



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

MCPB
Item #
10/18/07

MEMORANDUM

DATE: October 4, 2007

TO: Montgomery County Planning Board

VIA: Catherine Conlon, Supervisor *OAC*
Development Review Division
(301) 495-4542

FROM: Stephen Smith *SJS*
Development Review Division
(301) 495-4522

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for October 18, 2007

The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plan and site plan, if applicable, and *conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code*. Attached are specific recommendations and copies of plan drawings for the record plat. The following plats are included:

220071290 **Darnestown Meadows**
220071620 **B.F. Gilbert's Addition to Takoma Park**
220080180 **Lybrook**

PLAT NO. 220071290

Darnestown Meadows

Located on the north side of Darnestown Road (MD 28), approximately 400 feet east of Germantown Road (MD 118)

RC zone; 2 lots

Private Well, Private Septic

Master Plan Area: Potomac

St. Nicholas Episcopal Church, Applicant

Staff recommends approval of this minor subdivision plat pursuant to section **50-35A (a)(3)** of the Subdivision Regulations, which states:

Consolidation of Two or More Lots or a Part of a lot into One Lot. Consolidating more than one lot into a single lot is permitted under the minor subdivision procedure provided:

- a. Any conditions applicable to the original subdivision remain in full force and effect and the number of trips generated on the new lot do not exceed those permitted for the original lots or as limited by an Adequate Public Facilities agreement.
- b. Any consolidation involving a part of a lot may occur under the minor subdivision process if the part of a lot was created by deed recorded prior to June 1, 1958

Staff applied the above-noted minor subdivision criteria for this property and concludes that the proposed subdivision complies with the criteria of Section 50-35A (a)(3) of the subdivision regulations and supports this minor subdivision record plat.

RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET

(This form contains 3 pages)

Plat Name: Darnestown Meadows Plat Number: 22007129
 Plat Submission Date: 4/3/07
 DRD Plat Reviewer: S. Smith
 DRD Prelim Plan Reviewer: _____

*For category of minor see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. _____ Checked: Initial _____ Date _____
 Preliminary Plan No. 1-91010 Checked: Initial SOS Date 7-30-07
 Planning Board Opinion - Date 7/24/06 Checked: Initial SOS Date 7-30-07
 Site Plan Name if applicable: _____ Site Plan Number: _____
 Planning Board Opinion - Date _____ Checked: Initial _____ Date _____

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>J. P. ...</u>	<u>4-17-07</u>	<u>5-4-07</u>	<u>10-4-07</u>	<u>OK Revised FCP</u>
Research	Bobby Fleury				
SHA	Doug Mills				
PEPCO	Steve Baxter				
Parks	Doug Powell				
DRD	<u>Steve Smith</u> <u>Nelle Carg</u>			<u>4-23-07</u>	<u>Grass Darnestownville</u>

Appr.

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: _____

Initial

Date

SOS 10-4-07
SOS 5-14-07
SOS 8-30-07
SOS 10-18-07

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

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: Traffic Statement Submitted
- b) Part of lot created by deed prior to June 1 1958: N/A

(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:**

e) **Average lot size of 5 acres:**

f) **Forest Conservation requirements met:**

PLAT NO. 220071620

B.F. Gilbert's Addition to Takoma Park

Located in the northwest quadrant of the intersection of Ritchie Avenue and Geneva Avenue

R-60 zone; 2 lots

Community Water, Community Sewer

Master Plan Area: Takoma Park

Stephanie White and Bruno Gomis, Applicants

The record plat has been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120070160, 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 aforesaid plan.

