

Orchard View: Preliminary Plan No. 120160120

Jpe Jonathan Casey, Senior Planner, Area 3 Jonathan.Casey@montgomeryplanning.org, (301) 495-2162
SP Sandra Pereira, Acting Supervisor, Area 3 Sandra.Pereira@montgomeryplanning.org, (301) 495-2186
RW Richard Weaver, Acting Chief, Area 3 Richard.Weaver@montgomeryplanning.org, (301) 495-4544

Staff Report Date: 3/24/17

Description

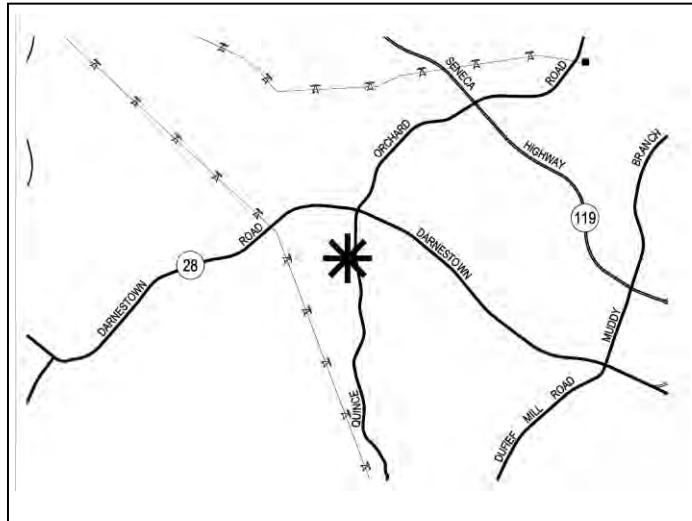
Request to subdivide two unplatte parcels (15615 Quince Orchard Road) into two lots for two one-family detached residential dwelling units; located on the east side of Quince Orchard Road, approximately 160 feet south of Fellowship Lane; 1.03 acres; R-200/TDR zone; 2002 Potomac Subregion Master Plan.

Application Acceptance date: 1/5/2016

Applicant: Rumman Khan

Review Basis: Chapter 50, Chapter 22A

Staff Recommendation: Approval with Conditions



Summary

- Staff recommends **approval** with conditions.
- The Application was reviewed under the 2012-2016 Subdivision Staging Policy since it was accepted prior to January 1, 2017.
- The Application is consistent with the recommendations of the 2002 Potomac Subregion Master Plan.
- The proposed lots meet the R-200 development standards.
- The Application includes a Forest Conservation Plan and a Chapter 22A variance for the removal of three trees that are 30 inches or greater diameter at breast height ("DBH").
- The Application satisfies the requirements of Chapter 22A, Forest Conservation Law, by meeting the entire afforestation requirements offsite at a forest mitigation bank or via a fee-in-lieu payment.
- *Staff has not received any citizen correspondence on the Application.*

SECTION 1 – RECOMMENDATION AND CONDITIONS

Preliminary Plan No. 120160120: Staff recommends approval of the Preliminary Plan and associated Preliminary Forest Conservation Plan, subject to the following conditions:

1. This Preliminary Plan is limited to two lots for two one-family detached dwelling units.
2. The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan No. 120160120, approved as part of this Preliminary Plan, except as modified by an approved Final Forest Conservation Plan:
 - a. A Final Forest Conservation Plan (“FFCP”) must be approved by M-NCPPC Staff prior to recordation of the plat and address the following conditions:
 - i. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.
 - b. Mitigation for the removal of three trees subject to the variance provision must be provided in the form of planting seven native canopy trees with a minimum planting stock size of four caliper inches. The trees must be planted within one year or two growing seasons after the development project is complete. The trees must be planted on the Property, in locations to be shown on the Final Forest Conservation Plan, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector.
 - c. The limits of disturbance (“LOD”) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
 - d. The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the approved Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated February 2, 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 the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) Fire Code Enforcement Section in its letter dated July 14, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Fire Code Enforcement Section provided the amendments do not conflict with other conditions of Preliminary Plan approval.

6. The Planning Board accepts the recommendations of the MCDPS - Water Resources Section in its stormwater management concept letter (reconfirmation) dated January 14, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. The Applicant must dedicate and show on the record plat a dedication of 40-feet of right-of-way from the centerline of Quince Orchard Road as shown on the Preliminary Plan.
8. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
9. The Certified Preliminary Plan must contain the following note:

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

10. The record plat must show necessary easements.
11. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

SECTION 2 – PROPERTY LOCATION AND DESCRIPTION

The subject property is comprised of two unplatted parcels (P651 and P702) located on the east side of Quince Orchard Road, approximately 160 feet south of Fellowship Lane and consists of 1.03 acres (44,846 square feet) in the R-200 zone and TDR-3 (Transferable Development Rights) Overlay Zone (“Subject Property” or “Property”). The Subject Property is located south of Quince Orchard High School within the “North Potomac” community area of the 2002 Potomac Subregion Master Plan. The surrounding land uses consist of one-family detached dwellings, all of which are zoned R-200/TDR. The Subject Property is improved with a single-family detached home, detached garage and gravel driveway accessing Quince Orchard Road. The remainder of the Property consists of open maintained lawn area with ornamental landscaping. The existing house is served by an on-site well and septic system. There is also an existing 5-foot-wide sidewalk along the Property’s frontage.

