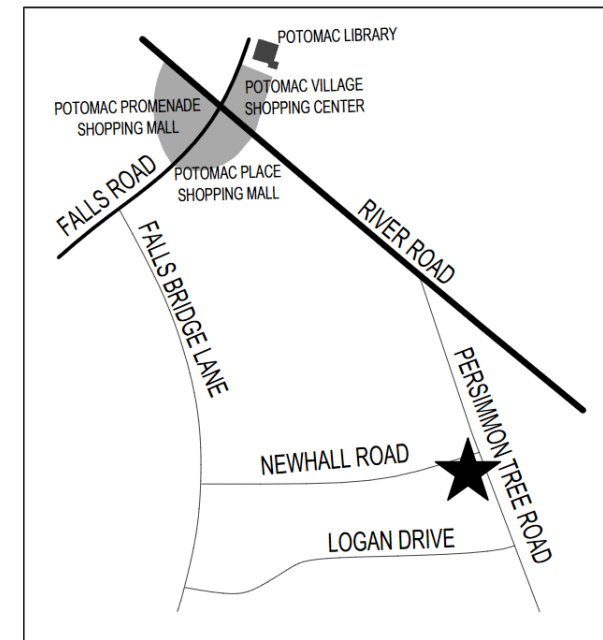




NRI 420240850 and Concept Plan #520240040, 9312 Persimmon Tree Road

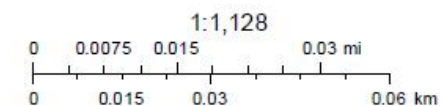
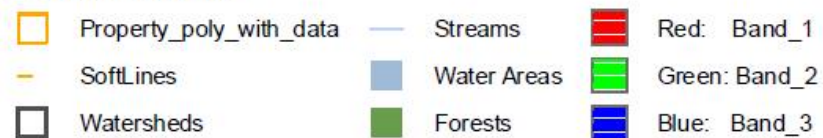


VICINITY MAP
SCALE: 1"=1,000'

Forest and Stream Layer 9810 Newhall Rd Potomac 2023s



2/6/2024, 3:30:40 PM



MCG, GIS, ESRI, Pictometry
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Forest Conservation Plan (FCP) exemption; however, the application process was never completed.

Project Name Search Results

Plan Number	Plan Type	Project Name	Submit Date	Area	Pending	Lead Reviewer	Proposed DU	Approved DU	Proposed SQFT	Approved SQFT
42023119E	FCP EXEMPTION	9810 Newhall Road	12-28-2022	3	Withdrawn					

