



Marian Fathers: Preliminary and Site Plan Nos. 120060330 and 820090130

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***A. Preliminary Plan No. 120060330**

Request to re-subdivide an existing Parcel A into 55 total lots (including 1 lot for an existing assisted living facility), located on Georgia Avenue, approximately 400 feet south of Gold Mine, on 22.98 acres, RE-2/TDR-2 Zone, Olney Master Plan.

Staff Recommendation: Approval with Conditions

***B. Site Plan No. 820090130**

Request to construct 55 dwelling units (including 1 existing assisted living facility, 35 detached units, 19 attached units and 8 MPDUs), streets and public facilities, located on Georgia Avenue, approximately 400 feet south of Gold Mine Road, 22.98 acres, RE-2/TDR-2 Zone, Olney Master Plan.

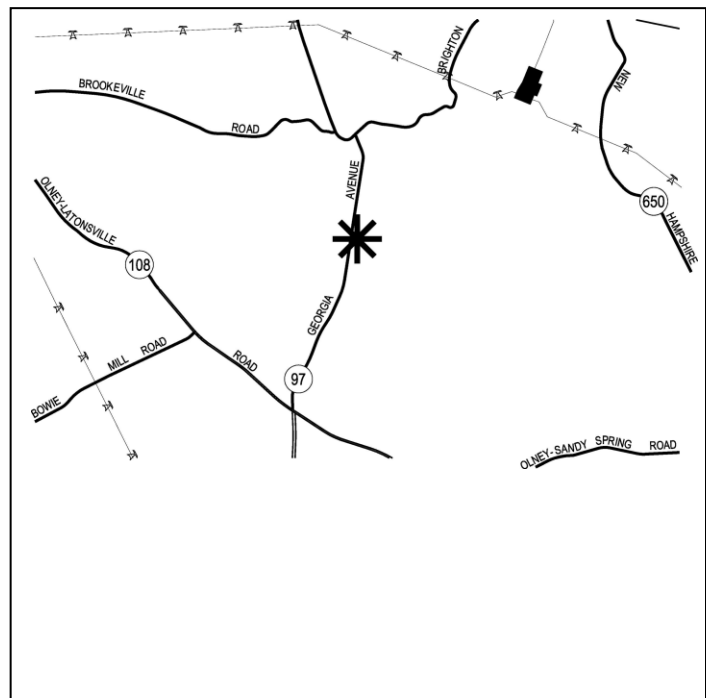
Staff Recommendation: Approval with Conditions

Submittal Preliminary Plan Date: September 12, 2005

Submittal Site Plan Date: April 15, 2009

Applicant: The Congregation of Marians, LLC.

Review Basis: 59D-3 Site Plans and Chapter 50



Summary

- The Planning Board will need to take separate actions on the Preliminary Plan and Site Plan applications.
- Staff's review time for this particular project is atypical, primarily because of the necessary roadway connections of Abbey Manor Drive to Saint Albert Drive. The Preliminary Plan was accepted September 2005; however, Staff could not support the request for maximum density without providing safe, adequate and efficient circulation systems for the overall existing community. The Applicant later resubmitted a new proposal in April 2009; which Staff worked with the Applicant to make significant changes to the overall circulation.
- The assisted living facility (managed by Victory Housing) was originally approved in accordance with a Special Exception (No. S-2339). The Special Exception has been amended and approved by the Board of Appeals in November 2014, in order to allow the new construction of residential uses and associated public facilities (e.g. roadways, on-street parking and public amenities). Other changes directly associated with the assisted living facility include: the realignment of the entrance driveway, renovations to the existing parking facilities and associated lighting. The assisting living facility will remain on-site, and has been included in the overall density calculations.
- With the re-submittal of revised plans, Staff has received some community correspondence in favor of this project.

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SECTION 1: Recommendations and Conditions

Preliminary Plan No. 120060330

The Applicant is requesting to subdivide the single lot into 55 total residential lots (including one assisted living facility), and frontage waivers granted for lots 5 and 6 of Block C.

Staff recommends approval of Preliminary Plan No. 120060330 subject to the following conditions:

- 1) Approval is limited to 54 residential lots and one lot for the existing assisted living facility, including 36 transferable development rights and 8 moderately priced dwelling units.
- 2) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated September 9, 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.
- 3) The Applicant must dedicate and construct the internal streets as follows:
 - a. The Applicant must extend and construct Abbey Manor Drive from its existing terminus through the Subject Property and connect to the future Abbey Manor Terrace as shown on the Preliminary Plan. Abbey Manor Drive must be constructed to MCDOT Road Code Standard MC-2002.02: Secondary Residential Street Modified with a minimum of 60 feet of right-of-way. The modification allows for a reduced centerline radius to 115 feet as shown on the Preliminary Plan.
 - b. The Applicant must extend and construct St. Albert Drive from its existing terminus to the future Abbey Manor Terrace as shown on the Preliminary Plan. St. Albert Drive must be constructed to MCDOT Road Code Standard MC-2002.02: Secondary Residential Street Modified with a minimum of 60’ feet of right-of-way. The modification allows for a reduced centerline radius to 100 feet as shown on the Preliminary Plan.
 - c. The Applicant must construct the future Abbey Manor Terrace from extended Abbey Manor Drive to extended St. Albert Drive as shown on the Preliminary Plan. Abbey Manor Terrace must be constructed to MCDOT Road Code Standard MC-2002.02: Secondary Residential Street Modified with a minimum of 60’ of right-of-way. The modification allows for a sidewalk on one side of the road, bioswales within the right-of-way, and a reduced centerline radius to 100 feet as shown on the Preliminary Plan.

- d. The Applicant must construct the loop portion of St. Albert Drive (north of Abbey Manor Terrace) as a private road to MCDOT Road Code Standard MC-2002.01: Tertiary Residential Street Modified. On-street perpendicular parking spaces will be provided as shown on the Preliminary Plan. The private street and parking spaces must be included in a separate parcel of land to be conveyed to the HOA.
- 4) The Applicant must construct an 8-foot shared use path along their frontage on the east side MD 97 from the driveway for the Marian Assisted Living facility south to connect with the current terminus of the existing asphalt path.
- 5) Prior to the issuance of the first building permit, the Applicant must pay a transportation impact tax (PAMR payment) of \$32,175.
- 6) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated December 17, 2014, and does hereby incorporate them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 7) The Planning Board has accepted the recommendations of the Maryland State Highway Administration (SHA) in its letter dated December 17, 2014, and does hereby incorporate 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 SHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by SHA.
- 8) The Applicant must comply with the following conditions of approval for the Final Forest Conservation Plan (“FFCP”), received by M-NCPPC on December 12, 2014:
 - a. Mitigation for the removal of twenty-three (23) trees subject to the variance provision and one additional 23” DBH red maple tree originally shown to be located within an existing offsite conservation easement must be provided in the form of planting native canopy trees totaling 230 caliper inches, with a minimum tree size of three (3) caliper inches. The trees must be planted in the locations shown on the FCP, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees may be required by the M-NCPPC forest conservation inspector to protect the root zones of existing trees.
 - b. The Applicant must record a Category I Conservation Easement over 2.13 acres of forest planting and environmental buffers, as specified on the approved FCP. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the start of any demolition, clearing, or grading on the Subject

Property, and the Liber Folio for the easement must be referenced on the record plat.

- c. The Applicant must record a Category II Conservation Easement over 0.97 acres of forest planting and 0.40 acres of tree save area, as specified on the approved FCP. The Category II Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the start of any demolition, clearing, or grading on the Subject Property, and the Liber Folio for the easement must be referenced on the record plat.
 - d. The Applicant must provide financial surety to the M-NCPPC Planning Department for the 3.10 acres of new forest planting prior to the start of any demolition, clearing, or grading on the Subject Property.
 - e. The Applicant must submit a Maintenance and Management Agreement for the 3.10 acres of new forest planting prior to the start of any demolition, clearing, or grading on the Subject Property. The Agreement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records.
 - f. The Applicant must install permanent split rail fencing or equivalent acceptable to M-NCPPC Staff, along the conservation easement boundary where it abuts residential lots (Lots 1, 2, 3 adjacent to the Category II Conservation Easement and Lots 6 and 19 adjacent to the Category I Conservation Easement), and the assisted living facility, as shown on the approved FCP.
 - g. The Applicant must install permanent conservation easement signage along the perimeter of all Category I and Category II Conservation Easements as specified on the approved FCP or as determined by the M-NCPPC forest conservation inspector. Signs must be installed a maximum of 100 feet apart with additional signs installed where the easement changes direction.
 - h. The Final Sediment Control Plan must depict the limits of disturbance (LOD) identical to the LOD on the Final Forest Conservation Plan.
 - i. The Applicant must comply with all tree protection and tree save measures shown on the approved FCP. Tree save measures not specified on the approved FCP may be required by the M-NCPPC forest conservation inspector.
- 9) The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of Site Plan approval. 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.

- 10) The record plat must reflect a public use and access easement over all private streets and adjacent parallel sidewalks.
- 11) The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 12) The record plat(s) must reflect serialization and liber/folio reference for all TDRs utilized by the development.
- 13) Prior to recordation of any plat, Site Plan No. 820090130 must be certified by MNCPPC Staff.
- 14) The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.

Site Plan No. 820090130

Staff recommends approval of Site Plan No. 820090130 for the construction of 35 single-family detached units, 19 single-family attached units (including 8 MPDUs), associated public facilities and amenities on 22.98 acres of land zoned RE-2/TDR-2. All site development elements shown on the submitted plans stamped “Received” by the M-NCPPC on November 25, 2014 are required except as modified by the following conditions.

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120060330 as listed in the Planning Board Resolution, unless amended. This includes but is not limited to all conditions and references to density, rights-of-way, dedications, easements, transportation conditions, Department of Transportation and the Department of Permitting Services stormwater management.

Environment

2. Forest Conservation

The development must comply with the conditions of the approved Final Forest Conservation Plan, as prescribed by the Preliminary Plan.

3. Common Open Space Covenant

Record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (“Covenant”). Prior to issuance of the first building permit, the Applicant must provide verification to M-NCPPC Staff that Applicant’s recorded Homeowners Association Documents incorporate by reference the Covenant.

4. Recreation Facilities

- a. The Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.

- b. Prior to the issuance of the 38th building permit (70 percent of the total), the Applicant will provide the following recreation facilities: a tot lot, pedestrian system, open play area, picnic/seating areas and natural areas.

5. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the private street, seating/picnic areas, tot lot, open play area and pedestrian systems until the HOA documents have been finalized and recorded.

Transportation & Circulation

6. The Applicant must construct the private road labeled St. Albert Drive to MCDOT Road Code Standard MC-2002.01: Tertiary Residential Street Modified. The following elements will be contained within a discrete property parcel for the private road: travel lanes, a sidewalk, landscaping area and perpendicular parking spaces (12). Staff recommends this parcel have a variable width as shown on the Certified Site Plan.
7. Before the release of Site Plan Surety, the Applicant must provide a letter of acceptance from MCDPS Zoning & Site Plan Enforcement Staff indicating that they received certification from a licensed engineer that all private roads and associated sidewalks have been built to the above structure standards and ADA standards.

Density & Housing

8. Transfer of Development Rights (TDRs)
Prior to recording of plat, the Applicant must provide Staff verification that 36 TDRs have been acquired for the development.
9. Moderately Priced Dwelling Units (MPDUs)
 - a. In accordance with the approval letter from the Department of Housing and Community Affairs (“DHCA”) dated December 16, 2014, the development must provide 14.5 percent MPDUs in order to receive a 19.5 percent density bonus.
 - b. Prior to the release of any building permits, the Applicant will execute the required MPDU agreement with DHCA.
 - c. All of the required MPDUs will be provided on-site.

Site Plan

10. Site Design
 - a. Per the Architectural drawings, the interior dimensions of the garages must be at least 17-feet and 8-inches, in order to adequately accommodate two 2 parking spaces within the garage.
 - b. The exterior architectural character, proportion, materials and articulation must be substantially similar to the schematic elevations as shown on the architectural drawings (submitted April 5, 2009).
 - c. All units including MPDUs must have masonry elements on the front facades. The units with sides facing Abbey Manor Terrace and St. Albert Drive must have fenestrations as typically found on the front facades including percent of

masonry elements, window treatments, color and fascia materials. Prior to the release of any building occupancy permits for the side facing units, the Applicant must provide architectural drawings and elevations to M-NCPPC Staff, indicating compliance with the façade treatments.

11. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b. All onsite down- light fixtures must be full cut-off fixtures.
- c. Deflectors will be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles must not exceed 15 feet including the mounting base.

12. Landscape Surety

The Applicant will provide a performance bond in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The amount of the surety will include plant material, on-site lighting, recreational facilities, private roads, associated sidewalks and site furniture within the relevant phase of development. Prior to issuance of the first building permit in each relevant phase, the surety will be posted for each relevant phase of development and will be tied to the development program.
- b. Upon the certification of the Landscape Plan, provide a cost estimate of the materials and facilities, which will establish the initial bond amount.
- c. Completion of plantings by phase will be followed by inspection and bond reduction. Inspection approval starts the 1-year maintenance period and bond release occurs at the expiration of the 1- year maintenance period.
- d. Prior to issuance of the first building permit, provide a screening/landscape amenities agreement that outlines the responsibilities of the Applicant and incorporates the cost estimate.

13. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.

- b. Prior to release of any building occupancy permit, on-site amenities including, but not limited to, sidewalks, benches, trash receptacles, tot lot and an open play field must be installed.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- d. The development program must provide phasing for installation of on-site landscaping and lighting.
- e. Landscaping associated with each parking facility and building must be completed as construction of each facility is completed.
- f. Pedestrian pathways and seating areas associated with each facility must be completed as construction of each facility is completed.
- g. Each portion of the development will be provided with necessary roads.
- h. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

14. Certified Site Plan

Prior to approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the Final Forest Conservation approval, DHCA approval letter, stormwater management concept approval, Fire and Rescue approval letter, development program and Site Plan resolution on the approval or cover sheet.
- b. Add a note to the Site Plan stating “M-NCPPC Staff must inspect all tree-save areas and protection devices prior to clearing and grading”.
- c. Modify data table to reflect development standards enumerated in the Staff Report.
- d. Ensure consistency of all details and layout between Site and Landscape plans.

SECTION 2: Context and Previous Approvals

Vicinity

The property consists of 22.98 acres of land zoned RE-2/TDR-2; identified as Parcel A on Tax Map HU61 and recorded on Plat No. 7680. The property is approximately 1.3 miles north of the Olney Town Center, on the east side of Georgia Avenue (MD Route 97) and 200 feet south of the Gold Mine Road intersection (“Subject Property”). Other neighboring properties include: the Manor Oaks Community (to the south and east), the Oak Grove Community (to the north) and the Brookeville Knolls Community (across Georgia Avenue, to the west).



Aerial Photo

The Subject Property is located in the Patuxent River Watershed; more specifically in the Hawlings River sub-watershed. The majority of the Subject Property, except for an area in the northwest corner, is located within the Patuxent River, Primary Management Area (PMA). The purpose of the PMA guidelines is to provide strategies to protect, preserve and restore the Patuxent River and its drinking water supply reservoirs. Both watersheds have a Use IV-P stream designation. The Hawlings River flows to the Patuxent River, which feeds into the Triadelphia and Rocky Gorge Reservoirs where the WSSC withdraws water for their water treatment plant near Burtonsville and Laurel, MD.

Existing Conditions

The Subject Property was historically used by the Congregation of Marian Fathers of the Immaculate Conception of B.V.M. as a Novitiate for the Catholic Church. In the late-1990s the structures on the site were repurposed as part of a Special Exception (No. S-2339) and the Property is now managed by Victory Housing as the Marian Assisted Living facility for the elderly. The Subject Property boundaries are densely planted with deciduous and evergreen trees on all four sides, and are further enclosed on three sides with a chain-link fence. The topography gently slopes toward the east, away from Georgia Avenue. The assisted living facility and associated structures generally face Georgia Avenue, but are setback from Georgia Avenue on the main access driveway which is approximately 500 feet in length. The main access driveway is parallel to the northern property line and leads directly to the existing Marian Assisted Living facility. A secondary access point to Georgia Avenue remains but is now closed off to traffic. This driveway located to the south of the existing facility's driveway once provided access to the Monastery and other facilities (e.g. greenhouse, caretaker's home, garage, etc.) associated with the former Novitiate. Abbey Manor Drive and Saint Albert Drive are stubbed immediately adjacent to the southern border of the Subject Property and were constructed as part of the residential developments to the south in the 1980's and 1990's.



Marian Fathers Assisted Living Facility

There are no streams on the Subject Property; however, a portion of a stream buffer for an offsite stream to the north extends on to the northeastern portion of the Subject Property. There are two existing ponds located along the northern property line; the one to the west is an isolated feature and does not contain any wetlands and the one to the east contains a wetland fringe around the perimeter. The Subject Property does not contain any steep slopes, highly

erodible soils, or 100-year floodplain. There is no forest on the Subject Property. There are 100 significant and specimen trees located on and immediately adjacent to the Subject Property.

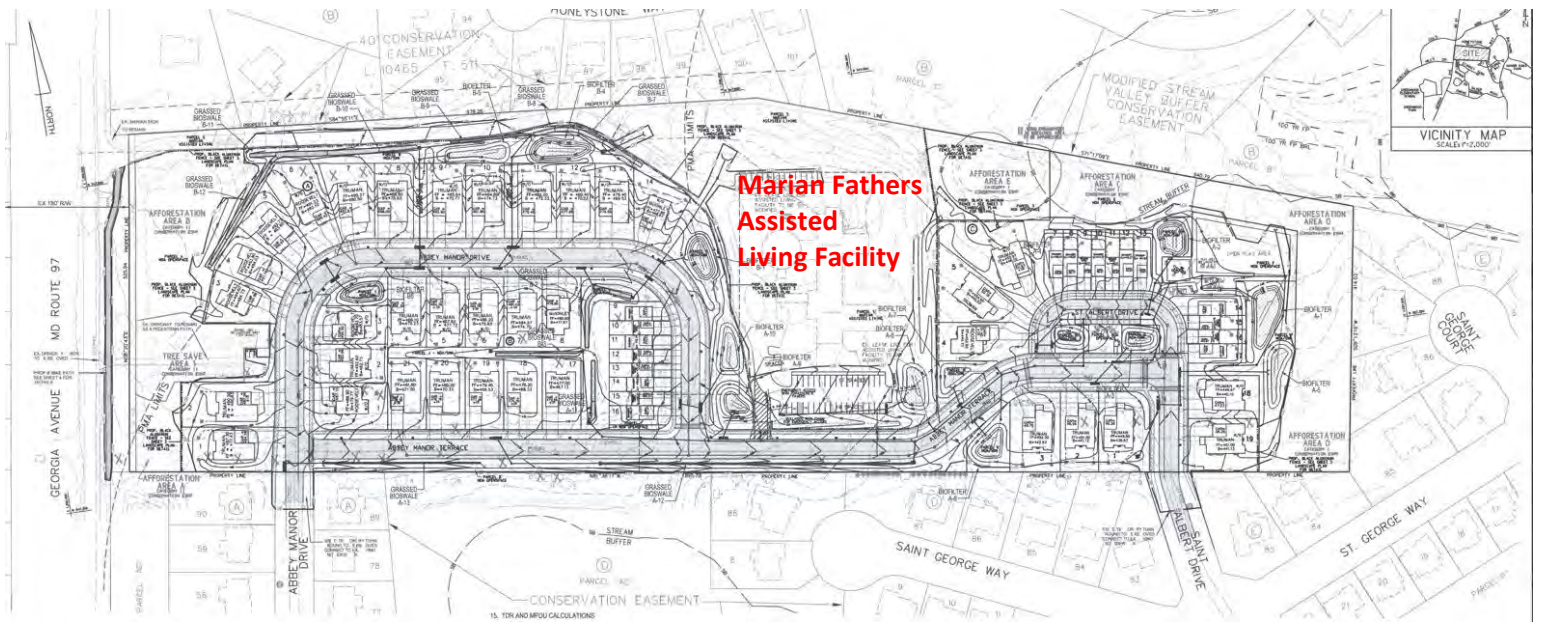
Previous Approvals

Special Exception No. S-2339, Marian Assisted Living (pursuant to Section 59-G-2.37, Nursing and Domiciliary Care Home) was approved September 25, 1998 and permitted the development and operation of a domiciliary care home for up to 40-rooms (maximum overnight accommodations include 44-elderly and 2 staff apartments). Volunteers work periodically and visiting hours are from 9:00am to 9:00pm. The original property was 3.3 acres and was owned by the Congregation of Marian Fathers of Immaculate Conception of B.V.M., St Stanislaus Kostka Province, which leased a portion (approximately 23-acres) to the Marian Father Living, Inc.. Marian Assisted Living, Inc. (a non-profit housing arm of the Archdiocese of Washington) operates and manages several assisted living facilities in the Montgomery and Prince Georges County region. The original Special Exception approval was modified and approved on July 13, 2011 to renovate the existing building's total number of rooms (increase by one), staircase and egress requirements for the window opening.

The Special Exception was recently modified and approved on November 7, 2014 to reflect changes to the leased area that reflect the lotting pattern recommended for approval by this Preliminary Plan. In accordance with this approval, the Preliminary and Site Plans will reflect the relocation of the parking facilities and the closure of the secondary access point to Georgia Avenue. The Board of Appeals found that these modifications will not change the facility's operations or outward impact. There are no substantial changes to the nature, character or intensity of the use or its effect on traffic and the immediate neighborhood (*see the Appendix B for Special Exception Approvals*).

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420040090 was approved and recertified for the Subject Property on January 15, 2009. The NRI/FSD identified all of the required environmental features on and adjacent to the Subject Property, as further described in the *Environmental Guidelines for Environmental Management of Development in Montgomery County* (Environmental Guidelines).

SECTION 3: Preliminary Plan No. 120060330



Preliminary Plan

Proposal

The Preliminary Plan proposes to subdivide the single 22.98 acre lot (Parcel A) into 55 total residential lots for 35 detached units and 19 attached (townhouse) units. The Marian Assisted Living facility will remain in the center of the Subject Property, and will be located on one of the 55 lots. In general, the new residential lots are proposed in two distinct areas or “clusters”; one cluster to the west side of the Marian Assisted Living facility and the other cluster to the east of the facility. Each cluster will have road access provided by an extension of two public roads on to the Subject Property both of which currently stub on the southern boundary of the Subject Property; St. Albert Drive to the east and Abbey Manor Drive to the west. A new street (Abbey Manor Terrace) will run east-west within the development and connect St. Albert Drive and Abbey Manor Drive thereby connecting the two clusters of residential lots; completing the road network, and improving vehicular and pedestrian circulation for the greater community.

The Marian Assisted Living facility will have a new parking lot constructed to the south side of the existing building. Access to the facility will continue to be exclusively from its existing driveway out to Georgia Avenue. No vehicular access will be provided for the residential lots to the assisted living facility’s driveway. However, a gated “emergency access” will be constructed to the south of the facility’s new parking lot and will provide a secondary access for emergency apparatus from Abbey Manor Terrace.

This Application must provide MPDU’s in accordance with Chapter 25A of the County Code, because more than 20 dwelling units are proposed for construction. The Application requests to use transferable development rights (TDRs) and moderately priced dwelling units (MPDUs)

above the minimum required to increase density above that allowed by the base RE-2 zone (0.4 units per acre) on the Subject Property. Section 59-C-1.395 of the Zoning Ordinance specifies that this development proposal must use the R-200/MPDU development standards. The Application proposes 55 lots on the 22.98 acre, which equates to 2.39 units per acre. This proposed density is within the maximum density allowed (2.44 units per acre with additional MPDU's) under the R-200/MPDU standards. To achieve this density, the Applicant must purchase 36 TDRs and provide 8 MPDUs (*see the footnote on page 31 of this Staff Report for further details regarding the site calculations for TDRs and MPDUs*). The 4.64 acre lot for the Marian Assisted Living facility is accounted for as an individual lot and has been included in the 55 total residential lots.

To provide the required public roads, the Applicant will dedicate 3.64 acres for rights-of-way. The proposed road network completes two stub roads that currently dead end on the southern property line and provides reasonable vehicular access to the proposed lots. The new roads will extend Abbey Manor Drive and St. Albert Drive into the new development. The secondary roads will have 60 foot wide rights-of-way to allow tighter curve radii than typically required for secondary roads (150 foot) and water quality swales within the right-of-way. MCDOT has reviewed the design modifications and has accepted the roadways shown on the Preliminary Plan.

The Preliminary Plan proposes two lots (Lots 5 and 6) for detached units that do not have frontage on a public street but that have frontage on a private street. Section 50-29(a)(2) requires such public street frontage. The Applicant has submitted a subdivision regulation waiver to request that the Planning Board waive this frontage requirement. The waiver is discussed in the Findings and Analysis section below (*see Appendix A for further justification*).

Preliminary Plan Findings and Analysis

Master Plan Conformance

The proposed development conforms to the recommendation in the Olney Master Plan. The Olney Master Plan (adopted April 2005) identifies Northern and Southern Olney as two distinct geographic regions. More than 91 percent of the Master Plan area's housing Inventory is located in Southern Olney. The southern region also contains significant environmental resources including the headwaters of the Northwest Branch. Georgia Avenue and MD 108 are two state highways that connect Olney to the surrounding communities, and over time these roads will carry increasing amounts of through traffic as a result of growth within the County. The overarching challenges discussed in the Master Plan are maintaining the area's quality of life, providing attractive housing options and protecting the environmental resources and open spaces. The Master Plan does not have a specific recommendation for the Subject; however, the overall land use goals include:

- Reinforce the concept of Olney as a satellite community in the residential and agricultural wedge area;

- Protect the Patuxent watershed including the drinking water reservoir, agricultural uses and rural open space;
- Protect the low-density character of the Southeast Quadrant; and
- Provide a wide choice of housing types and neighborhoods for people of all income levels and ages at appropriate densities and locations.

The 1980 Plan designated the Subject Property as a receiving area for the TDRs from the Agricultural Reserve. The TDR program preserved farmland and open space in a designated portion of the county by allowing the sale of development rights from agricultural areas for use in receiving areas specified by individual master plans. The receiving areas would benefit from density bonuses based on purchase of TDRs. Receiving areas had both a base density and a higher density that would be achieved when TDRs were bought. The Subject Property is in a part of Olney recommended for TDR densities of two units to the acre.

