



Preliminary and Site Plans, Brookeville Preserve, 120110070 & 820120030

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Completed: 03-01-12

Description

Brookeville Preserve

A. Preliminary Plan No. 120110070

Staff recommendation: Approval with conditions

B. Site Plan No. 820120030 including a Forest Conservation Plan

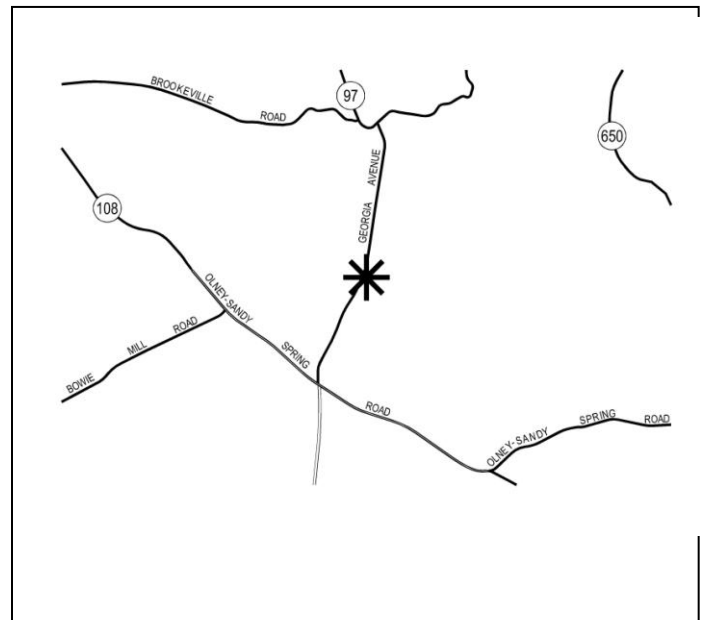
Staff recommendation: Approval with conditions

16 dwelling units consisting of 5 one-family detached homes and 11 townhomes; located in the southeast quadrant of the intersection of Georgia Avenue (MD 97) and Owens Road; 12.77 acres; RE-2/TDR-4 Zone, Olney Master Plan

Applicant: Carl M. Freeman

Preliminary Plan Submission Date: Dec 14, 2010

Site Plan Submission Date: August 4, 2011



Summary

Staff's analysis addresses the following issues:

- The plan utilizes the optional method of development using Transferable Development Rights (TDR's).
- Staff supports a waiver of the minimum two-thirds requirement for TDR's based on environmental constraints on the property.
- The plan proposes a new driveway entirely within the Property to serve the 2 easternmost lots, and includes as an option, shared access on the existing driveway on the neighboring property should the affected property owners come to a mutual agreement prior to record plat.
- Staff received correspondence from the Manor Oaks HOA and the adjacent property owner of Lot 3, Block J (p.6).

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SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Vicinity

The subject property, “Subject Property” or “Property”, is located approximately ½ mile north of the Olney Town Center and ¾ of a mile south of Brookeville, at the southeast corner of the intersection of Owens Road and Georgia Avenue (MD Route 97). The site is located within the Olney Master Plan area, is zoned RE-2/TDR-4, and is one of the few undeveloped properties within a relatively developed residential neighborhood.

The predominant land use in the surrounding area is residential, in the RE-2/TDR and R-200 Zones. Across Owens Road to the north and immediately to the east of the site, the Manor Oaks subdivision is developed with one-family detached houses. To the south, the James Creek subdivision and the Hollow Creek subdivision are developed with townhouses and one-family detached houses, respectively. Across Georgia Avenue to the west, the Brookeville Knolls subdivision in the R-200 Zone is developed with one-family detached houses. A major transcontinental gas line easement of approximately 125 feet in width runs in the northeast-southwest direction and bisects the Property diagonally.

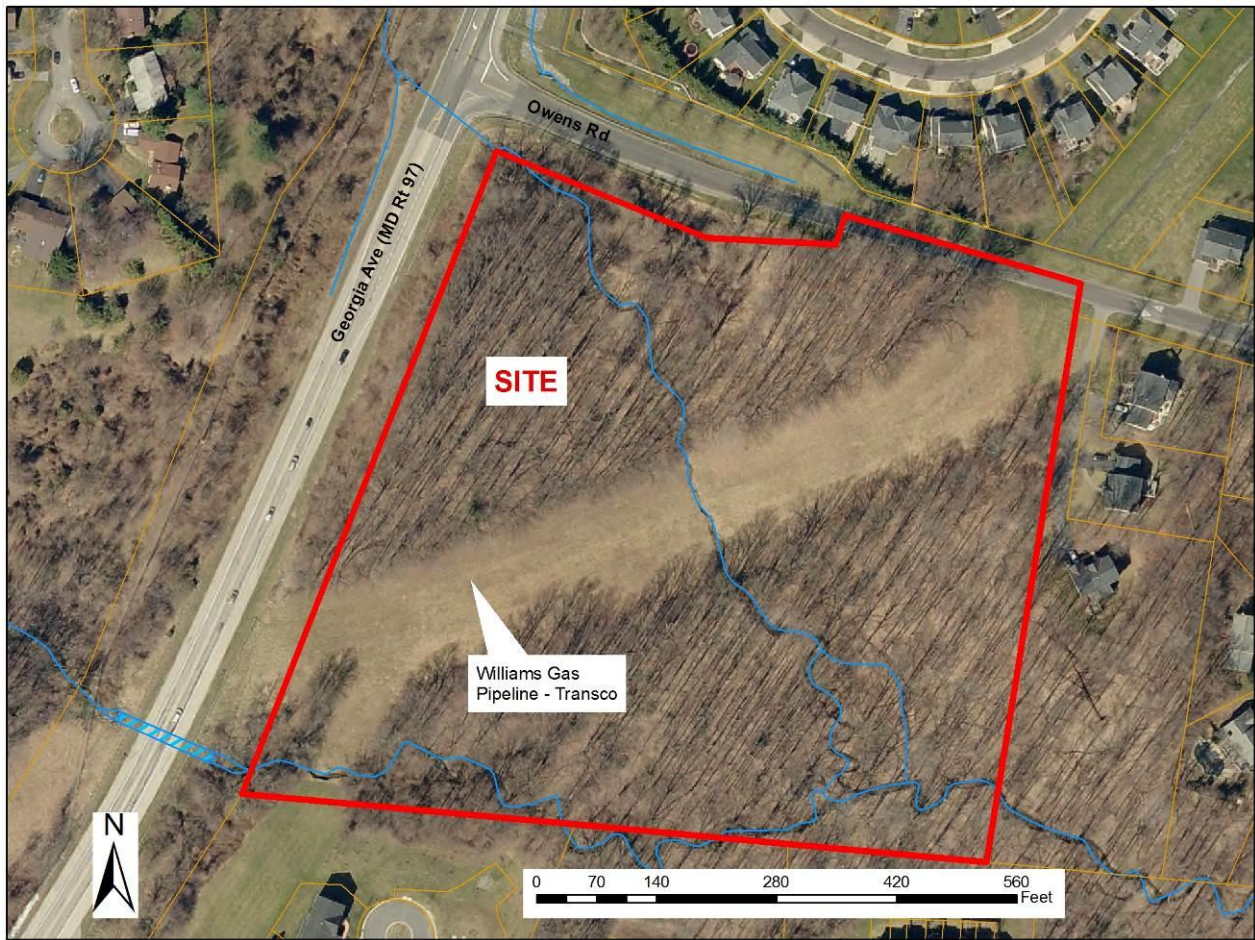


Vicinity Map

Site Analysis

The Subject Property consists of approximately 13.0 acres of unimproved land with approximately 800 feet of frontage on Georgia Avenue and 700 feet of frontage on Owens Road. The site is generally square in shape and contains a wide transcontinental gas line easement that bisects the site from the northeast to the southwest. With the exception of the gas line easement, the entire Property is forested. The Property is located within the James Creek tributary of the Hawlings River watershed, which is classified by the State of Maryland as Use IV-P waters. The entire Property is located within the Patuxent River Primary Management Area (PMA). Two streams exist on the Property. One of the streams enters the site via an existing culvert at the intersection of Georgia Avenue and Owens Road. This stream traverses the Property in a southeasterly direction. The second stream enters the site via an existing culvert under Georgia Avenue in the southwestern corner of the Property. This stream travels in an easterly direction along the southern Property line, and converges with the first stream before flowing offsite in the southeastern corner of the Property. Two wetland areas occur in the southeastern corner of the Property, within the stream's environmental buffer. The Property contains 100-year floodplain within the environmental buffer. The floodplain delineation was approved by the Montgomery County Department of Permitting Services (MCDPS) on September 22, 2010.

The topography is gently sloping and the Property contains approximately 9.23 acres of forest. The remainder of the Property is the gas line right-of-way. No structures currently exist on the Property.



Aerial Photo with approximate site boundary outlined in red

PROJECT DESCRIPTION

Previous Approvals

There are no previous approvals that encumber this site.

Proposal

The Applicant proposes to develop the Property with a total of 16 units consisting of five, one-family detached and eleven townhouse units. The plan utilizes the optional method of development using Transferable Development Rights (TDR's) to achieve the density proposed. The Applicant requests a waiver of the minimum two-thirds requirement for TDR's based on environmental constraints on the Property, pursuant to Section 59-C-1.393(b) [Appendix B].

The units are generally divided into two clusters on the developable portions of the site. The location of the clusters avoids environmentally sensitive areas and the existing utility easements. Access to the townhouse cluster will be off Georgia Avenue via a private street. Access to the one-family detached units is off Owens Road via two separate shared driveways. One gives access to three detached units and the other to two units.



Illustrative Site Plan

A 5-foot wide sidewalk is provided along the Property's frontage on Owens Road, and an 8-foot wide asphalt shared use path is provided along Georgia Avenue within the public right-of-way, which

connects with the terminus of the existing path.

The plan protects the stream valley area and associated sensitive environmental features as open space and amenity areas with limited access. These areas make up a large portion of the 11.45 acres of green space on-site.

Compatibility with adjoining communities is addressed through the location of the various unit types, setbacks, and a landscaped berm. As a result of these measures, the townhouse cluster will have limited visibility from Georgia Avenue and the surrounding properties. The Subject Property adjoins land zoned RE-2/TDR-4, which is the same zone as the Subject Property, and thus enables similar densities as those proposed.

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff is in receipt of two pieces of correspondence; one a letter dated January 4, 2011, from the owners of Lot 3, Block J, that immediately abuts the Subject Property to the east and the second, a Resolution from the Manor Oaks Homeowners Association (HOA), dated January 31, 2011 [Appendix C]. The letter of January 4, 2011 from Robert Keller and Lynda von Bargen highlights concerns that these individuals have with respect to the first version of the plan that showed three lots immediately adjacent to their property. Please note that one of the three lots they reference has been removed and only two lots are now proposed in that location. Staff recommended the deletion of a lot so that the remaining lots would be more consistent with the size and relationship of the adjacent existing lots, including the Keller/Bargen lot. Staff believes that most, if not all, of the concerns expressed in this letter were addressed by the deletion of this one lot as it created less impact to the developable area at this location. The two proposed lots meet all zoning, setback, forest conservation, stormwater, access and fire and rescue requirements.

The second piece of correspondence is from the Manor Oaks HOA and is in the form of a Resolution, executed on January 31, 2011. The Resolution indicated that the HOA is most concerned about additional traffic created by this development and suggests that Owens Road and Georgia Avenue are unsafe. The HOA opposes the two driveway locations on Owens Road and asks that the plans be modified to address the safety and congestion problem that they present. The HOA calls for no access to Georgia Avenue which would “compound the pre-existing and well-documented safety hazards...” at the Georgia Avenue and Owens Road intersection.

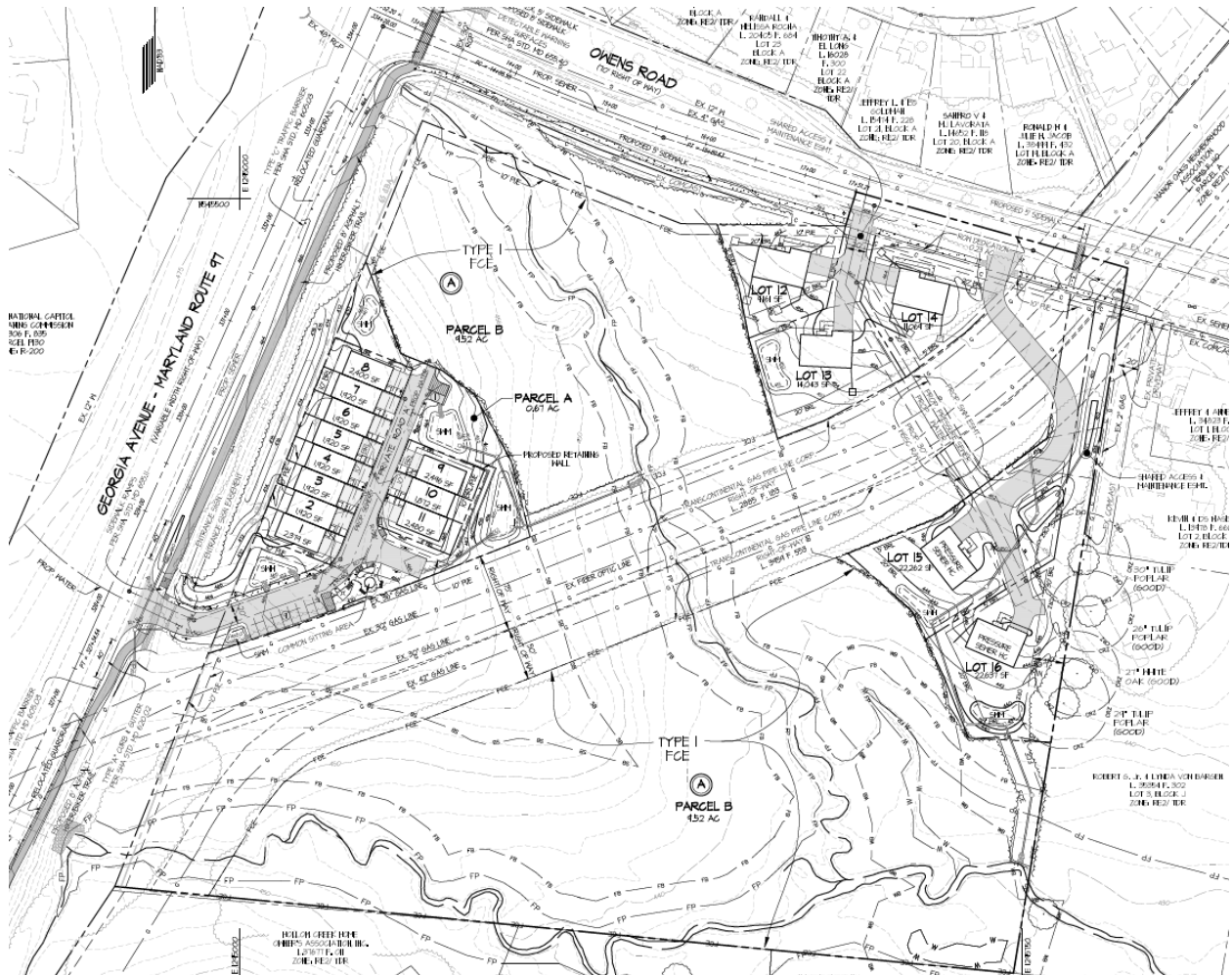
Staff inquired with the County and State Highway staff as to any recognized operational problems or safety concerns at this intersection and none were identified. The Applicant also researched traffic accident reports with the County Police and did not find an abnormal number of reported incidents. The HOA suggested that no access should be granted to Georgia Avenue to prevent further problems but also advises that the alternative to allowing additional access to Owens Road is also problematic.

The HOA requests additional information on forest protection which is available on the Forest Conservation Plan on the M-NCPPC website. The HOA also asks for this developer to compensate Manor Oaks because of the likelihood that some of the new residents of this subdivision might make use of the

Manor Oaks common areas and recreational amenities. Further, the HOA asks for the enrolments of the local schools to be analyzed to determine sufficient capacity, which this staff report has done. To conclude, the HOA recognizes that construction on top of the gas pipeline needs special consideration and asks for a meeting with the utility company. Staff did not set up such a meeting yet believes that the HOA may contact the pipeline representatives to discuss their concerns. Staff understands that any work within that right-of-way will need to be permitted by that utility and must follow specialized construction techniques.

More recently, Staff was contacted directly by the Manor Oaks HOA [Appendix C]. The main concerns highlighted were the traffic on Owens Road and the integrity of the transcontinental gas pipeline. Staff has explained that the project will have at most 2 shared driveways off Owens Road serving 5 detached units. The remaining 11 townhouses will have access to Georgia Avenue via a private drive. From a traffic volume perspective, the 16-unit development will not generate significant peak-hour trips that would overwhelm traffic operations at the Georgia Avenue and Owens Road intersection. Staff provided correspondence from Williams Gas Pipeline (WGP) in regards to this project [Appendix A]. The gas line company comments focused mainly on construction activity, standards, and procedures. They did not object to the project.

SECTION 2: PRELIMINARY PLAN REVIEW



Preliminary Plan

ANALYSIS AND FINDINGS

Master Plan Conformance

The 2005 Olney Master Plan does not specifically address the Property on which the proposed development project is located but does recommend a continuation of the RE-2/TDR zone that had been applied to it under the previous 1980 Olney Master Plan. Generally, the 2005 Master Plan supports the satellite town concept articulated for Olney by the General Plan, and maintains the land use and zoning recommendations made in the 1980 Olney Master Plan for significant portions of the planning area. The 2005 Master Plan also includes as a goal, the provision of “a wide choice of housing types and neighborhoods for people of all income levels and ages at appropriate densities and locations” (p 15).

The 1980 Plan designated the Property as a receiving area for the transfer of development rights from the Agricultural Reserve. The TDR program preserved farmland and rural open space in a designated

portion of the county by allowing the sale of development rights from agricultural areas for use in receiving areas specified by individual master plans. The receiving areas would benefit from density bonuses based on the purchase of the development rights. Receiving areas had both a base density and a higher density that would be achieved when development rights were bought. The proposed project is in a part of Olney recommended for TDR densities of four units to the acre.

The 1980 Plan recognized that maximum development at recommended TDR densities was unlikely and acknowledged that

“While all development from the Agriculture Preservation area could be absorbed in Greater Olney without adverse impact on the scale proposed in the Plan, a somewhat lower density would be more desirable. It is important, however, to allow the opportunity for all the rights to be transferred and to provide a substantial number of receiving areas....” (1980 Plan, p.66; emphasis in original)

The properties that surround the Subject Property have developed, for the most part, in accordance with the Master Plan goals. The proposed plan, with its mix of one-family detached and one-family attached units, contributes to broadened housing choices in the area. It also includes significantly fewer dwelling units than the existing zone allows, reflecting the 1980 Plan’s desire for low density residential development in significant parts of the planning area while creating the opportunity through receiving areas to help preserve agriculture and rural open space in Montgomery County.

Adequate Public Facilities Review (APF)

Roads and Transportation Facilities - The proposed vehicular access points, internal traffic/pedestrian circulation system, and external sidewalks/shared use path have been evaluated by Staff, staff of the Montgomery County Department of Transportation (MCDOT), Maryland State Highway Administration (MDSHA), and the Montgomery County Department of Fire and Rescue Services (MCFRS). All agencies support the right-of-way dedications and road system shown on the Preliminary Plan and Site Plan.

