E-FILE STAMP

MONTGOMERY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Certified Preliminary Plan - 120220130
APPROVAL
02/08/24

Approved Resolution for Preliminary Plan #120220130

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Table 5 - Subject Trees to be Impacted but Retained

Tree No.	Botanical Name	Common Name	D.B.H. (in.)	Condition	Recommendation
53	Liriodendron tulipfera	Tuliptree	34	Fair	Save: 28% CRZ Impact
55	Liriodendron tulipfera	Tuliptree	31	Good	Save: 2% CRZ Impact
60	Liriodendron tulipfera	Tuliptree	36	Good	Save: 28% CRZ Impact
62	Liriodendron tulipfera	Tuliptree	34	Fair	Save: 40% CRZ Impact
65	Liriodendron tulipfera	Tuliptree	54	Good	Save: 46% CRZ Impact
66	Liriodendron tulipfera	Tuliptree	44	Good	Save: 6% CRZ Impact
72	Quercus palustris	Pin Oak	35.5	Fair	Save: 7% CRZ Impact
73	Quercus palustris	Pin Oak	32.5	Fair	Save: 15% CRZ Impact
74	Quercus palustris	Pin Oak	30.5	Fair	Save: 11% CRZ Impact
75	Quercus rubra	Northern Red Oak	38	Poor	Save: 16% CRZ Impact
76	Quercus palustris	Pin Oak	33.6	Fair	Save: 12% CRZ Impact

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship is related to the Sector Plan recommendations for the trail connection and environmental enhancement work (such as stream bank stabilization) which results in removals and impacts of subject trees, despite considerable efforts to avoid and minimize the overall impacts. Not granting the variance would among other things prevent the Sector Plan recommendations from being implemented. Therefore, the Planning Board finds that the Applicant has a sufficient unwarranted hardship to justify a variance request.

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c) Variance Findings:

The following determinations are based on the required findings for granting of the requested variance:

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

The Subject Property is located near a planned mass transit station where increased density is generally recommended in the Sector Plan and by overarching County policies. Furthermore, the Sector Plan recommends the proposed trail connection and environmental enhancement work associated with some of the impacts and removals. Additionally, considerable efforts were made to avoid and minimize the overall impacts and the Applicant will provide mitigation for the removals of subject trees. The variance request would be granted to any applicant in a similar situation. Therefore, the Planning Board finds that granting of this variance is not a special privilege that would be denied to other applicants.

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

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements of this project.

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

The requested variance is a result of the current application on the Subject Property and is not related to land or building use on a neighboring property.

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

The existing site conditions include considerable impervious areas with very little or no stormwater management. Therefore, a redevelopment that provides appropriate stormwater management will help to improve the associated water quality. MCDPS approved the stormwater management concept for the project on December 7, 2022. The stormwater management concept plan proposes to meet required stormwater management goals via the use of 6 Microbioretention, 7 Storm Filters with Underground Pipe Storage. Additionally, the Project will control existing drainage, which is causing active erosion within the Stream Valley Buffer, and then generally restore the affected areas to a natural condition. The soil restoration techniques to be implemented as conditioned will maximize the permeability of the soil helping to further reduce runoff while also enhancing the setting for the associated plantings. The

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replanting of mitigation trees will also help water quality goals by providing shading and water retention and uptake. Collectively these efforts are anticipated to ultimately have an improvement on water quality. Therefore, the Project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

There are 34 trees proposed for removal or potential removal in association with the application. There will also be disturbance to CRZs of another 11 trees that will be retained. Planting mitigation for the removals should be at a rate that approximates the form and function of the trees removed. Replacement should occur at a ratio of approximately one inch caliper for every four inches DBH of removal, using onsite trees that are a minimum of three inches caliper overstory trees native to the Piedmont Region of Maryland on the Property. For the 1220 diameter-inches of subject trees to be removed[3], the Applicant must provide mitigation of at least 305 caliper-inches of replacements. In this case, the Applicant proposes to plant approximately 80 trees with a combination of 3-inch and 4-inch caliper sizes and the final locations, quantities and sizes will be determined as part of the Certified FFCP review.

As a result of the above findings, the Planning Board approves with conditions the Applicant's request for a variance from Forest Conservation Law to remove or 34 subject trees, 11 of which are potential removals, and to impact, but retain, 11 other subject trees associated with the site (affecting a total of 45 subject trees).

