



**Preliminary Plan No. 120160150, Beallmount Grove, Parcel 2 (Resubdivision)**

RS

Ryan Sigworth AICP, Senior Planner, Area 3, [Ryan.Sigworth@Montgomeryplanning.org](mailto:Ryan.Sigworth@Montgomeryplanning.org) 301-495-2112

RAW

Richard Weaver, Supervisor, Area 3, [Richard.Weaver@Montgomeryplanning.org](mailto:Richard.Weaver@Montgomeryplanning.org) 301-495-4544

KRR

Kipling Reynolds, AICP, Chief, Area 3, [Kipling.Reynolds@Montgomeryplanning.org](mailto:Kipling.Reynolds@Montgomeryplanning.org) 301-495-4575

**Completed: 11/4/16**

**Description**

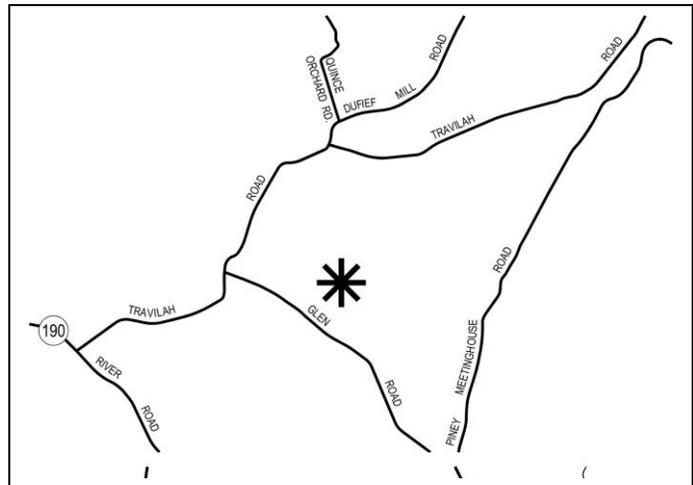
**Preliminary Plan No. 120160150, Beallmount Grove, Parcel 2:** Request to create three lots from one platted parcel; located at 12901 Three Sisters Road; 9.6 acres; RE-2 zone; Potomac Subregion Master Plan.

**Staff Recommendation** – Approval with conditions

**Applicant:** Lyle E. Gramley Revocable Trust

**Submittal Date:** January 14, 2016

**Review Basis:** Chapter 50



**Summary**

- Staff recommends **Approval with conditions**.
- The Subject Property is located in the RE-2 zone
  - Application creates three lots for three single family detached homes.
  - Meets resubdivision criteria, Section 50-29(b)(2)
  - Meets requirements of Chapter 22A, Forest Conservation Law
  - Substantially conforms to the *2002 Potomac Subregion Master Plan*
  - Requires minor road widening for fire and rescue access purposes.

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## SECTION 1 – RECOMMENDATIONS AND CONDITIONS

**PRELIMINARY PLAN NO. 120160150:** Staff recommends approval of the Preliminary Plan subject to the following conditions:

1. This Application is limited to three (3) lots for three (3) single family detached homes.
2. The Applicant must comply with the conditions of approval for the Preliminary/Final Forest Conservation Plan No. 120160150, approved as part of this Preliminary Plan, including:
  - a. Applicant must have all required site inspections performed by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
  - b. The Applicant must record a Category I Conservation Easement over all areas of forest retention, and environmental buffers as specified on the approved Forest Conservation Plan. The Category I Conservation Easement, in a form 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. Prior to the start of any demolition, clearing or grading on the Subject Property, the Applicant must provide financial surety to the Montgomery County Planning Department for the 1.46 acres of new forest planting.
  - d. Prior to the start of any demolition, clearing or grading on the Subject Property, the Applicant must execute a two-year Maintenance and Management Agreement approved by the M-NCPPC Office of General Counsel. The maintenance and management agreement is required for all retained forest and forest planting areas credited toward meeting the requirements of the Forest Conservation Plan, including the reforestation of environmental buffers.
  - e. The Applicant must install permanent forest conservation easement signage along the perimeter of the conservation easements in all areas, as determined by the Preliminary/Final Forest Conservation Plan (FFCP) and the M-NCPPC forest conservation inspector.
  - f. The Applicant must comply with all tree protection and tree save measures shown on the approved Preliminary/Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
  - g. The limits of disturbance (LOD) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Preliminary/Final Forest Conservation Plan.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 5, 2016, 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 MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

4. The existing house on the Subject Project must be razed prior to the recording of a record plat.
5. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
6. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
7. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated April 12 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Well and Septic Section in its letter dated May 23, 2016, 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 – Well and Septic Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. The Applicant must widen Three Sisters Road from approximately 18 feet in width to 20 feet in accordance with MCDOT Road Code Standard 211.02 from the Subject Property to Glen Road.
10. The certified Preliminary Plan must contain the following note:

*“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permits. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”*

11. Record plat must show all necessary easements.
12. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

## SECTION 2 – SITE LOCATION & DESCRIPTION

### Site Location

The subject property is located on the east side of Three Sisters Road approximately one quarter mile north of the intersection of Glen Road and Three Sisters Road. The subject property consists of Parcel 2 shown on Plat No. 6717, Beallmount Grove (Figure 1) with a total of 9.6 acres ("Site" or "Subject Property") (Figure 2). The Subject Property is zoned RE-2, and is located in the Travilah area of the 2002 Potomac Subregion Master Plan ("Master Plan").

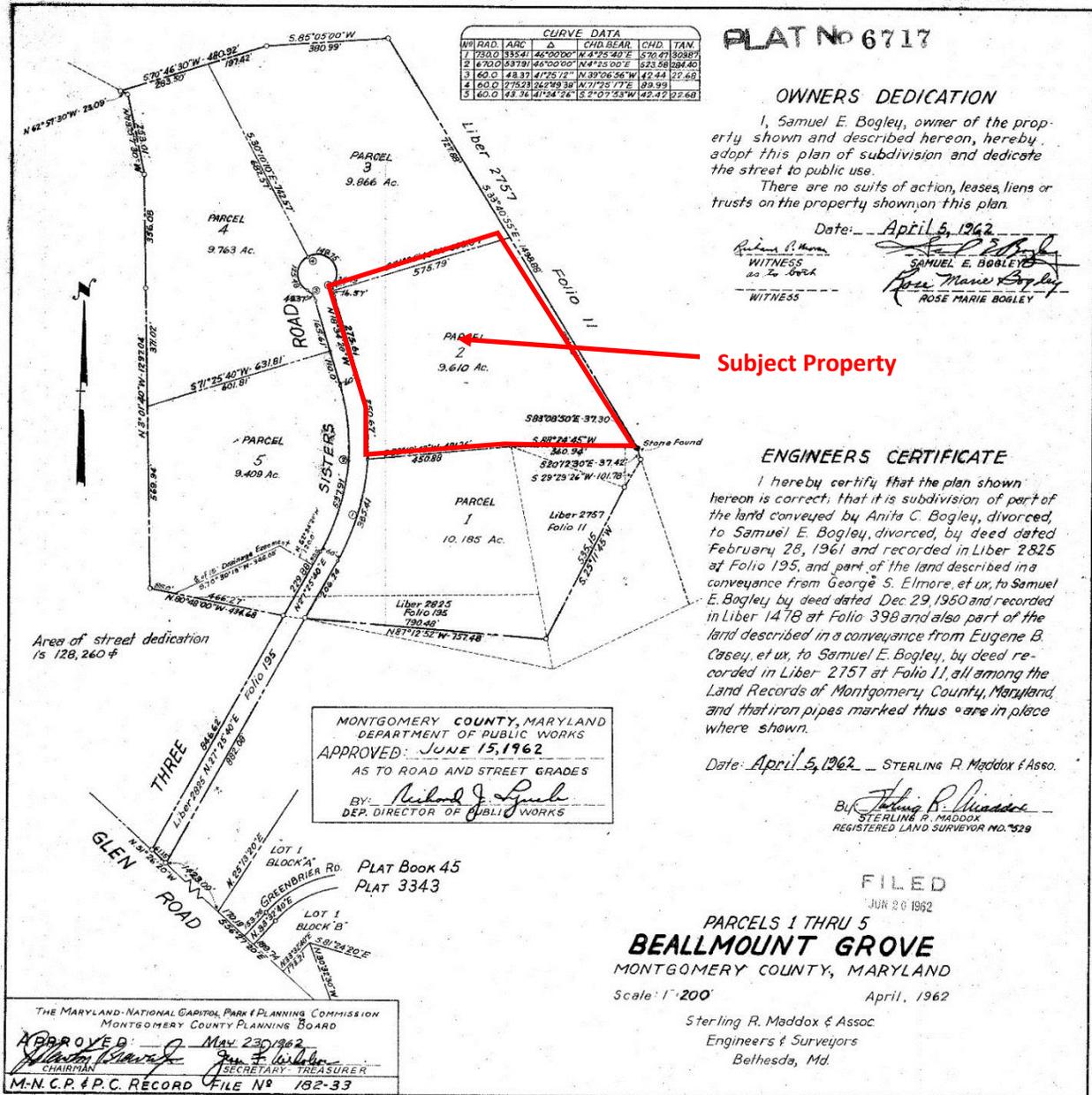


Figure 1 – Record Plat No. 6717



Figure 2 - Vicinity

**Site Vicinity**

To the north, east and west of the Subject Property there are other residential neighborhoods in the RE-2 zone. The Travilah Quarry is approximately one mile to the northeast. To the south, on the opposite side of Glen Road is the Glenstone Art Museum also in the RE-2 zone.

**Site Analysis**

As a single, platted parcel, the Subject Property is improved with a detached single family home and two accessory structures with considerable open space around the structures, including existing forest cover approximately 0.50 acre in size. The Site generally slopes downward from west to east with approximately 20 feet of fall from Three Sister Road to the north and east. The Site is located in the Watts Branch watershed, a Use IV-P watershed. There are no documented streams, wetlands, rare or endangered species on or immediately adjacent to the Subject Property.

## SECTION 3 – APPLICATIONS AND PROPOSAL

### **Previous Approvals**

#### Pre-Preliminary Plan No. 720150120

Staff reviewed the Pre-Preliminary Plan to identify any major issues which would need to be addressed at the time of a preliminary plan submittal. During the review, Staff identified necessary changes to the resubdivision neighborhood and to non-code compliant fire protection infrastructure, namely Three Sisters Road. All issues identified during the review of the pre-preliminary plan have been addressed with this Application.

### **Current Application**

#### Preliminary Plan 120160150

The preliminary plan, No. 120160150, proposes to resubdivide existing Parcel 2 into three (3) lots for three one-family detached houses (“Preliminary Plan” or “Application”). Because this Application proposes to subdivide an existing platted property, it is subject to the resubdivision criteria found in Section 50-29(b)(2) of the Subdivision Regulations. The proposed lot sizes range from approximately 2 acres in size to nearly 4 acres. All three lots will share a common driveway which will also function as a code compliant fire department turn around for the new homes because the cul-de-sac at the end of Three Sisters Road is non-compliant in terms of fire access. The existing house on the site must be razed prior to recording a record plat because one of the proposed lot lines bisects the existing house.

Three Sister Road will be widened from approximately 18 feet in width to 20 feet in width to address non-compliant fire access identified during the review of the Pre-Preliminary plan. This road improvement will extend only from the Subject Property down the length of Three Sisters Road to Glen Road.

The Application proposes to save and protect 0.50 acres of existing forest protected in a Category I Conservation Easement. All lots will utilize wells and septic systems for water and sewer service. Finally, stormwater management will be implemented for each lot.



## SECTION 4 – ANALYSIS AND FINDINGS - Preliminary Plan No. 120160150

### 1. *The Preliminary Plan substantially conforms to the Master Plan*

The Preliminary Plan substantially conforms with the recommendations of the 2002 Master Plan.

The purpose of the Master Plan is to protect the Subregion's natural environment and unique ecosystems, strengthen communities, maintain the transportation network, expand community facilities, and utilize historic preservation to contribute to the Subregion's unique sense of community. The Subject Property is located in the Travilah planning area of the Master Plan. The Master Plan provides no specific recommendations for the Subject Property other than to recommend the RE-2 zoning which would continue the large lot residential appearance of the planning area.

#### Planning, Land Use and Buildings

The Master Plan reconfirms the zoning applied to the Subject Property. The Travilah planning area is a low density area which acts as a transition from the higher densities of the Potomac and North Potomac planning areas to lower densities in Darnestown and the natural environment of the Potomac River.

Travilah is a more rural portion of the Subregion. The lack of community sewer systems has ensured low-density residential neighborhoods. The Application conforms to the general guidance of the Master Plan by providing a low-density residential development served by septic systems.

