



Preliminary Plan, 120150090, Mount Prospect

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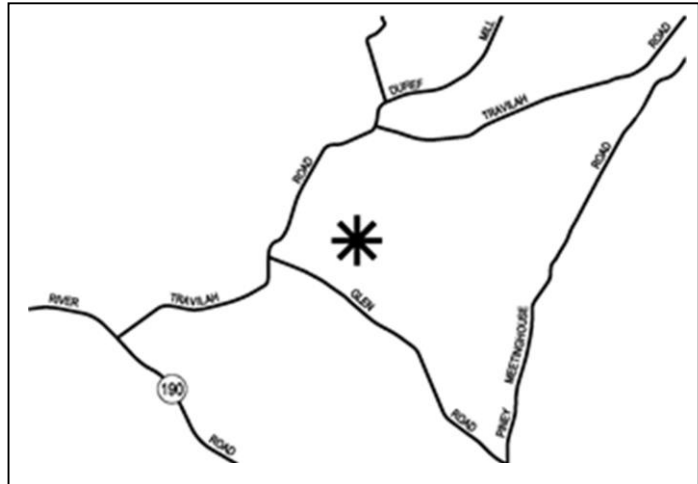
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Staff Report Date: 2/5/16

Description

Request to subdivide Parcel 570 (12230 McCrossin Lane) to create three lots for 3 detached single-family dwellings; 9.48 acres; RE-2 zone; Located at the terminus of McCrossin Lane, 1,800 feet southeast of Travilah Road in Potomac, MD; 2002 Potomac Subregion Master Plan.

Submitted date: 12/17/2014
Applicant: Piney Meetinghouse Investments
Review Basis: Chapter 50, Chapter 22A



Summary

- Staff recommends **approval** with conditions.
- The Application includes a Chapter 22A variance for the removal of eight trees and impact to 30 trees that are 30 inches and greater diameter at breast height.
- The Application is consistent with the recommendations of the 2002 Potomac Subregion Master Plan.
- The Application includes a request to impact Stream Valley Buffer.
- The proposed lots meet the standards of development in the RE-2 Zone.

RECOMMENDATION: Approval subject to the following conditions:

1. This Preliminary Plan is limited to three lots for three single-family detached dwelling units.
2. The Certified Preliminary Plan cover sheet must include the following:
 - a. The stormwater management concept approval letter
 - b. The Preliminary Plan Resolution
3. The Certified Preliminary Plan must reference McCrossin Lane as a tertiary road, not a secondary road.
4. The Applicant must dedicate and show on the record plat a dedication of 25-feet of right-of-way from the centerline of McCrossin Lane as shown on the Preliminary Plan.
5. The Applicant must use directional boring to install the septic line for Lot 3 as shown on the Preliminary Plan.
6. The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan no. 120150090, approved as part of this Preliminary Plan, including the following:
 - a. The Applicant must plant at least 30.5 caliper inches of native canopy trees on the Subject Property within one year or 2 growing seasons after the development project is complete. The trees must be a minimum of a three-inch caliper size.
 - b. A revised Final Forest Conservation Plan (FFCP) must be submitted and approved prior to plat recordation that addresses the following:
 - i. Show the location of permanent Category I Conservation Easement signs along the perimeter of the conservation easement area at the time of forest planting.
 - ii. Show the location of split rail fencing that will be required at the easement boundaries in the vicinity of residential properties.
 - iii. Type and location of mitigation trees must be shown on the FFCP.
 - c. Conservation easement signs and split rail fencing, or Staff approved equivalent, must be installed prior to any land disturbing activity.
 - d. In addition to the requirement for the septic line for Lot 3 to be directionally bored, the Applicant must abide by the specific tree protection plan on the Forest Conservation Plan, including root pruning, mulch root protection matting, and tree protection fencing.
 - e. The Applicant must follow the specific notes on the Final Forest Conservation Plan addressing the details of maintenance and access of the primary septic field trench for Lot 3.
 - f. The Applicant must submit a Category I Forest Conservation Easement which reflects the notes and conditions for activities associated with the access and maintenance of the septic field.
7. A Category I Conservation Easement must be placed over all areas of forest planting, forest retention, and Stream Valley Buffer. The Category I Conservation Easement must be approved by the M-NCPPC Office of the General Counsel and be recorded in the Montgomery County Land Records by deed prior to demolition, clearing, or grading and the Liber/Folio for the easement must be referenced on the record plat.

8. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 19, 2015 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.
9. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
10. 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 August 2, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the 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.
11. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Well and Septic Section in its letter dated May 7, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the 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.
12. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, “To Be Constructed By _____” are excluded from this condition.
13. The certified Preliminary Plan must contain the following note:

“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). 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.”
14. The record plat must show necessary easements.
15. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
16. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.

SITE DESCRIPTION

The subject property is located at the terminus of McCrossin Lane (12230 McCrossin Lane), approximately 1,800 feet southeast of Travilah Road and consists of a 9.48-acre parcel (P570, Tax Map ER561) in the RE-2 zone (“Property” or “Subject Property”). The Subject Property is located north of Briarbush Lane and south of Centurion Way within the “Travilah” community area of the 2002 Potomac Subregion Master Plan (“Master Plan”). The area surrounding the Subject Property is developed with single-family detached houses zoned RE-2. The Property is improved with the existing Izaak Walton gun club building and associated out buildings, which will all be removed.



Figure 1 - Vicinity Map

The Subject Property fronts on and has access to McCrossin Lane, a tertiary residential road with an existing 50-foot-wide right-of-way with a variable pavement width of 12 to 20 feet. The Subject Property includes a stream and associated Stream Valley Buffer (SVB) along the east side of the Property. The Property generally slopes northwest to southeast approximately 3.5 percent towards a stream that is located on the southern portion of the Property. There are 4.72 acres of existing forest onsite. The Property also contains 3.08 acres of SVB of which 2.74 acres contains forest. The Subject Property also contains 0.84 acres of 100-year floodplain. The Subject Property is within the Watts

Branch watershed; a Use I-P watershed. The Countywide Stream Protection Strategy rates the condition of streams in this watershed as fair.



Figure 2 – Aerial View

PROJECT DESCRIPTION

Preliminary plan application No. 120150090, Mount Prospect (“Application” or “Preliminary Plan”) proposes to subdivide the Subject Property into three lots for the construction of three new single-family detached homes (Figure 3). As proposed, the three lots will share a driveway using existing driveway access point at the terminus of McCrossin Lane. The Applicant will dedicate 3,049 square feet (0.07 acres) along the Property’s frontage to achieve the full right-of-way required for the McCrossin Lane cul-de-sac. Each new lot will be served by an on-site private well and septic system, constructed as shown on the Preliminary Plan. The use of private well and septic is consistent with the Property’s W-6 and S-6 category. The existing well and septic system serving the club building will be removed in accordance with MCDPS requirements (Attachment B). Stormwater quantity and quality will be managed on each lot via dry wells, grass swales and microbioretention. This Application also includes a tree variance for impact to 30 specimen trees and removal of eight specimen trees on the Property.

