



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

Clarence J. Snuggs  
Director

April 18, 2016

Mr. Matthew Folden  
Area 1 Division  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Washington Episcopal Day School, Inc.  
Preliminary Plan No. 120150160  
Site Plan No. 820150080

Dear Mr. Folden:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the revisions to the above referenced Preliminary Plan and Site Plan and recommends Approval of the plans. Please note that the applicant must execute an agreement with DHCA that satisfies the requirements of Chapter 25A of the County Code before any residential building permits will be issued.

Sincerely,

Lisa S. Schwartz  
Senior Planning Specialist

cc: Aaron Smith, A. Morton Thomas & Associates, Inc.  
Jody S. Kline, Miller, Miller and Canby

S:\Files\FY2014\Housing\MPDULisa Schwartz\Washington Episcopal Day School DHCA Letter 4-18-2016.doc

Division of Housing			
Affordable Housing Program FAX 240-777-3709	Multifamily Housing Programs FAX 240-777-3691	Landlord-Tenant Affairs FAX 240-777-3691	Licensing & Registration Unit 240-777-3666 FAX 240-777-3699

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-0311 • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)

**From:** [Leck, Gregory](#)  
**To:** [Folden, Matthew](#)  
**Cc:** [Kronenberg, Robert](#); [Hisel-McCoy, Elza](#); [william.whelan](#); [Roshdieh, Al](#); [Conklin, Christopher](#); [Erenrich, Gary](#); "[Jody Kline](#)"; "[aaron.smith@amtengineering.com](#)"; "[Frank Bossong](#)"  
**Subject:** RE: Washington Episcopal School - Landy Lane - AMENDMENT email  
**Date:** Friday, September 16, 2016 10:43:28 AM  
**Importance:** High

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Good morning Matt,

Thank you for taking the time yesterday afternoon to discuss the Planning Department's concerns regarding the terminus of Landy Lane contemplated under this project.

As we discussed, this email is to AMEND our plan review our August 30, 2016 letter to be consistent with the current positions of our respective agencies regarding public and private streets:

- MCDOT supports the dedication and construction of the Landy Lane cul-de-sac as a closed section public secondary residential street. Due to right-of-way limitations on the north side of the cul-de-sac, we support Planning Board approval of a reduced width right-of-way (50' within the tangent section, to be engineered in the vicinity of the bulb).
- If the terminus of Landy Lane is dedicated and constructed as a public street, comment no. 1 in our August 30<sup>th</sup> letter (regarding the need to execute and record a new/replacement Public Access Easement document) is unnecessary and may be deleted.
- We also support Planning Board approval to not require construction of a sidewalk on the north side of the cul-de-sac.
- Prior to approval of the Certified Preliminary Plan, the applicant's consultant will need to either widen the cul-de-sac pavement to comply with standard MC-222.01 ("Cul-de-Sac, Curb and Gutter Roads") or provide truck turning templates that satisfactorily demonstrate the proposed pavement will be adequate to accommodate anticipated vehicle turning movements.
- The conceptual improvements for the public cul-de-sac should be reflected on the Certified Preliminary Plan.
- The details for the improvements within the Landy Lane right-of-way will be finalized and approved at the permit stage, as part of the review of the Storm Drain and Paving Plans by the Department of Permitting Services/Right-of-Way Plan Review Section.

All other comments in our comments in our August 30<sup>th</sup> letter remain applicable.

Please share these comments with others as necessary and appropriate. Should you

have any questions or have a different understanding from our call, please contact either Mr. Billy Whelan or me at your earliest convenience.

Thank you to you and your colleagues for your cooperation and insights.