RECORD PLAT REVIEW SHEET

Plan Name: White Property Plan Number: 120070160
 Plat Name: B. F. Gilberts Addition to Tolson Park Plat Number: 220071620
 Plat Submission Date: 6-22-07
 DRD Plat Reviewer: S. Smith
 DRD Prelim Plan Reviewer: Erin Grayson

Initial DRD Review:

Signed Preliminary Plan – Date 9/27/07 Checked: Initial [Signature] Date 10/3/07
 Planning Board Opinion – Date 9-21-07 Checked: Initial SJS Date 10-3-07
 Site Plan Req'd for Development? Yes No Verified By: SJS (initial)
 Site Plan Name: _____ Site Plan Number: _____
 Planning Board Opinion – Date _____ Checked: Initial _____ Date _____
 Site Plan Signature Set – Date _____ Checked: Initial _____ Date _____
 Site Plan Reviewer Plat Approval: Checked: Initial _____ Date _____

Review Items: Lot # & Layout Lot Area Zoning Bearings & Distances
 Coordinates Plan # ok Road/Alley Widths ok Easements ok Open Space N/A
 Non-standard BRLs ok Adjoining Land ok Vicinity Map ok Septic/Wells N/A
 TDR note N/A Child Lot note N/A Surveyor Cert ok Owner Cert Tax Map _____

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>A. Lindquist</u>	<u>6-27-07</u>	<u>7-13-07</u>	<u>7-13-07</u>	<u>EXEMPTION</u>
Research	<u>Bobby Fleury</u>	↓	↓	<u>7-2-07</u>	<u>OK</u>
SHA	<u>Doug Mills</u>			—	—
PEPCO	<u>Steve Baxter</u>			—	—
Parks	<u>Doug Powell</u>			—	—
DRD	<u>Nellie Carey</u>	↓	↓	<u>7-12-07</u>	<u>OK</u>

Final DRD Review:

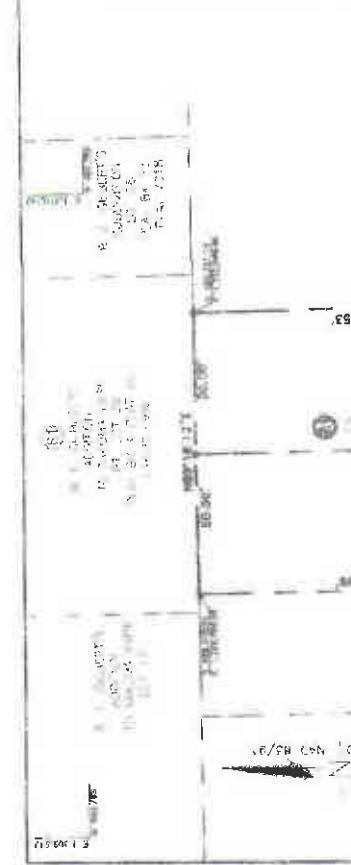
DRD Review Complete: SJS 10-4-07
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up): SJS 7-19-07
 Final Mylar w/Mark-up & PDF Rec'd: SJS 9-28-07
Board Approval of Plat:
 Plat Agenda: SJS 10-18-07
 Planning Board Approval: _____
 Chairman's Signature: _____
DPS Approval 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 #: _____ No. _____
 Update Green Books for Resubdivision: _____
 Notify Engineer to Seal Plats: _____
 Engineer Seal Complete: _____
 Complete Reproduction: _____
 Sent to Courthouse for Recordation: _____



PLAT NO. _____

OWNERS' CERTIFICATE

We, the undersigned, being the owners of the property shown on the attached plat, hereby agree to file for registration of the plat and to execute all such documents as may be required by the State of Maryland in connection with the recording of this plat. We further agree to execute all such documents as may be required by the State of Maryland in connection with the recording of this plat.



John A. Landell - 28 Dec 74 Date
John A. Landell - 9-15-2009 Date
John A. Landell - 9-15-2009 Date
John A. Landell - 9-15-2009 Date

NOTES

1. All the terms, conditions, agreements, limitations and requirements associated with any preliminary plat, site plan, project plan or other plan showing development of the property, shall not be construed to be binding on the State of Maryland, and shall not be construed to be binding on the State of Maryland, and shall not be construed to be binding on the State of Maryland.
2. This plat is subject to the rules and conditions of Preliminary Plat No. 120070190 entitled above Property.
3. The Subdivision Plat No. 120070190 is not intended to be used as a title instrument and shall not be used as a title instrument.
4. The property shown herein is exempt from the Transfer Corporation Plat requirements of the Montgomery County Fiscal Commission.
5. The Current Zoning is R-100.
6. For Public Works and Sewer Systems only.
7. The existing utility lines, including all lot, if any, may be located, altered or reconstructed to be consistent with the proposed plat as shown on the plat.

