



Lake Normandy, Preliminary Plan No. 120170100, (Resubdivision)

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Completed: 4/28/17

Description

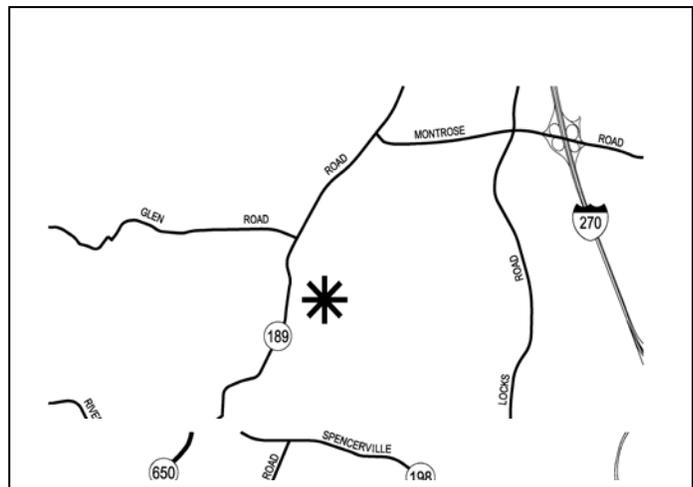
Lake Normandy Estates, Preliminary Plan No. 120170100: Request to create two (2) lots from one (1) platted lot; located at 9108 Marseille Drive, 0.94 acres, R-200 Zone, 2002 Potomac Master Plan.

Staff Recommendation: *Approval with conditions*

Applicant: Ali Zahedian & Hyesuk Yi

Submittal Date: November 11, 2016

Review Basis: Chapter 50



Summary

- Staff recommends **Approval with conditions**.
- The Subject Property is zoned R-200.
- Application creates two lots for two single family detached homes.
- Meets resubdivision criteria, Section 50-29(b)(2).
- Meets requirements of Chapter 22A, Forest Conservation Law.
 - Tree Save Plan provides for necessary tree protection measures, including root pruning and tree save fence to minimize the impacts to trees #4 and #8.
- Substantially conforms to the 2002 Potomac Subregion Master Plan.
- Application has been reviewed under the Subdivision Regulations effective prior to February 13, 2017.
- Staff has received one letter of opposition regarding this Application.

SECTION 1 – RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN NO. 120170100: Staff recommends approval of the Preliminary Plan subject to the following conditions:

1. This Application is limited to two (2) lots for two (2) single family detached homes.
2. The Final Sediment Control Plan must depict the limits of disturbance (LOD) identical to the LOD on the approved Forest Conservation Plan Exemption 42017033E and Tree Save Plan, subject to Staff approval.
3. The Applicant must comply with all tree protection and tree save measures shown on the approved Tree Save Plan. Tree save measures not specified on the approved Tree Save Plan may be required by the M-NCPPC forest conservation inspector.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 20, 2017, 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.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated March 28, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
6. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
7. Prior to recordation of the plat(s) the Applicant must satisfy MCDOT requirements to ensure the construction of a five (5) foot wide sidewalk along the property frontage along Marseille Drive, unless construction is waived by MCDPS.
8. Prior to the recording of a record plat, the existing house on the Subject Property must be razed.
9. The Planning Board accepts the recommendations of the MCDPS – Water Resources Section in its Stormwater Management Concept letter dated December 22, 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.

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 sixty-one (61) months from the date of mailing of the Planning Board resolution.



Figure 2 – Vicinity

The Property is part of the Lake Normandy subdivision plat recorded in 1953 (Figure 2). Originally, the lots along Marseille Drive were developed on septic systems. In 1969, a public sewer line was installed along Marseille Drive. It is unknown if all homes along Marseille Drive have upgraded to public sewer or remain on septic systems.

The Property is zoned R-200 in the 2002 Potomac Subregion Master Plan (“Master Plan”). The Property has one existing detached single family home built in 1957 (Figure 3) with a driveway accessing Marseille Drive.

Site Vicinity

Surrounding the Property on all sides are detached single-family homes in the R-200 zone. The properties to the south were developed using the cluster provisions in the subdivision regulations in 1975. The properties to the north were developed in 1965 using the density control regulations which has since been retired.

Site Analysis

As a single, platted 0.94-acre lot, the Subject Property is improved with an existing single family house with an access driveway to Marseille Drive, which will both be removed as part of this Application (Figure 3). The remainder of the Property is lawn and tree cover. There is no forest on the Property; however, there are numerous large trees. The Property is located within the Cabin John Creek watershed, which is classified by the State of Maryland as Use Class I-P waters. The Property is generally flat with less than two feet of elevation drop from Marseille Drive to the rear (south) of the Property.



Figure 3 – Aerial View

SECTION 3 – APPLICATIONS AND PROPOSAL

Previous Approvals

Pre-Preliminary Plan 720160020

The Planning Board reviewed a Pre-Preliminary Plan for non-binding advice. This advice focused on if the resubdivision neighborhood proposed by the Applicant was appropriate, and whether the proposal for two lots would meet the requirements of resubdivision found in Section 50-29(a)(2). The Planning Board agreed that the Applicant’s proposed resubdivision neighborhood was sufficient to analyze the resubdivision application and that the resubdivision would meet the criteria of Section 50-29(a)(2).

Current Application

Preliminary Plan 120170100

The plan, designated as Preliminary Plan No. 120170100, Lake Normandy Estates (“Preliminary Plan” or “Application”), proposes to resubdivide one lot in order to create two lots at 20,487 square feet and 20,470 square feet in the R-200 zone (Figure 4 and Attachment 2). Public water and sewer will serve both lots. The existing right-of-way dedicated with the original plat meets all requirements and no additional right-of-way is needed.

Because the existing residential structure is in the middle of the lot and it would be bisected by the new property line, it will need to be removed prior to recordation of a new record plat.

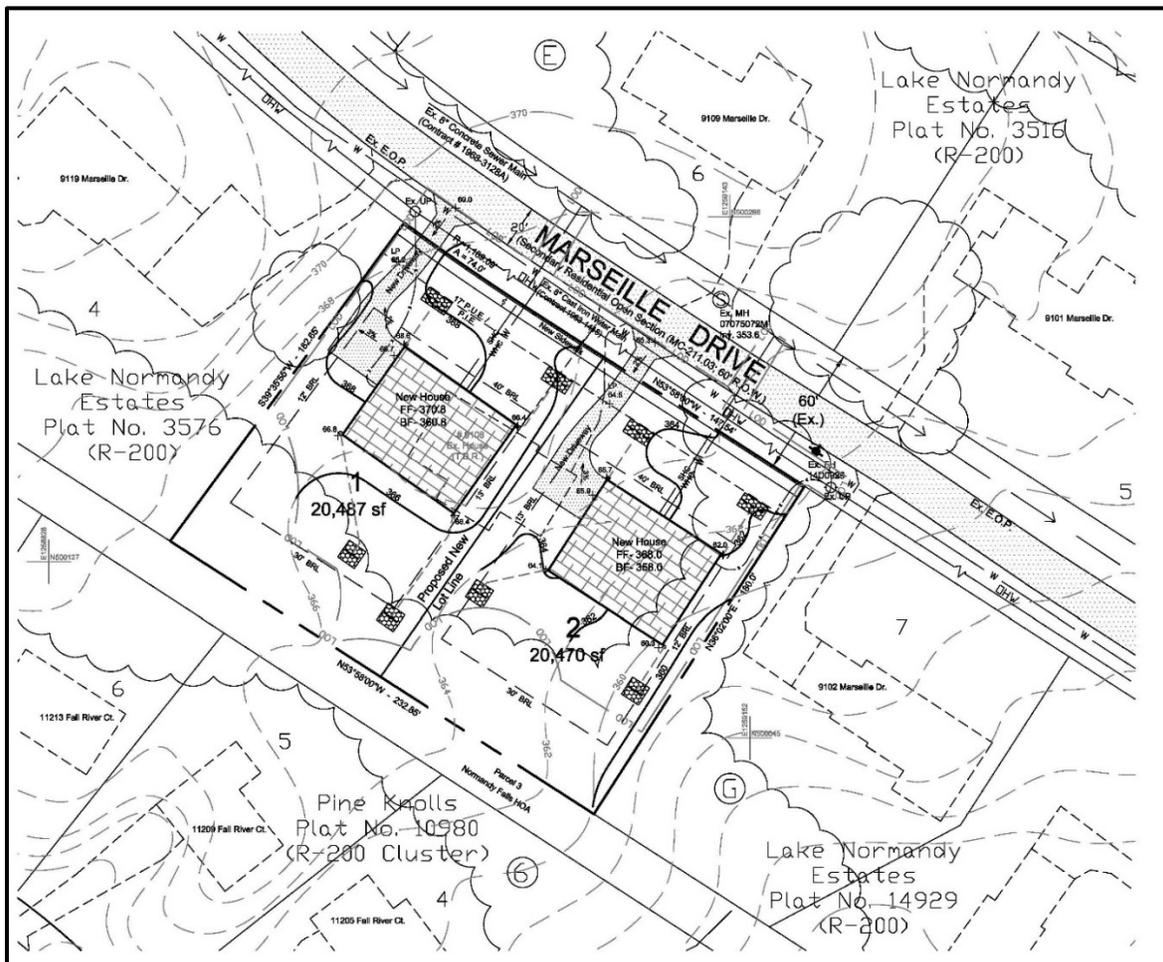


Figure 4 – Preliminary Plan

SECTION 4 – ANALYSIS AND FINDINGS - Preliminary Plan No. 120170100

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

The Application is in substantial conformance with the objectives and recommendations of the 2002 Potomac Subregion Master Plan.

