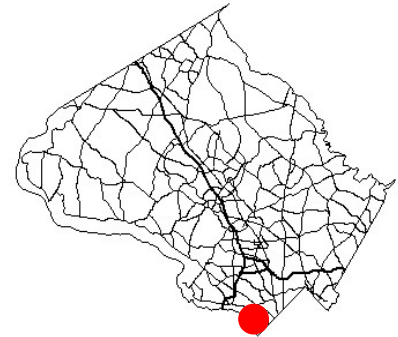




MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #
12/2/10



MEMORANDUM

DATE: November 19, 2010

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief
Catherine Conlon, Subdivision Supervisor
Development Review Division

FROM: Richard A. Weaver (301) 495-4544
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: One (1) lot for Ten (10) multi -family condominium dwelling units

PROJECT NAME: Brooke Park
CASE #: 120100030
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-30
LOCATION: At the intersection of Brookes Lane/Sangamore Road and MacArthur Boulevard
MASTER PLAN: Bethesda - Chevy Chase

APPLICANT: Rasevic Construction
ENGINEER: Site Solutions
ATTORNEY: Miller, Miller and Canby

FILING DATE: October 13, 2009
HEARING DATE: December 2, 2010

Approval signatures

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RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to one (1) lot for ten (10) multi-family (condominium) units.
- 2) Applicant must meet the forest conservation planting requirements off site. A determination of the method and/or location to be shown on the final forest conservation plan.
- 3) Applicant must submit and obtain approval of a final forest conservation plan prior to any land disturbing activities occurring onsite.
- 4) Applicant must prepare and submit specific tree save measures as part of the final forest conservation plan.
- 5) The applicant must dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 6) The applicant must construct all road improvements within the rights-of-way shown on the approved preliminary plan to the full width mandated by the master plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
- 7) Applicant must construct an off-site sidewalk along the Sangamore Road frontage to connect to the crosswalk located at the intersection of MacArthur Boulevard and Sangamore Road.
- 8) The record plat must reflect a public use and access easement over all shared driveways and off-site sidewalks not within the public right-of-way.
- 9) The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 10) The applicant must comply with the conditions of the MCDPS stormwater management approval dated February 12, 2010. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 11) The applicant must comply with the conditions of the letter dated October 13, 2010. These conditions may be amended by MCDOT provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 12) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
- 13) Other necessary easements.

SITE DESCRIPTION (See Figure 1 and 2)

The subject property, "Subject Property" or "Property" is located on the north side of MacArthur Boulevard at the intersection with Brookes Lane and Sangamore Road in the Bethesda-Chevy Chase planning area. The Property is identified as an unplatted parcel, P954 on Tax Map GM62. It is 1.18 acres in size and is zoned R-30. The Property is currently improved with a single, garden-style apartment building that contains 17 apartments and has access to Brookes Lane/Sangamore Road.

Single family detached residential uses in the R-90 zone abut the property to the north and west. Single family attached residential units in the R-60 zone abut the Property to the south. To the immediate east of the Property the use is predominately for roadways but the Dalecarlia Reservoir lies farther to the east.

There are no environmentally sensitive features on this Property. It slopes from the north to the south and has a few scattered specimen trees, but no forest cover. There are no streams or wetlands and the Property drains to the Rock Creek, a Use I-P stream.



Figure 1



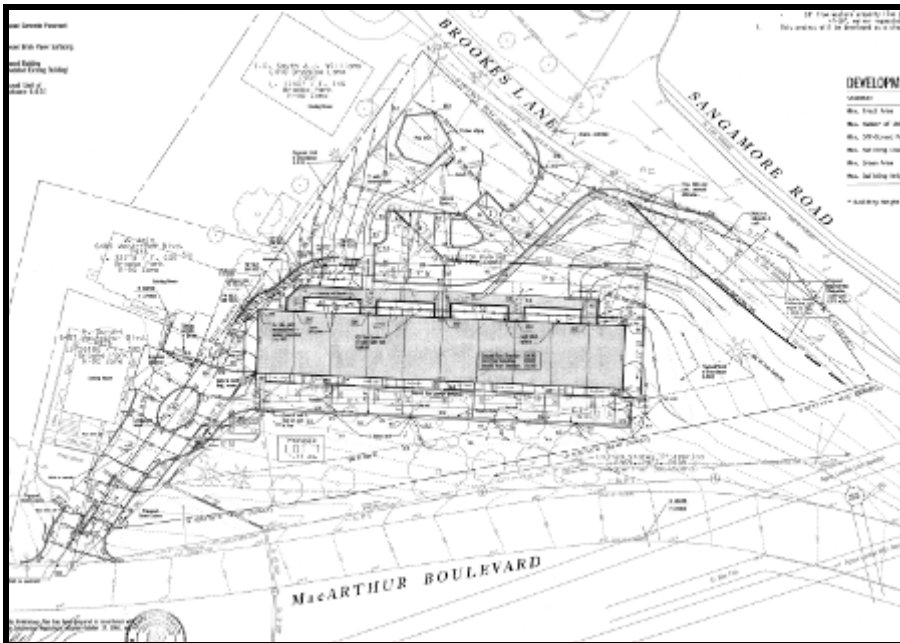
Figure 2

PROJECT DESCRIPTION

The Applicant for this application wishes to radically alter the existing apartment building by gutting the interior and adding two stories to the existing building shell to create a 10-unit condominium structure. Since building permits will be required and because this Property is an unplatted parcel, it must be brought into conformance with the Subdivision Regulations and be platted as a record lot before permits can be issued. The application proposes a single lot that will be 1.07 acres in size after 0.11 acres of dedication to Sangamore Lane and Brookes Lane to accommodate the multi-family building. No dedication is required for MacArthur Boulevard.

Visitor parking and emergency vehicle access will be accommodated on the north side of the building with an improved access point at the Brookes Lane and Sangamore Road intersection leading to a five space parking lot. Vehicular access for the homeowners will be from MacArthur Boulevard.

A play area is shown on the plan that will be constructed on the north side of the building and accessed with an internal sidewalk system. Public sidewalks will be reconstructed along the Property's frontage on Brookes Lane and Sangamore Road. The preliminary plan drawing shows an off-site extension of the sidewalk across property owned by the Army Corps of Engineers (ACE) to an applicant-built crosswalk located at the intersection of Sangamore Road and MacArthur Boulevard.



ANALYSIS AND FINDINGS

Conformance to the Master Plan

The Bethesda-Chevy Chase Master Plan land use map shows that this Property is suitable for medium density residential and has recommended an R-30 zone designation which allows up to 17.69 units per acre. The R-30 zone does not allow individually recorded townhouse lots. As such, this property will develop under a condominium regime for 10 multi-family units. The Bethesda-Chevy Chase Plan contains the following language that applies to the overall area that includes the Subject Property:

“Provide for a balanced housing supply so that persons of varying income levels, age backgrounds, and household characteristics may find suitable housing opportunities.”

The site is rather small, and the opportunity to provide a varied supply of housing for different income levels within the confines of the Subject Property is limited. However, the Master Plan recommended that this property remain in the R-30 zone with no other apparent R-30 zones within the immediate area. Since the R-30 zone allows multi-family type development which is somewhat lacking in the general area, this proposal provides for a type of use that staff believes was envisioned by the Master Plan.

The Master plan also recognizes the significance of the “Palisades” which is the remnants of the ancient stream bank created by the former alignment of the Potomac River. The Palisades are defined by a linear stretch of steep slopes, mostly wooded, and running parallel to the current Potomac River. On page 64, the Master Plan provides the following guidance on protection of the Palisades:

“recommends preservation of the Potomac Palisades unique environmental features of steeply wooded slopes and vistas and the perpetuation of the open space character established in the area.”

and

“Their preservation in an undisturbed state is essential to minimize erosion and stream degradation.”

The Master Plan recommended as the first and foremost means of preserving this sensitive feature to rezone certain area from Massachusetts Avenue to the Potomac River and west of Sangamore Road from R-60 to R-90. The Subject Property is at the very southern tip of this described area, yet it was recommended to remain in the R-30 zone for the purpose of

allowing existing multi-family uses to continue. Although the extent of the Palisades is not specifically mapped, staff believes that a small, non-forested, portion of the Palisades exists on the southern edge of this Property where it is most steeply sloped. Staff recommends that the slopes here, although non-forested and not necessarily creating a scenic vista, be preserved. The reason to preserve the sloped area is that it is currently dotted with trees and provides for the open space character that the Master Plan describes.

Of particular concern with the original version of the plan was a driveway that looped from the northern side of the building to the southern side around the eastern end of the building. This driveway required significant grading to the steeper slopes of the site, and it also required removal of some of the trees between the building and MacArthur Boulevard. The Applicant addressed this concern by working with the adjacent neighbors to use and modify an existing driveway used by the two residential properties to the west. Access to the southern side of the building will be accommodated with this driveway rather than constructing the more environmentally damaging alternative. Further discussion of the access point from MacArthur Boulevard is provided below.

Staff believes that the applicant revised their plan to address the recommendations of staff and that the use proposed conforms to the recommendations within the Bethesda-Chevy Chase Master Plan.

Public Facilities

Roads and Transportation Facilities

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. In fact, the proposed use generates less vehicular trips than the 17 unit apartment building currently on the site. Because the project will generate 30 or less peak hour trips, the application is not subject to Local Area Transportation Review (Attachment A). Likewise, there are no Policy Area Mobility Review (PAMR) requirements because the project reduces the amount of peak hour trips that are currently generated by the 17 unit apartment building.

Access to the building for residents is to be from MacArthur Boulevard. MacArthur Boulevard is controlled by the Army Corps of Engineers (ACE) who oversees the water conduit under the road and the Dalecarlia Reservoir which provides drinking water to the District of Columbia. The ACE has restricted new access points onto this road, therefore, the Applicant has entered into an "Irrevocable Declaration of Private Easement" (Attachment B) with the two adjacent property owners at 6407 and 6409 MacArthur. The Agreement will allow the developer to improve and widen their existing shared driveway so that it can also provide access for the homeowners of each unit. This new private driveway from MacArthur will provide vehicular access to the ground floor level garages located within each of the 10 units.

