

Preliminary Plan Amendment No. 11991045A: Peterson Property (Lot 5)

JP
RAW

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Completed: 06-28-13

Description

Preliminary Plan Limited Amendment No. 11991045A Peterson Property (Lot 5)

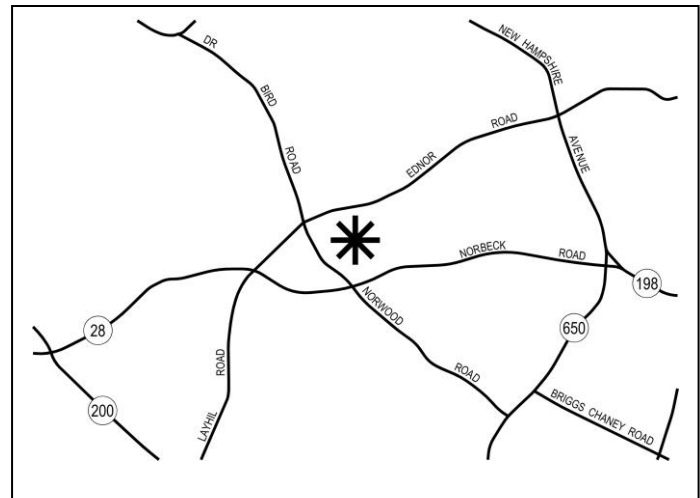
A request to remove a portion of the Category I Conservation Easement located on the northeast side of Norwood Road approximately 2,100 feet north of Norbeck Road, 2.1 acre lot, RE-2C Zone, Cloverly Master Plan

Staff Recommendation: *Approve, with conditions*

Applicant: Mitchell and Best Group, L.L.C.

Subject Property: Lot 5, Peterson Property

Submittal Date: January 10, 2013



Summary

- This Application proposes to remove 0.96 acres of Category I conservation easement.
- Revise Lot 5 and Parcel 833 boundary line to reflect correct location.
- The non pipestem area of Lot 5 is currently 100% encumbered by Category I conservation easement or septic easement.
- This Application is not in response to a forest conservation violation.

STAFF RECOMMENDATION

Approval of the Limited Amendment to the Preliminary Plan and associated Final Forest Conservation Plan, subject to the following conditions:

1. The Applicant must submit a complete record plat application within ninety (90) days of the mailing of the Planning Board Resolution approving the limited amendment to the Preliminary Plan that delineates the revised Category I conservation easement. The existing conservation easement remains in full force and effect until the record plat is recorded in the Montgomery County Land Records by the Applicant.
2. The record plat must reference the standard Category I conservation easement as recorded at liber 13178, folio 412 in the Land Records for Montgomery County, Maryland over the areas identified to remain, as shown on the amended final forest conservation plan.
3. The Applicant must submit a Certificate of Compliance to use an M-NCPPC approved offsite forest mitigation bank within ninety (90) days of the mailing of the Planning Board Resolution approving 11991045A. The Certificate of Compliance must provide 1.92 acres of mitigation credit for the removal of 0.96 acres of Category I conservation easement. The Applicant must delineate the revised Category I conservation easement boundary on the property with permanent easement markers and appropriate signage as required by 11991045A no later than ninety (90) days from the recordation of the record plat and the new conservation easement.
4. All other conditions of Preliminary Plan No. 119910450 and Forest Conservation Plan No. 119910450 that were not modified herein, as contained in the Planning Board's Opinion dated April 22, 1992, remain in full force and effect.

DISCUSSION

The Montgomery County Planning Board originally approved preliminary plan No. 119910450, Peterson Property, on April 16, 1992 for three (3) lots and two (2) outlots on 11.70-acres of land in the RE-2 zone. The preliminary plan was subject to the forest conservation law (Chapter 22A of the County Code) and a forest conservation plan (FCP) was required. The FCP approved with the 5-lot Peterson Property preliminary plan showed 2.5 acres of existing forest, of which 0.75 acres was to be cleared, thereby generating a 1.5 acre planting requirement which was to be met on-site. The FCP indicated that an easement was to be located on a portion of Outlot 4 (later to become Lot 5).

The two outlots shown on the Peterson Property preliminary plan were created based on lack of approved septic testing. Subsequent to the approval of this preliminary plan in 1992, the 1998 Cloverly Master Plan ("Master Plan") recommended the RE-2C zone for the Subject Property and also for a large geographic area around the Subject Property. To implement the cluster option, the properties that were recommended for the RE-2C zone were placed within the water and sewer service envelope in the Master Plan. A sewer main was eventually extended near the Subject Property for the Hampshire Greens development. In May of 2000 an application was filed for a minor subdivision to convert Outlot 1 and Outlot 4 into Lot 4 and Lot 5, respectively. Outlot 4 (Lot 5) was encumbered by a septic easement for an adjoining property (Parcel P833). The septic easement was to be abandoned as part of the minor subdivision record plat and both Outlot 4 (Lot 5) and the adjoining P833 would be connected to the public sewer. Record plat #21957 was approved in 2001 showing Lot 4 and Lot 5 with a note added which read "The approval of this plat is predicated on the availability of public water and sewer". The Applicant subsequently purchased Lot 5 with the hopes of building a house but was unsuccessful in gaining access easements from neighboring landowners to extend the sewer house connections from the off-site public sewer mains. Because of the inability to gain access to offsite public sewer lines this

amendment, designated Preliminary Plan No. 11991045A , (“Application”) was filed as a request to re-establish the Subject Property (Lot 5) with a septic reserve area for the adjoining property and to create a second septic reserve area to accommodate a house on the Subject Property. In order to do this, the Category I easements shown on the current record plat for Lot 5 needs to be changed to accommodate the second septic reserve area and allow a buildable area for a house.

In addition to the easement change above, replatting of this lot would also involve changing of the existing lot lines to reflect a judgment from a court case involving an adjacent property. In 2008, Mr. Rolf Nieman, owner of the adjacent parcel 833, filed a case in Montgomery County Circuit Court claiming that the property lines for Outlot B/Lot 5 as shown on Plat #19328 and Plat #21957, respectively, were incorrect in relation to his abutting property (P 833). On June 5, 2008, Judge David Boynton issued a consent order and declaration that Mr. Nieman’s deed (Liber 5575 Folio 589) contained the correct common property lines and superseded the property line shown on the aforementioned plats. Since approval of this Application as recommended will require a new record plat, the new plat should reference the correct property lines as determined by the Court.

SITE DESCRIPTION

The Subject Property is located on the northeast side of Norwood Road, approximately 2,100 feet north of Norbeck Road in the 1997 Cloverly Master Plan area. The Subject Property is identified as Lot 5, Peterson Property and is 2.1 acres in size, zoned RE-2C and currently vacant. The Subject Property contains 1.19 acres of Category I conservation easement which comprises 57% of the total lot area. Topography slopes from the north, downhill to the south draining to an offsite tributary of Northwest Branch, a Use IV stream. The Countywide Stream Protection Strategy rates the water quality of the Northwest Branch watershed as good.

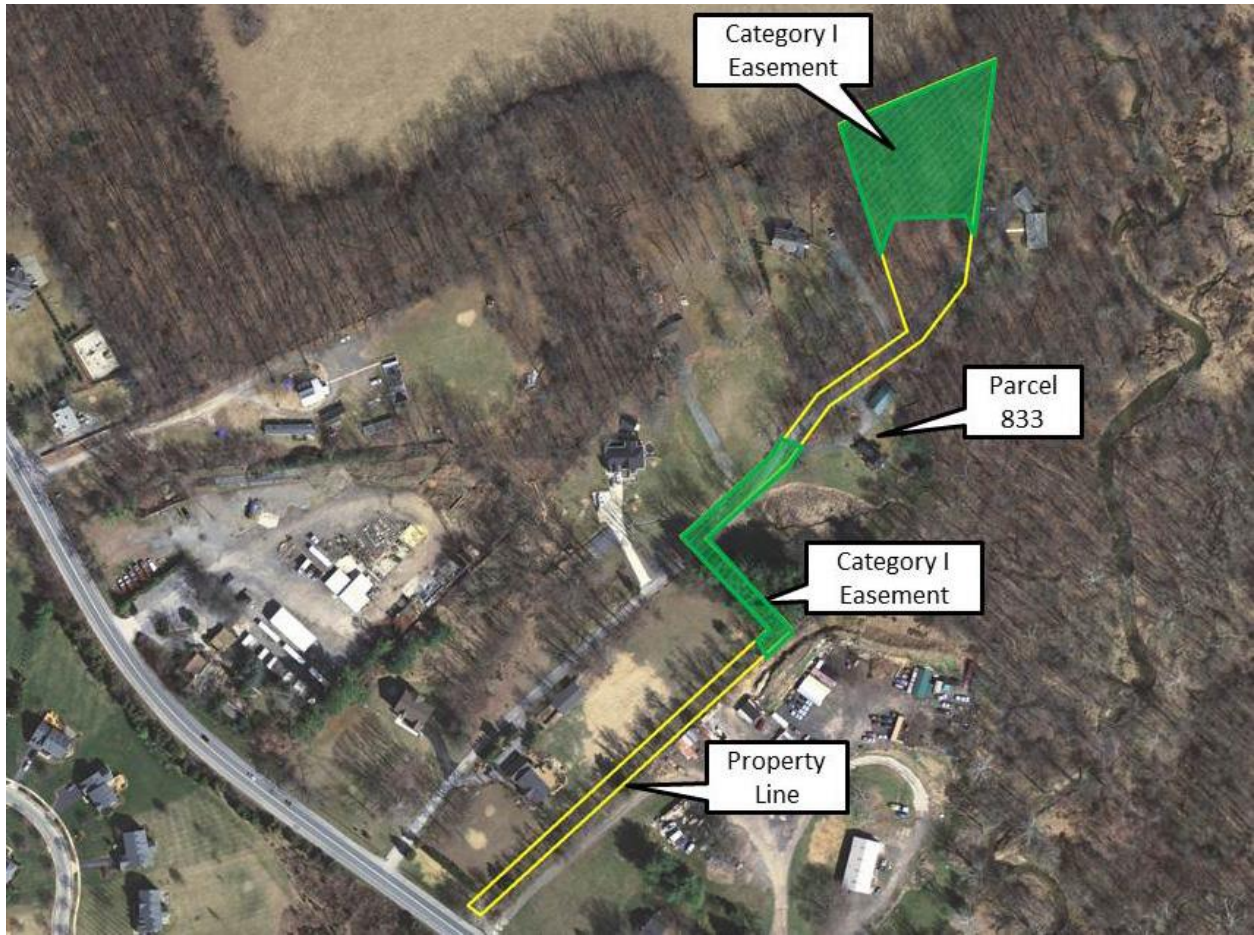


Figure 1: Subject Property

PROPOSAL

The Application requests removing 0.96 acres of Category I conservation easement from the overall 1.19 acres of easement on the Subject Property. The remaining 0.23 acres of easement located in the pipestem (as shown in figure 3 below) will remain. To mitigate for the 0.96 acres of easement area removal, the Applicant proposes to purchase credits in an offsite forest conservation bank.