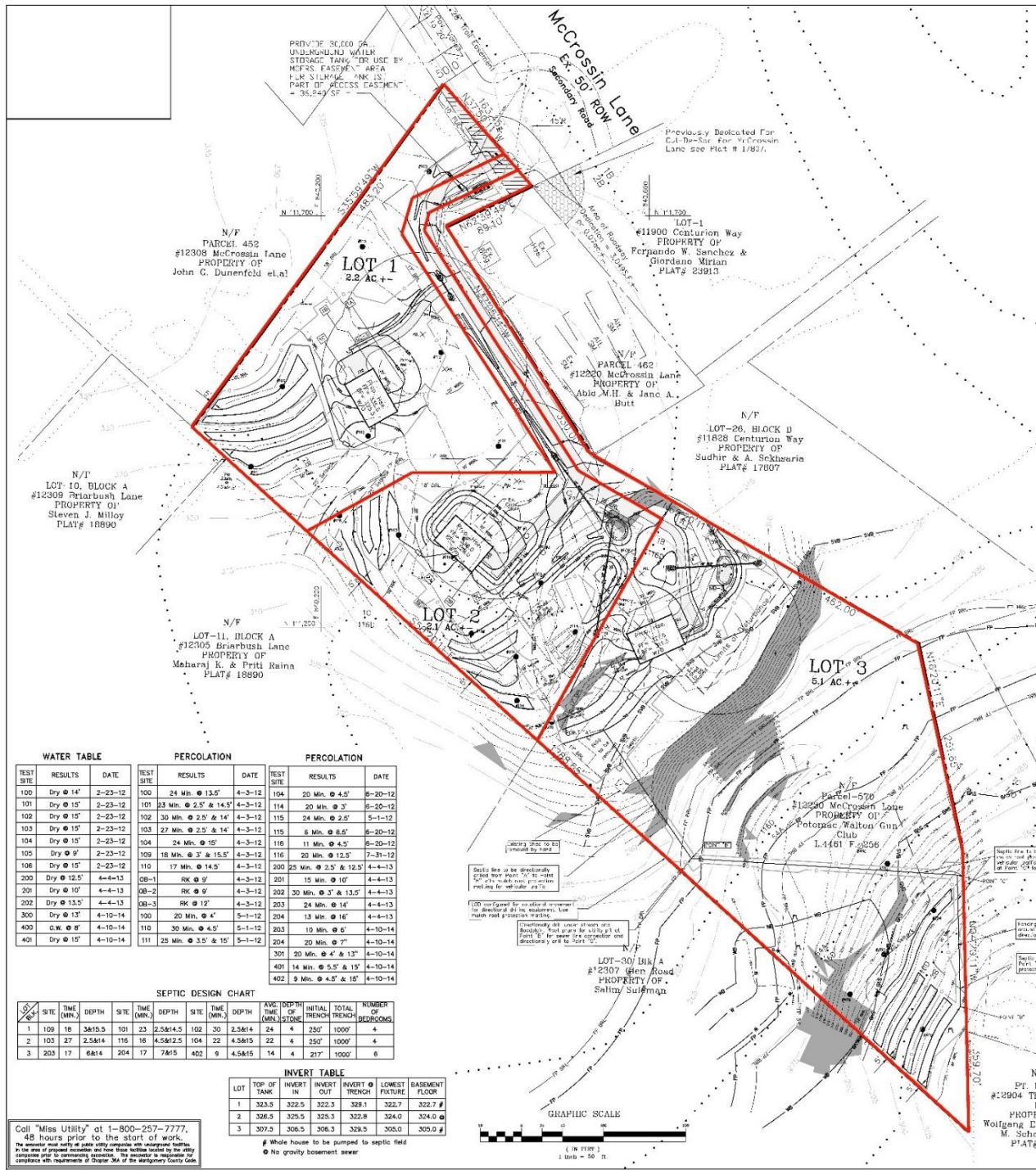


Figure 3 - Proposed Preliminary Plan

ANALYSIS AND FINDINGS – Chapter 50

Master Plan Conformance

The Subject Property is located in the Travilah community, as designated in the 2002 Potomac Subregion Master Plan. The Master Plan is silent on this specific Property, but describes Travilah thus:

“This central and southern portion of the Potomac Subregion is a low-density area that acts as a transition from the higher densities of Potomac and North Potomac to lower densities in Darnestown and the natural environment of the Potomac River. This community is under intense development pressure and contains natural features of County and State significance.... Like Darnestown, Travilah is a more rural portion of the Subregion, and the area’s dependence on septic systems has ensured low-density residential neighborhoods...The area is dominated by low-density, single-family detached residential development in the R-200, RE-1, RE-2, and RE-2C Zones, (p. 80).”

The stream that runs through the eastern side on the Property is part of Sandy Branch, a tributary of the Watts Branch. The Master Plan states:

“Protecting the Subregion’s water resources is critical. The area contains several exceptionally healthy aquatic ecosystems. In addition, the Watts Branch drains to the Potomac River just north and upstream of the WSSC Potomac Water Filtration Plant, directly affecting raw water quality, (p. 13).”

Of the Watts Branch Watershed, the Master Plan states:

“Watts Branch has the highest concentration of unique environmental features in the Subregion. Although Watts Branch watershed has its headwaters outside the Subregion, it has three significant tributaries—Piney Branch, Greenbriar Branch, and Sandy Branch—that are large, highly sensitive, and whose headwaters lie entirely within the Subregion. Water quality in Watts Branch is generally fair with the exception of two subshed in Piney Branch and Lower Sandy Branch which have good water quality, (p. 16).”

The Preliminary Plan includes three lots for three single-family detached dwellings on private well and septic systems, which is consistent with the low density development recommended in the Master Plan. The land use and density proposed for this Property is consistent with the RE-2 zoning in place and the recommendations of the 2002 Potomac Subregion Master Plan. The proposed three lots are below the maximum density of four lots permitted on the Property under the RE-2 zone. Proposed Lot 3 is at the eastern side of the Property, and includes the on-site stream and stream valley buffer. Based on the recommendations of the Master Plan for projects in the Watts Branch watershed and the Sandy Branch tributary, additional protective measures are being implemented to protect the Subregion’s water resources. Condition #5 requires that the septic line for Lot 3 will be directionally bored under the steam and buffer which is discussed in greater detail in the environmental section of this report. With condition 5 and the additional forest planting as described in the environmental section below, the Application substantially conforms with the recommendations adopted in the Master Plan.

Adequate Public Facilities Review (APF)

Site Access, Parking, and Public Transportation

The Subject Property is located at the terminus of McCrossin Lane in Potomac. The three proposed houses will have their own driveways that will connect to one 20-foot wide shared driveway that will access the cul-de-sac at the terminus of McCrossin Lane. Vehicle parking is provided on-site on driveways and/or in garages.

McCrossin Lane is classified as a tertiary road with a 50-foot wide right-of-way per MCDOT cross section (MC-210.05). The Applicant is dedicating right-of-way along their frontage of McCrossin Lane to meet the right-of-way requirement, which is 25 feet from the centerline of the road. A sidewalk is not required along the Property frontage because the Property fronts on a tertiary road and is zoned RE-2. Access to the proposed lots will be from the new shared driveway.

The closest transit service is Ride-On Route 67, which is over one mile from the Subject Property. The closest stop is at Travilah Road and Dufief Mill Road. The route connects the Trville Transit Center to the Shady Grove Metrorail Station with peak directional service every 30 minutes during the AM and PM peak period. In the morning the route runs from the Trville Transit Center to the Shady Grove Metrorail Station and does the reverse trip in the afternoon.

Master Plan Transportation Facilities

The 2002 Approved and Adopted Potomac Subregion Master Plan and the 2005 Approved and Adopted Countywide Bikeways Functional Master Plan do not have recommendations for nearby roadway or bikeway facilities that affect the Subject Property.

Local Area Transportation Review (LATR)

As conditioned, the subject Preliminary Plan for the proposed use with three single family detached homes does not trigger LATR as the three new homes will only generate three additional trips in the AM and PM peak hour. The threshold for an LATR review, according to the *LATR and TPAR Guidelines*, is 30 net new additional trips.

Transportation Policy Area Review (TPAR)

The Property is located in the Rural West Policy Area. According to the 2012-2016 Subdivision Staging Policy (SSP), the Rural West Area is exempt from the roadway test and transit test; therefore, no TPAR General District Transportation Impact Tax is required.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. An on-site well and septic system is proposed to serve each dwelling unit. As conditioned, the Applicant will bore the line under the stream and floodplain by using directional boring instead of trenching. Directional boring will minimize the impact to the stream valley buffer, and related environmental features.

The Preliminary Plan has been evaluated by Staff and the Montgomery County Department of Transportation, who support the transportation elements of the Plan. The proposed access to the Subject Property and the individual lots, as shown on the Preliminary Plan, is adequate to serve the traffic generated by the development.

The Application has been reviewed by the Montgomery County Department of Fire and Rescue Service who determined that the Property has adequate access for fire and rescue vehicles by transmittal dated March 10, 2015. As specified in the Fire and Rescue approval documents and shown on the Preliminary Plan, the Applicant will install a 30,000-gallon underground water storage tank along the frontage of the Property parallel to the driveway, within the shared access easement (Attachment C).

The Subject Property is within the Thomas S. Wootton High School cluster. According to the 2012-2016 Subdivision Staging Policy, the schools in the Wooten Cluster are operating at an adequate level to serve the proposed dwellings. The Application is not subject to a School Facilities Payment. Electric and telecommunications services as available and adequate to serve the proposed lots. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the 2012-2016 Subdivision Staging Policy Resolution currently in effect.

Environment

Environmental Guidelines

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No. 420150120 was approved for the 9.48-acre Subject Property on September 12, 2014. The Subject Property includes a stream and associated Stream Valley Buffer along the east side of the Property. There are 4.72 acres of existing forest onsite. The Property contains 3.08 acres of SVB of which 2.74 acres contains forest. The Property also contains 0.84 acres of 100-year floodplain.

