

by using two private driveways and recommended approval of the Preliminary Plan with conditions.

A representative of the Applicant was present at the hearing and testified that the Applicant agreed with Staff recommendations.

A neighbor testified that he would share one of the two proposed driveways, and raised concerns regarding whether there would be shared maintenance responsibilities for the private driveway that he lived off of and would be sharing with two of the proposed lots. Staff noted that Condition No. 6 requires the record plat to reflect a common ingress/egress and utility easements over the shared driveway.

There were no other speakers at the hearing and none of the evidence in the record was contested.

### **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 Planning Board finds that, with the conditions of approval:

- a) The Preliminary Plan No. 1-04089 substantially conforms to the Olney Master Plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- 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.

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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.

- f) The location of the proposed development presents an exceptional circumstance justifying approval of the two private driveways for the four proposed lots. The Board further finds that, based on the evidence in the Record, the proposed private driveways are adequate to serve the lots for emergency vehicles, for installation of public utilities, is accessible for other public services, and is not detrimental to future subdivision of adjacent lands.
- g) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

### CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-04089 in accordance with the purposes and all applicable regulations of Montgomery County Code, the Planning Board approves Preliminary Plan No. 1-04089, subject to the following conditions:

- 1) ~~Approval under this preliminary plan is limited to four (4) lots.~~ ✓
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 3) Compliance with conditions of MCDPWT letter dated September 10, 2004, unless otherwise amended.
- 4) Compliance with conditions of MCDPS (Health Dept.) septic approval dated February 10, 2005.
- 5) Record plat to reflect a ~~Category I~~ easement over all areas of stream valley buffers and forest conservation. ✓
- 6) Record plat to reflect common ~~ingress/egress and utility easements~~ over all shared driveways.
- 7) Applicant to establish on record plat a ~~25 ft. wide public use trail easement~~ along the southern border of proposed Lot 3 and the southern border of the open space area (Lot 4) then north along the southeast border of the proposed conservation area (outside Lot 3) to connect to the WSSC conservation area.
- 8) 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.

- 9) Compliance with the conditions of approval of the MCDPS stormwater management approval dated June 2, 2004.
- 10) Record plat to contain a note "~~This land lies within an approved cluster development, resubdivision is strictly controlled.~~" ✓
- 11) 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 BY: \_\_\_\_\_  
DATE: 04/06/05  
MONTGOMERY COUNTY DEPARTMENT

**CERTIFICATION OF BOARD VOTE ADOPTING OPINION**

At its regular meeting, held on Thursday, June 9, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent and with the five Commissioners present, 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. 1-04089, Glover Property.**



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

**PLAT NO. 220061790**

Boyds Highlands

Located on Barnesville Road 1000 feet southeast of Slidell Road

1 Lot

RE-2 Zone

Minor Subdivision

Private Well and Private Septic

Master Plan Area: Boyds

Applicant: William P. Kamachaitis

M-NCPPC staff and other applicable agencies, as documented on the attached Plat Review Checklist, have reviewed the record plat. This plat involves a two-step application of the minor subdivision provisions, namely **Section 50-35A (a)(2)**, conversion of an outlot into a lot and pursuant to **Section 50-35 A (a)(1)**, minor lot adjustment. These two provisions are as follows:

Sec 50-35 A (a) (2) Conversion of an Outlot into a Lot: an outlot may be converted into a lot provided: the outlot is not required open space or otherwise constrained so as to prevent it being converted into a buildable lot; there is adequate sewerage and water service; all applicable requirements and agreements that may be relevant are satisfied prior to recordation of the plat; and all applicable conditions and agreements will apply to the new lot.

Sec 50-35 A (a) (1) Minor lot adjustment: an adjustment may be made if the amount of adjustment is less than 5 percent of the combined total square footage as demonstrated on an approved sketch plan and no additional lots are being created.

Staff notes that the conversion must occur first prior to the adjustment of lot lines. Staff applied the above-noted minor subdivision criteria for both categories of minor subdivision to this plat and concluded that the proposed minor subdivision converting Outlot A into a lot, Lot 10, and then adjusting the lot lines of existing lot 11 and Lot 10, complies with the relevant criteria of Section 50-35 A (a) (2) and (a) (1) of the subdivision regulations and supports this minor subdivision record plat.

Staff also notes that this property was the subject of Preliminary Plan 1-75042, specifically, Former Lot 5 and Former Outlot A, as shown on MNCPPC Record Plat 520-75. All conditions of prior approvals remain in full force.

**RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET**

(This form contains 3 pages)

Plat Name: Boyds Highlands Plat Number: 220061790  
 Plat Submission Date: 3/6/06  
 DRD Plat Reviewer: TA  
 DRD Prelim Plan Reviewer: \* 1-75042 ; Previous Plat 520-75  
 \*For category of minor see pages 2 and 3

**Initial DRD Review:**

Sketch Plan  
 Pre-Preliminary Plan No. NA Checked: Initial RW Date 1/6/06  
 Preliminary Plan No. 1-75042 Checked: Initial PW Date 6/30/06  
 Planning Board Opinion - Date \_\_\_\_\_ Checked: Initial \_\_\_\_\_ Date \_\_\_\_\_  
 Site Plan Name if applicable: \_\_\_\_\_ Site Plan Number: \_\_\_\_\_  
 Planning Board Opinion - Date \_\_\_\_\_ Checked: Initial \_\_\_\_\_ Date \_\_\_\_\_

Lot # & Layout  Lot Area  Zoning  Bearings & Distances  Coordinates   
 Plan #  Road/Alley Widths  Easements  Open Space  Non-standard   
 BRLs NA Adjoining Land  Vicinity Map  Septic/Wells   
 TDR note NA Child Lot note NA Surveyor Cert  Owner Cert  Tax Map   
 SPA NA

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	Josh Pohn	3/12/06	3/31/06	3/31	None
Research	Bobby Fleury			3/31	
SHA	Doug Mills			3/31	
PEPCO	Jose Washington				
Parks	Doug Powell				
DRD	Steve Smith			3/30	

