

Prepared by: **James I. Manning**
Professional Engineer
No. 12,157
Professional Seal
CITY OF MONTGOMERY

PEACH ORCHARD ESTATES PLAT 20143
EX. ZONE-RE-1
EX. USE-RESIDENTIAL
LOT 24

Parcel A
NOA Open Space
149,411 sf
5.7 acres

Parcel B
Proposed Category 1
3.23 acres

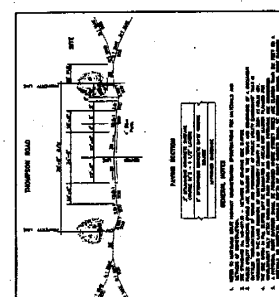
Parcel C
Proposed 783
JAMES I. MANNING
1515
EX. ZONE-RE-1
EX. USE-AGRICULTURE

Parcel D
Proposed Category 1
2.23 acres

Parcel E
Proposed Category 1
1.23 acres

Parcel F
Proposed 4
F.C. & B. J. Keel
17721
EX. ZONE-RE-1
EX. USE-RESIDENTIAL

Parcel G
Proposed 783
JAMES I. MANNING
1515
EX. ZONE-RE-1
EX. USE-AGRICULTURE



GENERAL NOTES:

1. Property obtained from M&TDC 200 acre single tracts.
2. Boundary information supplied from recorded deeds and plat.
3. The property is zoned RE-1 (Residential, low density).
4. Neighboring parcels are zoned RE-1 and RE-1.5, respectively.
5. This site is within the County's Transportation Study Area.
6. A recent survey is available on file with the County Planning Department.
7. The utility site within the Lot 24 of Peach Orchard Estates is to be located on the adjacent to the Peach Orchard Estates. The utility site within the Lot 24 of Peach Orchard Estates is to be located on the adjacent to the Peach Orchard Estates.
8. There are no wetlands, streams, ponds, marshes, swamps, or other utility buffer areas on-site.
9. The site is in compliance with the:

Environmental Standards:

- 30-C-1.1(2) Minimum Area of Development: 1.50 ac. min.
- 30-C-1.1(3) Density of Development: 0.25 (1.0/4.0)
- 30-C-1.1(4) Minimum Front Street: 35' min.
- 30-C-1.1(5) Minimum Lot Area: 10,000 sq. ft. min.
- 30-C-1.1(6) Minimum Lot Width: 15' min.
- 30-C-1.1(7) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(8) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(9) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(10) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(11) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(12) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(13) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(14) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(15) Minimum Side/Back Boundary: 15' min.

GENERAL NOTES:

10. The utility site is not subject to adjustment of this plat.
11. All utility site to be to be reviewed and approved by the utility.
12. Existing and future buildings are to be constructed in accordance with the zoning ordinance.
13. All utility site to be to be reviewed and approved by the utility.
14. Existing utility connections are to be maintained.

Site Information:

County: **Montgomery**

City: **Bethesda**

Map: **1400000**

Block: **1000**

Section: **1000**

Subsection: **1000**

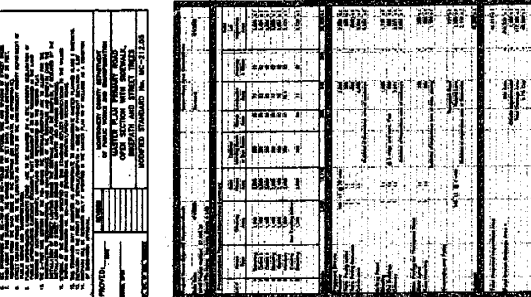
Parcel: **1400000 1000 1000**

Parcel 840
L-4232 F.507
EX. ZONE-RE-1
EX. USE-RES.

Parcel 840
MORRISSETT
L-5924 F.344
EX. ZONE-RE-1
EX. USE-RES.

Parcel 840
SHARRO
L-8147 F.612
EX. ZONE-RE-1
EX. USE-RES.

Parcel 840
TRUPI
L-4232 F.507
EX. ZONE-RE-1
EX. USE-RES.



