



CHECKLIST Site Plan / Project Plan Review

Plan # 8-20060310 Name: Montgomery Industrial Park
 Zone: T-1/Overby ^{US 29} Tract Area: 1.69 acres Proposed Use: hotel
 Number of Units: 104 rooms Square Footage: 67,850
 Development Method: 59-D.3 Other: _____

Referral Comments:

M-NCPPC	Staff	Date	Other Agencies		
			Staff	Date	
Transportation	<u>CE</u>	<u>4/10/06</u>	SHA	<u>N/A</u>	_____
Environmental	<u>CB</u>	<u>4/10/06</u>	DPS (SWM)	<u>DK</u>	<u>4/10/06</u>
Community Planning	<u>PW</u>	<u>4/10/06</u>	DPS (Traffic)	<u>SN</u>	<u>5/17/06</u>
Historic Planning	<u>NA</u>	_____	Public School	<u>N/A</u>	_____
Park Planning	<u>NA</u>	_____	Utility	<u>WSSC</u>	<u>4/10/06</u>
Research/Housing	<u>NA</u>	_____	Fire & Rescue	<u>Capt F.</u>	<u>5/29/06</u>
			DPW & T (DPL & T Chadwick)	<u>SN</u>	<u>5/17/06</u>
				<u>JD</u>	<u>5/17/06</u>

Development Standards / Requirements

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Zoning Requirements | <input type="checkbox"/> MPDU Calculation | <input checked="" type="checkbox"/> Building Restriction Lines |
| <input checked="" type="checkbox"/> Development Data Table | <input type="checkbox"/> TDR Calculation | <input checked="" type="checkbox"/> Building Height |
| <input type="checkbox"/> Recreation Calculation | <input type="checkbox"/> Timing/Phasing Conditions | <input checked="" type="checkbox"/> Master Plan Conformance |

Prior Approvals

- | | | |
|---|---|--|
| <input type="checkbox"/> Development Plan | <input checked="" type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Prior Site Plan Approvals |
| <input type="checkbox"/> Record Plat | <input checked="" type="checkbox"/> Special Exception | |

Community Input

- Civic Association _____
- Individuals _____

Supervisor Review

Ma 5/31/06

Chief Review

PK 6/1/06

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

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

Case No. S-2656

PETITION OF BAYWOOD HOTELS, INC.

OPINION OF THE BOARD
(Opinion Adopted April 5, 2006)
(Effective Date of Opinion: April 28, 2006)

Case No. S-2656 is an application for a special exception, pursuant to Section 59-G-2.33 of the Montgomery County Code, for a hotel. The Hearing Examiner for Montgomery County held a hearing on the special exception on January 30, 2006, closed the record in the case on March 20, 2006, and on March 21, 2006 issued a Report and Recommendation for approval of the special exception.

The subject property is Lot 39, WesTech Business Park Subdivision, located at 2200 Broadbirch Drive, Silver Spring, Maryland, 20904, in the I-1 Zone.

Decision of the Board: **Special Exception Granted, Subject To Conditions Enumerated Below.**

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on April 5, 2006. After careful consideration, and review of the record in the case, the Board adopts the Report and Recommendation and grants the special exception subject to the following conditions:

1. Petitioner shall be bound by all of its testimony and exhibits of record, and by the testimony of its witnesses and representations of counsel identified in the Hearing Examiner's Report, and in this opinion.
2. Petitioner must comply with any conditions set by the Department of Permitting Services in approving the site's Stormwater Management

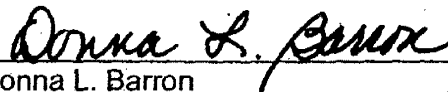
Plan.