TABULAR SUMMARY

LOT NO.	AREA (SQ. FT.)	AREA (SQ. YD.)
LOT 47	21,138 SQ. FT.	483.00 SQ. YD.
LOT 48	13,137 SQ. FT.	302.75 SQ. YD.
LOT 49	25,335 SQ. FT.	581.50 SQ. YD.



LINE TABLE

LINE NO.	BEARING	DISTANCE
1	N 89° 00' 00" E	100.00
2	S 89° 00' 00" W	100.00
3	N 01° 00' 00" E	100.00
4	S 01° 00' 00" W	100.00

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly licensed Surveyor in the State of Maryland, do hereby certify that the plat shown herein is correct to the best of my professional knowledge, information and belief. I am a member of the Surveyors Association of the State of Maryland and am duly licensed to practice my profession in the State of Maryland.

John A. Landell
 Surveyor

LEGEND

- MS. SET
- IRON PIPE FOUND
- REBAR & CAP FOUND

APPROVED BY: _____ DATE: _____

DIRECTOR: _____

THE MONTGOMERY COUNTY BOARD AND PLANNING COMMISSION
 MONTGOMERY COUNTY PLANNING BOARD

RECORDED BY: _____ DATE: _____

RECORDED BY: _____ DATE: _____

RECORDED BY: _____ DATE: _____

LANDMARK ENGINEERING, INC.
 860 KENNESAW PARKWAY, SUITE 110 FARMERS MARKET, MARYLAND
 CONSULTING ENGINEERS PLANNERS SURVEYORS

SCALE: 1" = 30' SEPTEMBER, 2007



GENERAL NOTES

1. SEE EXHIBIT 'A' FOR SITE PLAN.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF CONCRETE AND REINFORCED CONCRETE STRUCTURES.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF STEEL STRUCTURES.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF MASONRY STRUCTURES.
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF WOOD STRUCTURES.
6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF MECHANICAL AND ELECTRICAL SYSTEMS.
7. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF PLUMBING SYSTEMS.
8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF HEATING AND COOLING SYSTEMS.
9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF ELEVATOR SYSTEMS.
10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF SAFETY SYSTEMS.
11. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF SIGNAGE SYSTEMS.
12. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF LANDSCAPE ARCHITECTURE.
13. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF UTILITIES.
14. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF SPECIALTIES.
15. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF ACCESSORIES.
16. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF FINISHES.
17. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF PAINTS AND COATINGS.
18. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF GLAZING.
19. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF FLOORING.
20. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF CEILING.
21. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF WALLS.
22. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF ROOFING.
23. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF EXTERIOR FINISHES.
24. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF INTERIOR FINISHES.
25. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF LIGHTING.
26. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF SOUND AND VIBRATION CONTROL.
27. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF ENERGY EFFICIENCY.
28. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF SUSTAINABLE DESIGN.
29. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF ACCESSIBILITY.
30. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF SECURITY.



ARCHITECT
 [Faded text]

LEGEND

1	SEE EXHIBIT 'A'
2	SEE EXHIBIT 'B'
3	SEE EXHIBIT 'C'
4	SEE EXHIBIT 'D'
5	SEE EXHIBIT 'E'
6	SEE EXHIBIT 'F'
7	SEE EXHIBIT 'G'
8	SEE EXHIBIT 'H'
9	SEE EXHIBIT 'I'
10	SEE EXHIBIT 'J'
11	SEE EXHIBIT 'K'
12	SEE EXHIBIT 'L'
13	SEE EXHIBIT 'M'
14	SEE EXHIBIT 'N'
15	SEE EXHIBIT 'O'
16	SEE EXHIBIT 'P'
17	SEE EXHIBIT 'Q'
18	SEE EXHIBIT 'R'
19	SEE EXHIBIT 'S'
20	SEE EXHIBIT 'T'
21	SEE EXHIBIT 'U'
22	SEE EXHIBIT 'V'
23	SEE EXHIBIT 'W'
24	SEE EXHIBIT 'X'
25	SEE EXHIBIT 'Y'
26	SEE EXHIBIT 'Z'