The 1980 Plan described this density as “consistent with the residential character of Olney.” (p 66). The proposal, with its mix of single-family detached and single-family attached units, contributes to broadened housing choices in the area, reflecting the 1980 Plan’s desire for low density residential development in significant parts of the planning area while creating the opportunity through receiving areas for help preserve agriculture and open space in Montgomery County. It also meets the 2005 Plan objective of providing choice of housing type. The Preliminary Plan will provide a mix of residential dwelling units; thereby, offering residents a wider choice of housing types, more neighborhoods and the ability to age in place.

Lot Design

The size, width, shape and orientation of the approved lots are appropriate for the location of given the recommendations of the Olney Master Plan and the intended uses for the lots. The dimensional characteristics and location of the lots support the Master Plan goal to utilize TDR’s and to provide for a choice in housing types including attached, detached units and assisted living. The Resubdivision Analysis goes into additional detail on lot character.

The lots were reviewed for compliance with the dimensional requirements for the R-200/MPDU development standards. The lots will meet all the dimensional requirements for area, frontage, and width, and the dwellings can meet setbacks.

Adequate Public Facilities

The Applicant will extend both St. Albert Drive and Abbey Manor Drive and connect the two roads with a new road (i.e. Abbey Manor Terrace), thus allowing for an inter-connected road network. Sidewalks will be constructed on at least one side of the new roads built, and where allowed on-street parking can be accommodated on one side of the street. Abbey Manor Terrace will have a sidewalk on the north side only for almost the entire length of the road. There are no houses accessing Abbey Manor Terrace on the south side, and the imperious surfaces have been minimized in order to allow for bioswales in the right-of-way. Abbey Manor Terrace and Abbey Manor Drive will be constructed as public streets and will accommodate on-street parallel parking spaces. St. Albert Drive (north of Abbey Manor Terrace) will be a private

street with on-street perpendicular parking. The Applicant will also construct an 8-foot shared use path along the east side of Georgia Avenue (MD 97) from the current terminus of the asphalt path to the driveway entrance for the Marian Assisted Living facility.

Montgomery County Ride-On Route 53 provides bus service directly to the assisted living facility and to the Georgia Avenue frontage along the Subject Property. The route connects the Shady Grove Metrorail Station to the Glenmont Metrorail Station by way of Redland Road, Muncaster Mill Road, Bowie Mill Road, and Georgia Avenue (MD 97) with 30 minute headways Monday through Friday during the morning and afternoon peak periods. Three times each day the bus deviates from its route and stops at the Marian Assisted Living facility. The closest bus stop in the southbound direction is at Georgia Avenue (MD 97) and Heritage Hills Drive and Georgia Avenue (MD 97) and Owens Road in the northbound direction.

The Applicant submitted a traffic signal warrant analysis for the intersection of Georgia Avenue and Owens Road. This analysis was used to determine if sufficient warrants were met so that a traffic signal could be installed at that intersection. The analysis indicated that only the 4-hour traffic volume warrant was met. At this time, the analysis did not meet enough warrants for a traffic signal to be installed at the intersection. The SHA agreed with this conclusion and noted in their letter to M-NCPPC Staff that this intersection should be monitored as regional development occurs to determine if a traffic signal is warranted.

The development consists of 54 residential dwelling units (including 19 townhomes and 35 single-family detached units), which will satisfy the LATR and TPAR/PAMR requirements of the Adequate Public Facilities (APF) review.

Trip Generation

The peak-hour trip generation estimated for the development was based on trip generation rates included in the *LATR & TPAR Guidelines*. A site trip generation summary is presented in Table 1 below, which shows that the development would generate a total of 43 new peak-hour trips during weekday morning peak period and 55 new peak-hour trips during weekday evening peak period.

Table 1: Site Trip Generation

Development	Units	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Single Family Detached (M-NCPPC)	35	8	25	33	25	14	39
Townhomes (M-NCPPC)	19	2	8	10	11	5	16
Total Future Trips	54	10	33	43	36	19	55

Local Area Transportation Review (LATR)

A traffic study dated March 12, 2013 (revised November 12, 2014), was submitted to determine the impact of the development on the area transportation system. Three local intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard. The intersections are located in the Olney Policy Area with a

Critical Lane Volume (CLV) standard of 1,450. The new trips were added to the existing trip 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. The result of CLV calculation is shown in the Table 2 below. The result of CLV calculation is shown in Table 2. As shown, all intersections analyzed have an acceptable CLV congestion standard under 1) the existing conditions, 2) the future background development condition, and 3) the total future traffic condition with the proposed use on the Subject Property.

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
Georgia Avenue (MD 97) & Gold Mine Road	CLV Standard 1,450	975	902	1,040	996	1,040	997
	Exceed CLV	no	no	no	no	no	no
Georgia Avenue (MD 97) & Prince Phillip Dr/Queen Elizabeth Dr.	CLV Standard 1,450	911	1,054	921	1,126	945	1,154
	Exceed CLV	no	no	no	no	no	no
Georgia Avenue (MD 97) & Owens Road	CLV Standard 1,450	1,046	949	1,115	1,047	1,140	1,061
	Exceed CLV	no	no	no	no	no	no

Transportation Policy Area Review (TPAR) or Policy Area Mobility Review (PAMR)

Given the date of the initial Preliminary Plan application, the Applicant was eligible to elect whether they wished to be subject to the former PAMR guidelines of the current TPAR guidelines. The Applicant has elected to be subject to PAMR guidelines. The Subject Property is located in the Olney Policy Area. According to the most recently applicable PAMR calculation, the Olney Policy Area requires a PAMR payment of 5 percent of the peak hour trips generated. The maximum number of trips occurs in the PM peak hour (55 trips), which indicates a PAMR mitigation payment of $(5\%) \times (55 \text{ trips}) \times (\$11,700/\text{trip}) = \$32,175$.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The Subject Property will be served by public water and sewer and has received a conditional water and sewer category change approval for W-3 and S-3 conditional on Planning Board approval of a Preliminary Plan utilizing TDRs. Other public facilities and services, such as police stations, firehouses, and health services, are operating according to the Subdivision Staging resolution currently in effect and will be adequate to serve the development. Electrical, gas and telecommunications services are also available to serve the Property. The Subject Property is in the Sherwood High School cluster which is operating at a satisfactory level at the elementary, middle and high school levels. No Schools Facility Payment is required.

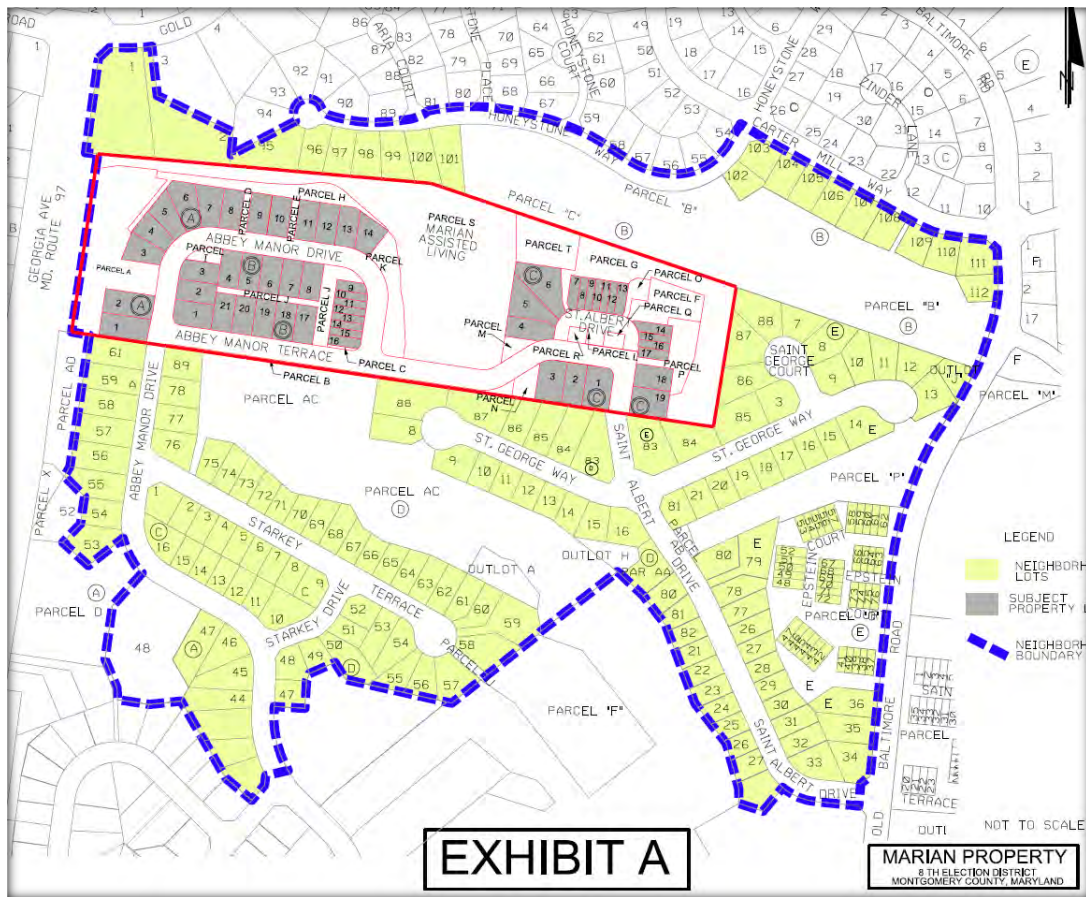
Conformance with Section 50-29(b)(2)

A. Statutory Review Criteria

This Application proposes a resubdivision of an existing platted lot (Parcel A) into lots for residential uses; therefore, it is subject to a Resubdivision Analysis pursuant to Section 50-29(b)(2) of the Subdivision Regulations which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

In order to be approved, the Planning Board must determine that the proposed lots are substantially of the same *character* as compared to existing lots in the same block, subdivision or neighborhood. To determine overall *character*, the Board must analyze and compare the size, shape, width, buildable area, frontage, alignment and suitability of the proposed lots, with respect to the same features found in the existing lots in the area. The Planning Board must find that the proposed lot complies with all seven of the resubdivision criteria set forth in Section 50-29(b)(2).



Neighborhood Delineation Diagram

B. Neighborhood Delineation

For purposes of analyzing the resubdivision, Staff recommends a specific neighborhood or association of nearby lots that were developed under the same development standards as the proposed application. As depicted above in the Neighborhood Delineation Diagram, the

neighborhood is comprised of 133 single family detached lots and 40 townhouse lots for a total of 173 lots (“Neighborhood”). The Neighborhood includes all properties that are immediately adjacent to, or confronting, the Subject Property, including lots with access to Abbey Manor Drive and Saint Albert Drive. The Neighborhood also analyzes a larger sampling of lots than typical, because the Neighborhood was extended geographically to include existing townhouse lots located in the adjacent RE-2/TDR developments to the south of the Subject Property. This was done to provide a meaningful comparison sample for both attached and detached lots proposed by this Preliminary Plan (see Appendix A for further analysis).

In performing the analysis, the above-noted resubdivision criteria were applied to the delineated Neighborhood. The proposed lots are of the same character with respect to the resubdivision criteria, as other lots within the Neighborhood. Therefore, the proposed resubdivision complies with the criteria of Section 50-29(b) (2). As set forth below, the provided tabular summary and graphical documentation support this conclusion:

Frontage:

All proposed lots including those for attached and detached units fall within the range of lot frontages measured for existing lots in the Neighborhood. A waiver is requested for the two, one family detached lots (Lots 5 and 6, Block C) that front on the private road (St. Albert Drive); however, for purposes of the resubdivision analysis, these two one family lots have frontage that is within the range of existing lot frontages and are found to be of the same character. All of the newly constructed residential lots will be of the same character as existing lots in the Neighborhood with respect to lot frontage.

Lot Size:

With the exception of six proposed townhouse lots, all proposed lots fall within the range of lot sizes found within the Neighborhood lots. Therefore, they are of the same character with respect to size. Six of the proposed townhouse lots are larger than the largest townhouse lot within the existing Neighborhood. These townhouse lots are end unit lots, which are typically larger than interior townhouse lots. Within the Manor Oaks townhouse community, end unit lots are typically larger than internal lots. The largest proposed townhouse lot is 3,286 square feet in size; the largest existing townhouse lot in Manor Oaks is 2,520 square feet. The difference (<800 sf) is relatively insignificant to the determination of establishing character; therefore, these lots will be substantially in character with the existing townhouse lots.

Lot Width:

All proposed lots (including attached and detached units) have lot width measurements that fall within the range of existing lot width measurements in the Neighborhood; therefore, are of the same character with respect to lot width.

Lot Shape:

All proposed lots (including attached and detached units) have a variety of shapes that are necessary to accommodate the types of units and to address road curvature and other

configuration concerns. These same shape variations are exhibited by the existing lots in the Neighborhood. The proposed lots exhibit the same shapes as the existing lots; therefore, they are of the same character with respect to shape.

Alignment:

In general, all lots align in a perpendicular fashion to the front street line as the lots in the Neighborhood. The newly constructed lots are of the same character as the existing lots with respect to alignment.

Buildable Area:

With the exception of six end unit townhouse lots, the measurements of the buildable areas for all lots are within the range for the buildable areas of the existing lots. The proposed lots are of the same character with respect to buildable area. The largest proposed townhouse lot has a buildable area of 1,500 square feet and the townhouse lot with the largest buildable area in Manor Oaks is 1,150 square feet. The difference (350 sf) is relatively insignificant to the determination of establishing character. Therefore, these lots will be substantially in character with the existing townhouse lots with respect to buildable area.

Suitability for Residential Development:

There are no identified limitations to development for any of the newly constructed lots.

Subdivision Regulations Waiver

Waiver of Section 50-29(a)(2) – Lots to Abut on a Public Street

“Section 50-29(a)(2) Lot to Abut a Public Street. Except as otherwise provided in the zoning ordinance, every lot shall abut a street or road which has been dedicated to public use or has acquired the status of a public road. In exceptional circumstances, the Board may approve not more than two (2) lots on a private driveway or private right-of-way; provided that proper showing is made that such access is adequate to serve the lots for emergency vehicles, for installation of public utilities, is accessible for other public services, and is not detrimental to future subdivisions of adjacent lands.....”

The Applicant has requested a waiver from the requirements of Section 50-29(a)(2) which requires that lots must abut a public street. This section provides the authority for the Planning Board to approve not more than two lots without frontage that share a private driveway or private right-of-way, however, the section does not explicitly provide for the Board to approve lots without frontage that utilize a private street. Therefore, it has been the practice of applicants and staff to propose a subdivision regulations waiver pursuant to Section 50-38 to address this same issue when deemed appropriate and/or unavoidable.

The two lots that are subject to this waiver are Lots 5 and 6, Block C, located on the east side of the Subject Property and having frontage on the private street identified as St.

Albert Drive, north of Abbey Manor Terrace. Attempts to redesign the road and/or lot layout to avoid the need for this waiver have proven infeasible. The location of the two subject lots on the private street provides a superior relationship of the detached lots to the assisted living facility so as not to wall-off the facility with townhomes. The private street in no way compromises access or public safety for adjoining lots, or to the future owners of the subject lots. All members of this community will share in the HOA expenses and all will contribute to the long term maintenance of this private street, including those living in the two subject lots.

The Planning Board's authority to grant waivers of the Subdivision Regulations is found in Section 50-38(a)(1), which states:

"The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest."

In determining the necessary Planning Board findings for granting this waiver, Staff contends that a practical difficulty exists that prevents full compliance with the requirements of Chapter 50. The two lots cannot comply with Section 50-29-(a)(2) despite the best efforts of Staff and the Applicant to consider numerous options for lot design and road design. For reasons of superior subdivision design and compatibility with the adjacent assisted living facility, Staff finds that it is reasonable to request a waiver rather than diminish the quality of the subdivision layout. In support of the three required waiver findings, Staff believes that the waiver is the minimum necessary to provide relief from the frontage requirement. The waiver does not create any inconsistencies with the purposes and objectives of the General Plan, and it is not adverse to the public interest. The use of a private street for purposes of frontage on the two subject lots will be seamless both now and for the future.

Staff believes that the Planning Board has the necessary findings required to grant the subdivision regulations waiver.

Environmental Guidelines and the Patuxent Primary Management Area

Montgomery County's PMA protection measures are consistent with the PMA protection measures recommended in the State's, Patuxent River Policy Plan. The PMA establishes certain widths along both main stem and tributary streams in the watershed as follows: ¼ mile (1320 feet) strips of land running along both sides of the Patuxent mainstem and 1/8 mile (660 feet) strips of land running along both sides of all tributaries. Additionally, Montgomery County recommends a PMA width of ¼ mile for the mainstem of the Hawlings River, which is a tributary to the Patuxent River and its watershed lies almost entirely within Montgomery County. The PMA strips outlined above include the delineated stream buffer and a transition

area. The transition area is the area within the PMA strips (1/4 mile or 1/8 mile) that is outside of the delineated stream buffer. Properties that are submitted to the M-NCPPC for subdivision and site plan review are subject to PMA requirements, as outlined in the *Guidelines for Environmental Management of Development in Montgomery County* (Environmental Guidelines); however, the Environmental Guidelines states that properties with existing zoning densities greater than RE-2 are subject to “nonconformance requirements”, which allow for higher intensity development but require greater review of stormwater management and best management practices, including afforestation and expansion of stream buffers and innovative stormwater management.

The Subject Property is zoned RE-2/TDR-2 and is making use of the TDRs to increase the density of the development. The increase in available density afforded by the TDRs the Application is subject to the “nonconformance requirements” of the PMA which relieves higher density developments from strict adherence the 10% imperviousness requirements in the PMA. The area of stream buffer located on the Subject Property will be planted with forest and protected in a Category I Conservation Easement, and the approved stormwater management concept utilizes the most current environmental site design practices, including microbioretention, bio-swales, drywells and disconnection of impervious surfaces. Although not subject to the 10 percent impervious limit that is required for properties required to conform to all of the PMA guidelines, the Applicant has demonstrated efforts to minimize impervious surfaces on the Subject Property. These efforts include the following:

1. The centerline radius of Abbey Manor Drive was reduced in one area to allow the townhouse lots 9-16, Block B houses to be moved closer to the street and shorten the driveways for these lots.
2. Abbey Manor Terrace was designed with a sidewalk on one side only where there are no houses fronting that side of the street.
3. All public streets have parking on one side only reducing the paving width from 36 feet to 29.5 feet.
4. The pedestrian path to the north of the assisted living facility and to the west of St. Albert Drive was eliminated.
5. Saint Albert Drive to the north of Abbey Manor Terrace was revised to be a private street with a pavement width of 20 feet.
6. All houses have been sited at the building restriction line to reduce the length of the driveway, wherever possible.

The impervious area for the entire Subject Property, including the required offsite bike path along Georgia Avenue is approximately 31%. The Application protects sensitive environmental features of the Subject Property in accordance with the Environmental Guidelines and Patuxent River Primary Management Area recommendations.

Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law and Staff recommends approval of the Final Forest Conservation Plan (FCP). A

Final Forest Conservation Plan (FCP) was submitted with the Preliminary Plan (Attachment D). The Application includes a tract area of 23.33 acres of land, which includes 0.35 acres of off-site improvements for the construction of an 8-foot bike path along Georgia Avenue. The FCP requires two forest conservation worksheets to account for the two land use categories on the Subject Property, institutional (IDA) for the assisted living facility that will remain, and high density residential (HDR) for the proposed residential subdivision. The proposed optional method of development for the residential subdivision requires minimum onsite forest requirements (Section 22A-12(f) (2)(D)). There is no existing forest on the Subject Property to retain, but onsite afforestation must equal the 2.80 acre afforestation threshold identified in the forest conservation worksheet for the residential development.

This Application results in a 0.70 acre planting requirement for the assisted living portion and a 2.80 acre planting requirement for the residential portion of portion of the Subject Property. The Applicant proposes to provide 3.10 acres of afforestation and 0.40 acres of tree save area onsite to meet the total 3.50 acre forest conservation requirement. The Application proposes to obtain 0.40 acres of credit for retaining and protecting in a Category II Conservation Easement, two rows of mature trees that line either side of an existing driveway that runs perpendicular to Georgia Avenue. The driveway will remain but will no longer be used by vehicles to access the Subject Property; rather it will serve as a walking path that connects the interior streets to Georgia Avenue and the proposed bike path. A 0.97 acre portion of this planting is proposed along the Georgia Avenue frontage, contiguous to the north and south of the proposed tree save area. This area will also be protected in a Category II conservation easement. Per Section 22A.00.01.08 (G)(3), of the forest conservation regulations, Staff recommends that tree cover protected in a Category II conservation easement is appropriate for this isolated 1.37 acre area that will provide a pedestrian connection as well as a vegetated buffer between the community and Georgia Avenue. The remaining 2.13 acres of the afforestation requirement is proposed along the northern and eastern perimeter of the Subject Property, including the onsite stream buffer. This area will be reforested and protected in a Category I Conservation Easement.

The Application proposes to impact some trees on the adjacent properties to the north and south. The Applicant has consulted with an arborist and the affected property owners regarding these trees. The arborist has provided recommendations in a written report (*Appendix A*).

Forest Conservation Tree Variance

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

accordance with Section 22A-21 of the County Forest Conservation Law. Staff recommends that a variance be granted and that the proposed mitigation be required.

Variance Request - The Applicant submitted a variance request in a letter dated November 20, 2014, for the impacts/removal of trees (*Appendix A*). The Applicant proposes to remove twenty-two (22) Protected Trees that are 30 inches and greater, DBH, and one (1) Protected Tree that is 75 percent of the diameter of the current State champion tree of that species, and to impact, but not remove, ten (10) other Protected Trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Details of the Protected Trees to be removed or affected but retained are shown graphically in Figures 1a and 1b and listed in Tables 1 and 2.

Figure 1a. Variance Trees - Sheet 1

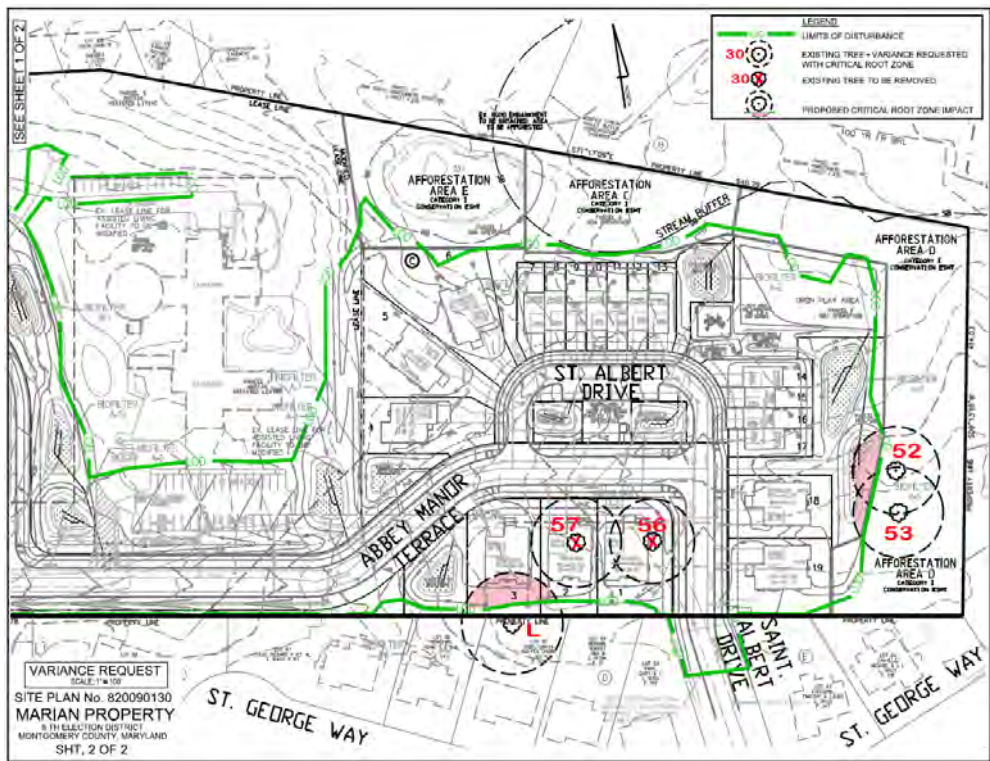


Figure 1b. Variance Trees - Sheet 2

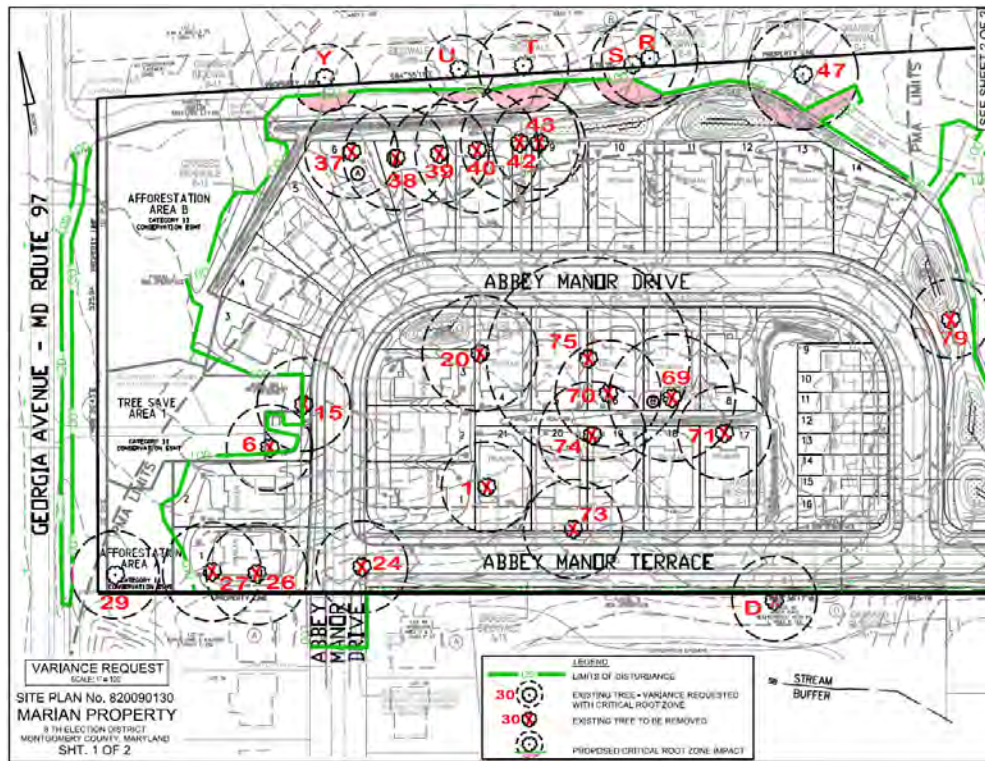


Table 3 - Protected Trees to be removed

Tree Number	Species	DBH Inches	Status
1	red maple	34.5	Poor condition; interior lot
6	red maple	30.5	Fair condition; grading Abbey Manor Drive and Lot 2; attempt to save
15	red maple	35	Fair condition; grading Abbey Manor Drive and Lot 2
20	red maple	44	Poor condition; interior lot
24	silver maple	34.5	Poor condition; grading Abbey Manor Terrace
26	red maple	40	Poor condition; grading Lot 1
27	Norway maple	37	Fair condition; grading Lot 1; non-native species
37	white pine	39	Fair condition; grading lots, swm
38	white pine	41	Fair condition; grading lots, swm
39	white pine	35	Fair condition; grading lots, swm
40	white pine	50	Poor condition; grading lots, swm
42	white pine	45.5	Fair condition; grading lots, swm
43	white pine	36.5	Fair condition; grading lots, swm
56	white pine	33	Fair condition; grading lots
57	white pine	34	Fair condition; grading lots
69	silver maple	42.5	Good condition; interior lot
70	red maple	41.5	Good condition; interior lot