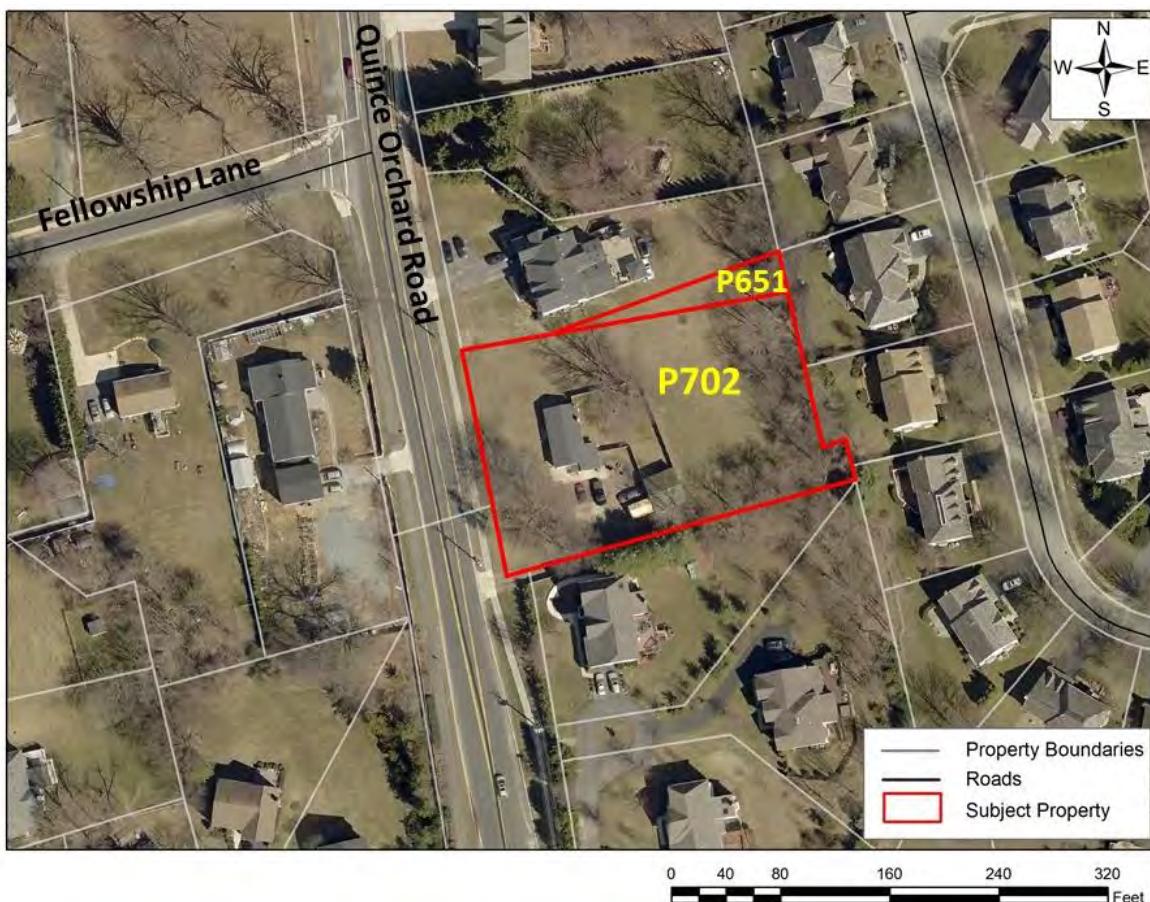


Figure 1 – Aerial View

The Property is located within the Muddy Branch watershed; this portion of the watershed is classified by the State of Maryland as Use Class I waters. There are no streams, wetlands, 100-year floodplains, or environmental buffers located on or adjacent to the Property. Nor are there any steep slopes, highly erodible soils, or forests on the Property. There are three specimen trees located on the Property.

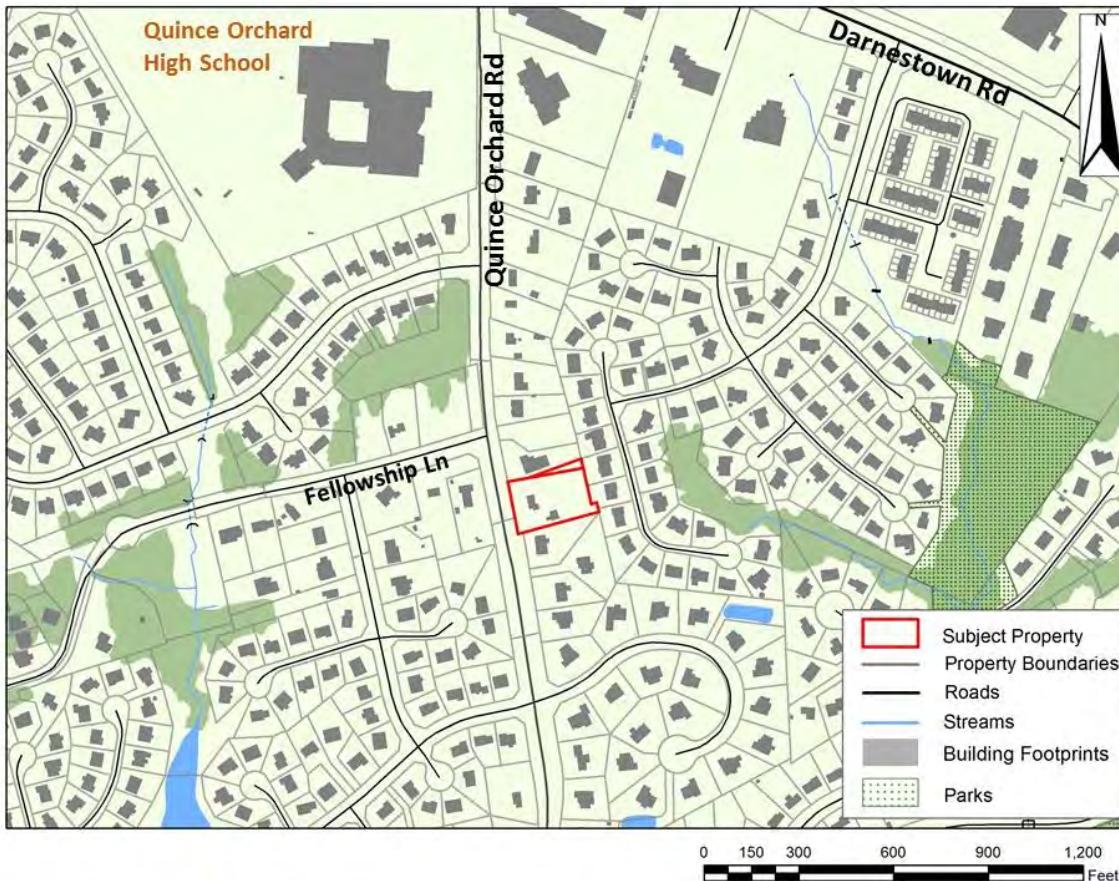


Figure 2 – Vicinity Map

SECTION 3 – PROPOSAL

Proposal

Preliminary Plan Application No. 120160120, Orchard View (“Application” or “Preliminary Plan”) proposes to subdivide the Subject Property into two lots for two, one-family residential dwelling units. The existing house, detached garage, and driveway will be removed. The Property has frontage on Quince Orchard Road, a public road, which will serve as the access to the lots via a new 20-foot-wide, shared driveway. The Applicant is dedicating 2,457 square feet (0.056 acres) along the Property’s frontage to achieve the full master planned right-of-way width required for Quince Orchard Road. The Property is within the W-1 and S-1 water and sewer service categories. The proposed lots will tie into the existing public water and sewer system. At that time, the existing well and septic system will be abandoned. The required stormwater management goals will be met on the individual lots via dry wells and non-rooftop disconnects. This Application also includes a forest conservation plan and a tree variance request for the removal of three specimen trees on the Property.

