



Gladhill Property - Pre-Preliminary Plan No. 720070270

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RAW Richard Weaver, Supervisor, Area 3, richard.weaver@montgomeryplanning.org, 301-495-4544
 John Carter, Chief, Area 3

Staff Report Date: 4-2-15

Description

Gladhill Property - Pre-Preliminary Plan No. 720070270

Request for 2 lots, Lot 1 at 4.2 acres with an existing dwelling and Lot 2 at 9.7 acres with an existing dwelling; (remainder parcel of 109.6 acres is not part of application); 27000 and 27210 Clarksburg Road 0.75 miles northeast of Prices Distillery Road; Rural Density Transfer Zone, Damascus Master Plan.



Submittal Date: January 25, 2007, revised 9/15/2014

Applicant: Estate of Lew Gladhill, Larry & Sharon Gladhill (“Applicant”)

Review Basis: Chapter 50, Section 50-35A(8)

Staff Recommendation: Approval to submit a minor subdivision record plat pursuant to Section 50-35A(a)(8) with conditions.

Summary

The Application requests Planning Board approval of two lots, one of which is greater than 5.0 acres in size in the RDT zone, using the “minor subdivision” provision of Section 50-35A(8) of the Montgomery County Code. Proposed Lot 2 is a Child Lot created pursuant to Section 59-C-9.41.1(f)(1) of the Zoning Ordinance which permits a child lot of any size where: a preliminary plan application was filed prior to October 1, 2010, the child lot has an existing dwelling, and a deed indicating conveyance from parent to child was recorded prior to October 1, 2010. There are no significant issues associated with the Application.

RECOMMENDATION: Approval, subject to the following conditions:

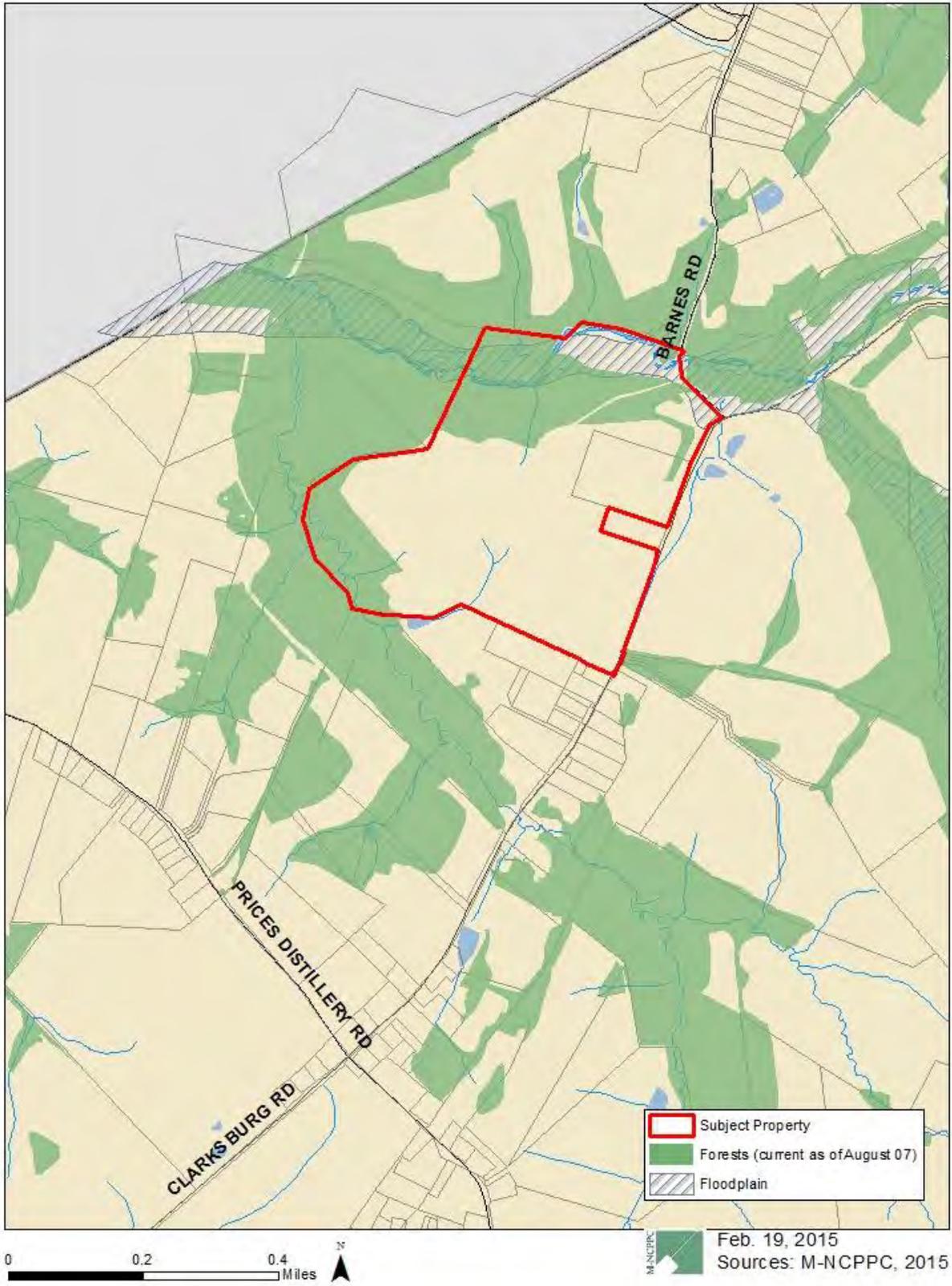
1. This Pre-Preliminary Plan is limited to two (2) lots including one (1) created as a Child Lot.
2. The Applicant must place a Category I Conservation Easement over all areas of stream valley buffers within Lot 2 and off-site forest conservation areas. The easement must be in the form of a deed approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records prior to recordation of plat(s). The liber and folio of the recorded deed of easement must be shown on the record plat.
3. Prior to recordation of plat(s), the Applicant must satisfy all conditions of the Final Forest Conservation Plan.
4. A note must be included on the record plat for Lot 2 noting that Lot 2 was created as a child lot pursuant to Section 59-C-9.41.1(f)(1) of the zoning ordinance in effect prior to October 30, 2014.
5. Prior to recordation of plat(s), an deed of easement must be recorded on the farm remainder noting that density and a TDR has been used for Lot 1. This easement must be referenced on the record plat for Lot 1.
6. The Applicant must dedicate and show on the record plat(s) approximately forty (40) feet of right of way from the existing pavement centerline along each lot's frontage on Clarksburg Road, as shown on the Pre-Preliminary Plan.
7. Prior to recordation of plat(s), the Applicant must satisfy any provisions for access and improvements as required by MCDOT.
8. The record plat must show all necessary easements.
9. Prior to recordation of plat(s), the Applicant must provide an affidavit for Staff approval of the availability of a TDR for each lot shown on the plat. The record plat(s) must reflect serialization and liber/folio reference for the TDR used for each lot.
10. The record plat(s) must contain the following note:
"Agriculture is the preferred use in the Rural Density Transfer Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the Zone."
11. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Well and Septic Section in its letter dated July 3, 2013, and incorporates them as conditions of the Pre-Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Well and Septic Section provided that the amendments do not conflict with other conditions of the Pre-Preliminary Plan approval.

SITE DESCRIPTION

The Gladhill Property is located on the west side of Clarksburg Road in Damascus, approximately 0.75 miles north of the intersection with Prices Distillery Road. Clarksburg Road is a Country Arterial Road with an 80 feet minimum right-of-way. The property is approximately 123.95 acres in size, and is bounded by Clarksburg Road, Barnes Road, Bennett Creek and agricultural land and contains two existing homes located at 27000 and 27210 Clarksburg Road (“Property” or “Subject Property”). (Figure 1 – Vicinity Map). The Property is zoned RDT and consists of one parcel (P287) at 10.08 acres and the remainder of the farm (Parcel 333) at 113 acres. Parcel P287 was created by deed in 1984 when Lew Gladhill (father) conveyed the 10.08 acre parcel off the 123.95 acre farm for his son Larry, and Larry’s wife, Sharon. The house on Parcel P287 was constructed in 1985 and is still in use. There is also an existing home on the 113.87 acre farm.

The Property is in the Little Bennett Creek Watershed (Use I-P) and contains stream buffers, forest stands, a floodplain and prime agricultural soils. The Property has a variety of farming activities on it including cattle and corn production. The Subject Property contains 34.04 acres of forest, 6.02 acres of wetlands, 18.18 acres of 100-year floodplain, 41.68 acres of stream buffer, and multiple streams

Vicinity Map (Figure 1)



Aerial Map (Figure 2)



Pre-Preliminary Plan, Sheet 2 (Figure 4)



PROJECT DESCRIPTION

The current plan, designated Pre-Preliminary Plan number 720070270, Gladhill Property (“Pre-Preliminary Plan” or “Application”) requests approval of two (2) lots; one at 4.2 acres and the other at 9.7 acres to accommodate the one-family detached dwelling units via the minor subdivision process outlined in Section 50-35A(a)(8) of the Subdivision Regulations (Figure 3 & 4). This Section permits the creation of up to 5 lots in the RDT (now AR) zone, “if a pre-preliminary plan is submitted and approved by either the Planning Board or Planning Board staff.” In this case, because the size of one of the proposed lots exceeds 5 acres a Planning Board review of the pre-preliminary plan is required.

