




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

**MCPB**  
**Item #**  
**03/01/07**

**MEMORANDUM**

**DATE:** February 14, 2007

**TO:** Montgomery County Planning Board

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

**SUBJECT:** Informational Maps and Summary of Record Plats for the Planning Board  
Agenda for March 1, 2007

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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 plat drawings for the record plat. The following plats are included:

220070050 – North Germantown (1)  
220070650 – Nucci Subdivision (1)  
220070710 – Horner Estates (1)  
220070430 – Brookmont, Sec. 2 (1)  
220070780 – Mary J. Boland Subdivision

**PLAT NO. 220070050**

North Germantown

Northeast quadrant, intersection of Wisteria Drive and Waters Road

C-2 Zone; 1 Lot

Community Water, Community Sewer

Master Plan Area: Germantown

Rahim Tofigh, Applicant

This record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Record Plat Review Sheet. Staff has determined that the plat complies with Preliminary Plan No. 120050790, as approved by the Board; and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the preliminary plan.

## RECORD PLAT REVIEW SHEET

Plan Name: Chestnut Ridge Plan Number: 120050790  
 Plat Name: North Germantown Plat Number: 2 20070050  
 Plat Submission Date: 7/18/06  
 DRD Plat Reviewer: pw  
 DRD Prelim Plan Reviewer: Dolores Kenney

**Initial DRD Review:**

Signed Preliminary Plan - Date 10/12/05 Checked: Initial DmL Date 8/4/06  
 Planning Board Opinion - Date 10/4/05 Checked: Initial DmL Date 8/4/06  
 Site Plan Req'd for Development? Yes    No    Verified By: pw (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 #    Road/Alley Widths    Easements    Open Space NA  
 Non-standard BRLs NA Adjoining Land NA Vicinity Map    Septic/Wells NA  
 TDR note NA Child Lot note NA Surveyor Cert    Owner Cert    Tax Map   

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	M. Pfefferle	7/18/06	8/4/06	7/23	OK
Research	Bobby Fleury			7/19/06	OK
SHA	Doug Mills			NC	NC
PEPCO	Steve Baxter			NC	OK
Parks	Doug Powell			NC	NC
DRD	Steve Smith			8/4/06	See plat

**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 &amp; 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

TA

Date

2/9/078/4/062/5/072/5/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/07No.

## PROPERTY IN ZONE C-8.

THE PROPERTY SHOWN ON THIS PLAN IS LOCATED ON TAX MAP CU-342, GRID CU-42,  
AS PARCEL 881.  
THE PROPERTY SHOWN ON THIS PLAN IS LOCATED ON R.D. S.D. NAME SHEET 221-06-13.  
THIS PLAN IS IN ACCORDANCE WITH THE APPROVED PRELIMINARY PLAN #1-00079  
ENTITLED "PARCEL 881 - CHESTNUT #1006".

THE APPROVAL OF THIS PLAN IS PREDICATED ON THE ADEQUACY AND AVAILABILITY OF PUBLIC WATER AND SEWER.

THIS PLAT IS SUBJECT TO A COVENANT FOR MAINTENANCE OF PRIVATE STREETS, STORM DRAIN SYSTEMS AND OPEN SPACES RECORDED IN LINES 35406 AT FOLIO 208 AMONG THE LAND RECORDS OF GENTILITY COUNTY, MARYLAND.

THIS FLAT IS SUBJECT TO A CONVEYANCE FIRM CONTRIBUTION TO THE FUTURE COST OF  
OF ROAD IMPROVEMENTS OF WATTON ROAD RECORDED IN LINGER 32481 AT P.10 TO 433.

THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE, OF THE PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEFINE OR NOTE ALL MATTERS AFFECTING TITLE.

ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE OR PROJECT PLAN ON OTHER PLAN ALIENING DEVELOPMENT OF THIS PROPERTY, APPROVED BY THE WASHINGTON COUNTY PLANNING BOARD ARE (INTENDED TO SURVIVE AND NOT BE COUNTERMAYED BY RECORDING THIS PLAN, UNLESS EXPRESSLY CONTRADICTED BY THE PLAN AS APPROVED. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED AT THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.

BE THE UNDERSIGNED, MEMBERS OF THE PROPERTY DESIGNER BOARD, HEREBY ADOPT THIS PLAN OF SUBDIVISION, DECIDING THE STREET TO PUBLIC USE, EXTENDING THE MAINLAND BUILDING RESTRICTION LINES AND GRANT TO MONTGOMERY COUNTY, MARYLAND, SLOPE CEMENTS 30 FEET WIDE ACROSS ALL LOTS ADJACENT, CONTIGUOUS AND PARALLEL TO ALL STREET RIGHT OF WAY LINES AS REQUIRED BY MONTGOMERY COUNTY CODE. SAID SLOPE CEMENTS SHALL BE ESTABLISHED AT SUCH TIME AS THE PUBLIC IMPROVEMENTS ON THE ADJUTING RIGHTS OF WAY HAVE BEEN COMPLETED AND ACCEPTED FOR MAINTENANCE BY MONTGOMERY COUNTY.

NOTICE. WE, GRANT PUTNAM ELECTRIC POWER COMPANY, WILL ATLANTIC TELEPHONE COMPANY OF MARYLAND, WASHINGTON GAS LIGHT COMPANY AND TO EACH OF THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, AN EASEMENT, IN, ON AND OVER THE LAND HEREIN DESCRIBED AND PUBLIC UTILITY EASEMENTS, DESCRIBED HEREIN AS "P.U.E.", WITH THE TERMS AND PROVISIONS OF SUCH GRANT BEING THOSE SET FORTH IN THE "P.U.E." EASEMENT SCHEMATIC, BEARING RECORD NO. 100-100-100-100, IN THE "P.U.E." EASEMENTS, AND RESTORED AS THE LAND MEDIAN OF MONTGOMERY COUNTY, MARYLAND, IN LINE 2034 AT 70.10 A.S.P. SAID TERMS AND PROVISIONS BEING INCORPORATED HEREIN BY THIS REFERENCE.

FURTHER, WE AS THE OWNERS OF THIS SUBDIVISION, OUR SUCCESSORS AND ASSIGNS, WILL CEASE ALL PROPERTY CORNER MARKERS, AND ANY OTHER REQUIRED MONUMENTATION TO BE SET BY EXCHANGING A CIRCUMFERED MARYLAND LAND SURVEYOR IN ACCORDANCE WITH SECTION 90-28(x) OF THE MARYLAND CODE.

THERE ARE NO RECORDED SUITS, ACTIONS AT LAW, LIENS, LEASES, MORTGAGES OR  
INDEMNITIES AFFECTING THE PROPERTY DESCRIBED IN THIS PLAN OF SUBDIVISION AND ALL  
PARTIES WITH AN INTEREST THEREIN HAVE INDICATED THEIR ASSENT BELOW.

96632 WATERS ROAD E.L.D.

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WALTER T. HALL, PRESIDENT

WITNESSE

DATE \_\_\_\_\_

PARCEL J  
NORTH GERMANTOWN  
P.B. 123 P. 20666

**PARCEL L**  
29,110 Sq. Ft.  
at 0.66845 Ac.

**WISTERIA DRIVE**  
R/W WIDTH VARIES - ULTIMATE 80' R/W

N / F  
S. J. & L. D. GEYER  
L. 22994 F. 116

N / F  
KHR WATERS INV., LLC  
L 17937 F 693

SUBDIVISION RECORD PLAT  
PARCEL L  
**NORTH GERMANTOWN**  
DARNESTOWN ELECTION DISTRICT No. 6  
MONTGOMERY COUNTY, MARYLAND

**POWLER ASSOCIATES, INC.**  
1755 Sycamore • Land Services • Planners

888 North Washington Street  
Suite 302, Rockville, Md. 20854  
Phone: (301) 762-8577

DECEMBER 2008

207005

The Maryland-National Capital Park & Planning Commission  
Montgomery County Planning Board

Approved

GATE

Approved

DATE \_\_\_\_\_

RECORDED

PLAT NO.