#### Transportation and Environment

The Master Plan's Transportation Section does not identify Three Sisters Road as a master planned road; however, the road is a publicly dedicated and maintained roadway. Three Sister's Road does connect to Glen Road, a rustic road. The Master Plan's Transportation Section seeks to preserve the Subregion's existing character via the two-lane road policy and the rustic roads program. The Application is consistent with the guidance of the Master Plan. While the width of Three Sister's Road will be increased from 18 to 20 feet to meet fire department code requirements, the 20-foot-wide section is the minimum accepted pavement width for a two-way road in the Road Code.

The environmental recommendations in the Master Plan focus on water quality protection for the watersheds in the Subregion and protecting forests as well as wetlands. The Subject Property is located in the Sandy Branch tributary to the greater Watts Branch watershed. The Preliminary Plan provides the required stormwater and water quality features to protect the watershed and preserve existing forest under Montgomery County Code. Low density residential uses in the RE-2 Zone can help maintain good water quality standards.

### 2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

#### Roads and Transportation Facilities

The transportation Adequate Public Facilities (APF) test is satisfied under the current 2012-2016 Subdivision Staging Policy. The Site is located in the Rural West Policy Area which is exempt from the APF's Transportation Policy Area Review (TPAR) test, thus not requiring a transportation/development impact tax payment.

A traffic study is not required to satisfy the APF's Local Area Transportation Review (LATR) test because the two new single-family detached units do not generate 30 or more peak-hour trips within the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods.

Three Sisters Road is a secondary residential street with 60 feet of right-of-way. The right-of-way granted with the recording of Plat No. 6716 was 60 feet in width, therefore, no additional right-of-way dedication is necessary as part of this Application.

#### Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. The Subject Property has W-6 and S-6 water and sewer service categories, respectively, and will utilize on-site septic systems and water wells.

The Application was reviewed by the Montgomery County Fire Marshal's ("MCFRS") office, and a Fire Access Plan was approved on April 14, 2016 (Attachment 5). During the review of the Pre-Preliminary plan, access to the Subject Property was determined to be inadequate by MCFRS. The Applicant was given two choices by MCFRS to meet requirements: (1) widen Three Sisters Road to an ultimate paving width of 20 feet or (2) install (and fill with water) a code compliant fire protection cistern on the Subject Property. The Applicant submitted revised plans to widen Three Sister Road. This alternative has been approved by MCFRS, MCDOT and is supported by Staff.

Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy Resolution currently in effect. The Application is located in the Winston Churchill School cluster, which is not identified as a school moratorium area, and is not subject to a School Facilities Payment.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The proposed lot sizes, widths, shapes and orientations are appropriate for the location of the subdivision, taking into account the design recommendations included in the Master Plan, and for the building type (single family homes) contemplated for the Site.

The lots were reviewed for compliance with the dimensional requirements for the RE-2 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Table 1. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

**Table 1 – Development Review Table**

<b>RE-2</b>	<b>Required by the Zone</b>	<b>Proposed for Approval</b>
Minimum Lot Area	87,120 sq. ft or 2 acres	Lot 33 = 3.78 acre, Lot 34 = 3.79 acres, Lot 35 = 2.09 acres
Minimum Lot Frontage	25 feet	Lot 33 = 267.3 feet, Lot 34 = 25 feet, Lot 35 = 249.9 feet
Minimum Lot Width at B.R.L.	150 feet	Lot 33 = 266.1 feet, Lot 34 = 340.4 feet, Lot 35 = 259.2 feet
Maximum Lot Coverage	25%	Lot 33 = 2.2% +/-, Lot 34 = 2.2% +/-, Lot 35 = 4.0% +/-
Setbacks (for all lots)		
Front	50 feet	50 feet or greater
Side, abutting Residential	17 feet min./ 35 feet total	17 feet min./ 35 feet total or greater
Rear, abutting Residential	35 feet	35 feet or greater
Building Height**	50 feet max.	50 feet or lower
Site Plan Required	No	No

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

The Subject Property consists of primarily pasture with scattered groupings of trees and a half acre forest in the southeast corner. Fifteen trees that are 30” diameter breast height (DBH) or greater are scattered throughout the southern half of the Site, some of which are subject to a tree variance. The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) did not identify any other environmentally sensitive features such as seeps, springs, wetlands, streams or steep slopes on erodible soils.

Forest Conservation Chapter 22A

The Application meets the requirements of Chapter 22A of the Montgomery County code. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Subject Property on March 20, 2015. The NRI/FSD delineates 0.50 acre of forest in the southeast corner of the Subject Property, but no other environmentally sensitive features are shown on the Site. A Preliminary/Final Forest Conservation Plan has been submitted for review as part of this Application (Attachment 3).

Based on the size of this parcel and the Land Use Category on the Forest Conservation Worksheet, development of this Site results in a 1.96-acres afforestation threshold. The Applicant proposes to meet this requirement by retaining the existing 0.50 acres of forest and planting an additional 1.46 acres on-site. Both the retained and planted forest will be placed into a Category I Conservation Easement.

Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there

be 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 a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to high priority vegetation, including disturbance to the critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Development of the Subject Property requires impacts to trees identified as high priority for retention and protection. Therefore, the Applicant has submitted a variance request for these impacts.

*Variance Request*

The Applicant submitted a variance request in a letter dated May 18, 2016. The Subject Property contains a total of fifteen specimen sized trees that are 30 inches or greater DBH and are considered high priority for retention under Section 22A-12(b)(3) of the County Code (Table 1). The Applicant requests a variance from the Forest Conservation Law due to proposed impacts to five specimen trees and the removal of five additional specimen trees. The remaining five trees are well outside the project limits of disturbance (LOD) and will not be impacted.

**Table 2: Variance Trees to be impacted or removed**

<b>Tree Number</b>	<b>Species</b>	<b>DBH Inches</b>	<b>Percent of CRZ Impacted</b>	<b>Condition</b>
239	Silver Maple ( <i>Acer saccharinum</i> )	42"	100%	Good condition, to be removed.
240	Silver Maple ( <i>Acer saccharinum</i> )	46"	98%	Good condition, to be removed.
243	Black Oak ( <i>Quercus velutina</i> )	37"	7%	Good condition, to be impacted.
245	Chestnut Oak ( <i>Quercus prinus</i> )	30"	8%	Good condition, to be impacted.
246	Black Oak ( <i>Quercus velutina</i> )	31.5"	32%	Good condition, to be impacted.
254	Black Oak ( <i>Quercus velutina</i> )	31"	92%	Good condition, to be removed.
255	River Birch ( <i>Betula nigra</i> )	31"	30%	Good condition, to be impacted.
257	White Pine ( <i>Pinus strobus</i> )	34"	100%	Good condition, to be removed.
259	Silver Maple ( <i>Acer saccharinum</i> )	30"	100%	Good condition, to be removed.
260	White Pine ( <i>Pinus strobus</i> )	30"	27%	Good condition, to be impacted.

*Unwarranted Hardship Basis*

Per Section 22A-21(a), an applicant may request a variance from Chapter 22A if the applicant can demonstrate that enforcement of Chapter 22A would result in an unwarranted hardship.

The Potomac Subregion Master Plan recommends RE-2 zoning for this area with no sewer or water access. As a result, development of this Site must rely on well and septic systems. The location of the proposed homes is dictated by the location of the wells and septic systems and the building restriction lines on each of the lots. Lot 35 is particularly constrained in this regard, which results in the unavoidable impacts to four trees and the removal of three trees. Lot 34 in turn also impacts one tree and will require the removal of two trees. Trees numbered 243 and 245 are located within the right-of-way of Three Sisters Road and due to a safety requirement by MCFRS both of these trees will have their critical root zones impacted (Figure 4).

The inability to request a variance from Section 22A-12(b)(3) would constitute an unwarranted hardship on the Applicant by preventing the Applicant from being able to develop the Site at a density supported/recommended by the Master Plan, while meeting the well and septic requirements. Therefore, Staff concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request.

The arboriculture industry standard for construction impacts to trees is to limit those impacts to no more than approximately 30 percent of the Critical Root Zone (CRZ). Beyond 30 percent impact to the CRZ and the overall viability of the tree can be diminished. Trees #239, #240, #254, #257 and #259 are proposed to have 92 percent to 100 percent of their respective CRZs impacted and these trees should be removed. Trees #243, #245, #246, #255 and #260 will have approximately 30 percent of their CRZs impacted and are expected to recover from this damage given the appropriate follow-on care.

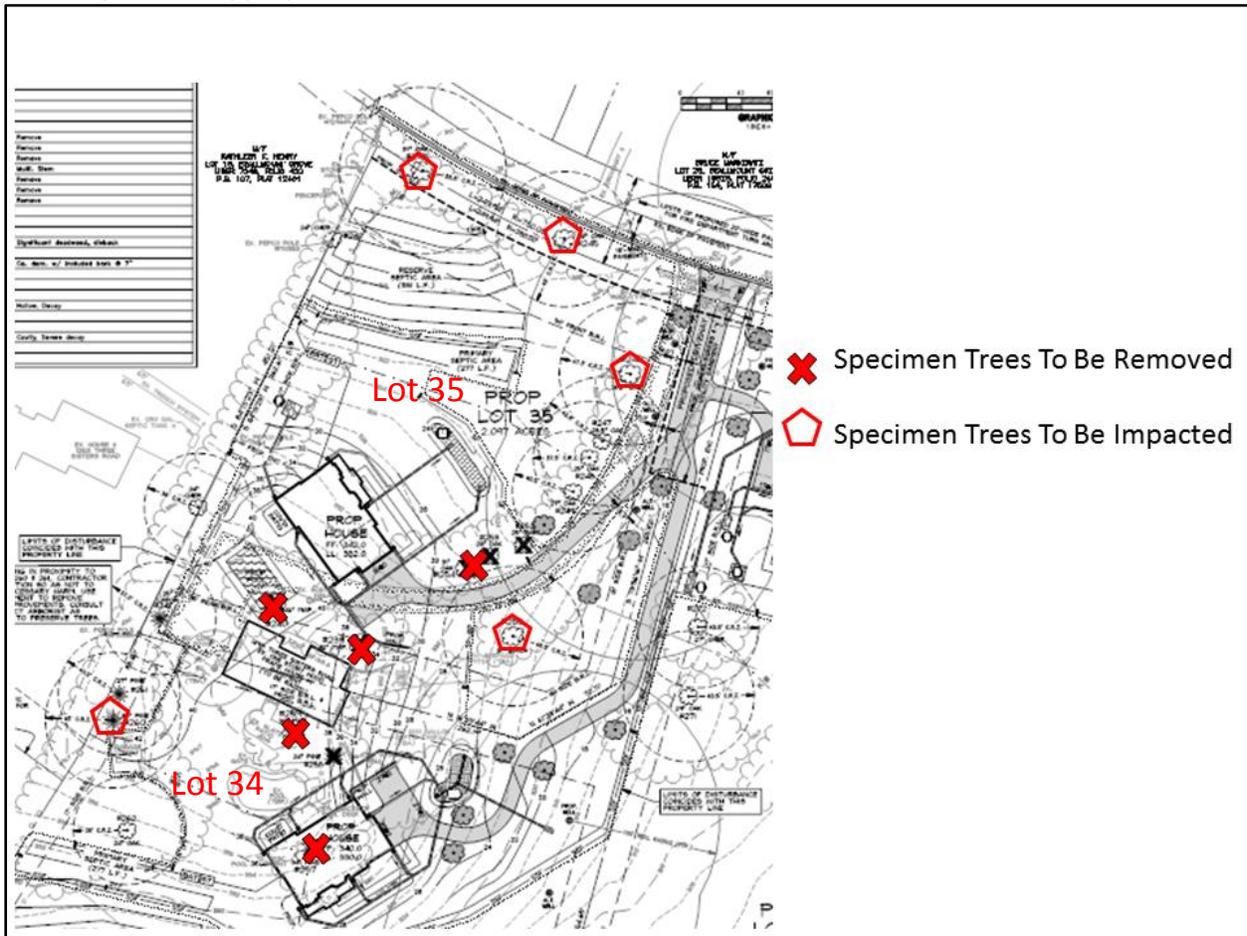


Figure 4 – Location of specimen

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 determinations in the review of the variance request and the proposed Forest Conservation Plan:

### *Variance Findings*

Staff has made the following determination based on the required findings that granting of the requested variance:

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

Granting the variance will not confer a special privilege on the Applicant, as impacting the five trees and the removal of the five trees is due to the location of the trees and necessary site design requirements. The Applicant proposes removal of the five trees with mitigation. Therefore, 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 requested variance is not based on conditions or circumstances that are the result of actions by the Applicant. The requested variance is based upon the existing Site conditions and necessary design requirements of this application.

