



**Preliminary Plan Amendment No. 11999034B Alvermar Woods, Lot 17 (In Response to a Violation)**

*JAC*  
*EAW*

Joshua Penn, Senior Planner, [Joshua.Penn@montgomeryplanning.org](mailto:Joshua.Penn@montgomeryplanning.org), 301-495-4546

Rich Weaver, Planner Supervisor, [Richard.Weaver@montgomeryplanning.org](mailto:Richard.Weaver@montgomeryplanning.org), 301-495-4544

John Carter, Chief Area 3 Planning Team

**Staff Report Date: 09-20-13**

**Description**

**Preliminary Plan Amendment No. 11999034B  
Alvermar Woods, Lot 17 (In Response to a Violation)**

Modify the Category I Conservation Easement on the property located at 10410 Riverwood Drive, 2.07 acres, RE-2 Zone, Potomac Master Plan

**Staff Recommendation:** Approval with conditions

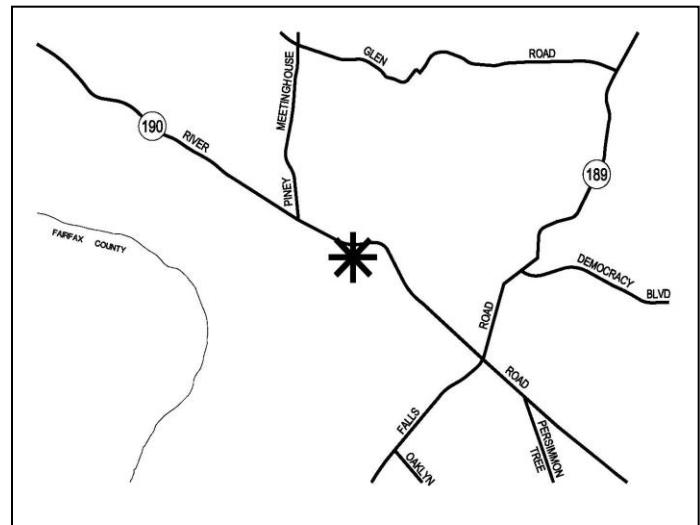
**Applicant:** Kambiz Kazemi

**Subject Property:**

Alvermar Woods, Lot 17 (10410 Riverwood Drive)

**Submittal Date:** July 31, 2011

**Review Basis:** Chapter 22A



**Summary**

- Removal of 0.51 acres (22,215 square feet) of Category I conservation easement.
- Mitigation for removal of easement:
  - Onsite: 6,898 square feet (0.15 acres) of new Category I conservation easement added
  - Offsite: Purchase of 31,363 square feet (0.72 acres) mitigation credit at a Forest Conservation Mitigation Bank in the same Watershed.
- The previous Limited Amendment to the Preliminary Plan 11999034A was denied by the Planning Board on October 21, 2010 because it did not meet all the necessary parameters for easement removal in terms of mitigation and easement locations.

**STAFF RECOMMENDATION:** Approval of the Limited Amendment to the Preliminary Plan and associated Final Forest Conservation Plan, subject to the following conditions:

1. The Applicant must submit a complete record plat application within ninety (90) days of the mailing of the Planning Board Resolution approving the limited amendment to the Preliminary Plan that delineates the revised Category I conservation easement. The existing conservation easement remains in full force and effect until the record plat is recorded in the Montgomery County Land Records by the Applicant.
2. The record plat must reference the standard Category I conservation easement as recorded at liber 13178, folio 412 in the Land Records for Montgomery County, Maryland over the areas identified to remain, as shown on the amended final forest conservation plan.
3. The Applicant must submit a Certificate of Compliance to use an M-NCPPC approved offsite forest mitigation bank within the same watershed within ninety (90) days of the mailing of the Planning Board Resolution approving 11999034A. The Certificate of Compliance must provide 0.72 acres (31,363.2 square feet) of mitigation credit for the removal of 0.36 acres (15,681.6 square feet) of Category I conservation easement taken offsite.
4. The Applicant must delineate the revised Category I conservation easement boundary on the property with permanent easement markers and appropriate signage as required by 11999034A no later than ninety (90) days from the recordation of the record plat and the new conservation easement.
5. All other conditions of Preliminary Plan No. 119990340 and Forest Conservation Plan No. 119990340 that were not modified herein, as contained in the Planning Board's Opinion dated February 4, 1999, remain in full force and effect.

## **BACKGROUND**

The Montgomery County Planning Board approved Preliminary Plan 119990340 "Alvermar Woods", on January 28, 1999 for 2 lots (Lots 16 and 17) on 4.17-acres of land in the RE-2 Zone, located in the southwest corner of the intersection of River Road and Riverwood Drive . That application was subject to the Forest Conservation Law (Chapter 22A of the County Code) at the time of approval; therefore, conservation easements were placed on both of the approved lots to meet the requirements of the Law. The original approved forest conservation plan ("FCP") for preliminary plan 119990340 showed 1.61 acres of existing forest on the 4.17 acre property, with 1.43 acres of forest retained, and 0.18 acres of forest cleared. Development of the two lots did not generate a planting requirement due to the amount of forest retained on the property. The approved FCP showed 0.33 acres on Lot 16 and 1.1 acres on Lot 17 of retained forest in easement. Lot 17 consisting of 90,309 square feet or 2.07 acres is located at 10410 Riverwood Drive in Potomac ("Property" or "Subject Property"). The Subject Property is currently in violation because the Applicant, and current property owner, constructed a shed, driveway, and pathway in the Category I conservation easement removing the entire understory within the 1.1 acre easement area.

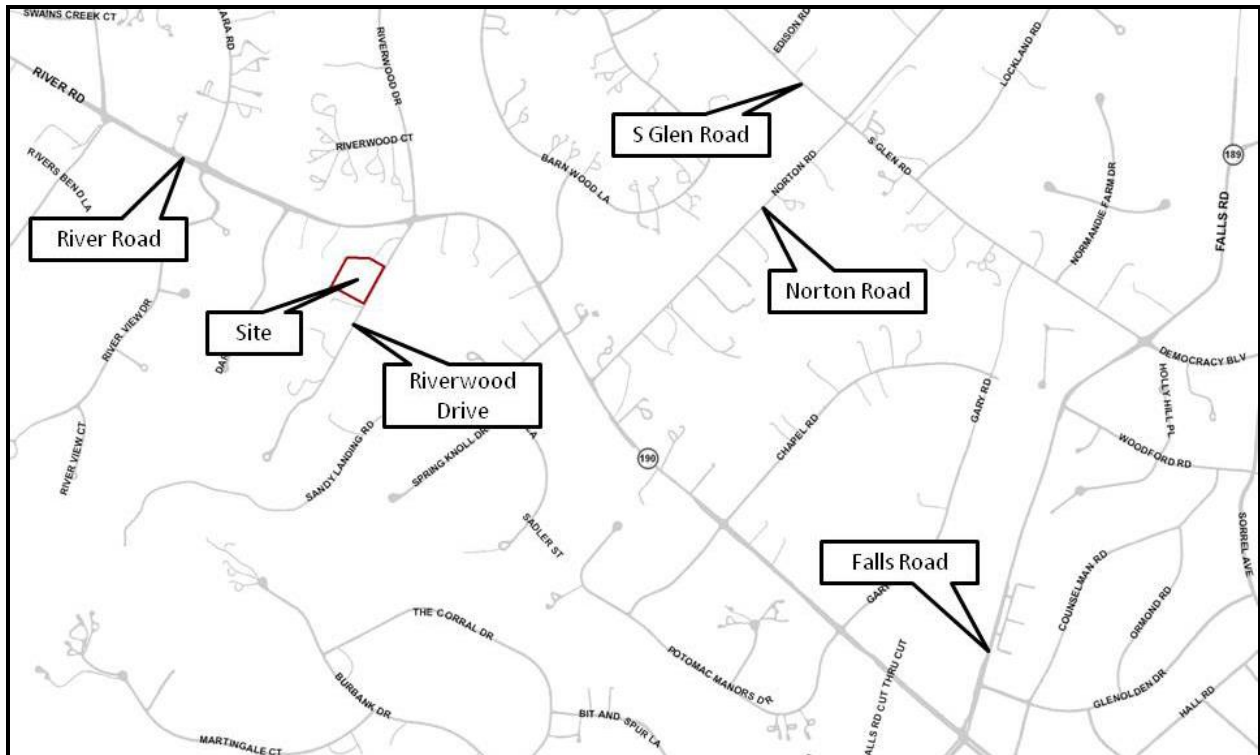
An M-NCPPC Inspector ("Inspector") issued a Notice of Violation (NOV) on July 14, 2009 (see Attachment A). This NOV required the Applicant to schedule and meet with the M-NCPPC to discuss the violation prior to August 15, 2009. The Applicant met with the Inspector in the field on July 29, 2009 to discuss the violation as required by the July 14, 2009 NOV. After subsequent discussion between the

Inspector and the Forest Conservation Program Manager, it was decided that a new NOV should be issued laying out remedial actions required and the deadline in which to complete them. A letter from the M-NCPPC Enforcement Staff was issued on August 28, 2009 (see Attachment B) instructing the Applicant of the appropriate remedial action that was necessary to submit a limited amendment to the preliminary plan by December 1, 2009 in order to revise the FCP. At a minimum, the application was to include a plan to show how areas incompatible with the conservation easement would be mitigated and how other areas of the easement would be restored. A short extension was granted to the Applicant to ensure a complete application at time of submission. The application was received on December 11, 2009.

On August 10, 2010 the Inspector issued a \$500.00 Administrative Citation #EPD000004 to Mr. Kazemi, Applicant, for continued mowing within the Category I conservation easement. On August 25, 2010, the Applicant, through his attorney, contested the citation in writing and requested a hearing in front of the Planning Board.

On September 1, 2010, a meeting was held with the Applicant's attorney and the M-NCPPC staff to discuss the citation and a hearing date for the Planning Board as requested in the Applicant's August 25<sup>th</sup> letter. The Applicant was informed that the Limited Amendment to the Preliminary Plan would be heard prior to the hearing on the citation.

On October 21, 2010 Preliminary Plan Amendment 11999034A went to the Planning Board and the Amendment was denied. The Applicant continued to work on the issue through legal means to address the situation and ultimately submitted this application for a new Limited Amendment on July 31, 2011.



