



Balsamah Property, Adequate Public Facilities Test 12000098A

JP
RAW
KRR

Joshua Penn, Planner Coordinator, Area 3, Joshua.Penn@montgomeryplanning.org 301-495-4546

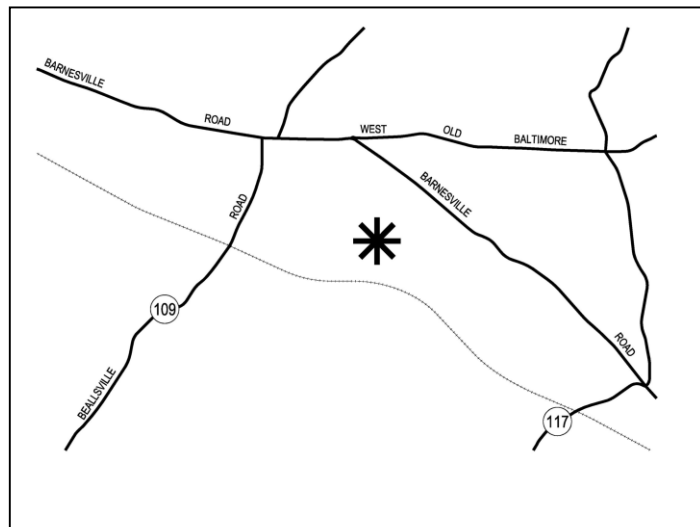
Richard Weaver, Supervisor, Area 3, Richard.Weaver@montgomeryplanning.org 301-495-4544

Kipling Reynolds, Chief, Area 3, Kipling.Reynolds@montgomeryplanning.org 301-495-4575

Completed: 04/29/16

Description

- Request for a new Adequate Public Facilities determination on six recorded lots, under County Code Section 8-31(b), Article IV for future building permits;
- Lots 1-6 Balsamah 152.61 acres, zoned AR;
- Located on the east side of Peachtree Road. 2,000 feet southwest of Barnesville Road, within the 1980 Preservation of Agricultural & Rural Open Space Master Plan;
- Applicant: Balsamah Corporation. N.V.;
- Filing Date: February 18, 2016.



Summary

- Staff recommends approval with conditions.
- This review is limited to the Adequate Public Facilities (APF) determination only for Lots 1-6 on record plats 22006 and 22007. No further amendment to the preliminary plan is required because the 6 lots are already recorded by record plat.

STAFF RECOMMENDATION: Approval, subject to the following conditions:

- 1) This Adequate Public Facilities determination is limited to six single family residential lots.
- 2) This APF determination will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
- 3) All other conditions and findings of Preliminary Plan No. 120000980 and Forest Conservation Plan No. 120000980 as contained in the Planning Board's Opinion dated October 26, 2000, that were not modified herein, remain in full force and effect.

SITE AND PROJECT DESCRIPTION

The property that is subject to this APF determination consists of six recorded lots totaling 152.61 acres located on the north, east, south, west side of Peachtree Road 2,000 feet southwest of Barnesville Road, within the 1980 Preservation of Agricultural & Rural Open Space Master Plan.

(Lot 1 was recorded on Plat 22007, Balsamah (Attachment No. 1). Lots 2-6 were recorded on Plat #22006, Balsamah (Attachment No. 2).

The property is currently unimproved and no building permit applications were submitted on any of the six lots prior to the expiration of the APF review period. This Application requests a new APF determination for the six recorded lots.

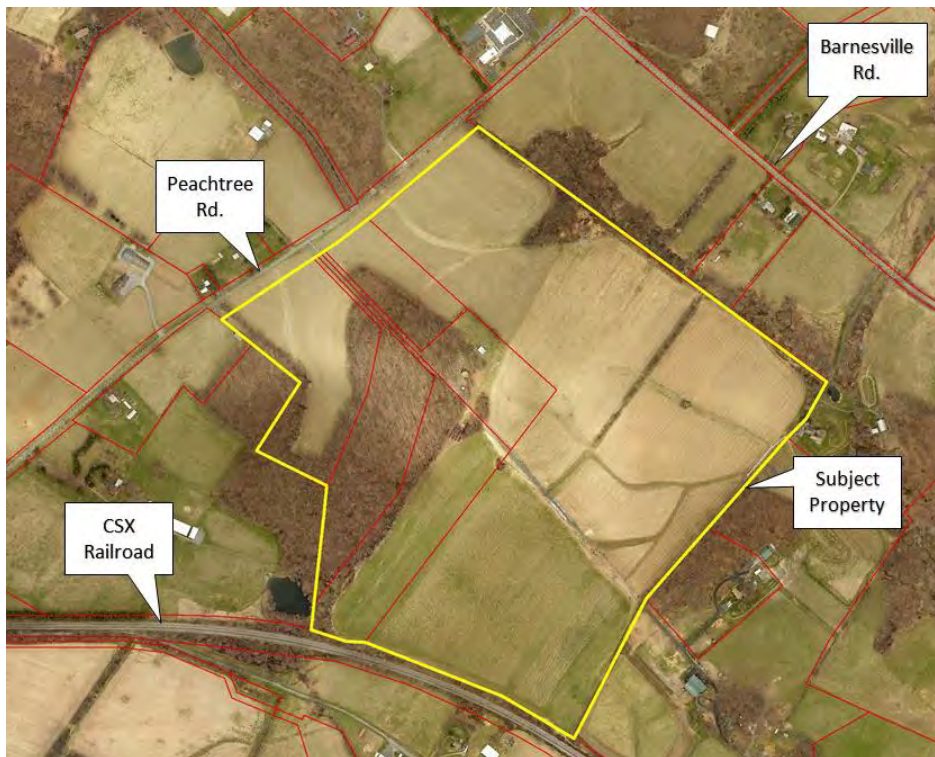


Figure 1: Aerial view of the site

PRIOR REGULATORY ACTIONS

The Planning Board approved Preliminary Plan #120000980 in an Opinion dated October 26, 2000 for six lots on 153.88 acres of land in the AR zone (formerly RDT). The APF determination was approved with a sixty-one (61) month validity period. The lots were subsequently platted within the three-year plan validity period, however; building permits were not issued prior to expiration of the APF validity period.

ANALYSIS AND FINDINGS

Public Schools

The Application is located within the Poolesville High School Cluster, which as of January 14, 2016, is not in moratorium and does not require any school facility payments.

Local Area Transportation Review (LATR)

Based on trip generation rates included in the LATR Guidelines, six, single family dwelling units are anticipated to generate six vehicular trips in the morning peak hour (0.95/dwelling unit) and seven vehicular trips in the evening peak hour (1.11/ dwelling unit). Since this is below the 30 trip threshold, a traffic statement will satisfy the LATR requirements of the 2012-2016 SSP.

Transportation Policy Area Review (TPAR)

The Applicant is subject to the TPAR because the anticipated trip generation exceeds the *de minimus* 3 vehicular trips allowed under the County code. As of 3/16/16, the Rural West Transportation Policy Area is exempt from both the Roadway and Transit tests of TPAR. As a result, the applicant is not required to make a TPAR payment to satisfy the test.