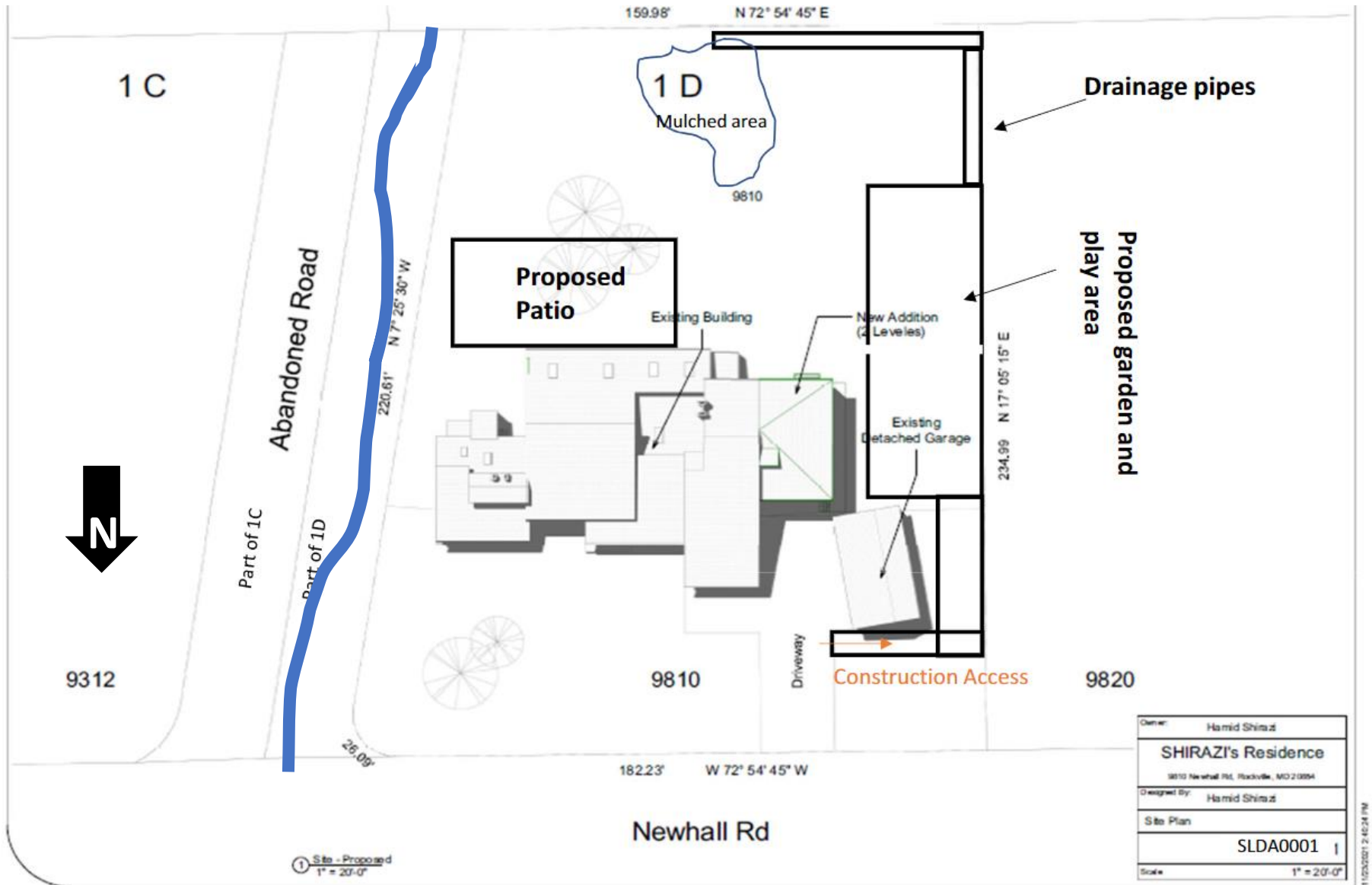
Project Description Narrative:

We are placing drainage pipes along the side of the property as shown in SLDA001 plan. The pipe is 15" in diameter and is intended to collect surface water as well as roof water from gutters. The water is daylighted where it naturally flows currently in the back of the property.

