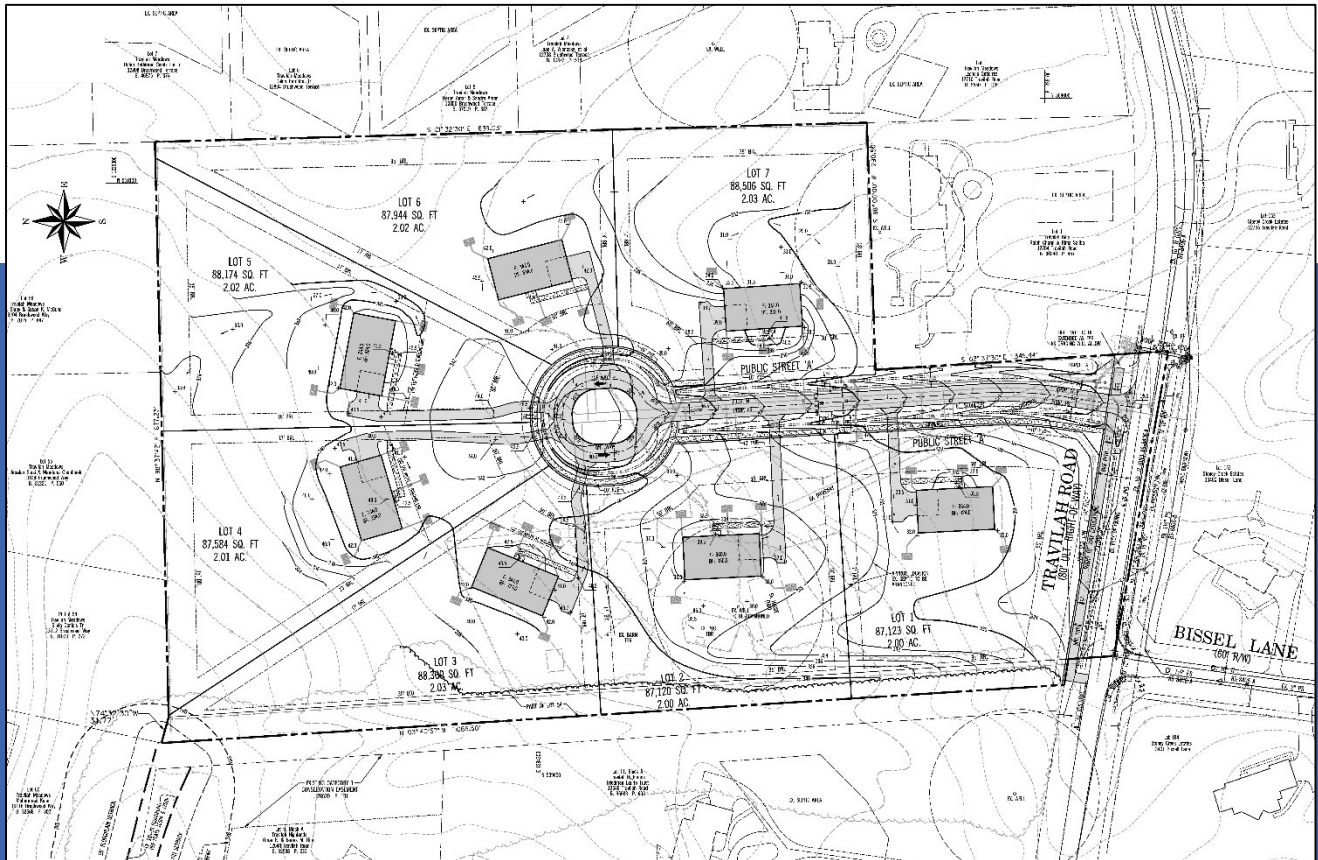


12700 TRAVILAH ROAD, PRELIMINARY PLAN NO. 120220120 & PRELIMINARY / FINAL FOREST CONSERVATION PLAN NO. F20230450



Description

Application to create seven (7) lots for seven (7) single-family detached units.

Preliminary Plan No. 120220120
Forest Conservation Plan No.
F20230450

Completed: 2-1-2024

MCPB
Item No. 10

Date: 2-15-2025

Montgomery County
Planning Board
2425 Reedie Drive, Floor 14
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LOCATION/ADDRESS

12700 Travilah Road in Potomac, MD

MASTER PLAN

2002 Potomac Subregion Master Plan

ZONE

RE-2 Zone

PROPERTY SIZE

16.03 acres

APPLICANT

Classic Homes of Maryland, Inc.

ACCEPTANCE DATE

May 30, 2023

REVIEW BASIS

Chapters 59, 50, and 22A

Summary:

- Staff recommends approval with conditions of the Preliminary Plan and Preliminary / Final Forest Conservation Plan.
- The Application will create seven (7) buildable residential lots for the construction of seven (7) single-family detached homes.
- The Applicant is proposing a six (6) foot sidewalk on Public Street A and cul-de-sac, and an eleven (11) foot sidepath along the Property's frontage on Travilah Road.
- The Application does not require a site plan as detailed in Section 59.7.3.4.
- The Application includes a landscape plan showing large canopy trees to be planted along the proposed road and cul-de-sac, which also includes a community gathering area.
- No community correspondence has been received as of the date of this Staff Report.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN

Staff recommends approval with conditions of the Preliminary Plan to create seven (7) buildable residential lots for the construction of seven (7) single-family detached homes. All site development elements shown on the latest electronic version of the Preliminary Plan No. 120220120 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 seven (7) lots for seven (7) single family detached 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 November 30, 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 December 19, 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 MCDPS, Fire Department Access and Water Supply Section in its letter dated October 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.

OTHER APPROVALS

8. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Preliminary Plan.

TRANSPORTATION

Existing Frontage Improvements

9. 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 forty (40) feet from the existing pavement centerline along the Subject Property frontage for Travilah Road.
10. Before the recordation of plats, the Applicant must satisfy all necessary requirements of MCDPS to ensure construction a 6-foot sidewalk on a portion of Public Street A and an 11-foot wide sidepath along the Property's frontage on Travilah Road.

New Streets

11. The Applicant must dedicate the rights-of-way and ensure construction of all necessary road improvements for the following public streets, as shown on the Preliminary Plan, to the design standards imposed by all applicable road codes.
 - a) Public Street A, consistent with MC-222.02 and Complete Streets Design Guidelines, to be constructed as a Neighborhood Connector with approximately 68-feet of right-of way and terminated with a fire-department compliant cul-de-sac.

RECORD PLATS

12. There shall be no clearing or grading of the site before recordation of plats.
13. Before record plat approval, the Applicant must abandon the existing well and septic system in accordance with MCDPS standards.
14. The record plat must show necessary easements.

CERTIFIED PRELIMINARY PLAN

15. 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.*
16. 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 Department Access plan in the certified set.
 - c) Label road cross sections as Public Street A and Travilah Road on the certified set.
 - d) Include a road-cross section for Travilah Road on the certified set.
 - e) Show water and sewer house connections on the certified set.

PRELIMINARY/FINAL FOREST CONSERVATION PLAN F20230450

Staff recommends approval with conditions of Preliminary / Final Forest Conservation Plan No. F20230450 (“FFCP”) to create a seven-lot subdivision for the construction of seven (7) single-family detached homes in the RE-2 zone. All site development elements shown on the latest electronic version of the Preliminary / Final Forest Conservation Plan No. F20230450, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions:

1. The Applicant must comply with the following conditions of approval for the Preliminary/Final Forest Conservation Plan No. F20230450 (“FFCP”):
 - a) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
 - b) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
 - c) The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
 - d) Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings 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 98 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.

- e) Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application, the Applicant must:
 - i. 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 FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
 - ii. Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the variance mitigation tree plantings and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.
 - iii. Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Lower Potomac watershed or Priority Area to satisfy the reforestation requirement of 3.17 acres of mitigation credit. If no off-site forest banks exist within the Lower Potomac watershed or Priority Area, then the off-site requirement may be met by purchasing 3.17 acres of mitigation credits from a mitigation bank within Montgomery County outside of the Lower Potomac watershed or Priority Area, subject to Staff approval. If forest mitigation bank credits are not available for purchase, a fee-in-lieu payment must be made to M-NCPPC for the appropriate mitigation credits subject to Staff approval.

SECTION 2: COMMUNITY OUTREACH

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

A pre-submittal community meeting was held via Zoom on June 14, 2022, at 7:00 p.m. There were five attendees from the community, along with four people from the Applicant team. There were questions asked about public water and sewer service and the recent category change, location and visibility of the new houses relative to Brushwood Terrace, the plans for landscaping, the time frame for the project, will there be a change of zoning for the property, availability of natural gas for the new houses, who is to be the builder, have the model houses been selected so they can be viewed, will swimming pools be available, who will maintain the fence along the property line, will new fences be installed for the new lots, and a request for a PDF version of the plan. The Applicant’s summary notes of the meeting can be reviewed in Attachment H.

As of the published date of this Staff Report, no other community comments or correspondence has been received regarding the Application.

SECTION 3: SITE DESCRIPTION

VICINITY

The Subject Property (“Property”) is located at 12700 Travilah Road in Potomac and within the 2002 *Potomac Subregion Master Plan* area. The Subject Property is north of Bissel Lane and Travilah Road, northeast of River Road, and West of Greenbriar Local Park (Figure 1). The property lies within the Watts Branch and Lower Potomac watersheds.