Tree Number	Species	DBH Inches	Status
71	black cherry	35	Fair condition; interior lot
73	Norway maple	35.5	Good condition; grading Abbey Manor Terrace, Lot 20; non-native species
74	Norway maple	41	Good/Fair condition; interior lot; non-native species
75	silver maple	76	Good condition; interior lot
79	blue spruce	28	Poor condition; swm; 75% of State champion
D	Tuliptree	30	Fair condition; grading Abbey Manor Terrace; offsite, Cat. I easement

Table 4 - Protected Trees to be affected but retained

Tree Number	Species	DBH Inches	CRZ Impact	Status
29	Norway maple	31	3%	Fair condition; root prune; Georgia Avenue sidewalk
47	red oak	39	20%	Fair condition; root prune, tree growth regulator; swm
52	white pine	31	23%	Fair condition; root prune, tree growth regulator; swm
53	Tuliptree	32	11%	Good condition; root prune; swm
L	Tuliptree	36	25%	Good condition; root prune, tree growth regulator; lot grading; offsite
R	Tuliptree	34	11%	Good condition; root prune; swm, driveway; offsite
S	white oak	30	23%	Good condition; root prune, tree growth regulator; swm, driveway; offsite
T	Tuliptree	32	26%	Fair condition; root prune, tree growth regulator; swm, driveway; offsite
U	Tuliptree	33	14%	Good condition; root prune; driveway; offsite
Y	black oak	34	12%	Good condition; root prune; driveway; offsite

Unwarranted Hardship Basis - Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of a property. The Applicant contends that an unwarranted hardship would be created due to the existing conditions on the Subject Property and the development standards of the zone. The Subject Property does not contain any forest but Protected Trees are located throughout and immediately adjacent to the site. The proposed development is required to provide its access from the existing terminus of Abbey Manor Drive and Saint Albert Drive to the south, rather than from Georgia Avenue. These existing road terminus' somewhat dictate the location of the road network and subsequently the lot layout within the Subject Property. The driveway access on the northern end of the Subject Property must be maintained to serve the existing assisted living facility that will remain. Of the twenty-three Protected Trees proposed for removal, six are in poor condition, twelve are in fair condition, and five are in good condition. The ten Protected Trees proposed to be affected but retained, will be minimally impacted due to

grading and will receive tree protection measures during construction. If the variance were not approved, the development anticipated on this RE-2/TDR2 zoned Subject Property would not occur. Staff has reviewed this Application and finds that there would be an unwarranted hardship if a variance were not considered.

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

Granting of the requested variance:

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

Granting the variance will not confer a special privilege on the Applicant as the removal and disturbance to the Protected Trees are due to the reasonable development of the Subject Property. The Protected Trees are located within the developable area of the site, which is dictated to a great extent by the need to access the Subject Property from the existing development to the south, and to maintain the assisted living facility with a separate access. Granting a variance request to allow land disturbance within the developable portion of the site is not unique to this Applicant. Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

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

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing site conditions, including the existing assisted living facility to remain, the points of access located to the south, and the number and locations of the Protected Trees.

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

The need for a variance is a result of the existing conditions and the proposed site design and layout on the Subject Property, and not a result of land or building use on a neighboring property.

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

The variance will not violate State water quality standards or cause measurable degradation in water quality. No trees located within a stream buffer, wetland or special protection area (SPA) will be impacted or removed as part of this Application. The existing stream buffer located on the Subject Property will be planted with forest and protected in a Category I Conservation Easement. In addition to the reforestation proposed, mitigation will be provided in the form of tree planting onsite to replace the form and function of the trees removed through the variance provision. These trees will help reduce the amount of runoff generated by this subdivision. In addition, the Montgomery County Department of Permitting Services has found the stormwater management concept for the proposed project to be acceptable as stated in a letter dated September 9, 2014. The stormwater management concept incorporates Environmental Site Design standards.

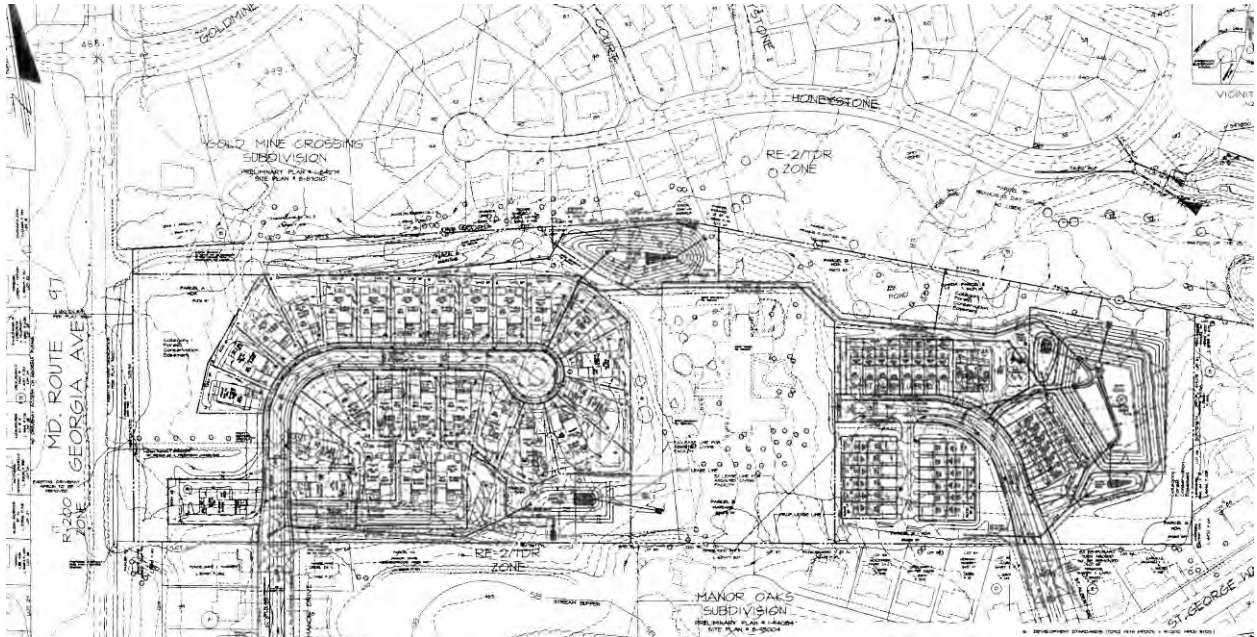
Mitigation for Protected Trees – All of the Protected Trees subject to the variance provision and proposed to be removed are located outside of existing forest, with the exception of Tree D. Tree D is located offsite, within an existing Category I conservation easement on the adjacent Homeowners Association property. The area of the conservation easement will not be disturbed; however, the critical root zone of Protected Tree D will be disturbed for the construction of Abbey Manor Terrace, resulting in the need to remove this tree. Mitigation for the removal of this tree located within a protected conservation easement is recommended to occur within the offsite conservation easement where it is located. Mitigation for the removal of the twenty-two (22) onsite trees subject to the variance provision is also recommended. There is also a 23" DBH red maple tree, noted as Tree C on the FCP that is proposed to be removed by this Application. This tree was shown on the initial submittals of the FCP as located within the existing offsite conservation easement and Staff recommended mitigation for the loss of this tree. The Applicant recently reported that this tree is actually located onsite, outside of the conservation easement; however, mitigation for the removal of this tree is proposed. Staff has not been able to verify the revised location of Tree C and given its close proximity to the conservation easement and neighboring community, Staff supports the proposed mitigation within the existing offsite conservation easement.

Mitigation should be at a rate that approximates the form and function of the trees removed. Therefore, staff is recommending that replacement occur at a ratio of approximately 1" Diameter at Breast Height (DBH) for every 4" DBH removed, using trees that are a minimum of 3" caliper inches. For example, this means that for the 92 inches at DBH of trees removed, they will be mitigated by the Applicant with 230 caliper inches of planted native, canopy trees with a minimum size of 3" caliper on the and within the conservation easement from which they were removed. While these trees will not be as large as the trees lost, they will provide some immediate benefit and ultimately replace the canopy lost by the removal of these trees. There is some disturbance within the critical root zones of ten (10) trees, but they are candidates for safe retention and will receive adequate tree protection measures. No mitigation is recommended for trees impacted but retained.

County Arborist's Recommendation on the Variance - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist. On November 26, 2014, the County Arborist provided a letter stating that she would not provide a recommendation on this request for a variance because the original Application for this Subject Property was submitted before October 1, 2009 (Appendix B).

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

SECTION 4: Site Plan No. 820090130



Original Site Plan Submittal (Before)



Revised Landscape Plan (After)

Proposal

The Marian Fathers Site Plan application was originally accepted in April of 2009 for the construction of 56 residential units and one assisting living facility. The Abbey Manor Drive extension ended in a cul-de-sac with 27 single-family detached homes, while the St. Albert

Drive extension ended in a temporary turn-around with 29 townhouse units (including 9 MPDUs). Considering the maximum development potential on the Subject Property, Staff's biggest concern was the ability to get a through-street connection. Staff has continued to work with the Applicant to improve the site design and circulation systems for the entire community.

Their initial proposal has since been revised to include the following changes:

- Reduction to the total number of residential units (from 56 to 55 units, including the assisted living facility and 8 MPDUs),
- Modifications to the residential unit mix (63% detached units and 35% attached units),
- More even distribution of detached homes, townhouses and MPDUs,
- Through-street connection provide to St. Albert Drive and Abbey Manor Drive,
- Improved circulation systems and recreation facilities,
- Emergency access point added to the assisted living lot (i.e. 2 access points),
- Improved surface parking and lighting levels for the assisted living lot, and
- Increase in visitor parking.

Site Plan Findings and Analysis

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan is not subject to a Development Plan, Diagrammatic Plan, Schematic Development Plan or Project Plan.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The uses are allowed in the RE-2/TDR Zone and the Site Plan fulfills the purposes of the zone by providing moderately priced dwelling units (MPDUs). In accordance with section 59-C-1.61, this optional method development is permitted in order to facilitate the construction of MPDUs, increase the density above the total number of dwelling units, permit additional unit types and reduces dimensional requirements. This method permits an increase in density above the total number of dwelling units permitted by the standard method of development.

The Site Plan meets all of the development standards of the zone. With respect to building height, setbacks, and the density of this development is under all the maximum standards allowed. With respect to the common open space, green areas and impervious surface limitations, the Site Plan has shorten the length of the driveways, proposes a 5-foot wide sidewalk along one side of Abbey Manor Terrace, reduced the pavement width while maintaining on-street parking along one side the street, and located all buildings close to the building restriction line wherever feasible. These

components combined allow for a greater amount of permeable surface and landscaped common open spaces.

Development Standards

The development meets requirements of the zone as detailed in the findings section of this report. The following data table indicates the development’s compliance with the Zoning Ordinance.

Project Data Table for the RE-2/TDR-2 Zone using R-200/MPDU standards

Development Standard	Permitted/Required	Site Plan No. 820070130
Gross Tract Area	N/A	22.98 acres
Right-of-Way Dedication	N/A	3.64 acres
Net Tract Area	N/A	19.34 acres
Max. Density of Development (d.u./acre)	2.44 d.u./acre	2.39 d.u./acre
Total Number of dwelling units	56 units	55 units ¹
Detached Units	34 units	35 units (64%)
Attached Units	22 units (40%)	19 units (35%)
MPDUs	8 units	8 units ²
Max. Building Height (feet)	40 feet	40 feet
Min. Building Setbacks (feet)		
From public streets (detached units)	25 feet	25 feet
Min. Side Yard (detached units)	20 feet	20 feet
Min. Rear Yard (detached units)	20 feet	20 feet
Min. Lot Area and Width		
Detached Units Lot Area (sf.)	6,000 sf.	6,400 sf.
Detached Units Lot Width (feet)	25 feet	25 feet
Attached Units Lot Area (sf.)	1,500 sf.	2,000 sf.
Min. Green Area for Townhouse units (sf./unit)	38,000 sf. ³	223,065 sf.
Total Parking Spaces	156 spaces	304 spaces
Assisted Living Facility	48 spaces	54 spaces
Single family dwelling units ⁴	108 spaces	201 spaces
On-street Parking	N/A	49 spaces

¹ The base density is 9 units, and the Applicant will purchase 36 transfer development rights (22.98 acres x 2.44 acres = 56 units). However, 55 residential units (including the existing assisted living facility and 8 MPDUs) are proposed at 2.39 d.u./acre.

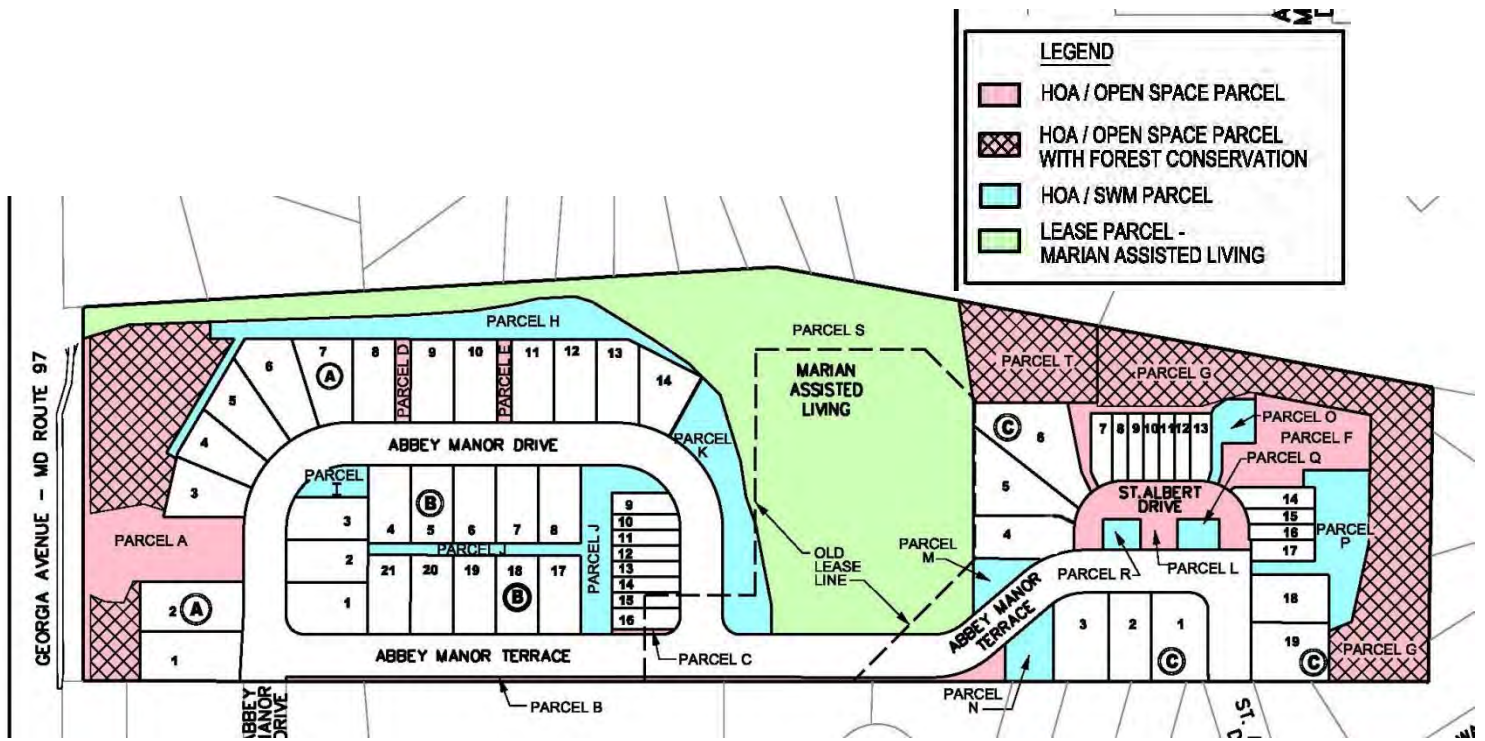
² The total number of MPDUs is based on the total number of lots (55 units x 0.145 = 7.975 units or 8 units).

³ The minimum green area requirement is calculated based on 2,000 sf./ townhouse units.

⁴ Total number parking spaces includes parking for MPDUs and 12 standard parking spaces on HOA Parcel H.

- The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.

The overall development has been split into two neighborhood clusters, with an internal connection along the southern boundary. The assisting living facility will remain as separate component, located in the center of the Subject Property. The residential dwelling units are organized around the existing building. The homes within the larger cluster to the west of the assisted living facility consist of a mix of attached and detached units, setback from MD 97 approximately 100-feet. The residential dwelling units within the smaller cluster, located to the east of the existing assisted living building along St. Albert Drive, are also a mix of attached and detached units. The attached units (11 lots including 4 MPDUs) are located in the upper right corner, fronting onto St. Albert Drive (private street extension). In accordance with Section 59-C-1.628 of the Zoning Ordinance, the townhouse units (35% of the total development) front onto either public or private streets. With the exception of the assisted living facility, the orientation of the buildings provides easy access to the adjoining sidewalks and common open spaces. Staff finds the locations of the buildings and structures to be adequate and efficient, while meeting the aesthetic and safety concerns of the assisted living facility and neighboring properties. Furthermore, the existing facility will be improved by a second emergency access point from Abbey Manor Terrace and MD 97. The overall layout does not pose any safety concerns on the Subject Property.

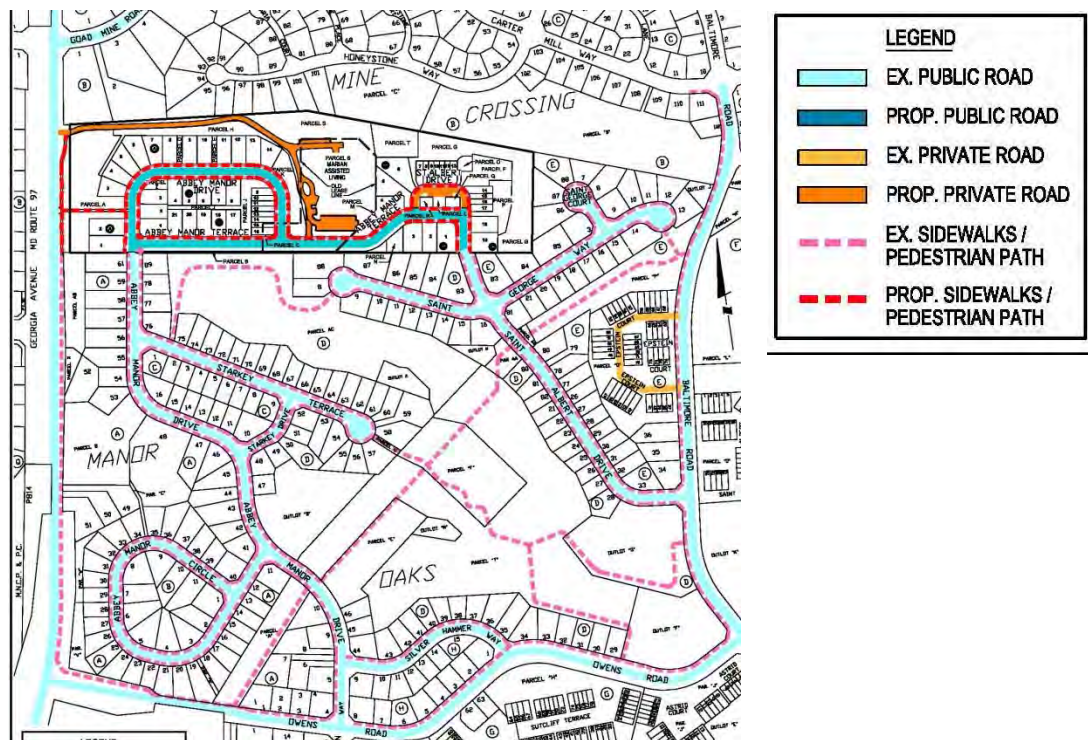


Open Space Diagram

The common open space and green areas serve both neighborhood clusters and exceed the minimum requirements by a significant amount (182,865 sf. additional or approximately five times the total required). The Site Plan meets the recreational demand by providing seating/picnic areas, a tot lot, open play areas, natural areas and a pedestrian pathway system. The forested edges of the Subject Property will be preserved under a Category I Forest Conservation Easement. The southern property boundary (directly adjacent to the Manor Oaks community) will be lined with street trees and evergreen plantings in order to further screen the rear yards of the neighboring properties. The Applicant has also reached out to the surrounding property owners (directly impacted by the development). The property owner(s) have granted permission to replant if further vegetation/screening is determined to be need by the owner and the Applicant (*Appendix C*).

Traditional foundation plantings and ornamental trees are provided within the individuals lots at the base of the homes. Street trees and lighting are provided along the internal pathways to further enhance the safety and design aesthetic of the pedestrian environment. The circulation systems are appropriately located with respect to adjacent uses, and have been minimized wherever feasible to reduce the amount of impervious surfaces. Interior lighting will create enough visibility to provide safety and not cause glare on the adjacent roads or neighboring properties. The open spaces, landscaping and site details adequately and efficiently address the needs of the community, while providing a safe and comfortable environment for pedestrians.

Transportation and Circulation



Circulation Plan

The main entrance driveway for the assisted living facility will continue to be the sole point of access for the facility and accessed from MD 97, which is separate and apart from the new development. This Site Plan proposes to re-align this driveway slightly in order to accommodate stormwater management facilities. The surface parking facilities and lighting fixtures will be relocated and upgraded. A secondary emergency access point from Abbey Manor Terrace will also be provided with this Site Plan and it will be gated for use only by emergency apparatus. . Other than the emergency access point, there are no other internal connections proposed. The outer edges of the assisted living facility will be fenced to provide a secure environment for the facility and heavily planted to provide screening.

The new development is primarily accessed from either Abbey Manor Drive or St. Albert Drive. Abbey Manor Terrace is an internal public street connection from St. Albert Drive to Abbey Manor Drive. St. Albert Drive is a public road south of the intersection with Abbey Manor Terrace. The loop portion of St. Albert Drive, north of Abbey Manor Terrace will be a private street. The pavement width for the roadway extension has been reduced from 29.5-feet to 20-feet to safely accommodate one-way traffic and perpendicular parking facilities. The roadway configuration and turning radii have been reviewed and approved by the Department of Fire and Rescue and will not prevent emergency vehicles from accessing the residential lots (see Appendix B).

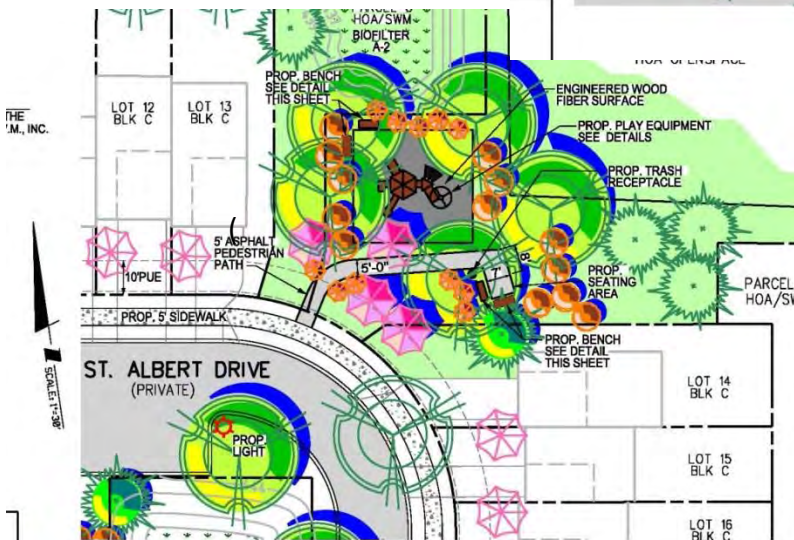
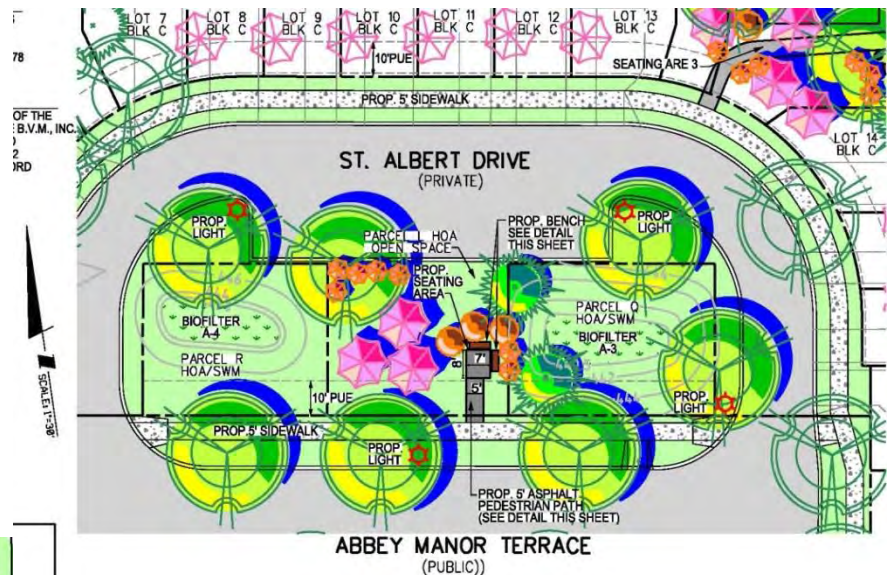
A local area transportation review (LATR) and a policy area mobility review (PAMR) were completed as part of the Preliminary Plan review. According to the LATR, several improvements must be constructed prior to the issuance of any use-and-occupancy permits. These include the construction of roadway extensions (Abbey Manor Drive and St. Albert Drive), Abbey Manor Terrace, and a shared use pathway along Georgia Avenue. The PAMR trip mitigation requires a payment of \$32,175.