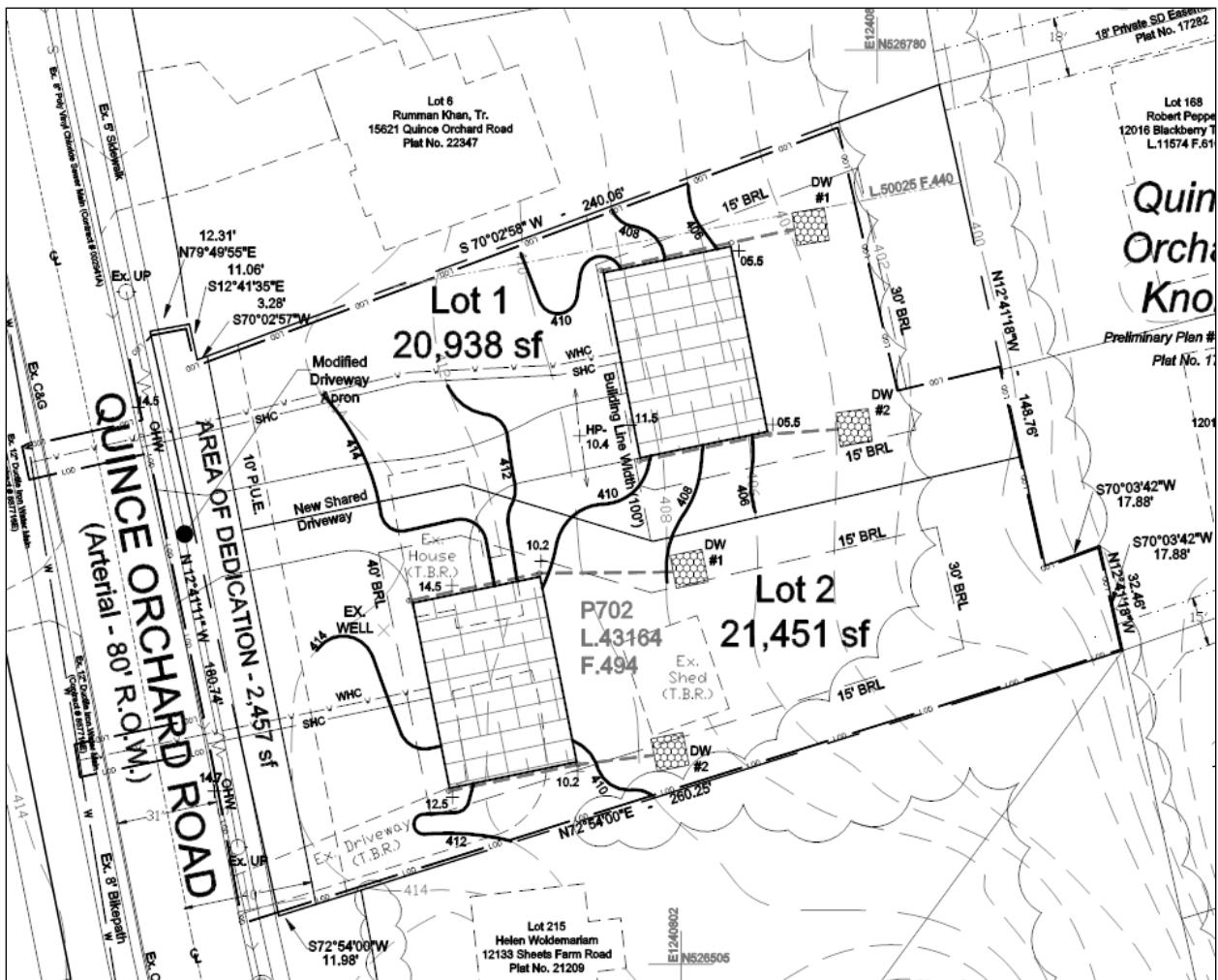


Figure 3 – Preliminary Plan

SECTION 4 - ANALYSIS AND FINDINGS

A. Conformance to the Master Plan

The Subject Property is located in the 2002 Potomac Subregion Master Plan (“Master Plan”) area, within the North Potomac community area as defined by the Master Plan. North Potomac includes part of the Travilah and Darnestown planning areas and is the most densely populated of the Master Plan’s four community areas. North Potomac is described as “an emerging community... striving to create a clear identity” (p. 69). The Property is located within the proposed sewer envelope, and the Master Plan confirmed the R-200/TDR zoning at three (3) units per acre. The Master Plan does not make any site specific recommendations for the Property.

This Application proposes to develop the Property under the R-200 standard method of development. While the Master Plan recommends a TDR-3 density for properties in the general area, the Subject

Property is too small to utilize the optional TDR method of development. Development using the R-200 standard method is therefore, consistent with the Potomac Subregion Master Plan. The proposed subdivision substantially conforms to the recommendations adopted in the Potomac Subregion Master Plan.

B. Adequate Public Facilities Review (APF)

The Preliminary Plan application was submitted prior to January 1, 2017 and is therefore being reviewed under the 2012-2016 Subdivision Staging Policy rules which were in effect on December 31, 2016.

Roads and Transportation Facilities

Each lot has frontage on Quince Orchard Road which is a master planned arterial road with a total right-of-way width of 80-foot. Quince Orchard Road is currently improved with 31 feet of pavement consisting of two travel lanes and a center turning lane. There is 5-foot wide concrete sidewalk along the Property frontage and an 8-foot wide separated shared use path (SP-58) on the opposite side of Quince Orchard Road which provide adequate pedestrian access to Quince Orchard High school and the surrounding area. The west side of the road is improved with curb and gutter. The eastside of the road is open section with a grass shoulder. As part of this application, the applicant is dedicating sufficient land to achieve 40-feet of total right-of-way from the centerline of Quince Orchard Road to meet the master planned right-of-way width along the Property frontage. Vehicle parking is provided on-site on driveways and/or in garages. Vehicle and pedestrian access for the subdivision will be adequate with the existing public improvements.

Local Area Transportation Review (LATR) & Transportation Policy Area Review (TPAR)

The proposed development will generate fewer than 3 trips during the morning and evening peak hours. As a result of this *de minimis* impact, this project is exempt from the Local Area Transportation Policy Review and the Transportation Policy Area Review. The proposed development satisfies Adequate Public Facilities requirements for transportation elements and does not necessitate further traffic analysis.

Other Public Facilities and Services

The Applicant proposes to tie into an existing 8-inch sewer main and 12-inch water main to serve the new lots. The Property is located within the W-1 and S-1 water and sewer categories which permit use of public water and sewer connections. The application has been reviewed by the Washington Suburban Sanitarian Commission who determined that the existing mains are adequately sizes and can be extended as proposed.

The Preliminary Plan has been evaluated by M-NCPPC Staff (“Staff”) and the Montgomery County Department of Transportation, who support the transportation elements of the Preliminary Plan as indicated in their letter dated January 25, 2016 (Attachment A). The proposed access to the Subject Property and the individual lots, as shown on the Preliminary Plan, is adequate to serve the development.

The Application has been reviewed by the MCDPS Fire Code Enforcement Section, who determined that the Property has adequate access for fire and rescue vehicles by transmittal dated July 16, 2016. (Attachment B).

Since this Preliminary Plan was submitted prior to January 1, 2017, the 2012-2016 Subdivision Staging Policy and FY2017 Annual School Test apply. The Application is in the Quince Orchard High School Cluster which is operating at an inadequate level (more than 105 percent utilization) at the elementary school (113.2 percent) and high school (110.4 percent) level according to the current Subdivision Staging Policy. However, in accordance with Montgomery County Council Bill 37-16, the County will not be collecting any school facility payments for building permit applications filed after March 1, 2017, but will instead collect an updated development impact tax on all applicable residential units.

C. Environment

Environmental Guidelines

The Application meets the requirements of Chapter 22A of the Montgomery County code. A Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) was approved for the Property on November 6, 2015. The NRI/FSD showed no forest or any other environmentally sensitive features on the Property. A Preliminary Forest Conservation Plan has been submitted for review as part of this Application (Attachment C).

Forest Conservation

The Property contains three specimen sized trees that are 30” diameter breast height (“DBH”) or greater located in proximity to the existing house. The NRI/FSD did not identify any other environmentally sensitive features such as seeps, springs, wetlands, streams or steep slopes on erodible soils. The Property is located in the Muddy Branch watershed which is classed as a use I-P by the State of Maryland.

