



Shi Property, Preliminary Plan No. 120160280, (Resubdivision) including Preliminary/Final Water Quality Plan

RS

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Completed: 2/3/17

#### Description

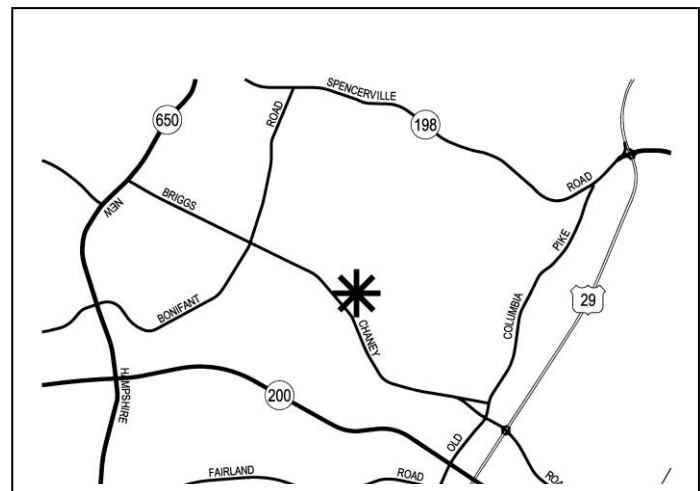
**Shi Property, Preliminary Plan No. 120160280 with Preliminary/Final Water Quality Plan:** Request to create two (2) lots from one (1) platted lot; located at 14616 Peach Orchard Road, 3.0 acres, RE-1 Zone, Upper Paint Branch Overlay, Upper Paint Branch Special Protection Area, 1997 Cloverly Master Plan.

**Staff Recommendation:** *Approval with conditions*

**Applicant:** Jianmin Shi

**Submittal Date:** May 10, 2016

**Review Basis:** Chapter 50



#### Summary

- Staff recommends **Approval with conditions**.
- The Subject Property is located in the RE-1 zone
- Application creates two lots for two single family detached homes.
- Meets resubdivision criteria, Section 50-29(b)(2)
- Meets requirements of Chapter 22A, Forest Conservation Law
- Substantially conforms to the 1997 Cloverly Master Plan.
- Application has been reviewed under the Subdivision Regulations effective prior to February 13, 2017.
- Staff recommends approval of the Preliminary/Final Water Quality Plan
- The Application does not exceed the 8.0 percent impervious surface restriction for development projects in the Upper Paint Branch Special Protection Area.
- Staff has not received any citizen correspondence on the Application.

## SECTION 1 – RECOMMENDATIONS AND CONDITIONS

**PRELIMINARY PLAN NO. 120160280:** Staff recommends approval of the Preliminary Plan subject to the following conditions:

1. This Application is limited to two (2) lots for two (2) single family detached homes.
2. The Applicant must comply with the conditions of approval for the Preliminary and Final Forest Conservation Plan No. 120160280, approved as part of this Preliminary Plan:
  - a. The Applicant must record a Category I conservation easement over all areas of forest retention, as specified on the approved Forest Conservation Plan. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the start of any clearing, or grading on the Property, and the Liber Folio for the easement must be referenced on the record plat.
  - b. The Applicant must install permanent conservation easement signage along the perimeter of the Category I Conservation Easement. Signs must be installed a maximum of 100 feet apart with additional signs installed where the easement changes direction.
  - c. The Final Sediment Control Plan must depict the limits of disturbance (LOD) identical to the LOD on the approved Forest Conservation Plan.
  - d. The Applicant must comply with all tree protection and tree save measures shown on the approved Forest Conservation Plan. Tree save measures not specified on the approved Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
3. The Applicant must comply with the conditions of approval for the Preliminary/Final Water Quality Plan including:
  - a. Prior to the release of any building permits for the Property, the Applicant must remove existing impervious surfaces on the Property as shown on the approved Impervious Surface Exhibit. Areas to be restored to a pervious, natural condition, including deconsolidation of the soils, as detailed on the approved Forest Conservation Plan.
  - b. Prior to recordation of the plat, the Applicant must enter into an agreement with the Planning Board to limit impervious surfaces to no more than 10,862 square feet for the 135,472 square foot net tract area.
  - c. Prior to release of building permits, the Applicant must demonstrate conformance with the impervious surface limit.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 25, 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 MCDOT

provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

5. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
6. The Planning Board accepts the recommendations of the MCDPS – Water Resources Section in its Preliminary/Final Water Quality letter dated September 16, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. The Applicant must make a Transportation Policy Area Review (“TPAR”) Mitigation Payment for Transit, equal to 25 percent of the applicable transportation impact tax to the Montgomery County Department of Permitting Services (“MCPDS”). The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code, and any amendments to this chapter.
8. The certified Preliminary Plan must contain the following note:

*“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permits but improvements are not to create impervious surfaces in excess of 8 percent. 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.”*
9. Record plat must show all necessary easements.
10. 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 – SITE LOCATION & DESCRIPTION

### Site Location

The subject property is located on the northwest side of Peach Orchard Road approximately 500 feet northeast of the intersection of Briggs Chaney Road and Peach Orchard Road. The subject property consists of Lot No. 1 shown on Plat No. 3632, Kruhm's Subdivision of Beall's Manor (Figure 1) with a total of 3.0 acres ("Property" or "Subject Property") (Figure 2). The Subject Property is zoned RE-1, and is located in the Residential Wedge area of the 1997 Cloverly Master Plan ("Master Plan").

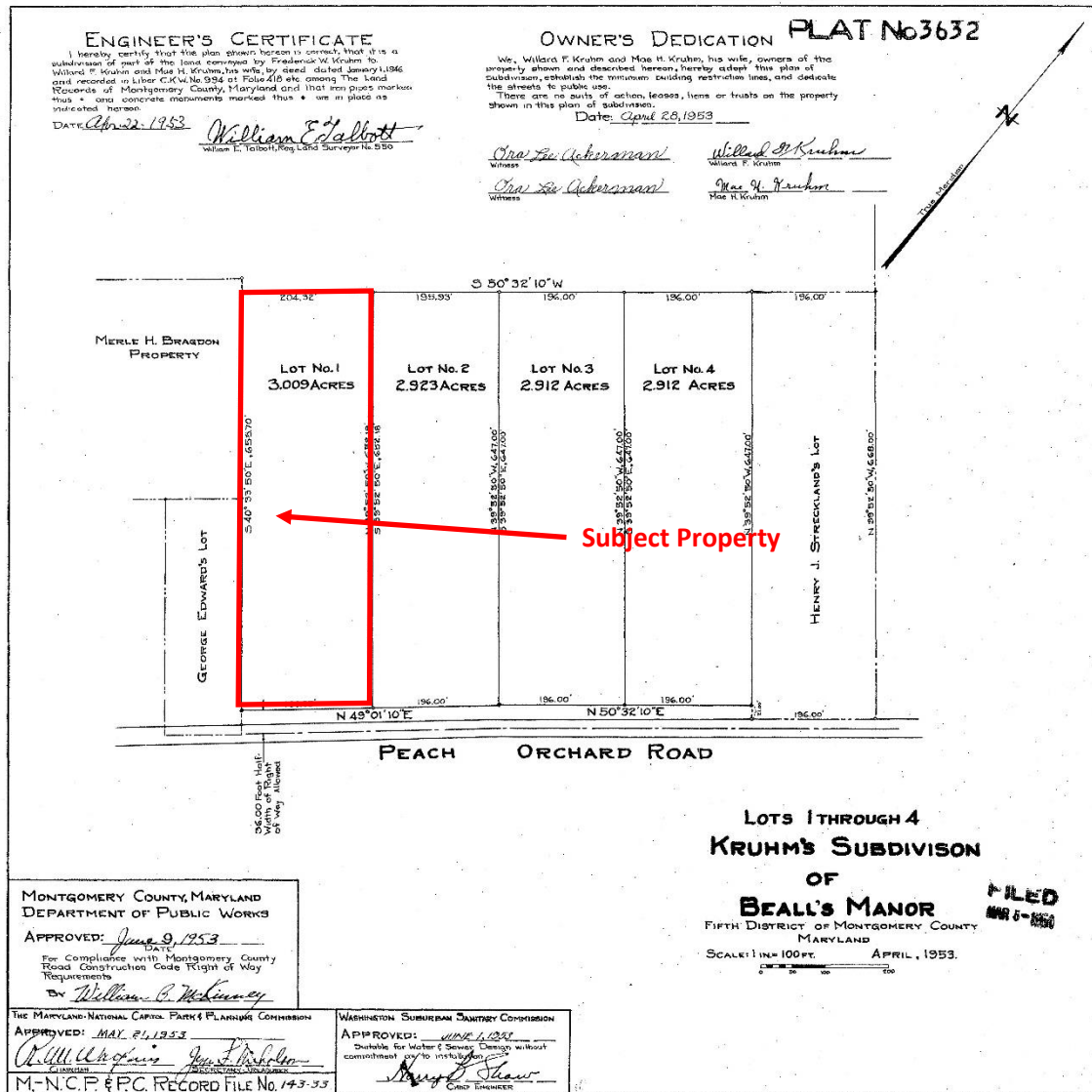


Figure 1 – Record Plat No. 3632





Figure 2 – Vicinity

### Site Vicinity

The Subject Property is surrounded by single family residential development on all sides. To the north and east of the Subject Property there are other residential neighborhoods in the RE-1 zone. Further to the

north is the Paint Branch stream valley. Directly to the west of Subject Property on the east side of Briggs Chaney, is single family detached housing in the RE-1 zone. Further to the west across Briggs Chaney Road are single family detached properties in the R-200 zone. To the south, across Peach Orchard Road and along Briggs Chaney Road are additional single family neighborhood in the RE-1 zone.

### **Site Analysis**

As a single, platted 3.0-acre lot, the Subject Property is improved with an existing single family house with an access driveway from Peach Orchard Road, and a shed with a gravel driveway that will all be removed as part of this Application (Figure 3). The Property is located within the Upper Paint Branch watershed, which is classified by the State of Maryland as Use Class III waters. The Property is in the Upper Paint Branch Special Protection Area (SPA) and the Upper Paint Branch Environmental Overlay Zone, where impervious surface for new development is limited to eight percent. The Property is generally flat, with a few small areas of slopes greater than 25 percent. There is approximately 1.2 acres of existing forest on the Property and an area of planted bamboo. The Property includes numerous large trees both within and outside of the forest.





Figure 3 – Aerial View

### SECTION 3 – APPLICATIONS AND PROPOSAL

#### **Current Application**

##### Preliminary Plan 120160280

The preliminary plan, No. 120160280, proposes to resubdivide existing Lot No. 1 into two lots for two one-family detached houses (“Preliminary Plan” or “Application”). Because this Application proposes to subdivide an existing platted property, it is subject to the resubdivision criteria found in Section 50-29(b)(2) of the Subdivision Regulations in effect prior to February 13, 2017. The proposed lot sizes are 45,688 square feet for Lot 1 and 85,032 square feet for Lot 2. Both lots will utilize separate driveways primarily to limit the amount of impervious surface as opposed to a shared driveway, which would be wider for fire access and create an increase in impervious surfaces.

The original plat dedicated 36 feet of right-of-way from the centerline of Peach Orchard Road. No additional right-of-way is required.

The Application proposes to save and protect 1.07 acres of existing forest protected in a Category I Conservation Easement. Because the Subject Property is located in the Upper Paint Branch Special Protection Area, the Application limits impervious to 8 percent of the area of the Property. All lots will utilize public water and sewer. Finally, stormwater management will be implemented for each lot.





## SECTION 4 – ANALYSIS AND FINDINGS - Preliminary Plan No. 120160280

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

The Property is in the 1997 Cloverly Master Plan which divides the planning area into three communities: 1) the Agricultural Wedge, in the northern part of the area north of Spencerville Road, 2) a Residential Wedge, in the central part of the area, between Briggs Chaney and Spencerville roads, and 3) the Suburban Communities, between Briggs Chaney Road and the Intercounty Connector. The Master Plan notes, however, that the boundaries are not rigidly tied to those roadways, which provides “the variety of house and lot sizes [that] continues to enhance Cloverly’s distinctive character.” (p 30)

The Subject Property is part of the Residential Wedge. The Master Plan’s objective for Cloverly is to “maintain the mix of suburban and rural communities resulting from watershed protection and rural development patterns to reinforce the strength of residential areas and to enhance the quality of life.” (p 30) The Master Plan recommends that existing low-density zones be retained to reinforce existing neighborhood or rural character. It recommends cluster development for larger undeveloped properties to protect natural resources and provide additional open space.

The Application reinforces the objectives of the Residential Wedge in the Master Plan. It maintains the existing low density residential character through the use of RE-1 zoning standards on the Subject Property. The impervious surface limitations implemented by the Upper Paint Branch Special Protection Area is the mechanism through which the watershed protection objectives of the Master Plan are achieved. The Application does not exceed the 8 percent impervious limit of the SPA as demonstrated in the impervious surface exhibit (Attachment 4).

Based on this information, the Application is in substantial conformance with the objectives and recommendations of the Cloverly Master Plan.

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

#### Roads and Transportation Facilities

This Property was reviewed using the Transportation Policy Area Review (TPAR) as part of the 2012-2016 Subdivision Staging Policy. Under the TPAR test for the Cloverly Policy Area, the roadway test is adequate, but the transit test is inadequate. As a new residential development located in the Cloverly Policy Area, the Applicant must make the TPAR payment equal to 25% of the transportation/development impact tax to Montgomery County Department of Permitting Services (MCDPS) at the time of building permit. The TPAR payment should be based on one additional single-family detached unit because the Property already has one existing unit. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code and is subject to changes adopted by the County Council. With the required payment, the Application satisfies the Policy Area Review.

A traffic study is not required to satisfy the APF’s Local Area Transportation Review (LATR) test because the two new single-family detached units do not generate 30 or more peak-hour trips within the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods.

