

**PLAT NO. 220061460**

Battery Park, Sec. 3

Located on the south side of Goodard Road, approximately 400 feet east of Maple Ridge Road

R-60 Zone, 1 Lot

Community Water, Community Sewer

Planning Area: Bethesda-Chevy Chase

Laurence Cafritz Builders, 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 part of lots 12 and 13) and concludes that the proposed minor subdivision complies with the criteria of Section 50-35A (a)(3) of the subdivision regulations and supports this minor subdivision record plat.

**NOTES**

1. WATER CATEGORY: 1 SEWER CATEGORY: 1
2. THE PROPERTY WHICH IS THE SUBJECT OF THIS RECORD PLAT IS IN THE R-50 ZONE, AS OF THE DATE OF PLAT RECORDATION.
3. IPI/PIS - IRON PIPE FOUND OR IRON PIN SET.
4. THE APPROVAL OF THIS PLAT IS PREDICATED ON THE AVAILABILITY OF PUBLIC WATER AND SEWER.
5. THIS PROPERTY IS SHOWN ON TAX MAP IN 123.
6. THIS PROPERTY IS SHOWN ON M.S.S.C. 200-FOOT SHEET 210 (M 05).
7. ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS AND RESERVEMENTS ASSOCIATED WITH ANY PLANNING DEVELOPMENT OF THIS PROPERTY AND APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE UNLESS MODIFIED BY FURTHER ACTION BY THE BOARD. THE OFFICIAL PUBLIC UTILITIES PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
8. THE SUBDIVISION WITHIN THE REQUIREMENTS FOR MINOR SUBDIVISIONS CONTAINED IN SECTION 50-36A OF THE MONTGOMERY COUNTY SUBDIVISION REGULATIONS, BEING CHAPTER 50 OF THE MONTGOMERY COUNTY CODE, THIS PLAT INTO A LOT, AS PROVIDED FOR IN SECTION 50-36A(3)(b). THE SUBJECT PARTS OF LOTS HERE CREATED BY DEED PRIOR TO JUNE 1, 1964.
9. THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE, INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.
10. THIS PROPERTY IS NOT SUBJECT TO THE MONTGOMERY COUNTY FOREST CONSERVATION LAW OF 2001.
11. THIS PROPERTY IS LOCATED ON F.E.M.A. FLOOD INSURANCE MAP COMMUNITY-PANEL NUMBER 240049 075 C, FLOOD ZONE "C".
12. ALL EXISTING AND PROPOSED DEVELOPMENT ON THIS PROPERTY IS SUBJECT TO THE STANDARDS OF THE MONTGOMERY COUNTY ZONING ORDINANCE, CURRENT ZONE CLASSIFICATION IS R-40.
13. THE 25-FOOT FRONT B.E.L. INDICATED HEREON IS SHOWN PER P.B. 3, P. 264.

**OWNER'S CERTIFICATE**

WE, 5210 GODDARD, LLC, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION. WE FURTHER GRANT A 10-FOOT PUBLIC UTILITY EASEMENT, SHOWN HEREON AS "UT. PILE," TO THOSE PARTIES NAMED IN THE DOCUMENT "EASEMENT," AS RECORDED IN LIBER 394M AT FOLIO 467 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND. THERE ARE NO SUIUS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES, OR TRUSTS AFFECTING THE PROPERTY SHOWN HEREON, EXCEPT AS INDICATED BELOW.

DATE: 2/20/06  
 LAURENCE T. CARPENT  
 MEMBER

DATE: 2/21/06  
 GEORGE D. DECKER  
 TRUSTEE

DATE: 2/21/06  
 STEVEN R. PETERS  
 PROPERTY LINE SURVEYOR  
 PD REG. NO. 562

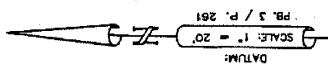
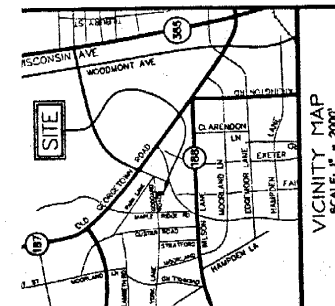
**PLAT TABULATION**

NUMBER OF LOTS	1
AREA OF LOTS	10,864
AREA OF LOT	10,864
AREA OF STREET INDICATION	0
TOTAL AREA	10,864 SQ. FT. (0.248 ACRES)