Access to the 11 townhouses is proposed from Georgia Avenue and two separate driveways will provide access to the five, one-family detached units on Owens Road. The Applicant explored combining the easternmost, proposed driveway on Owens Road with an existing shared driveway on the neighboring property (see images below). The agencies supported this alignment and MCDOT granted a waiver to allow 5 units on a single shared driveway [Appendix A]. However, an agreement could not be reached between the adjoining property owners and the Applicant for the shared use of that existing driveway. As a result, the Preliminary Plan proposes an alternative driveway, shown in the illustration on the left below, that is within the Property. Staff can support either driveway and include both in this report should the affected property owners come to a mutual agreement prior to record plat. Condition No. 13 applies to the driveway options.

A 5-foot wide sidewalk is provided along the Property’s frontage on Owens Road, and an 8-foot wide asphalt shared use path is provided along Georgia Avenue within the public right-of-way, which connects with the terminus of the existing path. The plan will provide a lead-in sidewalk from Georgia Avenue serving the townhouse cluster and a crosswalk across Owens Road at the intersection with Georgia Avenue. The road and transportation facilities will be adequate to serve the proposed lots.



Proposal to have a new driveway within the property boundaries serving Lots 15 and 16.



Option to use an existing shared driveway on adjacent property to the east, subject to mutual agreement between all affected property owners.

Local Area Transportation Review (LATR) – Based on the submitted traffic statement dated November 2, 2010, the proposed 16-unit residential development would generate 13 and 18 weekday peak-hour trips during the AM and PM peak hours, respectively. The proposed residential development under the subject Preliminary Plan and Site Plan generates fewer than 30 peak-hour trips, and is, therefore, not subject to LATR.

Policy Area Mobility Review (PAMR) – The site is located within the Olney Policy Area where there is a 10% PAMR trip mitigation requirement according to the County’s Growth Policy. The Applicant offered to make a lump sum payment of \$23,400.00 (2 x \$11,700 = \$23,400) to mitigate 2 peak-hour trips which represent 10% of new trips generated by the proposed development. Thus, the subject Site Plan and Preliminary Plan applications meet the PAMR requirements of the APF review.

Other Public Facilities - Public facilities and services are available and will be adequate to serve the proposed development. The Property will be served by public water and sewer systems. The application has been reviewed by the Montgomery County Fire and Rescue Service and they have determined that the Property has appropriate access for fire and rescue vehicles [Appendix A]. Electrical and telecommunications services are also available to serve the Property. Washington Suburban Sanitary Commission recommends approval of the plan finding that local lines exist, and they are of adequate size to serve the proposed number of homes. As part of permitting for any construction within their right-of-way, Williams Gas Pipeline (WGP) will direct the developer on proper construction techniques. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Growth Policy. The Property is located in the Sherwood High School cluster. Sherwood High School, and all middle and elementary schools within this cluster are operating at acceptable capacities; therefore, no school facilities payment is required.

Environment

Final Forest Conservation Plan and Environmental Guidelines - The site is subject to the Montgomery County Forest Conservation Law. Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No. 420070460 for this Property was approved on September 28, 2010. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. Two streams, two wetland areas, 100-year floodplain and associated environmental buffer exist on the site. The 6.30-acre environmental buffer is entirely forested with the exception of the existing transcontinental gas line easement.

The Property contains 9.23 acres of high priority forest. Ninety-two (92) trees with a diameter at breast height (DBH) greater than or equal to 24 inches were identified on the Property. The site's topography is gently sloping, with minimal steep slopes along the stream banks. There are no mapped highly erodible soils on the Property.

The Property is located within the Hawlings River watershed, a tributary to the Patuxent River, and the entire Property is in the Patuxent River Primary Management Area (PMA). The PMA includes the area within 1,320 feet of the Patuxent and Hawlings River mainstems and 660 feet of all tributaries. Per the Environmental Guidelines, the zoning for this Property results in this Property being subject to the "non conformance requirements", which consist of stormwater management and best management practices that minimize the impacts of higher density zones, particularly higher levels of imperviousness, on water quality. The stormwater management (SWM) concept plan, approved by the Montgomery County Department of Permitting Services (MCDPS), incorporates numerous best management practices designed to protect water quality including micro-biofilters, landscape infiltration facilities, drywells, and area of sheetflow to buffers. The Final Forest Conservation Plan is in compliance with the Montgomery County Environmental Guidelines and the Patuxent River PMA Guidelines.

As required by the County Forest Conservation Law (Section 22A of the County code), a Final Forest Conservation Plan (FCP) for the project was submitted with the Preliminary and Site Plan applications [Appendix D]. The Final Forest Conservation Plan proposes to clear approximately 3.03 acres of existing forest for the construction of 16 lots, access roads/driveways and associated stormwater management and utilities. The remaining 6.20 acres of forest will be retained and protected in a Category I conservation easement. There is no planting requirement for this project.

Forest Conservation Variance

Section 22A-12(b) (3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request - The Applicant submitted a variance request on October 6, 2011 for the

impacts/removal of trees [Appendix B]. The Applicant proposes to remove seven (7) trees that are 30 inches and greater, DBH, and to impact, but not remove, five (5) others that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

Trees to be removed

Tree No.	Common Name	DBH Inches	Tree Condition	Status
20	Tuliptree	42	Good	Townhouse Lot
21	Tuliptree	33	Good	Townhouse Lot
22	Tuliptree	35	Fair	Townhouse Lot
23	Tuliptree	32	Fair	Entrance Driveway
24	Tuliptree	40	Good	Townhouse Lot
27	Tuliptree	33	Fair	Townhouse Lot
77	Tuliptree	30	Good	Townhouse Lot

Trees to be impacted but not removed

Tree No.	Common Name	DBH (Inches)	CRZ Impact	Condition and Status
11	Tuliptree	34	30 %	Good; PUE
30	Tuliptree	31	4 %	Poor; SWM and site grading
37	Tuliptree	31	25 %	Good; storm drain construction
38	Black Oak	30	25 %	Poor; storm drain construction
39	Tuliptree	34	4 %	Fair; storm drain construction

The Applicant has offered the following justification of the variance request:

(1) Describe the special conditions peculiar to the Property which would cause the unwarranted hardship;

Response (GLW October 6, 2011) - *“Under the RE-2/TDR optional method, a mix of townhouses and single family detached houses is required. At a density of 4.0 dwelling units per acre, the 12.77 acre site can have 51 dwelling units. For all developments in the RE-2/TDR zone, a minimum of 30% single family detached houses are required. The RE-2 base zoning density for this property is 6 dwelling units; therefore, transfer development rights will be utilized. A waiver will be requested, as this development will be providing less than the minimum two-thirds transfer development rights required by the zoning code due to the environmental constraints and the gas line easement.*

Over the past few years through the development process of the Preliminary Plan to the Site Plan, the design has evolved based on comments from the community and M-NCPPC. Originally, the site was designed with 19 lots that included forest and environmental resources on lot in forest conservation easements, utility lines and a storm drain outfall to serve the townhouses that impacted the forest including a specimen tree and the stream buffer, and three access points to the site. The density was reduced from 19 lots (12 townhouses and 7 single family houses) to 16 lots (11 townhouses and 5 single family houses) to conform to increased SWM requirements, to reduce

environmental and forest disturbance, and to increase compatibility with the adjacent homes.

The pedestrian circulation has also evolved from the Preliminary Plan to the Site Plan. Originally, the hiker/biker path connected to the existing path to the south of the site, turned the corner at Owens Road, and transitioned into a 5' wide sidewalk set back about 30' from the road, through the trees, to match the existing sidewalk on the Manor Oaks Neighborhood side of Owens Road. The path has been redesigned to be setback approximately 5' from the road to preserve more forest. Additionally, a crosswalk is provided across Owens Road to connect the hiker/biker path from the site to the existing path north of the site.

Vehicular access has been reduced from 3 total access points to two access points. Originally direct access for the townhouses was proposed on Georgia, and two driveway points were proposed for two clusters of three single family homes, each on Owens Road. The plan has since been revised to have one access point on Georgia for the townhouses. One access point is proposed for the three single family homes, and one access point has been eliminated on Owens Road, removing the impacts to off-site adjacent and significant trees. The existing shared driveway for Lots 1-3, Block J will be utilized for access to the two single family detached homes.¹

Forest disturbance has been minimized while forest preservation has been maximized. The Preliminary Plan had water and sewer lines that bisected the forest and crossed the stream on the townhouse side. There were also multiple storm drain outfalls through the forest to the stream. The water and sewer lines were realigned to run along Owens Road and Georgia Avenue to minimize impacts to the forest. Storm drain pipes were combined where possible to reduce the impacts to the forest and significant/specimen trees. The proposed lots on the Preliminary Plan included forest and environmental features on lot in conservation easements. The design was revised to reduce the lot sizes, and no conservation easement is proposed on lot. HOA Parcels were created to place the forest and environmental buffers within a forest conservation easement.

The specific area chosen for development is the only buildable area to construct houses. The extensive stream buffer area, 6.30 AC and existing gas line easement, 2.84 AC, occupy a disproportionately large area of the site, to the extent of 72%. The remaining 28% developable areas are limited to areas outside of the gas easement and environmental buffers. Ninety-two significant and specimen trees are scattered throughout the site, including seven specimen trees within the limited available building area on the western side. Eighty-five significant or specimen trees, or 92% of the trees will be saved and placed within a forest conservation easement. Removal of these seven specimen trees is unavoidable in order to provide space to construct the proposed houses, provide access to the houses and provide areas suitable for stormwater management. The area along the western side of the site is the only good location for the townhouses to be compatible with the Hollow Creek townhouses along Georgia Avenue and to the south of the site."

Staff's comments - The development of the Property is constrained by existing site conditions including the locations of the existing gas line easement in the middle of the Property, the streams, wetlands, 100-year floodplain and associated environmental buffer through the site, and the existing forest and large trees located throughout the site. The ability to design the development around the existing gas line easement and environmental features has limited the ability to avoid

¹ The current plans include three access points (one on Georgia Avenue and two on Owens Road). The Applicant could not secure an agreement with the neighboring property owners (Lots 1-3, Block J) for use of the existing shared driveway to access two of the proposed lots.

removal and impact to specimen trees. Staff has reviewed this application and based on the existing conditions on the Property, staff finds that there is an unwarranted hardship.

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

Response (GLW October 6, 2011) – *“Not granting the variance would cause undue hardship on the applicant because there would be very limited buildable area on the property, and therefore will deny the applicant ability to full use of the property. Having a virtually unbuildable parcel is an unwarranted hardship to the applicant and by enforcement of this chapter will deprive the landowner the rights to build on the property. Granting of the variance will ultimately allow the property to be developed.”*

Staff’s comments – The proposed removal and impact to the subject trees are due not only to the construction of the proposed houses, but to the construction associated with the required access, stormwater management, and necessary utility construction needed to accommodate the proposed development. Staff has reviewed the application and finds that enforcing the rules of the variance provision would deprive the landowner of rights commonly enjoyed by others.

(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;

Response (GLW October 6, 2011) - *“The variance will not violate State water quality standards or cause measurable degradation in water quality. All proposed land development activities will require sediment control and or storm water management plan approvals by Montgomery County.”*

Staff’s comments – The Applicant has an approved stormwater management concept plan from Montgomery County Department of Permitting Services that incorporates Environmental Site Design (ESD). The proposed removal and impact of trees subject to the variance will not affect trees within the environmental buffer. Staff has reviewed the application and agrees that State water quality standards will not be violated and that there will be no measurable degradation in water quality.

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

Response (GLW October 6, 2011) – *“The variance requested is not based on conditions or circumstances which result from the actions of the applicant. The applicant did not create the gas line easement, or plant the Tulip Poplar trees. The existing Tulip Poplar trees are not a grand example of their species. While a native species, these trees are usually not considered valuable landscape trees and are not usually recommended near houses due to their weak wooded characteristics that occur with age.*

The Applicant believes that the information set forth above is adequate to justify the requested variance to remove the seven specimen trees and impact the critical root zone of five other specimen trees on the subject property. Furthermore, the Applicant’s request for a variance complies with the “minimum criteria” of Section 22A-21(d) for the following reasons:

- *This Applicant will receive no special privileges or benefits by the granting of the requested*

variance that would not be available to any other applicant.

- *The variance request is not based on conditions or circumstances which result from the actions of the applicant. The applicant did not create the existing site conditions, including the configuration of the existing gas line easements, stream channel and environmental buffers, and the location of several specimen trees.*
- *The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property.*
- *Loss of the requested trees will not violate State water quality standards or cause measurable degradation in water quality. Full ESD storm water management will be provided as part of the proposed development.”*

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. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan, based on the required findings that 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 site. The 12.77-acre Property contains numerous large trees throughout the site. The trees and their critical root zones are located within the developable area of the Property. Granting a variance to allow land disturbance within the developable portion of the site is not unique to this Applicant. The development of the site is dictated by the existing gas line right-of-way, environmental buffer constraints, and the requirement to provide stormwater management facilities. The Applicant has reduced the number of proposed lots and revised the locations of stormdrain outfalls in order to avoid/minimize disturbance to forest and large trees. Staff has determined that the impacts and removal of the trees subject to the variance requirement cannot be avoided. Therefore, staff believes that the 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 existing site conditions, including the existing gas line right-of-way, environmental buffer, and the number and locations of the large trees.

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 proposed site design and layout on 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 specimen trees being removed or disturbed are not within a stream buffer, wetland, or a special protection area. The Montgomery County Department of Permitting Services has found the

stormwater management concept for the proposed project to be acceptable and conditionally approved it on June 8, 2011.

Mitigation for Trees Subject to the Variance Provision - All of the trees subject to the variance provision and proposed to be removed are located within the existing forest. The removal of these trees is incorporated in the "forest clearing" calculations of the Forest Conservation Plan. Staff does not recommend additional mitigation for the loss of these trees as they are accounted for in the forest conservation worksheet as "forest clearing". There is some disturbance within the critical root zones of five trees; however, they will receive adequate tree protection measures. No mitigation is recommended for trees impacted but retained.

County Arborist's Recommendation on the Variance - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist. On October 26, 2011, the County Arborist issued a letter recommending that the variance be granted, with mitigation [Appendix A].

Variance Recommendation - Staff recommends that the variance be granted.

Noise Analysis

The Subject Property is directly adjacent to Georgia Avenue (MD Route 97). A noise analysis was conducted and revealed that the proposed residential units nearest Georgia Avenue will be affected by current and future projected vehicular noise. The site will experience future roadway noise levels up to 71 dBA Ldn. The "Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development", recommends a maximum exterior noise level of 60 dBA Ldn for this part of the county. The noise analysis indicates that unmitigated noise levels will exceed 60 dBA Ldn for the townhome units proposed on Lots 1-11, and the one-family detached units proposed on Lots 12 and 13.

The plan proposes the construction of an earthen berm located parallel to Georgia Avenue, between Georgia Avenue and Lots 1-8, to mitigate noise levels on the site. Upon completion of construction of the development, including the berm, mitigated noise levels in the backyards of Lots 1-8 will continue to exceed 60 dBA Ldn. The plan proposes a 6-foot high board on batten, noise fence behind Lots 1-8 as additional mitigation. The noise analysis projects that the combination of the earthen berm and noise fence will mitigate noise to appropriate levels. Residential units on Lots 1-13 will rely on acoustical treatment (i.e., noise mitigating building construction materials) to meet the County's indoor noise guideline of 45 dBA Ldn.

Stormwater Management

In a letter dated June 8, 2011, Montgomery County Department of Permitting Services (MCDPS) conditionally approved a stormwater management concept for the proposed development. The concept consists of on-site stormwater management through the use of Environmental Site Design (ESD) including micro-biofilters, landscape infiltration facilities, drywells, and areas of sheetflow to buffers.

FCP Conclusion

The Final Forest Conservation Plan meets all applicable requirements of Chapter 22A of the County Code. Therefore, staff recommends that the Planning Board approve the Final Forest Conservation Plan with the conditions cited in this staff report. The variance approval is included in the Planning Board's approval of the Final Forest Conservation Plan.

Compliance with the Subdivision Regulations

The application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. The size, width, shape and orientation of the lots are appropriate for the location of the subdivision, given the recommendations of the Olney Master Plan. The Preliminary Plan proposes one-family detached units along the northern and eastern Property boundaries, which is in proximity to existing one-family detached homes in the Manor Oaks subdivision. The proposed townhouse cluster is located along the western Property boundary and is bound by the stream valley buffer and gas line easement to the east and south, respectively. This distribution of unit types creates an adequate transition to the existing unit types in the surrounding neighborhoods.

The unit mix proposed with 5 one-family detached units and 11 townhouses conforms to the minimum of 30% one-family detached units as required in Section 59-C-1.395.

The Preliminary Plan meets all of the requirements of the RE-2/TDR-4 under the optional method of development using Transferable Development Rights (TDR's). Pursuant to Section 59-C-1.393(b), the Applicant requests a waiver of the requirement to acquire at least two-thirds of the number of development rights permitted to be transferred to the Property [Appendix B]. Because the Subject Property is heavily constrained by environmental buffers associated with the stream and existing gas line easements, the remaining developable areas are not physically large enough to accommodate the density needed to meet the two-thirds requirement. The stream bisects the site from the northwest corner to the southeast corner and along the southern boundary line and the transcontinental gas line easement bisects the site from east to west. Staff supports a waiver of the two-thirds requirement for the environmental reasons described. The Applicant proposes to acquire a total of 10 TDR's.

(See Data Table in Site Plan Findings)

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

The Preliminary Plan meets all requirements established in the Subdivision Regulations, and it is in substantial conformance with the recommendations of the 2005 Olney Master Plan. Staff recommends approval of the Preliminary Plan, subject to the following conditions:

1. Total development is limited to sixteen (16) residential units including five (5) one-family detached and eleven (11) one-family attached units as shown on the Preliminary Plan.
2. The record plat(s) must reflect serialization and liber/folio reference for all TDRs utilized by the development.
3. To mitigate 2 peak-hour trips for Policy Area Mobility Review (PAMR), make a lump sum payment of \$23,400.00 prior to obtaining the first building permit.
4. Comply with the conditions of approval of the Final Forest Conservation Plan prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable. Conditions are as follows:
 - a) Inspections must occur consistent with Section 22A.00.01.10 of the Forest Conservation Regulations.
 - b) Final Sediment Control Plan must be consistent with the final limits of disturbance as approved by the M-NCPPC staff.
 - c) Applicant must place a Category I conservation easement over all areas of forest retention and environmental buffers, as shown on the approved Final Forest Conservation Plan. Conservation easements must be shown on the record plats.
 - d) The Category I conservation easements must be recorded in the land records prior to the start of clearing and grading.
 - e) Compliance with all tree protection measures shown on the approved Final Forest Conservation Plan.
 - f) Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
 - g) Applicant must install permanent Category I Forest Conservation Easement signage along the perimeter of the conservation easements.
5. Dedicate all road rights-of-way as shown on the approved Preliminary Plan.
6. Construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and to the design standards imposed by all applicable road codes.
7. Comply with the conditions of the MCDPS stormwater management approval dated June 8, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. Comply with the conditions of the MCDOT letter dated January 28, 2011. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. Comply with the conditions of the MDSHA letter dated August 24, 2011. These conditions may be amended by MDSHA, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
10. No plats may be recorded prior to certification of the Site Plan.
11. Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and number of TDR's will be determined at Site Plan.
12. The record plat(s) must show necessary easements.

13. The record plat must contain a note that limits access to Georgia Avenue and Owens Road to *approved locations only* and must reference a shared ingress/egress and utility easement for any shared driveway and a public access easement on the private street for the townhomes. Any agreement for shared access that is reached with the three adjacent property owners in the Manor Oaks subdivision must be done prior to recordation of plat(s) so that the appropriate ingress/egress and utility easement can be referenced on the record plat to include the liber and folio reference.
14. The Certified Preliminary Plan must contain the following note: “Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures, and hardscape will be determined at the time of site plan review. Refer to the site plan zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
15. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

SECTION 3: SITE PLAN REVIEW

FINDINGS

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

A development plan, diagrammatic plan, schematic development plan, or a project plan were not required for the subject site.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the RE-2/TDR-4 Zone under the optional method of development using Transferable Development Rights (TDR's).