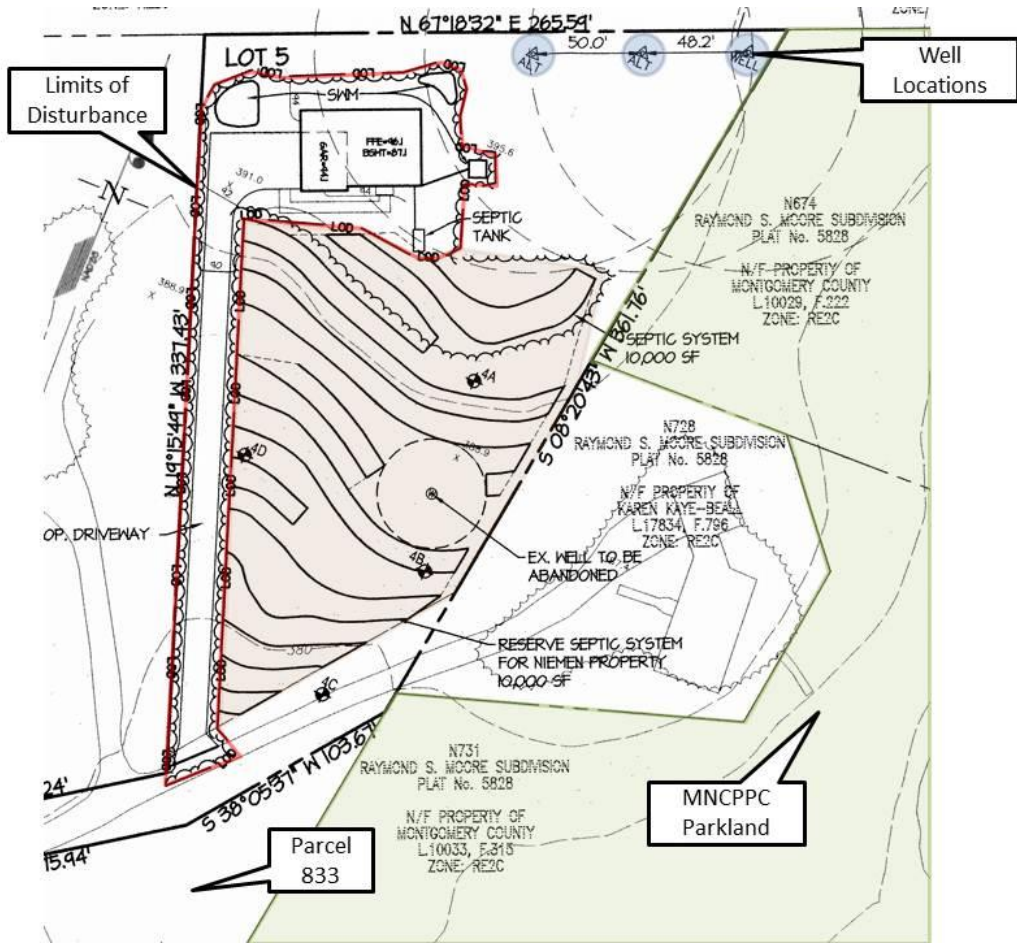


Figure 2: Proposed Development

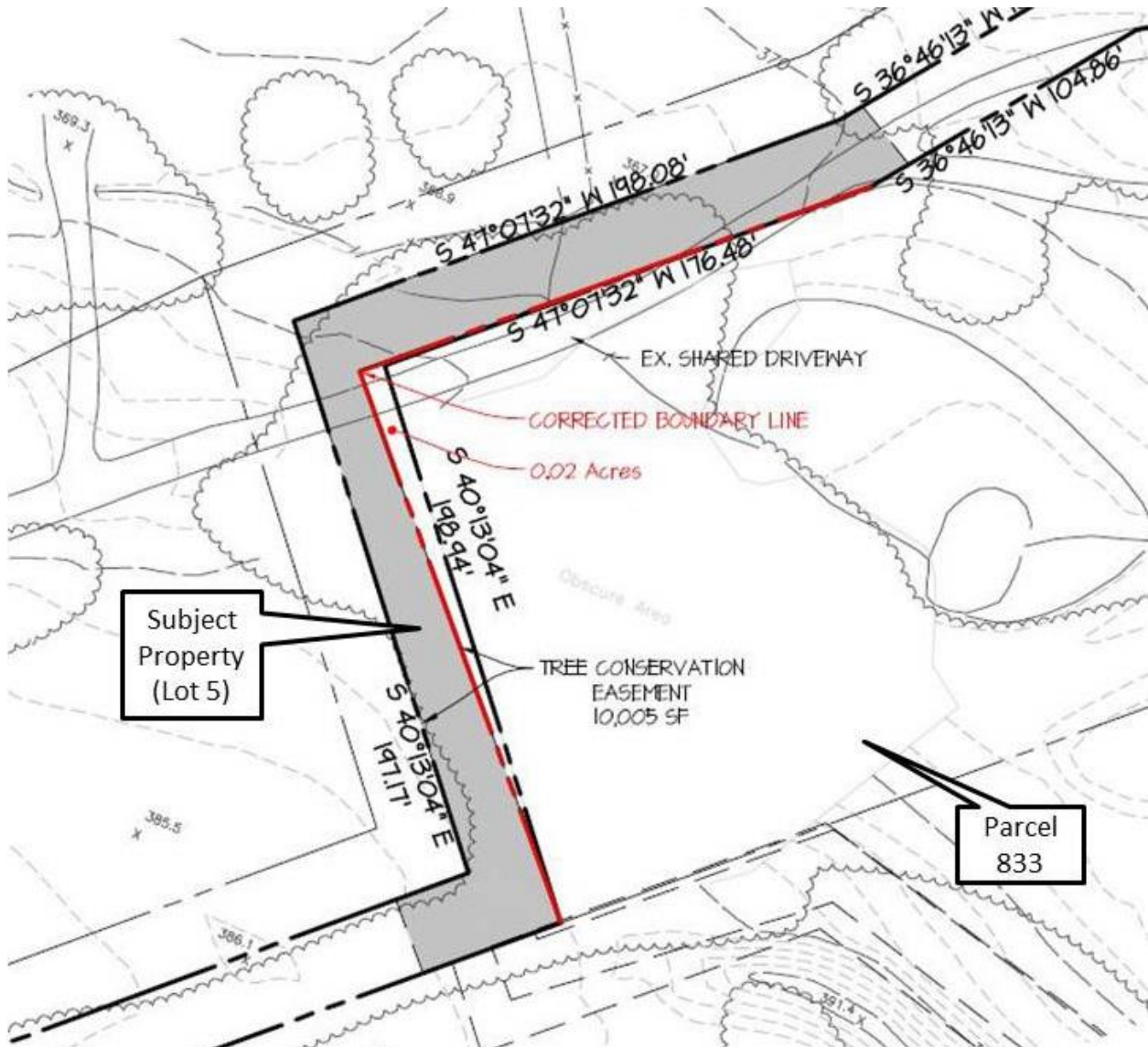


Figure 3: Corrected Boundary Line and Additional Easement Removal

PLANNING BOARD REVIEW AUTHORITY

The Forest Conservation Regulations require Planning Board action on certain types of modifications to an approved FCP. Section 22A.00.01.13.A of the Forest Conservation Regulation states:

Major amendments which entail more than a total of 5000 square feet of additional forest clearing must be approved by the Planning Board or the Planning Director (depending on who approved the original plan).

The total modification requested under this Application is greater than the 5,000 square foot threshold at 0.96 acres. Additionally, staff believes that the removal of, or significant change to, the conservation easement warrants consideration in a public forum with a final decision from the Planning Board.

ANALYSIS AND FINDINGS

The Application is a proactive request to remove a portion of the conservation easement and is not in response to violation. The revision to the easement will provide the Applicant with a buildable area on a recorded lot. The Applicant has been working with Staff to come to a mutually supportable mitigation package that meets the statutory requirements of the Planning Board and the needs of the Applicant/Owner. In its review of the Application, staff determined that Lot 5 as it is now known, was created as an outlot (Outlot 4), as shown on the original record plat from 1992. It was designated as an outlot to prevent issuance of a building permit until a suitable means of sewage disposal could be determined. With the extension of public sewer into the watershed for the Hampshire Greens development, the prior owner of Outlot 4 converted it into a record lot and abandoned the septic reserve area that had been established on the outlot for the adjoining property (P833). The area that comprised the former septic reserve area was to be available for construction of a one family house using public sewer and a sewer connection was to be provided to the adjoining P833 as part of the septic area abandonment. However, attempts by the Applicant to gain access to the off-site sewer main through adjacent private properties and Parkland proved unsuccessful and Lot 5 has remained undeveloped.



Figure 4: Current On-lot Easement Coverage

As shown on the Preliminary Plan, the Montgomery County Department of Permitting Services has determined that there is viable, second septic reserve area that could be used to accommodate a house;

however, it is within the existing Category I easement. The former septic reserve area for the adjoining P833 also remains valid and would be re-established on the Subject Property record plat.

The result would be a lot with two septic reserve fields and a house location. Staff believes that because of the prior action to convert the outlot to a record lot, there was a definite expectation that a house could be located on the Subject Property. Because of the inability to gain access to public sewer, the use of private septic systems is the only means of providing adequate sewage disposal to a house. Staff believes that this Application to amend the forest conservation easements, establish a new septic reserve area and re-establish a previous septic reserve area is the minimum necessary to allow a building permit to eventually be issued under the current scenario.

Additionally, this application will correct the property boundary where lot 5 borders parcel 833, and in doing so .02 acres of Category I that was recorded and thought to be located on lot 5 will be removed and mitigated for by the Applicant since it is actually on Parcel 833 and as determined by the Court.

