MEMORANDUM

DATE: February 14, 2007

TO: Montgomery County Planning Board

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

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board Agenda for March 1, 2007

The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plan and site plan, 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 plat. The following plats are included:

220070050 – North Germantown (1)
220070650 – Nucci Subdivision (1)
220070710 – Horner Estates (1)
220070430 – Brookmont, Sec. 2 (1)
220070780 – Mary J. Boland Subdivision
PLAT NO. 220070050

North Germantown
Northeast quadrant, intersection of Wisteria Drive and Waters Road
C-2 Zone; 1 Lot
Community Water, Community Sewer
Master Plan Area: Germantown
Rahim Tofigh, Applicant

This record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Record Plat Review Sheet. Staff has determined that the plat complies with Preliminary Plan No. 120050790, 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.

PB date: 03/01/07
RECORD PLAT REVIEW SHEET

Plan Name: Chestnut Ridge
Plan Number: 12005790
Plat Name: North Garmann
Plat Number: 20070050
Plat Submission Date: 7/12/06
DRD Plat Reviewer: PA
DRD Prelim Plan Reviewer: Colonese

Initial DRD Review:
Signed Preliminary Plan – Date 1/2/15
Planning Board Opinion – Date 1/2/15
Site Plan Req’d for Development? Yes □ No □ Verified By: (initial)
Site Plan Name: 
Planning Board Opinion – Date 
Site Plan Signature Set – Date 
Site Plan Reviewer Plat Approval: 
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

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Final DRD Review:
DRD Review Complete: Initial TA Date 2/1/07
Engineer Notified (Pick up Mark-up): Initial TA Date 8/4/06
Final Mylar w/Mark-up & PDF Rec’d: Initial TA Date 2/1/07

Board Approval of Plat:
Plat Agenda: Initial TA Date 3/1/07
Planning Board Approval: Initial TA Date 3/1/07
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 #: No. 
Update Green Books for Resubdivision: 
Notify Engineer to Seal Plats: 
Engineer Seal Complete: 
Complete Reproduction: 
Sent to Courthouse for Recoridation: 
MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-05079
NAME OF PLAN: Chestnut Ridge, Parcel 651

The date of this written opinion is OCT 0 4 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).

INTRODUCTION

On 3/16/05, 19635 Waters Road, LLC, ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the C-2 zone. The application proposed to create 1 lot on 0.86 acres of land located at the northeast quadrant of the intersection of Waters Road and Wisteria Drive, in the Germantown Master Plan Area ("Subject Property"). The application was designated Preliminary Plan 1-05079 ("Preliminary Plan"). On 6/30/05, the Preliminary Plan was brought 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.

SITE DESCRIPTION

The Subject Property is currently designated Parcel 651 and is located at the northeast quadrant of the intersection of Waters Road and Wisteria Drive. The site contains two (2) specimen trees and 0.46 acres of unforested stream buffer. The site is located adjacent to the Germantown Town Center and Employment Corridor. It is zoned C-2 (General Commercial) and contains 0.86 acres.

PROJECT DESCRIPTION

This Preliminary Plan is to create one (1) lot for the construction of a two-story, retail/office building. The Subject Property will be served by public water and public sewer. Access to the proposed lot will be directly from Wisteria Drive.

STAFF ANALYSIS AND RECOMMENDATION

Environment

The 0.86-acre parcel is located in the northeast quadrant of Waters and Wisteria Roads in Germantown. The site is currently vacant without any forest and contains two specimen maple trees. One maple is in poor condition and the other is within the future right-of-way for Waters Road.

The Subject Property includes 0.46-acres of unforested stream buffer. The County is requesting dedication of approximately 0.18-acres for Wisteria Drive and Waters Road which includes 0.05 acres of unforested stream buffer. After dedications, the net tract is 0.68 acres of property and will include 0.41-acres of stream buffer.

Forest Conservation

The property is exempt from forest conservation because there is no forest onsite and the property is less than one acre in size. Therefore, there are no forest conservation retention or planting requirements associated with the development of this property.

Environmental Guidelines

The site includes an intermittent stream on the eastern portion of the property. The stream's headwaters are near the Germantown Commons Shopping Center. At the headwaters, the stream is piped and remains piped for the first 500 feet. The piped
stream discharges, or daylights, into a stormwater management facility on the property immediately northeast the subject property. The stormwater management facility discharges into the open stream on the Subject Property. The open stream also receives uncontrolled stormwater discharges from the adjoining Sugarloaf Shopping Center.