3. There must be no encroachment into the wetland buffer areas except for necessary stormwater management outfalls, as approved by DPS.
4. Petitioner must not disturb or in any way interrupt the groundwater monitoring wells at the site and must allow access for monitoring.
5. Petitioner's hotel shall not exceed 104 rooms, which is equivalent to 34,118 square feet of general office use, and a staff of 25.
6. Petitioner shall install a bus shelter on Broadbirch Drive in the vicinity of the hotel. The precise location and details of the bus shelter should be determined at the time of site plan review, and any necessary amendment to the special exception site plan shall be forwarded to the Board of Appeals as an administrative modification request.
7. If, at the time of site plan review, the Petitioner is required to provide for additional sidewalks, handicapped ramps and crosswalks, any necessary amendment to the special exception site plan shall be forwarded to the Board of Appeals as an administrative modification request.
8. No more than five scheduled deliveries of goods may be made to the hotel per week.
9. Petitioner must obtain sign permits from the Department of Permitting Services and file them with the Board before erecting any signs. A modified special exception site plan should be submitted at that time showing the locations and dimensions of any signs.
10. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.
11. If the Site Plan approved by the Planning Board at Site Plan Review differs materially from the Special Exception Site Plan (Exhibit 49(a)) approved by the Board of Appeals, Petitioner must file the Site Plan with the Board of Appeals and request an administrative modification

of the Special Exception Site Plan to coincide with the Site Plan approved by the Planning Board.

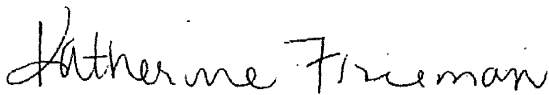
On a motion by Caryn L. Hines, seconded by Wendell M. Holloway, with Angelo M. Caputo and Donna L. Barron, Vice-Chair in agreement, and Allison Ishihara Fultz, Chair Ishihara Fultz, Chair necessarily not participating, the Board adopted the following Resolution:

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



Donna L. Barron
Vice-Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 28th day of April, 2006.



Katherine Freeman
Executive Director

NOTE:

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

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.

into the parcel, as both are shown on the drawing attached to the July 1, 1991 Environmental Planning Division memorandum, shall be permitted and shall be accompanied by compensatory protection of an approximately equal area outside the stream buffer to be delineated by staff approval of a grading plan prior to building permit for the parcel so affected

3. Conditions of DEP stormwater management concept dated 4-8-91
4. Access and improvements as required to be approved by MCDOT
5. Necessary easements

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING
WATER RESOURCES SECTION

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850

APPENDIX C

Date: April 10,

MEMO TO: Michael Ma, Supervisor
Development Review Committee, MNCPPC

FROM: David Kuykendall
Senior Permitting Services Specialist
Water Resources Section, MCDPS

SUBJECT: Stormwater Management Concept Plan/100-Year Floodplain Review
Site Plan # 820060310, Montgomery Industrial Park
Project Plan #
Preliminary Plan # 1-97038, DPS File # 218278
Subdivision Review Meeting of April 10, 2006

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for a 100year floodplain. The following summarizes our findings:

SM CONCEPT PLAN PROPOSED:

- On-site: CPv WQv Both
 CPv < 2cfs, not required
 On-site/Joint Use Central (Regional): waived to West Farm
 Existing Concept Approved May 27, 2005
 Waiver: CPv WQv Both
 Approved on
 Other

Type Proposed:

- Infiltration Retention Surface Detention Wetland Sand Filter
 Separator Sand Filter Non Structural Practices Other

FLOODPLAIN STATUS: 100 Year Floodplain On-Site Yes No Possibly

- Provide source of the 100Year Floodplain Delineation for DPS approval:
 Source of the 100-Year Floodplain is acceptable.
 Submit drainage area map to determine if a floodplain study (> or equal to 30 acres) is required.
 Dam Breach Analysis: Approved Under Review:
 100-Year Floodplain study: Approved Under Review:

SUBMISSION ADEQUACY COMMENTS:

- Provide verification of Downstream notification.