Sidewalks are provided along Abbey Manor Terrace, Abbey Manor Drive and St. Albert Drive wherever the sidewalk meets residential lot lines or public amenities. The proposed sidewalks along Abbey Manor Drive and St. Albert Drive are connected into the existing circulation systems outside of the Subject Property. The pedestrian system supports the emphasis on pedestrian oriented communities. Pedestrian access from adjacent sidewalks adequately and efficiently integrates the Subject Property into the surrounding area. Pedestrian safety is reinforced with stop signs and crosswalks. The vehicular circulation design efficiently directs traffic into and through the Subject Property with minimal impacts to pedestrian circulation system. The paved pathways and vehicular roadways have been reduced in order to minimize surface runoff from Subject Property. The circulation systems efficiently and adequately provide a safe atmosphere for pedestrians, cyclists and vehicles.

Staff finds the vehicular access, as shown on the Site Plan, adequately and efficiently serves the traffic generated. Staff also finds that the internal and external pedestrian circulation systems will provide adequate and safe movement of pedestrian traffic.

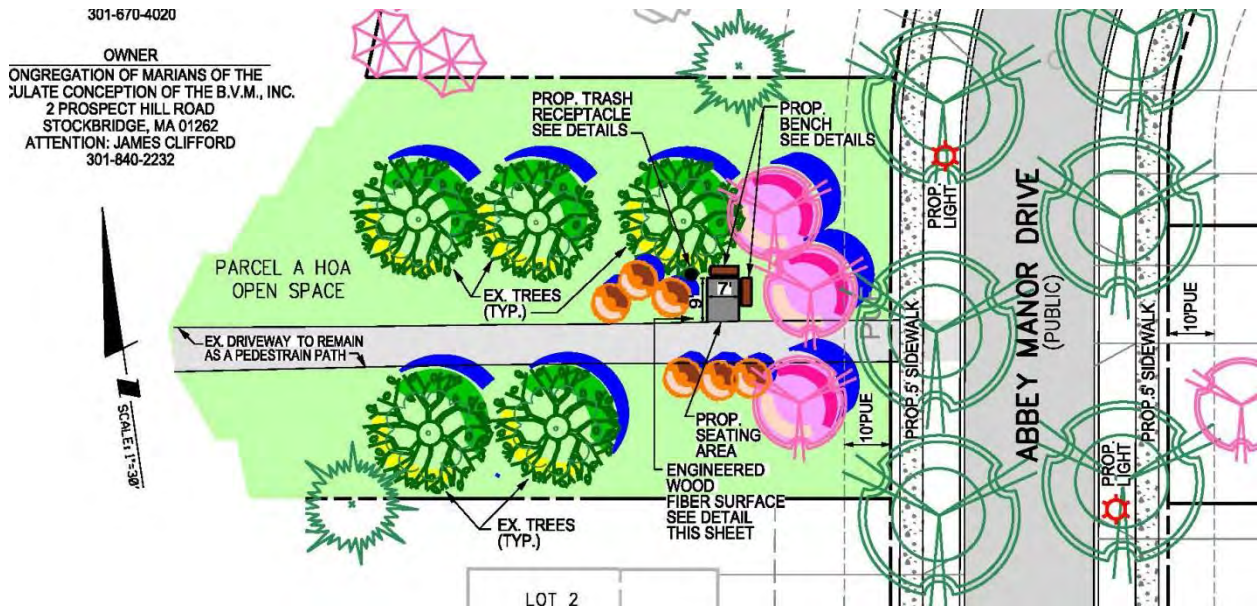
4. Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.

To achieve the 19.5% density bonus, the Applicant is building 14.5 percent of the total units as MPDUs within the development (55 total dwelling units). The MPDUs are of similar size and height to the market rate units and the total number of townhouse units does not exceed 40 percent of the total residential units. The overall development is compatible with the adjacent and confronting residential uses. The detached units make up 64% of the newly developed lots and are in scale with the nearby buildings. The mix in unit types offers a variety housing options, which enables the accommodation of different residents. This community will allow seniors the opportunity to age in place, and families to be within walking distance of an assisted living facility. The neighboring properties will also benefit from the internal connection, as the distance traveled will be reduced for both vehicles and pedestrians.



Public Spaces: East Cluster
(along Abbey Manor Drive)

The recreational facilities will adequately serve both sides of the development. As indicated in the circulation diagram above, the Applicant will provide a pedestrian system network (i.e. five-foot sidewalks) that connects into existing pathways. The sidewalks also create new internal and external connections to the sidewalk along Georgia Avenue. The seating areas enhance the pedestrian environment and serve as a gateway to other public amenities and facilities (e.g. a tot lot and open spaces).



Public Space: West Cluster (along Abbey Manor Drive)

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Site Plan meets all applicable requirements of the Montgomery County Environmental Guidelines, including the Patuxent River Primary Management Area (PMA) Guidelines and Chapter 22A regarding forest conservation. This Subject Property is subject to the County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 420040090 was approved and recertified on January 15, 2009. The Final Forest Conservation Plan was reviewed and approved as part of Preliminary Plan 120060330. Per Section 22A-21 of the Montgomery County Forest Conservation Law, a variance was granted as part of the Final Forest Conservation Plan approval.

There is no existing forest on the Subject Property. The Application has an afforestation requirement of 3.50 acres. The Applicant proposes to meet their forest conservation requirements by obtaining 0.40 acres of credit for the retention of two rows of mature trees, and planting 3.10 acres of forest on the Subject Property. The 0.40 acres of credit and approximately 0.97 acres of planting will be protected in a Category II Conservation

Easement along the Georgia Avenue frontage. The remaining 2.13 acres of forest planting will be provided along the northern and eastern perimeter of the Subject Property, including the stream buffer. This area will be protected in a Category I Conservation Easement.

The Subject Property is located within the Patuxent River Primary Management Area (PMA). Properties that are submitted to the M-NCPPC for subdivision and site plan review are subject to PMA requirements, as outlined in the *Guidelines for Environmental Management of Development in Montgomery County* (Environmental Guidelines); however, the Environmental Guidelines state that properties with existing zoning densities greater than RE-2 are subject to “nonconformance requirements”, which allow for higher intensity development but require greater review of stormwater management and best management practices, including afforestation and expansion of stream buffers and innovative stormwater management. The Subject Property is zoned RE-2/TDR-2 and is making use of the TDR’s to increase the density for the application. Therefore, the Subject Property is subject to the “nonconformance requirements” of the PMA. The area of stream buffer located on the Subject Property will be planted with forest and protected in a Category I Conservation Easement, and the approved stormwater management concept utilizes the most current environmental site design practices, including micro-bioretenion, bio-swales, drywells and disconnection of impervious surfaces. Due to the RE-2/TDR zone (i.e. increased density), the Applicant is not subject to the 10 percent impervious surface limitation. However; the Applicant has demonstrated efforts to minimize impervious surfaces on the Subject Property.

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing and submission meeting requirements. Staff has received community correspondence in favor of this project. The Greater Olney Civic Association has expressed their support for a vehicular connection to Georgia Avenue in order to further mitigate additional traffic. They have also expressed concerns regarding the total parking spaces (garages specifically), landscape buffering along the property edge and the design aesthetic being compatible with the neighboring communities.

Staff has coordinated with SHA regarding a possible vehicular connection to Georgia Avenue. SHA will not support two vehicular access points to the Subject Property, as the sight distance requirements would not be fulfilled. The Applicant has reached out to the affected neighbors (toward the north and south), and have committed to the replacement of dying/ severely damaged trees and the installation of new plant material (*see the Appendix C*). The community’s parking concerns will be adequately addressed with on-street parking, guest parking and two car garages/driveways for off-street parking. Condition 10a ensures adequate space within the garages for at least two parked vehicles. The Applicant has exceeded the total number of required parking spaces by 148 spaces (including 49 on-street parking spaces).

CONCLUSIONS AND RECOMMENDATIONS

The Preliminary Plan has been reviewed for compliance with the Montgomery County Code, Chapter 50: Subdivision Regulations and this Application meets all applicable sections. The proposed lot size, width, and orientation are appropriate for the location within the Olney Master Plan, RE-2/TDR-2 Zone. The proposed lots will meet the dimensional requirements for the area, frontage, width and setbacks in the zone. Planning Staff finds that the Preliminary Plan increases available housing options (consistent with the Master Plan), adequately addresses the protection of environmental features and provides efficient access to public facilities. This Application has been reviewed by other applicable county agencies including those that provide public facilities, all of whom have recommended approval of this plan.

The Preliminary and Site Plan Application conforms to the Zoning Ordinance and uses are permitted within the RE-2/TDR Zone. This development will meet or exceed the standard provisions within the zone. The location and design features of proposed buildings, structures, open space, recreational facilities and circulation systems are safe, adequate and efficient. Planning Staff also finds that the Final Forest Conversation Plan and stormwater facilities meet all requirements of Chapter 22A regarding forest conservation and Chapter 19 regarding water resource protection and any other applicable law.

APPENDICES

- A. Statements of Justification
- B. Agency Approval Letters
- C. Community Correspondence
- D. Submitted Plans

LINOWES
AND | BLOCHER LLP
 ATTORNEYS AT LAW

October 24, 2014

Barbara A. Sears
 bsears@linowes-law.com
 301.961.5157

Casey Anderson, Esq., Chair and
 Members of the Montgomery County Planning Board
 Maryland-National Capital Park and Planning Commission
 8787 Georgia Avenue
 Silver Spring, Maryland 20910-3760

Re: Preliminary Plan No. 120060330 – Marian Property: Lot Design Waiver Request

Dear Chair Anderson and Members of the Montgomery County Planning Board:

The purpose of this letter is to provide a statement of justification for the frontage waiver permitting 2 lots to abut a private right-of-way pursuant to Section 50-29(a)(2) of Chapter 50 of the Montgomery County Code (the “Subdivision Regulations”). Specifically, Applicant requests the Montgomery County Planning Board (the “Planning Board”) permit Lots 5 and 6, Block C of the proposed preliminary plan for the Marian Property to abut St. Albert Drive, a private street. As discussed below, granting this request is appropriate under the standards of Sections 50-29(a)(2) and 50-38(a)(1) of the Subdivision Regulations.

Section 50-29(a)(2) of the Subdivision Regulations requires that every lot abut on a “street or road which has been dedicated to public use or which has required the status of a public road.” This provision, however, also authorizes the Planning Board “[i]n exceptional circumstances” to approve not more than two (2) lots on a private or private right-of-way as long as a showing is made that “such access is adequate to serve the lots for emergency vehicles, for installation of public utilities, is accessible for other public services, and is not detrimental to future subdivision of adjacent lands.”

Exceptional Circumstances

Exceptional circumstances exist to permit Lots 5 and 6 of Block C to abut St. Albert Drive. County agencies have required that a public street connect the western half of the subject property with the eastern half. The present alignments of Abbey Manor Drive on the west and Saint Albert Drive on the east, as well as the location of the Victory Housing – Marian Assisted Living facility in the middle, dictate that western and eastern portions of the subject property be joined by connecting these two existing roads via one public road on the southern boundary of the subject property (Abbey Manor Terrace), as shown on the proposed preliminary plan. This requirement limited options for subdividing the subject property while achieving permitted

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Casey Anderson, Esq., Chair and
Members of the Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
October 24, 2014
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density with a desirable mix of single family detached and townhouse units sited on well configured lots. Applicant also originally proposed St. Albert Drive be dedicated as a public road. MCDOT, however, stated its preference that St. Albert Drive be a private road. Planning Department staff, in turn, did not favor a panhandle lot design overlapping St. Albert Drive serving as a private road, thereby necessitating a waiver request under Section 50-29(a)(2) of the Subdivision Regulations. Furthermore, Applicant received feedback from residents of adjoining neighborhoods during community meetings for more parking near the townhouses by providing head-in parking. Such parking would need to be provided on a private street as shown on the Preliminary Plan as there is no approved road section for head-in parking off of a public street. The proposed orientation of Lots 5 and 6 of Block C also allow these lots to front the community green space abutting St. Albert Drive, which is an outcome favored by both Planning Department staff and Applicant. Applicant's request will allow the homes on Lots 5 and 6 to have the same access to the community green space by the other lots on St. Albert Drive.

Adequacy of Access and Future Subdivision

Applicant's request also satisfies the other requirements of Section 50-29(a)(2) of the Subdivision Regulations. On April 3, 2014, Montgomery County Fire and Rescue Service approved the design of St. Albert Drive for adequate emergency vehicle access. The lots will be served by public sewer and water, and a public use easement will provide for the installation of electric, cable, and telephone service. The proposed 20 foot pavement width on Saint Albert Drive will provide safe and adequate access for other public services. Additionally, Applicant's waiver request is not detrimental to future subdivision of adjacent lands. The remaining land that can be further subdivided in the future is Parcel S, which currently contains the Victory Housing – Marian Assisted Living facility. Parcel S abuts and has sufficient frontage on Abbey Manor Terrace, which is shown on the preliminary plan as a public road.

Thus, it is appropriate for the Planning Board to allow Lots 5 and 6 of Block C to abut St. Albert Drive as a private road because of the exceptional circumstances discussed above. Adequate access also exists for emergency vehicles, installation of public utilities, and other public services. Finally, there is no detriment to future subdivision of adjacent lands.

Conclusion

Based on the above, it is proper for the Planning Board to grant a waiver permitting Lots 5 and 6, Block C of the proposed preliminary plan to abut St. Albert Drive, a private street.



Casey Anderson, Esq., Chair and
Members of the Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
October 24, 2014
Page 3

Very truly yours,

LINOWES AND BLOCHER LLP

A handwritten signature in blue ink, appearing to read "Barbara A. Sears". The signature is fluid and cursive, written over the printed name and firm name.

Barbara A. Sears

cc: Molline Smith
Richard Weaver
Tom Natelli
Karen Carpenter
Ed Wallington

September 8, 2014

Ms. Karen Carpenter
Kim Engineering, Inc.
19634 Club House Rd.
Ste. 310
Gaithersburg, MD 20886

Dear Ms. Carpenter,

Attached is a spreadsheet that lists the offsite trees, adjacent to the Marian Property, Georgia Avenue, Olney, Maryland.

Based upon the percentage of critical root zone (CRZ) impacted, the following treatments are recommended:

Root pruning: Pruning of the roots shall be conducted within the CRZ, and which are bisected by the limits of disturbance (LOD) line. This treatment should be done with the appropriate tool for the job, such as a ditch witch, air spade or circular saw. If using the ditch witch or air spade, the exposed cut roots must be cut cleanly with sharp pruning tools such as hand shears or loppers. Also, the trench shall be backfilled within 48 hours of the root pruning operation. If a circular saw is used, then no subsequent pruning or backfilling is required.

Root pruning shall be conducted along the limits of disturbance (LOD) as noted on the site plan. Unless noted, no other treatments are recommended. However, as is the case with any plant, when a portion of the root system is lost then supplemental watering is very important to apply during times of the growing season when there is limited rainfall.

Root pruning and tree growth regulator: When an excessive amount of the CRZ is removed by root pruning along the LOD, and if the tree species is respondent to the application of a tree growth regulator, then this treatment shall be applied. The active ingredient shall be paclobutrazol, and the ideal time for application is in the spring before the tree is root pruned. Application during the growing season will not provided benefits in that growing year. However, the product will be effective for the subsequent three growing years.

Removals: When root pruning across the CRZ, removes an amount of the root system that cannot be tolerated by a tree because of its species or present condition, then those trees should be removed. In these cases, so much of the root system is removed that it is highly unlikely that the tree will survive because of the stress placed on the tree, and the anticipated lack of after care that is necessary to keep these trees alive.

The percent of CRZ impacted for trees C and D is beyond what these trees can tolerate based upon their species and present condition. Therefore, removal is recommended. It is also quite possible that these trees would be prone to windthrow into the adjacent properties given the amount of CRZ lost, and the fact that the LOD would effectively bisect the root plate dimension for these trees.

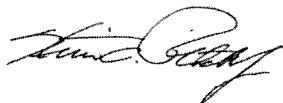
One of the neighboring trees that would be impacted by the root pruning along the LOD is tree H. This is a Black cherry that is dead. It should be removed.

Insect & Disease control, Mulching and irrigation: It is highly recommended that the new Homeowners Association (HOA) contract with a tree care company and/or an independent arborist to assess the offsite trees during regular annual inspections. A minimum of four (4) visits per year is recommended. This program should be repeated for at least 5-10 years, after which the impacts of root loss should be fully expressed.

Based upon these visits, the arborist shall provide tree care recommendations for all impacted offsite trees listed on the accompanying spreadsheet, including, but not limited to, insect and disease control treatments, the addition of a mulch ring around individual trees, and supplemental irrigation during periods of drought.

Thank you for the opportunity to offer these observations and recommendations. Please call me with any subsequent questions you may have.

Regards,



Keith C. Pitchford
ISA Certified Arborist, MA-0178
ISA Certified Tree Risk Assessor, #922
MD Licensed Tree Expert, #589
MD Licensed Forester, #675

For:

ArborCare, Inc.
Rockville, MD

ON SITE & OFF SITE TREES --- SIGNIFICANT AND SPECIMEN
 TREE CARE RECOMMENDATIONS
 MARIAN PROPERTY --- July 3, 2014

Tree #	Common name	Scientific name	DBH (in.)	Condition	% CRZ impacted	Recommendations
OFF SITE TREES						
A	Red maple	<i>Acer rubrum</i>	multi	Good/Fair	30%	Root prune
B	Red maple	<i>Acer rubrum</i>	multi	Fair	31%	Root prune
C	Red maple	<i>Acer rubrum</i>	23	Good	41%	Remove, excessive root loss
D	Tulip poplar	<i>Liriodendron tulipifera</i>	30	Good	44%	Remove, excessive root loss
E	Red maple	<i>Acer rubrum</i>	20	Good	21%	Root prune
F	Tulip poplar	<i>Liriodendron tulipifera</i>	24, 26	Fair	33%	Root prune, tree growth regulator
G	Tulip poplar	<i>Liriodendron tulipifera</i>	23	Good	33%	Root prune, tree growth regulator
H	Black cherry	<i>Prunus serotina</i>	18	Dead		Remove, tree is dead
I	Tulip poplar	<i>Liriodendron tulipifera</i>	18	Good	30%	Root prune, tree growth regulator
J	White mulberry	<i>Morus alba</i>	12	Good	22%	Root prune
K	Black cherry	<i>Prunus serotina</i>	12, 14, 15	Good/Fair	0%	Save
L	Tulip poplar	<i>Liriodendron tulipifera</i>	36	Good	25%	Root prune, tree growth regulator
M	Red maple	<i>Acer rubrum</i>	25	Good	4%	Root prune
N	Red maple	<i>Acer rubrum</i>	22, 22	Good	9%	Root prune, tree growth regulator
O	Black cherry	<i>Prunus serotina</i>	23	Fair	11%	Root prune
P	White mulberry	<i>Morus alba</i>	15	Fair	4%	Root prune
Q	Tulip poplar	<i>Liriodendron tulipifera</i>	27	Good	37%	Root prune, tree growth regulator
R	Tulip poplar	<i>Liriodendron tulipifera</i>	34	Good	11%	Root prune
S	White oak	<i>Quercus alba</i>	30	Good	23%	Root prune, tree growth regulator
T	Tulip poplar	<i>Liriodendron tulipifera</i>	32	Fair	26%	Root prune, tree growth regulator
U	Tulip poplar	<i>Liriodendron tulipifera</i>	33	Good	14%	Root prune, tree growth regulator
V	Tulip poplar	<i>Liriodendron tulipifera</i>	27	Good	26%	Root prune
W	Mockernut hickory	<i>Carya tomentosa</i>	24	Good	21%	Root prune

Tree #	Common name	Scientific name	DBH (in.)	Condition	% CRZ impacted	Recommendations
X	Tulip poplar	<i>Liriodendron tulipifera</i>	26	Good	18%	Root prune
Y	Black oak	<i>Quercus velutina</i>	34	Good	12%	Root prune
Z	Tulip poplar	<i>Liriodendron tulipifera</i>	24	Good	15%	Root prune
ON SITE TREES						
7	Sugar maple	<i>Acer saccharum</i>	28	Good	38%	Root prune, tree growth regulator
8	Red maple	<i>Acer rubrum</i>	24	Fair	35%	Remove, excessive root loss
31	Eastern white pine	<i>Pinus strobus</i>	29	Good	17%	Root prune
45	N. Red oak	<i>Quercus rubra</i>	28	Good	35%	Root prune, tree growth regulator
47	N. Red oak	<i>Quercus rubra</i>	39	Fair	20%	Root prune, tree growth regulator
52	Eastern white pine	<i>Pinus strobus</i>	31	Fair	23%	Root prune
53	Tulip poplar	<i>Liriodendron tulipifera</i>	32	Good	11%	Root prune

EXHIBIT B

Marian Fathers Preliminary Plan 120060330

Kim Engineering

SUBDIVISION: Marian Fathers

Updated: October 15, 2014

SUBDIVISION	BLOCK NO.	LOT NO.	PLAT NO.	DATE RECORDED	ORIGINAL	RE-SUB	FRONTAGE	ALIGNMENT	LOT SIZE (ft ²)	BUILDABLE AREA	SHAPE	WIDTH AT BLDG LINE
Marian	A	1	n/a	n/a	n/a		70	Perpendicular	9,970	5,845	Rectangular	70
Marian	A	2	n/a	n/a	n/a		69	Perpendicular	10,207	6,053	Rectangular	70
Marian	A	3	n/a	n/a	n/a		41	Radial	7,205	3,680	Triangular	60
	A	4	n/a	n/a	n/a		43	Radial	6,870	3,515	Triangular	60
Marian	A	5	n/a	n/a	n/a		43	Radial	7,804	4,200	Rectangular	60
Marian	A	6	n/a	n/a	n/a		43	Radial	9,555	5,565	Rectangular	48
Marian	A	7	n/a	n/a	n/a		60	Radial	8,207	4,410	Rectangular	60
Marian	A	8	n/a	n/a	n/a		60	Perpendicular	7,020	3,600	Rectangular	60
Marian	A	9	n/a	n/a	n/a		60	Perpendicular	7,020	3,600	Rectangular	60
Marian	A	10	n/a	n/a	n/a		60	Perpendicular	7,020	3,600	Rectangular	60
Marian	A	11	n/a	n/a	n/a		60	Perpendicular	7,020	3,600	Rectangular	60
Marian	A	12	n/a	n/a	n/a		60	Perpendicular	7,020	3,600	Rectangular	60
Marian	A	13	n/a	n/a	n/a		60	Perpendicular	6,997	3,560	Triangular	60
Marian	A	14	n/a	n/a	n/a		45	Radial	7,130	3,365	Triangular	60
Marian	B	1	n/a	n/a	n/a		70	Perpendicular	8,266	3,012	Rectangular	70
Marian	B	2	n/a	n/a	n/a		60	Perpendicular	6,900	3,500	Rectangular	60
Marian	B	3	n/a	n/a	n/a		60	Perpendicular	6,724	3,324	Rectangular	60
Marian	B	4	n/a	n/a	n/a		60	Perpendicular	6,582	3,235	Rectangular	60
Marian	B	5	n/a	n/a	n/a		60	Perpendicular	6,582	3,235	Rectangular	60
Marian	B	6	n/a	n/a	n/a		60	Perpendicular	6,582	3,235	Rectangular	60
Marian	B	7	n/a	n/a	n/a		60	Perpendicular	6,582	3,235	Rectangular	60
Marian	B	8	n/a	n/a	n/a		60	Perpendicular	6,582	3,235	Rectangular	60
Marian	B	9	n/a	n/a	n/a		30	Perpendicular	2,645	1,325	Rectangular	30
Marian	B	10	n/a	n/a	n/a		22	Perpendicular	2,100	1,320	Rectangular	22
Marian	B	11	n/a	n/a	n/a		22	Perpendicular	2,116	1,320	Rectangular	22
Marian	B	12	n/a	n/a	n/a		22	Perpendicular	2,116	1,320	Rectangular	22
Marian	B	13	n/a	n/a	n/a		22	Perpendicular	2,116	1,320	Rectangular	22
Marian	B	14	n/a	n/a	n/a		22	Perpendicular	2,116	1,320	Rectangular	22
Marian	B	15	n/a	n/a	n/a		22	Perpendicular	2,116	1,320	Rectangular	22
Marian	B	16	n/a	n/a	n/a		30	Perpendicular	2,846	1,500	Rectangular	30

