Summary

- **Staff Recommendation:** Approval with Conditions.
- The staff recommendation includes a condition of approval that requires placement of a Category II Forest Conservation on the subject property to protect existing tree canopy.
- The application was reviewed under the Subdivision Regulations in place prior to February 13, 2017.
RECOMMENDATION: Approval subject to the following conditions:

1) This Preliminary Plan is limited to two lots for one one-family dwelling unit on each lot.
2) The Applicant must include the stormwater management concept approval letter and Preliminary Plan resolution on the approval or cover sheet(s).
3) Prior to demolition, clearing, or grading, the Applicant must record a Category II Conservation Easement in the Montgomery County Land Records by deed. The deed must be in a form approved by the M-NCPPC Office of the General Counsel, and the Liber Folio for the easement must be referenced on the record plat.
4) Prior to certification of the Preliminary Plan, the Applicant must submit, for review and approval by Staff, a revised Tree Save Plan that addresses the following:
   a. Revise the onsite tree planting list to include at least four, minimum 2.5-inch caliper, native canopy trees, and add a note stating the M-NCPPC Forest Conservation Inspector may allow substitutions of the onsite species.
   b. Revise the street tree species and locations as necessary to meet Montgomery County Department of Transportation ("MCDOT") requirements. The plans must retain two existing street trees and provide up to two additional canopy trees for a total of up to four street trees fronting the Subject Property. The street trees must also be included on the Preliminary Plan and approved by MCDOT staff prior to certification of the Preliminary Plan.
   c. Revise onsite planting locations to be at least five feet from any property line, measured to the center of the trunk.
   d. Coordinate with Staff on necessary Tree Save Plan corrections, clarifications and note revisions.
   e. Show the required Category II Easement on the Tree Save Plan. The Category II Easement must be located at the north side of Lot 9 (behind the existing house), measuring approximately 2,000 square feet, as shown in the Staff Report.
   f. Provide a note stating that the Applicant must make good faith efforts to secure permission from adjacent property owners for mitigation of impacts to off-site trees.
5) Prior to certification of the Preliminary Plan, revise the preliminary plan to show the required Category II Easement.
6) Prior to removal of any tree protection fencing or sediment control fencing, the Applicant must plant four native canopy trees on Lot 10, as shown on the approved Tree Save Plan.
7) Prior to removal of any tree protection fencing or sediment control fencing, the Applicant must plant up to two street trees on the Wiltshire Drive property frontage, in accordance with MCDOT street tree standards. The number of trees to be installed may vary, depending on site conditions, as determined by MCDPS, and as shown on the approved Tree Save Plan.
8) After the preconstruction meeting with the M-NCPPC forest conservation inspector and no later than 10 business days prior to any clearing, grading or issuance of the building permit, the Applicant must provide letters to the affected property owners (associated with tree #5 and its canopy and critical root zone), with copies to Staff, advising of the anticipated construction activity and related tree impacts and preservation measures. The letters must describe the proposed treatments and maintenance schedules that would be implemented at the sole cost of the Applicant.
approval. The Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

10) Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.

11) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated April 27, 2016, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

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

13) Record plat must show necessary easements.

14) Prior to recordation of the plat, the Applicant must satisfy MCDPS requirements to ensure the construction of a five-foot wide sidewalk along the property frontage on Wiltshire Drive, as shown on the certified Preliminary Plan, unless construction is waived by MCDPS.

15) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution.

SITE DESCRIPTION

The property, shown below and in Attachment A, consists of one platted lot and one platted outlot, which together comprise 0.39 acres (16,857 square feet) in area. The property is located on the north side of Wiltshire Drive, 200 feet west of Cromwell Drive. It is located in the R-60 zone, and is developed with one existing one-family detached dwelling, which will be retained on one of the two proposed lots. Properties surrounding the subject property are developed with one-family detached dwellings in the R-60 zone.

The property is located in the Potomac River watershed. There are no streams, floodplains or forest on the property, and no known erodible soils. There is a small area of steep slopes.
PROJECT DESCRIPTION

The applicant proposes to subdivide the subject property into two lots for one one-family detached dwelling on each lot. The property will be divided into one 7,253-square-foot lot, which will contain the existing dwelling, and one 9,604-square-foot lot, which will contain a proposed dwelling. (See Attachment B)

Vehicular access to the proposed lots will be provided via individual driveways from Wiltshire Drive. Pedestrian access will be provided via an existing sidewalk, which will be partially rebuilt by this application, along the property frontage on Wiltshire Drive.
ANALYSIS AND FINDINGS – Chapter 50

Conformance to the Master Plan

The 1990 Bethesda – Chevy Chase Master Plan recommends retention of existing zoning throughout the Master Plan area in the absence of a specific recommendation for change on a particular property. The Master Plan does not specifically address the subject property, but does call for retention of the existing R-60 zoning. In the Master Plan, the subject property and surrounding development are identified as suitable for one-family detached housing. The application substantially conforms to the Master Plan because the application provides one-family detached housing consistent with the current density of the neighborhood and the current zoning designation. The lots are similar to surrounding existing lots with respect to dimensions, orientation, and shape, and future residences will have a similar relationship to the public street and surrounding residences as do existing residences in the area. The application will not alter the existing pattern of development or land use, which is in substantial conformance with the Master Plan recommendation to maintain the existing residential land use.

