



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

MCPB
Item #
06/07/07

MEMORANDUM

DATE: May 24, 2007

TO: Montgomery County Planning Board

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

FROM: Stephen Smith *SS*
Development Review Division
(301) 495-4522

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for June 7, 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:

220052360 – 220052380 **Magruder's Overlook (3)**
220060910 – 220060930, 220060950, 220060990 - 220061010 **Reserve at Fair Hill (7)**
220062180 **Clover Ridge**
220071280 **Highland Park**



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PLAT NO. 220052360 - 220052380

Magruder's Overlook

Located at the south terminus of Coltrane Drive, along the west side of Valley Park Drive
RT-8 zone; 42 Lots, 8 Parcels
Community Water, Community Sewer
Master Plan Area: Damascus
Baum L.C., Applicant

The record plat(s) have been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120040980, and Site Plan No. 820050120, 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 aforesaid plans.

RECORD PLAT REVIEW SHEET

Plan Name: Baum Property Plan Number: 120040980
 Plat Name: Magruder's Overlook Plat Number: 220052360
 Plat Submission Date: 6/23/05
 DRD Plat Reviewer: D. Kinny / P. Weiss
 DRD Prelim Plan Reviewer: C. Conlon

Initial DRD Review:

Signed Preliminary Plan - Date 5/2/05 Checked: Initial TA Date 11/15/06
 Planning Board Opinion - Date 4/18/05 Checked: Initial PW Date 11/15/06
 Site Plan Req'd for Development? Yes ☒ No ☐ Verified By: PW (initial)
 Site Plan Name: Baum Property Site Plan Number: 820050120
 Planning Board Opinion - Date 5/20/05 Checked: Initial PAK Date 11.15.06
 Site Plan Signature Set - Date 8/22/06 Checked: Initial PAK Date 11.15.06
 Site Plan Reviewer Plat Approval: Checked: Initial PAK Date 11.15.06

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>M. P. G. G. G.</u>	<u>6/24/05</u>	<u>6/8/05</u>	<u>9/7/05</u>	<u>OK</u>
Research	Bobby Fleury			<u>6/27/05</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>OK</u>
DRD	Steve Smith			<u>9/6/05</u>	<u>OK</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

TATASDSDSDSDSDSDSDSDSDSDSDSDSDSDSDSDSDSDSD

Date

4/19/0611/15/065-16-076-7-076-7-076-7-076-7-076-7-076-7-076-7-076-7-076-7-076-7-076-7-076-7-076-7-076-7-076-7-076-7-076-7-076-7-07

No. _____

RECORD PLAT REVIEW SHEET

Plan Name: Baum Property Plan Number: 120040980
 Plat Name: Magruder's Overlook Plat Number: 220052370
 Plat Submission Date: 6/23/05
 DRD Plat Reviewer: D Kinny / P. Weiss
 DRD Prelim Plan Reviewer: C. Conlon

Initial DRD Review:

Signed Preliminary Plan - Date 5/2/05 Checked: Initial TA Date 11/15/06
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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>OK</u>
DRD	Steve Smith			<u>9/6/05</u>	<u>OK</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

TA4/15/06TA11/15/06SS5-16-07**Board Approval of Plat:**

Plat Agenda:

SS6-7-07

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. _____

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 Plat Name: Magruder's Overlook Plat Number: 220052380
 Plat Submission Date: 6/23/05
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 DRD Prelim Plan Reviewer: C. Conlon

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Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

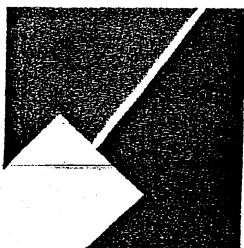
Initial

TATASDSS

Date

11/15/0611/15/065-16-076-7-07

No. _____



Date Mailed: APR 18 2005

Action: Approved Staff Recommendation

Motion of Commissioner Bryant,
seconded by Commissioner Wellington,
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 1-04098

NAME OF PLAN: Baum Property

The date of this written opinion is APR 18 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 6/11/04, Elm Street Development ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the RT-8 zone. The application proposed to create 48 lots on 6.3 acres of land located on the west side of Valley Park Drive ("Subject Property"), in the Damascus master plan area. The application was designated Preliminary Plan 1-04098. On 1/20/05, Preliminary Plan 1-04098 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 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.

Staff testified that the site meets all of the review standards of the Subdivision Regulations. Staff recommended as a condition of approval that the Applicant construct an off-site bike path, along street frontage on the adjacent property (under the control of Applicant), from the southern edge of the property along Valley Park Drive, to Route 27. Staff testified that this trail provides the sole pedestrian connection between Seneca Greenway Park and Damascus Recreation Center and the trail system within the Magruder Stream Valley Park. This trail connection is strongly recommended in the draft Damascus Master Plan amendment pending at the time of the public hearing. Absent the park, bicycle travel would have to occur on-road for a portion of the route. In response to Planning Board questioning, staff stated that bike travel on a dedicated bike path is safer than bike travel on a vehicular roadway. In response to further Board inquiry, staff testified that the residents of the Subject Property would directly benefit from the bike path, and that the Applicant received credit for a bike system as part of its recreational package (required at the time of site plan).

The Applicant testified at the public hearing, and agreed to provide, if Department of Permitting Services ("DPS") issues permits, for the widening of an existing sidewalk and bike path from five feet to eight feet, along the frontage of the Magruder Overlook subdivision that adjoins the Baum Property to the south. The Department of Public Works and Transportation ("DPWT") proposes, as part of its CIP program, to provide road improvements and an eight-foot bikepath along the frontage of the subject Baum Property.

FINDINGS

Having given full consideration to the recommendations of its Staff; 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, for the following uncontested issues the Montgomery County Planning Board finds:

- a) The Preliminary Plan No. 1-04098 substantially conforms to the Damascus master plan.

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. 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 ("DPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- 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. 1-04098 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-04098, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 48 dwelling units.
- 2) No clearing, grading, or recording of plats prior to site plan approval.
- 3) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 4) 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 DPS issuance of sediment and erosion control permits.
- 5) Compliance with the conditions of the DPS stormwater management approval dated September 29, 2004.
- 6) The applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Damascus Master Plan unless otherwise designated on the preliminary plan.

- 7) The applicant shall construct all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Damascus Master Plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
- 8) Applicant shall construct an eight-foot off-site bike path along the north side of Valley Park Drive from the southern property line to Ridge Road (MD 27), as part of an agreement with Montgomery County Department of Public Works and Transportation to construct the eight-foot bike path through the limits of the Baum Property frontage as part of C.I.P. #509944, subject to DPWT approval.
- 9) Record plat to reflect dedication to M-NCPPC of the portions of the subject property located southeast of the Valley Park Drive right-of-way, to be added to Magruder Branch Stream Valley Park. Property to be conveyed at the time of record plat and to be free of trash and unnatural debris.
- 10) Record plat to 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.
- 11) Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas.
- 12) Compliance with conditions of DPWT letter dated January 14, 2005 unless otherwise amended.
- 13) Access and improvements, as required, to be approved by DPWT prior to recordation of plat(s).
- 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.

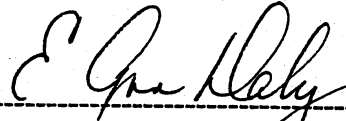
* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

MR 4/8/05
Approved for legal sufficiency
M-NCPPC Office of General Counsel

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, April 14, 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. 1-04098, Baum Property**. Commissioners Bryant and Perdue absent.



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

[illegible][illegible]

STATUS OF THE INFORMATION: "Theater Works" was a national TV series that ran from 1971 to 1972. It was a weekly series that ran on Tuesday nights. The series was produced by the National Theater and was a collaboration between the National Theater and the National Endowment for the Arts. The series was a collaboration between the National Theater and the National Endowment for the Arts. The series was a collaboration between the National Theater and the National Endowment for the Arts.

ANNALS
ENTOMOLOGICAL SOCIETY OF AMERICA
Vol. 62, No. 1, February 1969

1. What is the purpose of the study?
2. What are the research questions?
3. What is the significance of the study?
4. What are the limitations of the study?
5. What are the conclusions of the study?
6. What are the implications of the study?
7. What are the recommendations of the study?
8. What are the future research directions?
9. What are the ethical considerations?
10. What are the acknowledgments?
11. What are the references?
12. What are the appendices?
13. What are the footnotes?
14. What are the tables?
15. What are the figures?
16. What are the charts?
17. What are the graphs?
18. What are the diagrams?
19. What are the maps?
20. What are the photos?
21. What are the illustrations?
22. What are the tables of contents?
23. What are the indexes?
24. What are the glossaries?
25. What are the abbreviations?
26. What are the symbols?
27. What are the units?
28. What are the formulas?
29. What are the equations?
30. What are the inequalities?
31. What are the identities?
32. What are the theorems?
33. What are the lemmas?
34. What are the propositions?
35. What are the corollaries?
36. What are the definitions?
37. What are the axioms?
38. What are the postulates?
39. What are the assumptions?
40. What are the hypotheses?
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- A. Public companies in the Americas, all of which are listed on the NYSE or NASDAQ.
- B. Public companies in the Americas, all of which are listed on the NYSE or NASDAQ, and are in the top 100 of each country's market capitalization.
- C. Public companies in the Americas, all of which are listed on the NYSE or NASDAQ, and are in the top 100 of each country's market capitalization, and are in the top 100 of each country's market capitalization.
- D. All of the public companies in the Americas, all of which are listed on the NYSE or NASDAQ, and are in the top 100 of each country's market capitalization.
- E. All of the public companies in the Americas, all of which are listed on the NYSE or NASDAQ, and are in the top 100 of each country's market capitalization.

[illegible]

OWNER/DEVELOPER
BELLAVIA, L.C.
320 ELM STREET, SUITE 200
MCLEAN, VIRGINIA 22101
703-734-9730
ATTN: THOMAS MARSHALL

DEVELOPERS CERTIFICATE

I, THE UNDERSIGNED, AGREES TO EXECUTE ALL THE FEATURES AND REQUIREMENTS OF THE FOLLOWING APPROVAL-SOFT INCLUDES AND TO MAINTAIN A CONTINUING DEVELOPMENT PROGRAM AND THIS DOCUMENT IS A PART OF THIS PLAN.

DATE: 5-31-06 BY: Thomas A. McComb III

BY: BELLAVALS

Apex engineering
12000
Rock
Box 4

CH MAY, SITE 200

20855-2623
301-473-0669

MARCH 2005

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CHURCHMAN MLO

SCALE
NO SCALE

JOB NO.

150004

COVER SHEET

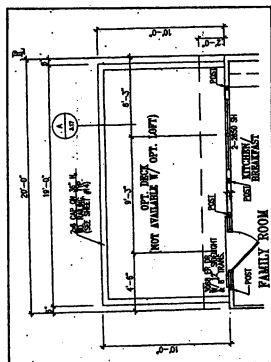
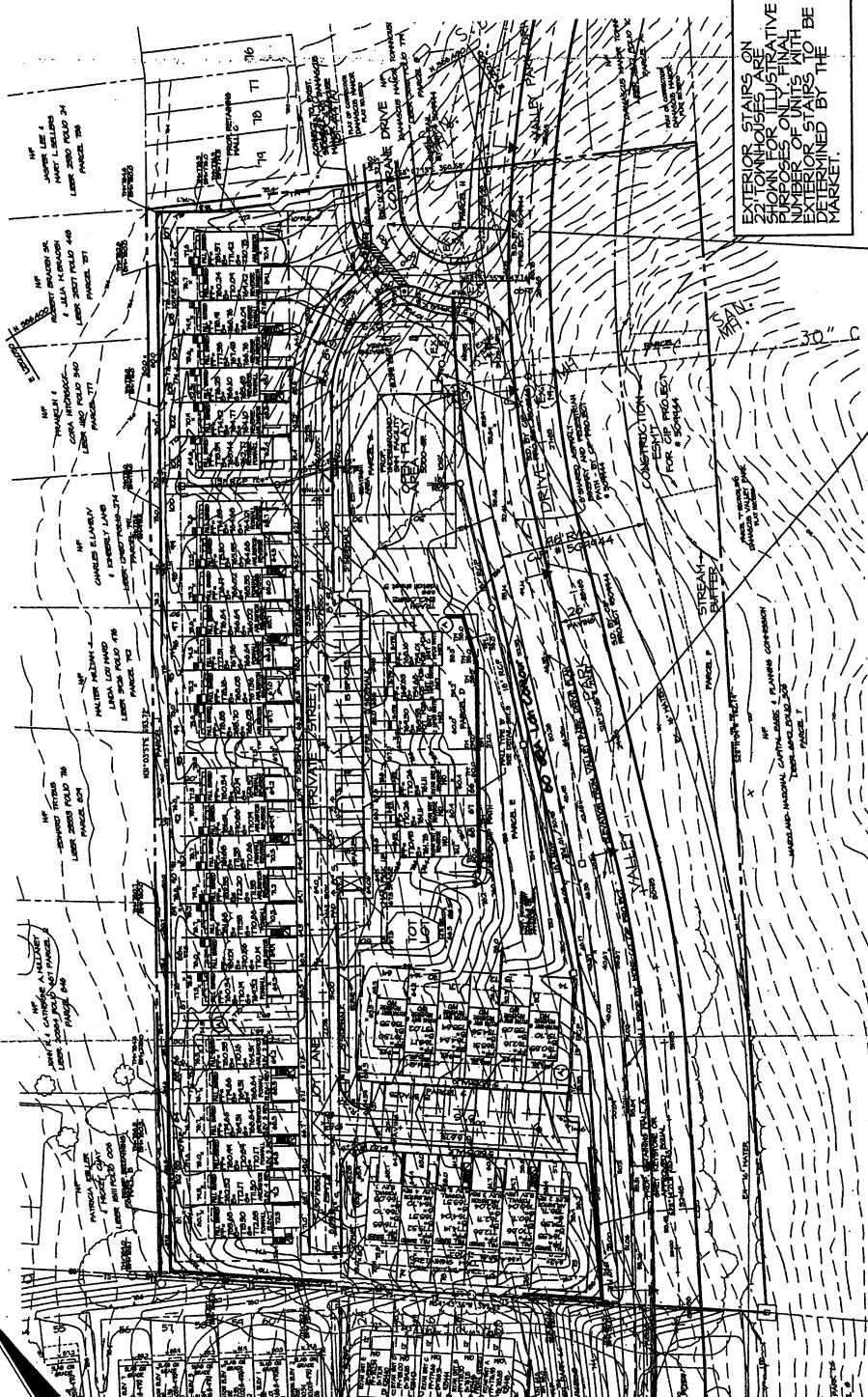
8-05012
SIGNATURE SE

1 PROP

(DAMASCUS) ELECTION DISTRICT
COUNTY, STATE

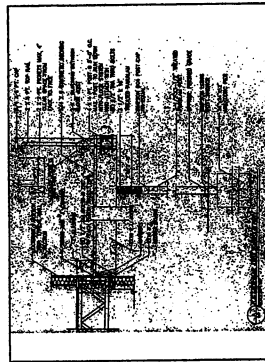
1007

TOTAL SHEETS IN SET 2



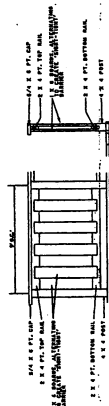
OPTIONAL DECK PLAN

NOT TO SCALE
LOTS 1-10 (LOTS 66-75 PER RECORD PLAT) TO
HAVE SIGHT TIGHT RAILING SEE DETAIL BELOW.



OPTIONAL DECK SECTION

NOT TO SCALE



LOTS 1-10 (LOTS 66-75 PER RECORD PLAT)
SIGHT TIGHT DECK RAILING. DETAIL
NOT TO SCALE

1½" ASPHALT SURFACE COURSE
2½" ASPHALT BASE COURSE
APPROVED SUBGRADE

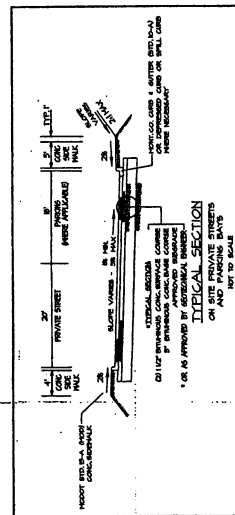
BIKE PATH PAYING SECTION
NTS

APPROXIMATE DISTANCE IN FEET

LOT:	WIDE	SARAGE	TOWN HOUSE	LOTS
22	22'	WIDE	TOWN HOUSE	10-42
23	22'	WIDE	NON-GAR	LOTS 6-9
24	22'	WIDE	NON-GAR	LOTS 1-5
25	22'	WIDE	NON-GAR	PARCE A

EXTERIOR STAIRS ON 22 TOWNHOUSES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. FINAL NUMBER OF UNITS WITH EXTERIOR STAIRS TO BE DETERMINED BY THE MARKET.

VALLEY PARK DRIVE AND COLTRANE DRIVE ARE INCLUDED IN MONTGOMERY COUNTY C.I.P. PROJECT NO. 509944 WHICH IS TO BE CONSTRUCTED BY MONTGOMERY COUNTY.



DEVELOPERS CERTIFICATE

21 MAY 1996

OWNER/DEVELOPER

BELLAVIA, L.C.
200 ELM STREET, SUITE 200
MCLEAN, VIRGINIA 22101
703-734-9730

ATTN: THOMAS MARSHALL
703-734-4150

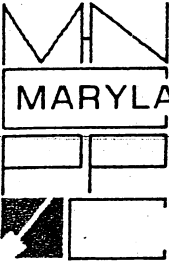
Apex engineering
15850 ROCKY
BOULEVARD
BOCA RATON, FL 33433

SITE PLAN

PRINTED ON
JUN 01 2005
APEX ENGINEERING

BAUM PROPERTY

4	
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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Date Mailed: APR 20 2005

Action: Approved Staff Recommendation

Motion of Commissioner Bryant,
seconded by Commissioner Robinson,
with a vote of 5 - 0.

Chairman Berlage and Commissioners
Perdue, Bryant, Wellington and Robinson
voting in favor.

**MONTGOMERY COUNTY PLANNING BOARD
OPINION**

Site Plan No.: 8-05012
Project: The Baum Property
Date of Hearing: January 20, 2005

Background

The date of this written opinion is APR 20 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, as provided in the Maryland Rules of Procedure, thirty days from the date of this written opinion. This site plan shall remain valid as provided in Section 59-D-3.8.

On January 20, 2005, Site Plan Review #8-05012 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.

Subject Application

The Baum Property, a parcel of approximately 6.30 acres ("Subject Property") is located approximately one mile south of the Damascus Town Center within the Magruder Branch watershed. The rectangular parcel, about 760 feet by 360 feet, is one of the few remaining developable land parcels within the Town Neighborhood Area. The Magruder

Overlook townhouse subdivision lies to the south, and the Manor Park subdivision of detached one-family homes is adjacent to the north.

The Subject Property features natural grades typical of a stream valley with a consistent slope dropping from west to east at approximately 18% grade. A small area within the northwest corner of the site features 25% slopes. A small area of approximately 0.14 acres lies with the stream valley buffer at the northeast corner of the site.

The site is located about one mile south of the Damascus Town Center ("Town Center"), formally identified as the intersection of Ridge Road and Main Street (MD 108); the Town Center functions as the commercial center for northern Montgomery and Western Howard County. The Town Neighborhood Area, located within the Magruder Branch Valley between Ridge Road and Woodfield is recognized as the largest area of residential growth in Damascus in recent years. The neighborhood, essentially linear in form, is organized along a north-south axis that parallels the interior streambed and its two flanking arterial roads that delineate the development at 5-subdivision widths.

Ridge Road (Route 27), an arterial road, accommodates significant north-south travel from Howard, Carroll, and Frederick Counties to employment centers along the I-270 Corridor. Ridge Road offers limited Ride-On Bus Service.

Staff testified that providing the Class I bike path and improvements to enhance pedestrian safety was of primary importance to staff's recommendation of approval of the concurrent Preliminary and Site Plan Reviews. Collaboration between the Applicant,¹ and the staffs of Parks, Transportation Planning, Subdivision and Site Plans, Montgomery County's Department of Permitting Services ("DPS") and Montgomery County's Department of Public Works and Transportation ("DPWT") produced specific solutions for the provision of the off-road bike path along the Baum Property frontage and for the adjacent Elm Street Development subdivision. Per the schematic, revised design, the road section will feature a 6-foot grass planting strip adjoining the curb to accommodate full-size shade trees and an 8-foot asphalt hiker-biker trail, with variable dimension for the area supporting the continuous retaining wall that is closest to the property line.

