

19230 Chandlee Mill Road - Preliminary Plan No. 120120040

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Staff Report Date: June 13, 2014

Description

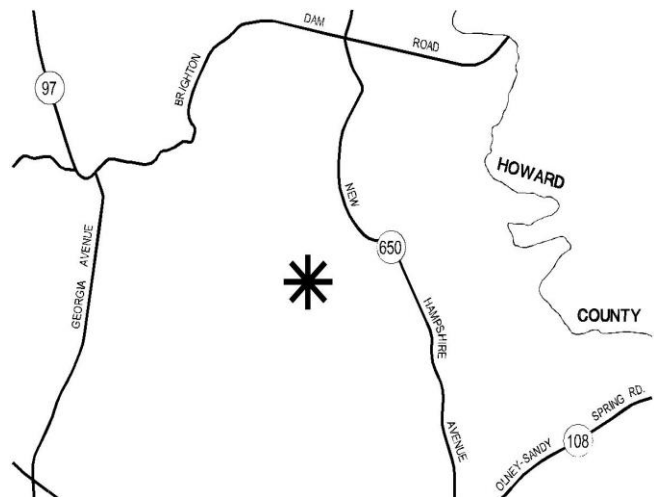
19230 Chandlee Mill Road: Preliminary Plan No. 120120040

A request for subdivision of a 4.14 acre parcel into two lots without frontage. Located at 19230 Chandlee Mill Road; zoned RE-2 in the Sandy Spring/Ashton Master Plan and Olney Policy Area.

Staff Recommendation: Approval with conditions

Applicant: Jefferson D. Lawrence

Submittal Date: August 30, 2011



Summary

- The subject property is landlocked; therefore, the staff report analyzes the required findings which the Planning Board must make to approve lots without frontage on a public street. Staff recommends approval of two lots without frontage.
- The subject property is within the Patuxent River Watershed and is subject to the impervious area limits imposed by the Patuxent Primary Management Area guidelines. The Application complies with the imperviousness limits.
- The subdivision conforms to the recommendations of the local master plan and will be adequately served by all public facilities and wells and septic systems.
- The lots comply with all applicable requirements of the Subdivision Regulations, (including lots without frontage) and meet the area and dimensional requirements of the RE-2 zone.

Staff Recommendation: Approval of two lots, subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to two residential lots.
- 2) The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan No. 120120040, received by M-NCPPC on April 24, 2014, subject to the following conditions:
 - a. Prior to recordation of the plat, the Applicant must obtain M-NCPPC approval of a Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan.
 - b. The Final Sediment Control Plan must be consistent with the final limits of disturbance shown on the Final Forest Conservation Plan.
 - c. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan.
 - d. Additional tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
 - e. The record plat must show a Category I conservation easement over all areas of forest retention and portions of the stream buffer as specified on the approved Final Forest Conservation Plan and reference the Category I conservation easement recorded at liber 13178, folio 412.
 - f. The Applicant must install permanent Category I conservation easement signage along the perimeter of all forest conservation easements as specified on the approved Final Forest Conservation Plan or as determined by the M-NCPPC forest conservation inspector.
 - g. The Final Forest Conservation Plan must indicate that Trees #8 and #27 will be flush cut with stumps to remain in place to minimize disturbance.
- 3) Prior to recordation of the plat, the Applicant must enter into an Impervious Surface Compliance Agreement with the Planning Board to limit the impervious surface to no more than ten percent (10.0%) of the entire gross tract area as shown on the Impervious Surface Exhibit dated March 11, 2014. The gross tract area includes the Subject Property and the portion of the offsite ingress/egress easement that overlaps the limits of disturbance for the Application.
- 4) Prior to release of any building permit, the Applicant must show compliance with the Impervious Surface Compliance Agreement by submitting to M-NCPPC Staff a Preconstruction Proposed Impervious Surface Summary Table. The Summary Table must provide detailed calculations of the proposed impervious areas for each lot including: driveways, rooftop area, lead sidewalk area, and proposed impervious surfaces for all fire department required features and any other impervious surface improvements included within the Subject Property's gross tract area.

5) The record plat must contain the following note:

“Initial development of the lots shown hereon is subject to an Impervious Surface Compliance Agreement with the Montgomery County Planning Board for Preliminary Plan No. 120120040.”

- 6) The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated July 24, 2012, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, 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.
- 7) Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 8) The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated July 21, 2011, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, 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.
- 9) The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Well and Septic Section included in a letter dated December 9, 2011, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as 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.
- 10) The record plat must reference the liber and folio for the offsite common ingress/egress/utility easement over the shared driveway.
- 11) The record plat must reflect the Public Safety Water Supply Easement required by the Montgomery County Department of Fire and Rescue Services (“MCFRS”).
- 12) The Adequate Public Facility review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
- 13) The record plat must reflect other easements as necessary.

PROPERTY and VICINITY DESCRIPTION (Figures 1 and 2)

The property (19230 Chandlee Mill Road) is currently identified as Parcel P403 on Tax Map JU21 and is located on the west side of Chandlee Mill Road, approximately 2,500 feet south of the intersection with Gold Mine Road, (“Property” or “Subject Property”). The 4.14 acre Subject Property is zoned RE-2 and abuts properties zoned Residential Mobile Home-200 (RMH-200) to the south and Residential Estate-2 (RE-2) to the east, north and west. In the general vicinity, the RE-2 zoned properties are developed primarily with residential uses on lot sizes that vary from 2.0 acres to those greater than 10 acres in size. Development patterns on the RMH-200 properties to the south of the Subject Property and on the west side of Chandlee Mill Road vary widely.

Chandlee Mill Road is classified as a primary street with a 70 foot wide right-of-way and two travel lanes. Chandlee Mill Road intersects with Gold Mine Road to the north and Brooke Road to the south and generally provides access for local traffic. The Subject Property is landlocked and has no direct frontage on Chandlee Mill Road which is the closest and only available public street.

The Subject Property is entirely forested with Tulip Poplar as the dominant species intermixed with Oak, Beech, Hickory and Sycamore. The Property is located in the Patuxent River Watershed and more specifically in the Hawlings River subwatershed, both which have a Use IV-P stream designations. The Hawlings River flows to the Patuxent River which in turn feeds into the Triadelphia and Rocky Gorge Reservoirs where the WSSC withdraws raw water for their water treatment plant near Burtonsville and Laurel, MD. There is one small segment of an intermittent stream within the Subject Property boundaries, and its stream buffer extends on to the Property.

Figure 1 – General Vicinity

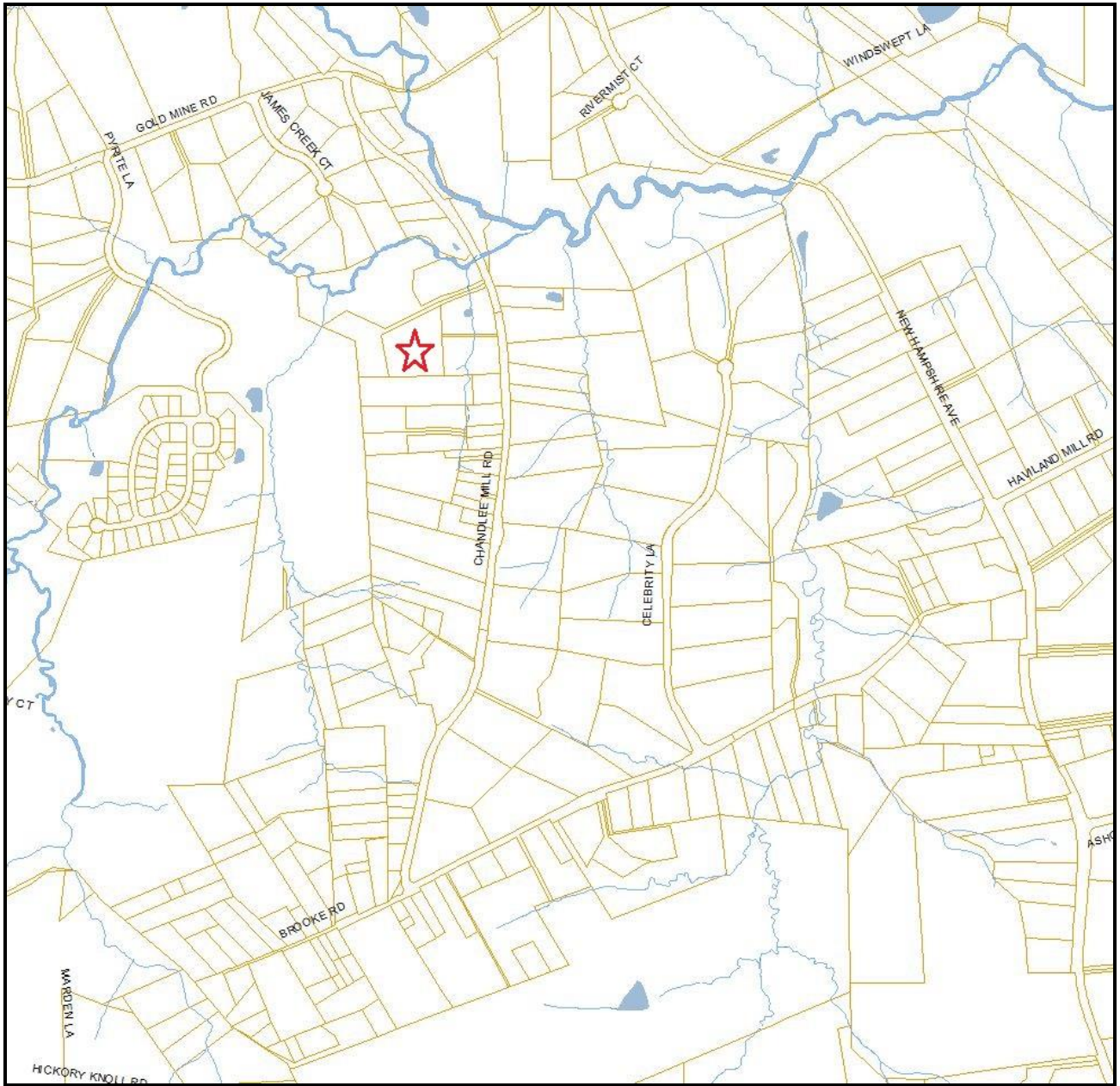


Figure 2 – Aerial



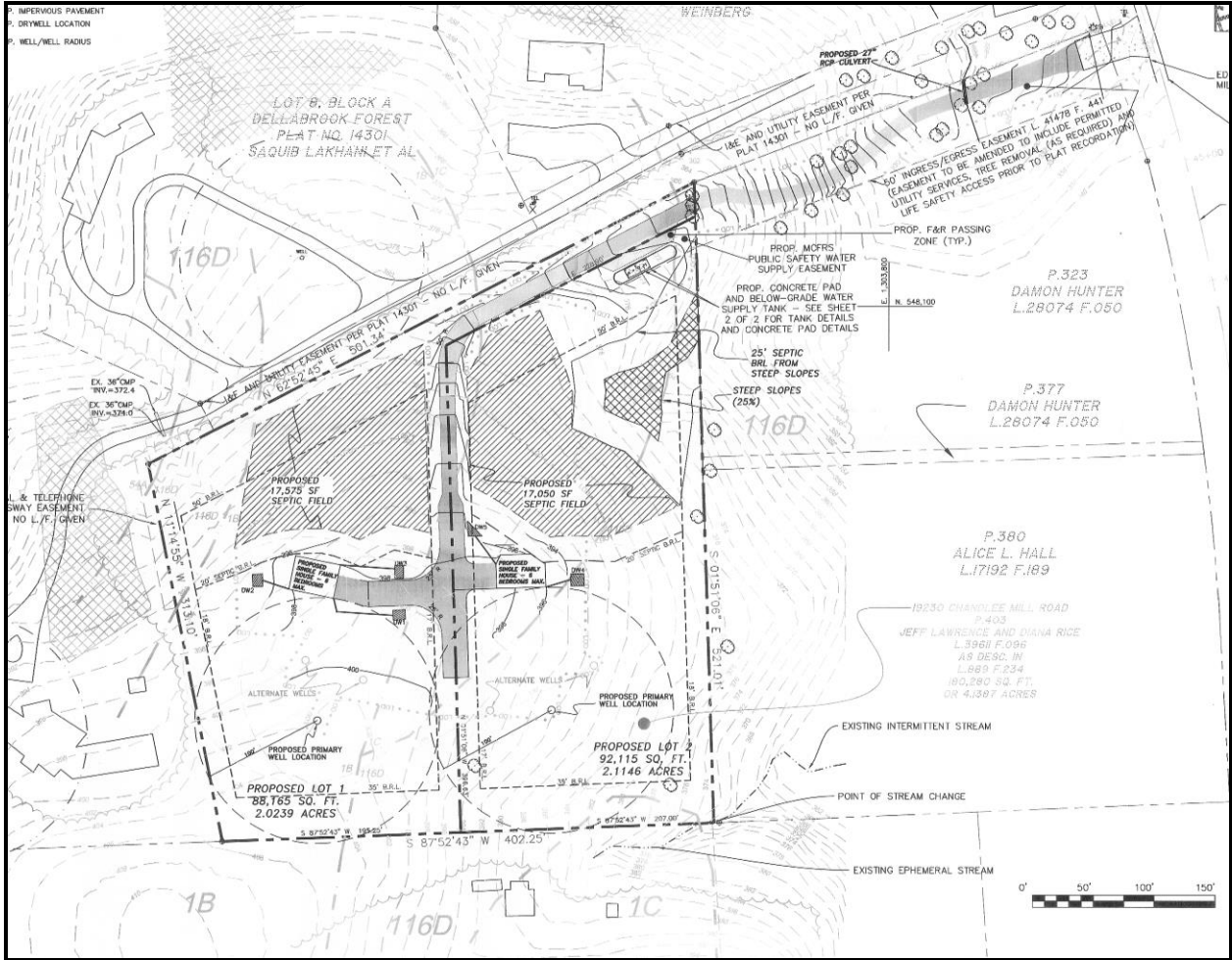
PROJECT DESCRIPTION (Figure 3)

Preliminary plan application No. 120120040, 19230 Chandlee Mill Road (“Preliminary Plan” or “Application”) is a request to subdivide the 4.14 acre Subject Property into two lots at 2.02 acres (Lot 1) and 2.11 acres (Lot 2). Each lot as shown on the Preliminary Plan drawing (Attachment 1) shows a house footprint for each lot, approved septic reserve areas, well locations, driveway, approved conceptual stormwater management features, grading and zoning setbacks. As a landlocked property, the applicant, Mr. Jeff Lawrence (“Applicant”) has secured a 50 foot wide ingress/egress easement across the neighboring property to the east in which a driveway will be constructed. The easement does not provide the lots with actual frontage on Chandlee Mill Road. The new driveway will extend from Chandlee Mill Road, across the adjoining property to the east and enter the Subject Property in the northeast corner. The driveway will not be shared with any other residences and is for the sole use of the two lots proposed under this Application.

Once the driveway enters the Property it will make a 90 degree turn to the south and run between the two approved septic reserve areas on the lots. The homes will sit rather prominently at the highest point of the Property and be situated at a higher elevation than the septic reserve areas in the front yards with the proposed wells located to the rear of the new homes. The driveway will end in a T-turnaround to accommodate MCFRS requirements for emergency apparatus.

As a new development in the Patuxent Watershed and zoned RE-2, the Application is subject to certain imperviousness limitations to address water quality impacts. The length of driveway needed to serve the home sites and the requirements of the MCFRS for operation of emergency apparatus presented issues with respect to minimizing impervious surfaces. As discussed in detail in the Environmental section of this Staff Report, Staff, the Applicant and staff of other agencies have worked together to address these issues and to bring the Application into conformance with the impervious limits.