The stream is day-lighted for 65 feet on the Subject Property and then is piped once again onto the property and continues approximately 1,500 linear feet. The piped stream continues underneath Wisteria Drive and onto downhill properties for approximately 1,500 linear feet downstream of the subject property. Eventually, the piped stream discharges into a farm pond, which is in the process of being converted into a stormwater management facility for an adjacent development.

The Applicant requests a waiver from the Environmental Guidelines that would remove the buffer entirely from the Subject Property. The Preliminary Plan proposes to locate surface parking, drive aisles, stormwater management, grass, and landscape plantings within the approved stream buffer. The development would create 0.27-acres of new impervious surfaces in the stream buffer.

The Applicant’s engineer identified a site downstream of the Subject Property where supplemental forest planting and invasive management control would occur to offset the permanent encroachment. The area of the compensatory planting and invasive management control is already included in a category I forest conservation easement but gaps have opened in the tree canopy from fallen trees. In the areas of gaps and on the conservation easement edges invasive and exotic materials are growing and expanding. The intent of the compensation is to remove the invasive materials, conduct supplemental planting, and close the canopy openings to eliminate the invasive materials from overwhelming the conservation easement.

Staff supported a waiver from the stream buffers identified on the approved Natural Resource Inventory/Forest Stand Delineation, for a number of reasons including:

1. The stream is currently piped 500 feet above and 1,500 feet below the Subject Property.
2. The stream runs through the Subject Property but is day lighted for 65 feet. The stream buffer is not forested.
3. Water entering the Subject Property from the north Germantown Commons Shopping Center is currently treated for stormwater management.
4. Stormwater contributions from the Sugarloaf Shopping Center are not treated but will be treated in a new stormwater management facility being constructed on the site to the south as part of development on the Fairfield property.
5. Stormwater generated on the Subject Property will be treated with an underground storage system, for quantity, and a storm filter for quality.
6. The Applicant will conduct supplemental planting and invasive management control, in a location downstream of the Subject Property, for an area twice the size of the proposed permanent encroachment.
Staff recommended approval of the Preliminary Plan with Condition No. 2 requiring invasive management control and supplemental forest planting at an off-site location.

**Transportation**

For Local Area Transportation Review ("LATR"); the site would generate 15 and 24 total peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and evening peak period (4:00 to 7:00 p.m.), respectively. Thus, the proposed development does not require an LATR analysis.

**Site Access and Vehicular/Pedestrian Circulation**

Access to the site is proposed from Wisteria Drive. Wisteria Drive exists as a four-lane undivided Business District Street with sidewalks constructed on both sides. The Preliminary Plan includes a lead-in sidewalk from Wisteria Drive. Staff found that the site access and pedestrian and vehicular circulation system as shown on the Preliminary Plan are safe and adequate. A driveway is proposed on Waters Road for the dumpster truck. Staff recommended that the Applicant enter into a covenant to contribute towards the future construction of the master-planned Waters Road/future Locbury Drive as a Business District Street. The construction of sidewalk along Waters Road will be included in the future construction of the master-planned Waters Road/future Locbury Drive.

**Master Plan Compliance**

The Germantown Master Plan does not specifically discuss the Subject Property but does give general guidance and recommendations for this area to enhance mixed use residential, retail and commercial uses in easily accessible locations. The proposed Preliminary Plan conforms to the master plan goals in that it proposes retail and office uses in a location which supports the surrounding proposed uses of the Town Center and Employment Corridor.

**Conclusion**

Staff 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 concluded that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision. Staff's review of the Preliminary Plan indicates that the plan conforms to the Germantown Master Plan and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommended approval of the preliminary plan, subject to conditions.
PLANNING BOARD HEARING

At the hearing, Staff introduced the location of the Subject Property, described the proposed development, and outlined the requested waiver of environmental guidelines. Staff recommended approval of the Preliminary Plan.

A representative of the Applicant testified that the Applicant was in complete agreement with the Staff recommendation. No other speakers testified at the hearing.

In response to questioning by the Planning Board, the Environmental Staff confirmed that the off-site invasive management control and supplemental forest planting that Staff was recommending the Planning Board accept in connection with the Applicant’s waiver request is in the same watershed as the Subject Property; is not on Park property; involves replacing trees; and will improve the total forest cover.

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. 1-05079 substantially conforms to the Germantown 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. The Planning Board approves the requested waiver of the environmental guidelines. The Board hereby expressly adopts the findings made by Staff above and finds that the off-site invasive management control and supplemental forest planting required adequately compensates for the requested waiver.

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

\(^1\) 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.
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.

PLANNING BOARD ACTION AND CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-05079 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-05079, subject to the following conditions:

1) Approval under this preliminary plan is limited to 5,330 square feet of retail and 5,330 square feet of office.