The Applicant is also required to make right-of-way dedications along the property's northern boundary for Brookes Lane and Sangamore Road, as well as certain frontage improvements. The frontage improvements consist of a new entranceway, new curb and gutter, and construction of a new sidewalk along Sangamore Road that will connect to the new internal

sidewalks within the project boundaries. Staff recommends that the public sidewalk be extended off-site to connect to the existing sidewalk at the intersection of Sangamore Road and MacArthur Boulevard. This off-site extension will also be done on ACE property and connect to a developer built crosswalk improvement at the intersection of Sangamore Road and MacArthur Boulevard. With the construction of the internal and external sidewalks and the improvements to the road frontage, staff finds that vehicle and pedestrian access for the subdivision will be safe and adequate.

Other Public Facilities and Services

The plan has been reviewed by all public utilities including Washington Gas, PEPCO, Verizon and the WSSC. All agencies recommend approval of the plan having found that their respective utilities are adequate to serve the proposed development. The Department of Fire and rescues Services has approved a Fire Access Plan that assures emergency vehicles can access the site. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. The Application is within the Whitman school cluster which is currently operating above 105 percent capacity at the middle school level; however, the proposed development will have fewer dwelling units than the existing apartment building. As such, no School Facility Payment is needed, and the application satisfies the APF schools test as well as all other requirements for APF.

Environment

Natural Resources Inventory

The approved Natural Resources Inventory/Forest Stand Delineation shows no forest on the Subject Property and no rare, threatened or endangered species. There are no sensitive environmental features associated with this site, although the Bethesda-Chevy Chase Master Plan does recognize the slopes associated with the Palisades as worthy of protection. There are seven significant trees on the Property and two off-site but within close proximity to the Property lines and/or grading for the site.

Forest Conservation Plan

The site is subject to Section 22A of the County code (forest conservation law). As previously mentioned there is no forest on the property, however, according to forest conservation law, even properties without existing forest are required to obtain approval of a forest conservation plan. These types of plans have an afforestation requirement, that is, they are required to create new forest. Afforestation can occur either on or off site. The applicant's forest conservation plan shows a net tract area of 1.26 acres and a 0.19 acres planting requirement. The net tract area for the forest conservation plan is greater than the total tract area for the preliminary plan of subdivision because disturbances off the subject property require the tract area to be increased to include those disturbed areas.

The applicant proposes to meet the 0.19 acre planting requirement by a combination of onsite existing tree canopy credit and using an offsite forest mitigation bank. The submitted plan shows 0.04 acres of tree canopy credit. Staff does not believe tree canopy credit should be allowed in this instance because the canopy that will remain onsite after demolition and grading consists of undesirable trees species, trees in poor health, or trees that either share the stem with the adjoining property or are not physically on the property. Staff believes that the applicant should meet all planting requirements off site either in a forest mitigation bank or via an in-lieu fee payment. Therefore, staff recommends a condition of approval requiring the applicant to submit a final forest conservation plan showing all planting requirements to be met off site.

Since the activity on the subject property will impact trees greater than 30 inches in diameter the applicant is required to submit a variance to allow them to either remove or impact those trees. The Planning Board is requested to act on the variance with the preliminary plan of subdivision.

Forest Conservation Variance (See Attachment C for Forest Conservation Variance Background)

Before considering the variance the Planning Board must refer a copy of each request to the County Arborist within the Montgomery County Department of Environmental Protection for a written recommendation. The County Arborist must make a recommendation on the variance request to the Planning Board within 30 days from the receipt of the request. The County Arborist responded to the variance request on November 19, 2009 by indicating that she would not be providing a recommendation. Staff has reviewed and analyzed the applicant’s variance request.

Applicant’s Request

The applicant requests a variance for the removal of one tree greater than 30 inches dbh and the impact to two trees that are 30 inches in diameter dbh (Appendix A). The table below identifies the trees with a diameter of 30 inches to be removed and impacted based on the forest conservation plan received on January 15, 2010.

On-Site Specimen Tree Data

Tree No.	Common Name	D.B.H.	C.R.Z. Area	% C.R.Z. Area Disturbed	Tree Location	Condition
1	Silver Maple	40 In.	8,130 s.f.	100 %	On site	Remove
2	Sycamore	39 In.	6,030 s.f.	30 %	Jointly owned	Good/Save
9	Red Maple	36 In.	6,740 s.f.	4 %	Off site	Fair/Save

The applicant’s variance request states:

“... the criteria for the granting of the variance requested herein. The following narrative explains how the requested variance is justified under the set of circumstances described above.

“(1) *describe the special conditions peculiar to the property which caused the unwarranted hardship.*”

As described above, the proposed plan design has been determined by the following circumstances:

- A. The grade differential across the property and the triangular property configuration requires two (2) separate entrances to the upper and lower portions of the site.
- B. Manmade features, such as road access, which dictates that access to the property must be achieved from two directions in order to provide access to the integral garages on the lower level and separate access to visitor parking & fire access wide enough to meet MCFRS requirements on the upper level.
- C. Natural features, such as topography, that dictate where the optimum location for the housing is and basically use the existing footprint in order to minimize grading; and
- D. The efforts by the Applicant to have the most efficient plan (smallest footprint practicable) to meet its design goals.

“(2) *Describe how enforcement of these rules will deprive the owner of rights commonly enjoyed by others in similar areas.*”

The existing building is +60 years old and is functionally obsolete. The building needs to be remodeled or rebuilt. In either case, the site will need to be reconfigured to meet today’s fire protection standards. These same standards are applied to all multi-family residential properties.

Simply stated, there is no alternative design that would preserve the existing 40-inch silver maple proposed for removal. This small site limits design alternatives that would eliminate the impact on the ‘protected’ tree.

“(3) *Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance.*”

There are currently no stormwater quantity or quality provisions on the property. In conjunction with its proposed development of the subject property, the Applicant has prepared a stormwater management concept plan which will

improve water quality measures on the subject property and in the surrounding area.

The Applicant confirms that the loss of this tree will cause no degradation in water quality associated with the proposed redevelopment as a result of the granting of the requested variance.

“(4) *Provide any other information appropriate to support the request.*”

The information set forth above, the Applicant believes, is adequate to justify the requested variance to remove the one protected tree on the subject property.

Furthermore, the Applicant’s request for a variance complies with the “minimum criteria” of Section 22A-21(d) for the following reasons:

1. This Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant.
2. Due to natural and manmade site constraints, and the procedures for the granting of a necessary subdivision plan to construct ten multi-family units, the proposal to remove protected trees is not the result of actions by the Applicant, since any development of the subject property would encounter the same difficulties.
3. The requested variance is not related in any way to a condition on an adjacent, neighboring property, and
4. Loss of the requested trees will not violate State water quality standards or cause measurable degradation in water quality (which are being improved by the Applicant’s overall proposal).

As previously mentioned, the variance request was transmitted the County Arborist and she chose not to provide a recommendation on it.

Variance Findings

According to Section 22A-21(e) of the County Code, in reaching its determination on the variance the Planning Board find the variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*
2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*
3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

As the following findings demonstrate, the subject forest conservation plan and variance adequately addresses each of these conditions.

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege as the removal and/or disturbance of the specimen trees noted above are the minimum necessary in order to develop the property. Furthermore, the need for the variance is necessary and unavoidable in order to develop property according to the master plan. The same criteria has is applied to other projects where the impacts and removals are unavoidable.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions of the applicant. The property is steeply sloped and the need to provide multiple access points and correct fire and rescue access has increased the limit of disturbance and the impact to the trees #1 and #9. The variance is necessary to provide the required green space and stormwater management facilities associated with the development. Furthermore, the property owner proposes to provide additional tree protection measures to save tree #2.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is not the result of a condition, either permitted or non-conforming on a neighboring property. The neighboring properties are developed residential or commercial properties, or public right-of-ways.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The requested variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed or disturbed are not within a stream buffer, wetland, or a special protection area. The development will actually improve the water quality generated from the site because the new development will introduce stormwater management onto a location that currently has none. The stormwater management devices will increase the amount of the water that is recharged into groundwater and reduce the quantity and increase the quality of the stormwater discharged into the Potomac River.

Mitigation

Environmental Planning staff does not believe any additional mitigation is necessary to offset the impact of critical root zones for a number of reasons, including:

1. Removal of the one tree greater than 30 inches is internal to the site and necessary to provide fire and rescue access.
2. The two specimen trees impacted are both to be preserved.
3. The forest conservation plan generates a 0.19 acre forest planting requirement for a property that currently has no forest.
4. The applicant is preserving a number of trees less than 24 inches in diameter on the site that are outside of the limits of disturbance.

Stormwater Management

The Montgomery County Department of Permitting Services approved a stormwater Management concept on February 12, 2010. On-site water quality control is being addressed through the use of green roofs and a flow based “StormFilter”. On-site recharge cannot be provided because of the steep slopes located on the downhill side of the building and has been waived. Channel protection volume is not required because the one-year post development flow is less than or equal to 2.0 cubic feet per second. Staff finds that this plan complies with all stormwater management requirements.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision given the large lot nature of this multi-family structure. The project meets all Adequate Public Facility requirements as specified above.

The lot was reviewed for compliance with the dimensional requirements for the R-30 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

R-30 Zoning Standards

As mentioned above, the R-30 zone is defined in the Montgomery County Zoning Ordinance as a low density multi-family zone that allows multi-family buildings as well as one family detached structures. The zone does not allow one family attached dwellings on individually recorded lots. Staff consulted the Montgomery County Department of Permitting Services - Zoning (MCDPS-Zoning) for a determination as to whether the proposed structure, which will be located on a single lot, meets the definition of multi-family. It was confirmed by MCDPS-Zoning, in a letter dated November 16, 2009, (Attachment D) that the proposal does

conform to zoning requirements and that it will be reviewed as multi-family residential. Staff notes that the need for a setback variance from the Board of Appeals has been addressed by altering a corner of the proposed building to meet the side yard setback for the zone.

