



Bradley Farms: Preliminary Plan No. 120170010

Jce

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Staff Report Date: 2/17/17

### Description

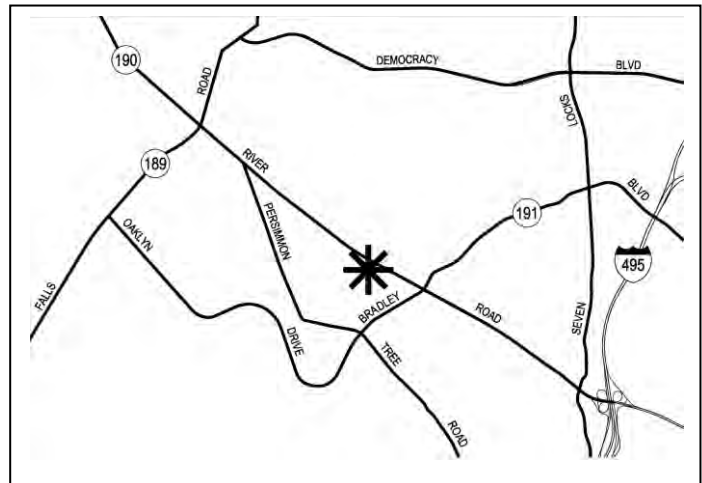
#### **Bradley Farms: Preliminary Plan No. 120170010**

Request to resubdivide Lot 11, Block 8 on Record Plat 24443 (9005 River Road) to create two lots for two single-family detached dwellings; 6.33 acres; RE-2 zone; Located at the southeast corner of Durham Drive and River Road (MD 190), approximately 2,000 feet northwest of Bradley Boulevard (MD 191) in Potomac, MD; 2002 Potomac Subregion Master Plan.

**Submitted date:** 9/27/2016

**Applicant:** David Niroo (NV Development LLC)

**Review Basis:** Chapter 50, Chapter 22A



**Staff Recommendation:** Approval with Conditions

### Summary

- Staff recommends **approval** with conditions.
- The Application was reviewed under the 2012-2016 Subdivision Staging Policy since it was submitted prior to January 1, 2017.
- The Application complies with the resubdivision criteria under Chapter 50-29(b)(2) to resubdivide an existing lot into two new lots.
- The Application is consistent with the recommendations of the 2002 Potomac Subregion Master Plan by resubdividing an existing lot to create two lots for two single-family detached dwellings that are similar in character to the existing low-density development.
- The proposed lots meet the RE-2 development standards.
- The Application satisfies the requirements of Chapter 22A, Forest Conservation Law, by meeting the entire afforestation requirements offsite at a forest mitigation bank.
- *Staff has not received any citizen correspondence on the Application.*



**RECOMMENDATION:** Approval subject to the following conditions:

1. This Preliminary Plan is limited to two lots for two single-family detached dwelling units.
2. The Applicant must comply with the conditions of approval for the Preliminary and Final Forest Conservation Plan no. 120170010, approved as part of this Preliminary Plan, including the following:
  - a. Prior to any land disturbing activities on the Subject Property, the Applicant must obtain Staff approval of a Certificate of Compliance Agreement to provide for 1.28 acres of offsite forest planting requirement, and purchase the necessary credits in an approved forest conservation bank, as specified on the approved Final Forest Conservation Plan.
  - b. The Applicant must comply with all tree protection and tree save measures shown on the approved FCP. Tree save measures not specified on the FCP may be required by the M-NCPPC forest conservation inspector.
  - c. The limits of disturbance ("LOD") on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated November 1, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by Maryland State Highway Administration ("MDSHA").
5. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") Fire Code Enforcement Section in its letter dated January 26, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Fire Code Enforcement Section provided the amendments do not conflict with other conditions of Preliminary Plan approval.
6. The Planning Board accepts the recommendations of the MCDPS - Water Resources Section in its stormwater management concept letter (reconfirmation) dated August 9, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. The Applicant must construct all road improvements within the rights-of-way shown on the Certified Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes.
8. The Certified Preliminary Plan must contain the following note:



*“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”*

9. The record plat must show necessary easements.
10. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

## **SITE DESCRIPTION**

The subject property is located at the southeast corner of Durham Drive and River Road (MD 190), approximately 2,000 feet northwest of Bradley Boulevard (Figure 1) and consists of Lot 11, Block 8 on Record Plat 24443 (Attachment A) with a total of 6.33 acres (275,900 square feet) in the RE-2 zone (“Property” or “Subject Property”).

The Subject Property is within the “Potomac” community area of the 2002 Potomac Subregion Master Plan (“Master Plan”). The area surrounding the Subject Property is developed with single-family detached houses on land also zoned RE-2. The Property has frontage on Durham Drive and River Road (MD 190). The Property is improved with an existing home and circular driveway, which were built in 2011. The existing home occupies the southwestern portion of the Property and has access to Durham Drive; the northeast half of the Property is unimproved. There is also an asphalt driveway apron along the River Road frontage that is abandoned and will be removed.



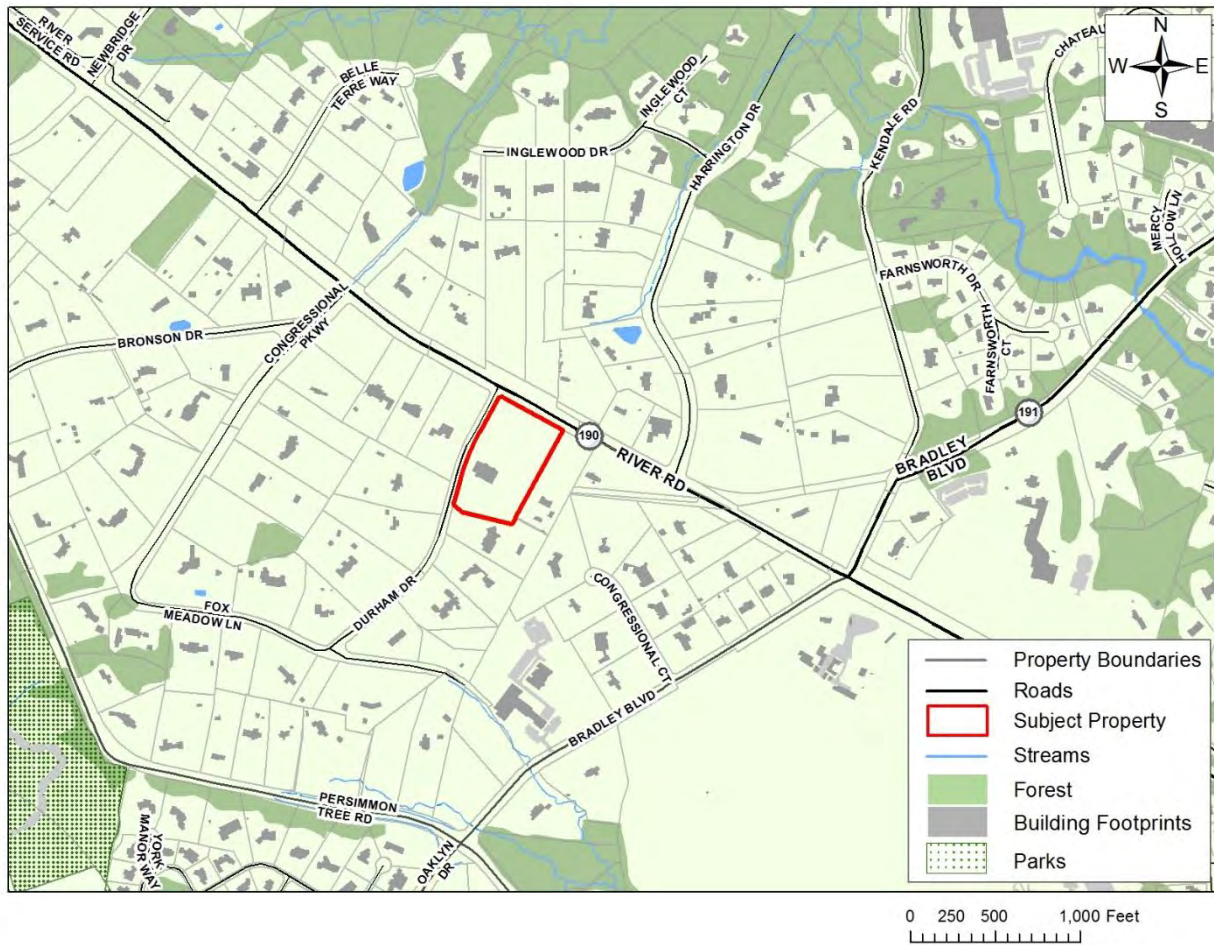


Figure 1 - Vicinity Map

The Subject Property is within the Cabin John Branch watershed; a Use I watershed. The Countywide Stream Protection Strategy rates streams in this watershed as good. The Property's topography is generally flat, sloping gently from the south to the north. There are no streams, wetlands, 100-year floodplains, or environmental buffers located on or adjacent to the Property. Nor are there any steep slopes, highly erodible soils, or forests on the Property.