2) Applicant to compensate for permanent encroachment into the stream buffer by conducting invasive management control and supplemental forest planting at an off-site location downstream of the Subject Property prior to use and occupancy permit. Exact size and location of off-site invasive management control and supplemental planting area to be reviewed and approved by M-NCPPC Environmental Staff.

3) The Applicant shall dedicate the Wisteria Drive and Waters Road right-of-ways for 40 ft. from centerline to provide the 80 ft. right-of-way Business District Street as per the Germantown Master Plan recommendation.

4) The Applicant shall construct a driveway for dumpster trucks on Waters Road as shown on the Preliminary Plan and enter into a covenant with MCDPWT to contribute towards the future construction of the master-planned Waters Road/future Locbury Drive as a Business District Street.

5) Compliance with the conditions of the MCDPS stormwater management approval dated September 8, 2004.

6) Compliance with conditions of MCDPWT letter dated, June 16, 2005, unless otherwise amended.

7) 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 AS TO LEGAL SUFFICIENCY

[Signature]
9/23/05
M-NCPPC LEGAL DEPARTMENT
CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on Thursday, September 29, 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. 1-05079, Chestnut Ridge, Parcel 651. Vice Chair Perdue was absent. Chairman Berlage abstained.

Certification As To Vote of Adoption
E, Ann Daly, Technical Writer
PLAT NO. 220070650

Nucci's Subdivision
Located on Radwick Lane, approximately 3000 feet south of Norbeck Road
R-200 zone; 8 lots and 1 Parcel
Community Water, Community Sewer
Master Plan Area: Aspen Hill
Nucci Brothers Companies, Inc., Applicant

This record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Record Plat Review Sheet. Staff has determined that the plat complies with Preliminary Plan No. 120050600, 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: Frederick Lane  Plan Number: 120052600
Plat Name: Murray Add to Bradford Plat  Plat Number: 220070650
Plat Submission Date: 11/2/06  DRD Plat Reviewer: PW/TA
DRD Prelim Plan Reviewer: Cathy Long

Initial DRD Review:
Signed Preliminary Plan – Date 10/25/06  Checked: Initial CAC Date 12/14/06
Planning Board Opinion – Date 11/14/06  Checked: Initial PW Date 12/14/06 (initial)
Site Plan Req’d for Development? Yes  No  Verified By: PW
Site Plan Name:  Site Plan Number:
Planning Board Opinion – Date  Adjacent Site Plan Signature Set – 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 N/A ✓
Non-standard BRLs N/A ✓ Adjoining Land ✓ Vicinity Map ✓ Septic/Wells N/A ✓
TDR note N/A ✓ Child Lot note N/A ✓ Surveyor Cert ✓ Owner Cert ✓ Tax Map ✓

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DRD Review Complete: Initial TA Date 2/9/07
(All comments rec’d and incorporated into mark-up)
Engineer Notified (Pick up Mark-up): TA 12/19/07
Final Mylar w/Mark-up & PDF Rec’d: 2/9/07

Board Approval of Plat:
Plat Agenda: TA 3/1/07
Planning Board Approval: TA
Chairman’s Signature: TA

DPS Approval of Plat:
Engineer Pick-up for DPS Signature: TA
Final Mylar for Reproduction Rec’d: TA

Plat Reproduction:
Addressing: TA
File Card Update: TA
Final Zoning Book Check: TA
Update Address Books with Plat #: TA
Update Green Books for Resubdivision: TA
Notify Engineer to Seal Plats: TA
Engineer Seal Complete: TA
Complete Reproduction: TA
Sent to Courthouse for Recordation: NO
MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500; www.mncppc.org

Date Mailed: SEP 19, 2006
Hearing Date: July 27, 2006
Action: Approved Staff Recommendation
Motion of Commissioner Robinson, seconded by Commissioner Wellington, with a vote of 4-0; Commissioners Berlage, Perdue, Wellington, and Robinson voting in favor. Commissioner Bryant absent.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan: 120050800
NAME OF PLAN: Radwick Lane

The date of this written opinion is SEP 19, 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. INTRODUCTION

On December 22, 2005, Marcello Nucci ("Applicant") submitted an application for the approval of a Preliminary Plan for subdivision to create eight (8) residential lots in an R-200 Cluster Option zone ("Preliminary Plan" or "Plan"). The Preliminary Plan was designated Preliminary Plan No. 120050600. On July 27, 2006 Preliminary Plan No. 120050600 was brought before the Montgomery County Planning Board ("Planning Board" or "Board") for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted into the record on the application. Prior to the public hearing, Planning Board staff ("Staff") analyzed and provided
recommendations regarding the Preliminary Plan in a memorandum sent to the Planning Board on July 12, 2006 ("Staff Report" or "Report").