The subject property is not within a formal Special Protection Area (SPA). However, it is in the Palisades subsection of the Master Plan. The Master Plan’s major goals include the protection of the natural resources, environmental quality, and associated character of the Planning Area (p. 20). The Master Plan recommends on page 69 that where areas of steep slopes and mature trees exist, a conservation easement may be placed to ensure the preservation of these environmentally-sensitive areas in an undisturbed state. Finally, the Master Plan encourages on page 152 the preservation of environmentally sensitive areas and recommends examining ways to protect mature trees as part of the subdivision review procedure.

The areas of remaining significant and specimen trees on the subject property, and the mature tree canopy associated with the subject property and adjacent properties, reflect the environmental character that should be protected under the recommendations of the Master Plan.

The staff recommendation includes a condition that requires the applicant to protect several existing trees that will be retained on the subject property. In order to extend this protection beyond the time of development of the property, the staff recommendation also includes a condition of approval that a Category II Forest Conservation Easement be placed on the north side of proposed Lot 9 (behind the existing house) measuring approximately 2,000 square feet. The Category II Easement will allow the owner of the lot to continue the existing uses of the easement area, while also providing regulatory protection for the highest concentration of remaining trees and steeply sloped areas. The application, as conditioned, is in substantial conformance with the Master Plan recommendations to protect the natural resources and environmental qualities of the Palisades.

Public Facilities

Roads and Transportation Facilities

Access to the proposed lots will be via individual driveways from Wiltshire Drive. Pedestrian access will be provided via an existing sidewalk along the property frontage on Wiltshire Drive.
The proposed subdivision does not generate 30 or more vehicle trips during the morning or evening peak hours. Therefore, the application is not subject to a traffic study under the Local Area Transportation Review (LATR). In addition, the proposed subdivision does not generate more than three new vehicle trips in the morning or evening peak hours. Therefore, the application is also not subject to Transportation Policy Area Review (TPAR).

Proposed vehicle and pedestrian access for the subdivision will be adequate.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed subdivision. The subject property is proposed to be served by public water and public sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the subject property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services are operating according to the Subdivision Staging Policy resolution currently in effect and will be adequate to serve the subject property. Electrical, telecommunications, and gas services are also available to serve the subject property.

Environment

The subject property contains one existing single family house (to remain) and has onsite significant and specimen trees and minor pockets of steep slopes. However, the subject property generally does not contain other environmentally sensitive features such as stream buffers, wetlands, 100 year floodplains, highly erodible soils or forest areas. Furthermore, five street trees ranging in size from 18 to 32-inch diameter at breast height (DBH) are located along the subject property frontage. The subject property is within the Potomac River direct watershed; though the subject property is situated near a highpoint that separates three drainage areas, with nearby drainage directed toward the Willette Branch and the Little Falls mainstem. All the drainage areas are part of Use I-P2 watersheds.

The application is subject to the Forest Conservation Law; however, the activity qualifies for a Forest Conservation Exemption under Section 22A-5(s)(2) as a small property for the reasons outlined below, and Exemption #42016133E was confirmed for the application on March 2, 2016.

---

1 The western portion of the subject property where lot 10 is proposed, contained an area of mature trees that provided 10,000 SF of canopy and may have met forest definition. The applicant cleared the area shortly before submitting the forest conservation exemption and subsequent preliminary plan. Staff believes that the clearing of 10,000 sf of canopy should have triggered a sediment control violation and permit requirements; however, it does not appear that the sediment control permit was ultimately required by MCDPS. The clearing activity did not trigger M-NCPPC review at the time, because the subject property is under the 40,000-square-foot applicability threshold. The property is now subject to Forest Conservation Law as part of the preliminary plan application.

2 Use I-P:
WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY
Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply, industrial water supply, and use as a public water supply.
• An activity occurring on a tract less than one acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree
• Reforestation requirements would not exceed 10,000 square feet
• Forest in any priority area on-site will be preserved

A tree save plan is required to ensure that the remaining trees and mature landscape on and near the subject property are not unnecessarily damaged or removed. The damage or removal would otherwise alter the character of the Planning Area associated with the Palisades.

Tree Save Plan

A tree save plan for the application has been prepared by an International Society of Arboriculture (ISA) certified arborist. Most of the area associated with proposed Lot 10 will be disturbed, but the LOD has been restricted where possible to avoid excessive damage to the nearby offsite trees. The tree save plan includes replanting four native canopy trees on Lot 10 and replanting up to two street trees in the fronting street right-of-way. The tree save plan specifies tree protection and stress reduction measures for the offsite trees associated with the application. Some of the proposed measures include mulching, core aeration, and fertilizing within the remaining root zones. Coordination with the adjacent property owners will be needed to fully implement the arborist’s recommendations. However, if the applicant does not secure permission to do mitigation work on the adjacent property, the tree care measures will be implemented solely on the subject property.