CHAIRMAN                      ASST. SECRETARY-TREASURER

M-NCP &amp; P.C. Record File No.:

DIRECTOR

## QUESTIONS

100 0 100 200 300  
GRAPHIC SCALE: 1" = 100'

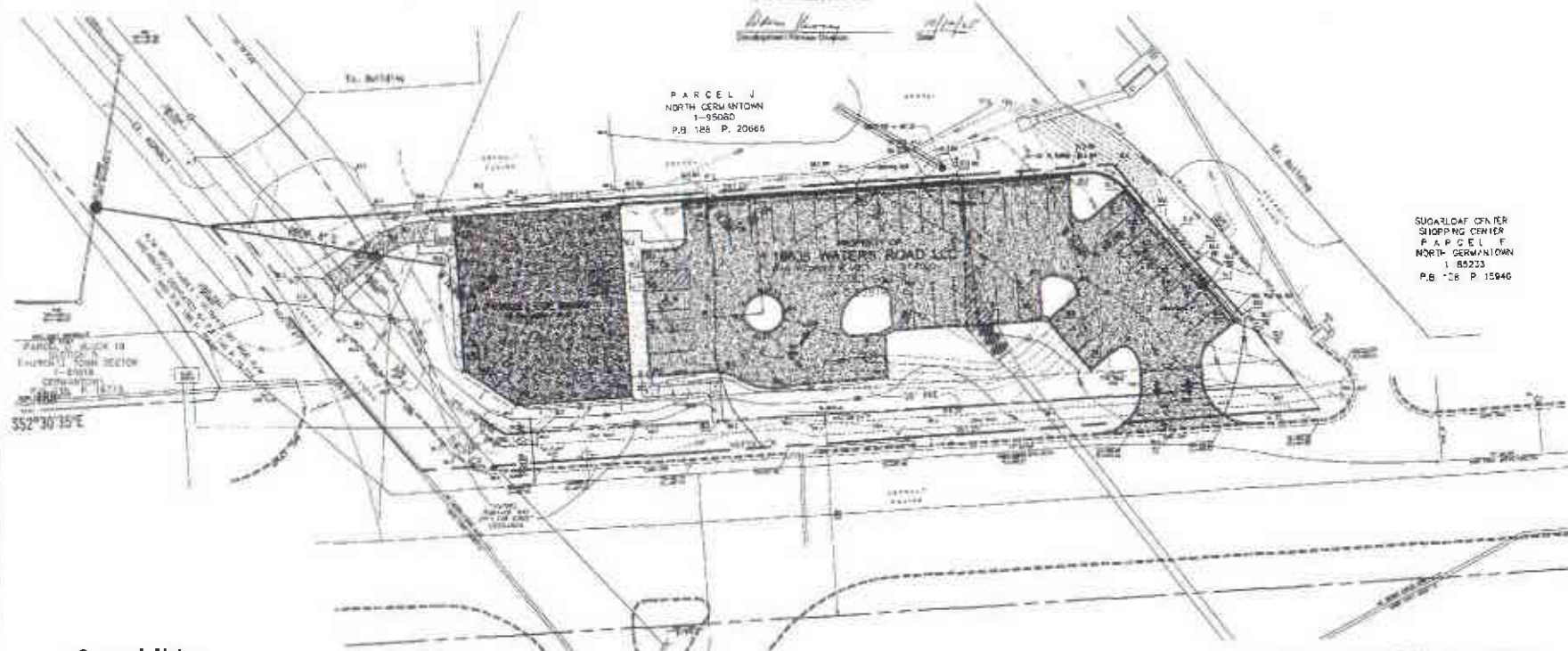
SCALE: 1"=30'



1. Zoning:	C-2	
2. Gross Tract Area:	37,362 sq.ft. (0.86 Ac.)	
3. Aggregate Area of Planned Right-of-Way Deductions:	9,257 sq.ft. (See CADS Measurement)	
4. Net Tract Area:	28,105 sq.ft.	
5. Proposed Use:	General Commercial & General Office	
6. Maximum Building Height Permitted:	3 Stories - Proposed: 3 Stories	
7. Maximum F.A.R. Permitted:	1.2 = Proposed: 0.37 (110,640 sq.ft.)	
	First Floor = 5,139 sq.ft. General Commercial	
	Second Floor = 5,139 sq.ft. General Office	
8. Minimum Gross Area Required:	328 (2,812 sq.ft.) - Determined: 154 (10,300 sq.ft.)	
9. Site to be developed to a single phase:		
10. Off-street Parking Required:	43 Spaces, as follows:	
	General Commercial: 1.0 spaces per 1,000 sq.ft. of building area (5,139 sq.ft.) =	25.55 spaces
	General Office: 2.0 spaces per 1,000 sq.ft. of building area (5,139 sq.ft.) =	19.99 spaces
		<b>Total:</b>
		42.64 or 43 spaces
11. Off-street Parking Provided:	43 Spaces	

Approved February 2, 2004 (last Part No. 1-05079)  
For Planning Board Consent (date) 10/24/01 at 11:00 AM of 02/20/05  
Agreement, subject to the following condition:

1. Appoint independent geotechnical consultants to investigate the stability of the 2,700 square foot wall and 2,000 square foot of office.
2. Agree to a comprehensive geotechnical investigation plan that is subject to prior approval by the City Engineer and the City Engineer's Office. The plan shall include, but not be limited to, the following:
  - a. A detailed geotechnical investigation plan that is subject to prior approval by the City Engineer and the City Engineer's Office.
  - b. A detailed geotechnical investigation plan that is subject to prior approval by the City Engineer and the City Engineer's Office.
  - c. A detailed geotechnical investigation plan that is subject to prior approval by the City Engineer and the City Engineer's Office.
3. The applicant shall obtain all necessary permits and approvals from the City Engineer and the City Engineer's Office.
4. The applicant shall obtain all necessary permits and approvals from the City Engineer and the City Engineer's Office.
5. The applicant shall obtain all necessary permits and approvals from the City Engineer and the City Engineer's Office.
6. The applicant shall obtain all necessary permits and approvals from the City Engineer and the City Engineer's Office.
7. The applicant shall obtain all necessary permits and approvals from the City Engineer and the City Engineer's Office.
8. The applicant shall obtain all necessary permits and approvals from the City Engineer and the City Engineer's Office.
9. The applicant shall obtain all necessary permits and approvals from the City Engineer and the City Engineer's Office.
10. The applicant shall obtain all necessary permits and approvals from the City Engineer and the City Engineer's Office.



1. Boundary, topography and surface feature information is from a Boundary & Topographic Survey entitled "Property of 19635 Waters Road LLC" prepared by Fowler Associates, Inc., Rockville, Md. dated February, 2004.

<sup>1</sup> This study was prepared in accordance with the procedures approved by the Institutional Review Boards of the University of Illinois at Chicago and the University of Michigan.

10-5-55

## NEW FOR CONSTRUCTION

PRELIMINARY PLAN  
PARCEL 651 - CHESTNUT RIDGE  
2944 WATERS ROAD  
CLARKSBURG (2ND) CANTON DISTRICT  
HUNTERDON COUNTY, MARYLAND

D-02



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring Maryland 20910-3760

OCT 04 2005

**Date Mailed:**

**Public Hearing Date:** June 30, 2005

**Action:** Approved Staff  
Recommendation

**Motion** of Commissioner Robinson,  
seconded by Commissioner Bryant,  
with a vote of 4-0;

Commissioners Bryant, Perdue,  
Wellington, and Robinson voting in  
favor. Chairman Berlage absent.

**MONTGOMERY COUNTY PLANNING BOARD**

**OPINION**

Preliminary Plan 1-05079

NAME OF PLAN: Chestnut Ridge, Parcel 651

The date of this written opinion is OCT 04 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

**INTRODUCTION**

On 3/16/05, 19635 Waters Road, LLC, ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the C-2 zone. The application proposed to create 1 lot on 0.86 acres of land located at the northeast quadrant of the intersection of Waters Road and Wisteria Drive, in the Germantown Master Plan Area ("Subject Property"). The application was designated Preliminary Plan 1-05079 ("Preliminary Plan"). On 6/30/05, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing. At the public 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 public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the

application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

### **SITE DESCRIPTION**

The Subject Property is currently designated Parcel 651 and is located at the northeast quadrant of the intersection of Waters Road and Wisteria Drive. The site contains two (2) specimen trees and 0.46 acres of unforested stream buffer. The site is located adjacent to the Germantown Town Center and Employment Corridor. It is zoned C-2 (General Commercial) and contains 0.86 acres.

### **PROJECT DESCRIPTION**

This Preliminary Plan is to create one (1) lot for the construction of a two-story, retail/office building. The Subject Property will be served by public water and public sewer. Access to the proposed lot will be directly from Wisteria Drive.

### **STAFF ANALYSIS AND RECOMMENDATION**

#### **Environment**

The 0.86-acre parcel is located in the northeast quadrant of Waters and Wisteria Roads in Germantown. The site is currently vacant without any forest and contains two specimen maple trees. One maple is in poor condition and the other is within the future right-of-way for Waters Road.

