



Beall's Manor: Preliminary Plan No.120140030

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- JAC* John Carter, Chief, Area 3

Staff Report Date: 7/03/14

Description

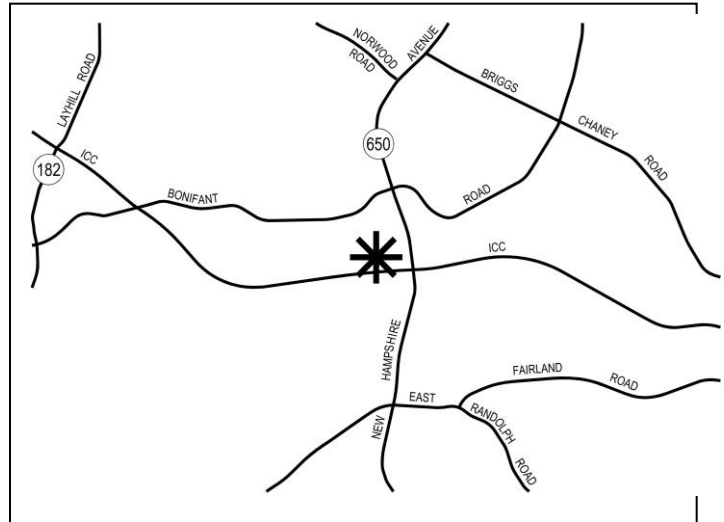
Beall's Manor: Preliminary Plan No.120140030

Request to subdivide Parcel 823, Tax Map JR563 to create three (3) lots, located at the terminus of Spearmint Lane, approximately 150 feet southeast of the intersection with Amberleigh Terrace; 2.0 acres; R-200 Zone; Cloverly Master Plan and Cloverly Policy Area.

Staff Recommendation: Approval with conditions

Applicant: Charlie Gilroy- RCG Development LLC

Submitted date: August 26, 2013



Summary

- Staff recommends approval of both the Preliminary Plan and associated Preliminary Forest Conservation Plan with conditions.
- Extends Spearmint Lane (reduced width tertiary) and creates a cul-de-sac at its terminus.
- Includes a Chapter 22A variance for the removal of seven (7) trees and impact to one (1) tree that are 30 inches and greater DBH.
- Consistent with the recommendations of the Cloverly Master Plan.
- The proposed lots meet the standards for the R-200 Zone.

RECOMMENDATION: Approval, subject to the following conditions:

- 1) This Preliminary Plan is limited to three (3) residential lots.
- 2) The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan No. 120140030, approved as part of this Preliminary Plan, subject to:
 - a. The Final Forest Conservation Plan must be approved prior to recordation of the plat.
 - b. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.
 - c. Prior to any clearing, grading, or demolition on the Property, the Applicant must record a Certificate of Compliance Agreement executed by the Applicant and the Planning Board or its designee for the offsite forest planting requirement.
 - d. The Final Sediment Control Plan must be consistent with the final limits of disturbance as approved by M-NCPPC Staff.
 - e. The Applicant must comply with all tree protection and tree save measures shown on the approved Final FCP. Tree save measures not specified on the Final FCP may be required by the M-NCPPC forest conservation inspector.
- 3) The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 14, 2014, 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.
- 4) Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 5) 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 May 2, 2014, 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.
- 6) The Applicant must dedicate all road rights-of-way to the full width of 27’4” as designated on the Preliminary Plan.
- 7) The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes.

- 8) Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of a 5-foot wide sidewalk along the property frontage around Spearmint Lane Cul-de-sac, unless construction is waived by MCDPS.
- 9) The certified Preliminary Plan must contain the following note:

“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s).”
- 10) The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 11) Record plat must reflect a 15 foot public utility easement on Lot 3 as shown on the Preliminary Plan.
- 12) Record plat must show necessary easements.
- 13) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
- 14) The Subject Property is within the Springbrook High School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the middle school level at the single-family detached unit rate for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

SITE DESCRIPTION

The subject property is located at the terminus of Spearmint Lane, approximately 150 feet southeast of the intersection with Amberleigh Terrace and consists of a 2.0 acre unplatted parcel (P823, Tax Map JR563) and zoned R-200(“Property” or “Subject Property”). The Property is located west of New Hampshire Ave (MD 650), south of Amberleigh Drive and north of the Inter-County Connector (MD 200). The Property is within the “Suburban Communities” of the Cloverly Master Plan. The only improvements on the Property consist of the remains of an old driveway that enters the Property at the existing terminus of Spearmint Lane. The Property is surrounded on the north, east and south by one-family residential dwellings and to the south with community open space , all of which is zoned R-200. The Subject Property was improved with a single-family home prior to 1988 when the surrounding subdivision (North Sherwood Forest) was developed. In order to provide access to the existing dwelling on the Property Spearmint Lane was left as a stub at the Property boundary.

The Property is located within the Northwest Branch watershed; this portion of the watershed is classified by the State of Maryland as Use Class IV waters. There are no streams, wetlands, 100-year floodplains, or environmental buffers located on or adjacent to the Property. There are no steep slopes, highly erodible soils, and no forest on the Property. The Property slopes approximately 5% from north to south. There are thirteen large trees are located on the Property.

