MEMORANDUM

DATE: March 7, 2008

TO: Montgomery County Planning Board

VIA: Catherine Conlon, Subdivision 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 March 20, 2008

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:

220071090 Silver Crest
220080430 Potomac Farm Estates
220080770 Gateway Commons
220081040 Garrett Park, Section 2
220081240 Brookmont
PLAT NO. 220071090

Silver Crest
Located at the northern terminus of Silver Crest Drive
RC zone; 2 lots, 1 outlot
Private Well, Private Septic
Master Plan Area: Damascus
Jerry Hyatt, 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. 120060990, 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.

PB date: 3/20/08
RECORD PLAT REVIEW SHEET

Plan Name: Silver Crest  
Plat Name: Silver Crest  
Plat Submission Date: 2-6-07  
DRD Plat Reviewer: S. Smith

Initial DRD Review:
Signed Preliminary Plan – Date 4-6-07 Checked: Initial  RWN Date 3/3/08
Planning Board Opinion – Date 2-21-07 Checked: Initial  SJS Date 8-8-07
Site Plan Req'd for Development? Yes  No X  Verified By:  SJS (initial)
Site Plan Name: N/A  Site Plan Number: N/A
Planning Board Opinion – Date N/A Checked: Initial  N/A Date N/A
Site Plan Signature Set – Date N/A Checked: Initial  N/A Date N/A
Site Plan Reviewer Plat Approval: Checked: Initial  N/A Date N/A

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  √  Vicinity Map  ok  Septic/Wells  ok
TDR note N/A  Child Lot note N/A  Surveyor Cert  ok  Owner Cert  ok  Tax Map  ok

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Final DRD Review:
DRD Review Complete:  Initial  SJS  Date 3/3/08
(All comments rec'd and incorporated into mark-up)
Engineer Notified (Pick up Mark-up):  SJS  8/8/07  8-29-08
Final Mylar w/Mark-up & PDF Rec'd:  SJS

Board Approval of Plat:
Plat Agenda:  SJS  3/24/08
Planning Board Approval:  SJS  3/24/08
Chairman's Signature:  SJS  3/24/08

DPS Approval of Plat:
Engineer Pick-up for DPS Signature:  SJS  3/24/08
Final Mylar for Reproduction Rec'd:  SJS  3/24/08

Plat Reproduction:
Addressing:  SJS
File Card Update:  SJS
Final Zoning Book Check:  SJS
Update Address Books with Plat #:  SJS
Update Green Books for Resubdivision:  SJS
Notify Engineer to Seal Plats:  SJS
Engineer Seal Complete:  SJS
Complete Reproduction:  SJS
Sent to Courthouse for Recordation:  SJS
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 28, 2006, Jerry and Tim Hyatt ("Applicants"), filed an application for approval of a preliminary plan of subdivision of property in the RC zone that would create two lots on 17.4 acres of land located at the northern terminus of Silver Crest Road ("Property" or "Subject Property"), in the Damascus master plan area ("Master Plan"); and

WHEREAS, Applicants' preliminary plan application was designated Preliminary Plan No. 120060990, Silver Crest ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated October 6, 2006, 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 October 19, 2006, 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

WHEREAS, on October 19, 2006, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Perdue; seconded by

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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.

Approved as to
Legal Sufficiency: 2-21-07
M-NCCPPC Legal Department
8787 Georgia Avenue, Silver Spring, Maryland 20910
Chairman's Office: 301-915-6601 Fax: 301-915-1329
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org
Commissioner Robinson; with a vote of 4-0, Commissioners Hanson, Perdue, Robinson, and Wellington voting in favor; Commissioner Bryant necessarily 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. 120060990 to create two lots on 17.4 acres of land located at the northern terminus of Silver Crest Road ("Property" or "Subject Property"), in the Damascus master plan area ("Master Plan"), subject to the following conditions:

1) Approval under this preliminary plan is limited to two lots.

2) The Applicants 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.

3) Record plat to reflect a Category I easement over all areas of forest conservation outside of Park dedication area.

4) 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.”

5) The Applicants shall comply with the conditions of MCDPS stormwater management approval dated April 20, 2006.

6) The Applicants shall comply with conditions of MCDPS (Health Dept.) septic approval dated June 7, 2006.

7) The Applicants shall comply with conditions of MCDPWT letter dated, May 18, 2006, unless otherwise amended.

8) The Applicants shall submit deed(s) of conveyance for Outlot “B” to MNCPPC prior to recordation of plat(s). The record plat shall reflect dedication of Outlot “B” (11.6 ac) to MNCPPC.

9) The Applicants shall provide signage or boundary markers to demarcate boundary of Park Property prior to issuance of building permits. Signage or markers to be approved by Park staff.

10) 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.
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, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. Preliminary Plan No. 120060990 substantially conforms to the Damascus Master Plan.

The recently adopted Damascus Master Plan recommends that the Rural Cluster (RC) zone be continued for the Subject Property to maintain the low-density residential character and to allow for agricultural operations to continue.

The Damascus Master Plan identifies the Subject Property for acquisition to accommodate a portion of the Upper Great Seneca Park Trail System. As part of the review of this application, staff identified steep slopes, mature forest and various plant species in the near stream area that should be protected as part of the subdivision application. Some of the mature forest and moderately steep slopes are shown to be located on the proposed lots. As such, M-NCPPC Staff initially approached the Applicants concerning purchase by the M-NCPPC of the Property. The Applicants, however, advised Staff that they were not interested in selling the Property but agreed to dedicate approximately 11.6 acres of the Property.

The portion of the Property to be dedicated includes all of the steep slopes, a majority of the moderately steep slopes, all of the stream valley buffer, and a majority of the forest resources. Staff advised the Planning Board that the dedication will accomplish the Master Plan goal of providing for a trail connection along the Great Seneca Creek; does not eliminate the ability to implement trail objectives as part of the Master Plan; and that the dedication generally adheres to the proposed park boundary.

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

Because the subdivision will generate less than 30 peak hour trips, the Applicants will not be required to perform a full Local Area Transportation Review. With the completion of the cul-de-sac, as required by MCDPWT, the proposed lots will have adequate access to a public street. Sidewalks are not being required by MCDPWT because this property is in a low density RC zone. Pedestrians can safely use the street pavement in this area.
The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

Although proposed Lot 9 is very similar to other lots in the vicinity with respect to these characteristics, proposed Lot 8 is irregularly shaped. Staff advised the Board that the irregular shape is necessary to assure that the septic area is located on the lot and to maximize park dedication. Lot 8 is similar to existing Lot 7 in that the septic reserve area on Lot 7 also necessitated an irregular shape. The Master Plan recommendation for acquisition of all or a portion of the Subject Property is considered in the evaluation of the appropriateness of the relevant lot characteristics. Staff worked extensively with the Applicants to devise a property line that maximizes Park acquisition and allows the Hyatt family to plat two lots. Staff advised the Board that the Montgomery Department of Permitting Services ("MCDPS") prefers to keep septic system areas on the same lot as the associated structure and the Parks Department is very resistant to having private septic easements located within Park boundaries. In light of these Master Plan and agency issues, proposed Lot 8 is appropriately shaped in order to achieve these goals. The width, size and orientation of Lot 8 are also appropriate.

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

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #4-05199 for this site was approved on February 28, 2005. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The 17.39-acre site includes 6.19 acres of stream buffer and is fully forested.

Pursuant to Montgomery County Code Section 22A-12(f), properties in agricultural resource areas must retain or plant up to a certain threshold (percentage) of forest onsite. The Preliminary Plan will retain 12.7 acres of forest, which will exceed both the minimum retention and the standard conservation thresholds for the Property and exceeds the break-even point of 6.9 acres of forest retained. The retained forest will be permanently protected through 1.1 acres of Category I Conservation Easement and 11.6 acres of dedication to MNCPPC.

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.

MCDPS evaluated the Property for water quality and channel protection volume controls. Staff advised the Board that, due to the minimal runoff generated by the proposed development it is
not feasible, nor warranted, to provide any control measures for the Property. Therefore, MCDPS granted a stormwater management waiver.

6. A cul-de-sac of greater than 500 feet in length is justified.

Pursuant to Montgomery County Code Section 50-26(d), the Board finds that a cul-de-sac of greater than 500 feet in length is justified. Dedication of right-of-way for a cul-de-sac has already occurred through the subdivision of adjacent properties. There is no justification to support the extension of the road to the north, through the steeply sloped stream valley on the Subject Property. The RDT-zoned property to the north, on the other side of the stream valley buffer is encumbered by an agricultural easement that restricts development of the farm. The proposed development is best served by the road alignments proposed. The Department of Fire and Rescue has approved the road configuration shown on the Preliminary Plan.

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 _______ (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 February 8, 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 Wellington, seconded by Vice Chair Perdue, with Chairman Hanson, and Vice Chair Perdue, and Commissioner Wellington present and voting in favor. Commissioners Bryant and Robinson were absent. 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. 120060990, Silver Crest.

Royce Hanson Chairman
Montgomery County Planning Board