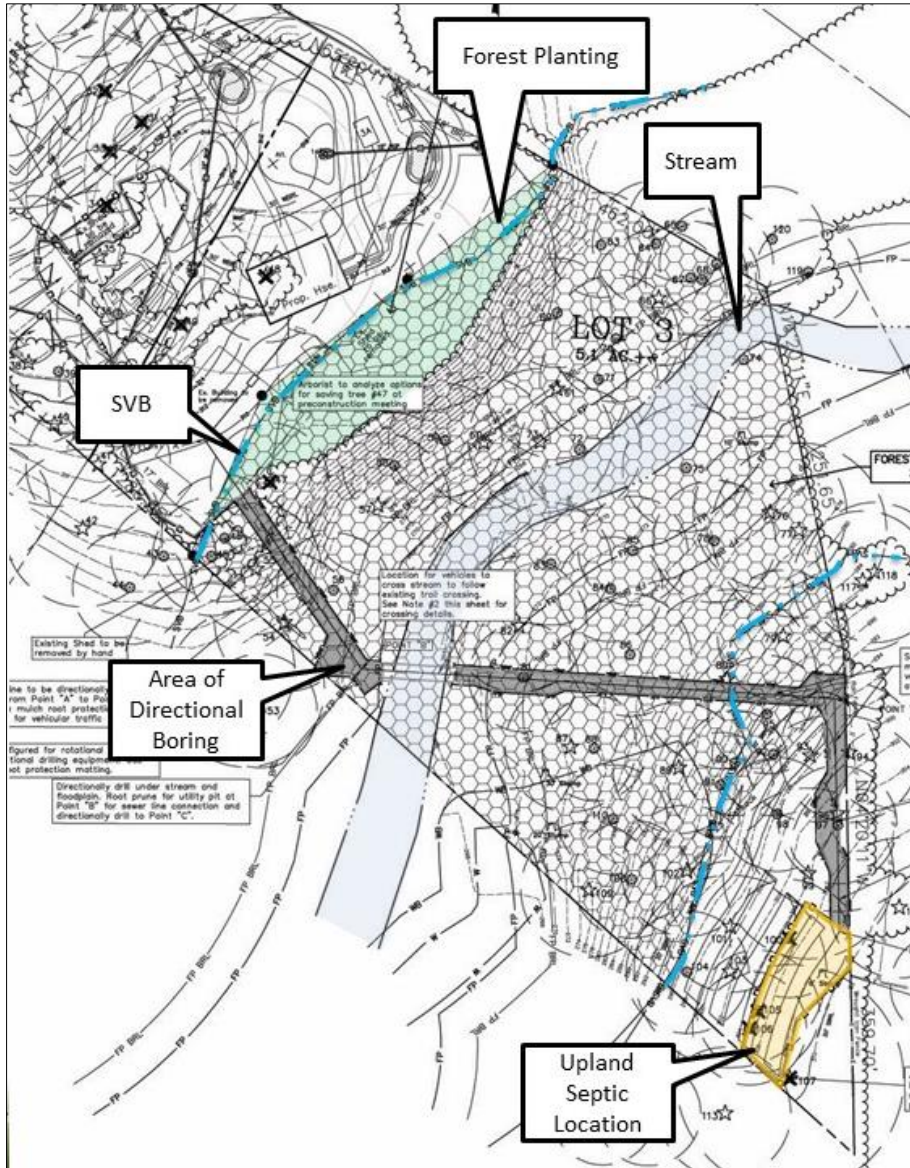


Figure 3 - Stream Valley Buffer Impact

The proposed septic area for proposed Lot 3 is located in the southeast corner of the Property. This portion of the Property is forested but outside the SVB. However, the rear of Lot 3 and the southeast corner are separated by a perennial stream and its associated SVB. The Applicant worked with Staff to develop a plan that provides access to the isolated southeast corner while providing protection and mitigation for the intervening environmentally sensitive areas. As shown in Figure 3, the Applicant has minimized the limits of disturbance within the SVB, provided directional boring of the proposed septic line, and proposed 0.39 acres of mitigation forest planting within unforested SVB.

The proposed septic line in addition to being directionally bored includes a tree protection plan that includes root pruning, mulch root protection matting, tree protection fencing. Specific notes have been added to the FCP to address the details of maintenance and access of the primary septic field trench.

Additionally, the Applicant will submit a Category I Conservation Easement which reflects the notes and conditions for activities associated with the access and maintenance of the septic filed. Staff believes that the proposed plan is consistent with the Environmental Guidelines and provides protection for the environmentally sensitives areas and additional planting of unforested SVB.

Forest Conservation

The Application meets all applicable requirements of the county Forest Conservation Law. The Forest Conservation Plan (FCP) contains 9.48 acres of net tract area. The FCP proposes 1.27 acres of forest clearing and retention of 3.45 acres of existing forest which will be placed in a Category I Forest Conservation Easement. The Property has a 2.77 acre conservation threshold under the Medium Density Residential land use category. No forest planting mitigation is required because the proposal is above the break-even point (clearing permitted without mitigation).

While there is no planting requirement as per the worksheet, the Applicant is providing 0.39 acres of forest planting and mitigation for environmental impacts mentioned above. The new forest plantings will be covered by Category I conservation easement, a two-year maintenance and management agreement, and financial security such as a performance bond.

Forest Conservation Variance

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

Unwarranted Hardship

Given the zoning, the property size, the design requirements including the well and septic regulations, the environmental buffers, and the amount of forest and trees, the variance tree impacts are necessary and not allowing the specimen tree impacts and removals would be an unwarranted hardship and is detailed as follows:

The Property is zoned RE-2 and the total area subject to the associated Forest Conservation Plan includes 9.48 acres with 4.72 acres of forest. The forest on-site is spread across the Property in two forest stands with a significant amount of tree canopy and specimen trees in between the stands. There are one hundred thirty-two significant and specimen trees in and around the Property which includes fifty-nine specimen trees.

Per the zoning the maximum density allowed is four. Due to public sewer service not being available to the Property the proposed development must utilize on-site individual sewage disposal systems. The available areas that were found to be adequate for these facilities have dictated much of the proposed subdivision layout and resulted in many of the impacts to specimen trees. Because of well and septic design requirements only three houses with suitable wells and sewage disposal areas were achievable.

On September 4, 2015, the Applicant requested a variance for removal of eight (8) and impacts to thirty (30) Protected Trees (Attachment D). These trees are listed in a chart included in the Applicant's Variance Request and also on page one of the submitted FCP.

Based on the following justifications, the Applicant has met all criteria required to grant the variance for the removal of eight (8) Protected Trees, shown in red below and impacts to thirty (30) Protected Trees, shown in green below, subject to the variance provision.

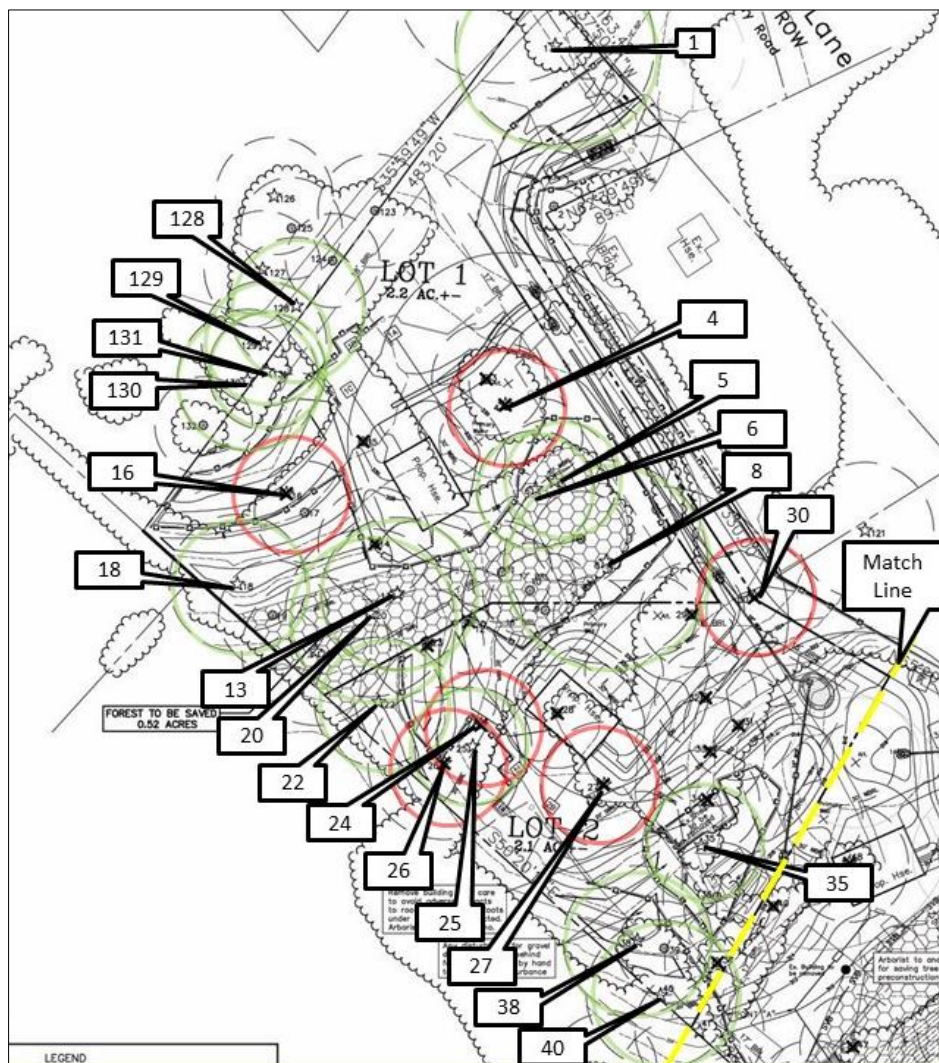


Figure 4 – Tree Variance (1 of 2)