Figure 1 - Vicinity Map

PROPERTY DESCRIPTION

The Subject Property consists of two properties, P999 which is 15.30 acres in size and a part of Lot 54, which is 0.73 acres for a total property size of 16.03 acres in the RE-2 zone (Figure 2). P999 is an unsubdivided parcel. Most of the Property has been used as a horse farm and currently contains a single-family residence, barn, and several outbuildings. Most of the Property is a grass pasture with some specimen and significant trees on the western side. There are no rare, threatened, or endangered species or habitats on the Property. The Subject Property fronts on Travilah Road, a Country Arterial Road with an ultimate 80-foot wide right of way.

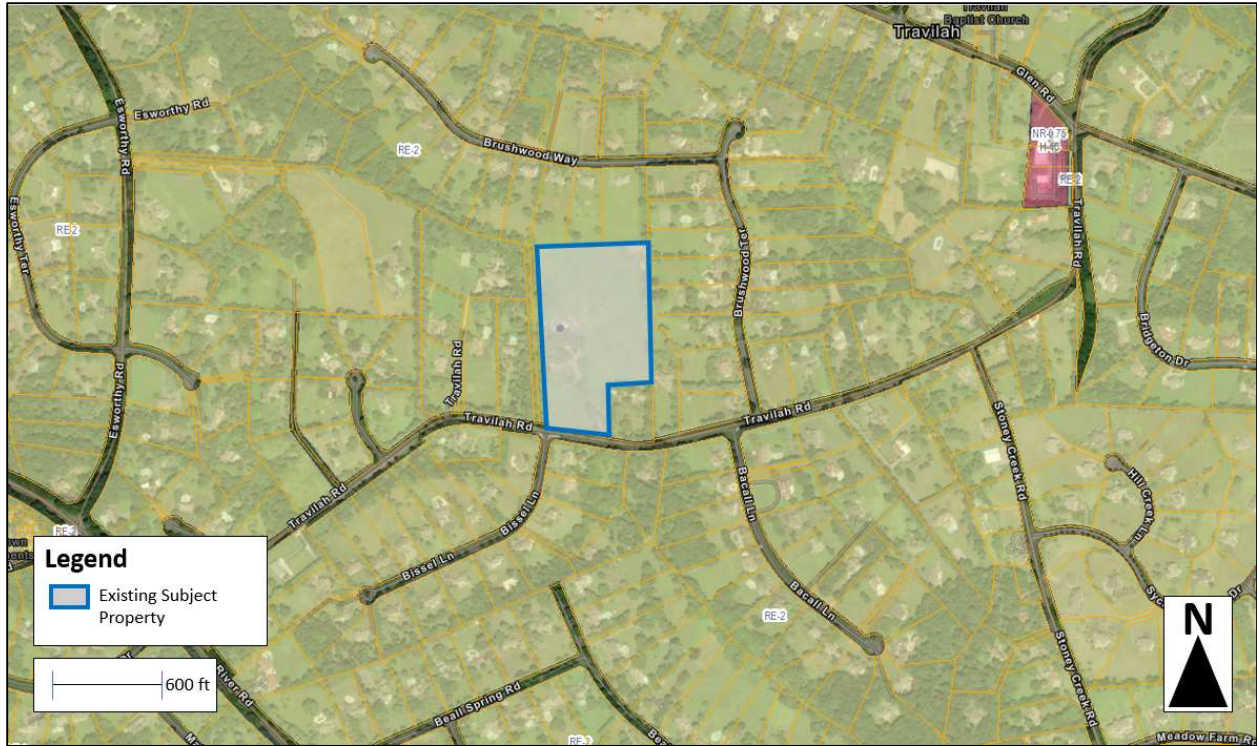


Figure 2 - Subject Property RE-2 Zoning

SECTION 4: PROJECT DESCRIPTION

PREVIOUS APPROVALS

Concept Plan 520210270

A Concept Plan was submitted on June 4, 2021, proposing the development of seven lots. Staff provided feedback on the configuration of the site to improve the overall design, which resulted in the revised layout within the current Preliminary Plan Application.

PROPOSAL

The Application proposes to create seven (7) buildable residential lots for the construction of seven (7) single-family detached homes. Each lot is approximately two (2) acres with a small community area in the center of the proposed cul-de-sac (Figures 3 and 4). The Applicant is proposing a six (6) foot sidewalk with a 6-foot-wide street buffer on the western side of proposed Public Street A, as well as around the cul-de-sac. An eleven (11) foot sidepath with a 6-foot street buffer is proposed along the Property’s entire frontage on Travilah Road (see Figure 4). The Subject Property contains specimen and significant trees, some of which will be impacted by the proposed development. The Applicant

has provided a landscape plan showing trees to be planted along the proposed road and cul-de-sac, the latter of which will also function as a community gathering space.



Figure 3 - Rendering of Preliminary Plan Streetscape

ENVIRONMENT

The Preliminary/Final Forest Conservation Plan (“FFCP”) shows no forest or environmental features on the 16.03-acre property. This results in an afforestation requirement of 3.17 acres either within the same watershed/Priority Area or outside the same watershed/Priority Area. The Applicant will satisfy this requirement by providing 3.17 acres of mitigation in an M-NCPPC approved offsite forest bank or pay a fee-in-lieu if no forest bank credits are available. Please see the analysis in Section 4 for an expanded explanation of the FFCP.

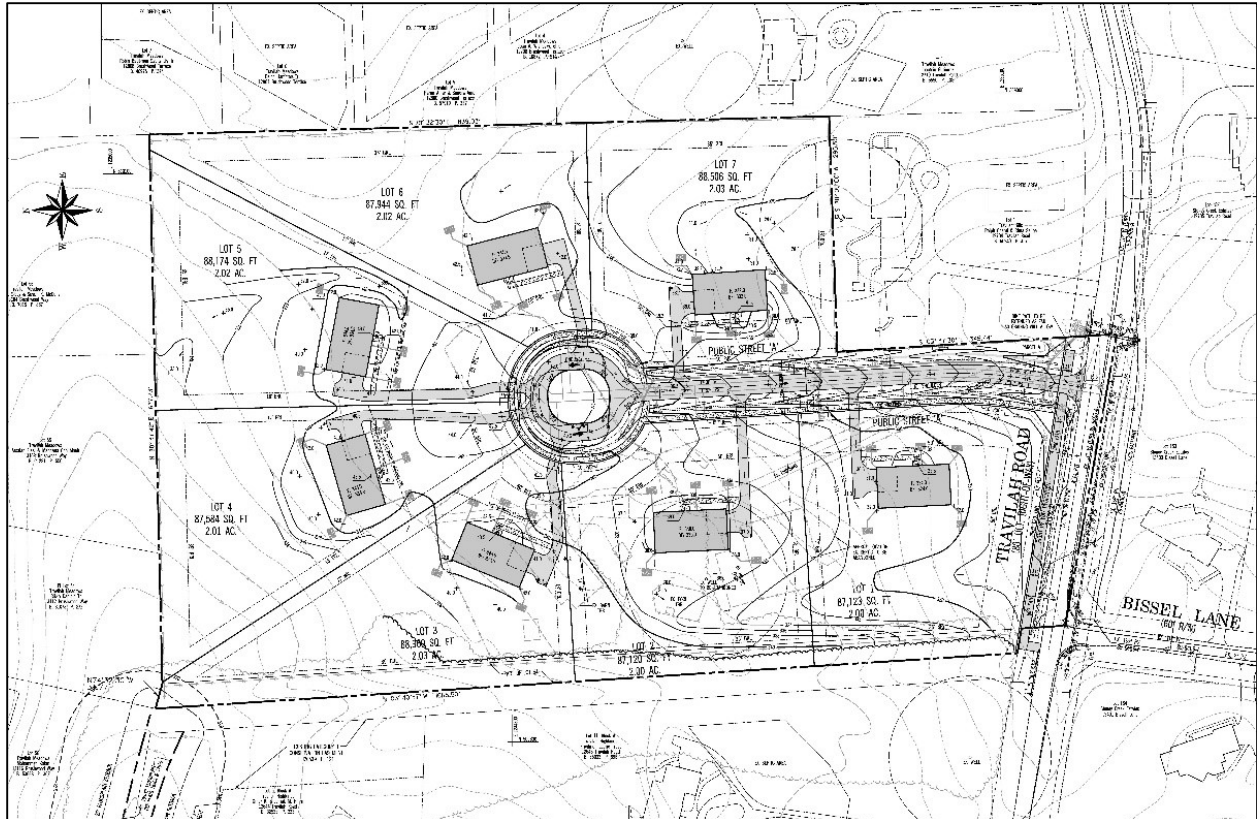


Figure 4 - Preliminary Plan Layout

SECTION 5: PRELIMINARY PLAN FINDINGS AND ANALYSIS

The Preliminary Plan would create seven (7) lots, between 2 and 2.02 acres each, for seven (7) single family detached houses. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies.

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

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision, considering the recommendations of the 2002 *Potomac Subregion Master Plan*, and for the residential use contemplated for the Property. The existing development patterns and street layouts within the surrounding area also dictated the proposed layout for the Preliminary Plan as the proposed layout is for a short cul-de-sac with lots radiating out from the center. The Application includes a Landscape

Plan that includes an open space/gathering area at the center of the cul-de-sac and large canopy trees on both sides of the new road, which establishes a rural character for the development and frames the entry road for this small residential community.

The lots were reviewed for compliance with the dimensional and density requirements for the RE-2 zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements and can accommodate houses with its width and setbacks requirements. A summary of this review is included in Table 1. The Application is proposed under the standard method in accordance with Section 4.5.3.C. of the Zoning Ordinance. The Preliminary Plan has been reviewed by other applicable County agencies, all of whom have recommended approval.