The proposed lots are located on the easternmost part of the Property. Access for both lots and the farm remainder will be from Clarksburg Road. Both houses are existing and currently served by septic systems and wells. The Applicant only wishes to record the two proposed lots and does not propose to record the 109.6-acre farm remainder.

The Applicant has reduced the size of proposed Lot 1 from the original configuration at the request of Staff to reduce the impact on prime soils and the area available for farmland (Figure 2).

No frontage improvements, apart from right of way dedication, are proposed because no new development is proposed. The forest within the areas identified as stream valley buffers (SVB) on Lot 2 will be protected with Category I Conservation Easements to meet forest conservation requirements. Lot 1 has no SVB or forest. Additional off-site easements will be included as Category I Forest Conservation Easements.

ANALYSIS AND FINDINGS

Minor Subdivision Requirements

Child Lot Exemption

M-NCPPC records indicate that the Applicant initially applied for this Pre-Preliminary Plan on January 25, 2007 requesting 7 lots and 3 child lots. However, the initial application did not proceed forward because of the need for percolation testing and the family changing their minds on the future use of the Property. In September 2014, the Applicant revised the Application into the current proposal.

Section 59-C-9.41.1 establishes the provisions for Child Lots in the RDT zone. Furthermore, Section 59-C-9.41.1(f)(1) permits “child lots on a tract of any size where the child lot has an existing dwelling unit and is either identified on a plat recorded before October 1, 2010 or held pursuant to a deed that indicated conveyance from parent to child and was recorded before October 1, 2010.” Under this provision, Child Lots are subject to the following provisions (A) one lot for every 25 acres plus one additional lot for each child lot; (B) a child lot of any size; (C) no limitations on ownership.

Maryland Land Records indicates that Parcel P287 (proposed Child Lot) was created by a deed recorded in Liber 6730 Folio 277 in 1984. This deed conveyed ownership from Lew Gladhill, the owner of the 123.95 acre farm, to Larry Gladhill, Lew’s son, and Sharon, Larry’s wife. In 1985, a house was constructed on this deeded parcel. With this Application Larry and Sharon Gladhill as well as the Estate of Lew Gladhill are requesting this “child lot” also known as proposed Lot 2 be recorded as a Child Lot under Section 59-C-9.41.1 Because the initial application was submitted prior to October 1, 2010 and the father, who owned this property since 1961, conveyed Parcel 287 to his son in 1984, it meets the provisions for a Child Lot under Section 59-C-9-41.1(f)(1).

Compliance with the Subdivision Regulations and Zoning Ordinance

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50 (“Subdivision Regulations”) and Chapter 59 (“Zoning Ordinance”). Access and public facilities will be adequate to support the proposed lots and use, and the lots meet the dimensional requirements for area, frontage, width and setbacks in the RDT zone.

Section 50-35A(a)(8) (Minor Subdivision) requirements

The proposed lots are to be platted pursuant to Section 50-35A(a)(8) of the Subdivision Regulations. This section establishes the ability to plat up to five (5) lots in the RDT zone through the minor subdivision process after Planning Staff or Planning Board approval of a pre-preliminary plan. Applications for minor subdivision under Section 50-35A(a)(8) must meet the following criteria:

- a. Written approval for a proposed septic area must be received from the Montgomery County Department of Permitting Services, Well and Septic Section prior to recordation of the plat;
- b. Any required street dedications along the frontage of the proposed lot(s) must be shown on the record plat;
- c. An easement must be recorded for the balance of the property noting that density and TDR’s have been utilized for the new lots. Reference to this easement must be reflected in the record plat for the lots;
- d. Lots created in the RDT zone through the minor subdivision procedure must not exceed an average lot size of five (5) acres in size unless approved by the Planning Board in the review of a pre-preliminary plan of subdivision; and
- e. Forest conservation requirements must be satisfied prior to recording of the plat.

With regards to provision (a), the well and septic facilities were approved by MCDPS, Well and Septic Section on July 3rd, 2013. To satisfy provision (b), additional right-of-way dedication is being made for Clarksburg Road along the property frontage. Item (c) will be satisfied at the time of record plat. Item (d) is the subject of the current staff report and Item (e) for forest conservation is addressed as a condition of approval.

Density in the RDT zone

Per Section 59-C-9.41 of the Zoning Ordinance, only one single-family dwelling unit per 25 acres is permitted in the RDT zone. A development right has to be retained for each lot. The Gladhill Property is approximately 123.95 acres in size, and had twenty-four (24) Transfer of Development Rights (TDR). When Parcel P287 was deeded to Larry and Sharon Gladhill in 1984, two (2) TDR’s were transferred with the deed of the parcel, thus leaving twenty two (22) TDR’s on the 113 acre remainder.

In late December of 2004, ten (10) of the remaining TDR’s were sold (Attachment E) leaving 12 TDR’s on the 113.87 acre farm property. In mid-December of 2004, Larry and Sharon Gladhill sold one (1) TDR from Parcel P287 (Attachment F), retaining one (1) TDR for the existing house. Therefore, there are sufficient TDR’s to create the two proposed lots. After this Application is completed, the property will have development rights remaining for three (3) additional lots under the requirements of the RDT (now

AR) zone and eleven (11) TDR's available for transfer on the farm remainder. This Application will extinguish all available TDR's on Lot 2 with the remaining TDR reserved for the existing home.

As conditioned, and prior to recordation of a plat, the Applicant must provide verification for Staff approval of the availability of a development right for each lot shown on the plat and the plat must include a note referencing such. An easement must also be recorded for the balance of the Property (farm remainder) noting that density has been used for proposed Lot 1, and the easement must be referenced on the record plat for the lot. Proposed Lot 2 (Child Lot) does not count toward the allowable density on the Property.

Master Plan Compliance

The application conforms to the recommendations and development guidelines of the 2006 Damascus Master Plan ("Master Plan"). The Master Plan confirms and retains the boundaries of the Rural Density Transfer zone identified in the Agricultural and Rural Open Space Master Plan. With respect to the broad area zoned Rural Density Transfer within the Damascus planning area, which includes the Subject Property, the Master Plan makes the following observation:

"Agriculture is a dynamic industry whose success depends upon the ability to adapt to market forces. In addition to continued traditional farming, some transition to non-traditional farming practices is expected. Some fields that once grew corn and wheat may well be planted with fruits, berries and vegetables to serve the regional market place, Greenhouses hydroponic farms, and other intensive farming techniques may be more prevalent in the future as the industry responds to changing market needs, preferences and policies."

The Master Plan establishes Development Guidelines for residential development in the RDT zone that place emphasis on preserving open, contiguous farmland when considering new subdivisions in this area. The location of lots and the placement of houses are stated as being more important to the protection of rural character and open vistas of farmland than the actual size of lots. The Development Guidelines established in the Master Plan on page 39 (Attachment G) are generally intended for subdivisions creating five or more lots on properties of 100 acres or more; however, the Application was analyzed for conformance with the Guidelines. In brief, the Guidelines recommend the following:

- Encourage cluster, outlots or easements to preserve contiguous fields and forest while permitting allowable density.
- Provide a description for the use of any common open space and a plan for maintenance of such open space.
- The location of homes and roads should preserve prime and productive farms fields, environmentally sensitive areas, scenic vistas and the rural character to the extent allowed by the need to accommodate waste treatment.
- Design developments to reduce the conflict between residences and farming activities.
- Avoid environmentally sensitive areas and prime agricultural soils to the extent possible.
- Roads should limit impact to natural, historic, and forest resources and to excessive slopes and scenic vistas.
- Building sites should consider the preservation of rural vistas and open fields.

With respect to the Development Guidelines, the location of the homes cannot be adjusted; however, both homes on the Subject Property were already constructed when the Master Plan was adopted in 2006 and the homes were part of the rural or scenic vistas that the Master Plan strives to protect. Since no development is proposed under this Application, there will be no impact to any of the resources identified for protection in the Development Guidelines.

The lot arrangement proposed under this Application is driven by the existence of the two houses on the Property. The Applicant agreed to reduce the size of proposed Lot 1 at the request of Staff to avoid fragmenting a small area of productive farm field that would otherwise have been crossed with a lot line. Proposed Lot 2 is a deeded parcel that was conveyed to the child of the Property owner of record in 1984 and upon which the child constructed his house in 1985. As a child lot that meets the “grandfathering” status provided in Section 59-C-9.41.1(f)(1) of the Zoning Ordinance, the parcel has been under ownership of the child of the Property owner since 1984. Proposed Lot 2 is approximately 10 acres in size so the existing house can be on the same lot as the infrastructure that serves it including the existing driveway wells and septic system. Staff believes that the size and shape of proposed Lot 2 does not substantially impact available farm fields or prime agricultural soils. Proposed Lot 2 at approximately 10 acres does not conflict with any of the preservation goals identified in the Guidelines.

No common open space is required or provided by this Application; however, the 109 acre farm remainder created by platting the two proposed lots can continue to support many agricultural opportunities, including changes to the type of product that might be grown on the farm in response to changing market conditions.

Given that Lot 1 is configured to preserve productive agricultural soil and Lot 2 is designed in a manner so the existing driveway and septic system can stay on the same lot as the house the infrastructure serves, the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the residential uses that already exist.