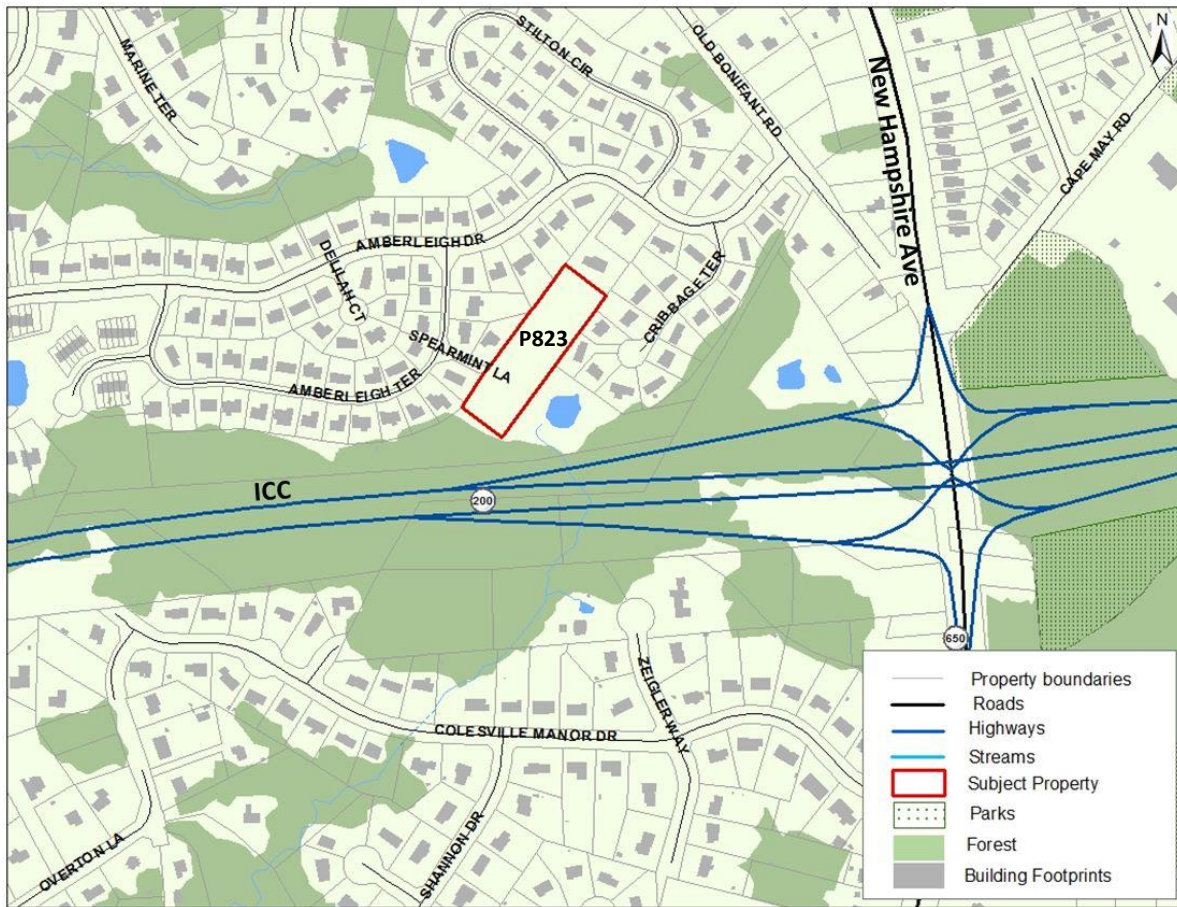


Figure 1- Vicinity

PROJECT DESCRIPTION

Preliminary Plan No. 120140030, Beall’s Manor, (“Preliminary Plan” or “Application”) proposes to subdivide the existing 2 acre parcel into three (3) lots for three (3) one-family residential dwelling units. The Property is accessible from the existing stub of Spearmint Lane, which will be continued as a public street and terminate in a new cul-de-sac as part of the Application. Each of the three lots will have frontage on the cul-de-sac and each will have a private driveway. Stormwater will be managed with on-lot systems and by a facility in a separate parcel (Parcel A) between Lots 2 and 3, at the southeast most end of the cul-de-sac. A 15 foot wide public improvement easement will be recorded on Lot 3 for a future trail connection. This Application also includes a variance for impact and removal of trees on the Property.

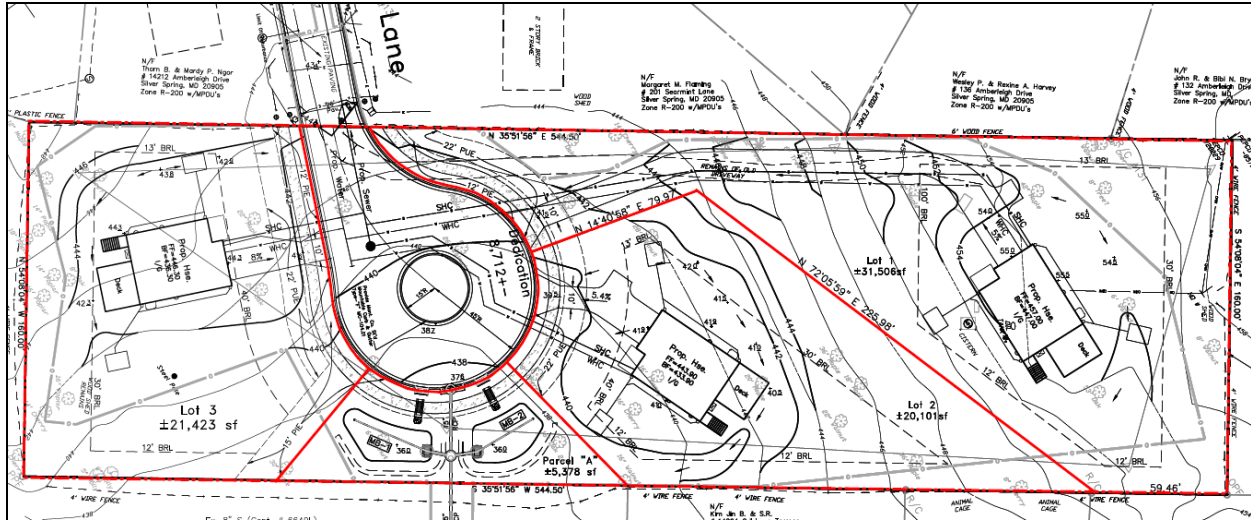


Figure 2 - Proposed
(See Attachment A for full plan)

ANALYSIS AND FINDINGS – Chapter 50

Conformance to the Master Plan

The Subject Property is located in the southern portion of the 1997 Cloverly Master Plan (“Master Plan”) area known as the “Suburban Communities” (see Attachment B) and is located in the North Sherwood Forest neighborhood. The Master Plan does not make any specific recommendations for the Property or nearby residential properties. However, one of the general recommendations for “Suburban Communities” is to “join new development with existing neighborhoods through street and pedestrian connections.” The proposed subdivision substantially conforms to the recommendations adopted in the Cloverly Master Plan in that the proposed development directly ties into the existing framework of the surrounding subdivision and improves the last piece of developable property within the North Sherwood Forest neighborhood. In addition, the Application provides a 15 foot wide public improvement easement (PIE) on Lot 3, along the common property line with Parcel A. The PIE will serve as a pedestrian connection to a future pedestrian path will connect to New Hampshire Avenue.

Adequate Public Facilities

Roads and Transportation Facilities

Local Area Transportation Review

The Local Area Transportation Review (LATR) guidelines require a traffic study to be performed if a development generates 30 or more weekday peak-hour trips. The three proposed dwelling units will generate three morning peak-hour trips (6:30 a.m. to 9:30 a.m.) and four evening peak-hour trips (4:00 p.m. to 7:00 p.m.), below the 30-trip threshold. Therefore, no LATR is required.