**Figure 1: Vicinity Map**

**SITE DESCRIPTION**

The Subject Property is located at 10410 Riverwood Drive, 390 feet south of River Road in the Potomac Subregion Master Plan area, contains a single family residence. The Property is relatively level and has no streams, wetlands, floodplains or buffers on site.

The Property is located within the Potomac River Direct watershed, which has a Use I-P designation. The Countywide Stream Protection Strategy rates the water quality in this watershed as having fair quality.

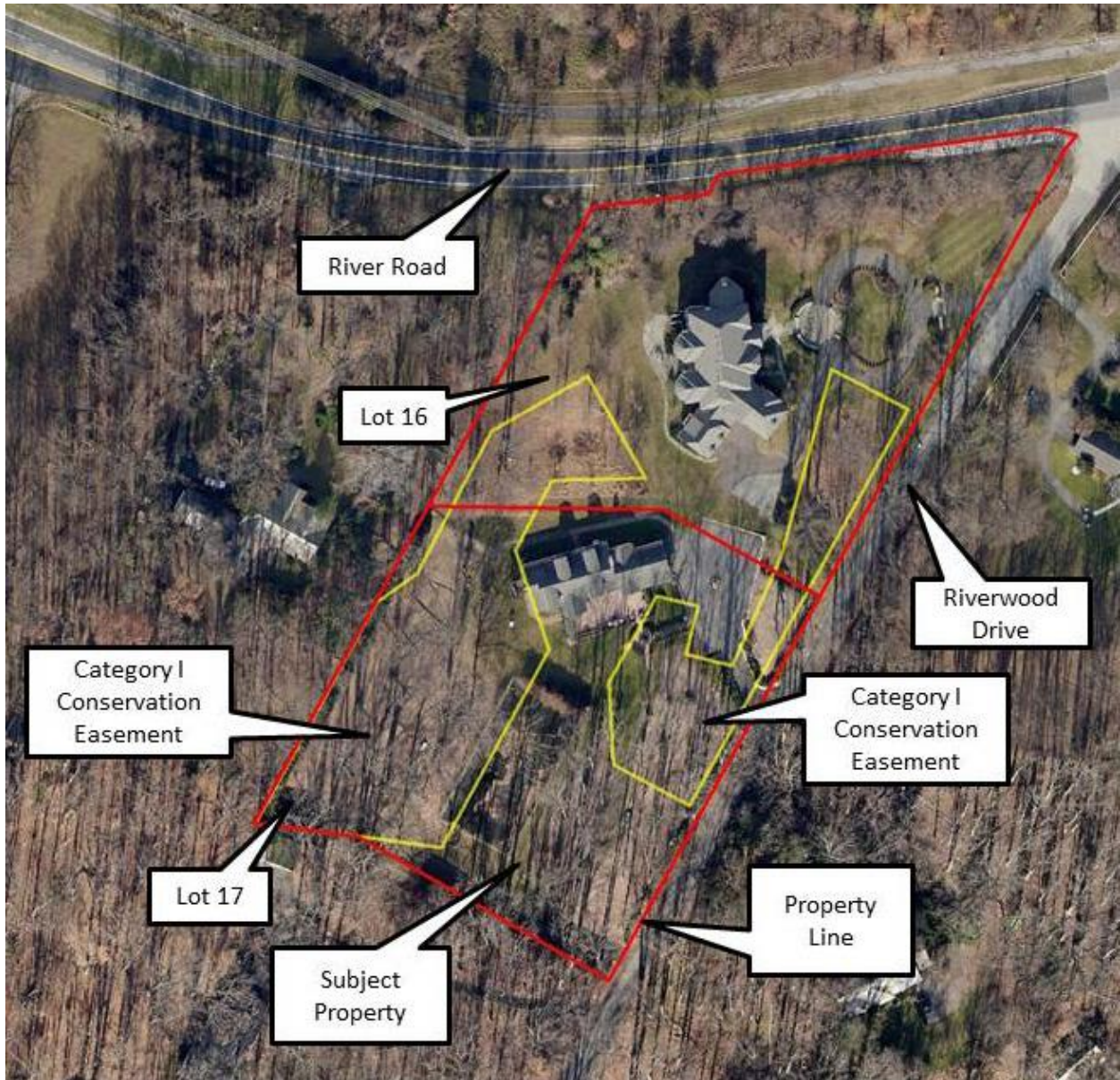


Figure 2: Two Lot Alvermar Woods Subdivision



**Figure 3: Alvermar Woods, Lot 17 (Subject Property)**

**PROPOSAL**

On July 31, 2011, the Applicant submitted the current application to amend Preliminary Plan and Preliminary Forest Conservation Plan #11994091B (“Application” or “Amendment”) by removing and rearranging portions of the Category I conservation easement on the Subject Property. This Amendment proposes to rearrange or add 6,898 square feet (0.15 Ac.) of easement area not previously within the easement and remove 15,681.6 square feet (0.36 Ac.) of Category I conservation easement which will be mitigated offsite by purchasing mitigation credit at a 2:1 ratio or 31,363.2 square feet (.72 acres) in the approved Lorax Forest Conservation Bank<sup>1</sup>. The recommendations for onsite easement

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<sup>1</sup> The Lorax Forest, forest conservation bank, is within the same watershed as the Subject Property, Potomac River Direct Watershed.

replacement and offsite mitigation included in this report, were completed after many months of negotiation and numerous meetings to reach a resolution satisfactory to Staff and the Applicant.



Figure 4: Diagram of Easement Changes

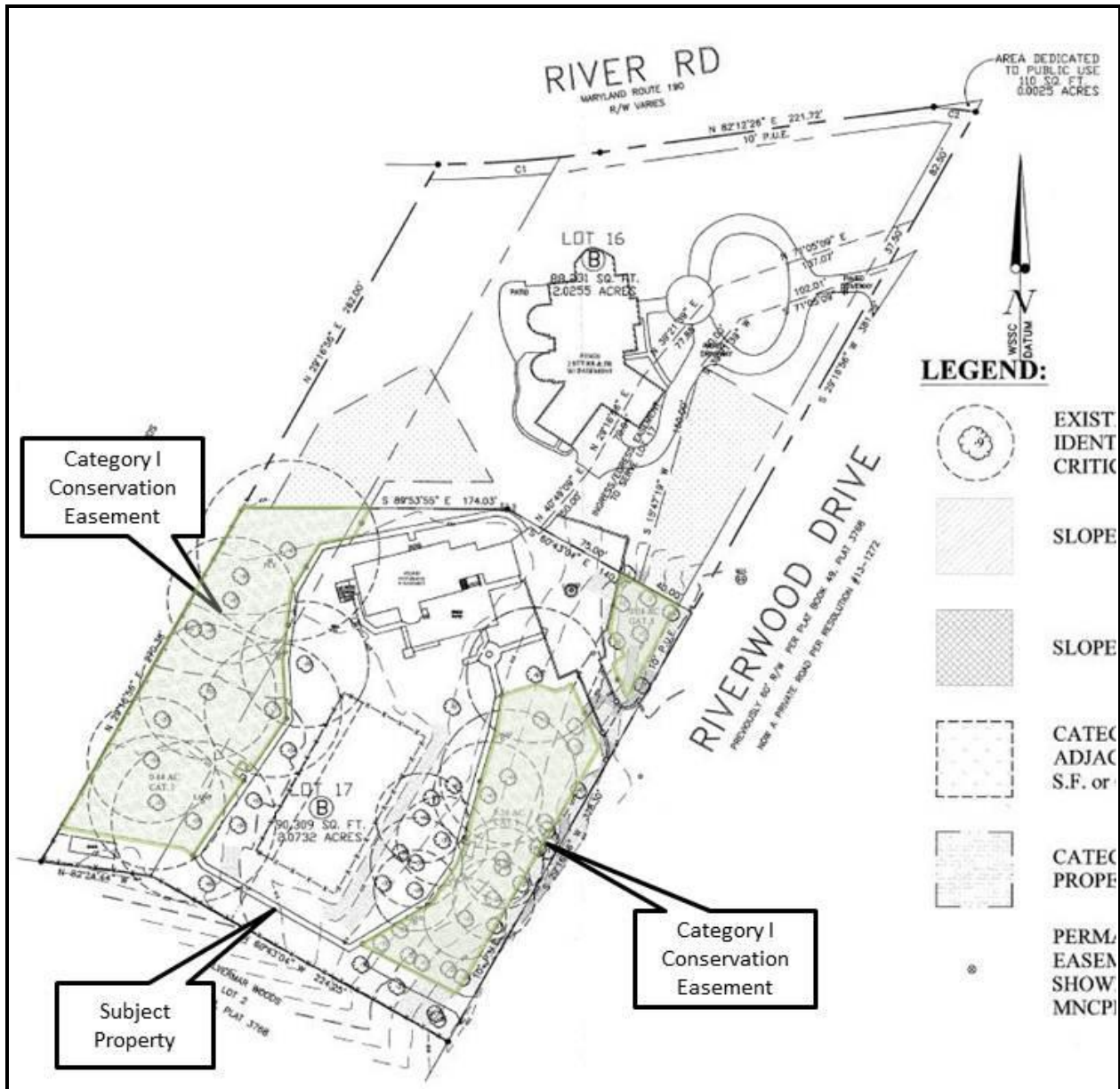


Figure 5: Proposed Category I conservation easements

**PLANNING BOARD REVIEW AUTHORITY**

The Forest Conservation Law requires Planning Board action on certain types of modifications to an approved FCP. COMCOR 22A.00.01.13 A (2), the Forest Conservation Regulations, state:

*Major amendments which entail more than a total of 5000 square feet of additional forest clearing must be approved by the Planning Board or the Planning Director (depending on who approved the original plan).*



The Applicant proposes to modify the entire Category I conservation easement on the Subject Property, which is approximately 0.51 acres (22,215 square feet), therefore; the Application must be reviewed by the Planning Board.