A five-foot sidewalk would normally be constructed along the frontage as part of the Applicant's required frontage improvements. In this case, the Montgomery County Department of Transportation (MCDOT), in their letter dated May 25, 2016 (Attachment 5), is requiring the Applicant to enter into a covenant with MCDOT to contribute to the cost of the sidewalk when a Capital Improvement Project takes place along Peach Orchard Road. Because Peach Orchard Road is classified as a primary residential street, pedestrian infrastructure cannot be waived. However, Staff is supportive of MCDOT approach using the covenant because of the lack of sidewalks in this general area. A larger, more comprehensive approach to pedestrian infrastructure via the Capital Improvement Program, while requiring the Application to pay its fair share at a later date, is acceptable to Staff.

The Cloverly Master Plan recommends a total of 70 feet of right-of-way on Peach Orchard Road. Plat No. 3623 granted 36 feet of right-of-way on west side of Peach Orchard Road. Therefore, additional right-of-way dedication is not required.

#### Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. The Subject Property has W-1 and S-1 water and sewer service categories, respectively, and will utilize public water and sewer. The Application was reviewed by the MCDPS, Fire Department Access and Water Supply office, and a Fire Access Plan was approved on September 8, 2016 (Attachment 7). Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the 2012-2016 Subdivision Staging Policy. The Application is located in the James Hubert Blake cluster, which is not identified as a school moratorium area, and is not subject to a School Facilities Payment on the 2012-2016 Subdivision Staging Policy.

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The proposed lot sizes, widths, shapes and orientations are appropriate for the location of the subdivision, taking into account the shape and orientation of surrounding lots and for the building type (single family homes) contemplated for the Property. Because the depth of the Subject Property and other properties along Peach Orchard Road as well as the unlikeliness of future road development to improve access to the rear of these properties, the proposal in this Application is the only realistic way to resubdivide these lots and achieve the zone's maximum density.

The lots were reviewed for compliance with the dimensional requirements for the RE-1 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage and can accommodate a building which can reasonably meet the width and setbacks requirements in that zone. A summary of this review is included in Table 1. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.



**Table 1 – Development Review Table**

| <b>RE-1</b>                 | <b>Required by the Zone</b> | <b>Proposed for Approval</b>                              |
|-----------------------------|-----------------------------|---|
| Minimum Lot Area            | 43,560 sq. ft. or 1 acres   | Lot 1 = 45,688 sq. ft.<br>Lot 2 = 85,032 sq. ft.          |
| Minimum Lot Frontage        | 25 feet                     | Lot 1 = 25 feet or more<br>Lot 2 = 25 feet or more        |
| Minimum Lot Width at B.R.L. | 125 feet                    | Lot 1 = 125 feet or more feet<br>Lot 2 = 125 feet or more |
| Maximum Lot Coverage        | 15%                         | 15% or less   |
| Setbacks (for all lots)     |                             |   |
| Front                       | 50 feet                     | 50 feet or greater  |
| Side, abutting Residential  | 17 feet min./ 35 feet total | 17 feet min./ 35 feet total or greater                    |
| Rear, abutting Residential  | 35 feet                     | 35 feet or greater  |
| Building Height             | 50 feet max.                | 50 feet or lower  |
| Site Plan Required          | No                          | No  |

**Resubdivision Criteria: Conformance with Section 50-29(b)(2)****A. Statutory Review Criteria**

In order to approve an application for resubdivision, the Planning Board must find that each of the proposed lots complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

“Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to *street frontage, alignment, size, shape, width, area and suitability for residential use* as other lots within the existing block, neighborhood or subdivision.”

**B. Neighborhood Delineation**

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate resubdivision neighborhood (“Neighborhood”) for evaluating the Application (Figure 5). In this instance, the Neighborhood selected by the Applicant, and agreed to by Staff, consists of 28 lots. The analyzed lots include only properties that are recorded by plat in the RE-1 Zone, are adjacent to the Subject Property, or are within a reasonable distance from the Subject Property to provide an adequate sampling of comparable lots. The Neighborhood includes one parcel, Parcel P142, which is a pre-1958 lot which is exempt from platting. While not normally included in resubdivision analyses, Staff is of the opinion that it should be included in this analysis because it is adjacent to the Property and it is too small to resubdivide further. Because it is a pre-1958 parcel, from a regulatory standpoint it does carry the same development potential as a platted lot at maximum density. A map and tabular summary of the lot analysis based on the resubdivision criteria is included in Figure 5 as well as Attachments 9 and 10.

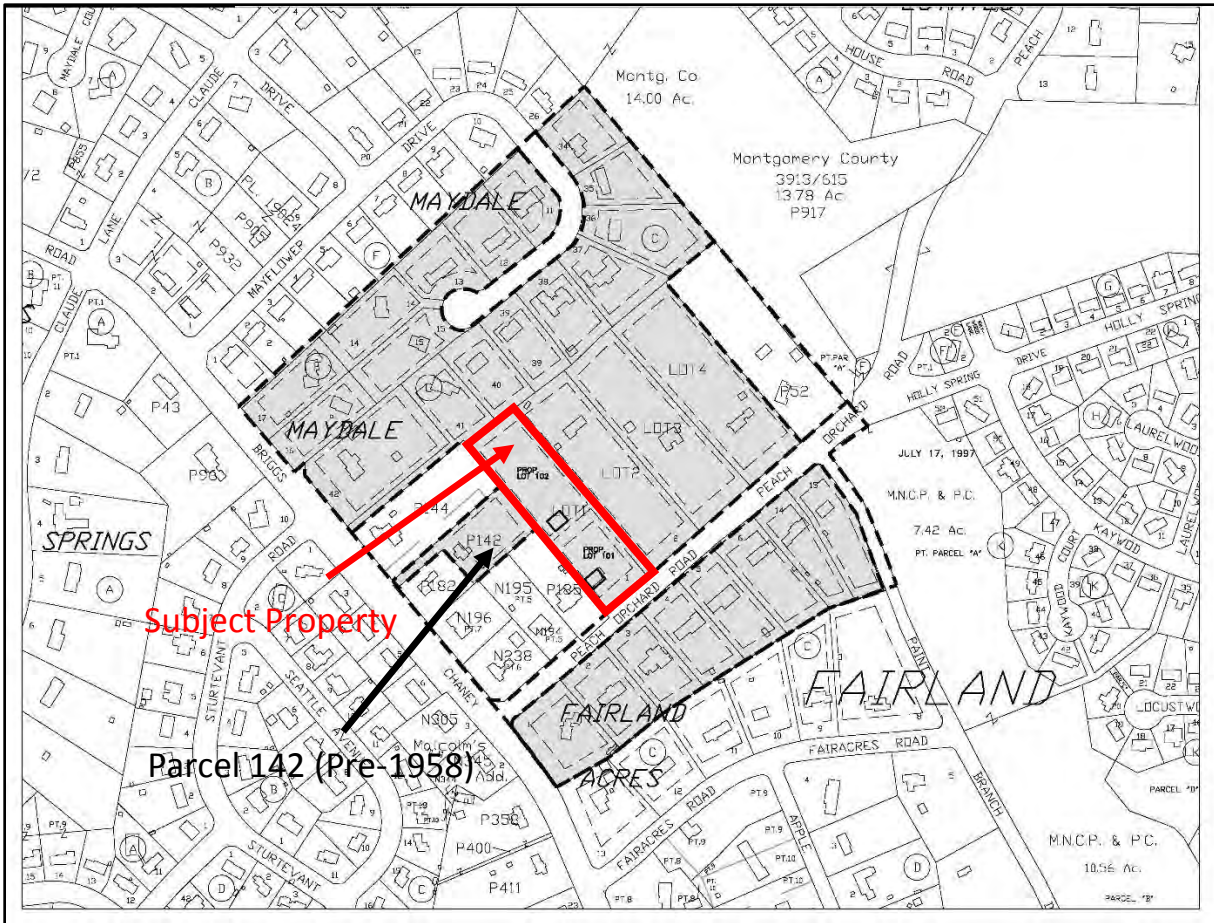


Figure 5 – Proposed Neighborhood for the Resubdivision

#### Comparison of Proposed Lots' Character to Existing Neighborhood Character

In performing the analysis, the resubdivision criteria were applied to the Neighborhood. The proposed lots are of the same character with respect to the resubdivision criteria as other lots within the Neighborhood. Therefore, the proposed resubdivision complies with the criteria of Section 50-29(b)(2). As set forth below, the attached tabular summary and graphic documentation support this conclusion:

##### Frontage:

The proposed lots are of similar character as existing lots in the Neighborhood with respect to lot frontage. The proposed lots have frontages of 170.0 feet and 30 feet for Lots 101 and 102, respectively. In the Neighborhood, the range of lot frontages is between 25 and 564 feet.

##### Alignment:

The proposed lots are of the same character as existing lots in the Neighborhood with respect to alignment. The alignment of the proposed lots is perpendicular to the street. Lots in the Neighborhood are a mix of perpendicular and corner alignments.

Size:

The proposed lot sizes are in character with the size of existing lots in the Neighborhood. The lot sizes proposed by this Application are 45,688 square feet and 85,032 square feet for Lots 101 and 102, respectively. The range of lot sizes in the Neighborhood is between 37,645 square feet and 137,503 square feet.

Shape:

The shape of the proposed lots is in character with shapes of the existing lots in the Neighborhood. The two proposed lots are rectangular and pipestem. The Neighborhood contains three pipestem shapes and eight irregular, and seventeen rectangular lot shapes.

Width: (at the BRL)

The proposed lots are similar in character with existing lots in the Neighborhood with respect to width. The width of proposed lots are 136 feet and 153 feet for Lots 101 and 102, respectively. The range of lot widths within the Neighborhood is between 128 feet and 287 feet.

Area:

The proposed lots are of the same character as existing lots in the Neighborhood with respect to buildable area. The proposed lots have a buildable area of 25,349 square feet and 50,497 square feet. The range of buildable areas within the Neighborhood is between 14,145 square feet and 100,513 square feet.

Suitability for Residential Use:

The existing and proposed lots within the identified Neighborhood are all zoned RE-1 and are suitable for residential use.

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

**Forest Conservation Chapter 22A**

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420141730 for this Property was approved on June 16, 2014. The NRI/FSD identifies the environmental features and forest resources on the Property. The Property contains approximately 1.2 acres of moderate priority forest dominated by tulip tree (*Liriodendron tulipifera*), with Norway maple (*Acer platanoides*), black cherry (*Prunus serotina*), and white pine (*Pinus strobus*). There are no streams, wetlands, 100-year floodplain, stream buffers or highly erodible soils located on or immediately adjacent to the Property. There are a few small areas of steep slopes greater than 25% located near the existing house. There are 34 trees greater than or equal to 24" Diameter at Breast Height (DBH) that were identified on or adjacent to the Property, ten of which are 30" DBH and greater.

Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. As required by the County Forest Conservation Law (Chapter 22A of the County Code), a Preliminary and Final Forest Conservation Plan (FCP) for the Application was submitted with the Preliminary Plan (Attachment 2). The net tract area for forest conservation is 3.07 acres, which includes the 3.0-acre site and 0.07 acres of offsite disturbance for the construction of two driveway



aprons and utility connections. The Application proposes to clear approximately 0.13 acres of forest for the construction of a house on proposed Lot 102. The existing bamboo will be removed as part of the grading and construction for the two proposed lots. The Application does not result in a forest planting requirement, and the 1.07 acres of retained forest will be protected in a Category I conservation easement.

#### *Forest Conservation Variance*

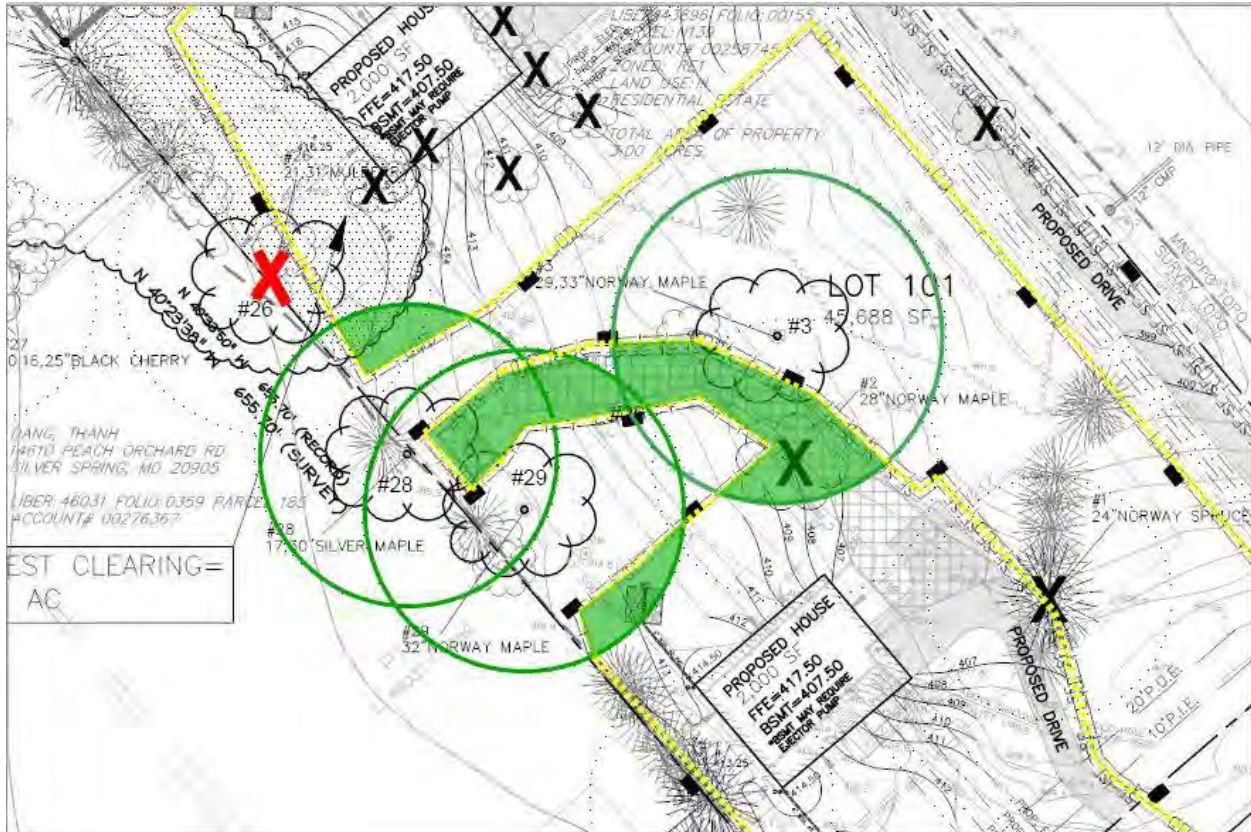
Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as 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 impact to trees identified as high priority for retention and protection (Protected Trees), therefore, the Applicant has submitted a variance request for these impacts. Staff recommends that a variance be granted.