Table 1 – 12700 Travilah Road Preliminary Plan Data Table for RE-2 Zone, Standard Method, Section 59.4.5.3

Development Standard	Permitted/ Required	Proposed
Tract Area	n/a	16.03 acres
Proposed Dedication	n/a	1.97 acres
Lot Area	Each lot 2 acres min.	All Lots: 2 acres min.
Lot width at front building line	150 ft min.	All Lots: 150 ft min.
Lot width at front lot line	25 ft min.	All Lots: 25 ft min.
Density	One unit per 2 acres	One unit per 2 acres
Principal Building Height	50 ft max.	50 ft or less
Principal Building Setbacks		
Front	50 ft min.	All Lots: 50 ft min.
Side street	50 ft min.	All Lots: 50 ft min.
Side	17 ft min.	All Lots: 17 ft min.
Sum of sides	35 ft min	All Lots: 35 ft min.
Rear	35 ft min.	All Lots: 35 ft min.

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

a) Land Use

The 2002 *Potomac Subregion Master Plan* does not mention the Property specifically, yet the Plan does support, “the retention and reconfiguration of existing zoning for all developed, underdeveloped, and undeveloped land in the subregion” (p. 40). The “Travilah” community, in which the Property is located, is planned for low-density residential housing and serves as a transitional area of the Master Plan between the more developed Potomac and North Potomac communities of the Subregion and more rural Darnestown community to the west. The proposed residential infill project supports the provision of needed housing development within the county while preserving a rural development pattern, environmental resources, and open space elsewhere in the Master Plan.

b) Environment

Maintenance of low-density residential development in the 2002 *Potomac Subregion Master Plan* was the plan's primary means of protecting water quality and the environment within this designated "green wedge" among the county's growth areas. With the adoption of *Thrive Montgomery 2050*, the Property's location within the "Limited Growth" area continues to support low-density residential development and its lighter impact on water and sewer utility resources.

Properties in the vicinity developed as low-density residential homes and the proposed project would not significantly diminish any open space or natural resources as a result of its development.

c) Transportation

Provision of an eleven (11) foot wide bike path along the Travilah Road frontage of the subject property, in parallel to a six (6) foot wide sidewalk, is consistent with the 2002 *Potomac Subregion Master Plan* policy to, "provide pedestrian and bike links to surrounding streets and neighborhoods" (p. 34), as well as the 2018 *Bicycle Master Plan*, which recommends establishment of a Separated Bikeway on this section of Travilah Road. In the *Master Plan of Highways and Transitways*, Travilah Road is classified as a Country Connector with an approximate right-of-way width of 80-feet. The *Complete Streets Design Guide* echoes recommendations from the *Bicycle Master Plan* for a sidepath as the default bicycle facility for Travilah Road. Therefore, the conditioned frontage improvement is consistent with *Complete Streets* guidelines.

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

a) Roads and other Transportation Facilities

- i.* As stated above, Travilah Road is designated as a country connector in the *Complete Streets Design Guide*; the road has a default right-of-way width of 80 feet. As shown on the preliminary plan, no additional right-of-way dedication is needed.
- ii.* At present, there are no existing pedestrian or bicycle facilities along the frontage of the property. A Ride On bus stop currently exists at the property's southwest corner at the intersection of Travilah Road and Bissel Lane, currently served by Ride On Route 301. Accessibility to the transit stop is hindered by a lack of pedestrian crossings, non-existent pedestrian connections, and thick foliage.
- iii.* Per the 2018 *Bicycle Master Plan* and 2021 *Complete Streets Design Guide*, the preferred bikeway type for Travilah Road is a sidepath. Consistent with the *Bicycle Master Plan*, the applicant is providing pedestrian connections both externally and internally to the site. As conditioned, the property's Travilah Road frontage will be improved with an approximately 11-foot-wide sidepath with a 6-foot-wide buffer. The sidepath will tie into an existing Ride On bus stop at the subject property's southern periphery, providing a more robust and safe pedestrian connection. Additionally, the inclusion of a 6-foot sidewalk with a 6-foot-wide street buffer on

internal Public Road A will provide supplemental pedestrian access to the future sidepath on Travilah Road.

- iv. Additionally, the proposed cul-de-sac will contain community open space replete with seating, street trees, and a path connection emanating from the future sidewalk along Public Street A.

b) Local Area Transportation Review (LATR)

This Application proposes seven new single-family residential properties. The overall impact on existing roadway network will be negligible.

The Application was reviewed under the 2020-2024 *Growth and Infrastructure Policy* (GIP) and associated 2022 *Local Area Transportation Review* (LATR) Guidelines. Per the GIP, projects that generate less than 50 weekday person trips during the morning and evening peak-hour period are only required to complete a Transportation Exemption Statement (“TES”).

As demonstrated on the Applicant’s exemption statement, dated March 23, 2023, the proposed Preliminary Plan will generate 6 morning net-new person trips during the AM weekday peak hour, and 7 net new person trips during the evening weekday peak hour. These calculations are based on the ITE Trip Generation Manual with an adjustment for the Rural West Policy Area policy, a green policy area. As the proposed use will generate trips well below 50 new person trips during the peak travel period, no additional LATR analysis is required. Staff concludes that the existing transportation network is adequate to serve the Application.

c) Schools

Overview and Applicable School Test

The FY24 Annual School Test, approved by the Planning Board on June 22, 2023, and effective July 1, 2023 is applicable to this application. This plan proposes 7 new single-family detached units.

School Adequacy Test

This project is served by Travilah Elementary School (ES), Robert Frost Middle School (MS), and Thomas S. Wootton High School (HS). Based on the FY24 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 3 - Applicable FY2024 School Adequacy

School	Projected School Totals, 2027				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus / Deficit		Tier 1	Tier 2	Tier 3
Travilah ES	526	378	71.9%	+148	No UPP	233	254	333
Robert Frost MS	1,051	965	91.8%	+86	No UPP	212	297	454

Thomas S. Wootton HS ¹	2,120	2,026	95.6%	+94	No UPP	274	518	836
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The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school’s adequacy status and ceilings, as determined in the Annual School Test. Under the FY24 Annual School Test, Travilah ES, Robert Frost MS, and Thomas S. Wootton HS do not require any UPP. If the project is estimated to generate more students than the identified ceilings, then UPPs or partial payments at multiple tiers may still be required.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the Project, 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 7 units that are not age-restricted, the proposed plan is estimated to generate the following number of students based on the Subject Property’s location within a Turnover Impact Area:

Table 4 - 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	7	0.185	1.295	0.102	0.714	0.154	1.078
SF Attached	0	0.218	0.000	0.119	0.000	0.167	0.000
MF Low-rise	0	0.116	0.000	0.061	0.000	0.081	0.000
MF High-rise	0	0.073	0.000	0.042	0.000	0.053	0.000
TOTALS	7		1		0		1

As shown in Table 4, on average, this project is estimated to generate one elementary school student, zero middle school students and one high school student. The number of students generated does not exceed the adequacy ceilings identified for each school in Table 3, therefore no additional UPPs are required, and neither are partial payments across multiple UPP tiers.

d) Other Public Facilities and Services

¹ Projected enrollment reflects the estimated impact of CIP P651909, which will reassign students between Gaithersburg HS, Richard Montgomery HS, Northwest HS, Quince Orchard HS, Wootton HS and Crown HS in 2027.

Other public facilities and services are available and adequate to serve the proposed lot. The Subject Property's service categories were upgraded in 2022 to W-3 and S-3 water and sewer service categories per WSCCR 21-TRV-04A, respectively, and will utilize existing public water and sewer lines.

The Preliminary Plan was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Department Access Plan was approved on October 27, 2023 (Attachment E). Other utilities, public facilities, and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the 2020-2024 Growth and Instructure Policy (GIP) in effect at the time that the Preliminary Plan was accepted.

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

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. Included with the Forest Conservation Plan is a request for a tree variance for 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.

a) Natural Resource Inventory/Forest Stand Delineation Plan

The Natural Resource Inventory/Forest Stand Delineation ("NRI/FSD") 420221490 for this Property was approved on October 24, 2022. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The Subject Property is comprised of two properties, Parcel 999 and Part of Lot 54, totaling 16.03 acres. The western half of the Subject Property is located within the Muddy Branch Creek watershed and the eastern half is located within the Watts Branch Creek watershed, both classified as Use Class I-P by the State of Maryland. The Subject Property contains no forest but does have 10 on-site and 8 off-site trees in close proximity to the property lines, with diameter breast height ("DBH") of 30 inches or more. The Subject Property does not contain any streams or wetlands, but there is an off-site stream in proximity to the northwestern corner of the Property and approximately 1,753 square feet of the stream valley buffer partially extends onto this Property.

b) Forest Conservation Plan

The Applicant has submitted a Preliminary/Final Forest Conservation Plan F20230450 ("FFCP") for concurrent review with the development plan application for a Preliminary Plan of Subdivision No. 120220120 (Attachment B). The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's approved Environmental Guidelines.

The Subject 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% and a conservation threshold of 35% of the Net Tract Area.

The Net Tract Area for forest conservation purposes includes the 16.03-acre Total Tract Area plus 0.31 acres of offsite disturbance associated with this Application and minus 0.48 acres of land dedication for rights-of-way, for a total net tract area of 15.86 acres. There is no existing forest on the Subject Property. This results in a total afforestation/reforestation requirement of 3.17 acres either within the same watershed/Priority Area or outside of the same watershed/Priority Area. The Applicant proposes to meet the planting requirement by purchasing credits from an offsite forest bank within the Washington Metropolitan watershed or another watershed if no credits are available within this 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.