SUBDIVISION	BLOCK NO.	LOT NO.	PLAT NO.	DATE RECORDED	ORIGINAL	RE-SUB	FRONTAGE	ALIGNMENT	LOT SIZE (ft ²)	BUILDABLE AREA	SHAPE	WIDTH AT BLDG LINE
Marian	B	17	n/a	n/a	n/a		60	Perpendicular	6,660	3,300	Rectangular	60
Marian	B	18	n/a	n/a	n/a		60	Perpendicular	6,660	3,300	Rectangular	60
Marian	B	19	n/a	n/a	n/a		60	Perpendicular	6,660	3,300	Rectangular	60
Marian	B	20	n/a	n/a	n/a		60	Perpendicular	6,660	3,300	Rectangular	60
Marian	B	21	n/a	n/a	n/a		60	Perpendicular	6,660	3,300	Rectangular	60
Marian	C	1	n/a	n/a	n/a		80	Perpendicular	9,867	4,800	Rectangular	80
Marian	C	2	n/a	n/a	n/a		60	Perpendicular	7,500	4,000	Rectangular	60
Marian	C	3	n/a	n/a	n/a		70	Perpendicular	9,620	5,260	Rectangular	70
Marian	C	4	n/a	n/a	n/a		50	Perpendicular	8,100	3,972	Rectangular	55
Marian	C	5	n/a	n/a	n/a		25*	Radial	10,415	5,513	Panhandle	50
Marian	C	6	n/a	n/a	n/a		25*	Radial	13,351	8,247	Panhandle	50
Marian	C	7	n/a	n/a	n/a		30	Perpendicular	2,925	1,500	Rectangular	30
Marian	C	8	n/a	n/a	n/a		22	Perpendicular	2,089	1,320	Rectangular	22
Marian	C	9	n/a	n/a	n/a		22	Perpendicular	2,089	1,320	Rectangular	22
Marian	C	10	n/a	n/a	n/a		22	Perpendicular	2,089	1,320	Rectangular	22
Marian	C	11	n/a	n/a	n/a		22	Perpendicular	2,089	1,320	Rectangular	22
Marian	C	12	n/a	n/a	n/a		22	Perpendicular	2,089	1,320	Rectangular	22
Marian	C	13	n/a	n/a	n/a		30	Perpendicular	2,819	1,320	Rectangular	30
Marian	C	14	n/a	n/a	n/a		30	Perpendicular	3,286	1,425	Rectangular	30
Marian	C	15	n/a	n/a	n/a		22	Perpendicular	2,102	1,254	Rectangular	22
Marian	C	16	n/a	n/a	n/a		22	Perpendicular	2,036	1,254	Rectangular	22
Marian	C	17	n/a	n/a	n/a		30	Perpendicular	2,700	1,425	Rectangular	30
Marian	C	18	n/a	n/a	n/a		65	Perpendicular	7,358	3,698	Rectangular	35
Marian	C	19	n/a	n/a	n/a		80	Perpendicular	9,150	4,757	Rectangular	80
*NOTE: Lots 5 and 6 C have a 25 foot frontage on a private street												
Gold Mine Crossing	B	1	18593	33798	X		96.7	Radial	50,965	18,225	Diamond	125
	B	2	18593	33798	X		25.01	Radial	36,590	19,200	Panhandle	100
	B	95	18610	33798	X		41.08	Radial	18,388	7,000	Triangular	65
	B	96	18610	33798	X		73.52	Radial	10,206	3,600	Rectangular	65
	B	97	18610	33798	X		74.14	Radial	10,649	4,160	Rectangular	74
	B	98	18610	33798	X		67.65	Radial	10,777	3,705	Rectangular	73
	B	99	18610	33798	X		61.66	Radial	11,897	4,650	Diamond	71
	B	100	18610	33798	X		78.01	Radial	12,690	5,120	Diamond	72

SUBDIVISION	BLOCK NO.	LOT NO.	PLAT NO.	DATE RECORDED	ORIGINAL	RE-SUB	FRONTAGE	ALIGNMENT	LOT SIZE (ft ²)	BUILDABLE AREA	SHAPE	WIDTH AT BLDG LINE
Gold Mine Crossing	B	101	18610	33798	X		83.28	Radial	13,328	4,750	Rectangular	75
	B	102	18605	7/17/1992	X		63.04	Radial	7,575	3,180	Rectangular	70
	B	103	18605	33798	X		156.6	Radial	9,825	3,575	Diamond	165
	B	104	18606	33798	X		80	Perpendicular	9,600	5,250	Rectangular	80
	B	105	18606	33798	X		80	Perpendicular	9,600	5,250	Rectangular	80
	B	106	18606	33798	X		80	Perpendicular	9,600	5,250	Rectangular	80
	B	107	18606	33798	X		90	Perpendicular	10,800	6,000	Rectangular	90
	B	108	18606	33798	X		84	Perpendicular	9,618	5,250	Rectangular	84
	B	109	18606	33798	X		73.59	Radial	8,779	4,800	Rectangular	76
	B	110	18606	33798	X		79.81	Radial	9,922	5,525	Rectangular	83
	B	111	18602	33802	X		72.97	Radial	11,578	6,120	Rectangular	70
	B	112	18602	33802	X		80.05	Perpendicular	8,390	4,200	Rectangular	80
Manor Oaks												
	A	41	20173	35320	X		61.62	Radial	9,675	3,860	Rectangular	56
	A	42	20173	35320	X		55.7	Radial	9,255	5,055	Rectangular	55
	A	43	20173	35320	X		66.71	Radial	12,420	7,530	Rectangular	55
	A	44	20173	35320	X		70	Radial	13,835	9,050	Rectangular	60
	A	45	20173	35320	X		111.13	Radial	12,533	7,605	Triangular	88
	A	46	20173	35320	X		116.3	Radial	10,990	6,485	Triangular	90
	A	47	20173	35320	X		80.99	Perpendicular	15,654	10,180	Rectangular	80.99
	A	48	20173	35320	X		202.7	Radial	72,226	48,200	Irregular	205
	A	53	19815	34912	X		100	Radial	12,293	6,040	Diamond	125
	A	54	19815	34912	X		79.64	Radial	9,315	4,900	Rectangular	60
	A	55	20660	35874	X		80	Perpendicular	12,677	7,355	Diamond	80
	A	56	20660	35874	X		80	Perpendicular	13,600	8,750	Rectangular	80
	A	57	20660	35874	X		80	Perpendicular	13,600	8,750	Rectangular	80
	A	58	20660	35874	X		75	Perpendicular	12,750	8,125	Rectangular	75
	A	59	20660	35874	X		75	Perpendicular	12,750	8,125	Rectangular	75
	A	61	20660	35874		X	77.68	Perpendicular	13,246	8,450	Rectangular	120
	C	1	20660	35874	X		70.74	Radial	8,868	3,400	Diamond	205
	C	2	20660	35874	X		60	Perpendicular	6,000	2,750	Rectangular	60
	C	3	20660	35874	X		60	Perpendicular	6,000	2,750	Rectangular	60
	C	4	20660	35874	X		60	Perpendicular	6,000	2,750	Rectangular	60
	C	5	20660	35874	X		60	Perpendicular	6,000	2,750	Rectangular	60
	C	6	20902	36129	X		60	Perpendicular	6,000	2,750	Rectangular	60
	C	7	20902	36129	X		60	Perpendicular	6,000	2,750	Rectangular	60
	C	8	20902	36129	X		60	Perpendicular	6,000	2,750	Rectangular	60
	C	9	20902	36129	X		58.00	Radial	7,781	2,785	Diamond	175

SUBDIVISION	BLOCK NO.	LOT NO.	PLAT NO.	DATE RECORDED	ORIGINAL	RE-SUB	FRONTAGE	ALIGNMENT	LOT SIZE (ft ²)	BUILDABLE AREA	SHAPE	WIDTH AT BLDG LINE
	C	10	20173	9/12/1996	X		137	Radial	12,212	5,200	Rectangular	62
	C	11	20173	9/12/1996	X		60	Radial	6,175	2,880	Rectangular	60
	C	12	20173	9/12/1996	X		60	Perpendicular	6,000	2,750	Rectangular	60
Manor Oaks	C	13	20173	9/12/1996	X		60	Perpendicular	6,000	2,750	Rectangular	60
	C	14	20173	9/12/1996	X		60	Perpendicular	6,000	2,750	Rectangular	60
	C	15	20173	9/12/1996	X		60	Perpendicular	6,000	2,750	Rectangular	60
	C	16	20173	9/12/1996	X		184.78	Radial	10,384	3,780	Triangular	114
	D	8	20619	35843	X		54.74	Radial	10,961	6,650	Rectangular	105
	D	9	20619	35843	X		87.2	Radial	10,283	4,105	Rectangular	110
	D	10	20619	35843	X		70	Perpendicular	6,784	3,255	Rectangular	70
	D	11	20619	35843	X		70	Perpendicular	6,696	3,190	Rectangular	70
	D	12	20619	35843	X		70	Perpendicular	6,609	3,120	Rectangular	70
	D	13	20619	35843	X		70	Perpendicular	6,540	3,055	Rectangular	70
	D	14	20619	35843	X		59.82	Radial	7,340	3,795	Rectangular	59.82
	D	15	20619	35843	X		58.15	Radial	7,934	4,225	Rectangular	75
	D	16	20619	35843	X		142.63	Radial	10,921	4,865	Diamond	160
	D	21	20102	35199	X		60	Perpendicular	6,435	3,090	Rectangular	60
	D	22	20102	35199	X		60	Perpendicular	6,660	3,280	Rectangular	60
	D	23	20102	35199	X		60	Perpendicular	6,849	3,450	Rectangular	60
	D	24	20102	35199	X		60	Perpendicular	6,269	2,925	Rectangular	60
	D	25	20102	35199	X		60	Perpendicular	5,379	2,190	Rectangular	60
	D	26	20102	35199	X		60	Perpendicular	5,004	1,890	Rectangular	60
	D	27	20102	35199	X		67.76	Perpendicular	6,299	2,690	Rectangular	67
	D	28	20102	35199	X		69.43	Radial	10,088	5,155	Irregular	70
	D	47	20173	35320	X		80	Perpendicular	7,200	3,219	Rectangular	80
	D	48	20173	35320	X		53	Perpendicular	8,095	3,665	Rectangular	78
	D	49	20173	35320	X		56	Radial	6,275	2,800	Rectangular	60
	D	50	20173	35320	X		29.24	Radial	12,577	8,420	Diamond	60
	D	51	20173	35320	X		58.76	Radial	6,181	2,960	Rectangular	60
	D	52	20173	35320	X		56	Perpendicular	7,788	2,805	Rectangular	77
	D	53	20173	35320	X		60	Perpendicular	9,390	5,510	Rectangular	60
	D	54	20173	35320	X		109.92	Radial	10,813	6,375	Irregular	80
	D	55	20173	35320	X		31.61	Radial	10,199	5,960	Triangular	45
	D	56	20173	35320	X		34.53	Radial	8,549	4,765	Triangular	50
	D	57	20173	35320	X		34.69	Radial	12,433	7,580	Triangular	60
	D	58	20173	35320	X		25.3	Radial	13,141	8,780	Irregular	50
	D	59	20902	36159	X		25.16	Radial	19,960	11,420	Panhandle	60
	D	60	20902	36159	X		25	Radial	8,687	4,480	Panhandle	60

SUBDIVISION	BLOCK NO.	LOT NO.	PLAT NO.	DATE RECORDED	ORIGINAL	RE-SUB	FRONTAGE	ALIGNMENT	LOT SIZE (ft ²)	BUILDABLE AREA	SHAPE	WIDTH AT BLDG LINE
	D	61	20902	36159	X		31.17	Radial	8,114	4,575	Panhandle	60
	D	62	20902	36159	X		60	Perpendicular	8,333	4,705	Rectangular	60
	D	63	20902	36159	X		60	Perpendicular	8,321	4,615	Rectangular	60
	D	64	20902	36159	X		60	Perpendicular	7,347	4,180	Rectangular	60
	D	65	20902	36159	X		60	Perpendicular	6,871	3,460	Rectangular	60
	D	66	20902	36159	X		60	Perpendicular	6,274	2,960	Rectangular	60
Manor Oaks	D	67	20902	36159	X		60	Perpendicular	6,743	3,255	Rectangular	60
	D	68	20902	36159	X		60	Perpendicular	8,415	4,695	Rectangular	60
	D	69	20902	36159	X		60	Perpendicular	7,843	4,250	Rectangular	60
	D	70	20902	36159	X		60	Perpendicular	6,733	3,320	Rectangular	60
	D	71	20902	36159	X		60	Perpendicular	6,000	2,690	Rectangular	60
	D	72	20660	35874	X		60	Perpendicular	6,582	3,260	Rectangular	60
	D	73	20660	35874	X		60	Perpendicular	7,284	3,765	Rectangular	60
	D	74	20660	35874	X		60	Perpendicular	7,986	4,230	Rectangular	60
	D	75	20660	35874	X		52	Perpendicular	8,270	4,455	Rectangular	60
	D	76	20660	35874	X		54.14	Radial	10,510	4,270	Diamond	138
	D	77	20660	35874	X		75	Perpendicular	8,766	4,560	Rectangular	75
	D	78	20660	35874		X	80	Perpendicular	8,835	4,475	Rectangular	80
	D	80	20536	35733		X	75.46	Radial	8,379	4,360	Rectangular	75
	D	81	20536	35733		X	75.83	Radial	6,489	2,905	Rectangular	78
	D	82	20536	35733			60	Perpendicular	6,210	2,865	Rectangular	60
	D	83	20817	36021		X	144.65	Radial	18,762	8,940	Rectangular	200
	D	84	20817	36021		X	75	Perpendicular	12,989	8,088	Rectangular	75
	D	85	20817	36021		X	75	Perpendicular	11,400	6,755	Rectangular	75
	D	86	20817	36021		X	75	Perpendicular	9,832	5,425	Rectangular	75
	D	87	20817	36021		X	155.39	Radial	16,724	6,040	Rectangular	155.39
	D	88	20817	36021		X	105.31	Radial	19,314	7,865	Diamond	150
	D	89	20817	36021		X	86.96	Perpendicular	9,004	4,185	Diamond	80
	E	3	20618	35838	X		137.59	Radial	10,913	4,675	Diamond	120
	E	7	20618	35838	X		59.87	Radial	9,670	4,505	Diamond	100
	E	8	20618	35838	X		42.96	Radial	12,225	7,500	Diamond	60
	E	9	20618	35838	X		80	Radial	10,194	4,230	Rectangular	150
	E	10	20618	35838	X		59.17	Radial	10,658	6,040	Rectangular	65
	E	11	20618	35838	X		60.28	Radial	9,283	5,070	Rectangular	65
	E	12	20618	35838	X		53.53	Radial	10,497	5,520	Diamond	72
	E	13	20618	35838	X		97.24	Radial	11,410	4,425	Rectangular	100
	E	14	20618	35838	X		123.88	Radial	12,722	5,300	Rectangular	110
	E	15	20618	35838	X		70	Perpendicular	7,210	3,480	Rectangular	70

SUBDIVISION	BLOCK NO.	LOT NO.	PLAT NO.	DATE RECORDED	ORIGINAL	RE-SUB	FRONTAGE	ALIGNMENT	LOT SIZE (ft ²)	BUILDABLE AREA	SHAPE	WIDTH AT BLDG LINE
	E	16	20618	35838	X		70	Perpendicular	7,210	3,480	Rectangular	70
	E	17	20618	35838	X		70	Perpendicular	7,210	3,480	Rectangular	70
	E	18	20618	35838	X		70	Perpendicular	7,210	3,480	Rectangular	70
	E	19	20618	35838	X		70	Perpendicular	7,210	3,480	Rectangular	70
	E	20	20618	35838	X		70	Perpendicular	7,210	3,480	Rectangular	70
	E	21	20618	35838	X		70	Perpendicular	7,210	3,480	Rectangular	70
	E	26	20102	35199	X		60	Perpendicular	7,432	3,870	Rectangular	60
	E	27	20102	35199	X		60	Perpendicular	6,475	3,080	Rectangular	60
	E	28	20102	35199	X		60	Perpendicular	6,000	2,720	Rectangular	60
Manor Oaks	E	29	20102	35199	X		60	Perpendicular	6,000	2,725	Rectangular	60
	E	30	20102	35199	X		60	Perpendicular	6,568	3,150	Rectangular	60
	E	31	20102	35199	X		60	Perpendicular	7,557	4,010	Rectangular	60
	E	32	20102	35199	X		60	Perpendicular	7,661	4,060	Rectangular	60
	E	33	20102	35199	X		193.68	Radial	11,618	4,865	Triangular	
	E	34	20102	35199	X		91.43	Perpendicular	11,743	5,260	Irregular	116
	E	35	20102	35199	X		78.57	Perpendicular	12,417	7,540	Rectangular	78.57
	E	36	20204	35367	X		78.57	Perpendicular	13,763	8,295	Rectangular	78.57
	E	37	20204	35367	X		24	Perpendicular	1,800	700	Rectangular	24
	E	38	20204	35367	X		20	Perpendicular	1,500	700	Rectangular	20
	E	39	20204	35367	X		20	Perpendicular	1,500	700	Rectangular	20
	E	40	20204	35367	X		20	Perpendicular	1,500	700	Rectangular	20
	E	41	20102	35199	X		24	Perpendicular	1,800	700	Rectangular	24
	E	42	20204	35367	X		28	Perpendicular	2,520	1,150	Rectangular	28
	E	43	20204	35367	X		22	Perpendicular	1,980	1,100	Rectangular	22
	E	44	20204	35367	X		22	Perpendicular	1,980	1,100	Rectangular	22
	E	45	20204	35367	X		22	Perpendicular	1,980	1,100	Rectangular	22
	E	46	20204	35367	X		22	Perpendicular	1,980	1,100	Rectangular	22
	E	47	20204	35367	X		28	Perpendicular	2,520	1,150	Rectangular	28
	E	48	20204	35367	X		28	Perpendicular	2,520	1,150	Rectangular	28
	E	49	20204	35367	X		22	Perpendicular	1,980	1,100	Rectangular	22
	E	50	20204	35367	X		22	Perpendicular	1,980	1,100	Rectangular	22
	E	51	20204	35367	X		22	Perpendicular	1,980	1,100	Rectangular	22
	E	52	20204	35367	X		28	Perpendicular	2,520	1,150	Rectangular	28
	E	53	20204	35367	X		28	Perpendicular	2,240	920	Rectangular	28
	E	54	20204	35367	X		22	Perpendicular	1,760	880	Rectangular	22
	E	55	20204	35367	X		22	Perpendicular	1,760	880	Rectangular	22
	E	56	20204	35367	X		22	Perpendicular	1,760	880	Rectangular	22
	E	57	20204	35367	X		28	Perpendicular	2,240	920	Rectangular	28

SUBDIVISION	BLOCK NO.	LOT NO.	PLAT NO.	DATE RECORDED	ORIGINAL	RE-SUB	FRONTAGE	ALIGNMENT	LOT SIZE (ft ²)	BUILDABLE AREA	SHAPE	WIDTH AT BLDG LINE
	E	58	20204	35367	X		28	Perpendicular	2,492	1,127	Rectangular	28
	E	59	20204	35367	X		22	Perpendicular	1,958	1,078	Rectangular	22
	E	60	20204	35367	X		22	Perpendicular	1,958	1,078	Rectangular	22
	E	61	20204	35367	X		22	Perpendicular	1,958	1,078	Rectangular	22
	E	62	20204	35367	X		28	Perpendicular	2,492	1,127	Rectangular	28
	E	63	20204	35367	X		24	Perpendicular	1,800	700	Rectangular	24
	E	64	20204	35367	X		20	Perpendicular	1,500	700	Rectangular	20
	E	65	20204	35367	X		20	Perpendicular	1,500	700	Rectangular	20
	E	66	20204	35367	X		24	Perpendicular	1,800	700	Rectangular	24
	E	67	20204	35367	X		24	Perpendicular	1,800	700	Rectangular	24
	E	68	20204	35367	X		20	Perpendicular	1,500	700	Rectangular	20
	E	69	20204	35367	X		20	Perpendicular	1,500	700	Rectangular	20
Manor Oaks	E	70	20204	35367	X		20	Perpendicular	1,500	700	Rectangular	20
	E	71	20204	35367	X		20	Perpendicular	1,500	700	Rectangular	20
	E	72	20204	35367	X		24	Perpendicular	1,800	700	Rectangular	24
	E	73	20204	35367	X		24	Perpendicular	1,800	700	Rectangular	24
	E	74	20204	35367	X		20	Perpendicular	1,200	700	Rectangular	20
	E	75	20204	35367	X		20	Perpendicular	1,200	700	Rectangular	20
	E	76	20204	35367	X		24	Perpendicular	1,800	700	Rectangular	24
	E	77	20536	35713		X	60	Radial	8,371	4,570	Rectangular	60
	E	78	20536	35713		X	60.83	Radial	8,835	5,370	Rectangular	60.83
	E	79	20536	35713		X	25.15	Radial	17,173	8,090	Panhandle	100
	E	80	20536	35713		X	78.51	Radial	10,721	3,900	Rectangular	78.51
	E	81	20619	35843	X		62.08	Perpendicular	8,385	3,335	Rectangular	80
	E	83	20817	36021		X	169.26	Radial	15,848	7,675	Diamond	180
	E	84	20817	36021		X	139.09	Perpendicular	14,086	5,715	Rectangular	80
	E	85	20817	36021		X	151.3	Perpendicular	15,086	7,150	Rectangular	85
	E	86	20817	36021		X	65.4	Radial	13,053	7,135	Triangular	95
	E	87	20817	36021		X	66.3	Radial	12,991	6,100	Triangular	96
	E	88	20817	36021		X	76	Radial	14,347	7,915	Triangular	85



October 9, 2014

Revised Nov. 20, 2014

Mary Jo Kishter
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8787 Georgia Avenue
Silver Spring, MD 20910

Re: Marian Fathers Property
Final Forest Conservation Plan-Variance Request
Kim No. 1002

Dear Ms. Kishter:

On behalf of the Natelli Communities, Kim Engineering, Inc. is requesting a variance for the removal of **22** onsite trees, one offsite trees, and for the impact to the critical root zone of 4 trees onsite trees and 6 offsite trees, all 30 inches or greater in dbh, as required under Section 22A-21 of Montgomery County's Forest Conservation Law Impact Note. The removal and/or impact of these trees is necessary in association with the development of the above referred property, which is located in Olney, MD.

The property contains numerous existing trees and grassed areas but not forested areas. The significant and specimen trees were identified and shown on the NRI/FSD. The site is bordered on the north, east and south by existing residential communities. Some of the areas immediately adjacent to the north and south are forested and contain trees greater than 30" in diameter near the property line, which are also the subject of this variance request.

The trees identified in this variance request for removal or critical root zone impact are shown on the FFCP. The trees to be removed are located within the limits of disturbance or have impacts to their critical root zone which are too large to expect tree survival.

The site design is constrained by the existence of the Victory Housing facility, which is located in the center of the property. Two existing public roadways, Abbey Manor Drive and Saint Albert Drive, currently terminate at the property boundary. The Victory Housing facility is accessed by a long, existing driveway from Georgia Avenue located within the property. The new roadway and lot layout was coordinated with these existing conditions. In particular, the new roadway and lots between Georgia Avenue and the Victory Housing facility was designed to minimize impacts to the existing driveway and Victory Housing facility. Additionally, during the review process, proposed Abbey Manor Terrace was extended through the site to connect to Saint Albert Drive as a means to improve vehicular circulation, as favored by staff. It was determined that the only viable location for this roadway was on the south side of the Victory Housing facility near the southerly property line. Therefore, the roadway and lot layout between Georgia Avenue and the existing Victory Housing facility was established by honoring these design constraints and objectives.



Efforts were made to protect the existing specimen trees when possible. Many of the existing specimen trees being impacted are in poor or fair condition, are invasive species, or are not considered desirable trees for retention in association with a new residential community. The specimen trees to remain on-site are located near the Victory Housing facility near the easterly boundary line, or in the open space between the new lots and Georgia Avenue. Efforts were made to limit impacts to the critical root zones of existing trees (both specimen sized and also trees with lesser diameters) located offsite but adjacent to the southerly and northerly boundary lines.

The following is a description of the specimen trees proposed for removal and specimen trees proposed to be saved, with impacts to their critical root zone areas. In most cases, the important root zone impact is less than 30 percent. (See Exhibit A for a list of trees)

Trees 1 and 20 are located within the lots between Abbey Manor Drive and Abbey Manor Terrace and are in poor condition or are dead and will be removed. Trees 69, 74 and 75 are also located in this area, are in fair condition and will be removed. These trees are Silver and Norway Maples and are not typically considered desirable for retention in association with a new residential development. Trees 70 and 71 are also located in this area. Tree 70 is in good condition and tree 71 is in fair condition. The trees are located on Lots 6 and 17, Block B. The lots are designed near the minimum lot size per the zoning ordinance and are part of a coordinated lot design and block design between Abbey Manor Drive and Abbey Manor Terrace, which was established to minimize impacts to the Victory Housing facility and its access driveway. These lots and the adjoining lots cannot be adjusted in a meaningful way to allow for protection of these trees.

Most of the existing trees located adjacent to an existing abandoned driveway from Georgia Avenue will be retained. The trees are specimen or significant in size and quite attractive. Tree 11 is a specimen tree and has no proposed impact to its critical root zone and will, therefore, be saved. Trees 6 and 15, which are in fair condition, and also located along this driveway are identified to be removed, due to excessive impacts from Abbey Manor Drive and Lot 2, Block A. The location of proposed Abbey Manor Drive is established because it is an extension of existing Abbey Manor Drive and it cannot be adjusted in a meaningful way. The developer will attempt to save tree 6, but since there is uncertainty as to whether this tree will survive, it is prudent to request a variance at this time. All the other large trees along the existing driveway will be retained. This area will be an attractive feature for the new community as the driveway will be converted to a pedestrian pathway connection. This area will be placed in a Category II Conservation Easement.

Trees 26, 27, and 29 are located on Lot 1, Block A or in the open space just west of this lot, in the southeast corner of the property. Tree 29 has minimal impact to its critical root zone and will be saved. Tree 24 is located at the in right of way of Abbey Manor Dive extended and proposed Abbey Manor Terrace and is in poor condition. Tree 26 is in poor condition. Tree 27 is in fair condition but are considered non-native, invasive species. Trees 24, 26 and 27 will be removed.



Trees 37, 38, 39, 40, 42 and 43 are white pine trees located adjacent to the existing Victory Housing access driveway in the back of proposed Lots 6 to 9, Block A, and will be removed. The trees are in either fair or poor condition and it is not desirable to save these trees in the rear yards of new homes with small lots. The lots in this area cannot be adjusted in a meaningful way, as they are near the minimum lot size and coordinated with the lot and block design in this general area.

Trees 47, 48, 66 and 67 are attractive trees in fair and good condition located near the Victory Housing facility and will be retained. Tree 47 requires a variance, as there are minor grading and pipe replacement impacts to its critical root zone. Trees 48, 66 and 67 do not require a variance, because there is no proposed root zone disturbance.