Pursuant to Section 59-C-1.393(b), the Applicant requests a waiver of the requirement to acquire at least two-thirds of the number of development rights permitted to be transferred to the Property [Appendix B]. Because the subject site is heavily constrained by environmental buffers associated with the stream and existing gas line easements, the remaining developable areas are not physically large enough to accommodate the density needed to meet the two-thirds requirement. The stream bisects the site from the northwest corner to the southeast corner and along the southern boundary line and the transcontinental gas line easement bisects the site from east to west. Staff supports a waiver of the two-thirds requirement for the environmental reasons described. The Applicant proposes to acquire a total of 10 TDR's.

The development standards for the optional method of development using TDR's require compliance with the compatibility requirements of the PD Zone (Section 59-C-7.15). The Subject Property adjoins land zoned RE-2/TDR-4, which is the same zone as the Subject Property and thus enables similar densities as those proposed. The Site Plan proposes townhouses located more than 100 feet from adjoining land recommended for the one-family detached zone; and the maximum height for the detached units is 30 feet which equals the proposed minimum setback from adjoining land recommended for the one-family detached zone. As further discussed in Finding No. 4 below, the Site Plan is compatible with other uses and with existing adjacent development.

As demonstrated in the Data Table below, the project meets all of the applicable requirements of the RE-2/TDR-4 Zone under the optional method of development using TDR's.

Data Table for the RE-2/TDR-4 Zone, Optional Method of Development

Development Standard	Zoning Ordinance Permitted/ Required	Proposed for Approval & Binding on the Applicant
Site Area (acres)		
Gross Tract Area (GTA)	n/a	12.77
Proposed ROW Dedication	n/a	0.23
Net Lot Area	n/a	12.54
Density		
Density of Base Zone (RE-2)	6 du (= 12.77 x 0.5)	
Density with TDRs	51 du	51 du (= 12.77 x 4)
TDR's - Max. TDR allowed - Min. TDR required (59-C-1.393(b)) - Proposed by the Applicant	45 30	45 (= 51 - 6) 30 (= 2/3 x 45) 10 * (= 16 - 6)
Unit Mix (59-C-1.395) - One-family detached - One-family attached Total	30% (min) n/a	31% (5 du) <u>69% (11 du)</u> 100% (16 du)
Min. Green Area		
(% of net lot area) (59-C-1.395)	35% (4.39 acres)	91.3% (11.45 acres)
Min. Setbacks (feet)		
One-family detached - Front - Rear - Side - Side (lot 16)	n/a	20 20 5 30
One-family attached - Front - Rear - Side (end units)	n/a	10 10 4
Accessory Buildings - From street line - From rear lot line - From side lot line	n/a	60 5 5
Min. Lot Area (square feet)		
One-family detached	n/a	9,000
One-family attached	n/a	1,500
Min. Lot Width (feet)		
At street front: One-family detached One-family attached	n/a n/a	25 (public street) 20 (private street)
Max. Building Height (feet)		
One-family detached	n/a	30
One-family attached	n/a	40
Accessory building	n/a	25
Vehicle Parking (number of spaces) (59-E)		
One-family detached (5)	10 (2 sp/du)	10 (2 sp/du)
One-family attached (11)	22 (2 sp/du)	32 (2.9 sp/du)

* Pursuant to Section 59-C-1.393(b), the Applicant requests a waiver of the two-thirds requirement based on environmental constraints on the property [Appendix B].

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a) Locations of buildings and structures

The locations of the proposed buildings and structures are adequate, safe, and efficient. The plan proposes 16 dwelling units divided into two clusters. One, consisting of 11 one-family attached/townhouse units is located to the west of the Property in proximity to Georgia Avenue. The other with 5 one-family detached units is located to the northeast of the Property and oriented towards Owens Road. The location of the units adequately avoids environmentally sensitive areas and existing utility easements on the Property.

The townhouse cluster is adequately setback from Georgia Avenue and allows room for a landscaped berm. In addition, the units take advantage of the existing drop in elevation between the site and Georgia Avenue to reduce their perceived height. As a result, these units will have limited presence and visibility from Georgia Avenue.

The project proposes a monumental entrance sign to the development off Georgia Avenue. This sign adequately identifies the community and efficiently contributes to the sense of arrival.



Townhouse cluster setback from Georgia Ave and landscaped screening

b) Open Spaces

The open spaces provided are adequate, safe, and efficient. The plan proposes to preserve the stream valley area and associated environmental features as open space and amenity area with limited access. This area is mostly forested and contrasts with the openness of the gas line easements, which can be considered also as open space with limited access.

The RE-2/TDR Zone does not have an open space requirement; instead it has a minimum green area requirement of 35 percent of the gross net area. The plan exceeds the green area requirement by providing a combined total of 91.3 percent (or 11.45 acres) of green space.

c) Landscaping and Lighting

The landscaping with an emphasis on native species is adequate, safe, and efficient. The landscape plan achieves several objectives. It provides adequate buffer and screening for the townhouse units as viewed from Georgia Avenue. The plant material in this area includes mostly evergreen trees and shrubs, which combined with the proposed berm, limit the visibility of the townhouse units.

Additionally, the landscaping provides shade in the seating area next to the townhouses and the rear yards of the detached units. Smaller plant material, such as groundcovers and seasonal plantings, evergreen and deciduous shrubs, and ornamental trees emphasize the entrance to the development.

The lighting is adequate, safe and efficient. Street lighting consists of pole mounted light fixtures with a maximum height of 12 feet located on the private driveway serving the townhouses. The lighting proposed will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties.

d) Recreation Facilities

There are no recreation facilities required for this Site Plan because it proposes less than 25 one-family homes.

e) Pedestrian and Vehicular Circulation Systems

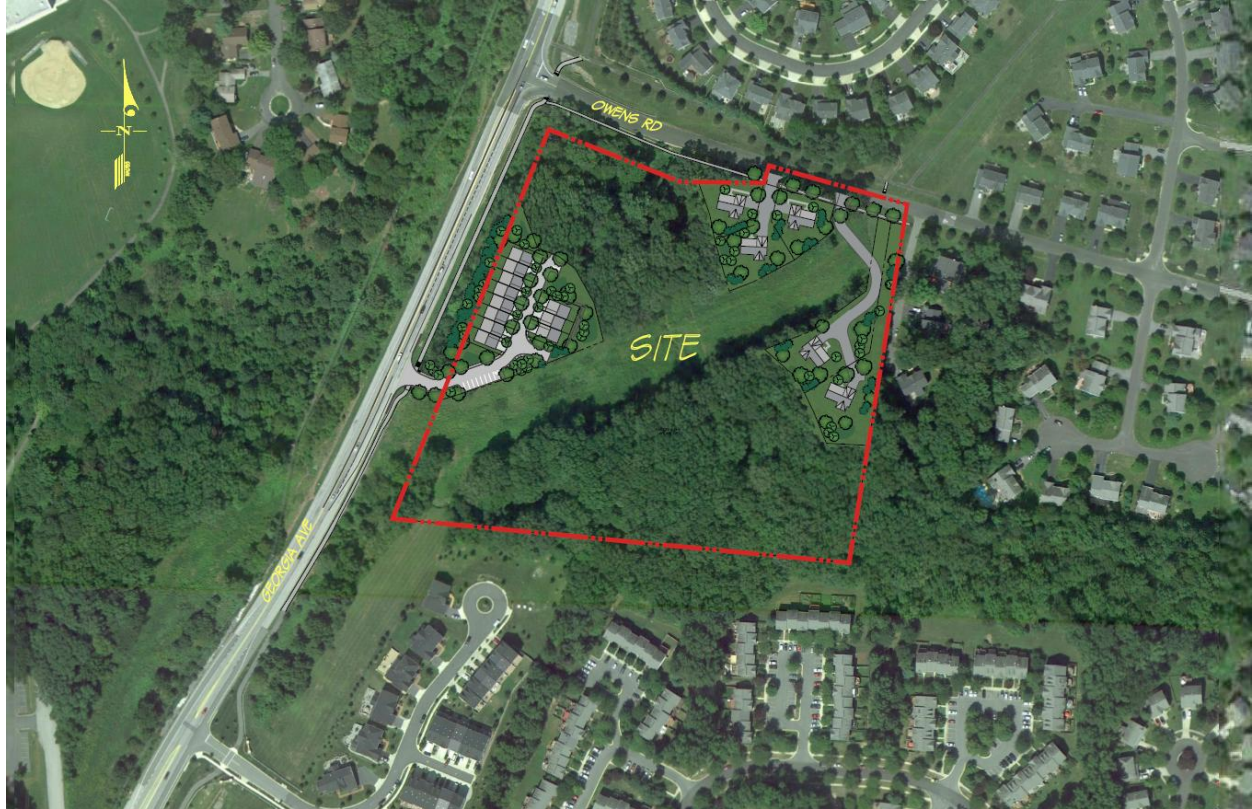
The pedestrian and vehicular circulation systems are safe, adequate, and efficient. Access to the eleven townhouses is proposed from Georgia Avenue and two separate driveways will provide access to the five, one-family detached units on Owens Road. The Applicant explored combining the easternmost, proposed driveway on Owens Road with an existing shared driveway on the neighboring property [Appendix B]. The agencies supported this alignment and MCDOT granted a waiver to allow 5 units on a single shared driveway [Appendix A]. However, an agreement could not be reached between the adjoining property owners and the Applicant for the shared use of that existing driveway. As a result, the Site Plan proposes a driveway entirely within the Property and includes the shared driveway as an option should the affected property owners come to a mutual agreement prior to record plat. Staff can support either driveway alignment.

The pedestrian circulation system adequately and efficiently integrates this site into the surrounding area. A 5-foot wide sidewalk is provided along the Property's frontage on Owens Road and an 8-foot wide asphalt shared use path is provided along Georgia Avenue within the public right-of-way, which connects with the terminus of the existing path. The Site Plan will provide a lead-in sidewalk from Georgia Avenue serving the townhouse cluster and a crosswalk across Owens Road at the intersection with Georgia Avenue.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

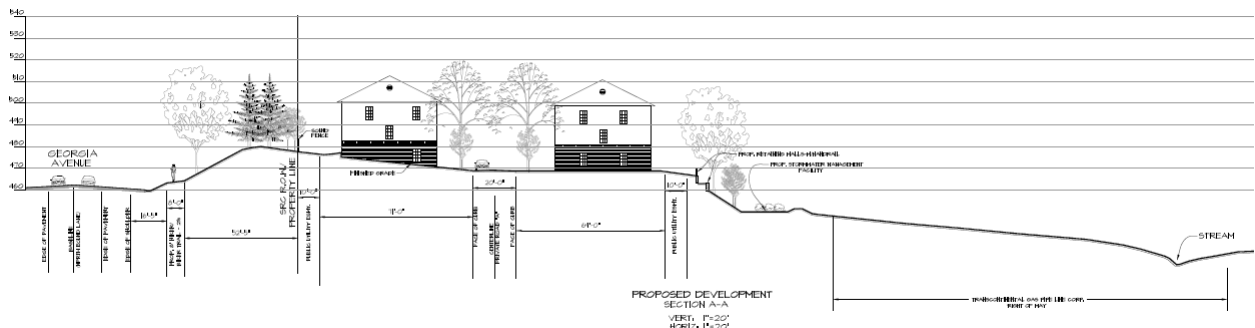
The structures and uses proposed are compatible with other uses and site plans, and with existing adjacent development. Existing adjacent development consists of one-family detached units to the east and to the north across Owens Road, and townhouses to the south of the site. The Site Plan

provides compatibility by locating the one-family detached units along the eastern and northern portions of the site in proximity to existing one-family detached units, and by locating the townhouse cluster along the western boundary away from those existing one-family detached units and buffered by existing forest.



Proposed development and existing adjacent communities

Compatibility with the surrounding community and the existing character of Georgia Avenue is also established by limiting the visibility of the townhouse cluster. This is accomplished by providing sufficient setback to accommodate a landscaped berm between the proposed units and the road, and siting the units within the existing grade, which effectively reduces their perceived height from Georgia Avenue.



East-west section across the townhouse cluster illustrating proposed landscaped berm and drop in elevation between Georgia Avenue and the stream valley area

As discussed above, the RE-2/TDR-4 Zone developed under the optional method of development using TDR's requires compliance with the compatibility requirements of the PD Zone (Section 59-C-7.15). The setbacks and buildings heights proposed comply with the compatibility requirements of the PD Zone. In addition, the Subject Property adjoins land zoned RE-2/TDR-4, which is the same zone as the Subject Property and thus enables similar densities as those proposed.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, and Chapter 19 regarding water resource protection. This site is subject to the County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No. 420070460 for this Property was approved on September 28, 2010. As required by the County Forest Conservation Law (Section 22A of the County code), a Final Forest Conservation Plan (FCP) for the project was submitted with the Site Plan.

The Final Forest Conservation Plan proposes to clear approximately 3.03 acres of existing forest for the construction of 16 lots, access roads/driveways and associated stormwater management and utilities. The remaining 6.20 acres of forest will be retained and protected in a Category I conservation easement. There is no planting requirement for this project.

This application requires a variance to the Forest Conservation Law, granted under the provisions of Section 22A-12(b)(3), because it proposes to remove and impact trees greater than 30 inches DBH. The Applicant has requested a variance to remove seven (7) trees greater than 30 inches DBH, and to impact, but retain, five (5) others that are considered high priority for retention. Based on the findings described in the Preliminary Plan section, the M-NCPPC Staff and the County Arborist in the Montgomery County Department of Environmental Protection recommend approval of the variance request from the Forest Conservation Law. The County Arborist recommends mitigation. However, M-NCPPC Staff does not recommend additional mitigation because the trees removed are already accounted for in the forest conservation worksheet as "forest clearing," and typically Staff does not recommend mitigation for trees impacted, but not removed.

The proposed storm water management concept approved on June 8, 2011, meets the required stormwater management goals by the use of environmentally sensitive design (ESD) measures to the maximum extent practicable [Appendix A]. Treatment is provided via micro-biofilters, landscape infiltration facilities, drywells, and areas of sheet flow to buffers.

The Subject Property is directly adjacent to Georgia Avenue. A noise analysis was conducted and revealed that the proposed residential units nearest Georgia Avenue will be affected by current and future projected vehicular noise. The site will experience future roadway noise levels up to 71 dBA Ldn. The "Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development," recommends a maximum exterior noise level of 60 dBA Ldn for this part of the county. The noise analysis indicates that unmitigated noise levels will exceed 60 dBA Ldn for the single family townhome units proposed on Lots 1-11, and the single family detached units proposed on Lots 12 and 13.

The plan proposes the construction of an earthen berm located parallel to Georgia Avenue, between Georgia Avenue and Lots 1-8, to mitigate noise levels on the site. Upon completion of construction of the development, including the berm, mitigated noise levels in the backyards of Lots 1-8 will continue to exceed 60 dBA Ldn. The plan proposes a 6-foot high board on batten noise fence behind Lots 1-8 as additional mitigation. The noise analysis projects that the combination of the earthen berm and noise fence will mitigate noise to appropriate levels. Residential units on Lots 1-13 will rely on acoustical treatment (i.e., noise mitigating building construction materials) to meet the County's indoor noise guideline of 45 dBA Ldn.

RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan No. 820120030, Brookeville Preserve, for five (5) one-family detached units and eleven (11) attached units on 12.77 acres. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on January 25, 2012 are required except as modified by the following conditions.

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for Preliminary Plan No. 120110070.

Environment

2. Forest Conservation & Tree Save

The proposed development must comply with the conditions of approval for the Final Forest Conservation Plan. The Applicant must meet all conditions prior to the recording of a plat(s) or the issuance of sediment and erosions control permits by the Montgomery County Department of Permitting Services, as appropriate.

3. Noise Attenuation

- a) Prior to issuance of the first building permit, the Applicant must provide certification to the M-NCPPC Staff from an engineer that specializes in acoustical treatment that:
- the location of the noise mitigation techniques to attenuate current noise levels to no more than 60 dBA Ldn for the outdoor backyard area of homes and areas of common outdoor activity are adequate.
 - the building shell for residential dwelling units to be constructed within the projected ≥ 60 dBA Ldn noise contour is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) If any changes occur to the plan which affect the validity of the noise analysis dated February 17, 2012, acoustical certifications, and noise attenuation features, a new noise analysis will be required to reflect the revised plans and new noise attenuation features may be required.
- c) Applicant/developer/builder to certify that they will construct the noise impacted units in accordance with the recommendations of the engineer that specializes in acoustical treatments.

4. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated June 8, 2011. The conditions may be amended by the Montgomery County Department of Permitting Services provided they do no conflict with the Site Plan approval.

Parks, Open Space, and Recreation

5. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber

28045 Folio 578 (“Covenant”). Applicant shall provide verification to M-NCPPC staff prior to issuance of the 12th building permit that Applicant’s recorded Homeowners Association Documents incorporate by reference the Covenant.

Transportation & Circulation

6. Transportation

The development is limited to 16 residential units (5 one-family detached and 11 one-family attached units).

7. Right-of-way

Address DPS right-of-way comments in the correspondence dated November 21, 2011 [Appendix A], prior to Certified Site Plan.

Density

8. Transfer of Development Rights (TDRs)

- a) The Applicant must purchase 10 TDRs for the proposed development.
- b) The serial number for each TDR acquired must be shown on its respective record plat.

Site Plan

9. Compatibility/Architecture

- a) Provide architectural treatment on the side facades of Lots 1, 11, 12 and 14 to have an outward appearance comparable to front facades, including but not limited to façade materials and architectural treatments.
- b) Provide architectural treatment that includes one or more of the following: box or bay window, minimum of two windows, shutters, or fireplace, on the side facades of Lots 1, 11, 12 and 14. The details of the architectural treatments must be shown on the Certified Site Plan and submitted to the DPS-SPE (Department of Permitting Services – Site Plan Enforcement) with the building permit.

10. Private Lighting

- a) The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b) All on-site down- light fixtures must be full cut-off fixtures.
- c) Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d) Illumination levels shall not exceed 0.5 foot candles (fc) at any property line abutting county roads and residential properties.
- e) The height of the light poles above grade shall not exceed 12 feet including the mounting base.

11. Surety

Prior to issuance of first building permit within each relevant phase of development, Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a) Applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b) The amount of the bond or surety shall include plant material, on-site lighting, site furniture, private roads, retaining walls, railings, fences, and entrance sign within the relevant phase of development.
- c) Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d) Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

12. Development Program

Construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a) Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- b) Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- c) The development program must provide phasing for installation of on-site landscaping and lighting.
- d) On-site amenities including, but not limited to, the sitting area with benches within the townhouse cluster must be installed prior to the release of the 11th townhouse building permit.
- e) Provide each section of the development with necessary roads.
- f) The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

13. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and information provided subject to Staff review and approval:

- a) Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and Site Plan resolution on the approval or cover sheet.
- b) Add a note to the Site Plan stating that “M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading”.
- c) Modify data table to reflect development standards enumerated in the staff report.
- d) Adjust the berm grading to provide the noise protection required.
- e) Provide detail of the board-on-batten noise fence.