The staff recommendation includes a condition of approval that a Category II Forest Conservation Easement be placed on the north side of proposed Lot 9 to ensure that the application is in substantial conformance with the Master Plan’s recommendations on environmental protection.
The Montgomery County Department of Permitting Services (MCDPS) Stormwater Management Section approved the stormwater management concept on April 27, 2016, and reconfirmed the approval on October 4, 2016. The stormwater management concept consists of environmental site design through the use of drywells and a micro-bioretention planter box.

**Compliance with the Subdivision Regulations and Zoning Ordinance**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections, including the requirements for resubdivision as discussed below. The proposed lot size, width, shape and orientation 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 lots were reviewed for compliance with the dimensional requirements for the R-60 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

**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 “neighborhood” for evaluating the application. In this instance, the Neighborhood selected by the applicant, and agreed to by staff, consists of 122 lots (Attachment C). The neighborhood includes platted lots in the R-60 zone in the vicinity of the subject property. The lots share multiple points of access on several neighborhood streets. The designated neighborhood provides an adequate sample of the lot and development pattern of the area. A tabular summary of the area based on the resubdivision criteria is included in Attachment D.
C. Analysis

Comparison of the Character of Proposed Lots to Existing

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

**Frontage:**
In the neighborhood of 122 lots, lot frontages range from 42 feet to 246 feet. Five of the lots have frontages of less than 60 feet, 90 lots have frontages between 60 and 100 feet, and 27 lots have frontages of over 100 feet. Proposed Lot 9 will have a frontage of 77 feet, and Proposed Lot 10 will have a frontage of 86 feet. **The proposed lots will be of the same character as existing lots in the neighborhood with respect to lot frontage.**

**Alignment:**
Sixty-eight of the 122 existing lots in the neighborhood are perpendicular in alignment, 23 are corner lots, and 31 are radial. Both of the proposed lots will be perpendicular in alignment. **The proposed lots are of the same character as existing lots in the neighborhood with respect to the alignment criterion.**

**Size:**
The lots in the delineated neighborhood range from 6,378 square feet to 16,314 square feet. Four of the lots are smaller than 7,000 square feet, 97 are between 7,000 and 10,000 square feet, and 21 are larger than 10,000 square feet. Proposed Lot 9 will be 7,253 square feet, and proposed Lot 10 will be 9,604 square feet in size. **The proposed lot size is in character with the size of existing lots in the neighborhood.**

**Shape:**
Fifty-six of the 122 existing lots in the neighborhood are rectangular, 13 are irregularly shaped, and fifty-three are trapezoids. Proposed Lot 9 will be trapezoidal in shape, and proposed Lot 10 will be rectangular. **The shapes of the proposed lots will be in character with shapes of the existing lots in the neighborhood.**

**Width:**
The lots in the delineated neighborhood range from 59 feet to 156 feet in width. One of the lots has a width of less than 60 feet, 107 of the lots have widths between 60 and 100 feet, and the remaining 16 lots have widths of more than 100 feet. Proposed Lot 9 will have a width of 73 feet, and Proposed Lot 10 will have a width of 83 feet. **The proposed lots will be in character with existing lots in the neighborhood with respect to width.**

**Area:**
The lots in the delineated neighborhood range from 1,868 square feet to 9,329 square feet in buildable area. Sixty-seven of the lots have buildable areas smaller than 4,000 square feet, 51 have buildable areas between 4,000 and 6,000 square feet, and four have buildable areas larger
than 6,000 square feet. Proposed Lot 9 will have a buildable area of 3,394 square feet in size, and proposed Lot 10 will have a buildable area of 4,291 square feet. The proposed lots will be of the same character as existing lots in the neighborhood with respect to buildable area.

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

Citizen Correspondence and Issues

The applicant has complied with all submittal and noticing requirements. Staff has received citizen correspondence regarding the application. All of the 11 letters that were received address the same issue: that the subject property should be considered to be a part of the Wood Acres subdivision despite the fact that the application was entitled “Springfield,” and that the Wood Acres architectural covenants should apply to any houses built on the subject property. Staff notes that the name of the application is not the deciding factor in determining whether the Wood Acres covenants apply to the subject property. Further, the Planning Department and Planning Board have no role to play in enforcement of the Wood Acres covenants, which are agreements between private property owners.

CONCLUSION

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

Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply: street frontage, alignment, size, shape, width, area, and suitability for residential use within the existing block, neighborhood or subdivision. As set forth above, the two proposed lots are of the same character as the existing lots in the defined neighborhood with respect to each of the resubdivision criteria, and therefore, comply with Section 50-29(b)(2) of the Subdivision Regulations.