Trees 52 and 53 (white pine in fair condition and tulip poplar in good condition) are located in the open space between Lots 18 and 19, Block C, and the easterly property line and will be retained. The biofilters located nearby have been adjusted to minimize the critical root zone impacts to allow the trees to remain but a variance is required.

Trees 56 and 57 are white pines in poor condition located in Lots 1 and 2, Block D, and will be removed.

Tree 73 is located in proposed Abbey Manor Terrace. Tree 73 is a Norway Maple in good condition but is considered a non-native invasive species. This tree will be removed.

Tree 79 is a 28 inch Blue Spruce. This tree is 75% of the state champion, so a variance is required for its removal. The tree is in poor condition and will have 84% of its CRZ disturbed, therefore the tree will need to be removed.

Tree D is a Tulip Poplar located off-site in an HOA area adjacent to proposed Abbey Manor Terrace and is in fair condition. The tree will be retained but has about 44% root zone impact. This tree will be removed.

Tree L is a Tulip Poplar located on existing Lot 8 near the southerly property line and is in good condition. The grading impact in the critical root zone is minimal cut and limited to approximately 25% of the critical root zone area. This tree will be retained per the arborist's recommendation.

Trees R and S are Tulip Poplars located in existing Lot 95 along the northerly property line and are in good condition. The grading impact in the critical root zone area is minimal fill and limited to 11% and 23%, respectively, of each critical root zone area. These trees will be retained per the arborist's recommendation.

Tree T is a 30 inch Oak in fair condition located on existing Lot 95 along the northerly boundary line. The grading impact in the critical root zone area is minimal fill and limited to about 26% of the critical zone area. This tree will be retained per the arborist's recommendation.

Trees U and Y are a 33 inch Poplar and a 34 inch Oak, are both in good condition and are located on Lot 2. The grading impact to the critical root zone is minimal fill and limited to 20 and 22% respectively. These trees will be saved per the arborist's recommendation.



In addition, Kim Engineering has prepared a Stormwater Management Concept which is currently under review by the Montgomery County Department of Permitting Services. That concept proposes to address stormwater management requirements through Environmental Site Design, therefore State water quality standards will not be violated or a measurable degradation in water quality will not occur as a result of the granting of the variance request.

In summary, a variance to remove or impact the critical root zone of the trees listed should be granted for the reasons listed above.

Sincerely,

A handwritten signature in blue ink that reads "Karen V. Carpenter".

Karen V. Carpenter RLA
Senior Project Manager
Kim Engineering, Inc.

cc: Tom Natelli – Natelli Communities
Jim Clifford – Clifford, Debelius & Hyatt Chtd.



Exhibit A

MARIAN FATHERS ON SITE TREE LIST VARIANCE REQUEST						Sept. 3, 2014
SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE	CONDITION	PERCENT ROOT ZONE DISTURBED	ARBORIST RECOMMENDATION
1	Acer rubrum	Red Maple	34.5"	Poor	100%	Remove, Major limb broken out, unbalanced crown, hazardous
6	Acer rubrum	Red Maple	30.5"	Fair	51%	Remove, excessive root loss
15	Acer rubrum	Red Maple	35"	Fair	100%	Remove, major deadwood, asymmetric, decay in several pruning cuts.
20	Acer rubrum	Red Maple	44"	Poor	100%	Remove, major deadwood, decay in several scaffold limbs.
24	Acer saccharinum	Silver Maple	34.5"	Poor	100%	Remove, major deadwood, storm damage
26	Acer rubrum	Red Maple	40"	Poor	100%	Remove, minor deadwood, asymmetric crown.
27	Acer platanoides	Norway Maple	37"	Fair	100%	Remove, Major deadwood, significant bark inclusion, hazardous
29	Quercus Rubra	Norway Maple	31"	Fair	3%	Save, root prune



MARIAN FATHERS ON SITE TREE LIST VARIANCE REQUEST						Sept. 3, 2014
37	Pinus Strobus	White Pine	39"	Fair	100%	Remove, less deadwood than others, more open grown
38	Pinus Strobus	White Pine	41"	Fair	100%	Remove, leaning, lots of deadwood, bark inclusion
39	Pinus Strobus	White Pine	35"	Fair	100%	Remove, leaning storm damage
40	Pinus Strobus	White Pine	50"	Poor	100%	Remove, large basal wound. Hazardous
42	Pinus Strobus	White Pine	45.5"	Fair	100%	Remove, major deadwood, has lost a lot of limbs
43	Pinus Strobus	White Pine	36.5"	Fair	100%	Remove, leaning, basal wound, minor deadwood
47	Quercuse rubra	Red Oak	39"	Fair	20%	Save, root prune, tree growth regulator
52	Pinus Strobus	White Pine	31"	Fair	23%	Save, root prune, tree growth regulator
53	Liriodendron tulipifera	Tulip Poplar	32"	Good	11%	Save, root prune
56	Pinus Strobus	White Pine	33"	Fair	100%	Remove, co-dominant stem, tight growing conditions, vines
57	Pinus Strobus	White Pine	34"	Fair	100%	Remove, asymmetric crown, vines
69	Acer saccharinum	Silver Maple	42.5"	Good	100%	Remove, Asymmetric crown, but full
70	Acer rubrum	Red Maple	41.5"	Good	100%	Remove, some storm damage
71	Prunus serotina	Black Cherry	35"	Fair	100%	Remove, major deadwood, wisteria vine
73	Acer platanoides	Norway Maple	35.5"	Good	100%	Remove



MARIAN FATHERS ON SITE TREE LIST VARIANCE REQUEST						Sept. 3, 2014
74	Acer platanoides	Norway Maple	41"	Good/Fair	100%	Remove, canopy is ok, basal wounds with decay
75	Acer saccharinum	Silver Maple	76"	Good	100%	Remove, some storm damage
79	<i>Picea glauca</i>	<i>Blue Spruce</i>	28"	<i>Poor</i>	84%	<i>Remove, poor condition, multiple leaders, many dead branches</i>



Exhibit B

OFF SITE TREES -VARIANCE REQUEST

Sept. 3, 2014

SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	CONDITION	PERCENT ROOT ZONE DISTURBED	SPECIMEN	RECOMMENDATION
D	POPLAR	LIRODENDRON TULIPFERA	30"	FAIR	44%	X	Remove per arborist's recommendation due to excessive root loss, HOA Parcel
L	POPLAR	LIRODENDRON TULIPFERA	32"	GOOD	39%	X	Save, root prune, tree growth regulator, Lot 85
R	POPLAR	LIRODENDRON TULIPFERA	30"	GOOD	25%	X	Save, root prune, Lot 95
S	POPLAR	LIRODENDRON TULIPFERA	30"	GOOD	32%	X	Save, root prune, tree growth regulator , Lot 95
T	RED OAK	QUERCUS RUBRA	30"	FAIR	26%	X	Save, root prune, tree growth regulator, Lot 95
U	POPLAR	LIRODENDRON TULIPFERA	33"	GOOD	20%	X	Save, root prune Lot 2
Y	BLACK OAK	QUERCUS VELUNTINA	34"	GOOD	22%	X	Save, root prune Lot 2



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

December 16, 2014

Mr. Michael Garcia, Transportation Planner
Area 3 Planning Division
The Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120060330
Marian Fathers
Traffic Impact Study

Michael:
Dear Mr. Garcia:

We have completed our review of the Local Area Transportation Review dated March 12, 2013 and updated on November 12, 2014, and prepared by Integrated Transportation Solutions, Inc. The total development evaluated by the analysis includes:

- Abbey Manor Drive Section – 27 Single Family Dwelling Units, 8 Townhouse Dwelling Units
- Saint Albert Drive Section - 8 Single Family Dwelling Units, 11 Townhouse Dwelling Units

We offer the following comments:

Local Area Transportation Review (LATR)

1. We defer to the Maryland State Highway Administration (MDSHA) for comments regarding Georgia Avenue (MD 97), which is a state-maintained roadway.
2. We accept the consultant's conclusion that post-development Critical Lane Volumes for the studied intersections will not exceed the congestion level threshold for the Olney policy area.

Division of Traffic Engineering and Operations

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

Mr. Michael Garcia
Preliminary Plan No. 120060330
December 16, 2014
Page 2

Transportation Policy Area Review (TPAR)

1. The applicant states in the updated TIS that Park and Planning Transportation staff confirmed no traffic mitigation payment is required since it was filed in 2009. We defer to the Planning Board to determine if this project is subject to a Policy Area Mobility Review (PAMR) payment to help mitigate policy area transportation issues.

SUMMARY

1. The findings of the LATR have been accepted. We concur with the vehicular-related findings of adequacy.
2. We defer to the Planning Board to determine if this project is subject to a Policy Area Mobility Review (PAMR) payment to help mitigate policy area transportation issues.

Thank you for the opportunity to review this report. If you have any questions or comments regarding this letter, please contact Ms. Rebecca Torma, our Development Review Area Senior Planning Specialist for this project, at rebecca.torma@montgomerycountymd.gov or (240) 777-2118.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

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Mr. Michael Garcia
Preliminary Plan No. 120060330
December 16, 2014
Page 3

cc: James Clifford The Congregation of Marians
Tom Natelli The Congregation of Marians
Craig Hedberg Integrated Transportation Solutions, Inc.
Karen Carpenter Kim Engineering Inc.
Ed Wallington Kim Engineering, Inc.
Jim Clifford Clifford, Debelius, Bonifant, Fitzpatrick & Hyatt, Chtd.
Scott Newill MDSHA AMD
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Molline Jackson M-NCPPC Area 3
Mark Terry MCDOT DTEO
Bruce Mangum MCDOT DTEO
Rebecca Torma MCDOT DTEO

JAMES CLIFFORD
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DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

December 16, 2014

Ms. Molline Jackson
Area 3 Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Marian Fathers
Preliminary Plan No. 120060330
Site Plan No. 820090130

Dear Ms. Jackson:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced Preliminary Plan and Site Plan. DHCA recommends Approval of the plans. Please note that the applicant will need to execute an MPDU Agreement to Build with DHCA before obtaining building permits.

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: Karen Carpenter, Kim Engineering, Inc.
Ed Wallington, Kim Engineering, Inc.

S:\Files\FY2014\Housing\MPDU\Lisa Schwartz\Marian Fathers DHCA Letter 12-16-2014.doc

Division of Housing

Moderately Priced
Dwelling Unit
FAX 240-777-3709

Housing Development
& Loan Programs
FAX 240-777-3691

Landlord-Tenant Affairs
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Licensing & Registration Unit
240-777-3666
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100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-3600 • www.montgomerycountymd.gov/dhca



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

December 17, 2014

Ms. Molline Jackson, 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. 120060330
Marian Fathers Property

Dear Ms. ~~Jackson~~ ^{Molline}:

We have completed our review of the preliminary plan dated April 2014, the applicant's Design Exception requests, and supplemental correspondence. We appreciate the cooperation of the applicant and staff during this review process. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

Design Exception Requests

- Design Exception 1: Twenty five (25) curb return radii at public street intersections

This Design Exception is to reduce the curb return radii [from the County standard of thirty (30) feet to twenty five (25) feet to reduce the pedestrian crossing distance while accommodating low speed truck turning movements.

RESPONSE: We support approval of the applicant's request. We believe approval of this request is consistent with the recent changes to the curb return radii requirements in Chapter 49 of the County Code under Bill No. 33-13.

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

Ms. Molline Jackson
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 Page 2

- Design Exception 2: Construct bio-swales on the south side of Abbey Manor Terrace (between centerline stations 0+40 and 9+50)

This request is intended to incorporate stormwater management measures within the public right-of-way as called for in Executive Regulation No. 16-809 (“Context Sensitive Road Design Standards”).

RESPONSE: In order to implement this request, the applicant is proposing to construct Abbey Manor Terrace as a closed section, modified secondary residential street (standard MC-2002.02, modified) within a sixty (60) foot wide right-of-way . The applicant is not proposing to construct a sidewalk on the south side of the road within these limits. We recommend approval of the applicant’s request.

- Design Exception 3: Request to not construct a sidewalk on the south side of Abbey Manor Terrace between centerline stations 0+00 and 11+30

This Design Exception includes the limits of the bio-swale (proposed in Design Exception 1). Since a sidewalk is proposed on the north side of the road and the development site is located in an environmentally sensitive area [the Hawlings River Watershed (Use IV-IV P)], the applicant is proposing to reduce imperviousness by not providing a sidewalk on the south side of the roadway.

RESPONSE: We support approval of the applicant’s request. We believe approval of this request is consistent with the recent changes to sidewalk construction requirements in Chapter 49 of the County Code under Bill No. 33-13.

General Site Layout and Right-of-Way Review Comments

1. Full width dedication of Georgia Avenue (MD 97) is in accordance with the master plan.
2. Full width dedication and construction of all interior public streets.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.

Ms. Molline Jackson
Preliminary Plan No. 120060330
December 17, 2014
Page 3

5. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
6. Revise the street section for Abbey Manor Terrace from “tertiary” to “secondary” residential street. Provide a typical section, including centerline stationing, for the section of the road adjacent to the three proposed houses immediately west of the proposed intersection with St. Albert Drive.
7. A Planning Board finding will be needed to allow the centerline radius on Abbey Manor Terrace to be reduced [from one hundred fifty (150) feet for a secondary residential street to one hundred (100) feet. Considering the limited number of residential units proposed on this plan, we support Planning Board approval of this request.
8. A Planning Board finding will be needed to allow the centerline radius on Abbey Manor Drive to be reduced [from one hundred fifty (150) feet for a secondary residential street. The applicant has proposed to construct this road using standard no. MC-2002.02 (“Secondary Residential Street, Parking on One Side Only”) to accommodate on-street parking. Considering the limited number of residential units proposed on this plan, we support Planning Board approval of this request and use of the proposed Design Standard.
9. Provide centerline stationing along all proposed roads on the plan.
10. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
11. Waiver from the Montgomery County Planning Board for proposed Lot 6 (on St. Albert Drive) on a private right of way.
12. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board’s approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
13. The owner will be required to submit a recorded covenant for the operation and

Ms. Molline Jackson
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Page 4

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.

14. Access and improvements along Georgia Avenue (MD 97) as required by the Maryland State Highway Administration.
15. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
16. If the proposed development will alter any existing 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.
17. 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.
18. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
19. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, enclosed storm drainage and appurtenances, and street trees along Abbey Manor Terrace as a modified closed section secondary residential street (standard no. MC-2002.02 modified) between its intersections with Abbey Manor Drive and Saint Albert Drive.
 - B. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, enclosed storm drainage and appurtenances, and street trees along Abbey Manor Drive as a

Ms. Molline Jackson
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Page 5

modified closed section secondary residential street (standard no. MC-2002.02 modified) between its intersections with Abbey Manor Terrace.

- C. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, enclosed storm drainage and appurtenances, and street trees along Saint Albert Drive as a closed section secondary residential street (standard no. MC-2002.01) WITH NO ON-STREET PARKING between its current northern terminus and its intersection with Abbey Manor Terrace.
- D. Remove the existing temporary turnarounds at the current termini of Abbey Manor Drive and Saint Albert Terrace. Restore the disturbed rights-of-way.

NOTE: the Public Utilities Easements are to be graded on a side slope not to exceed 4:1.

- E. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- F. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- G. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- H. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Ms. Molline Jackson
 Preliminary Plan No. 120060330
 December 17, 2014
 Page 6

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Rebecca Torma, our Development Review Senior Planning Specialist for this project at rebecca.torma@montgomerycountymd.gov or (240) 777-2118.

Sincerely,



Gregory M. Leck, Manager
 Development Review Team

M:\corres\FY15\Traffic\Active\120060330, Marian Fathers Property-MCDOT plan review ltr.doc

cc:	James Clifford	The Congregation of Marians
	Tom Natelli	The Congregation of Marians
	Karen Carpenter	Kim Engineering Inc.
	Ed Wallington	Kim Engineering, Inc.
	Jim Clifford	Clifford, Debelius, Bonifant, Fitzpatrick & Hyatt, Chtd.
	Scott Newill	MDSA AMD
	Michael Garcia	M-NCPPC Area 3
	Preliminary Plan folder	
	Preliminary Plan letters notebook	
cc-e:	Mark Etheridge	MCDOT WRM
	Atiq Panjshiri	MCDOT RWPR
	Sam Farhadi	MCDPS RWPR
	Fred Lees	MCDOT DTEO
	Mark Terry	MCDOT DTEO
	Bruce Mangum	MCDOT DTEO
	Kamal Hamud	MCDOT DTEO
	Rebecca Torma	MCDOT DTEO

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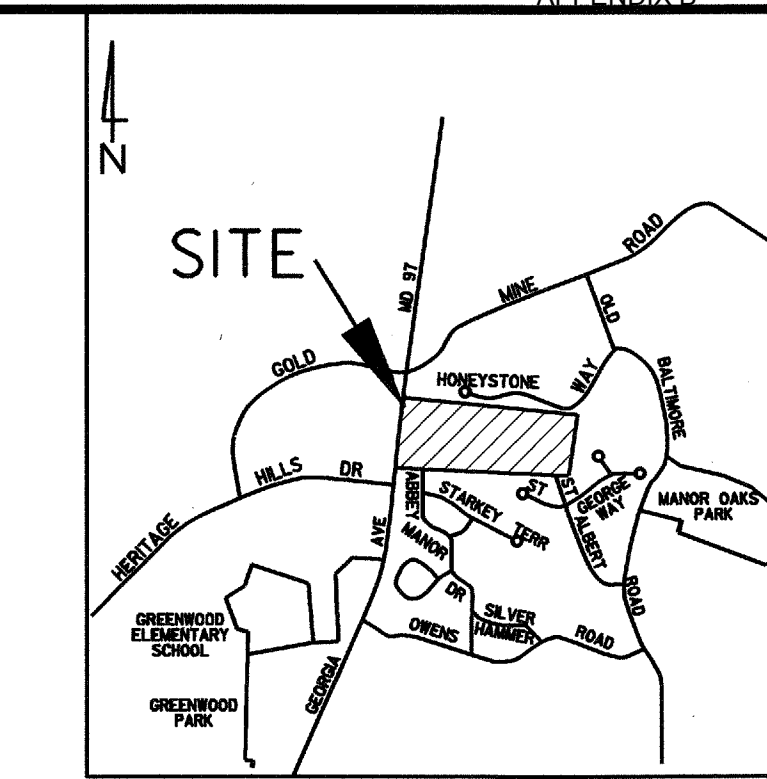
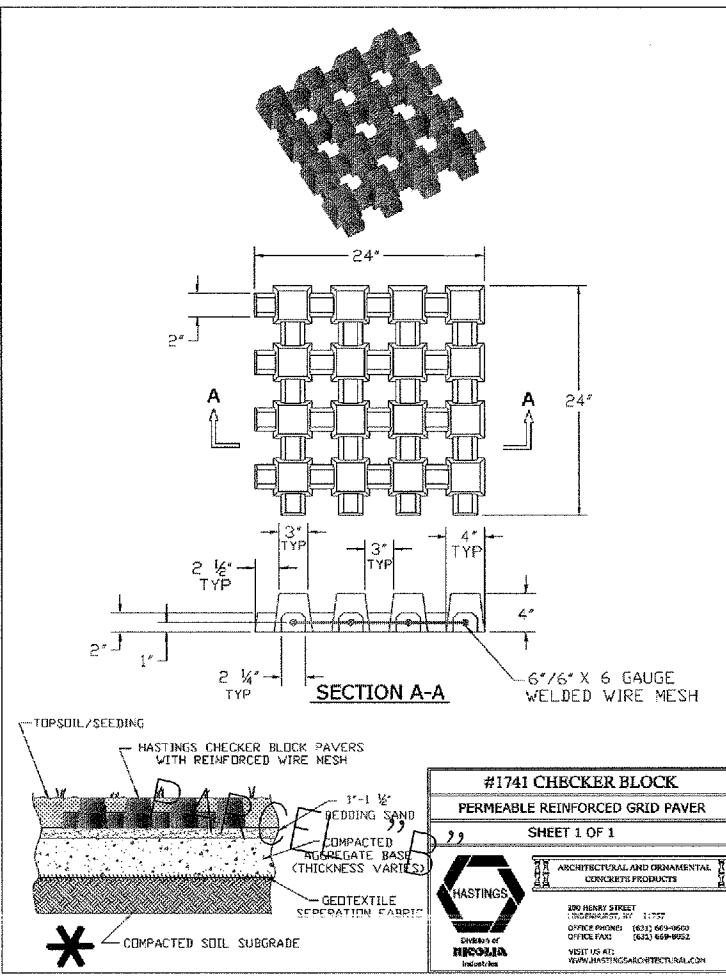
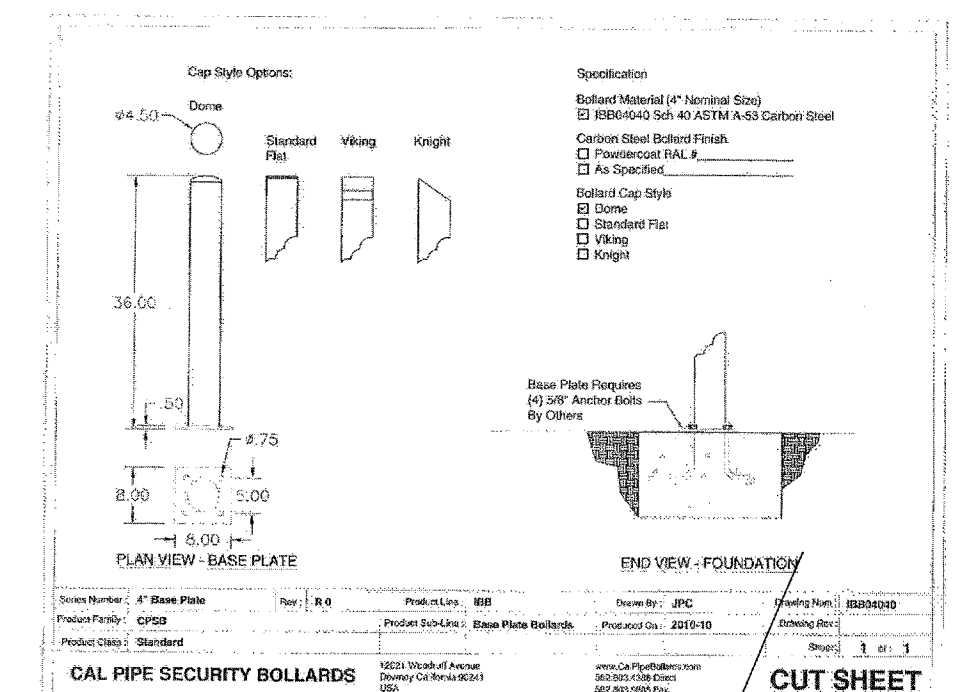
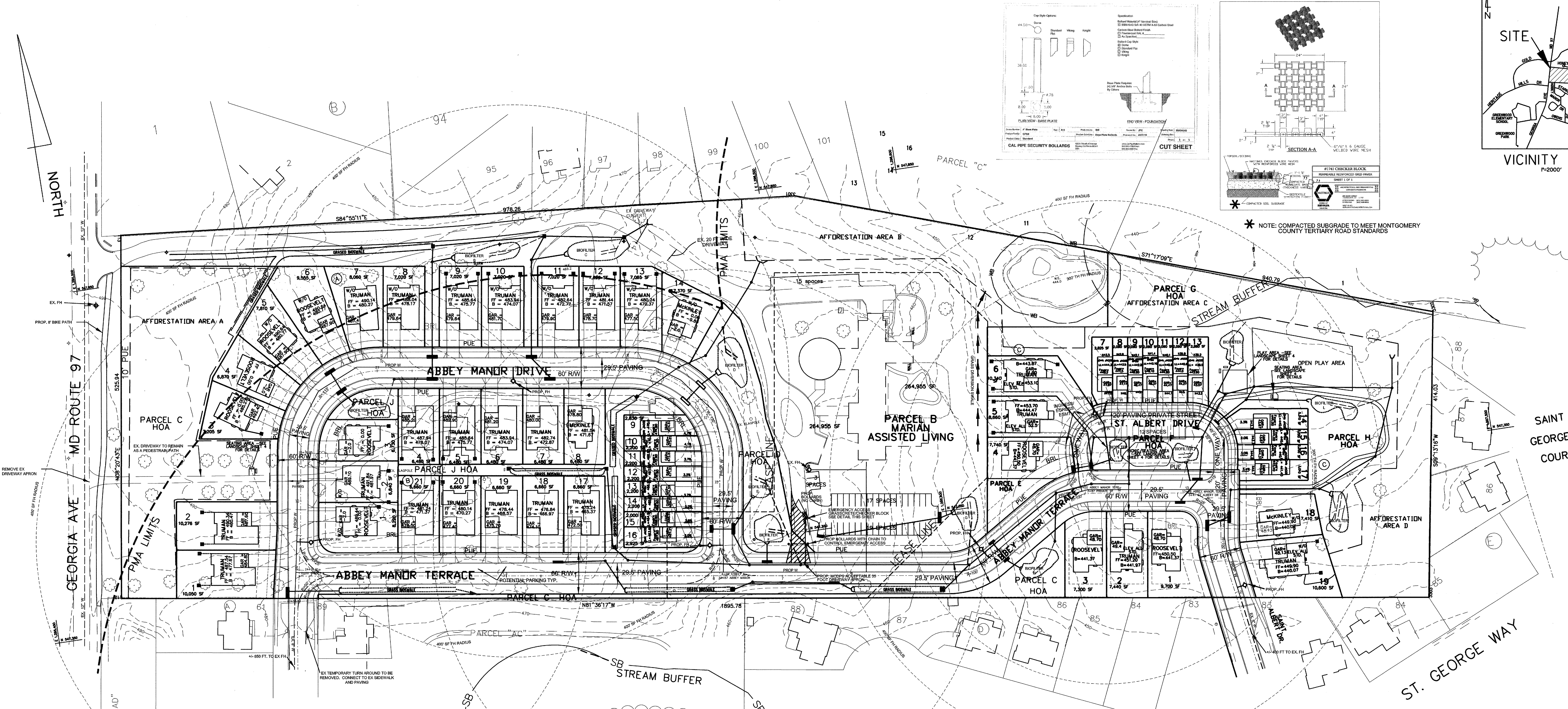
FIRE MARSHAL COMMENTS