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

The requested variance is a result of the existing conditions and not as 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. The specimen trees being removed are not located within a stream buffer. The Application proposes mitigation for the removal of these five trees by planting fifteen 3" caliper trees on-site. The fifteen mitigation trees will eventually provide more shade and more groundwater uptake than the existing five trees currently provide. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

### *Mitigation for Trees Subject to the Variance Provision*

There are five trees proposed for removal in this variance request, which when added together results in a total of 183 inches of DBH being removed. For removal of specimen trees associated with a variance request, Staff recommends mitigation for the tree loss by replacing  $\frac{1}{4}$  of the total number of DBH removed with replanted trees. This results in a total mitigation of 45.75 inches of replanted trees. In this case, the Applicant proposes to plant fifteen 3" caliper overstory trees native to the Piedmont Region of Maryland on the Subject Property outside of the right-of-way for Three Sisters Road, outside of any utility easements and these trees are not to be counted as an element of the Site screening requirements.

*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 February 19, 2016. Under Section 22A-19(c), the County Arborist has 30 days to provide a recommendation back to the Planning Board, otherwise the recommendation must be presumed to be favorable. Staff received a favorable recommendation from the County Arborist in a letter dated August 2, 2016 (Attachment 12).

*Variance Recommendation*

Staff recommends approval of the variance request.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

The Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on April 12, 2016 (Attachment 8). The Application will meet stormwater management goals for each new lot via environmentally sensitive design to the maximum extent practicable with the use of landscape infiltration, micro-biotention and drywells.

**Resubdivision Criteria: Conformance with Section 50-29(b)(2)**

**A. Statutory Review Criteria**

In order to approve an application for resubdivision, the Planning Board must find that each of the proposed lots complies with all seven of the resubdivision criteria, set forth in 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.”

**B. Neighborhood Delineation**

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate resubdivision neighborhood (“Neighborhood”) for evaluating the Application (Figure 5). In this instance, the Neighborhood selected by the Applicant, and agreed to by Staff, consists of 21 lots. The analyzed lots include only properties that are recorded by plat in the RE-2 Zone, are adjacent to the Subject Property, or are within a reasonable distance along Three Sisters Road to provide an adequate sampling of comparable lots. A map and tabular summary of the lot analysis based on the resubdivision criteria is included in Figure 5 as well as Attachment 9 and Attachment 10.

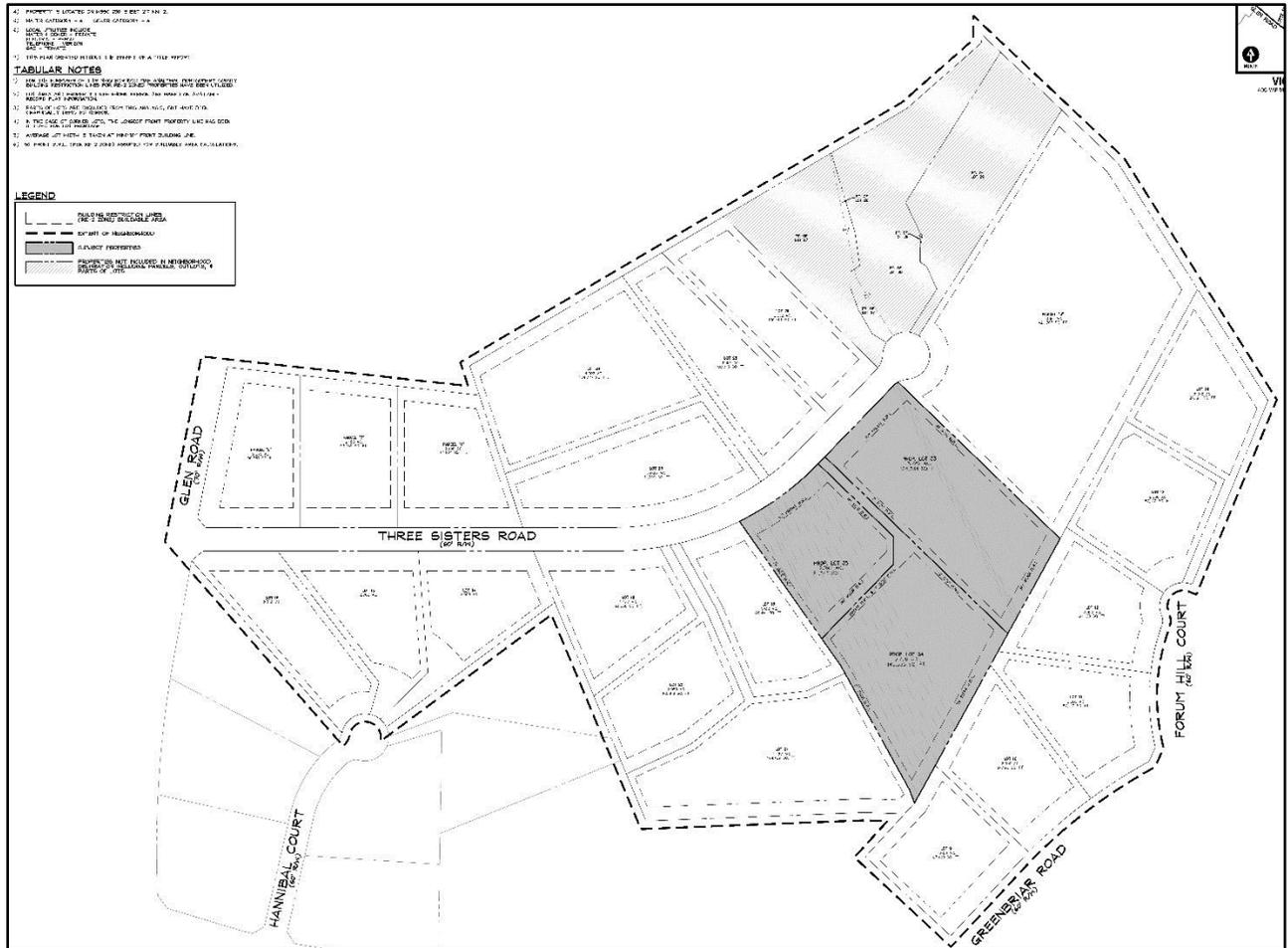


Figure 5 – Proposed Neighborhood for the Resubdivision of Parcel 2

Comparison of Proposed Lots’ Character to Existing Neighborhood Character

In performing the analysis, the resubdivision criteria were applied to the 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 attached tabular summary and graphic documentation support this conclusion:

Frontage:

The proposed lots are of the similar character as existing lots in the Neighborhood with respect to lot frontage. The proposed lots have frontages of 267.3 feet, 25 feet, and 249.9 feet for Lots 33-35, respectively. In the Neighborhood, the range of corner lot frontages is between 25 and 632.8 feet.

Alignment:

The proposed lots are of the same character as existing lots in the Neighborhood with respect to alignment. The alignment of the proposed lots is perpendicular to the street. Lots in the Neighborhood are a mix of perpendicular, corner and, angled alignments.

Size:

The proposed lot sizes are in character with the size of existing lots in the Neighborhood. The lot sizes proposed by this Application are 164,734 square feet, 165,355 square feet, and 91,346 square feet for Lots 33-35, respectively. The range of lot sizes in the Neighborhood is between 87,120 square feet and 429,763 square feet.

Shape:

The shape of the proposed lots is in character with shapes of the existing lots in the Neighborhood. The proposed lots propose two irregular shapes and one pipestem. The Neighborhood contains mostly irregular lot shapes and four pipestem shaped lots.

Width: (at the BRL)

The proposed lots are similar in character with existing lots in the Neighborhood with respect to width. The width of proposed lots are 266.1 feet, 340.4 feet, and 259.2 feet for Lots 33-35, respectively. The range of lot widths within the Neighborhood is between 150 feet and 630.1 feet.

Area:

The proposed lots are of the same character as existing lots in the Neighborhood with respect to buildable area. The proposed lots have a buildable area of 123,166 square feet, 121,162 square feet, and 59,998 square feet. The range of buildable areas within the Neighborhood is between 46,261 square feet and 355,562 square feet.

Suitability for Residential Use:

The existing and proposed lots within the identified Neighborhood are all zoned RE-2 and are suitable for residential use.

## **SECTION 5: CITIZEN CORESPONDENCE AND ISSUES**

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. One sign referencing the proposed modification was posted along the Subject Property frontage. A presubmission meeting was held at the Subject Property on December 14, 2015 at 6:00 on the Subject Property. Nine people who were not part of the Applicant's team attended the meeting and according to the minutes of that meeting, questions were raised regarding traffic, impact of new water wells, effects of community, and house locations. According to the minutes of the meeting, the Applicant and their representatives addressed all questions.

Staff, as of October 14, 2016, has received two letters of expressing concern of the widening of Three Sisters Road but does not specifically address the subdivision of the Subject Property (Attachment 13). The widening of Three Sisters Road will allow the road to meet current code requirements and improves fire access and safety for all residents along the road.

## **SECTION 6: CONCLUSION**

The proposed lots meet all requirements established in the Subdivision Regulations, Forest Conservation Law in Chapter 22A, and the proposed use substantially conform to the recommendations of *2002 Potomac Subregion Master Plan*. The resubdivided lots are of the same character with existing lots in the Neighborhood by virtue of the resubdivision analysis. Access and public facilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan with the conditions provided. Therefore, approval of the Application with the conditions specified herein is recommended.

### **ATTACHMENTS**

- Attachment 1 – Statement of Justification
- Attachment 2 – Preliminary Plan
- Attachment 3 – Preliminary Forest Conservation Plan
- Attachment 4 – MCDOT Approval
- Attachment 5 – MC Fire and Rescue Approval
- Attachment 6 – Fire Access Plan
- Attachment 7 – DPS Well and Septic Approval
- Attachment 8 – Stormwater Management Concept Approval
- Attachment 9 – Resubdivision Neighborhood
- Attachment 10 – Resubdivision Tables
- Attachment 11 – Variance Request
- Attachment 12 – County Arborist’s Response Letter
- Attachment 13 – Citizen Correspondence



STATEMENT OF JUSTIFICATION  
**PROPOSED LOTS 33-35**  
**BEALLMOUNT GROVE, PARCEL 2**

January 14, 2016

PRELIMINARY PLAN APPLICATION  
M-NCPPC FILE No. 120160150

**I. INTRODUCTION**

Applicant, Lyle Gramley Revocable Trust (“Applicant”), hereby submits this preliminary plan application for approval of a three-lot subdivision of the existing Parcel 2 (“Application”).

The property that is the subject of the Application consists of approximately 9.61 acres, located 1,500 feet North of Glen Road, and is more particularly known as Parcel 2 (“Property”), as recorded in deed L. 12149 / F. 120 and in Plat Book 71, Plat 6717. The Property is currently zoned RE-2.

**II. EXISTING CONDITIONS AND SURROUNDING AREA**

The Property is currently developed with a single family home, a swimming pool, and equestrian facilities. Toward the rear of the property there is 0.50 acres of existing forest which extends offsite. The Property is surrounded by similar single-family residential lots. The public street, Three Sisters Road, bounds the Western side of the Property.

**III. PROPOSED PRELIMINARY PLAN**

The Application proposes the removal of the existing single family home and all of its appurtenances and the construction of three detached single family homes (“Residences”) on the Property. A majority of the existing driveway will remain to serve future Lot 35 and access to the Residences will be via Three Sisters Road. In total, the Application is projected to generate only three trips during the AM peak and four trips during the PM peak.

**IV. COMPLIANCE WITH SUBDIVISION REGULATIONS**

• **§50-30(b)(2) Resubdivision**

*Lots on a plat for the resubdivision of any lot, tract or other parcel of land that is a 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.*

The Application proposes the subdivision of existing Parcel 2 into three residential lots. The

limits and characteristics of the neighborhood can be seen in detail on the Neighborhood Map included in the Application. As shown on that map, the proposed lots are of the same character as to street frontage, alignment, size, shape width, area and suitability for residential use as other lots in the neighborhood.

- **§ 50-34(f) Wells and septic systems**

*Before submission to the Department of Permitting Services, all preliminary subdivision plans for lots in areas where individual wells, and septic systems would be installed must show, in addition to the usual data, the following items:*

- (1) The proposed locations of water wells for each lot. Where there are existing wells on the property or on adjoining lots within one hundred (100) feet, they shall also be shown.*
- (2) A circular area with radius of one hundred (100) feet around each well to denote clear space in which no final sewage system is to be located.*
- (3) The “usable area” for sewage disposal, which shall be situated beyond the one hundred-foot radius and downgrade from the proposed house location and shall be in virgin soil.*
- (4) Any existing sewage disposal systems on the property or on adjoining lots within one hundred (100) feet.*
- (5) Swamps, rock outcrops and floodplains, when the same exist.*
- (6) A ten-foot zone surrounding the water service line to buildings, free and clear of any sewer lines, systems or part thereof.*

All of the requirements listed above can be seen in detail on the Preliminary Plan included in the Application. As shown on the plan, all required items have been shown and all setbacks have been provided for.

- **§ 50-34(g) Staging Schedule**

*The applicant or his agent must submit with the written application a recording and construction schedule which must indicate those portions of the area covered by the preliminary plan for which record plats and building permits will be sought and obtained during each of the succeeding years, up to the validity period of the APFO approval required by Sec. 50-35(k). Where a project is proposed to be built out in phases cumulatively exceeding three years, the applicant must submit a phasing schedule for approval by the Board as part of the preliminary plan. The preliminary plan establishes the validity period for the entire project.*

*When applicable, the phasing schedule should specifically identify the timing for the completion of construction and conveyance to unit owners of such things as common open areas and recreational facilities. In addition, the phasing schedule should indicate the timing for the provision of moderately priced dwelling units, and infrastructure improvements associated with each phase. Such a phasing schedule must be designed to have as little dependence on features (other than community-wide facilities) to be provided in subsequent phases and have minimal impact during construction on phases already built and occupied.*

*For projects that require site plan review, the applicant may submit the final phasing schedule, detailing the information required in this section, provided the implementation of the phasing schedule does not exceed the validity period established in the preliminary plan.*

The Project will be constructed in one phase. After the existing house is demolished, the record

plat for the Property will be recorded, and building permits will be sought within the five (5)-year preliminary plan validity period.

- **§ 50-34(h) Staging schedule for land containing an arts or entertainment use as a public use space**

This section is not applicable to the Application.

- **§ 50-34(i) Increase of density**

This section is not applicable to the Application.

- **§ 50-34(j) Development rights**

The Application does not propose the transfer of development rights.

- **§ 50-34(k)**

*A preliminary subdivision plan application for a subdivision to be located in a transportation management district, as designated under Chapter 42A, Article II, must contain a draft traffic mitigation agreement that meets the requirements of that article unless one has previously been submitted at the time of the project plan submittal under the optional method of development.*

The Property is not located in a Transportation Management District therefore this section is not applicable to the Application.

- **§ 50-35(d) Road grade and road profile**

*Before the Board finally approves a preliminary plan, the subdivider must furnish road, and pedestrian path grades and a street profile approved in preliminary form by the County Department of Transportation.*

No new sidewalks or roads are proposed as part of the Application.

- **§ 50-35(e) Wells and septic systems**

*Before the Board approves a plan for lots with individual wells or septic systems, the plan must be approved by the Department of Permitting Services. The Board must review any plan that includes residential lots under the Maryland Sustainable Growth and Agricultural Preservation Act of 2012.*

The Property is located in a Septic Tier 3 area, therefore the Board may approve a subdivision for any number of residential lots that would be served by one or more septic systems.

- **§ 50-35(h)(2)(A) Duration of validity**

*An approved preliminary plan for a single phase project remains valid for 60 months after its Initiation Date for any preliminary plan approved on or after April 1, 2009, but before April 1, 2015, and for 36 months after its Initiation Date for any preliminary plan approved on or after April 1, 2015. Before the validity period expires, the applicant must have secured all governmental approvals necessary to record a plat, and a final record plat for all property delineated on the approved preliminary plan must have been recorded in the County Land Records.*

The Project will be developed in one phase. The record plat for the Property will be recorded and

building permits sought within the five (5)-year preliminary plan validity period.

- **§ 50-35(j) Sediment control**

*All preliminary plans and extensions of previously approved plans must provide for erosion and sediment control, in accordance with all applicable laws and regulations governing sediment control.*

The Application provides for erosion and sediment control measures in accordance with all applicable erosion and sediment control requirements.

- **§ 50-35(k) Adequate Public Facilities**

*The Planning Board must not approve a preliminary plan of subdivision unless the Board finds that public facilities will be adequate to support and service the area of the proposed subdivision. Public facilities and services to be examined for adequacy include roads and public transportation facilities, sewerage and water service, schools, police stations, firehouses, and health clinics.*

Public facilities including transportation, police, and fire and health services are adequate to support the proposed development. All major utilities necessary to service the proposed use are either provided on-site or immediately available and adequate. As noted above and in the traffic statement, the traffic associated with the Application will be extremely limited and will not be impactful. Although the Residences will generate some schoolchildren, the Winston Churchill Cluster, in which the Property lies, has sufficient capacity to accommodate the minimal increase in students generated by the Application, although a school facilities payment may be required at the middle and high school levels.

- **§ 50-35(l) Relation to Master Plan**

*In determining the acceptability of a preliminary plan submitted under this Chapter, the Planning Board must consider the applicable master plan, sector plan, or urban renewal plan. A preliminary plan must substantially conform to the applicable master plan, sector plan, or urban renewal plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant master plan, sector plan, or urban renewal plan recommendation no longer appropriate.*

The Property is located in the Travilah- North Potomac area of the Potomac Subregion Master Plan, approved and adopted in April 2002 ("Master Plan"). The Master Plan reconfirms the Property's RE-2 zoning, but does not make any more specific recommendations with regard to the Property. The stated major goal of the Master Plan is to "sustain the environment...in a subregion so defined by its natural resources." Master Plan, p. 1. In that same vein, the Master Plan recommends "new development and redevelopment must respect and enhance the Subregion's environmental quality..." Master Plan, p. 1. The Application is consistent with the objective of the Master Plan to sustain the environmental qualities of the area by proposing to protect significant and specimen trees onsite and all of the existing forest on the Property. The Application will also further the Master Plan's objective of protecting the natural environment through the incorporation of current stormwater management standards into the redevelopment.

- **§ 50-35(o) Forest Conservation**

*If a forest conservation plan is required under Chapter 22A, the Board must not approve a preliminary plan or any extension until all requirements of that law for plan approval are satisfied. Compliance with a required forest conservation plan, including any plan reviewed on a preliminary or final basis, must be made a condition of any approved preliminary plan.*

A Preliminary / Final Forest Conservation (“FC”) Plan for the Property has been included with this Application. As demonstrated in the FC Plan, the proposed afforestation meets all applicable forestation requirements for the site.

- **§ 50-35(r) Water Quality**

*If a water quality plan is required under Chapter 19, the Planning Board must not approve a preliminary plan or any extension until all requirements of Chapter 19 for plan approval are satisfied. Compliance with a required water quality plan, including any plan reviewed on a preliminary or final basis, must be made a condition of any approved preliminary plan.*

The Stormwater Management (“SWM”) Concept Plan for the Property is included with this Application. As demonstrated in the SWM Concept Plan, the proposed stormwater management facilities meet all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the disturbed portions of the site.

## **V. CONCLUSION**

Based on the foregoing, the Applicant respectfully requests that the Planning Board grant approval of this Preliminary Plan. As explained in more detail above and in the plans submitted with the Application, the Application satisfies the findings that the Planning Board must make in approving a Preliminary Plan application under Montgomery County Code Section 50-34 and the Manual of Development Review Procedures for Montgomery County, MD



**TREE DATA**

(TREES 24" AND GREATER ONLY)

TREE NO.	COMMON NAME	SPECIES NAME	DBH (IN)	COND.	COMMENTS
239	Silver Maple	Acer saccharinum	42	good	Multi. Stem, Remove
240	Silver Maple	Acer saccharinum	46	good	Multi. Stem, Remove
241	American Larch	Larix laricina	25	good	
242	Black Cherry	Prunus serotina	24	good	
243	Black Oak	Quercus velutina	37	good	
245	Chestnut Oak	Quercus prinus	30	good	
246	Black Oak	Quercus velutina	31.5	good	
247	Black Oak	Quercus velutina	28.5	good	
248	Black Oak	Quercus velutina	25	good	
249	Black Oak	Quercus velutina	27	good	
252	Black Oak	Quercus velutina	25	good	Remove
253	Black Oak	Quercus velutina	24	good	Remove
254	Black Oak	Quercus velutina	31	good	Remove
255	River Birch	Betula nigra	31	good	Multi. Stem
257	White Pine	Pinus strobus	34	good	Remove
258	White Pine	Pinus strobus	24	good	Remove
259	Silver Maple	Acer saccharinum	30	good	Remove
260	White Pine	Pinus strobus	30	good	
261	White Pine	Pinus strobus	27	good	
262	Black Oak	Quercus velutina	24	good	
263	Red Oak	Quercus rubra	35	fair/poor	Significant deadwood, dieback
264	Red Oak	Quercus rubra	30	good	
265	Red Oak	Quercus rubra	37	good	Co. dom. w/ Included bark @ 7'
266	Red Oak	Quercus rubra	27	good	
267	Red Maple	Acer rubrum	27	good	
268	White Oak	Quercus alba	32	good	
269	White Mulberry	Morus alba	25	poor	Hollow, Decay
270	Dawn Redwood	Metasequoia glyptostroboides	36	good	
271	Red Oak	Quercus rubra	29	good	
272	Black Cherry	Prunus serotina	27	poor	Cavity, Severe decay
273	Dawn Redwood	Metasequoia glyptostroboides	24	good	
274	Black Oak	Quercus velutina	29.5	good	

SPECIMEN TREES ARE INDICATED WITH BOLD TYPE. SIZES OF OFFSITE TREES HAVE BEEN ESTIMATED.

**TREE MITIGATION NOTE**

THIS PLAN PROPOSES THE REMOVAL OF FIVE (5) SPECIMEN TREES (239, 240, 254, 257, 259), AS A RESULT THE PLANTING OF FIFTEEN (15) TREES IS HEREBY PROPOSED. THE TREES WILL BE 3" CALIPER NATIVE MARYLAND PIEDMONT CANOPY TREES (WHITE OAK, RED OAK, BLACK GUM, HICKORY, ETC). THE LOCATION OF SAID TREES IS SHOWN HEREON, BUT SUBJECT TO RELOCATION WITH MNCPPC FOREST CONSERVATION INSPECTOR'S APPROVAL.

**35B CHROME AND CONOWINGO SOILS, 3 TO 8 PERCENT SLOPES**  
CHROME SOILS ARE FINE-TEXTURED, MODERATELY DEEP, WELL DRAINED AND SLOWLY PERMEABLE. CONOWINGO SOILS ARE MODERATELY FINE-TEXTURED, DEEP TO VERY DEEP, MODERATELY WELL TO SOMEWHAT POORLY DRAINED AND MODERATELY SLOWLY PERMEABLE. THE AVAILABLE WATER CAPACITY IS LOW FOR CHROME SOILS AND HIGH FOR CONOWINGO SOILS. PRODUCTIVITY IS MODERATE FOR CHROME SOILS AND HIGH FOR CONOWINGO SOILS. EROSION HAZARD IS SLIGHT. CAPABILITY SUBCLASS IS IIE AND IIIE, RESPECTIVELY.

**IC GAULA SILT LOAM, 8 TO 15 PERCENT SLOPES**  
THIS MEDIUM-TEXTURED SOIL IS VERY DEEP, WELL DRAINED AND MODERATELY PERMEABLE. AVAILABLE WATER CAPACITY IS MODERATE. PRODUCTIVITY IS MODERATE. EROSION HAZARD IS MODERATE. CAPABILITY SUBCLASS IS IIIIE.

**TREE SAVE NOTE**

ONLY THE CRITICAL ROOT ZONES OF TREES a) IMPACTED BY THE LIMITS OF DISTURBANCE, b) THAT ARE TO BE SAVED AND c) THAT ARE LOCATED IN THE RIGHT-OF-WAY, ARE SHOWN HEREON. CRITICAL ROOT ZONES ARE NOT SHOWN FOR TREES BEING REMOVED OR TREES WHOSE ROOT ZONES ARE BEYOND THE LIMIT OF DISTURBANCE.

**TREE ARMORING NOTE**

TREE ARMORING IS PROPOSED FOR THE FOLLOWING TREES: #241, #246, #247, #248, #249, #250, #261  
SEE DETAIL ON SHEET 7 FOR MORE INFORMATION.

**TREE MITIGATION TREE**

OFF-SITE LIMITS OF DISTURBANCE (LOD) = 4,500 SQUARE FEET (0.10 ACRES) LOD EXTENDS OFF SITE TO INCLUDE 2 FOOT WIDENING OF THREE SISTERS ROAD TO THE INTERSECTION OF GLEN ROAD.

**ENVIRONMENTAL DATA TABLE**

FEATURE	ACREAGE
AREA OF STEEP SLOPES	0.03 AC.
FORESTED FLOODPLAIN AREA	0 AC.
ENVIRONMENTAL BUFFER AREA	0 AC.
TOTAL FORESTED AREA	0 AC.
FORESTED ENVIRONMENTAL BUFFER	0 AC.
100-YEAR FLOODPLAIN	0 AC.
WETLANDS	0 AC.
FORESTED WETLANDS	0 AC.
AVERAGE WIDTH OF ENVIRONMENTAL BUFFER	0 FT.
LINEAR EXTENT OF STREAM	0 FT.

**Attachment 3**

**VICINITY MAP**

ADC MAP 5163, GRID A-10, SCALE: 1" = 2000'

**GENERAL NOTES**

- BOUNDARY INFORMATION AND TWO-FOOT CONTOUR DATA ARE BASED UPON SURVEYS PERFORMED BY CAS ENGINEERING, DATED MARCH, 2015.
- TOTAL LOT AREA (PER PLAT): PARCEL 2 = 418,611.6 SQ. FT. (9.610 ACRES)  
TOTAL LOT AREA (PER SURVEY): PARCEL 2 = 421,435.8 SQ. FT. (9.675 ACRES)
- PROPERTY IS LOCATED ON TAX MAP ER 561, PARCEL 2, BEALLMOUNT GROVE.
- PROPERTY IS LOCATED ON WSSC 200' SHEET 217 NH 12.
- PROPERTY IS LOCATED ON MONTGOMERY COUNTY SOILS SURVEY MAP No. 18, SOIL TYPE(S) 1B, 35B & IC. GAULA SILT LOAM AND CONOWINGO SOILS.
- PROPERTY IS LOCATED IN HYDROLOGIC SOIL GROUP "B" & "C".
- FLOOD ZONE "X" PER F.E.M.A. FIRM MAPS, COMMUNITY PANEL NUMBER 240910328D.
- PROPERTY IS LOCATED IN THE SANDY BRANCH WATERSHED.
- WATER CATEGORY - 6 SEWER CATEGORY - 6
- LOCAL UTILITIES INCLUDE: WATER & SEWER - PRIVATE  
ELECTRIC - PEPCO  
TELEPHONE - COMCAST  
GAS - PRIVATE
- THIS PLAN CREATED WITHOUT THE BENEFIT OF A TITLE REPORT.

**SOILS TABLE**

- 1B GAULA SILT LOAM, 3 TO 8 PERCENT SLOPES**  
THIS MEDIUM-TEXTURED SOIL IS VERY DEEP, WELL DRAINED AND MODERATELY PERMEABLE. AVAILABLE WATER CAPACITY IS MODERATE. PRODUCTIVITY IS MODERATE. EROSION HAZARD IS SLIGHT. CAPABILITY SUBCLASS IS IIE.
- 35B CHROME AND CONOWINGO SOILS, 3 TO 8 PERCENT SLOPES**  
CHROME SOILS ARE FINE-TEXTURED, MODERATELY DEEP, WELL DRAINED AND SLOWLY PERMEABLE. CONOWINGO SOILS ARE MODERATELY FINE-TEXTURED, DEEP TO VERY DEEP, MODERATELY WELL TO SOMEWHAT POORLY DRAINED AND MODERATELY SLOWLY PERMEABLE. THE AVAILABLE WATER CAPACITY IS LOW FOR CHROME SOILS AND HIGH FOR CONOWINGO SOILS. PRODUCTIVITY IS MODERATE FOR CHROME SOILS AND HIGH FOR CONOWINGO SOILS. EROSION HAZARD IS SLIGHT. CAPABILITY SUBCLASS IS IIE AND IIIE, RESPECTIVELY.
- IC GAULA SILT LOAM, 8 TO 15 PERCENT SLOPES**  
THIS MEDIUM-TEXTURED SOIL IS VERY DEEP, WELL DRAINED AND MODERATELY PERMEABLE. AVAILABLE WATER CAPACITY IS MODERATE. PRODUCTIVITY IS MODERATE. EROSION HAZARD IS MODERATE. CAPABILITY SUBCLASS IS IIIIE.

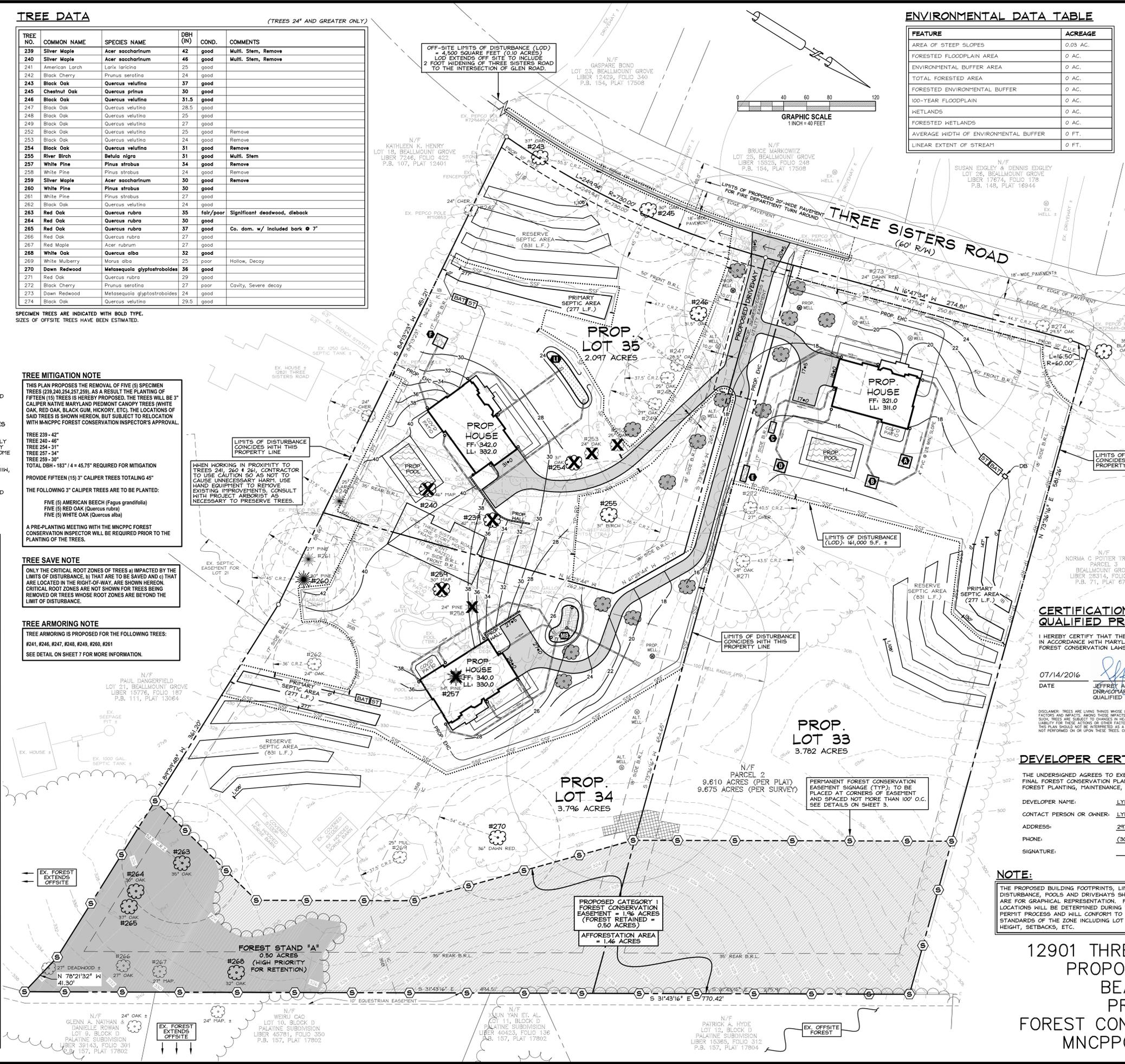
**LEGEND**

**EXISTING FEATURES**

- EX. OVERHEAD UTILITY WITH POLE
- EX. TWO- AND TEN-FOOT CONTOURS
- EX. SPOT ELEVATION
- EX. WOOD FENCE
- EX. WIRE FENCE
- EX. RETAINING WALL
- EX. SOILS BOUNDARY
- EX. TREE LINE
- EX. FOREST AND TREELINE
- EX. STEEP SLOPES (> 25%)
- EX. SPECIMEN TREE
- EX. SIGNIFICANT TREE
- EX. TREE TO BE REMOVED
- EX. WOODEN FENCEPOST
- EX. LIGHTPOLE
- EX. BIRDHOUSE

**PROPOSED FEATURES**

- LIMITS OF DISTURBANCE (L.O.D.)
- PROP. FOREST CONSERVATION EASEMENT
- PROP. CONTOUR WITH ELEVATION
- PROP. E.H.C. PROP. ELECTRIC-HOUSE CONNECTION
- PROP. SUPER SILT FENCE
- PROP. TREE PROTECTION FENCE
- PROP. TREE PROTECTION FENCE & ROOT PRUNING
- PROP. SUPER SILT FENCE W/ TREE PROTECTION SIGNAGE & ROOT PRUNING
- PROP. SPOT ELEVATION
- PROP. RETAINING WALL
- PROP. 4" PVC DRAIN PIPE
- PROP. PIPE FLOW DIRECTION
- PROP. PRIMARY WELL LOCATION
- PROP. GRAVEL DRYHILL
- PROP. LANDSCAPE INFILTRATION & MICRO-BIORETENTION
- PROP. PERMEABLE PAVERS
- PROP. AFFORESTATION AREA
- PROP. B.A.T. & SEPTIC TANK
- PROP. FOREST CONSERVATION EASEMENT SIGNAGE
- PROP. 3" CALIPER MITIGATION TREE



**CERTIFICATION OF QUALIFIED PROFESSIONAL**

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS, AND M-NCPPC GUIDELINES.

DATE: 07/14/2016  
 SIGNATURE: Jeffrey A. Robertson  
 DNR/COMAR 08.19.06.01  
 QUALIFIED PROFESSIONAL

**DEVELOPER CERTIFICATE**

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF THE APPROVED FINAL FOREST CONSERVATION PLAN NO. 120160150 INCLUDING, FINANCIAL BONDING, FOREST PLANTING, MAINTENANCE, AND ALL OTHER APPLICABLE AGREEMENTS.

DEVELOPER NAME: LYLE E. GRAMLEY REVOCABLE TRUST  
 CONTACT PERSON OR OWNER: LYNN DAWSON  
 ADDRESS: 2473 COUNTRY SQUIRE LANE, DECATUR, GA 30033  
 PHONE: (301) 502-0584  
 SIGNATURE:

**NOTE:**

THE PROPOSED BUILDING FOOTPRINTS, LIMITS OF DISTURBANCE, POOLS AND DRIVEWAYS SHOWN HEREON ARE FOR GRAPHICAL REPRESENTATION. FINAL BUILDING LOCATIONS WILL BE DETERMINED DURING THE BUILDING PERMIT PROCESS AND WILL CONFORM TO THE STANDARDS OF THE ZONE INCLUDING LOT COVERAGE, HEIGHT, SETBACKS, ETC.

**OWNER**  
 LYLE E. GRAMLEY REVOCABLE TRUST  
 ATTN: LYNN DAWSON  
 2473 COUNTRY SQUIRE LANE  
 DECATUR, GA 30033  
 (301) 502-0584 PHONE  
 lcdawson@verizon.net

12901 THREE SISTERS ROAD  
 PROPOSED LOTS 33-35  
 BEALLMOUNT GROVE  
 PRELIMINARY/FINAL  
 FOREST CONSERVATION PLAN  
 MNCPPC NO: 120160150

12901 THREE SISTERS ROAD, POTOMAC, MD 20854  
 PLAT BOOK 71, PLAT 6717, CIRCA 1962

PROPOSED LOT 33-35 (PARCEL 2)  
**BEALLMOUNT GROVE**  
 DARNESTOWN (6TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

**PRELIMINARY/FINAL FOREST CONSERVATION PLAN**

DATE: 07/14/16  
 REVISION: JSC  
 DATE: 09/16/16  
 REVISION: JSC  
 DATE: 07/14/16  
 REVISION: JSC

DATE: 03/2015  
 PROJECT: 13-332  
 ENGINEERING: N/A  
 ILLUSTRATION: JSC  
 SCALE: 1" = 40'  
 APPROVAL: JAR

10 South Bentz Street  
 Frederick, Maryland 21701  
 301-607-8031 office  
 301-607-8045 fax  
 www.casengineering.com  
 info@casengineering.com

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5 OF 7  
**FCP - 1**



## DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Al R. Roshdieh  
Director

May 5, 2016

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

RE: Beallmount Grove, Parcel 2  
Preliminary Plan No. 120160150

Dear Mr. <sup>Ryan</sup>~~Sigworth~~:

We have completed our review of the preliminary plan dated March 9, 2016. This plan was reviewed by the Development Review Committee at its meeting on February 22, 2016. We recommend approval of the plan subject to the following comments:

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

1. Three Sisters Road will need to be widened to twenty (20) feet for a distance of seventy (70) feet to the north and south of the centerline of the proposed common driveway for Montgomery County Fire & Rescue Compliance.
2. Relocation of utilities along Three Sisters Road to accommodate the required roadway improvements, if necessary, is the responsibility of the applicant.
3. The proposed common driveway apron needs to be constructed with Fire Department-compliant driveway returns and paved a minimum of twenty (20) feet wide within the public right-of-way. Extend the twenty (20) foot wide paved driveway into the site as necessary to satisfy emergency vehicle access requirement.
4. The record plat must reflect a reciprocal ingress, egress and public utilities easement for the common driveway.