Variance Request – The Applicant submitted a variance request in a letter dated July 13, 2016, for the impacts/removal of trees (Attachment 11). The Applicant proposes to remove one (1) Protected Tree that is 30 inches or greater, DBH, and considered a high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. This tree, noted as #26 on the FCP, is a 31" DBH white mulberry in poor condition. It is located within the existing forest and will be removed as part of the grading for the construction of proposed Lot 102 (Figure 6).

The Applicant also proposes to impact, but not remove, three (3) Protected Trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. The critical root zones of these trees will be impacted during the removal of existing impervious surfaces and the grading of the proposed lots. Details of the Protected Trees to be affected but retained are listed in Table 2 and shown graphically in Figure 6.

**Table 2 – Protected Trees to be affected but retained**

| <b>Tree No.</b> | <b>Common Name</b> | <b>Botanical Name</b>   | <b>Size (DBH)</b> | <b>CRZ Impact</b> | <b>Tree Condition</b> | <b>Location</b> |
|-----------------|--------------------|-------------------------|-------------------|-------------------|-----------------------|-----------------|
| 3               | Norway Maple       | <i>Acer platinoides</i> | 33 inch           | 32%               | Fair                  | Lot 101         |
| 28              | Silver Maple       | <i>Acer saccharinum</i> | 30 inch           | 18%               | Good                  | Lot 101         |
| 29              | Norway Maple       | <i>Acer platinoides</i> | 32 inch           | 22%               | Fair                  | Lot 101         |



*Figure 6 – Tree Variance Exhibit: one tree removal; three trees affected, but retained*

Unwarranted Hardship Basis – Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of the Property. The Applicant contends that an unwarranted hardship would be created due to existing conditions on the Property and the zoning and development requirements for the Property.

The Property contains 11 trees subject to the variance provision, one of which will be removed by this Application. The tree to be removed, a white mulberry, is a non-native, invasive species in poor condition. The three trees proposed to be impacted, but retained include two Norway maples, non-native, invasive species, in fair condition, and one Silver maple in good condition. The critical root zones of these trees will be impacted by the removal of existing impervious surfaces to allow the proposed development to comply with the impervious surface limitations of the Upper Paint Branch Environmental Overlay Zone.

The 3.0-acre Property is zoned RE-1, and proposes the construction of two residential homes. The location of the homes was dictated to some extent by the shape of the Property and the limited frontage along Peach Orchard Road. There are numerous large trees located throughout the open and forested portions of the Property. The number and location of the Protected Trees, the existing forest located in the rear of the Property, along with the existing shape of the Property create an unwarranted hardship. If the variance were not considered, the development anticipated on this RE-1 zoned Property would not occur. Staff has reviewed this Application and finds that there would be an unwarranted hardship if a variance were not considered.

Variance Findings – 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 determination based on the required findings in the review of the variance request and the forest conservation plan:

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 disturbance to the Protected Trees is due to the reasonable development of the Property, including the removal of existing impervious surfaces. The Protected Trees are located in the developable area of the Property and adjacent to an existing shed and driveway to be removed. Any residential development considered for this Property, would be faced with the same considerations of locating the development on a Property with relatively narrow frontage along Peach Orchard Road in a way that minimizes impacts to existing forest. The removal of existing impervious surfaces resulting in impacts to Protected Trees is necessary to comply with the development standards of the SPA and Environmental Overlay Zone. Granting a variance to allow land disturbance within the developable portion of the Property and removal of existing impervious surfaces is not unique to this Applicant. 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 need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing conditions on the Property, including the location of the Protected Trees within the developable area of the Property and adjacent to existing impervious features proposed for removal to comply with the requirements of the Upper Paint Branch Environmental Overlay Zone.

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

The need for a variance is a result of the existing conditions and the proposed design and layout of the Property, 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. No trees located within a stream buffer or wetland will be impacted or removed as part of this Application. One tree in poor condition is proposed to be removed during the construction, and three trees will be impacted during the removal of existing impervious surfaces. The conditions immediately surrounding these three trees will likely be improved. In addition, MCDPS has found the stormwater



management concept for the Application to be acceptable as stated in a letter dated September 16, 2016 (Attachment 8). The stormwater management concept incorporates Environmental Site Design (ESD) standards.

Mitigation for Protected Trees – The Protected Tree subject to the variance provision and proposed to be removed is located within the existing forest to be cleared. The removal of this tree is included in the forest clearing calculations and no additional mitigation is recommended.

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. On November 1, 2016, the County Arborist provided a letter recommending that a variance be granted with mitigation (Attachment 12).

Variance Recommendation – Staff recommends that the variance be granted with no additional mitigation for the reasons stated above.

### **Special Protection Area Preliminary/Final Water Quality Plan**

As part of the requirements of the Special Protection Area Law, a Special Protection Area Water Quality Plan must be reviewed in conjunction with this Preliminary Plan. Under the provision of the law, the MCDPS, the Planning Board, and the Montgomery County Department of Environmental Protection (MCDEP) have different responsibilities in the review of a water quality plan. MCDEP has reviewed the water quality plan and will require the Applicant to pay SPA stream monitoring and BMP monitoring fees. MCDPS has reviewed and conditionally approved the elements of the Preliminary/Final Water Quality Plan under its purview as outlined in a letter dated September 16, 2016 (Attachment 8). As part of their review, the Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

#### Planning Board Special Protection Area Review Elements

##### *Environmental Buffer Protection*

There are no areas of environmental buffer on or immediately adjacent to the Property.

##### *Forest Conservation and Planting Requirements*

This Property meets all applicable requirements of Chapter 22A of the County Code (Forest Conservation Law). The majority of the existing forest will be retained and there is no forest planting requirement on the Property.

##### *Imperviousness*

Impervious surface restrictions for development projects in the Upper Paint Branch SPA are set forth in the Environmental Overlay Zone for the Upper Paint Branch SPA. As per Chapter 59, Section 4.9.18, the imperviousness for the Application may not exceed 8.0 percent. The Application requires

improvements within the right-of-way for Peach Orchard Road, including the construction of two driveway aprons for the proposed houses. The 135,472 square foot tract area for impervious surface calculations is the result of adding 4,792 square feet of right-of-way for driveway apron construction along Peach Orchard Road to the 3.0-acre (130,680 square foot) Property. The design of the Application results in 10,862 square feet of impervious surfaces for the 135,472 square foot net tract area. The result is eight percent imperviousness for the Application, as depicted on the Impervious Surface Exhibit dated October 5, 2016 (Attachment 4).

#### Montgomery County Department of Permitting Service Special Protection Area Review Elements

Montgomery County Department of Permitting Services has reviewed and conditionally approved the elements of the SPA Final Water Quality Plan under its purview (Attachment 8). These elements include site performance goals, stormwater management, sediment and erosion control, and monitoring of Best Management Practices.

- Site Performance Goals  
As part of the water quality plan, the following performance goals were established for the Property: minimize storm flow runoff increases and minimize sediment loading.
- Stormwater Management Concept  
The approved stormwater management concept plan utilizes ESD practices including dry wells and a micro infiltration trench.
- Sediment and Erosion Control  
The Preliminary/Final Water Quality Plan approval memo from MCDPS requires that an engineered sediment control plan be submitted for review.

Staff finds that the Preliminary/Final Water Quality Plan submitted with this Preliminary Plan satisfies the SPA forest conservation and planting requirements, and meets the imperviousness limits established in the Upper Paint Branch SPA.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

The Preliminary Plan received an approved Preliminary/Final Water Quality Plan from the Montgomery County Department of Permitting Services, Water Resources Section on September 16, 2016 (Attachment 8). The Application will meet stormwater management goals for each new lot via drywells and a micro infiltration trench.

## **SECTION 5 – CITIZEN CORRESPONDENCE AND ISSUES**

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. One sign referencing the proposed modification was posted along the Subject Property frontage. A pre-submission meeting was held at the Subject Property on March 31, 2016 at 7:00 on the Subject Property. Nine people who were not part of the Applicant's team attended the meeting and according to the minutes of that meeting, questions were raised regarding the size of the new house, setbacks, tree removal, impacts to forest impact, and sewer impacts. According to the minutes of the meeting, the Applicant and their representatives addressed all questions.

As of the date of this report, Staff has not received any written correspondence on the Application.

## **SECTION 6 – CONCLUSION**

The proposed lots meet all requirements established in the Subdivision Regulations, Forest Conservation Law in Chapter 22A, and the proposed use substantially conform to the recommendations of *1997 Cloverly Master Plan*. The resubdivided lots are of the same character with existing lots in the Neighborhood by virtue of the resubdivision analysis. Access and public facilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan with the conditions provided. Therefore, approval of the Application with the conditions specified herein is recommended.

### **ATTACHMENTS**

- Attachment 1 – Statement of Justification
- Attachment 2 – Preliminary Plan
- Attachment 3 – Preliminary Forest Conservation Plan
- Attachment 4 – Impervious Surface Exhibit
- Attachment 5 – MCDOT Approval Letter, May 25, 2016
- Attachment 6 – DPS Fire and Rescue Approval Letter, September 8, 2016
- Attachment 7 – Fire Access Plan
- Attachment 8 – Preliminary/Final Water Quality Plan Approval Letter, September 16, 2016
- Attachment 9 – Resubdivision Neighborhood
- Attachment 10 – Resubdivision Tables
- Attachment 11 – Variance Request from Applicant
- Attachment 12 – County Arborist's Response Letter, November 1, 2016





**Planning Area Three Division of the Montgomery County Planning Department  
 The Maryland National Capital Park & Planning Commission**

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**Property:** LOT 1, Parcel N139  
**Preliminary Plan:** 120160280, Shi Property  
**Tax Map:** KR123  
**Zone:** RE1  
**Owner/Applicants:** Jianmin Shi  
**Submission Date:** May 2, 2016

***STATEMENT OF JUSTIFICATION  
 & SUMMARY OF APPLICATION  
 PRELIMINARY PLAN SUBMITTAL***

*Existing Lot 1, Parcel N139  
 14616 Peach Orchard Road*

**Proposed 2 Lot Subdivision  
 Shi Property**

Preliminary Plan Application  
 MNCPPC FILE NO. 120160280

Pursuant to the Manual of Development Review Procedures, the Applicant, Jianmin Shi, hereby submits this Statement of Justification setting forth the facts and reasons in support of Planning Board approval of the proposed Preliminary Plan of Subdivision Application No. 120160280 ("the Preliminary Plan"), an original subdivision of Lot 1, Parcel N139, among the Land Records for Montgomery County, Maryland ("the Subject Property"). The Subject Property, containing approximately 3 acres, has frontage on Peach Orchard Road in Silver Spring, Maryland and is currently zoned RE1. The proposed two lot subdivision meets the requirements of the RE1 zone and will be compatible with the current and diverse character of development along Peach Orchard Road.

This Preliminary Plan application is being filed pursuant to Section 50-34 of the Subdivision Regulations (being also Chapter 50 of the Montgomery County Code, 2004, as amended or the "County Code") and the development standards set forth in the 2014 Montgomery County Zoning Ordinance applicable to property classified in the RE1 zone. The proposed Preliminary Plan is in accordance with all applicable Subdivision Regulations and provides a form of development consistent with the approved and adopted Cloverly Master Plan (The Cloverly Master Plan is an amendment to the *Master Plan for Eastern Montgomery County Planning Area: Cloverly, Fairland, White Oak* (1981), as amended).

### **The Subject Property**

The Subject Property consists of one Lot (Lot 1) and one Parcel (N139), fronting on Peach Orchard Road, approximately 600 feet northeast of Briggs Chaney Road in Silver Spring, Maryland. The Subject Property is within the Upper Paint Branch SPA. The two lots proposed by this Preliminary Plan will reflect the modern eclectic character of the surrounding neighborhood by implementing the Master Plan recommended RE1 zoning.

### **Forest Conservation**

Natural Resources Inventory/Forest Stand Delineation No. 420141730 was approved for the Subject Property on June 16, 2014.

Mr. Norton has identified four specimen trees that will be impacted by the limits of disturbance ("LOD") during construction. Mr. Norton recommended specific tree protection fencing and mechanical root pruning within the LOD in order to provide the maximum level of protection for trees within and adjacent to the LOD.

### **Tree Variance**

In order to secure approval of the removal of certain trees identified for removal on the Preliminary Forest Conservation Plan and to disturb the critical root zones of other identified trees that are listed as priority for retention and protection under the Natural Resources Article of the Maryland Annotated Code and Chapter 22A of the County Code, a Variance from the requirements of Chapter 22A has been requested pursuant to Section 22A-21 and Section 5-1607(c) and Section 5-1611 of Title 5 of the Natural Resources Article of the Maryland Annotated Code. A Variance Request accompanies this submission.

### **Adequate Public Facilities**

The Subject Property is in water and sewer categories W-1 and S-1 and both lots will be served by public water and sewer. All other required public facilities are adequate to serve the two lots proposed by this subdivision application.

Adequacy of public water and sewer service is in review by the WSSC.