*Figure 2 – Aerial View*

## PROJECT DESCRIPTION

Preliminary plan application No. 120170010, Bradley Farms (“Application” or “Preliminary Plan”) proposes to resubdivide the Subject Property into two lots; one for the existing house and one for the construction of one new single-family detached home (Figure 3). As shown on the Preliminary Plan, the existing house, circular driveway and northernmost driveway access to Durham Drive will remain and be located on proposed Lot 12. The southernmost driveway access point on Durham Drive will be eliminated. A new driveway accessing River Road will be constructed to serve proposed Lot 13. At this time, frontage improvements are limited to one new driveway. The Applicant has agreed to enter into a covenant with MCDOT for future improvements to Durham Drive.

The new lots will be served by public (community) water and sewer. The use of community water and sewer is consistent with the Property’s W-1 and S-3 categories. Stormwater is approved by MCDPS and will be managed on each lot via drywells, microbio-retention and grass swales.



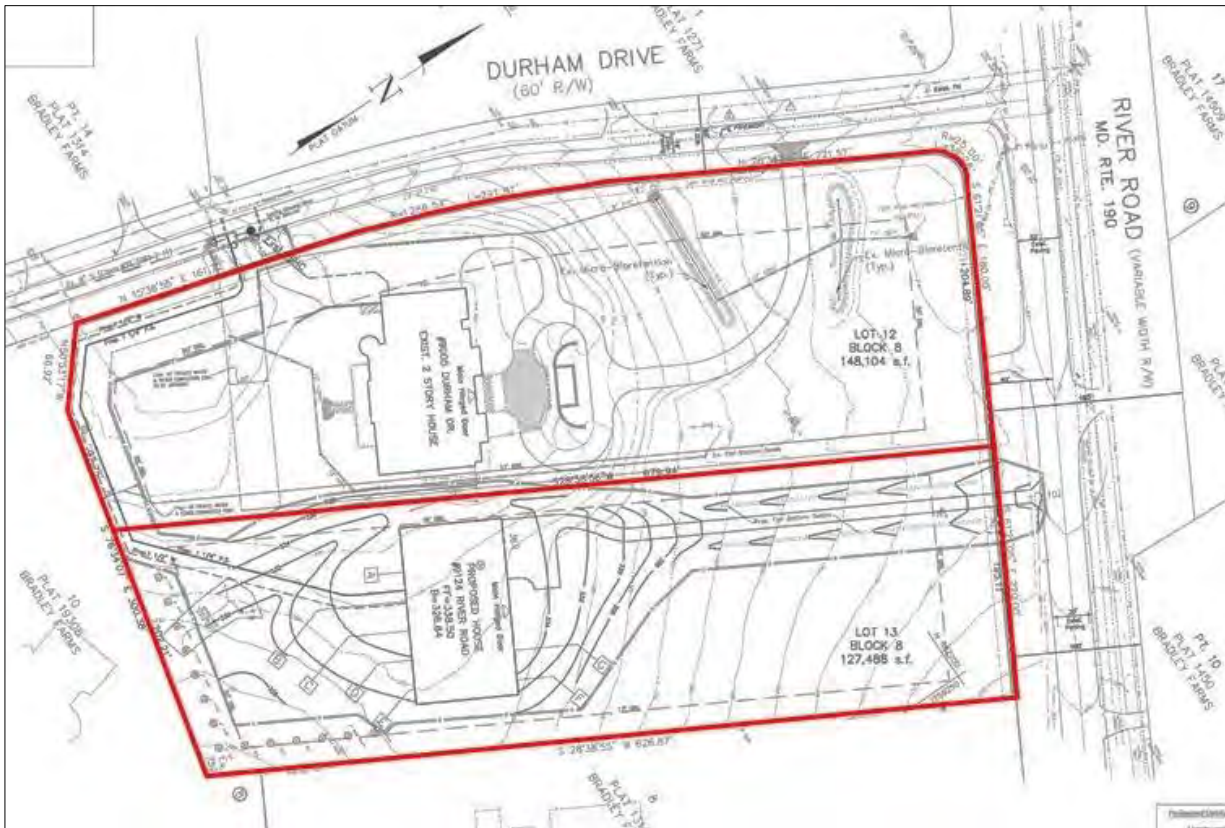


Figure 3 - Proposed Preliminary Plan

## ANALYSIS AND FINDINGS – Chapter 50

### Master Plan Conformance

The Subject Property is located in the “Potomac” community area, identified on page 5 of the 2002 Potomac Subregion Master Plan. The Master Plan is silent on this specific Property, but describes the area as follows:

*“The Potomac area is the easternmost part of the Subregion and is more developed than the other three community areas. Since residential development is dispersed through the area, this Plan recommends infill development of the remaining vacant properties with residential development essentially similar to what is now there, unless specifically stated otherwise in this Plan” (p. 41).*

The Master Plan does not make specific recommendations for the Subject Property but recommends the retention and reconfirmation of the existing RE-2 Zone as a low-density residential wedge. The environmental section of the Master Plan allows for the limited provision of community sewer service for areas zoned RE-2 within and at the periphery of the proposed sewer envelope. The Subject Property is within the recommended sewer service envelope.



The Preliminary Plan substantially conforms to the Master Plan by resubdividing an existing lot to create two lots for two single-family detached dwellings that are similar and characteristic of the existing low-density development. The residential land use and density proposed for this Property is consistent with the RE-2 zoning in place and the recommendations of the 2002 Potomac Subregion Master Plan.

#### Master Plan Transportation Facilities

The 2002 Approved and Adopted Potomac Subregion Master Plan and the 2005 Approved and Adopted Countywide Bikeways Functional Master Plan make several recommendations regarding road and bikeway facilities that affect the Subject Property. The 2002 Master Plan classifies River Road as a Major Highway (M-2) with a minimum right-of-way width of 150 feet (75 feet from the centerline) with two travel lanes between River Oaks Lane and Seven Locks Road. The two-lane road policy in the Master Plan strives to limit expansion of the pavement width of River Road beyond two lanes. No additional dedication is necessary for these roads since the Master Plan recommended right-of-way was previously dedicated to public use by record plat.

The 2002 Master Plan and the County Bikeways Functional Master Plan recommends a Class 1 (off-road) bike path (PB-6) on the north side of River Road from I-495 to Seneca Creek. Most sections of the bike path have been constructed between Seven Locks Road and Swains Lock Road, including the section confronting the Subject Property, on the north side of River Road. In addition, the Countywide Bikeways Functional Master Plan also recommends a signed, bike travel lane on River Road from I-495 to MD 112. The segment of River Road along the Property frontage has an existing pavement width of 35 feet which is adequate to accommodate the future installation (restriping) of bike lanes by MDSHA.

As proposed, the Application substantially conforms with the recommendations adopted in the 2002 Master Plan and the Countywide Bikeways Functional Master Plan.

#### **Adequate Public Facilities Review (APF)**

The Preliminary Plan application was submitted prior to January 1, 2017 and is therefore being reviewed under the 2012-2016 Subdivision Staging Policy rules which were in effect on December 31, 2016.

#### Site Access and Parking

*Durham Drive* - Durham Drive is not a master planned road and is classified as a Secondary Residential Street with a 60-foot wide right-of-way per MCDOT. The Applicant has agreed to enter into a covenant with MCDOT for future improvements to Durham Drive which was included in their initial recommendation letter, dated December 11, 2011 (Attachment B), and is included in their revised letter dated November 1, 2016 (Attachment C).