Transportation Policy Area Review (TPAR)

The Property is located in the Fairland/White Oak Transportation Policy Area, which is defined as *inadequate* under the roadway test and *adequate* under the transit test for TPAR. To mitigate the roadway test the Applicant must make a TPAR Mitigation Payment, equal to 25 percent of the General District Transportation Impact Tax, pursuant to the 2012-2016 Subdivision Staging Policy. The timing and amount of the payment must be in accordance with Chapter 52 of the Montgomery County Code.

Road Design

In order to transition into the built section of Spearmint Lane, the Applicant proposes to extend the stub of existing Spearmint Lane as a modified tertiary residential street (Montgomery County Road Code Standard Number MC-210.3) with 26 feet of pavement and total right-of-way width of 27'4". MCDOT has approved the road section and with Staff, concurs that the reduced width tertiary section is the only feasible way to complete Spearmint Lane which was also built to reduced width tertiary standards. Spearmint Lane will terminate on the Property in a new cul-de-sac, which will adequately serve as access to the new lots.

The Application includes a sidewalk around the new cul-de-sac bulb in conformance with road code standards; however, there is no other sidewalk on the existing section of Spearmint Lane that would provide a connection to the existing sidewalk on Amberleigh Terrace; the closest existing sidewalk to the Property. The surrounding neighborhood was built with sidewalks on only one side of the roads and partially around the existing cul-de-sacs. Although the Master Plan recommends new development be joined to existing neighborhoods, in this case, Staff believes Spearmint Lane can serve as a vehicular and pedestrian connection to the surrounding neighborhood's pedestrian and vehicular network. The proposed cul-de-sac is expected to be a low traffic area and, therefore, the pavement without a sidewalk will be safe and adequate for pedestrian use. Staff would not object to an MCDPS determination that a sidewalk is not necessary for this Property.

The Application has been reviewed by the Montgomery County Department of Transportation who determined that the Property has adequate vehicular access and site distance as mentioned in their letter dated, April 1, 2014 (Attachment C). Vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

Other Public Facilities and Services

All other public facilities and services including electric, telecommunication, police and health services are available and adequate to support and serve the proposed dwelling units. The Property is located in the W-1 and S-1 water and sewer service categories which permit public water and sewer connection. The Application has been reviewed by Washington Suburban Sanitation Commission and has determined that there is an existing 8-inch water main and 8-inch gravity sewer main in the existing section of Spearmint Lane, which will be extended and are adequate to serve the Property.

The Application has been reviewed by the Montgomery County Department of Fire and Rescue Service who determined that the Property has adequate access for fire and rescue vehicles by transmittal dated, April 1, 2014 (Attachment D).

The Application is in the Springbrook High School Cluster which is operating at an inadequate level (over 105% utilization) at the middle school level according to the current Subdivision Staging Policy. Therefore, the Applicant must make a School Facilities Payment to MCDPS at the middle school level at the single-family detached, unit rates for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

Environment

Forest Conservation and Environmental Guidelines

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Property on June 17, 2013. There are no sensitive environmental features or forest on the Property. A Preliminary Forest Conservation Plan has been submitted for review (Attachment E). The Application includes 0.06 acres of offsite disturbance for the construction of a sewer connection on Spearmint Drive and a storm drain that will outfall to an existing offsite stormwater management facility. There are eight (8) specimen trees, each with a diameter at breast height (DBH) greater than 30 inches and five (5) significant trees with a DBH greater than or equal to 24 inches located on the Property. One significant tree is located offsite, west of the Property. There is a 0.31 acre forest planting requirement, which the Applicant proposes to meet offsite.

Forest Conservation Variance

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

Variance Request - The Applicant submitted a variance request dated January 31, 2014 for the removal of seven (7) Protected Trees and impact to one (1) Protected Tree (Attachment F). All of these Protected Trees are rated in poor or fair condition.

Table 1- Protected Trees to be removed

Tree Number	Species	DBH Inches	Status
1	Silver Maple	34	Fair condition
2	Red Maple	44	Poor condition
4	Silver Maple	56	Poor condition
5	Black Walnut	53	Poor condition
6	Silver Maple	40	Poor condition
7	Red Maple	42	Fair/Poor condition
8	Pin Oak	30	Fair/Poor condition

Table 2- Protected Trees to be impacted, but not removed

Tree Number	Species	DBH Inches	Percent Impact	Status
9	Red Maple	33	17%	Fair condition

Unwarranted Hardship – Under 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. Development on the Property is dictated by the existing conditions on the site, development standards of the R-200 Zone, and County agency requirements. The affected Protected Trees are located throughout the Property and the layout of the development is dictated to some extent by the pre-determined access to the Property from the existing terminus of Spearmint Lane. The shape of the Property, the required cul-de-sac, and the necessary stormwater management features limit the ability to avoid disturbing the Protected Trees. If the variance were not considered, the development anticipated on this R-200 zoned Property could not occur. There would be an unwarranted hardship if a variance were not considered.

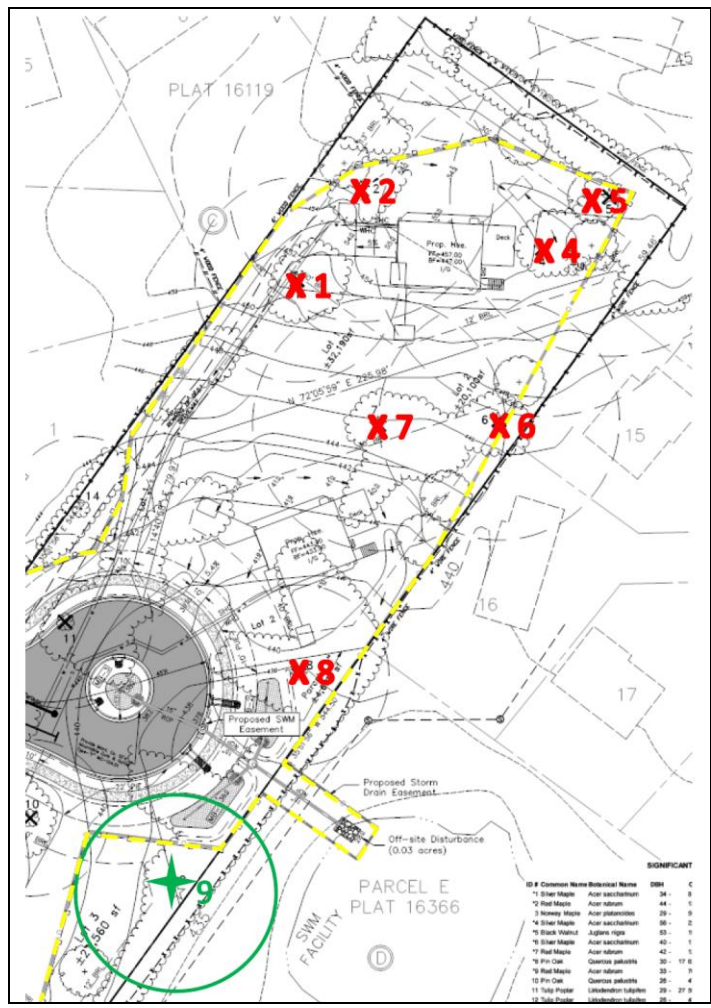


Figure 3. Protected Tree Removals and Impacts

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 that granting of the requested variance:

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

Granting the variance will not confer a special privilege on the Applicant as the removal and impacts to the Protected Trees is due to the development of the Property and the existing condition of the Protected Trees which are either in poor or fair condition. Granting a variance request to allow land disturbance within the developable portion of the Property is not unique to this Applicant. Staff believes that granting 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 and the development standards of the R-200 zone.