RECOMMENDATIONS:

- Approve as submitted with conditions (see approval letter)
 Incomplete; recommend not scheduling for Planning Board at this time.
 Hold for additional information. See below
 Comments/Recommendations:

cc: Steve Federline, Environmental Planning Division, MNCPPC

bll DRC site plan.03/01



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

May 27, 2005

Mr. Scott D. Roser
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886-1279

Re: Stormwater Management **CONCEPT** Request
for Baywood Hotel (Montgomery Industrial Park)
Preliminary Plan #: N/A
SM File #: 218278
Tract Size/Zone: 1.69 acres / I-1
Total Concept Area: 1.69 acres
Lots/Block: Lot 39
Parcel(s): Part of Parcel CCC West Farm
Technology Park
Watershed: Paint Branch

Dear Mr. Roser:

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 consists of on-site channel protection measures via the existing West Farm Regional Pond; on-site water quality control via installation of a hydrodynamic water quality unit; and onsite recharge via direction of a portion of the roof runoff to recharge wells.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Bypass the roof runoff around the proposed water quality facility. Do not allow roof runoff to enter the storm drain system above the proposed water quality unit. Water quality for the roof runoff will be provided by wet storage on the existing Regional Pond. This will provide more efficient treatment of the vehicular impervious areas on the subject property.
5. Recharge roof runoff directly. Do not use the crossover/overflow structure. Additional storm drain piping will likely be necessary.

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



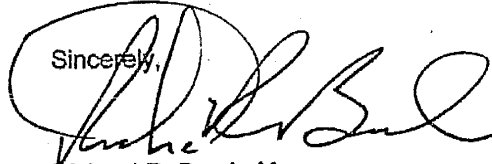
Exhibit H

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

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

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm mce

cc: R. Weaver
S. Federline
SM File # 218278

QN - ON; Acres: 1.69
QL - ON; Acres: 1.69
Recharge is provided

Weiss, Piera

From: Dunckel, Jeff [Jeff.Dunckel@montgomerycountymd.gov]
Sent: Wednesday, May 17, 2006 3:43 PM
To: Bryant, Vic; Weiss, Piera
Subject: RE: westech Baywood Hotel Bus Stop

Vic, Piera,

This location looks good for a future bus shelter installation by our ad shelter company. Thanks.

Jeff Dunckel
Manager - Passenger Facilities Unit
Division of Transit Services
Department of Public Works and Transportation
Montgomery County, Maryland
office: (240) 777-5826
fax: (240) 777-5801