The lot will also be graded to allow for a patio, a garden and a playground in the backyard. Also, a part of the lot, as shown in the plan, is filled with mulch with a 2-3 ft depth. The mulch will be replaced with dirt.

The project does not impact any environmental features or any trees.

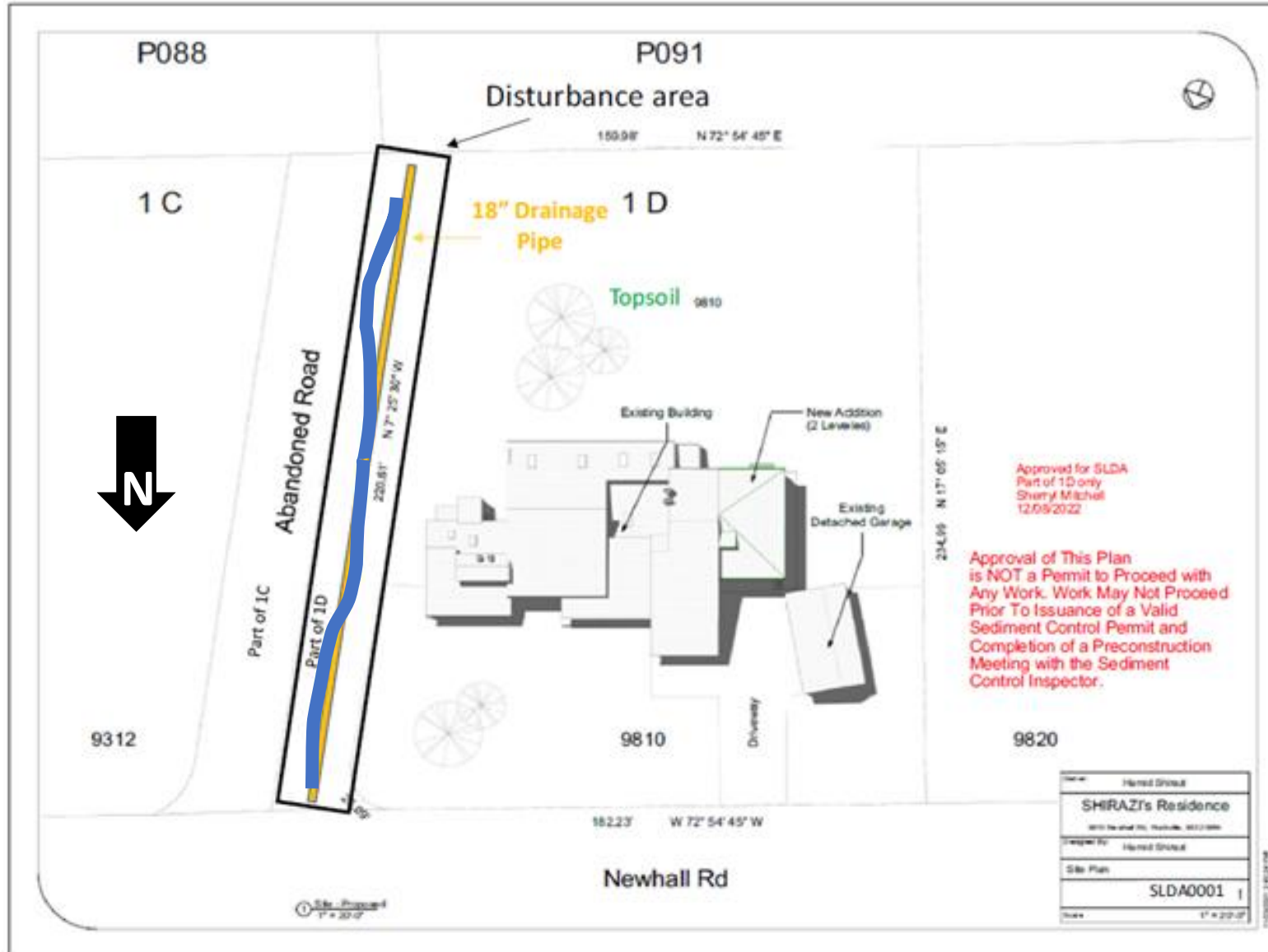
FC Exemption Plan (Withdrawn)