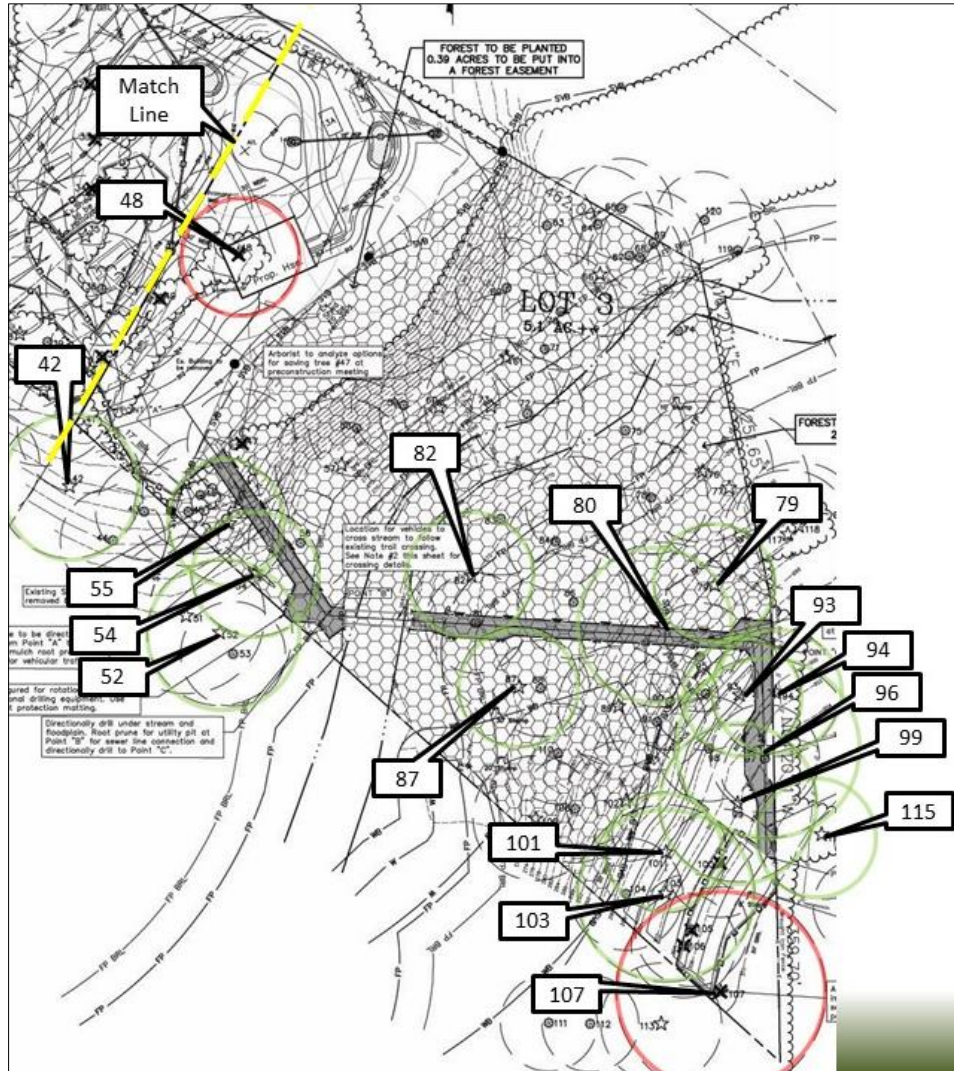


Figure 5 – Tree Variance (2 of 2)

Variance Findings

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

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

Granting of the variance is not unique to this Applicant. This type of development is typical and the variance will not confer on the Applicant 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 variance is not based on conditions or circumstances which are the result of the action by the Applicant, but rather on the site conditions and the zone for this area. There are no feasible options to reconfigure this three-lot subdivision to avoid impact to the Protected Trees.

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

The requested variance is not related in any way to a condition on an adjacent, neighboring property.

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

The variance will not violate State water quality standards or cause measurable degradation in water quality. No trees located within a stream buffer, wetland or special protection area (SPA) will be removed as part of this Application. The Applicant proposes to remove the existing club building which is partially within the stream valley buffer. There is also an existing shed behind the club building that is entirely within the stream buffer which will be removed by hand. Additionally, the unforested stream buffer located on the Property will be planted with forest and protected in a Category I Conservation Easement. In addition, the Montgomery County Department of Permitting Services has found the stormwater management concept for the proposed project to be acceptable as stated in a letter dated August 25, 2015. The stormwater management concept incorporates Environmental Site Design standards.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist for a recommendation prior to acting on the request. In a letter dated October 23, 2015 the County Arborist recommended the variance be approved with mitigation (Attachment E).

Mitigation for Trees Subject to the Variance Provision

There are eight Protected Trees proposed for removal in this variance request. Four trees are located within areas of forest; the forest conservation worksheet already provides mitigation for forest clearing so no additional mitigation is recommended for these trees.

There are four trees located outside of forested areas and not covered by the mitigation provided from the forest conservation worksheet. Mitigation for the removal of these trees is recommended and Mitigation should be at a rate that approximates the form and function of the trees removed. Therefore, Staff is recommending that replacement occur at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" DBH. This means that for the 122 caliper inches of Protected Trees proposed for removal (outside of forested areas), they will be mitigated by the Applicant by planting 30.5 caliper inches of trees, with a minimum size of 3" DBH on the site.

While the trees recommended for mitigation will not be as large as the trees lost, they will provide some immediate canopy and ultimately replace the canopy lost by the removal of these trees.

Variance Recommendation

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

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on August 24, 2015 which includes using on-site dry wells, grass swales and microbioretention to meet the require stormwater management goals (Attachment F).

Compliance with the Subdivision Regulations and Zoning Ordinance

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations and meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations included in the Potomac Subregion Master Plan, and for development of single-family detached homes.

Table 1: Preliminary Plan Data Table - Residential Estate-2 Zone (RE-2)

PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan
Minimum Lot Area	2 acres/87,120 SF min.	2 acres/87,120 SF min.
Lot Width at Building Line	150 ft. min.	150 ft. minimum
Lot Frontage	25 ft. min.	25 ft. minimum
Setbacks		
– Front	50 ft. min.	50 ft. min.
– Side	17 ft. min./ 35 ft. total	17 ft. min./ 35 ft. total
– Rear	35 ft. min.	35 ft. min.
Maximum Residential Dwelling Units per Zoning	4	3
MPDUs	NA	NA
TDRs	NA	NA
Site Plan Required	No	NA

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 the RE-2 zone as described below and shown in Table 1.

As proposed, Lot 1 is 2.2 acres, Lot 2 is 2.1 acres, and Lot 3 is 5.1 acres, all of which meet the 2-acre minimum lot area required in the RE-2 zone. Lot 3 is more than twice the size of the other lots because it includes the 3.08 acres encumbered by stream valley buffer and floodplain that will be placed in a conservation easement. The shape and orientation of the proposed lots are appropriate given the location of the subdivision. The surrounding area contains lots with various shapes including pipe stems. Many of the other pipe stem lots are located along the stream valley with houses oriented in a way that preserves the sensitive environmental features of the land. All three lots are pipe stems, which is consistent with development of similar lots in the surrounding area. All three lots meet the minimum 25

feet of frontage requirement in the RE-2 zone and exceed the required 150-foot lot width at the front building line. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan.

Citizen Correspondence and Issues

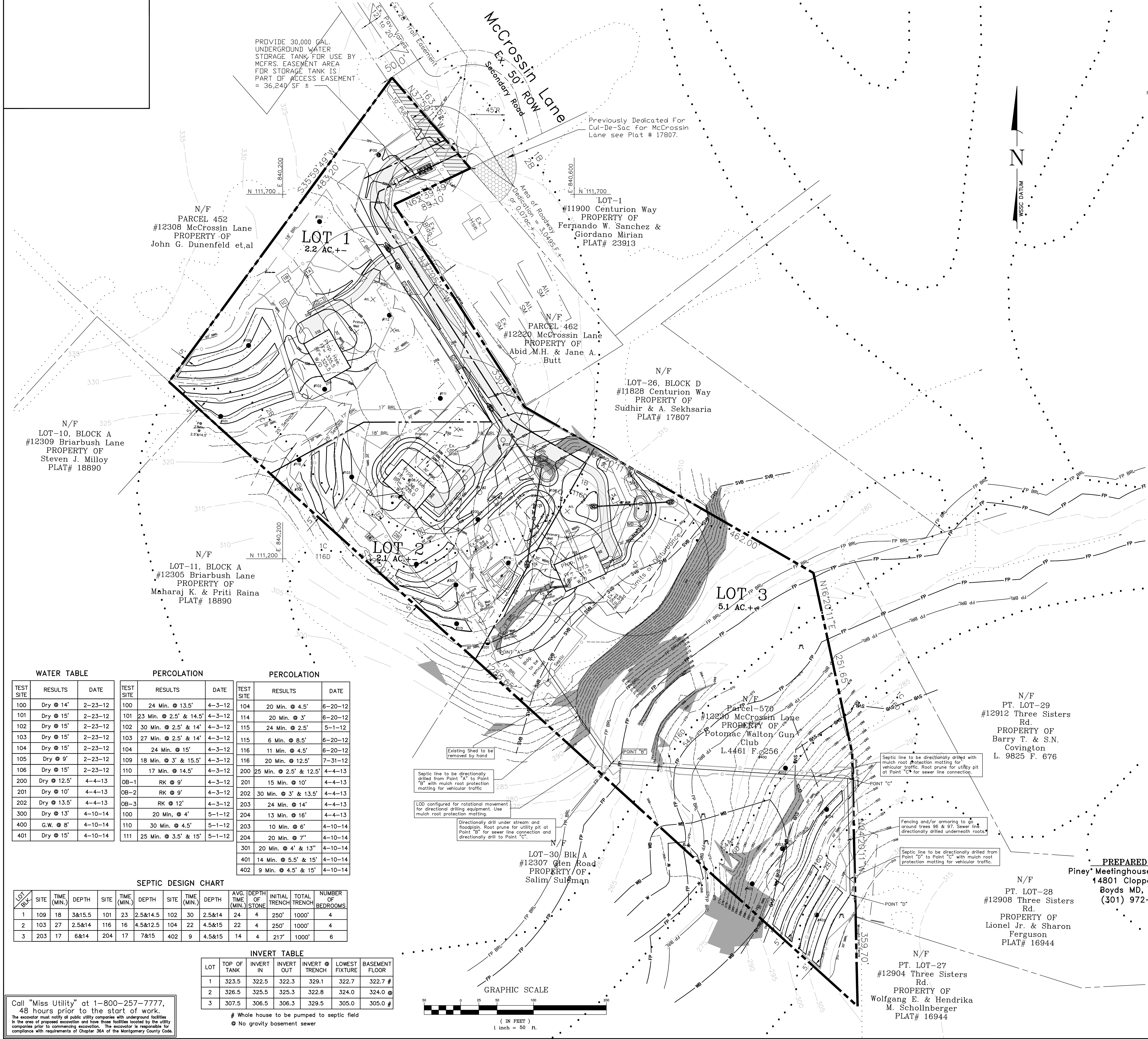
The Application was submitted and noticed in accordance with all required procedures. Application signs were posted along the Property's frontage on McCrossin Lane. The Applicant held a pre-submission meeting with the citizens on October 13, 2014 at the Subject Property. Two community members attended the meeting where the Applicant presented the Preliminary Plan and answered questions regarding the proposed homes, and forest conservation. To date, Staff has not received any community inquiries or correspondence regarding this Application.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Potomac Subregion Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, Staff recommends approval of the Application with the conditions specified at the beginning of this report.

