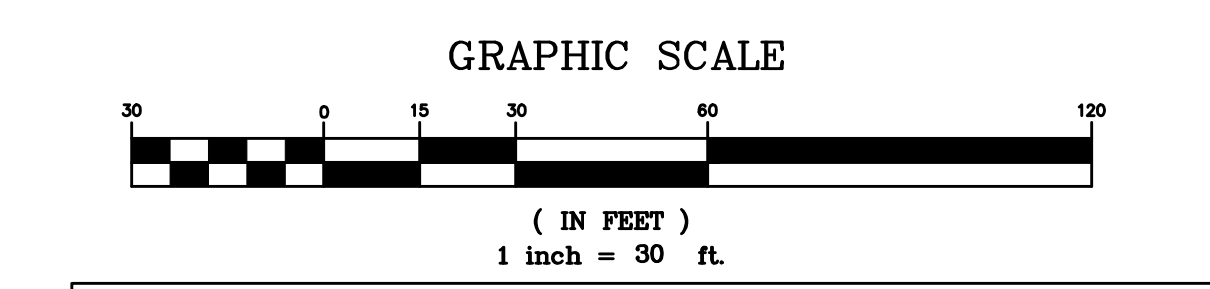
6.5.3.C-7 SCREENING REQUIREMENTS

	ZONING REQUIREMENT OPTION A	ZONING REQUIREMENT OPTION B	AREA C-1 (71 LF) OPTION B	AREA C-2 (353 LF) OPTION A	AREA D-1 (99 LF)
DEPTH (MIN.)	8'	12'	>12'	>8'	>8'
CANOPY TREE (MIN. PER 100')	2	2	0 (2 REQ)	8	*
UNDERSTORY OR EVERGREEN (MIN. PER 100')	2	4	0 (4 REQ)	15 (8 REQ)	*
LARGE SHRUBS (MIN. PER 100')	6	8	0 (7 REQ)	0 (22 REQ)	*
MEDIUM SHRUBS (MIN. PER 100')	8	12	0 (11REQ)	0 (29 REQ)	*
SMALL SHRUBS (MIN. PER 100')	8	-	-	0 (29 REQ)	*
WALL, FENCE, OR BERM (MIN.)	4' FENCE	-	-	6' FENCE	6' FENCE

\* EXISTING ORNAMENTAL AND EVERGREEN PLANTINGS PLUS FENCE MEET INTENT OF SCREENING

**LEGEND**

- EXISTING TREE ≤24"
- EXISTING SIGNIFICANT TREE ≥24" AND <30"DBH
- EXISTING SPECIMEN TREE ≥30"DBH
- EXISTING PROPERTY BOUNDARY
- EXISTING ADJ PROPERTY BOUNDARY
- EX. CONTOUR
- PROPOSED CONTOUR
- SURVEY BOUNDARY
- EXISTING ASPHALT
- PROPOSED CANOPY TREE
- PROPOSED EVERGREEN TREE
- PROPOSED UNDERSTORY TREE
- PROPOSED CANOPY AREA
- PROPOSED ISLAND
- PROPOSED PARKING BOUNDARY
- PROPOSED LANDSCAPE INFILTRATION
- PROPOSED LAWN
- BUILDING RESTRICTION LINE/ CONDITIONAL USE SETBACK
- PROPOSED GRAVEL PARKING (INCLUDES SOME OF THE EXISTING GRAVEL AREA)
- WATERSHED BOUNDARY
- LIMIT OF PMA TRANSITION AREA
- PROPOSED LIGHT
- PROPOSED SIGN

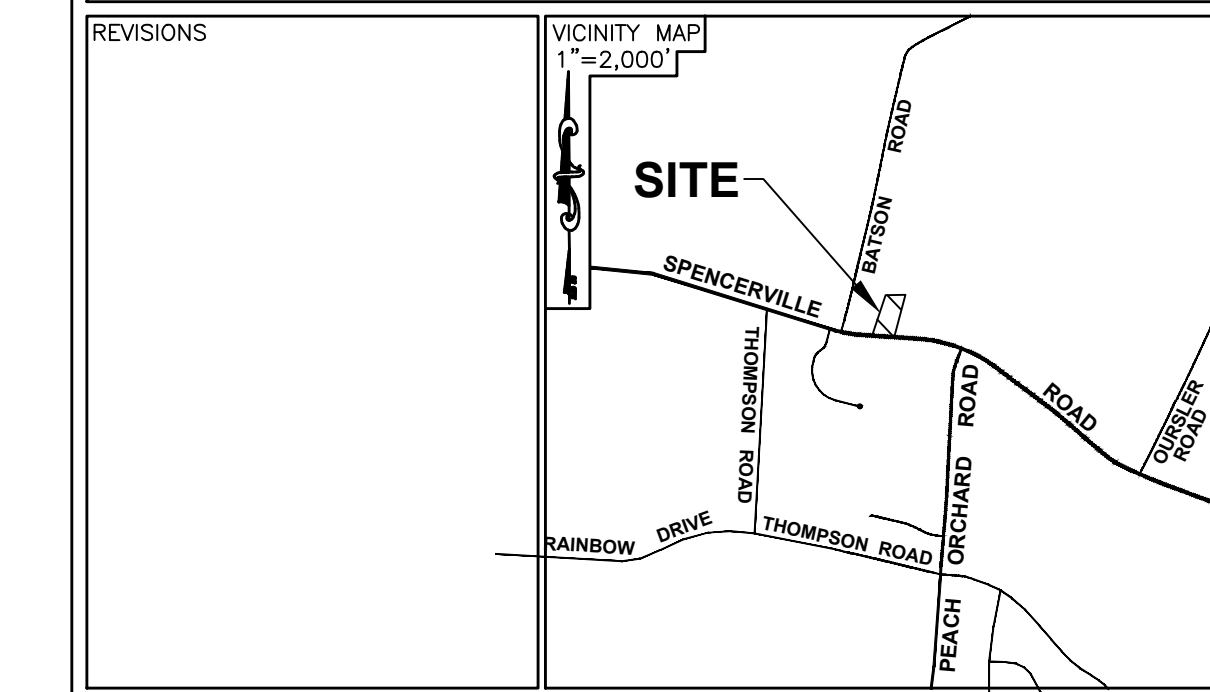


LANDSCAPE & LIGHTING PLAN

PROJECT: TREEMAN PROPERTY  
2230 SPENCERVILLE ROAD  
SPENCERVILLE, MD 20868  
PARCEL 319  
MONTGOMERY COUNTY, MD  
ELECTION DISTRICT 5

PREPARED FOR: JOSE & NELSY POLANCO  
16201 BATSON ROAD  
SPENCERVILLE, MD 20868  
240.353.0444 treemaninc@gmail.com

**nld LAND DESIGN**  
5146 DORSEY HALL DRIVE  
2ND FLOOR  
ELICOTT CITY, MD 21042  
O.443.542.9199  
NORTONLANDDESIGN.COM  
LANDSCAPE ARCHITECTURE & ENVIRONMENTAL PLANNING



WATER CLASS	IP/IIIP	WATERSHED	FEMA FLOODPLAIN
TRIBUTARY	UNNAMED	LOWER PATUXENT	MAP PANEL #
TAX MAP	KS342	200 SHEET	24031003800
SCALE	AS SHOWN	DATE	221NE03
		PROJ. NO.	21-139
		SHEET NO.	L-31



# Autobahn Series ATB0 Roadway Lighting

## PRODUCT OVERVIEW



### Features:

#### OPTICAL

The Autobahn's new molded silicone optics provide exceptional performance. Silicone optics are superior to other polymer materials in the areas of: optical efficiency, thermal performance, and reduction in dirt accumulation, all of which can lead to long term lumen degradation and a shift in optical distribution. Also, because silicone allows for the molding of fine details as well as thick sections, it produces the most crisp, clear and well-defined lighting distributions available. Silicone optics paired with modern LEDs allow the Autobahn to take full advantage of both technologies.

