



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #
10/26/06

MEMORANDUM

DATE: October 13, 2006

TO: Montgomery County Planning Board

FROM: Catherine Conlon, Supervisor *CC*
Development Review Division
(301) 495-4542

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for October 26, 2006

The following fourteen record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plans and site plans, if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code. Attached are specific recommendations and copies of plat drawings for the record plats. The following plats are included:

220031640 to 220031670 Thompson Corner Estates (4)
220031740 Branch Hill (1)
220061140 Cobblers Knoll (1)
220070230 Piney Glen Farms (1)
220061130 Wheaton Hills (1)
220061310 to 220061340 Columbia Country Club (4)
220070240 Cabin John Park (1)

PLAT NO. 220031640 to 120031670 and 20031740

Thompson Corner Estates and Branch Hill (Preliminary Plan: Thompson Farm)
Located on east side of Slidell Road, approximately 500 feet north of Old Baltimore Road

RDT zone, 15 Lots, 2 Parcels and 2 Out Lots

Private Well, Private Septic

Master Plan Area: Clarksburg

Jamison Land Co. L.L.C., Applicant

These record plats have been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that these plats comply with Preliminary Plan No. 119970980 (formerly 1-97098), as approved by the Board; and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the preliminary plan.

The five record plats for Thompson Corner Estates and Branch Hill comprise the entirety of the property approved as part of the Thompson Farm subdivision (119970980), originally approved on June 27, 2002. The Planning Board previously approved all five plats on November 21, 2002. Subsequent to the approval date of the plats, the Thompson Farm preliminary plan was the subject of two reconsideration requests by the Planning Board. Since the original preliminary plan approval on June 27, 2002, for 15 lots and 2 outlots to the last plan approval by the Planning Board on November 4, 2004, for 17 lots (as noted in Opinion dated 4/22/05) the plats had to be revised to show the outlots as lots.

Since the plats have been revised from the time of the original Planning Board approval date, staff felt it prudent to route the plats to be re-reviewed by the plat review agencies. The plats now conform to the most recent preliminary plan approval for 17 lots, most notably to show the 2 outlots as lots. The plats remain otherwise unchanged from their original configuration except to note the latest Planning Board approval date, April 22, 2005. Staff is asking the Planning Board to re-approve the plats with a new Planning Board approval date.

RECORD PLAT REVIEW SHEET

Plan Name: Thompson Corner Plan Number: 119970980
 Plat Name: Thompson Corner Estates Plat Number: 220031640-167.0
 Plat Submission Date: 6/15/06 220031740
 DRD Plat Reviewer: P. Weiss
 DRD Prelim Plan Reviewer: R. Weaver

Initial DRD Review:

Signed Preliminary Plan - Date 3/14/06 Checked: Initial RLJ Date
 Planning Board Opinion - Date 4/22/05 Checked: Initial TA Date 10/12/06
 Site Plan Req'd for Development? Yes No ✓ Verified By: TA (initial)
 Site Plan Name: NA Site Plan Number:
 Planning Board Opinion - Date Checked: Initial Date
 Site Plan Signature Set - Date Checked: Initial Date
 Site Plan Reviewer Plat Approval: Checked: Initial Date

Review items: Lot # & Layout ✓ Lot Area ✓ Zoning ✓ Bearings & Distances ✓
 Coordinates ✓ Plan # ✓ Road/Alley Widths ✓ Easements ✓ Open Space ✓
 Non-standard BRLs NA Adjoining Land ✓ Vicinity Map ✓ Septic/Wells ✓
 TDR note Child Lot note Surveyor Cert ✓ Owner Cert ✓ Tax Map ✓

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	M. Pfeiffer	6/21/06	7/7/06	7/26/06	OK
Research	Bobby Fleury	↓	↓	6/22/06	OK
SHA	Doug Mills	↓	↓	NC	NC
PEPCO	Steve Baxter	↓	↓	NC	OK
Parks	Doug Powell	↓	↓	NC	NC
DRD	Steve Smith	↓	↓		

Final DRD Review:

DRD Review Complete:

(All comments rec'd and incorporated into mark-up)

Engineer Notified (Pick up Mark-up):

Final Mylar w/Mark-up & PDF Rec'd:

Board Approval of Plat:

Plat Agenda:

Planning Board Approval:

Chairman's Signature:

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

Initial

TA

Date

10/6/069/21/0610/6/0610/6/0610/26/0610/26/0610/26/0610/26/0610/26/0610/26/0610/26/0610/26/0610/26/0610/26/0610/26/0610/26/0610/26/0610/26/0610/26/0610/26/0610/26/06No.

OWNER'S CERTIFICATION

The undersigned, owners of the property shown hereon, hereby adopt this plan of subdivision, dedicate the street shown hereon to public use, establish and grant to Montgomery County, Maryland, a temporary slope easement parallel and adjacent to the dedicated street to the front building restriction line or as shown. Such slope easement shall be automatically extinguished after all public improvements to the dedicated street have been lawfully completed and accepted for maintenance by Montgomery County, Maryland or other acceptable public agency, and further grant a Public Utility Easement (10' P.U.E.) or as shown hereon, to the parties named in a document entitled "Terms and Provisions of Public Utility Easements" as recorded in Liber 3834 at Folio 457 among the Land Records of Montgomery County, Maryland, subject to all current and applicable regulations to all federal, state, and local governing agencies. We further grant a conservation easement, as shown hereon to the parties named in a document entitled "Conservation Easement Agreement, Category I" as recorded in Liber 13178 at Folio 412 among said land records, subject to the terms set forth therein. We further grant a 25' Public Use Trail Easement as shown hereon to our successors, heirs, and assigns. The owners will cause all property corner markers and any other required monumentation to be set by a registered Maryland Land Surveyor, in accordance with Section 50-24(e) of the Montgomery County Code.

Jamison 427 Land Company, LLC

Charles T. Jamison
Charles T. Jamison, President

SURVEYOR'S CERTIFICATION

I hereby certify that the plat shown hereon is correct, that it is a subdivision of part of the land described in a deed from Bruce M. Leet, Personal Representative of the Estate of Harry Montgomery Leet, Estate Number w-3925, to Jamison 427 Land Company, LLC dated June 27, 2002, and recorded in Liber 21933 at Folio 184, and that the land described in the owner's certification hereon, all monuments and all proper descriptions and other boundary markers will be set as delineated hereon in accordance with the provisions of Section 50-24(n) of Montgomery County Code. The total area included on this plat is 77.832 acres of land of which 4.821 acres is dedicated to the public use.

10/4/06
DATE
Thomas A. Maddox
THOMAS A. MADDOX - Registered
Professional Land Surveyor MD #10650

LEGEND

- LIMIT OF TOTAL ABSORPTION SYSTEM
- 25 SEPTIC FIELD B.R.L.
- 100' NON-POLLUTION RADIUS
- WELL
- SEPTIC FIELD BUILDING RESTRICTION LINE SUBJECT TO CHANGE UPON REAPPROVAL BY THE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES WELL AND SEPTIC SECTION.
- LOT 8 APPROVED FOR 5 BEDROOM HOUSE
- LOT 9 APPROVED FOR 4 BEDROOM HOUSE
- LOT 10 APPROVED FOR 6 BEDROOM HOUSE

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD
APPROVED
CHAIRMAN ASST. - SECRETARY - TREASURER
M.N.C.P. & P.C. RECORD FILE NO.

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
APPROVED
DIRECTOR

CURVE	BEARING	HORIZ. DIST.	RADIUS	ARC	DELTA
C1	N39°33'31"E	286.40	550.00	302.19	31°28'48"
C2	S97°12'15"E	396.55	500.00	407.76	46°43'33"
C3	N13°08'22"E	500.00	500.00	225.98	25°33'49"
C4	S10°15'00"E	230.36	500.00	232.45	20°38'11"

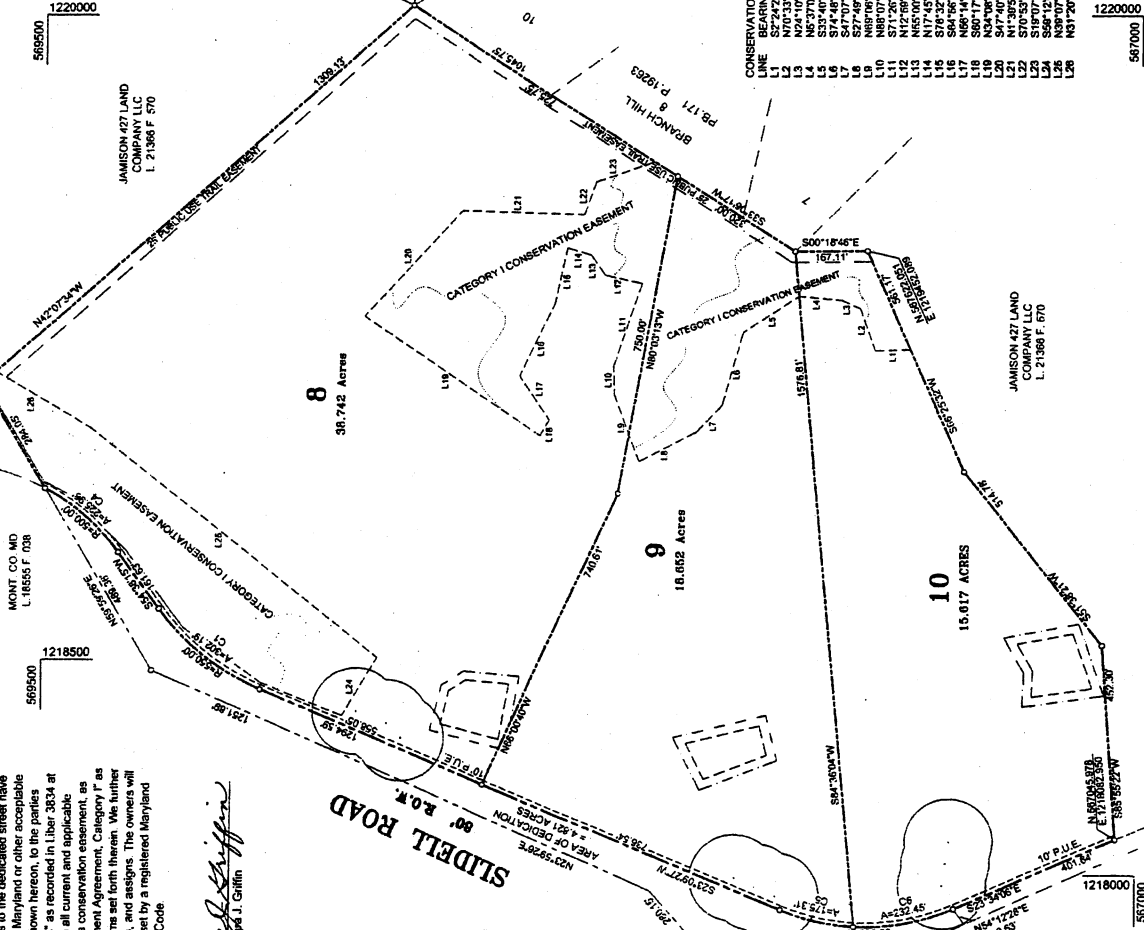
PLAT TOTALS	DELTA
NUMBER OF LOTS/OUTLOTS PARCELS 3	31°28'48"
AREA OF LOTS AND PARCELS 73.011 ACS	46°43'33"
AREA OF DEDICATION 4.821 ACS	25°33'49"
TOTAL AREA SHOWN ON PLAT 77.832 ACS	20°38'11"

PLAT NO.

MD STATE PLANE
(SURFACE)
NAD/83 DATUM

569500 1220000

JAMISON 427 LAND COMPANY LLC
L 21368 F. 670



CONSERVATION EASEMENT			
LINE	BEARING	DIST.	ACRES
L1	S27°24'20"E	80.00	
L2	N70°33'13"E	104.24	
L3	N24°10'49"E	46.36	
L4	N57°37'14"E	100.78	
L5	S74°46'29"E	178.46	
L6	S47°07'57"E	83.68	
L7	S37°48'46"E	146.67	
L8	N86°06'46"E	166.20	
L9	N86°07'12"E	97.13	
L10	S71°20'06"E	202.32	
L11	N17°45'34"E	54.84	
L12	N12°08'54"E	90.30	
L13	N65°05'20"E	56.82	
L14	N17°45'34"E	54.84	
L15	S76°32'30"E	133.54	
L16	S66°36'30"E	104.76	
L17	S66°36'30"E	104.76	
L18	S60°17'15"E	41.77	
L19	N34°06'22"E	422.95	
L20	S47°04'47"E	333.17	
L21	N1°39'55"E	277.10	
L22	N37°35'56"E	80.31	
L23	S66°36'30"E	104.76	
L24	S66°12'00"E	174.87	
L25	S67°07'30"E	845.83	
L26	N31°20'00"E	284.21	

567000 1220000

SUBDIVISION RECORD PLAT
LOTS 8, 9 & 10
THOMPSON CORNER
ESTATES
ELECTION DISTRICT 2
MONTGOMERY COUNTY, MARYLAND
SCALE 1" = 200' NOVEMBER 2002

THOMAS A. MADDOX
PROFESSIONAL LAND SURVEYOR
8923 SHADY GROVE COURT
GATHERSBURG, MARYLAND 20877
(301) 984-5804

203/64

4035-P412

OWNER'S CERTIFICATION

The undersigned, owners of the property shown hereon, hereby adopt this plan of subdivision, dedicate the street shown hereon to public use, establish and grant to Montgomery County, Maryland, a temporary slope easement parallel and adjacent to the dedicated street to the front building restriction line or as shown. Such easement shall be automatically extinguished after all public improvements to the dedicated street have been lawfully completed and accepted for maintenance by Montgomery County, Maryland or other acceptable public agency, and further grant a Public Utility Easement (10' P.U.E.) or as shown hereon, to the parties named in a document entitled "Terms and Provisions of Public Utility Easements" as recorded in Liber 3834 at Folio 457 among the Land Records of Montgomery County, Maryland, subject to all current and applicable regulations to all federal, state, and local governing agencies. We grant and establish a Common Ingress/Egress and Utility Easement as shown on this plat to our successors, heirs and assigns. We further grant a conservation easement, as shown hereon to the parties named in a document entitled "Conservation Easement Agreement, Category I" as recorded in Liber 13178 at Folio 412 among said land records, subject to the terms set forth therein. We further grant a 25' Public Use Trail Easement, as shown hereon, to our successors, heirs, and assigns. The owners will cause all property corner markers and any other required monumentation to be set by a registered Maryland Land Surveyor, in accordance with Section 50-24(e) of the Montgomery County Code.

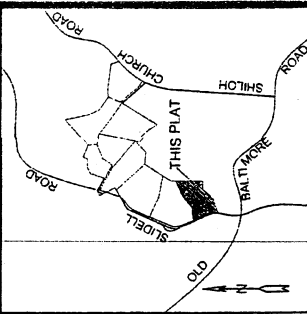
Jamison 427 Land Company, LLC
 By *Charles Jamison*, 10/16/2006, Attest: *Laura Collins*
 Charles Jamison, President
 Laura Collins

SURVEYOR'S CERTIFICATION

I hereby certify that the plat shown hereon is correct; that it is a subdivision of part of the land described in a deed from Bruce M. Leet, Personal Representative of the Estate of Harry Montgomery Leet, Estate Number w-30625, to Jamison 427 Land Company, LLC, dated June 27, 2002, and recorded in Liber 21933 at Folio 184, among the land records of Montgomery County, Maryland. I further certify that, once engaged as described in the owner's certification hereon, all monuments and all property markers and other boundary markers will be set as delineated hereon in accordance with the provisions of Section 50-24(e) of Montgomery County Code. The total area included on this plat is 25.137 acres of land of which 1.163 acres is dedicated to the public use.

10/16/2006
 DATE
Thomas A. Maddox
 THOMAS A. MADDOX - Registered
 Professional Land Surveyor MD #10850

PLAT NO.



VICINITY MAP
 SCALE: 1" = 2000'

NOTES

1. PROPERTY ZONED RDT
2. ALL LOTS ARE TO BE SERVED BY INDIVIDUAL WELLS AND SEPTIC SYSTEMS
3. THIS PLAT LIMITED TO THE USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN NO. 1-9788, DATED APRIL 22, 2005. ANY PROPOSED CHANGES IN USE WILL REQUIRE FURTHER PLANNING BOARD REVIEW AND APPROVAL.
4. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW, INCLUDING APPROVAL OF A FINAL FOREST CONSERVATION PLAN AND APPROPRIATE AGREEMENTS PRIOR TO ISSUANCE OF A SEPTIC CONTROL PERMIT
5. ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN, OR OTHER INSTRUMENT, INCLUDING THIS PROJECT, SHALL REMAIN IN FULL FORCE AND EFFECT BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE DISTINGUISHED BY THE RECORDATION OF THIS PLAT. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC VIEWING DURING NORMAL BUSINESS HOURS.
6. THIS PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING OR RESTRICTING THE OWNERSHIP AND USE OF THE PROPERTY. THIS PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.
7. PROPERTY FOUND ON MONTGOMERY COUNTY TAX MAP DW & DV & W.S.C. 211NW16, 232NW16.
8. CATEGORY I CONSERVATION EASEMENT AREA INCLUDES FLOOD PLAIN AND REQUIRED STREAM BUFFERS AND FOREST RETENTION AREAS.
9. VEHICULAR ACCESS DENIED ALONG SLIDELL ROAD TO LOTS 11-14, EXCEPT AT DESIGNATED LOCATION AS SHOWN ON APPROVED PRELIMINARY PLAN.

PROPERTY ZONED RDT

ALL LOTS ARE TO BE SERVED BY INDIVIDUAL WELLS AND SEPTIC SYSTEMS

THIS PLAT LIMITED TO THE USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN NO. 1-9788, DATED APRIL 22, 2005. ANY PROPOSED CHANGES IN USE WILL REQUIRE FURTHER PLANNING BOARD REVIEW AND APPROVAL.

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PROPERTY FOUND ON MONTGOMERY COUNTY TAX MAP DW & DV & W.S.C. 211NW16, 232NW16.