Attachments

- A. Preliminary Plan No. 120150090
- B. DPS Well and Septic Section
- C. Fire and Rescue
- D. Variance Request
- E. County Arborist recommendation
- F. DPS Stormwater Management
- G. MCDOT



NO.	DATE	DESCRIPTION	BY
3	4-22-15	Addressed W & S Comments	Dac
2	4-2-15	Addressed W & S Comments	Dac
1	2-23-15	Addressed DRG Comments	Dac

Prop. Drywell
Proposed Well
Proposed House
Proposed Septic Tank
Proposed Sewage disposal area
Percolation/water table test

VICINITY MAP
SCALE 1" = 2,000'

LEGEND
No Scale

- Limits of Disturbance
- Proposed Contours
- Existing Contours
- Boundary Subject Site
- Proposed Paving
- Proposed Dedication
- Existing 25% Slopes

- NOTES**
- Topography from M-NCP&PC 200' sheet 217NW12, dated march 14, 2005, 5' contour intervals and 2' field run Topo by this office dated 11-19-2012.
 - Boundary information from Montgomery County Tax Map page ER-561 and field survey by this office.
 - Water and sewer category W-6 and S-6, respectively.
 - The property is zoned RE-2. The proposed land use is Residential.
 - Number of lots proposed by this plan: 3.
 - This site is within Potomac Master Plan Area.
 - The site drains to the Watts Branch. The State of Maryland has designated this portion of the watershed as Class I-P.
 - This plan is not for construction purposes.
 - Property lines and areas are subject to adjustment at final plat computations.
 - Building footprints shown on this Preliminary Plan of Subdivision are illustrative. Final building locations will be determined during the Building Permit process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
 - Prior to final record plat approval all existing wells and septic systems to be abandoned in accordance with Code of Maryland regulation (26.04.04.11B).
 - All wells and septic systems within 100' of the property boundaries have been shown.
 - Source of the 100-year Floodplain from FEMA MAP No. 24031C03100.
 - Servicing utility companies include:
 - Water & Sewer: On-Site Private Wells & Septic
 - Electric: PEPCO
 - Telephone: Verizon
 - Natural Gas: Washington Gas

AREA TABULATION

Total Site Area	= 9.48 ac.+-
Area of dedication	= .07 ac.+-
Net Tract Area	= 9.41 ac.+-

Building Height (59-4.4.4.3)	50 ft. max.	50 ft. max.
Building Coverage (59-4.4.4.1)	25% max.	25% max.

DEVELOPMENT STANDARDS (RE-2)
(Chapter 59-Section 4.4.4)

Density of development:	Required/Permitted 1 d.u./2 ac. (4.5 d.u.s.)	Proposed 1 d.u./3 ac. (3 d.u.s.)
Net Lot Area (59-4.4.4.1)	87,120 s.f. min.	87,120 s.f. min.
Lot Width (59-4.4.4.1)	25 ft. min.	25 ft. min.
-At Street Line:	150 ft. min.	150 ft. min.
-At BRL:	150 ft. min.	150 ft. min.
Setback From Street (59-4.4.4.2):	50 ft. min.	50 ft. min.
Yard Requirements (59-4.4.4.2):		
-side yard	17 ft. min. one side 35 ft. min. total	17 ft. min. one side 35 ft. min. total
-Rear yard:	35 ft. min.	35 ft. min.

PERCOLATION CERTIFICATE

I hereby certify that the percolation/water table test sites as shown on this plan have been field surveyed.

Date: _____ Barry E. Hoyle
Professional Land Surveyor
MD Reg. No. 21135
Expiration Date: June 21st, 2016

PREPARED FOR:
Piney* Meetinghouse Investments
14801 Clopper Road
Boysd MD, 20841
(301) 972-4997

TAX MAP ER 561 WSSC 217 NW 12

PRELIMINARY PLAN OF SUBDIVISION
PARCEL 570
MOUNT PROSPECT
L. 4461 F. 256
6TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG Macris, Hendricks & Glascock, P.A. Engineers • Planners Landscape Architects • Surveyors 8220 Wightman Road, Suite 120 Montgomery Village, Maryland 20886-1279	Phone 301.670.0840 Fax 301.948.0693 www.mhga.com	Proj. Mgr. Dac	Designer Dac
Date Aug., 2015	Scale 1"=50'	Project No. 2011.173.11	Sheet 1 of 1

WATER TABLE

TEST SITE	RESULTS	DATE
100	Dry @ 14'	2-23-12
101	Dry @ 15'	2-23-12
102	Dry @ 15'	2-23-12
103	Dry @ 15'	2-23-12
104	Dry @ 15'	2-23-12
105	Dry @ 9'	2-23-12
106	Dry @ 15'	2-23-12
200	Dry @ 12.5'	4-4-13
201	Dry @ 10'	4-4-13
202	Dry @ 13.5'	4-4-13
300	Dry @ 13'	4-10-14
400	G.W. @ 8'	4-10-14
401	Dry @ 15'	4-10-14

PERCOLATION

TEST SITE	RESULTS	DATE
100	24 Min. @ 13.5'	4-3-12
101	23 Min. @ 2.5' & 14.5'	4-3-12
102	30 Min. @ 2.5' & 14'	4-3-12
103	27 Min. @ 2.5' & 14'	4-3-12
104	24 Min. @ 15'	4-3-12
109	18 Min. @ 3' & 15.5'	4-3-12
110	17 Min. @ 14.5'	4-3-12
OB-1	RK @ 9'	4-3-12
OB-2	RK @ 9'	4-3-12
OB-3	RK @ 12'	4-3-12
100	20 Min. @ 4'	5-1-12
110	30 Min. @ 4.5'	5-1-12
111	25 Min. @ 3.5' & 15'	5-1-12

PERCOLATION

TEST SITE	RESULTS	DATE
104	20 Min. @ 4.5'	6-20-12
114	20 Min. @ 3'	6-20-12
115	24 Min. @ 2.5'	5-1-12
115	6 Min. @ 8.5'	6-20-12
116	11 Min. @ 4.5'	6-20-12
116	20 Min. @ 12.5'	7-31-12
200	25 Min. @ 2.5' & 12.5'	4-4-13
201	15 Min. @ 10'	4-4-13
202	30 Min. @ 3' & 13.5'	4-4-13
203	24 Min. @ 14'	4-4-13
204	13 Min. @ 16'	4-4-13
203	10 Min. @ 6'	4-10-14
204	20 Min. @ 7"	4-10-14
301	20 Min. @ 4' & 13'	4-10-14
401	14 Min. @ 5.5' & 15'	4-10-14
402	9 Min. @ 4.5' & 15'	4-10-14

SEPTIC DESIGN CHART

LOT BLK	SITE	TIME (MIN.)	DEPTH	SITE	TIME (MIN.)	DEPTH	SITE	TIME (MIN.)	DEPTH	AVG. DEPTH OF TRENCH (MIN.)	INITIAL TRENCH	TOTAL TRENCH	NUMBER OF BEDROOMS	
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2	103	27	2.5&14	116	16	4.5&12.5	104	22	4.5&15	22	4	250'	1000'	4
3	203	17	6&14	204	17	7&15	402	9	4.5&15	14	4	217'	1000'	6

INVERT TABLE

LOT	TOP OF TANK	INVERT IN	INVERT OUT	INVERT @ TRENCH	LOWEST FIXTURE	BASEMENT FLOOR
1	323.5	322.5	322.3	329.1	322.7	322.7 #
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3	307.5	306.5	306.3	329.5	305.0	305.0 #

Whole house to be pumped to septic field
No gravity basement sewer

GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.