*Blue line
(Stream), just
for reference



APPROVED
Department of Permitting Services
Permit # SEDIMENT-288894
Date 12/08/22
Project # 18124949



Sediment
Control Permit
approved by
DPS

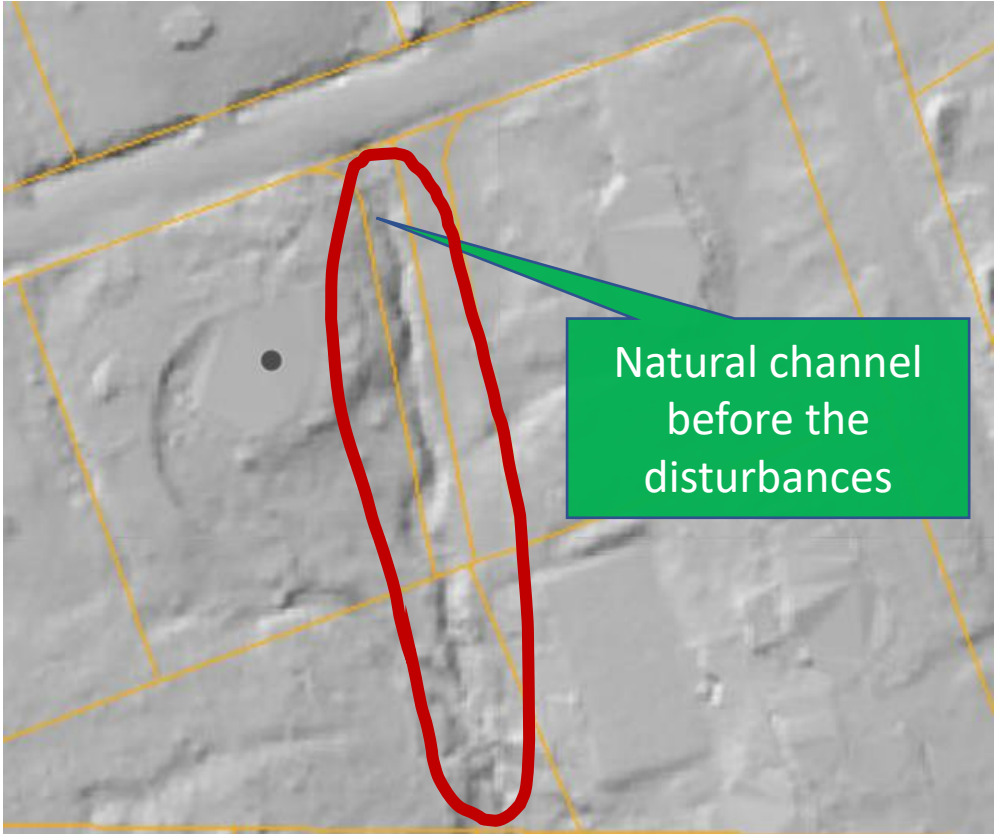
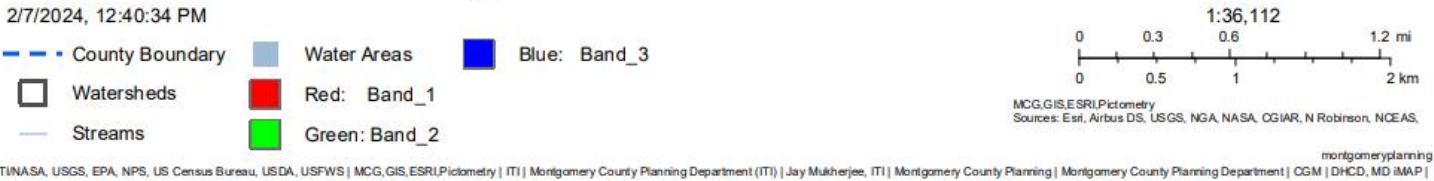
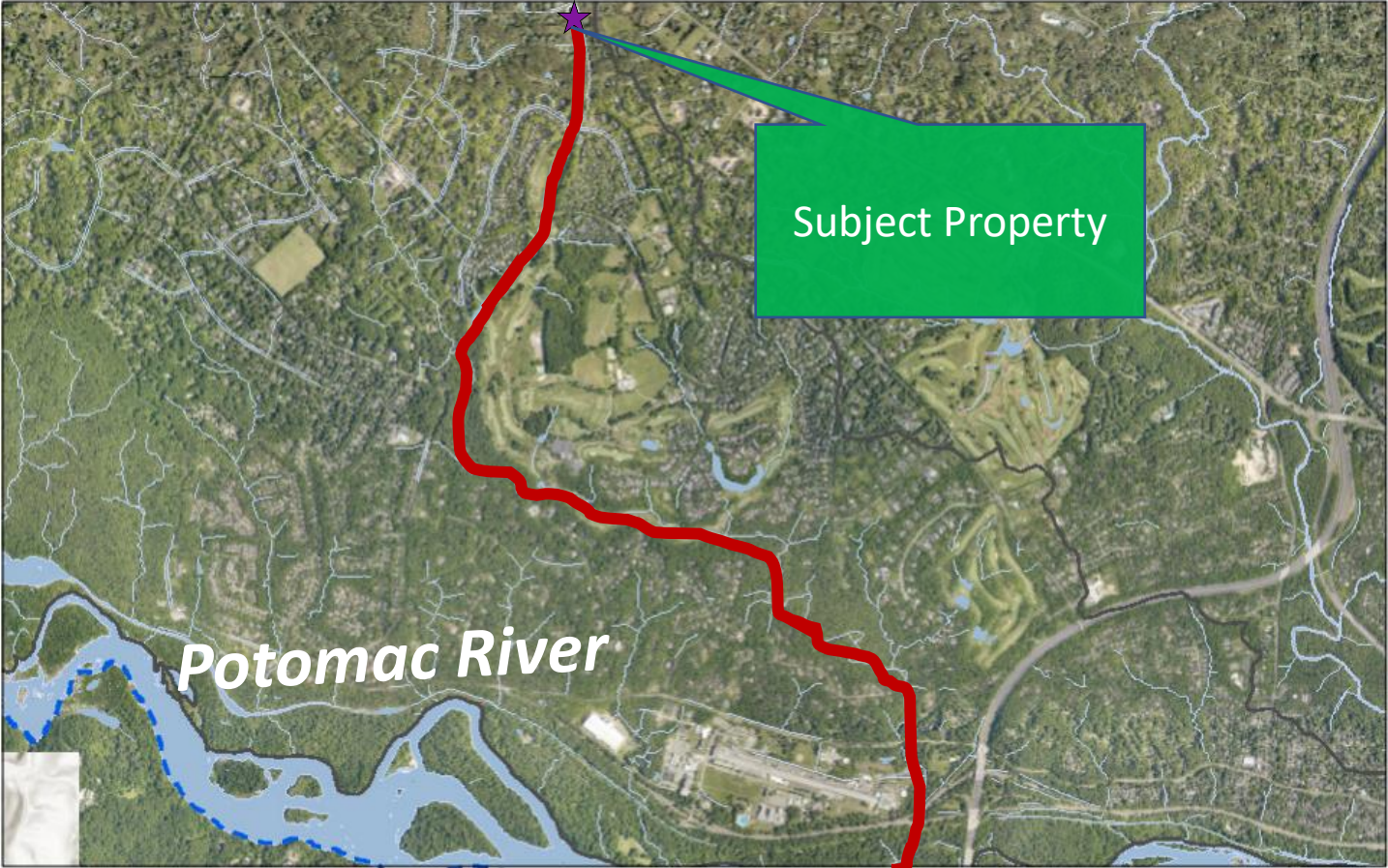
*Blue line
(Stream), just
for reference