Public Facilities

Roads and Transportation Facilities

The proposed lots and farm remainder do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the Application is not subject to Local Area Transportation Review. Right-of-way dedication is required for Clarksburg Road in front of the portions of the Property that will be platted. A sidewalk is not required along the Property frontage because it is in the rural policy area. Access to both existing dwelling units will be from the existing driveways onto Clarksburg Road. Vehicular and pedestrian access for the subdivision will be adequate. The Property is located in the Rural East Policy which is exempt from TPAR. Therefore, no TPAR payment is required.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed lot. Septic systems currently serve the dwelling units and meet current standards. Electrical and telecommunications services are available to serve the Property. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. The Application is located in the Damascus High School cluster, which is not identified as a school moratorium area; and is not subject to a School Facilities Payment.

Stormwater

Because no construction is proposed with this Application, no stormwater mitigation requirements are necessary under Chapter 19.

Environmental Guidelines

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420140590 (Attachment B) for the Property was approved on October 23, 2013. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. There are 34.04 acres of forest, 6.02 acres of wetlands, 18.18 acres of 100-year floodplain, 41.68 acres of stream buffer, and multiple streams. There is no environmental impact associated with this application. However, there is a SVB on Lot 2 which will be placed into Category I Conservation Easement.

Forest Conservation

The Forest Conservation (Figure 4) Plan covers 14.89 acres of the net tract area; 0.26 acres is being deducted as Right-of-way not being developed as part of this project, and 108.8 acres as agriculturally exempt. The Forest Conservation Plan will retain no existing forest, clear no forest, and generate a 2.98 acre afforestation planting requirement. The applicant proposes to meet the planting requirement by retaining forest on the agricultural exempt portion of the Subject Property at a 2:1 ratio or, 5.96 acres of existing forest.

The submitted forest conservation plan, SC2015005, is currently under review by Staff and will be approved if the Planning Board approves the minor subdivision.

Citizen Correspondence and Issues

The applicant notified adjacent and confronting property owners of the pre-preliminary plan submission, as required. To date, staff has not received any responses.

CONCLUSION

Staff recommends that the Planning Board approve this Application for the purposes of allowing it to proceed as a minor subdivision. The two lot proposed under this Application meet all of the requirements under Section 50-38A(a)(8) of the Subdivision Regulations regarding the minor subdivision process. The Application complies with the Damascus Master Plan and the lots are of the appropriate size shape, width and orientation to accommodate the residential uses already located on the Property. The lots do not conflict with the continuation of agricultural uses on the farm remainder created by the subdivision of the Property.

Attachment A – Applicant Letter

Attachment B – NRI/FSD Plan

Attachment C – NRI/FSD Approval Letter

Attachment D – DPS Well & Septic Approval Memo

Attachment E – TDR transfer for Farm Remainder (113.87 acres)

Attachment F – TDR transfer for Child Lot unknown as Parcel P287 (Proposed Lot 2) (10.08 acres)

Attachment G – Damascus Master Plan Development Guidelines



Benning & Associates, Inc.
Land Planning Consultants

8933 Shady Grove Court
Gaithersburg, Md. 20877
(301) 948-0240

August 25, 2014

Mr. John Carter, Area 3 Chief
Montgomery County Planning Department
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Gladhill Property (720070270)

Dear Mr. Carter,

We are hereby submitting a revised Pre-Application Plan for the subject property located along Clarksburg Road in the Damascus area. The Gladhill Property is located within the RDT zone and consists of 123.95 acres of land in two separate parcels. The property includes two existing residences located at 27000 and 27210 Clarksburg Road.

In 2007, the property was originally proposed for subdivision into 7 lots including 3 "child lots". However, the property owners have since reconsidered and have opted to reduce the number of lots to just 2 with a large undeveloped farm remainder. The owners are considering the "BLT" program for some lots. The 2 proposed lots are for the houses which already exist on the property.

Lot 1 is proposed as a 5-acre lot for the main residence located on P333, a 113.87 acre parcel. Lew Gladhill is now deceased and the family wishes to separate the home from the farm so that it can be sold. The lot is proposed to be 5 acres in order to contain the home, driveway, and approved septic field area. The area in front between the house and the road is steeply sloping and not highly productive farmland.

Lot 2 is proposed to be a "child lot" for the use of Larry Gladhill, son of Lew Gladhill, and his wife Sharon. Larry and Sharon reside on the property at 27210 Clarksburg Road and they own the subject parcel, P287, where the residence is located. Their home was originally built as a tenant house on the main farm in 1985. The parcel was subsequently deeded to be separate from the farm. P287 currently consists of 10.08 acres but will be reduced to 9.7 acres after dedication to Clarksburg Road. This "child lot" meets the requirements of 59-C-9.41.1(f).

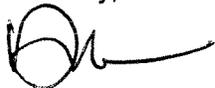
We would like to complete the processing of the Pre-Application Plan using the minor subdivision procedure of 50-35A(8). Since the average lot size for the two proposed lots exceeds 5 acres, we understand a hearing before the Planning Board is needed. Payment of the fee associated with the Planning Board hearing is included in this submittal.

As additional justification for approval of the plan as proposed, please note the following:

1. The property will be adequately served by public facilities including existing roads and available utilities. The property is located in service categories W-6 and S-6 with respect to public water and sewer. Private wells and on-site septic systems will be utilized for each lot. The Well & Septic Section of MCDPS has approved the plan as currently presented.
2. The farm remainder portion of this property is exempt from forest conservation requirements due to agricultural uses and the subject lots do not contain forest. To meet afforestation requirements for the 2 lots, an area of forest off-site on the farm remainder will be placed into a conservation easement. This is documented on the Final Forest Conservation Plan submitted for concurrent review with the Pre-Application Plan.
3. The proposed plan has been reviewed by the Fire Marshal's office and has been approved. Since no new improvements are planned and there are no shared driveways, the Fire Marshal is not requiring any changes to this site.
4. The proposed lots meet the requirements of the RDT zone with respect to lot size and other development standards. No waivers from any zoning, subdivision, or road code requirements are being requested with this application.

Based upon all of the above and the information shown on the attached documents, we respectfully request your support for approval of the subject application. Please let us know if anything further is required at this time.

Sincerely,



David W. McKee

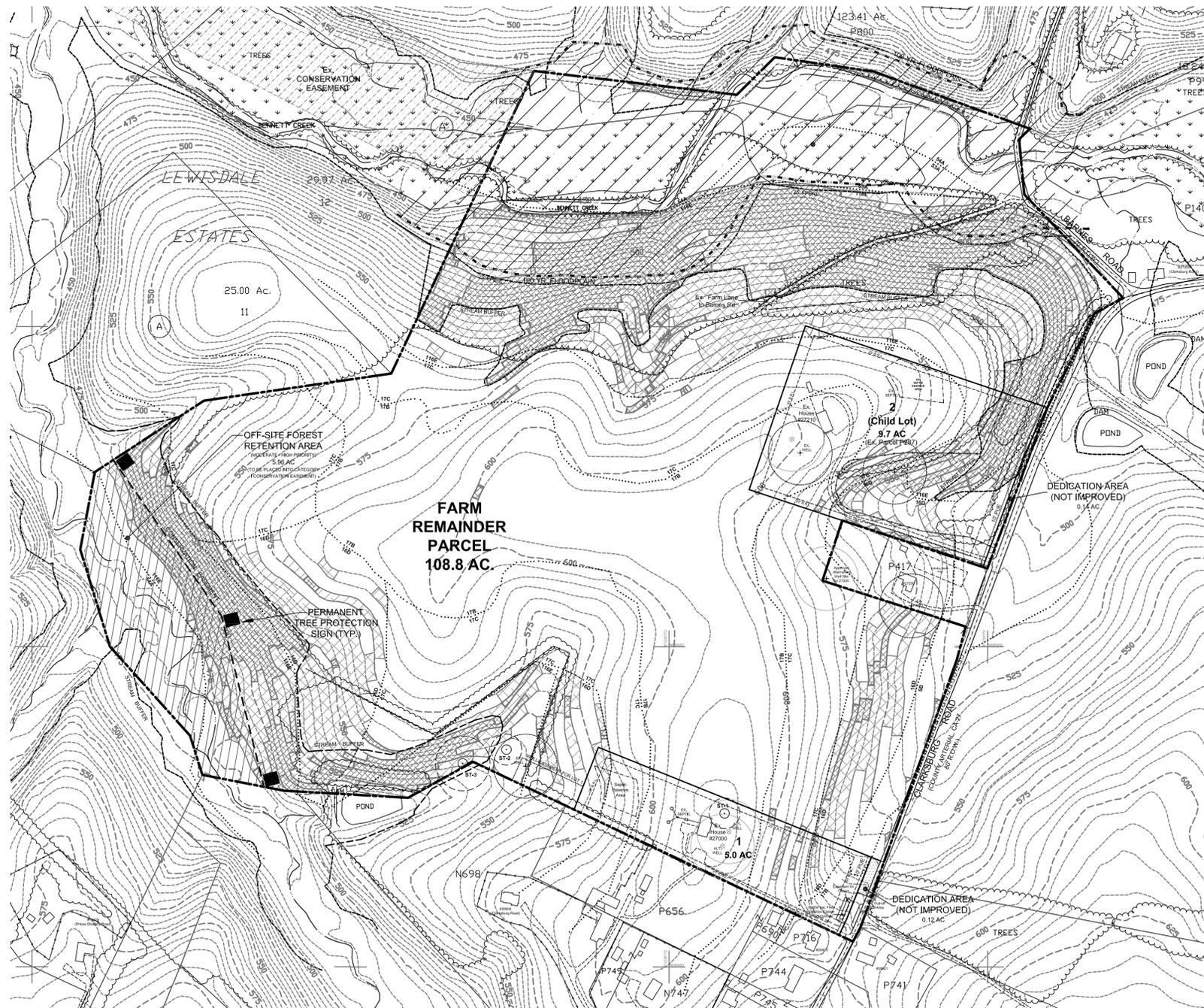


date: 8/25/14
scale: 1" = 200'