The Property is located in the “Potomac” community area of the Master Plan. The Master Plan does not specifically address the Subject Property. However, the Master Plan (Page 41) recognizes this part of the Subregion as more developed than the other three community areas identified in the Master Plan. Because residential development is dispersed throughout the area, the Master Plan “recommends infill development of remaining vacant properties with residential development essentially similar to what is now there, unless specifically stated otherwise in this Plan.”

This Application is in conformance with the Master Plan recommendations for residential infill in this part of the Subregion.

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

Adequate Public Facilities

The transportation Adequate Public Facilities (APF) test is satisfied under the 2012-2016 Subdivision Staging Policy since the application was submitted prior to January 1, 2017. The Property is located in the Potomac Policy Area which is exempt from the APF’s Transportation Policy Area Review (TPAR) test for roadways but not the transit test.

The Potomac Subregion Master Plan recommends a total of 60 feet of right-of-way on Marseille Drive. Plat No. 3516 granted 60 feet of right-of-way for the full width of Marseille Drive. Therefore, additional right-of-way dedication is not required.

Local Area Transportation Review

A traffic study is not required to satisfy the APF’s Local Area Transportation Review (LATR) test because one new single-family detached units (one unit exists already) does 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.

Transportation Policy Area Review

While the Subject Property is located within the Potomac Policy Area for the Transportation Policy Area Review (“TPAR”) test and is subject to the 2012-2016 Subdivision Staging Policy, which would exempt this Application from TPAR because it generates three or fewer weekday peak hour trips. TPAR payment will not apply in this particular case because as of March 1, 2017 the MCDPS stopped collecting TPAR payments. Instead, MCDPS now collects impact fees for all building permits, as adopted by the County Council under the current Subdivision Staging Policy. Because the Applicant will receive a building permit for these two proposed lots after March 1st, 2017, the Applicant will pay the impact fees based on the Subdivision Staging Policy currently in effect rather than the Subdivision Staging Policy in effect at the time of Application submission.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. The Subject Property is in the W-1 and S-1 water and sewer service categories, respectively, and will utilize public water and sewer. The Application was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on March 28, 2017 (Attachment 8). 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 in effect at that time that the Application was submitted.

The Application is located in the Winston Churchill High School cluster, which is identified as inadequate at the High school level, and which would have been subject to a School Facilities Payment under the 2012-2016 Subdivision Staging Policy. However, as mentioned above in the transportation section, as of March 1, 2017 MCDPS stopped collecting School Facilities Payments and instead collects impacts fees for school facilities based on the current Subdivision Staging Policy for all building permits. The Applicant will pay the fees in place under the current Subdivision Staging Policy at the time of building permit application. As such, no condition for a School Facilities Payment is included in this Staff Report.

- 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 including the resubdivision analysis which is discussed in detail later in the Staff Report. The proposed lot sizes, widths, shapes and orientations are appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan and for the building type (single family homes) contemplated for the Property.

The lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area, frontage and can accommodate a building which can reasonably meet the width and setbacks requirements 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

R-200	Required by the Zone	Proposed for Approval
Minimum Lot Area	20,000 sq. ft.	Lot 1 = 20,487 sq. ft. Lot 2 = 20,470 sq. ft.
Minimum Lot Frontage	25 feet	109 feet or more
Minimum Lot Width at B.R.L.	100 feet	100 feet or more
Maximum Lot Coverage	25%	25% or less
Min. Setbacks (for all lots)		
Front	40 feet	40 feet or greater
Side, abutting Residential	12 feet min./ 25 feet total	12 feet min./ 25 feet total or greater
Rear, abutting Residential	30 feet	30 feet or greater
Building Height	40 feet max.	40 feet or lower
Site Plan Required	No	No

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). This Neighborhood, which consists of 36 lots, is identical to the Neighborhood which the Planning Board supported in their review of the Pre-Preliminary Plan application. The analyzed lots include only properties that are recorded by plat in the R-200 Zone, are adjacent to the Subject Property, and are within a reasonable distance from the Subject Property 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 Attachments 10 and 11.



Figure 5 –Neighborhood for the Resubdivision

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 seven resubdivision criteria as other lots within the Neighborhood. Therefore, the proposed resubdivision is of the same character with existing lots and 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 lot will be of the same character as existing lots in the neighborhood with respect to lot frontage. Both proposed lots have a frontage of 110 feet. In the Neighborhood, the range of non-corner lot frontages is between 25 and 348 feet. The proposed lots are at the low end of the range but within the range of lot frontages in the Neighborhood.

Alignment:

The proposed lots are of the same character as existing lots in the neighborhood with respect to the alignment criterion. The alignment of the proposed lots is perpendicular. Lots in the Neighborhood are a mix of perpendicular, angular, radial alignments. Specially, the proposed Neighborhood contains 17 perpendicular, 1 angular, and 18 radial alignments.

Size:

The proposed lot size of the same character with the size of existing lots in the Neighborhood. The lot sizes proposed are 20,487 and 20,470 square feet, respectively. The range of lot sizes in the Neighborhood is between 20,000 and 87,120 square feet. These proposed lots are only 487 and 470 square feet larger than the smallest lots in the Neighborhood (two lots are 20,000 square feet). The proposed lots are at the low end of the range but within the range of lot sizes in the Neighborhood.

Shape:

The shapes of the proposed lots will be in character with shapes of the existing lots in the neighborhood. Both proposed lots are rectangular (regular in the datasheets) in shape. Because of the meandering nature of Marseille Drive, the proposed Neighbor has a variety of lot shapes. The Neighborhood contains a mix of lot shapes including pipestem, rectangular, squares, triangular and irregular shapes.

Width:

The proposed lots are of similar character with existing lots in the neighborhood with respect to width. The lot width for both lots proposed by this Preliminary Plan is 112 feet, which is on the low end of the range of lot width within the Neighborhood which is between 100 and 339 feet. The lot width is within the range of existing lot widths.

Area:

The proposed lots will be of the same character as existing lots in the neighborhood with respect to buildable area. Both proposed lots offer a building area of 9,782 and 9,779 square feet respectively; within the range of buildable areas for lots in the proposed Neighborhood which range between 6,074 and 54,202 square feet. The proposed lots will be the 5th and 6th smallest in terms of buildable area.

Suitability for Residential Use: The existing and the proposed lots are all zoned R-200 and the land is suitable for residential use.

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

Forest Conservation Chapter 22A

Forest Conservation Plan Exemption

An exemption from submitting a Forest Conservation Plan (#42017033E) was confirmed for this Property on November 10, 2016 (Attachment 3). This plan identifies the environmental features and resources on the Property. The Property does not contain any forest. There are no streams, wetlands, 100-year floodplain, stream buffers, highly erodible soils, or slopes greater than 25 percent located on or immediately adjacent to the Property. There are 18 trees greater than or equal to 24" Diameter

at Breast Height (DBH) that were identified on or adjacent to the Property, eleven of which are 30" DBH and greater.

Tree Save Plan

The confirmation for an exemption from submitting a forest conservation plan included a condition requiring the submission and approval of a Tree Save Plan with the Preliminary Plan due to proposed impacts to the critical root zones of two off-site specimen trees (Attachment 4 and 5). Tree #4, a 40" DBH willow oak and Tree #8, a 44" DBH scarlet oak will be impacted by the proposed construction. Tree #4 will be impacted due to the construction of a water house connection and driveway for proposed Lot 2 and Tree #8 will be impacted due to grading and construction of a dry well on Lot 2. Both trees will be minimally impacted by the construction and the Tree Save Plan provides for necessary tree protection measures, including root pruning and tree save fence to minimize the impacts to the trees. No forest or tree planting is required of this Application.