As stated in their revised letter, the Property's southernmost access point was not properly permitted and does not meet sight distance requirements for a secondary road. Therefore, this driveway will be eliminated at the request of MCDOT. The northernmost driveway on Durham Drive closest to MD 190 will continue to provide vehicular access to the existing house on Lot 12. No additional dedication is required on Durham Drive.



*River Road (MD190)* - The Application has been reviewed by the MDSHA which determined that a district office permit will be required for the proposed residential driveway to River Road to serve proposed Lot 13. A second, unused driveway apron on MD 190 will be removed.

Vehicle parking is provided on-site on driveways and/or in garages. The only non-vehicular mean of connection to the surrounding area is via the existing off-road bike path on the opposite side of River Road. Sidewalks are not required along the frontage of Durham road because the Subject Property is zoned RE-2 (large lots) and is in the rural area as defined by the County Road Code. There are no existing sidewalks on the southside of River Road within a mile of the Subject Property and MDSHA did not recommend the construction of new sidewalks along the Property frontage.

The vehicular and pedestrian access for the lots will be adequate with the proposed improvements.

#### Local Area Transportation Review (LATR) & Transportation Policy Area Review (TPAR)

The proposed development will generate fewer than 3 trips during the morning and evening peak hours. As a result of this *de minimis* impact, this project is exempt from the Local Area Transportation Policy Review and the Transportation Policy Area Review. The proposed development satisfies Adequate Public Facilities requirements for transportation elements and does not necessitate further traffic analysis.

#### Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the existing and proposed dwelling units. The new lots will be served by public (community) water and sewer. The use of community water and sewer is consistent with the Property's W-1 and S-3 categories. The existing house on proposed Lot 12 is currently connected to an existing 8-inch water line and 8-inch sewer line that runs along the Property's frontage on Durham Drive. There is an existing 30-foot-wide water and sewer easement to the rear of the house on proposed Lot 12 that was intended to serve future development of the lot. The Preliminary Plan proposes to abandon the existing easement and provide an alternative 30-foot easement parallel to proposed Lot 12's rear Property line. The proposed easement configuration will result in a more usable rear yard on proposed Lot 12 and provide water and sewer service to Lot 13.

The Preliminary Plan has been evaluated by Staff and the Montgomery County Department of Transportation, who support the transportation elements of the Preliminary Plan. The proposed access to the Subject Property and the individual lots, as shown on the Preliminary Plan, is adequate to serve the development.

The Application has been reviewed by the MCDPS Fire Code Enforcement Section, who determined that the Property has adequate access for fire and rescue vehicles by transmittal dated January 25, 2017. (Attachment D).

The Subject Property is within the Walt Whitman High School cluster. According to the 2012-2016 Subdivision Staging Policy (FY17 annual school test), the schools in the Walt Whitman School Cluster are operating at an adequate level to serve the proposed dwellings. The Application is not subject to a School Facilities Payment. Electric and telecommunications services are available and adequate to serve the



proposed lots. Other public facilities and services, such as police stations, and health services are currently operating within the standards set by the 2012-2016 Subdivision Staging Policy Resolution.

### **Stormwater Management**

The MCDPS Stormwater Management Section approved the stormwater management concept (reconfirmed previous approval from 2011) for the project on August 9, 2016 which includes using on-site dry wells, grass swales and microbioretention to meet the required stormwater management goals (Attachment E).

### **Environment**

#### **Environmental Guidelines**

The Natural Resources Inventory/Forest Stand Delineation ("NRI/FSD") 420170160 for this Property was approved in August 2016. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The Subject Property is not located within a Special Protection Area. The site does not contain any forest, streams, wetlands, floodplains, environmental buffers, or steep slopes. The Property is located within the Cabin John Creek watershed, which is classified by the State of Maryland as Use I-P waters.

#### **Forest Conservation**

The Forest Conservation Plan ("FCP") (Attachment F) was submitted for review as part of the Application. The FCP shows the net tract area, including offsite Limits of Disturbance ("LOD"), as 6.40 acres. Development of the Property generates an afforestation planting requirement of 1.28 acres. The afforestation requirement is based on the Medium Density Residential ("MDR") land use category and the net tract area. The MDR land use category has a 20 percent afforestation threshold, which means the planting requirement would be equal to 20 percent of the net tract area. The Applicant proposes to meet the entire requirement offsite at a forest mitigation bank.

There are three Variance trees within or adjacent to the Property. The proposed LOD does not impact any of the Variance Trees, therefore a Tree Variance is not required with this proposal.

The submitted FCP meets all applicable requirements of Chapter 22A of the County Code. Therefore, Staff recommends that the Planning Board approve the Forest Conservation Plan with the conditions cited in this Staff Report.

### **Compliance with the Subdivision Regulations and Zoning Ordinance**

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations and meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations included in the Master Plan allowing infill development of new single-family detached homes. The proposed lots are consistent in approximate size and shape as other lots within the RE-2 zone located



along River Road and Durham Drive and are appropriately dimensioned to accommodate a one family residence on each with the associated infrastructure to serve the homes.

*Table 1: Preliminary Plan Data Table - Residential Estate-2 Zone (RE-2)*

<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>
Lot Area	2 acres/87,120 SF min.	130,815 SF min.
Lot Width at Building Line	150 ft. min.	200 ft. minimum
Lot Frontage	25 ft. min.	200 ft. minimum
Setbacks		
– Front	50 ft. min.	50 ft. min.
– Side	17 ft. min./ 35 ft. total	17 ft. min./ 35 ft. total
– Rear	35 ft. min.	35 ft. min.
Maximum Residential Dwelling Units per Zoning	3	2
MPDUs	NA	NA
TDRs	NA	NA
Site Plan Required	No	No

The lots were reviewed for compliance with the dimensional requirements for the RE-2 zone as specified in the Zoning Ordinance. The proposed lots will meet all of the RE-2 zoning dimensional requirements as described below and shown in Table 1. The proposed area, frontage, size and shape of the lots is adequate to allow for the existing and proposed single family detached dwellings to meet lot width and setback requirements.

#### **Conformance with Section 50-29(b)(2)**

##### **A. Statutory Review Criteria**

Because the lots are shown on a previously recorded record plat, this Application requires compliance with Section 50-29(b)(2) of the Subdivision Regulations as a resubdivision.

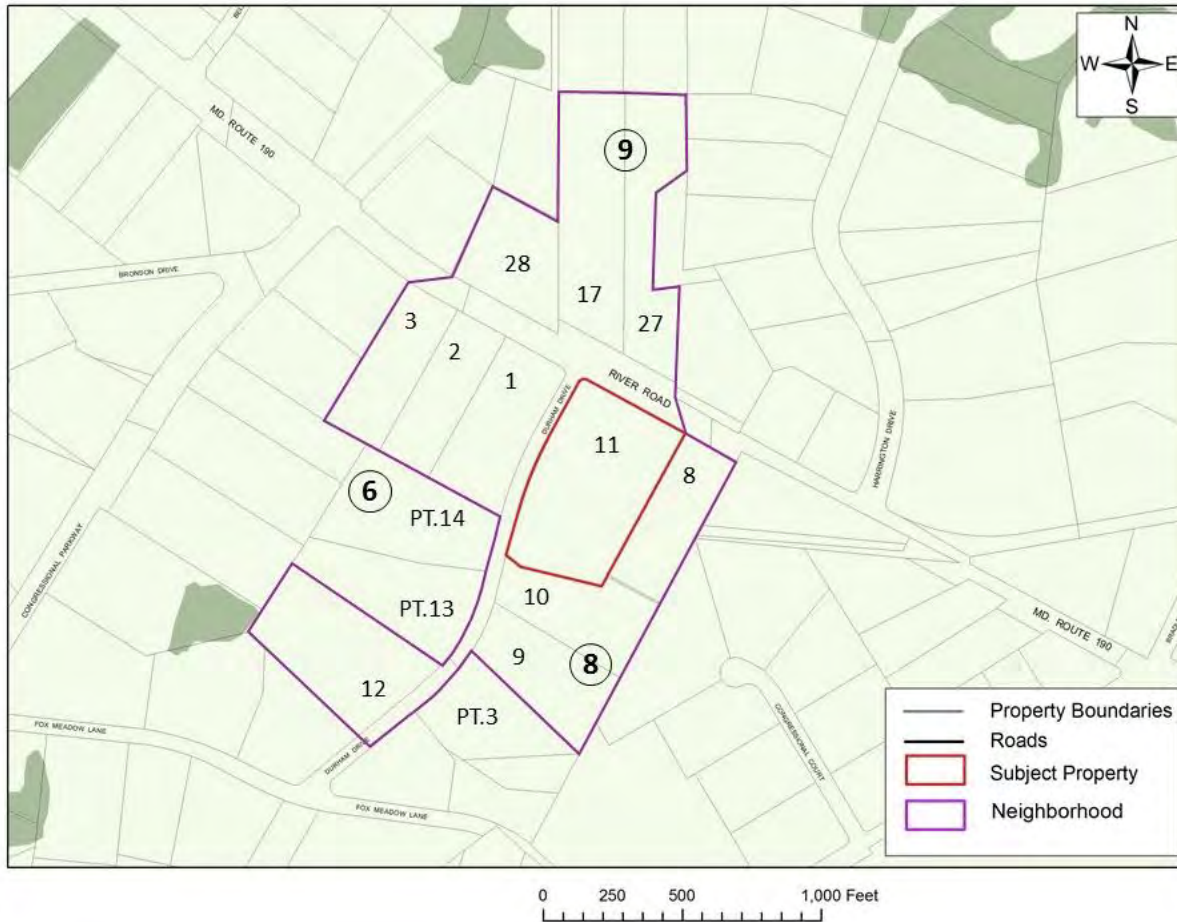
In order to approve an application for resubdivision, the Planning Board must find that each of the proposed lots complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