Same Light: Performance is comparable to 100-400W HPS roadway luminaires.

White Light: Correlated color temperature - 4000K, or optional 2700K, 3000K or 5000K, all 70 CRI minimum.

Unique IP66 rated LED light engines provide 0% splaylight and restrict backlight to within sidewalk depths, providing optimal application coverage and optimal pole spacing. Available in Type II, III, IV, and Roadway distribution.

#### ELECTRICAL

Expected Life: LED light engines are rated >100,000 hours at 25°C, L70. Electronic driver has an expected life of 100,000 hours at a 25°C ambient.

Louver Energy: Save an expected 40-60% over comparable HID luminaires.

Robust Surge Protection: Two different surge protection options provide a minimum of ANSI C136.2 10MVA protection. 20kV/10kA protection is also available.

Luminaire ships with a 0-10v dimmable driver. Luminaire is continuous and step dimming capable via AD option or controls installed on P7 photocontrolled receptacle option.

#### MECHANICAL

Includes standard AEL Inman-friendly features such as tool-less entry, 3 station terminal block and quick disconnects. Bubble level located inside the electrical compartment for easy leveling at installation.

Rugged die-cast aluminum housing and door are polyester powder-coated for durability and corrosion resistance. Rigorous five-stage pre-treating and painting process yields a finish that achieves a salt-crystallization rating of 7 (per ASTM D1654) after over 5000 hours exposure to salt fog chamber (operated per ASTM B117).

Mount arm is adjustable for arms from 1-1/4" to 2" (1-5/8" to 2-3/8" O.D.) diameter. Provides a 3/8" vibration rating per ANSI C136.31.

Wildlife shield is cast into the housing (not a separate piece).

#### CONTROLS

NEMA 3 pin photocontrol receptacle is standard, with the Acuity designed ANSI standard 7 pin receptacle optionally available.

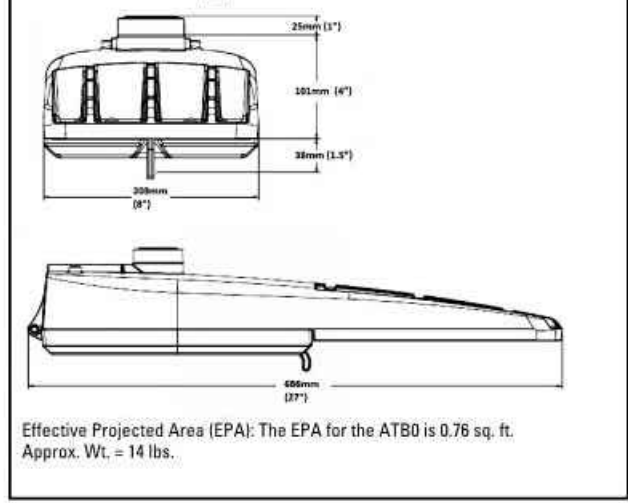
Optional solid state locking style photocontrol - PCS (10 year rated life) Extreme long life solid state locking style photocontrol - PSL (20 year rated life).

Standard on-board Adjustable Output module allows the light output and input wattage to be modified to meet site specific requirements, and also can allow a single fixture to be flexibly applied in many different applications.

### Applications:

- Roadways
- Off ramps
- Residential streets
- Parking lots

### DIMENSIONS



### STANDARDS

DesignLight Consortium (DLC) Premium qualified product. Not all versions of this product may be DLC Premium qualified. Please check the DLC Qualified Products List at [www.designlights.org/DLC](http://www.designlights.org/DLC) to confirm which versions are qualified.

Color temperatures of <math>\leq 3000K</math> must be specified for International Dark-Sky Association certification.

Rated for 40°C to 40°C ambient. CSA certified to E5, and Canadian Standards Council with ANSI C136.2, C136.10, C136.14, C136.31, C136.15, C136.37.

BUY AMERICAN ACT - Product with the BAA option is assembled in the USA and meets the Buy American government procurement requirements under FAR, DFARS and DOT regulations. Please refer to [www.buyamericans.com/buy-american](http://www.buyamericans.com/buy-american) for additional information.

Note: Actual performance may differ as a result of end-user environment and application. Specifications subject to change without notice.

© 2014-2023 Acuity Brands Lighting, Inc. ATB0 Rev. 08/14/23



# Autobahn Series ATB0 Roadway Lighting

## ORDERING INFORMATION

Series	LED Performance Package	Mount	Options
ATB0 Autobahn LED Roadway	P301 5,360 lumens nominal	P401 16,200 lumens nominal	MOULT Mount with 100V-277V
	P302 6,940 lumens nominal	P402 19,080 lumens nominal	347 347V
	P303 11,520 lumens nominal	P403 35,280 lumens nominal	400 400V
	P304 12,740 lumens nominal	P404 35,070 lumens nominal	MOULT 277V-480V
	P305 13,740 lumens nominal	P405 37,095 lumens nominal	
	P306 18,360 lumens nominal	P406 49,740 lumens nominal	
	P307 25,710 lumens nominal	P407 77,595 lumens nominal	

Series	Options	Controls	Accessories
Solar Temperature (CCT)	(Black) 4000 CCT, 70 CRI Min.	(Black) 7 Pin NEMA Photocontrol Receptacle (Standard)	ATB0P2002RIBSIES For use with P201-P205, R2, R3, & R5 distribution
	27K 2700 CCT, 70 CRI Min.	(Black) HSS House Side Shield	ATB0P2002RIBSIES For use with P201-P205, R2, R3, & R5 distribution
	3K 3000 CCT, 70 CRI Min.	(Black) NL Intra Label	ATB0P2002RIBSIES For use with P201-P205, R2, R3, & R5 distribution
	5K 5000 CCT, 70 CRI Min.	(Black) NL Not CSA Certified	ATB0P2002RIBSIES For use with P201-P205, R2, R3, & R5 distribution
Finish	(Black) Gray (Standard)	(Black) NR No Photocontrolled Receptacle	ATB0P2002RIBSIES For use with P201-P205, R2, R3, & R5 distribution
	R2 Black	(Black) AD Field Adjustable Output	ATB0P2002RIBSIES For use with P201-P205, R2, R3, & R5 distribution
	R3 Bronze	(Black) PCS Solid State Locking Photocontrol (120-277V)	ATB0P2002RIBSIES For use with P201-P205, R2, R3, & R5 distribution
	R4 Dark Bronze	(Black) PSL Solid State Long Life Photocontrol	ATB0P2002RIBSIES For use with P201-P205, R2, R3, & R5 distribution
Color	(Black) G Graphite	(Black) SR Storming Cap	ATB0P2002RIBSIES For use with P201-P205, R2, R3, & R5 distribution
	(Black) W White	(Black) Z Backpack	ATB0P2002RIBSIES For use with P201-P205, R2, R3, & R5 distribution
	(Black) G Graphite	(Black) ATB0P2002RIBSIES	ATB0P2002RIBSIES For use with P201-P205, R2, R3, & R5 distribution
	(Black) W White	(Black) ATB0P2002RIBSIES	ATB0P2002RIBSIES For use with P201-P205, R2, R3, & R5 distribution
Signage Protection	(Black) Standard 200V/10kA SPD	(Black) ATB0P2002RIBSIES	ATB0P2002RIBSIES For use with P201-P205, R2, R3, & R5 distribution
	(Black) 100V Plug 10kV/5kA	(Black) ATB0P2002RIBSIES	ATB0P2002RIBSIES For use with P201-P205, R2, R3, & R5 distribution
Terminal Block	(Black) Terminal Block (Standard)	(Black) ATB0P2002RIBSIES	ATB0P2002RIBSIES For use with P201-P205, R2, R3, & R5 distribution
	(Black) T2 Wired to L1 & L2 Positions	(Black) ATB0P2002RIBSIES	ATB0P2002RIBSIES For use with P201-P205, R2, R3, & R5 distribution

- Notes
- Not available in 147 or 480V
  - Not available with HSS
  - Not available with PCS
  - Not available with PSL
  - Not available with PSL performance package or 187V or 480V
  - Not available with PSL or PSL performance package options
  - Not available with PSL options
  - MOULT not available with P201, P202, P203, P204 or P205 performance packages.