The Subject Property includes 0.46-acres of unforested stream buffer. The County is requesting dedication of approximately 0.18-acres for Wisteria Drive and Waters Road which includes 0.05 acres of unforested stream buffer. After dedications, the net tract is 0.68 acres of property and will include 0.41-acres of stream buffer.

#### **Forest Conservation**

The property is exempt from forest conservation because there is no forest onsite and the property is less than one acre in size. Therefore, there are no forest conservation retention or planting requirements associated with the development of this property.

#### **Environmental Guidelines**

The site includes an intermittent stream on the eastern portion of the property. The stream's headwaters are near the Germantown Commons Shopping Center. At the headwaters, the stream is piped and remains piped for the first 500 feet. The piped



stream discharges, or daylights, into a stormwater management facility on the property immediately northeast the subject property. The stormwater management facility discharges into the open stream on the Subject Property. The open stream also receives uncontrolled stormwater discharges from the adjoining Sugarloaf Shopping Center.

The stream is day-lighted for 65 feet on the Subject Property and then is piped once again onto the property and continues approximately 1,500 linear feet. The piped stream continues underneath Wisteria Drive and onto downhill properties for approximately 1,500 linear feet downstream of the subject property. Eventually, the piped stream discharges into a farm pond, which is in the process of being converted into a stormwater management facility for an adjacent development.

The Applicant requests a waiver from the Environmental Guidelines that would remove the buffer entirely from the Subject Property. The Preliminary Plan proposes to locate surface parking, drive aisles, stormwater management, grass, and landscape plantings within the approved stream buffer. The development would create 0.27-acres of new impervious surfaces in the stream buffer.

The Applicant's engineer identified a site downstream of the Subject Property where supplemental forest planting and invasive management control would occur to offset the permanent encroachment. The area of the compensatory planting and invasive management control is already included in a category I forest conservation easement but gaps have opened in the tree canopy from fallen trees. In the areas of gaps and on the conservation easement edges invasive and exotic materials are growing and expanding. The intent of the compensation is to remove the invasive materials, conduct supplemental planting, and close the canopy openings to eliminate the invasive materials from overwhelming the conservation easement.

Staff supported a waiver from the stream buffers identified on the approved Natural Resource Inventory/Forest Stand Delineation, for a number of reasons including:

1. The stream is currently piped 500 feet above and 1,500 feet below the Subject Property.
2. The stream runs through the Subject Property but is day lighted for 65 feet. The stream buffer is not forested.
3. Water entering the Subject Property from the north Germantown Commons Shopping Center is currently treated for stormwater management.
4. Stormwater contributions from the Sugarloaf Shopping Center are not treated but will be treated in a new stormwater management facility being constructed on the site to the south as part of development on the Fairfield property.
5. Stormwater generated on the Subject Property will be treated with an underground storage system, for quantity, and a storm filter for quality.
6. The Applicant will conduct supplemental planting and invasive management control, in a location downstream of the Subject Property, for an area twice the size of the proposed permanent encroachment.



Staff recommended approval of the Preliminary Plan with Condition No. 2 requiring invasive management control and supplemental forest planting at an off-site location.

### **Transportation**

For Local Area Transportation Review ("LATR"); the site would generate 15 and 24 total peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and evening peak period (4:00 to 7:00 p.m.), respectively. Thus, the proposed development does not require an LATR analysis.

### **Site Access and Vehicular/Pedestrian Circulation**

Access to the site is proposed from Wisteria Drive. Wisteria Drive exists as a four-lane undivided Business District Street with sidewalks constructed on both sides. The Preliminary Plan includes a lead-in sidewalk from Wisteria Drive. Staff found that the site access and pedestrian and vehicular circulation system as shown on the Preliminary Plan are safe and adequate. A driveway is proposed on Waters Road for the dumpster truck. Staff recommended that the Applicant enter into a covenant to contribute towards the future construction of the master-planned Waters Road/future Locbury Drive as a Business District Street. The construction of sidewalk along Waters Road will be included in the future construction of the master-planned Waters Road/future Locbury Drive.

### **Master Plan Compliance**

The Germantown Master Plan does not specifically discuss the Subject Property but does give general guidance and recommendations for this area to enhance mixed use residential, retail and commercial uses in easily accessible locations. The proposed Preliminary Plan conforms to the master plan goals in that it proposes retail and office uses in a location which supports the surrounding proposed uses of the Town Center and Employment Corridor.

### **Conclusion**

Staff concluded that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the area of the proposed subdivision. Staff further concluded that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision. Staff's review of the Preliminary Plan indicates that the plan conforms to the Germantown Master Plan and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommended approval of the preliminary plan, subject to conditions.

## PLANNING BOARD HEARING

At the hearing, Staff introduced the location of the Subject Property, described the proposed development, and outlined the requested waiver of environmental guidelines. Staff recommended approval of the Preliminary Plan.

A representative of the Applicant testified that the Applicant was in complete agreement with the Staff recommendation. No other speakers testified at the hearing.

In response to questioning by the Planning Board, the Environmental Staff confirmed that the off-site invasive management control and supplemental forest planting that Staff was recommending the Planning Board accept in connection with the Applicant's waiver request is in the same watershed as the Subject Property; is not on Park property; involves replacing trees; and will improve the total forest cover.

## FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies<sup>1</sup>; the Applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds, with the conditions of approval, that:

- a) The Preliminary Plan No. 1-05079 substantially conforms to the Germantown 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. The Planning Board approves the requested waiver of the environmental guidelines. The Board hereby expressly adopts the findings made by Staff above and finds that the off-site invasive management control and supplemental forest planting required adequately compensates for the requested waiver.
- 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

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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.

of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.

- f) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

#### PLANNING BOARD ACTION AND CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-05079 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-05079, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 5,330 square feet of retail and 5,330 square feet of office.
- 2) Applicant to compensate for permanent encroachment into the stream buffer by conducting invasive management control and supplemental forest planting at an off-site location downstream of the Subject Property prior to use and occupancy permit. Exact size and location of off-site invasive management control and supplemental planting area to be reviewed and approved by M-NCPPC Environmental Staff.
- 3) The Applicant shall dedicate the Wisteria Drive and Waters Road right-of-ways for 40 ft. from centerline to provide the 80 ft. right-of-way Business District Street as per the Germantown Master Plan recommendation.
- 4) The Applicant shall construct a driveway for dumpster trucks on Waters Road as shown on the Preliminary Plan and enter into a covenant with MCDPWT to contribute towards the future construction of the master-planned Waters Road/future Locbury Drive as a Business District Street.
- 5) Compliance with the conditions of the MCDPS stormwater management approval dated September 8, 2004.
- 6) Compliance with conditions of MCDPWT letter dated, June 16, 2005, unless otherwise amended.
- 7) Other necessary easements.

*This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.*


[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL SUFFICIENCY

*DNP 9/23/05*  
M-NCPPC LEGAL DEPARTMENT

**CERTIFICATION OF BOARD ADOPTION OF OPINION**

At its regular meeting, held on **Thursday, September 29, 2005**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission by unanimous consent **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 1-05079, Chestnut Ridge, Parcel 651**. Vice Chair Perdue was absent. Chairman Berlage abstained.

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



**PLAT NO. 220070650**

Nucci's Subdivision

Located on Radwick Lane, approximately 3000 feet south of Norbeck Road

R-200 zone; 8 lots and 1 Parcel

Community Water, Community Sewer

Master Plan Area: Aspen Hill

Nucci Brothers Companies, Inc., Applicant

This record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Record Plat Review Sheet. Staff has determined that the plat complies with Preliminary Plan No. 120050600, as approved by the Board; and that any *minor modifications* reflected on the plat do not alter the intent of the Board's previous approval of the preliminary plan.

# RECORD PLAT REVIEW SHEET

Plan Name: Endrick Lane Plan Number: 1 20050600  
 Plat Name: Nuclei Add to Bradford plat Plat Number: 2 20070650  
 Plat Submission Date: 11/8/06  
 DRD Plat Reviewer: PW/TA  
 DRD Prelim Plan Reviewer: Cathy Conlon

## Initial DRD Review:

Signed Preliminary Plan - Date 10/25/06 Checked: Initial CAK Date 12/14/06  
 Planning Board Opinion - Date 9/19/06 Checked: Initial PW Date 12/4  
 Site Plan Req'd for Development? Yes    No    Verified By: PW (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 #    Road/Alley Widths    Easements    Open Space NA  
 Non-standard BRLs NA Adjoining Land    Vicinity Map    Septic/Wells NA  
 TDR note NA Child Lot note NA Surveyor Cert    Owner Cert    Tax Map   

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>A. Lindsey</u>	<u>11/15/06</u>	<u>12/1/06</u>	<u>11/16/07</u>	<u>OK</u>
Research	Bobby Fleury	<u>  </u>	<u>  </u>	<u>NC</u>	<u>NC</u>
SHA	Doug Mills	<u>  </u>	<u>  </u>	<u>2/12/07</u>	<u>OK</u>
PEPCO	Jose Washington	<u>  </u>	<u>  </u>	<u>NC</u>	<u>NA</u>
Parks	Doug Powell	<u>  </u>	<u>  </u>	<u>1/16/07</u>	<u>see plat</u>
DRD	Steve Smith	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>

## 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

TA

TA

TA

TA

Date

2/9/07

12/15/07

2/9/07

3/1/07

No.