Figure 3 – Preliminary Plan (Detail)



ANALYSIS AND FINDINGS

Subdivision Regulations

The Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application conforms to all applicable sections of this Chapter including: Master Plan Conformance, Adequacy of Public Facilities, Lot Design/Zoning and Environmental Protection, which are discussed below.

- **Master Plan**

The Application is in substantial conformance with the 1998 Sandy Spring/Ashton Master Plan ("Master Plan") because it follows the Master Plan's general guidance to maintain rural character and address septic limitations by allowing development on larger, two acre lots in the RE-2 zone. The Subject Property is located within the Brooke Road/Chandlee Mill Road Area discussed in the Master Plan on pages 40-43. The Master Plan mentions the strong kinship ties within this community and identifies several issues that affected this area including: homes on inadequate septic systems, poor soils, the affordability of homes on large lots, substandard housing and "uneven" watershed protection. The Master Plan's stated objective for this area is to, "Encourage rehabilitation and renovation of substandard housing and, particularly, of waste disposal systems." (pg. 40)

The Master Plan recommends a renewed focus on solving the waste disposal problems in the area that coincides with the RMH-200 zone which is located immediately to the south of the Subject Property. The Master Plan suggests that the RMH-200 zone is appropriate because smaller lots "may be possible since they are permitted on the higher ground of uplands and ridges where septic systems are more likely to function properly on the soils, and less likely to harm streams." The Master Plan supports public sewer as a possible solution to the public health problems and further recommended that development of the nearby Dellabrooke Property might provide such a solution or partial solution to this problem.

Other portions of the Brooke Road/Chandlee Mill Road area, including the Subject Property, are recommended for the RE-2 zone where the Master Plan suggests that, "Larger two-acre lots (RE-2 Zone) are permitted where septic systems and wells are more likely to experience problems due to severely limiting soils." The Preliminary Plan accordingly proposes two lots that meet the RE-2 zoning standards and both lots have septic disposal areas and well locations that are approved by the MCDPS – Well and Septic Section.

- **Adequate Public Facilities**

Roads and Transportation Facilities

The existing roads and transportation facilities are adequate to serve the subdivision. The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak hours; therefore, the Application is not subject to the Local Area Transportation Review. The Application also does not generate more than three vehicle trips during the morning or evening peak hour and the Application is exempt from the Transportation Policy Area Review.

The Property has no frontage along Chandlee Mill Road and cannot dedicate land for right-of-way. The Applicant is required to make a driveway apron improvement within the Chandlee Mill Road right-of-way for the new driveway in accordance with County road code standards. No sidewalks currently exist on Chandlee Mill Road and none are required for this Application. A signed, on street bike path is recommended by the Master Plan, however; this bike path project will be implemented by the County in the future. Driveway sight distance and storm drain studies were reviewed and approved by MCDOT.

Other Public Facilities and Services

The Application was reviewed by all required public service agencies and utility companies and was found to have adequate public facilities available to serve the proposed lots. The MCFRS has approved the driveway for sufficient emergency access and have recommended that a location for a water supply vault be identified on the Application. MCDPS - Water Resources Section has approved a stormwater management concept using Environmental Site Design standards. The MCDPS – Well and Septic Section has approved the necessary septic systems and well locations. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy Resolution currently in effect. Utility providers have also recommended approval finding that local service is adequate for the lots. The Application is located in the Sherwood High School cluster, which is not identified as a school moratorium area; and is not subject to a School Facilities Payment.

Stormwater Management

All stormwater management requirements have been met pursuant to Chapter 19, Article II – Stormwater Management. The Montgomery County Department of Permitting Services has approved a stormwater management concept for the proposed subdivision in a letter dated July 21, 2011. The concept consists of Environmental Site Design through the use of flow disconnection, dry wells and pervious concrete pavement.

- **Lot Design and Zoning**

Pursuant to Section 50-29 of the Subdivision Regulations, the proposed lot size, width, shape and orientation must be appropriate for the location of the subdivision, taking into consideration the recommendations of the Master Plan and the intended use. The RE-2 zone was designated by the Master Plan for the Subject Property to meet certain rural character recommendations and to allow flexibility in house locations in areas where septic suitability might be questionable. This Application complies with the RE-2 zoning standards. The lots are large and provide the ability to situate homes that work with the available soil septic suitability and well locations. The two lots proposed under this Application are appropriately dimensioned to accommodate two new homes and the required facilities to serve them.

Lots without Frontage

Section 50-29(a)(2) of the Subdivision Regulations generally requires that, *"... every lot shall abut on a street or road which has been dedicated to public use or which has attained the status of a public road."* As a Property with no physical frontage on a dedicated public street or road, the two proposed lots cannot be configured with frontage directly on Chandlee Mill Road. Section 50-29(a)(2) provides for findings that can be made by the Planning Board that allow no more than two lots without frontage and having access on a private driveway or other private right-of-way.

Section 50-29 (a)(2) provides the following language:

"The Planning 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"

The Applicant proposes two lots on a twelve foot wide, shared driveway. The MCFRS has required the Applicant to design the driveway to provide a 20 foot wide bump-out where emergency apparatus can safely pass one another on the driveway pavement and another T-turnaround in the vicinity of the house locations. The Preliminary Plan also shows an easement adjacent to the driveway where a below-grade water supply cistern can be located in accordance with MCFRS requirements. MCDOT has approved a sight distance evaluation at the proposed driveway apron on to Chandlee Mill Road. The ingress/egress easement will be amended to include rights to place utilities within the easement area. Staff has determined that the lots without frontage are not detrimental to future subdivision of adjacent lands. The Property lacks frontage and under the findings for lots without frontage, the two lots must be served by a private driveway and the driveway may only provide access to the two proposed lots. There is no ability to construct a public street either within the ingress/egress easement or on the Subject Property that would provide access to adjacent land. Because this Application affords no reasonable

possibility of access to adjacent lands either by private driveway or public road, it is therefore, not detrimental to development on adjacent lands.

Zoning Conformance

Staff also reviewed the lots for compliance with the dimensional requirements of the RE-2 zone as specified in the Zoning Ordinance. The lots will meet all dimensional requirements for area, width and frontage (subject to findings by the Planning Board). Additionally, both lots can accommodate a one-family detached dwelling within the setbacks established for the RE-2 zone. A summary of this review is included in Table 1.

Table 1 – Development Standards RE-2 Zone

PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan
Minimum Lot Area	87,120 sq. ft.	88,165 sq. ft. or larger
Lot Width at BRL	150 ft. minimum	150 ft. or wider
Lot Frontage	25 ft. minimum	0 ft. (See Frontage Findings)
Setbacks		
Front	50 ft. Min.	Must meet minimum ¹
Established Building Line	N/A	N/A
Side	17 ft. Min./35 ft. total	Must meet minimums ¹
Rear	35 ft. Min.	Must meet minimum ¹
Building Height	50 ft. Max.	Must meet maximum ¹
Lot Coverage	25% Max.	Must meet maximum ¹
Maximum Residential DU per Zoning	2	2
MPDUs	N/A	No
TDRs	N/A	No
Site Plan Required	No	No

¹ Determined by MCDPS at building permit

- **Environmental Protection**

Environmental Guidelines and the Patuxent Primary Management Area

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420110490 was approved for the Property on April 4, 2011. The NRI/FSD identified all of the required environmental features on and adjacent to the Property, as further described in the *Environmental Guidelines for Environmental Management of Development in Montgomery County* (Environmental Guidelines).

The 4.14-acre Property is entirely forested with topography that slopes from the highest elevation in the southwestern corner to the lowest in the north and east. Small areas of steep slopes ($\geq 25\%$) exist in several locations including the northwestern and southeastern corners; as well as in the proposed offsite access easement. There are no wetlands or highly erodible soils on the Property.

The Property is within the Haulings River watershed, a tributary to the Patuxent River, which is classified by the State of Maryland as Use IV-P waters. One intermittent stream crosses through the extreme southeastern tip of the Property and its associated buffer encompasses the southeastern corner of the Property. This stream flows offsite through the adjacent property to the east, where it enters an in-stream pond before continuing in a northerly direction. At this point, the tributary and its associated 100-year floodplain and stream buffer cross the existing offsite ingress/egress easement. The stream buffer for this portion of the stream includes steep slopes located on the Property.

The entire Property is located within the Patuxent River, Primary Management Area (PMA). The purpose of the PMA guidelines is to provide strategies to protect, preserve, and restore the Patuxent River and its drinking water supply reservoirs. Montgomery County's PMA protection measures are outlined in the Environmental Guidelines and are consistent with the PMA protection measures recommended in the State's, Patuxent River Policy Plan. The PMA establishes certain widths along both mainstem and tributary streams in the watershed as follows: $\frac{1}{4}$ mile (1320 feet) strips of land running along both sides of the Patuxent mainstem and $\frac{1}{8}$ mile (660 feet) strips of land running along both sides of all tributaries. Additionally in Montgomery County, the Environmental Guidelines recommend a PMA width of $\frac{1}{4}$ mile for the mainstem of the Haulings River, which is a tributary to the Patuxent River and whose watershed is almost entirely within Montgomery County. The PMA strips outlined above include the delineated stream buffer and a transition area. The transition area is the area within the PMA strips ($\frac{1}{4}$ mile or $\frac{1}{8}$ mile) that is outside of the delineated stream buffer.

The Environmental Guidelines include specific requirements for development within the PMA. To protect water quality the Environmental Guidelines recommend that the stream buffer shall remain undisturbed and that a minimum of fifty feet of the stream buffer be forested. The Application proposes to disturb approximately 0.13 acres of stream buffer area, of which 0.11 acres is forested, for the construction of a shared driveway in order to access the landlocked Property through the existing ingress/egress easement. Staff finds the encroachment into the stream buffer for purposes of access to the Property to be unavoidable because there are no other feasible means of access to the Property.

This determination does not establish a precedent. Staff has historically investigated all reasonable options to avoid disturbance to buffers while taking into consideration the impact that the decision would have on the development of a given property. In the case of this Application, the stream and its buffer separate the Subject Property from Chandlee Mill Road; the buffer must be crossed to access the Property. Use of adjacent driveways that also cross the same stream buffer was met with opposition from adjoining property owners and there are no other roads other than Chandlee Mill Road that provide feasible access. Development of the Property would be nullified if the driveway were not allowed to cross the buffer. The location of the crossing shown by the Applicant is appropriate because it abuts the cleared area for the adjacent driveway. This concentrates new forest clearing in an area already cleared which reduces further fragmentation of the forest resource. The resulting loss of forest is 0.11 acres. The remaining 0.59 acres of onsite stream buffer area associated with the stream will not be disturbed and will be protected in a Category I conservation easement.

The PMA requirements also include an overall impervious limit of ten percent within the transition area (area between the stream buffer and the PMA boundary); however, per the Environmental Guidelines, the ten percent impervious limit may be applied to the entire site rather than just the transition area if a higher level of imperviousness is desirable for purposes of maintaining community character, achieving compatibility, and/or accomplishing master plan goals. Because of the unavoidable placement of impervious driveway material within the stream buffer and outside of the transition area, Staff has determined that it is appropriate, if not necessary in this case, to apply the ten percent impervious limit to the entire site. Development of the Property on large lots also satisfies, if not accomplishes the Master Plan goal to permit residential development on large lots in areas where soil conditions are marginal for septic.

The impervious surface calculations for the Application include the onsite impervious area for the construction of the shared driveway which includes the required MCFRS access turnaround and passing zone and a proposed concrete pad for the below-grade emergency water supply tank that will eventually serve the Property as well as the surrounding community. The imperviousness calculations also include the offsite impervious area for the construction of the shared driveway through the ingress/egress easement. As demonstrated on the Applicant's Impervious Surface Area Exhibit (Attachment 2), the Application results in an impervious area of 18,952 square feet, or 9.7 percent of the gross tract area calculated over the Property plus the offsite limits of disturbance.

The Application protects sensitive environmental features of the Property in accordance with the Environmental Guidelines and Patuxent, Primary Management Area recommendations.

- **Forest Conservation**

Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Preliminary Forest Conservation Plan (FCP) was submitted with the Preliminary Plan (Attachment 3).

The Property is entirely forested and thirty-one (31) trees with a DBH of 24 inches and greater were identified on or within 100-feet of the Property; seven of these large trees are 30 inches DBH and greater. Two forest stands were identified on the Property. Approximately 65 percent of the forest located in the center of the Property was characterized as young, emerging forest dominated by one to six inch caliper tulip tree (*Liriodendron tulipifera*); this stand was designated “low” priority. The remainder of the forest is dominated by tulip tree and red oak (*Quercus rubra*); this stand was designated “high” priority due to the presence of environmentally sensitive features including streams, stream buffer, steep slopes and large and significant trees.

The Application includes a tract area of 4.50 acres of land, which includes 0.36 acres of off-site improvements for the construction of the shared driveway that will provide access to the Property. The Preliminary Forest Conservation Plan proposes to clear approximately 2.28 acres of existing forest for the construction of two homes, access driveways, septic fields, stormwater management facilities, and utilities. The remaining 2.00 acres of high priority forest, including the onsite stream buffer will be retained and protected in a Category I conservation easement. This Application does not result in a planting requirement.

Forest Conservation Variance

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

The Applicant submitted a variance request in a letter dated March 6, 2014, (revised letter dated April 4, 2014, to correct minor typographical errors) for the impacts/removal of trees (Attachment 4). The Applicant proposes to remove four (4) Protected Trees that are 30 inches and greater, DBH, and to impact, but not remove, three (3) other Protected Trees that are considered high priority for retention

under Section 22A-12(b)(3) of the County Forest Conservation Law. Details of the Protected Trees to be removed or affected but retained are shown in Tables 2 and 3 below and shown graphically in Figure 4.