As proposed by the Applicant, the mitigation for the easement removal is to replace the easement offsite at a 2:1 ratio. This situation is somewhat unique in that without removing at least a portion of the Category I conservation easement the Applicant will have an unbuildable recorded lot. Under this Application, the Applicant originally proposed retaining more Category I conservation easement on lot, however, Staff believed it would have created an isolated and oddly shaped easement on the rear of a 2.10 acre pipe stem lot that would be difficult to monitor and enforce. Onsite mitigation is generally preferable to offsite mitigation because it provides in-kind and in-place benefits for what is being removed however, no acceptable areas onsite to mitigate for the easement removal and recommends that all mitigation be taken offsite. The Planning Board practice for the removal of conservation easement, as determined in November of 2008, is a ratio of 2:1 (planting requirement) if taken off-site.

The Application satisfactorily meets the Planning Board's mitigation practice of 2:1 offsite and complies with Chapter 22A, the Montgomery County Forest Conservation Law. Staff supports the revision to the Category I easement to remove 0.96 acres and mitigate it off-site with a 1.92 acre planting requirement or through the acquisition of 1.92 credit acres in an offsite forest mitigation bank.

NOTIFICATION and OUTREACH

The Subject Property was signed with notification of the upcoming preliminary plan amendment in accordance with adopted procedures. All adjoining and confronting property owners, civic associations, and other registered interested parties will be notified of the upcoming public hearing on the proposed amendment. As of the date of this report, staff has received no inquiries. Any comments received hereafter will be forwarded to the Board.

CONCLUSION

Staff recommends that the Planning Board approve this Application subject to the conditions enumerated in this staff report.

Attachments:

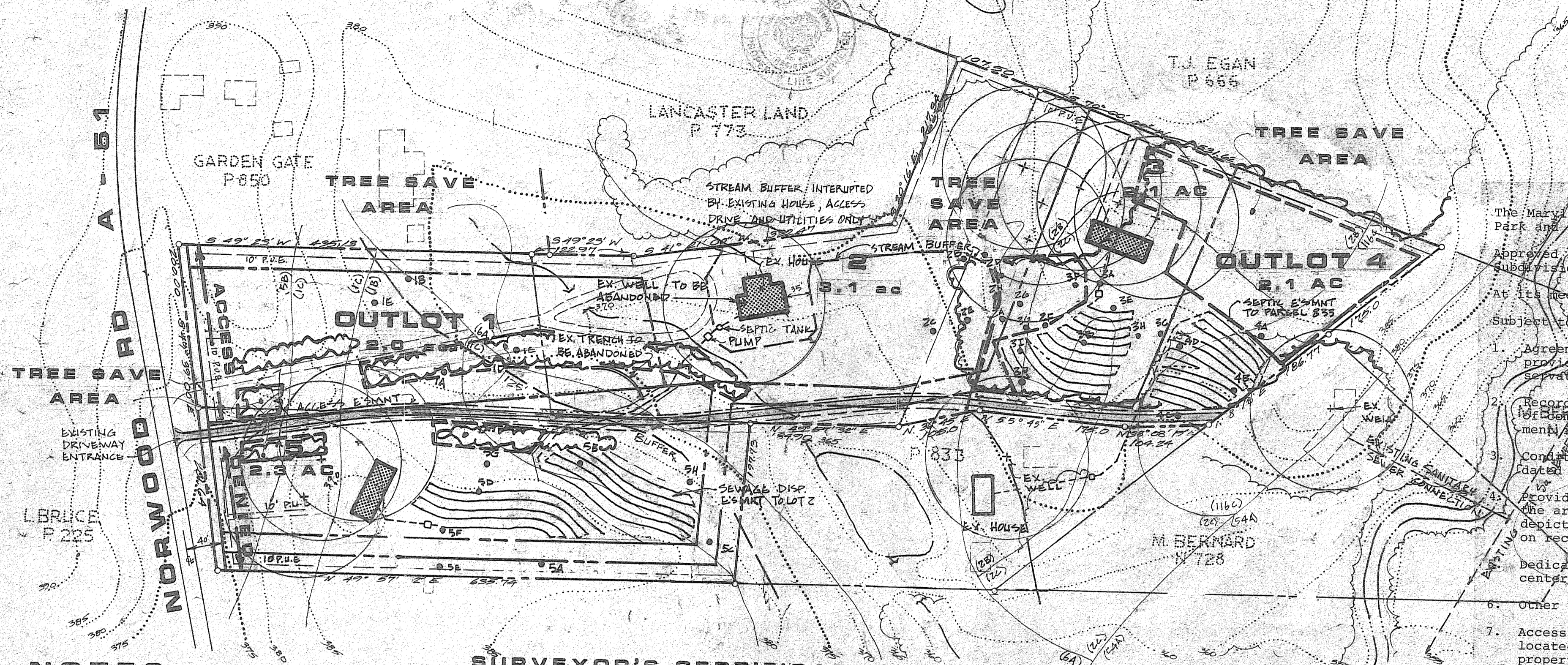
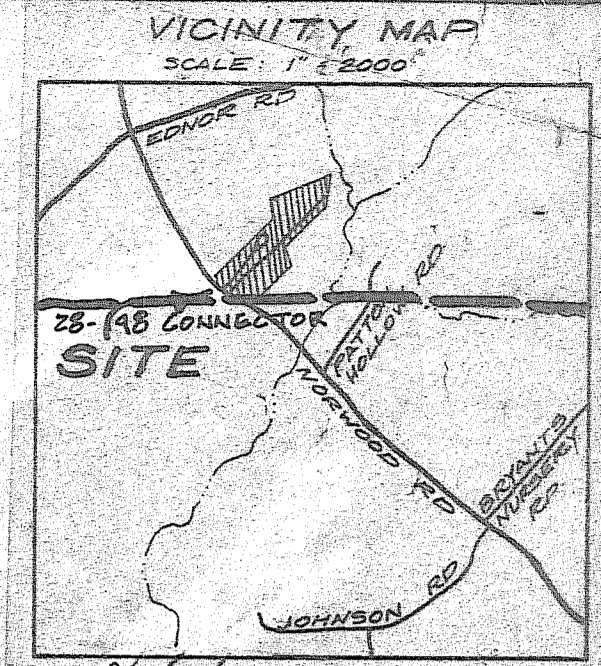
- A. Original Preliminary Plan No. 119910450
- B. Approved Forest Conservation Worksheet
- C. Opinion for Preliminary Plan No. 119910450
- D. Original Plat Preliminary Plan No. 119910450
- E. Plat for Conversion of Outlots to Lots
- F. Montgomery County Department of Environmental Protection Sewer Exception Letter
- G. Revised Preliminary Plan 11991045A

LOT	N.O. BEDROOMS	TEST SITE	TIME IN MIN.	DEPTH OF TESTS	TEST SITE	TIME IN MIN.	DEPTH OF TESTS	TEST SITE	TIME IN MIN.	DEPTH OF TESTS	INVERT LOWEST FIXTURE	SEPTIC TANK		INVERT BEGIN FIELD	LENGTH INITIAL SYSTEM	LENGTH ENTIRE SYSTEM	DEPTH STONE
												INVERT IN	INVERT OUT				
1																	
2	6	5A	13	2 1/2 + 1 3/4	5B	17	3 1/2 + 1 1/4	5C	11	4 1/4 + 1 1/2	T.O.B.B. PUMPED	380.6	380.3	380.0	239'	1000'	4'
3	5	3E	6	5 1/2 + 1 3/4	3B	10	5 + 1 1/4	3D	25	2 1/2 + 1 1/2	384.6	380.6	380.0	239'	1000'	4'	
4	5	4A	17	2 1/2 + 1 3/4	4B	12	4 1/2 + 1 3/4	4C	20	2 1/2 + 1 1/2	386.8	383.0	382.7	239'	1000'	4'	
5	6	5F	5	4 1/2 + 1 3/4	5A	13	2 1/2 + 1 3/4	5D	23	2 1/2 + 1 1/2	389.1	385.5	385.2	239'	1000'	4'	

CERTIFICATION OF TEST SITE LOCATIONS

I HEREBY CERTIFY TO THE ACCURACY AND LOCATION OF THE SEPTIC SYSTEM TESTS INDICATED ON THIS PRELIMINARY PLAN OF SUBDIVISION

SIGNATURE: *[Signature]* DATE: 11-6-91



- The Maryland-National Capital Park and Planning Commission
 Approved Preliminary Subdivision Plan No. 1-91045
 At its meeting of 4-16-92
 Subject to:
1. Agreement with Planning Board to provide for the necessary tree preservation as shown on 4/92 plan
 2. Record plat to reflect delineation of common ingress and egress easement including P833 and P728
 3. Conditions of Health Department memo dated 1/3/92
 4. Provide conservation easement over the area of the stream buffer as depicted on 4/92 plan and reflect on record plat
 5. Dedication of Norwood Road 40' off center line
 6. Other necessary easements
 7. Access to proposed Lot 3 shall be located solely within the Peterson property unless agreement can be reached with the owners of P833 and P728 prior to recording of plat

NOTES
 AREA OF PARCEL: 11.7 ac
 CURRENT ZONING: RE-2
 NO. LOTS PERMITTED - 5
 NO. LOTS SHOWN - 5
 TAX MAP JS 343

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE BOUNDARY SHOWN HEREON IS CORRECT TO MY BEST KNOWLEDGE AND BELIEF BASED UPON EXISTING RECORDS AND VISUAL OBSERVATIONS
 DATE: 12/12/88
[Signature]
 THOMAS A. MADDOX
 MD R.P.L.S. # 10860