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.

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. Onsite mitigation for the removal of the trees will replace the functions currently provided by the Protected Trees. In addition, Montgomery County Department of Permitting Services has found the stormwater management concept for the proposed project to be acceptable.

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 and the Arborist issued a letter dated March 14, 2014 recommending that the variance be granted, with mitigation (Attachment G).

Mitigation - Staff recommends that mitigation for the loss of the Protected Trees be provided onsite. Mitigation should be at a rate that approximates the form and function of the tree removed. The mitigation is based on Staff's practice at the time the variance request was received whereby mitigation was not required for trees in poor condition. Staff recommends that replacement occur at a ratio of approximately 1-inch caliper for every 4-inch DBH removed. Mitigation for the removal of the three Protected Trees in fair condition (Trees #1, 7, and 8) must be provided in the form of nine (9) native canopy trees with a minimum size of three inches in diameter at breast height. While these trees will not be as large as the trees lost, they will provide some immediate canopy and will help augment the functions lost.

Variance Recommendation - Staff recommends that the variance be granted and mitigation required.

Stormwater Management

MCDPS approved a stormwater management concept on May 2, 2014 (Attachment H). The concept proposes to meet the required stormwater management goals via dry wells and micro-biofilters located both on- lot and on Parcel A. In addition, there is an existing stormwater pond that is capable of serving as an overflow if necessary, pending MCDPS final design approval.

Compliance with the Subdivision Regulations and Zoning Ordinance

The Application has been reviewed for compliance with the Subdivision Regulations and meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations of the Cloverly Master Plan and the intended residential use. The subdivision achieves the Master Plan recommendations by joining new development to existing neighborhoods and properly terminating Spearmint Lane in a cul-de-sac. The lots are appropriately dimensioned and provide for an orderly completion of the subdivision.

Table 3: Preliminary Plan Data Table

Plan Data	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan
Minimum Lot Area	20,000 sq. ft.	20,000 sq. ft.
Lot Width @ building line	100 ft. min.	100 ft. min.
Lot Frontage	25 ft. min.	25 ft. min.
Setbacks		
Front	40 ft. min.	Must meet minimum ¹
Side	12 ft. min./ 25 ft. total	Must meet minimum ¹
Rear	30 ft. min.	Must meet minimum ¹
Maximum Residential Dwelling Units	3	3
MPDUs	NA	NA
TDRs	NA	NA
Site Plan Required	No	NA

¹ As determined by MCDPS at the time of building permit.

The lots were reviewed for compliance with the dimensional requirements for the R-200 Zone. The proposed lots meet all the dimensional requirements for area, frontage, width, and setbacks in the R-200 Zone. A summary of this review is included in Table 3 (above). The Application has been reviewed by other applicable County agencies, all of whom have recommended approval of the plan.

Citizen Correspondence and Issues

This Application was submitted and noticed in accordance with all required procedures. Signs referencing the Application were posted at the of the Property's frontage at the terminus of Spearmint Lane. The Applicant held a pre-submission meeting on June 17, 2013 from 6:00 p.m. to 7:00 p.m. at Transfiguration Episcopal Church (13925 New Hampshire Avenue). Staff has not received any community inquiries or correspondence regarding the Application.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Cloverly 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 plan. Therefore, approval of the Application with the conditions specified above is recommended.

Attachments

Attachment A – Proposed Preliminary Plan-6.20.2014

Attachment B – Cloverly Master Plan

Attachment C – MCDOT letter

Attachment D – F&R letter

Attachment E – Preliminary Forest Conservation Plan

Attachment F – Variance Request

Attachment G – Arborist letter

Attachment H – MCDPS SWM concept letter

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NEIGHBORHOODS OF CLOVERLY

FIGURE 17





DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

March 21, 2014

Mr. Jonathan Casey, Senior Planner
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120140030
Beall's Manor

JONATHAN
Dear Mr. Casey:

We have completed our review of the revised preliminary plan dated February 24, 2014. This plan was previously reviewed by the Development Review Committee at its meeting on September 23, 2013. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, preliminary or site plans should be submitted to the Montgomery County 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.

General Site Layout and Right-of-Way Review Comments

1. Show necessary dedication of 27'-4" per standard MC-210.03 (Modified Tertiary Residential Street).
2. Public Improvements Easements will be required along all Modified Tertiary classification roadways. The Declaration of Public Improvements Easement document is to be recorded in the Land Records of Montgomery County. The deed reference is to be provided on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.
3. Grant a 15' PIE for a connector trail towards New Hampshire Avenue. The placement of this easement to be determined prior to certified preliminary plan. Coordinate with Ms. Patricia Shepherd of the Division of Transportation Engineering at (240) 777-7231.
4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.

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

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5. Given that MD 200 is a State-maintained roadway, we defer to the Maryland State Highway Administration regarding the capacity analysis for the downstream storm drain system. The runoff from the site is tributary to an existing adjacent stormwater management facility, which ultimately conveys under the Intercounty Connector (MD 200) via a 72" RCP culvert.
6. Prior to certification of the preliminary plan, design the storm drains at the end of the cul-de-sac on Spearmint Lane to not discharge within the PUE. Also, revise the downstream drainage analysis plan to address inconsistencies in the placement of the storm drains (in relation to the preliminary plan) and the erroneous labeling of the drainage areas and stormwater management facilities.
7. This site is located in the Northwest Branch (Class IV) watershed. In accordance with Section 49-33(l) of the Montgomery County Code, curb and gutter may not be installed in an environmentally sensitive watershed unless certain waiver criteria have been satisfied.
8. Based on a review of the information submitted to date, a waiver to allow curb and gutter has not been granted for this site. As a result, open section roadways will be required within this subdivision. (The Department of Permitting Services may lift this requirement if the applicant is able to provide documentation which satisfactorily demonstrates the use of curb and gutter will not significantly degrade water quality. This documentation is to be submitted in triplicate to Mr. Atiq Panjshiri of MCDPS, for subsequent review and comment by this Department and the Maryland-National Capital Park & Planning Commission (Environmental Planning Division.)
9. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
10. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards (unless a Design Exception is granted). Tree planning within the public right of way must be coordinated with Mr. Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.
11. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - a. Street grading, paving, curbs and gutters, storm drainage and appurtenances, and street trees along extended Spearmint Lane as a modified tertiary street.
 - b. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
 - c. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

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- d. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- e. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. William Haynes, our Development Review Area Engineer for this project, at william.haynes@montgomerycountymd.gov or (240) 777-2132.