DATE: 03-Apr-14
TO: Karen Carpenter - karencarpenter@kimengineering.
Kim Engineering
FROM: Marie LaBaw
RE: Marian Property
820090130

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **03-Apr-14** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** Alternative surface connection approved between Victory Housing and Abbey Manor Terrace *****



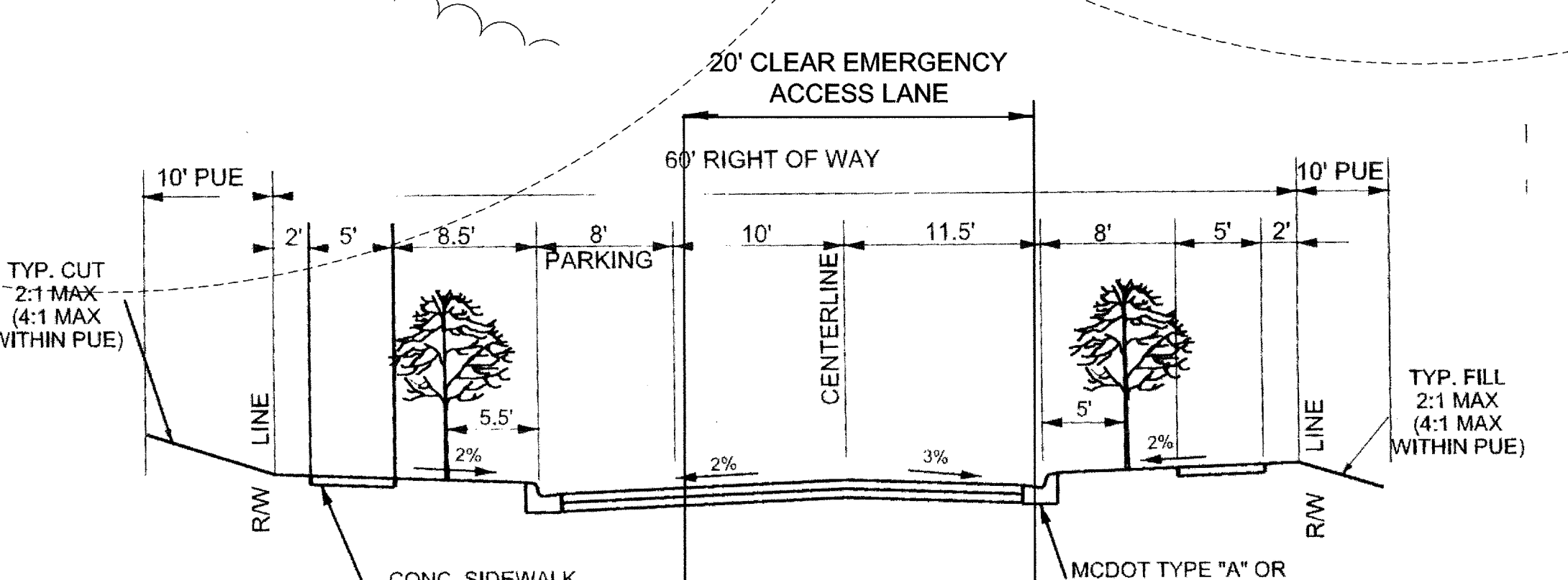
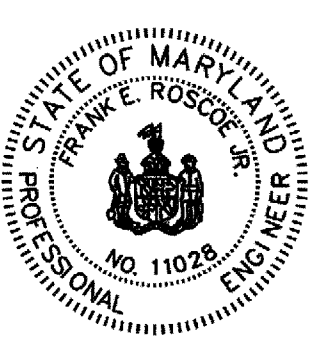
- GENERAL NOTES**
1. THE SUBJECT PROPERTY IS SHOWN AS PARCEL A ON TAX MAP HUBS. THE TOTAL SITE AREA IS 22.98 ACRES. THIS SITE IS SHOWN AS PARCEL A, MARIAN FATHERS HOVITIATE ON PLAT 7680, RECORDED IN FEBRUARY 1965.
 2. EXISTING ZONING IS RES2/TDR2.
 3. BOUNDARY INFORMATION IS FROM A BOUNDARY SURVEY PREPARED BY APEX ENGINEERING IN JUNE 2007.
 4. TOPOGRAPHIC INFORMATION IS FROM AN AERIAL TOPOGRAPHY SURVEY BY VIRGINIA RESOURCE MAPPING IN APRIL 2005. THE CONTOUR INTERVAL IS 2 FEET.
 5. WETLAND LIMITS ARE BASED ON A FIELD DELINEATION BY MCGARY AND ASSOCIATES IN MAY 2003 AND VERIFIED BY KLEBASCO ENVIRONMENTAL IN NOVEMBER 2012.
 6. THERE IS NO 100 YEAR FLOODPLAIN ON THIS SITE.
 7. THE EXISTING TREE LOCATIONS WITH A DBH OF 24" AND GREATER HAVE BEEN FIELD SURVEYED.
 8. ACCORDING TO THE LOCATIONAL ATLAS & INDEX OF HISTORICAL SITES IN MONTGOMERY COUNTY, THIS PROJECT HAS NO HISTORICAL USE OR SIGNIFICANCE.
 9. THE SITE IS WITHIN THE PATUXENT RIVER PRIMARY MANAGEMENT AREA. THE SITE IS WITHIN THE HAWKINS RIVER WATERSHED, WHICH IS A USE IV-IV P.
 10. CURRENT OWNER - THE CONGREGATION OF MARIANS OF THE IMMACULATE CONCEPTION OF THE B.V.M., INC.
 11. ALL INTERNAL ROADS EXCEPT FOR STREET B ARE PROPOSED TO BE PUBLIC.
 12. THERE IS NO EXISTING FOREST ON SITE. THE NRI/FSO WAS APPROVED ON OCT. 3, 2003 (M_NCPCC NO. 4-044099), AND WAS REAPPROVED IN DECEMBER 2012.
 13. PROJECT DATA TABLE

ZONING	RES2/TDR2
PROPOSED USE	35 SINGLE FAMILY DETACHED LOTS 19 SINGLE FAMILY ATTACHED LOTS
TOTAL	54 RESIDENTIAL LOTS
EXISTING VICTORY HOUSING (MARIAN FACILITY) TO REMAIN	1
 14. THIS PLAN IS NOT FOR CONSTRUCTION PURPOSES.
 15. ACCORDING TO MDCPS RECORDS, NO EXISTING WELLS OR SEPTIC FIELDS ARE ON OR WITHIN 100 FEET OF THIS PROPERTY.
 16. EXISTING WATER AND SEWER CATEGORIES ARE W-1 AND S-1 (PENDING). SEWER CATEGORY CHANGE PENDING PRELIMINARY PLAN APPROVAL.
 17. THIS PROJECT SHALL BE DEVELOPED IN ONE PHASE.
 18. PEPCO, COMCAST, VERIZON, WASHINGTON GAS, AND WSSC ARE THE PUBLIC UTILITY COMPANIES THAT WILL PROVIDE SERVICE TO THIS SITE.
 19. THE EXISTING BUILDING FOR THE MARIAN ASSISTED LIVING FACILITY (SPECIAL EXCEPTION CASE NO. S-2339) ON PROPOSED PARCEL B WILL REMAIN. ALL OTHER EXISTING BUILDINGS WILL BE REMOVED.
 20. THE MARIAN FACILITY IS PROPOSED TO CONNECT TO PUBLIC WATER AND SEWER IN STREET A RIGHT OF WAY.

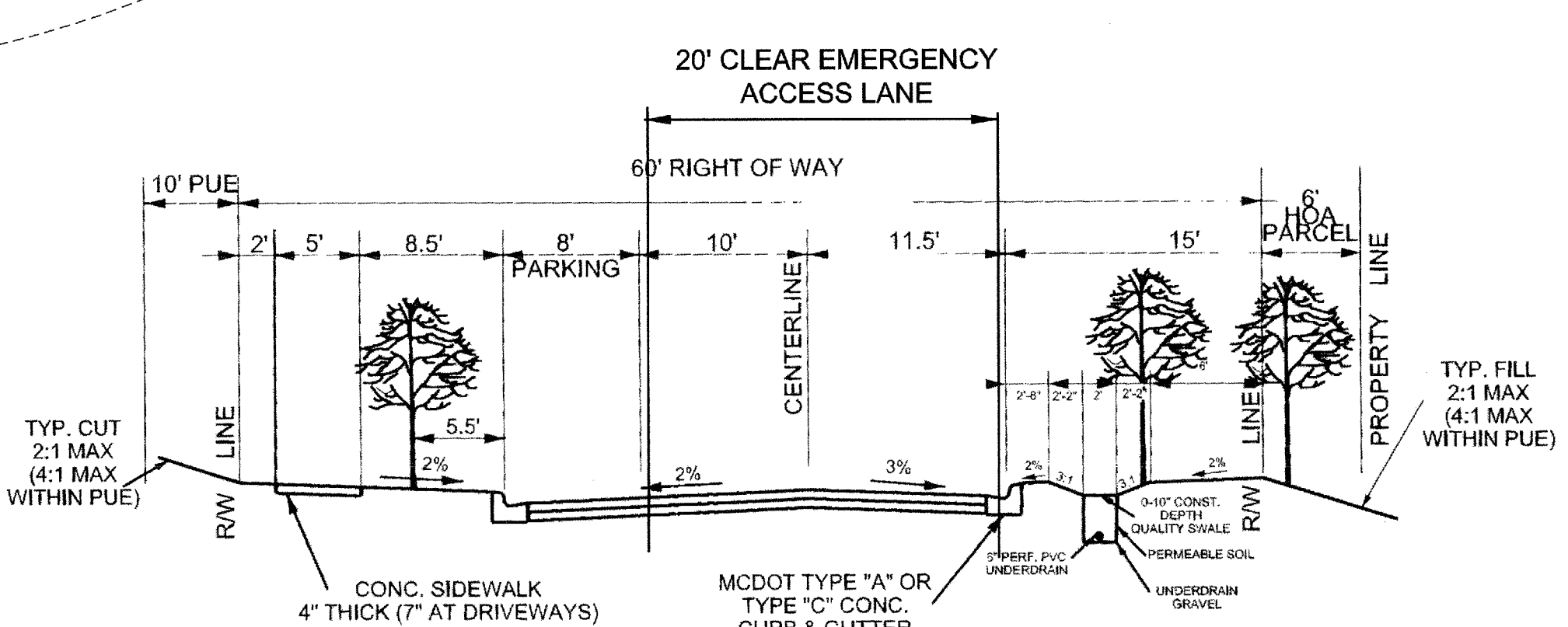
DEVELOPER
 NATELLI COMMUNITIES
 506 MAIN STREET
 3rd FLOOR
 GAITHERSBURG, MD 20878
 301-670-4020

OWNER
 CONGREGATION OF MARIANS OF THE
 IMMACULATE CONCEPTION OF THE B.V.M., INC.
 2 PROSPECT HILL ROAD
 STOCKBRIDGE, MA 01262
 ATTENTION: JAMES CLIFFORD
 301-840-2232

PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 11028, EXPIRATION DATE 7/27/2014.
 FRANK E. ROSCOE JR. DATE April 2, 2014



MODIFIED TERTIARY RESIDENTIAL STREET PARKING ON ONE SIDE
 ABBEY MANOR DRIVE & ST. ALBERT ROAD
 MODIFIED STANDARD No.: MC-2002.02



MODIFIED TERTIARY RESIDENTIAL STREET PARKING ON ONE SIDE WITH WATER QUALITY SWALE IN R/W STREET A
 MODIFIED STANDARD No.: MC-2002.02

FIRE CODE ENFORCEMENT
 Fire Department Access Review
 Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors, or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.
 4/1/14

PRINTED ON
 APR - 3 2014
 KIM ENGINEERING, INC

Kim Engineering, Inc.
 MBE/DBE/SWm
 19634 Club House Road, Suite 310
 Gaithersburg, Maryland 20886
 301-337-6734
 Silver Spring, MD - Baltimore, MD - Gaithersburg, MD - Fairfax, VA
 Civil Engineering - Land Surveying - Geotechnical Engineering - Structural Engineering

NO.	REVISION	BY	DATE
1			

DATE	MAR 2014
DESIGNED	KVC
TECHNICIAN	ECW
CHECKED	ECW

GRAPHIC SCALE 1"=60'	SCALE 1"=60'
WSSC GRID: 226NW03 TAX MAP:	JOB NO. 1002
1002ENG\PRELIM\PRELIM\EMERGENCY140224-Copy.dgn	75
PEN TABLE	X LEVEL SYMBOLLOGY

EMERGENCY ACCESS PLAN FOR PRELIMINARY PLAN & SITE PLAN

EMERGENCY ACCESS PLAN FOR PRELIMINARY PLAN & SITE PLAN MARIAN PROPERTY
 8 TH ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

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



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

December 17, 2014

RE: Montgomery County
MD 97 Mile Point (13.22)
Marian Fathers
SHA Tracking No. 13APMO038XX
County Site Plan No. 820090130
Traffic Impact Study

Mr. Michael Garcia
Area 3 Transportation Coordinator
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Garcia:

Thank you for the opportunity to review the updated Traffic Impact Study (TIS) prepared by Integrated Transportation Solutions, Inc., dated November 12, 2014, for the Marian Fathers residential/hotel development in Montgomery County, Maryland. The Maryland State Highway Administration (SHA) review is complete and we are pleased to respond.

The major assumptions and findings of the report are as follows:

- Access to the 35 single-family units and 19 townhouses is proposed via Abbey Manor Drive and St. Albert Drive (both County roads).
- The study analyzed the following intersections under existing, background and future conditions:
 - MD 97 intersection with Gold Mine Road
 - MD 97 intersection with Owens Road
 - MD 97 intersection with Prince Philip Drive/Queen Elizabeth Drive
- The report concludes that the study intersections will continue to operate at acceptable levels of service under future conditions.
- The report found that the Four Hour Vehicular Volume traffic signal warrant would be satisfied under future traffic conditions.

Based on the information provided, the SHA offers the following comments:

1. Acceptable intersection operations can be maintained under future traffic conditions without the need for mitigation.

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

Mr. Michael Garcia
 13APMO038XX
 Page No. 2
 December 17, 2014

2. The satisfaction of a traffic signal warrant or warrants shall not in itself require the installation of a traffic control signal. At this time, the SHA does not support signalization of the MD 97 intersection with Owens Road. This location should be monitored as regional development occurs to determine if/when prevailing traffic volumes should warrant signalization of the intersection.

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, an access permit will be required for all construction within the SHA right of way. Please submit seven (7) hard copies and one (1) electronic copy of the design plans and hydraulic computations. Please send the submittal package to the SHA Access Management Division addressed to Mr. Steven D. Foster to the attention of Mr. Jon Makhlouf. This plan submittal must include a signing and pavement marking plan. Please reference the SHA Tracking Number on future submissions. Unless specifically indicated in the SHA response on this report, the comments contained herewith do not supersede previous comments made on this development. If you have any questions regarding the plan review process, please contact Mr. Makhlouf at 410-545-5586 or jmakhlouf@sha.state.md.us. If you have questions or comments regarding the enclosed traffic review, please contact Mr. Eric Waltman at 410-545-5597 or ewaltman@sha.state.md.us.

Sincerely,


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

SDF/elw

cc: Mr. Matt Baker, SHA RIPD
 Ms. Samantha Biddle, SHA RIPD
 Ms. Karen Carpenter (kcarpenter@PetraEngineeringllc.com), Petra Engineering LLC
 Mr. Jim Clifford (Clifford@debelius.com), Congregation of Marians
 Ms. Rola Daher, SHA DSED
 Ms. Mary Deitz, SHA RIPD
 Mr. Bob French, SHA CPD
 Mr. Craig Hedberg, Integrated Transportation Solutions, Inc.
 Mr. Greg Leck, MCDOT
 Mr. Subrat Mahapatra, SHA DSED
 Mr. Jon Makhlouf, SHA AMD
 Mr. Mark McKenzie, SHA AMD
 Ms. Anyesha Mookherjee, SHA District 3
 Mr. Scott Newill, SHA AMD
 Mr. Johnson Owusu-Amoako, SHA CPD
 Mr. Saed Rahwanji, SHA TDSD
 Ms. Erica Rigby, SHA AMD
 Mr. Steve Rochon, SHA TDSD
 Ms. Tina Saxon, SHA RIPD
 Ms. Lisa Shemer, SHA DSED
 Mr. Errol Stoute, SHA TDSD
 Mr. Eric Waltman, SHA AMD



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

September 9, 2014

Mr. Ed Wallington
Kim Engineering, Inc.
19634 Club House Road, Suite 310
Gaithersburg, Maryland 20886

Re: Stormwater Management **CONCEPT** Request
for Marian Property
Preliminary Plan #: 120060330
SM File #: 220579
Tract Size/Zone: 22.98 Ac. / RE-2/TDR
Total Concept Area: 16.71 Ac.
Parcel: N500
Watershed: Hawlings River

Dear Mr. Wallington:

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 various ESD practices such as micro-bioretenion, bio-swales, drywells and disconnection of impervious surfaces.

The following **items** will need to be addressed **during** 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. The existing onsite pond to remain must be breached or retrofitted to meet current MD378 standards. It is our understanding per your conversation with my staff that the pond will be breached and utilized as an afforestation area.
5. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

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

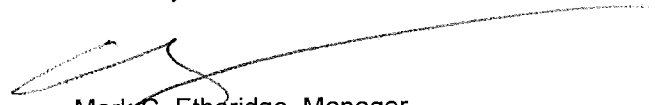
Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

Mr. Ed Wallington
September 9, 2014
Page 2

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 Mike Geier at 240-777-6342.

Sincerely,



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

MCE: me CN220579 Marian Property.mjg.doc

cc: C. Conlon
SM File # 220579

ESD Acres:	16
STRUCTURAL Acres:	0
WAIVED Acres:	0

November 26, 2014

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

RE: Marian Father, DAIC 120060330, NRI/FSD application accepted on 5/27/2009

Dear Mr. Anderson:

Based on a review by the Montgomery Planning Department, the application for the above referenced request is required to comply with Chapter 22A of the Montgomery County Code. As stated in a letter to Royce Hanson from Bob Hoyt, dated October 27, 2009, the County Attorney's Office has advised me that the specific provisions pertaining to certain trees in the Maryland Forest Conservation Act, and therefore any subsequent changes to the County Code based on those provisions, do not apply to any application that was submitted before October 1, 2009. Since this application was submitted before this date, I will not provide a recommendation pertaining to the approval of this request for a variance.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Miller", written in a cursive style.

Laura Miller
County Arborist

cc: Mary Jo Kishter, Senior Planner

**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-2339

PETITION OF MARIAN ASSISTED LIVING, INC.

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution Adopted October 8, 2014)

(Effective Date of Resolution: November 7, 2014)

Case No. S-2339 is a special exception that the Board of Appeals granted to Marian Assisted Living, Inc., under Section 59-G-2.37 (Nursing and Domiciliary Care Home) of the Zoning Ordinance, effective September 25, 1998, to permit the development and operation of a domiciliary care home for up to 44 frail elderly residents. The Board has granted one administrative modification of the special exception, effective September 9, 2011.

The subject property is N-500 (Parcel A), Tax Map HU61, located at 19101 Georgia Avenue, Congregation of Marian Fathers of Immaculate Conception, Brookeville, Maryland, in the RE-2/TDR Zone.

The Board of Appeals has received correspondence, dated June 26, 2014 and September 24, 2014, from James R. Clifford, Esquire, on behalf of the Congregation of Marian Fathers of Immaculate Conception and on behalf of Marian Assisted Living, Inc. Mr. Clifford requests administrative modification of the special exception to reflect a change in the leased area where the special exception is located. Mr. Clifford explains that "The Special Exception Parcel will become a subdivided lot under a new subdivision plan" being submitted by the Marian Fathers. He further explains that "the leased area has increased in size and the parking has been relocated in order to accommodate storm water management...The Special Exception area also now includes the ingress/egress Private Drive for the existing Victory Housing facility to ensure that it is separate from the proposed subdivision." Mr. Clifford submits drawings and a legal description of the subject property. He states that "There will be no change in use or size of the facility itself."

The Board of Appeals considered the modification request at its Worksession on October 8, 2014. Section 59-G-1.3(c)(1) of the Montgomery

County Zoning Ordinance provides, pertaining to modification of special exceptions:

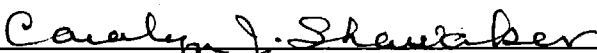
If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the Board, without convening a public hearing to consider the proposed change, may modify the term or condition.

The Board finds that the change in area of the subject property will not change its operations or outward impact in any way and therefore will not substantially change the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood. Therefore, on a motion by Stanley B. Boyd, seconded by John H. Pentecost, with Edwin S. Rosado and Carolyn J. Shawaker, Vice-Chair, in agreement, and David K. Perdue, Chair, necessarily absent:

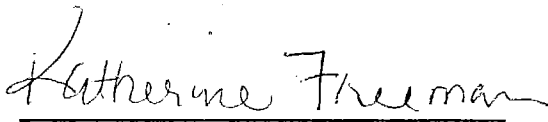
BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-2339 is re-opened to receive James Clifford's letters dated June 26, 2014 and September 24, 2014, with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception is granted; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that all terms and conditions of the original special exception, together with any modifications granted by the Board of Appeals, remain in effect.


 Carolyn J. Shawaker
 Vice-Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
 of the Board of Appeals for
 Montgomery County, Maryland
 This 7th day of November, 2014.


 Katherine Freeman
 Executive Director

NOTE:

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision and conduct a public hearing to consider the action taken.

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.

**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-2339

PETITION OF MARIAN ASSISTED LIVING, INC.

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution Adopted July 13, 2011)

(Effective Date of Resolution: September 9, 2011)

The Board of Appeals has received a letter, dated June 27, 2011, from Jody S. Kline, Esquire, on behalf of Marian Assisted Living, Inc. Mr. Kline requests administrative modification of the special exception to allow the following changes to the special exception approved by the Board on September 25, 1998:

1. Enclose an existing open steel staircase on the southeastern wing of the existing building;
2. Enlarge and lower the existing window opening on the east elevation of the existing building to meet egress requirements;
3. Add one additional residential unit, resulting in a total of 41 residential and two staff apartments

Mr. Kline encloses a site plan and elevations in support of the request.

The Board of Appeals considered the modification request at its Worksession on July 13, 2011. Jody Kline, Esquire and Jeff Blackwell of Marian Assisted Living appeared at the Worksession. In response to a Board question, Mr. Blackwell stated that the request to add one unit will utilize unused space, and will result in a total of 41 residential units plus two staff apartments.

Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance provides, pertaining to modification of special exceptions:

If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the Board,

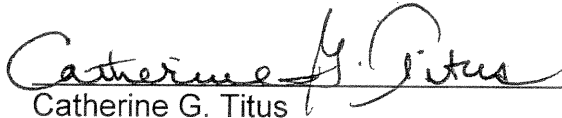
without convening a public hearing to consider the proposed change, may modify the term or condition.

The Board finds that the changes requested will have little if any outward impact, and will not substantially change the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood. Therefore, on a motion by Carolyn J. Shawaker, seconded by Stanley B. Boyd, with David K. Perdue, Vice-Chair, and Catherine G. Titus, Chair, in agreement, and Walter S. Booth necessarily absent:

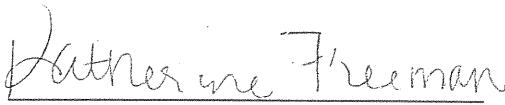
BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-2339, Petition of Marian Assisted Living, Inc., is re-opened to receive Jody Kline's letter of June 27, 2011, with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception is granted; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that all terms and conditions of the original special exception, together with any modifications granted by the Board of Appeals, remain in effect.


Catherine G. Titus
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
This 9th day of September, 2011.


Katherine Freeman
Executive Director

NOTE:

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the

Board shall suspend its decision and conduct a public hearing to consider the action taken.

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.

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(301) 217-6600

Case No. S-2339

PETITION OF MARIAN ASSISTED LIVING, INC.
(Hearing held July 1, 1998)

OPINION OF THE BOARD
(Effective Date of Opinion: September 25, 1998)

Case No. S-2339 is the application filed for a special exception pursuant to Section 59-G-2.37 (Nursing and Domiciliary Care Home) of the Zoning Ordinance to permit the development and operation of a domiciliary care home for up to 44 frail elderly residents.

The subject property is N-500 (Parcel A), Tax Map HU61, located at 19101 Georgia Avenue, Congregation of Marian Fathers of Immaculate Conception, Brookeville, Maryland, in the RE-2/TDR Zone.

Decision of the Board: Special Exception GRANTED subject to conditions enumerated herein.

Jody S. Kline, Esquire, represented the petitioner, Marian Assisted Living, Inc. He called several witnesses in support of the project, including James Brown, Executive Director of Marian Assisted Living; Brian McCarthy, qualified as an expert in architecture; and Douglas Lohmeyer, qualified as an expert in civil engineering. No one testified in opposition to the special exception proposal.

PETITIONER'S CASE

Testimony indicated that the subject property is located in the RE-2/TDR Zone on approximately 3.3 acres of land on the east side of Georgia Avenue, just south of its intersection with Gold Mine Road. The subject property is part of a larger tract belonging to the congregation of Marian Fathers of Immaculate Conception of B.V.M., St. Stanislaus Kostka Province, which is leasing a portion of its 23-acre parcel to Marian Assisted Living, Inc. The leased portion slopes gently downward from west to east, and is currently improved by a building previously used as a novitiate, which Marian Assisted Living, Inc. will renovate for use as an assisted living facility. The footprint of the existing building will be retained, except for the addition of exterior stairs and a decrease in the size of the current entry/office wing. The Marian Fathers Order will continue to own the property and will reside in other improvements elsewhere on the 23-acre parcel. The Fathers will have the right to use the chapel that is part of the improvements subject to this special exception, and some of their older members will be eligible to reside in the proposed domiciliary care facility.

Marian Assisted Living, Inc., operator of the care home, is the non-profit housing arm of the Archdiocese of Washington and manages several other existing and planned assisted living facilities in Montgomery and Prince George's Counties. It has as its goal the provision of affordable housing for the elderly of all faiths.