OWNER:
MR STUART PETERSON
 811 NORWOOD RD
 SILVER SPRING, MD 20904
 O (301) 584-0100
 H (301) 774-7388

PRELIMINARY PLAN
PETERSON PROPERTY
 project: **NORWOOD VICINITY**
 MONTGOMERY COUNTY, MARYLAND

B&A
 Benning & Associates, Inc.
 Land Planning Consultants
 8933 Shady Grove Court
 Gaithersburg, Md. 20877
 (301) 948-0240

date: FEB. 9, 1990
 APRIL 6, 1992
 scale 1 IN = 100 FT
 north

PETERSON PROPERTY : 1-91045

Figure Forest Conservation Worksheet^{1,2,3}

- A. TOTAL AREA OF TRACT: 11.7 acres
- B. AREA WITHIN 100 YEAR FLOODPLAIN (≥ 400 ac. D.A. of Use III/III-P waters): 0 acres
- C. AREA OF LAND TO BE USED FOR AGRICULTURE: 0 acres
- D. AREA WITHIN ROW/EASEMENT FOR WHICH WSSC IS RESPONSIBLE: 0 acres
- E. AREA WITHIN ROW FOR ROADS CONSTRUCTED PARTIALLY OR WHOLLY WITH PUBLIC FUNDS: 0 acres
- F. NET TRACT AREA (A-B-C-D-E): 11.7 acres
- G. LAND USE CATEGORY: RE-2 (from Table 1.) MED. DENS.
- H. AFFORESTATION THRESHOLD (% from Table 2 x F): 2.34 acres
- I. CONSERVATION THRESHOLD (% from Table 2 x F): 2.93 acres
- J. CURRENT FOREST COVER: 2.5 acres
- K. FOREST COVER ABOVE AFFORESTATION THRESHOLD (J-H): .17 acres
- L. FOREST COVER ABOVE CONSERVATION THRESHOLD (J-I): 0 acres

CALCULATION OF BREAK-EVEN POINT (Forested acres to be saved for no planting requirements):

- M. IF $L \leq 0$ AND $J \geq H$, BREAK-EVEN POINT EQUALS J: 2.5 acres
(IF $J < H$, THERE IS NO BREAK-EVEN POINT AND AFFORESTATION PLANTING IS REQUIRED. REFER TO P, BELOW.)
IF $L > 0$, BREAK-EVEN POINT EQUALS $(L \times 20\%) + I$: - acres
- N. FOREST COVER TO BE SAVED: 1.75 acres
- O. TOTAL AREA OF FOREST TO BE CLEARED: .75 acres
(IF GREATER THAN J-M, REFORESTATION PLANTING IS REQUIRED. SEE Q-X, BELOW)

CALCULATION OF AFFORESTATION REQUIREMENT:

- P. AFFORESTATION REQUIREMENT: $H - J =$ 0 acres

CALCULATION OF REFORESTATION REQUIREMENT:

- Q. AREA OF FOREST ABOVE CONSERVATION THRESHOLD TO BE CLEARED
(If $L \geq 0$, use O; $L < 0$, use L): 0 acres
- R. AREA OF FOREST BELOW CONSERVATION THRESHOLD TO BE CLEARED (O-Q): .75 acres
- S. FORESTED AREA ABOVE CONSERVATION THRESHOLD TO BE SAVED (N-I): 0 acres
- T. PLANTING REQUIRED FOR CLEARING ABOVE THRESHOLD: $Q \times \frac{1}{4} =$ 0 acres
- U. PLANTING REQUIRED FOR CLEARING BELOW THRESHOLD: $R \times 2 =$ 1.5 acres
- V. CREDIT FOR FOREST SAVED ABOVE CONSERVATION THRESHOLD(S): 0 acres
- W. CREDIT FOR TREES AND LANDSCAPING³ (MATURE CANOPY x 0.25): 0 acres
- X. TOTAL REFORESTATION REQUIREMENT: $T + U - V - W =$ 1.5 acres

TOTAL PLANTING REQUIREMENT:

- Y. AFFORESTATION AND REFORESTATION: $P + X =$ 1.5 ACRES

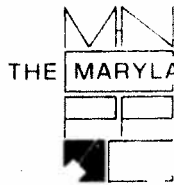
¹ Use 0 for all negative numbers that result from the calculations.

² See Appendix A - Glossary, for definition of terms.

³ Refer to Section III,D of this manual for detailed explanation.

ATTACHMENT C

Date of Mailing: April 22, 1992



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation with Modifications
(Motion of Comm. Keeney, seconded by Comm. Baptiste, with
a vote of 5-0; Comms. Keeney, Baptiste, Bauman, Floreen
and Richardson voting in favor.)

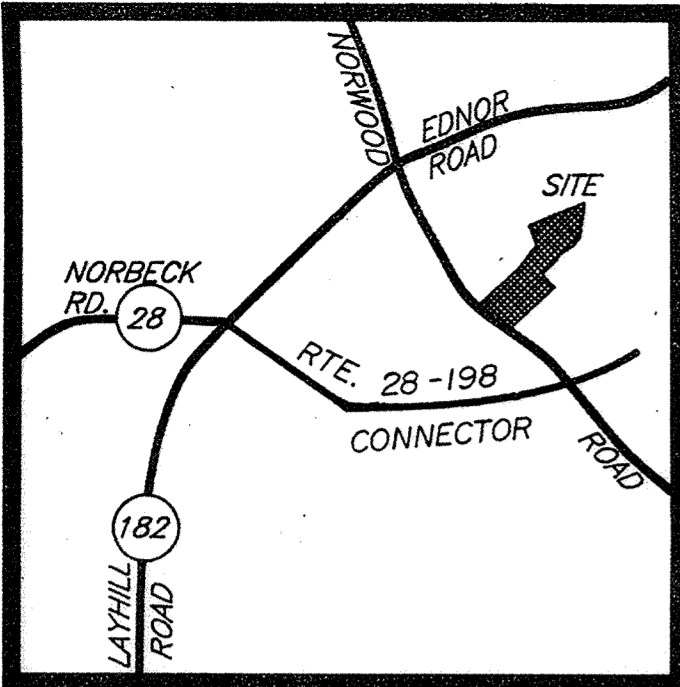
MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-91045
NAME OF PLAN: PETERSON PROPERTY

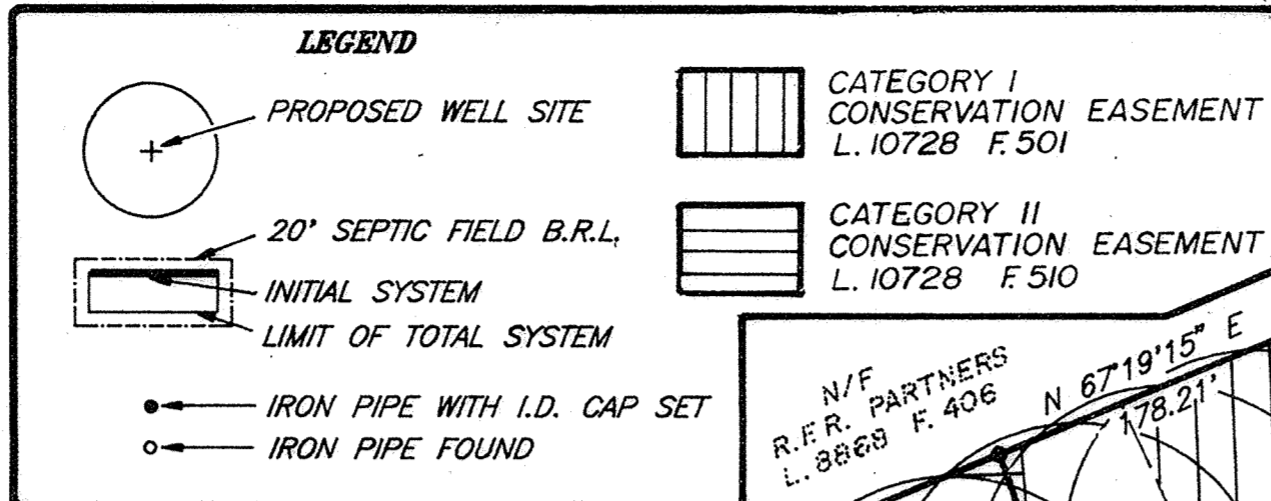
On 04-04-91, STUART PETERSON, submitted an application for the approval of a preliminary plan of subdivision of property in the RE2 zone. The application proposed to create 5 lots on 11.70 ACRES of land. The application was designated Preliminary Plan 1-91045. On 04-16-92, Preliminary Plan 1-91045 was 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. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-91045 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-91045, subject to the following conditions:

1. Agreement with Planning Board to provide for the necessary tree preservation as shown on 4/92 plan
2. Record plat to reflect delineation of common ingress and egress easement including P833 and P728
3. Conditions of Health Department memo dated 1/3/92
4. Provide conservation easement over the area of the stream buffer as depicted on 4/92 plan and reflect on record plat
5. Dedication of Norwood Road 40' off center line
6. Other necessary easements
7. Access to proposed Lot 3 shall be located solely within the Peterson property unless agreement can be reached with the owners of P833 and P728 prior to recording of plat