APPENDICES

- A. Reviewing Agency Approvals and correspondence
- B. Applicant's correspondence
- C. Community correspondence
- D. FCP plan

Appendix A



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

January 28, 2011

Arthur Holmes, Jr.
Director

Mr. John Carter, Chief
Area I Team
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20110070
Brookeville Preserve

Dear Mr. Carter:

We have completed our review of the preliminary plan dated January 2011. This plan was reviewed by the Development Review Committee at its meeting on January 18, 2011. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Right of Way dedication for Georgia Avenue (MD 97) and Owens Road per the Master Plan. Provide truncation at the intersection of Georgia Avenue (MD 97) and Owens Road.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. Access and improvements along Georgia Avenue (MD 97) as required by the Maryland State Highway Administration. We recommend the MSHA require the applicant to provide handicap ramps and extend the bikeway on Georgia Avenue (MD 97) to connect to the existing bikeway north of Owens Road.
4. We accept the applicant's storm drain statement; all runoff is directed onsite and will ultimately drain to the floodplain. If a change is made at any time and runoff is directed to the public right of way the applicant must submit a revised storm drain capacity analysis to this office for review. This condition to be noted on the record plat.
5. The sight distance study has been accepted. A copy of the accepted sight distances certification evaluation certification form is enclosed for your information and reference. **If permission from Transcontinental Gas for encroachment of the eastern driveway into their right of way is not received prior to record plat, the eastern driveway will need to be relocated and a revised sight distance study will need to be submitted to this office for review and approval.**

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

6. A Public Improvements Easement may be necessary along Owens Road, in order to accommodate the required sidewalk construction and guardrail relocation. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this sidewalk construction and guardrail relocation. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat.
7. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Extend sidewalk along Owens Road to the proposed eastern shared driveway.
8. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
9. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
10. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right of way, shall be approved by the Planning Board during their review of the preliminary plan.
11. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
12. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Traffic Systems Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
13. Trees in the County rights of way - species and spacing to be in accordance with the applicable DOT standards. Tree planting within the public right of way must be coordinated with Mr. Brett Linkletter with our Division of Highway Services, Tree Maintenance Section. Mr. Linkletter may be contacted at (240) 777-7651.
14. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:

Mr. John Carter
Preliminary Plan No. 1-20110070
January 28, 2011
Page 3

- A. Street grading, paving, five (5) foot wide sidewalk and handicap ramps, storm drainage and appurtenances, and street trees along Owens Road. Relocation of the existing guardrail may be necessary to accommodate the sidewalk.
- B. Enclosed storm drainage and/or engineered channel (in accordance with the DOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
- C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- D. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Ms. Dewa Salihi, our Development Review Area Engineer for this vicinity at (240) 777-2197 or dewa.salihi@montgomerycountymd.gov.

Sincerely,



Gregory M. Leck, P.E., Manager
Development Review Team

M:\subdivision\SALIH01\Preliminary Plans\1-20110070 Brookeville Preserve\1-20110070 Brookeville Preserve.doc

Enclosures (1)

cc: John Meagher
Kevin Foster; GLW
Natalya Basumallick; GLW
Ray Burns; MSHA EAPD
Neil Braunstein; M-NCPPC Area 1
Cherian Eapen; M-NCPPC Area 1
Preliminary Plan Folder
Preliminary Plans Note Book

cc-e: Henry Emery; MCDPS RWPPR
Sarah Navid; MCDPS RWPPR
Cathy Conlon; MNCPPC DARCD
Brett Linkletter; MCDOT DHS
Dan Sanayi; MCDOT DTEO
Fred Lees; MCDOT DTEO
Dewa Salihi, MCDOT DTEO



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Owens Road Property Preliminary Plan Number: 1-20110070

Street Name: Owens Road Master Plan Road Classification: Primary P-18

Posted Speed Limit: 25 mph

Street/Driveway #1 (West-most) Street/Driveway #2 (East-most, @ gas ROW)

Sight Distance (feet) OK?
 Right 500+ Yes
 Left 350+ Yes

Sight Distance (feet) OK?
 Right 300+ Yes
 Left 270 Yes

Comments: Driveway entrance located at the high point of the road thus providing a very long sight distance in both directions

Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*	Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)
Tertiary - 25 mph	150'	
Secondary - 30	200'	
Business - 30	200'	
Primary - 35	250'	
Arterial - 40	325'	
(45)	400'	
Major - 50	475'	
(55)	550'	

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

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

Paul H. Little
 Signature

CERTIFICATION
 I HEREBY CERTIFY THAT THE INFORMATION SUBMITTED BY ME, AND THAT I AM A PROFESSIONAL ENGINEER UNDER THE PROVISIONS OF THE STATE OF MARYLAND
 LICENSE No.: 12464
 EXPIRATION DATE: 5/28/2011

Montgomery County Review:

Approved
 Disapproved:

By: gurbach
 Date: 1/28/11

12464
 P.E. MD Reg. No.

GLWGUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

November 3, 2011

Mr. Gregory M. Leck, P.E.,
Manager, Development Review Team
Department of Transportation
Division of Traffic Engineering and Operations
100 Edison Park Drive, 4th Floor
Gaithersburg, MD 20878

**Re: Brookeville Preserve (PP #120110070, SP #8-20120030)
Driveway Waiver Request**

Mr. Leck,

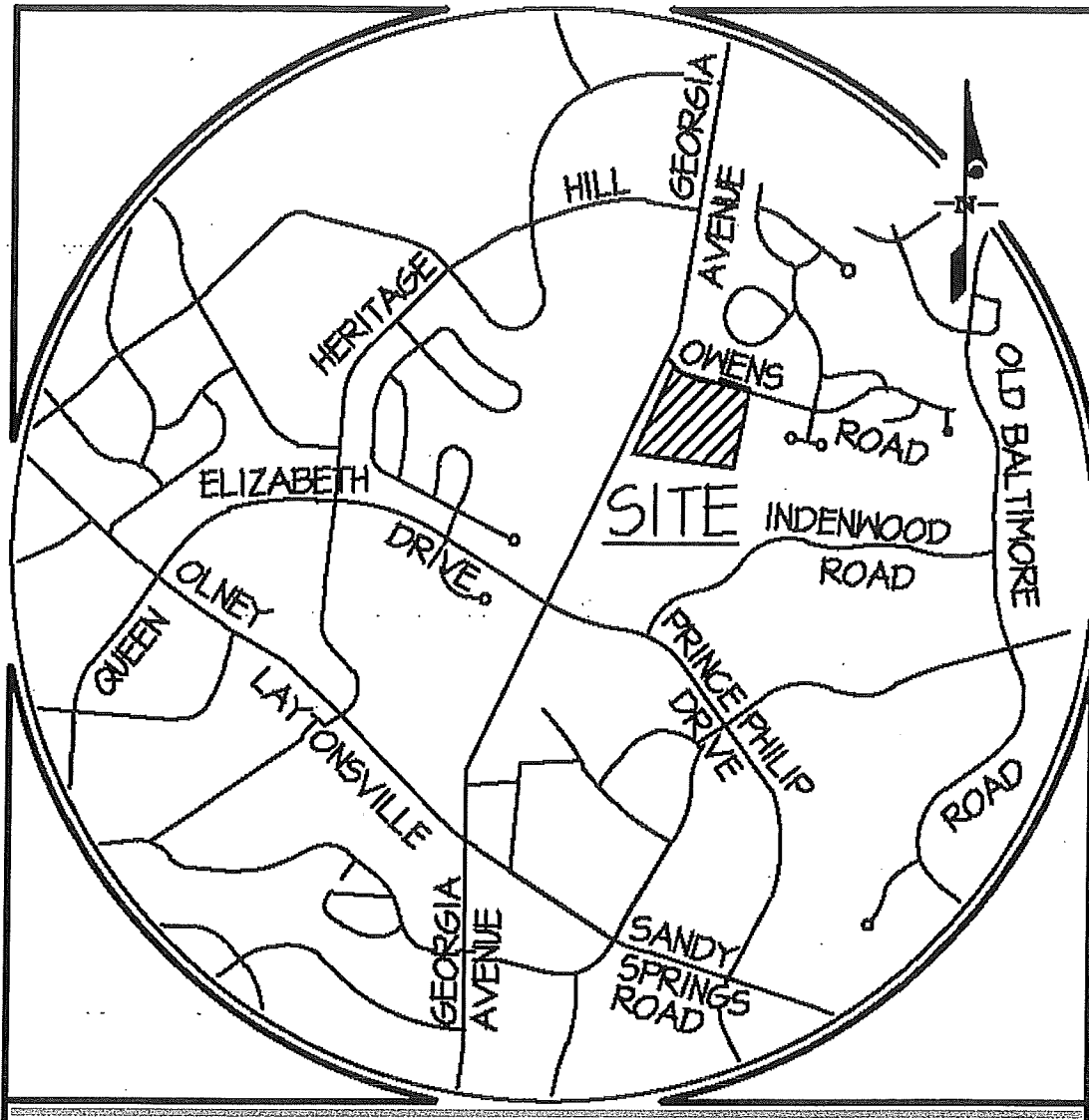
On behalf of our client, Carl M. Freeman Development (the Applicant) we are requesting a waiver to the Montgomery County Department of Transportation Policy of a maximum of four single family homes using a shared driveway for access. Our proposal is to add access for two new homes to an existing driveway currently serving three homes for a total of five.

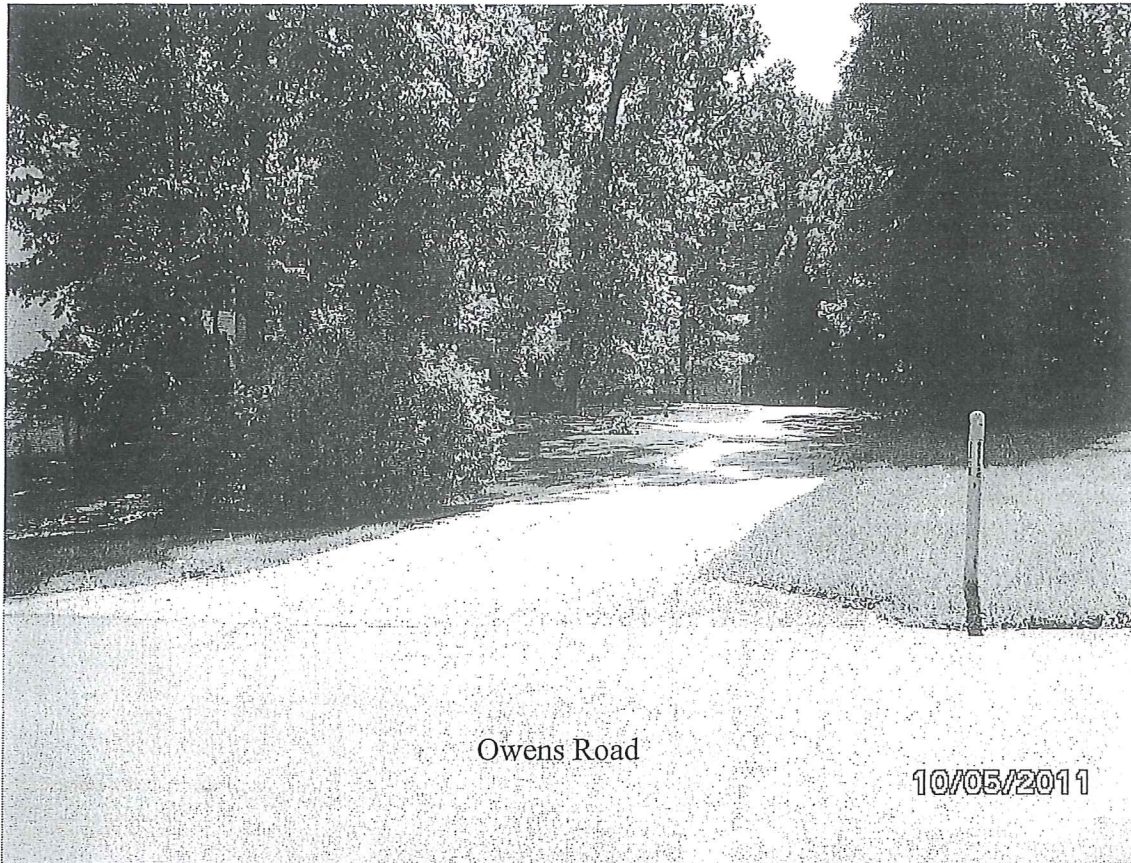
Project Description

Brookeville Preserve is a 12.77-acre site located at the south-east corner of the intersection of Owens Road and Georgia Avenue (MD 97) in Montgomery County, Maryland. The site is located within the Olney Master Plan area and is zoned RE-2/TDR-4. It contains a 125-foot wide transcontinental gas line right-of-way that bisects the site from east to west, and also contains two stream branches, one bisecting the site from the northwest corner to the south east corner and another running along the southern boundary line. These natural stream buffers and man-made gas easement boundaries occupy the majority of the site and leave the developable areas divided into several isolated pods.

The proposed development will include the construction of 5 single-family and 11 townhouse units. The single family part of the development is divided into two pods by the gas line right-of-way, both with access off of existing Owens Road. The access will be in the form of one new driveway serving three new homes and one connection, pending approval, to an existing shared driveway, adding two new homes to the existing three.

Location Map





Existing Shared Driveway

Overview of Waiver Request

The development of the subject site faces a major challenge: working around the transcontinental gas lines and the stream branches, the resulting buffers and easements of which bisect the site into multiple small sections of developable areas. To provide access to one of those small developable areas, we initially proposed a second entrance off Owens Road immediately adjacent and parallel to the existing driveway serving three single-family homes. However, this concept was rejected by Williams Gas Pipeline because it did not meet their requirement of a perpendicular crossing of their gas lines. Additionally, during one of the public informational meetings, the owners of the adjacent driveway asked if the new homes could connect to their driveway and share in its maintenance, instead of creating a new additional driveway.

There are several benefits to having the two new homes connect to the existing shared drive. First, it would remove the need for another crossing of the transcontinental gas right-of-way and the inherent risks involved. It would also provide a safer access for the home owners, reducing the number and proximity of driveways onto Owens Road. Lastly, this design would reduce the amount of additional impervious area while at the same time providing a better access to the existing homeowners by widening the existing 15-foot driveway to 20 feet.

November 3, 2011
Brookeville Preserve


4 of 4
Mr. Gregory Leck

A revised driveway maintenance agreement will be provided to include the two new homes. - INCLUDE SOME IN RECORD PLAT SUBMISSION TO MCDPS RWPR.

Approval

We are hereby requesting your approval of this design waiver.

Concurrence,



Gregory M. Leck, P.E.
Manager, Development Review Team

12/29/11
Date

cc: Mr. Christopher Garland, CMF Development
Mr. John Meagher, Innovative Realty Solutions
Ms. Sandra Pereira, M-NCPPC Area 3
RICHARD WEBER; M-NCPPC Area 3
KI KIM; M-NCPPC Area 3
ATIQ PAKSHIRI; MCDPS RWPR
HENRY EMERY; MCDPS RWPA
MARIE LABAW; MCFRS

Pereira, Sandra

From: Leck, Gregory <Greg.Leck@montgomerycountymd.gov>
Sent: Thursday, February 16, 2012 12:47 PM
To: Natalya Basumallick
Cc: David Little; Pereira, Sandra; Weaver, Richard; LaBaw, Marie; Farhadi, Sam
Subject: RE: revised Brookeville Preserve Sight Distance Analysis for 2nd driveway on Owens Road - APPROVED
Attachments: 120110070, Brookeville Preserve - amended form for 2nd driveway onto Owens Rd.pdf
Importance: High

Hi Natalya,

Thank you for the revised form. We all experience those glitches at one time or another, so don't fret over it. Just glad to hear that you do have sufficient visibility at the 2nd entrance.

By approving your revised Sight Distances Certification form (attached), MCDOT supports approval of the second proposed driveway on Owens Road. This email is being provided in lieu of preparing a formal amendment letter for this preliminary plan.

Your reply was very timely: Sandra Pereira, Rich Weaver, and I had an impromptu meeting yesterday afternoon (during the Pre-DRC mtg @ P&P) regarding this issue. I advised them that the form showed insufficient visibility at the new entrance; we explored alternative access but didn't reach any conclusions. I was supposed to send them a copy of that form yesterday afternoon but became sidetracked & forgot to send it. Sandra & I spoke a few minutes ago; she was happy to hear the issue has been successfully resolved.

Good luck with the Planning Board hearing!

Greg

-----Original Message-----

From: Natalya Basumallick [<mailto:nbasumallick@glwpa.com>]
Sent: Thursday, February 16, 2012 11:35 AM
To: Leck, Gregory
Cc: David Little
Subject: Brookeville Preserve Sight Distance Analysis

Greg,

I received your voice mail message regarding the sight distance issue at the new driveway entrance on Owens Road. Let me just say now, I should have paid closer attention and realized that I wasn't using the correct values for the required sight distances. Master Plan does classify Owens Road as Primary, and we list it as such on the work sheet. I don't know why, but I was thinking in terms of road standards as Principal Secondary. At any rate, that was my mistake.

Second, the sight distance analysis for this entrance was completed before we had modified it to a fire-

accessible entrance as required by the fire marshal's office. That change adjusted the alignment by approximately 20' to the east, but a new analysis was not prepared at that time.

So having realized this, we did a new sight distance analysis this morning using the following:

- 1) Set eye height based on the proposed grade approximately 0.5' above existing, and
- 2) Set the center of the entrance at the exact proposed location.

Attached is the revised sight distance analysis showing that we do have the required sight distance for this entrance (269 ft vs. required 250ft). Dave Little and/or I will call to follow up later today. I apologize for the confusion my oversight has caused.

Thank you for your time,
Natalya

--

Natalya Basumallick, P.E.

Gutschick, Little & Weber, P.A.

3909 National Drive, Suite 250

Burtonsville, MD 20866

ph: 301-421-4024

fax: 301-421-4186



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Owens Road Property Preliminary Plan Number: 1-20110070

Street Name: Owens Road Master Plan Road Classification: Primary P-18

Posted Speed Limit: 25 mph

Street/Driveway #1 (West-most) Street/Driveway #2 (East-most, @ gas ROW)

Sight Distance (feet)	OK?
Right <u>500+</u>	Yes <input checked="" type="checkbox"/>
Left <u>350+</u>	Yes <input checked="" type="checkbox"/>

Sight Distance (feet)	OK?
Right <u>830</u>	Yes <input checked="" type="checkbox"/>
Left <u>269.5</u>	Yes <input checked="" type="checkbox"/>

Comments: Driveway entrance located at the high point of the road thus providing a very long sight distance in both directions

Comments: Set the eye height from the prop. elevation of 462.0 (about 0.5' above exist.). Additionally, the entrance moved about 20' east from previous sight dist. analysis.

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*	Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)
Tertiary - 25 mph	150'	
Secondary - 30	200'	
Business - 30	200'	
Primary - 35	250'	
Arterial - 40	325'	
	(45)	
Major - 50	400'	
	(55)	
	475'	
	550'	

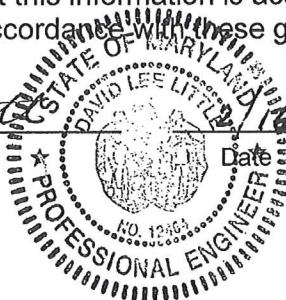
*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

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

David Lee Little Signature Date 1/12/12

12464
 PLS/P.E. MD Reg. No.



Montgomery County Review:	
<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved:
By:	<u>gulech</u>
Date:	<u>2/16/12</u>

Pereira, Sandra

From: Farhadi, Sam <Sam.Farhadi@montgomerycountymd.gov>
Sent: Monday, November 21, 2011 7:40 AM
To: Pereira, Sandra
Subject: Brookville Preserve

Hi Sandra,

Here is what I recommend to be addressed prior to the certified site plan:

- Conformance to the conditions 4 and 5 of the MCDOT approval letter;
- Specifying on sheets 9 and 10 as for which details apply to the public R/W and which ones are private property;
- Vehicular movements to be restricted to SU-30 for the private street;
- Green strips for the private sidewalks;
- Correct the sidewalk connections at Georgia Ave and private streets (ramp out of the sidewalk);
- Continuity of handicap ramps within the site.