Based on the size of this parcel and the Land Use Category on the Forest Conservation Worksheet, development of this Property results in an afforestation requirement of 0.15 acres. The Applicant proposes to meet this requirement by either purchasing the appropriate amount of forest credits in an off-site forest conservation bank or paying a fee-in-lieu into the Forest Conservation Fund. The exact method will be determined at the time of FFCP submittal.

Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to high priority vegetation, including disturbance to the critical root zone (“CRZ”) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Development of the Property requires impacts to

trees identified as high priority for retention and protection, therefore, the Applicant has submitted a variance request for these impacts.

Variance Request - The Applicant submitted a variance request in a letter dated October 16, 2015 (Attachment D). The Property contains three specimen sized trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County code (Table 1). The Applicant requests a variance from the Forest Conservation Law due to proposed the impacts and proposed removal of these three trees.

Tree No.	Species	DBH Inches	CRZ Impacted	Condition
ST-1	Red Maple (<i>Acer rubrum</i>)	30.6"	45%	Fair condition, to be removed. Given tree's condition and amount of disturbance, tree may become a hazard tree in the near future.
ST-2	Red Maple (<i>Acer rubrum</i>)	31"	50%	Poor condition, to be removed. Given the tree's condition and amount of disturbance, tree may become a hazard tree in the near future.
ST-3	Silver Maple (<i>Acer saccharinum</i>)	40"	100%	Fair condition, to be removed. Given the tree's condition and amount of disturbance, tree may become a hazard tree in the near future.

Table 1: Variance Trees to be removed

Unwarranted Hardship Basis

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

The Application consists of two parcels totaling 1.03 acres in the R-200 zone being subdivided into two lots of approximately 20,000 square feet each. Due the required minimum lot size of 20,000 square feet in this zone and the necessary building restriction lines, flexibility on the placement of the residential structures is greatly limited and impacts to these three specimen trees is unavoidable. Not being able to obtain a variance from Section 22A-12(b)(3) would constitute an unwarranted hardship on the Applicant by not being able to develop the Property allowed by the zoning ordinance. Therefore, Staff concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request.

The arboriculture industry standard for construction impacts to trees is to limit those impacts to no more than approximately 30 percent of the Critical Root Zone (CRZ). More than 30 percent impact to the CRZ and the overall healthy viability of the tree comes into question. Trees ST-1 and ST-2 are located adjacent to the proposed structure on Lot 2 and will have approximately 50 percent of their respective CRZs impacted with construction. Tree ST-3 is located within the building envelope of the house on Lot 1 and will have 100 percent impact to its CRZ. Given the amount of impacts to these trees and their current condition staff believes that removal is the best option since these trees, especially Trees ST-1 and ST-2, will become hazard trees in the future due to significant impact to the critical root zones.

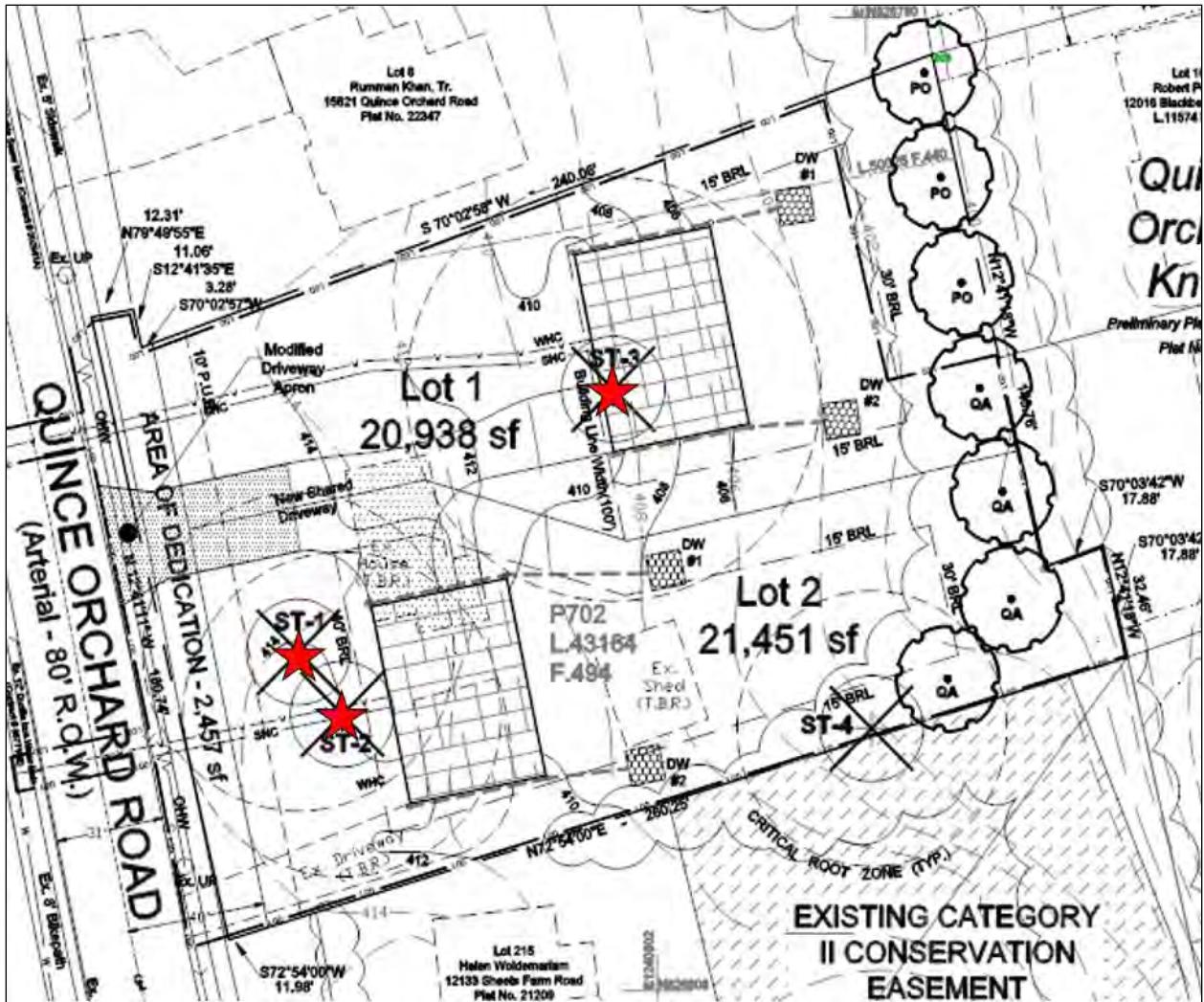


Figure 4 - Location of specimen trees

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed Forest Conservation Plan:

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

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

Granting the variance will not confer a special privilege on the Applicant as the removal of these three trees is due to the location of the trees and necessary site design requirements to accommodate development consistent with the zoning ordinance. The Applicant proposes

removal of the three trees with mitigation. Therefore, Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The lots are being developed in an appropriate manner within the R-200 zone. The requested variance is based upon the existing site conditions and necessary design requirements of this application.

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

The requested variance is a result of the existing conditions and not a result of land or building use on a neighboring Property.