The proposed site plan includes twenty-seven units, arranged in four segments of townhouses that define a straight line along the internal street, oriented rear-to-rear in relation to the detached housing on Ridge Road. The houses face two short sticks of houses and the residual open space that slopes toward the future Valley Park Drive with views of the Magruder Stream Valley. The short L-base is formed by a double-loaded drive aisle flanked by head-in parking on the north. The "open space" or void of the "L" is enhanced by a Tot Lot at the south end and an Open Play Area at the north, hugging the two small housing clusters that comprise three standard townhomes and the six "piggy-

¹ Elm Street Development.

back" MPDUs. The Open Play Area serves a dual function by accommodating underground the site's Stormwater Management facility.

Vehicular and pedestrian access to the site is provided at the north end of the site by the extension of Valley Park Drive that upon its construction will offer a highly desired through-traffic connection between Ridge Road and Woodfield Road. The proposal also features an 8-foot Class I bike trail along the Valley Park Drive frontage. At the public hearing, the Applicant agreed to provide, if DPS issues permits, for the widening of an existing sidewalk and bike path from five feet to eight feet, along the frontage of the Magruder Overlook Subdivision that adjoins the Baum Property on the south. DPWT proposes, as part of its CIP Program, to provide road improvements and an 8-foot bike path along the frontage of the subject Baum Property.

Findings

Based on of the uncontested testimony and evidence of record, including the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required.

Not applicable.

2. The Site Plan meets all of the requirements of the zone in which it is located, as reflected in the Data Table contained in the staff report.
3. The locations of the buildings and structures, the open spaces, the landscaping, the recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient.

- a. **Building Locations**

The overall site development of the Baum Property is determined to a large extent by prevailing land patterns of the Damascus Town Neighborhood, that is, the established boundaries of the Magruder Stream Valley Park, the locations of Ridge Road and Woodfield Road, and the programmed, infill infrastructure for Valley Park Drive. These linear forms establish a corridor—the primary north-south axis of this neighborhood's orientation. The ensuing strata of development inward from the arterial roads increases in density toward the stream valley that forms the "green" spine of this residential environment.

The resulting land patterns suggest the resulting site layout for the Baum Property - in accordance with the existing houses sited in linear fashion along the arterials roads. The building locations, proposed to achieve maximum

feasible density, define the internal street for this parcel by the placement and spacing of the four groups of attached homes. The four groups are broken by the regular 20-foot openings that accommodate drainage. The short leg of the L-form features facing rows of six townhouses, with a side-end exposure to Valley Park Drive, elevated approximately 30 feet above the roadway surface.

In general, while the site design pertaining to individual units resorts to predictable sitting and spacing, the layout as a whole responds well to the adjoining properties by placing the side-end units back-to-back with those of the Magruder Overlook and by continuing the housing pattern vis-à-vis the internal road connection with the Manor Park development. Consequently, the Board finds that the building locations are sited in an adequate, safe and efficient design.

b. Open Spaces

The site's open spaces are, by nature of the site's L-shaped development, assigned to the residual spaces that remain along the north-south axis: the Tot Lot at the south and the Open Play Area II at the north. The open spaces for recreation are well sited for the use and enjoyment of the residents. The Open Play Area accommodates the underground stormwater management facility, illustrating the efficient use of available open space. The Board finds that subject to the conditions below, which require some additional benches and landscaping, the open spaces are adequate, safe and efficient, and meet the needs of this application.

c. Landscaping and Lighting

The Board finds that the landscaping and lighting is adequate, safe, and efficient. This finding is based on the fact that the topography requires extensive use of retaining walls, which allows a narrower road section and increased residential density, while at the same time creating view sheds along the roadway that project to fifteen feet in height. By orientating a majority of the units toward open space and Magruder Park, a greater number of residents can see the MNCPPC Park system from their residences.

Additionally, the plan proposes shade tree planting between the County retaining wall (off site) and the housing's retaining wall (on site) to soften the visual effects of the walls. The Board finds that the conditions below, that require additional plantings on site (including ground cover at the top of the wall(s)), work to mitigate the appearance of the wall height. The parking areas and fronts of houses are planted with attractive clusters of oak, ash, spruce and cypress, with a selection of ornamental trees.

d. Recreation

The Board finds that the proposed development offers adequate, safe and efficient recreational amenities, in accordance with the Board's Recreational Guidelines. On-site recreation includes a tot lot, an open play area of 5,000 square feet, and the pedestrian system. The Applicant's proffer to extend the bike path along the frontage of the adjacent development, Magruder's Overlook, provides a significant recreational amenity for the Subject Property. The site's proximity to the Magruder Branch Stream Valley Park and to the trails through the stream valley offers access to the Moyer Road Park with additional recreational amenities. Furthermore, the Damascus Community Center, currently under construction will provide additional off-site recreational opportunities within one mile of the new development.

e. Vehicular and Pedestrian Circulation

The Board finds that vehicular and pedestrian circulation is adequate, safe, and efficient. The vehicular circulation system consists of a single entry point from Valley Park Drive, to the internal Street A that provides a continuous connection from the Manor Park Development to the north. Street A terminates in a perpendicular extension that serves twelve additional townhouses. The on-street parking areas that serve nine of the townhouses and the six MPDUs are well placed and attractively landscaped.

Pedestrian to circulation is provided by curbside sidewalks along Street A, with connection combined bike path/sidewalk on Valley Park Drive. The Board finds that the sidewalks and the bike path/sidewalk provide for safe pedestrian movement within and adjoining the site.

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

The proposed housing is compatible with the established patterns of the Damascus Town Neighborhood Area and with the adjacent developments. The continuity of the private street connection with the Manor Park Development and the building line defined by the east-facing townhomes continues the existing development pattern. The arrangement of the short L-leg, featuring back-to-back townhomes at the southern boundary responds well in massing and grading with the Magruder Overlook subdivision.

The most challenging aspect to achieving compatibility for this site rests with the ability to attain a unified streetscape along Valley Park Drive—through the provision of street trees, with the bike path, in relation to the proposed retaining walls. The achievement of satisfactory residential density along with the preservation of significant areas of

parkland requires, in return, an attractive public street that realizes an agreeable human scale.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The plan conforms to the requirements of Chapter 22A for forest conservation.

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.

Planning Board Action and Conditions

The Montgomery County Planning Board APPROVES Site Plan Review #8-05012 for: 48 residential units on 6.32 acres, of which 42 are townhouses and 6 are MPDU condominiums, in the RT-8 Zone on 6.32 acres, subject to the following conditions:

1. **Preliminary Plan Conformance**

The proposed development shall comply with the conditions of approval for Preliminary Plan 1-04098, concurrently under review by the Planning Board.

2. **Site Design**

Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Provide a masonry fence (or wood fence with visible masonry foundation wall minimum two feet in height) to screen the rear yards of Lots 1, 2, and 3, and Parcel A; use materials to match keystone retaining walls proposed for site frontage;
- b. Coordinate utility feed locations with WSSC easement alignment; show utility feed locations on signature set;
- c. Provide trash facility for MPDU condominium units with compatible screening; include details (plan and elevation); locate facility on site plan;
- d. Provide two additional benches for Open Play Area; locate benches to coordinate with perimeter planting;
- e. Relocate pedestrian crossing at the intersection of Street A and Coltrane drive, per Montgomery County Department of Permitting Services

recommendation, shifting handicapped ramps westward and providing striped crosswalk;

- f. Relocate shade street trees along Street A adjacent to the HOA parcel, the Tot Lot, and Lot 4 as follows: install trees in 6-foot grass panel adjoining curb; locate 5-foot sidewalk behind grass panel; realign handicapped ramps at the drive aisle serving Lot 4 - Lot 15.
- g. Provide deck detail for Units 1-10 and MPDU Condominiums; deck fences should be provided with sight-tight materials.

3. Landscaping

- a. Provide hedge screening at a minimum height of 36 inches to screen parking and private drive aisle at south end of parcel; provide additional plantings at the top of retaining wall, including ground cover;
- b. Provide additional landscaping for Open Play Area, including hedge (or knee wall) at perimeter, 5 ornamental trees, 3 additional shade trees.

4. Lighting

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential/commercial development.
- b. All light fixtures shall be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.
- e. The height of the light poles shall not exceed 14 feet including the mounting base.

5. Pedestrian Circulation

- a. Provide a path of wood-chip or natural materials across the rear of Lots 1, 2, and 3, and Parcel A.

6. Recreation Facilities

- a. Provide a plan and elevation of the Tot Lot play equipment at 1:10 scale;

- ~~b. Verify minimum Tot Lot area of 1,000 square feet and suitable surface grading;~~
- c. Verify that the equipment supports five activities;
- d. Label required setback from street.

7. M-NCPPC Park Facility

The applicant shall comply with the following conditions of approval from M-NCPPC-Park Planning and Research Analysis in the memorandum dated July 7, 2004:

The applicant shall dedicate to M-NCPPC the land area south of Valley Park Drive along the eastern parcel boundary, adjacent to MNCPPC Damascus Valley Park. Dedication of parkland shall not include any stormwater management ponds or facilities. Land to be conveyed by time of record plat for the project areas that include the dedicated parkland and adjacent roads and lots. Dedicated property shall be conveyed free of trash and unnatural debris and the boundaries to be adequately staked and signed to delineate between private properties and parkland.

8. Moderately Priced Dwelling Units (MPDUs)

The proposed development shall provide 6 MPDUs on-site; the applicant is receiving no density bonus for providing MPDUs on site.

9. Transportation

The applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated January 13, 2005:

- a. The applicant shall construct an eight foot, shared use asphalt path, along the north side of Valley Park Drive, from the southern property line to Ridge Road (MD 27), as part of an agreement with Montgomery County Department of Public Works and Transportation (DPWT) to construct the road and eight foot bike path through the limits of the Baum Property frontage as part of C.I.P. # 509944, subject to DPWT approval;
- b. The applicant shall dedicate all road rights-of-way and construct all roads shown on the approved site plan to the full width mandated by the Damascus Master Plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the site plan, "To Be Constructed By Montgomery County C.I.P. Project No. 509944" are excluded from this condition.

10. Forest Conservation and Environmental Planning

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated January 13, 2005:

The proposed development shall comply with the conditions of the final 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 permits.

11. Noise Attenuation

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning to attenuate noise from Valley Park Drive:

- a. Certification from an engineering firm that specializes in acoustical analysis, that the building shell for residential dwelling units to be constructed within the unmitigated 65 dBA Ldn noise contour, is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The certification from the acoustical engineer shall be reviewed and approved by M-NCPPC Environmental Planning staff prior to issuance of building permits. Any changes that may affect acoustical performance shall be approved by the acoustical engineer in advance of installation and M-NCPPC Environmental Planning staff prior to their implementation.
- b. Applicant shall conduct an outdoor-to-indoor noise analysis of constructed units to ensure the 45 dBA Ldn interior noise level is achieved within the unmitigated 65 dBA Ldn contour after construction and shall present verification of noise levels to M-NCPPC Environmental Planning staff prior to occupancy of the residential units.
- c. For all residential dwelling units to be constructed within the 65 dBA Ldn unmitigated noise contour, the applicant/developer/builder shall disclose in writing to all prospective purchasers that those homes are impacted by existing and future highway noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the Illustrative Site Plan(s) on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and with all Deeds of Conveyance. Notification shall be provided to M-NCPPC staff prior to issuance of any building permit.

12. Stormwater Management

Comply with conditions of MCDPS stormwater management concept approval dated September 29, 2004. Final design of the stormwater management pond shall be

submitted to Environmental Planning and Parks Planning staff for review and comment prior to MCDPS approval.

13. Occupancy Provisions

Occupancy of MPDU units shall be limited to households that satisfy the income restrictions set forth in Article 25A of the Montgomery County Code for Moderately Priced Dwelling Units and any regulations duly adopted thereunder, as such Article or regulations may be amended from time to time.

14. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the 30th building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

15. Development Program

Applicant shall construct the proposed development in accordance with the Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. Development Program shall include a phasing schedule as follows:

- a. Street tree planting shall progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
- b. Community-wide pedestrian pathways and recreation facilities including Tot Lot, internal sidewalks, natural paths, sitting areas, Open Play Area, and the 8-foot bike path on the west side of Valley Park Drive along Magruder's Overlook road frontage, shall be completed prior to issuance of the 30th building permit;
- c. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed;
- d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion;
- e. Coordination of roads with each section of the development;
- f. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

16. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of signature set of plans.

17. Signature Set

Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Opinion;
- b. Undisturbed stream buffers at least 100 feet wide;
- c. Limits of disturbance;
- d. Methods and locations of tree protection;
- e. Forest Conservation easement areas;
- f. MPDU and recreation facility calculations;
- g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
- h. Centralized, screened trash areas for all multi-family units;
- i. Location of outfalls away from tree preservation areas;
- j. Incorporate streetscape and bike path design for Valley Park Drive frontage (Montgomery County Department of Public Works and Transportation CIP) into signature set drawings; show location of bike path, street trees, street lighting, retaining walls.

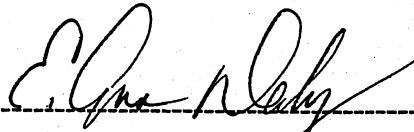
* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

WMC 4/9/05
Approved for legal sufficiency
M-NCPPC Office of General Counsel

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, April 14, 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 **Site Plan No. 8-05012, The Baum Property**. Commissioners Bryant and Perdue absent.

A handwritten signature in dark ink, appearing to read "E. Ann Daly", is written over a horizontal dashed line.

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

PLAT NO. 220060910 – 220060930, 220060950, 220060990 – 220061010

The Reserve at Fair Hill

Located on Wickham Road, between Tackbrooke Drive and Olney-Laytonsville Road.

RNC zone; 129 Lots, 16 Parcels

Community Water, Community Sewer

Master Plan Area: Olney

Pulte Home Corporation, Applicant

The record plat(s) have been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120041100, and Site Plan No. 82005028A, 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 aforesaid plans.

RECORD PLAT REVIEW SHEET

Plan Name: The Reserve @ Fair Hill Plan Number: 1-04110 (120041100)
 Plat Name: The Reserve @ Fair Hill Plat Number: 220060980
 Plat Submission Date: 10/25/05
 DRD Plat Reviewer: T. Alam
 DRD Prelim Plan Reviewer: C. Conlan

Initial DRD Review:

Signed Preliminary Plan - Date 1/6/06 Checked: Initial CAC Date 5/22/07
 Planning Board Opinion - Date 12/20/05 Checked: Initial PW Date 2/23/06
 Site Plan Req'd for Development? Yes ☒ No ☐ Verified By: PW (initial)
 Site Plan Name: Reserve at Fair Hill Site Plan Number: 82005028A
 Planning Board Opinion - Date 11/13/06 Checked: Initial PW Date 11/13/06
 Site Plan Signature Set - Date 2/5/07 Checked: Initial PAK Date 3/22/07
 Site Plan Reviewer Plat Approval: Checked: Initial PAK Date 3/22/07

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 N/A
 TDR note N/A Child Lot note N/A Surveyor Cert ☒ Owner Cert ☒ Tax Map ☒

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	M. Pforr	10/31/05	11/18/05	3-23-07	Need Signed In previous Ag.
Research	Bobby Fleury			11/1/05	OK
SHA	Doug Mills				No Comments
PEPCO	Jose Washington			11/9/05	OK
Parks	Doug Powell				No Comments
DRD	Steve Smith			11/18/05	Change Street name

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 SJS Date 5-24-07
SJS 3-27-07
SJS 5-17-07

Board Approval of Plat:

Plat Agenda:
 Planning Board Approval:

SJS 6-7-07

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 #:
 Update Green Books for Resubdivision:
 Notify Engineer to Seal Plats:
 Engineer Seal Complete:
 Complete Reproduction:
 Sent to Courthouse for Recordation:

No. _____

RECORD PLAT REVIEW SHEET

Plan Name: The Reserve @ Fair Hill Plan Number: 1-04110 (126041100)
 Plat Name: The Reserve @ Fair Hill Plat Number: 220060920
 Plat Submission Date: 10/25/05
 DRD Plat Reviewer: T. Alaym
 DRD Prelim Plan Reviewer: C. Coalen

Initial DRD Review:

Signed Preliminary Plan - Date 1/06/06 Checked: Initial CAK Date 5/22/07
 Planning Board Opinion - Date 12/20/06 Checked: Initial PW Date 4/23/06
 Site Plan Req'd for Development? Yes ☒ No ☐ Verified By: PW (initial)
 Site Plan Name: Reserve at Fair Hill Site Plan Number: 820050284
 Planning Board Opinion - Date 11/13/06 Checked: Initial SJS Date 5-18-07
 Site Plan Signature Set - Date 2-5-07 Checked: Initial PAK Date 3-29-07
 Site Plan Reviewer Plat Approval: Checked: Initial PAK Date 3-29-07

Review Items: Lot # & Layout ☒ Lot Area ☒ Zoning ☒ Bearings & Distances ☒
 Coordinates ☒ Plan # ☒ Road/Alley Widths ☒ Easements ☒ Open Space ☒
 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 ☒

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	M. Pfefferle	10/31/05	11/18/05	11/3/07	Need Improvements Agreement
Research	Bobby Fleury			11/1/05	OK
SHA	Doug Mills				No Comments
PEPCO	Jose Washington			11/9/05	OK
Parks	Doug Powell				No Comments
DRD	Steve Smith			11/18/05	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:

Initial	Date
<u>SJS</u>	<u>5-21-07</u>
<u>SJS</u>	<u>3-27-07</u>
<u>SJS</u>	<u>5-17-07</u>

Board Approval of Plat:

Plat Agenda:
 Planning Board Approval:
 Chairman's Signature:

Initial	Date
<u>SJS</u>	<u>6-7-07</u>
_____	_____
_____	_____

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:
 Final Mylar for Reproduction Rec'd:

Initial	Date
_____	_____
_____	_____

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	Date
_____	_____
_____	_____
_____	_____
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_____	_____
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_____	_____
_____	_____

No. _____

RECORD PLAT REVIEW SHEET

Plan Name: The Reserve @ Fair Hill Plan Number: 12004110 (formerly 1-04110)
 Plat Name: The Reserve at Fair Hill Plat Number: 220060930
 Plat Submission Date: 10/25/05
 DRD Plat Reviewer: T. Alam
 DRD Prelim Plan Reviewer: C. Conlon

Initial DRD Review:

Signed Preliminary Plan - Date 1/6/06 Checked: Initial CAC Date 5/22/07
 Planning Board Opinion - Date 12/20/05 Checked: Initial PW Date 2/23/06
 Site Plan Req'd for Development? Yes ☒ No ☐ Verified By: PW (initial)
 Site Plan Name: Reserve at Fair Hill Site Plan Number: 8205028A
 Planning Board Opinion - Date 11/13/06 Checked: Initial SJS Date 5-18-07
 Site Plan Signature Set - Date 2-5-07 Checked: Initial Rak Date 3-29-07
 Site Plan Reviewer Plat Approval: Checked: Initial Rak Date 3-29-07

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment		<u>10/31/05</u>	<u>11/18/05</u>	<u>3-23-07</u>	<u>Improvement Agreement</u>
Research	Bobby Fleury			<u>11/11/05</u>	<u>OK</u>
SHA	Doug Mills				<u>No Comments</u>
PEPCO	Jose Washington			<u>11/9/05</u>	<u>OK</u>
Parks	Doug Powell				<u>No Comments</u>
DRD	Steve Smith			<u>11/18/05</u>	<u>OK</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 SJS Date 5-24-07
SJS 3-27-07
SJS 5-17-07

Board Approval of Plat:

Plat Agenda:
 Planning Board Approval:
 Chairman's Signature:

SJS 6-7-07

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. _____

LEGEND

CURVE	RADIUS	LENGTH	TANGENT	CHORD BEARING	CH. DISTANCE	DELTA
1	575.00'	213.54'	150.54'	N73°19'49"W	210.30'	32°34'04"
2	525.00'	293.54'	150.71'	S73°35'45"E	289.73'	32°02'08"
3	53.00'	40.48'	21.23'	N72°27'35"W	39.50'	43°45'42"
4	55.00'	41.32'	89.75'	S42°50'24"E	93.79'	117°00'08"
5	312.00'	154.47'	78.85'	N11°02'13"E	152.90'	28°22'03"
6	288.00'	138.72'	71.26'	S10°45'08"W	135.90'	28°22'03"
7	247.64'	127.64'	63.44'	S51°00'24"E	248.40'	111°13'37"
8	228.00'	127.38'	32.48'	N77°23'07"E	41.53'	40°52'30"
9	27.00'	47.38'	32.48'	S82°10'00"W	106.68'	70°06'41"
10	82.00'	112.95'	64.95'	N02°35'07"W	122.08'	159°48'08"
11	62.00'	172.95'	348.39'	S81°14'45"E	432.35'	43°25'35"
12	182.00'	122.78'	194.41'	S11°20'22"W	118.97'	29°32'41"
13	73.25'	380.17'	194.41'		375.93'	

INGRESS/EGRESS EASEMENT
LINE/CURVE TABLE

NO. BEARING	NO.	BEARING
1	1	N53.74 S 53°
2	2	N 73.57 S 18°
3	3	N 43.57 S 19°
4	4	S 54.19 S 35°
5	5	N 34.41 S 35°
6	6	S 68.07 S 40°
7	7	S 68.07 S 40°
8	8	N 00.21 S 05°
9	9	S 68.07 S 40°

VICINITY MAP
SCALE : 1" = 2000'
TABLE

NO. BEARING/RADIUS DISTANCE	
(1) S32°57'13"W	75.97'
	R=79.57' =18.36"

OWNERS CERTIFICATE

WE, THE UNDERSIGNED, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, TO ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, INGRESS/EGRESS AND UTILITY EASEMENTS. WE CAUSE ALL PROPERTY CORNER MARKERS AND FURTHERMORE, WE AS OWNERS OF THIS SUBDIVISION, OUR SUCCESSORS AND ASSIGNS, WILL CAUSE ALL PROPERTY CORNER MARKERS AND FURTHERMORE, WE AS OWNERS OF THIS SUBDIVISION, OUR SUCCESSORS AND ASSIGNS, WILL CAUSE ALL PROPERTY CORNER MARKERS AND FURTHERMORE, WE AS OWNERS OF THIS SUBDIVISION, OUR SUCCESSORS AND ASSIGNS, WILL CAUSE ALL PROPERTY CORNER MARKERS AND

(c) OF THE MONTGOMERY COUNTY COURSE TO OCCUPANCY OF THE DWELLING TO BE CONSTRUCTED ON THE PARCEL SHOWN HEREON.