CATEGORY I CONSERVATION EASEMENT AREA INCLUDES FLOOD PLAIN AND REQUIRED STREAM BUFFERS AND FOREST RETENTION AREAS.

VEHICULAR ACCESS DENIED ALONG SLIDELL ROAD TO LOTS 11-14, EXCEPT AT DESIGNATED LOCATION AS SHOWN ON APPROVED PRELIMINARY PLAN.

SUBDIVISION RECORD PLAT
 LOTS 11, 12, 13, 14 & 15
 THOMPSON CORNER
 ESTATES

ELECTION DISTRICT 2
 MONTGOMERY COUNTY, MARYLAND
 SCALE 1" = 100' JULY 2006

THOMAS A. MADDOX
 PROFESSIONAL LAND SURVEYOR
 8933 SHADY GROVE COURT
 GAITHERSBURG, MARYLAND 20877
 (301) 984-5804

PLAT TOTALS
 NUMBER OF LOTS 5
 AREA OF LOTS AND PARCELS 23.974 ACS
 AREA OF DEDICATION 1.163 ACS
 TOTAL AREA SHOWN ON PLAT 25.137 ACS

SEPTIC FIELD BUILDING RESTRICTION LINE SUBJECT TO CHANGE UPON REAPPROVAL BY THE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES WELL AND SEPTIC SECTION

LOTS 11, 12, 14 APPROVED FOR 5 BEDROOM HOUSE
 LOTS 10 & 15 APPROVED FOR 6 BEDROOM HOUSE

203/65

DATE

PLAT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 MONTGOMERY COUNTY PLANNING BOARD
 APPROVED

CHAIRMAN

ASST. SECRETARY-TREASURER

DATE

M.N.C.P. & P.C. RECORD FILE NO.

DIRECTOR

APPROVED

DEPARTMENT OF PERMITTING SERVICES

MONTGOMERY COUNTY

SEPTIC FIELD BUILDING RESTRICTION LINE SUBJECT TO CHANGE UPON REAPPROVAL BY THE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES WELL AND SEPTIC SECTION

LOTS 11, 12, 14 APPROVED FOR 5 BEDROOM HOUSE
 LOTS 10 & 15 APPROVED FOR 6 BEDROOM HOUSE

203/65

100' NON-POLLUTION RADIUS

20' SEPTIC FIELD & R.L.

LIMIT OF TOTAL ABSORPTION SYSTEM

CL. SHIPLEY
 L. 13745 F. 607

3.071 Acres

14

5.205 Acres

15

4.877 Acres

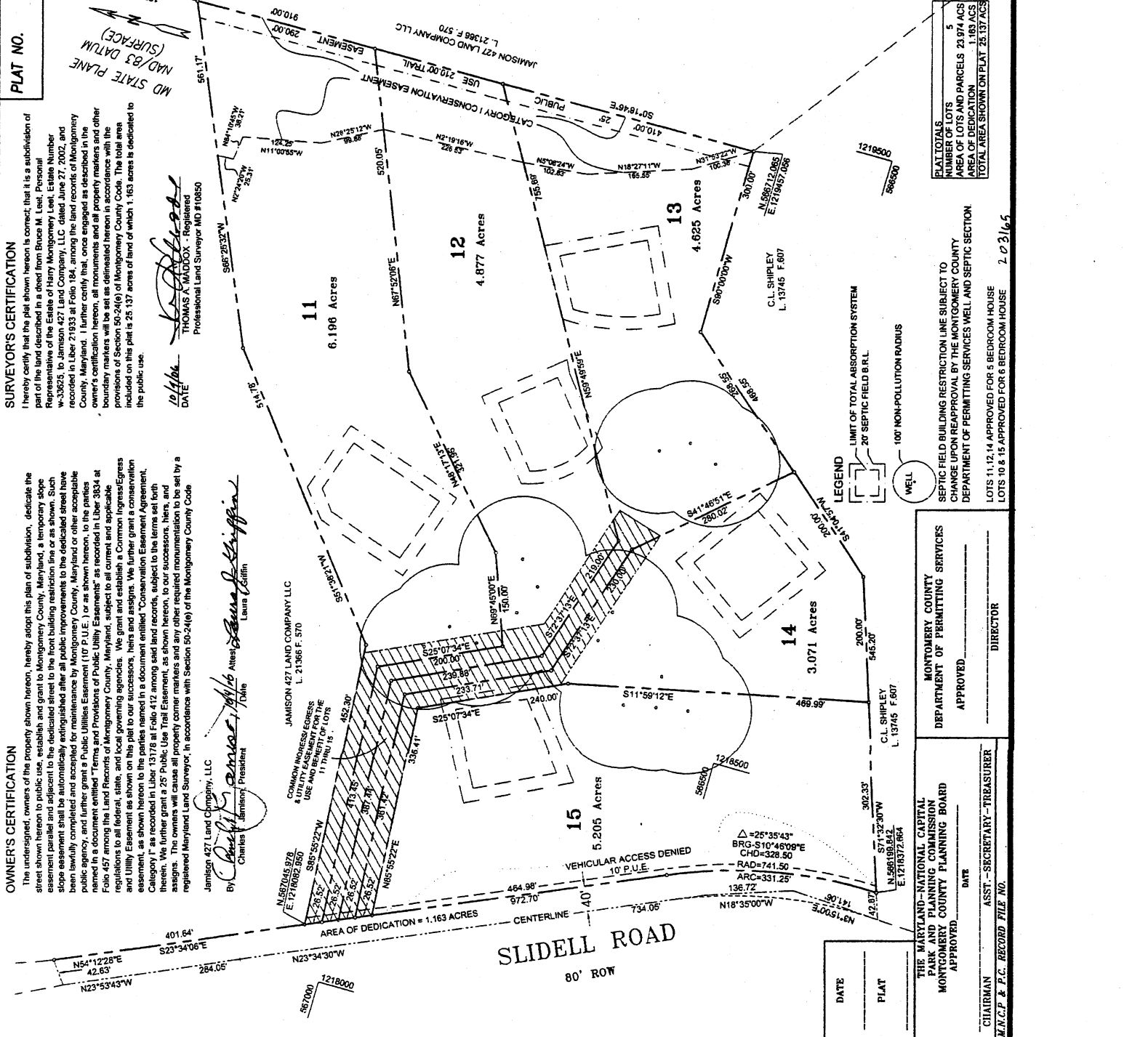
12

6.196 Acres

11

4.625 Acres

13



PLAT NO.

OWNER'S CERTIFICATION

The undersigned, owners of the property shown herein, hereby adopt this plan of subdivision, dedicate the street shown herein to public use, establish and grant to Montgomery County, Maryland, a temporary easement parallel and adjacent to the dedicated street to the front building restriction line or as shown. Such easement shall be automatically extinguished after all public improvements to the dedicated street have been lawfully completed and accepted for maintenance by Montgomery County, Maryland or other acceptable public agency, and further grant a Public Utility Easement (P.U.E.) for all shown herein, to the public, named in a document entitled "Terms and Provisions of Public Utility Easement" as recorded in Liber 3834 at Folio 457 among the Land Records of Montgomery County, Maryland, subject to all current and applicable regulations to all federal, state, and local governing agencies. We further grant a conservation easement, as shown herein to the parties named in a document entitled "Conservation Easement Agreement, Category F" as recorded in Liber 13178 at Folio 412 among said land records, subject to the terms set forth therein. The owners will cause all property corner markers and any other required monumentation to be set by a registered Maryland Land Surveyor, in accordance with Section 50-24(e) of the Montgomery County Code.

Jamison 427 Land Company, LLC
By *Charles T. Jamison* 10/16/16 Attest *Laura J. Gahn*
Charles T. Jamison, President Date

SURVEYOR'S CERTIFICATION

I hereby certify that the plat shown herein is correct, that it is a subdivision of part of the land described in a deed from Bruce M. Lee, Personal Representative of the Estate of Harry Montgomery Lee, Estate Number w-33925, to Jamison 427 Land Company, LLC dated June 27, 2002, and recorded in Liber 21933 at Folio 184, among the land records of Montgomery County, Maryland. I further certify that, once engaged as described in the owner's certification herein, all monuments and all property markers in accordance with the provisions of Section 50-24(e) of Montgomery County Code. The total area included on this plat is 170,676 acres of land of which 6,230 acres is dedicated to the public use.

Thomas A. Maddox
THOMAS A. MADDOX Registered Professional Land Surveyor MD #10850
DATE

VICINITY MAP

SCALE: 1" = 2000'

NOTES

1. PROPERTY ZONED RDT
2. ALL LOTS ARE TO BE SERVED BY INDIVIDUAL WELLS AND SEPTIC SYSTEMS.
3. THIS PLAT LIMITED TO THE USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN NO. 1-97088 DATED APRIL 22, 2005, ANY PROPOSED CHANGES IN USE WILL REQUIRE FURTHER PLANNING BOARD REVIEW AND APPROVAL.
4. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION PLAN AND APPROPRIATE AGREEMENTS PRIOR TO ISSUANCE OF A SEDIMENT CONTROL PERMIT.
5. ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN, OR OTHER PLAN, ALLOWING DEVELOPMENT OF THIS PROPERTY, APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE RECORDATION OF THIS PLAT. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC VIEWING DURING NORMAL BUSINESS HOURS.
6. THIS PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING OR RESTRICTING THE OWNERSHIP AND USE OF THE PROPERTY. THIS PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.
7. PROPERTY FOUND ON MONTGOMERY COUNTY TAX MAP DW & DV & W.S.C. 231NW16, 232NW16.
8. CATEGORY I CONSERVATION EASEMENT AREA INCLUDES ALL LAND WITHIN REQUIRED STREAM BUFFERS AND FOREST RETENTION AREAS.
9. PARCEL A TO BE CONVEYED TO THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION.
10. VEHICULAR ACCESS DENIED ALONG SLIDELL ROAD TO LOTS 16 & 17. EXCEPT AT DESIGNATED LOCATION AS SHOWN ON APPROVED PRELIMINARY PLAN.

SUBDIVISION RECORD PLAT
LOTS 16, 17, 18 & PARCEL A
THOMPSON CORNER
ESTATES

ELECTION DISTRICT 2
MONTGOMERY COUNTY, MARYLAND
SCALE 1" = 300'
NOVEMBER 2002

THOMAS A. MADDOX
PROFESSIONAL LAND SURVEYOR
8833 SHADY GROVE COURT
GAITHERSBURG, MARYLAND 20877
(301) 984-5604

403561475

LINE	BEARING	DIST
CE1	N14°19'55"E	133.46
CE2	S22°29'17"E	198.86
CE3	N0°00'00"E	133.13
CE4	S41°48'24"E	130.69
CE5	S58°16'33"E	256.27
CE6	S75°41'30"E	130.16
CE7	S25°10'04"E	145.13
CE8	S88°27'00"E	190.27
CE9	S71°46'49"E	123.73

MD STATE PLANE
NAD 83 DATUM
(SURFACE)

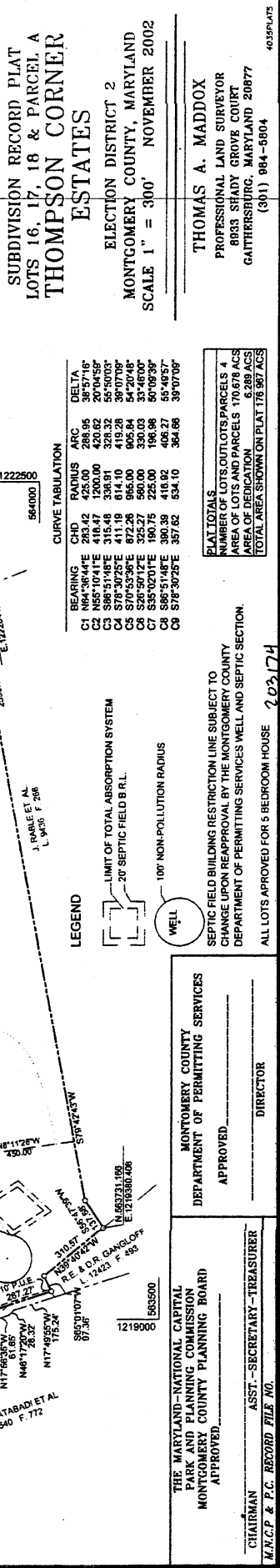
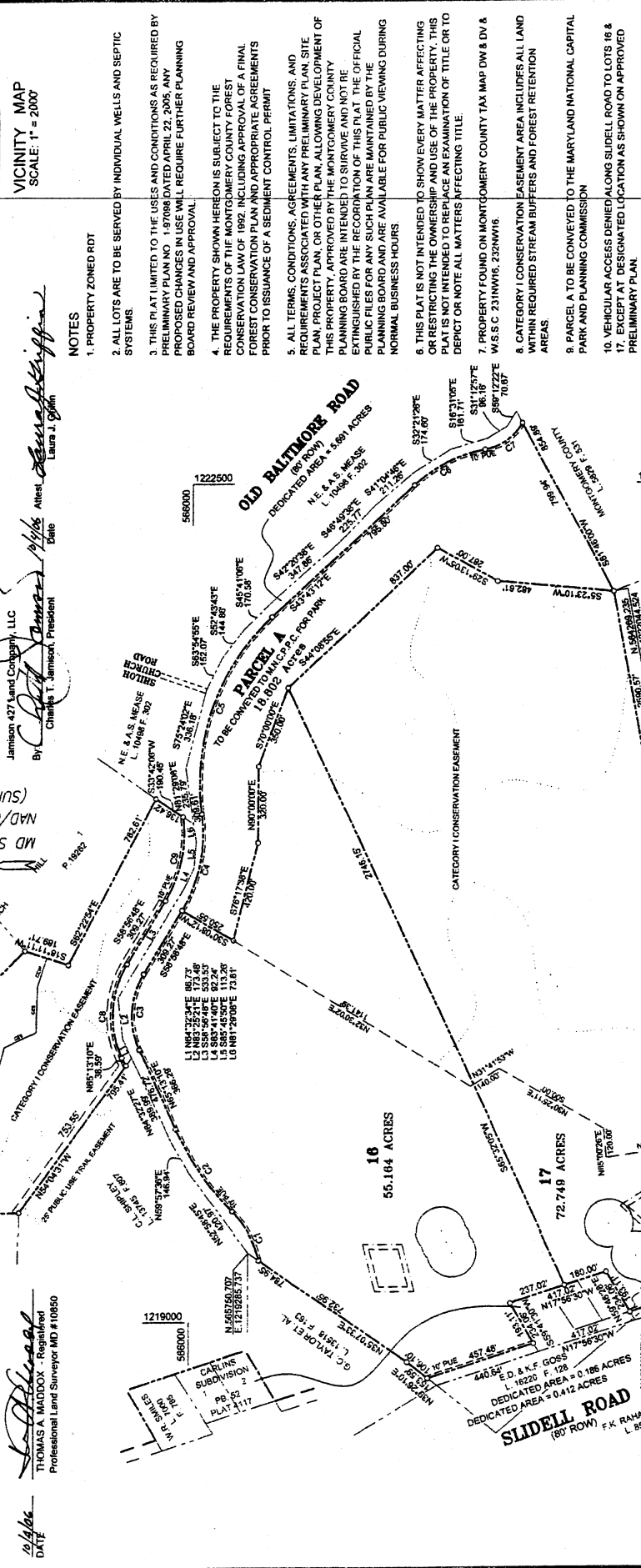
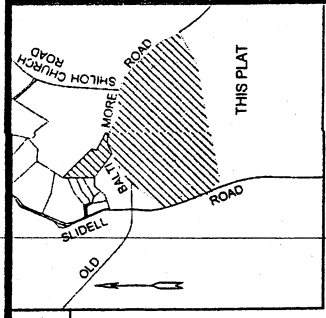
CURVE TABULATION		
BEARING	CHD	RADIUS
C1	N84°36'44"E	263.42
C2	S85°14'48"E	283.95
C3	S90°00'00"E	425.00
C4	S78°30'25"E	315.47
C5	S70°53'36"E	411.19
C6	S25°50'12"E	672.26
C7	S35°02'01"E	560.00
C8	S86°31'48"E	190.75
C9	S18°30'25"E	416.62
DELTA		357.62
ARC		534.10
CHD		357.62
ARC		534.10
CHD		357.62
ARC		534.10
CHD		357.62
ARC		534.10
CHD		357.62
ARC		534.10
CHD		357.62
ARC		534.10

PLAT TOTALS	
NUMBER OF LOTS, OUTLOTS, PARCELS	4
AREA OF LOTS AND PARCELS	170.678 ACES
AREA OF DEDICATION	6.289 ACES
TOTAL AREA SHOWN ON PLAT	176.967 ACES

SEPTIC FIELD BUILDING RESTRICTION LINE SUBJECT TO CHANGE UPON REAPPROVAL BY THE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES WELL AND SEPTIC SECTION.
ALL LOTS APPROVED FOR 5 BEDROOM HOUSE

MONTGOMERY COUNTY
DEPARTMENT OF PERMITTING SERVICES
APPROVED _____
DIRECTOR

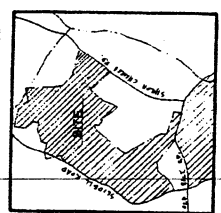
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD
APPROVED _____
CHAIRMAN ASST. SECRETARY-TREASURER
M.C.P. & P.C. RECORD FILE NO.



