Plat Name: **Greenway Village**
Plat #: **220100310**

Location: Located in the southwest quadrant of the intersection of Arora Hills Drive and Newcut Road
Master Plan: Clarksburg
Plat Details: PD-4 zone, 12 lots, 3 parcels
Community Water, Community Sewer
Applicant: Clarksburg Skylark, LLC

The record plat has been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Record Plat Review Sheet. Staff has determined that the record plat complies with Preliminary Plan No. 12002033B (MCPB Opinion dated April 26, 2006), and with Site Plan No. 82004022B (MCPB Resolution No. 08-60), as approved by the Board, and that any minor modifications on the plat do not alter the intent of the Board's previous approval the aforesaid plans.

PB date: 1/28/10

OWNER'S CERTIFICATE

THE UNDERSIGNED, OWNER OF THE PROPERTY SHOWN HEREON, AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, HEREBY ADOPTS THIS SUBDIVISION RECORD PLAT; ESTABLISHES THE MINIMUM BUILDING RESTRICTION LINES; GRANTS PUBLIC UTILITY EASEMENTS, AS SHOWN HEREON AND DESIGNATED "P.U.E." TO THE PARTIES LISTED AND WITH THE TERMS AND PROVISIONS BEING SET FORTH IN THAT CERTAIN DOCUMENT ENTITLED "DECLARATION OF PUBLIC UTILITY EASEMENT", RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 3934 AT FOLIO 467, WHICH SAID TERMS AND PROVISIONS ARE INCORPORATED HEREON, BY THIS REFERENCE; ESTABLISHES AN H.O.A. EASEMENT, AS SHOWN HEREON, WITH THE TERMS AND PROVISIONS OF SAID EASEMENT BEING SET FORTH IN CERTAIN DOCUMENTS TO BE RECORDED HEREAFTER; SUBJECT TO ALL CURRENT AND APPLICABLE REGULATIONS OF ALL FEDERAL, STATE AND LOCAL GOVERNING AGENCIES.

THE OWNER CERTIFIES THAT A LICENSED LAND SURVEYOR WILL BE ENGAGED TO SET ALL PROPERTY CORNER MARKERS IN ACCORDANCE WITH SECTION 50-24(e) OF THE MONTGOMERY COUNTY CODE.

THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS OR TRUSTS ON THE PROPERTY INCLUDED IN THIS SUBDIVISION RECORD PLAT.

DATE: 12/15/09

CLARKSBURG SKYLARK, LLC,
A MARYLAND LIMITED LIABILITY COMPANY
BY: CLARKSBURG ARORA, LLC, SOLE MEMBER

WITNESS:

BY:
DONALD W. KNUTSON, PRESIDENT

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF PART OF THE PROPERTY ACQUIRED BY CLARKSBURG SKYLARK, L.L.C., A MARYLAND LIMITED LIABILITY COMPANY FROM ESTELLE DeMAIO, ET AL., BY DEED DATED MARCH 26, 2001 AND RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 19158 AT FOLIO 440; I FURTHER CERTIFY THAT, IF ENGAGED, I WILL SET ALL PROPERTY CORNER MARKERS IN ACCORDANCE WITH SECTION 50-24(e) OF THE SUBDIVISION REGULATIONS OF MONTGOMERY COUNTY, MARYLAND.

THAT THE TOTAL AREA INCLUDED IN THIS SUBDIVISION RECORD PLAT IS 64,129 SQUARE FEET OR 1.47 ACRES OF LAND, THERE IS NO DEDICATION TO PUBLIC USE BY THIS PLAT.

DATE 12/10/09

DANIEL F. DEBOLT
REGISTERED PROPERTY LINE SURVEYOR
MARYLAND No. 526

PLAT NO.: _____

VICINITY MAP
(NOT TO SCALE)

SCALE: 1"=40'

MARYLAND STATE PLANE DATUM (NAD 83/91)

NOTES:

1. THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE OF THIS PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.

2. THE PROPERTY SHOWN HEREON IS SUBJECT TO CHAPTER 22A OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW, INCLUDING APPROVAL OF A FOREST CONSERVATION PLAN AND APPROPRIATE AGREEMENTS PRIOR TO ISSUANCE OF A SEDIMENT CONTROL PERMIT.

3. ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN OR OTHER PLAN ALLOWING DEVELOPMENT OF THIS PROPERTY, APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE RECORDATION OF THIS PLAT, UNLESS EXPRESSLY CONTEMPLATED BY THE PLAN AS APPROVED. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.

4. THIS DEVELOPMENT IS SERVED BY PUBLIC WATER AND SEWER SYSTEMS ONLY.

5. THIS SUBDIVISION IS SUBJECT TO A SITE PLAN ENFORCEMENT AGREEMENT SITE PLAN #82004022A (FORMERLY #8-04022A) ENTITLED GREENWAY VILLAGE AT CLARKSBURG.

6. APPROVED PRELIMINARY PLAN #120020330 (FORMERLY #1-02033B), SITE PLAN AND FINAL FOREST CONSERVATION PLAN #8-04022A ENTITLED GREENWAY VILLAGE AT CLARKSBURG.