Sincerely,

Greg

*Greg Leck, Manager  
Development Review  
Office of Transportation Policy  
Montgomery County Department of Transportation*

*101 Monroe Street, 10<sup>th</sup> floor  
Rockville, Maryland 20850*

*greg.leck@montgomerycountymd.gov  
office: 240-777-7170  
fax: 240-777-7178*



---

**From:** Folden, Matthew [mailto:matthew.folden@montgomeryplanning.org]  
**Sent:** Wednesday, September 14, 2016 11:39 AM  
**To:** Leck, Gregory <Gregory.Leck@montgomerycountymd.gov>  
**Cc:** Kronenberg, Robert <robert.kronenberg@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Whelan, William <William.Whelan@montgomerycountymd.gov>  
**Subject:** Washington Episcopal School - Landy Lane

Greg,

The extension of Landy Lane associated with the Washington Episcopal Day School is currently identified as a private street extension, as per coordination with your office last fall. This e-mail is a follow-up to our conversation this morning regarding recent coordination on the public/ private designation of streets through the development review process. I would like your confirmation that the following approach is consistent with that recent coordination:

Landy Lane should be improved as a 26-foot wide public street within a reduced width public right-of-way measuring 50'.

This staff report needs to be posted by 12pm on Friday in order to meet the noticing requirements for the upcoming 9.29 hearing.

For reference, the 1982 Westbard Sector Plan is silent on both the classification and minimum right-of-way recommended for Landy Lane. Additionally, the 2016 Westbard Sector Plan does not recommend extending Landy Lane along this alignment and instead recommends extending the roadway along the west side (front) of the WES school property if that campus ever ceases to be used as a school and redevelops.

**Matthew Folden, AICP** | Planner Coordinator  
Montgomery County Planning Department | Planning Area 1  
8787 Georgia Avenue | Silver Spring, MD 20910  
301.495.4539 | [matthew.folden@montgomeryplanning.org](mailto:matthew.folden@montgomeryplanning.org)



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Al R. Roshdiah  
Director

August 30, 2016

Mr. Matthew Folden, Planner Coordinator  
Area 1 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120150160  
Washington Episcopal Day School

*Matt:*  
Dear Mr. Folden:

We have completed our review of the revised preliminary plan submitted July 26, 2016. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on June 22, 2015. We recommend approval of the revised 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. This site is subject to the terms and conditions of a "Declaration and Grant of Public Access Easement" document that is recorded in the Land Records of Montgomery County in liber 20877 at folio 313. This Public Access Easement allows the general public to turn around in the existing parking lot. Since that parking lot will be removed and replaced with a private cul-de-sac, constructed within a private parcel, that document will need to be extinguished and replaced with either a new Public Access Easement document – or – a restrictive covenant document that provides similar permissions. Prior to approval of the record plat, this new document will need Executive Branch and Planning Department text approvals. The new document will need to be recorded and referenced on the record plat.
2. MCDOT defers to MNCP&PC for access and improvements for private streets (including alignment, profile, typical section, drainage, maintenance and liability, etc.).
3. Private streets are to be built to tertiary roadway structural standards.
4. Access and improvements to Little Falls Parkway as required by MNCP&PC.

Office of the Director

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[www.montgomerycountymd.gov/dot](http://www.montgomerycountymd.gov/dot)