**Final DRD Review:**

DRD Review Complete:  
 (All comments rec'd and incorporated into mark-up)  
 Engineer Notified (Pick up Mark-up):  
 Final Mylar w/Mark-up & PDF Rec'd:

Initial \_\_\_\_\_ Date \_\_\_\_\_  
PW 6/20/06  
Ph 6/20/06  
PW 6/30/06

**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:**

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: \_\_\_\_\_  
 Sent to Courthouse for Recordation: \_\_\_\_\_

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



g) Approved Special Exception: \_\_\_\_\_

**(8) Plats for Certain Residential Lots in the RDT Zone;5 Lot Maximum**

a) Number of Lots: \_\_\_\_\_

b) Written MCDPS approval of proposed septic area: \_\_\_\_\_

c) Required street dedication: \_\_\_\_\_

d) Easement for balance of property noting density and TDRS: \_\_\_\_\_

e) Average lot size of 5 acres: \_\_\_\_\_

f) Forest Conservation requirements met: \_\_\_\_\_



**SURVEYOR'S CERTIFICATION**

I hereby certify that the plat shown hereon is correct, that it is a subdivision of the land described in a deed from J. Roy Richardson and Dorothy S. Richardson to William P. Kamachaitis and Marie T. Kamachaitis dated June 14, 1976, and recorded in Liber 4797 at Folio 155, and dated December 17, 1979 and recorded in Liber 5481 at Folio 898. It is also a resubdivision of Lot 5 & Outlot A, Boyds Highlands as per plat recorded in Plat Book 99, Plat 11128, all 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(c) of Montgomery County Code. The address included on this plat is 19,009 acres of land, there is no new dedication to the public use.

Thomas A. Maddox - Date  
 Registered Professional Land Surveyor  
 AID #10950

**OWNER'S CERTIFICATION**

The undersigned, owners of the property shown hereon, hereby adopt this plan of subdivision, grant a Public Utility Easement herein and (1) FILE, (2) the parties named in a document entitled "Terms and Provisions of Public Utility Easement" attached to this plan of subdivision, and (3) the parties named in a document entitled "Terms and Provisions of Public Utility Easement" attached to this plan of subdivision, and (4) the parties named in a document entitled "Terms and Provisions of Public Utility Easement" attached to this plan of subdivision. The owners will cause all necessary permits and all other matters to be set by registered Maryland Land Surveyor, in accordance with Section 50-24(f) of the Montgomery County Code.

There are no liens, mortgages, or trusts, affecting the property including in this plat of subdivision.

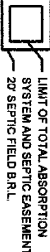
WITNESS	Date	MAURET T. KAMACHAITIS
WITNESS	Date	WILLIAM P. KAMACHAITIS

<b>PLAT TOTALS</b>	
NUMBER OF LOTS	2
AREA OF LOTS	18,809 ACES
AREA OF DEDICATION	0.000 ACES
TOTAL AREA SHOWN ON PLAT	18,809 ACES

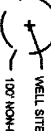
**CURVE TABLE**

CURVE RADIUS	ARC CHORD	BEARING	DELTA
C1	3594.87'	158.70'	N28°50'06"W
			2°30'05"

**LEGEND**



LIMIT OF TOTAL ABSORPTION SYSTEM AND SEPTIC EASEMENT

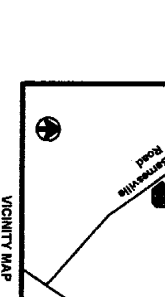
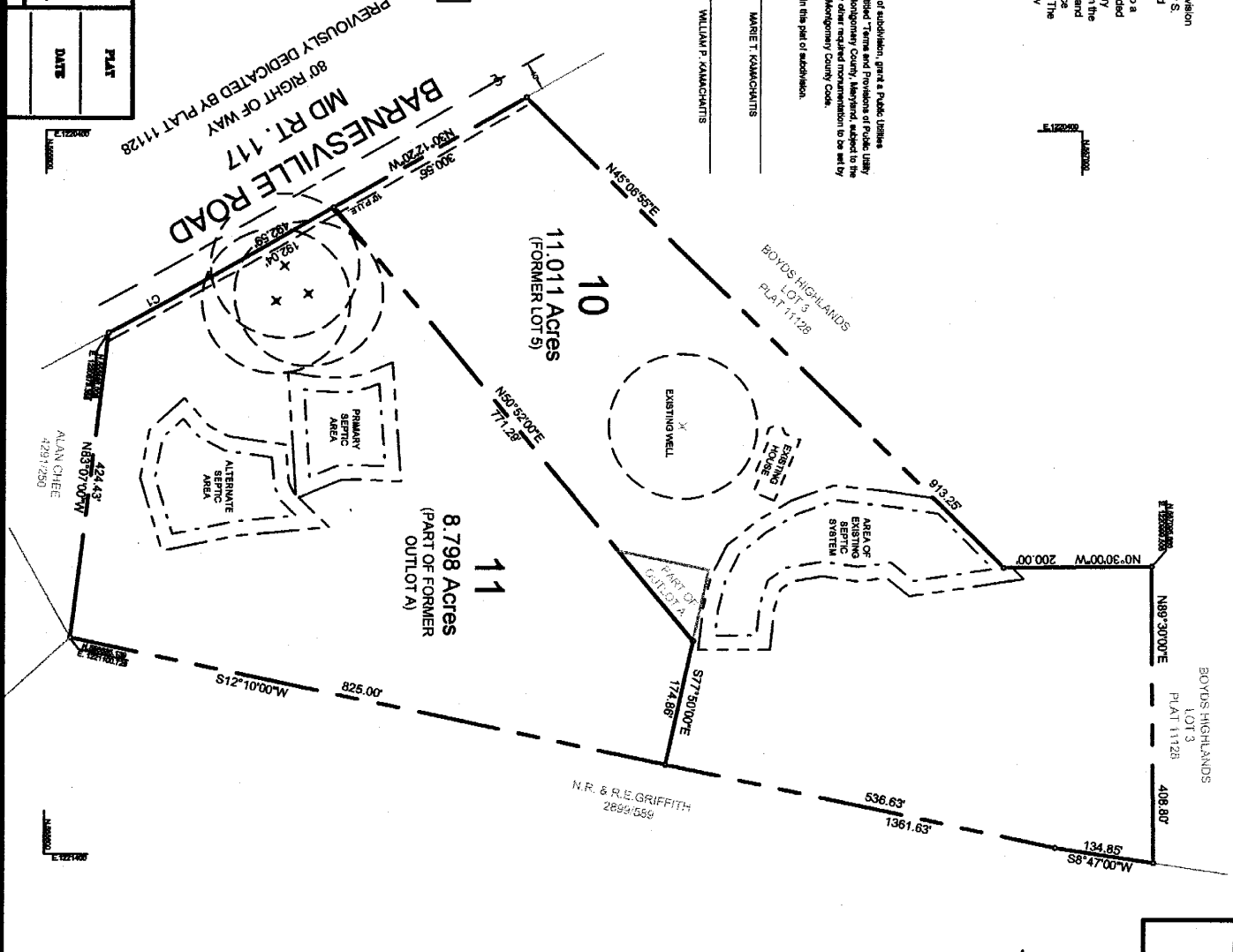