The Subject Property contains approximately 1,753 square feet of an unforested and treeless stream valley buffer in the northwest corner of the Property that is associated with an off-site stream located about 70-feet to the west. A Category I Conservation Easement was recorded on neighboring property located at 12644 Travilah Road under plan number SC2003007 which was placed over the stream buffer on that property. There is 30-foot-wide pipestem belonging to the property located at 13116 Brushwood Way that leads out to Travilah Road separating the stream buffer on the Subject Property from the existing conservation easement at 12644 Travilah Road. There are no immediately adjacent Category I Conservation Easements in the proximity of the stream valley buffer on the Subject Property (Figure 5).

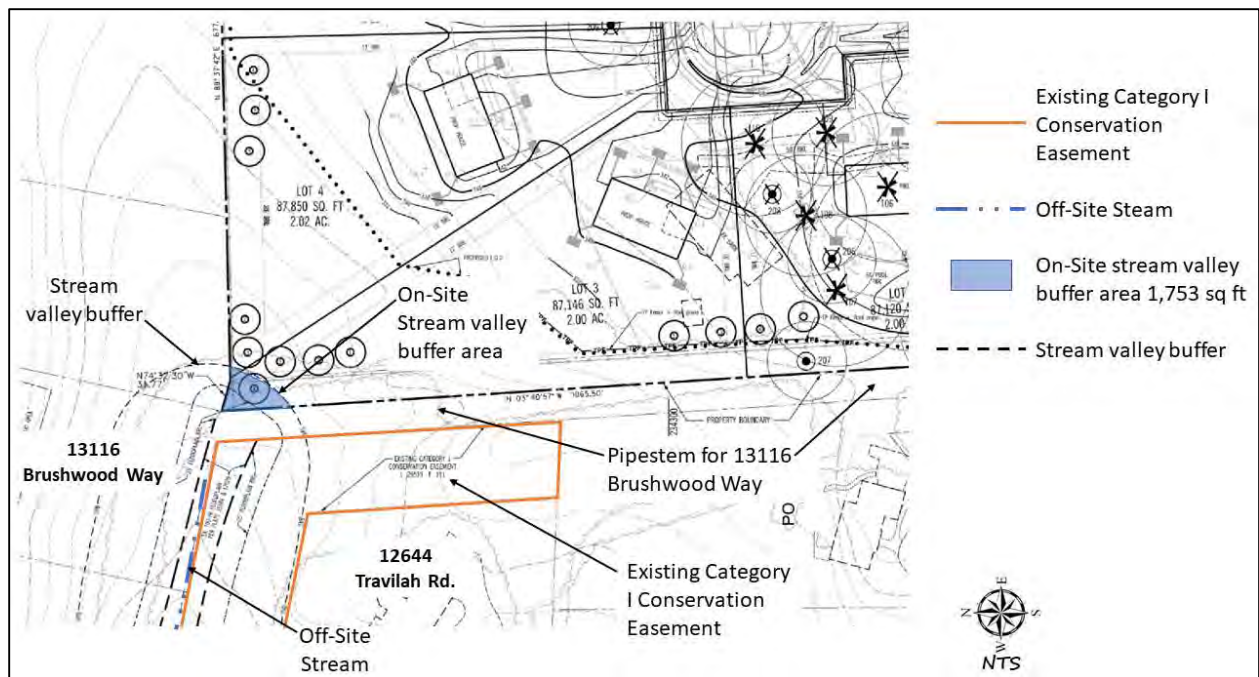


Figure 5 - Stream Valley Buffer

Under typical circumstances a Category I Conservation Easement would be required to be placed over any stream valley buffer since these are protected entities under 22A-12(b)(2) of the Forest Conservation Law (“FCL”) and Sec. 22A.00.08.E(2) of the Forest Conservation Regulations (“FCR”), and reforested in accordance with Sec. 22A-12(e)(1)(B). However, in this case, it was deemed inappropriate to place a Category I Conservation Easement over the 1,753 square foot stream valley buffer on this property for two reasons. First, this easement would be considered an isolated standalone easement since it is not immediately adjacent to or connected to any existing conservation easements. This isolation would make the easement difficult to enforce and protect. Second, reforesting the small easement would not meet the size or dimensional requirements for a forest as specified under Sec. 22A-3 of the FCL and Sec. 22A.00.01.08.D of the FCR and thereby would not typically be saved under normal circumstance and would not be given afforestation credit. Given these two reasons in tandem it was decided, in this case, not to place a Category I Conservation Easement over this small 1,753 square foot on-site stream buffer. However, a portion of the variance tree mitigation plantings are proposed to be placed within this stream buffer area to satisfy Sec. 22A-12(e)(1)(B)(iii).

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 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 September 6, 2023 (Attachment G). The Applicant proposes to remove ten (10) and impact four (4) 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 5).

Table 5 - Protected Trees to be Impacted or Removed

Specimen Tree Table						
Tree Number	Botanical Name	Common Name	Size DBH	Tree Condition	% CRZ Impacted	Status

100	<i>Fagus grandifolia</i>	American Beech	33"	Fair	5%	Retain
101	<i>Pinus virginiana</i>	Virginia Pine	33"	Fair	100%	Remove
102	<i>Pinus virginiana</i>	Virginia Pine	31"	Good	100%	Remove
103	<i>Pinus virginiana</i>	Virginia Pine	30"	Good	100%	Remove
104	<i>Acer saccharinum</i>	Silver Maple	39"	Good	100%	Remove
105	<i>Acer saccharinum</i>	Silver Maple	36"	Fair	100%	Remove
106	<i>Acer saccharinum</i>	Silver Maple	49"	Good	100%	Remove
107	<i>Acer saccharinum</i>	Silver Maple	50"	Good	100%	Remove
108	<i>Acer saccharinum</i>	Silver Maple	40"	Good	100%	Remove
109	<i>Acer saccharinum</i>	Silver Maple	35"	Good	100%	Remove
110	<i>Acer saccharinum</i>	Silver Maple	48"	Good	100%	Remove
113	<i>Prunus serotina</i>	Black Cherry	36"	Good	4%	Retain
114	<i>Prunus serotina</i>	Black Cherry	30"	Good	1%	Retain
117	<i>Acer rubrum</i>	Red Maple	30"	Good	10%	Retain

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. Given that the Subject Property is 16.03 acres located in the RE-2 zone, a reasonable and significant use of the property is to subdivide the property into approximately 7 to 8 residential lots pending compliance with all other applicable laws and ordinances. In this case, the unwarranted hardship is caused by the combination of the necessary layout of the proposed development on the Subject 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.



Figure 6 - Variance Trees

The 10 Protected Trees proposed to be removed are loosely clustered within the active construction zone for the main entry road and proposed Lots 1 and 2. All 10 of these trees will have 100% of their respective CRZs impacted by site grading and construction of the road and residential structures. The inability to remove or impact these Protected Trees would prevent both site access from Travilah Road and preclude the development of proposed Lots 1 and 2. The 4 trees proposed to be impacted are all off-site trees located on the adjacent properties along the eastern boundary of the Subject Property. These trees will be impacted by the proposed grading on the site in order to provide positive storm water drainage from the site resulting in minor impacts to their CRZs ranging from 1% up to 10%.

The inability to impact or remove these trees would potentially render access to the site and portions of the site undevelopable for this project or pose threats to the health, safety and welfare of future homeowners. Therefore, there is a sufficient unwarranted hardship to justify a variance request because the Applicant would otherwise be denied the ability to use the Property for the development of single-family homes allowed under the RE-2 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.

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 the 4 trees and the removal of 10 trees are due to the development of the Property, location of the trees within the limits-of-disturbance (“LOD”) of the Property and necessary site design requirements for a small 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. There is no reasonable alternative configuration of the lot layout that would result in the saving of the Protected Trees.

iii. Is not based on a condition relating to land or building use, either permitted or non-comforming, on a neighboring property.

The requested variance is a result of the existing conditions and the proposed site design and layout of the Subject Property, and not as a result of land or building use on a neighboring property.

iv. Will not violate State water quality standards or cause measurable degradation in water quality.

The variance will not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being removed are not located within a stream buffer, wetland or Special Protection Area. At time of the FFCP, mitigation will be proposed for the removal of these trees by planting 33 3-inch caliper, Maryland native overstory trees on-site. These trees will replace the ecological and water quality functions that may be lost by removal of the Protected 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 10 Protected Tree proposed for removal in this variance request, resulting in a total of 391.0 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 trees removed. These trees will be replaced at a ratio of approximately 1-inch caliper for every four inches removed and planting trees that are a minimum of three caliper inches in size. This results in a total mitigation of 97.75 inches with the installation of 33

3-inch caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way, stormwater management easements and/or 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 10 Protected Trees. Six of the mitigation trees will be installed within and adjacent to the stream valley buffer at the northwest corner of the Subject Property.

There is some disturbance within the CRZ of 4 trees. However, the impacts to these trees are minor ranging from 1% up to 10% CRZ impacts and they will receive adequate tree protection measures. These trees are expected to fully recover and continue to provide all the environmental benefits currently offered. Therefore, no mitigation is recommended for trees that are impacted but retained. As conditioned, the 33 mitigation trees will be protected as part of a 5-year maintenance and management agreement.

Recommendation on the Variance

Staff recommends approval of the variance request.