Attachments

Attachment A – Vicinity Development Map
Attachment B – Proposed Preliminary Plan and Tree Save Plan
Attachment C – Resubdivision Neighborhood Map
Attachment D – Resubdivision Table
Attachment E – Citizen Correspondence
Attachment F – Agency Correspondence Referenced in Conditions
Table 1: Preliminary Plan Data Table

<table>
<thead>
<tr>
<th>PLAN DATA</th>
<th>Zoning Ordinance Development Standard</th>
<th>Proposed for Approval by the Preliminary Plan</th>
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<td>Minimum Lot Area</td>
<td>6,000 sq. ft.</td>
<td>7,253 sq. ft. minimum</td>
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<td>Lot Width</td>
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<td>Side</td>
<td>8 ft. Min./18 ft. total</td>
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<tr>
<td>Rear</td>
<td>20 ft. Min.</td>
<td>Must meet minimum¹</td>
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<td>TDRs</td>
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<td>Site Plan Required</td>
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¹ As determined by MCDPS at the time of building permit.
FOREST CONSERVATION PLANNING NOTES

Planning:
1. Site and plan are for Planning Committee and approval.
2. Approval of the plan shall be granted by the Planning Committee. Unless otherwise approved by the Planning Committee, the plan shall not be implemented.
3. Site and plan are for Planning Committee and approval.
4. Approval of the plan shall be granted by the Planning Committee. Unless otherwise approved by the Planning Committee, the plan shall not be implemented.

Zooming:
1. Site and plan are for Planning Committee and approval.
2. Approval of the plan shall be granted by the Planning Committee. Unless otherwise approved by the Planning Committee, the plan shall not be implemented.
3. Site and plan are for Planning Committee and approval.
4. Approval of the plan shall be granted by the Planning Committee. Unless otherwise approved by the Planning Committee, the plan shall not be implemented.

Tree conservation:
1. Site and plan are for Planning Committee and approval.
2. Approval of the plan shall be granted by the Planning Committee. Unless otherwise approved by the Planning Committee, the plan shall not be implemented.
3. Site and plan are for Planning Committee and approval.
4. Approval of the plan shall be granted by the Planning Committee. Unless otherwise approved by the Planning Committee, the plan shall not be implemented.

NOTE: Plant carefully around existing trees to minimize impacts to the roots. When significant roots are encountered, work to be done by hand only and shift planting locations as needed and/or minimize the size of the planting pit.

VICINITY MAP

SCALE 1" = 2,000'

TAX MAP INDEX

LOT B, BLOCK 14A & OUTLOT A, BLOCK 19

THIRD ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

DEVELOPER'S CERTIFICATE

I, 다양이 박, hereby certify that the information shown above is correct and that this plan has been prepared in accordance with the requirements of existing state and county forest conservation regulations.

SIGNED AND DATED PROFESSIONAL CERTIFICATION

I hereby certify that the information shown above is correct and that this plan has been prepared in accordance with the requirements of existing state and county forest conservation regulations.

DATE:

RECEIVED BY: MARYLAND DEPARTMENT OF NATURAL RESOURCES

FOLLOWING PROFESSIONAL CERTIFICATION

I hereby certify that the information shown above is correct and that this plan has been prepared in accordance with the requirements of existing state and county forest conservation regulations.

SIGNATURE:

RECEIVED BY: MARYLAND DEPARTMENT OF NATURAL RESOURCES

FOLLOWING PROFESSIONAL CERTIFICATION

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SIGNATURE:

RECEIVED BY: MARYLAND DEPARTMENT OF NATURAL RESOURCES

FOLLOWING PROFESSIONAL CERTIFICATION

I hereby certify that the information shown above is correct and that this plan has been prepared in accordance with the requirements of existing state and county forest conservation regulations.

SIGNATURE:
The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).

NEIGHBORHOOD DRAWING
<table>
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<tr>
<th>Subdivision</th>
<th>Lot</th>
<th>Block</th>
<th>Frontage</th>
<th>Size</th>
<th>Buildable Area</th>
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Attachment E

5910 Cromwell Drive
Bethesda, MD 20816
April 13, 2016

Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Re: Preliminary Plan No. 120160260

Dear Plan Reviewers:

We are writing to voice our concern over the applicant’s request to convert a wedge property, “Outlot A”, from the Wood Acres subdivision to the Springfield subdivision. In a meeting we attended, the applicant gave the reason: to bypass the approval process of the Wood Acres architectural covenants.

As residents of Wood Acres for 35 years, we have enjoyed the ambience and harmony of the Wood Acres architecture, and have also been the beneficiaries of the covenant committee’s intersession to resolve building conflicts with one of our neighbors.

Thus we see the Wood Acres architectural covenants as a good thing. As Outlot A constitutes the entire front of the property and faces the Wood Acres neighborhood, we believe the lot should remain in the Wood Acres subdivision.

We hope you will take our suggestion into consideration during your review of this application.

Sincerely yours,

[Signature]
Gerard R. Butters, Ettie H. Butters
301-229-4625

Cc: Douglas McManus - President, Wood Acres Citizens Association
    Joseph Ruocco – Architectural Covenants Committee, Wood Acres Citizens Association
April 12, 2016

Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Ave.,
Silver Spring, MD 20910-3760
Re: Preliminary Plan No. 120160260

Dear Sir/Madam:

I am writing to express my strong opinion that in the requested resubdivision of Wood Acres property cited remain in WoodAcres.

