

BRADLEY HILLS - 5315 GOLDSBORO ROAD NO. 620240130 & F20240640

Description

Administrative Subdivision Plan and Final Forest Conservation Plan to create two lots for a single-family detached unit on each lot.



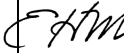
No. 620240130

Completed:
September 27, 2024

MCPB
Item No.
October 10, 2024

2425 Reddie Drive
Floor 14
Wheaton, MD 20902

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LOCATION/ADDRESS

5315 GOLDSBORO ROAD

MASTER PLAN

1990 *Bethesda-Chevy Chase Master Plan*

ZONE

R-90

PROPERTY SIZE

1.05 Acres

APPLICANT

Karka Holdings LLC

ACCEPTANCE DATE

April 3, 2024

REVIEW BASIS

Chapters 50, 59 and 22A

Summary:

- The Administrative Subdivision proposes to demolish the existing home and subdivide one lot into two lots, for a new single-family dwelling on each lot.
- Per Section 50.6.1.C of the Subdivision Ordinance, subdivisions for the creation of up to 3 lots for residential detached houses are permitted to be reviewed administratively; however, under Section 50.6.3.B.2, if relevant objections are received within 30 days, a public hearing and action by the Board is required.
- Written concerns from neighbors object to the subdivision in its entirety and specify concerns enumerated in this report. The Applicant has addressed some of the community concerns with plan revisions and others are addressed by the conditions of approval.
- The Planning Board approved the first extension request to extend the review period from July 2, 2024 to October 3, 2024. The Board also approved a second request to extend the review period from October 3, 2024, to November 3, 2024.
- Staff recommends APPROVAL of the Administrative Subdivision Plan and Forest Conservation Plan with conditions.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

ADMINISTRATIVE SUBDIVISION PLAN NO. 620240130

Staff recommends approval with conditions of the Administrative Subdivision Plan No. 620240130 to create two (2) lots for a single-family detached unit on each lot. All site development elements shown on the latest electronic version of the Administrative Subdivision Plan No.620240130 as of the date of this Staff Report submitted via ePlans to the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) are required except as modified by the following conditions.

GENERAL APPROVAL

1. This Administrative Subdivision is limited to two (2) lots for one (1) single-family dwelling unit on each lot.

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

2. The Adequate Public Facilities (“APF”) review for the Administrative Subdivision Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

PLAN VALIDITY PERIOD

3. The Administrative Subdivision Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Administrative Subdivision Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated September 5, 2024, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant¹ 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 Administrative Subdivision Plan approval.

¹ For purposes of these conditions, the term “Applicant” shall also mean the developer, the owner, or any successors in interest to the property or the terms of this 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 Maryland State Highway Administration ("SHA") in its letter dated September 16, 2024, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letters, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
7. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.
8. 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 July 12, 2024, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated May 31, 2024, 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 Administrative Subdivision Plan approval.

ENVIRONMENT AND NOISE

10. Before the issuance of the first building permit, the Applicant must provide an updated noise analysis report for confirmation by M-NCPPC Staff. The updated analysis must include an acoustical measuring point on the north side of Lot 35 and address a 20-year projection of noise impacts for the overall site.
11. Before the issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that:
 - a) The building shell for any residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn, on Lots 35 and 36 will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
12. If any changes occur to the Administrative Subdivision Plan which affect the validity of the updated noise analysis, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.

13. For all noise impacted residential dwelling units, the Applicant must disclose in writing to all prospective purchasers that those homes are impacted by transportation noise. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents and must be included in any noise impacted sales contracts, any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance of noise impacted units; and by inclusion on all signature subdivision and site plans. A copy of this notification must be provided to the Planning Department prior to the issuance of a Use and Occupancy Certificate or final inspection, whichever is relevant, for any noise impacted residential unit.

TRANSPORTATION

Existing Frontage Improvements

14. Prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MDSHA to ensure construction of a ten-foot wide (10ft) sidepath with a six-foot-wide (6ft) buffer along the entire Property frontage on Goldsboro Road and extending slightly northward into the side of existing off-site driveway apron.

RECORD PLATS

15. Except clearing and grading associated with the demolition of building, utility disconnections and paving, there shall be no clearing or grading of the site prior to recordation of plat(s).
16. The record plat must show necessary easements.
17. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
18. The record plat must reflect the following building restriction lines as shown on the certified Administrative Subdivision Plan:
 - a) A 100-foot BRL for the rear setback of Lot 36.
 - b) A variable width BRL for the north side setback of Lot 35.
19. Before issuance of each building permit the Engineer must certify to Planning Staff that the approved building permit house location conforms to approved setbacks for each lot as shown on the certified Administrative Subdivision Plan and record plat.

Notes and Labels

20. The record plat must reflect all areas under common ownership.

CERTIFIED ADMINISTRATIVE SUBDIVISION PLAN

21. The certified Administrative Subdivision Plan must contain the following notes:

- a. *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Administrative Subdivision Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
 - b. *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Administrative Subdivision Plan is required to be on-site at all times.*
22. Prior to submittal of the Certified Administrative Subdivision Plan, the Applicant must make the following changes:
- a) Show resolutions and approval letters on the certified set.
 - b) Include the approved Fire and Rescue Access plan in the certified set.
 - c) Provide onsite screen plantings along the property line boarding adjacent Lot 11.
 - d) Show the landscape screening plantings on the Administrative Subdivision Plan in addition to the FCP.
 - d) Address phasing and other techniques to minimize potential sediment runoff associated with the retaining wall reconstruction on the south side of Lot 36. Include notes indicating that the wall will be demolished, rebuilt, and stabilized before additional disturbance for new home construction occurs (subject to DPS approval).
 - e) Perform minor corrections/clarifications in coordination with M-NCPPC Planning staff.

FINAL FOREST CONSERVATION PLAN F20240640

Staff recommends approval with conditions of Final Forest Conservation Plan No. F20240640. All applicable elements shown on the latest electronic version of the Final Forest Conservation Plan No. F20240640 as of the date of this Staff Report submitted via ePlans to the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) are required except as modified by the following conditions.

1. 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.

2. 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.
3. 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.
4. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application, the Applicant must:
 - a) 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 screen 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. The use of herbicides should be avoided where possible.
 - b) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the landscape trees, mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.
 - c) Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank to satisfy the afforestation requirement of 0.19 acres of mitigation credit (or amount as determined on the certified FFCP). If no off-site forest banks exist within the Lower Potomac River watershed or Priority Area, then the off-site requirement may be met by purchasing 0.19 acres (or amount as determined on the certified FFCP) of mitigation credits from a mitigation bank within Montgomery County outside of the Lower Potomac River 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 outside of the same watershed or Priority Area.
5. 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 FCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling at least 65 caliper inches, as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
6. The mitigation plantings must be at least five (5) feet away from any property lines, structures, paving, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or their associated easements.

7. Before submittal of the Certified Forest Conservation Plan, the Applicant must make the following changes:
 - a. Update the forest conservation worksheets (and associated notes and figures) to add the offsite LOD to the net tract area.
 - b. Revise tree save plan to show the existing screen trees along the north of Lot 35 and address their preservation.
 - c. Adjust the screen plantings and mitigation tree locations on the plans with respect to locations of the existing trees to remain.
 - d. Perform minor corrections/clarifications in coordination with M-NCPPC Planning Staff.

SECTION 2: SITE DESCRIPTION

VICINITY

The Site is located at 5315 Goldsboro Road, approximately 200 feet southwest of the intersection with Bradley Boulevard.

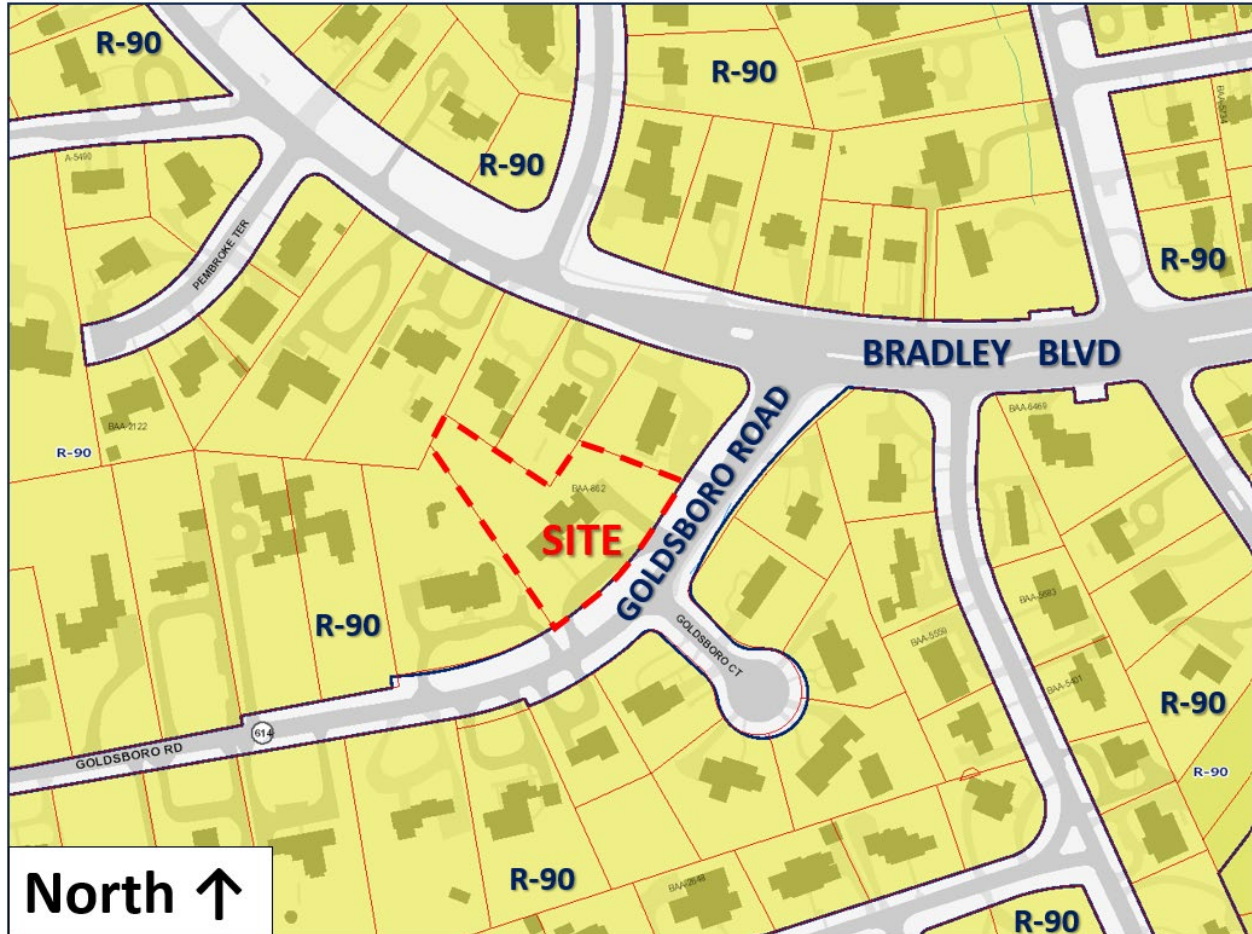


Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The Subject Property (Property or Project) is known as Bradley Hills 1st Addition to Section 2, as recorded in April 1984 on Plat No. Plat 14738 (MNCPPC Number: 552-64). The Subject Property is located approximately 200 feet southwest of the intersection with Bradley Boulevard. The Property consists of approximately 45,670 square feet (1.05 acres), zoned R-90 within the 1990 *Bethesda-Chevy*

Chase Master Plan. As shown below in Figure 2, the Property is currently developed with a single-family house with a horseshoe driveway accessed from Goldsboro Road.

The Property contains several significant and specimen trees but does not include a forest area. The topography at the rear of the Property slopes from the southwest towards the northeast, while the front of the Property gently slopes toward the Goldsboro Road frontage. There are no streams, wetlands or their associated buffers on or near the Subject Property. Furthermore, there are no highly erodible or hydric soils located on or near the Property. The Site is located within the Lower Potomac River watershed which is a Use Class I-P² watershed.



Figure 2 – Subject Property

² Use I-P:

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply, industrial water supply, and use as a public water supply.

SECTION 3: PROJECT DESCRIPTION

PROPOSAL

The Applicant proposes to demolish the existing residence and subdivide the 1.05-acre lot into two lots with a new detached single-family home on each lot. Lot 35 (the northern lot) will contain approximately 15,812 square feet, while Lot 36 (the southern lot) will contain approximately 29,858 square feet. Each lot will have driveway access onto Goldsboro Road in locations generally aligning with the two existing curb cuts. Figure 3 (below) shows the proposed lot configurations with a single-family detached dwelling on each lot, in conformance with the development standards for the R-90 zone. No roadway dedications are required as adequate dedication has already occurred. The Applicant will construct a sidepath and provide a street buffer along the site frontage. The Forest Conservation Plan will protect the neighboring trees and maintain a number of the onsite trees while providing supplemental screen plantings and mitigation tree replacements.

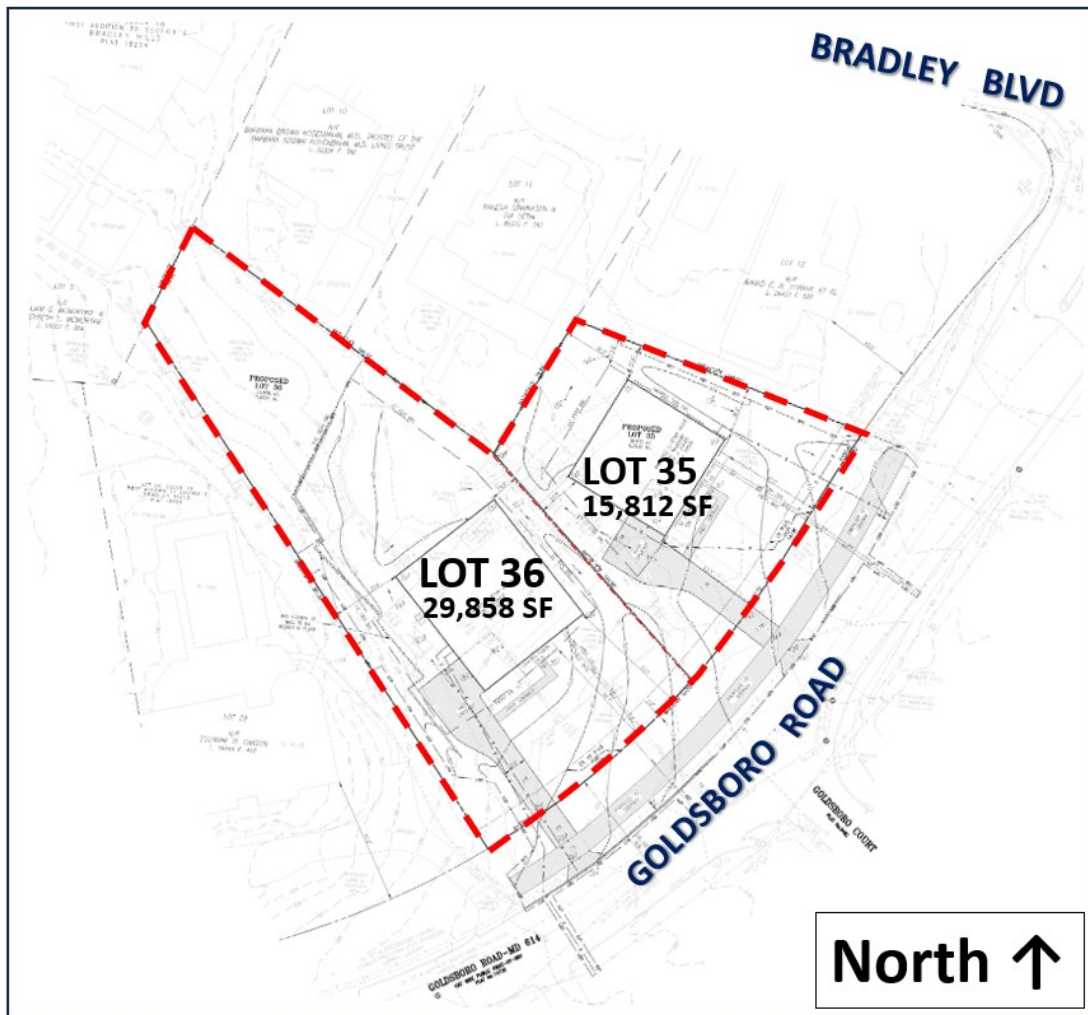


Figure 3 - Proposed Administrative Subdivision Plan

TRANSPORTATION

Each of the two lots will have its own vehicular driveway for access to Goldsboro Road. The Subject Application substantially complies with the 2018 *Bicycle Master Plan* and the 2024 *Complete Streets Design Guide* with the installation of a 10-foot-wide sidepath and six-foot wide street buffer along the site frontage. The full master-planned width of 100 feet has already been dedicated to Goldsboro Road (Plat 14738) and therefore no additional right-of-way dedication is required on behalf of the Applicant.

ENVIRONMENT

The Property contains no forest but does have several significant and specimen trees. The topography at the rear of the Property slopes from the southwest towards the northeast, while the front of the Property gently slopes toward the Goldsboro Road frontage. There are no streams, wetlands or their associated buffers on or near the Subject Property. Furthermore, there are no highly erodible or hydric soils located on or near the Property. The Site is located within the Lower Potomac River watershed which is a Use Class I-P watershed.

The Forest Conservation Plan will protect the neighboring trees adjacent to the Property and maintain a number of the onsite trees while providing supplemental screen plantings and mitigation tree replacements. All the forest conservation worksheet requirements will be addressed by offsite banking or a payment of fee-in-lieu. A variance is requested for specimen tree impacts and removals as discussed in the Forest Conservation Section further below.

NOISE

The Site fronts on Goldsboro Road and is also near Bradley Boulevard with each of these roadways having an Annual Average Daily Traffic (AADT) of > 5,000 to 20,000. Therefore, the site is noise impacted (on multiple sides) and subject to a noise analysis to demonstrate conformance with the 1983 *Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development* (“Noise Guidelines”). The Montgomery County Noise Guidelines stipulate a 65 dBA (A-weighted decibel scale of frequency sensitivity that accounts for the sensitivity of the human ear) Ldn (the average A-weighted sound level during a 24-hour day) maximum noise level for outdoor recreation areas and 45 dBA Ldn for indoor areas.

A noise analysis dated April 30, 2024, was conducted by Hush Acoustics, LLC. As submitted, the analysis indicates that noise impacts measured at 65 dBA Ldn or higher do affect the frontage of the Subject Property. The report concluded that after utilizing standard building construction techniques the resulting interior noise levels would be up to 44.7 dBA Ldn, which is just below the acceptable threshold of 45 dBA Ldn, and that no further mitigation is needed.

However, Staff has identified concerns regarding the noise analysis which may affect the overall conclusion. Therefore, at the time of building permit the Applicant will need to provide an updated noise analysis report for confirmation by M-NCPPC Staff. The Staff concerns are fully addressed by the condition of approval for the updated analysis to include an acoustical measuring point on the north side of Lot 35 and address a 20-year projection of noise impacts for the overall site. Updated levels of noise impacts and any associated noise mitigation techniques would need to be specified as applicable.

SECTION 4: COMMUNITY OUTREACH

A pre-submittal community meeting is not required for an Administrative Subdivision Plan. However, applicants must post signs on the development site and provide written public notice. A notice of the Application was sent to all required parties by the Applicant on April 8, 2024.

Staff received a detailed letter of correspondence on April 18, 2024, which reflected the compiled concerns from the community (Attachment F). Staff provided a detailed point-by-point response to the community on August 1, 2024. The concerns expressed were generally under the following five topics: 1 - property description errors to be reconciled, 2 - general concerns regarding Forest Conservation and mitigation, 3 - limits of disturbance/water drainage/erosion/existing retaining walls, 4 - traffic related safety, and 5 - impact on neighborhood character, privacy, and facilities.

Although the full version of the community letter and Staff's response are found in Attachment F, a summary along with some supplemental information and updates are provided further below. Many of the concerns have been addressed through clarifying information/explanations, plan revisions and/or conditions of approval. However, a few of the concerns were not relevant or were otherwise beyond the scope of the Application.

1- property description errors to be reconciled

The letter expressed concerns regarding discrepancies in the descriptions of the boundaries of the Property as previously recorded versus the current Property description. However, in general, minor discrepancies in survey can occur due to a number of factors relating to increased accuracy of survey methodology throughout the last century. In conducting their work, licensed surveyors use their specialized skills and knowledge to accurately perform boundary surveys. Based on Staff's review, the Property as described by the Licensed Surveyor is satisfactory.

2- general concerns regarding Forest Conservation and mitigation

The neighbors expressed concerns with tree preservation and mitigation tree planting locations and quantities. However, the Forest Conservation and associated tree save plan variance/mitigation submission has been substantially updated/modified since the initial

submission. Among other things, the revised plans have reduced the overall limits of disturbance (LOD) and the associated tree impacts. Additionally, the Applicant has obtained the services of an ISA Certified Arborist to prepare the associated tree save plan. As conditioned, the planting locations will be further adjusted on the plans with respect to locations of the existing trees.

As described in the Forest Conservation Analysis and Findings section further below, the Application, as conditioned, satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and complies with the Montgomery County Planning Department's Environmental Guidelines.

3- limits of disturbance/water drainage/erosion/existing retaining walls

The letter summarized concerns regarding water drainage, localized flooding, and potential erosion along with concerns over the stability of existing retaining walls. The Department of Permitting Services (DPS) is the lead agency on Stormwater Management (SWM), drainage/erosion issues, and the adequacy of retaining walls. Per the July 12, 2024, Stormwater Management Concept Approval memo (Attachment B) the SWM Concept Plan demonstrates that stormwater will be managed by the use of drywells and micro-infiltration trenches. Additionally, the Approval memo indicates a structural analysis of the existing retaining wall must be conducted prior to approval of a sediment control permit for construction on proposed Lot 36, to determine the effects of proposed construction traffic, excavation, stormwater management practices, and any related construction activities on the structural integrity of the wall. The sediment control plan must reflect the recommendations of the structural analysis. Per Administrative Subdivision Condition No. 8, the DPS letter is incorporated into the approval of this Application.

4- traffic related safety

The letter included traffic related safety concerns mainly requesting that the sidepath be extended northwards beyond the Property frontage, where it would connect with the existing sidewalk along Bradley Boulevard. Staff thoroughly considered this comment, as expanding the pedestrian and bicycle network in a way that is both safe and comfortable is a high priority for the County. While it is not a common practice, the Board has in certain circumstances required Applicants to extend the frontage improvements beyond the Site boundaries, up to the closest intersection. In those circumstances, closing the gap is justified because it will connect to either a bus stop or community asset such as a school, park, or commercial center. However, it must also be feasible, meaning there is sufficient right-of-way, and the pathway connection would be unobstructed. In this case there is almost sufficient right-of-way along the property to the north of the Site, but it is insufficient where it would connect to the sidewalk on Bradley. The public right-of-way for this segment of Goldsboro Road is not centered on roadway centerline. Instead, the public right-of-way is wider on the east side of the roadway. The sidepath would connect to an existing sidewalk on Bradley Boulevard. However, the pathway would be obstructed. The Property

to the north of the Site has a stucco wall that is improperly located and non-permitted within the public right-of-way. Additionally, there are some utility poles that would make extending the sidepath and the buffer infeasible. Furthermore, considerable grading and/or new retaining walls would likely be needed. Requiring the Applicant to remove the non-permitted stucco wall would be disproportionate with a two-lot subdivision. For these reasons the Applicant, as conditioned and as shown on the final plan submission will be required to install the sidepath along the entire frontage and extend slightly beyond so that it ties directly to the side of an existing driveway apron. From that point, future connections can be made with ease, should adjacent lots redevelop in the future. Construction of this segment of sidepath (generally fronting the subject property) will also be helpful if future funds are acquired to complete the sidepath as part of a capital improvement project.

5- impact on neighborhood character, privacy, and facilities.

The letter also expressed concerns regarding impact on neighborhood character, privacy and public infrastructure including school capacity. However, since the original plan submission that the community letter was based on, the plans have been significantly modified to provide (among other things) enhanced tree preservation, more restrictive BRLs, and supplemental screen plantings which in combination, will serve to maintain the neighborhood character and address privacy/screening. Overall, the project satisfies the requirements of the zone and there are adequate public facilities to accommodate the net addition of one new residence. Furthermore, based on a meeting with the community held on September 13, 2024, new screen plantings are also conditioned along the property line shared with the neighboring Lot 11 which help to further address some of the concerns expressed.

SECTION 5: ADMINISTRATIVE SUBDIVISION PLAN 620240130 FINDINGS AND ANALYSIS

APPLICABILITY, SECTION 50.6.1 OF THE SUBDIVISION ORDINANCE

The Application meets the criteria for the Administrative Subdivision process per Section 50.6.1.C as demonstrated below:

C) Subdivision for creation of certain residential lots. *Up to 3 lots for detached houses may be created in any residential or rural residential zone under these procedures if:*

1. *The lots are approved for the standard method of development;*

The lots were submitted and are approved for standard method development in the R-90 zone.

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

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

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

No additional right-of-way is necessary as the Master Planned ROW has been achieved. The Applicant will coordinate with County agencies to ensure that any necessary public utility easements are shown on the plat.

4. **The requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat; and**

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations. The Property is located in the Bethesda/Chevy Chase Policy Area, which is categorized as an Orange Policy Area under the 2020 – 2024 Growth and Infrastructure Policy (GIP). As demonstrated in the Applicant’s traffic statement, dated January 22, 2024, the proposed Administrative Subdivision generates fewer than 50 peak-hour person trips and is therefore exempt from Local Area Transportation Review under the GIP without further review. Therefore, roads and transportation facilities are adequate to support the Application.

Overview and Applicable School Test

The FY25 Annual School Test, approved by the Planning Board on June 20, 2024, and effective July 1, 2024, is applicable to this application. The project proposes to demolish the existing single-family home and create two lots for a single-family detached unit on each lot.

School Adequacy Test

The project is served by Bradley Hills ES, Thomas W. Pyle MS and Walt Whitman HS. Based on the FY25 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 1. FY2025 Annual School Test Projections (2028-2029 School Year)

	Program Capacity	Enrollment	%Utilization	Surplus/ Deficit
Bradley Hills ES	686	499	72.7%	+187
Thomas W. Pyle MS	1,498	1,320	88.1%	+178

Walt Whitman HS ³	2,218	2,098	94.6%	+120
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Table 2. FY2025 School Test Results

School	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Bradley Hills ES	No UPP	272	325	428
Thomas W. Pyle MS	No UPP	304	478	703
Walt Whitman HS	No UPP	300	564	897

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 FY25 Annual School Test, Bradley Hills ES, Thomas W. Pyle MS and Walt Whitman HS do not require any UPP as identified in Table 2.

Based on the school capacity analysis performed, using the FY2025 Annual School Test, this Application does not require a Utilization Premium Payment.

As noted above, the Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision. Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

5. *Forest conservation, stormwater management, and environmental protection requirements are satisfied before approval of the plat.*

The Property is subject to Chapter 22A of the County Code. As conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

As described in the Forest Conservation Analysis and Findings section further below, the Application, as conditioned, satisfies all applicable requirements of the Forest

³ Projected enrollment is modified to estimate the impact of the Charles W. Woodward High School Reopening (CIP P651908) and the Northwood HS Addition/Facility Upgrades (CIP P651907), reflecting the scope of the boundary study approved by the Board of Education on March 28, 2023.

Conservation Law, Montgomery County Code, Chapter 22A and complies with the Montgomery County Planning Department's Environmental Guidelines.

Stormwater Management

The Application received approval of a Stormwater Management Concept Plan from the MCDPS, dated July 12, 2024, per Chapter 19 of the County Code. The SWM Concept Plan demonstrates that stormwater will be managed by the use of drywells and micro-infiltration trenches.

There are no additional environmental protection requirements to be met.