Mr. Matthew Folden  
Preliminary Plan No. 120150160  
August 30, 2016  
Page 2

5. The applicant shall coordinate with MSHA District 3 Office of Engineering Systems Team (EST) on Project MO0815177, currently in design, which proposes safety and resurfacing along River Road between MD 614 (Goldsboro Road) and the Washington, DC line.
6. The applicant shall also coordinate with MSHA for issues concerning access, improvements and storm drain connections to River Road.
7. The storm drainage study is acceptable. The applicant will not be required to make improvements to the downstream county-maintained storm drain system for this plan. We defer to MSHA for any necessary improvements to the MD Route 190 (River Road) storm drain system.
8. MCDOT recommends the Planning Board require the applicant to construct the offsite sidewalk extension (minimum six (6) foot width if adjacent to the sidewalk, or minimum five (5) foot width with a one (1) foot wide lawn panel between the curb and sidewalk) in the Landy Lane right-of-way to MD Route 190 (River Road). Label and dimension the sidewalk and lawn panel prior to Certified Preliminary Plan.
9. At the existing Bikeshare station on Landy Lane, in the location of the proposed sidewalk extension, provide a minimum seven (7) foot clearance between the back of the bikes and the back of the curb. Change the label from "Bike Rack" to "Existing Bikeshare Station" prior to Certified Preliminary Plan. Coordinate with Ms. Anne Root regarding any necessary modifications to the existing Bikeshare station. Ms. Root can be reached at 240-777-7192 or [anne.root@montgomerycountymd.gov](mailto:anne.root@montgomerycountymd.gov).
10. The Traffic Impact Study (TIS) was approved by MCDOT on May 5, 2016.
11. The Transportation Policy Area Review ("TPAR") test under the *Subdivision Staging Policy* must be satisfied by paying the "transportation impact tax" that equals 50% of the development impact tax for a site located in the Bethesda-Chevy Chase Policy Area.
12. At or before the permit stage, the applicant will need to coordinate with Ms. Stacy Coletta of our Division of Transit Services regarding the potential need for improvements to RideOn bus facilities in the vicinity of this project. Ms. Coletta may be contacted at 240-777-5800.
13. At or before the permit stage, the applicant will need to coordinate with Mr. Kyle Liang regarding the proposed crosswalk to access the Capital Crescent Trail (CCT). Mr. Liang may be contacted at 240-777-2180 or [kyle.liang@montgomerycountymd.gov](mailto:kyle.liang@montgomerycountymd.gov).
14. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
15. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation certification form is enclosed for your information and reference.

Mr. Matthew Folden  
Preliminary Plan No. 120150160  
August 30, 2016  
Page 3

16. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
17. 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.
18. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Kamal Hamud of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
19. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following modifications:
  - A. If required by the Planning Board as a condition of approval, construct a concrete sidewalk in the Landy Lane right-of-way to MD Route 190 (River Road) as described above in comment no. 8.
  - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
  - C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
  - D. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this amended preliminary plan. If you have any questions or comments regarding this letter, please contact William Whelan, our Development Review Area Engineer for this project, at (240) 777-2170 or at [william.whelan@montgomerycountymd.gov](mailto:william.whelan@montgomerycountymd.gov).

Sincerely,



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

Mr. Matthew Folden  
Preliminary Plan No. 120150160  
August 30, 2016  
Page 4

M:\corres\FY17\Traffic\Active\120150160, Washington Episcopal Day School – MCDOT FINAL prelim plan review ltr.docx  
Enclosure

cc:     Britt Snyder                 Washington Episcopal School  
          Greg Fernebok             Sheridan Development LLC  
          Aaron Smith                A. Morton Thomas & Associates  
          Jody Kline                 Miller, Miller & Canby  
          Pranoy Choudhury         MSHA District 3  
          Preliminary Plan folder  
          Preliminary Plan letters notebook

cc-e:   Atiq Panjshiri             MCDPS RWPR  
          Sam Farhadi               MCDPS RWPR  
          Anne Root                 MCDOT OTP  
          Dan Sanayi                MCDOT DTEO  
          Kyle Liang                MCDOT DTEO  
          Kamal Hamud             MCDOT DTEO  
          William Whelan          MCDOT OTP



Mr. Matthew Folden  
Preliminary Plan No. 120150160  
August 30, 2016  
Page 5

Mr. Matthew Folden, Planner Coordinator  
Area 1 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Britt Snyder  
Washington Episcopal School  
5600 Little Falls Parkway  
Bethesda, MD 20816

Greg Fernebok  
Sheridan Development LLC  
6931 Arlington Road, Suite 500  
Bethesda, MD 20814

Jody Kline  
Miller, Miller & Canby  
200 B Monroe Street  
Rockville, MD 20850

Aaron Smith  
A. Morton Thomas & Assoc.  
800 King Farm Boulevard, 4th Floor  
Rockville, MD 20850

Pranoy Choudhury  
MSHA District 3  
9300 Kenilworth Avenue  
Greenbelt, MD 20770



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

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: Washington Episcopal Day School Preliminary Plan Number: 1-20150160