-----Original Message-----

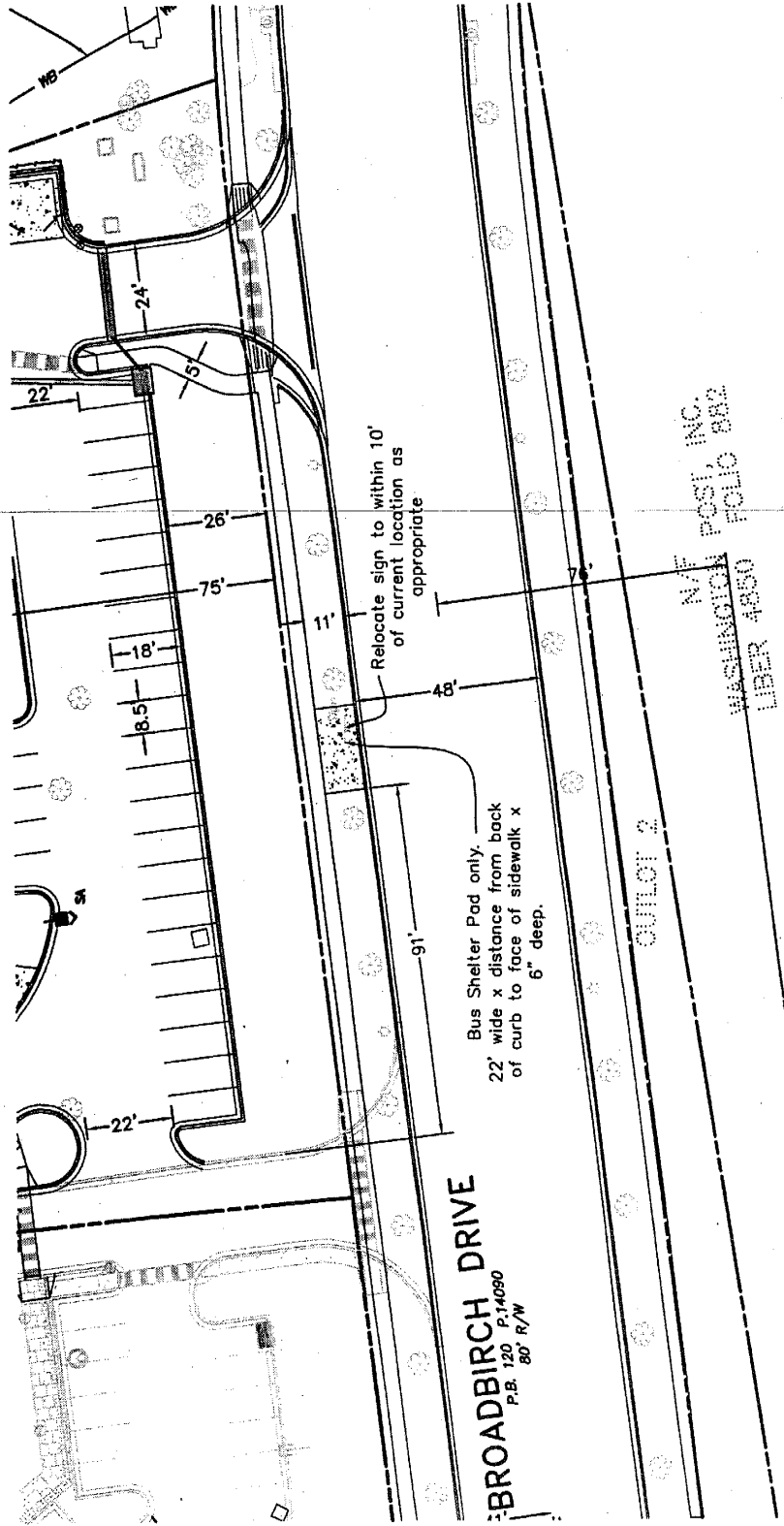
From: Bryant, Vic [mailto:vbryant@mhgpa.com]
Sent: Wednesday, May 17, 2006 3:41 PM
To: Dunckel, Jeff; Piera.Weiss@mncppc-mc.org
Subject: westech Baywood Hotel Bus Stop

Jeff

Is this location Ok? Please let Piera and me know. Thanks.

Vic Bryant
V.P. of Planning and Land. Arch.

Macris, Hendricks and Glascock, PA
9220 Wightman Rd, Suite 120
Montgomery Village, MD 20886
p. 301.670.0840
f.301.948.0693
vbryant@mhgpa.com



BROADBIRCH DRIVE
 P.B. 120 P.14090
 80' R/W

CULOT 2

N/F
 WASHINGTON POST, INC.
 LIBER 4850

Relocate sign to within 10'
 of current location as
 appropriate

Bus Shelter Pad only.
 22' wide x distance from back
 of curb to face of sidewalk x
 6" deep.



MONTGOMERY COUNTY, MAR
DEPARTMENT OF PUBLIC WORKS AND TR.
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Montgomery Industrial Park site Preliminary Plan Number: 8-06031

Street Name: Broad Birch Drive Master Plan Road Classification: Business/Industrial

Posted Speed Limit: 30 mph

Street/Driveway #1 (Proposed Driveway) Street/Driveway #2 (Existing Driveway)

Table with 4 columns: Sight Distance (feet), Right, Left, and OK? for both Street/Driveway #1 and #2.

Comments: (Two sets of blank lines for notes)

GUIDELINES

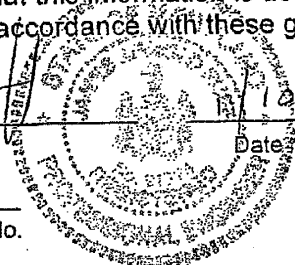
Table with 3 columns: Classification or Posted Speed (use higher value), Required Sight Distance in Each Direction*, and Sight distance is measured from an eye height of 3.5'...