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

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

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

The length, width, and shape of the block are consistent with Section 50.4.3.B of the Subdivision Code. The Project is within an existing residential neighborhood with an established street grid. The Application is not proposing to create any new residential blocks.

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

The Administrative Subdivision Plan meets all applicable sections of the Subdivision Code. As conditioned, the associated Lots are appropriate in size, shape, width, and orientation, taking into account the recommendations of the 1990 *Bethesda-Chevy Chase Master Plan*, the existing lot pattern of surrounding properties, and the building type (single-family detached dwelling units) contemplated for the Property.

- c) *The Administrative Subdivision Plan provides for required public sites and adequate open space areas***

The Property was reviewed for compliance with Section 50.4.3.D, "Public Sites and Adequate open space areas" of the Subdivision Code. There are no Master Plan recommendations for public facilities or local recreation requirements for the Subject Property.

- d) *The Lot(s) and Use comply with the basic requirements of Chapter 59***

The lots were reviewed for compliance with the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance. As conditioned the lots will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Table 3.

Table 3- R-90 Development Standards Table

R-90	Required by the Zone	Proposed for Approval	
		Lot 35	Lot 36
Minimum Lot Area	9,000 square feet	15,812 square feet	29,858 square feet
Minimum Lot Width at BRL	75 feet	119 feet (min)	119 feet (min)
Minimum Lot Width at Front Lot Line	25 feet	144 feet (min)	127 feet (min)
Maximum Lot Coverage	30%*	Allowed: 20.188% 3,192 SF * Proposed: 20% 3,159	Allowed: 20% 5,971.6 SF* Proposed: 14% 4,170 SF
Front Setbacks, min.	30 feet or Established Building Line	52 feet* or Established Building Line	57 feet* or Established Building Line
Side Setbacks, abutting Residential, min.	8 feet min./ 25 feet total	Variable/13 feet (> 25 total)	12 feet/13 feet
Rear Setbacks, min.	25 feet	25 feet	100 feet
Maximum Building Height	35 feet	< 35 feet	< 35 feet

* Lots subject to Section 4.4.1.B, Residential Infill Compatibility.

Lot 35 - Lot area equal to or greater than 6,000 SF but less than 16,000 SF:

The max coverage is 30%, less .001% per square foot of lot area exceeding 6,000 SF

$15812 - 6000 = 9812$, $9812 \times 0.001 = 9.812\%$, $30\% - 9.812\% = 20.188\%$, $15,812sf \times 0.20188\% = 3192sf$

Lot 36 - 20% of the lot area for a Lot area equal to or greater than 16,000 SF.

** Lots to be reviewed by DPS at time of building permit for conformance to Section 4.4.1.A, Established Building Line.

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

a) **Land Use**

The Property is located in the “Mid-Bethesda” area of the 1990 *Bethesda-Chevy Chase Master Plan* which is described as a mature, stable area, predominantly zoned R-60 and R-90 with the westernmost portion being zoned R-200. The Master Plan reconfirmed the existing single family detached, low-density residential zoning throughout the Property’s vicinity and recommended a moderate level of development within the mature community. The Application proposes two residential lots (with a net of one additional lot) for a detached house on each lot meeting the development standards of the R-90 zone. Therefore, the Administrative Subdivision Plan substantially conforms to the land use recommendations of Master Plan through

the redevelopment of a property without creating a significant demand increase in public infrastructure and transportation needs. As discussed in findings 6.1.C.4 above, public facilities will be adequate to support and service the area of the subdivision.

b) **Environment**

The Subject Property is not specifically referenced in the *Bethesda-Chevy Chase Master Plan*; however, the Master Plan has numerous general recommendations and major goals that apply to the Project. The Master Plan has extensive language concerning the preservation of natural resources (such as wooded areas and mature trees) throughout the plan area even when located outside of a stream buffer, which among other concerns, could otherwise adversely impact the character of the community. These Master Plan goals are addressed by the Application and recommended conditions of approval in a number of ways, including the tree save plan, and modified Building Restriction Lines (BRLs). In combination these elements will help to maintain vegetative screening and some of the existing trees from potential future impacts in addition to providing new plantings (and control invasive species).

c) **Transportation**

The 2018 *Bicycle Master Plan* recommends separated bike lanes along Goldsboro Road. However, in 2018 the Council approved a preliminary design for Capital Improvement Project P501917 for a segment of Goldsboro Road between MacArthur Boulevard and River Road, which is approximately 4,000 feet west of the Site. The Capital Improvement Project consists of a sidepath along the north side of Goldsboro Road and a sidewalk along the south side, instead of separated bike lanes and sidewalks, as originally envisioned by the master plan. In light of the Council's decision to alter the master-planned bikeway, the Applicant will construct a matching buffered sidepath along the Site frontage with the intention of providing a consistent bicycle and pedestrian facility when the two segments meet in the future.

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

a) Roads and other Transportation Facilities

i. Existing Facilities

Goldsboro Road along the Site frontage is classified as an Area Connector in the 2024 *Complete Streets Design Guide*. The Master Plan envisions a total right-of-way of 100 feet. As shown on Plat 14738, 100 feet has been dedicated to public right-of-way and no further dedication is required. There are no existing sidewalks or bikeways along the site frontage.

ii. Proposed public transportation infrastructure

As conditioned and shown on the final version of the submitted plans the Applicant will construct a 10-foot-wide sidepath with a six-foot-wide vegetated buffer along Goldsboro Road.

iii. Proposed private transportation infrastructure

There is no private transportation infrastructure included in the Subject Application.

b) Local Area Transportation Review (LATR)

The Project is only providing one new unit, for a total of two units, which generate fewer than 50 new person trips in the morning and evening peak hours. As a result, the Application is not subject to the Local Area Transportation Review (LATR).

c) Schools

As previously described in the School Adequacy Test section of the *Findings and Analysis*, based on the school capacity analysis performed, the net addition of one residential home under this Application does not require a Utilization Premium Payment.

d) Other Public Facilities and Services

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

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

As described in the Forest Conservation Analysis and Findings section further below, the Application, as conditioned, satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and complies with the Montgomery County Planning Department's Environmental Guidelines. Staff recommends approval of the Forest Conservation Plan and variance request.

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

The Application received approval of a Stormwater Management Concept Plan from the MCDPS, dated July 12, 2024, per Chapter 19 of the County Code. The SWM Concept Plan

demonstrates that stormwater will be managed by the use of drywells and micro-infiltration trenches.

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

There are no known burial sites on the Property and it is not included in the Montgomery County Cemetery Inventory.

- 7. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.**

No other provisions apply to the Subdivision.

SECTION 6: FOREST CONSERVATION PLAN NO. F20240640 FINDINGS AND ANALYSIS

Environmental Guidelines

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No. 420240740 was approved for the Subject Property on November 22, 2023. The NRI/FSD shows that the Property contains several significant and specimen trees but does not include a forest area. The topography at the rear of the Property slopes from the southwest towards the northeast, while the front of the Property gently slopes toward the Goldsboro Road frontage. There are no streams, wetlands or their associated buffers on or near the Subject Property. Furthermore, there are no highly erodible or hydric soils located on or near the Property. The Site is located within the Lower Potomac River watershed which is a Use Class I-P watershed. There are no known rare, threatened, or endangered species on or near the site; there are no 100-year floodplains or associated BRLs.

Forest Conservation Plan

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code and requires a Forest Conservation Plan. The Applicant has submitted a Final Forest Conservation Plan (“FCP”) F20240640 (Attachment C) concurrently with the Administrative Subdivision. As conditioned, the Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

The Subject Property is zoned R-90 and is assigned a Land Use Category of *High-Density Residential Areas* (“HDR”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 15% and a conservation threshold of 20% of the Net Tract Area.

The tract area for forest conservation purposes includes the 1.05-acre Subject Property plus 0.22 acres of offsite disturbance associated with this Application, for a total net tract area of approximately 1.27 acres. Although some mature trees in the backyard of the Property are expected to remain (based on the variance, LOD and recommended building restriction lines), no forest conservation easements or associated credits are proposed on site due to the small size of the lots and the absence of other environmentally sensitive areas. All the forest conservation worksheet requirements will be addressed by offsite banking or a payment of fee-in-lieu.

The resulting afforestation requirements are 0.19 acres (or amount as determined on the certified FFCP). However, if no off-site forest banks exist within the Lower Potomac River watershed or Priority Watershed, then the off-site requirement may be met by purchasing 0.19 acres of mitigation credits (or amount as determined on the certified FFCP) from a mitigation bank within Montgomery County outside of the Lower Potomac River 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. Conditions of approval are included to ensure the requirements will be fulfilled.

The existing on-site and off-site trees along the property lines serve as a valuable screen between the Subject Property and the neighboring homes. Due to the Proposal’s effects on mature trees and landscape areas, a tree save plan is a requisite part of the Forest Conservation Plan. The existing buffers between the subject property and the nearby houses falls under the Tree Save Plan stipulations under 22A.00.01.08.F.(2) &(3)(b). These regulations require the preservation and/or replacement of specimen trees and tree stands, which are critical for screening reasons. The latest FCP submission addresses the retention of existing screen trees and includes supplemental plantings to maintain/enhance screening as applicable.

Forest Conservation Variance

The Project is subject to Section 22A-12(b)(3) of Montgomery County Forest Conservation Law which 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. This Application is subject to the variance provisions due to impacts to subject trees which are 30 inches or greater DBH.

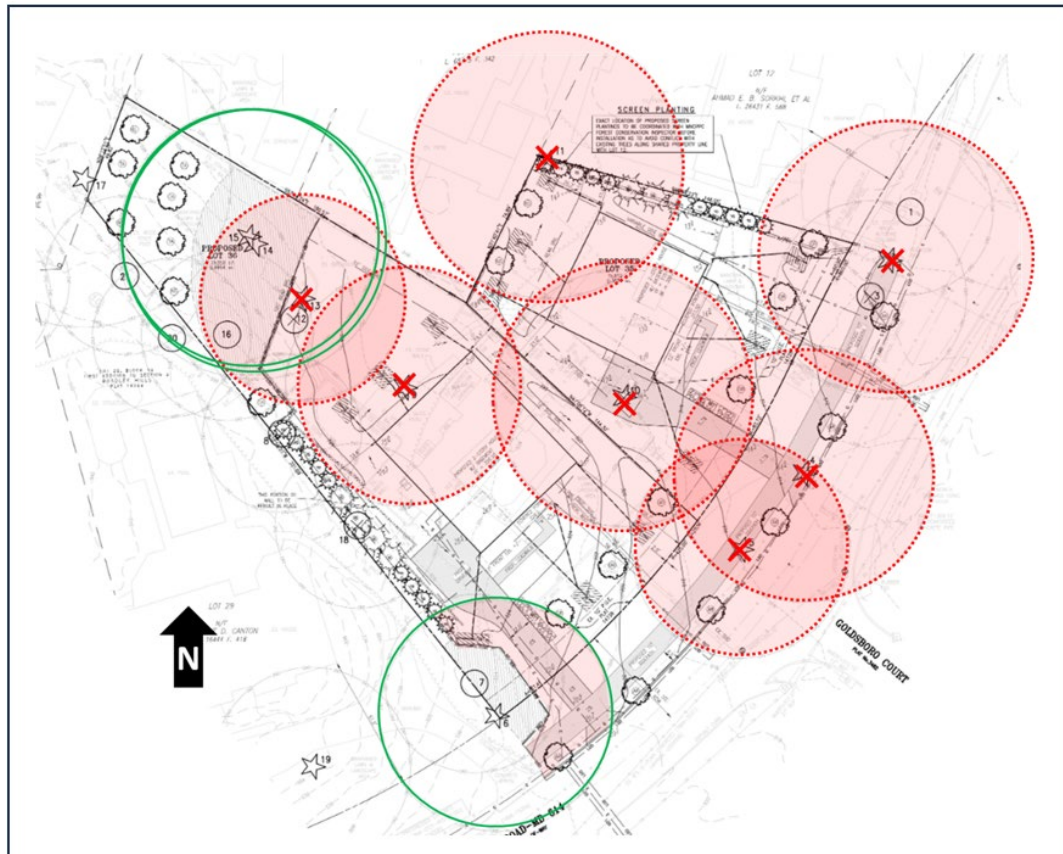


Figure 4 - Variance Exhibit

Variance Request

The Applicant submitted a variance request in a letter dated August 18, 2024 (Attachment D). The Applicant proposes to impact three (3) trees and remove 7 (seven) trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Tables 4 and 5).

Table 4 – Protected Trees to be Impacted

Tree Number	Species	DBH Inches	% CRZ Impacts	Status and Notes
6	Red Maple	35”	35%	Good condition
14	Tulip Tree	41”	16%	Good condition
15	Tulip Tree	39”	14%	Fair condition

Table 5 – Protected Trees to be Removed

Tree Number	Species	DBH Inches	Status and Notes
2	Tulip Tree	42”	Fair condition
4	Sycamore	39”	Fair condition
5	Cherry	33”	Fair condition
9	Sweetgum	36”	Good condition
10	Silver Maple	39”	Fair condition
11	Silver Maple	41”	Poor condition
13	Cherry	31”	Good condition

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be considered if the Planning Board or Planning Director, as appropriate finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship is caused by the necessary layout of the proposed development on the Property, which is dictated by the existing site conditions, development standards of the zone, Montgomery County agency and SHA requirements, and requirements associated with Master Plan objectives. The inability to obtain a variance would preclude the site frontage improvements and implementation of a master planned sidepath. Therefore, there is a sufficient unwarranted hardship to justify a variance request because the Applicant would be denied a reasonable and significant use of the Property for two single-family homes and associated public improvements.

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.

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

- 1. 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 removal and disturbance to the specified trees are due to the development of the Property, location of the trees and necessary site design requirements. The Property contains several large trees located throughout the site and within the ROW along the frontage. Granting a variance to allow disturbance within the developable portion of the site and meet the objectives of the Master Plan is not unique to this Applicant. Granting of this variance is not a special privilege that would be denied to other applicants.

2. *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, including street frontage improvements. Nearly all the site and the associated frontage is encompassed by the critical root zones of subject trees. Therefore, impacts and removals are unavoidable. However, the Applicant has provided measures to preserve subject trees where feasible and has provided appropriate mitigation.

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

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

4. *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. The Application proposes mitigation for the removal of the subject trees by planting larger caliper trees on-site. These trees will replace water quality functions that may be lost by the removed trees. Additionally, the Department of Permitting Services found the proposed stormwater management concept acceptable in their approval letter dated July 12, 2024. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

There are seven Protected Trees proposed for removal in this variance request, resulting in a total of 261 inches DBH being removed. 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 at least 1-inch caliper for every four inches removed using trees that are a minimum of three caliper inches in size. This results in a total mitigation requirement of 65.25 inches of canopy trees which are at least 3-inch caliper and native to the Piedmont Region of Maryland, to be installed on the Property outside of any rights-of-way and outside of any utility easements. The mitigation planting requirements will be addressed by the planting of twenty-two 3-inch caliper trees (totaling 66 inches) as shown on the FCP.



Figure 5 – Mitigation Exhibit

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 these trees. There is some disturbance within the CRZ of three (3) Protected Trees; however, they will receive adequate tree protection measures, their roots will regenerate, and the functions they currently provide will continue. Therefore, no mitigation is recommended for trees that are impacted but retained. As conditioned, the mitigation tree plantings will be protected as part of a 5-year maintenance and management agreement.

The Application satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and complies with the Montgomery County Planning Department's Environmental Guidelines. Staff recommends approval of the Forest Conservation plan and variance request.

SECTION 7: CONCLUSION

The Administrative Subdivision meets the requirements of Section 50.6.3.C and the technical requirements of Section 50.4.3 of the Subdivision Regulations, and the applicable requirements of Section 50.6.1.C. The lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the 1990 *Bethesda-Chevy Chase Master Plan*. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, as justified herein, Staff recommends approval of the Administrative Subdivision Plan, Final Forest Conservation Plan and the associated variance request, as conditioned.

ATTACHMENTS

Attachment A: Administrative Subdivision Plan

Attachment B: Agency Letters

Attachment C: Forest Conservation Plan

Attachment D: Forest Conservation Variance Request

Attachment E: Noise Analysis

Attachment F: Community Correspondence

ADMINISTRATIVE SUBDIVISION PLAN

M-NCP&PC No. 620240130

- GENERAL NOTES**
- STREET ADDRESS: 5315 GOLDSBORO ROAD, BETHESDA MD 20817
 - LOT / BLOCK: LOT 28, BLOCK 10
 - OWNER / APPLICANT: KARKA HOLDINGS, LLC
 - TAX MAP: HN11
 - WSSC GRID: 208W05
 - TOTAL TRACT AREA: 1.05 ACRES / 45,670 SQ. FT.
 - CURRENT ZONE: R-50
 - PLAT: 1503 (01-22-1942)
 - SITE IS LOCATED IN THE LITTLE FALLS BRANCH WATERSHED (USE I-P)
 - LOT IS SERVED BY PUBLIC WATER / PUBLIC SEWER (W/S)
 - TOPOGRAPHY BASED ON FIELD RUN TOPO PERFORMED BY CHARLES P. JOHNSON & ASSOCIATES ON 07-13-2023 AND DELINEATED WITH LIMITS OF CPU TOPO SURVEY ON THIS PLAN. FIELD WORK WAS PERFORMED BY SAM DIMAS, SUPPLEMENTED WITH AVAILABLE GIS TOPO. CONTOURS SHOWN AT 2' INTERVALS.
 - FLOODPLAIN: NONE
 - THE SUBJECT PROPERTY LINES WITHIN FLOOD ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP FOR MONTGOMERY COUNTY, MARYLAND, MAP NO. 240310455D, EFFECTIVE SEPTEMBER 29, 2006.
 - THIS PLAN WAS CREATED WITHOUT THE BENEFIT OF A TITLE REPORT.

LEGEND

BO	EX. BOLLARD	WM	EX. WATER METER
SM	EX. SEWER MANHOLE	FM	EX. FIRE HYDRANT
DM	EX. STORM DRAIN MANHOLE	UM	EX. RED UTILITY MARKING
TM	EX. TELEPHONE MANHOLE	WM	EX. WOOD FENCE
UP	EX. UTILITY POLE	IF	EX. IRON FENCE
GW	EX. GUY WIRE	OW	EX. OVER-HEAD WIRE
LG	EX. LIGHT	AC	EX. AIR CONDITIONER UNIT
EM	EX. ELECTRIC METER	WV	EX. WINDOW WELL
GM	EX. GAS METER	RF	EX. REBAR NO CAP FOUND
SN	EX. SIGN	IP	EX. IRON PIPE FOUND
WV	EX. WATER VALVE	BC	EX. BOUNDARY
ST	EX. SIGNPOST TREE	EC	EX. EXISTING CONTOURS
ST	EX. SPECIMEN TREE	LC	EX. LANDSCAPE BED
SM	EX. SEWER MAIN	PL	PROPOSED LIMITS OF DISTURBANCE
SM	EX. SDC	SH	PROPOSED SEWER HOUSE CONNECTION
WM	EX. WATER MAIN	WC	PROPOSED WATER HOUSE CONNECTION
WM	EX. WMC	GC	PROPOSED GAS CONNECTION
WM	EX. WWC	EC	PROPOSED ELECTRIC CONNECTION
WM	EX. WALL TO BE REBUILT	GD	PROPOSED GRAVEL DRYWELL
WM	PROPOSED RETAINING WALL	SE	PROPOSED SPOT ELEVATION
		SC	PROPOSED SHC 40 PVC 4"
		CO	PROPOSED CONTOUR

OVERALL CONCEPTUAL LIMITS OF DISTURBANCE = 46,152 SF

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 NUMBER : **19199**
 EXPIRATION DATE : **7/16/2025**

Not valid without signature

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARY INFORMATION SHOWN HEREON IS CORRECT AND TAKEN FROM AVAILABLE DEEDS AND RECORDS.

STEVEN W. JONES
 PROFESSIONAL LAND SURVEYOR
 MD # 21072

DATE: **2/8/25**
 EXP. DATE:

UPDATES/REVISIONS:

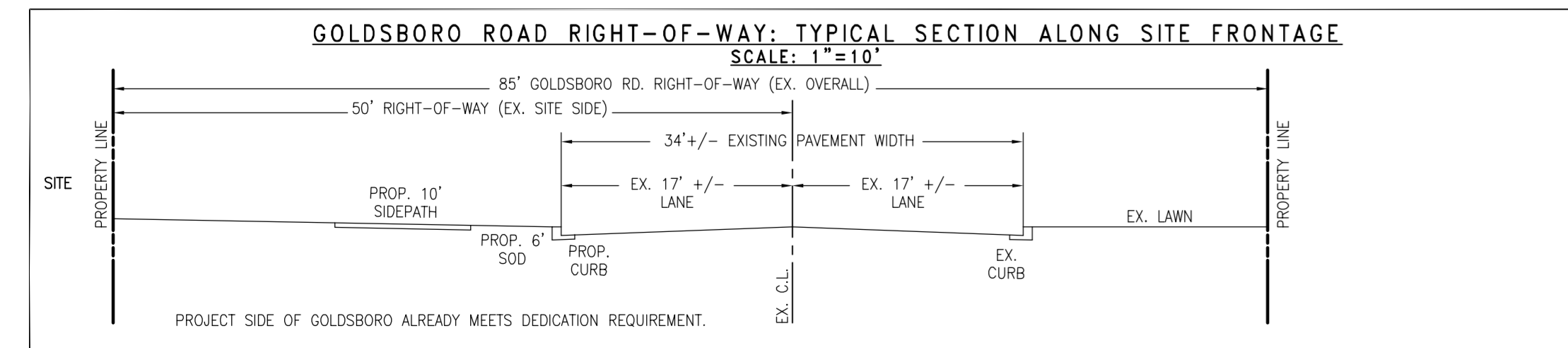
NO.	DATE	DESCRIPTION

SUBDIVISION PLAN
ADMINISTRATIVE SUBDIVISION PLAN
5315 GOLDSBORO ROAD - LOT 28, BLOCK 10
PROPOSED LOTS 35 & 36
BRADLEY HILLS-5315 GOLDSBORO RD
BETHESDA (7th) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

CPJ Charles P. Johnson & Associates, Inc.
 Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
 1751 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394
 www.cpj.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • Greenbelt, MD • Frederick, MD • Fairfax, VA

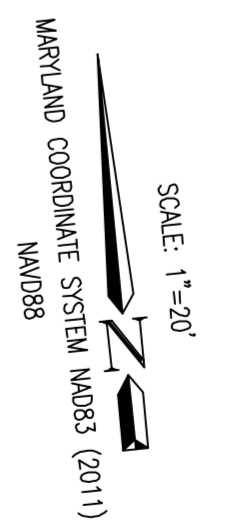
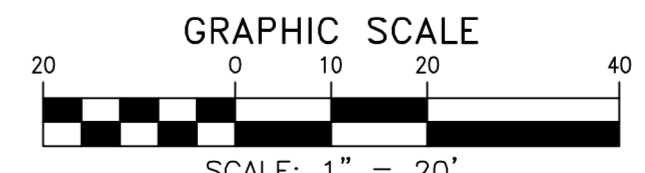
CLIENT: KARKA HOLDINGS, LLC SHE LAURETTA ROAD BETHESDA, MD 20818 ATTN: MS. GARY WALDMAN	WSSC GRID: 208W05 DESIGN: RPI DATE: NOV. 2023	TAX MAP: HN11 SHEET: 4 OF 5 FILE NO: 2023-1128-21
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ADMINISTRATIVE SUBDIVISION PLAN NOTE: Unless explicitly noted on this Administrative Subdivision Plan or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, sidewalks, and other proposed features are for illustrative purposes only. The final locations of the proposed improvements will be determined at the time of building permit issuance. Please refer to the Zoning Data Table for development standards such as setbacks, building restriction lines, building height, and lot coverage. Other site development limitations may be included in the conditions of the planning board or planning staff approvals.



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. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE. CERTIFICATIONS ON THIS SHEET ARE REQUIRED ON ANY PLAN INVOLVING STORMWATER MANAGEMENT. THE STRUCTURAL CERTIFICATION IS REQUIRED FOR UNDERGROUND STORMWATER MANAGEMENT STRUCTURES. WHERE POURED CONCRETE WALLS ARE TO BE UTILIZED, OR ON ANY OTHER STRUCTURE MCDPS DEEMS APPROPRIATE.

M-NCPPC NO.620240130





DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

September 5, 2024

Mr. Marco Fuster, Planner III
The Maryland-National Capital
Park & Planning Commission (M-NCPPC)
2425 Reddie Drive,
Wheaton, MD 20902

RE: Administrative Plan No. 620240130
Bradley Hills – 5315 Goldsboro Road

Dear Mr. Fuster:

We have completed our review of the Administrative Plan uploaded to eplans on August 18, 2024.. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on April 23, 2024. We recommend approval of the plan subject to the following comments:

The subject property is fronting the public street maintained by the Maryland State Highway Administration (MDSHA). Therefore, MCDOT does not have any jurisdiction other than the maintenance of the shared use path. Per Montgomery County Code Chapter 50 Section 4.2, MCDOT shall provide the following recommendations about the subject property per the review of the administrative plan for the attention of the concerned agencies.

Administrative Plan Comments

1. We defer to MDSHA for a final decision on the improvements along Goldsboro Road (MD-614) but have the following comments:
 - a. We recommend connecting to the existing curb and extending it to the western edge of the site frontage, as shown on the plans.
 - b. The plans show a 10-ft wide shared-use path along the site frontage, which the applicant shall construct to comply with the Bicycle Master Plan. On the Certified

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

Plan, show the path extending slightly northward into the side of the existing, off-site driveway apron.

2. **Sight Distance:** We defer to MDSHA for the sight distance at the proposed site entrance.
3. **Storm Drain Analysis:** The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to any downstream, MCDOT maintained storm drain system.

Standard Plan Review Comments

1. All Planning Board Opinions relating to this plan or any subsequent revision, project plans, or site plans should be submitted to the Montgomery County Department of Permitting Services (MCDPS) in the package for record plats, storm drain, grading, paving plans, or application for access permit. Include this letter and all other correspondence from this department.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Engineer for this project at william.whelan@montgomerycountymd.gov or at (240) 777-2173.

Sincerely,

William Whelan

William Whelan, Engineer III
Development Review Team
Office to Transportation Policy

Sharepoint/transportation/director's office/development review/WhelanW/620240130 5315 Goldsboro Road - MCDOT review letter 090524.docx

cc: Sharepoint Correspondence Folder FY'25

cc-e: Rich Ingram CPJ
Katie Mencarini MNCP&PC
Kwesi Woodroffe MDSHA District 3
Sam Farhadi MCDPS RWPR

RE: 620240130: Bradley Hills - 5315 Goldsboro Rd - FINAL Comments Due



Kwesi Woodroffe <KWoodroffe@mdot.r

To ● Fuster, Marco

Cc ● Dickel, Stephanie; ● Mencarini, Katherine

Reply Reply All Forward

Mon 9/16/2024 11:18 AM

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Start your reply all with: [Thank you!](#) [Received, thank you.](#) [Thank you very much!](#) Feedback

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

Marco,

SHA supports the recommendations of planning Staff. An Access Permit will be required for the improvements in the State's right of way. Once detailed engineering plans become available, the Applicant should submit directly to SHA for a comprehensive review as part of the Access Permit process.