Aerial Photograph 2020



Aerial Photograph 2023





Terrain LIDAR layer 2020

During the installation of the piping, there was some over-disturbance observed, which led to a violation of the Department of Permitting Services (DPS) regulations.



"The soil from the excavation was thrown onto the main property and ***some trees were observed to be removed.*** Work was ***beyond our requirements***, so I issued an NOV and directed to obtain a permit".
Inspector III CESSWI (DPS)

"SLDA application (SC 288894) was modified to include only the work on the smaller parcel, and we issued that ***approval without forest conservation***". Manager (DPS)

Potentially, they found water table within 3 ft deep

Aerial Photograph 2023



Synopsis of the activities provided by the owner

There were 2 dead trees in my backyard. I found criteria for removing dead trees on the county website: <https://www.montgomerycountymd.gov/green/trees/permits-and-concerns.html>. None of the criteria listed were applicable to us. I had a contractor remove both on May 17.



Trees were killed due to their proximity to the piping installation and grading.

Guidelines For Environmental Management Of Development In Montgomery County

Intermittent Streams

Streams that typically have ***baseflow at least once per year***. Typically, in the winter and spring, the groundwater table is elevated, increasing the likelihood that the ***groundwater*** level is higher than the bed of a ***stream channel***. Therefore, an intermittent stream will usually have baseflow during the winter and spring seasons and infrequent baseflow during the rest of the year. Because of discontinuous flow regimes, intermittent streams typically have ***physical, hydrological, and biological characteristics*** that are not as well-developed as perennial streams.

Why streams are important

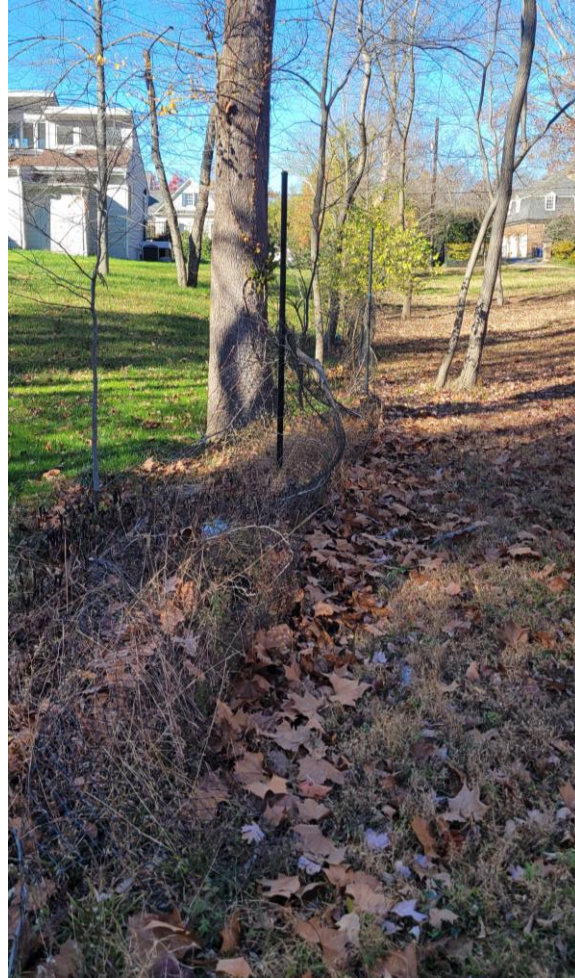
Benefits:

- Improved flood control: Removing a stream can help mitigate flooding risks in the surrounding area.
- Enhanced water flow: Removing a stream can improve the flow of water in nearby waterways, potentially benefiting aquatic ecosystems.