ENGINEER/ SURVEYOR CERTIFICATE

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

Signature: [Handwritten Signature] Date: 5/10/06

PLS/P.E. MD Reg. No. 21774



Montgomery County Review: [Checked] Approved MC DPS By: Sarah Merid Date: 5/17/06

Weiss, Piera

From: Navid, Sarah [Sarah.Navid@montgomerycountymd.gov]
Sent: Wednesday, May 17, 2006 10:14 AM
To: Weiss, Piera
Cc: Bryant, Vic; Cheung, Joseph; Eapen, Cherian
Subject: Montgomery Industrial Park - Baywood Hotel - Site Plan 820060310

Piera,

We have reviewed the proposed site plan dated 5/16/2006 and concur with the plan with the following comments:

- 1) The lead sidewalks and ramp configurations at the two driveways should be similarly designed; MCDPS will provide specific details at permitting review.
 - 2) The left turn maneuver from the drop-off area (Porte Cochere) area should be verified with a turning template; otherwise it can be signed for "Right Turn Only".
 - 3) The sight distance along Broadbirch Drive from each driveway had been provided and approved (we will forward you the certification).
-

Please let me know if you have any questions regarding our comments.

Sarah Navid

Right-of-Way Permitting & Plan Review
Department of Permitting Services
tel. 240-777-6304
fax 240-777-6339

**DEVELOPMENT REVIEW COMMITTEE
TRANSPORTATION PLANNING COMMENTS**

APPENDIX G

Item No. 12	Memo Required ?	Yes	Maybe	No
Meeting Date 04/10/06	Transportation Planner	Cherian Eapen	Ext	
Date of Prior DRC	Dev. Rev. Planner	Piera Weiss	Ext	
Plan Number(s) 820060310	Zone	I-1 / CHR Overlay Zone		
Plan Name Montgomery Industrial Park				
Applicant Name, Representative, or Attorney Applicant=Springwood Holding, LLC c/o Baywood Hotels, Inc. – Kurt Blorstad				
Developer=				
Engineer=Macris, Hedricks & Glascock, P.A. – Paul Newman				
Attorney=Holland & Knight – Patricia Harris				
Policy Area Fairland/White Oak	Parcel or Lot Numbers	Lot 36		
Development Type Hotel				
Size/Number of Units 104 rooms				
No. of Lots 1 to 1	Phasing	None		
WSSC Map No(s) 215NE03 & 216NE03	Tax Map No(s)	KQ 342 & KQ 343		

I. ADEQUATE PUBLIC FACILITIES

Existing Land Use/Occupied House(s)

Prior approval for	Baywood Hotels	As	S-2656	On
For	Westech Industrial Park	As	1-97038	On
For		As		On
For		As		On

a. Policy Area Transportation Review (Required to be tracked by County Council)

If not a Rural Policy Area, remaining staging ceiling capacity negative? Jobs **no** HU's

b. Proposed traffic mitigation program:

Required/optional participation in TMO for **Not in West*Farm TMAg> Comment #1** I-3 Zone **No!**

c. Local Area Transportation Review

Traffic study required **Done at Prel. Plan** Traffic statement required **No*** Submitted on ***=07/14/05**
 Traffic study/statement completion date Letter sent Submitted by **STS-Nelson**

Key Transportation Issues

1. ~~Widen the existing 4-foot-wide sidewalk to the required 5 feet wide along Broadbirch Drive, an industrial roadway.~~
2. Provide a handicapped ramp from the sidewalk in front of the main entrance to the proposed hotel.
3. Coordinate with DPWT to place and provide a bus shelter along Broadbirch Drive,
4. Provide 1 inverted-U bike rack at the main entrance and 4 bike lockers at the employee's entrance, instead of 5 bike racks.
- 5.

II. RIGHT-OF-WAY DESIGNATION/USE

Roadway(s) Broadbirch Drive

Functional Roadway designation **Industrial (I-9)**

Required right-of-way **80 feet**

- Dedicated as shown on plan **80 feet**
- Additional dedication for
- Designated bikeway as **PB-65, Class II**
Class/Side of Road
- Sidewalk **Existing 4 feet, Need 5 feet***

Rustic Road

Roadway(s)

Functional Roadway designation

Required right-of-way

- Dedicated as shown on plan
- Additional dedication for
- Designated bikeway as
Class/Side of Road
- Sidewalk

Rustic Road

- Provide roadway connection to
- Provide sidewalk connection to **Two lead-in sidewalks are provided from Broadbirch Drive**
- Abandonment needed for
- Place in reservation for
- Place in easement (transit/roadway) for

Sight distance adequate?	From	Broadbirch Drive		
Yes	No	At Preliminary Plan Review		X
Transit service routes?	Ride-On	Metrobus	C-7 & Z-6	None
Broadbirch Drive			See Comment #2	
Transit service routes?	Ride-On	Metrobus		None
Transit service routes?	Ride-On	Metrobus		None

COMMENTS:

As an I-1 zoned property, Traffic Mitigation Agreement is not required associated with the existing West*Farm Traffic Mitigation Agreements.

* Upgraded pedestrian facilities are needed due to the heavy pedestrian volumes generated to/from the nearby offices and by hotel guests to/from the nearby retail uses.

MARYLAND NATIONAL CAPITAL PARK AND PLANNING C
DEVELOPMENT REVIEW COMMITTEE RECOMMENDAT

APPENDIX H

TO: Piera Weiss
Development Review Division

SUBJECT: Plan # 8-06031, Name Montgomery Industrial Park
DRC date: Monday, April 10, 2006

The above-referenced plan has been reviewed to determine if it meets requirements of the Guidelines for Environmental Management of Development in Montgomery County, and other county regulations that may apply. The following recommendations are made for the DRC meeting:

SUBMITTAL ADEQUACY
 Plan is complete. .

EPD RECOMMENDATIONS:
 Hold for the following Revisions/Additional Information before scheduling for Planning Board:

1. Show how the groundwater monitoring well on the site will be visible and accessible for the monitoring required by the Maryland Department of the Environment. (Will the monitoring well have a marked cap in the parking lot that will be visible?)

NOTE: The subject site is exempt from forest conservation plan requirements under the grandfathering provision. (Chapter 22A-5(K) For plans approved before 7/1/1991.

SIGNATURE: Candy Bunnag ⁰³
Environmental Planning Division

DATE: 4/4/06

cc: engineer/applicant

Reminder: Address your submissions/revisions to the Reviewer who completed the Comments sheet.
Put the Plan numbers on your cover/transmittal sheets.

WSSC Comments on Items for April 10, 2006
Development Review Committee Meeting

File Number	Project Name	Substantial Comments
820060310	Montgomery Industrial Park	<p><u>WATER AVAILABLE</u> An existing 12-inch water main in Broadbirch Drive abuts the subject property. A connection can be made directly to this main to obtain water service.</p> <p><u>SUBMIT ON-SITE PLAN</u> Submit on-site plans for installing new water lines greater than 2-inches (to the One-Stop-Shop). A professional engineer registered in Maryland must prepare plans. Plans must conform to W/S Design Standards.</p> <p><u>HYDRAULIC INFORMATION REQUIRED</u> For commercial, industrial or public type buildings, to include apartment designs, fire sprinkler system hydraulic data, including estimated flow rate in gallons per minute and building top and lowest floor elevations, are required by WSSC.</p> <p><u>PUBLIC SEWER MAIN EXTENSION REQUIRED</u> A public sewer extension in Broadbirch Drive is required to provide sewer service to this project. Accordingly, a system extension permit must be obtained from the Development Services Group.</p> <p><u>HYDRAULIC PLANNING ANALYSIS REQUIRED</u> To begin the process of obtaining a system extension permit, a detailed hydraulic planning analysis must be performed. Submit hydraulic planning analysis request form, hydraulic modeling fee and 4 copies of 200' scale sketch for WSSC to perform modeling.</p> <p><u>COMPLETE ENVIRONMENTAL QUESTIONNAIRE AND CONDUCT CONTAMINATION DATABASE SEARCH</u> You must complete and submit an Environmental Questionnaire. A contamination database search, conducted pursuant to ASTM Standard E-1527, is also required under one of the following options:</p> <ol style="list-style-type: none"> 1. You may submit the database search conducted by a professional in good standing, and complete the enclosed Database Search Summary; or 2. You may request WSSC to conduct the database search at least 30 days prior to the submission of the Review for System Integrity Package and submit a Database Search Fee, currently \$100.00. A