Thanks, Kwesi

Right-click or tap and hold here to download pictures. To help protect your privacy, Outlook prevented automatic download of this picture from the...

roads.maryland.gov

Kwesi Woodroffe
Regional Engineer
District 3 Access Management

301.513.7347 office
KWoodroffe@mdot.maryland.gov

Maryland State Highway Administration
9300 Kenilworth Ave, Greenbelt, MD 20770



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

July 12, 2024

Mr. Rich Ingram
Charles P. Johnson & Associates, Inc.
1751 Elton Road, STE. 300
Silver Spring, MD 20903

Re: Revised **COMBINED STORMWATER
MANAGEMENT CONCEPT/SITE
DEVELOPMENT STORMWATER
MANAGEMENT PLAN** for
5315 Goldsboro Road – Proposed Lots 35 & 36
Preliminary Plan: 620240130
SM File #: 290484
Tract Size/Zone: 1.04 ac. / R-90
Total Concept Area: 1.08 ac.
Lots/Block: Proposed Lots 35 & 36, Block 10,
Bradley Hills (Formerly Lot 28, Block 10)
Watershed: Little Falls Branch
Redevelopment (Yes/No): No

Dear Mr. Ingram:

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 the use of dry wells and micro-infiltration trenches.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this project.
3. During detailed design and grading, make sure the micro-infiltration trenches are as level as practical and that they are not receiving concentrated flow. Note that the bottom of the trench must be constructed level.
4. There is an existing stone retaining wall along the common property line between proposed lots 35 and 36, and existing properties located at 5306 and 5310 Bradley Boulevard. In order to comply with Montgomery County Code, Section 19-15, a structural analysis of the existing retaining wall must be conducted prior to approval of a sediment control permit for construction on proposed lot 36, to determine the effects of proposed construction traffic, excavation, stormwater management practices, and any related construction activities on the structural integrity of the wall. The sediment control plan must reflect the recommendations of the structural analysis.



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

Mr. Rich Ingram
July 12, 2024
Page 2 of 2

5. This revised approval letter supersedes the previous approval letter dated February 27, 2024.

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 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 Patrick Fitzgerald at 240-777-6362; Patrick.fitzgerald@montgomerycountymd.gov.

Sincerely,



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

cc: Neil Braunstein
SM File # 290484

Lot 35
ESD: Required/Provided 1,201 cf / 1,202 cf
PE: Target/Achieved: 1.8"/1.8"
STRUCTURAL: N/A
WAIVED: N/A

Lot 36
ESD: Required/Provided 1,174 cf / 1,204 cf
PE: Target/Achieved: 1.6"/1.6"
STRUCTURAL: N/A
WAIVED: N/A



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

DATE: 31-May-24
TO: Rich Ingram - RIngram@cpja.com
Charles P. Johnson & Associates, Inc.
FROM: Marie LaBaw
RE: Bradley Hills - 5315 Goldsboro Rd
620240130

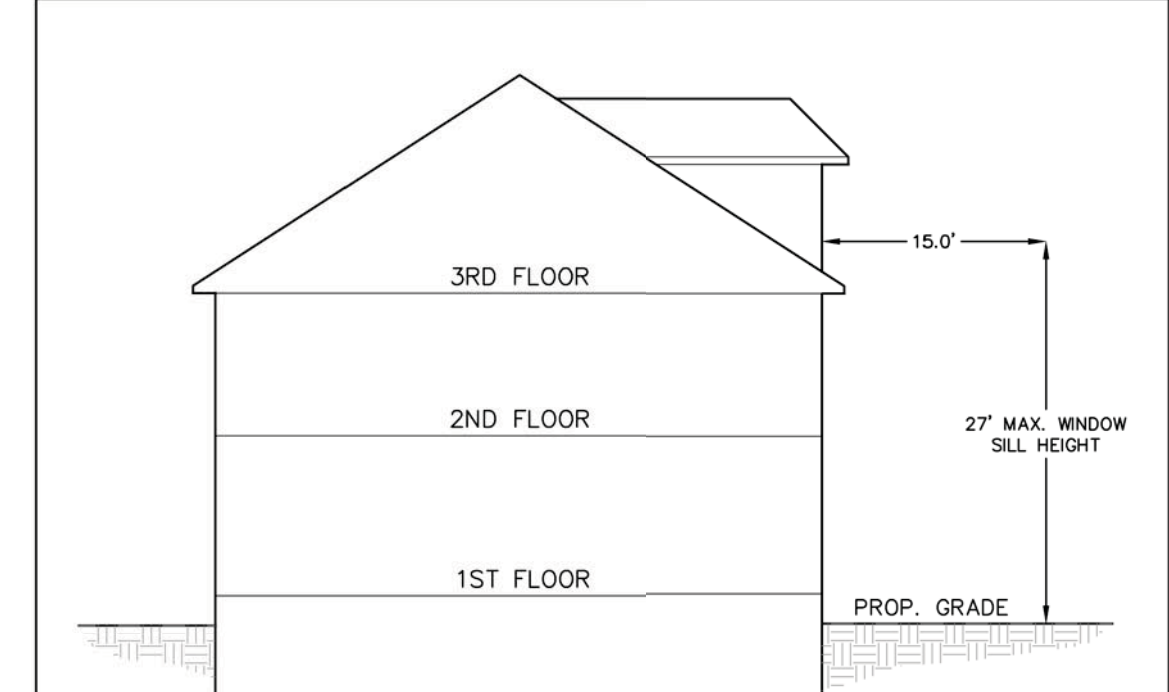
PLAN APPROVED

1. Review based only upon information contained on the plan submitted **30-May-24**. 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.

ADMINISTRATIVE SUBDIVISION PLAN

M-NCP&PC No. 620240130

- GENERAL NOTES**
- STREET ADDRESS: 5315 GOLDSBORO ROAD, BETHESDA MD 20817
 - LOT / BLOCK: LOT 28, BLOCK 10
 - OWNER / APPLICANT: KARKA HOLDINGS, LLC
 - TAX MAP: HN11
 - TAX ID: 07-02383828
 - WSSC GRID: 208W05
 - TOTAL TRACT AREA: 1.04 ACRES / 45,446 SQ. FT.
 - CURRENT ZONE: R-30
 - PLAT: 1503 (01-22-1942)
 - SITE IS LOCATED IN THE LITTLE FALLS BRANCH WATERSHED (USE I-P)
 - LOT IS SERVED BY PUBLIC WATER / PUBLIC SEWER (N1/S1)
 - TOPOGRAPHY BASED ON FIELD RUN TOPO PERFORMED BY CHARLES P. JOHNSON & ASSOCIATES ON 07-13-2023 AND DELINEATED WITH LIMITS OF CPU TOPO SURVEY ON THIS PLAN. FIELD WORK WAS PERFORMED BY SAM DUMAS, SUPPLEMENTED WITH AVAILABLE GIS TOPO. CONTOURS SHOWN AT 2' INTERVALS.
 - FLOODPLAIN: NONE
 - THE SUBJECT PROPERTY LINES WITHIN FLOOD ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP FOR MONTGOMERY COUNTY, MARYLAND, MAP NO. 2403100455D, EFFECTIVE SEPTEMBER 29, 2006.
 - THIS PLAN WAS CREATED WITHOUT THE BENEFIT OF A TITLE REPORT.



*** FIRE HEIGHT RESTRICTED - SINGLE FAMILY DETACHED HOME DETAIL**

- GENERAL NOTES:**
- PROPOSED ONE AND TWO-FAMILY DWELLINGS WITH ANY BRL LESS THAN 15 FEET ARE SUBJECT TO HEIGHT RESTRICTIONS. THE MAXIMUM WINDOW SILL HEIGHT, INCLUDING FALSE DORMERS ON THE 3RD FLOOR (OR UPPER HALF STORY) IS LIMITED TO 27'-0" ABOVE GRADE AS MEASURED 15 FEET FROM FACE OF VEHICULAR ACCESS SIDE OF UNIT.
 - ONE AND TWO-FAMILY DWELLINGS OF THREE (3) STORIES (27' TO HIGHEST SILL, INCLUDING FALSE DORMERS) OR LESS MUST PROVIDE ACCESS TO THE OCCUPIED INTERIOR THROUGH A MAIN SIDE-HINGE DOOR WITHIN 150 FEET OF A FIRE DEPARTMENT ACCESS ROUTE.

FIRE HYDRANT NOTE:
THERE IS AN EXISTING FIRE HYDRANT IN FRONT OF PROPOSED LOT 39. THE FIRE HYDRANT IS 50.2' AWAY FROM PROPOSED LOT LINE.

PROFESSIONAL CERTIFICATION 5/30/2024

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 NUMBER : 19199
EXPIRATION DATE : 07/16/2025

NO valid without signature

UPDATES/REVISIONS:

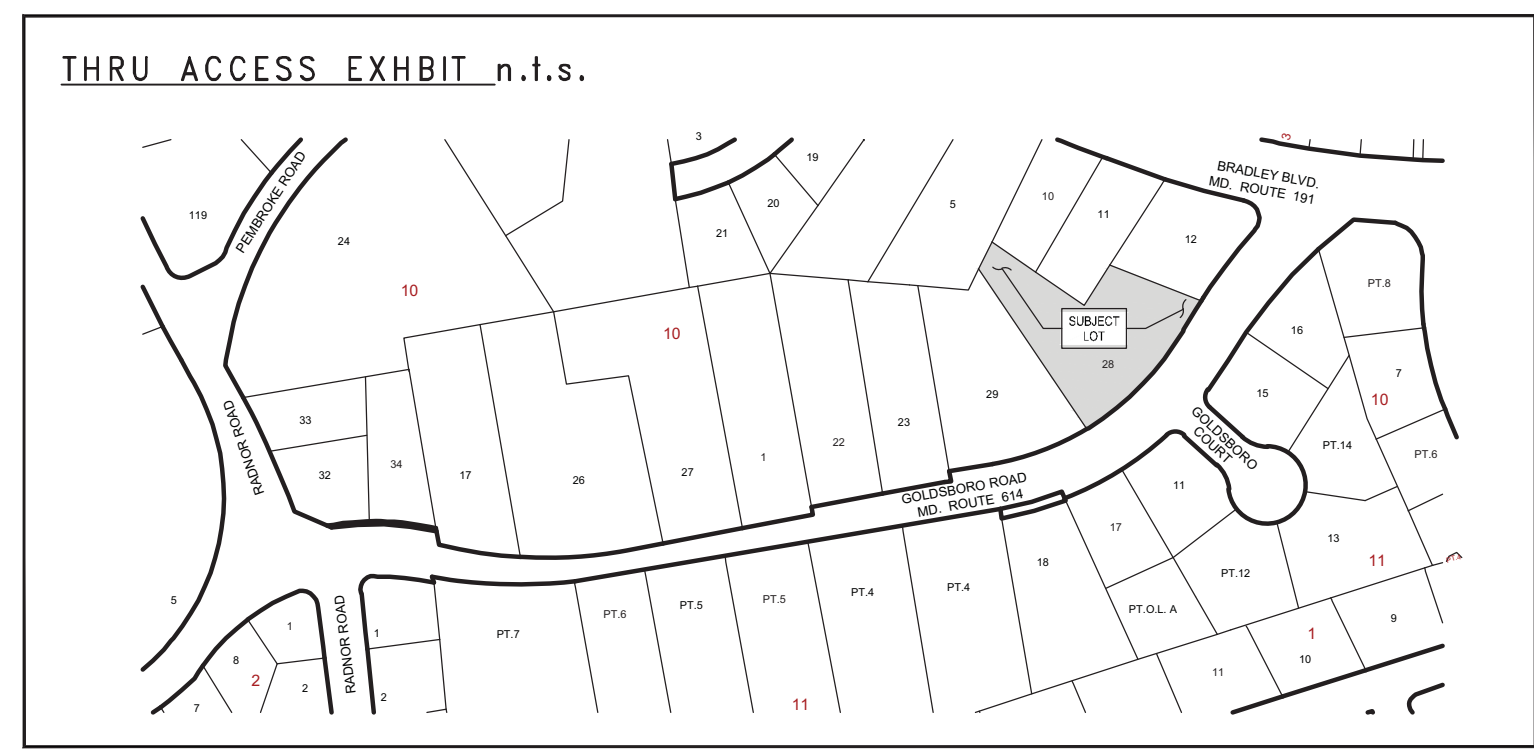
NO.	DATE	DESCRIPTION

FIRE DEPARTMENT ACCESS PLAN
ADMINISTRATIVE SUBDIVISION PLAN
5315 GOLDSBORO ROAD - LOT 28, BLOCK 10
PROPOSED LOTS 35 & 36
BRADLEY HILLS-5315 GOLDSBORO RD
BETHESDA (7th) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

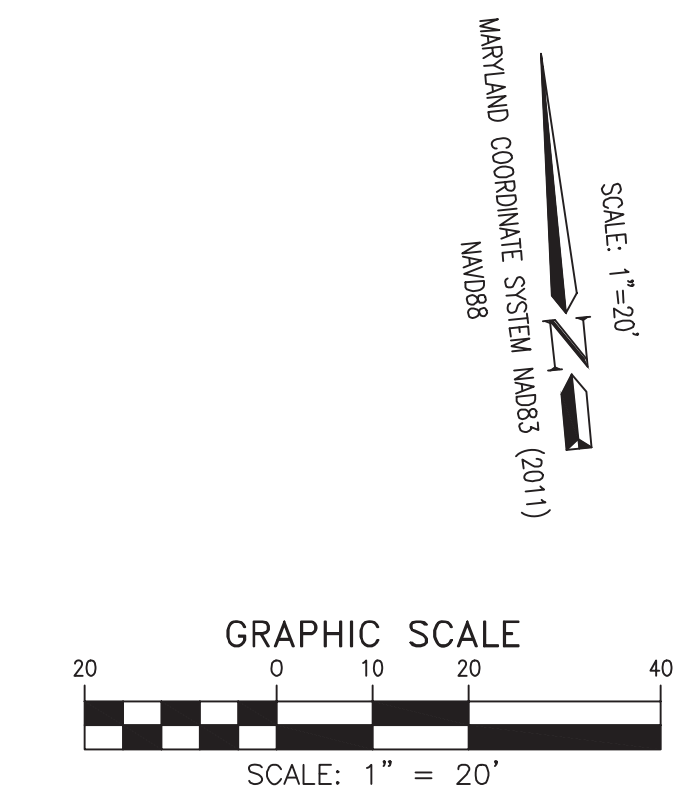
CPJ Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
1751 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394
www.cpja.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • Greenbelt, MD • Frederick, MD • Fairfax, VA

CLIENT:	WSSC GRID:	TAX MAP:
KARKA HOLDINGS, LLC SHE LAMBERTS ROAD BETHESDA, MD 20818 ATTN: MR. GARY WALDMAN	208W05	HN11
DESIGN:	SHEET:	OF:
RPI	5	5
DRAFT:	RPI	
DATE:	NOV. 2023	FILE NO.:
SCALE:	AS NOTED	2023-1128-21

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FIRE CODE ENFORCEMENT
Fire Department Access Review
Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.
By: *SAC* PM: 43 DATE: 5/31/2024



M-NCPPC NO.620240130

ADMINISTRATIVE SUBDIVISION PLAN NOTE: unless explicitly noted on this Administrative Subdivision Plan or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, sidewalks, and other proposed features are for illustrative purposes only. The final locations of the proposed improvements will be determined at the time of building permit issuance. Please refer to the Zoning Data Table for development standards such as setbacks, building restriction lines, building height, and lot coverage. Other site development limitations may be included in the conditions of the planning board or planning staff approvals.

Attachment C: Forest Conservation Plan

FOREST CONSERVATION WORKSHEET
BRADLEY HILLS - 0315 Oatlands Rd #F20240640
VOLUME 1

NET TRACT AREA: 1.05

LAND USE CATEGORY: (From Chapter 22A-3, De Hires) 0.16

EXISTING FOREST COVER: 0.00

BREAK EVEN POINT: 0.00

PROPOSED FOREST CLEARING: 0.00

PLANTING REQUIREMENTS: 0.00

AFFORESTATION REQUIREMENT TO BE MET BY: 0.16

FOREST CONSERVATION WORKSHEET
BRADLEY HILLS - 0315 Oatlands Rd #F20240640
VOLUME 2

NET TRACT AREA: 1.05

LAND USE CATEGORY: (From Chapter 22A-3, De Hires) 0.16

EXISTING FOREST COVER: 0.00

BREAK EVEN POINT: 0.00

PROPOSED FOREST CLEARING: 0.00

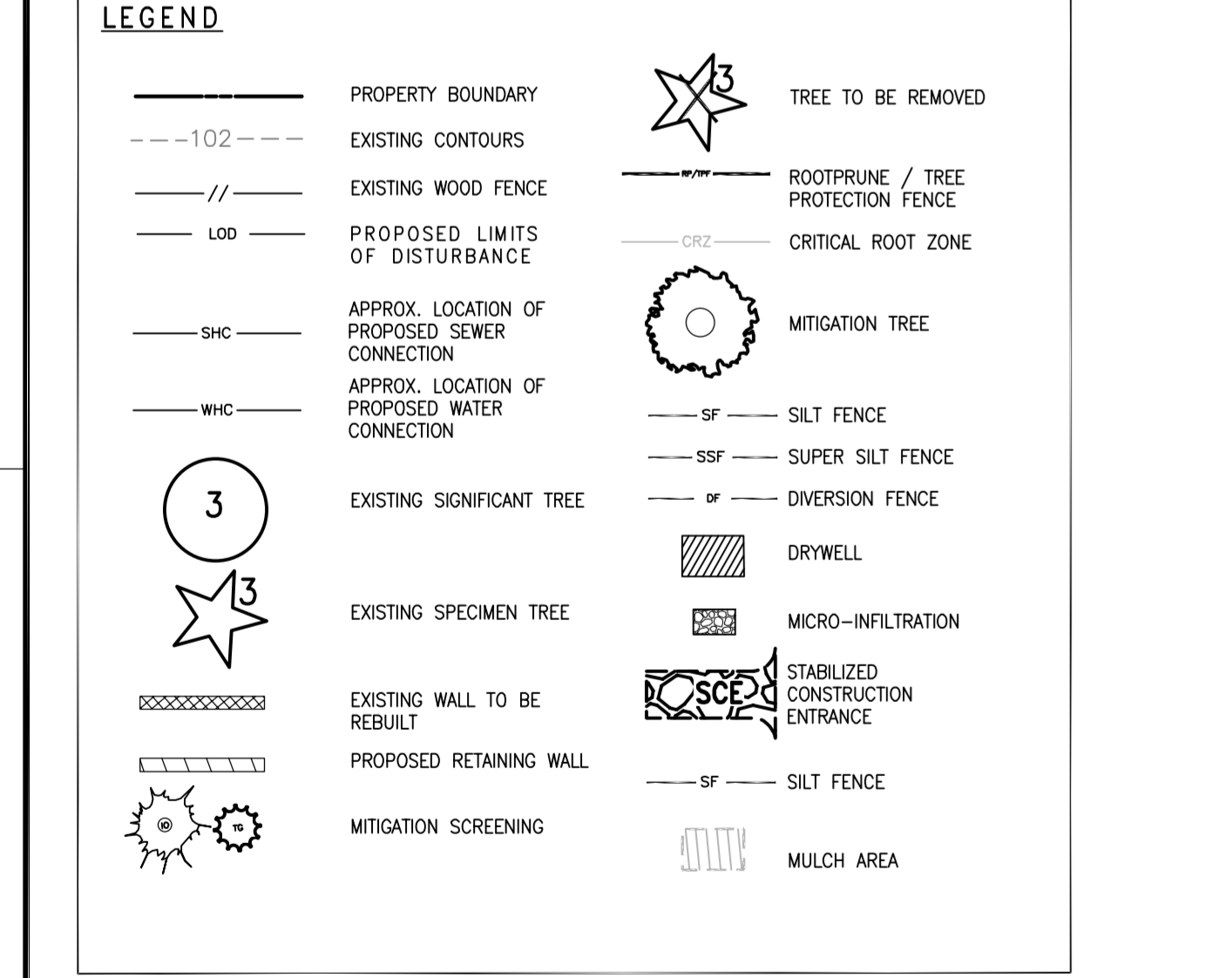
PLANTING REQUIREMENTS: 0.00

AFFORESTATION REQUIREMENT TO BE MET BY: 0.16



SCREENING PLANT SCHEDULE

CODE	CITY	BOTANICAL / COMMON NAME	CONT	SIZE	SPACINGS
EVK	DC	ELAEOPACIA / AMERICAN HOLLY	D 4 D	6'-0" HT.	AS SHOWN
TG	20	THUJA STANDISHII X FLUCATA / GREEN GIANT / GREEN GIANT ARBORVITAE	D 4 D	6'-0" HT.	AS SHOWN



SPECIMEN / SIGNIFICANT TREE LIST

PLAN #	BOTANICAL NAME	COMMON NAME	DBH	HEALTH	COMMENTS	C.R.Z. RADIUS (FT)	C.R.Z. AREA (S.F.)	C.R.Z. AREA DISTURBED	TREE VARIANCE REQUEST
1	Cedrus deodora	Deodar Cedar	25"	Fair	Off-lot / ROW Tree, Stressed, thin crown	27.5	4,417.9	9%	REMOVE
2	Liriodendron tulipifera	Tulip Poplar	42"	Fair	Off-lot / ROW Tree, severe decay	63	12,469	37%	REMOVE
3	Acer rubrum	Red Maple	29"	Poor	Off-lot / ROW Tree, Dead branches in canopy	43.5	5,944.7	53%	REMOVE
4	Platanus occidentalis	Sycamore	39"	Fair	Off-lot / ROW Tree, stressed, anthracnose	58.5	10,751.3	48%	REMOVE
5	Prunus serotina	Black Cherry	33"	Fair	Off-lot / ROW Tree, root damage, trunk hollow	49.5	7,697.7	61%	REMOVE
6	Acer rubrum	Red Maple	35"	Good	Shared lot line tree	52.5	8,169	35%	IMPACT
7	Acer rubrum	Red Maple	27"	Good	Shared lot line tree	40.5	5,153	33%	IMPACT
8	Tsuga canadensis	Eastern Hemlock	24"	Poor	Severe stress, decline, rotational lean toward neighbor	36	4,071.5	27%	REMOVE
9	Liquidambar styraciflua	Sweetgum	36"	Good		54	9,160.9	50%	REMOVE
10	Acer spicatum	Silver Maple	39"	Fair	Condominium crotch at 25' with seam	58.5	10,751.3	100%	REMOVE
11	Acer saccharinum	Silver Maple	41"	Poor	Base rot, severe decay with open cavity	61.5	11,882.3	32%	REMOVE
12	Dead		27"	Dead	Storm damaged tree, top fell	40.5	5,153		
13	Prunus avium	Wild Cherry	31"	Good	Thin crown, stressed, invasive species	46.5	6,793	45%	REMOVE
14	Liriodendron tulipifera	Tulip Poplar	41"	Fair		61.5	11,882.3	16%	IMPACT
15	Liriodendron tulipifera	Tulip Poplar	39"	Fair	Hollow by sound, smooth patches	58.5	10,751.3	14%	IMPACT
16	Acer platanoides	Norway Maple	26"	Good		39	4,778.4	9%	
17	Liriodendron tulipifera	Tulip Poplar	45"	Good		67.5	14,313.9	0%	
18	Tsuga canadensis	Eastern Hemlock	29"	Poor	Severe stress, decline, rotational lean toward neighbor	42	4,417.9	40%	REMOVE
19	Quercus palustris	Pin Oak	30"	Good		45	6,361.7	0%	
20	Prunus serrulata	Flowering Cherry	24"	Good		36	4,071.5	0%	
21	Prunus serotina	Black Cherry	24"	Fair	Off-lot, Damage limbs at top of tree	36	4,071.5	0%	
22	Liriodendron tulipifera	Tulip Poplar	24"	Good		36	4,071.5	0%	
23	Liriodendron tulipifera	Tulip Poplar	24"	Good		36	4,071.5	0%	
24	Liriodendron tulipifera	Tulip Poplar	24"	Good		36	4,071.5	0%	

NOTE: OFF-SITE TREE MEASUREMENTS ARE BASED ON VISUAL FIELD OBSERVATION AND NOT MEASURED WITH D-TAPE DUE TO NOT HAVING ACCESS TO ADJACENT PROPERTIES.

NOTE: THESE PLANS DO NOT REFLECT ALL TREES THAT WILL BE REMOVED. ADDITIONAL TREES LESS THAN 24" DBH NOT SHOWN HEREON BUT WITHIN OR CLOSE TO THE LIMITS OF DISTURBANCE OR IMPACT WILL NEED TO BE CUT AND REMOVED. THESE TREES ARE TO BE IDENTIFIED DURING THE PRE-CONSTRUCTION MEETING.

FCP NOTES

- THE LIMITS OF DISTURBANCE MAY BE ADJUSTED IN THE FIELD TO SAVE ADJACENT TREES.
- ALL TREE PROTECTION AND STRESS REDUCTION MEASURES ARE INTENDED TO BE COMPLETED WITHIN THE LIMITS OF THE PROPERTY.
- ADDITIONAL TREE PROTECTION FENCE OR ROOT PRUNING MAY BE REQUIRED BY THE M-INCPIC FOREST CONSERVATION INSPECTOR AT THE PRE-CONSTRUCTION MEETING PROVIDED THIS TREE PRUNING IS DONE BY A MARYLAND LICENSED TREE EXPERT.

TREE REMOVAL NOTES

TREES DESIGNATED FOR REMOVAL OUTSIDE OF THE LOD ARE TO BE FLUSH CUT TO THE GROUND AND THE STUMP LEFT IN PLACE.

ADDITIONAL HAZARD TREE PRUNING OUTSIDE THE LOD CAN BE APPROVED BY THE M-INCPIC FOREST CONSERVATION INSPECTOR AT THE PRE-CONSTRUCTION MEETING PROVIDED THIS TREE PRUNING IS DONE BY A MARYLAND LICENSED TREE EXPERT.

ADMINISTRATIVE SUBDIVISION PLAN NOTE: Unless explicitly noted on this Administrative Subdivision Plan or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, sidewalks, and other proposed features are for illustrative purposes only. The final locations of the proposed improvements will be determined at the time of building permit issuance. Please refer to the Zoning Data Table for development standards such as setbacks, building restriction lines, building height, and lot coverage. Other site development limitations may be included in the conditions of the planning board or planning staff approvals.

Forest Conservation Data Table

Remainings	Agricultural Use	Forest	Forest Retention	Forest Clearing
Total	100			
Remainings	100			
Forest Retention	0.00	0.00	0.00	0.00
Forest Clearing	0.00	0.00	0.00	0.00

DEVELOPER'S CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AND TAKEN FROM AVAILABLE PLANS AND RECORDS.

DEVELOPER'S NAME: KARMA HOLDINGS, LLC (OWNER)
 PRINTED COMPANY NAME
 CONTACT PERSON OR OWNER: GARY WALDMAN (OWNER)
 PRINTED NAME
 ADDRESS: 5414 LAMBERT ROAD, BETHESDA MD 20814
 PHONE & EMAIL: 704-965-8399 WALDMAN@CDM.COM
 SIGNATURE: _____

LANDSCAPE ARCHITECT CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AND TAKEN FROM AVAILABLE PLANS AND RECORDS.

AMY T. SOMMER
 REGISTERED LANDSCAPE ARCHITECT
 MD #4234
 EXPIRES: 10/20/2025
 DATE: _____
 Seal not valid without signature

UPDATES/REVISIONS:

NO.	DESCRIPTION

PRELIMINARY / FINAL FOREST CONSERVATION PLAN

FINAL FOREST CONSERVATION PLAN #F20240640

5315 GOLDSBORO ROAD - LOT 28, BLOCK 10
 PROPOSED LOTS 35 & 36

BRADLEY HILLS-5315 GOLDSBORO RD

BETHESDA (7th) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

CPJ Charles P. Johnson & Associates, Inc.

Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors

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CLIENT: KARMA HOLDINGS, LLC 5414 LAMBERT ROAD BETHESDA, MD 20814 ATTN: MR. GARY WALDMAN	WSSC GRID: J05/W05	TAX MAP: HENI
DESIGN: RPI	SHEET: 3	OF: 5
DATE: NOV 2023	SCALE: AS NOTED	FILE NO: 2023-1128-22

CPJ Charles P. Johnson & Associates, Inc.

Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors

Silver Spring, MD • Gaithersburg, MD • College Park, MD • Frederick, MD • Fairfax, VA

August 18, 2024

M-NCPPC – Montgomery County Planning Dept.
2425 Reedy Drive, 14th Floor.
Wheaton, MD 20902

**Re: Bradley Hills – 5315 Goldsboro Road
5315 Goldsboro Road, Bethesda MD 20817
Proposed Lots 35 & 36, Block 10, Bradley Hills
Forest Conservation Variance Request
MNCPPC #620240130 & #F20240640**

Dear Planning Area Reviewer:

This letter is intended to serve as the Forest Conservation Variance Request pursuant to Section 22A-21 of the Montgomery County Code. The Preliminary / Final Forest Conservation Plan is attached hereto for your review and approval.

Variance Justification

The applicant, Karka Holdings LLC, is requesting a variance for the impact to, or removal of, ten (10) specimen trees, located on the subject property. The subject property (Lot 28, Block 10) totals 1.05 acres of land. The lot and surrounding areas are zoned R-90 and is bounded by Goldsboro Road and residential properties. Most of the property drains to the north with the remaining draining to Goldsboro Road. There are areas of steep slopes existing on-site. There are no streams, floodplains, wetlands, or associated buffers onsite. There is no forest onsite though there is extensive existing tree canopy. The property does not contain any historic structures nor is on the Masterplan for Historic Preservation. The property is the subject of a pending Administrative Subdivision Plan proposing to subdivide the existing property into two single-family lots.

The following charts indicate the specific amount of root zone disturbance to each of the ten (10) impacted or to be removed specimen trees.

SPECIMEN / VARIANCE TREE LIST

PLAN #	BOTANICAL NAME	COMMON NAME	DBH	HEALTH	COMMENTS	C.R.Z. RADIUS (FT.)	C.R.Z. AREA (S.F.)	C.R.Z. AREA DISTURBED	TREE VARIANCE REQUEST
2	Liriodendron tulipifera	Tulip Poplar	42"	Fair	Off-lot. / ROW Tree, severe decay	63	12,469	31%	REMOVE
4	Platanus occidentalis	Sycamore	39"	Fair	Off-lot. / ROW Tree, stressed, antracnose	58.5	10,751.3	49%	REMOVE
5	Prunus serotina	Black Cherry	33"	Fair	Off-lot. / ROW Tree, root damage, trunk hollow	49.5	7,697.7	61%	REMOVE
6	Acer rubrum	Red Maple	35"	Good	Shared lot line tree	52.5	8,659	35%	IMPACT
9	Liquidambar styraciflua	Sweetgum	36"	Good		54	9,160.9	95%	REMOVE
10	Acer saccharinum	Silver Maple	39"	Fair	Codominant crotch at 25' with seam	58.5	10,751.3	100%	REMOVE
11	Acer saccharinum	Silver Maple	41"	Poor	Base rot, severe decay with open cavity	61.5	11,882.3	32%	REMOVE
13	Prunus avium	Wild Cherry	31"	Good	Thin crown, stressed, invasive species	46.5	6,793	45%	REMOVE
14	Liriodendron tulipifera	Tulip Poplar	41"	Good		61.5	11,882.3	16%	IMPACT
15	Liriodendron tulipifera	Tulip Poplar	39"	Fair	Hollow by sound, smooth patches	58.5	10,751.3	14%	IMPACT

Pursuant to Section 22A-21(b) of the Forest Conservation Law, the Variance request must provide the following:

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and
4. Provide any other information appropriate to support the request.

The Applicant provides the following to address the above criteria:

1. Describe the special conditions peculiar to the property which would cause 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 grant of a variance under that chapter when an applicant "shows that enforcement would result in unwarranted hardship."

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 the dividing of the subject property into two Single-Family residential lots under the R-90 lot design standards is 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 in accordance with its R-90 zoning, a right that, in the past, has been commonly enjoyed by owners of similar properties.

The Property contains ten (10) trees that fall under the definition of a Specimen Tree that are either impacted or being removed with this proposed subdivision. The limits of disturbance have been established to limit the impact to Specimen trees and to allow for the construction of two single-family homes along with the required stormwater management practices and required improvements for frontage as required.

The proposal to develop the lots is in accordance with the existing Residential Zone – 90 Zone (R-90) zone in which a Single-Family dwelling unit is permitted.

The required disturbance will have impacts on trees #2, 4, 5, 6, 9, 10, 11, 13, 14 and 15. Trees 2, 4 & 5 are in the public right of way and will need to be removed for the required frontage improvements which include a pedestrian path. Trees 9 and 10 are within the allowable building envelope and their removal is unavoidable with new development allowed in accordance with Residential Zone- 90 Zone (R-90). Tree 11 is a Silver Maple that is in fair condition and has severe basal decay increasing its risk of failing and causing future property damage. Tree 13 is a Wild Cherry that is in fair condition and has suffered damage when tree 12 failed and caused some bark displacement. This species is listed as an invasive species within the state of Maryland and is therefore recommended for removal and replacement by the arborist.

All the aforementioned trees will need to be removed with the exception of trees 6, 14 and 15. Tree 6 is a shared tree and the limits of disturbance have been coordinated with input from the Arborist so that this tree does not need to be removed. Trees 14 and 15 have minimal disturbance and the limits of disturbance reduced to maximum extent possible and still allow the owner to develop the properties under the R-90 zoning standards. Tree protection measures will be put in place to minimize disturbance to trees that are to remain and will be coordinated with the M-NCPPC Forest Conservation Inspector and the Arborist at time of pre-construction meeting.

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

The inability to disturb or remove the subject trees would prevent this Applicant from developing this site as allowed in the R-90 zone. The existing tree locations and Critical Root Zone provides limited area of construction and grading of the buildable portion of the site. To achieve the desired site layout, grading has been limited to the extent required to allow the landowner rights commonly enjoyed by others in similar areas.

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

The Project will meet all applicable water quality resource protection requirements. The Applicant has obtained approval of a Stormwater Management Concept Plan (SWM) by the Montgomery County Department of Permitting Services (DPS), Water Resources Section. The Project will meet the required water quality treatment and water quantity control needs through use of Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP). Proposed stormwater management quantity control and quality improvement techniques include drywells, micro-infiltration and planter box facilities. Therefore, the impact and removal of the noted trees will not adversely affect water quality in any measurable way.

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 / remove ten (10) specimen trees.

In accordance with Section 22A-21 (d) of the Forest Conservation Law, the following is a description of the minimum criteria necessary for granting a variance. The variance must not be granted if grading the request:

1. *Will confer on the applicant special privilege that would be denied to other applicants.*

The impact or removal of variance trees is unavoidable due to their locations and with respect to the proposed development of the property. It is a property owner's right to make maximum use of any planning and zoning options while still providing the greatest protection of specimen trees. No special privileges have been requested or provided to the applicant.

2. *Is based on conditions or circumstances which result from the actions by the applicant;*

The variance is based upon the R-90 zoning, practical uses on residential lots, site topography, the need for required best management practices for stormwater management and the required frontage improvements.

3. *Is based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property;*

The requested variance is necessitated by the R-90 zoning requirements, site topography, required frontage improvements, required BMP's for stormwater management, necessary grading and reasonable site appurtenances for the use and enjoyment of the property and is not a result of land or building use on a neighboring property.

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

The requested variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed or impacted are not within a stream buffer or special protection area. A Stormwater Management Concept (SWMC) Plan has been submitted to Montgomery County Department of Permitting Services.

Thank you for your consideration of this variance request. If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further.

Sincerely,
Charles P. Johnson & Associates, Inc.

Rich Ingram
Division Head,
Custom Homes Section



9109 CORONADO TERRACE, FAIRFAX, VA 22031
T (703) 534.2790

April 30, 2024

Karka Holdings, LLC
5414 Lambeth Road
Bethesda Md 20815
Attn: Mr. Gary Waldman

Re: 5315 Goldsboro
Traffic Noise Analysis

Gary:

This report summarizes the traffic noise analysis for the 5315 Goldsboro project in Montgomery County, MD.

1. Executive summary

A site survey was performed and sound levels were measured in the locations shown in Figure 2 for two days. Traffic volumes were counted briefly at the beginning and end of the survey. The Traffic Noise Model was used to model existing conditions. The output sound levels compared well to the measured sound levels. A traffic forecast was developed based on historical traffic data and a growth rate provided by the state DOT. The Traffic Noise Model was used to predict future noise levels in outdoor recreation areas and at the facades of residences.

The design goals are to ensure that the Day-Night Average Sound Level (DNL) not exceed 65 dB in usable outdoor areas such as rear side yards, or 45 dB inside residences.

The future DNL will be 54 to 56.2 dB in the loudest points of the rear yards. Since this is 65 dB or lower, there is no need for a noise barrier to meet the county criteria.

The future DNL at the facades of houses will be 64.7 dB or lower. Standard building construction can reduce noise levels 20 to 25 dB. This means that the indoor DNL will be no more than 39.7 to 44.7 dB at the loudest rooms with standard construction. Since this is 45 dB or lower, there is no need for architectural upgrades to meet the county goal.

2. Introduction

Hush Acoustics LLC was contracted by Karka Holdings, LLC to perform sound level measurements on the site, to model future noise levels, and to design noise barriers, as necessary. This analysis was based on the Administrative Subdivision Plan sheet 4 of 5 prepared by Charles P. Johnson & Associates, Inc. dated November 2023, plotted on February 20, 2024. This drawing shows existing conditions such as building and road locations and site elevations, as well as proposed conditions such as proposed house locations and elevations. The site is located along the northwest side of Goldsboro Road just to the southwest of the intersection Bradley Blvd. A vicinity map is included as Figure 1.



Figure 1. Vicinity Map

Per a conversation with Mr. Josh Penn in September 2023, we understand that Montgomery County uses the 1983 Staff Guidelines to evaluate transportation noise impacts for proposed residential land development. The guidelines provide outdoor DNL criteria as a function of both site location and community type, with discretion on which applies per each project. Per Table 2-1 of the guidelines, the DNL goal should be 65 dB along “major highway corridors”, 60 dB in “most areas of the county where suburban densities predominate”, and 55 dB in “permanent rural areas of the county where residential zoning is for five or more acers per dwelling”. Based on Map 2-1 of the guidelines the site is definitely in the 65 dB zone. Although the Staff Guidelines say the noise level goals apply at the building line, from conversations with county staff we learned that they should be evaluated in usable outdoor areas such as rear and sometimes side yards of single-family houses, and common recreation areas such as pools and parks, again with some discretion on what types of areas to evaluate noise levels in. The Montgomery County Staff Guidelines also state that the interior noise guideline is a DNL of 45 dB.

3. Site survey

The purposes of the site survey are as follows:

1. to collect noise level data on the site. Noise level data are useful for the following reasons:
 - a. to validate the noise model
 - b. to determine how the hourly average sound levels compare to the Day-Night Average Sound Levels (DNL). The DNL is the noise metric used by Montgomery County. However, the Traffic Noise Model (TNM) uses the hourly average sound level. For locations mostly impacted by traffic noise, the relationship between the DNL and loudest hour average sound level is relatively constant. The measured sound levels are useful for determining this relationship.
 - c. to identify any significant non-traffic noise sources.
2. to observe traffic conditions such as prevailing speeds, classifications (i.e., percentages of automobiles, trucks, buses, and motorcycles), and directional distributions. Many of these parameters are not well documented in traffic studies. The prevailing speed often differs from the posted speed limit.
3. to observe road conditions such as locations and timing of traffic flow control devices (e.g., traffic signals, stop signs, and toll booths), and the pavement type.
4. to observe site conditions not represented on the site plan such as the presence and height of existing noise barriers along the road right-of-way.

The purpose of the site survey was not to determine how loud it will be at the proposed buildings and rear yards. That is performed using the computerized noise modeling discussed below.

3.1 Sound level measurement procedure

Larson Davis model 831 sound level meters were installed in the locations indicated in Figure 2 from 12:30 pm on Wednesday April 24, 2024, through 12:30 pm on Friday April 26, 2024. The sound level meters were programmed to report average, maximum, and minimum A-weighted sound levels during each one-minute interval. In addition, the meters were programmed to record audio files each time a loud noise event occurred over 80 dBA. The meters were chained to a tree and railing and the microphones were attached to poles 19 feet above the ground.

3.2 Site observations

The site currently has a single-family residence with areas of lawn, and is generally sloping up away from Goldsboro Road. The main noise source on the site is traffic on Goldsboro Road. There is also some sound from traffic on Bradley Blvd, aircraft, and birds.

There is a traffic signal at the intersection of Bradley Blvd and Goldsboro Road. Goldsboro Road has one lane of traffic each direction. Bradley Blvd has one lane of traffic each direction to the west of Goldsboro Road and two lanes each direction to the east of Goldsboro Road.

The posted speed limits are 30 mph each direction on Goldsboro Road, although there are signs to slow to 25 mph at a bend in the road at the site and to 20 mph at the next bend in the road to the west. The

posted speed limits are 30 mph on Bradley Blvd at the site, although to the east of Goldsboro Road it is 25 mph.

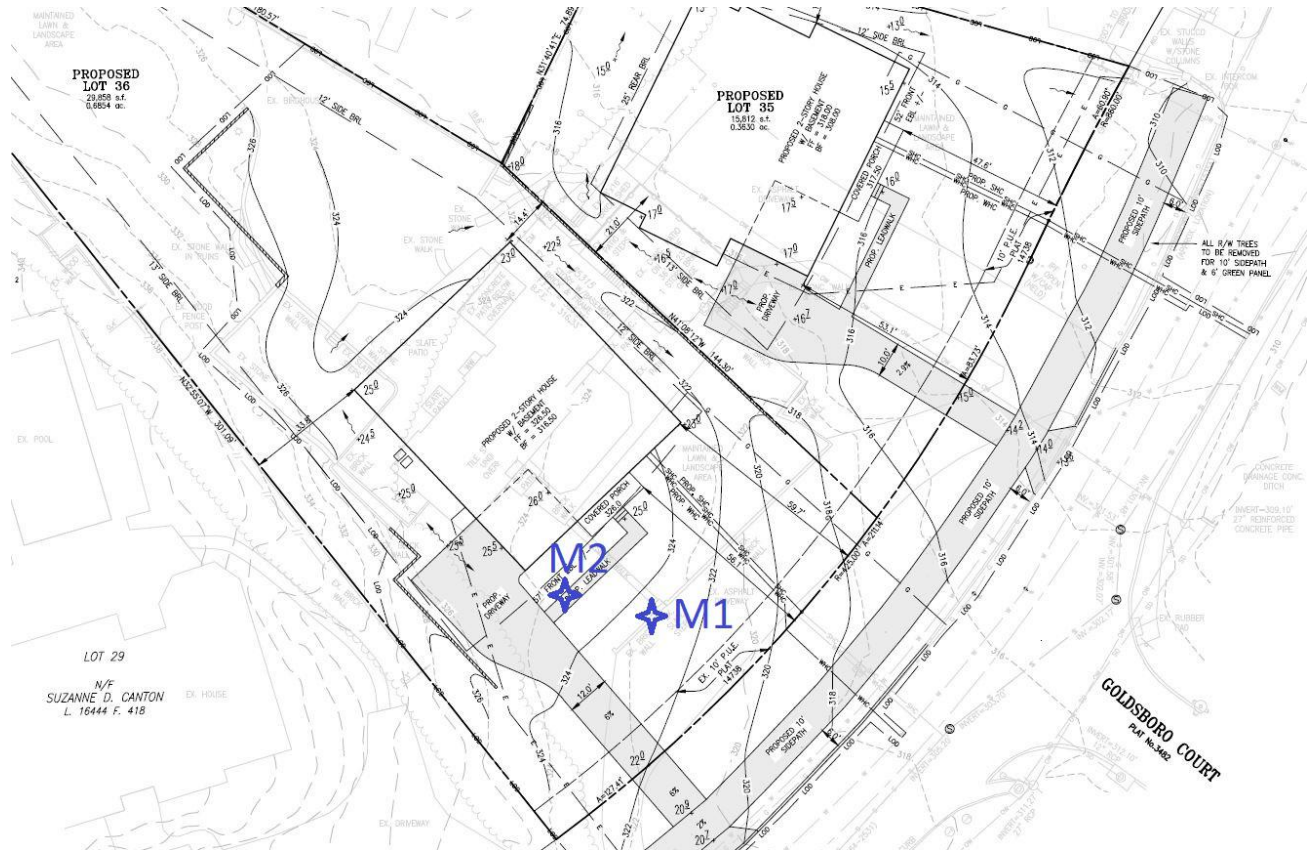


Figure 2. Sound Level Meter Locations

3.3 Measured sound levels

Average sound levels during five-minute intervals were calculated based on the measured one-minute average sound levels. Figure 3 presents the resulting five-minute average sound levels. Hourly average sound levels were calculated based on the five-minute average sound levels. Figure 4 presents the hourly average sound levels. The Day-Night Average Sound Levels (DNL) were calculated for each full calendar day. Table 1 presents the DNL and loudest-hour average sound level, and the difference between the two, for each calendar day.

Sound levels were significantly elevated and audio files were created on 6 occasions, including 4 on April 25. We listened to the audio files for April 25 and determined one was due to a siren. We computed what the loudest-hour average sound level would have been for April 25 without this one siren and included the results in Table 1.

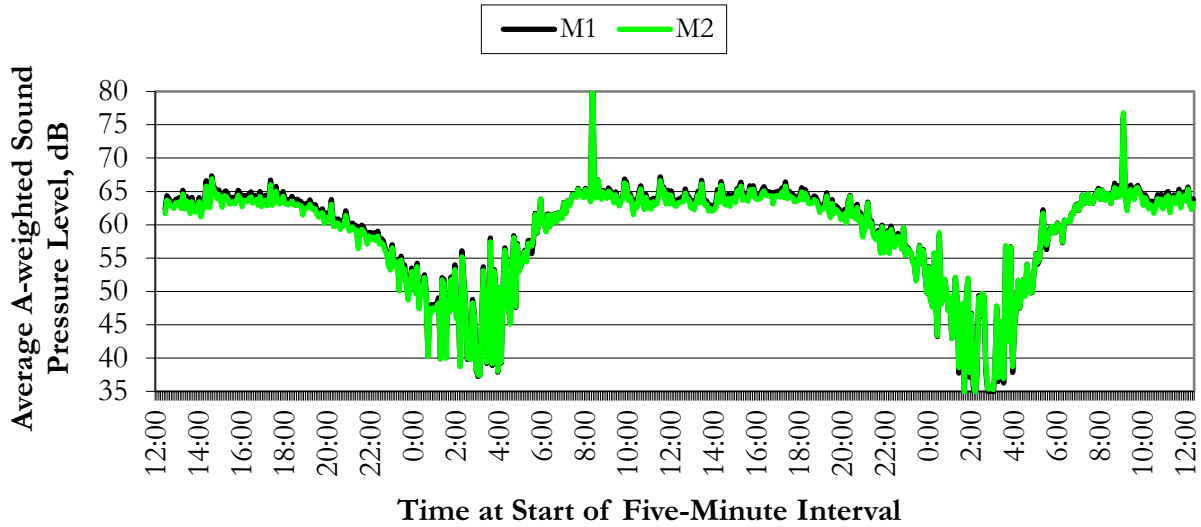


Figure 3. Five-Minute Average Sound Levels

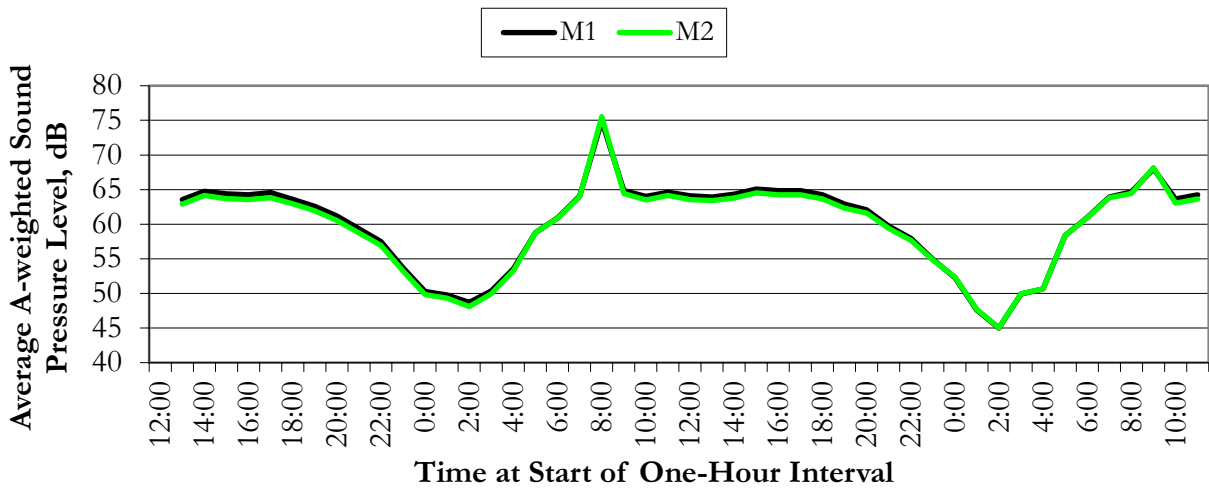


Figure 4. Hourly Average Sound Levels

Table 1. Measured DNL and Loudest-Hour Average Sound Levels, dB

Day, Date	DNL		Loudest-Hour Average Sound Level		DNL Minus Loudest-Hour Average	
	M1	M2	M1	M2	M1	M2
Wednesday, April 24, 2024			64.8	64.2		
Thursday, April 25, 2024	66.3	66.3	74.9	75.5	-8.7	-9.3
Thursday w/o 1 siren			65.3	65.2	1.0	1.1
Friday, April 26, 2024			68	68.2		

3.4 Traffic counts

Traffic volumes were counted during 7- to 10-minute intervals for each direction of traffic on at the start and end of the survey. From these volumes the hourly average traffic volumes were extrapolated. Table 2 presents the extrapolated hourly traffic volumes. Automobiles include pickup trucks, passenger cars hauling trailers, and vans. Medium trucks are six-wheeled cargo vehicles with two axles. Heavy trucks are cargo vehicles with three or more axles. Speeds were determined using a hand-held radar gun. The median speeds for dozens of vehicles are listed in Table 2.

Table 2. Extrapolated Hourly Traffic Volumes and Prevailing Speeds

Day, Date and Time	Lanes	Autos	Medium Trucks	Heavy Trucks	Buses	Motor-cycles	Speed (mph)
Wednesday 4/24/24 12:36-12:46 pm	Bradley NB	384	6	0	0	0	-
	Bradley SB	378	6	0	6	0	31
Wednesday 4/24/24 12:47-12:57 pm	Goldsboro EB	456	0	0	0	0	31
	Goldsboro WB	348	12	0	0	0	29
Friday 4/26/24 12:07-12:17 pm	Bradley NB	378	6	0	6	6	-
	Bradley SB	432	6	0	0	0	-
Friday 4/26/24 12:18-12:25 pm	Goldsboro EB	454	17	0	0	9	-
	Goldsboro WB	369	9	0	9	0	-

3.5 Weather

Weather can affect both the propagation of sound from a roadway, as well as produce sound by rustling leaves or causing wind or rain noise at the microphone. For these reasons, weather conditions were documented during the survey. Hourly weather information was obtained from the National Weather Service for Ronald Reagan Washington National Airport. The following precipitation and wind faster than 10 mph were noted:

- During traffic counts on Friday 4/26: wind from the E at 9-15 mph
- April 26: wind from the E to ESE at 12-16 mph at 11:35-12:15 pm
- April 25: wind from the N to NE at 8-15 mph from 12 am to 11:30 am
- April 24: wind from the N at 9-14 mph from 10:40 pm to 11:59 pm
- April 24: wind from the NW to N at 10-20 mph at 1 to 8 pm
- During traffic counts on Wednesday 4/24: wind from the NW to WNW at 10-17 mph

4. Outdoor noise modeling

4.1 TNM overview

In the United States, roadway traffic noise levels are typically analyzed using the Federal Highway Administration's (FHWA) Traffic Noise Model (TNM). The current version is 2.5. The output from TNM is the hourly average sound level at the receivers. The program allows input of the following information:

- Coordinates of selected points along the road centerlines
- Pavement width and type
- Hourly volumes and speeds of autos, medium trucks, heavy trucks, buses, and motorcycles for each road segment
- Locations of traffic flow control devices such as stop signs, traffic signals, and toll booths at the start of roads
- Coordinates and heights of evaluation points (receivers)
- Coordinates of ground elevations in selected locations (terrain lines)
- Coordinates of existing and proposed objects that shield the site such as noise walls and buildings (barriers)
- The default ground type, and coordinates and ground material in selected locations (ground zones)

4.2 TNM validation

The traffic volumes and speeds presented in Table 2 were input into TNM. This TNM run is called the validation run. Following is a summary of included parameters:

- Receivers were included at the measurement locations.
- Each direction of travel of Goldsboro Road was modeled as a road in TNM.
- Each direction of travel of Bradley Blvd was modeled as a road in TNM.
- A signal flow control device was added for WB Goldsboro Road with 100% of traffic accelerating from a stop at Bradley Blvd.
- A signal flow control device was added for each direction of Bradley Blvd with 40% of traffic accelerating from a stop at Goldsboro Road.
- Per FHWA guidance, the pavement was modeled as “Average.”
- The default ground type was lawn.
- Barriers representing the existing house on the site as well as surrounding houses in the vicinity were included.
- A pavement ground zone was added for the large driveway on the site.

The output sound levels were then compared to the sound levels measured during the traffic counts. After an initial run it was noted that the sound level output from TNM was lower than measured. To make the output better match, we increased the speed to 35 mph each direction on both Bradley Blvd and Goldsboro Road. Table 3 presents this final comparison.

Table 3. Comparison of TNM Validation Run Output and Measured Sound Levels, dBA

	M1	M2
Measured During Traffic Counts on April 24	63.2	62.7
TNM for April 24	62.5	61.8
TNM Minus Measured for April 24	-0.7	-0.9
Measured During Traffic Counts on April 26	63.7	63.0
TNM for April 26	63.4	62.6
TNM Minus Measured for April 26	-0.3	-0.4

It can be seen from Table 3 that TNM was accurate, producing sound levels between 0.3 and 0.9 dBA less than were measured. This level of agreement between the modeled and measured sound levels is within the accepted level of accuracy of TNM which is +/- 3 dBA.

4.3 Future traffic conditions

In an email on April 30, 2024, a representative of the Maryland Department of Transportation (MDOT) stated that the annual growth rate for both Goldsboro Road and Bradley Blvd is 0.3%.

The following historical traffic data were obtained from the MDOT website:

- A classified 48-hour traffic count on Goldsboro Road on April 19-20, 2023
- A classified 48-hour traffic count on Bradley Blvd on May 8-9, 2018

It was not clear which hour of the Goldsboro data would generate the highest noise levels since some hours have more traffic overall while other hours have a higher percentage of trucks. TNM was run representing each hour using the 2023 Goldsboro Road data to determine which hour of the day generates the highest sound levels. We determined that the loudest hour will be 3-4 pm, when there were the most trucks. During this hour there were 500 autos, 14 medium trucks, 1 heavy truck, 0 buses, and 2 motorcycles on Goldsboro EB, and 557 autos, 11 medium trucks, 2 heavy trucks, 1 bus, and 1 motorcycle on Goldsboro WB. During this 3-4 pm hour on Bradley Blvd there were 420 autos, 15 medium trucks, 7 heavy trucks, 5 buses, and 2 motorcycles southbound, and 483 autos, 19 medium trucks, 4 heavy trucks, 2 buses, and 2 motorcycles northbound.

We then applied the MDOT growth rate of 0.3% from 2018/2023 to 2040 (yielding a total growth of 5.2% from 2023 and 6.8% from 2018). The resulting forecast traffic volumes are presented in Table 4. It can be seen from Tables 2 and 4 that the forecast traffic volumes are much higher than those observed during the site visits.