7. PROPERTY IS ZONED PD-4.

8. WSSC 200 SCALE REFERENCE : 232 NW 12

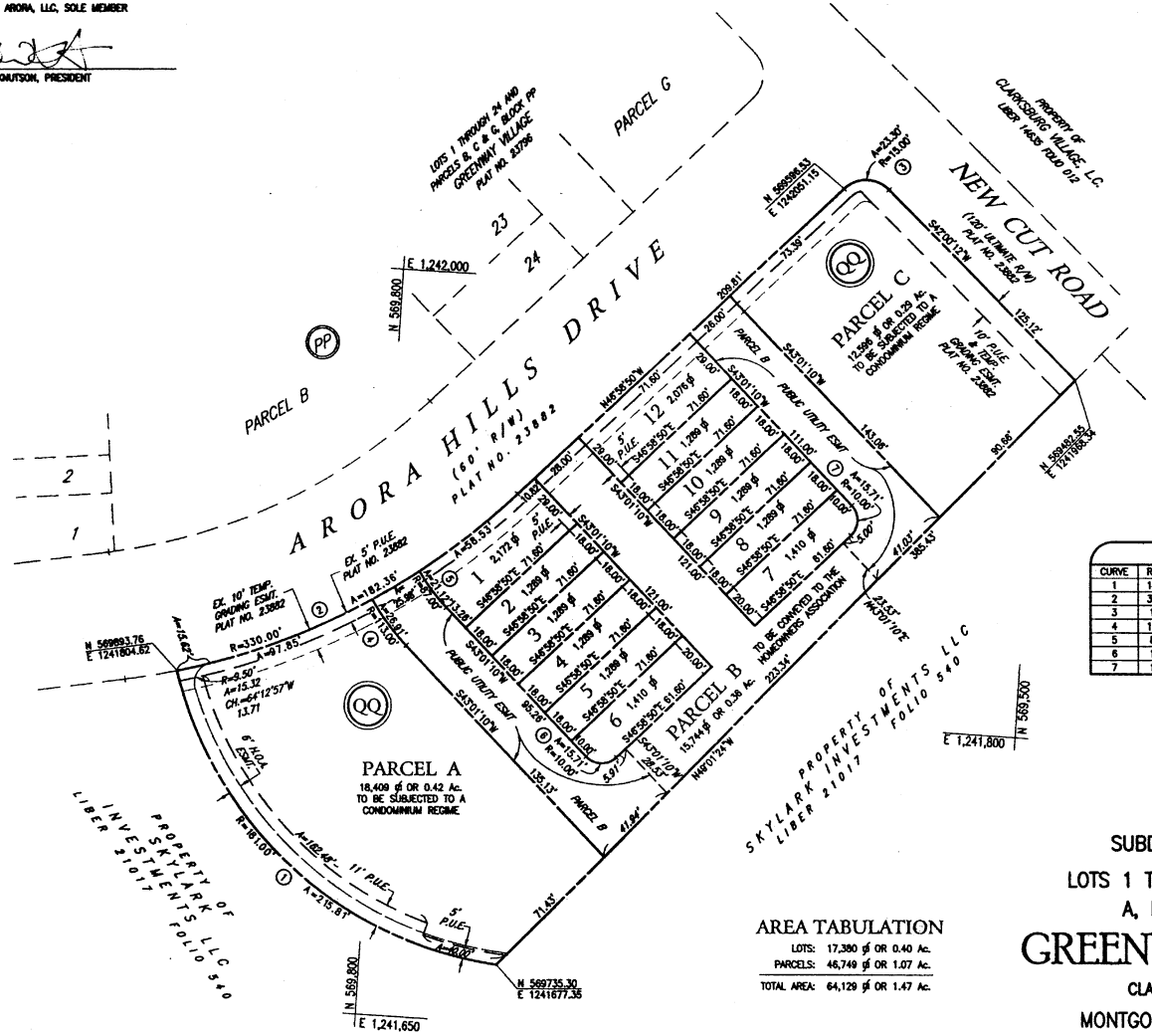
9. PARCELS A & C, BLOCK QQ ARE TO BE SUBJECTED TO A CONDOMINIUM REGIME.

10. PARCEL B, BLOCK QQ IS TO BE CONVEYED TO THE HOMEOWNERS ASSOCIATION.

11. PARCEL B, BLOCK QQ IS SUBJECT TO A DECLARATION OF COVENANTS FOR PRIVATE OPEN SPACE AND PRIVATE STORM DRAINS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 22417 AT FOLIO 810.

12. PRIVATE STREETS AND PRIVATE OPEN SPACES WILL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION. MONTGOMERY COUNTY MARYLAND WILL NOT PARTICIPATE IN THE MAINTENANCE OF THESE FACILITIES.

13. THIS DEVELOPMENT CONFORMS WITH THE REQUIREMENTS OF CHAPTER 25A OF THE MONTGOMERY COUNTY CODE TO PROVIDE MODERATELY PRICED DWELLING UNITS.



CURVE TABLE

CURVE	RADIUS	ARC	DELTA	TANGENT	BEARING	CHORD
1	181.00	215.81	68°18'49"	122.81	N38°46'12"E	203.25
2	330.00	182.38	31°39'45"	93.57	N31°06'57"W	180.05
3	15.00	23.30	88°59'02"	14.74	N02°29'19"W	21.02
4	113.00	26.91	13°38'46"	13.52	S49°50'26"W	26.85
5	87.00	21.12	13°54'34"	10.61	S49°58'27"W	21.07
6	10.00	15.71	90°00'00"	10.00	S01°58'50"E	14.14
7	10.00	15.71	90°00'00"	10.00	N88°01'10"E	14.14

AREA TABULATION

LOTS: 17,380 sf OR 0.40 Ac.
PARCELS: 46,749 sf OR 1.07 Ac.
TOTAL AREA: 64,129 sf OR 1.47 Ac.

40 0 20 40 80
SCALE : 1" = 40'

SUBDIVISION RECORD PLAT
LOTS 1 THROUGH 12 AND PARCELS A, B AND C, BLOCK QQ
GREENWAY VILLAGE
CLARKSBURG (2ND) DISTRICT
MONTGOMERY COUNTY, MARYLAND
OCTOBER, 2009 SCALE: 1"=40'

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION MONTGOMERY COUNTY PLANNING BOARD	DEPARTMENT OF PERMITTING SERVICES, MONTGOMERY COUNTY	RECORDED:	12 LOTS 3 PARCELS TAX MAP EW 220100310
APPROVED: _____ CHAIRMAN / ASST. SECRETARY-TREASURER	APPROVED: _____ DATE / DIRECTOR	PLAT NO.:	
MNCP&PC Record File No.			

CPJ Associates
Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
17101 Elton Rd., Ste. 300 Silver Spring, MD 20903 301.434.7000 Fax: 301.434.9394
www.cpja.com • Gaithersburg, MD • Frederick, MD • Stevensville, MD • Fairfax, VA

B CONTRACT 3 OF 3
JID DFD
31-200-15.64A

Dwg: M:\31200\dwg\15-64.dwg

RECORD PLAT REVIEW SHEET

Plat Name: Greenway Village
Plan Name: Greenway Village
Plat Submission Date: 10-20-09
DRD Plat Reviewer: S. Smith
DRD Prelim Plan Reviewer: C. Conlon