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

The Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on December 19, 2023 (Attachment D). The Application will meet stormwater management goals using 35 drywells, 5 grass swales, and one bioswale.

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

There is no evidence, actual notice, or constructive notice of a burial site on the Subject Property. The Subject Property is not included in the Montgomery County 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 specific to the Preliminary Plan that are necessary for approval of this Application.

SECTION 6: CONCLUSION

The Preliminary Plan satisfies the findings of the Subdivision Regulations (Chapter 50), complies with the applicable requirements in the Zoning Ordinance, and substantially conforms to the recommendations of the 2002 *Potomac Subregion Master Plan*. The Preliminary / Final Forest Conservation Plan satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. Therefore, as conditioned, Staff recommends approval of Preliminary Plan No. 120220120 and Preliminary / Final Forest Conservation Plan No. F20230450 with the conditions as specified at the beginning of this report.

ATTACHMENTS

Attachment A: Statement of Justification

Attachment B: Preliminary Plan Composite

Attachment C: MCDOT Approval, November 30, 2023

Attachment D: MCDPS Stormwater Management Approval, December 19, 2023

Attachment E: MCDPS Fire Department Access and Water Supply Approval, October 27, 2023

Attachment F: Preliminary / Final Forest Conservation Plan Composite

Attachment G: Tree Variance Request Letter, September 6, 2023

Attachment H: Minutes of Pre-submittal Meeting

Montgomery County Planning Department
The Maryland-National Capital Park & Planning Commission

Property:	Parcel P999 & Part of Lot 54 (B.66699/P.119 & B.66521/P.166)
Name of Subdivision:	12700 Travilah Road
Tax Map:	ER31
Zoning:	RE-2
Gross Tract Area:	16.03 Acres
Location:	NE Quadrant of Travilah Road & Bissel Lane
Planning Area:	Potomac Subregion
Owner / Applicant:	Travilah Road 2022 LLC
Date:	February 28, 2023

**STATEMENT OF JUSTIFICATION IN SUPPORT OF
PRELIMINARY PLAN OF SUBDIVISION #120220120**

Pursuant to the Manual of Development Review Procedures, the Applicant, Travilah Road 2022 LLC, hereby submits this Statement of Justification, setting forth the facts and reasons in support of Planning Board approval of the proposed Preliminary Plan of Subdivision #120220120. This plan is being submitted in accordance with Chapter 50 of the Montgomery County Code, entitled “Montgomery County Subdivision Regulations”, and Chapter 59, “Montgomery County Zoning Ordinance” more specifically, Section 50.4 of Chapter 50, entitled “Preliminary Plans” and Section 59.4.4.4 Residential Estate - 2 Zone (RE-2).

Introduction

The purpose of this application is to create seven (7) subdivided and recorded, buildable residential lots for the construction of seven (7) single-family detached homes in accordance with the requirements of the underlying RE-2 zoning classification. This proposed Preliminary Plan of Subdivision proposes a form of development that is fully consistent with the approved and adopted 2002 Potomac Subregion Master Plan.

The Subject Properties

The project consists of 2 properties, P999 which is 15.30 acres in size and a part of Lot 54, which is 0.73 acres for a total property size of 16.03 acres. P999 is an unsubdivided parcel and the part of Lot 54 is a small sliver of land originally part of Lot 54, Travilah Meadows separated from the main lot in 1994.

The majority of the property has been used as a horse farm and contains a single-family residence, barn and several outbuildings. Most of the land is a grass pasture with some trees along the edges of the property, although there is no forest.

Statement of Justification
12700 Travilah Road
#120220120

The property fronts on Travilah Road, a County Arterial Road with an ultimate 80-foot wide right of way. A new public tertiary street is proposed to serve the subdivision.

Standards for Approval

Section 50.4.2.D of the Montgomery County Subdivision Regulations sets forth the findings that the Planning Board must confirm in approving a Preliminary Plan of Subdivision in a residential zone. The following explains this application's compliance with the required findings:

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;*

Seven (7) lots are proposed. All proposed lots meet or exceed the minimum required lot dimensions, including minimum lot width at the street right-of-way, minimum lot width at the front building line and minimum lot area. The maximum permitted lot density is based on the two-acre minimum lot area. All proposed lots meet or exceed the two-acre minimum lot area. The proposed subdivision is surrounded by lots that are zoned RE-2 and are generally 2 acres in size. The subject property's subdivision into seven (7) RE-2 lots is fully compatible with the surrounding community and meets all requirements contained in Chapter 59, the Montgomery County Zoning Ordinance.

2. *the preliminary plan substantially conforms to the master plan;*

The Potomac Subregion Master Plan maintains the existing RE-2 zoning for the subject property. The neighborhood surrounding the subject property is RE-2 zoned as well.

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

Transportation Facilities:

Based on the Transportation Statement, the proposed project will generate 6 peak trips in the AM and 7 peak trips in the PM. Because the proposed development will generate fewer than 50 peak hour person trips it is exempt from the Local Area Transportation Review Guidelines (LATR). The project will connect to Travilah Road, a planned Arterial Road with a new public tertiary street.

School Capacity:

The school cluster that serves the subject property includes Thomas S. Wootton High School, Robert Frost Middle School and Travilah Elementary School. According to the Planning Board's FY23 Annual School Test results, effective July 1, 2022, the schools are near capacity at the Middle and High School levels, but all are still below the Utilization Premium Payment (UPP) level.

Public Sewerage and Water Systems: The subject property received upgrade to water and sewer categories W-3 and S-3 in 2022 per WSCCR 21-TRV-04A. All proposed lots will be served by public water and sewer located within or adjacent to Travilah Road.

Other Public Services:

- Fire & Rescue Services: The property's closest serving fire & rescue facility is Rockville Company 33, located on Falls Road (MD Route 189), north of Glen Road, approximately 5.7 miles from the subject property.
- Montgomery County Police: Served by the District 1D-Rockville, 100 Edison Park Drive, approximately 5.8 miles from the subject property.
- Health Services: The closest health facility is Shady Grove Hospital, approximately 5.6 miles from the subject property.
- Public Library: The Quince Orchard Library, 15831 Quince Orchard Road, Gaithersburg, approximately 5.7 miles from the subject property.

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

A Natural Resources Inventory / Forest Stand Delineation (NRI/FSD), #420221490, was been approved by M-NCPPC on October 24, 2022. A Forest Conservation Plan (FCP) has been prepared and will be submitted to M-NCPPC for review and approval with this subdivision application. There is no existing forest on the subject property. Forestation requirements will be met offsite in an approved forest bank or by paying a fee in lieu.

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

The subject property is not located in a Special Protection Area (SPA), thus a water quality plan is not required. There is no 100-year floodplain on the subject property, thus a floodplain study is not required and no floodplain setbacks are necessary. A stormwater management concept plan and report, has been prepared and submitted for approval to the Montgomery County Department of Permitting services (MCDPS). The submitted plan complies with Environmental Site Design to the Maximum Extent Practicable (ESD to the MEP), state and county regulations. Stormwater runoff from impervious features such as rooftops and driveways will be properly captured and treated within drywells and other appropriate means as required by county stormwater management regulations. All requirements of Chapter 19 will be satisfied.

6. *any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied.*

The proposed subdivision plan is in full compliance with the RE-2 zoning requirements that are specified in the Montgomery County Zoning Ordinance. All area, dimensional

Statement of Justification
12700 Travilah Road
#120220120

requirements, setbacks and lot frontage dimensions are accommodated by the submitted plan.

Based on the information presented above, and supported by all of the other plans and documents submitted as part of Preliminary Plan application #120220120, the Applicant, Travilah Road 2022 LLC, believes that justification for approval of this Preliminary Plan is strongly in evidence and requests that Preliminary Plan #120220120 be approved by the Montgomery County Planning Board.