Additional street dedication is proposed for Peach Orchard Road as part of this Preliminary Plan. Pursuant to the Preliminary Plan, the existing driveway entrance will remain and a proposed driveway will serve the new lot.

PEPCO, Verizon, Comcast, and Washington Gas all have existing facilities serving the neighborhood, including the Subject Property, and each has capacity to serve the additional lots proposed by this subdivision.

The Subject Property is exempt from Local Area Transportation Review and TPAR trip mitigation requirements.

### **Conclusion**

For the foregoing reasons, the Applicant respectfully request that the proposed Preliminary Plan of Subdivision be approved. Further, on behalf of the Applicants, the undersigned certifies that the information set forth in this Statement of Justification is true, complete, and correct to the best of his knowledge, information, and belief.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Norton', written in a cursive style.

Michael Norton



## GENERAL NOTES

- 1) ZONE: RE1
- 2) WATER CATEGORY - W-1 SEWER CATEGORY - S-1
- 3) BOUNDARY INFORMATION BASED ON BOUNDARY SURVEY BY: SNIDER AND ASSOCIATES, GERMANTOWN, MARYLAND MARCH, 2014
- 4) TOPOGRAPHIC INFORMATION SHOWN IS BY: SNIDER AND ASSOCIATES, GERMANTOWN, MARYLAND
- 5) TOTAL TRACT AREA = 130,720.82 SF OR 3.00 AC.
- 6) PROPERTY SHOWN ON TAX MAP KR123
- 7) PROPERTY SHOWN ON WSSC 200' SHEET 219NE02
- 8) PROPERTY SHOWN ON MONTGOMERY COUNTY SOILS SURVEY MAP No. 21 SOIL TYPE(S): 2B GLENELG SILT LOAM 3-8% 2C GLENELG SILT LOAM 8-15% 5B GLENVILLE SILT LOAM 3-8%
- 9) SITE IS NOT LOCATED IN A FLOOD ZONE: FEMA FLOOD MAP 24031C 0380D
- 10) SITE IS LOCATED IN THE UPPER PAINT BRANCH WATERSHED USE III-P.
- 11) LOCAL UTILITIES INCLUDE:  
SEWER - WASHINGTON SUBURBAN SANITARY COMMISSION  
WATER - WASHINGTON SUBURBAN SANITARY COMMISSION  
ELECTRIC - PEPCO  
TELEPHONE - VERIZON
- 12) THERE ARE NO WELLS WITHIN 100 FEET OF THE PROPERTY.
- 13) ALL STRUCTURES & DRIVEWAYS ON-SITE ARE TO BE REMOVED.
- 14) PROPERTY ADDRESS:  
14616 PEACH ORCHARD ROAD  
SILVER SPRING, MD 20905
- 15) TAX ACCOUNT NO. 00258745  
PARCEL #139 LIBER 43896 FOLIO 00155  
3.00 ACRES
- 16) NRI/FSD APPROVAL # 42014730
- 17) THE BUILDING FOOTPRINTS SHOWN ON THE PRELIMINARY PLAN ARE ILLUSTRATIVE. FINAL BUILDING LOCATIONS WILL BE DETERMINED DURING THE BUILDING PERMIT PROCESS. PLEASE REFER TO THE ZONING DATA TABLE FOR DEVELOPMENT STANDARDS SUCH AS SETBACKS, BUILDING RESTRICTION LINES AND LOT COVERAGE FOR EACH LOT. OTHER LIMITATIONS FOR SITE DEVELOPMENT MAY ALSO BE INCLUDED IN THE CONDITIONS OF THE PLANNING BOARD'S APPROVAL.

## SOILS

SOIL TYPE 2B - GLENELG SILT LOAM, 3 TO 8 PERCENT SLOPES

THIS SOIL IS VERY DEEP AND WELL DRAINED. IT IS USUALLY FOUND ON BROAD RIDGETOPS IN UPLAND AREAS. THE SLOPES ARE GENERALLY SMOOTH, BUT SOME ARE DISSECTED BY DRAINAGEWAYS. THIS SOIL IS WELL SUITED FOR DWELLINGS AND URBAN DEVELOPMENT. THE ONLY LIMITATION IS ITS MODERATE PERMEABILITY WHICH CAN LIMIT THE ABSORPTION FROM SEPTIC FIELDS.

SOIL TYPE 2C - GLENELG SILT LOAM, 8 TO 15 PERCENT SLOPES

THIS SOIL IS VERY DEEP AND WELL DRAINED. IT IS USUALLY FOUND ON BROAD RIDGETOPS AND UPLAND AREAS. THE POTENTIAL AS HABITAT FOR OPENLAND WILDLIFE AND WOODLAND WILDLIFE IS GOOD. THERE ARE ONLY SLIGHT LIMITATIONS OF THE SOILS FOR DWELLINGS WITH BASEMENTS AND LAWNS AND LANDSCAPES DUE TO MODERATE PERMEABILITY. THE MODERATE PERMEABILITY CAN ALSO LIMIT THE ABSORPTION FROM SEPTIC FIELDS.

SOIL TYPE 5B - GLENVILLE SILT LOAM, 3 TO 8 PERCENT SLOPES

THIS SOIL IS VERY DEEP AND MODERATELY WELL DRAINED OR SOMEWHAT POORLY DRAINED. IT IS IN LOW AREAS ON UPLANDS AND ALONG DRAINAGEWAYS. MOST AREAS ARE USED FOR CULTIVATED CROPS, WOODLAND OR PASTURE. THE SUITABILITY FOR WILD HERBACEOUS PLANTS, HARDWOOD TREES, AND CONIFEROUS PLANTS IS GOOD. THE POTENTIAL AS HABITAT FOR OPEN LAND WILDLIFE AND WOODLAND WILDLIFE IS GOOD.

## LEGEND

- EXISTING TREE <24" DBH
- EXISTING SIGNIFICANT TREE ≥24" AND <30" DBH
- EXISTING SPECIMEN TREE ≥30" DBH
- PROPERTY BOUNDARY
- FOREST TREELINE
- SOIL BOUNDARY
- LIMITS OF SURVEY
- EX. CONTOUR
- STEEP SLOPES > 25%
- PROP. HOUSE
- TO BE REMOVED
- BUILDING RESTRICTION LINE (BRL)
- LIMITS OF DISTURBANCE
- PROP. CONTOUR
- PROPOSED UTILITIES
- CATEGORY 1 CONSERVATION EASEMENT
- ESD TREATMENT DESIGNATION PROPOSED DRYWELL
- ESD TREATMENT DESIGNATION MICRO INFILTRATION TRENCH
- PROP. 4" SCHEDULE 40 PVC ROOF LEADER

## NOTE:

EXISTING UTILITY LOCATIONS ARE APPROXIMATE. THEY ARE BASED UPON AVAILABLE RECORDS AND ARE SHOWN TO THE BEST OF OUR ABILITY. ALL UTILITY LOCATIONS MUST BE FIELD LOCATED.

## MISS UTILITY

CALL "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF WORK. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDERGROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. BEFORE EXCAVATION THE CONTRACTOR IS RESPONSIBLE FOR CALLING TICKET CHECK AT 1-866-821-4226 TO VERIFY THAT ALL UTILITIES HAVE BEEN MARKED, 48 HOURS AFTER CALLING MISS UTILITY. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.

CONCEPTUAL LIMITS OF DISTURBANCE:  
LOD= 46,187 SF

## SEQUENCE OF CONSTRUCTION:

1. INSTALL SEDIMENT CONTROL AND TREE PROTECTION MEASURES.
2. CONSTRUCT LOTS 1-2

## NOTE:

THEORETICAL YIELD: 130,720.82 SF (3.00 AC.) / 40,000SF = 3 LOTS ALLOWABLE  
PROPOSED YIELD: 2 LOTS TOTAL

## SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE INFORMATION RELATING TO THE BOUNDARY FOR THE SUBJECT PROPERTY INCLUDED IN THIS PRELIMINARY PLAN IS CORRECT. THAT IT IS THE RESULT OF A FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE LAWS REGULATING LAND SURVEYING IN THE STATE OF MARYLAND.

DATE

SNIDER AND ASSOCIATES  
WAYNE F. AUBERTIN  
PROFESSIONAL LAND SURVEYOR  
MARYLAND REG. NO. 21330

SNIDER & ASSOCIATES  
LAND SURVEYORS  
20270 Goldenrod Lane, Suite 110  
Germantown, Maryland 20876  
301/948-5100 Fax 301/948-1286

GROSS AREA OF PRELIMINARY PLAN: 130,720.82 SF OR 3.00 AC.  
AREA DEDICATED TO PUBLIC USE: 130,720.82 SF OR 3.00 AC.  
TOTAL NET AREA: 130,720.82 SF OR 3.00 AC.  
AREA BY ZONE: 130,720.82 SF OR 3.00 AC.  
AREA OF LOTS: 130,720.82 SF OR 3.00 AC.

## ZONING STANDARDS - RE-1

| STANDARD                               | REQUIREMENT | LOT 1     | LOT 2     |
|--|-------------|-----------|-----------|
| LOT AREA (MIN.)                        | 40,000 SF   | 45,688 SF | 85,032 SF |
| LOT WIDTH AT B.R.L. (MIN.)             | 125'        | ≥125'     | ≥125'     |
| LOT WIDTH AT R/W (MIN.)                | 25'         | ≥25'      | ≥25'      |
| FRONT B.R.L. (MIN.)                    | 50'         | ≥50'      | ≥50'      |
| SIDE B.R.L. - ONE SIDE (MIN.)          | 17'         | ≥17'      | ≥17'      |
| SIDE B.R.L. - SUM OF BOTH SIDES (MIN.) | 35'         | ≥35'      | ≥35'      |
| REAR B.R.L. (MIN.)                     | 35'         | ≥35'      | ≥35'      |
| BUILDING COVERAGE (MAX.)               | 15%         | ≤15%      | ≤15%      |
| BUILDING HEIGHT (MAX.)                 | 50'         | ≤50'      | ≤50'      |

## SITE TABULATIONS

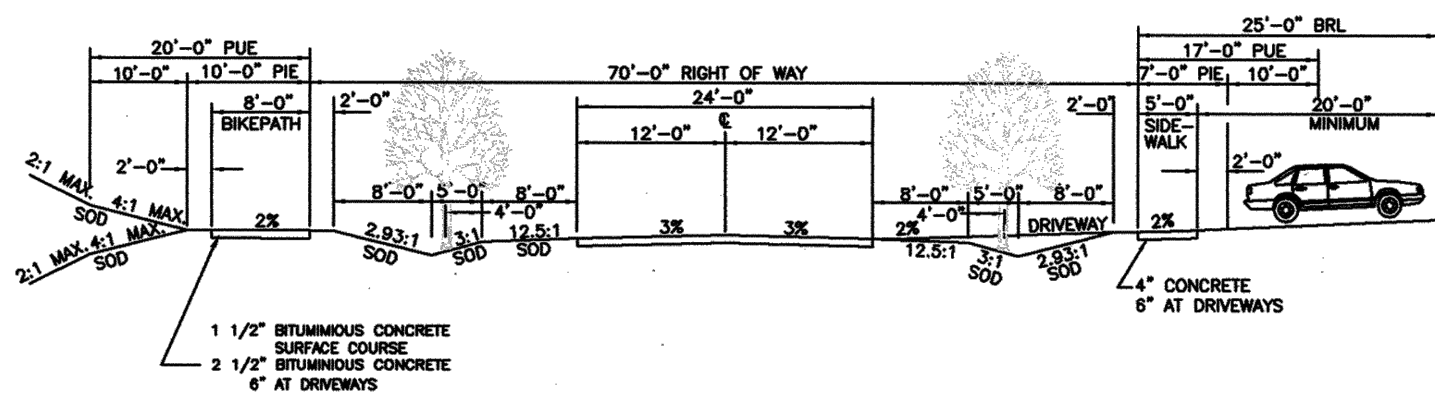
\*PROPERTY IS IN THE PAINT BRANCH SPA WITH 8% IMPERVIOUS CAP

|                                  |         |
|----------------------------------|---------|
| PROPERTY (ACRES)                 | 3       |
| DEDICATION TO PEACH ORCHARD ROAD | UNKNOWN |
| NET PROPERTY (ACRES)             | 3       |
| TOTAL UNITS THEORETICAL YIELD    | 3*      |

NOTE: SITE/ZONING DATA SUBJECT TO CHANGE BASED ON FINAL ARCHITECTURAL AND SITE DESIGNS.

\*LOT COVERAGE SCALED PER LOT SIZE AND IS SUBJECT TO CHANGE PENDING ARCHITECTURAL FOOTPRINTS.

