

PB Date: 12/22/05

The following record plat is recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plans and site plans if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code.

PLAT NO. 220060230

Ashton Oaks

North side of Ashton Road (MD 108), approximately 1500 feet east of the intersection of New Hampshire Avenue (MD 650)

RC Zone, 1Lot

Community Water, Private Septic

Master Plan Area: Sandy Spring-Ashton

Panagiotis Carvounis, Applicant

The record plats have been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plats comply with Preliminary Plan No. 120050080 formerly 1-05008, as approved by the Board; and that any minor modifications reflected on the plats do not alter the intent of the Board's previous approval of the preliminary plan.

RECORD PLAT REVIEW SHEET

Plan Name: Carvounis Property Plan Number: 12005008
 Plat Name: Ashton Oaks Plat Number: 22006023
 Plat Submission Date: 8/9/05
 DRD Plat Reviewer: Dolores Kinney
 DRD Prelim Plan Reviewer: Dolores Kinney

Initial DRD Review:

Signed Preliminary Plan – Date 5/3/05 Checked: Initial DK Date _____
 Planning Board Opinion – Date 4/7/05 Checked: Initial DK Date _____
 Site Plan Req'd for Development? Yes ___ No Verified By: DK (initial)
 Site Plan Name: N/A Site Plan Number: N/A
 Planning Board Opinion – Date _____ Checked: Initial _____ Date _____
 Site Plan Signature Set – Date _____ Checked: Initial DK 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 N/A
 Non-standard BRLs Adjoining Land Vicinity Map Septic/Wells
 TDR note N/A Child Lot note No Surveyor Cert Owner Cert Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>JSh Penn</u>	<u>9/26/05</u>	<u>10/10/05</u>	<u>10/17/05</u>	Category II CE Missing NO comments
Research	<u>Bobby Fleury</u>			<u>10/10/05</u>	
SHA	<u>Doug Mills</u>			<u>10/17/05</u>	
PEPCO	<u>Jose Washington</u>			<u>10/17/05</u>	
Parks	<u>Doug Powell</u>			<u>N/A</u>	
DRD	<u>Steve Smith</u>			<u>10/10/05</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:

Initial	Date
<u>DK</u>	<u>10/13/05</u>
<u>DK</u>	<u>11/22/05</u>
<u>DK</u>	<u>11/29/05</u>

Board Approval of Plat:

Plat Agenda:
 Planning Board Approval:
 Chairman's Signature:

_____	_____
_____	_____
_____	_____

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:
 Final Mylar for Reproduction Rec'd:

_____	_____
_____	_____

Plat Reproduction:

Addressing:
 File Card Update:
 Final Zoning Book Check:
 Update Address Books with Plat #:
 Update Green Books for Resubdivision:
 Notify Engineer to Seal Plats:
 Engineer Seal Complete:
 Complete Reproduction:
 Sent to Courthouse for Recordation:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

No. _____

OWNERS' CERTIFICATE

We, Penelope Carrouis and Haverlyn Carrouis, owners of the property shown and included hereon, hereby adopt this plan of subdivision and dedicate the street as shown to public use.

establish and grant to Montgomery County, Maryland, or other appropriate public agency, temporary slope assessments to the minimum front building restriction line, adjacent contiguous and parallel to the street line, said slope assessment to be extinguished after all required public improvements in adjacent roadways have been accepted for maintenance by Montgomery County, Maryland or other appropriate public agency.

grant a Public Utilities Easement (PUE) as shown hereon to the parties named in a document titled "Terms and Provisions of Public Utilities Easements" recorded among the Land Records of Montgomery County, Maryland in Liber 3834 at Folio 487 subject to all current and applicable regulations of federal, state and local agencies.

establish the Forest Conservation Easement, Category 1 per the terms and conditions of a document titled "Conservation Easement Category 1" as recorded among the Land Records of Montgomery County, Maryland in Liber 3178 at Folio 412.

We, our successors and assigns, will cause property corner markers to be set by a registered Maryland surveyor in accordance with Section 50-21(f) of the Montgomery County Code (Subdivision Regulations).

There are no suits, actions-at-law, leases, liens, mortgages or deeds of trust affecting the property included hereon.

DATE: 9/16/05
 Haverlyn Carrouis
 Penelope Carrouis

SURVEYOR'S CERTIFICATE

I hereby certify that the survey information shown hereon is correct; that this subdivision record plat has been prepared in accordance with the Subdivision Regulations of Montgomery County, Maryland, and that it is a subdivision of the following:

all of the land conveyed from Leonard Myers to Penelope Carrouis and Haverlyn Carrouis by deed dated July 22, 2003, as recorded among the Land Records of Montgomery County, Maryland in Liber 20153 at Folio 362

property corner markers will be set in accordance with Section 50-21(f) of the Montgomery County Code (Subdivision Regulations) if so engaged. The total area included in this subdivision is 351,373 s.f. or 8.0003 acres of which 4871 s.f. or 0.1118 acres are dedicated to public use.