Environmental Requirements

The property lies in the Little Seneca Creek watershed. Private well and septic services will serve the property. Water and sewer categories (W-6 and S-6) are appropriate to the proposed private systems. MCDPS will review any required stormwater management concept at the time of building permits for any proposed development on the individual lots.

Citizen Notification

This Application was submitted and noticed in accordance with all required procedures on March 9, 2016. Signs referencing the Application were posted at the property's frontage along Peachtree Road. Staff has received several phone calls asking general information about the application.

Staff received one letter from CSX Real Property, they were requesting that a 50-foot buffer be added between any development on the property and the CSX Right-of-Way. These issues are tied to the approval of the preliminary plan and not to the APF determination. The CSX letter and the Applicant's response are attached

There have been no other inquiries or correspondence regarding the Application from the community.

CONCLUSION

The issuance of a new Adequate Public Facility finding for the proposed development meets all requirements established under County Code Section 8-31(b). The public facilities will be adequate to serve the proposed development. Therefore, staff recommends approval of the APF determination with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment 1 - Preliminary Plan #120000980

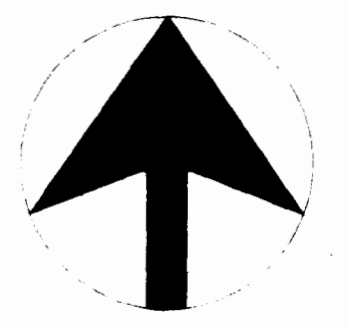
Attachment 2 - Lot 1, Record Plat 22007

Attachment 3 - Lots 2-6, 1999 Record Plat 22006

Attachment 4 - Applicant's Justification Statement dated January 28, 2016

Attachment 5 - CSX Real Property Letter Dated March 30, 2016

Attachment 6 - Applicant's Response Letter Dated April 6, 2016



date: May 2000
scale: 1" = 200'

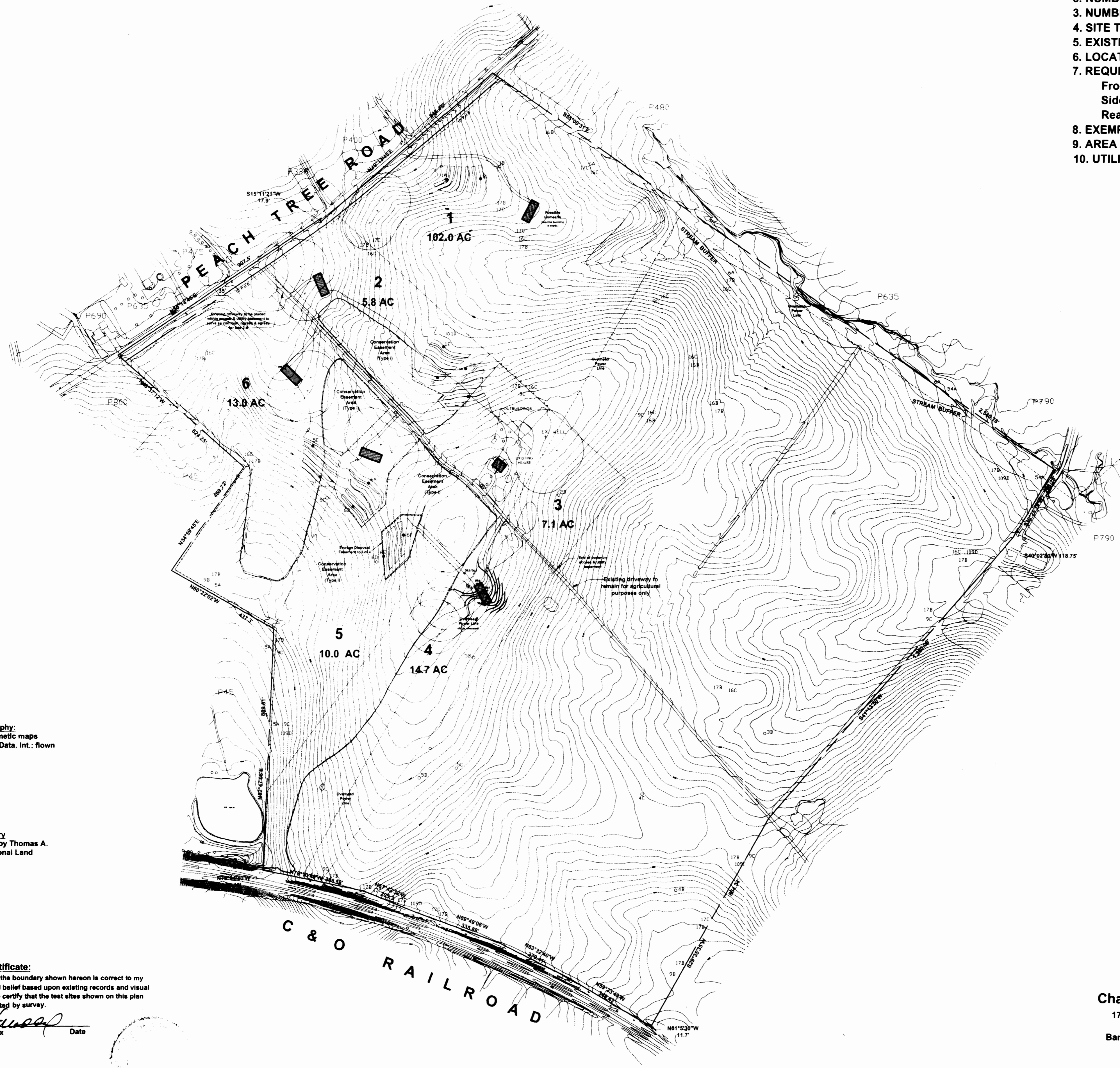
Bemming & Associates, Inc.
Land Planning Consultants
9933 Shady Grove Court
Gaithersburg, MD 20877
(301) 946-0240



PRELIMINARY PLAN
BALSAMAH
Montgomery County, Maryland

NOTES:

1. AREA OF PROPERTY - 153.88 ACRES
2. EXISTING ZONING - RDT
3. NUMBER OF LOTS PERMITTED - 6
4. SITE TO BE SERVED BY INDIVIDUAL WELLS & ON-SITE SEPTIC SYSTEMS
5. EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-6
6. LOCATED IN LITTLE SENECA CREEK WATERSHED (USE IP)
7. REQUIRED SETBACKS:
Frontyards - 50'
Sideyards - 20'
Rearyards - 35'
8. EXEMPT FROM STORMWATER MANAGEMENT (ALL LOTS > 2.0 AC)
9. AREA DEDICATED TO PUBLIC STREET - 2.0 AC
10. UTILITY SERVICE BY: PEPSCO, BELL ATLANTIC



Maryland-National Capital
Park and Planning Commission
Approved Preliminary Subdivision Plan No. 1-00098