Plat Number: 220100310
Plan Number: 120020338

Checked: SB Date 1/15/10

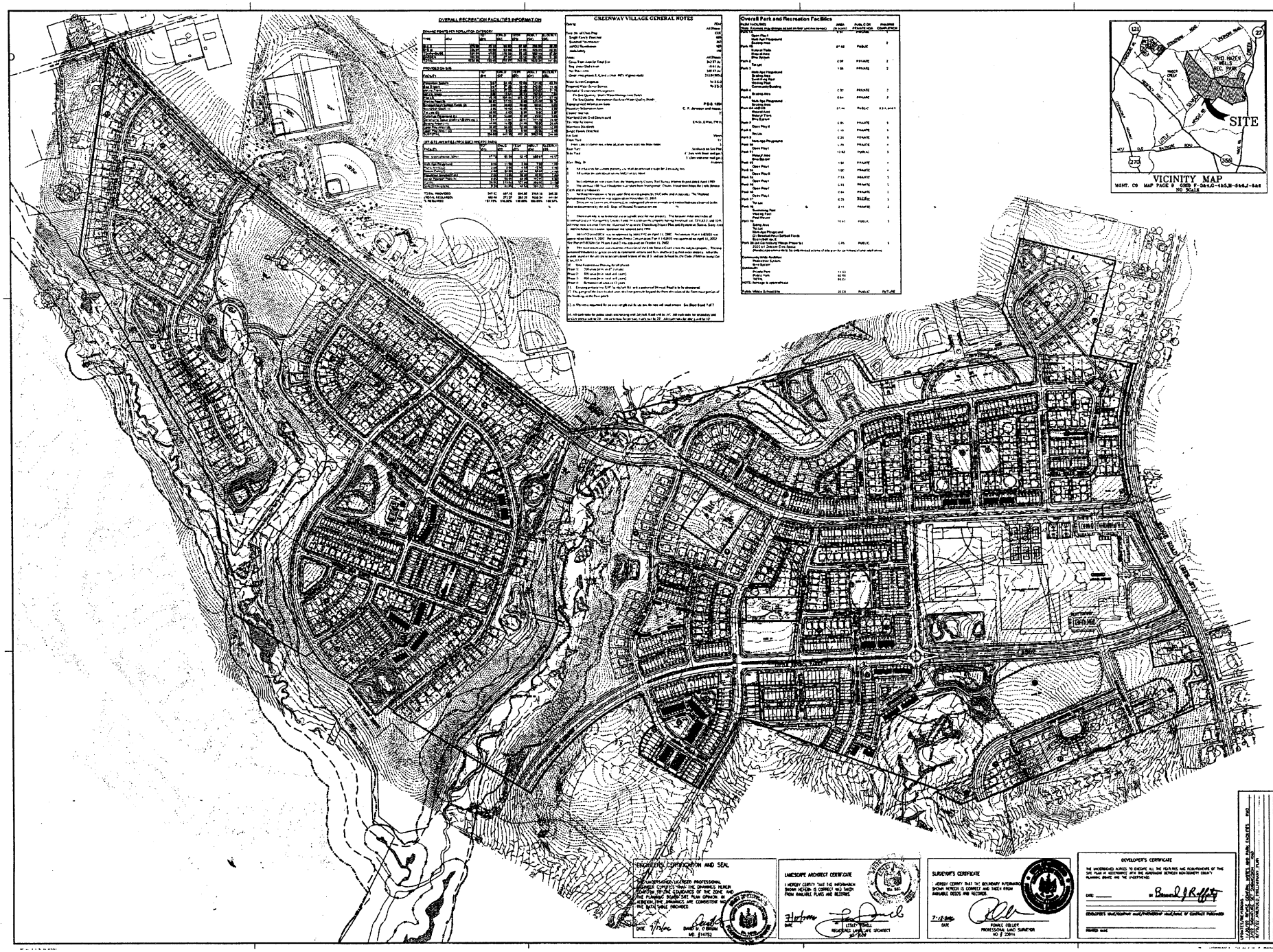
Initial DRD Review:

Signed Preliminary Plan – Date 7/24/06 Checked: Initial SJS Date 12/7/09
Planning Board Opinion – Date 4-26-06 Checked: Initial SJS Date 12/7/09
Site Plan Req'd for Development? Yes X No___ Verified By: SJS (initial)
Site Plan Name: Greenway Village Site Plan Number: 820040220
Planning Board Opinion – Date 1-12-09 Checked: Initial SJS Date 12-8-09
Site Plan Signature Set – Date 7-16-09 Checked: Initial SJS Date 12-8-09
Site Plan Reviewer Plat Approval: Checked: Initial_____ Date_____

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	D. Johnson	10/21/09	11/6/09	11/4/09	No Revisions
Research	Bobby Fleury	↓	↓	10-21-09	OK
SHA	Doug Mills				
PEPCO	Steve Baxter				
Parks	Doug Powell				
DRD	Nellie Carey				

Final DRD Review:	Initial	Date
DRD Review Complete:	SJS	12/7/09
(All comments rec'd and incorporated into mark-up)		
Engineer Notified (Pick up Mark-up):	SJS	12-10-09
Final Mylar w/Mark-up & PDF Rec'd:	SJS	12/22/09
Board Approval of Plat:		
Plat Agenda:	SJS	1/28/10
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:		


OVERALL RECREATION FACILITIES INFORMATION
GREENWAY VILLAGE GENERAL NOTES
Overall Park and Recreation Facilities
VICINITY MAP
SITE
MONT. CO MAP PAGE 9 GRID F-5&6J-485,H-5&6J-5&6
NO SCALE
ENGINEER'S CERTIFICATION AND SEAL
LANDSCAPE ARCHITECT CERTIFICATE
SURVEYOR'S CERTIFICATE
DEVELOPER'S CERTIFICATE
CPJ Associates
Charles P. Johnson & Associates, Inc.
AMENDED PRELIMINARY PLAN
GREENWAY VILLAGE AT CLARKSBURG
CLARKSBURG (2nd) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
PRELIM. PLAN # 120020330
SHEET 1 OF 2
FILE NO. 3-200-1

M-NCPPC

MONTGOMERY COUNTY PLANNING BOARD

Date Mailed: APR 2 6 2006

Action: Approved Staff Recommendation
Motion of Commissioner Perdue, seconded by Commissioner Bryant, with a vote of 4-1; Chairman Berlage and Commissioners Perdue, Bryant, and Robinson voting in favor; Commissioner Wellington voting against.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan #120050330 (formerly 1-02023)
NAME OF PLAN: Greenway Village at Clarksburg

On 9/19/04, Clarksburg Stylish LLC ("Applicant") submitted an application for the consideration of a previously approved preliminary plan of subdivision of property in the RDT zone. The application proposed the creation of road standards in Montgomery County's Subdivision Regulations. The application was designated Preliminary Plan #120012135B ("Preliminary Plan"), and on January 12, 2005, the Preliminary Plan 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") stated, at the conclusion of the public hearing, upon the being of an motion by the Planning Board. The Record includes, the

subdivision of the Preliminary Plan Application Plan, the Planning Board staff, generalized criticism of the Preliminary Plan Conceptual Design and the authenticity of correspondence and any other written or graphic information submitted by Planning Board staff concerning the application, prior to the Board's action including the public hearing, all minutes, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

II. SITE DESCRIPTION and SURROUNDING AREA

The subject property consists of 59+acres of land located in the Clarksburg Master Plan area at the southwest quadrant of the intersection of Piedmont Road and Stringtown Road. The property is zoned RDT and lies within the Clarksburg Special Protection Area (SPA) for the Little Seneca Creek watershed. The site is located in a major tributary of Little Seneca Creek.

Most of the property is currently under construction, or being graded, or previously graded approvals for residential uses. A future retail use also will remain undeveloped pending future site plan approval.

III. PREVIOUS APPROVALS

The subject preliminary plan was originally submitted on September 28, 2001. The plan's purpose is to create a subdivision development for mixed of residential and retail uses. The subject application was brought before the Planning Board for public hearing on February 7, 2002 and was approved for a maximum of 1,200 dwelling units (600 single family detached, 300 single family attached, and 300 multi-family units) and 80,000 square feet of retail uses. The approval was granted subject to conditions as set forth in the Opinion of the Board mailed on March 6, 2002.