WELL SITE

100' NON-POLLUTION RADIUS

**THE VARYING-VARIABLE CIVILIAN PARK AND PLANNING COMMISSION**  
 MONTGOMERY COUNTY PLANNING BOARD  
 APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

**THE VARYING-VARIABLE CIVILIAN PARK AND PLANNING COMMISSION**  
 MONTGOMERY COUNTY PLANNING BOARD  
 APPROVED \_\_\_\_\_ DATE \_\_\_\_\_



**NOTES**

1. PROPERTY ZONED RES-2 AT DATE OF REORDINATION. ALL EXISTING AND PROPOSED DEVELOPMENT ON THIS PROPERTY IS SUBJECT TO THE STANDARDS UNDER MONTGOMERY COUNTY ZONING CODE.
2. LOT 10 IS SERVED BY EXISTING WELL AND INDIVIDUAL WELL. LOT 11 IS TO BE SERVED BY EXISTING WELL AND INDIVIDUAL WELL. EXISTING SEWER AND WATER CATEGORIES: SA, WA.
3. THIS PLAT CONFORMS WITH THE REQUIREMENTS FOR MINOR SUBDIVISION APPROVALS CONTAINED IN SECTION 50-53(A) AS REPEALED IN SECTION 50-53(A)(1) AND (2) AND SECTION 50-53(A)(3) AND (4) OF MONTGOMERY COUNTY SUBDIVISION REGULATIONS.
4. THIS PROPERTY SHOWN HEREON IS EXEMPT FROM CHAPTER 22A, MONTGOMERY COUNTY FOREST CONSERVATION LAW, EXEMPTION 44822ZE.
5. ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN, OR OTHER PLAN, ALTHOUGH DEVELOPMENT OF THIS PROPERTY APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE FAILURE OF ANY PART OF THIS PLAN. THE PLAN IS INTENDED TO BE MAINTAINED BY THE PLANNING BOARD FOR PUBLIC VIEWING DURING NORMAL BUSINESS HOURS.
6. THIS PLAT IS NOT INTENDED TO SHOW EVERY WATER AFFECTING OR RESTRICTING THE OWNERSHIP AND USE OF THE PROPERTY. THIS PLAT IS NOT INTENDED TO SHOW EVERY EASEMENT OR TITLE OR TO RESTRICT OR NOTE ALL MATTERS AFFECTING TITLE.
7. PROPERTY FOUND ON MONTGOMERY COUNTY TAX MAP DUES WAS: C 288WMS.
8. SEPTIC FIELD BUILDING RESTRICTION LINE SUBJECT TO CHANGE UPON REAPPROVAL BY THE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES WELL AND SEPTIC SECTOR.
9. PRIMARY SEPTIC FIELD ON LOT 11 APPROVED FOR 4 BEDROOM HOUSE ALTERNATE SEPTIC FIELD ON LOT 11 APPROVED FOR 4 BEDROOM HOUSE.

**PLAT OF SUBDIVISION**  
**LOTS 10 & 11**  
**BOYDS HIGHLANDS**  
 A RESUBDIVISION OF  
 LOT 5 & OUTLOT A  
 SECTION DISTRICT 2  
 MONTGOMERY COUNTY, MARYLAND  
 SCALE 1" = 100' APRIL 2006

**THOMAS A. MADDOX**  
 PROFESSIONAL LAND SURVEYOR  
 6655 BEADY GROVE COURT  
 GAITHERSBURG, MARYLAND 20877  
 (301) 964-5604

**COPYRIGHT**  
**THE MARYLAND-NATIONAL CAPITAL**  
**PARK AND PLANNING COMMISSION**

- GENERAL NOTES:**
1. Property is shown as Montgomery County Tax Plat No. 23.
  2. Existing zoning is Rural (R.S.D.).
  3. Property shown in Montgomery County Sales Survey Plat No. 14, M.C.C.
  4. Total area included in this plan is 66.3 Ac. No. 824 M.C.C.
  5. Total number of lots is 6.
  6. Boundaries by N.T.L. Monument.
  7. Topographic survey from N.T.L.C.P. E.M.C.
  8. Water by individual well.
  9. Sewer by public system.
  10. Easement referred to by:
  11. Total area of street dedication is 4.8 Ac.
  12. This is a subdivision of 66.3 Ac.
  13. Average lot size is 10 Ac.