## **ANALYSIS AND FINDINGS**

The Alvermar Woods subdivision property originally had 1.61 acres of forest. The original approved forest conservation plan showed that 0.18 acres of forest was to be removed and that 1.43 acres of forest would be retained. Pursuant to COMCOR 22a-12(h)(2), a Category I conservation easement was placed on the forest as a long-term protection measure to protect the existing forest and ensure that it remains a naturally regenerating forest. The record plat for Lot 17, shows 49,262 square feet (1.13-acres) of Category I conservation easement and references the standard Category I conservation easement language recorded in the land records at Liber 13178 folio 412. The record plat Owner Certificate is signed by Kambiz and Azar Kazemi dated April 29, 1999. The approved FCP shows that the Category I conservation easements on the plat contained existing forest when the plat was recorded. At this time, no areas left onsite met the definition of forest as defined in Section 22A-3 of the Montgomery County Code, which states,

*“Forest means a biological community dominated by trees and other woody plants (including plant communities, the understory, and forest floor) covering a land area which is 10,000 square feet or greater and at least 50 feet wide\*. However, minor portions of a forest stand which otherwise meet this definition may be less than 50 feet wide if they exhibit the same character and composition as the overall stand. Forest includes:*

- (1) areas that have at least 100 live trees per acre with at least 50 percent of those trees having a 2 inch or greater diameter at 4.5 feet above the ground; and*
- (2) forest areas that have been cut but not cleared.”*

(\*Note: The definition of forest was changed in 2001, the minimum width was increased from 35 feet to 50 feet.)

At a meeting with the Applicant on February 26, 2010, Staff proposed options to address the violation that Staff would support. Those options were: 1) restore the Category I easements to a state which meets the definition of forest and has no activities or objects within it that conflict with the recorded Category I conservation easement; or 2) revise the preliminary plan to remove the Category I conservation easement and provide offsite mitigation acceptable to Staff and the Planning Board.

Originally the Applicant chose an alternate solution to address the violation and was denied at the Planning Board on October 21, 2010 (Attachment C). This Amendment is consistent with Staff's original position from February 26, 2010 and is also consistent with current Planning Board practices regarding conservation easement removals.

The Application, in this case, is in response to a violation and a retroactive process to resolve the violation bringing the Subject Property into compliance. The proposed mitigation for the easement encroachment and subsequent easement removal is to mitigate onsite and offsite in a forest mitigation bank within the same watershed.

The Planning Board practice for the removal of conservation easement, as determined in November of 2008, is a minimum ratio of 2:1 if taken offsite. However, if the easement can be rearranged onsite, the Board has found a ratio of 1:1 to be acceptable. Onsite mitigation is generally preferable to offsite mitigation because it provides in-kind and in-place benefits for what is being removed.

The Applicant proposed a combination method to meet the Planning Board's mitigation practice. The proposal requests the removal of 0.51 acres (22,215 square feet), of which 6,898 square feet (0.15 Ac.) will be met onsite at a ratio of 1:1 and 0.36 acres (15,681.6 square feet) of easement that cannot be effectively met onsite and will be taken offsite.

The 6,898 square feet (0.15 Ac.) of new Category I conservation easement to be placed onsite is within previously unencumbered areas of the Subject Property.

Currently the Category I conservation easement areas, both existing and proposed, do not meet the definition of forest due to the absence of understory as a result of the violation. However, the same areas of forest have a well-developed Tulip Poplar-White Oak association canopy layer. Staff believes that this area is a good candidate for natural regeneration of herbaceous and understory species that would be consistent with a Tulip Poplar-White Oak association. Additional understory plantings in this area could be difficult to maintain based upon limited sun from the mature canopy and a persistent whitetail deer population. Natural regeneration would be a good way to re-establish the missing forest community layers and produce native vegetation that is tolerant of both the deer browse and low light conditions.

All areas of Category I conservation easement to remain on the Subject Property will be signed with permanent forest conservation signage and separated from the active areas by hardscape. Currently, much of the onsite Category I conservation easement is separated from the yard area by a five foot wide hardscape path built by the Applicant. Staff believes that with the hard line delineation of the pathway and the permanent forest conservation signage the easement area will be readily apparent and there will be no confusion as to the easement boundaries.

The 0.36 acres (15,681.6 square feet) of Category I conservation easement removal being mitigated offsite is the minimum amount required to bring the Subject Property into compliance. It will be mitigated by purchasing credits at a 2:1 ratio or 31,363 square feet (.72 acres) in the approved Lorax Forest Conservation Bank located within the Potomac River Direct watershed.

The Analysis above played a role in the meetings and discussions that were held while trying to resolve the outstanding violation issue. The Applicants proposal meets the Planning Board's practice for mitigation and will meet all of its offsite mitigation requirements within the same watershed.

Staff supports the creation of the new onsite easements, the easement removal, and the proposed mitigation as a means to resolve the outstanding encroachment issues bringing the Subject Property into compliance.

#### **NOTIFICATION and OUTREACH**

The Subject Property was signed with notification of the upcoming Preliminary Plan Limited Amendment prior to the July 31, 2012 submission. All adjoining and confronting property owners, civic associations, and other registered interested parties will be notified of the public hearing on the Application. As of the date of this report, Staff has not received any calls or correspondence in regards to this Application.

Any comments received hereafter will be forwarded to the Board.

#### **CONCLUSION**

Staff recommends that the Planning Board approve this limited preliminary plan amendment to revise the forest conservation plan with the conditions specified above.

#### **Attachments:**

- A. Notice of Violation (NOV)
- B. Letter and Corrective Action Order
- C. Opinion for Preliminary Plan Amendment No. 11999034A (Denied)
- D. Original Preliminary Plan No. 119990340
- E. Original Opinion for Preliminary Plan No. 119990340
- F. Original Plat Preliminary Plan No. 119990340
- G. Proposed Plan Preliminary Plan Amendment No. 11999034B



**MONTGOMERY COUNTY PLANNING DEPARTMENT** ATTACHMENT A  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 8787 Georgia Avenue, Silver Spring, Maryland 20910  
 Environmental Planning Division 301.495.4540 Fax: 301.495.1303

**NOTICE OF VIOLATION**

**FOR MONTGOMERY COUNTY, MARYLAND, the undersigned issuer, being duly authorized, states that:**

On, 07/14/09 the recipient of this NOTICE, Kambiz & A Kazemi  
Date Recipient's Name

who represents the property owner, Kambiz A Kazemi  
Property Owner's Name

is notified that a violation of the Montgomery County Forest Conservation Law (Chapter 22-A) exists at the following location: 10410 Riverwood Drive Potomac MD 20854

Plan No. 119990340 Explanation: Maintenance of structural improvements, impeding natural plant regeneration and drainage and cutting of grass within a category I conservation easement

**VIOLATION:**

- Failure to hold a required pre-construction meeting.
- Failure to have tree protection measures inspected prior to starting work.
- Failure to install or maintain tree protection measures per the approved Forest Conservation or Tree Save plan.
- Failure to comply with terms, conditions and/or specifications of an approved Forest Conservation plan or Tree Save plan, or as directed by Forest Conservation Inspector.
- Failure to obtain an approved Forest Conservation plan or Tree Save plan prior to cutting, clearing, or grading 5,000 square feet on a property of 40,000 square feet or greater.
- Failure to comply with reforestation or afforestation requirements of a Forest Conservation Plan.
- Failure to obtain written approval for a fence permit prior to installing a fence that passes through or around a conservation easement.
- Other: violations of the category I conservation easement agreement

**Failure to comply with this NOV by 08/15/09 may result in i) issuance of a citation, ii) issuance of a Stop Work Order, and/or iii) issuance of a Notice of Hearing to appear before the Planning Board for appropriate Administrative Action. Recipient is to call the inspector at 301-495-4564 when the corrective action is complete. The following corrective action(s) must be performed as directed and within any timeframes specified below:**

- Stake out limits of disturbance (LOD) and contact Forest Conservation Inspector for a pre-construction meeting;
- Install tree protection measures and/or tree care as directed by Forest Conservation Inspector.
- Submit required application for compliance with Chapter 22A of the County Code. Contact Environmental Planning at 301-495-4540.
- Cease all cutting, clearing, or grading and/or land disturbing activity. Approval from Forest Conservation Inspector is required to resume work.
- Schedule a pre-planting meeting with the Forest Conservation Inspector prior to the reforestation of afforestation planting.
- Schedule and attend a meeting with staff to determine appropriate corrective action to be performed by a date certain. Failure to complete the corrective action by the date assigned may result in i) issuance of a citation, ii) issuance of a Stop Work Order, and/or iii) issuance of a Notice of Hearing to appear before the Planning Board for appropriate Administrative Action.
- Other: schedule a meeting with this inspector by 08/15/09 - to discuss remedial actions necessary to bring easements into compliance

MNCPPC Inspector Stephen Beck Printed Name Stephen Beck Signature 07/14/09 Date

RECEIVED BY: Sent cert. filed mail Printed Name [Signature] Signature [Signature] Date



## MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

August 28, 2009

Kambiz & A. Kazemi  
10410 Riverwood Drive  
Potomac MD 20854

Dear Mr. Kazemi:

Thank you for meeting with me at your property last month. At our meeting on July 29<sup>th</sup> I described the forest conservation easement violations. I determined that portions of a tennis court, a shed and driveways are within a recorded category 1 conservation easement. These structures are prohibited within the conservation easement areas. In addition much of the category 1 conservation easement is being mowed, also a violation of the conservation easement agreement. This prevents the growth of natural regenerating trees and shrubs. In our field meeting, I stated you would be mailed a notice of hearing for the forest conservation easement violations. Since our field meeting, I have had discussions with my supervisor, Mark Pfefferle and our legal staff.

The required remediation action for the conservation easement violations is the submittal, approval, and implementation of a "limited amendment to the preliminary plan "Alvermar Woods 119990340". This remedial action is also described on the attached notice of violation.

Please note that this limited amendment to the preliminary plan will require Montgomery County Planning Board approval and will include penalties for the forest conservation easement violations. The penalty will include mitigation planting for any conservation easement area approved for removal. Further, this limited amendment is only to remedy forest conservation easement violations on your property. Mr. Mirzaie, owner of 10420 Riverwood Drive, has agreed to a remediation plan to restore the conservation easements on his property.

You will be given 90 days or December 1, 2009 to submit the limited amendment to the preliminary plan to Environmental Planning Staff. At least, the plan will have to propose how areas incompatible with category 1 conservation easement will be mitigated either onsite or offsite. Areas of the conservation easement that can be restored will need to be restored with detailed plans. I would recommend meeting with Environmental Planning Review Staff once you have decided on a consultant.

Let me know if you have any questions. Please review the attached notice of violation. I can be reached at 301-495-4564 or [stephen.peck@mncppc-mc.org](mailto:stephen.peck@mncppc-mc.org).