PLAT No.

LOT 1  
BRADFORD'S REST  
P.No. 5688

LINE	BEARING	DISTANCE
L1	N 18°36'24" E	21.81
L2	S 22°06'00" E	27.67
L3	S 87°26'40" W	1.82
L4	S 83°21'48" W	19.30
L5	N 83°21'48" E	19.30
L6	N 87°48'11" E	32.30
L7	S 10°46'22" W	72.06

CURVE TABLE						
CURVE	BEARING	LENGTH	DELTA	CHORD	CHORD BEARING	CHORD
C1	472.44	86.88	8721.36	35.54	S 32°32'12" W	16.95
C2	422.48	82.88	8328.48	35.50	S 32°31'12" W	16.94
C3	106.00	58.88	1791.75	35.38	N 78°47'36" E	17.98
C4	125.00	67.88	2713.04	50.35	S 80°36'36" E	18.82
C5	38.00	15.88	2028.32	13.45	N 84°18'12" E	15.37
C6	80.00	288.72	1707.38	53.43	S 24°14'36" E	79.29
C7	35.00	17.00	715.82	27.48	S 41°17'12" E	14.51
C8	125.00	78.88	1739.48	78.10	S 87°38'12" E	28.52
C9	150.00	93.88	2127.52	62.48	N 82°18'12" E	37.27



TAX MAP No. HS562

**SURVEYOR'S CERTIFICATE**

We hereby certify that the plot shown hereon is correct, that it is a subdivision of all of the land conveyed by Berrett S. Vossell, Surviving Tenant by the Estate of Allen R. Vossell to Mordecai Hunt by deed dated November 23, 2005 and recorded among the Land Records of Montgomery County, Maryland, in Liber 36280 of Page 118. We hereby certify that, not excepted as described in the owner's certification herein, all monuments and all property markers and all boundary markers will be set as delineated hereon in accordance with the provisions of Section 50-24(a) of the Montgomery County Code. The total area indicated on this plat is 347,303 square feet or 7.9866 acres, including 24,303 square feet of street dedication.

1/30/07  
Date  
Douglas H. Rogers II  
By  
Mordecai Hunt  
Professional Land Surveyor  
MS. Reg. No. 10712

**PLAT INFORMATION**

Number of Lots = 8  
Number of Parcels = 1  
Area of Lots = 41,884 sq. ft.  
Area of Parcels = 347,078 sq. ft.  
Area of Street Dedication = 24,303 sq. ft.  
Total Area = 371,381 sq. ft.  
or 8.5006 acres

**OWNER'S CERTIFICATE**

Mordecai Hunt, owner of the property shown hereon, hereby adopts this plat of subdivision, delineates the streets as shown hereon, and grants to Montgomery County, Maryland, or other appropriate agency, temporary stage easements twenty-five (25) feet wide over the lots and parcel shown hereon, adjacent, contiguous, and parallel to the street lines. The stage easements shall be established after all required public improvements in adjacent roadways have been constructed for maintenance by Montgomery County, Maryland, or other appropriate agency. I hereby grant a Public Utilities Easement (P.U.E.) as shown herein to the parties named in a document entitled "Terms and Provisions of Public Utility Easements" as recorded in Liber 3254 of Page 457 among the Land Records of Montgomery County, Maryland, subject to all current and applicable regulations of all federal, state, and local governing agencies. I hereby grant a Conservation Easement as shown herein to the parties named in a document entitled "Conservation Easement Agreement, Category 1/N" as recorded in Liber 3379 of Page 412/401 among the Land Records of Montgomery County, Maryland, subject to the terms set forth therein, grants to Montgomery County, Maryland, to increase and manage forest on woodland in, on, and over the land herein identified as the Public Improvements Easement (P.I.E.) shown herein with the terms and provisions of said grant being those set forth in that certain document entitled "Declaration of Easement" recorded among the Land Records of Montgomery County, Maryland, in Liber 3174 of Page 1 which said terms and conditions, all covenants, covenants, and any other required transmission, to be set by a registered Maryland Land Surveyor, in accordance with Section 50-24(a)(2) of the Montgomery County Code.

There are no covenants, liens, leases, mortgages, or trusts, affecting the property included in this plat of subdivision, except a certain deed of trust with the parties in interest thereto have affixed their signatures herein subscribing their consent to this plat of subdivision.

1-14-07  
Date  
Mordecai Hunt

FOR PUBLIC WATER AND SEWER ONLY

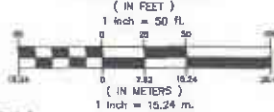
THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION  
MONTGOMERY COUNTY PLANNING BOARD

MONTGOMERY COUNTY, MARYLAND  
DEPARTMENT OF PERMITTING SERVICES

APPROVED:  
CHAIRMAN  
SECRETARY-TREASURER  
DIRECTOR

DATE: 1/30/07  
Web No:

**GRAPHIC SCALE**



**Notes:**

1. This property is zoned R-200.
2. The approval of this plat is predicated on the availability of public water and sewer prior to the construction of homes.
3. This plat is limited to uses and conditions as required by Preliminary Plan No. 1-05560 entitled "Radwick Lane".
4. Parcel A, Block A is to be conveyed to the Homeowners Association.
5. The property shown herein is subject to the requirements of Chapter 226 of the Montgomery County Forest Conservation Law, including approval of a Final Forest Conservation Plan and appropriate agreements prior to issuance of a segment control permit.
6. Unless expressly countermanded by the plan as approved, all terms, conditions, agreements, limitations, and requirements associated with any preliminary plan, site plan, project plan, or other plan, showing development of this property, approved by the Montgomery County Planning Board are intended to survive and not be annulled by the recordation of this plat. The official public use for any such plan are intended by the Planning Board and available for public review during normal business hours.
7. This Plat is not intended to show any matter affecting or restricting the ownership and use of the property. This Plat is not intended to represent an acquisition of title or to depict or note all matters affecting title.
8. Coordinates shown herein are based on the Maryland State NAD 83/98 datum as projected by NGS and are for georeferenced information services (GIS) only. Station used are NAD 83/98 with grid coordinates of North 534487.88 feet and East 1249051.227 feet and NAD 83/98 with coordinates of North 493040.73 feet and East 1205232.04 feet. The combined scale factor for this site is 0.9999401242.
9. To convert the grid coordinates to ground/surface coordinates, divide the grid coordinates by the combined scale factor.
10. The distances shown on this plat are as measured on the ground/surface. To convert the ground/surface distances to grid distances, multiply the ground/surface distance by the combined scale factor.
11. This plat has within an approved R-200 Cluster Development. Subdivision or redevelopment is not permitted and development of the land is permitted only in accordance with the land uses indicated on this approved development plan.
12. This plat is subject to a Declaration of Covenants recorded in Liber of Page 1. Private Streets and Private Road shown herein will be maintained by the Homeowners Association, Montgomery County, Maryland will not participate in the maintenance of these private facilities. This plat is subject to a Common Open Space Easement recorded in Liber of Page 1.

SUBDIVISION RECORD PLAT  
LOTS 1-8 & Parcel A, BLOCK A  
NUCCI SUBDIVISION  
ELECTION DISTRICT No. 13  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1" = 50' JANUARY, 2007

**MHG** Morris, Hendricks & Glascock, P.A.  
Engineers & Planners  
Landscape Architects & Surveyors  
2020 Washington Blvd., Suite 120  
Montgomery Village, Maryland  
20854-1270  
Phone: 301.670.0940  
Fax: 301.642.0805  
www.mhgs.com

00144.21







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:** SEP 19 2006

**Hearing Date:** July 27, 2006

**Action:** Approved Staff Recommendation

**Motion** of Commissioner Robinson,  
seconded by Commissioner Wellington,  
with a vote of 4-0;  
Commissioners Berlage, Perdue,  
Wellington, and Robinson voting in favor.  
Commissioner Bryant absent.