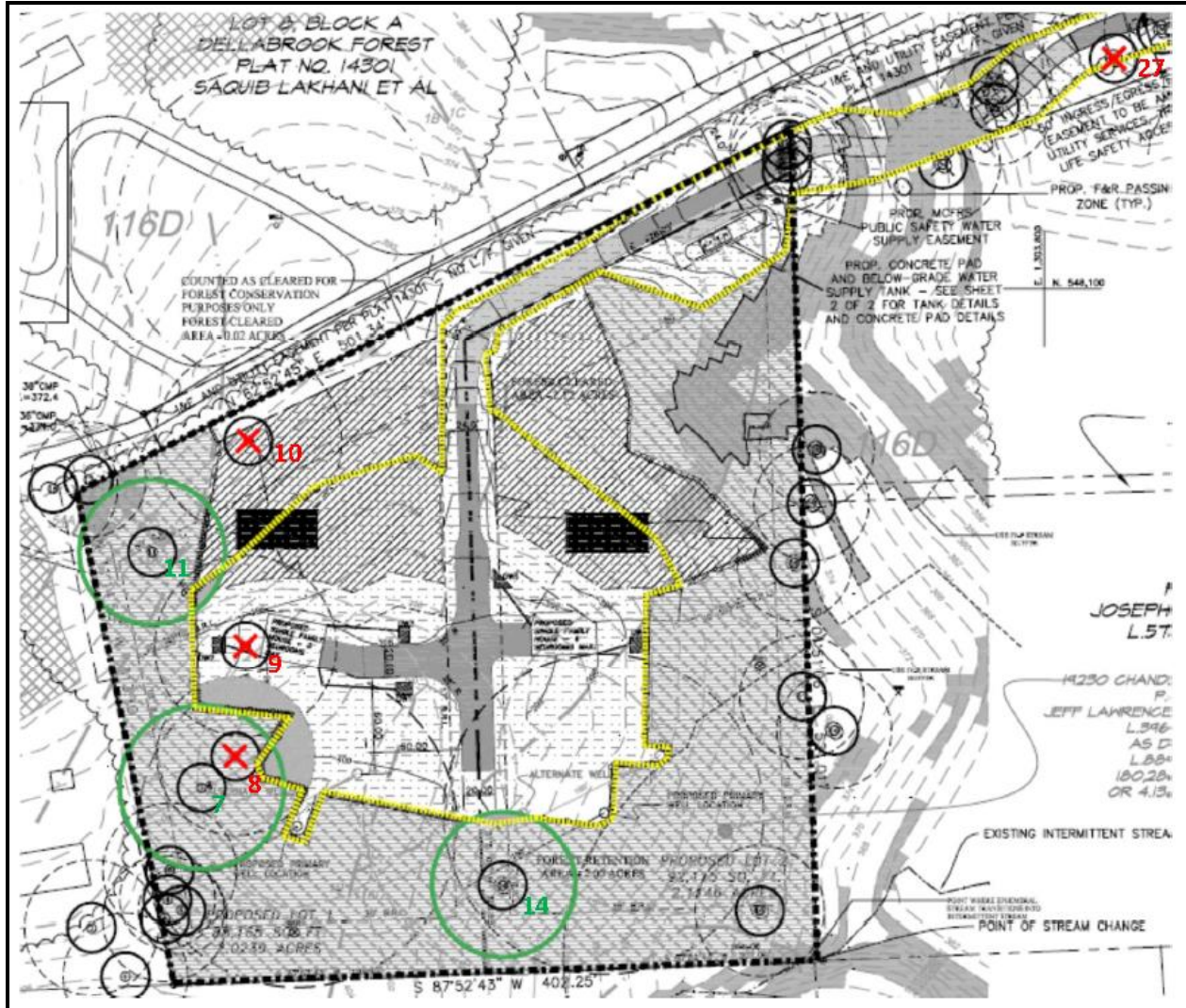
Table 2 - Protected Trees to be removed

Tree Number	Species	DBH Inches	Status
8	Tulip Tree	33	Poor condition; grading for Lot 1; Tree must be flush cut by hand with trunk left in place
9	Tulip Tree	38	Fair condition; house and swm construction
10	Tulip Tree	39	Poor condition; Potential removal in future for reserve septic field
27	Tulip Tree	30	Good condition; grading, driveway construction; offsite access easement

Table 3 - Protected Trees to be affected but retained

Tree Number	Species	DBH Inches	CRZ Impact	Status
7	Red oak	35	5%	Good condition; grading for Lot 1
11	Tulip Tree	31	9%	Good condition; grading for initial septic field
14	Tulip Tree	30	2%	Poor condition; grading for Lot 2

Figure 4 – Variance Trees



Green = Impacts but retained

Red = Removed

Unwarranted Hardship Basis - Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of a property. The Applicant contends that an unwarranted hardship would be created due to the existing conditions on the Property, the development standards of the zone and requirements for access. The Property is entirely forested and the Protected Trees are interspersed within the forest. The septic systems, with minimum reserve areas of 17,000 square feet to meet Patuxent watershed standards, are required to serve the lots.² The Property currently has no formal means of access to a public road and the construction of the driveway

² In all other watersheds, septic systems must be at least 10,000 square feet in size.

necessitates impacts to Protected Trees within the offsite easement. The majority of the development is proposed within the portion of the forest on the Subject Property characterized on the approved NRI/FSD as “low priority”.

Of the four Protected Trees proposed for removal, two are in poor condition, one is in fair condition, and one is in good condition. Tree #8 is located outside of the limits of disturbance; however the Applicant has requested a variance to remove the Tree because of its current poor condition and the proposed impacts to its critical root zone (33%) for the grading of Lot 1. Tree #8 will be flush cut without the aid of machinery because it is located within the forest to be retained. Tree #9 is located within the limits of disturbance for the construction of the house on Lot 1 and the associated stormwater management device. This Tree is in fair condition and is located within the developable area of the Property. Tree #10 is located outside of the limits of disturbance, but within the area reserved for future septic, and will only be removed if necessary in the future. This Tree is in poor condition due to a previous lightning strike. Tree #27 is located offsite within the ingress/egress easement and must be removed for the grading and construction of the driveway necessary to access the Property. The Applicant proposes to flush cut Tree #27 and allow the trunk to remain in place due to its close proximity to the stream. The three Protected Trees proposed to be affected but retained, will be minimally impacted due to grading and will receive tree protection measures during construction. Staff finds that an unwarranted hardship would be created if a variance was not considered.

Variance Findings - Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determination based on the required findings in the review of the variance request and the preliminary forest conservation plan:

Granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the removal and disturbance to the Protected Trees are due to the reasonable development of the Property. The Property is entirely forested and the Protected Trees are located within the developable area of the site and the offsite access easement. Granting a variance request to allow land disturbance within the developable portion of the site is not unique to this Applicant. The development of the Property dictates access through the offsite ingress/egress easement containing and the sensitive environmental features including stream buffers and steep slopes. Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

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

The need for the variance is not based on conditions or circumstances which are the result of

actions by the Applicant. The requested variance is based upon existing site conditions, including the existing access easement, and the number and locations of the Protected Trees.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for a variance is a result of the existing conditions and the proposed site design and layout on the Subject Property, 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 variance will not violate State water quality standards or cause measurable degradation in water quality. There is one Protected Tree being removed from within the stream buffer to allow access to the Property from the existing ingress/egress easement; however, the Applicant proposes to flush cut this tree and leave the trunk in place to minimize disturbance to this area. The other Protected Trees proposed to be removed or affected are not located within a stream buffer, wetland, or special protection area. In addition, the Montgomery County Department of Permitting Services has found the stormwater management concept for the proposed project to be acceptable as stated in a letter dated July 21, 2011. The stormwater management concept incorporates Environmental Site Design standards.

Mitigation for Protected Trees Subject to the Variance Provision – All of the Protected Trees subject to the variance provision and proposed to be removed are located within the existing forest. The removal of these trees is incorporated in the “forest clearing” calculations of the Forest Conservation Plan. Staff does not recommend additional mitigation for the loss of these trees as they are accounted for in the forest conservation worksheet as “forest clearing”. The three Protected Trees subject to the variance provision that are to be retained will receive adequate tree protection measures and no mitigation is recommended.

County Arborist’s Recommendation on the Variance - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist. On April 21, 2014, the County Arborist issued recommendations on the variance request and recommended the variance be approved with mitigation (Attachment 5).

Variance Recommendation - Staff recommends that the variance be granted.

CITIZEN CORRESPONDENCE AND ISSUES

This Application was submitted and noticed in accordance with all adopted Planning Board procedures. A sign referencing the Preliminary Plan Application was posted along the Property frontage with Chandlee Mill Road. A presubmission meeting was held at 17904 Georgia Avenue in Suite 302, in Olney MD on May 16, 2011. Fourteen people were in attendance at the meeting including the Applicant and his consultants, the current land owner, adjoining land owners and other nearby residents according to the minutes of that meeting. Questions raised included the size of the homes, location of the septic systems, location of the driveway, lot size, downstream impacts and activities by other property owners and why the meeting was being held in Olney and not closer to the Property. According to the minutes of the meeting, all questions were answered. Staff has not received any comments from those in attendance at the meeting nor from other concerned residents. Any comments received after posting of this Staff Report will be forwarded to the Board prior to the Hearing.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations, (with the findings made for two lots without frontage) and the Zoning Ordinance and substantially conform to the recommendations of the Sandy Spring-Ashton Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan. Therefore, approval of the Application with the conditions specified above is recommended.

Attachments:

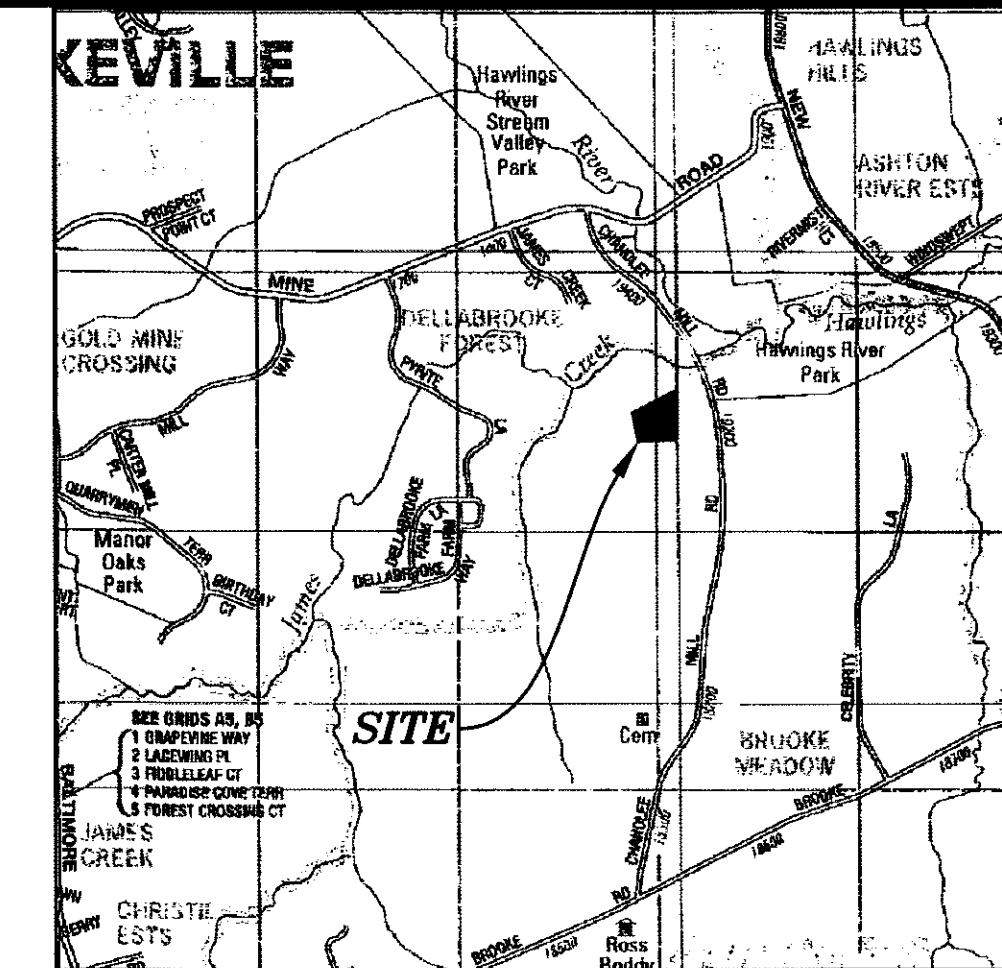
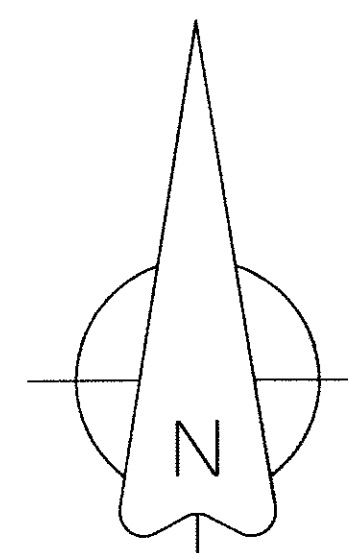
- 1) Preliminary Plan
- 2) Impervious Area Exhibit
- 3) Preliminary Forest Conservation Plan
- 4) Request for Tree Variance
- 5) County Arborist's Tree Variance Recommendation
- 6) Agency Approvals

ZONING DATA TABLE

ZONING	REQUIRED	PROVIDED
PROPERTY SIZE	EX: 4.1387 AC (PARCEL 403) RQD: 2 AC (PER LOT)	2.0239 AC (PROP. LOT 1) 2.1146 AC (PROP. LOT 2)
FRONT SETBACK	50'	147.02' (LOT 1) 193.22' (LOT 2)
SIDE SETBACK	35' TOTAL (17' MIN ONE SIDE)	80.70' & 68.47' (LOT 1) 0.50' & 162.50' (LOT 2)
REAR SETBACK	50'	167.95' (LOT 1) 176.65' (LOT 2)
BLDG. HEIGHT	50' MAX.	50' MAX.
LOT COVERAGE	25% MAX.	1.2% (LOT 1) 1.1% (LOT 2)
LOT FRONTAGE	150' MIN @ FRONT BLDG LINE 25' MIN @ STREET LINE	263.05' (LOT 1) 228.90' (LOT 2) 50' (BOTH LOTS, EASEMENT)
PARKING	NO SPECIFIC REQUIREMENTS	GARAGE PARKING ANTICIPATED. ADDITIONAL PARKING AVAILABLE ON DRIVEWAYS
MPDUS	N/A	N/A
TDR UNITS	N/A	N/A

LEGEND

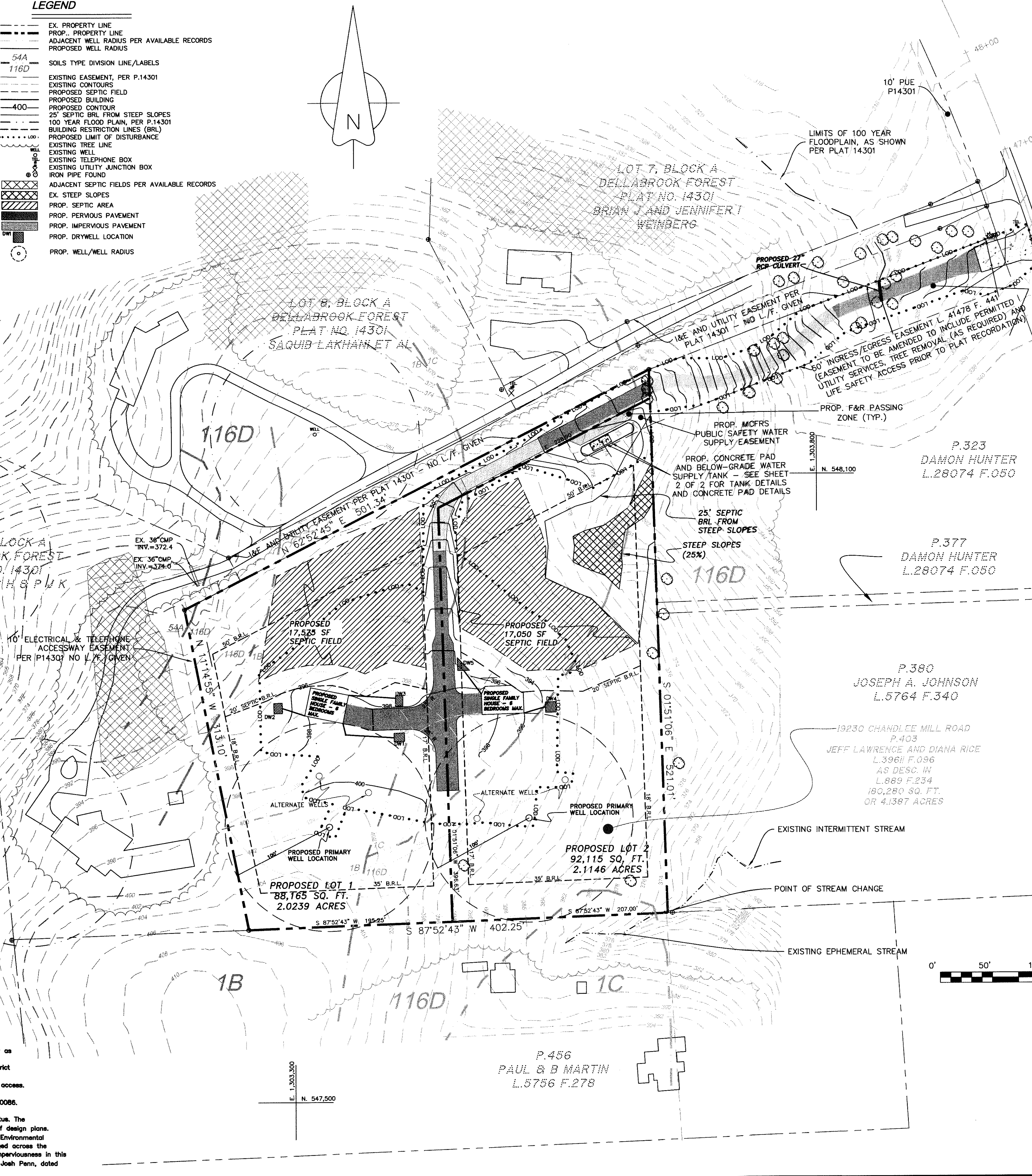
- EX. PROPERTY LINE
- PROP. PROPERTY LINE
- ADJACENT WELL RADIUS PER AVAILABLE RECORDS
- PROPOSED WELL RADIUS
- 54A SOILS TYPE DIVISION LINE/LABELS
- 116D
- EXISTING EASEMENT, PER P.14301
- EXISTING CONTOURS
- PROPOSED SEPTIC FIELD
- PROPOSED BUILDING
- PROPOSED CONTOUR
- 25' SEPTIC BRL FROM STEEP SLOPES
- 100 YEAR FLOOD PLAIN, PER P.14301
- BUILDING RESTRICTION LINES (BRL)
- PROPOSED LIMIT OF DISTURBANCE
- EXISTING TREE LINE
- EXISTING WELL
- EXISTING TELEPHONE BOX
- EXISTING UTILITY JUNCTION BOX
- IRON PIPE FOUND
- ADJACENT SEPTIC FIELDS PER AVAILABLE RECORDS
- EX. STEEP SLOPES
- PROP. SEPTIC AREA
- PROP. PERVIOUS PAVEMENT
- PROP. IMPERVIOUS PAVEMENT
- PROP. DRYWELL LOCATION
- PROP. WELL/WELL RADIUS