Sincerely,

Stephen Peck  
Forest Conservation Inspector  
Montgomery County Environmental Planning

Attachments: Notice of Violation



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**JUL 28 2011**

**MCPB No. 10-148**  
**Preliminary Plan No. 11999034A**  
**Alvermar Woods, Lot 17**  
**Date of Hearing: October 21, 2010**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on January 28, 1999, the Planning Board approved Preliminary Plan No. 119990340 designated as Alvermar Woods ("Approved Preliminary Plan") filed by Kambiz Kazemi, ("Applicant"), which created two lots on 4.17 acres of land located on the southwest corner of the intersection of River Road and Riverwood Drive ("Property" or "Subject Property"), in the Potomac Subregion master plan area ("Master Plan"); and

WHEREAS, the Approved Preliminary Plan was conditioned upon compliance with conditions of approval of the preliminary forest conservation plan; and

WHEREAS, as shown on Plat No. 21237 filed in compliance with the Approved Preliminary Plan, Applicant granted Category I forest conservation easements ("Cat I Easements") over portions of the Property to the Maryland-National Capital Park and Planning Commission ("MNCPPC"); and

WHEREAS, Notices of Violation were issued by MNCPPC to the Applicant on July 14, 2009, and August 28, 2009, for encroachments and mowing within the Cat I Easements in violation of those Cat I Easements; and

WHEREAS, Applicant was directed to i) restore certain areas of the Property covered by the Cat I Easements, and ii) submit a limited amendment to the Approved Preliminary Plan for the purpose of amending the approved forest conservation plan by proposing that the Board release those areas of the Property determined to be incompatible with a Cat I Easement and suggesting mitigation for such release; and

WHEREAS, on December 16, 2008, in response to the Notices of Violation, Applicant, filed a limited amendment application to amend the previous conditions of

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Suite 200, Spring, Maryland 20910

Chairman's Office: 301.495.4605 Fax: 301.495.1320

MNCPPC Legal Department  
www.MCParkandPlanning.org

E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

approval of the Approved Preliminary Plan for the purpose of amending the forest conservation plan and Cat I Easements; and

WHEREAS, Applicant's preliminary plan amendment application was designated Preliminary Plan No.11999034A, Alvermar Woods – Lot 17 ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated October 13, 2010, setting forth its analysis and recommendation to deny the Application ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on October 21, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 21, 2010, the Planning Board denied the Application on motion of Commissioner Alfandre; seconded by Commissioner Wells-Harley; with a vote of 3-0, Commissioners Alfandre, Carrier, and Wells-Harley, voting in favor of denial, with Commissioners Dreyfuss and Presley absent.

THEREFORE BE IT RESOLVED, that having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates into this Resolution, and upon consideration of the entire record, the Montgomery County Planning Board FINDS that:

1. *The Application neither satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, nor the Planning Board's longstanding policy for minimum mitigation for the release of property from an existing Category I Forest Conservation Easement.*

Applicant requested that the Planning Board approve i) the removal of a portion of the Easements (approximately 0.08 acre or 3,500 square feet) where a shed and driveway have been constructed, and ii) replacement of the remaining portion (approximately 1.05 acre or 45,738 square foot) of the Cat I Easements with Category II forest conservation easements. The purpose of a Category I forest conservation easement is to protect naturally regenerating forest by requiring long-term protective measures through strict prohibitions against activities such as the erection or placement of any building or structural improvements on or above ground, and mowing or removal of understory plants. The purpose of a Category II conservation easement is to protect trees and the

canopy created by large tree growth. Much more liberal use of the property encumbered by a Category II easement is allowed, and such an easement is considered more in the nature of landscape than protection of forest.

Applicant's proposal and supporting argument at the Hearing was based largely on its allegation that the Category I Easements were not appropriate for the Property as imposed as conditions of the Approved Preliminary Plan. Applicant suggested i) that there was no forest to protect at the time the Cat. I Easements were placed, ii) that as a result, no additional afforestation was required, and iii) that both the Planning Board's mitigation policy at a ratio of 2:1 for release of the Cat I Easements, and §22A-12(e)(2)(B) of the Forest Conservation Law, which requires forest cover protection through forest banks at twice the planting requirement, are unconstitutional in their proportionality as a remedy. The Planning Board did not accept Applicant's arguments and found:

- a) that the Cat I Easements were accepted by the Applicant in 1999 when Applicant submitted the Plat in compliance with the Approved Preliminary Plan, and this Application was neither the appropriate time nor venue to challenge what the Applicant accepted more than 10 years ago; and
- b) that the 0.49 acres of offsite afforestation proffered in exchange for release of the Cat I Easements, even in addition to an exchange for Category II easements, were insufficient to meet required mitigation either under the Board's policy, or in accordance with §22A-12(e)(2)(B); and
- c) that the Planning Board need not address Applicant's constitutional challenge.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 28 2011 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative Agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

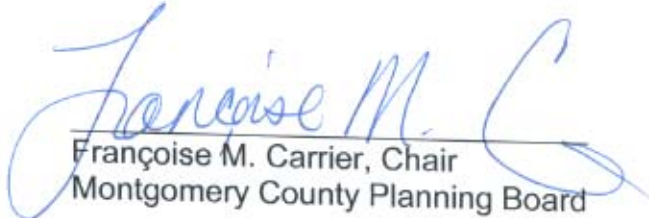
\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by



Commissioner Alfandre, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, May 12, 2011, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board

October 21, 2010  
Speaker Sign-up Sheet

No.	Name & Phone Number	Email	Organization & Address	Time
1. ✓	Kambiz Kazemi <b>Applicant</b>		10410 Riverwood Drive Potomac, MD 20854	
2. ✓	Michele Rosenfeld <b>Applicant</b>		11913 Ambleside Drive Potomac, MD 20854-2107	
3. ✓	Jim Bash <b>Applicant</b>		Land Planning & Design Group 5300 Westview Drive Frederick, MD 21073	
4. ✓	John M. Martin, III PE <b>Applicant</b>		O'Connell & Lawrence, Inc. 17904 Georgia Avenue, Suite 302 Olney, MD 20832	
5. ✓	Mehdi Mirzaie <u>301-520-2178</u>		10420 Riverwood Drive Potomac, MD 20854	3
6.				
7.				
8.				
9.				
10.				
11.				
12.				
			<b>TOTAL</b>	3

ATTACHMENT C

Mr. Richard Brush, Manager  
MCDPS-Water Res. Plan Review  
255 Rockville Pike, 2<sup>nd</sup> Fl  
Rockville, MD 20850

Mr. Hadi Masouri  
MCDP-Building Construction  
255 Rockville Pike, 2<sup>nd</sup> Fl  
Rockville, MD 20850

Ms. Gail Lucas, Manager  
MCDPS-Building Construction  
255 Rockville Pike, 2<sup>nd</sup> Fl  
Rockville, MD 20850

Mr. Greg Leck  
100 Edison Park Dr, 4<sup>th</sup> Fl  
Gaithersburg, MD 20878

Mr. Joseph Y. Cheung, Manager  
MCDPS-Right of Way Permitting and  
Plan Review  
255 Rockville Pike, 2<sup>nd</sup> Fl  
Rockville, MD 20850

Mr. Greg Nichols, Manager  
MCDPS-Land Development  
255 Rockville Pike, 2<sup>nd</sup> Fl  
Rockville, MD 20850

Mr. Michael Reahl, Manager  
MCDPS-Sediment/Stormwater  
Inspection and Enforcement  
255 Rockville Pike, 2<sup>nd</sup> Fl  
Rockville, MD 20850

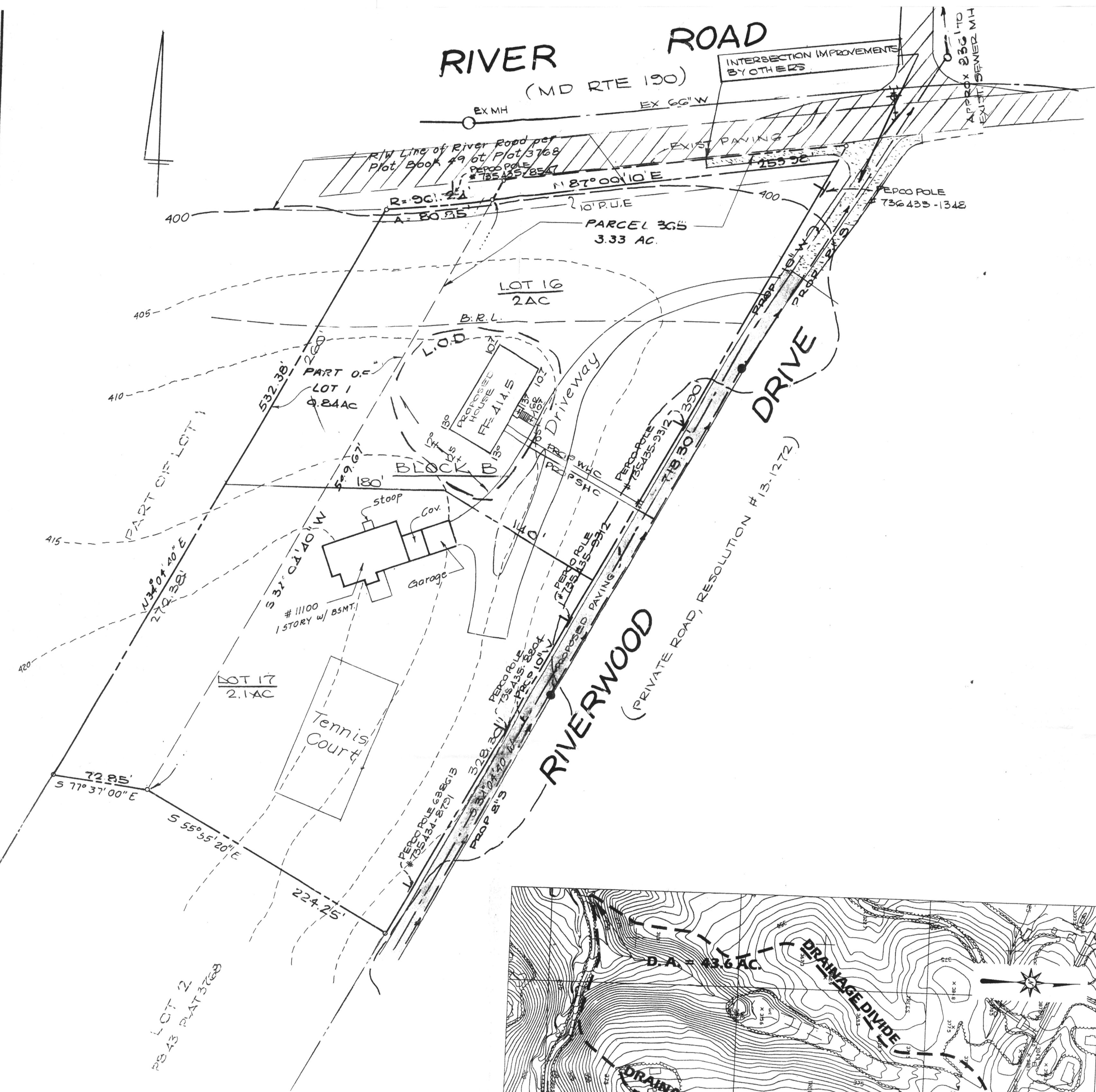
Mr. Ehsan Motazed  
MCDPS-Site Plan Enforcement Mgr.  
255 Rockville Pike, 2<sup>nd</sup> Fl  
Rockville, Md 20850