**MONTGOMERY COUNTY PLANNING BOARD**

**OPINION**

Preliminary Plan: 120050600  
NAME OF PLAN: Radwick Lane

*The date of this written opinion is SEP 19 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).*

**I. INTRODUCTION**

On December 22, 2005, Marcello Nucci ("Applicant") submitted an application for the approval of a Preliminary Plan for subdivision to create eight (8) residential lots in an R-200 Cluster Option zone ("Preliminary Plan" or "Plan"). The Preliminary Plan was designated Preliminary Plan No. 120050600. On July 27, 2006 Preliminary Plan No. 120050600 was brought before the Montgomery County Planning Board ("Planning Board" or "Board") for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted into the record on the application. Prior to the public hearing, Planning Board staff ("Staff") analyzed and provided

recommendations regarding the Preliminary Plan in a memorandum sent to the Planning Board on July 12, 2006 ("Staff Report" or "Report").

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board Staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its Staff from the Applicant, public agencies and the community following submission of the application and prior to the Board's action at the conclusion of the public hearing; all correspondence and any other written or graphic information issued by Planning Board Staff, prior to the Board's action following the public hearing, concerning the application; and all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

## **II. SITE DESCRIPTION**

The property consists of two unrecorded parcels P880 and P901 located on the west side of Radwick Lane approximately 3,000 feet south of Norbeck Road (MD 28) in Aspen Hill ("Subject Property"). The Subject Property is zoned R-200 and is undeveloped except for one existing residential structure which will be removed. The site is surrounded by one-family detached residential to the North and East, and townhouses to the West and South.

The Subject Property is located within the Northwest Branch watershed, which is designated Use Class IV. There are no streams on the Subject Property, however, stream buffers for two nearby, off-site streams extend onto the site. The site is mostly forested.

## **III. PLAN DESCRIPTION**

This Preliminary Plan proposes eight (8) one-family detached residential dwelling units clustered in the middle of the site to be served by an open section, public tertiary residential street. The proposed lot sizes range from 10,000 to 11,300 square feet. The lots are clustered to provide a 2.62 acre forested open space parcel. Stormwater management from the site will be provided by an on-site dry pond facility.

### **1. JUSTIFICATION FOR CLUSTER DEVELOPMENT**

Section 59-C-1.51 of the Zoning Ordinance establishes that the cluster method of development should encourage the provision of community open space for active or passive recreation, as well as the preservation of trees. The flexibility in lot size and

layout provided in the standards should be utilized to serve this purpose. The Preliminary Plan includes lots that average 10,415 square feet in size, which is close to the minimum permitted under the cluster option. Staff found that the smaller lots allow for maximum on-site forest preservation, in addition to full protection of the on-site stream buffers. Staff determined that compared to the cluster subdivision, a non-cluster subdivision layout would preserve little of the existing forest because of the additional land that would be needed for roads, homes, driveways, and yards. In addition, stream buffer protection areas would be located on private lots (as opposed to common open space in the cluster subdivision). Staff's opinion is that protection areas within common open space are much more effective than on-lot conservation easements, particularly in smaller lot subdivisions. Under this Preliminary Plan, a portion of the open space area created by the cluster will be reforested, in excess of the minimum forest conservation requirements, to restore previous clearing and connect forest stands. For these reasons, Staff found the proposed cluster subdivision is more desirable from both a tree save and open space perspective than a standard subdivision.

## 2. ENVIRONMENT

### a. Environmental Buffers

There are no streams, floodplains, or wetlands on the Subject Property. However, portions of buffers for two streams on adjoining property extend onto the Subject Property. These buffer areas are located in the northeast and southeastern corners of the site. Staff found that, in total, there are 0.71 acres of environmental buffer on the Subject Property. The Preliminary Plan does not indicate any encroachment into the buffers except for a stormwater management outfall. Staff advised the Board that the Preliminary Plan meets the requirements of the Environmental Guidelines approved by the Planning Board.

### b. Forest Conservation

There are 4.27 acres of existing forest on the Subject Property. The forest is dominated by tulip poplar and southern oak trees, and is part of a larger contiguous forest. There are numerous trees in excess of 24 inches in diameter at breast height, several of which qualify as specimen trees. Two "watchlist" American chestnut trees were identified on the Subject Property. One of these chestnut trees will be saved under the proposed conservation easement, and the second, which is in poor condition, will be removed.

The preliminary forest conservation plan includes protection of 1.95 acres of the existing forest within an on-site Category I conservation easement. The conservation easement will also include 0.67 acres of land previously cleared for the existing residential structure. This area will be planted by the Applicant, who may then use the planting area to establish forest conservation bank credits that can be used for other

projects. The proposed forest retention and planting exceed the minimum requirements of the forest conservation law. Therefore, Staff determined that the plan meets forest conservation requirements. Staff also recommends the installation of a split-rail fence along the rear of the proposed lots to delineate the edge of the conservation easement area from the useable area within the lots. The fencing would ensure that future homeowners will not expand their yards into the easement area, and include access points to allow the passive use of the easement area by the residents.

### 3. TRANSPORTATION

#### a. Site Location, Access, Circulation and Transportation Facilities

Staff concluded that the Preliminary Plan will provide safe and adequate access for vehicles and pedestrians, and satisfies the Adequate Public Facilities ("APF") requirements. Staff recommends a waiver of the sidewalk on one side of the proposed internal road, to help reduce the overall level of impervious surfaces on the Subject Property, thereby reducing the amount of stormwater runoff generated and treated in the on-site stormwater management facility. Staff determined that pedestrians would still be able to safely use the roadway and remaining sidewalk.

#### b. Local Area Transportation Review

Staff found that the Preliminary Plan, consisting of eight (8) one-family detached dwelling units, will generate less than 30 total peak hour trips during the weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. Therefore, Local Area Transportation Review (LATR) is not required.

### 4. MASTER PLAN COMPLIANCE

The Aspen Hill Master Plan does not specifically mention the Subject Property, but does provide general guidance and recommendations to maintain the residential character of the area. Staff found that the proposed subdivision complies with the recommendations adopted in the master plan in that it proposes one-family residential lots appropriate for the zone.

### 5. PROPOSED LOT DIMENSIONS

In its Report, Staff presented a map of the current lots in the surrounding subdivision as well as the proposed dimensions of the eight (8) proposed lots under the Preliminary Plan (Attachment A and B of the Staff Report). Staff found that the size, width, shape and orientation of the proposed lots are appropriate for the location of the subdivision and will conform to the minimum requirements of the R-200 zone.

### 6. STAFF RECOMMENDATIONS



Staff found that the proposed Preliminary Plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations and Chapter 59, the Zoning Ordinance, that public facilities will be adequate to support and service the area of the proposed and that the Preliminary Plan is compatible with the Aspen Hill Master Plan. Staff recommended the approval of the Preliminary Plan subject to conditions. Staff further concluded that pedestrians will be able to safely use the proposed internal roadway and a sidewalk on only one side, and recommended that the Planning Board grant a waiver to permit this configuration pursuant to Section 50-26(h)(3) of the Subdivision Regulations.

#### **IV. Findings**

Having given full consideration to the recommendations of its Staff, the recommendations of the applicable public agencies,<sup>1</sup> the Applicant's position, and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds, based on the uncontested evidence of record, and with the conditions of approval, that:

- 1) The Preliminary Plan No. 120050600 substantially conforms to the Aspen Hill Master Plan.
- 2) Public facilities will be adequate to support and service the area of the proposed subdivision.
- 3) The size, width, shape, and orientation of the proposed lot[s] 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. This finding is subject to the applicable condition(s) of approval.
- 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 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 ("WSSC"), the Montgomery County Department of Public Works and Transportation ("MCDPWT"), the Montgomery County Department of Permitting Services ("MCDPS" or "DPS"), and the various public utilities. None of these agencies objected to approval of the application.

- 6) 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.