Warranty: Five-year limited warranty. This is the only warranty provided and no other statements in this specification shall create any warranty of any kind. All other express and implied warranties are disclaimed. Complete warranty terms located at: [www.ael.com/warranty](http://www.ael.com/warranty)

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25°C. Specifications subject to change without notice.

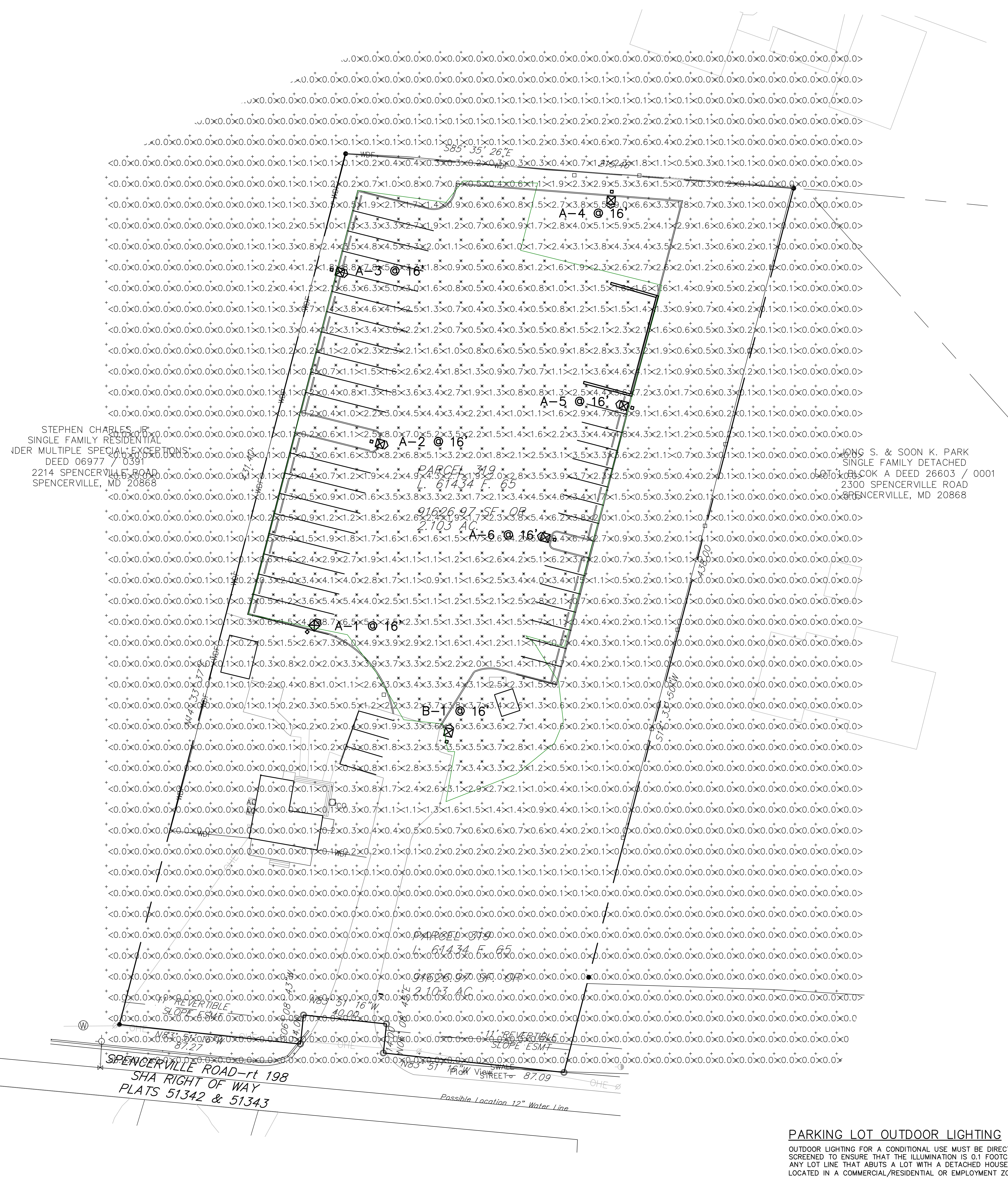
Please contact your sales representative for the latest product information.

Note

- Readings shown are based on a total LLF of as shown at grade. Data references the extrapolated performance projections in a 25c ambient based on 10,000 hrs of LED testing (per IESNA LM-80-08 and projected per IESNA TM-21-11).
- Please refer to the "Plan View" for mounting heights.
- Product information can be obtained at [www.AcuityBrands.com](http://www.AcuityBrands.com)

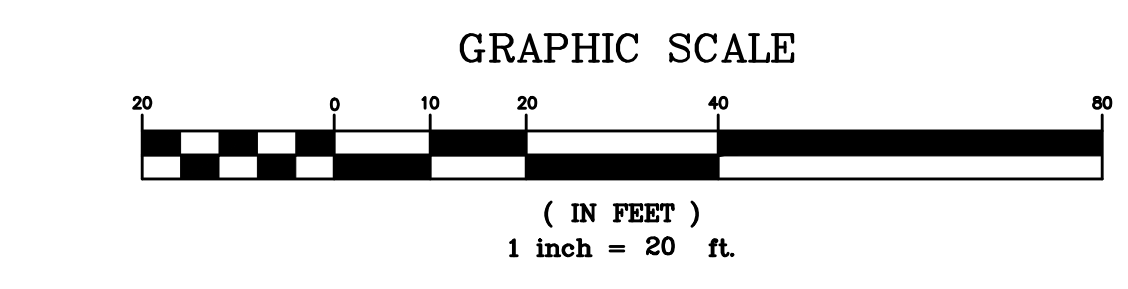
Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
SITE CALCULATIONS	+	0.7	14.9	4.14	0.0	N/A
PARKING LOT	X	2.4	14.9	4.14	0.3	31.31
						8.01

Schedule								
Symbol	Label	QTY	Catalog Number	Description	Number Lamps	Lumens per Lamp	LLF	Wattage
	A	6	ATB0 P305 R4 4K	Autobahn Small P305 Package Roadway Type IV 4000K/5000K	1	19809	0.9	145
	B	1	ATB0 P305 R5 4K	Autobahn Small P305 Package Roadway Type V 4000K/5000K	1	19879	0.9	145



## LEGEND

- PROPERTY BOUNDARY
- - - EX. CONTOUR
- ⊠ PROPOSED PARKING LIGHT
- 1.5 1.0 FOOTCANDLE VALUE FROM PHOTOMETRICS



## LIGHTING PLAN - PHOTOMETRICS

TITLE

PROJECT

TREEMAN PROPERTY  
2230 SPENCERVILLE ROAD  
SPENCERVILLE, MD 20868  
PARCEL 319  
MONTGOMERY COUNTY, MD  
ELECTION DISTRICT 5