NOTES:

1. AREA OF PARCEL - 48,529 AC
2. NET TRACT AREA - 23,488 AC
3. NET TRACT AREA - 807 (RURAL DENSITY TRANSFER)
4. EXISTING ZONING - R-10 (RURAL DENSITY TRANSFER)
5. NUMBER OF LOTS PERMITTED - 17
6. NUMBER OF LOTS PERMITTED - 17
7. AREA DEDICATED TO PUBLIC STREETS - 11.4 AC
8. AREA DEDICATED TO PUBLIC STREETS - 11.4 AC
9. NEIGHBORHOOD - 10
10. SUBDIVISION - 30 TOTAL, 17 MINIMUM
11. LOCATED IN LITTLE SENECA CREEK WATERSHED (USE 8)
12. EXISTING WATER AND SEWER SERVICE CATEGORIES: WA, S-4
13. EXISTING WATER AND SEWER SERVICE CATEGORIES: WA, S-4
14. UTILITIES PROVIDED BY: WAT, LANTL AND TOLSON & EDITION CO.
15. LOCATED ON TAX MAP: 801, 001

Vicinity Map
1:2,500



CONTRACT ENGINEER
JAMISON 427 LAND COMPANY, LLC
P.O. BOX 103
POOLESVILLE, MD 20687
301-428-6200

NOTES:

1. AREA OF PARCEL - 48,529 AC
2. NET TRACT AREA - 23,488 AC
3. NET TRACT AREA - 807 (RURAL DENSITY TRANSFER)
4. EXISTING ZONING - R-10 (RURAL DENSITY TRANSFER)
5. NUMBER OF LOTS PERMITTED - 17
6. NUMBER OF LOTS PERMITTED - 17
7. AREA DEDICATED TO PUBLIC STREETS - 11.4 AC
8. AREA DEDICATED TO PUBLIC STREETS - 11.4 AC
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14. UTILITIES PROVIDED BY: WAT, LANTL AND TOLSON & EDITION CO.
15. LOCATED ON TAX MAP: 801, 001



NOTE: DARKLAND DEDICATION
Final configuration of all easement/trail easements and
pastland dedication areas to be resolved prior to Record Plat
approval.

NOTES:

1. AREA OF PARCEL - 48,529 AC
2. NET TRACT AREA - 23,488 AC
3. NET TRACT AREA - 807 (RURAL DENSITY TRANSFER)
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14. UTILITIES PROVIDED BY: WAT, LANTL AND TOLSON & EDITION CO.
15. LOCATED ON TAX MAP: 801, 001

DATE: 10/11/11
BY: [Signature]



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF
THE GENERAL COUNSEL

(301) 495-4646
FAX (301) 495-2173
April 22, 2005

MEMORANDUM

TO: All Parties of Record

FROM: Debra Daniel, Associate General Counsel *DYD*

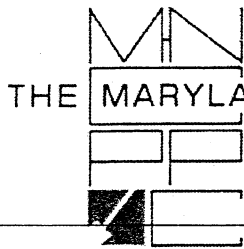
RE: Second Mailing of Planning Board Opinion for
Preliminary Plan No. 1-97098
Thompson Farm

Enclosed please find a copy of the Planning Board's Opinion for Preliminary Plan No. 1-97098, Thompson Farm. Certain individuals were inadvertently left off the mailing list in connection with the prior mailing, which necessitated this second mailing. The substance of the Opinion remains unchanged; however, the date of the mailing has been changed in accordance with footnote one in the Opinion.

DYD:cmd

Enclosure

w:\dyd\opinions\thompsonfarm\mem.pbo.mailing.042205.doc



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Date Mailed: **APR 22 2005**

Action: Approved Staff
Recommendation

Motion of Commissioner Perdue,
seconded by Commissioner Bryant, with
a vote of 3 to 2;
Commissioners Perdue, Bryant, and
Robinson voting in favor. Chairman
Berlage and Commissioner Wellington
voting against.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan Review No. 1-97098
Project: Thompson Farm
Date of Hearing: November 4, 2004

The date of this written opinion is APR 22 2005¹ (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court -State).

BACKGROUND AND PROCEDURAL HISTORY

On April 8, 1997, Harry Leet and "Thompson Farm Partnership" submitted an application for Preliminary Plan Review, designated as Preliminary Plan 1-97098 ("Preliminary Plan"), with the Montgomery County Planning Board ("Planning Board"). The Preliminary Plan requested approval to build seven (7) single-family houses on 176.53 acres in the RDT zone. The Preliminary Plan was scheduled to go before the Planning Board in March of 1998, but was pulled from the agenda by the controlling member of a partnership of owners. At that time, after going through the Development Review Process, the Plan was recommended for approval by all reviewing agencies.

In 2002, the Jamison 427 Land Company ("Applicant") revised the Preliminary Plan to propose 15 single-family detached homes and two outlots and one parcel on 434.73 acres zoned RDT and located within the Clarksburg Master Plan Area ("Subject Property"). After review by the Planning Board's expert technical staff ("Staff"), and with due notice, the revised Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing on June 27, 2002 ("June 2002 Hearing"). At the public hearing, the

¹ This date supercedes the April 15, 2005 date on the prior mailing of this Opinion.

for a public hearing on June 27, 2002 ("June 2002 Hearing"). At the public hearing, the Planning Board heard testimony and received evidence submitted into the record on the Preliminary Plan. Based upon the testimony and evidence presented by Staff, the information in the Preliminary Subdivision Plan Application Form, and other evidence of record, the Planning Board found Preliminary Plan 1-97098 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) as well as the Zoning Ordinance (Chapter 59, Montgomery County Code) and the Regional District Act (Article 28 of the Maryland Code Annotated), and approved Preliminary Plan 1-97098, subject to conditions. The Planning Board Opinion from the June 27, 2002 hearing was issued on December 3, 2002 ("2002 Opinion").

Certain adjacent property owners ("Neighbors") filed a timely request for reconsideration based, among other things, on certain language in the 2002 Opinion. Specifically, the 2002 Opinion cited language from the Clarksburg Master Plan that applied to property located to the east of Ten Mile Creek and the Subject Property is actually located on the west of Ten Mile Creek.¹ In light of the error in the 2002 Opinion, the Planning Board agreed to reconsider the Preliminary Plan.²

The Planning Board held a second hearing on the Preliminary Plan on December 11, 2003 ("December 2003 Hearing") on the exact same lot layout as the June 2002 Hearing. There were two minor changes to the Preliminary Plan from the June 2002 Hearing: 1) the two proposed outlots on the Preliminary Plan at the June 2002 Hearing had since passed percolation testing and was now shown in the Preliminary Plan as lots and 2) the parcel shown on the plan increased from 14 acres to 19 acres.³ At the conclusion of that hearing in which there was extensive discussion of the Clarksburg Master Plan and the Preservation of Agriculture & Rural Open Space Master Plan ("AROS Master Plan") and their applicability to the Preliminary Plan, the Planning Board voted to deny the

¹ There is nothing in the record that was before the Planning Board at the June 2002 Hearing that suggests the Planning Board in any way believed that, or relied on the idea that the Subject Property was located east of Ten Mile Creek. Although no witness explicitly testified that the property is west of Ten Mile Creek, the location of the Subject Property is accurately discussed throughout the June 2002 Hearing and correctly depicted on maps and exhibits that was before the Planning Board. Moreover, no witness at the June 2002 Hearing testified that the Subject Property is located east of Ten Mile Creek. Furthermore, there are no documents in the record before the Planning Board from the June 2002 Hearing that states or suggests that the Subject Property is located east of Ten Mile Creek or that the Clarksburg Master Plan's language regarding land east of Ten Mile Creek applies to the Subject Property. Most importantly, no Commissioner referred to the Clarksburg Master Plan's language concerning property east of Ten Mile Creek or in any way suggested that such language was relied on in deciding whether to approve the Preliminary Plan at the June 2002 Hearing.

² The Planning Board's decision had been appealed to the Circuit Court at the time of the first reconsideration request. The Circuit Court remanded the plan back to the Planning Board for consideration of the request and, when the Planning Board voted to reconsider the plan, the appeal was dismissed.

³ The difference of 5 acres slightly reduced the total acreages for Lots 8 and 9.

Preliminary Plan finding that it did not substantially conform to the Master Plans with Commissioners providing different rationales for that finding. The vote was 3 to 2 in favor of denial. The Applicant then filed a timely request for reconsideration based, among other things, on its position that the Planning Board's denial implemented a new policy of requiring all lots in the RDT zone to have a minimum of 25 acres which, the Applicant argued, is contrary to the Zoning Ordinance requirements.⁴ In order to review and clarify its application of the development standards to the Preliminary Plan, the Planning Board again agreed to reconsider the Preliminary Plan.

On November 4, 2004, the Planning Board held a third hearing on the Preliminary Plan ("November 2004 Hearing") on the exact Preliminary Plan that was before the Board at the December 2003 Hearing requesting approval of 17 lots and one parcel. Even with the two outlots having been converted into lots and the small change in the size of the parcel, the Preliminary Plan contained no material revisions since the Planning Board initially approved it at the June 2002 Hearing. At the conclusion of the November 2004 Hearing, the Planning Board found that Preliminary Plan 1-97098 was in accordance with the purposes and requirements of the Subdivision Regulations, the Zoning Ordinance, the Regional District Act, and the applicable master plans and approved Preliminary Plan 1-97098, subject to conditions. This Opinion memorializes the Planning Board's decision from the November 2004 Hearing.

SITE DESCRIPTION

The Subject Property consists of a total of 434.73 acres and is located within the Ten Mile Creek Area of the Clarksburg Master Plan. The property is bordered by Slidell Road to the west and is intersected by West Old Baltimore Road in its southern section. The Subject Property is located west of I-270, Ten Mile Creek and the downtown Clarksburg Town Center. It is also located in the unstaged portion of the Clarksburg Master Plan

The immediate area is largely agricultural but also contains residential development in close proximity on lots less than 25 acres in size. Most of the Subject Property is zoned Rural Density Transfer ("RDT"). The RDT zone permits a maximum density of one (1) dwelling unit per twenty-five (25) acres of land with a minimum lot size of 40,000 square feet. An adjoining subdivision to the east, approved in the early 1990s, developed at a higher density in accordance with its approved R-200 zoning, which permits a density of two (2) dwelling units per acre. Residential development on parcels smaller than 25 acres are present on the north side of Slidell Road opposite the Subject Property. From 1986 to 1995, the majority of the Subject Property was placed in the conservation reserve program and left fallow. Since 1996, much of the Subject Property has been used for hay production.

⁴ No written opinion was issued memorializing the Planning Board's December 11, 2003 decision.

PROJECT DESCRIPTION

The application proposes to create seventeen (17) residential lots and one parcel on 434.73 acres under the RDT zoning standards. The proposal includes a dedication of a nineteen (19) acre area designated as "Parcel A" in the southeast corner of the Subject Property fronting on West Old Baltimore Road and will be used to eventually connect the Bucklodge Forest Conservation Park to the Black Hills Regional Park with a trail system. Various public use easements will be established on the plat to allow pedestrian and equestrian movement through the property to these destinations. The proposal gives M-NCPPC approximately 19 acres of fee simple land, with the applicant proffering to enter into negotiations to sell Lot 18, containing 23.5 acres, to M-NCPPC in fee simple at its current fair market value.

The Preliminary Plan proposes a grouping of five (5) lots with access on Slidell Road and sharing a common driveway, Lot 10 (4.9 acres), Lot 11 (3.0 acres), Lot 12 (4.7 acres), Lot 13 (4.6 acres), and Lot 14 (6.5 acres). An additional grouping of six (6) Lots is proposed, each with access off of Slidell Road, Lot 15 (15.6 acres), Lot 16 (19.5 acres), Lot 17 (38.9 acres), Lot 1 (28.5 acres), Lot 2 (19.0 acres), and Lot 7 (15.0 acres). The Preliminary Plan further proposes three (3) lots to be served by a common ingress/egress driveway off of Shiloh Church Road, Lot 3 (31.5 acres), Lot 4 (25.5 acres), and Lot 5 (31.5 acres). Proposed Lot 18 (23.5 acres), which M-NCPPC anticipates purchasing, will be accessed by Branch Hill Road. Finally, there are two large lots, Lot 8 (77.0 acres) and Lot 9 (61.9 acres) that will be accessed from West Old Baltimore Road.

THE SUBDIVISION CRITERIA

An application for subdivision requires the Planning Board to undertake its legislatively delegated authority under the Regional District Act and the Subdivision Regulations. The application must also meet the requirements of the Zoning Ordinance applicable to the subject Preliminary Plan.

Section 50-35 of the Subdivision Regulations provides the approval procedure for preliminary plans of subdivision. After presentation of the Preliminary Plan to the Planning Board, the Board must act to approve or deny the plan, or to approve the plan subject to conditions or modifications necessary to bring the plan into accordance with the Montgomery County Code and all other applicable regulations. The general provisions for lot design for a subdivision are set forth in Section 50-29 of the Subdivision Regulations. In order to be approved by the Planning Board, lot size, width, shape, and orientation must be appropriate for the location of the subdivision and for the type of use contemplated. Lots must also abut a dedicated street or public road. In addition, the Preliminary Plan must meet the zoning requirements for the RDT zone set forth in 59-C-9.4, et. seq. of the Zoning Ordinance.

NOVEMBER 2004 HEARING

At the November 2004 Hearing, the Staff presented its analysis of the Preliminary Plan and its recommendation for approval as set forth in its October 29, 2004 staff report.

The Applicant, through counsel, requested that certain evidence be admitted into the record,⁵ which was received into the administrative record by the Planning Board.⁶ The Applicant outlined its unsuccessful efforts to reach a compromise plan with the Neighbors and set forth its position that the Planning Board's initial action at the end of the June 2002 Hearing was correct and legally binding on the Board. Several neighbors testified in support of the Preliminary Plan stating that the development would be an asset to the community.

Certain neighbors testified in opposition to the proposed Preliminary Plan. They argued that the Planning Board's decision at the end of the December 2003 Hearing was correct and legally binding on the Board and that the Board improperly reconsidered its decision to deny the Preliminary Plan. They further argued that the language in the Clarksburg and AROS Master Plans precluded the approval of the proposed Preliminary Plan because the plan was not compatible with the surrounding community and did not adequately preserve agricultural farmland as required by the Master Plans and the RDT zone. In addition, they argued that RDT zoning allows for higher density of homes outside the agricultural reserve by creating transferable development rights ("TDRs"). By allowing TDRs to be used at designated TDR receiving areas outside of the agricultural reserve, critical and irreplaceable natural resources could be preserved. In response to questioning from the Board, counsel for certain parties opposed to the Plan ("Opposition Counsel") stated that eliminating the cluster⁷ of smaller lots and replacing them with a larger lot would be more supportive of agriculture, which they maintain is the primary intended use of the Subject Property under the applicable master plans.

In rebuttal, the Applicant pointed out that the existing development pattern across Slidell Road contained lots similar to, if not smaller than, the cluster, or group, of lots proposed

⁵ Specifically, the Applicant requested that the large board showing the proposed lots as well as the existing lots in the surrounding developments be admitted into the administrative record as well as the large plats attached to Staff's staff report. In addition, Applicant requested that all exhibits and testimony from the Planning Board's June 2002 Hearing be admitted into the administrative record as well.

⁶ In accordance with The Rules of Procedure for the Montgomery County Planning Board ("Rules of Procedure"), a reconsideration of a prior action, voids the prior decision and "[t]he record of the prior hearing may be incorporated as part of the record of the subsequent public hearing." Rules of Procedure, Section 11(C). In addition, any filings or submittals in connection with the two requests for reconsideration are not part of the administrative record before the Planning Board. See Rules of Procedure, Sections 9 and 11(C).

⁷ It is important to note that while five of the proposed lots are described as being "clustered" on the Subject Property, the development proposal is not a "cluster subdivision." *Certain zones in the Zoning Ordinance* provide specific development standards for development under the "cluster option." The RDT zone does not contain a "cluster option" of development; thus, "cluster" in this context relates solely to the grouping of lots in close proximity to one another.

on the Subject Property. In addition, the Applicant stressed that it was clear, based on the discussions it had with the Neighbors in trying to reach a compromise plan, that the Neighbors' true concern is moving that group of lots to an area of the site, out of view of their lots, however, at that location the soil does not pass percolation tests. The Applicant pointed out that results of soil percolation tests limited the relocation of the smaller sized lots. Further, the Applicant maintained that the application conforms to the Clarksburg Master Plan objective of a transition between more intensive residential development to the east and farmland and open space to the west. Finally, the Applicant noted that the Planning Board had grounds to reconsider its decision from the December 2003 Hearing if the Board made a mistake with respect to the law, which the Applicant maintained the Planning Board did in reconsidering its decision from the June 2002 Hearing.

In response to questioning from the Planning Board, Staff stated that it disagreed with the Opposition's Counsel that replacing the group of lots with a larger lot would be more supportive of agriculture. Staff testified that having larger lots in general, as opposed to grouping lots and creating larger contiguous areas, scattered houses and promoted the creation of estate lots where no farming takes place. Staff noted that past decisions of the Planning Board have approved a variety of lots sizes and that, generally, the grouping of smaller lots to allow for preservation of larger lots on the remainder of the property is considered preferable.

The Neighbors also cited to the Rustic Roads Functional Master Plan approved and adopted in December 1996 (as amended in February 2004) ("Rustic Roads Master Plan") as a basis for disapproval of the Preliminary Plan. In the Rustic Roads Master Plan, West Old Baltimore Road is designated an exceptional rustic road; Slidell Road⁸ is designated a rustic road; and Shiloh Church Road is designated a country road. In response to questioning from the Planning Board, Staff confirmed that the Rustic Roads Master Plan states that "[t]he rustic road designation is not intended to affect the use of the adjoining land, except in the design of access to subdivision."⁹ Staff clarified that the quoted language was to ensure that suburban standards of maintenance and design were not applied to rustic roads and to ensure that curb cuts and driveway locations would be more conducive to the rural setting than a suburban setting. Staff further confirmed that the language addressed a transportation engineering consideration and did not address location of houses or viewscapes.

At the conclusion of the November 2004 Hearing, Commissioner Wellington stated her objections to the Preliminary Plan. Specifically, she stated her opinion that the Preliminary Plan as proposed did not meet the goals of the Master Plan. She also stated that it was her position that the Planning Board properly reconsidered the June 2002 Hearing and that the Board made the correct decision in denying the Preliminary Plan at the December 2003 Hearing.

⁸ Slidell Road was designated a rustic road in the Amendment to the Rustic Roads Master Plan approved and adopted in February, 2004.

⁹ Rustic Roads Functional Master Plan, p. 5.

DISCUSSION OF ISSUES

Compliance with the Zoning Ordinance

The preliminary plan proposes seventeen (17) lots pursuant to the RDT provisions of the Zoning Ordinance. The RDT zone allows single-family residential uses by right and has a density requirement that allows one (1) single-family residential dwelling unit per twenty-five (25) acres. The minimum net lot area in this zone is 40,000 square feet; the Zoning Ordinance has no requirement for maximum lot size in this zone. The intent in allowing this flexible lot size was to allow property owners to carve off smaller lots while retaining the bulk of their land in contiguous fields for agricultural purposes as long as the overall density of the entire property does not exceed one dwelling unit per 25 acres.