I have been a homeowner in WoodAcres for over 40 years, and I live 3 doors from the subject property. The so called “Outlot A” has been in Wood Acres since the late 40's and, as with all lots in the neighborhood, it is subject to the Wood Acres architectural covenants. These covenants allow flexibility while insuring compatible architectural features for any new development. They have always served as a protection to the general character of the neighborhood and property values. It is in the best interests of all that this property remain in Wood Acres and continue to be subject to these covenants.

The property owner's apparent objective in requesting that the designation be changed to Springfield is to avoid having to comply with Wood Acres architectural covenants, which are attached to the property he purchased.

Please note that in the proposed new combined lot:

- Most of the land (Outlot A) has always has been in Wood Acres
- The entire frontage is in Wood Acres; the smaller portion being added from Springfield is at the back of the lot
- All houses in the block (5906, 5908, 5909, 5910, 5911, 5912 and 5913) are in Wood Acres except for the one at the far end of the block beyond this new lot

Thank you for your consideration.

Sincerely,

[Signature]
Joseph A. Chalmers

Cc: Douglas McManus - President, Wood Acres Citizens Association;
Joseph Ruocco – Architectural Covenants Committee, Wood Acres Citizens Association
Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Re: Preliminary Plan No. 120160260

Dear Sir/Madam:

I am writing to express my strong concern that in the requested resubdivision Wood Acres property remain in Wood Acres.

The property owner's objective in requesting the designation be changed to Springfield is, purely, by his own admission, to avoid having to comply with Wood Acres architectural covenants.

Please note that in the proposed new lot:
- 70% of the land (Outlot A) is, and always has been, in Wood Acres
- The entire frontage is in Wood Acres; the smaller portion being added from Springfield is at the back of the lot
- All houses in the block are in Wood Acres except for the one beyond this new lot

Outlot A, adjacent to my house at 5909 Wiltshire, has been in Wood Acres since the late 40's when the original farm was subdivided and, as with all lots in the neighborhood, it is subject to the Wood Acres architectural covenants. These covenants allow flexibility while insuring compatible architectural features for any new development. They have always served as a protection to the general character of the neighborhood and property values. It is in the best interests of all that this property remain in Wood Acres and continue to be subject to these covenants.

Thank you for your consideration.

Respectfully yours,

[Signature]

Ann K. Christy
301-320-4485

Cc: Douglas McManus - President, Wood Acres Citizens Association

1 Todd Chamberlin, 2/11/16 meeting at Kenwood Country Club.
April 12, 2016

Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear People:

We are writing you in regard to Preliminary Plan No. 120160260 filed with your office. This plan proposes to subdivide a new outlot adjacent to and southeast of 5909 Wiltshire Drive. The plan includes removing the outlot from the Wood Acres subdivision and placing it in the Springfield subdivision. I heard the owner say the purpose of this transfer is to avoid having the house he intends to build on the outlot be subject to the Wood Acres Architectural Covenants.

We have resided in Wood Acres for 45 years and have watched nearby subdivisions degraded by large and ornate houses quite contrary to the character of surrounding homes. Wood Acres is regarded a premiere neighborhood because of the Covenants protecting residents from new houses that do not “attractively blend...with other homes in the area”. This preserves the attractive ambience of the neighborhood and owners’ property values.

We oppose having the new outlot transferred to the Springfield subdivision because this would remove it from the Wood Acres Architectural Covenants, allowing the owner to erect a house incompatible with the rest of Wood Acres.

Reasons for retaining the proposed outlot in the Wood Acres subdivision include –
- 70% of the square footage of the proposed outlot is within the original Wood Acres subdivision;
- The entire lot frontage is within the original Wood Acres subdivision;
- All the houses on this 5900 block of Wiltshire Drive are part of the Wood Acres subdivision, except for the one adjacent to and southeast of the proposed outlot.

Based on these concerns, we request that you deny the property owners’ request to remove the proposed outlot from the Wood Acres subdivision.

Thank you for your consideration.

Sincerely,

Douglas C. Frechtling

Joy A. Frechtling

cc: D. McManus, President, Wood Acres Citizens Association
    J. Ruocco, Architectural Covenants Committee, Wood Acres Citizens Association
April 14, 2016

Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Re: Preliminary Plan No. 120160260

Dear Sir/Madam:

In reviewing application 120160260, I notice that the applicant wants to realign the property lines of “Outlot A” and Lot B (5905 Wiltshire Drive) to enable a new home to be constructed on “Outlot A.” That request makes sense.

However, what is NOT mentioned in the application is that “Outlot A” is within the boundaries of the Wood Acres community, not the Springfield community as the owner has implied. That means that the Wood Acres protective covenants apply to the “Outlot A” property.

I believe approval of this application must contain a statement or binding element that any development must conform to the Wood Acres covenants and associated architectural guidelines.

Sincerely,

William H. Freund
Past President, WACA
244 Oyster Shell Cove
Bethany Beach, DE 19930
301-229-0799 (H)
301-706-7388 (C)
wmfreund@verizon.net
Development  Review Division  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD  20910-3760  

Re:  Preliminary Plan No. 120160260  

Dear Sir/Madam:  

This letter is to express strong concern that the requested re-subdivision **Wood Acres property remain in Wood Acres**.  