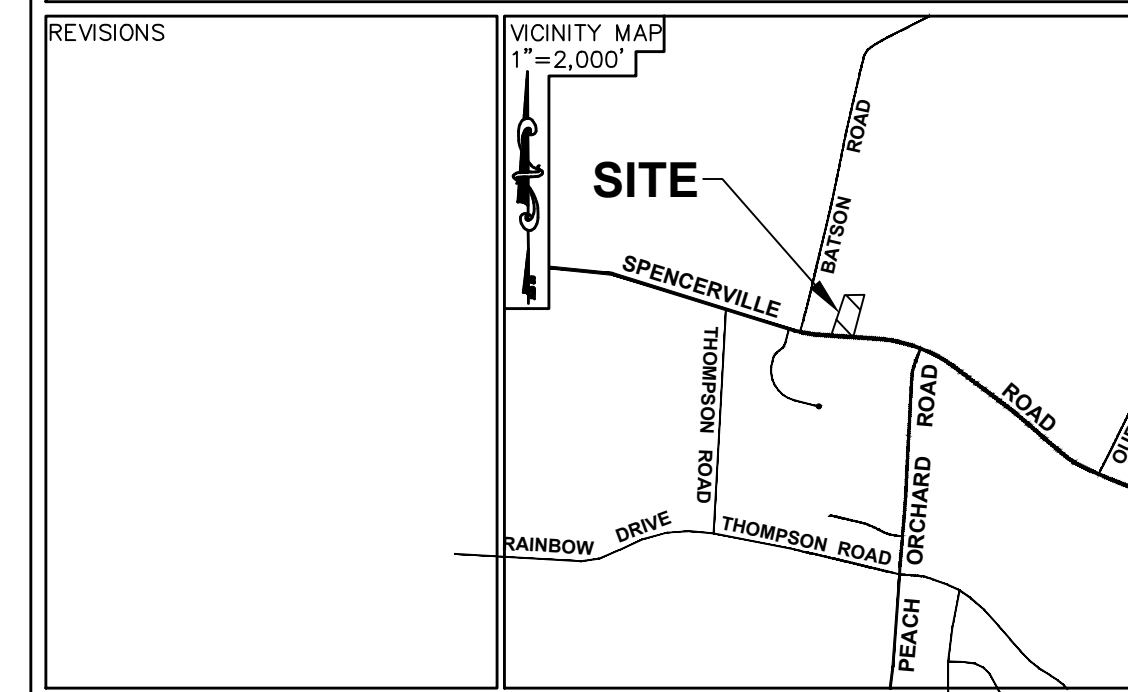
PREPARED FOR

JOSE & NELSY POLANCO  
16201 BATSON ROAD  
SPENCERVILLE, MD 20868

5146 DORSEY HALL DRIVE  
2ND FLOOR  
ELLIOTT CITY, MD 21142

**nld** LAND DESIGN  
LANDSCAPE ARCHITECTURE & ENVIRONMENTAL PLANNING

0.443.942.9199  
NORTONLANDDESIGN.COM



WATER CLASS	IP/IIIP	WATERSHED	FEMA FLOODPLAIN
UNNAMED	UNNAMED	LOWER PATUXENT	MAP PANEL #
		UPPER PAINT BRANCH	24031C03800
TAX MAP	KS342	200 SHEET	221NE03
SCALE	AS SHOWN	DATE	MAY 2023
		PROJ. NO.	21-139
		SHEET NO.	L-3.2

## PARKING LOT OUTDOOR LIGHTING

OUTDOOR LIGHTING FOR A CONDITIONAL USE MUST BE DIRECTED, SHIELDED, OR SCREENED TO ENSURE THAT THE ILLUMINATION IS 0.1 FOOTCANDLES OR LESS AT ANY LOT LINE THAT ADJUTS A LOT WITH A DETACHED HOUSE BUILDING TYPE, NOT LOCATED IN A COMMERCIAL/RESIDENTIAL OR EMPLOYMENT ZONE.

# Attachment C



## DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Rabbiah Sabbakhan  
Director

September 6, 2023

Montgomery County Board of Appeals  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 217  
Rockville, MD 20850

Re: 2230 Spencerville Road, Spencerville  
Required variances

Dear Mr. Pentecost and Members of the Board:

The Department of Permitting Services has reviewed the attached variance drawing for a landscape contractor conditional use proposed at 2230 Spencerville Road, Spencerville. It is our determination that the use as proposed cannot satisfy the requirement under Montgomery County Zoning Code Section 59.3.5.5.B.b for a 50-foot setback on all sides for buildings, parking, loading and other site operations. The proposed use requires the following variances:

1. A 40-foot variance to allow a ten-foot parking setback along a portion (approximately 50%) of the western property line, as shown on the attached variance drawing.
2. A 40-foot variance to allow a ten-foot setback along a portion (approximately 75%) of the northern property line, as shown on the attached variance drawing.
3. A 45.2-foot variance to allow use of a pre-existing shed located approximately 4.2 feet from the western property line, as shown on the attached variance drawing.