The intent of setting a density of 1 dwelling unit per 25 acres, as stated in the AROS Master Plan, was that 25 acres was determined to be the minimum lot size (in 1980) that a person could expect to be able to make a sustainable living in farming. This density limit had nothing to do with residential lot sizes. It was never anticipated that all residents would farm, but the flexibility in lot sizes was intended to enable more farmers to remain in business by facilitating the retention of large contiguous lots.

Staff evaluated the Preliminary Plan for consistency with all applicable sections of the Zoning Ordinance and found that the Preliminary Plan meets all zoning requirements.

Conformance with the Clarksburg and AROS Master Plans

The Subject Property is located within the Ten Mile Creek analysis area of the Clarksburg Master Plan. The Ten Mile Creek Area adjoins a portion of the County-wide agricultural reserve ("Agricultural Reserve")¹⁰ described in the AROS Master Plan as the "Central Sector."¹¹ The Central Sector is described in the AROS Master Plan as follows:

This 36,000-acre sector is the pivotal point in Montgomery County's agricultural and rural open space preservation program.

...

Pressure to develop this area is expected to increase because of its natural beauty and as employment opportunities move northward along

¹⁰ The Agricultural Reserve is defined in the AROS Master Plan as the area in Montgomery County that is the focus of "identification and application of land use regulations and incentives to help retain agricultural land in farming and complementary rural open space areas." AROS Master Plan, p. 8.

¹¹ See AROS Master Plan, p. 48.

the I-270 corridor. An aggressive preservation program should be focused on this area.¹²

The AROS Master Plan recommended that the Clarksburg Master Plan examine Clarksburg's potential for agricultural preservation. The Clarksburg Master Plan focused on the area west of Ten Mile Creek, which includes the Subject Property, as the most critical in terms of helping to preserve the larger Agricultural Reserve. The existing land use pattern is dominated by very large parcels and has traditionally been a farming community. As the Clarksburg Master Plan notes, "[a]lthough the suitability of soils for farming varies from poor to good, the importance of this area to County-wide agricultural preservation is significant because it forms a critical transition from the I-270 Corridor to the very productive farmland of western Montgomery County."¹³

For this reason, the Clarksburg Master Plan recommended approximately 1,800 acres west of Ten Mile Creek, including the Subject Property, be added to the County's Agricultural Reserve area to encourage the preservation of agriculture and open space. As discussed in the Clarksburg Master Plan Land Use chapter, several different public policy objectives have influenced the land use pattern in the Ten Mile Creek Area, including environmental concerns, farmland preservation, the creation of a Town Center near the Clarksburg Historic District, maintaining future employment sites along I-270, and addressing the County's housing demand for single-family detached units.¹⁴

It is important to note that this area was in the R-200 zone prior to the adoption of the Clarksburg Master Plan, so changing the zoning to RDT was a very substantial downzoning.¹⁵ The Clarksburg Master Plan states, "alternative rural land use patterns were considered in this area, but rejected as being inconsistent with farmland preservation policies."¹⁶ At the time the Clarksburg Master Plan was being reviewed, the "alternative rural land use patterns"—i.e., the rural land use patterns other than the RDT zone—were the Rural Cluster or Rural Zone. These zones provided for five-acre densities and recognized that, in the areas in which these zones were implemented, the rural land pattern of contiguous farm fields necessary for traditional agriculture had generally been lost. These areas have a mixed pattern of residential, farm, and rural open space. These zones are the basis for the "Rural Open Space" portion of the AROS

¹² AROS Master Plan, p. 53; Clarksburg Master Plan, p. 87.

¹³ Clarksburg Master Plan, p. 87 (references omitted).

¹⁴ See Id., p. 138.

¹⁵ In recognition of this significant downzoning, property owners were granted TDRs as a form of compensation for their loss of development potential. Property owners who wish to develop residential dwelling units as allowed in the RDT zone must relinquish one TDR for every dwelling unit constructed. Any TDRs leftover above those used for development on the property may be sold to designated TDR receiving areas throughout Montgomery County.

¹⁶ Clarksburg Master Plan, p. 87.

Master Plan. Thus, by putting the 1,800 acres, including the Subject Property, in the RDT (Rural Density Transfer Zone) of the Agricultural Reserve, the County Council rejected the "alternative rural land use patterns" then available¹⁷ by granting that area the protections of the very low density of the RDT Zone. The protections of the RDT zone and the Clarksburg Master Plan do not, however, include any provision dictating the lot sizes allowed for the Subject Property.

The Clarksburg Master Plan seeks to achieve a balance among the different policy issues. The west side of Ten Mile Creek, designated for farmland preservation, will maintain 64 percent of the drainage area as low density.¹⁸ Elsewhere in the drainage area, the Master Plan relies on imperviousness caps, extensive stream buffers, and staging to help mitigate the effects of development.¹⁹ In addition, the Clarksburg Master Plan states that the proposed rural and agriculture land use pattern is the key protection strategy for the area west of Ten Mile Creek, where agricultural Best Management Practices usage is anticipated to increase.²⁰

The proposed development of the Subject Property will provide open space, including the dedication of 19-acre Parcel A, for the benefit of the public at large, which is a substantial buffer for the "very productive farmland of Western Montgomery County."²¹ It achieves the Master Plan objective by providing a variety of open space features that connect to Black Hill Regional Park. Easy access to Black Hill Regional Park's outdoor experiences by future residents of Clarksburg is a key goal of the Master Plan. The proposed development provides contiguous open space for agricultural, environmental protection, and other open space preservation goals.

The AROS Master Plan states "This Plan recognizes that some residential development will occur even in productive areas. Therefore, residential development options are available in farming areas but only on a limited basis and in a manner that is consistent with preservation policies."²² As interpreted since 1980, the "limited basis" means the 25-acre density of the RDT Zone, and the "manner consistent with preservation policies" includes the ability to create smaller lots that allow the bulk of the property to remain in large contiguous fields.

¹⁷ In contrast, east of the Ten Mile Creek, the Clarksburg Master Plan adopted the "alternative rural pattern" higher density Rural Cluster Zone.

¹⁸ Clarksburg Master Plan, p. 138.

¹⁹ Id.

²⁰ Id., p. 142.

²¹ Id., p. 87.

²² AROS Master Plan, p. 35.

Later, the Plan cites an example of a "farmer" who wishes to develop some lots on the farm in the RDT Zone. The farmer may convert his "buildable" development rights into building lots, "each lot having a minimum of 40,000 sq. ft." on the farm.²³ This language, again, recognizes a landowner's ability to develop residential lots on his property in accordance with the development standards of the RDT zone and this language in the Plan clearly anticipates smaller lot sizes.

Moreover, the 1979 "Issues and Alternatives Report (Subregional Master Plan for the Protection of the Rural Wedge in Montgomery County)", which led to the adoption of the AROS Master Plan states that

The **preferential** agricultural zone usually does not define a minimum acreage (tract size). However it does define lot standards . . .

* * *

In contrast, an **exclusive** agricultural zone is one that defines a minimum acreage (tract size) as that size approaching the minimum necessary for a successful farming operation

* * *

The **preferential** agricultural zone is recommended for use in appropriate rural wedge areas.²⁴

The adopted Master Plan created the RDT Zone as a "preferential" agricultural zone, which allows for mixed lot sizes, not an "exclusive" agricultural zone which would have required 25-acre lots. Allowing a minimum lot size of 40,000 square feet in the RDT zone as long as the density of the entire property does not exceed one dwelling unit per 25 acres is evidence that in the preferential agricultural zone each individual lot need not be a minimum of 25 acres.

The 1988 Report of the Working Group to Evaluate the Agricultural and Rural Open Space Preservation Programs, Chaired by Norman Christeller ("1988 Working Group Report"), found that

some landowners owning large tracts classified in the RDT Zone are...[anticipating] future large lot development. This could undermine agricultural preservation objectives over the long term if 25-acre lots are developed in a manner that reduces the visibility of agriculture in the area. A legislative remedy to this problem that would not limit small farms would include: retention of the density of one unit per 25 acres, a relatively small

²³ Id., p. 44. It should be clarified that most of the language in the AROS Master Plan cites "farmers", but nothing in the language of the RDT zone excludes any property owner from developing in accordance with the provisions of the zone.

²⁴ Issues and Alternatives Report (1979), pp. 34-35 (underlined emphasis in original, bold emphasis added).

maximum [residential] lot size, mandatory cluster development, and restriction of the undeveloped areas to agricultural uses and open space, in a manner similar to the Rural Cluster Zone.²⁵

While these recommendations were not adopted, they indicate an acknowledgement by the County leaders that mandatory 25-acre large lot development in the RDT Zone was harmful to the future of the Agricultural Reserve and its intent to protect farming and supported—even recommended—that the grouping or clustering of smaller lots be used.

By placing the Subject Property in the RDT Zone, which permits residential development and lots as small as 40,000 square feet, the Clarksburg Master Plan envisioned residential development on the Subject Property. Staff found that the Preliminary Plan is consistent with the standards of the RDT zone as well as the other goals of the Clarksburg and AROS Master Plans.

Adequate Public Facilities

Neighbors and community groups submitted extensive correspondence into the record in opposition to the Preliminary Plan. They contended that the Subject Property and surrounding area simply can not support additional residential uses due to the lack of available groundwater over the past several years.

There is evidence in the record that 1) the Subject Property utilizes private well water; 2) the lots have passed the necessary percolation and water table tests; 3) the lots have obtained septic approval from the Montgomery County Department of Permitting Services ("DPS"); and 4) the Maryland Department of the Environment ("MDE") has issued Water Appropriation Permits for each of the 17 lots in the proposed subdivision. Moreover, the issue of adequacy of well water is not an issue properly before the Planning Board, as the Subdivision Regulations merely require septic approvals prior to recording of the lots. The determination as to proper appropriation of water from wells is a matter within the jurisdiction of MDE for all subdivisions of ten (10) lots or more.

Staff found that the proposed subdivision satisfied the requirements for adequate public facilities under the Subdivision Regulations.

100-year Floodplain and Stormwater Management

DPS reviewed and approved the revised 100-year Floodplain study. The 100-year floodplain delineation established by the analysis must be shown on the recorded subdivision plat. A stormwater management plan was also reviewed and approved by DPS, and the measures proposed to be undertaken were found to be in conformance with Chapter 19 of the Montgomery County Code.

²⁵ 1988 Working Group Report, p. 26.

Forest Conservation

The applicant has submitted a Forest Conservation Plan, which has been approved by Staff from the Commission's Environmental Planning Division. One of the conditions of approval is a Category I Conservation Easement. This particular plan does not propose the removal of any trees from the site. The layout of the lots on the Subject Property saves all existing trees and maximizes open space to the extent possible. Non-wooded acreage is currently maintained in field grass.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies; the applicant's position; and other evidence contained in the record²⁶, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds, with the conditions of approval, that:

- a) The Preliminary Plan meets the intent and development standards of the RDT Zone and all other applicable provisions of the Zoning Ordinance. The Planning Board further finds that the proposed residential use is permitted as a matter of right in the RDT Zone.
- b) The Preliminary Plan substantially conforms to the recommendations of the Clarksburg and AROS Master Plans. The Clarksburg Master Plan recommended that the Subject Property be rezoned to the RDT zone, and the Preliminary Plan fully complies with all of the development standards of the RDT zone. The Planning Board adopts the analysis set forth above on Conformance with the Clarksburg and AROS Master Plans and concurs with Staff's conclusion that the Preliminary Plan is consistent with the standards of the RDT zone as well as the other goals of the Clarksburg and AROS Master Plans. The Planning Board finds that the Preliminary Plan's conformance to the development standards of the RDT zone satisfies the recommendations of the Clarksburg Master Plan for the Subject Property, especially given that the Clarksburg Master Plan does not provide any specific recommendations for the Subject Property. The Planning Board further finds that the Subject Property is located in a transition area referenced in the Clarksburg Master Plan and that

²⁶ The record for this application closed at the conclusion of the December 2004 Hearing, upon the taking of an action by the Planning Board. The record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Development Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the December 2004 Hearing (excluding any submittals related to the reconsideration requests, see, footnote 6, *supra*), from the Applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application; all evidence, including written and oral testimony and any graphic exhibits, presented to and accepted by the Planning Board at the December 2004 Hearing.

the Preliminary Plan has elements of both the agricultural preservation area to the west and more intensive residential development to the east.

Specifically, the Planning Board finds that neither the recommendations of the Master Plans nor the development standards of the RDT zone require that the proposed lots be a minimum of 25 acres in size each. Furthermore, the Board finds that there is no language in the Clarksburg Master Plan regarding the Subject Property that places any additional standards to be met with respect to lot sizes or viewscapes in connection with the development of the Property than what is required to be consistent with the development standards of the RDT zone.

- (c) The Preliminary Plan further substantially conforms to the Clarksburg Master Plan by creating smaller lots in order to allow for larger contiguous lots, which is more conducive to the preservation of agriculture. The Preliminary Plan provides a compatible residential development option consistent with the Clarksburg Master Plan's preservation policies and allows the bulk of the Subject Property to remain in large contiguous fields. In addition, the Planning Board finds that locating the smaller lots on steep slopes with erodible soils and along the edge of the property is consistent with and supportive of the preservation of the agricultural reserve as well as the promotion of agriculture as the primary use on the Subject Property. The Board finds that the Preliminary Plan also advances the Clarksburg Master Plan's goal of having the area west of Ten Mile Creek serve as a transition area between the I-270 corridor and the productive farmland of western Montgomery County. The lots to the east of the Subject Property were developed under R-200 development standards and are smaller than the lots proposed in the Preliminary Plan. Therefore, the Board finds that the Preliminary Plan is consistent with the Clarksburg Master Plan's goal of moving from higher density to the east and lower density to the west.
- d) The designation of a road as a rustic road, in accordance with language set forth in the Rustic Roads Master Plan, does not affect the manner in which the adjoining land may be developed. Moreover, the Planning Board points out that the Rustic Roads Master Plan itself states that "[n]othing in the Rustic Roads Law or Functional Master Plan intends or should be construed to place any limits on the building of farm structures and homes in the Agricultural Reserve, beyond the limits otherwise imposed by County law."²⁷ The Board further finds that the Preliminary Plan maintains and enhances the rural character of the surrounding area through dedication of public land, establishment of public use trails, and forest conservation.

²⁷ Rustic Roads Master Plan (December 1996), pp. 9-10 (emphasis added).

- e) The proposed development is consistent with the goals and policies of the TDR program since TDRs are permitted, and anticipated, to be used on the properties generating them up to the amount of density allowed under the zone. The Board also finds that the TDRs granted property owners in the RDT zone recognizes those owners' loss of development potential by being downzoned and is not intended as a further restriction on those owners' ability to develop their properties in accordance with the development standards of the RDT zone.
- f) Given the minimal density proposed, public facilities, including transportation facilities, sewer and water service, schools, police, fire and health facilities as well as other public facilities, will be adequate to support and service the area of the proposed subdivision, taking into consideration existing and planned services.
- g) Private sewage disposal and well water is adequate and appropriate for this site. The Planning Board accepts MDE's issuance of Residential Use Water Appropriation Permits for the Subject Property, as well as the septic approval of DPS. The Board notes that while all lots must pass a percolation test, its approval of the layout of the lots may not be dictated by where a lot successfully passes such a test. The Board may grant approval of a proposed subdivision only if the proposed layout of lots is in compliance with all applicable statutory and regulatory provisions.
- h) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision. The Planning Board further finds that this determination is consistent with its prior approvals of developments in the RDT zone as supported by the plans attached to the Staff Report. The Board also notes that subdivision approval involves the approval of lots, not the locations of dwelling units on the lot.
- i) The proposed lots will abut public roads.
- j) The proposed conditions will ensure the appropriate use of the property as well as provide adequate access and road improvements, water and septic, and forest conservation measures.
- k) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- l) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.

m) The Preliminary Plan meets all applicable provisions of the Subdivision Regulations.

n) Commissioner Robinson expressly found that his vote for denial of the Preliminary Plan at the conclusion of the December 2003 Hearing was wrong as a matter of law. Specifically, he found that while there was language in the Clarksburg Master Plan that provided specific recommendations for certain parcels of land, there was no language in the Clarksburg Master Plan that provided for specific recommendations for the Subject Property. He concluded that, under the Clarksburg Master Plan, there were no additional standards for development required of the Subject Property beyond those provided for in the RDT zone. Moreover, he found that all applicable statutory and regulatory provisions as well as all other recommendations of the applicable master plans were satisfied as set forth in the Planning Board's findings.

CONDITIONS OF APPROVAL

Based on the testimony, evidence, and exhibits in the administrative record, the Planning Board finds Preliminary Plan 1-97098 to be in accordance with the Subdivision Regulations and the Zoning Ordinance of the Montgomery County Code and the provisions of Article 28 of the Maryland Code Annotated. Therefore, the Planning Board approves Preliminary Plan 1-97098 for 17 lots and one parcel, subject to the following conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plats or MCDPS issuance of sediment and erosion control permits.
- 2) All road rights-of-way shown on the approved Preliminary Plan shall be dedicated, by the Applicant, to the full width mandated by the Clarksburg Master Plan unless otherwise designated on the Preliminary Plan.
- 3) Record plat to show delineation of a Category I Conservation Easement over the area of stream valley buffer and forest Conservation areas.
- 4) Record plat to provide dedication of 80 feet of right-of-way for Slidell Road and 80 feet of right-of-way for West Old Baltimore Road.
- 5) Record plat to reflect common ingress/egress easements over all shared driveways.
- 6) Compliance with conditions of MCDPS septic approval dated June 21, 2002.

- 7) Dedication and acquisition of land for Park purposes and establishment of public use trail easements to be in accordance with the Park Planning and Resource Analysis Unit Memorandum dated June 20, 2002 as follows:

- Dedication of "Parcel A."
- Dedicate small triangular piece of West Slidell Road surrounded by Bucklodge Conservation park.
- Establish 25 foot public-use easements as shown on plan.
- Dedicated land to be conveyed free to trash and/or unnatural debris; staked where adjoining private property.
- Public use easements to be appropriately identified with signage
- Applicant and Staff to Negotiate acceptable terms to facilitate acquisition of Lot 18 for park purposes.