Table 4. Year 2040 Loudest-Hour Traffic Volumes

Lanes	Autos	Medium Trucks	Heavy Trucks	Buses	Motor-cycles	Prevailing Speed (mph)
Bradley NB	516	20	4	2	2	35
Bradley SB	449	16	7	5	3	35
Goldsboro EB	526	15	1	0	2	35
Goldsboro WB	586	12	2	1	1	35

4.4 Future traffic noise modeling

TNM was run using the traffic volumes and speeds presented in Table 4. All parameters from the validation run were retained with only the following changes:

- The barrier representing the existing house was removed
- Barriers representing each of the two proposed houses were added
- Receivers were added at various locations on the site 5 feet high to locate noise contours

- Receivers were added at the facades of the proposed house at the tops of windows on each floor
- The pavement ground zone at the large existing driveway was removed
- Terrain lines were added at the top and bottom of each of the proposed two retaining walls

4.5 Future outdoor traffic noise levels

It can be seen from Table 1 that the total DNL including the siren was between 0.9 and 1.1 dB higher than the loudest-hour average sound level due to normal traffic. The future loudest-hour average sound levels due to normal traffic were output from TNM. To be conservative, we assumed that in the year 2040 the DNL would be 3 dB greater than the loudest-hour average sound level. This assumption is equivalent to assuming that a higher percentage of traffic would travel at night (between 10 p.m. and 7 a.m.) than presently do, or there would be more sirens. The resulting year 2040 DNL are presented in Figures 5 and 6.

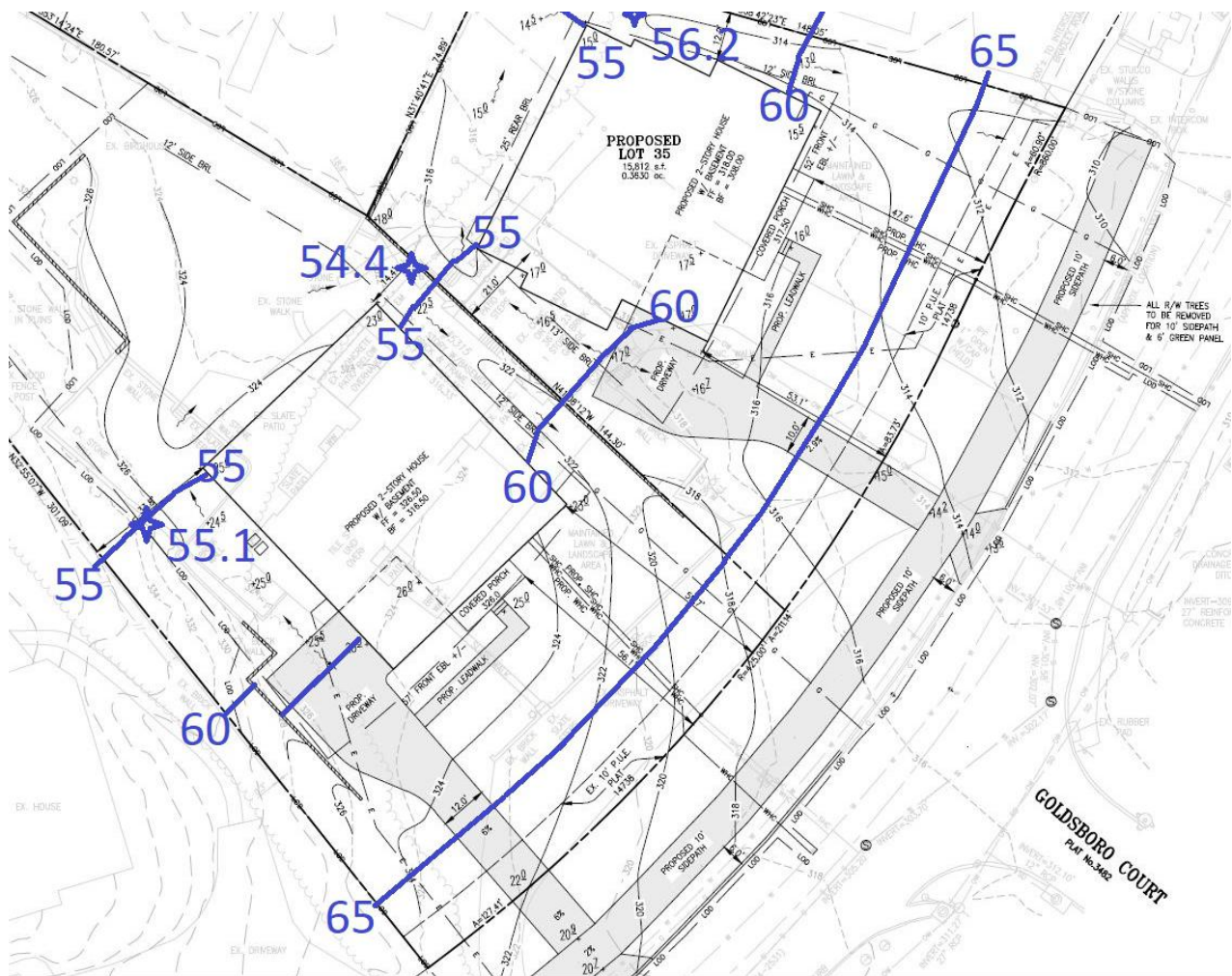


Figure 5. Year 2040 DNL, dB, Five Feet High

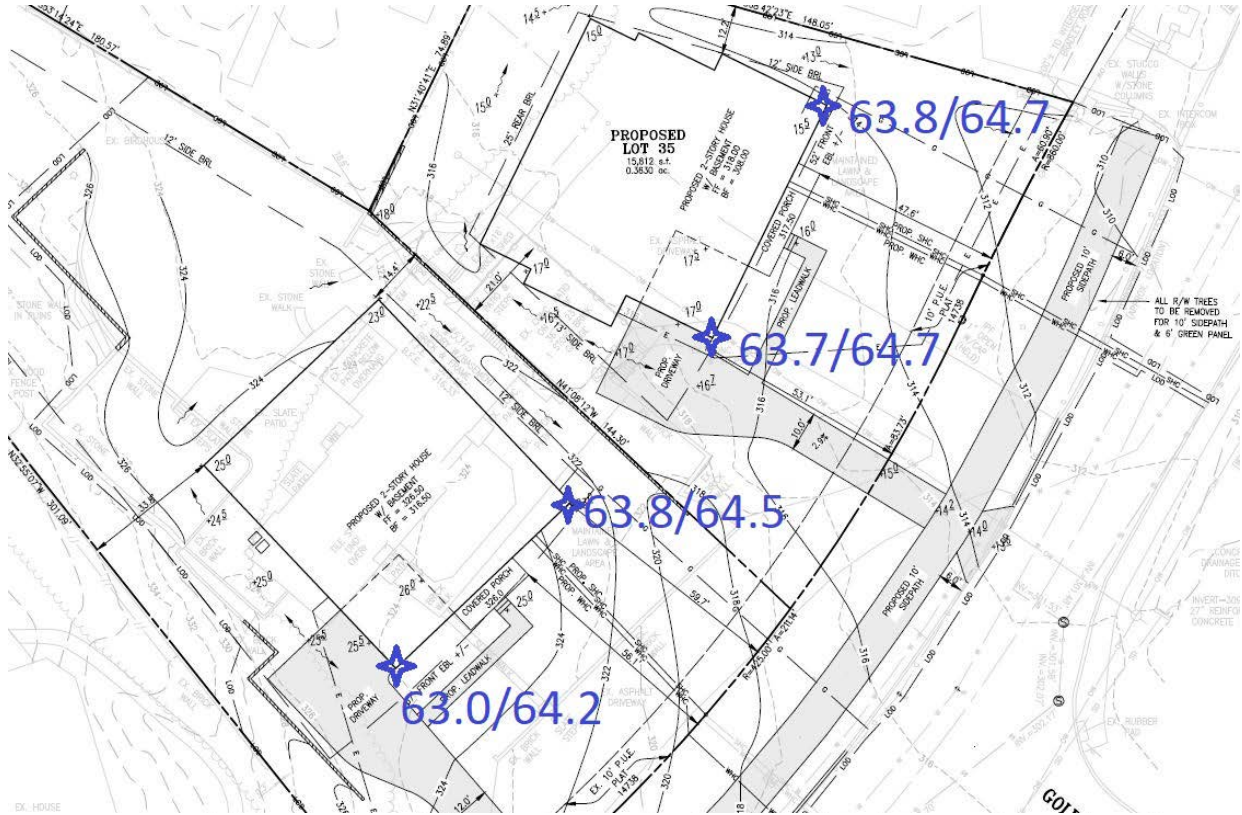


Figure 6. Year 2040 DNL, dB, at Facades of Residences on 1st/2nd Floor

It can be seen from Figure 5 that the DNL will not exceed the Montgomery County limit of 65 dB in either rear yard. The DNL will be 54.4 to 56.2 dB in the loudest points of the rear yards. Therefore, there is no need for a noise barrier to meet the county criteria.

It can be seen from Figure 6 that the DNL at the facades of houses will be 64.7 dB or lower. Standard building construction can reduce noise levels 20 to 25 dB. This means that the indoor DNL will be no more than 39.7 to 44.7 dB with standard construction. Since this is 45 dB or lower, there is no need for architectural upgrades to meet the county goal.

If you have any questions, please contact me at 703/534-2790 or via e-mail at Gary@HushAcoustics.com.

Sincerely,

Gary Ehrlich

Gary Ehrlich, P.E.
Principal



**NEW DEVELOPMENT PLAN TO BE CONSIDERED BY THE
MONTGOMERY COUNTY PLANNING DEPARTMENT**

RESPONSE TO APPLICATION

The below referenced plan application has been filed with the Montgomery County Planning Board and is being reviewed under the provisions of the Montgomery County (“MCO”) Code and according to the administrative procedures outlined by the regulations for Chapter 50 and 59 at COMCOR 50/59.00.01.

Application Number: 520230240

Name of Application: 1st Addition, Section 2, Bradley Hills

Plan Number: 620240130

Name of Plan: Bradley Hills – 5315 Goldsboro Road

Site Location: 5315 Goldsboro Road, Bethesda md 20817

Lot Size: 45,446 (1.04 acre)

Current Zone: R-90

Applicant/Owner: Karka Holdings, LLC (Gary Waldman, Manager)

Developer/Engineer/Architect Contact: Charles P. Johnson & Assoc., Inc. (Rich Ingram, lead)

The following submission of **Public Comment** is on behalf of the **Goldsboro Residents Group** consisting of members adjacent to and proximal to the proposed development (Appendix 1).

To state outright, the subdivision of the existing 1.04 acre property into two approximately 1/3 and 2/3 acre parcels, each with a proposed single family dwelling is completely out of character from the Goldsboro Rd. homes and adjacent residential properties, each with considerable setbacks, privacy and consequent property value. And while we object to the subdivision in its entirety, **we still find significant, unidentified and/or unresolved issues with the proposed plan, detailed herein.**

Project Detail Background (from applicant)

The subject property is located at 5315 Goldsboro Rd., Bethesda, MD 20817, which lies within the limits of the Bethesda Chevy Chase Master Plan area on Lot 28, Block 10. The property is approximately 1.04 acres or 45,446 square feet and is located on Tax Map HN11, and WSSC Grid 208NW05. The property is recorded among the land records of Montgomery County, Maryland on plat 14738. There is an existing single family dwelling unit located on the property with other site amenities. The property fronts on Goldsboro Rd..

The property is bounded by single family dwelling units to the North, East & West. The property slopes down from Northwest to Southeast with some areas of steep slopes. There are eight (8) significant/specimen trees located throughout the subject property with others on adjacent lots. The property is served by public water and sewer. There are no environmental sensitive features such as

floodplains, floodplain buffers, wetlands, streams, or stream buffers on site (*statement of the applicant subject to County review*).

The current zone for this property is R-90, which has a minimum lot size of 9,000 square feet. **The proposed development of the subject property consists of removing the existing house and subdividing the lot into two (2) individual lots that will conform to the R-90 zoning standards.** Both lots will access Goldsboro Rd. via new individual driveways. In order to develop the site as planned some tree clearing, including the potential removal of significant/specimen trees, would need to be done.

Goldsboro Community Group Response

The posted notice referenced both the Development Plan (620240130) and a Forest Conservation Plan (F20240640). The following public comment is provided for the record and with actionable items.

(1) Property Description Errors

According to past SDAT Property Plats of 1931 and 1984 (those publicly available on plats.msa.maryland.gov) there are discrepancies in the descriptions of the outer boundaries of the former property (Lot 28, plat 14738) and those represented in the current development plan. Examples are provided in Appendix 2.

Specifically, the property line adjacent to Lot 29 (S. Canton) is registered in these prior plats as:

N 32°53'50"W 300.60'

The applicant records:

N 32°55'07"W 301.09'

Similarly on the border to Lot 12 (A.E.B. Sorkhi), the property line registered in prior plats shows:

S 68°45'24"E 148.31'

The applicant records:

S 68°42'23"E 148.05'

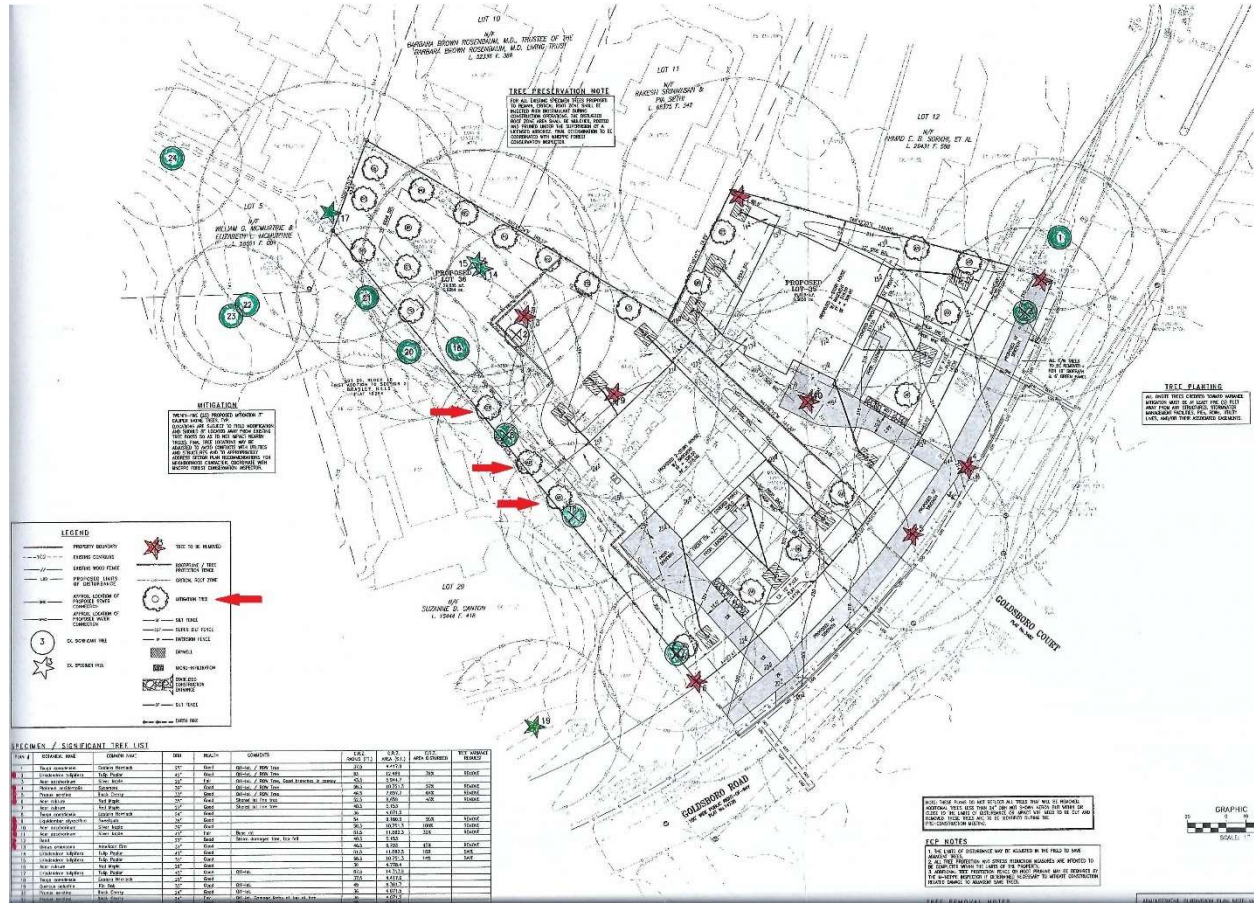
With regard to the latter property line, over the years the current owner of Lot 12 and former owner of Lot 28 entered into discussions specifically concerning this property line and its exact location. Some of these discussions included movement of the boundary resulting in a minor expansion of Lot 12. While we do not have the expertise to ascertain the impact (shift) in either property line due to these discrepancies, it is obvious that errors in property boundaries can impact proposed setbacks and other required mitigations. These are not the only lot boundary designation errors. Others are pointed out on the maps in Appendix 2 (and more easily seen on the original documents).

We therefore request that the Planning Department and applicant (a) reconcile all differences providing an analysis/basis of the discrepancies, such analysis to include a to-scale plat showing each

boundary for comparison (overlay), (b) assess any impact of corrected/proposed boundaries, setbacks, mitigations, etc., (c) propose actionable steps to reconcile these differences and (d) provide a detailed written report to this Group regarding the findings.

(2) Proposed Forest Conservation/Mitigation

Elements of the plan are shown here with certain added highlights. Trees to be removed (red); significant trees retained (green) and “mitigation trees” (red arrows as examples, open “tree” circles)

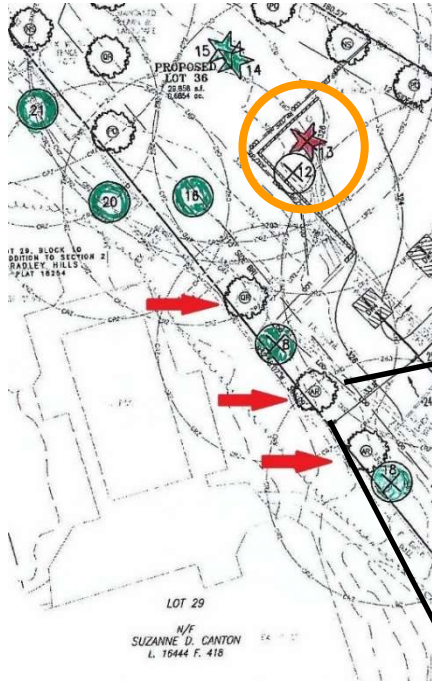


It is our understanding that the term “mitigation trees” refers to newly added trees and not simply the preservation of existing trees (noted in green highlight) according to Chapter 22A, the Forest Conservation – Trees, 22A-21. Variance (e) “If the applicant is granted a variance to remove any of the subject trees listed as priority for retention in Section 22A-12(b)(3), the applicant must replant mitigation trees ... regardless of whether those trees are within or outside of forest area, in addition to any reforestation, afforestation, or landscape credit requirements.”

With this in mind, the Forest Conservation Plan (02-FCP-F20240640-004.pdf and related maps) submitted significantly misrepresents the actual property and therefore the Plan. As just one example

(red arrows along left side in plan diagram below), the existing number of trees (approximately 12) is greatly under-represented making it unclear how many and where any “mitigation trees” will go. Moreover, since they are not included, the fate of these existing trees is unclear.

Compare the following:



Applicant representation (single tree list)

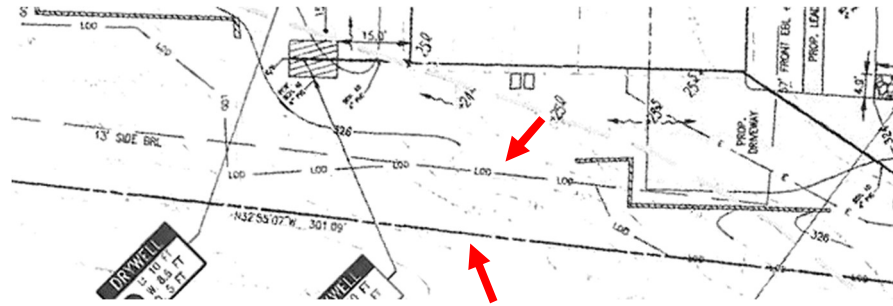


Current property (long view; side view below)



The “dead tree” referenced in the applicant’s plan is marked here for comparison of the property plan and these photos of the property currently (orange circles).

The applicant may point out the above referenced trees are meant only to be “representative” or they are outside the “limit of disturbance” (LOD). We hold that a Plan must be accurate and should be included according to 22A-21(e) and any other related requirements and stipulations because of their existence over all on the property to be developed. Moreover, an LOD argument would be contradicted by the applicant’s location of (under-represented) existing and migration tress which do fall outside the indicated LOD but within the property line (solid) thereby indicating that mitigation was recognized and required beyond the LOD.



Additionally, we would suggest that the LOD may be under-represented (see below).

We therefore request that the Planning Department and applicant undertake a complete and comprehensive review of the proposed Forest Conservation Plan to **(a)** faithfully represent the existing property conditions – all, not just the example provided, **(b)** review the Variance and Mitigation requirements following, **(c)** request the applicant to adjust and resubmit a faithful Forest Conservation Plan accordingly for internal and public review, and **(d)** provide a detailed written report to this Group regarding the findings.

(3) Limits of Disturbance (LOD)/Water Drainage/Erosion

(A) Adjacent Lot 29

Based on depictions in the applicant’s submitted plans, we take objection with the indicated LODs. As mentioned above, tree removals and replacements are to occur (in this example) along the property line adjacent to Lot 29. The plan does represent the areas of steep hillside in its contours. We believe that forest mitigation work done on the upper slope represents enough ground disturbance to examine possible future erosion and therefore requires more comprehensive erosion mitigation on the property, i.e. retaining walls and slope alterations to protect Lot 29. While any one tree is an unlikely erosion risk, incomplete information as to the extent of work required in this area may pose issues later. As shown below, the current situation is a mix of brick wall, formed stone wall, loose stones and 6x6 PT lumber. The applicant’s plan does not adequately address erosion mitigation on these slopes, especially as this could affect the integrity of Lot 29 on this



boundary. Represented on one of the plans a structure that could be a wall, in the Legend appears to be only 40' x 4" perforated drains (Stormwater Plan) and not a retaining wall (example shown above). Records date this residence possibly to 1920 so it is reasonable that the main, large brick retaining walls should not remain in place long term as areas of mortar erosion and brick displacement are evident.





In other areas, loosely connected stone walls and piled stones are used.



The applicant may point out that there does not appear to be evidence of present-day soil erosion that requires a complete slope erosion solution apart from drywell placements and perforated drainpipe. We disagree. The present situation reflects at least 50 years of settled earth following the building of the initial residence. The application, in addition to underrepresenting the LOD, does not detail any potential lot recontouring in these areas as a consequence of the overall development.

Of particular concern is the upper slope retaining wall of PT 6x6 lumber between Lots 28 and 29.



This wall predates 1990. Areas of end rot are beginning to appear. It is not clear that assessment of water content, rot, wall integrity projection, etc. were undertaken or are planned. These photos show an area of shallow slope. Others not shown are steeper. All this area involves trees listed as “existing”, “mitigation” or as pointed out above, not included in the applicant’s Forest Conservation Plan.

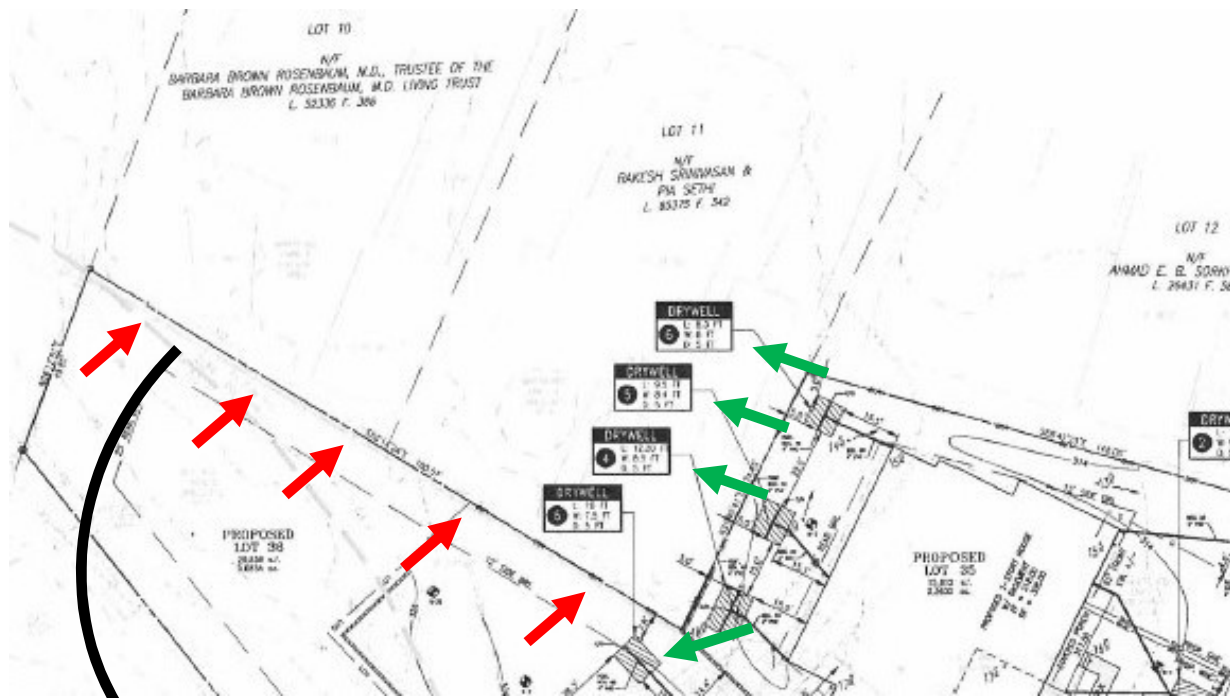


We therefore request that the Planning Department and applicant to **(a)** undertake a complete and comprehensive review of the proposed Development Plan specifically to address the impact of Forest mitigation on this particular sloped area of the lot along its entire length, **(b)**, develop a slope erosion and contour solution that involves removal of all existing retaining structures and detailed plans for their replacement up to and including the most upper retaining wall on the property boundary between Lots 28 and 29, and **(c)** provide a detailed revised plan and written report to this Group regarding the outcomes.

(B) Adjacent Lots 11 and 10

We have identified similar issues along the property boundaries of Lots 10 and 11 with regard to water drainage, localized flooding and potential erosion both within and outside the LOD. As noted on this portion of the applicant's proposal are 4 drywells (green arrows) proximal to the border of Lot 11 as collectors of dwelling downspout water (12-SWM-620240130-001.pdf; 12-SWM-620240130-002.pdf). Water collection at this point is, however, well placed and no changes are requested. Note, however, the absence of any other water runoff mitigation. Both Lots 10 and 11 experience significant water runoff from the property and above but most importantly, not solved by the proposed mitigation.

What has been ignored are the areas along Lots 10 and 11 boundaries shown here (red arrows) where clear evidence of water damage (mortar loss) and property owners' experiences of backyard flooding (some basement) over and through the contiguous stone retaining wall during storms.



Example stone wall along Lot 10

The wall along Lot 11 is showing demonstrable slant and bulging due to ground water pressure from the property above. Moreover, this wall has a number of embedded drainpipes with limited function. As a consequence, water comes over the top of the wall and to some extent through the drainpipes, flooding the backyard. We hold that this water issue, the responsibility of the applicant, if left unaddressed, will only get worse and potentially result in the collapse of the wall in places.



Below: Approximately one-half length view of the stone retaining wall of Lot 11 showing the existing dwelling on the left. Although the immediate slope here appears slight, behind it are the steepest areas of contour leading to the total volume of water runoff directed to this area.



Drywells collect water to later dissipate into the surrounding ground. While this provides collection and deters surface flooding, it does not solve the later ground saturation that, through pressure, will still impact this retaining wall. And with high rain volumes, the potential for drywell overflow still exists.