OUTLOT-A-6  
 LOTS 1-6  
 PRELIMINARY SUBDIVISION  
 BOYDS-HIGHLANDS  
 BARNESVILLE DISTRICT  
 MONTGOMERY COUNTY, MARYLAND  
 SCALE 1"=100' MAY, 1975  
 H.K. MADDOX COUNTY SURVEYOR  
 ROCKVILLE, MARYLAND  
 REVISION JULY 1975

THIS PRELIMINARY PLAN HAS BEEN PREPARED BY PHOTOGRAMMETRIC METHODS AND OPERATIONS. THE CONTRACT SPECIFICATIONS FOR THIS PLAN REQUIRED A 1:20,000 SCALE. THE FULL CONTRACT INTENT FOR EACH MAP SHEET IS ALLOWABLE FOR THE AREAS WHERE VEGETATION OBSCURES THE GROUND. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

1" = 100'

1-75042

GRIFFITH  
 6/25/75  
 1. Property shown on  
 2. Montgomery County  
 3. Planning Dept.  
 4. Topographic  
 5. Survey Plat No. 14-25-75  
 6. In the name of N.T.L.C.P.  
 7. N.T.L.C.P. Survey Plat No. 14-25-75  
 8. Map No. 824-75  
 9. 66.3 Ac.  
 10. 6 Lots  
 11. 4.8 Ac. Street Dedication  
 12. 10 Ac. Average Lot Size  
 13. 100' Indicated  
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 100. 10' Indicated



I HEREBY CERTIFY THAT THE  
 1. PROPERTY SHOWN ON THIS PLAN  
 2. IS ACCURATE TO THE BEST  
 3. OF MY KNOWLEDGE AND BELIEF  
 4. AS OF THE DATE OF THIS PLAN  
 5. 6/25/75  
 6. H.K. MADDOX  
 7. COUNTY SURVEYOR  
 8. ROCKVILLE, MARYLAND

Copyright  
 1975 H.K. MadDox

**PLAT NO. 220062080**

**Plat 1 of 2**

White Ground Bridge, Lots 1 and 2

Located on White Ground Road 80 feet west of Schaeffer Road

2 lots

RDT Zone

Private Well and Private Septic

Master Plan Area: Agricultural and Rural Open Space

Applicant: Michael Rubin

Minor Subdivision, Section 50-35 A (a) (8) – Plats for residential lots in the RDT zone

**PLAT NO 200062090**

**Plat 2 of 2**

White Ground Bridge Lot 3 and Parcel A

Located on White Ground Road 80 feet west of Schaeffer Road

1 lot and one parcel

RDT Zone

Private Well and Private Septic

Master Plan Area: Agricultural Rural Open Space

Applicant: Michael Rubin

Minor Subdivision, Section 50-35 A (a) (8) – Plats for residential lots in the RDT zone

These two plats were the subject of Pre- Preliminary Plan 720050160 (formerly 7-05016) White Ground Bridge approved by the Planning Board on 01/10/2005 to create 3 lots and one parcel. M-NCPPC staff and other applicable agencies have reviewed these two record plats, as documented on the attached Plat Review Checklist, pursuant to the provision of Minor Subdivision, Section 50-35 A (a) (8), that allows for up to 5 residential lots in the RDT zone and in conformance with the approved Pre-preliminary Plan. Staff has determined that the plat complies with Pre-Preliminary Plan No. 720050160, as approved, and also with the requirements of Section 50-35 A.

Condition 12 of the Pre-preliminary Plan requires the transfer of all unused development rights to a land trust prior to recordation. Staff recommends approval of the plats with the condition that documentation for the land trust must be received prior to recordation.

**RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET**

(This form contains 3 pages)

Plat Name: White Ground Bridge Plat Number: 2 2006 2080

Plat Submission Date: 4/25/06

DRD Plat Reviewer: PW

DRD Prelim Plan Reviewer: Cathy Larkin

\*For category of minor see pages 2 and 3

**Initial DRD Review:**

Pre-Preliminary Plan No. 720050160 Checked: Initial PW Date 6/18/06

Preliminary Plan No. NA Checked: Initial CAC Date 6/30/06

Planning Board Opinion - Date 1/10/06 Checked: Initial PW Date 5/24/06

Site Plan Name if applicable: NA Site Plan Number: \_\_\_\_\_

Planning Board Opinion - Date \_\_\_\_\_ Checked: Initial \_\_\_\_\_ Date \_\_\_\_\_

Lot # & Layout  Lot Area  Zoning  Bearings & Distances  Coordinates   
 Plan #  Road/Alley Widths  Easements  Open Space  Non-standard  
 BRLs  Adjoining Land  Vicinity Map  Septic/Wells   
 TDR note  Child Lot note NA Surveyor Cert  Owner Cert  Tax Map   
 SPA NA

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment		5/1/06	5/19/06		
Research	Bobby Fleury				
SHA	Doug Mills				
PEPCO	Jose Washington				
Parks	Doug Powell				
DRD	Steve Smith			✓	

**Final DRD Review:**

DRD Review Complete:  
 (All comments rec'd and incorporated into mark-up)  
 Engineer Notified (Pick up Mark-up):  
 Final Mylar w/Mark-up & PDF Rec'd:

<b>Initial</b>	<b>Date</b>
<u>PW</u>	<u>6/26/06</u>
<u>PW</u>	<u>6/26/06</u>
<u>PW</u>	<u>6/30/06</u>

**Board Approval of Plat:**

Plat Agenda: PW 7/20/06

Planning Board Approval: \_\_\_\_\_

Chairman's Signature: \_\_\_\_\_

**DPS Approval of Plat:**

Engineer Pick-up for DPS Signature: \_\_\_\_\_

Final Mylar for Reproduction Rec'd: \_\_\_\_\_

**Plat Reproduction:**

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: \_\_\_\_\_

Sent to Courthouse for Recordation: \_\_\_\_\_

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

**RECORD PLAT REVIEW SHEET – MINOR SUBDIVISION SEC-50-35A**

Plat Name: White Ground  
 Plat Number: 2206 2080  
 Plat Submission Date: 4/25/06  
 DRD Plat Reviewer: PW