Impacts:

- Habitat loss: Removing a stream can result in the loss of important habitat for various aquatic species.
- Decreased water quality: Removing a stream can disrupt the natural filtration and purification processes that streams provide, potentially leading to a decline in water quality.
- Altered ecosystems: Removing a stream can disrupt the balance of ecosystems that rely on the stream's presence, potentially affecting biodiversity and ecological dynamics.

Current field conditions (2023)



Video for context (Previous stream conditions)

Field Indicators and Descriptions (Observed in the field)

Geomorphic Indicators

- Continuity of Channel Bed and Bank
- Sinuosity of Channel
- In-channel structure: Riffle-Pool, Step-Pool, Ripple-Pool sequence
- Particle Size of Stream Substrate
- Depositional Bars or Benches (Bankfull elevation)
- Recent Alluvial Deposits

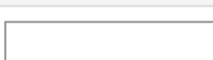

Hydrologic Indicators

- Presence of Baseflow
- Leaf litter
- Sediment on Plants or Debris
- Organic Drift Lines

Biological Indicators

- Wetland Plants in Streambed

NRI 420240850 Review

	Ref.# 110	Changemark note #01	AREA ENVIRONMENTAL	Ariel Zelaya	11/20/23 2:49 PM	Cycle 1
	Unresolved		01-NRI-420240850-001.pdf			<div>Verify</div> 
	Markup		All streams/wetlands and associated buffers located on or within 200 feet of the subject property must be shown on the NRI/FSD summary map. Address the hydrologic features in the plan view and universally update all graphics, notes, tables, and figures accordingly.			

Responded by: Robert Tjaden - 1/9/24 2:30 PM

MDE letter provided with this submission and buffer shown.

Reviewer Response: Ariel Zelaya - 12/18/23 3:03 PM

Please show an intermittent stream and its associated buffer within the study area. All streams/wetlands and associated buffers located on or within 200 feet of the subject property must be shown on the NRI/FSD summary map. Or, please present an official letter from the MDE stating that the stream is not part of the Waters of the U.S. and is an ephemeral stream for consideration.

Responded by: Robert Tjaden - 12/13/23 11:01 AM

Stream added to portion of 9810 Newhall Road. No buffer was added. Please reference M-NCPPC Montgomery County Planning Department Environmental Guidelines - Stream Buffers on page 5. Please note that this property is not in the Ten Mile Creek Watershed. "In most of the County, ephemeral streams do not require a stream buffer, but these streams should be protected as much as possible through plan layout and conditions on a voluntary basis."

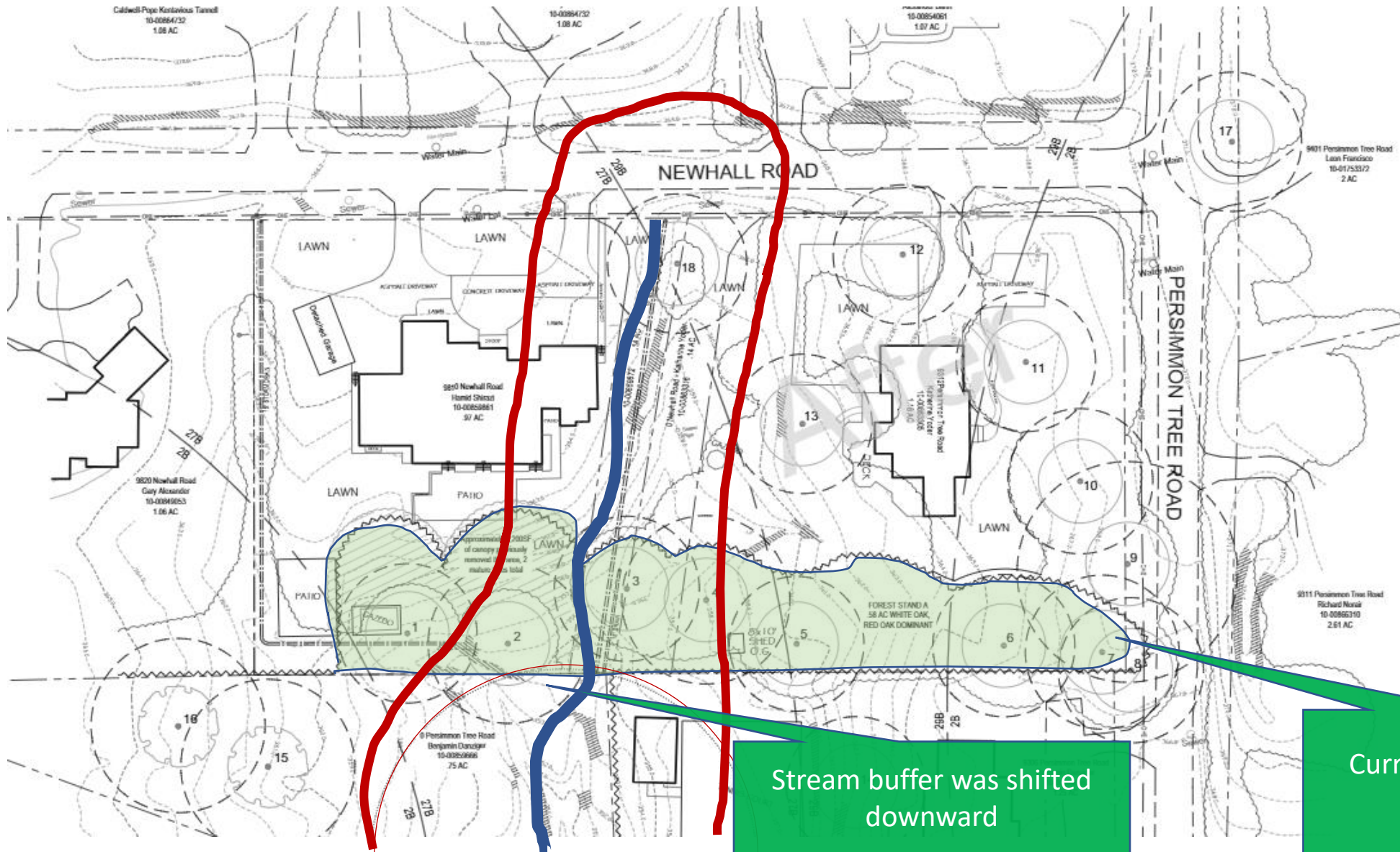
Reviewer Response: Ariel Zelaya - 12/6/23 1:17 PM