The plan adequately addresses the need to protect sensitive environmental features, including the Palisades. A Preliminary Forest Conservation Plan has been reviewed by staff and recommended for approval.

Citizen Correspondence and Issues

This plan was properly processed in accordance with the current submittal procedures. A pre-submission meeting was held with interested neighbors on May 27, 2009 at the Washington Waldorf School. Ten individuals attended the meeting. According to the notes within the file, the most significant area of concern centered on litigation between adjacent property owners, not part of this application, regarding storm drainage. Apparently there was a disagreement on how one property owner may have diverted water on to downstream property owners.

A discussion with the Applicant's attorney revealed that at least one of the litigants was at the pre-submission meeting at which time it was explained to that individual that the application would not worsen their problem because the grading of the site will reduce the amount of runoff leaving the Property and flowing onto these adjacent properties. The Applicant further explained that the site would now be controlled by a stormwater management system, whereas currently, it has no stormwater controls. Other questions were answered regarding the proposed development of the site.

Since the pre-submission meeting one of adjacent property owners that may be involved in the litigation contacted staff. Staff provided the name of the staff person at the Montgomery County Department of Permitting Services who reviewed the stormwater management plan and who had knowledge of the litigation. Staff understands that contact was made and the plans were discussed. Staff has since learned that the litigation between the adjacent property owners has been resolved and a settlement agreement has been reached. Other local residents have been in contact with staff. Many have expressed an interest in seeing the site redevelop but not overdevelop. Staff does not believe that this project constitutes overdevelopment. The project results in a decrease in density which generates less traffic while occupying the same building footprint. Staff believes that the plan has addressed community concerns with respect to the redevelopment of this site.

CONCLUSION

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the Bethesda-Chevy Chase Master Plan. Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

Attachment A – Applicant’s Traffic Statement

Attachment B – Corps of Engineer packet

Attachment C – Tree Variance

Attachment D – Zoning Confirmation

Attachment E – Other Agency Approvals

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Brooke Park				
Plan Number: 120100030				
Zoning: R-30				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: Multi-family residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	12,000 sq. ft. min.	51,400 sq. ft.	RAW	11/19/10
Lot Width	100 ft.	250 ft. minimum	RAW	11/19/10
Lot Frontage	N/A.		RAW	11/19/10
Setbacks				
Front	35ft. Min.	Must meet minimum ¹	RAW	11/19/10
Side	15ft. Min./ ft. total	Must meet minimum ¹	RAW	11/19/10
Rear	35ft. Min.	Must meet minimum ¹	RAW	11/19/10
Height	35ft. Max.	May not exceed maximum ¹	RAW	11/19/10
Max Resid'l d.u. per Zoning	18 @17.69 d.u./acre	10	RAW	11/19/10
MPDUs	N/A		RAW	11/19/10
TDRs	N/A		RAW	11/19/10
Site Plan Req'd?	No		RAW	11/19/10
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	RAW	11/19/10
Road dedication and frontage improvements		Yes	Agency letter	2/12/10
Environmental Guidelines		Yes	Staff memo	11/15/10
Forest Conservation		Yes	Staff memo	11/15/10
Master Plan Compliance		Yes	Staff memo	11/16/09
Other (i.e., parks, historic preservation)				
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	10/13/10
Water and Sewer (WSSC)		Yes	Agency comments	RAW
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	11/16/09
Well and Septic		N/A		
Local Area Traffic Review		N/A	RAW	11/19/10
Policy Area Mobility Review		N/A	RAW	11/19/10
Transportation Management Agreement		No	RAW	11/19/10
School Cluster in Moratorium?		No	RAW	11/19/10
School Facilities Payment		Yes	RAW	11/19/10
Fire and Rescue		Yes	Agency letter	2/3/10
Other (i.e., schools)				

¹ As determined by MCDPS at the time of building permit.

BROOKE PARK

Preliminary Plan No. 120100030

APPLICANT'S TRAFFIC STATEMENT

(Revised January 20, 2010)

The preliminary plan of subdivision application of which this Statement is a part proposes the redevelopment and conversion of an existing seventeen (17) multi-family dwelling unit apartment building in the R-30 Zone to a ten (10) unit multi-family building (in a townhouse configuration) with no increase in building footprint.

Because of the limited scope and size of this project, no traffic impact study need be submitted for review for two reasons:

1. The number of trips generated by ten (10) townhouses is less than the threshold number that mandates preparation of a TIS.

According to the Local Area Transportation Review Guidelines, no TIS need be prepared for a project generating less than 30 trips. The trip generation rate for townhouses (assuming the higher trip generation rate of townhouses over the trip generation rate for multi-family units, which is the category of land use in which the project remains) is between 0.48 (AM) and 0.83 (PM) per dwelling unit. Therefore, ten "townhouses" will generate between 5 and 8 trips which is less than the threshold number necessitating submission of a TIS.

2. The proposed project will generate no more trips than the existing project.

This proposal for redevelopment will cause 17 apartments to be replaced by 10 townhouse-like dwelling units. Seventeen apartments are estimated to generate between 7 (AM) and 8 (PM) trips during the respective peak hours. Townhouse development with 10 units will generate between 5.0 and 8.0 trips during the respective peak hours. (Ten multi-family units would generate even fewer trips.)

Relating to PAMR requirements, the calculations above demonstrate that the proposed replacement land use generates less than 3 new peak-hour trips (zero actually).

For the reasons stated above, no Traffic Impact Statement is necessary to be prepared.

Attachment B



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1715
BALTIMORE, MARYLAND 21203-1715

January 15, 2010

Real Estate Division
Civil Projects Support Branch

Mr. Alfred Blumberg
Site Solutions Inc.
20410 Observation Drive, Suite 205
Germantown, Maryland 20876-4000

Dear Mr. Blumberg:

This is in reference to your November 27, 2009 letter to Nathan Cole, Washington Aqueduct Division, pertaining to redevelopment of Brooke Manor Apartments.

We have reviewed the plans and concur with either location of the sidewalk plans. However, we have a question as to the status of the proposed street access off of MacArthur Boulevard. The current residential drive at that location is granted to Mr. Michael J. Olsen and TerraFine Design & Development, LLC, under a 50 year, Department of the Army Easement No. DACW-31-2-02-301, to serve both residences at 6407 and 6409 MacArthur Blvd, map enclosed. Your plan shows a reconfiguration of that entrance that will serve both residents and the apartments. We are wondering what the status of the current grantee is, so that we can determine if the existing easement should be transferred, terminated, or should have the applicant added as a joint tenant, if approved by the current grantee.

We look forward to your reply. If you have any questions concerning this matter, please contact the undersigned at (410) 962-4944.

Sincerely,

Craig R. Homesley
Chief, Civil Projects Support Branch
Real Estate Division

Enclosure

Enclosure

3/16 messenger to Paul Rasevic

LAW OFFICES



MILLER, MILLER & CANBY

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March 17, 2010

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c/o Mr. Nathan Cole
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5900 MacArthur Boulevard, N.W.
Washington, D. C. 20016-2514

RE: Redevelopment of 6301 MacArthur Boulevard

Dear Mr. Jacobus:

I am the land use attorney assisting the owners and developers of 6301 MacArthur Boulevard. In the past, your office has been kind enough to send us two letters (January 28, 2008, and November 6, 2008, both attached) providing comments on the proposed redevelopment of 6301 MacArthur Boulevard.

The preliminary plan of subdivision for the subject property that must be reviewed by the Montgomery County Planning Board is close to being ready for a presentation to the Board. However, the person responsible for processing those plans, Mr. Richard Weaver, Development Review Division, M-NCPPC, (301-495-4544) has noted that the correspondence from your office is all dated in 2008 and he feels that the information contained in those letters should be updated, particularly since there have been minor changes to the pending preliminary plan of subdivision (Preliminary Plan No. 120100030). For instance, Mr. Weaver wanted to be sure that the Corps was aware that the project driveway that will have an entrance/exit on MacArthur Boulevard will be used partially under an easement with an adjacent property owner. And, Mr. Weaver would like to know the Corps' position on use of the driveway for construction traffic. (My client has advised me that the driveway shown on the attached preliminary plan will not be used for construction traffic and the applicant would accept such a restriction on the approval of this preliminary plan of subdivision).

I have enclosed a copy of the most current version of the pending preliminary plan of subdivision (revised dated December 17, 2009). Would you please review the attached preliminary plan and the proffer above regarding construction traffic.

In order to expedite submission of a letter to Maryland-National Capital Park & Planning Commission, I have arranged this letter as a document to be "countersigned," assuming that all of the information in your signature block is acceptable to you and to your office. Of course, if you would prefer to not use the "countersignature" format, and would prefer to write a separate letter to Mr. Weaver, that is fine with the applicant. Mr. Weaver's address is:

Mr. Richard Weaver
Development Review Division
Maryland-National Capital Park &
Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Should you have any questions about the attached materials or the request set forth in this letter, I recommend that you contact our client, Mr. Paul Rasevic, at 301-986-6900.

Thank you for your attention to this request.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "JODY KLINE". The signature is written in a cursive, slightly stylized font. Above the signature, there is a horizontal line that spans the width of the signature.

Jody S. Kline

JSK/cdp

cc: Mr. Paul Rasevic

This is to confirm that this office has no objection to the proposed driveway access to MacArthur Boulevard as shown on the Preliminary Plan for "Brooke Park," dated December 17, 2009 subject to two conditions: 1) no truck with a load exceeding 6 tons may use the driveway, and 2) the Applicant must abide by the conditions set forth in our letter dated November 6, 2008.