## TYPICAL ROAD SECTION



## PAVING SECTION

|  |
|--|
| 3" BITUMINOUS CONCRETE SURFACE COURSE IN 2 - 1 1/2" LAYERS |
| 5" BITUMINOUS CONCRETE BASE COURSE                         |
| APPROVED SUBGRADE  |

## GENERAL NOTES

1. REFER TO MARYLAND STATE HIGHWAY ADMINISTRATION SPECIFICATIONS FOR MATERIALS AND METHODS OF CONSTRUCTION.
2. SEE STANDARD NO. MC-811.01 - METHODS OF GRADING SIDE SLOPES.
3. PUBLIC UTILITY EASEMENTS (PUEs) ARE SUBJECT TO THE TERMS AND CONDITIONS OF A DOCUMENT ENTITLED "DECLARATIONS OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS" THAT IS RECORDED IN THE LAND RECORDS OF MONTGOMERY COUNTY IN LIBER 3834 AT FOLIO 457.
4. THE SIDE DITCH IN FILL SLOPES MAY BE ELIMINATED IN AREAS NOT MASTER PLANNED FOR DEVELOPMENT ONLY AFTER OVERLAND FLOW PATH AND EROSION POTENTIAL ARE CONSIDERED.
5. SEE STANDARDS NO. MC-701.01 AND MC-703.02 FOR SPECIES, SIZE AND SPACING OF STREET TREES.
6. WHEN USING THIS STANDARD, THE GARAGE SHALL BE SET BACK A MINIMUM DISTANCE OF 20 FEET, MEASURED FROM THE BACK EDGE OF THE SIDEWALK (OR BIKEPATH, AS APPROPRIATE). THE MINIMUM BUILDING RESTRICTION LINE SETBACK IS 25 FEET.
7. STREET LIGHTING POLES ARE TO BE LOCATED AS DIRECTED BY THE MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION.
8. PUBLIC IMPROVEMENTS EASEMENTS (PIEs) ARE TO BE GRANTED BY A SITE SPECIFIC DECLARATION OF PUBLIC IMPROVEMENTS EASEMENT DOCUMENT. THAT DOCUMENT IS TO BE RECORDED IN THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND AND REFERENCED ON THE RECORD PLAT.
9. THE 2-FOOT WIDE SECTION OF THE PIEs BEHIND THE SIDEWALKS IS TO ALLOW FOR THE TEMPORARY CONSTRUCTION, RECONSTRUCTION, AND MAINTENANCE OF THE SIDEWALKS.
10. SEVERAL OF THE DIMENSIONS SPECIFIED ON THIS STANDARD REFLECT MODIFICATIONS TO THE VALUES SHOWN ON STANDARD NO. MC-301.03 (RESIDENTIAL DRIVEWAY/OPEN SECTION ROAD).
11. ELEVATION AT THE FRONT EDGE OF SIDEWALK = EDGE OF PAVEMENT ELEVATION + 0.46'
12. BIKEPATH WILL BE REQUIRED ONLY IF SPECIFIED IN THE MASTER PLAN OR IF INCLUDED AS A CONDITION OF SUBDIVISION APPROVAL.

APPROVED 4/30/22  
DATE  
Wayne F. Aubertin  
DIRECTOR, DEPT. OF PUBLIC WORKS & TRANSPORTATION  
CHIEF, DIV. OF CAP. DEV.

REVISED  
Width of PUEs and Note #9 (1-07)

MONTGOMERY COUNTY  
DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION  
PRIMARY RESIDENTIAL ROAD  
OPEN SECTION WITH SIDEWALK,  
BIKEPATH AND STREET TREES  
STANDARD NO. MC-212.04



# Attachment 3

## MISS UTILITY

CALL "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF WORK. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDERGROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. BEFORE EXCAVATION THE CONTRACTOR IS RESPONSIBLE FOR CALLING TICKET CHECK AT 1-866-821-4226 TO VERIFY THAT ALL UTILITIES HAVE BEEN MARKED. 48 HOURS AFTER CALLING MISS UTILITY, THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.

## LEGEND

- #1 26" RED OAK EXISTING SIGNIFICANT TREE >24" AND <30" DBH WITH TAG NUMBER
- #1 32" RED OAK EXISTING SPECIMEN TREE ≥30" DBH WITH TAG NUMBER
- FOREST TREELINE
- SURVEY TOPO / MNCPPC TOPO LIMITS OF SURVEY
- LOD LIMITS OF DISTURBANCE
- PROPERTY BOUNDARY
- #1 26" RED OAK EXISTING SIGNIFICANT TREE >24" AND <30" DBH WITH TAG NUMBER AND CRZ TO BE REMOVED
- #1 32" RED OAK EXISTING SPECIMEN TREE ≥30" DBH WITH TAG NUMBER AND CRZ TO BE REMOVED
- FOREST SAVE AREA
- FOREST CLEARING AREA
- CATEGORY 1 CONSERVATION EASEMENT
- TO BE REMOVED
- SF-SF-SF-SF-SF-SF-SF-SF-SF-SF-SF-SF-SF-SF-SF-SF- SILT FENCE
- TREE PROTECTION FENCE (TEMPORARY)
- TP/RP COMBINED ROOT PRUNE TRENCH/TREE PROTECTION FENCE (TEMPORARY)
- TEMPORARY TREE PROTECTION SIGNAGE (APPROX. 50' O.C.)
- ESD TREATMENT DESIGNATION PROPOSED DRYWELL
- ESD TREATMENT DESIGNATION PROPOSED NON-ROOF DISCONNECT
- PROP. 4" SCHEDULE 40 PVC ROOF LEADER
- CONSERVATION EASEMENT PERMANENT POSTS WITH SIGNAGE AT 50' O.C.

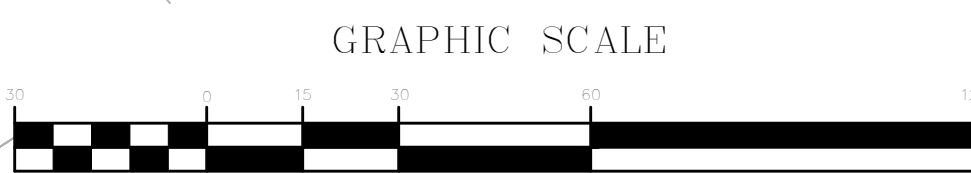
## CERTIFICATION OF QUALIFIED PROFESSIONAL

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE, MNCPPC AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS.

DATE: MICHAEL A. NORTON  
MONTGOMERY COUNTY, MARYLAND  
08-19-06-01  
QUALIFIED PROFESSIONAL

## PRELIMINARY PLAN # 120160280

|   |  |
|---|--|
| TITLE<br><b>PRELIMINARY/FINAL FOREST CONSERVATION PLAN</b>  |  |
| PROJECT<br><b>SHI PROPERTY</b>  |  |
| PREPARED FOR<br><b>JIANMIN SHI<br/>14616 PEACH ORCHARD ROAD<br/>SILVER SPRING, MARYLAND 20905</b>   |  |
| NORTON LAND DESIGN<br>LANDSCAPE ARCHITECTURE + ENVIRONMENTAL PLANNING<br>5146 DORSEY HALL DRIVE, 2ND FLOOR<br>BELL COTT CITY, MD 21042<br>BALT. 443.542.9199 x101 DC 240.342.2329 x101 WWW.NORTONLANDDESIGN.COM |  |
| REVISIONS<br>12.20.2016 - DPS<br>1.12.2017 - DPS  | VICINITY MAP<br>MAP PANEL # 24031C 0380D<br>TAX MAP KR123<br>SCALE AS SHOWN            |
| WATER CLASS USE IIP<br>PERMIT # 219NE02<br>DATE APRIL 2016  | WATERSHED UPPER PAINT BRANCH<br>ADC MAP PAGE 26<br>PROJ. NO. 12-041<br>SHEET NO. L-3.1 |



|  |   |
|--|---|
| DEVELOPER'S CERTIFICATE  |   |
| The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 120160280 including, financial bonding, forest planting, maintenance, and all other applicable agreements. |   |
| Developer's Name:  | JIANMIN SHI<br>Printed Company Name       |
| Contact Person or Owner:   | JIANMIN SHI<br>Printed Name               |
| Address:   | 105 ROSE PETAL WAY<br>ROCKVILLE, MD 20850 |
| Phone and Email:   | jianminshi2000@yahoo.com                  |
| Signature:   |   |

OWNER/APPLICANT  
JIANMIN SHI  
105 ROSE PETAL WAY  
ROCKVILLE, MD 20850  
ATTN: JIANMIN SHI  
jianminshi2000@yahoo.com

## REMOVAL OF IMPERVIOUS SURFACES, TREE PROTECTION & RESTORATION TO PERVIOUS CONDITIONS

### GENERAL NOTES:

- REFER TO THE STRESS REDUCTION MEASURE 'ROOT PRUNING' DETAIL AND THE PRE/DURING/POST CONSTRUCTION DIRECTIONS ON SHEET L-3.1 TO A MINIMUM OF 2 FEET BELOW ANTICIPATED FINISHED GRADE. DEBRIS MATERIALS WILL BE REMOVED FROM THE PROPERTY AND NOT USED AS BACKFILL MATERIAL. ANY AREAS TO BE BACKFILLED WILL BE DONE SO WITH CLEAN DIRT AND GRADED TO THE NATURAL CONTOURS OF THE SITE.
- IMPERVIOUS SURFACES TO BE REMOVED: REMOVE THE SHED AND GRAVEL DRIVE IN ACCORDANCE WITH THE LIMITS INDICATED ON THE FFCP PLAN SHEET L-3.1 TO A MINIMUM OF 2 FEET BELOW ANTICIPATED FINISHED GRADE. DEBRIS MATERIALS WILL BE REMOVED FROM THE PROPERTY AND NOT USED AS BACKFILL MATERIAL. ANY AREAS TO BE BACKFILLED WILL BE DONE SO WITH CLEAN DIRT AND GRADED TO THE NATURAL CONTOURS OF THE SITE.
- FOR THE IMPERVIOUS AREAS SLATED TO BE RESTORED TO A PERVIOUS CONDITION, DECONSOLIDATE THE SOIL THROUGHOUT AREAS OF FORMER IMPERVIOUSNESS EXTENDING 2 FEET BEYOND LIMITS WHERE FEASIBLE. USING EQUIPMENT MOUNTED RAKE, CONDUCT 3 PASSES OF EQUIPMENT IN ONE DIRECTION, AND 3 PASSES IN A PERPENDICULAR DIRECTION TO ENSURE THAT SOIL IS MIXED AND FRIABLE. REMOVE ANY LARGE CHUNKS OF ROCKS/SOIL THAT CANNOT BE BROKEN DOWN TO PIECES LESS THAN 2 INCHES IN ANY DIRECTION.
- ONCE THE SOIL IS DECONSOLIDATED, M-NCPPC STAFF INSPECTOR SHOULD APPROVE THIS WORK BEFORE THE NEXT STEP IS TAKEN.
- APPLY 2 INCHES OF CERTIFIED COMPOST (I.E. "LEAFGRO" OR EQUAL) ACROSS ENTIRE DISTURBED AREA. MIX WITH HAND TOOLS OR SMALL EQUIPMENT INTO TOP 4 INCHES OF SOIL TO ENSURE THOROUGH DISTRIBUTION OF ORGANIC MATTER. RAKE FINISHED MATERIALS TO REESTABLISH GRADES TAKING PRECAUTIONS NOT TO RE-COMPACT SOIL.
- STABILIZE ENTIRE DISTURBED AREA SLATED TO BE RESTORED TO A PERVIOUS CONDITION BY ADDING A NATIVE GRASS SEED MIX AT A RATE OF .5 POUNDS/1,000 SF WITH AN ADDITIONAL EROSION CONTROL/QUICK START COVER CROP OF ANNUAL RYE (LOLIUM MULTIFLORUM) AT 1 POUND/1,000 SF OVER SEEDDED. FOLLOWING THE APPLICATION OF THE NATIVE SEED MIX AND THE ANNUAL RYE, THE AREA SHOULD BE COVERED WITH CLEAN WHEAT STRAW TO A DEPTH OF ABOUT 1 INCH.
- ONCE THE REMOVAL/RESTORATION WORK IS COMPLETE AND VEGETATION IS ESTABLISHED, THE M-NCPPC INSPECTOR SHALL INSPECT AND APPROVE THE REMOVAL OF ANY SEDIMENT CONTROL & TREE PROTECTION MEASURES, INSPECT TO ENSURE THAT THE SITES IMPERVIOUS SURFACES WERE PROPERLY REMOVED, AND INSPECT TO ENSURE THAT THE RESTORATION WORK WAS DONE CORRECTLY AND THE CONDITIONS ARE ACCEPTABLE.

| FOREST CONSERVATION WORKSHEET  |     |     |     |     |     |       |  |  |      |
|--|-----|-----|-----|-----|-----|-------|--|--|------|
| SHI PROPERTY   |     |     |     |     |     |       |  |  |      |
| 5-Aug-02   |     |     |     |     |     |       |  |  |      |
| NET TRACT AREA:  |     |     |     |     |     |       |  |  |      |
| A. Total tract area ...  |     |     |     |     |     |       |  |  | 3.07 |
| B. Land dedication acres (parks, county facility, etc.) ...                        |     |     |     |     |     |       |  |  | 0.00 |
| C. Land dedication for roads or utilities (not being constructed by this plan) ... |     |     |     |     |     |       |  |  | 0.00 |
| D. Area to remain in commercial agricultural production/use ...                    |     |     |     |     |     |       |  |  | 0.00 |
| E. Other deductions (specify) .....  |     |     |     |     |     |       |  |  | 0.00 |
| F. Net Tract Area .....  |     |     |     |     |     |       |  |  | 3.07 |
| LAND USE CATEGORY: (from Trees Technical Manual)                                   |     |     |     |     |     |       |  |  |      |
| Input the number "1" under the appropriate land use, limit to only one entry.      |     |     |     |     |     |       |  |  |      |
|  | ARA | MDR | IDA | HDR | MPD | CIA   |  |  |      |
|  | 0   | 1   | 0   | 0   | 0   | 0     |  |  |      |
| G. Afforestation Threshold ...   |     |     |     |     | 20% | x F = |  |  | 0.61 |
| H. Consenation Threshold ...   |     |     |     |     | 25% | x F = |  |  | 0.77 |
| EXISTING FOREST COVER:   |     |     |     |     |     |       |  |  |      |
| I. Existing forest cover .....   |     |     |     |     |     |       |  |  | 1.20 |
| J. Area of forest above afforestation threshold .....                              |     |     |     |     |     |       |  |  | 0.59 |
| K. Area of forest above consenation threshold .....                                |     |     |     |     |     |       |  |  | 0.43 |
| BREAK EVEN POINT:  |     |     |     |     |     |       |  |  |      |
| L. Forest retention above threshold with no mitigation .....                       |     |     |     |     |     |       |  |  | 0.85 |
| M. Clearing permitted without mitigation .....                                     |     |     |     |     |     |       |  |  | 0.35 |
| PROPOSED FOREST CLEARING:  |     |     |     |     |     |       |  |  |      |
| N. Total area of forest to be cleared .....  |     |     |     |     |     |       |  |  | 0.13 |
| O. Total area of forest to be retained .....                                       |     |     |     |     |     |       |  |  | 1.07 |
| PLANTING REQUIREMENTS:   |     |     |     |     |     |       |  |  |      |
| P. Reforestation for clearing above conservation threshold .....                   |     |     |     |     |     |       |  |  | 0.03 |
| Q. Reforestation for clearing below conservation threshold .....                   |     |     |     |     |     |       |  |  | 0.00 |
| R. Credit for retention above conservation threshold .....                         |     |     |     |     |     |       |  |  | 0.30 |
| S. Total reforestation required .....  |     |     |     |     |     |       |  |  | 0.00 |
| T. Total afforestation required .....  |     |     |     |     |     |       |  |  | 0.00 |
| U. Credit for landscaping (may not exceed 20% of "S") .....                        |     |     |     |     |     |       |  |  | 0.00 |
| V. Total reforestation and afforestation required .....                            |     |     |     |     |     |       |  |  | 0.00 |
| NOTES:   |     |     |     |     |     |       |  |  |      |
| - OFFSITE LOD WAS INCLUDED IN THE OFFSITE ACREAGE.                                 |     |     |     |     |     |       |  |  |      |