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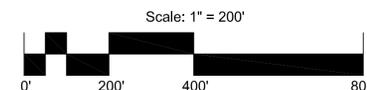


Attachment B



LEGEND:

- Proposed Well Site
- Soil Types
- Existing Fenceline
- Slopes > 15% (on highly erodible soils)
- Slopes > 25%
- Limits of Disturbance
- Significant Tree
- Critical Root Zone
- Forest / Tree Cover
- Stream Buffer
- Wetland
- 100 Year Flood Plain
- Area not to be Improved
- Forest Retention Area
- Permanent Tree Protection Sign



GENERAL NOTES:

1. AREA OF PROPERTY - 123.95 ACRES
2. EXISTING ZONING: RDT
3. METHOD OF DEVELOPMENT- MINOR SUBDIVISION (per Section 50-35A)
4. NO. OF LOTS PERMITTED - 4 + Child Lots (in accordance with Section 59-C-9.74(b)(4))
5. NO. OF LOTS SHOWN - 1 + 1 Child Lot + Farm Remainder
6. AVERAGE LOT SIZE - 7.35 AC
7. AREA IN LOTS - 14.7 AC
8. AREA DEDICATED TO STREETS - 0.4 AC±
9. REMAINDER AREA NOT INCLUDED IN SUBDIVISION - 108.8 AC±
10. EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-6
11. LOTS TO BE SERVED BY PRIVATE WELLS & ON-SITE SEPTIC SYSTEMS
12. LOCATED IN BENNETT CREEK WATERSHED (CLASS I-P)
13. PROPERTY LOCATED ON TAX MAP EY51; WSSC GRID SHEET 238NW12
14. UTILITIES (as available): Washington Gas, Verizon, Potomac Edison
15. PROJECT SUBJECT TO FOREST CONSERVATION LAW; FARM REMAINDER EXEMPT FROM REQUIREMENTS FOR AGRICULTURAL PURPOSES.

SIGNIFICANT TREE CHART						
TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	COMMENTS	STATUS
ST-1	Acer platanoides	Norway Maple	32.0"	Good-Moderate	Wounds on trunk, borer damage, dead limbs with decay in canopy, poor scaffold branch attachments	To Be Retained
ST-2	Acer rubrum	Red Maple	32.2"	Poor-Dead	Broken central leader, dead limbs with decay in canopy, wounds on trunk	Off-Site
ST-3	Liriodendron tulipifera	Tulip Poplar	57.0"	Poor	Large cavity with exposed rot in trunk, leader appears dead, dead limbs with decay in canopy	Off-Site

NOTE:
ST-1 HAS A DBH GREATER THAN THE CURRENT COUNTY CHAMPION. NO OTHER TREES ARE WITHIN 75% OF THE CURRENT COUNTY/STATE CHAMPION FOR THE SUBJECT PROPERTY.

DEVELOPER'S CERTIFICATE - GLADHILL PROPERTY

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 720070270 including, financial bonding, forest planting, maintenance and all other application agreements.

Developer's Name: _____
Print Company Name

Contact Person or Owner: Estate of Lew Gladhill c/o Larry and Sharon Gladhill
Print Name

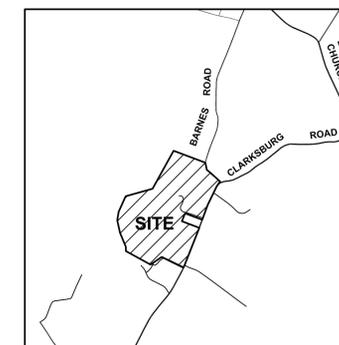
Address: 27210 Clarksburg Road, Damascus, MD 20872

Phone # and Email: 240-499-5975

Signature: _____

PREPARED FOR:
ESTATE OF LEW GLADHILL
c/o Larry Gladhill
27210 Clarksburg Road
Damascus, Maryland 20872
(240) 499-5975
&
LARRY & SHARON GLADHILL
27210 Clarksburg Road
Damascus, Maryland 20872
(240) 499-5975

VICINITY MAP
1" = 2000'



"MINOR SUBDIVISION"

FINAL FOREST CONSERVATION PLAN
GLADHILL PROPERTY
Montgomery County, Maryland



date: 8/25/14

scale:

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



FOREST CONSERVATION WORKSHEET
GLADHILL PROPERTY

NET TRACT AREA:

A. Total tract area ...	123.95
B. Land dedication acres (parks, county facility, etc.) ...	0.00
C. Land dedication for roads or utilities (not being constructed by this plan) ...	0.26
D. Area to remain in commercial agricultural production/use ...	108.80
E. Other deductions (specify)	0.00
F. Net Tract Area	14.89

LAND USE CATEGORY: (from *Trees Technical Manual*)

Input the number "1" under the appropriate land use, limit to only one entry.

ARA	MDR	IDA	HDR	MPD	CIA
1.00	0.00	0.00	0.00	0.00	0.00

G. Afforestation Threshold ...	0.20 x F =	2.98
H. Conservation Threshold ...	0.50 x F =	7.45

EXISTING FOREST COVER:

I. Existing forest cover	0.00
J. Area of forest above afforestation threshold	0.00
K. Area of forest above conservation threshold	0.00

BREAK EVEN POINT:

L. Forest retention above threshold with no mitigation	0.00
M. Clearing permitted without mitigation	0.00

PROPOSED FOREST CLEARING:

N. Total area of forest to be cleared	0.00
O. Total area of forest to be retained	0.00

PLANTING REQUIREMENTS:

P. Reforestation for clearing above conservation threshold	0.00
Q. Reforestation for clearing below conservation threshold	0.00
R. Credit for retention above conservation threshold	0.00
S. Total reforestation required	0.00
T. Total afforestation required	2.98
U. Credit for landscaping (may not exceed 20% of "S")	0.00
V. Total reforestation and afforestation required	2.98

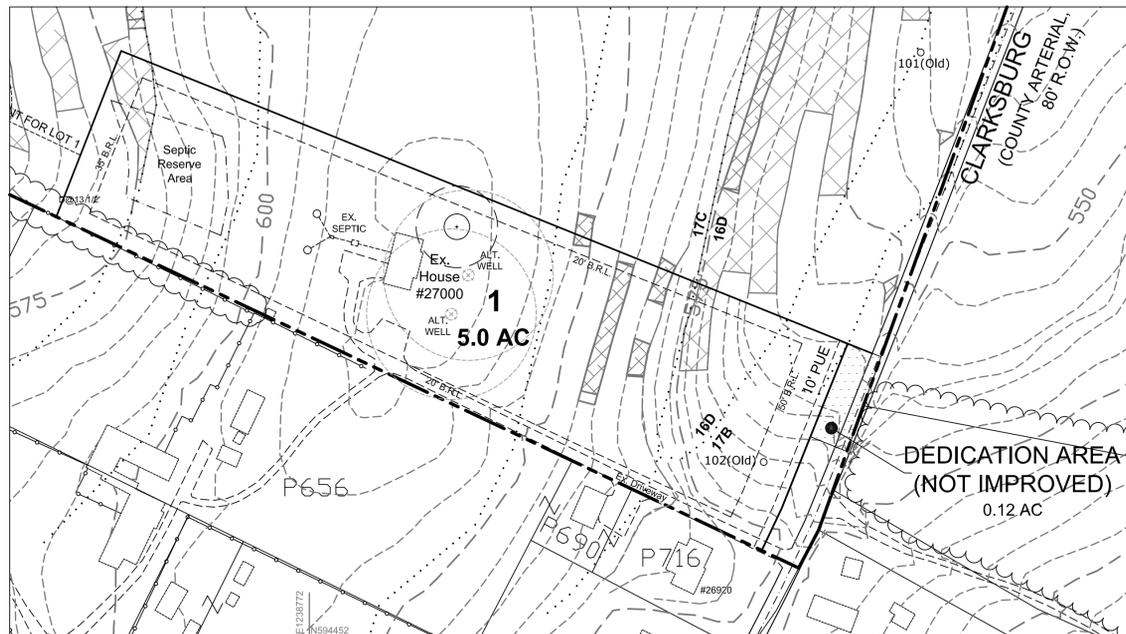
NOTE:

AFFORESTATION REQUIREMENT OF 2.98 AC TO BE SATISFIED
OFF-SITE ON FARM REMAINDER AT 2:1 RATIO (5.96 AC).