Other adjoining properties to the south also have the same natural channel running along their boundaries, and the NRI/FSDs have identified it as a stream and stream buffer. Please review the files 42010200E, 42021194E, and 42011034E for more information.

Responded by: Robert Tjaden - 11/30/23 12:51 PM

Ephemeral stream head is located on adjacent property 0 Persimmon Tree Road directly south of 9810 Newhall Road property. Storm drain pipes discharges to this stream head through subject property study area shown on plan. Per Montgomery County Environmental Guidelines, no buffer is required for ephemeral streams in this watershed. Previously approved NRI 42021194E shows this stream location as well.

NRI 420240850, V4



*Red line (Stream buffer) is currently not being shown by the applicant.

*Blue line (Stream), just for reference) is currently not being shown by the applicant.

Stream buffer was shifted downward

Current Forest + Cleared Forest



January 5, 2024

Hamid Shirazi
9810 Newhall Road
Potomac, MD 20854

Project: Pre-application site visit/Proposed subdivision

AI #: 180316

SUBJECT: MDE Waterways Site Visit Comments

Mr. Shirazi:

The Maryland Department of the Environment (MDE) visited the above site on December 21, 2023 and January 5, 2024 to determine whether any state regulated waters are present within the area of proposed subdivision. A culvert which appears to carry only stormwater runs under Newhall Road onto the property. There is a small depression where an additional drainage pipe enters. Flow from the culvert and drainage pipe enter another drainage pipe which runs the remaining length of the property. A small amount of flow was present on December 21. A review of precipitation records indicated that there had been rainfall during the days leading up to this visit. A subsequent visit on January 5 confirmed that there was no flow from the drainage pipe, therefore indicating that the flow seen on December 21 was likely due to precipitation rather than groundwater influence. Based on these observed field conditions, MDE does not consider the drainage pipe a Water of the State. See sketch on Page 2. It was determined that no authorization is required from the Department's Waterway Construction Division for work within the property since no regulated resources are present.