The proposal is for an assisted living facility that will include forty (40) rooms for up to forty-four (44) elderly residents as well as two staff apartments. The main level will include common living areas, administrative offices, and a commercial kitchen as well as eight resident rooms and two staff apartments. An existing chapel is attached to the building on the main level. The lower level of the building will include ten resident rooms, a staff apartment, laundry facilities, an assisted bathing room, a

salon, a common living/dining area and chapel for use of residents who are retired priests from the Marian Order, and storage and mechanical spaces. From the lower level, residents will have access to a walking path on the grounds. The second floor will contain twenty-two resident rooms, a sitting room, an assisted bathing room, and a laundry room.

The facility will contain all the amenities and services that the frail elderly might need in order to make their lives comfortable and complete. Staff members will prepare and serve meals and provide laundry and housekeeping services. They will be on duty within the facility at all times to assist with daily activities such as bathing, dressing and grooming. It is anticipated that a maximum of ten staff persons will be on duty during the core hours of the day, while six employees will be typical during non-core hours. Volunteers will periodically work at the facility, and visiting hours will be from 9:00 a.m. to 9:00 p.m. daily.

The neighborhood consists primarily of subdivisions of single-family homes, and there are no special exception uses in the immediate area. Because the proposed use entails the conversion of an existing building and practically no clearing of trees, the use qualifies for an exemption from forest conservation requirements. A waiver of storm water quality and quantity control requirements has also been granted.

According to witnesses, the proposed development will not adversely impact surrounding area traffic conditions because the impact of automobile traffic associated with the proposed facility will be negligible. No trips will be generated by the frail elderly residents because they will not drive. Therefore, the only traffic generated by the facility will be from staff, volunteers, visitors, and service visits. Only the northern driveway will be used to access the special exception site, and it will connect to other driveways on the parcel. Although only fifty-four (54) parking spaces are required, sixty-five (65) parking spaces will be provided, including four handicapped spaces.

FINDINGS OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The Planning Board's Technical Staff recommended approval with conditions (Exhibit No. 13). The application was not presented to the Planning Board for review and comment.

POST HEARING REQUEST

After its July 1, 1998, public hearing on this application, and before issuance of its final opinion, the Board of Appeals received a request from the applicant to re-open the record and make two amendments: (1) to change the name of the special exception holder from Victory Housing, Inc. to Marian Assisted Living, Inc., and (2) to note in the record that the chapel which is part of the complex will be accessible to members of the Marian Fathers Order, who live elsewhere on the surrounding property, and will be open to the public. The Board unanimously agreed to the requested amendments at its worksession on August 11, 1998.

FINDINGS OF THE BOARD

Based on the testimony and exhibits of record, the Board finds that the petition satisfies all the requirements for Nursing and Care Homes found in Section 59-G-2.37 of the Zoning Ordinance and the general requirements for special exceptions contained in Section 59-G-1.21 of the Ordinance.

In reaching its findings, the Board found that the use is permitted in the zone; complies with the requirements and standards set forth in Section 59-G-2.37; and is a use consistent with the Olney Master Plan.

Accordingly, the Board grants the requested special exception for a domiciliary care home for up to 44 frail elderly residents, subject to the following conditions:

1. The special exception holder is bound by all of its testimony and exhibits of record, the testimony of its witnesses and representations of its attorneys, to the extent that such evidence and representations are identified in this Opinion and except as altered by compliance with the following conditions.
2. The special exception holder is bound by all submitted statements and plans.
3. Construction must be in accordance with plans entered into the record as Exhibit No. 5(b).
4. The holder of the special exception must comply with the Maryland State Highway Administration (SHA) requirements regarding access.
5. The holder of the special exception must submit and obtain approval of a parking facilities plan by the Department of Permitting Services.
6. The holder of the special exception must submit a landscape and lighting plan to Technical Staff at M-NCPPC for review and approval. One copy of the approved plan must be submitted to the Zoning Supervisor at the Department of Permitting Services. One copy must be submitted to the Board for its records. All material must be installed according to plan and maintained and replaced as necessary.
7. The holder of the special exception must obtain review and confirmation by the Montgomery County Department of Environmental Protection (DEP) Watershed Management Section that the proposal is consistent with the comprehensive 10-Year Water Supply and Sewerage Systems Plan.

The Board adopted the following Resolution:

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

On a motion by Wendell M. Holloway, seconded by Angelo M. Caputo, with Donna L. Barron, and Susan W. Turnbull, Chair, in agreement, the Board adopted the foregoing Resolution. Louise L. Mayer was necessarily absent and did not vote in the foregoing Resolution.

I do hereby certify that the foregoing Opinion was officially entered in the Opinion book of the County Board of Appeals this 25th day of September, 1998.



Katherine Freeman
Acting Executive Secretary to the Board

Note: See Section 59-A-4.53 of the Zoning Ordinance for information regarding the twenty-four-month period within which the right granted by the Board for a special exception must be exercised.

See Section 59-A-3.2 of the Zoning Ordinance regarding Use and Occupancy Permit for a Special Exception.

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.

See the Board's Rules of Procedure for information about the process for requesting reconsideration.

Barbara Falcigno
President
OLNEY OAKS

November 23, 2013

John Webster
Executive Vice President
MANOR OAKS

Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 10920

Howard Greif
First Vice President
NORBECK GROVE

Kathy Curtis
Second Vice President
LAKE HALLOWELL

Mark Hill
Recording Secretary
CAMELBACK VILLAGE

Greg Intoccia
Corresponding Secretary
ASHLEY HOLLOW

Ruth Laughner
Treasurer
WILLIAMSBURG VILLAGE

Dear Chairman Carrier,

Natelli Communities presented a plan to develop the Marian Fathers property on Georgia Avenue adjacent to Manor Oaks in Brookeville at the October GOCA meeting, and in November the GOCA Representatives overwhelmingly passed the following motion:

Whereas Marian Fathers will develop their property; whereas Abbey Manor Drive is currently a quiet dead end street; whereas recreational facilities within Manor Oaks are there to serve Manor Oak residents, GOCA moves to request the Planning Board give the Manor Oaks Concerns List due consideration during the plan review process.

A main concern is the access to this development. Manor Oaks believes there should be direct access to Georgia Ave to mitigate any additional load on Abbey Manor Drive and the Owens Road intersection with Georgia. All construction traffic should enter from Georgia Ave, and construction access to the St Albert side of the site needs to be through the current parking lot (instead of using St Albert Drive in Manor Oaks for construction traffic). The asphalt walking path at the northern edge of Manor Oaks should be extended to Gold Mine Road.

Another major concern is parking. There needs to be additional parking for the townhome residents so guest parking does not overflow into Manor Oaks. The new development's HOA documents should stipulate that garages are to be used for cars only so that residents have sufficient on street parking.

Other concerns include landscape buffering between the two communities as well as architectural and quality consistent with the existing Manor Oaks homes. The new community also needs to include recreational facilities in order to discourage use of Manor Oaks Tot Lots and other facilities.

Sincerely,

Barbara Falcigno

Barbara Falcigno
President, Greater Olney Civic Association

Cc: Fred Boyd, Moline Smith, Tom Natelli (President, Natelli Communities)



The Management Group
Associates, Inc.

A FULL SERVICE PROFESSIONAL PROPERTY MANAGEMENT COMPANY

December 1, 2014

Natelli Communities
Attn: Thomas Natelli, CEO
506 Main Street
Gaithersburg, MD 20878

Dear Mr. Natelli:

In connection with the development of the Marian Fathers property, located adjacent to the Manor Oaks Community, you have notified us that development of the Marian Fathers property will require the removal of one tree located along the common property line between the Marian property and common area owned by Manor Oaks. The location of the tree is identified by the letter "D" on the attached Preliminary and Final Forest Conservation Plan for the Marian property. The plan also identifies the general location on which you will be required to plant a minimum of 5 new trees on Manor Oaks' property in order to compensate for the lost tree, all in accordance with the approved Forest Conservation Plan.

Kindly be advised that the Manor Oaks Neighborhood Association is in agreement with these requirements and hereby grants permission to Natelli Communities, its successors, assigns and contractors, to enter Manor Oaks property as reasonably necessary to carry out the requirements of the Preliminary and Final Forest Conservation Plan with respect to removing the tree and planting 5 new trees in the location generally depicted on the attached plan. Manor Oaks Neighborhood Association, LLC assumes no liability whatsoever for any actions taken in connection with this grant of permission.

Please contact our property manager, Ravi Parkhie, (rparkhie@tmgainc.com, 301-948-6666) when you are ready to commence the work, so he is aware of your planned schedule and completion date.

Sincerely,

John Webster, President
Manor Oaks Neighborhood Association, Inc.

Enclosure(s)

Please note that TMGA may be deemed a debt collector. Any information obtained from communication with our office may be used for that purpose.

20440 Century Boulevard • Suite 100 • Germantown, Maryland 20874
(301) 948-6666 • 1-800-536-TMGA (8642) • FAX (301) 948-6663
E-Mail: tmgainc@tmgainc.com / www.themgmtgroup.com

MEMBER OF
community

AFFORESTATION PLANT LIST FOR AREA 'A'		
1.75 AC X 100 FT = 175,000 SQ. FT. 600 TREES REQUIRED		
DECIDUOUS SHADE TREES		
SCIENTIFIC NAME	COMMON NAME	QUANTITY
LIRIODENDRON TULIPIFERA	FLORID YEW	2
FAGUS GRANDIFOLIA	AMERICAN BEECH	2
QUERCUS RUBRA	NORTHERN RED OAK	4
ALICE ROBERTSON	RED BAY	5
EVERGREEN TREES		
SCIENTIFIC NAME	COMMON NAME	QUANTITY
LEX SPALTA PHEAULI	AMERICAN HOLLY	2
LEX SPALTA MALE	AMERICAN HOLLY	2
TOTAL TREES = 18		

AFFORESTATION PLANT LIST FOR AREA 'B'		
1.75 AC X 100 FT = 175,000 SQ. FT. 600 TREES REQUIRED		
DECIDUOUS SHADE TREES		
SCIENTIFIC NAME	COMMON NAME	QUANTITY
ALICE ROBERTSON	RED BAY	15
LIRIODENDRON TULIPIFERA	FLORID YEW	15
NYCTAGIA SYLVATICA	BLACK LOCUST	15
QUERCUS PAUNIFLORA	PIN OAK	9
QUERCUS VELUTINA	BLACK OAK	9
EVERGREEN TREES		
SCIENTIFIC NAME	COMMON NAME	QUANTITY
LEX SPALTA	AMERICAN HOLLY	15
PRINUS STROBUS	WHITE PINE	15
TOTAL TREES = 78		

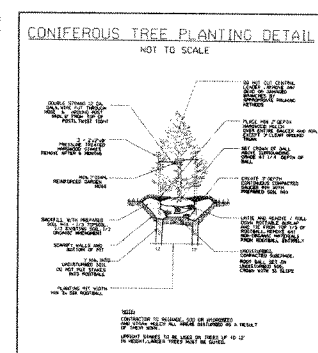
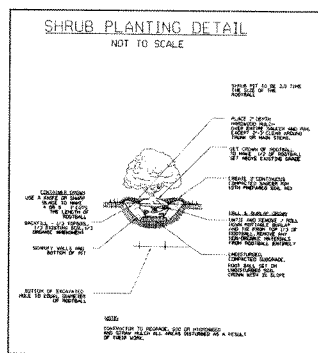
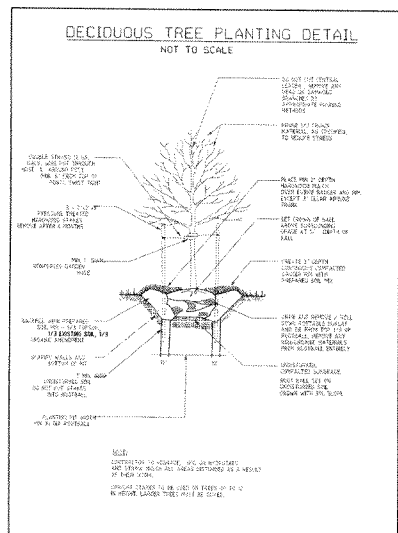
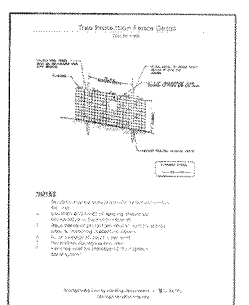
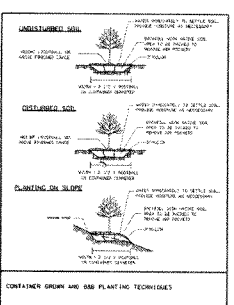
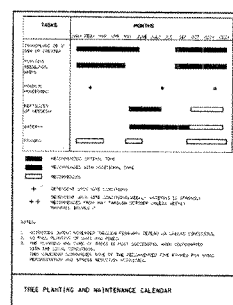
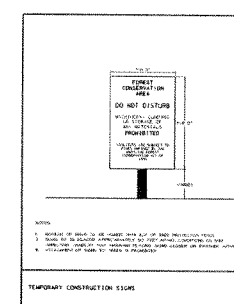
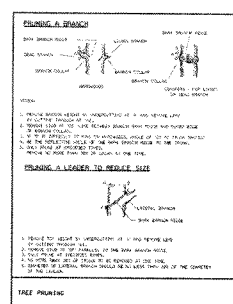
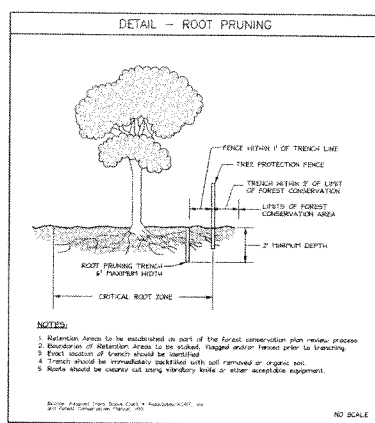
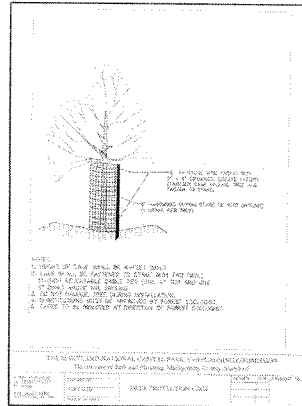
AFFORESTATION PLANT LIST FOR AREA 'C'		
1.75 AC X 100 FT = 175,000 SQ. FT. 600 TREES REQUIRED		
DECIDUOUS SHADE TREES		
SCIENTIFIC NAME	COMMON NAME	QUANTITY
ALICE ROBERTSON	RED BAY	30
BETULA NERPA	SWAMP BIRCH	30
CLADOSTIS KENTUCKIA	AMERICAN YELLOWWOOD	30
NYCTAGIA SYLVATICA	BLACK LOCUST	30
PLATANUS OCCIDENTALIS	SWAMP PLUM	30
QUERCUS PRINCEPS	SWAMP OAK	30
QUERCUS PHLOEAS	YELLOW OAK	30
DECIDUOUS UNDERSTORY TREES		
SCIENTIFIC NAME	COMMON NAME	QUANTITY
ALICE ROBERTSON	RED BAY	30
AMPHICARPUS ALBO	ALLEGANY STRAWBERRY	30
TRILLIS LINDLEIGHII	EASTERN WINDSOR	30
PARANELIS VIRGINIANA	SWITZTRAIL	30
MAHONIA VIRGINIANA	SWITZTRAIL MAHONIA	30
EVERGREEN TREES		
SCIENTIFIC NAME	COMMON NAME	QUANTITY
LEX SPALTA	AMERICAN HOLLY	30
PRINUS STROBUS	EASTERN WHITE PINE	30
THUJA OCCIDENTALIS NIGRA	DARK AMERICAN ARBORVITAE	30
TOTAL TREES = 210		

AFFORESTATION PLANT LIST FOR AREA 'D'		
1.75 AC X 100 FT = 175,000 SQ. FT. 600 TREES REQUIRED		
DECIDUOUS SHADE TREES		
SCIENTIFIC NAME	COMMON NAME	QUANTITY
ALICE ROBERTSON	RED BAY	27
DIPTERIS VIRGINIANA	AMERICAN YEW	27
LIRIODENDRON TULIPIFERA	SWEETGUM	27
PLATANUS OCCIDENTALIS	SWAMP PLUM	27
QUERCUS PALustris	PIN OAK	27
QUERCUS ALBA	WHITE OAK	27
DECIDUOUS UNDERSTORY TREES		
SCIENTIFIC NAME	COMMON NAME	QUANTITY
ALICE ROBERTSON	RED BAY	27
AMPHICARPUS ALBO	ALLEGANY STRAWBERRY	27
TRILLIS LINDLEIGHII	EASTERN WINDSOR	27
PARANELIS VIRGINIANA	SWITZTRAIL	27
MAHONIA VIRGINIANA	SWITZTRAIL MAHONIA	27
EVERGREEN TREES		
SCIENTIFIC NAME	COMMON NAME	QUANTITY
LEX SPALTA	AMERICAN HOLLY	27
PRINUS STROBUS	EASTERN WHITE PINE	27
THUJA OCCIDENTALIS NIGRA	DARK AMERICAN ARBORVITAE	27
TOTAL TREES = 270		

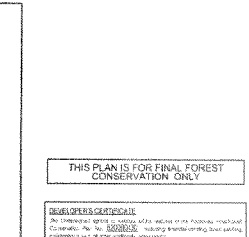
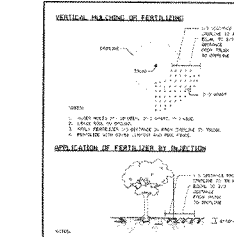
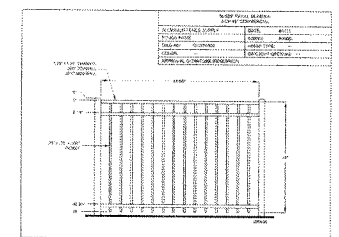
AFFORESTATION PLANT LIST FOR AREA 'E'		
1.75 AC X 100 FT = 175,000 SQ. FT. 600 TREES REQUIRED		
DECIDUOUS SHADE TREES		
SCIENTIFIC NAME	COMMON NAME	QUANTITY
ALICE ROBERTSON	RED BAY	27
DIPTERIS VIRGINIANA	AMERICAN YEW	27
LIRIODENDRON TULIPIFERA	SWEETGUM	27
PLATANUS OCCIDENTALIS	SWAMP PLUM	27
QUERCUS PALustris	PIN OAK	27
QUERCUS ALBA	WHITE OAK	27
DECIDUOUS UNDERSTORY TREES		
SCIENTIFIC NAME	COMMON NAME	QUANTITY
ALICE ROBERTSON	RED BAY	27
AMPHICARPUS ALBO	ALLEGANY STRAWBERRY	27
TRILLIS LINDLEIGHII	EASTERN WINDSOR	27
PARANELIS VIRGINIANA	SWITZTRAIL	27
MAHONIA VIRGINIANA	SWITZTRAIL MAHONIA	27
EVERGREEN TREES		
SCIENTIFIC NAME	COMMON NAME	QUANTITY
LEX SPALTA	AMERICAN HOLLY	27
PRINUS STROBUS	EASTERN WHITE PINE	27
THUJA OCCIDENTALIS NIGRA	DARK AMERICAN ARBORVITAE	27
TOTAL TREES = 270		

GENERAL NOTES

- The subject property is shown as Parcel N500 on Montgomery County Tax Map HU-61. The subject site consists of 22.98 acres. The site is zoned RE2/TDR2.
- Boundary information shown is from a boundary survey prepared by Apex Engineering in June 2007.
- Topography is at a 2' contour interval and is from aerial topography survey by Virginia Resource Mapping in April 2003.
- Limits of the Wetlands were field delineated by McCarthy and Associates, Inc. in May 2003 and verified in Nov. 2012.
- There is no 100 year floodplain on this site.
- This site is within the Patuxent River Primary Management Area. The site is located in the Hawlings River Watershed, which is a use IV/IVP.
- Existing trees with a dbh of 30 inch or greater have been field surveyed.
- All forest planting areas will be protected in a Category I Conservation Easement, except for Areas A and B and the Tree Save Area, which will be protected by a Category II Conservation Easement.



Stress Reduction Narrative:
 The Critical Root Zone of the significant trees that are being saved within the construction area will be physically protected by tree save fences. Root pruning, crown reduction, watering, fertilizing and mulching for each tree will possibly be needed. During the Preconstruction Meeting these measures will be discussed and it will be determined what will be necessary for the individual trees. The details on this sheet explain exactly how to implement these techniques.



Kim Engineering, Inc.
 MBE/DBE/Small
 19634 Child House Road, Suite 310
 Gaithersburg, Maryland 20886
 301-327-6734
 Silver Spring, MD • Baltimore, MD • Gaithersburg, MD • Fairfax, VA
 Civil Engineering • Land Surveying • Geotechnical Engineering • Structural Engineering

NO.	REVISION	BY	DATE
			APRIL 2014

DATE: APRIL 2014
 SCALE: NOT TO SCALE
 DESIGNED: KVC
 CHECKED: ECW
 WSSG GRID: 228N/03
 TAX MAP HU 61
 1002ENGINEAFFCPR.PPC_SHT04
 PEN TABLE
 X LEVEL SYMBOLLOGY

SCALE: NOT TO SCALE
 JOB NO.: 1002

PRELIMINARY and FINAL FOREST CONSERVATION PLAN

PRELIMINARY and FINAL FOREST CONSERVATION PLAN MARIAN PROPERTY
 8 TH ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND

SHEET 4 OF 4

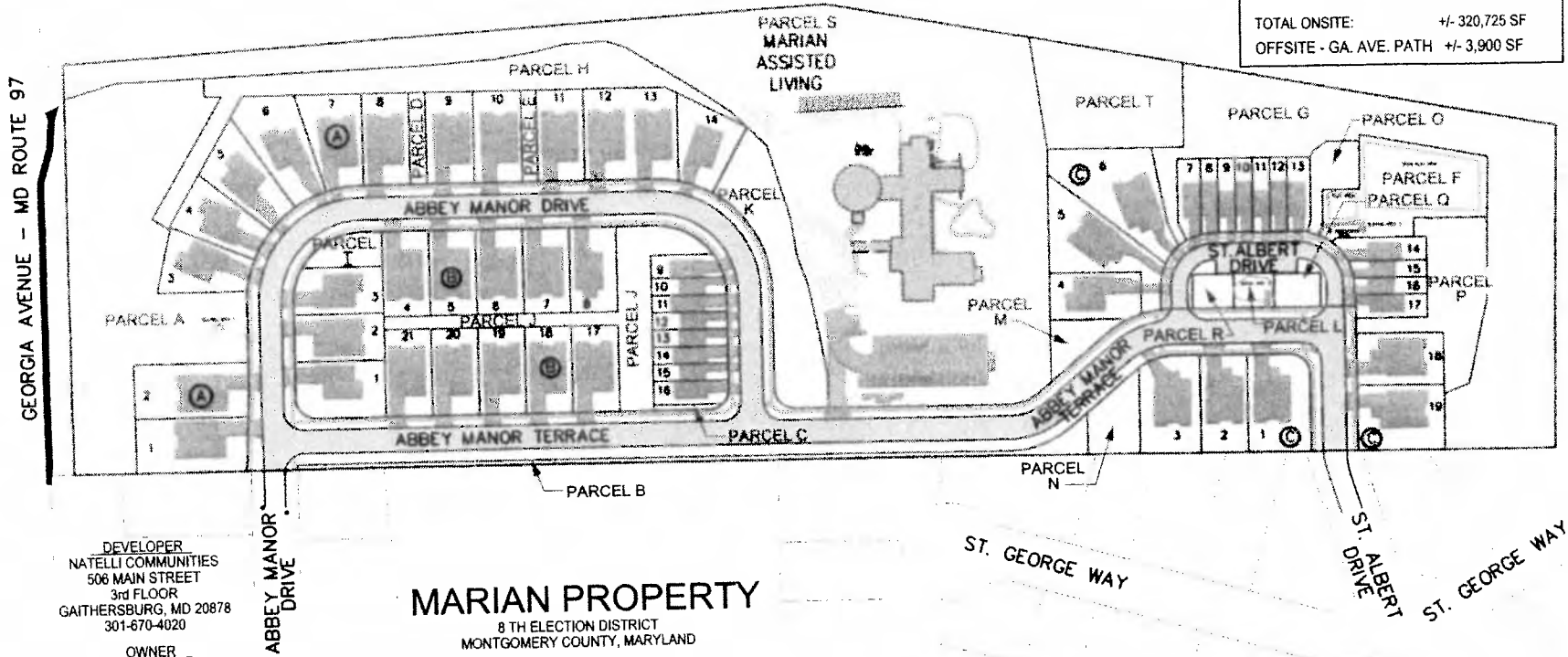
DATE: 04/15/2014
 DRAWN BY: J. A. BOST
 CHECKED BY: J. A. BOST

Kim Engineering, Inc.

MBE/DBE/SWaM
19634 Club House Road, Suite 310
Gaithersburg, Maryland 20886

301-337-6734
Silver Spring, MD - Baltimore, MD - Gaithersburg, MD - Fairfax, VA
Civil Engineering - Land Surveying - Geotechnical Engineering - Structural Engineering

- SITE	
PROP STREET PAVING:	86,537 SF
PROP PATH :	402 SF
PROP SIDEWALK :	22,377 SF
PROP DRIVEWAY :	36,354 SF
PROP HOUSES :	103,460 SF
+/- 249,130 SF	
- VICTORY HOUSE	
ACCESS ROAD :	1948 SF
EX. SIDEWALK :	2,473 SF
EX. DRIVEWAY :	34,714 SF
EX. BUILDING :	17,292 SF
RELOCATED PARKING :	15,168 SF
+/- 71,595 SF	
TOTAL ONSITE:	+/- 320,725 SF
OFFSITE - GA. AVE. PATH	+/- 3,900 SF



DEVELOPER
NATELLI COMMUNITIES
506 MAIN STREET
3rd FLOOR
GAITHERSBURG, MD 20878
301-670-4020

OWNER
CONGREGATION OF MARIANS OF THE
IMMACULATE CONCEPTION OF THE B.V.M., INC.
2 PROSPECT HILL ROAD
STOCKBRIDGE, MA 01262
ATTENTION: JAMES CLIFFORD
301-840-2232

MARIAN PROPERTY
8 TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

IMPERVIOUS AREA DIAGRAM
N.T.S.

09/19/2014

RECEIVED
M-NCPPC
SEP 27 2014
MONTGOMERY COUNTY