Please note that in the proposed new lot:  

- **70% of the land (Outlot A) is, and always has been, in Wood Acres**  
- **The entire frontage is in Wood Acres**; the smaller portion being added from Springfield is at the back of the lot  
- **All houses in the block are in Wood Acres** except for the one house beyond this new lot  

Outlot A has been in Wood Acres since the late 40’s when the original farm was subdivided and, as with all lots in the neighborhood, it is subject to the Wood Acres architectural covenants. These covenants allow flexibility while insuring compatible architectural features for any new development. They have always served as a protection to the general character of the neighborhood and property values. It is in the best interests of all that this property remains in Wood Acres and continue to be subject to these covenants.  

Thank you for your consideration.  

Sincerely yours,  

[Signature]

Deborah Goldfarb  
Cc: Douglas McManus - President, Wood Acres Citizens Association
Dear Sir,
I am writing you regarding the lot application on Wiltshire Street in Woodacres, Bethesda MD. Since I walk by this currently vacant lot almost daily with my lovely Lab, I am concerned to see that this lot is now actually being sought for as a Springfield designation. I have lived in Woodacres for 38 years and certainly hope, on the other hand, that this lot will remain with a Woodacres designation as it always has been. As I understand, 70% of the lot is already a Woodacres property.

I look forward to waking by another beautiful new home in Woodacres! Many thanks for your attention to this issue so important to our community.

Kind regards, Pamela Griffin (pjtmcape@aol.com)

Sent from my iPad
Development Review Division  
Maryland –National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Re: Preliminary Plan No. 120160260

Dear Sir/Madam:

We are writing to express our concern with the request that the subject property’s designation be changed from Woodacres to Springfield.

We understand that in the proposed new lot (Outlot A), 70 percent of the land is, and always has been in Woodacres; the entire frontage is in Woodacres; and all the houses in the bloc, except the one beyond this lot, are in Woodacres.

We believe that it is in the best interests of the community that this property remain in Woodacres and continue to be subject to the Woodacres architectural covenants.

Thank you for your consideration.

Sincerely,

Christine Lucyk

Bohdan Balko
April 14, 2016

Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Re: Preliminary Plan No. 120160260

Dear Sir/Madam:

I am writing to express my strong concern that in the requested resubdivision Wood Acres property remain in Wood Acres.

The property owner's objective in requesting the designation be changed to Springfield is, purely, by his own admission, to avoid having to comply with Wood Acres architectural covenants.

Please note that in the proposed new lot:

- 70% of the land (Outlot A) is, and always has been, in Wood Acres

- The entire frontage is in Wood Acres; the smaller portion being added from Springfield is at the back of the lot

- All houses in the block are in Wood Acres except for the one beyond/east of this new lot

Outlot A, adjacent to the house at 5909 Wiltshire, has been
in Wood Acres since the late 40's when the original farm was subdivided and, as with all lots in the neighborhood, it is subject to the Wood Acres architectural covenants. These covenants allow flexibility while insuring compatible architectural features for any new development. They have always served as a protection to the general character of the neighborhood and property values. It is in the best interests of all that this property remain in Wood Acres and continue to be subject to these covenants.

Thank you for your consideration.

Sincerely,

Joni McIlvain
301-229-3339
Dear Mr. Kronenberg,

I am writing to you on behalf of the Wood Acres Citizens Association [WACA] concerning the Out Lot that resides within Wood Acres subdivision in Bethesda, which is subject to the WACA Covenants and Architectural Guidelines dating back to 1939. The Out Lot is located adjacent to 5909 Wiltshire Drive, which is within Wood Aces subdivision. The Out Lot is also located adjacent to 5905 Wiltshire drive, which is located within Springfield subdivision.

Note the attached sign has been posted concerning the development of the Out Lot property. We note the development application lists Springfield as it is the applicant’s intention to transfer the Out Lot – currently residing within Wood Acres subdivision and governed by the WACA Covenants and Architectural Guidelines – to Springfield in an effort to bypass compliance with WACA Covenants and architectural Guidelines.

Please reference the attached letter with satellite site image we issued to you on 21 June 2015 concerning the development of the Out Lot and the WACA position that the Out Lot may only be developed in accordance with the WACA Covenants and Architectural Guidelines, which are more stringent than the Montgomery County zoning criteria for house size, including footprint, height and architectural design and character.

Please also note attached letter issued and presented to applicant’s agent [Macris, Hendricks & Glasscock, P.A.] via email and applicant by hand at public hearing on 11 February 2016.

Based upon the facts WACA requests that Montgomery County Planning Department deny the application request to re-subdivide the Out Lot from Wood Acres to Springfield.

Please contact me to discuss the timing and process by which you and your team will act upon the application such that we may be assured our position is acknowledged.

Sincerely,

JOSEPH P. RUOCCO, AIA
ASSOCIATE DIRECTOR

SKIDMORE, OWINGS & MERRILL LLP
2001 K STREET NW, SUITE 200
WASHINGTON, DC 20006
T (202) 367-2567
M (202) 250-9324
April 11, 2015

Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Re: Preliminary Plan No. 120160260

To whom it may concern:

My name is Steve White. My family and I reside directly across the street from the proposed development. I have practiced architecture in the Washington for more than 20 years and have been a member of the Wood Acres Covenants Committee since 2006 (the year we moved to the neighborhood). I am writing to share with you my observations of the proposed development and express my opinion on the matter.