ENGINEER'S CERTIFICATE
 I, the undersigned, being a duly Licensed Professional Engineer in the State of California, do hereby certify that the above is a true and correct copy of the original plans and specifications for the above project, as prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of California.

[Signature]
 [Faded text]

SEE EXHIBIT 'A'

[Faded text]

UTILITIES

[Faded text]

REGISTERED PROFESSIONAL ENGINEER
 STATE OF CALIFORNIA
 LICENSE NO. [Faded]
 EXPIRES [Faded]

REGISTERED PROFESSIONAL ARCHITECT
 STATE OF CALIFORNIA
 LICENSE NO. [Faded]
 EXPIRES [Faded]

REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT
 STATE OF CALIFORNIA
 LICENSE NO. [Faded]
 EXPIRES [Faded]



DATE	1/15/2024
SCALE	AS SHOWN
PROJECT	[Faded]
CLIENT	[Faded]
LOCATION	[Faded]
DATE	1/15/2024

APPROVED
 [Faded text]





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

SEP 21 2007

MCPB No. 07-127
Preliminary Plan No. 120070160
White Property (Resubdivision)
Date of Hearing: 05/17/07

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

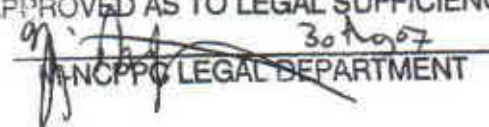
WHEREAS, on September 27, 2006, Stephanie White & Bruno Gomis ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 2 lots on 0.53 acres of land located on the north side of Ritchie Avenue, 0 feet northwest of Geneva Avenue ("Property" or "Subject Property"), in the Takoma Park Master Plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120070160, White Property ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated April 19, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on May 17, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

APPROVED AS TO LEGAL SUFFICIENCY

J. N. C. P. C. LEGAL DEPARTMENT

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

WHEREAS, on May 17, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Robinson; seconded by Commissioner Bryant; with a vote of 5-0, Commissioners Bryant, Hanson, Perdue, Robinson, and Wellington voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120070160 to create 2 lots on 0.53 acres of land located on the north side of Ritchie Avenue, 0 feet northwest of Geneva Avenue ("Property" or "Subject Property"), in the Takoma Park Master Plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 2 lots for 2 one-family detached residential dwelling units.
- 2) Record plat must reflect dedication of right-of-way for Ritchie and Geneva Avenues along Lot A to the existing timber retaining wall. The existing timber retaining wall must not be included in any right-of-way. Record plat to provide for dedication of 10 feet of right-of-way for Geneva Avenue along Lot B.
- 3) The applicant must retain the 39-inch white oak within the City of Takoma Park right-of-way. Sidewalk construction is not required within the Geneva Avenue right-of-way at this time.
- 4) The applicant must comply with the conditions of approval of the City of Takoma Park stormwater management approval dated August 24, 2006.
- 5) The applicant must abide by the Limit of Disturbance shown on the Preliminary Plan to protect steep slopes.
- 6) Prior to any demolition, clearing, or grading of the site, Takoma Park technical staff must approve a Final Tree Save Plan to protect trees outside the limit of disturbance shown on approved Preliminary Tree Save Plan and included in the staff memo dated April 19, 2007. An ISA Certified Arborist must prepare the Final Tree Save Plan, with particular focus on further evaluation of specimen Trees # 1 and #2, and all trees 6" and greater on adjoining lots.
 - a. The limit of disturbance on the Preliminary Tree Save Plan may be amended on the Final Tree Save Plan only with Takoma Park staff confirmation that trees identified for save can be equally protected through implementation of additional stress reduction measures as recommended by an ISA Certified Arborist.