## Office of the Director

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX  
www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

Mr. Ryan Sigworth  
Preliminary Plan No. 1-20160150  
May 5, 2016  
Page 2

5. The private common driveway 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 the private common driveway, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
6. The sight distance evaluation is acceptable and is included with this letter.
7. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
8. Wells and septic systems cannot be located within the right of way or the slope and drainage easements.
9. The storm drainage study is acceptable.
10. This project is located in the Rural West Policy Area. Therefore, there is no TPAR payment required.
11. 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.
12. Relocation of utilities along existing roads to accommodate the required roadway improvements, if necessary, shall be the responsibility of the applicant.
13. 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. Paving, shoulders, side drainage ditches and appurtenances along Three Sisters Road per comment number 1.

NOTE: The Public Utility Easement is to be graded at a side slope not to exceed 4:1.

- B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

Mr. Ryan Sigworth  
Preliminary Plan No. 1-20160150  
May 5, 2016  
Page 3

- C. 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.
  
- D. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact William Whelan, our Development Review Area Engineer for this project at [william.whelan@montgomerycountymd.gov](mailto:william.whelan@montgomerycountymd.gov) or (240) 777-2173.

Sincerely,  
*Ann Y.M. Denawi for Greg*  
Gregory M. Leck, Manager  
Development Review Team

120160150 Beallmount Grove. Parcel 2 - MCDOT final plan review ltr.docx  
Enclosures (sight distance certification)

cc: Lynn Dawson  
Jared Sims-Carhart CAS Engineering  
Curt Schreffler CAS Engineering  
Preliminary Plan folder  
Preliminary Plan letters notebook

cc-e: Sam Farhadi MCDPS RWPR  
Marie LaBaw MCDPS Land Development  
Willaim Whelan MCDOT OTP

Mr. Ryan Sigworth  
Preliminary Plan No. 1-20160150  
May 5, 2016  
Page 4

Lynn Dawson  
2973 Country Squire Lane  
Decatur, MD 30033

Jared Sims Carhart  
CAS Engineering  
10 South Bentz Street  
Frederick, MD 20701

Curt Schreffler  
CAS Engineering  
10 South Bentz Street  
Frederick, MD 21701



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

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Beallmount Grove, Parcel 2 Preliminary Plan Number: 1- 20160150

Street Name: Three Sisters Road Master Plan Road Classification: Unclassified

Posted Speed Limit: 30 (MC-211.02) mph

Street/Driveway #1 ( Prop. Lot 33 ) Street/Driveway #2 ( )

Table with 4 columns: Sight Distance (feet), OK?, Sight Distance (feet), OK?. Rows for Right and Left views.

Comments:

Comments:

\*End of Cul-De-Sac

GUIDELINES

Table with 3 columns: Classification or Posted Speed (use higher value), Required Sight Distance in Each Direction\*, Sight distance is measured from an eye height of 3.5'...

ENGINEER/ SURVEYOR CERTIFICATE

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

Signature: Curt Schreffler

19568 PLS/P.E. MD Reg. No.



Montgomery County Review: [X] Approved [ ] Disapproved By: WAW Date: 02/10/16



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

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Beallmount Grove, Parcel 2 Preliminary Plan Number: 1- 20160150

Street Name: Three Sisters Road Master Plan Road Classification: Unclassified

Posted Speed Limit: 30 (MC-211.02) mph

Street/Driveway #1 ( Prop. Lot 35 ) Street/Driveway #2 ( )

Table with 4 columns: Sight Distance (feet), OK?, Sight Distance (feet), OK?. Rows for Right and Left directions.

Comments:

\*End of Cul-De-Sac
\*16" Pine tree branch blocks visibility slightly but will be removed or trimmed at time of construction

Comments:

GUIDELINES

Table with 3 columns: Classification or Posted Speed (use higher value), Required Sight Distance in Each Direction\*, and Sight distance is measured from an eye height of 3.5'...

ENGINEER/ SURVEYOR CERTIFICATE

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

Signature: Curt Schwelb

19568 PLS/P.E. MD Reg. No.



Montgomery County Review: [X] Approved [ ] Disapproved. By: WPAW Date: 02/10/16



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## FIRE MARSHAL COMMENTS

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**DATE:** 14-Apr-16  
**TO:** Curt Schreffler - curt@casengineering  
CAS Engineering  
**FROM:** Marie LaBaw  
**RE:** 12901 Three Sisters Road - Proposed Lots 33-36  
120160150

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### PLAN APPROVED

1. Review based only upon information contained on the plan submitted **14-Apr-16** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
*County Executive*

Diane Schwartz Jones  
*Director*

MEMORANDUM

May <sup>23</sup> 17, 2016

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

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

SUBJECT: Status of Preliminary Plan: Beallmount Grove  
120160150

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on May 12, 2106.

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.
2. The record plat must show all septic reserve areas as they are shown on this plan.
3. All existing wells and septic systems must be properly abandoned prior to record plat approval.

If you have any questions, please contact Heidi Benham at (240) 777-6318.



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

April 12, 2016

Mr. Jared Carhart  
CAS Engineering  
10 South Bentz Street  
Frederick, MD 21701

Re: Combination Stormwater Management  
**CONCEPT / SITE DEVELOPMENT PLAN**  
Request for Beallmount Grove, Parcel 2  
Preliminary Plan #: 120160150  
SM File #: 281587  
Tract Size/Zone: 9.61ac/RE-2  
Total Concept Area: 9.61ac  
Lots/Block: 3 Lots Proposed  
Parcel(s): Parcel 2  
Watershed: Potomac Direct

Dear Mr. Carhart:

Based on a review by the Department of Permitting Services Review Staff, the Combination Stormwater Management Concept / Site Development Plan for the above mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals for each new lot via ESD to the MEP with the use of Landscape Infiltration, Micro-bioretenention and Drywells.

The following **items** will need to be addressed **during** the final stormwater management design plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review. Please contact the reviewer prior to submission of the detailed plans package to discuss.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the submitted Stormwater Management Concept is for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. Provide easements and covenants for all stormwater structures and practices if required for single family lots at the time of submission of the engineered sediment control plan. Currently these are not required but may be in the near future.

Mr. Jared Carhart  
April 12, 2016  
Page 2 of 2

6. DPS approval of a sediment control or stormwater management plan is for demonstrated compliance with minimum environmental runoff treatment standards and does not create or imply any right to divert or concentrate runoff onto any adjacent property without that property owner's permission. It does not relieve the design engineer or other responsible person of professional liability or ethical responsibility for the adequacy of the drainage design as it affects uphill or downhill properties.

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

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

This letter must appear on the final stormwater management design 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 Mary Fertig at [mary.fertig@montgomerycountymd.gov](mailto:mary.fertig@montgomerycountymd.gov) or 240-777-6202.

Sincerely,



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

MCE:MMF

cc: C. Conlon  
SM File # 281587

ESD Acres: 9.61  
STRUCTURAL Acres: 0.00  
WAIVED Acres: 0.00

**GENERAL NOTES**

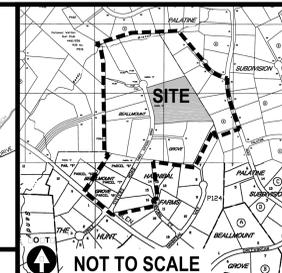
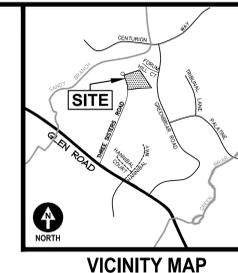
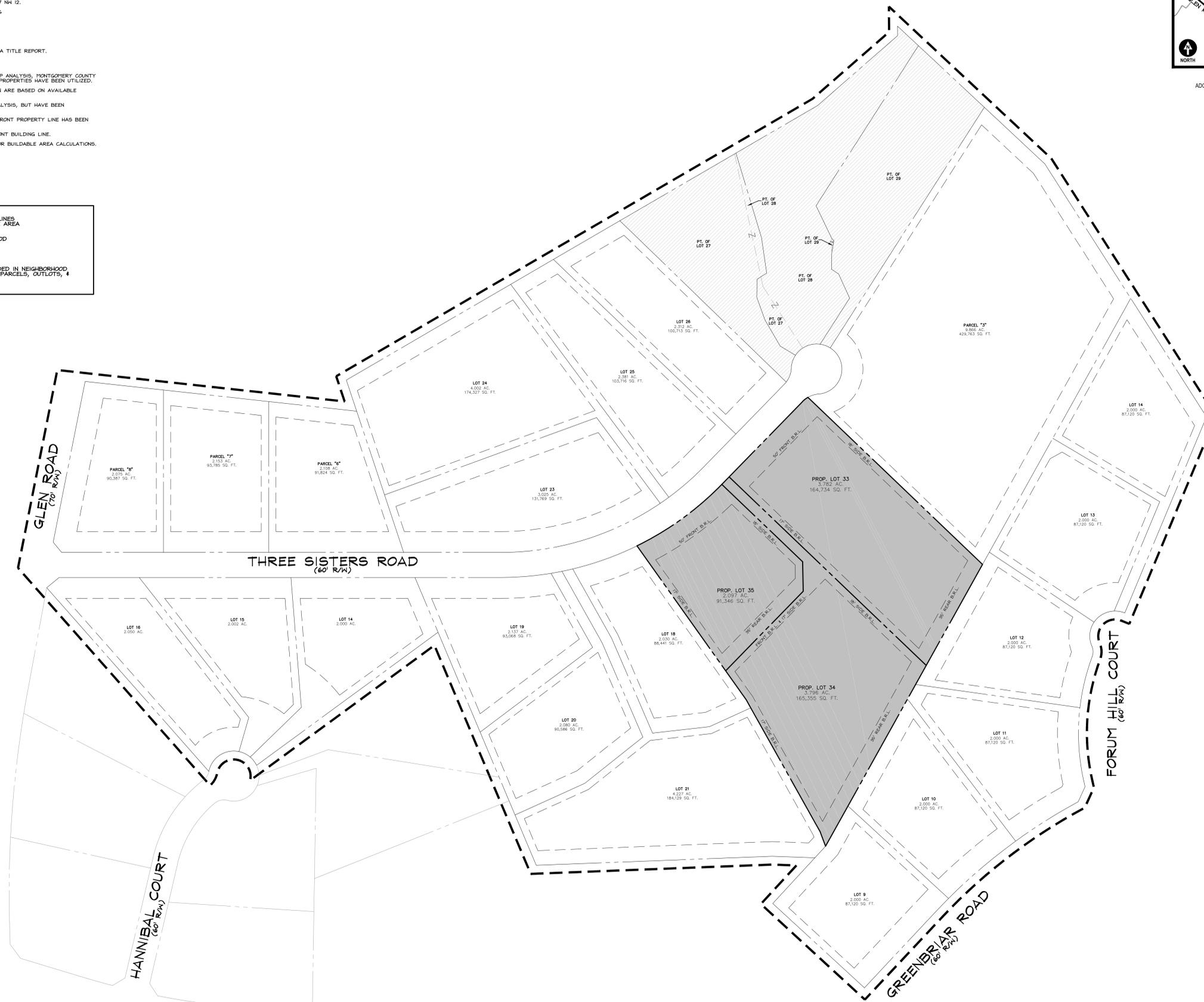
- ZONING: RE-2  
MIN. LOT AREA = 57,120 SQ. FT. FRONT B.R.L. = 50 FT.  
MIN. LOT WIDTH AT R/W = 25 FT. REAR B.R.L. = 35 FT.  
MIN. LOT WIDTH AT B.R.L. = 150 FT. SIDE B.R.L. = 15 FT. MIN. EACH SIDE  
36 FT. MIN. TOTAL
- TOTAL LOT AREA (PER PLAT): PARCEL 2 = 418,611.6 SQ. FT. (9.610 ACRES)  
TOTAL LOT AREA (PER SURVEY): PARCEL 2 = 421,458.9 SQ. FT. (9.679 ACRES)
- PROPERTY IS LOCATED ON TAX MAP ER 561, PARCEL 2, BEALLMOUNT GROVE.
- PROPERTY IS LOCATED ON WSSC 200' SHEET 217 NH 12.
- WATER CATEGORY - 6 SEWER CATEGORY - 6
- LOCAL UTILITIES INCLUDE:  
WATER & SEWER - PRIVATE  
ELECTRIC - PEPCO  
TELEPHONE - VERIZON  
GAS - PRIVATE
- THIS PLAN CREATED WITHOUT THE BENEFIT OF A TITLE REPORT.

