Plat Name: **Thomas Discovery**
Plat #: **220130590**

Location: Located on the west side of Sugarland Road, approximately 2,000 feet south of Whites Ferry Road (MD 107)
Master Plan: Agriculture and Rural Open Space Master Plan
Plat Details: AR zone; 2 lots
Applicants: Edward B. Byrd Revocable Trust and Gerald and Marlene Witmer

Staff recommends approval of this minor subdivision plat pursuant to **Section 50-35A(a)(8)** of the Subdivision Regulations, which states:

Plats for Certain Residential Lots located in the Rural Density Transfer Zone. Up to five lots are permitted under the minor subdivision procedure in the RDT zone provided that a pre-preliminary plan is submitted and approved by either the Planning Board or Planning Board staff, in accordance with the procedures for submission and approval of a pre-preliminary plan of subdivision. In addition:

a) Written approval for a proposed septic area must be received from the Montgomery County Department of Permitting Services, Well and Septic Section prior to recordation of the plat;

b) Any required street dedications along the frontage of the proposed lots must be shown on the record plat;

c) An easement must be recorded for the balance of the property noting that density and TDRs have been utilized for the new lots. Reference to this easement must be reflected on the record plat for the lots; and

d) Lots created in the RDT Zone through the minor subdivision procedure must not exceed an average lot size of five (5) acres in size unless approved by the Planning Board in the review of a pre-preliminary plan of subdivision.

e) Forest conservation requirements must be satisfied prior to recording the plat.

Staff applied the above-noted minor subdivision criteria for the property included in this application and concludes that the proposed subdivision complies with the requirements of Section 50-35A(a)(8) and with Pre-Preliminary Plan No. 720080060 and supports this minor subdivision record plat.

OWNER'S CERTIFICATION

We, the undersigned, owners of the property shown hereon, hereby adopt this plat of subdivision, dedicate the streets shown hereon to the public use. Grant an easement to Montgomery County Fire and Rescue Services as shown hereon for their use. The undersigned also grants a Public Utility Easement (10' P.U.E.) as shown hereon to the parties named in a document entitled "Terms and Provisions of Public Utility Easements" as recorded in Liber 3834 at Folio 457 among the land records of Montgomery County, Maryland. Further grant the Category I Conservation Easements, as shown hereon, to the parties named in a document entitled "Conservation Easement Agreement, Category I" as recorded in Liber 13178 at Folio 412 among the land records of Montgomery County, Maryland, subject to the terms set forth therein. The owner will cause all property corner markers and any other required monumentation to be set by a registered Maryland Land Surveyor, in accordance with Section 50-24(e) of the Montgomery County Code.

There are no suits, mortgages, leases, or liens affecting the subject property, except for a Deed of Trust recorded in Liber 45882 at Folio 440 and re-recorded in Liber 51141 at Folio 178 among the land records of Montgomery County, Maryland and the party in interest has hereon indicated their assent

Owner of Lot 4

Witness — Date 11/8/15 — Scot A. Harlow, Trustee for the Edward B. Byrd Revocable Trust

Owners of Lot 5

Witness — Date 11-30-15 — Gerald E. Witmer

Witness — Date 11-30-15 — Marlene F. Witmer

For the Deed of Trust recorded in Liber 45882 at Folio 442 and re-recorded in Liber 51141 at Folio 178

Witness — Date 11-5-2015 — Richard W. Lawlor, Esquire, Trustee for the Deed of Trust

SURVEYOR'S CERTIFICATION

I hereby certify that the plat shown hereon is correct; that it is a subdivision of part of the land described in a deed conveyed from Joseph D. Byrd, Jr., and Edward B. Byrd to Joseph D. Byrd, Jr., Trustee of the Joseph D. Byrd, Jr., Revocable Trust, and Edward B. Byrd, Trustee of the Edward B. Byrd, Revocable Trust dated December 9, 1993, and recorded in Liber 12111 at Folio 265, and also a the land described in a deed conveyed from the Joseph D. Byrd Revocable Trust to the Edward B. Byrd Revocable Trust, dated May 22, 2006, and recorded in Liber 32441 at Folio 025, and also a subdivision of the land described in a deed conveyed from the Edward B. Byrd Revocable Trust to Gerald E. Witmer and Marlene F. Witmer, dated December 19, 2012, and recorded in Liber 45882 at Folio 432 among the land records of Montgomery County, Maryland. I further certify that, once engaged as described in the owner's certification hereon, all monuments and all property markers and other boundary markers will be set as delineated hereon in accordance with the provisions of Section 50-24(e) of Montgomery County Code. The total area included on this plat is 24.770 acres or 1079048 square feet of land. 1.282 acres or 55881 square feet of land is dedicated to the public use.

3-7-16

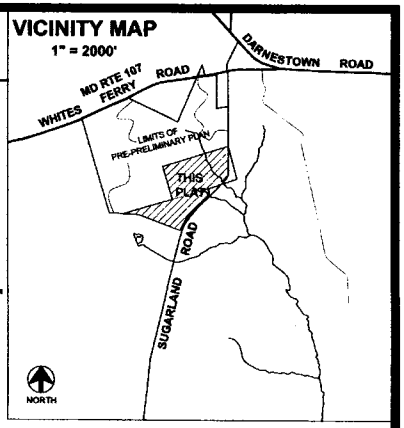
Thomas A. Maddox - Date
Registered Professional Land Surveyor
MD #10850
EXPIRES 4/3/2016

PLAT NO.

MARYLAND STATE PLANE — NAD83 DATUM

SCALE 0' 200'

VICINITY MAP
1" = 2000'



NOTES

1. PROPERTY ZONED AR (FORMERLY RDT) AT DATE OF RECORDATION. ALL EXISTING AND PROPOSED DEVELOPMENT ON THIS PROPERTY IS SUBJECT TO THE STANDARDS UNDER THE MONTGOMERY COUNTY ZONING ORDINANCE. AGRICULTURE IS THE PREFERRED USE IN THE AR ZONE. ALL AGRICULTURE OPERATIONS SHALL BE PERMITTED AT ANY TIME, INCLUDING THE OPERATION OF FARM MACHINERY AND NO AGRICULTURE USE SHALL BE SUBJECT TO RESTRICTION BECAUSE IT INTERFERES WITH OTHER USES PERMITTED IN THE ZONE.

2. LOTS TO BE SERVED BY PRIVATE WELLS AND PRIVATE SEPTIC SYSTEMS. EXISTING SEWER AND WATER CATEGORIES: S-6, W-6.

3. THIS PLAT LIMITED TO THE USES AND CONDITIONS AS REQUIRED BY PRE-PRELIMINARY PLAN NO. 720080060, ENTITLED "BYRD FARM", MCPB RESOLUTION NO. 12-29 DATED JULY 23, 2012. ANY PROPOSED CHANGES IN USE WILL REQUIRE FURTHER PLANNING BOARD REVIEW AND APPROVAL.

4. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW, INCLUDING APPROVAL OF A FINAL FOREST CONSERVATION PLAN AND AND CONSERVATION EASEMENT RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 51149 AT FOLIO 308 UPON THE PARENT TRACT.

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

6. THIS PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING OR RESTRICTING THE OWNERSHIP AND USE OF THE PROPERTY. THIS PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.

7. PROPERTY FOUND ON MONTGOMERY COUNTY TAX MAP DS 123, W.S.S.C. 222NW17.

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

9. LOT 4 APPROVED FOR A 4 BEDROOM HOUSE. LOT 5 APPROVED FOR A 6 BEDROOM HOUSE. LOT 5 TO BE SERVED BY SANDMOUND SEPTIC SYSTEMS ONLY.

10. VEHICULAR ACCESS TO/FROM LOTS 4 & 5 DENIED ALONG THE FRONTAGE OF MARYLAND ROUTE 107 AS SHOWN ON PRE-PRELIMINARY PLAN.

11. THIS PLAT OF SUBDIVISION IS APPROVED PURSUANT TO THE PROVISIONS FOR MINOR SUBDIVISIONS IN SECTION 50-35A OF THE SUBDIVISION REGULATIONS, BEING CHAPTER 50 OF THE MONTGOMERY COUNTY CODE. THIS PLAT INVOLVES THE CREATION OF 2 LOTS WITHIN THE RURAL DENSITY TRANSFER (RDT) ZONE AS PROVIDED FOR IN SECTION 50-35A(a)(8).

12. SEPTIC AREA EASEMENT OVER PART OF LOT 4 TO SERVE PARCEL P 105 IS SUBJECT TO THE TERMS AND CONDITIONS FOUND IN A DECLARATION OF CORRECTIVE EASEMENT RECORDED FEBRUARY 17, 2016 IN LIBER 51625 AT FOLIO 096 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY (NOTE: THIS DECLARATION OF CORRECTIVE EASEMENT, INCLUDING EXHIBITS "A" AND "B", SUPERCEDES THE DECLARATION OF EASEMENT RECORDED SEPTEMBER 3, 2015 IN LIBER 50914 AT FOLIO 380).

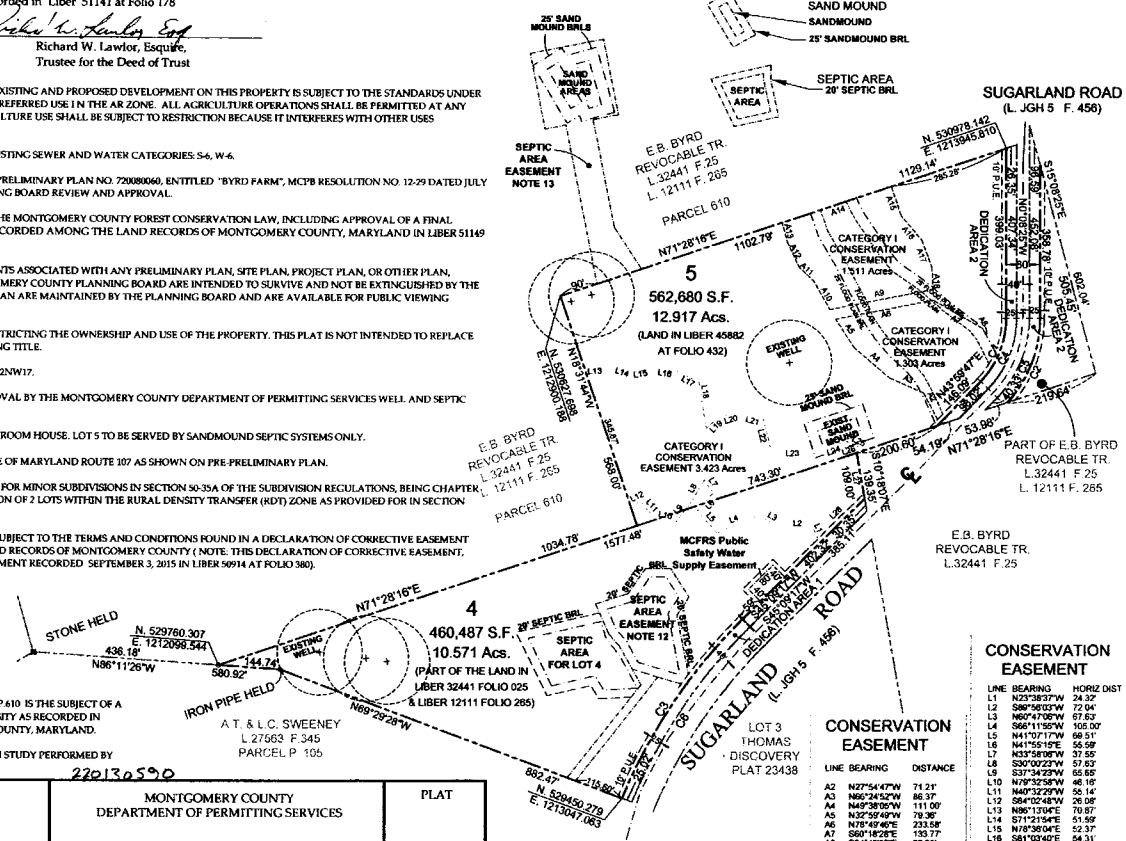
13. SEPTIC AREA EASEMENT OVER PART OF PARCEL P.610 TO SERVE LOT 5 IS SUBJECT TO THE TERMS AND CONDITIONS FOUND IN A DEED RECORDED IN LIBER 50914 AT FOLIO 376 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

14. ONE (1) DEVELOPMENT RIGHT REMAINS AVAILABLE FOR EACH LOT SHOWN HEREON PER ANALYSIS LETTER PREPARED BY ROBERT WINDSOR, ESQUIRE AND DATED JUNE 17, 2015.

15. THE PARENT PARCEL REMAINDER OF LIBER 32441 AT FOLIO 025, PARCEL P.610 IS THE SUBJECT OF A DECLARATION OF RESTRICTIVE COVENANT / EASEMENT RELATING TO DENSITY AS RECORDED IN LIBER 50914 AT FOLIO 384 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

16. THE 100 YEAR FLOODPLAIN SHOWN HEREON IS BASED ON A FLOODPLAIN STUDY PERFORMED BY JAS ENGINEERING AND APPROVED BY DPS IN A LETTER DATED MAY 7, 2013.

220130590



SANDMOUND NOTES:

A. SAND MOUNDS (non-easement) :
"The sand mound septic area (s) shown on this plat are intended for the initial and future use of the dwelling to be served. It is imperative that all the sand mound sites be protected from physical damage until such time, if ever, that the property is served by a public sewer system. There must be no disturbance of the native soil, including but not limited to compaction, grading, cut or fill, etc., for the area of the mounds and the area within 25 feet of each mound. Any such disturbance may render the septic approval of the lot void; or may revoke the property owner's ability to expand the use of the property. Each sand mound site must be maintained with an approved vegetative cover such as grass, wild flowers, or a leafy groundcover. No trees or shrubs are allowed. (In cases where sand mounds have been approved on wooded sites, the trees must remain undisturbed until such time that the sand mound needs to be constructed. At that time, the trees must be cut flush with the ground surface and the stumps allowed to remain.) Vehicle traffic over the mound sites is to be limited to mowing equipment only."

B. SAND MOUND EASEMENTS:
"The sand mound septic area (s) shown on this plat are intended for the initial and future use of the dwelling to be served. It is imperative that all the sand mound sites be protected from physical damage until such time, if ever, that the property is served by a public sewer system. There must be no disturbance of the native soil, including but not limited to compaction, grading, cut or fill, etc., for the area of the mounds and the area within 25 feet of each mound. Any such disturbance may render the septic approval of the lot void; or may revoke the property owner's ability to expand the use of the property. Each sand mound site must be maintained with an approved vegetative cover such as grass, wild flowers, or a leafy groundcover. No trees or shrubs are allowed. (In cases where sand mounds have been approved on wooded sites, the trees must remain undisturbed until such time that the sand mound needs to be constructed. At that time, the trees must be cut flush with the ground surface and the stumps allowed to remain.) Vehicle traffic over the mound sites is to be limited to mowing equipment only." In the case where the sand mounds are located on an easement, the owner of the property that includes the easement has a special obligation to preserve the integrity of the sand mound sites. The sand mounds proposed for the easement area shall be the primary use of the area encumbered and the property owner is precluded from conducting any land use activities that could reduce the ability of the land to perform the primary function. Any damage done to the sand mound easement area could make the property owner subject to civil penalties. Contact the Montgomery County Department of Permitting Services, Well & Septic Section, or its successor agency with any questions regarding these areas."

PLAT TOTALS	
NUMBER OF LOTS	2
AREA OF LOTS	23.488 ACS
DEDICATION AREA 1	0.515 ACS
DEDICATION AREA 2	0.401 ACS
DEDICATION AREA 3	0.366 ACS
TOTAL AREA OF DEDICATION	1.282 ACS
TOTAL AREA SHOWN ON PLAT	24.770 ACS

CURVE TABLE

	BEARING	CHORD	RADIUS	ARC	DELTA
C1	N21°55'41"E	160.27'	213.28'	164.30'	44°08'15"
C2	S21°11'21"W	213.35'	293.28'	218.36'	42°39'38"
C3	S33°53'47"W	506.43'	1297.00'	508.71'	22°31'00"
C4	N21°55'41"E	201.60'	268.28'	206.67'	44°08'15"
C5	S21°55'41"W	179.05'	238.28'	183.56'	44°08'15"
C6	S33°55'02"W	495.76'	1272.00'	498.95'	22°28'29"

CONSERVATION EASEMENT

LINE	BEARING	DISTANCE
A2	N27°54'47"W	71.21'
A3	N66°24'52"W	86.37'
A4	N49°38'05"W	111.00'
A5	N32°35'49"W	79.36'
A6	N78°49'46"E	233.58'
A7	S66°18'28"E	133.77'
A8	S34°42'39"E	57.95'
A9	S76°49'25"W	246.65'
A10	N29°53'17"W	77.38'
A11	N47°30'35"E	46.43'
A12	N25°39'44"W	62.55'
A13	N15°09'53"E	49.66'
A14	N71°28'16"E	270.06'
A15	S18°52'39"E	72.45'
A16	S36°59'13"E	76.63'
A17	S20°25'27"E	67.50'
A18	S2°47'16"E	50.03'

CONSERVATION EASEMENT

LINE	BEARING	HORIZ DIST
L1	N23°38'37"W	24.32'
L2	S86°56'03"W	72.04'
L3	N60°47'06"W	67.63'
L4	S66°11'55"W	105.00'
L5	N41°07'17"E	68.51'
L6	N41°55'15"E	55.58'
L7	N33°56'06"W	37.55'
L8	S30°00'22"W	57.63'
L9	S37°34'23"W	65.65'
L10	N79°32'58"W	46.16'
L11	N40°32'29"W	56.14'
L12	S64°02'48"W	26.08'
L13	N86°13'04"E	70.87'
L14	S71°21'54"E	51.59'
L15	N76°36'04"E	52.37'
L16	S61°03'40"E	54.31'
L17	S69°36'49"E	53.50'
L18	S6°47'52"E	109.18'
L19	N47°06'21"E	38.51'
L20	N73°30'52"E	51.11'
L21	S74°44'58"E	56.84'
L22	S14°41'05"E	74.67'
L23	N88°06'22"E	131.52'
L24	N71°07'55"E	46.29'
L25	S64°58'09"E	48.27'
L26	S71°28'16"W	20.88'
L27	S10°18'07"E	96.86'
L28	S45°09'17"W	151.03'

SUBDIVISION RECORD PLAT
LOTS 4 & 5

THOMAS DISCOVERY

ELECTION DISTRICT 3
MONTGOMERY COUNTY, MARYLAND
SCALE 1"= 200' SEPTEMBER 2012

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

60059

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

APPROVED _____ DATE

CHAIRMAN — ASST.-SECRETARY-TREASURER

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

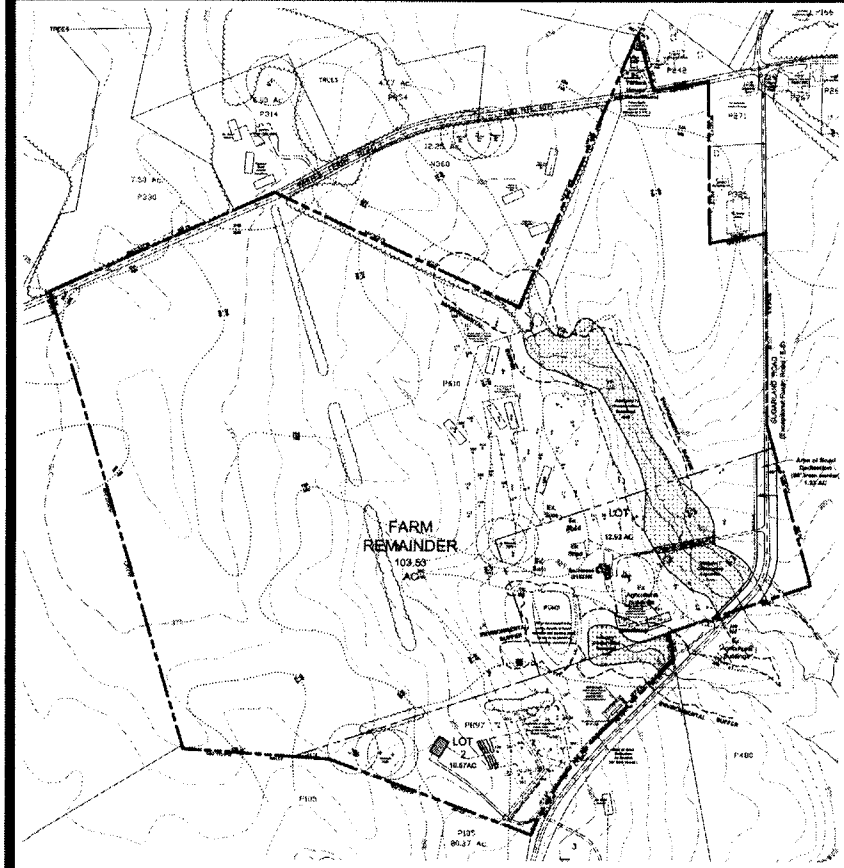
MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES

APPROVED March 11, 2016 DATE

DIRECTOR

PLAT

DATE

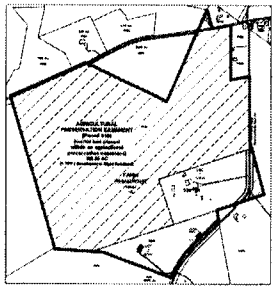


Source of Topography:
M-NCPPC, 4 foot contour interval map; sheet 222NW17

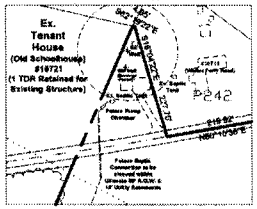
Note:
Water table and percolation test site locations for lot 2 are shown as per the following plans for the J. D. Jr. & E. Byrd Property: Preliminary Plan by Snider, Blanchard, Laughland & Tecik, Inc. dated September 1987 with revisions on October 6, 1987 and September 11, 1987; Well & Septic Plan by Gutschick Little & Weber, P.A. dated September 1991 and printed October 3, 1991. Official test results were found in Montgomery County Well & Septic records.

Surveyor's Certificate:
I hereby certify that the boundary shown hereon is correct to my best knowledge and belief based upon existing records and visual observations. I also certify that the test sites shown for lot 1 and the farm remainder on this plan have been field surveyed and are shown accurately.

Signature Date Exp. Date



DETAIL VIEW:
AGRICULTURAL PRESERVATION EASEMENT
1" = 600'



DETAIL VIEW: TENANT HOUSE
1" = 100'

FARM REMAINDER NOTES:

1. The extra sand mound septic locations shown on this plan (sites 2 and 20) are reserved for the existing tenant house located north of Whites Ferry Road. No other approved septic locations are currently available on the remainder.

2. The "future septic connection" shown on the plan in the area beneath Whites Ferry Road (State Route 107) is only to be used in the event of a public health emergency (i.e. if the existing septic system serving the tenant house fails). In this case, the County may accept the connection within the public right-of-way as a public connection since the State does not permit private connections within the right-of-way.

3. The remainder is to be considered non-buildable as long as the existing tenant house remains unless additional areas suitable for on-site sewage disposal are determined to be available and are approved by the Department of Permitting Services. If the existing tenant house is razed or additional septic system locations are determined to be available, consideration for a dwelling on the remainder may be requested.

GENERAL NOTES:

1. AREA OF PROPERTY - 128.26 ACRES (includes P610 - 117.679 ac & P897 - 10.5713 ac)
2. AREAS INDICATED ARE BASED UPON AN ACTUAL BOUNDARY SURVEY COMPLETED BY THOMAS A. MADDOX, PROFESSIONAL LAND SURVEYOR IN 2006.
3. EXISTING ZONING - RDT
4. A PORTION OF THE PROPERTY (103.69 acres of P610) IS SUBJECT TO A "MONTGOMERY COUNTY AGRICULTURAL PRESERVATION EASEMENT".
5. NUMBER TRANSFER DEVELOPMENT RIGHTS (TDR'S) AVAILABLE TO THE PROPERTY - 4
6. NUMBER OF LOTS PROPOSED BY THIS PLAN: 2 + FARM REMAINDER
7. SITE TO BE SERVED BY ON-SITE WELLS & SEPTIC SYSTEMS
8. EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-6
9. LOCATED IN LOWER GREAT SENECA WATERSHED
10. DEVELOPMENT STANDARDS FOR THE RDT ZONE:
    - Frontyards - 50'
    - Sideyards - 20'
    - Rearyards - 35'
    - Minimum Lot size - 40,000 sq.ft.
11. PROPERTY IS LOCATED ON TAX MAP DS 123; WSSC MAP GRID 222NW17

Maryland-National Capital Park and Planning Commission

Approved Pre-Preliminary Plan No. 720080060
MCPB Resolution No. 12-39

At its meeting of March 1, 2012 and per Planning Board Resolution dated July 23, 2012

Pursuant to the relevant provisions of the Montgomery County Code Chapter 50, the Montgomery County Planning Board approved Pre-Preliminary Plan No. 720080060 to create two lots for two detached dwelling units on the Property, subject to the following conditions:

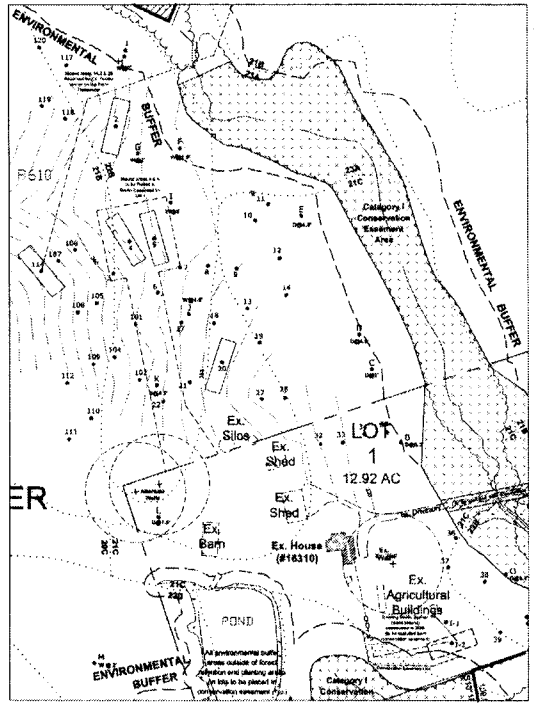
1. Approval under this Pre-Preliminary Plan is limited to two lots for two detached dwelling units.
2. The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan prior to recording plats or issuance of sediment and erosion control permits. Any on lot easements must be shown on the record plat.
3. The Applicant must dedicate all road rights-of-way as shown on the approved Pre-Preliminary Plan. Whites Sugarland Road (state route) at 1. dedication of 80 feet is required rather than the 40 feet west of the centerline indicated by the Pre-Preliminary Plan.
4. The Applicant must comply with the Montgomery County Department of Public Works and Transportation (MCDPWT) conditions of approval, as stated in the Staff letter of November 14, 2007. These conditions may later be amended by MCPWMT, as long as they do not conflict with other conditions of the Pre-Preliminary Plan approval.
5. The Applicant must comply with the MCDPS conditions of approval for well and septic, as stated in the Staff memo of February 11, 2011. These conditions may later be amended by MCDPS, as long as they do not conflict with other conditions of the Pre-Preliminary Plan approval.
6. The term "denoted access" must be shown on the final record plat along MD 107.
7. The Applicant must address stormwater management at the sediment control stage, as per the MCDPS approval of November 8, 2006.
8. An easement must be recorded for the balance of the Property noting that density and TDR's have been utilized for the new lots. Reference to this easement must be reflected in the record plat for the lots.

This Pre-Preliminary Plan will remain valid for 60 months from its initiated date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Pre-Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed.

CERTIFIED PRELIMINARY PLAN

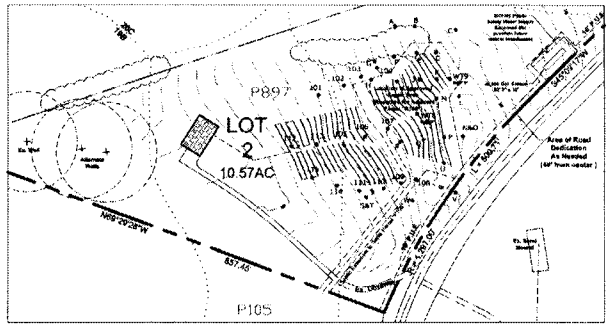
The foregoing conditions and this plan drawing constitute the Planning Board's approval of this preliminary plan.

NAME DATE 9/14/12



DETAIL VIEW: LOT 1
1" = 100'

Source of Topography:
Two-foot contour interval topographic survey prepared by Thomas A. Maddox, Professional Land Surveyor

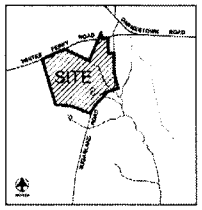


DETAIL VIEW: LOT 2
1" = 100'

LEGEND:

- Proposed Homesite
- Proposed Well Site
- Proposed Septic
- Soil Types
- Stream Buffer
- Forest / Tree Cover
- Forest Retention / Planting
- Area to be excluded from Conservation Easement

VICINITY MAP
1" = 2000'



Prepared for:
Edward B. Byrd Revocable Trust
c/o Edward B. Byrd
16301 Sugarland Road
Boyds, Maryland 20841
(301) 926-2997

"MINOR SUBDIVISION"

PRE-APPLICATION PLAN
BYRD FARM
Montgomery County, Maryland

Sheet 1 of 1

date: October 1, 2007
scale: 1" = 200'

Dewberry & Associates, Inc.
Engineers Planners Surveyors
8503 Liberty Street Court
Fredericksburg, MD 21877
(301) 926-2997