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 December 22, 2016 (Attachment 7). The Application will meet stormwater management goals through the use of drywells and non-rooftop disconnection for each new lot.

SECTION 5 – CITIZEN CORRESPONDENCE 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's frontage. A pre-submission meeting was held at the Potomac Community Recreation Center located at 11315 Falls Road, Potomac MD on September 21, 2016 at 7:00 PM.

As of the date of this report, Staff has received one letter in opposition (Attachment 12) to this Application. The concerns stated in the letter focus on an Application which, in the opinion of the author, is not the same character of the lots in the existing neighborhood and do not meet the requirements of Section 50-29(b)(2). During the review of Pre-Preliminary Plan 720160020, the Planning Board determined that the proposed resubdivision Neighborhood was appropriate to analyze whether, or not, the Application was in keeping with the character of the Neighborhood. Based on the criteria set forth in Section 50-29(b)(2) of the Subdivision Regulations and as discussed in Finding no. 3 above, Staff has found that the proposed lots are of the same character with respect to the seven resubdivision criteria as other lots within the Neighborhood.

SECTION 6 – CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations in Chapter 50, 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 – Forest Conservation Plan Exemption Approval Letter, November 10, 2016

Attachment 4 – Tree Save Plan, Sheet 1

Attachment 5 – Tree Save Plan, Sheet 2

Attachment 6 – MCDOT Approval Letter, March 20, 2017

Attachment 7 – MCDPS Stormwater Concept Approval Letter, December 22, 2016

Attachment 8 – DPS Fire and Rescue Approval Letter, March 28, 2017

Attachment 9 – DPS Fire and Rescue Approved Fire Access Plan

Attachment 10 – Resubdivision Neighborhood

Attachment 11 – Resubdivision Tables

Attachment 12 – Citizen Correspondence

Benning & Associates, Inc.

Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301)948-0240
(301) 948-0241 fax

November 15, 2016

Ms. Kipling Reynolds, Area 3 Chief
Montgomery County Planning Department
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Lake Normandy Estates, Resubdivision of Lot 5, Block G – Statement of Justification

Dear Ms. Reynolds,

This statement accompanies a Preliminary Plan Application for the subject property. The property consists 40,957 square feet of land area which is zoned R-200. The property is proposed to be resubdivided into 2 lots in accordance with the standards of the R-200 zone.

MASTER PLAN & ZONING

The property is located within the limits of the Potomac Subregion Master Plan (2002). The Master Plan confirms the R-200 zoning for the area which includes the site. The Master Plan does not make specific mention of the site or any special recommendations for the area.

The proposed subdivision is consistent with the requirements of the R-200 zone. These requirements include an area requirement of 20,000 square feet, maximum lot coverage of 25%, a minimum front setback of 40 feet, a minimum sideyard setback of 12 feet with total sideyards of at least 25 feet, a rearyard setback of 30 feet, lot frontage of 25 feet, and a minimum lot width of 100 feet. The proposed lots have been planned to meet or exceed all of these development standards.

RESUBDIVISION

The property is proposed to be subdivided into 2 lots for 2 new single-family homes. The existing home which currently exists on the site will be razed. Each new home is proposed to have direct access to Marseille Drive with individual driveways. The subject property currently has driveway access and so the plan proposes an increase of one additional point of access onto the road.

Because this application is for a "resubdivision", it is subject to the requirements of Section 50-29(b)(2) of the Montgomery County Code which states "*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 property was originally part of a subdivision completed in the early 1950's (plat #3516) and a house was built on the lot in 1957. At that time, public sewer was not available and so the lot was served by a septic system. The lots recorded during the 1950's when sewer was not available are generally larger than lots which came later. Sewer was installed in Marseille Drive in the late 1960's and the area continued to develop. Since the original subdivision of the early 1950's, there have been many subdivisions and resubdivisions within the neighborhood of the subject lot.

For the purpose of this resubdivision, we have defined the "neighborhood" as being all of the lots along both sides of Marseille Drive between Falls Road at the western end of the road and Cherbourg Drive which is the eastern terminus plus one additional lot near the site which fronts on Fall River Lane. Excluded from the evaluation within this area are 6 lots which were created in the 1960's at a time when the Density Control option allowed lots to be created which are smaller than the minimum lot size permitted in the R-200 zone. Excluding these 6 smaller lots, a total of 36 lots are included in the neighborhood for comparison to the 2 proposed lots.

When compared to the 36 neighborhood lots with respect to *frontage, alignment, size, shape, width, area and suitability for residential use*, the 2 proposed lots are similar in all respects. All 36 of the neighborhood lots and the 2 proposed lots are within the R-200 zone and each meets the minimum criteria of the R-200 zone. Accordingly, the 2 proposed lots are suitable for residential use. For alignment and shape, the proposed lots are similar in character to other lots in the neighborhood. The subject lots have a perpendicular alignment to the road and are very regular in shape. For frontage, size, width, and area, the proposed lots are within the range found on the other 36 lots in each of these categories.

Resubdivision of the subject property was considered earlier this year by the Planning Department Staff and the Planning Board during review of Pre-Preliminary Plan 720160020. The Staff concluded that "*both proposed lots fall within the numerical range for all of the resubdivision criteria based on the lot data of the proposed Neighborhood and are therefore, of the same character as existing lots in the Neighborhood*" (Staff Report, page 8).

PUBLIC FACILITIES

The area where this property is located is already served by existing public facilities including roads, water, sewer, utilities, schools, and emergency service. The property is currently within water and sewer service categories W-1 and S-1 and the use of WSSC water and sewer service is proposed.

Marseille Drive serves the neighborhood as a secondary residential public road with a dedicated right-of-way width of 60 feet. No additional dedication is needed or proposed. The road is open-section with side ditches and there are no sidewalks existing anywhere

along the roadway or along nearby roadways. The road is publicly maintained with a paved width of at least 20 feet.

A fire hydrant is present at the northeast corner of the property to provide fire protection for the proposed lots and the community at-large. The requirements for fire department access and water supply are already met for the proposed lots and no additional improvements to roadways or water supply are needed.

STORMWATER MANAGEMENT

The plan for the property has been designed to address all applicable State and County requirements for stormwater management including the latest Environmental Site Design (ESD) standards. Runoff from proposed new improvements will be managed through the use of drywells and other "ESD" methods as detailed on the Stormwater Management Concept Plan which accompanies the Preliminary Plan Application.

FOREST CONSERVATION / ENVIRONMENTAL

The property does not contain any areas of existing forest and an exemption from the requirement to submit a Forest Conservation Plan was approved on 11/10/16. The property also does not contain any environmentally sensitive features. For certain significant and specimen trees located on or near the property, a Tree Save Plan has been prepared to show tree protection measures to be utilized when the new homes are built.

WAIVERS

There are no waivers requested from any subdivision or zoning standards applicable to the project.