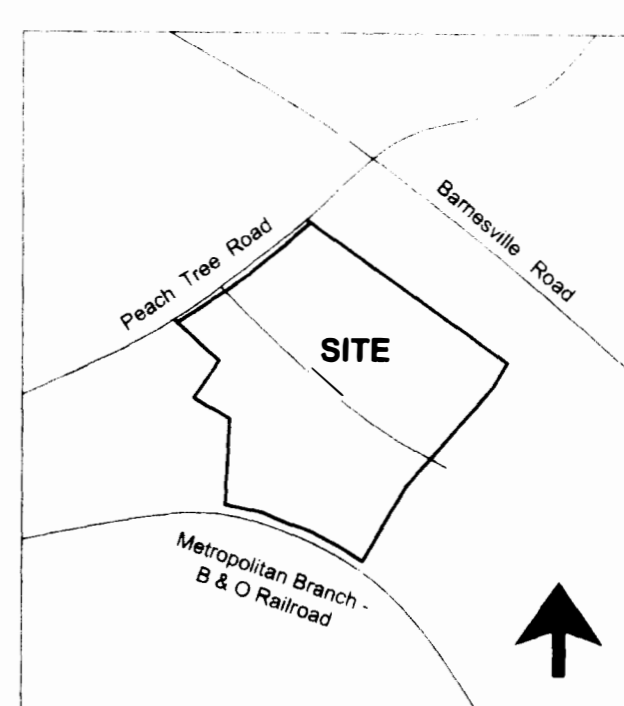
At its meeting of 10-19-00

Approval, subject to the following conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permit(s), as appropriate.
- 2) Record plat to reflect delineation of Category I conservation easements over the forest conservation areas.
- 3) Compliance with conditions of MCDPS septic approval dated 10-9-00.
- 4) Access and improvements, as required, to be approved by MCDPWT prior to recording of plat.
- 5) Record plat(s) to delineate common ingress/egress easement and common access easement to adjoining agricultural parcels.
- 6) Applicant to submit, for technical staff review and approval, common ingress/egress easement and maintenance agreement for private driveway.
- 7) All roads shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the Agricultural and Open Space Master Plan, unless otherwise designated on the approved preliminary plan. Dedication of Peach Tree Road to be 35 feet off center line.
- 8) The Adequate Public Facilities (APF) Review for this preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Opinion.
- 9) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.
- 10) Necessary Easements

Technical Staff Recommendation made to MCPB by:
[Signature]
Development Review Division Date

VICINITY MAP
1" = 2000'



Owner's Representative:
Charles R. Player, Jr.
17520 Whites Store Road
P.O. Box 401
Barnesville, Maryland 20838
(301) 428-8034

Source of Topography:
Aerial photogrammetric maps
prepared by EarthData, Inc.; flown
March 1999

Source of Boundary
Boundary survey by Thomas A.
Maddox, Professional Land
Surveyor

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. I also certify that the test sites shown on this plan
have been field located by survey.
[Signature]
Thomas A. Maddox Date

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date Mailed: October 26, 2000

Action: Approved Staff Recommendation

Motion of Comm. Perdue, seconded by
Comm. Wellington with a vote of 4-0;
Comms. Holmes, Hussmann, Perdue and
Wellington voting in favor
(Comm. Bryant absent)

MONTGOMERY COUNTY PLANNING BOARD

OPINION

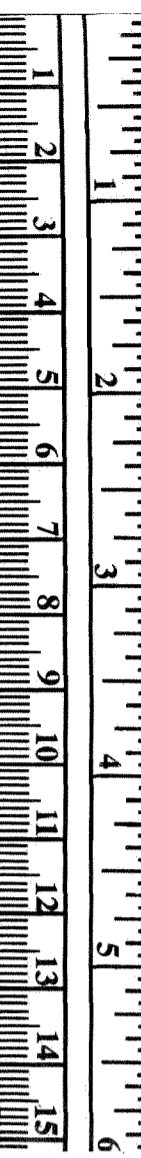
Preliminary Plan 1-00098

NAME OF PLAN: BALSAMAH PROPERTY

On 06/21/00, BALSAMAH CORPORATION submitted an application for the approval of a preliminary plan of subdivision of property in the RDT zone. The application proposed to create 6 lots on 153.88 acres of land. The application was designated Preliminary Plan 1-00098. On 10/19/00, Preliminary Plan 1-00098 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 1-00098 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-00098, subject to the following conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permit(s), as appropriate
- 2) Record plat to reflect delineation of Category I conservation easements over the forest conservation areas
- 3) Compliance with conditions of MCDPS septic approval dated 10-9-00
- 4) Access and improvements, as required, to be approved by MCDPWT prior to recording of plats
- 5) Record plat(s) to delineate common ingress/egress easement and common access easement to adjoining agricultural parcels
- 6) Applicant to submit, for technical staff review and approval, common ingress/egress easement and maintenance agreement for private driveway

- 7) All roads shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the Agricultural and Open Space Master Plan, unless otherwise designated on the approved preliminary plan. Dedication of Peach Tree Road to be 35 feet off center line
- 8) The Adequate Public Facilities (APF) Review for this preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Opinion
- 9) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed
- 10) Necessary Easements



PLAT NO. 22007

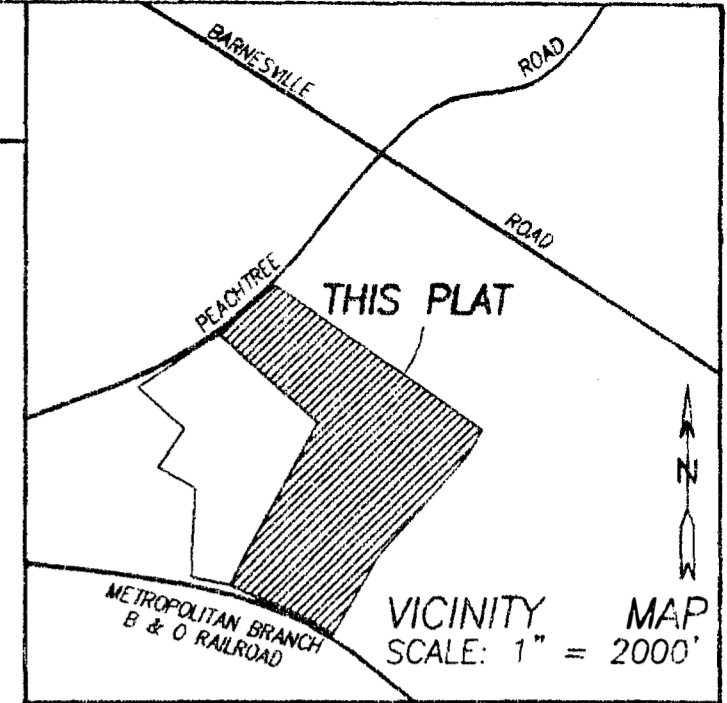
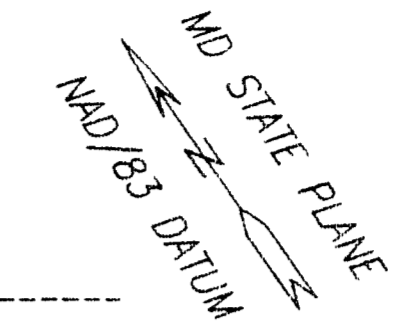
PEACHTREE ROAD
(70' WIDE)

M. & O. ORAM
L. 3367 F. 639

M. & C. ORAM
L. 3367 F. 639

R.J. & S.O. KARN
L. 4129 F. 853

101.837 ACRES



NOTES

1. PROPERTY ZONED ROT.
2. ALL LOTS TO BE SERVED BY INDIVIDUAL WELLS AND SEPTIC SYSTEMS.
3. THIS PLAT LIMITED TO THE USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN NO. 1-00098, DATED 10-19-00. ANY PROPOSED CHANGES IN USE WILL REQUIRE FURTHER PLANNING BOARD REVIEW AND APPROVAL.
4. THE PROPERTY SHOWN HEREON IS SUBJECT 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.
5. 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. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC VIEWING DURING NORMAL BUSINESS HOURS.
6. THIS PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING OR RESTRICTING THE OWNERSHIP AND USE OF THE PROPERTY. THIS PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.
7. PROPERTY FOUND ON MONTGOMERY COUNTY TAX MAP DU22.
8. APPROVAL OF THIS PLAT PREDICATED ON THE AVAILABILITY OF A TOR FOR THE PURPOSES OF OBTAINING A BUILDING PERMIT FOR A SINGLE FAMILY RESIDENCE.
9. THE PROPERTY SHOWN ON THIS PLAN IS SUBJECT TO A DECLARATION OF COVENANTS RELATING TO THE OPERATION AND MAINTENANCE OF PRIVATE DRAIN SYSTEMS AND/OR OPEN SPACE AREAS RECORDED IN LIBER 19266 AT FOLIO 292.

OWNER'S CERTIFICATION

The undersigned owner of the property shown hereon, hereby adopts this plan of subdivision, establishes minimum building restriction lines as prescribed by the Montgomery County zoning code, grants a temporary slope easement parallel and adjacent to Peach Tree Road, to the front building restriction line or as shown hereon. Such slope easement shall be automatically extinguished after all public improvements to said Peach Tree Road have been lawfully completed and accepted for maintenance by Montgomery County, Maryland or other acceptable public agency and further grants a Public Utilities Easement (10' P.U.E.) as shown hereon to the parties named in a document entitled "Terms and Provisions of Public Utility Easements" as recorded in Liber 3834 at Folio 457 among the Land Records of Montgomery County, Maryland, subject to all current and applicable regulations to all federal, state, and local governing agencies. The owner will cause all property corner markers and any other required monumentation to be set by a registered Maryland Land Surveyor, in accordance with Section 50-24(e) of the Montgomery County Code.

There are no suits, liens, mortgages, or trusts, affecting the property including in this plat of subdivision.

Balsamah Corporation N.V. a Netherlands Antilles Corporation

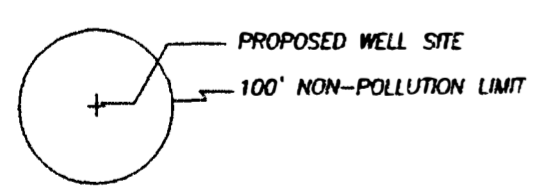
By: *[Signature]*
Sharif Sahli, its Attorney-in-Fact

Attest: *[Signature]*
JUDY C HOOD

CONSERVATION EASEMENT

LABEL	BEARING	DISTANCE
L 1	S 13° 53' 05" E	74.4890'
L 2	S 64° 50' 39" E	143.2076'
L 3	S 44° 29' 09" E	305.3940'
L 4	S 60° 46' 40" E	244.7772'
L 5	S 7° 50' 59" E	66.8136'
L 6	S 45° 28' 12" E	118.5328'
L 7	S 65° 13' 20" E	181.0419'
L 8	S 87° 39' 05" E	71.6852'
L 9	S 65° 17' 29" E	124.2508'
L 10	S 40° 37' 06" E	182.7910'
L 11	S 76° 27' 35" E	171.6459'
L 12	S 8° 27' 32" W	98.5723'
L 13	S 45° 01' 22" E	110.9716'
L 14	S 61° 49' 34" E	240.9195'

LEGEND



SEPTIC FIELD BUILDING RESTRICTION LINE SUBJECT TO CHANGE UPON REAPPROVAL BY MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES WELL AND SEPTIC SECTION.

LOT APPROVED FOR 6 BEDROOMS.

201245100098111903EDT

THE MARYLAND - NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD
APPROVED May 10, 2001

[Signature] CHAIRMAN
[Signature] ASST. SECRETARY - TREASURER

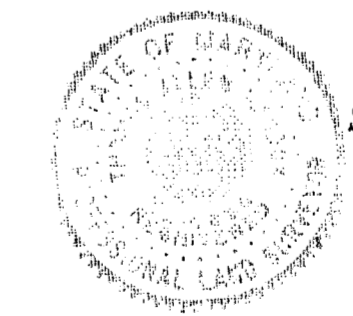
MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
APPROVED SEPTEMBER 25, 2001

[Signature] DIRECTOR

FILED
OCT 17 2001

DATE: 8/10/01

[Signature]
THOMAS A. MADDOX - Registered Professional Land Surveyor MD #10850



SUBDIVISION RECORD PLAT
LOT 1
BALSAMAH
ELECTION DISTRICT NO.11
MONTGOMERY COUNTY, MARYLAND

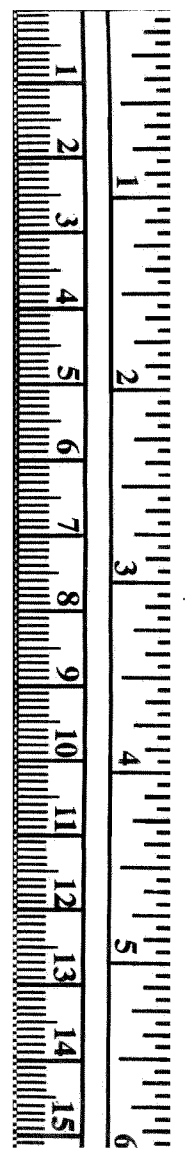
SCALE: 1" = 200' MAY 2001

THOMAS A. MADDOX
PROFESSIONAL LAND SURVEYOR
8933 SHADY GROVE COURT
GAITHERSBURG, MARYLAND 20877
(301) 984 - 5804

CURVE TABLE

LABEL	RADIUS	DELTA	LENGTH	CHORD	BEARING
C 1	5000'	3°52'28"	338.10'	338.03'	N 50°58'59" W

MSA SSU 1249-27884

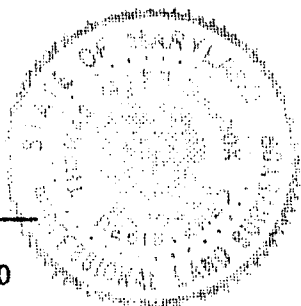


SURVEYOR'S CERTIFICATION

I hereby certify that the plat shown hereon is correct; that it is a subdivision of part of the land described in a deed from Ruth McCormick Tankersley, by her Attorney-in-Fact, Rex I. Sturm to Balsamah Corporation N.V., a Netherlands Antilles Corporation dated July 9, 1981, and recorded in Liber 5731 at Folio 824, among the land records of Montgomery County, Maryland. I further certify that, once engaged as described in the owner's certification hereon, all monuments and all property markers and other boundary markers will be set as delineated hereon in accordance with the provisions of Section 50-24(e) of Montgomery County Code. The total area included on this plat is 52.069 acres of land of which 1.292 acres is dedicated to the public use.

DATE: 8/10/01

THOMAS A. MADDOX - Registered Professional Land Surveyor MD #10850



CURVE TABLE

LABEL	RADIUS	DELTA	LENGTH	CHORD	BEARING
C 1	5000'	07°25'11"	647.49'	647.04'	S 52°45'21" W
C 2	5000'	3°32'43"	309.39'	309.35'	N 54°41'35" E
C 3	5000'	3°52'28"	338.10'	338.03'	N 50°58'59" W

563000

OWNER'S CERTIFICATION

The undersigned owner of the property shown hereon, hereby adopts this plan of subdivision, establishes minimum building restriction lines as prescribed by the Montgomery County zoning code, grants the area of dedication along Peach Tree Road as shown hereon to public use, grants a temporary slope easement parallel and adjacent to Peach Tree Road, to the front building restriction line or as shown. Such slope easement shall be automatically extinguished after all public improvements to Peach Tree Road have been lawfully completed and accepted for maintenance by Montgomery County, Maryland or other acceptable public agency and further grants a Public Utilities Easement (10' P.U.E.) as shown hereon to the parties named in a document entitled "Terms and Provisions of Public Utility Easements" as recorded in Liber 3834 at Folio 457 among the Land Records of Montgomery County, Maryland, subject to all current and applicable regulations to all federal, state, and local governing agencies, and further grants a Conservation Easement as shown hereon to the parties named in a document entitled "Conservation Easement Agreement, Category I" as recorded in Liber 13178 at Folio 412 among the Land Records of Montgomery County, Maryland, subject to the terms set forth therein; and also hereby establishes and grants a 35' wide ingress - egress and public utility easement to owners of lots 2-6 their successors and assigns for their benefit and use. The owner will cause all property corner markers and any other required monumentation to be set by a registered Maryland Land Surveyor, in accordance with Section 50-24(e) of the Montgomery County Code.

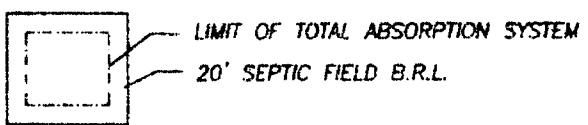
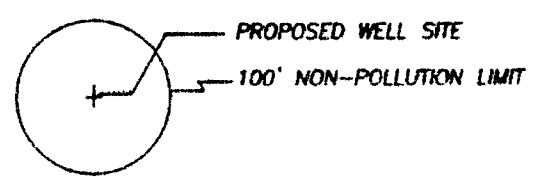
There are no suits, liens, mortgages, or trusts, affecting the property including in this plat of subdivision.

Balsamah Corporation N.V. a Netherlands Antilles Corporation

By: *Sharif Sahi*, its Attorney-in-Fact

Attest: *Judy C. Hood*, JUDY C. HOOD

LEGEND



SEPTIC FIELD BUILDING RESTRICTION LINE SUBJECT TO CHANGE UPON REAPPROVAL BY MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES WELL AND SEPTIC SECTION.

LOTS 2,3,4, & 5 APPROVED FOR 5 BEDROOMS
LOT 6 APPROVED FOR 6 BEDROOMS

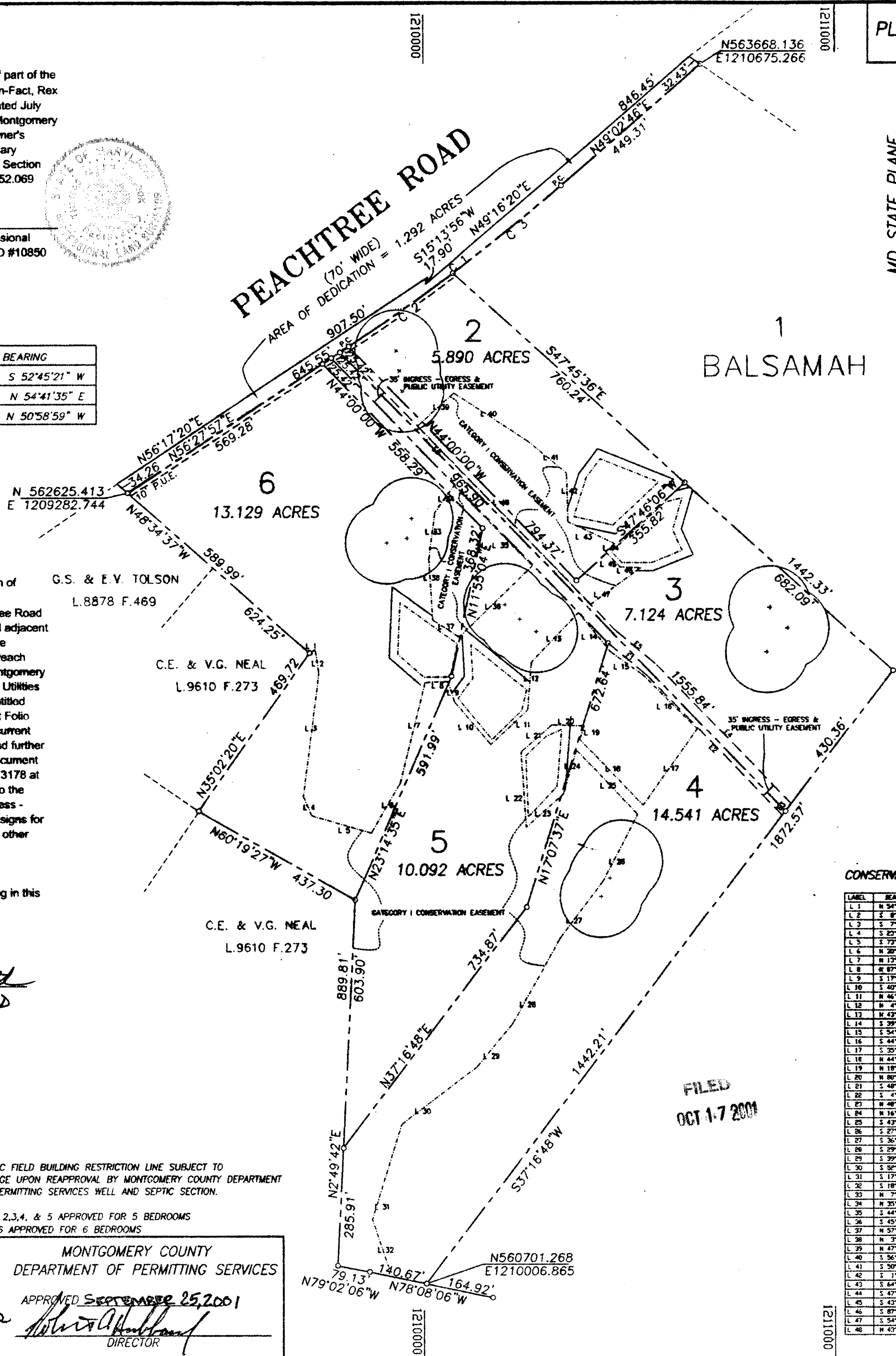
561000

THE MARYLAND - NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD
APPROVED May 10, 2001
Paul Wolf CHAIRMAN
Minnie Wang Feinstein ASST. SECRETARY - TREASURER

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
APPROVED SEPTEMBER 25, 2001
Robert Alford DIRECTOR

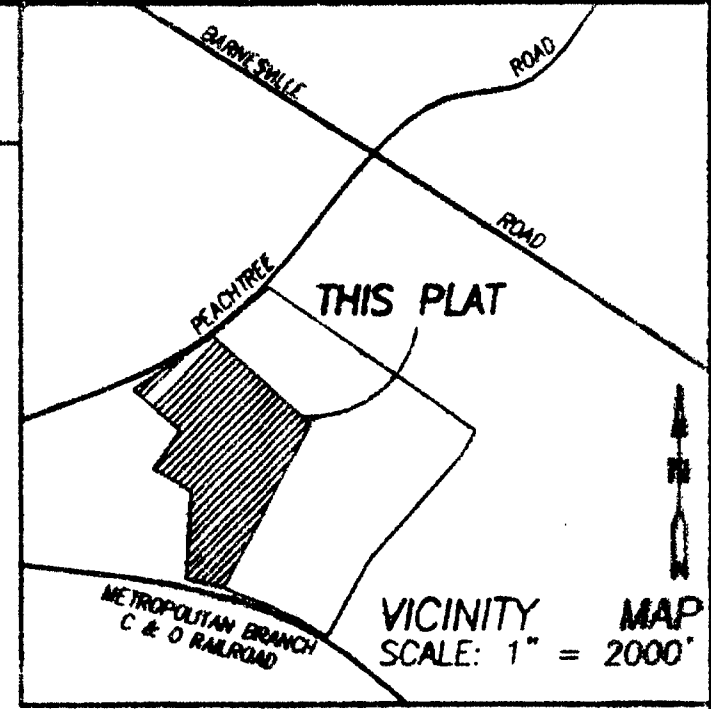
M.N.C.P. & P.C. RECORD FILE NO. 616-60

PEACHTREE ROAD
AREA OF DEDICATION = 1.292 ACRES



PLAT NO. 22006

MD STATE PLANE
NAD/83 DATUM



- NOTES**
- PROPERTY ZONED RDT.
 - ALL LOTS TO BE SERVED BY INDIVIDUAL WELLS AND SEPTIC SYSTEMS
 - THIS PLAT LIMITED TO THE USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN NO. I-00098, DATED 10-19-00. ANY PROPOSED CHANGES IN USE WILL REQUIRE FURTHER PLANNING BOARD REVIEW AND APPROVAL.
 - THE PROPERTY SHOWN HEREON IS SUBJECT 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.
 - 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. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC VIEWING DURING NORMAL BUSINESS HOURS.
 - THIS PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING OR RESTRICTING THE OWNERSHIP AND USE OF THE PROPERTY. THIS PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.
 - APPROVAL OF THIS PLAT IS PREDICATED ON THE AVAILABILITY OF A TDR, FOR EACH LOT, FOR THE PURPOSES OF OBTAINING A BUILDING PERMIT FOR A SINGLE FAMILY RESIDENCE.
 - PROPERTY FOUND ON MONTGOMERY COUNTY TAX MAP DU22.
 - THE PROPERTY SHOWN ON THIS PLAN IS SUBJECT TO A DECLARATION OF COVENANTS RELATING TO THE OPERATION AND MAINTENANCE OF PRIVATE STORM DRAIN SYSTEMS AND/OR OPEN SPACE AREAS AS RECORDED IN LIBER 19266 AT FOLIO 292.

CONSERVATION EASEMENT

LABEL	BEARING	DISTANCE
L 1	N 54°50'19" E	16.2394'
L 2	E 8°34'21" E	59.5486'
L 3	S 7°11'09" W	302.8779'
L 4	S 23°58'21" E	90.6314'
L 5	E 72°44'16" E	150.4235'
L 6	N 20°06'14" E	128.5430'
L 7	N 13°50'03" E	253.5427'
L 8	N 67°38'39" E	35.4259'
L 9	S 17°52'28" E	32.2529'
L 10	S 40°08'43" E	126.2977'
L 11	N 46°28'46" E	123.2544'
L 12	N 4°21'06" E	116.9499'
L 13	N 42°38'28" E	186.2177'
L 14	S 29°01'01" E	122.1109'
L 15	S 54°26'42" E	96.0299'
L 16	S 44°53'30" E	187.2069'
L 17	S 25°21'15" W	226.8894'
L 18	N 44°08'05" W	222.4104'
L 19	N 18°24'09" E	34.8444'
L 20	N 80°17'17" W	70.5378'
L 21	S 48°50'04" W	99.7989'
L 22	S 1°00'19" E	182.6289'
L 23	N 46°19'02" E	120.4725'
L 24	N 16°24'47" E	111.4804'
L 25	S 43°46'25" E	216.8281'
L 26	S 27°39'39" W	181.4900'
L 27	S 26°44'10" W	176.8809'
L 28	S 29°15'45" W	237.5629'
L 29	S 39°16'21" W	126.0687'
L 30	S 38°42'22" W	229.7188'
L 31	S 17°16'38" W	241.5080'
L 32	S 18°44'41" E	142.2573'
L 33	N 7°17'12" E	115.3062'
L 34	N 35°24'32" E	60.9012'
L 35	S 44°00'39" E	272.8951'
L 36	S 43°43'01" W	247.2416'
L 37	N 57°15'13" W	76.8264'
L 38	N 3°41'58" W	147.3067'
L 39	N 47°32'13" E	118.6000'
L 40	S 56°53'19" E	215.1999'
L 41	S 50°28'04" E	120.9501'
L 42	S 1°57'19" E	119.2252'
L 43	S 64°34'46" E	125.9437'
L 44	S 47°34'45" W	29.4630'
L 45	S 43°33'32" E	50.7220'
L 46	S 87°47'31" E	20.2872'
L 47	S 54°07'31" W	150.5100'
L 48	N 42°36'32" W	604.1185'

INGRESS - EGRESS & PUBLIC UTILITY EASEMENT

LABEL	BEARING	DISTANCE
E 1	S 20°07'02" E	181.028'
E 2	S 44°02'02" E	425.028'
E 3	N 37°16'48" E	25.411'
E 4	N 44°00'00" W	470.702'
E 5	N 30°07'02" E	128.941'
E 6	N 47°00'00" W	863.941'

FILED
OCT 17 2001

SUBDIVISION RECORD PLAT
LOTS 2 THRU 6
BALSAMAH
ELECTION DISTRICT NO. 11
MONTGOMERY COUNTY, MARYLAND

SCALE: 1" = 200' MAY 2001

THOMAS A. MADDOX
PROFESSIONAL LAND SURVEYOR
8933 SHADY GROVE COURT
GAITHERSBURG, MARYLAND 20877
(301) 984-5804

MSA SS4 1249-27883 616-60

January 28, 2016

**VIA ELECTRONIC MAIL TO:
VIA REGULAR MAIL**

Mr. Mark Pfefferle, Chief
Regulatory Coordination Division
Maryland National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Md. 20910-3760

Stephen J. Orens
Of Counsel

Direct: 240-778-2324
sorens@mcmillanmetro.com

Maryland Bar
District of Columbia Bar

Re: Restoration of Expired Adequate Public Facilities Approval -
Approved Preliminary Plan Number 120000980 Recorded
Plat Number 22006

Dear Mr. Pfefferle:

We represent Balsamah Corporation NV, the owner of Lot 1 in the Subdivision identified as "Lot 1 Balsamah" per plat recorded as Plat Number 22007 among the Land Records of Montgomery County, Maryland and Lots 2 through 6 in the Subdivision identified as "Lots 2 through 6 Balsamah" per plat recorded as Plat Number 22006 among the aforesaid land records.