- b. Final sediment control plan must be consistent with final limit of disturbance as approved by Takoma Park staff.
 - c. The applicant must follow the City of Takoma Park's regulations involving tree protection bonds.
- 7) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
 - 8) 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.
 - 9) Other necessary easements must be shown on the record plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the master plan.*

The Takoma Park Master Plan does not specifically identify the subject property but does make general recommendations regarding land use and neighborhood preservation. On page 28 of the plan, it is recommended that the city "retain the existing single-family detached character throughout most of Takoma Park, the existing mix and distribution of apartment uses, and the rights to develop existing properties and replace existing residential structures". The proposed subdivision complies with the recommendations adopted in the Master Plan in that the single-family detached neighborhood character will remain and the property will be developed in a manner appropriate for the neighborhood. The Planning Board finds that the proposed subdivision complies with the recommendations adopted in the Master Plan.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

The proposed lots will not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. A sidewalk exists along the Ritchie Avenue frontage of the subject property. In order to save a specimen tree, the sidewalk along the Geneva Avenue frontage of Proposed Lot B is not being required, by the City of

Takoma Park, to be extended; however, pedestrians may safely use the roadway. The Planning Board finds that the proposed vehicle and pedestrian access for the subdivision will be safe and adequate.

- 3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations and Chapter 59, the Zoning Ordinance. The application meets all applicable sections, including the requirements for resubdivision in Chapter 50 and Section 59-B-5.2 of Chapter 59. The application complies with Section 59-B-5.2, "Resubdivision of R-60 lots" in that the majority of recorded lots in the same block have frontages of less than 50 feet and Proposed Lot A will have 62.21 feet of frontage and Proposed Lot B will have 52.45 feet of frontage. The lots as proposed will meet all the dimensional requirements for area, width, and setbacks in the R-60 zone. The Planning Board finds that access and public facilities will be adequate to support the proposed lots and uses and the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

- 4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The plan meets all applicable requirements for protection of environmentally sensitive areas. The plan is exempt from county Forest Conservation Law because there is no forest on-site. A Tree Save Plan was required to be submitted by the applicant at the time of preliminary plan submission. A Final Tree Save Plan will be evaluated and approved by the City of Takoma Park's arborist at the time of building permit, when all construction details are available.

- 5. 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 City of Takoma Park that the Stormwater Management Concept Plan meets MCDPS' standards.*

The stormwater management concept for the White Property was approved by the City of Takoma Park on August 24, 2006. On-site stormwater management measures include the use of drywells.

There is an area of steep slopes ($\geq 25\%$) on the northern portion of the property and there are Brinklow soils (16D), which are considered highly erodible, on much of the Property. Both steep slopes and highly erodible

soils are considered environmentally-sensitive areas. Per Section 50-32(c), "Environmentally Sensitive Areas", the Board may restrict the subdivision of land to achieve the objectives of Chapter 22A and to protect such areas. While development does occur on slopes between 15 - 25% on this soil, the Limit of Disturbance is restricted so that no development will occur on any slopes in excess of 25%. The Planning Board finds that the Limit of Disturbance and the proposed sediment control measures provide adequate protection of steep slopes and highly erodible soils on the property.

6. *The proposed lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood (as delineated by Staff in the Staff Report) ("Neighborhood"), as analyzed below.*

Size: The lot sizes in the delineated Neighborhood range from 5,552 square feet to 22,200 square feet. Fifty percent of the lots in the Neighborhood are less than 10,000 square feet in size. The proposed lots are 11,862 square feet and 10,066 square feet. The proposed lots fall within the range and will be of the same character as existing lots in the Neighborhood with respect to size.

Width: The lot widths at the front building restriction line in the Neighborhood range from 50 to 148.5 feet. Eight lots in the Neighborhood measure less than 58 feet in width. The proposed lots will have widths of 58.06 and 60.34 feet. The proposed lots will be in character with existing lots in the Neighborhood with respect to width.