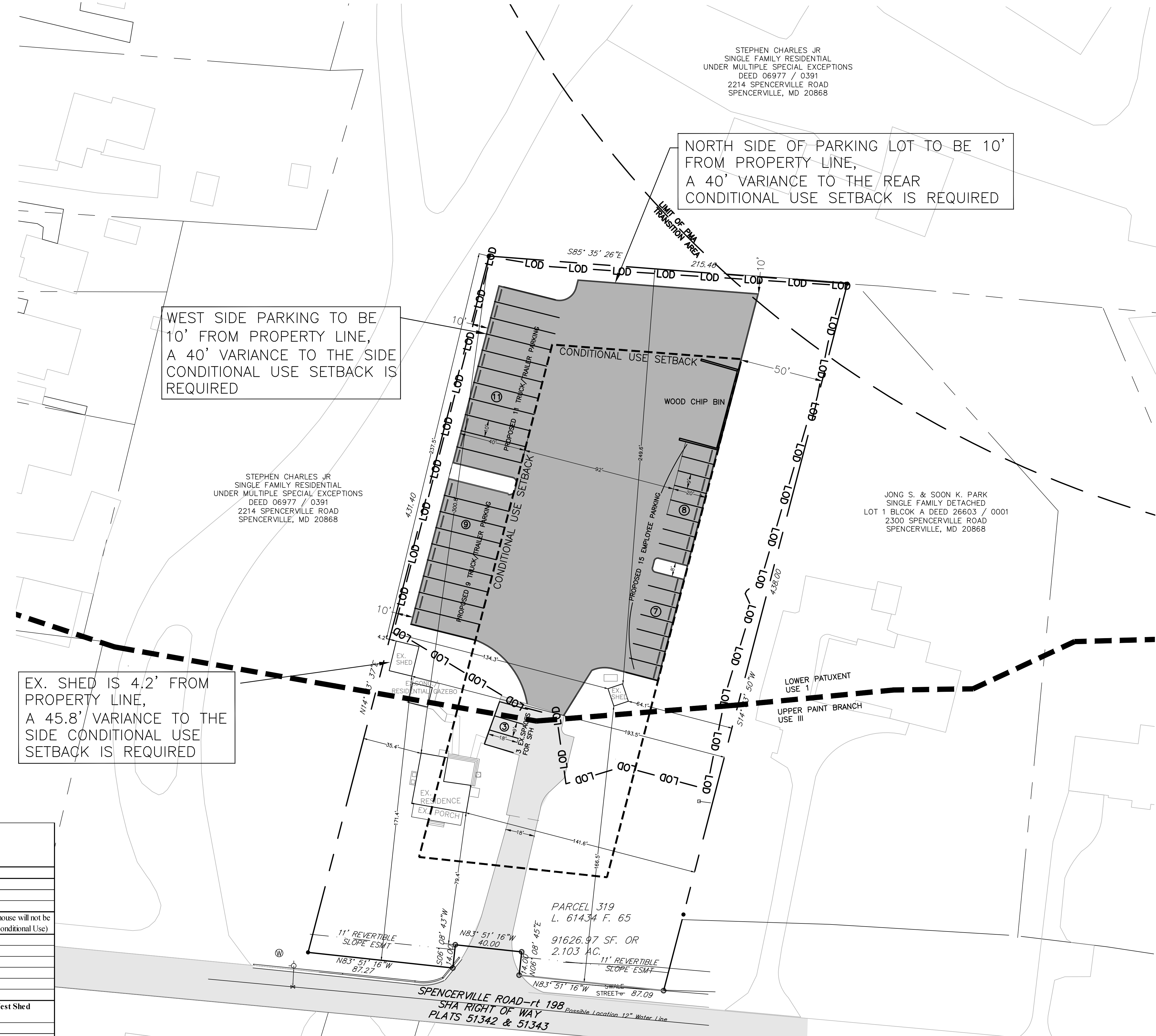
Sincerely,

Patricia D. Wolford  
Zoning Manager  
Zoning and Code Compliance Division

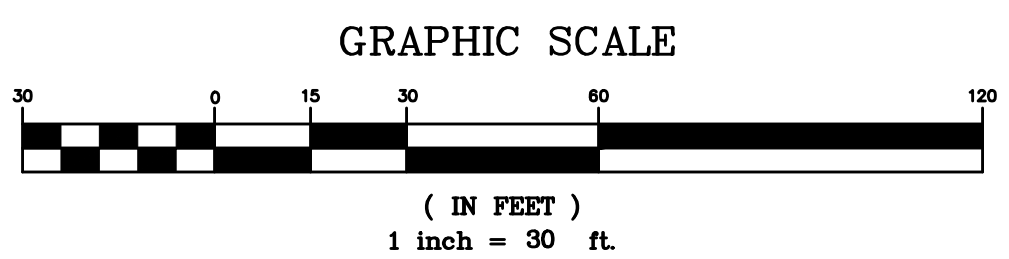


LEGEND

- EXISTING PROPERTY BOUNDARY
- - - EXISTING ADJ PROPERTY BOUNDARY
- PROPOSED GRAVEL PARKING (INCLUDES SOME OF THE EXISTING GRAVEL AREA)
- EXISTING ASPHALT
- WATERSHED BOUNDARY



I HEREBY CERTIFY THAT THESE CONTRACT DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED REGISTERED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE #: 3310 EXPIRATION DATE: 9.7.2025



Development Standard	RE-1 Standard 59.4.4.7.B Required	Conditional Use Standard 59.3.5.5.B Required	General Standards 59.6.2.4.B Required	Proposed
Minimum Lot Area	40,000 SF	2 acres		2.10 AC
Minimum Lot Width				
- At street line	25'			214'
- At building line	125'			213'
Maximum Lot Coverage	15%			1.9% with house and sheds (house will not be used in connection with the Conditional Use)
Minimum Principal Building Setback				
- Front	50'	50'		79.4'
- Side street	20'	50'		N/A
- Side	17'	50'		35.4' / 141.6'
- Sum of Sides	35'			177'
- Rear	35'	50'		300.8'
Accessory Building Setback				
			East Shed	West Shed
- Front	80'	50'	166.5'	171.4'
- Side Street	20'	50'	N/A	N/A
- Side	15'	50'	64.1'	4.2' Note: variance req.
- Rear	10'	50'	249.6'	237.5'
Minimum Parking Set Back			10'	Note: variance requested
Height of Principal Building	50'		<50'	(The house is the principle building on the site but will not be used in connection with the Conditional Use)
Height of Accessory Building	50'			
Minimum Parking Spaces				Vehicle Spaces
- Existing House			2.0/SF House	3
- Landscape Contractor - Employee (Onsite)			1.0 / Employee	0 Note: No onsite employees
- Landscape Contractor - Employee (Field)			0.5 / Employee	15 Note: Conditional Use will have no more than 20 employees
- Commercial Vehicles			1 / Vehicle	20 Note: Conditional Use will have no more than 20 commercial vehicles
Total				38
Lighting			59.6.4.4	
Fixture Type			full or partial cutoff	partial
Fixture Height			30', 15' if located within 35' of lot line with detached house	16' Note: All fixtures are more than 35' from lot line with nearest detached house
Light Source			Incandescent, Fluorescent, LED, metal halide or color-corrected high-pressure sodium	LED
Illumination			0.5 footcandles or less at lot line	2.4 or less *Note: 2.4 at isolated spot adjacent to another conditional use
Conditional Use			0.1 footcandles or less at lot line abutting detached house	0.1 or less to be confirmed
Sign			59.6.7.11	
Area			2 square feet	The applicant is permitted and proposes a 2 SF sign with no illumination.

**VARIANCE PLAN**

**PROJECT**  
 TREEMAN PROPERTY  
 2230 SPENCERVILLE ROAD  
 SPENCERVILLE, MD 20868  
 PARCEL 319  
 MONTGOMERY COUNTY, MD  
 ELECTION DISTRICT 5

**PREPARED FOR**  
 JOSE & NELSY POLANCO  
 16201 BATSON ROAD  
 SPENCERVILLE, MD 20868  
 240.353.0444 TREEMANINC@GMAIL.COM

**nld** NORTON LAND DESIGN  
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 LANDSCAPE ARCHITECTURE & ENVIRONMENTAL PLANNING

**REVISIONS**

**VICINITY MAP**  
 1"=2,000'  
 SITE  
 SPENCERVILLE  
 BARTON ROAD  
 THOMPSON ROAD  
 ORCHARD ROAD  
 PEACH  
 RAINBOW DRIVE

WATER CLASS	IP/IIIIP	WATERSHED	FEMA FLOODPLAIN
TRIBUTARY	UNNAMED	LOWER PATUXENT	MAP PANEL #
TAX MAP	KS342	UPPER PAINT BRANCH	24031003800
SCALE	AS SHOWN	2000 SHEET	ADC MAP PAGE
DATE	MAY 2023	22INE03	22 GRID K13
PROJ. NO.	21-139	SHEET NO.	L-0.1



**MONTGOMERY COUNTY BOARD OF APPEALS**

**MEMORANDUM**

October 18, 2023

**TO:** Lynn Robeson Hannan, Director  
Office of Zoning and Administrative Hearings

**FROM:** */s/ Barbara Jay*  
Barbara Jay, Executive Director  
Board of Appeals

**SUBJECT:** Case No. A-6834  
Petition of Jose Manuel Polanco and Nelsy P. Polanco

The case file for the above-captioned variance petition is hereby transmitted to you, pursuant to a Board of Appeals' Resolution also dated October 13, 2023, for the issuance of a report and recommendation regarding a request for variances needed in connection with a new conditional use application filed by the same Petitioners (Case No. CU 24-06). Counsel for the Petitioners has requested that the conditional use application and variance application be consolidated and that a joint public hearing be advertised and held.



BOA Form 2 (Revised 10/29/14)  
**BOARD OF APPEALS  
FOR  
MONTGOMERY COUNTY, MARYLAND**  
(240) 777-6600

Docket No. A- 6834  
Date Filed 9-11-23  
Hearing Date \_\_\_\_\_  
Time \_\_\_\_\_

**PETITION FOR VARIANCE UNDER ZONING ORDINANCE**  
(Please Note Instructions on Reverse Side)  
**(PLEASE PRINT)**

Name of Petitioner(s): José Manuel "Manny" Polanco and Nelsy P. Polanco

Address of Petitioner(s): 16201 Batson Road City Spencerville Zip 20868

Description of property involved: Lot P319 Block \_\_\_\_\_ Parcel \_\_\_\_\_ Subdivision New Birmingham Manor

Street and No. 2230 Spencerville Road City Spencerville Zip 20868 Zone Classification RE-1

Appellant's present legal interest in above property (check one): Tax Account No. \_\_\_\_\_  
 Owner (including joint ownership) \_\_\_\_\_ Other (describe) \_\_\_\_\_

If not owner, name and address of owner:  
\_\_\_\_\_

What variance is requested, and what is the pertinent section of the Zoning Ordinance? 1. 40-foot variance from standard 50-foot setback along part of northern lot line. 2. 40-foot variance from standard 50-foot setback along part of western lot line. 3. 45.8-foot variance from standard 50-foot setback for use of pre-existing shed.

Check existing reason(s) why the Ordinance requirement(s) would result in practical difficulties for property owner:  
 narrowness \_\_\_\_\_ shallowness \_\_\_\_\_ shape \_\_\_\_\_ topography  other extraordinary situations or conditions peculiar to this property.