Subsequent to this approval, an application for Site Plan was filed for Phases 1 and 2 of the development. The site plan included 488 dwelling units on the entire of the overall property and was approved by the Planning Board on September 12, 2002. The site plan included 300 single family detached units, 188 single family attached units. That amendment was approved by the Planning Board on October 17, 2002 and conditions as set forth in the Opinion dated November 7, 2002, including the granting of waivers for lot frontage and other corrective lots needed to permit the layout reflected in the approved Phase 1 and 2 site plan. The Planning Board approved a revised site plan for Phase 3, 4 and 5 of the project on July 22, 2004. The plan included lots creating units on exterior 210 acres of the overall tract. The conditions of approval for the site

plans and set forth in the Planning Board Opinions dated October 18, 2002 and September 24, 2004.

IV. PROPOSED PRELIMINARY PLAN AMENDMENT

The currently proposed preliminary plan amendment requests Planning Board approval of several waivers from the Subdivision Regulations, Chapter 50 of the Montgomery County Code. The waivers requesting limited variances from the lot frontage and roadway design standards of the Chapter. The waivers are needed to permit the lots and roadways shown on the Preliminary Plan to be created as part of the development. Although the Planning Board discussed design variations as part of the site plan approvals, it was not envisaged at that time that preliminary plan amendments were needed to formally address the waivers and variations the record.

By letter dated November 15, 2005, and supplemental e-mail dated December 29, 2005, the Applicant requested five waivers from the Subdivision Regulations. Each waiver is discussed below along with Staff findings and recommendations.

A. Waiver of Section 50-29(b)(2)(i) to permit sidewalk on only one side of Blue Pike Creek, a secondary tertiary street, serving less than 50 units on one side of the street.

Section 50-29(b)(2) requires sidewalks on both sides of a tertiary street unless the Planning Board waives the requirement for one or both sides of the street, based on a finding that pedestrians will be able to safely use the roadway. Staff recommended that the Board approve the waiver based on the fact that the houses are located on only one side of the proposed street, and because the alignment of the roadway will not allow for a clear view of the opposite surface where a SPA. Staff verified that the proposed roadway, on the side of the street fronting the houses will still provide safe access by pedestrians.

B. Waiver of Section 50-29(a)(2) pursuant to Section 50-38(a)(1) to permit less than 25 feet separation of structure intersections.

Section 50-29(a)(2) requires corner lots at intersections to be separated for road purposes a minimum of 25 feet from property lines. Staff found that the proposed waiver is the minimum waiver needed. Section 50-38(a) authorizes the Planning Board to grant waivers of any part of the Subdivision Regulations based upon a finding that practical difficulties or unusual circumstances exist, which prevent full compliance with the requirements. Staff supported the proposed waiver based upon its conclusions that (1) the proposed is the minimum waiver needed to permit the layout reflected in the approved Phase 1 and 2 site plan. The Planning Board approved a revised site plan for Phase 3, 4 and 5 of the project on July 22, 2004. The plan included lots creating units on exterior 210 acres of the overall tract. The conditions of approval for the site

Montgomery County Department of Public Works and Transportation (DPWT) and Fire and Rescue Service (MCFRS) staff reviewed the waiver request and submitted their approval letters. Staff recommended approval of the waiver request, finding that the waiver is the minimum needed, is not contrary to the recommendations of the General Plan, and is not adverse to the public interest.

C. Waiver of Section 50-26(a)(2) pursuant to Section 50-38(a) to permit whole lots with less than 2.5 acres (Lots 9, 31 Block 77, Lots 1 and 27 Block 78, Lots 1 and 27 Block 79, and 11 Block 8) to have no frontage on a public street.

Section 50-26(a)(2) requires, except as otherwise provided in the zoning ordinance, that all single family detached lots abut a road or street which has been dedicated for public use, or which has acquired the status of a public street. Section 50-38(a) authorizes the Planning Board to grant waivers of any part of the Subdivision Regulations based upon a finding that practical difficulties or unusual circumstances exist, which prevent full compliance with the requirements. Here, practical difficulties are created by the application of the requirement to the development of the lots shown on the Preliminary Plan, which are a consequence of the lots being in the Implementation Zone which prohibits the construction of the Corridor Cities Transitway, facilitating a community, which has a hierarchy of streets, including a series of alleyways, with a mix of housing types and densities, along with an interconnect of green areas throughout the development. Staff supported the requested waiver of frontage on a public street for the subject lots in Phases 3, 4, and 5, as was previously granted for certain lots in Phases 1 and 2 of the development. The requested waiver facilitates the replacement of certain rears with green spaces that significantly reduce the amount of paving, and the visibility of garages and other accessory structures from the public street. Staff found that the proposed waiver is the minimum waiver needed for the development to be consistent the alternative the waiver proposed for the two already public areas frontage and determined that all the houses will be adequately served by the proposed alternative. Based on these findings, staff recommended approval of the waiver request, finding that it is the minimum needed, is not contrary to the recommendations of the General Plan, and is not adverse to the public interest.

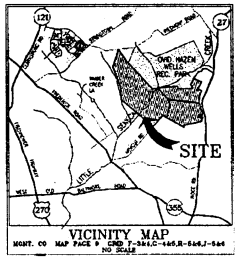
D. Finding, pursuant to Section 50-26(a)(1), that alleyways and intersections have been designed as easily as possible to right angles given the environmental constraints of the site.

Section 50-26(a)(1) requires that streets be laid out so as to intersect as nearly as possible at right angles. In instances where the new streets intersect at an angle less than seventy (70) degrees. The subject property's environmental buffer areas, which create numerous roadway configurations, prevent certain streets from intersecting at right angles. However, in no instance will an intersection angle be less than 70 degrees. MCFRS has approved the intersections from a circulation standpoint, and approvals have been granted by DPWT and MCFRS. The proposed road

intersections have been designed as nearly as possible to right angles given the environmental constraints of the site. Therefore, staff testified that the waiver meets the requirements of Section 50-26(a)(1) and that a waiver of this section is not necessary.

E. Waiver of Section 50-26(f) pursuant to Section 50-38 to permit a cumulative radii of less than 150 feet on Aunt Mills Drive and Blue Pike Creek.

Section 50-26(f) states that the curvature radius for a tertiary street shall be a minimum of 150 feet. Section 50-38 authorizes the Planning Board to grant waivers of any part of the Subdivision Regulations based upon a finding that practical difficulties or unusual circumstances exist, which prevent full compliance with the requirements. Staff found that the request for a waiver of the required 150-foot radii for the designated street would maintain the integrity of this non-traditional design. To meet minimum DPWT operational requirements, the affected roadways will be signed as one-way roads, with no on-street parking. MCFRS concur with DPWT's findings that the configuration will be acceptable. Staff recommended approval of the waiver request, finding that it is the minimum needed, is not contrary to the recommendations of the General Plan, and is not adverse to the public interest.



VICINITY MAP
MGNT. CO MAP PAGE 9 GRID F-3&4,C-4&5,H-5&6,J-5&6
NO SCALE

The Applicant appeared at the hearing represented by legal counsel, who expressed Applicant's concurrence with the Staff Report as amendment.