**Select which Category of Minor Subdivision and fill information as required**

**Requirements under Sec 50-35A (A)**

**(1) Minor Lot Adjustment**

- a) Total area does not exceed 5% of combined area affected: \_\_\_\_\_
- b) No additional lots created: \_\_\_\_\_
- c) Adjusted line is approximately parallel/does not significantly change shape of the lots: \_\_\_\_\_
- d) Date sketch plan submitted: \_\_\_\_\_
- e) Sketch plan revised or denied within 10 business days: \_\_\_\_\_
- f) Final record plat submitted within ninety days: \_\_\_\_\_
- g) Sketch shows following information:
  - i. proposed lot adjustment: \_\_\_\_\_
  - ii. physical improvements within 15 feet of adjusted line: \_\_\_\_\_
  - iii. alteration to building setback: \_\_\_\_\_
  - iv. amount of lot area affected: \_\_\_\_\_

**(2) Conversion of Outlot into a Lot**

- a) Outlot not required for open space or otherwise constrained: \_\_\_\_\_
- b) Adequate sewerage and water service/public or private: \_\_\_\_\_
- c) Adequate public facilities and AGP satisfied: \_\_\_\_\_
- d) Any conditions/agreements of original subdivision: \_\_\_\_\_
- e) Special Protection Area, Water Quality Plan required: \_\_\_\_\_

**(3) Consolidation Of Two of More Lots**

- a) Any prior subdivision conditions: \_\_\_\_\_
- b) Part of lot created by deed prior to June 1 1958: \_\_\_\_\_

**(4) Further Subdivision of Commercial/Industrial/Multi-Family Lot**

Any subdivision/conditions; APF agreement satisfied: \_\_\_\_\_

**(5) Plat of Correction**

- a) All owners and trustees signed: \_\_\_\_\_
- b) Original Plat identified: \_\_\_\_\_

**(6) Plats for Residentially Zoned Parcels Created by Deed prior to June 1958**

- a) Deed(s) submitted: \_\_\_\_\_
- b) Developable with only one single family detached unit: \_\_\_\_\_

(7) Plat for Existing Places of Worship, Private Schools, Country Club, Private Institution, and Similar Uses located on Unplatted Parcels

- a) Adequate Public Facilities satisfied: \_\_\_\_\_
- b) Street dedication required: \_\_\_\_\_
- c) Forest conservation: \_\_\_\_\_
- d) Storm water management: \_\_\_\_\_
- e) Special Protection Area/Water Quality Plan: \_\_\_\_\_
- f) Landscaping and lighting plan including parking lot layout: \_\_\_\_\_
- g) Approved Special Exception: \_\_\_\_\_

(8) Plats for Certain Residential Lots in the RDT Zone; 5 Lot Maximum

- a) Number of Lots: \_\_\_\_\_
- b) Written MCDPS approval of proposed septic area: \_\_\_\_\_
- c) Required street dedication: \_\_\_\_\_
- d) Easement for balance of property noting density and TDRS: 2 1/1 Parcel ✓
- e) Average lot size of 5 acres: Need ✓
- f) Forest Conservation requirements met: \_\_\_\_\_



**RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET**

(This form contains 3 pages)

22006 2090

Plat Name: White Ground Bridge Plat Number: ~~22006 2080~~

Plat Submission Date: 4/25/06

DRD Plat Reviewer: PW

DRD Prelim Plan Reviewer: Cathy London

\*For category of minor see pages 2 and 3

**Initial DRD Review:**

Pre-Preliminary Plan No. 720050160 Checked: Initial PW Date 6/13/06

Preliminary Plan No. NA Checked: Initial CA Date 6/30/06

Planning Board Opinion - Date 1/10/06 Checked: Initial PW Date 5/24/06

Site Plan Name if applicable: NA Site Plan Number: \_\_\_\_\_

Planning Board Opinion - Date \_\_\_\_\_ Checked: Initial \_\_\_\_\_ Date \_\_\_\_\_

Lot # & Layout  Lot Area  Zoning  Bearings & Distances  Coordinates   
 Plan #  Road/Alley Widths  Easements  Open Space  Non-standard  
 BRLs  Adjoining Land  Vicinity Map  Septic/Wells   
 TDR note  Child Lot note  Surveyor Cert  Owner Cert  Tax Map   
 SPA NA

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment		5/1/06	5/19/06		
Research	Bobby Fleury				
SHA	Doug Mills				
PEPCO	Jose Washington				
Parks	Doug Powell				
DRD	Steve Smith			✓	

**Final DRD Review:**

DRD Review Complete:

(All comments rec'd and incorporated into mark-up)

Engineer Notified (Pick up Mark-up):

Final Mylar w/Mark-up & PDF Rec'd:

**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:**

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:

Sent to Courthouse for Recordation:

Initial

PW

PW

PW

PW

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Date

6/20/06

6/20/06

6/30/06

7/20/06

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



**RECORD PLAT REVIEW SHEET – MINOR SUBDIVISION SEC-50-35A**

Plat Name: White Ground  
Plat Number: 22062090  
Plat Submission Date: 4/25/06  
DRD Plat Reviewer: PW

**Select which Category of Minor Subdivision and fill information as required**

**Requirements under Sec 50-35A (A)**

**(1) Minor Lot Adjustment**

- a) Total area does not exceed 5% of combined area affected: \_\_\_\_\_
- b) No additional lots created: \_\_\_\_\_
- c) Adjusted line is approximately parallel/does not significantly change shape of the lots: \_\_\_\_\_
- d) Date sketch plan submitted: \_\_\_\_\_
- e) Sketch plan revised or denied within 10 business days: \_\_\_\_\_
- f) Final record plat submitted within ninety days: \_\_\_\_\_
- g) Sketch shows following information:
  - i. proposed lot adjustment: \_\_\_\_\_
  - ii. physical improvements within 15 feet of adjusted line: \_\_\_\_\_
  - iii. alteration to building setback: \_\_\_\_\_
  - iv. amount of lot area affected: \_\_\_\_\_