## NRI/FSD TABULATION TABLE

|                                    |      |
|------------------------------------|------|
| ACREAGE OF TRACT:                  | 3.00 |
| ACREAGE OF TRACT (W/ OFFSITE LOD): | 3.07 |
| ACREAGE OF EX. FOREST:             | 1.19 |
| ACREAGE OF EXISTING WETLANDS       | 0.00 |
| ACREAGE OF FORESTED WETLANDS       | 0.00 |
| ACREAGE OF WETLAND BUFFERS         | 0.00 |
| ACREAGE OF STREAM BUFFERS          | 0.00 |
| ACREAGE OF FORESTED STREAM BUFFER  | 0.00 |
| ACREAGE OF 100 YEAR FLOODPLAIN     | 0.00 |
| LINEAR EXTENT OF STREAMS           | 0.00 |
| AVERAGE WIDTH OF STREAM BUFFER     | 0.00 |

FOREST SAVE= 1.07 AC

FOREST CLEARING= 0.13 AC

OFFSITE LOD = 0.03 ACRES

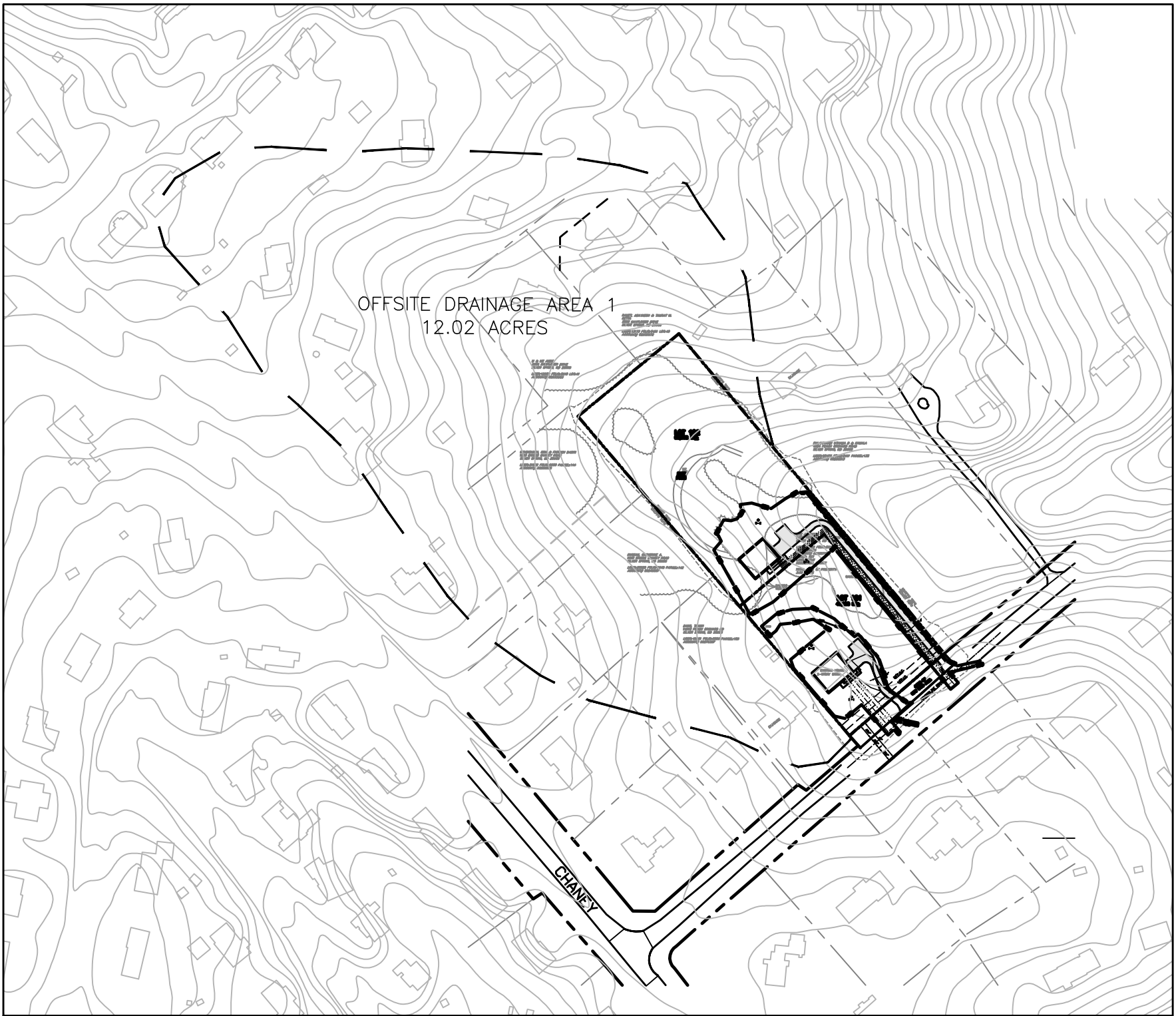
OFFSITE LOD = 0.04 ACRES



# Attachment 4

## LEGEND

- EXISTING TREE <24"DBH
- EXISTING SIGNIFICANT TREE ≥24" AND <30"DBH
- EXISTING SPECIMEN TREE ≥30"DBH
- PROPERTY BOUNDARY
- FOREST TREELINE
- SOIL BOUNDARY
- LIMITS OF SURVEY
- EX. CONTOUR
- PROP. CONTOUR
- PROP. PROPERTY
- PROP. HOUSE
- TO BE REMOVED
- BUILDING RESTRICTION LINE (BRL)
- ESD TREATMENT DESIGNATION PROPOSED DRYWELL
- ESD TREATMENT DESIGNATION MICRO INFILTRATION TRENCH
- PROP. 4" SCHEDULE 40 PVC ROOF LEADER
- OFFSITE DRAINAGE AREA
- IMPERVIOUS DRAINAGE AREA
- LIMITS OF DISTURBANCE



OFF-SITE DRAINAGE AREA MAP  
SCALE: 1" = 200'

## SPA IMPERVIOUS COMPUTATIONS:

TOTAL TRACT AREA = 3.00 ACRES / 130,680 SF  
TOTAL TRACT AREA + ROW LAND AREA (0.11) = 3.11 ACRES / 135,472 SF  
TOTAL IMPERVIOUS EXISTING = 0.14 ACRES / 6,269 SF  
TOTAL % IMPERVIOUS EXISTING = 4.6%

## EXISTING IMPERVIOUS SURFACES BY TYPE:

GRAVEL PATH (TO BE REMOVED) = 0.06 ACRES / 2,413 SF  
EXISTING HOUSE (TO BE REMOVED) = 0.04 ACRES / 1,634 SF  
EXISTING DRIVEWAY (TO BE REMOVED) = 0.03 ACRES / 1,520 SF  
EXISTING CONCRETE PAD (TO BE REMOVED) = 0.007 ACRES / 309 SF  
EXISTING SIDEWALK (TO BE REMOVED) = 0.004 ACRES / 173 SF  
EXISTING SHED (TO BE REMOVED) = 0.003 ACRES / 150 SF  
EXISTING BASEMENT STAIRWELL (TO BE REMOVED) = 0.002 ACRES / 70 SF  
TOTAL EXISTING IMPERVIOUS SURFACES TO BE REMOVED = 0.14 ACRES / 6,269 SF

## PROPOSED IMPERVIOUS SURFACES BY TYPE:

**LOT 101**  
PROPOSED HOUSE = 0.05 ACRES / 2,000 SF  
PROPOSED SIDEWALK = 0.005 ACRES / 198 SF  
PROPOSED DRIVEWAY = 0.04 ACRES / 1,780 SF  
PROPOSED DRIVEWAY ROW APRON = 0.04 ACRES / 290 SF  
TOTAL PROPOSED LOT 101 IMPERVIOUS SURFACES = 0.10 ACRES / 4,268 SF  
**LOT 102**  
PROPOSED HOUSE = 0.05 ACRES / 2,000 SF  
PROPOSED SIDEWALK = 0.005 ACRES / 198 SF  
PROPOSED DRIVEWAY = 0.09 ACRES / 4,107 SF  
PROPOSED DRIVEWAY ROW APRON = 0.04 ACRES / 289 SF  
TOTAL PROPOSED LOT 101 IMPERVIOUS SURFACES = 0.15 ACRES / 6,594 SF

TOTAL IMPERVIOUS PROPOSED = 0.25 ACRES / 10,862 SF  
TOTAL % IMPERVIOUS = 8%  
TOTAL IMPERVIOUS PERMITTED = 0.25 ACRES / 10,862 SF = 8%

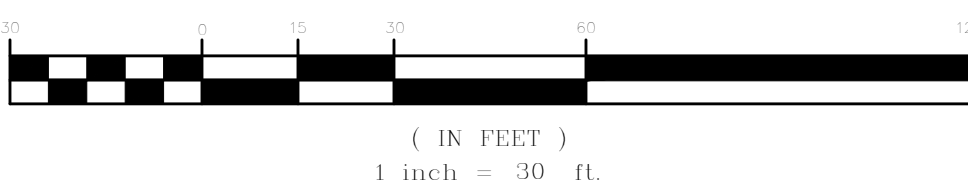
## NOTE:

EXISTING UTILITY LOCATIONS ARE APPROXIMATE. THEY ARE BASED UPON AVAILABLE RECORDS AND ARE SHOWN TO THE BEST OF OUR ABILITY. ALL UTILITY LOCATIONS MUST BE FIELD LOCATED.

## MISS UTILITY

CALL "MISS UTILITY AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF WORK. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDERGROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. BEFORE EXCAVATION THE CONTRACTOR IS RESPONSIBLE FOR CALLING TICKET CHECK AT 1-866-821-4226 TO VERIFY THAT ALL UTILITIES HAVE BEEN MARKED, 48 HOURS AFTER CALLING MISS UTILITY. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.

## GRAPHIC SCALE



## NOTE

NO FLOOD PLAINS OR WETLANDS ARE PRESENT ON THE PROPERTY.

## NOTE

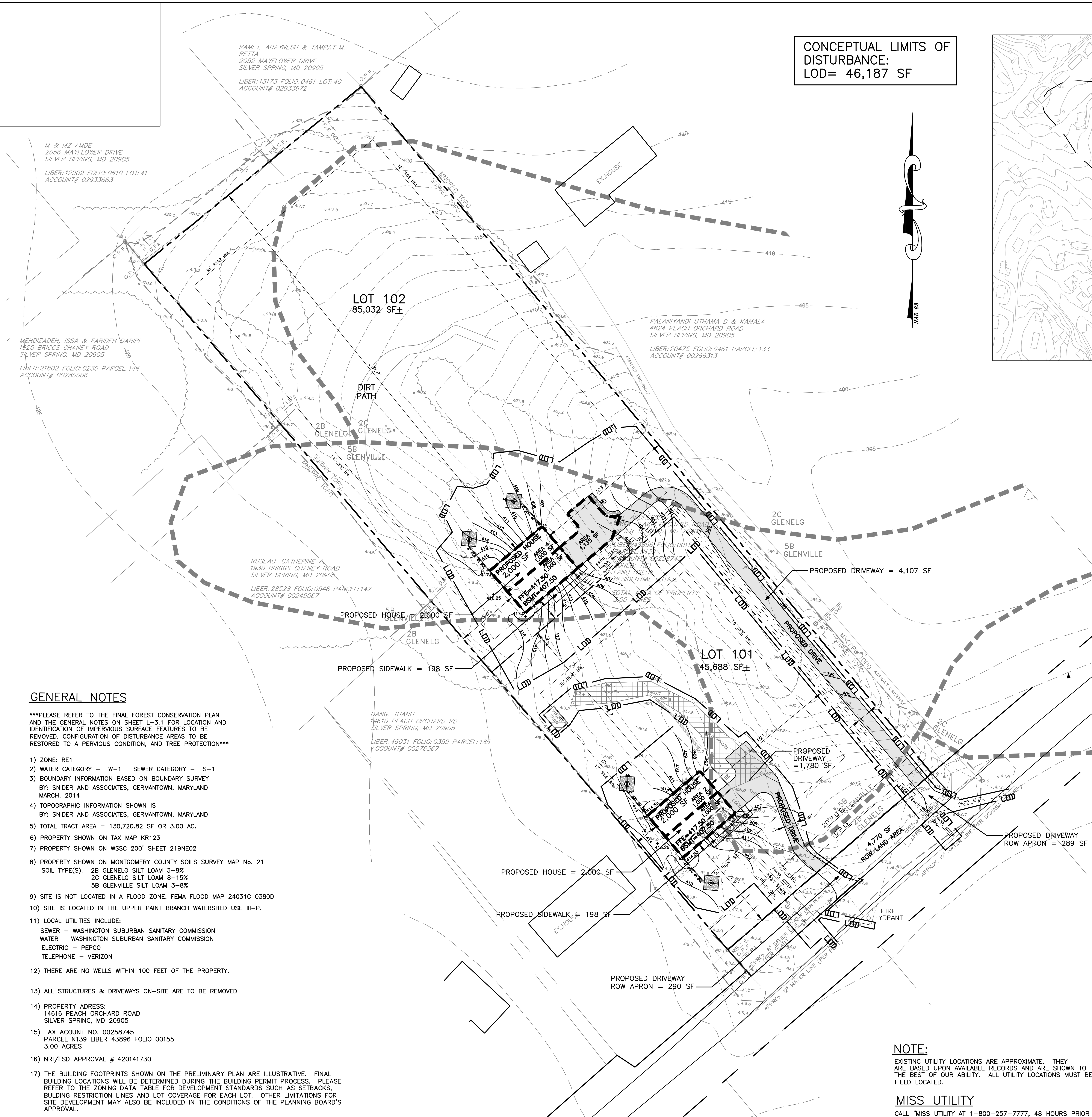
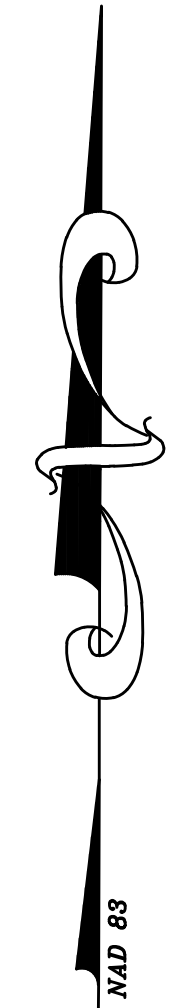
ALL DISTURBED AREAS MUST BE TOPSOILED PER THE MONTGOMERY COUNTY "STANDARDS AND SPECIFICATIONS FOR TOPSOIL", PRIOR TO FINAL VEGETATIVE STABILIZATION.