In reviewing the plat, it appears that the outlot currently within Wood Acres (Outlot A) is a majority of the proposed subdivision (approximately 70% of the area). I also notice that 100% of the street frontage is currently part of Wood Acres (Outlot A). This block of Wiltshire Drive is predominantly within the Wood Acres subdivision. Based on these three facts, I believe the new development most appropriately belongs within Wood Acres.

The Wood Acres Architectural Covenants has continued to maintain the architectural fabric of the post WWII community by guiding homeowners and builders to sensitively design structures that address the scale and character of the neighborhood while meeting the space needs of modern day families. The result is a beautiful cottage-like setting that distinguishes Wood Acres from most surrounding neighborhoods. I believe the standard established by the Wood Acres Architectural Covenants to be an exemplary model of smart growth and long term quality development.

Thank you for your time and consideration in this matter.

Sincerely,

Steve White, AIA, LEED AP BD+C

Cc:  Douglas McManus - President, Wood Acres Citizens Association
     Joseph Ruocco – Architectural Covenants Committee, Wood Acres Citizens Association
January 9, 2017

Neil Braunstein, Planner Coordinator
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120160260
Springfield

Dear Mr. Braunstein:

We have completed our review of the preliminary plan dated November 4, 2016. A previous plan was reviewed by the Development Review Committee at its meeting on May 2, 2016. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Full width dedication of Wiltshire Drive in accordance with the master plan.

2. Widen the sidewalk to five (5) feet between the existing driveway located at 5905 Wiltshire Drive and the proposed driveway.

Office of the Director
101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178
FAX
www.montgomerycountymd.gov
Located one block west of the Rockville Metro Station
3. The applicant will be removing three (3) trees currently located in front of the proposed house, in the County right-of-way as shown on the “Tree Save Plan” dated October 5, 2016.

4. The storm drain analysis was reviewed and is acceptable to MCDOT. Based on the Storm Drain Report dated October 2016, the subject site does not drain to any publicly maintained closed storm drain system. Therefore, no improvements are needed to the downstream public storm drain system for this plan.

5. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.

6. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation certification form is enclosed for your information and reference.

8. Provide on-site handicapped access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.

9. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

10. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

11. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:

   A. On Wiltshire Drive widen the existing sidewalk to five (5) feet between the proposed driveway for the new house and the existing driveway.

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

   B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

D. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.

E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

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

Sincerely,

[Signature]
Gregory M. Leck, Manager
Development Review Team

Enclosure

cc: Todd Chamberlin Owner
    Dave Crowe Macris, Hendricks & Glascock, P.A.
    Matthew Folden M-NCPPC Area 1
    Preliminary Plan folder
    Preliminary Plan letters notebook

cc-e: Sam Farhadi MCDPS RWPR
      Chris Meyers MCDPS
      Rebecca Torma MCDOT OTP
SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Springfield

Preliminary Plan Number: 1-120160260

Street Name: Wiltshire Drive

Master Plan Road Classification: Secondary - 30 MPH

Posted Speed Limit: 25 (sign along Cromwell Dr) mph

Street/Driveway #1 (Proposed Entrance)

- Sight Distance (feet)
  - Right 220' OK
  - Left 110' NO

Comments: Looking left was completely blocked by existing street trees. Sight distance can be met if street trees are removed. Tree #4 to remain per MCDOT, Sight distance met +/- 4.8' back from curb, see exhibits.

Street/Driveway #2 (Existing Entrance)

- Sight Distance (feet)
  - Right 150' NO
  - Left 100' NO

Comments: Looking out from both directions were completely blocked by existing street trees. Sight distance can be met if street trees are removed. Tree #4 to remain per MCDOT. Sight distance met +/- 5.5' back from curb, see exhibits.

GUIDELINES

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</tr>
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</tr>
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*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines and that these documents were prepared or approved by me, and that I am a licensed Professional Engineer under the laws of the State of Maryland. License No. 14979, Expiration Date: 07-02-2018

Signature: 11/04/2016

PLS/P.E. MD Reg. No. 14979

Montgomery County Review:

- [ ] Approved
- [x] Disapproved:

By: [Signature]

Date: 11/07

Form Reformatted: March, 2000
Looking Right from Proposed Entrance.

Approaching Proposed Entrance from the East 220' Away.

Looking Left from Proposed Entrance.

Approaching Proposed Entrance from the West 200' Away.
Looking Right from Existing Entrance.

Approaching Existing Entrance 200' East.

Looking Left from Existing Entrance.

Approaching Existing Entrance 200' West.
February 21, 2017

Neil Braunstein, Planner Coordinator
Area 1 Planning Division
The Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120160260
Springfield Amendment Letter

Dear Mr. Braunstein:

We have completed our review of the revised preliminary plan dated February 14, 2017. A previous plan was reviewed by the Development Review Committee at its meeting on May 2, 2016. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. All comments from the previous DOT letter dated January 9, 2017 apply unless conditioned in this letter.