## **V. CONDITIONS OF APPROVAL**

Finding Preliminary Plan No. 120050600 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board APPROVES Preliminary Plan No. 120050600, including a waiver pursuant to §50-26(h)(3) to permit a sidewalk on only one side of the proposed internal tertiary road, and subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to eight (8) lots and eight (8) one-family detached residential dwelling units.
- 2) The Applicant shall construct the proposed internal street as an open section, tertiary residential street within a 50 foot right-of-way.
- 3) The Applicant shall dedicate, and show on the final record plat, adequate right-of-way along Radwick Lane to provide 60 feet of right-of-way from the opposite right-of-way.
- 4) Prior to the issuance of the last building permit, the Applicant shall construct a five-foot wide sidewalk on the west side of Radwick Lane along the property frontage, and a five-foot wide sidewalk on only one side of the side of the proposed internal street (north side), extended around the cul-de-sac to the driveway for proposed Lot 4.
- 5) The proposed development shall comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must meet all condition prior to the recording of a plat or MCDPS issuance of sediment and erosion control permit(s), as appropriate. Conditions include, but are not limited to:
  - a. Applicant shall remove the existing driveway within the proposed Category I conservation easement and reforest all previously cleared area.
  - b. Final forest conservation plan shall include a planting plan for the reforestation area using a minimum of 1-inch trees.
- 6) The Applicant shall construct a split rail fence at the back of the proposed Lots 1 through 8 to delineate the forest conservation easement. Access points into the easement will be permitted to allow passive use of the area by residents.

- 7) The record plat shall reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 8) The record plat shall reflect all areas under Homeowners Association ownership and stormwater management areas.
- 9) The record plat shall 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.
- 10) The proposed development shall comply with the conditions of the MCDPS stormwater management approval dated April 6, 2006.
- 11) The proposed development shall comply with the conditions in the MCDPWT approval dated July 12, 2006, unless otherwise amended.
- 12) The proposed development shall include the access and improvements as required to be approved by the MCDPWT prior to recordation of plat(s)
- 13) The Adequate Public Facilities (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 14) 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]

MML  
a/l/06  
Legal sufficiency  
Legal Counsel

**CERTIFICATION OF BOARD ADOPTION OF OPINION**

At its regular meeting, held on **Thursday, September 7, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, **ADOPTED** the above opinion, on motion of Commissioner Perdue, seconded by Commissioner Wellington, with Commissioners Perdue, Robinson, and Wellington voting in favor, and with Chairman Hanson and Commissioner Bryant abstaining. This Opinion constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 120050600, Radwick Lane.**

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



**PLAT NO. 220070710**

Horner Estates

Located on southeast quadrant, intersection of Marcliff Road and Rosemont Drive

R-200 zone; 2 lots

Community Water, Community Sewer

Master Plan Area: North Bethesda-Garrett Park

Marcliff Estates, LLC. Applicant

This record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Record Plat Review Sheet. Staff has determined that the plat complies with Preliminary Plan No. 120060820, as approved by the Board; and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the preliminary plan.

**RECORD PLAT REVIEW SHEET**

Plan Name: Corner Estates Plan Number: 20060820  
 Plat Name: Corner Estates Lots 7+8 Plat Number: 22070710  
 Plat Submission Date: 11/17/06  
 DRD Plat Reviewer: TA  
 DRD Prelim Plan Reviewer: Richard Wank

**Initial DRD Review:**

Signed Preliminary Plan - Date 11/22/06 Checked: Initial RW Date 12/22/06  
 Planning Board Opinion - Date 12/31/06 Checked: Initial PW Date 12/31/06  
 Site Plan Req'd for Development? Yes    No    Verified By: PW (initial)  
 Site Plan Name: NA 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 #    Road/Alley Widths    Easements    Open Space NA  
 Non-standard BRLs NA Adjoining Land    Vicinity Map    Septic/Wells NA  
 TDR note NA Child Lot note NA Surveyor Cert    Owner Cert    Tax Map   

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>A. Lindsey</u>	<u>11/21</u>	<u>12/8</u>		
Research	Bobby Fleury			<u>2/9/07</u>	<u>OK</u>
SHA	Doug Mills			<u>NC</u>	<u>NC</u>
PEPCO	Steve Baxter			<u>NC</u>	<u>OK</u>
Parks	Doug Powell			<u>NC</u>	<u>NA</u>
DRD	Steve Smith			<u>2/12/07</u>	<u>OK</u>

**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 &amp; 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

TATATATA

Date

12/12/0712/26/0612/12/073/1/07No.

[illegible]







THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

RECEIVED

OCT 30 2006

Date Mailed: OCT 30 2006

Hearing Date: September 21, 2006

Action: Approved Staff Recommendation

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

## MONTGOMERY COUNTY PLANNING BOARD

### OPINION

Preliminary Plan No. 120060820

NAME OF PLAN: Horner Estates (Resubdivision)

OCT 30 2006

*The date of this written opinion is OCT 30 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).*

### INTRODUCTION

On February 13, 2006, Mr. Zur Feldman ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the R-200 zone. The application proposed to create 2 lots on 1.48 acres of land located at the southeast corner of the intersection of Marcliff Road and Rosemont Drive, in the North Bethesda/Garrett Park Master Plan area ("Subject Property"). The application was designated Preliminary Plan No. 120060820 ("Preliminary Plan"). On 9/21/06, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing. At the public 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 public hearing, upon the taking of an action by the Planning Board. The Record includes: the

information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

### **SITE DESCRIPTION**

The 1.48-acre site is zoned R-200 and is located in the southeast corner of Rosemont Drive right-of-way and Marcliff Road in the North Bethesda/Garrett Park Master Plan area. The surrounding uses are residential. The existing lot (Lot 6A) is currently developed with a one-family residence, which is accessed by a driveway to Marcliff Road. Rosemont Drive is unbuilt along the frontage of the Subject Property.

The Subject Property lies within the Cabin John Creek watershed (Use Class I-P). There are 0.93 acres of forest cover on the Subject Property that is dominated by tulip poplars. There are 0.17 acres of stream valley buffer and 0.05 acres of floodplain on-site. A tributary to Cabin John Creek runs east to west within the existing road right-of-way for Rosemont Drive on the northern boundary of the site.

### **PROJECT DESCRIPTION**

This Preliminary Plan proposes to resubdivide the Subject Property into two lots, remove the existing residence, and develop two new residences. A shared driveway to both homes will provide access to Marcliff Road. The house on proposed Lot 7 will front to Marcliff Road, the house to the east will front to the Rosemont Drive right-of-way and will align in a similar fashion to the homes across Rosemont Drive that also front to the right-of-way. Community water and sewer is available for both lots.

### **MASTER PLAN COMPLIANCE**

The North Bethesda Garrett Park Master Plan does not specifically discuss the Subject Property but it does recommend a continuation of the R-200 zone for this area. The master plan is also silent on resubdivisions of existing lots in this neighborhood. The proposed plan is consistent with the master plan because the lots meet the R-200 zoning standards.

## **TRANSPORTATION**

This Preliminary Plan has been reviewed for adequacy of local roadways, access and pedestrian facilities. Marcliff Road is adequate to accommodate the two units as proposed. MCDPWT is requiring sidewalks to provide safe pedestrian circulation. Site distance evaluations for the proposed driveway access point are approved.

## **ENVIRONMENTAL COMPLIANCE**

### **Forest Conservation**

There are 0.93 acres of existing forest cover on-site. The plan proposes 0.50-acres of clearing and 0.43-acres of retention within a Category I conservation easement. No forest in the stream valley buffer will be removed. A split rail fence will separate forest conservation area from yard area and signage will be posted at appropriate intervals. A 10 ft. public utility easement (PUE) is proposed for the north edge of the property, nearest Rosemont Drive. Staff found that the proposed plan meets the forest conservation requirements.

### **Environmental Buffers**

As previously mentioned, there is an intermittent stream on the adjacent right-of-way for Rosemont Drive to the north of the Subject Property. A forested stream valley buffer of 0.17 acres extends onto the site. The stream has a floodplain associated with it, with 0.05-acres of floodplain on-site. Staff found that the proposed plan meets the Environmental Guideline requirements for protection of buffers and sensitive areas.

## **RESUBDIVISION CRITERIA**

### **Neighborhood Delineation**

In administering the Resubdivision section, the Planning Board must first determine the appropriate "neighborhood" for evaluating the application. For this application, the Applicant has proposed a neighborhood of forty lots for analysis purposes. The neighborhood generally includes all lots that are contiguous to the Subject Property, that are in the same block as the Subject Property, and those lots along the typical travel routes to the Subject Property. A number of deed lots along Marcliff Road are not included in the neighborhood since they were not subjected to subdivision approval or record plat. Staff supported the Applicant's delineated neighborhood for the resubdivision analysis.

Comparison of the Character of Proposed Lots to Existing

In performing the analysis for this resubdivision, staff applied the resubdivision criteria to the delineated neighborhood. Based on the analysis as set forth below, staff found that the proposed resubdivision will be of the same character as the existing lots in the neighborhood as set forth below:

*Size: The proposed lots are of the same character with respect to size as all lots in the neighborhood.*

Lots in the neighborhood range in size from 15,511 square feet to 47,240 square feet. This Preliminary Plan proposes lots at 29,758 square feet (Lot 7) and 33,790 square feet (Lot 8). This resubdivision creates two lots that are close to the median for the range of lot sizes in the defined neighborhood. The proposed lots are consistent with the neighborhood lots with respect to size.