*“Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.”*



## B. Neighborhood Delineation

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate “neighborhood” for evaluating the Application. In this instance, the Applicant has proposed, and Staff agrees, with the following neighborhood boundaries:



*Figure 4 - Neighborhood Boundary*

The neighborhood boundary proposed consists of 10 lots and includes all RE-2 zoned lots (excludes parts of lots) immediately adjacent or confronting the Subject Property, including lots with access to Durham Drive, and River Road as shown in Figure 4 above (“Neighborhood”). The Neighborhood provides an adequate sample of the lots and development pattern of the area to properly analyze the resubdivision. A tabular summary of the area based on the resubdivision criteria is included in Attachment G.

In performing the analysis, the above-noted resubdivision criteria were applied to the Neighborhood. The proposed lots are of the same character with respect to the resubdivision criteria as other lots within the Neighborhood. Therefore, the proposed resubdivision complies with the criteria of Section 50-29(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:



Frontage:

The proposed lots will be of the same character as existing lots in the neighborhood with respect to lot frontage. The proposed lots have frontage of 195.11 feet and 204.89 feet. In the Neighborhood, existing lots range from 164 feet (Lot 8 - Block 8) to the widest at 270.29 feet (Lot 17 – Block 9), therefore the lots are in the range and are of similar character regarding frontage.

Alignment:

The proposed lots will be of the same character as existing lots in the neighborhood with respect to the alignment criterion. The proposed lots are perpendicular to the street as all but one of the lots in the Neighborhood.

Size (Lot):

The proposed lot size will be in character with the size of existing lots in the neighborhood. The range of lot sizes in the Neighborhood is between 116,000 square feet and 208,538 square feet. The smaller of the proposed lots, Lot 13 is 127,488 square feet and Lot 12 is 148,104 square feet, both of which fall within the range of lot sizes within the Neighborhood.

Shape:

The shapes of the proposed lots will be in character with shapes of the existing lots in the neighborhood. Both proposed lots are generally rectangular. The Neighborhood is predominately comprised of rectangular lots and a few irregular polygons.

Width at Building Restriction Line (@ BRL):

The proposed lots will be in character with existing lots in the neighborhood with respect to width. The range of width at the building restriction line within the Neighborhood is between 124 and 345 feet. The proposed lots will have a width 195 and 222 feet, which falls within the range of lot widths within the Neighborhood.

Area (Buildable):

The proposed lots will be of the same character as existing lots in the neighborhood with respect to buildable area. The proposed lots have buildable areas of 90,127 and 90,240 square feet which fall within the range of buildable areas for lots in the Neighborhood which is between 33,000 square feet and 122,605 square feet.

Suitability for Residential Use: The existing and the proposed lots are zoned RE-2 and are suitable for residential use.

## **Citizen Correspondence and Issues**

The Application was submitted and noticed in accordance with all required procedures. Application signs were posted along the Property's frontage on Durham Drive and River Road. The Applicant held a pre-submission meeting with the citizens on August 17, 2016 at 9300 River Road, Potomac, MD 20854. Eight community members attended the meeting where the Applicant presented the Preliminary Plan and answered questions regarding the proposed subdivision, the potential size of the new home and the Applicant's timeline. Concern was voiced over the ability to construct a church on the new lot, if the



Applicant chooses to sell. The Applicant noted that churches are a permitted use in the RE-2 zone. To date, Staff has not received any community inquiries or correspondence regarding this Application.

## **CONCLUSION**

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Potomac Subregion Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply: street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. The two proposed RE-2 zoned lots are of the same character as the existing lots in the Neighborhood with respect to each of the resubdivision criteria, and therefore, comply with Section 50-29(b)(2) of the Subdivision Regulations. Staff recommends approval of the Application subject to the conditions cited in the Staff Report.

## **Attachments**

Attachment A – Record Plat 24443

Attachment B – MCDOT 12.11.11

Attachment C – MCDOT 11.1.16

Attachment D – Fire Code Enforcement

Attachment E – Stormwater Management Concept

Attachment F – Preliminary Forest Conservation Plan

Attachment G – Resubdivision Tables



PLAT No. 24443

CURVE TABLE						
CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
C1	1286.54'	291.91'	13°00'00"	146.58'	N 22°08'56" E	291.28'
C2	25.00'	39.28'	90°00'54"	25.01'	N 73°38'55" E	35.36'

## Notes:

- This property is zoned RE-2.
- The approval of this plat is predicated on the availability of public water and sewer prior to the construction of homes.
- The property shown hereon is subject to the requirements of Chapter 22A of the Montgomery County Forest Conservation Law.
- Unless expressly contemplated by the plan as approved, all terms, conditions, agreements, limitations, and requirements associated with any preliminary plan, site plan, project plan, or other plan, allowing development of this property, approved by the Montgomery County Planning Board are intended to survive and not be extinguished by the recordation of this plat. The official public files for any such plan are maintained by the Planning Board and available for public review during normal business hours.
- This plat conforms with the requirements of Section 50-35A of the Montgomery County Subdivision Regulations, being Chapter 50 of the County Code. This plat involves a consolidation of lots as provided for in Section 50-35A(a)(3) and the consolidation of a lot with adjoining property created by deed as provided for in Section 50-35A(a)(10).
- This Plat is not intended to show every matter affecting or restricting the ownership and use of the property. This Plat is not intended to replace an examination of title or to depict or note all matters affecting title.

## LEGEND:

OPF = Open Pipe Found  
 PPF = Pinched Pipe Found  
 IPC = Iron Pipe w/Cap Found  
 R/C = Rebar w/Cap Found

## PLAT TABULATION

Number of Lots = 1  
 Number of Parcels = 0  
 Area of Lots = 275,900 sq. ft.  
 Area of Street = 0 sq. ft.  
 Dedication = 0 sq. ft.  
 Total Area = 275,900 square feet  
 or 6.33380 acres

FOR PUBLIC WATER AND SEWER ONLY

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

APPROVED: June 7, 2012

*Jamie M. Garcia*  
 CHAIRMAN  
*James Garcia*  
 SECRETARY-TREASURER

M.N.C.P. &amp; P.C. RECORD FILE No. 633-92

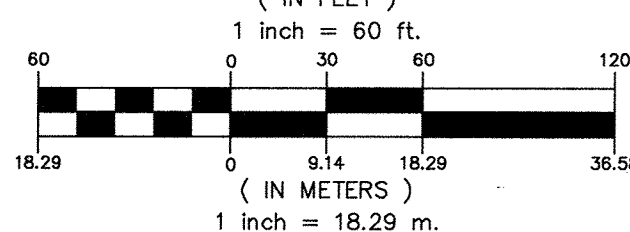
MONTGOMERY COUNTY, MARYLAND  
DEPARTMENT of PERMITTING SERVICES

APPROVED: June 20, 2012

*Diane Lehnert*  
 DIRECTOR

DATE:

Plat No.:

GRAPHIC SCALE  
( IN FEET )

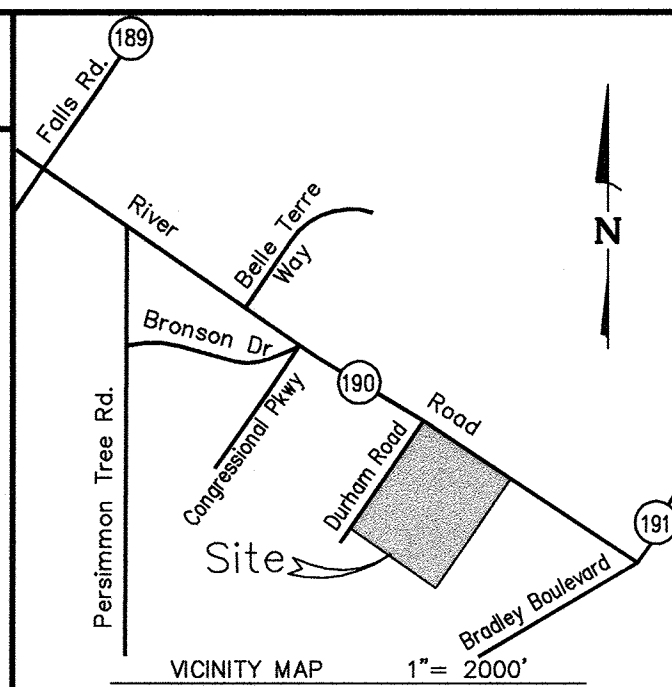
230121390 Minor(3) Minor(10) RE-2

RECEIVED

JUN 28 2012

Clerk of the Circuit Court  
Montgomery County, Md.

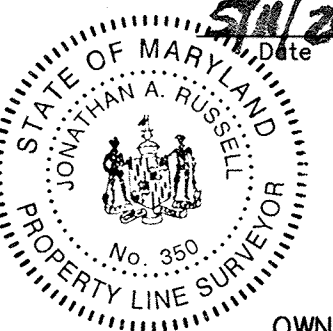
MHG

Macris, Hendricks & Glascock, P.A.  
Engineers • Planners  
Landscape Architects • Surveyors9220 Wightman Road, Suite 120  
Montgomery Village, Maryland  
20886-1279Phone: 301.670.0840  
Fax: 301.948.0693  
www.mhga.comPLAT NO. 1  
10.126

TAX MAP No. FP561

## SURVEYOR'S CERTIFICATE

We hereby certify that the plat shown hereon is correct; that it is a subdivision of all of the land conveyed by NV Development LLC to NV Development LLC by deed dated February 22, 2012 and recorded among the Land Records of Montgomery County, Maryland, in Liber 43395 at Folio 68; and also being a resubdivision of part of Lot 5 and all of Lots 6 & 7, Block 8, as delineated on a plat of subdivision entitled "BRADLEY FARMS" as recorded among said Land Records as Plat No. 1314. We hereby certify that, once engaged as described in the owner's certification hereon, all monuments and all property markers and other boundary markers will be set in accordance with the provisions of Section 50-24(e) of the Montgomery County Code. There is no street dedication by this plat. The total area included on this plat is 275,900 square feet or 6.33380 acres.



Date: 5/10/12  
 Jonathan A. Russell  
 Property Line Surveyor  
 MD Reg. No. 350  
 Expiration Date: 10/15/2012

## OWNER'S CERTIFICATE

NV Development LLC, a Maryland limited liability company, owner of the property shown hereon, hereby adopts this plat of resubdivision; hereby grant a Public Utilities Easement (P.U.E.) as shown hereon to the parties named in a document entitled "Terms and Provisions of Public Utility Easements" as recorded in Liber 3834 at Folio 457 among the Land Records of Montgomery County, Maryland, subject to all current and applicable regulations of all federal, state, and local governing agencies; As owners of this subdivision, we, our successors and assigns, will cause all property corner markers and any other required monumentation, to be set by a registered Maryland Land Surveyor, in accordance with Section 50-24(e)(2) of the Montgomery County Code.

There are no suits, liens, leases, mortgages, or trusts, affecting the property included in this plat of resubdivision.

NV Development LLC

5/10/12  
 Date

*David Niroo*  
 David Niroo,

SUBDIVISION RECORD PLAT  
 LOT 11, BLOCK 8  
**BRADLEY FARMS**  
 ELECTION DISTRICT No. 10  
 MONTGOMERY COUNTY, MARYLAND  
 SCALE: 1" = 60' MAY, 2012

P194235

MSA 554 1249 30049 633-92





## DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

December 30, 2011

*Leslie*  
Ms. Leslie Saville, Community Planner  
Area 3 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120110370  
Bradley Farms

Amendment Letter

Dear Ms. Saville:

This letter is to amend the comments provided in our August 19, 2011 preliminary plan review comments letter. Following distribution of that letter, David Adams and I met with the applicant and his engineer to discuss their appeal of our roadway improvement requirements. Subsequently, they submitted the attached plan (please disregard the date of that drawing) which shows limiting the proposed roadway widening between River Road (MD 190) and the southern limit of the proposed driveway. The consultant also provided their analysis of future resubdivision activity in the neighborhood. We recommend approval of their revised plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. All comments contained in our August 19, 2011 letter remain applicable unless amended below.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction or reconstruction of Durham Drive [between the southern limit of the proposed roadway widening (near the southern limit of the proposed driveway) and the southern property line of proposed Lot 11, whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.

**Division of Traffic Engineering and Operations**

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878  
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
trafficops@montgomerycountymd.gov

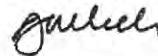


Ms. Leslie Saville  
Preliminary Plan No. 1-20110370  
December 30, 2011  
Page 2

4. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - A. Widen the pavement on Durham Drive to twenty (20) feet, construct parallel and adjacent side drainage ditch, and provide positive drainage to tie into the existing storm drain inlet at River Road (MD 190). Mill and overlay may be required for the widening of Durham Drive.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Area Engineer for this project at [david.adams@montgomerycountymd.gov](mailto:david.adams@montgomerycountymd.gov) or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager  
Development Review Team

m:/subd/gml/docs/PP/120110370, Bradley Farms, amendment ltr.doc

Enclosure

cc: David Niroo; NV Development, LLC  
Steve Crum; Macris, Hendricks & Glascock  
Ki Kim; M-NCPPC Area 3  
Catherine Conlon; M-NCPPC DARC  
Marie LaBaw; MCFRS  
Preliminary Plan folder  
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri; MCDPS RWPR  
Sam Farhadi; MCDPS RWPR  
David Adams; MCDOT DTEO





## DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Al R. Roshdiah  
Director

November 1, 2016



Mr. Jonathan Casey, Senior Planner  
Area 3 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

RE: Preliminary Plan No. 120170010  
(Formerly 120110370)  
Bradley Farms

*Jonathan*  
Dear Mr. Casey:

We have completed our review of the revised preliminary plan dated on August 8, 2016 and reviewed by the Development Review Committee at its October 17, 2016 meeting. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. All comments contained in our December 30, 2011 letter remain applicable unless amended below in this letter.
2. Comment No. 3 in our December 30, 2011 letter refers to Lot 11. This lot is now changed to Lot 12.
3. Show the existing water and sewer easement that is to be abandoned.
4. The newly added, second driveway entrance on Durham Drive at the southern end of Lot 12 does not meet sight distance requirements for a secondary road. Access will be denied unless and until the driveway is relocated to provide adequate sight distance.

## Office of the Director

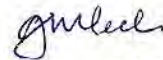
101 Monroe St., 10th Floor • Rockville, Maryland 20850 • 240-777-7170 • 240-777-7178 FAX  
[www.montgomerycountymd.gov/dot](http://www.montgomerycountymd.gov/dot)



Mr. Jonathan Casey  
Preliminary Plan No. 120170010  
October 27, 2016  
Page 2

Thank you for the opportunity to review the Preliminary Plan. If you have any questions or comments regarding this letter, please contact Mr. Billy Whelan, our Development Review Engineer for this project, at [william.whelan@montgomerycountymd.gov](mailto:william.whelan@montgomerycountymd.gov) or (240) 777-7170.