AND, FURTHER, WE GRANT TO POTOMAC ELECTRIC POWER COMPANY, BELL ATLANTIC-40, WASHINGTON GAS LIGHT COMPANY, AND TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION, AIRCRAFT ENGINEERING DIVISION, THE RIGHT OF WAY, EASEMENT, AND UTILITY EASEMENT DESIGNATED HEREON AS "P.E." WITH SAID TERMS AND PROVISIONS OF SUCH A GRANT BEING THOSE SET FORTH IN A CERTAIN DOCUMENT ENTITLED "DECLARATION OF TERMS AND PROVISIONS FOR PUBLIC UTILITY EASEMENTS" AND RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, IN LIBER 3634 AT FOLIO 457. SAID TERMS AND PROVISIONS BEING INCORPORATED HEREIN BY REFERENCE.

AND FURTHER, WE GRANT TO MONTGOMERY COUNTY, MARYLAND, AND ASSIGNS A "PUBLIC IMPROVEMENT EASEMENT" DESIGNATED HEREON AS "P.I.", SAID EASEMENT BEING GRANTED WITH THE TERMS AND PROVISIONS SET FORTH IN A CERTAIN DOCUMENT ENTITLED "DECLARATION OF EASEMENT" RECORDED IN LIBER 33124 AT FOLIO 542 AMONG THE SAID LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, SUBSEQUENT TO THE RECORDING OF THIS PLAN; SAID TERMS AND PROVISIONS BEING INCORPORATED HEREIN BY THIS REFERENCE.

THERE ARE NO SUITS, ACTIONS--AT-LAW, LEASES, OR TRUSTS AFFECTING THIS SUBDIVISION PLAN.

BY:  STANLEY F. SPILLE, JR.
VICE PRESIDENT
PULTE HOME CORPORATION

WITNESS: 

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT: THAT IT IS A PLAN OF PART OF THE PROPERTY ACQUIRED BY PULTE HOME CORPORATION, A MICHIGAN CORPORATION FROM CARL M. FREMAN ASSOCIATES, INC., A MARYLAND CORPORATION, COUNTY OF HART, JANUARY 14, 2004 AND RECORDED IN LIBERT 28586 AT FOLIO ONE ALONG THE LAND RECORDS OF MONTCALM COUNTY, ILLINOIS; THAT THE TOTAL AREA INCLUDED IN THIS PLAN OF SUBDIVISION IS 609,082 SQUARE FEET OR 13.98260 ACRES OF LAND, THERE IS NO STREET DEDEICATION BY THIS PLAN.

5/11/07 DATE

SUBDIVISION RECORD PLAT

PLAT 10
THE RESERVE AT FAIR HILL
LOTS 19 THROUGH 46, AND PARCEL "D", PARCEL "E",
BLOCK B

OLNEY (8TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 100' DATE: MAY 1, 2007

ENCLOSURES • PLANNERS • LANDSCAPE ARCHITECTS • SURVEYORS • GPS EXPERTS

NOT RECOMMENDED
20051 COUNTRY ROAD 200 • SUITE 200 • FARMERS MARKET
DOWNTOWN, MD 21040 • (301) 994-4444
WWW.DYNAMICCONCEPTS.MD

DPS NO. 221950
MNCPPC NO. 2-06093

AREA TABULATION

LOTS 19 THRU 46	512,087 S.F.	OR	11,75613 ACRES
PARCEL "D"	60,735 S.F.	OR	1,39428 ACRES
PARCEL "E" (ASHBOURNE PLACE)	36,250 S.F.	OR	0.83219 ACRES
TOTAL AREA OF THIS PLAT	609,082 S.F.	OR	13.98280 ACRES

DATE _____ PLAT NO.: _____ FOR PUBLIC WATER AND SEWER ONLY
MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION

APPROVED: _____

CHAIRMAN _____ SECRETARY - TREASURER _____

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

APPROVED: _____

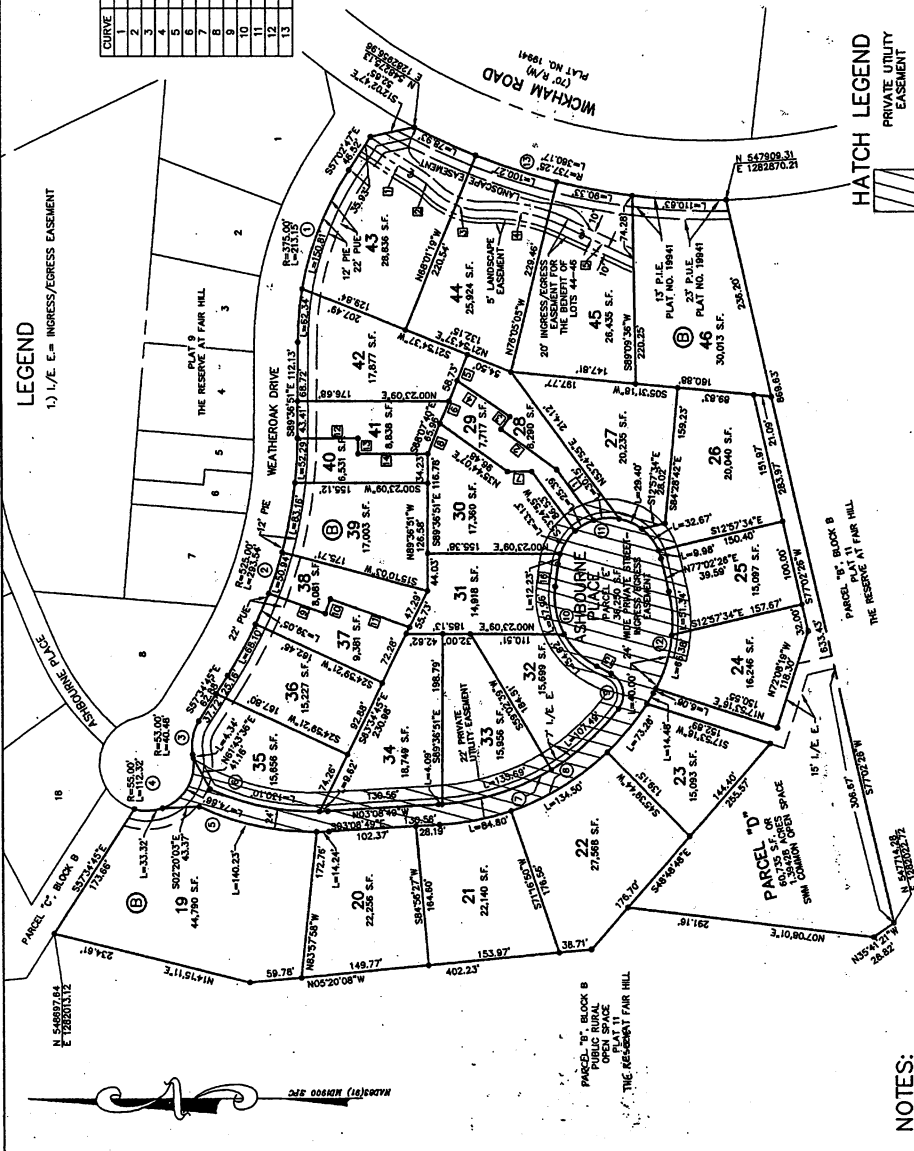
DATE _____

DIRECTOR _____

DEPARTMENT OF PERMITTING
SERVICES
MONTGOMERY COUNTY, MARYLAND

NOTES:

- 1.) THE PROPERTY IS DATED ON TAX ASSESSMENT MAP NO. H0121 AN ADJACENT MAP NO. H0121 AND IS ZONED RNC.
- 2.) THE HORIZONTAL DATUM IS BASED ON THE NORTH AMERICAN DATUM OF 1983. ADJUSTMENT 1971 (NAD83).
- 3.) STATION USED WERE STATE STATION 2677070 AND GRID COORDINATES OF NORTH 542,888.15' EAST 1,227,070.41'. GRID COORDINATES OF NORTH 542,803.03' EAST 1,227,070.41'. GRID COORDINATES OF NORTH 542,888.15' EAST 1,227,070.41'. GRID COORDINATES OF NORTH 542,803.03' EAST 1,227,070.41'.
- 4.) THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE, OF THE PROPERTY. THE SUBDIVISION RECORD PLAT IS LIMITED TO THE INFORMATION AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN, ALLOWING DEVELOPMENT OF THIS PROPERTY.
- 5.) ALL TITLE CONDITIONS, EASEMENTS, 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 RECORDEDATION OF THIS PLAT, UNLESS EXPRESSLY CONTEMPLATED BY THE PLAN AS APPROVED.
- 6.) THE PUBLIC UTILITIES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
- 7.) THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW OF 1992 AND TO THE TERMS AND CONDITIONS AS SET FORTH ON FINAL FOREST CONSERVATION PLAN NO. B-0502B, AS APPROVED OR AMENDED.
- 8.) THIS PLAT IS SUBJECT TO THE USES AND CONDITIONS WITHIN THE M.N.C.P. & P.C. PRELIMINARY PLAN #1230441100, SITE PLAN #B200502B0A ENTITLED "THE RESERVE AT FAIR PLAY".
- 9.) THIS PLAT CONFORMS WITH THE REQUIREMENTS OF CHAPTER 25-A OF THE MONTGOMERY COUNTY CODE REGARDING MODERATELY PRICED DWELLING UNITS.
- 10.) THE LAND SHOWN HEREON IS WITHIN APPROVED CLUSTER DEVELOPMENT AND FURTHER SUBDIVISION OR FURTHER SUBDIVISION IS NOT PERMITTED AFTER THE PROPERTY IS DEVELOPED.
- 11.) THE ISSUANCE OF BUILDING PERMITS FOR LOTS 20 THROUGH 27, BLOCK "B", AND LOTS 30 THROUGH 34, BLOCK "B" WILL BE WITHHELD PENDING APPROVAL FROM M.N.C.P. & P.C. ENVIRONMENTAL PLANNING, AS SET FORTH IN THE MONTGOMERY COUNTY CODE.
- 12.) THE PROPERTIES SHOWN HEREON CAN BE PARCELED OUT BY LOT, BLOCK "B", OR BY AREA. LOT, BLOCK "B", WILL BE CONVEYED BY FUTURE DEED TO THE HOME OWNERS ASSOCIATION.
- 13.) THE PROPERTY SHOWN HEREON IS SUBJECT TO A COMMON OPEN SPACE COVENANT WITH M.N.C.P. & P.C. RECORDED IN LIBER 28045 AT FOLIO 578 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.
- 14.) THE PROPERTY SHOWN HEREON IS SUBJECT TO A DECLARATION OF COVENANTS WITH MONTGOMERY COUNTY RECORDED IN LIBER 33424 AT FOLIO 781 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY.
- 15.) THE PUBLIC ACCESS EASEMENT (P.A.E.) SHOWN HEREON IS BEING ESTABLISHED FOR A PEDESTRIAN SIDEWALK ADJOINING A PRIVATE STREET.
- 16.) PRIVATE STREETS AND PRIVATE SPACES WILL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION OF MONTGOMERY COUNTY, MARYLAND WILL NOT PARTICIPATE IN THE MAINTENANCE OF THESE PRIVATE FACILITIES.
- 17.) THE OWNERS HEREBY AGREE TO PROVIDE UTILITY LATERALS TO THE PROPERTY SHOWN HEREON WITHIN THE PRIVATE UTILITY EASEMENTS SHOWN HEREON AND IN ORDER TO PROVIDE UTILITY SERVICE TO THE MONTGOMERY COUNTY COMMUNITIES BORDERED BY THE UTILITY LATERALS TO CROSS THESE EASEMENTS ADJOINING THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, AND PROVIDE REQUIRED COPIES TO M.N.C.P. & P.C., MDPS, WGL AND RECORDATION.



RECORD PLAT REVIEW SHEET

Plan Name: The Reserve at Fair Hill Plan Number: 190041100
 Plat Name: The Reserve at Fair Hill Plat Number: 220060950
 Plat Submission Date: 10/25/05
 DRD Plat Reviewer: T. Alam
 DRD Prelim Plan Reviewer: C. Centon

Initial DRD Review:

Signed Preliminary Plan - Date 1/6/06 Checked: Initial CAE Date 5/22/07
 Planning Board Opinion - Date 12/20/05 Checked: Initial PW Date 2/25/06
 Site Plan Req'd for Development? Yes ✓ No Verified By: PW (initial)
 Site Plan Name: Reserve at Fair Hill Site Plan Number: 82005028A
 Planning Board Opinion - Date 11/13/06 Checked: Initial SJS Date 5-18-07
 Site Plan Signature Set - Date 2-5-07 Checked: Initial PAH Date 3-29-07
 Site Plan Reviewer Plat Approval: Checked: Initial PAH Date 3-29-07

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	H. Pfeifferle	10/31/05	11/18/05	3-23-07	Improvements Agreement
Research	Bobby Fleury			11/1/05	OK
SHA	Doug Mills				No Comments
PEPCO	Jose Washington			11/9/05	OK
Parks	Doug Powell				No Comments
DRD	Steve Smith			11-18-05	See plat

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

SJS

SJS

SJS

SJS

Date

5-24-07

3-27-07

5-17-07

6-7-07

No.

CHICHESTER HOUSE ROAD

ER 28045 AT FOLIO 578 AMONG THE LAND
BER 32424 AT FOLIO 761 AMONG THE LAND
A PRIVATE STREET.

18,551 S.F.

[illegible]

120.27' 98.73' 53.48' 5.937 S.F.

Parcel 'Y', Block 'Y'
BARNESLEY MANOR ESTATES
PLAT NO. 19710
FILED IN BOOK 13, PAGE 237, COL. MD
L. 1984 F. 237

Parcel 'X', Block 'B'
SWM COMMON OPEN SPACE

341.36'
104.35'
78'
18,003 S.E.
N110°00'27"W
311°00'27"W
24,812 S.E.
N84°59'37"W
181.75'
20.18'

138.20'
N72°58'35"W
4.53'

53.18'
40.13'
26'
25'

N 54.2264
 E 128.2054
 NO. 78,558 S.F.
 236.87'

AREA TABULATION
 LOTS 70-102, BLOCK "B"
 PARCEL "1", BLOCK "B" 573,440 S.F.
 PARCEL "2", BLOCK "B" 10,827 S.F.
 PARCEL "3", BLOCK "B" 8,888 S.F.
 TOTAL 593,155 S.F.

LOCK "B"	36,500 S.F.
ATION.	51,701 S.F.
OF PLAT	770,912 S.F.

DATE: _____
PLAT NO.: _____
FOR PUBLIC WATER AND SEWER ONLY
MARY AND NATIONAL CAPITAL PARK & PLANNING COMMISSION

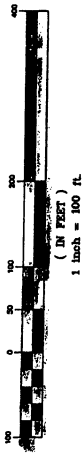
APPROVED: _____
MONTGOMERY COUNTY PLANNING BOARD

APPROVED: _____
MONTGOMERY COUNTY, MARYLAND SERVICES
DEPARTMENT OF PERMITTING

DATE: _____

CHAIRMAN	SECRETARY - TREASURER
M.N.C.P. & P.C. RECORD FILE NO.:	
DIRECTOR	

CURVE	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD	DELTA
C1	55.00'	271.84'	313.30/57.7°	491.08'	503.3278°	503.3278°
C2	53.00'	267.37'	313.30/57.7°	481.63'	173.00/08°	173.00/08°
C3	53.00'	267.37'	87.78°	87.78/35.35°	402.36/35°	402.36/35°
C4	53.00'	58.07'	30.98°	N08.39/22.2°	53.34/8°	503.3278°
C5	625.00'	551.50'	295.15°	S13.30/57.7°	533.78'	503.00/08°
C6	88.00'	80.07'	43.00°	S03.54/23.3°	71.166°	539.57°
C7	318.00'	180.00'	5.84°	N01.16/12.3°	43.71°	7870.14/24°
C8	47.00'	235.31'	34.72°	N01.16/12.3°	25.78°	7870.14/24°
C9	35.00'	26.40'	13.67°	N101.2/00.6°	43.98°	1748.55°
G1	142.00'	44.15'	22.85°	S03.25/50.6°	53.98°	503.00/08°
G12	112.00'	101.82'	54.73°	S32.25/50.5°	98.35°	503.00/08°



.) L/E E.= INGRESS/EGRESS EASEMENT

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD

CHAIRMAN _____ SECRETARY - TREASURER _____
M.N.C.P. & P.C. RECORD FILE NO. _____

RECORD FILE NO.

RECORD PLAT REVIEW SHEET

Plan Name: The Reserve at Fair Hill Plan Number: 120041100
 Plat Name: The Reserve at Fair Hill Plat Number: 220060990
 Plat Submission Date: 10/25/05
 DRD Plat Reviewer: T. Ahm
 DRD Prelim Plan Reviewer: C. Coaten

Initial DRD Review:

Signed Preliminary Plan - Date 1/16/06 Checked: Initial CAC Date 5/22/07
 Planning Board Opinion - Date 12/20/05 Checked: Initial PW Date 12/23/06
 Site Plan Req'd for Development? Yes ☒ No ☐ Verified By: PW (initial)
 Site Plan Name: Reserve at Fair Hill Site Plan Number: 8205028 A
 Planning Board Opinion - Date 11/13/06 Checked: Initial SJS Date 5-18-07
 Site Plan Signature Set - Date 2-5-07 Checked: Initial PAC Date 3-29-07
 Site Plan Reviewer Plat Approval: Checked: Initial PAC Date 3-29-07

Review Items: Lot # & Layout ☒ Lot Area ☒ Zoning ☒ Bearings & Distances ☒
 Coordinates ☒ Plan # ☒ Road/Alley Widths ☒ Easements ☒ Open Space ☒
 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 ☒

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	H. Pfeiffer	10/31/05	11/18/05	3-23-07	Need Improvements Agreement
Research	Bobby Fleury			11/1/05	OK
SHA	Doug Mills				No Comments
PEPCO	Jose Washington			11/9/05	OK
Parks	Doug Powell				No Comments
DRD	Steve Smith			11-18-05	See plat

Final DRD Review:

DRD Review Complete: Initial SJS Date 5-21-07
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up): Initial SJS Date 3-27-07
 Final Mylar w/Mark-up & PDF Rec'd: Initial SJS Date 5-17-07

Board Approval of Plat:

Plat Agenda: Initial SJS Date 6-7-07

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. _____

RECORD PLAT REVIEW SHEET

Plan Name: The Reserve at Fair Hill Plan Number: 190041100
 Plat Name: The Reserve at Fair Hill Plat Number: 220061000
 Plat Submission Date: 10/25/05
 DRD Plat Reviewer: T. Ahm
 DRD Prelim Plan Reviewer: C. Coates

Initial DRD Review:

Signed Preliminary Plan - Date 1/6/06 Checked: Initial CAC Date 5/22/07
 Planning Board Opinion - Date 11/20/05 Checked: Initial PW Date 2/23/06
 Site Plan Req'd for Development? Yes ☒ No ☐ Verified By: PW (initial)
 Site Plan Name: Reserve at Fair Hill Site Plan Number: 820050284
 Planning Board Opinion - Date 11/13/06 Checked: Initial SJS Date 5-18-07
 Site Plan Signature Set - Date 2-5-07 Checked: Initial PAW Date 3-29-07
 Site Plan Reviewer Plat Approval: Checked: Initial PAW Date 3-29-07

Review Items: Lot # & Layout ☒ Lot Area ☒ Zoning ☒ Bearings & Distances ☒
 Coordinates ☒ Plan # ☒ Road/Alley Widths ☒ Easements ☒ Open Space ☒
 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 ☒

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	H. Pfeiffer	10/31/05	11/18/05	3-23-07	Improvements Agreement
Research	Bobby Fleury			11/1/05	OK
SHA	Doug Mills				No Comments
PEPCO	Jose Washington			11/9/05	OK
Parks	Doug Powell				No Comments
DRD	Steve Smith			11-18-05	See plat

Final DRD Review:

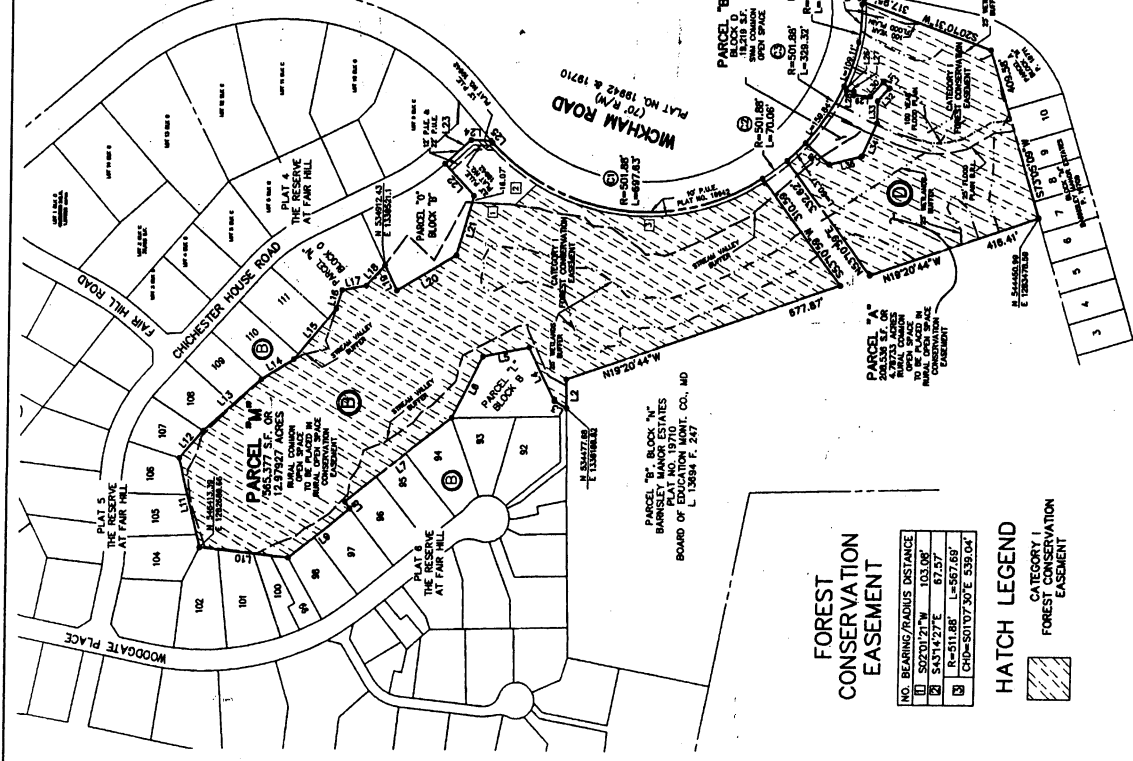
DRD Review Complete:	Initial <u>SJS</u>	Date <u>5-24-07</u>
(All comments rec'd and incorporated into mark-up)		
Engineer Notified (Pick up Mark-up):	<u>SJS</u>	<u>3-27-07</u>
Final Mylar w/Mark-up & PDF Rec'd:	<u>SJS</u>	<u>5-17-07</u>
Board Approval of Plat:		
Plat Agenda:	<u>SJS</u>	<u>6-7-07</u>
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. _____

PLAT NO.

NOTES:

- [illegible]



NO. BEARING/RADIUS DISTANCE	
1	S02°01'21"W 103.08'
2	S43°14'27"E 67.57'
3	R=511.88' L=567.69'
CHD=S01°07'30"E 539.04'	

HATCH | LEGEND

CATEGORY I
FOREST CONSERVATION
EASEMENT

AREA TABULATION

PARCEL	"M", BLOCK "B"	565.377 S.F. OR	12.9727 ACRES
PARCEL "A", BLOCK "D"	208.536 S.F. OR	4.76733 ACRES	
PARCEL "B", BLOCK "D"	19,219 S.F. OR	0.44121 ACRES	
TOTAL AREA OF PLAT		18,207.61 ACRES	

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD	DELTA
C1	501.86'	699.63'	418.47'	S07°00'13"W	842.81'	79°38'36"
C2	501.88'	70.06'	35.09'	S36°48'01"E	70.00'	73°59'52"
C3	501.88'	379.32'	170.84'	S59°36'51"E	323.45'	37°35'47"
ARC	341.00'	89.74'	45.13'	S85°37'06"E	96.48'	150°44'

LINE	LINE	BEARING	DISTANCE
1	11	S46°14'48"E	6.79'
2	12	S88°42'04"E	63.26'
3	13	S89°00'00"E	33.10'
4	14	N48°34'51"E	117.80'
5	15	N12°32'28"E	117.80'
6	16	N63°47'17"E	162.38'
7	17	N32°38'46"E	318.83'
8	18	S51°17'10"E	70.00'
9	19	N39°39'46"E	118.46'
10	20	N30°00'00"E	209.72'
11	21	S46°33'56"E	84.30'
12	22	S46°33'56"E	84.30'
13	23	S42°17'54"E	182.76'
14	24	S2°20'35"E	89.42'
15	25	S50°40'42"E	154.10'
16	26	S72°23'31"E	45.49'
17	27	S20°10'08"E	59.15'
18	28	S84°13'50"E	83.97'
19	29	S31°02'11"E	161.62'
20	30	S42°47'53"E	141.58'
21	31	N48°48'31"E	101.17'
22	32	S43°10'29"E	82.79'
23	33	S50°39'31"E	47.69'
24	34	S89°00'00"E	6.79'
25	35	S2°20'35"E	89.42'
26	36	S2°20'35"E	172.76'
27	37	N68°47'17"E	9.00'
28	38	S50°41'16"E	38.64'
29	39	S47°25'49"E	45.02'
30	40	S47°25'41"E	20.00'
31	41	N47°25'49"E	41.00'
32	42	N47°25'49"E	41.00'
33	43	N47°25'49"E	41.00'
34	44	N47°25'49"E	41.00'
35	45	N14°02'55"E	79.56'
36	46	N48°17'24"E	75.00'

DEPARTMENT OF PERMITTING

APPROVED: _____
MONTGOMERY COUNTY, MARYLAND

APPROVED:

CHAIRMAN SECRETARY - TREASURER
 & P.C. RECORD FILE NO.:

DATE: _____
 PLAT NO.: _____

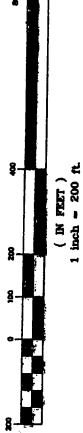
PLAN NO.: _____
FOR PUBLIC WATER AND SEWER ONLY

MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD

APPROVED: _____

CHAIRMAN	SECRETARY - TREASURER
M.N.C.P. & P.C. RECORD FILE NO.:	

GRAPHIC SCALE



OWNER'S CERTIFICATE

[illegible]

BY: Stanley F. Settle, Jr.
STANLEY F. SETTLE, JR.
VICE PRESIDENT
PULTE HOME CORPORATION

WITNESS: [Signature]
[Signature]

SURVEYOR'S CERTIFICATE

PLAT 18, HEREBY CERTIFY THAT THE PLAIN SHOWN HEREON IS CORRECT; THAT IT IS A PLAT OF PART OF THE PROPERTY ACQUIRED BY PLUTE HOME CORPORATION, A MICHIGAN CORPORATION, FROM CARLE, INCORPORATED, A MICHIGAN CORPORATION, BY DEED DATED JANUARY 14, 2004 AND RECORDED IN LIBER 25588 AT PAGE 017 AMONG THE LAND RECORDS OF MONTEREY COUNTY, MARYLAND.

THE TOTAL AREA OF THE PLAT IS 18.2078 ACRES. THE TOTAL AREA OF MONTEREY COUNTY, MARYLAND, IS 1,077.00 ACRES. THERE IS NO STREET DEDICATION BY THIS PLAT.

RECORD PLAT IS AN ACCURATE REFLECTION AS TRANSFERS FROM THE FLOODPLAIN STUDY REFERRED TO IN THE NOTES HEREON. ENGAGED AS DESIGNER IN THE OWNERS DEDICATION HEREON, ALL MONUMENTS SHOWN THIS — WILL BE SET AS DELINEATED HEREON IN ACCORDANCE WITH THE TOTAL AREA INCLUDED IN THIS PLAT OF MONTEREY COUNTY CODE.

18.2078 ACRES OF LAND, THERE IS NO STREET DEDICATION BY THIS PLAT.

5/11/07
DATE

DAVID F. UNGER, II
PROFESSIONAL LAND SURVEYOR
MARYLAND NO. 21238

SUBDIVISION RECORD PLAT

PLAT 7

THE RESERVE AT FAIR HILL

QUNEY (8TH) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1" = 200' DATE: MAY 9, 2007

PPS NO. 221950
 INCPCPC NO. 2-08100

ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES
 MCA INCORPORATED
 2828 CONVENT BOULEVARD, SUITE 100, WESTERN HAVENLAND 38074
 (201) 988-4855 ■ FAX (201) 988-7282
 KENNESAW, MO. 64646, VA

RECORD PLAT REVIEW SHEET

Plan Name: The Reserve at Fair Hill Plan Number: 120041100
 Plat Name: The Reserve at Fair Hill Plat Number: 220061010
 Plat Submission Date: 10/25/05
 DRD Plat Reviewer: T. Ahm
 DRD Prelim Plan Reviewer: C. Canten

Initial DRD Review:

Signed Preliminary Plan - Date 11/6/06 Checked: Initial CAC Date 5/22/07
 Planning Board Opinion - Date 10/20/05 Checked: Initial PW Date 2/23/06
 Site Plan Req'd for Development? Yes ☒ No ☐ Verified By: PW (initial)
 Site Plan Name: Reserve at Fair Hill Site Plan Number: 8805028A
 Planning Board Opinion - Date 11/13/06 Checked: Initial SDS Date 5-18-07
 Site Plan Signature Set - Date 2-5-07 Checked: Initial R. Ahm Date 3-29-07
 Site Plan Reviewer Plat Approval: Checked: Initial 2/29/07 Date 3-29-07

Review Items: Lot # & Layout ☒ Lot Area ☒ Zoning ☒ Bearings & Distances ☒
 Coordinates ☒ Plan # ☒ Road/Alley Widths ☒ Easements ☒ Open Space ☒
 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 ☒

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	M. Pfeiffer	10/31/05	11/18/05	3-23-07	Important Agreement
Research	Bobby Fleury			11/1/05	OK
SHA	Doug Mills				No Comments
PEPCO	Jose Washington			11/9/05	OK
Parks	Doug Powell				No Comments
DRD	Steve Smith			11-18-05	See plat

Final DRD Review:

DRD Review Complete: Initial SDS Date 5-24-07
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up): Initial SDS Date 3-27-07
 Final Mylar w/Mark-up & PDF Rec'd: Initial SDS Date 5-17-07

Board Approval of Plat:

Plat Agenda: Initial SDS Date 6-7-07

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: _____

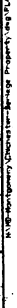
Notify Engineer to Seal Plats: _____

Engineer Seal Complete: _____

Complete Reproduction: _____

Sent to Courthouse for Recordation: _____

No. _____



**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: DEC 20 2005.

Action: Approved staff
recommendations.

Motion of Commissioner Bryant,
seconded by Commissioner Wellington,
with a vote of 4-0.

Chairman Berlage and Commissioners
Bryant, Wellington, and Robinson voted
in favor of the motion. Commissioner
Perdue was absent.

MONTGOMERY COUNTY PLANNING BOARD**OPINION**

Preliminary Plan 1-04110

NAME OF PLAN: The Reserve at Fair Hill

DEC 20 2005

The date of this written opinion is _____ (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).

I. INTRODUCTION

On 6/30/04, Rogers Consulting and Pulte Homes ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the RNC (Rural Neighborhood Cluster) zone. The application proposed to create 133 lots on 334 acres of land located at both sides of Wickham Road south of MD 108 ("Subject Property"), in the Upper Rock Creek master plan area. The application was designated Preliminary Plan 1-04110. On 3/31/05, Preliminary Plan 1-04110 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 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.

II. SITE DESCRIPTION

The subject property is a 334-acre site located on either side of Wickham Road southwest of its intersection with Laytonsville Road (MD 108). The property is zoned RNC. This property lies within the Upper Rock Creek watershed (Use III-P in this section). The existing conditions on the site include stream valleys and associated floodplains, wetlands converted into lowland pastures, upland agricultural fields and forest. The tract includes 151.4 acres of forest. The forest is scattered throughout the property with large tracts of upland forest. Not all environmental buffers are forested. The site includes 107 acres of environmental buffer, which includes 52 acres of wetlands.

III. PROJECT DESCRIPTION

This application proposes to create a residential community with 133 dwelling units. The units will be a combination of 113 one-family detached dwelling units and 20 one-family duplex units. The detached dwellings will be located on lots ranging in size from 15,000 square feet to more than three acres, with the majority of lots in the 15,000-19,000 square foot range. The duplex units (designated as MPDUs) will be located on lots as small as 6,000 square feet, distributed throughout the subdivision. The plan proposes a total of 242.86 acres, or 72.7 percent of the site, be preserved as open space. Approximately 183.39 acres of the open space, or 54.9 percent of the site, will be dedicated to M-NCPPC for parkland. The remaining open space areas will be preserved by conservation and rural open space easements. A combination of public and private modified tertiary open section residential streets, with sidewalks on one side, are proposed with up to eight lots having direct access to existing Wickham Road. Safe and adequate access for vehicles and pedestrians will be provided by the existing and proposed vehicular and sidewalk system. Site plan review pursuant to §59-D-3 is required for this project.

IV. RELATIONSHIP TO THE UPPER ROCK CREEK MASTER PLAN

The Upper Rock Creek Master Plan made specific recommendations for this property, noted in the Plan as the Freeman property for its owners at the time. The recommendations include guidelines for development to be applied at the time of subdivision of this property.

The Plan recommended a density of 0.33 units to the acre for the property. As drafts of the Plan moved through the review process, separate policy discussions on the appropriateness of expanding the Moderately Priced Dwelling Unit ("MPDU") program to the Rural Neighborhood Cluster and other "large-lot" zones also were underway. The Plan acknowledged these discussions—and the possibility of an ultimate decision to expand the MPDU program—by setting out an allowable density of 0.4 units to the acre if MPDUs were required as part of the property's development. The Council last year decided to expand the MPDU program to the large lot zones and they are therefore required as part of this preliminary plan. The 133 proposed units represent a density of 0.4 units to the acre, as recommended in the Plan. Fifteen percent of those units—20 in total—are MPDUs.

In addition to its recommendation for a development density, the Plan listed a series of guidelines for development that are duplicated below, followed by staff's analysis of the plan's conformance with those guidelines:

- Concentrate cluster development in unforested upland areas; existing forest adjacent to parkland is most appropriately kept intact, undeveloped and in its natural state as rural open space.

The proposed plan shows that almost 243 acres of the 334-acre property - or 72 percent of the site, are designated for public or private rural open space. A look at contemporary aerial photographs of the site shows that the areas proposed for the majority of the residential development are currently fields; forested areas adjacent to parkland to the west and to the east of the power lines are designated as rural open space and are to be preserved as parkland. Regulations set out in the zoning ordinance limit activities in rural open space, which will allow for preservation in an undeveloped state. The development itself is proposed for two main clusters to the west of Wickham Road, with development east of Wickham Road almost entirely devoted to conservation lots.

- Enhance compatibility in the western portion of this property by maintaining areas near existing communities as rural open space or by developing those areas with lots of similar size to those in the adjoining neighborhoods.

The proposed plan designates as parkland existing forest adjacent to existing park property on the west side of this property, adding to the open space between new homes on this property and existing communities. In addition, a number of larger lots have been located immediately adjacent to this designated parkland. These lots range in size from 26,000 to 44,000 square feet. The need to integrate required MPDUs into this development necessitates some flexibility in meeting master plan guidelines. The proposed lots are, admittedly, generally smaller than those in the nearest existing community, although the largest of them are similar in size to some existing lots. There is, however, a significant amount of undeveloped open space, almost all of it forest, that separates new homes from old in this area. The closest existing lots are more than an eighth of a mile from the nearest proposed lots. The distances involved make strict compatibility less necessary.

- Provide substantial variation in lots sizes, as required by the RNC Zone development standards; cluster neighborhoods should offer the broadest possible range of lot sizes.

The Applicant estimates that roughly half of the proposed lots are less than half an acre in size and half are larger. More specifically, an estimated 35 percent of the lots are between 15,000 square feet and 19,000 square feet in size. An estimated 41 percent are between half an acre and an acre in size. The Applicant is proposing some significantly smaller MPDU lots at one end of the lot size spectrum and some lots—about 8 percent of the total—that would be range from one acre to 10 acres in size. Discussions of this issue during review of both the master plan and the revisions to the RNC Zone seemed to focus on avoiding “cookie-cutter” subdivisions, in which the vast majority of lots were within a narrow size range. These discussions suggested that a “bell curve,” with some relatively small and relative large lots at either end of the spectrum was a desirable outcome for RNC communities. The lot range for the proposed project creates a bell curve, with most of the lots lying in a range from 15,000 square feet to an acre.

- Size and locate lots to ensure compatibility with existing development and preservation of rural views.

This guideline replicates the second guideline discussed above and a guideline discussed below, and the analysis from those guidelines are incorporated herein.

- Encourage diversity of house size and style

As part of its review of the master plan, the County Council approved this guideline. The language used recognizes that provision of housing styles and sizes is largely a component of market forces difficult to control through regulation. Discussions with the Applicant in this case indicate that individual buyers desire the relatively large houses being offered.

- Protect rural viewsheds

This guideline replicates one discussed below.

- Preserve existing views from MD 108 and low-density residential character by locating large lots, conservation lots or open space with a significant and varied landscape along the road.

The Applicant has designated as parkland a significant portion of the property that can be seen from MD 108; in addition, the Applicant has agreed to preserve an intact barn located in this part of the property. The two proposed conservation lots are located in this part of the property, as are three lots ranging in size from 1.75 acres to almost three acres. Long views over open fields from MD 108 are largely preserved in this scheme. It is staff's opinion that a total of four lots plus the preserved barn would best meet the master plan guideline. Because the final number and location of lots will be determined during review of this proposal's subsequent site plan, we recommend additional discussions with the Applicant about this issue.

- Incorporate open space into the clustered community to enhance the undeveloped nature of contiguous open space while providing residents with nearby recreation.

Common open space is shown in one of the two cluster neighborhoods; the other is adjacent to a future elementary school site and can be connected to the school by a path on a common open space parcel used primarily for stormwater management. Detailed discussion of the provision of common space for residents' recreation will occur during site plan review.

V. TRANSPORTATION

Staff concluded that the subject preliminary plan will provide safe and adequate access for vehicles and pedestrians for the reasons detailed below.

A. Pedestrian and Bicycle Facilities

A shared-use path is recommended by the Master Plan along MD 108 to the Boys and Girls Club. Sidewalks are required along the proposed residential street network. These recommended improvements would enhance the existing facilities for pedestrian and bicycle use in vicinity of the subject site. The existing facilities include a

shared-use path on the south and west side of Wickham Drive and a sidewalk on the south side of MD 108 along the property frontage.

Regarding the recommended shared-use path, one possible route follows the alignment for SP-36 along the north side of MD 108 within the available right-of-way between the intersection with Wickham Drive and the Boys and Girls Club. An alternative route follows the desired line for the Norbeck Grove Bike Path (B-21) through the North Branch Stream Valley Park between Wickham Drive near the southeastern property line and MD 108 approximately opposite Boys and Girls Club. Further study of the current need for, and alignment of, this bike path will occur as part of site plan review.

B. Local Area Transportation Review

The proposed 133-unit residential development generates 107 peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and 130 peak-hour trips during the weekday evening peak period (4:00 to 7:00 p.m.). A traffic study was required to satisfy Local Area Transportation Review because the proposed land use would generate 30 or more peak-hour trips during the weekday morning and evening peak periods.

Based on the results of the traffic study, Table 1 below shows the critical lane volumes (CLV) and the applicable congestion standard for the first five analyzed intersections in the study area. The CLV/congestion standards below reflect those under the *FY 2004 AGP* that are 50 CLVs higher than the CLV standards under the current *FY 2005 AGP*. The traffic conditions analyzed include the existing, background (existing traffic plus traffic from approved, but unbuilt developments), total, and total improved traffic conditions. The last intersection shown in the table below has a roundabout and was analyzed using the appropriate *Highway Capacity Manual's* methodology to determine the average delay in seconds and the corresponding level of service.

The CLVs at the intersection of MD 108 and Muncaster Road exceed the congestion/CLV standard during the weekday morning peak hour as indicated with the superscript No. 2 in the table above. The proposed eastbound right-turn lane from MD 108 onto Muncaster Road would increase this intersection's capacity so that the CLV in

the total improved traffic condition is less than the CLV in the background traffic condition. Thus, the site-generated traffic is mitigated as indicated with the superscript No. 2.

TABLE 1: Intersection Congestion Levels, Resulting CLVs, and Average Delay

Intersection / Roundabout	Capacity Criteria: CLV Standard ¹ /Delay	Weekday Peak Hour	Traffic Condition			
			Existing	Background	Total	Total Improved
MD 108 and Muncaster Road	Intersection CLV Standard=1,450	Morning	1,638 ²	1,773 ²	1,816 ²	1,552 ^{2,3}
		Evening	1,277	1,345	1,294	1,250
MD 108 and Wickham Drive ⁴	Intersection CLV Standard=1,450	Morning	n/a	1,253	1,303	-----
		Evening	n/a	1,405	1,427	-----
MD 108 and Olney Mill Road	Intersection CLV Standard=1,525	Morning	1,017	1,084	1,085	-----
		Evening	972	1,028	1,028	-----
MD 108 and Bowie Mill Road	Intersection CLV Standard=1,525	Morning	1,409	1,476	1,478	-----
		Evening	1,321	1,341	1,332	-----
Wickham Drive-Cashell Road and Bowie Mill Road	Intersection CLV Standard=1,525	Morning	991	996	1,035	-----
		Evening	1,050	1,058	1,083	-----
Wickham Drive and Olney Mill Road-Dumford Drive	Roundabout, Average Delay (in Seconds)	Morning	5.1 / A	5.1 / A	4.8 / A	-----
		Evening	4.4 / A	4.4 / A	3.9 / A	-----

¹ (a) The congestion/CLV standard is 1,450 for the first and second intersections that located entirely in a rural policy areas such as the Rock Creek Policy Area. (b) The congestion/CLV standard is 1,525 for the third, forth, and fifth intersections that located on the border or within the Olney Policy Area.

² The CLV at this intersection exceeds its congestion/CLV standard of 1,450.

³ The site-generated traffic is mitigated where the CLV in the total improved traffic condition is less than the CLV in the background traffic condition.

⁴ This intersection includes a proposed eastbound deceleration lane and acceleration lane along MD 108.

C. Policy Area Transportation Review

Under the *FY 2004 AGP*, the Policy Area Transportation Review component of the APF test is still applicable. The site is located in a rural policy area that has no established transportation staging ceilings for residential and non-residential developments.

D. Waiver Requests

A waiver of sidewalks on one side of the proposed public and private tertiary roads was recommended because it will help reduce the overall level of impervious surfaces on the property. The proposed roadways will be able to be safely crossed to reach the sidewalk. A waiver of the requirement for 150' turning radii on proposed private streets "HH" and "BB" was also recommended. The waiver will permit street geometry that will reduce overall traffic speed and permit the design of green space areas. The proposed reduction in the radii is the minimum necessary to accommodate the roadway design.

VI. ENVIRONMENTAL

The property is within the Upper Rock Creek Special Protection Area (SPA). Water quality plans are required as part of the Special Protection Area regulations.

Under the SPA law, Montgomery County Department of Permitting Services (MCDPS) and the Planning Board have different responsibilities in the review of the water quality plan. MCDPS has reviewed and conditionally approved the elements of the preliminary water quality plan under their purview. The Planning Board responsibility is to determine if the site imperviousness, environmental guidelines for special protection areas, and forest conservation requirements have been satisfied.

A. Site Performance Goals

As part of the final water quality plan, several site performance goals were established for the project:

1. Maintain the natural on-site stream channels.
2. Minimize storm flow run off increases.
3. Minimize increases to ambient water temperatures.
4. Protection of streams and aquatic life habitat.
5. Minimize sediment loading.
6. Maintain stream base flows.
7. Protect springs, seeps, and wetlands.
8. Identify and protect stream banks prone to erosion and slumping.
9. Minimize nutrient loading and control insecticides, pesticides and toxic substances.

B. Site Imperviousness

The Upper Rock Creek has an 8 percent impervious limitation. The Applicant is proposing a development that will result in an impervious rate of 7.2 percent. It is important to note that the imperviousness associated with Wickham Road is not included in the calculation. Wickham Road was required as part of an adjoining subdivision. The road is complete and the right-of-way dedicated to the County.

Environmental Planning believes that there are still ways to reduce the amount of impervious surfaces and will work with the Applicant during the site plan stage to reduce the amount of imperviousness in the development.

C. Environmental Guidelines

The environmental guidelines for SPAs require examination of many tools to maximize achievement of site performance goals. For instance, the goal of protecting seeps, springs, and wetlands is better achieved with naturalized buffers surrounding these areas. The natural resource inventory for the Chichester/Berlage/Freeman/Reserve at Fair Hill property identified the environmental buffers. Environmental buffers include wetlands and wetland buffers, floodplains, and streams and stream valley buffers. The application is not proposing any permanent encroachments into the environmental buffers.

As part of the *Environmental Guidelines*, the stream buffer must be reforested, unless otherwise directed by staff. In this particular plan, M-NCPPC Environmental Planning, Natural Resource, and Park staffs have agreed not to replant the unforested wetlands. The main portion of the stream buffer is along a tributary that connects MD 108 with the main stem of the stream. This portion of the site includes a naturally occurring wetland that was converted to pasture land and impacted by farm animals. Staff desires to have the wetland and wetland vegetation naturally regenerate with some assistance from the Applicant including the preparation and implementation of an invasive management plan. The unforested portions of the stream buffers that are not in wetlands must be planted in new forests. The Applicant will place forest conservation easements on all environmental buffers and all forest retention areas.

D. Forest Conservation

Since this application is utilizing an RNC MPDU optional method of development the plan must comply with Section 22A-12(f) of the Montgomery County code. This section requires developments utilizing an optional method to meet the appropriate forest conservation threshold on site. The Applicant will meet the requirements of Section 22A-12(f) by preserving forest on site. The Applicant is also required to plant approximately 25 acres of unforested stream buffers per the SPA guidelines.

The *Environmental Guidelines* require accelerated reforestation of stream valley buffers and staff is requesting a condition requiring planting to occur during the first planting season after issuance of the first sediment control permit. A five-year maintenance period is required for all forest plantings in Special Protection Areas per the guidelines.

Throughout the NRI/FSD review process and subsequent site visits by Environmental Planning and Natural Resource staff numerous invasive and exotic species were found in the unforested stream buffers and the existing forests. Environmental Planning is requesting an additional condition of approval requiring the Applicant to develop and implement an invasive and exotic management control program to run concurrently with the maintenance and management agreement. By developing and implementing an invasive management plan, newly planted trees will have a better chance of survival and should begin to shade out the competing vegetation. An invasive management program is necessary to prevent the entire area designated for wetland creation from becoming overwhelmed with invasive material. The most recent practice of pasturing animals in the wetlands has limited the amount of invasive plants in the wetland but once the cattle are removed the invasive material will expand.

E. Stormwater Management

To help meet the performance goals, the stormwater management plan requires water quality control and quantity control to be provided through an extensive system of linked best management practices (BMPs). Channel protection measures for this site will be provided via extended detention dry ponds. These structures will provide channel protection volume for the one-year storm with a maximum detention time of 12 hours per state standards. Quality control will be provided via a combination of structural and non-structural measures that include dry wells, surface sand filters, dry swales and grassed channels. All of the streets will be open section and have a two-foot wide flat bottom (private streets will have a two foot flat bottom on one side).

VII. HISTORIC PRESERVATION:

The ruins of the Chichester House (all that is left is some portions of the stone foundation) are proposed to be retained on land that will be dedicated to MNCPPC as perpetual open space. The ruins will be adjacent to the backyards of new houses in an environmentally sensitive area.

Staff discussed with the Applicants - Pulte Homes - several options for how the Chichester House ruins should be treated as part of this project. One idea was to stabilize the foundations, add benches and interpretative plaques, and leave the site as an interpretative area. The drawbacks to this approach include the fact that the ruins are not located in a prominent location that will be viewed by many members of the public

and the fact that M-NCPPC has a difficult time providing long-term maintenance for small interpretative areas as described above.

Staff began discussions on other forms of mitigation that would serve a broader and greater public benefit. A major goal of the county preservation program is to finish the review of all properties identified on the *Locational Atlas and Index of Historic Sites*. This inventory, published in 1976, has still not been fully evaluated and resources identified on the *Atlas* are being lost through incremental change and demolition without permits. Staff discussed the possibility of a one-time grant to MNCPPC to assist with the survey and evaluation of a group of properties in the general vicinity of Chichester House - Planning Areas 10 and 15.

After negotiation, the Applicants offered a one-time grant of \$25,000 to assist with surveying and researching historic resources in Planning Areas 10 and 15. The Chichester House ruins would not be destroyed or moved and would be protected during construction.

Staff feels that this is good solution and is in the public interest. Creation of an interpretative area will benefit very few members of the public because of the location of the site. Staff is also concerned that it will fall into rapid disrepair and there is no funding for long-term maintenance. However, work on evaluating *Locational Atlas* resources in Planning Areas 10 and 15 has the potential to protect many historic resources that are still extant and that are currently threatened.

Based on staff recommendations, the Historic Preservation Commission approved the subdivision proposal with the conditions included above.

VIII. SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

Development Review Staff ("Staff") recommended approval of the Application in its memorandum dated March 24, 2005 ("Staff Report"). Staff presented its findings consistent with the Staff Report at the hearing.

The Applicant appeared at the hearing represented by legal counsel. The Applicant testified that it accepted Staff recommendations and conditions, and reiterated staff's conclusion regarding the Plan's consistency with the Master Plan, noting the important public features of the proposed Plan and the Plan's protection of sensitive resources.

No other speakers testified at the hearing.

Staff testified that it had received two letters regarding the proposed development. The first was from an adjacent property owner directly across the North Branch Stream Valley Park from the proposed development. Concerns raised included

opposition to the inclusion of moderately priced dwelling units in this subdivision and proposed location of houses on certain lots. As discussed above, the County Council decided to expand the MPDU program to include lower density and large lot subdivisions on sewer. Therefore, MPDUs are required for this subdivision. Although the preliminary plan shows possible house locations and sizes, the exact layout of houses will not be determined until site plan review. At that time, further consideration will be given to providing adequate yard areas and edge tree protection.

The main concern raised in the second letter from Mr. David Troutner on behalf of the Muncaster Area Civic Association was the need for a written easement or covenant over the rural open space area proposed as part of the subdivision that will be dedicated to the public as parkland. He asserts that these documents are required to ensure that the publicly owned land will be preserved in perpetuity. To that end, he believes the Planning Board should review and approve easement or covenant language (including specific covenants on proposed parkland dedication) prior to the approval of the preliminary plan. Staff recommended against such an easement over the publicly held land as it is not required by law, although staff did recommend Condition #27 which requires the recordation of appropriate preservation agreements at the time of record plat review over the privately held open space.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies²; 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 that:

- a) The Preliminary Plan No. 1-04110 substantially conforms to the Upper Rock Creek master plan for the uncontested reasons detailed in Section IV. The proposed preliminary plan is consistent with the master plan goal to maintain the area's residential character.
- b) The uncontested evidence of record demonstrates that a waiver of sidewalks on one side of the proposed public and private tertiary roads will help reduce the overall level of impervious surfaces on the property, and that pedestrians will be able to cross the he proposed roadways safely to reach the sidewalk.
- c) The uncontested evidence of record demonstrates that a waiver of the requirement for 150' turning radii on proposed private streets "HH" and "BB"

² 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.

will permit street geometry that will reduce overall traffic speed and permit the design of green space areas. The uncontested evidence of record also shows that the proposed reduction in the radii is the minimum necessary to accommodate the roadway design.

- d) The uncontested evidence of record demonstrates that all public facilities will be adequate to support and service the area of the proposed subdivision.
- e) The uncontested evidence of record demonstrates that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- f) The uncontested evidence of record demonstrates that 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.
- g) The uncontested evidence of record demonstrates that 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.
- h) The uncontested evidence of record demonstrates that 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.
- i) The application appropriately provides for inclusion of MPDUs in an RNC subdivision, consistent with the County Council requirements.
- j) The application, as conditioned, appropriately addresses the protection of open space on privately owned property through preservation agreements to be recorded at the time of record plat review. The publicly owned open space property, as recommended by staff, will not be subject to covenants or easements, nor is it required by law to be restricted through such easements. Review of detailed easement language for the privately held open space will occur during the site plan approval process.
- k) The Board further finds that any objection (concerning a substantive issue) that was not raised prior to the closing of the Record is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-04110 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-04110, including: a waiver pursuant to §50-26(h)(3) to permit sidewalk on only one side of proposed public tertiary roads and private streets; waiver of §50-26(f) pursuant to §50-38(a) to permit reduced centerline radii on private streets "HH" and "BB"; and to approve the Preliminary SPA Water Quality Plan; subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 133 dwelling units, including 20 Moderately Priced Dwelling Units (MPDUs).
- 2) No clearing, grading, or recording of plats prior to site plan approval.
- 3) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 4) Dedication of approximately 192 acres of open space by Applicant to M-NCPPC as indicated on proposed plan per the Upper Rock Creek Area Master Plan. Subject to final adjustments at site plan, dedicated areas to include Parcels 'M', 'Q' and 'H' in Block 'B', Parcel 'A' in Block 'A', Parcel 'B' in Block 'G', and Parcel 'C' in Block 'H'. Land to be conveyed at time of record plat and be free of trash and unnatural debris. Park boundaries to be staked and signed to distinguish between parkland and private properties.
- 5) Location and alignment of natural surface trails to be constructed by the Applicant in accordance with the Countywide Trails Master Plan, including needed bridges or stream/wetland crossings, to be determined at the time of site plan.
- 6) Construction by Applicant of a small, paved, trailhead parking area for up to ten (10) cars on dedicated parkland along Wickham Road for public access to the natural surface trail system.
- 7) Location and alignment of natural surface trails and trailhead parking area to be coordinated with, and acceptable to, M-NCPPC staff and be constructed to park standards and specifications.
- 8) Applicant to provide adequate public use trail access from the community to the parkland and natural surface trail system.

- 9) 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.
- 10) Applicant to reforest all stream buffers except those identified by staff for wetland creation.
- 11) Applicant to reforest stream buffers in the first planting season after the issuance of the first grading permit by the Montgomery County Department of Permitting Services (DPS).
- 12) Applicant to develop and implement an invasive and exotic species management plan for all forest conservation easement areas to run concurrently with the maintenance and management agreement.
- 13) Total impervious surfaces for the development shall not exceed the 8 percent impervious cap.
- 14) The applicant must submit a detailed impervious tabulation as part of the site plan submission indicating the amount of impervious surface in public and private streets, public and private sidewalks, parking lots, tot lots and the amount of impervious surface on each lot. The on lot impervious information must identify the square footage for the footprint of houses, detached garages, patios, lead walks, porches/stoops, entranceways, all building protrusions and accessories less than 2 feet above the ground level, and driveways from the building front to the roadway pavement.
- 15) Conformance to the conditions as stated in the DPS letter dated February 15, 2005 approving the elements of the SPA water quality plan under its purview.
- 16) Compliance with the conditions of the MCDPS stormwater management approval dated February 15, 2005.
- 17) The Applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Upper Rock Creek Master Plan unless otherwise designated on the preliminary plan.
- 18) The Applicant shall construct all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Upper Rock Creek Master Plan and to the design standards imposed by all applicable road codes. Those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.

- 19) Applicant to construct an eastbound right-turn lane from MD 108 onto southbound Muncaster Road. The design should be in accordance with the standards of the Maryland State Highway Administration (SHA) and the Montgomery County Department of Public Works and Transportation (DPWT).
- 20) Applicant to provide four-foot -wideconcrete sidewalks on one side of both the modified public tertiary residential streets and the private streets.
- 21) Compliance with conditions of MCDPWT letter dated February 11, 2005 unless otherwise amended.
- 22) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 23) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
- 24) Applicant shall construct a connecting pedestrian pathway to the school site, the alignment of which shall be determined in coordination with M-NCPPC staff and Montgomery County Public Schools at the time of site plan.
- 25) The ruins of the Chichester historic site should be retained on land dedicated to M-NCPPC and should be protected during all construction.
- 26) In commemoration of the lost historic site, the Applicant will provide a one-time grant of \$25,000 to M-NCPPC to be used for surveying and researching historic resources in Planning Areas 10 and 15.
- 27) In commemoration of the lost historic site, the Applicant will install an educational marker at a prominent location within the new community that will describe the Chichester House.
- 28) In commemoration of the lost historic site, the Applicant will name a road in the new community "Chichester House Road", as long as the road name is approved by M-NCPPC.
- 29) Record plat to reflect delineation of Rural Open Space areas and make note of the Liber and Folio of an easement agreement or covenant recorded in the land records which restricts the uses in the rural open space to those set forth in the RNC zone and establishes procedures for the management of natural or agricultural features as set forth in the approved site plan. Record plat to have the following note: "The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed."

- 30) Record plat to reflect delineation of a Category I Conservation Easement over all areas of stream buffer and forest conservation.
- 31) Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas.
- 32) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 33) 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.
- 34) 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.

* * * * *

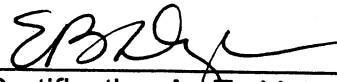
[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

ME 8/29/05

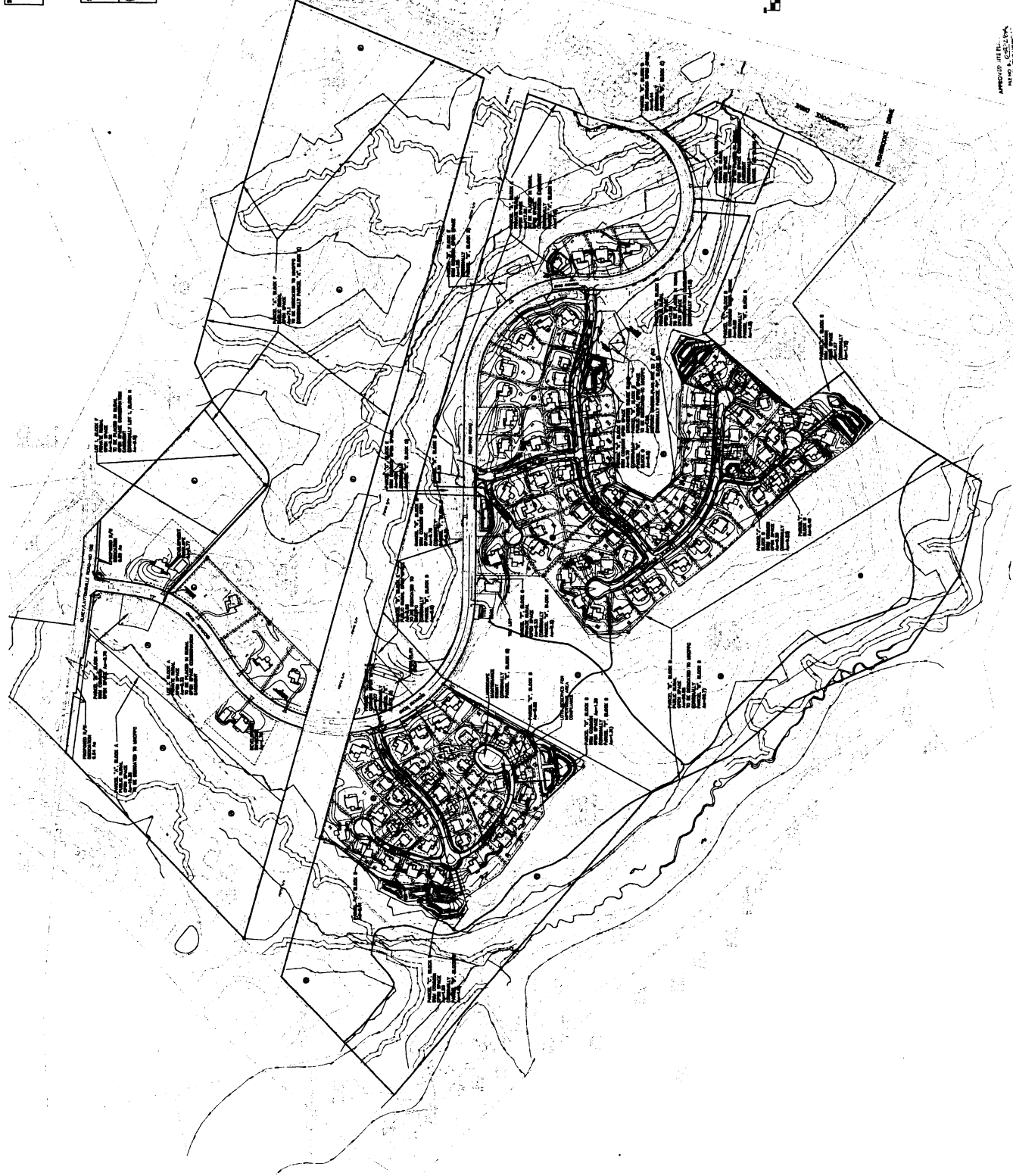
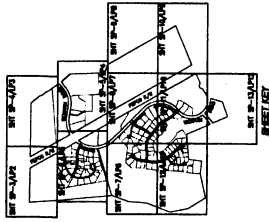
Approved for legal sufficiency
M-NCPPC Office of General Counsel

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, December 15, 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 The Reserve at Fair Hill, Preliminary Plan No. 1-04110. Commissioner Perdue abstained and Commissioner Bryant was absent.



Certification As To Vote of Adoption
Technical Writer



GRAPHIC SCALES

(IN PAPER)
1 inch - 800 ft.



DEVELOPER'S CERTIFICATE

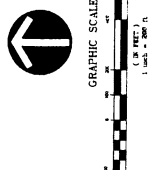
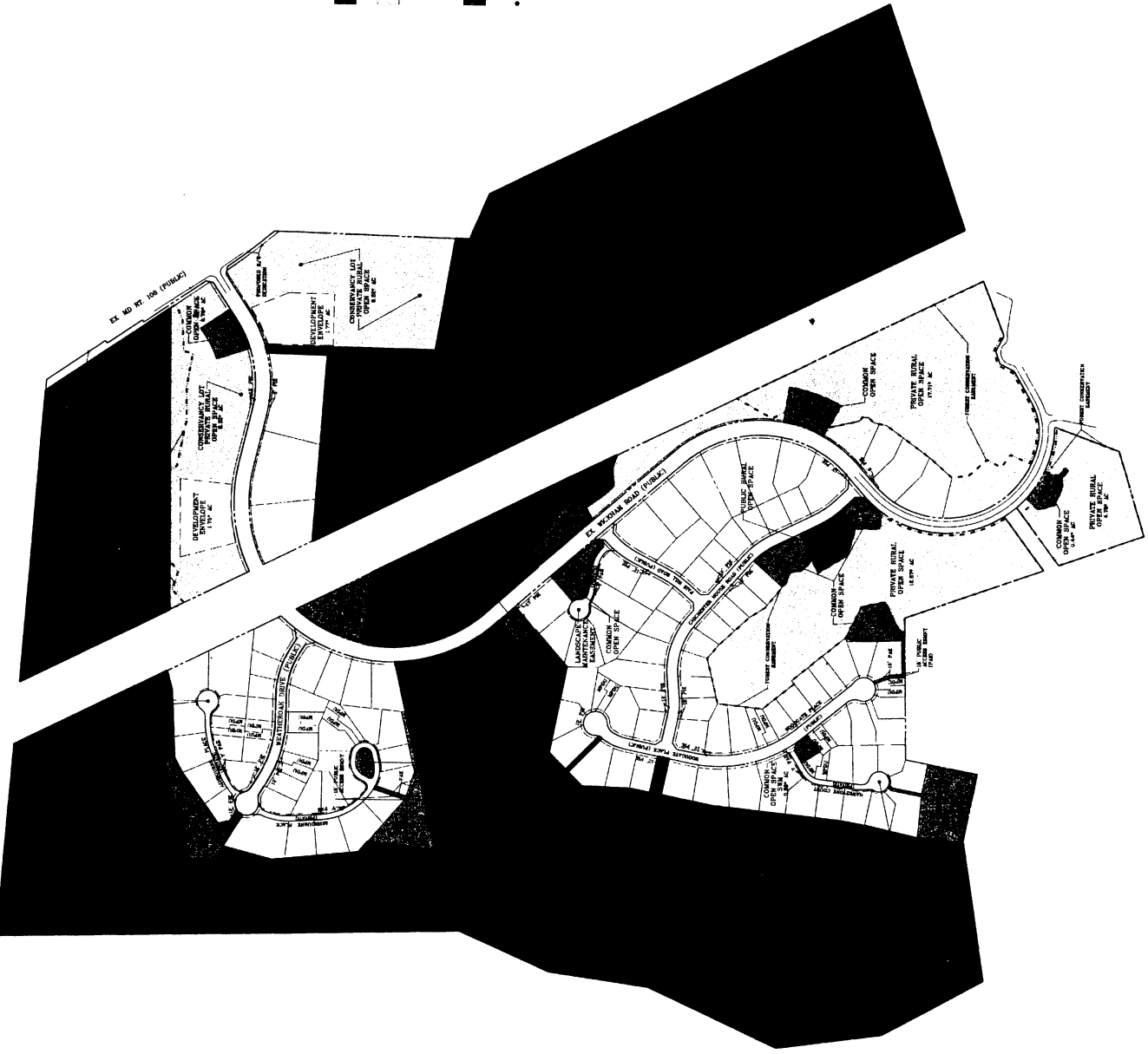
The undersigned agrees to accept all the features and requirements of SPS Plan approval B-06028, including approved conditions, the development program, and this signature not at this site.

Dated: 30 Jun 2021
By: *Michael J. Kane*
Pulte Home Corporation

Recd. from 2/5/6

R. Sanchez, P.E., Area Engineering Manager
Micromedex

40. 59-2



OPEN SPACE TABULATION

	PUBLIC RURAL OPEN SPACE TO BE DEDICATED TO MCHPPC	191.01* ACRES
	PRIVATE HOA MAINTAINED PRIVATE RURAL OPEN SPACE PLACED IN RURAL OPEN SPACE CONSERVATION EASEMENT	52.72* ACRES
	TOTAL RURAL OPEN SPACE	243.73* ACRES 72.98%
	COMMON OPEN SPACE (HOA PARCEL)	12.7* ACRES

* APPROXIMATE, AREAS SUBJECT TO RECORD PLAT

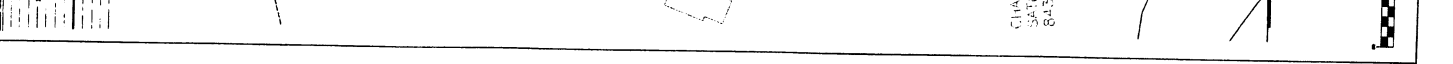
THE RESERVE
AT FAIR HILL

OPEN SPACE PLAN

APPROVED: [Signature]
[Text]



DEVELOPER'S CERTIFICATE
The undersigned certifies that the information contained herein is true and correct to the best of his knowledge and belief.
By: [Signature]
[Text]



PROVED SITE 2-27
RENO. 10-1-67
RENTAL UNIT 10-1-67

104 Howard 215107



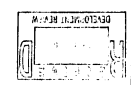
11/11/11



ENGINEERS PLANNING AND LANDSCAPE ARCHITECTS INC. 10000 WOODBRIDGE DRIVE, SUITE 100, WOODBRIDGE, VA 22191
2020 CHARTERED PROFESSIONAL LANDSCAPE ARCHITECTS BOARD OF VIRGINIA
2020 CHARTERED PROFESSIONAL PLANNING BOARD OF VIRGINIA
2020 CHARTERED PROFESSIONAL SURVEYING BOARD OF VIRGINIA

THE RESERVE
AT FAIR HILL
MONTGOMERY COUNTY, MARYLAND
8TH ELECTION DISTRICT

SITE PLAN



VMA REVISIONS

NO.	DATE	DESCRIPTION
1	05/11/2020	ISSUED FOR BIDDING
2	05/11/2020	REVISED PER MEETING
3	05/11/2020	REVISED PER MEETING
4	05/11/2020	REVISED PER MEETING
5	05/11/2020	REVISED PER MEETING
6	05/11/2020	REVISED PER MEETING
7	05/11/2020	REVISED PER MEETING
8	05/11/2020	REVISED PER MEETING
9	05/11/2020	REVISED PER MEETING
10	05/11/2020	REVISED PER MEETING

DATE: MAY 11, 2020
DESIGNER: VMA
SCALE: 1"=50'
PROJECT/FEE NO.: 6001
SHEET NO.: 50-4

DEVELOPER'S CERTIFICATE

I, the undersigned, hereby certify that the information and representations contained herein are true and correct to the best of my knowledge and belief, and that the same have been prepared by me or by a duly licensed professional person under my direct supervision and control.

DATE: 5/11/2020
By: [Signature]
Name: [Name]
Title: [Title]
Firm: [Firm Name]



APPROVED: [Signature]
NAME: [Name]
TITLE: [Title]
FIRM: [Firm Name]

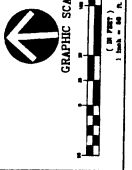
SEE SHEET 5

MATCH LINE

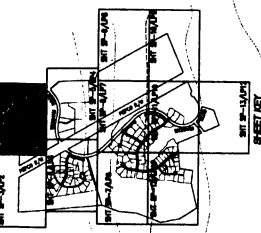
SEE SHEET 6

MATCH LINE

SEE SHEET 3



GRAPHIC SCALE



OUR HOUSE
INC. 17979.228

PANEL "A" BLOCK A
PUBLIC RURAL
OPEN SPACE
AC 19.38
TO BE DEDICATED
TO MDC/PC

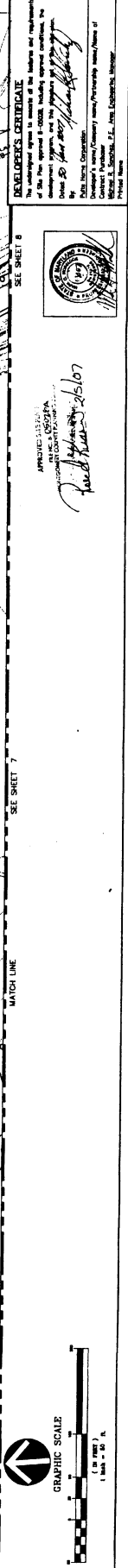
PROPOSED R/W
DEDICATION
0.54 AC

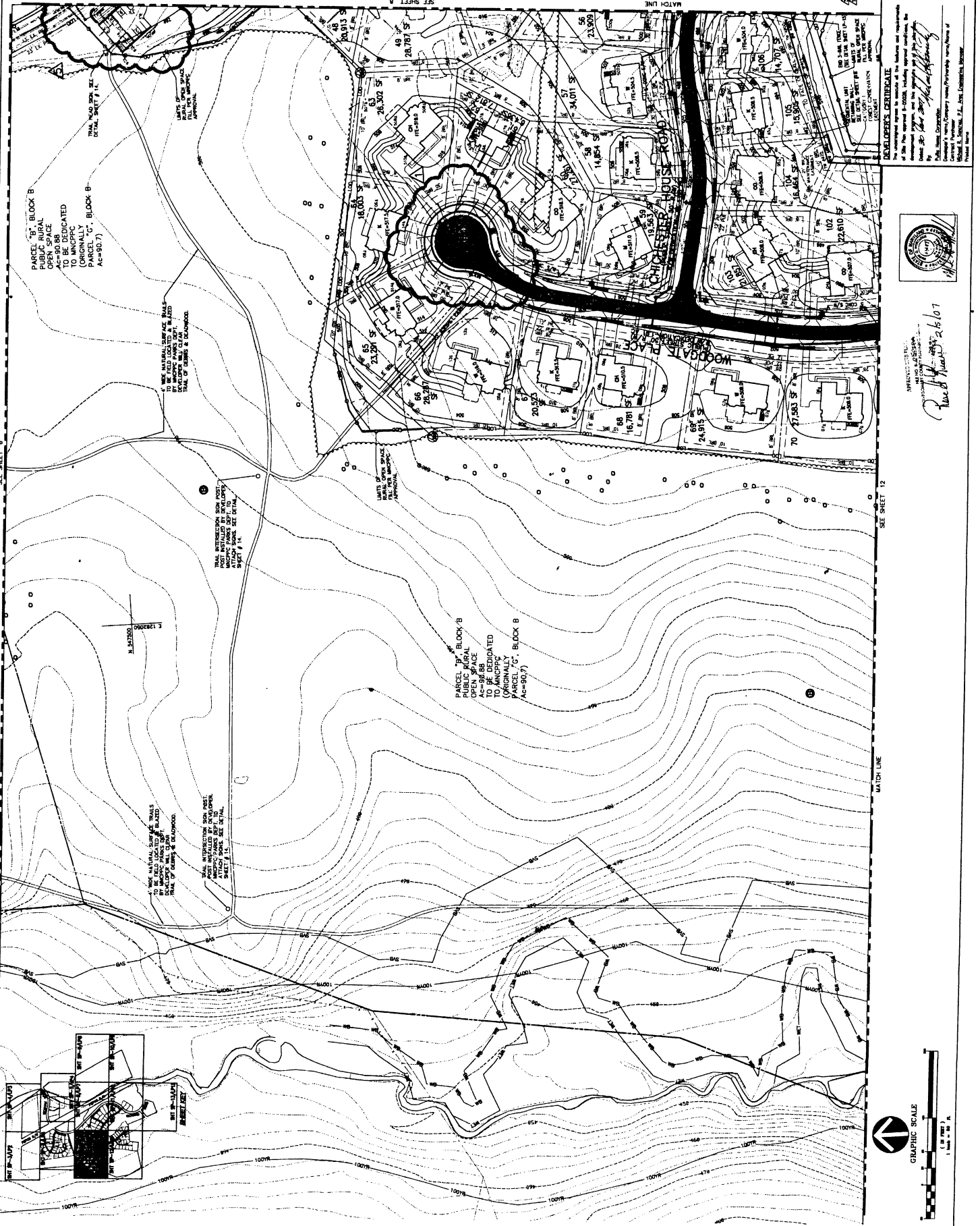
CATEGORY I
CONSERVATION
EASEMENT

LOT 1, BLK. A
PUBLIC RURAL OPEN SPACE
TO BE PLACED IN RURAL OPEN
SPACE CONSERVATION EASEMENT

RUSSO,
THOMAS
1788.8

RUSSO,
SAMUEL
2981.197



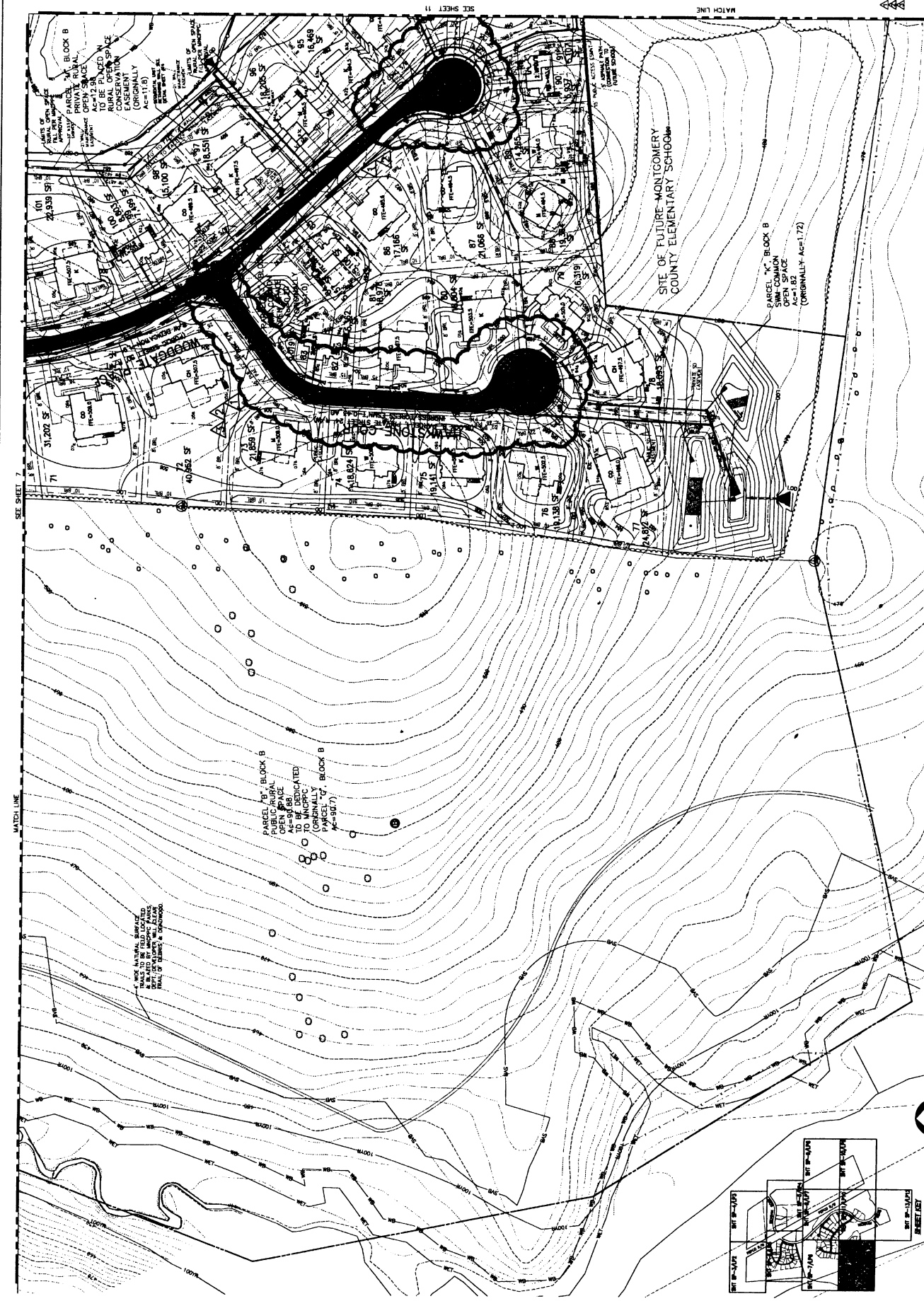




THE RESERVE
AT FAIR HILL

SITE PLAN

VVA REVISIONS	
DATE	05/17/2008
BY	AT
SCALE	1"=50'
PROJECT FILE NO.	6301
SHEET NO.	SP-12



DEVELOPER'S CERTIFICATE
I, the undersigned, certify that the information contained in this plan is true and correct to the best of my knowledge and belief, and that I am the owner or authorized agent of the owner of the property described herein.
By: *[Signature]*
Name: *[Name]*
Title: *[Title]*
Address: *[Address]*
City: *[City]*
State: *[State]*
Zip: *[Zip]*
Print Name

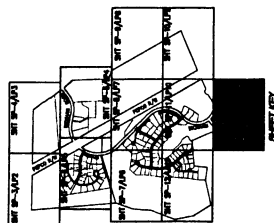


RECEIVED
MAY 17 2008
MONTGOMERY COUNTY BOARD OF SUPERVISORS
PLANNING & ZONING DEPARTMENT
10000 LEE HIGHWAY, SUITE 100
FAIRFAX, VA 22033
TEL: 703-261-1000
FAX: 703-261-1001
WWW.MONTGOMERYCOUNTYVA.GOV

[Handwritten signature]
2008-05-17

GRAPHIC SCALE
1" = 50'
0 50 100 150 200 250 300 350 400 450 500 550 600 650 700 750 800 850 900 950 1000



[illegible]

DEVELOPER'S CERTIFICATE

The undersigned agrees to assume all the liabilities and responsibilities of the Plan approved by OSCOR, including approval conditions, the development program, and the application of the site plan.