## GENERAL NOTES

\*\*\*PLEASE REFER TO THE FINAL FOREST CONSERVATION PLAN AND THE GENERAL NOTES ON SHEET L-3.1 FOR LOCATION AND IDENTIFICATION OF IMPERVIOUS SURFACE FEATURES TO BE REMOVED, CONFIGURATION OF DISTURBANCE AREAS TO BE RESTORED TO A PREVIOUS CONDITION, AND TREE PROTECTION\*\*\*

- 1) ZONE: RE1
- 2) WATER CATEGORY - W-1 SEWER CATEGORY - S-1
- 3) BOUNDARY INFORMATION BASED ON BOUNDARY SURVEY BY: SNIDER AND ASSOCIATES, GERMANTOWN, MARYLAND MARCH, 2014
- 4) TOPOGRAPHIC INFORMATION SHOWN IS BY: SNIDER AND ASSOCIATES, GERMANTOWN, MARYLAND
- 5) TOTAL TRACT AREA = 130,720.82 SF OR 3.00 AC.
- 6) PROPERTY SHOWN ON TAX MAP KR123
- 7) PROPERTY SHOWN ON WSSC 200' SHEET 219NE02
- 8) PROPERTY SHOWN ON MONTGOMERY COUNTY SOILS SURVEY MAP No. 21  
SOIL TYPE(S): 2B GLENELG SILT LOAM 3-8%  
2C GLENELG SILT LOAM 8-15%  
5B GLENVILLE SILT LOAM 3-8%
- 9) SITE IS NOT LOCATED IN A FLOOD ZONE: FEMA FLOOD MAP 24031C 0380D
- 10) SITE IS LOCATED IN THE UPPER PAINT BRANCH WATERSHED USE III-P.
- 11) LOCAL UTILITIES INCLUDE:  
SEWER - WASHINGTON SUBURBAN SANITARY COMMISSION  
WATER - WASHINGTON SUBURBAN SANITARY COMMISSION  
ELECTRIC - PEPCO  
TELEPHONE - VERIZON
- 12) THERE ARE NO WELLS WITHIN 100 FEET OF THE PROPERTY.
- 13) ALL STRUCTURES & DRIVEWAYS ON-SITE ARE TO BE REMOVED.
- 14) PROPERTY ADDRESS:  
14616 PEACH ORCHARD ROAD  
SILVER SPRING, MD 20905
- 15) TAX ACCOUNT NO. 00258745  
PARCEL N139 LIBER 43896 FOLIO 00155  
3.00 ACRES
- 16) NRI/FSO APPROVAL # 420141730
- 17) THE BUILDING FOOTPRINTS SHOWN ON THE PRELIMINARY PLAN ARE ILLUSTRATIVE. FINAL BUILDING LOCATIONS WILL BE DETERMINED DURING THE BUILDING PERMIT PROCESS. PLEASE REFER TO THE ZONING DATA TABLE FOR DEVELOPMENT STANDARDS SUCH AS SETBACKS, BUILDING RESTRICTION LINES AND LOT COVERAGE FOR EACH LOT. OTHER LIMITATIONS FOR SITE DEVELOPMENT MAY ALSO BE INCLUDED IN THE CONDITIONS OF THE PLANNING BOARD'S APPROVAL.

CONCEPTUAL LIMITS OF  
DISTURBANCE:  
LOD= 46,187 SF







DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Al R. Roshdieh  
Director

May 25, 2016

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

RE: Preliminary Plan No. 120160280  
Shi Property

*Ryan*  
Dear Mr. Sigworth:

We have completed our review of the preliminary plan dated April, 2016 and scheduled to be reviewed by the Development Review Committee at its May 31, 2016 meeting. 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.

**Comments for this project:**

1. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
2. Prior to certified preliminary plan, remove the typical section Primary Residential Road Open Section Standard No. MC-212.03 from the drawing.
3. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction or reconstruction of improvements along the Peach Orchard Road site frontage, whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
4. The sight distance certificate has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.

Office of the Director

101 Monroe St., 10th Floor • Rockville, Maryland 20850 • 240-777-7170 • 240-777-7178 FAX  
[www.montgomerycountymd.gov/dot](http://www.montgomerycountymd.gov/dot)

Mr. Ryan Sigworth  
Preliminary Plan No. 120160280  
May 25, 2016  
Page 2

5. We note that runoff from the existing and the proposed development is draining to the privately maintained storm drain system on the adjacent private property north east of the proposed site. Therefore, we defer the review of the consultant's storm drain capacity and impact analysis to Montgomery County Department of Permitting Services, Water Resources Section. We agree that no capacity improvements to the downstream county maintained storm drain system are necessary for this project.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Avinash Dewani, our Development Review Engineer for this project, at [avinash.dewani@montgomerycountymd.gov](mailto:avinash.dewani@montgomerycountymd.gov) or (240) 777-2132.

Sincerely,



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

Enclosure (1): Executed and approved Sight Distance Evaluation Form.

|       |                                   |                        |
|-------|-----------------------------------|------------------------|
| cc:   | Jianmin Shi                       | Owner                  |
|       | Ed Snider                         | Snider & Associates    |
|       | Michael Norton                    | Norton Land Design LLC |
|       | Preliminary Plan folder           |                        |
|       | Preliminary Plan letters notebook |                        |
| cc-e: | Sam Farhadi                       | MCDPS RWPR             |
|       | Leo Galanko                       | MCWRS                  |
|       | Avinash Dewani                    | MCDOT OTP              |





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

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**DATE:** 08-Sep-16  
**TO:** Michael Norton - michael-norton@nortonlanddesi  
Haines Norton Land Design, I.L.C.  
**FROM:** Marie LaBaw  
**RE:** Shi Property  
120160280

---

**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **08-Sep-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.



## LEGEND

EXISTING CONCRETE TIE 1/2" DIA

EXISTING COMPONENT TABLE - 70" DIAMETER

FOREST TREELINE

## SOIL BOUNDARY

EX-CONTOUR

EX-CONTOUR

PROP HOUSE

PROP HOUSE

LIMITS OF DISTURBANCE

PROP. CONTINUOUS

PROPOSED UTILITIES

—(

# Attachment 7



8—  
9—



PRELIMINARY PLAN# 120160280

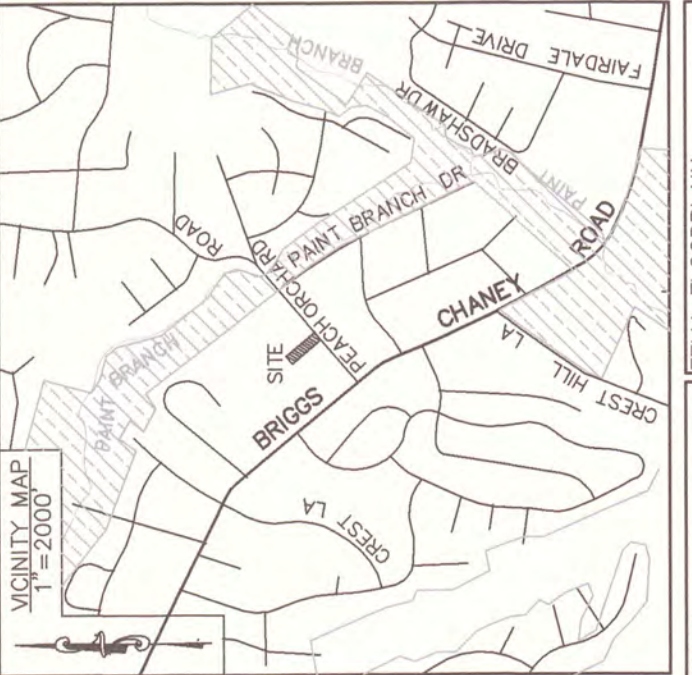
## FIRE ACCESS PLAN

SHI PROPERTY

JIANMIN SHI  
14616 PEACH ORCHARD ROAD  
SILVER SPRING, MARYLAND 20905

 **NORTON LAND DESIGN**  
LANDSCAPE ARCHITECTURE + ENVIRONMENTAL PLANNING  
ELLIOTT CITY, MD 21042  
5146 DORSEY HALL DRIVE, 2ND FLOOR  
BALT 443.542.9199 x101 DC 240.342.2329x101  
[WWW.NORTONLANDDESIGN.COM](http://WWW.NORTONLANDDESIGN.COM)

## REVISIONS



|                      |           |                    |               |           |           |           |            |          |
|----------------------|-----------|--------------------|---------------|-----------|-----------|-----------|------------|----------|
| WATER CLASS USE IIIp | WATERSHED | UPPER PAINT BRANCH | ADIC MAP      | 200 SHEET | 219NE02   | PROJ. NO. | DATE       | SCALE    |
|                      |           | PAINT BRANCH       | 24031C 0380D  | PAGE 26   | GRID G-10 | 12-041    | APRIL 2016 | AS SHOWN |
|                      |           |                    | FCM CADD PLAN |           |           | SHEET NO. |            |          |
|                      |           |                    | MAP PAGE 6    |           |           | L-4.1     |            |          |

## GENERAL NOTES – FIRE ACCESS

1. PROPERTY WILL BE SERVED BY PUBLIC WATER CONNECTION.
2. NEAREST HYDRANT IS APPROXIMATELY 25' SOUTHEAST OF THE EXISTING DRIVEWAY DIRECTLY ACROSS PEACH ORCHARD ROAD MEETING THE 1 MILE RADIUS REQUIREMENT.
3. PEACH ORCHARD ROAD MEETS THE 20' WIDE ACCESS STANDARD.
4. PROPOSED DRIVEWAYS ARE NOT SHARED DRIVEWAYS.
5. MINIMUM 15 FT BR<sub>10</sub> ARE PROVIDED TO ALLEVATE EXPOSURE HAZARD AND REQUIREMENTS FOR FIRE DEPARTMENT VEHICULAR ACCESS.

**FIRE CODE ENFORCEMENT**

### Fire Department Access Review

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

BY: *SJC* EAC: *47* 9/16/16

Y: 745 42 9/16





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

September 16, 2016

Diane R. Schwartz Jones  
Director

Mr. Michael Norton  
Norton Land Design  
17830 New Hampshire Avenue, Suite 101  
Ashton, Maryland 20861

Re: **PRELIMINARY/FINAL WATER QUALITY  
PLAN** Request for Shi Property  
Preliminary Plan #: 120160280  
SM File #: 281916  
Tract Size/Zone: 3.0 acres/RE-1  
Total Concept Area: 3.0 acres  
Lots: 1 and 101  
Parcel: N139  
Watershed: Upper Paint Branch

Dear Mr. Norton:

Based on a review by the Department of Permitting Services Review Staff, the Preliminary/Final Water Quality Plan for the above mentioned site is **acceptable**. The goals of the Water Quality Plans are to minimize storm flow runoff increases and to minimize sediment loading. The Water Quality Plans propose to meet the required goals via dry wells and a micro infiltration trench.

The following **items** will need to be addressed **during** the final stormwater management design plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. The maximum drainage area to a dry well or a micro infiltration trench is 1000 square feet. An additional dry well or micro infiltration trench may be needed at the design stage to meet this requirement.

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**. Payment of the Special Protection Area Stream monitoring and the BMP monitoring fees are required.

This letter must appear on the final stormwater management design plan at its initial submittal. This 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

Mr. Michael Norton  
September 16, 2016  
Page 2 of 2

additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate Water Quality Plan request shall be required.