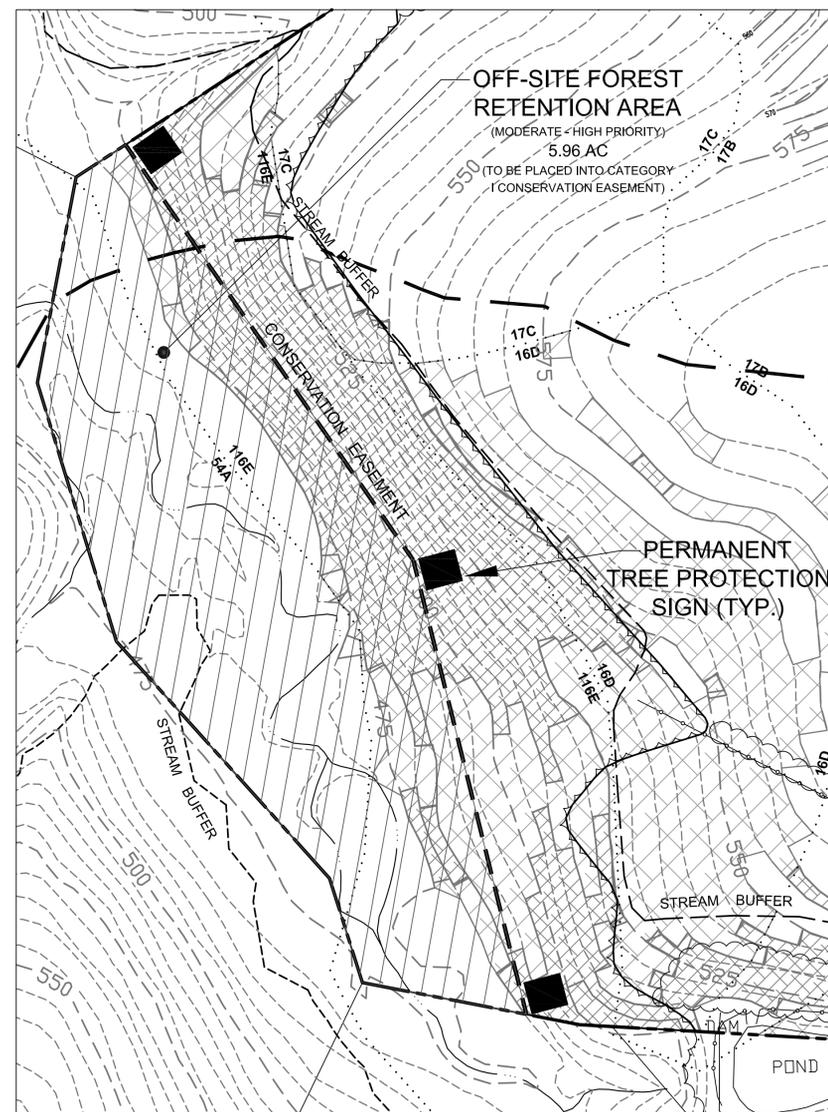
DEVELOPER'S CERTIFICATE - GLADHILL PROPERTY

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. Z20070270, including, financial bonding, forest planting, maintenance and all other application agreements.

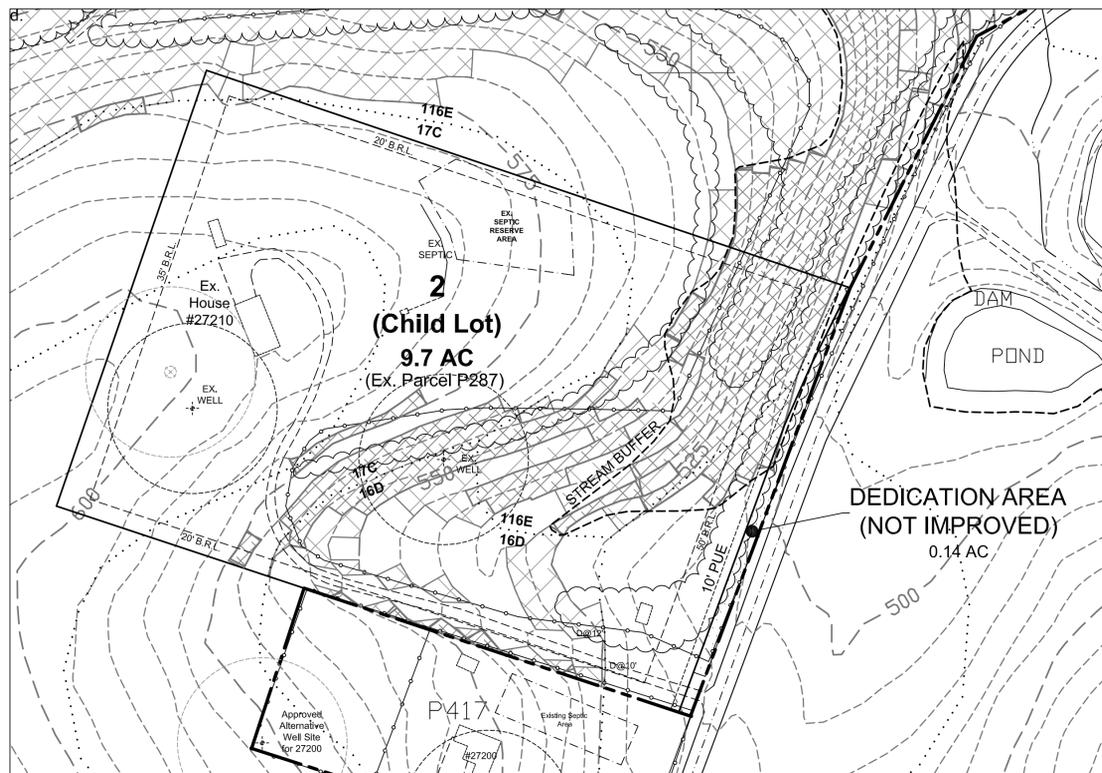
Developer's Name: _____
Print Company Name _____
Contact Person or Owner: Estate of Lew Gladhill c/o Larry and Sharon Gladhill
Print Name _____
Address: 27210 Clarksburg Road, Damascus, MD 20872
Phone # and Email: 240-499-5975
Signature: _____



DETAIL VIEW
1" = 100'



DETAIL VIEW
1" = 100'



DETAIL VIEW
1" = 100'

Scale: 1" = 100'



PRELIMINARY FOREST CONSERVATION PLAN

ACREAGE OF TRACT	ACREAGE OF TRACT REMAINING IN AGRICULTURE USE	ACREAGE OF ROAD AND UTILITY R.O.W. NOT TO BE IMPROVED	ACREAGE OF EXISTING FOREST	ACREAGE OF TOTAL FOREST RETENTION	LAND USE CATEGORY	CONSERVATION THRESHOLD	AFFORESTATION THRESHOLD	FOREST WITHIN WETLANDS TO BE RETAINED	FOREST WITHIN WETLANDS TO BE CLEARED	FOREST WITHIN WETLANDS TO BE PLANTED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE RETAINED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE CLEARED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE PLANTED	FOREST WITHIN STREAM BUFFER TO BE RETAINED	FOREST WITHIN STREAM BUFFER TO BE CLEARED	FOREST WITHIN STREAM BUFFER TO BE PLANTED	FOREST WITHIN PRIORITY AREAS TO BE RETAINED	FOREST WITHIN PRIORITY AREAS TO BE CLEARED	FOREST WITHIN PRIORITY AREAS TO BE PLANTED	STREAM BUFFER: LINEAR FEET	STREAM BUFFER: AVERAGE WIDTH	
123.95 AC	108.8 AC	0.26 AC	0.00 AC	0.00 AC	AGRICULTURAL & RESOURCE AREA	50% = 7.45 AC	20% = 2.98 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	430'	150'

FINAL FOREST CONSERVATION PLAN
GLADHILL PROPERTY
Montgomery County, Maryland

Sequence of Events for Property Owners Required to Comply With Forest Conservation and/ or Tree-Save Plans

Pre-Construction

1. An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner shall contact the Montgomery County Planning Department inspection staff before construction to verify the limits of disturbance and discuss tree protection and tree care measures. The developer's representative, construction superintendent, ISA certified arborist or MD license tree expert that will implement the tree protection measures, forest conservation inspector, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.
2. No clearing or grading shall begin before stress-reduction measures have been implemented. Appropriate measures may include, but are not limited to:
 - a. Root pruning
 - b. Crown Reduction or pruning
 - c. Watering
 - d. Fertilizing
 - e. Vertical mulching
 - f. Root aeration matting
 Measures not specified on the forest conservation plan may be required as determined by the M-NCPPC inspector in coordination with the arborist.
3. A Maryland licensed tree expert or an International Society of Arboriculture certified arborist must perform all stress reduction measures. Documentation of stress reduction measures must be either observed by the forest conservation inspector or sent to the inspector at 8787 Georgia Avenue, Silver Spring, MD 20910. The forest conservation inspector will determine the exact method to convey the stress reductions measures during the pre-construction meeting.
4. Temporary tree protection devices shall be installed per the Forest Conservation Plan/Tree Save Plan and prior to any construction activities. Tree protection fencing locations should be staked prior to the pre-construction meeting. The forest conservation inspector, in coordination with the DPS sediment control inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan. Temporary tree protect devices may include:
 - a. Chain link fence (four feet high)
 - b. Super silt fence with wire strung between the support poles (minimum 4 feet high) with high visibility flagging.
 - c. 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
5. Temporary protection devices shall be maintained and installed by the contractor for the duration of construction project and must not be altered without prior approval from the forest conservation inspector. No equipment, trucks, materials, or debris may be stored within the tree protection fence areas during the entire construction project. No vehicle or equipment access to the fenced area will be permitted. Tree protection shall not be removed without prior approval of the forest conservation inspector.
6. Forest retention area signs shall be installed as required by the forest conservation inspector, or as shown approved plan.
7. Long-term protection devices will be installed per the Forest Conservation Plan/Tree Save Plan and attached details. Installation will occur at the appropriate time during the construction project. Refer to the plan drawing for long-term protection measures to be installed.