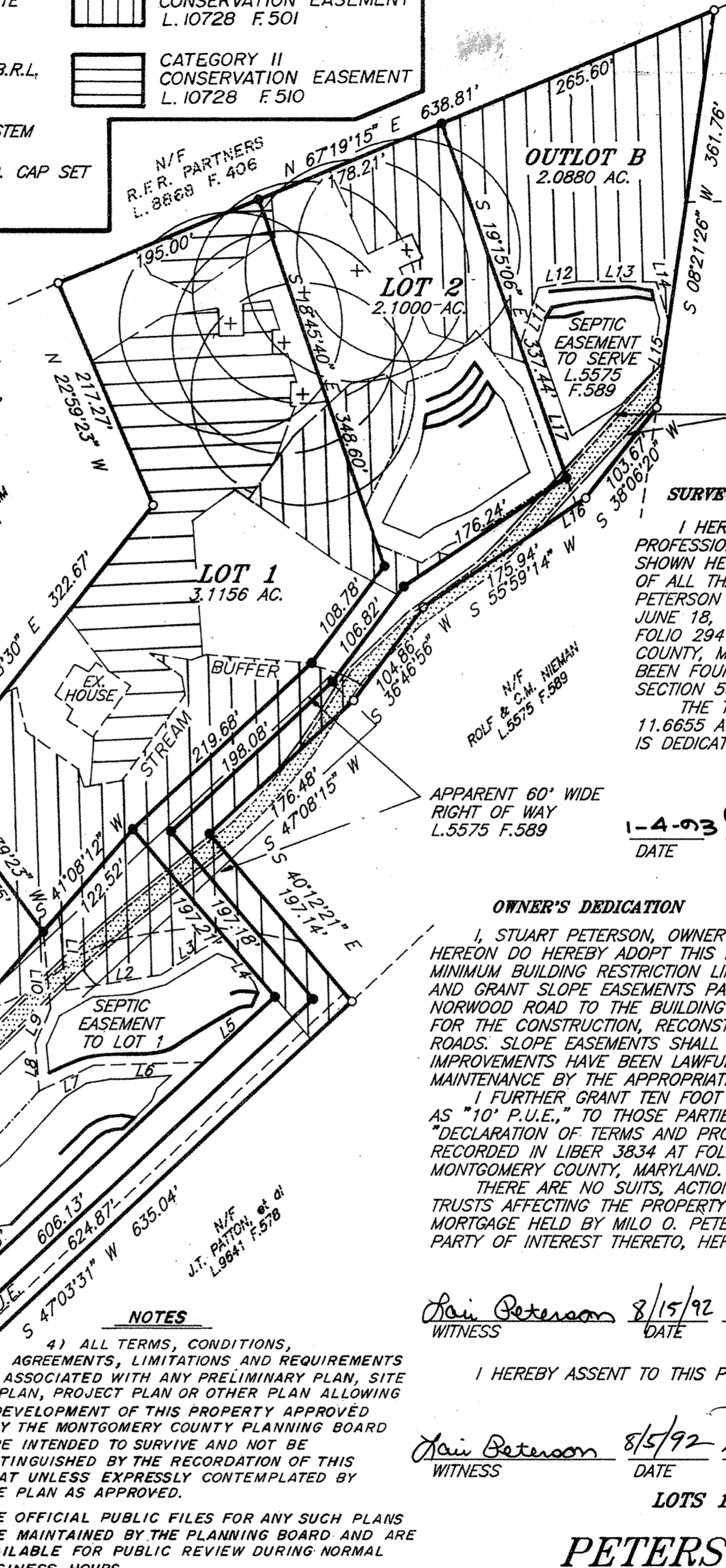


VICINITY MAP
1 INCH = 2,000 FEET

LINE#	BEARING	DISTANCE
L1	S 05°21'54" E	68.96'
L2	N 80°40'35" E	86.30'
L3	N 58°31'08" E	66.33'
L4	S 40°12'21" E	70.99'
L5	S 47°03'31" W	86.42'
L6	S 88°20'19" W	99.34'
L7	S 64°38'53" W	54.63'
L8	N 04°33'27" W	43.46'
L9	N 24°03'44" E	34.20'
L10	N 05°21'54" W	69.23'
L11	N 17°42'41" E	54.66'
L12	N 81°03'47" E	37.40'
L13	S 89°33'44" E	69.15'
L14	S 17°09'52" E	38.04'
L15	S 08°21'26" W	77.51'
L16	S 55°59'14" W	10.52'
L17	S 19°15'06" E	151.62'



- NOTES**
- SEPTIC FIELD BUILDING RESTRICTION LINES ARE SUBJECT TO CHANGE UPON REAPPROVAL BY THE HEALTH DEPARTMENT.
 - LOTS 1 & 3 ARE APPROVED FOR SIX (6) BEDROOM HOMES. LOT 2 & OUTLOT B ARE APPROVED FOR FIVE (5) BEDROOM HOMES.



SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF ALL THAT PROPERTY CONVEYED BY MILO O. PETERSON UNTO STUART PETERSON BY DEED DATED JUNE 18, 1991 AND RECORDED IN LIBER 9809 AT FOLIO 294 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, AND THAT IRON MARKERS HAVE BEEN FOUND OR SET AS INDICATED HEREON, PER SECTION 50-24(e) OF THE MONTGOMERY COUNTY CODE. THE TOTAL AREA SHOWN ON THIS PLAN IS 11.6655 ACRES OF LAND, OF WHICH 0.0666 ACRES IS DEDICATED TO PUBLIC USE.

1-4-93
DATE

DANIEL T. CAYWOOD
REGISTERED
PROPERTY LINE SURVEYOR

OWNER'S DEDICATION

I, STUART PETERSON, OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON DO HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, DEDICATE THE STREET TO PUBLIC USE AND GRANT SLOPE EASEMENTS PARALLEL, ADJACENT AND CONTIGUOUS TO NORWOOD ROAD TO THE BUILDING RESTRICTION LINE OR AS SHOWN HEREON, FOR THE CONSTRUCTION, RECONSTRUCTION AND MAINTENANCE OF PUBLIC ROADS. SLOPE EASEMENTS SHALL BE EXTINGUISHED AFTER ALL PUBLIC IMPROVEMENTS HAVE BEEN LAWFULLY COMPLETED AND ACCEPTED FOR MAINTENANCE BY THE APPROPRIATE PUBLIC AGENCY.

I FURTHER GRANT TEN FOOT PUBLIC UTILITY EASEMENTS, SHOWN HEREON AS "10' P.U.E.," TO THOSE PARTIES NAMED IN THE DOCUMENT ENTITLED: "DECLARATION OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS," AS RECORDED IN LIBER 3834 AT FOLIO 457 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

THERE ARE NO SUITS, ACTIONS OF LAW, LEASES, LIENS, MORTGAGES OR TRUSTS AFFECTING THE PROPERTY SHOWN HEREON, EXCEPT FOR A CERTAIN MORTGAGE HELD BY MILO O. PETERSON AND THAT SAID MILO O. PETERSON, AS PARTY OF INTEREST THERETO, HEREON INDICATES HIS ASSENT.

Stuart Peterson 8/15/92
WITNESS DATE

Stuart Peterson
STUART PETERSON

I HEREBY ASSENT TO THIS PLAN OF SUBDIVISION;

Stuart Peterson 8/15/92
WITNESS DATE

Milo O. Peterson
MILO O. PETERSON

**LOTS 1, 2, 3 AND OUTLOTS A & B
BLOCK A
PETERSON'S SUBDIVISION**

ELECTION DISTRICT No. 5
MONTGOMERY COUNTY, MARYLAND
AUGUST, 1992 1 INCH = 100 FEET

MADDOX
INCORPORATED
ENGINEERS • SURVEYORS
100 PARK AVENUE
ROCKVILLE, MARYLAND 20850-8000
(301) 708-9001
MADDOX PROJECT No. 89020

- NOTES**
- ACCESS TO ALL LOTS & OUTLOTS INCLUDED IN THIS PLAT TO BE EXCLUSIVELY WITHIN THIS PLATED PROPERTY. CONSERVATION EASEMENTS TO BE INTERRUPTED BY FUTURE ACCESS DRIVES AND UTILITY SERVICE FOR LOTS 1 AND 2.

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

DATE.....
PLAT BOOK.....
PAGE.....

292372191045140398702041695 AGR

MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD
APPROVED SEPTEMBER 10, 1992

Chairman: [Signature]
ASST. SECRETARY: [Signature]
TREASURER: [Signature]

M.N.C.P. & P.C. RECORD FILE NO. 592.23 292372

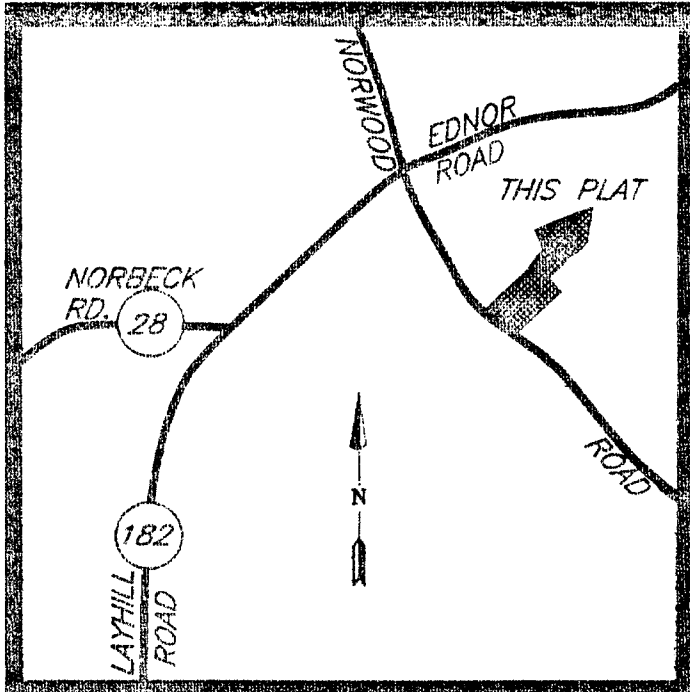
MONTGOMERY COUNTY
DEPARTMENT OF
TRANSPORTATION
(PIA No. 94-014)
APPROVED FEBRUARY 24, 1994

[Signature]
FOR DIRECTOR

MONTGOMERY COUNTY
DEPARTMENT OF
HEALTH
APPROVED MARCH 15, 1994

[Signature]
HEALTH OFFICER

PLAT NO. 21957



VICINITY MAP
1" = 2,000'

LEGEND

	CATEGORY I CONSERVATION EASEMENT L.10728 F.501 PER P.B.172 P.19328
	CATEGORY II CONSERVATION EASEMENT L.10728 F.510 PER P.B.172 P.19328
	INGRESS/EGRESS EASEMENT LIBER 17822 FOLIO 476.
	IRON PIPE FOUND

LINE TABLE

LINE	LENGTH	BEARING
L1	57.61	N47°04'03"W
L2	54.28	N22°20'18"E
L3	49.80	N63°35'16"E
L4	55.87	S52°44'35"E
L5	71.34	S82°32'13"E
L6	38.84	S85°47'52"E
L7	36.95	N33°42'40"E
L8	24.22	N81°42'48"E
L9	110.00	N33°42'40"E
L10	55.05	S48°43'28"E
L11	54.66	S17°42'41"W
L12	37.40	S81°03'47"W
L13	69.15	S89°33'44"E
L14	38.04	S17°09'52"E

NOTES:

ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN ALLOWING DEVELOPMENT OF THIS PROPERTY APPROVED BY THE MONTGOMERY 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.

THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE, OF THE PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.

