MEMORANDUM

DATE: December 7, 2007

TO: Montgomery County Planning Board

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

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

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board Agenda for December 20, 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 plan drawings for the record plat. The following plats are included:

220080340 Bannockburn Heights
220080380 Woodside Hills
220080480 Glenbrook Village
220080610 Boyds Highlands
PLAT NO. 220080340

Bannockburn Heights
Located on the south side of River Road (MD 190), approximately 1,000 feet east of Wilson Lane (MD 188)
R-200 zone; 2 lots
Community Water, Community Sewer
Master Plan Area: Bethesda-Chevy Chase
Allen Khalatbari, Applicant

The record plat has been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120070390, 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 plan.
RECORD PLAT REVIEW SHEET

Plan Name: Bannockburn Heights  Plan Number: 120070390
Plat Name: Bannockburn Heights  Plat Number: 220080340
Plat Submission Date: 8-20-07
DRD Plat Reviewer: S. Sim Jt
DRD Prelim Plan Reviewer: E. Grapson

Initial DRD Review:
Signed Preliminary Plan – Date 11/13/07  Checked: Initial 24  Date 11/14/07
Planning Board Opinion – Date 10/26/07  Checked: Initial 58  Date 10-11-07
Site Plan Req’d for Development? Yes X  No  Verified By: SJS (initial)
Site Plan Name:  Site Plan Number:  

Planning Board Opinion – Date  
Site Plan Signature Set – Date  
Site Plan Reviewer Plat Approval – Checked: Initial  

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


Agency Reviews Req’d

<table>
<thead>
<tr>
<th>Agency</th>
<th>Reviews</th>
<th>Req’d</th>
<th>Reviewer</th>
<th>Date Sent</th>
<th>Due Date</th>
<th>Date Rec’d</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Env</td>
<td>A. Lindsey</td>
<td>9-5-07</td>
<td>11-1-07</td>
<td>11-20-07</td>
<td>OK</td>
<td>10-25-07</td>
<td></td>
</tr>
<tr>
<td>Research</td>
<td>Bobby Fleury</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SHA</td>
<td>Doug Mills</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PEPCO</td>
<td>Steve Baxter</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks</td>
<td>Doug Powell</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DRD</td>
<td>Nellie Carey</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Final DRD Review: Initial  Date
DRD Review Complete: SJS  Date 12-6-07
(All comments rec’d and incorporated into mark-up)
Engineer Notified (Pick up Mark-up): SJS  Date 11-29-07

Board Approval of Plat:
Plat Agenda: SJS  Date 12-20-07
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:
MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on November 20, 2006, Allen Khalatbari ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 2 lots on 1.55 acres of land located on the west side of River Road (MD 190), approximately 1,000 feet east of Wilson Lane (MD 188) ("Property" or "Subject Property"), in the Bethesda/Chevy Chase master plan area ("Master Plan"); and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120070390, Bannockburn Heights ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated April 20, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on June 28, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

1 This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.
WHEREAS, on June 28, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant; seconded by Commissioner Wellington; with a vote of 5-0. Commissioners Bryant, Hanson, Perdue, Robinson, and Wellington voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120070390 to create 2 lots on 1.55 acres of land located on the west side of River Road (MD 190), approximately 1,000 feet east of Wilson Lane (MD 188) ("Property" or "Subject Property"), in the Bethesda/Chevy Chase master plan area ("Master Plan"), subject to the following conditions:

1) Approval under this preliminary plan is limited to 2 lots for 2 one-family detached residential dwelling units.

2) The Applicant shall comply 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, as applicable.

3) The Applicant must revise the submitted preliminary forest conservation plan prior to approval of the record plat to count all onsite existing forest as cleared and meet the forest conservation requirements generated for the property off site.

4) Applicant must incorporate a tree protection plan into the final forest conservation that shows and describes the methods that will be used to protect onsite trees.

5) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated August 3, 2006.

6) The Applicant must comply with conditions of DPWT letter dated March 6, 2007, unless otherwise amended by DPWT.
7) The Applicant must construct a four-foot-wide sidewalk along the proposed cul-de-sac as required by DPWT letter dated March 6, 2007, unless otherwise amended.

8) Access and improvements as required to be approved by DPWT prior to recordation of plat and SHA prior to issuance of access permits.

9) 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.

10) Other necessary easements must be shown on the record plat.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. The Preliminary Plan substantially conforms to the master plan.

   The Subject Property is located within the Approved and Adopted Bethesda/Cherry Chase Master Plan area. The master plan does not specifically identify this Property but does give general guidance and recommendations regarding zoning and land use. The master plan recommends that this area maintain the residential zoning as adopted. The Planning Board finds that the proposed resubdivision complies with the recommendations adopted in the master plan.

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

   The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review.

   The Applicant proposes to construct a cul-de-sac to terminate the River Road Service Road. The proposed dedication and design for the proposed cul-
de-sac have been approved by the Department of Public Works and Transportation (DPWT), State Highway Administration (SHA) and MCFRS as shown on the plan. A four-foot wide sidewalk around the cul-de-sac bulb in the right-of-way is required by DPWT as part of construction of the standard street section.

The Planning Board finds the proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections, including the requirements for resubdivision, as discussed below. Access and public facilities will be adequate to support the proposed lots and uses.

The lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

The Planning Board finds the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

The Applicant submitted a preliminary forest conservation plan with the preliminary plan of subdivision. Conditional approval of the preliminary forest conservation plan requires the Applicant to count all onsite forest as cleared, and meet all planting requirements offsite.

5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
The MCDPS Stormwater Management Section approved the stormwater management concept for the project on August 3, 2006 which includes on-site water quality control and onsite recharge through the use of drywells.

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

Size: In a Neighborhood of 11 lots, overall lot sizes range from 23,727 square feet to 69,208 square feet. The two proposed lots are 29,178 and 33,662 square feet in size. The proposed lot sizes are of the same character as the size of existing lots in the Neighborhood.

Width: The lot widths at the front building restriction line in the Neighborhood range from 105 feet to 275 feet. Lot widths for improved lots were measured at the front building line. For Proposed Lot 19, which does not contain a structure, the lot width was measured at the Established Building Line. Both proposed Lot 18 and Lot 19 now have widths of 108 feet. This measurement varies from those taken as part of previous reviews because MCDPS has now confirmed the precise measuring point for the established building restriction line, and determined that the width measurement may be taken at an angle that corresponds to the frontage being created around the cul-de-sac. When the width is measured in this revised location and manner, the proposed lots will be the 2nd smallest widths in the delineated Neighborhood, but they now fall within the range of existing lots. The smallest lot width in the neighborhood is 105 feet, followed by the two proposed lots at 108 feet. The next smallest lot widths are 110 and 115 feet, respectively. The proposed lots will be of the same character as existing lots in the Neighborhood with respect to the width criterion.

Frontage: In a Neighborhood of 11 lots, lot frontages range from 116 feet to 275 feet. The proposed lots fall within this range, at 123 feet and 120 feet measured along the curve of the cul-de-sac. As a result, the proposed lots will be of the same character as existing lots in the Neighborhood with respect to lot frontage.

Area: In a Neighborhood of 11 lots, buildable areas range from 7,000 square feet to 30,700 square feet. The proposed lots have buildable areas of 14,500 and 12,300 square feet. The proposed lots will be of the same character as other lots in the Neighborhood with respect to buildable area.
Alignment: Every lot in the delineated neighborhood is perpendicular in terms of alignment. The 2 proposed lots are also perpendicular given the way the proposed cul-de-sac is oriented along the front of the property. The proposed lots are of the same character as existing lots with respect to the alignment criterion.

Shape: Four lots in the Neighborhood are fairly rectangular in shape and the rest are irregular. Both the proposed lots will be irregular is shape and are, therefore, of the same character as the existing lots with respect to shape.

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

7. Issues raised at the public hearing have been appropriately addressed.

Citizens who provided written or verbal testimony at the public hearing raised the following issues for the board's consideration:

a) The proposed resubdivision will result in excessive tree removal on the property.

b) The proposed cul-de-sac is unnecessary.

c) The proposed resubdivision will create water runoff that will cause harmful erosion.

With respect to issue a) above, the Planning Board finds that a conservation easement is not necessary for on-site trees, a tree save plan that is required in condition 4 above will prevent excessive tree removal at the time of construction, and it is appropriate for the Applicant to meet forest conservation requirements off-site.

With respect to issue b) above, the Planning Board finds that the proposed cul-de-sac will serve all dwelling units located on the River Road Service Road and the cul-de-sac is necessary to provide a safe and adequate turnaround for emergency and service vehicles.

With respect to issue c) above, the Planning Board finds that the stormwater management concept is acceptable, for the proposed dry wells will significantly reduce the runoff from the proposed rooftop and drainage from the site will occur at non-erosive rates.
BE IT FURTHER RESOLVED, that 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) and that 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; and

BE IT FURTHER RESOLVED, that the date of this Resolution is SEP 26 2007 (which is the date that this Resolution 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 Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * * * * * * * *

At its regular meeting held on Thursday September 20, 2007, 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 Bryant, seconded by Vice Chair Robinson, with Chairman Hanson, Vice Chair Robinson, and Commissioner Bryant present and voting in favor. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board’s findings of fact and conclusions of law for Preliminary Plan No. 120070390, Bannockburn Heights.

[Signature]
Royce Hanson, Chairman
Montgomery County Planning Board
PLAT NO. 220080380

Woodside Hills
Located at the terminus of Kermit Road, approximately 200 feet east of Riley Road
R-60 zone; 2 lots
Community Water, Community Sewer
Master Plan Area: North & West Silver Spring
Housewright Development, Inc., Applicant

Staff recommends approval of this minor subdivision plat pursuant to section 50-35A (a)(2) of the Subdivision Regulations, which states:

Conversion of an Outlot into a Lot. An outlot may be converted into a lot under the minor subdivision procedures provided:

a. The outlot is not required open space or otherwise constrained so as to prevent it from being converted into a buildable lot;

b. There is adequate sewerage and water service to the property, which may be either public service and/or approved private septic system/private well;

c. All applicable requirements and/or agreements that may be relevant, in accordance with provisions for adequate public facilities, as contained in Section 50-35(k) and the Annual Growth Policy, are satisfied prior to the recordation of the plat;

d. All applicable conditions and/or agreements applicable to the original subdivision approval creating the outlot will also apply to the new lot. The conditions and agreements may include, but are not limited to, any adequate public facilities agreement, conservation easement or building restriction lines; and

e. If the outlot is located within a special protection area, as shown on an approved and adopted master plan, all applicable special protection areas requirements and guidelines, including approval of a water quality plan, are satisfied prior to recordation of the plat.

An outlot may be incorporated into an adjoining lot resulting in a larger lot without having to satisfy Subsections (a) and (b) above.

Staff applied the above-noted minor subdivision criteria for this application, which is incorporating two record lots and two respective adjoining outlots into two lots, and concludes that the proposed subdivision complies with the criteria of Section 50-35A (a)(2) of the subdivision regulations and supports this minor subdivision record plat.

PB date: 12/20/07
**RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET**

(This form contains 3 pages)

Plat Name: **Woodside Hills**  
Plat Number: **220080380**

Plat Submission Date: **8/24/10**

**Initial DRD Review:**

Pre-Preliminary Plan No. N/A  
Checked: Initial N/A  
Date N/A

Preliminary Plan No. N/A  
Checked: Initial N/A  
Date N/A

Planning Board Opinion – Date N/A  
Checked: Initial N/A  
Date N/A

Site Plan Name if applicable: N/A  
Site Plan Number: N/A

Planning Board Opinion – Date N/A  
Checked: Initial N/A  
Date N/A

Lot # & Layout ✓  
Lot Area ✓  
Zoning ✓  
Bearings & Distances ✓  
Coordinates ✓  

Plan # ✓  
Road/Alley Widths ✓  
Easements ✓  
Open Space N/A  
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**

<table>
<thead>
<tr>
<th>Agency Reviews Req’d</th>
<th>Reviewer</th>
<th>Date Sent</th>
<th>Due Date</th>
<th>Date Rec’d</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment</td>
<td>CPB</td>
<td>8-10-07</td>
<td>9-28-07</td>
<td>9-12-07</td>
<td>Add EC Plan note</td>
</tr>
<tr>
<td>Research</td>
<td>Bobby Pleury</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SHA</td>
<td>Doug Mills</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PEPCO</td>
<td>Steve Baxter</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks</td>
<td>Doug Powell</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DRD</td>
<td>Steve Smith</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Final DRD Review:**

DRD Review Complete: N/C  
Initial Date 12-6-07

Engineer Notified (Pick up Mark-up): N/C  
Date 9-28-07

Final Mylar w/Mark-up & PDF Rec’d: N/C  
Date 11-27-07

**Board Approval of Plat:**

Plat Agenda: N/C  
Date 12-20-07

Planning Board Approval: N/C  
Date 12-20-07

Chairman’s Signature: N/C  
Date 12-20-07

**DPS Approval of Plat:**

Engineer Pick-up for DPS Signature: N/C  
Date 12-20-07

Final Mylar for Reproduction Rec’d: N/C  
Date 12-20-07

**Plat Reproduction:**

Addressing: N/C  
Date 12-20-07

File Card Update: N/C  
Date 12-20-07

Final Zoning Book Check: N/C  
Date 12-20-07

Update Address Books with Plat #: N/C  
Date 12-20-07

Update Green Books for Resubdivision: N/C  
Date 12-20-07

Notify Engineer to Seal Plats: N/C  
Date 12-20-07

Engineer Seal Complete: N/C  
Date 12-20-07

Complete Reproduction: N/C  
Date 12-20-07

Sent to Courthouse for Recordation: N/C  
Date 12-20-07

---

*For category of minor see pages 2 and 3*
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: o k
   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: N/A

(3) Consolidation Of Two of More Lots
   a) Any prior subdivision conditions: ______________________
   b) Part of lot created by deed prior to June 1 1958: ______________________

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

(5) Plat of Correction
    a) All owners and trustees signed: ______________________
    b) Original Plat identified: ______________________

(6) Plats for Residentially Zoned Parcels Created by Deed prior to June 1958
    a) Deed(s) submitted: ______________________
    b) Developable with only one single family detached unit: ______________________

(7) Plat for Existing Places of Worship, Private Schools, Country Club, Private Institution, and Similar Uses located on Unplatted Parcels
    a) Adequate Public Facilities satisfied: ______________________
    b) Street dedication required: ______________________
    c) Forest conservation: ______________________
    d) Storm water management: ______________________
    e) Special Protection Area/Water Quality Plan: ______________________
    f) Landscaping and lighting plan including parking lot layout: ______________________
g)  Approved Special Exception:

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

b)  Written MCDPS approval of proposed septic area:

c)  Required street dedication:

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

e)  Average lot size of 5 acres:

f)  Forest Conservation requirements met:
Plat No. 220080480

Glenbrook Village
Located on the south side of North Chelsea Lane, approximately 525 feet west of Maryland Avenue
R-60 zone; 1 lot
Community Water, Community Sewer
Master Plan Area: Bethesda-Chevy Chase
Turning Point Homes, 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 subdivision complies with the criteria of Section 50-35A (a)(3) of the subdivision regulations and supports this minor subdivision record plat.

PB date: 12/20/07
RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET
(This form contains 3 pages)

Plat Name: Glenbrook Village  Plat Number: 220080480
Plat Submission Date: 9-7-07
DRD Plat Reviewer: E. Smith
DRD Prelim Plan Reviewer: N/A
*For category of minor see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. __________________________ Checked: Initial ______ Date ______

Preliminary Plan No. __________________________ Checked: Initial ______ Date ______

Planning Board Opinion – Date ______ Checked: Initial ______ Date ______

Site Plan Name if applicable: __________________ Site Plan Number: ______

Planning Board Opinion – Date ______ Checked: Initial ______ Date ______

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

<table>
<thead>
<tr>
<th>Agency Reviews</th>
<th>Reviewer</th>
<th>Date Sent</th>
<th>Due Date</th>
<th>Date Rec'd</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment</td>
<td>A. Green</td>
<td>9-17-07</td>
<td>10-5-07</td>
<td>N/A</td>
<td>OK</td>
</tr>
<tr>
<td>Research</td>
<td>Bobby Fleury</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SHA</td>
<td>Doug Mills</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PEPCO</td>
<td>Steve Baxter</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks</td>
<td>Doug Powell</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DRD</td>
<td>Nelle Carey</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Final DRD Review: Initial Date

DRD Review Complete: 5/5  12-6-07
(All comments rec'd and incorporated into mark-up)
Engineer Notified (Pick up Mark-up): 5/5  10-9-07
Final Mylar w/Mark-up & PDF Rec'd: 5/5  12-3-07

Board Approval of Plat:
Plat Agenda: 5/5  12-20-07
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: ______
(8) Plats for Certain Residential Lots in the RDT Zone; 5 Lot Maximum

a) Number of Lots:

b) Written MCDPS approval of proposed septic area:

c) Required street dedication:

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

e) Average lot size of 5 acres:

f) Forest Conservation requirements met:
PLAT NO. 220080610

Boyd's Highlands
Located on the north side of Barnesville Road (MD 117), approximately 1,800 feet west of Ganley Road
RE-2 zone; 3 lots
Private Well, Private Septic
Master Plan Area: Boyd's
William Kamachaitis, Applicant

Background
The basis for the subject record plat is Preliminary Plan #120070670, entitled Boyd's Highlands, which originally proposed to create 3 lots on 8.79 acres in the RE-2 zone. Staff’s analysis and report to the Planning Board was based on an ultimate approval of 3 lots for this property, however at the time of the public hearing for the Preliminary Plan, the applicant had obtained septic approval for only 2 of the 3 proposed lots. Therefore, staff recommended approval for 2 lots and 1 outlot, with the understanding that the outlot would be eligible to be converted to a buildable lot through the minor subdivision process (50-35A(a)(2)) should septic approval be obtained from the Montgomery County Department of Permitting Services Well and Septic Office. The Planning Board approved the plan for 2 lots and 1 outlot on July 26, 2007.

Subsequent to the Board’s approval of the preliminary plan, the applicant/engineer obtained septic approval for the area shown on the approved preliminary plan as an outlot per the attached Memorandum signed and dated November 1, 2007. With the aforesaid approval the applicant would like to move forward with a plat that will record 3 lots in total, 2 lots as approved under the preliminary plan, and 1 additional lot that recognizes the ability to plat the outlot shown on the shown on the approved preliminary plan and convert it to a buildable lot, as permitted by a minor subdivision, in a one step record plat process.

Staff feels that this request is warranted and recommends approval, with conditions as noted below, of the plat based on compliance with Preliminary Plan No. 120070670, as approved by the Board, with 1 lot (of the 3 total lots) based on compliance with Section 50-35A(a)(2) of the Subdivision Regulations, which states:

Conversion of an Outlot into a Lot. An outlot may be converted into a lot under the minor subdivision procedures provided:

a. The outlot is not required open space or otherwise constrained so as to prevent it from being converted into a buildable lot;

PB date: 12/20/07
b. There is adequate sewerage and water service to the property, which may be either public service and/or approved private septic system/private well;

c. All applicable requirements and/or agreements that may be relevant, in accordance with provisions for adequate public facilities, as contained in Section 50-35(k) and the Annual Growth Policy, are satisfied prior to the recordation of the plat;

d. All applicable conditions and/or agreements applicable to the original subdivision approval creating the outlot will also apply to the new lot. The conditions and agreements may include, but are not limited to, any adequate public facilities agreement, conservation easement or building restriction lines; and

e. If the outlot is located within a special protection area, as shown on an approved and adopted master plan, all applicable special protection areas requirements and guidelines, including approval of a water quality plan, are satisfied prior to recordation of the plat.

An outlot may be incorporated into an adjoining lot resulting in a larger lot without having to satisfy Subsections (a) and (b) above.

Approval is subject to the following condition:

1. Applicant to record septic easement to serve Lot 12 among the Land Records of Montgomery County, and note the corresponding Liber/Folio on the record plat prior to recordation.
RECORD PLAT REVIEW SHEET

Plan Name: **Boyd's Highlands**  Plan Number: **170070670**
Plat Name: **Boyd's Highlands**  Plat Number: **220080610**
Plat Submission Date: **10-12-07**
DRD Plat Reviewer: **S. Smith**
DRD Prelim Plan Reviewer: **E. Grayson**

Initial DRD Review:
Signed Preliminary Plan – Date: **10/4/07**  Checked: **Initial**  Date: **11/29/07**
Planning Board Opinion – Date: **9/28/07**  Checked: **Initial**  Date: **10-29-07**
Site Plan Req’d for Development? Yes _X_ No  Verified By: **S. Smith** (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 _X_ Lot Area _X_ Zoning _X_ Bearings & Distances _X_
Coordinates _X_ Plan # _X_ Road/Alley Widths _X_ Easements _X_ Open Space _X_
Non-standard BRLs _X_ Adjoining Land _X_ Vicinity Map _X_ Septic Wells _X_
TDR note _X_ Child Lot note _X_ Surveyor Cert _X_ Owner Cert _X_ Tax Map _X_

<table>
<thead>
<tr>
<th>Agency</th>
<th>Reviews</th>
<th>Reviewer</th>
<th>Date Sent</th>
<th>Due Date</th>
<th>Date Rec'd</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environ</td>
<td>J. Penn</td>
<td>10/23/07</td>
<td>11-7-07</td>
<td>11-12-07</td>
<td>10-29-07</td>
<td><strong>Return w/Comments</strong></td>
</tr>
<tr>
<td>Research</td>
<td>Bobby Fleury</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SHA</td>
<td>Doug Mills</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PEPCO</td>
<td>Steve Baxter</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks</td>
<td>Doug Powell</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DRD</td>
<td>Nellie Carey</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Final DRD Review:
Final Review Complete: **5/29**  Date: **12-6-07**
(All comments rec’d and incorporated into mark-up)
Engineer Notified (Pick up Mark-up): **5/29**  Date: **11-29-07**
Final Mylar w/Mark-up & PDF Rec’d: **5/29**  Date: **12-4-07**

Board Approval of Plat:
Plat Agenda: **5/29**  Date: **12-20-07**
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 #: __________  No. ______
Update Green Books for Resubdivision: __________
Notify Engineer to Seal Plats: __________
Engineer Seal Complete: __________
Complete Reproduction: __________
Sent to Courthouse for Recordation: __________
MEMORANDUM

October 8, 2007

TO:  Cathy Conlon, Development Review, Maryland National Capital Park and Planning Commission

FROM:  Carla Reid, Director
        Department of Permitting Services

SUBJECT:  Status of Pre-Application Plan:  # 7-20060670,

Boyds Highlands, lots 1, 2, 3
(Re-subdivision of lot 11)

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on September 14, 2007.

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.

2. The record plat must show the water well easement as shown on this plan.

If you have any questions, contact Gene von Gunten at (240) 777-6319.

CC:  Surveyor
     File
MCPB No. 07-133  
Preliminary Plan No. 120070670  
Boyd's Highlands  
Date of Hearing: July 26, 2007

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on March 8, 2007, William P. Kamichaitis ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 20ts on 8.79 acres of land located on Barnesville Road (MD 117), 1800 feet northwest of Ganley Road ("Property" or "Subject Property"), in the Boyd's master plan area ("Master Plan"); and

WHEREAS, the Applicant's preliminary plan application was designated Preliminary Plan No. 120070670, Boyd's Highlands ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated July 11, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on July 26, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC LEGAL DEPARTMENT

DATE 8/30/07

1 This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.
WHEREAS, on July 26, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Lynch; seconded by Commissioner Cryor; with a vote of 3-0, Commissioner Hanson voting in favor, Commissioners Bryant and Robinson absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120070670 to create 2 lots on 8.79 acres of land located on Barnesville Road (MD 117), 1800 feet northwest of Ganley Road ("Property" or "Subject Property"), in the Boyds master plan area ("Master Plan"), subject to the following conditions:

1) Approval under this Preliminary Plan is limited to 2 lots and 1 outlot for 2 one-family detached residential dwelling units.
2) The Applicant must comply 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, as applicable.
3) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
4) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated April 4, 2007.
5) The Applicant must comply with conditions of MCDPS (Health Dept.) septic approval dated June 25, 2007.
6) The Applicant must comply with the conditions of the Maryland State Highway Administration (SHA) letter dated May 4, 2007.
7) Access and improvements as required to be approved by SHA prior to issuance of access permits.
8) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution.
9) Other necessary easements must be shown on the record plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. The Preliminary Plan substantially conforms to the master plan.

The Boyds Master Plan does not specifically identify the Subject Property but does provide general recommendations for zoning and land use. The plan identifies RE-2 zoning along Barnesville Road as suitable "to create a definable
edge for the RE-2 zone and to create a more logical zoning transition from Clarksburg to Boyds” (p. 9). Residential land use at this density is considered appropriate due to septic limitations in the area. The Planning Board finds the Boyd’s Highlands Preliminary Plan complies with the recommendations adopted in the Boyds Master Plan in that residential land use is proposed on lots greater than 2 acres in size.

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

Roads and Public Transportation Facilities

The Planning Board finds that proposed vehicle and pedestrian access to the Property will be safe and adequate with the recommended conditions. The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the Application is not subject to Local Area Transportation Review.

Other public facilities and services

The Planning Board finds that other public facilities and services are available and will be adequate to serve the proposed units. The Montgomery County Fire and Rescue Service reviewed the Application and determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within acceptable county standards and will be adequate to serve the Property. The proposed lots will be served by private wells and private standard septic systems. Electrical and telecommunications services are also available to serve the Property.

3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations and with the dimensional requirements for the RE-2 zone as specified in the Zoning Ordinance. The Application meets all applicable sections, including the requirements for resubdivision, as discussed below. Access and public facilities will be adequate to support the proposed lots and uses. The Planning Board finds the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision and the lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in the RE-2 zone.
4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

The Applicant submitted a preliminary forest conservation plan as part of the preliminary plan of subdivision. Under Forest Conservation Section 22A-12 of the Montgomery County Code properties must retain, plant, or mitigate up to a certain threshold (percentage) of forest. The Applicant proposes to meet the required thresholds by retaining 2.14 acres of existing forest and planting 0.12 acres on-site. The Planning Board finds the proposed Preliminary Plan satisfies the requirements of the Forest Conservation Law.

5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.

The MCDPS Stormwater Management Section approved the stormwater management concept for the Project on April 4, 2007. The stormwater management concept includes on-site water quality control and on-site recharge via rooftop and non-rooftop disconnection and drywells.

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

Size: The lot sizes in the delineated neighborhood range from 2.4 acres to 12.2 acres. Proposed Lot 1 is 2.7 acres in size, proposed Lot 2 is 3.2 acres and the proposed outlot is 2.7 acres in size. The sizes of the proposed lots are of the same character as the size of existing lots in the neighborhood.

Width: The lot widths at the front building restriction line in the existing neighborhood range from 150 feet to 700 feet. Proposed Lot 1 has a lot width of 160 feet, proposed Lot 2 has a lot width of 180 feet and the outlot has a lot width of 150 feet. The proposed lots will be of the same character as existing lots in the neighborhood with respect to width.

Frontage: In a neighborhood of 11 lots, lot frontages range from 25 feet to 688 feet. The proposed lots fall within this range. Proposed Lot 1 has frontage of 139 feet, proposed Lot 2 has 155 feet of frontage and the proposed outlot has 25 feet of frontage. Seven of 11 lots in the neighborhood have 25 feet of frontage. The proposed lots will be of the
same character as existing lots in the neighborhood with respect to lot frontage.

**Area:** In a neighborhood of 11 lots, lots range from 1.3 acres to 10.3 acres in buildable area. Proposed Lot 1 has a buildable area of 1.9 acres, Lot 2 has a buildable area of 2.3 acres and the outlot has a buildable area of 1.7 acres. The proposed lots will be of the same character as other lots in the neighborhood with respect to buildable area.

**Alignment:** Six lots in the neighborhood are angular, four lots are perpendicular and 1 lot is a corner lot in terms of alignment. The 2 proposed lots and outlot are perpendicular and will, therefore, be of the same character as the majority of existing lots in the neighborhood.

**Shape:** Three lots in the neighborhood are irregular, 7 lots are irregular/pipestem and 1 lot is rectangular. The 2 proposed lots are irregular in shape and the outlot is irregular/pipestem. The 2 proposed lots and proposed outlot will, therefore, be of the same character as shapes of the existing lots.

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

BE IT FURTHER RESOLVED, that 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) and that 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; and

BE IT FURTHER RESOLVED, that the date of this Resolution is **SEP 20 2007** (which is the date that this Resolution 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 Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * * * * * * * * * * * * * *

At its regular meeting, held on Thursday, September 6, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Lynch, seconded by
Commissioner Cryor, with Commissioners Hanson, Cryor, and Lynch voting in favor, and Commissioners Bryant and Robinson abstaining, ADOPTED the above Resolution, 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. 120070670-Boyd's Highlands.

Royce Hanson, Chairman
Montgomery County Planning Board