5. ***All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.***

The Montgomery County Department of Permitting Services (MCDPS) approved a Stormwater Concept Plan on December 7, 2022. The Stormwater Concept Plan proposes to meet required stormwater management goals via the use of 6 Microbioretention cells, 7 Storm Filters, and Underground Pipe Storage.

6. ***Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.***

[3] Two of the subject trees proposed for removal are not included in the total as they are located within areas of forest clearing that are addressed by the overall reforestation/afforestation worksheet requirements and therefore do not also warrant individual replacement plantings.

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The Applicant does not have any notice, actual or constructive, of the existence of a burial site on the Property and none are included in the Montgomery County Cemetery inventory.

7. ***Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.***

No other provisions apply to the Subdivision.

BE IT FURTHER RESOLVED that this Preliminary Plan for Phase 1 will remain valid for 3 years and for Phase 2 will remain valid for 6 years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G) as described in Conditions 3 and 4 above, and that before the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution remains April 10, 2023 (which is the date that the original resolution was mailed to all parties of record).

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BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * * * * * * * *

~~CERTIFICATION~~

~~This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Commissioner Bartley, with a vote of 3-0; Chair Zyontz, and Commissioners Bartley, and Hedrick, voting in favor of the motion, Commissioner Pedoeem and Pinero were necessarily absent, at its regular meeting held on Thursday, March 23, 24 2023, in Wheaton, Maryland and via video conference.~~

~~Jeffrey Zyontz, Chair~~
~~Montgomery County Planning Board~~

* * * * * * * * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a Corrected Resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Hedrick, seconded by Commissioner Bartley, with a vote of 3-0-2; Chair Zyontz, and Commissioners Bartley, and Hedrick, voting in favor of the motion, Commissioners Pedoeem and Piñero abstaining, at its regular meeting held on Thursday, April 20, 2023, in Wheaton, Maryland and via video conference.

Jeffrey Zyontz, Chair
Montgomery County Planning Board

MAY 03 2023

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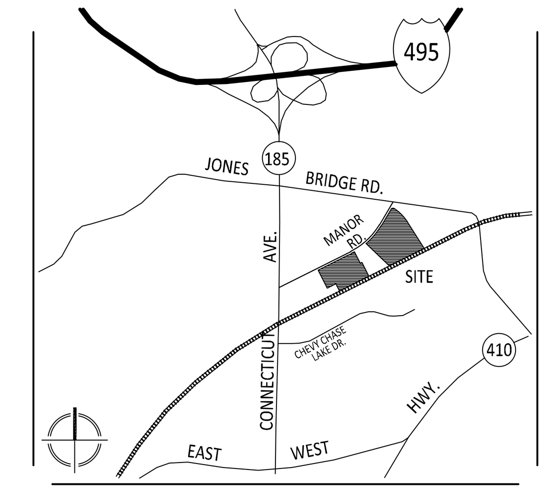
Preston Place and Lake Apartments
Preliminary Plan No. 120220130 and
Site Plan No. 820220180
Corrected Resolution

"FOR LOCATION OF UTILITIES CALL 8-1-1 or 1-800-257-7777 OR LOG ON TO www.call811.com or http://www.missutility.net 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY"

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. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

LAYOUT: 07-PREL-120220130-002B, Plotted By: nperez



VICINITY MAP
SCALE: 1" = 2000'

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Our Site Set on the Future.

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REVISIONS	DATE
REVISED PER DRC	09/02/22
CPP SUBMISSION	12/29/23

PRESTON PLACE AND LAKE APARTMENTS
7TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
WSSC GRID: 210NW03 & 210NW04
TAX MAP: HN43 & HN53

PLAN APPROVALS

CERTIFIED PRELIMINARY PLAN #120220130

PROFESSIONAL SEAL

Donald J Nelson

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
NAME: DONALD NELSON, P.E.
LICENSE No.: 52939
EXPIRATION DATE: JULY 11, 2024

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DRAWN BY: KP
DESIGNED BY: JS/KP
DATE ISSUED: 03/23/2022

VIKA PROJECT: VM50239

DRAWING NO.: PP-002B

SHEET NO.

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