Frontage: In a Neighborhood of 16 lots, lot frontages range from 46.3 feet to 117.3 feet (corner lot). The proposed lots fall within this range, at 62.2 feet and 52.45 feet. As a result, the proposed lots will be of the same character as existing lots in the Neighborhood with respect to lot frontage.

Area: In a Neighborhood of 16 lots, lot areas range from 1,045 square feet to 17,372 square feet in buildable area. The proposed lots have buildable areas of 5,987 and 4,479 square feet. The proposed lots will be of the same character as other lots in the Neighborhood with respect to buildable area.

Alignment: Fourteen lots in the proposed Neighborhood are perpendicular, 1 lot is askew and 1 lot is an askew corner lot. The 2 proposed lots are perpendicular and will, therefore, be in the same character as the majority of existing lots in the Neighborhood. The proposed lots are of the same character as existing lots with respect to the alignment criterion.

Shape: Seven of the 16 lots in the Neighborhood are rectangular, 4 are triangular, 3 are trapezoidal and 2 are irregular with regard to lot shape. Both of the proposed lots are rectangular in shape and will, therefore, be in character with the shapes of the existing lots.

Suitability for Residential Use: The existing and the proposed lots are zoned residential and the land is suitable for residential use.

BE IT FURTHER RESOLVED, that 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) and that 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; and

BE IT FURTHER RESOLVED, that the date of this Resolution is SEP 21 2007 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

At its regular meeting, held on Thursday, September 6, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Robinson, seconded by Commissioner Bryant, with Commissioners Hanson, Bryant, and Robinson voting in favor, and Commissioners Cryor and Lynch abstaining, ADOPTED the above Resolution, 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. 120070160-White Property (Resubdivision).



Royce Hanson, Chairman
Montgomery County Planning Board

PLAT NO. 220080180

Lybrook

Located on the south side of Lybrook Court at the western terminus of Lybrook Drive
R-90 and R-200 zones; 1 lot

Community Water, Community Sewer

Master Plan Area: Bethesda-Chevy Chase

William Bryan, Applicant

Staff recommends approval of this minor subdivision plat pursuant to section **50-35A (a)(2)** of the Subdivision Regulations, which states:

Conversion of an Outlot into a Lot. An outlot may be converted into a lot under the minor subdivision procedures provided:

- a. The outlot is not required open space or otherwise constrained so as to prevent it from being converted into a buildable lot;
- b. There is adequate sewerage and water service to the property, which may be either public service and/or approved private septic system/private well;
- c. All applicable requirements and/or agreements that may be relevant, in accordance with provisions for adequate public facilities, as contained in Section 50-35(k) and the Annual Growth Policy, are satisfied prior to the recordation of the plat;
- d. All applicable conditions and/or agreements applicable to the original subdivision approval creating the outlot will also apply to the new lot. The conditions and agreements may include, but are not limited to, any adequate public facilities agreement, conservation easement or building restriction lines; and
- e. If the outlot is located within a special protection area, as shown on an approved and adopted master plan, all applicable special protection areas requirements and guidelines, including approval of a water quality plan, are satisfied prior to recordation of the plat.

An outlot may be incorporated into an adjoining lot resulting in a larger lot without having to satisfy Subsections (a) and (b) above.

Staff applied the above-noted minor subdivision criteria for this application, which is incorporating a lot and an outlot into a lot, and concludes that the proposed subdivision complies with the criteria of Section 50-35A (a)(2) of the subdivision regulations and supports this minor subdivision record plat.

RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET

(This form contains 3 pages)

Plat Name: Lybrook Plat Number: 220080180

Plat Submission Date: 8-1-07

DRD Plat Reviewer: S. Smith

DRD Prelim Plan Reviewer: N/A

*For category of minor see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. _____ Checked: Initial _____ Date _____

Preliminary Plan No. _____ Checked: Initial _____ Date _____

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 ok Easements ok Open Space N/A Non-standard
 BRLs N/A Adjoining Land ok Vicinity Map ok Septic/Wells N/A
 TDR note N/A Child Lot note N/A Surveyor Cert Owner Cert Tax Map ok
 SPA N/A

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>A. Lindsey</u>	<u>8-28-07</u>	<u>9-7-07</u>	<u>8-30-07</u>	<u>Exemption 42007319 E</u>
Research	<u>Bobby Fleury</u>	↓	↓	↓	<u>OK</u>
SHA	<u>Doug Mills</u>	↓	↓	↓	↓
PEPCO	<u>Steve Baxter</u>	↓	↓	↓	↓
Parks	<u>Doug Powell</u>	↓	↓	↓	↓
DRD	<u>Steve Smith</u>	↓	↓	<u>9-11-07</u>	<u>OK</u>

N. Carney

Final DRD Review:

DRD Review Complete: _____ Initial SJS Date 10/3/07

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

Engineer Notified (Pick up Mark-up): _____ Initial SJS Date 9-13-07

Final Mylar w/Mark-up & PDF Rec'd: _____ Initial SJS Date 9/27/07

Board Approval of Plat:

Plat Agenda: _____ Initial SJS Date 10/18/07

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

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: N/A
- b) Adequate sewerage and water service/public or private: N/A
- c) Adequate public facilities and AGP satisfied: OK
- d) Any conditions/agreements of original subdivision: OK
- e) Special Protection Area, Water Quality Plan required: N/A

(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: _____

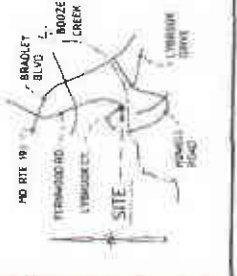
e) Average lot size of 5 acres: _____

f) Forest Conservation requirements met: _____

Plat No.

PLAT TABULATION

Number of Lots	=	1
Number of Parcels	=	0
Number of Outlots	=	0
Area of Lot	=	45,450 SQ. FT
Area of Street	=	0 SQ. FT
Dedication	=	0 SQ. FT
Total Area	=	45,450 sq ft or 1.04339 acres



VICINITY MAP
SCALE: 1" = 200'

GENERAL NOTES

- All lines, locations, elevations, and requirements associated with this subdivision shall be in accordance with the Maryland State Planning Project Plan or other plan showing development of this property, approved by the Montgomery County Planning Board. All easements, rights, and interests shown on this plan are subject to the provisions of the Maryland State Planning Project Plan.
- The applicant shall provide a plat to the appropriate authority and address all other applicable laws.
- This subdivision is subject to all applicable laws, including but not limited to the Maryland State Planning Project Plan, and any other laws that may apply to this property.
- This property is zoned R-10 and is subject to all applicable laws.
- This property is subject to all applicable laws.
- Horizontal and vertical curves shall be in accordance with the Maryland State Planning Project Plan and the Maryland State Planning Project Plan.
- The plat conforms with the provisions of Section 17-201 of the Montgomery County Subdivision Regulations, Chapter 17 of the County Code. The plat includes a certification of accuracy and an affidavit of the surveyor.
- The owner of this lot shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
- The property shown hereon is subject to the requirements of Chapter 21A, Montgomery County Forest Conservation Law, Exception No. 42807310C.