CONCLUSION

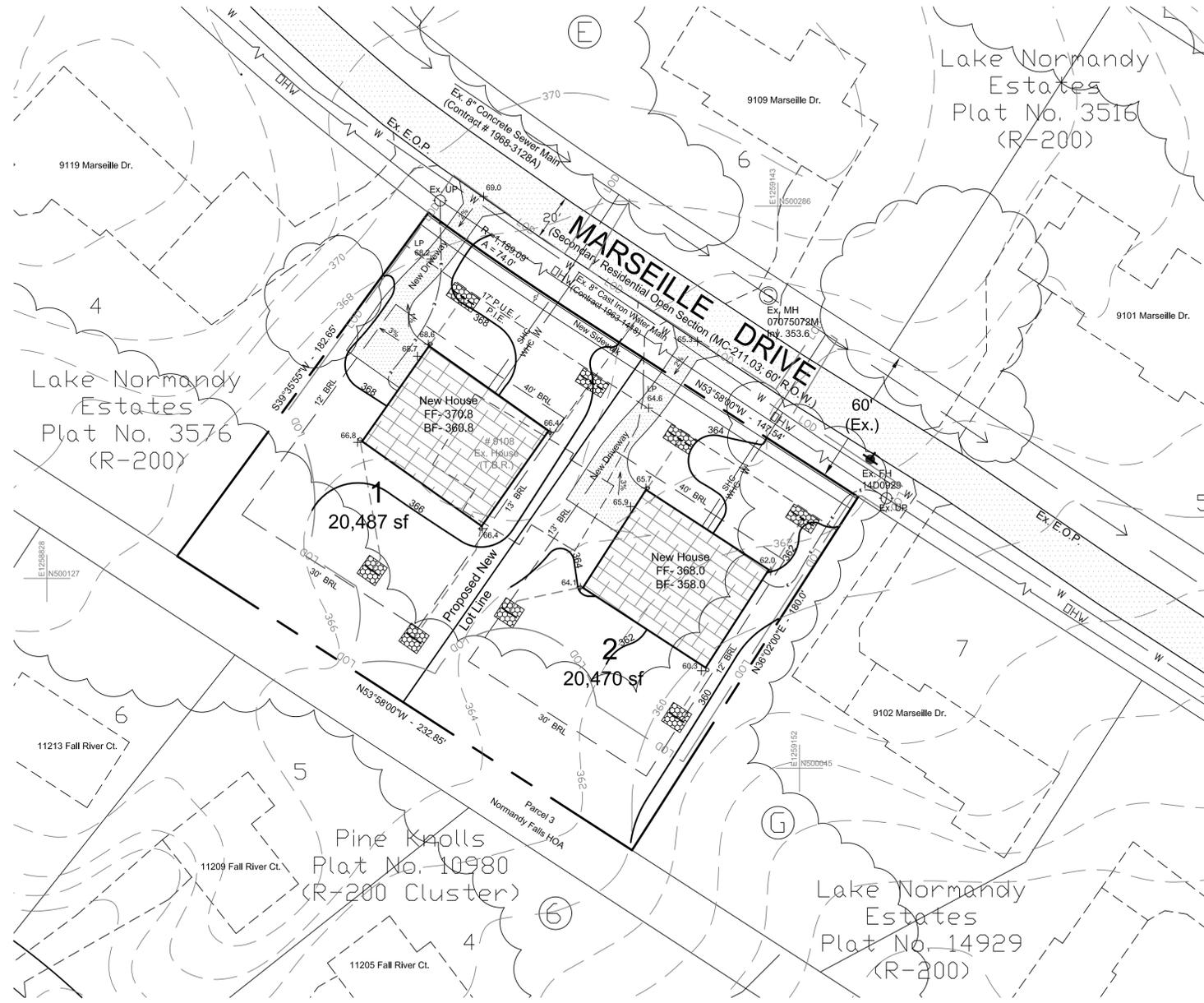
The Preliminary Plan as presented is consistent with requirements of the applicable Master Plan and is in compliance with all zoning and subdivision standards for development within the R-200 zone. Based upon all of the information provided in this statement and shown on the plans included with the subdivision application, we respectfully request approval of the Preliminary Plan for this project.

Sincerely,

A handwritten signature in black ink, appearing to read "David W. McKee". The signature is fluid and cursive, with a long horizontal stroke at the end.

David W. McKee

Attachment 2



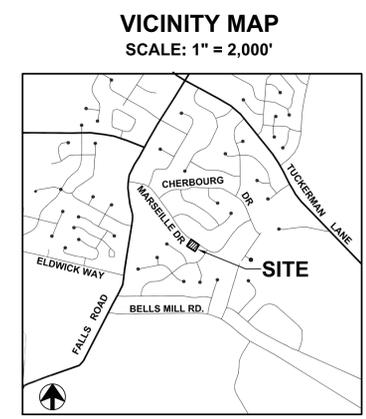
ZONING STANDARDS:

ZONE: R-200	Req.	Prov.
Lot Size	20,000 sf	20,470 sf +
Front Setback	40'	40' or more
Sideyards	12' min., 25' total	12' min.
Rearyard	30'	30' or more
Building Height	40' Max.	40' or less
Lot Coverage	25% Max.	25% or Less
Lot Width @ Building Line	100'	100' or more
Frontage	25'	109' or more

- NOTES:**
1. AREA OF PROPERTY - 40,957 SF
 2. EXISTING ZONING - R-200
 3. NUMBER OF LOTS PERMITTED - 2
 4. NUMBER OF LOTS SHOWN - 2
 5. SITE TO BE SERVED BY PUBLIC WATER AND SEWER
 6. EXISTING SEWER & WATER SERVICE CATEGORIES: S-1, W-1
 7. LOCATED IN CABIN JOHN CREEK WATERSHED
 8. PROPERTY LOCATED ON TAX MAP FQ61; WSSC SHEET 214NW09
 9. UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, PEPCO

LEGEND:

Property Line	
Proposed House	
New Lot Line	
Sewer House Connection	
Water House Connection	
Ex. Contour	
Proposed Contour	
Building Restriction Line	
Limit of Disturbance	
Drywell	
Ex. Canopy	
Ex. Building	



TYPICAL ROAD SECTION

PAVING SECTION

- 1" BITUMINOUS CONCRETE SURFACE COURSE IN 2" - 1 1/2" LAYERS
- 2" BITUMINOUS CONCRETE BASE
- 4" GRANULAR SUBGRADE

GENERAL NOTES

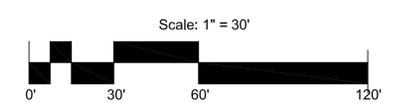
1. REFER TO MARYLAND STATE HIGHWAY ADMINISTRATION SPECIFICATIONS FOR MATERIALS AND METHODS OF CONSTRUCTION.
2. SEE STANDARD NO. MC-211.03 - METHODS OF GRADING AND SURFING.
3. PUBLIC UTILITY EASEMENTS SHALL BE SHOWN TO THE RIGHT AND LEFT OF THE ROAD AND CONFORMANCE OF A DOCUMENT DATED "REGULATION OF TOWN AND DISTRICTS OF PUBLIC UTILITY EASEMENTS" THAT IS RECORDED IN THE LAND RECORDS OF MONTGOMERY COUNTY IN CASE AREA OF RECORD 4471.
4. THE SIDE DRIVE IN ALL LOTS ARE TO BE ELIMINATED IN AREAS NOT YET PLANNED FOR DEVELOPMENT. ONLY AREAS TO BE MAINTAINED FROM EXISTING RECORDS, SEE CONSTRUCTION.
5. THE SIDE DRIVE IN ALL LOTS ARE TO BE ELIMINATED IN AREAS NOT YET PLANNED FOR DEVELOPMENT. ONLY AREAS TO BE MAINTAINED FROM EXISTING RECORDS, SEE CONSTRUCTION.
6. WHEN USING THE STANDARD, THE CENTER SHALL BE SET BACK A MINIMUM DISTANCE OF 10 FEET, MEASURED FROM THE BACK SIDE OF THE DRIVEWAY, THE MINIMUM AVOIDANCE RESTRICTION AND DRIVEWAY IS TO BE SET BY PUBLIC WORKS AND TRANSPORTATION.
7. DRIVEWAY CONSTRUCTION SHALL BE TO BE CONFORMED TO THE MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION.
8. PUBLIC UTILITY EASEMENTS SHALL BE TO BE PROVIDED BY A USE RECORD OCCURRENCE OF PUBLIC UTILITY EASEMENTS DOCUMENT. THAT DOCUMENT IS TO BE RECORDED IN THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND AND REFERENCED IN THE RECORD PLAN.
9. THE 100' AND 200' SECTION OF THE ROAD SHALL BE CONFORMED TO THE STANDARD FOR THE ROADWAY CONSTRUCTION, RECONSTRUCTION AND MAINTENANCE OF THE ROADWAY.
10. SYMBOLS OF THE OPERATIONS SHOWN ON THIS STANDARD SHALL BE REFERENCED TO THE SCHEDULE SHOWN ON STANDARD NO. MC-211.03 (PROVISIONAL, APPROVED) SECTION ROAD.
11. ELEVATION OF THE STREET SIDE OF DRIVEWAY - 100' OF STANDARD SECTION IS 6.42'

APPROVED: 1/30/22
REVISIONS: 1/30/22

STATE OF MARYLAND
MONTGOMERY COUNTY
DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION
SECONDARY RESIDENTIAL ROAD
OPEN SECTION
WITH SIDEWALKS AND STREET TREES
STANDARD NO. MC-211.03

Surveyor's Certificate:
I hereby certify that the boundary shown hereon is correct to my best knowledge and belief based upon existing records and visual observations.

Signature: Date: 11/21/22 Exp. Date: 4/3/2025



Note:
The building footprint(s) shown on the Preliminary Plan 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.