The remaining testimony centered around of the Preliminary Plan. First, the Chair of the Clarksburg Civic Association (Ms. Wilson) requested that the consideration of this Application be postponed. She testified that the proposed amending variance waivers had surfaced in Phases 1 and 2, concerning concern that the problems might also extend to Phases 3, 4, and 5. (1) asked that studies performed within the subdivision, and (2) inability of existing roads to access the developers behind the homes, requiring that emergency time, under higher stress, be passed in front of the homes, creating inconvenience for owners. She stated the Board to consider several questions and concerns and a full investigation before granting the requested waivers. Second, the Applicant's counsel responded to several points in the Staff Report. First, the Applicant's counsel stated that the Applicant's Preliminary Plan Application Plan was for a 30-foot variation at roadway intersections, then counsel requested a modification on the Preliminary Plan of the "theoretical property line" from which the variation measurement is made. Second, regarding the requested waiver of Section 50-26(a)(2) pursuant to Section 50-38(a) to permit single family detached lots to have no frontage on a public street, the Applicant asked for verification of what the attorney state behind these lots for trash and recycling pick-up access. Finally, the testimony questioned what the actual alternative design would be if the board permitted the requested waiver of Section 50-26(f) pursuant to Section 50-38 to permit a cumulative radii of less than 150 feet on Aunty Mills Drive and Blue Pike Creek.

The record appears, a resident of the Aunty Mills neighborhood, expressed concern that related homes would not use portions of neighborhood roads, resulting in a dangerous added due drop on Skylark Drive. He testified that the County had determined the alleyways behind the homes more troublesome only for requiring trucks, requiring residents to place recycling in front of the homes and discouraging recycling by residents. He also stated the Board to substitute the two intersections on Skylark Drive to ensure they would be safe and adequate.

The Applicant testified to rebuttal that the fresh construction was able to access alleys, while complying to through the public streets, which consisted of a tertiary road system sufficient to accommodate the expected truck volume. The Board asked Applicant to specify the width of the tertiary streets. The Applicant provided the information to the Board, noting that where active construction was occurring, space or vehicular access might at times be reduced, but was not indicative of the underlying adequacy of the street system. The Applicant testified that, with respect to the Aunty Mills neighborhood, Blue Pike, the proposed road configuration for a single construction were moving and would provide adequate and safe transitions.

The Board noted that the discussion of the showing of a transition and public regarding the requested waiver of Section 50-26(a)(2) pursuant to Section 50-38(a) to

permit less than 25-foot separation at roadway intersections. Staff explained the details of the transition concept and submitted an illustration, which the Board requested be included in the Record as exhibition "A".

The Board questioned the Applicant regarding the applicant's concerns about the showing width and neighborhood road access. Applicant testified that it provides contractor pads on the neighborhood trash, and that smaller trucks could access the alleyways behind the homes, whereas the County maintain garbagemen's trucks and the public streets in front of the homes. The Board questioned Staff and Applicant regarding the effect of the waiver of public street frontage for certain homes on recycling status. Staff explained that these homeowners would need to wheel the open spaces in front of their homes in order to leave recyclables on the public street. The Board noted that the purchasers of the properties without frontage on a public street benefited from frontage on the green space, an aspect of residential continuity design.

Commissioner Wellington questioned Staff regarding the substituting of Board consideration of the site plan amendment associated with the Preliminary Plan, the waiver for preliminary that consideration of the Preliminary Plan be deferred for consideration together with the associated site plan amendment, and ultimately voted against the majority based on these grounds.

The Board questioned Staff about the specifics of each individual waiver, including the method of illustration of the proposed variance within the Application and Preliminary Plan documents. Staff provided details about each waiver and methods of illustration within the Preliminary Plan.

V. FINDINGS

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

a) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-29(b), that the Preliminary Plan No. 1-120050330 substantially conforms to the Clarksburg Master Plan;

b) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-29(b), that 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) Finds, pursuant to Montgomery County Code § 50-29(a)(1), that the size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.

d) Finds 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 conditions of approval.

e) Finds that the application meets all applicable stormwater management requirements and will provide adequate control of stormwater and pollutants. This finding is based on the determination by the Montgomery County Department of Permitting Services ("DPS") that the Stormwater Management Concept Plan meets MDDNR standards.

f) Approves the waiver of Montgomery County Code § 50-26(a)(2) to permit sidewalks on only one side of Blue Pike Creek, a tertiary tertiary street serving less on only one side of the street, based on a finding that pedestrians will be able to safely use the roadway. In so finding the Board adopts and incorporates Staff's analysis and recommendations by reference.

g) Approves the waiver of MONTGOMERY COUNTY CODE § 50-29(a)(2) pursuant to § 50-38(a) to permit lots with 25 feet separation at roadway intersections. The Board finds that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements than being satisfied. The Board finds that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest. In so finding, the Board adopts and incorporates Staff's analysis and recommendations by reference.

h) Approves the waiver of MONTGOMERY COUNTY CODE § 50-29(a)(2) pursuant to § 50-38(a) to permit single family detached lots 2.5 and 1.5acres (Lots 9, 31 Block 77, 1 & 27 Block 78, 1 & 27 Block 79, and 11 Block 8) to have no frontage on a public street. The Board finds that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements than being satisfied. The Board finds that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest. In so finding, the Board adopts and incorporates Staff's analysis and recommendations by reference.

i) Finds, pursuant to Montgomery County Code § 50-29(a)(1), that the proposed streets intersecting with less than right angles will be laid out as so to intersect as nearly as possible at right angles, and thus, that a waiver of

Section 50-26(a)(1) is not required. In so finding, the Board adopts and incorporates Staff's analysis and recommendations by reference.

j) Approves the waiver of Montgomery County Code § Section 50-26(f) pursuant to § 50-38(a) to permit a cumulative radii of less than 150 feet on Aunty Mills Drive and Blue Pike Creek. The Board finds that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements than being satisfied. The Board finds that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest. In so finding, the Board adopts and incorporates Staff's analysis and recommendations by reference.

k) Finds that any future deviation, which may be asked concerning a substantive issue in this application, is waived.

VI. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-120050330 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 1-120050330, including a Preliminary Water Quality Plan and a waiver pursuant to §50-26(a)(2) to permit sidewalk on only one side of a public road, a waiver of §50-26(a)(2) pursuant to §50-38(a) to permit non-standard intersection functions, a waiver of §50-26(f) pursuant to §50-38(a) to permit cumulative radii of certain roadways to be less than 150 feet, and a waiver of §50-26(a)(2) pursuant to §50-38(a) to permit lots without frontage on a public street, in the locations shown on the preliminary plan, subject to the following conditions:

1) Compliance with DPWT's conditions of approval dated December 13, 2005.
2) All previous conditions of approval as contained in the Planning Board Opinion dated November 7, 2002 remain in full force and effect.