DATE: 9/16/05
 David W. Myers
 David W. Myers
 Maryland Registered Professional Surveyor

APPROVED: _____
 CHAIRMAN
 ASST. SECRETARY-TREASURER
 MONTGOMERY COUNTY PLANNING BOARD
 THE MONTGOMERY COUNTY PLANNING BOARD

APPROVED: _____
 BY: _____
 DIRECTOR

CATEGORY 1: 108,113 S.F. or 2.5048 AC. * 21567 S.F. or 0.4951 AC.
 TOTAL = 130,660 S.F. or 3.0000 AC.
 CATEGORY 2: 9508 S.F. or 0.2183 AC.



CONSERVATION EASEMENT

1	13.81 AC.	1	13.81 AC.
2	13.81 AC.	2	13.81 AC.
3	13.81 AC.	3	13.81 AC.
4	13.81 AC.	4	13.81 AC.
5	13.81 AC.	5	13.81 AC.
6	13.81 AC.	6	13.81 AC.
7	13.81 AC.	7	13.81 AC.
8	13.81 AC.	8	13.81 AC.
9	13.81 AC.	9	13.81 AC.
10	13.81 AC.	10	13.81 AC.
11	13.81 AC.	11	13.81 AC.
12	13.81 AC.	12	13.81 AC.
13	13.81 AC.	13	13.81 AC.
14	13.81 AC.	14	13.81 AC.
15	13.81 AC.	15	13.81 AC.
16	13.81 AC.	16	13.81 AC.
17	13.81 AC.	17	13.81 AC.
18	13.81 AC.	18	13.81 AC.
19	13.81 AC.	19	13.81 AC.
20	13.81 AC.	20	13.81 AC.

NOTES

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 recording the plat unless expressly contemplated by the plan as approved. The official public files for any such plan are maintained by the Planning Board and are available for public review during normal business hours.

The 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 depict or note all matters affecting title.

The property shown hereon is subject to the requirements of the Montgomery County Forest Conservation Law of 1982, including approval of a Forest Conservation Plan and appropriate agreements prior to issuance of a sediment control permit. A copy of the approved plan may be viewed at 8787 Georgia Avenue, Silver Spring, Maryland.

Approval is for the use of public water and individual septic systems only.

Development is subject to the conditions of approval by the Montgomery County Planning Board, M-142946, regarding Preliminary Plan T-05008 at its meeting of January 6, 2005.

Existing zoning classification is Rural Cluster.

The Sagic Building Restriction Lines (SBR) as shown hereon are subject to change with the approval of the Montgomery County Department of Permitting Services (DPS & Septic Office).

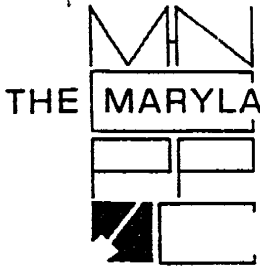
The maximum number of bedrooms permitted is four.

DATE RECORDED: _____	PLAT NUMBER: _____
TAX MAP: JT 352	FOOT SHEET: 224 NE 01
WARRANT MAP: _____	W.M. NO. PAGE 22 OF 20
SCALE: 1" = 200'	SCALE: 1" = 200'

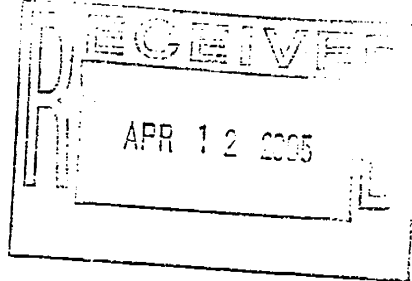
ASHTON OAKS
 LOT 26
 SUBDIVISION RECORD PLAT

WITMER ASSOCIATES, LLC
 Land Surveying, Land Planning & Design
 36-A Cooper Street, Bethesda, MD 20814
 Tel: (301) 399-1400 Fax: (301) 399-4800

DATE: APRIL 2005
 PROJ. NO: 00555 B
 SHEET NO: 1 of 1



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



Date Mailed: APR 07 2005

Action: Approved Staff Recommendation
Motion of Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 3-0. Chairman Berlage and Commissioners Bryant, and Robinson voting in favor. Commissioners Perdue and Wellington absent.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-05008
NAME OF PLAN: Ashton-Carvounis Property

The date of this written opinion is APR 07 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 of Court - State).