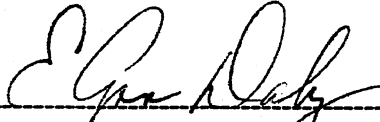
- 8) Access and improvements as required to be approved by MCDPWT prior to recordation of plats.
- 9) Provide an affidavit to verify the availability of a TDR for each existing and proposed dwelling unit shown on the approved Preliminary Plan. Include a note referencing affidavit on record plat.
- 10) This Preliminary Plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved Preliminary Plan, or a request for an extension must be filed.
- 11) The Adequate Public Facilities (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 12) All necessary easements.

* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, April 7, 2005**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 1-97098, Thompson Farm**. Commissioner Bryant was absent.

A handwritten signature in cursive script, appearing to read "E. Ann Daly", is written over a horizontal line.

Certification As To Vote of Adoption
E. Ann Daly Technical Writer

PLAT NO. 220061140

Cobblers Knolls (Preliminary Plan: Hutchison Property)

Located on Clarksburg Road, approximately 2000 feet south of Bethesda Church Road

RDT zone, 3 Lots

Private Well, Private Septic

Master Plan Area: Damascus

Dean Builders, Applicant

These record plats have been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that these plats comply with Preliminary Plan No. 120040910 (formerly 1-04091), as approved by the Board; and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the preliminary plan.

RECORD PLAT REVIEW SHEET

Plan Name: Hutchison Property Plan Number: 1-20040910
 Plat Name: Cobblers Back Knolls Plat Number: 220061140
 Plat Submission Date: 11/22/05
 DRD Plat Reviewer: Taslima Alam
 DRD Prelim Plan Reviewer: Richard Weaver

Initial DRD Review:

Signed Preliminary Plan - Date 4/5/05 Checked: Initial TA Date 12/12/05
 Planning Board Opinion - Date 3/7/05 Checked: Initial TA Date 12/12/05
 Site Plan Req'd for Development? Yes No Verified By: TA (initial)
 Site Plan Name: Site Plan Number:
 Planning Board Opinion - Date Checked: Initial TA Date 12/12/05
 Site Plan Signature Set - Date Checked: Initial TA Date 12/12/05
 Site Plan Reviewer Plat Approval: Checked: Initial Date

Review Items: Lot # & Layout Lot Area Zoning Bearings & Distances
 Coordinates Plan # Road/Alley Widths Easements Open Space
 Non-standard BRLs Adjoining Land Vicinity Map Septic/Wells
 TDR note Child Lot note Surveyor Cert Owner Cert Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	J. PENN	12/16/05	12/23/05	12/19/05	Scale increased
Research	Bobby Fleury			12/17/05	OK
SHA	Doug Mills			NC	NC
PEPCO	Jose Washington			11/11/06	OK
Parks	Doug Powell			NC	NC
DRD	Steve Smith				

Final DRD Review:

DRD Review Complete:

(All comments rec'd and incorporated into mark-up)

Engineer Notified (Pick up Mark-up):

Final Mylar w/Mark-up & PDF Rec'd:

Board Approval of Plat:

Plat Agenda:

Planning Board Approval:

Chairman's Signature:

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

Initial

TA

TA

TA

TA

TA

TA

Date

10/6/06

9/21/06

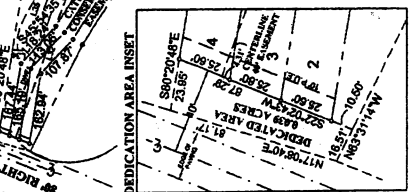
10/4/06

10/26/06

No.

- NOTES:**
1. PROPERTY ZONED NOT ALL EXISTING AND PROPOSED DEVELOPMENTS ON THE PRELIMINARY PLAN 1-0601, ENTITLED "HATCHISON PROPERTY", AND DATED 01/20/06, ANY PROPOSED CHANGES IN USE WILL REQUIRE FURTHER REVIEW AND APPROVAL BY THE MONTGOMERY COUNTY ZONING OFFICE.
 2. LOT TO BE SERVED BY INDIVIDUAL WELLS AND SEPTIC SYSTEMS, WATER AND SEWER CATEGORIES WA, S & C.
 3. ANY DEVELOPMENT IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION PLAN OF 1992, INCLUDING APPROVAL OF A FINAL FOREST CONSERVATION PLAN AND APPROPRIATE AGREEMENTS PRIOR TO ISSUANCE OF A SEEDLING CONTROL PERMIT.
 4. PROPERTY SHOWN ON TAX MAP EY1, WESC GRID SHEETS 227W42 AND 230W42.
 5. LOT 1 & 2 APPROVED FOR 4 BEDROOM HOUSE.
 6. LOT 3 APPROVED FOR 8 BEDROOM HOUSE.
 7. ANY DEVELOPMENT MUST BE SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION PLAN OF 1992, INCLUDING APPROVAL OF A FINAL FOREST CONSERVATION PLAN AND APPROPRIATE AGREEMENTS PRIOR TO ISSUANCE OF A SEEDLING CONTROL PERMIT.
 8. EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.

CLARKSBURG ROAD
RIGHT OF WAY

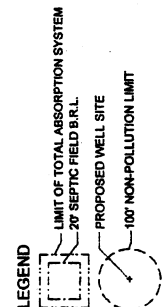


CENTERLINE OF 40" INCHES/GRASS & UTILITY EASEMENT

DW1	10.0000	0.0000
DW2	58°20'41"E	21.87
DW3	58°20'41"E	12.84
DW4	58°20'41"E	21.84
DW5	58°20'41"E	11.19
DW6	58°20'41"E	20.17

CONSERVATION EASEMENT

LINE	BEARING	DISTANCE
L1	S89°20'41"E	1.00
L2	S89°20'41"E	1.00
L3	S89°20'41"E	1.00
L4	S89°20'41"E	1.00
L5	S89°20'41"E	1.00
L6	S89°20'41"E	1.00
L7	S89°20'41"E	1.00
L8	S89°20'41"E	1.00
L9	S89°20'41"E	1.00
L10	S89°20'41"E	1.00
L11	S89°20'41"E	1.00
L12	S89°20'41"E	1.00
L13	S89°20'41"E	1.00
L14	S89°20'41"E	1.00
L15	S89°20'41"E	1.00
L16	S89°20'41"E	1.00
L17	S89°20'41"E	1.00
L18	S89°20'41"E	1.00



PLAT TOTALS

NUMBER OF LOTS	3
AREA OF LOTS	75.081 ACS
AREA OF DEDICATION	0.039 ACS
TOTAL AREA SHOWN ON PLAT	75.120 ACS

THE MARYLAND-NATIONAL CAPITAL PLANNING BOARD
MONTGOMERY COUNTY PLANNING BOARD

APPROVED _____ DATE _____

CHAIRMAN _____ ASST.-SECRETARY-TREASURER _____

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES

APPROVED _____ DATE _____

DIRECTOR _____

PLAT NUMBER _____ DATE _____

M.A.C.P. & P.C. RECORD FILE NO.

PLAT NO.

MD. STATE PLANE
NAD 83 / 91

THIS PLAT

VICINITY MAP
SCALE: 1" = 2,000'

OWNER'S CERTIFICATION

The undersigned owner of the property shown herein, hereby certifies that the plan of subdivision, dedications and easements shown herein, were prepared by a Professional Land Surveyor, and that the same are true and correct. I further certify that the same are in accordance with the provisions of the Maryland Subdivision and Conveyance Act, and that the same are in accordance with the provisions of the Maryland Public Use Law. I further certify that the same are in accordance with the provisions of the Maryland Public Use Law. I further certify that the same are in accordance with the provisions of the Maryland Public Use Law.

There are no subs, mortgages, leases, liens or other interests in the subject property except for a certain mortgage and the party in interest therein has been indicated their consent to this plan.

Dean Builders, Inc.
Date: 10/10/06
Signature: [Signature]

SURVEYOR'S CERTIFICATION

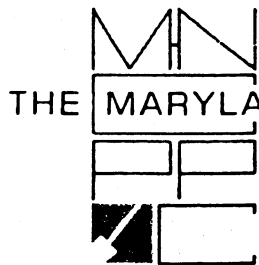
I hereby certify that the plat shown herein is correct, that it is a subdivision of part of the land described in a deed from John N. Hutchison, Jr. and Robert T. Hutchison, to Dean Builders Inc., dated November 28, 2005, and recorded in Liber 31810 at Folio 393 among the land records of Montgomery County, Maryland. I further certify that, once engaged as described in the owner's certification herein, all monuments and all property markers and other boundary markers will be set as delineated herein in accordance with the provisions of Section 50-24(e) of the Montgomery County Code. I further certify that the 100 year flood plain shown herein is an accurate representation of the flood plain referenced in Note 10 on this plat. The total area included on this plat is 75.122 acres of land of which 0.039 acres are dedicated to the public use.

10/10/06
THOMAS A. MADDOX - Registered
Professional Land Surveyor MD #10650

SUBDIVISION RECORD PLAT
LOTS 1-3
COBBLERS KNOLL
ELECTION DISTRICT 12
MONTGOMERY COUNTY, MARYLAND
SCALE 1" = 200' AUGUST 2005

THOMAS A. MADDOX
PROFESSIONAL LAND SURVEYOR
8633 SHADY GROVE COURT
CATHERSBURG, MARYLAND 20877
(301) 984-5604

301-370-4223



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Date Mailed: MAR 07 2005

Action: Approved Staff
Recommendation

Motion of Commissioner Bryant,
seconded by Commissioner Perdue,
with a vote of 5-0;
Chairman Berlage and Commissioners
Perdue, Bryant, Wellington, and
Robinson voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-04091

NAME OF PLAN: Hutchison Property

The date of this written opinion is MAR 07 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court - State).

On 5/26/04, Dean T. Builders submitted an application for the approval of a preliminary plan of subdivision of property in the RDT zone. The application proposed to create three (3) lots and one (1) outlot on 103.14 acres of land located at on the east side of Clarksburg Road, approximately 2,000 feet south of the intersection with Bethesda Church Road, in the Damascus master plan area. The application was designated Preliminary Plan 1-04091. On 1/20/05, Preliminary Plan 1-04091 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

At the hearing, Staff recommended approval of the Preliminary Plan with conditions. The applicant was represented by its attorney at the public hearing, and was in agreement with the staff recommendation and concurred with all of the conditions as proposed by staff. Nobody presented written evidence or testimony at the public hearing in opposition to the plan, and the record of this application does not contain any contested issues.

SITE DESCRIPTION

The subject property, identified as Parcel 970 ("Subject Property"), is located on the east side of Clarksburg Road, approximately 2,000 feet south of the intersection with Bethesda Church Road. The Subject Property contains 103.14 acres and is zoned RDT. It is currently developed with a single-family dwelling (Historic Site 10/20 - James W. Burdette Tenant House), which will remain. Two streams traverse the property. Existing homes along Clarksburg Road generally separate the Subject Property from Clarksburg Road. The existing homes are located on parcels between one-half acre and two acres in size.

PROJECT DESCRIPTION

This is an application to subdivide the Subject Property into three (3) lots and one (1) outlot. The existing house on Lot 2 will remain, new homes will be constructed on Lots 3 and 4, and it is anticipated that a new home will be constructed on Outlot 1 after it receives septic approval. The proposed lots will share common driveway access from Clarksburg Road. The outlot has not received septic approval but otherwise meets all applicable requirements of Chapter 50 and Chapter 59. Pursuant to Section 50-35A (a) (2), the outlot can be converted into a buildable lot under the minor subdivision process. At the hearing, Commissioner Robinson indicated that he had no concerns with the outlot converting to a developable lot under the minor subdivision process if the outlot is developed utilizing conventional septic methods. He did, however, express concerns over the development of the outlot if sand mounds are utilized.

Outlot 1 will be 24.0 acres in size; Lot 2 will be 21.0 acres; Lot 3 will be 38.0 acres; and Lot 4 will be 20.0 acres. Lot 2 includes the Historic Resource referenced above. The Subject Property has been before the Historic Preservation Commission, which set the historic setting for the structure at 21.0 acres as shown on the current plan. The applicant is presenting this plan as an equestrian community with a 20-foot equestrian easement around the perimeter of the site. Generally, the size of the lots included on this plan can support agricultural practices.

STAFF RECOMMENDATION

Staff recommended approval of the Preliminary Plan in its memorandum dated January 14, 2005 ("Staff Report"). Staff's review of the Preliminary indicated that the plan conforms to the recommendations of the current 1982 Damascus Master Plan. The proposed Preliminary Plan is consistent with the Master Plan goal of maintaining the area's agricultural character by creating lots that are capable of supporting agricultural practices.

The Staff Report concluded that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the area of the proposed subdivision. Staff further found that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies;¹ the applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds, with the conditions of approval, that:

- a) The Preliminary Plan No. 1-04091 substantially conforms to the Damascus master plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

¹ The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-04091 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-04091, subject to the following conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 2) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 3) Compliance with conditions of MCDPS (Health Dept.) septic approval dated December 29, 2004.
- 4) Compliance with the conditions of approval of the MCDPS stormwater management approval dated June 11, 2004.
- 5) Compliance with conditions of MCDPWT letter dated January 11, 2005.
- 6) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 7) Applicant to provide a signed affidavit for the availability of a TDR for each lot prior to recordation of the plat(s).
- 8) Other necessary easements.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

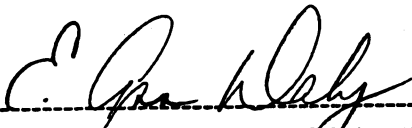
* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED BY THE LOCAL SURVEYOR
DJP 2/25/05
MONTGOMERY COUNTY DEPARTMENT

CERTIFICATION OF BOARD VOTE ADOPTING OPINON

At its regular meeting, held on **Thursday, March 3, 2005**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of **Commissioner Bryant, seconded by Commissioner Robinson, with Chairman Berlage, Vice Chair Perdue, Commissioner Bryant, Commissioner Robinson, and Commissioner Wellington** voting in favor of the motion, **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 1-04091, Hutchison Property.**



Certification As To Vote of Adoption
E. Ann Daly, Technical Writer

PLAT NO. 220070230

Piney Glen Farms (Preliminary Plan: Piney Glen Farms)

Located on east side of Piney Meetinghouse Road, across Albermyrtle Road

RE-2 zone, 5 Lots

Community Water, Private Septic

Master Plan Area: Potomac

D & M L.L.C., Applicant

These record plats have been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that these plats comply with Preliminary Plan No. 120050310 (formerly 1-05031), as approved by the Board; and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the preliminary plan.

RECORD PLAT REVIEW SHEET

Plan Name: Piney Glen Farms Plan Number: 120050310
 Plat Name: Piney Glen Farms Plat Number: 220070230
 Plat Submission Date: 8/3/06
 DRD Plat Reviewer: PW/TA
 DRD Prelim Plan Reviewer: RW

Initial DRD Review:

Signed Preliminary Plan - Date 7/20/06 Checked: Initial RW Date 8/24/06
 Planning Board Opinion - Date 6/12/06 Checked: Initial PW Date 8/23/06
 Site Plan Req'd for Development? Yes No Verified By: (initial)
 Site Plan Name: Site Plan Number:
 Planning Board Opinion - Date Checked: Initial Date
 Site Plan Signature Set - Date Checked: Initial Date
 Site Plan Reviewer Plat Approval: Checked: Initial Date

Review Items: Lot # & Layout Lot Area Zoning Bearings & Distances
 Coordinates Plan # Road/Alley Widths Easements Open Space NA
 Non-standard BRLs NA Adjoining Land Vicinity Map Septic/Wells
 TDR note Child Lot note Surveyor Cert Owner Cert Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>B. Federlino</u>	<u>8/9/06</u>	<u>8/24/06</u>	<u>NC</u>	<u>NC</u>
Research	Bobby Fleury			<u>8/10/06</u>	<u>OK</u>
SHA	Doug Mills			<u>NC</u>	<u>NC</u>
PEPCO	Steve Baxter			<u>NC</u>	<u>OK</u>
Parks	Doug Powell			<u>NC</u>	<u>NC</u>
DRD	Steve Smith	<u> </u>	<u> </u>	<u>8/23/06</u>	<u>OK see plat</u>

Final DRD Review:

DRD Review Complete:
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up):
 Final Mylar w/Mark-up & PDF Rec'd:

Initial

Date

TA10/6/06TA8/25/06TA10/5/06**Board Approval of Plat:**

Plat Agenda:

TA10/26/06

Planning Board Approval:

Chairman's Signature:

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

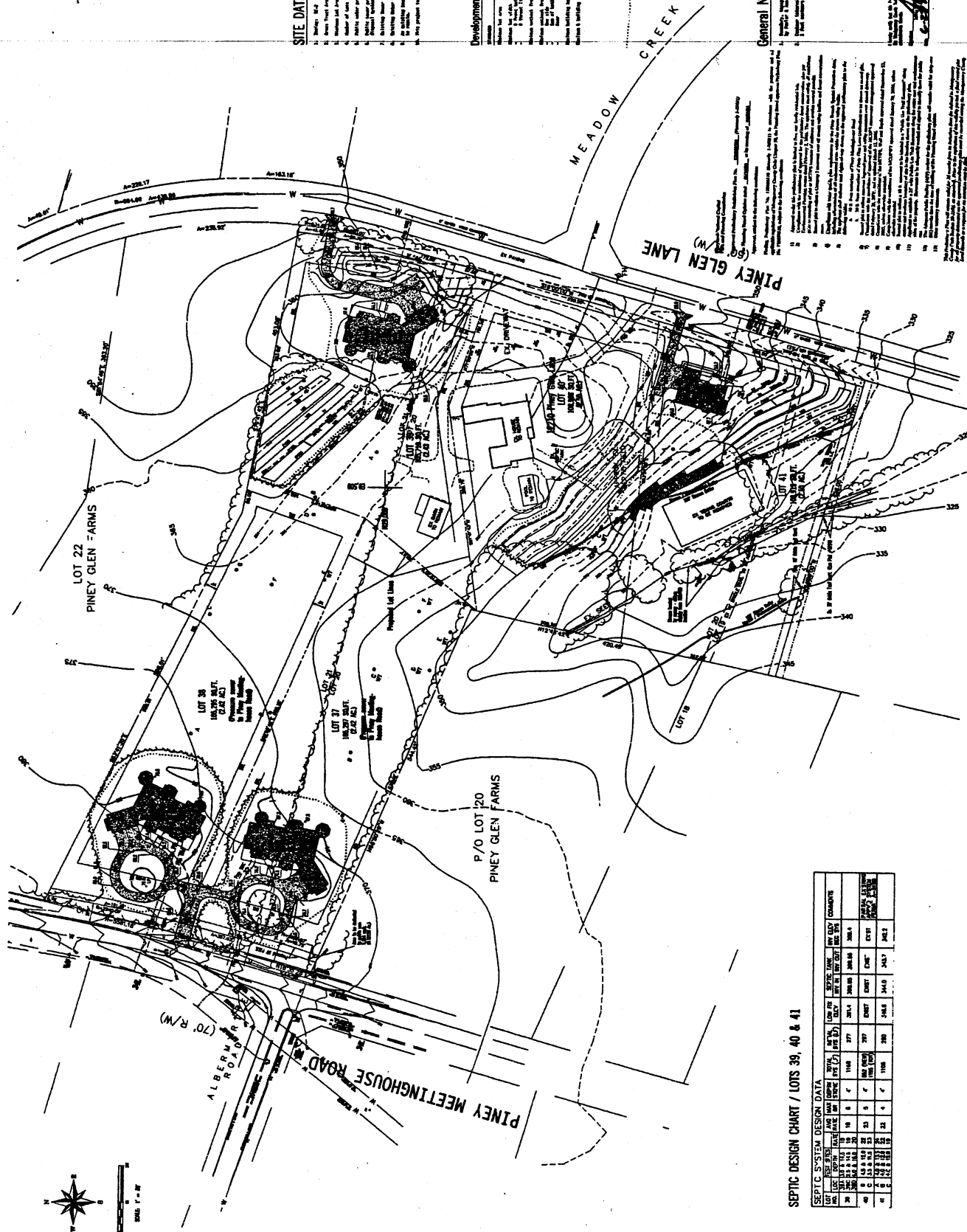
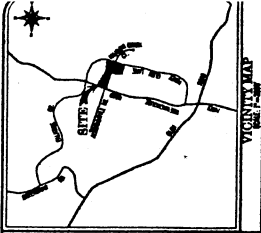
Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

No.



SITE DATA

1. Project Name: PINEY GLEN FARMS
2. Project Location: 1.5 miles N.E. of Piney Glen, VA
3. Project Owner: PINEY GLEN FARMS, INC.
4. Project Engineer: J. R. HARRIS, P.E.
5. Project Date: 10/1/2011
6. Project Status: PRELIMINARY
7. Project Description: 1.5 miles N.E. of Piney Glen, VA
8. Project Notes: 1.5 miles N.E. of Piney Glen, VA

Development Standards Per RE-2 Zoning

Standard	Requirement
1. Lot Area	1.5 acres
2. Lot Width	100 feet
3. Lot Depth	100 feet
4. Lot Shape	1.5 miles N.E. of Piney Glen, VA
5. Lot Orientation	1.5 miles N.E. of Piney Glen, VA
6. Lot Access	1.5 miles N.E. of Piney Glen, VA
7. Lot Easements	1.5 miles N.E. of Piney Glen, VA
8. Lot Encroachments	1.5 miles N.E. of Piney Glen, VA
9. Lot Setbacks	1.5 miles N.E. of Piney Glen, VA
10. Lot Frontage	1.5 miles N.E. of Piney Glen, VA

General Notes

1. This plan is a preliminary plan and is not to be used for construction.
2. The project is located in the RE-2 Zoning District.
3. The project is located in the 1.5 miles N.E. of Piney Glen, VA.
4. The project is located in the 1.5 miles N.E. of Piney Glen, VA.
5. The project is located in the 1.5 miles N.E. of Piney Glen, VA.
6. The project is located in the 1.5 miles N.E. of Piney Glen, VA.
7. The project is located in the 1.5 miles N.E. of Piney Glen, VA.
8. The project is located in the 1.5 miles N.E. of Piney Glen, VA.
9. The project is located in the 1.5 miles N.E. of Piney Glen, VA.
10. The project is located in the 1.5 miles N.E. of Piney Glen, VA.

SEPTIC DESIGN CHART / LOTS 39, 40 & 41

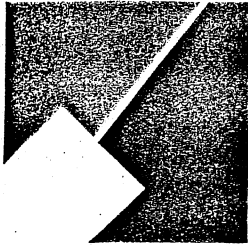
LOT	AREA	PERMIT	DATE	REVISION	COMMENTS
39	1.5	10/1/2011	1.0	1.0	1.0
40	1.5	10/1/2011	1.0	1.0	1.0
41	1.5	10/1/2011	1.0	1.0	1.0

SITE SOLUTIONS, INC.
 1000 Old Route 100
 Suite 100
 Leesburg, Virginia 22075-1000
 Phone: 703-771-1000
 Fax: 703-771-1001
 Email: info@site-solutions.com
 Website: www.site-solutions.com

PRELIMINARY PLAN
 LOT 21, PART OF LOT 19 & 20
PINEY GLEN FARMS
 PRELIMINARY EDITION
 PREPARED BY: J. R. HARRIS, P.E.
 DATE: 10/1/2011

PINEY GLEN FARMS, INC.
 1000 Old Route 100
 Suite 100
 Leesburg, Virginia 22075-1000
 Phone: 703-771-1000
 Fax: 703-771-1001
 Email: info@site-solutions.com
 Website: www.site-solutions.com

NO.	DESCRIPTION	DATE
1	1.0	10/1/2011
2	1.0	10/1/2011
3	1.0	10/1/2011
4	1.0	10/1/2011
5	1.0	10/1/2011
6	1.0	10/1/2011
7	1.0	10/1/2011
8	1.0	10/1/2011
9	1.0	10/1/2011
10	1.0	10/1/2011



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

Board Approval Date: April 6, 2006

Date Mailed:

JUN 16 2006

Action: Approved Staff Recommendation

Motion of Commissioner Robinson,
seconded by Commissioner Bryant,
with a vote of 5-0;
Chairman Berlage and Commissioners
Perdue, Bryant, Wellington, and
Robinson voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 120050310 (formerly 1-05031)

NAME OF PLAN: *Piney Glen Farms (Resubdivision)*

The date of this written opinion is JUN 16 2006 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

I. WATER QUALITY PLAN

Pursuant to Montgomery County Code § 19-65(a)(1), the Planning Board performed a water quality review, including the review of the final water quality plans, in conjunction with the review process for the instant Preliminary Plan.

Action: **APPROVAL OF FINAL WATER QUALITY PLAN.** Motion to approve was made by Commissioner Robinson; duly seconded by Commissioner Bryant; with a vote of 5-0, Commissioners Berlage, Perdue, Bryant, Wellington, and Robinson voting in favor.

II. INTRODUCTION

On 08/20/04, the applicant, Potomac Heritage Homes ("Applicant"), submitted an application for the approval of a preliminary plan of subdivision of property in the RE-2 zone. The application proposed to create 5 lots on 12.4 acres of land.

located at located on the east side of Piney Meetinghouse Road opposite the intersection with Albermyrtle Road, in the Potomac master plan area ("Subject Property"). The application was designated Preliminary Plan 120050310 (formerly 1-05031). Preliminary Plan 120050310 was first brought before the Montgomery County Planning Board on February 16, 2006. At that meeting, staff made a presentation of its findings regarding the subject application to the Board. Following staff's presentation, however, the Applicant requested a postponement of the Planning Board hearing so that the Applicant could obtain approval from the Department of Permitting Services for one of the proposed resubdivision lots under the Applicant's water quality plan. Colonel John Yassin spoke at the February 16, 2006 hearing, inquiring generally as to how the Applicant proposed to accomplish resubdivision of the subject property. On April 6, 2006, Preliminary Plan 120050310 was brought back before the Montgomery County Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

III. SITE AND PROJECT DESCRIPTION

The Subject Property consists of two lots and one part of lot located in the Piney Glen Subdivision on 12.4 acres of land. The Subject Property has frontage on both Piney Meetinghouse Road and Piney Glen Lane. Most of the immediate surrounding neighborhood has been subdivided and is shown on record plats. The Subject Property currently contains an existing single-family house that fronts on Piney Glen Lane. A small stream bisects the southern portion of the site; the stream is a tributary to the Piney Branch, which is in a special protection area. A tennis court presently exists in close proximity to the stream. The northernmost portions of the property are forested with some additional forested areas in and along the aforementioned stream.

IV. SUMMARY OF TESTIMONY AND EVIDENCE

Development Review Staff ("Staff") recommended approval of the Application in its memorandum dated February 3, 2006 ("Staff Report"). Staff presented its findings consistent with the Staff Report at the Hearing. The Applicant appeared at the hearing represented by its counsel and engineer and advised the Board that the Applicant supported the Staff recommendation. No other party testified in support of or opposition to the Application. Additionally, the record includes no correspondence either in support of, or in opposition to, the Application. As previously mentioned, Colonel John Yassin spoke at the hearing on February 16, 2006 but indicated neither support nor opposition to the subject application.

V. FINDINGS

Having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopt and incorporate by reference; the recommendations of the applicable public agencies¹; the Applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds, based on uncontested evidence of record, that:

- a) Preliminary Plan No. 120050310 substantially conforms to the Potomac Master Plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS")

¹ The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

that the Stormwater Management Concept Plan meets MCDPS' standards.

- f) The application satisfies all the applicable requirements of Montgomery County Code Chapter 19, Article V (Water Quality Review in Special Protection Areas). This finding is subject to any applicable condition(s) of approval. Specifically, the Board finds that the Final Water Quality Plan:

- i. conforms with all policies in the Planning Board's Environmental Guidelines; and
- ii. conforms with all applicable policies or requirements for special protection areas; and the Board further finds that
- iii. all environmental buffers on the Subject Property will be protected within Category I conservation easements; and
- iv. the Plan meets the 0.94 acre reforestation requirement by planting along the rear portion of proposed Lot 37 and behind the barn on proposed Lot 39. Such planting will provide larger areas of contiguous forest, and contribute to meeting the intent of the Piney Branch Special Protection Area to provide multiple protections for water resources.

- g) The proposed lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood (delineated in the Staff Report) ("Neighborhood"), as analyzed below.

Area: During the staff review of the application it was noted that the buildable area for proposed lots 38 and 41 would be limited by conservation easements, which are required for protection of forest and stream buffers. Staff called into question whether these limitations would produce lots that are in character with the existing lots in the Neighborhood. To support its observation that many existing lots in the Neighborhood have similar conditions, the Applicant submitted two separate tabular summary tables: one that includes stream buffers and forest in the buildable area and one that excludes them and uses setbacks per the zone to define buildable area. A review of the data tables provides evidence that many other lots in the Neighborhood are, in fact, encumbered by environmental limitations. Thus, the smaller "actual" buildable area for proposed lots 38 and 41 are not out of character with the Neighborhood. The Board finds that the tabular summaries support this finding as follows:

Buildable area including stream buffers and protected forest – In the 50-lot Neighborhood, the existing lot areas range from 0.35 acres to 3.50 acres. The proposed lots have useable areas ranging from 1.58 acres to 1.76 acres. The square footage of the useable areas for the proposed lots are well within the range of the useable areas for existing lots in the Neighborhood and are, therefore, of the same character.

Buildable area excluding stream buffers and protected forest – In the 50-lot Neighborhood, the existing lot areas range from 0.24 acres to 2.90 acres. The proposed lots have useable areas ranging from 0.55 acres to 1.57 acres. The square footage of the useable areas for the proposed lots are well within the range of the useable areas of the existing lots in the Neighborhood and are, therefore, of the same character.

Lot Size: The lots range in total size from 2.0 acres to 5.31 acres. The proposed lots range from 2.42 acres to 2.5 acres. The Board finds the proposed lots to be of the same character with regard to size as those lots existing in the Neighborhood.

Alignment: The lots within the Neighborhood vary as to how they align to the street frontage. Most are described as perpendicular, one is radial, and five are described as parallel. The proposed lots are best described as perpendicular and are similar to the majority of lots in the Neighborhood. The alignments of the proposed lots are, therefore, of the same character as the alignment of existing lots in the Neighborhood.

Lot Frontage: There is one pipestem lot in the Neighborhood with a frontage of 25 ft. and one large lot with 1,035 ft. of frontage. The remaining 48 lots range from 120 ft. to 507 ft. The proposed lots range from 185 ft. to 289 ft. The Board finds that the lots are of the same character as the existing lots in the Neighborhood with respect to frontage.

Shape: The Neighborhood has a variation in lot shapes, including rectangular, irregular and radial shapes. All five proposed lots will be rectangular-shaped; and, therefore, are of the same character as the existing lots in the Neighborhood.

Width: The Neighborhood consists of lots that range in width (at the building line) from 130 ft. to 940 ft. The proposed lots range from 185 ft. to 280 ft. All the proposed lots are well within the range

of the widths of the existing lots in the Neighborhood and are, therefore, of the same character with respect to width.

Suitability: All the proposed lots are suitable for residential use.

- h) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

VI. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120050310 (formerly 1-05031) in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120050310, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to five, one family residential lots.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan per Environmental Planning memo dated February 2, 2006. The applicant must satisfy all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permits.
- 3) Record plat to reflect a Category I easement over all stream valley buffers and forest conservation areas.
- 4) Compliance with water quality plan requirements for the Piney Branch Special Protection Area, including afforestation of all unforested areas within the stream valley buffer.
- 5) The applicant shall dedicate road rights-of-way shown on the approved preliminary plan to the following widths:
 - a. 40 ft. from centerline of Piney Meetinghouse Road
 - b. 30 ft. from centerline of Piney Glen LaneDedications to be shown on record plat.
- 6) Record plat to reflect common ingress/egress and utility easements over shared driveway.
- 7) Compliance with the conditions of approval of the MCDPS stormwater management approval dated February 28, 2005, and as updated March 13, 2006.
- 8) Compliance with the conditions of the MCDPS, Well and Septic approval dated September 23, 2005, unless otherwise amended.
- 9) Compliance with the conditions of the MCDPWT approval dated January 30, 2005, unless otherwise amended.

- ★ 10) Record plat to reflect a 10 ft. easement to be labeled as a "Public Use Trail Easement" along eastern and southern boundary of site in the location shown on the preliminary plan.
- ★ 11) Applicant to establish a 25'-wide Public Use Trail Easement along the entire east and southernmost sides of the property. Easements to be adequately marked and signed to identify them for public use.
- 12) 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 opinion.
- 13) Other necessary easements.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

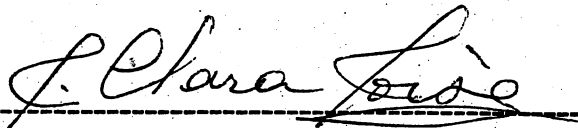
APPROVED AS TO LEGAL SUFFICIENCY

 T.A.B.
M-NCPPC LEGAL DEPARTMENT
DATE 6/2/06

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on **Thursday, June 8, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commission Bryant seconded by Chairman Berlage, by a vote of 4-0, with Vice Chair Perdue necessarily absent, and Commissioners Berlage, Bryant, Wellington, and Robinson present, **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 120050310 (formerly 1-05031), Piney Glen Farms (Resubdivision)**.

A handwritten signature in cursive script, reading "M. Clara Moise", written over a horizontal line.

Certification As To Vote of Adoption
M. Clara Moise, Technical Writer

PLAT NO. 220061130

Wheaton Hills

Located on east side of Piney Meetinghouse Road

CBD-2 zone, 1 lot

Community Water, Community Sewer

Master Plan Area: Wheaton Sector Plan

Old Bladensburg Properties, L.L.C., Applicant

Staff recommends approval of this minor subdivision plat pursuant to section **50-35A (a)(3)** of the Subdivision Regulations, which states:

Consolidation of Two or More Lots or a Part of a lot into One Lot. Consolidating more than one lot into a single lot is permitted under the minor subdivision procedure provided:

- a. Any conditions applicable to the original subdivision remain in full force and effect and the number of trips generated on the new lot do not exceed those permitted for the original lots or as limited by an Adequate Public Facilities agreement.
- b. Any consolidation involving a part of a lot may occur under the minor subdivision process if the part of a lot was created by deed recorded prior to June 1, 1958

Staff applied the above-noted minor subdivision criteria for this lot (previously known as part of lot 4 and part of Parcel B) and concludes that the proposed minor subdivision complies with the criteria of Section 50-35A (a)(3) of the subdivision regulations and supports this minor subdivision record plat.

RECORD PLAT REVIEW SHEET – MINOR SUBDIVISION SEC-50-35A

Plat Name: Wheaton Hills
Plat Number: 22006113
Plat Submission Date: 11/21/05
DRD Plat Reviewer: Taslima Alam

Select which Category of Minor Subdivision and fill information as required

Requirements under Sec 50-35A (A)

(1) Minor Lot Adjustment

- a) Total area does not exceed 5% of combined area affected: _____
- b) No additional lots created: _____
- c) Adjusted line is approximately parallel/does not significantly change shape of the lots: _____
- d) Date sketch plan submitted: _____
- e) Sketch plan revised or denied within 10 business days: _____
- f) Final record plat submitted within ninety days: _____
- g) Sketch shows following information:
 - i. proposed lot adjustment: _____
 - ii. physical improvements within 15 feet of adjusted line: _____
 - iii. alteration to building setback: _____
 - iv. amount of lot area affected: _____

(2) Conversion of Outlot into a Lot

- a) Outlot not required for open space or otherwise constrained: _____
- b) Adequate sewerage and water service/public or private: _____
- c) Adequate public facilities and AGP satisfied: _____
- d) Any conditions/agreements of original subdivision: _____
- e) Special Protection Area, Water Quality Plan required: _____

(3) Consolidation Of Two or More Lots

- a) Any prior subdivision conditions: _____ ✓
- b) Part of lot created by deed prior to June 1 1958: _____ ✓

(4) Further Subdivision of Commercial/Industrial/Multi-Family Lot
Any subdivision/conditions; APF agreement satisfied: _____ ✓

(5) Plat of Correction

- a) All owners and trustees signed: _____
- b) Original Plat identified: _____

(6) Plats for Residentially Zoned Parcels Created by Deed prior to June 1958

- a) Deed(s) submitted: _____
- b) Developable with only one single family detached unit: _____

(7) Plat for Existing Places of Worship, Private Schools, Country Club, Private Institution, and Similar Uses located on Unplatted Parcels

- a) Adequate Public Facilities satisfied: _____
- b) Street dedication required: _____
- c) Forest conservation: _____
- d) Storm-water management: _____
- e) Special Protection Area/Water Quality Plan: _____
- f) Landscaping and lighting plan including parking lot layout: _____

g) Approved Special Exception: _____

(8) Plats for Certain Residential Lots in the RDT Zone; 5 Lot Maximum

- a) Number of Lots: _____
- b) Written MCDPS approval of proposed septic area: _____
- c) Required street dedication: _____
- d) Easement for balance of property noting density and TDRS: _____
- e) Average lot size of 5 acres: _____
- f) Forest Conservation requirements met: _____

Initial Review:

Review Items: Lot # & Layout ☒ Lot Area ☒ Zoning ☒ Bearings & Distances ☒
Coordinates ☒ Plan # ☒ Road/Alley Widths ☒ Easements ☒ Open Space NA
Non-standard BRLs NA Adjoining Land ☒ Vicinity Map ☒ Septic/Wells NA
TDR note NA Child Lot note NA Surveyor Cert ☒ Owner Cert ☒ Tax Map ☒
SPA NA

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	A. Lindsey	8/22/06	9/05/06	8/23/06	No need for corner coordinates
Research	Bobby Fleury	↓	↓	NC	NC
SHA	Doug Mills	↓	↓	NC	OK
PEPCO	Jose Washington	↓	↓	NC	NC
Parks	Doug Powell	↓	↓	NC	OK
DRD	Steve Smith	↓	↓	8/30/06	OK

Final DRD Review:

DRD Review Complete:

(All comments rec'd and incorporated into mark-up)

Engineer Notified (Pick up Mark-up):

Final Mylar w/Mark-up & PDF Rec'd:

Board Approval of Plat:

Plat Agenda:

Planning Board Approval:

Chairman's Signature:

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

Initial

TA

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10/6/06

9/11/06

10/6/06

10/6/06

10/6/06

10/6/06

10/6/06

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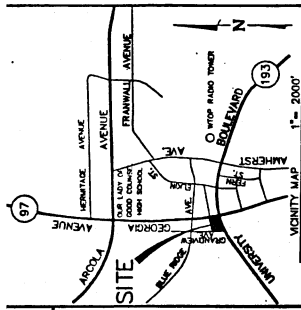
10/6/06

No. _____

| PLAT No.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 82°43'39" E	3.86'

CURVE TABLE						
CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
C1	1859.86'	10.34'	0°18'08"	5.17'	S 12°35'17" E	10.34'
C2	1840.06'	15.78'	0°33'02"	7.88'	S 17°24'27" E	15.78'
C3	20.00'	39.84'	11°43'08"	30.88'	N 58°37'20" W	33.57'



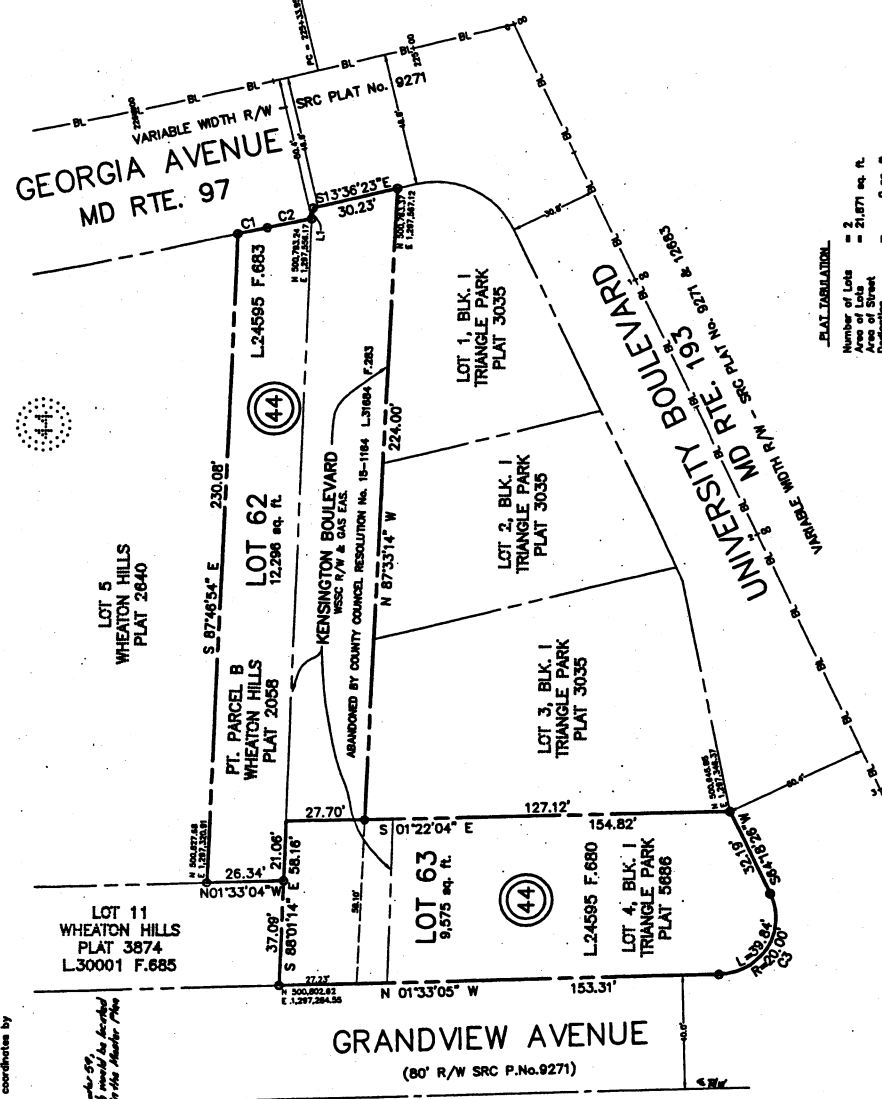
TAX MAP No. HQ561

SURVEYOR'S CERTIFICATE

[illegible]

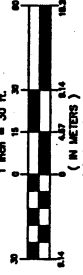
By: Douglas H. Riggs, III
Macra, Hendricks & Glascock, P.A.
Professional Land Surveyor
Md. Reg. No. 10712

9/29/06

PLAY TABULATION

Number of Lots	= 2
Area of Lots	= 21.871 sq. ft.
Area of Street	
Dedication	= 0 sq. ft.
Total Area	= 21.871 square or 0.50208 of an

GRAPHIC SCALE



MHC
Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscapes Architects • Surveyors

2220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279

PLAT NO. 1
04 231 11

DATE: _____
Plot No.: _____

FOR PUBLIC WATER AND SEWER ONLY

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD

APPROVED: _____

CLERK: _____

CHIEF OF POLICE: _____

CHAIRMAN

SECRETARY-TREASURER

.N.C.P.& P.C. RECORD FILE No.

This property is zoned CBD-2 and the Weston Retail Presentation Overlay Zone. The approval of this plat is predicated on the availability of public water and sewer prior to the construction of buildings.

The property owner heres is exempt from the requirements Chapter 22A of the Montgomery County General Convention Law, per exemption letter dated 4/27/06 for MD/PSD #4-002524C.

Unless expressly contemplated by the plan as approved, all terms, conditions, covenants, limitations, restrictions, easements, and other matters pertaining to the use, enjoyment, and development of this property, approved by the Montgomery County Planning Board are intended to survive and shall not be extinguished by the recordation of this plat. The official public file for any such plan are maintained by the Planning Board and available for public review during normal business hours.

This plat conforms with the requirements of Section 30-35A of the Montgomery County Subdivision Regulations, which require that the plat be recorded in the Montgomery County Clerk's Office on or before the date of the recording of the plat. The plat was recorded on October 1, 2005, with the adjacent properties as provided for in Section 30-35A (a)(3).

This plat is not intended to show any matter affecting or restricting the ownership and use of the reflecting title. This Plat is not intended to replace an subdivision of this or to depict or note of features.

. Coordinates shown hereon are based on the Maryland State NAD 83/91 Datum as projected by NGS and are for Geographical Information Services (GIS) only. Stations used are No. GAIT 124965.03 feet and East 124965.03 feet and No. GAOE with coordinates of North 493540.73 feet and East 1381533.03 feet. The combined scale factor for this site is 0.999937038.

to convert the grid coordinates to ground/surface coordinates, divide the grid coordinates by the combined scale factor.

The distances shown on this plot are as measured on the ground/surface. To convert the ground/surface distances to grid distances, multiply the ground/surface distances by the combined scale factor.

A. This plan does not include road dedication, however, pursuant to Chapter 59, Section 99A-5.6, no building may be erected on the lot's abutment, which would be located within the ultimate right-of-way for MD Rts. 193 and MD Rt. 17, as shown in the Master Plan for Highway.

OWNER'S CERTIFICATE

Old Bidsenburg Properties, LLC, a Maryland limited liability company, and Greenway Properties, LLC, a Maryland limited liability company, have entered into a license agreement with the City of Washington for the use of the Washington Gas & Light Company's abandoned Kensington Boulevard right-of-way along heretofore abandoned Kensington Boulevard for the construction, operation, maintenance and repair of the existing gas main and appurtenances within the Abandoned Kensington Boulevard right-of-way along heretofore abandoned Kensington Boulevard. The license agreement, to be entered into by the City of Washington and Greenway Properties, LLC, on behalf of Old Bidsenburg Properties, LLC, is subject to the approval of the City Council. The license agreement is set forth in the attached exhibit and is hereby incorporated by reference into this report.

There are no suits, liens, leases, mortgages, or trusts, affecting

~~Old Bladenburg Properties, LLC~~

Grantview Properties, LLC

Leonard A. Greenberg, Managing Member

9/28/60

9/28/06

PLAT NO. 220061310 to 220061340

Columbia Country Club

Located on northwest quadrant, intersection of East West Highway and Connecticut Avenue

R-90 zone, 5 parcels

Community Water, Community Sewer

Master Plan Area: Bethesda-Chevy Chase

Columbia Country Club, Applicant

Staff recommends approval of this minor subdivision plat pursuant to section **50-35A (a)(7)** of the Subdivision Regulations, which states:

Plats for Existing Places of Worship, Private Schools, Country Clubs, Private Institutions and Similar Uses Located on Unplatted Parcels. A plat may be recorded under the minor subdivision procedure provided:

- a) The requirements for adequate public facilities, under Sec. 50-35(k), are satisfied prior to plat recordation;
- b) Any required street dedications are shown on the record plat;
- c) Forest conservation and stormwater management requirements, if applicable, are satisfied prior to recording the plat;
- d) If located in a special protection area, as shown on the approved and adopted master plan, all applicable special area protection requirements and guidelines, including the approval of a water quality plan, are satisfied prior to recordation of the plat; and
- e) A landscaping and lighting plan including the parking lot layout is submitted for staff approval prior to recording the plat.
- f) If the property is the subject of an approved special exception, all conditions of the special exception approval remain in full force and effect.

Staff applied the above-noted minor subdivision criteria for the parcels and concluded that the proposed minor subdivision complies with the criteria of Section 50-35A (a)(7) of the subdivision regulations and supports this minor subdivision record plat.

RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET

(This form contains 3 pages)

Plat Name: Columbia Country Club Plat Number: 220061310-220061340
 Plat Submission Date: 12/20/05
 DRD Plat Reviewer: Taslima Alam
 DRD Prelim Plan Reviewer: N/A

*For category of minor see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. _____ Checked: Initial _____ Date _____
 Preliminary Plan No. _____ Checked: Initial _____ Date _____
 Planning Board Opinion – Date _____ Checked: Initial _____ Date _____
 Site Plan Name if applicable: _____ Site Plan Number: _____
 Planning Board Opinion – Date _____ Checked: Initial _____ Date _____

Lot # & Layout ☒ Lot Area ☒ Zoning ☒ Bearings & Distances ☒ Coordinates ☒
 Plan # ☒ Road/Alley Widths ☒ Easements ☒ Open Space ☒ Non-standard
 BRLs NA Adjoining Land ☒ Vicinity Map ☒ Septic/Wells NA
 TDR note NA Child Lot note NA Surveyor Cert ☒ Owner Cert ☒ Tax Map ☒
 SPA _____

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>C. Bunnay</u>	<u>12/27/06</u>	<u>1/13/06</u>	<u>12/27/05</u>	<u>see Exemption: 7-06/11/05</u>
Research	<u>Bobby Fleury</u>			<u>12/28</u>	
SHA	<u>Doug Mills</u>				
PEPCO	<u>Jose Washington</u>				
Parks	<u>Doug Powell</u>			<u>NA</u>	
DRD	<u>Steve Smith</u>			<u>1.10.06</u>	

Final DRD Review:

DRD Review Complete:

(All comments rec'd and incorporated into mark-up)

Engineer Notified (Pick up Mark-up):

Final Mylar w/Mark-up & PDF Rec'd:

Board Approval of Plat:

Plat Agenda:

Planning Board Approval:

Chairman's Signature:

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

Initial

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TA

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TA

Date

10/6/06

9/21/06

10/6/06

10/6/06

10/26/06

10/26/06

10/26/06

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10/26/06

No. _____

RECORD PLAT REVIEW SHEET – MINOR SUBDIVISION SEC-50-35A

Select which Category of Minor Subdivision and fill information as required

Requirements under Sec 50-35A (A)

(1) Minor Lot Adjustment

- a) Total area does not exceed 5% of combined area affected: _____
- b) No additional lots created: _____
- c) Adjusted line is approximately parallel/does not significantly change shape of the lots: _____
- d) Date sketch plan submitted: _____
- e) Sketch plan revised or denied within 10 business days: _____
- f) Final record plat submitted within ninety days: _____
- g) Sketch shows following information:
 - i. proposed lot adjustment: _____
 - ii. physical improvements within 15 feet of adjusted line: _____
 - iii. alteration to building setback: _____
 - iv. amount of lot area affected: _____

(2) Conversion of Outlot into a Lot

- a) Outlot not required for open space or otherwise constrained: _____
- b) Adequate sewerage and water service/public or private: _____
- c) Adequate public facilities and AGP satisfied: _____
- d) Any conditions/agreements of original subdivision: _____
- e) Special Protection Area, Water Quality Plan required: _____

(3) Consolidation Of Two of More Lots

- a) Any prior subdivision conditions: _____
- b) Part of lot created by deed prior to June 1 1958: _____

(4) Further Subdivision of Commercial/Industrial/Multi-Family Lot

Any subdivision/conditions; APF agreement satisfied: _____

(5) Plat of Correction

- a) All owners and trustees signed: _____
- b) Original Plat identified: _____

(6) Plats for Residentially Zoned Parcels Created by Deed prior to June 1958

- a) Deed(s) submitted: _____
- b) Developable with only one single family detached unit: _____

(7) Plat for Existing Places of Worship, Private Schools, Country Club, Private Institution, and Similar Uses located on Unplatted Parcels

Example - golf course

- a) Adequate Public Facilities satisfied: _____ ✓

- b) Street dedication required:
- c) Forest conservation:
- d) Storm water management:
- e) Special Protection Area/Water Quality Plan:
- f) Landscaping and lighting plan including parking lot layout:
- g) Approved Special Exception:

_____	✓
_____	✓

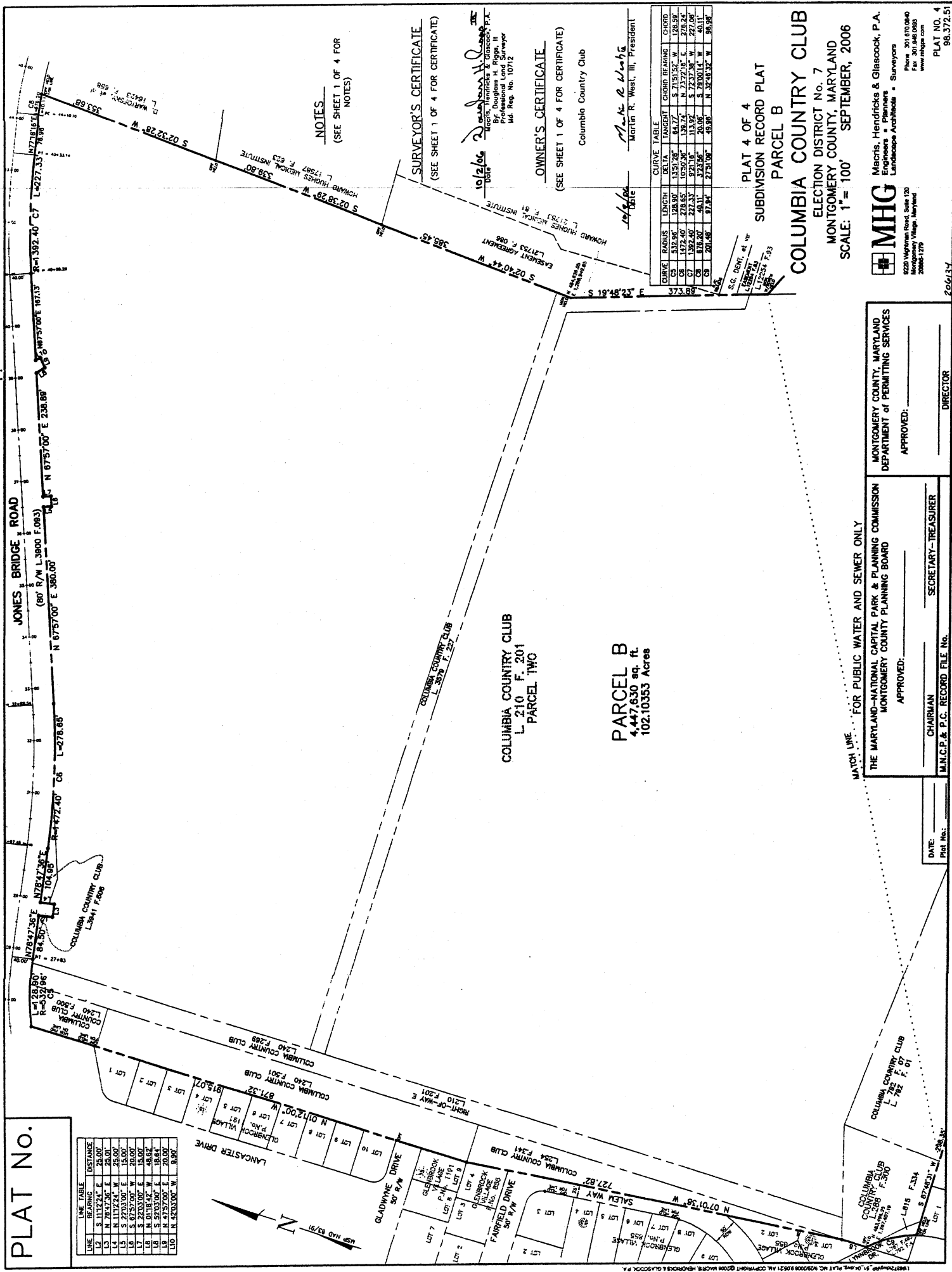
_____	yes
_____	yes

(8) Plats for Certain Residential Lots in the RDT Zone;5 Lot Maximum

- a) Number of Lots:
- b) Written MCDPS approval of proposed septic area:
- c) Required street dedication:
- d) Easement for balance of property noting density and TDRS:
- e) Average lot size of 5 acres:
- f) Forest Conservation requirements met:

PLAT No.

LINE	BEARING	DISTANCE
L1	S 112°24' E	25.00'
L2	N 79°12'36" E	25.00'
L3	N 117°24' W	25.00'
L4	S 27°33'00" E	15.00'
L5	S 27°33'00" E	15.00'
L6	N 01°18'42" W	48.92'
L7	S 52°03'00" E	18.64'
L8	N 43°52'00" E	20.00'
L9	N 52°03'00" W	9.90'



NOTES
(SEE SHEET 1 OF 4 FOR NOTES)

SURVEYOR'S CERTIFICATE
(SEE SHEET 1 OF 4 FOR CERTIFICATE)

OWNER'S CERTIFICATE
(SEE SHEET 1 OF 4 FOR CERTIFICATE)

CURVE TABLE						
CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
C1	532.95'	128.90'	133°17'28"	64.77'	S 71°31'52" W	128.59'
C2	1472.40'	278.65'	105°00'36"	139.74'	N 23°22'18" E	278.24'
C3	1392.40'	271.18'	92°11'18"	133.92'	S 72°57'38" W	272.09'
C4	532.95'	128.90'	133°17'28"	64.77'	S 71°31'52" W	128.59'
C5	201.48'	97.84'	273°10'08"	49.88'	N 32°43'12" W	95.98'

PLAT 4 OF 4
SUBDIVISION RECORD PLAT
PARCEL B

COLUMBIA COUNTRY CLUB
ELECTION DISTRICT No. 7
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 100' SEPTEMBER, 2006

MHG
Macoris, Hendricks & Glascock, P.A.
Engineers & Planners
Landscape Architects & Surveyors
8229 Vaughan Road, Suite 120
Village, Maryland
20686-1279
Phone 301.670.0840
Fax 301.646.0863
www.mhg.com

PLAT NO. 4
96.372.51

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD

APPROVED: _____
CHAIRMAN

APPROVED: _____
SECRETARY-TREASURER

MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PERMITTING SERVICES

APPROVED: _____
DIRECTOR

DATE: _____
PHN No.: _____

FOR PUBLIC WATER AND SEWER ONLY

PLAT NO. 220070240

Cabin John Park

Located on Riverside Avenue, approximately 100 feet south of 79th Street

R-90 zone, 1 Lot

Community Water, Community Sewer

Master Plan Area: Bethesda-Chevy Chase

Patty Lee and John Butman, Applicant

Staff recommends approval of this minor subdivision plat pursuant to section **50-35A (a)(3)** of the Subdivision Regulations, which states:

Consolidation of Two or More Lots or a Part of a lot into One Lot. Consolidating more than one lot into a single lot is permitted under the minor subdivision procedure provided:

- c. Any conditions applicable to the original subdivision remain in full force and effect and the number of trips generated on the new lot do not exceed those permitted for the original lots or as limited by an Adequate Public Facilities agreement.
- d. Any consolidation involving a part of a lot may occur under the minor subdivision process if the part of a lot was created by deed recorded prior to June 1, 1958

Staff applied the above-noted minor subdivision criteria for this lot (previously known as part of lot 73 and a portion of an abandoned right-of-way) and concludes that the proposed minor subdivision complies with the criteria of Section 50-35A (a)(3) of the subdivision regulations and supports this minor subdivision record plat.

RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET

(This form contains 3 pages)

Plat Name: Riverside Dr 1 Cabin John Park Plat Number: 220070240
 Plat Submission Date: 8/7/06
 DRD Plat Reviewer: TA/PW
 DRD Prelim Plan Reviewer: NA
 *For category of minor see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. NA Checked: Initial NA Date NA
 Preliminary Plan No. NA Checked: Initial NA Date NA
 Planning Board Opinion - Date NA Checked: Initial NA Date NA
 Site Plan Name if applicable: NA Site Plan Number: NA
 Planning Board Opinion - Date NA Checked: Initial NA Date NA

Lot # & Layout ☒ Lot Area ☒ Zoning ☒ Bearings & Distances ☒ Coordinates ☒
 Plan # NA Road/Alley Widths ☒ Easements ☒ Open Space NA Non-standard ☒
 BRLs NA Adjoining Land ☒ Vicinity Map ☒ Septic/Wells NA
 TDR note NA Child Lot note NA Surveyor Cert ☒ Owner Cert ☒ Tax Map ☒
 SPA NA

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	A. Lindsey	8/9/06	8/25/06	NC	NC
Research	Bobby Fleury			8/10/06	OK
SHA	Doug Mills			NC	NC
PEPCO	Steve Baxter			NC	OK
Parks	Doug Powell			NC	NC
DRD	Steve Smith			8/23/06	OK

Final DRD Review:

DRD Review Complete:

(All comments rec'd and incorporated into mark-up)

Engineer Notified (Pick up Mark-up):

Final Mylar w/Mark-up & PDF Rec'd:

Board Approval of Plat:

Plat Agenda:

Planning Board Approval:

Chairman's Signature:

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

Initial

TA

TA

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Date

10/6/06

9/21/06

10/4/06

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No.

RECORD PLAT REVIEW SHEET – MINOR SUBDIVISION SEC-50-35A

Select which Category of Minor Subdivision and fill information as required

Requirements under Sec 50-35A (A)

(1) Minor Lot Adjustment

- a) Total area does not exceed 5% of combined area affected: _____
- b) No additional lots created: _____
- c) Adjusted line is approximately parallel/does not significantly change shape of the lots: _____
- d) Date sketch plan submitted: _____
- e) Sketch plan revised or denied within 10 business days: _____
- f) Final record plat submitted within ninety days: _____
- g) Sketch shows following information:
 - i. proposed lot adjustment: _____
 - ii. physical improvements within 15 feet of adjusted line: _____
 - iii. alteration to building setback: _____
 - iv. amount of lot area affected: _____

(2) Conversion of Outlot into a Lot

- a) Outlot not required for open space or otherwise constrained: _____
- b) Adequate sewerage and water service/public or private: _____
- c) Adequate public facilities and AGP satisfied: _____
- d) Any conditions/agreements of original subdivision: _____
- e) Special Protection Area, Water Quality Plan required: _____

(3) Consolidation Of Two of More Lots

- a) Any prior subdivision conditions: _____
- b) Part of lot created by deed prior to June 1 1958: ✓ abandoned parcel 1957

(4) Further Subdivision of Commercial/Industrial/Multi-Family Lot

Any subdivision/conditions; APF agreement satisfied: _____

(5) Plat of Correction

- a) All owners and trustees signed: _____
- b) Original Plat identified: _____

(6) Plats for Residentially Zoned Parcels Created by Deed prior to June 1958

- a) Deed(s) submitted: _____
- b) Developable with only one single family detached unit: _____

(7) Plat for Existing Places of Worship, Private Schools, Country Club, Private Institution, and Similar Uses located on Unplatted Parcels

- a) Adequate Public Facilities satisfied: _____
- b) Street dedication required: _____
- c) Forest conservation: _____
- d) Storm water management: _____
- e) Special Protection Area/Water Quality Plan: _____
- f) Landscaping and lighting plan including parking lot layout: _____

g) Approved Special Exception: _____

(8) Plats for Certain Residential Lots in the RDT Zone; 5 Lot Maximum

a) Number of Lots: _____

b) Written MCDPS approval of proposed septic area: _____

c) Required street dedication: _____

d) Easement for balance of property noting density and TDRS: _____

e) Average lot size of 5 acres: _____

f) Forest Conservation requirements met: _____

1. WATER CATEGORY: 1 SENIOR CATEGORY. 1
2. THE PROPERTY THAT IS THE SUBJECT OF THIS RECORD PLAT IS IN THE R-40 ZONE AS OF THE DATE OF PLAT REORIZATION.
3. IPE = IRON PIPE FOUND
SPE = STEEL PIPE FOUND
REF = REBAR AND CAP FOUND
4. THE APPROVAL OF THIS PLAT IS PREDICATED ON THE AVAILABILITY OF PUBLIC WATER AND SEWER.
5. THIS PROPERTY IS SHOWN ON TAX MAP #2.
6. THIS PROPERTY IS SHOWN ON A.S.C. 200-FOOT SHEET 200 W4 OR.
7. ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS OF THE PLANNING BOARD, PLAT, PLAT PLAN, PROJECT PLAN, OR OTHER PLANNING BOARD REQUIREMENTS, THAT ARE APPLICABLE TO ANY OTHER PLANNING BOARD PLANNING BOARD ARE TO BE ADHERED TO BY THE HONTGORTNEY COUNTY PLANNING BOARD BY THE BOARD TO SURVIVE UNLESS MODIFIED BY FURTHER ACTION BY THE BOARD.
8. THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
9. THIS PLAT CONFORMS TO THE REQUIREMENTS FOR MINOR SUBDIVISION APPROVALS CONTAINED IN SECTION 50-3A OF THE HONTGORTNEY COUNTY REGULATIONS, BEING CHAPTER 50 OF THE HONTGORTNEY COUNTY CODE, AS AMENDED, AND THE HONTGORTNEY COUNTY PLANNING BOARD OF A LOT INTO A LOT, AS PROVIDED FOR IN SECTION 50-3A(6)(3)(5).
10. THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SUCH EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE, OF THIS PROPERTY. THE PLAT IS NOT INTENDED TO AFFECT THE TITLE OR THE DETERMINATION OF TITLE OR TO DEPORT OR NOTE ALL MATTERS AFFECTING TITLE.
11. THE PROPERTY SHOWN HEREON IS NOT SUBJECT TO THE REQUIREMENTS OF CHAPTER 25-A, HONTGORTNEY COUNTY FOREST CONSERVATION LAW.
12. THE PROPERTY SHOWN HEREON IS LOCATED ON F.E.P.A. FLOOD INSURANCE ZONE MAP 24503C060D, FLOOD ZONE "X", EFFECTIVE DATE SEPTEMBER 21, 2004.

WE, PATTY LEE AND JOHN ANTHONY BUTKANY, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREIN, HEREBY ADOPT THIS PLAN OF SUBDIVISION AS OUR "P.O." TO THOSE PARTIES NAMED IN THE DOCUMENT ENTITLED "DECLARATION OF TERMS AND CONDITIONS OF PUBLIC UTILITY EASEMENTS", AS APPLICABLE TO THE LAND HEREIN, AND ALSO SET FORTH THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

THERE ARE NO SUIITS, ACTIONS AT LAW, LEASES, LIENS, OR MORTGAGES OR TRUSTS AFFECTING THE PROPERTY SHOWN HEREIN, EXCEPT AS INDICATED BELOW.

DATE 9/29/06 Patty Lee WITNESS Cole

9/29/06 DATE
John Anthony Buttan WITNESS

WE, NATIONAL CITY MORTGAGE COMPANY, HEREBY CONSENT TO THIS PLAN OF SUBDIVISION.

10/2/06
DATE

Ken Gordon
KENN GORDON,
VICE PRESIDENT

[Signature]
WITNESS

**Department of
Permitting Services**
 Montgomery County, Maryland

Lot: _____

PLAT TABULATION	
NUMBERS OF LOTS.....	1
NUMBERS OF PARCELS.....	0
AREA OF LOT.....	26.71
AREA OF LOT.....	0.01
AREA OF STREET DEDICATION.....	0
TOTAL AREA.....	26.71
	(0.01)

The Maryland National Capital Park and Planning Commission
Montgomery County Planning Board

M.N.C.P. & P.C. Record File No.

Recorded
Plat No.

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT IT IS A RESUBDIVISION OF ALL THE LANDS CONVEYED BY SANDY SPRING BUILDERS, LLC INTO PATTI LEE AND JOHN CONVENTY BUTTAN, BY A DEED DATED JUNE 29, 2004, AND THAT THE SUBDIVISION DESCRIBED ON SHEET 265-150 BEING A RESUBDIVISION OF LOT 7, BLOCK CANNON HILL PARK, AS RECORDED IN PLAT 78, PAGE 14, AS RECORDED AGAIN IN PLAT 100, PAGE 12, AS RECORDED IN PLAT BOOK 2, PLAT 14, AS RECORDED AGAIN IN PLAT 102, RECORDS OF MONTGOMERY COUNTY, MARYLAND, AND THE EASTERN 1/2 PORTION OF EIGHTH CASE 29912 RECORDED AUGUST 14, 1967 AT FINDER 192, RECORDS OF MONTGOMERY COUNTY, MARYLAND, AND THE WESTERN 1/2 THEREOF, AS SHOWN HEREON IN ACCORDANCE WITH SECTION 20-2A(1)(C) OF THE SUBDIVISION REGULATIONS OF MONTGOMERY COUNTY, MARYLAND.

DATE 10/4/2006 Steven R Peters
STEVEN R. PETERS
PROPERTY LINE SURVEYOR
100 N. 15TH ST.
PO BOX 100
ENGINEERING
MD REG. NO. 287

SUBDIVISION RECORD PLAT
LOT 81, BLOCK 6
CABIN JOHN PARK,
SECTION 4

A RESUBDIVISION OF LOT 73, BLOCK 6 AND THE
EASTERN 1/2 OF PORTION OF EQUITY CASE 20312

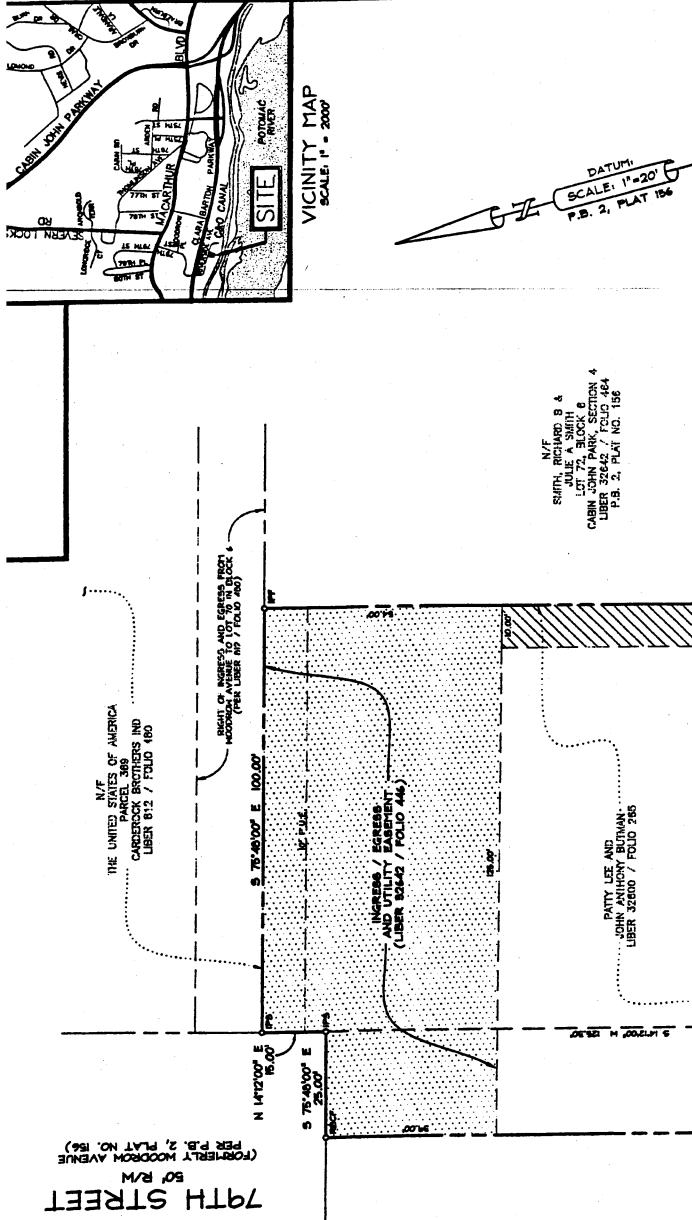
BETHESDA (7TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

SCALE: 1" = 20' AUGUST, 2006

CAS

CIVIL • SURVEYING • LAND PLANNING
A DIVISION OF CAS ENTERPRISES, INC.

108 West Ridgeway Boulevard, Suite 101, Mount Airy, Maryland 21771
DC Metro (301) 607-8031 FAX (301) 607-8045



N/F
HELM, NEIL R ET AL
LOT 38, BLOCK 3
CABIN JOHN PARK, SECTION 4
LIBER 8379 / FOLIC 1
28 2 28 158

N/F
SMITH, RICHARD B &
JULIE A SMITH
LOT 72, BLOCK 8
IN JOHN PARK, SECTION 4
BER 32642 / FCJG 484
P.B. 2, PLAT NO. 156

N/F
THE UNITED STATES OF AMERICA
C & O CANAL