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

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

Mitigation for Trees Subject to the Variance Provision - There are three trees proposed for removal in this variance request which when added together results in a total of 101.6 inches of DBH being removed. For removal of specimen trees associated with a variance request, Staff recommends mitigation for the tree loss by replacing the total number of DBH removed with $\frac{1}{4}$ of the amount of inches replanted. This results in a total mitigation of 25.4 inches of replanted trees. The Applicant proposes to plant a total of 28" DBH of mitigation trees by installing seven 4" caliper overstory trees native to the Piedmont Region of Maryland on the Property. These trees are to be planted outside of any rights-of-way or utility easements and these trees are not to be counted as an element of the site screening requirements.

County Arborist's Recommendation on the Variance - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist and Staff received a favorable recommendation from the County Arborist in a letter dated September 8, 2016 (Attachment E).

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on January 14, 2016 (Attachment F) which proposes to meet required stormwater management goals via the use of drywells and non-rooftop disconnections.

D. Compliance with the Subdivision Regulations and Zoning Ordinance

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations, that were in effect prior to February 13, 2017. The Application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision and the development of two single-family detached homes, taking into account that the Property is zoned R200/TDR in the Master plan and the application provides two lots consistent with standard method development in the zone. Surrounding development patterns have produced a wide range of lot sizes not inconsistent with those proposed by the Application.

Table 2: Preliminary Plan Data Table – R-200 Zone Standard Method of Development

Data Table	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan
Minimum lot area	20,000 SF min.	Lot 1 — 20,938 SF min.
		Lot 2 — 21,451 SF min.
Density (units/acre)	2.18 units/ 1 acre max.	2 units/1.03 acres
Lot width at building line	100 ft. min.	100 ft. min.
Lot frontage	50 ft. min.	50 ft. min.
Setbacks		
– Front	40 ft. min.	40 ft. min. ¹
– Side	12 ft. min./ 25 ft. total min.	15 ft. / 25 ft. total min. ¹
– Rear	30 ft. min.	30 ft. min. ¹
Lot coverage	25 % max.	25% max. ¹
Building height	40 ft. max.	40 ft. max. ¹

¹ As determined by MCDPS at the time of building permit.

The lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area and frontage, and create a reasonable buildable area when taking into account the necessary width at front building lines and the setbacks of the zone. A summary of this review is included in attached Table 2. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

E. Citizen Correspondence and Issues

The Application was submitted and noticed in accordance with all required procedures. Application signs were posted along the Property's frontage on Quince Orchard Road. The Applicant held a pre-submission meeting with the citizens at 6:30 p.m. on August 18, 2015 at Quince Orchard Library. Three community members attended the meeting where the Applicant presented the Preliminary Plan and answered questions regarding, the proposed homes, and stormwater management. One of the community attendees was concerned about the development because the previous Property owner had planned to construct a church. The Applicant assured the community members that he has no intention of building a

church, only two one-family houses. To date, Staff has not received any community inquiries or correspondence regarding this Application.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the 2002 Potomac Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

Attachment A – MCDOT

Attachment B – MCDPS Fire Code Enforcement

Attachment C – Forest Conservation Plan

Attachment D – Tree Variance Request

Attachment E – Arborist Letter

Attachment F – MCDPS Stormwater Management



Isiah Leggett
*County
 Executive*

DEPARTMENT OF TRANSPORTATION

Al R. Roshdiah
Director

February 2, 2017

Jonathan Casey, Senior Planner
 Area 3 Planning Division
 The Maryland-National Capital
 Park & Planning Commission
 8787 Georgia Avenue
 Silver Spring, Maryland 20910-3760

Jonathan
 RE: Preliminary Plan No. 120160120
 Orchard View

Dear Mr. Casey:

We have completed our review of the revised preliminary plan dated January 11, 2017. A previous plan was reviewed by the Development Review Committee at its meeting on January 25, 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. Necessary dedication for future widening of Quince Orchard Road in accordance with the master plan.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.
4. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation certification form is enclosed for your information and reference.

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

Mr. Jonathan Casey
Preliminary Plan No. 120160120
February 2, 2017
Page 2

5. Provide a ten (10) foot wide Public Utility Easement (PUE) along the existing street frontage.
6. Record Plat to reflect an easement for the private shared driveway.
7. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
8. 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.
9. 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.

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 Area 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/Germantown/orchard view/120160120 orchard view prelim plan ltr DOT.docx

Enclosure

cc: Rumman Khan Owner
David McKee Benning & Associates, Inc.
Preliminary Plan folder
Preliminary Plan letters notebook

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



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

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Orchard View Preliminary Plan Number: 1- 20160120

Street Name: Quince Orchard Road Master Plan Road Classification: Arterial

Posted Speed Limit: 30 mph

Street/Driveway #1 (Shared Driveway) Street/Driveway #2 (_____)

Sight Distance (feet)
 Right 474
 Left 595

OK?
 Y
 Y

Sight Distance (feet)
 Right _____
 Left _____

OK?

Comments:

Comments:

GUIDELINES

Classification or Posted Speed
 (use higher value)

Tertiary -	25 mph
Secondary -	30
Business -	30
Primary -	35
Arterial -	40 (45)
Major -	50 (55)

Required
 Sight Distance
 in Each Direction*

150'
200'
200'
250'
325'
400'
475'
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

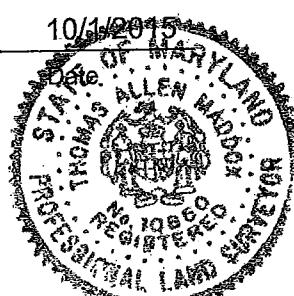
I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Thomas Maddox

Signature

10850 (EXP 4/3/18)

PLS/P.E. MD Reg. No.



Montgomery County Review:

Approved

Disapproved:

By: Rebecca Lorna

Date: 2/2/17



**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 14-Jul-16

TO: Joshua Maisel - benninglandplan@aol.com
Benning and Associates

FROM: Marie LaBaw

RE: Orchard View
120160120

PLAN APPROVED

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



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 *MD*

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:

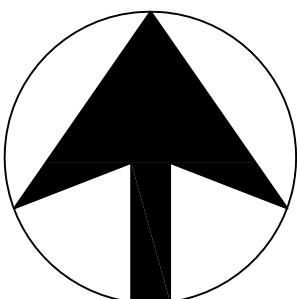
The paved all-weather Fire Department access lane shown on this plan is to be constructed to meet load-bearing requirements for Fire Department apparatus. The new paved driveway must be constructed to meet MCDOT tertiary road standards (MC 210.01) unless an alternative design is provided which meets 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,

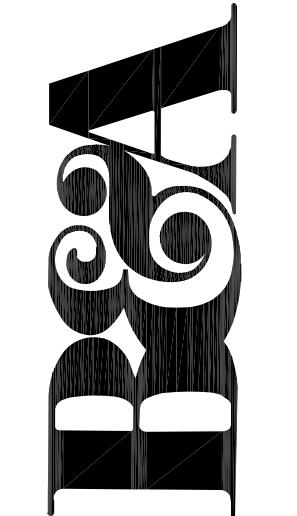


David W. McKee,
State of Maryland Licensed Landscape Architect



date: 06/01/16
scale: 1" = 30'

