

**PLAT NO. 22006047**

Musgrove Park

Located on the south side of Arcola Avenue, approximately 175 feet east of Orebaugh Avenue

R-90 Zone, 2 lots

Community Water, Community Sewer

Master Plan Area: Kensington-Wheaton

Overton Homes, LLC, Applicant

This record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120050820, formerly 1-05082, as approved by the Board; and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the preliminary plan.

## RECORD PLAT REVIEW SHEET

**Plat Name:** MUSGAOGE PARK      **Plat File Number:** 2-06047  
**Submission Date:** 9/9/05      **Due Date:** 10/10/05  
**DRD Plat Reviewer:** DOLORES KINNEY      **DRD Prelim. Plan Reviewer:** DOLORES KINNEY

**Initial DRD Review:**

**Signed Preliminary Plan:** Date 1/31/06      Checked: Initial TA      Date 2/07/06  
**Planning Board Opinion:** Date 1/6/06      Checked: Initial TA      Date 2/7/06  
**Site Plan Required For this Development?** Yes  No       Verified By: Duk (Initial)  
**Site Plan Name:** N/A      **Site Plan Number:** \_\_\_\_\_  
**Planning Board Opinion:** Date \_\_\_\_\_      Checked: Initial \_\_\_\_\_      Date \_\_\_\_\_  
**Site Plan Signature Set:** Date \_\_\_\_\_      Checked: Initial \_\_\_\_\_      Date \_\_\_\_\_  
**Lot #'s & Layout**  **Lot Area**  **Zoning**  **Bearings & Distances**  **Coordinates**  **Plan #** \_\_\_\_\_  
**Road/Alley Widths**  **Easements** N/A **Open Space** N/A **Non-standard BRLs**  **Adjoining Land**   
**Vicinity Map**  **Septic/Wells** N/A **TDR note** \_\_\_\_\_ **Surveyor Cert.** \_\_\_\_\_ **Owner Cert.**  **Tax Map**   
**Child Lot Note** N/A  
**Site Plan Reviewer Plat Approval:**      Checked \_\_\_\_\_      Initial \_\_\_\_\_      Date \_\_\_\_\_

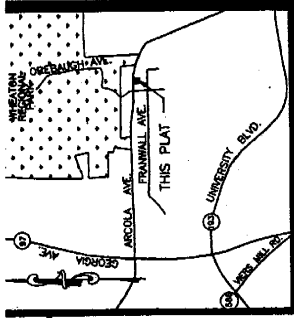
Agency Reviews Req'd	Reviewer	Date Sent	Date DUE	Date Rec'd	Comments
Envir.	Josh Penny	9/26/05	10/10/05	10/12/05	No comments
Research	Bobby Fleury			10/11/05	No comments
St. Hwy.	Doug Mills				No comments
DPS	Granville Campbell				No comments
PEPCO	Jose Washington				No comments
Parks	Doug Powell				No comments
DRD	Steve Smith			10/12/05	No comments

**Final DRD Plat Review:**

**DRD Review Complete:**      Initial TA      Date 2/7/06  
 (All comments rec'd and incorporated into mark-up)  
**Engineer Notified - (Pick up Mark-up):** \_\_\_\_\_  
**Final Mylar w/Mark-up & PDF Rec'd.:**      Initial TA      Date 2/7/06  
**Board Approval of Plat:**  
**Plat Agenda** \_\_\_\_\_  
**Planning Board Approval:** \_\_\_\_\_  
**Chairman's Signature:** \_\_\_\_\_  
**DPS Approval of Plat:**  
**Engineer Pick-up for DPS Signature:** \_\_\_\_\_  
**Final Mylar for Reproduction Rec'd:** \_\_\_\_\_  
**Plat Reproduction:**      Initial \_\_\_\_\_      Date \_\_\_\_\_  
**Addressing:** \_\_\_\_\_  
**File Card Update:** \_\_\_\_\_  
**Final Zoning Book Check:** \_\_\_\_\_  
**Update Address Books with Plat #:** \_\_\_\_\_  
**Update Green Books for Resubdivision:** \_\_\_\_\_  
**Notify Engineer to Seal Plats:** \_\_\_\_\_  
**Engineer Seal Complete:** \_\_\_\_\_  
**Complete Reproduction:** \_\_\_\_\_  
**Send to Courthouse for Recordation:** \_\_\_\_\_

No. \_\_\_\_\_

PLAT NO.:



**VICINITY MAP**  
SCALE: 1" = 200'  
TAX MAP: 4022

**OWNERS CERTIFICATE:**

WE, OVERTON HOMES INC., OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, DO HEREBY ASSURE THAT THIS PLAN OF SUBDIVISION AND THE SURVEY THEREON, INCLUDING THE LINES, CURVES, DISTANCES AND S.F. OF EACH LOT, ARE TRUE AND CORRECT. WE FURTHER GRANT A TEN FOOT WIDE PUBLIC UTILITY EASEMENT, SHOWN HEREON, TO THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, FOR THE LAYOUT OF PUBLIC UTILITY EASEMENTS, AS RECORDED IN LIBER 3434 AT FOLIO 457 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND. WE, OUR SUCCESSORS AND ASSIGNS, WILL WAIVE AND RELEASE TO THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, ALL RIGHTS AND INTERESTS WE MAY HAVE IN OR TO THE PROPERTY SHOWN HEREON, EXCEPT AS SHOWN, AND THE PARTIES OF INTEREST HERETO HEREBY INDICATE THEIR ASSENT.