On 10/07/04, Pete Carvounis submitted an application for the approval of a preliminary plan of subdivision of property in the RC (Rural Cluster) zone. The application proposed to create 1single-family residential lot on 5.57 acres of land located at north side of Ashton Road (MD 108) approximately 1,750 feet east of New Hampshire Avenue (MD 650), in the Sandy Spring-Ashton master plan area. The application was designated Preliminary Plan 1-05008. On 1/06/04, Preliminary Plan 1-05008 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County 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.

The subject property, identified as Parcel 105 ("Subject Property"), is located on the north side of Ashton Road (MD 108), approximately 150 east of New Hampshire Avenue (MD 650). The property contains 5.57 acres and is zoned RC. The Subject Property is currently developed with a single-family dwelling, which will be removed. The property contains one specimen tree and has a stream with associated stream valley buffer.

This is an application to record the Subject Property as one (1) lot for the construction of one (1) new single-family detached dwellings. The proposed lot will have direct access from Ashton Road (MD 108).

The Subject Property is zoned RC and has a lot width at the street line (frontage) of approximately 140 feet. Under the Standard Method Development, the current RC Zone requires a minimum frontage of 300 feet. County records show that the property was created prior to the establishment of the current RC Zone. Pursuant to Section 59-C-9.73 (b)(2), the property is exempted from the 300-foot frontage requirement for the current RC zone and instead is subject to the minimum dimensional requirements of the zoning at the time the parcel was created (25 feet of frontage as previously required by the Rural Zone). Staff advised the Board that the proposed lot meets all the applicable dimensional requirements of the Rural Zone pursuant to Section 59-C-9.43.

Staff's review of Preliminary Plan #1-05008, Ashton-Carvounis Property, indicates that the plan conforms to the recommendations of the Sandy Spring-Ashton Master Plan. The proposed preliminary plan is consistent with the master plan goal to maintain the area's residential character. Staff also finds 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 finds that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision. The site does not warrant transportation Adequate Public Facilities (APF)/Local Area Transportation Review (LATR).

Planning staff recommended approval of the preliminary plan of subdivision, with conditions, and approval of the forest conservation plan with conditions before the Board for review and approval. The applicant's representative appeared and testified that the applicant agrees with the staff's recommendations, including the new forest conservation plan recommendations. In response to an inquiry from the applicant regarding clarification of the forest conservation plan, Environmental Planning staff appeared and testified regarding the forest conservation plan. Staff advised the Board that the forest conservation plan recommendations had been modified since the staff report was issued to revise the reforestation condition of the forest conservation plan approval to allow for on-site protection of existing trees to mitigate for the loss of a 40" specimen tree, in addition to the overall reforestation a requirement. Specifically, existing trees with a total cumulative diameter of 80" are to be protected on-site in addition to the standard forest conservation requirements.

Staff also testified that Preliminary Plan #1-05008, Ashton-Carvounis Property conforms to the Sandy Spring-Ashton Master Plan and meets all necessary requirements of the Subdivision Regulations. There was no testimony or evidence of record in opposition to the proposed subdivision.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies¹; the applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds that:

- a) The Preliminary Plan No. 1-05008 substantially conforms to the Sandy Spring-Ashton 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 lot are appropriate for the location of the subdivision.

¹ 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.

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

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-05008 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-05008, subject to the following conditions:

- 1) Approval limited to one (1) residential lot, one (1) one-family detached dwelling unit.
- 2) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest retention.
- 3) Compliance with the conditions of approval for the preliminary forest conservation plan dated January 5, 2005, as amended by Planning Board action on January 6, 2005 revising the language of the reforestation plan to read as follows:

Reforestation planting plan for .052 acres, plus protection of existing trees totaling eighty inches diameter breast height for mitigation of avoidable loss of forty-inch specimen tree.

The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.

- 4) Compliance with the conditions of the MCDPS stormwater management approval dated July 14, 2004.
- 5) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.

- 6) Compliance with conditions of MCDPS (Health Dept.) septic approval dated December 22, 2004.
- 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.

* * * * *

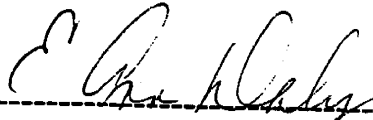
[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

MK 3/23/05

Approved for legal sufficiency
M-NCPPC Office of General Counsel

CERTIFICATION OF BOARD ADOPTION OF OPINION

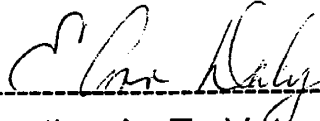
At its regular meeting, held on **Thursday, March 31, 2005**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 1-05008, Ashton-Carvounis Property**. Commissioner Perdue was absent. Commissioner Wellington abstained.



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

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, March 31, 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. 1-04062, Longwood**. Commissioner Perdue was absent. Chairman Berlage abstained.



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