Sam





Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

Beverley K. Swaim-Staley, *Secretary*
Darrell B. Mobley, *Acting Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

August 24, 2011

Ms. Catherine Conlon
Chairwoman, Development Review
Committee (DRC)
Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Montgomery County
MD 97
Brookeville Preserve
SHA Tracking No: 11-AP-MO-046-XX
County Tracking No: 820120030
Mile Post: 12.70

Dear Ms. Conlon:

Thank you for the opportunity to review the Site Plan/Preliminary Plan submittal, dated August 8, 2011, for the Brookeville Preserve in Montgomery County. The State Highway Administration (SHA) offers the following comments:

1. The existing access is shown without acceleration and deceleration lanes on MD 97. Please provide the appropriate partial acceleration and deceleration lanes as shown in the "State Highway Access Manual".
2. Please provide the proposed typical sections, cross sections, and paving details for the widening on MD 97.
3. Please provide a vertical profile and an intersection sight distance plan for the proposed entrance for the Brookeville Preserve.
4. Please provide the Traffic Statement referenced in General Note No. 8 on sheet 1 of 10 of the submittal.
5. Please provide the plans in a 22" X 34" format, as required by the Access Management Division.
6. SHA has no objection to the proposed Site/Preliminary Plans (820120030) for the Brookeville Preserve development project providing that the applicant submit six (6) sets of plans for all work within SHA right-of-way and six (6) copies of the Traffic Impact Study for review.

Montgomery County
RECEIVED



AUG 29 2011



Planning Department

My telephone number/toll-free number is _____

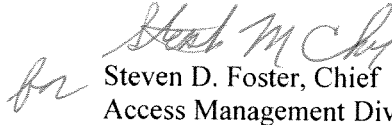
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

Ms. Catherine Conlon
August 24, 2011
Page Two

Further review of this project will be withheld until the above comments have been addressed. A point by point response letter should be included, and the SHA tracking number should be on all future submissions. Resubmissions should be sent directly to Mr. Stephen Ches. If you have any questions, or require additional information, please contact Mr. Stephen Ches at 410-545-8835, by using our toll free number in Maryland only, 1-800-876-4742 (x-8835), or by email at sches@sha.state.md.us.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/JWR/SMC

cc: CMF Development, owner/developer \
18330 Village Mart Drive , 2nd Floor, Onley, MD 20832
Attn: Mr. John Meagher
GLW Gutschick Little & Weber, P.A. engineer \
3909 National Drive, Suite 250, Burtonsville, MD 20866
Mr. Victor Grafton - SHA – District 3 – Utility Engineer *sent via e-mail*
Ms. Kate Mazzara – SHA – District 3 – Project Development *sent via e-mail*
Mr. Cedric Ward – SHA – District 3 – Traffic Engineer *sent via e-mail*
Mr. Scott Newill – SHA - AMD – Regional Engineer *sent via e-mail*

Pereira, Sandra

From: Stephen Ches <sches@sha.state.md.us>
Sent: Friday, January 13, 2012 1:28 PM
To: Pereira, Sandra
Cc: 'Natalya Basumallick'
Subject: FW: brookeville preserve, DRC comments. SHA Tracking No: 11-AP-MO-046-XX
Attachments: 04077 SHA Comments 2011-08-29.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Sandra,

I am writing you to inform you that I believe that the comments from the last DRC meeting have been addressed for the most part. There is still an issue regarding 6' bicycle compatible shoulders for a short area. We had a Conference call this morning with GLW and discussed the issue in detail. It does appear that that the issue will be resolved next week. They are also going to provide a site distance profile as well. This should not be an issue as the site is flat and straight.

I do believe the plan is acceptable to move forward to a hearing.

Stephen M. Ches

Maryland State Highway Administration

707 N. Calvert Street

Baltimore MD 21202

e-mail: sches@sha.state.md.us

phone: 410 545-8835

fax: 410 209-5001

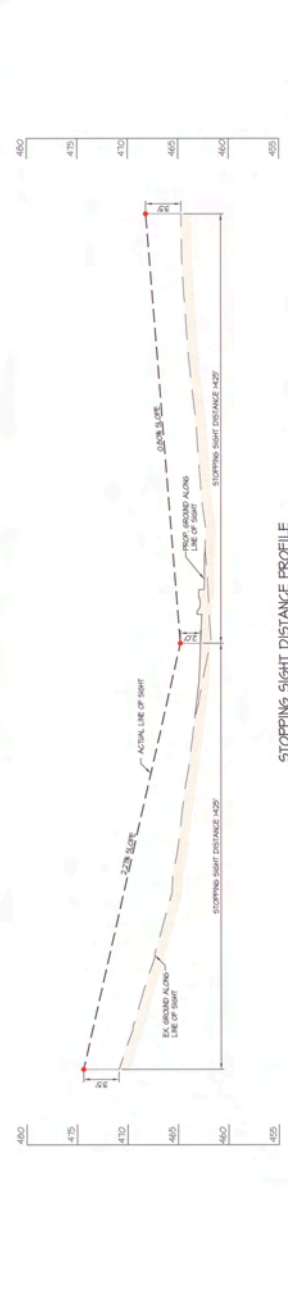
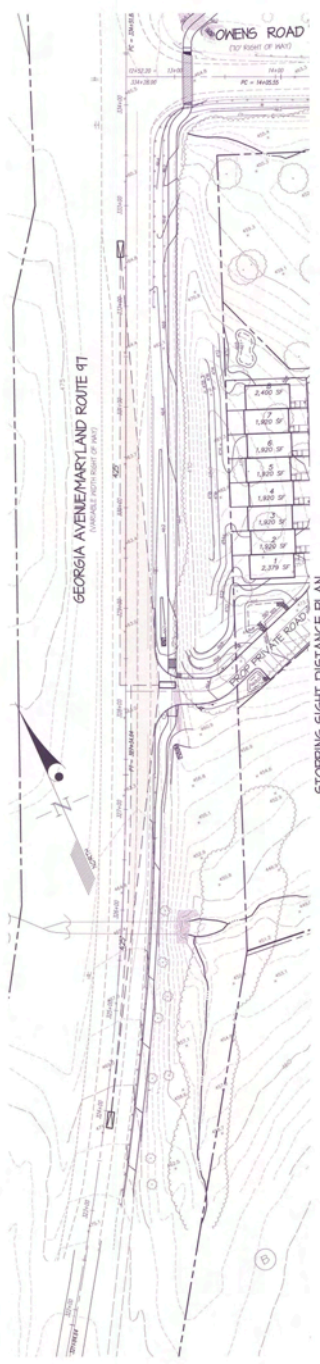
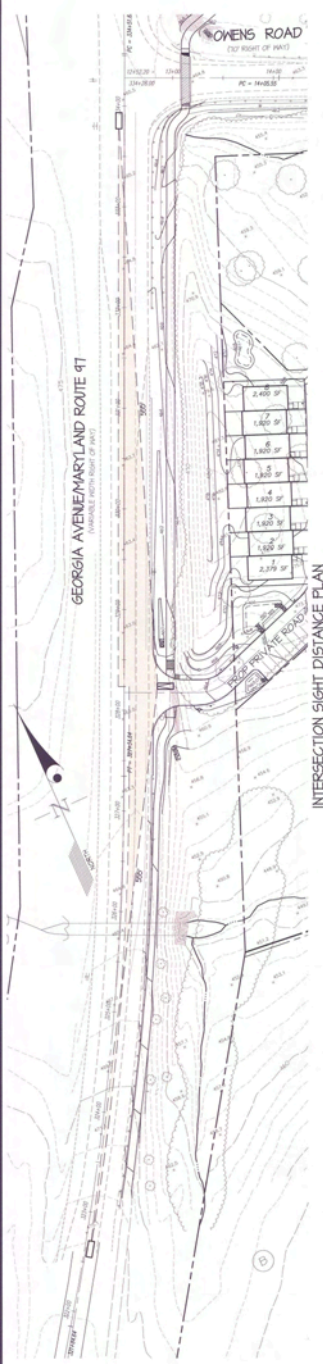
toll free: 1-888-228-5003 ext.8835



VICINITY MAP
SCALE: 1" = 200'

LEGEND

- VEHICLE
- DELETED VEHICLE
- SHORT TRAVELER



SIGHT DISTANCE ANALYSIS NOTES

SEE DISTANCE PROFILES AND TRAVELER FROM THE FOR RELEVANT INFORMATION. THE ACTUAL INTERSECTION DISTANCES INDICATED ARE AS FOLLOWS:

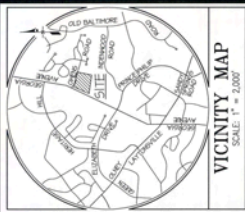
- LEFT DRIVEWAY: 130 FT.
- RIGHT DRIVEWAY: 130 FT.
- FROM STOPPED VEHICLE TO STOPPED VEHICLE: 130 FT.
- FROM STOPPED VEHICLE TO STOPPED VEHICLE: 130 FT.
- FROM STOPPED VEHICLE TO STOPPED VEHICLE: 130 FT.

PROFESSIONAL CERTIFICATION

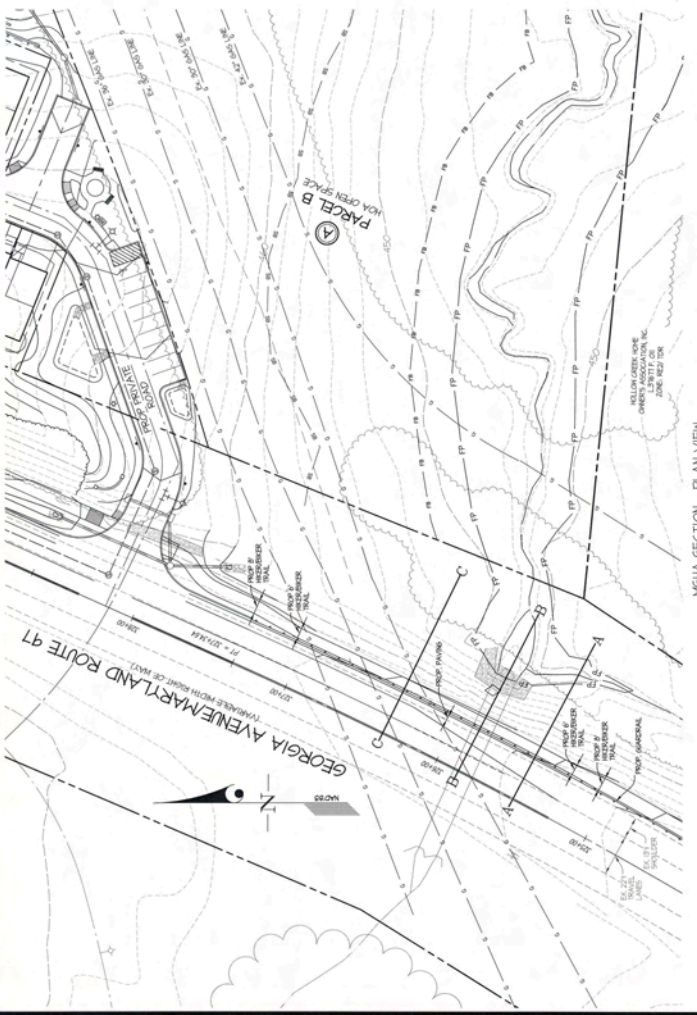
I HEREBY CERTIFY THAT THESE PLANS AND SPECIFICATIONS WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND APPROVED BY ME AS THE STATE ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

EXPIRATION DATE: MAY 28, 2023

<p>GLW Gutschick Little Weber, PA ONE INDIAN CREEK ROAD, SUITE 200, HARRISBURG, PA 17110 TEL: 717-634-1811 FAX: 717-634-1812</p>	DATE	BY	CHK
	DATE	BY	CHK
<p>PREPARED FOR: 18330 WILLOW HART DRIVE CLINTON, MARYLAND 20832 ATTN: PROJECT MANAGER TEL: 301-253-4010</p>	SCALE	DRAWING	SHEET
	1" = 50'	RE-2710R-4	04077
<p>BROOKVILLE PRESERVE LOTS 146, PARCELS A & B, BLOCK A</p>	DATE	BY	CHK
	FEB. 2022	HT	1 OF 1
<p>QUINCY ELECTRIC DISTRICT NO. 88 HARRISBURG COUNTY, MARYLAND</p>	DATE	BY	CHK



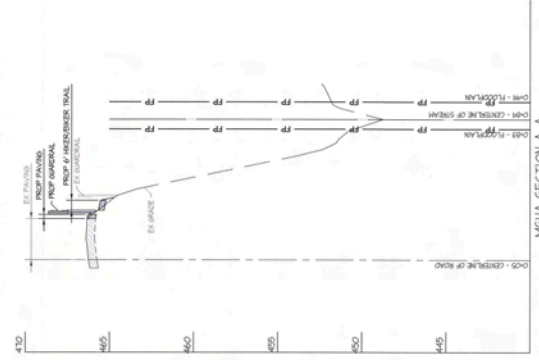
VICINITY MAP
SCALE: 1" = 2,000'



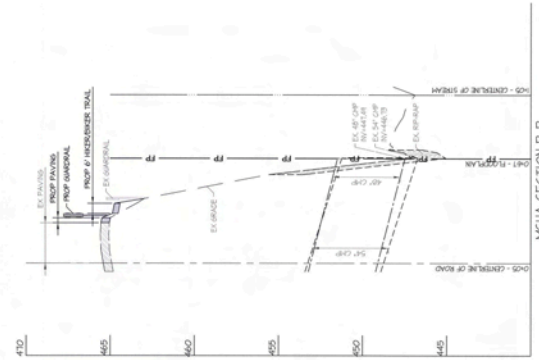
MEHA SECTION - PLAN VIEW
SCALE: 1" = 30'



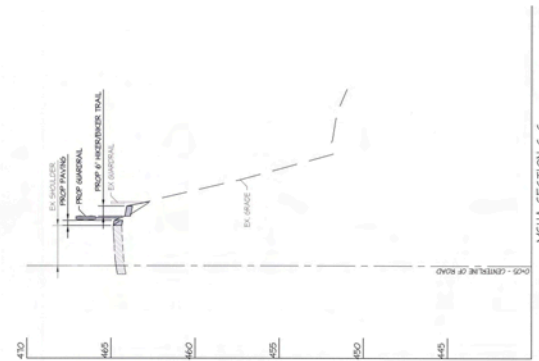
TYPICAL SECTION THROUGH DECEL LANE
SCALE: 1" = 3'



MEHA SECTION A-A
SCALE: 1" = 3'



MEHA SECTION B-B
SCALE: 1" = 3'



MEHA SECTION C-C
SCALE: 1" = 3'

GLW GUTCHICK LITTLE & WEBER, P.A. CIVIL ENGINEERS, LAND SURVEYORS AND PLANNERS, LANDSCAPE ARCHITECTS 100 SOUTH 4TH STREET, SUITE 200 WASHINGTON, DC 20004 TEL: 202-462-4600 FAX: 202-462-4608 WWW.GLWPA.COM	PREPARED FOR: DM CONSULTANTS 18300 WILLOW CREEK DRIVE CLARK, MARYLAND 20632 ATTN: PHILIP J. WILSON PH: 301-251-6319	SCALE: AS NOTED DATE: FEB. 2012	ZONE: RE-2/UR-4 TRM MP - 008 HT - 63	SHEET 04077 1 OF 1
	PROJECT LOCATION: BROOKVILLE PRESERVE LOTS 116, PARCELS A & B, BLOCK A QUANTICO COUNTY, MARYLAND			

NO.	REVISION	DATE

DATE: 02/20/12



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

June 8, 2011

Natalya Basumallick
Gutschick, Little & Weber, P.A.
3909 National Drive, Suite 250
Burtonsville, Maryland 20866

Re: Stormwater Management **CONCEPT** Request
for Brookeville Preserve (Owens Road Property)
Preliminary Plan #: 120110070
SM File #: 238894
Tract Size/Zone: 12.77 Ac. / RE-2 / TDR-4
Total Concept Area: 12.77 Ac.
Lots/Block: 16 Lots Proposed
Parcel: 103
Watershed: Hawlings River

Dear Ms. Basumallick:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via 4 micro-biofilters, 4 landscape infiltration facilities, 9 drywells and areas of sheet flow to buffers.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. A Floodplain District Permit is required for any land disturbance within the 100-year floodplain and associated buffer.
5. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
6. Any encroachments into the stream valley buffer must be approved by M-NCPPC **prior** to the initial submittal of the detailed sediment control/stormwater management plans.

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 Mike Geier at 240-777-6342.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB: tla CN238894 Brookeville Preserve.mjg.doc

cc: C. Conlon
SM File # 238894

ESD Acres: 6.0
STRUCTURAL Acres: 0
WAIVED Acres: 0



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

October 26, 2011

Françoise Carrier, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Brookeville Preserve - Revised, DAIC 120110070, NRI/FSD applied for on 7/14/2010

Dear Ms. Carrier:

The County Attorney's Office has advised me that the provisions contained in Section 5-1607 of Title 5 (Natural Resources) of the Maryland Code apply to any application required by Chapter 22A of the Montgomery County Code submitted after October 1, 2009. Since the application for the above referenced request is required to comply with Chapter 22A based on a review by the Maryland National Capital Park & Planning Commission (MNCPPC) and was submitted after this date, I am providing the following recommendation pertaining to this request for a variance.

The following recommendation pertains only to the ten (10) trees specified in the applicant's letter, dated October 6, 2011. According to the NRI/FSD and FCP, there may be additional trees on the site may require a variance before the planned disturbance occurs.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant results in the following findings:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this condition.
2. Based on a discussion on March 19, 2010 with representatives of the Maryland Department of Natural Resources Forest Service and the MNCPPC, the disturbance of trees, or other vegetation, is not interpreted as a condition or circumstance that is the direct result of the actions by the applicant and, therefore, the variance can be granted under this condition, as long as appropriate mitigation is provided for the resources disturbed.
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this condition.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this condition.

Therefore, I recommend that this applicant qualify for a variance conditioned upon mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law. Until other guidelines are developed, I recommend requiring mitigation based on the area of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Robert Hoyt, Director
Walter Wilson, Associate County Attorney
Mark Pfefferle, Acting Chief



FIRE MARSHAL COMMENTS

DATE: 08-Nov-11
TO: Kevin Foster
Gutschick Little & Weber, PA
FROM: Marie LaBaw
RE: Brookeville Preserve (Owens Road Property)
120110070 820120030

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **13-Oct-11** .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.

***** Fire Lane Order to be resubmitted when private street is named *****

Pereira, Sandra

From: Demler, Scott <sDemler@wsscwater.com>
Sent: Thursday, October 06, 2011 3:47 PM
To: Pereira, Sandra
Cc: Steve Payne
Subject: Brookeville Preserve - Site Plan # 820120030

Follow Up Flag: Follow up
Flag Status: Flagged

Sandra,

In regard to the Brookeville Preserve project (Site Plan # 820120030) please be advised that the engineer has adequately addressed WSSC's Development Review Committee comments of September 6, 2011. All remaining issues will be evaluated at the time of detailed engineering plan review. Contact me immediately if you have any comments or questions. Thanks

*Scott W. Demler
WSSC Development Services Group
Phone (301) 206-8749*

July 12, 2011

Natalya Basumallick, P.E.
Project Engineer Gutschick, Little & Weber, P.A.
3909 National Drive, Suite 250
Burtonsville, MD 20866
Phone: (301) 421-4024
Fax: (301) 421-4186
nbasumallick@glwpa.com

Attn.: Natalya Basumallick

Ref.: Brookeville Preserve Development, Montgomery County, M.D.
LL 82.3 MP 1618.46 Owens Road and MD 97

Dear Ms. Basumallick:

Thank you for providing Williams Gas Pipeline—Transco the Site Plans, Stormwater Concept, and proposed sewer profile for the Brookeville Preserve Development, Montgomery County, M.D., dated May 2011. After reviewing the information submitted, Williams Gas Pipeline (WGP) has the following comments:

- 1) Water and Sewer Crossings (along Owens Road and to serve lots 15 & 16)
 - All foreign lines crossing WGP's pipelines or related facilities must be installed with a minimum of 24" of clearance between the existing WGP facilities and the proposed foreign line.
 - All sanitary sewer and pressurized water lines must be protected with steel casing for the full width of WGP's right-of-way. Based on the contour lines, the sewer line is pressurized.
 - Prior to any construction, WGP will need information concerning the Method of Installation: (i.e. bored or open cut)
 - Open cut – There may be no mechanical excavation performed within 24" of WGP's pipelines or related facilities.
 - Bored – Prior to any boring, inspection holes must be excavated to allow WGP's on site representative to visually see the boring head prior to the point where it travels beneath each pipeline. The contractor must provide and maintain instrumentation to accurately track the boring head.
 - WGP facilities are electrically protected against corrosion (i.e. Cathodic Protection). The Developer needs to investigate and install any and all necessary measures to protect the proposed water and sewer lines from potential interference effects.

