



August 16, 2024

Mr. Hamid Shirazi
9810 Newhall Road
Potomac, MD 20854

Erin E. Girard, Esq.
Lerch, Early & Brewer
7600 Wisconsin Avenue, Suite 700
Bethesda, MD 20814

Re: Natural Resource Inventory/Forest Stand Delineation (NRI/FSD)
No. 420240850 - Persimmon Tree Subdivision - Denial Decision

Dear Mr. Shirazi and Ms. Girard,

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No. 420240850 - Persimmon Tree Subdivision application for property located at 9810 Newhall Road, Potomac, Maryland (the "Application") **has been denied**.

As previously detailed in the July 23, 2024 letter from me (Attachment A, which is incorporated herein), Planning Staff has determined that the Application cannot be approved without revisions to the NRI/FSD to show the presence of an intermittent stream and associated buffer on the property. As described in the letter, Planning staff and Department of Permitting Services staff visited the property at different times and witnessed water flow and/or ponding/accumulation in the channel resulting in a determination that there is an intermittent stream on the property. Intermittent streams are defined in the *Environmental Guidelines* (2021) as streams which "typically have baseflow at least once per year" and "usually have baseflow during the winter and spring season." Further, Planning staff identified other features characteristic of intermittent streams including sinuosity, well-defined banks, deposits, sediments, debris, wetland vegetation, and algae cover. Accordingly, without the stream and its associated buffer properly identified, the NRI/FSD is denied.

Section 22A-20(c) of the Montgomery County Code provides that this decision may be appealed to the Planning Board within 30 days. The procedures for such an appeal are attached to this letter as Attachment B.

Please let us know if you have any questions.

Sincerely,

Jason K. Sartori
Planning Director
Montgomery County Planning Department

cc: Robert Tjaden, Tjaden Design Associates, LLC
Patrick Butler, Upcounty Planning Division Chief
Allison Myers, Esq., Office of General Counsel