Call "Miss Utility" at 1-800-257-7777,
48 hours prior to the start of work.
The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.



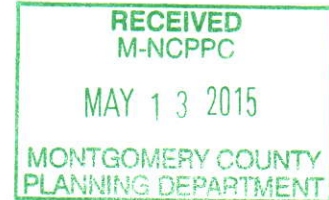
DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

MEMORANDUM

May 7, 2015



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

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

SUBJECT: Status of Preliminary Plan: Mount Prospect
1-20150090

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on April 24, 2015

Approved with the following reservations:

1. Prior to record plat approval, all existing wells and septic systems noted as such must be properly abandoned.
2. 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.
3. The record plat must show the septic reserve area as it is shown on this plan.

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

cc: MHG, P.A.
File

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov



3	4-22-15	Addressed W & S Comments	Doc
2	4-2-15	Addressed W & S Comments	Doc
1	2-23-15	Addressed DRC Comments	Doc
NO.	DATE	DESCRIPTION	BY

VICINITY MAP
SCALE 1" = 2,000'

LEGEND

NO SCALE

- 330 --- Limits of Disturbance
- - - - - Proposed Contours
- - - - - Existing Contours
- Boundary Subject Site
- Proposed Paving
- Proposed Dedication
- Existing 25% Slopes

MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PERMITTING SERVICES

APPROVED
 WITH RESERVATION
 WITHOUT RESERVATION

DATE 5/11/15 DIRECTOR *Diana Jones*

Well and/or Excavate Permits will be Released Only After Record Plat Approval by Maryland National Capital Park and Planning Commission
1-20150090

- NOTES**
- Topography from M-NCP&PC 200' sheet 217NW12, dated March 14, 2005, 5' contour intervals and 2' field run Topo by this office dated 11-19-2012.
 - Boundary information from Montgomery County Tax Map page ER-561 and field survey by this office.
 - Water and sewer category W-6 and S-6, respectively.
 - The property is zoned RE-2. The proposed land use is Residential.
 - Number of lots proposed by this plan: 3.
 - This site is within Potomac Master Plan Area.
 - The site drains to the Watts Branch, The State of Maryland has designated this portion of the watershed as Class I-P. This plan is not for construction purposes.
 - Property lines and areas are subject to adjustment at final plat computations.
 - Building footprints shown on this Preliminary Plan of Subdivision are illustrative. Final building locations will be determined during the Building Permit process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
 - Prior to final record plat approval all existing wells and septic systems to be abandoned in accordance with Code of Maryland regulation (26.04.04.11B).
 - All wells and septic systems within 100' of the property boundaries have been shown.
 - Source of the 100-year Floodplain from FEMA MAP No. 24031C0310D.
 - Servicing utility companies include:
 - Water & Sewer: On-Site Private Wells & Septic
 - Electric: PEPCO
 - Telephone: Verizon
 - Natural Gas: Washington Gas

AREA TABULATION

Total Site Area	= 9.48 ac.±
Area of dedication	= .07 ac.±
Net Tract Area	= 9.41 ac.±

DEVELOPMENT STANDARDS (RE-2)
(Chapter 59-Section 4.4.4)

Building Height (59-4.4.4.3)	50 ft. max.	50 ft. max.
Building Coverage (59-4.4.4.1)	25% max.	25% max.

Density of development:

Required/Permitted	Proposed
1 d.u./2 ac. (4.5 d.u.s)	1 d.u./3 ac. (3 d.u.s)

Net Lot Area (59-4.4.4.1)

87,120 s.f. min.	87,120 s.f. min.
------------------	------------------

Lot Width (59-4.4.4.1)

25 ft. min.	25 ft. min.
150 ft. min.	150 ft. min.

Setback From Street (59-4.4.4.2)

50 ft. min.	50 ft. min.
-------------	-------------

Yard Requirements (59-4.4.4.2)

-side yard	17 ft. min. one side	17 ft. min. one side
	35 ft. min. total	35 ft. min. total
-Rear yard:	35 ft. min.	35 ft. min.

PERCOLATION CERTIFICATE

I hereby certify that the percolation/water table test sites as shown on this plan have been field surveyed.

4/22/15
Date

Ba E. Hylle
Barry E. Hylle
Professional Land Surveyor
MD Reg. No. 21135
Expiration Date: June 21st, 2018

WSSC 217 NW 12

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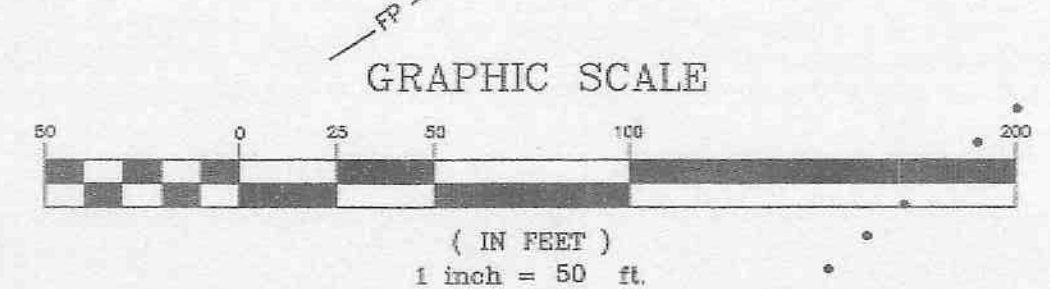
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PRELIMINARY PLAN OF SUBDIVISION
PARCEL 570
MOUNT PROSPECT
L. 4461 F. 256
6TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

RECEIVED MARCH 13 2015
MONTGOMERY COUNTY PLANNING DEPARTMENT

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

Proj. Mgr. Designer
Dac Dac
Date Scale
Nov., 2014 1"=50'
Project No. Sheet
2011.173.11 1 of 1

3220 Wightman Road, Suite 120
Montgomery Village, Maryland 20886-1279
Phone 301.670.0640
Fax 301.948.0693
www.mhga.com



FIRE MARSHAL COMMENTS

DATE: 10-Mar-15
TO: Stephen Crum - scrum@mhgpa.com
Macris, Hendricks & Glascock
FROM: Marie LaBaw
RE: Mount Prospect
120150090

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **10-Mar-15** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** Dry hydrant shall be located no farther than 7ft from fire department vehicular accessible EOP *****

***** Tank openings shall include be shall not be limited to: 4" storz fill, 8" vent, 32" manhole, 6"NST dry hydrant. Contact the Office of the Fire Marshal for further details prior to ordering or installation of tank. *****



FIRE CODE ENFORCEMENT
www.mhgpna.com

Fire Department Access Review

March 10th, 2015

Statement of Performance Based Design

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors, or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

9.7c 43 3/10/15

S. Marie LaBaw, PhD, P.E.
Office of the Fire Marshal
Montgomery County Fire and Rescue Services
100 Edison Park Dr. 2nd Floor
Gaithersburg, MD 20878

Re: Mount Prospect PP# 120150090
MHG Project No. 2011.173

Dear Ms. LaBaw:

On behalf of the client Piney Meetinghouse Investments, we hereby request a performance-based design review for fire department apparatus access and water supply. This request is conformance to Executive Regulation 29-08AM, Fire Safety Code-Fire Department Apparatus Access and Water Supply, Section # 5.

Meeting prescriptive code requirements would create detrimental environmental impacts such as the loss of many trees and vegetation along McCrossin Lane detracting from the existing character of McCrossin Lane. Additionally grading a side ditch and providing possible storm drain structures to maintain positive drainage would further degrade the area. Many of the properties along McCrossin Lane extend into and/or encompass the existing paved road, which would require the client to obtain easements in order to provide the required improvements to comply.

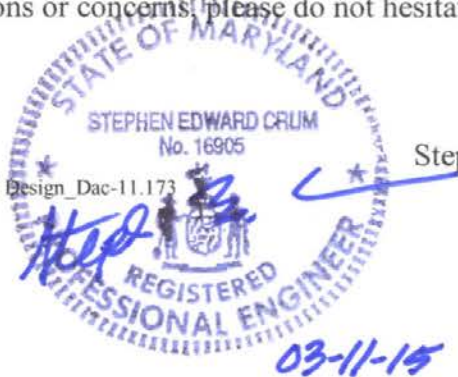
Piney Meetinghouse Investments proposes to provide a 30,000 gallon underground fire suppression water storage tank. The tank will be on its property within an access easement within the maximum distance to the paved surface of the common drive allowed by the MCFRS and be conveyed to Montgomery County Fire and Rescue Services for their use in this and other surrounding developments. The existing Cul-De-Sac at the terminus of McCrossin Lane is built to MCDOT standards and has 90 feet of existing paved surface which is adequate for the movements of emergency apparatus.