Thomas P. Jacobus
General Manager
Washington Aqueduct

JAN-28-2008 10:00

WASHINGTON AQUEDUCT

202 764 0637 P.01



**DEPARTMENT OF THE ARMY
WASHINGTON AQUEDUCT
U.S. ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT
5900 MACARTHUR BOULEVARD, N.W.
WASHINGTON, D.C. 20016-2514**

January 28, 2008

Planning and Engineering Branch

Mr. Adam Wertheimer
Rasevic Construction Company
5200 River Road, Building Six
Bethesda, MD 20816-1403

Dear Mr. Wertheimer:

This letter is in response to your December 12, 2007 letter we received informing us of your intent to renovate 6301 MacArthur Boulevard, and asking what plans we had for the land we own adjacent to that property. Our understanding is that the Montgomery County Department of Permitting Services and the Maryland National Capital Park and Planning Commission Development Review Committee would like this information as they review your application for a building permit related to the renovation work.

The Washington Aqueduct uses its property and land as needed to operate and maintain its facilities to ensure continued safe, reliable and economic delivery of potable water to our customers. As such, please ensure that as you conduct your renovation work at 6301 MacArthur Boulevard, you do not block, encroach or access our adjacent property without our expressed permission. Permission to encroach or access Washington Aqueduct property can be requested via a letter to us expressing your specific needs and timeframe.

If you have any further questions, please contact Mr. Nathan Cole at 202-764-2776.

Sincerely,

Thomas P. Jacobus
General Manager



DEPARTMENT OF THE ARMY
WASHINGTON AQUEDUCT
U.S. ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT
5900 MACARTHUR BOULEVARD, N.W.
WASHINGTON, D.C. 20016-2514

November 6, 2008

Planning and Engineering Branch

SUBJECT: Proposed Driveway Easement at 6301 MacArthur Boulevard

Mr. Paul Rasevic
Rasevic Construction Company
5200 River Road, Building 6
Bethesda, MD 20816

Dear Mr. Rasevic:

Your draft preliminary site plan for the proposed driveway access has been reviewed. We have no objection to the location of the proposed driveway access at 6301 MacArthur Boulevard.

Once we receive your approved plans by Montgomery County and the Maryland National Capital Park and Planning Commission, the U.S. Government will issue a driveway easement to construct the proposed access under the following conditions:

- a. Proof of ownership is provided at the time of request for permit.
- b. Caution shall be exercised during the excavation of the driveway to prevent damage to the conduit.
- c. That there is no modification of the plans approved under this easement, either before or after completion, unless approved by the District Engineer.
- d. That drainage of the road shall be maintained unobstructed at all times. Road surfaces and ground areas within the government property affected by construction shall be restored as nearly as possible to the original conditions at completion of the construction.
- e. No blasting shall take place within 150 feet of the conduit.

If you have any questions related to these requirements, please contact Ms. Sandra Souders at 202-764-2774.

Sincerely,

Thomas J. Jacobus
General Manager



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1715
BALTIMORE, MARYLAND 21203-1715

April 26, 2010

Real Estate Division
Civil Projects Support Branch

Jody S. Kline, Esq.
Miller, Miller & Canby
200-B Monroe Street
Rockville, Maryland 20850

RE: Redevelopment of 6301 MacArthur Boulevard

Dear Ms. Kline:

This is in reference to your March 17, 2010 letter to Mr. Tom Jacobus, Washington Aqueduct Division, pertaining to redevelopment of Brooke Manor Apartments. Attached for your reference are Department of the Army Easement Nos. DACW-31-2-02-300 and DACW-31-2-02-301, for driveway access granted for 6407 and 6409 MacArthur Boulevard respectively, for a 50 year term. Also attached is our January 15, 2010 letter to Site Solutions, Inc, pertaining to the same issue for which we have yet to receive a response.

We have reviewed the preliminary plans and concur with the sidewalk plans located on Corps property. However, the plan for the reconfiguration of the driveway may conflict with the grantees of the easements named above. Although the proposed driveway is acceptable as to the operation of Washington Aqueduct, we are not at liberty to approve the reconfiguration of the drive without concurrence of the current easement grantees and proper revision of the easements. We need to know if the current easements are to be transferred, terminated, or should have the applicant added as a joint tenant, as approved by the current grantees.

If you have any questions concerning this matter, please contact the undersigned at (410) 962-4944.

Sincerely,

A handwritten signature in cursive script that reads "Craig R. Homesley".

Craig R. Homesley
Chief, Civil Projects Support Branch
Real Estate Division

Enclosures



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1715
BALTIMORE, MARYLAND 21203-1715

April 26, 2010

Real Estate Division
Civil Projects Support Branch

Jody S. Kline, Esq.
Miller, Miller & Canby
200-B Monroe Street
Rockville, Maryland 20850

RE: Redevelopment of 6301 MacArthur Boulevard

Dear Ms. Kline:

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If you have any questions concerning this matter, please contact the undersigned at (410) 962-4944.

Sincerely,

Craig R. Homesley
Chief, Civil Projects Support Branch
Real Estate Division

Enclosures



LAW OFFICES
MILLER, MILLER & CANBY
CHARTERED

PATRICK C. McKEEVER (DC)
JAMES L. THOMPSON (DC)
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER
MAURY S. EPNER (DC)
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ROCKVILLE, MARYLAND 20850
(301) 762-5212
FAX (301) 424-9673
WWW.MILLERMILLERCANBY.COM

SUSAN W. CARTER
ROBERT E. GOUGH
DONNA E. McBRIDE (DC)
GLENN M. ANDERSON (FL)
MICHAEL G. CAMPBELL (DC, VA)
SOO LEE CHO (CA)
AMY C. GRASSO

** All attorneys admitted in Maryland and where indicated*

JSKLINE@MMCANBY.COM

May 11, 2010

Craig R. Homesley
Chief, Civil Projects Support Branch
Real Estate Division
Department of the Army
Baltimore District, Corps of Engineers
P.O. Box 1715
Baltimore, Maryland 21203-1715

RE: Redevelopment of 6301 MacArthur Boulevard

Dear Mr. Homesley:

I am writing in response to your letter of April 26, 2010 requesting confirmation that the owners of two neighboring properties (P956 and P935) concur with the proposed reconfiguration of the driveway that would provide for access to our client's property at 6301 MacArthur Boulevard.

Enclosed is a copy of an easement agreement, entitled "Irrevocable Declaration of Private Driveway Easement", dated July 25, 2008 and recorded among the Land Records of Montgomery County, Maryland at Liber 36028, folio 252, that addresses this issue. The location of the reconfigured driveway easement is more particularly shown in Exhibit "A" to that agreement. The owner of P935 has consented to the terms of the easement as evidenced on p. 9 of that instrument ("Consent to and Subordination by the Fee Simple Owner of parcel P935").

I hope that this adequately addresses your concern. Please let me know if you need any additional information.

Sincerely,

MILLER, MILLER & CANBY

Jody S. Kline

JSK/dlt
Enclosure

cc: Paul Rasevic
Adam Wertheimer
Mark Rasevic
Al Blumberg

36028 252

MONTGOMERY COUNTY, MD

APPROVED BY [Signature]

SEP 23 2008

This Instrument was prepared by:
WERTHEIMER & CIAZZA, LLC
7700 Old Georgetown Road, Suite 500
Bethesda, Maryland 20814-6204

After recordation, please return to:
Law Offices of David Modell
7700 Old Georgetown Road, Suite 500
Bethesda, Maryland 20814

\$ N/A RECORDATION TAX PAID
\$ N/A TRANSFER TAX PAID

00437475
[Handwritten initials]

SPACE ABOVE FOR RECORDER'S USE

IRREVOCABLE DECLARATION OF PRIVATE DRIVEWAY EASEMENT

THIS IRREVOCABLE DECLARATION OF PRIVATE DRIVEWAY EASEMENT (this "Declaration") is made this 25th day of July, 2008, by **Huda Durant Woodiel**, also known as Huda Durant (hereinafter referred to as "Grantor"), with a mailing address of 1712 Verbena Street NW, Washington, D.C. 20012-1049, granted to and in favor of **6301 MacArthur, Inc.**, a Maryland corporation, its successors and assigns (hereinafter referred to as "Grantee"), with a mailing address of c/o Brooke Park Apartments, 6307 Macarthur Boulevard, Apartment B1, Bethesda, Maryland 20816-3219.

RECITALS:

R.1. Grantor is the owner in fee simple of the parcel of land known as Tax Map GM62, Parcel P956 in the subdivision known as "Brooke Park", with Tax Account Number 07-502-00437464 and being more particularly described in a deed recorded in Liber 26106 at folio 182, among the Land Records of Montgomery County, Maryland (the "Grantor's Parcel"). Grantee is the owner in fee simple of the parcel of land known as Tax Map GM62, Parcel P954 in the subdivision known as "Brooke Park", with Tax Account Number 07-502-00434871 and being more particularly described in a deed recorded in Liber 3679 at folio 515, among the Land Records of Montgomery County, Maryland (the "Grantee's Parcel").

R.2. Grantee intends to redevelop Grantee's Parcel into a condominium regime. Grantee is currently in the process of obtaining development approvals for such regime from the appropriate agencies in Montgomery County, Maryland (the "County").

R.3. Grantor now desires to establish an easement upon that portion of the Grantor's Parcel (the "Easement Area"), as more particularly shown on Exhibit A attached hereto and made a part hereof for ingress and egress for the benefit of Grantee and all present and future owners of Grantee's Parcel or any portion thereof and condominium units established thereon, which Easement Area shall utilize to the greatest extent possible the existing driveway on the Grantor's Parcel (the "Grantor's Existing Driveway") and the portion of Grantor's Parcel which lies between Grantor's Existing Driveway and Grantee's Parcel. Grantor further desires to impose upon the Easement Area mutual and beneficial restrictions, covenants, conditions, equitable servitudes, easements and charges under a general plan or scheme of improvement for

*****RECORDING FEE*****

The undersigned hereby certifies that the above instrument has been prepared by the undersigned, an attorney admitted to practice before the Court of Appeals of Maryland.