PREPARED FOR:
ALI ZAHEDIAN & HYESUK YI
9108 MARSEILLE DRIVE
POTOMAC, MARYLAND 20854
301-983-0457

Sheet 1 of 1
Revisions

Rev. 2/17/17
Rev. 3/15/17



date: 11/17/16
scale: 1" = 30'

Benning & Associates, Inc.
Lead Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301) 948-0240



PRELIMINARY PLAN
LAKE NORMANDY ESTATES
Resubdivision of Lot 5, Block G
Montgomery County, Maryland



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

November 10, 2016

Ali Zahedian
9108 Marseille Drive
Potomac, MD 20854

Re: Forest Conservation Exemption Request and Simplified NRI/FSD No. 42017033E
Property Name: 9108 Marseille Drive
Action Taken: Exemption Confirmed and Simplified NRI/FSD Approved on 11/10/2016

Dear Ali Zahedian:

On November 8, 2016, Montgomery County Planning Department Staff received a revised Simplified NRI/FSD for 9108 Marseille Drive. This Simplified NRI/FSD is part of a Chapter 22A-5(s)(2) Exemption Request for an activity on a small property. The revised Simplified NRI/FSD shows the locations of existing significant and specimen trees and the limits of disturbance (LOD). A Preliminary Plan of Subdivision is being filed in conjunction with this forest conservation exemption request.

A Chapter 22A-5(s)(2) Exemption Request, is for an activity on a tract of land of less than 1 acre that will not result in afforestation requirements in excess of 10,000 square feet. The activity can not result in the clearing of 20,000 square feet of forest or an existing specimen or champion tree and forest in any priority area must be preserved.

The tract area, 9108 Marseille Drive, is approximately 0.94 acres in size. This activity does not trigger afforestation requirements. No forest or champion tree exists on the property. Because of the proposed impact to an offsite specimen oak tree, a Tree Save Plan is required to be submitted for approval as a part of the Preliminary Plan of Subdivision.

Forest Conservation Exemption Request No. 42017033E for 9108 Marseille Drive is confirmed. The revised Simplified NRI/FSD for the project is approved.

Any changes from the confirmed Forest Conservation Exemption Request and approved Existing Conditions Plan may constitute grounds to rescind or amend any approval actions taken.

Sincerely,

Stephen Peck
Senior Planner
Development Applications and Regulatory Coordination
M-NCPPC - Montgomery County Planning Department

CC: Joshua Owen Maisel, Benning and Associates, Inc.

Rev.	2/1/17

Attachment 4



date: 11/17/16
scale: 1" = 30'

Benning & Associates, Inc.
1893 Shady Grove Court
Gaithersburg, MD 20877
(301) 948-0240



TREE SAVE PLAN
LAKE NORMANDY ESTATES
Resubdivision of Lot 5, Block G
Montgomery County, Maryland



Sequence of Events for Properties Required to Comply with Forest Conservation Plans, Exemptions from Submitting Forest Conservation Plans, and Tree Save Plans

Pre-Construction

- An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged and before any land disturbance. The property owner shall contact the Montgomery County Planning Department inspection staff before any land disturbing activities occur to verify the limits of disturbance and discuss tree protection and tree care measures. The property owner's representative, construction superintendent, International Society of Arboriculture (ISA) certified arborist or Maryland licensed tree expert that will implement the tree protection measures, Forest Conservation Inspector, and Montgomery County Department of Permitting Services (DPS) Sediment Control Inspector must attend this pre-construction meeting.
- No land disturbance shall begin before stress-reduction measures have been implemented. Appropriate stress-reduction measures may include, but are not limited to:
 - Root pruning
 - Crown reduction or pruning
 - Watering
 - Fertilizing
 - Vertical mulching
 - Root aeration matting
 Measures not specified on the plan may be required as determined by the Forest Conservation Inspector in coordination with the property owner's arborist.
- A Maryland licensed tree expert, or an ISA certified arborist must perform all stress reduction measures. Implementation of the stress reduction measures must be observed by the Forest Conservation Inspector or written documentation must be sent to the Forest Conservation Inspector at 8787 Georgia Avenue, Silver Spring, MD 20910. The Forest Conservation Inspector will determine the exact method to convey the implementation of all stress reductions measures during the pre-construction meeting.
- Temporary tree protection devices shall be installed per the approved Forest Conservation Plan, exemption from submitting a Forest Conservation Plan, or Tree Save Plan and prior to any land disturbance. Tree protection fencing locations must be staked and flagged prior to the pre-construction meeting. The Forest Conservation Inspector, in coordination with the DPS Sediment Control Inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan. Temporary tree protect devices may include:
 - Chain link fence (four feet high)
 - Super silt fence with wire strung between the support poles (minimum 4 feet high) with high visibility flagging.
 - 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
- Temporary protection devices must be maintained and installed by the property owner for the duration of construction project and must not be altered without prior approval from the Forest Conservation Inspector. No equipment, trucks, materials, or debris may be stored within the tree protection fence areas during the entire construction project. No vehicle or equipment access to the fenced area is permitted. Tree protection must not be removed without prior approval of Forest Conservation Inspector.
- Forest retention area signs must be installed as required by the Forest Conservation Inspector, or as shown on the approved plan.
- Long-term protection devices must be installed per the approved plan. Installation will occur at the appropriate time during the construction project. Refer to the approved plan drawing for the long-term protection measures to be installed. During Construction
- Periodic inspections by the Forest Conservation Inspector will occur during the construction project. Corrections and repairs to all tree protection devices, as determined by the Forest Conservation Inspector, must be made within the timeframe established by the Forest Conservation Inspector.
- The property owner must immediately notify the Forest Conservation Inspector of any damage to trees, forests, understorey, ground cover, and any other undisturbed areas shown on the approved plan. Remedial actions to restore these areas will be determined by the Forest Conservation Inspector and those corrective actions must be made within the timeframe established by the Forest Conservation Inspector.

Post-Construction

- After construction is completed, the property owner must request a final inspection with the Forest Conservation Inspector. At the final inspection, the Forest Conservation Inspector may require additional corrective measures, which may include:
 - Removal and replacement of dead and dying trees
 - Pruning of dead or declining limbs
 - Soil aeration
 - Fertilization
 - Watering
 - Wound repair
 - Clean up of retention areas including trash removal
- After the final inspection and completion of all corrective measures the Forest Conservation Inspector will request all temporary tree and forest protection devices be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both DPS and the Forest Conservation Inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.

Inspections:

All field inspections must be requested by the applicant. Inspections must be conducted as follows:

Tree Save Plans and Forest Conservation Plans without Planting Requirements

- After the limits of disturbance have been staked and flagged, but before any clearing or grading resumes.
- After necessary stress reduction measures have been completed and the protection measures have been installed, but before any clearing or grading resumes.
- After completion of all construction activities to determine the level of compliance with the provisions of the forest conservation plan;

Additional Requirements for Plans with Planting Requirements

- Before the start of any required reforestation and afforestation planting
- After required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start of the maintenance
- At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan and, if appropriate, release of the performance bond.

EXEMPTION NARRATIVE

THIS PROPERTY QUALIFIES FOR AN EXEMPTION FROM THE FOREST CONSERVATION LAW PER SECTION 22A-5(S)(2) AN ACTIVITY ON A TRACT OF LAND OF LESS THAN 1 ACRE THAT WILL NOT RESULT IN AFFORESTATION REQUIREMENTS IN EXCESS OF 10,000 SF. THE ACTIVITY CAN NOT RESULT IN THE CLEARING OF 20,000 SF. OF FOREST OR AN EXISTING SPECIMEN OR CHAMPION TREE AND FOREST IN ANY PRIORITY AREA MUST BE PRESERVED.

- DOES NOT REQUIRE A SPECIAL EXCEPTION;
- DOES NOT RESULT IN THE CUTTING, CLEARING, OR GRADING OF:
 - MORE THAN A TOTAL OF 20,000 SQUARE FEET OF FOREST;
 - ANY FOREST IN A STREAM BUFFER;
 - ANY FOREST ON PROPERTY LOCATED IN A SPECIAL PROTECTION AREA WHICH MUST SUBMIT A WATER QUALITY PLAN;
 - ANY SPECIMEN OR CHAMPION TREE; OR
 - ANY TREES OR FOREST THAT ARE SUBJECT TO A PREVIOUSLY APPROVED FOREST CONSERVATION PLAN OR TREE SAVE PLAN; AND
- IS SUBJECT TO A DECLARATION OF INTENT FILED WITH THE PLANNING DIRECTOR STATING THAT THE LOT WILL NOT BE THE SUBJECT OF ADDITIONAL REGULATED ACTIVITIES UNDER THIS CHAPTER WITHIN 5 YEARS OF THE CUTTING, CLEARING OR GRADING OF FOREST.

EXEMPTION WAS CONFIRMED ON 1/10/16 (#42017033E).

TREE SAVE PLAN NOTES:

- The Limits-of-Disturbance may be adjusted in the field to save adjacent trees.
- Tree sizes were obtained by measuring diameter-at-breast-height with a diameter tape. Sizes for off-site trees are by ocular estimates.
- On-site tree locations and two-foot contour interval topography from a field survey by: Thomas A. Maddox, PLS 8933 Shady Grove Ct. Gaithersburg, Maryland 20877 301-984-5804
- Area of forest to be cleared is 0.0 acres.
- All tree protection and stress reduction measures are intended to be completed within the limits of the property. Locations of symbols shown on plan for graphic and legibility reasons only.

LEGEND:

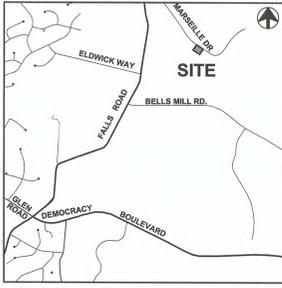
PROPOSED HOUSE	
CANOPY COVERAGE	
CRITICAL ROOT ZONE	
DRYWELL	
EXISTING BUILDING	
LIMITS-OF-DISTURBANCE	
PROPERTY LINE	
PROPOSED CONTOUR	
ROOT PRUNING	
SIGNIFICANT / SPECIMEN TREE	
TREE PROTECTION FENCE	
TREE PROTECTION SIGN	
DRYWELL	

SIGNIFICANT TREE CHART							
TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	COMMENTS	STATUS	STRESS REDUCTION MEASURES
ST-1	Pinus strobus	White Pine	26.0" (approximate)	Good	Off-Site	To be retained (off-site)	
ST-2	Liriodendron tulipifera	Tulip Poplar	32.0" (approximate)	Good-Moderate	Off-Site	To be retained (off-site)	
ST-3	Acer rubrum	Red Maple	34.0" (approximate)	Moderate	Off-Site, hangers in canopy, cavities in trunk	To be retained (off-site)	
ST-4	Quercus phellos	Willow Oak	40.0" (approximate)	Moderate	Off-Site, adventitious limbs, dieback	To be retained (off-site)	
ST-5	Liriodendron tulipifera	Tulip Poplar	32.0" (approximate)	Moderate	Off-Site	To be retained (off-site)	
ST-6	Pinus strobus	White Pine	31.0" (approximate)	Moderate	Off-Site, co-dominant leaders, dead limbs in canopy	To be retained (off-site)	
ST-7	Acer rubrum	Red Maple	26.7"	Moderate	Exposed wounded roots, 25% viable gridding roots, co-dominant leaders, response wood growth at branch union, tree has been pruned, decay at wound site	To be removed	
ST-8	Quercus coccinea	Scarlet Oak	43.6"	Moderate	Off-site, English ivy climbing trunk, very difficult to assess due to dense English ivy, major response wood growth at branch union	To be retained (off-site)	Tree Protection Fence, Signage, & Root Pruning
ST-9	Quercus coccinea	Scarlet Oak	28.0" (approximate)	Moderate	Off-Site	To be retained (off-site)	
ST-10	Quercus coccinea	Scarlet Oak	33.0" (approximate)	Moderate	Off-site, water sprouts, dead limbs with decay	To be retained (off-site)	Tree protection fence, signage, root prune
ST-11	Liriodendron tulipifera	Tulip Poplar	28.0"	Moderate	Possible response wood growth in lower trunk, English ivy and Virginia Creeper starting to climb tree, broken branch actively falling, lost limb, adventitious limbs, powdery mildew	To be retained	Remove dead limbs, tree protection fence, signage, root prune
ST-12	Acer rubrum	Red Maple	28.0" (approximate)	Moderate	Off-Site	To be retained (off-site)	
ST-13	Prunus serotina	Black Cherry	30.0" (approximate)	Moderate	Off-Site, dense English ivy on tree	To be retained (off-site)	
ST-14	Prunus serotina	Black Cherry	30.0" (approximate)	Moderate	Off-Site	To be retained (off-site)	
ST-15	Prunus serotina	Black Cherry	28.0" (approximate)	Poor	Off-Site	To be retained (off-site)	
ST-16	Quercus fasciata	Southern Red Oak	50.0" (approximate)	Moderate	Off-Site	To be retained (off-site)	Tree protection fence, signage, root prune
ST-17	Larix decidua	European Larch	31.9"	Good	Off-Site	To be retained (off-site)	Root prune at edge of proposed driveway, tree protection fence, signage
ST-18	Fagus grandifolia	American Beech	24.0"	Moderate	Exposed roots with wounds and decay, large canker with rot and branch damage, wound has healed to compartmentalize, response wood growth in trunk, adventitious limbs, co-dominant leaders, dead broken limbs with decay, dieback in canopy and crossing limbs	To be retained	Tree protection fence, signage, root prune, remove dead limbs, monitor for decay

MISS UTILITY
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.



VICINITY MAP SCALE: 1" = 2,000'



PREPARED FOR:
ALI ZAHEDIAN &
HYESUK YI
9108 MARSEILLE DRIVE
POTOMAC, MARYLAND 20854
301-983-0457

Revisions
Rev. 2/1/17



date: 11/17/16
scale: 1" = 30'

Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301) 794-6246

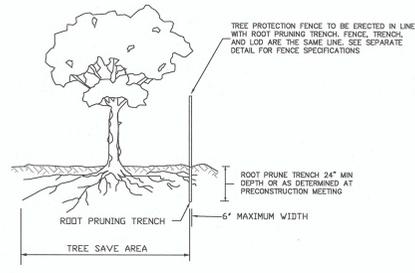


TREE SAVE PLAN
LAKE NORMANDY ESTATES
Resubdivision of Lot 5, Block G
Montgomery County, Maryland



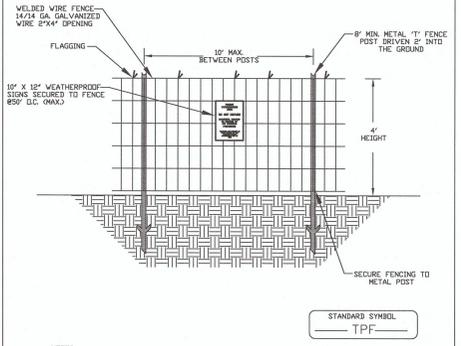
02.27.2017
ISA Certified Arborist MA-4514A
ISA Tree Risk Assessment Qualified

Attachment 5



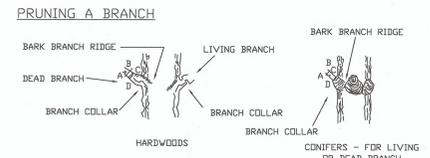
- NOTES:
1. RETENTION AREAS WILL BE SET AS PART OF THE REVIEW PROCESS AND PRECONSTRUCTION MEETING.
 2. BOUNDARIES OF RETENTION AREAS MUST BE STAKED AT THE PRECONSTRUCTION MEETING AND FLAGGED PRIOR TO TRENCHING.
 3. EXACT LOCATION OF TRENCH SHALL BE DETERMINED IN THE FIELD IN COORDINATION WITH THE FOREST CONSERVATION (FC) INSPECTOR.
 4. TRENCH SHOULD BE IMMEDIATELY BACKFILLED WITH EXCAVATED SOIL OR OTHER ORGANIC SOIL AS SPECIFIED PER PLAN OR BY THE FC INSPECTOR.
 5. ROOTS SHALL BE CLEANLY CUT USING VIBRATORY KNIFE OR OTHER ACCEPTABLE EQUIPMENT.
 6. ALL PRUNING MUST BE EXECUTED WITH LOD SHOWN ON PLANS OR AS AUTHORIZED IN WRITING BY THE FC INSPECTOR.