During Construction

8. Periodic inspections by the forest conservation inspector will occur during the construction project. Corrections and repairs to all tree protection devices, as determined by the forest conservation inspector, must be made within the timeframe established by the inspector.

Post-Construction

9. After construction is completed, an inspection shall be requested. Corrective measures may include:
 - a. Removal and replacement of dead and dying trees
 - b. Pruning of dead or declining limbs
 - c. Soil aeration
 - d. Fertilization
 - e. Watering
 - f. Wound repair
 - g. Clean up of retention areas
10. After inspection and completion of corrective measures have been undertaken, all temporary protection devices shall be removed from the site. No additional grading, sodding, or burial may take place.

Inspections:

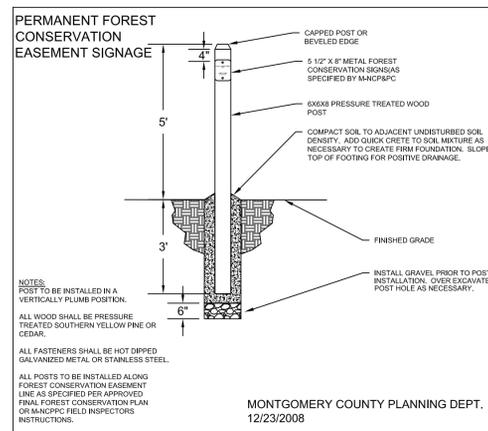
All field inspections must be requested by the applicant. Inspections must be conducted as follows:

Tree Save Plans and Forest Conservation Plans without Planting Requirements

- 1) After the limits of disturbance have been staked and flagged, but before any clearing or grading resumes.
- 2) After necessary stress reduction measures have been completed and the protection measures have been installed, but before any clearing or grading resumes.
- 3) After completion of all construction activities to determine the level of compliance with the provisions of the forest conservation plan;

Additional Requirements for Plans with Planting Requirements

- 4) Before the start of any required reforestation and afforestation planting
- 5) After required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start of the maintenance
- 6) At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan and, if appropriate, release of the performance bond.





date: 8/25/14

scale:

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



DEVELOPER'S CERTIFICATE - GLADHILL PROPERTY

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 23070270 including financial bonding, forest planting, maintenance and all other application agreements.

Developer's Name: _____
 Print Company Name

Contact Person or Owner: _____
 Estate of Lew Gladhill c/o Larry and Sharon Gladhill
 Print Name

Address: _____
 27210 Clarksburg Road, Damascus, MD 20872

Phone # and Email: _____
 240-499-5975

Signature: _____

**FINAL FOREST CONSERVATION PLAN
 GLADHILL PROPERTY
 Montgomery County, Maryland**



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

October 23, 2013

Larry Gladhill
27210 Clarksburg Road
Damascus, Maryland 20872

Dear Mr. Gladhill:

This letter is to inform you that Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 420140590, Gladhill Property is approved. A Forest Conservation Plan can now be submitted to the Planning Department in conjunction with any application to which it is a necessary component, or as a stand-alone item if not associated with an application before the Planning Board.

Since the property is subject to the Montgomery County Forest Conservation law there shall be no clearing of forest, understory, or tree removal on the subject site prior to the approval of a Final Forest Conservation Plan. If there are any subsequent modifications to the approved plan, not including changes initiated by a government agency, a separate amendment must be submitted to M-NCPPC for review and approval prior to the submission of a forest conservation plan.

If you have any questions regarding these actions, please feel free to contact me at (301) 495-4546 or Joshua.Penn@montgomeryplanning.org

Sincerely,

Joshua Penn
Senior Planner
Area 3

Cc: Patrick Perry, Benning and Associates



DEPARTMENT OF PERMITTING SERVICES

RECEIVED
M-NCPPC
AUG 27 2014
MONTGOMERY COUNTY
PLANNING DEPARTMENT
Diane R. Schwartz Jones
Director

Isiah Leggett
County Executive

MEMORANDUM

July 3, 2013

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

FROM: Gene von Gunten, Manager
Department of Permitting Services

*Gene
7-3-13*

SUBJECT: Status of (Minor) Subdivision Plan: (72007027)

Gladhill Property, Lots 1 & 2

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on July 1, 2013.

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.
2. A water well easement must be recorded prior to record plat approval.

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

cc: Surveyor
File

DEED OF TRANSFER OF DEVELOPMENT RIGHTS (TDR)

THIS DEED is made this 30th day of December, ~~2005~~ ²⁰⁰⁴, by and between Lew M. Gladhill, Trustee under that Agreement dated May 6, 1992 for the benefit of Lew M. Gladhill and Lew M. Gladhill and Larry Lew Gladhill, Successor Trustees under that Agreement dated May 6, 1992 for the benefit of Goldie S. Gladhill, hereinafter "Grantors" and Clarksburg Village Investments, Inc., a Virginia corporation, hereinafter "Grantee"

FILED
MONTGOMERY COUNTY
CLERK'S OFFICE
MONTGOMERY COUNTY, MD

2005 JAN 11 P 12:20

RECITALS

Chapter 59 of the Montgomery County Code defines "Development Right" as: "The potential for the improvement of a parcel of real property, measured in dwelling units or units of commercial or industrial space, existing because of the zoning classification of the parcel", and sets forth a procedure for the transfer of Development Rights for the purpose of preserving agricultural land. An Easement granted to Montgomery County, Maryland, pursuant to Chapter 59 of the Montgomery County Code dated December 21, 2004 and recorded, or intended to be recorded, immediately prior hereto among the Land Records of Montgomery County, Maryland, restricts the number of one-family dwellings that may be constructed, occupied or maintained on property described therein, situate in the Rural Density Transfer Zone, Planning Area No. 10, Montgomery County, Maryland, and thereby authorizes the conveyance of Development Rights.

NOW, THEREFORE, in consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantors do grant and convey to Grantee, its successors and assigns, ten (10) Development Rights numbered 10-7850 through 10-7859, and as originally attached to property situate in the Rural Density Transfer Zone, Planning Area No. 10, Montgomery County, Maryland.

RECORDING FEE 20.00
IN FIDELITY 20.00
TOTAL 40.00
Rest # 1008 Rct # 63171
by 12/16/05 Rk # 2138
12:16 PM

AND, Grantors covenant that Grantors will warrant specially the property hereby conveyed, that Grantors will execute such further assurances of said property as may be requisite and that Grantors have the right to convey the property.

IN WITNESS WHEREOF, the Grantors have hereunder set Grantors' hands and seals on the day and year above written.

WITNESS:

Susan Lemmon

Lew M Gladhill (SEAL)

Lew M. Gladhill, Trustee under that Agreement dated May 6, 1992 for the benefit of Lew M. Gladhill

20
2005

[ADDITIONAL SIGNATURES FOLLOW]

AGRICULTURE TRANSFER TAX IN THE

AMOUNT OF \$ N/A
SIGNATURE *[Signature]* 1/10/05

HEREBY CERTIFY THIS PROPERTY HAS BEEN REGISTERED ON THE MONTGOMERY COUNTY ASSESSMENT BOOKS FOR TDR INFORMATION.

NO CARD
TRANSFER CLERK, ASSESSMENT DEPARTMENT *[Signature]* 1/10/05

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 29011, p. 0273, MSA_CE63_28965. Date available 01/13/2005. Printed 12/05/2014.

Seven Ans

Lew M Gladhill (SEAL)
Lew M. Gladhill Successor Trustee under that Agreement dated May 6, 1992 for the benefit of Goldie S. Gladhill

JLS

Larry Lew Gladhill (SEAL)
Larry Lew Gladhill, Successor Trustee under that Agreement dated May 6, 1992 for the benefit of Goldie S. Gladhill

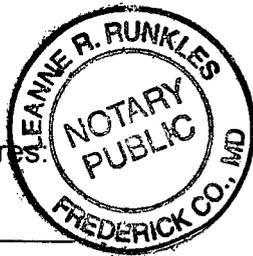
STATE OF MARYLAND, Montgomery COUNTY, to wit:

I HEREBY CERTIFY that on this 30 day of December, 2005, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Lew M. Gladhill, Trustee under that Agreement dated May 6, 1992 for the benefit of Lew M. Gladhill and Lew M. Gladhill and Larry Lew Gladhill, Successor Trustees under that Agreement dated May 6, 1992 for the benefit of Goldie S. Gladhill known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within and foregoing Transfer of Development Rights (TDR) Deed.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Leanne R. Runkles
NOTARY PUBLIC

Leanne R. Runkles
Printed Name



My Commission Expires:

5/1/06

ATTORNEY CERTIFICATE

THE UNDERSIGNED, a member of the Bar of the Court of Appeals of Maryland, hereby certifies that the foregoing instrument was prepared by, or under the supervision of, the undersigned.