**(2) Conversion of Outlot into a Lot**

- a) Outlot not required for open space or otherwise constrained: \_\_\_\_\_
- b) Adequate sewerage and water service/public or private: \_\_\_\_\_
- c) Adequate public facilities and AGP satisfied: \_\_\_\_\_
- d) Any conditions/agreements of original subdivision: \_\_\_\_\_
- e) Special Protection Area, Water Quality Plan required: \_\_\_\_\_

**(3) Consolidation Of Two of More Lots**

- a) Any prior subdivision conditions: \_\_\_\_\_
- b) Part of lot created by deed prior to June 1 1958: \_\_\_\_\_

**(4) Further Subdivision of Commercial/Industrial/Multi-Family Lot**

Any subdivision/conditions; APF agreement satisfied: \_\_\_\_\_

**(5) Plat of Correction**

- a) All owners and trustees signed: \_\_\_\_\_
- b) Original Plat identified: \_\_\_\_\_

**(6) Plats for Residentially Zoned Parcels Created by Deed prior to June 1958**

- a) Deed(s) submitted: \_\_\_\_\_
- b) Developable with only one single family detached unit: \_\_\_\_\_

(7) Plat for Existing Places of Worship, Private Schools, Country Club, Private Institution, and Similar Uses located on Unplatted Parcels

- a) Adequate Public Facilities satisfied: \_\_\_\_\_
- b) Street dedication required: \_\_\_\_\_
- c) Forest conservation: \_\_\_\_\_
- d) Storm water management: \_\_\_\_\_
- e) Special Protection Area/Water Quality Plan: \_\_\_\_\_
- f) Landscaping and lighting plan including parking lot layout: \_\_\_\_\_
- g) Approved Special Exception: \_\_\_\_\_

(8) Plats for Certain Residential Lots in the RDT Zone; 5 Lot Maximum

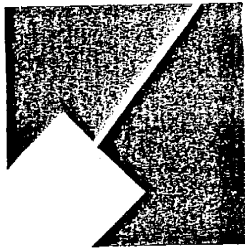
- a) Number of Lots: \_\_\_\_\_ *21 / 1 Parcel*
- b) Written MCDPS approval of proposed septic area: \_\_\_\_\_ *Need*
- c) Required street dedication: \_\_\_\_\_
- d) Easement for balance of property noting density and TDRS: \_\_\_\_\_ */*
- e) Average lot size of 5 acres: \_\_\_\_\_
- f) Forest Conservation requirements met: \_\_\_\_\_





 **COPY**

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)

Date Mailed: JAN 10 2006

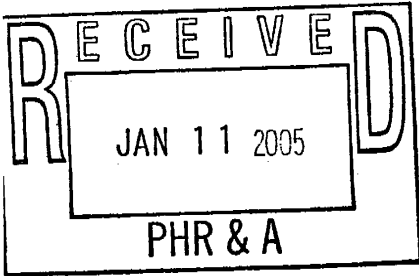
Hearing Date: May 19, 2005

Action: Approved Staff

Recommendation

Motion of Commissioner Robinson,  
seconded by Commissioner Bryant,  
with a vote of 3-1;

Chairman Berlage and Commissioners  
Bryant and Robinson voting in favor;  
Commissioner Wellington voting  
against; Commissioner Perdue  
necessarily absent.



## MONTGOMERY COUNTY PLANNING BOARD

### OPINION

Pre-Preliminary Plan: 7-05016

NAME OF PLAN: White Ground Bridge

The date of this written opinion is JAN 10 2006 (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 1/11/05, the applicant, Harold F. Baker ("Applicant" or "Owner"), submitted an application for the approval of a pre-preliminary plan of subdivision. The application proposed to create three lots and one parcel on 38.73 acres of land in the Rural Density Transfer ("RDT") zone, located on the west side of White Ground Road at the terminus of Schaeffer Road ("Subject Property"). The application was designated Pre-Preliminary Plan No. 7-05016 ("Pre-Preliminary Plan"). On May 19, 2005, the Pre-Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing ("Hearing"). At the Hearing, the 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 Hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Pre-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 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; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the Hearing.

### MINOR SUBDIVISION APPROVAL PROCEDURE

The Pre-Preliminary Plan was brought before the Planning Board pursuant to Section 50-35A(a)(8) of the Montgomery County Code as a request to allow the three lots and one parcel to be platted under the minor subdivision procedure. Section 50-35A(a)(8) provides that up to five (5) lots may be platted in the RDT zone under the minor subdivision procedure after Planning Board or Planning Board Staff approval of a pre-preliminary plan. Section 50-35A(a)(8) also sets forth the following requirements for pre-preliminary plan approval:

- 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 lot(s) 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 in the record plat for the lots;
- 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; and
- e) Forest conservation requirements must be satisfied prior to recording of the plat.

### SITE DESCRIPTION

The Subject Property is located on the west side of White Ground Road, at the terminus of Schaeffer Road, in Boyds, Maryland. White Ground Road is classified as an exceptional rustic road. The Subject Property contains 38.73 acres of land, which constitutes the northeastern portion of a larger 273.61-acre parcel ("Parent Parcel"). The Parent Parcel is zoned RDT and is located in the Agricultural and Rural Open Space Master Plan area. The property is currently used for farming and a nursery. The Parent Parcel contains the identified Locational Atlas Resource, Susanna Farm, which is also listed on the National Register of Historic Places. The farmstead consists of a main house (c1800; c1870), a kitchen/slave quarters (early 1800s), a meat/smoke house (early 1800s), a double corn crib (c1900), and a bank barn (c1870) set on a knoll. The majority

of the farm, including at least one residence and several accessory structures, will remain on the 235-acre unplatted remainder of the site.

The Subject Property is located within the Little Seneca Creek watershed (Use Classification I in this section) and contains several tributary streams and their associated floodplain and stream buffers. Forest covers a total of 57.74 acres of the Parent Parcel and a majority of the forested area is located on the portion of the site that will remain unplatted and in agricultural use. The majority of the onsite soils are classified as Prime Agricultural soils.