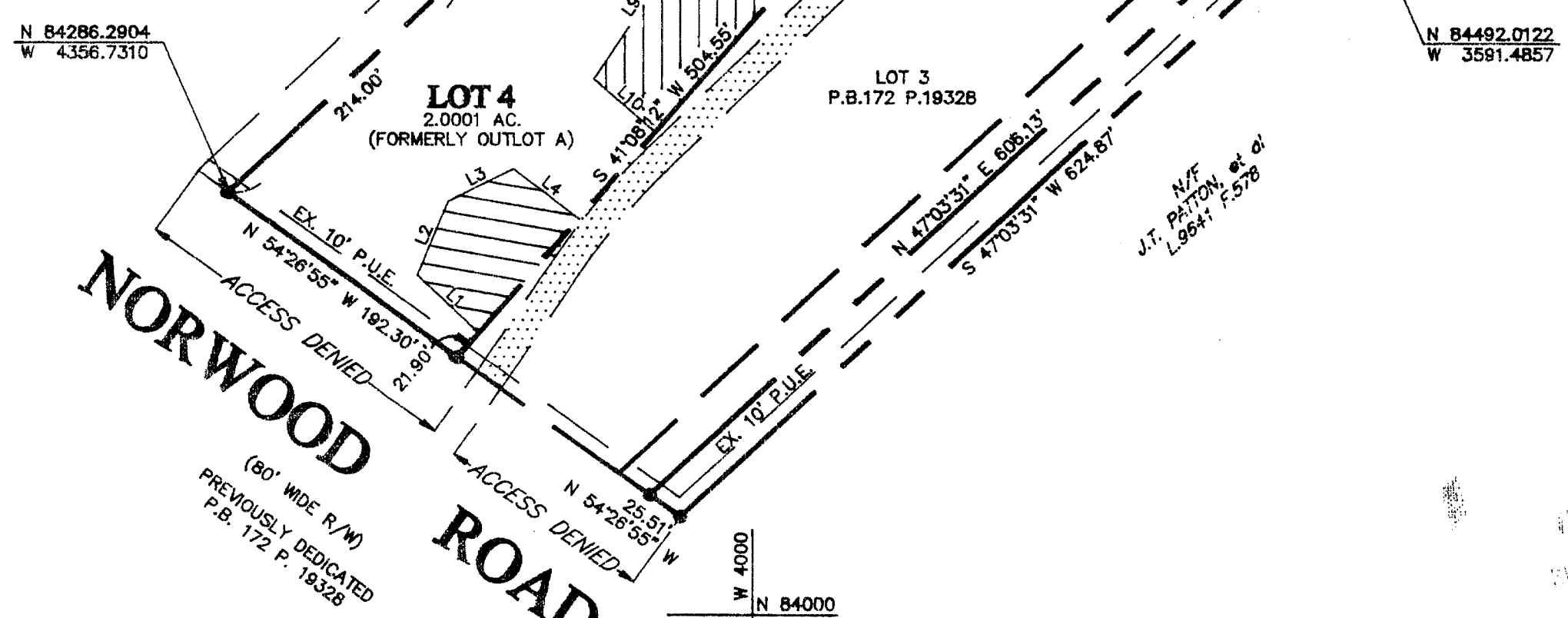
THE PROPERTY SHOWN HEREON IS SUBJECTED TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW OF 1992, INCLUDING APPROVAL OF A FINAL FOREST CONSERVATION PLAN AND APPROPRIATE AGREEMENTS PRIOR TO ISSUANCE OF A SEDIMENT CONTROL PERMIT. A COPY OF THE APPROVED PLAN MAY BE VIEWED AT 8787 GEORGINA AVENUE, SILVER SPRING, MARYLAND.

THIS PLAT CONFORMS WITH THE REQUIREMENTS OF SECTION 50-35A OF THE MONTGOMERY COUNTY SUBDIVISION REQUIREMENTS, BEING CHAPTER 50 OF THE COUNTY CODE. THIS PLAT INVOLVES THE CONVERSION OF OUTLOTS INTO LOTS AS PROVIDED IN SECTION 50-35A (2).

PROPERTY ZONED: RE-2C

TAX MAP: JS33

THE APPROVAL OF THIS PLAT IS PREDICATED ON THE AVAILABILITY OF PUBLIC WATER AND SEWER.



OWNER'S CERTIFICATE

I, STUART PETERSON, OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON DO HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES. THERE ARE NO SUITS, ACTIONS OF LAW, LEASES, LIENS, MORTGAGES OR TRUSTS AFFECTING THE PROPERTY SHOWN HEREON, EXCEPTED AS OTHERWISE NOTED, AND THE PARTIES OF INTEREST THERETO HEREON INDICATE THEIR ASSENT.

James J. Palmer 5/15/01
WITNESS DATE STUART PETERSON

AS TO A CERTAIN MORTGAGE HELD BY MILO O. PETERSON: I HEREBY ASSENT TO THIS PLAN OF SUBDIVISION

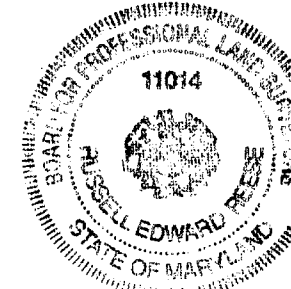
Marilyn Peterson 5/17/01
WITNESS DATE MILO O. PETERSON

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF PART OF THAT LAND CONVEYED BY MILO O. PETERSON UNTO STUART PETERSON BY DEED DATED JUNE 18, 1991 AND RECORDED IN LIBER 9809 AT FOLIO 294, AND THAT IT IS A RESUBDIVISION OF OUTLOT A AND OUTLOT B, IN BLOCK A OF "PETERSON SUBDIVISION," AS RECORDED IN PLAT BOOK 172 AS PLAT 19328, BOTH AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND; AND THAT IRON MARKERS HAVE BEEN FOUND OR SET AS INDICATED HEREON PER SECTION 50-24(e) OF THE MONTGOMERY COUNTY CODE.

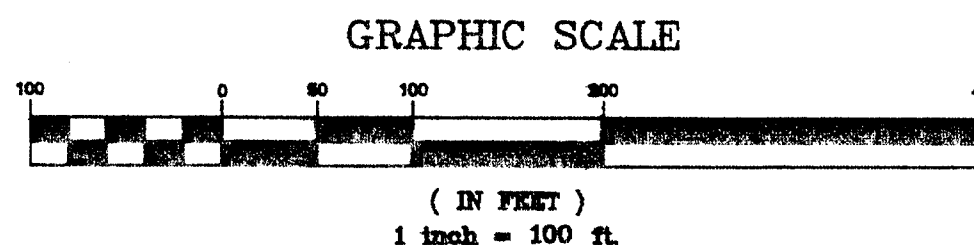
THE TOTAL AREA SHOWN ON THIS PLAT IS 4.0881 ACRES OF LAND. THERE IS NO DEDICATION BY THIS PLAT.

5-14-01
DATE RUSSELL E. REESE - REGISTERED PROFESSIONAL LAND SURVEYOR, MD No. 11014



SUBDIVISION RECORD PLAT
LOTS 4 AND 5, BLOCK A
(FORMERLY OUTLOTS A & B)
PETERSON'S SUBDIVISION
ELECTION DISTRICT No. 5
MONTGOMERY COUNTY, MARYLAND
APRIL 2000 1 INCH = 100 FEET

MADDOX
ENGINEERS • SURVEYORS



DATE.....
PLAT BOOK.....
PAGE.....

200245 Minor(2)

MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD
APPROVED May 4, 2000
Barbara A. Cheller
SECRETARY - TREASURER

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
5/4/01
DIRECTOR



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert Hoyt
Director

MEMORANDUM

February 15, 2013

TO: Gene Von Gunten, Manager, Well and Septic Section
Department of Permitting Services

FROM: Alan Soukup, Senior Planner, Water and Wastewater Policy Group
Department of Environmental Protection

SUBJECT: On-Site Systems for Properties Designated as Service Area Categories 1 or 3

Our office has received a request to allow the use of a private, on-site sanitary system for the following property designated as service area category 1 or 3 in the County's Water and Sewer Plan:

Address: 803 Nowood Road, Norwood

	<input type="checkbox"/> Existing Well	<input type="checkbox"/> Existing Septic System
Request for:	<input checked="" type="checkbox"/> New or Repair/Replacement Well	<input checked="" type="checkbox"/> New or Repair/Replacement Septic System
	<input type="checkbox"/> Non-Potable Well (Including Irrigation Wells)	
Property I.D.:	Lot 5, Block A, Peterson's Sub; Acct. no. 03350983 (SDAT: JS33; WSSC: 222NW01)	
Owner:	MB Bancroft LLC	Service Areas: W-3 and S-3
Zoning:	RE-2C	Property Size: 2.08 ac.
Planning Area:	Cloverly - Norwood	Watershed: Northwest Branch

Properties designated as categories 1 or 3 are generally expected to use public (community) water and sewerage systems. This office has reviewed the preceding request and has made the following finding(s):

- ^ADPS may pursue the use of an **interim permit well** for the subject property. ^A
- DPS may pursue the use of an **interim permit septic system** for the subject property
- Public service is not available to the site at this time; the cost and/or timing of extending public service to the property favors the temporary use of an on-site system.
- Although public service is available to this site, the cost of providing service at this time is restrictive.
- The Water and Sewer Plan currently designates the property as category S-3, under which, its service policies do allow for the use of interim on-site systems.
- DPS may pursue the use of a **well permit for non-potable uses only** for the subject property.

Gene Von Gunten
February 15, 2013

Page 2

- DPS may **not** pursue the use of an interim permit well for the subject property; public water service is available.
- DPS may **not** pursue the use of a non-potable well for the subject property; public water service is available.
- DPS may **not** pursue the use of an interim permit septic system for the subject property; public sewer service is available.
- Other findings:

On-site systems permit approvals: DEP advises the property owner that concurrence with this request to pursue the use of the on-site system proposed does not constitute the County's approval of that system. That responsibility resides with the Department of Permitting Services.]

Future public service connection: Note that interim, on-site system permits require the property owners to connect to public sanitary systems within one year of the time that the public service becomes available, as specified in the County's Water and Sewer Plan.

^A Prior DEP action: The applicant also requested an exception for an interim permit well. DEP issued a W-3 well exception approval memo to DPS for this property on March 30, 2004; that action remains in effect.

The DPS Well and Septic Section will need to notify DEP-WWPG when the interim, on-site system permit for this project is approved for tracking purposes as part of the Water and Sewer Plan. If you have any questions concerning this case, please contact me either at alan.soukup@montgomerycountymd.gov or at 240-777-7716.