**TABULAR NOTES**

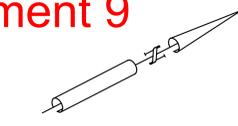
- FOR THE PURPOSES OF THIS NEIGHBORHOOD MAP ANALYSIS, MONTGOMERY COUNTY BUILDING RESTRICTION LINES FOR RE-2 ZONED PROPERTIES HAVE BEEN UTILIZED.
- LOT AREA AND PROPERTY LINES SHOWN HEREON ARE BASED ON AVAILABLE RECORD PLAT INFORMATION.
- PARTS OF LOTS ARE EXCLUDED FROM THIS ANALYSIS, BUT HAVE BEEN GRAPHICALLY DEPICTED HEREON.
- IN THE CASE OF CORNER LOTS, THE LONGEST FRONT PROPERTY LINE HAS BEEN UTILIZED FOR LOT FRONTAGE.
- AVERAGE LOT WIDTH IS TAKEN AT MINIMUM FRONT BUILDING LINE.
- 50' FRONT B.R.L. (PER RE-2 ZONE) ASSUMED FOR BUILDABLE AREA CALCULATIONS.

**LEGEND**

	BUILDING RESTRICTION LINES (RE-2 ZONE) BUILDABLE AREA
	EXTENT OF NEIGHBORHOOD
	SUBJECT PROPERTIES
	PROPERTIES NOT INCLUDED IN NEIGHBORHOOD DELINEATION INCLUDING PARCELS, OUTLOTS, & PARTS OF LOTS



Attachment 9



DATE	11/2013
PROJECT	13-352
ENGINEERING	JSC
ILLUSTRATION	N/A
SCALE	1" = 100'
APPROVAL	EBT

DATE	BY	REV/NO
07/04/16	JSC	INITIAL SUBMITTAL TO MNCPPC (E-PLANS)
08/04/16	JSC	SECOND SUBMITTAL TO MNCPPC (E-PLANS)

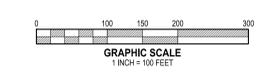
12901 THREE SISTERS ROAD, POTOMAC, MD 20854  
PLAT BOOK 71, PLAT 6717, CIRCA 1962

**PROPOSED LOTS 33-35 (PARCEL 2)**  
**BEALLMOUNT GROVE**  
DARNESTOWN (6TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

NEIGHBORHOOD MAP

10 South Bentz Street  
Frederick, Maryland 21701  
301-807-8045  
www.casengr.com  
info@casengr.com

CIVIL • SURVEYING • LAND PLANNING



APPLICANT  
LYLE E. GRAPLEY  
REVOCABLE TRUST  
ATTN: LYNN DAMSON  
2973 COUNTRY SQUARE LANE  
DECATUR, GA 30033  
(301) 502-0564 PHONE  
lcdauson@verizon.net

12901 THREE SISTERS ROAD  
PROPOSED LOTS 33-35  
BEALLMOUNT GROVE, PARCEL 2  
NEIGHBORHOOD MAP  
MNCPPC NO. 120160150

NOTE: THIS NEIGHBORHOOD MAP IS FOR GRAPHICAL REPRESENTATION ONLY. ALL LOT STATISTICS TAKEN FROM AVAILABLE RECORD PLATS & MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION RECORDS.



**PROPOSED LOTS 33-35**

12901 Three Sisters Road

CAS Project No. 13-332

Comparable Lot Data Table - Sorted by Buildable Area, Largest to Smallest

Lot	Subdivision	Frontage	Alignment	Lot Size	Lot Shape	Width at B.R.L.	Buildable Area
PARCEL 3	BEALLMOUNT GROVE	176.5 Feet	ANGLED	429,763 S.F.	IRREGULAR	262.1 Feet	355,562. S.F.
24	BEALLMOUNT GROVE	25.0 Feet	PERPENDICULAR	174,327 S.F.	PIPESTEM	556.7 Feet	132,506. S.F.
21	BEALLMOUNT GROVE	26.1 Feet	ANGLED	184,129 S.F.	PIPESTEM	630.1 Feet	130,816. S.F.
<b>PROP. LOT 33</b>	<b>BEALLMOUNT GROVE</b>	<b>267.4 Feet</b>	<b>PERPENDICULAR</b>	<b>164,744 S.F.</b>	<b>IRREGULAR</b>	<b>266.1 Feet</b>	<b>123,166. S.F.</b>
<b>PROP. LOT 34</b>	<b>BEALLMOUNT GROVE</b>	<b>25.0 Feet</b>	<b>PERPENDICULAR</b>	<b>165,441 S.F.</b>	<b>PIPESTEM</b>	<b>340.4 Feet</b>	<b>121,162. S.F.</b>
23	BEALLMOUNT GROVE	632.8 Feet	ANGLED	131,769 S.F.	IRREGULAR	617.5 Feet	77,451. S.F.
10	PALATINE SUBDIVISION	210.5 Feet	ANGLED	87,120 S.F.	IRREGULAR	219.3 Feet	74,647. S.F.
25	BEALLMOUNT GROVE	220.0 Feet	PERPENDICULAR	103,716 S.F.	IRREGULAR	211.6 Feet	70,095. S.F.
26	BEALLMOUNT GROVE	165.6 Feet	PERPENDICULAR	100,713 S.F.	IRREGULAR	172.8 Feet	68,513. S.F.
9	PALATINE SUBDIVISION	292.7 Feet	PERPENDICULAR	87,120 S.F.	IRREGULAR	292.7 Feet	67,569. S.F.
11	PALATINE SUBDIVISION	406.2 Feet	ANGLED	87,120 S.F.	IRREGULAR	364.7 Feet	62,644. S.F.
PARCEL 7	BEALLMOUNT GROVE	250.0 Feet	PERPENDICULAR	93,785 S.F.	IRREGULAR	250.0 Feet	62,348. S.F.
20	BEALLMOUNT GROVE	26.4 Feet	ANGLED	90,586 S.F.	PIPESTEM	361.3 Feet	60,623. S.F.
<b>PROP. LOT 35</b>	<b>BEALLMOUNT GROVE</b>	<b>250.7 Feet</b>	<b>PERPENDICULAR</b>	<b>91,345 S.F.</b>	<b>IRREGULAR</b>	<b>259.2 Feet</b>	<b>59,998. S.F.</b>
13	PALATINE SUBDIVISION	60.0 Feet	ANGLED	87,120 S.F.	IRREGULAR	150.0 Feet	59,405. S.F.
PARCEL 6	BEALLMOUNT GROVE	320.0 Feet	ANGLED	91,824 S.F.	IRREGULAR	303.5 Feet	59,201. S.F.
18	BEALLMOUNT GROVE	162.6 Feet	ANGLED	88,441 S.F.	IRREGULAR	167.6 Feet	58,823. S.F.
12	PALATINE SUBDIVISION	212.0 Feet	ANGLED	87,120 S.F.	IRREGULAR	234.0 Feet	58,584. S.F.
19	BEALLMOUNT GROVE	323.4 Feet	ANGLED	93,068 S.F.	IRREGULAR	328.6 Feet	57,767. S.F.
16	HANNIBAL FARMS	228.4 Feet	ANGLED	89,289 S.F.	IRREGULAR	235.9 Feet	55,965. S.F.
14	PALATINE SUBDIVISION	25.8 Feet	ANGLED	87,120 S.F.	PIPESTEM	319.1 Feet	55,752. S.F.
15	HANNIBAL FARMS	360.0 Feet	ANGLED	87,207 S.F.	IRREGULAR	325.2 Feet	50,136. S.F.
PARCEL 8	BEALLMOUNT GROVE	392.4 Feet	CORNER	90,387 S.F.	IRREGULAR	411.7 Feet	49,356. S.F.
14	HANNIBAL FARMS	294.3 Feet	ANGLED	87,120 S.F.	IRREGULAR	311.2 Feet	46,261. S.F.

1. Lot statistics taken from available record plats and MD Department of Assessments and Taxation Records.
2. Longest front property line used for frontage calculation on corner lots.
3. 50' Front BRL (per RE-2 Zone) used for buildable area calculations.
4. 17' & 18' Side yard setbacks used for lots (per RE-2 Zone)
5. Lot width measured at front building restriction line.

**PROPOSED LOTS 33-35**

12901 Three Sisters Road

CAS Project No. 13-332

Comparable Lot Data Table - Sorted by Width at BRL, Largest to Smallest

Lot	Subdivision	Frontage	Alignment	Lot Size	Lot Shape	Width at B.R.L.	Buildable Area
21	BEALLMOUNT GROVE	26.1 Feet	ANGLED	184,129 S.F.	PIPESTEM	630.1 Feet	130,816. S.F.
23	BEALLMOUNT GROVE	632.8 Feet	ANGLED	131,769 S.F.	IRREGULAR	617.5 Feet	77,451. S.F.
24	BEALLMOUNT GROVE	25.0 Feet	PERPENDICULAR	174,327 S.F.	PIPESTEM	556.7 Feet	132,506. S.F.
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<b>PROP. LOT 34</b>	<b>BEALLMOUNT GROVE</b>	<b>25.0 Feet</b>	<b>PERPENDICULAR</b>	<b>165,441 S.F.</b>	<b>PIPESTEM</b>	<b>340.4 Feet</b>	<b>121,162. S.F.</b>
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PARCEL 3	BEALLMOUNT GROVE	176.5 Feet	ANGLED	429,763 S.F.	IRREGULAR	262.1 Feet	355,562. S.F.
<b>PROP. LOT 35</b>	<b>BEALLMOUNT GROVE</b>	<b>250.7 Feet</b>	<b>PERPENDICULAR</b>	<b>91,345 S.F.</b>	<b>IRREGULAR</b>	<b>259.2 Feet</b>	<b>59,998. S.F.</b>
PARCEL 7	BEALLMOUNT GROVE	250.0 Feet	PERPENDICULAR	93,785 S.F.	IRREGULAR	250.0 Feet	62,348. S.F.
16	HANNIBAL FARMS	228.4 Feet	ANGLED	89,289 S.F.	IRREGULAR	235.9 Feet	55,965. S.F.
12	PALATINE SUBDIVISION	212.0 Feet	ANGLED	87,120 S.F.	IRREGULAR	234.0 Feet	58,584. S.F.
10	PALATINE SUBDIVISION	210.5 Feet	ANGLED	87,120 S.F.	IRREGULAR	219.3 Feet	74,647. S.F.
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**PROPOSED LOTS 33-35**

12901 Three Sisters Road

CAS Project No. 13-332

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**PROPOSED LOTS 33-35**

12901 Three Sisters Road

CAS Project No. 13-332

Comparable Lot Data Table - Sorted by Lot Size, Largest to Smallest

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PARCEL 3	BEALLMOUNT GROVE	176.5 Feet	ANGLED	429,763 S.F.	IRREGULAR	262.1 Feet	355,562. S.F.
21	BEALLMOUNT GROVE	26.1 Feet	ANGLED	184,129 S.F.	PIPESTEM	630.1 Feet	130,816. S.F.
24	BEALLMOUNT GROVE	25.0 Feet	PERPENDICULAR	174,327 S.F.	PIPESTEM	556.7 Feet	132,506. S.F.
<b>PROP. LOT 34</b>	<b>BEALLMOUNT GROVE</b>	<b>25.0 Feet</b>	<b>PERPENDICULAR</b>	<b>165,355 S.F.</b>	<b>PIPESTEM</b>	<b>340.4 Feet</b>	<b>121,162. S.F.</b>
<b>PROP. LOT 33</b>	<b>BEALLMOUNT GROVE</b>	<b>267.4 Feet</b>	<b>PERPENDICULAR</b>	<b>164,734 S.F.</b>	<b>IRREGULAR</b>	<b>266.1 Feet</b>	<b>123,166. S.F.</b>
23	BEALLMOUNT GROVE	632.8 Feet	ANGLED	131,769 S.F.	IRREGULAR	617.5 Feet	77,451. S.F.
25	BEALLMOUNT GROVE	220.0 Feet	PERPENDICULAR	103,716 S.F.	IRREGULAR	211.6 Feet	70,095. S.F.
26	BEALLMOUNT GROVE	165.6 Feet	PERPENDICULAR	100,713 S.F.	IRREGULAR	172.8 Feet	68,513. S.F.
PARCEL 7	BEALLMOUNT GROVE	250.0 Feet	PERPENDICULAR	93,785 S.F.	IRREGULAR	250.0 Feet	62,348. S.F.
19	BEALLMOUNT GROVE	323.4 Feet	ANGLED	93,068 S.F.	IRREGULAR	328.6 Feet	57,767. S.F.
PARCEL 6	BEALLMOUNT GROVE	320.0 Feet	ANGLED	91,824 S.F.	IRREGULAR	303.5 Feet	59,201. S.F.
<b>PROP. LOT 35</b>	<b>BEALLMOUNT GROVE</b>	<b>250.7 Feet</b>	<b>PERPENDICULAR</b>	<b>91,346 S.F.</b>	<b>IRREGULAR</b>	<b>259.2 Feet</b>	<b>59,998. S.F.</b>
20	BEALLMOUNT GROVE	26.4 Feet	ANGLED	90,586 S.F.	PIPESTEM	361.3 Feet	60,623. S.F.
PARCEL 8	BEALLMOUNT GROVE	392.4 Feet	CORNER	90,387 S.F.	IRREGULAR	411.7 Feet	49,356. S.F.
16	HANNIBAL FARMS	228.4 Feet	ANGLED	89,289 S.F.	IRREGULAR	235.9 Feet	55,965. S.F.
18	BEALLMOUNT GROVE	162.6 Feet	ANGLED	88,441 S.F.	IRREGULAR	167.6 Feet	58,823. S.F.
15	HANNIBAL FARMS	360.0 Feet	ANGLED	87,207 S.F.	IRREGULAR	325.2 Feet	50,136. S.F.
14	HANNIBAL FARMS	294.3 Feet	ANGLED	87,120 S.F.	IRREGULAR	311.2 Feet	46,261. S.F.
9	PALATINE SUBDIVISION	292.7 Feet	PERPENDICULAR	87,120 S.F.	IRREGULAR	292.7 Feet	67,569. S.F.
10	PALATINE SUBDIVISION	210.5 Feet	ANGLED	87,120 S.F.	IRREGULAR	219.3 Feet	74,647. S.F.
11	PALATINE SUBDIVISION	406.2 Feet	ANGLED	87,120 S.F.	IRREGULAR	364.7 Feet	62,644. S.F.
12	PALATINE SUBDIVISION	212.0 Feet	ANGLED	87,120 S.F.	IRREGULAR	234.0 Feet	58,584. S.F.
13	PALATINE SUBDIVISION	60.0 Feet	ANGLED	87,120 S.F.	IRREGULAR	150.0 Feet	59,405. S.F.
14	PALATINE SUBDIVISION	25.8 Feet	ANGLED	87,120 S.F.	PIPESTEM	319.1 Feet	55,752. S.F.

1. Lot statistics taken from available record plats and MD Department of Assessments and Taxation Records.
2. Longest front property line used for frontage calculation on corner lots.
3. 50' Front BRL (per RE-2 Zone) used for buildable area calculations.
4. 17' & 18' Side yard setbacks used for lots (per RE-2 Zone)
5. Lot width measured at front building restriction line.



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**corporate office**  
 10 south bentz street  
 frederick, maryland 21701  
 office 301.607.8031  
 info@casengineering.com  
 www.casengineering.com

civil • surveying • land planning

May 18, 2016

M-NCP&PC  
 Development Review Division  
 8787 Georgia Avenue, 2<sup>nd</sup> Floor  
 Silver Spring, MD 20910

Attn: Planning Area 3 Reviewer

Re: **CAS Job No. 13-332**  
**12901 Three Sisters Road, Potomac, MD 20854**  
**Proposed Lots 33-35 (N/F Parcel 2), Beallmount Grove**  
**Forest Conservation (Chapter 22A) Variance Request**  
**MNCPPC # 120160150**

Dear Planning Area 3 Reviewer:

This letter is intended to serve as the Forest Conservation Variance Request pursuant to Section 22A-21 of the Montgomery County Code. The Preliminary / Final Forest Conservation Plan is attached hereto for your review and approval.

Variance Justification

The applicant, Lyle Gramley Revocable Trust, is requesting a variance for the impact to five (5) specimen trees (243, 245, 255, 246, 260) and the removal of five (5) specimen trees (239,240,254,257, 259) located within the property known as Parcel 2, Beallmount Grove and located at 12901 Three Sisters Road. The subject property proposed for development is comprised of 9.61 acres (418,611.6 sq. ft.) of land previously improved with a single-family home, a swimming pool, and equestrian facilities. An existing forest area totaling 0.50 acres is located in the southeast corner of the subject property. Contiguous forest extends offsite to the south and east. A separate offsite forest area exists further north along the rear (or eastern) property line. The property is zoned RE-2 and is bounded by Three Sisters Road to the west and residential properties to the north, east and south. The majority of the property drains towards the northern property line (adjacent to Parcel 3). A minor portion of the property (southern portion of Proposed Lot 35) drains towards the public right-of-way. There are no streams, floodplains, wetlands or associated buffers on the property. The property does not contain any historic structures nor is it on the Masterplan for Historic Preservation.

The property is subject to a Preliminary Plan of Subdivision of which three single-family lots are proposed. Reforestation / afforestation requirements are proposed to be met by the creation of a 1.43 acre afforestation area included within a 1.93 acre Category I Forest Conservation Easement located along the rear of the property.

The property contains thirteen (13) specimen trees within its boundary. Three (3) specimen trees exist within the public right-of-way, adjacent to the property. The following charts indicate the eight (10) affected trees and each respective amount of root zone disturbance to the trees.



### On-Site Specimen Tree Data

Tree No.	Common Name	Botanical Name	D.B.H.	C.R.Z. Radius	C.R.Z. Area	% C.R.Z. Area Disturbed	Condition
239	Silver Maple	<i>Acer saccharinum</i>	42 in.	63 feet	12,469 s.f.	100%	Good (Remove)
240	Silver Maple	<i>Acer saccharinum</i>	46 in.	69.0 feet	14,957 s.f.	98%	Good (Remove)
243	Black Oak	<i>Quercus velutina</i>	37 in.	55.5 feet	9,677 s.f.	7%	Good (Save)
245	Chestnut Oak	<i>Quercus prinus</i>	30 in.	45.0 feet	6,362 s.f.	8%	Good (Save)
246	Black Oak	<i>Quercus velutina</i>	31.5 in.	47.25 feet	7,014 s.f.	32%	Good (Save)
254	Black Oak	<i>Quercus velutina</i>	31 in.	46.5 feet	6,793 s.f.	92%	Good (Remove)
255	River Birch	<i>Betula nigra</i>	31 in.	46.5 feet	6,793 s.f.	30%	Good (Save)
257	White Pine	<i>Pinus strobus</i>	34 in.	51.0 feet	8,171 s.f.	100%	Good (Remove)
259	Silver Maple	<i>Acer saccharinum</i>	30 in.	45.0 feet	6,361 s.f.	100%	Good (Remove)
260	White Pine	<i>Pinus strobus</i>	30 in.	45.0 feet	6,361 s.f.	27%	Good (Save)

In accordance with Section 22A-21(b) of the Forest Conservation Law, the following is a description of the application requirements:

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

The subject property has a total tract area of 9.61 acres and contains a single-family home, driveway, septic system, and out-buildings other appurtenances associated with equestrian uses. The property consists of primarily maintained lawn and pastures along with 0.50 acres of forest and significant and specimen trees. Residential development for the subject property was predicated upon successful completion of septic testing; lot layouts, locations for proposed houses, private wells and stormwater management facilities. Specific separations from buildings, septic areas, wells and stormwater management facilities must be considered. Well and septic developments where priority trees exist randomly in and around the site, generally result in unavoidable impacts to these trees. To the extent practicable, proposed improvements have been located in an effort to protect all of the existing forest and individual significant and specimen trees. Removal and / or impact to some specimen trees is unavoidable.

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

In "rural" areas of Montgomery County where public water and sewerage facilities are not currently available (or planned), the establishment of septic areas suitable for a private septic system along with primary and alternate well locations is required by the County's Well and Septic Department. Even well intentioned initial septic testing locations may not eliminate impacts to existing priority trees. Slow or failing test results often require larger systems or new testing locations altogether.



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

A Stormwater Management (SWM) Concept Plan has been submitted to the Montgomery County Department of Permitting Services. The SWM Concept Plan will ensure that water quality standards will be met in accordance with State and County criteria. All applicable stormwater management requirements have been addressed. Disturbance to any of these specimen trees will not create a measurable degradation in water quality. The subject trees are not located within streams, wetlands, floodplains, or associated buffers.

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

The forest conservation requirements resulting from the proposed development of this site will be met through the retention of 0.50-acres of on-site forest as well as the creation of a 1.93-acre on-site forest conservation easement of which 1.43 acres will include the planting of new trees. The subject trees are not rare, threatened, or endangered, per the Maryland Nongame and Endangered Species Conservation Act. There are no proposed impacts to existing specimen trees on adjacent, privately owned property.

Residential developments on private water and sewer systems generally require more land disturbance than their counter-parts in areas served by public facilities due to required setbacks and spacing between septic areas, dwellings, private wells, and stormwater management systems.

To the extent practicable, the proposed development has been designed to create on-site forest conservation meeting the required minimum thresholds while providing long-term protection adjacent to existing contiguous forest located on neighboring properties. The property is not part of a historic site nor does it contain any historic structures.

Should you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

Jeffrey A. Robertson

*Branch Manager*

*DNR/COMAR 08.19.06.01, Qualified Professional*



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Lisa Feldt  
Director

August 2, 2016

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

RE: Beallmount Grove, ePlan 120160150, NRI/FSD application accepted on 3/2/2015

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the



Casey Anderson  
August 2, 2016  
Page 2

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

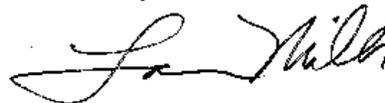
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

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

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

Sincerely,



Laura Miller  
County Arborist

cc: Doug Johnsen, Senior Planner

July 27, 2016  
 Montgomery County  
 RECEIVED

AUG 2 2016 ★

Planning Department

Dear Sir,

I totally oppose the possible

widening of Three Sisters Rd.!

I have lived on this tranquil road

for 50 years, & have observed countless

fire trucks and emergency equipment

make an easy passage - Never a problem!

I think it is an unnecessary and

disruptive - & without justification!

Are there bureaucratic reasons for

this proposal??

Will there be hearings? Please keep

me informed!

Sincerely,

Cynthia Monahan

 **Cynthia S. Monahan**  
 12740 Three Sisters Rd.  
 Potomac, MD 20854-6331



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## Attachment 13

corporate office  
10 south bentz street  
frederick, maryland 21701  
office 301 607 8031  
info@casengineering.com  
www.casengineering.com

civil • surveying • land planning

Re: **Fire Department Access Plan  
for 12901 Three Sisters Road  
M-NCP&PC File No. 120160150**

Dear Three Sisters Road Resident:

One of the reviews required as part of the Preliminary Subdivision Plan application for the above referenced property is by Montgomery County Fire Rescue Services (MCFRS) in order to consider fire department access to the proposed properties and identify available water supplies for fighting fires in the immediate vicinity.

MCFRS is requiring that Three Sisters Road be widened from (approximately) 18-feet to a minimum of 20-feet. The attached plan conceptually illustrates how the applicant proposes to meet these requirements and will be subject to further review, approval, and permits from the Montgomery County Department of Permitting Services.

As an interested landowner you may provide comments, in writing, to the Maryland National Capital Park & Planning Commission (MNCPPC) reviewer which you feel is pertinent to the proposed access plan, and which you think should influence action taken by MNCPPC when determining final requirements.

Written comments must be addressed to:

Ryan Sigworth, Area 3 Plan Reviewer  
Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

We respectfully request that any comments be delivered within two weeks of receipt of this notice.

Sincerely,

A handwritten signature in red ink, appearing to read 'EBT', is written over a faint, larger signature in the background.

Eric B. Tidd, P.E.  
Senior Project Manager

July 14 - respond  
within 2 weeks

12820 Three Sisters Rd.  
Potomac, MD 20854  
July 15, 2016

Certified Mail Return Receipt Requested

Ryan Sigworth, Area 3 Plan Reviewer  
Maryland National Capital Park & Planning Commission  
8787 Georgia Ave.  
Silver Spring, MD 20910



Re: Fire Department Access Plan for 12901 Three Sisters Road; M-NCP&PC File  
No. 120160150 (the "Plan")

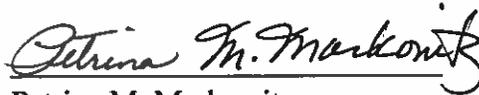
Dear Mr. Sigworth:

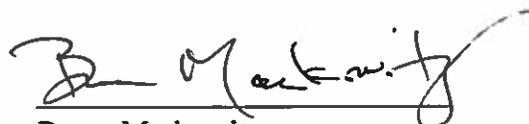
We are in receipt of the Plan and correspondence from CAS Engineering in connection therewith. The correspondence states that any comments regarding the Plan should be addressed to you within two (2) weeks after receipt of the Plan and correspondence, both of which we received on July 14, 2106.

We live directly across the street from 12901 Three Sisters Road, at 12820 Three Sisters Road.

We are writing to you to confirm that we have no objections to the Plan so long as any widening of Three Sisters Road occurs on the side of Three Sisters Road on which 12901 Three Sisters Road is located, as is currently shown on the Plan. We reserve the right to object to the Plan if the widening of Three Sisters Road will occur on the side of Three Sisters Road on which our home is located.

Please call us at 301-869-1940 if you have questions about this letter.

  
Petrina M. Markowitz

  
Bruce Markowitz