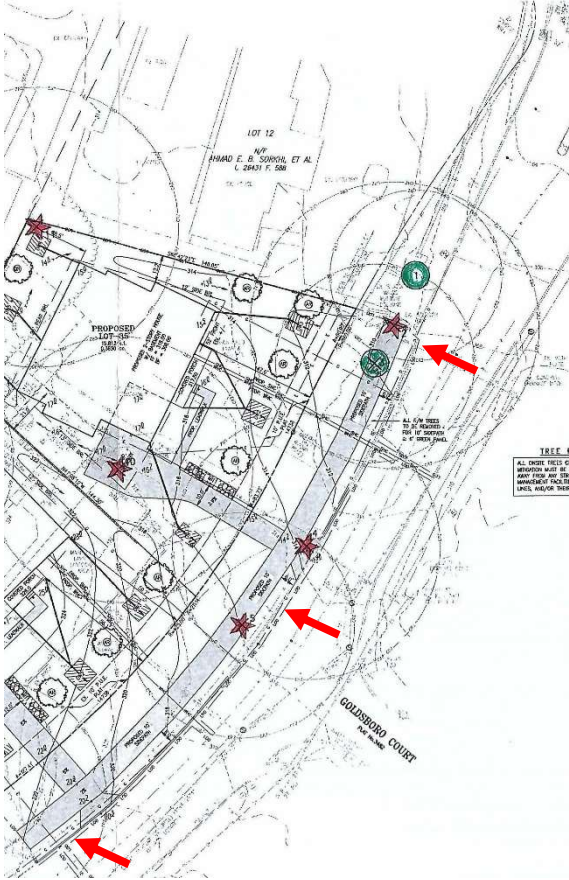
We request a wholistic water drainage system be put in place along the property boundary line of Lots 10 and 11. **For clarity, the property owners of these lots are not asking for the stone wall to be replaced.** We feel that a properly placed system that collects and diverts water completely away from these properties is required. Examples could include but not be limited to a series of connected collection wells, French drains, open collectors, or other combinations of engineering solutions.

We therefore request that the Planning Department and applicant (a) undertake a complete and comprehensive review of water runoff and ground saturation mitigation along Lots 10 and 11, (b) provide one or more accepted engineering solutions to such, (c) revise this component of the development plan, and (d) provide a detailed revised plan and written report to this Group regarding the outcomes for review and later comment.

(4) Traffic Related Safety Issues

The proposed property development abuts Goldsboro Rd. (Route 614), a heavily travelled conduit between Bethesda and River Rd. (Route 190). Despite a posted speed limit of 30 mph and median barriers in place distal to this development, all members of our Group have experienced vehicles at all times of day or night exceeding this limit by some 10-20 mph. In fact, in this past year, due to excessive speed, a vehicle coming down Goldsboro Rd. directly across from the subject property lost control in the bend of the road, jumped the sidewalk, and flipped entirely over into the county/state culvert. Luckily, the driver survived. This is just one of a number of similar incidences in the vicinity of the property. Why point this out? While we acknowledge that 2 single family residential properties on Lot 28 will not contribute to an excessive traffic load on Goldsboro Rd., we do raise the following concern.

The proposed development plan, not unlike many in Montgomery County, MD, and indeed our experience in other local jurisdictions in other states, request developers to include “roadway” and/or “pedestrian” improvements to their plan. These improvements are most often limited to the property facing a roadway. While the County regards this as “saving taxpayers’ money” for these “improvements” the result is a piecemeal solution to infrastructure with some future hope that subsequent development projects will unite these haphazard but required accommodations into one seamless solution. This notion has proved time and time again to fail.



In this case, and not atypical, the applicant must satisfy the Department of Planning requirements and propose a pedestrian path, commonly a sidewalk or in this plan labeled a 10' "side path" fronting only the property. We assume this uses County right-of-way alongside Goldsboro Rd., and shown here (red arrows), as the applicant's grey area running along Goldsboro Rd. As is evident, and expected, the applicant has provided the minimally acceptable solution for the County, i.e., provision of some sort of pedestrian right-of-way in front of the property.

This is an entirely useless solution. Goldsboro Rd. is a heavily trafficked roadway (see photos below). What pedestrians would use this discontinuous strip? Worse is if this "side path" did not have a curb, thereby encouraging parking alongside a relatively blind curve by residents and their guests.

We propose instead that the County grant rights to the applicant, and thereby require the applicant to extend this proposed "side path" all the way to the corner of Bradley Blvd. and Goldsboro Rd. to connect to the sidewalk existing on Bradley Blvd. Moreover, the development plan does not specify the nature of the "side path". This could be an extension of asphalt from the roadway or a true sidewalk consisting of concrete slabs and a curb. **We insist on the latter.** Shown below is the upper area of the proposed "side path" (red) and the lower area to extend a sidewalk (red arrows) around the blind curve going to Bradley Blvd.





These are an additional examples of the nature of vehicular traffic on Goldsboro Rd. in the immediate area of the proposed pedestrian "side path" (red arrow). While disconnected to anything above this point, at least providing connection to the corner of Bradley Blvd. would allow the residents of the development and adjacent neighbors to walk safely to the corner.



We therefore request that the Planning Department to (a) grant full right of way to the applicant to extend a sidewalk to the corner of Bradley Blvd., (b) require the applicant to extend the currently proposed “side path” to Bradley Blvd., (c) require that this sidewalk (front and extension) be constructed of concrete and with a curb, (d) amend the current development plan to reflect such and issue this revised plan for additional public review and comment.

We recognize Goldsboro Rd. (MD Rte. 614) is a state highway. But as the applicant’s plan designates a “side path” along Rte. 614 and has submitted such to MCO Dept. of Planning for approval, we assume a County right-of-way extending to Bradley Blvd. is achievable, and does not involve extra ordinary approval by MDOT-SHA unless otherwise informed.

(5) Impact on Neighborhood Character, Privacy, and other Considerations

As stated above, this proposed subdivision is out of character with the surrounding Goldsboro Rd. properties. Most impact, however, will be felt by Lots 11 and 12 with tight setbacks, loss of privacy and general aesthetics. Note there is no structure in the first proposed subdivision area adjacent to Lots 11 or 12 currently but the proposed setbacks of 12’ put the intended dwelling right on top of these lots. In particular, all current fencing along the property boundaries of Lots 11 and 12 would need to be replaced with a solid, aesthetically acceptable fence/wall of the maximum height of 6’6” allowed by County regulations.



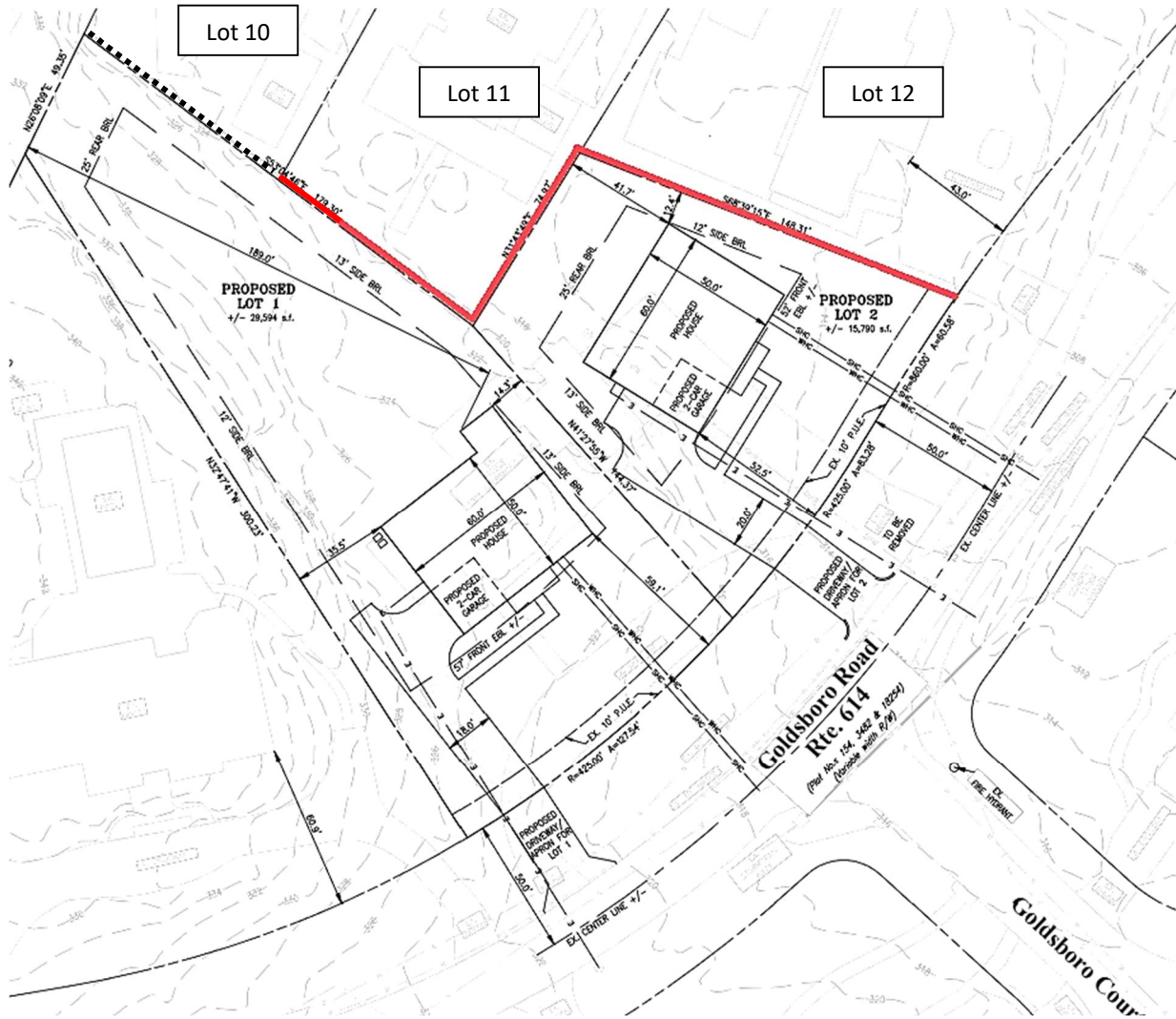
Current cyclone fence (near front) and old, collapsing wooden fence (along back side).



Current chain link fence on top of the stone retaining wall running the length of the back of Lot 12.

The proposed fencing/solid wall would not extend to Lot 10, however, the chain link fence is rusted and bent in places and a chain link equivalent replacement is the preferred solution for that property owner.

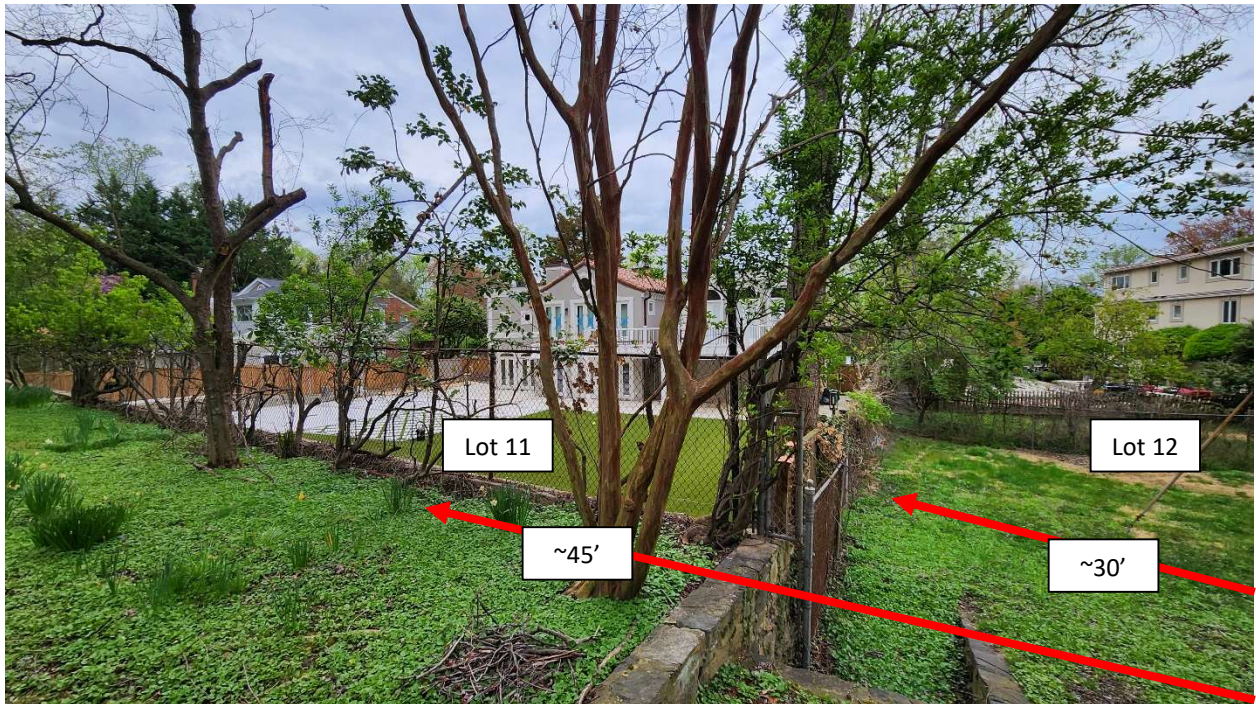
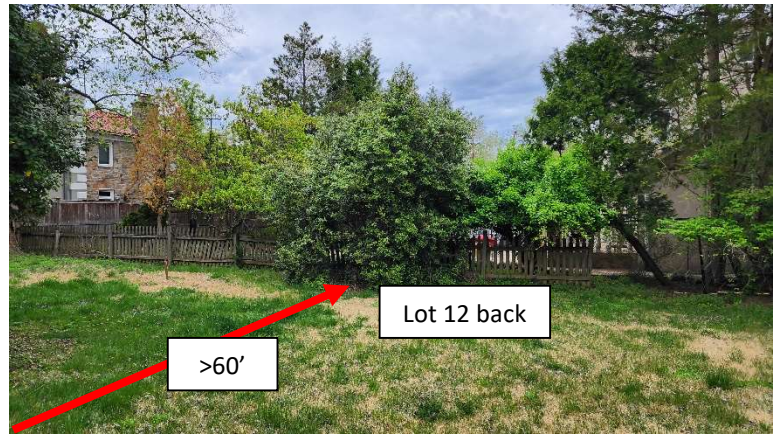
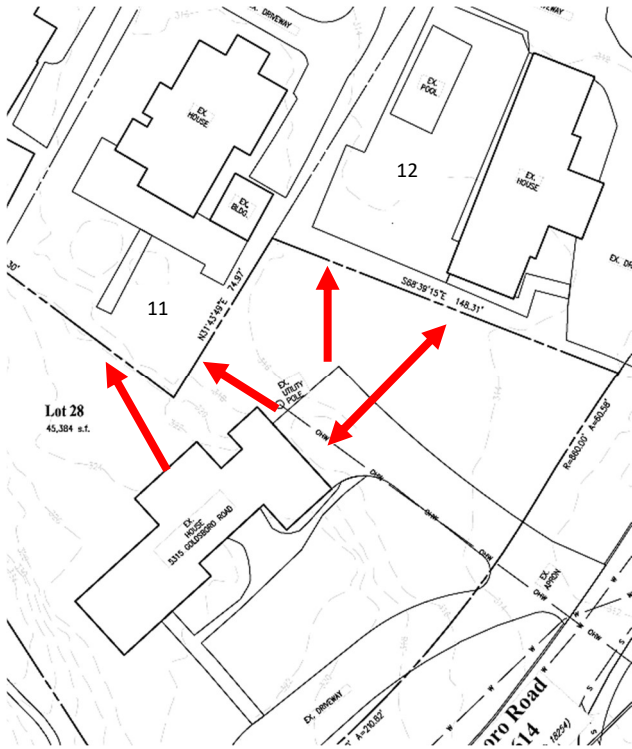
Applicant’s plan showing Group’s proposed length of privacy, sound mitigating solid fence/wall along Lots 11 and 12 (red line) and replacement chain link fence on Lot 10 (black dashed line)



Current approximate setbacks are shown below to compare to the proposed 12’ setbacks in the applicant’s proposal (red arrows at points shown from current dwelling to lot lines and their approximate distance).

We recommend that the Planning Department require the applicant to (a) adjust the dimensional footprint of the dwelling on “proposed Lot 35”(smaller parcel) to achieve a minimum of 25’ of setback along Lot 12 instead of the proposed 12’, (b) examine the same issue for the back of the adjacent proposed dwelling and its proximity to Lot 11, and (c) require the installation of a solid aesthetically pleasing privacy wall of maximally allowed height all along the boundary of Lot 12 and extending to Lot 11 (see diagram above) to replace the existing low rusting chain link fence and decaying wood fencing.

Current dwelling and side/rear setbacks.



Summary

The County Planning Department offers the following guidance for public comment to development proposals ([Get Involved in the Development Review Process - Montgomery Planning](#)):

Address Relevant Issues

For a specific project, your comments should address issues such as:

- The development's effect on adjacent properties and the neighborhood
- The adequacy of existing and planned public infrastructure to serve the proposed development (school capacity decisions are made by the County Council, not by the Planning Board)
- The development's effect on traffic, circulation, and access
- The development's environmental impacts and adherence to development regulations.

We believe our submission of Public Comment addresses all these issues and with concerns not identified much less resolved or mitigated by the applicant. In each of Sections 1-5, we have made very specific requests of the Planning Department, the M-NCPPC Lead Reviewer, and the applicant to address in detail and return a written report(s) available to us for further public review and comment.

We believe that this project as proposed will have certain impact on our property values and rights and therefore as a matter of due process, request a hearing following receipt of all the requested written responses detailed above as it is highly likely that these responses will warrant further consideration and comment as the last publicly accessible Review Status of 06/16/2023 (Appendix 3) shows many incomplete or unresolved issues as well.

For questions, comments or correspondence regarding this Public Comment, please contact the following individuals, representatives on behalf of the Goldsboro Resident Group:

Larry Mahan

e: lcmahan@wans.net

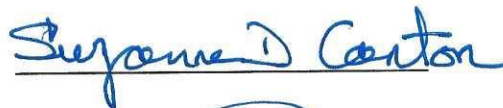
m: 240.478.0752



Suzanne Canton

e: sd5321@aol.com

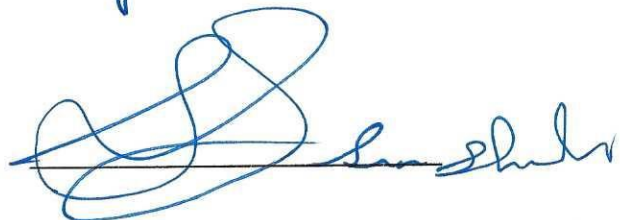
m: 301.785.6599



Sean Shah

e: sean@dorchestergroup@gmail.com

m: 301.674.0034



APPENDIX 1

GOLDSBORO RESIDENTS GROUP

ALPER, NANCY L

5306 GOLDSBORO RD, BETHESDA, MD 20817

CANTON, SUZANNE

5321 GOLDSBORO RD, BETHESDA, MD 20817

GANESH GOPALAKRISHNAN JOINT REVOCABLE TRUST

5320 GOLDSBORO RD, BETHESDA, MD 20817

SORKHI, AHMAD E B ET AL. (SEAN & HOLLY SHAH)

5301 GOLDSBORO RD, BETHESDA, MD 20817

GOLDBERG, FRED T JR & WENDY M,

5316 GOLDSBORO RD, BETHESDA, MD 20817

SRINIVASAN, RAKESH & SETHI, PIA

5306 BRADLEY BLVD, BETHESDA, MD 20814

SIKING, JOHN & SIKING, KARINA MARIA MANASSEH

5312 GOLDSBORO RD, BETHESDA, MD 20817

ROSENBAUM, BARBARA BROWN M D LIVING TRUST

5310 BRADLEY BLVD, BETHESDA, MD 20814

MCMURTRIE, WILLIAM G & MCMURTRIE, ELIZABETH L

5312 BRADLEY BLVD, BETHESDA, MD 20814

GOLDART, JED & SUSAN

3 GOLDSBORO CT, BETHESDA, MD 20817

MAHAN, SUSAN & LAWRENCE

1 GOLDSBORO CT, BETHESDA, MD 20817

APPENDIX 2

RELEVANT PLATS/MAPS

1984 Montgomery County Plat

All Lot 28 boundaries need examination relative to applicant's representation.

PLAT NO. 14798

OWNER'S DEDICATION

I, **B. BERNEI BURGUNDER, JR.**, OWNER OF THE PROPERTY SHOWN ON THIS PLAT AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREBY ADOPT THE PLAN OF RESUBDIVISION, DEDICATE THE EASEMENT AND ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES.

THERE ARE NO SUITS OF ACTION, LEASES, LIENS OR TRUSTS AGAINST THE PROPERTY INDICATED ON THIS PLAT OF RESUBDIVISION.

Eva M. Peszewska *B. Bernei Burgunder, Jr.*
 WITNESS OWNER

January 31, 1984 January 31, 1984
 DATE DATE

NO.	DELTA	RADIUS	ARC	TAN	CHORD	CHORD BEAR.
1	28° 26' 25"	425.00'	210.96'	107.70	208.80'	N 44° 48' 42" E
2	4° 02' 10"	860.00'	60.58'	30.30'	60.57'	N 32° 36' 35" E

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT. THAT IT IS:

- A RESUBDIVISION OF LOT 14, BLOCK 10 AS SHOWN ON A PLAT OF RESUBDIVISION ENTITLED "LOTS NO. 14 AND 15, BLOCK 10, FIRST ADDITION TO SECTION TWO, BRADLEY HILLS, MONTGOMERY COUNTY, MARYLAND," RECORDED IN PLAT BOOK 24, AS PLAT 1503 AND
- A RESUBDIVISION OF LOT 13, BLOCK 10 AS SHOWN ON A PLAT OF RESUBDIVISION ENTITLED "FRANCISCO P. DIBLASSI'S RESUBDIVISION OF THE NORTH PART OF LOT NO. 4 IN BLOCK 10, FIRST ADDITION TO SECTION 2, BRADLEY HILLS, MONTGOMERY COUNTY, MARYLAND," RECORDED IN PLAT BOOK 5, AS PLAT NO. 427.

PART (1) AND PART (2) BEING ALL OF THE LANDS CONVEYED BY ROBERT F. MCFADDEN AND LIESA MCFADDEN, HIS WIFE, TO B. BERNEI BURGUNDER, JR., BY A DEED DATED MARCH 3, 1958 AND RECORDED ON MARCH 7, 1958 IN LIBER 2437, FOLIO 32 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, AND THAT IRON PIPES SHOWN THUS: ○ ARE IN PLACE AND THAT THE TOTAL AREA INCLUDED IN THIS PLAN OF RESUBDIVISION IS 10.433 ACRES TO THE BEST OF MY KNOWLEDGE THE REQUIREMENTS OF SECTION 50-24(e)(2) OF THE MONTGOMERY COUNTY, MARYLAND SUBDIVISION OF LAND REGULATIONS HAVE BEEN MET BY THIS PLAN.

April 2, 1984
 DATE: *Eva M. Peszewska*
 EVA M. PESZEWSKA
 PROF. LAND SURVEYOR (M2 # 8330)

OWNER: MR. B. BERNEI BURGUNDER, JR.
5315 GOLDSBORO ROAD
BETHESDA, MARYLAND 20817
301-320-3540

Robert D. Montgomery
Director

John P. ...
Chairman

...
Secretary-Treasurer

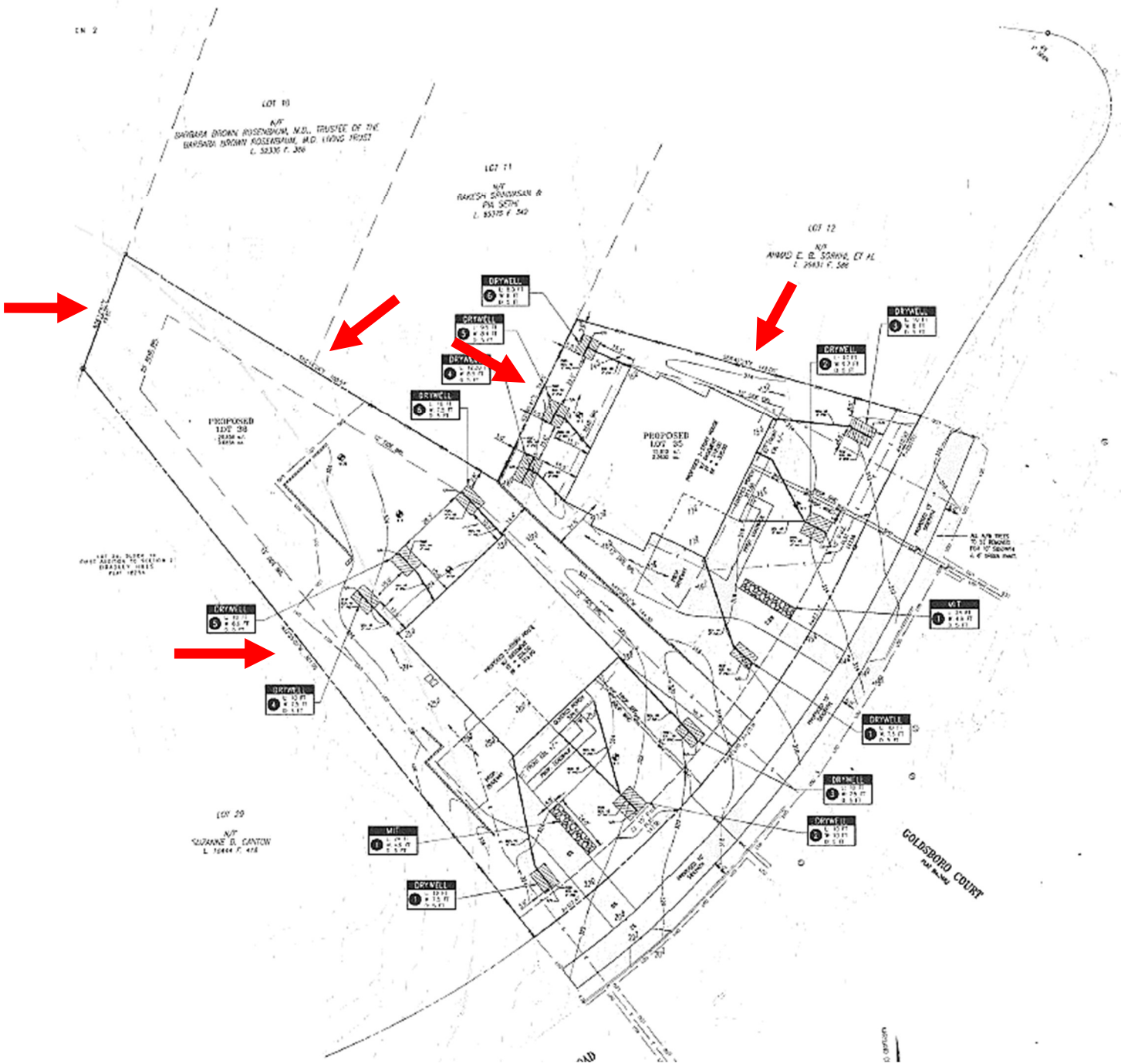
LOT 28, BLOCK 10
1ST ADDITION TO SECTION 2
BRADLEY HILLS
MONTGOMERY COUNTY, MARYLAND