Street Name: Landy Lane Master Plan Road Classification: Secondary

Posted Speed Limit: 30 mph

* Street/Driveway #1 ( <del>Proposed Loading Dock</del> )	Street/Driveway #2 ( <u>Ex. School Entr./Exit</u> )
Sight Distance (feet) OK?	Sight Distance (feet) OK?
Right <u>278.60</u> ✓	Right <u>280.56</u> ✓
Left <u>190.88</u>	Left <u>286.40</u> ✓

Comments:  
 - Left: eyesight blocked partially by trees  
 - Right: sight ends at school entrance bend

Comments:  
 - Left: sight ends at school gate  
 - Right: sight extends to main road

**GUIDELINES**

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
<b>Secondary - 30</b>	<b>200'</b>
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.

*Ann B. [Signature]*  
 Signature  
31146  
 PLS/P.E. MD Reg. No.



**Montgomery County Review:**

Approved \*

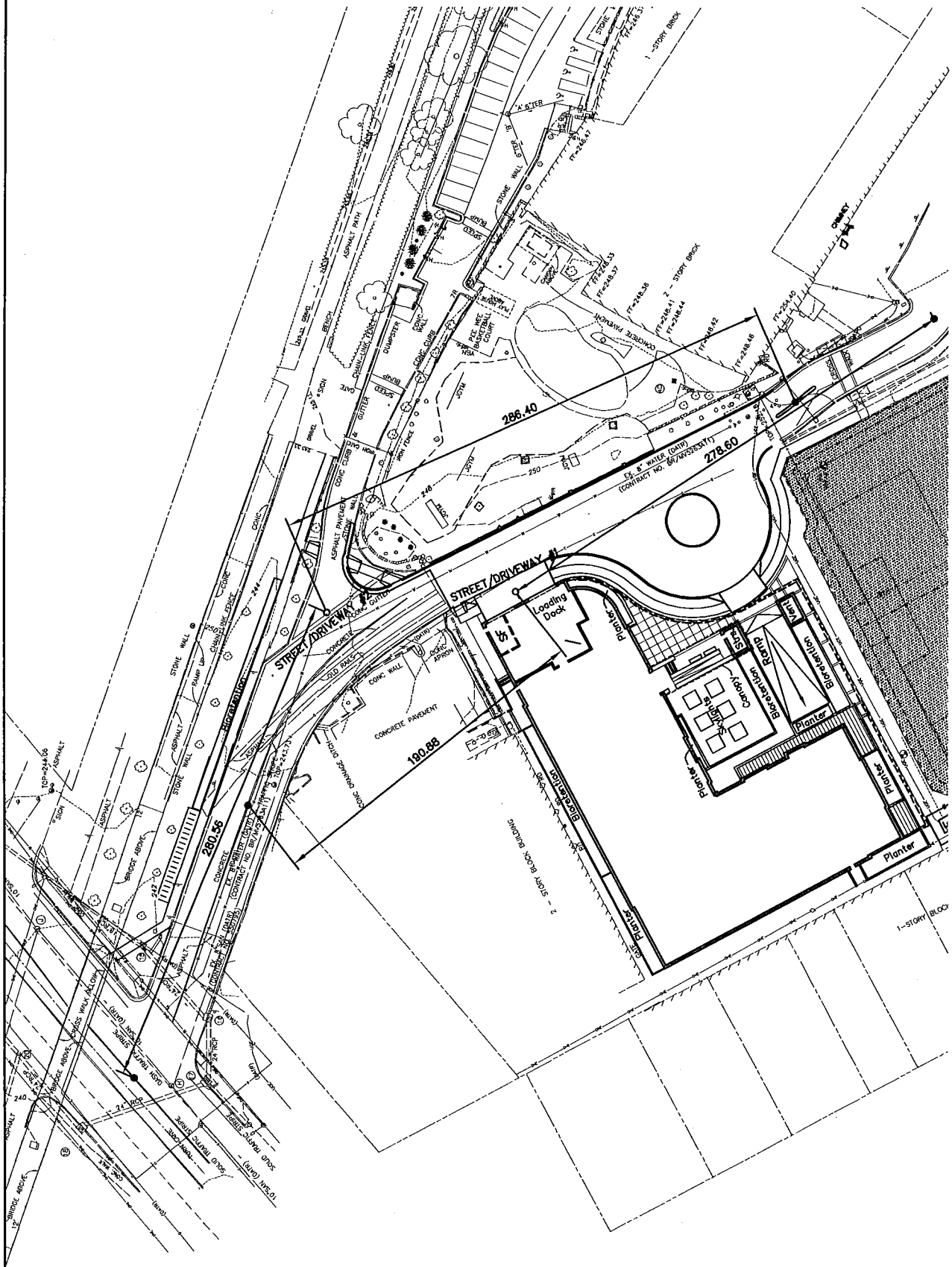
Disapproved:

By: *[Signature]*

Date: 08/30/16

\* **NOTE:** THE LOADING DOCK ACCESS IS WITHIN PRIVATE PROPERTY. THEREFORE, MCDOT IS ONLY APPROVING THE SCHOOL ENTRANCE ONTO THE PUBLIC PORTION OF LANDY LANE.

Form Reformatted: March, 2000



SITE PLAN		ADULT FILE NO.
WASHINGTON EPISCOPAL DAY SCHOOL, INC.	2573000	188-288-000
LOT 2	1" = 30'	188-288-000
LIBER 14394 / FOLD 300	DATE	DATE
7th EDITION SURVEY	APR 2013	APR 2013
BENTON COUNTY, MARYLAND		DATE

NO.	DATE	BY	REVISION



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

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: WASHINGTON EPISCOPAL DAY SCHOOL Preliminary Plan Number: 1-

Street Name: LITTLE FALLS PARKWAY Master Plan Road Classification: PRIMARY

Posted Speed Limit: 35 mph

Street/Driveway #1 ( DRIVEWAY 1 ) Street/Driveway #2 ( \_\_\_\_\_ )

Sight Distance (feet)	OK?	Sight Distance (feet)	OK?
Right <u>845</u>	<u>YCS</u>	Right _____	_____
Left <u>1050</u>	<u>YCS</u>	Left _____	_____

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'

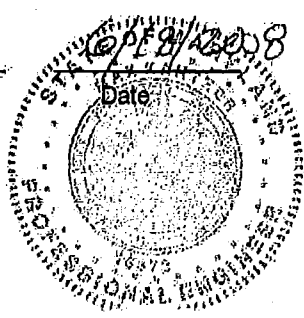
\*Source: AASHTO

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)

**ENGINEER/ SURVEYOR CERTIFICATE**

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

Signature: \_\_\_\_\_  
16872  
 PLS/P.E. MD Reg. No.



**Montgomery County Review:**

Approved  
 Disapproved:

By: W. H. W. W.  
 Date: 04/14/16



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Al R. Roshdiah  
Acting Director

November 19, 2015

Mr. Matthew Folden, Planner/Coordinator  
Area 2 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120150160  
Washington Episcopal School  
Traffic Impact Study Review

*MATT:*  
Dear Mr ~~Folden~~:

We have completed our review of the revised Local Area Transportation Review and Transportation Policy Area Review dated June 15, 2015, and prepared by Nicole White of Symmetra Design. Total development evaluated by the analysis includes:

- 21,282 SF future expansion of existing school (increasing student population by 300 and teachers by 35)
- an 8 story, 121 unit age-restricted independent senior residential apartment building

We offer the following comments:

**Local Area Transportation Review (LATR)**

1. The CLV values at the three intersections studied are less than the applicable congestion threshold standards. We accept the consultant's conclusions.

**Transportation Policy Area Review (TPAR)**

1. The Transportation Policy Area Review test under the *Subdivision Staging Policy* must be satisfied by paying the "transportation impact tax" that equals 50% of the development impact tax for a site located in the Bethesda-Chevy Chase Policy Area.