2. The revised sight distance study has been accepted. A copy of the revised Sight Distance Evaluation certification form is enclosed for your information and reference.
3. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.

4. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:

   A. On Wiltshire Drive provide two (2) street trees and widen the existing sidewalk to five (5) feet between the proposed driveway for the new house and the existing driveway.

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

Sincerely,

[Signature]

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

Enclosure

cc: Todd Chamberlin  Owner
   Dave Crowe       Macris, Hendricks & Glascock, P.A.
   Matthew Folden   M-NCPPC Area 1
   Preliminary Plan folder
   Preliminary Plan letters notebook

cc-e: Sam Farhadi  MCDPS RWPR
      Chris Meyers  MCDPS
      Rebecca Torma MCDOT OTP
MONTGOMERY COUNTY, MARYLAND

DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Springfield

Street Name: Wiltshire Drive

Posted Speed Limit: 25 (sign along Cromwell Dr) mph

Street/Driveway #1 (Proposed Entrance)

Sight Distance (feet)
Right 220' OK
Left 110' NO

Comments: Looking left was completely blocked by existing street trees. Sight distance can be met if street trees are removed. Tree #4 to remain per MCDOT, Sight distance met +/- 4.8' back from curb, see exhibits.

Street/Driveway #2 (Existing Entrance)

Sight Distance (feet)
Right 150' NO
Left 100' NO

Comments: Looking out from both directions were completely blocked by existing street trees. Sight distance can be met if street trees are removed. Tree #4 to remain per MCDOT, Sight distance met +/- 5.5' back from curb, see exhibits.

GUIDELINES

Replacement Trees 1 and 2 to be Planted Behind Sight Distance Sight Line

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Signature: [Signature]

Date: 11/04/2016

14979
PLS/P.E. MD Reg. No.

Montgomery County Review:

[ ] Approved

[ ] Disapproved:

By: [Signature] 2/11/17

Date: 2/11/17

Form Reformatted: March, 2000

2017.02.14
15:15:44:0500'
Looking Right from Proposed Entrance.

- Tree 1 To Be Replaced
- Tree 2 To Be Replaced
- Replacement Trees 1 and 2 to be Planted Behind Sight Distance Sight Line

Approaching Proposed Entrance from the East 220' Away.

Looking Left from Proposed Entrance.

- Tree 4 To Be Remain
- Tree 3 To Be Removed

Approaching Proposed Entrance from the West 200' Away.
Looking Right from Existing Entrance.

- Tree 3 To Be Removed

Approaching Existing Entrance 200' East.

Looking Left from Existing Entrance.

- Tree 4 To Be Remain

Approaching Existing Entrance 200' West.
April 27, 2016

Ms. Nicole Huang  
Macris, Hendricks & Glascock, P.A.  
9220 Whightman Road, Suite 120  
Montgomery Village, MD 20886

Re: COMBINED STORMWATER MANAGEMENT CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN  
Request for: Springfield Lot 10/Block 14A only,  
existing house on Lot 9 to remain  
Preliminary Plan #: 120160260  
SM File #: 281802  
Tract Size/Zone: 0.39 ac.  
Total Concept Area: 0.22 ac.  
Lots/Block: Ex Lot 8 and Outlot A/Block 14A to be subdivided into Lots 9 and 10/Block A4  
Watershed: Potomac River Direct

Dear Ms. Huang:

Based on a review by the Department of Permitting Services Review Staff, the Combined Stormwater Management Concept/Site Development Stormwater Management Plan for the above mentioned site is acceptable. The plan proposes to meet required stormwater management goals for proposed Lot 10/Block 14A via the use of two drywells and one micro-bioretention planter box. After subdivision of the property, the existing house will be located entirely on proposed Lot 9.

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. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
Ms. Nicole Huang  
Macris, Hendricks & Glascock, P.A.  
9220 Wightman Road, Suite 120  
Montgomery Village, MD 20886

Re: CONCEPT RECONFIRMATION  
COMBINED STORMWATER  
MANAGEMENT CONCEPT/SITE  
DEVELOPMENT STORMWATER  
MANAGEMENT PLAN  
Request for: Springfield existing Lot 8,  
Block 14A and Outlot A, Block 19 to be  
subdivided into Lots 9 and 10, existing  
house on Lot 9 to remain  
Preliminary Plan #: 120160260  
SM#281802  
Tract Size/Zone: 0.39 ac.  
Total Concept Area 0.22 ac.  
Watershed: Potomac River Direct

Dear Ms. Huang:

Your request for a stormwater management reconfirmation for the above site has been evaluated. The original approved SWM concept dated April 27, 2016 is hereby reconfirmed. The specific measures to be utilized to achieve full ESD treatment will be reviewed at final engineering. Please adhere to all conditions required as part of that approval.

If you have any questions regarding these actions, please feel free to contact Mary Fertig at mary.fertig@montgomerycounty.md.gov or at 240-777-6202.

Sincerely,

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

cc: SM File #: 281802