*Area: The proposed lots are of the same character with respect to area as the lots in the neighborhood.*

The buildable areas of lots in the defined neighborhood range from 5,540 square feet to 28,000 square feet. The resubdivision proposes two lots at 6,530 and 17,534 square feet for Lot 7 and 8, respectively. Lot 7, while having a smaller buildable area than the majority of lots in the neighborhood, is overall, a large, square shaped lot that is capable of accommodating a home typical of today's market that will not be limited by the setbacks. The proposed lots are of the same character with respect to area as all lots in the neighborhood.

*Shape: The proposed lots are of the same character with respect to the shape of lots in the neighborhood.*

The neighborhood is characterized by a wide variety of lot shapes as reflected on the neighborhood delineation. The two proposed lots are generally square and of the same character as other lots.

*Width: The proposed lots are of the same character with respect to width as the other lots in the neighborhood.*

The lot widths at the front building line in the neighborhood range from 60 feet to 233 feet. Both of the proposed lots are within this range at 183 and 186 feet. Both lots are of the same character with respect to width at the building line.

*Alignment: The proposed lots are of the same character with respect to alignment as all lots in the neighborhood.*



All lots, including the proposed lots, align perpendicularly to the street except for one, which is to the rear of an existing lot. The proposed lots are of the same character as compared to the existing lots in the neighborhood.

*Frontage: The proposed lots are of the same character with respect to frontage as the lots in the neighborhood.*

The range of lot frontages in the neighborhood is from 25 feet to 227 feet. Both proposed lot frontages, at 203 and 187 feet for lot 7 and 8, are within the range of lot frontages. The lot frontages are of the same character with respect to all lots within the neighborhood.

*Suitability: The proposed lots are suitable for residential development as are all other lots in the neighborhood.*

#### **STAFF RECOMMENDATION**

In addition to the findings above, staff found that the size, shape, width and orientation of the proposed lots are appropriate for the location of the subdivision having considered the recommendations of the local master plan. In addition, staff found that the Preliminary Plan complies with all applicable sections of the Montgomery County Zoning Ordinance, including Section 59-C-1.32 that establishes the dimensional requirements for residential lots according to their zoning classification. Staff concluded that the Preliminary Plan meets all requirements of the Subdivision Regulations, North Bethesda Garrett Park Master Plan, and the Zoning Ordinance, including the Garrett Park Overlay Zone and recommended approval subject to conditions.

#### **FINDINGS**

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies<sup>1</sup>; the Applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds, based on the uncontested evidence of record, staff's findings set forth above and subject to the conditions of approval, that:

- a) The Preliminary Plan No. 120060820 substantially conforms to the North Bethesda/Garrett Park master plan.

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<sup>1</sup> The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) Based on the staff's findings, which are hereby expressly adopted by the Planning Board, 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 delineated neighborhood.
- 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. 120060820 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060820, subject to the following conditions:

- 1) Approval under this preliminary plan application is limited to two (2) one-family detached residential lots.
- 2) The Applicant shall comply with the conditions of the preliminary forest conservation plan. The Applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permit. Conditions include:
  - a. Approval of Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan prior to any clearing, grading or demolition on the site.
  - b. The Final Forest Conservation Plan must be prepared, signed and stamped by an ISA certified arborist and include complete details on the proposed tree protection measures.

- c. Split rail fencing and permanent forest conservation signage will be required along the easement line that adjoins residential lots and must be shown on the final FCP.
- 3) The Applicant shall comply with the conditions of approval of the MCDPS stormwater management approval letter dated May 16, 2006.
- 4) The Applicant shall comply with the conditions of approval for the MCDPWT approval letter dated May 1, 2006 unless otherwise amended.
- 5) Record plat to reflect an ingress/egress/public utility easement on the shared driveway.
- 6) Other necessary easements.

*This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.*

\* \* \* \* \*

**CERTIFICATION OF BOARD ADOPTION OF OPINION**

At its regular meeting, held on **Thursday, October 12, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, **ADOPTED** the above opinion, on motion of Commissioner Robinson, seconded by Commissioner Wellington, with Commissioners Hanson, Perdue, Bryant, Robinson and Wellington voting in favor. This Opinion constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 120060820, Horner Estates (Resubdivision)**.

A handwritten signature in dark ink, appearing to read "E. Ann Daly", is written over a horizontal line.

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



**PLAT NO. 220070430**

Brookmont

Located on Ridge Drive, approximately 65 feet south of 63<sup>rd</sup> Street

R60 zone; 1 lot

Community Water, Community Sewer

Master Plan Area: Bethesda - Chevy Chase

Robert and Tracey Robinson, 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 lot (previously known as lots 27-29) and concludes that the proposed minor subdivision complies with the criteria of Section 50-35A (a)(3)b 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: Brockmont Plat Number: 220070430  
Plat Submission Date: 10/12/06  
DRD Plat Reviewer: T. Alam  
DRD Prelim Plan Reviewer: NA

\*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 # NA Road/Alley Widths ☒ Easements ☒ Open Space NA Non-standard  
BRLs ☒ Adjoining Land ☒ Vicinity Map ☒ Septic/Wells NA  
TDR note NA Child Lot note NA Surveyor Cert ☒ Owner Cert 1 Tax Map 1  
SPA NA

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>A. Lindsey</u>	<u>10/29/06</u>	<u>11/10/06</u>		
Research	<u>Bobby Fleury</u>			<u>10/26/06</u>	<u>OK</u>
SHA	<u>Doug Mills</u>			<u>NA</u>	<u>NC</u>
PEPCO	<u>Steve Baxter</u>			<u>NC</u>	<u>OK</u>
Parks	<u>Doug Powell</u>			<u>NC</u>	<u>NC</u>
DRD	<u>Steve Smith</u>			<u>11/6/06</u>	<u>See plat</u>

## 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

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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: \_\_\_\_\_
- 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: \_\_\_\_\_

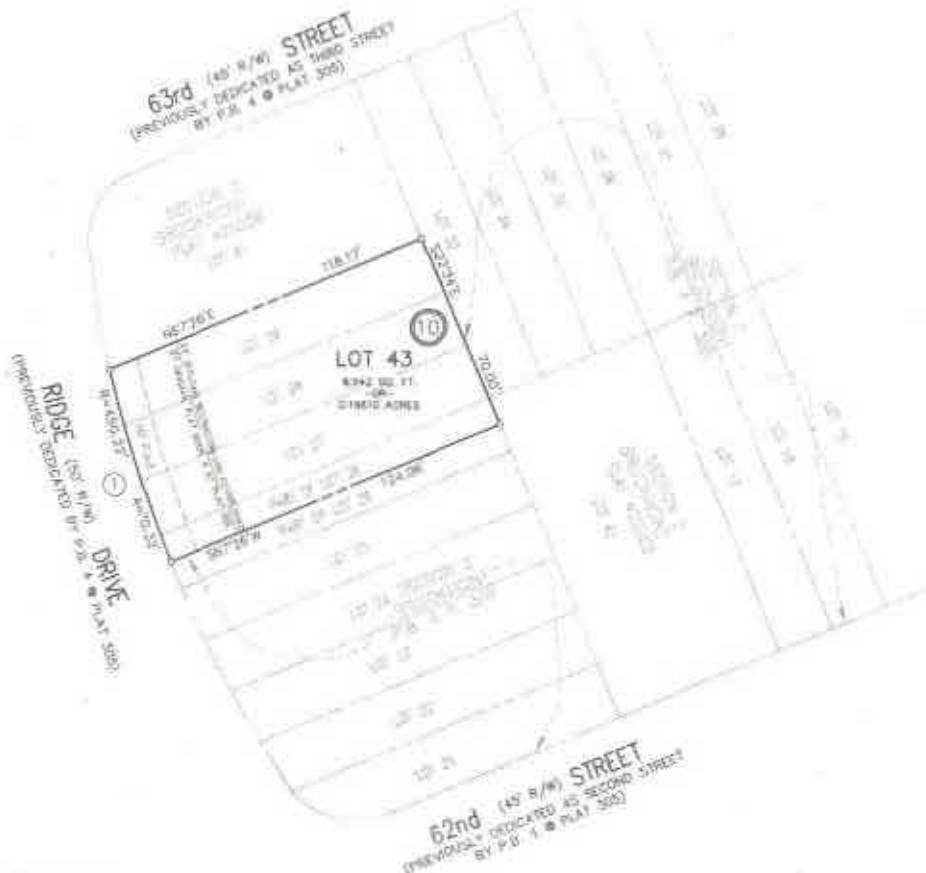
*(8) Plats for Certain Residential Lots in the RDT Zone; 5 Lot Maximum*