**Pedestrian and Bicycle Impact Statement (PBIS)**

1. We accept the consultant's inventory of existing facilities.

Office of the Director

101 Monroe Street, 10th Floor • Rockville, Maryland 20850 • 240-777-7170 • 240-777-7178 FAX  
www.montgomerycountymd.gov/dot

Mr. Matthew Folden  
Preliminary Plan No. 120150160  
November 19, 2015  
Page 2

2. Page 52 of the report proffers applicant construction of a new section of sidewalk along the west side of Landy Lane and on the east side of Landy Lane fronting the entrance of the new apartment building; the limits of these improvements are unclear. However, we do not see where these improvements are proposed on pages 27-28. We support the implementation of the applicant's proffers.

**SUMMARY**

1. The findings of the LATR have been accepted.
2. The applicant will need to pay a transportation impact tax equal to 50% of the development impact tax.
3. We support requiring the applicant to construct the proffered sidewalk improvements; the limits of these improvements should be clearly detailed in the document.

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

Sincerely,



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

Mr. Matthew Folden  
Preliminary Plan No. 120150160  
November 19, 2015  
Page 3

M:\Correspondence\FY16\Traffic\Active\120150160 Washington Episcopal School - MCDOT TIS Review Letter 102715.doc

cc:     Britt Snyder             Washington Episcopal School  
          Greg Fernebok         Sheridan Development LLC  
          Nicole White          Symmetra Design  
          Jody Kline            Miller, Miller & Canby  
          Carlton Gilbert       M-NCPPC Area 2  
          Lori Shirley          M-NCPPC Area 2  
          Pranoy Choudhury     MSHA District 3  
          Preliminary Plan folder

cc-e:   William Whelan         MCDOT DTEO  
          Greg Leck            MCDOT DTEO  
          Kyle Liang           MCDOT DTEO  
          Bruce Mangum         MCDOT DTEO

Britt Snyder  
Washington Episcopal School  
5600 Little Falls Parkway  
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6931 Arlington Road, Suite 500  
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Jody Kline  
Miller, Miller & Canby  
200 B Monroe Street  
Rockville, MD 20850

Pranoy Choudhury  
MSHA District 3  
9300 Kenilworth Avenue  
Greenbelt, MD 20770





DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Lisa Feldt  
Director

September 2, 2016

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

RE: Washington Episcopal Day School, ePlan 120150160/820150080, NRI/FSD application accepted on 10/10/2013

Dear Mr. Anderson:

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

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

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

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

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



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

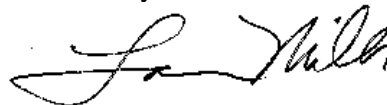
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation,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

Therefore, I recommend a finding by the Planning Board that this applicant does not qualify for a variance. Based on careful consideration of the documents provided with the application in ePlans, the applicant has failed to provide information consistent with other applications subject to the variance provisions. For example, the variance letter requests permission to disturb trees # 17 and 19 as part of the proposed Phase 1 and shows proposed limits of disturbance (LOD) on Exhibit 1B of the letter, yet this LOD is not shown on the forest conservation plan (08-FCP-120150160-LF101). All other applicants are required to show accurate LODs on forest conservation plans. Further, the variance requests disturbance to more than 39% of the CRZ of tree # 28 and more than 40% of the critical root zones (CRZ) of trees #21, 22, and 26. Typically, additional details are required for retaining trees with disturbance in more than a third of the CRZ, as well as on-site oversight by a qualified arborist rather than reliance on Planning staff as stated in the variance request. Additionally, the applicant failed to provide reasons why alternative designs or other methods of managing stormwater are not viable in order to retain tree #41 and reduce impacts to trees #21 and 22.

As shown by these examples, the information included in the request for a variance is inconsistent with nearly all other plans. Granting this request would grant special privileges denied to other similarly-situated applicants for impacts to trees subject to the variance provisions. Therefore, I do not recommend that the Washington Episcopal Day School project be granted a variance from the requirements of Chapter 22A of the Montgomery County Code.

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

Sincerely,



Laura Miller  
County Arborist

cc: Marco Fuster, Senior Planner