Banning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301) 946-4240

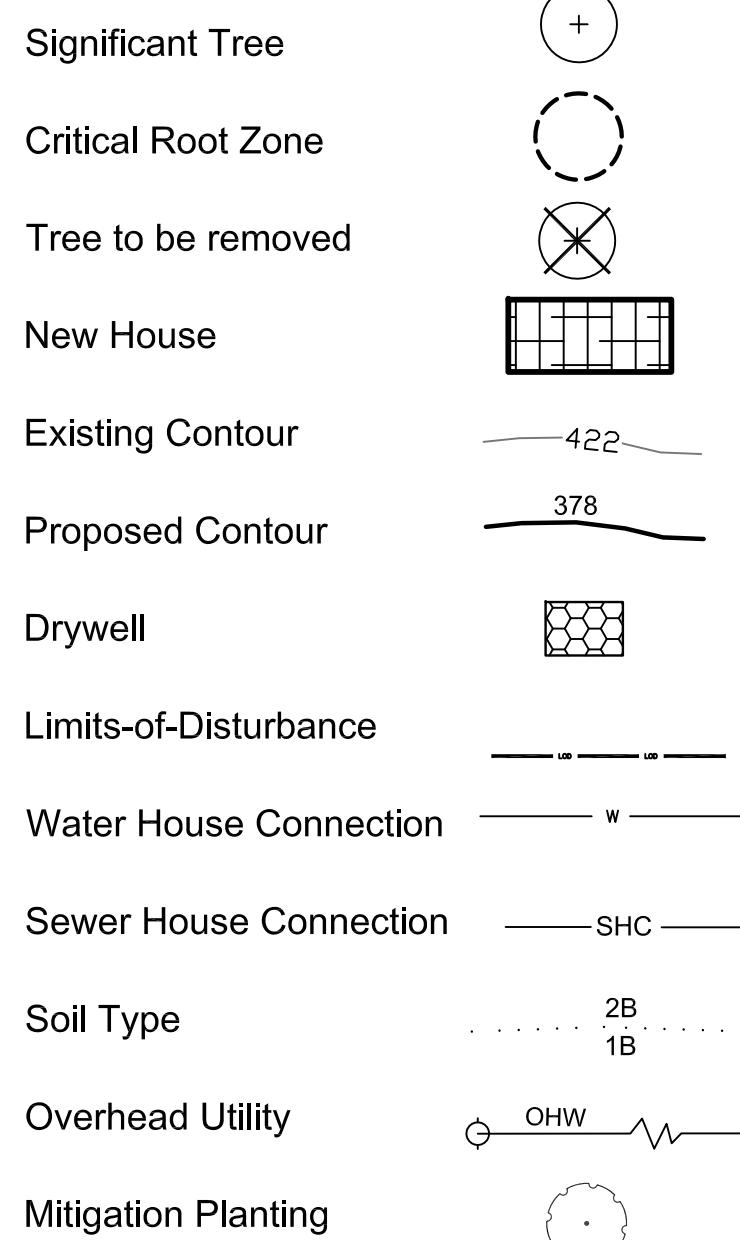


PRELIMINARY FOREST CONSERVATION PLAN

Orrchard View

(WSSC Grid 221NW12, Tax Map ES62)
Montgomery County, Maryland

LEGEND:

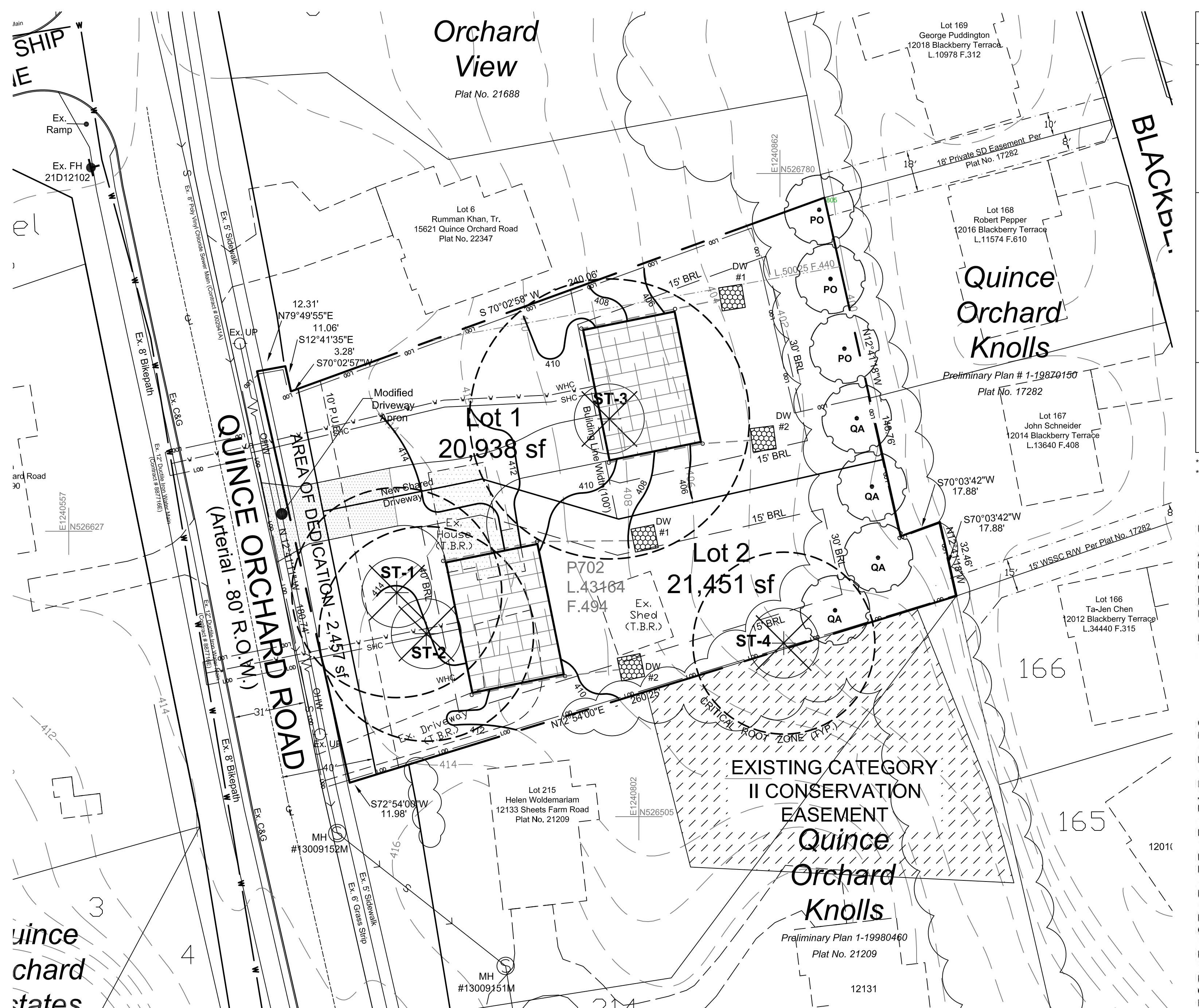


NOTES:

- Total area of project - 44,846 sf
- Total number of lots permitted in the R-200 - 2
- No. of lots proposed by this plan - 2
- Method of Development Proposed - Standard
- Area to be dedicated to streets by this plan - 2,457 sf
- Property is located in the Muddy Branch watershed.
- Existing sewer and water service categories: S-1, W-1
- Lots to be served by public water and sewer.
- Utilities as available: Washington Gas, Verizon, PEPCO
- Topographic data obtained from M-NCPPC records.
- Property boundary information from a survey by:
Thomas A. Maddox Land Surveyor
8933 Shady Grove Court
Gaithersburg, MD 20877
(301) 984-5804

Scale: 1" = 30'

ACREAGE OF TRACT	ACREAGE OF TRACT REMAINING IN AGRICULTURE USE	ACREAGE OF ROAD AND UTILITY R.O.W. NOT TO BE IMPROVED	ACREAGE OF EXISTING FOREST	ACREAGE OF TOTAL FOREST RETENTION	LAND USE CATEGORY	CONSERVATION THRESHOLD	AFFORESTATION THRESHOLD	FOREST WITHIN WETLANDS TO BE RETAINED	FOREST WITHIN WETLANDS TO BE CLEARED	FOREST WITHIN FLOODPLAIN TO BE PLANTED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE CLEARED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE PLANTED	FOREST WITHIN STREAM BUFFER TO BE CLEARED	FOREST WITHIN STREAM BUFFER TO BE PLANTED	FOREST WITHIN PRIORITY AREAS TO BE RETAINED	FOREST WITHIN PRIORITY AREAS TO BE CLEARED	FOREST WITHIN PRIORITY AREAS TO BE PLANTED	STREAM BUFFER-LINEAR FEET	STREAM BUFFER-AVERAGE WIDTH
1.05 AC	0.00 AC	0.05 AC	0.00 AC	0.00 AC	HIGH DENSITY RESIDENTIAL	20% = 0.20 AC	15% = 0.15 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0'	0'



MITIGATION TABLE FOR REMOVAL OF SPECIMEN TREES			
TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)
ST-1	Acer rubrum	Red Maple	30.6"
ST-2	Acer rubrum	Red Maple	31.0"
ST-3	Acer saccharinum	Silver Maple	40.0"

Total Caliper of Trees to Be Removed - 101.6"
Mitigation Required @ 1/4 of Total = 25.4"
Proposed Mitigation - 7 Trees @ 4" Caliper

PLANT LIST FOR MITIGATION PLANTING ON-SITE					
QUANTITY	SIZE	BOTANICAL NAME	COMMON NAME	SPACING	COMMENTS
3	4" Caliper	Platanus occidentalis	Sycamore	30' o.c.	B&B
4	4" Caliper	Quercus alba	White Oak	30' o.c.	B&B

- Total Caliper of Proposed Mitigation On-Site Planting - 28.0"
- Mitigation tree planting to be planted pursuant to the ANSI planting standards.
- M-NCPPC Inspector is to be contacted for an inspection of mitigation tree planting prior to completion of the project.
- The proposed tree planting locations and species shown on this plan can be revised with approval from the forest conservation inspector.

SIGNIFICANT TREE CHART					
TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	STATUS
ST-1*	Acer rubrum	Red Maple	30.6"	Moderate	Fused or girdling roots 80%, due to girdling roots this tree is a hazard tree and should be removed as soon as possible, response wood growth in root collar and branch union, co-dominant leaders fused, included wood, minor adventitious limbs, tree has been pruned, small hangers, hazard to be mitigated, dead wood in canopy.
ST-2*	Acer rubrum	Red Maple	31.0"	Poor	30% girdling roots, Galls have formed at root collar and above, massive response wood growth, possible internal decay, multi-stem, response wood growth at branch union, tree has been pruned, adventitious limbs, Borer damage, dead wood with decay in canopy
ST-3	Acer saccharinum	Silver Maple	40.0"	Moderate	Borer damage in trunk, co-dominant leaders fused, wood growth in root collar, tree has been pruned, adventitious limbs, broken dead limbs
ST-4	Morus alba	White Mulberry	26.0" (Estimate)	Poor	Butt rot, multi-stem, fused leaders, included wood, response wood growth at branch union, exterior wounder limb, tree has been pruned, hazard partially attached limb, broken dead limbs in canopy, adventitious limbs, fused branches

* SPECIMEN TREE
** VARIANCE NEEDED FOR REMOVAL OR IMPACT

FOREST CONSERVATION WORKSHEET
ORCHARD VIEW

NET TRACT AREA:

- A. Total tract area ... 1.05
B. Land dedication acres (parks, county facility, etc.) ... 0.00
C. Land dedication for roads or utilities (not being constructed by this plan) ... 0.05
D. Area to remain in commercial agricultural production/use ... 0.00
E. Other deductions (specify) ... 0.00
F. Net Tract Area = 1.00

LAND USE CATEGORY: (from Trees Technical Manual)

Input the number "1" under the appropriate land use, limit to only one entry.

ARA	MDR	IDR	HDR	MPD	CIA
0.00	0.00	0.00	1.00	0.00	0.00

G. Afforestation Threshold ... 0.15 x F = 0.15
H. Conservation Threshold ... 0.20 x F = 0.20

EXISTING FOREST COVER:

- I. Existing forest cover= 0.00
J. Area of forest above afforestation threshold= 0.00
K. Area of forest above conservation threshold= 0.00

BREAK EVEN POINT:

- L. Forest retention above threshold with no mitigation ...= 0.00
M. Clearing permitted without mitigation ...= 0.00

PROPOSED FOREST CLEARING:

- N. Total area of forest to be cleared= 0.00
O. Total area of forest to be retained= 0.00

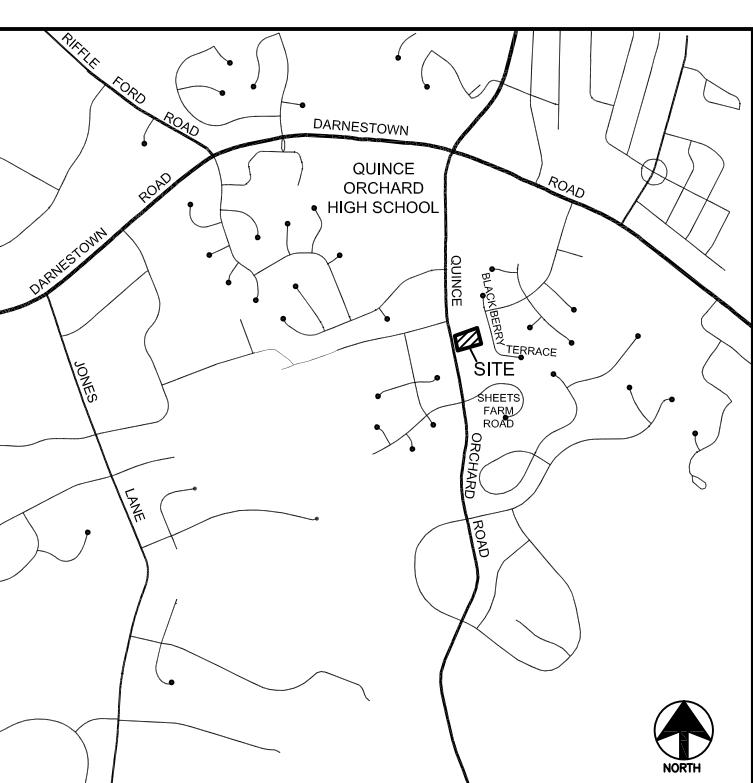
PLANTING REQUIREMENTS:

- P. Reforestation for clearing above conservation threshold ...= 0.00
Q. Reforestation for clearing below conservation threshold ...= 0.00
R. Credit for retention above conservation threshold= 0.00
S. Total reforestation required= 0.00
T. Total afforestation required= 0.15
U. Credit for landscaping (may not exceed 20% of "S")= 0.00
V. Total reforestation and afforestation required= 0.15

TOTAL TRACT AREA INCLUDES 0.02 AC OF OFF-SITE UTILITY IMPROVEMENTS.
AFFORESTATION REQUIREMENT OF 0.15 ac. TO BE MET WITH OFF-SITE FOREST BANK CREDITS OR FEE IN-LIEU.