ROOT PRUNING DETAIL
NOT TO SCALE
REVISED 2016



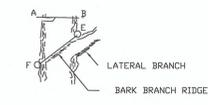
- NOTES:
1. PRACTICE MAY BE COMBINED WITH SEDIMENT CONTROL FENCE.
 2. LOCATION AND LIMITS OF FENCING SHALL COORDINATE IN FIELD WITH ARBORIST.
 3. BOUNDARIES OF RETENTION AREA SHOULD BE STAKED PRIOR TO INSTALLING PROTECTION DEVICE.
 4. ROOT DAMAGE SHOULD BE AVOIDED.
 5. PROTECTIVE SIGNAGE IS REQUIRED.
 6. FENCING SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.

TREE PROTECTION FENCE DETAIL
NOT TO SCALE



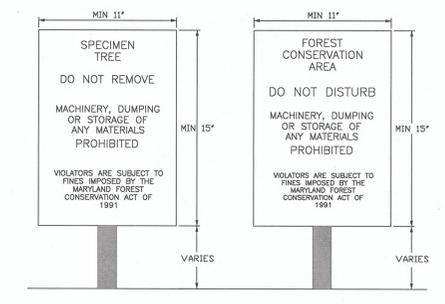
- NOTES:
1. REMOVE BRANCH WEIGHT BY UNDERCUTTING AT 'A' AND REMOVE LIMB BY CUTTING THROUGH AT 'AB'.
 2. REMOVE STUB AT 'CD' (LINE BETWEEN BRANCH BARK RIDGE AND OUTER EDGE OF BRANCH COLLAR).
 3. IF 'D' IS DIFFICULT TO FIND ON HARDWOODS, ANGLE OF 'CD' TO TRUNK SHOULD BE THE REFLECTIVE ANGLE OF THE BARK BRANCH RIDGE TO THE TRUNK.
 4. ONLY PRUNE AT SPECIFIED TIMES.
 5. REMOVE NO MORE THAN 30% OF CROWN AT ONE TIME.

PRUNING A LEADER TO REDUCE SIZE



- NOTES:
1. REMOVE TOP WEIGHT BY UNDERCUTTING AT 'A' AND REMOVE LIMB BY CUTTING THROUGH 'AB'.
 2. REMOVE STUB AT 'EF' PARALLEL TO THE BARK BRANCH RIDGE.
 3. ONLY PRUNE AT SPECIFIED TIMES.
 4. NO MORE THAN 30% OF CROWN TO BE REMOVED AT ONE TIME.
 5. DIAMETER OF LATERAL BRANCH SHOULD BE NO LESS THAN 30% OF THE DIAMETER OF THE LEADER.

TREE PRUNING



- NOTES:
1. BOTTOM OF SIGNS TO BE HIGHER THAN TOP OF TREE PROTECTION FENCE.
 2. SIGNS TO BE PLACED APPROXIMATELY 50 FEET APART, CONDITIONS ON SITE AFFECTING VISIBILITY MAY WARRANT PLACING SIGNS CLOSER OR FARTHER APART.
 3. ATTACHMENT OF SIGNS TO TREES IS PROHIBITED.

CONSTRUCTION SIGNS



Isiah Leggett
County
Executive

DEPARTMENT OF TRANSPORTATION

Al R. Roshdiah
Director

March 20, 2017

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

RE: Preliminary Plan No. 120170100
Lake Normandy Estates

Review
Dear Mr. Sigworth:

We have completed our review of the preliminary plan dated November 17, 2016 and revised on February 1, 2017. A previous plan was reviewed by the Development Review Committee at its meeting on December 27, 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. On the certified Preliminary Plan, show the cross section for Marseille Drive.
2. We do not recommend this applicant be required to construct a sidewalk across the site frontage.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178

FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

4. The sight distance studies have been accepted. A copy of the accepted Sight Distance Evaluation certification form is enclosed for your information and reference.
5. Provide a seven (7) foot wide Public Improvement and a seventeen (17) foot wide overlapping Public Utilities Easement (PUE) along the existing street frontage.
6. 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.
7. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
8. 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. Construct a five (5) foot wide concrete sidewalk and plant street trees along Marseille Drive.

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

- b. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
- c. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- d. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- e. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Mr. Ryan Sigworth
Preliminary Plan No. 120170100
March 20, 2017
Page 3

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

Sincerely,



Gregory M. Leck, Manager
Development Review Team
Office of Transportation Policy

Sharepoint/directors office/development review/rebecca/Potomac subregion/Lake Normandy estates prelim plan ltr.docx

Enclosure

cc: Alireza Zahedian Owner
David McKee Engineer
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Sam Farhadi MCDPS RWPR
Rebecca Torma MCDOT OTP



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

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Lake Normandy Ests Preliminary Plan Number: 1-20170100

Street Name: Marseille Drive Master Plan Road Classification: Secondary

Posted Speed Limit: 25 mph

Street/Driveway #1 (Lot 1 Driveway) Street/Driveway #2 (Lot 2 Driveway)

Sight Distance (feet)	OK?
Right <u>415</u>	<u>Y</u>
Left <u>425</u>	<u>Y</u>

Sight Distance (feet)	OK?
Right <u>425</u>	<u>Y</u>
Left <u>430</u>	<u>Y</u>

Comments: _____

Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

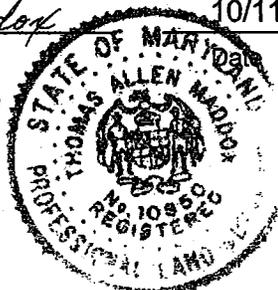
Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

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

Thomas A Maddox 10/11/2016
 Signature
 10850 (EXP 4/3/18)
 PLS/P.E. MD Reg. No.



Montgomery County Review:	
<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved:
By:	<u>[Signature]</u>
Date:	<u>10/11/17</u>



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

December 22, 2016

Mr. David McKee
Benning & Associates
8933 Shady Grove Court
Gaithersburg, MD 20877

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN**
Request for Lake Normandy Estates
Preliminary Plan #: 120170100
SM File #: 282425
Tract Size/Zone: 0.94 acres/R-200
Total Concept Area: 0.94 acres
Lots/Block: 5/G
Watershed: Cabin John Creek (CJC)

Dear Mr. McKee:

Based on a review by the Department of Permitting Services Review Staff, the Combined Stormwater Management Concept/Site Development Stormwater Management Plan for the above mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via the use of drywells and non-rooftop disconnection on each proposed property.

The following conditions 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.
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.

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.

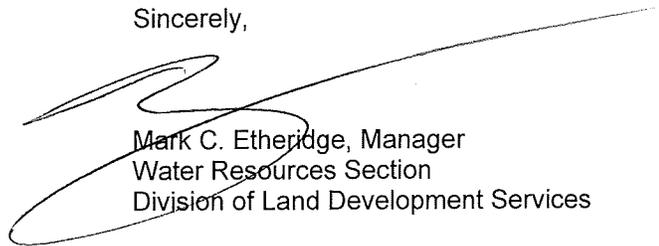
This letter must appear on the final stormwater management design plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically 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

Mr. David McKee
December 22, 2016
Page 2 of 2

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 Jean Kapusnick at 240-777-6345.

Sincerely,



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

MCE: jak

cc: C. Conlon
SM File # 282425

ESD Acres:	0.94
STRUCTURAL Acres:	0
WAIVED Acres:	0



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 28-Mar-17
TO: Joshua Maisel - benninglandplan@aol.com
Benning and Associates
FROM: Marie LaBaw
RE: Normandy Estates
120170100

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **28-Mar-17**. 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.



MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Isiah Leggett
County Executive

Richard R. Bowers
Fire Chief

MEMORANDUM

May 13, 2010

TO: Dave McKee, Benning & Associates, Inc

FROM: Assistant Chief Mike Donahue, Acting Fire Marshal 

SUBJECT: Request for exception from providing a professional engineer's seal on development plan submittals

I am in receipt of your March 31, 2010 memorandum requesting an exception from providing a professional engineer's seal on development plan submittals. Given the parameters set forth in the memorandum, I find your request acceptable. Benning & Associates, Inc may submit development plans with a landscape architect's certification instead of a professional engineer's seal in all cases that do not require an engineered solution.

Office of the Fire Marshal

101 Monroe Street, 12th Floor, Rockville, Maryland, 20850-2589 240/777-2470, FAX 240/777-2465

Serving with dedication, courage and compassion

Benning & Associates, Inc.