Official letter from the
MDE

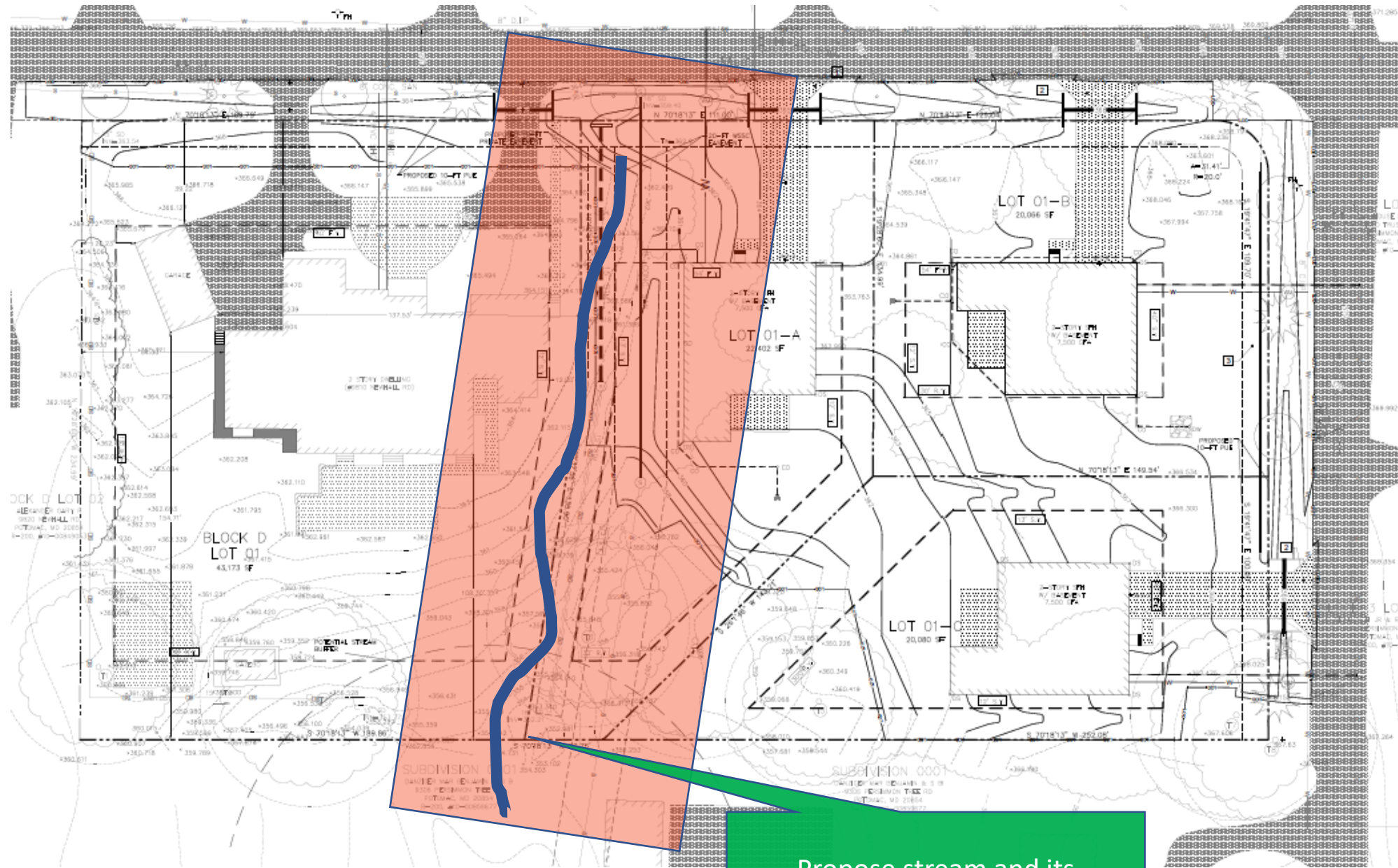
NRI 420240850 Review: This is the last communication with the applicant.

Reviewer Response: Ariel Zelaya - 1/20/24 12:08 PM

Field data, documentation (video and pictures), and Forest Conservation Plan Exemptions have confirmed the presence of previous critical environmental features such as a stream and the associated buffer that were recently disturbed on the subject property. Topographic, hydrologic, and soil maps, Geographic Information Systems (GIS), and fine-resolution Light Detection and Ranging (LIDAR) have also been used to verify the extent of the stream and forest that have been disrupted. The provided Letter from the MDE will not be considered for this plan. Therefore, remove the letter from the plan.

In order to comply with the Forest Conservation Law Chapter 22A, Trees Approved Technical Manual 1992, and the Environmental Guidelines for Management of Development in Montgomery County 2021, the applicant must address the previous comment to fully represent previous and current field conditions (the applicant must show the stream and its associated buffer) and other relevant environmental features for the Natural Resource Inventory/Forest Stand Delineation (NRI/FSD). By failing to address the standard requirement for the Natural Resource Inventory/Forest Stand Delineation (NRI/FSD), the plans cannot be approved.

Concept Plan #520240040



Propose stream and its
associated buffer delineation.