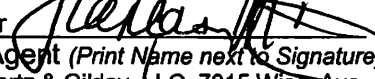
Describe this property's extraordinary situation or peculiar conditions compared to neighboring properties: The property is long and thin and approximately one third of the site is located in the Upper Paint Branch Special Protection Area.

How will the peculiar condition described above result in practical difficulty if the requested variance is not granted? Without the requested setback variances Applicants will be unable to operate their business from the property safely and efficiently.

Date of recording of plat of present subdivision: \_\_\_\_\_; or, if property is un-subdivided, date on which deed recorded, or state that such deed was first recorded prior to March 6, 1928: 12-23-20

Has any previous variance application involving this property been made to the Board of Appeals? If so, give Case Number(s): No

I have read the instructions on the reverse side of this form and am filing all required accompanying information. I hereby affirm that all of the statements and information contained in or filed with this petition are true and correct.

<u>Françoise M. Carrier</u> Name of Attorney/Agent (Print Name next to Signature) Bregman, Berbert, Schwartz & Gilday, LLC, 7315 Wisc. Ave., Address of Attorney 240-428-4671 Phone Number (OVER)	 fcarrier@bregmanlaw.com Email Address	<u>Manual Polanco Nelsy Polanco</u> Signature of Petitioner(s) (Print Name next to Signature) <u>Jose M Polanco / Nelsy P. Polanco</u> 16201 Batson Road, Spencerville, MD 20868 Address of Petitioner 240-353-0444 Home Phone Work Phone	<u>treemaninc@gmail.com</u> Email Address
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**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland Avenue  
(240) 777-6600

<http://www.montgomerycountymd.gov/boa/>

**Case No. A-6834**

**PETITION OF JOSE MANUEL POLANCO AND NELSY P. POLANCO**

**RESOLUTION TO REFER VARIANCE APPLICATION  
TO THE HEARING EXAMINER TO SCHEDULE AND HOLD A PUBLIC HEARING  
IN CONNECTION WITH OZAH CASE NO. CU 24-06, AND FOR THE ISSUANCE OF A  
REPORT AND RECOMMENDATION**

(Resolution Adopted September 20, 2023)  
(Effective Date of Resolution: October 18, 2023)

Board of Appeals' Case No. A-6834 is an application for three variances needed in connection with the proposed development of a Landscape Contractor use (OZAH Case No. CU 24-06).

The subject property is Parcel P319, New Birmingham Manor Subdivision, located at 2230 Spencerville Road, Spencerville, Maryland, 20868, in the RE-1 Zone.

The Board of Appeals has received a letter, dated September 8, 2023, from Francoise Carrier, Esquire, on behalf of Petitioners Jose Manuel Polanco and Nelsy P. Polanco. Ms. Carrier indicates in her letter that her clients' variance application was filed contemporaneously with an application for a new Conditional Use. Ms. Carrier requests in her September 8, 2023, letter that the Board refer her clients' variance application to the Office of Zoning and Administrative Hearings for a consolidated hearing with this Conditional Use. In a letter dated September 14, 2023, Ms. Carrier requests a waiver of the filing fee associated with the variance application.

Ms. Carrier includes a letter dated September 6, 2023, from Patricia Wolford, Zoning Manager, DPS, with her variance application. Ms. Wolford's letter indicates that the Petitioners' proposed Landscape Contractor use requires the following variances:

1. A 40-foot variance to allow a ten-foot parking setback along a portion (approximately 50%) of the western property line.
2. A 40-foot variance to allow a ten-foot setback along a portion (approximately 75%) of the northern property line.
3. A 45.2-foot variance to allow use of a pre-existing shed located approximately 4.2 feet from the western property line.

The Board of Appeals considered Ms. Carrier's letters at a Worksession held on September 20, 2023. Ms. Carrier participated in the proceedings on behalf of her clients. The Board's Rules of Procedure govern the consolidation of cases and requests for waiver of the variance fee. Board Rule 1.6(b) reads as follows:

- b. If an applicant files a variance application involving property for which the applicant has also filed a conditional use application with the Hearing Examiner, the Board may, upon written request:
  1. refer the variance(s) to the Hearing Examiner in accordance with Section 7.6.2.B.2 to conduct a hearing and write a report and recommendation; and
  2. waive the variance fee.

Section 59.7.6.2.B.2 of the Zoning Ordinance provides that:

2. The Hearing Examiner schedules and conducts public hearings for all conditional use applications. The Hearing Examiner may schedule and conduct a hearing or write a report and recommendation for any other matter pending before the Board of Appeals upon request of the Board of Appeals and with approval of 3 of its members.

The Board finds, in accordance with the above-excerpted provisions, that it has the authority to refer this variance application to the Hearing Examiner to schedule and conduct a hearing, and to issue a report and recommendation to the Board, and votes to take such action. The Board further finds that it can grant the requested fee waiver, and votes to do that as well. Accordingly, on a motion by John H. Pentecost, Chair, seconded by Richard Melnick, Vice Chair, with Caryn Hines, Laura Seminario-Thornton, and Alan Sternstein in agreement:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that, pursuant to the authority granted in Section 59.7.6.2.B.2 of the Montgomery County Zoning Ordinance and Board of Appeals' Rule of Procedure 1.6(b), the Board refers variance Case No. A-6834 to the Hearing Examiner for Montgomery County to schedule and conduct a hearing in connection with that Office's consideration of conditional use Case No. CU 24-06, and for the issuance of a written report and recommendation to the Board of Appeals in Case No. A-6834; and

**BE IT FURTHER RESOLVED** by the Board of Appeals for Montgomery County, Maryland that, pursuant to the authority in Board of Appeals' Rule of Procedure 1.6(b)(2), the Board hereby waives payment of the variance fee.



---

John H. Pentecost  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 18th day of October, 2023.



---

Barbara Jay  
Executive Director

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book. Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

# Attachment D

## Beall, Mark

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**From:** Etheridge, Mark <Mark.Etheridge@montgomerycountymd.gov>  
**Sent:** Wednesday, November 15, 2023 9:55 AM  
**To:** Beall, Mark  
**Cc:** Fitzgerald, Patrick  
**Subject:** RE: Treeman Conditional Use- CU202409

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

Hi Mark –

We have two things going on with this one currently.

There is an SLDA application in for removal of illegal paving (SC 289868). This removal is to comply with a Notice of Violation. We returned the review to Mike Norton on August 2. The salient comment is that we cannot approve the submission until he submits approval from MNCPPC for forest conservation, since the subject property is over 40,000 sf in area. Nothing has been submitted and the application is currently in suspended status in our system.

There is also a stormwater management concept application in for review (SM 289946) for construction of a new parking area on the property. We returned review comments to Mike Norton on September 13, and he resubmitted the application package on October 20. I believe the stormwater management concept is close to approval.

Mark C. Etheridge  
Manager  
Water Resources Section | Montgomery Co. Department of Permitting Services  
2425 Reddie Drive, 7th Floor  
Wheaton, MD 20902  
240-777-6338  
[Mark.etheridge@montgomerycountymd.gov](mailto:Mark.etheridge@montgomerycountymd.gov)



---

**From:** Beall, Mark <Mark.Beall@montgomeryplanning.org>  
**Sent:** Wednesday, November 15, 2023 9:22 AM  
**To:** Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>; Etheridge, Mark <Mark.Etheridge@montgomerycountymd.gov>; Benham, Heidi <Heidi.Benham@montgomerycountymd.gov>; LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>  
**Subject:** Treeman Conditional Use- CU202409

**[EXTERNAL EMAIL]**

Good Morning,

I believe you all have been working with Mike Norton on the subject project. I just wanted to see where things are and if you need any additional information. Here is the link to what was submitted for the CU in DAIC. Remember CU's are not

in ePlans and there are no tasks. This is a landscape contractor that has been in business for a while and got caught by DPS Zoning for not having a CU. The house towards the front of the property will remain a residence. The workers will have access to the house for bathroom purposes only. The house will not be used for an office or customers. If I can get any major comments or approvals by 12/11/2023, that would be a big help. If you have no comments, then just let me know that also.