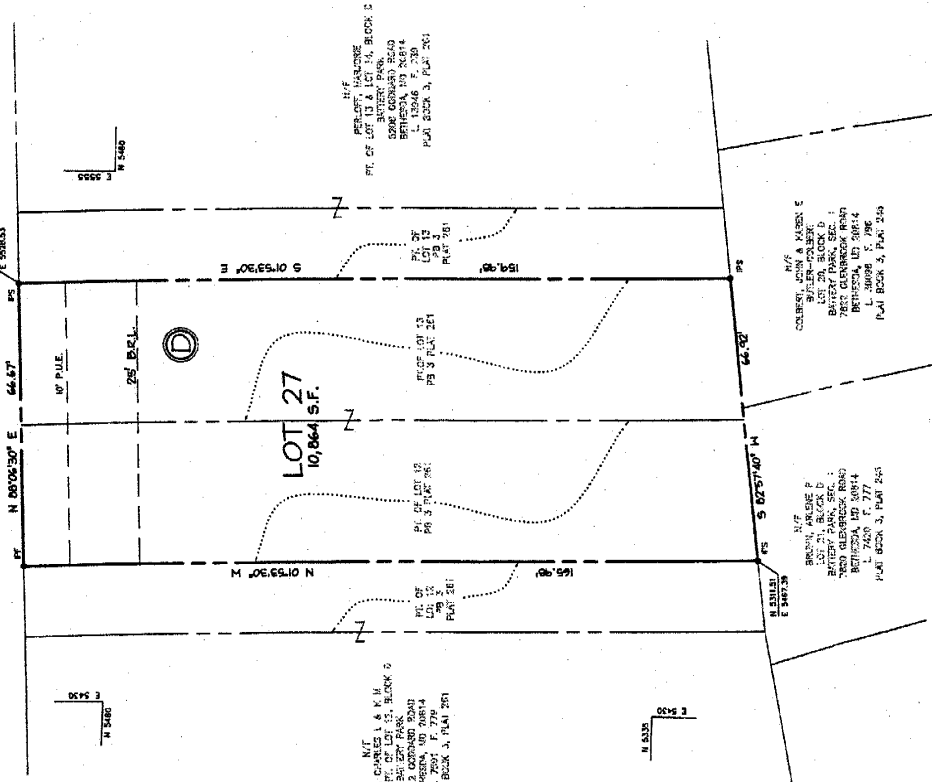
Department of Permitting Services  
 Montgomery County, Maryland

The Maryland National Capital Park and Planning Commission  
 Montgomery County Planning Board

Approved: \_\_\_\_\_  
 M.N.C.P. & P.C. Record File No. \_\_\_\_\_



**GODDARD ROAD**  
 (50' R/W PER P.B. 3, PLAT 261)



**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 RESUBDIVISION OF ALL OF THE LANDS CONVEYED BY AUGUST N. GUTHEIM, CO-PERSONAL REPRESENTATIVE OF THE ESTATE OF AUGUST N. GUTHEIM, DECEASED, TO BERNICE A. HOWARD GUTHEIM HAVING BEEN THE SURVIVING TENANT BY THE ENTIRETY OF ROBERT J. GUTHEIM, DECEASED, WHO DIED MAY 11, 2003, ESTATE NO. W41664, AND GEORGE C. GUTHEIM, CO-PERSONAL REPRESENTATIVE OF THE ESTATE OF BERNICE A. HOWARD GUTHEIM, DECEASED, WHO DIED AUGUST 11, 2003, ESTATE NO. W41664, UNTO 5210 GODDARD, LLC, A MARYLAND LIMITED LIABILITY COMPANY, BY A DEED DATED FEBRUARY 14, 2004, AND RECORDED FEBRUARY 17, 2004 IN LIBER 391S AT FOLIO 160. I AM SECTION 3, BATTERY PARK, AS RECORDED IN PLAT BOOK NO. 3 AT PLAT 261, AS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, AND THAT ALL PROPERTY CORNERS MARKED THIS ARE IN PLACE AS SHOWN HEREON IN ACCORDANCE WITH SECTION 50-36(A) OF THE SUBDIVISION REGULATIONS OF MONTGOMERY COUNTY, MARYLAND.

SUBDIVISION RECORD PLAT  
 LOT 27, BLOCK D  
**BATTERY PARK, SEC. 3**  
 A RESUBDIVISION OF PT. OF LOTS 12 & 13, BLOCK D  
 BETHESDA (7TH) ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND  
 SCALE: 1" = 20' DECEMBER 2005

**CAS** ENGINEERING  
 CIVIL SURVEYING - LAND PLANNING  
 A DIVISION OF CAS ENTERPRISES, INC.  
 103 West Ridgecroft Boulevard, Suite 101, Mount Airy, Maryland 21771  
 DC Metro (301) 807-8831 FAX (301) 807-8845

206146

Recorded  
 Plat No. \_\_\_\_\_

# RECORD PLAT REVIEW SHEET

Plan Name: Ponds Property Plan Number: 1-06025  
 Plat Name: Pond's Add to Fox Vets Map 1-3 Plat Number: 2-06143  
 Plat Submission Date: 1/10/06  
 DRD Plat Reviewer: PW  
 DRD Prelim Plan Reviewer: D. Kinnery