GENERAL NOTES:

15. Property obtained from M&TDC 200 acre single tracts.
16. Boundary information supplied from recorded deeds and plat.
17. The property is zoned RE-1 (Residential, low density).
18. Neighboring parcels are zoned RE-1 and RE-1.5, respectively.
19. This site is within the County's Transportation Study Area.
20. A recent survey is available on file with the County Planning Department.
21. The utility site within the Lot 24 of Peach Orchard Estates is to be located on the adjacent to the Peach Orchard Estates. The utility site within the Lot 24 of Peach Orchard Estates is to be located on the adjacent to the Peach Orchard Estates.
22. There are no wetlands, streams, ponds, marshes, swamps, or other utility buffer areas on-site.
23. The site is in compliance with the:

Environmental Standards:

- 30-C-1.1(2) Minimum Area of Development: 1.50 ac. min.
- 30-C-1.1(3) Density of Development: 0.25 (1.0/4.0)
- 30-C-1.1(4) Minimum Front Street: 35' min.
- 30-C-1.1(5) Minimum Lot Area: 10,000 sq. ft. min.
- 30-C-1.1(6) Minimum Lot Width: 15' min.
- 30-C-1.1(7) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(8) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(9) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(10) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(11) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(12) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(13) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(14) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(15) Minimum Side/Back Boundary: 15' min.

Parcel 840
C & B Corp
L-5228 F.344
EX. ZONE-RE-1
EX. USE-RESIDENTIAL

Parcel 840
REEDS
L-3836 F.651
EX. ZONE-RE-1
EX. USE-RES.

Parcel 840
REEDS
L-3836 F.651
EX. ZONE-RE-1
EX. USE-RES.

Parcel 840
REEDS
L-3836 F.651
EX. ZONE-RE-1
EX. USE-RES.

Parcel 840
REEDS
L-3836 F.651
EX. ZONE-RE-1
EX. USE-RES.

Parcel 840
REEDS
L-3836 F.651
EX. ZONE-RE-1
EX. USE-RES.

Parcel 840
REEDS
L-3836 F.651
EX. ZONE-RE-1
EX. USE-RES.

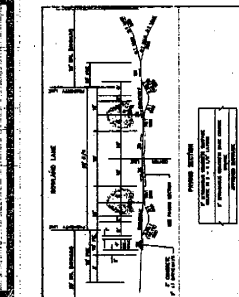
Parcel 840
REEDS
L-3836 F.651
EX. ZONE-RE-1
EX. USE-RES.

Parcel 840
REEDS
L-3836 F.651
EX. ZONE-RE-1
EX. USE-RES.

Parcel 840
REEDS
L-3836 F.651
EX. ZONE-RE-1
EX. USE-RES.

Parcel 840
REEDS
L-3836 F.651
EX. ZONE-RE-1
EX. USE-RES.

Parcel 840
REEDS
L-3836 F.651
EX. ZONE-RE-1
EX. USE-RES.



PRELIMINARY PLAN OF SUBDIVISION
Lots 1-8 and Parcels A & B
BRIARCLIFF MEADOWS SOUTH
P.840, L.3421 F.309

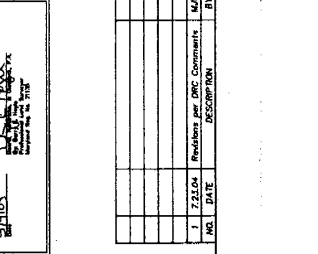
TAX MAP 95 122 & 342
WSSC 221 ME. 2 & 3

MHG
Meads, Hendricks & Glascock, P.A.
Engineers & Planners
Landscape Architects & Surveyors

5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

DATE	DESCRIPTION
1	7.23.04

Prop. No.: 1-2014-0001
Date: 02/27/2014
Scale: AS SHOWN
Drawn by: JHG
Checked by: JHG
Approved by: JHG



GENERAL NOTES:

1. Property obtained from M&TDC 200 acre single tracts.
2. Boundary information supplied from recorded deeds and plat.
3. The property is zoned RE-1 (Residential, low density).
4. Neighboring parcels are zoned RE-1 and RE-1.5, respectively.
5. This site is within the County's Transportation Study Area.
6. A recent survey is available on file with the County Planning Department.
7. The utility site within the Lot 24 of Peach Orchard Estates is to be located on the adjacent to the Peach Orchard Estates. The utility site within the Lot 24 of Peach Orchard Estates is to be located on the adjacent to the Peach Orchard Estates.
8. There are no wetlands, streams, ponds, marshes, swamps, or other utility buffer areas on-site.
9. The site is in compliance with the:

Environmental Standards:

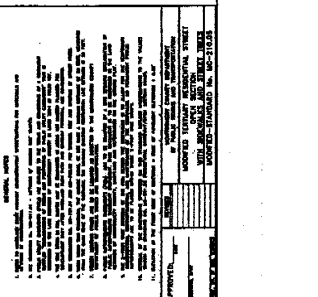
- 30-C-1.1(2) Minimum Area of Development: 1.50 ac. min.
- 30-C-1.1(3) Density of Development: 0.25 (1.0/4.0)
- 30-C-1.1(4) Minimum Front Street: 35' min.
- 30-C-1.1(5) Minimum Lot Area: 10,000 sq. ft. min.
- 30-C-1.1(6) Minimum Lot Width: 15' min.
- 30-C-1.1(7) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(8) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(9) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(10) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(11) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(12) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(13) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(14) Minimum Side/Back Boundary: 15' min.
- 30-C-1.1(15) Minimum Side/Back Boundary: 15' min.

Parcel 840
L-4232 F.507
EX. ZONE-RE-1
EX. USE-RES.

Parcel 840
MORRISSETT
L-5924 F.344
EX. ZONE-RE-1
EX. USE-RES.

Parcel 840
SHARRO
L-8147 F.612
EX. ZONE-RE-1
EX. USE-RES.

Parcel 840
TRUPI
L-4232 F.507
EX. ZONE-RE-1
EX. USE-RES.



Site Information:

County: **Montgomery**

City: **Bethesda**

Map: **1400000**

Block: **1000**

Section: **1000**

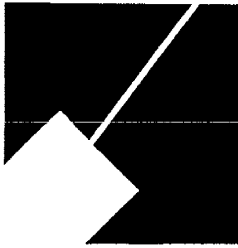
Subsection: **1000**

Parcel: **1400000 1000 1000**

APPROVED:

DATE: 10/14/2014

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date Mailed: FEB 23 2005

Action: Approved Staff
Recommendation

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

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan: 1-04036
NAME OF PLAN: Briarcliff Meadows South

The date of this written opinion is FEB 23 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 10/30/03, Winchester Homes, Inc. submitted an application for the approval of a preliminary plan of subdivision of property in the RE-1 zone. The application proposed to create 8 lots on 9.41 acres of land located at east side of Thompson Road, approximately 950 feet west of Peach Orchard Road, in the Cloverly master plan area. The application was designated Preliminary Plan 1-04036. The property is located in the Upper Paint Branch Special Protection Area, and the application includes a final water quality plan. The plan also seeks a waiver of the minimum tract area of 50 acres required for a cluster development.

On 10/28/04, Preliminary Plan 1-04036 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.

Staff supported the use of the cluster development, and related waiver of minimum tract size, is appropriate. The waiver is based on enhanced environmental protection, which can be achieved by enhanced reforestation, reduced imperviousness through shorter driveways and road rights-of-way, and preservation of a large open space area.

Project Description

The 9.41-acre property is located on Thompson Road approximately 950 feet west of Peach Orchard Road in Clovery. The property is zoned RE-1 and has been previously used as a single-family residence with some history of commercial/agricultural use as a fruit orchard. The site is located within the Upper Paint Branch watershed, within a Use Class III watershed and a designated Special Protection Area. This is an upland site that does not contain any streams or environmentally sensitive areas. The site is not forested, but does contain scattered trees, some of which are specimen size and will be preserved.