PREPARED FOR:
Rumman I. Khan
15621 Quince Orchard Road
North Potomac, MD 20878-4740
(240) 632-1729

VICINITY MAP
1" = 2,000'



Benning & Associates, Inc.

LAND PLANNING CONSULTANTS
8933 Shady Grove Court
Gaithersburg, MD 20877
Phone: 301-948-0240
Fax: 301-948-0241

To: Ms. Kipling Reynolds, Area 3 Chief, M-NCPPC
From: Joshua O. Maisel
Date: 10-16-15
Re: Orchard View - Request for Specimen Tree Variance

Dear Ms. Reynolds,

In accordance with the requirements of Section 22A-21 of the County Code and on behalf of the applicant, I am writing to request a variance from provisions of Chapter 22 as it applies to this project. Specifically, a variance is required in order to remove several large trees.

The trees proposed to be impacted or removed are shown on the pending Preliminary Forest Conservation Plan (PFCP) for the subject project and identified below. A total of 3 specimen-sized trees with a diameter-at-breast-height of 30 inches or greater are present on the site and all 3 are proposed to be removed.

The subject property which contains an existing residence is proposed to be subdivided into 2 lots. In order to accomplish the subdivision and the eventual construction of two new homes, impacts to the on-site trees are necessary. The impacts include demolition of the existing home, grading and excavation for two, new homes, utility connections for two new homes, drywell installation for two new homes, and new driveways. The severity of the impacts will result in the need to remove the trees.

The following 3 trees are the subject of this variance request:

ST-1, a 30.6" Red Maple in moderate condition, is located in front of the existing home within the limits of proposed Lot 2. The tree will be impacted by new water and sewer lines to the house on Lot 1, removal of the old house construction of the new house and driveway, and installation of other utilities. Since approximately 45% of the root zone will be impacted and because the tree is within 20 feet of the new house, this tree is proposed to be removed.

ST-2, a 31" Red Maple in poor condition, is located in front of the existing home within the limits of proposed Lot 2. The tree will be impacted by new water and sewer lines to the house on Lot 1, removal of the old house construction of the new house and driveway, and installation of other utilities. Since approximately 50% of the root zone will be impacted and because the tree is within 15 feet of the new house, this tree is proposed to be removed.

ST-3 a 40" Silver Maple in moderate condition, is located within the limits of the house to be built on proposed Lot 1. In addition to the location of the new home, the tree will be impacted by grading, driveway and utility installation, and drywells used to collect stormwater. Because 100% of the root zone is impacted, the tree is proposed to be removed.

Requirements for Justification of Variance:

Section 22A-21(b) *Application requirements* states the applicant must:

1. Describe the special conditions peculiar to the property which would cause unwarranted hardship;
2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of granting of the variance; and
4. Provide any other information appropriate to support the request.

There are special conditions peculiar to the property which would cause unwarranted hardship should the variance not be approved. The property is zoned R-200 which requires a minimum lot size of 20,000 square feet along with other dimensional requirements including a width of 100 feet. The property has enough land area for 2 lots but the width requirement results in an arrangement which places the homes close to the specimen trees. In order to meet the dimensional requirements of the R-200 zone, the property must be developed as shown and impacts to the trees are unavoidable.

Should this variance not be approved, the property owner would be deprived of rights commonly enjoyed by others in similar circumstances. As noted above, this site cannot be developed without the requested variances. Owner's of land located in the R-200 zone have an expectation of being able to develop their property if dimensional and other zoning requirements can be met. Denial of the requested variance would deny the property owner the right to develop in accordance with the R-90 zone.

The granting of a variance to remove or impact specimen trees will not result in a violation of State water quality standards or any measurable degradation in water quality. There are no environmentally sensitive features on or near the property such as streams, floodplains, wetlands, or steep slopes which would be impacted. The planned development which includes two new homes will provide on-site Environmental Site Design features for management of stormwater runoff.

In addition to the above, Section 22A-21(d) indicates 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.

This request for a variance will not confer a special privilege that would be denied to other applicants. Approval of the requested variance will allow the property owner to develop the property in a manner appropriate for the R-200 zone.

This variance request is not based on conditions and circumstances which are the result of actions by the applicant. The applicant is proposing to develop the site in accordance all rules and regulations governing development of property in the location of the site.

Attachment D

The request for a variance does not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

Granting this variance request will not violate State water quality standards or cause measureable degradation in water quality. As stated earlier, there are no environmentally sensitive features on or near the property such as streams, floodplains, wetlands, or steep slopes which would be impacted.

For the above reasons, we respectfully request approval of this request for a variance from provisions of Section 22A-21 of the Montgomery County Code. If you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,



Joshua O. Maisel



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Lisa Feldt
Director

September 8, 2016

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

RE: Orchard View, ePlan 120160120, NRI/FSD application accepted on 9/23/2015

Dear Mr. Anderson:

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

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

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

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

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

Casey Anderson
September 8, 2016
Page 2

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

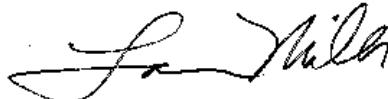
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation,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

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

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

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

Sincerely,



Laura Miller
County Arborist

cc: Doug Johnsen, Senior Planner
Jonathan Casey, Senior Planner



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

January 14, 2016

Mr. Pete Staley
Benning And Associates, Inc.
8933 Shady Grove Court
Gaithersburg, Maryland 20877

Re: Stormwater Management **CONCEPT** Request
for Orchard View
Preliminary Plan #: 120160120
SM File #: 280337
Tract Size/Zone: 1.03 acres/R-200
Total Concept Area: 1.03 acres
Lots/Block: Proposed Lots 1 and 2
Parcel(s): 702
Watershed: Muddy Branch

Dear Mr. Staley:

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

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.

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

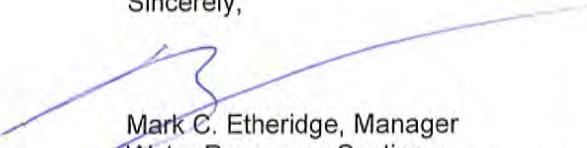
Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

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

Mr. Pete Staley
January 14, 2016
Page 2 of 2

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

Sincerely,



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

MCE: me lmg

cc: C. Conlon
SM File # 280337

ESD Acres:	1.03
STRUCTURAL Acres:	0
WAIVED Acres:	0