DAIC Link:

<https://eplans.montgomeryplanning.org/daiclinks/pdoxlinks.aspx?apno=CU202409&proiname=Polanco%20DBA%20Tremen%20Inc>

You can just hit reply to me and not all unless you think your comment pertains to someone else on this email. No since in everyone's email getting filled up with unnecessary emails.

If you have any concerns please let me know. Thank you for your help and have a good day!



**Thank you,  
Mark Beall**

**Zoning, Public Projects & Ag Initiatives Section**

**Zoning Planner | Upcounty Division**

Montgomery County Planning Department

2425 Reddie Drive, 13<sup>th</sup> Floor, Wheaton, MD 20902

[mark.beall@montgomeryplanning.org](mailto:mark.beall@montgomeryplanning.org)

o: 301-495-1330



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[www.montgomerycountymd.gov/oig](http://www.montgomerycountymd.gov/oig)

## Beall, Mark

---

**From:** Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>  
**Sent:** Wednesday, November 15, 2023 9:35 AM  
**To:** Beall, Mark  
**Subject:** RE: Treeman Conditional Use- CU202409

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

Mark,

I have no comments.

Thanks, Kwesi

**Kwesi Woodroffe**  
**Regional Engineer**  
**District 3 Access Management**  
**MDOT State Highway Administration**

---

**From:** Beall, Mark <Mark.Beall@montgomeryplanning.org>  
**Sent:** Wednesday, November 15, 2023 9:22 AM  
**To:** Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>; mark.etheridge <Mark.Etheridge@montgomerycountymd.gov>; Benham, Heidi <Heidi.Benham@montgomerycountymd.gov>; marie.labaw@montgomerycountymd.gov  
**Subject:** Treeman Conditional Use- CU202409

You don't often get email from [mark.beall@montgomeryplanning.org](mailto:mark.beall@montgomeryplanning.org). [Learn why this is important](#)

Good Morning,

I believe you all have been working with Mike Norton on the subject project. I just wanted to see where things are and if you need any additional information. Here is the link to what was submitted for the CU in DAIC. Remember CU's are not in ePlans and there are no tasks. This is a landscape contractor that has been in business for a while and got caught by DPS Zoning for not having a CU. The house towards the front of the property will remain a residence. The workers will have access to the house for bathroom purposes only. The house will not be used for an office or customers. If I can get any major comments or approvals by 12/11/2023, that would be a big help. If you have no comments, then just let me know that also.

DAIC Link:

<https://eplans.montgomeryplanning.org/daiclinks/pdoxlinks.aspx?apno=CU202409&projname=Polanco%20DBA%20Treeman%20Inc>

You can just hit reply to me and not all unless you think your comment pertains to someone else on this email. No since in everyone's email getting filled up with unnecessary emails.

If you have any concerns please let me know. Thank you for your help and have a good day!



Thank you,  
Mark Beall

**Zoning, Public Projects & Ag Initiatives Section**

**Zoning Planner | Upcounty Division**

Montgomery County Planning Department

2425 Reddie Drive, 13<sup>th</sup> Floor, Wheaton, MD 20902

[mark.beall@montgomeryplanning.org](mailto:mark.beall@montgomeryplanning.org)

o: 301-495-1330



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## Beall, Mark

---

**From:** Benham, Heidi <Heidi.Benham@montgomerycountymd.gov>  
**Sent:** Wednesday, November 15, 2023 12:08 PM  
**To:** Beall, Mark  
**Subject:** RE: Treeman Conditional Use- CU202409

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

Mark,

No objections or comments really. There is a permitted septic system there now, finalized in July. It is sufficient to support occasional bathroom use by the 20 employees but nothing else. The location of the operation does not interfere with the septic system either.

Thanks,

### Heidi Benham

Manager, Well and Septic Section

2425 Reddie Drive, 7<sup>th</sup> floor

Wheaton, MD 20902

Office: 240-777-6318

[Heidi.benham@montgomerycountymd.gov](mailto:Heidi.benham@montgomerycountymd.gov)



---

**From:** Beall, Mark <Mark.Beall@montgomeryplanning.org>  
**Sent:** Wednesday, November 15, 2023 9:22 AM  
**To:** Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>; Etheridge, Mark <Mark.Etheridge@montgomerycountymd.gov>; Benham, Heidi <Heidi.Benham@montgomerycountymd.gov>; LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>  
**Subject:** Treeman Conditional Use- CU202409

**[EXTERNAL EMAIL]**

Good Morning,

I believe you all have been working with Mike Norton on the subject project. I just wanted to see where things are and if you need any additional information. Here is the link to what was submitted for the CU in DAIC. Remember CU's are not in ePlans and there are no tasks. This is a landscape contractor that has been in business for a while and got caught by DPS Zoning for not having a CU. The house towards the front of the property will remain a residence. The workers will have access to the house for bathroom purposes only. The house will not be used for an office or customers. If I can get

any major comments or approvals by 12/11/2023, that would be a big help. If you have no comments, then just let me know that also.

DAIC Link:

<https://eplans.montgomeryplanning.org/daiclinks/pdoxlinks.aspx?apno=CU202409&projname=Polanco%20DBA%20Tremen%20Inc>

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If you have any concerns please let me know. Thank you for your help and have a good day!



**Thank you,  
Mark Beall**

**Zoning, Public Projects & Ag Initiatives Section**

**Zoning Planner | Upcounty Division**

Montgomery County Planning Department

2425 Reedie Drive, 13<sup>th</sup> Floor, Wheaton, MD 20902

[mark.beall@montgomeryplanning.org](mailto:mark.beall@montgomeryplanning.org)

o: 301-495-1330



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[www.montgomerycountymd.gov/oig](http://www.montgomerycountymd.gov/oig)

**From:** [LaBaw, Marie](#)  
**To:** [Beall, Mark](#)  
**Subject:** Re: Treeman Conditional Use- CU202409  
**Date:** Wednesday, January 3, 2024 6:38:19 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.jpg](#)

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

Sorry, I missed responding to this. I don't see any occupied buildings as part of the application which would mean FD access doesn't apply.

---

**From:** Beall, Mark <Mark.Beall@montgomeryplanning.org>  
**Sent:** Wednesday, January 3, 2024 4:00:56 PM  
**To:** LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>  
**Subject:** FW: Treeman Conditional Use- CU202409

**[EXTERNAL EMAIL]**

Marie,

Have you had a chance to look at this and make sure you don't have any major comments? I didn't see a reply from you and just make sure I didn't miss something. Sorry if I missed your reply.

Have a good day!



**Thank you,**  
**Mark Beall**  
**Zoning, Public Projects & Ag Initiatives Section**  
**Zoning Planner | Upcounty Division**  
Montgomery County Planning Department  
2425 Reddie Drive, 13<sup>th</sup> Floor, Wheaton, MD 20902  
[mark.beall@montgomeryplanning.org](mailto:mark.beall@montgomeryplanning.org)  
o: 301-495-1330



**2D690ACD**



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**From:** Beall, Mark

**Sent:** Wednesday, November 15, 2023 9:22 AM

**To:** Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>; mark.etheridge <Mark.Etheridge@montgomerycountymd.gov>; Benham, Heidi <Heidi.Benham@montgomerycountymd.gov>; marie.labaw@montgomerycountymd.gov

**Subject:** Treeman Conditional Use- CU202409

Good Morning,

I believe you all have been working with Mike Norton on the subject project. I just wanted to see where things are and if you need any additional information. Here is the link to what was submitted for the CU in DAIC. Remember CU's are not in ePlans and there are no tasks. This is a landscape contractor that has been in business for a while and got caught by DPS Zoning for not having a CU. The house towards the front of the property will remain a residence. The workers will have access to the house for bathroom purposes only. The house will not be used for an office or customers. If I can get any major comments or approvals by 12/11/2023, that would be a big help. If you have no comments, then just let me know that also.