Sincerely,



Gregory M. Leck, Manager  
Development Review Team  
Office of Transportation Policy

cc: David Niroo NV Development, LLC  
Steve Crum Macris, Hendricks & Glascock, P.A.  
Pranoy Choudhury MDSHA District 3  
Preliminary Plan folder  
Preliminary Plan letters notebook

cc-e: Sam Farhadi MCDPS RWPR  
Marie LaBaw MCDPS FRS  
Gary Erenrich MCDOT OTP  
Chris Conklin MCDOT OTP  
William Whelan MCDOT OTP

M:\Correspondence\FY17\Traffic\Active\120170010 Bradley Farms (Formerly 120110370) - MCDOT FINAL Preliminary Plan Letter.docx





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**Department of Permitting Services**  
**Fire Department Access and Water Supply Comments**

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**DATE:** 26-Jan-17  
**TO:** David Crowe  
Macris, Hendricks & Glascock  
**FROM:** Marie LaBaw  
**RE:** Bradley Farms  
120170010

---

**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted 26-Jan-17 .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

August 9, 2016

Amanda Junge  
Macris, Hendricks, & Glascock, P.A.  
9220 Wightman Road, Suite 120  
Montgomery Village, MD 20886

Re: Stormwater Management  
**CONCEPT RECONFIRMATION**  
Bradley Farms  
SWM Concept #:240055

Dear Ms. Junge:

Your request for a stormwater management reconfirmation for the above site has been evaluated. The original approved SWM concept dated June 2, 2011 is hereby reconfirmed. Please adhere to all conditions required as part of that approval.

If you have any questions regarding these actions, please feel free to contact me at 240-777-6309.

Sincerely,

Thomas Weadon, Permit Specialist  
Water Resources Planning Section  
Division of Land Development Services

Cc: SM File #: 240055



Sequence of Events for Properties Required To Comply With Forest Conservation Plans and/or Tree Save Plans

Pre-Construction

- An on-site pre-construction meeting shall be required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The owner shall contact the Montgomery County Planning Department inspection staff prior to commencing construction to verify the limits of disturbance and discuss tree protection and tree care measures. The attendees at this meeting should include: developer's representative, construction superintendent, ISA certified arborist or MD license tree expert that will implement the tree protection measures, Forest Conservation Inspector, and DPS sediment control inspector.
- No clearing or grading shall begin before stress-reduction measures have been implemented. Appropriate measures may include, but are not limited to:
  - Root pruning
  - Crown Reduction or pruning
  - Watering
  - Fertilizing
  - Vertical mulching
  - Root aeration mowingMeasures not specified on the forest conservation plan may be required as determined by the Forest Conservation Inspector in coordination with the arborist.
- A State of Maryland licensed tree expert, or an International Society of Arboriculture certified arborist must perform all stress reduction measures. Documentation of stress reduction measures must be either observed by the Forest Conservation Inspector or sent to the Forest Conservation Inspector at 8787 Georgia Avenue, Silver Spring, MD 20910. The Forest Conservation Inspector will determine the exact method to convey the stress reductions measures during the pre-construction meeting.
- Temporary tree protection devices shall be installed per the Forest Conservation Plan/Tree Save Plan and prior to any construction activities. Tree protection fencing locations should be staked prior to the pre-construction meeting. The Forest Conservation Inspector, in coordination with the DPS sediment control inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan. Temporary tree protect devices may include:
  - Chain link fence (four feet high)
  - Super silt fence with wire strung between the support poles (minimum 4 feet high) with high visibility flagging.
  - 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
- Temporary protection devices shall be maintained and installed by the contractor for the duration of construction project and must not be altered without prior approval from the Forest Conservation Inspector. No equipment, trucks, materials, or debris may be stored within the tree protection fence areas during the entire construction project. No vehicle or equipment access to the fenced area will be permitted. Tree protection shall not be removed without prior approval of Forest Conservation Inspector.
- Forest retention area signs shall be installed as required by the Forest Conservation Inspector, or as shown approved plan.
- Long-term protection devices will be installed per the Forest Conservation Plan/Tree Save Plan and attached details. Installation will occur at the appropriate time during the construction project. Refer to the plan drawing for long-term protection measures to be installed.

During Construction

- Periodic inspections by Forest Conservation Inspector will occur during the construction project. Corrections and repairs to all tree protection devices, as determined by the Forest Conservation Inspector, must be made within the timeframe established by the Forest Conservation Inspector.

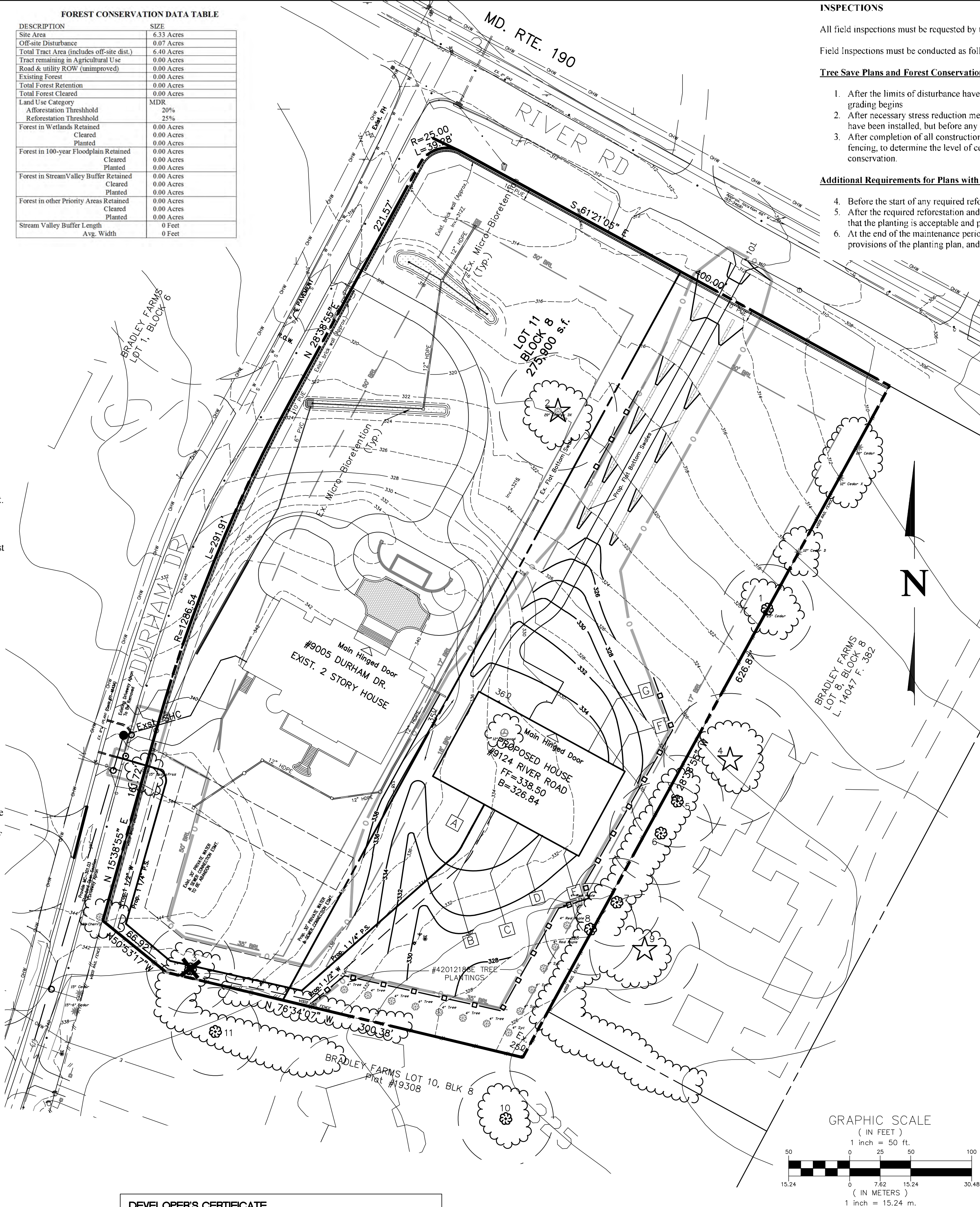
Post-Construction

- After construction is completed, an inspection shall be requested. Corrective measures which may be required include:
  - Removal and replacement of dead and dying trees
  - Pruning of dead or declining limbs
  - Soil aeration
  - Fertilization
  - Watering
  - Wound repair
  - Clean up of retention areas
- After inspection and completion of corrective measures have been undertaken, all temporary protection devices shall be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both the Department of Permitting Services and the Forest Conservation Inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.