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC LEGAL DEPARTMENT

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on Thursday, April 20, 2006, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, with four Commissioners present, this Order Portion of a previously opened, 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 Review # 120050330 (formerly 1-02023B), Greenway Village at Clarksburg.

Certification As To Vote of Associate
N. Gilles Blake, Technical Writer

7/21/06
DATE

DEVELOPER'S CERTIFICATE

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE APPROVAL BETWEEN MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED.

DATE: _____ BY: _____

DEVELOPER'S NAME/ACKNOWLEDGMENT NAME/PARTNERSHIP NAME/NAME OF CONTRACT PURCHASER

PRINTED NAME

UPDATES/REVISIONS

CPJ Associates
Charles P. Johnson & Associates, Inc.
CIVIL ENGINEERS • LAND SURVEYORS • LAND PLANNERS
10 N. BOND STREET SUITE 100 BEL AIR, MARYLAND 21014
Phone 410-879-1440 Fax 410-879-1441 E-mail: cpjinc@cpjinc.com FIELD BOOK: 1 PAGE(S): 1-14

AMENDED PRELIMINARY PLAN
GREENWAY VILLAGE AT CLARKSBURG
CLARKSBURG (2nd) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

PRELIM. PLAN # 120020330

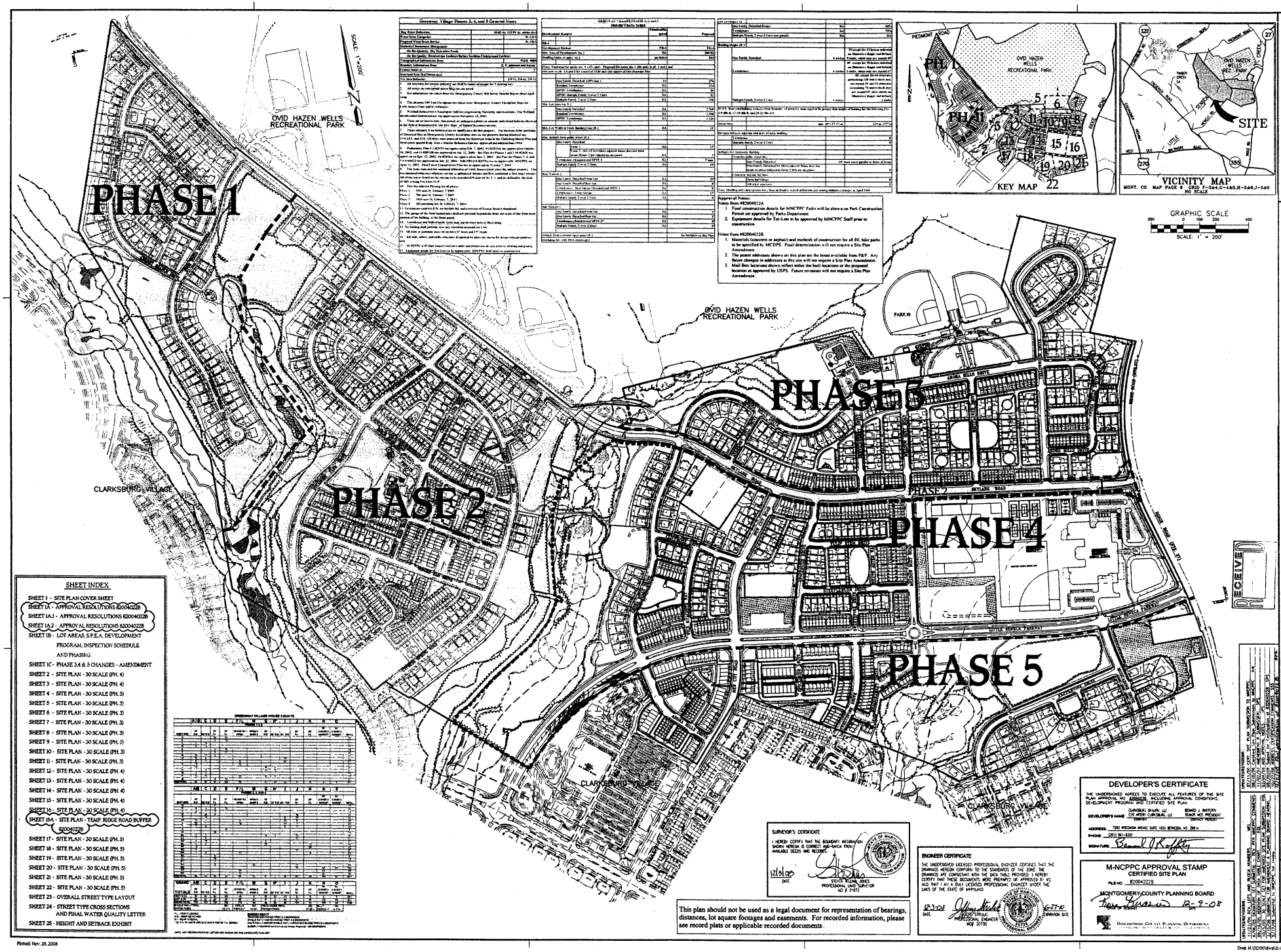
CLIENT: CLARKSBURG STYLISH LLC
DEVELOPER: CLARKSBURG STYLISH LLC
ATTN: MR. MO SHAH
PHONE: 301-984-8000

COPYRIGHT © 2006 CHARLES P. JOHNSON & ASSOCIATES, INC.
ALL RIGHTS RESERVED. THIS PLAN IS THE PROPERTY OF CHARLES P. JOHNSON & ASSOCIATES, INC. AND MAY NOT BE REPRODUCED OR USED WITHOUT THEIR WRITTEN CONSENT.

DESIGN: JLF
DRAWN: JMS
APPROVED: JMS
DATE: 06.2.2006
SCALE: N/A

SHEET 2 OF 2

REF. NO.: 31-200-B D



SHEET INDEX

- SHEET 1 - SITE PLAN COVER SHEET
- SHEET 1A - APPROVAL RESOLUTIONS 820040022B
- SHEET 1A.1 - APPROVAL RESOLUTIONS 820040022B
- SHEET 1A.2 - APPROVAL RESOLUTIONS 820040022B
- SHEET 1B - LOT AREAS, S.P.E.A. DEVELOPMENT PROGRAM, INSPECTION SCHEDULE AND PHASING
- SHEET 1C - PHASE 3,4 & 5 CHANGES - AMENDMENT
- SHEET 2 - SITE PLAN - 30 SCALE (PH. 4)
- SHEET 3 - SITE PLAN - 30 SCALE (PH. 4)
- SHEET 4 - SITE PLAN - 30 SCALE (PH. 3)
- SHEET 5 - SITE PLAN - 30 SCALE (PH. 3)
- SHEET 6 - SITE PLAN - 30 SCALE (PH. 3)
- SHEET 7 - SITE PLAN - 30 SCALE (PH. 3)
- SHEET 8 - SITE PLAN - 30 SCALE (PH. 3)
- SHEET 9 - SITE PLAN - 30 SCALE (PH. 3)
- SHEET 10 - SITE PLAN - 30 SCALE (PH. 3)
- SHEET 11 - SITE PLAN - 30 SCALE (PH. 3)
- SHEET 12 - SITE PLAN - 30 SCALE (PH. 4)
- SHEET 13 - SITE PLAN - 30 SCALE (PH. 4)
- SHEET 14 - SITE PLAN - 30 SCALE (PH. 4)
- SHEET 15 - SITE PLAN - 30 SCALE (PH. 4)
- SHEET 16 - SITE PLAN - 30 SCALE (PH. 4)
- SHEET 16A - SITE PLAN - TEMP. RIDGE ROAD BUFFER 820040022B
- SHEET 17 - SITE PLAN - 30 SCALE (PH. 5)
- SHEET 18 - SITE PLAN - 30 SCALE (PH. 5)
- SHEET 19 - SITE PLAN - 30 SCALE (PH. 5)
- SHEET 20 - SITE PLAN - 30 SCALE (PH. 5)
- SHEET 21 - SITE PLAN - 30 SCALE (PH. 5)
- SHEET 22 - SITE PLAN - 30 SCALE (PH. 5)
- SHEET 23 - OVERALL STREET TYPE LAYOUT
- SHEET 24 - STREET TYPE CROSS SECTIONS AND FINAL WATER QUALITY LETTER
- SHEET 25 - HEIGHT AND SETBACK EXHIBIT

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARY INFORMATION SHOWN HEREON IS CORRECT AND TAKEN FROM AVAILABLE DEEDS AND RECORDS.

12/31/00
DATE

STEVEN WEIMER JONES
PROFESSIONAL LAND SURVEYOR
MD # 21872

ENGINEER CERTIFICATE

THE UNDERSIGNED LICENSED PROFESSIONAL ENGINEER CERTIFIES THAT THE DRAWINGS HEREON CONFORM TO THE STANDARDS OF THE ZONE. THE DRAWINGS ARE CONSISTANT WITH THE DATA TABLE PROVIDED. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

12-3-08
DATE

JEFFREY STRAUSS
PROFESSIONAL ENGINEER
MD# 30735

6-27-10
EXPIRATION DATE

This plan should not be used as a legal document for representation of bearings, distances, lot square footages and easements. For recorded information, please see record plats or applicable recorded documents.

DEVELOPER'S CERTIFICATE

THE UNDERSIGNED AGREES TO EXECUTE ALL FEATURES OF THE SITE PLAN APPROVAL NO. 820040022B, INCLUDING APPROVAL CONDITIONS, DEVELOPMENT PROGRAM AND CERTIFIED SITE PLAN.

DEVELOPER'S NAME: CLARKSBURG SKYLARK, LLC — BENNETT J. RAFFERTY, SENIOR VICE PRESIDENT
CVR MERRY CLARKSBURG, LLC — CONTACT PERSON
COMPANY

ADDRESS: 7200 WISCONSIN AVENUE SUITE 1000 BETHESDA, MD 20814

PHONE: (301) 951-9300

SIGNATURE: Bennett J. Rafferty

M-NCPPC APPROVAL STAMP
CERTIFIED SITE PLAN

FILE NO.: 820040022B

MONTGOMERY COUNTY PLANNING BOARD

Fran Bunnow 12-9-08
CHAIR DATE

MONTGOMERY COUNTY PLANNING DEPARTMENT

CPJ Associates
Charles P. Johnson & Associates, Inc.
PLANNERS · ENGINEERS · LANDSCAPE ARCHITECTS · SURVEYORS
9200 BASIL COURT, SUITE 300, LARGO, MARYLAND 20774 · (301) 952-9560
Prince George's County · Fax: (301) 952-9562 · E-mail: Mail@cpjinc.com · Frederick Co. · Fax: (301) 694-9282
FREDERICK, MD

AMENDED SITE DEVELOPMENT PLAN - PHASES 3, 4 AND 5

GREENWAY VILLAGE AT CLARKSBURG

CLARKSBURG (2nd) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

Site Plan & FCP #820040022B
Prelim. Plan #1-02033
NRI-FSD #4-02076

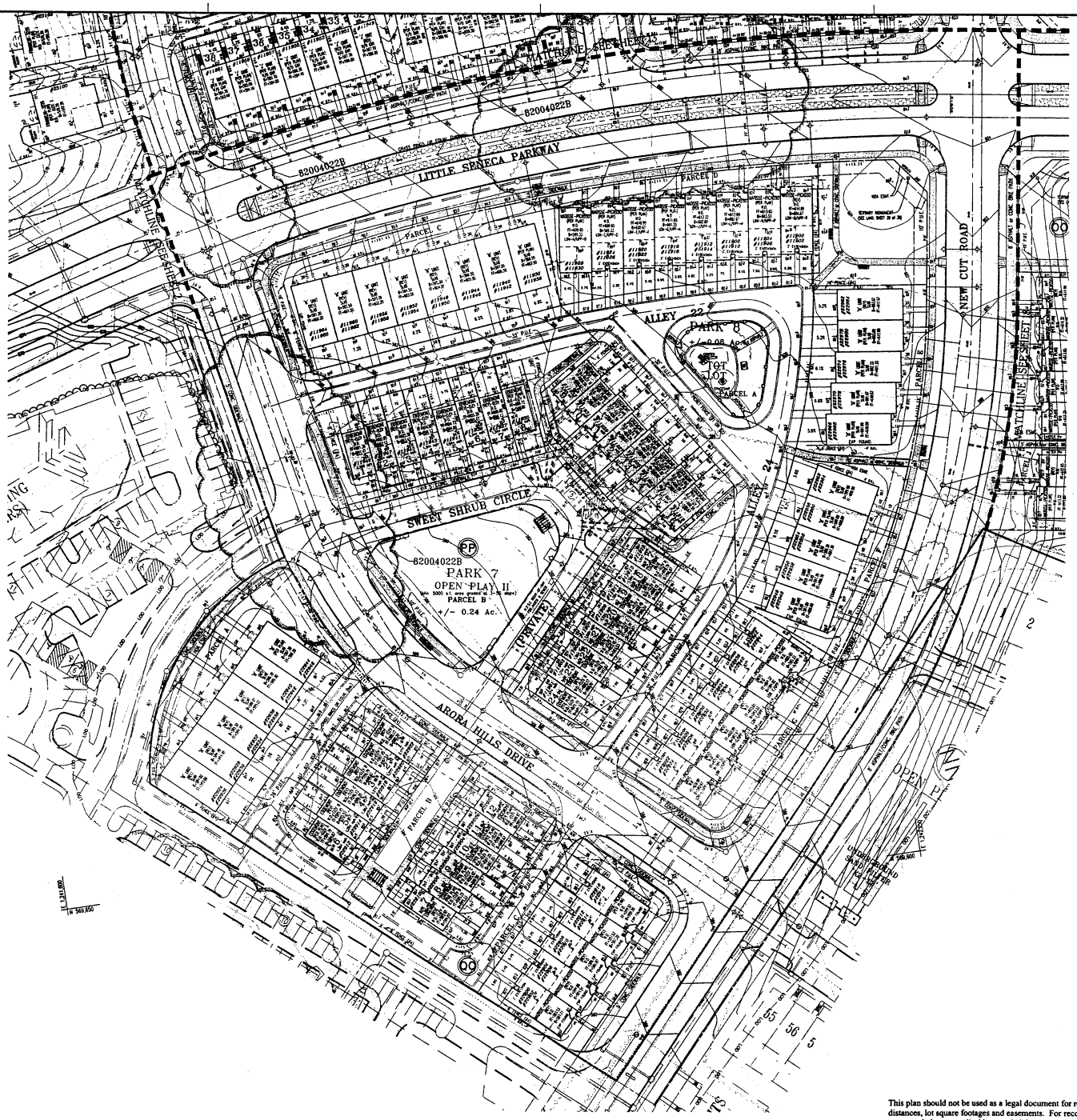
DATE	REVISIONS
8/13/08	CERT. SITE PLAN SUBMISSION TO M-NCPPC
8/14/08	ADD NEW SHEET 16A - TEMP. RIDGE ROAD BUFFER
11/18/08	ADD NEW SHEET 1C - PHASE 3,4 & 5 CHANGES
11/19/08	ADD NEW SHEET 1A.1 & 1A.2 - APPROVAL RESOLUTIONS
11/19/08	Submit for M-NCPPC Approval - 2nd Submittal
12/3/08	Submit for M-NCPPC Approval - 3rd Submittal
12/4/08	Submit for M-NCPPC Approval - 4th Submittal
12/4/08	Submit for M-NCPPC Approval - 5th Submittal
12/5/08	Submit for M-NCPPC Approval - 6th Submittal

