



PMG Silver Spring, Preliminary Plan No. 120140100

RS

Ryan Sigworth AICP, Senior Planner Area 3, Ryan.Sigworth@montgomeryplanning.org, 301-495-2112

RAW

Richard Weaver, Supervisor Area 3, Richard.Weaver@montgomeryplanning.org, 301-495-4544

KRR

Kip Reynolds, Chief Area 3, Kipling.Reynolds@montgomeryplanning.org, 301-495-4575

Completed: 08/21/2015

Description

PMG Silver Spring, Preliminary Plan No. 120140100

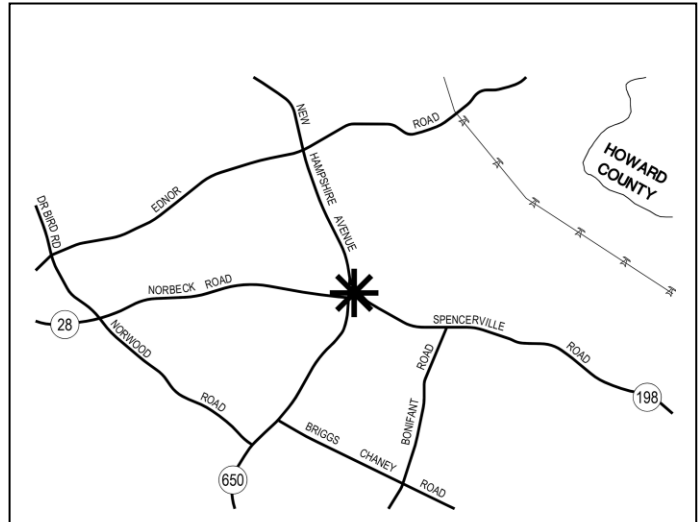
Request to create one (1) lot from 2 unplatted parcels and one platted parcel; located on the east side of New Hampshire Avenue, the north side of Spencerville Road, and the south side of Old Spencerville Road: 1.23 acres; C-1 zone; 1997 Cloverly Master Plan.

Staff recommendation: approval with conditions

Applicant's name – Petroleum Marketing Group, Inc.

Submitted date – 2/26/2014

Review Basis – Chapter 50, Chapter 22A



Summary

- This application was submitted in February 2014. As such, the application has been reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014 as allowed by Section 7.7.1.B.1 of the Zoning Ordinance.
- Creation of one lot for the construction of a gas station, convenience store and car wash;
- Meets the conditions of Special Exception S-2699 including layout and landscaping;
- Special Exception limits sales are to 1,770 square feet, overall building footprint is 3,250 square feet
- The use is consistent with in the Master Plan vision;
- Transportation and other public services are adequate for the proposed use.

RECOMMENDATION: Approval subject to the following conditions:

1. This Preliminary Plan is limited to 1 lot for an automobile filling station with ten pumping stations, a convenience store with 1,770 square feet of sales area, a total building area of 3,250 square feet, and one car wash.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 9, 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.
3. Prior to the issuance of a Use and Occupancy Certificate, the Applicant must reconstruct the sidewalk, including necessary ramps and crosswalks, on New Hampshire Avenue from Old Spencerville Road to Spencerville Road to a minimum width of 5-feet in the location shown on the Preliminary Plan.
4. Prior to the issuance of a Use and Occupancy Certificate, the Applicant must construct a 5-foot wide sidewalk, including necessary ramps and crosswalks, on Old Spencerville Road from New Hampshire Avenue to the eastern end of the Subject Property as shown on the Preliminary Plan.
5. The certified Preliminary Plan must show a 10-foot shared use, including necessary ramps and crosswalks, on Spencerville Road from New Hampshire Avenue to the new proposed right-in only access. The Applicant must construct this portion of the shared use path prior to the issuance of a Use and Occupancy Certificate.
6. The Planning Board has accepted the recommendations of the Maryland State Highway Administration (“MDSHA”) in its letter dated January 15, 2014 and its letter dated April 7, 2015 and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
8. The access on the Subject Property to Spencerville Road (MD 198) must be a right-in only and be approved by MDSHA.
9. Prior to the issuance of a Use and Occupancy Certificate, the Applicant must construct a new left turn lane on southbound New Hampshire Avenue (MD 650) at Old Spencerville Road for site access and be approved by MDSHA.
10. The Applicant must dedicate approximately 782 square feet of right-of-way along Old Spencerville Road as shown on the Preliminary Plan and indicate this dedication on the record plat.

11. Prior to the issuance of a Use and Occupancy Certificate, the Applicant must construct a 5-foot wide lead-in sidewalk from Old Spencerville Road to the main entrance of the convenience store as shown on the Preliminary Plan.
12. The Applicant must satisfy the Adequate Public Facilities – Transportation Policy Area Review (TPAR) test by making a TPAR payment, equal to 25% of the applicable development impact tax, to the Montgomery County Department of Permitting Services at the time of building permit.
13. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated January 23, 2014 and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
14. The certified Preliminary Plan must contain the following note:

“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permits. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
15. Record plat must show necessary easements.
16. Prior to the issuance of building permits, the Applicant must submit to the Hearing Examiner’s office any changes to the approved Special Exception Plan No. S-2699, including landscaping and lighting.
17. 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.

SITE DESCRIPTION

The property currently consists of 1.24 acres of land between three parcels, two of which are unplatted and identified as P.864 and P.918 on Tax Map KS123 and one platted parcel identified as Parcel B on Tax Map JS563, Plat No. 21453 (Attachment 4). These parcels are located on the northeast corner of New Hampshire Avenue and Spencerville Road (“Property” or “Subject Property”) (Figure 1). The Property is Zoned C-1 and is located within the boundaries of the 1997 Cloverly Master Plan (“Master Plan”). The Property is currently improved with the remains of a small abandoned gas station located in the northern corner (Figure 2). The remainder of the Property is overgrown with young trees and invasive plant species. The Property is located in the Northwest Branch Watershed which is a Class IV watershed. The Subject Property has water and sewer categories W-1 and S-1, however the Property currently does not have direct access to sewer infrastructure.

Figure 1: Vicinity



- Subject Property
- Forests (2008)
- Special Protection Areas
- Building Footprints
- Parks

August 10, 2015
Sources: M-NCPPC, 2014

Figure 2: Aerial view



M-NCPPC August 10, 2015
Sources: M-NCPPC, 2014

The Subject Property is surrounded on all sides by large lot residential development. RE-1 zoning is located along the east side of New Hampshire Avenue while the RE-2C zone which includes the Hampshire Greens Golf Course is located along the west side of New Hampshire Avenue. The Subject Property is approximately 0.80 miles from the central Cloverly commercial area to the south. The road identified as “Old Spencerville Road” is no longer used as a through road since the Spencerville was realigned but remains as Maryland State owned right-of-way.

PROJECT BACKGROUND

Previous Approvals

Special Exception No. S-2699

The Subject Property is bound by the approvals of Special Exception No. S-2699 (“Special Exception”) (Attachment 3) which was first granted on September 3, 2009 to allow an automobile filling station with 10 pumps, a single-bay car wash and a convenience store with no more than 1,770 square feet of sales area in the C-1 zone. The total footprint of the proposed structure is 3,250 square feet.

Figure 3: Looking north, viewed from Spencerville Road from Special Exception



Figure 4: Conceptual Site from Special Exception



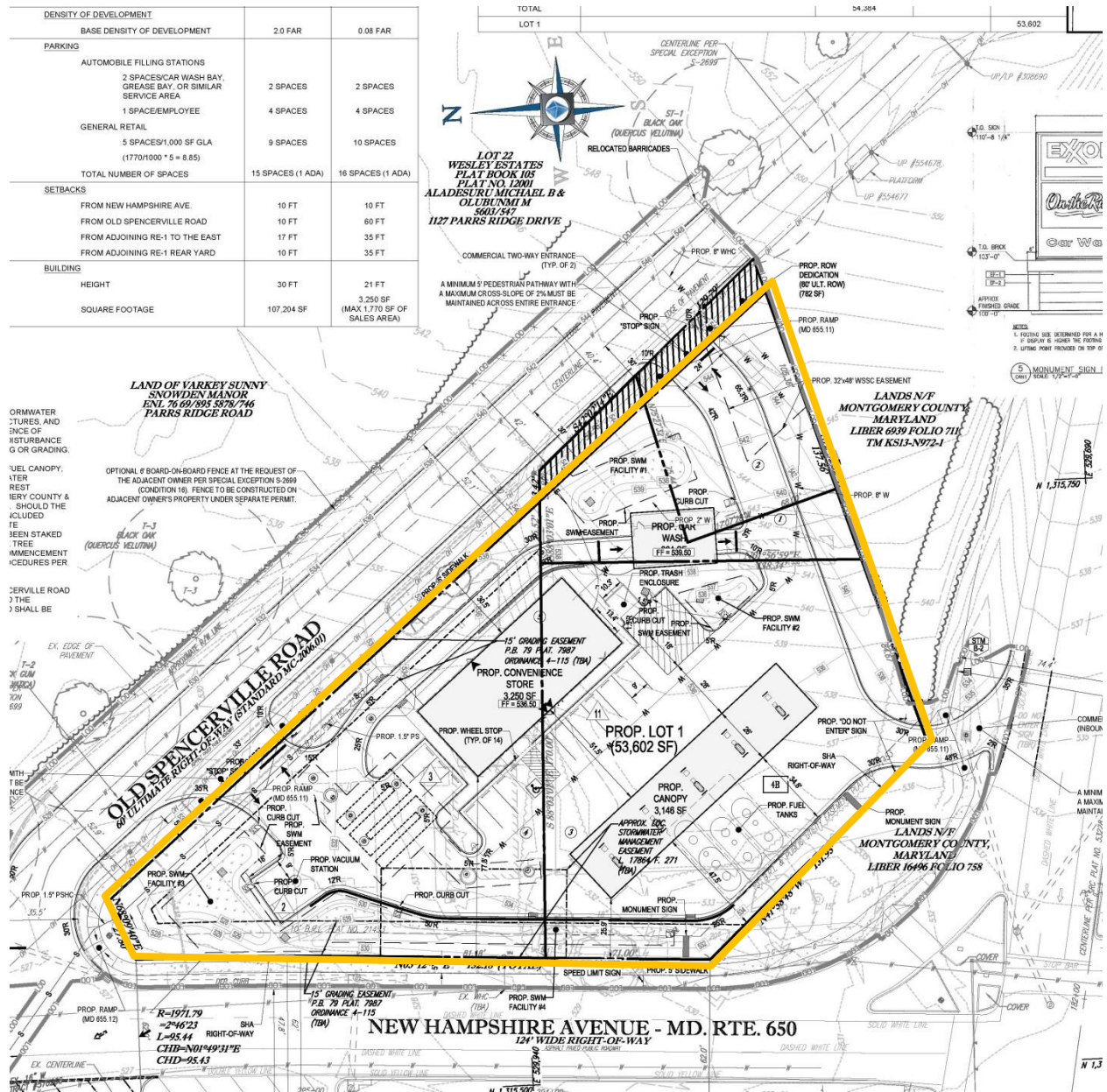
The Special Exception approval contained conditions the Applicant must comply with including a re-design of a proposed entrance with Old Spencerville Road, and a potential off-site fence and landscaping pursuant to negotiations with the private property owners. The Special Exception was set to expire on August 3, 2015. The Applicant petitioned the Board of Appeals for an extension which was granted an extension to August 3, 2016.

PROJECT DESCRIPTION

This application, designated Preliminary Plan No. 120140140, PMG Silver Spring (“Preliminary Plan” or “Application”) (Attachment 1), proposes to create one 1.23 acre lot for the construction of a fueling station, car wash and convenience store approved as part the Special Exception. The proposed site layout is essentially identical to that approved by the Special Exception, with the convenience store located near the middle of the lot and facing southwest toward the intersection of New Hampshire Avenue and Spencerville Road. The gas pumps are located in front of the convenience store, and the car wash is on the store’s southern side. There will be a right-in only movement into the Property from westbound Spencerville Road and there are two full movement access points along Old Spencerville Road. As part of this Preliminary Plan, the Applicant will dedicate approximately 782 square feet of land for Old Spencerville Road. Existing rights-of-way along Spencerville Road and New Hampshire Avenue already meet Master Plan requirements. The proposed lot will be served by public water and sewer; however, the Applicant will have to construct an off-site sewer main extension to serve the Property. Sidewalks are being provided along all Property frontages and the Property will be heavily landscaped as required by the Special Exception.

Figure 5: Proposed Lot Boundary

DENSITY OF DEVELOPMENT			
BASE DENSITY OF DEVELOPMENT	2.0 FAR	0.08 FAR	
PARKING			
AUTOMOBILE FILLING STATIONS			
2 SPACES/CAR WASH BAY, GREASE BAY, OR SIMILAR SERVICE AREA	2 SPACES	2 SPACES	
1 SPACE/EMPLOYEE	4 SPACES	4 SPACES	
GENERAL RETAIL			
5 SPACES/1,000 SF GLA (1770/1000 * 5 = 8.85)	9 SPACES	10 SPACES	
TOTAL NUMBER OF SPACES	15 SPACES (1 ADA)	16 SPACES (1 ADA)	
SETBACKS			
FROM NEW HAMPSHIRE AVE.	10 FT	10 FT	
FROM OLD SPENCERVILLE ROAD	10 FT	60 FT	
FROM ADJOINING RE-1 TO THE EAST	17 FT	35 FT	
FROM ADJOINING RE-1 REAR YARD	10 FT	35 FT	
BUILDING			
HEIGHT	30 FT	21 FT	
SQUARE FOOTAGE	107,204 SF	3,250 SF (MAX 1,770 SF OF SALES AREA)	



Proposed Lot Boundary

ANALYSIS AND FINDINGS – Chapter 50
Conformance to the Master Plan

This Application substantially conforms to the recommendations of the 1997 Cloverly Master Plan. The Subject Property is located in an Agricultural Wedge of the Master Plan depicted on page 20 of the Master Plan. The Agricultural Wedge is the area of lowest planned density. Sewer service is generally not supported in the Agricultural Wedge, therefore the low densities have been used to protect water quality. The Master Plan sets forth multiple broad goals including preserving rural character and keeping the built and natural environments in balance. However, the sectional map amendment related to the Cloverly Master Plan rezoned the Subject Property from RE-1 to C-1 and recommended public water and sewer service.

The Cloverly Master Plan recommends scrutiny on the effect the concentration of non-residential uses, including Special Exceptions granted by the Board of Appeals, will have on the areas residential character. The Master Plan provides guidance on page 38 that should be considered when approving a Special Exception outside of a designated commercial area in order to maintain the residential character of Cloverly's neighborhoods. These recommendations include the maintenance of residential appearance, compatibility with the surrounding community, limiting impact of lights and signs, landscaping, and the consolidation of driveways. The Special Exception for the gas station addresses many of these Master Plan requirements of compatibility and character by requiring extensive plantings around the perimeter with shade trees and shrubs, including architectural elements common in residential construction such as a pitched roof and hardplank lap siding, and requiring the Applicant to work with neighboring property owners to provide additional off-site landscaping and privacy fences to screen views and block light.

The Master Plan also provides specific design guidelines for the development of the Subject Property on pages 21 and 22 including how the property should be developed if it is proposed for a gas station, including building orientation and gas canopy location to maintain the rural character of the area. A narrow driveway width to define the edge of New Hampshire Avenue, landscaping that reinforces the rural character with screening and shade tree plantings, and lighting design that avoids glare are also specifically recommended for this property. The site layout provides for the landscaping needed to buffer the improvements from the public rights-of-way, and the access to the Property is only provided by a right-in movement from Spencerville Road, and two full access movements onto Old Spencerville Road, protecting New Hampshire Avenue from additional driveways.

The Preliminary Plan is consistent with the Master Plan.

Public Facilities

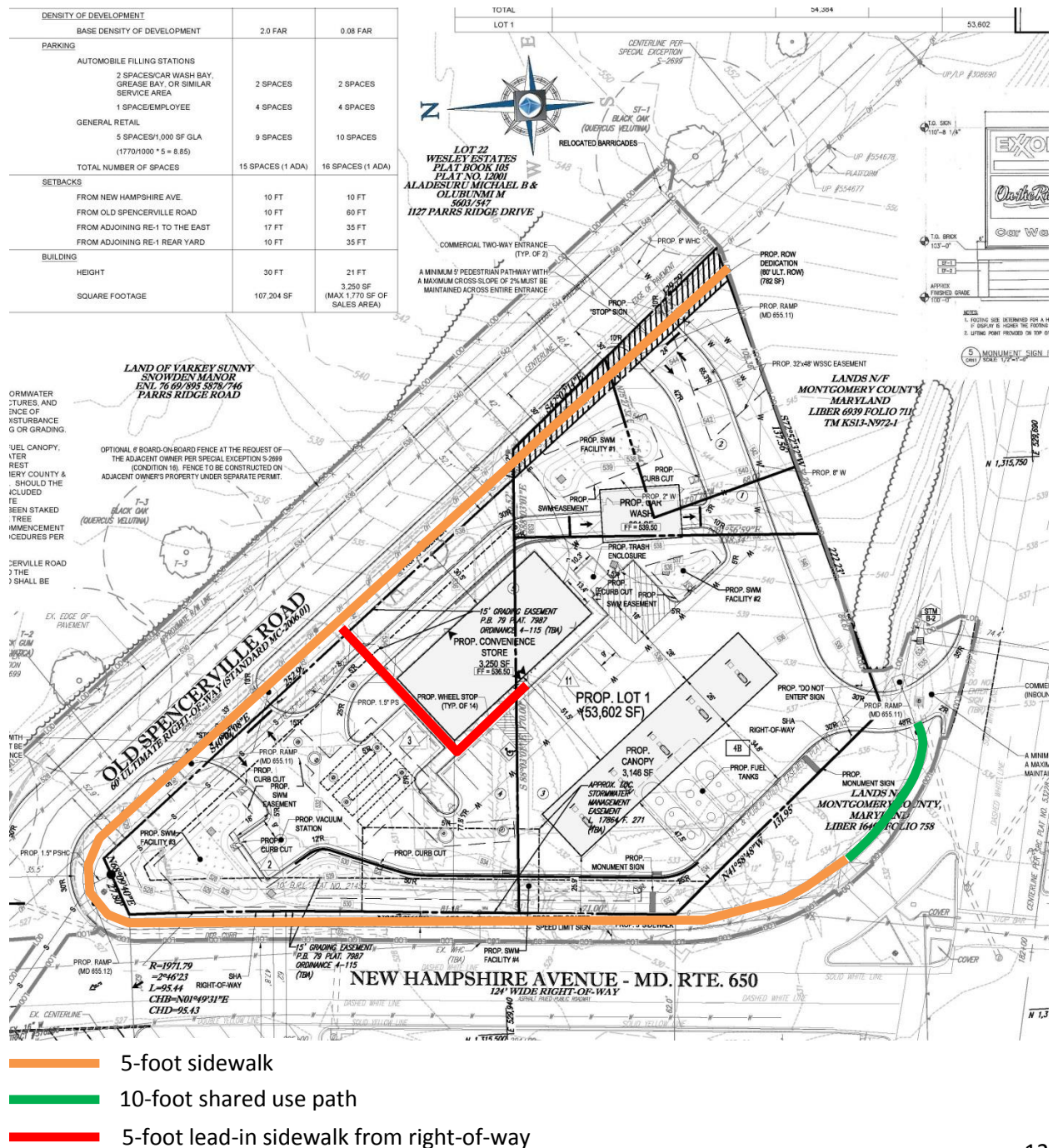
Roads and Transportation Facilities

Currently, access to the Subject Property from southbound New Hampshire Avenue is at Old Spencerville Road which terminates in a cul-de-sac in front of the Property. The intersection is unsignalized. Direct Access to the Subject Property from northbound New Hampshire Avenue occurs via two long curb cuts that are right-in/right-out. The Applicant proposes to close both driveways that front on northbound New Hampshire Avenue. A new right-in only access will be constructed on westbound Spencerville Road (MD 198) and the existing full movement access from the Old Spencerville Road/New Hampshire Avenue intersection will be retained and enhanced. The enhancement will be the

construction of a southbound left turn lane on New Hampshire Avenue to Old Spencerville Road to access the Property.

There will be a 5-foot wide sidewalk around the Subject Property along Old Spencerville Road and New Hampshire Avenue. The sidewalk will continue around the intersection of New Hampshire Avenue and Spencerville Road to the new right-in only entrance. The Applicant proposes to construct a 5-foot wide lead-in sidewalk from Old Spencerville to the proposed convenience store. On-site and off-street surface parking is being provided and is proposed to be 16 vehicular spaces (Figure 6).

Figure 6: Sidewalk Improvements



Washington Metropolitan Area Transit Authority (WMATA) Route Z2 provides bus service adjacent to the Property. The route connects the Olney area to the Silver Spring Metrorail Station by way of Olney Sandy Spring Road (MD 108), New Hampshire Avenue (MD 650), and Colesville Road (Route 29) with 30 minute headways Monday through Friday during the morning and afternoon peak periods. The closest northbound and southbound bus stops are located approximately 400 feet to the south of the Subject Property across Spencerville Road.

Master Plan Transportation Facilities

The 1997 Cloverly Master Plan contains the following recommendations for nearby roadway facilities:

- New Hampshire Avenue (MD 650): A major highway (M-12) with two travel lanes (one lane in each direction) with a right-of-way of 120 feet.
- Spencerville Road (MD 198): A major highway (M-76) with four travel lanes (two in each direction) with a right-of-way of 120 feet.

The 2005 Countywide Bikeways Functional Master Plan contains the following recommendations for nearby bikeway facilities:

- New Hampshire Avenue (MD 650): A dual bikeway (DB-8) with shared use path and bike lanes from Spencerville Road to Ednor Road. The shared use path currently exists on the west side of the road.
- Spencerville Road (MD 198): Off-road shared-use path (SP-21) from Layhill Road to Old Columbia Pike. The path exists on the north side of the road west of New Hampshire Avenue. The Applicant will extend the shared use path from New Hampshire Avenue to the east to their right in only access.

Adequate Public Facilities Review (APF)

As conditioned, the Preliminary Plan for the proposed use with an automobile filling station with ten pumping stations, a convenience store with 1,770 square feet of sales area and a total square footage of 3,250, and one car wash will satisfy the LATR and TPAR requirements of the Adequate Public Facilities (APF) review.

Trip Generation

The peak-hour trip generation estimated for the proposed development was based on trip generation rates included in the *LATR & TPAR Guidelines*. A site trip generation summary is presented in Table 1, which shows that the proposed development would generate a total of 69 new peak-hour trips during weekday morning peak period and 109 new peak-hour trips during weekday evening peak period after the pass-by reduction is taken in account. A pass-by trip reduction is assumed because traffic is already using the adjacent roadway and enters the site as intermediate stop on their way from or to another destination.

Table 1: Site Trip Generation

Proposed Development	Pumps	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Gas Station with Convenience Store (LATR)	10	92	81	173	111	107	218
<i>Pass-by Reduction (AM-60%, PM-50%)</i>		<i>-55</i>	<i>-49</i>	<i>-104</i>	<i>-55</i>	<i>-53</i>	<i>-109</i>
Net Total Trips		37	33	69	55	53	109

Local Area Transportation Review (LATR)

A traffic study dated November 20, 2013, was submitted to determine the impact of the proposed development on the area transportation system. Comments were issued by MCDOT in regards to the pedestrian conditions documented in the study. The Applicant addressed MCDOT's comments with additional documentation.

Two local intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard. The New Hampshire Avenue/Spencerville Road intersection is entirely in the Cloverly Policy Area with a Critical Lane Volume (CLV) standard of 1,450. The second intersection, New Hampshire Avenue and Ednor Road, is located on the border of the Rural East Policy Area and Cloverly Policy Area. The LATR/TPAR guidelines state that when an intersection falls on the border of two policy areas, to use the policy area with the higher CLV threshold. In this case, that is the Cloverly Policy Area. The proposed development trips were added to the existing and the background traffic (trips generated from approved but unbuilt developments) to determine the total future traffic. The total future traffic was assigned to the critical intersections to evaluate the total future CLVs. According to the result of the CLV calculation shown in Table 2, all intersections analyzed are currently operating at acceptable CLV congestion standards and will continue to do so under the background development condition, and total future traffic condition with the proposed use on the Subject Property; therefore, no mitigation is required.

During the course of reviewing this application, the traffic counts done for the two intersections to satisfy the LATR test became more than a year old. However, there has been no significant development in the area and the CLV calculations show that the Applicant is well within the acceptable range for intersection congestion; therefore, new traffic counts are not needed.

Table 2: Summary of Critical Lane Volume (CLV) Calculations

Intersection	Critical Lane Volume (CLV) Standard	Existing Traffic		Background Traffic		Total Future Traffic	
		AM	PM	AM	PM	AM	PM
New Hampshire Avenue (MD 650) & Ednor Road	CLV Standard 1,450	983	1,138	987	1,143	991	1,148
	Exceed CLV	no	no	no	no	no	no
New Hampshire Avenue (MD 650) & Spencerville Road (MD 198)	CLV Standard 1,450	850	824	875	877	885	881
	Exceed CLV	no	no	no	no	no	no

Transportation Policy Area Review (TPAR)

The Property is located in the Cloverly Policy Area. According to the 2012-2016 Subdivision Staging Policy (SSP), the Cloverly Area is adequate under the roadway test but inadequate under the transit test; therefore, a TPAR of 25% of the General District Transportation Impact Tax is required.

Transportation Summary

The Preliminary Plan has been evaluated by Staff, the Montgomery County Department of Transportation, the Maryland State Highway Administration, and the Montgomery County Department of Fire and Rescue Services, all of which support the transportation elements of the Plan. Staff finds the proposed access to the Subject Property, as shown on the Preliminary Plan, to be adequate to serve the traffic generated by the development. Staff also finds that the internal and external pedestrian circulation and walkways as shown on the Preliminary Plan will provide adequate movement of pedestrian traffic.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. The Property is located in the W-1/S-1 water and sewer service categories and therefore will be utilizing existing public water infrastructure and will be installing an extension to a sewer line under New Hampshire Avenue from the north. The Application was reviewed by the Montgomery County Fire Marshal's office, and was approved on March 24, 2015 (Attachment 6). Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect.

Environment/Forest Conservation

Environmental Guidelines (2000)

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420131860 for PMG Silver Spring was approved on June 17, 2013. The NRI/FSD identified no forest or Stream Valley Buffer on the Subject Property. The Subject Property contains no trees 30" DBH or greater but there is an impacted tree of greater than 30" located off-site. The Property is located in the Northwest Branch Watershed, a Class Use IV Watershed.

Forest Conservation

A Forest Conservation Plan (FCP) (Attachment 2) was submitted for review as part of the Application. The Subject Property is 1.25 acres in size but requires 1.28 acres of offsite disturbance for required improvements including an sewer line extension. The total net tract area for the project for forest conservation purposes is 2.53 acres. The FCP shows no forest clearing and no forest retention. The FCP worksheet generates a 0.38 acre planting requirement, which the Applicant proposes to meet through fee-in-lieu. An afforestation planting requirement is generated because the Property contains no existing forest and under the Commercial and Industrial Areas land use category the Property has a 15 percent afforestation threshold for the net tract area.

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. In the written request for a variance, an applicant must demonstrate that strict adherence to Section 22A-12(b)(3), i.e. no disturbance to a Protected Tree, would result in an unwarranted hardship as part of the development of a property.

Unwarranted Hardship

ST-1 is located in the right-of-way (ROW) of Old Spencerville Road beyond the projects frontage; however the CRZ of ST-1 extends all the way across the ROW (Figure 7 and Table 3). Required frontage improvements, including a water connection (under the existing pavement of Old Spencerville Road) and Improvements required to Old Spencerville Road as noted in Phase 3 of the Preliminary Plan Development Sequence; could not be built without disturbing the CRZ of ST-1. An unwarranted

hardship would be created if a Variance were not considered. The Property would be undevelopable if a Variance were not considered. Staff believes for this reason a variance should be considered for this Application.

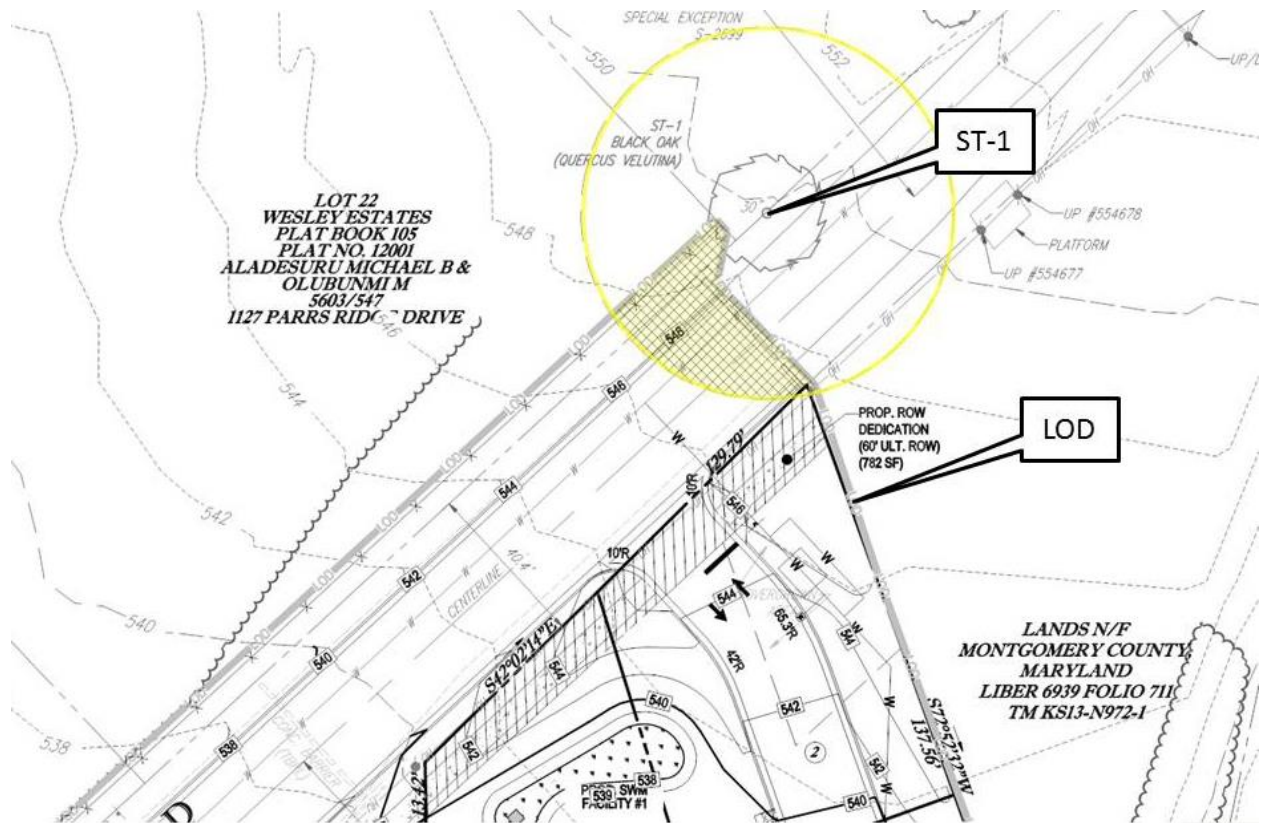
Variance Request

In May 28, 2015, the Applicant made the variance request for the Subject Property and requested impacts to one Protected Trees and no removals.

Table 3: Impacted Trees

Tree #	Common Name	Scientific Name	DBH (Inches)	Condition	Comments
ST-1	Black Oak	Quercus velutina	30	Good	CRZ impact = 16%

Figure 7: Impacted Tree



Variance Findings

The Planning Board must find that the Application has met all requirements of section 22A-21 of the County Code before granting the variance. Staff has made the following determination on the required findings for granting the variance:

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

The use of this site for automobile filling station use is permitted in the C-1 zone. The proposed lots and buildings meet these zoning requirements as well. The required improvements to Old Spencerville Road to implement the permitted use could not be accomplished without impact to the CRZ of ST-1. As such, the granting of this variance is not unique to this Applicant and does not provide special privileges or benefits that would not be available to any other applicant.

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

Improvements required to Old Spencerville Road as noted in Phase 3 of the Preliminary Plan Development Sequence could not be accomplished without impact to the CRZ of ST-1. The improvements are required to implement the permitted use and not a direct action of the Applicant.

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

The requested variance is not related in any way to a condition on an adjacent, 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. No Protected Trees being removed.

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 for a recommendation prior to acting on the request. In the letter dated June 26, 2015, the County Arborist recommended the variance be approved with mitigation (Attachment 12).

Mitigation

There are no protected trees proposed for removal. There is some disturbance within the critical root zones of one tree, but it is a candidate for safe retention and will receive adequate tree protection measures. No mitigation is recommended, because no Variance trees are proposed for removal. No loss of form or function is anticipated as a result of the proposed impacts. No mitigation for variance trees proposed for impact but not removal is consistent with current Planning Board policy.

Variance Recommendation

Staff recommends that the variance be granted. The submitted FCP meets all applicable requirements of the Chapter 22A of the County Code (Forest Conservation Law).

Stormwater

The MCDPS Stormwater Management Section approved a stormwater management concept plan on January 23, 2014 (Attachment 10). The stormwater management concept consists on on-site water quality control and onsite recharge through the use of environmental site design techniques including micro biofiltration and structural filtration.

Compliance with the Subdivision Regulations and Zoning Ordinance

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations and is found to meet all applicable sections. The proposed lot size, width, shape and orientation are found to be appropriate for the location of the subdivision at the intersection of New Hampshire Avenue and Spencerville Road, as a Special Exception approved fueling station.

The lot was reviewed for compliance with the dimensional requirements for the C-1 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and open space, and structural improvements can meet the required setbacks set forth in the zone. A summary of this review is included in attached Table 4. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Table 4: Preliminary Plan Data Table for the C-1 Zone

PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan
Maximum Lot Area	15 acres	1.23
Base Density of Development	2.0 FAR	0.08 FAR
Green Area	10%	30.5%
Setbacks ¹		
From New Hampshire Ave.	10 ft. Min.	10 ft.
From Old Spencerville Road	10 ft. Min.	60 ft.
From Adjoining RE-1 To the East	17 ft. Min.	35 ft.
From Adjoining RE-1 Rear Yard	10 ft. Min	35 ft.
Building Height ¹	30 ft.	21 ft.
Site Plan Required	No	No

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

Citizen Correspondence and Issues

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. Three signs referencing the proposed modification were posted along the Property frontage with New Hampshire Avenue and Spencerville Road. A presubmission meeting was held at Seventh-day Adventist Church on January 7, 2014 at 7:00 pm. Two people who were not part of the Applicant’s team attended the meeting and according to the minutes of that meeting, no major questions were raised at the meeting. Staff to date has received no citizen comments or correspondence regarding the Application.

CONCLUSION

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance, and the proposed use substantially conform to the recommendations of the Cloverly Master Plan and the approved Special Exception. Access and public facilities will be adequate to serve the proposed lot, 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 herein is recommended.

Attachments

- Attachment 1 – Preliminary Plan
- Attachment 2 – Preliminary/Final FCP
- Attachment 3 – Special Exception No S-2699
- Attachment 4 – Plat No. 21453
- Attachment 5 – Approved Fire Access Plan
- Attachment 6 – Fire Marshal Approval
- Attachment 7 – MCDOT Approval
- Attachment 8 – MDSA Traffic Impact Study Approval
- Attachment 9 – MDSA Approval
- Attachment 10 – DPS Stormwater
- Attachment 11 – Tree Variance Request from Applicant
- Attachment 12 – County Arborist Variance Approval

GENERAL NOTES

- THE TOPOGRAPHIC INFORMATION WAS DEVELOPED FROM FIELD SURVEY BY BOHLER ENGINEERING, MARCH 27, 2013. AS MODIFIED BY NOTES HEREON, THE BOUNDARY WAS TAKEN FROM RECORD PLAT INFORMATION.
- TAX MAP/PARCEL/TAX ACCOUNT/DEED NUMBERS:
J563 N890 05-00256371 LIBER 10288 FOLIO 618
KS13 P864 05-00269225 LIBER 31676 FOLIO 651
KS13 P918 05-00249193 LIBER 31676 FOLIO 651
- PRESENT ZONING: C-1
- ELECTION DISTRICT: 5
- SITE ADDRESS: 16201 NEW HAMPSHIRE AVE., SILVER SPRING, MD 20905
- THE PROPOSED DAYS/HOURS ARE: 7 DAYS/WEEK, 6:00 A.M. TO 11:00 P.M. FOR THE AUTOMOBILE FILLING STATION, AND 7 DAYS/WEEK, 8:00 A.M. TO 9:00 P.M. FOR THE CARWASH.
- THE VERTICAL DATUM NAVD83 IS BASED ON WSSC BENCHMARK 5843 WITH A PUBLISHED ELEVATION OF 533.054'.
- THE SUBJECT PROPERTY LIES IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% CHANGE ANNUAL FLOODPLAIN) AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 240310380D, FOR MONTGOMERY COUNTY, MARYLAND, AND INCORPORATED AREAS, EFFECTIVE SEPTEMBER 29, 2006.
- THE SUBJECT PROPERTY IS LOCATED ON TAX ASSESSMENT MAP NOS. J563-N890, KS13-P864, AND KS13-P918, WITH TAX ACCOUNT NUMBERS 03297561, 00269225, AND 00249193. THE PROPERTY FALLS ON WSSC TILE NUMBERS 222E01 AND 222E02.
- THIS SITE IS LOCATED IN THE NORTH BRANCH-RIGHT FORK WATERSHED.
- THERE ARE NO WATERS OF THE US, WETLANDS OR 100-YEAR FLOOD PLAIN LIMITS ON THE SUBJECT PROPERTY.
- THERE ARE NO HISTORIC STRUCTURES LOCATED ON THE SITE, BASED ON THE "LOCAL ATLAS AND INDEX OF HISTORIC SITES IN MONTGOMERY COUNTY MARYLAND" (M-NCPPC).
- THE PROJECT IS PROPOSED TO BE SERVED BY PUBLIC WATER & SEWER SYSTEMS, AND IS CURRENTLY IN SERVICE CATEGORIES W-1 AND S-1, RESPECTIVELY.
- PUBLIC UTILITY EASEMENTS & RIGHTS OF WAYS WILL BE PROVIDED WHERE NEEDED ON SITE TO ALLOW FOR WATER, SEWER, GAS, ELECTRIC, TELEPHONE & CABLE SERVICE TO THE PROPOSED BUILDING. LOCATIONS ARE TO BE DETERMINED AT PERMIT.
- STORMWATER QUALITY FACILITIES ARE LOCATED ON-SITE. THE PROPERTY IS SUBJECT TO STORMWATER CONCEPT APPROVAL. FILE NO. 254653 (APPROVED 01/23/14).
- PUBLIC UTILITY EASEMENTS AND RIGHTS-OF-WAY TO BE DEDICATED WHERE NEEDED AND WILL BE PROVIDED AT TIME OF PERMIT.
- THIS PLAN IS SUBJECT TO A NATURAL RESOURCES INVENTORY NRI #420131860, APPROVED JUNE 17, 2013.
- THIS PLAN IS SUBJECT TO SPECIAL EXCEPTION #S-2699, APPROVED SEPTEMBER 2009.
- THE USE IS LIMITED TO AN AUTOMOBILE FILLING STATION WITH TEN (10) PUMPING STATIONS, A CONVENIENCE STORE (WITH 1,770 SQUARE FEET OF SALES AREA), AND A SINGLE-BAY CAR WASH, WITH NO MORE THAN SEVEN (7) EMPLOYEES, AND A MAXIMUM OF FOUR (4) ON ANY SHIFT.
- OLD SPENCERVILLE ROAD IS OWNED AND MAINTAINED BY THE STATE HIGHWAY ADMINISTRATION.
- SEE SHEET 1 OF 3 FOR LEGEND AND STANDARD ABBREVIATIONS.
- PROPOSED SIGNS SHALL BE CONSISTENT WITH DIMENSIONS/SIZES APPROVED WITH SPECIAL EXCEPTION S-2699.
- PROPOSED LIGHT FIXTURES, INCLUDING THE MOUNTED BASE, SHALL BE A MAXIMUM OF 45 FEET.
- ALL LANDSCAPING SHOWN WITHIN THE STORMWATER MANAGEMENT FACILITIES WILL BE REVIEWED, APPROVED AND INSPECTED BY THE DEPARTMENT OF PERMITTING SERVICES WATER RESOURCES SECTION. ANY LANDSCAPING SHOWN IN THE STORMWATER MANAGEMENT AREAS AS PART OF THE PRELIMINARY PLAN IS NOT APPROVED.
- ALL PAVEMENT MARKINGS IMPACTED AS PART OF THE SANITARY SEWER MAIN EXTENSION SHALL BE REPLACED IN PLACE AND IN KIND.
- ALL SIDEWALK SHALL BE PAVED WITH 5" CONCRETE SIDEWALK (REFERRING TO A STANDARD PAVING PRACTICE) USING SHA CONCRETE MIX NO. 2 ON A PROPERLY PREPARED SUBGRADE.

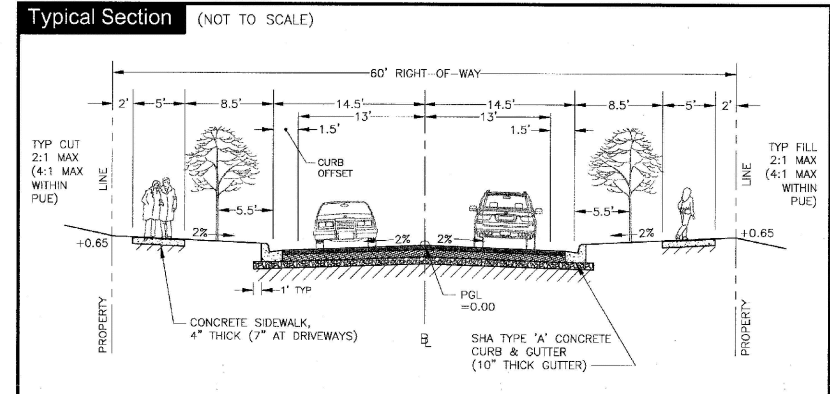
SHA STORM STURCTURE SCHEDULE

STRUCTURE	TYPE	DETAIL
B-2	STANDARD TYPE K INLET OPEN-END GRATE NON-TRAFFIC AREAS	MD 378.03

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THE PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS AND ORDINANCES.

SEWER EXTENSION INSET

SCALE: 1" = 100'



Paving Detail

ITEM	THICKNESS	NOTES
1. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS
2. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS
3. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS
4. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS
5. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS
6. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS
7. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS
8. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS
9. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS
10. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS

Design Data

ITEM	THICKNESS	NOTES
1. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS
2. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS
3. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS
4. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS
5. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS
6. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS
7. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS
8. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS
9. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS
10. ASPHALT CONCRETE	4"	MINIMUM 4" THICKNESS

General Notes

- LATEST EDITION OF THE MARYLAND STATE HIGHWAY ADMINISTRATION SPECIFICATIONS SHALL APPLY FOR MATERIALS AND METHODS OF CONSTRUCTION.
- PUBLIC UTILITY EASEMENTS (PUE) ARE SUBJECT TO RECORDED EASEMENTS OF RECORD AND PROVISIONS OF PUBLIC UTILITY DEPARTMENT AS APPLICABLE TO THE PROJECT. PUE SHALL NOT BE USED AS A BASIS FOR CONSTRUCTION.
- STANDARD ELEVATIONS AT PROPERTY CORNERS SHALL BE TO THE CENTERLINE OF THE PROPERTY.
- ASBESTOS DETECTED IN THE UNDERGROUND SYSTEMS, A SURVEYOR'S SIGNATURE SUPPORT IS NOT ASSURED, AN ENGINEER'S SIGNATURE SUPPORT IS NOT ASSURED, AND A LICENSED PROFESSIONAL ENGINEER SHALL BE REQUIRED.
- NOTE THAT WITHIN A GIVEN CONTEXT, THIS DRAWING MAY NEED TO BE MODIFIED TO PROVIDE ADDITIONAL HORIZONTAL ELEVATIONS, SUCH AS WHERE NECESSARY TO PROVIDE SLOPE TO ACCOMMODATE SUCH FEATURES.
- ALL DIMENSIONS OF IMPROVEMENT SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED.
- ALL DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED.
- ALL DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED.
- ALL DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED.
- ALL DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED.

STANDARD NO. MC 2006.01

PROJECT DATA TABLE (C-1 ZONE)

DEVELOPMENT STANDARD	REQUIRED	PROPOSED FOR PRELIMINARY PLAN
LOT AREA		LOT 1
MAXIMUM AREA OF LOT	15 ACRES	54,384 SF
EXISTING LOT AREA		782 SF
MINUS PROPOSED DEDICATION		53,602 SF
NET LOT AREA		
GREEN AREA	10%	30.5%
DENSITY OF DEVELOPMENT		
BASE DENSITY OF DEVELOPMENT	2.0 FAR	0.08 FAR
PARKING		
AUTOMOBILE FILLING STATIONS		
2 SPACES/CAR WASH BAY, GREASE BAY, OR SIMILAR SERVICE AREA	2 SPACES	2 SPACES
1 SPACE/EMPLOYEE	4 SPACES	4 SPACES
GENERAL RETAIL		
5 SPACES/1,000 SF GLA (1770/1000 * 5 = 8.85)	9 SPACES	10 SPACES
TOTAL NUMBER OF SPACES	15 SPACES (1 ADA)	16 SPACES (1 ADA)
SETBACKS		
FROM NEW HAMPSHIRE AVE.	10 FT	10 FT
FROM OLD SPENCERVILLE ROAD	10 FT	60 FT
FROM ADJOINING RE-1 TO THE EAST	17 FT	35 FT
FROM ADJOINING RE-1 REAR YARD	10 FT	35 FT
BUILDING		
HEIGHT	30 FT	21 FT
SQUARE FOOTAGE	107,204 SF	3,250 SF (MAX 1,770 SF OF SALES AREA)

DEVELOPMENT SEQUENCE:

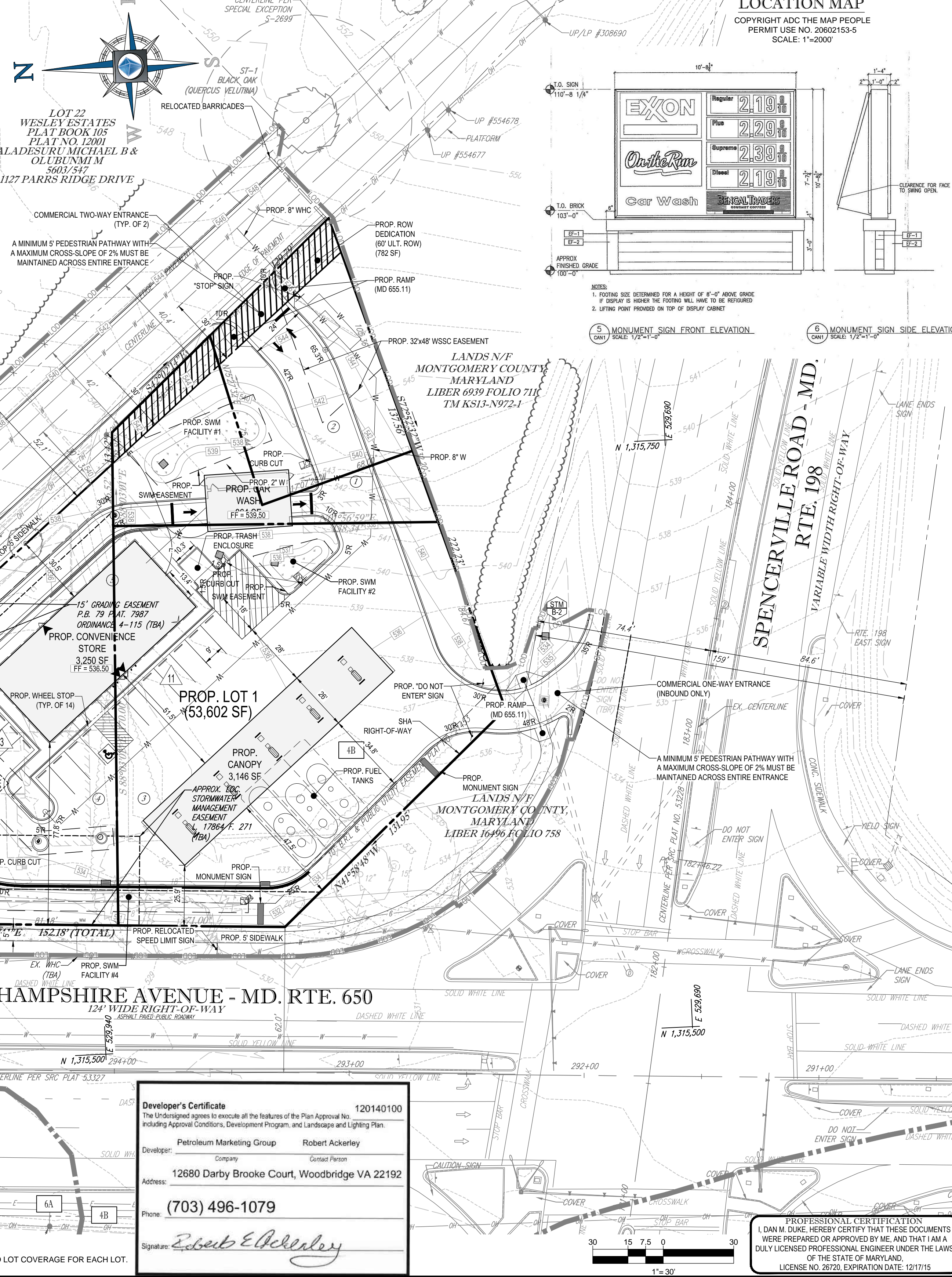
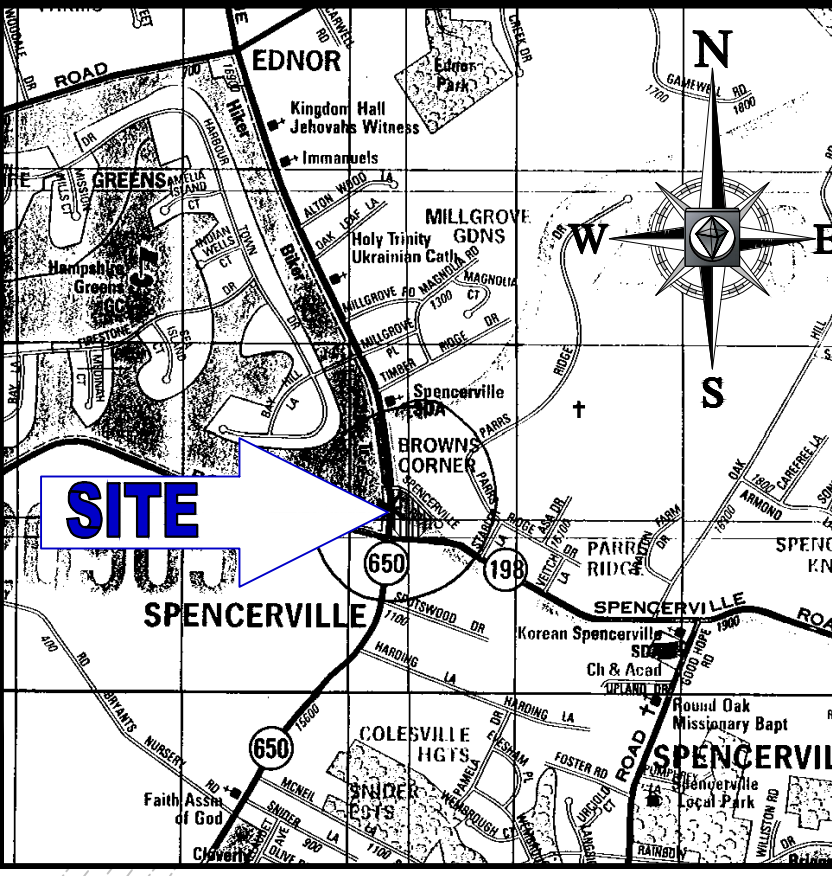
- THE PROJECT WILL BE DEVELOPED IN 3 PHASES AS FOLLOWS:
- PHASE 1:** THIS PHASE INCLUDES SITE GRADING, INSTALLATION OF THE UNDERGROUND STORMWATER MANAGEMENT FACILITY, INSTALLATION OF THE PROPOSED UTILITIES AND RELATED STRUCTURES, AND THE UNDERGROUND FUEL TANKS, IN ACCORDANCE WITH THE MNCPPC STANDARD SEQUENCE OF EVENTS, AN ON-SITE PRECONSTRUCTION MEETING SHALL BE HELD AFTER THE LIMITS OF DISTURBANCE HAVE BEEN STAKED AND FLAGGED AND PRIOR TO THE COMMENCEMENT OF ANY CLEARING OR GRADING.
 - PHASE 2:** THIS PHASE INCLUDES THE PROPOSED CONVENIENCE STORE, CAR WASH, AND FUEL CANOPY, AS WELL AS ASSOCIATED PARKING, CURB AND GUTTER, PAVEMENT, SIDEWALK, STORMWATER MANAGEMENT FACILITIES, AND FINE GRADING. TREE PROTECTION IS SHOWN ON THE FOREST CONSERVATION PLAN FOR THE OFF-SITE TREES AND SHALL BE INSTALLED PER MONTGOMERY COUNTY & MNCPPC REQUIREMENTS IN CONFORMANCE WITH THE STANDARD SEQUENCE OF EVENTS. SHOULD THE ROOTS OF THE SPECIMEN TREES EXTEND INTO PHASE 2, THEY SHALL BE TRIMMED PER INCLUDED DETAIL. IN ACCORDANCE WITH THE MNCPPC STANDARD SEQUENCE OF EVENTS, AN ON-SITE PRECONSTRUCTION MEETING SHALL BE HELD AFTER THE LIMITS OF DISTURBANCE HAVE BEEN STAKED AND FLAGGED AND PRIOR TO THE COMMENCEMENT OF ANY CLEARING OR GRADING. THE TREE PROTECTION FENCE AND ROOT PRUNING (IF REQUIRED) ARE REQUIRED PRIOR TO THE COMMENCEMENT OF ANY CLEARING OR GRADING. DURING CONSTRUCTION AND POST CONSTRUCTION PROCEDURES PER THE STANDARD SEQUENCE OF EVENTS SHALL BE FOLLOWED.
 - PHASE 3:** THIS PHASE INCLUDES THE ADJACENT STREETScape IMPROVEMENTS ON SPENCERVILLE ROAD AND OLD SPENCERVILLE ROAD, THE ASSOCIATED INFRASTRUCTURE IMPROVEMENTS, AND THE INSTALLATION OF THE ON-SITE PLANTINGS. IMPROVEMENTS TO OLD SPENCERVILLE ROAD SHALL BE COMPLETED WITHIN 6 MONTHS OF THE ISSUANCE OF BUILDING PERMITS.

EXISTING PARCEL INFORMATION

1 LANDS N/F EXXON MOBIL CORPORATION LIBER 31676 FOLIO 651 (PARCEL 1)	2 LANDS N/F EXXON CORPORATION LIBER 1559 FOLIO 447 (PARCEL 2)
3 (TOGETHER AS PARCEL B) PARCEL B BROWNS CORNER PLAT NO. 2443 AREA=43,529 S.F. OR 0.999 AC.	
4 LANDS N/F ESTHER L. COOPERSMITH TRUSTEE LIBER 10288 FOLIO 618 (LEASED BY EXXON) TM J563-N890-1 AREA=20,561 S.F. OR 0.472 AC.	

LOT AREA TABULATION

Parcel ID	Parcel Number (Liber/Folio)	Existing Lot Area	Proposed Dedications	Proposed Net Lot Area
1	PARCEL 1 (31676/651)	4,889		4,889
2	PARCEL 2 (31676/651)	5,965	782	5,183
3	PARCEL B (1559/447)	22,969		22,969
4	PARCEL B (10288/618)	20,561		20,561
TOTAL		54,384		53,602
LOT 1				53,602



Developer's Certificate 120140100
The Undersigned agrees to execute all the features of the Plan Approval No. including Approval Conditions, Development Program, and Landscape and Lighting Plan.
Developer: Petroleum Marketing Group Robert Ackertley
Company: Contact Person
Address: 12680 Darby Brooke Court, Woodbridge VA 22192
Phone: (703) 496-1079
Signature: Robert Ackertley

BOHLER ENGINEERING
CORPORATE OFFICE: WARREN, NJ
OFFICES: SOUTHROCK, VA; ALABAMA; CALIFORNIA; CHICAGO, IL; CENTER VALLEY, PA; FORT LAUDERDALE, FL; GREENSBORO, NC; HONOLULU, HI; KANSAS CITY, MO; LOS ANGELES, CA; MEMPHIS, TN; NEW YORK, NY; PHOENIX, AZ; RICHMOND, VA; WASHINGTON, DC; WILMINGTON, DE.

REVISIONS

REV	DATE	COMMENT	BY
1	03/13/14	PER MNCPPC INTAKE COMMENTS	TT
2	06/18/14	PER MNCPPC COMMENTS	TT
3	08/12/14	PER MNCPPC COMMENTS	TT
4	09/17/14	PER MNCPPC COMMENTS	TT
5	12/02/14	PER MNCPPC COMMENTS	SRB
6	05/20/15	PER MNCPPC COMMENTS	SRB
7	05/28/15	PER MNCPPC COMMENTS	SRB

NOT APPROVED FOR CONSTRUCTION

PROJECT No.: MB12078
DRAWN BY: SMN
CHECKED BY: AM
DATE: 10/24/13
SCALE: 1"=30'
CAD I.D.: PPS

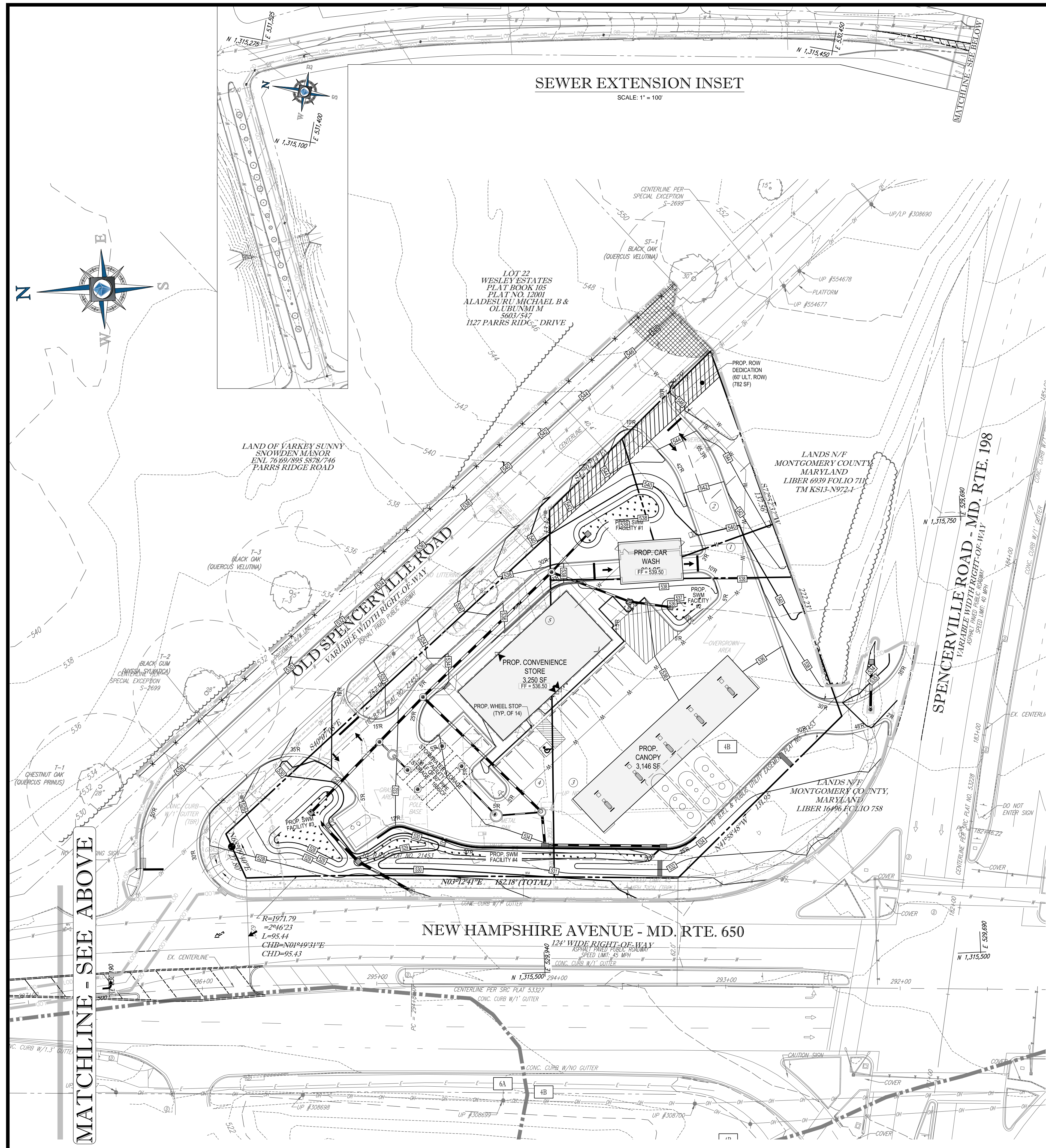
FOR PETROLEUM MARKETING GROUP, INC.
LOCATION OF SITE: 16201 NEW HAMPSHIRE AVE., MONTGOMERY COUNTY SILVER SPRING, MD 20905

BOHLER ENGINEERING
16701 MELFORD BLVD., SUITE 310
BOWIE, MARYLAND 20715
Phone: (301) 809-4500
Fax: (301) 809-4501
www.BohlerEngineering.com

D.M. DUKE
PROFESSIONAL ENGINEER
05/29/15

PRELIMINARY PLAN, SITE DATA, NOTES, & TABLES

SHEET NUMBER: 3 OF 3
REV 5



SEWER EXTENSION INSET
SCALE: 1" = 100'

- EXISTING PARCEL INFORMATION**
- ① LANDS N/F EXXON MOBIL CORPORATION LIBER 31676 FOLIO 651 TM KS13-P984-1 (PARCEL 1)
 - ② LANDS N/F EXXON MOBIL CORPORATION LIBER 31676 FOLIO 651 TM KS13-P984-1 (PARCEL 2)
 - ③ LANDS N/F EXXON CORPORATION LIBER 15539 FOLIO 447 TM JS63-N890-1 AREA= 22,969 S.F. OR 0.527 AC.
 - ④ LANDS N/F ESTHER L. COOPERSMITH, TRUSTEE LIBER 10288 FOLIO 618 (LEASED BY EXXON) TM JS63-N890-1 AREA= 20,561 S.F. OR 0.472 AC.
 - ⑤ (TOGETHER AS PARCEL B) BROWNS CORNER PLAT NO. 21451 AREA= 43,529 S.F. OR 0.999 AC.

FOREST CONSERVATION WORKSHEET
PMG SILVER SPRING

NET TRACT AREA:
(Off site disturbance)

A. Total tract area	1.28
B. Land dedication acres (parks, county facility, etc.)	1.25
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 =	2.53

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	0	0	1

EXISTING FOREST COVER:

G. Afforestation Threshold	15%	x F =	0.38
H. Conservation Threshold	15%	x F =	0.38

BREAK EVEN POINT:

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

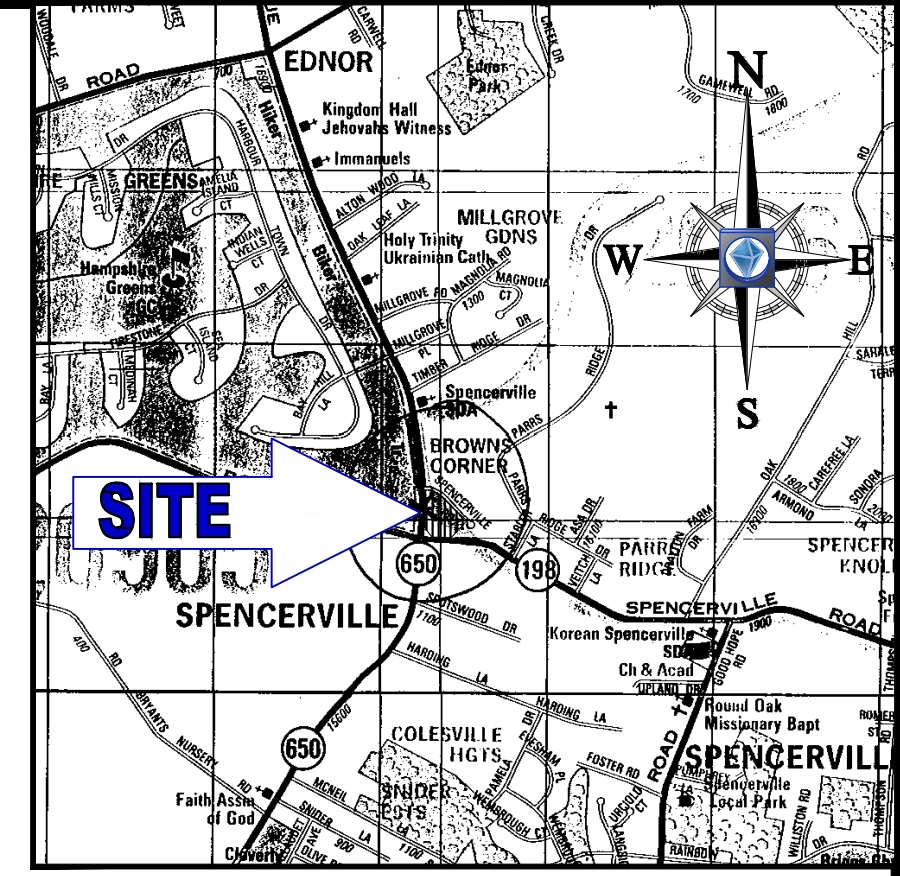
PROPOSED FOREST CLEARING:

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 =	0.38
U. Credit for landscaping (may not exceed 20% of "S") =	0.00
V. Total reforestation and afforestation required =	0.38

NOTE: AFFORESTATION TO BE MET VIA FEE-IN-LIEU



LOCATION MAP
COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20602153-5
SCALE: 1"=2000'

LEGEND

- PROPERTY BOUNDARY
- EXISTING TREELINE
- STAND A / — STAND B FOREST STAND BOUNDARY
- ▨ PROP. ROW DEDICATION
- ▩ STEEP SLOPES (15% OR GREATER)
- ST-1 SPECIMEN, CHAMPION, HISTORIC TREE WITH CRITICAL ROOT ZONE (1" DBH = 1.5' CRZ)
- CdD SOIL TYPE SYMBOL AND SOIL BOUNDARY
- LIMIT OF DISTURBANCE
- STANDARD INLET PROTECTION
- TREE PROTECTION
- SFOP SILT FENCE ON PAVEMENT
- 6' BOARD ON BOARD FENCE
- ▨ CRZ IMPACT AREA

BOHLER ENGINEERING

CORPORATE OFFICE: WARREN, NJ
OFFICES: ALBANY, NY; ANNAPOLIS, MD; BALTIMORE, MD; BOWIE, MD; CHARLOTTE, NC; CHICAGO, IL; COLUMBIA, SC; FORT LAUDERDALE, FL; GREENSBORO, NC; HARTFORD, CT; HUNTSVILLE, AL; JACKSONVILLE, FL; KANSAS CITY, MO; LITTLE ROCK, AR; MEMPHIS, TN; NEW YORK, NY; PHOENIX, AZ; RICHMOND, VA; TAMPA, FL; WASHINGTON, DC; WILMINGTON, DE.

CIVIL & CONSULTING ENGINEERS
SURVEYORS
PROJECT MANAGERS
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS

REVISIONS

REV	DATE	COMMENT	BY
1	03/13/14	PER MNCPPC INTAKE COMMENTS	TT
2	06/18/14	PER MNCPPC COMMENTS	TT
3	04/22/15	PER MNCPPC COMMENTS	TT
4	05/14/15	PER MNCPPC COMMENTS	SRB
5	05/22/15	PER MNCPPC COMMENTS	TT
6	05/28/15	PER MNCPPC COMMENTS	SRB

NOT APPROVED FOR CONSTRUCTION

PROJECT No.: MB112078
DRAWN BY: SMN
CHECKED BY: AMW
DATE: 12/03/15
SCALE: AS SHOWN
CAD I.D.: FC5

PMG SILVER SPRING

FOR
PETROLEUM MARKETING GROUP, INC.

LOCATION OF SITE
16201 NEW HAMPSHIRE AVE.
MONTGOMERY COUNTY
SILVER SPRING, MD 20905

BOHLER ENGINEERING

16701 MELFORD BLVD., SUITE 310
BOWIE, MARYLAND 20715
Phone: (301) 809-4500
Fax: (301) 809-4501
www.BohlerEngineering.com

SHEET TITLE:
FINAL FOREST CONSERVATION PLAN

SHEET NUMBER:
2
OF 2

REV 5

Certification
This plan was prepared to comply with the current standards of the Maryland Department of Natural Resources Forest Conservation Technical Manual. The engineer is a qualified professional under COMA 10-1906.01.

Signature: *Asko Mijlkovic* Date: 5-28-2015

Asko Mijlkovic
Bohler Engineering
16701 Melford Blvd., Suite 310
Bowie, Maryland 20715
Ph: (301) 809-4500 Fax: (301) 301-4501
E-mail: amijlkovic@bohlereng.com

M-NCPPC APPROVAL STAMP
APPROVED FOREST CONSERVATION PLAN

FILE NO. 120140100
MONTGOMERY COUNTY PLANNING BOARD

CHAIRMAN OR DESIGNEE _____ DATE _____

DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 120140100 including, financial bonding, forest planning, maintenance, and all other applicable agreements.

Developer's Name: Petroleum Marketing Group, Inc.
Contact Person or Owner: Robert Ackerley
Address: 12680 Darby Brooke Ct, Woodbridge VA 22192
Phone and Email: (703) 496-1079 rackerley@petromg.com
Signature: *Robert Ackerley*

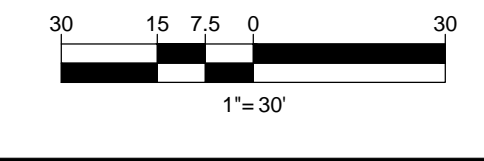
CERTIFICATE OF COMPLIANCE

I do hereby certify, to the best of my knowledge, information, and reasonable belief, that all of the information and data provided with this application is accurate, and all of the features and elements provided on the plans is consistent with the standards of the applicable zone. The certification includes, but is not limited to boundary information, property information and ownership, topography, historic resources, etc. I agree that the submitted plans may be rejected or returned by the Maryland-National Capital Park and Planning Commission if the plans are found to be inaccurate, false or misleading.

Signature: *Robert Ackerley* 3/16/14 Date
Applicant or Applicant's Representative
Print Name: Robert Ackerley
Print Company: Petroleum Marketing Group, Inc.
Print Title: Engineering Manager

Plan Name: PMG Silver Spring
Plan Number: 120140100

GENERAL NOTE
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT. WORK SHALL BE IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND ALL FULL COMPLIANCE WITH ALL REGULATIONS AND CODES.



**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

www.montgomerycountymd.gov/content/council/boa/index.asp

(240) 777-6600

Case No. S-2699

PEITITON OF EXXONMOBIL CORPORATION

OPINION OF THE BOARD

(Opinion Adopted July 29, 2009)

(Effective Date of Opinion: September 3, 2009)

Case No. S-2699 is an application for a special exception, pursuant to Section 59-G-2.06 of the Zoning Ordinance, to allow an automobile filling station, including a car wash and a convenience store, on a site currently occupied by an abandoned filling station. The Hearing Examiner for Montgomery County held a public hearing on the application on February 26, 2008, closed the record on June 16, 2008, and on July 1, 2008, issued a Report and Recommendation for approval of the special exception. On July 11, 2008, the Board received a request for Oral Argument in the case from Jody S. Kline, Esquire, on behalf of ExxonMobil, the Petitioner. Mr. Kline requested the opportunity to present argument on several points related to proposed Condition No. 16 in the Hearing Examiner's Report and Recommendation. Oral Argument, limited to the question of the legality of requiring off-site improvements in connection with a special exception, not related to adequate public facilities matters, on confronting properties outside of the boundaries of the proposed special exception, was scheduled for Wednesday, December 10, 2008, and subsequently postponed until Wednesday January 21, 2009 and again, to Wednesday, May 27, 2009.

The Board heard Oral Argument on May 27, 2009. Jody S. Kline, Esquire appeared. Martin Klauber, Peoples Counsel for Montgomery County, also appeared. At the oral argument Mr. Kline withdrew the Petitioner's request to give argument, and asked the Board to defer its consideration for two weeks, to allow him to submit addition information, pertinent to the purpose of Condition No. 16, regarding his negotiations with neighbors of the subject property. Mr. Klauber held his request to present argument in abeyance.

The Board again considered the Hearing Examiner's Report and Recommendation, together with the request for Oral Argument, at its Worksession on July 29, 2009. Mr. Kline, on behalf of ExxonMobil, stated the Petitioner's desire to move forward with the case and expressed ExxonMobil's willingness to accept Condition No. 16 as proposed by the Hearing Examiner.

9. Petitioner must remove the existing sidewalk along the property frontage and must provide a new five-foot wide sidewalk along MD 650 between MD 198 and Old Spencerville Road. The sidewalk must be offset two feet from the property boundary and must be in place prior to the release of occupancy permits for the proposed special exception use.
10. The Petitioner must comply with stormwater and sediment control regulations of the Montgomery County Department of Permitting Services (DPS).
11. Fuel storage tank and fuel pump installation and use, must comply with the control guidelines and air quality permitting requirements of the Maryland Department of the Environment (MDE).
12. Fuel storage tanks must meet required technical standards and must comply with all county, state and federal permitting requirements.
13. Permits must be obtained for the proposed signs, and copies thereof must be filed with the Board of Appeals prior to posting the signs.
14. Since the proposed use will require subdivision, in accordance with Zoning Ordinance §59-G-1.21(a)(9), approval of this special exception is conditioned upon approval of a preliminary plan of subdivision by the Planning Board. If changes to the site plan or other plans filed in this case are required at subdivision, Petitioner must file a copy of the revised site and related plans with the Board of Appeals.
15. Before this special exception takes effect, Petitioner must redraw its southeastern driveway onto Old Spencerville Road so that it will be perpendicular to the curb or street line in accordance with Zoning Ordinance §59-G-2.06(b)(5), as shown on earlier versions of the site plan. The revised site plan should be submitted to the Board of Appeals for final approval.
16. Before this special exception takes effect, Petitioner must modify its landscape plan to show a six-foot, board-on-board (or solid wood) fence, with plantings at its base and designed in a manner approved by Technical Staff, on the properties of the confronting property owners on Old Spencerville Road, whose addresses are 1127 Parris Ridge Drive (currently Michael Aladesuru) and 1131 Parris Ridge Drive (currently Bikram Singh). This condition will apply only if permission for such a fence and plantings is given by the property owners. Petitioner must also make reasonable efforts (*i.e.*, certified mail) to advise the other confronting property owner on Old Spencerville Road, Sunny Varkey, of the fence proposal, and offer to extend the fence onto his property, designed in a manner approved by Technical Staff. The revised landscape plan must be submitted to the Board of Appeals for final approval.
17. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special

exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

On a motion by Carolyn J. Shawaker, seconded by Walter S. Booth, with Stanley B. Boyd, David K. Perdue, Vice-Chair, and Catherine G. Titus, Chair, in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Catherine G. Titus
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 3rd day of September, 2009.

Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

See Section 59-A-4.53 of the Zoning Ordinance regarding the twenty-four months' period within which the special exception granted by the Board must be exercised.



GENERAL NOTES

- 1) SUBJECT PROPERTY IS ZONED C-1 (COMMERCIAL)
- 2) THIS PLAN IS LIMITED TO USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN NO. 1-99038 AND BY AGREEMENTS WITH THE MONTGOMERY COUNTY PLANNING BOARD REGARDING ADEQUATE PUBLIC FACILITIES.
- 3) ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN ALLOWING DEVELOPMENT OF THIS PROPERTY APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE RECORDATION OF THIS PLAT, UNLESS EXPRESSLY CONTEMPLATED BY THE PLANS AS APPROVED. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
- 4) APPROVAL OF THIS PLAT IS PREDICATED ON THE ADEQUACY AND AVAILABILITY OF PUBLIC WATER AND SEWER.
- 5) THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE ABSTRACT OR EXAMINATION.
- 6) TAX MAP: JS563 PARCELS: P893 & N839
- 7) SPECIAL EXCEPTION CASE NUMBER CBA-1660-A. AND WAS APPROVED BY THE BOARD OF APPEALS ON AUGUST 19, 1998
- 8) LANDSCAPE AND LIGHTING PLAN WAS TO MARYLAND NATIONAL CAPITOL PARK & PLANNING COMMISSION ON APRIL 30, 1999
- 9) SUBJECT TO DECLARATION OF COVENANTS INSPECTION/ MAINTENANCE OF STORMWATER MANAGEMENT FACILITY, DATED DECEMBER 17, 1999 AS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY IN LIBER 17854, FOLIO 271.

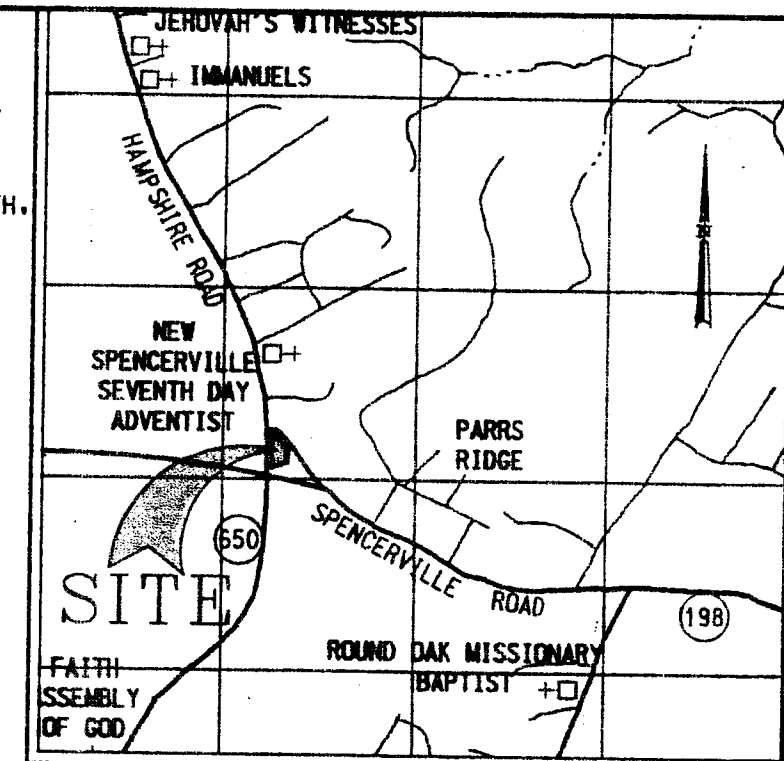
GRID NORTH
MARYLAND COORDINATE SYSTEM (NAD83/91)

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT, ACCORDING TO MY BEST KNOWLEDGE AND BELIEF, THE INFORMATION SHOWN ON THIS PLAT IS CORRECT AND THAT IT IS A SUBDIVISION OF THE LAND CONVEYED BY BARBARA G. SINES TO EXXON CORPORATION, A NEW JERSEY CORPORATION, BY A DEED DATED FEBRUARY 18, 1998 AS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 15559, AT FOLIO 447 AND THE LAND CONVEYED BY ESTER L. COOPERSMITH, SURVIVING TENANT-BY-THE-ENTIRETY OF JACK COOPERSMITH TO ESTER L. COOPERSMITH, TRUSTEE FOR THE COOPERSMITH CHILDREN'S TRUST BY DEED DATED FEBRUARY 27, 1992 AS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY IN LIBER 10288, FOLIO 618.

THE PROPERTY BOUNDARY INFORMATION SHOWN HEREON IS TAKEN FROM A FIELD RUN SURVEY BY FREDERICK WARD ASSOCIATES ON DECEMBER 17, 1997. I HEREBY CERTIFY THAT ONCE ENGAGED AS DESCRIBED IN THE OWNER'S CERTIFICATE HEREON, ALL MONUMENTS AND ALL PROPERTY MARKERS AND ANY OTHER BOUNDARY MARKERS WILL BE SET AS DELINEATED HEREON AND IN ACCORDANCE WITH THE PROVISION OF SECTION 50-24(e) OF THE MONTGOMERY COUNTY CODE.

John V. Mettee III 12/21/99
JOHN V. METTEE III DATE
REGISTERED PROFESSIONAL LAND SURVEYOR #10851



VICINITY MAP

SCALE: 1" = 2000'

AREA TABULATION

COOPERSMITH PARCEL ... 0.4720 ACRES± (20,561 SQ. FT.)
EXXON PARCEL 0.6623 ACRES± (28,852 SQ. FT.)
PARCEL 'B' 1.1343 ACRES± (49,413 SQ. FT.)
TOTAL ENCLOSED AREA.... 1.1343 ACRES± (49,413 SQ. FT.)

PLAT No 21453

LAND OF SUNNY VARKKEY 12159/175
APPROXIMATE R/W LINE

SPENCERVILLE ROAD
SHA PLAT NO. CS0
S 88°03'01"E 13.35'
S 40°07'08"E 252.89'

LOT 22 WESLEY ESTATES
PLAT BOOK 105
LAND OF JEAN LECREN & ANNA LECREN 5603/547

PARCEL 1 OF PLAT OF RESERVATION FOR PUBLIC USE 198
LAND FOR MD ROUTE 198
RELOCATION OF MD ROUTE 198
PLAT BOOK LAND OF MARYLAND
MONTGOMERY COUNTY, MARYLAND
PLAT NO. 6939/711

LAND OF KENNETH P. SOERBEL & JEAN SOERBEL 4450/267
LAND OF BARBARA G. SINES 15.A.I.
S 15°27'32"W 15.A.I.
S 42°02'14"E 58.57'
S 15°27'32"W 15.A.I.
S 88°03'01"E 13.35'

PARCEL 'B' 49.413 SQUARE FEET
EXXON CORPORATION 15559/447
ESTER L. COOPERSMITH, TRUSTEE 10288/618
15' GRADING EASEMENT PLAT 7987 ORDINANCE 4-115 #16255 #16001
10' BUILDING RESTRICTION LINE & PUBLIC UTILITY EASEMENT
10' BUILDING RESTRICTION LINE & PUBLIC UTILITY EASEMENT
MONTGOMERY COUNTY, MARYLAND
FUTURE R/W PER MONTGOMERY COUNTY 16496/758
EXISTING R/W
MARYLAND ROUTE 198
STATE HIGHWAY ADMINISTRATION PLAT NO. 53227

E 1,315,750
N 529,500

COORDINATES

NO.	NORTHING	EASTING
201	529,925.4785	1,315,750.8742
213	529,797.8985	1,315,750.4291
505	529,736.4485	1,315,551.9602
512	529,932.1646	1,315,554.4634
513	529,926.3810	1,315,724.3644
514	529,766.4798	1,315,545.1672
515	530,013.2171	1,315,559.0111
517	530,108.5986	1,315,562.0507
533	529,788.1176	1,315,719.6578
537	529,861.2760	1,315,550.4860
538	529,763.1872	1,315,638.7434
601	530,118.9402	1,315,587.8556
604	529,925.0244	1,315,764.2165
605	529,862.5838	1,315,730.4066
608	529,881.5260	1,315,803.4337

OWNER'S CERTIFICATE

WE, R.W. HILCHEY, AGENT AND ATTORNEY-IN-FACT FOR EXXON CORPORATION, A NEW JERSEY CORPORATION, AND ESTER L. COOPERSMITH, MANAGER AND GERALDINE FRANKLIN, MANAGER FOR THE COOPERSMITH CHILDREN'S TRUST C/O HOLLADAY CORPORATION, OWNERS OF THE PROPERTY SHOWN HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, DEDICATE THE STREETS AS SHOWN HEREON TO PUBLIC USE, ESTABLISH THE MINIMUM BUILDING SETBACK LINES, AS SHOWN HEREON, SUBJECT TO ALL CURRENT AND APPLICABLE REGULATIONS OF ALL FEDERAL, STATE AND LOCAL GOVERNING AGENCIES. THERE ARE NO SUITS, ACTION AT LAW, LIENS, LEASES, MORTGAGES, OR TRUSTS AFFECTING THE PROPERTY IN THIS PLAN OF SUBDIVISION. WE, OUR SUCCESSORS AND ASSIGNS, WILL CAUSE PROPERTY CORNER MARKERS TO BE SET BY A REGISTERED MARYLAND LAND SURVEYOR IN ACCORDANCE WITH SECTION 50-24(e) OF THE MONTGOMERY COUNTY CODE.

**MARYLAND ROUTE 650
NEW HAMPSHIRE AVENUE**

SHA PLATS NO. 53227 & 106
DEEDS 13134/32, 13881/141 & 547/102
124' WIDE RIGHT OF WAY

FILED
MAY 26 2000

12/17/99 *[Signature]*
DATE 12/14/99 *[Signature]* WITNESS
12/14/99 *[Signature]* WITNESS
DATE 12/14/99 *[Signature]* WITNESS
R.W. HILCHEY, AGENT AND ATTORNEY-IN-FACT
ESTER L. COOPERSMITH, MANAGER
GERALDINE FRANKLIN, MANAGER



**SUBDIVISION RECORD PLAT
BROWNS CORNER**

PARCEL 'B'
LOCATED AT 16001 & 16255 NEW HAMPSHIRE AVENUE
COLESVILLE (5TH) DISTRICT
MONTGOMERY COUNTY, MARYLAND

MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD
APPROVED **JUNE 10, 1999**
[Signature] Minnie Wang-Jernstone
CHAIRMAN SECRETARY-TREASURER
M.N.C.P. & P.C. RECORD FILE No. 612-35

MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PERMITTING SERVICES
APPROVED **MAY 10, 2000**
[Signature]
DIRECTOR

RECORDED _____
PLAT BOOK _____
PLAT NO: _____

FREDERICK WARD ASSOCIATES, INC. • ENGINEERS
5 SOUTH MAIN STREET • PLANNERS
BEL AIR, MARYLAND 21014-0727 • LANDSCAPE ARCHITECTS
(410)838-7900 (410)879-2090
SCALE: 1"=50' DATE: 08/18/98 DR. BY: TJS CK'D. BY: VJN JOB NO.: 98039.01

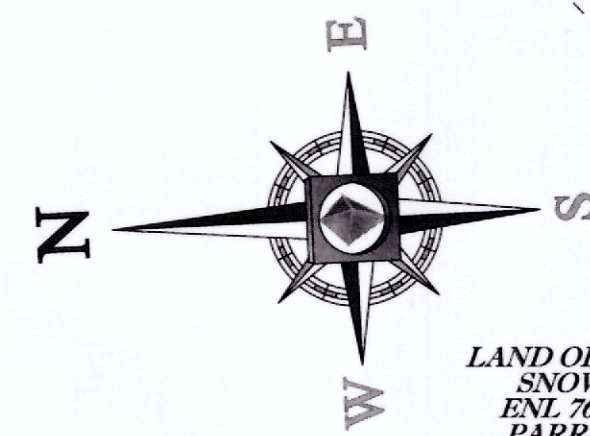
MSASSU 1249-27363

612-35

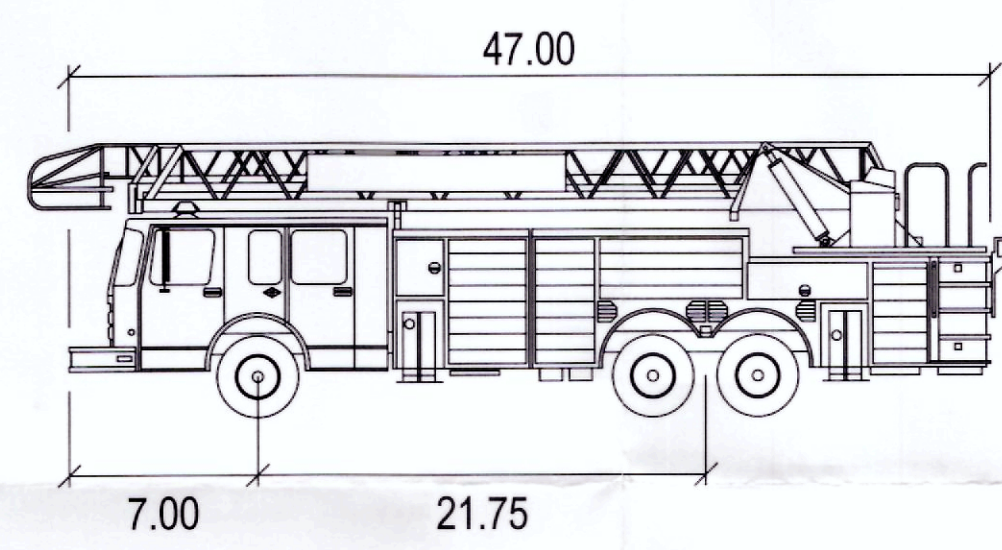
EXISTING PARCEL INFORMATION

- ① LANDS N/F
EXXON MOBIL CORPORATION
LIBER 31676 FOLIO 651
TM KS13-1964-1
(PARCEL 1)
- ② LANDS N/F
EXXON MOBIL CORPORATION
LIBER 31676 FOLIO 651
TM KS13-1918-1
(PARCEL 2)
- ③ LANDS N/F
EXXON CORPORATION
LIBER 15559 FOLIO 417
TM JS63-N890-1
AREA= 22,969 S.F. OR 0.527 AC.
- ④ LANDS N/F
ESTHER L.
COOPER SMITH TRUSTEE
LIBER 10288 FOLIO 618
(LEASED BY EXXON)
TM JS63-N890-1
AREA= 31,591 S.F.
OR 0.472 AC.

⑤ (TOGETHER AS PARCEL B)
PARCEL B
BROWNS CORNER
PLAT NO. 2451
AREA= 43,529 S.F.
OR 0.999 AC.



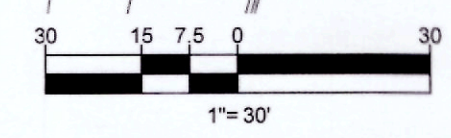
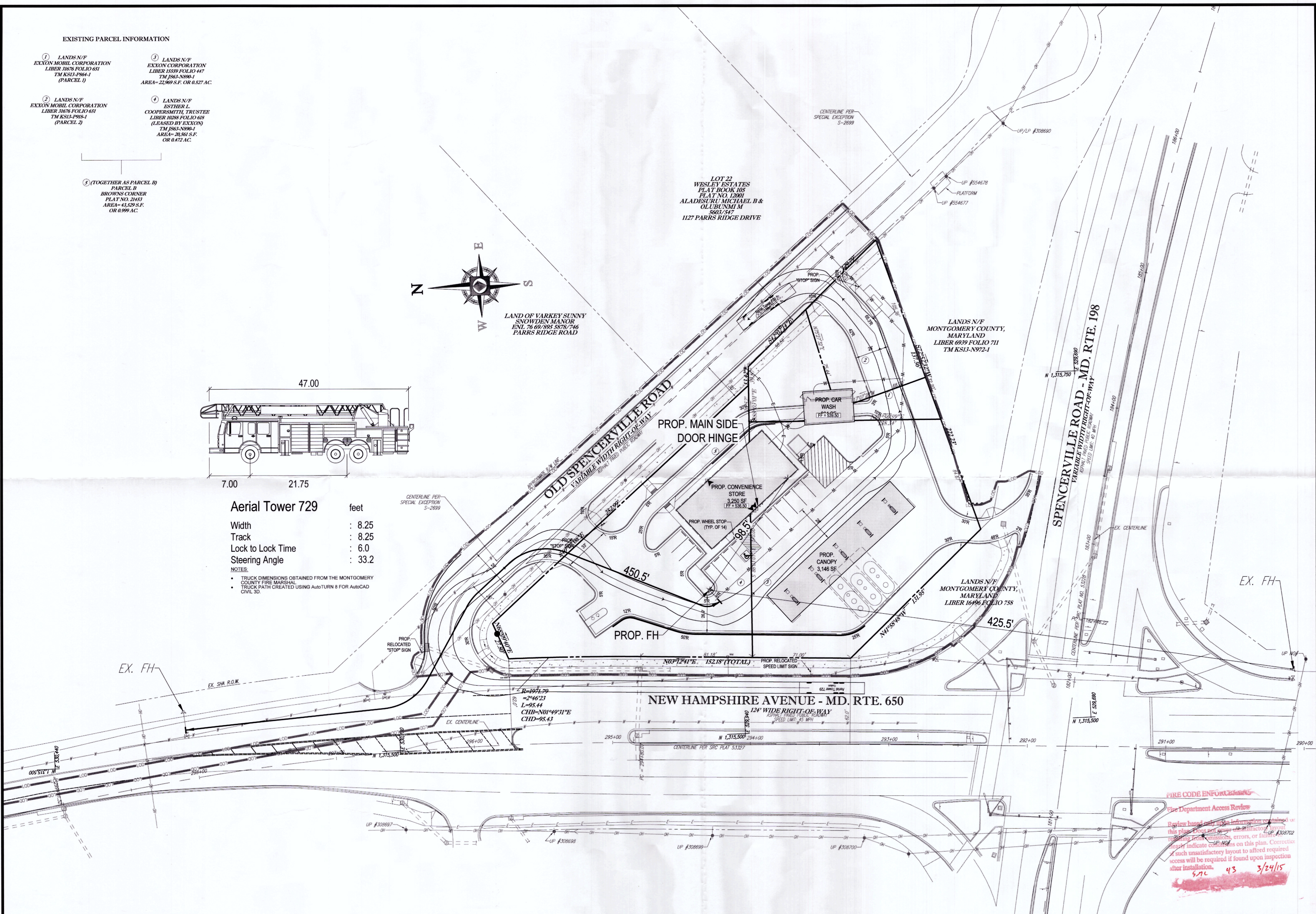
LAND OF VARKEY SUNNY
SNOWDEN MANOR
ENL. 76 69/895 5878/746
PARRS RIDGE ROAD



Aerial Tower 729 feet

Width	: 8.25
Track	: 8.25
Lock to Lock Time	: 6.0
Steering Angle	: 33.2

- NOTES:
- TRUCK DIMENSIONS OBTAINED FROM THE MONTGOMERY COUNTY TRUCK FIRE MARSHAL
 - TRUCK PATH CREATED USING AutoTURN 8 FOR AutoCAD CIVIL 3D



FIRE CODE ENFORCEMENT
Fire Department Access Review
Review based on information contained on this plan. Does not cover any restrictions resulting from commissions, errors, or omissions clearly indicated on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.
SJC YS 3/24/15

PROFESSIONAL CERTIFICATION
DAN M. DUKE, 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. 26720, EXPIRATION DATE: 12/17/15

BOHLER ENGINEERING

CORPORATE OFFICE:
WARREN, NJ

OFFICES:
BOSTON, MA
TOWSON, MD
ALBANY, NY
CHAMBERS, PA
CENTER VALLEY, PA
FORT LAUDERDALE, FL
HARTFORD, CT
PHILADELPHIA, PA
RICHMOND, VA
ROSELAND, NJ
SPRINGFIELD, MA
WILMINGTON, DE

CIVIL & CONSULTING ENGINEERS
SURVEYORS
PROJECT MANAGERS
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS

REVISIONS

REV	DATE	COMMENT	BY
1	09/18/14	PER COUNTY COMMENTS	TT
2	08/12/14	PER MDC/PC COMMENTS	TT
3	02/11/15	PER MCFRS COMMENTS	TT

THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE IN VIRGINIA, MARYLAND, THE DISTRICT OF COLUMBIA, AND DELAWARE CALL 811 (WV 1-800-245-4848) (PA 1-800-242-1778) (DC 1-800-287-7777) (VA 1-800-803-7821) (MD 1-800-297-7777) (DE 1-800-888-6869)

NOT APPROVED FOR CONSTRUCTION

PROJECT No. MB112078
DRAWN BY: SN
CHECKED BY: AM
DATE: 10/29/13
SCALE: 1"=30'
CAD I.D.: FA3

FIRE ACCESS PLAN
FOR
PETROLEUM MARKETING GROUP, INC.
LOCATION OF SITE
16201 NEW HAMPSHIRE AVE.
MONTGOMERY COUNTY
SILVER SPRING, MD 20905

BOHLER ENGINEERING

16701 MELFORD BLVD., SUITE 310
BOWIE, MARYLAND 20715
Phone: (301) 809-4500
Fax: (301) 809-4501
www.BohlerEngineering.com

D.M. DUKE
PROFESSIONAL ENGINEER
MARYLAND LICENSE No. 26720
3/24/15

SHEET TITLE:
FIRE ACCESS PLAN

SHEET NUMBER:
1
OF 1

REV 3

GENERAL NOTE:
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT. WORK SHOULD BE DONE PRIOR TO THE START OF CONSTRUCTION. SHOULD THE CONTRACTOR DISCOVER ANY DISCREPANCIES RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH ALL APPLICABLE REGULATIONS AND CODES.



FIRE MARSHAL COMMENTS

DATE: 24-Mar-15
TO: Dan Duke - dduke@bohlereng.com
Bohler Engineering
FROM: Marie LaBaw
RE: PMG Silver Spring
120140100

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **24-Mar-15**. 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.



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

May 9, 2014

Mr. Ryan Sigworth, Senior Planner
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120140100
PMG Silver Spring

Ryan
Dear Mr. Sigworth:

We have completed our review of the March 13, 2014 submittal of the preliminary plan. This plan was reviewed by the Development Review Committee at its meeting on May 5, 2014. We recommend approval of the plan based to the following comments:

Note: 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 (DPS) in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show necessary dedication along Spencerville Road (MD 198) in accordance with the Cloverly Master Plan.
2. Necessary dedication along New Hampshire Avenue (MD 650) in accordance with the Cloverly Master Plan.
3. Necessary dedication of 30' is shown from the centerline of Old Spencerville Road in accordance with Montgomery County Plat No. 21453.
4. Improvements along New Hampshire Avenue (MD 650), Spencerville Road (MD 198), and Old Spencerville Road as required by the Maryland State Highway Administration.
5. Sight distance measurements and evaluation for MD 650 and Old Spencerville Road to be reviewed by the Maryland State Highway Administration.
6. Denote the existing sidewalk width along MD 650, and ensure compliance with Montgomery County standards for ADA accessibility. We recommend extend the sidewalk along New Hampshire Avenue site frontage to connect to the proposed sidewalk along Old Spencerville Road.

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

7. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Mr. Sam Farhadi of that Department at (240) 777-6333 to discuss the parking lot design.
8. Coordinate with the Department of Permitting Services and the Montgomery County Planning Department for the requirements for onsite truck circulation.
9. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
10. Where perpendicular parking spaces border a sidewalk, a two (2) foot vehicle overhang is assumed. The applicant should either provide a seven (7) foot wide sidewalk or wheelstops within those parking spaces.
11. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
12. Spacing and species of trees in the County rights-of-way shall be in accordance with the applicable MCDOT standards. Tree planting 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.
13. If the proposed development will alter any existing County-maintained street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at 240-777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
14. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
15. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

Mr. Ryan Sigworth
Preliminary Plan No. 120140100
May 9, 2014
Page 3

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

\\Dot3\traffic\Subdivision\HAYNEW01\Developments\PMG Silver Spring (120140100)\Letters\120140100, PMG Silver Spring, Prelim Plan Ltr.doc

GML:wh

cc: Robert Ackerley Petroleum Marketing Group LLC
Mira Dudchak Bohler Engineering
John Wojdak Bohler Engineering
Scott Newill MDSHA AMD
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Catherine Conlon M-NCPPC DARC
Richard Weaver M-NCPPC Area 3
Katherine Holt M-NCPPC Area 3
Scott Newill MSHA AMD
Sam Farhadi MCDPS RWPR
Bill Campbell MCDPS WRM
Marie LaBaw MCFRS
Brett Linkletter MCDOT DHS
Dan Sanayi MCDOT DTEO
Bruce Mangum MCDOT DTEO
Fred Lees MCDOT DTEO
Khursheed Bilgrami MCDOT DTEO
Andrew Bossi MCDOT DTEO
William L. Haynes MCDOT DTEO



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

**State Highway
Administration**

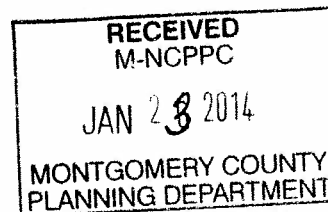
Maryland Department of Transportation

James T. Smith, Jr., *Secretary*
Melinda B. Peters, *Administrator*

January 15, 2014

Re: Montgomery County
MD 650
MD 650 Automobile Filling Station
SHA Tracking No. 13APMO055XX
Traffic Impact Study
MD 650 (Mile Point 11.00)

Ms. Katherine Holt
Transportation Planner/Coordinator
M-NCPPC Area #3
8787 Georgia Avenue
Silver Spring, Maryland 20910



Dear Ms. Holt:

Thank you for the opportunity to review the Traffic Impact Study Report dated November 20, 2013 by Street Traffic Studies (STS), Ltd. that was prepared for the proposed New Hampshire Avenue Automobile Filling Station development in Montgomery County, Maryland. The Maryland State Highway Administration (SHA) review is complete and we are pleased to respond.

The review determined the major report findings and the SHA comments and conclusions are as follows:

- Access to the development that includes a 10-pumping position Filling Station and a 3,250 square foot Convenience Market with Car Wash is proposed from one (1) right-in only driveway on MD 198 and two (2) full movement site access driveways on Old Spencerville Road.
- The study analyzed the following intersections under existing, background and future conditions:
 - MD 650 intersection with MD 198/Norbeck Road
 - MD 650 intersection with Ednor Road
- The traffic report concluded that the proposed development would not cause any studied intersection to exceed the congestion standard threshold as established by the M-NCPPC for the Cloverly Policy Area (CLV less than or equal to 1,450).