Mr. Jay Beatty, Manager  
MCDPS-Well and Septic  
255 Rockville Pike, 2<sup>nd</sup> Fl  
Rockville, MD 20850

Mr. Leroy Anderson, Manager  
MCDPS-Right of Way Development  
Inspection and Enforcement  
255 Rockville Pike, MD 20850

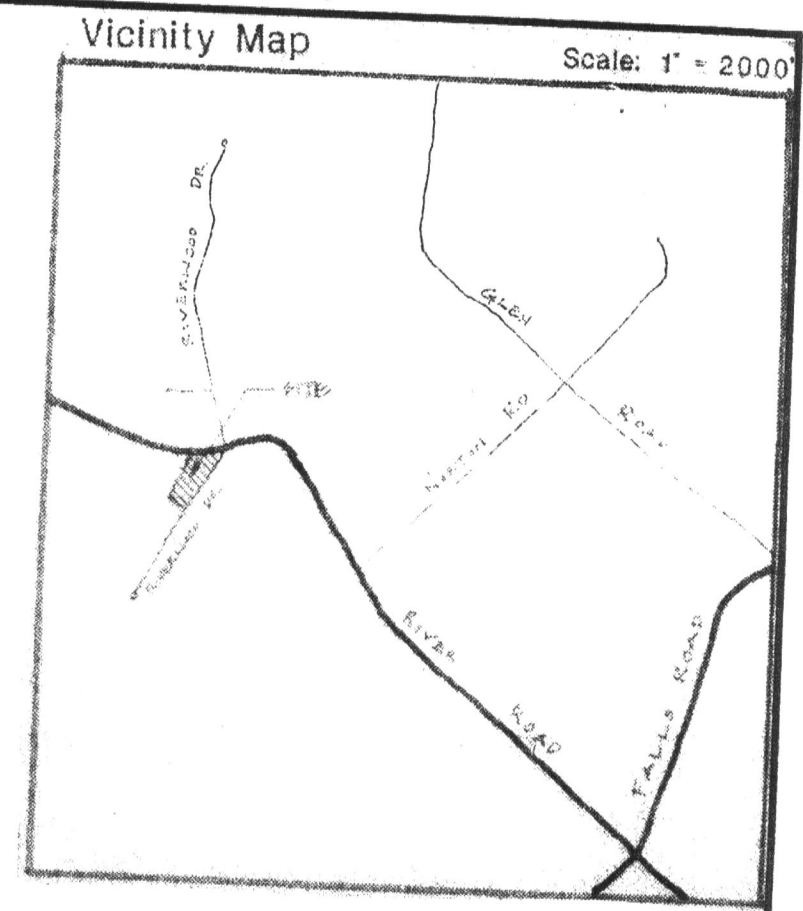
Ms. Susan Scaly-Demby, Manager  
MCDPS-Zoning  
255 Rockville Pike, 2<sup>nd</sup> Fl  
Rockville, MD 20850

Mr. Christopher Anderson, MPDU Mgr.  
DHCA County Office Bldg,  
255 Rockville Pike  
Rockville, MD 20850



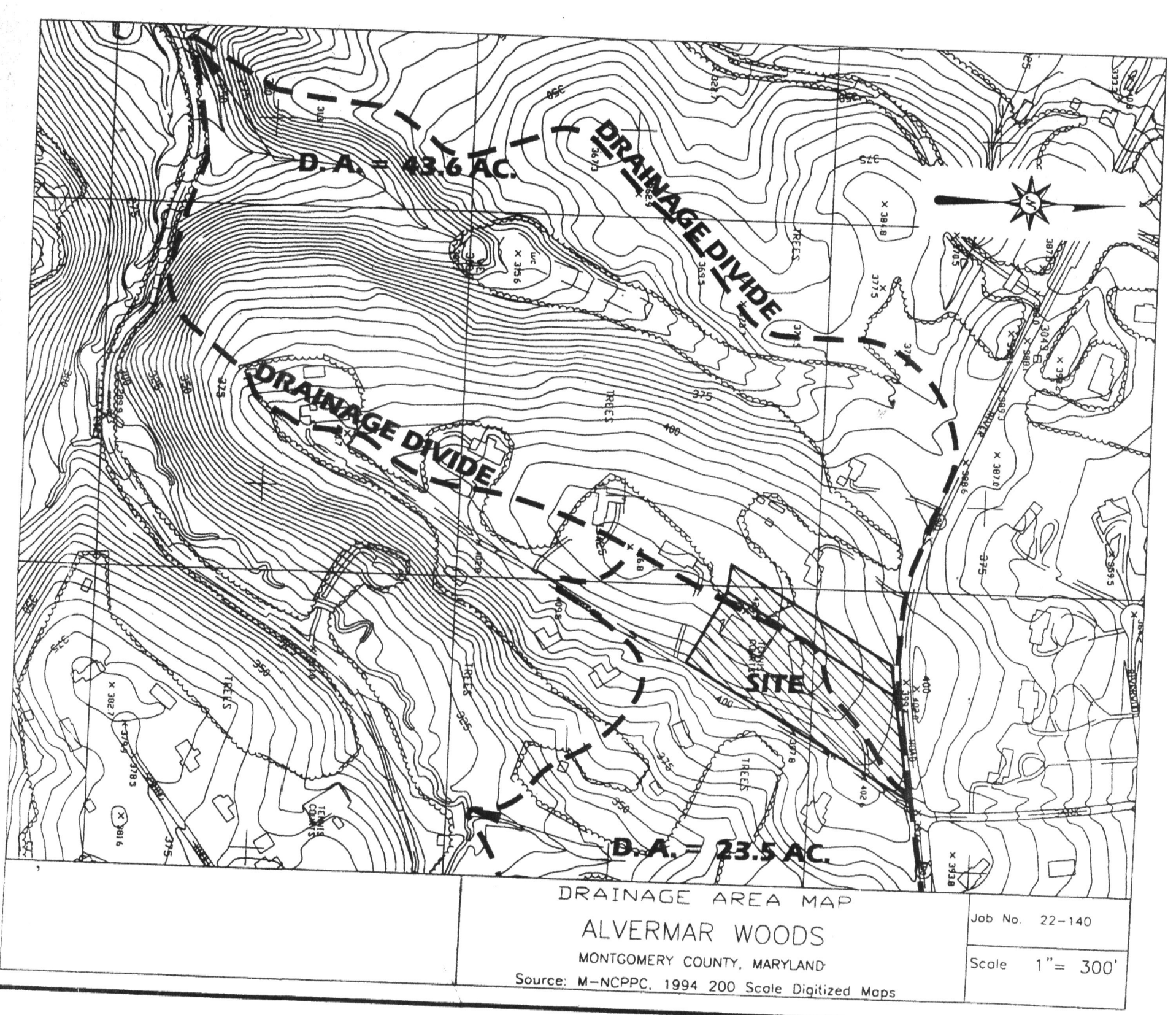
RESUBDIVISION COMPATIBILITY ANALYSIS  
PER SECTION 50.-29.(b)(2)

SUBDIVISION	BLOCK NO.	LOT NO.	PLAT BOOK & PLAT NO.	FRONTAGE	ALIGNMENT	SIZE	SHAPE	WIDTH	AREA
ALVERMAR WOODS	-	-	P&Z	CORNER 220' RIVER ROAD, 772' RIVERWOOD DR	ALIGNED W/STREET	269 x 575	IRREGULAR	262' REAR 220' RIVER ROAD	143,923 SF
ALVERMAR WOODS	-	2	49/3769	262' RIVERWOOD DR	PERPENDICULAR W/STREET	283 x 509	.	401' REAR 262' RIVERWOOD DR	143,923 SF
.	A	3	49/3769	220' RIVERWOOD DR	.	210 x 514	.	220' REAR 220' RIVERWOOD DR	112,864 SF
.	A	4	49/3769	220' RIVERWOOD DR	.	220 x 514	RECTANGULAR	220' REAR 220' RIVERWOOD DR	113,126 SF
.	A	5	49/3769	220' RIVERWOOD DR	.	220 x 515	.	220' REAR 220' RIVERWOOD DR	113,343 SF
.	A	6	49/3769	204' RIVERWOOD DR	.	219 x 518	IRREGULAR	235' REAR 204' RIVERWOOD DR	113,343 SF
.	B	1	49/3769	328' RIVER ROAD	.	204 x 532	.	224' REAR 309' RIVER ROAD	108,682 SF
.	B	2	49/3769	324' RIVERWOOD DR	.	294 x 500	.	215' REAR 324' RIVERWOOD DR	147,059 SF
.	B	3	49/3769	304' RIVERWOOD DR	.	305 x 500	RECTANGULAR	305'	152,460 SF
.	B	4	49/3769	365' RIVERWOOD DR	.	305 x 480	IRREGULAR	305'	146,536 SF



**GENERAL NOTES**

- PROPERTY LEGAL DESCRIPTION: PARCEL 365 AND P/O LOT 1, BLOCK B, ALVERMAR WOODS
- DEED REFERENCE: L 9155 F. 0364
- TAX MAP NUMBER: FP123
- WSSC 200 SHEET NUMBER: 213 NW 11
- ZONING: RE-2
- EXISTING USE: 1 SFD  
PROPOSED USED: 2 SFD
- ADC MAP REFERENCE (28<sup>th</sup> ED.): PAGE 34, GRID A4
- AREA OF EXISTING TRACT: 4.17 AC.
- AREA OF PROPOSED DEDICATION: 0.07 AC.
- AREA OF PROPOSED LOTS: 4.10 AC.
- WATER CATEGORY: W-1; SEWER CATEGORY: S-1
- SITE TO BE SERVED BY PUBLIC WATER & SANITARY SEWERAGE SYSTEMS
- BOUNDARY AND TOPOGRAPHY BY O'CONNELL & LAWRENCE, INC.
- SOILS TYPE: 2B - GLENELG SILT LOAM
- WATERSHED: POTOMAC RIVER DIRECT
- NRI/FSD #4-98058, APPROVED 11/8/97
- IT PRE-APPLICATION # 7-98017



**SURVEYOR'S CERTIFICATION**  
I hereby certify that to the best of my knowledge and belief that the information shown hereon is correct.