Call "Miss Utility" at 1-800-257-7777, 48 hours prior to the start of work.

The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

FOREST CONSERVATION DATA TABLE	
DESCRIPTION	SIZE
Site Area	6.33 Acres
Off-site Disturbance	0.07 Acres
Total Tract Area (includes off-site dist.)	6.40 Acres
Tract remaining in Agricultural Use	0.00 Acres
Road & utility ROW (unimproved)	0.00 Acres
Existing Forest	0.00 Acres
Total Forest Retention	0.00 Acres
Total Forest Cleared	0.00 Acres
Land Use Category	MDR
Afforestation Threshold	20%
Reforestation Threshold	25%
Forest in Wetlands Retained	Cleared
Planted	0.00 Acres
Forest in 100-year Floodplain Retained	Cleared
Planted	0.00 Acres
Forest in Stream/Valley Buffer Retained	Cleared
Planted	0.00 Acres
Forest in other Priority Areas Retained	Cleared
Planted	0.00 Acres
Stream Valley Buffer Length	0 Feet
Avg. Width	0 Feet



INSPECTIONS

All field inspections must be requested by the applicant

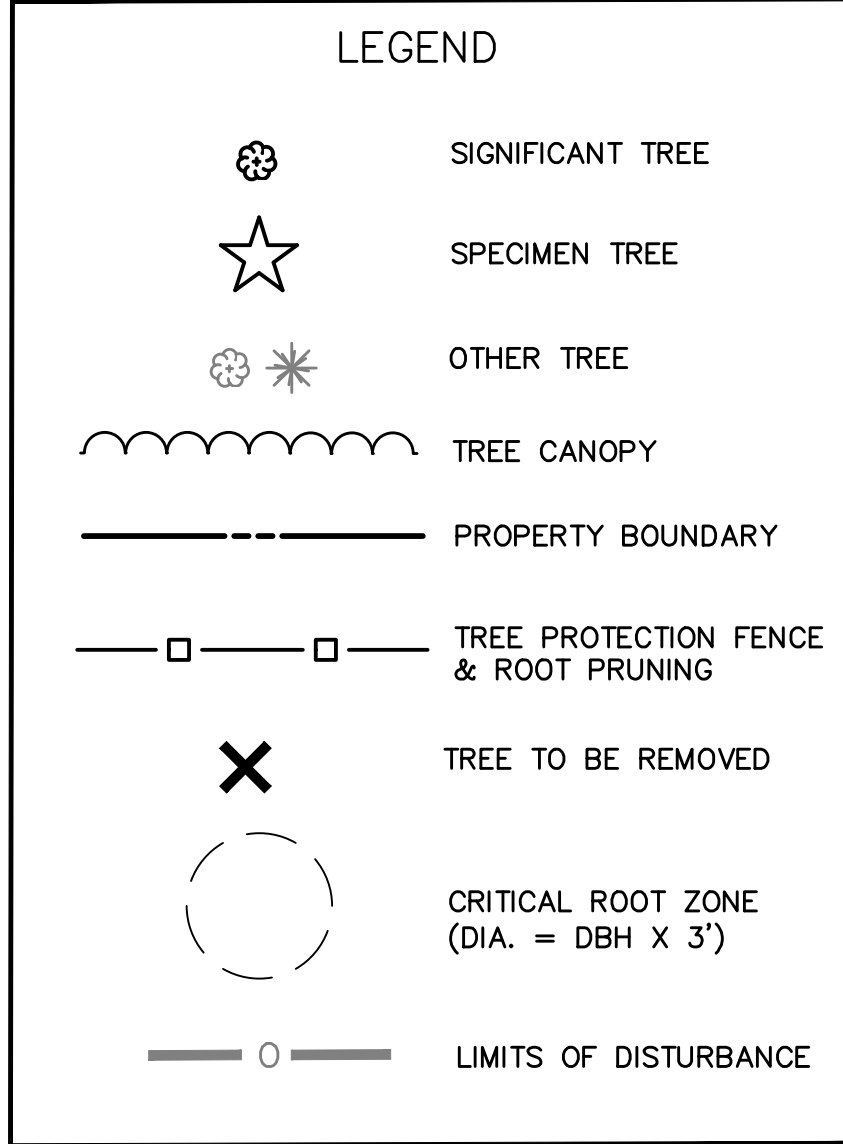
Field inspections must be conducted as follows:

Tree Save Plans and Forest Conservation Plans without Planting Requirements

- After the limits of disturbance have been staked and flagged, but before any clearing or grading begins
- After necessary stress reduction measures have been completed and protection measures have been installed, but before any clearing and grading begin
- After completion of all construction activities, but before removal of tree protection fencing, to determine the level of compliance with the provision of the forest conservation.

Additional Requirements for Plans with Planting Requirements

- Before the start of any required reforestation and afforestation planting
- After the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start the maintenance period.
- At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate, release of the performance bond



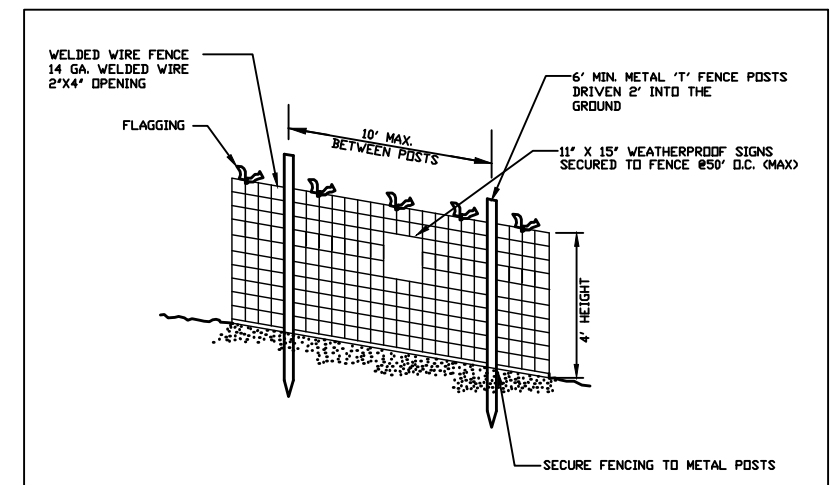
SIGNIFICANT & SPECIMEN TREE LIST						
ID #	Common Name	Botanical Name	DBH	CRZ (s.f.)	CRZ (radius)	Conditions/Remarks
1	Eastern Red Cedar	Juniperus virginiana	25	4,416	37.5	Fair - Heavy E. Ivy & DW in canopy
2	Black Cherry	Prunus serotina	32	7,235	48	Fair - dieback
3	Black Cherry	Prunus serotina	24	4,069	36	Fair - dieback, DW - REMOVE
4	Red Maple	Acer rubrum	36	9,156	54	Fair - off-site, dieback, cavity, electric wire on tree
5	White Pine	Pinus strobus	25	4,416	37.5	Good
6	White Pine	Pinus strobus	28	5,539	42	Good
7	Eastern Red Cedar	Juniperus virginiana	24	4,069	36	Good
8	Black Locust	Robinia pseudoacacia	25	4,416	37.5	Fair - DW, Poison Ivy, Fungus, cavity
9	Black Locust	Robinia pseudoacacia	30	6,359	45	Good
10	Weeping Willow	Salix babylonica	26	4,776	39	Fair/Good - DW
11	Eastern Red Cedar	Juniperus virginiana	24	4,069	36	Good

Notes: Diameters are given for each trunk of multiple bole trees when division occurs below 4.5 feet. If major division occurs above 4.5 feet only the trunk diameter at 4.5 feet is given. Tree ID Numbers correspond to those assigned on the Natural Resource Inventory/Forest Stand Delineation Map.