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 from the Applicant, public agencies and the community following submission of the application and prior to the Board’s action at the conclusion of the public hearing; all correspondence and any other written or graphic information issued by Planning Board Staff, prior to the Board’s action following the public hearing, concerning the application; and all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

II. SITE DESCRIPTION

The property consists of two unrecorded parcels P880 and P901 located on the west side of Radwick Lane approximately 3,000 feet south of Norbeck Road (MD 28) in Aspen Hill ("Subject Property"). The Subject Property is zoned R-200 and is undeveloped except for one existing residential structure which will be removed. The site is surrounded by one-family detached residential to the North and East, and townhouses to the West and South.

The Subject Property is located within the Northwest Branch watershed, which is designated Use Class IV. There are no streams on the Subject Property, however, stream buffers for two nearby, off-site streams extend onto the site. The site is mostly forested.

III. PLAN DESCRIPTION

This Preliminary Plan proposes eight (8) one-family detached residential dwelling units clustered in the middle of the site to be served by an open section, public tertiary residential street. The proposed lot sizes range from 10,000 to 11,300 square feet. The lots are clustered to provide a 2.62 acre forested open space parcel. Stormwater management from the site will be provided by an on-site dry pond facility.

1. JUSTIFICATION FOR CLUSTER DEVELOPMENT

Section 59-C-1.51 of the Zoning Ordinance establishes that the cluster method of development should encourage the provision of community open space for active or passive recreation, as well as the preservation of trees. The flexibility in lot size and
layout provided in the standards should be utilized to serve this purpose. The Preliminary Plan includes lots that average 10,415 square feet in size, which is close to the minimum permitted under the cluster option. Staff found that the smaller lots allow for maximum on-site forest preservation, in addition to full protection of the on-site stream buffers. Staff determined that compared to the cluster subdivision, a non-cluster subdivision layout would preserve little of the existing forest because of the additional land that would be needed for roads, homes, driveways, and yards. In addition, stream buffer protection areas would be located on private lots (as opposed to common open space in the cluster subdivision). Staff's opinion is that protection areas within common open space are much more effective than on-lot conservation easements, particularly in smaller lot subdivisions. Under this Preliminary Plan, a portion of the open space area created by the cluster will be reforested, in excess of the minimum forest conservation requirements, to restore previous clearing and connect forest stands. For these reasons, Staff found the proposed cluster subdivision is more desirable from both a tree save and open space perspective than a standard subdivision.

2. **ENVIRONMENT**

   a. **Environmental Buffers**

   There are no streams, floodplains, or wetlands on the Subject Property. However, portions of buffers for two streams on adjoining property extend onto the Subject Property. These buffer areas are located in the northeast and southeastern corners of the site. Staff found that, in total, there are 0.71 acres of environmental buffer on the Subject Property. The Preliminary Plan does not indicate any encroachment into the buffers except for a stormwater management outfall. Staff advised the Board that the Preliminary Plan meets the requirements of the Environmental Guidelines approved by the Planning Board.

   b. **Forest Conservation**

   There are 4.27 acres of existing forest on the Subject Property. The forest is dominated by tulip poplar and southern oak trees, and is part of a larger contiguous forest. There are numerous trees in excess of 24 inches in diameter at breast height, several of which qualify as specimen trees. Two “watchlist” American chestnut trees were identified on the Subject Property. One of these chestnut trees will be saved under the proposed conservation easement, and the second, which is in poor condition, will be removed.

   The preliminary forest conservation plan includes protection of 1.95 acres of the existing forest within an on-site Category I conservation easement. The conservation easement will also include 0.67 acres of land previously cleared for the existing residential structure. This area will be planted by the Applicant, who may then use the planting area to establish forest conservation bank credits that can be used for other
projects. The proposed forest retention and planting exceed the minimum requirements of the forest conservation law. Therefore, Staff determined that the plan meets forest conservation requirements. Staff also recommends the installation of a split-rail fence along the rear of the proposed lots to delineate the edge of the conservation easement area from the useable area within the lots. The fencing would ensure that future homeowners will not expand their yards into the easement area, and include access points to allow the passive use of the easement area by the residents.

3. TRANSPORTATION

a. Site Location, Access, Circulation and Transportation Facilities

Staff concluded that the Preliminary Plan will provide safe and adequate access for vehicles and pedestrians, and satisfies the Adequate Public Facilities ("APF") requirements. Staff recommends a waiver of the sidewalk on one side of the proposed internal road, to help reduce the overall level of impervious surfaces on the Subject Property, thereby reducing the amount of stormwater runoff generated and treated in the on-site stormwater management facility. Staff determined that pedestrians would still be able to safely use the roadway and remaining sidewalk.

b. Local Area Transportation Review

Staff found that the Preliminary Plan, consisting of eight (8) one-family detached dwelling units, will generate less than 30 total peak hour trips during the weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. Therefore, Local Area Transportation Review (LATR) is not required.

4. MASTER PLAN COMPLIANCE

The Aspen Hill Master Plan does not specifically mention the Subject Property, but does provide general guidance and recommendations to maintain the residential character of the area. Staff found that the proposed subdivision complies with the recommendations adopted in the master plan in that it proposes one-family residential lots appropriate for the zone.

5. PROPOSED LOT DIMENSIONS

In its Report, Staff presented a map of the current lots in the surrounding subdivision as well as the proposed dimensions of the eight (8) proposed lots under the Preliminary Plan (Attachment A and B of the Staff Report). Staff found that the size, width, shape and orientation of the proposed lots are appropriate for the location of the subdivision and will conform to the minimum requirements of the R-200 zone.

6. STAFF RECOMMENDATIONS
Staff found that the proposed Preliminary Plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations and Chapter 59, the Zoning Ordinance, that public facilities will be adequate to support and serve the area of the proposed and that the Preliminary Plan is compatible with the Aspen Hill Master Plan. Staff recommended the approval of the Preliminary Plan subject to conditions. Staff further concluded that pedestrians will be able to safely use the proposed internal roadway and a sidewalk on only one side, and recommended that the Planning Board grant a waiver to permit this configuration pursuant to Section 50-26(n)(3) of the Subdivision Regulations.

IV. 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, based on the uncontested evidence of record, and with the conditions of approval, that:

1) The Preliminary Plan No. 120050600 substantially conforms to the Aspen Hill Master Plan.

2) Public facilities will be adequate to support and service the area of the proposed subdivision.

3) The size, width, shape, and orientation of the proposed lot[s] are appropriate for the location of the subdivision.

4) 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.

5) 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.

¹ The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission ("WSSC"), the Montgomery County Department of Public Works and Transportation ("MCDPWT"), the Montgomery County Department of Permitting Services ("MCDPS" or "DPS"), and the various public utilities. None of these agencies objected to approval of the application.
6) 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.

V. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120050600 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board APPROVES Preliminary Plan No. 120050600, including a waiver pursuant to §50-26(h)(3) to permit a sidewalk on only one side of the proposed internal tertiary road, and subject to the following conditions:

1) Approval under this Preliminary Plan is limited to eight (8) lots and eight (8) one-family detached residential dwelling units.

2) The Applicant shall construct the proposed internal street as an open section, tertiary residential street within a 50 foot right-of-way.

3) The Applicant shall dedicate, and show on the final record plat, adequate right-of-way along Radwick Lane to provide 60 feet of right-of-way from the opposite right-of-way.

4) Prior to the issuance of the last building permit, the Applicant shall construct a five-foot wide sidewalk on the west side of Radwick Lane along the property frontage, and a five-foot wide sidewalk on only one side of the side of the proposed internal street (north side), extended around the cul-de-sac to the driveway for proposed Lot 4.

5) The proposed development shall comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must meet all condition prior to the recording of a plat or MCDPS issuance of sediment and erosion control permit(s), as appropriate. Conditions include, but are not limited to:

   a. Applicant shall remove the existing driveway within the proposed Category I conservation easement and reforest all previously cleared area.

   b. Final forest conservation plan shall include a planting plan for the reforestation area using a minimum of 1-inch trees.

6) The Applicant shall construct a split rail fence at the back of the proposed Lots 1 through 8 to delineate the forest conservation easement. Access points into the easement will be permitted to allow passive use of the area by residents.
7) The record plat shall reflect a Category I easement over all areas of stream valley buffers and forest conservation.

8) The record plat shall reflect all areas under Homeowners Association ownership and stormwater management areas.

9) The record plat shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.

10) The proposed development shall comply with the conditions of the MCDPS stormwater management approval dated April 6, 2006.

11) The proposed development shall comply with the conditions in the MCDPWT approval dated July 12, 2006, unless otherwise amended.

12) The proposed development shall include the access and improvements as required to be approved by the MCDPWT prior to recordation of plat(s)

13) 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.

14) 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]
CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on Thursday, September 7, 2006, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, ADOPTED the above opinion, on motion of Commissioner Perdue, seconded by Commissioner Wellington, with Commissioners Perdue, Robinson, and Wellington voting in favor, and with Chairman Hanson and Commissioner Bryant abstaining. This Opinion constitutes the final decision of the Planning Board and memorializes the Board’s findings of fact and conclusions of law for Preliminary Plan No. 120050600, Radwick Lane.

Certification As To Vote of Adoption
E. Ann Daly, Technical Writer
PLAT NO. 220070710

Horner Estates
Located on southeast quadrant, intersection of Marcliff Road and Rosemont Drive
R-200 zone; 2 lots
Community Water, Community Sewer
Master Plan Area: North Bethesda-Garrett Park
Marcliff Estates, LLC. Applicant

This record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Record Plat Review Sheet. Staff has determined that the plat complies with Preliminary Plan No. 120060820, 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:** Former Estates  
**Plan Number:** 12060820  
**Plat Name:** Former Estates Lots 7-8  
**Plat Number:** 220607010  
**DRD Plat Reviewer:**  
**DRD Prelim Plan Reviewer:**  

### Initial DRD Review:
- **Signed Preliminary Plan – Date:** 11/22/06  
- **Checked: Initial RU**  
- **Date:** 12/21/06
- **Planning Board Opinion – Date:** 1/23/06  
- **Checked: Initial RU**  
- **Date:** 2/2/06
- **Site Plan Req'd for Development?** Yes  
- **Verified By:**  
- **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  
- Coordinate  
- Plan #  
- Location  
- Road/Alley Widths  
- Easements  
- Open Space  
- Non-standard BRLs  
- Adjoining Land  
- Vicinity Map  
- Septic/Wells  
- TDR note  
- A. Lindsey  
- Child Lot note  
- NA  
- Surveyor Cert  
- Owner Cert  
- Tax Map

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### Final DRD Review:
- **DRD Review Complete:**  
- **Initial TA**  
- **Date 12/21/07**
- **Engineer Notified (Pick up Mark-up):** TA  
- **Date 12/23/06**
- **Final Mylar w/Mark-up & PDF Rec’d:** TA  
- **Date 12/31/017**

### Board Approval of Plat:
- **Plat Agenda:** TA  
- **Date 2/1/07**

### DPS Approval of Plat:
- **Engineer Pick-up for DPS Signature:** TA  
- **Final Mylar for Reproduction Rec’d:** TA  
- **Date 12/31/07**

### 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. _
MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan No. 120060820
NAME OF PLAN: Horner Estates (Resubdivision)

The date of this written opinion is OCT 30 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).

INTRODUCTION

On February 13, 2006, Mr. Zur Feldman ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the R-200 zone. The application proposed to create 2 lots on 1.48 acres of land located at the southeast corner of the intersection of Marcliff Road and Rosemont Drive, in the North Bethesda/Garrett Park Master Plan area ("Subject Property"). The application was designated Preliminary Plan No. 120060820 ("Preliminary Plan"). On 9/21/06, the Preliminary Plan was brought 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, prior to the Board’s action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

SITE DESCRIPTION

The 1.48-acre site is zoned R-200 and is located in the southeast corner of Rosemont Drive right-of-way and Marcliff Road in the North Bethesda/Garrett Park Master Plan area. The surrounding uses are residential. The existing lot (Lot 6A) is currently developed with a one-family residence, which is accessed by a driveway to Marcliff Road. Rosemont Drive is unbuilt along the frontage of the Subject Property.

The Subject Property lies within the Cabin John Creek watershed (Use Class I-P). There are 0.93 acres of forest cover on the Subject Property that is dominated by tulip poplars. There are 0.17 acres of stream valley buffer and 0.05 acres of floodplain on-site. A tributary to Cabin John Creek runs east to west within the existing road right-of-way for Rosemont Drive on the northern boundary of the site.

PROJECT DESCRIPTION

This Preliminary Plan proposes to resubdivide the Subject Property into two lots, remove the existing residence, and develop two new residences. A shared driveway to both homes will provide access to Marcliff Road. The house on proposed Lot 7 will front to Marcliff Road, the house to the east will front to the Rosemont Drive right-of-way and will align in a similar fashion to the homes across Rosemont Drive that also front to the right-of-way. Community water and sewer is available for both lots.

MASTER PLAN COMPLIANCE

The North Bethesda Garrett Park Master Plan does not specifically discuss the Subject Property but it does recommend a continuation of the R-200 zone for this area. The master plan is also silent on resubdivisions of existing lots in this neighborhood. The proposed plan is consistent with the master plan because the lots meet the R-200 zoning standards.
TRANSPORTATION

This Preliminary Plan has been reviewed for adequacy of local roadways, access and pedestrian facilities. Marcliff Road is adequate to accommodate the two units as proposed. MCDPWT is requiring sidewalks to provide safe pedestrian circulation. Site distance evaluations for the proposed driveway access point are approved.

ENVIRONMENTAL COMPLIANCE

Forest Conservation

There are 0.93 acres of existing forest cover on-site. The plan proposes 0.50-acres of clearing and 0.43-acres of retention within a Category I conservation easement. No forest in the stream valley buffer will be removed. A split rail fence will separate forest conservation area from yard area and signage will be posted at appropriate intervals. A 10 ft. public utility easement (PUE) is proposed for the north edge of the property, nearest Rosemont Drive. Staff found that the proposed plan meets the forest conservation requirements.

Environmental Buffers

As previously mentioned, there is an intermittent stream on the adjacent right-of-way for Rosemont Drive to the north of the Subject Property. A forested stream valley buffer of 0.17 acres extends onto the site. The stream has a floodplain associated with it, with 0.05-acres of floodplain on-site. Staff found that the proposed plan meets the Environmental Guideline requirements for protection of buffers and sensitive areas.

RESUBDIVISION CRITERIA

Neighborhood Delineation

In administering the Resubdivision section, the Planning Board must first determine the appropriate “neighborhood” for evaluating the application. For this application, the Applicant has proposed a neighborhood of forty lots for analysis purposes. The neighborhood generally includes all lots that are contiguous to the Subject Property, that are in the same block as the Subject Property, and those lots along the typical travel routes to the Subject Property. A number of deed lots along Marcliff Road are not included in the neighborhood since they were not subjected to subdivision approval or record plat. Staff supported the Applicant’s delineated neighborhood for the resubdivision analysis.
Comparison of the Character of Proposed Lots to Existing

In performing the analysis for this resubdivision, staff applied the resubdivision criteria to the delineated neighborhood. Based on the analysis as set forth below, staff found that the proposed resubdivision will be of the same character as the existing lots in the neighborhood as set forth below:

Size: The proposed lots are of the same character with respect to size as all lots in the neighborhood.

Lots in the neighborhood range in size from 15,511 square feet to 47,240 square feet. This Preliminary Plan proposes lots at 29,758 square feet (Lot 7) and 33,790 square feet (Lot 8). This resubdivision creates two lots that are close to the median for the range of lot sizes in the defined neighborhood. The proposed lots are consistent with the neighborhood lots with respect to size.

Area: The proposed lots are of the same character with respect to area as the lots in the neighborhood.

The buildable areas of lots in the defined neighborhood range from 5,540 square feet to 28,000 square feet. The resubdivision proposes two lots at 6,530 and 17,534 square feet for Lot 7 and 8, respectively. Lot 7, while having a smaller buildable area than the majority of lots in the neighborhood, is overall, a large, square shaped lot that is capable of accommodating a home typical of today's market that will not be limited by the setbacks. The proposed lots are of the same character with respect to area as all lots in the neighborhood.

Shape: The proposed lots are of the same character with respect to the shape of lots in the neighborhood.

The neighborhood is characterized by a wide variety of lot shapes as reflected on the neighborhood delineation. The two proposed lots are generally square and of the same character as other lots.

Width: The proposed lots are of the same character with respect to width as the other lots in the neighborhood.

The lot widths at the front building line in the neighborhood range from 60 feet to 233 feet. Both of the proposed lots are within this range at 183 and 186 feet. Both lots are of the same character with respect to width at the building line.

Alignment: The proposed lots are of the same character with respect to alignment as all lots in the neighborhood.
Horner Estates (Resubdivision)  
Preliminary Plan No. 120060820  
Page 5

All lots, including the proposed lots, align perpendicularly to the street except for one, which is to the rear of an existing lot. The proposed lots are of the same character as compared to the existing lots in the neighborhood.

Frontage: The proposed lots are of the same character with respect to frontage as the lots in the neighborhood.

The range of lot frontages in the neighborhood is from 25 feet to 227 feet. Both proposed lot frontages, at 203 and 187 feet for lot 7 and 8, are within the range of lot frontages. The lot frontages are of the same character with respect to all lots within the neighborhood.

Suitability: The proposed lots are suitable for residential development as are all other lots in the neighborhood.

**STAFF RECOMMENDATION**

In addition to the findings above, staff found that the size, shape, width and orientation of the proposed lots are appropriate for the location of the subdivision having considered the recommendations of the local master plan. In addition, staff found that the Preliminary Plan complies with all applicable sections of the Montgomery County Zoning Ordinance, including Section 59-C-1.32 that establishes the dimensional requirements for residential lots according to their zoning classification. Staff concluded that the Preliminary Plan meets all requirements of the Subdivision Regulations, North Bethesda Garrett Park Master Plan, and the Zoning Ordinance, including the Garrett Park Overlay Zone and recommended approval subject to conditions.