Sincerely,

Gregory M. Leck, Manager
Development Review Team

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Enclosures ()

cc: Charlie Gilroy RCG Development
 Dave Crowe Macris, Hendricks & Glascock, P.A.
 Preliminary Plan folder
 Preliminary Plan letters notebook

cc-e: Scott Newill MDSHA AMD
 John Carter M-NCPPC Area 3
 Ki Kim M-NCPPC Area 3
 Catherine Conlon M-NCPPC DARC
 Amy Butler Stevens MCDPS SWFMP
 Atiq Panjshiri MCDPS RWPR
 Sam Farhadi MCDPS RWPR
 Mark Etheridge MCDPS WRM
 Marie LaBaw MCFRS
 Brett Linkletter MCDOT DHS
 Patricia Shepherd MCDOT DTE
 William Haynes MCDOT DTEO



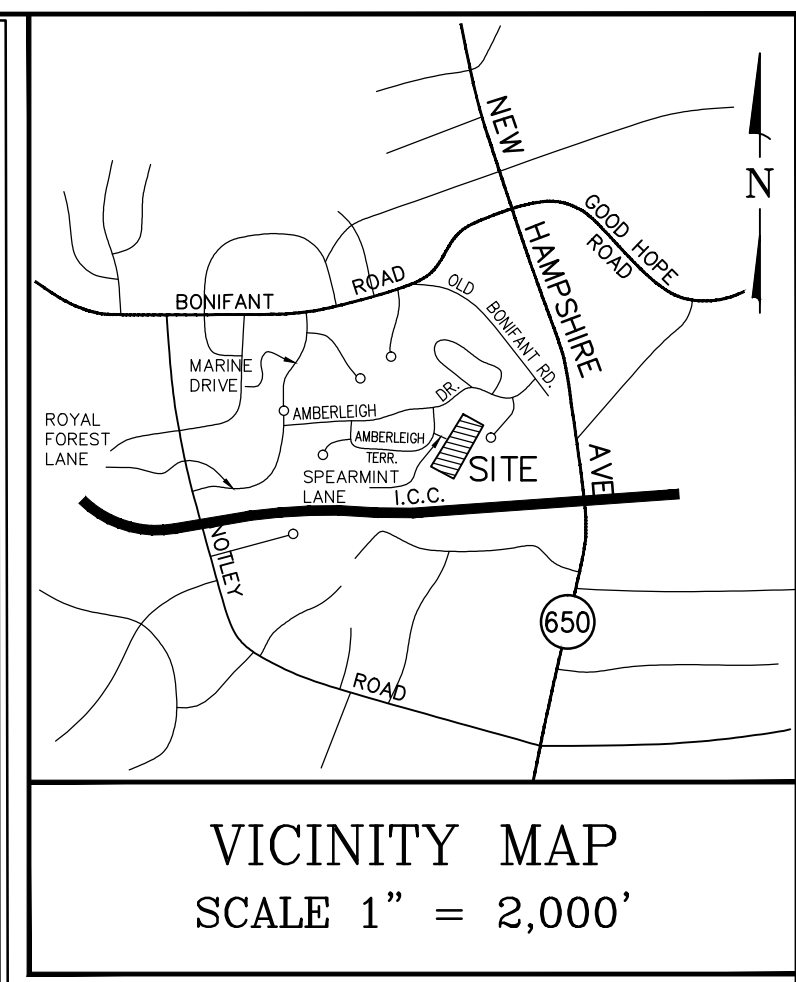
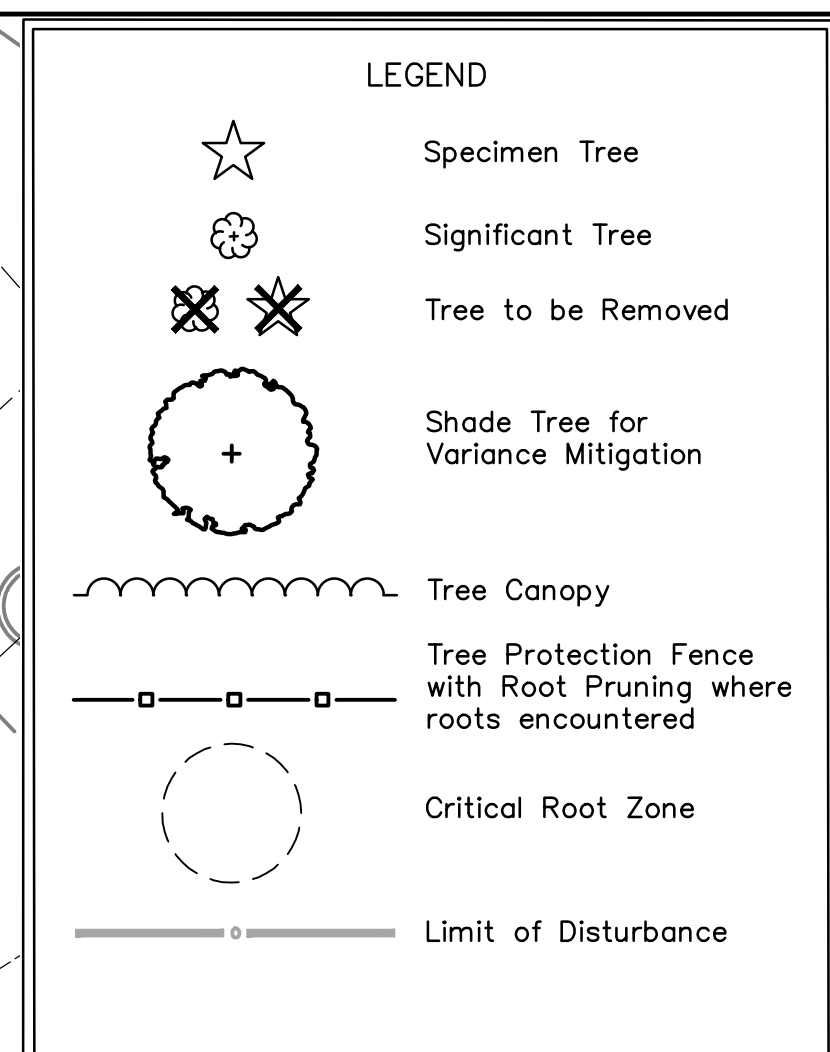
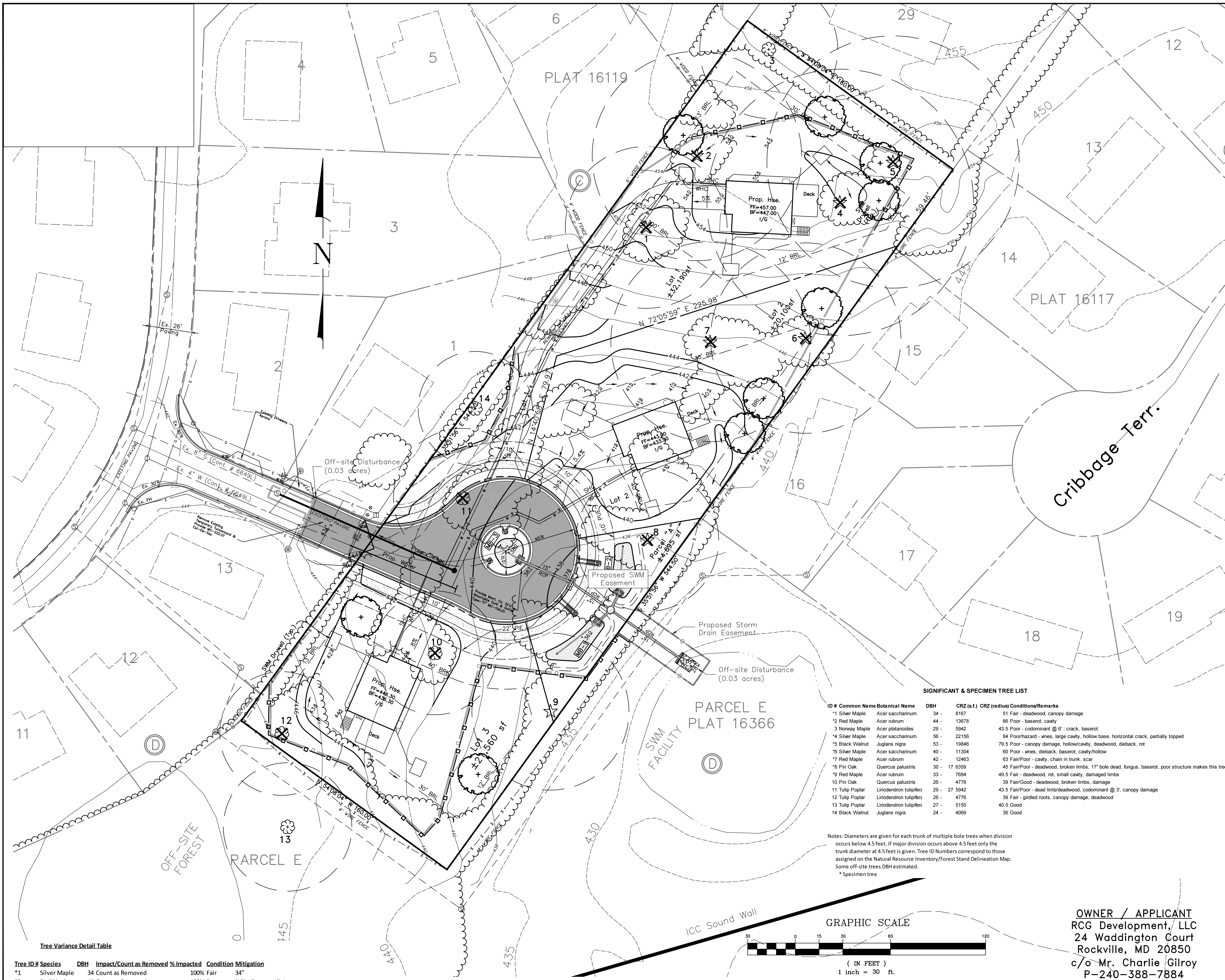
FIRE MARSHAL COMMENTS

DATE: 01-Apr-14
TO: Stephen Crum - scrum@mhgpa.com
Macris, Hendricks & Glascock
FROM: Marie LaBaw
RE: Beall's Manor
120140030

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **01-Apr-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.

***** No boulders, significant plantings, or obstruction installation permitted in cul-de-sac island



FOREST CONSERVATION DATA TABLE

DESCRIPTION	SIZE
Total Tract Area	2.06 Acres (includes 0.06 off-site)
Tract remaining in Agricultural Use	0.00 Acres
Road & utility ROW (unimproved)	0.00 Acres
Existing Forest	0.00 Acres
Total Forest Retention	0.00 Acres
Total Forest Cleared	0.00 Acres
Land Use Category	HDR
Afforestation Threshold	15 %
Reforestation Threshold	20 %
Forest in Wetlands Retained	0.00 Acres
Cleared	0.00 Acres
Planted	0.00 Acres
Forest in 100-year Floodplain Retained	0.00 Acres
Cleared	0.00 Acres
Planted	0.00 Acres
Forest in Stream Valley Buffer Retained	0.00 Acres
Cleared	0.00 Acres
Planted	0.00 Acres
Forest in other Priority Areas Retained	0.00 Acres
Cleared	0.00 Acres
Planted	0.00 Acres
Stream Valley Buffer Length	0 Feet
Avg. Width	0 Feet

FOREST CONSERVATION WORKSHEET
Bealls Manor

NET TRACT AREA:

A. Total tract area	2.06
B. Land dedication acres (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/use	0.00
E. Other deductions (specify)	0.00
F. Net Tract Area	2.06

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

	ARA	MDR	IDA	HDR	MPD	CIA
	0	0	0	1	0	0

G. Afforestation Threshold ... 15% x F = 0.31
H. Conservation Threshold ... 20% x F = 0.41

EXISTING FOREST COVER:

I. Existing forest cover	0.00
J. Area of forest above afforestation threshold	0.00
K. Area of forest above conservation threshold	0.00

BREAK EVEN POINT:

L. Forest retention above threshold with no mitigation	0.00
M. Clearing permitted without mitigation	0.00

PROPOSED FOREST CLEARING:

N. Total area of forest to be cleared	0.00
O. Total area of forest to be retained	0.00

PLANTING REQUIREMENTS:

P. Reforestation for clearing above conservation threshold	0.00
Q. Reforestation for clearing below conservation threshold	0.00
R. Credit for retention above conservation threshold	0.00
S. Total reforestation required	0.00
T. Total afforestation required	0.31
U. Credit for landscaping (may not exceed 20% of 'S')	0.00
V. Total reforestation and afforestation required	0.31

Worksheet updated 8/2/2002

SIGNIFICANT & SPECIMEN TREE LIST

ID #	Common Name	Botanical Name	DBH	CRZ (s.f.)	CRZ (radius)	Conditions/Remarks
*1	Silver Maple	Acer saccharinum	34	8167	51'	Fair - deadwood, canopy damage
*2	Red Maple	Acer rubrum	44	13678	66'	Poor - baserot, cavity
*3	Norway Maple	Acer platanoides	29	5942	43.5'	Poor - codominant @ 8', crack, baserot
*4	Silver Maple	Acer saccharinum	56	22156	84'	Poor/hazard - vines, large cavity, hollow base, horizontal crack, partially topped
*5	Black Walnut	Juglans nigra	53	19846	79.5'	Poor - canopy damage, hollow/cavity, deadwood, dieback, rot
*6	Silver Maple	Acer saccharinum	40	11304	60'	Poor - vines, dieback, baserot, cavity/hollow
*7	Red Maple	Acer rubrum	42	12463	63'	Fair/Poor - cavity, chain in trunk, scar
*8	Pin Oak	Quercus palustris	30	17639	45'	Fair/Poor - deadwood, broken limbs, 17' bole dead, fungus, baserot, poor structure makes this tree a potential hazard
*9	Red Maple	Acer rubrum	33	7694	49.5'	Fair - deadwood, rot, small cavity, damaged limbs
10	Pin Oak	Quercus palustris	26	4776	39'	Fair/Good - deadwood, broken limbs, damage
11	Tulip Poplar	Liriodendron tulipifera	29	27594	43.5'	Fair/Poor - dead limb/deadwood, codominant @ 3', canopy damage
12	Tulip Poplar	Liriodendron tulipifera	26	4776	39'	Fair - girdled roots, canopy damage, deadwood
13	Tulip Poplar	Liriodendron tulipifera	27	5150	40.5'	Good
14	Black Walnut	Juglans nigra	24	4089	36'	Good

Notes: Diameters are given for each trunk of multiple bole trees when division occurs below 4.5 feet; if major division occurs above 4.5 feet only the trunk diameter at 4.5 feet is given. Tree ID Numbers correspond to those assigned on the Natural Resource Inventory/Forest Stand Delineation Map. Some off-site trees DBH estimated.
* Specimen tree

Tree Variance Detail Table

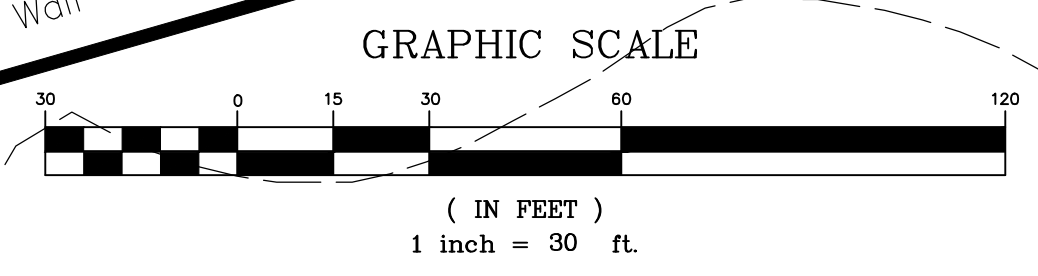
Tree ID #	Species	DBH	Impact/Count as Removed	% Impacted	Condition	Mitigation
*1	Silver Maple	34	Count as Removed	100%	Fair	34"
*2	Red Maple	44	Count as Removed	100%	Poor	N/A - Poor condition
*4	Silver Maple	56	Count as Removed	100%	Poor	N/A - Poor condition
*5	Black Walnut	53	Count as Removed	100%	Poor	N/A - Poor condition
*6	Silver Maple	40	Count as Removed	100%	Poor	N/A - Poor condition
*7	Red Maple	42	Count as Removed	100%	Fair/Poor	42"
*8	Pin Oak	30	Count as Removed	100%	Fair	30"
*9	Red Maple	33	Impact Only	17%	Fair	Stress Reduction Measures

Total: 106"
106"/4 - 26.5" to be replanted with 3" trees = 9 trees

ON-SITE SPECIMEN TREE MITIGATION LIST

QTY	BOTANICAL NAME	COMMON NAME	CAL	MITIGATION PROVIDED*
9	Acer rubrum	Red Maple	3-3 1/2"	27 caliper inches
TOTAL SPECIMEN TREE MITIGATION PROVIDED				27 caliper inches

*Mitigation provided = Qty x 3.0 Caliper inches



OWNER / APPLICANT
RCG Development, LLC
24 Waddington Court
Rockville, MD 20850
c/o Mr. Charlie Gilroy
P-240-388-7884

QUALIFIED PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AND THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF EXISTING STATE AND COUNTY FOREST CONSERVATION LEGISLATION.
1/31/2014
DATE
FRANK C. JOHNSON
RECOGNIZED AS QUALIFIED PROFESSIONAL BY MD. DEPT. OF NATURAL RESOURCES COMAR 08.19.06.01

NO.	DATE	DESCRIPTION	BY

TAX MAP JR 563 WSSC 219NE01

PRELIMINARY FOREST CONSERVATION PLAN
BEALLS MANOR
BEALLS MANOR
PARCEL 823 L. 30510 F. 191
5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG Macris, Hendricks & Glascock, P.A.
Engineers ■ Planners
Landscape Architects ■ Surveyors

9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279
Phone 301.670.0840
Fax 301.948.0693
www.mhga.com

Proj. Mgr.	Designer
DAC	AJ
Date	Scale
12/3/13	1"=30'
Project No.	Sheet
2005.251.20	1 of 2



January 31, 2014

Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Bealls Manor
PFCP #120140030
MHG Project No. 05.251.20

To Whom It May Concern:

On behalf of RCG Development, LLC, the applicant of the above referenced Forest Conservation Plan, we hereby request a variance for the removal of seven trees and impact of one tree as required by the Maryland Natural Resources Article, Title 5, Subtitle 16, Forest Conservation, Section 5-1611, and in accordance with Chapter 22A-21(b) of the Montgomery County Code. In accordance with Chapter 22A-21(b) of the Montgomery County Code, the proposed removal/impact of eight trees would satisfy the variance requirements.

