



**Preliminary Plan, 120120270, Esworthy Estates**

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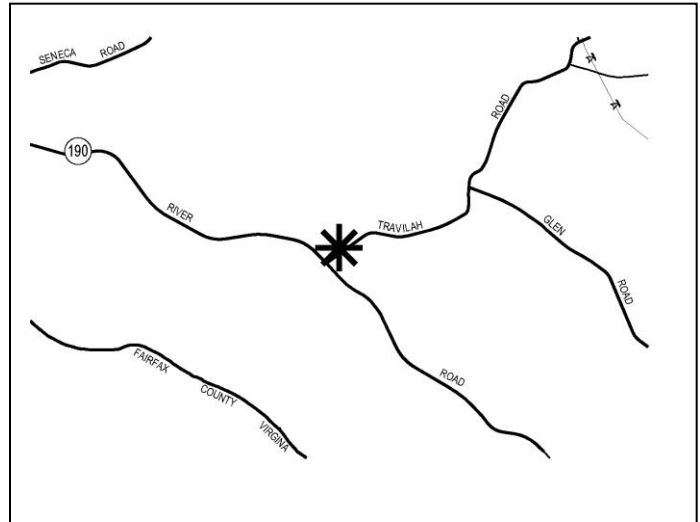
**Completed: 1/16/13**

**Description**

Preliminary Plan No. 120120270: Esworthy Estates  
Two lots requested for two, one-family detached dwelling units and one outlot; located at 12630 Travilah Road on the northern side of Travilah Road; RE-2 zone; 9.49-acres, 2002 Potomac Subregion Master Plan.

**Staff Recommendation:** Approval with conditions and adoption of the Resolution.

**Review Basis:** Chapter 50 and Chapter 22A  
**Applicant:** Travilah Road LLC  
**Date Submitted:** May 24, 2012



**Summary**

- The Applicant requests to create two lots for two, one-family detached dwelling units in the RE-2 zone.
- The Applicant requests two lots without frontage.
- The Applicant requests a tree variance, which staff and the County Arborist support with mitigation for the trees to be removed.

**RECOMMENDATION:** Approval with the following conditions:

1. This Preliminary Plan is limited to two lots for two, one-family detached dwelling units and one outlot.
2. Prior to clearing, grading, or building demolition, the Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan, approved as part of this Preliminary Plan, subject to:
  - i. Submission and approval of a Final Forest Conservation Plan from the Planning Department prior to any land disturbing activities that shall include the following:
    - a. Planting Plan
    - b. Variance Tree Mitigation
    - c. Tree Protection Details
  - ii. A split rail fence (or similar style approved by staff) must be placed along the easement boundary where a house lot is sited within 50 feet of an unforested portion of the proposed conservation easement.
  - iii. Inspection scheduling must be in accordance with Section 22.A.00.01.10 of the Forest Conservation Regulations.
  - iv. A two-year maintenance and management agreement must be approved prior to acceptance of on-site planting.
  - v. The Applicant must submit financial security of on-site planting prior to the start of clearing and grading.
  - vi. Permanent Category I Conservation Easement signs must be placed along the perimeter or the conservation easement area at the time of forest planting.
3. The Applicant must plant three, three-inch caliper shade trees as mitigation for the removal of one specimen tree. The species and locations of the mitigation trees must be identified on the Final Forest Conservation Plan.
4. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated November 8, 2012, and does hereby incorporate them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. The Applicant must satisfy the provisions for access and improvements as required by MCDOT prior to recordation of plat.
6. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated September 27, 2012, and does hereby incorporate them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

7. The Planning Board has accepted the recommendations of the MCDPS – Well and Septic Section in its letter dated October 11, 2012, and does hereby incorporate them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations set forth in the letter, which may be amended by MCDPS – Well and Septic Section, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. The Applicant must dedicate, and the record plat must show dedication of, 831.5 square feet from the existing pavement centerline along the Subject Property frontage for Travilah Road.
9. The record plat must show a Category I conservation easement as approved with the Final Forest Conservation Plan, and other necessary easements.

The record plat must reflect common ingress/egress and utility easements over the shared driveway for the benefit of the two lots approved under this Application and all other parties and properties that currently have rights of ingress and egress.

10. The Applicant must make a School Facilities Payment to MCDPS at the high school level at the one-family detached dwelling unit rate for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
11. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the mailing date of the Planning Board Resolution.
12. 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 issuance of building permits. Please refer to the 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.”

## **SITE DESCRIPTION**

Preliminary Plan No. 120120170 (“Application” or “Preliminary Plan”) is a request to subdivide a property identified as Parcel 855 on Tax Map ER341, located at 12630 Travilah Road and consisting of 9.49-acres, zoned RE-2 (“Property” or “Subject Property”). The Property is within the 2002 Potomac Master Plan area (“Master Plan”). The Property currently has a one-family detached dwelling unit with various sheds and a barn. Access to the house is provided by an existing shared asphalt driveway to Travilah Road.

As depicted in Figures 1 and 2 below, the Property is surrounded by one-family detached dwellings in the RE-2 zone<sup>1</sup>, most of which are on recorded lots.



**Figure 1 – Vicinity Map**

<sup>1</sup> Minimum lot size in the RE-2 zone is 2 acres.

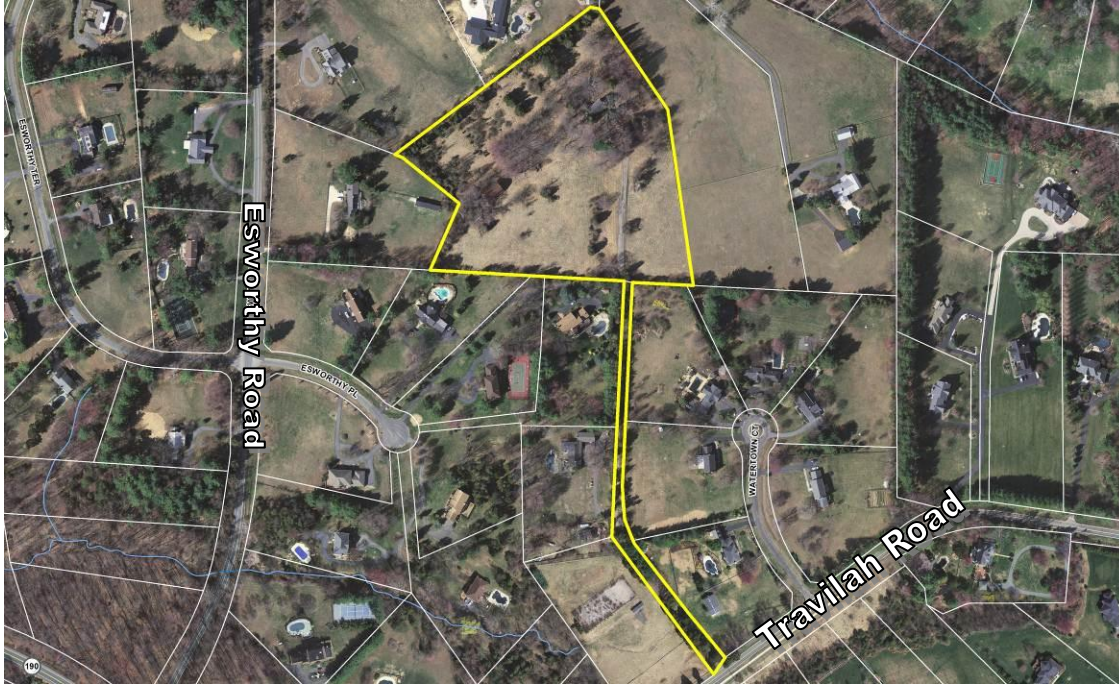


Figure 2 – Property

## PROJECT DESCRIPTION<sup>2</sup>

The existing dwelling unit, barn, and sheds will be removed from the Property. The new lots will use the existing driveway from Travilah Road that is currently shared with one other house on an adjacent unplatted parcel as depicted in Figure 3. Both lots will be served by new septic fields approved by MCDPS – Well and Septic Section on October 11, 2012. An area is reserved in easement for possible placement of an underground fire suppression (water) tank.

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<sup>2</sup> See attached Preliminary Plan dated September 2012.

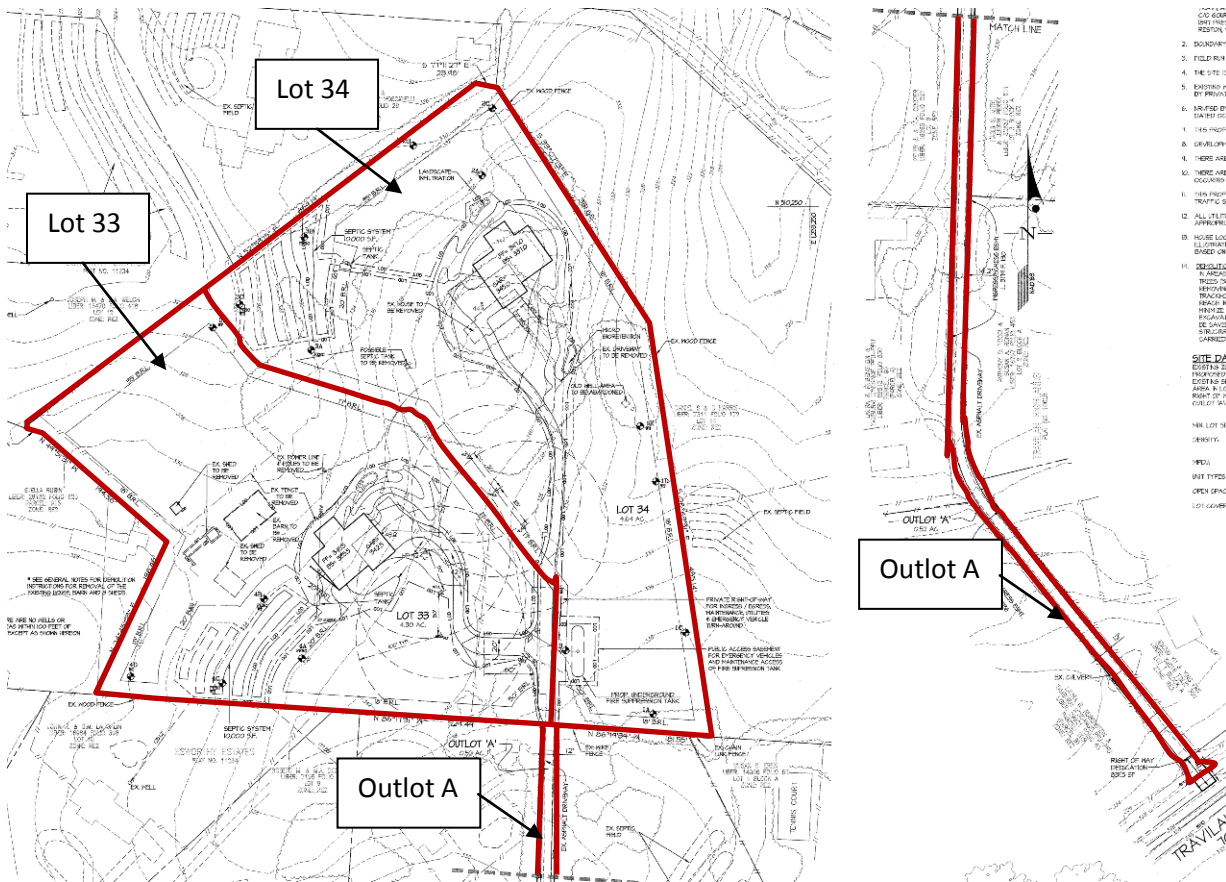


Figure 3 - Proposed Lot Lines

**ANALYSIS AND FINDINGS**

**Conformance to the Master Plan**

The Property is located in the Travilah community area as shown on page 5 of the Master Plan. The Master Plan provides overarching recommendations for the general vicinity of the Property, but does not specifically address this particular Property. The Master Plan provides the following on the Travilah community area, including the Subject Property:

“This central and southern portion of the Potomac Subregion is a low-density area that acts as a transition from the higher densities of Potomac and North Potomac to lower densities in Darnestown and the natural environment of the Potomac River. ...Like Darnestown, Travilah is a more rural portion of the Subregion, and the area’s dependence on septic systems has ensured low-density residential neighborhoods” (p. 80).