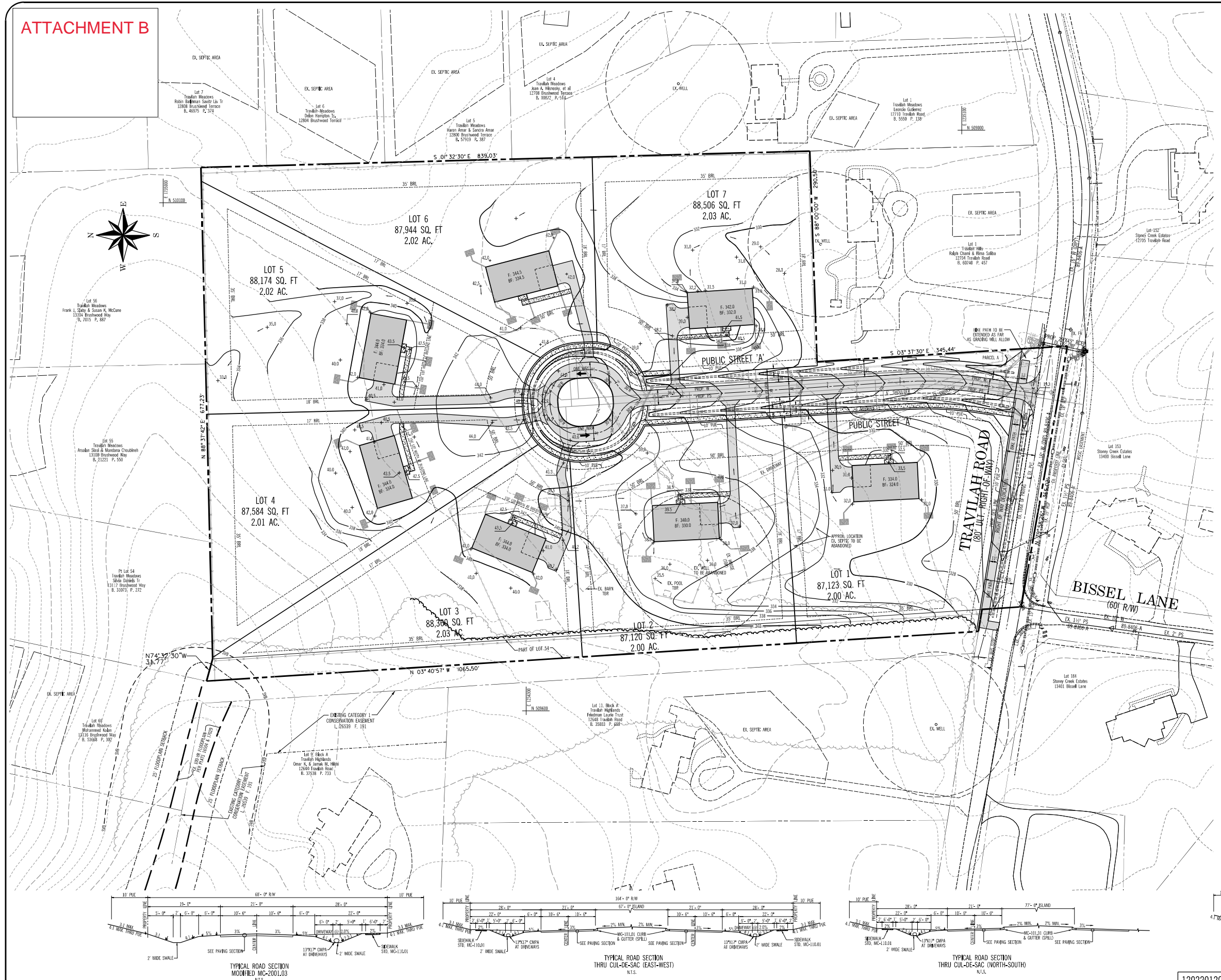
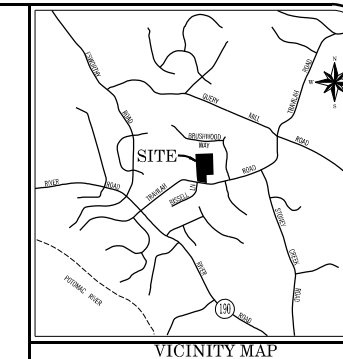
On behalf of the Applicant, the undersigned certifies that the information set forth in this Statement of Justification is true, complete, and correct to the best of his knowledge, information and belief.

Respectfully submitted,
SITE SOLUTIONS, INC.

A handwritten signature in black ink, appearing to read 'J. S. Lewis', is written over the printed name below.

Jeffrey S. Lewis, P.E., Principal

ATTACHMENT B



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.

Note: The Applicant intends to construct improvements within the cul-de-sac under a Maintenance & Liability Agreement with the County. Improvements to be determined at time of construction permitting.

GENERAL PLAN NOTES

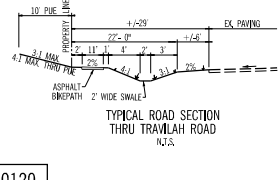
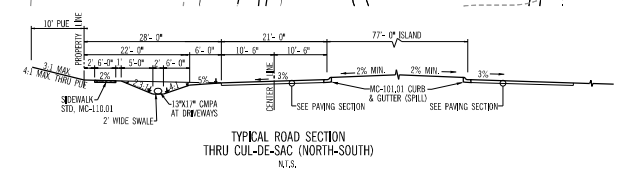
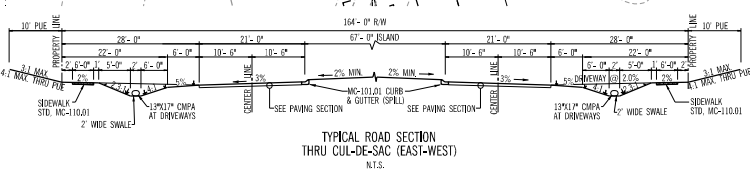
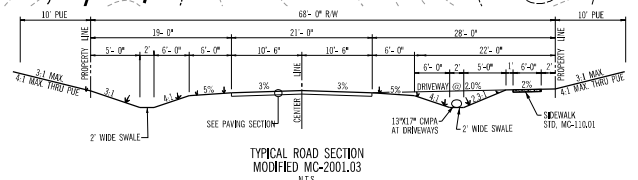
1. Zoning: RE-2
2. Property Address: 12700 Travilah Road, Potomac, MD 20854
3. Parcel/Lot: Parcel P999 and Part of Lot 54, Brooke Meadows.
4. Gross Tract Area: 16.03 Ac.
5. Proposed Road/Street Dedication: 1.84 Ac.
6. Net Tract Area: 14.19 Ac.
7. Lot Area Proposed: 14.14 Ac.
8. Area of Parcels: 4.04 Ac.
9. Number of Lots Proposed: 7
10. Existing Water & Sewer Service Categories: W-3 and S-3
11. Public Water & Public Sewer Systems proposed for all lots.
12. WSSC Title #217NW13
13. Tax Map ER31
14. Master Plan Area: Potomac Subregion
15. Travilah Road is a planned 80' wide Arterial Road.
16. Boundary based on Boundary Survey prepared by Goode Surveys LLC.
17. Topographic Data per M-NCPPC digital file.
18. The property lies within the Muddy Branch & Watts Branch watersheds.
19. The property does not lie within a Special Protection Area (SPA).
20. There is no existing forest on the property.

RE-2 ZONE DEVELOPMENT STANDARDS

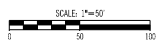
	Required	Proposed
1. Maximum Density:	1 Lot per 2 Acres (7 Lots)	1 / 2.1 Ac. (7 Single-Family Residential Lots)
2. Minimum Lot Area:	2 Acres	87,120 sq. ft. (2.0 Ac.)
4. Lot Width at Front Building Line:	150'	150'
5. Min. Lot Width at Front Lot Line:	25'	62'
6. Maximum Lot Coverage:	25%	Not to Exceed 25%
7. Principal Building Setbacks (Minimum):		
Front Setbacks:	50'	
Side Street Setbacks:	50'	
Side Setbacks:	17' Min. / 35' Total	
Rear Setbacks:	35'	
8. Max. Building Height:	50'	

LEGEND

	Existing Contours 2' Interval		Proposed Houses
	Slopes 25% or Steeper (None Shown)		Stream Buffer Limit
	Subject Property Boundary		Streams
	Edge of Existing Tree Canopy		Centerline of Travilah Road Pavement (Approximate)
	Existing Buildings, Houses		Proposed Driveways
	Edge of Proposed Tree Canopy		Proposed Lot Lines
			Building Restriction Lines



120220120



SITE SOLUTIONS, INC.
 PO Box 1783
 Clarksville, Maryland 20871
 (301) 540-7990
 Planning · Landscape Architecture · Engineering

OWNER:
 TRAVILAH ROAD 2022 LLC
 6116 EXECUTIVE BOULEVARD
 SUITE 750
 N. BETHESDA, MD 20852
 ATTN: DINESH JAIN

Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 19156, Expiration 06-05-2025.

PRELIMINARY PLAN
 12700 TRAVILAH ROAD
 PARCEL P999 & PART OF LOT 54
 DARNESTOWN ELECTION DISTRICT #6
 MONTGOMERY COUNTY, MARYLAND

DRAWN/SCALE	1"=50'
CHECKED/SHEET	1 OF 1
DATE/PROJ. NO.	10/3/2023 / 3022



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

Christopher R. Conklin
Director

November 30, 2023

Mr. Jeffrey Server, Planner Coordinator
Up-County Planning Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Drive
Wheaton, MD 20902

RE: Preliminary Plan No. 120220120
12700 Travilah Road
Preliminary Plan Letter

Dear Mr. Server:

We have completed our review of the revised preliminary plan uploaded to eplans on October 31, 2023. A previous version of the plans was reviewed by the Development Review Committee at its June 20, 2023, meeting. We recommend approval of the plans subject to the following comments:

Significant Comments

1. Travilah Road is classified as a Country Connector (A-32) with two existing lanes. Per the Master Plan of Highways and Transitways, the minimum right-of-way (ROW) is 80-feet. Plat #17791 shows that the current ROW is 70-feet. Based on this plat, we recommend the Applicant dedicate the additional distance to achieve 40-feet from center line.
 - a. The applicant shall be responsible for constructing an 11-foot wide sidepath along their frontage on Travilah Road to tie into the bus stop across from Bissel Lane.
 - b. The certified preliminary plan shall reflect the following proposed frontage improvements from the edge of existing pavement to the property line (shown on Plan Sheet 07-Prel-120220120-002 V3):
 - ~ 6-foot buffer
 - 9-foot swale (2-foot-wide swale basin)
 - 1-foot buffer

- 11-foot sidepath
- 2-foot maintenance buffer

2. Proposed Public Street A:

- a. **Applicant's Request:** The design includes a public open section roadway in a 68-foot public right-of-way modifying MCDOT Tertiary Residential Street Standard No. 2001.03. The proposed road ends in an oval shaped cul-de-sac with a green area in the center. This is a request modification to MCDOT Standard MC-222.02. This modification is being requested to provide a cul-de-sac that will meet fire and rescue emergency access requirements by providing the minimum curb radii for emergency access. The radii for the curb at the ends of the oval cul-de-sac are 51-foot outside and 30-foot inside. These radii meet the Department of Fire and Rescue Emergency Access Requirements. The proposed oval cul-de-sac exceeds the minimum curb radii. The road will have 21-foot-wide pavement located within a public right-of-way with a one-way counterclockwise circulation pattern in the oval cul-de-sac.