## Initial DRD Review:

Signed Preliminary Plan - Date 2/6/06 Checked: Initial DW Date 2/10/06  
 Planning Board Opinion - Date 1/15/06 Checked: Initial DW Date 2/10/06  
 Site Plan Req'd for Development? Yes  No  Verified By: DW (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   
 Non-standard BRLs N/A Adjoining Land  Vicinity Map  Septic/Wells   
 TDR note N/A Child Lot note  Surveyor Cert  Owner Cert  Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	Amy Lindsey	1/17/06	2/3/06	3/29/06	OK
Research	Bobby Fleury	"	"	1/18/06	OK
SHA	Doug Mills	"	"	X	N/A
PEPCO	Jose Washington	"	"	X	OK
Parks	Doug Powell	"	"	X	N/A
DRD	Steve Smith	"	"	1/27/06	OK

## Final DRD Review:

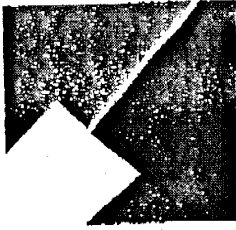
DRD Review Complete: Initial PW Date 2/3/06  
 (All comments rec'd and incorporated into mark-up)  
 Engineer Notified (Pick up Mark-up): Initial PW Date 2/27/06  
 Final Mylar w/Mark-up & PDF Rec'd: Initial PW Date 3/27/06 2/23/06  
**Board Approval of Plat:**  
 Plat Agenda: Initial TA Date 4/19/06  
 Planning Board Approval: Initial TA Date 4/13/06  
 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. \_\_\_\_\_





M-NCPPC



## MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, www.mncppc.org

Board Approval Date: Dec. 15, 2005

Date Mailed: JAN 25 2006

Action: Approved Staff Recommendation  
Motion of Commissioner Wellington, seconded  
by Commissioner Robinson, with a vote of 4-0;  
Chairman Berlage and Commissioners  
Perdue, Robinson and Wellington voting in  
favor. Commissioner Bryant absent.

## MONTGOMERY COUNTY PLANNING BOARD

## OPINION

Preliminary Plan 120060250 formerly 1-06025  
NAME OF PLAN: Ponds Property

The date of this written opinion is JAN 25 2006 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court - State).

I. INTRODUCTION

On 8/09/05, Hailey Development L.C. submitted an application for the approval of a preliminary plan of subdivision of property in the RC zone. The application proposed to create 3 lots and one outlot on 23.57 acres of land located at the south side of Denit Estates Drive, approximately 2877 feet southwest of the intersection with new Hampshire Avenue, in the Olney master plan area. The application was designated Preliminary Plan 120060250 formerly 1-06025. On 12/15/05, Preliminary Plan 120060250 formerly 1-06025 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning

Ponds Property  
Preliminary Plan 120060250 formerly 1-06025  
Page 2

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.

## II. PUBLIC HEARING

At the public hearing staff testified in support of its recommendation of approval, with conditions, as described in its staff report dated November 30, 2005.<sup>1</sup> The Applicant appeared and testified in support of staff's recommendation and proposed conditions. The record contains no testimony or evidence opposing the application.

## III. FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies<sup>2</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 upon the uncontested evidence of record that:

- a) The Preliminary Plan No. 120060250 formerly 1-06025 substantially conforms to the Olney master plan renewal plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.

---

<sup>1</sup> Staff on the record clarified that the data table in the staff report should be corrected to reflect a maximum of one dwelling unit per five acres, for a maximum density on the site of four dwelling units.

<sup>2</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.

Ponds Property  
Preliminary Plan 120060250 formerly 1-06025  
Page 3

- 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. 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.

#### IV. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120060250 formerly 1-06025 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060250 formerly 1-06025, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to three (3) lots and one (1) outlet.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 3) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 4) Record plat to contain the following note, "The land contained hereon is within an approved cluster development. Subdivision or resubdivision is not permitted after property is developed.
- 5) Compliance with conditions of MCDPWT letter dated, October 25, 2005 unless otherwise amended.
- 6) Record plat to reflect common ingress/egress and utility easements over all shared driveways.



Ponds Property  
Preliminary Plan 120060250 formerly 1-06025  
Page 4

- 7) Compliance with the conditions of the MCDPS stormwater management approval dated September 23, 2005.
- 8) Compliance with conditions of the MCDPS (Health Dept.) septic approval dated November 14, 2005.
- 9) 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]

*NR 1/7/06*

Approved for legal sufficiency  
M-NCPPC Office of General Counsel

Ponds Property  
Preliminary Plan 120060250 (formerly 1-06025)  
Page 5

**CERTIFICATION OF BOARD VOTE ADOPTING OPINON**

At its regular meeting, held on Thursday, January 19, 2006, 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 Ponds Property, Preliminary Plan 120060250 (formerly 1-06025). Commissioner Bryant abstained.



\_\_\_\_\_  
Certification As To Vote of Adoption  
Technical Writer