SCALE: 1" = 50' APRIL 2, 1984

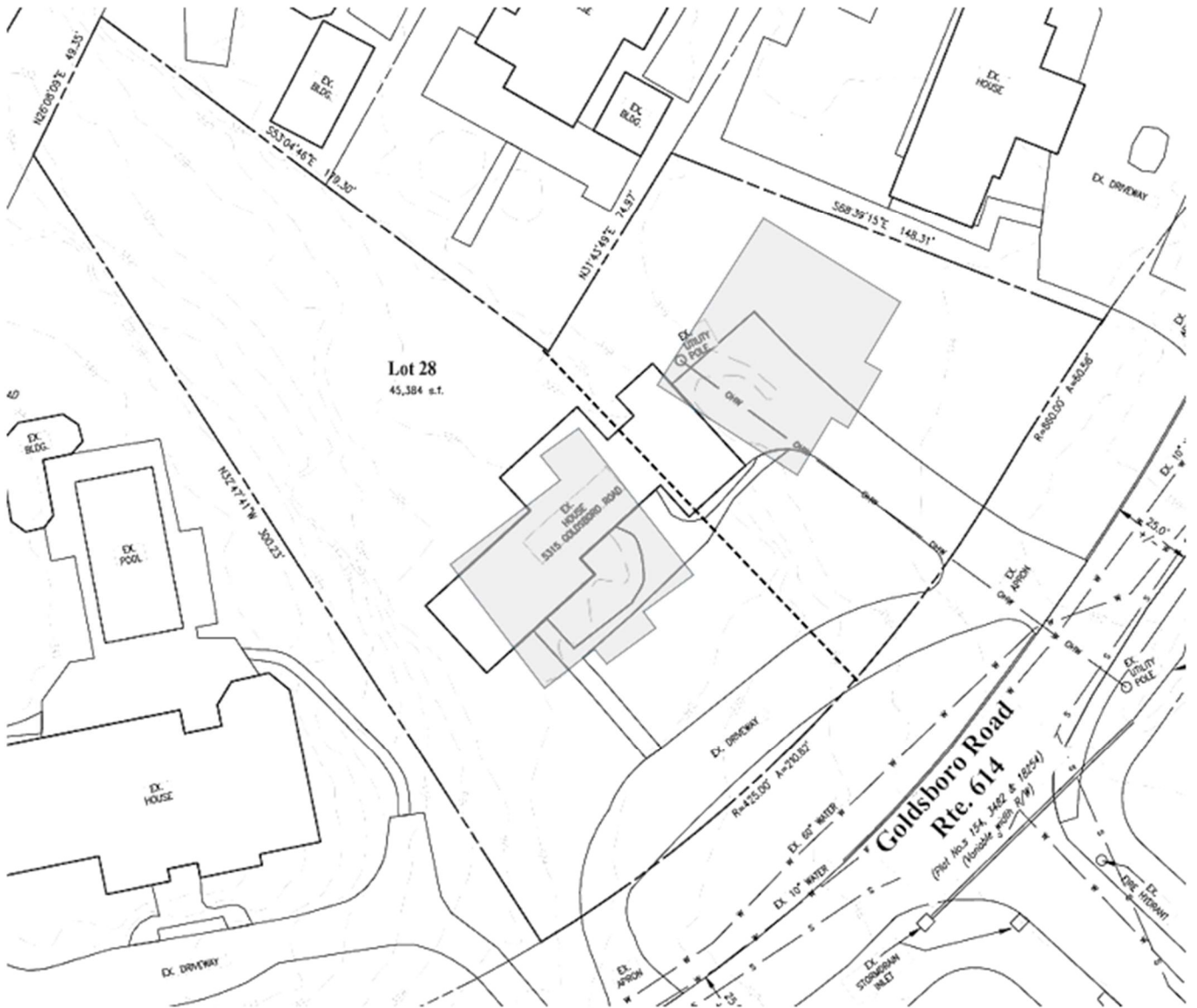
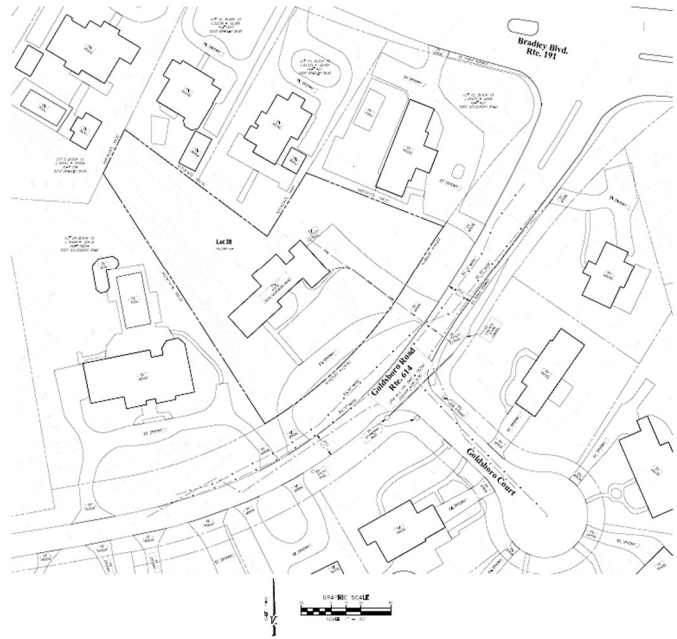
PREPARED BY
ASSOCIATED ENGINEERS, INC.
8555 SIXTEENTH STREET
SILVER SPRING, MARYLAND
TEL. 589-7311

552-64

Representative Applicant's Map with referenced boundaries. This was downloaded from County records and may be less legible. Please refer to applicant's original documents. Lot boundaries to be examined are shown (red arrows).



Current property plat, lot boundaries and dwelling (underneath) as a reference for subdivision (dashed line) and dwelling footprints (overlay) from 02-EXIST-520230240.pdf of applicant. The smaller map (right) shows the proposed subdivision deviation from homes along Goldsboro Rd. (adjacent) and Goldsboro Court (proximal) and similar up Goldsboro Rd. (not shown but readily available on County maps).



APPENDIX 3
PLAN REVIEW – DEPARTMENT REVIEW STATUS

Top Page only shown here (source: 32-DRC-520230240.pdf)

Plan Review - Department Review Status

Project Name: **520230240**

Workflow Started: **05/02/2023 01:51 PM**

Report Generated: **06/16/2023 12:54 PM**

CYCLE	DEPARTMENT	STATUS	REVIEWER
1	ARCHEOLOGY	Recommend For Approval	Brian Crane
	AREA DESIGN	Incomplete	Grace Bogdan
	AREA ENVIRONMENTAL	Revision Requested	Marco Fuster
	AREA MASTER PLAN	Incomplete	Grace Bogdan
	AREA SUBDIVISION	Incomplete	Grace Bogdan
	AREA TRANSPORTATION	Revision Requested	Katie Mencarini
	COUNTY TRANSPORTATION	Incomplete	
	DPS ENFORCEMENT	Incomplete	
	DPS ZONING	Revision Requested	Melissa Goutos
	FIRE & RESCUE	Revision Requested	Marie LaBaw
	HISTORIC PRESERVATION	Incomplete	
	MCPS	Incomplete	
	PARK PLANNING	Recommend For Approval	Henry Coppola
	PEPCO	Incomplete	Francis Azebaze
	PLANNING DESIGN	Incomplete	Paul Mortensen
	ROW PERMITTING	Recommend For Approval	Sam Farhadi
	SEDIMENT & STORMWATER	Incomplete	Andrew Kohler
	STATE HIGHWAY ADMINISTRATION	Recommend For Approval	Kwesi Woodroffe
	WASHINGTON GAS	Incomplete	
	WATER & WASTEWATER POLICY	Recommend For Approval	Alan Soukup
WSSC	Incomplete		

RE: 5315 Bradley Subdivision project Application #620240130



Fuster, Marco

To Larry Mahan

Cc Dickel, Stephanie; Mencarini, Katherine; Zelaya, Ariel

Reply

Reply All

Forward

...

Thu 8/1/2024 2:55 PM

Mr. Mahan,

The staff response to the community letter you provided is below:

Thank you and your neighbors for the thoughtful and detailed input on the proposed development activity. Your letter is part of the public record and has been considered as part of the ongoing review of the application. A revised submission is anticipated soon, and further adjustment of the plans is still underway. However, Staff is available for a meeting with the community to discuss any remaining concerns or questions. The numbering and topics below (in black text) follows the concerns as expressed in the community letter.

(1) Property Description Errors to be reconciled

Specifically, the property line adjacent to Lot 29 (S. Canton) is registered in these prior plats as:

N 32°53'50"W 300.60', whereas the applicant records N 32°55'07"W 301.09'

Similarly on the border to Lot 12 (A.E.B. Sorkhi), the property line registered in prior plats shows:

S 68°45'24"E 148.31', whereas the applicant records S 68°42'23"E 148.05'

In general, minor discrepancies in survey can occur due to a number of factors relating to increased accuracy of survey methodology and rectifying various proceeding work which has occurred throughout the last century. The applicants engineer (CPJ) has provided the following information to facilitate the staff response:

These comments are intended to address differences between property bearing and distance labels as may be shown on recorded subdivision record plats compared to the same lines as the result of a boundary survey. The subdivision of real property for these lots began on the 1913 Bradley Hills plat recorded as plat number 154 (p/o lot 4 in block 10) and continued on the 1930 Bradley Hills plat recorded at plat number 427 (lot 13) and continued on the 1941 Bradley Hills plat recorded at plat number 1503 (lot 14) and the final 1984 Bradley Hills plat recorded at Plat number 14738 (lot 28).

Boundary retracements require the specialized skills and experience of a Maryland professional land surveyor to correctly recreate the various lines from the recorded subdivision plats, to find and locate property corner evidence either set by the platting or subsequent surveyors and resolve any differences between the plat bearings and distances and the property evidence found as the result of a current boundary survey, keeping in mind that the plats were not created at the same time and the corresponding property markers were not set at the same time but over the course of the last 111 years. The extent of CPJ's property survey efforts found corners on some of the Goldsboro Community Group's properties to reestablish the subject property's boundaries including property markers on Lots 5, 10, 11, 12 and 29 in Block 10 that directly adjoin the subject property. It is reliance on these corners that provided guidance to set the property outlines as shown on the CPJ survey.

As to differences in plat bearings and surveyed bearings there are many reasons for differences that are not errors. Bearings may be based on magnetic north or the latest realization of the Maryland Coordinate System. As to specific differences along the various lines indicated on page 20, the common line with lot 12, 148.31 plat distance and 148.05 distance are only 3" different along the east-west line and is consistent with the lines of occupation in the north-south direction. The two common lines along lot 11 and 10 are based on the monumentation for those two lots and again is consistent with the fence along the first portion of lot 11 the railroad spike at the west end of the same line at the corner of Lots 10, 5 and Lot 28. The rear line of Lot 28 is drawn from spike to an iron pipe found. The closing line, common to lots 28 and 29 again is consistent with the pipe in the rear and the property evidence found along Goldsboro. Setback lines depicted on plans based on the CPJ boundary survey are consistent with the property boundaries as reestablished on the CPJ survey, no overly to compare is needed.

(2) Proposed Forest Conservation/Mitigation (general concerns)

The Forest Conservation and associated tree save plan variance/mitigation submission has been substantially updated/modified since the initial submission. Additionally, the applicant has obtained the services of an ISA Certified Arborist to prepare the associated tree save plan.

Although fine tuning of the plans is still underway, the overall Forest Conservation/Mitigation is generally in compliance with requirements and can be further discussed/explained in an upcoming meeting with the community.

(3) Limits of Disturbance (LOD)/Water Drainage/Erosion [including concerns regarding specific existing walls]

The Department of Permitting Services (DPS) is the lead agency on Stormwater Management (SWM), Drainage/Erosion issues and the adequacy of retaining walls. Per the July 12, 2024, stormwater management concept approval memo (attached), there is an existing stone retaining wall along the common property line between proposed Lots 35 and 36, and existing properties located at 5306 and 5310 Bradley Boulevard. In order to comply with Montgomery County Code, Section 19-15, a structural analysis of the existing retaining wall must be conducted prior to approval of a sediment control permit for construction on proposed Lot 36, to determine the effects of proposed construction traffic, excavation, stormwater management practices, and any related construction activities on the structural integrity of the wall. The sediment control plan must reflect the recommendations of the structural analysis.

The concerns regarding potential erosion regarding the reconstruction of the existing brick retaining wall near the Lot 29 boundary (5321 Goldsboro Road) is still under consideration. However, strategies such as but not limited to phasing to reconstruct and stabilize the area associated with the brick retaining wall prior to beginning the overall house construction may be recommended as a condition of approval.

The existing timber wall on Lot 29 is upslope of the subject property and located a considerable distance from the proposed LOD. Therefore, the timber wall will not be impacted by the proposed development and any impacts/renovations of the timber wall are beyond the scope of the project.

The existing stone retaining wall which is approximately 4 feet in height and partially in ruins will be completely demolished and replaced with a new wall and/or regrading.

(4) Traffic Related Safety Issues [Side Path Extension]

The full side path will be constructed along the entire frontage of the subject property (based on Staff recommendations); however, the northern terminus or transition point of the new path is still under consideration.

Extending the side path at its full design standard to the corner of Bradley and Goldsboro would not be possible in the near future due to existing constraints. There is approximately 6 feet of Right of Way (ROW) between the existing roadway and the remainder of the ROW at its narrowest point. Although there is enough space to accommodate an ADA accessible sidewalk, there is not enough space for the full side path.

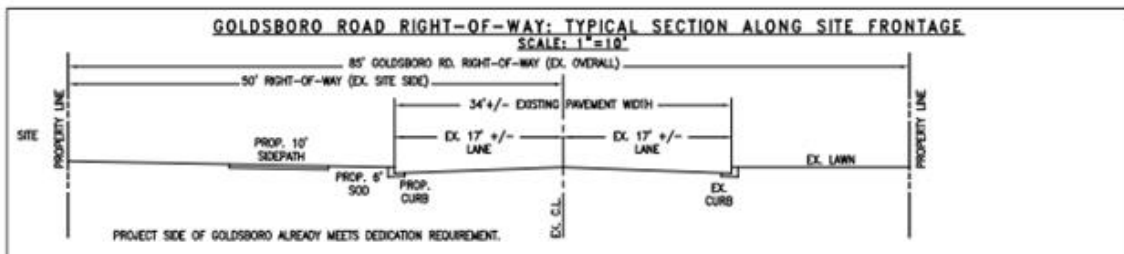
Note: Building the standard side path along the Lot 12 frontage in the near future would require Lot 12 to either grant a Public Improvement Easement (PIE) or convey part of their existing frontage to accommodate the necessary width, however, such a proposal is beyond the scope of the administrative subdivision plan.



Figure 1- Aerial view of vicinity

Furthermore, in this case there are substantial existing walls associated with Lot 12 (5301 Goldsboro Road) which apparently encroach into the ROW (refer to Figure 1). The presence of these wall within the ROW significantly complicates the potential extension of the side path and also interferes with a potential transition point to access the northern end of the side path. Planning Staff cannot compel the applicant to demolish the encroaching walls, however a transition ramp could potentially be accommodated at the south side of the driveway apron for 5301 Goldsboro Road without disturbance to the existing walls. The northern terminus/transition point could be enhanced further if the Lot 12 owners were to proactively remove the obstructions/encroachments in a timely manner.

The latest version of the plan includes a sectional view of side path fronting the subject property (see below).



(5) Impact on Neighborhood Character, Privacy, and other Considerations

Item 5 of the community letter expresses general concerns regarding tight setbacks, loss of privacy, general aesthetics, and infrastructure adequacy/school capacity. Staff notes that the project will provide larger setbacks than what is otherwise required by the zone. The project will also preserve many of the existing screen trees while also including supplemental plantings. Although review coordination with other agencies is still ongoing, there are no apparent issues regarding adequacy of the existing infrastructure. Further, information regarding staff response to Item 5 is detailed below:

- The proposed Lot 36 will feature a staff recommended 100' rear BRL that precludes new home construction adjacent to the rear of existing Lot 10. Furthermore (based on the updated LOD and variance) the two specimen trees in the rear of proposed Lot 36 will be preserved and there would also be enough greenspace retained to accommodate variance mitigation tree plantings (which would be at least 3" caliper at the time of planting). The proposed setback is significantly larger than the current setback for the existing lot as otherwise required by the zone.
- The north side setback for proposed Lot 35 (adjacent to existing Lot 12) is recommended by staff as a variable width BRL (perpendicular to the roadway) which would be up to approximately 25' wide. Furthermore, the applicant has been coordinating with an arborist and will appropriately preserve the existing screening trees along the lot line (some of which are jointly owned by the Lot 12 neighbor). The plan will also include supplemental screen plantings in this area. The retention of existing vegetation, supplemental plantings and expanded BRL will significantly help to address concern regarding privacy and character.
 - Note although the community letter requests a solid fence/wall along certain boundaries, staff is recommending screening with existing and/or supplemental plantings, as there are generally no regulatory requirements to provide such fence/wall structures between adjacent residents. However, there are provisions in the Forest Conservation Regulations to address vegetative screening. Furthermore, the installation of a fence/wall structure would require the removal of trees which would otherwise be retained.

School Adequacy Test

The proposed Administrative Subdivision is subject to the FY25 Annual School Test, approved by the Planning Board on June 20, 2024 and effective July 1, 2024. The project proposes to demolish the existing single-family home and create two lots for a single-family detached unit on each lot (for a net increase of one single-family home).

The project is served by Bradley Hills ES, Thomas W. Pyle MS and Walt Whitman HS. Based on the FY25 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 1. FY2025 Annual School Test Projections (2028-2029 School Year)

	Program Capacity	Enrollment	%Utilization	Surplus/ Deficit
Bradley Hills ES	686	499	72.7%	+187
Thomas W. Pyle MS	1,498	1,320	88.1%	+178
Walt Whitman HS ^[1]	2,218	2,098	94.6%	+120

Table 2. FY2025 School Test Results

School	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Bradley Hills ES	No UPP	272	325	428
Thomas W. Pyle MS	No UPP	304	478	703
Walt Whitman HS	No UPP	300	564	897

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 FY25 Annual School Test, Bradley Hills ES, Thomas W. Pyle MS and Walt Whitman HS do not require any Utilization Premium Payment** as identified in Table 2.

The revised plans will be made available for your use shortly after the resubmission occurs. As previously mentioned, Staff is available for a meeting with the community to discuss any remaining concerns or questions. We look forward to hearing from you.



Marco Fuster
Planner III
 Montgomery County Planning Department
 2425 Reddie Drive, Floor 13, Wheaton, MD 20902
Marco.Fuster@montgomeryplanning.org
 o: 301-495-4521



September 9, 2024

Mr. Marco Fuster
Planner III
Montgomery County Planning Department
2425 Reddie Drive, Floor 13
Wheaton, MD 20902

Dear Mr. Fuster,

Please accept this second Public Comment to the proposed subdivision of the property located at 5315 Goldsboro Rd., Project Application 620240130, from the residents immediately proximal to and surrounding referred to collectively as the Goldsboro Residents Group (GRG). After an extensive review of all the revised documents submitted on behalf of the owner/developer by Charles P. Johnson & Associates, the project engineering firm, GRG has identified still outstanding, significant issues with this proposed subdivision.

As expressed in its first Public Comment and seemingly of less concern by the developer and the County Planning Department, this subdivision goes against the very nature and quality of the properties along Goldsboro Rd. characterized by large open lots with lots of privacy, single family dwellings that are not on top of each other as are characterized by the plethora of new large "spec" homes taking up most of a lot in the residential neighborhoods of Bethesda. To be clear none of these, this project included, address any concerns by the County and its officials to provide affordable housing. The sole purpose of this project is to maximize the owner's ROI by selling these homes at the highest market value possible.

Regardless, GRG's second Public Comment concludes that the issues raised within and any in the future need to be addressed before the County Planning Board, especially regarding certain approvals by the County's subdivisions made apparently without regard to GRG's first Public Comment. We do, however, appreciate the email response by the MCO-PD that contained its opinions about those issues raised in GRG's first submission and you will find them addressed in this response.

Thank you,



Larry Mahan
(on behalf of the GRG)
e: lmahan@wans.net
m: 240.478.0752

**NEW DEVELOPMENT PLAN TO BE CONSIDERED BY THE
MONTGOMERY COUNTY PLANNING DEPARTMENT**

SECOND RESPONSE TO APPLICATION

The below referenced plan application has been filed with the Montgomery County Planning Board and is being reviewed under the provisions of the Montgomery County (“MCO”) Code and according to the administrative procedures outlined by the regulations for Chapter 50 and 59 at COMCOR 50/59.00.01.

Application Number: 520230240

Name of Application: 1st Addition, Section 2, Bradley Hills

Plan Number: 620240130

Name of Plan: Bradley Hills – 5315 Goldsboro Road

Site Location: 5315 Goldsboro Road, Bethesda md 20817

Lot Size: 45,446 (1.04 acre)

Current Zone: R-90

Applicant/Owner: Karka Holdings, LLC (Gary Waldman, Manager)

Developer/Engineer/Architect Contact: Charles P. Johnson & Assoc., Inc. (Rich Ingram, lead)

The following submission of **Public Comment** is on behalf of the **Goldsboro Residents Group** (GRG) and the comments provided are based on Montgomery County Planning Department (MCO-PD) responses to the GRG’s initial public comments in an email (August 1, 2024) and a first review of the subsequently revised submissions by the developer’s engineering firm CPJ Associates (CPJ). The responses below follow the topics in order as provided by GRG in its initial Public Comment (April 17, 2024).

(1) Property Description Errors

- a. reconcile all differences
- b. assess any impact
- c. propose actionable steps
- d. detailed report of findings

In its response below, the County Planning Dept. has adequately explained how differences in plat descriptions might occur and the use of certain corner markers by CPJ. It is implied by this response that there is no substantial impact from any differences and therefore no actionable steps are required at this time. This was conveyed to the Goldsboro Residents Group (GRG) in an email from Marco Fuster on Aug. 1, 2024.

MCO-PD Response regarding plat differences:

“In general, minor discrepancies in survey can occur due to a number of factors relating to increased accuracy of survey methodology and rectifying various proceeding work which has occurred throughout the last century. The applicants engineer (CPJ) has provided the following information to facilitate the staff response:

These comments are intended to address differences between property bearing and distance labels as may be shown on recorded subdivision record plats compared to the same lines as the result of a boundary survey. The subdivision of real property for these lots began on the 1913 Bradley Hills plat recorded as plat number 154 (p/o lot 4 in block 10) and continued on the 1930 Bradley Hills plat recorded at plat number 427 (lot 13) and continued on the 1941 Bradley Hills plat recorded at plat number 1503 (lot 14) and the final 1984 Bradley Hills plat recorded at Plat number 14738 (lot 28).

Boundary retracements require the specialized skills and experience of a Maryland professional land surveyor to correctly recreate the various lines from the recorded subdivision plats, to find and locate property corner evidence either set by the platting or subsequent surveyors and resolve any differences between the plat bearings and distances and the property evidence found as the result of a current boundary survey, keeping in mind that the plats were not created at the same time and the corresponding property markers were not set at the same time but over the course of the last 111 years. The extent of CPJ’s property survey efforts found corners on some of the Goldsboro Community Group’s properties to reestablish the subject property’s boundaries including property markers on Lots 5, 10, 11, 12 and 29 in Block 10 that directly adjoin the subject property. It is reliance on these corners that provided guidance to set the property outlines as shown on the CPJ survey.

As to differences in plat bearings and surveyed bearings there are many reasons for differences that are not errors. Bearings may be based on magnetic north or the latest realization of the Maryland Coordinate System. As to specific differences along the various lines indicated on page 20, the common line with lot 12, 148.31 plat distance and 148.05 distance are only 3” different along the east-west line and is consistent with the lines of occupation in the north-south direction. The two commons lines along lot 11 and 10 are based on the monumentation for those two lots and again is consistent with the fence along the first portion of lot 11 the railroad spike at the west end of the same line at the corner of Lots 10, 5 and Lot 28. The rear line of Lot 28 is drawn from spike to an iron pipe found. The closing line, common to lots 28 and 29 again is consistent with the pipe in the rear and the property evidence found along Goldsboro. Setback lines depicted on plans based on the CPJ boundary survey are consistent with the property boundaries as reestablished on the CPJ survey, no overly to compare is needed.”

Request for Planning Department and/or applicant:

None

(2) Proposed Forest Conservation & Mitigation Plan (FCP)

a. comprehensive review of proposed FCP

CPJ undertook a comprehensive review of its first FCP and has submitted a revised FCP. However in 02-FCP-F202400640-001 it is referred to as “Final Forest Conservation Plan”. We take exception to it being “final” for the following issues outlined below.

MCO-PD response regarding the revised FCP:

“The Forest Conservation and associated tree save plan variance/mitigation submission has been substantially updated/modified since the initial submission. Additionally, the applicant has obtained the services of an ISA Certified Arborist to prepare the associated tree save plan. Although fine tuning of the plans is still underway,

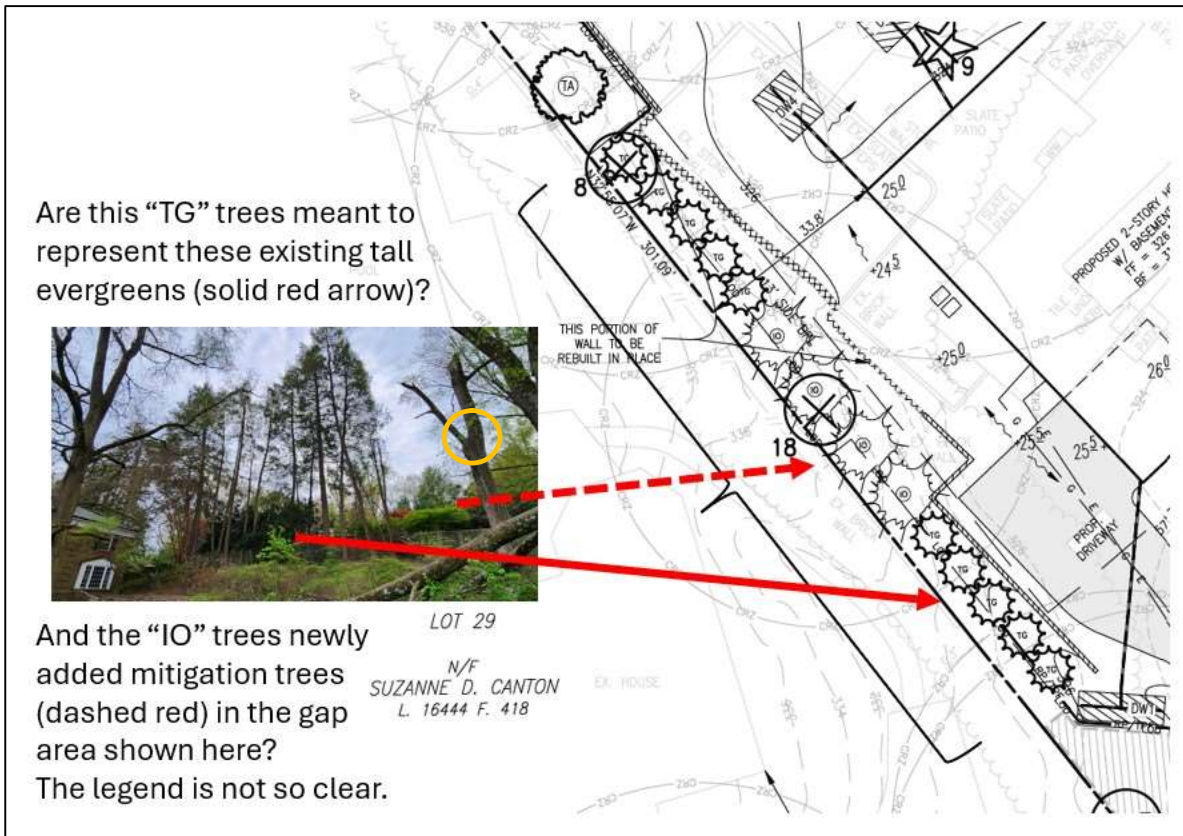
the overall Forest Conservation/Mitigation is generally in compliance with requirements and can be further discussed/explained in an upcoming meeting with the community."

b. faithfully represent the existing property conditions

The revised FCP (02-FCP-F202400640-002/3) in general, more faithfully represents the existing property conditions and now shows current significant and specimen trees, trees to stay, proposed tree removals and replacements. GRG has identified the following issues with this revised FCP that require attention and response.

Adjacent Lot 29

Some clarity is required regarding the boundary depiction of trees along Lot 29. The ten "TG" (Green Giant Arborvitae) trees are indicated using a legend icon that represents "mitigation screening". It is not clear if these "TG" trees shown on the plan are the existing trees shown in the photo below or if these are to be removed and replaced with others (solid arrow). The orange circle is dead tree 12 as a reference point.