APPENDIX H

WSSC Comments on Items for April 10, 2006
Development Review Committee Meeting

File Number	Project Name	Substantial Comments
		<p>Database Search Request Form is enclosed for your convenience; or</p> <p>3. You may submit a Phase I Environmental Site Assessment (ESA) report conducted in accordance with ASTM Standard E-1527 by a professional in good standing.</p> <p>You are encouraged to provide this information as early as possible, but it must be submitted no later than with the design package for review purposes. WSSC reserves the right to require additional investigations. At your request, WSSC may provide conditional approval of your design prior to complete resolution of contamination concerns if you accept any and all risks associated with such conditional approval. In all cases, release for service will not be issued until all contamination impacts are completely resolved.</p>



FIRE MARSHAL COMM

DATE: 5-29-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: JOHN FEISSNER 240 777 2436
RE: APPROVAL OF ~ *BAYWOOD HOTEL #8-06031*

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 5-29-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services

b. Recommendation: Designate all radii of all turns on fire department access roads in opaque green.

4. FD Access Roads connecting to roadways shall be provided with curb cuts extending at least 0.6 m (2 ft) beyond each edge of the fire lane.
5. The angle of approach and departure for any means of access shall not exceed 8 degrees.
6. Provide locations of Fire Hydrants and Key for Symbol.
7. **PLAN NOT APPROVED. RESUBMIT PLAN THAT INCORPORATES COMMENTS 1-6.**

Problems- 1) Show turning radius @ entrance.

2) Confirm that the building will be fully sprinklered.

3) Confirm 13'6" vertical clearance @ entrance.



fax 301.948.0693

www.mhgpa.com

May 25, 2006

Mr. Derick P. Berlage, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Waiver of Perimeter Landscape Area
Baywood Hotel, Site Plan 8-06031

Dear Chairman Berlage and Members of the Board:

On behalf of the applicant, Baywood Hotels, we request Planning Board approval of a waiver for the above mentioned project. The waiver would be for the perimeter landscape area for a parking facility adjoining property other than a public right-of-way (Zoning Ordinance Section 59-E-2.72).

The subject Site Plan provides a perimeter landscape strip of 4 feet in width as required by Section 59-E-2.72 of the Zoning Ordinance. However, there is an additional requirement that this strip be planted with a minimum of one shade tree for every 40 feet of lot perimeter. This requirement applies to a 153 foot portion of the 227 foot long eastern property line. Due to the grade difference between our site and the adjacent property and an existing wetland buffer that straddles the common property line, a retaining wall is required in this area. Unfortunately, the retaining wall precludes the Applicant from planting shade trees in close proximity to the wall. While the Applicant is providing the equivalent of one shade tree for every 40 feet (i.e. the 153 foot long portion of the eastern property line requires 4 trees and the applicant is providing 4 trees), the existence of the retaining wall prevents the trees from being located 40 feet on center. Instead, the Applicant proposes that one tree be planted at either end of the subject row of parking and two additional trees be planted between the wetland buffer and the dumpster area further to the south.

While the proposed Site Plan does not strictly comply with the perimeter landscaping requirement, the surrounding existing conditions mitigate the need for this requirement. More specifically, the wetlands and wetlands buffer itself is vegetated and provides additional screening. Similarly, the embankment of a stormwater management pond located on the

Montgomery County Planning Board
Attn: Mr. Derick P. Berlage, Chairman
May 25, 2006
Page 2 of 2

adjacent property also further screens the parking facility. In addition, the retaining wall itself acts to screen parked cars from the adjacent property.

Given the difficulty in meeting the specific requirements of the perimeter landscaping provision, and the fact that the proposal mitigates the need for the landscaping, we respectfully request your approval of the waiver.

Thank you for your attention to this request. If you have any questions or need additional information, please feel free to call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Newman", with a long horizontal flourish extending to the right.

Paul Newman
Principal