- 2) Surface Crossings (i.e. sidewalk on Owens Road, hiker/biker path along Georgia Avenue, and the driveway extension to Lots 15 & 16 off of Owens Road):
 - WGP will need to review section drawings for the crossings for the sidewalk on Owens Road and the hiker/biker path along Georgia Avenue.
 - Prior to any construction on the WGP right-of-way, WGP will need the following items:
 - A list of the equipment that will be used to construct the sidewalk which will cross WGP's right-of-way.
 - The method of installation for each crossing mentioned above.

Surface Crossings (The driveway apron and crossing for fire access/turn around):

 - WGP will allow the use of grass pavers for this piece of driveway. Prior to any construction in WGP's right-of-way, WGP will include this improvement in the encroachment agreement.

- WGP's preliminary engineering evaluation indicates that additional protection may be required. One solution is to maintain, for the life of the development, at least 4.0' of earthen cover above the pipelines. The cost of this protection is borne by the developer.
- Vibratory equipment is prohibited within the limits of the WGP right-of-way and is not permitted to be used for achieving applicable compaction requirements.
- No cut or fill on the WGP right-of-way is permitted without WGP written approval and on-site inspection.

3) General Information

- The proposed Brookeville Preserve drawings need to show existing horizontal locations and vertical elevations of each WGP pipeline and cathodic protection facilities at all foreign line crossings at all utility and on-grade improvements.
- WGP personnel will locate and mark the existing pipelines and cathodic protection facilities. Please contact Tim Rich, District Manager, at (410) 465-0960 to schedule the work. Tim.o.rich@williams.com
- An Encroachment Agreement – required for any proposed improvements within WGP's right-of-way will be required. The utilities and all on-grade improvements will be included. This document, prepared by WGP, will outline the responsibilities, conditions, and liabilities of each party. It will be attached to the deed for the property.
- The scope of this proposed project will require significant inspection efforts by WGP personnel. It is WGP's policy to obtain reimbursement for time and expenses related to the inspection of proposed developments affecting WGP facilities. We will prepare a reimbursement agreement as soon as you indicate that the project will move forward. The initial amount is requested to be \$5,000. Any funds not used by WGP at the end of the project will be refunded to the developer.

If you have any further questions, please feel free to contact me in my Charlottesville, VA office at (434) 964-2102.

Sincerely,

Tom Hoelscher
Manager, Operations Technical Support
345 Greenbrier Drive
Charlottesville, VA 22901
(434) 964-2102
Tom.w.hoelscher@williams.com

cc: Tim Rich
Ron Wall
Stan Tolman
John Roebuck

Pereira, Sandra

From: Bradshaw, Laura <Laura.Bradshaw@montgomerycountymd.gov>
Sent: Tuesday, November 22, 2011 11:03 AM
To: Pereira, Sandra
Cc: jsoss@glwpa.com
Subject: Brookville Preserve

Sandra,

I spoke with Julie from GLW this morning and wanted to let you know that they have addressed all my DRC comments for Brookville Preserve. They are ready to go on our end.

Laura Bradshaw

Senior Permitting Specialist
Department of Permitting Services
255 Rockville Pike
Rockville, MD

Desk: 240-777-6296

Fax: 240-777-6263



Appendix B

GLWGUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

February 15, 2012

Mr. Richard Weaver
Development Review Division
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Brookeville Preserve (Owens Road Property)
TDR Waiver Request and Justification

Dear Mr. Weaver:

The proposed Brookeville Preserve development is a \pm 12.7 acre corner property consisting of 16 dwelling units including 5 single family detached dwellings and 11 single family attached dwelling units developed under the optional method of the RE-2/TDR-4 zoning category. Under 59-C-1.33 in the Montgomery County Zoning Code, Transfer Development Rights (TDRs) zones developed under the optional method of development must comply with 59-C-1.332, 59-C-1.39, and guidelines contained in the applicable Master Plan. Under 59-C-1.393(b) of the optional method of development standards, this plan is required to provide at least two-thirds of the number of Transfer Development Rights (TDRs) specified per the applicable Master Plan. On behalf of our client, Carl M. Freeman Companies, we are requesting a waiver of 59-C-1.393(b). The two-thirds requirement may be waived by the planning board upon a finding that for environmental or compatibility reasons it would be desirable to permit a lower density,

Development of the site is severely limited by existing major gas utility lines and environmental features that include steep slopes, wetlands, forest, and floodplain area. The maximum density allowed on the site, based on RE-2/TDR 4 zoning would be 51 dwelling units. (12.77Ac. X 4 = 51 DU) Due to the aforementioned site constraints, the original proposed density at the time of Preliminary Plan submission was 19 dwelling units. During Preliminary Plan review, the Environmental Planning section suggested that the applicant remove one building lot and limit development to north of the gas line right-of-way to preserve a larger stand a contiguous forest. The applicant was also asked by Development Review staff to remove a building lot on the eastern portion of the property to create greater compatibility with the adjoining single-family detached residences, and an additional townhouse lot was lost to provide additional SWM area. After final staff review the total proposed density is 16 dwelling units, and this includes the maximum number of single-family attached units allowed by the zoning code, as we are required to provide a minimum of 30% single family detached units.

TDR Density Calculations

TDR's Required

51 dwelling units (maximum density) – 6 dwelling units (RE-2 base zoning density) =
45 dwelling units (TDR density) x 2/3rds required = **30 TDR's**

TDR's Provided

Proposed 16 dwelling units – 6 dwelling units (RE-2 base zoning density) = **10 TDR's**

Based on the existing environmental constraints, Environmental Planning staff's requirement to protect additional contiguous forest area and Development Review staff's requirement to provide additional neighborhood compatibility, a waiver of the minimum two-thirds TDR requirement by the Planning Board is desirable to permit a lower density on the property, protect the environmental features of the site and to provide greater compatibility of the neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin A. Foster". The signature is stylized with a large, looped initial "K" and a long horizontal stroke at the end.

Kevin A Foster, ASLA, AICP

GLWGUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

October 6, 2011

Forest Conservation Program Manager
Maryland National Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Brookeville Preserve - Site Plan
Variance Request

On behalf of our client, Carl M. Freeman Development, we are requesting a variance of Section 22A-12. of the Montgomery County Forest Conservation Regulations. The original variance request was submitted with the Brookeville Preserve Preliminary Plan (#120110070)

22A-12.(b)(3)(C)(i) The following trees, shrubs, plants and specific areas are priority for retention and protection and must be left in an undisturbed condition unless the Planning Board or Planning Director, as appropriate, finds that the applicant qualifies for a variance under Section 22A-21:

- (C) Trees with a diameter measured 4.5 feet above the ground, of:
- (1) 30 inches or more: or
 - (2) 75 % of the diameter, measured 4.5' above the ground, of the current state champion tree of that species.

The subject property, Brookeville Preserve, Parcel P103, is located in the southeast quadrant of the intersection of Georgia Avenue (Maryland Route 97) and Owens Road in the Olney/Brookeville community of Montgomery County, Maryland. The 12.77 acre parcel is vacant and contains a wide transcontinental gas line easement that bisects the site from east to west, and also contains a stream that bisects the site from the northwest corner to the south east corner and along the southern boundary line. The entire site, except for the areas contained within the gas easement, is totally forested. The site is Zoned RE-2/TDR to allow up to 51 units. The variance is required in order to allow even a small portion of that density (16 units) to be built

The applicant is requesting a variance to remove seven trees, and impact the critical root zone of six trees that measure 30" or greater in diameter at breast height (dbh).

The following seven trees will be removed:

(see Final Forest Conservation Plan)

tree # 20 – 42" dbh Tulip Poplar

tree # 21 – 33" dbh Tulip Poplar

tree #22 - 35" dbh Tulip Poplar

tree # 23 – 32" dbh Tulip Poplar

tree #24 – 40" dbh Tulip Poplar

tree # 27 – 33" dbh Tulip Poplar

tree # 77 – 30" dbh Tulip Poplar

The following three trees will have impacts to the CRZ:

tree # 11 – 34” dbh Tulip Poplar

tree # 37 – 31” dbh Tulip Poplar

tree # 38 – 30” dbh Black Oak

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

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship:

Under the RE-2/TDR optional method, a mix of townhouses and single family detached houses is required. At a density of 4.0 dwelling units per acre, the 12.77 acre site can have 51 dwelling units. For all developments in the RE-2/TDR zone, a minimum of 30% single family detached houses are required. The RE-2 base zoning density for this property is 6 dwelling units; therefore, transfer development rights will be utilized. A waiver will be requested, as this development will be providing less than the minimum two-thirds transfer development rights required by the zoning code due to the environmental constraints and the gas line easement.

Over the past few years through the development process of the Preliminary Plan to the Site Plan, the design has evolved based on comments from the community and M-NCPPC. Originally, the site was designed with 19 lots that included forest and environmental features on lot in forest conservation easements, utility lines and a storm drain outfall to serve the townhouses that impacted the forest including a specimen tree and the stream buffer, and three access points to the site. The density was reduced from 19 lots (12 townhouses and 7 single family houses) to 16 lots (11 townhouses and 5 single family houses) to conform to increased SWM requirements, to reduce environmental and forest disturbance, and to increase compatibility with the adjacent homes.

The pedestrian circulation has also evolved from the Preliminary Plan to the Site Plan. Originally, the hiker/biker path connected to the existing path to the south of the site, turned the corner at Owens Road, and transitioned into a 5' wide sidewalk set back about 30' from the road, through the trees, to match the existing sidewalk on the Manor Oaks Neighborhood side of Owens Road. The path has been redesigned to be setback approximately 5' from the road to preserve more forest. Additionally, a crosswalk is provided across Owens Road to connect the hiker/biker path from the site to the existing path north of the site.

Vehicular access has been reduced from 3 total access points to two access points. Originally direct access for the townhouses was proposed on Georgia, and two driveway points were proposed for two clusters of three single family homes, each on Owens Road. The plan have since been revised to have on access point on Georgia for the townhouses. One access point is proposed for the three single family homes, and one access point has been eliminated on Owens Road, removing the impacts to off-site adjacent significant trees. The existing shared driveway for Lots 1-3, Block J will be utilized for access to the two single family detached homes.

Forest disturbance has been minimized while forest preservation has been maximized. The Preliminary Plan had water and sewer lines that bisected the forest and crossed the stream on the townhouse side. There were also multiple storm drain outfalls through the forest to the stream. The water and sewer lines were realigned to run along Owens Road and Georgia Avenue to minimize impacts to the forest. Stormdrain pipes were combined where possible to reduce the impacts to the forest and

significant/specimen trees. The proposed lots on the Preliminary Plan included forest and environmental features on lot in conservation easements. The design was revised to reduce the lot sizes, and no conservation easement is proposed on lot. HOA Parcels were created to place the forest and environmental buffers within a forest conservation easement.

The specific area chosen for development is the only buildable area to construct houses. The extensive stream buffer area, 6.30 AC and existing gas line easement, 2.84 AC occupy a disproportionately large area of the site, to the extent of 72%. The remaining 28% developable areas are limited to areas outside of the gas easement and environmental buffers. Ninety-two significant and specimen trees are scattered throughout the site, including seven specimen trees within the limited available building area on the western side. Eight-five significant or specimen trees, or 92% of the trees will be saved and placed within a forest conservation easement. Removal of these seven specimen trees is unavoidable in order to provide space to construct the proposed houses, provide access to the houses and provide areas suitable for stormwater management. The area along the western side of the site is the only good location for the townhouses to be compatible with the Hollow Creek townhouses along Georgia Avenue and to the south of the site.

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

Not granting the variance would cause undue hardship on the applicant because there would be very limited buildable area on the property, and therefore will deny the applicant ability to full use the property. Having a virtually unbuildable parcel is an unwarranted hardship to the applicant and by enforcement of this chapter will deprive the landowner the rights to build on the property. Granting of the variance will ultimately allow the property to be developed.

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 variance will not violate state water quality standards or cause measurable degradation in water quality. All proposed land development activities will require sediment control and or storm water management plan approvals by Montgomery County.

4. Provide any other information appropriate to support the request:

The variance requested is not based on conditions or circumstances which result from the actions of the applicant. The applicant did not create the gas line easements, or plant the Tulip Poplar trees. The existing Tulip Poplar trees are not a grand example of their species. While a native species, these trees are usually not considered a valuable landscape tree and are not usually recommended near houses due to their weak wooded characteristics that occur with age.

The Applicant believes that the information set forth above is adequate to justify the requested variance to remove the seven specimen trees and impact the critical root zone of four other specimen trees on the subject property. Furthermore, the Applicant's request for a variance complies with the "minimum criteria" of Section 22A-21 (d) for the following reasons:

1. This Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant.

2. The variance request is not based on conditions or circumstances which result from the actions of the applicant. The applicant did not create the existing site conditions, including the configuration of the existing gas line easements, stream channel and environmental buffers, and the location of several specimen trees.
3. The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property.
4. Loss of the requested trees will not violate State water quality standards or cause measurable degradation in water quality. Full ESD storm water management will be provided as part of the proposed development.

If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Foster', with a stylized flourish at the end.

Kevin Foster, ASLA AICP

Pereira, Sandra

From: Titman, Dorothy R. <drtitman@lercheearly.com> on behalf of Harris, Robert R. <rrharris@lercheearly.com>
Sent: Tuesday, February 21, 2012 2:27 PM
To: Pereira, Sandra
Cc: cgarland@cmfa.com; kfoster@glwpa.com; jmeagher1163@gmail.com; dlittle@glwpa.com
Subject: ON BEHALF OF ROBERT HARRIS/Brookville Preserve (Preliminary Plan No. 1-201110070)
Attachments: Copy of Brookeville Preserve Driveway Agreement Timeline.xlsx

Sandra, as you are aware, I have been working with the Carl M. Freeman Company, the applicant in this proceeding. Although I was not present, I understand you had a recent meeting with the applicant and members of the project team to discuss a possible shared driveway for proposed Lots 15 & 16 (connecting with the driveway that serves previously existing Lots 1 – 3). I believe the applicant indicated to you his disappointment in not being able to negotiate a shared access easement with those pre-existing owners and you asked for some additional information so that you can complete your review of this application and, hopefully, support an alternative driveway arrangement for the two proposed lots.

By way of background, I am sure you understand the natural reluctance of those existing property owners to agree to allow their driveway to be used for new homes to be constructed in the future. Nevertheless, the applicant initiated a concerted effort to do just that more than 10 months ago. That effort included surveys, title review, preparation of a draft easement and multiple discussions/e-mails with the existing property owners. I have attached for you a timeline showing some of the more significant meetings, discussions and actions. Despite this effort, it now appears that the applicant will not be able to secure approval from those existing property owners to use their existing driveway. As an aside, it would have resulted in five home on a single private driveway, anyway, which is not normally preferred. In any respect, the applicant has been waiting for an extended period of time to present this subdivision application to the Planning Board for approval and now finds it necessary to proceed with a driveway connecting the two new homes on Lots 16 and 17, to Owings Road via a driveway built specifically for their use and located entirely on the property of the applicant. I appreciate your understanding and look forward to your support for the proposed driveway alignment.

Robert R. Harris - Attorney
Lerch, Early & Brewer, Chtd. [ideas that work](#)
(301) 841-3826 - rrharris@lercheearly.com

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BROOKVILLE PRESERVE DRIVEWAY AGREEMENT CHRONOLOGY OF EVENTS

DATE	EVENT DESCRIPTION
May 10, 2011	GOCA Meeting, after the meeting Bob Keller, who is the owner of Lot 3, Manor Oaks, approached me to discuss sharing his driveway to access our proposed lots 15 and 16. I told him that Freeman would consider this provided that all of his neighbors would agree and would execute an agreement between all parties. Mr. Keller assured me that he would get his neighbors to agree.
May 17, 2011- August 1, 2011	Mr. Keller and I begin to discuss the parameters and details of our Agreement. This process was delayed somewhat by Mr. Keller's frequent business trips and a vacation. Our Attorney begins to search the land records for the relevant documents to draft the Agreement to include the deed of all relevant properties and the existing driveway agreement between the owners of lots 1, 2, and 3 Manor Oaks. Survey work is conducted to define the parameters of the easement area. A draft exhibit and agreement is prepared and revised numerous times by me to address the concerns and requests of Bob Keller.
August 30, 2011	A Final Draft of the Driveway Agreement is sent to Bob Keller. Mr. Keller indicates that he will review and distribute to his neighbors for their comments.
September 1, 2011-September 15, 2011	Mr. Keller reviews the Agreement and provides comments on the revision of the Agreement.
September 15, 2011-October 1, 2011	The Agreement is revised to address Mr. Keller's concerns and sent back for signature. At this juncture, I asked Mr. Keller, again, if his neighbors were on board with the terms of the Agreement and if I should contact them to sign the Agreement. Mr. Keller assured me that he would take care of getting his neighbor's signature.
October 2, 2011-November 22, 2011	Mr. Keller reviews the Agreement without comment. Several attempts are made by me to contact Mr. Keller and inquire as to the status of our Agreement. No return phone calls or emails are received.
November 23, 2011	Mr. Nicholas, the owner of Lot 1, contacts me via phone to indicate that he has reviewed the Agreement, given to him by Mr. Keller, and has a couple of questions. Mr. Nicholas requests two changes- 1) that Freeman not use the shared driveway for access and construction access during the construction period, and 2- that we notify them when we plan to commence work on improving the existing driveway and installing the CMF portion of the driveway in accordance with the Agreement. These changes are agreed to by me and added to the Agreement. Lastly, Mr. Nicholas wanted to confirm that only secondary utilities will be installed in the easement area. I confirmed this.
November 23, 2011-December 7, 2011	Revisions to the Agreement are made to address Mr. Nicholas' concerns. The revised Agreement is forwarded to both Mr. Nicholas and Mr. Keller.
December 15, 2011	In a follow-up phone conversation, Mr. Nicholas expresses his displeasure that the Agreement was not revised as he requested. After asking for and receiving clarification, and reviewing with Freeman, I agree to amend the Agreement again.
December 20, 2011	The revised Agreement is sent to Mr. Nicholas and Mr. Keller.
December 21, 2011-January 5, 2012	The homeowners are in possession of the Agreement, with all changes, and several attempts are made to contact each homeowner to finalize their signatures. Mr. Keller indicates that he is merely waiting for the owners of lot 2, the Maselkas, to return from the holidays to get their signature. Mr. Nicholas and he have approved and signed the Agreement.
January 6, 2012	At my request, Chris Garland, VP of Freeman, sends an email to Mr. Keller introducing himself and inquiring as to the status of our Agreement. Shortly thereafter, we are informed that the Agreement has been signed by Mr. Keller and Mr. Nicholas but not by the Maselkas, owners of lot 2.
January 10, 2012	I receive a late night phone call from the Maselkas requesting a meeting with me to discuss the Agreement and their concerns. They indicate that Mr. Keller has not kept them informed and while not opposed, they wish to receive more details on the Agreement terms.
January 13, 2012	I meet with the Maselkas for 2 hours to review the details of the Agreement, address their concerns, and answer their questions. The Maselkas indicate that they were not made aware of the terms of the Agreement until recently. They request changes to the Agreement to include a date certain by which the existing driveway will be re-topped. At this meeting, they indicate that were Freeman to propose and install a separate driveway to serve our lots that they would not be opposed to this.
January 17, 2012	I send an email to Ms. Maselka listing her concerns and Freeman's proposed response to each in order to finalize the Agreement. No response.
January 20, 2012	Mrs. Maselka responds to another email from me that she and her husband will go over the terms laid out in my email which will become part of the Agreement. There is no indication that she disagrees with the basic terms of our verbal agreement spelled out in my email.
January 24, 2012	I send a follow up email to Mrs. Maselka requesting direction on our verbal agreement and inquiring as to changes that need to be made to the written agreement. No response.
January 26, 2012	Another follow up email is sent by me to the Maselkas with no response.
January 27, 2012	I inform Chris Garland from Freeman that I do not believe that an Agreement can be reached with each owner of lots 1, 2, and 3 of Manor Oaks. I advise him to pursue an alternative driveway layout using a separate driveway for lots 15 and 16.

