

**15215 Seneca Road (a.k.a. Martinis Property) Lot 1: Limited Preliminary Plan Amendment No. 12005050A
(In Response to a Forest Conservation Law Violation)**



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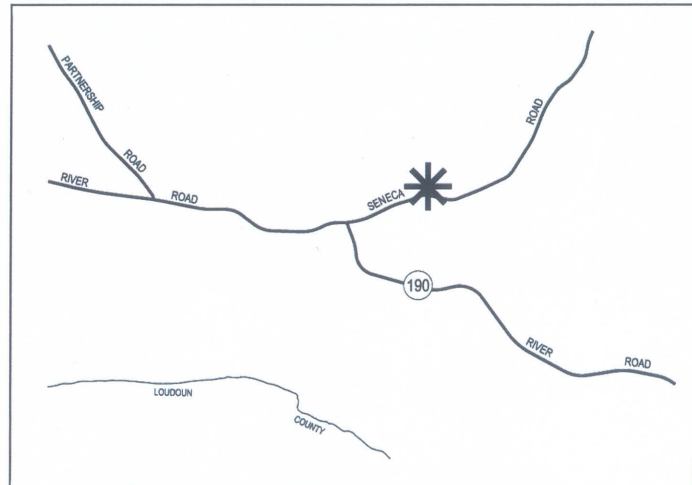
Mark Pfefferle, Chief, DARC, Mark.Pfefferle@montgomeryplanning.org, 301-495-4730

Description

Completed: 4/1/2016

**Limited Amendment, Preliminary Plan No. 12005050A,
15215 Seneca Road (a.k.a. Martinis Property) Lot 1,
(in response to a forest conservation law violation)**

- 15215 Seneca Road
- RC Zone
- Within Potomac Subregion Master Plan
- Applicant: Eric and Anjanette Martinis
- Submitted on January 11, 2016



Summary

Request to amend the Preliminary Plan of Subdivision for forest conservation and rural open space purposes.

1. Proposal to remove 13,867 square feet of Category I Conservation Easement from Lot 1 and mitigate onsite with creation of 13,884 square feet of new Category I Conservation Easement.
2. Amendment revises delineation of the rural open space.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends approval of the limited amendment to the Preliminary Plan for forest conservation and rural open space purposes. Staff recommends approval of 12005050A with the conditions listed below. All other conditions of Preliminary Plan No. 120050500, as contained in the Montgomery County Planning Board's Opinion dated March 15, 2005, remain in full force and effect.

1. Prior to submitting a Record Plat application for Lot 1, the Applicant must record a Category I Conservation Easement by deed in the Land Records of Montgomery County, Maryland for all retained and new conservation easement areas on the Subject Property. The new Category I Conservation Easement must be approved by the M-NCPPC Office of the General Counsel before recordation. The existing Category I Conservation Easement remains in full force and effect until the new Category I Conservation Easement is recorded in the Land Records of Montgomery County, Maryland.
2. Within thirty (30) days of the mailing date of the Planning Board Resolution, the Applicant must submit a cost estimate for the reforestation and afforestation plantings, two-year maintenance and signage requirements of the Forest Conservation Plan for Staff review and approval.
3. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Applicant must submit a financial security for the planting, maintenance and signage requirements of the Forest Conservation Plan in the amount and format approved by Staff.
4. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Applicant must enter into a Maintenance and Management Agreement in a form approved by the M-NCPPC Office of the General Counsel to ensure compliance with the conditions of the Forest Conservation Plan.
5. Within ninety (90) days of the mailing date of the Planning Board Resolution for this amendment, the Applicant must install permanent conservation easement markers at the perimeter of the new Category I Conservation Easement as shown on the Forest Conservation Plan.
6. Within ninety (90) days of the mailing date of the Planning Board Resolution for this amendment, any areas of dumped leaves, grass or wood in the conservation easement must be scattered within the forest plant areas.
7. Within one hundred and twenty (120) days of the mailing date of the Planning Board Resolution for this amendment, the Applicant must submit a complete Record Plat application that delineates and references the new Category I Conservation Easement and references the rural open space as on shown the Amended Preliminary Plan.

SITE DESCRIPTION

The subject property, Martinis Property Lot 1, is situated on the north side of Seneca Road approximately 350 feet west of the Valley Mill Camp. Martinis Property Lot 1 is approximately 700 feet east of the Seneca Road and Oxmoor Place intersection. Figure 1 below shows the Subject Property, the existing forested Category I Conservation Easements and the improvements on the property. The house was built in 2006. A two-story barn was built within the conservation easement between March 2013 and March 2014. Portions of the neighbor's driveway are also within the conservation easement on the Subject Property.

Figure 1: Martinis Property Lot 1 March 2015 Aerial Photo and Conservation Easement Map



Background

The Montgomery County Planning Board approved Preliminary Plan No. 120050500 “15215 Seneca Road” by Opinion mailed March 15, 2015 to create one lot from 5 acres of land in the RC Zone (Attachment 1). The subdivision, developed under the rural cluster development option, is also known as Martinis Property Lot 1.

The approved Preliminary Plan for Martinis Property Lot 1 shows how the subdivision met the criteria for development in the RC Zone (Attachment 2). The approved Preliminary Plan provided 3 acres or 60% of the gross tract area as rural open space.

The approved Forest Conservation Plan for Martinis Property Lot 1 protected existing forest as Category I Conservation Easement (Attachment 3). Record Plat No. 23276 established the Martinis Property Lot 1 as a 4.86-acre property and delineated the 0.145-acre road dedication and the 2.56-acre Category I Conservation Easement (Attachment 4). Record Plat No. 23276 granted the Category I Conservation

Easement on Martinis Property Lot 1 to M-NCPPC pursuant to the Agreement recorded in Liber 13178 Folio 412 among the Land Records of Montgomery County, Maryland (Attachment 5).

Record Plat No. 23276 does not delineate the 3-acre rural open space area nor does the Record Plat note or reference an easement or covenant for the 3-acre rural open space shown on the approved Preliminary Plan.

At the time of Preliminary Plan, portions of driveway access to 15209 Seneca Road existed within the eastern edge of the Subject Property. Also, a horse riding ring, approximately 2,800 square feet in size, existed within the forest at the rear of the property. The neighbor's driveway and riding ring were not shown on the approved Preliminary Plan or Forest Conservation Plan.

Violation

In October 2015, the Inspector conducted a routine conservation easement site inspection. This was after aerial photographs indicated a structure within the conservation easement. Site inspection on October 9, 2015, confirmed that a barn, storing equipment, a workshop and other materials existed within the Category I Conservation Easement. See Figure 2 for a photo of this barn building. In addition, significant areas of the conservation easement were being maintained as lawn.

Figure 2 - Barn in a Category I Conservation Easement on 15215 Seneca Road



On October 15, 2015, the Inspector issued the Property Owner of 15215 Seneca Road a Notice of Violation for the mowing within the conservation easement and Administrative Citation No. EPD 000256 for the building encroachment (Attachment 6 and Attachment 7). The Notice of Violation required a survey stakeout of the Category I Conservation Easement boundary, the planting of 23 (twenty-three) 1-inch caliper native trees within the cut area and a ceasing of mowing and cutting within the conservation easement. Administrative Citation No. 000256 issued for the 5,000 square foot clearing, disturbance and construction of a barn building within the Category I Conservation Easement, required payment of a \$1,000 fine, a staff meeting, and implementation of additional corrective actions. The Montgomery County Department of Permitting Services (DPS) did not issue a building permit for this structure. On November 17, 2015, the Planning Department issued the Property Owner a Corrective Action Order (Attachment 8).

On December 2, 2015, Staff received a copy of a letter from DPS regarding the building permit requirements of the accessory structure on 15215 Seneca Road (Attachment 9). The letter states that “the barn lacks electrical wiring and plumbing” and “the nature and characteristics of its use seem consistent with agricultural use”. Because DPS determined that the barn was for agricultural purposes a building permit was not required.

After reviewing the DPS letter, Staff notified the Property Owner of 15215 Seneca Road that a Preliminary Plan Amendment Option of the Corrective Action Order could be pursued.

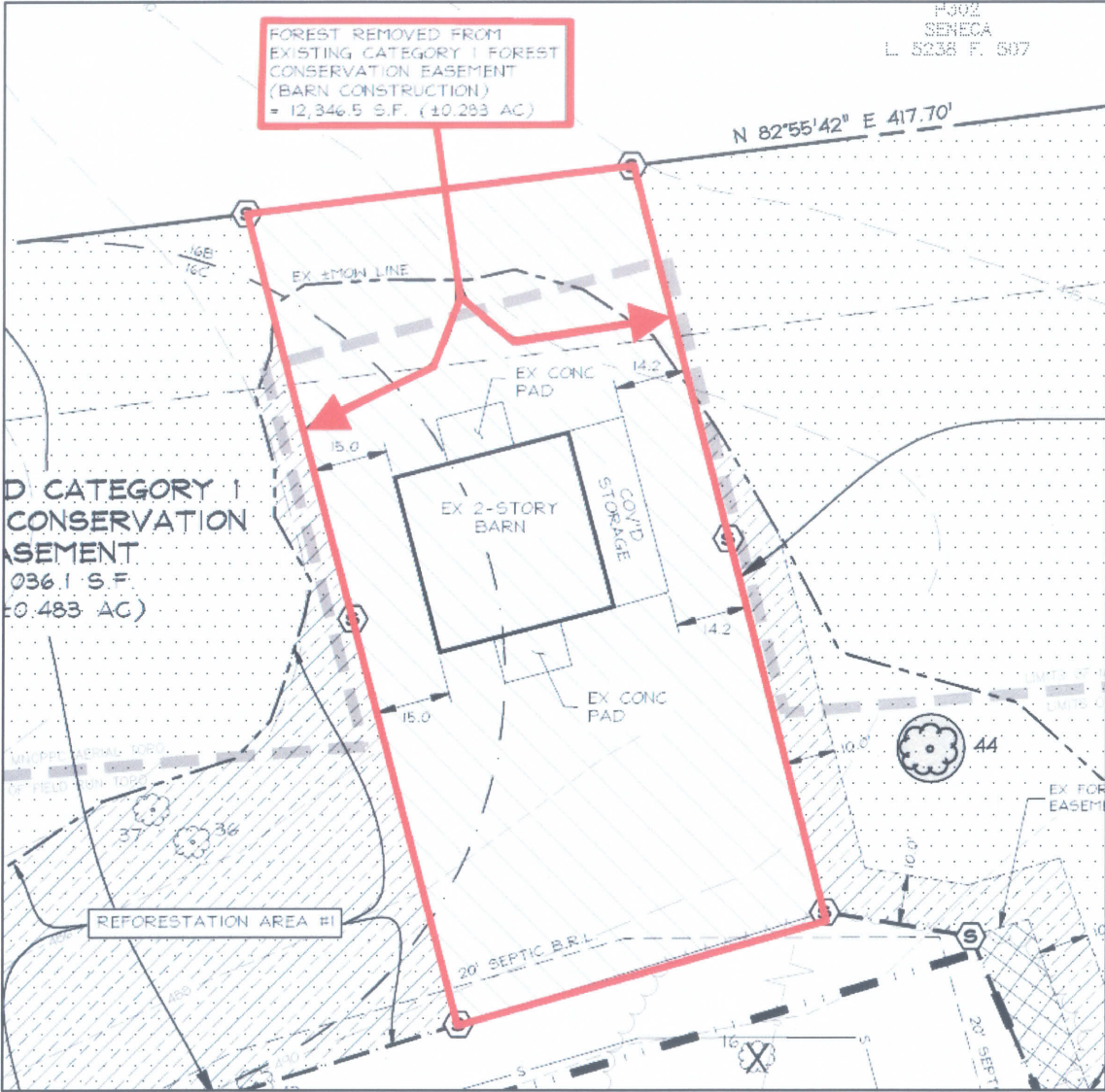
Amendment

Staff accepted a limited Preliminary Plan Amendment for rural open space delineation and Category 1 Conservation Easement changes on January 11, 2016 (Attachment 10). The Preliminary Plan Amendment proposes removing the barn encroachment area and three areas of a neighbor’s driveway from conservation easement and relocating this conservation easement onsite. The Forest Conservation Plan Amendment includes creation of a new conservation area onsite, which will be planted (Attachment 11). Two reforestation plantings are proposed within mown areas of the Category I Conservation Easement.

The Barn Encroachment

The forest retention area that was cut and cleared for the barn construction is where the barn was built and grass was planted is proposed to be removed from Category I Conservation Easement. Figure 3 shows this proposed conservation easement removal. An area of trees behind the barn is also proposed to be removed from conservation easement, however the trees in this area are to remain. A total of 12,346 square feet of Category I Conservation Easement is to be removed and relocated to the front of the property.

Figure 3: Remove Conservation Easement from Barn Area



15209 Seneca Road Driveway Encroachments

Along the east property line, portions of the neighbor’s driveway encroach into the existing Category I Conservation Easement. In these areas, the Applicant proposes removing rural open space and the conservation easement and relocating the rural open space and conservation easement on the Property. Figure 4 and Figure 5 show these areas of conservation easement removal.

A total of 1,520 square feet of Category I Conservation Easement is to be removed and relocated at the front of the property and as a small forest plant addition between the rear yard and the existing forest.

Figure 4: Northeast Corner of 15215 Seneca Road – proposed conservation easement removal

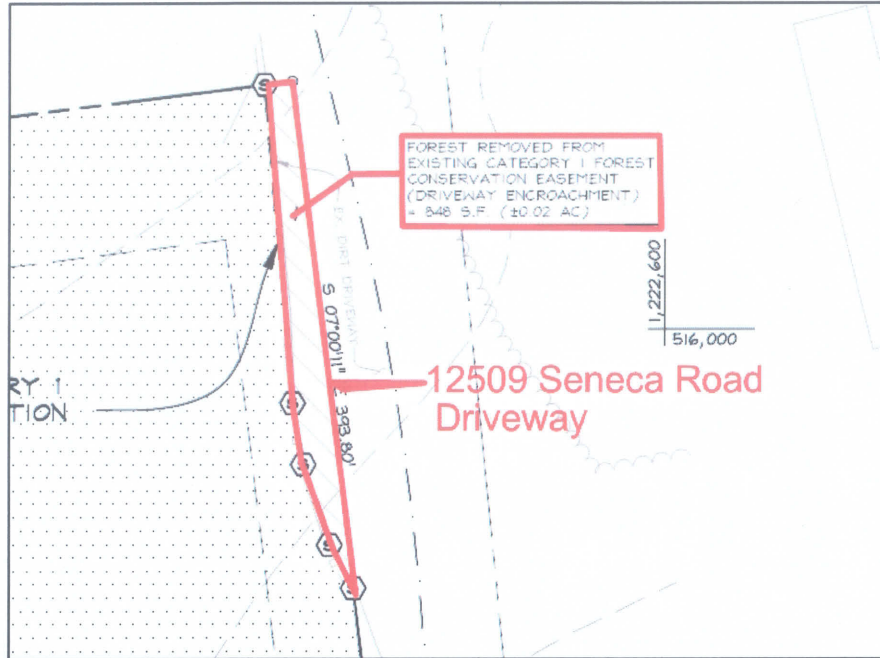
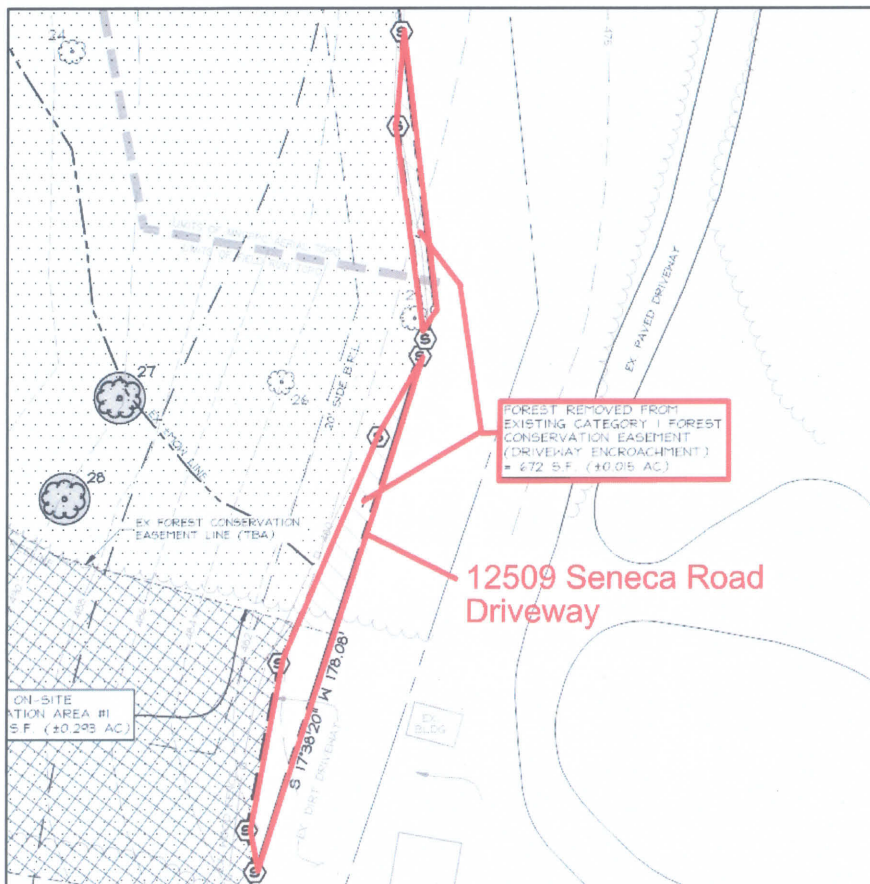


Figure 5: East Property Line of 15215 Seneca Road – proposed conservation easement removal



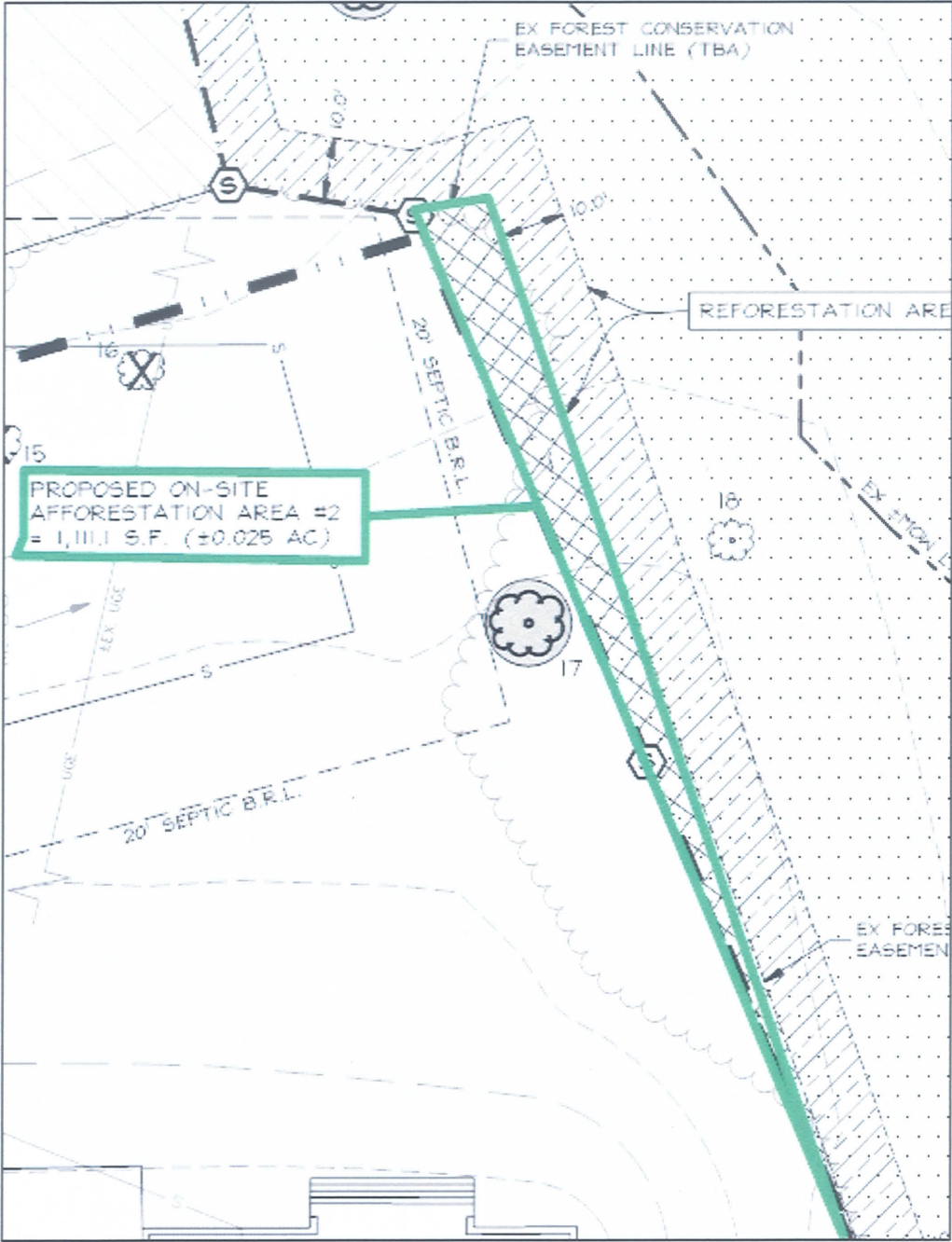
On-site conservation easement mitigation

A total of 13,867 square feet of conservation easement is to be removed and 13,884 square feet of conservation easement is to be added to the Subject Property. Most of the new forest planting and conservation easement addition is at the front of the property in Afforestation Area 1 as shown in Figure 6. Afforestation 1 extends the existing forest area to create a buffer forest between the Applicant's home and the Valley Mill Camp to the east. The Applicant proposes planting fifty-nine (59) 1-inch caliper trees and ten (10) 3 gallon shrubs in this area. The size of Afforestation Area 1 is 12,773 square feet. There is another small forest planting area between the rear yard and the existing forest conservation easement edge. Figure 7 depicts this planting area, known as Afforestation Area 2. Within Afforestation Area 2, the Amendment describes the planting of three (3), two-inch caliper white oak trees. The size of Afforestation Area 2 is 1,111 square feet.

Figure 6: Afforestation Area 1 - front side yard of 15215 Seneca Road



Figure 7: Afforestation Area 2 – Rear side yard, forest planting addition



Rural Open Space

The Amendment re-delineates the rural open space by removing open space from the driveway encroachment. Rural open space is to remain over the barn area and is to be extended over Afforestation Area 1 and Afforestation Area 2. The area proposed for rural open space conforms with

the allowable uses. The amendment proposes three (3) acres of rural open space pursuant to the requirements of Section 59-C-9.52.

Reforestation Areas

The Property Owner has mown portions of the Category I Conservation Easement. The Amendment proposes two reforestation planting areas. Reforestation Area 1 is located to the west of the barn encroachment. This area was disturbed and compacted during construction of the barn and is being mown. The Amendment proposes a restoration, reforestation planting of twelve (12), one-inch caliper trees and six (6) shrubs within Reforestation Area 1. The purpose of Reforestation Area 2 is to create a plant community near the edge of the conservation easement area. Reforestation Area 2 consists of twelve (12), one-inch caliper trees and five (5) shrubs.

PLANNING BOARD REVIEW AUTHORITY

The Planning Board approved Preliminary Plan 120050500 "15215 Seneca Road" and required the establishment of conservation easements in the subdivision. The Planning Board has authority under Subdivision Regulations (Chapter 50 of the Montgomery County Code) to hear an amendment that proposes changes to the conservation easements and rural open space.

In addition, the Planning Board has directed Staff to bring all requests for modifications to conservation easements before them to be considered in a public forum.

STAFF REVIEW

This Preliminary Plan Amendment is in response to violations of the Category I Conservation Easement. The M-NCPPC Inspector issued an administrative citation to the Property Owner for violations of the Category I Conservation Easement.

Montgomery County DPS determined that the barn does not require a building permit because they believed it was for agricultural purposes. Planning Department Staff determined that the barn, if being used for agricultural activities, can remain within rural open space. Planning Department Staff determined that an application for conservation easement changes could be submitted to remove the barn area from conservation easement. No additional fines or citations were issued for the mowing and driveway encroachments in the Category I Conservation Easement while this Amendment was under review.

The original approved Preliminary Plan and Forest Conservation Plan for 15215 Seneca Road did not show how the 15209 Seneca Road driveway encroaches into the Subject Property. These plans did not show the horse riding ring that existed within forest retention area at the rear of the Property. The Property Owner signed Record Plat 23276 on June 29, 2005 which created the Category I Conservation Easement area over the forest area containing the riding ring and portions of the neighbor's driveway. Record Plat 23276 shows the boundaries of the Category I Conservation Easement and notes the terms of the Category I Conservation Easement as subject to Forest Conservation Easement recorded in Liber 13178 Folio 412. This Agreement prohibits barn building, grading, cutting plants and private driveways.

The Amendment is path toward resolving the conservation easement agreement violations on the property. The Amendment rearranges the existing Category I Conservation Easement on the property. The new forest plant areas are to be planted and maintained for two years. The two reforestation areas are to be planted to resolve the mowing encroachments. Permanent conservation easement markers will be installed along the new conservation easement boundary. The Amendment proposes removal of 13,867 square feet of Category I Conservation Easement and creation of 13,884 square feet of new Category I Conservation Easement. This removal and replacement rate is consistent with the Planning Board's policy on onsite conservation easement mitigation.

The Amendment conforms to the requirements and uses for rural open space as specified in Chapter 59. The Amendment removes existing rural open space from the driveway encroachment areas and adds rural open space over portions of Afforestation Area 1 and Area 2.

NOTIFICATION and OUTREACH

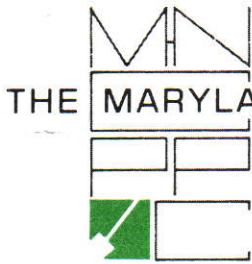
The Subject Property was properly signed with notification of the upcoming Preliminary Plan Amendment prior to the acceptance of the application. Staff has not received correspondence from community groups or citizens as of the date of the staff report.

RECOMMENDATION

Staff recommends that the Planning Board approve this Amendment with the conditions specified above.

ATTACHMENTS

1. Montgomery County Planning Board Opinion, Preliminary Plan No. 120050500 "15215 Seneca Road"
2. Approved Preliminary Plan No. 120050500 "15215 Seneca Road"
3. Approve Forest Conservation Plan No. 120050500 "15215 Seneca Road"
4. Record Plat No. 23276
5. Category I Conservation Easement Agreement LF13178.412
6. Notice of Violation – October 15, 2015
7. Administrative Citation No. EPD 000256
8. Corrective Action Order – November 17, 2015
9. Department of Permitting Services Building Permit Requirement Letter – December 1, 2015
10. Preliminary Plan Amendment 12005050A "Martinis Property Lot 1"
11. Forest Conservation Plan Amendment 12005050A "Martinis Property Lot 1"



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

Attachment 1

Date Mailed: **MAR 15 2005**

Action: Approved Staff
Recommendation

Motion of Commissioner Bryant,
seconded by Commissioner Robinson,
with a vote of 5-0.
Chairman Berlage and Commissioners
Perdue, Bryant, Wellington and
Robinson voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-05050
NAME OF PLAN: 15215 Seneca Road

The date of this written opinion is MAR 15 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court - State).

On 11/17/04, Eric Martinis submitted an application for the approval of a preliminary plan of subdivision of property in the RC zone. The application proposed to create 1 lot on 5.0 acres of land located at the north side of Seneca Road, approximately 700 feet east of the intersection with Oxmoor Place, in the Potomac master plan area. The application was designated Preliminary Plan 1-05050. On 2/03/05, Preliminary Plan 1-05050 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

Development Review Staff ("Staff") recommended approval of the preliminary plan, with conditions, in its memorandum dated January 28, 2005 ("Staff Report"). The applicant's engineer appeared at the hearing and testified that the applicant agrees with Staff's recommendation and proposed conditions. No other witness testified at the hearing.

SITE DESCRIPTION

The subject property, identified as Parcel 402 ("Subject Property"), is located on the north side of Seneca Road, approximately 700 feet east of the intersection with Oxmoor Place. The Subject Property contains 5 acres and is zoned Rural Cluster (RC). It is currently developed with a single-family dwelling to be removed.

PROJECT DESCRIPTION

This is an application to subdivide the Subject Property into one (1) lot for the construction of one (1) single-family detached dwelling. The gross area of the parcel is five (5.0) acres. The minimum net lot area required under the RC zone using the cluster option is 40,000 square feet with a requirement for 60% of the site (lot) to be preserved as open space. The ensuing lot proposed by this application will be 4.81 acres after dedication to the public right-of-way of 0.19 acres.

DISCUSSION OF ISSUES

Pursuant to Section 59-C-9.54, the density under the cluster development option must not exceed one unit per 5 acres. The Zoning Ordinance defines the one unit per five (5) acre specifically as "gross tract area,"¹ and staff uses the minimum gross land

¹ Chapter 59-A-2.1 of the Montgomery County Code ("Zoning Ordinance") expressly defines "gross tract area" as the "total area of a lot or parcel of land including any existing or proposed streets, highways, or other land required for public use that is attributable to the lot or parcel dedicated by the owner or a predecessor in title."

area (before dedication or other conveyances) upon which to base lot yield. This section of the Zoning Ordinance also does not define a “net tract area” that would presumably set a minimum size on the resulting tract area after dedications or conveyances. For this application the resulting lot will be 4.81 acres after road dedication.

The Zoning Ordinance also requires a “net lot area” of 40,000 square feet, with a 60% open space requirement for RC development using the cluster option. The proposed lot meets this requirement. 60% of the lots will be preserved in easement as open space. The majority of existing forest will be preserved within the open space easement. The new house will be located in the area already cleared around the existing house. Staff recommended to the Board that that the proposed lot meets all dimensional requirements and the intent of the Rural Cluster zone under the cluster development provisions.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies;² the applicant’s position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds that:

- a) The Preliminary Plan No. 1-05050 substantially conforms to the Potomac Master Plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) The Subject Property meets the minimum gross tract area requirements as expressly defined in the Zoning Ordinance and detailed in Footnote 1 above, and the minimum net lot size as recommended by staff, and consequently meets all of the dimensional requirements of the Zoning Ordinance.
- e) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.

² The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of public works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

- f) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- g) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-05050 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-05050, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to one (1) dwelling unit.
- 2) 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 permits.
- 3) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 4) Compliance with the conditions of approval of the MCDPS stormwater management approval.
- 5) Access and improvements as required by MDSA prior to recordation of plat.
- 6) Compliance with conditions of MCDPS (Health Dept.) septic approval dated January 20, 2005.
- 7) Other necessary easements.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

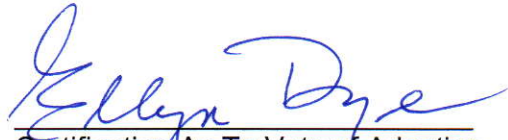
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[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

MC 3/4/05
Approved for legal sufficiency
M-NCPPC Office of General Counsel

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

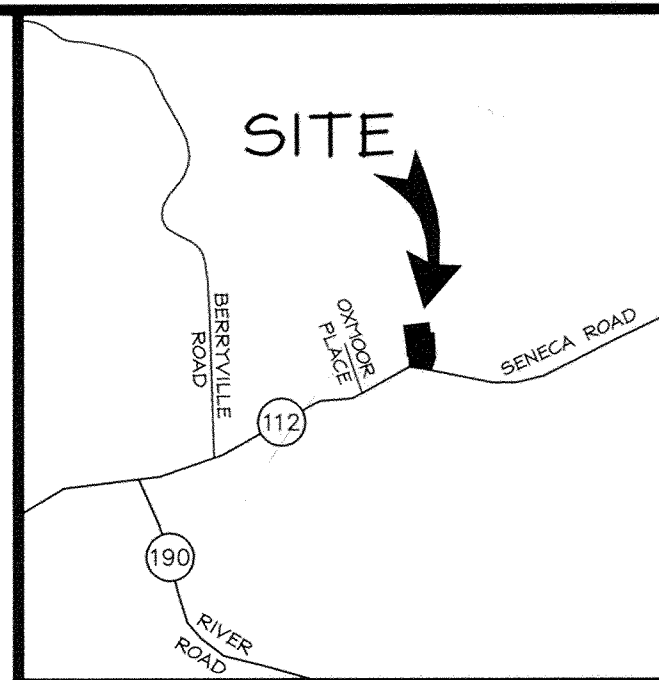
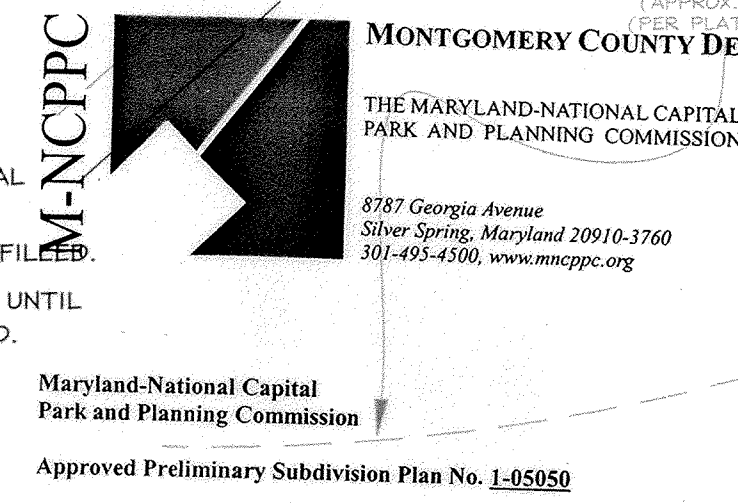
At its regular meeting, held on Thursday, March 10, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Wellington, seconded by Commissioner Bryant, with Commissioners Perdue, Bryant, Robinson, and Wellington voting in favor of the motion, and Commissioner Berlage absent, adopted the attached Opinion, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for 15215 Seneca Road Preliminary Plan 1-05050.



Certification As To Vote of Adoption
Technical Writer

GENERAL NOTES

- 1) WATER CATEGORY - 6 SEWER CATEGORY - 6
- 2) BOUNDARY INFORMATION BASED OFF OF SURVEY BY CAS ENGINEERING, DATED MARCH 2004.
- 3) 5-FOOT CONTOUR DATA BASED ON M-NCPPC DIGITAL TOPOGRAPHY. 2-FOOT CONTOUR DATA BASED ON A FIELD SURVEY PERFORMED BY CAS ENGINEERING DATED MARCH 2004
- 4) TOTAL LOT AREA = 5.00 AC. (4.81 AC. AFTER DEDICATION)
- 5) PROPERTY SHOWN ON TAX MAP DR 562, PARCEL P402.
- 6) PROPERTY SHOWN ON WSSC 200' SHEET 218 NW 15.
- 7) PROPERTY SHOWN ON MONTGOMERY COUNTY SOILS SURVEY MAP No. 18. SOIL TYPE(S): 16B, 16C.
- 8) FLOOD ZONE 'C' PER H.U.D. FIRM MAPS, COMMUNITY PANEL No. 240049 0125 C.
- 9) SITE IS LOCATED IN THE GREAT SENECA CREEK WATERSHED.
- 10) SIGHT DISTANCE AT PROPOSED DRIVEWAY: EAST: 600'+ WEST: 600'+
- 11) LOCAL UTILITIES INCLUDE: WATER & SEWER - ONSITE WELL & SEPTIC ELECTRIC - PERCO TELEPHONE - VERIZON GAS - N/A
- 12) ALL VISIBLE WELLS AND SEPTICS WITHIN 100 FEET OF THE PROPERTY HAVE BEEN SHOWN HEREON.
- 13) EXISTING WATER WELL MUST BE PROPERLY SEALED PRIOR TO APPROVAL OF A PERMIT TO RAZE THE EXISTING HOUSE.
- 14) THE EXISTING SEPTIC SYSTEM IS TO BE LOCATED, PUMPED, AND BACKFILLED.
- 15) THE FINAL PLAT APPROVAL FOR THIS PROPERTY SHALL NOT BE GIVEN UNTIL THE EXISTING PERCO EASEMENT HAS BEEN ABANDONED AND RELOCATED.



DATE	PROJECT	REVISION	BY	DATE
01/2005	04.050	REVISIONS PER DRG. COMMENTS	JWW	1-05-05
		ADDRESS FINAL DPS COMMENTS	JMM	1-19-05
		FINAL PRINT FOR PLANNING BOARD	JMM	1-31-05

- LEGEND**
- A PERCOLATION # W.T. TEST SITES PER MCDPS
 - EXISTING TREE LINE
 - 93 SIGNIFICANT TREE
 - 67 SPECIMEN TREE
 - SOILS LINE
 - PROPOSE OPEN SPACE LINE
 - 65 EXISTING SPECIMEN TREE TO BE SAVED
 - 65 EXISTING TREE TO BE REMOVED
 - 65 EXISTING SPECIMEN TREE TO BE REMOVED
 - EXISTING STEEP SLOPES (25%)
 - PROPOSED DRIVEWAY
 - LIMITS OF DISTURBANCE
 - PROPOSED FOREST CONSERVATION AREA
 - PROPOSED 40' PUBLIC DEDICATION AREA

TREE DATA

Tree No.	Species	D.B.H. (inches)	Condition	Comments
1	BLACK CHERRY	23	POOR	HAZARD, LEANING
2	BLACK OAK	25	POOR	HAZARD LIMBS
3	BLACK OAK	25	GOOD	OFF PROPERTY
4	BLACK OAK	30	FAIR	OFF PROPERTY
5	WHITE OAK	34	FAIR	HAZARD LIMBS
6	WHITE OAK	37	GOOD	PARTIAL DIEBACK
7	BLACK OAK	26	GOOD	
8	CHESTNUT OAK	24	GOOD	
9	BLACK WALNUT	27	POOR	HAZARD, LEANING
10	BLACK OAK	26	POOR	HAZARD, DIEBACK
11	BLACK CHERRY	27	POOR	OFF PROPERTY
12	RED OAK	43	POOR	OFF PROPERTY
13	TULIP POPLAR	28	FAIR	
14	TULIP POPLAR	28/22	FAIR	BENT TRUNK
15	TULIP POPLAR	24/18	GOOD	
16	BLACK CHERRY	28	FAIR	LEANING
17	BLACK CHERRY	41	POOR	SEVERE DECAY
18	BLACK CHERRY	27	POOR	DECAY
19	TULIP POPLAR	28	FAIR	CAVITY
20	TULIP POPLAR	25	GOOD	
21	TULIP POPLAR	24	GOOD	
22	TULIP POPLAR	24	GOOD	
23	TULIP POPLAR	24	GOOD	
24	TULIP POPLAR	25	GOOD	
25	TULIP POPLAR	25	GOOD	
26	BLACK CHERRY	24	GOOD	
27	SILVER MAPLE	25	POOR	DIEBACK, HAZARD
28	BLACK CHERRY	34	FAIR	LIMB DIEBACK
29	BUTTERNUT	24	POOR	CAVITY
30	WHITE MULBERRY	24	GOOD	DECAY, SPLIT
31	BLACK OAK	62	POOR	SPLIT, DECAY, HAZARD
32	BLACK OAK	42	POOR	SEVERE HAZARD
33	WHITE OAK	36	POOR	SEVERE HAZARD
34	BLACK OAK	35	FAIR	OFF PROPERTY
35	TULIP POPLAR	31	POOR	OFF PROPERTY
36	TULIP POPLAR	26	GOOD	
37	TULIP POPLAR	24	GOOD	
38	TULIP POPLAR	24	GOOD	
39	TULIP POPLAR	26	GOOD	
40	BLACK CHERRY	31	FAIR	OFF PROPERTY
41	TULIP POPLAR	24	GOOD	
42	BLACK CHERRY	31	POOR	OFF PROPERTY
43	TULIP POPLAR	27	GOOD	
44	TULIP POPLAR	32	POOR	DEAD
45	BLACK OAK	44	POOR	LEANING, HAZARD
46	WHITE OAK	37	FAIR	SOME HAZARD LIMBS
47	WHITE OAK	30	GOOD	
48	SYCAMORE	24	GOOD	

* INDICATES SPECIMEN TREES

Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to one (1) dwelling unit.
- 2) 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 permits.
- 3) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 4) Compliance with the conditions of approval of the MCDPS stormwater management approval.
- 5) Access and improvements as required by MSHA prior to recordation of plat.
- 6) Compliance with conditions of MCDPS (Health Dept.) septic approval dated January 20, 2005.
- 7) Other necessary easements.

Carl A. Schreffler 4/8/05
Development Review Division Date

TREE CLEARING TO BE SELECTIVE AND ONLY AS NECESSARY FOR THE INSTALLATION OF THE PROPOSED SEPTIC SYSTEM

PERC TEST RESULTS

TEST	RESULTS
P.T. 'A'	8.6 MIN. @ 2.5' & 10.5'
P.T. 'B'	30 MIN. @ 2.5' & 14.5'
P.T. 'C'	20.5 MIN. @ 3' & 12'
P.T. 'E'	13 MIN. @ 3' & 15'
P.T. 'F'	19 MIN. @ 2.5' & 14'
P.T. 'G'	18 MIN. @ 2.5' & 14.5'
P.T. 'H'	17 MIN. @ 3.5', 24 MIN. @ 13.5'

WATER TABLE TEST RESULTS

TEST	RESULTS	DEPTH OF HOLE	COMMENTS
W.T. 'H'	DRY @ 15'	15'	ROCK @ 14'
W.T. 'C'	DRY @ 15.3'	15.3'	
W.T. 'F'	DRY @ 15'	15'	
W.T. 'G'	DRY @ 15.67'	15.67'	ROCK @ 9.5'

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF MONTGOMERY COUNTY, MD.

01-19-05 DATE
Carl A. Schreffler
CURT A. SCHREFFLER, PE
MD REG. NO. 19660

MISS UTILITY

CALL "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF WORK. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDER GROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.

SEPTIC DESIGN CHART

PARCEL 120																					
Test Site	Avg. Time (min)	Depth of Test Site	Avg. Time (min)	Depth of Test Site	Avg. Time (min)	Depth of Test Site	Avg. Time (min)	Depth of Test Site	Avg. Time (min)	Depth of Test Site	Lowest Plumbing Over Tank Elevation	Ground Elevation	Septic Tank Inv. Elevation	Initial Trench Depth	Total Trench Depth	Depth of Stone	Number of Bedrooms	Inv. of Initial Trench	Trench Spacing		
A	8.6	10.5'	B	30	14.5'	C	20.5	12'	H	24	13.5'	509.0	498.5	497.5	497.0	277'	1,108"	4.0'	6	494.0	10'

NOTE: FINAL PLAT APPROVAL IS SUBJECT TO THE ABANDONMENT AND RELOCATION OF THE EXISTING PERCO EASEMENT

OWNER/APPLICANT

ERIC MARTINIS
164 TRENHAVEN ST.
GAITHERSBURG, MD 20878
(301) 982-2092 (H)
(240) 687-6421 (M)

15215 SENECA ROAD
PARCEL P402
PRELIMINARY PLAN

L. 24039 F. 332
15215 SENECA ROAD
GERMANTOWN (6 TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
PRELIMINARY PLAN

CAS ENGINEERING
CIVIL • SURVEYING • LAND PLANNING
A DIVISION OF CAS ENTERPRISES, INC.
108 West Ridgeville Blvd., Suite 101, Mount Airy, MD, 21771
DC Metro (301) 607-8031 FAX (301) 607-8045

GENERAL NOTES

- 1) WATER CATEGORY - 6 SEWER CATEGORY - 6
- 2) BOUNDARY INFORMATION BASED OFF OF SURVEY BY CAS ENGINEERING, DATED MARCH 2004.
- 3) 5-FOOT CONTOUR DATA BASED ON M-NCNFC DIGITAL TOPOGRAPHY. 2-FOOT CONTOUR DATA BASED ON A FIELD SURVEY PERFORMED BY CAS ENGINEERING DATED MARCH 2004
- 4) TOTAL LOT AREA = 5.00 AC. (4.81 AC. AFTER DEDICATION)
- 5) PROPERTY SHOWN ON TAX MAP DR 562, PARCEL P402.
- 6) PROPERTY SHOWN ON WSSC 200' SHEET 216 NH 15.
- 7) PROPERTY SHOWN ON MONTGOMERY COUNTY SOILS SURVEY MAP No. 18. SOIL TYPE(S): 14B, 16C.
- 8) FLOOD ZONE 'C' PER H.U.D. FIRM MAPS, COMMUNITY PANEL No. 240049 0125 C.
- 9) SITE IS LOCATED IN THE GREAT SENECA CREEK WATERSHED.
- 10) SIGHT DISTANCE AT PROPOSED DRIVEWAY: EAST: 600'+ WEST: 600'+
- 11) LOCAL UTILITIES INCLUDE: WATER & SEWER - ON-SITE WELL & SEPTIC ELECTRIC - PEPCO TELEPHONE - VERIZON GAS - N/A
- 12) ALL VISIBLE WELLS AND SEPTICS WITHIN 100 FEET OF THE PROPERTY HAVE BEEN SHOWN HEREON.

TREE PROTECTION NOTES

- 1) DEMOLITION OF EXISTING GARAGE AND REMOVAL OF EXISTING DRIVEWAY SHOULD BE DONE IN SUCH A MANNER AS TO KEEP EQUIPMENT OFF THE CRITICAL ROOT ZONES OF ADJACENT TREES.
- 2) TREES TO BE SAVED WITHIN THE L.O.D. SHOULD BE TREATED WITH CAMBISTAT AND FERTILIZED PRIOR TO CONSTRUCTION. ROOT PRUNING WILL BE NEEDED FOR CRITICAL ROOT ZONES WHICH FALL INSIDE THE L.O.D. THESE TREES REQUIRE PROTECTION MEASURES DURING CONSTRUCTION. POST CONSTRUCTION, THESE TREES SHOULD BE VERTICAL MULCHED.

TREE DATA

Tree No.	Species	D.B.H. (Inches)	Condition	Comments
1	BLACK CHERRY	23	POOR	HAZARD, LEANING
2	BLACK OAK	25	POOR	HAZARD LIMBS
3	BLACK OAK	25	GOOD	OFF PROPERTY
4	BLACK OAK	30	FAIR	OFF PROPERTY
5	WHITE OAK	34	FAIR	HAZARD LIMBS
6	WHITE OAK	37	GOOD	PARTIAL DIEBACK
7	BLACK OAK	26	GOOD	
8	CHESTNUT OAK	24	GOOD	
9	BLACK WALNUT	27	POOR	HAZARD, LEANING
10	BLACK OAK	26	POOR	HAZARD, DIEBACK
11	BLACK CHERRY	27	POOR	OFF PROPERTY
12	RED OAK	48	POOR	OFF PROPERTY
13	TULIP POPLAR	28	FAIR	
14	TULIP POPLAR	28/22	FAIR	BENT TRUNK
15	TULIP POPLAR	24/18	GOOD	
16	BLACK CHERRY	28	FAIR	LEANING
17	BLACK CHERRY	41	POOR	SEVERE DECAY
18	BLACK CHERRY	27	POOR	DECAY
19	TULIP POPLAR	28	FAIR	CAVITY
20	TULIP POPLAR	25	GOOD	
21	TULIP POPLAR	24	GOOD	
22	TULIP POPLAR	24	GOOD	
23	TULIP POPLAR	24	GOOD	
24	TULIP POPLAR	25	GOOD	
25	TULIP POPLAR	25	GOOD	
26	BLACK CHERRY	24	GOOD	
27	SILVER MAPLE	25	POOR	DIEBACK, HAZARD
28	BLACK CHERRY	34	FAIR	LIMB DIEBACK
29	BUTTERNUT	24	POOR	CAVITY
30	WHITE MULBERRY	24	GOOD	DECAY, SPLIT
31	BLACK OAK	62	POOR	SPLIT, DECAY, HAZARD
32	BLACK OAK	42	POOR	SEVERE HAZARD
33	WHITE OAK	34	POOR	SEVERE HAZARD
34	BLACK OAK	35	FAIR	OFF PROPERTY
35	TULIP POPLAR	31	POOR	OFF PROPERTY
36	TULIP POPLAR	26	GOOD	
37	TULIP POPLAR	24	GOOD	
38	TULIP POPLAR	24	GOOD	
39	TULIP POPLAR	26	GOOD	
40	BLACK CHERRY	31	FAIR	OFF PROPERTY
41	TULIP POPLAR	24	GOOD	
42	BLACK CHERRY	31	POOR	OFF PROPERTY
43	TULIP POPLAR	27	GOOD	
44	TULIP POPLAR	32	POOR	DEAD
45	BLACK OAK	44	POOR	LEANING, HAZARD
46	WHITE OAK	37	FAIR	SOME HAZARD LIMBS
47	WHITE OAK	30	GOOD	
48	SYCAMORE	24	GOOD	

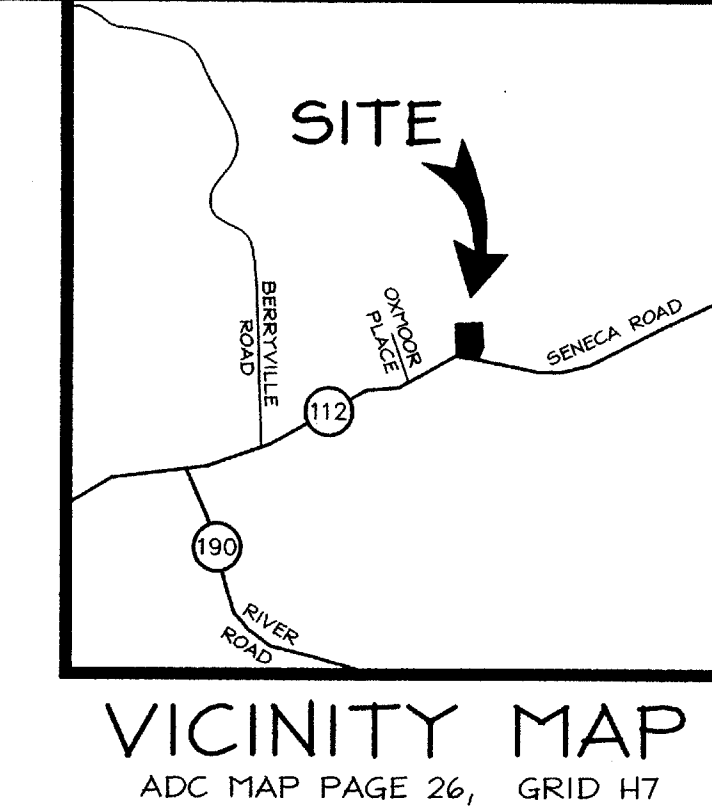
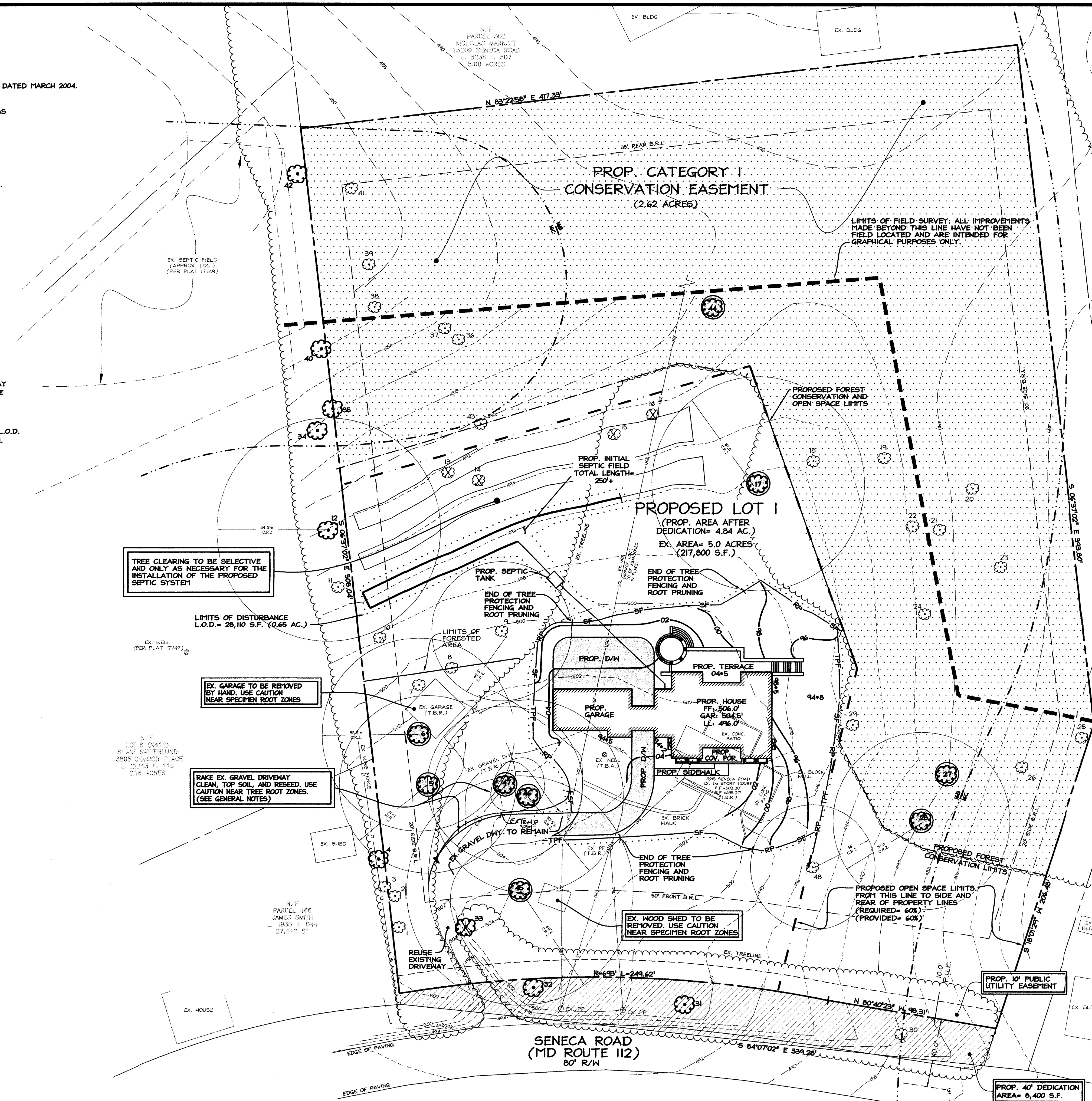
* INDICATES SPECIMEN TREES

ENVIRONMENTAL DATA TABLE

FEATURE	EX. AREA	PROP. AREA
AREA IN AGRICULTURAL USE	0 AC.	0 AC.
STREAM BUFFER	0 AC.	0 AC.
TOTAL FORESTED AREA	3.1 AC.	2.62 AC.
WETLAND AREA	0 AC.	0 AC.
100 YEAR FLOODPLAIN	0 AC.	0 AC.
PRIORITY AREAS	0 AC.	0 AC.

MISS UTILITY

CALL "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF WORK. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDER GROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.



LEGEND

- EXISTING STEEP SLOPES (> 25%)
- SOILS LINE
- EXISTING TREE LINE
- EXISTING TREE TO BE SAVED
- EXISTING SPECIMEN TREE TO BE SAVED
- EXISTING TREE TO BE REMOVED
- EXISTING SPECIMEN TREE TO BE REMOVED
- PROPOSED FOREST CONSERVATION AREA
- OPEN SPACE LIMITS
- ROOT PRUNING TRENCH
- COMBINED TREE PROTECTION FENCE AND SILT FENCE
- CRITICAL ROOT ZONE (C.R.Z.)
- LIMITS OF DISTURBANCE (L.O.D.)

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FINAL FOREST CONSERVATION PLAN APPROVAL

Plan No. 4-0505
4-15-05 DATE

ZONING: RC	REQUIRED	PROVIDED
MINIMUM LOT AREA	40,000 S.F.	LOT 1 4,81 AC.
MINIMUM LOT WIDTH AT B.R.L.	125'	347.9'
BUILDING/LOT COVERAGE	20,548 S.F.	8,800 S.F.
SETBACK FROM STREET R-O-W	50'	129'
SETBACK FROM OTHER LOT LINES	SIDE: 20' (40' TOTAL) REAR: 35'	SIDE: 220' REAR: 295'
OPEN SPACE	60% (3.0 AC.)	60% (3 AC.)

CERTIFICATION OF QUALIFIED PROFESSIONAL

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS, AND M-NCNFC GUIDELINES.

4-15-05 DATE
JAMES A. WITHER, ENVIRONMENTAL PLANNER
MEMBER / COMPANY NO. 15,006-01

OWNER/APPLICANT

ERIC MARTINIS
164 TREEHAVEN ST.
GAITHERSBURG, MD 20878
(301) 982-2092 (H)
(240) 467-6921 (H)

15215 SENECA ROAD
PROPOSED LOT
FINAL FOREST CONSERVATION PLAN
AND TREE SAVE PLAN

DATE	REVISION	BY	DATE
04/2005 <td>04.050 <td>JWW <td>11/16/04 </td></td></td>	04.050 <td>JWW <td>11/16/04 </td></td>	JWW <td>11/16/04 </td>	11/16/04
		JWW <td>12/22/04 </td>	12/22/04

15215 SENECA ROAD
L 24039 F. 332
15215 SENECA ROAD
GERMANTOWN (6 TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
FINAL FOREST CONSERVATION PLAN AND TREE SAVE PLAN

CAS ENGINEERING
CIVIL • SURVEYING • LAND PLANNING
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100 West Ridgeville Blvd., Suite 101 Mount Airy, MD 21771
DC Metro (301) 607-8031 • FAX (301) 607-8045

NOTES

- TOTAL AREA INCLUDED ON THIS PLAT IS 218,189.67 SQ. FT. (5.009 ACRES).
LOT 1 = 211,865.69 SQ. FT. (4.864 ACRES)
DEDICATION = 6,323.98 SQ. FT. (0.145 ACRES).
- TOTAL AREA OF DEDICATION FOR SENECA ROAD = 6,323.98 SQ. FT. (0.145 ACRES).
- WATER CATEGORY: 6 SEWER CATEGORY: 6
- THE PROPERTY WHICH IS THE SUBJECT OF THIS RECORD PLAT IS IN THE RC ZONE, AS OF THE DATE OF PLAT RECORDATION.
- IPF/IPSS = IRON PIPE FOUND OR IRON PIN SET.
- THIS PROPERTY IS SHOWN ON TAX MAP DR.
- THIS PROPERTY IS SHOWN ON W.S.S.C. 200-FOOT SHEET 218 NW 15.
- SEPTIC BUILDING RESTRICTION LINES ARE SUBJECT TO CHANGE WITH THE APPROVAL OF THE MONTGOMERY COUNTY HEALTH DEPARTMENT.
- SEPTIC SYSTEM HAS BEEN APPROVED FOR A 6 BEDROOM HOUSE.
- SEPTIC AREA IS SHOWN THUS SEPTIC BUILDING RESTRICTION LINES ARE SHOWN THUS .
- THIS PROPERTY IS LOCATED ON F.E.M.A. FLOOD INSURANCE MAP COMMUNITY-PANEL NUMBER 240049 0125C, FLOOD ZONE 'C'.
- ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN, OR OTHER PLAN ALLOWING DEVELOPMENT OF THIS PROPERTY AND APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE UNLESS MODIFIED BY FURTHER ACTION BY THE BOARD. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE MONTGOMERY COUNTY PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
- THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE, OF THIS PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW OF 2001, INCLUDING APPROVAL OF A FINAL FOREST CONSERVATION PLAN AND APPROPRIATE AGREEMENTS PRIOR TO ISSUANCE OF A SEDIMENT CONTROL PERMIT.
- THE FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO THE PROVISIONS CONTAINED IN A FOREST CONSERVATION AGREEMENT RECORDED IN LIBER 13178, AT FOLIO 412, AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.
- THE LOTS SHOWN HEREON ARE LIMITED TO THE USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN I-05050 (15215 SENECA ROAD). ANY PROPOSED CHANGES IN USE WILL REQUIRE FURTHER PLANNING BOARD REVIEW AND APPROVAL.
- ALL EXISTING AND PROPOSED DEVELOPMENT ON THIS PROPERTY IS SUBJECT TO THE STANDARDS OF THE MONTGOMERY COUNTY ZONING ORDINANCE, SECTION 59-C-9.5 FOR THE RC ZONE CLASSIFICATION.
- THIS PROPERTY WAS RECORDED UNDER THE CLUSTER METHOD OF DEVELOPMENT, RESUBDIVISION IS STRICTLY CONTROLLED IN ACCORDANCE WITH THE RESIDENTIAL CLUSTER SUBDIVISION STANDARDS OR SECTION 50-34 OF THE MONTGOMERY COUNTY SUBDIVISION REGULATIONS.
- THIS PROPERTY IS SERVED BY A PRIVATE WELL AND SEPTIC SYSTEM.

OWNER'S CERTIFICATE

WE, ERIC MARTINIS AND ANJANETTE MARTINIS, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION.
 WE FURTHER GRANT ONTO THE STATE OF MARYLAND A 6,323.98 SQUARE FOOT (0.145 AC.) PUBLIC RIGHT-OF-WAY DEDICATION AS DESCRIBED HEREON.
 WE FURTHER GRANT A 10-FOOT PUBLIC UTILITY EASEMENT, SHOWN HEREON AS "10' P.U.E." TO THOSE PARTIES NAMED IN THE DOCUMENT ENTITLED "DECLARATION OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS", AS RECORDED IN LIBER 3834 AT FOLIO 457 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.
 WE FURTHER GRANT A 2.556 ACRE CATEGORY I FOREST CONSERVATION EASEMENT AS ILLUSTRATED ON THIS PLAT. THIS EASEMENT IS SUBJECT TO THE PROVISIONS CONTAINED IN A FOREST CONSERVATION AGREEMENT RECORDED IN LIBER 13178 AT FOLIO 412.
 THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES, OR TRUSTS AFFECTING THE PROPERTY SHOWN HEREON, EXCEPT AS INDICATED BELOW.

DATE 06-29-05 Eric Martinis Rebecca Park
 ERIC MARTINIS WITNESS

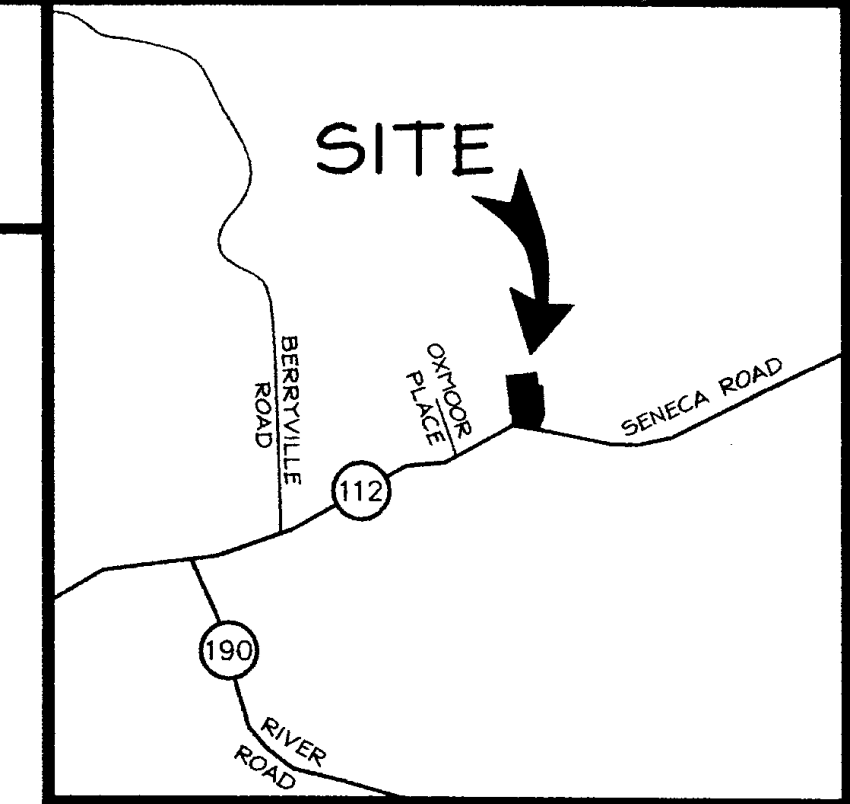
DATE 06/29/05 Anjanette Martinis Rebecca Park
 ANJANETTE MARTINIS WITNESS

WE HEREBY CONSENT TO THIS PLAN OF SUBDIVISION.

DATE 6/30/05 Mary N. Markoff W. J. P.
 MARY N. MARKOFF, TRUSTEE WITNESS

DATE 7/1/05 Frank Cornelius Samuel O. Henneman
 FRANK CORNELIUS, TRUSTEE WITNESS

PLAT No. **23276**



VICINITY MAP
SCALE: 1" = 2000'

CATEGORY I FOREST CONSERVATION EASEMENT-LINE TABLE

LINE	LENGTH	BEARING
L1	29.70	S80°39'39"E
L2	12.02	N73°48'20"E
L3	41.28	S13°44'03"W
L4	57.46	S28°17'24"E
L5	21.90	S59°10'26"E

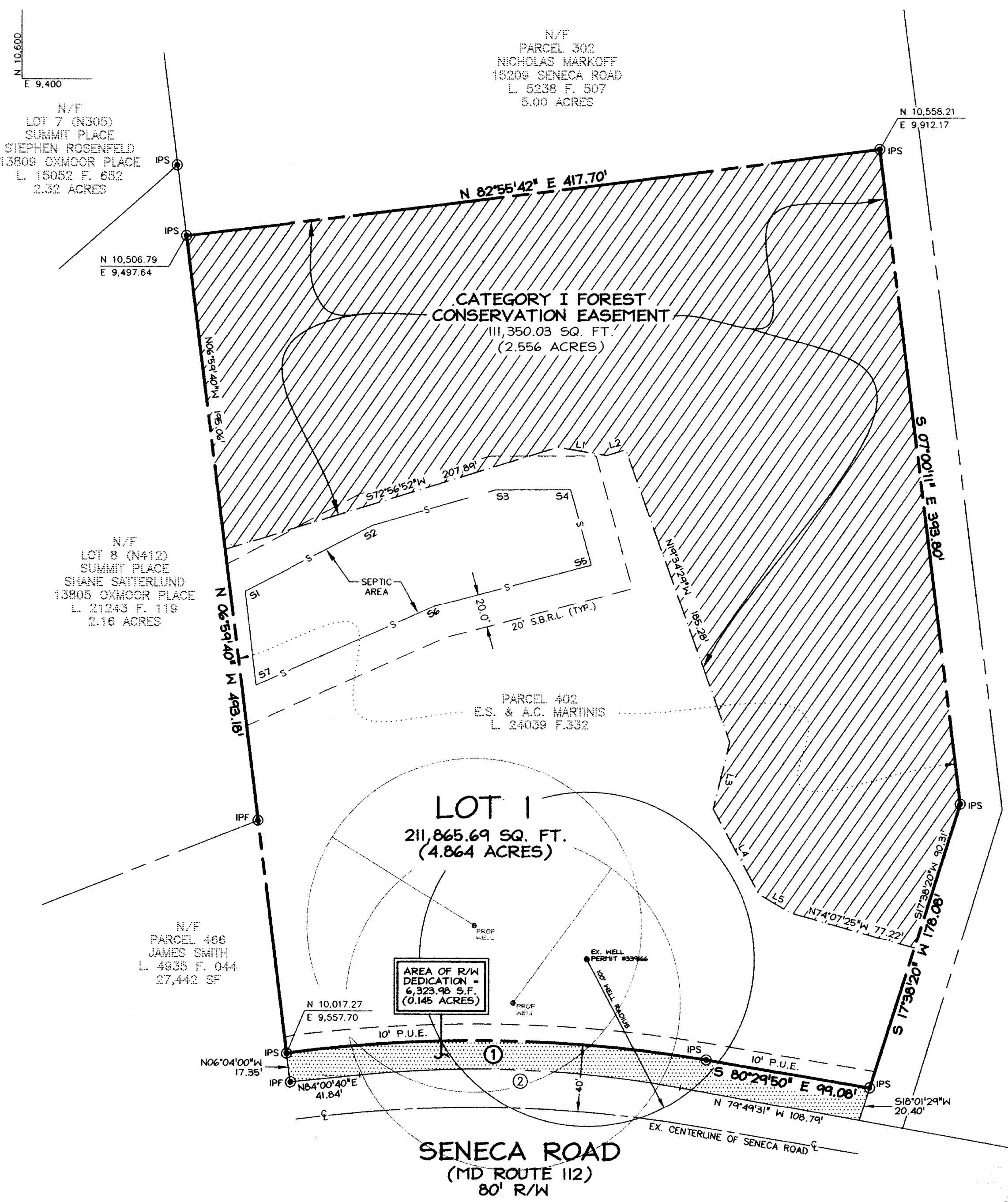
SEPTIC AREA COORDINATES

PNT	NORTHING	EASTING
S1	10,294.31	9,532.60
S2	10,333.85	9,608.66
S3	10,355.13	9,682.28
S4	10,355.29	9,727.17
S5	10,310.38	9,739.41
S6	10,285.58	9,645.98
S7	10,237.83	9,539.16

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT IT IS A SUBDIVISION OF ALL OF THE LANDS CONVEYED BY CHARLES CLARK ET. AL. UNTO ERIC MARTINIS AND ANJANETTE MARTINIS, BY A DEED DATED APRIL 3, 2003, AND RECORDED MAY 27, 2003 IN LIBER 24039 AT FOLIO 332 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, AS NOW SURVEYED, AND THAT ALL PROPERTY CORNERS MARKED THUS ARE IN PLACE AS SHOWN HEREON IN ACCORDANCE WITH SECTION 50-24(E) OF THE SUBDIVISION REGULATIONS OF MONTGOMERY COUNTY, MARYLAND.

DATE July 5, 2005 David John Ritchie
 DAVID JOHN RITCHIE
 PROFESSIONAL LAND SURVEYOR
 MD REG. NO. 21172



CURVE TABLE

No.	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
1	823.95'	251.80'	N 89°15'07" W	250.82'	17°30'34"
2	681.58'	192.30'	N 87°54'24" W	191.67'	16°09'56"

Department of Permitting Services
 Montgomery County, Maryland
 Date: NOVEMBER 1, 2005
 Approved: [Signature]
 Director

The Maryland National Capital Park and Planning Commission
 Montgomery County Planning Board
 Approved: May 5, 2005 David P. Ridge Donna Strass
 Chairman Asst. Secretary - Treasurer

M.N.C.P. & P.C. Record File No. 626-17

CAS ENGINEERING
 CIVIL - SURVEYING - LAND PLANNING
 A DIVISION OF CAS ENTERPRISES, INC.
 108 West Ridgewille Boulevard, Suite 101, Mount Airy, Maryland 21771
 DC Metro (301) 607-8031 FAX (301) 607-8045

FILED
 NOV 10 2005
 Clerk of the Circuit Court
 Montgomery County, Md.

SUBDIVISION RECORD PLAT
 LOT 1
MARTINIS PROPERTY
 DARNESTOWN (6TH) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1" = 60' APRIL 2005

MSA 55u 1249 28983 626-17 GCM
 p14637

MSA 55u 1249 28983 626-17 GCM

CONSERVATION EASEMENT AGREEMENT

Category I

DEFINITIONS

Grantor: Fee simple owner of real property subject to a:
(i) Plan approval conditioned on compliance with a FCP; or
(ii) Plan approval conditioned on compliance with a conservation easement agreement (issued pursuant to Chapter 50 or 59, Montgomery County Code).

Grantee: Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission ("Commission").

Planning Board: Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission.

Planning Director: Director of the Montgomery County Planning Department of the Maryland-National Capital Park and Planning Commission, Montgomery County, or the Director's designee.

Plan: Sediment control permit approved pursuant to Montgomery County Code Chapter 19; preliminary plan approved under Montgomery County Code Chapter 50; site plan, development plan, planned unit development or special exception application approved under Montgomery County Code Chapter 59; mandatory referral reviewed pursuant to Article 28 of Maryland State Code Annotated; approved major utility construction (as defined by Washington Suburban Sanitary Commission's regulations).

Forest Conservation Plan ("FCP"): Forest Conservation Plan approved by the Planning Board or Planning Director pursuant to Chapter 22A, Montgomery County Code.

Exhibit A:

- (i) FCP approved as a condition of receiving any of approval noted above; or
(ii) Approved and signed Plan referencing this Agreement.

THE FILING FEE \$ 0.00
RECORDING FEE \$ 0.00
TOTAL \$ 0.00
RECORDED AT 13178.412
MGR JBJ 11/19
Dec 30 1994 12:24 pm

WITNESSETH

This Agreement reflects a grant of easement by Grantor to the Grantee.

WHEREAS Grantor (or Grantor's agent) has obtained authority to develop pursuant to a Plan in accordance with Montgomery County, Maryland laws; and

WHEREAS, the Planning Board or other approving authority approved Grantor's Plan conditioned upon a requirement that development occur in strict accordance with a FCP approved by the Planning Board after full review of the FCP pursuant to the

94 DEC 30 P 12:27.1

FILED
MOLLY D. RUHL
CLERKS OFFICE
MONTGOMERY COUNTY

provisions of Montgomery County Code Chapter 22A (Forest Conservation); Chapter 50 (Subdivision Regulations); and/or Chapter 59 (Zoning Ordinance); and/or

the Planning Board approved Grantor's Plan conditioned upon Grantor subjecting the property to be developed ("Property") or a portion of the property to be developed to a conservation easement pursuant to the provisions of Montgomery County Code Chapter 50 (Subdivision Regulations), and/or Chapter 59 (Zoning Ordinance); and

WHEREAS, the location of this easement ("Easement") is as shown on Exhibit A (incorporated by reference into the terms of this Agreement); and

WHEREAS, the purpose of this Easement is to protect existing and future forest cover; individual trees; streams and adjacent buffer areas, wetlands and other sensitive natural features; and to maintain existing natural conditions to protect plant habitats, water quality and wildlife; and

WHEREAS, the purpose includes preservation of the natural beauty of the property subject to the Easement and prevention of any alteration, construction or destruction that will tend to mar or detract from such natural beauty; and

WHEREAS, the purpose also includes the protection and preservation of natural features within the area of the Easement which efforts are consistent with the terms and conditions of the approved plan and applicable law; and

WHEREAS, the Parties intend for the conditions and covenants contained in this Easement Agreement to run with the land in perpetuity and to be binding on all subsequent owners and occupants of the Property; and

WHEREAS, the Parties intend that a servitude be placed upon the Property to create a conservation benefit in favor of the Planning Board.

NOW, THEREFORE, the Grantor has executed this agreement for no monetary consideration but for the purpose of ensuring compliance with development standards imposed in accordance with Montgomery County law as a condition of development approval. The Grantor does hereby grant and convey unto the Planning Board, in perpetuity, an Easement on the Property of the size and location described in Exhibit A, and further described on the applicable record plat(s), of the nature and character described herein. This Easement constitutes a covenant real running with the title of the land, and is granted to preserve, protect and maintain the general topography and natural character of the land. Grantor, its heirs, successors and assigns covenant to abide by the following restrictions within the Easement:

1. The foregoing recitals are agreed to and incorporated herein and shall be binding upon the parties.

2. No living trees or shrubs (of any size or type) shall be cut down, removed or destroyed without prior written consent from the Planning Board. Diseased or hazardous trees or limbs may be removed to prevent personal injury or property damage after reasonable notice to the Planning Board, unless such notice is not practical in an emergency situation or is undertaken pursuant to a forest management plan approved by the Planning Director or Maryland's Department of Natural Resources ("DNR").

3. No plant materials (including, but not limited to brush, saplings, undergrowth, or non-woody vegetation) shall be mowed or cut down, dug up removed or destroyed unless removed pursuant to the terms and conditions of an approved forest management plan. Noxious weeds (limited to weeds defined as "noxious" under Maryland State or Montgomery County laws or regulations and "exotic or invasive plants" in the Montgomery County Trees Technical Manual) may be removed as required by law or according to an approved management plan, but the method of removal must be consistent with the limitations contained within this Agreement. Vegetation removal shall be limited to noxious, exotic or invasive weeds only, and protective measures must be taken to protect nearby trees and shrubs.

4. No mowing, agricultural activities, or cultivation shall occur. Grantor may replace dead trees or undergrowth provided that new plantings are characteristic of trees or undergrowth native to Maryland.

5. Nothing in this Agreement precludes activities necessary to implement or maintain afforestation or reforestation efforts pursued pursuant to an approved forest conservation plan or maintenance agreement implemented under Chapters 19 or 22A of the Montgomery County Code.

6. The following activities may not occur at any time within the Easement Area:

- a. Construction, excavation or grading (except for afforestation and reforestation efforts conducted in compliance with an approved forest conservation plan).
- b. Erection of any building or structural improvements on or above ground, including (but not limited to) sheds, dog pens, play equipment and retaining walls.
- c. Construction of any roadway or private drive.
- d. Activities which in any way could alter or interfere with the natural ground cover or drainage

(including alteration of stream channels, stream currents or stream flow).

- e. Industrial or commercial activities.
- f. Timber cutting, unless conducted pursuant to a forest management plan approved by DNR.
- g. Location of any component of a septic system or wells.
- h. Excavation, dredging, or removal of loam, gravel, soil, rock, sand and other materials.
- i. Diking, dredging, filling or removal of wetlands.
- j. Pasturing of livestock (including horses) and storage of manure or any other suit.
- k. Alteration of stream.

7. Nothing in this Agreement shall prevent construction or maintenance of stormwater structures and/or facilities or other utilities, including, but not limited to water and sewer lines, on, over, or under the Easement Area, if said structures, facilities or utilities are (i) required to implement the Plan, (ii) shown on the approved FCP, and (iii) approved by the appropriate governing bodies or agencies in accordance with applicable laws and regulations.

8. No dumping of unsightly or offensive material, including trash, ashes, sawdust or grass clippings shall occur. Natural biodegradable materials may be allowed in a properly located, designed, managed and maintained compost pile, provided the activity does not damage adjacent trees. Upon prior written approval of the Planning Director, suitable heavy fill and other stabilization measures may be placed to control and prevent erosion, provided that the fill is covered by arable soil or humus and properly stabilized.

9. Fences consistent with the purposes of the Easement may be erected within the Easement Area only after written approval from the Planning Director

10. Unpaved paths or trails consistent with the purposes of the Easement may be created within the Easement Area if shown on the FCP or with prior written approval from the Planning Director.

11. All rights reserved by or not prohibited to Grantor shall be exercised so as to prevent or minimize damage to the forest and trees, streams and water quality, plant and wildlife habitats, and the natural topographic character of the land within the Easement.

12. Grantor authorizes Planning Board representatives to

enter the Property and Easement at their own risk and at reasonable hours for the purpose of making periodic inspections to ascertain whether the Grantor, its heirs, successors or assigns have complied with the restrictions, conditions, and easements established herein. This Easement does not convey to the general public the right to enter the Property or Easement for any purpose. The Easement does not restrict or enlarge access to the general public in common open space held under community or homeowner association control beyond any access rights created by applicable community or homeowner association covenants and by-laws.

13. Grantor further agrees to make specific reference to this Easement in a separate paragraph of any subsequent deed, sales contract, mortgage, lease or other legal instrument by which any interest in the Property is conveyed.

14. No failure on the part of the Planning Board to enforce any covenant or provision herein shall waive the Planning Board's right to enforce any covenant within this agreement.

15. Upon finding a violation of any of the restrictions, conditions, covenants and easements established by this Agreement, the Planning Board shall have the right to enforce such provisions in accordance with any statutory authority (including, if applicable, the imposition of civil monetary fines or penalties in amounts and by such means as may be promulgated from time to time). The Planning Board also may seek injunctive or other appropriate relief in any court of competent jurisdiction, including the right to recover damages in an amount sufficient to restore the property to its original natural state, and Grantor agrees to pay for court costs and reasonable attorney fees if the Planning Board successfully seeks judicial relief.

16. All written notices required by this Agreement shall be sent to the Planning Director, M-NCPPC, 8787 Georgia Avenue, Silver Spring, Maryland 20910.

TO HAVE AND TO HOLD unto the Planning Board, its successors and assigns forever, this Grant shall be binding upon the heirs, successors and assigns of the Grantor in perpetuity and shall constitute a covenant real running with the title of the Property.

* * * * *

This is to certify that the within instrument has been prepared under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Michele Rosenfeld
Michele Rosenfeld
Associate General Counsel
M-NCPPC



MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 8787 Georgia Avenue, Silver Spring, Maryland 20910
 Environmental Planning Division 301.495.4540 Fax: 301.495.1303
 www.MontgomeryPlanning.Org

Issued with
FAQs

Attachment 6
EDPNOV 0001

NOTICE OF VIOLATION

FOR MONTGOMERY COUNTY, MARYLAND, the undersigned issuer, being duly authorized, states that:

On, October 15, 2015 the recipient of this NOTICE, Eric Martinis
Date Recipient's Name
 who represents the property owner, Eric Martinis
Property Owner's Name

is notified that a violation of the Montgomery County Forest Conservation Law (Chapter 22-A) exists at the following location: 15215 Seneca Road Germantown MD 20874 in the Category 1 Conservation Easement

Plan No. <u>120050500</u>	Explanation: <u>mowing within Category 1 Conservation Easement approximately 10,000 square feet cut</u>
VIOLATION:	
<input type="checkbox"/>	Failure to hold a required pre-construction meeting.
<input type="checkbox"/>	Failure to have tree protection measures inspected prior to starting work.
<input type="checkbox"/>	Failure to install or maintain tree protection measures per the approved Forest Conservation or Tree Save plan.
<input type="checkbox"/>	Failure to comply with terms, conditions and/or specifications of an approved Forest Conservation plan or Tree Save plan, or as directed by Forest Conservation Inspector
<input type="checkbox"/>	Failure to obtain an approved Forest Conservation plan or Tree Save plan prior to cutting, clearing, or grading 5,000 square feet on a property of 40,000 square feet or greater.
<input type="checkbox"/>	Failure to comply with reforestation or afforestation requirements of a Forest Conservation Plan.
<input type="checkbox"/>	Failure to obtain written approval for a fence permit prior to installing a fence that passes through or around a conservation easement.
<input checked="" type="checkbox"/>	Other: <u>violation of Category 1 Conservation Easement Agreement Liber 13178 Folio 412</u>
<p>Failure to comply with this NOV by <u>11/12/15</u> may result in i) issuance of a citation, ii) issuance of a Stop Work Order, and/or iii) issuance of a Notice of Hearing to appear before the Planning Board for appropriate Administrative Action. Recipient is to call the inspector at <u>301-495-4540</u> when the corrective action is complete. The following corrective action(s) must be performed as directed and within any time frames specified below:</p>	
<input checked="" type="checkbox"/>	Stake-out limits of disturbance (LOD) and contact Forest Conservation Inspector for a pre-construction meeting; <u>have a Maryland Licensed Surveyor Stakeout boundary of Category 1 Conservation Easement</u>
<input checked="" type="checkbox"/>	Install tree protection measures and/or tree care as directed by Forest Conservation Inspector; <u>plant 23 1 1/2 inch caliper native trees with cut area of conservation easement</u>
<input type="checkbox"/>	Submit required application for compliance with Chapter 22A of the County Code. Contact Environmental Planning at 301-45-4540.
<input type="checkbox"/>	Cease all cutting, clearing, or grading and/or land distributing activity. Approval from Forest Conservation Inspector is required to resume work.
<input checked="" type="checkbox"/>	Schedule a pre-planting meeting with the Forest Conservation Inspector prior to the reforestation of afforestation planting.
<input type="checkbox"/>	Schedule and attend a meeting with staff to determine appropriate corrective action to be performed by a date certain. Failure to complete the corrective action by the date assigned may result in i) issuance of a citation, ii) issuance of a Stop Work Order, and/or iii) issuance of a Notice of Hearing to appear before the Planning Board for appropriate Administrative Action.
<input checked="" type="checkbox"/>	Other: <u>Stop cutting within category 1 conservation easement</u>

MNCPPC Inspector

Stephen Beck Stephen Beck 10/15/15
Printed Name Signature Date

RECEIVED BY:

Eric Martinis E. Mart 10/15/15
Printed Name Signature Date

Issued with FAQs

Citation No. EPD 000256

Administrative Citation
Forest Conservation
The Maryland-National Capital Park and Planning Commission

Name: Eric ^S vs. Martinis
First Middle Last
Company/Position: Property owner of 15215 Seneca Rd
Address: 15215 Seneca Rd Germantown, MD 20874
Phone Number: 240-689-6921 Fax Number: _____ Email: _____

Location and Description of Violation:
Address/location of site: 15215 Seneca Road Category I Conservation Easement

Pursuant of the M-NCPPC's authority under Chapter 22A of the Montgomery County Code, it is formally charged that the above named defendant on 10/9/15 (date) at the stated site location did commit the following:

constructed a building, a barn, within the category I Conservation easement, approximately 5,000 square feet cut and cleared

In violation of:
 Montgomery County Code, Chapter 22A
 Approval of Final Forest Conservation Plan No. 120050500 Other: Liber 13178 Folio 412 Category I Conservation Easement Agreement

Civil Fine and Compliance:
1. (a) You shall pay a fine of \$ 1,000.00 by 11/12/15 (date) and complete the remedial action listed below
(b) You shall pay a daily fine of \$ _____ if the original fine has not been paid, by _____ (date). The daily fine shall accrue (until the original fine is paid).
2. You shall pay a daily fine of \$ _____ until the remedial action listed below is completed, This fine shall be paid within 15 days of completion of all remedial action.

Checks should be made payable to M-NCPPC and shall be paid during normal business hours at the information Counter of M-NCPPC's Montgomery Regional Office located at 8787 Georgia Avenue, 2nd Floor, Silver Spring, MD 20910, 301-495-4610. Failure to comply with this citation may result in further enforcement proceedings and/or issuance of additional citations including additional fines. You may also request a hearing before the Planning Board or the Board's designee. If you elect to request a hearing, you must notify the M-NCPPC Office of the General Counsel, in writing, at 8787 Georgia Avenue, Suite 205, Silver Spring, MD 20910, within 15 days of the citation.

Remedial Action:
1. Schedule and attend a meeting with staff to determine appropriate corrective action to be performed by a date certain. The barn can not remain within the conservation easement.

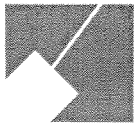
by: 11/12/15 (date)
If remedial action is not completed by _____ (date), you shall pay a daily fine of \$ _____ a day until work is completed.

2. You have violated Chapter 22A of the Montgomery County Code, and may be subject to an Administrative Civil Penalty and additional corrective measures.

Acknowledgment:
I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the requirements set forth in this Citation. I have a right to request a hearing for the offense(s) charged. If I do not exercise my right to a hearing, I agree to entry by the court judgment on affidavit for the amount of the fine.

E. Martinis Eric Martinis 10/15/2015
Defendant's Signature Date

Affirmation:
I solemnly affirm under the penalties of perjury, and upon personal knowledge or based on the affidavit, that the contents of this citation are true to the best of my knowledge, information and belief and that I am competent to testify on these matters.
Stephen Peck October 15, 2015
Inspector's Signature Date
Print Name: Stephen Peck Phone Number: 301-495-4564



November 17, 2015

Eric & Anjanette Martinis
15215 Seneca Road
Germantown, MD 20874

Re: Category I Conservation Easement Violation at 15215 Seneca Road
Administrative Citation No. EPD 000256 issued 10/15/2015
Corrective Action Order

Sent Via Certified Mail

Dear Eric and Anjanette Martinis:

This letter and the attached Corrective Action Order direct the resolution of the Category I Conservation Easement Agreement violation recently discovered at your property, 15215 Seneca Road.

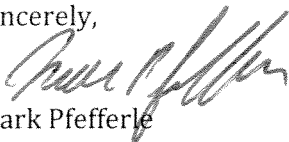
On October 15, 2015, Administrative Citation No. 000256 was issued to you for cutting and clearing vegetation and constructing of a building within the Category I Conservation Easement at 15215 Seneca Road. The Citation required payment of a fine and meeting with Planning Staff to determine appropriate corrective actions to be performed to resolve the violation.

During a meeting on October 22, 2015 with Planning Department staff, the forest conservation inspector described the Category I Conservation Easement violation and how a Corrective Action Order would be issued directing resolution of the violation.

The attached Corrective Action Order must be implemented to resolve the violation. The first step is to have Montgomery County Department of Permitting Services (DPS) zoning and building staff determine if the accessory building constructed in the rear of the property complies with zoning and building codes. Please provide the M-NCPPC inspector documentation of the DPS finding. After the DPS building and zoning determination, either Option 1 or Option 2 of the Corrective Action Order must be implemented.

Please contact Stephen Peck at 301-495-4564 with questions about the Corrective Action Order.

Sincerely,



Mark Pfefferle
Chief
Development Applications and Regulatory Coordination
M-NCPPC, Montgomery County Planning Department

Attachments: Corrective Action Order for 15215 Seneca Road
Frequently Asked Questions



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

RE: Forest Conservation Law Violation at 15215 Seneca Road Darnestown, MD

Property Owner of 15215 Seneca Road: Anjanette Martinis and Eric Martinis

Forest Conservation Plan No. 120050500

Violation: built an accessory building within a Category I Conservation Easement, cut and cleared approximately 5,000 square feet of conservation easement

Corrective Action Order

Sent Via Certified Mail to Property Owner on November 17, 2015

This corrective action provides two options. If you are unable to obtain permission to lawfully keep the structure in its current location Option 2 is necessary.

Option 1. This option requires an amendment to the forest conservation plan that would allow the structure to remain in its current location. In order to utilize this option there must be a determination from the Montgomery County Department of Permitting Services (DPS) that the structure is built in accordance with the appropriate building codes and the zoning ordinance. DPS must make a finding/determination that the structure complies with the appropriate codes and zoning ordinance by December 31, 2015. If DPS finds that the structure is authorized, then you must:

1. Submit a limited amendment to the preliminary plan of subdivision for forest conservation purposes to the Montgomery County Planning Department. The application must be accepted as complete by February 15, 2016. The amendment must:
 - a. Include an application submission checklist, which must be obtained from a Planning Department supervisor, prior to the initial submission of the preliminary plan amendment.
 - b. Show removal of the conservation easement area consisting of the accessory structure and unplanted mowed areas in the vicinity of the building.
 - c. If the treed, unmowed area between the accessory building and 13805 Oxmoor Place is less than 10,000 square feet this area must also be removed from Category I Conservation Easement protection as it does not meet the minimum forest size.
 - d. Area removed from the conservation easement must be mitigated by providing a 1:1 replacement for any new (planted) easements on site or 2:1 easement



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

(planted) offsite. That is for each acre of easement removed there must be 1 new acre of planted forest onsite or 2 new acres of easement (planted) offsite.

IF DPS finds that the structure does not comply with appropriate building and zoning codes then Option 2 must be implemented.

Option 2. This option involves the demolition/relocation of the structure from the conservation easement. If you are unable to obtain lawful permission from the Montgomery County Department of Permitting Services to keep the structure in its current location by December 31, 2015, you must:

1. Submit to M-NCPPC Forest Conservation Inspector by January 21, 2016 a Restoration Plan for the conservation easement. The Restoration Plan must show construction access for the demolition/relocation of the structure and removal of any demolished material, removal of the driveway used to service the structure, soil preparation and planting. The Restoration Plan must include:
 - a. A limits of disturbance for the demolition/relocation.
 - i. Details about how the original grade of the conservation easement will be restored
 - ii. Details on how existing trees will be protected from damage during the demolition.
 - iii. Include all the tree protection, inspection, and planting notes necessary for a forest conservation plan.
 - iv. Plant 23-2 inch caliper trees (a mixture of white oak, black gum, hickory and American holly trees) in the limits of disturbance shown on the plan.
2. If necessary, submit, by January 21, 2016, to the Montgomery County Department of Permitting Services an application for a sediment control permit, or for a small land disturbance, whichever, the Department of Permitting Services feels is appropriate.
3. Prior to the beginning any demolition/relocation work you must contact the Forest Conservation Inspector to schedule an on-site pre-construction meeting. At the pre-construction meeting the Inspector will walk the proposed limits of disturbance and go over all tree protection that will need to be installed/implemented.
4. The structure must be removed and area prepped for planting by March 31, 2016.



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

5. All 23-2 inch caliper trees must be installed and inspected by the forest conservation inspector by April 15, 2016.
6. All planting must have protective enclosures to prevent deer damage.
7. A two-year maintenance and management agreement must be signed and accepted by the Planning Department prior to the pre-construction meeting occurring.
8. A financial security instrument in the amount \$11,500 must be submitted and approved by the Planning Department prior to the pre-construction meeting occurring.
9. Permanent conservation easement markers must be installed along each boundary of the conservation easement by April 15, 2016.

1. Why is there a forest conservation easement on my property?

When your lot was created in order to build your house, the developer was required by law to preserve a certain amount of property for forest conservation. The developer chose to place a forest conservation easement over a portion of the subdivision that included your lot. The location of your house on the lot was determined by the builder after the subdivision was created with the easements already in place.

2. I have an easement on my property; can I remove it?

In some, but not all cases the Planning Board may let you remove and replace the easement, but it is a costly process. You should expect to survey or replat your property, survey the replacement property, and plant trees and bushes in a much larger area determined appropriate to replace the easement. If you are interested in learning if this is an option for your property, please request a meeting with M-NCPPC staff.

3. I received a Notice of Violation. What do I do?

The Notice of Violation lists the corrective actions that need to be completed to bring your property into compliance by a certain date. If you have questions or concerns about the corrective actions, you can set up a meeting with M-NCPPC staff before the compliance date.

4. What happens if I don't agree or comply with the Notice of Violation?

You may set up a meeting with M-NCPPC Staff to discuss the Notice of Violation. The staff will work with you to identify possible solutions to bring your property into compliance. However, you can also request a hearing on the matter, and a Notice of Hearing will be issued. *Please read FAQ #9.* If you ignore the Notice of Violation, the inspector may issue an Administrative Citation to you with a fine of up to \$1,000 for each violation and a date by which the fine needs to be paid and the corrective actions completed. You can avoid a fine by bringing your property into compliance.

5. I received an Administrative Citation. What do I do?

The Administrative Citation lists the corrective actions that need to be completed to bring the property into compliance by a certain date. It will also include a fine of up to \$1,000 that must be paid by the date on the Citation. Additional fines may accrue if the deadline is not met. You may also request a hearing within 15 days of the date the Citation was issued. *See FAQ #8.*

6. If I pay the Citation, is there anything else I need to do?

Yes. You must also bring your property into compliance by performing the corrective actions listed on the Citation. If you have any questions about what needs to be done, please contact the inspector.

7. What happens if I don't agree or comply with the Administrative Citation?

If you do not comply with the Administrative Citation, you will be issued a Notice of Hearing.

8. How do I request a hearing?

Send a written request to M-NCPPC, Office of the General Counsel, 8787 Georgia Avenue, Silver Spring, MD 20910, and include a copy of the Notice of Violation or Administrative Citation.

9. I received a Notice of Hearing. What does that mean?

The Notice of Hearing lists the date and location of a hearing in front of a hearing officer who will make a recommendation to the Planning Board. The hearing is similar to a trial. A lawyer for the Planning Department will present evidence to prove that your property has a forest conservation violation. You will have the opportunity to present contrary evidence. Before the hearing, if you decide that you would like to resolve the violation to avoid the hearing process and an additional financial penalty that will be imposed if you are found in violation, you should contact the inspector to set up a meeting to implement the previously identified corrective actions.

10. What can I expect at the hearing?

The Enforcement Rules that govern the hearings can be found on the Planning Board's homepage at <http://www.montgomeryplanningboard.org/> under the "Learn More" section. The hearing is held in front of a hearing officer, and is similar to a trial. You will have the opportunity to present evidence, have witnesses testify on your behalf and cross-examine the Planning Department's witnesses. The hearing officer will make a recommendation to the Planning Board whether to find you in violation, and if so, recommend corrective actions and an Administrative Civil Penalty in addition to the fine set on the Citation. The Planning Board will hold another hearing that will be limited to review of the hearing officer's recommendation and any issues raised from the first hearing. You will be limited to 10 minutes to present your position to the Planning Board. The Planning Board will decide whether to accept the hearing officer's recommendation, or to make any changes. The Planning Board will then issue an Order that is only appealable in the Circuit Court. Please read FAQ #11.

11. Do I need an attorney?

If you are found in violation, you could be subject to significant expense – both in penalties and cost to bring your property into compliance. Although you may represent yourself, you should consider hiring an attorney.

12. What will this cost me?

In addition to the fine listed on your Administrative Citation, in any case where a violation is found after a hearing, the law requires the Planning Board to impose an Administrative Civil Penalty for violations of the Forest Conservation Law and associated agreements, with a minimum of \$0.30 per square foot of property impacted to a maximum of \$10.70 per square foot. The penalty is based on the 8 factors listed in Section 22A-16(d)(2) of the Montgomery County Code. The Planning Board may also impose requirements to bring your property into compliance with the law, such as development of a new forest conservation plan and replanting. You may incur significant additional costs to comply with the Board's Order.





DEPARTMENT OF PERMITTING SERVICES
Division of Zoning & Site Plan Enforcement
Montgomery County Government
255 Rockville Pike, 2nd Floor
Rockville, Maryland 20850



December 1, 2015

Mr. Eric Martinis, Property Owner
15215 Seneca Road
Germantown, Maryland 20874

Subject: Building Permit Requirements
Accessory Structure Used for Agricultural Purposes

Mr. Martinis,

This letter is being authored in response to your request for DPS to determine if the accessory structure (a barn) located on your RC zoned property utilized for agricultural purposes requires a building permit. At this time we have determined that a building permit is not required.

The Montgomery County Zoning Ordinance requires a property owner to obtain a building permit before any building or structure can be erected, moved, altered or enlarged. However, when a building or structure is used exclusively for agricultural purposes a building permit is not required (59-7.4.1.A.Applicability).

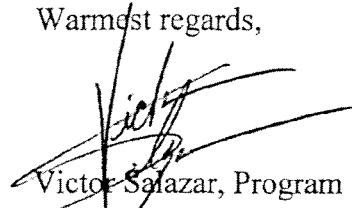
Field Inspector Andy Jakab has performed a site inspection of the accessory structure noting that the barn lacks electrical wiring and plumbing. Furthermore, the nature and characteristics of its use seemed consistent with agricultural use.

Thus, on the basis of the guidelines set forth by the Montgomery County Zoning Ordinance and the observations of Field Inspector Jakab no building permit is required for your accessory structure at this time. Any changes to the nature or use of the accessory structure occurring after the date of this letter may cause this determination to be voided.

Martinez Letter
Accessory Structure

Any future inquiries related to the contents of the letter should be referred to Mr. Andy Jakab at email: Andy.Jakab@MontgomeryCountyMD.Gov or telephone no. (301) 370-1673.

Warmest regards,

A handwritten signature in black ink, appearing to read "Victor Salazar", with several long, sweeping horizontal strokes extending to the right.

Victor Salazar, Program Manager II
DPS + Division of Zoning & Site Plan Enforcement
Montgomery County Government

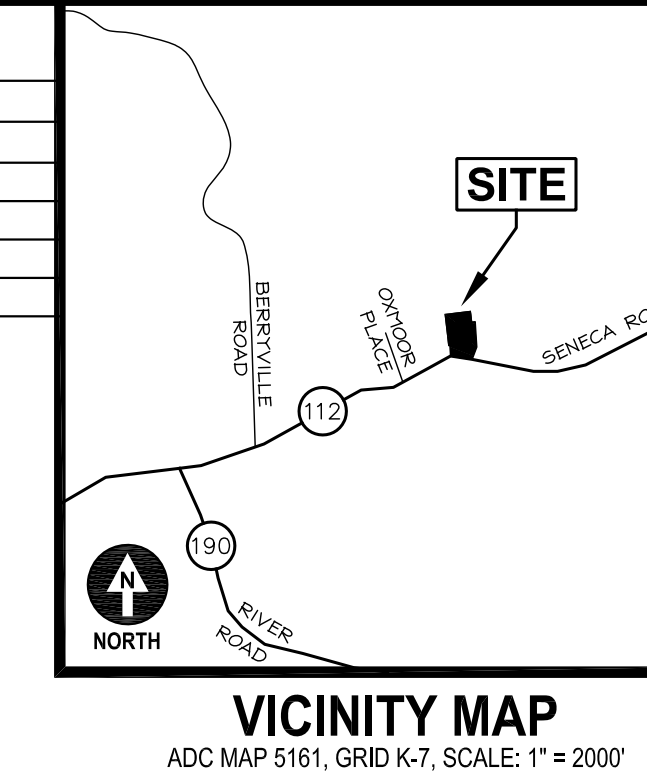
Cc:

Field Inspector Andy Jakab

PRELIMINARY PLAN MARTINIS PROPERTY 15215 SENECA ROAD M-NCPPC No. 12005050A

NO.	SHEET TITLE
1	COVER SHEET *
2	PLAN APPROVALS *
3	PRELIMINARY PLAN *
1	PRELIMINARY FOREST CONSERVATION PLAN *
2	PRELIMINARY FOREST CONSERVATION PLAN *

* PLAN HAS CHANGED WITH THIS AMENDMENT



VICINITY MAP
ADC MAP 5161, GRID K-7, SCALE: 1" = 2000'

GENERAL NOTES

- 1) WATER CATEGORY - 6 SEWER CATEGORY - 6
- 2) BOUNDARY INFORMATION BASED OFF OF SURVEY BY CAS ENGINEERING, DATED MARCH 2004.
- 3) 6-FOOT CONTOUR DATA BASED ON M-NCPPC DIGITAL TOPOGRAPHY. 2-FOOT CONTOUR DATA BASED ON A FIELD SURVEY PERFORMED BY CAS ENGINEERING DATED MARCH 2004.
- 4) TOTAL LOT AREA = 4.864 AC.
- 5) PROPERTY SHOWN ON TAX MAP DR 562, PARCEL P402.
- 6) PROPERTY SHOWN ON H55C 200' SHEET 218 NH 15.
- 7) PROPERTY SHOWN ON MONTGOMERY COUNTY SOILS SURVEY MAP No. 18, SOIL TYPE(S) - 14B, 14C.
- 8) FLOOD ZONE 'C' PER H.U.D. FIRM MAPS, COMMUNITY PANEL No. 24004R 0125 C.
- 9) SITE IS LOCATED IN THE GREAT SENECA CREEK WATERSHED.
- 10) SIGHT DISTANCE AT PROPOSED DRIVEWAY:
EAST: 600'+ WEST: 600'+
- 11) LOCAL UTILITIES INCLUDE:
WATER & SEWER - PRIVATE
ELECTRIC - PEPCO
TELEPHONE - VERIZON
GAS - N/A
- 12) ALL VISIBLE WELLS AND SEPTIC SYSTEMS WITHIN 100 FEET OF THE PROPERTY HAVE BEEN SHOWN HEREON.

SITE / ZONING DATA

GROSS SITE AREA:	217,800 +/- S.F. (5.0 ACRES)
PROPOSED DEDICATION:	6,523.96 S.F. (0.148 AC.)
NET TRACT AREA AFTER DEDICATION:	211,276.04 S.F. (4.864 AC.)

ZONING: RC	REQUIRED	PROVIDED
MINIMUM LOT AREA	40,000 S.F.	LOT 1 4,864 AC.
MINIMUM LOT WIDTH AT B.R.L.	125'	347.9'
BUILDING/LOT COVERAGE	20,593 S.F.	8,800 S.F.
SETBACK FROM STREET R-O-W	50'	124'
SETBACK FROM OTHER LOT LINES	SIDE: 20' (40' TOTAL) REAR: 35'	SIDE: 200' REAR: 295'
RURAL OPEN SPACE	60% (3.0 AC.)*	60% (3.0 AC.)**

*REQUIRED: 60% OF GROSS LOT AREA (±217,800 SF) = 130,680 SF (3.0 AC)
**PROVIDED: 130,716 SF (3.0 AC)

PERC TEST RESULTS

TEST	RESULTS
P.T. "A"	8.6 MIN. @ 2.5' & 10.5'
P.T. "B"	30 MIN. @ 2.5' & 14.5'
P.T. "C"	20.5 MIN. @ 3' & 12'
P.T. "E"	13 MIN. @ 3' & 15'
P.T. "F"	19 MIN. @ 2.5' & 14'
P.T. "G"	18 MIN. @ 2.5' & 14.5'
P.T. "H"	17 MIN. @ 3.5', 24 MIN. @ 13.5'

WATER TABLE TEST RESULTS

TEST	RESULTS	DEPTH OF HOLE	COMMENTS
W.T. "H"	DRY @ 15'	15'	ROCK @ 14'
W.T. "C"	DRY @ 15.3'	15.3'	
W.T. "F"	DRY @ 15'	15'	
W.T. "G"	DRY @ 15.67'	15.67'	ROCK @ 9.5'

SEPTIC DESIGN CHART

PROPOSED LOT 1																		
Test Site	Avg. Depth of Test Site (ft.)	Test Site	Avg. Depth of Test Site (ft.)	Test Site	Avg. Depth of Test Site (ft.)	Test Site	Avg. Depth of Test Site (ft.)	Test Site	Avg. Depth of Test Site (ft.)	Lowest Plumbing Fixture Elevation (ft.)	Ground Surface Elevation (ft.)	Septic Tank Elevation (ft.)	Initial Trench Depth (ft.)	Total Trench Depth (ft.)	Depth of Stone Bed (ft.)	Number of Bed Chambers	In. of Initial Trench	Trench Spacing
A	8.6	B	14.5	C	20.5	H	24	13.5	523.0	498.5	497.5	497.0	27'	108'	4.0'	6	494.04	10'

NOTE: FINAL PLAT APPROVAL IS SUBJECT TO THE ABANDONMENT AND RELOCATION OF THE EXISTING PERCO EASEMENT

MODIFICATIONS APPROVED BY THIS AMENDMENT

1. REMOVE 13,866.5 SQUARE FEET (±0.318 AC) OF EXISTING CATEGORY 1 FOREST CONSERVATION EASEMENT DUE TO ENCROACHMENT FROM EXISTING 2-STORY BARN AND DIRT DRIVEWAY SERVING 15209 SENECA ROAD.
2. PROVIDE 13,863.9 SQUARE FEET (±0.319 AC) OF REPLACEMENT ON-SITE CATEGORY 1 CONSERVATION EASEMENT.
3. REVISE DELINEATION OF REQUIRED RURAL OPEN SPACE TO COMPLY WITH ZONING REQUIREMENTS.

APPLICANT
ERIC MARTINIS
15215 SENECA ROAD
GERMANTOWN, MARYLAND 20874
(240) 667-6621 PHONE
emartinis@entire.com

MNCPPC 12005050A
15215 SENECA ROAD
LOT 1
MARTINIS PROPERTY
PRELIMINARY PLAN – COVER SHEET

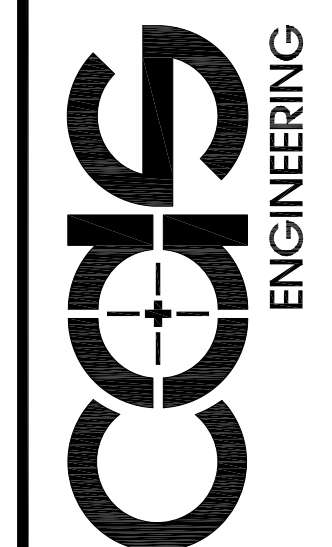
15215 SENECA ROAD, GERMANTOWN, MD 20874
PLAT 25216, CIRCA 2005

LOT 1
MARTINIS PROPERTY
GERMANTOWN (6TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

PRELIMINARY PLAN 12005050A

10 South Bentz Street
Frederick, Maryland 21701
301-807-8045
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info@casengineering.com

CIVIL • SURVEYING • LAND PLANNING



ORIGINAL PRELIMINARY PLAN RESOLUTION
(ISSUED MARCH 15, 2005)

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
15215 Seneca Road • Silver Spring, Maryland 20910-1762

Date Mailed: **MAR 15 2005**
Action: Approved Staff Recommendation
Motion of Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 5-4.
Chairman Berlage and Commissioners Perles, Bryant, Wallington and Robinson voting in favor.

MONTGOMERY COUNTY PLANNING BOARD
OPINION

Preliminary Plan 1-05050
NAME OF PLAN: 15215 Seneca Road

The date of this written opinion is **MAR 15 2005** (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court, State).

On 11/17/04, Eric Martinis submitted an application for the approval of a preliminary plan of subdivision of property in the RC zone. The application proposed to create 1 lot on 5.0 acres of land located at the north side of Seneca Road, approximately 700 feet east of the intersection with Oxnor Place, in the Potomac master plan area. The application was designated Preliminary Plan 1-05050. On 2/3/05, Preliminary Plan 1-05050 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.

15215 Seneca Road
Preliminary Plan 1-05050
Page 2

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes the information on the Preliminary Plan Application Form, the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

Development Review Staff ("Staff") recommended approval of the preliminary plan, with conditions, in its memorandum dated January 28, 2005 ("Staff Report"). The applicant's engineer appeared at the hearing and testified that the applicant agrees with Staff's recommendation and proposed conditions. No other witness testified at the hearing.

SITE DESCRIPTION

The subject property, identified as Parcel 402 ("Subject Property"), is located on the north side of Seneca Road, approximately 700 feet east of the intersection with Oxnor Place. The Subject Property contains 5 acres and is zoned Rural Cluster (RC). It is currently developed with a single-family dwelling to be removed.

PROJECT DESCRIPTION

This is an application to subdivide the Subject Property into one (1) lot for the construction of one (1) single-family detached dwelling. The gross area of the parcel is five (5.0) acres. The minimum net lot area required under the RC zone using the cluster option is 42,000 square feet with a requirement for 65% of the site (0.6) to be preserved as open space. The resulting lot proposed by this application will be 4.81 acres after dedication to the public right-of-way of 0.19 acres.

DISCUSSION OF ISSUES

Pursuant to Section 59-C-8.54, the density under the cluster development option must not exceed one unit per 5 acres. The Zoning Ordinance defines the one unit per five (5) acre specifically as "gross tract area," and staff uses the minimum gross land

1 Chapter 59-A-2.1 of the Montgomery County Code ("Zoning Ordinance") expressly defines "gross tract area" as the "total area of a lot or parcel of land including any existing or proposed streets, highways, or other land required for public use that is attributable to the lot or parcel dedicated by the owner or a predecessor in title."

15215 Seneca Road
Preliminary Plan 1-05050
Page 3

area (before dedication or other conveyances) upon which to base lot yield. This section of the Zoning Ordinance also does not define a "net tract area" that would presumably set a minimum size on the resulting tract area after deductions or conveyances. For this application the resulting lot will be 4.81 acres after road dedication.

The Zoning Ordinance also requires a "net lot area" of 40,000 square feet, with a 65% open space requirement for RC development using the cluster option. The proposed lot meets this requirement. 80% of the lots will be preserved in easement as open space. The majority of existing forest will be preserved within the open space easement. The new house will be located in the area already cleared around the existing house. Staff recommended to the Board that the proposed lot meets all dimensional requirements and the intent of the Rural Cluster zone under the cluster development provisions.

FINDINGS

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

- The Preliminary Plan No. 1-05050 substantially conforms to the Potomac Master Plan.
- Public facilities will be adequate to support and service the area of the proposed subdivision.
- The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- The Subject Property meets the minimum gross tract area requirements as expressly defined in the Zoning Ordinance and detailed in Footnote 1 above, and the minimum net lot size as recommended by staff, and consequently meets all of the dimensional requirements of the Zoning Ordinance.
- The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.

1 The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of public works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

15215 Seneca Road
Preliminary Plan 1-05050
Page 4

The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS standards.

The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-05050 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 59, the Planning Board approves Preliminary Plan No. 1-05050, subject to the following conditions:

- Approval under this preliminary plan is limited to one (1) dwelling unit.
- 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 permits.
- Record plat to reflect a Category 1 easement over all areas of stream valley buffers and forest conservation.
- Compliance with the conditions of approval of the MCDPS stormwater management approval.
- Access and improvements as required by MDSHA prior to recordation of plat.
- Compliance with conditions of MCDPS (Health Dept.) septic approval dated January 20, 2005.
- Other necessary easements.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-36(b), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, March 10, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Wallington, seconded by Commissioner Bryant, with Commissioners Perles, Bryant, Robinson, and Wallington voting in favor of the motion, and Commissioner Berlage absent, adopted the attached Opinion, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for 15215 Seneca Road Preliminary Plan 1-05050.

Ellen Dye
Commissioner
Certificate of Vote of Adoption
Technical Writer

CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE

Approved for legal interpretation
M-NCPPC Office of the
Counsel

PROJECT	04-050	DATE	12/20/15
ILLUSTRATION	EBT	ENGINEERING	EBT
SCALE	N/A	APPROVAL	CAS

DATE	BY	REVISION
02/22/06	EBT	INITIAL SUBMITTAL OF PRELIMINARY PLAN AMENDMENT
02/23/06	EBT	ADDRESS INITIAL SUBMITTAL CONTENTS

15215 SENECA ROAD, GERMANTOWN, MD 20874
PLAT 23276, CIRCA 2005

LOT 1

MARTINIS PROPERTY
GERMANTOWN (6TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

PRELIMINARY PLAN APPROVALS

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emartinis@entier.com

COSE ENGINEERING
Experience you can build on.

PP 2 OF 3
2 OF 5

ORIGINAL FOREST CONSERVATION APPROVAL
(ISSUED MARCH 15, 2005)

MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
FOREST CONSERVATION PLAN RECOMMENDATIONS

TO: Jason Wilner, CAS Engineering

SUBJECT: Preliminary Forest Conservation Plan # 1-05050
Preliminary Plan 15215 Seneca Road
Date Rec'd: April 5, 2005

SENT VIA FAX TO: 301-407-8045

The subject Forest Conservation Plan has been reviewed by Environmental Planning to determine if it meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). The following determination has been made:

SUBMISSION ADEQUACY
Adequate as submitted

RECOMMENDATIONS
Approve subject to the following conditions:
1. Required site inspections by M-NCPPC monitoring staff (as specified in "Forest Technical Manual")
2. Record plat to show appropriate notes and/or easements. Agreements must be approved by M-NCPPC staff prior to recording plat.

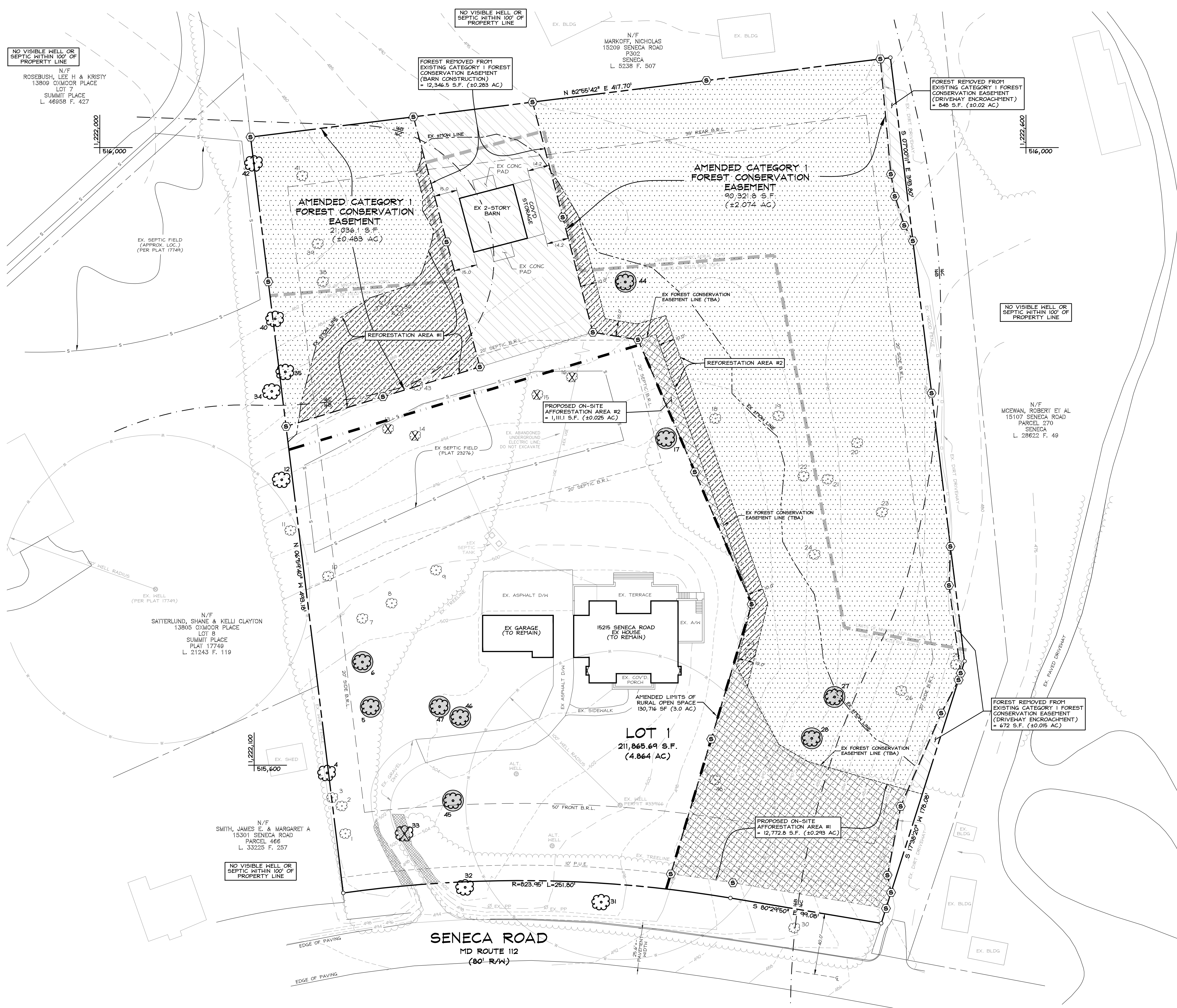
SIGNATURE: *Mark Flinn* (301) 495-4730 DATE: April 21, 2005
Environmental Planning Division

AMENDED PRELIMINARY PLAN RESOLUTION
(ISSUED -----)

MNCPPC 12005050A
15215 SENECA ROAD
LOT 1
MARTINIS PROPERTY
PRELIMINARY PLAN – APPROVALS

Tree No.	Species	D.B.H. (Inches)	Condition	Comments
1	BLACK CHERRY	23	POOR	HAZARD, LEANING
2	BLACK OAK	25	POOR	HAZARD LIMBS
3	BLACK OAK	25	GOOD	OFF PROPERTY
4	BLACK OAK	30	FAIR	OFF PROPERTY
5	WHITE OAK	34	FAIR	HAZARD LIMBS
6	WHITE OAK	37	GOOD	PARTIAL DIEBACK
7	BLACK OAK	26	GOOD	
8	CHESTNUT OAK	24	GOOD	
9	BLACK WALNUT	27	POOR	HAZARD, LEANING
10	BLACK OAK	28	POOR	HAZARD, DIEBACK
11	BLACK CHERRY	27	POOR	OFF PROPERTY
12	RED OAK	43	POOR	OFF PROPERTY
13	TULIP POPLAR	28	FAIR	
14	TULIP POPLAR	28/22	FAIR	BENT TRUNK
15	TULIP POPLAR	24/18	GOOD	
16	BLACK CHERRY	23	FAIR	LEANING
17	BLACK CHERRY	41	POOR	SEVERE DECAY
18	BLACK CHERRY	27	POOR	DECAY
19	TULIP POPLAR	28	FAIR	CAVITY
20	TULIP POPLAR	25	GOOD	
21	TULIP POPLAR	24	GOOD	
22	TULIP POPLAR	23	GOOD	
23	TULIP POPLAR	24	GOOD	
24	TULIP POPLAR	25	GOOD	
25	TULIP POPLAR	25	GOOD	
26	BLACK CHERRY	24	GOOD	
27	SILVER MAPLE	25	POOR	DIEBACK, HAZARD LIMB DIEBACK
28	BLACK CHERRY	34	FAIR	HAZARD LIMB DIEBACK
29	BUTTERNUT	24	POOR	CAVITY
30	WHITE MULBERRY	24	GOOD	DECAY, SPLIT
31	BLACK OAK	62	POOR	SPLIT, DECAY, HAZARD
32	BLACK OAK	42	POOR	SEVERE HAZARD
33	WHITE OAK	36	POOR	SEVERE HAZARD
34	BLACK OAK	35	FAIR	OFF PROPERTY
35	TULIP POPLAR	31	POOR	OFF PROPERTY
36	TULIP POPLAR	28	GOOD	
37	TULIP POPLAR	24	GOOD	
38	TULIP POPLAR	23	GOOD	
39	TULIP POPLAR	26	GOOD	
40	BLACK CHERRY	31	FAIR	OFF PROPERTY
41	TULIP POPLAR	24	GOOD	
42	BLACK CHERRY	31	POOR	OFF PROPERTY
43	TULIP POPLAR	27	GOOD	
44	TULIP POPLAR	32	POOR	DEAD
45	BLACK OAK	44	POOR	LEANING, HAZARD
46	WHITE OAK	37	FAIR	SOME HAZARD LIMBS
47	WHITE OAK	30	GOOD	
48	SYCAMORE	24	GOOD	

* INDICATES SPECIMEN TREES
 TREE SIZES HAVE NOT BEEN UPDATED FROM THEIR SIZES SHOWN ON EITHER THE 2005 APPROVED PRELIMINARY PLAN OR THE SUBSEQUENTLY APPROVED PRELIMINARY FOREST CONSERVATION PLAN.

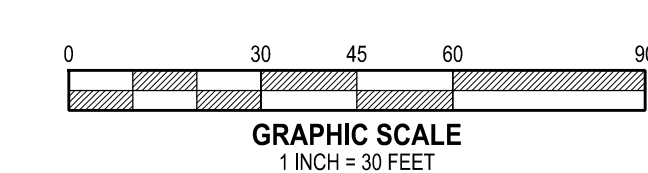


LEGEND

- EXISTING TREE LINE
- SIGNIFICANT TREE
- SPECIMEN TREE
- SOILS LINE
- EX WELL AND 100' WELL RADIUS
- EXISTING SPECIMEN TREE TO BE SAVED
- EXISTING TREE PREVIOUSLY REMOVED
- EXISTING SPECIMEN TREE PREVIOUSLY REMOVED
- EXISTING STEEP SLOPES (>25%)
- PROPOSED AMENDED FOREST CONSERVATION AREA
- PROPOSED AREA TO BE REMOVED FROM FOREST CONSERVATION EASEMENT
- AMENDED LIMITS OF RURAL OPEN SPACE
- PROPOSED PERMANENT FOREST CONSERVATION SIGN POST
- LIMITS OF APPROVED SEPTIC FIELD
- PROPOSED REFORESTATION AREA
- PROPOSED AFFORESTATION AREA

MODIFICATIONS APPROVED BY THIS AMENDMENT

- REMOVE 13,866.5 SQUARE FEET (±0.318 AC) OF EXISTING CATEGORY I FOREST CONSERVATION EASEMENT DUE TO ENCROACHMENT FROM EXISTING 2-STORY BARN AND DIET DRIVEWAY SERVING 15215 SENECA ROAD.
- PROVIDE 13,863.9 SQUARE FEET (±0.319 AC) OF REPLACEMENT ON-SITE CATEGORY I CONSERVATION EASEMENT.
- REVISE DELINEATION OF REQUIRED RURAL OPEN SPACE TO COMPLY WITH ZONING REQUIREMENTS.



APPLICANT
 ERIC MARTINIS
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 GERMANTOWN, MARYLAND 20874
 (240) 667-6921 PHONE
 eric@casengineering.com

MNCPPC 12005050A
 15215 SENECA ROAD
 LOT 1
 MARTINIS PROPERTY
 PRELIMINARY PLAN – AMENDMENT

DATE	12/2015	PROJECT	04-050	SCALE	1"=30'
BY	EBT	REVISION	EBT	APPROVAL	CAS
DATE	07/22/16	INITIAL SUBMITTAL OF PRELIMINARY PLAN ATTACHMENT	EBT	SCALE	
DATE	02/29/16	EBT	EBT	SCALE	
DATE	02/29/16	EBT	EBT	SCALE	

15215 SENECA ROAD, GERMANTOWN, MD 20874
 PLAT 25216, CIRCA 2005

LOT 1
MARTINIS PROPERTY
 GERMANTOWN (6TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

PRELIMINARY PLAN AMENDMENT

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 Experience you can build on.

PP 3 OF 3
3 OF 5

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ENVIRONMENTAL DATA TABLE

FEATURE	EXISTING	PROPOSED
AREA OF STEEP SLOPES	0.00 AC.	0.00 AC.
AREA IN AGRICULTURAL USE	0.00 AC.	0.00 AC.
STREAM BUFFER	0.00 AC.	0.00 AC.
TOTAL FORESTED AREA	3.10 AC.	2.56 AC.
FORESTED ENVIRONMENTAL BUFFER	0.00 AC.	0.00 AC.
100-YEAR FLOODPLAIN	0.00 AC.	0.00 AC.
PRIORITY AREAS	0.00 AC.	0.00 AC.
WETLANDS	0.00 AC.	0.00 AC.
FORESTED WETLANDS	0.00 AC.	0.00 AC.
AVERAGE WIDTH OF ENVIRONMENTAL BUFFER	-	-
LINEAR EXTENT OF STREAM	-	-

FOREST CONSERVATION WORKSHEET

I. NET TRACT AREA

5.00 A. TOTAL TRACT AREA (INCLUDES OFF-SITE DISTURBANCE)
 0.00 B. LAND DEDICATION AREA (PARKS, COUNTY FACILITY, ETC.)
 0.14 C. LAND DEDICATION FOR ROADS OR UTILITIES (NOT CONSTRUCTED BY THIS PLAN)
 0.00 D. AREA TO REMAIN IN AGRICULTURAL PRODUCTION
 0.00 E. OTHER DEDUCTIONS
 4.86 F. NET TRACT AREA

II. LAND USE CATEGORY

INPUT THE NUMBER "1" UNDER THE APPROPRIATE LAND USE / ZONING CATEGORY. LIMITED TO ONE ENTRY ONLY.

	AREA	MFR	IDA	HDR	MFD	CIA
0.97	G. AFFORESTATION THRESHOLD	0	28	0	0	15
2.43	H. CONSERVATION THRESHOLD	50%	25%	20%	20%	15%

III. EXISTING FOREST COVER

3.10 I. EXISTING FOREST COVER
 2.18 J. AREA OF FOREST ABOVE AFFORESTATION THRESHOLD
 0.67 K. AREA OF FOREST ABOVE CONSERVATION THRESHOLD

IV. BREAK EVEN POINT

2.56 L. FOREST RETENTION ABOVE THRESHOLD WITH NO PITIGATION
 0.54 M. CLEARING PERMITTED WITHOUT PITIGATION

V. PROPOSED FOREST CLEARING

0.54 N. TOTAL AREA OF FOREST TO BE CLEARED
 2.56 O. TOTAL AREA OF FOREST TO BE RETAINED
 0.14 P. REFORESTATION FOR CLEARING ABOVE CONSERVATION THRESHOLD
 0.00 Q. REFORESTATION FOR CLEARING BELOW CONSERVATION THRESHOLD
 0.18 R. CREDIT FOR RETENTION ABOVE CONSERVATION THRESHOLD
 0.00 S. TOTAL REFORESTATION REQUIRED
 0.00 T. TOTAL AFFORESTATION REQUIRED

VI. PLANTING REQUIREMENTS

0.00 U. CREDIT FOR LANDSCAPING (NOT TO EXCEED 20% OF 'S')
 0.00 V. TOTAL REFORESTATION REQUIRED

UTILITY INFORMATION

EXISTING UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE AND MUST BE FIELD VERIFIED. UTILITY LOCATIONS ARE BASED UPON AVAILABLE RECORDS AND ARE SHOWN TO THE BEST OF OUR ABILITY.

UTILITY CO.	REQUEST DATE	BY	INFO. RECEIVED	PLAN REVISED	BY
EXIST	-	-	-	-	-
COMCAST	-	-	-	-	-
VECT	-	-	-	-	-
PEPCO	-	-	-	-	-
VERIZON	-	-	-	-	-
WISCONSIN	-	-	-	-	-
W.S.C.C.	-	-	-	-	-
SEWER CONTRACT DRAWING	-	-	-	-	-
WATER CONTRACT DRAWING	-	-	-	-	-
HOUSE CONNECTION PLUMBING CARDS	-	-	-	-	-

MISS UTILITY
 FOR LOCATION OF UTILITIES, CALL "MISS UTILITY" AT 1-800-257-7777, OR LOG ON TO WWW.MISSUTILITY.COM IN ADVANCE OF ANY WORK. AT THIS WEBSITE, THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDERGROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION, AND TO HAVE THESE UTILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.



CERTIFICATION OF QUALIFIED PROFESSIONAL

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS, AND M-NCPPC GUIDELINES.

DATE: JEFFERY A. ROBERTSON
 DNR/COMAR 08.19.06.01
 QUALIFIED PROFESSIONAL

DISCLAIMER: TREES ARE LIVING THINGS WHOSE LIABILITY AND STRUCTURAL INTEGRITY ARE SUBJECT TO A WIDE ARRAY OF NATURAL FACTORS AND IMPACTS. AMONG THOSE IMPACTS ARE GENETICS, CLIMATE, WEATHER, WATER, PESTS, SOILS, INSECTS AND DISEASE. AS SUCH, TREES ARE SUBJECT TO CHANGES IN HEALTH OR CONDITION VERY SLOWLY OVER TIME OR VERY ABRUPTLY. I DO NOT TAKE LIABILITY FOR THESE ACTIONS OR OTHER FACTORS UPON THE HEALTH OR STRUCTURE OF THE TREES INVOLVED IN THIS DOCUMENT. THIS PLAN SHOULD NOT BE INTERPRETED AS A TREE HAZARD EVALUATION AS INTERNAL, STRUCTURAL, OR AERIAL INSPECTIONS WERE NOT PERFORMED ON OR UPON THESE TREES. CONDITIONS AND WARNINGS MAY EXIST OUT OF VIEW FROM THE HUMAN EYE.

DEVELOPER CERTIFICATE

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF THE APPROVED FINAL FOREST CONSERVATION PLAN INCLUDING FINANCIAL BONDING, FOREST PLANTING, MAINTENANCE, AND ALL OTHER APPLICABLE AGREEMENTS.

DEVELOPER NAME: ERIC MARTINIS (OWNER)
 CONTACT PERSON OR OWNER:
 ADDRESS: 15215 SENECA ROAD, GERMANTOWN, MARYLAND 20874
 PHONE: (240) 687-6921
 EMAIL: emartinis@erinc.com
 SIGNATURE:

LEGEND

SOILS LINE
 EXISTING TREE LINE
 EXISTING TREE TO BE SAVED
 EXISTING SPECIMEN TREE TO BE SAVED
 EXISTING TREE PREVIOUSLY REMOVED
 EXISTING SPECIMEN TREE PREVIOUSLY REMOVED
 PROPOSED AMENDED FOREST CONSERVATION AREA
 EXISTING STEEP SLOPES (> 25%)
 CRITICAL ROOT ZONE (C.R.Z.)
 PROPOSED AREA REMOVED FROM FOREST CONSERVATION EASEMENT
 PROPOSED AMENDED LIMITS OF REQUIRED RURAL OPEN SPACE
 EX WELL AND 100' WELL RADIUS
 PROPOSED PERMANENT FOREST CONSERVATION SIGN POST
 LIMITS OF APPROVED SEPTIC FIELD
 PROPOSED AFFORESTATION AREA
 PROPOSED REFORESTATION AREA

MODIFICATIONS APPROVED BY THIS AMENDMENT

- REMOVE 13,866.5 SQUARE FEET (3.16 AC) OF EXISTING CATEGORY 1 FOREST CONSERVATION EASEMENT DUE TO ENCROACHMENT FROM EXISTING 2-STORY BARN AND DIRT DRIVEWAY SERVING 15215 SENECA ROAD.
- PROVIDE 13,863.9 SQUARE FEET (3.14 AC) OF REPLACEMENT ON-SITE CATEGORY 1 CONSERVATION EASEMENT.
- REVISE DELINEATION OF REQUIRED RURAL OPEN SPACE TO COMPLY WITH ZONING REQUIREMENTS.

APPLICANT

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MNCPPC 12005050A
 15215 SENECA ROAD
 LOT 1
 MARTINIS PROPERTY
 PRELIMINARY FOREST CONSERVATION
 PLAN - AMENDMENT

FCP 1 OF 2
 4 OF 5

DATE	12/2015	PROJECT	04-050	SCALE	1"=30'
ENGINEERING	EBT	ILLUSTRATION	EBT	APPROVAL	CAS
REVISION	DATE	BY	REVISION	DATE	BY
1	07/22/16	EBT	1	07/22/16	EBT
2	07/29/16	EBT	2	07/29/16	EBT

15215 SENECA ROAD, GERMANTOWN, MD 20874
 PLAT 25216, CIRCA 2005

LOT 1
MARTINIS PROPERTY
 GERMANTOWN (6TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

PRELIMINARY FOREST CONSERVATION PLAN AMENDMENT

SEQUENCE OF EVENTS

- PRE-CONSTRUCTION
1. AN ON-SITE PRE-CONSTRUCTION MEETING IS REQUIRED...
2. NO CLEARING OR GRADING SHALL BEGIN...
3. A MARYLAND-LICENSED TREE EXPERT OR AN INTERNATIONAL SOCIETY OF ARBORICULTURE...
4. TEMPORARY TREE PROTECTION DEVICES SHALL BE INSTALLED PER THE FOREST CONSERVATION PLAN...

- DURING CONSTRUCTION
6. PERIODIC INSPECTIONS BY THE FOREST CONSERVATION INSPECTOR WILL OCCUR...
7. LONG-TERM PROTECTION DEVICES WILL BE INSTALLED PER THE FOREST CONSERVATION PLAN...

- POST-CONSTRUCTION
9. AFTER CONSTRUCTION IS COMPLETED, AN INSPECTION SHALL BE REQUESTED...
10. AFTER INSPECTION AND COMPLETION OF CORRECTIVE MEASURES HAVE BEEN UNDERTAKEN...

SITE PREPARATION AND PLANTING SPECIFICATIONS

- 1. PRE-PLANTING CONSIDERATIONS
A. IN AREAS WITH SUBSTANTIAL GROWTH OF INVASIVE UNDERCOVER SPECIES...
B. A SOILS ANALYSIS WILL BE CONDUCTED PRIOR TO COMMENCEMENT OF AFFORESTATION...
C. SOLIDS SHOULD BE TREATED BY INCORPORATING NATURAL MULCH...
D. IF FILL MATERIAL IS USED AT THE PLANTING SITE IT SHOULD BE CLEAN FILL WITH 12 INCHES OF NATIVE SOIL...

- 2. PLANT MATERIAL STORAGE
IT IS RECOMMENDED THAT THE PLANTING OCCUR WITHIN 24 HOURS OF DELIVERY TO THE SITE...
3. ON-SITE INSPECTION
PRIOR TO PLANTING, PLANTING STOCK SHOULD BE INSPECTED...

- 4. PLANTING SPECIFICATIONS
A. CONTAINER GROWN STOCK: SUCCESSFUL PLANTING OF CONTAINER GROWN STOCK REQUIRES CAREFUL SITE PREPARATION...
B. BALLED AND BURLAPPED TREES: BALLED AND BURLAPPED TREES MUST BE HANDLED WITH CARE...
C. PLANTING FIELDS SHOULD BE CREATED EQUAL TO 2.6 TIMES THE DIAMETER OF THE ROOT BALL...
D. STAKING OF TREES IS NOT RECOMMENDED EXCEPT IN AREAS OF HIGH WINDS...
E. DEER PROTECTION MEASURES MAY BE NECESSARY AND WILL BE DETERMINED BY THE M-NCPPC INSPECTOR...
F. ALL SHRUBS AND TREES SHALL BE MULCHED WITH A 3" THICK LAYER OF SHREDED HARDWOOD MULCH...
G. ALL DISTURBED AREAS ADJACENT TO AND WITHIN THE AFFORESTATION PLANTING AREAS SHALL BE STABILIZED WITH A NON-INVASIVE SEED MIX...
H. POST-PLANTING CONSIDERATIONS
A. SOIL STABILIZATION FOR AREAS OF LARGE SCALE DISTURBANCE...

REQUIRED INSPECTIONS

- ALL FIELD INSPECTIONS MUST BE REQUESTED BY THE APPLICANT...
TREE SAVE PLANS AND FOREST CONSERVATION PLANS WITHOUT PLANTING REQUIREMENTS
1. AFTER THE LIMITS OF DISTURBANCE HAVE BEEN STAKED AND FLAGGED...
2. AFTER NECESSARY STRESS REDUCTION MEASURES HAVE BEEN COMPLETED...
3. AFTER COMPLETION OF ALL CONSTRUCTION ACTIVITIES...
ADDITIONAL REQUIREMENTS FOR PLANS WITH PLANTING REQUIREMENTS
4. BEFORE THE START OF ANY REQUIRED REFORESTATION AND AFFORESTATION PLANTING...
5. AFTER THE REQUIRED REFORESTATION AND AFFORESTATION PLANTING HAS BEEN COMPLETED...
6. AT THE END OF THE MAINTENANCE PERIOD TO DETERMINE THE LEVEL OF COMPLIANCE WITH THE PROVISIONS OF THE PLANTING PLAN...

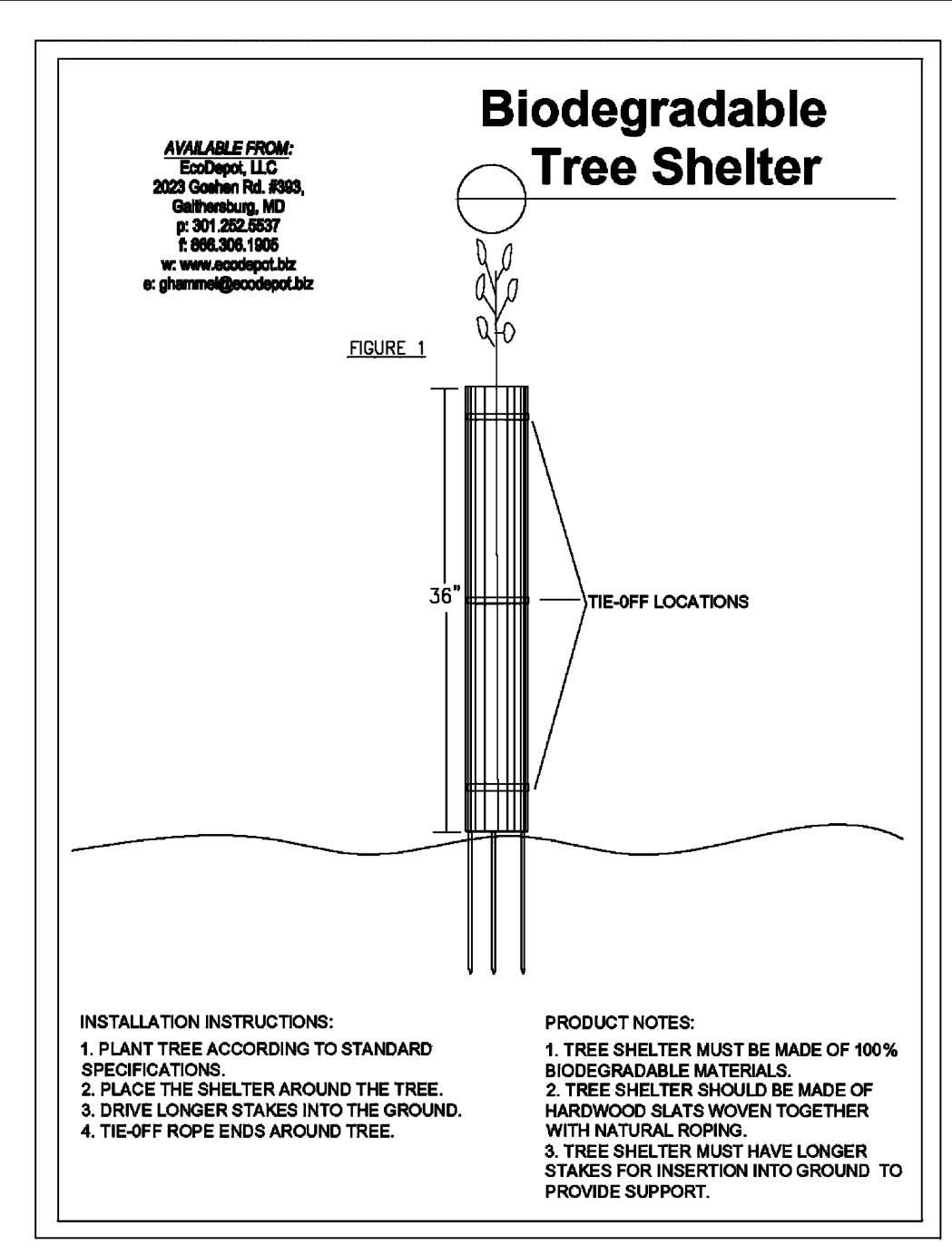


Figure A-17: Biodegradable Tree Shelter

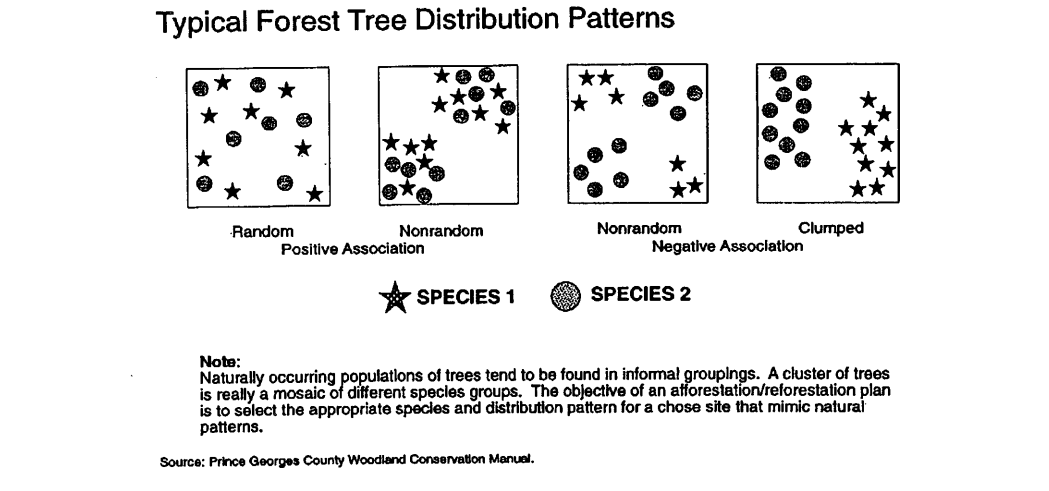


Figure A-19: Typical Forest Tree Distribution Patterns

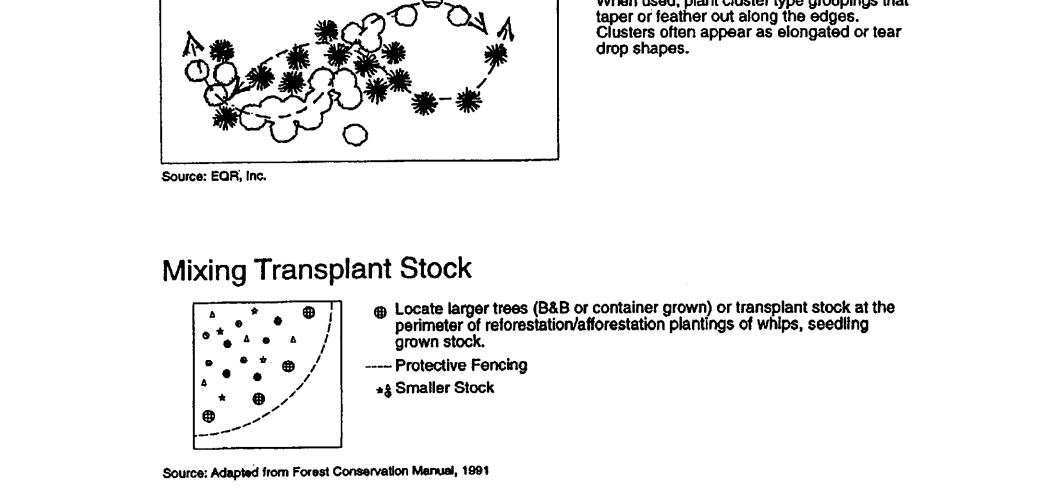


Figure A-20: Aggregate Distribution Drift



Figure A-21: Mixing Transplant Stock

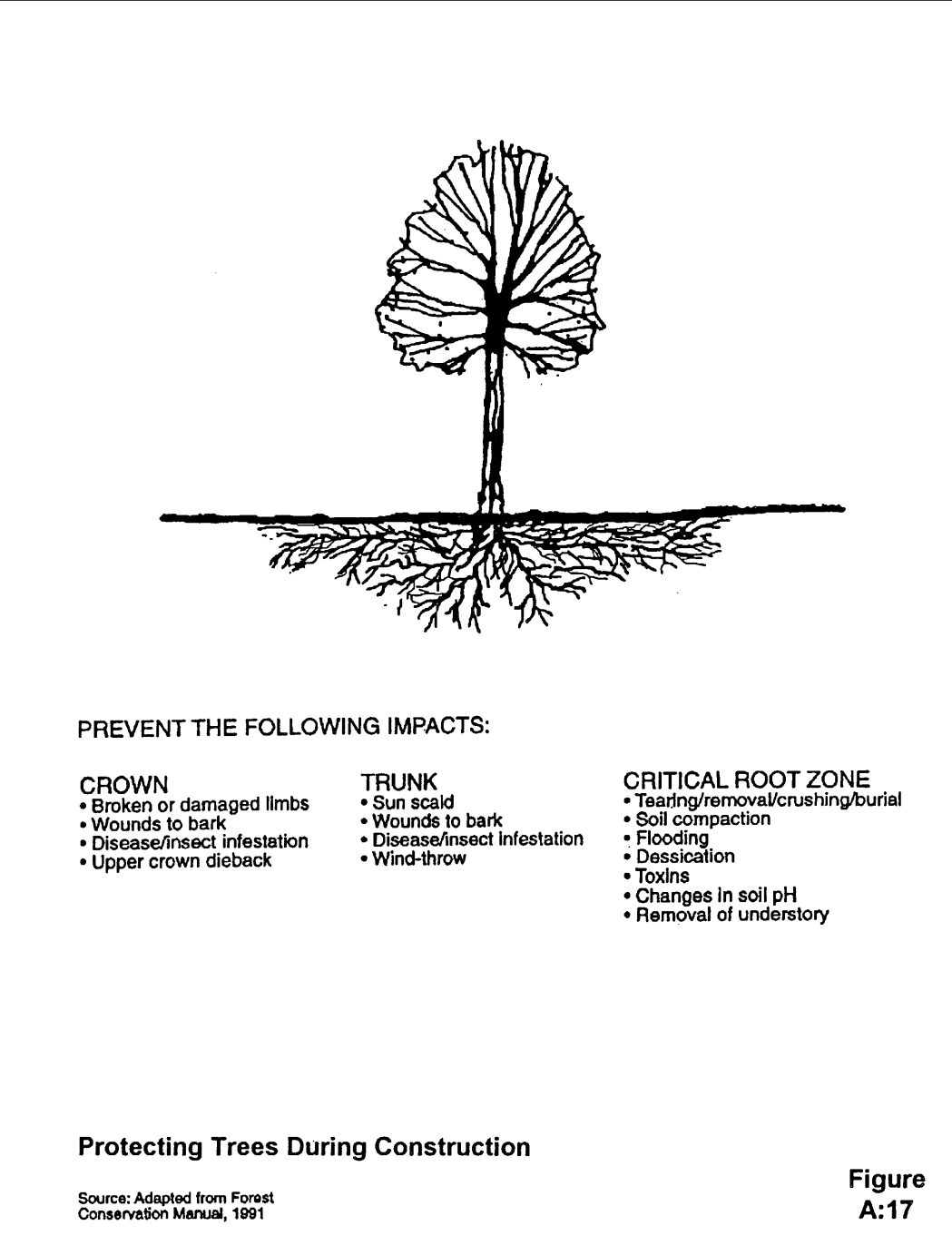


Figure A-17: Typical Upright Staking Detail

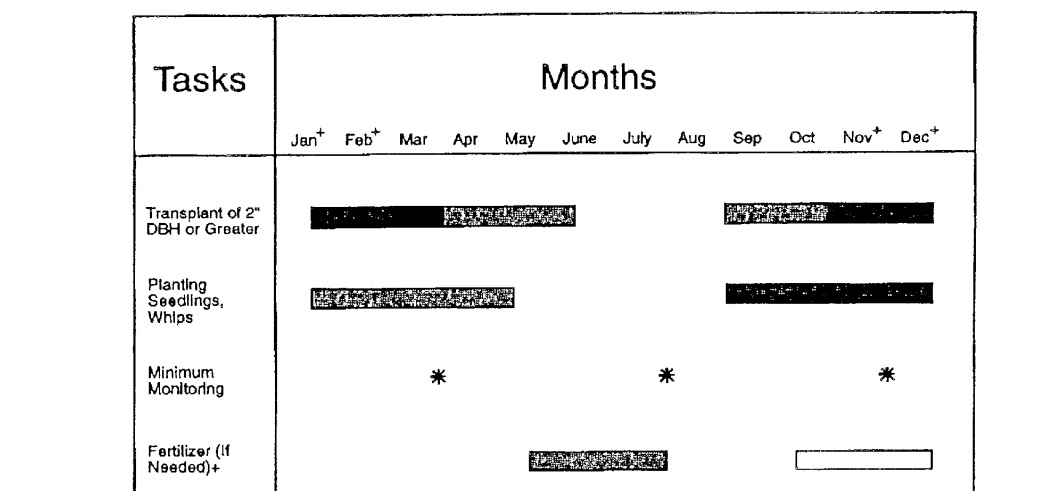


Figure D-20: Typical Tree Guying Detail

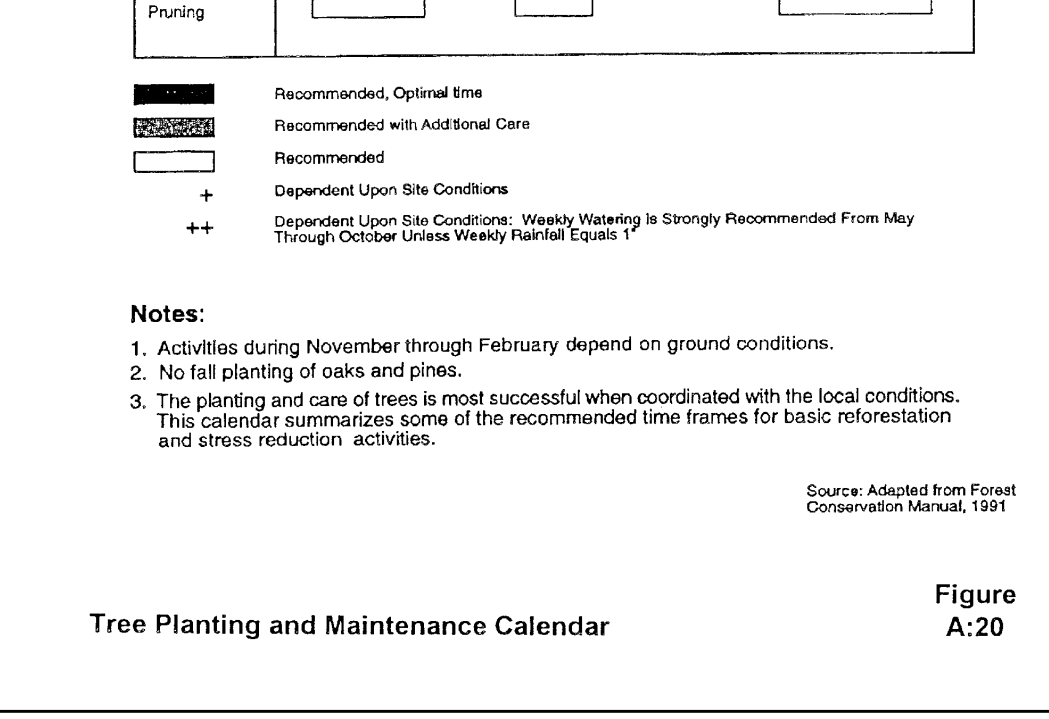


Figure A-17: Protecting Trees During Construction



Figure D-20: Tree Staking and Guying Specifications

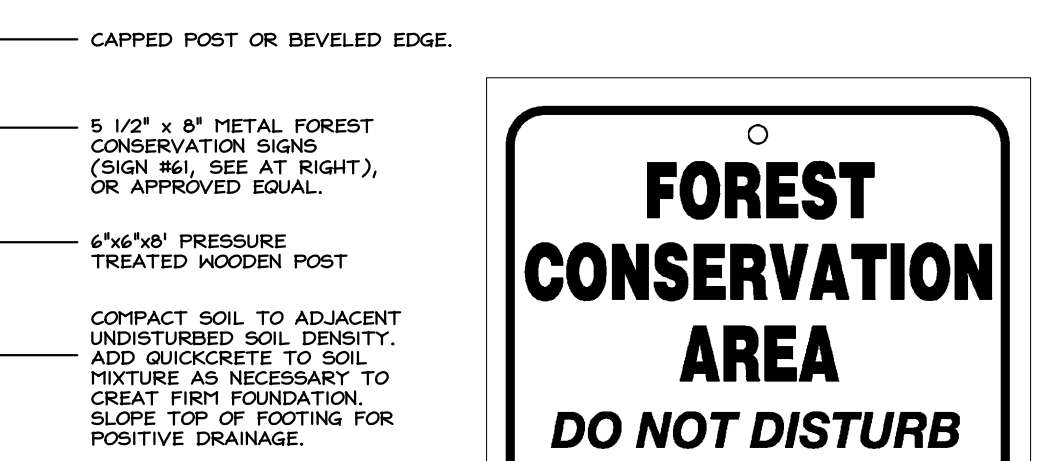


Figure A-19: Planting Distribution Patterns

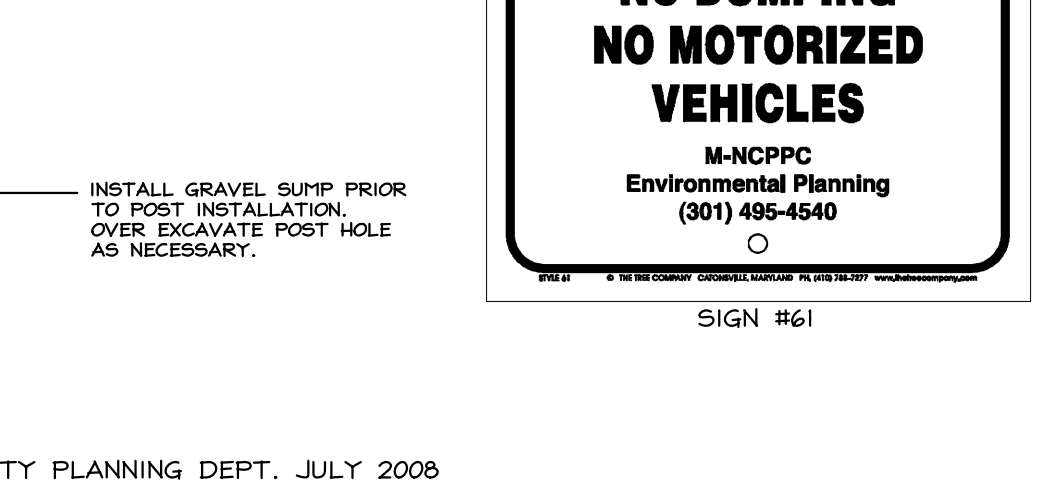


Figure A-20: Tasks and Months

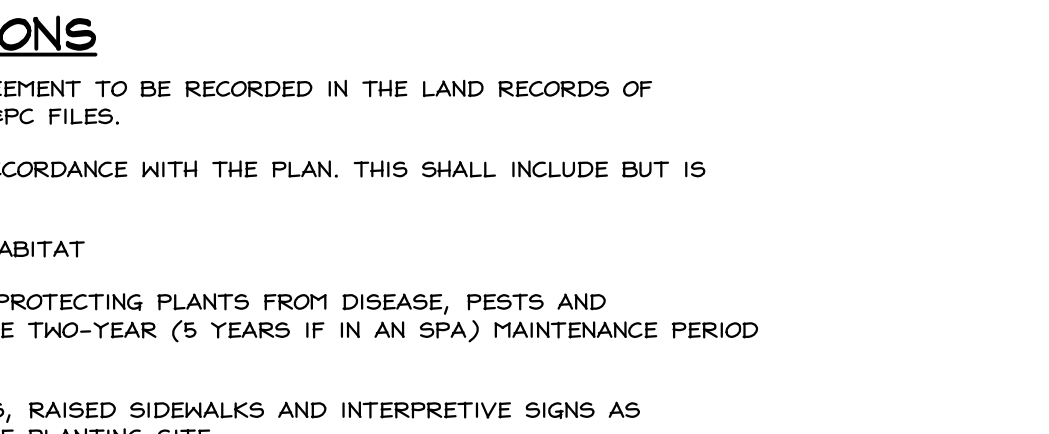


Figure A-20: Tree Planting and Maintenance Calendar

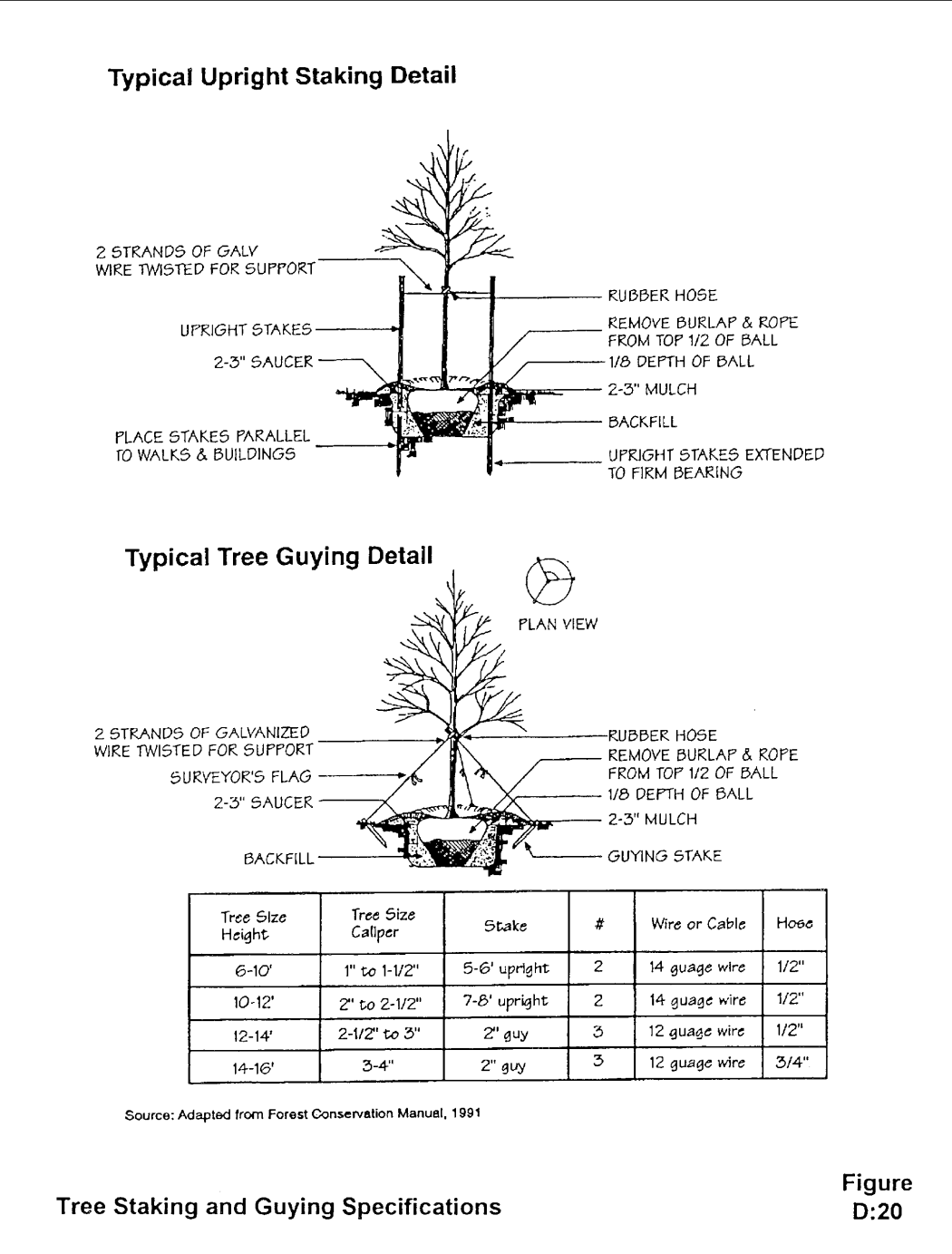


Figure A-19: Shrub Protection Fence Detail

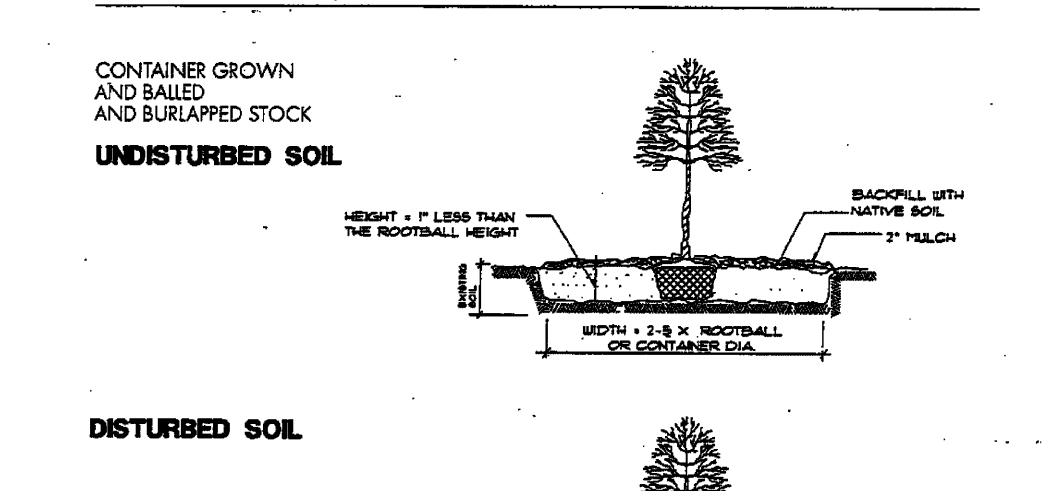


Figure A-19: Long Term Maintenance Specifications

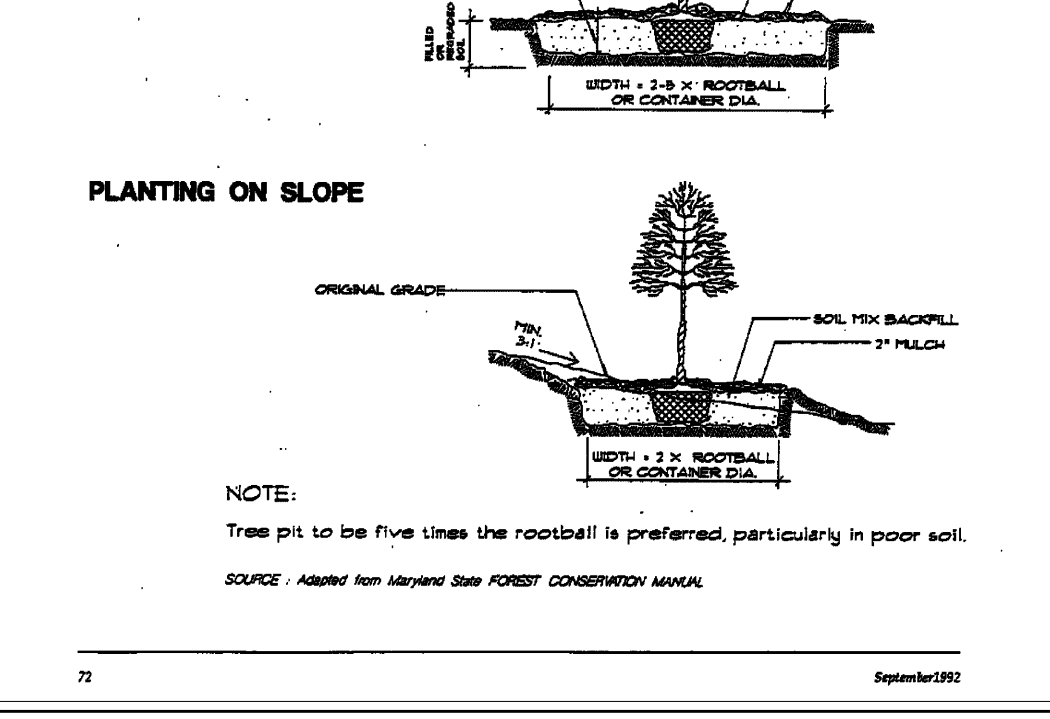


Figure A-20: Forest Conservation Easement Signage

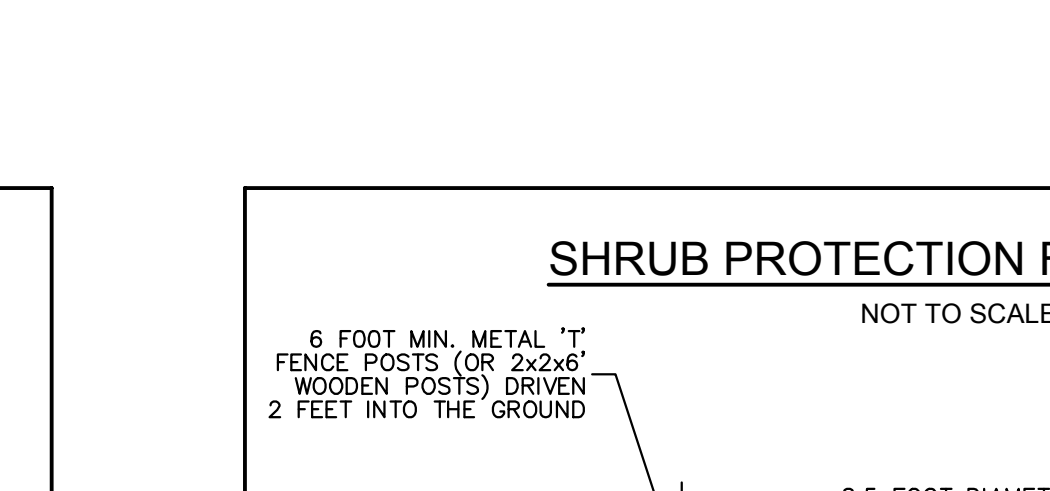


Figure A-19: Shrub Protection Fence Detail

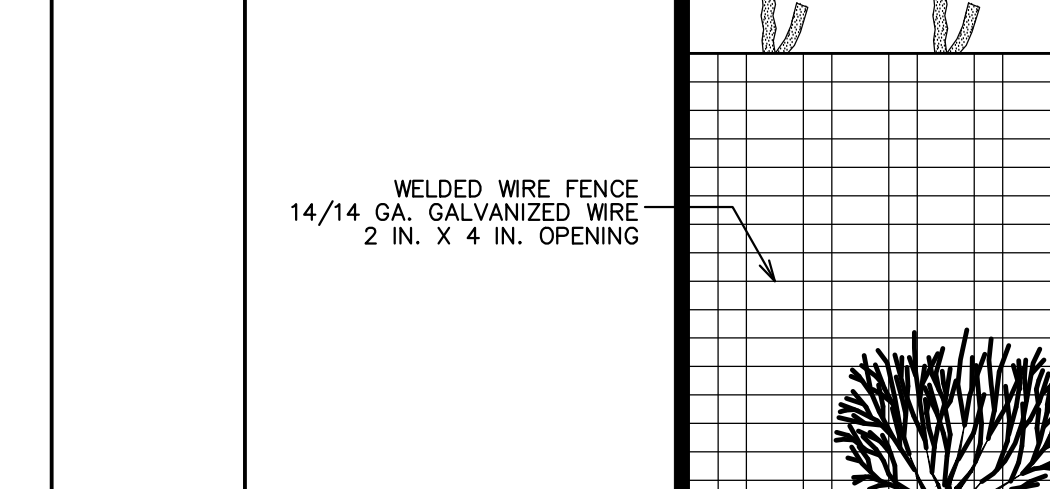


Figure A-19: Long Term Maintenance Specifications

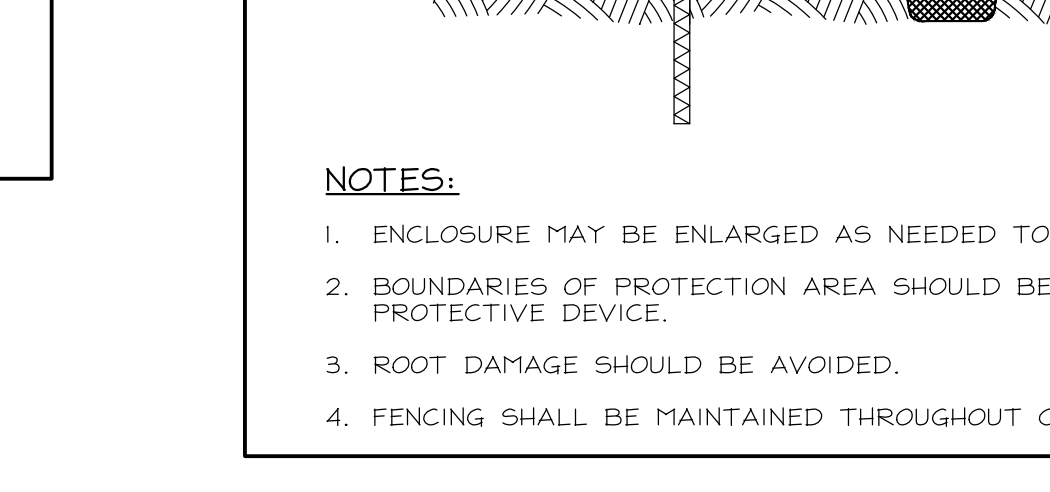


Figure A-20: Forest Conservation Easement Signage



Figure A-19: Shrub Protection Fence Detail

REFORESTATION AREA #1 PLANTING SPECIFICATIONS

NOTE: SPECIES AND QUANTITIES LISTED BELOW ARE AS SPECIFIED BY M-NCPPC TO INCLUDE (12) 1" CALIPER MARYLAND PIEDMONT NATIVE TREES AND (6) 3-GALLON SHRUBS.

Table with columns: Botanical Name, Common Name, Size, Form, Spacing, Quantity. Lists trees like White Oak, American Beech, Black Gum, Eastern Redbud, and shrubs like Spicebush, Blackgum, Viburnum.

REFORESTATION AREA #2 PLANTING SPECIFICATIONS

NOTE: SPECIES AND QUANTITIES LISTED BELOW ARE AS SPECIFIED BY M-NCPPC TO INCLUDE (12) 1" CALIPER, 5-FOOT TALL TREES AND (5) 3-GALLON SHRUBS.

Table with columns: Botanical Name, Common Name, Size, Form, Spacing, Quantity. Lists trees like American Holly, White Oak, Red Oak, Black Oak, Chestnut Oak, Scarlet Oak, and shrubs like Pinker Flower, Mountain Laurel.

AFFORESTATION AREA #1 PLANTING SPECIFICATIONS

NOTE: SPECIES AND QUANTITIES LISTED BELOW ARE AS SPECIFIED BY M-NCPPC TO INCLUDE (12) 1" CALIPER TREES (WITH TREE SHELTERS) (59) 1" CALIPER TREES REQUIRED (33 PER ACRE) x 1 (10) 3-GALLON SHRUBS REQUIRED

Table with columns: Botanical Name, Common Name, Size, Form, Spacing, Quantity. Lists trees like Red Maple, White Oak, American Beech, Black Cherry, American Beech, Black Gum, Eastern Redbud, and shrubs like Spicebush, Blackgum, Viburnum.

AFFORESTATION AREA #2 PLANTING SPECIFICATIONS

NOTE: SPECIES AND QUANTITIES LISTED BELOW ARE AS SPECIFIED BY M-NCPPC TO INCLUDE (3) 2" CALIPER MARYLAND PIEDMONT NATIVE TREES.

Table with columns: Botanical Name, Common Name, Size, Form, Spacing, Quantity. Lists trees like American Holly, White Oak, Red Oak, Black Oak, and shrubs like Pinker Flower, Mountain Laurel.

CERTIFICATION OF QUALIFIED PROFESSIONAL

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREIN HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS, AND M-NCPPC GUIDELINES.

DATE: JEFFERY A. ROBERTSON DNR/COMAR 06.14.06.01 QUALIFIED PROFESSIONAL

DEVELOPER CERTIFICATE: THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF THE APPROVED FINAL FOREST CONSERVATION PLAN...

APPLICANT: ERIC MARTINIS 15215 SENECA ROAD GERMANTOWN, MARYLAND 20874 (240) 687-6921 emartinis@center.com

MNCPPC 12005050A 15215 SENECA ROAD LOT 1 MARTINIS PROPERTY PRELIMINARY FOREST CONSERVATION PLAN - AMENDMENT

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DATE: 12/2015 PROJECT: 04-050 ENGINEERING: EBT ILLUSTRATION: EBT SCALE: N/A APPROVAL: CAS

REVISIONS: INITIAL SUBMITTAL OF PRELIMINARY PLAN ATTACHMENT ADDRESS INITIAL SUBMITTAL COMMENTS SUBMIT FOR PLANNING BOARD DATE

DATE: 02/20/16 02/20/16 02/20/16 BY: REV/BOK EBT EBT EBT

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