*Robert M. ...*  
DATE: 12-22-05  
TITLE: SURVEYOR

*David L. ...*  
DATE: 12-22-05  
TITLE: SECRETARY

WE HEREBY ASSENT TO THIS PLAN OF SUBDIVISION:

*David L. ...*  
DATE: 12-22-05  
TITLE: SECRETARY

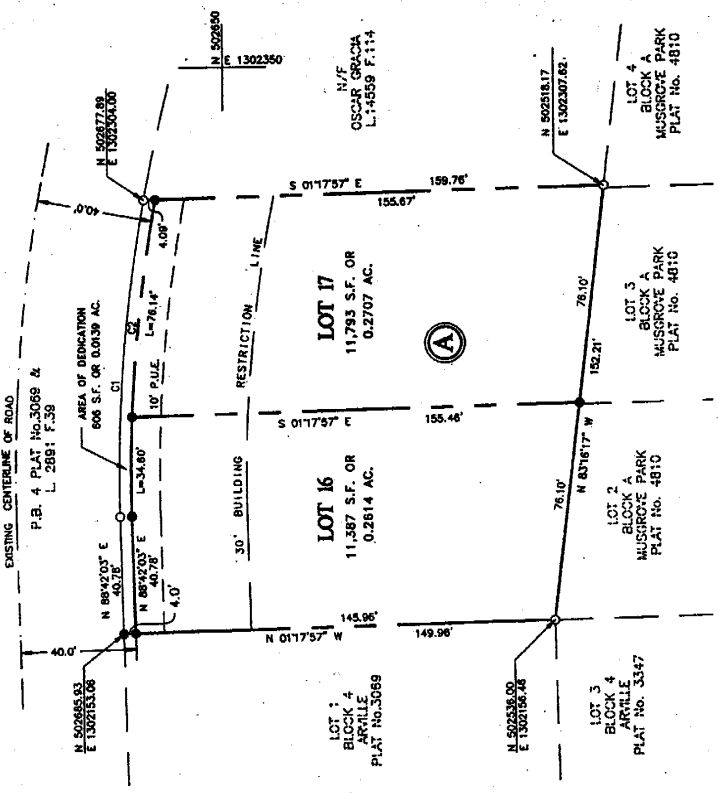
SUBDIVISION RECORD PLAT  
LOTS 16 AND 17  
BLOCK A  
**MUSGROVE PARK**  
ELECTION DISTRICT NO. 13  
MONTGOMERY COUNTY, MARYLAND  
SEPTEMBER, 2005 SCALE: 1" = 30'

**MADDOX**  
INCORPORATED  
ENGINEERS & SURVEYORS  
100 PARK AVENUE  
ROCKVILLE, MARYLAND 20850-2889  
(301) 768-0001

H:\PROJECTS\040819P.DWG

**ARCOLA AVENUE**  
(80' WIDE R.O.W.)

EXISTING CENTERLINE OF ROAD  
P.B. 4 PLAT No. 3089 &  
L. 269; F. 30



GRAPHIC SCALE  
(IN FEET)  
1 inch = 30 ft.

**SURVEYORS CERTIFICATE:**

I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF THAT LOT SHOWN HEREON TO WILLIAM T. MARTIN AND ELIZABETH S. MARTIN UNTO OVERTON HOMES, INC. BY DEED DATED JANUARY 12, 2005, MONTGOMERY COUNTY, MARYLAND. I FURTHER CERTIFY THAT I HAVE BEEN DULY LICENSED AS A SURVEYOR AT THE TIME I PREPARED THIS PLAN. I HEREBY CERTIFY THAT I HAVE ENGAGED AS DESCRIBED IN THE OWNER'S CERTIFICATE HEREON, ALL PROPERTY MARKERS AND OTHER BOUNDARY MARKERS WILL BE SET AS DELINEATED HEREON IN ACCORDANCE WITH THE PROVISIONS OF SECTION 50-101 OF THE MARYLAND NATURAL AND CULTURAL RESOURCES ARTICLE. THE TOTAL AREA SHOWN ON THIS PLAN OF SUBDIVISION IS 23,786 S.F. OR 0.5460 ACRES OF LAND, OF WHICH 608 S.F. OR 0.0139 ACRES ARE DEDICATED TO PUBLIC USE.

*David L. ...*  
DATE: 12-22-05  
REGISTERED PROFESSIONAL SURVEYOR  
MONTGOMERY COUNTY, MARYLAND NO. 406

**NOTES:**

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, UNLESS EXPRESSLY CONTRADICTED BY THIS PLAN AS APPROVED, THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE 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 ENJOYMENT AND TITLE OR TO DEFECT OR NOTE ALL MATTERS OF TITLE.

THIS PROPERTY IS ZONED R-90  
FOR PUBLIC WATER AND SEWER ONLY.

THIS PLAT IS LIMITED TO THE USER AND CONDITIONS OF PRELIMINARY PLAN NO. 1-00026 ENTITLED, "PARCEL 715, MUSGROVE PARK".

**CURVE TABLE**

CURVE	LENGTH	RAIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	110.21	533.14	115.24°	54.58'	110.33'	S 85°20'57" E
C2	110.21	533.14	115.24°	54.58'	110.33'	N 85°18'17" W

**LEGEND**

● IRON PIPE AND I.D. CAP SET  
CORP. NO. 208

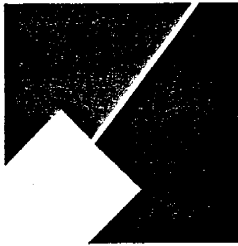
○ IRON PIPE FOUND

MONTGOMERY COUNTY  
DEPARTMENT OF  
PERMITTING SERVICES  
APPROVED \_\_\_\_\_  
DIRECTOR

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION  
MONTGOMERY COUNTY PLANNING BOARD  
APPROVED \_\_\_\_\_  
CHAIRMAN ASST. SECRETARY - TREASURER  
M.A.C.P. & P.C. RECORD FILE NO.



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  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

Mailed: JAN 06 2005  
Public Hearing Date: June 2, 2005  
Action: Approved Staff  
Recommendation  
Motion of Commissioner Bryant,  
seconded by Commissioner  
Perdue, 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 1-05082  
NAME OF PLAN: Musgrove Park

The date of this written opinion is JAN 06 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 3/28/05, Overton Homes, LLC submitted an application for the approval of a preliminary plan of subdivision of property in the R-200 zone. The application proposed to create 2 lots on 0.55 acres of land located at on the south side of Arcola Avenue, approximately 250 feet east of the intersection with Orebaugh Avenue, in the Kensington//Wheaton master plan area. The application was designated Preliminary Plan 1-05082. On 6/02/05, Preliminary Plan 1-05082 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.

### **PUBLIC HEARING**

Staff testified and generally summarized the project and its recommendations, which were revised from those in the staff report and handed out at the public hearing (and adopted, as revised, below). Staff noted in particular that two trees on the northwest section of the site have parts of their critical root zone located within the Subject Property, and recommends that the trees be assessed to determine if protection measures should be implemented to protect the trees. The Applicant appeared through its engineer and testified in support of staff's recommendation of approval and recommended conditions of approval. A neighbor testified that she did not oppose the application, but wanted information on the trees, the height of the new buildings, drainage, and driveway access. Staff testified that the height of the buildings would be limited by the zoning ordinance limitations; agreed to provide contact information for the Department of Permitting Services (DPS) to the neighbor to discuss the stormwater management measures that will be implemented; and the Applicant testified that the driveway design would address safety issues.

### **FINDINGS**

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies<sup>1</sup>; 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 based on the uncontested evidence of record that:

- a) The Preliminary Plan No. 1-05082 substantially conforms to the Kensington/Wheaton master plan.

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<sup>1</sup> 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.

- 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 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 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. 1-05082 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-05082, subject to the following conditions:

**STAFF RECOMMENDATION:** Approval, pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two (2) one-family residential lots
- 2) Compliance with the conditions of approval letter dated May 24, 2005 for the tree save plan, attached to the staff report. The applicant must satisfy all conditions prior to MCDPS issuance of sediment and erosion control permits.
- 3) Compliance with conditions of MCDPWT letter dated May 25, 2005, unless otherwise amended.
- 4) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 5) Compliance with the conditions of approval of the MCDPS stormwater management approval dated April 26, 2005.

6) 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]

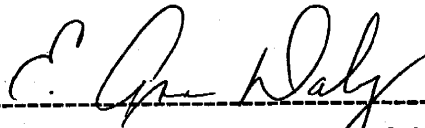
APPROVED AS TO LEGAL SUFFICIENCY

MR. MORGAN 12/12/05  
M-NCPPC LEGAL DEPARTMENT



**CERTIFICATION OF BOARD ADOPTION OF OPINION**

At its regular meeting, held on **Thursday, December 22, 2005**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent **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 No. 1-05082, Musgrove Park.**



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Certification As To Vote of Adoption  
E. Ann Daly, Technical Writer