OWNERS' CERTIFICATE

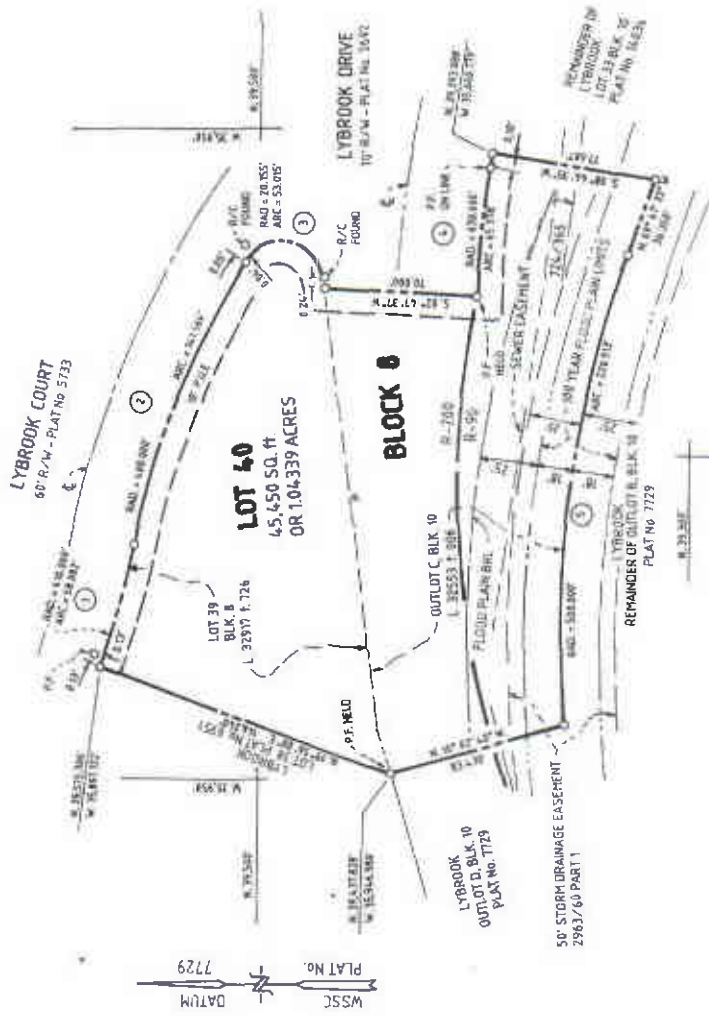
I, William L. Bryan, Trustee, owner of the property shown hereon, hereby certify that the information contained in this plat is true and correct and that the same conform to the provisions of the Maryland State Planning Project Plan and the provisions of the Montgomery County Subdivision Regulations, Chapter 17 of the County Code. I am a duly licensed surveyor and am duly qualified to perform the duties of a surveyor. I am not aware of any other persons who have an interest in this property and I am not aware of any other persons who have a claim to this property. I am not aware of any other persons who have a claim to this property. I am not aware of any other persons who have a claim to this property.

William L. Bryan
Trustee

SURVEYOR'S CERTIFICATE

I hereby certify that the plat shown hereon is correct, that it is a true and correct copy of the original plat, and that the same conform to the provisions of the Maryland State Planning Project Plan and the provisions of the Montgomery County Subdivision Regulations, Chapter 17 of the County Code.

William L. Bryan
Surveyor



CURVE DATA

No.	Radius	Chord	Angle	Chord Beg. S. Dist.
1	118.80'	16.80'	81.93°	5.14' S 71° 31' E 14.81'
2	145.80'	20.96'	71.30°	4.40' S 71° 31' E 14.81'
3	14.94'	1.5107'	17.00°	5.17' S 71° 31' E 14.81'
4	134.30'	15.31'	82.54°	3.16' S 71° 31' E 14.81'
5	100.00'	13.11'	71.00°	4.82' S 71° 31' E 14.81'

SUBDIVISION RECORD PLAT
LOT 40 BLOCK 8
LYBROOK

18th ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 200' JUNE 2007
OYSTER, MUS, & PETZOLD, INC.
CIVIL ENGINEERS, LAND PLANNERS, LAND SURVEYORS
1729-B BRADDOCK AVENUE, SUITE 1
BETHESDA, MARYLAND 20814
PHONE: 301.948.1251 FAX: 301.948.1252

LEGEND

- P.F. - PIPE FOUND
- R/C - REBAR & CAP

William L. Bryan
Professional Land Surveyor
Professional Registration No. 10121

FOR PUBLIC WATER USE ONLY

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

APPROVED: _____ BY: _____

APPROVED: _____ BY: _____

DATE: _____