Michelle J. Edelstein

THIS INSTRUMENT IS INSURED BY: No Title Insurance

PARCEL IDENTIFIER: 12-00929736

PROPERTY ADDRESS: 27000 Clarksburg Road
Damascus, Maryland 20872

GRANTORS' ADDRESS: 27000 Clarksburg Road
Damascus, Maryland 20872

GRANTEE'S ADDRESS: 6820 Elm Street, Suite 200
McLean, Virginia 22101

After recording, please return to:

Michelle J. Edelstein, Esq.
Samek, McMillan & Metro, P.C.
Suite 500
1901 Research Boulevard
Rockville, MD 20850
(301)-251-1180

F:\Document\Clients\ClarksburgVillageInvestmentsInc\GLADHILL TRUST TDRs\TDR-DEED2 (6 TDRs).doc

29314

758

28966

679

2082

This Deed is being re-recorded to correct the sequence of recording in conjunction with that TDR easement recorded in Liber 28966 at folio 682 which established TDR# 10-7849 conveyed herein.

DEED OF TRANSFER OF DEVELOPMENT RIGHTS (TDR)

UGSMS

THIS DEED is made this 13th day of December, 2004, by and between Larry L. Gladhill and Sharon M. Gladhill, hereinafter "Grantors", and Clarksburg Village Investments, Inc., a Virginia corporation, hereinafter "Grantee".

RECITALS

Chapter 59 of the Montgomery County Code defines "Development Right" as: "The potential for the improvement of a parcel of real property, measured in dwelling units or units of commercial or industrial space, existing because of the zoning classification of the parcel", and sets forth a procedure for the transfer of Development Rights for the purpose of preserving agricultural land. An Easement granted to Montgomery County, Maryland, pursuant to Chapter 59 of the Montgomery County Code dated December 21, 2004 and recorded, or intended to be recorded, immediately prior hereto among the Land Records of Montgomery County, Maryland, restricts the number of one-family dwellings that may be constructed, occupied or maintained on property described therein, situate in the Rural Density Transfer Zone, Planning Area No. 10, Montgomery County, Maryland, and thereby authorizes the conveyance of Development Rights.

NOW, THEREFORE, in consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantors do grant and convey to Grantee, its successors and assigns, one (1) Development Right numbered 10-7849, and as originally attached to property situate in the Rural Density Transfer Zone, Planning Area No. 10, Montgomery County, Maryland.

RECORDING FEE 20.00
TDR FEE 20.00
TOTAL 40.00
Recpt # 37279
Blk # 834
Jan 24, 2005 11:48 am

AND, Grantors covenant that Grantors will warrant specially the property hereby conveyed, that Grantors will execute such further assurances of said property as may be required and that Grantors have the right to convey the property.

TDR FEE 20.00
RECORDING FEE 20.00
TOTAL 40.00
Recpt # 43717
Blk # 6393
Feb 23, 2005 09:32 am

IN WITNESS WHEREOF, the Grantors have hereunder set Grantors' hands and seals on the day and year above written.

ATTEST/WITNESS:

GRANTORS:

Margaret A. Green

By: Larry L. Gladhill (SEAL)
Larry L. Gladhill

Margaret A. Green

By: Sharon M. Gladhill (SEAL)
Sharon M. Gladhill

FILED
MONTGOMERY COUNTY CLERK'S OFFICE
[COURT FOLLOWS]

HEREBY CERTIFY THIS PROPERTY HAS BEEN REGISTERED ON THE MONTGOMERY COUNTY ASSESSMENT BOOKS FOR THE INFORMATION.

Dmm 01/04/05
TRANSFER CLERK, ASSESSMENT DEPARTMENT

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 29314, p. 0758, MSA_CE63_29268. Date available 02/25/2005. Printed 02/24/2015.

2005 FEB 23 A 9:41

AMOUNT OF \$ N/A
SIGNATURE Dmm

2005 JAN -4 A 11:54

STATE Maryland, Montgomery COUNTY, to wit:

I HEREBY CERTIFY that on this 13th day of December, 2004, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Larry L. Gladhill and Sharon M. Gladhill known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within and foregoing Transfer of Development Rights (TDR) Deed.

WITNESS my hand and Notarial Seal.

Rebecca A. Gear
NOTARY PUBLIC

My Commission Expires: Dec. 1, 2008

ATTORNEY CERTIFICATE

THE UNDERSIGNED, a member of the Bar of the Court of Appeals of Maryland, hereby certifies that the foregoing instrument was prepared by, or under the supervision of, the undersigned.

[Signature]
Michelle J. Edelstein

THIS INSTRUMENT IS INSURED BY: No Title Insurance
PARCEL IDENTIFIERS: 12-02518403 ✓
PROPERTY ADDRESS: 27210 Clarksburg Road
Damascus, Maryland 20872
GRANTORS'S ADDRESS: 27210 Clarksburg Road
Damascus, Maryland 20872
GRANTEE'S ADDRESS: 6820 Elm Street, Suite 200
McLean, Virginia 22101

MONTGOMERY COUNTY, MD

APPROVED BY D

JAN 4 2005

\$ slg RECORDATION TAX PAID
\$ slg TRANSFER TAX PAID

After recording, please return to:

Michelle Edelstein, Esq.
Samek, McMillan & Metro, P.C.
Suite 500
1901 Research Boulevard
Rockville, MD 20850
(301)-251-1180

F:\Document\Clients\ClarksburgVillageInvestmentsInc\Gladhill TDRs\TDR-DEED.doc

TRANSFER OF DEVELOPMENT RIGHTS (TDR) EASEMENT

THIS TRANSFER OF DEVELOPMENT RIGHTS (TDR) EASEMENT ("Easement"), is made this 31st day of December, 2004, by and between Larry L. Gladhill and Sharon M. Gladhill, hereinafter "Grantors", and Montgomery County, Maryland, a body corporate and politic, hereinafter "Grantee".

RECITALS

Chapter 59 of the Montgomery County Code defines "Development Right" as: "The potential for the improvement of a parcel of real property, measured in dwelling units or units of commercial or industrial space, existing because of the zoning classification of the parcel", and sets forth a procedure for the transfer of Development Rights for the purpose of preserving agricultural land. Grantors are the owners in fee simple of 10.08 acres of real property, hereinafter described, in the Rural Density Transfer Zone, located in Planning Area No. 10, Montgomery County, Maryland. The property is currently improved with one (1) one-family dwelling.

Chapter 59 of the Montgomery County Code recognizes the right of an owner of property in the Rural Density Transfer Zone to transfer a certain number of Development Rights; provided that such a conveyance contains an easement restricting the future construction of one-family dwellings on the property. The parties intend that this Easement shall so restrict the property and that, hereafter, one (1) Development Right numbered 09-7849 may be conveyed from the property by a deed in a recordable form approved by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission without the conveyance of an additional Easement to Grantee.

Re-recorded to correct recording sequence LLG Smc

Grantors represent that they are the owners in fee simple of the Property as of the date of execution of this Easement.

A current title report for the subject property, identified as Exhibit 1, is attached hereto and made a part hereof.

NOW, THEREFORE, to permit the transfer of Development Rights and in consideration of the covenants, terms, conditions and restrictions hereafter set forth and other good and valuable consideration, receipt of which is hereby acknowledged, Grantors do grant and convey to Grantee, its successors and assigns, forever and in perpetuity, an interest and easement of the nature and character and to the extent hereinafter set forth in respect to all that property situate in the Rural Density Transfer Zone, located in Planning Area No. 10, Montgomery County, Maryland, as described herein on Exhibit "A".

The terms, conditions and restrictions, of this Easement are these:

FILED
MONTGOMERY COUNTY
CLERK'S OFFICE
POLLY O. RUIH

AGRICULTURE TRANSFER TAX IN THE

AMOUNT OF \$ n/a 2005 JAN -4

SIGNATURE Dmm

HEREBY CERTIFY THIS PROPERTY HAS BEEN REGISTERED ON THE MONTGOMERY COUNTY ASSESSMENT BOOKS FOR TDR INFORMATION.

Dmm 01/04/05
TRANSFER CLERK, ASSESSMENT DEPARTMENT

RECORDING FEE 20.00
IMP FD SURE 20.00
TOTAL 40.00
Book # 007
Page # 37279
Blk # 835
Jan 04, 2005 11:48 am

RECORDING FEE 20.00
RECORDING FEE 20.00
TOTAL 40.00
Book # 007
Page # 43717
Blk # 6392
Feb 23, 2005 09:32 am

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 29314, p. 0752, MSA_CE63_29268. Date available 02/25/2005. Printed 02/24/2015.

2005 FEB 23 A 9 40

This Easement shall be perpetual. It is an easement in gross, and as such, is inheritable and assignable and runs with the land as an incorporeal interest in the property enforceable with respect to the property by the Grantee, and its successors and assigns, against the Grantors and their successors and assigns.

The term "one-family dwelling" includes mobile, manufactured, or similar dwellings, but excludes farm tenant dwellings, farm mobile homes and guest houses permitted by Chapter 59, Montgomery County Code, as amended.

A one-family dwelling may not be constructed, occupied, or maintained on the property unless one Development Right is retained with the property for each one-family dwelling constructed, occupied, or maintained.

The restrictions imposed by this Development Rights Easement shall operate independently of the restrictions imposed by the zoning of the property.

The property contains 10.08 acres of land. No previous Development Rights have been conveyed by Grantors. There is currently one (1) one-family dwelling on the property. As a result of this Easement, the parties intend that Grantors may convey one (1) Development Right numbered 10-7849. From this date forward, no additional one-family dwellings may be constructed and used on the property. This may not be interpreted to permit additional dwellings inconsistent with the zoning of the property or to prevent the reconstruction of the existing one-family dwelling which complied with the terms of this Easement in the event such dwelling may be destroyed or damaged.