Attachment(s)

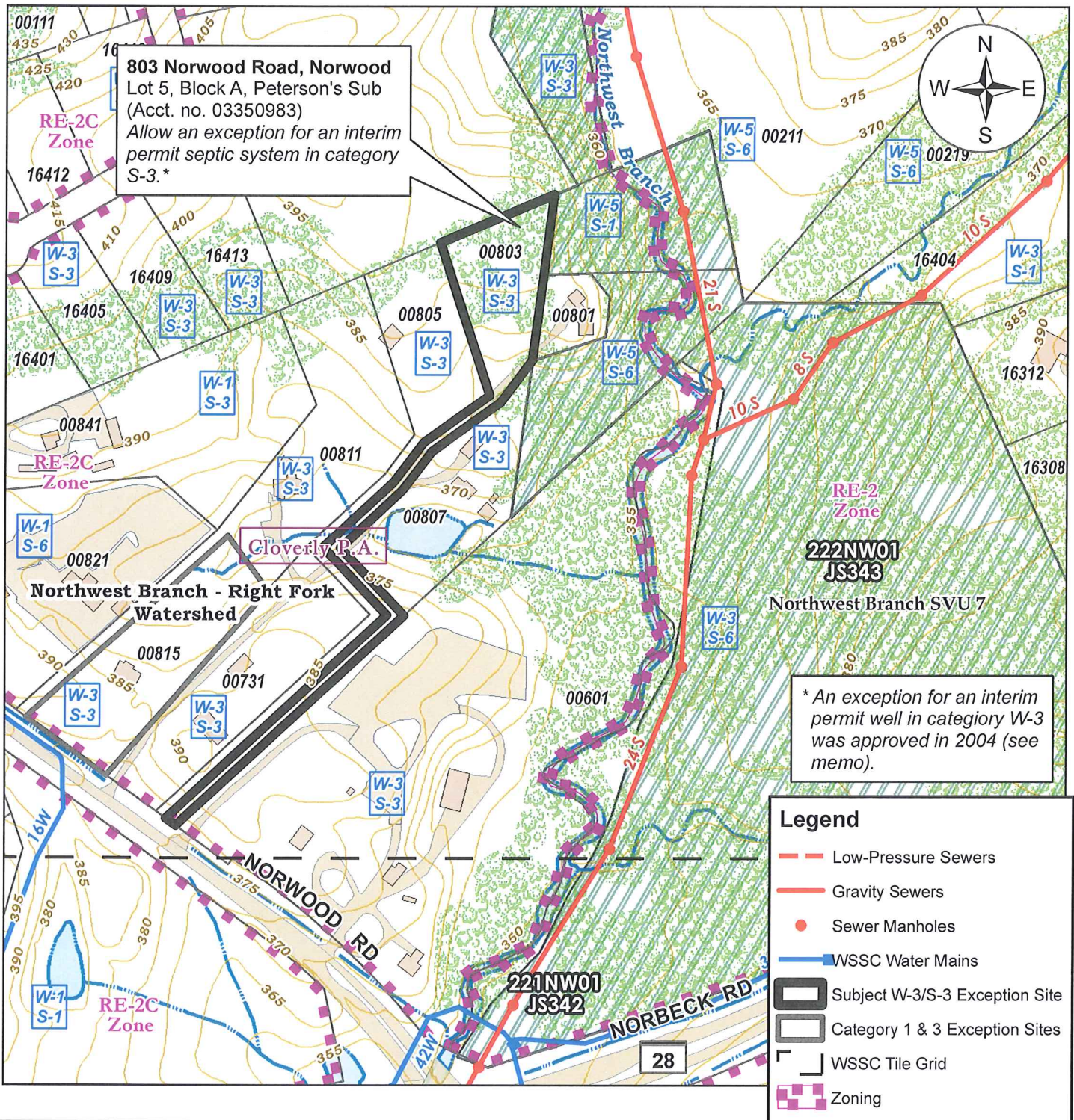
ADS:ads/

R:\Programs\Water_and_Sewer\Projects\well-septic\exceptions\alpha-street\N\norwood-rd-803=mobley=s3xptn=2013-0215.doc

cc: Dave Lake, Manager, Water and Wastewater Policy Section, DEP
Luis Tapia, Unit Coordinator, Permit Services Unit, WSSC
Dave Shen, Development Services Group, WSSC
Mary Dolan, Functional Planning Team, M-NCPPC
Ralph Mobley, Jr., MB Bancroft LLC/Mitchell & Best Homebuilders LLC
Dave Little, Gutschick, Little & Weber

Water & Sewer Service Area Categories Map

Interim Well and Septic System Exceptions: 803 Norwood Rd., Norwood



DEP
 Water and Wastewater
 Policy Group

2/15/13

0 200 400 600 800

SCALE (Feet)

Montgomery County, Maryland
 Draft 2013 Comprehensive Water Supply
 and Sewerage Systems Plan

SYSTEM TYPE	Lot No.	test No.	TIME (Min.)	TEST DEPTH (feet)	test No.	TIME (Min.)	TEST DEPTH (feet)	test No.	TIME (Min.)	TEST DEPTH (feet)	AVERAGE TIME (Min.)	INITIAL LENGTH	DEPTH STONE (ft)	LOWEST FIXTURE	SEPTIC TANK INFO			# BED ROOMS	TOTAL TRENCH (ft)	INV. OUT OF HOUSE	BEGIN FIELD INV.	NOTES
															INV. IN	INV. OUT	TOP ELEV.					
DEEP TRENCH	5	4A	17	2.5' & 13.5'	4B	12	4.5' & 13.5'	4C	20	2.5' & 14.5'	---	239'	4'	396.1	390.5	390.2	---	5	1000'	---	382.5'	

NOTE: SEPTIC SYSTEM TEST SITE LOCATIONS SHOWN HEREON ARE BASED ON TESTS PERFORMED BY _____ WITH LOCATIONS PROVIDED TO GLW IN _____ FORMAT BY _____

GENERAL NOTES

- OWNER/DEVELOPER: MB BANCROFT LLC, 1686 E. GUDE DRIVE, ROCKVILLE, MD 20850-5305
- BOUNDARY INFORMATION: GUTSCHICK, LITTLE & WEBER, P.A., _____
- PHOTOGRAMMETRIC TOPOGRAPHY: MCKENZIE SNYDER, INC., JANUARY 10, 2002
- THE SITE IS LOCATED IN THE LOWER ROCK CREEK WATERSHED. USE CLASS 1-P.
- EXISTING WATER & SEWER CATEGORIES: W-3 & S-3. LOTS TO BE SERVED BY PRIVATE WELLS AND PRIVATE SEPTIC SYSTEMS.
- DEVELOPMENT PROGRAM: THIS PLAN WILL BE DEVELOPED IN ONE PHASE.
- THERE ARE NO KNOWN HISTORIC SITES ON THIS PROPERTY.
- THERE ARE NO KNOWN RARE, THREATENED OR ENDANGERED SPECIES OCCURRING ON THIS PROPERTY.
- THIS PROPERTY WILL PRODUCE LESS THAN 30 PEAK HOUR TRIPS. NO TRAFFIC STUDY IS REQUIRED.
- ALL UTILITIES ARE CONCEPTUAL AND SUBJECT TO CHANGE. SEE APPROPRIATE APPROVED FINAL UTILITY CONSTRUCTION PLANS.
- HOUSE LOCATIONS, FOOTPRINTS, ORIENTATION AND FINE GRADING ARE ILLUSTRATIVE AND WILL BE FINALIZED AT THE TIME OF BUILDING PERMIT BASED ON THE BUILDING STANDARDS ESTABLISHED IN THE RE-2C ZONE.

ZONING STANDARDS (RE2C)

	ALLOWED/REQUIRED	PROPOSED
BUILDING SETBACKS:		
LOT WIDTH:		
AT FRONT BUILDING LINE	150'	228'
AT EXISTING STREET LINE	25'	25.51'
BUILDING RESTRICTIONS:		
FRONT B.R.L. (FRONT PUBLIC STREET)	50'	50'
SIDE B.R.L.	17/35'	17/35'
REAR B.R.L.	35'	35'
ACCESSORY BUILDING SETBACKS:		
FROM THE STREET LINE:	N/A	---
FROM A SIDE LOT:	N/A	---
FROM A REAR LOT LINE:	N/A	---
BUILDING HEIGHT:	50' HT. MAX	50' HT. MAX

TREE CONSERVATION

APPROVED TREE CONSERVATION EASEMENT AREA* 119 Ac.
 TREE CONSERVATION EASEMENT AREA SHOWN -0.25 Ac. 0.23 Ac.
 OFF SITE TREE CONSERVATION EASEMENT AREA REQUIRED @ 2:1 MITIGATION FACTOR FOR EXISTING FOREST (0.46 x 2) -1.42 Ac.
 (0.98 x 2) 1.96 Ac.
 *PER PETERSON'S SUBDIVISION PLAT RECORDED IN P.B. 172, P.No. 14324