For the above stated reasons we respectfully request approval of the waiver. Should you have additional questions or concerns, please do not hesitate to contact me.

Sincerely

Stephen E. Crum, P.E.

Statement of Performance Based Design_Dac-11.173





September 4, 2015

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

Re: Mount Prospect
Forest Conservation Plan
MNCPPC#120150090
MHG Project No. 2011.173.11

To Whom It May Concern:

On behalf of Piney Meetinghouse Investments, the applicant of the above referenced Forest Conservation Plan, we hereby request a variance for the removal of eight specimen trees and impact of thirty three specimen trees, as required by the Maryland Natural Resources Article, Title 5, Subtitle 16, Forest Conservation, Section 5-1611, and in accordance with Chapter 22A-21(b) of the Montgomery County Code. In accordance with Chapter 22A-21(b) of the Montgomery County Code, the proposed removal of eight specimen trees and impact of thirty three specimen trees that are thirty inches in diameter or greater would satisfy the variance requirements.

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

The property is currently being used by The Izaack Walton League for club use and has been mostly kept in its natural state resulting in the large number of trees on the site. Given the zoning, the property size, the design requirements including the well and septic regulations, the environmental buffers, and the amount of forest and trees, the variance tree impacts are necessary and not allowing the specimen tree impacts and removals would be an unwarranted hardship and is detailed as follows:

The property is zoned RE-2 residential and the total area subject to the associated forest conservation plan includes 9.48 acres with 4.72 acres of forest. A total of 2.74 acres of the forest lie within a Stream Valley Buffer (SVB). The forest on-site is spread across the property in two forest stands with a significant amount of tree canopy and specimen trees in between the stands. There are one hundred thirty two significant and specimen trees in and around the property which includes fifty-nine specimen trees. This makes it impossible to develop without impacting specimen trees. However, only eight specimen trees will be removed with fifty-one to be saved.

Due to septic requirements four specimen trees (#16, #24, #26, and #107) are proposed to be removed and twenty-six trees are proposed to be impacted. Per the zoning the maximum number of lots allowed is four. Due to public sewer service not being available to the property the proposed development must utilize on-site individual sewage disposal systems. The available areas that were found to be adequate for these facilities have dictated much of the proposed subdivision layout and resulted in many of the impacts to specimen trees. Because of well and septic design requirements only three houses with suitable wells and sewage disposal areas were achievable. An exhibit and other data from exploratory excavations performed by the Carlisle Company is included detailing their evaluations for septic on-site. The septic systems are restricted in that they cannot be placed in areas of fill or rock. A large area of the property includes fill and was not able to be used for testing. The septic system must also be on the lot that it serves and each lot is a minimum of two acres. The shape of the existing property and the need for panhandle lots gives little flexibility in the lot layout. The result of this is that any additional areas that passed the septic testing on the western side of the property were unable to be utilized for all three lots due to the minimum lot size of two acres and the fact that each lot needs a septic system on lot and cannot use an easement for septic on a neighboring lot. Regulations also require three well sites per lot that must be at least fifty feet from each other with a minimum of one hundred feet upgrade from the proposed septic system. The one hundred foot well radius cannot extend beyond the boundary of the subdivision more than five feet. Septic areas must be held back from the boundary of the subdivision and proposed lot lines five feet and twenty-five feet from drainage swales, and fifty feet from any other septic disposal area. These well and septic design criteria as required by state and county regulations have resulted in the current layout. As a result, the proposed lots and houses are required to be spread out, impacting more specimen trees. These septic and well design requirements dictate the layout and are the primary reason for twenty six of the impacts and four of the removals.

The remaining seven tree impacts (#35, #40, #41, #42, #8, #128, and #1) and remaining four removals (#4, #27, #30, and #48), are being impacted/removed for additional design requirements and not just septic requirements. Four of the remaining seven tree impacts (#35, #40, #41, and #42) are unavoidable due to their proximity to the existing buildings and driveway that are to be removed. Tree #8 is impacted due to the well location, removal of the existing driveway, and grading. The grading has been tightened around the house to reduce impacts to tree #8; the house is balanced between the well locations in the front and the septic in the back making the impacts to tree #8 unavoidable. Tree #128 is off-site and has minimal impacts from drywells which are placed in this location due to setback requirements from the septic system. The last tree impacted, tree #1, is along the dedication for the road and is being impacted by the entrance to the shared driveway. The existing driveway is required to be widened to meet fire access standards. The impact to this tree cannot be avoided under any development of the property. The four remaining tree removals are required for a number of different design requirements. Tree #4 is being impacted by both grading and well construction. The septic in the rear of the property has required offsets that it must maintain from both the house and the wells. To keep these required distances the grading is pushed forward toward the tree. Trees #27, #30 and #48 are all centrally located on the site outside of environmental buffers and forest, thus making the locations of these trees ideal for development. Because of storm water requirements, grading requirements, shared driveway requirements, and septic and well requirements, these trees cannot be built around and must be removed. In addition,

the majority of the area remaining for development on lot three will be in a conservation easement leaving only the area where tree #48 is for the house making the tree removal unavoidable.

Measures have been taken to reduce grading and extensive stress reduction measures are being proposed in order to protect trees. The septic line for lot 3 has been aligned to minimize impacts to trees and is being tunneled under the critical root zones. Most of the trees will be minimally impacted with the percentage impacts to trees being overstated. Root protection matting will be utilized to minimize the impacts from construction traffic. Septic construction will be done with rubber wheeled or tracked vehicles to prevent root damage. As needed, trees will be armored with boards wrapping the tree (see plan detail). All stress reduction measures will be overseen by an ISA certified arborist.

Taken together, the wide-spread location of the forest and specimen trees on the property, the relative paucity of land appropriate for septic (most of it wooded), and the significant size of the SVB relative to the entire property, all make it necessary to propose construction that will inevitably result in the removal or disturbance of specimen trees.

Given these limiting conditions, where possible the project minimizes impacts to individual specimen trees as follows:

- The forest conservation plan includes 3.45 acres of forest being retained on-site, most of it within the SVB, and representing 0.61 acres above the conservation threshold.
- Structures and pavement are located to avoid forest as much as possible.
- Proposed grading has been limited to minimize impacts to save both specimen and significant trees as well as forest.
- Extra stress reduction measures will be done when removing existing structures in order to save existing trees.
- Septic lines to the septic field on the far side of the Stream Valley Buffer are to be tunneled, reducing impacts to forest and trees within the SVB.

For all of the above reasons, not allowing the proposed removals and impacts would be a hardship that is not warranted.

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

All of the affected trees are located within, or very close to, the buildable area on the property, including areas that tested as suitable for septic fields. The inability to remove or impact the subject trees would significantly restrict the development of the property to a number of lots much lower than that allowed by zoning, and might possibly prevent development altogether. This creates a significant disadvantage for the applicant and deprives the applicant of the rights enjoyed by the neighboring and/or similar properties not subject to this approval process.

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

A Stormwater Management Concept was submitted for the proposed improvements. Approval of this plan will confirm that the goals and objectives of the current state water quality standards are being met.

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

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

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

Granting the requested variance would provide the applicant only those rights enjoyed by other applicants not subject to these particular rules, to develop the property as otherwise permitted by County regulations.

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

The requested variance is not based upon site conditions and development constraints which are the result of specific actions by the Applicant outside the norm of a development application allowed under the applicable zoning and associated regulations. The variance is based on the existing conditions and the proposed site layout designed as efficiently as possible to prevent tree and forest disturbance and still allow for the construction of the homes otherwise permitted under this zone.

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

The requested variance is a result of the proposed site design and layout on the subject property and not a result of land or building on a neighboring property.

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

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed are not within a stream valley buffer, wetland, or special protection area. The approval of the storm water management concept plan by Montgomery County Department of Permitting Services will confirm that the goals and objectives of the current state water quality standards are being met.

None of the specimen trees to be removed are in the stream valley buffer, none are on highly erodible soil, and only one is within high priority forest but its actual root impacts will be analyzed in the field in order to determine if it can be saved. Because of the limited area for septic this one tree cannot avoid impacts. All of the impacts for trees in the stream valley buffer, erodible soil and high priority forest are predominantly non-impacts due to the tunneling and root protection matting that is proposed. Because of the minimal nature of these impacts and the extensive efforts proposed to protect and save trees as well as the amount of forest and trees that are being saved, not allowing these variance impacts would be an unwarranted hardship.

As required under the law, mitigation will be undertaken for all specimen trees to be removed and stress reduction measures provided for all of the impacted trees. A copy of

the Forest Conservation Plan and variance tree spreadsheet has been provided as part of this variance request. Please let us know if any other information is necessary to support this request.

Please contact me via email, at fjohnson@mhgpa.com, or by phone, at (301) 670-0840 should you have any additional comments or concerns.