Grantee, its successors and assigns, may, with reasonable notice, enter the property from time to time, for the sole purpose of inspection and enforcement of the terms, conditions and restrictions of this Easement. This right of inspection does not include the interior of dwellings.

Nothing herein may be construed to convey to the public a right of access or use of the property, and the Grantors, their successors and assigns, retain exclusive right to such access and use, subject only to the provisions of this Easement.

The parties agree that monetary damages would not be an adequate remedy for breach of any of the terms, conditions and restrictions herein contained, and, therefore, in the event that the Grantors, their successors and assigns, violate or breach any of such terms, conditions and restrictions, herein contained, the Grantee, its successors and assigns, may institute a suit to enjoin by ex parte, preliminary and/or permanent injunction such violation and to require the restoration of the property to its prior condition. The Grantee, its successors and assigns, by any prior failure to act, does not waive or forfeit the right to take action as may be necessary to insure compliance with the terms, conditions and purposes of this Easement.

MONTGOMERY COUNTY, MD

APPROVED BY D

JAN 4 2005

\$ alg RECORDATION TAX PAID
\$ alg TRANSFER TAX PAID

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 29314, p. 0753, MSA_CE63_29268. Date available 02/25/2005. Printed 02/24/2015.

IN WITNESS WHEREOF, the Grantors and Grantee have hereunto set their hands and seals on the day and year above written.

ATTEST/WITNESS:

GRANTORS:

Margie H. Geer

By: Larry L. Gladhill (SEAL)
Larry L. Gladhill

Margie H. Geer

By: Sharon M. Gladhill (SEAL)
Sharon M. Gladhill

STATE Maryland, Montgomery COUNTY, to wit:

I HEREBY CERTIFY that on this 13th day of December, 2004, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Larry L. Gladhill and Sharon M. Gladhill known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within and foregoing Transfer of Development Rights (TDR) Easement.

WITNESS my hand and Notarial Seal.

Margie H. Geer
NOTARY PUBLIC

My Commission Expires: Dec. 1, 2008

GRANTEE:

MONTGOMERY COUNTY, MARYLAND

Johnnie Poore BY: Douglas M. Duncan (SEAL)
Douglas M. Duncan, County Executive

[JURAT FOLLOWS]

STATE OF MARYLAND, MONTGOMERY COUNTY, to wit:

I HEREBY CERTIFY that on this 21st day of December, 2004, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Douglas M. Duncan, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within and foregoing Transfer of Development Rights (TDR) Easement, who acknowledged himself to be the County Executive of Montgomery County, Maryland, and that he as such County Executive, being authorized so to do, executed the same, for the purposes therein contained, by signing the name of Montgomery County, Maryland by himself as County Executive.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Jo Anne Poore
NOTARY PUBLIC

My Commission Expires: June 1, 2006

ATTORNEY CERTIFICATE

THE UNDERSIGNED, a member of the Bar of the Court of Appeals of Maryland, hereby certifies that the foregoing instrument was prepared by, or under the supervision of, the undersigned.

[Signature]
Michelle J. Edelstein

APPROVAL OF COUNTY ATTORNEY

Approved as to form and legality, this 20th day of December, 2004.

[Signature]
Vickie Gaul, Associate County Attorney

THIS INSTRUMENT IS INSURED BY: No Title Insurance

PARCEL IDENTIFIER: 12-02518403 ~

PROPERTY ADDRESS: 27210 Clarksburg Road
Damascus, Maryland 20872

GRANTORS' ADDRESS: 27210 Clarksburg Road
Damascus, Maryland 20872

GRANTEE'S ADDRESS: 101 Monroe Street, 3rd Floor
Rockville, MD 20850

EXHIBIT 1

REPORT OF TITLE

CAPTION

That approximately 10.08 acre parcel of real property, located in Montgomery County, Maryland, and described on Exhibit "A" attached hereto and made a part hereof.

OPINION

TO: MONTGOMERY COUNTY, MARYLAND

THIS IS TO CERTIFY that we have examined the title to the land and premises mentioned and described in the foregoing caption, and more particularly described on Exhibit "A" attached hereto, covering matters of record through September 30, 2004, among the Land and Judgment Records of Montgomery County, Maryland, and in our opinion, such Records, as indexed in the Clerk's Office in the Circuit Court for said County and State, disclose that a good and marketable fee simple title in and to said land and premises is vested in Larry L. Gladhill and Sharon M. Gladhill pursuant to a deed recorded among the Land Records of Montgomery County on May 8, 1985 in Liber 6730 at folio 277.

SUBJECT TO unrecorded easements, if any, on, above or below the surface; any discrepancies or conflicts in boundary lines; shortage in area; and/or encroachments, if any, which a current and accurate survey and an inspection of the property would disclose.

SUBJECT TO a Deed of Trust securing New America Savings Bank, FSB dated May 19, 1993 and recorded in Liber 11405 at folio 51 among the Land Records of Montgomery County, Maryland. This lien was satisfied on November 26, 2004 and a release is pending.

SUBJECT TO Rights of Way granted to The Potomac Edison Company recorded in Liber 880 at folio 344, Liber 941 at folio 46, Liber 1020 at folio 327, Liber 3191 at folio 494 and Liber 6593 at folio 178 among the Land Records of Montgomery County, Maryland.

THIS REPORT OF TITLE is issued for the sole use and benefit of Montgomery County, Maryland, and is intended as a Report of Title for matters which appear of record only through September 30, 2004.

SAMEK, McMILLAN & METRO, P.C.

BY:


Michelle Edelstein, Esq.
1901 Research Boulevard, Suite 500
Rockville, Maryland, 20850
(301) 251-1180

Exhibit "A"

All that parcel of land being in the Damascus Election District of Montgomery County, Maryland, being part of that tract as conveyed to L.W. Gladhill and recorded among the Land Records of Montgomery County, Maryland in Liber 2908 folio 158, and being more particularly described as follows:

BEGINNING for the same at a point in the middle of Clarksburg Road and on the thirteenth line of said Liber 2908 folio 158, thence running with the third line of a conveyance from Charles Delp and Orpha Delp, his wife, to Thelma Marie Kline and Charles A. Roemer, her father, by deed dated May 22, 1975, and recorded among the Land Records of Montgomery County, Maryland in Liber 4647 folio 34, reversed (1) N. 71° 05' 00" W. 500.00 feet to a point, thence with said third line extended and crossing said Liber 2908 folio 158 (2) N. 71° 05' 00" W. 300.00 feet to a point, thence (3) N. 18° 55' 00" E. 540.00 feet to a point, thence (4) S. 71° 05' 00" E. 837.80 feet to a point on the fourteenth line of said Liber 2908 folio 158, thence with part of the fourteenth and thirteenth lines, reversed, and Clarksburg Road (5) S. 27° 30' 00" W. 144.95 feet to a point, thence (6) S. 21° 15' 00" W. 397.00 feet to the place of beginning, containing 10.080 acres of land, more or less. According to a survey by Tri-County Surveys, Inc., June 1, 1981.

After recording, please return to:

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This Plan recommends a land conservation approach for residential development in the RDT Zone properties in Damascus. The guidelines encourage either small lot clusters, non-buildable out-lots, or creative homesite placement with overlay easements to preserve contiguous fields, important vistas, or environmentally sensitive features. The guidelines encourage creative development patterns that preserve both open contiguous fields and forests, and the preservation of rural character. Large contiguous areas of prime and productive farm fields have the greatest potential for continuing agricultural production. The guidelines are primarily intended for subdivisions creating five or more lots and on properties of 100 or more acres.

Development Guidance - Agricultural Conservation Standards for Residential Development in the RDT Zone:

- The use of cluster, out-lot, or easement methods is encouraged to preserve contiguous fields and forest, while providing increased flexibility in lot layout and allowing the density permitted in the zone. Large lots should be avoided unless conservation or other protective easements are used to designate and protect farm fields, environmental resources, or other open space.
- If common open space is identified for conservation, the preliminary plan must include a description of the intended use and a plan for maintenance of the common open space. Areas reserved for conservation should be recorded on the plan of development as either a separate parcel, non-buildable outlot, or easement on the residential lot or lots. The designated area must be clearly delineated and the easement noted on the record plat in the land records of Montgomery County.
- The location of building sites and roads should further the preservation of prime and productive farm fields, environmentally sensitive areas, scenic vistas, and rural character to the extent allowed by the need to accommodate waste treatment.
- Residential development should be designed to reduce the potential for conflict between the residential and the agricultural uses within the development and in relation to existing uses on adjoining tracts. Substantial setbacks can provide buffers between designated agricultural areas and any existing residential buildings on adjoining property, and between designated or existing offsite agricultural areas and planned housing sites.
- Development design should first identify important resources and related buffer areas that need to be preserved, including location of prime and productive soils. When determining the location of building sites, the identified resources should be avoided to the greatest possible extent.
- The design of the road network should consider the following:
 - Limit physical impact on the natural and historic environment, and avoid extensive cutting through wooded areas.
 - Respect the contours of the land and avoid cross slope routes.
 - Protect rural vistas by preserving existing woodland buffers to the extent safety considerations allow.
- Placement of building sites should consider the preservation of rural vistas and the preservation of contiguous open fields.