LAND PLANNING CONSULTANTS
8933 Shady Grove Court
Gaithersburg, MD 20877
Phone: 301-948-0240
Fax: 301-948-0241
E-mail: benninglandplan@aol.com

To: Assistant Chief Mike Donahue – Engineering Section, Office of the Fire Marshal /
Montgomery County Fire & Rescue Service

From: David McKee

Date: March 31, 2010

Re: Exception from Engineer's Seal

Dear Chief Donahue,

I am contacting you regarding our recent discussions about the requirement to provide an engineer's seal on plans prepared by this office. Our office has been preparing plans which address fire department access and water supply for several years since your office began participating in Development Review Committee meetings and commenting on subdivision plans. The professionals in our office include land planners and landscape architects with recognized expertise in all site planning and land planning matters. It is our request that an engineer's seal not be required at the planning stage for our projects unless specifically warranted for certain engineering matters.

You are aware that many of our subdivision projects involve the use of shared driveways which are located in rural areas of the County and are of low overall lot density. The information provided on our Preliminary Plans and Fire Department Access Plans for these and other projects is related to the planimetrics of where a driveway is to be located, where the turn-around is to be located, how wide the driveway will be, turning radii, etc. At the project planning stage, these are not matters which require any special certification.

In addition, our plans show the location of nearest water supply and/or a proposed location for new water supply (i.e. new fire hydrant or location for cistern). If a new hydrant is needed, WSSC plans will be required later (after subdivision approval) and these plans and any associated calculations are done by a subcontracted civil engineer at the appropriate time. Our plans (Preliminary Plan, Fire Department Access Plan) do not offer information such as hydraulic calculations - just the planimetrics of where a hydrant or cistern is needed based upon the location of the nearest water supply.

When preparing plans for review by your office, it is not our intention to request any waivers or exceptions from load bearing requirements or from water supply standards. Furthermore,

it is our expectation that load bearing requirements must be met and that a geotechnical analysis is needed prior to construction of any Fire Department access lane. We suggest that a note added to plans prepared by our office will indicate the following:

The paved all-weather Fire Department access lane shown on this plan is to be constructed to meet load-bearing requirements for Fire Department apparatus. The new paved driveway must be constructed to meet MCDOT tertiary road standards (MC 210.01) unless an alternative design is provided which meets Fire Department requirements. For any alternative design, an engineer's certification that load bearing standards are met must be provided prior to issuance of the Use & Occupancy permit.

I hope you find the information in this letter informative and helpful. The purpose of this letter is to establish an understanding between our offices which will help facilitate the review and approval of plans prepared by this office. If anything further is needed in the regard, please feel free to contact me at your earliest convenience.

Sincerely,



David W. McKee,
State of Maryland Licensed Landscape Architect

Resubdivision Criteria: Lake Normandy Estates, Lot 5 of Block G							
Lot #	Frontage	Alignment	Size (ac)	Shape	Width	Area (ac)	Suitability
Proposed							
1	110'	Perpendicular	20,487 sf	Regular	112'	9,782 sf	R-200
2	110'	Perpendicular	20,470 sf	Regular	112'	9,779 sf	R-200
Block A							
1	427 ^{*k}	Radial	49,330 sf	Regular	285'	23,704 sf	R-200
15	311 ^{*k}	Radial	25,313 sf	Regular	129'	9,592 sf	R-200
35	223 ^{*k}	Radial	32,832 sf	Irregular	189'	17,698 sf	R-200
36	331 ^{*k}	Perpendicular	29,572 sf	Regular	163'	13,012 sf	R-200
Block D							
11	622 ^{*k}	Perpendicular	87,120 sf	Regular	306'	54,202 sf	R-200
9	325 ^{*k}	Radial	42,223 sf	Regular	201'	20,575 sf	R-200
Block E							
8	554 ^{*k}	Radial	48,355 sf	Regular	236'	22,623 sf	R-200
72	142'	Perpendicular	20,000 sf	Regular	137'	8,532 sf	R-200
6	259'	Radial	42,993 sf	Regular	255'	24,437 sf	R-200
5	228'	Perpendicular	43,200 sf	Regular	228'	22,275 sf	R-200
24	289'	Radial	45,138 sf	Regular	255'	26,417 sf	R-200
23	268'	Radial	47,720 sf	Wedge	242'	29,634 sf	R-200
22	152'	Radial	41,431 sf	Regular	158'	25,297 sf	R-200
Block C							
1	524 ^{*k}	Radial	51,073 sf	Irregular	339'	23,035 sf	R-200
2	218'	Radial	50,732 sf	Regular	206'	32,422 sf	R-200
3	151'	Perpendicular	45,340 sf	Regular	137'	25,890 sf	R-200
4	163'	Perpendicular	51,906 sf	Regular	163'	37,320 sf	R-200
5	195'	Radial	42,938 sf	Wedge	178'	26,237 sf	R-200
Block G							
1	348'	Angled	41,725 sf	Wedge	293'	17,402 sf	R-200
2	161'	Perpendicular	47,508 sf	Regular	162'	29,698 sf	R-200
3	180'	Perpendicular	51,140 sf	Regular	186'	32,273 sf	R-200
4	220'	Perpendicular	47,369 sf	Regular	227'	27,395 sf	R-200
7	145'	Perpendicular	24,014 sf	Regular	145'	12,202 sf	R-200
8	268 ^{*k}	Perpendicular	20,000 sf	Regular	100'	6,074 sf	R-200
Block H							
9	301 ^{*k}	Radial	20,528 sf	Regular	139'	7,005 sf	R-200
10	25'	Perpendicular	21,585 sf	Irregular	100'	7,244 sf	R-200
11	92'	Radial	21,199 sf	Regular	110'	10,208 sf	R-200
12	27'	Perpendicular	46,407 sf	Flag	201'	25,550 sf	R-200
15	95'	Radial	29,731 sf	Regular	112'	18,315 sf	R-200
16	25'	Perpendicular	38,918 sf	Flag	222'	20,210 sf	R-200
4	150'	Radial	52,090 sf	Regular	157'	34,436 sf	R-200
5	160'	Radial	39,887 sf	Regular	153'	24,573 sf	R-200
14	104'	Perpendicular	39,283 sf	Regular	110'	24,487 sf	R-200
13	104'	Perpendicular	27,158 sf	Regular	100'	14,976 sf	R-200
7	171'	Perpendicular	45,347 sf	Regular	164'	26,742 sf	R-200
8	424 ^{*k}	Radial	47,297 sf	Regular	235'	26,875 sf	R-200
Range	25'-622'		20,000 sf -87,120sf		100'-306'	6,074 sf - 54,202 sf	
Average	233'		40,511 sf		187'	22,460'	

* Corner Lot / Frontage on 2 Streets

Notes:

1. Average Frontage corner lots = 392'
2. Average Frontage non-corner lots = 163'

Attachment 12

11209 Fall River Court
Potomac, MD 20854
April 24, 2017

Chairman and Members
Montgomery County Planning Board
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Subject: Lake Normandy Estates, Resubdivision of Lot 5, Block G, Preliminary Plan # 120170100;
Hearing date May 11, 2017

Ladies and Gentlemen:

I am writing in regard to the subject resubdivision application submitted by Mr. Ali Zahedian. I live at 11209 Fall River Court, Lot 5 Block 6 of Pine Knowls Subdivision which is directly behind Mr. Zahedian's property. I strongly object to this proposed resubdivision because the resubdivided lots will not be of the same character as the lots of the immediate existing neighborhood and do not meet the requirements of Section 50-29(b)(2) of the Montgomery County Code.

The purpose of Section 50-29(b)(2) is to ensure that any resubdivision and development would be harmonious with the existing neighborhood. Mr. Zahedian proposes to resubdivide his property at 9108 Marseille Drive, Lot 5 Block G, into two lots, demolish the existing house, and construct two new houses. The two new proposed lots are significantly smaller than the other lots in the immediate neighborhood along Marseille Drive and do not meet the intent of Section 50-29(b)(2). Let me be clear, it is not the development and construction of new homes that I object to, as many new homes of diverse styles and architectures have been constructed along Marseille Drive without the necessity to resubdivide the host properties. It is the significantly smaller lot size that is not compatible with the existing neighborhood.

At the Pre-Preliminary Planning Board Hearing for Mr. Zahedian's application conducted July 28, 2016, Planning Board member Natali- Fani Gonzalez voted to disapprove Mr. Zahedian's application because the proposed resubdivided lots were not of the same character as those of the existing neighborhood. She demonstrated the integrity to weigh the issues involved, recognize the merits of the arguments of the neighbors affected, and consider past precedent Planning Board decisions regarding the existing immediate Marseille Drive neighborhood. I challenge the other Planning Board members to follow Ms. Gonzalez's leadership in applying independent and objective analysis regarding this proposed resubdivision and join her in disapproving Mr. Zahedian's application.

Respectfully,

Richard G. Rothman