VICINITY MAP
SCALE: 1" = 2000'
COPYRIGHT AND THE MAP PEOPLE PERMITTED USE NUMBER 21006245

General Notes

- Property Data**
Legal Reference: LIBER 35704 FOLIO 599
Parcel Area: 4.14 AC.
Parcel: 403
Tax Map Grid: JU21
Existing Zoning: RE2
Watershed: HAWKINS RIVER
WSSC 200' sheet: 226NW02/226NW01
ADC Map: Page 5050/GRID E3&F3
Water and Sewer Categories: 6
Flood Plain FEMA Map: 240031C0205D & 24031C0220D
- Existing Site Data**
Property lines shown hereon were taken from field observations and available records. This plan has been prepared without the benefit of a title examination.
Horizontal datum shown hereon is assumed by holding defined points on M-NCP&PC photogrammetric maps.
Topography and existing features shown hereon has been compiled from field observations and available records.
Vertical datum shown hereon is assumed holding defined points on M-NCP&PC photogrammetric maps.
All improvements within 100' of the subject property have been located. This property is not located within a municipality or special taxing district.
Existing uses: Undeveloped.
0% of the existing site is impervious.
- Utilities Data**
Utilities locations shown hereon are available plans and field observations were surface indications exist. Digging of test pits at all future utility crossings is recommended. Contact "Miss Utility" at 1-800-257-7777, 48 hours prior to any excavation or construction.
Utility Service Companies Providing Site Service Include:
Sewer: N/A (Septic)
Water: N/A (Well)
Electric: PEPCO
Gas: N/A
- Soils/Environmental Data**
Data shown hereon was obtained from a Soil Conservation Service Soils Survey for Montgomery County, Maryland Map 14 and includes:
Type: 1B, Colla silt loam, 3-5% slopes
Type: 1C, Colla silt loam, 8-15% slopes
Type: 116D, Blocktown channery silt loam, 15-25% slopes
No portion of the site is located in the 100-year floodplain
- Proposed Site Data**
Proposed Use: Two Single Family Houses, 6 bedrooms each
Building Restriction Lines shown hereon were obtained from the Montgomery County Code, unless otherwise noted.
Front 50'
Side 15' (10' for septic field)
Rear 10'
Area of disturbance: 84,590 SF +/-
Site Area: Lot Area + Off-site LOD = 180,280+15,825 = 196,105 SF +/-
Proposed Impervious Area: 18,952 SF +/- or 0.435 acres (9.7% of site)
Proposed Well Locations and Septic Locations approved by MCDPS, Well and Septic, Dec 8, 2012 - Proposed houses must utilize approved septic treatment systems with Best Available Technology as approved by the State of Maryland.
Five drywells and pervious pavement to provide stormwater management. A floodplain district permit may need to be obtained at the time of detailed stormwater management review.
Ingress/Egress Easement at L.41478 F.441 to be updated prior to plat recordation to provide utility access. The proposed development is in accordance with the current Sandy Spring-Ashton Master Plan.
Proposed development to be in accordance with approved stormwater management concept plan #240086.
Proposed passing zone and site entrance in accordance with MC Fire and Rescue Standards.
Proposed pervious concrete and subgrade must meet loading requirements for 85,000 lb fire apparatus. The Montgomery County Fire Marshal's office must sign off on subgrade design prior to approval of design plans.
O'Connell & Lawrence, Inc. hereby requests this Preliminary Plan be reviewed under Section V.B.1.b of the Guidelines for Environmental Management of Development in Montgomery County and that the site imperviousness be averaged across the entire site, not just the portion of the site within the Pasture Management Area. The site imperviousness in this plan has been determined in this manner. See O'Connell's letter to Mr. Richard Weaver and Mr. Josh Penn, dated October 4, 2013, for reasoning for this request.



OWNER/APPLICANT:
JEFFERSON D. LAWRENCE
3330 NORTH LEISURE WORLD BLVD #106
SILVER SPRING, MARYLAND 20906
PHONE: (301) 906-0223

ENGINEER/SURVEYOR:
O'CONNELL & LAWRENCE, INC.
1790A GEORGIA AVENUE, SUITE 302
OLNEY, MARYLAND 20832
CONTACT: DOUG TILLEY, P.E.
PHONE: (301) 924-4570

[Signature]
2/26/2014
FOR 2 SHEETS

ENGINEER'S CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 42417, EXPIRATION DATE JUNE 06, 2014.

[Signature] 2/26/2014
DOUGLAS G. TILLEY
PROFESSIONAL ENGINEER NO. 42417
DATE

O'Connell & Lawrence, Inc.
Construction Consultants, Engineers, Surveyors
1790A Georgia Avenue, Suite 302
Olney, Maryland 20832
Tel: (301) 924-4570 • Fax: (301) 924-5872

LANDS OF
(TAX PARCEL 403, TAX MAP GRID JU21)
19230 CHANDLEE MILL ROAD
LIBER 38811 FOLIO 108
CHANDLEE MILL ROAD
OLNEY (8TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
WSSC 200' SHEET 226NW 01, 226 NW02

**PRELIMINARY PLAN OF
SUBDIVISION
#120120040 - 19230
CHANDLEE MILL ROAD**

NO.	DATE	DESCRIPTION	BY
7	2/26/14	PER M-NCP&PC COORDINATION	DGT
6	2/26/14	PER M-NCP&PC COMMENTS	MH
5	2/25/13	PER M-NCP&PC REVISIONS	DGT
4	11/20/12	PER F&R COMMENTS	ES
3	10/18/12	PER F&R COMMENTS	ES
2	7/27/12	PER DRG COMMENTS	DGT
1	8/8/11	PER M-NCP&PC COMMENTS	DGT

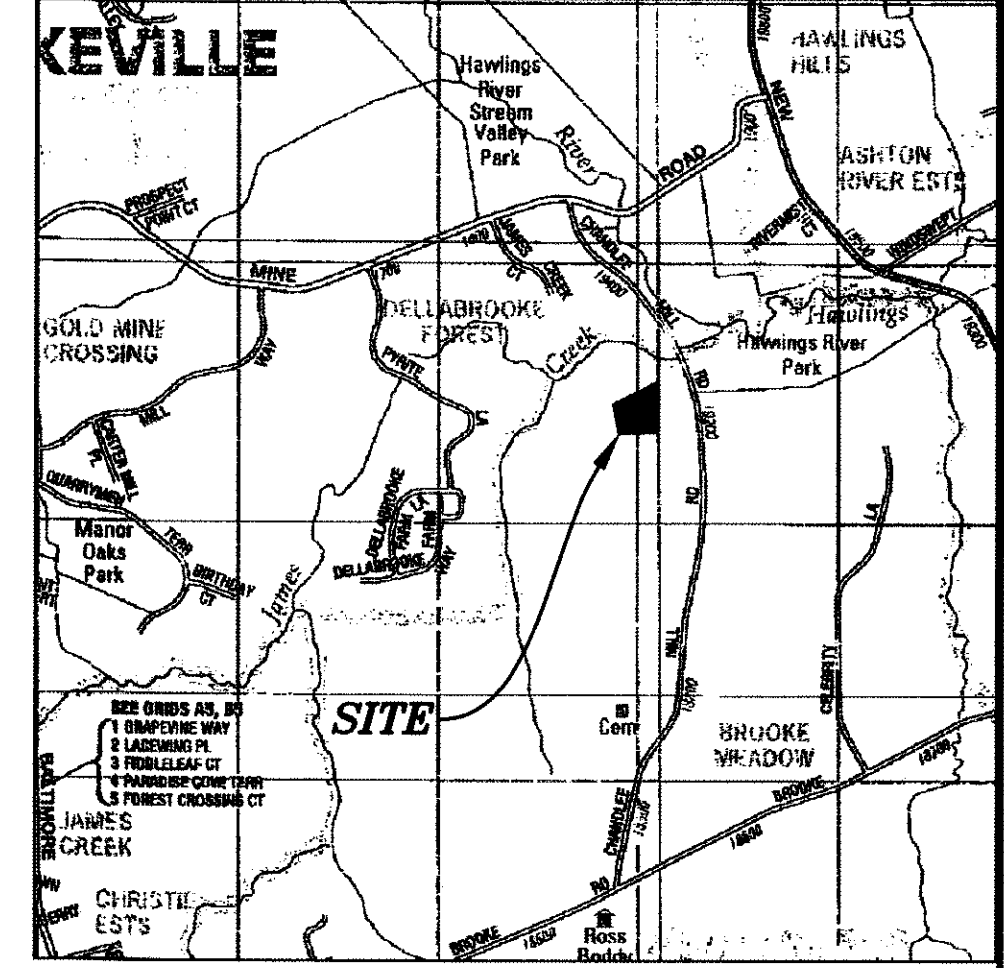
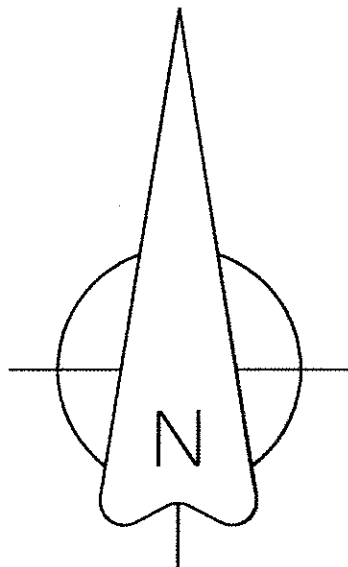
DESIGN BY: DGT
DRAWN BY: DGT
CHECKED BY: DGT
DATE: 7/5/2011
SCALE: 1" = 50'
PROJECT/FILE NO: 001-255
SHEET NO: 1 of 2

IMPERVIOUS AREA COMPUTATION TABLE

ON-SITE	LOCATION	AREA (SF)
①	HOUSE 1	1,024 SF
②	HOUSE 2	1,025 SF
③	DRIVEWAY (IMPERVIOUS)	1,966 SF
④	DRIVEWAY (PERVIOUS)	7,856 SF
⑤	PASSING ZONE (IMPERVIOUS)	779 SF
⑥	SUPPRESSION TANK CONC. PAD	160 SF
ON-SITE IMPERVIOUS AREA SUBTOTAL		12,810 SF
OFF-SITE	LOCATION	AREA (SF)
⑦	DRIVEWAY (IMPERVIOUS)	2,529 SF
⑧	DRIVEWAY (PERVIOUS)	2,163 SF
⑨	CONC. DRIVEWAY ENTRANCE	1,450 SF
OFF-SITE IMPERVIOUS AREA SUBTOTAL		6,142 SF
TOTAL IMPERVIOUS AREA		18,952 SF
TOTAL ON-SITE AREA		180,280 SF
TOTAL OFF-SITE AREA W/IN LOD		15,826 SF
SITE AREA (ON-SITE + OFF-SITE LOD)		196,106 SF
PERCENTAGE IMPERVIOUS		9.66%

LEGEND

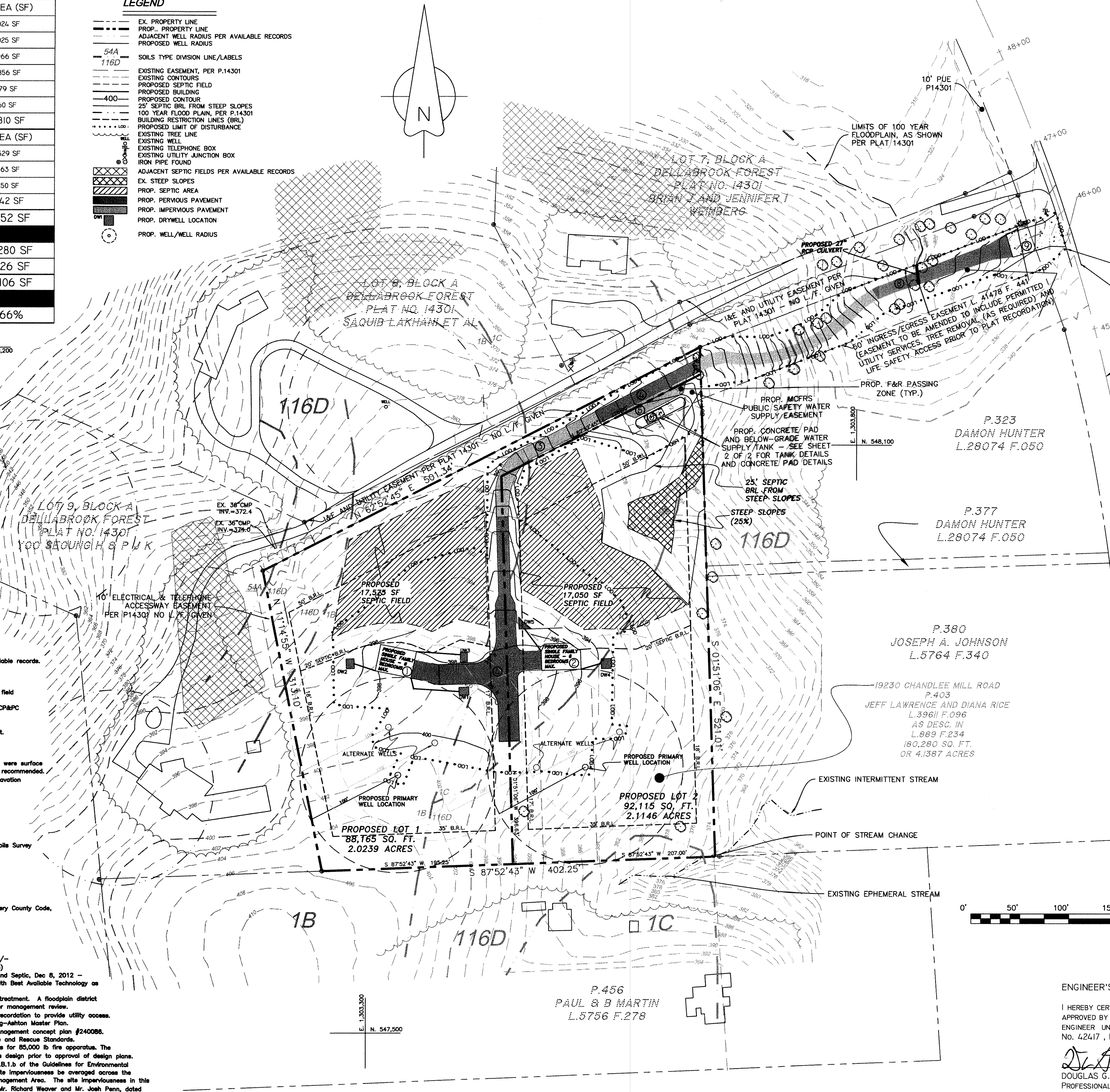
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- PROPOSED WELL RADIUS
- 54A SOILS TYPE DIVISION LINE/LABELS
- 116D
- EXISTING EASEMENT, PER P.14301
- EXISTING CONTOURS
- PROPOSED SEPTIC FIELD
- PROPOSED BUILDING
- 400 PROPOSED CONTOUR
- 25' SEPTIC BRL FROM STEEP SLOPES
- 100 YEAR FLOOD PLAN, PER P.14301
- BUILDING RESTRICTION LINES (BRL)
- PROPOSED LIMIT OF DISTURBANCE
- EXISTING TREE LINE
- EXISTING WELL
- EXISTING TELEPHONE BOX
- EXISTING UTILITY JUNCTION BOX
- IRON PIPE FOUND
- ADJACENT SEPTIC FIELDS PER AVAILABLE RECORDS
- EX. STEEP SLOPES
- PROP. SEPTIC AREA
- PROP. PERVIOUS PAVEMENT
- PROP. IMPERVIOUS PAVEMENT
- PROP. DRYWELL LOCATION
- PROP. WELL/WELL RADIUS