Based on the information provided, please address the following comments in a point-by-point response:

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Ms. Katherine Holt
13APMO055XX
Page No. 2
January 15, 2014

1. The State's fiscally constrained draft 2014-2019 Consolidated Transportation Program (CTP) includes projects under construction and/or development and evaluation. The CTP includes a planning study to evaluate operational and safety improvements in the MD 28 (Norbeck Road)/Norbeck Road/MD 198(Spencerville Road/Sandy Spring Road) corridor between MD 97 (Georgia Avenue) and I-95. For further information, contact Ms. Jamaica Arnold, Project Manager, Project Management Division, SHA, at 410-545-8518 or jarnold2@sha.state.md.us.
2. The State's fiscally unconstrained Highway Needs Inventory (HNI), the State's long-range plan, includes projects that are critical to Maryland's transportation needs. The HNI includes the 2.5-mile Norbeck Road divided highway reconstruction between MD 182 (Layhill Road) and MD 650 (New Hampshire Avenue); and the 4.9-mile MD 198 (Spencerville Road/Sandy Spring Road) divided highway reconstruction between MD 650 (New Hampshire Avenue) and the Prince George's County line. If and when such improvements proceed, there may be right-of-way impacts.
3. The New Hampshire Avenue Automobile Filling Station development is included in the July 1997 Maryland-National Capital Park and Planning Commission (M-NCPPC) Cloverly Master Plan.
4. WMATA Metrobus provides bus service to the development site. All roadway improvements to SHA roadway facilities should provide for and maintain bicycle facilities as well as full ADA-compliant access to existing and future transit facilities.
5. The March 2005 M-NCPPC Countywide Bikeways Functional Mater Plan includes: an existing shared-use path along westbound Norbeck Road (west of MD 650), an existing shared-use path along southbound MD 650 (north of MD 198/Norbeck Road), a proposed shred-use path along westbound MD 198 (east of MD 650), and proposed bicycle lanes along MD 650 (north and south of MD 198/Norbeck Road).

The SHA concurs with the report findings for this project as currently proposed and will not require the submission of any additional traffic analyses. However, please note the issues above when the site plans are developed for the project. Please reference the SHA Tracking Number on any future submissions. Unless specifically indicated in SHA's response on this report, the comments contained herewith do not supersede previous comments made on this development application. If you have any questions regarding the plan review process, please contact Mr. Renaud at 410-545-5595 or jrenaud@sha.state.md.us.

Ms. Katherine Holt
13APMO055XX
Page No. 3
January 15, 2014

If you have any questions or comments regarding the enclosed traffic report comments, please contact Mr. Larry Green at (410) 995-0090 x20.

Sincerely,



Steven D. Foster, Chief/Development Manager
Access Management Division

SDF/er/lg

cc: Ms. Mary Deitz, SHA RIPD
Mr. Larry Green, Daniel Consultants, Inc.
Mr. Subrat Mahapatra, SHA Travel Forecasting Section
Ms. Anyesha Mookherjee, SHA District 3 Office
Mr. Scott Newill, SHA AMD
Mr. Saed Rahwanji, SHA TDSD
Ms. Erica Rigby, SHA AMD
Ms. Lisa Shemer, SHA ICD
Mr. Carl Starkey, STS, Ltd.
Mr. Errol Stoute, SHA TDSD
Mr. Bill Stroud, SHA CPD
Mr. Morteza Tadayon, SHA DSED
Mr. John Thomas, SHA RIPD
Mr. Eric Waltman, SHA AMD

Larry Hogan, *Governor*
Boyd Rutherford, *Lt. Governor*



Pete K. Rahn, *Secretary*
Melinda Peters, *Administrator*

April 7, 2015

RE: Montgomery County
MD 650 & MD 198
**New Hampshire Automotive Filling
Station**
SHA Tracking No. 13APMO055XX
County No. 120140100
Mile Point: 11.0

Mr. Dan Duke, P.E.
Bohler Engineering
16701 Melford Boulevard, Suite 310
Bowie, Maryland 20715

Dear Mr. Duke:

Thank you for the opportunity to review the preliminary site plan for the proposed New Hampshire Automotive Filling Station in Montgomery County. The State Highway Administration (SHA) review is complete and we are pleased to respond.

Based on the information provided, please address the following comments in a point-by-point response:

District 3 Traffic Comments:

1. Maintenance of Traffic Plan – General:
 - a. A permanent lane closure is not allowed without a Maintenance of Traffic Alternatives Analysis (MOTAA) for the project. Since the lane closures are time-of-day closures, unless there is significant deviation from the Book of Standards Section MD 104, refer to appropriate standard plates for each stage of MOT.
 - b. The work zone for the installation of pipe should overlap sufficiently to allow for it to continue from one phase to the other. As proposed, there is insufficient overlap for the pipe to be installed.
 - c. MOT along Bay Hill Lane should follow Montgomery County standards since it is a County road.
2. Signage and Striping Plan– Sheet 19 of 19:
 - a. Please follow the SHA Office of Traffic and Safety's Traffic Control Devices Design Guidelines in preparing the signing and marking plans.
 - b. Existing and proposed pavement markings and signs should be shown with proper line styles and shading.
 - c. Proposed signs and relocated signs should have appropriate construction details associated with information on the type of support to be used.
 - d. Relocated signs should be shown in their new location, with the old post being shown as existing and the new location shown as proposed.

410-545-5600 or 1-800-876-4742

My telephone number/toll-free number is
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

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

- e. Show dimensions for pavement markings that are being modified or newly installed.
- f. The existing median markings have a more pronounced hump appearance.
- g. The markings at the turn bay should conform to MDMUTCD Figure 3B-2a and have no crosshatching or trailing edge double yellow lines. Additionally, as previously commented, the upstream end of the solid white line for the turn bay marking encroaches on the leftmost through lane as marked up. The existing through lanes must be kept at the existing width. It is suggested that the proposed turn bay be redesigned as shown in the markup.
- h. The lane reduction arrow on northbound MD 650 at Old Spencerville Rd is orphaned by the removal of the lane lines. Either this should be removed and replaced or the lane lines need to be kept.
- i. The "DO NOT ENTER" sign along MD 198 which is being removed should be replaced or relocated to a new location per MDMUTCD.
- j. The locations of the existing route confirmation assembly and the crossroads warning sign along northbound MD 650 appear to be shown incorrectly on the plan.

Highway Hydraulics Comments:

1. Once obtained please provide documentation of the local agency's review and approval of both the stormwater management and erosion/sediment control plans. [*We note four (4) onsite micro-bioretenion facilities, none of which are treating SHA impervious area.*]
2. It is still unclear what portion of SHA impervious will drain to SWM facility #4 as the facility appears to be upgrade of the SHA right-of-way and the drainage area does not include SHA right-of-way. Please clarify.
3. Silt fence on pavement should not be used on the existing sidewalk during on-site construction because it could block pedestrian access to the sidewalk. Please revise the sediment control plans to provide a sediment control device that does not conflict with the sidewalk.
4. Please **boldly label** the assigned BMP number on all appropriate drawings. If Final Hydraulic Approval is contingent upon placing the facility number on the development plans you will not be required to submit for additional reviews. The numbers may be placed on the plans submitted for permit and a Final Hydraulic Approval will be issued at that time. For additional information please contact your hydraulic reviewer. We note the following:
 - a. Type of BMP – Micro-bioretenion
 - b. Total area (acres) being treated by the BMP – 0.28 acres
 - c. Land Uses for area being treated by the BMP – Commercial
 - d. Amount of SHA impervious area (acres) to be treated by the BMP – 0.03 acres
 - e. Center location (coordinates) of the BMP – N529,957 E1,315,568
 - f. Owner and party responsible for maintenance of the BMP – Petroleum Marketing Group, Inc.

Access Management Division (AMD) Comments:

1. Please submit a cost estimate.
2. Please provide existing and proposed dimension widths on the typical sections.
3. Please submit a new checklist. The checklist can be accessed at www.roads.maryland.gov by selecting the Business Center drop down menu and Permits and Miss Utility Information, Access Permits, Commercial/Industrial/Residential Subdivision Access Permit, Plan Submittal Checklist. Please include a copy of the completed checklist with each submittal. The checklist can also be accessed directly at <http://www.roads.maryland.gov/ohd2/Plan-check-list.pdf>

Further plan submittals should reflect the above comments. Please submit five (5) sets of revised plans, a CD containing the plans and supporting documentation in PDF format, as well as a point by point response, to reflect the comments noted above directly to Mr. Steven Foster attention of Mr. Wesley Beasley. Please reference the SHA tracking number on future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions, or require additional information, please contact Mr. Beasley at 410-545-5664, by using our toll free number in Maryland only at 1-800-876-4742 (x5664) or via email at wbeasley@sha.state.md.us.

Sincerely,



for Steven D. Foster, Chief/Development Manager
Access Management Division

SDF/DSN/WMB

cc: Mr. Robert Ackeney, Petroleum Marketing Group, Inc.,
12680 Darby Brooke Court, Woodbridge, Virginia 22192
Mr. Cornelius Barmer, SHA - Highway Hydraulics Division
Ms. Danielle Black, SHA – Project Management Division
Mr. Richard Brush, Montgomery County Department of Permitting Services/
Rick.brush@montgomerycountymd.gov
Ms. Lisa Choplin, SHA – Innovative Contracting Division
Ms. Cathy Conlon, Maryland-National Park and Planning Commission,
Catherine.Conlon@montgomeryplanning.org
Mr. Mark Etheridge, Montgomery County – Department of Permitting Services
Mr. William Gover, SHA – Innovative Contracting Division
Ms. Katherine Holt, Transportation/Coordinator, Maryland-National Park and Planning
Commission Katherine.Holt@montgomeryplanning.org
Mr. Greg Leck, Montgomery County Department of Transportation/
Greg.leck@montgomerycountymd.gov
Mr. Mark McKenzie, SHA – Access Management Division
Ms. Anyesha Mookherjee, SHA – District 3 Traffic
Mr. Scott Newill, SHA - Access Management Division
Ms. Deborah Pitts, SHA – Highway Hydraulics Division
Mr. Brian Young, SHA – District 3 Engineer



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

January 23, 2014

Mr. Asko Miljkovic
Bohler Engineering
16701 Melford Boulevard, Suite 310
Bowie, MD 20715

Re: Stormwater Management **CONCEPT** Request
for PGM-Silver Spring
Preliminary Plan #: Pending
SM File #: 254853
Tract Size/Zone: 1.25/C-1
Total Concept Area: 1.56ac
Lots/Block: N/A
Parcel(s): 864, 890, 918
Watershed: Northwest Branch

Dear Mr. Miljkovic:

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 the use of micro biofiltration and structural filtration.

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. Structural pretreatment will be required upstream of the stormwater storage facility and an approved structural filtration structure must be located directly downstream of the stormwater storage facility in drainage area # 3.
6. The State Highway Administration must provide written approval for the type of SWM devices used in the SHA right of way prior to sediment control permit issuance.

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

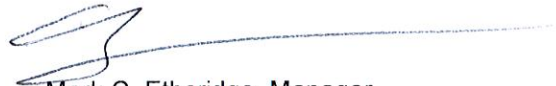
Mr. Asko Miljkovic
Page 2
January 23, 2014

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 254853

cc: C. Conlon
SM File # 254853

ESD Acres:	.063 Ac-Ft
STRUCTURAL Acres:	.037Ac-Ft
WAIVED Acres:	N/A



BOHLER[™]
ENGINEERING

ATTACHMENT 11

16701 Melford Boulevard, Suite 310
Bowie, MD 20715
PHONE 301.809.4500

May 28, 2015
Via Electronic Mail

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

Attn: Joshua Penn

Re: Tree Protection Variance
PMG – Silver Spring
Silver Spring, Montgomery County, MD
BEPC #MB112078

Dear Mr. Penn:

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, Bohler Engineering, on behalf of Petroleum Marketing Group, Inc. (PMG), is writing to request a variance to allow the impact of one (1) specimen tree as identified on the Final Forest Conservation Plan.

Project Description:

PMG is pursuing development approvals for a redevelopment project located within the Cloverly Master Plan Area of Silver Spring. The project is located at New Hampshire Avenue and Spencerville Road in Silver Spring, Montgomery County, Maryland. This project site is approximately 1.25 acres and proposes to redevelop an abandoned automobile filling station with a new automobile filling station consisting of a convenience store, car wash, and canopy for the multi-product dispensers (MPDs). A Natural Resource Inventory (NRI)/Forest Stand Delineation (FSD) (42013860) was reviewed and approved.

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 unwanted hardship.



Response: The tree (ST-1) is located in the SHA right-of-way of Old Spencerville Road beyond the project's frontage. The critical root zone extends back into the Limits of Disturbance (LOD) associated with the required frontage improvements.

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

Response: Tree protection is designed to prevent temporary and permanent impacts to a tree's critical root zone (CRZ); the proposed impact occurs in an existing CRZ impact area, a new minimum impact is proposed. Without the variance for impact, the applicant would be unable to complete the required frontage improvements.

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

Response: The project has received Stormwater Concept approval from the Montgomery County Department of Permitting Services. The proposed management system for this project consists of micro-biorententions, and a storm filter vault. The system will provide the required water quality treatment for the project.

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

Response: The proposed CRZ impact is a result of upgrading a County road and consists solely of replacing pavement and curb in place. Installation of a 6-foot board-on-board fence with planting.

As further basis for its 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:

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

Response: The request is based solely on the site constraints. There is a minimum of CRZ impact. The proposed work is a permit requirement, not a special privilege.

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

Response: The applicant did not create the condition that has initiated this waiver request. The specimen tree CRZ impact existed prior to their involvement in the project.

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

Response: The specimen tree that is the subject of this waiver is located in a SHA right-of-way; existing conditions on adjacent properties do not impact the nature of this request.

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

Response: As previously mentioned, the project has obtained Stormwater Concept approval. The on-site stormwater management will provide the required water quality treatment.



Specimen Tree Impacts Summary:

Significant Off-Site Trees > 24" DBH

Number	Common Name	Scientific Name	DBH (Inches)	Condition Rating	Condition Comments
ST-1	Black Oak	Quercus velutina	30	Good	CRZ Impact = 16%
T-1	Chestnut Oak	Quercus prinus	28	Fair	Storm damage
T-2	Black Gum	Nyssa sylvatica	28	Fair	Some breakage
T-3	Black Oak	Quercus velutina	25	Good	-

Conclusion:

For the above reasons, the applicant respectfully requests that the Planning Board 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 the specimen trees in order to allow the required improvements to Old Spencerville Road.

The recommendations in this report are based on tree conditions noted at the time the NRI/FSD field work was conducted and updated for specific construction measures prior to the submittal of the Final Forest Conservation Plan. Tree condition can be influenced by many environmental factors, such as wind, ice and heavy snow, drought conditions, heavy rainfall, rapid or prolonged freezing temperatures, and insect/disease infestation. Therefore, tree conditions are subject to change without notice.

Should you have any questions or require additional information, please do not hesitate to contact this office at (301) 809-4500. Thank you.

Sincerely,

Bohler Engineering


Asko Miljkovic, DNR Prof., LEED AP

cc: Robert Ackerley, Petroleum Marketing Group, Inc. (w/o Enc.)
Matthew K. Jones, P.E., Bohler Engineering (w/o Enc.)
File

AM/lb
H:\11\MB112078\Administrative\Letters\150528 Tree Preservation Variance.doc



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Lisa Feldt
Director

June 26, 2015

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

RE: PMG Silver Spring, ePlan 120140100, NRI/FSD application accepted on 5/16/2013

Dear Mr. Anderson:

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



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

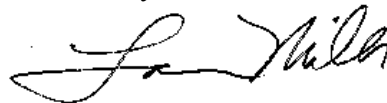
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, 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: Josh Penn, Planner Coordinator