Appendix C

**RESOLUTION OF THE BOARD OF DIRECTORS
OF MANOR OAKS HOMEOWNERS ASSOCIATION**

COMMUNITY POSITION ON PROPOSED DEVELOPMENT OF PARCEL 103

WHEREAS Carl M. Freeman Development proposes to build 12 townhomes and 7 single-family homes on Parcel 103 (at the intersection of Georgia Avenue and Owens Road); and

WHEREAS Manor Oaks abuts Parcel 103 and will be directly impacted by the proposed development as it affects traffic flow and congestion, traffic safety, property values, and overall quality and attractiveness of the surrounding areas

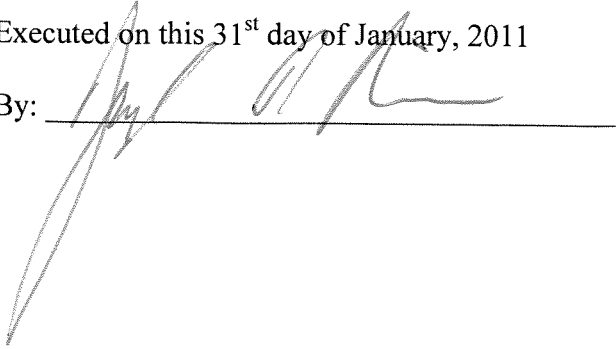
NOW THEREFORE BE IT RESOLVED THAT the Board delegates to the Community Affairs Committee authority to represent the interests of the Manor Oaks community regarding this proposed development to the State Highway Administration, County planning authorities, the Greater Olney Civic Association (GOCA), and the HOAs of neighboring communities as necessary to address and advocate for the following specific issues pertaining to the proposed development:

- The development proposal as it stands represents that 19 single-family homes will be built. The plan needs to be amended to state more accurately that 12 townhomes and 7 single-family homes are proposed.
- The plan calls for two entry-egress points to be added to Owens Road at a point of high congestion and limited line of sight due to a natural crest that exists in the roadbed. The plan needs to be modified to address the resulting safety and congestion issues.
- The plan calls for one entry-egress point to be added to Georgia Avenue, which would further compound the pre-existing and well-documented safety hazards at the nearby intersection of Georgia Avenue and Owens Road. The plan needs to be modified to eliminate direct access to Georgia Avenue. The alternative of using Owens Road for entry-egress presents other serious and significant hazards to Manor Oaks residents using Owens Road for entry into Manor Oaks from Georgia Avenue.
- Parcel 103 is currently heavily wooded with mature trees that add value to the overall attractiveness and living quality of the Manor Oaks community. The plan needs to specifically state what steps will be taken to preserve as many mature trees as possible and also what steps will be mandated during the construction phase to minimize damage to the root systems of the trees that are preserved and to the James Creek bed and Hawking tributary.
- The families living in the 19 proposed homes will in all likelihood make use of the Manor Oaks common areas, including nature trails, tot lots, and tennis courts. This additional use will cause Manor Oaks to incur additional maintenance costs due to the increase in wear and tear. The developer of this project should compensate Manor Oaks appropriately for this projected additional usage.
- The development proposal needs to consider existing capacities at the local elementary schools and ensure the incoming residents are directed to a local school that has sufficient capacity to accommodate the projected load of new students.

- In light of the San Bruno tragedy and the general issue of aging gas pipelines, we are very concerned about the potential for an accident resulting from heavy construction equipment operating in close proximity to the Transco pipeline during the development phase. We therefore request the opportunity to have an information meeting with the appropriate authorities concerning safeguards that will be in place during any construction activity to prevent damage to the pipeline.

Executed on this 31st day of January, 2011

By: _____

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, is written over a solid horizontal line.

Pereira, Sandra

From: Pereira, Sandra
Sent: Friday, January 20, 2012 9:53 AM
To: 'leisacpa@verizon.net'
Subject: RE: Brookeville Preserve 820120030
Attachments: Brookeville Preserve - Site Plan # 820120030; Brookeville Preserve 7-12-11 initial reply to plans.doc

Ms. Sarecky,

Transcontinental Gas Pipeline has been involved in this project since the beginning. Most of the dialogue has been between the Developer and Transcontinental. As part of this dialogue, they provided comments which I'm attaching for your reference. These comments are mostly directed towards construction activity, standards, and procedures.

Since DRC, we've received correspondence from WSSC confirming that all their concerns have been addressed (correspondence attached for reference).

Please let me know if you have any additional questions or concerns.

Thank you,
Sandra

From: Leisa Sarecky [mailto:leisacpa@verizon.net]
Sent: Tuesday, January 17, 2012 2:25 PM
To: Pereira, Sandra
Subject: RE: Brookeville Preserve 820120030

Ms. Pereira,

I briefly reviewed the documents. WSSC says they won't approve the plans without prior written approval by Transcontinental Gas Pipeline Co. Has Transco commented yet? Construction so close and on top of this pipeline is also one of our major concerns since this pipe runs right through our neighborhood.

Thanks,
Leisa

From: Pereira, Sandra [mailto:Sandra.Pereira@montgomeryplanning.org]
Sent: Tuesday, January 17, 2012 10:58 AM
To: leisacpa@verizon.net
Subject: RE: Brookeville Preserve 820120030

Dear Ms. Sarecky,

The webpage that I provided on my previous email shows the DRC comments as the second link. They were posted on December 19, 2011. The web address is <http://www.daicsearch.org/imageENABLE/search.asp?Keyword=820120030>

The site plan has not been scheduled yet for a Planning Board Hearing. As a general timeframe, we do not foresee having a hearing before the end of February.

Sincerely yours,

Sandra Pereira, RLA
Area 3 Lead Reviewer

M-NCPPC Montgomery County Planning Department
8787 Georgia Avenue, Silver Spring, MD 20910
phone (301) 495-2186 :: fax (301) 495-1306
sandra.pereira@montgomeryplanning.org

From: Leisa Sarecky [<mailto:leisacpa@verizon.net>]
Sent: Sunday, January 15, 2012 4:08 PM
To: Pereira, Sandra
Subject: FW: Brookeville Preserve 820120030

Ms. Pereira,

I checked the website this weekend and I have not seen any new comments posted since our last e-mail exchange. Could you give me an update of where the comments stand and any time frame yet on the Planning Board meeting.

Thank you for your assistance,
Leisa S.

From: Pereira, Sandra [<mailto:Sandra.Pereira@montgomeryplanning.org>]
Sent: Friday, December 16, 2011 3:59 PM
To: leisacpa@verizon.net
Subject: RE: Brookeville Preserve

Dear Ms. Sarecky,

Thank you for your interest in the Site Plan application no. 820120030 for Brookeville Preserve. This application will be scheduled for a Public Hearing once we receive approval from other outside agencies, who provided comments at the Development Review Committee (DRC) meeting on Sep 6, 2011. For your convenience, I'm attaching SHA's comments to this email, the remaining DRC comments will be available [online](#) early next week. As a general timeframe, we estimate that this application will be ready for a Planning Board Hearing late January or February 2012.

The development proposes 11 townhouses with direct access to Georgia Ave via a new private driveway, and 5 single-family detached homes with direct access to Owens Road via one new private driveway (serving 3 proposed lots) and via an existing private driveway (serving 2 proposed lots and 3 existing homes). These access points to Owens Road have been intentionally consolidated to minimize vehicular disruptions to the traffic on Owens Road.

Given this proposal, SHA has not expressed objection to the proposed access off Georgia Ave for the townhouses. Please see attached correspondence from SHA. Also, we're not aware of the need for a traffic light at Georgia and Owens.

Please don't hesitate to contact me, should you have additional questions or concerns.

Sincerely,

Sandra Pereira, RLA
Area 3 Lead Reviewer

The **Montgomery Planning Department will be closed December 23, 2011 through January 2, 2012** for a furlough and two holidays. Our offices will be closed to all during this time and all mail/deliveries suspended. We return and reopen on Tuesday, January 3, 2012. All mail/deliveries will resume on Tuesday, January 3.

From: Leisa Sarecky [<mailto:leisacpa@verizon.net>]
Sent: Tuesday, December 13, 2011 5:30 PM
To: Pereira, Sandra
Subject: Brookeville Preserve

Dear Ms. Pereira,

I am contacting you regarding Brookeville Preserve, Application 820120030. Our association, Manor Oaks, wanted to know the status of the application. The last time Freeman submitted, there were comments made by MNCPPC that were given to Freeman so they could make adjustments or change their plan. I wasn't sure if this would happen again or will this go to the planning board with an open hearing? If there are comments, will they be posted on the website for us to see?

We are interested in finding out the position of State Highway. When we spoke to SHA in 2009 about the Marian Fathers property (application 820090130), they said they were not going to allow any more entrance/exits onto Georgia Avenue. We had requested that if the Marian Fathers property was developed, it should have its own access to Georgia so not to add an additional 100+ vehicle trips through our neighborhood.

Our major concern is the intersection of Georgia and Owens. Our community does not want a traffic light because Owens Road (once you get past the first block) is a fairly narrow road not made for 2 full lanes of traffic. However, the ability to turn out of our neighborhood is hampered by the constant building along 97 with no regard to the feeder roads being over taxed with traffic.

One of the ideas we discussed with State Highway was the use of a traffic circle (like used in the Kentlands and all over Howard county). State Highway was not interested but maybe as part of this new development and coming developments, this options should be revisited.

Thank you for your time, I look forward to hearing from you.

Sincerely yours,
Leisa Sarecky, Treasurer
Board of Directors Manor Oaks HOA
Community Affairs Committee

January 4, 2011

Maryland-National Capital Park and Planning Commission
Development Review Division
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Dear Montgomery County Planning Board and Lead Reviewer:

We are an adjacent property owner (Lot 3, Block J) to the Brookeville Reserve project and are in receipt of Preliminary Plan 12011 0070 for Brookeville Preserve, current zoning RE2/TDR4. Although we have not had enough time to more effectively evaluate the numerous concerns this plan application, we have enlisted the support of a registered professional engineer in the area and we want to bring the following concerns to the Planning Board's attention:

1. Orientation of proposed lot 19 to the west is not compatible with the layout of the existing neighborhood. This configuration produces Lot 19 front yard adjacent to Lot 3 (J) side yard. All other existing and proposed lots would front along the shared driveway.
2. The open space (net lot area excluding the shared driveway, buffer areas and tree lines) provided for Lots 18 and 19 is substantially less than the existing properties to the East and North. This does not mesh with the existing developments -see tables below. Removal of Lot 19 would facilitate additional open space on Lot 18 to coincide with the surrounding development.

Existing Lots				
Lot	Block	Area	Net Area	Minimum Side Yard
1	J	0.41	0.26	22'
2	J	0.474	0.24	14'
3	J	1.97	0.30	30'
4	A	0.25	0.25	16'

Proposed Lots				
Lot	Block	Area	Net Area	Minimum Side Yard
17	TBD	1.2	0.29	12'
18	TBD	1.4	0.17	8'
19	TBD	1.4	0.17	7'

3. The shapes of proposed lots 17, 18 and 19 are not compatible with those of the existing properties to the East.

4. The side yard of the proposed lots appears to be substantially less than those of the surrounding development(s). See tables above. Removal of Lot 19 would facilitate increased side yards for Lots 17 and 18.
5. Existing Lot 3 currently has substantial forest buffer on all sides of the property. Removal of Lot 19 (and associated portion of the shared driveway) and relocation of the SWM facility would allow for better continuation of the existing forest buffer between Lot 3 and the new development.
6. As owners of Lot 3, we have additional concerns with the health of the following trees shown in the table below:

Significant Trees Impacted on Lot 3, Block J				
Size	Species	Condition	CRZ w/in LOD	Distance to LOD
26"	Tulip Poplar	Good	23%	18.5'
27"	White Oak	Good	30%	14'
29"	Tulip Poplar	Good	36%	6.5'
30"	Tulip Poplar	Good	46%	2.5'

The substantial cut required for construction of the SWM facility (4-6' estimated) and drainage swale (2') will have severe impacts to these trees. Furthermore, it does not appear that a variance request been filed as required by the revision to the Maryland Forest Conservation Act, effective October 1, 2009, outlines in Senate Bill 666. This should be required for the significant disturbance to the CRZ of the Tulip Poplar of 30" diameter.

7. The proposed units on Lot 19 are almost twice as close to the designated Stream Valley Buffer as the units on Lots 17 and 18.
8. The distance from Owens Road to the units on Lots 17, 18 and 19 is in excess of 150', therefore adequate Fire Apparatus turnabout must be provided. It appears that the proper inside/outside turning radii are provided, but the apparatus would leave the paved surface.

We appreciate your attention to and consideration of our concerns and look forward to your favorable response.

Sincerely,

Robert M. Keller
Lynda S. von Barger

Robert G. Keller

Lynda S. von Barger

cc: Kevin and Deborah Maselka (Adjacent Property Owners)
 Jeffrey and Anne Nicholas (Adjacent Property Owners)

Appendix D

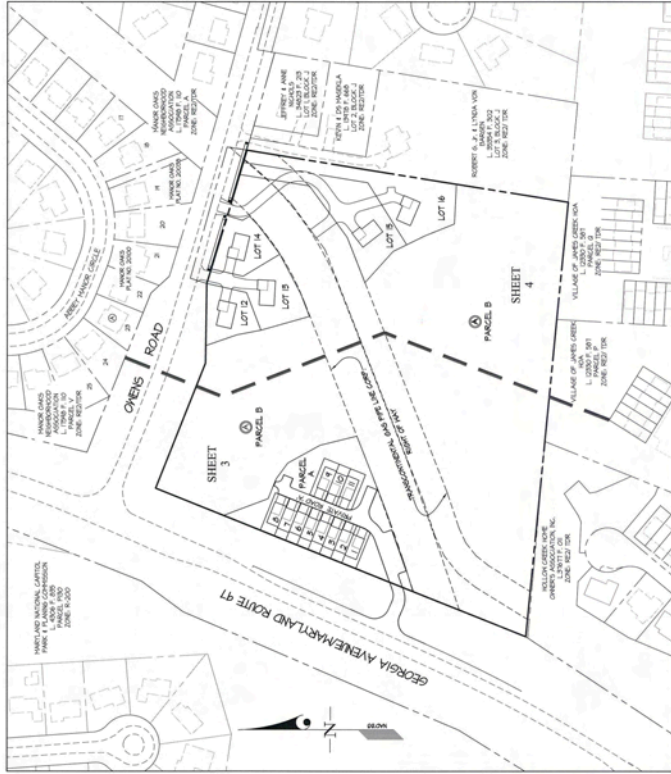
BROOKEVILLE PRESERVE

FINAL FOREST CONSERVATION PLAN

LOTS 1-16, PARCELS A & B, BLOCK A

GENERAL NOTES

- BOUNDARY FROM BEST AVAILABLE PUBLIC RECORDS.
- BOUNDARY FIELD SURVEYED BY GITSCHICK, LITTLE & WEBER, P.A. SEPTEMBER 2000.
- THE SITE IS LOCATED IN THE JAMES ORECK TRIBUTARY OF THE BROOKEVILLE PRESERVE. THE ENTIRE SITE IS LOCATED WITHIN THE PATIENT MANAGEMENT AREA (PMA).
- PROPOSED WATERS AND SEWER SERVICE WILL BE PUBLIC. USE OF WATERS AND SEWER SERVICES ARE SUBJECT TO ADVANCEMENT TO S-3 CONDITIONED ON THE PLANNING AND DEVELOPMENT OF A PROVISION PLAN THAT USES THE PATIENT MANAGEMENT AREA.
- WATERS AND SEWER SERVICES ASSOCIATES APPROVED 4/20/2000 DATED SEPTEMBER 26, 2000.
- THE PROPERTY WILL BE SUBJECT TO A FOREST CONSERVATION PLAN.
- DEVELOPMENT PROGRAM. THIS PLAN WILL BE DEVELOPED IN ONE PHASE.
- THESE ARE NO KNOWN HISTORIC SITES ON THIS PROPERTY.
- THERE ARE NO KNOWN BASE, TREATMENT OR ENDANGERED SPECIES OCCURRING ON THIS PROPERTY.
- ALL UTILITIES ARE CONCEPTUAL AND SUBJECT TO CHANGE. SEE APPROPRIATE APPROVED FINAL UTILITY CONSTRUCTION PLANS.
- HOUSE LOCATIONS, FOOTPRINTS, ORIENTATION AND GRADING SHALL BE DETERMINED BY THE ARCHITECT AND SHALL BE ESTABLISHED AT SITE PLAN.
- FLOOR PLAN #2084HS IS APPROVED BY MCPDS ON SEPTEMBER 22, 2000.
- NONTIDAL WETLANDS ARE BASED ON A JUNE 2006 FIELD DELINEATION BY G.E. FELDER & ASSOCIATES.
- THERE ARE NO KNOWN COUNTY CHAMPION TREES OR COUNTY CHAMPION TREES, MONTGOMERY COUNTY, MARYLAND LIST.



KEY MAP
SCALE: 1" = 80'

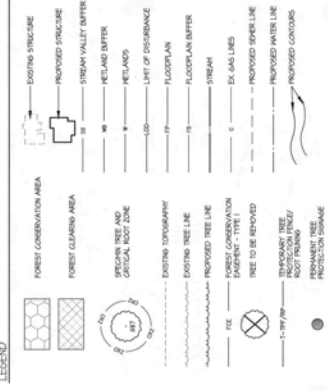
Before You Dig
Call
MISS UTILITY
Service Protection Center
1-800-257-7777

VICINITY MAP
SCALE: 1" = 2,000'

SITE DATA

TOTAL SITE AREA: 2.14 AC.
 Proposed Disturbance within the Line Right of Way: 0.04 AC.
 Disturbance within the Line Right of Way: 0.04 AC.
 Existing Zoning: R-2/712R-4
 Development Method: TDR, optional method
 MSDC Map Code: J140
 MSDC Map Code: 2008K03
 Liberty Code Reference: 310.18/540

LEGEND



SHEET SCHEDULE	
No.	Title
1	FINAL FOREST CONSERVATION PLAN IN PARCELS A & B
2	COMPOSITE FOREST CONSERVATION PLAN
3	FINAL FOREST CONSERVATION SHEET
4	FINAL FOREST CONSERVATION SHEET
5	DETAILS, NOTES AND SPECIFICATIONS

DEVELOPER'S CERTIFICATE

I, the undersigned, hereby certify that the information contained herein is true and correct to the best of my knowledge and belief, and that I am the owner of the property described herein.