PROJ.	CLARKSBURG SKYLARK LLC
CLIENT	7200 WISCONSIN AVENUE
	SUITE 1000
	BETHESDA, MD 20814
	PHONE: (301) 951-9300
DRAWN BY	
CHECKED BY	
APPROVED BY	
DATE	
SCALE	
SHEET	1 of 25
FILE NO.	31-205-213 D

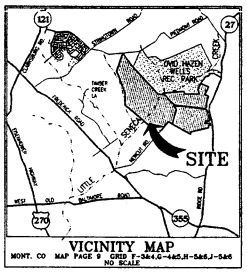
THIS PLAN IS THE PROPERTY OF CPJ ASSOCIATES, INC. AND MAY NOT BE REPRODUCED OR USED FOR OTHER PROJECTS WITHOUT WRITTEN PERMISSION.

Plotted: Nov. 25, 2008

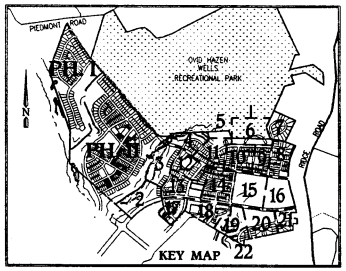
Dwg: N:\31200\dwg\21-EA.01 Xrefs: 21-xr/21-EA



GRAPHIC SCALE
SCALE : 1" = 30'



VICINITY MAP
MONT. CO MAP PAGE 9 GRID F-3&4,G-4&5,H-5&6,J-5&6
NO SCALE



KEY MAP 22

LEGEND

- TREE PROTECTION FENCE
- STREAM VALLEY BUFFER
- STREAM
- 100 YEAR FLOODPLAIN
- WETLANDS
- WETLAND BUFFER
- LIMIT OF DISTURBANCE
- 6' BOARD FENCE (SEE SHEET 20 OF LA PLAN FOR DETAIL)
- NOISE FENCE (SEE SHEET 20 OF LA PLAN FOR DETAIL)
- 3 RAIL FENCE (SEE SHEET 20 OF LA PLAN FOR DETAIL)
- PICKET FENCE (SEE SHEET 20 OF LA PLAN FOR DETAIL)
- CHAINLINK FENCE
- GRASS PAVERS
- CATEGORY 1 CONSERVATION EASEMENT
- PROPOSED TREE LINE
- MAILBOX LOCATION
- MPDU (SHADED BUILDINGS)
- STREET LIGHT LOCATION
- PRIVATE STREET LIGHT LOCATION
- FIRE HYDRANT LOCATION

ENGINEER CERTIFICATE

THE UNDERSIGNED LICENSED PROFESSIONAL ENGINEER CERTIFIES THAT THE DRAWINGS HEREON CONFORM TO THE STANDARDS OF THE ZONE. THE DRAWINGS ARE CONSISTANT WITH THE DATA TABLE PROVIDED I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

12-3-08 DATE — JEFF STRULC, PROFESSIONAL ENGINEER NO. 30193 — 6-27-10 EXPIRATION DATE

DEVELOPER'S CERTIFICATE

THE UNDERSIGNED AGREES TO EXECUTE ALL FEATURES OF THE SITE PLAN APPROVAL NO. 82004022B, INCLUDING APPROVAL CONDITIONS, DEVELOPMENT PROGRAM AND CERTIFIED SITE PLAN.

DEVELOPER'S NAME: CLARKSBURG SKYLARK, LLC C/O JEFFERY CLARKSBURG, LLC (COMPANY) — BENARD J. RAFFERTY SENIOR VICE PRESIDENT (CORPORT TITLE)

ADDRESS: 7700 WISCONSIN AVENUE SUITE 1000 BETHESDA, MD 20814

PHONE: (301) 961-8900

SIGNATURE: Bernard J. Rafferty

M-NCPPC APPROVAL STAMP
CERTIFIED SITE PLAN

FILE NO. 82004022B

MONTGOMERY COUNTY PLANNING BOARD

For Susan 12-9-08
CHAIRPERSON — DATE

MONTGOMERY COUNTY PLANNING DEPARTMENT

This plan should not be used as a legal document for representation of bearings, distances, lot square footages and easements. For recorded information, please see record plats or applicable recorded documents.

CPJ Associates — Charles P. Johnson & Associates, Inc.
PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS
7250 ELTON ROAD SUITE 200 SILVER SPRING, MARYLAND 20910
Phone:(301)565-1900 E-mail:cpj@cpj.com Fax:(301)565-8244
FREDERICK, MD FREDERICK, MD

AMENDED SITE DEVELOPMENT PLAN - PHASES 3, 4 AND 5
GREENWAY VILLAGE AT CLARKSBURG
CLARKSBURG (2nd) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

Site Plan & FCP #82004022B
Prelim. Plan #1-02033
NRI-FSD #4-02076

SHEET	OF
17	25

FILE NO.: 30-203-213 D

Plotted: Nov. 25, 2008

Dwg: M:\32200\dwg\21-EA\02-22 Xrefs: 46-099/44-099/topo-EA/21-ea/21-WE/47-099