VICINITY MAP
SCALE: 1" = 2000'
COPYRIGHT ADC THE MAP PEOPLE
PERMITTED USE NUMBER 2106245

General Notes

- Property Data**
Legal Reference: LIBER 35704 FOLIO 599
Parcel Area: 4.14 AC.
Parcel: 403
Tax Map Grid: JU21
Existing Zoning: RE2
Watershed: HAWLINGS RIVER
WSSC 200' sheet: 226NW02/226NW01
ADC Map: Page 5050/Grid E3&F3
Water and Sewer Categories: 6
Flood Plain FEMA Map: 240031C0205D & 24031C0220D
- Existing Site Data**
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0% of the existing site is impervious.
- Utilities Data**
Utilities locations shown hereon are available plans and field observations where surface indications exist. Digging of test pits at all future utility crossings is recommended. Contact "Miss Utility" at 1-800-257-7777, 48 hours prior to any excavation or construction.
Utility Service Companies Providing Site Service Include:
Sewer: N/A (Septic)
Water: N/A (Well)
Electric: PEPCO
Gas: N/A
- Soils/Environmental Data**
Data shown hereon was obtained from a the Soil Conservation Service Soils Survey for Montgomery County, Maryland Map 14 and includes:
Type:1B, Galla silt loam, 3-8% slopes
Type:1C, Galla silt loam, 8-15% slopes
Type:116D, Blocktown channery silt loam, 15-25% slopes
No portion of the site is located in the 100-year floodplain
- Proposed Site Data**
Proposed Use: Two Single Family Houses, 6 bedrooms each
Building Restriction Lines shown hereon were obtained from the Montgomery County Code, unless otherwise noted.
Front 50'
Side 15' (10' for septic field)
Rear 10'
Area of disturbance: 84,590 SF +/-
Site Area: Lot Area + Off-site LOD = 180,280+15,826 = 196,106 SF +/-
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Proposed Well Locations and Septic Locations approved by MCDPS, Well and Septic, Dec 8, 2012 - Proposed houses must utilize approved septic treatment systems with Best Available Technology as approved by the State of Maryland.
Five drywells and pervious pavement to provide stormwater management treatment. A floodplain district permit may need to be obtained at the time of detailed stormwater management review.
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O'Connell & Lawrence requests this Preliminary Plan be reviewed under Section V.B.1.b of the Guidelines for Environmental Management of Development in Montgomery County and that the site imperviousness be averaged across the entire site, not just the portion of the site within the Patuxent Management Area. The site imperviousness in this plan has been determined in this manner. See O'Connell's letter to Mr. Richard Weaver and Mr. Josh Penn, dated October 4, 2013, for reasoning for this request.



OWNER/APPLICANT:
JEFFERSON D. LAWRENCE
3330 NORTH LEISURE WORLD BLVD #106
SILVER SPRING, MARYLAND 20906
PHONE: (301) 906-0223

ENGINEER/SURVEYOR:
O'CONNELL & LAWRENCE, INC.
17904 GEORGIA AVENUE, SUITE 302
OLNEY, MARYLAND 20832
CONTACT: DOUG TILLEY, P.E.
PHONE: (301) 924-4570

[Signature]
2/26/2014

ENGINEER'S CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 42417, EXPIRATION DATE JUNE 06, 2014.

[Signature] 2/26/2014
DOUGLAS G. TILLEY
PROFESSIONAL ENGINEER No. 42417

O'Connell & Lawrence, Inc.
Construction Consultants, Engineers, Surveyors
17904 Georgia Avenue, Suite 302
Olney, Maryland 20832
Tel: (301) 924-4570 • Fax: (301) 924-5872

LANDS OF
(TAX PARCEL 403 73X Map Grid JU21)
19230 CHANDLEE MILL ROAD
CHANDLEE MILL ROAD
OLNEY (8TH ELECTION DISTRICT)
MONTGOMERY COUNTY, MARYLAND
WSSC 200' SHEET 226NW 01, 226 NW02

IMPERVIOUS AREA EXHIBIT
PPS #120120040 - 19230 CHANDLEE MILL ROAD

DESIGN BY:	DGT
DRAWN BY:	DGT
CHECKED BY:	DGT
DATE:	2/26/2014
SCALE:	1" = 50'
PROJECT/FILE NO.:	001-255
SHEET NO.:	1 of 1

General Notes

1. Property Data
 Legal Reference LIBER 35704 FOLIO 599
 Parcel Area 4.14 AC.
 Tax Map Parcel P403 Grid JU21
 Zoning RE2
 Watershed HAWLINGS RIVER - Use IV-P - The entire property is located within the Patuxent River Primary Management Area WSSC 200 sheet 226NW02
 ADC Map Page 21 Grid K3&4 and Page 22 Grid A3&4
 Water and Sewer Categories 6
 Flood Plain FEMA Map 240049 0150 B date July 2, 1979

2. Existing Site Data
 Property lines shown hereon were taken from field observations and available records. This plan has been prepared without the benefit of a title examination. Horizontal datum shown hereon is assumed by holding defined points on M-NCP&PC photogrammetric maps. Topography and existing features shown hereon has been compiled from field observations and available records. Vertical Datum shown hereon is assumed holding defined points on M-NCP&PC photogrammetric maps.

3. Utilities Data
 Utilities locations shown hereon are available plans and field observations were surface indications exist. Digging of test pits at all future utility crossings is recommended. Contact "Miss Utility" at 1-800-257-7777, 48 hours prior to any excavation or construction.

4. Soils Data
 Data shown hereon was obtained from a the Soil Conservation Service Soils Survey for Montgomery County, Maryland. (STAF=Septic Tank Absorption Fields) Map 14 and includes:
 Type: 1B, Gaila, STAF, Slight - 3 to 8 percent slopes. This soil is very deep and well drained. It is classified as a prime agricultural soil.
 Permeability - Moderate
 Available water capacity - Very High
 Shrink swell potential - Low
 Kw erodibility factor - .37
 Type: 1C, Gaila, STAF, Moderate: Slope - 8 to 15 percent slopes. This soil is very deep and well drained.
 Permeability - Moderate
 Available water capacity - Very High
 Shrink swell potential - Low
 Kw erodibility factor - .37
 Type: 116D, Blocktown, STAF, Severe: Depth to rock, slope, - 15 to 25 percent slopes. This soil is shallow and well drained.
 Permeability - Moderate
 Available water capacity - Low
 Shrink swell potential - Low
 Kw erodibility factor - .24

5. Rare, Threatened, or Endangered Species
 There were no rare, threatened, or endangered species observed during the time that the NRI/FSD was conducted. A letter dated September 20, 2010 from the Maryland Department of Natural Resources Natural Heritage Program states that there are no state or federal records for rare, threatened, or endangered species within the boundaries of the project site.

6. County and/or State Champion Trees
 There are no current County and/or State Champion trees located on the property. None of the trees have a dbh that is 75% or more of the dbh of the current County and/or State Champions.

7. The wetland information on adjacent property was provided from a delineation study completed by J. Cook Consultants on October 10, 2010. This delineation has not been verified by the USACE.

8. Proposed Site Data
 Proposed Use: Two Single-Family Houses, 6 bedrooms each
 Building Restriction Lines shown hereon were obtained from the Montgomery County Code, unless otherwise noted.
 Front: 50'
 Side: 15' (10' for septic field)
 Rear: 10'

Area of disturbance: 81,130 s.f. +/- or 1.86 acres +/-
 Proposed impervious area (on-site): 13,200 s.f. +/- or 0.30 acres +/- (7.3% of site)
 Proposed Well Locations and Septic Locations approved by MCDPS, Well and Septic, Dec. 8 2012 - Proposed houses must utilize approved septic treatment systems with Best Available Technology as approved by the State of Maryland. Proposed septic fields and the reserve septic fields are at least 200' from any stream.
 Five drywells and pervious pavement to provide stormwater management treatment. A floodplain district permit may need to be obtained at the time of detailed stormwater management review.
 Ingress/Egress Easement at L.41478 F.441 to be updated prior to plat recordation to provide utility access. The proposed development is in accordance with the current Sandy Spring-Ashton Master Plan. Proposed development to be in accordance with approved stormwater management concept plan #240086.

ENVIRONMENTAL SUMMARY TABLE

TOTAL ACREAGE OF SITE (4.14 AC. PROPERTY + .36 AC. LOD IN EASEMENT)	4.50	Ac.
TOTAL ACREAGE OF FOREST (4.14 AC. PROPERTY + .14 AC. LOD IN EASEMENT)	4.28	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 (129 AC. ON PROPERTY AND 11 AC. ON EASEMENT)	0.70	Ac.
LINEAR EXTENT OF STREAMS	0	L.F.

OWNER:

VISIONS SA LLC
 P.O. Box 201
 GLENELG, MD 21737-0201

ENGINEER:

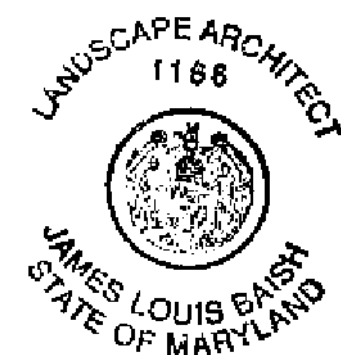
O'CONNELL & LAWRENCE, INC.
 17904 GEORGIA AVENUE
 SUITE 302
 OLNEY, MARYLAND 20832

CONTACT: DOUGLAS G. TILLEY
 TELEPHONE: (301) 924-4570

LANDSCAPE ARCHITECT:

THE LAND PLANNING & DESIGN GROUP, INC.
 5300 WESTVIEW DRIVE
 SUITE 103
 FREDERICK, MD 21703

CONTACT: JAMES L. BAISH
 TELEPHONE: (301) 695-6172

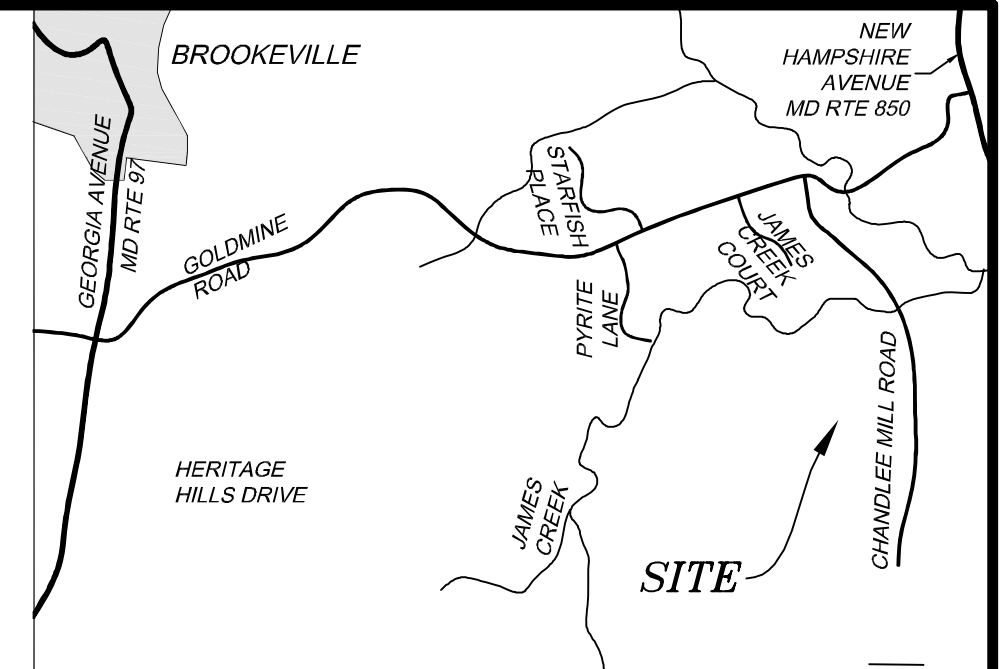


LEGEND

- EX. PROPERTY LINE
- PROP. PROPERTY LINE
- ADJACENT WELL RADIUS PER AVAILABLE RECORDS
- PROPOSED WELL RADIUS
- SOILS TYPE DIVISION LINE/LABELS
- EXISTING EASEMENT, PER P.14301
- EXISTING CONTOURS
- PROPOSED SEPTIC FIELD
- PROPOSED BUILDING
- PROPOSED CONTOUR
- 25' SEPTIC BR. FROM STEEP SLOPES
- 100 YEAR FLOOD PLAIN, PER P.14301
- BUILDING RESTRICTION LINES (BRL)
- PROPOSED LIMIT OF DISTURBANCE
- EXISTING TREE LINE
- EXISTING WELL
- EXISTING TELEPHONE BOX
- EXISTING UTILITY JUNCTION BOX
- IRON PIPE FOUND
- ADJACENT SEPTIC FIELDS PER AVAILABLE RECORDS
- EX. STEEP SLOPES
- PROP. PERVIOUS PAVEMENT
- PROP. IMPERVIOUS PAVEMENT
- PROP. DRYWELL LOCATION
- PROP. WELL/WELL RADIUS