### **PROJECT DESCRIPTION**

The proposed three new lots will be grouped in the northeast corner of the Parent Parcel and will have access to White Ground Road via a shared driveway. Each of the three lots will be approximately 10 acres in size in order to accommodate single-family detached houses and equestrian uses. The lots will contain 9.26, 10.72, and 11.59 acres, respectively. The lots will be served by private wells and sand mound septic systems. The 5.82-acre parcel will be dedicated to M-NCPPC for inclusion in the Bucklodge Branch Stream Valley Park.

The remaining 235 acres of the Parent Parcel will not be platted and will remain in agricultural use. To ensure continued agricultural use, the Owner will place the remainder of the development rights from the Parent Parcel into the Sugarloaf Countryside Conservancy, a land trust that was formed to promote conservation and preservation of land in Montgomery and Frederick Counties.

### **STAFF FINDINGS AND RECOMMENDATION**

Staff found that the Pre-Preliminary Plan complies with all applicable ordinances and regulations regarding the subdivision of land in Montgomery County. Staff further found that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision. Accordingly, Staff recommended approval of the request to allow the subject application to proceed through the minor subdivision process, subject to Staff's recommended conditions.

### **Master Plan Compliance**

Staff advised the Board that the Pre-Preliminary Plan conforms to the recommendations of the Functional Master Plan for the Preservation of Agriculture and Rural Open Space in Montgomery County ("Master Plan"), which establishes agriculture as the preferred use for land in the RDT zone. In the Memorandum from Development Review Division Staff to the Planning Board, dated May 11, 2005, ("Staff Report"), Staff explained that the proposed plan meets the goal of the Master Plan for agricultural preservation by grouping the three proposed lots so that the majority of the Parent Parcel is retained in a large, contiguous remainder parcel for continued agricultural use. In

addition, Staff noted that the three new lots are large enough to support private horse stables, even though the lots will not likely provide for the more significant types of agricultural uses envisioned by the Master Plan. Staff further reported that, although the three lots are proposed to be served by sand mound septic systems, the proposed density is significantly lower than the allowed density of one dwelling per twenty-five (25) acres. Moreover, Staff advised the Board that, although the RDT zone allows single-family dwellings as a permitted use on lots as small as 40,000 square feet, the placement of the remaining development rights for the property in a land trust will ensure that the majority of the property will be retained in agricultural uses and that building permits may be obtained only for agricultural structures on the remainder parcel.

### Environmental

Staff informed the Board that the proposed lots and parcel are subject to forest conservation requirements. The Subject Property contains 3.92 acres of existing forest, which is located within a designated Agricultural and Resource Area pursuant to the Montgomery County Forest Conservation Law, Mont. Co. Code, Ch. 22A. Section 22A-12(f) of the Forest Conservation Law requires that forest retention and planting associated with the lots must constitute a minimum of 25% of the total area of the lots. To meet the requirements, existing forest on the proposed lots and parcel must be retained and additional forest planted. As an alternative to the planting requirement, forest on the farm remainder of the property could be protected by easement. Adequate forest protection will be ensured by Condition #2, which requires compliance with the conditions of approval of the Preliminary Forest Conservation Plan prior to the recordation of the proposed lots, and Condition #7, which requires that all forest retention and planting areas on the three new lots be placed in Category I conservation easements. Staff further found that the agricultural exemption set forth in Section 22A-5(b) of the Forest Conservation Law, provides that a conservation easement is not required to be placed over the existing forest on the remainder parcel, but clearing of that forest would not be permitted unless it is directly related to planned agricultural uses.

The Subject Property also contains stream buffers, floodplains and wetlands. A Category I conservation easement will be placed over these areas within the proposed lots. Some of these areas are also protected within park dedication areas. The stream buffers within the farm remainder of the property will not be placed in conservation easements.

### Historic Preservation

Through a letter on behalf of the Applicant, dated April 22, 2005, from Paul Sun, PHRA Project Manager, to Michele Oaks, M-NCPPC Historic Preservation Section, the Applicant requested that the Montgomery County Historic Preservation Commission ("HPC") review the Pre-Preliminary Plan. The Applicant explained that, because of the design concept, the proposed equestrian use, the distance from the proposed lots to the historic resource, the natural topography of the site, and the existing forest and hedgerow



along White Ground Road, the proposed development will not be out of character with the surrounding agricultural lands and will not have any adverse effects. The Applicant further stated that the placement of the remaining development rights in the Sugarloaf Countryside Conservancy and the dedication of the 5.8-acre parcel to M-NCPPC will ensure that the existing agricultural open space setting will be preserved and maintained sufficiently.

The HPC reviewed the Pre-Preliminary Plan on May 11, 2005, and advised the Planning Board of its conclusions by letter dated May 12, 2005, from Julia O'Malley, Chairperson, HPC to Derick Berlage, Chair, Montgomery County Planning Board ("Historic Preservation Letter"). The Historic Preservation Letter described the historic resource on the property, Susanna Farm. The Historic Preservation Letter also noted that White Ground Road is classified as an "exceptional rustic road" and identified on the Rustic Roads Master Plan. The HPC concluded that the proposed subdivision is located well away from, and should have little direct impact on, the historic structures on the site. In addition, the HPC commended the Applicant's offer to place the remainder of the development rights into a land trust. However, the Historic Preservation Letter also noted the potential impact of three new houses, directly visible from White Ground Road, on the historic character of the overall rural area. Accordingly, the Historic Preservation Commission recommended approval of the Pre-Preliminary Plan subject to the following conditions, which are incorporated into Conditions Nos. 4 and 5 of this Opinion:

1. A building restriction setback will be created on Lot 1 requiring the construction of the new house to be as far away from White Ground Road as possible.
2. An additional landscape buffer, a naturalistic mix of deciduous and evergreen native trees, will be installed near the new houses and/or near White Ground Road, but not in a way that will detract from the rural character of the area.