Dated: 25 Jan 2007

By: Anthony Bell

Pella Home Corporation

Developer's name/Company name/Proprietor name/Name of Contract Participant
Michael R. Sordani, P.E., Area Sales/Service Manager

Physical Name



GRAPHIC SCALE

SEE SHEET 11

MATCH LINE

SITE OF FUTURE MONTGOMERY
COUNTY ELEMENTARY SCHOOL

PLUSHMOORE DRIVE

18.0000

1. The first line of the document is a header line containing the text "1. The first line of the document is a header line containing the text".

[illegible]



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

NOV 13 2006
MCPB No. 06-56
Site Plan No. 82005028A
Project Name: Reserve at Fairhill
Hearing Date: September 21, 2006

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on May 1, 2006, Pulte Homes ("Applicant"), filed a site plan amendment application designated Site Plan No. 82005028A ("Amendment") for approval of the following modifications:

- 1) Increase the widths of the private streets from 18 feet to 20 feet and private driveways from 14 to 20 feet;
- 2) Adjust the lot areas due to the increase in pavement width;
- 3) Adjust the locations of the sidewalks and public utility easements (PUEs) on the private streets due to the increase in pavement width;
- 4) Modify the building restriction lines on the private streets due to the increase in pavement width;
- 5) Modify the impervious calculations to reflect private street and private driveway widening, driveway reduction, and sidewalk reduction;
- 6) Remove the center cul-de-sac islands due to radii requirements from the Fire Marshall;
- 7) Modify the radii on Bansford Place and Hawkstone Court from 40 feet to 45 feet and the right-of-way due to requirements from the Fire Marshall;
- 8) Reduce the length of the sidewalk around the private street cul-de-sacs and place a 25-foot truncation on the private streets at the request of MCDPS during review of Storm Drain and Paving Plans;
- 9) Modify the lot lines of the stormwater management facilities and relocate one of the stormwater management facilities due to final design comments from the Department of Permitting Services;

MCPB No. 06-56
Site Plan No. 82005028A
Project Name: Reserve at Fairhill
Page 2

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated September 8, 2006 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on September 21, 2006, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82005028A; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this site plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is NOV 13 2006 (which is the date that this opinion is mailed to all parties of record); and

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

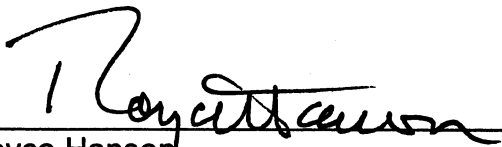
* * * * *

MCPB No. 06-56
Site Plan No. 82005028A
Project Name: Reserve at Fairhill
Page 3

CERTIFICATION CLAUSE

At its regular meeting, held on September 21, 2006, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Robinson, seconded by Commissioner Wellington, and with Commissioners Hanson, Perdue, Robinson and Wellington voting in favor, and with Commissioner Bryant absent. This Resolution constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for (Minor) Site Plan Amendment No. 82005028A The Reserve at Fairhill.

Adopted by the Montgomery County Planning Board this 21st day of September 2006.



Royce Hanson
Chairman, Montgomery County Planning
Board



Trudye M. Johnson
Executive Director

M-NCPPC



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: FEB - 2 2006

Hearing Date: July 14, 2005

Action: Approved Staff

Recommendation

Motion of Commissioner Perdue,
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

Site Plan No. 8-05028

NAME OF PLAN: The Reserve at Fair Hill

The date of this written opinion is FEB - 2 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, as provided in the Maryland Rules, thirty days from the date of this written opinion. This site plan shall remain valid as provided in Section 59-D-3.8.

INTRODUCTION

On July 14, 2005, the Montgomery County Planning Board held a public hearing on Final Water Quality Plan and Site Plan Review No. 8-05028. Pulte Homes ("Applicant") proposed to develop 113 one-family detached dwelling units and 20 MPDU duplex semi-detached dwelling units on 334 acres in the RNC zone. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the Final Water Quality Plan and Site Plan.

THE SUBJECT PROPERTY

The 334-acre property is located southeast of the intersection Olney-Laytonsville Road (MD Route 108) and Mount Zion Road in the Olney areas. Wickham Road bisects the property into eastern and western tracts. The property is zone RNC and is located in the environmental overlay zone of the Upper Rock Creek Special Protection Area ("SPA"). The Subject Property, formerly known as The Freeman Property, comprises approximately 334 acres in size. The parcel is located along the headwaters of the North Branch Stream straddling the stream valley and wetlands, oriented on the north-south axis in the area between Muncaster Mill Road and Laytonsville Road. The site extends to Laytonsville Road (MD108), south of its intersection with Zion Road. Norbeck Grove is located directly south of the property, as a TDR receiving area. M-NCPPC parkland adjoins for the east and west boundaries of the site. The Applicant proposes to develop the site with single-family detached units, MPDU duplexes, and associated infrastructure.

This Subject Property lies within the Upper Rock Creek watershed (Use III-P in this section) and has been classified as a Special Protection Area. The existing conditions on the site include stream valleys and associated floodplains, wetlands converted into lowland pastures, upland agricultural fields and forest. The tract includes 151.4 acres of forest. The forest is scattered throughout the property with large tracts of upland forest. Not all environmental buffers are forested. The site includes 107 acres of environmental buffer, which includes 52 acres of wetlands.

BACKGROUND

Prior Approvals

The Planning Board reviewed the Preliminary Plan 1-04110 on March 31, 2005. The approval included the granting of the following provisions:

- 1) Waiver for an overlength cul-de-sac and a waiver per §50-26(h)(3) to permit sidewalk on only one side of proposed public tertiary roads and private streets.
- 2) Waiver of §50-26(f) pursuant to §50-38(a) to permit reduced centerline radii on private streets "HH" and "BB".

PROPOSED DEVELOPMENT

This application proposes to create a residential community with 133 dwelling units. The units will be a combination of 113 one-family detached dwelling units and 20 one-family duplex units. The detached dwellings will be located on lots ranging in size from 15,000 square feet to more than 10 acres, with the majority of lots in the 15,000-19,000 square foot range. The duplex units will be located on lots as small as 4,900 square feet.

The plan proposes a total of approximately 242.86 acres, or 72.7 percent of the site, be preserved as open space. Approximately 191 acres of the open space, or 57 percent of the site, will be dedicated to M-NCPPC for parkland. The remaining open space areas will be preserved by conservation and rural open space easements. A combination of public and private modified tertiary open section residential streets, with sidewalks on one side, are proposed with up to eight lots having direct access to existing Wickham Road. Safe and adequate access for vehicles and pedestrians will be provided by the existing and proposed vehicular and sidewalk system.

PLANNING BOARD HEARING

Staff described the location and proposed development. Staff reviewed the waivers granted by the Planning Board at the time it approved the Preliminary Plan for the Subject Property. Staff stated that the Applicant confirmed that the MPDUs shall be developed at a steady rate along with the market-rate units and that it will provide 15% MPDUs. Staff made one correction to Condition No. 7(a) by adding the word "private" before the words "rural open space." Staff recommended approval of the Site Plan with conditions.

The Applicant was represented by legal counsel and accepted all of the Staff's conditions as modified.

There was one speaker. Wayne Goldstein, President of Montgomery Preservation, Inc., testified that he supported the preservation of the Chichester House site as proposed by the Applicant.

The Planning Board questioned Staff regarding the format and content of the Staff's report and, as a result, directed Staff to make several changes to Staff's Project Data Table as incorporated below.

FINDINGS

Based on all of the testimony and evidence presented and on the staff report, which is made a part hereof based upon the uncontested evidence of record, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required.*

Not applicable.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Planning Board finds that the Site Plan complies with the purpose clause and all development standards of the optional method of development for the RNC zone. The Planning Board expressly finds that the proposed development achieves a diversity of lot sizes with lots ranging from 4,979 square feet to approximately 10 acres and that the provision of duplex units provides a diversity of house sizes. The Board further finds that the diversity of lot and house sizes is compatible with existing development on adjoining properties and consistent with the purpose and intent of the zone. The Board hereby approves the development standards as set forth in the following Project Data Table:

PROJECT DATA TABLE

	<u>Zoning Ordinance Development Standard</u>	<u>Development Standard approved by the Planning Board and binding on the Applicant</u>
Gross Tract Area (acres)	-	333.95
Maximum Number of Lots	133 (Opt. Method)	113 (market rate) <u>20 (MPDUs)</u> 133 units total
Minimum Lot Area for one-family detached (sq. ft.):	4,000 sf	4,979 sf

Minimum Setbacks:

from the street (as defined in § 59-A-2.1)	15 ft	15 ft.
from the side yard	8 ft., if provided	8 ft. (for duplexes, only the end units must provide 8 ft. side yard setback)
rear yard	to be set by Planning Board at site plan	10 ft.

Minimum Lot Width at the existing or

Proposed street line (ft.):	25 ft.	25 ft.
Maximum Building Height (ft.):	35 ft.	35 ft.
Maximum Lot Coverage (%):	35%	35%

Rural Open Space

(% of Gross Tract Area):	65%	72.6%
Private Rural Open Space (%):		15.4%
Public Rural Open Space (dedicated to M-NCPPC) (%):		57.2%

Common Open Space

(% of Gross Tract Area):	-	3.7%
--------------------------	---	------

For Special Protection Area

Total Impervious Area (% of Gross Tract Area):	8% max.	6.88%
---	---------	-------

3. *The locations of the buildings and structures, the open spaces, the landscaping, the recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Location of Buildings and Structures

The location of buildings and structures are adequate, safe, and efficient. This premier site of approximately 334 acres that supports extraordinary natural features of wetlands and forest,

is shaped as an irregular pentagon, sharply bisected by the linear 250-foot wide Pepco Easement that slices the site's area on the NNW-SSE axis. This easement effectively defines the "west side," with its dense, typical cul-de-sacs and the "east side," that features the five, expansive conservancy lots that directly adjoin the protected open space. In contrast to the Pepco line, lies the major public route, Wickham Road, winding in an extended "S-shape" form from north to south across this natural terrain, connecting the existing subdivisions to the south with Laytonsville Road at the site's northern boundary.

The buildings have been organized in two primary subdivision clusters appended to the major public road and five conservancy lots fronting on Wickham Road. The pattern of these typical suburban lots on cul-de-sacs, while creating a "marketable" product, respects the stream buffers and wetlands, fitting lots around the boundaries of sensitive areas, resulting in, surprisingly, compatible building locations, efficient use of the site, and safe physical relationships between the houses themselves and the surrounding amenities.

b. Open Spaces

The location of the open spaces are adequate, safe, and efficient. The open spaces planned include the required Rural Open Space. The open space provided through this optional method development are notable for their quality and quantity.

Over 191 acres of the 334-acre site will be retained as public rural open space and dedicated to M-NCPPC Parks. Further, 51.6 acres will be preserved as private rural open space protected by conservation easements, as well as an additional 12.7 acres as common open space under the control of the Home Owners Association. The designation of rural and common open space is required by the RNC zone.

The Master Plan's general open space recommendation, as applied to this site, is 65% of net site area for retention as rural open space. The plans indicate that 72.6% will be preserved as rural open space and that 3.7% will be created as common open space; therefore meeting the requirements of the Master Plan for this property.

The stormwater management concept consists of on-site water quantity and quality control via a system of surface sand filters and retention basins. The final water quality plan was approved by the Department of Permitting Services on July 5, 2005.

The disposition of these natural assets, particularly in relationship to the proposed housing, the locations of public roads and bike paths, the Chichester House site, and the public school

site, ensures sustained public enjoyment of these amenities, along with public investment and protection of this valuable land. Clearly, this plan fulfills the intent of the Master Plan.

c. Landscaping and Lighting

The landscaping and lighting are adequate, safe, and efficient. Landscaping proposed for the site consists of formal streetscape installed along the open section public and private internal roads. Perimeter planting has been proposed for the stormwater management ponds and play areas. Varied ornamental plantings consisting of ground cover, shrubs and small trees are planned for the cul-de-sac islands. Recent site inspections verify that the Hickory street trees flank both sides of Wickham Road. Lighting proposed consists of decorative light poles topped with Washington Globe acorn-style lights, spaced within the rows of street trees.

Staff, working with DPS and DPWT has investigated the allowances for spacing of street trees as encompassed in the county code. Such study points to modest, feasible alternatives for the streetscape treatment: utilize the maximum allowable spacing for the placement of street trees along the public and private internal streets, and, enhancing the intervening public view sheds by the provision of groups of native species, deciduous, evergreen, and understory along the front lot lines adjoining the streets. Such treatment provides potential for greater compatibility with the open section roads, and the surrounding natural forest and plantings, while enhancing the visual perspectives of the homes themselves.

d. Recreation Facilities

The recreation facilities are adequate, safe, and efficient. The Planning Board finds that recreation demand is satisfied as proposed. Formal recreation facilities proposed consist of a Tot Lot and an Open Play Area II. Both facilities are located along the street frontage on Wickham Road, offering optimal accessibility. A paved surface parking, also located on the Wickham Road frontage, lot within M-NCPPC parkland dedication, is proposed to accommodate 12 vehicles for users of the natural trails and the subdivision's tot lot.

The existing bike path along Wickham Road provides effective and safe connections between the subdivisions surrounding the site and for future residents of Fair Hill. The extensive areas of forest and wetlands within in the stream valley buffer will provide abundant recreational opportunities for the residents of The Reserve. The protection of these areas, both as dedicated parkland and as private rural open space will preserve the character and environmental health of the sensitive environmental network addressed in the Upper Rock Creek Master Plan.

d. Vehicular and Pedestrian Circulation

The vehicular and pedestrian circulation systems are adequate, safe, and efficient. The pedestrian system consists of formal concrete sidewalks along the public and private streets, paved asphalt paths, and natural trails that traverse the natural areas and dedicated parkland. This comprehensive system provides a generous complement of paths that ensure safe, adequate, and effective connections between the expanded natural trail system and the formal, paved pedestrian routes.

A sidewalk is provided for each internal street; paved asphalt pedestrian paths are provided at numerous points in the site for access to recreational amenities. A direct pedestrian connection is provided at the southern end to the Montgomery County School Site, covered by a public access easement. Sidewalks are provided on one side only of the internal private and public streets, per the waiver approved by the Planning Board under the approved preliminary plan. This limitation is proposed to reduce impervious surfaces and protect the surrounding stream valley. The Applicant will provide trails within the rural open space and a portion of the construction of trails within the dedicated parkland.

Vehicular circulation is accommodated by the provision of public and private roads, as approved at preliminary plan. The roads utilize the reduced width tertiary public road with twenty-six feet of paving to minimize impervious coverage in the PMA.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposed housing is compatible with the established patterns of the surrounding residential development and with the vision of the Master Plan. The placement and shape of the existing Wickham Road, essentially establishes the density and larger scale development pattern, whose envelope, is dictated in correspondence with the locations of the stream valley buffers. Generally, the houses achieve a pattern and density that is compatible with the surrounding existing and proposed adjacent development.

The Planning Board further finds that the activity associated with the proposed residential community will not cause any negative effect on adjacent residential or institutional uses.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation and Chapter 19 regarding water resource protection.*

Forest Conservation requirements have been met by the preservation of 37.60 acres of private on-site forest; 191 acres of forested area will be dedicated to M-NCPPC Parks, contiguous with existing parkland. The Applicant is required to reforest 25 acres as mitigation for forest clearing.

A Category I Conservation easement will be placed over the forest conservation and stream valley buffer areas on private property as shown on the Forest Conservation Plan.

With the conditions of approval for the Final Water Quality Plan, the proposed development meets all applicable requirements of Chapter 19 for water resource protection. The project as proposed maintains an on-site imperviousness of 6.88% of the Gross Tract Area, which is below the 8% impervious cap required by the SPA.

6. The Record of this Site Plan 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 ACTIONS AND CONDITIONS

The Montgomery County Planning Board APPROVES the Final Water Quality Plan and Site Plan Review No. 8-05028 for 113 one-family detached dwelling units and 20 MPDU duplex semi-detached dwelling units on approximately 334 acres in the RNC Zone. All site elements of The Reserve at Fair Hill (8-05028) Site Plan(s) dated 6/10/05 and Site Details dated 6/9/05, shall be required except as modified by the following conditions:

1. **Conformance with Prior Approvals**

a. The proposed development shall comply with the conditions of approval for Preliminary Plan 1-04100 as approved by the Planning Board on March 31, 2005.

b. The proposed development shall comply with the conditions of approval as stated in the DPS letter dated July 5, 2005, approving the Final Water Quality Plan for elements of the Special Protection Area under its purview

2. **Site Design:** the following revisions shall be included and/or information provided prior to signature set, subject to staff review and approval:

a. Locate all storm water management facilities outside of the PUE-PIE and outside of the forest conservation easement areas;

b. Provide a land area for maintenance and construction 8-feet in width between each retaining wall and forest conservation easement areas; provide top and bottom elevations for all retaining walls and note the linear feet of the retaining wall segments; construct all retaining walls of masonry materials; limit the height of all retaining walls to 6 feet and create terraces where necessary;

c. Provide a public access easement for any trail connections through common HOA open space to parkland and the public school site;

d. Provide details and specifications for the pedestrian connection to the public school site.

3. Landscape Design: the following revisions shall be included and/or information provided prior to signature set, subject to staff review and approval:

a. Revise spacing of street trees to conform to the Montgomery County Department of Public Works and Transportation maximum spacing standard (50-60 feet o.c.);

b. Provide alternative foundation planting plan for front lot lines including deciduous, evergreen, and understory planting, for one of the three house lots listed in each line below:

i. Fairhill Road: Lots 1, 2, 3;

ii. Chichester House Road: Lots 5, 6, 7;

iii. Chichester House Road: the Historic site, if acceptable to MNCPPC Historic Preservation and M-NCPPC Parks;

iv. Chichester House Road: Lots 108, 109, 110;

v. Chichester House Road: Lots 55, 56, 57;

vi. Woodgate Place: Lots 60, 61, 62;

vii. Woodgate Place: Lots 99, 100, 101;

vii. Woodgate Place: Lots 70, 71, 72;

viii. Woodgate Place: Lots 91, 92, 93;

ix. Weatheroak Drive: Lots 3, 4, 5;

x. Ashbourne Place: Lots 8, 18, 19;

xi. Ashbourne Place: Lots 20, 21, 22;

xii. Wickham Drive: Lots, 1, 2, 3;

- c. Provide additional landscaping at storm water management facilities to complement the recommended street tree spacing and landscaping on private lots;
- d. Provide additional landscaping for the entire perimeter of the Tot Lot such as holly, tightly spaced at no less than 18 inches and 36 inches at the time of planting to discourage cut through pedestrian traffic between the trailhead parking lot and the HOA tot lot;

4. Lighting

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential/commercial development.
- b. All light fixtures shall be full cut-off fixtures;
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties;
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties;
- e. The height of the light poles shall not exceed 14 feet including the mounting base.