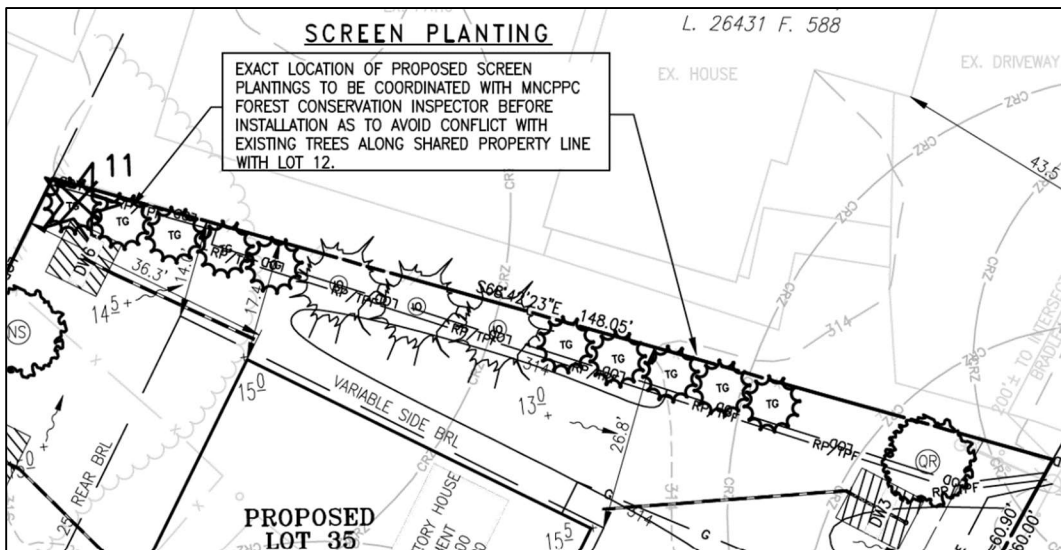
The "IO" (American Holly) trees do appear to be new plants and are presumed to be in the gap shown in the photo (dashed arrow). The "TG" trees beyond these (above toward tree 8) are presumed new as there are no line of existing trees. The change in LOD (discussed below) would suggest complete removal and replacements. This Lot 29 boundary area needs clarification.

Adjacent Lots 12 and 11

Clarity and additional solutions are required regarding trees (TG) between Proposed Lot 35 (PL35) and Lot 12. This boundary consists of a black chain link fence approximately 4' in height and following westward into an old wooden fence in disrepair.



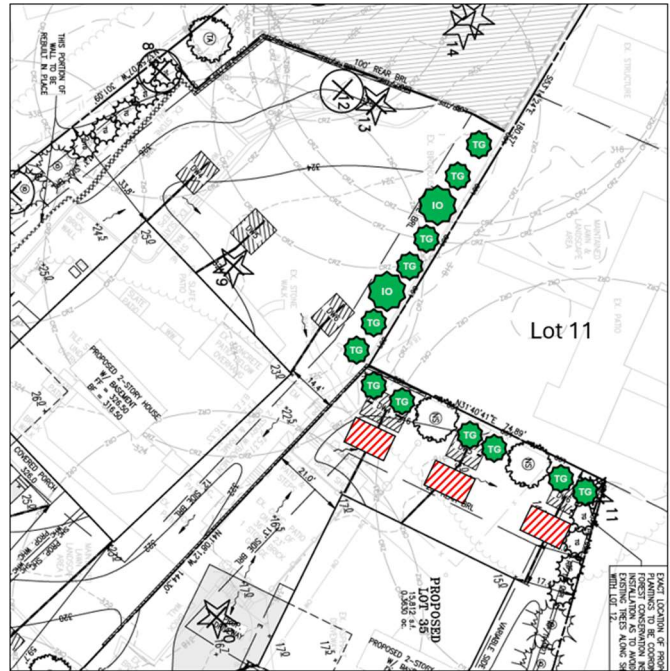
The revised FCP indicates that 12 "screen plantings" are proposed of types TG and IO. As the legend notes, exact placement is to "avoid conflict with existing trees" based upon coordination with an MNCPPC inspector.



Any proposed solution to the removal of existing foliage along this border must include specific discussion with the residents of Lot 12 as to whether retention or complete removal and replanting is preferred.

GRG feels these screen plantings could be a solution if in addition, a replacement fence of no less than 6' in height is installed along the entire boundary to Lot 12. CPJ must recognize the complete loss of privacy that currently exists under the present lot and single home, proposed to be interrupted by a 2-story structure less than 20 feet from the boundary between PL35 and Lot 12.

In addition, the structure proposed for PL35 is in an area of the current property on which no structure exists. No screening mitigation is proposed along the property boundary with Lot 11. Add to this the placement of the intended 2-story structure proposed for PL36. While there is an existing wooden fence of ~6' in height between PL35 and Lot 11, there is only a cyclone fence along the PL36 boundary. These two-story structures will overlook Lot 11 considerably affecting the residents' privacy. The acceptable solution will be to continue addition of TG and IO trees (green) along these property boundaries replacing or in addition to the two proposed "NS" mitigation trees. The 3 drywells (red) would be relocated back from their current position to accommodate as shown here. Just as in its Variance statements regarding depriving *"the landowner of rights commonly enjoyed by others in similar areas ..."*, GRG maintains that the residents adjacent to this proposed subdivision not be deprived of their rights to privacy that have been in place all these years with the current structure on the property as is.



c. review the Variance and Mitigation requirements

The revised FCP has added new mitigations in that CPJ is requesting additional trees and exceptions (e.g., designated tree removals) in 10-VAR-F20240640.pdf.

d. adjust and resubmit a faithful Forest Conservation Plan accordingly

CPJ has provided documents 02-FCP-F20240640-001 through -004) dated Aug. 18, 2024. In the County's email (Aug. 1st), it indicated that the substantially revised FCP was "generally in compliance with requirements and can be further discussed/explained in an upcoming meeting with the Community." GRG will require this meeting for clarifications based upon the issues raised above.

e. provide a detailed written report to this Group

A meeting with GRG can substitute for this request.

(3) Limits of Disturbance (LOD) & Stormwater Management Concept

MCO-PD response to GRG:

"Limits of Disturbance (LOD)/Water Drainage/Erosion [including concerns regarding specific existing walls]

The Department of Permitting Services (DPS) is the lead agency on Stormwater Management (SWM), Drainage/Erosion issues and the adequacy of retaining walls. Per the July 12, 2024, stormwater management concept approval memo (attached), there is an existing stone retaining wall along the common property line between proposed Lots 35 and 36, and existing properties located at 5306 and 5310 Bradley Boulevard. In order to comply with Montgomery County Code, Section 19-15, a structural analysis of the existing retaining wall must be conducted prior to approval of a sediment control permit for construction on proposed Lot 36, to determine the effects of proposed construction traffic, excavation, stormwater management practices, and any related construction activities on the structural integrity of the wall. The sediment control plan must reflect the recommendations of the structural analysis.

The concerns regarding potential erosion regarding the reconstruction of the existing brick retaining wall near the Lot 29 boundary (5321 Goldsboro Road) is still under consideration. However, strategies such as but not limited to phasing to reconstruct and stabilize the area associated with the brick retaining wall prior to beginning the overall house construction may be recommended as a condition of approval.

The existing timber wall on Lot 29 is upslope of the subject property and located a considerable distance from the proposed LOD. Therefore, the timber wall will not be impacted by the proposed development and any impacts/renovations of the timber wall are beyond the scope of the project. The existing stone retaining wall which is approximately 4 feet in height and partially in ruins will be completely demolished and replaced with a new wall and/or regrading."

(A) Adjacent Lot 29

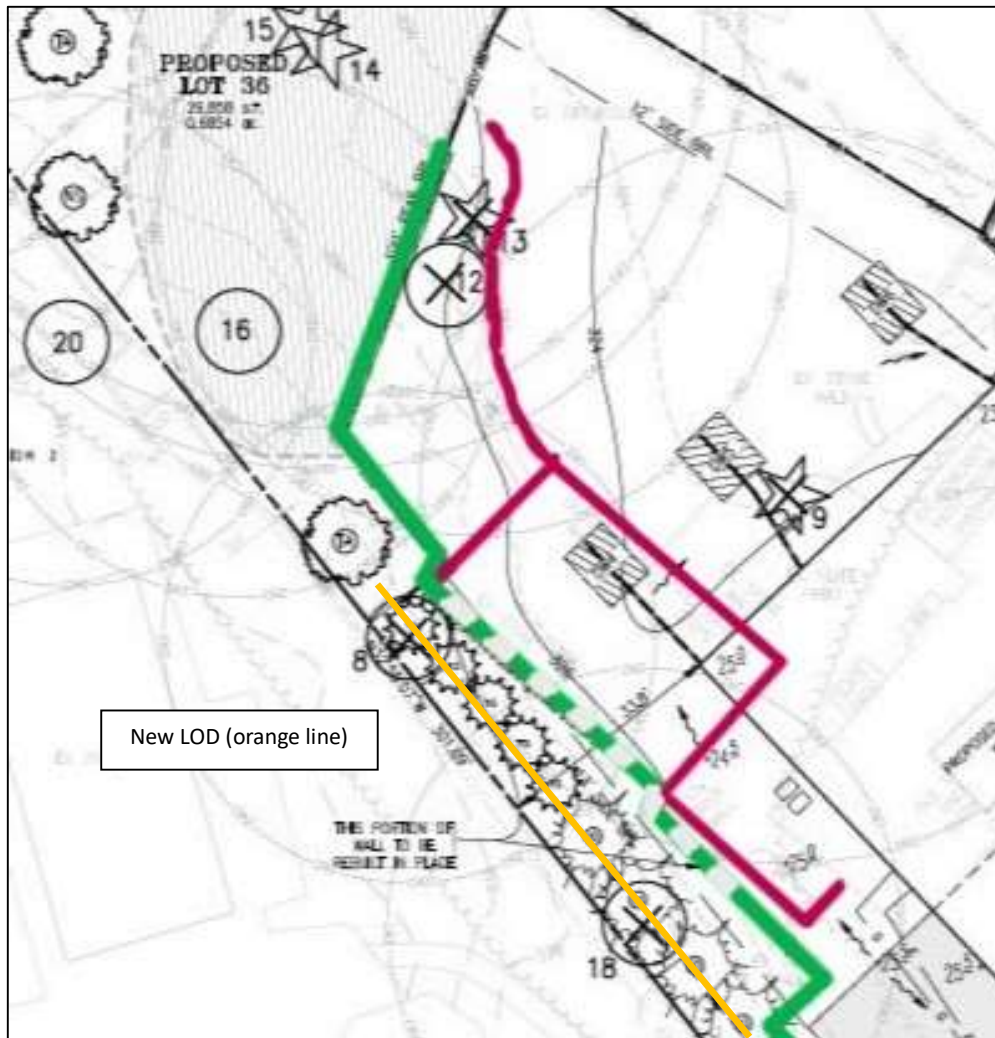
a. undertake a complete and comprehensive review of the proposed Development Plan specifically to address the impact of Forest mitigation on this particular sloped area of the lot along its entire length.

CPJ has made changes to the Forest mitigation plan on the newly filed "02-FCP-F20240640-003.pdf" with a variance request "10-VAR-F20240640.pdf" (August 18, 2024). We note that now the LOD has been moved **closer** to Lot 29 than in the previous plan. This is presumably because this revised plan shows the addition of mitigating trees. (see below to clarify). They also note in the variance request that "*Most of the property drains to the north with the remaining draining to Goldsboro Road. There are area of steep slopes existing on the site.*"

b. develop a slope erosion and contour solution that involves removal of all existing retaining structures and detailed plans for their replacement up to and including the most upper retaining wall on the property boundary between Lots 28 and 29.

CPJ has apparently ignored the issue of the deteriorating nature of the wood retaining wall along Lot 29 and the question of its future structural integrity, now especially since the LOD has been moved to within few feet of the wall for its revised FCP.

GEG's interpretation of the revised plan is shown below marked for our review and for an opportunity to clarify any misunderstandings as to what is new and what will be removed.



The new retaining wall is shown in solid green, rebuilt wall from existing (dashed green) and old walls (red) to be removed. While the conceptual placement of the new wall is not in question, no detail is given on height, materials, etc. GRG would like to see the revised plan include cross-sectional views of the wall system at various points of high and low contour, not unlike the detail of tree planting shown in the FCP. Moreover, with the removal of the current walls (red) and without any re-contouring detail, it is difficult, if not impossible for any reviewer to conclude that the potential for future soil erosion is properly mitigated.

GRG does not accept that these details will “follow” in later permitting processes. CJP is an engineering firm and quite capable of providing this detail overlaid with existing contour and any new contour outlines clearly visible on the plan, perhaps requiring a separate view of the plan detailing all and only erosion and stormwater management solutions, including the PL36/Lots 10/11 issue raised above. It is unclear how MCO-PDS found the concept acceptable without any detail on retaining wall height, depth and material composition, and any

requisite or proposed recontouring. And to reiterate, the developer cannot change the fact that these proposed lots are higher than Lots 10 and 11 and no contouring will ultimately mitigate in particular absorbed water below ground and its historic movement toward Lots 10 and 11. Thus the requirement for a collection and diversion system to be in place (see below).

c. provide a detailed revised plan and written report

As stated, GRG does not find the detail currently presented regarding retaining walls, slope erosion and contour solutions acceptable. A meeting with MCO-PD and possibly CPJ is required following the revisions requested above.

(B) Adjacent Lots 10 and 11

a. undertake a complete and comprehensive review of water runoff and ground saturation mitigation along Lots 10 and 11

This has apparently not been performed or ignored.

b. provide one or more accepted engineering solutions

This is not provided.

c. revise this component of the development plan

This has not been done.

d. provide a detailed revised plan and written report

With no proposed mitigation to this water runoff issue, we presume CPJ did not address it. Yet they state "Most of the property drains to the north ..." and therefore directly into Lots 10 and 11. We have provided evidence of its effects on the current retaining walls between the properties.

GRG rejects the letter from MCO-PDS (July 12, 2024) stating that the "concept for stormwater management is acceptable" only requiring "*a structural analysis of the existing retaining wall must be conducted prior to approval of a sediment control permit*" ... "*to determine the effects of proposed construction traffic, excavation, stormwater management practices, and any related construction activities on the structural of the wall.*"

GRG submitted evidence of both water runoff and accumulated water pressure from (now) PL36 on the wall along the boundaries of Lots 10 and 11 in its first Public Comment. GRG explicitly required that CJP provide a **solution** to stormwater management, not a structural analysis based on developing the property. The proposed retaining wall shown above, while possibly mitigating erosion, is not a stormwater solution. Solutions would be collection and diversion structures.

The current plan and MCO-PDS's response is **unacceptable** to GRG until a comprehensive above and below ground stormwater mitigation plan is put in place for review.

(4) Traffic Related Safety Issues [Side Path Extension]

MCO-PD Response to GRG:

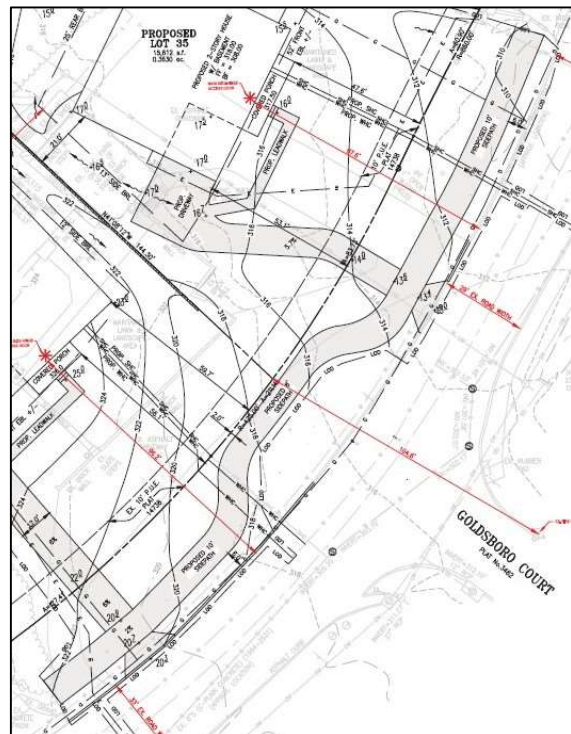
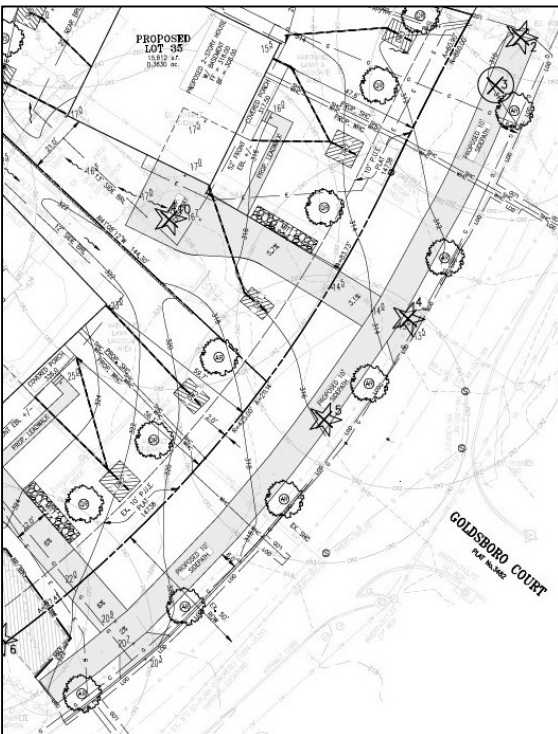
The full side path will be constructed along the entire frontage of the subject property (based on Staff recommendations); however, the northern terminus or transition point of the new path is still under consideration.

Extending the side path at its full design standard to the corner of Bradley and Goldsboro would not be possible in the near future due to existing constraints. There is approximately 6 feet of Right of Way (ROW) between the existing roadway and the remainder of the ROW at its narrowest point. Although there is enough space to accommodate an ADA accessible sidewalk, there is not enough space for the full side path.

Note: Building the standard side path along the Lot 12 frontage in the near future would require Lot 12 to either grant a Public Improvement Easement (PIE) or convey part of their existing frontage to accommodate the necessary width, however, such a proposal is beyond the scope of the administrative subdivision plan.

Conflicting Proposals

Before detailed comment regarding this sidepath, GRP would like to know which is being proposed because 02-FCP-F20240640-003 depicts a straight path that remains 10' while 13-FDA-620240130-005 indicates one that curves in across from Goldsboro Ct. and narrows to 8'. It would also appear that the existing curb is removed in the latter, which could be interpreted as to make space for a vehicle to pull over from Goldsboro Rd.



Which is the correct proposal? If it turns out to be 13-FDA-620240130-005 then its purpose and any changes to the existing curb need to be stated. Given the traffic, speeds and blind curve on Goldsboro Rd. any proposed vehicle pullover of this kind, if true, is very dangerous.

Additionally required tree removal

While GRG understands that the FCP may only be concerned with certain tree types and species, MCO-PD may not appreciate that this proposed 10' sidepath (between the red arrows) will cause the removal of all trees fronting the current property. The picture below shows the intended placement of the path relative to that tree line and the other a view of these trees from the house looking toward Goldsboro Rd that afforded privacy from this heavily travelled state route.



Sidepath or Sidewalk

Regardless, as stated above, this sidepath is based upon MCO-PD staff recommendations. In a call with Mr. Fuster, he clarified that this sidepath is not a sidewalk attached to the existing curb but rather similar to those around the county that accommodate both pedestrian and bicyclists use. No bicyclists will use this path. The only pedestrians that might would be the residents of PL35 and 36.

The MCO-PD must realize the absurdity of this sidepath. Forgetting that it does not completely extend to the driveway of Lot 12, on its western termination, it is squarely in front of the blind curve in this area of Goldsboro Rd. that has been the subject of numerous accidents, not just approaching Bradley Blvd. but also going up (westwardly) Goldsboro Rd. due to excessive speeding. We have the accident reports and photos to support this. And the County should also note that in addition to the removal of certain

GRG pointed out that if this path is required, then a true sidewalk extending to the one at Bradley Blvd. at least makes more sense. And correctly pointed out, it does require the approval of the residents of Lot 12 but if it is a sidewalk, then the ROW and narrowing does not present the issue that a 10' sidepath would. In the County's own view *"there is enough space to accommodate an ADA accessible sidewalk."* A sidewalk would, at the very least, allow a ADA individual or families with children if living on PL35/36 (as well as 5321 and 5301 Goldsboro Rd) a safe means to access a traffic light controlled crossing at Goldsboro Rd. and Bradley Blvd. where existing

sidewalks allow regular and ADA access into Bethesda. A solution like this far more aligns with the County's strategic general plan (Thrive Montgomery 2050) with its emphasis on "reduced reliance on driving", "supporting active lifestyles" and live, work, play "compact communities" than a disconnected "sidepath". And let's make no mistake about the purpose of this subdivision. It is not about making "more affordable and attainable" housing – not in this location. It is all about maximizing the property owners ROI in flipping these homes as soon as they are finished for the highest possible market value.

Lot 12 residents are part of GRG and we will discuss their views on granting a *Public Improvement Easement (PIE)*. We **reject** MCO-PD's view that this is "*beyond the scope of the administrative subdivision plan*". It is precisely these patchwork "solutions" like this sidepath that waste both developers and later taxpayers' money (to make future corrections) and create unusable development. The notion that future development in this area will create the solution to a "sidepath to nowhere" is shortsighted at best.

(5) Impact on Neighborhood Character, Privacy, and other Considerations

Many of the issues addressed here by the County are covered above but we provide some additional specific replies to this response within.

MCO-PD response to GRG:

"Item 5 of the community letter expresses general concerns regarding tight setbacks, loss of privacy, general aesthetics, and infrastructure adequacy/school capacity. Staff notes that the project will provide larger setbacks than what is otherwise required by the zone. The project will also preserve many of the existing screen trees while also including supplemental plantings. Although review coordination with other agencies is still ongoing, there are no apparent issues regarding adequacy of the existing infrastructure. Further, information regarding staff response to Item 5 is detailed below:

- *The proposed Lot 36 will feature a staff recommended 100' rear BRL that precludes new home construction adjacent to the rear of existing Lot 10. Furthermore (based on the updated LOD and variance) the two specimen trees in the rear of proposed Lot 36 will be preserved and there would also be enough greenspace retained to accommodate variance mitigation tree plantings (which would be at least 3" caliper at the time of planting). The proposed setback is significantly larger than the current setback for the existing lot as otherwise required by the zone.*

Response: As the current lot contained only 1 single family dwelling and since its construction more than 50 years ago, no additional dwelling was even considered in this 100' rear BRL, the point is appreciated but not so germane. Stating this, and in view of the County's push to allow multi-family dwellings in R-90, this protection for Lot 10 is relevant.

- *The north side setback for proposed Lot 35 (adjacent to existing Lot 12) is recommended by staff as a variable width BRL (perpendicular to the roadway) which would be up to approximately 25' wide. Furthermore, the applicant has been coordinating with an arborist and will appropriately preserve the existing screening trees along the lot line (some of which are jointly owned by the Lot 12 neighbor). The plan will also include supplemental screen plantings in this area. The retention of existing vegetation, supplemental plantings and expanded BRL will significantly help to address concern regarding privacy and character.*

Response: The County's description of the "variable side BRL" is only partially correct and we disagree with its presumed adequacy. It is indeed 26.8' at its widest but this is across from the mid-front of main home on Lot 12. This is not the area of the greatest concerns for privacy. This area is the backyard and pool. The BRL here drops to 17.4' and 14.0' respectively. And while we recognize that 12' is a normal allowed BRL, this needs context in that the current situation is in excess of 60' (65'-75') of privacy setback. Are not the property owners of Lot 12 allowed to have their right to privacy that they have enjoyed for years under the current situation? The same argument is made for the owners of Lot 10 and the privacy mitigation requested above. We have addressed the comment regarding clarification of "screen plantings" in the proposed FCP above and note again that **ANY** solution (i.e., existing tree removal) here requires the input and coordination of the property owner of Lot 12.

- *Note although the community letter requests a solid fence/wall along certain boundaries, staff is recommending screening with existing and/or supplemental plantings, as there are generally no regulatory requirements to provide such fence/wall structures between adjacent residents. However, there are provisions in the Forest Conservation Regulations to address vegetative screening. Furthermore, the installation of a fence/wall structure would require the removal of trees which would otherwise be retained."*

Response: GRG recognizes that while there are "generally no regulatory requirements" to provide fences and walls, there certainly are discretionary requirements made all the time on developments to mitigate issues with affected parties. Often the cost to a developer for such mitigation is far less than the alternative of potentially losing major elements of the proposed project altogether based on community resistance. Again, the concern for removal of existing "non-FCP" trees along Lot 12 is raised yet the County and developer show no concern for all the trees (not listed in the FCP) that will be removed along Goldsboro Rd. to support a "sidepath" (noted above). Moreover, the proposed fence would be structurally and aesthetically consistent with the existing fence along this aspect of Lot 11. The property owner of Lot 12 requires a comprehensive (fence & trees) proposal, and once again, any trees to be added or removed along Lot 12 boundary must be decided with the property owner of Lot 12.

In Summary

While GRG anticipates some of the issues raised herein regarding the revised plan may be addressed by MCO-PD in its own opinion in correspondence, GRG in its first Public Comment did not receive complete or in a few cases, any answers to some of the issues raised. Moreover, CPJ did not address directly or through MCO-PD any answers to questions specifically asked of them.

As we see with other developments, the County and developer reach many of their own conclusions over a project, the Stormwater Management Approval Letter (July 12) a case in point here, without addressing Public Comment beforehand.

We require now that the unaddressed issues raised beforehand and here now be taken before the Planning Board before ANY further solutions are proposed. GRG represents some of the consensus opinions of those directly adjacent to nearby the proposed subdivision. GRG's responses are not to be construed to in any way preclude individuals affected by this proposed subdivision from expressing their own opinions, in person, before the Board to which they are entitled.

September 8, 2024

Mr. Marco Fuster
Planner III
Montgomery County Planning Department
2425 Reedie Drive, Floor 13
Wheaton, MD 20902

Dear Mr. Fuster & Montgomery County Planning Board:

I am the owner of "Lot 29", 5321 Goldsboro Road, Bethesda MD 20817. I am writing today in regard to my great concern of the planned subdivision of my adjacent lot into 2 separate lots and new homes. As I read the latest plans, apparently in consideration and response to a group of neighbors I am a part of, the Goldsboro Residents Group. Upon reviewing the last proposed plan, I was startled to see the Location of Disturbance ss moved even closer to our lot line and our retaining wall. We have a very steep slope between the 2 lots and very close to that divide on our property, we have had existing pool heat pumps, filter systems, backwash pump, electrical boxes, etc., just feet from where they are now proposing to move the LOD. I am not sure if anyone has taken the time to explore my adjoining property to the back there but is certainly doesn't appear so, or we would not see this increase of risk to erosion and water surge from heavy rains our area often sees.

Additionally, I note from the plan drawings several green trees running tightly along or just on the other side of the rather old retaining wall. Are these supposed to be the substantial but few existing trees? If so, there are perhaps 6 rather than the dozen amount shown. If these are supposed to represent what they plan on planting, then I am worried if they tear down the nearly 80 foot trees there with deep root systems holding that soil in place with the older retaining wall, will take out the integrity of that support and our long existing pool, our marble deck surfacing all around that as well as the extensive pool equipment that has rested in its place near our lot lines could quite easily shift and perhaps crack with these nearby underpinnings disturbed.

IF I am missing something here showing to the contrary, please point it out. I would welcome a walk-through of our property by the county to show my concerns and dire expectations from this plan of development. I am hopeful the retaining wall, tree preservation and adjustment of LOD can be negotiated to make the 2 properties safe and cohesive.

I look forward to your response and discussion. My best,

Suzanne Canton

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Bethesda MD 20817
(301)785-6599 cell