MCDOT Response: We **agree** with the applicant's request for the modification of MCDOT cul-de-sac Standard (MC-222.02) to an oval shaped cul-de-sac with green space in the center for the following reasons:

- i. Based on DPS Fire and Rescue, the emergency access requirements are met.
 - ii. The line of sight for the proposed driveways should not be blocked by any proposed obstructions such as proposed trees or traffic signs. At the permit stage, the applicant should work with DPS to make the necessary modifications in order to meet the sight distance requirements for the proposed driveways.
 - iii. The proposed pavement is 21-foot wide with a one-way counterclockwise traffic circulation. At the permit stage the applicant shall provide the location of the necessary traffic signs for approval.
- b. Proposed Public Street A shall be constructed in accordance with Complete Streets, as it is classified as a Neighborhood Street per the Complete Streets guidelines.

The certified preliminary plan shall reflect the following 68-foot right-of-way modified MC-2001.03 roadway cross section from the existing northern property line to the proposed southern property line (shown on Plan Sheet 07-Prel-120220120-002 V3):

- 13-foot swale (2-foot-wide swale basin)
- 6-foot buffer
- 21-foot two lane pavement road
- 6-foot buffer

- 13-foot swale (2-foot-wide swale basin)
 - 1-foot buffer
 - 6-foot sidewalk
 - 2-foot maintenance buffer
- c. **Road Grade:** The proposed horizontal and vertical grades for the proposed County Maintained Road meet ASHTO and Montgomery County's standards.
3. **Sight Distance:**
- a. **Street 'A' at Travilah Road:** The sight distance study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference. The applicant is responsible to ensure sight distance during tree planting.
 - b. **Proposed Driveway Entrances along Street 'A':** The line of sight for the proposed driveways should not be blocked by any proposed obstructions such as trees, street light poles or traffic signs. At the permit stage, the applicant should work with DPS to make the necessary modifications to the locations of the items mentioned above in order to meet the sight distance requirements for the proposed driveways.
4. **Storm Drain Study:**
- a. **Study Point A:** The storm drain analysis was reviewed and is acceptable to MCDOT. The applicant is responsible to install a new 29"x45" RCEP to contain the 25-year storm.
 - b. **Study Point B:** A portion of the site drains to an existing stream and there is no public storm drain within 4,300-feet downstream from the study point and therefore the applicant shall not be responsible for any downstream drainage related to existing storm drain pipes or culvert improvements for this study point.
5. The final location of the proposed crosswalks shall be approved at the permit stage.
6. At or before the permit stage, please coordinate bus stop needs with Mr. Wayne Miller of our Division of Transit Services. Mr. Miller may be contacted at 240 777-5836 or at Wayne.Miller2@montgomerycountymd.gov.

Standard Comments

7. All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services (DPS) 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.
8. Provide a 10-PUE along all street frontages.

9. No permanent structures are allowed in the public right-of-way.
10. Design all access points and alleys to be at-grade with the sidewalk, dropping down to street level between the sidewalk and roadway.
11. Driveways should comply to Montgomery County Standard MC-302.01.
12. Forest Conservation Easements are NOT ALLOWED to overlap any easement.
13. Stop sign locations, crosswalks and markings will be shown on the signing and marking plans and be reviewed and approved at the right-of-way permit stage.
14. The owner will be required to submit a recorded covenant for the operation and maintenance of any private storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
15. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
16. 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 DPS Right-of-Way Plan Review Section.
17. 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 Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
18. Posting of a right-of-way permit bond is a prerequisite to DPS approval of the record plat. The right-of-way permit will include, but not necessarily be limited to, the following improvements:
 - a. Street grading, paving, swales, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Street 'A'.
 - b. Sidepath and handicap ramps, swales, storm drainage and appurtenances and street trees along Travilah Road.
 - c. 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.
 - d. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
19. Erosion and sediment control measures as required by Section 50-35(j) 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 MCDPS and will comply with their specifications. Erosion

Jeffrey Server
Preliminary Plan No. 120220120
12700 Travilah Road
November 30, 2023
Page 5 of 5

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 MCDPS.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me for this project at brenda.pardo@montgomerycountymd.gov or at (240) 777-7170.

Sincerely,

Brenda M. Pardo

Brenda M. Pardo, Engineer III
Development Review Team
Office to Transportation Policy

[SharePoint\teams\DOT\Director's Office\Development Review\Brenda\Preliminary Plan\PP120220120 12700 Travilah Rd\Letters\120220120 12700 Travilah Rd-DOT Preliminary Plan _11.30.23](#)

Attachments: Approved Sight Distance Study

cc: Correspondence folder FY 2024

cc-e: Jeff Lewis Site Solutions, Inc.
Mark Terry MCDOT DTEO
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: 12700 Travilah Road Preliminary Plan Number: 1-20220120

Street Name: Travilah Road Master Plan Road Classification: Arterial

Posted Speed Limit: 35 mph

Street/Driveway #1 (Prop. Public Street 'A') Street/Driveway #2 (_____)

Sight Distance (feet)	OK?	Sight Distance (feet)	OK?
Right <u>565'</u>	<u>X</u>	Right _____	_____
Left <u>335'</u>	<u>X</u>	Left _____	_____

Comments: Some minor tree branch trimming would assist in sight distance clarity.

Comments: _____

GUIDELINES

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

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

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

[Signature]
 Signature

3-2-2023
 Date

MD 19156
 PLS/P.E. MD Reg. No.



Montgomery County Review:

Approved

Disapproved:

By: Brenda M. Pardo

Date: 11/30/2023



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

December 19, 2023

Mr. Jeffery Lewis
Site Solutions Inc.
P.O. Box 1783
Clarksburg, MD. 20871

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
PLAN for
12700 Travilah Road
Preliminary Plan 120220120
SM File #: 289351
Tract Size/Zone: 16.03 ac/ RE 2
Total Concept Area: 15.55 ac
Lots/Block: lot 1-7
Watershed: Muddy Branch and Watts Branch

Dear Mr. Lewis:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via ESD to the MEP using 35 Drywells, 5 Grass Swales, and 1 Bio Swale.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this project.
3. 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.

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



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

Mr. Jeffrey Lewis
December 19, 2023
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reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

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

Sincerely,

Mark Etheridge

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

cc: Neil Braunstein
SM File # 289351

ESD: Required/Provided 8,343 cf / 8,414 cf
PE: Target/Achieved: 1.0"/1.0"
STRUCTURAL: 0 cf
WAIVED: 0 cf.



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

DATE: 27-Oct-23
TO: Jeffrey Lewis - jsl@ssimd.net
Site Solutions, Inc.
FROM: Marie LaBaw
RE: 12700 Travilah Road
120220120

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **25-Oct-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.

***** Parking restrictions via traffic order (see attached draft) to be implemented prior to first occupancy *****

12700 TRAVIALH ROAD, PRELIMINARY PLAN 120220120

TRAFFIC ORDER 10-25-2023

NEW PUBLIC STREET

Limits of "No Parking Any Time" regulations for New Public Street

1. East side from Travilah Road to end of cul-de-sac.
2. West side from Travilah Road to end of cul-de-sac.

STATEMENT FOR THE APPLICANT**Travilah Road 2022, LLC****FOR A VARIANCE IN ACCORDANCE WITH SECTION 22A-21
OF THE MONTGOMERY COUNTY CODE****PRELIMINARY PLAN #120220120
FOREST CONSERVATION PLAN #F20230450
12700 TRAVILAH ROAD****September 6, 2023****I. BACKGROUND INFORMATION**

The Applicant, Travilah Road 2022, LLC, makes this request for a variance pursuant to the provisions of Section 22A-21 of the Montgomery County Code. The Applicant is owner of the subject property, also designated as Parcel 999 on Tax Map ER31. The Applicant proposes to subdivide the property into seven lots for single-family detached homes. The seven proposed lots will comply with the development standards applicable to the subject property's RE-2 zoning classification. The property is located on the north side of Travilah Road, approximately 1,000 feet west of Brushwood Terrace. The subject property consists of 16.03 acres. Current improvements include one house, a barn and several outbuildings. The property has been used as a horse boarding operation. A single driveway leading from Travilah Road provides vehicular access to this site.

There is no forest cover existing on the subject property. A Natural Resources Inventory / Forest Stand Delineation has been submitted to and approved by M-NCPPC (#420221490, approved Oct. 24, 2022). There is a very small area of stream buffer located in the far northwest corner of the property (about 330 sq.ft.). There are no other streams, stream buffers or environmental priority areas located on the subject property. Eighteen specimen trees (30" DBH and larger) have been identified and survey-located on and adjacent to the subject property and are shown on the NRI/FSD.

II. APPLICANT'S PROPOSAL

Attached is a copy of the proposed Preliminary Plan of Subdivision (see E-Plans) showing the proposed lots, houses and driveway locations. Also attached (see E-Plans) is the Preliminary / Final Forest Conservation Plan (#F20230450) showing individual specimen trees to be saved, to be removed and proposed tree mitigation.

III. EXPLANATION FOR THE NEED TO IMPACT THE CRITICAL ROOT ZONES OF FOUR TREES (ALL OFF-SITE) AND REMOVE TEN TREES THAT ARE IDENTIFIED FOR PROTECTION BY STATE LAW

The attached Preliminary / Final Forest Conservation Plan (see E-Plans) indicates the location of the four (4) impacted trees and the ten (10) trees to be removed. The critical root zones of all trees are also shown.