5. Pedestrian Circulation

Provide sidewalks at five-feet in width along one side of Fair Hill Road, Weatheroak Drive and Chichester House Road to meet Recreation Guidelines requirements and enhance pedestrian accessibility and safety; provide sidewalk at four feet in width along one side of open section tertiary streets and along private streets;

6. M-NCPPC Park Facility

The Applicant shall comply with the following conditions of approval from M-NCPPC-Park Planning and Research Analysis in the memorandum dated June 17, 2005:

- a. The Applicant shall dedicate to M-NCPPC approximately 191.1 acres of open space, as identified on the Site Plan and the Forest Conservation Plan, per the Upper Rock Creek Area Master Plan. Dedicated areas include Parcel 'Q' and 'H' in Block 'B', Parcel 'A' in Block 'A', Parcel 'B' in Block 'G', and Parcel 'C' in Block 'H'. Land to be conveyed at time of record plat and be free of

trash and unnatural debris. Park boundaries to be staked and signed to distinguish between parkland and private properties;

b. Applicant to construct a 4' wide, natural surface trail, including any needed bridges or stream/wetland crossings, as shown on the revised Pedestrian System Exhibit to the Site Plan dated July 14, 2005, prior to issuance of the 93rd building permit. Exact location of trail will be staked and confirmed by staff and applicant prior to construction and specifications shall be coordinated with, and approved by M-NCPPC staff in coordination with Special Protection Area guidelines; Trail shall be adequately marked and signed by the applicant at the time of construction;

c. Applicant to construct a 4' wide natural surface trail, to extend east/west from the North Branch park trail to the trailhead parking area to be constructed by Applicant; and from Wickham Road to existing parkland along Route 108, as shown on the revised Pedestrian System Exhibit to the Site Plan dated July 14, 2005, prior to issuance of the 93rd building permit. Exact location of trail will be staked and confirmed by staff and applicant prior to construction and specifications shall be coordinated with, and approved by M-NCPPC staff in coordination with Special Protection Area guidelines; Trail shall be adequately marked and signed by the applicant at the time of construction;

d. Applicant to construct a small, paved, park trailhead parking area for twelve (12) cars, prior to issuance of the 93rd building permit. Parking lot to be located on dedicated parkland in Parcel 'F', Block 'B' along Wickham Road for public access to the natural surface trail system. Lot to be constructed to park standards and specifications and to include necessary stormwater management facilities, if required. Applicant to provide engineering and secure all necessary permits including required park permit.

7. Rural Open Space Documentation

Record plat to reflect delineation of Private Rural Open Space areas and make note of the Liber and Folio of an easement agreement or covenant recorded in the land records which restricts the uses in the rural open space to those set forth in the RNC zone and establishes procedures for the management of natural or agricultural features as set forth in the approved site plan. Record plat to have the following note: "The land identified heron as rural open space is within an approved cluster development and subdivision or resubdivision is not permitted after the property is development."

8. Moderately Priced Dwelling Units (MPDUs)

The proposed development shall provide 20 (or 15 percent) MPDUs on-site in accordance Chapter 25A of the Montgomery County Code as amended April 1, 2005. The proposed density

has been increased via optional method to 0.4 units/acre from the standard method of 0.2 units/acre. The location of the MPDUs shall be dispersed as set forth on the exhibit titled "MPDU – Pulte Homes" dated 7/14/05, and shall be identified on the signature set.

9. Transportation

The Applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated June 16, 2005:

- a. Total development under the subject site plan is limited to 133 single-family units as identified for trip-generation/Local Area Transportation Review purposes. (113 one-family detached homes and 20 duplex MPDU dwelling units);
- b. The Applicant shall enter into a covenant with Park & Planning and the Maryland State Highway Administration (SHA) to make a pro rata contribution for future sidewalk construction along the remaining property frontage of MD 108 north of Wickham Drive, if such improvements are constructed by the State Highway Administration within 60 months of Planning Board approval of the subject site plan.

10. Forest Conservation and Environmental Conditions

The applicant shall comply with conditions of approval for the Final Water Quality Plan and Site Plan issued by M-NCPPC Environmental Planning, memorandum dated July 6, 2005, prior to recording plat or the Montgomery County Department of Permitting Services (DPS) issuance of sediment and erosion control permit:

Applicant to comply with conditions of approval on the final forest conservation plan including the development and implementation of an invasive management plan;

- a. Applicant to construct a split-rail at the rear of lots 14 through 16 Block "B", lots 107 through 111 Block "B", and the rear of lots 1 through 3 Block "E" to delineate and protect forest planting areas;
- b. Imperviousness for the 334-acre tract not to exceed 1,000,573.2 square feet;
- c. On lot imperviousness, not including public sidewalks, not to exceed 774,932.4 square feet;
- d. Applicant to enter into an agreement with M-NCPPC for the purpose of withholding of building permits for thirteen (13) residential lots to ensure compliance with the impervious

limitations and monitoring compliance with the impervious limitations of the site plan. The 13 lots shall be graphically denoted on the site plan. A note shall be placed on the record plat restricting issuance of building permits for lots 20 through 27 Block "B" and lots 30 through 34 Block "B" pending approval from M-NCPPC Environmental Planning;

e. Applicant to reference agreement on record plat;

f. All driveways with the exception of driveways for side-load garages or driveways that exceed 80' in length, must be designed as double car width at the public right-of-way;

g. The developer/builder must submit an impervious surface report to M-NCPPC Environmental Planning staff prior to issuance of the 66th, 100th and 119th building permits. The applicant will submit an impervious report for each of the remaining building permits after the 119th building permit. The impervious reports must include: surveyed 'as-builts' drawings which include dimensions for buildings, driveways, sidewalks, leadwalks, porches, patios, chimneys, welled exits, rear exits and any building feature that is two feet or less from the ground;

h. If the 'as-builts' submitted for 93 units (70% of the total number of units) demonstrate that construction of the units to date is less than or equal to 97% of the total on-lot impervious limitations for the first 93 'as-builts', then M-NCPPC staff will release building permits for 9 of the 13 withheld lots. Building permits for the remaining 4 withheld lots will be released by M-NCPPC staff as staff determines compliance with the on-lot impervious limitations. The building permit for lot 25 Block "B" shall be the last one released and building permits for lots 23 and 24 Block "B" the second and third last released.

If at the 93 'as-built' drawing construction to date is greater than 97% of the total on-lot impervious limitations, then staff will release building permits for the 13 withheld lots as staff determines compliance with the on-lot impervious limitations. The building permit for lot 25 Block "B" shall be the last one released and building permits for lots 23 and 24 Block "B" the second and third last released.

i. Upon recordation of the plat, applicant shall record in the land records a disclosure of the imperviousness limits and monitoring requirements. The disclosure is intended to give notice to other builders and/or developers in the event of sale of lots by the applicant. This disclosure shall be reviewed and approved by Commission legal staff before recordation;

j. Applicant prohibited from placing fill material in rural open space areas; except as shown on the site plan dated June 16, 2005 submitted to EPD;

- k. Conformance to the conditions as stated in the DPS letter approving the elements of the SPA water quality plan under its purview.
- l. Record plat of subdivision shall reflect a Category I Conservation Easement over all areas of stream buffers and forest conservation, including any forest retention areas, forest planting areas, natural regeneration areas, and environmental buffer areas.
- m. Provide sediment and erosion control plan with final forest conservation plan;
- n. The services of a licensed arborist shall be retained to evaluate the appropriate measures necessary to ensure the survival of the large and specimen trees proposed to be preserved whose critical root zones will be impacted by construction.

11. Historic Preservation

- a. Provide protection measures for the historic site during construction and materials staging as approved by M-NCPPC Historic Preservation staff; protect the boundaries of the one-acre site and coordinate in the field with historic preservation staff. The HOA will maintain the historic marker if located on HOA property;
- b. Provide, in commemoration of the lost historic site, a one-time grant of \$25,000 to M-NCPPC to be used on surveying and researching historic resources in Planning Areas 10 and 15. The developers contribution of \$25,000 will be provided in the form of a cashier's check made out to M-NCPPC and will be delivered within 60 days of the Planning Board decision;
- c. Provide, in commemoration of the lost historic site, an educational marker at a prominent location within the new community that will describe the Chichester House prior to issuance of the 93rd building permit; design, specifications and location of the marker must be reviewed and approved prior to signature set and included in the signature set drawings;
- d. Provide, in commemoration of the lost historic site, a road in the new community named "Chichester House Road", as approved by the Planning Board.

12. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated July 5, 2005.

13. Open Space

The applicant shall convey approximately 51.6 acres of Rural Open Space and 12.7 acres of Common Open Space to the Homeowners Association; Rural Open Space parcels and Common Open Space parcels shall be covered by required conservation easements and shall remain in private ownership. Open Space Parcels shall be conveyed free of trash and unnatural debris.

14. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the 93rd building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

15. Home Owners Association Documents

Home Owners Association documents and declaration of covenants shall contain specific language that identifies all activities and limitations regarding the uses allowed within Rural Open Space and Common Open Space. Documents shall be recorded in the land records of Montgomery County. Recorded documents shall be referenced on the record plat.

16. Conservancy Lots

A Site Plan amendment must be approved by the Planning Board or its designee for any accessory structure on a conservancy lot. The site plan amendment must be approved prior to issuance of any building permit for the accessory structure.

17. Development Program

Applicant shall construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. Development Program shall include a phasing schedule as follows:

- a. Streets tree planting shall progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.

- b. Community-wide pedestrian pathways and recreation facilities [list specific facilities] shall be completed prior to issuance of the 93rd building permit.
- c. Landscaping associated with the trailhead_parking lot shall be completed at the time of construction.
- d. Pedestrian pathways [different than the community-wide pedestrian pathway listed in condition b. above] and seating areas associated with each facility shall be completed as construction of each facility is completed.
- e. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- f. Coordination of each section of the development and roads.
- g. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features

18. Clearing and Grading

- a. No clearing or grading prior to M-NCPPC approval of signature set of plans;
- b. Prior to issuance of any grading permit, the final location and design of the proposed outfalls, which will be located within 20 feet of the dedicated parkland, shall be reviewed and approved by M-NCPPC park engineering staff;
- c. Prior to issuance of the 93rd building permit, permit, permanent property markers shall be installed by the applicant along the lots or parcels that abut the dedicated parkland as required by staff. Details for the boundary marker shall be shown on the Site Plans.
- d. Prior to release of grading permit, identify the final location for all SWM facilities and associated landscape treatment subject to staff review and approval.

19. Signature Set

Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Clearly delineate on the signature set drawings all easements, Limits of Disturbance, ROWs, Forest Conservation Areas. Rural Open Space, Common Open Space, Stormwater Management Parcels, HOA Parcels, PUE's, PIE's, Historic Preservation sites, dimensions

and placement of sidewalks, pedestrian paths, bicycle paths, equestrian trail, high priority forests and storm drain outlets, verified location of existing roads, sidewalks and street trees, development program inspection schedule, numbers and dates of all regulatory approvals;

- b. Provide details and specifications for paved surfaces and trails;
- c. Provide details and specification for all fences and retaining walls, furnishings and fixtures;
- d. Provide a note on the site plans stating the maximum building height;
- e. Label minimum setbacks for the building envelope on the site plans.

20. Monument Signage

The monument signage shall be constructed in accordance with the details and dimensions shown on Sheet No. LP-13 titled "Foundation Planting, Monument Signage, and Open Play Area Details" dated 6/9/05.

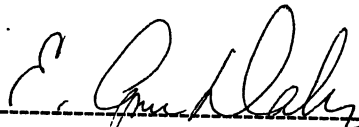
* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL SUFFICIENCY
DYB 1/20/06
MUNICIPAL LEGAL DEPARTMENT

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, January 26, 2006**, 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 **Site Plan 8-05028, The Reserve at Fair Hill**. Vice Chair Perdue was temporarily absent.



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

PLAT NO. 220062180

Clover Ridge

Located on the east side of Clarksburg Road, approximately 3000 feet north of its intersection with Moxley Road.

RDT zone; 3 Lots, 1 Outlot

Private Well, Private Septic

Master Plan Area: Damascus

Estate of Chester Leishear, Applicant

The record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120040820, 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: Clover Ridge Plan Number: 1-20040920
 Plat Name: Clover Ridge Plat Number: 220062180
 Plat Submission Date: 5/11/06
 DRD Plat Reviewer: PW
 DRD Prelim Plan Reviewer: D. Cunningham

Initial DRD Review:

Signed Preliminary Plan - Date 10/17/05 Checked: Initial Duc Date 6/14/06
 Planning Board Opinion - Date 9/23/05 Checked: Initial PW Date 6/8/06
 Site Plan Req'd for Development? Yes No Verified By: PW (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 OK Open Space N/A
 Non-standard BRLs N/A Adjoining Land OK Vicinity Map OK Septic/Wells OK
 TDR note N/A Child Lot note N/A Surveyor Cert Owner Cert Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>M. K. Kelly</u>	<u>5/23/06</u>	<u>6/9/06</u>	<u>6/05</u>	<u>OK</u>
Research	Bobby Fleury	<u> </u>	<u> </u>	<u> </u>	<u>OK</u>
SHA	Doug Mills	<u> </u>	<u> </u>	<u> </u>	<u>No Comments</u>
PEPCO	Jose Washington	<u> </u>	<u> </u>	<u>6-1-06</u>	<u>PVC</u>
Parks	Doug Powell	<u> </u>	<u> </u>	<u> </u>	<u>No Comments</u>
DRD	Steve Smith	<u> </u>	<u> </u>	<u>6/1/06</u>	<u>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 SJS Date 5-21-07
SJS 6-19-06
SJS 5-18-07

Board Approval of Plat:

Plat Agenda:
 Planning Board Approval:

SJS 6-7-07

Chairman's Signature:

DPS Approval of Plat:

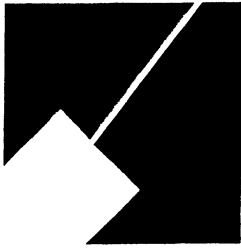
Engineer Pick-up for DPS Signature:
 Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:
 File Card Update:
 Final Zoning Book Check:
 Update Address Books with Plat #:
 Update Green Books for Resubdivision:
 Notify Engineer to Seal Plats:
 Engineer Seal Complete:
 Complete Reproduction:
 Sent to Courthouse for Recordation:

No.

M-NCPPC



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

Board Approval Date: June 9, 2005

Date Mailed: SEP 23 2005

Action: Approved Staff
Recommendation

Motion of Commissioner Bryant,
seconded by Commissioner Robinson,
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 1-04082

NAME OF PLAN: Clover Ridge

The date of this written opinion is SEP 23 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 4/27/04, the applicant, Chester Leishear ("Applicant"), submitted an application for the approval of a preliminary plan of subdivision of property in the RDT zone. The application proposed to create 3 lots and 1 outlot on 85.09 acres of land located on the south side of Clarksburg Road, approximately 2,500 feet northeast of the intersection with Moxley Road, in the Agriculture and Rural Open Space Master Plan Area. The application was designated Preliminary Plan 1-04082 ("Application"). On 6/09/05, the Application 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 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.

PUBLIC HEARING TESTIMONY

On June 9, 2005, Preliminary Plan 1-04082 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. Staff presented the application to the Board and provided revised conditions of approval for the Board's consideration. The Applicant's engineer testified on behalf of the Applicant and advised the Board that the Applicant concurred with the Staff recommendation and all conditions of approval, as revised. No testimony was presented in opposition to the application and the record contains no correspondence opposing the Application. The Board questioned the Applicant concerning the proposed 18-acre outlot ("Outlot A"), which the Applicant testified is intended to be conveyed to a neighboring property owner to be used for pasture purposes. The Applicant confirmed that the neighbor will acquire no additional density and, therefore, no additional building capacity as a consequence of purchasing Outlot A.

FINDINGS

Having given full consideration to the findings and recommendations of its Staff, which the Board adopts; 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 that:

- a) The Preliminary Plan No. 1-04082 substantially conforms to the Agriculture and Rural Open Space Master Plan.
- b) Public facilities will be adequate to support and service the area of the proposed 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.

- 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") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) Outlot A has been used in the density calculations for the overall property and all available density has been taken from the Property with the approval of the subject preliminary plan. The Board therefore finds that no additional density and no additional building capacity may be acquired through the purchase of Outlot A.
- 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. 1-04082 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-04082, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to three (3) lots and one (1) outlot.
- 2) 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.
- 3) All stream valley buffers and onsite forest must be placed into a Category I Forest Conservation Easement.
- 4) A fence suitable to prevent pasturing animals from entering the forest conservation easement areas must be erected prior to release of building permits.
- 5) The applicant shall enter in a covenant for the future reconstruction of the Clarksburg Road's paved surface in accordance with DPWT.

- 6) The applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 7) Record plat to reflect common ingress/egress and utility easements.
- 8) Compliance with the conditions of the MCDPS stormwater management approval dated May 6, 2005.
- 9) Compliance with conditions of the MCDPS (Health Dept.) septic approval letter dated May 27, 2005.
- 10) Record plat shall indicate that acreage within Outlot "A" has been used in the density calculations for the overall property and that all available density has been taken from the parent parcel with the approval of the subject preliminary plan.
- 11) Other necessary easements.
- 12) Access and improvements as required to be approved by MCDPWT prior to recordation of plat.

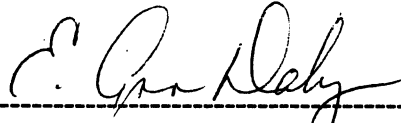
This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among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

APPROVED AS TO LEGAL SUFFICIENCY
TAB
M-NCPPC LEGAL DEPARTMENT
DATE 8/14/05

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, September 15, 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. 1-04082, Clover Ridge**. Vice Chair Perdue was absent.

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

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

PLAT NO. 220071280

Highland Park

Located at the southeast corner of Montgomery Avenue and Waverly Street.

CBD-2 zone; 1 Parcel

Community Water, Community Sewer

Master Plan Area: Bethesda CBD

Bethesda ARC, LLC, 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 property 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: Highland Park Plat Number: 220071280
 Plat Submission Date: 4-3-07
 DRD Plat Reviewer: S. Smith
 DRD Prelim Plan Reviewer: N/A
 *For category of minor see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. N/A Checked: Initial — Date —
 Preliminary Plan No. N/A Checked: Initial — Date —
 Planning Board Opinion – Date N/A Checked: Initial — Date —
 Site Plan Name if applicable: N/A Site Plan Number: —
 Planning Board Opinion – Date N/A Checked: Initial — Date —
 Lot # & Layout ✓ Lot Area ✓ Zoning ✓ Bearings & Distances ✓ Coordinates N/A
 Plan # ok Road/Alley Widths ok Easements ✓ Open Space N/A Non-standard
 BRLs N/A Adjoining Land ok Vicinity Map ok Septic/Wells N/A
 TDR note N/A Child Lot note N/A Surveyor Cert ✓ Owner Cert ✓ Tax Map ✓
 SPA N/A

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>M. K. [Signature]</u>	<u>4-4-07</u>	<u>4-11-07</u>	<u>4-5-07</u>	<u>EXEMPTION</u>
Research	Bobby Fleury	<u>↓</u>	<u>↓</u>	<u>—</u>	<u>No Comments</u>
SHA	Doug Mills	<u>↓</u>	<u>↓</u>	<u>—</u>	<u>↓</u>
PEPCO	Steve Baxter	<u>↓</u>	<u>↓</u>	<u>—</u>	<u>↓</u>
Parks	Doug Powell	<u>↓</u>	<u>↓</u>	<u>—</u>	<u>↓</u>
DRD	<u>Steve Smith</u>	<u>↓</u>	<u>↓</u>	<u>—</u>	<u>↓</u>

N. Carney

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

SJS

3JS

SJS

Date

5-21-07

4-15-07

5-15-07

Board Approval of Plat:

Plat Agenda:

SJS

6-7-07

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. —

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: ✓
N/A

(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:
