

DECLARATION OF COVENANTS

This Declaration of Covenants, made this \_\_\_\_\_ day of \_\_\_\_\_ 2005, by Winchester Homes, Inc. ("Contract Purchaser") and Christian Life Center of Montgomery County, Inc. ("Owner") regarding certain real property in the County of Montgomery, State of Maryland, which is more particularly described on the legal description attached hereto and made part hereof as Exhibit "1" (hereinafter referred to as the "Property").

WITNESSETH

WHEREAS, on August 24, 2005, the Contract Purchaser filed Zoning Application G-839, requesting the reclassification of the Property from the R-200/TDR Zone, and R-200 Zone to the RT-8 Zone, in accordance with the optional method of application for local map amendments provided for in Section 59-H-2.5 of the Zoning Ordinance of Montgomery County, Maryland, being Chapter 59 of the Montgomery County Code, 2004, as amended zoning ordinance; and

WHEREAS, pursuant to the optional method of application for local map amendments, the Contract Purchaser submitted a Schematic Development Plan ("SDP") (attached hereto as Exhibit "2") as part of the rezoning application for purpose of restricting the development standards and use of the Property to less than the maximum permitted in the requested zone.

WHEREAS, Zoning Application G-839 was granted by the Montgomery County Council, sitting as the District Council ("Council") on \_\_\_\_\_, and the SDP was approved (Council Opinion attached hereto as Exhibit "3"); and

WHEREAS, Section 59-H-2.54 of the Zoning Ordinance requires the submission and filing in the Land Records of Montgomery County, Maryland, a covenant reflecting in specific language any restricted development standards, development program, or limitation on uses as contained in the approved SDP.

NOW, THEREFORE, in consideration of the foregoing and in compliance with Section 59-H-2.54 of the Zoning Ordinance, the Contract Purchaser on behalf of itself, and its successors or assigns, hereby declare, covenant and agree, that so long as the Property remains in the RT-8 Zone, that the Property (and all its parts or subparts) shall be transferred, sold conveyed and occupied subject to the conditions, covenants and restrictions set forth:

1. So long as the Property is zoned RT-8, no development, construction or use will be started, erected or maintained on the Property, that does not conform to the binding elements of the SDP (attached hereto as Exhibit "2"), amended as may be authorized by law, ordinance or regulation. Further, the SDP contains the following binding restrictions and limitations by which the Contract Purchaser shall be bound, all other elements will be governed by the provisions of County Code:

- (a) Maximum number of units shall be 47, includes 12.5% MPDU's required.

- (b) A 60 foot building setback to be provided along the southwest property lines abutting adjoining Lots 17, 47, 48 and 49 in the Quince Orchard Knolls subdivision, as shown. Applicant shall place the required forest conservation easement within the setback as shown to further buffer existing single family homes on Lots 17, 47, 48 and 49.
- (c) Vehicular access to be limited to Darnestown Road, Md. Route 28.
- (d) Minimum proposed building setback from Pleasant View Methodist Episcopal Church property to be 40 feet.
- (e) All units, including MPDU's, to have brick front facades.
- (f) Maximum building height = 35 feet.
- (g) A 160 foot minimum building setback to be provided from Darenstown Road, Route 28 right-of-way.

2. These Covenants will be recorded among the Land Records of Montgomery County, Maryland, within sixty (60) days of the Council's date of mailing of its Opinion granting the RT-8 Zone for the Property. Further, these Covenants shall run with the land and shall be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors or assigns, and shall ensure to the benefit of each owner thereof and to Montgomery County, so long as the Property is zoned RT-8, and shall remain in effect until such time as the Property is rezoned or the restrictions on development are removed or are amended by action of the Council or other governmental body having jurisdiction or are declared invalid by any court of competent jurisdiction. These Covenants shall not take effect until the Property is rezoned to the RT-8 Zone, and the Council approves the SDP.

3. The binding elements contained in this Declaration of Covenants and in the SDP shall be enforceable by the Council pursuant to Section 59-H-2.53 (i) of the Zoning Ordinance.

4. This Declaration of Covenants may be amended by the Contract Purchaser, its successors or assigns, to conform to any modification made by the Council in the binding elements contained in the SDP.

IN WITNESS WHEREOF, the Contract Purchaser and Owner have set their hands and seals on the day and year written below.

WITNESS:

Winchester Homes, Inc.

\_\_\_\_\_

\_\_\_\_\_ (SEAL)

By: \_\_\_\_\_

Title: \_\_\_\_\_

WITNESS:

Christian Life Center of Montgomery County,  
Inc.

\_\_\_\_\_

\_\_\_\_\_ (SEAL)

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF MARYLAND

COUNTY OF MONTGOMERY, to wit:

I HEREBY CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, 2005, before the  
subscriber, a Notary Public in and for the aforesaid County and State, personally appeared  
\_\_\_\_\_, personally well known to me (or satisfactorily proved) to be the person  
whose name is subscribed to the within instrument and did acknowledge the foregoing  
Declaration to be his act.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF MARYLAND

COUNTY OF MONTGOMERY, to wit:

I HEREBY CERTIFY that on the \_\_\_\_ day of \_\_\_\_\_, 2005, before the subscriber, a Notary Public in and for the aforesaid County and State, personally appeared \_\_\_\_\_, personally well known to me (or satisfactorily proved) to be the person whose name is subscribed to the within instrument and did acknowledge the foregoing Declaration to be his act.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**ATTORNEY'S CERTIFICATION**

I HEREBY CERTIFY that I am an attorney duly admitted to practice before the Court of Appeals of Maryland and that the foregoing instrument was prepared under my supervision.

\_\_\_\_\_  
Stacy P. Silber



8787 Georgia Avenue  
 Silver Spring, Maryland 20910-3760

www.mc-mncppc.org/development

Phone 301.495.4542

Fax 301.495.1303

## NRI/FSD (Natural Resources Inventory / Forest Stand Delineation) and Forest Conservation Exemption Review

NRI/FSD Plan Number	4 - _____
Date Application Received	_____
Date Application Complete	_____
Application Completed by	_____
Pending Plan No., if applicable	_____
Fee (attach worksheet)	_____
Fee Received by	_____

*An application will not be accepted for review unless all required information below and appropriate fees are provided. If an item requires more space, attach a separate sheet.*

Name of Plan: Christian Life Center Property

200 scale Base Map # 221NW12 Tax Map # ES562

Special Protection Area:  Not in SPA  Little Seneca Creek  Piney Branch  Upper Paint Branch

Property Tax Account Number(s) associated with the plan (8 digits)

A. 02873384 B. 03005203 C. \_\_\_\_\_ D. \_\_\_\_\_ E. \_\_\_\_\_  
 F. \_\_\_\_\_ G. \_\_\_\_\_ H. \_\_\_\_\_ I. \_\_\_\_\_ J. \_\_\_\_\_

Location:

On Darnestown Road Route 28, 2800 feet E of Quince Orchard Road  
Street Name (N,S,E,W etc.) Nearest Intersecting Street

Subdivision Information: (Complete either A, if located within a recorded subdivision, or B)

A. Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 B. Parcel 721 Liber \_\_\_\_\_ Folio \_\_\_\_\_; Parcel 667 Liber \_\_\_\_\_ Folio \_\_\_\_\_; Parcel \_\_\_\_\_ Liber \_\_\_\_\_ Folio \_\_\_\_\_

Applicant (Owner or Contract Purchaser)

Winchester Homes, Inc. Attn: Daniel Lyons

Name

6905 Rockledge Drive / Suite 800

Street Address

Bethesda

City

Md

State

20817

Zip Code

(301) 803-4773 (301) 803-4929

Telephone Number ext. Fax Number

Contact Person (If other than applicant)

Don Rohrbaugh c/o Site Solutions, Inc.

Name

19650 Club House Road / Suite 105

Street Address

Gaithersburg

City

Md

State

20886

Zip Code

(301) 947-8900 25 (301) 947-7704 dwr@ssimd.net

Telephone Number ext. Fax Number E-mail

Plan Preparer (Qualifications of preparer must be included if individual has not been previously certified.)

Donald W. Rohrbaugh, II

Name

Md 491 (LA)

L.A. or Forester Certification No.

(301) 947-8900 25 (301) 947-7704 dwr@ssimd.net

Telephone Number ext. Fax Number E-mail

Watershed: Muddy Branch

Tract Area 6.09 ac. Forested 0.00 ac. Wetlands 0.00 ac. Forested Wetlands 0.00 ac.  
 Forested Stream Buffer 0.00 ac. Stream Buffer 0.00 ac. length: 0 ft. width: 0 ft. 1 or both sides  
 (average) (circle one)

Complete sections 1 and 2: (and section 3 if applying for an FCP Exemption)

1.	<b>Type of Plan approval being applied for in addition to this NRI/FSD application</b>	
	<input type="checkbox"/> Pre-Application Submission	<input checked="" type="checkbox"/> Development Plan
	<input type="checkbox"/> Minor Subdivision (Complete section 2)	<input type="checkbox"/> Mandatory Referral
	<input type="checkbox"/> Preliminary Plan	<input type="checkbox"/> Sediment Control or Small Land Disturbance (if known, MCDPS permit # _____)
	<input type="checkbox"/> Site Plan	
	<input type="checkbox"/> Project Plan	<input type="checkbox"/> Special Exception

2.	<b>Type of NRI/FSD Plan Submittal (See Tree Manual for NRI/FSD requirements):</b>	
	<input checked="" type="checkbox"/> Full NRI/FSD (as described in the Forest Conservation Regulations, Section 106)	
	<input type="checkbox"/> Simplified NRI/FSD (property boundaries, topography, streams and buffers if proposed I.o.d. is within 200' of a stream, existing forest boundaries, specimen trees, existing improvements)	
	<input type="checkbox"/> Existing Conditions Plan (topography, existing & proposed improvements, existing & proposed lot lines)	
	<b>Guidance for NRI/FSD Submittal for Minor Subdivision Applications (choose from below):</b>	
	<input type="checkbox"/> Minor Lot Line Adjustment – No NRI/FSD plan or exemption required	
	<input type="checkbox"/> Outlot Conversion to a Lot – Submit Simplified NRI/FSD plan	
	<input type="checkbox"/> Consolidation of Lots or Parts of Lots – No NRI/FSD or exemption required as part of minor subdivision	
	<input type="checkbox"/> Further Subdivision of Commercial/Industrial/Multi-Family Residential – Submit existing conditions plan	
	<input type="checkbox"/> Plat of Correction – No NRI/FSD plan or exemption required	
<input type="checkbox"/> Residential Property, Deed-created Prior to 1958 – No NRI/FSD or exemption required as part of minor sub.		
<input type="checkbox"/> Existing Places of Worship, Private Schools, Country Clubs, Private Institutions, or Similar on Unplatted Parcels – Submit Simplified NRI/FSD plan if applying for FCP Exemption; otherwise, Submit Full NRI/FSD plan.		
<input type="checkbox"/> Residential Lots in Rural Density Transfer Zone – Submit Simplified NRI/FSD plan if applying for FCP Exemption; otherwise, Submit Full NRI/FSD plan		

3.	<b>Complete all information below if applying for FCP Exemption (If you are clearing more than 5,000 sf. of forest/tree canopy or you answer yes to e, f or g below, you may not qualify for an exemption, refer to the M-NCPPC Tree manual to determine if a Tree Save Plan or FCP will be required).</b>	
	a. Type of Exemption being applied for: _____ (Refer to the Forest Conservation Law, section 22A-5 for description of exemptions. Attach appropriate information to support the request including plan drawings, narrative of activities, tree clearing illustrations, etc.)	
	b. Is the Declaration of Intent attached, if required? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, type: <input type="checkbox"/> Agricultural <input type="checkbox"/> Real Estate Transfer <input type="checkbox"/> Residential Single Lot	
	c. Total area of existing forest: _____ ac. or _____ s.f.	
	d. Total area of forest/tree disturbance (measured by canopy area removed): _____ ac. or _____ s.f.	
	e. Are any of the trees ≥ 30" in diameter at 4.5' above the ground, or otherwise a specimen of the species? <input type="checkbox"/> Yes (If yes, attach site plan drawing/sketch showing the trees in relation to the proposed limits of disturbance.) <input type="checkbox"/> No	
	f. Is the clearing area within a stream buffer? <input type="checkbox"/> Yes <input type="checkbox"/> No (Area within 200 – 300 feet of a stream could be part of a buffer.)	
g. Is a SPA water quality plan required? <input type="checkbox"/> Yes <input type="checkbox"/> No (Contact MCDPS for information regarding the SPA requirements at 240 777-6242)		



- 3.9 Individual trees  $\geq$  24" dbh in areas impacted by development
- 3.10 Existing site improvements (structures, pavement, agricultural fields, etc.)
- 3.11 Anticipated limits of disturbance
- 3.12 Table containing acreage of forest, stream buffers, forested stream buffers, and anticipated total forest cleared
- 4. Existing Conditions Plan Drawing**
  - 4.1 Scaled drawing with north arrow.....
  - 4.2 Title information
  - 4.3 Vicinity location map
  - 4.4 Boundary outline of property with survey tied to the Maryland State Grid System
  - 4.5 Topography
  - 4.6 Existing and proposed improvements
  - 4.7 Existing and proposed lot lines
- 5. Supporting Functional Information/Drawings for Forest Conservation Exemption Requests**
  - 5.1 Justification sheet for exemption requests, if applicable.....
  - 5.2 Tree save plan, including tree protection measures, if appropriate.....
- 6. PDF Image of Approved Plan**
  - 6.1 PDF image of approved NRI/FSD or if an exemption is granted, approved Tree Save Plan, if one is required.....

No. Copies	Engineer/Surveyor	M-NCPPC Staff
	Submitted	
	Submitted	
	Submitted	
	Submitted	
2	Submitted	
	Submitted	
	Submitted	
	Submitted	
	Submitted	
	Submitted	
	Submitted	
2	Submitted	
2	Submitted	
1	Submitted	





6905 Rockledge Drive, Suite 800  
Bethesda, Maryland 20817  
Tel (301) 803-4800  
Toll Free: (800) 527-8558  
Fax (301) 803-4929

February 6, 2006

**SUBJECT**

**Communication with Neighborhood**

By Daniel Lyons, Development Manager, Winchester Homes Inc.

**PROJECT**

Christian Life Center, 11800 Darnestown Road, Montgomery County, Maryland  
Rezoning Application #G-839.

**SUMMARY**

Listed and grouped by neighbor (individual homeowners or community associations). As discussed herein, as of the date of this memorandum, we have not heard of any opposition to our proposed town house community. In fact, home owners have indicated their support for our proposed plans and project.

***General Notes***

Drove into, walked around, took pictures, and knocked on doors in neighborhoods around subject property on 07/15/05, 12/08/05, 02/03/06. This includes homes in:

- 1) "Parkside at Potomac Valley," a single-family detached community on Quince Mill Drive and Peach Leaf Court to the rear (generally southwest) of the subject property.
- 2) "Potomac Valley" (aka "Owens Valley" aka "Olde Potomac Park"), a townhouse community on Ambiance Drive, Ambiance Court, and Owens Glen Court to the side (generally southeast) of the subject property.

In some instances, no one was at home when I knocked on doors. On the third visit on 02/03/06, I left a typed letter (with handwritten note) (example attached) and my business card at doors if no one was at home, inviting them to contact me to learn more about the project.

In all cases, I initiated formal communication with a typed and signed letter mailed out on 08/25/05 (copy attached of template), to introduce myself and Winchester and inviting residents and associations to contact me for more information.

See below for details on communications.

***North Potomac Citizen's Association (NPCA)***

- Spoke with Jim Grant, former board president, and Jonathan Putnam, current board president. Initial communication on 08/29/05 via phone message from Jim Grant. Subsequent conversations on 08/29/05, 08/30/05, 09/09/05, 11/02/05, 01/30/06,

02/02/06. Attended NPCA general meeting on 11/02/05 at Travilah Elementary School (Callum Murray of P&P presented that night).

- No opposition or comments made on CLC project at 11/02/05 NPCA meeting.
- Mr. Grant said no one has brought concerns about the project to the NPCA board. They have not heard of any opposition.
- Mr. Grant repeatedly expressed his gratitude for my efforts to contact NPCA and to be "up front with us" and to keep them updated.

***Kentlands Citizen's Assembly***

- Correspondence with Richard L. Arkin via email on 09/23/05 and 9/26/05. We have not heard from Mr. Arkin or the Assembly since.
- Other than wanting to see the plans, the Kentlands Citizens Assembly has not voiced any concerns.

***Potomac Valley (aka "Owens Valley" aka "Olde Potomac Park")***

- On initial visit on 07/15/05, I spoke with a resident who informed me that the community was run by a management company, MTM management located in Damascus, MD. I called MTM later that day and spoke with Michael Potter, the Property Manager for the community. He said he would inform board of our plans and try to arrange a meeting. Subsequent conversations/messages on 07/15/05, 07/28/05, 11/04/05, 11/07/05, 12/06/05, 12/07/05, 01/25/06, 02/02/06.
- Mr. Potter said he spoke with the residents and "they don't have a problem with it." Only issue is potential for trash and questions regarding our stormwater management facility and maintenance obligations. I said we will put trash racks in the SWM facilities, and that Winchester is seeking stormwater management concept approval from the County. We continue to share plans with, and have discussions with the community.

***Gregory Berry @ 2 Peach Leaf Court***

- Mr. Berry took my card and letter. Mr. Berry indicated that there does not seem to be any concern in the neighborhood (I think he meant the group of homes on his particular cul-de-sac).
- No concerns expressed with townhouses and our project. Was happy when he learned of the high-end nature of our proposed town homes.
- Follow-up meeting is scheduled with neighbors on Peach Leaf Court on February 9, 2006.

***Joan Armour @ 6 Peach Leaf Court***

- Ms. Armour called me on 08/29/05 after receiving my 08/25/05 letter. I called back. She wanted to see plans and said she would go to the county offices to view them. Have not heard from her since despite leaving phone messages and knocking on door and leaving letter at door.
- Expressed no concerns about project.

***Michael Shankman @ 11809 Quince Mill Drive***

- Reviewed plans.
- Pleased to see buffer noted on plan, interested in landscaping.
- Not sure who owns existing fence between properties.
- Mentioned that CLC parking lot is sometimes used by kids at night. Motorcycles and noise result. Sometimes gets garbage thrown over the fence into his yard.
- Offered to write letter of support.

***Jacquelyn Russel @ 15753 Ambiance Drive***

- No concerns expressed. Didn't seem to be interested either way.

***Ernesto Tono @ 15751 Ambiance Drive***

- Reviewed plans.
- His one concern was of the view of the Christian Life Church property in front of his property. He was very glad to see that the plan shows open space and a pond in this location.
- Mr. Tono indicated that he will be happy if we take down the CLC sign which he believes is unsightly.
- Said he could write letter of support.

***Kate Burova @ 15740 Ambiance Court***

- Reviewed plans.
- Had no concerns about our project.

***Ru Qi Zhu @ 5 Ambiance Court***

- Resident, older woman, does not speak English or does not speak it well.
- By chance, a friend of hers who does speak English showed up at door at the same time as me. She translated for me. Resident took my business card and letter.
- No concerns expressed.