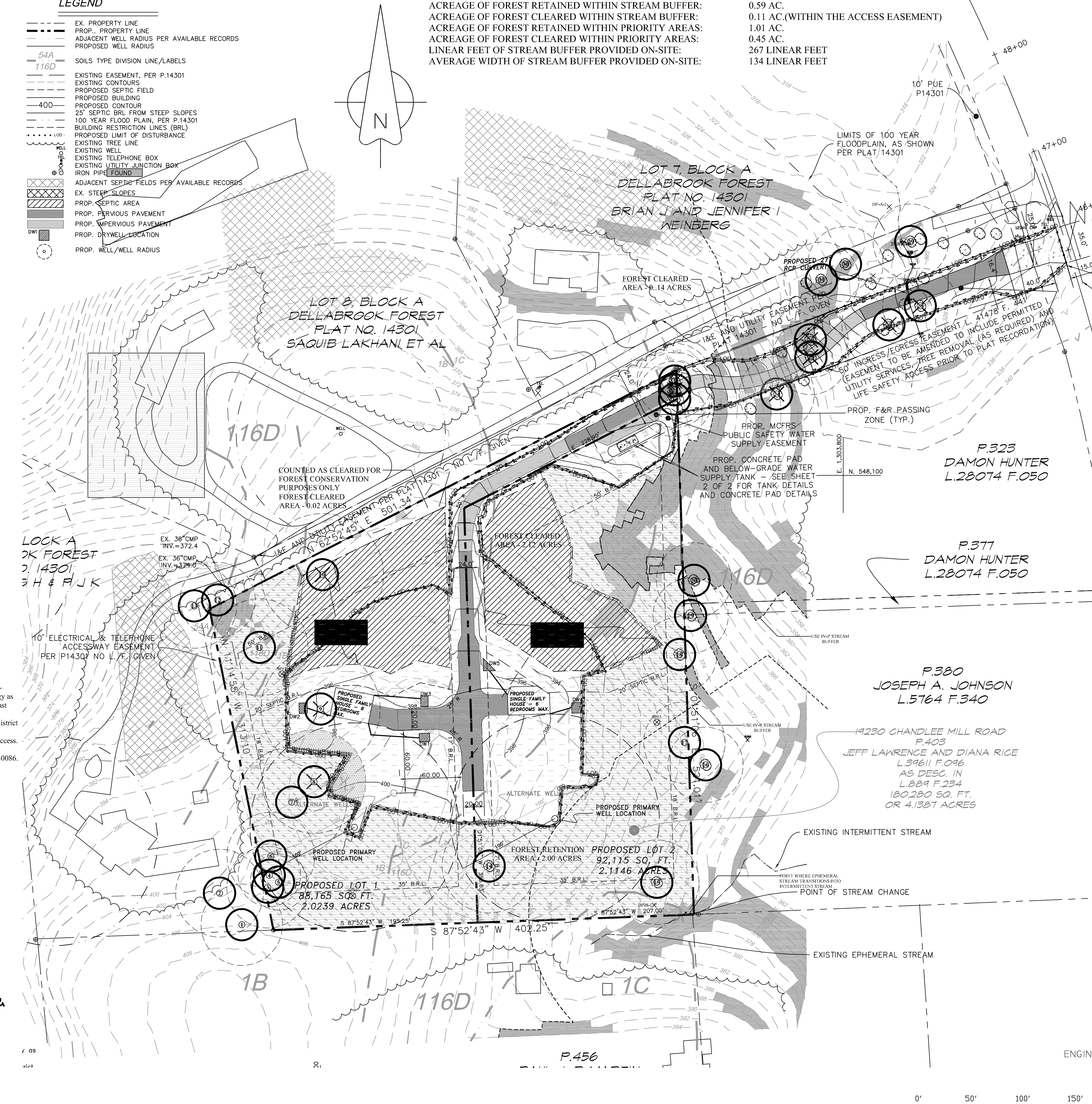
FOREST CONSERVATION DATA TABLE:

ACREAGE OF FOREST RETAINED WITHIN STREAM BUFFER: 0.59 AC.
 ACREAGE OF FOREST CLEARED WITHIN STREAM BUFFER: 0.11 AC. (WITHIN THE ACCESS EASEMENT)
 ACREAGE OF FOREST RETAINED WITHIN PRIORITY AREAS: 1.01 AC.
 ACREAGE OF FOREST CLEARED WITHIN PRIORITY AREAS: 0.45 AC.
 LINEAR FEET OF STREAM BUFFER PROVIDED ON-SITE: 267 LINEAR FEET
 AVERAGE WIDTH OF STREAM BUFFER PROVIDED ON-SITE: 134 LINEAR FEET



VICINITY MAP
 SCALE: 1" = 2000'

- THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING
- PROPERTY LINE
 - EXISTING CONTOUR
 - EXISTING EASEMENT, PER P.14301
 - 100-YEAR FLOODPLAIN, PER P.14301
 - STREAM
 - ADJACENT WELL RADIUS PER AVAILABLE RECORDS
 - EXISTING WELL
 - EXISTING TELEPHONE BOX
 - EXISTING UTILITY JUNCTION BOX
 - IRON PIPE FOUND
 - ADJACENT SEPTIC FIELDS PER AVAILABLE RECORDS
 - EXISTING PAVING
 - EXISTING INGRESS, EGRESS & UTILITY EASEMENTS, PER P.14301
 - PROPERTY CORNER
 - SOILS BOUNDARY
 - USE IV-P STREAM BUFFER
 - FOREST DATA SAMPLING POINT
 - NARRATIVE AREA BOUNDARY
 - EXISTING TREELINE
 - SIGNIFICANT OR SPECIMEN TREE WITH IDENTIFIER, CRITICAL ROOT ZONE, AND IMPACT
 - STEEP SLOPES: >25%
 - STEEP SLOPES: 15% to 25%
 - EPHEMERAL STREAM
 - INTERMITTENT STREAM
 - WETLAND DATA POINT LOCATION
 - FOREST SAVE AREA/CATEGORY I CONSERVATION EASEMENT AREA
 - FOREST CLEARED AREA
 - TREE TO BE REMOVED
 - LIMITS OF DISTURBANCE
 - SILT FENCE
 - SUPER SILT AND TREE PROTECTION FENCE
 - TREE PROTECTION FENCE
 - ROOT PRUNE LINE: MAY BE ADJUSTED BY MNCPPC INSPECTOR
 - WOODLAND CONSERVATION SIGNS (TO OCCUR AS SHOWN ON PLAN OR AS DETERMINED BY MNCPPC INSPECTOR), SEE SIGNAGE DETAILS ON SHEET 2
 - SPECIMEN TREE SIGN (TO OCCUR AS SHOWN ON PLAN OR AS DETERMINED BY MNCPPC INSPECTOR), SEE SIGNAGE DETAILS ON SHEET 2
 - SEPTIC FIELD LIMITS



LP DG

5300 WESTVIEW DRIVE
 SUITE 103
 FREDERICK, MD. 21701
 (301)-695-6172
 FAX (301)-695-6219

LANDSCAPE ARCHITECTURE

THE LAND PLANNING & DESIGN GROUP INC.

REVISIONS	DATE	DESCRIPTION
08/27/12	10/17/11	REVISE PER COMMENTS DATED 10/17/11
02/26/13	12/18/12	REVISE PER COMMENTS DATED 12/18/12
05/14/13	04/18/13	REVISE PER COMMENTS DATED 04/18/13
03/06/14	REVISE PER NEW LOD	
04/18/14	REVISE PER COUNTY COMMENTS	

PRELIMINARY FOREST CONSERVATION PLAN

19230 CHANDLEE MILL ROAD

MONTGOMERY COUNTY, MARYLAND

8TH ELECTION DISTRICT

Sequence of Events for Property Owners Required to Comply With Forest Conservation and/or Tree-Save Plans

Pre-Construction

- 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, construction superintendent, ISA certified arborist or Maryland-licensed tree expert that will implement the tree protection measures, forest conservation inspector, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.
 - No clearing or grading shall begin before stress-reduction measures have been implemented. Appropriate measures may include, but are not limited to:
 - Root pruning
 - Crown reduction or pruning
 - Watering
 - Fertilizing
 - Vertical mulching
 - Root aeration matting
 Measures not specified on the forest conservation plan may be required as determined by the forest conservation inspector in coordination with the arborist.
 - 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 reductions measures during the pre-construction meeting.
 - 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:
 - Chain link fence (four feet high)
 - Super silt fence with wire strung between support poles (minimum 4 feet high) with high visibility flagging.
 - 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
 - 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.
 - Forest retention area signs shall be installed as required by the forest conservation inspector, or as shown on the approved plan.
 - Long-term protection devices will be installed per the Forest Conservation Plan/Tree Save Plan and attached details. Installation will occur at the appropriate time during the construction project. Refer to the plan drawing for long-term protection measures to be installed.
- During Construction**
- 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**
- After construction is completed, an inspection shall be requested. Corrective measures may include:
 - Removal and replacement of dead and dying trees
 - Pruning of dead or declining limbs
 - Soil aeration
 - Fertilization
 - Watering
 - Wound repair
 - Clean up of retention areas
 - 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

FOREST CONSERVATION WORKSHEET
19230 Chandlee Mill Road

NET TRACT AREA: 4.50

A. Total tract area ... 4.50
 B. Land dedication areas (parks, county facility, etc.) ... 0.00
 C. Land dedication for roads or utilities (not being constructed by this plan) ... 0.00
 D. Area to remain in commercial agricultural production/lease ... 0.00
 E. Other deductions (specify) ... 0.00
 F. Net Tract Area ... 4.50

LAND USE CATEGORY (from *Tree Technical Manual*)
Input the number "1" under the appropriate land use, limit to only one entry.

ARA	MDR	IDA	HDR	MFD	CIA
	1				0

G. Afforestation Threshold ... 20% x F = 0.90
 H. Conservation Threshold ... 25% x F = 1.13

EXISTING FOREST COVER:

L. Existing forest cover ... 4.28
 J. Area of forest above afforestation threshold ... 3.38
 K. Area of forest above conservation threshold ... 3.16

BREAK EVEN POINT:

L. Forest retention above threshold with no mitigation ... 1.76
 M. Clearing permitted without mitigation ... 2.52

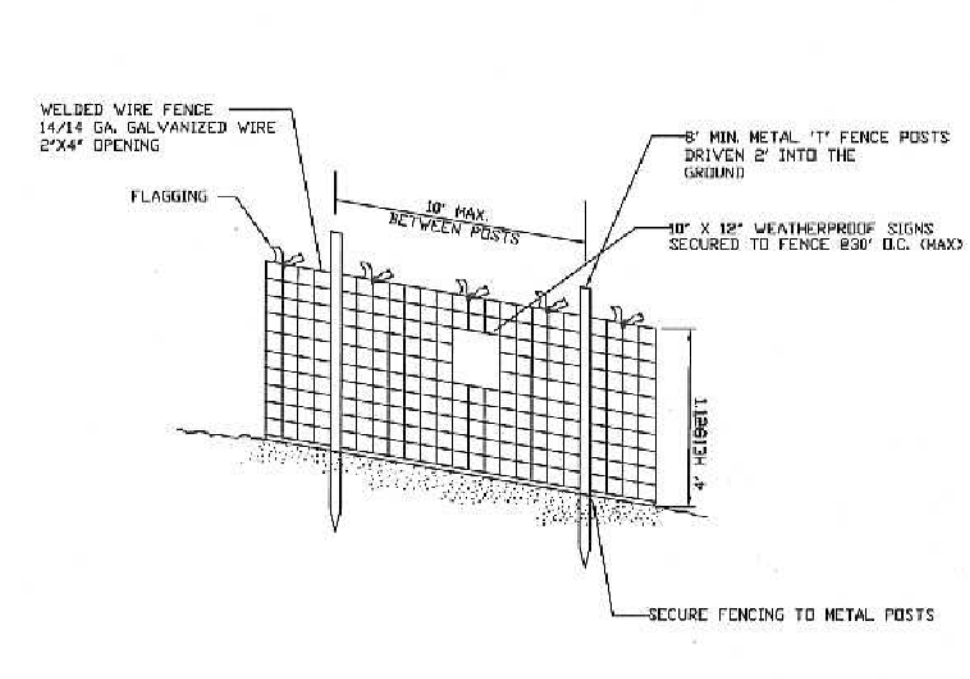
PROPOSED FOREST CLEARING:

N. Total area of forest to be cleared ... 2.28
 O. Total area of forest to be retained ... 2.00

PLANTING REQUIREMENTS:

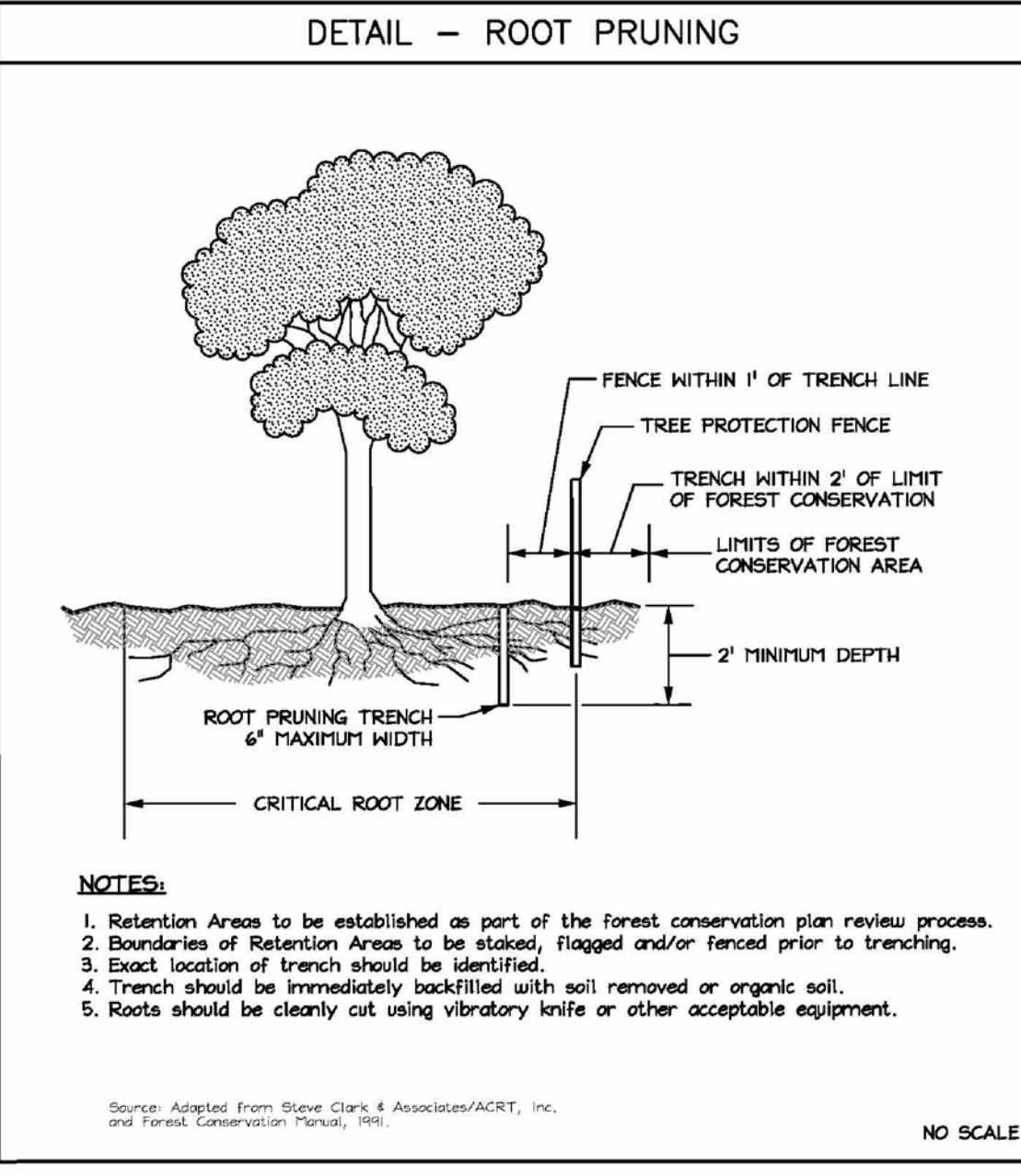
P. Reforestation for clearing above conservation threshold ... 0.57
 Q. Reforestation for clearing below conservation threshold ... 0.00
 R. Credit for retention above conservation threshold ... 0.88
 S. Total reforestation required ... 0.00
 T. Total afforestation required ... 0.00
 U. Credit for landscaping (may not exceed 20% of "S") ... 0.00
 V. Total reforestation and afforestation required ... 0.00

worksheet updated 8/5/2002



TREE PROTECTION FENCE DETAIL
NOT TO SCALE

- NOTES:**
- PRACTICE MAY BE COMBINED WITH SEDIMENT CONTROL FENCING.
 - LOCATION AND LIMITS OF FENCING SHALL COORDINATE IN FIELD WITH ARBORIST.
 - BOUNDARIES OF PROTECTION AREA SHOULD BE STAKED PRIOR TO INSTALLING PROTECTIVE DEVICE.
 - ROOT DAMAGE SHOULD BE AVOIDED.
 - PROTECTIVE SIGNAGE IS REQUIRED.
 - FENCING SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.