Developer's Name: G.E. FELDER & ASSOCIATES
 Contact Person or Owner: G.E. FELDER
 Address: 8530 S. 103rd Ave., Suite 100, Chevy Chase, MD 20815
 City: Chevy Chase, MD 20815
 Phone and Email: 301-291-8818
 Signature: _____
 Name Title: _____

SCALE: AS SHOWN
 ZONE: RE-2/712R-4
 DATE: MAY, 2011
 HT: 63
 SHEET: 04077
 PROJECT: BROOKEVILLE PRESERVE
 LOTS 1-16, PARCELS A & B, BLOCK A
 COUNTY: MONTGOMERY COUNTY, MARYLAND
 SHEET: 1 OF 5

GLW GITSCHICK LITTLE & WEBER, P.A.
 300 WASHINGTON BLVD., SUITE 200, WASHINGTON, DC 20001
 TEL: 202-462-5000 FAX: 202-462-5001
 1000 WOODBRIDGE DRIVE, SUITE 200, WOODBRIDGE, VA 22191
 TEL: 703-441-1100 FAX: 703-441-1101
 1000 WOODBRIDGE DRIVE, SUITE 200, WOODBRIDGE, VA 22191
 TEL: 703-441-1100 FAX: 703-441-1101



LEGEND

- EXISTING STRUCTURE
- PROPOSED STRUCTURE
- STORM VALLEY BUFFER
- WETLAND BUFFER
- WETLAND
- LOT OF DISTURBANCE
- FLOODPLAIN
- FLOODPLAIN BUFFER
- STORM
- EX. GAS LINES
- PROPOSED SEWER LINE
- PROPOSED WATER LINE
- PROPOSED CONDUITS

FOREST CONSERVATION AREA

- FOREST REMOVAL AREA
- FOREST GLENNING AREA

EXISTING TREES AND CULTURAL ROOT ZONE

- EXISTING TREES
- EXISTING TREE LINE
- PROPOSED TREE LINE
- FOREST CONSERVATION (ADJACENT) TYPE
- TREE TO BE REMOVED
- REPLANTING TREE (PROPOSED)
- PROPOSED TREE
- PROPOSED BUFFER

DEVELOPERS CERTIFICATE

I, the undersigned, hereby certify that the information provided herein is true and correct to the best of my knowledge and belief, and that I am duly qualified to execute this certificate.

Developer Name: **GLW Architects, Inc.**
 Contact Person or Owner: **Paul J. Wagner**
 Address: **8550 Village Lakes Drive, 2nd Floor**
 City: **Springfield, MD**
 Phone and Email: **301-281-2841**

Signature: _____
 Name/Title: _____



COMPOSITE FOREST CONSERVATION PLAN

BROOKVILLE PRESERVE
 LOTS 1-106, PARCELS A, B, C, BLOCK A

PREPARED FOR: **OWENS DEVELOPMENT**
 18455 TWO FLOOR DRIVE
 ATTLA, MD 20745
 PH: 301-281-4919

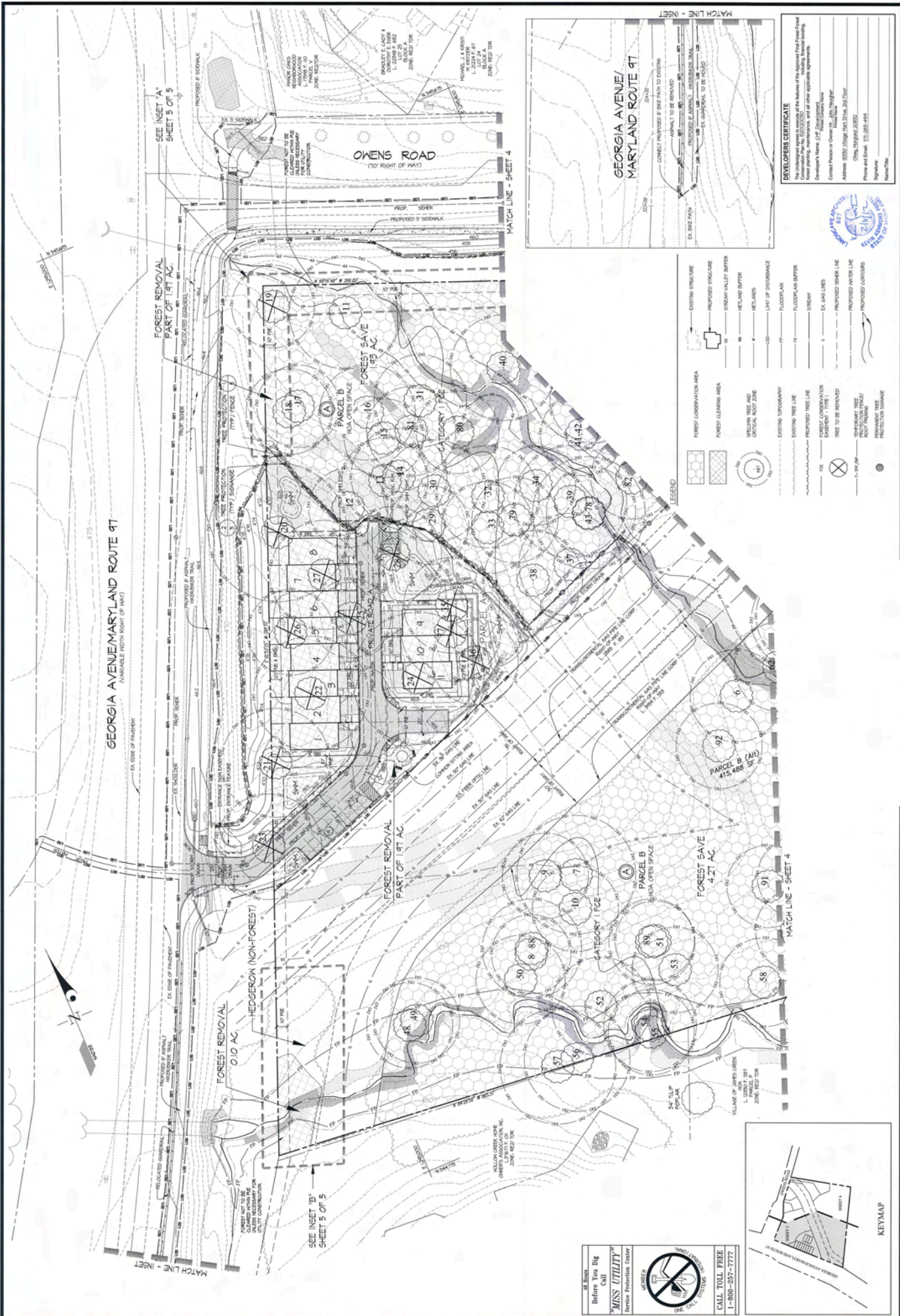
SCALE: **1" = 50'**
 DATE: **MAY, 2011**
 SHEET: **2 OF 5**

ZONE: **RE-2/DRE-4**
 TAX MAP: **080**
 HT: **63**

DATE ELECTED: **RECORD NO. 08**

GLW ARCHITECTS, INC.
 8550 VILLAGE LAKES DRIVE, 2ND FLOOR
 SPRINGFIELD, MD 20781
 TEL: 301-281-2841 FAX: 301-281-4919
 WWW.GLWARCHITECTS.COM

RECORD NO. _____ DATE _____



GEORGIA AVENUE/MARYLAND ROUTE 97
(VARIABLE WIDTH RIGHT OF WAY)

OWENS ROAD
(TO RIGHT OF WAY)

GEORGIA AVENUE/
MARYLAND ROUTE 97

LEGEND

- EXISTING STRUCTURE
- PROPOSED STRUCTURE
- STREAM VALLEY BUFFER
- WETLAND BUFFER
- WETLAND
- LIST OF DISTURBANCE
- FLOODPLAIN
- FLOODPLAIN BUFFER
- STREAM
- EXISTING TOPOGRAPHY
- EXISTING TREE LINE
- PROPOSED TREE LINE
- PROPOSED OPEN LINE
- PROPOSED WATER LINE
- PERMANENT TREE PROTECTION
- RESTRICTION SIGNAGE

DEVELOPER'S CERTIFICATE

I, the undersigned, hereby certify that the information furnished herein is true and correct to the best of my knowledge, information, and belief, and that I am duly qualified to prepare the same.

Developer's Name: J.C. GUNCKEL COMPANY
 Contact Person or Owner: J.C. Gunckel
 Address: 88302 Village Lakes Drive, 2nd Floor
 City: Springfield, Ohio
 Phone and Email: 937-298-3491
 Name/Title: _____

FINAL FOREST CONSERVATION PLAN
BROOKVILLE PRESERVE
 LOTS 1-16, PARCELS A, B, BLOCK A

DATE: MAY, 2011
 SCALE: 1" = 30'
 SHEET NO: 04077
 SHEET TOTAL: 3 OF 5

NO.	DESCRIPTION	DATE
1	PREPARED FOR: OWF DEVELOPMENT	10/20/09
2	REVISION: 2ND FLOOR	11/10/09
3	REVISION: 15' WETLAND BUFFER	12/09/09
4	REVISION: 15' WETLAND BUFFER	01/12/10
5	REVISION: 15' WETLAND BUFFER	02/17/10
6	REVISION: 15' WETLAND BUFFER	04/20/10
7	REVISION: 15' WETLAND BUFFER	05/19/10
8	REVISION: 15' WETLAND BUFFER	07/28/10
9	REVISION: 15' WETLAND BUFFER	11/10/10
10	REVISION: 15' WETLAND BUFFER	01/20/11
11	REVISION: 15' WETLAND BUFFER	02/01/11
12	REVISION: 15' WETLAND BUFFER	02/01/11
13	REVISION: 15' WETLAND BUFFER	02/01/11
14	REVISION: 15' WETLAND BUFFER	02/01/11
15	REVISION: 15' WETLAND BUFFER	02/01/11
16	REVISION: 15' WETLAND BUFFER	02/01/11
17	REVISION: 15' WETLAND BUFFER	02/01/11
18	REVISION: 15' WETLAND BUFFER	02/01/11
19	REVISION: 15' WETLAND BUFFER	02/01/11
20	REVISION: 15' WETLAND BUFFER	02/01/11

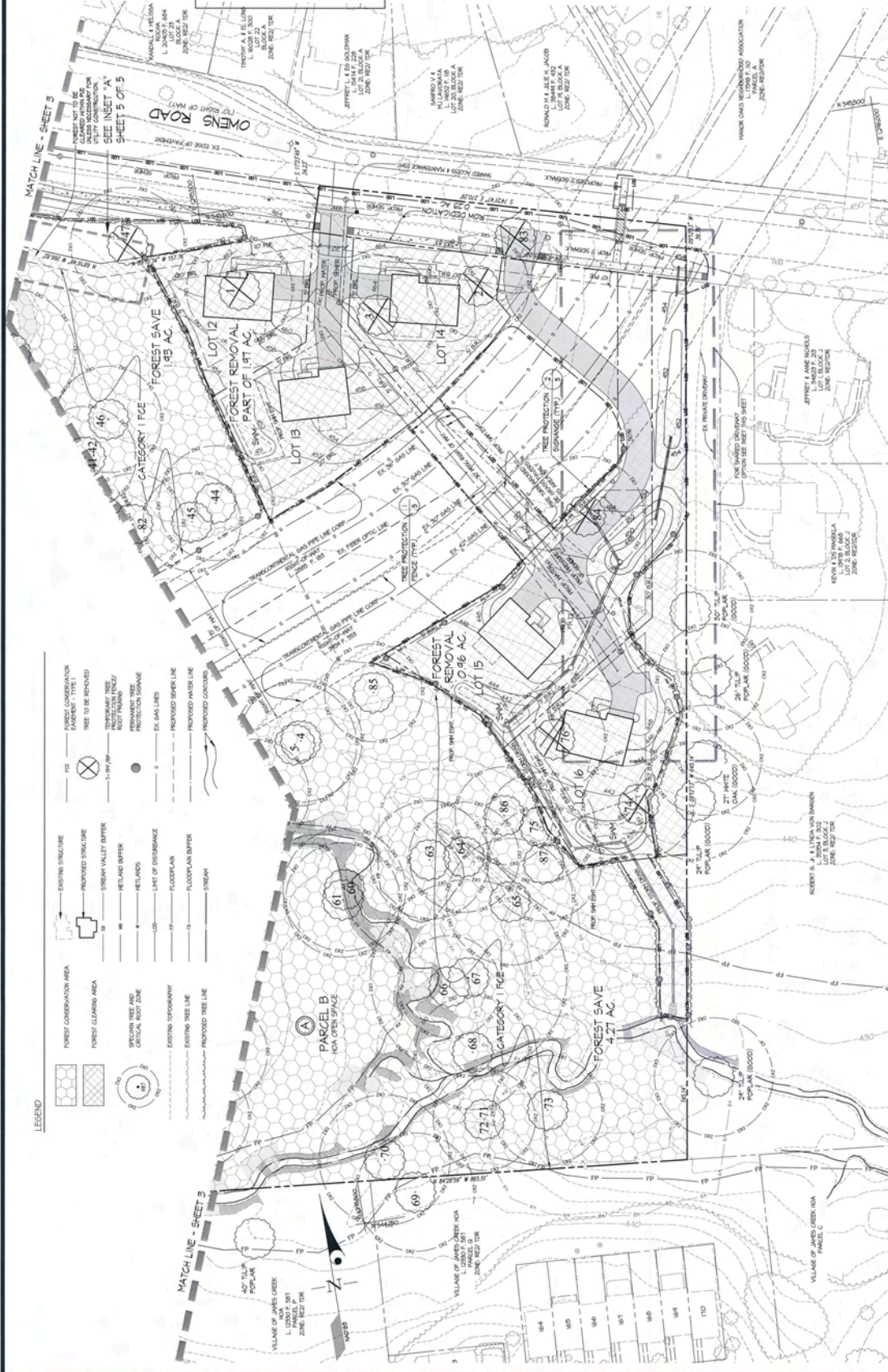


MISS UTILITY
 Before You Dig
 Call
 1-800-257-7777
 Service Protection Center

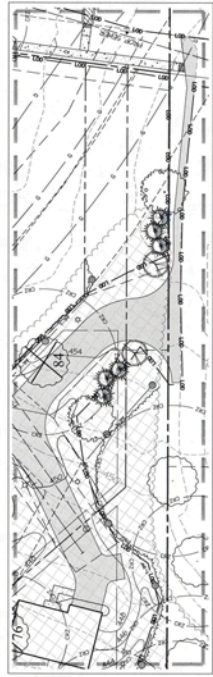
GLW GUNCKEL LITTLE & WEBER, P.A.
 CIVIL ENGINEERS AND SURVEYORS
 308 NATALIA DRIVE, SUITE 200
 SPRINGFIELD, OHIO 45504
 TEL: 937-298-3491 FAX: 937-298-3492
 www.gunckel.com

DATE: MAY, 2011
 SCALE: 1" = 30'
 SHEET NO: 04077
 SHEET TOTAL: 3 OF 5

Before You Dig
Call
MISS UTILITY
Service Professionals Center
1-800-257-7777



- LEGEND**
- EXISTING STRUCTURE
 - PROPOSED STRUCTURE
 - FOREST CONSERVATION AREA
 - FOREST CLEANING AREA
 - FOREST REMOVAL
 - FOREST SAVE
 - EXISTING UTILITY
 - PROPOSED UTILITY
 - EXISTING TREE LINE
 - PROPOSED TREE LINE
 - EXISTING FENCE
 - PROPOSED FENCE
 - EXISTING DRIVEWAY
 - PROPOSED DRIVEWAY
 - EXISTING SIDEWALK
 - PROPOSED SIDEWALK
 - EXISTING ROAD
 - PROPOSED ROAD
 - EXISTING LOT
 - PROPOSED LOT
 - EXISTING EASEMENT
 - PROPOSED EASEMENT
 - EXISTING RIGHT-OF-WAY
 - PROPOSED RIGHT-OF-WAY
 - EXISTING CURB
 - PROPOSED CURB
 - EXISTING GROUND
 - PROPOSED GROUND
 - EXISTING WATER LINE
 - PROPOSED WATER LINE
 - EXISTING SEWER LINE
 - PROPOSED SEWER LINE
 - EXISTING GAS LINE
 - PROPOSED GAS LINE
 - EXISTING OPTIC FIBER
 - PROPOSED OPTIC FIBER
 - EXISTING POWER LINE
 - PROPOSED POWER LINE
 - EXISTING TELEPHONE LINE
 - PROPOSED TELEPHONE LINE
 - EXISTING CABLE TV LINE
 - PROPOSED CABLE TV LINE
 - EXISTING RAILROAD
 - PROPOSED RAILROAD
 - EXISTING AIRPORT
 - PROPOSED AIRPORT
 - EXISTING CANAL
 - PROPOSED CANAL
 - EXISTING DRAINAGE
 - PROPOSED DRAINAGE
 - EXISTING FLOODPLAIN
 - PROPOSED FLOODPLAIN
 - EXISTING WETLAND
 - PROPOSED WETLAND
 - EXISTING WOODLAND
 - PROPOSED WOODLAND
 - EXISTING PRAIRIE
 - PROPOSED PRAIRIE
 - EXISTING SAVANNAH
 - PROPOSED SAVANNAH
 - EXISTING TROPICAL FOREST
 - PROPOSED TROPICAL FOREST
 - EXISTING TEMPERATE FOREST
 - PROPOSED TEMPERATE FOREST
 - EXISTING BOREAL FOREST
 - PROPOSED BOREAL FOREST
 - EXISTING MOUNTAIN FOREST
 - PROPOSED MOUNTAIN FOREST
 - EXISTING DESERT FOREST
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 - PROPOSED TUNDRA
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 - EXISTING PRAIRIE
 - PROPOSED PRAIRIE
 - EXISTING SAVANNAH
 - PROPOSED SAVANNAH
 - EXISTING TROPICAL FOREST
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 - EXISTING TEMPERATE FOREST
 - PROPOSED TEMPERATE FOREST
 - EXISTING BOREAL FOREST
 - PROPOSED BOREAL FOREST
 - EXISTING MOUNTAIN FOREST
 - PROPOSED MOUNTAIN FOREST
 - EXISTING DESERT FOREST
 - PROPOSED DESERT FOREST
 - EXISTING TUNDRA
 - PROPOSED TUNDRA



DEVELOPERS CERTIFICATE
 I, the undersigned, hereby certify that the information provided in this application is true and correct to the best of my knowledge and belief, and that I am not aware of any material omissions or misstatements of fact. I understand that this certificate is a statement of my own knowledge and belief, and it is not intended to constitute an admission of liability or a warranty of any kind. I understand that this certificate is a statement of my own knowledge and belief, and it is not intended to constitute an admission of liability or a warranty of any kind. I understand that this certificate is a statement of my own knowledge and belief, and it is not intended to constitute an admission of liability or a warranty of any kind.

FINAL FOREST CONSERVATION PLAN
BROOKVILLE PRESERVE
 LOTS 1-16, PARCELS A & B, BLOCK A

PREPARED FOR:
 GWP DEVELOPMENT
 18450 72ND FLOOR
 ATTN: MR. JOHN MADRICH
 PH: 351-251-4919

SCALE: 1" = 30'

DATE: MAY, 2011

HT - E3

DATE OF ELECTION: DISTRICT NO. 08

WISCONSIN COUNTY, MARYLAND

C. L. K. FILE NO. 04077
 SHEET 4 OF 5

GLW GUTCHICK LITTLE & WEBER, P.A.
 ONE CHURCH STREET, SUITE 200, ANNAPOLIS, MARYLAND 21403
 TEL: 410-293-1000 FAX: 410-293-1001
 WWW.GLWPA.COM