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

Sincerely,



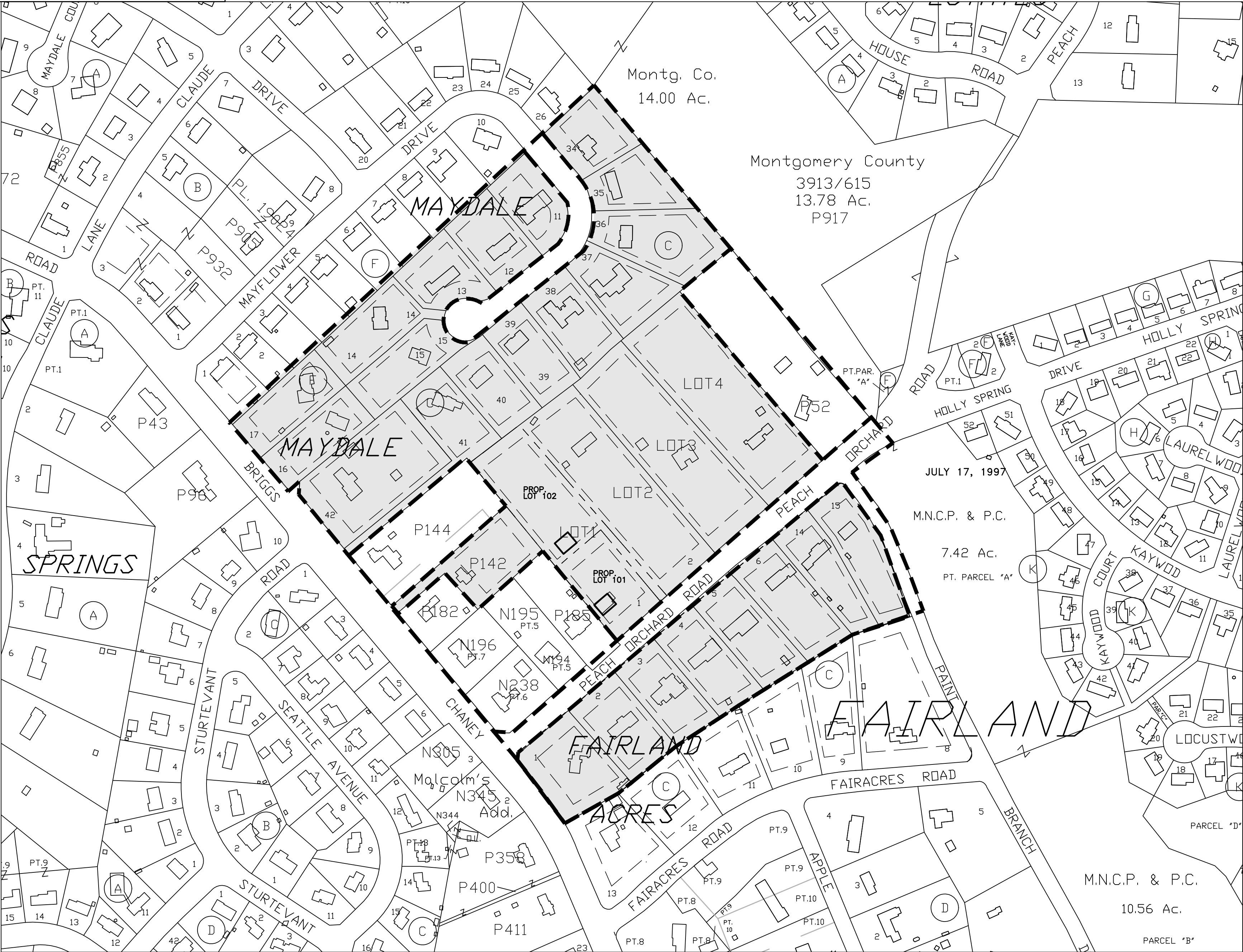
Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: lmg

cc: C. Conlon  
J. St. John (DEP)  
SM File # 281916

|                   |     |
|-------------------|-----|
| ESD Acres:        | 3.0 |
| STRUCTURAL Acres: | 0   |
| WAIVED Acres:     | 0   |





# Attachment 10

PROJECT SHI PROPERTY  
 PROJECT ADDRESS 14616 PEACH ORCHARD ROAD  
 NORTON# 12-041  
 RE-SUBDIVISION NEIGHBORHOOD TABULATION

| ADDRESS | AREA     | BLOCK | LOT  | STREET<br>FRONTAGE | ALIGNMENT     | SHAPE     | LOT SIZE<br>(SF) | WIDTH<br>AT BRL | BUILDABLE<br>AREA (SF) | RESIDENTIAL<br>SUITABILITY |
|---------|----------|-------|------|--------------------|---------------|-----------|------------------|-----------------|------------------------|----------------------------|
| NEW LOT | MAYDALE  | C     | 101  | 170                | Perpendicular | Irregular | 45688            | 136             | 25349                  | Yes                        |
| NEW LOT | MAYDALE  | C     | 102  | 30                 | Perpendicular | Irregular | 85032            | 153             | 50497                  | Yes                        |
|         | FAIRLAND | C     | 1    | 440                | Corner        | Rectangle | 56112            | 287             | 26623                  | Yes                        |
|         | FAIRLAND | C     | 2    | 175                | Perpendicular | Rectangle | 48079            | 172             | 27034                  | Yes                        |
|         | FAIRLAND | C     | 3    | 149                | Perpendicular | Rectangle | 44162            | 150             | 24289                  | Yes                        |
|         | FAIRLAND | C     | 4    | 148                | Perpendicular | Rectangle | 46810            | 148             | 26316                  | Yes                        |
|         | FAIRLAND | C     | 5    | 143                | Perpendicular | Rectangle | 50141            | 146             | 28898                  | Yes                        |
|         | FAIRLAND | C     | 6    | 159                | Perpendicular | Rectangle | 54827            | 154             | 32774                  | Yes                        |
|         | FAIRLAND | C     | 14   | 133                | Perpendicular | Irregular | 42801            | 128             | 22698                  | Yes                        |
|         | FAIRLAND | C     | 15   | 564                | Corner        | Irregular | 50833            | 129             | 28529                  | Yes                        |
|         | MAYDALE  | C     | 2    | 187                | Perpendicular | Rectangle | 131115           | 192             | 88033                  | Yes                        |
|         | MAYDALE  | C     | 3    | 207                | Perpendicular | Rectangle | 127337           | 204             | 90847                  | Yes                        |
|         | MAYDALE  | C     | 4    | 205                | Perpendicular | Rectangle | 137503           | 210             | 100513                 | Yes                        |
|         | MAYDALE  | C     | P142 | 30                 | Perpendicular | Irregular | 49051            | 136             | 23424                  | Yes                        |
|         | MAYDALE  | C     | 34   | 175                | Perpendicular | Rectangle | 38857            | 184             | 18763                  | Yes                        |
|         | MAYDALE  | C     | 35   | 95                 | Perpendicular | Irregular | 38407            | 130             | 18790                  | Yes                        |
|         | MAYDALE  | C     | 36   | 88                 | Perpendicular | Irregular | 60655            | 130             | 36733                  | Yes                        |
|         | MAYDALE  | C     | 37   | 100                | Perpendicular | Irregular | 46686            | 150             | 25733                  | Yes                        |
|         | MAYDALE  | C     | 38   | 164                | Perpendicular | Rectangle | 45952            | 164             | 25414                  | Yes                        |
|         | MAYDALE  | C     | 39   | 146                | Perpendicular | Rectangle | 39802            | 143             | 20680                  | Yes                        |
|         | MAYDALE  | C     | 40   | 10                 | Perpendicular | Rectangle | 41693            | 152             | 22053                  | Yes                        |
|         | MAYDALE  | C     | 41   | 20                 | Perpendicular | Pipestem  | 48981            | 182             | 21836                  | Yes                        |
|         | MAYDALE  | C     | 42   | 241                | Perpendicular | Rectangle | 93666            | 230             | 63164                  | Yes                        |
|         | MAYDALE  | F     | 11   | 370                | Corner        | Irregular | 37645            | 157             | 14145                  | Yes                        |
|         | MAYDALE  | F     | 12   | 169                | Perpendicular | Rectangle | 41865            | 169             | 21778                  | Yes                        |
|         | MAYDALE  | F     | 13   | 170                | Perpendicular | Irregular | 38023            | 195             | 16832                  | Yes                        |
|         | MAYDALE  | F     | 14   | 29                 | Perpendicular | Irregular | 47463            | 198             | 29076                  | Yes                        |
|         | MAYDALE  | F     | 15   | 140                | Perpendicular | Irregular | 44415            | 156             | 24193                  | Yes                        |
|         | MAYDALE  | F     | 16   | 167                | Perpendicular | Rectangle | 41413            | 152             | 22079                  | Yes                        |
|         | MAYDALE  | F     | 17   | 126                | Perpendicular | Rectangle | 42787            | 170             | 23270                  | Yes                        |



July 13, 2016

Maryland National Capital Park and Planning Commission (M-NCPPC)  
 8787 Georgia Avenue  
 Silver Spring, Maryland 20910

Shi Property  
 Request for Specimen Tree Variance  
 Preliminary Plan #120160280  
 Norton Project #12-041

On behalf of Jianmin Shi and pursuant to Section 22A-21 *Variance provisions* of the Montgomery County Forest Conservation Ordinance and revisions to the State Forest Conservation Law enacted by S.B. 666, we are writing to request a variance(s) to allow impacts to or the removal of the following trees identified on the approved Natural Resource Inventory/Forest Stand Delineation for the above-named residential construction project.

#### **Project Description:**

The Shi Property is 3.00 acres comprised of one lot and one parcel located at 14616 Peach Orchard Road in Silver Spring, Montgomery County, Maryland. The site is currently developed with one residential house. The project consists of one additional proposed house and access drive. The site is surrounded by residential properties to the north, south, east, and west.

The following specimen trees will be impacted:

| Specimen Tree Summary 30" + |                           |                       |                |                |  |                          |             |
|-----------------------------|---------------------------|-----------------------|----------------|----------------|--|--------------------------|-------------|
| Tree #                      | Species (Scientific Name) | Species (Common Name) | D.B.H (inches) | Tree Condition | Impact Comments                          | Percent Rootzone Impacts | Disposition |
| 3                           | ACER PLATINOIDES          | NORWAY MAPLE          | 33,29          | FAIR           | DAMAGED & BROKEN LIMBS, CAVITY, INVASIVE | 31.9%                    | SAVE        |
| 26                          | MORUS ALBA                | MULBERRY              | 31,21          | POOR           | VINES, 1/2 OF SPLIT DEAD                 | 35.8%                    | REMOVE      |
| 28                          | ACER SACCHARINUM          | SILVER MAPLE          | 30,17          | GOOD           | VINES, DAMAGED & BROKEN LIMBS, OFFSITE   | 17.8%                    | SAVE        |
| 29                          | ACER PLATINOIDES          | NORWAY MAPLE          | 32             | FAIR           | VINES, DAMAGED & BROKEN LIMBS, INVASIVE  | 21.6%                    | SAVE        |

#### **Requirements for Justification of Variance:**

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

- (1) Describe the special conditions peculiar to the property which would cause the 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 the granting of the variance; and
- (4) Provide any other information appropriate to support the request.

#### **Justification of Variance**

- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

**Response:** The program for the project consists of building one home. Efforts have been made to impact as few trees as possible. The house, garage and driveway on (proposed) Lot 102 have been

located where they are to minimize impacts to existing trees and to minimize the amount of impervious development.

The proposed plan will impact the root zone of four (4) specimen trees. There is one (1) specimen tree proposed for removal. Impacts to the root zones of trees #3, 28 & 29 are due to the removal of existing impervious features (existing shed and existing gravel path).

Majority of impacts arise from the construction of the new house. The second impact to specimen trees is for grading related to the installation of the proposed driveway. The third impact to specimen trees is related to proposed dry-well installation in the rear of the proposed house.

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

**Response:** If the Applicant is required to keep all improvements outside the root zones of the specimen trees, the residence could fail to be built due to the close proximity of specimen trees if the above referenced improvements must be implemented.

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

**Response:** Tree removals have been minimized by careful design of the layout ensuring the preservation of as many specimen trees as possible. In addition, this property will be developed in accordance with the latest Maryland Department of the Environment criteria for stormwater management. This includes Environmental Site Design to provide for protecting the natural resources to the Maximum Extent Practicable. This includes removing excess impervious areas and providing on-site stormwater management systems. A Stormwater Management Concept is currently under review by the Montgomery County Department of Permitting Services to ensure that this criterion is enforced. Therefore, the proposed activity will not degrade the water quality of the downstream areas and will not result in *measurable degradation in water quality*.

- (4) Provide any other information appropriate to support the request.

As further basis for its variance request, the applicant can demonstrate that it meets the Section 22A-21(d) *Minimum criteria*, which 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;

**Response:** The construction of the residence onsite is in conformance with the County's General plan. As such, this is not a *special privilege* to be conferred on the applicant.

- (2) Is based on conditions or circumstances which are the result of the actions by the applicant;

**Response:** The Applicant has taken no *actions leading to the conditions or circumstances* that are the subject of this variance request.

- (3) Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or

**Response:** The surrounding land uses (residences) do not have any inherent characteristics or conditions that have created or contributed to this particular need for a variance.



(4) Will violate State water quality standards or cause measurable degradation in water quality.

**Response: Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality.**

**Conclusion:**

For the above reasons, the applicant respectfully requests that the MNCPPC Staff APPROVE its request for a variance from the provisions of Section 22A of the Montgomery County Forest Conservation Ordinance, and thereby, GRANTS permission to impact/remove the specimen trees in order to allow the construction of this project.

The recommendations in this report are based on tree conditions noted at the time the NRI/FSD field work was conducted. Tree condition can be influenced by many environmental factors, such as wind, ice and heavy snow, drought conditions, heavy rainfall, rapid or prolonged freezing temperatures, and insect/disease infestation. Therefore, tree conditions are subject to change without notice.

The site plans and plotting of tree locations were furnished for the purpose of creating a detailed Tree Protection Plan. All information is true and accurate to the best of my knowledge and experience. All conclusions are based on professional opinion and were not influenced by any other party.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Norton', with a stylized, cursive script.

Michael Norton



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Lisa Feldt  
Director

November 1, 2016

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

RE: Shi Property, ePlan 120160280, NRI/FSD application accepted on 5/16/2014

Dear Mr. Anderson:

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

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

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

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

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

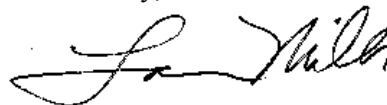
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation,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

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon 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,

A handwritten signature in black ink, appearing to read 'Laura Miller', written in a cursive style.

Laura Miller  
County Arborist

cc: Mary Jo Kishter, Senior Planner