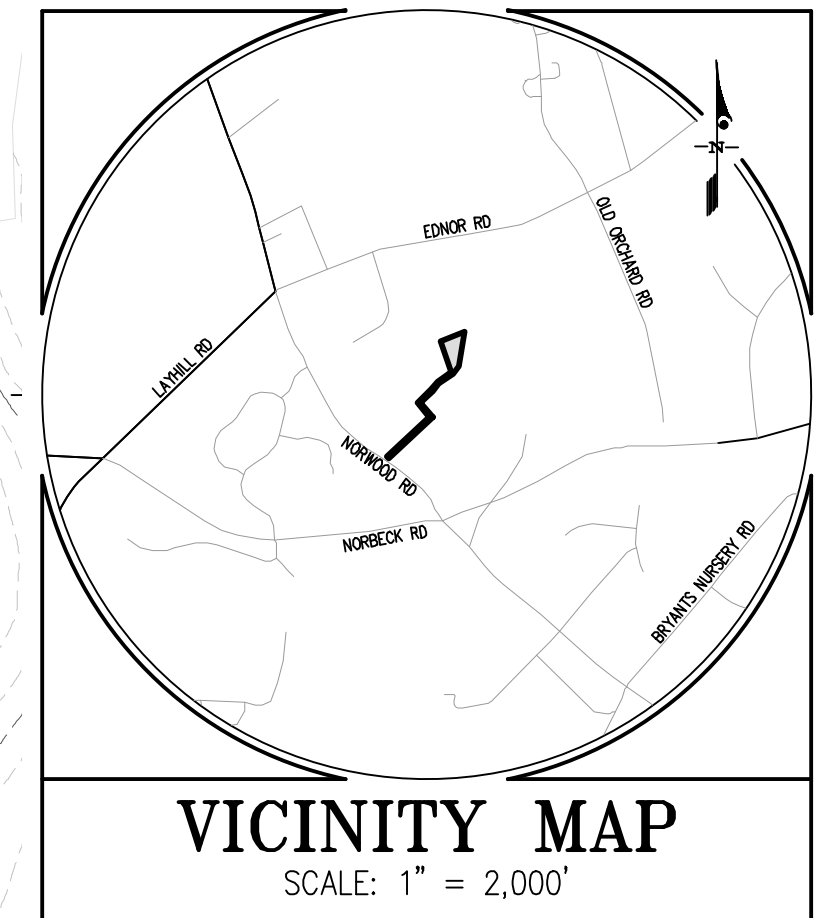
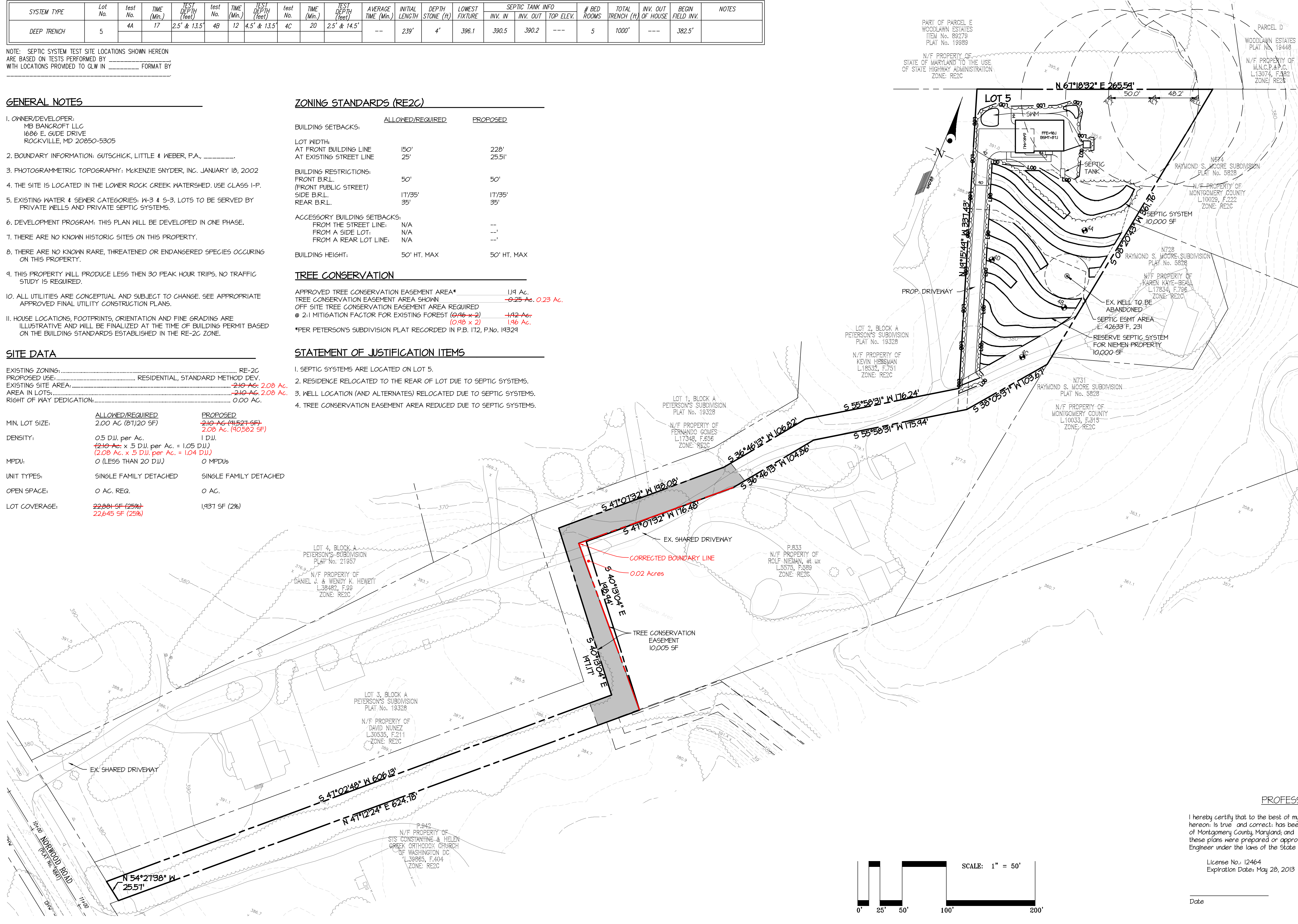
STATEMENT OF JUSTIFICATION ITEMS

- SEPTIC SYSTEMS ARE LOCATED ON LOT 5.
- RESIDENCE RELOCATED TO THE REAR OF LOT DUE TO SEPTIC SYSTEMS.
- WELL LOCATION (AND ALTERNATES) RELOCATED DUE TO SEPTIC SYSTEMS.
- TREE CONSERVATION EASEMENT AREA REDUCED DUE TO SEPTIC SYSTEMS.

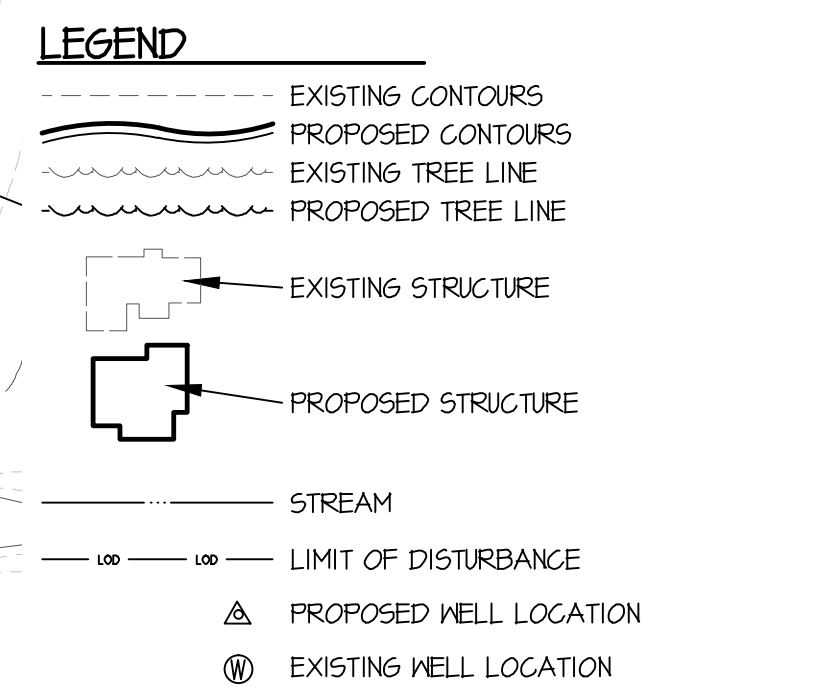
SITE DATA

EXISTING ZONING: RE-2C
 PROPOSED USE: RESIDENTIAL, STANDARD METHOD DEV.
 EXISTING SITE AREA: 210 AC. 2.08 AC.
 AREA IN LOTS: 210 AC. 2.08 AC.
 RIGHT OF WAY DEDICATION: 0.00 AC.

	ALLOWED/REQUIRED	PROPOSED
MIN. LOT SIZE:	2.00 AC (87120 SF)	210 AC (91527 SF) 2.08 AC (90582 SF)
DENSITY:	0.5 DUJ per Ac. (210 Ac. x 5 DUJ per Ac. = 1.05 DUJ) (2.08 Ac. x 5 DUJ per Ac. = 1.04 DUJ)	1 DUJ
MPDU:	0 (LESS THAN 20 DUJ)	0 MPDUs
UNIT TYPES:	SINGLE FAMILY DETACHED	SINGLE FAMILY DETACHED
OPEN SPACE:	0 AC. REQ.	0 AC.
LOT COVERAGE:	22,881 SF (25%) 22,645 SF (25%)	1,931 SF (2%)



SCALE: 1" = 2,000'
 MONT. CO MAP PAGE 5166 GRID G-1
 MESC 200' 5-222 NK-01

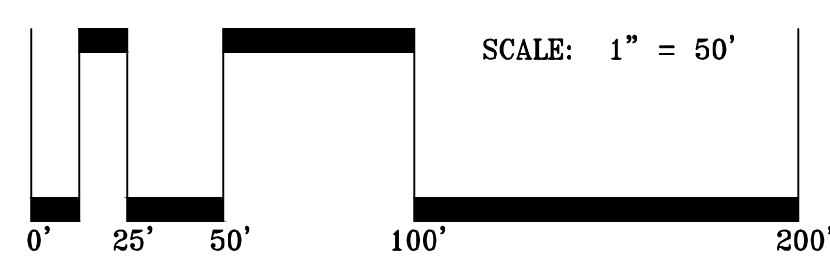


PROFESSIONAL CERTIFICATION

I hereby certify that to the best of my knowledge, information and the belief that the plan shown hereon is true and correct; has been prepared in accordance with the Subdivision Regulations of Montgomery County, Maryland; and the boundary has been field surveyed. I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

License No.: 12464
 Expiration Date: May 28, 2013

By: David L. Little
 Professional Engineer
 Gutschick, Little & Weber, P.A.



GLW GUTSCHICK LITTLE & WEBER, P.A.
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
 3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
 BURTONSVILLE, MARYLAND 20866
 TEL: 301-421-4024 BALT: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186

DATE	REVISION	BY	APP'R.

PREPARED FOR: MITCHELL AND BEST GROUP LLC ROCKMANOR OFFICE PARK 1686 E. GUDE DRIVE ROCKVILLE, MD 20850	SCALE: 1" = 50'	ZONING: RE2C	AMENDED PRELIMINARY PLAN/ FOREST CONSERVATION EASEMENT AREA	G. L. W. FILE No. 07076
DATE: NOV., 2012	TAX MAP - GRID: JS33	PETERSON PROPERTY, LOT 5 LIBER 24106, FOLIO 71		SHEET 1 OF 1
COLESVILLE ELECTION DISTRICT No. 05			MONTGOMERY COUNTY, MARYLAND	

L:\CADD\DRAWINGS\07076\PRELIM\PLAN\07076PP01-Exhib DES. MFC DRN. ANL CHK.