The Master Plan recommends that the Property and neighboring properties remain in the RE-2 zone. The RE-2 zone dictates that the Property continues to be outside of the recommended sewer service envelope and it is appropriately served by private, on-site septic systems. The proposed density is below the maximum number of lots (four lots) that is allowed by the RE-2 zoning on a Property of this

size, in part, due to the limited frontage that the Property has on Travilah Road. The large-lot nature of this Application is in keeping with the low density transition envisioned by the Master Plan.

The Property is also located in the Muddy Branch Watershed. For this watershed, the Master Plan states,

“The Muddy Branch watershed is a mix of urbanized areas in and around the headwaters, and suburban and rural areas to the south and west. Park land, small farms, and large-lot residential development typify the watershed within the Subregion, though somewhat more urbanized development occurs along the Subregion’s northern boundary at Route 28. ... Water quality in the Muddy Branch watershed is fair in the northern more urbanized reaches, and improves as it nears the Potomac River” (p. 17).

The Property is located in the southwestern portion of the Muddy Branch watershed closer to the Potomac River. In this area of the watershed, the water quality is better than in the northern more urbanized area. The properties surrounding this Property are large-lot residential and are consistent with the lot sizes that help maintain the water quality levels.

The Master Plan identifies Travilah Road as an arterial road with a minimum right-of-way width of 80 feet and two travel lanes. A Class I (off-road bike path) is proposed on Travilah Road per the Countywide Bikeways Functional Master Plan. There is a sidewalk on the opposite side of the road that could accommodate the Class I bikeway. The Property has insufficient frontage that would allow it to construct any meaningful section of an off road path; therefore, the Applicant is not required to construct any portion of the bike path.

The Application is in substantial conformance with the 2002 Potomac Subregion Master Plan as the Property will utilize septic and wells and the large-lot nature of the Application maintains the low density transition recommended for this portion of the Master Plan area.

## **Public Facilities**

### Roads and Transportation Facilities

The Local Area Transportation Review (LATR) guidelines require a traffic study to be performed if the development generates 30 or more peak-hour trips. The proposal is expected to generate far below the 30-trip threshold. Therefore, no LATR is required. The Property is located in the Rural West Policy Area where there is no Policy Area Mobility Review (PAMR) mitigation requirement.

The Applicant will be required to dedicate a portion of road frontage to bring the right-of-way width to 80 feet from the opposite property line, or a total of 831.5 square feet. Currently, there is a sidewalk on the opposite side of Travilah Road from the Property, but there are no connecting sidewalks to this segment. Vehicular access to the lots will be via the long shared driveway per the above discussion. MCDOT requires selective tree trimming to the east of the driveway entrance prior to approval of the record plat to improve visibility<sup>3</sup>. The Montgomery County Fire and Rescue Services (“MCFRS”) approved the Application via letter dated October 5, 2012, and verified that the driveway conforms to their standards for fire and emergency apparatus access by providing a T-turnaround located at the split

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<sup>3</sup> Per MCDOT memo dated November 8, 2012

of the shared drive and that an area be designated for a future underground water tank for fire suppression. With these improvements, the Application will provide adequate and safe vehicular access.

#### Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed lots. Private well and septic systems are approved for each new dwelling unit on each lot. The existing well and septic system on the Property must be properly abandoned<sup>4</sup>. Electrical and telecommunications services are available to serve the proposed lots. Other public facilities and services, such as police stations and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. The Application is located in the Thomas S. Wootton School Cluster which is operating at acceptable levels at the elementary and middle school levels, but at an inadequate capacity at the high school classroom level. The Applicant must make a School Facilities Payment to MCDPS at the high school level at the one-family detached dwelling unit rate for which a building permit is issued and a School Facilities Payment is applicable. The Applicant will not pay for the replaced one-family detached dwelling as it previously existed. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

#### Environment

##### Environmental Inventory

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420120310 for this Property was approved on October 14, 2011. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The Property has no forest cover, but many open-grown specimen trees. The Property's topography is flat to moderate with no steep slopes, streams, wetlands or environmental buffers.

The Property is within the Pennyfield subwatershed of Muddy Branch, which is classified as a Use I stream. The Montgomery County Department of Environmental Protection documents this section of Muddy Branch as having a good condition.

##### Forest Conservation Plan (FCP)<sup>5</sup>

No forests exist on or adjacent to the Property, therefore, the proposed subdivision will not disturb forest. However due to the size and zone of the Property, the Forest Conservation Law requires 1.89 acres of forest planting. One acre will be planted in the far western corner of the Property and incorporate trees that are already growing in that location. The other .89 acres of planting will take place near the south east quadrant of the Property east of the driveway entrance.

##### Forest Conservation Variance

Section 22A-12(b) (3) of the County Code requires applicants to identify certain trees, shrubs, plants and specific areas as priority for retention and protection and further requires those features to be left in an undisturbed condition unless a variance is obtained in accordance with Chapter 22A-21 of the County Code.

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<sup>4</sup> Per MCDPS Well and Septic Section memo dated October 11, 2012.

<sup>5</sup> See attached plan.

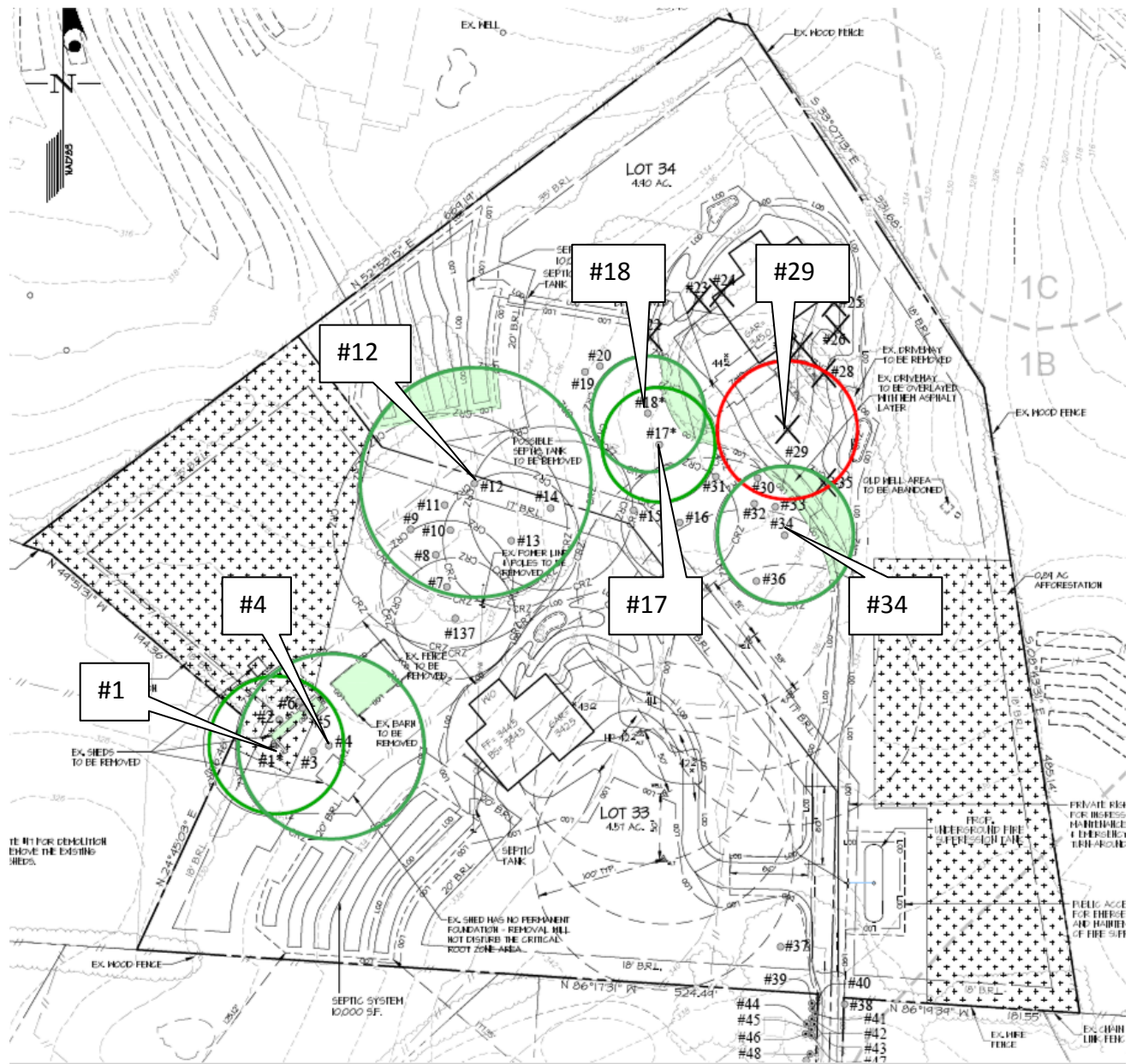


Under Chapter 22A-21 of the County Code, a person may request in writing a variance from this Chapter, if the person demonstrates that enforcement would result in unwarranted hardship to the person.

A variance is required since this project will require that one tree 30 inches or greater in diameter at breast height (“DBH”) (“Protected Trees”) be removed (Tree #29 shown in red) and that there will be impact to six other Protected Trees (Trees # 1, 4, 12, 17, 18, and 34 shown in green) depicted in Figure 4.

**Table 1: Trees to be removed**

| <b>Tree Number</b> | <b>Species</b> | <b>DBH</b> | <b>Condition/Status</b> | <b>Proposed Action</b> |
|--------------------|----------------|------------|-------------------------|------------------------|
| 1                  | Silver Maple   | 36”        | Good                    | To Be Saved            |
| 4                  | Silver Maple   | 48”        | Good                    | To Be Saved            |
| 12                 | Silver Maple   | 60”        | Fair                    | To Be Saved            |
| 17                 | Sugar Maple    | 30”        | Fair                    | To Be Saved            |
| 18                 | Sugar Maple    | 30”        | Poor                    | To Be Saved            |
| 29                 | Slippery Elm   | 36”        | Poor                    | To Be Removed          |
| 34                 | American Beech | 36”        | Good                    | To Be Saved            |



**Figure 4 – Tree Variance**

Unwarranted Hardship Basis

Impacts to the seven Protected Trees where the variance is being requested is associated with removal of the existing home, barn and shed, improvements to the existing driveway, new septic system, and rebuilding a new homes on the old house site. If the existing developed features were not allowed to be removed, it would create an undue hardship that could prevent the development of two lots. Staff has reviewed the Applicant’s justification and based on the existing conditions, finds that there would be an unwarranted hardship if a variance were not considered. Development of the Property, even at a density that is half of what the zoning permits, requires that Protected Trees will be impacted.

### Variance Findings

The Planning Board must make findings that the Applicant has met all requirements of this Chapter 22A-21 before granting the variance. Staff has made the following determination regarding the variance and recommends that it be granted for all seven trees:

Granting the 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 disturbance and/or removal of trees are due to the removal of existing structures and improving the existing entrance to the Property. Granting a variance request which would allow redevelopment of the existing Property is not unique to this Applicant.

2. Is not based on conditions or circumstances which are the result of actions by the Applicant;

The Applicant has prepared and submitted plans which meet all applicable master plan and forest conservation requirements. The requested variance is based upon existing site conditions, including 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 development and not a result of land or building use on a neighboring property.

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

The Protected Tree removed is not within a stream buffer, wetland, or special protection area and its contribution to maintaining water quality can be replaced by the planting of new trees after construction. Mitigation at a rate that approximates the form and function of the Protected Tree removed will provide some mitigation for water quality protection as the trees grow and mature.

### Mitigation for Trees Subject to the Variance Provisions

Mitigation should be at a rate that approximates the form and function of the Protected Tree removed to provide some mitigation for water quality protection as the mitigation trees grow and mature. Staff recommends that replacement occur at a ratio of approximately one inch DBH for every four inches DBH removed, using trees that are three-inches in caliper. The one Protected Tree that is being removed is a 36-inch slippery elm in poor condition. Staff recommends that this tree loss be mitigated by planting three, three-inch caliper shade trees to be shown on the Final Forest Conservation Plan.

### County Arborist's Recommendation

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 and received a response and recommendations on December 10, 2012. The County Arborist issued a letter recommending that the variance can be granted if mitigation is provided<sup>6</sup>.

Variance Recommendation - Staff recommends that the variance be granted.

Staff recommends that the variance be granted and finds that the Preliminary Forest Conservation Plan meets all applicable requirements of Chapter 22A of the County Code.

Stormwater Management Concept

The MCDPS Stormwater Management Section conditionally approved the Stormwater Management Concept for the Application on September 22, 2012. The concept consists of landscape infiltration, micro bio-retention, rooftop disconnects and non-rooftop disconnect.

**Compliance with the Subdivision Regulations and Zoning Ordinance**

Lots Without Frontage

The Application was reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. With regards to the limited amount of frontage that the Subject Property has on any adjacent public street or road, Section 50-29(a)(2) of the Subdivision Regulations states:

“Lots to Abut on Public Street. Except as otherwise provided in the zoning ordinance, every lot shall abut on a street or road which has been dedicated to public use or which has acquired the status of a public road. In exceptional circumstances, the board may approve not more than two lots on a private driveway or private right-of-way; provided, that proper showing is made that such access is adequate to serve the lots for emergency vehicles, for installation of public utilities, is accessible for other public services, and is not detrimental to future subdivision of adjacent lands” (p. 50-31).

The lots cannot meet the frontage requirement for the RE-2 zone (25 feet) because the Subject Property only has 20 feet of total frontage on Travilah Road. In these situations, Section 50-29(a)(2) of the Subdivision Regulations provides the Planning Board with the authority to approve not more than two lots without frontage pending certain findings for access, utilities, services and protection of future subdivisions. Staff notes that the driveway is currently used by an adjacent property owner with deeded rights of access for their one-family detached dwelling unit, which is located on an unplatted parcel (P099, EQ33 at 12620 Travilah Road). Section 50-29(a)(2) authorizes the Planning Board to approve not more than two *lots* on a private driveway. Approval of two additional lots on that driveway does not exceed the limitations established under this section of the Subdivision Regulations because the adjacent residence is on an unplatted parcel.

The two proposed lots will both share access to the existing driveway. The MCFRS, MCDOT, and the utility providers support the Application as previously discussed. MCFRS approved a fire access plan which indicates that they are able to safely access the two new homes and the house at 12620 Travilah Road using the driveway as it is depicted on the preliminary plan. The determination by MCFRS that the driveway will structurally and spatially accommodate the largest emergency vehicles demonstrates to Staff that any utility truck or public service vehicle will also have adequate access to all properties that

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<sup>6</sup> See attached letter.

use the driveway. Any required utilities will be placed underneath the existing driveway in a conduit rather than a public utility easement. MCDOT needs visibility improvements with selective tree trimming to obtain adequate sight distance at the driveway entrance in its current location. The use of a shared driveway by the proposed lots will not be detrimental to future subdivision of adjacent lands because the majority of the surrounding properties are developed and will require no new roads for access. The aforementioned property at 12620 Travilah Road has sufficient area to potentially be subdivided into two lots. This property has sufficient frontage on Travilah Road to meet zoning frontage requirements and there is a reasonable expectation that access to Travilah Road could be provided to a subdivision of this property with its own driveway. No new public road would be required for the subdivision of this property.

Staff believes that the proper findings are made to allow the Planning Board to approve two lots without frontage on the private driveway.

#### Lot Configuration

Staff recommends that the length of the current 20-foot wide pipe stem be shown on the certified Preliminary Plan and subsequent record plat as an outlot, separate from the two lots. The submitted Preliminary Plan shows that the length of the pipe stem will be split and evenly divided between the two lots. While there is no definitive regulation that dictates how ownership of the pipe stem should be created, it would be the least desirable option to split the ownership of the pipe stem, thereby creating two lots with some frontage, but not enough to meet the zoning requirement of 25 feet.

By placing the pipe stem on an outlot, the two lots would have no frontage as 50-29(a)(2) specifies. The outlot would be a separate taxable entity that could be owned by one or both property owners or a small homeowners association created to address the long term maintenance of the driveway. Because the property at 12620 Travilah Road has certain deeded rights and obligations to use and maintain the driveway, this issue will have to be addressed by the Applicant in any future ingress and egress easement established over the driveway.

The proposed lots size, width, shape and orientation are appropriate for the location of the subdivision. Based on a review of the local area development map, figure 1, the lots are comparable in size, width, shape and orientation to existing properties surrounding the Subject Property.

The lots were reviewed for compliance with the dimensional requirements for the RE-2 zone as specified in the Zoning Ordinance. With the Planning Board's finding that two lots without frontage are acceptable for this Application, the lots as proposed meet all of the dimensional requirements for area, width, and setbacks in that zone. A summary of this review is included in Table 1.

**Table 1: Preliminary Plan Data Table for RE-2 zone**

| <b>PLAN DATA</b>                   | <b>Zoning Ordinance Development Standard</b> | <b>Proposed for Approval by the Preliminary Plan</b> |
|------------------------------------|--|--|
| Minimum Lot Area                   | 87,120 sq. ft.                               | 199,258 sq. ft. minimum                              |
| Lot Width                          | 150 ft.                                      | 315 ft. minimum                                      |
| Lot Frontage                       | 25 ft.                                       | 0 ft.  |
| Setbacks                           |  |  |
|                                    | Front  | 50 ft. Min.  |
|                                    | Side   | 17 ft. Min./ 35 ft. total                            |
|                                    | Rear   | 35 ft. Min.  |
| Maximum Residential Dwelling Units | 4 dwelling units                             | 2 dwelling units                                     |
| MPDUs                              | N/A  | N/A  |
| TDRs                               | N/A  | N/A  |
| Site Plan Required                 | N/A  | N/A  |

<sup>†</sup> As determined by MCDPS at the time of building permit.

**Citizen Correspondence and Issues**

The Applicant notified adjacent and confronting property owners of the pre-submission meeting, as required, held on April 30, 2012 from 6 p.m. to 8 p.m. in the Travilah Elementary School, 13801 Dufief Mill Road. One person attended the pre-submission meeting. To date, staff has not received any correspondence regarding the Application.

**CONCLUSION**

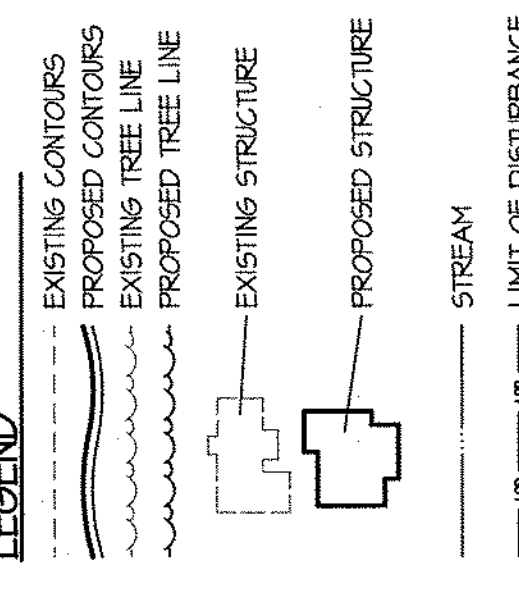
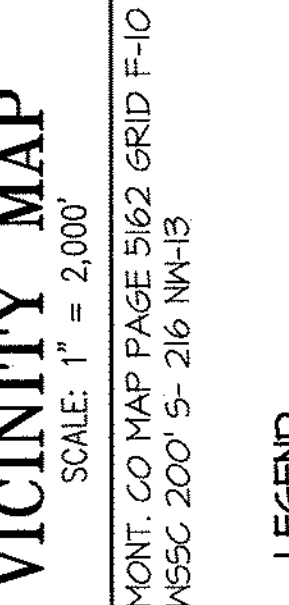
The Application meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the 2002 Potomac Subregion Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the Application was reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the Application with the conditions specified above is recommended.

**Attachments**

- Attachment A – Proposed Development Plan
- Attachment B – Agency Correspondence
- Attachment C – Preliminary Forest Conservation Plan
- Attachment D – Arborist’s Letter
- Attachment E – Stormwater Management Concept Request

**GENERAL NOTES**

1. BOUNDARY INFORMATION: GUTSCHICK, LITTLE & WEBER, P.A., JULY 2011.
2. FIELD RAIN TOPOGRAPHY: GUTSCHICK, LITTLE & WEBER, P.A., JULY 2011.
3. THE SITE IS LOCATED IN THE MIDDY BRANCH WATERSHED USE CLASS 1P.
4. EXISTING WATER & SEWER CATEGORIES: M-6 & S-6. LOTS TO BE SERVED BY PRIVATE WELLS AND PRIVATE SEPTIC SYSTEMS.
5. UNDESIGNED BY: GUTSCHICK, LITTLE & WEBER, P.A., APPROVED 04/20/2010 DATED OCTOBER 14, 2011.
6. THIS PROPERTY WILL BE SUBJECT TO A FOREST CONSERVATION PLAN.
7. DEVELOPMENT PROGRAM: THIS PLAN WILL BE DEVELOPED IN ONE PHASE.
8. THERE ARE NO KNOWN HISTORIC SITES ON THIS PROPERTY.
9. THERE ARE NO KNOWN RARE, THREATENED OR ENDANGERED SPECIES OCCURRING ON THIS PROPERTY.
10. THIS PROPERTY WILL PRODUCE LESS THAN 30 PEAK HOUR TRIPS. NO TRAFFIC STUDY IS REQUIRED.
11. ALL UTILITIES ARE CONCEPTUAL AND SUBJECT TO CHANGE. SEE APPROPRIATE APPROVED FINAL UTILITY CONSTRUCTION PLANS.
12. HOUSE LOCATIONS, FOOTPRINTS, ORIENTATION AND FINISH GRADING ARE ILLUSTRATIVE AND WILL BE FINALIZED AT THE TIME OF BUILDING PERMIT BASED ON THE BUILDING STANDARDS ESTABLISHED IN THE RE-2 ZONE.
13. DEMOLITION INSTRUCTIONS:
  - A. AREAS WITHIN CRITICAL ROOT ZONES (SHOWN ON PLAN OF SPECIMEN TREES 60" DBH OR LARGER) SPECIAL CARE IS REQUIRED WHEN REMOVING EXISTING HOUSE DRIVEWAY, AND OUT BUILDINGS. A REACH IN TO LIFT OUT OR DRAG DEBRIS OUT. CARE WILL BE TAKEN TO MINIMIZE DISTURBANCE THAT COULD BE USED BY DIGGING OR EXCAVATING SOIL WITHIN THE CRITICAL ROOT ZONE WHERE A TREE IS LOCATED. ALL CRITICAL ROOT ZONES SHALL BE MAINTAINED AND THE STRUCTURE WITH HAVE TO BE REMOVED WITH HAND TOOLS AND CARRIED OUT OF THE TREE CRITICAL ROOT ZONE SUCH AS TREE #1.

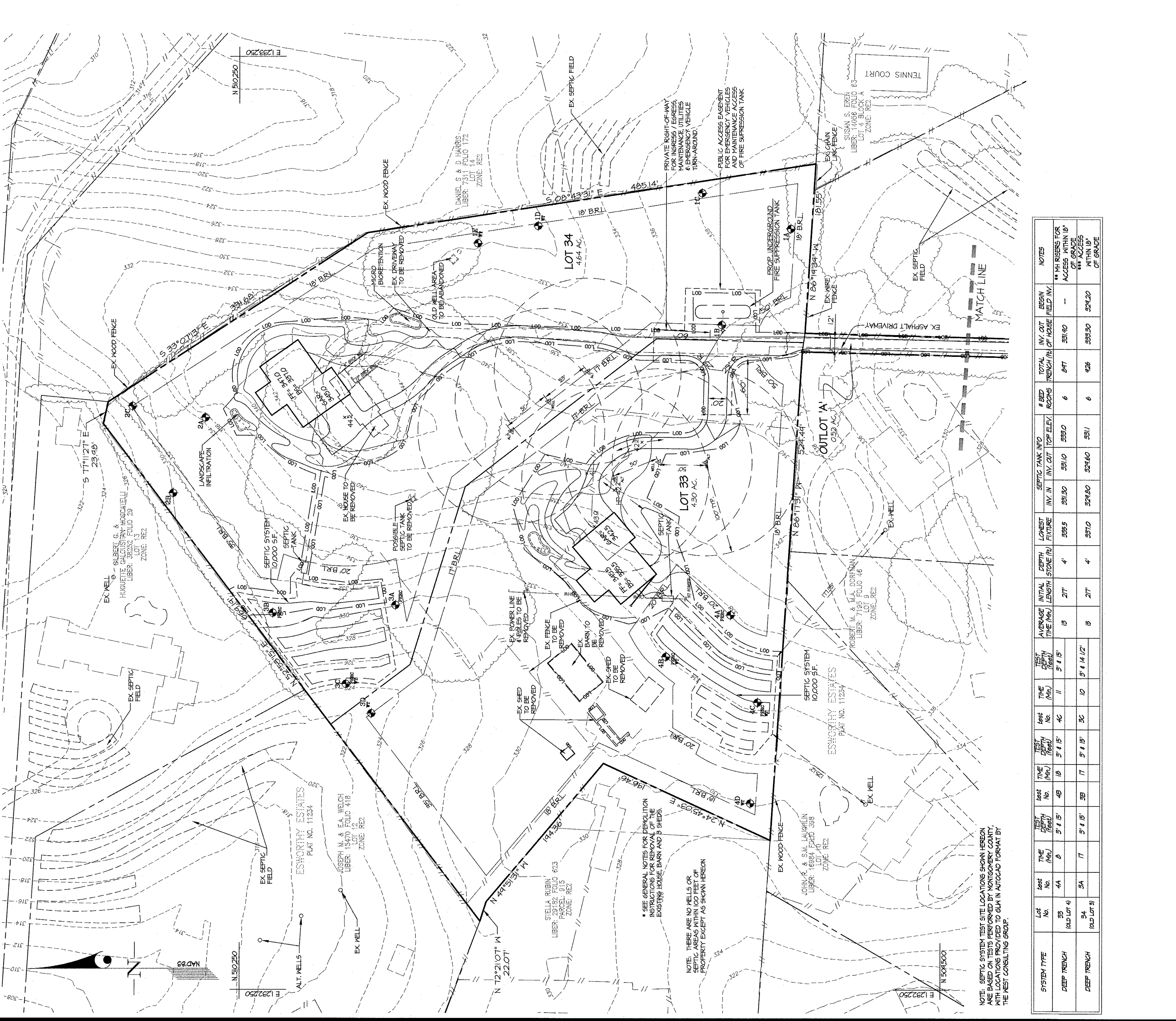
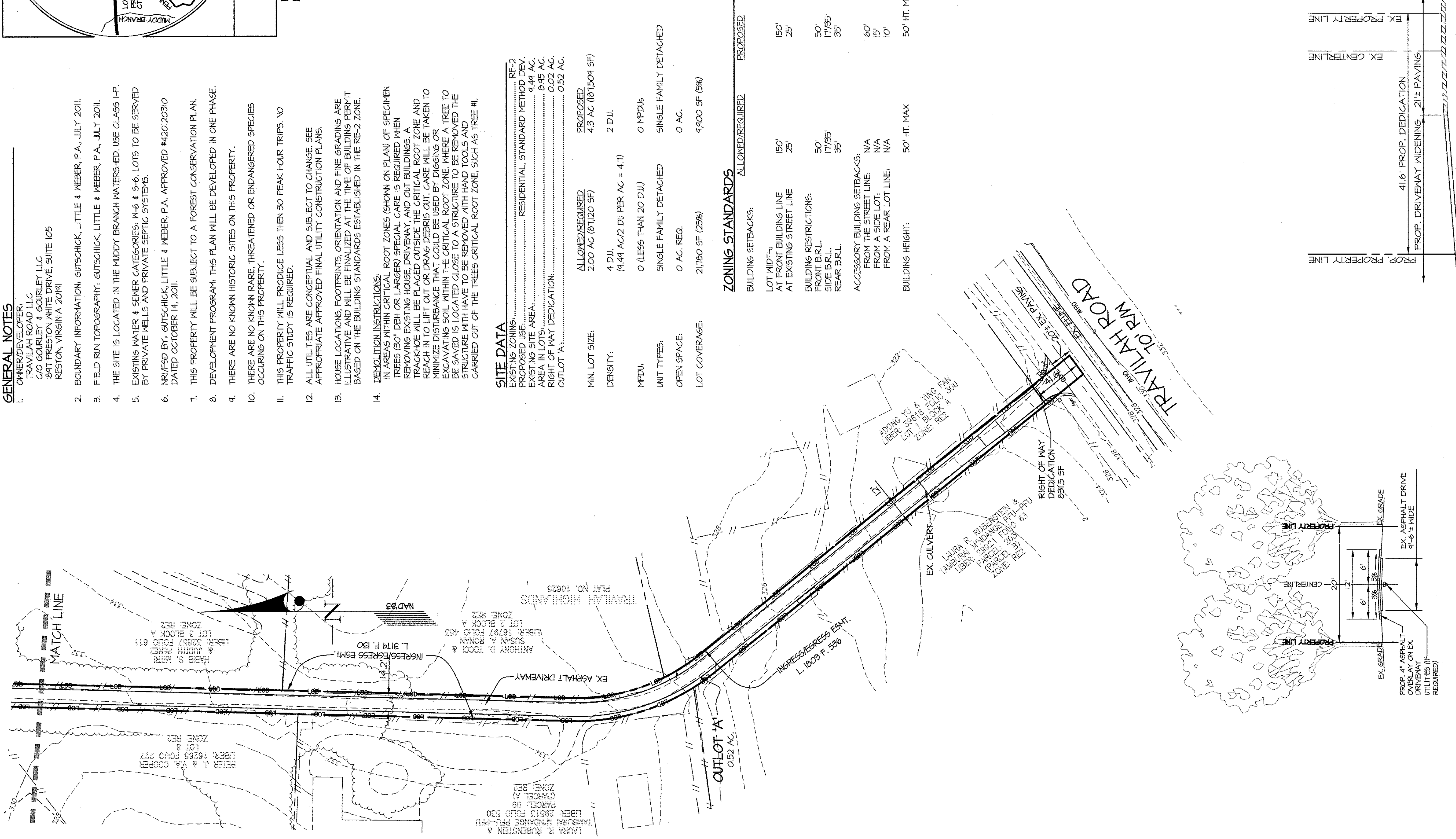


**SITE DATA**

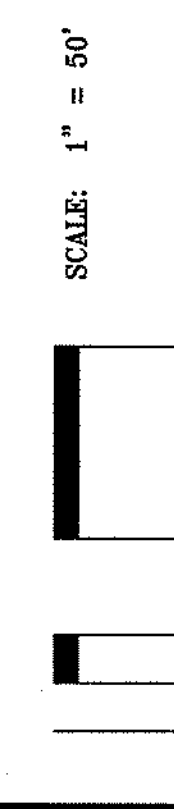
|                          |  |
|--------------------------|--|
| EXISTING ZONING:         | RESIDENTIAL - STANDARD METHOD (RE-2)                     |
| EXISTING SITE AREA:      | 9.41 AC.   |
| AREA IN LOTS:            | 8.46 AC.   |
| RIGHT OF WAY DEDICATION: | 0.02 AC.   |
| OUTLOT 'A':              | 0.92 AC.   |
| MIN. LOT SIZE:           | ALLOWED/REQUIRED: 200 AC (81,200 SF) / 43 AC (18,700 SF) |
| DENSITY:                 | 4 DU / (9.44 AC/2 DU PER AC = 4.7)                       |
| MFD/6:                   | 0 (LESS THAN 20 DU)                                      |
| UNIT TYPES:              | SINGLE FAMILY DETACHED                                   |
| OPEN SPACE:              | 0 AC. REQ.   |
| LOT COVERAGE:            | 21,180 SF (22%) / 46,600 SF (50%)                        |

**ZONING STANDARDS**

| ALLOWED/REQUIRED             | PROPOSED    |
|------------------------------|-------------|
| BUILDING SETBACKS:           |             |
| LOT WIDTH:                   | 150'        |
| AT FRONT BUILDING LINE:      | 25'         |
| AT EXISTING STREET LINE:     | 25'         |
| BUILDING RESTRICTIONS:       |             |
| FRONT B.R.L.:                | 50'         |
| REAR B.R.L.:                 | 35'         |
| ACCESSORY BUILDING SETBACKS: |             |
| FROM THE STREET LINE:        | N/A         |
| FROM A REAR LOT LINE:        | N/A         |
| BUILDING HEIGHT:             | 50' HT. MAX |



| SYSTEM TYPE | LOT NO. | TIME (Min) | DEPTH (ft) | INCH (Inch) | AVERAGE INITIAL TIME (Min) | DEPTH (ft) | INCH (Inch) | LOWEST INITIAL TIME (Min) | SEPTIC TANK INCH (Inch) | INCH (Inch) | INCH (Inch) | INCH (Inch) | # BED ROOMS | TOTAL PREDICTED HOSE FIELD IN. | INV. OUT. | INCH (Inch) | NOTES   |
|-------------|---------|------------|------------|-------------|----------------------------|------------|-------------|---------------------------|-------------------------|-------------|-------------|-------------|-------------|--------------------------------|-----------|-------------|---|
| DEEP TRENCH | 33      | 4          | 3'         | 1 1/2"      | 5                          | 4'         | 385.0       | 385.0                     | 38.0                    | 38.0        | 38.0        | 38.0        | 6           | 871                            | 581.40    | ---         | NO RESES FOR ACCESS WITHIN 10' OF GRADE WITHIN 10' OF GRADE |
| DEEP TRENCH | 34      | 7          | 3'         | 1 1/2"      | 5                          | 4'         | 387.0       | 387.0                     | 37.60                   | 37.60       | 37.60       | 37.60       | 6           | 426                            | 588.90    | 524.20      | NO RESES FOR ACCESS WITHIN 10' OF GRADE WITHIN 10' OF GRADE |



**PROFESSIONAL CERTIFICATION**

I hereby certify that to the best of my knowledge, information and belief that the plan shown herein is true and correct. It has been prepared in accordance with the Subdivision Regulations of Montgomery County, Maryland, and the boundary has been field verified. I hereby certify that these plans were prepared or approved by me and I am a duly Licensed Professional Engineer under the laws of the State of Maryland.

License No. 12464  
Expiration Date: May 28, 2019

*David L. Hill*  
Professional Engineer  
Gutshick, Little & Weber, P.A.

|            |  |       |
|------------|--|-------|
| DATE       | BY   | APPR. |
| 05-14-2013 | REMOVED TO ADD OUTLOT 'A'                                | RLG   |
| 09-11-2012 | REMOVED BUMP OUTS ALONG DRIVE PER FIRE MARSHALL COMMENTS | JRS   |
|            |  | KAF   |
|            |  | APPR. |

**GLW GUTSCHICK LITTLE & WEBER, P.A.**  
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS  
3909 NATIONAL DRIVE, SUITE 200 - BETHESDA OFFICE PARK  
BETHESDA, MARYLAND 20814  
TEL: 301-471-4024 FAX: 301-471-4168  
WWW.GLWGROUP.COM

**PRELIMINARY PLAN**  
ESWORTHY ESTATES  
PARCEL 855  
LOTS 33 & 34 & OUTLOT 'A'  
L-38414.175

PREPARED FOR:  
TRAVILAH ROAD LLC  
C/O COURLEY & COURLEY LLC  
1897 PRESTON WHITE DRIVE, SUITE 105  
ASTON, MARYLAND 20884  
ATTENTION: WENDY DORRICK  
(703) 238-1900

G. L. W. FILE No. 08060  
SHEET 1 OF 1  
MONTGOMERY COUNTY, MARYLAND



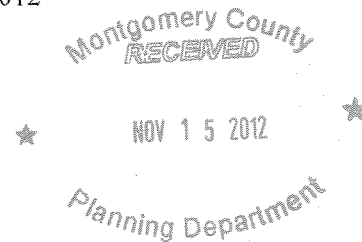
## DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

November 8, 2012

Katherine Holt, Senior Planner  
Area 3 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760



RE: Preliminary Plan No. 1-20120270  
Esworthy Estates

Dear Katherine:

We have completed our review of the preliminary plan resubmitted to us on September 6, 2012. This plan and its attachments addressed comments made by the Development Review Committee at its meeting on July 9, 2012, relating to storm drainage and sight distance. 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 the Department of Permitting Services 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. Dedicate right-of-way along Travilah Road in accordance with the master plan.
2. Sight distance exiting the existing driveway appears to be limited by a tree to the east (looking left). Prior to approval of the record plat, the applicant will need to provide selective tree trimming &/or removal to improve visibility.
3. Applicant is responsible for any impacts or relocation to existing utilities.
4. Grant necessary slope and drainage easements.
5. Planning Board waiver for lots on a private right-of-way.

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**Division of Traffic Engineering and Operations**

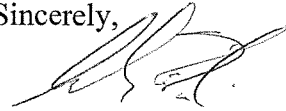
100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878  
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
trafficops@montgomerycountymd.gov



Katherine Holt  
Preliminary Plan No. 1-20120270  
November 08, 2012  
Page 2

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Andrew Bossi, our Development Review Area Engineer for this project, at [andrew.bossi@montgomerycountymd.gov](mailto:andrew.bossi@montgomerycountymd.gov) or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager  
Development Review Team

*Andrew Bossi for*

m:\correspondence\fy13\traffic\active\120120270, esworthy estates, plan ltr.doc

- cc: Michael Dropik, Travilah Rd LLC, 1897 Preston White Dr #105, Reston, VA 20191  
Kevin Foster, Gutschwick Little & Weber, 3909 National Dr #250, Burtonsville, MD 20866  
Todd Brown, Linowes & Blocher LLP, 7200 Wisconsin Ave #800, Bethesda, MD 20814  
Ki Kim; M-NCPPC Area 3  
Catherine Conlon; M-NCPPC DARC  
Preliminary Plan folder  
Preliminary Plan letters notebook
- cc-e: Atiq Panjshiri; MCDPS RWPR  
Andrew Bossi; MCDOT DTEO



DEPARTMENT OF PERMITTING SERVICES

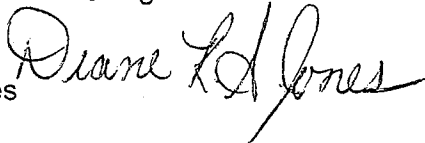
Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

MEMORANDUM

October 11, 2012

TO: Cathy Conlon  
Maryland National Capital Park and Planning Commission

FROM: Diane Schwartz Jones, Director   
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: Esworthy Estates, 120120270

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on June 4, 2012.

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.
2. The existing well and septic system on lot 34 must be properly abandoned prior to record plat approval.

If you have any questions, please contact John Hancock at 240-777-6318.

cc: Surveyor  
File



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**FIRE MARSHAL COMMENTS**

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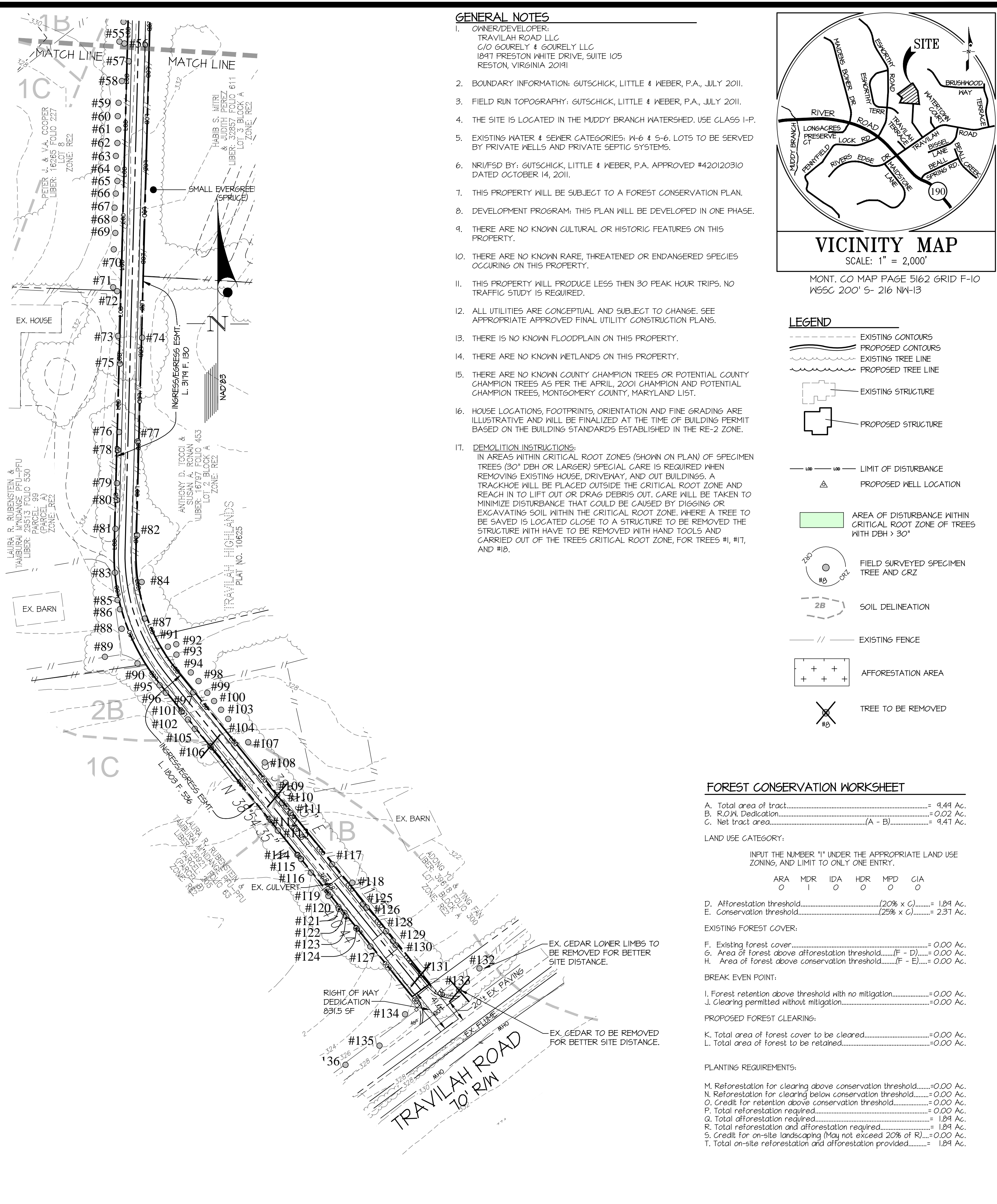
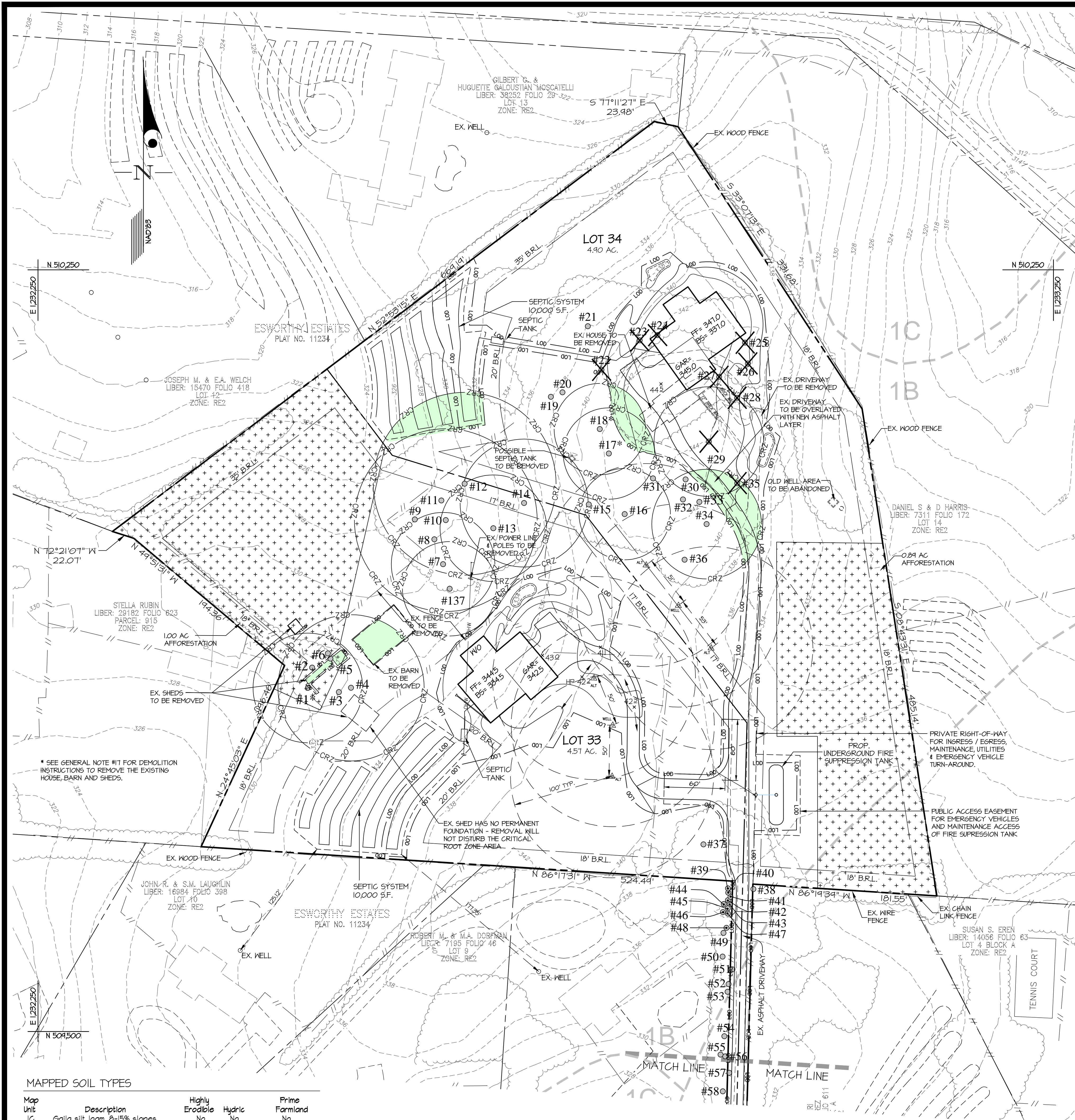
**DATE:** 05-Oct-12  
**TO:** Kevin Foster  
Gutschick Little & Weber, PA  
**FROM:** Marie LaBaw  
**RE:** Esworthy Estates  
120120270

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**PLAN APPROVED**

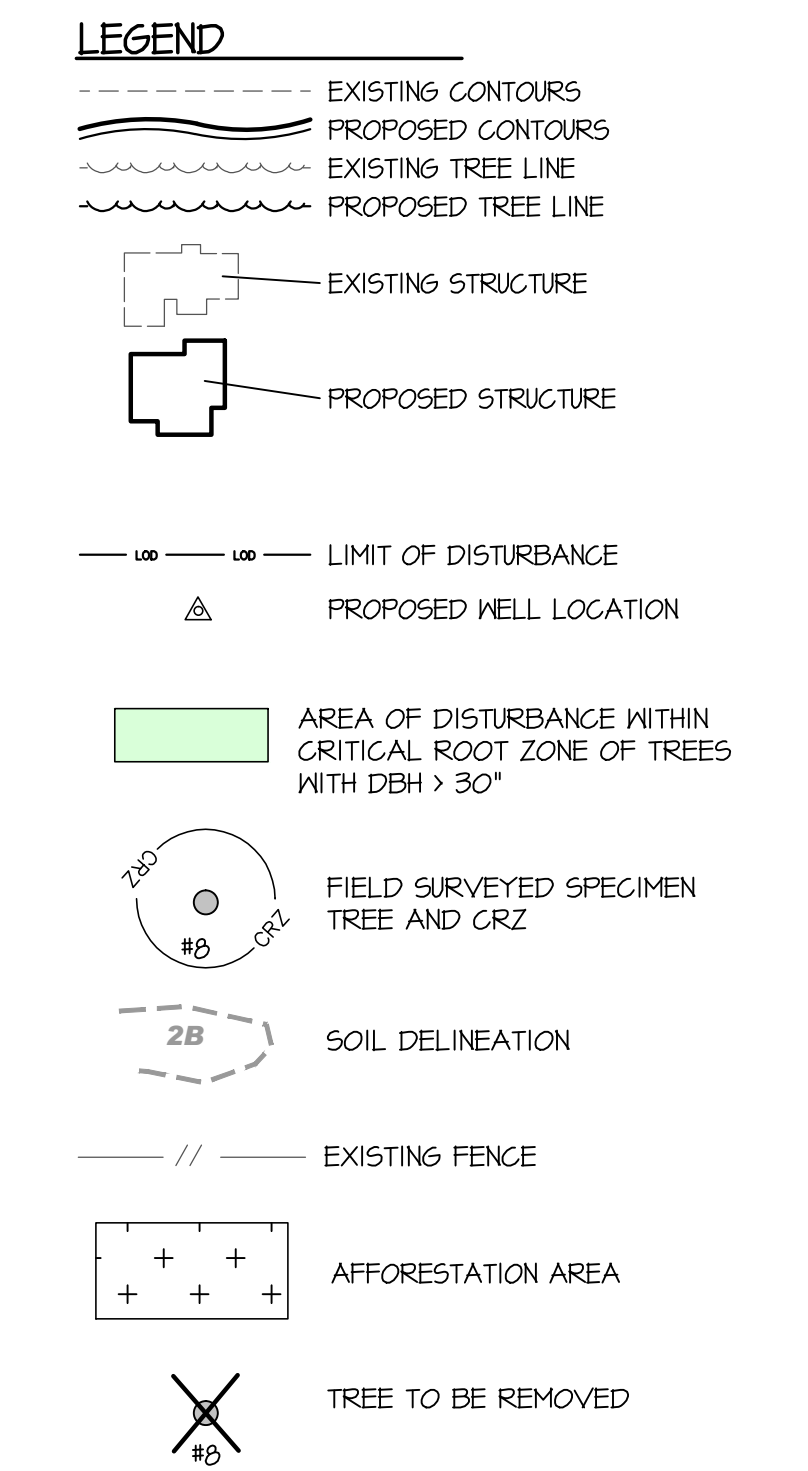
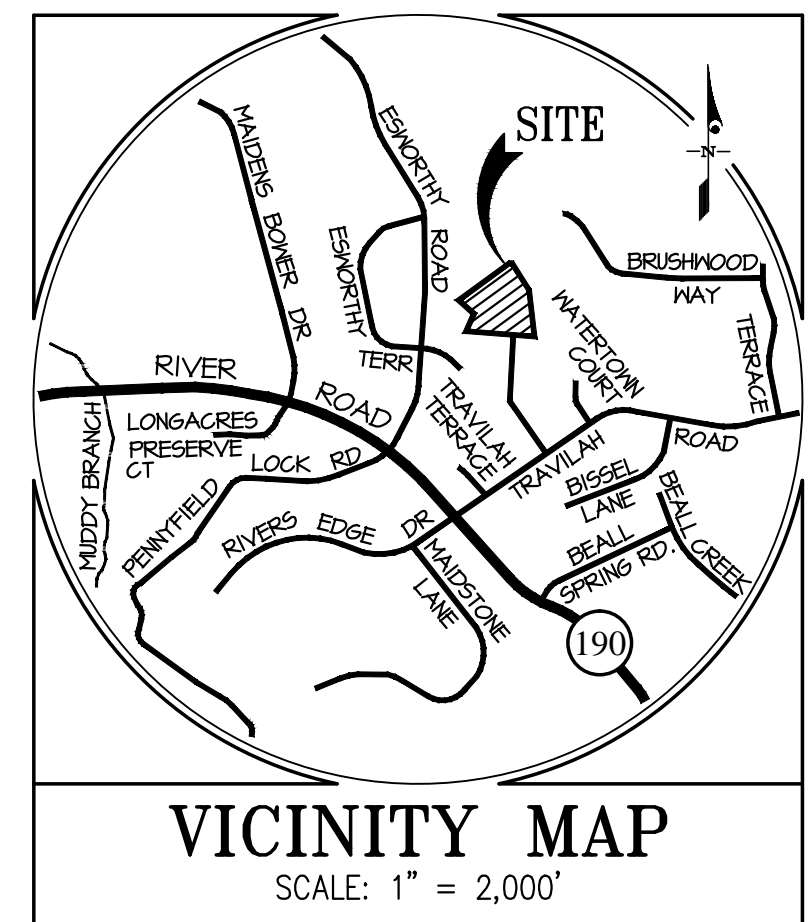
1. Review based only upon information contained on the plan submitted **05-Oct-12** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**\*\*\* Performance based review allowed 30,000 gallon water supply tank installation in lieu of prescriptive driveway access \*\*\***



**GENERAL NOTES**

- OWNER/DEVELOPER: TRAVILAH ROAD LLC C/O GOURELY & GOURELY LLC 1847 PRESTON WHITE DRIVE, SUITE 105 RESTON, VIRGINIA 20191
- BOUNDARY INFORMATION: GUTSCHICK, LITTLE & WEBER, P.A., JULY 2011.
- FIELD RUN TOPOGRAPHY: GUTSCHICK, LITTLE & WEBER, P.A., JULY 2011.
- THE SITE IS LOCATED IN THE MUDDY BRANCH WATERSHED. USE CLASS 1-P.
- EXISTING WATER & SEWER CATEGORIES: 1-P & 5-6. LOTS TO BE SERVED BY PRIVATE WELLS AND PRIVATE SEPTIC SYSTEMS.
- NR/PSD BY: GUTSCHICK, LITTLE & WEBER, P.A. APPROVED #420120310 DATED OCTOBER 14, 2011.
- THIS PROPERTY WILL BE SUBJECT TO A FOREST CONSERVATION PLAN.
- DEVELOPMENT PROGRAM: THIS PLAN WILL BE DEVELOPED IN ONE PHASE.
- THERE ARE NO KNOWN CULTURAL OR HISTORIC FEATURES ON THIS PROPERTY.
- THERE ARE NO KNOWN RARE, THREATENED OR ENDANGERED SPECIES OCCURRING ON THIS PROPERTY.
- THIS PROPERTY WILL PRODUCE LESS THAN 30 PEAK HOUR TRIPS. NO TRAFFIC STUDY IS REQUIRED.
- ALL UTILITIES ARE CONCEPTUAL AND SUBJECT TO CHANGE. SEE APPROPRIATE APPROVED FINAL UTILITY CONSTRUCTION PLANS.
- THERE IS NO KNOWN FLOODPLAIN ON THIS PROPERTY.
- THERE ARE NO KNOWN WETLANDS ON THIS PROPERTY.
- THERE ARE NO KNOWN COUNTY CHAMPION TREES OR POTENTIAL COUNTY CHAMPION TREES AS PER THE APRIL, 2001 CHAMPION AND POTENTIAL CHAMPION TREES, MONTGOMERY COUNTY, MARYLAND LIST.
- HOUSE LOCATIONS, FOOTPRINTS, ORIENTATION AND FINE GRADINGS ARE ILLUSTRATIVE AND WILL BE FINALIZED AT THE TIME OF BUILDING PERMIT BASED ON THE BUILDING STANDARDS ESTABLISHED IN THE RE-2 ZONE.
- DEMOLITION INSTRUCTIONS: IN AREAS WITHIN CRITICAL ROOT ZONES (SHOWN ON PLAN) OF SPECIMEN TREES (30" DBH OR LARGER) SPECIAL CARE IS REQUIRED WHEN REMOVING EXISTING HOUSE, DRIVEWAY, AND OUT BUILDINGS. A TRACKHOE WILL BE PLACED OUTSIDE THE CRITICAL ROOT ZONE AND REACH IN TO LIFT OUT OR DRAG DEBRIS OUT. CARE WILL BE TAKEN TO MINIMIZE DISTURBANCE THAT COULD BE CAUSED BY DIGGING OR EXCAVATING SOIL WITHIN THE CRITICAL ROOT ZONE. WHERE A TREE TO BE SAVED IS LOCATED CLOSE TO A STRUCTURE TO BE REMOVED THE STRUCTURE WILL HAVE TO BE REMOVED WITH HAND TOOLS AND CARRIED OUT OF THE TREE'S CRITICAL ROOT ZONE, FOR TREES #1, #11, AND #18.



**FOREST CONSERVATION WORKSHEET**

A. Total area of tract..... = 4.44 Ac.  
 B. R.O.W. Dedication..... = 0.02 Ac.  
 C. Net tract area..... (A - B)..... = 4.41 Ac.

LAND USE CATEGORY:  
 INPUT THE NUMBER 1\* UNDER THE APPROPRIATE LAND USE ZONING, AND LIMIT TO ONLY ONE ENTRY.

|     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|
| ARA | MER | IDA | HER | MPD | CIA |
| 0   | 0   | 0   | 0   | 0   | 0   |

D. Afforestation threshold..... (20% x C)..... = 1.84 Ac.  
 E. Conservation threshold..... (25% x C)..... = 2.31 Ac.

EXISTING FOREST COVER:  
 F. Existing forest cover..... = 0.00 Ac.  
 G. Area of forest above afforestation threshold..... (F - D)..... = 0.00 Ac.  
 H. Area of forest above conservation threshold..... (F - E)..... = 0.00 Ac.

BREAK EVEN POINT:  
 I. Forest retention above threshold with no mitigation..... = 0.00 Ac.  
 J. Clearing permitted without mitigation..... = 0.00 Ac.

PROPOSED FOREST CLEARING:  
 K. Total area of forest cover to be cleared..... = 0.00 Ac.  
 L. Total area of forest to be retained..... = 0.00 Ac.

PLANTING REQUIREMENTS:  
 M. Reforestation for clearing above conservation threshold..... = 0.00 Ac.  
 N. Reforestation for clearing below conservation threshold..... = 0.00 Ac.  
 O. Credits for retention above conservation threshold..... = 0.00 Ac.  
 P. Total reforestation required..... = 0.00 Ac.  
 Q. Total afforestation required..... = 1.84 Ac.  
 R. Total reforestation and afforestation required..... = 1.84 Ac.  
 S. Credit for on-site landscaping (May not exceed 20% of R)..... = 0.00 Ac.  
 T. Total on-site reforestation and afforestation provided..... = 1.84 Ac.

**MAPPED SOIL TYPES**

| Map Unit | Description                   | Highly Erodible | Hydric | Prime Farmland |
|----------|-------------------------------|-----------------|--------|----------------|
| 1C       | Galla silt loam, 2-15% slopes | No              | No     | No             |
| 1B       | Galla silt loam, 3-8% slopes  | No              | No     | Yes            |
| 2B       | Glenig silt loam, 3-8% slopes | No              | No     | Yes            |

**AREA TABULATIONS**

|                                 | AREA     | FOREST   |
|---------------------------------|----------|----------|
| SITE AREA                       | 4.44 Ac. | 0.00 Ac. |
| STREAM BUFFER                   | 0.00 Ac. | 0.00 Ac. |
| 100-YR FLOODPLAIN               | 0.00 Ac. | 0.00 Ac. |
| WETLANDS                        | 0.00 Ac. | 0.00 Ac. |
| WETLANDS BUFFER                 | 0.00 Ac. | 0.00 Ac. |
| INTERMITTENT & PERENNIAL STREAM | 0 L.F.   | 0 L.F.   |

**FOREST CONSERVATION STATISTICS**

|   | Total | Retain | Clear | Plant |
|---|-------|--------|-------|-------|
| Acreage of forest within Wetlands           | 0.00  | 0.00   | 0.00  | 0.00  |
| Acreage of forest within Waters of the U.S. | 0.00  | 0.00   | 0.00  | 0.00  |
| Acreage of forest within 100 yr Floodplain  | 0.00  | 0.00   | 0.00  | 0.00  |
| Acreage of forest within Stream Buffer      | 0.00  | 0.00   | 0.00  | 0.00  |
| Acreage of forest within Priority areas     | 0.00  | 0.00   | 0.00  | 0.00  |

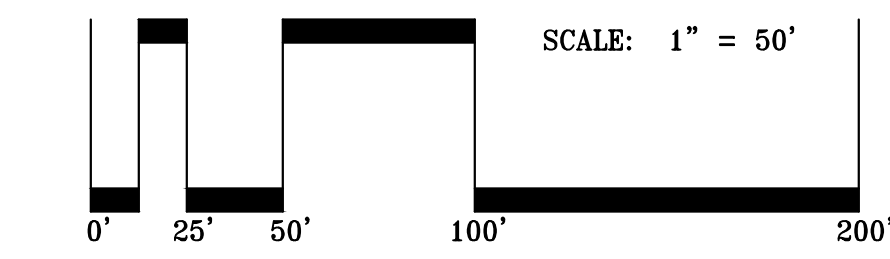
**SITE DATA**

|                          |                   |
|--------------------------|-------------------|
| Existing Site Area:      | 4.44 Ac.          |
| Right of Way Dedication: | 0.02 Ac.          |
| Existing Zoning:         | RE-2              |
| Development Method:      | Standard          |
| Tax Map/Parcel:          | ER-341 Parcel 855 |
| WESC Map Grid:           | 211N13            |
| Liber/Folio Reference:   | 38414/13          |

**SPECIMEN TREE LIST FOR TREES REQUIRING A FOREST CONSERVATION VARIANCE**

| No. | Common Name    | Species Name      | DBH (in) | Condition | Location | Disposition   | CRZ Area (SF) | CRZ Impact (SF) | CRZ Impacts (%) |
|-----|----------------|-------------------|----------|-----------|----------|---------------|---------------|-----------------|-----------------|
| 1   | SILVER MAPLE   | ACER SACCHARINUM  | 36"      | GOOD      | ON-SITE  | TO BE SAVED   | 4161          | 300             | 3               |
| 4   | SILVER MAPLE   | ACER SACCHARINUM  | 48"      | GOOD      | ON-SITE  | TO BE SAVED   | 16,286        | 1,411           | 9               |
| 12  | SILVER MAPLE   | ACER SACCHARINUM  | 60"      | FAIR      | ON-SITE  | TO BE SAVED   | 25,441        | 2,840           | 11              |
| 17  | SUGAR MAPLE    | ACER SACCHARINUM  | 30"      | FAIR      | ON-SITE  | TO BE SAVED   | 6,362         | 1,065           | 17              |
| 18  | SUGAR MAPLE    | ACER SACCHARINUM  | 30"      | POOR      | ON-SITE  | TO BE SAVED   | 6,362         | 1,456           | 23              |
| 24  | SLIPPERY ELM   | ULMUS RUBRA       | 36"      | POOR      | ON-SITE  | TO BE REMOVED | 4,148         | 4,148           | 100             |
| 34  | AMERICAN BEECH | FAGUS GRANDIFOLIA | 36"      | GOOD      | ON-SITE  | TO BE SAVED   | 4,161         | 2,162           | 30              |

**GLWGUTSCHICK LITTLE & WEBER, P.A.**  
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS  
 3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK  
 BURTONSVILLE, MARYLAND 20866  
 TEL: 301-421-4024 FAX: 301-421-4186



PREPARED FOR:  
 TRAVILAH ROAD LLC  
 C/O GOURELY & GOURELY LLC  
 1897 PRESTON WHITE DRIVE, SUITE 105  
 RESTON, VIRGINIA 20191  
 ATTN: MR. MIKE DROPIK  
 (703) 230-1900

| SCALE       | ZONING         |
|-------------|----------------|
| 1"=50'      | RE-2           |
| DATE        | TAX MAP - GRID |
| SEPT., 2011 | ER-341         |

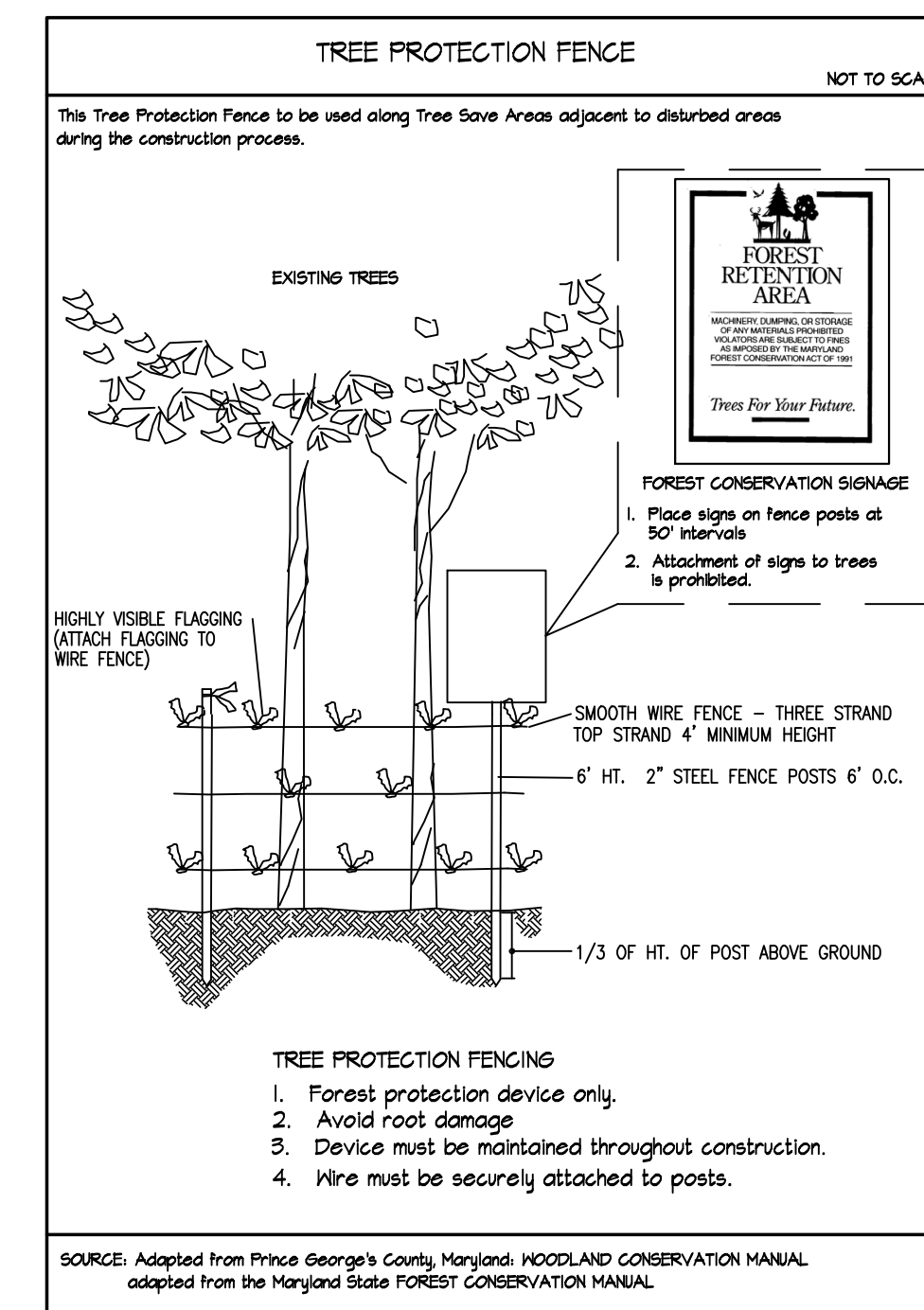
| PRELIMINARY FOREST CONSERVATION PLAN                              |  | G. L. W. FILE NO. |
|---|--|-------------------|
| ESWORTHY ESTATES<br>PARCEL 855<br>LOTS 33 & 34<br>L. 38414 F. 173 |  | 08060             |
| DARNESTOWN ELECTION DISTRICT NO. 06                               |  | SHEET             |
| MONTGOMERY COUNTY, MARYLAND                                       |  | 1 OF 2            |

SPECIMEN/SIGNIFICANT TREE LIST

| No. | Common Name       | Species Name          | DBH (in.) | Condition         | Disposition   |
|-----|-------------------|-----------------------|-----------|-------------------|---------------|
| 1   | SILVER MAPLE      | ACER SACCHARINUM      | 36        | GOOD              | TO BE SAVED   |
| 2   | SILVER MAPLE      | ACER SACCHARINUM      | 24        | GOOD              | TO BE SAVED   |
| 3   | SILVER MAPLE      | ACER SACCHARINUM      | 28        | GOOD              | TO BE SAVED   |
| 4   | SILVER MAPLE      | ACER SACCHARINUM      | 48        | GOOD              | TO BE SAVED   |
| 6   | SILVER MAPLE      | ACER SACCHARINUM      | 27        | FAIR              | TO BE SAVED   |
| 7   | RED MAPLE         | ACER RUBRUM           | 34        | FAIR              | TO BE SAVED   |
| 8   | SILVER MAPLE      | ACER SACCHARINUM      | 30        | FAIR              | TO BE SAVED   |
| 4   | SILVER MAPLE      | ACER SACCHARINUM      | 21, 24    | GOOD              | TO BE SAVED   |
| 10  | SILVER MAPLE      | ACER SACCHARINUM      | 60        | GOOD              | TO BE SAVED   |
| 11  | SILVER MAPLE      | ACER SACCHARINUM      | 24        | GOOD              | TO BE SAVED   |
| 12  | SILVER MAPLE      | ACER SACCHARINUM      | 60        | FAIR              | TO BE SAVED   |
| 13  | SILVER MAPLE      | ACER SACCHARINUM      | 35        | GOOD              | TO BE SAVED   |
| 14  | SILVER MAPLE      | ACER SACCHARINUM      | 42        | GOOD              | TO BE SAVED   |
| 15  | SILVER MAPLE      | ACER SACCHARINUM      | 24        | GOOD              | TO BE SAVED   |
| 16  | SILVER MAPLE      | ACER SACCHARINUM      | 30        | FAIR              | TO BE SAVED   |
| 17  | SUGAR MAPLE       | ACER SACCHARINUM      | 30        | FAIR              | TO BE SAVED   |
| 18  | SUGAR MAPLE       | ACER SACCHARINUM      | 30        | POOR-CROWN DAMAGE | TO BE SAVED   |
| 19  | TREE-OF-HEAVEN    | AILANTHUS ALTISSIMA   | 27        | GOOD              | TO BE SAVED   |
| 20  | SASSAFRAS         | SASSAFRAS ALBIDUM     | 24        | FAIR              | TO BE SAVED   |
| 21  | SILVER MAPLE      | ACER SACCHARINUM      | 25        | GOOD              | TO BE SAVED   |
| 22  | PIN OAK           | QUERCUS PALUSTRIS     | 22, 26    | POOR              | TO BE REMOVED |
| 23  | AMERICAN BEECH    | FAGUS GRANDIFOLIA     | 24        | GOOD              | TO BE REMOVED |
| 24  | STYCAMORE         | PLATANUS OCCIDENTALIS | 24        | GOOD              | TO BE REMOVED |
| 25  | AMERICAN BEECH    | FAGUS GRANDIFOLIA     | 27        | GOOD              | TO BE REMOVED |
| 26  | SLIPPERY ELM      | ULMUS RUBRA           | 24        | FAIR              | TO BE REMOVED |
| 27  | SLIPPERY ELM      | ULMUS RUBRA           | 26        | POOR              | TO BE REMOVED |
| 28  | SLIPPERY ELM      | ULMUS RUBRA           | 24        | POOR              | TO BE REMOVED |
| 24  | SLIPPERY ELM      | ULMUS RUBRA           | 36        | POOR              | TO BE REMOVED |
| 30  | AMERICAN BEECH    | FAGUS GRANDIFOLIA     | 28        | GOOD              | TO BE SAVED   |
| 31  | AMERICAN BEECH    | FAGUS GRANDIFOLIA     | 28        | GOOD              | TO BE SAVED   |
| 32  | WHITE PINE        | PINUS STROBUS         | 27.5      | GOOD              | TO BE SAVED   |
| 33  | WHITE PINE        | PINUS STROBUS         | 27        | GOOD              | TO BE SAVED   |
| 34  | AMERICAN BEECH    | FAGUS GRANDIFOLIA     | 36        | GOOD              | TO BE SAVED   |
| 35  | AMERICAN BEECH    | FAGUS GRANDIFOLIA     | 28        | GOOD              | TO BE REMOVED |
| 36  | SILVER MAPLE      | ACER SACCHARINUM      | 24        | GOOD              | TO BE SAVED   |
| 37  | SILVER MAPLE      | ACER SACCHARINUM      | 26        | GOOD              | TO BE SAVED   |
| 72  | RED MULBERRY      | MORUS RUBRA           | 24        | FAIR-OFFSITE      | TO BE SAVED   |
| 82  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA  | 24        | POOR              | TO BE SAVED   |
| 88  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA  | 24        | FAIR-OFFSITE      | TO BE SAVED   |
| 45  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA  | 24        | FAIR              | TO BE SAVED   |
| 46  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA  | 24.5      | FAIR              | TO BE SAVED   |
| 108 | RED MAPLE         | ACER RUBRUM           | 24        | GOOD-OFFSITE      | TO BE SAVED   |
| 123 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA  | 27.5      | GOOD              | TO BE SAVED   |
| 133 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA  | 24.5      | GOOD-OFFSITE      | TO BE REMOVED |
| 137 | CHERRY            | PRUNUS SSP.           | 31        | POOR              | TO BE SAVED   |

TREE LIST

| No. | Common Name       | Species Name         | DBH (in.)  | Condition | Disposition   |
|-----|-------------------|----------------------|------------|-----------|---------------|
| 5   | SILVER MAPLE      | ACER SACCHARINUM     | 21         | GOOD      | TO BE SAVED   |
| 38  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 20         | GOOD      | TO BE SAVED   |
| 39  | WHITE PINE        | PINUS STROBUS        | 6          | GOOD      | TO BE SAVED   |
| 40  | WHITE PINE        | PINUS STROBUS        | 6          | GOOD      | TO BE SAVED   |
| 41  | WHITE PINE        | PINUS STROBUS        | 6          | GOOD      | TO BE SAVED   |
| 42  | WHITE PINE        | PINUS STROBUS        | 6          | GOOD      | TO BE SAVED   |
| 43  | WHITE PINE        | PINUS STROBUS        | 4          | GOOD      | TO BE SAVED   |
| 44  | WHITE PINE        | PINUS STROBUS        | 6          | GOOD      | TO BE SAVED   |
| 45  | WHITE PINE        | PINUS STROBUS        | 10         | GOOD      | TO BE SAVED   |
| 46  | WHITE PINE        | PINUS STROBUS        | 8          | GOOD      | TO BE SAVED   |
| 47  | WHITE PINE        | PINUS STROBUS        | 5          | GOOD      | TO BE SAVED   |
| 48  | WHITE PINE        | PINUS STROBUS        | 10         | GOOD      | TO BE SAVED   |
| 49  | WHITE PINE        | PINUS STROBUS        | 12         | GOOD      | TO BE SAVED   |
| 50  | WHITE PINE        | PINUS STROBUS        | 10         | GOOD      | TO BE SAVED   |
| 51  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 12, 16, 8  | POOR      | TO BE SAVED   |
| 52  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 7          | GOOD      | TO BE SAVED   |
| 53  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 7          | GOOD      | TO BE SAVED   |
| 54  | WHITE PINE        | PINUS STROBUS        | 8          | GOOD      | TO BE SAVED   |
| 55  | WHITE PINE        | PINUS STROBUS        | 8          | GOOD      | TO BE SAVED   |
| 56  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 9          | GOOD      | TO BE SAVED   |
| 57  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 12 THIN    | GOOD      | TO BE SAVED   |
| 58  | WHITE PINE        | PINUS STROBUS        | 4          | GOOD      | TO BE SAVED   |
| 59  | WHITE PINE        | PINUS STROBUS        | 18         | GOOD      | TO BE SAVED   |
| 60  | WHITE PINE        | PINUS STROBUS        | 15         | GOOD      | TO BE SAVED   |
| 61  | WHITE PINE        | PINUS STROBUS        | 18         | GOOD      | TO BE SAVED   |
| 62  | WHITE PINE        | PINUS STROBUS        | 15         | GOOD      | TO BE SAVED   |
| 63  | WHITE PINE        | PINUS STROBUS        | 15         | GOOD      | TO BE SAVED   |
| 64  | WHITE PINE        | PINUS STROBUS        | 12         | GOOD      | TO BE SAVED   |
| 65  | WHITE PINE        | PINUS STROBUS        | 4          | GOOD      | TO BE SAVED   |
| 66  | WHITE PINE        | PINUS STROBUS        | 15         | GOOD      | TO BE SAVED   |
| 67  | WHITE PINE        | PINUS STROBUS        | 15         | GOOD      | TO BE SAVED   |
| 68  | WHITE PINE        | PINUS STROBUS        | 15         | GOOD      | TO BE SAVED   |
| 69  | WHITE PINE        | PINUS STROBUS        | 15         | GOOD      | TO BE SAVED   |
| 70  | WHITE PINE        | PINUS STROBUS        | 15         | GOOD      | TO BE SAVED   |
| 71  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 15         | GOOD      | TO BE SAVED   |
| 73  | BLACK CHERRY      | FRUNUS SEROTINA      | 22         | GOOD      | TO BE SAVED   |
| 74  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 20         | GOOD      | TO BE SAVED   |
| 75  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 8, 10      | GOOD      | TO BE SAVED   |
| 76  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 16         | GOOD      | TO BE SAVED   |
| 77  | BLACK WALNUT      | JUGLANS NIGRA        | 4, 6, 6    | GOOD      | TO BE SAVED   |
| 78  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 14         | GOOD      | TO BE SAVED   |
| 79  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 12, 12, 10 | FAIR      | TO BE SAVED   |
| 80  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 14         | GOOD      | TO BE SAVED   |
| 81  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 12         | GOOD      | TO BE SAVED   |
| 83  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 16         | GOOD      | TO BE SAVED   |
| 84  | BLACK CHERRY      | FRUNUS SEROTINA      | 12, 10     | GOOD      | TO BE SAVED   |
| 85  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 12, 10     | GOOD      | TO BE SAVED   |
| 86  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 12         | GOOD      | TO BE SAVED   |
| 87  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 18         | POOR      | TO BE SAVED   |
| 89  | RED MULBERRY      | MORUS RUBRA          | 18         | GOOD      | TO BE SAVED   |
| 90  | RED MULBERRY      | MORUS RUBRA          | 18         | GOOD      | TO BE SAVED   |
| 91  | WHITE PINE        | PINUS STROBUS        | 18         | GOOD      | TO BE SAVED   |
| 92  | WHITE PINE        | PINUS STROBUS        | 18         | GOOD      | TO BE SAVED   |
| 93  | WHITE PINE        | PINUS STROBUS        | 18         | GOOD      | TO BE SAVED   |
| 94  | WHITE PINE        | PINUS STROBUS        | 15         | GOOD      | TO BE SAVED   |
| 97  | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 20         | GOOD      | TO BE SAVED   |
| 98  | WHITE PINE        | PINUS STROBUS        | 15         | GOOD      | TO BE SAVED   |
| 99  | WHITE PINE        | PINUS STROBUS        | 6          | GOOD      | TO BE SAVED   |
| 100 | WHITE PINE        | PINUS STROBUS        | 12         | GOOD      | TO BE SAVED   |
| 101 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 10, 4      | FAIR      | TO BE SAVED   |
| 102 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 21         | GOOD      | TO BE SAVED   |
| 103 | WHITE PINE        | PINUS STROBUS        | 20         | GOOD      | TO BE SAVED   |
| 104 | WHITE PINE        | PINUS STROBUS        | 15         | GOOD      | TO BE SAVED   |
| 105 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 12, 14     | GOOD      | TO BE SAVED   |
| 106 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 12, 18     | GOOD      | TO BE REMOVED |
| 107 | RED MAPLE         | ACER RUBRUM          | 12 (X3)    | GOOD      | TO BE SAVED   |
| 109 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 14-TWIN    | GOOD      | TO BE REMOVED |
| 110 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 16         | GOOD      | TO BE SAVED   |
| 111 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 14         | GOOD      | TO BE SAVED   |
| 112 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 10         | GOOD      | TO BE SAVED   |
| 113 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 14.5       | GOOD      | TO BE SAVED   |
| 114 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 18, 5, 6   | GOOD      | TO BE SAVED   |
| 115 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 14         | FAIR      | TO BE SAVED   |
| 116 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 22.5       | GOOD      | TO BE SAVED   |
| 117 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 18         | GOOD      | TO BE SAVED   |
| 118 | BLACK WALNUT      | JUGLANS NIGRA        | 12         | GOOD      | TO BE SAVED   |
| 119 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 18, 12     | GOOD      | TO BE SAVED   |
| 120 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 14, 6, 8   | GOOD      | TO BE SAVED   |
| 121 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 16         | GOOD      | TO BE SAVED   |
| 122 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 18         | GOOD      | TO BE SAVED   |
| 124 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 16         | GOOD      | TO BE SAVED   |
| 125 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 18         | GOOD      | TO BE SAVED   |
| 126 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 14         | GOOD      | TO BE SAVED   |
| 127 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 8          | GOOD      | TO BE SAVED   |
| 128 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 10         | GOOD      | TO BE SAVED   |
| 129 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 12         | GOOD      | TO BE SAVED   |
| 130 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 18         | FAIR      | TO BE SAVED   |
| 131 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 18, 12     | FAIR      | TO BE REMOVED |
| 132 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 20         | GOOD      | TO BE SAVED   |
| 134 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 18         | GOOD      | TO BE SAVED   |
| 135 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 20         | GOOD      | TO BE SAVED   |
| 136 | EASTERN RED CEDAR | JUNIPERUS VIRGINIANA | 20         | GOOD      | TO BE SAVED   |



FOREST CONSERVATION NOTES

- SITE IS SUBJECT TO A FINAL FOREST CONSERVATION PLAN.
- AFTER THE LIMITS OF CLEARING AND GRADING HAVE BEEN FLAGGED AND APPROVED BY MNC/FPC, AN APPROVED TREE CARE EXPERT WILL DETERMINE THE NEED FOR ROOT PRUNING, CROWN REDUCTION, AND AERATION. TREE SAVE FENCE SHALL BE INSTALLED AT THE EDGE OF THE CRITICAL ROOT ZONES OF FOREST RETENTION AREAS, TREE SAVE AREAS, AND THE INDIVIDUAL SPECIMEN TREES TO REMAIN PRIOR TO CLEARING AND GRADING AND SHALL BE MAINTAINED DURING THE ENTIRE CONSTRUCTION PHASE.
- AT THE COMPLETION OF CONSTRUCTION MNC/FPC WILL INSPECT THE SITE FOR COMPLIANCE WITH THE APPROVED FOREST CONSERVATION PLAN. IF SITE IS IN COMPLIANCE, THE INSPECTOR WILL AUTHORIZE THE REMOVAL OF ALL TEMPORARY PROTECTION DEVICES.
- NO AFFORESTATION OR REFORESTATION IS PROPOSED ON THIS SITE.
- SPECIMEN TREE LOCATIONS BASED ON FIELD SURVEY BY GUTSCHICK, LITTLE & WEBER, P.A. AND APPROVED NRI/FSD #420010460 BY G.E. FIELDER & ASSOCIATES (APPROVAL DATE SEPTEMBER 28, 2010).

**GLW** GUTSCHICK LITTLE & WEBER, P.A.  
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS  
3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK  
BURTONSVILLE, MARYLAND 20866  
TEL: 301-421-4024 FAX: 301-421-4186

|      |           |          |  |      |       |
|------|-----------|----------|--|------|-------|
| DES. | JRS       | DRN.     | JGJ  | CHK. | KAF   |
| DATE | 11.2.2012 | REVISION | RENUMBERED #136 (31" CHERRY) TO #137 TO MATCH PLAN VIEW. | BY   | APPR. |

PREPARED FOR:  
TRAVILAH ROAD LLC  
C/O GOURELY & GOURELY LLC  
1897 PRESTON WHITE DRIVE, SUITE 105  
RESTON, VIRGINIA 20191  
ATTN: MR. MIKE DROPIK  
(703) 230-1900

|       |             |
|-------|-------------|
| SCALE | NTS         |
| DATE  | SEPT., 2011 |

|                |        |
|----------------|--------|
| ZONING         | RE2    |
| TAX MAP - GRID | ER-341 |

PRELIMINARY FOREST CONSERVATION PLAN

**ESWORTHY ESTATES**  
PARCEL 855  
LOTS 33 & 34  
L. 38414 F. 173

G. L. W. FILE No.  
**08060**  
SHEET  
2 OF 2

DARNESTOWN ELECTION DISTRICT No. 06

MONTGOMERY COUNTY, MARYLAND



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Robert G. Hoyt  
Director

December 10, 2012

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

RE: Esworthy Estates - Revised, DAIC 120120270, NRI/FSD application accepted on 8/30/2011

Dear Ms. Carrier:

The County Attorney's Office has advised that Montgomery County Code Section 22A-12(b)(3) applies to any application required under Chapter 22A submitted after October 1, 2009. Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

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, I make the following findings as the result of my review:

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 criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, is not interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

Françoise Carrier  
December 10, 2012  
Page 2

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 criterion.
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 criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet 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.

In the event that revisions to the LOD are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

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, Chief



**RECEIVED**  
ATTACHMENT E  
OCT 01 2012

Gutschick, Little & Weber, P.A.

DEPARTMENT OF PERMITTING SERVICES  
September 27, 2012

Diane R. Schwartz Jones  
Director

Isiah Leggett  
County Executive  
Mr. Mark Johnston, P.E.  
Gutschick, Little & Weber, P.A.  
3909 National Drive, Suite 105  
Burtonsville, MD 20866

Re: Stormwater Management **CONCEPT** Request  
for Esworthy Estates  
Preliminary Plan #: 120120270  
SM File #: 242615  
Tract Size/Zone: 9.49 acres/ RE2  
Total Concept Area: 2.43.acres  
Lots/Block: 33 & 34  
Parcel(s): 855  
Watershed: Muddy Branch

Dear Mr. Johnston:

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 landscape infiltration, micro bioretention, rooftop disconnect and non-rooftop disconnect.

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. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
6. Landscaping for the stormwater facilities must be designed and sealed by a Landscape Architect registered in the State of Maryland.

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**.

---

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY  
www.montgomerycountymd.gov



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 William Campbell at 240-777-6345.

Sincerely,



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

RRB: tla 9/27/12

cc: C. Conlon  
SM File # 242615

|                   |      |
|-------------------|------|
| ESD Acres:        | 2.43 |
| STRUCTURAL Acres: | 0    |
| WAIVED Acres:     | 0    |