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

The subject property has a total tract area of 2.00 acres and does not have any forest on-site. Per the applicable zoning, the applicant is proposing to subdivide the property in order to create three residential lots. Due to the shape of the lot, grading requirements, the required cul-de-sac, and associated stormwater requirements, most impacts to trees cannot be avoided. Specimen trees numbers one, two, four, five, six, seven, and eight are proposed to be removed. Tree number nine is proposed to be impacted but saved. The shape of the existing property results in three lots that have significant and/or specimen trees on all sides of the proposed houses. In order to grade the houses properly while providing access and utilities to the houses, impacts to these trees cannot be avoided. A large part of the property is being dedicated for the proposed cul-de-sac, limiting the site area and our ability to shift proposed improvements away from trees. The access to the site already exists and a cul-de-sac is required for turn around. Much of the sites stormwater management requirements are being met in a stormwater facility on Parcel 'A'. The existing road and proposed cul-de-sac as well as the topography of the site, dictate that a stormwater management facility be located in this location. This facility was shifted away from tree nine as much as possible to minimize impacts but impacts could not be avoided.

Although there are many site and design constraints that result in the impacts to the specimen trees, some of the impacts could be lessened in order to save some of the trees. In particular, the limits of disturbance could be altered for trees five, six, and possibly

seven in order to save them. However, the conditions of the trees do not warrant the changes to design. All of the trees to be removed have significant health issues with all in various stages of decline. Although the most prevalent of these issues consist of tree cavities and dieback, these are accompanied by several other issues such as rot, hollowed bases, competition with vines, deadwood, scarring, fungus, dead boles, limb damage and canopy damage. Due to the deteriorating condition of these trees, they are not tree save candidates and are or could become eventual hazards to both neighboring property owners and the proposed houses. The locations of the proposed houses cannot be shifted so that the threat of a hazard tree is eliminated. Several of the trees are currently a hazard to neighboring properties and should be removed regardless of the proposed development. The limits of disturbance has been shifted in several places to preserve both significant trees as well trees that are smaller than 24" DBH. All necessary stress reduction measures will be provided and administered by an ISA certified arborist in order to protect tree nine as well as the smaller trees on-site.

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

The critical root zones of the affected trees are located within the buildable area on the property. The inability to remove the subject trees would limit the development of the property. This creates a significant disadvantage for the applicant and deprives the applicant of the rights enjoyed by the neighboring and/or similar properties not subject to this approval process.

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;*

A Stormwater Management Concept plan has been submitted for the proposed improvements. Approval of this plan will confirm that the goals and objectives of the current state water quality standards are being met. In addition, mitigation trees are proposed to be planted which will help in replacing the water quality benefits being lost by the trees being removed.

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

Pursuant to Section 22A 21(d) Minimum Criteria for Approval.

(1) The Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available by any other applicants.

The variance will not confer a special privilege because the removal is due to the development of the site. As explained above, the critical root zones of all of the subject trees are within the buildable area on the property constricting the development area of the property and cannot be avoided.

(2) The variance request is not based on conditions or circumstances which result from the actions of the applicant.

The requested variance is not based on conditions or circumstances which are the result of the applicant outside the norm of a development application allowed under the applicable zoning and associated regulations. The variance is based on the proposed site layout that is utilizing the only areas that are available for development.

(3) The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property.

The requested variance is a result of the proposed site design and layout on the subject property in accord with zoning and subdivision requirements and not as a result of land or building use on a neighboring property.

(4) Will not violate State water standards or cause measurable degradation in water quality. Full ESD stormwater management will be provided as part of the proposed development.

The variance will not violate State water quality standards or cause measurable degradation in water quality. The trees being removed are not within a special protection area. We are confident that the Montgomery County Department of Permitting Services will find the storm water management concept for the proposed project to be acceptable even if conditionally approved.

Mitigation is proposed for all variance trees to be removed that are better than "Poor" condition. A copy of the Forest Conservation Plan and a variance tree spreadsheet has been provided as part of this variance request. All impacted trees will receive stress reduction measures (i.e. tree protection fence, root pruning, and fertilization) performed by an ISA certified arborist.

Please contact me via email, at fjohnson@mhgpa.com, or by phone, at (301) 670-0840 should you have any additional comments, concerns, or if any other information is necessary to support this request.

Thank you,



Frank Johnson

Tree Variance Detail Table

<u>Tree ID #</u>	<u>Species</u>	<u>DBH</u>	<u>Impact/Count as Removed</u>	<u>% Impacted</u>	<u>Condition</u>	<u>Mitigation</u>
*1	Silver Maple	34	Count as Removed	100%	Fair	34"
*2	Red Maple	44	Count as Removed	100%	Poor	N/A - Poor condition
*4	Silver Maple	56	Count as Removed	100%	Poor	N/A - Poor condition
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*7	Red Maple	42	Count as Removed	100%	Fair/Poor	42"
*8	Pin Oak	30	Count as Removed	100%	Fair/Poor	30"
*9	Red Maple	33	Impact Only	17%	Fair	Stress Reduction Measures

Total: 106"

106"/4 - 26.5" to be replanted with 3" trees = 9 trees



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

March 14, 2014

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

RE: Beall's Manor, ePlan 120140030, NRI/FSD application accepted on 5/3/2013

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

May 2, 2014

Mr. Kenneth Jones
Macris, Hendricks and Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886

Re: Stormwater Management **CONCEPT** Request
for Bealls Manor
Preliminary Plan #: Pending
SM File #: 255333
Tract Size/Zone: 2.0/R-200
Total Concept Area: 2.0 ac
Lots/Block: 4 Proposed
Parcel(s): P823
Watershed: Northwest Branch

Dear Mr. Jones:

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 proposing two options. Option # 1 will be the use of micro biofiltration and drywells. If off site grading easements can not be obtained option # 2 will be the use of landscape infiltration and drywells.

The following **item(s)/condition(s)** will need to be addressed **during/prior to** the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. A minimum of two drywells must be utilized for the construction of lot # 1. Additional volume compensated for lot # 1 may be used in the proposed SWM facilities located on Parcel A.

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

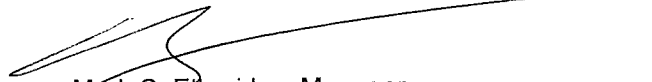
Mr. Kenneth Jones
May 2, 2014
Page 2

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 Thomas Weadon at 240-777-6309.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: me CN 255333

cc: C. Conlon
SM File # 255333

ESD Acres:	2.0ac
STRUCTURAL Acres:	N/A
WAIVED Acres:	N/A