*Jefferson D. Lawrence*  
Jefferson D. Lawrence  
Professional Land Surveyor No. 5216

1/14/98  
Date

Maryland-National Capital  
Park and Planning Commission  
Approved Preliminary Subdivision Plan No. 1-99034  
At its meeting of 01-28-99  
Approval subject to the following conditions:

- Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording of plats or MCDPS issuance of sediment and erosion control permit, as appropriate
- Prior to MCPB release of building permit, applicant to coordinate with the technical staff in providing noise mitigation measures for the proposed dwelling on Lot 16
- Prior to recording of plat(s), applicant to coordinate with the owner/developer of Riverwood Drive (private right of way) and the possible establishment of grading/construction easements along River Road (MD190)
- Record plat to reference all common ingress/egress easements
- Dedication of River Road (MD190) as shown on plan
- Other necessary easements
- This preliminary plan will remain valid until March 4, 2001 (37 months from date of mailing, which is February 4, 1999). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed

Technical Staff Recommendation made to MCPB by  
*Jefferson D. Lawrence* 3/19/99  
Development Review Division Date

PRELIMINARY PLAN  
LOTS 16 & 17 BLOCK 'B'  
**ALVERMAR WOODS**  
POTOMAC (10<sup>TH</sup>) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

**O'Connell & Lawrence, Inc.**  
17904 Georgia Avenue  
Suite 302  
Olney, Maryland 20832  
301-924-4570  
Fax 301-924-5872

DESIGNER D.L.	SHEET
DRAWN P.M.T.	1
DATE OCT. 28	OF
SCALE 1"=50'	JOB No. 22-140

**FILE COPY**

Date Mailed: February 4, 1999



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation  
Motion of Comm. Bryant, seconded by  
Comm. Holmes with a vote of 4-0;  
Comms. Bryant, Holmes, Hussmann and  
Perdue voting in favor. Comm. Richards  
temporarily absent.

**MONTGOMERY COUNTY PLANNING BOARD**

**OPINION**

Preliminary Plan 1-99034

NAME OF PLAN: ALVERMAR WOODS, LOTS 16 & 17B

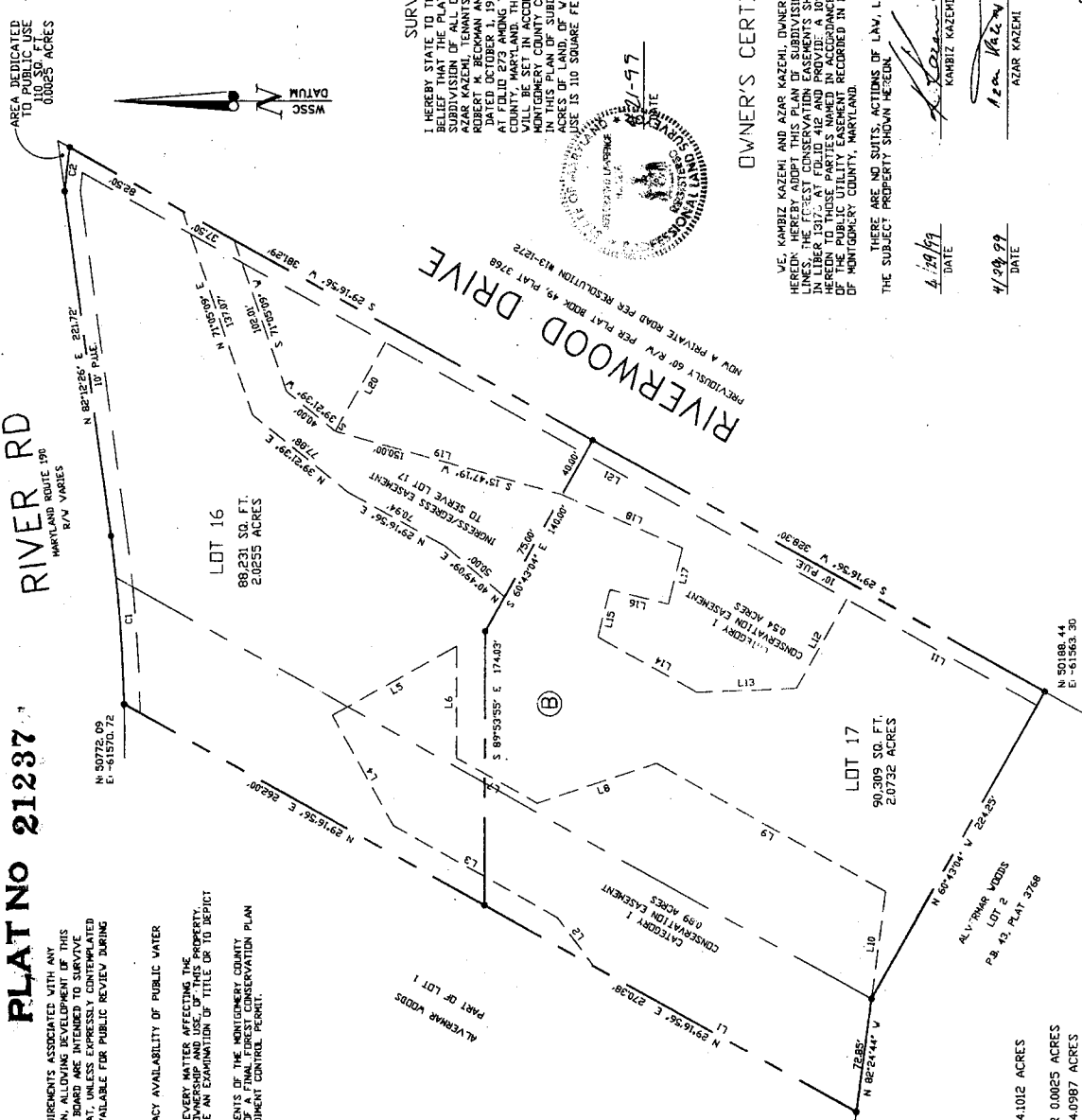
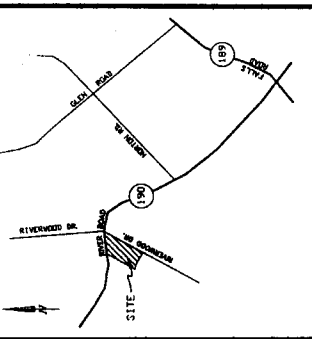
On 10-19-98, KAMBIZ KAZEMI submitted an application for the approval of a preliminary plan of subdivision of property in the RE-2 zone. The application proposed to create 2 lots on 4.17 acres of land. The application was designated Preliminary Plan 1-99034. On 01-28-99, Preliminary Plan 1-99034 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-99034 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-99034, subject to the following conditions:

- (1) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording of plats or MCDPS issuance of sediment and erosion control permit, as appropriate
- (2) Prior to MCPB release of building permit, applicant to coordinate with the technical staff in providing noise mitigation measures for the proposed dwelling on Lot 16
- (3) Prior to recording of plat(s), applicant to coordinate with the owner/developer of Preliminary Plan 1-98080 for the purpose of establishing an access easement to Riverwood Drive (private right of way) and the possible establishment of grading/construction easements along River Road (MD190)
- (4) Record plat to reference all common ingress/egress easements
- (5) Dedication of River Road (MD190) as shown on plan
- (6) Other necessary easements
- (7) This preliminary plan will remain valid until March 4, 2001 (37 months from date of mailing, which is February 4, 1999). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.

# PLAT NO 21237

# RIVER RD

AREA DEDICATED TO PUBLIC USE 110.50 ACRES 0.0025 ACRES



**NOTES:**  
 ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN, ALLOWING DEVELOPMENT OF THIS PROPERTY, APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE THE RECORDATION OF THIS SUBDIVISION RECORD PLAT AS APPROVED BY THE PLANNING BOARD AND AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.  
 THE EXISTING DWELLING ON LOT 17 TO REMAIN  
 THE APPROVAL OF THIS PLAT IS PREDICATED ON THE ADEQUACY AVAILABILITY OF PUBLIC WATER AND SEWER.  
 THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE PROPERTY, INCLUDING THE MONTGOMERY COUNTY PLANNING BOARD'S REVIEW OF THE PROPERTY, OR NOTE ALL MATTERS AFFECTING TITLE.  
 THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW OF 1992, INCLUDING APPROVAL OF A FINAL FOREST CONSERVATION PLAN AND APPROPRIATE AGREEMENTS PRIOR TO ISSUANCE OF A SEDIMENT CONTROL PERMIT.  
 THE PROPERTY IS ZONED RE-2  
 PRELIMINARY PLAN No. 1-99084

LINE	BEARING	DISTANCE
L1	N 29°16'56" E	150.38'
L2	N 29°16'56" E	150.38'
L3	N 29°16'56" E	150.38'
L4	N 29°16'56" E	150.38'
L5	S 89°07'14" E	80.38'
L6	S 89°07'14" E	80.38'
L7	S 89°07'14" E	80.38'
L8	S 89°07'14" E	80.38'
L9	S 89°07'14" E	80.38'
L10	N 82°24'44" E	69.15'
L11	N 82°24'44" E	69.15'
L12	N 82°24'44" E	69.15'
L13	N 82°24'44" E	69.15'
L14	N 82°24'44" E	69.15'
L15	S 75°50'21" E	31.09'
L16	S 75°50'21" E	31.09'
L17	S 75°50'21" E	31.09'
L18	N 24°07'58" E	83.78'
L19	N 15°47'19" E	151.00'
L20	S 60°43'04" E	65.00'
L21	S 60°43'04" E	65.00'
L22	S 60°43'04" E	65.00'

TOTAL AREA OF LOTS = 178,650 SQUARE FEET DR 4.1012 ACRES  
 TOTAL NUMBER OF LOTS = 2  
 TOTAL AREA OF DEDICATION = 110 SQUARE FEET DR 0.0025 ACRES  
 TOTAL AREA OF PLAT = 178,540 SQUARE FEET DR 4.0987 ACRES

DEPARTMENT OF PERMITTING SERVICES  
 MONTGOMERY COUNTY, MARYLAND  
 APPROVED: *[Signature]*  
 DIRECTOR  
 MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 MONTGOMERY COUNTY PLANNING BOARD  
 APPROVED: *[Signature]*  
 M.N.C.P. & P.C. RECORD FILE NO. 010-61

RECORDED  
 PLAT BOOK  
 PLAT NO.