The Balsamah Subdivision plats were recorded in 2001 following Planning Board approval of Preliminary Plan 120000980 on June 1, 2000, effective as of the date of mailing, October 26, 2000. Pursuant to approval Condition No. 8 the Adequate Public Facilities Review (APF) for the Balsamah subdivision remained valid for sixty-one (61) months following the date of mailing, October 26, 2000. Although the approved preliminary plan vested upon recordation of the above referenced plats, the APF Review expired on or about June 26, 2005. No building permit applications were ever submitted and none are currently pending approval by the Department of Permitting Services ("DPS"). Accordingly, this request is not a request in conjunction with any pending permit approvals by DPS.

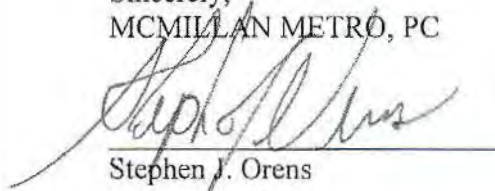
Pursuant to the applicable provisions of the Subdivision Regulations, being also Chapter 50 of the Montgomery County Code 2004 as amended, Balsamah Corporation NV hereby requests that the Planning Department conduct an appropriate review and reinstate the APF approval for the maximum time allowed by the County Code.

Mr. Mark Pfefferle, Chief
Regulatory Coordination Division
Maryland National Capital Park and Planning Commission
January 28, 2016
Page 2 of 2

The Balsamah Subdivision contains six recorded, vacant residential lots in the Agricultural & Rural Open Space Zone (previously the RDT Zone). In support of this request we are submitting herewith a true copy of the Approved Preliminary Plan of Subdivision (Preliminary Plan Number 120000980), along with a true copy of Record Plat 22006 and Record Plat 22007 and an updated Traffic Statement dated January 26, 2016 prepared by Benning & Associates, Inc. If a fee is required for this submission, please so inform me and it will be paid. If further information is required please let me know.

Your assistance in this matter is appreciated.

Sincerely,
MCMILLAN METRO, PC



Stephen J. Orens

Enclosed:

1. Preliminary Plan of Subdivision 120000980
2. Planning Board Opinion dated October 26, 2000
3. Record Plat 22006
4. Record Plat 22007
5. Updated Traffic Statement Dated January 26, 2016

cc: Katharine Sexton, Esquire, Agent for Balsamah N.V. (w/Encl.)
David W. McKee, Benning & Associates, Inc



6737 Southpoint Drive South
S/C J915
Jacksonville, FL 32216-6177
(904) 279-3810
Fax (904) 245-4533
Catherine_adkins@csx.com

Cat Adkins
Regional Manager

March 30, 2016

Montgomery County Planning Board
Planning Director
8787 Georgia Avenue
Silver Spring, Maryland 20910

**RE: Application for New APF Validity Approval
Plan No. 12000098A
Balsamah Property
On Peach Tree Road, 2000 feet SW of Barnesville Road**

Gentlemen:

We are in receipt of the notice of application for the request for new adequate public facilities determination for Plan Number 12000098A, Balsamah Property located on Peach Tree Road, 2000 feet SW of Barnesville Road, to support issuance of building permits for 6 single-unit dwellings on recorded lots.

Attached hereto is an aerial photograph (Google map) which indicates that this area is adjacent to our existing railroad right of way. We have concerns regarding the development of residential properties which are next to our operating right of way. CSX's ability to continue to operate and use its property for railroad purposes must be protected. Safety is CSX's number one priority and the addition of new residential development adjacent to active railroad tracks raises cause for concern.

Additionally, it has been CSX's experience that persons working or living near active railroad tracks are often unhappy with the associated noise of rail operations. Trains may use the tracks 24 hours a day, and the number and schedule of trains can change at any time due to business needs and many other factors. Furthermore, the requirement by federal law that trains sound their horns at all highway at-grade rail crossings, as well as the inherent vibration and noise from passing trains, are all existing conditions that should be taken into account regarding any new development.

Should the Montgomery County Planning Board elect to approve the request for the new APF validity approval despite our concerns, we ask that you consider placing a 50 foot buffer between any development and the rail right of way in addition to fencing the common property line between the operating track and any development. These requirements should be used together to improve the pairing of inherently dissimilar land uses: setbacks minimize the potential impact of a railway incident as well as noise and vibration through distance separation. An earthen berm and/or fencing can protect against physical components of a derailment (in conjunction with a setback) and provides mitigation of wheel and rail noise and can help reduce trespassing.

We appreciate the opportunity to express our objections and concerns, and request that you enter our comments into the public record.

Best regards,

A handwritten signature in black ink, appearing to be "Cat Adkins", written over a white background.

Cat Adkins

Attachments

Cc Stephen J. Orens
McMillan Metro, P.C.

24-031-0018
BA 32

**Notice of Application
REQUEST FOR NEW ADEQUATE PUBLIC FACILITIES DETERMINATION TO BE
CONSIDERED AS A CONSENT AGENDA ITEM BY THE MONTGOMERY COUNTY
PLANNING BOARD**

Plan Type	<u>Request for New APF Validity Approval</u>
Plan Number	<u>12000098A</u>
Name of Plan	<u>Balsamah Property</u>
Geographical Location	<u>On Peach Tree Road, 2000 feet SW of Barnesville Road</u>
Current Zoning	<u>AR</u>
Amendment Summary	<u>Request for new APF finding to support issuance of Building Permits for 6 single-unit dwellings on recorded lots.</u>
Date	<u>March 9, 2016</u>

Stephen J. Orens
Of Counsel
Direct: 240-778-2324
sorens@mcmillanmetro.com
Maryland Bar
District of Columbia Bar

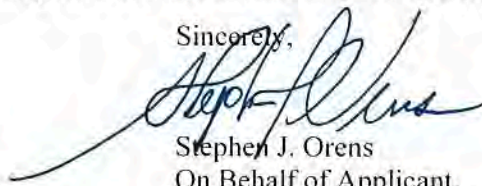
The above referenced APFO Request application has been filed with the Montgomery County Planning Board and is being reviewed under the provisions of the Montgomery County Code and according to the procedures outlined in the Manual of Development Review Procedures for Montgomery County, Maryland.

You may participate in this review by sending written comments to the Development Application and Regulatory Coordination Division (DARC), MNCPPC, 8787 Georgia Avenue, Silver Spring, Maryland 20910-3760, or by contacting the MNCPPC Lead Reviewer. Contact information for the lead reviewer is available by linking to the Development Activity Information Center (DAIC) on the MNCPPC website at www.montgomeryplanning.org/development.