The site is impacted by one of the alternative alignments for the Intercounty Connector (ICC) currently under study by the Maryland State Highway Administration. As discussed below, the alternative alignment abuts the northern property boundary of the subdivision. If the alignment were chosen, there may be direct grading impacts on the three lots proposed along the northern property boundary.

The proposed Preliminary Plan contains eight single-family detached residential dwelling units clustered on the southeastern portion of the site and served by a secondary residential street terminating in a cul-de-sac. The proposed lot sizes range from 17,371 square feet to 35,805 square feet. The lots are clustered to provide a 3.5-acre open space parcel that will be afforested.

WAIVER OF THE MINIMUM DEVELOPMENT AREA

Section 59-C-1.532 of the zoning ordinance establishes 50 acres as the minimum size of a site for a cluster development in the RE-1 zone. However, footnote 6 of this section of the zoning ordinance states: "This minimum area requirement may be waived by the planning board upon a finding that the cluster development is more desirable for environmental reasons."

The applicant has submitted a request to waive the minimum area requirement for cluster. In support of this waiver request, the applicant submitted a concept plan, showing a non-cluster subdivision that compared the proposed cluster subdivision with a plan that would be developed under the standard method of development *i.e.*, a non-clustered development). Since there are no environmentally sensitive features on the site (*e.g.*, streams, wetlands, floodplains, forest, or environmental buffers), the primary environmental benefit of the proposed cluster plan will be the future afforestation of common open space that exceeds the required forest conservation law requirements. The applicant proposes to plant 3.21 acres of forest, but is required to plant only 1.76 acres under the law.

Compared to the cluster subdivision, the non-cluster subdivision layout would have less land available for forest planting because land is needed not only for roads, homes, driveways, and usable yards, but suitable land must also be set aside for septic systems. In addition, afforestation areas would be located on private lots (as opposed to common open space in the cluster subdivision). It is staff's experience that when afforestation areas are on private lots, there is more likelihood that encroachments into the afforestation areas will occur (*e.g.*, mowing of planted trees and shrubs, construction of structures, *etc.*) even with Category I conservation easements recorded on the afforestation areas. Staff, therefore, believes the proposed cluster subdivision is better for environmental reasons because (1) it allows for the establishment of more forest that is possible under a standard-method development; and (2) the forest, once planted, is more likely to be protected if in common ownership than in private ownership.

TRANSPORTATION

Site Location, Access, Circulation and Transportation Facilities

The site is located along the west side of Peach Orchard Road, to the north of Thompson Road, and will have access to Peach Orchard Road via an existing secondary residential roadway called Rowland Lane. Peach Orchard Road is a north-south roadway between Spencerville Road (MD 198) to the north and Briggs Chaney Road to the south. Land use in the vicinity of the site is primarily residential. The Briggs Chaney Middle School is located to the southwest of the site.

Along the property frontage, Peach Orchard Road is a two-lane primary residential roadway. Metrobus route Z3 serve MD 198 in the area.

Proposed Intercounty Connector

The ICC planning process has concurrence on two alternative build alignments, called Corridor 1 and Corridor 2. Corridor 1 is the southern alignment that generally follows the alignment incorporated in the area master plans for the ICC, and Corridor 2 is the alignment to the north that is not represented in any area master plans. Of the above two alternative roadway alignments, based on the most current information provided by the SHA, the Corridor 2 alignment would physically impact the proposed Briarcliff Meadows South development.

Master Plan Roadway and Pedestrian/Bikeway Facilities

The 1997 Approved and Adopted Cloverly Master Plan describes the nearby master-planned roadway, pedestrian and bikeway facilities as follows:

1. Spencerville Road (to the north of the site), as a four-lane Major Highway (M-76) with a minimum right-of-way of 120 feet to the west of Thompson Road to New Hampshire Avenue and a minimum right-of-way of 70 feet to the east of Thompson Road to 360 feet east of Batson Road. A Class I bikeway (PB-34) is recommended in the master plan for this roadway.
2. Thompson Road (i.e., the portion of Thompson Road to the south of the site), between the terminus of Rainbow Drive at Briggs Chaney Middle School to the west and Peach Orchard Road to the east, as a two-lane Primary (P-8), with a minimum right-of-way width of 70 feet. A Class III bikeway (PB-36) is recommended in the master plan for this roadway.
3. Kingshouse Road (to the south of the site), between Thompson Road to the north and Peach Orchard Road to the east, as a two-lane Primary (P-11), with a minimum right-of-way width of 70 feet.
4. Peach Orchard Road (to the east of the site), between MD 198 to the north and Briggs Chaney Road to the south, as a two-lane Primary (P-10), with a minimum right-of-way width of 70 feet.

Local Area Transportation Review

The subject Preliminary Plan, consisting of eight single-family detached units, will generate less than 50 total peak hour trips during the weekday morning (6:30 a.m. - 9:30 a.m.) and evening (4:00 p.m. - 7:00 p.m.) peak periods (8 and 9 total peak hour trips, respectively). Therefore, a traffic study (to analyze traffic impact at nearby

intersections) is not required of this development to satisfy Local Area Transportation Review.

Policy Area Transportation Review/Staging Ceiling Conditions

Transportation staging ceiling capacity existed for residential development (+1,285 residential units as of June 30, 2004) within the Cloverly Policy Area under the FY 2004 AGP. Therefore, as a preliminary plan filed before July 1, 2004, Briarcliff Meadows South development satisfies the PATR test.

ENVIRONMENTAL

Review for Conformance to the Special Protection Area Requirements, Including the Environmental Overlay Zone

As part of the requirements of the Special Protection Area law, a preliminary and final water quality plan must be reviewed in conjunction with a preliminary subdivision plan¹. Under the provision of the law, the Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of a water quality plan. DPS reviews and acts on those elements of the water quality plan that relate to water quality protection performance goals, stormwater management, sediment and erosion control, and monitoring of best management practices. DPS has reviewed and approved the elements of the preliminary water quality plan under its purview. The Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

Site Performance Goals

As part of the preliminary and final water quality plan, several performance goals were established for the site: minimize storm flow runoff increases, minimize increases to ambient stream water temperatures, minimize sediment loading, and minimize pollutant loadings.

¹ Section 19-62 (b) of the Montgomery County Code states that "except as otherwise expressly provided in this Chapter, the requirements for a water quality inventory and a preliminary and final water quality plan apply in any area designated as a special protection area to a person proposing a land disturbing activity on privately owned property:...who is seeking approval of an amendment to an approved development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan.

Site Imperviousness

The Upper Paint Branch SPA is the only SPA that has a ten percent (10%) site imperviousness limit on new development. The imperviousness limit is set forth in the environmental overlay zone for the Upper Paint Branch SPA. The water quality plan proposes a site imperviousness of 10 percent. This consists of seven new single-family detached houses and driveways, one existing house and driveway, the extension of Rowland Lane ending in a cul-de-sac, a sidewalk on part of the new section of Rowland Lane, and a sidewalk on Thompson Road. The footprints of new houses range from 2100 to 2160 square feet. The site imperviousness also includes a widening of a part of Thompson Road to a 12-foot wide lane on the north side to meet county standards.

Staff believes the subdivision's imperviousness may be reduced slightly by eliminating part of the proposed sidewalk along the north side of Thompson Road. DPWT and Transportation Planning staff agree. A sidewalk currently exists along the south side of Thompson Road in front of the subject site, and a new sidewalk on the north side would not be necessary, especially in this SPA where limiting impervious surfaces is an important objective. Only a small segment of new sidewalk along the north side of Thompson Rd. is needed to connect the existing sidewalk to the proposed pervious surface path within the subdivision. With this modification to limit new sidewalk on Thompson Rd. to a small segment, the subdivision's site imperviousness would be lowered to 9.7 percent. This would be in conformance to the environmental overlay zone. Staff recommends this revision to the preliminary plan (staff's recommended condition nos. 1 and 2).

Environmental Buffers

There are no streams, floodplains, wetlands, or environmental buffers on or adjacent to the site.