CURVE	RADIUS	ARC LENGTH	CHORD LEN	CHORD BEARING	BE-TA ANGLE	TANGENT
C1	650.00'	27.69'	27.69'	N 83°21'30" V	01°52'48"	13.935'
C2	650.00'	27.69'	27.69'	N 83°21'30" V	01°52'48"	13.935'

**SURVEYOR'S STATEMENT**  
 I HEREBY STATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THE PLAT SHOWN HEREIN IS CORRECT, THAT IT IS A TRUE AND ACCURATE REPRESENTATION OF THE ENTIRETY, AND THAT THE SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE DATA HEREON WERE OBTAINED FROM THE FIELD BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION. THIS SURVEY WAS MADE ON OCTOBER 1, 1995 AND RECORDED IN LIBER 13621 AT FOLIO 273 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND. THE PROPERTY SHOWN HEREON WILL BE SET IN ACCORDANCE WITH SECTION 50-24(a) OF THE MONTGOMERY COUNTY CODE AND THAT THE TOTAL AREA INCLUDED IN THIS PLAN OF SUBDIVISION IS 178,650 SQUARE FEET OR 4.1012 ACRES OF LAND, OF WHICH THE TOTAL AREA DEDICATED TO PUBLIC USE IS 110 SQUARE FEET OR 0.0025 ACRES OF LAND.

*[Signature]*  
 DONNELL & LAWRENCE, INC.  
 BY: JEFFERSON D. LAWRENCE  
 PROFESSIONAL LAND SURVEYOR  
 MD. REG. NO. 2626



### OWNER'S CERTIFICATE

WE, KAMBIZ KAZEMI AND AZAR KAZEMI, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREIN, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, THE FOREST CONSERVATION EASEMENTS SHOWN HEREON PER THE REQUIREMENTS SET FORTH IN THE MONTGOMERY COUNTY CODE AND PUBLIC UTILITIES EASEMENTS SHOWN HEREON, AND HEREBY TO THOSE PARTIES WAIVED IN SAID EASEMENTS, THE PUBLIC UTILITIES EASEMENTS OF THE PUBLIC UTILITY EASEMENT RECORDED IN LIBER 3834 AT FOLIO 457 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

THERE ARE NO SUITS, ACTIONS OF LAW, LEASES, LIENS OR TRUSTS AFFECTING THE SUBJECT PROPERTY SHOWN HEREON.

*[Signature]* KAMBIZ KAZEMI  
 DATE: 4/29/99  
*[Signature]* AZAR KAZEMI  
 DATE: 4/29/99  
*[Signature]* WITNESS  
*[Signature]* WITNESS

SUBDIVISION RECORD PLAT  
**ALVERMAR WOODS**  
 LOTS 16 AND 17, BLOCK "B"  
 POTOMAC (10TH) ELECTION DISTRICT  
 MONTGOMERY COUNTY MARYLAND  
 SCALE: 1" = 50' FEBRUARY, 1995

**O'CONNELL & LAWRENCE, INC.**  
 SURVEYORS, ENGINEERS & LAND PLANNERS  
 17004 Georgia Avenue, Suite 308, Olney, Maryland 20832  
 Tel: (301) 924-4870 • Fax: (301) 924-5872  
 O.C.L.# 22-140

MSA SSIWA49-27114  
 GPO-G2

- b. Super silt fence with wire strung between support poles (minimum 4 feet high) with high-visibility flagging.  
 c. 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high-visibility flagging.
5. Temporary protection devices shall be maintained and installed by the contractor for the duration of construction project and must not be altered without prior approval from the forest conservation inspector. No equipment, trucks, materials, or debris may be stored within the tree protection fence areas during the entire construction project. No vehicle or equipment access to the fenced area will be permitted. Tree protection shall not be removed without prior approval of forest conservation inspector.
6. Forest retention area signs shall be installed as required by the forest conservation inspector, or as shown on the approved plan.
7. Long term protection devices will be installed per the Forest Conservation Plan by the contractor. The plan and signs will be maintained at all times throughout the construction project. Refer to the plan drawing for long-term protection measures to be installed.

**During Construction**

8. Periodic inspections by the forest conservation inspector will occur during the construction project. Corrections and repairs to all tree protection devices, as determined by the forest conservation inspector, must be made within the timeframe established by the inspector.
- Post-Construction**
9. After construction is completed, an inspection shall be requested. Corrective measures may include:  
 a. Removal and replacement of dead and dying limbs  
 b. Pruning of dead or declining limbs  
 c. Soil aeration  
 d. Fertilization  
 e. Watering  
 f. Wound repair  
 g. Clean up of retention areas
10. After inspection and completion of corrective measures have been undertaken all temporary protection devices shall be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both the Department of Permitting Services and the forest conservation inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.

1. An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner should contact the Montgomery County Planning Department inspection staff before construction to verify the limits of disturbance and discuss tree protection and tree care measures. The developer's representative, contractor, and the forest conservation inspector shall attend the pre-construction meeting.
2. No clearing or grading shall begin before stress-reduction measures have been implemented. Appropriate measures may include, but are not limited to:  
 a. Root pruning  
 b. Crown reduction or pruning  
 c. Watering  
 d. Fertilizing  
 e. Root aching  
 f. Root aching and mulching  
 g. Root aching and mulching
3. A Maryland-licensed tree expert or an International Society of Arboriculture-certified arborist must perform all stress reduction measures. Documentation of stress reduction measures must be either observed by the forest conservation inspector or sent to the inspector at 8787 Georgia Avenue, Silver Spring, MD 20910. The forest conservation inspector will determine the exact method to convey the stress reduction measures during the pre-construction meeting.
4. Temporary tree protection devices shall be installed per the Forest Conservation Plan/Tree Save Plan and prior to any construction activities. Tree protection fencing locations should be staked prior to the pre-construction meeting. The forest conservation inspector, in coordination with the DPS sediment control inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan. Temporary tree protect devices may include:  
 a. Chain link fence (four feet high)

NOTE: THE FOREST CONSERVATION WORKSHEET SHOWN BELOW REFLECTS CONDITIONS FROM WHEN THE ORIGINAL FOREST CONSERVATION PLAN WAS SUBMITTED AND APPROVED FOR SUBDIVISION. IT IS FOR REFERENCE ONLY.

NETTRACT AREA	4.17
A. Total lot area	4.17
B. Land dedication (schools, county facility, etc.)	0.00
C. Land dedication for roads or utilities (not being constructed by the party)	0.07
D. Area to remain in nonresidential agricultural production use	0.00
E. Wetland	0.00
F. Not Tract Area	4.10

LAND USE CATEGORIES (See "Tree Protection Method")	Area	MCR	IDA	HR	MPO	CIA	20% x F
1. Existing forest cover	0	1	0	0	0	0	0
2. Area of forest above administration threshold	0.82	0	0	0	0	0	0
3. Area of forest above conservation threshold	1.03	0	0	0	0	0	0
4. Area of forest above preservation threshold	1.61	0	0	0	0	0	0
5. Area of forest above protection threshold	0.59	0	0	0	0	0	0
6. Forest retention area	1.14	0	0	0	0	0	0
7. Clearing retention area	0.47	0	0	0	0	0	0
8. Total area of forest to be retained	0.16	0	0	0	0	0	0
9. Total area of forest to be removed	1.43	0	0	0	0	0	0

PLANTING REQUIREMENTS	Area	20% x F
P. Retention for clearing above conservation threshold	0.06	0.00
Q. Retention for clearing below conservation threshold	0.00	0.00
R. Retention for clearing above preservation threshold	0.00	0.00
S. Retention for clearing below preservation threshold	0.00	0.00
T. Total information required	0.00	0.00
U. Credit for hedgerows (may not exceed 20% of "S")	0.00	0.00
V. Total information and information required	0.00	0.00

NOTE: OWNER PROPOSES TO REMOVE 0.36 AC. OF CATEGORY I EASEMENT AND REPLACE IT THROUGH THE PURCHASE OF CREDITS FROM AN OFF-SITE FOREST BANK. PER THE PLANNING BOARD'S DIRECTION AT THE PUBLIC HEARING FOR THIS PROPERTY ON 10/21/2011, THE EASEMENT AREA REMOVED MUST BE REPLACED IN THE SAME WATERSHED AT A 2:1 RATIO (0.72 AC. OF CREDIT). THE SOLE FOREST BANK IN THE POTOMAC DIRECT WATERSHED (THE LORAX BANK) IS FORESTED. PER BOARD DIRECTION, FORESTED CREDITS MUST BE MULTIPLIED AGAIN BY A 2:1 RATIO. THE OWNER WILL PURCHASE A TOTAL OF 1.44 ACRE OF CREDITS THROUGH THE LORAX FOREST BANK.