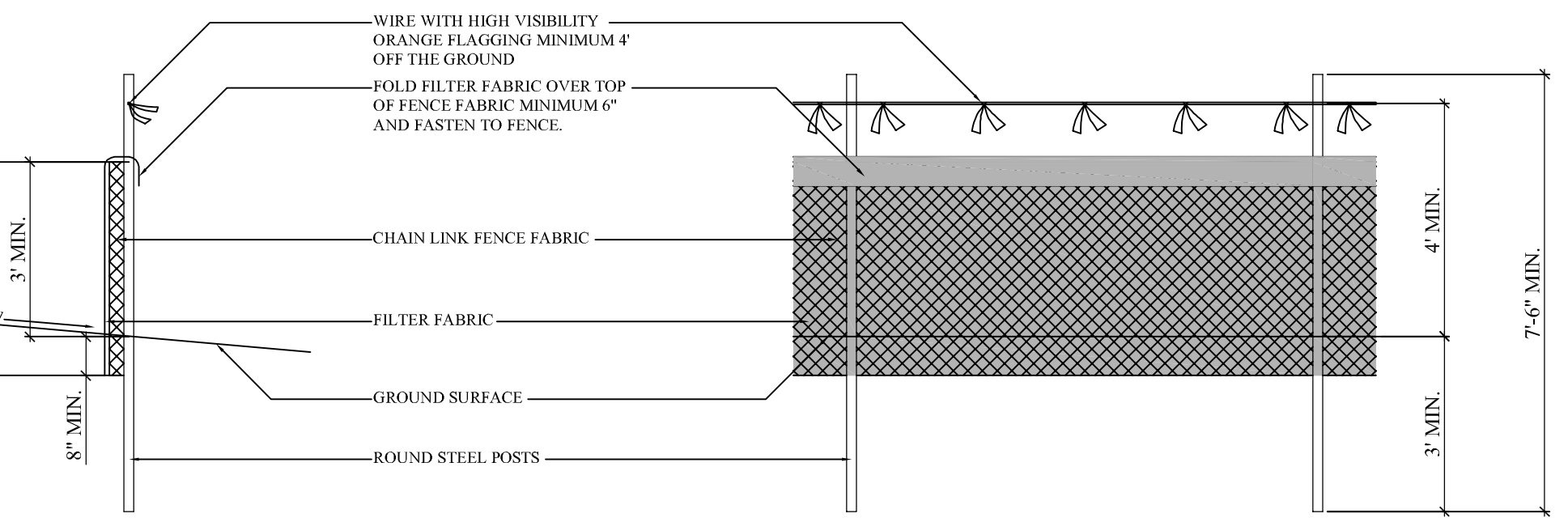
DETAIL - ROOT PRUNING
NO SCALE

Significant Tree List (Trees > 24" DBH)

Key	Botanical name	Common name	Size (Dia.)	Remarks	CRZ Impact
1	Fagus grandifolia	American Beech	26"	off-site but within 100' of property line; good condition	No impact, to be saved
2	Liriodendron tulipifera	Tulip Poplar	28"	off-site but within 100' of property line; good condition	No impact, to be saved
3	Quercus rubra	Red Oak	26"	Good condition	No impact, to be saved
4	Liriodendron tulipifera	Tulip Poplar	20"	Good condition; double-trunk	No impact, to be saved
5	Liriodendron tulipifera	Tulip Poplar	18"	Good Condition; triple-trunk, (1) 18", (2) 16"	No impact, to be saved
6	Liriodendron tulipifera	Tulip Poplar	28"	Good condition	No impact, to be saved
7	Quercus rubra	Red Oak	35"	Specimen tree; Good condition	5% CRZ impact, root prune at LOD
8	Liriodendron tulipifera	Tulip Poplar	33"	Specimen tree; Poor Condition; significant basal damage, hollow base	33% CRZ impact, to be removed - hand-cut down to leave tree trunk in place
9	Liriodendron tulipifera	Tulip Poplar	38"	Specimen tree; Fair Condition; double-trunk, damaged crotch	Inside LOD, to be removed
10	Liriodendron tulipifera	Tulip Poplar	39"	Specimen tree; Poor Condition; significant basal damage, lightning damage	Falls within proposed future septic field, to be removed when proposed future septic field expands
11	Liriodendron tulipifera	Tulip Poplar	31"	Specimen tree; Good condition	8% CRZ impact at initial time of construction, rt. prune at LOD
12	Fagus grandifolia	American Beech	24"	off-site but within 100' of property line; good condition	No impact, to be saved
13	Liriodendron tulipifera	Tulip Poplar	27"	off-site but within 100' of property line; good condition	No impact, to be saved
14	Liriodendron tulipifera	Tulip Poplar	30"	Specimen tree; Poor Condition; significant basal damage	2% CRZ impact, root prune at LOD
15	Fagus grandifolia	American Beech	27"	Good condition	No impact, to be saved
16	Liriodendron tulipifera	Tulip Poplar	24"	off-site but within 100' of property line; good condition	No impact, to be saved
17	Carya glabra	Pignut Hickory	26"	Specimen tree; Good condition	No impact, to be saved
18	Liriodendron tulipifera	Tulip Poplar	24"	Good condition	No impact, to be saved
19	Liriodendron tulipifera	Tulip Poplar	24"	off-site but within 100' of property line; good condition	No impact, to be saved
20	Liriodendron tulipifera	Tulip Poplar	24"	off-site but within 100' of property line; good condition	No impact, to be saved
21	Liriodendron tulipifera	Tulip Poplar	24"	Good condition	Inside LOD, to be removed
22	Liriodendron tulipifera	Tulip Poplar	24"	Good condition	Inside LOD, to be removed
23	Liriodendron tulipifera	Tulip Poplar	24"	Good condition	Inside LOD, to be removed
24	Liriodendron tulipifera	Tulip Poplar	24"	off-site but within future access easement; good condition	36% CRZ impact, to be removed
25	Liriodendron tulipifera	Tulip Poplar	24"	off-site but within future access easement; good condition	Inside LOD, to be removed
26	Liriodendron tulipifera	Tulip Poplar	24"	off-site but within future access easement; good condition	Inside LOD, to be removed
27	Liriodendron tulipifera	Tulip Poplar	30"	Specimen tree; off-site but within future access easement; good condition	34% CRZ impact, to be removed - hand-cut down to leave tree trunk in place
28	Quercus rubra	Red Oak	24"	off-site but within future access easement; good condition	Inside LOD, to be removed
29	Platanus occidentalis	American Sycamore	24"	off-site but within future access easement; good condition	No impact, to be saved
30	Liriodendron tulipifera	Tulip Poplar	24"	off-site but within future access easement; good condition	No impact, to be saved
31	Liriodendron tulipifera	Tulip Poplar	24"	off-site but within future access easement; good condition	<1% CRZ impact, no action required

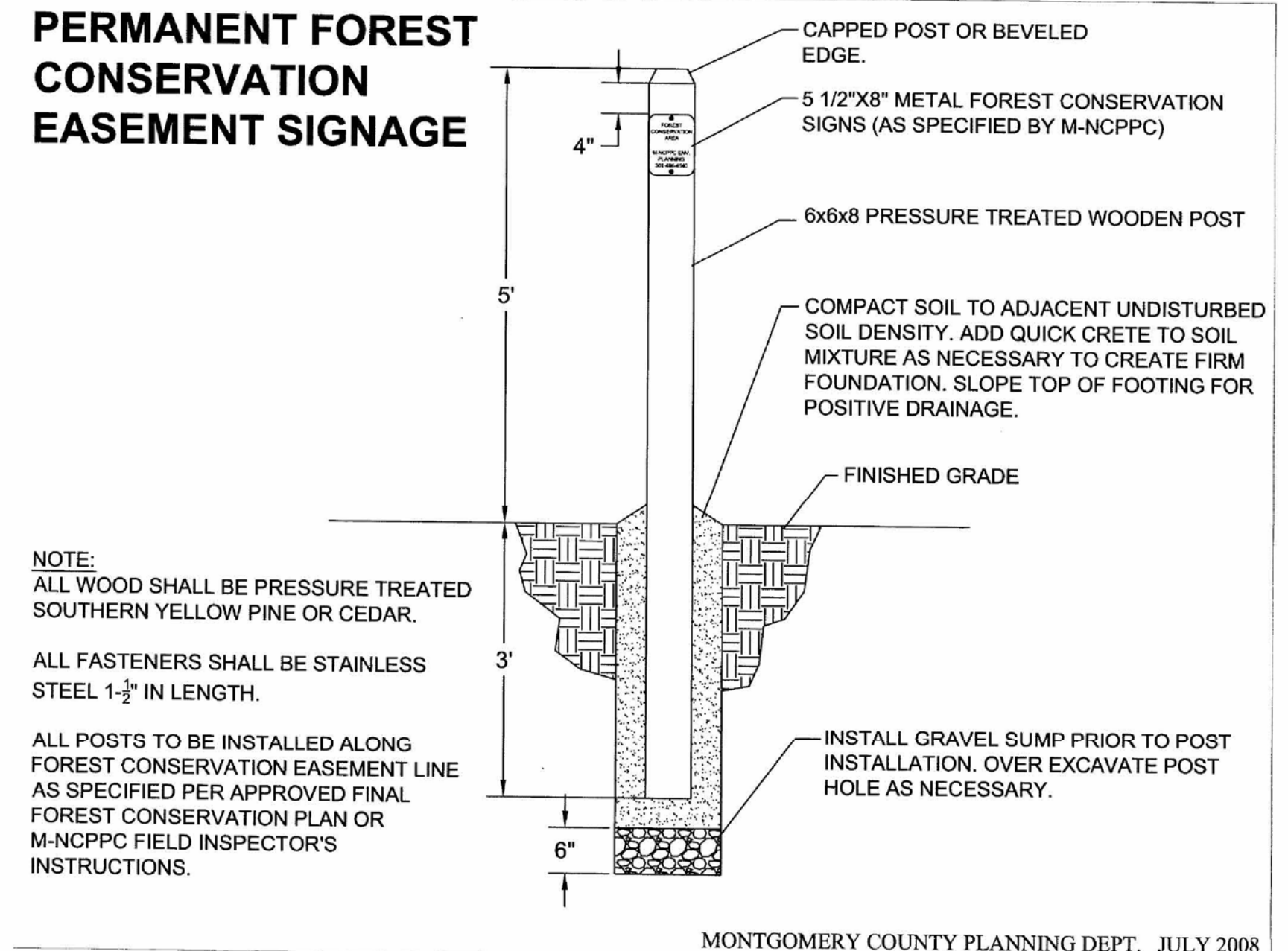
SIGNS AND FENCING USED:

SUPER SILT AND TREE PROTECTION FENCE:	0 LINEAR FEET
TREE PROTECTION FENCE:	2447 LINEAR FEET
FOREST CONSERVATION SIGNS @ 100' O.C.:	14 SIGNS
SPECIMEN TREE SIGNS:	1 SIGN



- NOTES:**
- COMBINE SEDIMENT CONTROL AND PROTECTIVE DEVICES.
 - RETENTION AREA WILL BE SET AS PART OF THE REVIEW PROCESS.
 - BOUNDARIES OF RETENTION AREA SHOULD BE STAKED PRIOR TO INSTALLING PROTECTIVE DEVICE.
 - ROOT DAMAGE SHOULD BE AVOIDED.
 - MOUND SOIL ONLY WITHIN THE LIMITS OF DISTURBANCE.
 - PROTECTIVE SIGNAGE IS REQUIRED.
 - ALL STANDARD MAINTENANCE FOR SEDIMENT CONTROL DEVICES APPLY TO THESE DETAILS.
 - STEEL POSTS MUST BE SCHEDULE 40 OR S84W, 2.5" DIAMETER, GALVANIZED PIPE. POST SPACING MUST NOT EXCEED 10 LINEAR FEET. POSTS DO NOT NEED TO BE SET IN CONCRETE.
 - CHAIN LINK FENCE FABRIC MUST BE 2" X 89 GAUGE 44 K WIRE. CHAINLINK FENCE FABRIC MUST BE STRETCHED TIGHT AND SECURELY FASTENED TO POSTS WITH FENCE WIRE.
 - FILTER FABRIC MUST BE MSHA CLASS T FABRIC. FILTER FABRIC MUST BE STRETCHED TIGHT AND SECURELY FASTENED TO CHAIN LINK FENCE, FRONT AND BACK, WHERE TWO ENDS OF FILTER CLOTH MEET, THEY MUST BE OVERLAPPED A MINIMUM OF 6"; FOLDED TOGETHER AND FASTENED.
 - MAINTENANCE MUST BE PERFORMED AS NEEDED AND SILT BUILDUPS REMOVED WHEN THEY REACH AN 18" DEPTH ABOVE EXISTING GROUND OR WHEN 'BULGES' DEVELOP IN THE SILT FENCE.
 - ALL OTHER DETAILS AND SPECIFICATIONS SHALL BE IN ACCORDANCE WITH THE U.S.D.A.-S.C.S., M.D.E.-W.M.A. AND M.S.H.A. SPECIFICATIONS.

SUPER SILT AND TREE PROTECTION FENCE
SCALE: 3/8" = 1'-0"



NOTE:
ALL WOOD SHALL BE PRESSURE TREATED SOUTHERN YELLOW PINE OR CEDAR.
ALL FASTENERS SHALL BE STAINLESS STEEL 1-3/8" IN LENGTH.
ALL POSTS TO BE INSTALLED ALONG FOREST CONSERVATION EASEMENT LINE AS SPECIFIED PER APPROVED FINAL FOREST CONSERVATION PLAN OR M-NCPPC FIELD INSPECTOR'S INSTRUCTIONS.

Specimen Tree Sign



THIS SIGN TO BE LOCATED AT THE BASE OF ANY PRESERVED TREE JUST OUTSIDE OF THE LOD LINE

O'Connell & Lawrence, Inc.
Construction Consultants • Engineers • Surveyors

January 29, 2013
Damon Hunter
19221 Chandlee Mill Road
Sandy Spring, MD 20890

Re: Preliminary Plan Application #120120040
Parcel 403
Chandlee Mill Road - Brookeville, MD 21033
Request to Remove a Tree on Private Property

Dear Mr. Hunter:

The purpose of this letter is to request permission to enter a small portion of your property in conjunction with work to be performed on the subject property in conjunction with Preliminary Plan of Subdivision No. 120120040.

In accordance with comments received from the Area 3 section of the Maryland National Capital Park and Planning Commission (M-NCPPC), one tree from your property will need to be removed. As you are aware, the owner of the property, Mr. Jefferson Lawrence, has the rights to an easement (L-1478 - F-44) that allows him to build a driveway across a portion of your property. In conjunction with this construction, the affected root zone construction performed by the landscape architect indicates that a tree currently on your property is likely to perish as a result of this construction.

Therefore, Mr. Lawrence has authorized me to respectfully request permission to access your property to remove this tree during construction activities. A sketch showing the tree to be removed has been included with this letter.

Your signature below indicates that you have reviewed this letter and have agreed to provide permission for the general contractor for this work to enter your property and remove the subject tree. Please note that a copy of this signed letter will be sent to M-NCPPC staff as a notification that you have agreed to this work.