\* Specimen Tree

FOREST CONSERVATION WORKSHEET						
NET TRACT AREA:						
A. Total tract area ...						6.40
B. Land dedication acres (parks, county facility, etc.) ...						0.00
C. Land dedication for roads or utilities (not being constructed by this plan) ...						0.00
D. Area to remain in commercial agricultural production/use ...						0.00
E. Other deductions (specify) .....						0.00
F. Net Tract Area .....						6.40
LAND USE CATEGORY: (from Trees Technical Manual)						
Input the number "1" under the appropriate land use, limit to only one entry.						
	ARA	MDR	IDA	HDR	MPD	CIA
	0	1	0	0	0	0
G. Afforestation Threshold ...					20%	x F = 1.28
H. Conservation Threshold ...					25%	x F = 1.60
EXISTING FOREST COVER:						
I. Existing forest cover .....						0.00
J. Area of forest above afforestation threshold .....						0.00
K. Area of forest above conservation threshold .....						0.00
BREAK EVEN POINT:						
L. Forest retention above threshold with no mitigation ....						0.00
M. Clearing permitted without mitigation .....						0.00
PROPOSED FOREST CLEARING:						
N. Total area of forest to be cleared .....						0.00
O. Total area of forest to be retained .....						0.00
PLANTING REQUIREMENTS:						
P. Reforestation for clearing above conservation threshold ....						0.00
Q. Reforestation for clearing below conservation threshold ....						0.00
R. Credit for retention above conservation threshold .....						0.00
S. Total reforestation required .....						0.00
T. Total afforestation required .....						1.28
U. Credit for landscaping (may not exceed 20% of "S") .....						0.00
V. Total reforestation and afforestation required .....						1.28

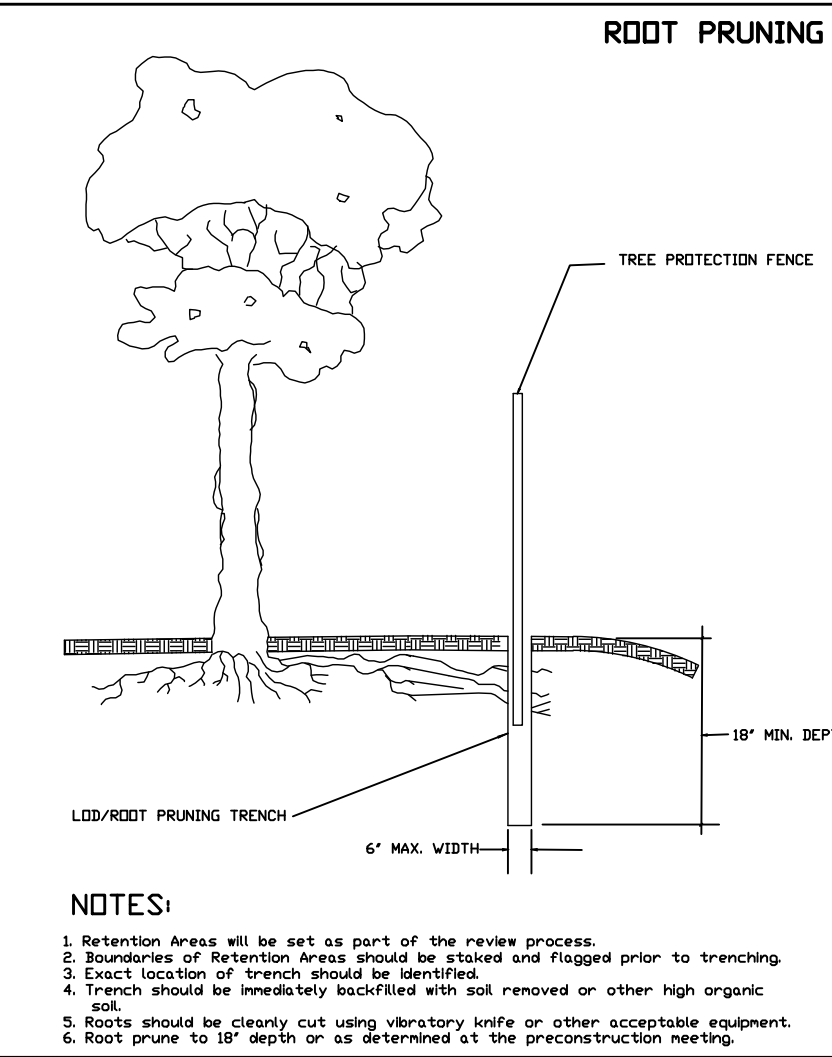
worksheet updated 8/5/2002



NOTES

- PRACTICE MAY BE COMBINED WITH SEDIMENT CONTROL FENCING.
- LOCATION AND LIMITS OF FENCING SHALL COORDINATED IN FIELD WITH ARBORIST.
- BOUNDARIES OF PROTECTION AREA SHOULD BE STAKED PRIOR TO INSTALLING PROTECTIVE SERVICE.
- ROOT DAMAGE SHOULD BE AVOIDED.
- PROTECTIVE SIGNAGE IS REQUIRED.
- FENCING SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.

TREE PROTECTION FENCE DETAIL



1.28 acre Forest Conservation requirement to be met in an off-site forest mitigation bank.

\* Root Prune at LOD unless otherwise noted

DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 120170010, including financial bonding, forest planting, maintenance and all other applicable agreements.

Developer's Name: NV Development, LLC Company David Niroo Contact Person

Address: 9300 River Road, Potomac, MD 20854

Phone: 301-674-1324

Email: dn@nirooconstruction.com

Signature: \_\_\_\_\_

QUALIFIED PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AND THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF EXISTING STATE AND COUNTY FOREST CONSERVATION LEGISLATION.

DATE FRANK C. JOHNSON

RECOGNIZED AS QUALIFIED PROFESSIONAL BY MD. DEPT. OF NATURAL RESOURCES COMAR 08.19.06.01

NO.	DATE	DESCRIPTION	BY

TAX MAP FP561

WSSC 211NW09

PRELIMINARY/FINAL FOREST CONSERVATION PLAN

Lot 11

Bradley Farms

10TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND



Macris, Hendricks & Glascock, P.A.  
Engineers ■ Planners  
Landscape Architects ■ Surveyors

9220 Wightman Road, Suite 120  
Montgomery Village, Maryland  
20886-1279

Phone 301.670.0840  
Fax 301.948.0693  
www.mhgap.com

Proj. Mgr. DAC	Designer FCJ
Date 9-14-16	Scale 1"=50'
Project No. 10.126.12	Sheet 1 of 1



JOB NAME: Bradley Farms  
 MHG JOB NUMBER: 10.126  
 DATE: 2-14-17

PROPOSED LOTS	Lot/Block	FRONTAGE	SIZE	BUILDABLE AREA	WIDTH @ BRL	SHAPE	ALIGNMENT
SUBDIVISION							
Bradley Farms Sub.	3/6	200.00	124,494	89,100	220.00	Rectangular	Perpendicular
Bradley Farms Sub.	2/6	200.00	116,000	81,675	200.00	Rectangular	Perpendicular
Bradley Farms Sub.	1/6	250.00	149,541	91,575	185.00	Rectangular	Perpendicular
Bradley Farms Sub.	8/8	164.00	116,959	82,543	164.00	Rectangular	Perpendicular
Bradley Farms Sub.	10/8	167.72	125,570	90,410	124.00	Irregular	Perpendicular
Bradley Farms Sub.	9/8	200.00	130,680	94,217	174.00	Rectangular	Perpendicular
Bradley Farms Sub.	12/6	305.45	173,325	122,605	262.70	Rectangular	Perpendicular
Bradley Farms Sub.	28/9	436.06	125,888	33,000	345.00	Irregular	Perpendicular
Bradley Farms Sub.	17/9	270.29	208,538	98,975	230.00	Rectangular	Perpendicular
Bradley Farms Sub.	27/9	215.18	170,537	66,079	221.57	Irregular	Angular
<b>Bradley Farms Sub.</b>	<b>12/8</b>	<b>204.89</b>	<b>148,104</b>	<b>90,127</b>	<b>222.00</b>	<b>Rectangular</b>	<b>Perpendicular</b>
<b>Bradley Farms Sub.</b>	<b>13/8</b>	<b>195.11</b>	<b>127,488</b>	<b>90,240</b>	<b>195.00</b>	<b>Rectangular</b>	<b>Perpendicular</b>

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