- 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: \_\_\_\_\_



CURVE TABLE

CURVE	RADIUS	DELTA	ARC	TAN	CHORD	CHORD BEARING
1	400.22	08°56'56"	70.33	35.23	70.25	N17°43'28"W



## NOTES:

1. THERE IS NO ADDITIONAL STREET DEDICATION BY THIS PLAN.
2. THE PROPERTY SHOWN HEREON APPEARS ON MONTGOMERY COUNTY TAX MAP NO. 0017 AND IS CURRENTLY ZONED R-40. ALL CURRENT AND PROPOSED DEVELOPMENT IS SUBJECT TO THE STANDARDS AS REQUIRED UNDER THE MONTGOMERY COUNTY ZONING ORDINANCE.
3. ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SUB PLAN, PROJECT PLAN, OR OTHER PLAN ALLOWED DEVELOPMENT OF THIS PROPERTY AND APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THIS PLAN UNLESS EXPRESSLY STATED BY THE PLAN AS APPROVED. THE OFFICIAL PLANS FILED FOR ANY SUCH PLANS ARE MAINTAINED BY THE PLANNING BOARD AND AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
4. THIS PLAN CONFORMS TO THE REQUIREMENTS OF SECTION 30-13A OF THE MONTGOMERY COUNTY SUBDIVISION REGULATIONS, BEING CHAPTER 20 OF THE MONTGOMERY COUNTY CODE. THIS PLAN INVOLVES A CONSOLIDATION OF TWO (2) OR MORE LOTS OR PARTS OF LOTS INTO ONE LOT AS PROVIDED FOR IN SECTION 30-13A(A)(1)(ii).
5. THIS PLAN IS FOR PAVING WATER AND SEWER SYSTEMS ONLY.
6. THE PROPERTY INCLUDED IN THIS PLAN OF SUBDIVISION IS LOCATED ON W.S.S.C. 3017 SHEET AT 300000.
7. THIS SUBDIVISION RECORD PLAN IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE. NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE OF THE PROPERTY. THE SUBDIVISION RECORD PLAN IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DENY OR NOTE ALL MATTERS AFFECTING TITLE.

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT IT IS A SUBDIVISION OF ALL OF THE LAND CONVEYED BY BRUCE L. WEBSTER TO ROBERT A. ROBINSON AND TRACEY A. ROBINSON BY DEED DATED APRIL 20, 1984 RECORDED IN LIBR 12078, FOLIO 234; THAT IT IS A RE-SUBDIVISION OF PART OF LOT 26 AND LOTS 27, 28 & 29, BLOCK 10 AS SHOWN ON A SUBDIVISION RECORD PLAN ENTITLED "SECTION 2, BROOKMONT" RECORDED IN PLAT BOOK 4 AT NO. 300. ALL AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, AND THAT ALL PROPERTY LINES ARE IN PLACE AS INDICATED IN ACCORDANCE WITH SUBDIVISION REGULATION SECTION 30-20(A) OF THE MONTGOMERY COUNTY CODE.

THE TOTAL AREA INCLUDED IN THIS SUBDIVISION RECORD PLAN IS 0.545 TO. FT. OF 0.1960 ACRES OF LAND, OF WHICH NONE IS DEDICATION.

2-7-07  
DATE

*Michael Shaw*  
MICHAEL SHAW (JUNIOR)

PROFESSIONAL LAND SURVEYOR  
NO REGISTRATION NO. 3117

PLAT NO.



## OWNERS' CERTIFICATE

WE, ROBERT A. ROBINSON AND TRACEY A. ROBINSON, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION AND ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES.

WE FURTHER GRANT A 10 FOOT WIDE PUBLIC UTILITY EASEMENT, SHOWN HEREON AS "10' P.U.E." TO THOSE PARTIES NAMED IN THE DECEDENT'S DECLARATION OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS, AS RECORDED IN LIBR 2834 FOLIO 487 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

THERE ARE NO DEEDS, MORTGAGES, EASEMENTS, OR LIENS AFFECTING THE PROPERTY SHOWN HEREON. THERE ARE HOWEVER TWO SEPARATE MORTGAGES, AND THE PARTIES IN INTEREST THEREIN HAVE HEREBY INDICATED THEIR ASSENT TO THIS SUBDIVISION.

2/3/07 *Robert A. Robinson* *Tracey A. Robinson*  
DATE ROBERT A. ROBINSON TRACEY A. ROBINSON WITNESS

2/3/07 *Michael Shaw* *James D. Hark*  
DATE MICHAEL SHAW JAMES D. HARK WITNESS

WE HEREBY ASSENT TO THIS PLAN OF SUBDIVISION.

1/16/07 *Lushina Bailey* *James D. Hark*  
DATE LUSHINA BAILEY JAMES D. HARK WITNESS

1/19/07 *James D. Hark* *Michael Shaw*  
DATE JAMES D. HARK MICHAEL SHAW WITNESS

SUBDIVISION RECORD PLAN  
LOT 43, BLOCK 10  
BROOKMONT, SECTION 2  
A RESUBDIVISION OF  
PART OF LOT 26 AND LOTS 27 THRU 29  
7TH ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1" = 30' DATE: JUNE 30, 2006

**Bowman**  
CONSULTING

Bowman Consulting Group, LLC  
1901 Project Drive, Suite 300  
Baltimore, Maryland 21208  
Bowman Consulting Group, LLC

Phone: (410) 516-8800  
Fax: (410) 516-7000  
www.bowmanconsulting.com

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

APPROVED \_\_\_\_\_

CHAIRMAN \_\_\_\_\_ ASST. SECRETARY-READER \_\_\_\_\_

MONTGOMERY COUNTY, MARYLAND  
DEPARTMENT OF PLANNING SERVICES

APPROVED \_\_\_\_\_

DATE \_\_\_\_\_

DIRECTOR \_\_\_\_\_

RECORDED \_\_\_\_\_

PLAT # \_\_\_\_\_

## LEGEND

— PROPERTY CORNER  
P.U.E. = PUBLIC UTILITY EASEMENT

## GRAPHIC SCALE



**PLAT NO. 220070780**

Mary J. Boland Subdivision

Located on southwest quadrant, intersection of Cider Barrel Drive and Regents Park Drive

R-60/TDR zone; 2 lots, 1 Parcel

Community Water, Community Sewer

Master Plan Area: Germantown

Porten Homes, Inc., Applicant

Staff recommends approval of this minor subdivision plat pursuant to section **50-35A (a)(5)** of the Subdivision Regulations, which states:

**Plat of Correction.** A plat may be recorded under the minor subdivision procedure to correct inaccurate or incomplete information shown on a previously recorded subdivision plat. The plat may correct drafting or dimensional errors on the drawing; failure to include a required note, dedication, easement or other restriction; incorrect or omitted signatures; and/or other information normally required to be shown on a recorded plat. All owners and trustees of the land affected by the correction must sign the revised plat. In addition, the plat of correction must clearly identify the original plat that is being replaced and contain a note identifying the nature of the correction. In this case, the plat is being corrected for dimensional errors on lots 203-218.

**RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET**

(This form contains 3 pages)

Plat Name: Mary J Boland Plat Number: 220070780  
 Plat Submission Date: 12/20/06  
 DRD Plat Reviewer: SAJ/PO  
 DRD Prelim Plan Reviewer: \_\_\_\_\_

\*For category of minor see pages 2 and 3

**Initial DRD Review:**

Pre-Preliminary Plan No. NA Checked: Initial \_\_\_\_\_ Date \_\_\_\_\_  
 Preliminary Plan No. 120040290 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 ☒ Easements ☒ Open Space NA Non-standard  
 BRLs NA Adjoining Land ☒ Vicinity Map ☒ Septic/Wells NA  
 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	<u>NA</u>	<u>1/10/07</u>	<u>1/24/07</u>	<u>1/24/07</u>	<u>NA</u>
Research	Bobby Fleury			<u>1/11/07</u>	<u>None</u>
SHA	Doug Mills				
PEPCO	Steve Baxter				
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 &amp; 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

TA

Date

2/9/071/29/072/5/072/5/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/073/1/07

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: \_\_\_\_\_
- 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: \_\_\_\_\_

✓ - need  
✓ - 234-1 B

#### (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: \_\_\_\_\_