Thank you,

Frank C. Johnson

Frank Johnson

Tree ID # On the Forest Conservation Plan	Species	Inches Diameter at Breast Height "DBH"	Impact the Critical Root Zone ("CRZ") or Remove	% of CRZ Impacted	Existing Condition	Located In Forest or Non-Forest Area	Mitigation	Notes
1	Weeping Willow	51	Impact Only	19%	Fair	Non-Forest	Stress reduction measures	3
4	Chinese Chestnut	30	Remove	100%	Fair/Good	Non-Forest	30"	2
5	Black Oak	32	Impact Only	17%	Fair/Good	Forest	Stress reduction measures	3
6	Red Oak	30	Impact Only	28%	Good	Forest	Stress reduction measures	3
8	Red Oak	52	Impact Only	39%	Good	Forest	Stress reduction measures	3
13	Red Oak	39	Impact Only	26%	Fair/Poor	Forest	Stress reduction measures	3
16	Red Oak	31	Remove	100%	Fair	Forest	Mitigated per FC worksheet	1
18	Tulip Poplar	35	Impact Only	3%	Fair	Forest	Stress reduction measures	3
20	Tulip Poplar	43	Impact Only	15%	Good	Forest	Stress reduction measures	3
22	Black Oak	33	Impact Only	21%	Fair/Good	Forest	Stress reduction measures	3
24	Black Oak	33	Remove	100%	Fair/Good	Forest	Mitigated per FC worksheet	1
25	Black Oak	30	Impact Only	49%	Fair	Forest	Stress reduction measures	3
26	Black Oak	39	Remove	100%	Good	Forest	Mitigated per FC worksheet	1
27	White Oak	32	Remove	100%	Fair/Good	Non-Forest	32"	2
30	Black Oak	30	Remove	100%	Good	Non-Forest	30"	2
35	Red Oak	30	Impact Only	35%	Good	Non-Forest	Stress reduction measures	3
38	Black Oak	38	Impact Only	26%	Fair/Good	Non-Forest	Stress reduction measures	3
40	White Oak	38	Impact Only	14%	Good	Non-Forest	Stress reduction measures	3
41	Red Oak	33	Impact Only	23%	Good	Non-Forest	Stress reduction measures	3
42	Black Oak	36	Impact Only	1%	Fair	Forest	Stress reduction measures	3
48	Black Oak	30	Remove	100%	Fair/Good	Non-Forest	30"	2
52	Red Oak	36	Impact Only*	0.153%	Fair/Poor	Forest	Stress reduction measures	3
54	White Oak	32	Impact Only*	28%	Good	Forest	Stress reduction measures	3
55	Red Oak	30	Impact Only*	28%	Fair	Forest	Stress reduction measures	3
79	Red Maple	30	Impact Only*	8%	Fair	Forest	Stress reduction measures	3
80	Black Oak	41	Impact Only*	47%	Good	Forest	Stress reduction measures	3
82	Black Oak	31	Impact Only*	10%	Fair/Good	Forest	Stress reduction measures	3
87	Tulip Poplar	30	Impact Only*	4%	Good	Forest	Stress reduction measures	3
93	White Oak	30	Impact Only*	41%	Good	Forest	Stress reduction measures	3
94	White Oak	32	Impact Only*	44%	Fair	Forest	Stress reduction measures	3
96	Black Oak	45	Impact Only*	54%	Fair/Good	Forest	Stress reduction measures	3
99	White Oak	39	Impact Only*	45%	Fair	Forest	Stress reduction measures	3
101	White Oak	30	Impact Only	4%	Fair/Good	Forest	Stress reduction measures	3
103	Black Oak	44	Impact Only	24%	Fair/Poor	Forest	Stress reduction measures	3
107	Black Oak	52	Remove-Attempt to Save	30%	Fair/Good	Forest	Mitigated per FC worksheet	1/3
113	Tulip Poplar	30	Impact Only	2%	Good	Forest	Stress reduction measures	3
115	Red Maple	32-18	Impact Only*	7%	Poor	Non-Forest	Stress reduction measures	3
128	Red Oak	35	Impact Only	3%	Good	Non-Forest	Stress reduction measures	3
129	Red Oak	32	Impact Only	2%	Poor	Non-Forest	Stress reduction measures	3
130	Red Oak	36	Impact Only	10%	Good	Non-Forest	Stress reduction measures	3
131	Red Oak	30	Impact Only	12%	Good	Non-Forest	Stress reduction measures	3

NOTES:

1. Tree #'s: 16, 24, 26, and 107 are located in a "forest" area and therefore are mitigated through the FC worksheet; additional mitigation is not recommended.
2. Tree not in forest to be mitigated via individual tree replacement. Mitigation to be determined by the MNCPPC Planning Board.
3. Stress reduction measures will be provided as needed to the impacted trees. All measures will be approved in advance and overseen by an arborist who has been certified by the International Society of Arboriculture ("ISA").

*Majority of disturbance to these trees due to sewer line directional drilling and vehicular traffic. Mulch matting and directional drilling mitigate LOD impacts and actual impacts are much less if not completely eliminated.



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Lisa Feldt
Director

October 23, 2015

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

RE: Mount Prospect, ePlan 120150090, NRI/FSD application accepted on 7/14/2014

Dear Mr. Anderson:

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

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

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

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

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



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

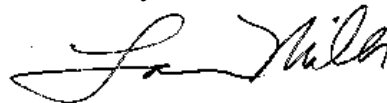
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation,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

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

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

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

Sincerely,



Laura Miller
County Arborist

cc: Josh Penn, Planner Coordinator



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

August 24, 2015

Ms. Amanda Junge
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, Maryland 20886-1279

Re: Stormwater Management **CONCEPT** Request
for Mount Prospect
Preliminary Plan #: 120150090
SM File #: 269935
Tract Size/Zone: 9.47 acres/RE-2
Total Concept Area: 9.47 acres
Lots/Block: 1,2 and 3/ N/A
Parcel(s): P570
Watershed: Watts Branch

Dear Ms. Junge:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via dry wells, grass swales and micro bioretention.

The following **conditions** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. A minimum of 2 feet of clearance must be provided from the dry well and micro bioretention bottoms to the groundwater table.

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

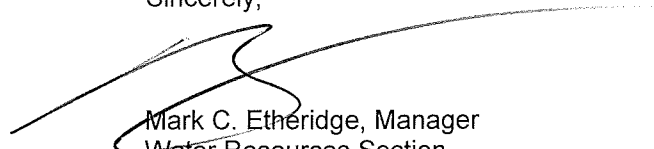
Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

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

Ms. Amanda Junge
August 24, 2015
Page 2 of 2

If you have any questions regarding these actions, please feel free to contact Leo Galanko at 240-777-6242.

Sincerely,



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

MCE: me lmg

cc: C. Conlon
SM File # 269935

ESD Acres:	9.47
STRUCTURAL Acres:	0
WAIVED Acres:	0



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdich
Acting Director

March 19, 2015

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

RE: Preliminary Plan No. 120150090
Mount Prospect

Josh:
Dear Mr. Penn:

We have completed our review of the December 22, 2014 submittal of the preliminary plan. This plan was reviewed by the Development Review Committee at its meeting on January 05, 2015. We recommend approval of the plan based to the following comments:

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

Significant Comments:

1. Show the area of dedication on Lot 27 for the cul-de-sac per the Plats # 17807 & # 23913.
2. Update the preliminary plan to show the existing storm drain pipe which runs under the cul-de-sac.
3. Dimension the pavement width and right-of-way width for McCrossin Lane.
4. The existing culvert in Glen Road is undersized under existing conditions. We have accepted the consultant's January 29, 2015 storm drain study which indicates that the proposed development has minimal impact on the existing culvert. The existing culvert is approximately 1350+/- from the proposed development. Therefore, the applicant is not responsible for any improvements to the existing culvert in Glen Road.

Division of Traffic Engineering and Operations

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



5. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.

Standard Comments:

6. Grant necessary slope and drainage easements prior to record plat. Slope easements are to be determined by study or set at the building restriction line. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
7. A shared ingress egress & utility access easement shall be provided on the plat for all shared driveways. Provide driveway entrance in compliance with Montgomery County Fire & Rescue Service Department.
8. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
9. 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.
10. Private common driveways 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, drainage characteristics, and maintenance of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
11. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Across the McCrossin lane site frontage, construct six (6) foot sod shoulder and side ditch per MCDOT standard no. MC-210.05 (Tertiary Residential Street-Open Section) to connect with the existing inlet.
Note: Sidewalk will not be required due to the site zoning. Relocate the existing rail fence outside the public right-of-way.
*** NOTE: the Public Utilities Easement is to be graded on 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.
 - 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

Mr. Joshua Penn
Preliminary Plan No. 120150090
March 19, 2015
Page 3

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. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.

Thank you for the opportunity to review the amended preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our new Development Review Area Engineer for this project, at deepak.somarajan@montgomerycountymd.gov or (240) 777-2194.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

M:\Subdivision\Deepak\Mount Prospect\Letter\ 120150090, Mount Prospect, Prelim. Plan Ltr, 2015 01 28.doc

cc: Dennis Fling; Piney Meetinghouse Investments
Dave Crowe; Macris, Hendricks & Glascock
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri; MCDPS RWPR
William Campbell; MCDPS WRM
Marie LaBaw; MCFRS
Dan Sanayi; MCDOT DTEO
Deepak Somarajan; MCDOT DTEO