### **PLANNING BOARD HEARING**

Staff presented testimony and graphic exhibits at the Hearing. Staff recommended approval of the plan to allow the three lots to move forward and be platted under the minor subdivision procedure, subject to the conditions recommended in the Staff Report. Staff explained that the Planning Board must review any proposed minor subdivision where the average size of the proposed lots is larger than 5 acres, otherwise only Staff review and approval is required.<sup>1</sup> Staff further explained that the Applicant has not reduced the size of the proposed lots to 5 acres or less because the Applicant intends to market the lots for equestrian uses. Staff testified that the proposed equestrian uses, when contrasted with ordinary residential uses on smaller lots, are more in character with the overall rural setting of the site. Staff also stated that clustering the smaller lots preserves the majority of the property for major farming activities. In addition, Staff testified that the Applicant's plan to place the remaining development rights in a land trust will ensure the preservation of the land for agricultural uses. Staff advised the Planning

<sup>1</sup> See Section 50-35A(a)(8)d. of the Montgomery County Code, set forth above.

Board that Historic Preservation Staff had reviewed the proposal and found that the new houses will not have a visual impact on the historic resource, but that there is a potential impact on the view and overall rural character from White Ground Road. The setback and landscape buffer/reforestation strip requirements recommended by the Historic Preservation Commission to address this concern are included in Staff's recommended conditions. Staff further advised the Board that the original recommendation was for a 400 foot setback from White Ground Road, but that after discussions with the Applicant and Historic Preservation Staff about the limitations of the proposed setback, given the other constraints of the site, Staff concluded that a 300 foot setback would be acceptable.

The Applicant appeared represented by Pat Smith and Paul Sun, Project Manager, Patton, Harris, Rust & Associates, who testified that the Applicant agreed with the Staff recommendation. In response to a question from Commissioner Robinson, the Applicant's representatives agreed that the Applicant will convey the development rights on the remainder parcel to the land trust prior to record plat. Commissioner Robinson directed Staff to make the conveyance of the development rights prior to record plat an explicit condition of approval.

No other testimony was received on the application and the record contains no correspondence or other evidence submitted in opposition to the application. In moving for approval of the application, Commissioner Robinson noted that, although it is his view that sewage treatment systems other than standard septic systems should not be used to allow maximum development in the RDT zone, the subject plan does not propose development anywhere near the maximum allowable density for the Subject Property. Commissioner Robinson further noted that, in creating large lots for equestrian use and providing a large unplatted remainder, which is available for continued agricultural use, the subject proposal satisfies an important policy consideration in the RDT zone. Commissioner Robinson concluded that the subject proposal is consistent with the purposes of the Master Plan and the RDT zone, and is a good model.

## **FINDINGS**

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

- a) The width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision. The Planning Board expressly finds that the sizes of the proposed lots, which are greater than 5 acres, are appropriate for the location of the subdivision and that the lots may be platted through the minor subdivision process set forth in § 50-35A of Chapter 50 of the Montgomery County Code ("Subdivision Regulations").

- b) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- c) The Pre-preliminary Plan No. 7-05016 substantially conforms to the Functional Master Plan for the Preservation of Agriculture and Rural Open Space in Montgomery County.
- d) The proposed lots have adequate frontage along a public road.

### CONDITIONS OF APPROVAL

Finding Pre-Preliminary Plan No. 7-05016 in accordance with the purposes and all applicable regulations of the Montgomery County Code, the Planning Board approves Pre-Preliminary Plan No. 7-05016, White Ground Bridge, for three lots and one parcel to be platted under the provisions of Section 50-35A(a)(8) of the Montgomery County Code, and a 234.88 acre remainder parcel, subject to the following conditions:

- 1) Approval is limited to three (3) one-family detached dwelling units.
- 2) Compliance with the conditions of approval of the Preliminary Forest Conservation Plan, including the requirement for a plan revision that demonstrates minimum onsite retention and planting requirements are met. ~~The applicant must satisfy all conditions prior to recording of plat(s).~~
- 3) Applicant shall dedicate Parcel A to M-NCPPC for inclusion into the Bucklodge Branch Stream Valley Park as recommended in the Agricultural and Rural Open Space Master Plan.
- 4) Applicant shall provide a landscaping buffer or reforestation along White Ground Road to screen new houses from the roadway. Landscape or reforestation plan to be submitted for technical staff review and approval prior to the issuance of the first building permit.
- 5) In accordance with HPC letter dated May 12, 2005, record plat to reflect a building restriction setback of 300 feet from the White Ground Road right-of-way on Lot 1 only.
- 6) Record plat to reflect dedication 40 feet from centerline on White Ground Road.
- 7) Record plat to reflect a Category I conservation easement over all on-lot forest retention and planting areas.
- 8) Record plat to reference a recorded easement for the Parent Parcel indicating that density for these lots was removed from the Parent Parcel, Parcel 375 at Liber 5770, Folio 379, and that three TDR's were available on the Parent Parcel for creation of the three lots.
- 9) Record plat to reflect shared ingress/egress and utility easement for the proposed lots.
- 10) Final approval for wells and septic systems must be obtained from the Montgomery County Department of Permitting Services, Well and Septic Section, prior to recordation of lots.

- 11) Applicant to submit a complete record plat application for all lots to M-NCPPC within thirty-seven (37) months of the date of issuance of the opinion for this pre-preliminary plan.
- 12) Prior to plat recordation, Applicant must provide Staff with documentation confirming that it has transferred all unused development rights for the Parent Parcel to a land trust.
- 13) Other necessary easements to be reflected on plat.

**APPROVED AS TO LEGAL SUFFICIENCY**  
*ARB*  
\_\_\_\_\_  
**M-NCPPC LEGAL DEPARTMENT**  
DATE *12/30/05*

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE

**CERTIFICATION OF BOARD VOTE ADOPTING OPINION**

At its regular meeting, held on **Thursday, January 5, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission by unanimous consent, with Commissioner Wellington absent, **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 **Pre-Preliminary Plan No. 7-05016, White Ground Bridge.**



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