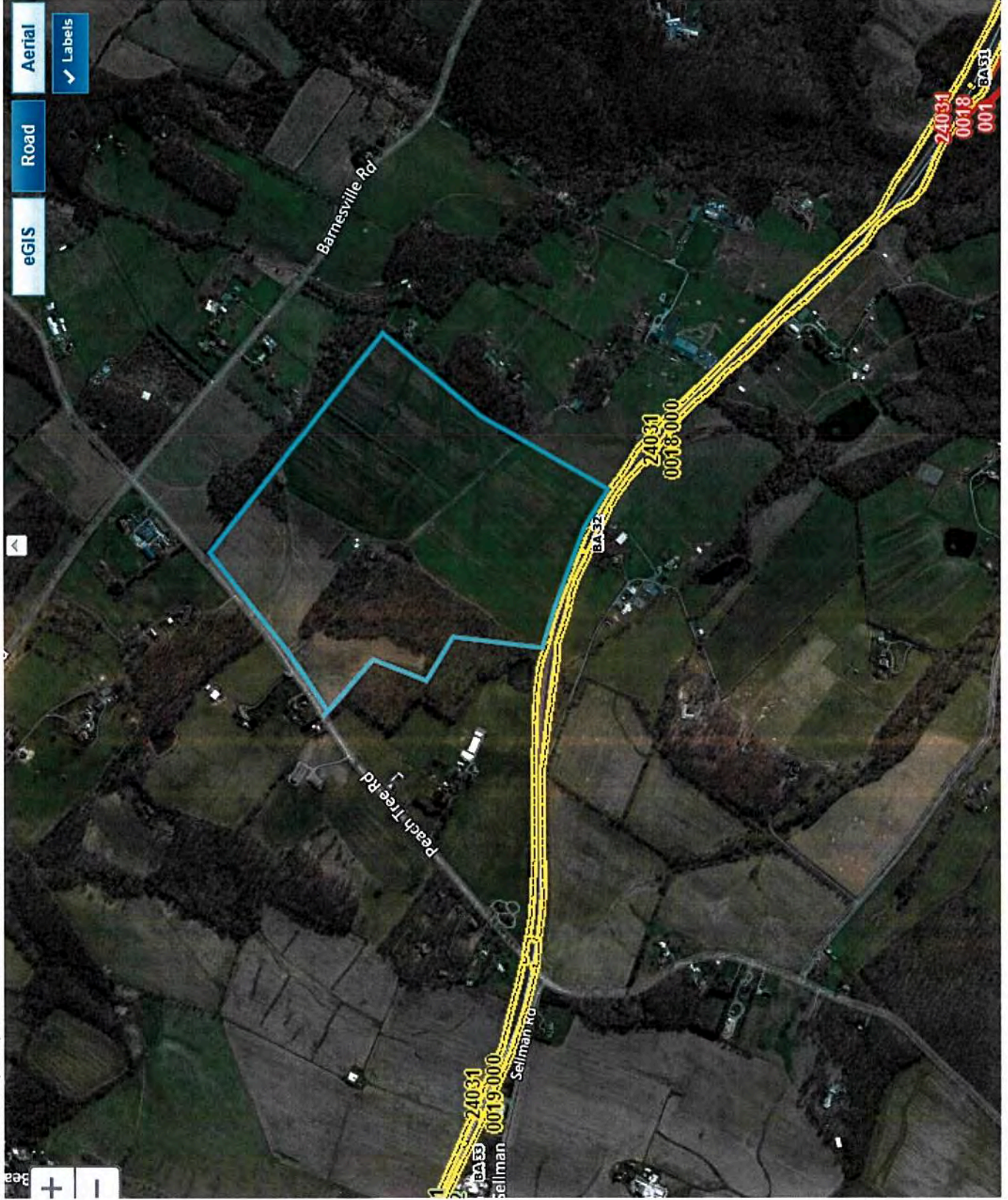
Comments on the proposed plan amendment are due within 15 days of the mailing date of this notice. The Montgomery County Planning Board will not hold a public hearing on the above referenced plan application unless the Planning Director finds that any comment is substantive enough to warrant a public hearing. If the Planning Director determines that a public hearing is not necessary, all parties that submitted comments to staff will be informed of the date the consent item will be on the agenda. Any person may submit additional comments directly to the Planning Board to request that the item be removed from the consent agenda before or up to the Planning Board date.

If it is determined a public hearing is warranted, written notification of the public hearing date will be sent to you no later than ten days before the hearing.

If you have questions pertaining to the plan application, please contact the lead reviewer. If you have general questions about MNCPPC's process, please contact the Information Counter at (301) 495-4610.

Sincerely,

 Stephen J. Orens
 On Behalf of Applicant,
 Balsamah Corporation, N.V.

Balsamah Property on Peach Tree Road, 2000 feet SW of Barnesville Road



April 6, 2016

VIA FIRST CLASS MAIL

Ms. Catherine Adkins
CSX Real Property
6737 Southpoint Drive South
S/C J915
Jacksonville, FL 32216-6177

Stephen J. Orens
Of Counsel

Direct: 240-778-2324
sorens@mcmillanmetro.com

Maryland Bar
District of Columbia Bar

Re: Application for New APF Validity Approval
Plan No. 12000098A
Balsamah Property
Our File No.: 6955.001

Dear Ms. Adkins:

We represent Balsamah Corporation NV the owner of the platted, six lot subdivision located on Peach Tree Road, 2000 feet southwest of Barnesville Road in Montgomery County, Maryland (the "Balsamah Property"). On April 5, 2016 we received your letter dated March 30, 2016, objecting to the extension of the previously approved finding that transportation public facilities were adequate for the recorded subdivision of the Balsamah Property that was originally approved by the Montgomery County Planning Board on October 26, 2000. The Final Record Plat vesting the approved Preliminary Plan of Subdivision was recorded among the Montgomery County Land Records in 2001.

Your letter dated March 30, 2016, objects to our client's request for a New Adequate Public Facilities Determination for this recorded subdivision. There appears to be confusion regarding the matter at hand as your letter addresses CSX's objection to the development of the Balsamah Property. Development of the Balsamah Property as a residential subdivision was approved fifteen years ago and is not now subject to further review or disapproval.

To clarify, our client is simply seeking reinstatement of a previously issued Adequate Public Facilities Approval (the "APF Approval") from the Montgomery County Planning Board that expired in June 2005. The only issue before the Planning Board is whether there have been traffic related changes that would affect the prior APF approval. The subdivision containing the six (6) single-unit dwellings our client intends to build has already been approved (Approved Preliminary Plan Number 120000980) and the lots recorded (Record Plat Number 22006). The Montgomery County Planning Board has long since reviewed and found that the Property is consistent with the adopted Growth

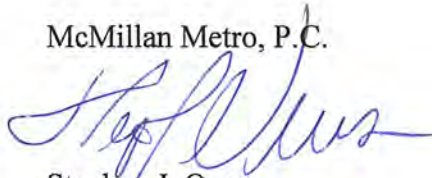
Ms. Catherine Adkins
CSX Real Property
April 6, 2016
Page 2 of 2

Policy for the County and determined that all applicable public facilities will be adequate to support the proposed development.

The concerns addressed in your letter are not relevant to our client's request to restore the APF Approval. If you wish to further discuss the matter please contact the undersigned.

Sincerely,

McMillan Metro, P.C.



Stephen J. Orens

SJO/lad

cc: Gwen Wright, Planning Director
Cathy Conlon, Supervisor Regulatory Coordination Division
Josh Penn, Senior Planner, Planning Area Three Division
Balsamah Corporation NV