Forest Conservation

There is no existing forest. A specimen silver maple on the site is shown as retained. To meet the forest conservation requirements, 1.76 acres of afforestation are required. The applicant proposes to afforest 3.2 acres, which is almost the entire HOA common open space. The excess forest planting is the major component of the applicant's justification for using the cluster option of the RE-1 zone on a property less than 50 acres (see discussion later in this memorandum). The configuration of the afforestation area is such that part of it abuts existing conservation easements to the west and a proposed conservation easement area to the north that is part of the proposed Briarcliff Meadows North preliminary plan (no. 1-04027).

Stormwater Management Concept

To help meet the project's performance goals, the stormwater management (SWM) concept includes the following features:

- A dry facility will provide water quantity controls.
- Stormwater management quality controls will be provided by vegetated swales next to the road and downstream of the storm drain outfall for the subdivision, biofiltration structure, and dry wells for houses.

Sediment Control

DPS is requiring the use of redundant sediment control measures, such as sediment traps with forebays.

Monitoring of Best Management Practices

DPS requires monitoring of best management practices that meets the monitoring protocols established by DPS and the Department of Environmental Protection (DEP).

PUBLIC HEARING

The applicant, represented by legal counsel, concurred with the amended condition numbers two and three, as shown below. Applicant asked that the impervious cap of 9.7% be increased to ten percent. The applicant represented that the cap had been reduced when the original application deleted an originally proposed sidewalk. Staff replied that staff seeks to achieve a cap of less than ten percent, when possible. Legal staff confirmed that staff's policy had been applied in a consistent manner for a number of years, including other projects with the same applicant. In request to further Board questioning, the applicant indicated that it had located certain homes in a way to minimize the impervious levels, but that Montgomery County's Department of Permitting Services may require them to relocate the siting of the homes, and thus the imperviousness levels may increase. Staff testified that this would require the applicant to return to the Board for an amendment to the plan to increase the imperviousness cap.

Nobody other than the applicant testified during the public hearing.

Commissioner Wellington moved approval of the staff recommendations, with minor changes to the noticing requirements related to the Intercounty Connector in Condition Nos. 2 and 3, and reflected below. Commissioner Robinson posed a friendly amendment reflecting the possibility that the 9.7% impervious cap be increased up to ten percent if Montgomery County's Department of Permitting Services relocated the

houses, which amendment was accepted by Commissioner Wellington. Commissioner Bryant seconded the motion, which was adopted 5-0 by the full Board.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies²; 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. 1-04036 substantially conforms to the Cloverly 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 9 lots are appropriate for the location of the subdivision.
- d) 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.
- e) 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.
- f) The waiver of minimum tract area for use of the cluster option is appropriate, as the cluster option offers a more environmentally appropriate development pattern in that it allows for reduced imperviousness levels and greater opportunity for afforestation on the site.
- g) The application meets all of the Special Protection Area requirements for the reasons stated by staff, above, and further through use of the cluster development option and waiver of sidewalks.
- h) The waiver of sidewalks is appropriate for both the environmental and safety reasons articulated by staff and adopted by the Board.

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.

- i) The record contains no contested issues; and, therefore, the Planning Board finds that any future objection that may be raised concerning a substantive issue in this application, is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-04036 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-04036, subject to the following conditions:

- 1) Approval under this preliminary plan application is limited to eight (8) single-family detached residential dwelling units.
- 2) Until September 1, 2005, at least 90 days prior to submission of any building or construction permit on the subject property, the applicant must provide written notice to the Maryland State Highway Administration, Engineering Access Permits Division Office of Highway Development, of the applicant's plan to proceed forward with development of the site. Applicant concurrently shall send a copy of this letter to MNCPPC, c/o Chief, Transportation Planning. This condition shall expire before September 1, 2005 if a final Record of Decision is issued by the Federal Highway Administration (FHA), provided that Record of Decision on the ICC does not include the subject property, or any portions thereof, within the final Intercounty Connector (ICC) alignment.
- 3) Any contract of sale between the applicant and any prospective buyer in the subdivision must (a) advise the buyer in writing that an ICC Alternative alignment as shown on Attachment 1 to the staff report presented at the public hearing, dated October 4, 2004 is located adjacent to the subdivision and ninety day notice, as described in Condition 2 above, is required; and (b) advise the buyer that they can contact the State Highway Administration for current information on the alignment within the Reservation Area. This notification requirement is binding on the applicant's heirs/successors and/or assigns, and remains in effect until September 1, 2005 or until a final Record of Decision is issued by the Federal Highway Administration as stipulated in Condition 2 above.
- 4) Compliance with the conditions of approval for the preliminary forest conservation plan dated 10/22/04. The applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit(s), as appropriate. Conditions include, but are not limited to, the following:
 - a. Final forest conservation plan to include methods to clearly mark the Category I conservation easement boundary, such as permanent fencing and signage.
 - b. Planting plan to include a mix of 1" and 2" caliper native trees. The specific mix to be determined as part of the final forest conservation plan.

- 5) Record plat to reflect a Category I easement over all areas of forest conservation areas.
- 6) Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas.
- 7) Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 8) Compliance with the MCDPS conditions of approval of the Preliminary Water Quality Plan and stormwater management concept letter dated, October 22, 2004.
- 9) Dedicate, and show on final record plat, adequate right-of-way along Thompson Road (to the south of the site) to provide 35 feet of right-of-way from the roadway centerline.
- 10) Upgrade the northern half of Thompson Road (i.e., 12 feet from centerline) along the property frontage as a 24-foot wide open-section roadway, with no bike lane and no sidewalk (except as referenced in Condition 12).
- 11) Provide a HOA-maintained pervious path within a 10-foot easement between the Rowland Lane cul-de-sac to the north and Thompson Road property line to the south (within a 20-foot WSSC easement between Lots 4 and 5, and to the west of Lot 6).
- 12) Construct a five-foot wide sidewalk connection along the north side of Thompson Road (within the roadway right-of-way) from the terminus of the proposed pervious path (referenced in Condition 11) to an existing sidewalk/crosswalk to the east along the north side of Thompson Road.
- 13) Construct a four-foot wide sidewalk along the north side of Rowland Lane, extending the sidewalk around the cul-de-sac to the driveway to Lot 4, to provide a connection to the proposed pervious path (referenced in Condition 11).
- 14) Per Montgomery County Department of Public Works and Transportation (DPWT) letter dated August 31, 2004, construct Rowland Lane within the property as a 60-foot wide secondary residential street, with proper termination (a cul-de-sac) and connection to the existing roadway terminus.
- 15) Coordinate with the Montgomery County Department of Public Works and Transportation (DPWT) per letter dated August 31, 2004, and the Department of

Permitting Services on design requirements for the proposed Rowland Lane, and on any frontage improvements along Thompson Road.

- 16) Compliance with conditions of approval of MCDPWT letter dated, August 31, 2004 unless otherwise amended by DPWT.
- 17) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 18) Prior to record plat, applicant to enter into an agreement with the Planning Board to limit impervious surfaces to no more than 9.7 percent, unless Montgomery County's Department of Permitting Services requires the house to be relocated, in which case the impervious surface can be increased to no more than ten percent.
- 19) Prior to release of building permits, applicant to demonstrate conformance to impervious surface limits as specified in Condition 18.
- 20) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed.
- 21) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 22) 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.

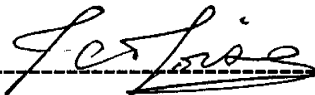
* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

MC 2/11/05
Approved for legal sufficiency
M-NOPPC Office of General Counsel

CERTIFICATION OF BOARD VOTE ADOPTING OPINON

At its regular meeting, held on **Thursday February 17, 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 Robinson, with Chairman Berlage, Vice Chair Perdue, and Commissioners Bryant, Wellington, and Robinson** voting in favor of the motion, ADOPTED the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan 1-04036, Briarcliff Meadows South.**



Certification As To Vote of Adoption
M. Clara Moise, Technical Writer