DAIC Link: <https://eplans.montgomeryplanning.org/daiclinks/pdoxlinks.aspx?apno=CU202409&projname=Polanco%20DBA%20Treeman%20Inc>

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If you have any concerns please let me know. Thank you for your help and have a good day!



**Thank you,  
Mark Beall**  
**Zoning, Public Projects & Ag Initiatives Section**  
**Zoning Planner | Upcounty Division**  
Montgomery County Planning Department  
2425 Reddie Drive, 13<sup>th</sup> Floor, Wheaton, MD 20902  
[mark.beall@montgomeryplanning.org](mailto:mark.beall@montgomeryplanning.org)  
o: 301-495-1330



**2D690ACD**



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<https://www.montgomerycountymd.gov/cybersecurity>

# Attachment E

**From:** [Johnson, Nana](#)  
**To:** [Beall, Mark](#)  
**Cc:** [Clayborne, Mariah](#)  
**Subject:** FW: A-6834, CU 24-06 and BoA Administration Request  
**Date:** Thursday, October 26, 2023 10:49:49 AM

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

Hi Mark,

I don't know if you are the one assigned to CU 24-09 (Polanco), it is not CU 24-06 and has not been accepted yet.

Nana

---

**From:** Office of Zoning and Administrative Hearings <[OZAH@montgomerycountymd.gov](mailto:OZAH@montgomerycountymd.gov)>  
**Sent:** Thursday, October 26, 2023 10:44 AM  
**To:** Robeson Hannan, Lynn <[Lynn.RobesonHannan@montgomerycountymd.gov](mailto:Lynn.RobesonHannan@montgomerycountymd.gov)>; Byrne, Kathleen E. <[Kathleen.Byrne@montgomerycountymd.gov](mailto:Kathleen.Byrne@montgomerycountymd.gov)>  
**Cc:** Johnson, Nana <[Nana.Johnson@montgomerycountymd.gov](mailto:Nana.Johnson@montgomerycountymd.gov)>  
**Subject:** Fw: A-6834, CU 24-06 and BoA Administration Request

---

**From:** Jay, Barbara <[Barbara.Jay@montgomerycountymd.gov](mailto:Barbara.Jay@montgomerycountymd.gov)>  
**Sent:** Wednesday, October 25, 2023 11:45 AM  
**To:** Donald E. Chamberlin <[dechamb@verizon.net](mailto:dechamb@verizon.net)>; Office of Zoning and Administrative Hearings <[OZAH@montgomerycountymd.gov](mailto:OZAH@montgomerycountymd.gov)>  
**Cc:** Putman, Jim <[jputman2727@gmail.com](mailto:jputman2727@gmail.com)>; Faustini, Lou <[lou@faustini.com](mailto:lou@faustini.com)>  
**Subject:** RE: A-6834, CU 24-06 and BoA Administration Request

Thank you, Mr. Chamberlin, for your comments and for including OZAH on your correspondence. I trust that office will add your comments to the record for this matter.

Sincerely,

Barbara Jay, Executive Director  
Montgomery County Board of Appeals  
100 Maryland Avenue, Suite 217  
Rockville, Maryland 20850

---

**From:** Donald E. Chamberlin <[dechamb@verizon.net](mailto:dechamb@verizon.net)>  
**Sent:** Tuesday, October 24, 2023 6:23 PM  
**To:** Jay, Barbara <[Barbara.Jay@montgomerycountymd.gov](mailto:Barbara.Jay@montgomerycountymd.gov)>; Office of Zoning and Administrative Hearings <[OZAH@montgomerycountymd.gov](mailto:OZAH@montgomerycountymd.gov)>  
**Cc:** Putman, Jim <[jputman2727@gmail.com](mailto:jputman2727@gmail.com)>; Faustini, Lou <[lou@faustini.com](mailto:lou@faustini.com)>  
**Subject:** Re: A-6834, CU 24-06 and BoA Administration Request

**[EXTERNAL EMAIL]**

Ms. Jay,

Thank you for providing the reference materials for A-6834.

Having reviewed them, the Patuxent Watershed Protective Association has no objection to granting the requested variances. Please add this communication to the record for the variances and inform the other necessary related parties. OZAH is a co-addressee on this email.

This decision is based in part on [1] the work that the applicant has done to preserve the rural residential character of the view of the property from the road, and minimize impact to the residential property to the east, and [2] the fact that much of the property is surrounded by other much larger landscaping operations, and [3] to a greater degree the fact that the portion of the property lying within the Patuxent Watershed has been graveled over for many years - if not in fact decades - so any environmental damage due to impervious compaction has been done long ago. The fact that only a small portion of the northeast corner of the property is within a PMA and not subject to the applicant's operation is also relevant.

Had the application proposed clearing forested areas, or paving over other predominantly grass or natural areas, we would of course had a different response.

Regards,

Donald E. Chamberlin, Representative  
***Patuxent Watershed Protective Association***

-----  
On 10/23/2023 7:54 AM, Jay, Barbara wrote:

Dear Mr. Chamberlin,

Thank you for your email. As it seems you are aware, the Board of Appeals referred a variance that is requested in connection with a pending conditional use to OZAH to conduct a consolidated hearing and to send a report and recommendation regarding the variance back to the Board at the conclusion of those proceedings. Attached are the materials that were filed by Ms. Carrier with the Board. This matter is currently pending at OZAH (copied), so until that office concludes its proceedings, future correspondence regarding the requested variance should be directed to that office.

Regarding the misspelling of your name, the Board uses the Planning Department's database to generate its mailing list for organizations such as yours. That said, when counsel is involved, we require them to provide us with a mailing list. The bottom line is that if you corrected the spelling of your name in the MNCPPC database, when our office generates mailing lists going forward, your name should be spelled correctly, but if we are using a mailing list provided by counsel, it may or may not be, depending on when they compiled that list.

I hope this addresses your questions. Please feel free to reach out to our office at [BOA@montgomerycountymd.gov](mailto:BOA@montgomerycountymd.gov) if you need additional assistance.

Sincerely,

Barbara Jay, Executive Director  
Montgomery County Board of Appeals  
100 Maryland Avenue, Suite 217

Rockville, Maryland 20850

---

**From:** Donald E. Chamberlin <[dechamb@verizon.net](mailto:dechamb@verizon.net)>  
**Sent:** Saturday, October 21, 2023 4:25 PM  
**To:** Jay, Barbara <[Barbara.Jay@montgomerycountymd.gov](mailto:Barbara.Jay@montgomerycountymd.gov)>  
**Cc:** Putman, Jim <[jputman2727@gmail.com](mailto:jputman2727@gmail.com)>; Faustini, Lou <[lou@faustini.com](mailto:lou@faustini.com)>; Michele Albornoz <[albornoz.michele@gmail.com](mailto:albornoz.michele@gmail.com)>; Remein, Quent - President CCA <[quent@cloverly.net](mailto:quent@cloverly.net)>  
**Subject:** A6834, CU 24-06 and BoA Administration Request

**[EXTERNAL EMAIL]**

Ms. Jay,

In re variance request A-6834 CU 24-06, there is no record of this variance request or CU2406 in the Development Application Information Center under those identifiers. Can you or Ms. Carrier please provide the full CU identifier or other plan identifier information which will enable us to retrieve the application documents from the Development Information Center? There is also no plan information available via the [mcatlas.org/zoning](http://mcatlas.org/zoning) development information link for this property. We are particularly concerned because of the large area variances requested and the fact that the property in question lies partly within the Upper Paint Branch Special Protection Area and partly within the Patuxent Watershed.

Board of Appeals Administrative Request: Please correct the spelling of my last name from Chamberlain to Chamberlin. I have recently made this correction in the M-NCPPC environmental organizations contact information database.

Thank You,

Donald E. Chamberlin, Representative  
***Patuxent Watershed Protective Association***



**For more helpful Cybersecurity Resources, visit:**  
<https://www.montgomerycountymd.gov/cybersecurity>