Montgomery County  
 Planning Department  
 JUL 3 1 2012

**DEVELOPER'S CERTIFICATE**  
 The undersigned agrees to accept all the features of the Approved Final Forest Conservation Plan and to maintain them, including financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: \_\_\_\_\_  
 Contact Person or Owner: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone and Email: \_\_\_\_\_  
 Signature: \_\_\_\_\_

Printed Company Name: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_

- Sequence of Events for Property Owners Required to Comply With Forest Conservation and/or Tree-Save Plans**
- Pre-Construction**
1. An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner should contact the Montgomery County Planning Department inspection staff before construction to verify the limits of disturbance and discuss tree protection and tree care measures. The developer's representative, contractor, and the forest conservation inspector shall attend the pre-construction meeting.
2. No clearing or grading shall begin before stress-reduction measures have been implemented. Appropriate measures may include, but are not limited to:  
 a. Root pruning  
 b. Crown reduction or pruning  
 c. Watering  
 d. Fertilizing  
 e. Root aching  
 f. Root aching and mulching  
 g. Root aching and mulching
3. A Maryland-licensed tree expert or an International Society of Arboriculture-certified arborist must perform all stress reduction measures. Documentation of stress reduction measures must be either observed by the forest conservation inspector or sent to the inspector at 8787 Georgia Avenue, Silver Spring, MD 20910. The forest conservation inspector will determine the exact method to convey the stress reduction measures during the pre-construction meeting.
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 a. Chain link fence (four feet high)

FOREST CONSERVATION WORKSHEET  
 ALVERMAR WOODS - LOT 17, BLOCK "B"

NETTRACT AREA	4.17
A. Total lot area	4.17
B. Land dedication (schools, county facility, etc.)	0.00
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D. Area to remain in nonresidential agricultural production use	0.00
E. Wetland	0.00
F. Not Tract Area	4.10

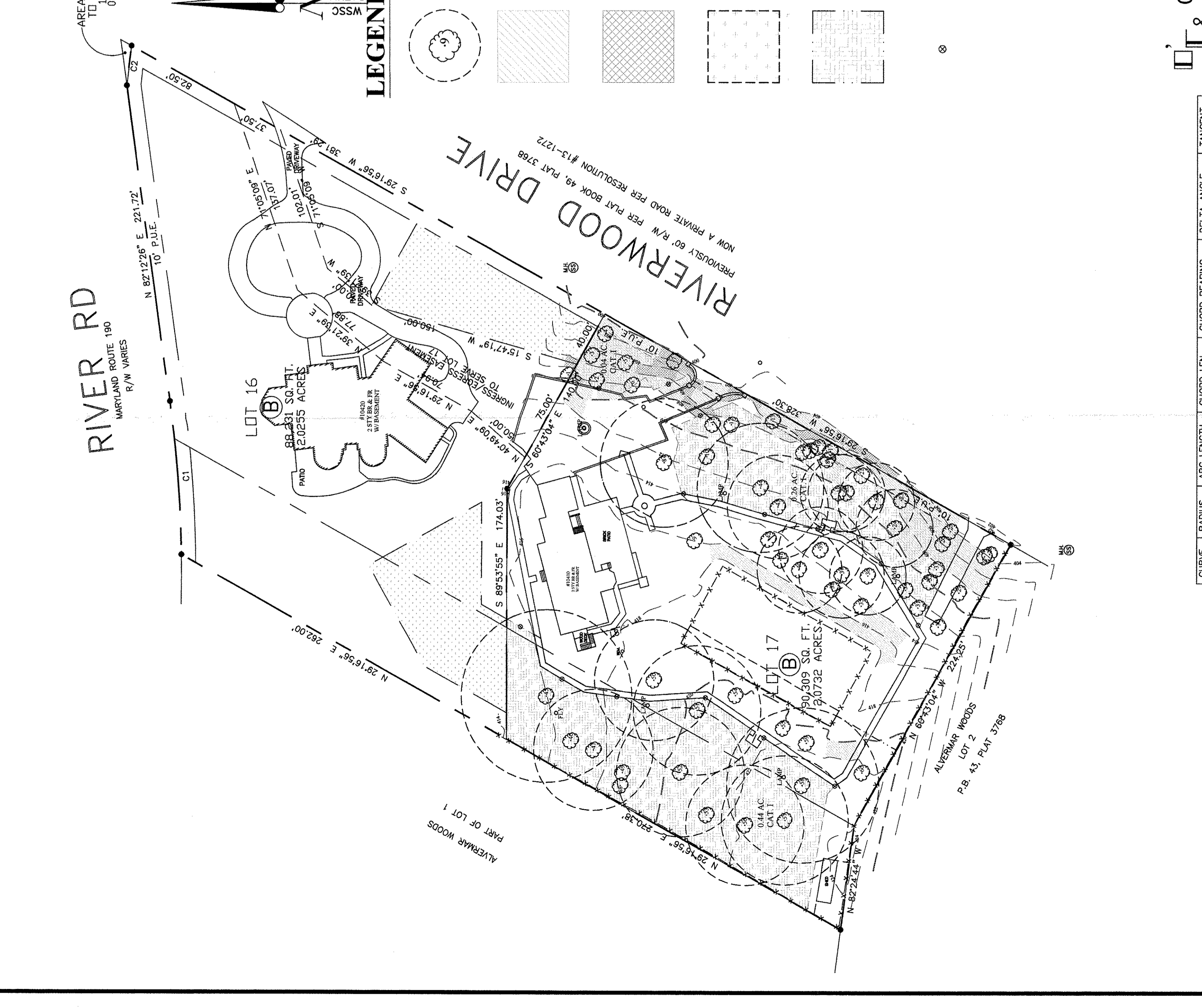
LAND USE CATEGORIES (See "Tree Protection Method")

Area	MCR	IDA	HR	MPO	CIA	20% x F
1. Existing forest cover	0	1	0	0	0	0
2. Area of forest above administration threshold	0.82	0	0	0	0	0
3. Area of forest above conservation threshold	1.03	0	0	0	0	0
4. Area of forest above preservation threshold	1.61	0	0	0	0	0
5. Area of forest above protection threshold	0.59	0	0	0	0	0
6. Forest retention area	1.14	0	0	0	0	0
7. Clearing retention area	0.47	0	0	0	0	0
8. Total area of forest to be retained	0.16	0	0	0	0	0
9. Total area of forest to be removed	1.43	0	0	0	0	0

**PERMANENT FOREST CONSERVATION EASEMENT SIGNAGE (TO OCCUR AS SHOWN ON PLAN OR AS DETERMINED BY MNCPPC INSPECTOR) - SEE DETAIL**

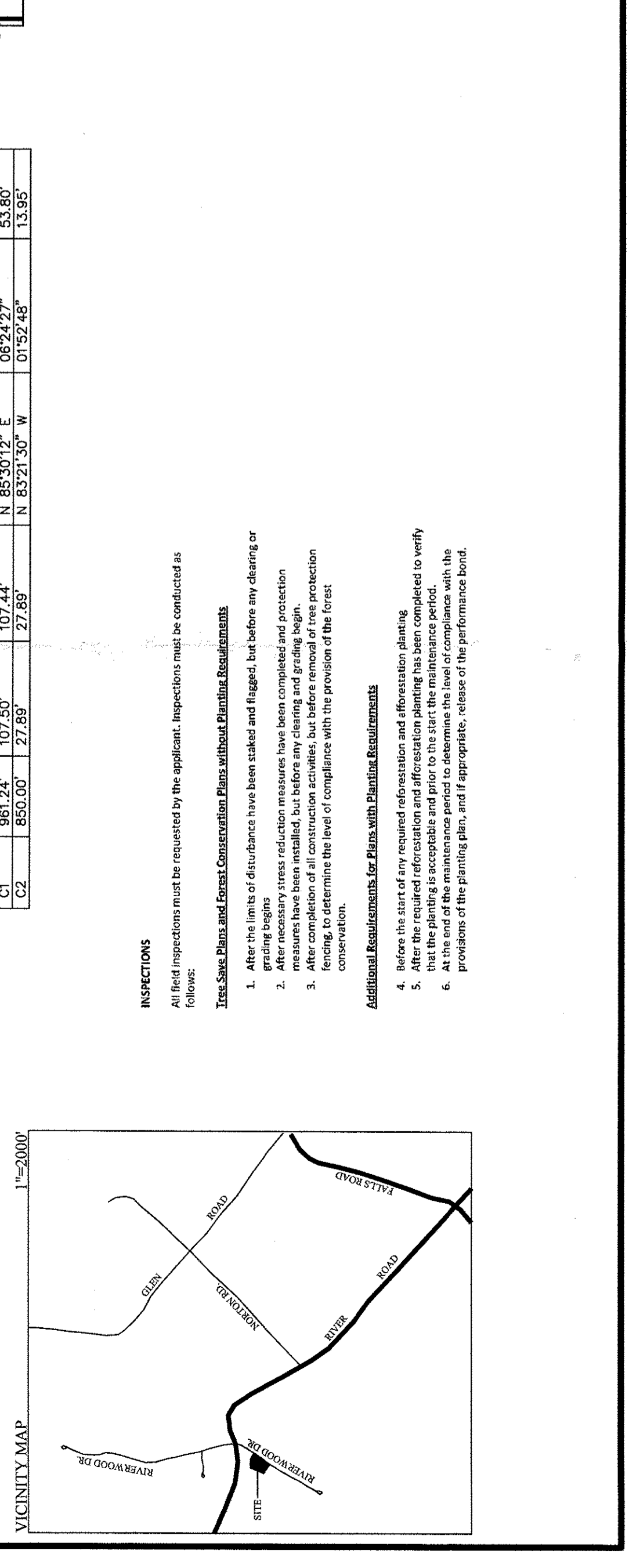
SUBDIVISION RECORD PLAT  
**ALVERMAR WOODS**  
 LOTS 17, BLOCK "B"  
 POTOMAC (10TH) ELECTION DISTRICT  
 MONTGOMERY, COUNTY MARYLAND  
 SCALE: 1" = 50' NOVEMBER 2009

**O'CONNELL & LAWRENCE, INC.**  
 SURVEYORS, ENGINEERS & LAND PLANNERS  
 17904 Georgia Avenue, Suite 302, Olney, Maryland 20882  
 Tel: (301) 924-4970 • Fax: (301) 924-5972



**ENVIRONMENTAL SUMMARY TABLE**

TOTAL ACREAGE OF SITE	4.17 Ac.
TOTAL ACREAGE OF FOREST	1.61 Ac.
TOTAL ACREAGE OF FLOODPLAIN	0.00 Ac.
TOTAL ACREAGE OF FLOODPLAIN IN FOREST	0.00 Ac.
TOTAL ACREAGE OF WETLANDS	0.00 Ac.
TOTAL ACREAGE OF WETLANDS IN FOREST	0.00 Ac.
TOTAL ACREAGE OF FORESTED STREAM BUFFERS	0.00 Ac.
LINEAR EXTENT OF STREAMS	0 L.F.



**INSPECTIONS**  
 All field inspections must be requested by the applicant. Inspections must be conducted as follows:

**Tree Save Plans and Forest Conservation Plans without Easement Restrictions**

- After the limits of disturbance have been staked and flagged, but before any clearing or grading begins.
- After necessary stress reduction measures have been completed and protection measures have been installed, but before any clearing and grading begins.
- After completion of all construction activities, but before removal of tree protection devices. This inspection must be conducted with the presence of the forest conservation inspector.

**Additional Requirements for Plans with Easement Restrictions**

- Before the start of any required reforestation and afforestation planning.
- After the required reforestation and afforestation planting has been completed to verify the level of compliance with the performance bond.
- At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate, release of the performance bond.