The four impacted trees are as follows:

Tree #100	American Beech	33" DBH	Fair Cond.	95% CRZ Saved
Tree #113	Black Cherry	36" DBH	Good Cond.	96% CRZ Saved
Tree #114	Black Cherry	30" DBH	Good Cond.	99% CRZ Saved
Tree #117	Red Maple	30" DBH	Good Cond.	90% CRZ Saved

The ten trees to be removed are as follows:

Tree #101	Virginia Pine	33" DBH	Fair Cond.	In graded area
Tree #102	Virginia Pine	31" DBH	Good Cond.	In graded area
Tree #103	Virginia Pine	30" DBH	Good Cond.	In graded area
Tree #104	Silver Maple	39" DBH	Good Cond.	In graded area
Tree #105	Silver Maple	36" DBH	Fair Cond.	In graded area
Tree #106	Silver Maple	49" DBH	Good Cond.	In graded area
Tree #107	Silver Maple	50" DBH	Good Cond.	In graded area
Tree #108	Silver Maple	40" DBH	Good Cond.	In graded area
Tree #109	Silver Maple	35" DBH	Good Cond.	In graded area
Tree #110	Silver Maple	48" DBH	Good Cond.	In graded area

Total DBH 391" to be removed.

Mitigation required $391" / 4 = 97.75$: $97.75 / 3"$ cal. Replacement trees = 33 replacement trees required

IV. SATISFACTION OF THE CRITERIA LISTED IN SECTION 22A-21(b) OF THE MONTGOMERY COUNTY CODE

A Chapter 22A variance is required in order to secure approval of the disturbance of fourteen (14) identified trees that are considered priority for retention and protection under the Natural Resources Article of the Maryland Annotated Code and the County

Code. This variance request is submitted pursuant to Section 22A-21 of Chapter 22A of the County Code and Section 5-160© and Section 5-1611 of Title 5 of the Natural Resources Article of the Maryland Annotated Code, (the “Natural Resources Article”).

Under the County Code, Section 22A-21 (b) lists the criteria for the granting of the variance requested herein. The following narrative explains how the requested variance is justified under the set of circumstances described above.

“(1) describe the special conditions peculiar to the property which caused the unwarranted hardship.”

Unwarranted hardship is demonstrated for the purpose of obtaining a Chapter 22A variance when an applicant presents evidence that denial of the variance would deprive the applicant of the reasonable and substantial use of the property. Section 22A-21 of the County Code authorizes the granting of the variance under that chapter when an applicant “shows that enforcement would result in unwarranted hardship.”

Natural Resources Article Section 5-1611 authorizes the Planning Board to grant a forest conservation variance “where owing to special features of a site or other circumstances, implementation of this subtitle would result in unwarranted hardship to the applicant.” Those special features are described below. The phrase “unwarranted hardship” used in both the State Code and the County Code is not defined in either.

In this case, the applicant would suffer unwarranted hardship if disturbance or removal of the designated trees were not allowed. The submitted subdivision plan that proposes dividing the subject property into seven lots under the RE-2 subdivision design zoning standards is clearly within the class of reasonable and substantial uses that justify the approval of a Chapter 22A Variance. If the variance were denied, then the applicant would be precluded from developing the subject property to its highest and best use in accordance with the RE-2 zoning, a right that, in the past, has been commonly enjoyed by owners of similar properties.

The subject property contains 18 specimen trees, 30” DBH and larger, including 8 specimen trees that are off-site, but adjacent to the subject property boundary. The ten on-site trees are randomly scattered throughout the property and impact all seven of the proposed lots. The minimum required lot area in the RE-2 zone is 2.0 acres. The subject property is 16.03 acres in area. The average lot size proposed is 2.003 acres (does not include the area of the proposed public street right-of-way). Several of the proposed lots are exactly 2.0 acres in area. As a result of the configuration of the subject property, provision of a public street right-of-way to provide access / frontage for the lots, and minimum 2-acre lot size, the result is that all seven lots contain specimen trees.

Houses and driveways are sited on lots in a relationship with the proposed public street right-of-way. The proposed house locations are also governed by statutory building restriction lines. House location dictates the location of the driveway to serve the house. Houses and driveways must be properly graded, thus establishing a limit of disturbance (LOD). The LOD may impact some surrounding specimen trees, especially given the fact that specimen trees are widely scattered throughout the subject property. Only trees that fall within the LOD or adjacent to the LOD are scheduled for removal. Disturbance to the trees listed in this variance statement is unavoidable, given the required elements that must be included on each lot.

“(2) Describe how enforcement of these rules will deprive the owner of rights commonly enjoyed by others in similar areas.”

Any alternative subdivision design that would propose seven lots in the RE-2 zone would impact at least a similar number of specimen trees and potentially could impact more trees if a different lot configuration is proposed. Without this variance’s approval, the applicant would be deprived from the ability to, based on the existing RE-2 zoning, implement their plan to subdivide the subject property into seven lots and would thus be deprived of reasonable use of their property that would be available to others. Many similar properties in the subject area of Montgomery County, in the past, were subdivided prior to implementation of the provisions of Section 22A-21 of the Montgomery County Code, without the need for a variance.

“(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.”

In conjunction with its proposed development of the subject property, the applicant has prepared a Stormwater Management Concept Plan and Report. This proposed concept proposes proper measures to protect stormwater quality and quantity that may impact the subject property and surrounding property. The proposed concept complies with current Environmental Site Design to the Maximum Extent Probable stormwater management regulations. A copy of the report was submitted as part of the Preliminary Plan application.

The applicant confirms that the impact on the fourteen affected trees will not cause degradation to water quality associated with development of the proposed subdivision as a result of the granting of the requested variance.

“(4) Provide any other information appropriate to support the request.”

The information set forth above satisfies the criteria to grant the requested variance to allow the proposed development to impact four protected trees and remove ten protected trees as part of this proposed subdivision.

Furthermore, the applicant’s request for a variance complies with the “minimum criteria” of Section 22A-21(d) for the following reasons:

1. The applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant;
2. The configuration of the subject property, regulatory requirements, and the location of the protected trees are not the result of actions by the applicant, since any similar development of the subject property as a RE-2 zoned residential subdivision would encounter the same constraints;
3. The requested variance is not related in any way to a condition on an adjacent, neighboring property; and
4. The impact on the CRZ’s of the four impacted trees and the removal of the ten affected trees will not violate State water quality standards or cause measurable degradation in water quality as evidenced in the attached Stormwater Management Concept report.

Submitted on behalf of the Applicant, Travilah **Road 2022, LLC**

By

Site Solutions, Inc.,

A handwritten signature in black ink, appearing to read "Donald W. Rohrbaugh, II". The signature is written in a cursive style with a long horizontal stroke at the end.

Donald W. Rohrbaugh, II,

MD. R.L.A. #491 (Expires June 2025)

Date: September 6, 2023

Project: 12700 Travilah Road
Preliminary Plan #: 120220120

An adjacent owner/Community meeting was held via Zoom at 7:00 pm on June 14, 2022, to introduce the proposed subdivision plan to adjacent owners and other interested parties as required by Montgomery County Subdivision Regulations. The following people were in attendance:

Jeffrey Lewis, Site Solutions – Engineer for Applicant
Francois Carrier, Bregman, Berbert, Schwartz, & Gilday, LLC- Attorney for Applicant
Dinesh Jain, Classic Homes of Maryland – Applicant
Scott Adashek, Classic Homes of Maryland
Joan Wisnosky
Jaye Younkers
Susan McCune (Could not attend but requested copy of plan which was sent via email)
Howard Friedman
Barbara Hoover
Silvia Daniels

Ms. Carrier opened the meeting, welcomed everyone to the meeting and introduced the applicant and his team. She also briefly described the Preliminary Plan process. Mr. Lewis was introduced as the applicant's engineer. He described the site, its current condition, and the proposal for 7 residential lots on a new public street. A copy of the proposed Preliminary Plan was used as a reference.

Questions from the adjacent neighbors. Questions that were asked:

1. Will there be public water and sewer service? *Yes*
2. How close will new houses be to houses on Brushwood Terrace and what will I see. *Not sure of the exact distance. Hedgerow at property line should remain undisturbed.*
3. What are the plans for landscaping. *That will be looked into more detail as we go through the development process.*
4. What is the time frame for the project? *Ms. Carrier outlined the MNCPPC review process.*
5. Is there a change of zoning proposed? *No, it will remain RE-2, 2-acre minimum lots.*
6. Was there a water and sewer category change? *Yes, it was approved 2-3 months ago.*
7. Will the new homes have gas service? *If gas is readily available, gas will be offered to new homes. Several neighbors pointed out there is gas available in the neighborhood.*
8. Barbara Hoover requested a pdf of plan. *The plan was emailed to her after the meeting.*
9. Who will be the builder? *Classic Homes.*
10. Are there models available to see what houses will look like? *The exact home models have not been selected yet.*
11. Will swimming pools be available? *The homeowner can choose to build a pool.*
12. Who will maintain the fence at the property line? *If the fence is part of the current property, the owner will be responsible for maintenance.*
13. Will new fences be installed for new lots? *That will be a homeowner choice.*
14. Mr. Jain commented that the existing property will be maintained and grass cut during time of plan review and permitting.

There were no more questions, and everyone was thanked for their participation and the meeting concluded at approximately 7:30.