If you have any questions about this, please feel free to contact me at (301) 924-4570 or at dlh@oclcinc.com. Thank you very much.

Sincerely,
O'Connell & Lawrence, Inc.
Douglas G. Tilley, P.E.
Engineering and Surveying Department

My signature below indicates that I have reviewed and agreed to the terms of this letter, and that representatives for Mr. Jefferson Lawrence will be permitted entry onto property to remove the necessary tree in accordance with Preliminary Plan of Subdivision No. 120120040.

Damon Hunter, owner

Corporate Office: 7700A Georgia Avenue, Suite 302, Chevy Chase, MD 20815 • Tel: 301-924-4370 • Fax: 301-924-8672

SEQUENCE OF CONSTRUCTION:

- PRIOR TO CONSTRUCTION CONTACT MISS UTILITY AT LEAST 48 HOURS PRIOR TO BEGINNING ANY LAND DISTURBANCE.
- INSTALL SEDIMENT CONTROL DEVICES, PERFORM ROOT PRUNING AND INSTALL TREE PROTECTION FENCING AND SIGNAGE UNDER THE DIRECTION OF A LICENSED EXPERT OR CERTIFIED ARBORIST.
- CLEAR, GRUB, AND BEGIN EXCAVATING AND GRADING.
- BEGIN BUILDING CONSTRUCTION.
- BEGIN WATER AND SEWER AND OTHER UTILITY CONSTRUCTION.
- AS VARIOUS AREAS ARE COMPLETED, PLACE TOPSOIL AND SOD/SEED ON GRASSED AREAS IN CONFORMANCE WITH THESE PLANS AND THE "STANDARD EROSION AND SEDIMENT CONTROL NOTES."
- UPON COMPLETION AND SITE STABILIZATION, AND WITH THE APPROVAL OF THE SEDIMENT CONTROL INSPECTOR, ALL SEDIMENT CONTROL STRUCTURES SHALL BE REMOVED.
- REMOVE TREE PROTECTION FENCE.

LANSCAPE ARCHITECT
1188
JAMES LOUIS DASH
STATE OF MARYLAND

IPDG

5300 WESTVIEW DRIVE
SUITE 103
FREDERICK, MD, 21701
(301)-695-6172
FAX (301)-695-6219
LANDSCAPE ARCHITECTURE

THE LAND PLANNING & DESIGN GROUP INC.

LAND-PLANNING • SITE-PLANNING • LANSCAPE ARCHITECTURE

SCALE: AS SHOWN DATE: 06/06/2011

REVISIONS:

08/27/12	REVISE PER COMMENTS DATED 10/17/11
02/26/13	REVISE PER COMMENTS DATED 12/18/12
05/14/13	REVISE PER COMMENTS DATED 04/18/13
03/06/14	REVISE PER NEW LOD
04/18/14	REVISE PER COUNTY COMMENTS

PRELIMINARY FOREST CONSERVATION PLAN DETAILS

19230 CHANDELEE MILL ROAD

MONTGOMERY COUNTY, MARYLAND

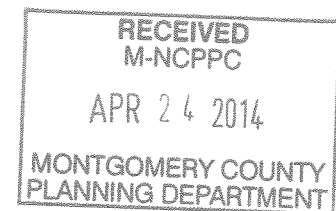
14TH ELECTION DISTRICT

Sheet:
2 of 2

LAND PLANNING • SITE PLANNING • LANDSCAPE ARCHITECTURE • SITE MANAGEMENT

April 4, 2014

Environmental Planning Division
Maryland National Capital Park and Planning Commission (M-NCPPC)
Attn: Mary Jo Kishter
8787 Georgia Avenue
Silver Spring, Maryland 20910



Re: 19230 Chandlee Mill Road
Request for Tree Removal and Impacts Variance

Dear Ms Kishter,

On behalf of Mr. Jefferson Lawrence and pursuant to Section 22A-21 *Variance provisions* of the Montgomery County Forest Conservation Ordinance and recent revisions to the State Forest Conservation Law enacted by S.B. 666, we are writing to request variance(s) to allow impacts or removal of the following trees identified on the approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) Plan No. 420110490, for the above-named project:

Specimen Tree Impacts Summary (Trees > 30" DBH)

Key	Botanical name	Common name	Size (Dia.)	Remarks	CRZ Impact
7	Quercus rubra	Red Oak	35"	Specimen tree; Good condition	5% CRZ impact, root prune at LOD
8	Liriodendron tulipifera	Tulip Poplar	33"	Specimen tree; Poor Condition; significant basal damage, hollow base	33% CRZ impact, to be removed
9	Liriodendron tulipifera	Tulip Poplar	38"	Specimen tree; Fair Condition; double-trunk, damaged crotch	Inside LOD, to be removed
10	Liriodendron tulipifera	Tulip Poplar	39"	Specimen tree; Poor Condition; significant basal damage, lightning damage	Falls within proposed future septic field, to be removed when proposed future septic field expands
11	Liriodendron tulipifera	Tulip Poplar	31"	Specimen tree; Good condition	9% total CRZ impact, root prune at LOD
14	Liriodendron tulipifera	Tulip Poplar	30"	Specimen tree; Poor Condition; significant basal damage	2% CRZ impact, root prune at LOD
27	Liriodendron tulipifera	Tulip Poplar	30"	Specimen tree; off-site but within future access easement; good condition	34% CRZ impact, to be removed - cut down to leave tree trunk in place

Project Description:

19230 Chandlee Mill Road is a 4.14-acre parcel of land located on Chandlee Mill Road in Sandy Spring, MD. The property is owned by Jefferson D. Lawrence and is the future location of a residential construction project. The site is currently undeveloped and is situated in the middle of existing residential lots. Access to the site is only available via a 50' ingress/egress easement (L. 41478 F. 441). Proposed development consists of a driveway, two residences and associated septic fields.

Mary Jo Kishter
 March 6, 2014
 19230 Chandlee Mill Road (Tree Removal and Impacts Variance)
 Page Two

Requirements for Justification of Variance:

Section 22A-21(b) *Application requirements* states that the applicant must:

- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
- (2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
- (3) Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and
- (4) Provide any other information appropriate to support the request.

Justification of Variance:

- (1) **Describe the special conditions peculiar to the property which would cause the unwarranted hardship;**

Response: The program for the project consists of subdividing the parcel into two residential lots and constructing two residences. Efforts have been made to limit the major disturbance within Area B shown as indicated on NRI/FSD Plan No. 420110490, which is a forest stand with a low priority rating. The proposed development will impact seven (7) specimen trees. Three (3) trees will not require removal, one (1) tree falls within the limits of disturbance and will require removal, two (2) trees will have critical root zone impact (CRZ) above 30% and will require removal, and one (1) trees will eventually have CRZ impact above 30% when the proposed septic field is expanded and will require removal when expansion of the septic field becomes necessary.

If the applicant is not permitted to impact the trees, the residences will not be able to be constructed causing an *unwarranted hardship* to the current property owner who will be denied the construction of the residences.

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

Response: One (1) specimen tree is being impacted by the driveway being constructed within the 50' ingress/egress easement allowing for access to the parcel. Efforts have been made to locate the driveway as far away from the trunk of this tree as possible to minimize the CRZ impact. Despite these efforts, the CRZ impact still

Mary Jo Kishter
March 6, 2014
19230 Chandlee Mill Road (Tree Removal and Impacts Variance)
Page Three

exceeds 30% and will require removal. Should the rules be enforced, the landowner will be deprived of access to his property as others are permitted to do in the same area. Also, as a result of percolation tests, the locations indicated on the plan for the proposed septic fields prove to be the most viable areas. Alternative locations would not only impact the specimen trees, but also impact the stream buffers. Furthermore, if required to keep all improvements outside the root zones of specimen trees, the project could not be constructed, thus depriving the landowner of the right to develop on his property as others are permitted to do in the same area.

- (3) **Verify that State water quality standards will not be violated or that measurable degradation in water quality will not occur as a result of the granting of the variance;**

Response: The limit of disturbance shown within the property is located to avoid steep slopes, the stream buffer, and the floodplain to allow for the existing drainage/infiltration to remain undisturbed. The specimen trees to be removed on-site are located away from natural drainage systems. Proper measures will be taken in order to minimize any impact to water quality (sediment erosion control plan to be submitted by engineers) and keep maximum preservation of local habitat. Minimal grading will occur in the limits of disturbance located within the 50' ingress/egress easement. The specimen tree proposed to be removed within the ingress/egress easement will only be cut down and the trunk and roots will remain in place in order to avoid destabilizing the ground around it. Furthermore, the site design includes on-site stormwater management systems in order to reduce the amount of runoff from impervious surfaces.

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

Response: The proposed construction will occur mostly within forest stand areas that have a low forest priority rating and minimal impact will occur to forest stand areas that have a high priority rating per NRI/FSD Plan No. 420110490. In addition, no impact is planned to occur within environmentally sensitive areas and forest clearing acreage falls below the maximum allowable area per the Montgomery County Conservation Worksheet.

As further basis for the variance request, the applicant can demonstrate that it meets the Section 22A-21(d) *Minimum criteria*, which states that a variance must not be granted if granting the request:

Mary Jo Kishter
March 6, 2014
19230 Chandlee Mill Road (Tree Removal and Impacts Variance)
Page Four

- (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.

(1) Will confer on the applicant a special privilege that would be denied to other applicants;

Response: 19230 Chandlee Mill Road is in conformance with the County's General plan and zoning requirements. As such, this is not a *special privilege* to be conferred on the applicant.

(2) Is based on conditions or circumstances which are the result of the actions by the applicant;

Response: Mr. Jefferson Lawrence has taken no actions leading to the conditions or circumstances that are the subject of this variance request.

(3) Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or

Response: The surrounding land uses do not have any inherent characteristics or conditions that have created or contributed to this particular need for a variance.

(4) Will violate State water quality standards or cause measurable degradation in water quality.

Response: Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality.

Mary Jo Kishter
March 6, 2014
19230 Chandlee Mill Road (Tree Removal and Impacts Variance)
Page Five

For the above reasons, the applicant respectfully requests that the M-NCPPC Staff APPROVE its request for a variance from the provisions of Section 22A of the Montgomery County Forest Conservation Ordinance, and thereby, GRANTS permission to impact/remove the specimen trees in order to allow the construction of this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Baish', written in a cursive style.

James L. Baish, RLA
Principal

Cc: Jefferson Lawrence, Applicant
Douglas Tilley, PE, O'Connell & Lawrence, Inc.



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

April 21, 2014

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

RE: 19230 Chandlee Mill Road - Revised, DAIC 120140040, NRI/FSD application accepted on 9/17/2011

Dear Ms. Carrier:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). 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, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the

Division of Environmental Policy & Compliance

variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this 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 minor revisions to the impacts to trees subject to variance provisions 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: Mary Jo Kishter, Senior Planner



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

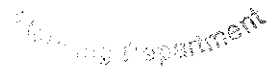
Diane R. Schwartz Jones
Director

MEMORANDUM

December 9, 2011



DEC 15 2011



TO: Cathy Conlon, Development Review,
Maryland National Capital Park and Planning Commission

FROM: Diane R. Schwartz Jones, Director
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: # 120120040

19230 Chandlee Mill Rd, Lots 1 & 2

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on December 8, 2011

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 proposed houses must utilize approved septic treatment systems with Best Available Technology as approved by the State of MD.

If you have any questions, contact Gene von Gunten at (240) 777-6319.

cc: Surveyor
File



FIRE MARSHAL COMMENTS

DATE: 05-Mar-14
TO: Douglas Tilley - tilld@oclinc.com
O'Connell & Lawrence
FROM: Maric LaBaw
RE: Chandlee Mill Road
120120040

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 05-Mar-14. 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.

***** Approved with installed on-site static water supply *****



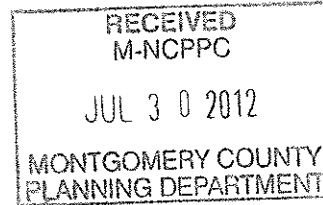
DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

July 24, 2012

Mr. Richard Weaver, Acting Supervisor
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



RE: Preliminary Plan No. 120120040
19230 Chandlee Mill Road

Dear Mr. Weaver:

We have completed our review of the preliminary plan dated August 9, 2011 and subsequent storm drain analysis. This plan was reviewed by the Development Review Committee at its meeting on October 17, 2011.

An end-of-the fiscal year review revealed our review comments letter for this plan was still outstanding; please accept our apology for this delay.

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. Waiver from the Montgomery County Planning Board for lot(s) on a private right of way.
2. We accept the results of the March 6, 2012 consultant's storm drain analysis; no improvements to the existing downstream public storm drain system and/or bridge on Chandlee Mill Road are necessary for this project.
3. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
4. Record plat to reflect the liber and folio information of the existing ingress/egress easement.

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

Mr. Richard Weaver
Preliminary Plan No. 120120040
July 24, 2012
Page 2

5. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
6. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.

If required by the Montgomery County Fire and Rescue Service, we support working with MCFRS and the Department of Permitting Services at the record plat stage to modify the driveway as necessary to facilitate emergency vehicle ingress and egress.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Area Engineer for this project at david.adams@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

m:/FY13/Traffic/Active/Sub/120120040, 19230 Chandlee Mill Rd.doc

Enclosures (2)

cc: Jefferson D. Lawrence; applicant
Douglas G. Tilley; O'Connell & Lawrence, Inc.
Ki Kim; M-NCPPC CPPC Area 3
Catherine Conlon; M-NCPPC DARC
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Marie LaBaw; MCFRS
Atiq Panjshiri; MCDPS RWPR
David Adams; MCDOT DTEO



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

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: 19230 Chandlee Mill Rd Preliminary Plan Number: 1-20120040

Street Name: Chandlee Mill Road Master Plan Road Classification: Primary Residential Street

Posted Speed Limit: 35 mph

Street/Driveway #1 (Prop. Driveway) Street/Driveway #2 (_____)

Sight Distance (feet)	OK?
Right <u>595</u>	<u>Y</u>
Left <u>398</u>	<u>Y</u>

Sight Distance (feet)	OK?
Right _____	_____
Left _____	_____

Comments: Sight distance to the left is partially obscured by foliage. Survey conducted June 22, 2011

Comments: _____

GUIDELINES

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

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

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

Signature: [Handwritten Signature]
 Date: 7/7/2011
 P.E. License No. 27478
 Expiration Date: 1/22/2012

"Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 27478
 Expiration Date: 1/22/2012"

Montgomery County Review:

Approved

Disapproved:

By: [Handwritten Signature]

Date: 7/24/12



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

July 21, 2011

Mr. Douglas G. Tilley
O'Connell & Lawrence, Inc.
17904 Georgia Avenue, Suite 302
Olney, MD 20832

Re: Stormwater Management **CONCEPT** Request
for 19230 Chandlee Mill Road
Preliminary Plan #: Pending
SM File #: 240086
Tract Size/Zone: 4.1387 acres / RE-2
Total Concept Area: 4.1387 acres
Lots/Block: NA
Parcel(s): 403
Watershed: Hawlings River

Dear Mr. Tilley:

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 flow disconnection, installation of dry wells, and use of pervious concrete pavement.

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. Use of pervious concrete is acceptable for the driveway portion that runs north-south between the proposed lots, but is not feasible for the portion shown along the common driveway where it leaves Chandlee Mill Road and crosses the existing stream.
5. Size the on lot stormwater practices to provide as much of the required storage volume as practicable.
6. If the 100-year floodplain extends as far up as the proposed driveway crossing, a Floodplain District Permit will be required. Please clarify the drainage area to the proposed culvert crossing at the time of detailed plan submittal.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is **not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,

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

RRB: tla mce

cc: C. Conlon
SM File # 240086

ESD Acres: 4 acres
STRUCTURAL Acres: NA
WAIVED Acres: NA