MP FID SURE 28.00
RECORDING FEE 75.00
TOTAL 103.00
Rcpt # 9664
LKR BNP Bk # 3573
Sep 25, 2008 10:56 am

[Signature]
Lisa Sincere, Esq.

2008 SEP 25 A 10:57

FILED
LORETTA E. KNIGHT
CLERK'S OFFICE
MONTGOMERY COUNTY

75
20/

the purposes of allocating the costs of the maintenance, repair and operation of the Easement Area upon the happening of certain events as hereinafter described, and for sharing the benefit, use and enjoyment of access to and from the Easement Area.

WITNESSETH:

NOW THEREFORE in consideration of the premises, the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, incorporating the recitals and intending to be legally bound hereby, the Grantor hereby declares that the Grantor's Parcel is held, and shall be held, conveyed, encumbered, leased, used, occupied and improved subject to the provisions hereinafter set forth.

1. Definitions. When used in this Declaration, the following terms have the following meanings:

- (a) "Building Permit Condition" is defined in Paragraph 5.
- (b) "County" is defined in Recital R.2.
- (c) "Easement Area" is defined in Recital R.3. and is more particularly identified on Exhibit A hereto.
- (d) "Existing Driveway Obligations" is defined in Paragraph 5.
- (e) "Grantee" is defined in the Preamble to this Declaration, and shall include the owner or owners from time to time of any fee simple interest in any portion of the Grantee's Parcel, excluding any person or entity who holds an interest in any such portion of the Grantee's Parcel as security of the payment of an obligations, but including any such security holder in actual possession of any such portion of the Grantee's Parcel by foreclosure or otherwise.
- (f) "Grantee's Parcel" is defined in Recital R.1.
- (g) "Grantor" is defined in the Preamble to this Declaration, and shall include the owner or owners from time to time of any fee simple interest in any portion of the Grantor's Parcel, excluding any person or entity who holds an interest in any such portion of the Grantor's Parcel as security of the payment of an obligations, but including any such security holder in actual possession of any such portion of the Grantor's Parcel by foreclosure or otherwise.
- (h) "Grantor's Existing Driveway" is defined in Recital R.3.
- (i) "Grantor's Parcel" is defined in Recital R.1.
- (j) "Governmental Authority" means the United States of America, the U.S. Army Corp of Engineers, the State of Maryland, the County, and/or any agency, department, commission, board, bureau or instrumentality of any of the above, having jurisdiction over any

portion of the Easement Area.

2. Grant. The Grantor, and her heirs, successors and assigns, hereby irrevocably establishes and creates for the benefit of Grantee's Parcel, and irrevocably hereby gives, grants and conveys to the Grantee, for the benefit of all present and future fee owners of any portion of Grantee's Parcel, including, without limitation, the owners of condominium units established thereon, as well as those occupying any portion of Grantee's Parcel under permission of said owners (which term shall hereinafter be deemed to include their tenants, invitees, guests, licensees, employees, agents, contractors, successors and assigns), as well as their heirs, successors and assigns, a perpetual easement over, under and through the Easement Area upon Grantor's Parcel which shall run with said lands (i) to provide vehicular and pedestrian ingress and egress to the Grantee's Parcel, together with the right to use and enjoy the Easement Area, and (ii) to construct and maintain an entrance consisting of some or all of the following: monuments, masonry columns or plinths, lighting, and related signage in a location and of a design consistent with the main project aesthetic as determined by the Project Architect, subject to terms and conditions hereof.

3. No Interference. Grantor may not place, keep, permit or maintain in or on the Easement Area any fence, barricade or other obstruction or intentionally take any action which will interfere with the intended uses thereof, or prevent the free flow of the pedestrian and vehicular traffic pursuant to the terms hereof.

4. Use. At no time shall the Grantor, the Grantee or their respective successors or assigns be permitted to use any portion of the Easement Area for the parking of any vehicles thereon. Grantor and Grantee covenant and agree that they will not grant, by way of easement or otherwise, to any persons any further right to use and enjoy the Easement Area without obtaining the prior written consent of each other. Nothing in this Paragraph 4 shall prevent any of the Grantee's tenants, invitees, guests, licensees, employees, agents, contractors, successors and assigns from using the Easement Area. The use of the easement granted herein shall be subject to other matters of record and shall not prevent or limit the use of such easement by the Grantor, her successors or assigns, for utility water, sewage, drainage, or other easements or uses of a similar nature. In furtherance of the foregoing, the Grantor hereby agrees that the general rules of law regarding private roads, common driveways and liability for property damage due to negligence or willful acts or omissions shall apply to the use of the Easement Area.

5. Maintenance; Insurance; Indemnification. Upon the issuance, if ever, by the County of a building permit for the redevelopment of the Grantee's Parcel, which permit utilizes the Easement Area as the method of ingress and egress to the Grantee's Parcel (the "Building Permit Condition"), the Grantee shall then and thereafter bear, in perpetuity, the costs and expenses arising with respect to the operation, maintenance, repair and replacement of the Easement Area (including, as necessary but without limitation, the removal of litter, snow and ice therefrom). Moreover, upon satisfaction of the Building Permit Condition, the Grantee shall bear, in perpetuity, the costs and expenses of (i) commercial snow removal and ice management for the Grantor's Existing Driveway, (ii) repair, maintenance and replacement of the Grantor's Existing Driveway, at the same time as repairs are made to the Easement Area, and (iii) improvement of the Grantor's Existing Driveway, and in connection therewith Grantee shall use

its good faith efforts to obtain approval for the construction and landscaping of a traffic ellipse or similar traffic island in the approximate size and location as shown on Exhibit A, subject in all respects to any and all approvals required by any Governmental Authority, to include, without limitation, width expansion, grade improvement, lighting and improved qualitative character of the composition materials (the obligations within (i) through (iii) immediately above are collectively referred to herein as the "Existing Driveway Obligations"). For purposes hereof, the term "maintenance" shall mean that the Easement Area shall be kept at all times in a good condition and state of repair in accordance with all applicable laws, codes, ordinances and regulations. Notwithstanding the foregoing, (i) nothing herein shall be deemed to require the Grantee to contribute to any taxes or assessments, of whatever nature, levied against Grantor's Parcel by any Governmental Authority and (ii) the Grantee shall not be required to perform any of the Existing Driveway Obligations in the event that the Building Permit Condition is not satisfied or any Governmental Authority takes any action which adversely affects the Easement Area. Further, upon the satisfaction of the Building Permit Condition, the Grantee shall then obtain and maintain general liability insurance, to the extent the same is commercially available, against claims for personal injury or death and property damage within the Easement Area occasioned by accident or loss occurring therein resulting from the Grantee's use of the Easement Area and shall release, indemnify, defend and save harmless the then present and future owners of the Grantor's Parcel, from and against any and all claims, demands, losses and causes of action of any kind or nature for injury or damage suffered in connection with the use of the Easement Area by Grantee or tenants, invitees, guests, licensees, employees, agents, contractors, successors and assigns. The foregoing indemnity shall include all costs and expenses incurred by the then present and future owners of Grantor's Parcel, in defending a claim, demand or cause of action or incurred in enforcing this indemnity, both including without limitation, any attorneys' fees and costs.

6. Additional Covenants of Grantee. Upon satisfaction of the Building Permit Condition, Grantee further covenants and agrees that (a) the present and future owners of Grantor's Parcel and Parcel P935 (as such term is hereinafter defined in the Consent To And Subordination By The Fee Simple Owner Of Parcel P935 attached hereto and made a part hereof), respectively, and their respective tenants, invitees, guests, licensees, employees, agents, contractors, successors and assigns (all of the foregoing persons being herein referred to collectively as the "Beneficiaries"), shall be granted access to any site pedestrian pavement, landscape staircase, seating area, gazebo, play area, or other exterior landscape amenity constructed on Grantee's Parcel upon the same terms and conditions as the owners of Grantee's Parcel (e.g., if the owners of the Grantee's Parcel are subject to the rules and regulations of a condominium regime with respect to the use of any such amenity, then such rules and regulations shall also apply to the Beneficiaries), (b) Grantee, at its sole cost and expense, shall (i) install lighting for the driveway constructed within the Easement Area, (ii) replace the mailboxes for the Grantor and the owner of Parcel P935, and (iii) install brick pavers for the driveway apron (all of the foregoing subject to compliance with all applicable governmental regulations, approvals and requirements) and (c) to the extent reasonable and practicable, Grantee shall use its good faith efforts to (i) cause any temporary construction entrance for the Grantee's Parcel to be located on Brookes Lane, rather than on or near the Grantor's Existing Driveway, and (ii) provide temporary parking on the Grantee's Parcel for the owners of Parcel P935 and their tenants, invitees, guests, licensees, employees, agents, and contractors during such periods of

time that they are precluded from parking on Parcel P935 as a result of construction in the Easement Area.

7. Further Assurances. Grantor hereby covenants and agrees to continue to cooperate and assist the Grantee to facilitate the accomplishment of the purposes of this Declaration, which cooperation shall include, but not be limited to, cooperating with Grantee in executing any additional easements or agreements required by any Governmental Authority, whether in connection with the Building Permit Condition or otherwise, and executing any temporary and/or permanent construction or utility easements.

8. Benefit. The easements granted herein shall be easements appurtenant to the Grantor's Parcel for the benefit of the Grantee's Parcel and shall run with the Grantor's Parcel and the covenants set forth herein shall be binding upon and shall inure to the benefit of the Grantor, the Grantee and their respective heirs, successors and assigns.

9. Arbitration. In the event of any dispute arising concerning the maintenance, use or operation of the Easement Area, or under the provisions of this Declaration, the parties shall submit the dispute to arbitration by the American Arbitration Association.

10. General Provisions.

(a) The Grantor agrees that this Declaration shall be recorded among the land records of the County.

(b) This Declaration shall not be terminated, altered, limited, changed, modified or amended in any manner, unless in writing signed by all of the parties hereto, or their respective successors and assigns.

(c) This Declaration shall run with the land and is binding upon, and shall run to the benefit of the Grantee, its successors and assigns. Notwithstanding the foregoing, if the Building Permit Condition has not been met by January 15, 2010, then this Declaration shall be considered null and void as to the parties hereto and the real properties described herein as of January 15, 2010 (the "First Early Termination Date"); provided, that, (i) if the Grantee provides written notice to Grantor after June 15, 2009 and prior to the First Early Termination Date that the Grantee is continuing to earnestly seek the satisfaction of the Building Permit Condition, this Declaration shall remain in full force and effect until January 15, 2011 (the "Second Early Termination Date"), (ii) if the Grantee provides written notice to Grantor after June 15, 2010 and prior to the Second Early Termination Date that the Grantee is continuing to earnestly seek the satisfaction of the Building Permit Condition, this Declaration shall remain in full force and effect until January 15, 2012 (the "Third Early Termination Date"), and (iii) if the Building Permit Condition is met by the First, Second or Third Early Termination Date, as applicable, this Declaration shall remain in full force and effect and shall run with the land.

(d) None of the terms or provisions of this Declaration shall be deemed to create a partnership between or among the parties in their respective business or otherwise, nor shall it cause them to be considered joint venturers or members of any joint enterprise. Each

party shall be considered a separate owner, and no party shall have the right to act as an agent for another party, unless expressly authorized to do so herein or by separate written instrument signed by the party to be charged.

(e) Any notice provided for or concerning this Declaration shall be in writing and be deemed sufficiently given when sent by certified mail, return receipt requested or by hand delivery or by a recognized overnight carrier to the parties at the addresses set forth above.

(f) Notwithstanding anything contained herein to the contrary, the use of the Easement Area by Grantee, its contractors, agents, employees, invitees, successors and assigns shall be in compliance with the terms and conditions of the Declaration, as amended from time to time, and in accordance with all applicable laws, codes, ordinances and regulations and any other covenants and restrictions recorded among the land records of the County.

IN WITNESS WHEREOF, the Grantor and Grantee have executed these presents, as of the year and date set forth above.

WITNESS:

Oswald D. Durant
Name: Oswald Durant

GRANTOR:

Huda Durant Woodiel
Huda Durant Woodiel, also known as
Huda Durant

STATE OF MARYLAND, COUNTY OF MONTGOMERY, TO WIT:

I HEREBY CERTIFY, that on this 25 day of July, 2008, before me the subscriber, a Notary Public of the State and County aforesaid, personally appeared Huda Durant Woodiel, also known as Huda Durant, the Grantor in the foregoing instrument, known to me or satisfactorily proven to be, the person whose name is subscribed to the within and foregoing Irrevocable Declaration of Private Driveway Easement and that she executed the same for the purposes therein contained.

WITNESS my hand and official Notarial Seal.

Adam Wertheimer
Notary Public

[Notarial Seal]
My Commission Expires: 10-29-2011



ATTEST:

GRANTEE:

6301 MacArthur, Inc., a Maryland corporation

Adam Wertheimer
Name: Adam Wertheimer
Title: Project Coordinator

By: Sandra Kay Kelly
Name: Sandra Kay Kelly
Title: President

STATE OF MARYLAND, COUNTY OF MONTGOMERY, TO WIT:

I HEREBY CERTIFY, that on this 4th day of August, 2008, before me the subscriber, a Notary Public of the State and County aforesaid, personally appeared SANDRA KAY KELLY being the President of 6301 MacArthur, Inc., the Grantee in the foregoing instrument, known to me or satisfactorily proven to be, the person whose name is subscribed to the within and foregoing Irrevocable Declaration of Private Driveway Easement and that he/she, in such capacity, being authorized so to do, executed the same, for the purposes therein contained.

WITNESS my hand and official Notarial Seal.

[Notarial Seal]
My Commission Expires: 05/04/2011

Timothy A. Dunsmore
Notary Public



36028 259

SUBORDINATION BY THE TRUSTEES OF THE GRANTOR'S DEED OF TRUST

The undersigned trustee under a deed of trust encumbering the Grantor's Parcel and securing a loan by KII Funding Company (the "KH Deed of Trust"), being authorized to do so by Robert L. Harris, the President of KH Funding Company, joins in the execution herof for the purpose of subordinating the lien of the KH Deed of Trust to the legal operation and effect of the foregoing Declaration.

Mark W. Kugler (SEAL)
Mark W. Kugler, Trustee

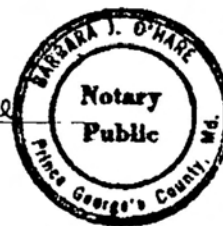
STATE OF MARYLAND, COUNTY OF Montgomery, TO WIT:

I HEREBY CERTIFY, that on this 28th day of July, 2008, before me the subscriber, a Notary Public of the State and County aforesaid, personally appeared Mark W. Kugler, who acknowledged himself to be a Trustee of the KH Deed of Trust, and that he as such Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing his name as Trustee.

WITNESS my hand and official Notarial Seal.

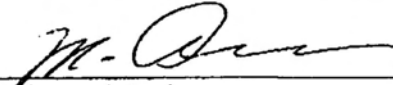
[Notarial Seal]
My Commission Expires: 31/12/2010

Barbara J. O'Hare
Notary Public



CONSENT TO AND SUBORDINATION BY THE FEE SIMPLE OWNER OF PARCEL P935

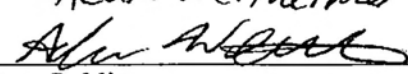
The undersigned is the owner in fee simple of the parcel of land known as Tax Map GM62, Parcel P935 in the subdivision known as "Brooke Park", with Tax Account Number 07-502-00437475 and being more particularly described in a deed recorded in Liber 33778 at folio 639, among the Land Records of Montgomery County, Maryland ("Parcel P935"), joins in the execution hereof, on his own behalf and on behalf of his heirs, successors and assigns, for the purpose of (x) consenting to the terms and conditions of the foregoing Irrevocable Declaration of Private Driveway Easement, (y) subordinating the easements and rights granted to the owners of said Parcel P935 pursuant to (i) that certain Declaration of Easement for Ingress and Egress recorded in Liber 16519 at folio 260, and (ii) that certain Deed of Reciprocal Easements recorded in Liber 32238 at folio 656, to the legal operation and effect of the foregoing Irrevocable Declaration of Private Driveway Easement, and (z) agreeing that the such easements and rights with respect to parking will not be used in any manner that interferes with the ingress and egress easements granted in the foregoing Irrevocable Declaration of Private Driveway Easement.

 (SEAL)
Mahmoud Amin

STATE OF MARYLAND, COUNTY OF Montgomery TO WIT:

I HEREBY CERTIFY, that on this 31 day of July, 2008, before me the subscriber, a Notary Public of the State and County aforesaid, personally appeared Mahmoud Amin, who acknowledged himself to be the owner in fee simple of Parcel P935, and that he as the owner of Parcel P935 executed the foregoing instrument for the purposes therein contained, by signing his name thereto.

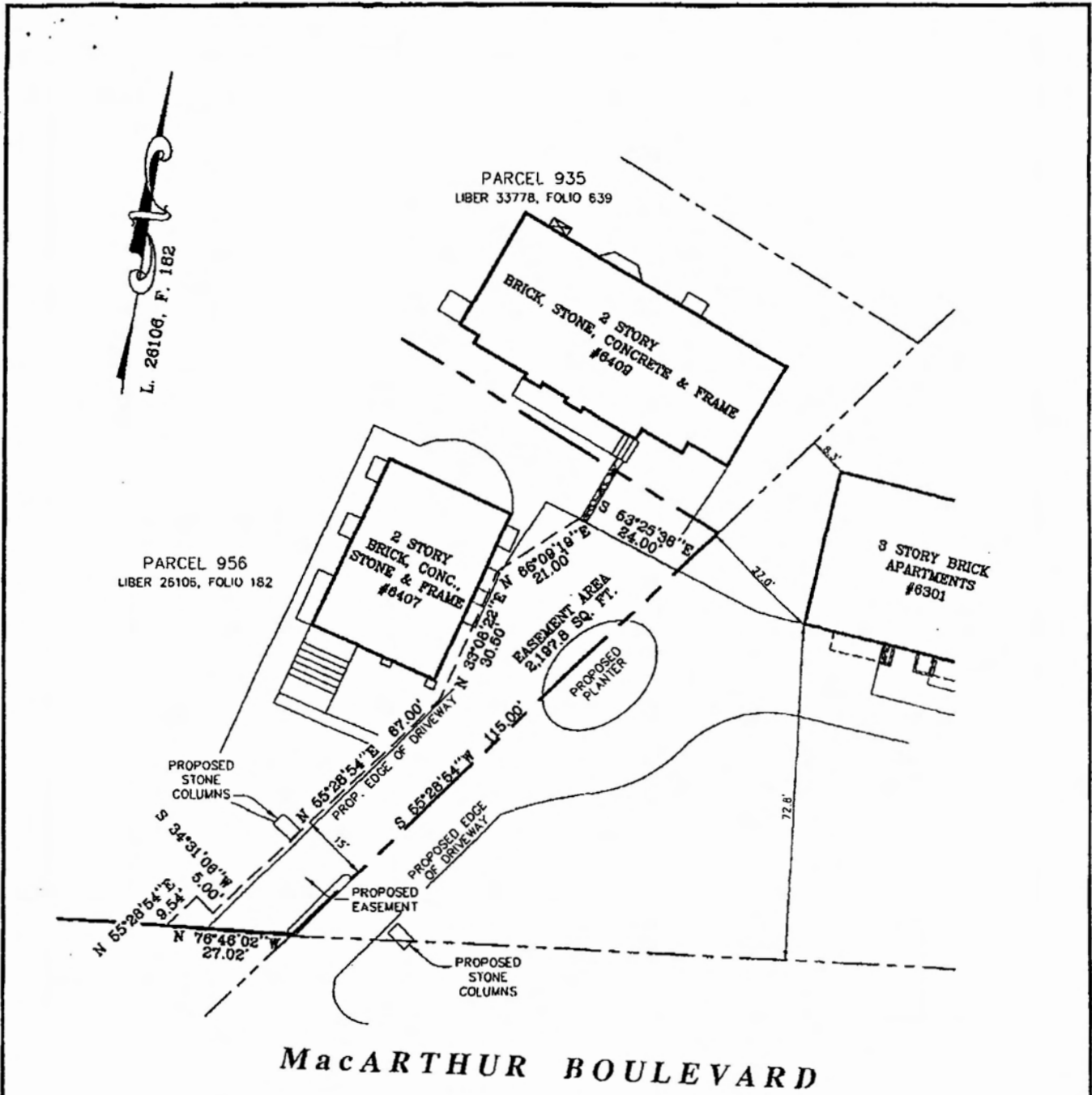
WITNESS my hand and official Notarial Seal.

Adam Wertheimer

Notary Public

[Notarial Seal]
My Commission Expires: 10/29/2011


W:\18990.027\Title\Private Driveway Easement v7.doc





Revised Prop. Drive, Sept 4, 2008
Revised Easement, June 5, 2008

SKETCH DRAWING
OF THE
PROPOSED EASEMENT
THROUGH THE
HUDA DURANT PROPERTY
LIBER 26106 at FOLIO 182
MONTGOMERY COUNTY, MARYLAND

REFERENCES			SNIDER & ASSOCIATES LAND SURVEYORS 20270 Goldenrod Lane, Suite 110 Germantown, Maryland 20876 301/948-6100 Fax 301/948-1288	
PLAT BK.			DATE: MARCH 19, 2008	SCALE: 1" = 30'
PLAT NO.		WALL CHECK:	DRAWN BY: A.L.W.	
LIBER	26106	HSE. LOC.:	JOB NO.: 07-25080E	
FOLIO	182			

36028 262

State of Maryland Land Instrument Intake Sheet
Baltimore City County: Montgomery

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only-All Copies Must Be Legible)

Form with sections 1-11: 1 Type(s) of Instruments, 2 Conveyance Type, 3 Tax Exemptions, 4 Consideration and Tax Calculations, 5 Fees, 6 Description of Property, 7 Transferred From, 8 Transferred To, 9 Other Names to Be Indexed, 10 Contact/Mail Information, 11 Assessment Information.

Tree Variance Requirements

On October 1, 2009, Section 5-1307(c) of the Natural Resources Article of the Maryland Annotated Code went into effect statewide and affects the Montgomery County Forest Conservation law. This section requires applicants to obtain approval of a variance for the removal or impact of trees 30 inches and greater diameter at breast height and certain vegetation prior to the approval of a forest conservation plan. Section 22A-21 of the County code indicates that only the Planning Board has the authority to approve a variance to the forest conservation law. Therefore, the Planning Board is asked to approve the variance with the preliminary forest conservation plan. See Appendix A for Variance requirements.

Under Chapter 22A-21 of the County Code a person may request in writing a variance from this Chapter or any regulation adopted under it if the person demonstrates that enforcement would result in unwarranted hardship to the person.

The applicant for a variance must:

- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
- (2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;

Verify that State water quality standards will not be avoided or that a measurable Maryland Annotated Code 1307(c) affects the Montgomery County Forest Conservation law by identifying the following trees, shrubs, plants, and specific areas as priority for retention and protection and shall be left in an undisturbed condition unless the applicant qualifies for a variance in accordance. More specifically the vegetation to remain undisturbed includes:

- A. Trees, shrubs, or plants determined to be rare, threatened, or endangered under:
 - (1) The federal Endangered Species Act of 1973,
 - (2) The Maryland Nongame and Endangered Species Conservation Act, Natural Resources Article, §§10-2A-01—10-2A-09, Annotated Code of Maryland, and
 - (3) COMAR 08.03.08;
- B. Trees that:
 - (1) Are part of an historic site,
 - (2) Are associated with an historic structure, or
 - (3) Have been designated by the State or the Department as a national, State, or county champion tree; and
- C. Any tree having a diameter measured at 4.5 feet above the ground of:

- (1) 30 inches or more, or
- (2) 75 percent or more of the diameter, measured at 4.5 feet above the ground, of the current State champion tree of that species as designated by the Department of Natural Resources.
- (3) degradation in water quality will not occur as a result of the granting of the variance;
and
- (4) Provide any other information appropriate to support the request.



Isiah Leggett
County Executive

DEPARTMENT OF PERMITTING SERVICES
ZONING

Carla Reid
Director

DRC - Monday, November 16, 2009

Project Name: Brooke Park

Preliminary Plan #: 120100030

Site Plan # N/A

Applicant: 6301 MacArthur Inc.

Engineer: Site Solutions, Inc.

Zone: R-30

Number of Lots (Acres): 1 Lot (1.18 Acres)

Zoning Reviewer: Mark Beall/ Dave Niblock (240-777-6252)

Development Standards on Submitted Plan(s):

Standard	Required	Proposed
Front:	65' from centerline of Sangamore & Brooks	65' from centerline of Sangamore & Brooks
Rear:	25' along MacArthur Blvd.	25' along MacArthur Blvd.
Sides:	10' from western prop. line	10' from western prop. line
Height:	35'	35'
Building Coverage:	18%	13%
FAR	N/A	N/A

- Plan(s) meets zoning requirements.
 Plan(s) meets zoning requirements, but see comments below.
 Plan(s) do not meet zoning requirements. See comments below.

Comments:

Applicant will need a variance from the Board of Appeals for the proposed work that will not meet the required setback. Applicant will need an ingress/egress access easement for the driveway on Parcel P956. DPS will review the permit(s) as multi-family residential and not townhouses.

****Note-**When applying for a building permit please identify both the BRL approved on the certified site plan and the dimensions from the structure to the property lines on all four sides.

Mark Beall: (240) 777-6298 or Laura Bradshaw: (240)777-6296
255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4166.



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

October 13, 2010

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #120100170
Brooke Park

Dear Ms. Conlon:

We have completed our review of the updated preliminary plan dated October 5, 2009. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on November 16, 2009. The applicant's engineer recently contacted us to determine the status of this overdue letter; we regret this oversight.

We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication along Brookes Lane and Sangamore Road in accordance with the master plan.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. Sangamore Road is classified as an arterial roadway. The intersection with Brookes Lane is already existing. However, the sight distances certification form at this intersection indicates the existing visibility to the right (along Sangamore Road) is limited due to existing vegetation.

The sight distances certification form indicates removal of this vegetation will improve visibility to approximately three hundred fifty (350) feet. We believe this situation should be improved with by this applicant to provide a visibility of at least three hundred twenty five (325) feet. Prior to approval of the record plat by the Department of Permitting Services, the applicant's engineer should submit an updated executed and sealed Sight Distances Evaluation certification form for DPS' approval.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

Tree removal/trimming in the County rights of way is to be coordinated with our Division of Highway Services. The applicant should contact Mr. Brett Linkletter, the Manager of the Division of Highway Services Tree Maintenance Unit, at (240) 777-7651.

4. Access and improvements along MacArthur Boulevard as required by the United States Army Corps of Engineers.
5. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by the common driveway off MacArthur Boulevard.
6. We accept the consultant's storm drain study; we will not require any improvements to the existing public storm drain system for this project.
9. Waiver from the Montgomery County Planning Board for sidewalk construction along the MacArthur Boulevard site frontage.
10. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Ms. Sarah Navid of that Department at (240) 777-6304 to discuss the parking lot design.
11. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans With Disabilities Act.
12. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site. The intersection curb geometry should be designed to accommodate the turning movements of an SU-30 truck; it may be necessary to increase the curb radii at Brookes Lane and Sangamore Road to thirty (30) feet to ensure acceptable intersection traffic operations.

Geometrics for the intersection of the site driveway, Brookes Lane, and Sangamore Road will be reviewed by the Department of Permitting Services as part of their review of the building permit application. We advise the applicant to submit their traffic volume data to the DPS Right-of-Way Plan Review Section (in advance of their building permit applications) to verify their intersection improvement requirements and the acceptability of their design.

13. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
14. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

15. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
16. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
17. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Across the Brookes Lane site frontage, widen the existing pavement to twenty (20) feet and construct curb, gutter, five (5) foot wide concrete sidewalk and handicap ramp(s), and plant street trees within the lawn panel.
 - B. At the intersection of Brookes Lane, Sangamore Road, and the proposed private driveway, construct curb and gutter, five (5) foot wide concrete sidewalk and handicap ramp.
 - C. Along the Sangamore Road site frontage, widen the pavement to fourteen and a half feet (14.5) from centerline with curb and gutter, provide a four (4) minimum width lawn panel, and a five (5) foot wide concrete sidewalk to the intersection with MacArthur Boulevard (in accordance with Context Sensitive design standard 2004.19). We support allowing the path to meander within the right-of-way to minimize impact on trees near that intersection and avoid conflict with existing storm drain.
 - * **NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**
 - D. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - E. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
 - F. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Ms. Catherine Conlon
Preliminary Plan No. 120100030
October 13, 2010
Page 4

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Area Engineer for this vicinity, at david.adams@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

m:/subd/gml/docs/pp/1-20100030, Brooke Park

Enclosure

cc: Jeffrey S. Lewis; Site Solutions, Inc.
Paul Rasevic; 6301 MacArthur, Inc.
Richard Weaver; M-NCPPC Development Review
Shahriar Etemadi; M-NCPPC Transportation Planning
Preliminary Plan Folder
Preliminary Plan Notebook

cc-c: Sarah Navid; MCDPS RWPR
Brett Linkletter; MCDOT DHS
Dan Sanayi; MCDOT DTEO
David Adams; MCDOT DTEO



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

February 12, 2010

Carla Reid
Director

Mr. Jeffery Lewis, P.E.
Site Solutions, Inc.
20410 Observation Drive, Suite 205
Germantown, MD 20876

Re: Stormwater Management **CONCEPT** Request
for Brooke Park
Preliminary Plan #: 120100030
SM File #: 236095
Tract Size/Zone: 1.18 Ac./R-30
Total Concept Area: 1.18 Ac.
Parcel(s): P954
Watershed: Little Falls Branch

Dear Mr. Lewis:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via a green roof and a flow based StormFilter. Onsite recharge is not provided due to steep slopes. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. The green roof is to be designed by a professional with experience in green roof design.
6. Provide pretreatment to the StormFilter.
7. Please continue to work with the adjacent owners and the County to resolve an existing drainage issue. If possible include this work as part of the design plan submittal.
8. A waiver of an area (0.01 acres) below the proposed water quality structure is granted due to site constraints and existing storm drain inverts in MacArthur Boulevard.

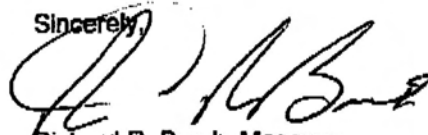
This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-8332.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN236095 Brooke Park.DWK

cc: C. Conlon
M. Pfefferle
SM File # 236095

QN - Onsite; Acres: 1.18
QL - Onsite/Waived; Acres: 1.17/0.01
Recharge is not provided



MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Fire Lane	Executive Order No. 104-10	Subject Suffix
Originating Department Montgomery County Fire and Rescue Service	Department Number MCFRS 14-10	Effective Date 2/3/2010

Fire Lane Establishment Order

Pursuant to Section 22 - 33, Montgomery County Code, 1971, as amended, you are hereby notified that a Fire Lane has been established as described in this order. You are hereby ordered to post fire lane signs and paint curbs/pavement (painting optional) as identified below. When signs and paint work (painting optional) have been completed, this order will authorize the enforcement of this Fire Lane by appropriate police and fire officials. Compliance with this order must be achieved within 30 days of receipt.

LOCATION: Brooke Park
Brookes Lane at intersection with Sangamore Rd.

All areas where indicated by signs and paint.

SIGNS -- (See attached diagram for location of sign placement)



\$250 FINE

FIRE LANE

Signs must be posted so that it is not possible to park a vehicle without being in sight of a sign. Signs may be no further apart than 100 feet

(Red letters on white background)

PAINT -- (See attached diagram if painting).

Paint must be traffic yellow with lines of sufficient width to be readily identifiable/readable by motor vehicle operators.

Fire Chief, Montgomery County Fire and Rescue Service



MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Isiah Leggett
County Executive

Richard Bowers
Fire Chief

Date: FEB. 3, 2010

Fire Lane Establishment Order

Pursuant to Section 22-33, Montgomery County Code, 1971, as amended, you are hereby notified that a Fire Lane has been established as described in this order. You are hereby ordered to post fire lane signs and paint curbs/pavement as identified below. When signs or paint work has been completed, this order will authorize the enforcement of this Fire Lane by appropriate police or fire officials. Compliance with this order must be achieved within 30 days of receipt when any of the following conditions are met:

- One or more structures addressed from the subject road are occupied;
- The road or accessway is available for use and at least one building permit for an address on the subject road has been issued; or
- The road or accessway is necessary fire department access.

LOCATION: BROOKES LANE AT INTERSECTION
WITH SANGAMORE ROAD, BETHESDA

Delineate all areas where indicated by signs and/or paint.

SIGNS -- (See attached diagram for location of sign placement)



(Red letters on white background)

Signs must be posted so that it is not possible to park a vehicle without being in sight of a sign. Signs may be no further apart than 100 feet.

PAINT -- (See attached diagram when painting is required)

Paint must be traffic yellow with lines of sufficient width to be readily identifiable/readable by motor vehicle operators.

[Signature] 651189/FM43
Signature of Order Writer/I.D. #

Cc: Fire Code Enforcement Section
Attachment: Fire Lane Diagram

THE FIRE SERVICE, I.B.C.
 FIRE DEPARTMENT, BOSTON
 100 STATE STREET, BOSTON, MASS. 02109
 TEL. 552-2222 FAX 552-2222

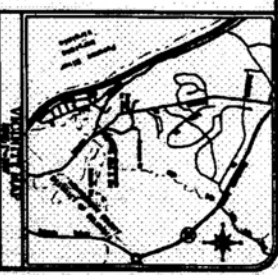
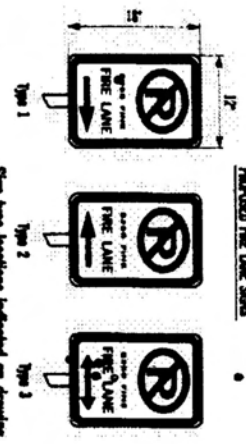
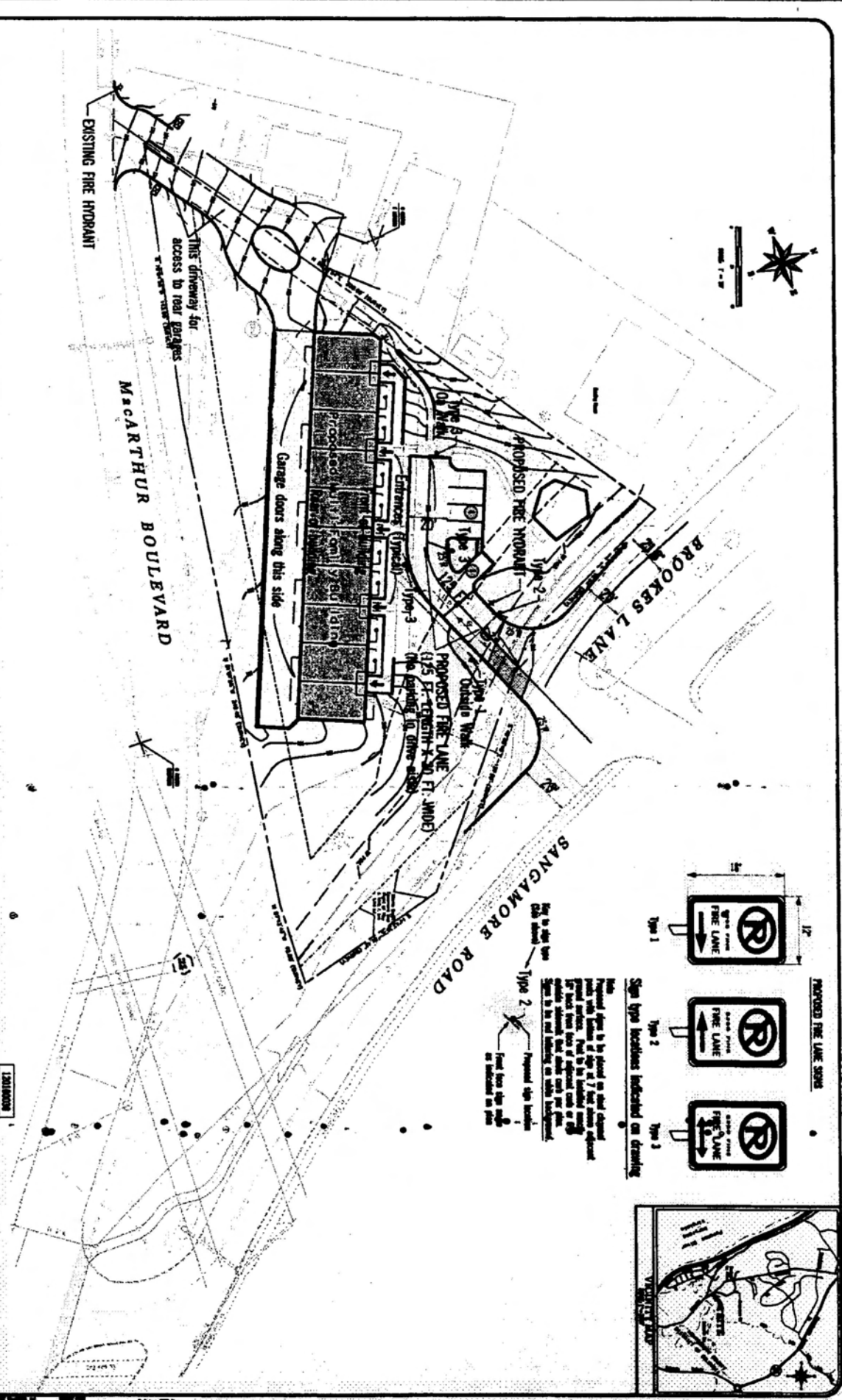
CONTRACT NO. 1001000001
 PROJECT NO. 1001000001
 DRAWING NO. 1001000001

DATE	DESCRIPTION

PREPARED BY: [Name]
CHECKED BY: [Name]
DATE: [Date]

Preliminary Handover Plan & Service Services Plan
BROOKLINE PARK
 1001000001

SCALE	1" = 30'
DATE	10/1/81
PROJECT NO.	1001000001
DRAWING NO.	1001000001



FIRE LANE ESTABLISHMENT FORM

BUILDING OR SUBDIVISION NAME: BROOKE PARK

FIRE LANE LOCATION/ADDRESS: BROOKES LANE @ INTERSECTION
WITH SANGAMORE ROAD

See attached drawing for designated fire lanes:

I have received the drawing and instructions for installing the designated fire lanes on property not owned by state or local government.

NAME AND TITLE OF PROPERTY REPRESENTATIVE

NAME: Paul P. Bisevic TITLE: Manager

SIGNATURE: [Signature]

PHONE: 301.486.6900 DATE: 2.2.2010

ADDRESS (where processed order will be mailed):

5200 River Rd #6 Bethesda MD
20816

The designated fire lanes are the minimum necessary for fire/rescue access and are in accordance with Section 22-33 of the Fire Safety Code.

NAME: Marie Labaw SIGNATURE: [Signature]

STA.#: CE ID.#: LS1189 DATE: 4/14/10

Comments: required for development plan approval

Fire Lane Installed Per Order

NAME: _____ DATE: _____