**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, based on the uncontested evidence of record, staff's findings set forth above and subject to the conditions of approval, that:

a) The Preliminary Plan No. 120060820 substantially conforms to the North Bethesda/Garrett Park master plan.

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\(^1\) 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.
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.

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) Based on the staff's findings, which are hereby expressly adopted by the Planning Board, 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 delineated neighborhood.

g) 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. 120060820 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060820, subject to the following conditions:

1) Approval under this preliminary plan application is limited to two (2) one-family detached residential lots.

2) The Applicant shall comply with the conditions of the preliminary forest conservation plan. The Applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permit. Conditions include:

   a. Approval of Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan prior to any clearing, grading or demolition on the site.

   b. The Final Forest Conservation Plan must be prepared, signed and stamped by an ISA certified arborist and include complete details on the proposed tree protection measures.
c. Split rail fencing and permanent forest conservation signage will be required along the easement line that adjoins residential lots and must be shown on the final FCP.

3) The Applicant shall comply with the conditions of approval of the MCDPS stormwater management approval letter dated May 16, 2006.

4) The Applicant shall comply with the conditions of approval for the MCDPWT approval letter dated May 1, 2006 unless otherwise amended.

5) Record plat to reflect an ingress/egress/public utility easement on the shared driveway.

6) 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 ADOPTION OF OPINION

At its regular meeting, held on Thursday, October 12, 2006, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, ADOPTED the above opinion, on motion of Commissioner Robinson, seconded by Commissioner Wellington, with Commissioners Hanson, Perdue, Bryant, Robinson and Wellington voting in favor. This Opinion constitutes the final decision of the Planning Board and memorializes the Board’s findings of fact and conclusions of law for Preliminary Plan No. 120060820, Horner Estates (Resubdivision).

[Signature]

Certification As To Vote of Adoption
E. Ann Daly, Technical Writer
PLAT NO. 220070430

Brookmont
Located on Ridge Drive, approximately 65 feet south of 63rd Street
R60 zone; 1 lot
Community Water, Community Sewer
Master Plan Area: Bethesda - Chevy Chase
Robert and Tracey Robinson, 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 lots 27-29) and concludes that the proposed minor subdivision complies with the criteria of Section 50-35A (a)(3)b 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: Brookmont
Plat Submission Date: 10/12/06
DRD Plat Reviewer: Alan
DRD Prelim Plan Reviewer: 

*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 #  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  NA  Owner Cert  NA  Tax Map
SPA  NA

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

Engineer Notified (Pick up Mark-up): Initial TA  Date 11/19/07
Final Mylar w/Mark-up & PDF Rec'd: Initial TA  Date 11/19/07

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:
Notif. Engineer to Seal Plats:
Engineer Seal Complete:
Complete Reproduction:
Sent to Courthouse for Recordation: 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 Residenitally 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:
PLAT NO. 220070780

Mary J. Boland Subdivision
Located on southwest quadrant, intersection of Cider Barrel Drive and Regents Park Drive
R-60/TDR zone; 2 lots, 1 Parcel
Community Water, Community Sewer
Master Plan Area: Germantown
Porten Homes, Inc., Applicant

Staff recommends approval of this minor subdivision plat pursuant to section 50-35A (a)(5) of the Subdivision Regulations, which states:

Plat of Correction. A plat may be recorded under the minor subdivision procedure to correct inaccurate or incomplete information shown on a previously recorded subdivision plat. The plat may correct drafting or dimensional errors on the drawing; failure to include a required note, dedication, easement or other restriction; incorrect or omitted signatures; and/or other information normally required to be shown on a recorded plat. All owners and trustees or the land affected by the correction must sign the revised plat. In addition, the plat of correction must clearly identify the original plat that is being replaced and contain a note identifying the nature of the correction. In this case, the plat is being corrected for dimensional errors on lots 203-218.
RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET
(This form contains 3 pages)

Plat Name: Mary J Boland  Plat Number: 220070980
Plat Submission Date: 1/30/06
DRD Plat Reviewer: 
DRD Prelim Plan Reviewer: 
*For category of minor see pages 2 and 3

Initial DRD Review:

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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

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<th>Reviewer</th>
<th>Date Sent</th>
<th>Due Date</th>
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Final DRD Review:

DRD Review Complete: Initial Date
(All comments rec'd and incorporated into mark-up)
Engineer Notified (Pick up Mark-up): Initial 2/19/07
Final Mylar w/Mark-up & PDF Rec'd: Initial 2/19/07

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:

Development Review Division Check Sheet for Record Plats Under Minor Subdivision
Created 2005 /Revised July 2006
Page 1 of 1
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 Residually 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: