MEMORANDUM

DATE: August 29, 2006

TO: Montgomery County Planning Board

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

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for September 14, 2006

The following three record plats are 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. Attached are specific recommendations and copies of plat drawings for the record plats. The following plats are included:

220061960 Spencerville Woods
220062270 Sycamore Acres
220062430 H.M. Martins 2nd Addition to Chevy Chase

PLAT NO. 220061960

Spencerville Woods (Preliminary Plan: Jacot Property)

Located on Spencerville Road, approximately 750 feet west of Good Hope Road

RE-1 zone, 4 lots

Community Water, Community Sewer

Master Plan Area: Cloverly

Dunhill Woods, LLC, Applicant

The record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120060340 (formerly 1-06034), 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: Jacot Property Plan Number: 1-20060340
 Plat Name: Spencerville Woods Plat Number: 2-20061960
 Plat Submission Date: 3/24/06
 DRD Plat Reviewer: PW
 DRD Prelim Plan Reviewer: Rich Weavers RAW 4/25/06

Initial DRD Review:

Signed Preliminary Plan - Date 4/17/06 Checked: Initial PW Date 4/17/06
 Planning Board Opinion - Date 3/27/06 Checked: Initial PW Date 4/20
 Site Plan Req'd for Development? Yes No Verified By: _____ (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 N/A
 Non-standard BRLs N/A Adjoining Land Vicinity Map Septic/Wells N/A
 TDR note N/A Child Lot note N/A Surveyor Cert Owner Cert Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>C. Bunag</u>	<u>4/13/06</u>	<u>4/20/06</u>		
Research	<u>Bobby Fleury</u>			<u>4/4/06</u>	<u>OK</u>
SHA	<u>Doug Mills</u>			<u>N/C</u>	<u>OK</u>
PEPCO	<u>Jose Washington</u>			<u>N/C</u>	<u>OK</u>
Parks	<u>Doug Powell</u>			<u>N/C</u>	<u>N/C</u>
DRD	<u>Steve Smith</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 TA Date 8/1/06
TA 8/1/06
TA 8/22/06

Board Approval of Plat:

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

TA 9/14/06
TA 9/14/06

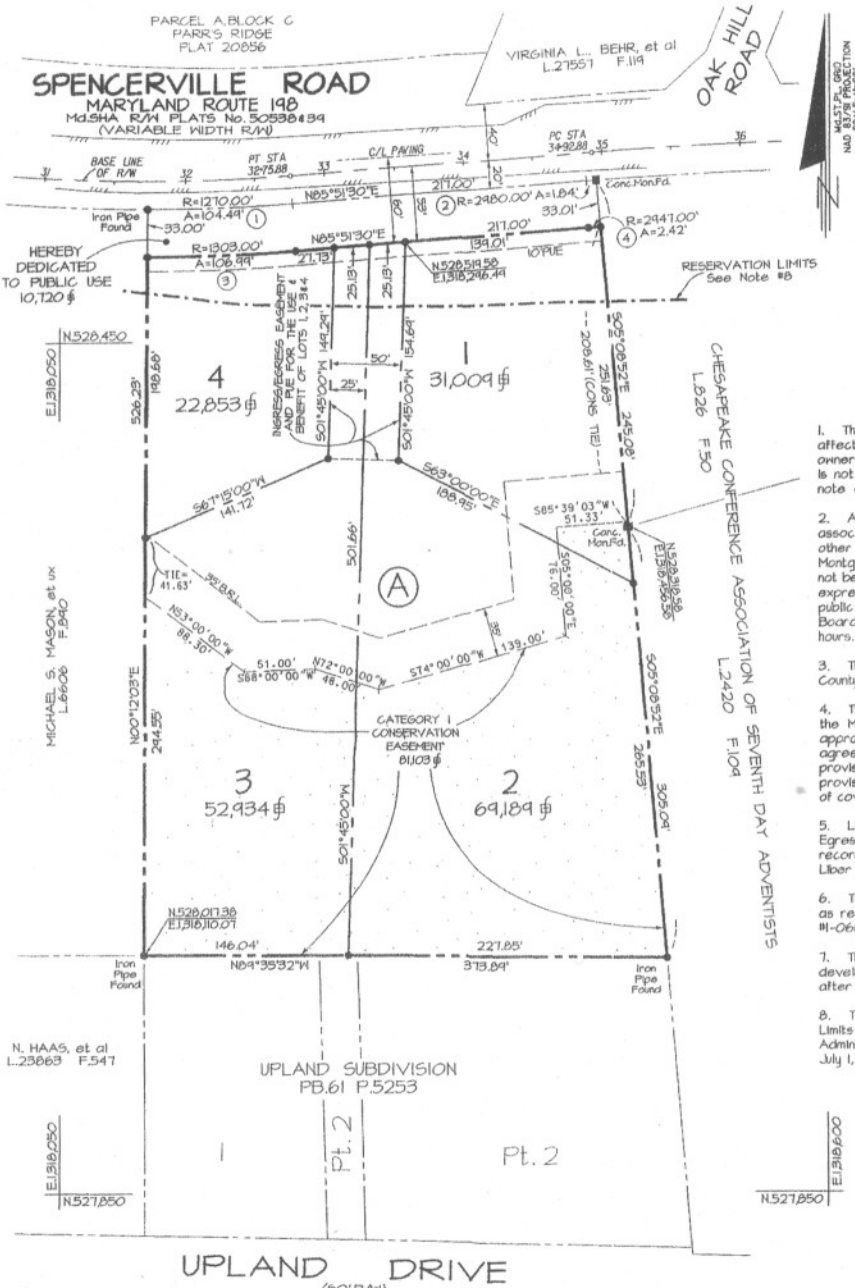
DPS Approval of Plat:

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. _____



PLAT No.



SURVEYOR'S CERTIFICATE

I hereby certify that the information shown hereon is true to the best of my knowledge and belief, that it is a subdivision of all of the land conveyed from Ruth Jacot Palenski, Personal Representative of the Estate of Bertha B. Jacot to Dunhill Woods, LLC by a deed dated February 7, 2006 and recorded among the Land Records of Montgomery County, Maryland in Liber 31183 at Folio 544; that once engaged as described in the Owners' Certificate hereon, all property markers shown thus will be set as delineated hereon in accordance with Section 50-24 (E) (2) of the Montgomery County Code; and that the total area included in this plat of subdivision is 106,705 square feet or 4.2861 acres of land of which 10,120 square feet are dedicated to public use.

August 22, 2006
Date

Gerald L. Bennett
Professional Land Surveyor
Maryland Reg No. 10743

NOTES

- 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 this property. The subdivision record plat is not intended to replace an examination of title or to depict or note all matters affecting title.
- 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 Montgomery County Planning Board are intended to survive and not be extinguished by the recordation of this 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 property included on this plat is shown on Montgomery County Tax Map K512, and zoned RE-1 (cluster).
- The property shown hereon is subject to the requirements of the Montgomery County Forest Conservation Law, including approval of a Final Forest Conservation Plan and appropriate agreements prior to issuance of a sediment control permit. The provisions of the conservation easement shall supercede any other provisions for use in designated areas, including the declaration of covenants with respect to open space areas.
- Lots 2 and 3, Block A are subjected to an Ingress and Egress and utility easement for which terms and conditions are recorded in the Montgomery County, Maryland Land Records in Liber 32854 at Folio 596.
- The lots shown hereon are limited to the uses and conditions as required by Preliminary Plan Case No. 120060340 (formerly #1-06034) which is titled "Jacot Property".
- The land contained hereon is within an approved cluster development and that subdivision or residential is not permitted after the property is developed.
- The land between Spencerville Road and the Reservation Limits is to be held in reservation for the Maryland State Highway Administration for the re-alignment of Md. Rte. 198 until the earlier of July 1, 2009 or a Final Record of Decision is issued.

OWNERS' CERTIFICATE

We, Dunhill Woods, LLC, a Maryland limited liability company, owners of the property described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines and dedicate to the State Highway Administration the street widening to public use.

Further, we grant and establish to the Potomac Electric Power Company, Verizon, Washington Gas Light Company, and to their respective successors, agents and assigns, an easement in, on and over the land hereon described as a Public Utility Easement, designated hereon as "PUE" with said terms and provisions of such grant being set forth in a certain document entitled "Declaration of Terms and Provisions for Public Utility Easements" and recorded among the Land Records of Montgomery County, Maryland in Liber 3834 at Folio 457, said terms and provisions being incorporated herein by this reference.

Further, we establish the Category I Conservation Easement as shown hereon and subject to the terms and conditions as set forth in a certain document entitled "Conservation Easement Agreement" and recorded among the aforesaid Land Records in Liber 13118 at Folio 412.

Further, we hereby establish a Common Use Ingress/Egress Driveway Easement and a Public Utility Easement (PUE) across Lots 2 and 3, Block A to serve and benefit Lots 1, 2, 3 & 4, Block A.

As owners of this subdivision, we, our successors, agents and assigns will cause all property corner markers and any other required monumentation to be set by a registered Maryland surveyor in accordance with Section 50-24 (E)(2) of the Montgomery County Code.

There are no suits, action at law, leases, liens, mortgages or trusts on the property included in this plan of subdivision, except for a certain mortgage, and the parties in interest thereto have below indicated their assent.

We hereby assent to this plan of subdivision.
 POTOMAC BANK OF VIRGINIA
 Christine Jackson, Witness Date 8-17-06
 Barry Schwartz, President
 Jeremiah Behan, Mortgagee

AREA TABULATION

4 LOTS	175,485 Sq.Ft. or 4.0400 Ac.
STREET DEDICATION	10,120 Sq.Ft. or 0.2461 Ac.
TOTAL AREA OF THIS PLAT	106,705 Sq.Ft. or 4.2861 Ac.

NUMBER	DELTA	RADIUS	ARC	TANGENT	CHORD BEARING	CHORD
1	04°42'50"	1270.00'	104.44'	52.27'	N88°12'56"E	104.46'
2	00°02'01"	2880.00'	1.84'	0.92'	N85°52'34"E	1.84'
3	04°42'11"	1803.00'	106.94'	53.53'	N88°12'34"E	106.96'
4	00°02'44"	2447.00'	2.42'	1.21'	N85°53'00"E	2.42'

**SUBDIVISION RECORD PLAT
LOTS 1-4, BLOCK A**
**SPENCERVILLE
WOODS**

COLESVILLE (5th) DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 60' MARCH 2006



PRINTED ON
AUG 29 2006
APEX ENGINEERING



1950 CRABBS BRANCH WAY, SUITE 200
ROCKVILLE, MARYLAND 20850-2622
301-411-0200 FAX 301-415-0164

FOR PUBLIC SEWER AND WATER SYSTEMS ONLY

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

MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PERMITTING SERVICES

The approval of this plat is predicated on the adequacy and availability of public sewer and water.

APPROVED - _____

APPROVED - _____

RECORDED _____

CHAIRMAN SECRETARY - TREASURER

DATE DIRECTOR

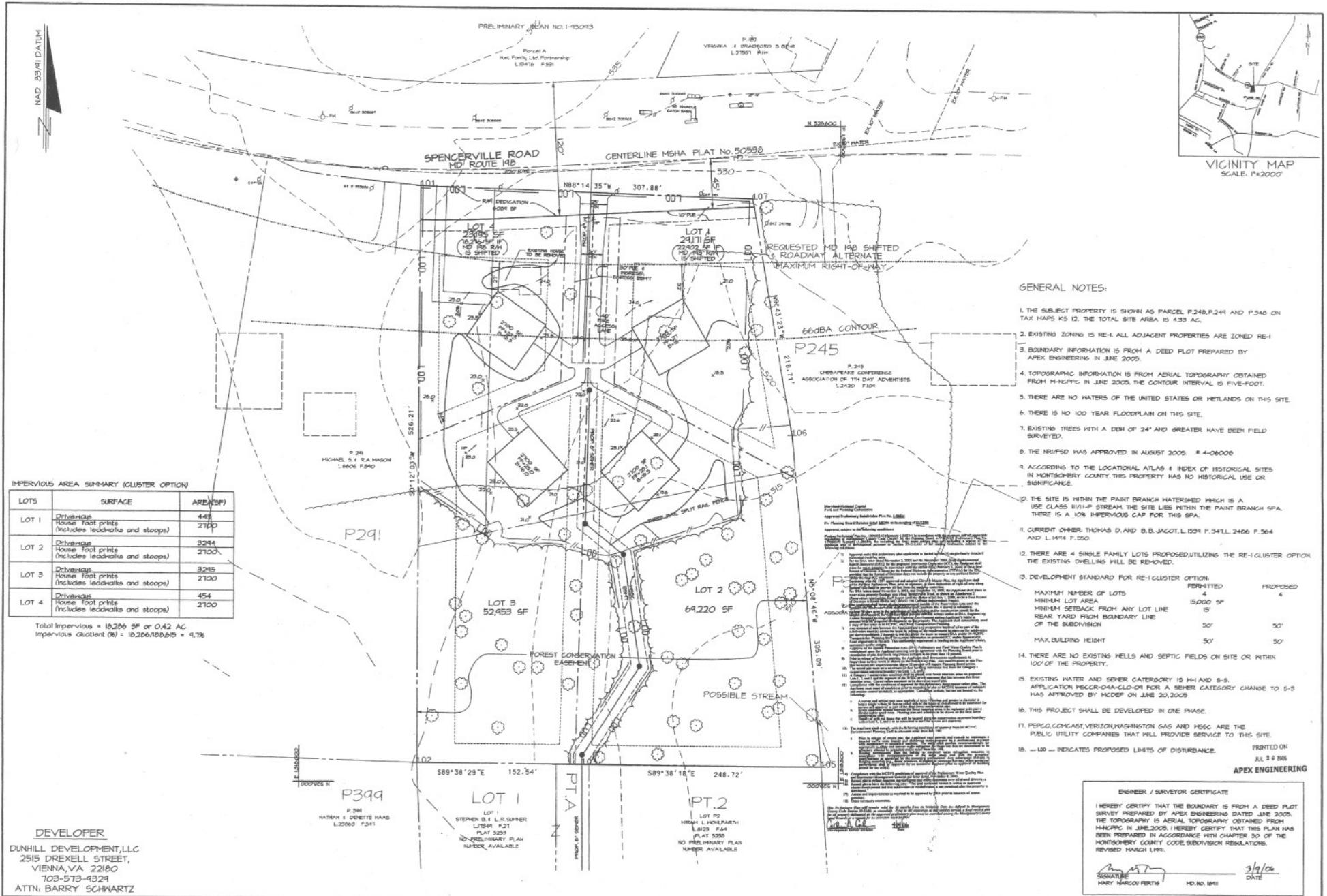
PLAT NO. _____

M.C.P. & P.C. RECORD FILE NO.

PIA

M:\PROJECTS\150221\SURVEY\PLAT\PLAT_LD6H

EXHIBIT C



- GENERAL NOTES:**
1. THE SUBJECT PROPERTY IS SHOWN AS PARCEL P.248, P.249 AND P.340 ON TAX MAPS K5 12. THE TOTAL SITE AREA IS 433 AC.
 2. EXISTING ZONING IS RE-1. ALL ADJACENT PROPERTIES ARE ZONED RE-1.
 3. BOUNDARY INFORMATION IS FROM A DEED PLAT PREPARED BY APEX ENGINEERING IN JUNE 2005.
 4. TOPOGRAPHIC INFORMATION IS FROM AERIAL TOPOGRAPHY OBTAINED FROM M-HCPIC IN JUNE 2005. THE CONTOUR INTERVAL IS FIVE-FOOT.
 5. THERE ARE NO WATERS OF THE UNITED STATES OR WETLANDS ON THIS SITE.
 6. THERE IS NO 100 YEAR FLOODPLAIN ON THIS SITE.
 7. EXISTING TREES WITH A DBH OF 24" AND GREATER HAVE BEEN FIELD SURVEYED.
 8. THE NHPSPD HAS APPROVED IN AUGUST 2005. # 4-08008
 9. ACCORDING TO THE LOGICAL ATLAS 4 INDEX OF HISTORICAL SITES IN MONTGOMERY COUNTY, THIS PROPERTY HAS NO HISTORICAL USE OR SIGNIFICANCE.
 10. THE SITE IS WITHIN THE PAINT BRANCH WATERSHED WHICH IS A USE CLASS III/IV-R STREAM. THE SITE LIES WITHIN THE PAINT BRANCH SPA. THERE IS A 10% IMPERVIOUS CAP FOR THIS SPA.
 11. CURRENT OWNERS: THOMAS D. AND B.B. JACOT. L.1594 F.341.L.2466 F.364 AND L.1494 F.350.
 12. THERE ARE 4 SINGLE FAMILY LOTS PROPOSED UTILIZING THE RE-1 CLUSTER OPTION. THE EXISTING DWELLING WILL BE REMOVED.
 13. DEVELOPMENT STANDARD FOR RE-1 CLUSTER OPTION:

DEVELOPMENT STANDARD FOR RE-1 CLUSTER OPTION	PERMITTED	PROPOSED
MAXIMUM NUMBER OF LOTS	4	4
MINIMUM LOT AREA	15,000 SF	5,000 SF
MINIMUM SETBACK FROM ANY LOT LINE REAR YARD FROM BOUNDARY LINE OF THE SUBDIVISION	50'	30'
MAX. BUILDING HEIGHT	50'	30'
 14. THERE ARE NO EXISTING WELLS AND SEPTIC FIELDS ON SITE OR WITHIN 100' OF THE PROPERTY.
 15. EXISTING WATER AND SEWER CATEGORY IS H-1 AND S-5. APPLICATION PECCR-04A-CLO-01 FOR A SEWER CATEGORY CHANGE TO S-3 HAS APPROVED BY HCOEP ON JUNE 30, 2005.
 16. THIS PROJECT SHALL BE DEVELOPED IN ONE PHASE.
 17. PERCO, COMCAST, VERIZON, WASHINGTON GAS AND HESCO ARE THE PUBLIC UTILITY COMPANIES THAT WILL PROVIDE SERVICE TO THIS SITE.
 18. --- 100 --- INDICATES PROPOSED LIMITS OF DISTURBANCE.

IMPERVIOUS AREA SUMMARY (CLUSTER OPTION)

LOTS	SURFACE	AREA(SF)
LOT 1	Driveway House foot prints (includes ledwalks and stoops)	448 2100
LOT 2	Driveway House foot prints (includes ledwalks and stoops)	3294 2100
LOT 3	Driveway House foot prints (includes ledwalks and stoops)	3295 2100
LOT 4	Driveway House foot prints (includes ledwalks and stoops)	454 2100

Total Impervious = 18,286 SF or 0.42 AC
Impervious Quotient (R) = 18,286/433.615 = 4.1%

Montgomery County
 Planning and Zoning Commission
 Approved Preliminary Subdivision Plat No. 1-18003
 For Planning Board Consideration (See MCOEP Resolution # 2005-082)
 Approved on 08/11/2005 at 10:00 AM in the Public Hearing Room, 100 North
 Montgomery Avenue, Suite 100, Rockville, Maryland 20850.
 Planning Board Approval: (See MCOEP Resolution # 2005-082)
 Approved on 08/11/2005 at 10:00 AM in the Public Hearing Room, 100 North
 Montgomery Avenue, Suite 100, Rockville, Maryland 20850.
 Planning Board Approval: (See MCOEP Resolution # 2005-082)
 Approved on 08/11/2005 at 10:00 AM in the Public Hearing Room, 100 North
 Montgomery Avenue, Suite 100, Rockville, Maryland 20850.

DEVELOPER
 DUNHILL DEVELOPMENT, LLC
 2515 DREXELL STREET,
 VIENNA, VA 22180
 703-573-4324
 ATTN: BARRY SCHWARTZ

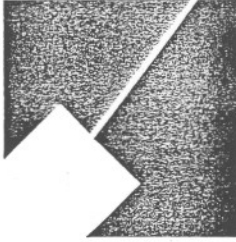
ENGINEER / SURVEYOR CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARY IS FROM A DEED PLAT SURVEY PREPARED BY APEX ENGINEERING DATED JUNE 2005. THE TOPOGRAPHY IS AERIAL TOPOGRAPHY OBTAINED FROM M-HCPIC IN JUNE 2005. I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH CHAPTER 30 OF THE MONTGOMERY COUNTY CODE, SUBDIVISION REGULATIONS, REVISED MARCH 1991.

HARRY HARGOV FERTIS
 REGISTERED PROFESSIONAL ENGINEER
 NO. 10,181
 3/4/06
 DATE

<p>2030 CRADDO BRANCH HWY. SUITE 200 ROCKVILLE, MARYLAND 20850-2822 301-411-0200 FAX 301-785-0161</p>	DATE SEPT 2005	PRELIMINARY, NOT APPROVED NOT FOR CONSTRUCTION	SCALE 1"=30'		PRELIMINARY PLAN	SHEET 1 OF 1
	DESIGNED BY SKY	PLAN LOCATION H-1032/VIENNA/PRBL/18003/1	JOB NO. 150221			

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

Board Approval Date: January 12, 2006

Date Mailed: MAR 07 2006

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

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 120060340
Name of Project: Jacot Property

The date of this written opinion is MAR 07 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 9/12/05, Dunhill Development, LLC ("Applicant") submitted an application for the approval of a Preliminary Plan of subdivision of property in the RE-1 zone. The application proposed to create 4 lots on 4.33 acres of land (Property or Subject Property) located on Thompson Road approximately 950 feet west of Peach Orchard Road in the *Cloverly Master Plan* area. The application was designated Preliminary Plan No. 120060340 (formerly 1-06034). On 1/12/06, Preliminary Plan No. 120060340 (formerly 1-06034) 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; and all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

II. SITE AND PROJECT DESCRIPTION

The 4.33-acre property is located on the south side of Spencerville Road (MD 198) approximately 700 feet west of Good Hope Road in Cloverly. The property is zoned RE-1 and has been previously used as a single-family residence. The site lies within the Upper Paint Branch Special Protection Area (SPA). Paint Branch and its tributaries upstream of I-495 are Use III streams (natural trout waters)¹. The site drains to a tributary of the Left Fork of Paint Branch. About 2.7 acres of forest exist on the site. The forest includes many large and specimen trees. There are no streams, wetlands, floodplains, or environmental buffers on the site.

The proposed Preliminary Plan contains four single-family detached residential dwelling units clustered on the northern portion of the site and served by a shared private driveway. The proposed lot sizes range from 23,195 square feet to 69,220 square feet. The lots are clustered to provide a forest save area in the rear of two lots.

III. MASTER PLAN COMPLIANCE

A. Extension of sewer service to the RE-1 Zone in the Upper Paint Branch

The Cloverly Master Plan provides specific guidance on the extension of sewer service to the Upper Paint Branch portion of the planning area. Not only must the Montgomery County Department of Environmental Protection make a finding that individual sewer line extensions for new development are logical, economical, and environmentally acceptable, the Planning Board, through the review and approval of the

¹ Paint Branch supports a naturally –reproducing brown trout population. This stream system is a unique resource for Montgomery County because it is the only stream system in the county with a proven, consistent long-term self-sustaining trout population.

preliminary plan, must make a determination that the use of sewer provides for an environmentally superior plan when compared to a septic layout. It has been shown as part of staff's review that the use of sewer allows a tighter clustering of lots which allows much greater tree save. The section below on the justification of cluster gives the details of the tree save numbers. The additional forest clearing required to lay out the house locations in order to use individual septic systems would result in even greater tree loss than a standard method sewer plan due to clearing required for the septic drain fields. Staff believes that the use of sewer will result in an environmentally superior plan because of additional tree save that can be achieved. Clustering also has the benefit of requiring less pavement to serve the units that results in less imperviousness; a water quality goal in this watershed.

B. Waiver of the minimum development area

Section 59-C-1.532 of the zoning ordinance establishes 50 acres as the minimum size of a site for a cluster development in the RE-1 zone. However, footnote 6 of this section of the zoning ordinance states: "This minimum area requirement may be waived by the planning board upon a finding that the cluster development is more desirable for environmental reasons."

The applicant has submitted a request to waive the minimum area requirement for cluster. In addition, a concept of a non-cluster subdivision was also submitted to compare to the proposed cluster subdivision. The applicant identifies two reasons why he believes the cluster is environmentally better:

- The subdivision imperviousness is lower for the cluster layout (9.7%) than for the standard layout (9.9%).
- More forest is retained in the cluster layout (1.82 acres) than in the standard layout (0.91 acre).

Although the imperviousness in the cluster layout is smaller than that in the standard layout, the difference is small (only about 460 square feet). Staff does not believe the imperviousness difference is a major feature that justifies the use of the cluster option for this application. However, staff believes the cluster layout is environmentally better than the standard layout because of the larger amount of forest retained in the cluster subdivision. About 0.71 acres more forest is retained and protected in the cluster layout than in the standard layout. More than half of the existing forest may be protected by the cluster, compared to only one-third of the forest that could be protected in a standard layout. In addition, the configuration of the clustered lots are such that the proposed houses on Lots 2 and 3 will be about 35 feet or more from the forest retention areas. Staff believes this will allow for adequate usable yard space for the two lots.

IV. TRANSPORTATION

A. Site Location and Access

The site is located along the south side of Spencerville Road approximately 750 feet west of its intersection with Good Hope Road. It has access to Spencerville Road, which is currently a two-lane major highway. Land use in the vicinity of the site is primarily residential. The Korean Spencerville Seventh-Day Adventist Church and Academy is located immediately to the east of the property. Metrobus route Z3 serve Spencerville Road in the area.

B. Proposed Intercounty Connector

The Intercounty Connector is proposed as a limited-access east-west highway intended to link areas between I-270 to the west and I-95/US 1 to the east, through central/eastern Montgomery and western Prince George's Counties. At present, the ICC planning process has concurrence on two alternative alignments called Corridor 1 and Corridor 2. Corridor 1 generally follows an alignment that is incorporated in area master plans, while Corridor 2, to the east of Georgia Avenue (MD 97), follows an alignment to the north of Corridor 1 that is not represented in any area master plans. Information available in the *DEIS*, which was presented as Attachment No. 2, indicated the extent of the physical impact of the non-master planned Corridor 2 alignment on the property.

Currently, the ICC planning process is moving forward with the State's recently announced selection of Corridor 1 as its preferred alternative for construction. SHA will further analyze the selected alignments and will submit a *Final Environmental Impact Statement (FEIS)* to the FHWA. After reviewing the *FEIS*, FHWA will make a final determination on the project in a Record of Decision, which at the present time is expected to occur in early 2006.

C. Other On-going Transportation Projects

SHA's Consolidated Transportation Program (CTP) includes the *MD 28/MD 198 Corridor Improvement Planning Study* along the property frontage, which is currently funded for project planning only. SHA has indicated that under a Section 4(f) resource avoidance (the Drayton and Edgewood historic resources to the north of the property; see Attachment No. 4) alignment option, as illustrated in Attachment 3, Spencerville Road may require additional right-of-way from the property. Additionally, the environmental document is expected to identify a potential stormwater management pond on the subject property. Typically, stormwater management facilities are not determined during the project planning process, but rather during the subsequent design process. Staff therefore does not recommend dedication or reservation on the property to protect the potential stormwater management pond, but rather recommends continued coordination between the applicant and the SHA during the MD 28/MD

198-project design phase. Currently, SHA does not have an announced date for the release of the *DEIS* for the project.

Master Plan Roadway and Pedestrian/Bikeway Facilities

The 1997 Approved and Adopted *Cloverly Master Plan* describes master-planned Spencerville Road (to the north of the site), as a four-lane Major Highway (M-76) with a minimum right-of-way of 120 feet to the west of Thompson Road to New Hampshire Avenue. A Class I bikeway (PB-34) is recommended in the master plan for this roadway.

D. Local Area Transportation Review

The subject Preliminary Plan, consisting of four single-family detached 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 (four total peak hour trips during both the morning and evening peak-hours). Therefore, a traffic study (to analyze traffic impact at nearby intersections) is not required of this development to satisfy Local Area Transportation Review.

V. ENVIRONMENTAL

A. Review for Conformance to the Special Protection Area Requirements, Including the Environmental Overlay Zone

As part of the requirements of the Special Protection Area law, a preliminary and final water quality plan must be reviewed in conjunction with a preliminary subdivision plan². Under the provision of the law, the Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of a water quality plan. DPS reviews and acts on those elements of the water quality plan that relate to water quality protection performance goals, stormwater management, sediment and erosion control, and monitoring of best management practices. DPS has reviewed and approved the elements of the preliminary water quality plan under its purview (see Attachment A). The Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

² Section 19-62 (b) of the Montgomery County Code states that "except as otherwise expressly provided in this Chapter, the requirements for a water quality inventory and a preliminary and final water quality plan apply in any area designated as a special protection area to a person proposing a land disturbing activity on privately owned property:...who is seeking approval of an amendment to an approved development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan.

B. Site Performance Goals

As part of the preliminary and final water quality plan, several performance goals were established for the site: minimize stormwater runoff, provide redundant sediment control, and promote groundwater recharge

C. Site Imperviousness

The Upper Paint Branch SPA has a ten percent (10%) site imperviousness limit on land development projects. The imperviousness limit is set forth in the Environmental Overlay Zone for the Upper Paint Branch SPA. The water quality plan proposes a site imperviousness of 9.7 percent. This consists of four new single-family detached houses and a common driveway. The proposed subdivision meets the imperviousness limit of the Environmental Overlay Zone.

D. Environmental Buffers

There are no environmental buffers on the site.

E. Forest Conservation

The applicant proposes to retain about a total of 1.82 acres of the 2.7 acres of forest in two areas. The retention areas would lie on the rear of proposed Lots 2 and 3 and a portion of the rear of Lot 1. The forest retention areas would be protected in a Category I conservation easement. The applicant proposes to install a split-rail fence along the boundary of the conservation easement within the three lots so that the easement is clearly marked for future lot owners. Staff supports the use of such a fence. The proposed forest retention areas exceed the subdivision's break-even point of 1.4 acres. Therefore, no forest planting is required.

The preliminary forest conservation plan shows a proposed sewer line through the forest retention area on Lot 2. Staff recommends that this part of the proposed WSSC sewer easement be replanted with native shrubs and/or small trees so that the forest retention areas on either side of the sewer easement can become connected as one forest stand. The sewer easement should also be part of the conservation easement area.

Staff believes that there should be a minimum setback of proposed houses on lots 1, 2, and 3 from the forest retention areas within these lots to ensure that these lots have adequate usable rear yard areas. Separation between the houses and the conservation easement areas would minimize the potential for homeowners to encroach within the conservation easements. Staff recommends that a 35-foot building restriction line measured from the conservation easement boundary be established on these three

lots to ensure that there are adequate rear yard areas between houses and the conservation easements.

Staff believes the forest conservation plan, in combination with staff's recommendations described above, meets the requirements of the Forest Conservation Law.

F. Stormwater Management Concept

To help meet the project's performance goals, the stormwater management (SWM) concept includes the following features:

- Dry wells are required to treat stormwater runoff from rooftops.
- A combination of dry wells, rooftop disconnect, sheetflow to forested areas, and non-rooftop disconnect are counted as water quality and groundwater recharge measures.

G. Sediment Control

DPS is requiring an engineered sediment control plan for the subdivision. If the houses are constructed one at a time, DPS requires the use of super silt fences. If two or more lots will be under construction at the same time, DPS requires a sediment trap with earth dikes.

H. Traffic Noise Impacts

Noise impacts are anticipated from projected traffic on Rte. 198. The SHA "Intercounty Connector Study Areas, Technical Noise Report" (November 30, 2004) provides estimates on projected traffic noise levels along Rte. 198. If the projected noise levels from the SHA report are applied to the proposed subdivision, it is estimated that the lots adjacent to Rte. 198 (Lots 1 and 4) would be adversely affected by high noise levels.

Staff recommends that prior to record plat, the applicant provide a more detailed noise impact and abatement study for the subdivision. SHA staff expects that a noise report for the Rte. 198 widening project may be released for public review in the spring of 2006. Information from this SHA noise report may be used by the applicant's consultant to develop the detailed noise study for the subdivision. If noise mitigation is needed for any of the lots, based on projected noise levels, staff recommends that the builder provide a binding commitment to implement noise mitigation measures to mitigate any outdoor and/or indoor noise levels as proposed by the noise study. This may include incorporating acoustical measures for the construction of affected houses.

VI. PUBLIC HEARING TESTIMONY

At the public hearing, Staff recommended approval of the application, including the preliminary and final water quality plan, based on the findings and subject to the conditions listed in its memorandum dated 1/2/06 (Staff Report). The Applicant, represented by legal counsel, concurred generally in Staff's findings and conditions. Two issues, however, were brought to the Board's attention.

First, Staff recommended that the Applicant place in reservation for the MD 28/MD 198 Corridor Improvement Project a portion of the Subject Property consisting of frontage area along Spencerville Road ("Reservation Area") for three years starting July 1, 2006, the anticipated date of plat recordation for the Subject Property. In explaining its recommendation, Staff asserted that correspondence it received from the Maryland State Highway Administration (SHA) indicated that the MD 28/MD 198 Project was still in its early stages and that SHA did not expect to issue a final Record of Decision until the beginning of 2008 at the earliest. Relying on SHA's prediction and claiming that a longer reservation period could detrimentally impact the marketing of the Subject Property, the Applicant requested that the Board limit the period of reservation to approximately two years, ending on March 1, 2008. After consulting with Legal Staff and considering a compromise proposal offered by the Applicant, the Board decided that the Reservation Area shall be placed in reservation until either July 1, 2009 or the issuance of a final Record of Decision by SHA, whichever occurs earlier.

Second, the Applicant requested that the Board raise the limit for the impervious surface area within the Subject Property from 9.7 percent, as recommended by Staff, to 10 percent, the maximum permitted under the applicable master plan. When questioned by the Board regarding its selection of the 9.7 percent limit, Staff replied that, because of environmental concerns, it typically does not alter an imperviousness cap where the limit proposed by an applicant falls under the permitted maximum. Citing the Applicant's desire for flexibility in developing the Subject Property, the Board determined that the cap should be raised to 10 percent.

Aside from the Applicant, the Board also heard testimony from Ruth Jacot Palenski, the executrix of the estate to which the Subject Property belongs. Ms. Palenski referred to the written comments she had submitted previously into the Record in echoing the Applicant's concern regarding the three-year reservation period recommended by Staff. No other testimony was received on the application and the Record contains no other correspondence or other evidence submitted in opposition to the application.

VII. FINDINGS

Having given full consideration to the recommendations of its Staff, the recommendations of the applicable public agencies,³ 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:

- 1) The uncontested evidence of record demonstrates that Preliminary Plan No. 120060340 (formerly 1-06034) substantially conforms to the *Cloverly Master Plan*.
- 2) The uncontested evidence of record demonstrates that public facilities will be adequate to support and service the area of the proposed subdivision.
- 3) The uncontested evidence of record demonstrates that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- 4) The uncontested evidence of record demonstrates that the application satisfies all the applicable requirements of the Forest Conservation Law contained in Montgomery County Code Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- 5) The uncontested evidence of record demonstrates that 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 MCDPS that the Stormwater Management Concept Plan meets MCDPS standards.
- 6) The uncontested evidence of record demonstrates that the application satisfies all the applicable requirements of Montgomery County Code Chapter 19, Article V (Water Quality Review in Special Protection Areas). This finding is subject to any applicable condition(s) of approval, and the Board finds that the water quality plan submitted should be approved.
- 7) The Record of this application contains only the following contested issues:

³ 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), and the various public utilities. All of these agencies recommended approval of the application.

- a) The length of time for which the Reservation Area, consisting of that portion of the Subject Property fronting on Spencerville Road, must be placed in reservation for the MD 28/MD 198 Corridor Improvement Project.

After considering the respective positions of Staff and the Applicant, the Board finds by a preponderance of evidence, based on the testimony of its staff and the staff of the SHA, that the Reservation Area shall be placed in reservation until the earlier of (a) July 1, 2009, or (b) a final Record of Decision is issued for the MD 28/MD 198 Corridor Improvement Project.

- b) The maximum impervious surface limit for the Subject Property.

After considering the respective positions of Staff and the Applicant, the Board finds that the cap for impervious surface areas within the Subject Property shall be raised from 9.7 percent to 10 percent, the maximum permitted under the applicable master plan, to allow the Applicant some flexibility in design of the project.

The Board further finds that any objection (concerning a substantive issue) that was not raised prior to the closing of the Record is waived.

VIII. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120060340 (formerly 1-06034) in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board APPROVES Preliminary Plan No. 120060340 (formerly 1-06034), the including the final water quality plan and including a waiver of the minimum area of development pursuant to Section 59-C-1.532 of the Zoning Ordinance, subject to the following conditions:

- 1) Approval under this preliminary plan application is limited to four (4) single-family detached residential dwelling units.
- 2) Per the SHA letter dated November 3, 2005 and the November 2004 *Draft Environmental Impact Statement* (DEIS) for the proposed Intercounty Connector (ICC), the Applicant shall place the entire property in reservation until the earlier of (a) February 1, 2006, or (b) a final Record of Decision is issued by the Federal Highway Administration (FHWA) for the ICC, provided that the Record of Decision does not include the property or any portions thereof within the final ICC alignment.

- 3) Consistent with the 1997 approved and adopted *Cloverly Master Plan*, the Applicant shall revise the final Preliminary Plan, prior to signature, to show dedication of right-of-way along Spencerville Road to provide 60 feet from the roadway centerline.
- 4) Per SHA letters dated November 3, 2005 and December 16, 2005, the Applicant shall place in reservation property frontage area along Spencerville Road as shown on Attachment 3 (Reservation Area) of the Staff Report until the earlier of (a) July 1, 2009, or (b) a final Record of Decision is issued for the MD 28/MD 198 Corridor Improvement Project.
- 5) The Applicant shall locate all site improvements outside of the Reservation Area until the Spencerville Road reservation requirement (per Condition No. 4 above) is exhausted.
- 6) At least 90 days prior to the submission of any building and/or construction permit for the subject development, the Applicant shall provide certified written notice to SHA, Engineering Access Permits Division, Office of Highway Development, stating the Applicant's intent to proceed with the proposed development on the property. The Applicant shall concurrently send a copy of this letter to M-NCPPC, c/o Chief, Transportation Planning.
- 7) Any contract of sale between the Applicant and any prospective buyer of all or part of the subdivision must (a) advise the buyer in writing of the requirements in place on the subdivision per above conditions 2 through 6; and (b) advise the buyer to contact SHA and/or M-NCPPC Transportation Planning Staff for current information on potential ICC and/or Spencerville Road alignments in the area. This notification requirement is binding on the Applicant's heirs, successors and/or assigns.
- 8) Approval of the Special Protection Area (SPA) Preliminary and Final Water Quality Plan is conditioned upon the Applicant entering into an agreement with the Planning Board prior to recordation of plat that limits impervious surfaces to no more than 10 percent.
- 9) Prior to release of building permits, the Applicant shall demonstrate conformance to impervious surface limits as shown on the Preliminary Plan. Any modifications to this Plan that increases site imperviousness above 10 percent will require Planning Board action.
- 10) The record plat must set a minimum 35-foot building restriction line from the Category I conservation easement boundary on Lots 1, 2, and 3.

- 11) A Category I conservation easement shall be placed over forest retention areas on proposed Lots 1, 2, and 3 and the segment of the WSSC sewer easement that lies between the forest retention areas. Conservation easement to be shown on record plat.
- 12) Compliance with the conditions of approval for the preliminary forest conservation plan. The Applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit(s), as appropriate. Conditions include, but are not limited to, the following:
 - a. A survey and critical root zone analysis of trees 10 inches and greater in diameter at breast height within 50 feet on either side of the limits of disturbance to be submitted for review and approval as part of the final forest conservation plan.
 - b. Sewer easement located between the forest retention areas to be replanted with native shrubs and/or small trees. Planting plan and schedule to be shown on the final forest conservation plan.
 - c. Details of split rail fence that will be located along the conservation easement boundary within Lots 1, 2, and 3 to be submitted to Staff for review and approval.
- 13) The Applicant shall comply with the following conditions of approval from M-NCPPC Environmental Planning Staff to attenuate noise from Rte. 198:
 - a. Prior to release of record plat, the Applicant must provide and commit to implement a detailed traffic noise impact and abatement study prepared by a professional engineer with competency in acoustical analysis. The study shall provide recommendations for appropriate outdoor and interior noise mitigation for those lots that are determined to be adversely affected by projected traffic noise from Rte. 198.
 - b. Binding commitment from the builder to construct noise mitigation measures in accordance with recommendations of the noise study and with the acoustical specifications as identified by the acoustical professional. Any subsequent changes in building materials (e.g., doors, windows, skylights) or coverage that may affect acoustical performance shall be approved by an acoustical engineer prior to approval of building permit for the unit(s).

- 14) Compliance with the MCDPS conditions of approval of the Preliminary Water Quality Plan and Stormwater Management Concept per letter dated November 8, 2005.
- 15) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 16) Record plat to have the following note: "The land contained hereon is within an approved cluster development and that subdivision or resubdivision is not permitted after the property is developed."
- 17) Access and improvements as required to be approved by SHA prior to issuance of access permit(s).
- 18) 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.

* * * * *

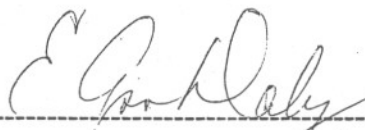
[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

MC 2/16/06

Approved for legal agency
M-NCPPC Office of _____ Counsel

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, February 23, 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 **Preliminary Plan No. 1-20060340, Jacot Property**. Commissioner Perdue abstained.



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

PLAT NO. 220062270

Sycamore Acres

Located on Emory Lane, approximately 500 feet northeast of Muncaster Mill Road

RE-1 zone, 2 lots

Community Water, Community Sewer

Master Plan Area: Olney

Atlantic Heritage, Applicant

M-NCPPC staff and other applicable agencies, as documented on the attached Plat Review Checklist, have reviewed the record plat. This plat involves minor lot line adjustment pursuant to Section **50-35 A (a)(1)** of the Subdivision Regulation, which states:

Minor Lot line Adjustment. The sale or exchange of part of a lot between owners of adjacent lots for the purpose of small adjustments in boundaries; provided:

- a. The total area of the adjustments does not exceed five percent of the combined area of the lots affected by the adjustment;
- b. No additional lots are created;
- c. The adjusted lot line is approximately parallel with the original lot line or, if it is proposed to intersect with the original line, it does not significantly change the shape of the lots involved; and,
- d. The owner submits a sketch plan for review and approval by the Planning Board staff. The sketch plan may be a copy of the existing record plan and must contain the following information:
 - i. proposed lot line adjustment as a dashed line;
 - ii. any buildings, driveways, or other physical improvements located within fifteen feet of the proposed adjusted lot line;
 - iii. any minimum building setback that would be altered by the minor lot line adjustment; and
 - iv. the amount of lot area affected by the minor lot line adjustment.

The sketch plan must be approved, approved with revision or denied, in writing, within ten business days after the plan is submitted or the sketch plan is deemed approved, provided requirements i through iii, above, are met. A final record plat must be submitted to Planning Board staff within ninety days after sketch plan approval or the sketch plan is no longer valid.

Staff applied the above-noted minor subdivision criteria for these lots (shown as lots 43, and 44) and concludes that the proposed minor subdivision complies with the criteria of Section 50-35A (a)(1) 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: Sycamore Acres Plat Number: 220062270
 Plat Submission Date: 6/15/06
 DRD Plat Reviewer: PW/TA
 DRD Prelim Plan Reviewer: NA

*For category of minor see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. NA Checked: Initial ETA Date _____
 Preliminary Plan No. NA Checked: Initial _____ Date _____
 Planning Board Opinion – Date _____ Checked: Initial _____ Date _____
 Site Plan Name if applicable: NA 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 N/A Non-standard
 BRLs N/A Adjoining Land Vicinity Map Septic/Wells N/A
 TDR note N/A Child Lot note N/A Surveyor Cert Owner Cert Tax Map
 SPA N/A

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<input checked="" type="checkbox"/>	<u>6/21/06</u>	<u>7/7/06</u>		
Research	Bobby Fleury			<u>7/8/06</u>	<u>OK</u>
SHA	Doug Mills			<u>N/C</u>	<u>N/C</u>
PEPCO	Jose Washington			<u>N/C</u>	<u>OK</u>
Parks	Doug Powell			<u>N/C</u>	<u>OK</u>
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 & 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

TA

TA

Date

7/17/06

7/17/06

8/23/06

8/14/06

8/14/06

No. _____

RECORD PLAT REVIEW SHEET – MINOR SUBDIVISION SEC-50-35A

Plat Name: Sycamore Aves
Plat Number: 22006 2270
Plat Submission Date: 6/15/06
DRD Plat Reviewer: PW/TA

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: No
- b) No additional lots created: No
- c) Adjusted line is approximately parallel/does not significantly change shape of the lots: No
- d) Date sketch plan submitted: 6/9/06
- e) Sketch plan revised or denied within 10 business days: Yes
- f) Final record plat submitted within ninety days: Yes
- 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

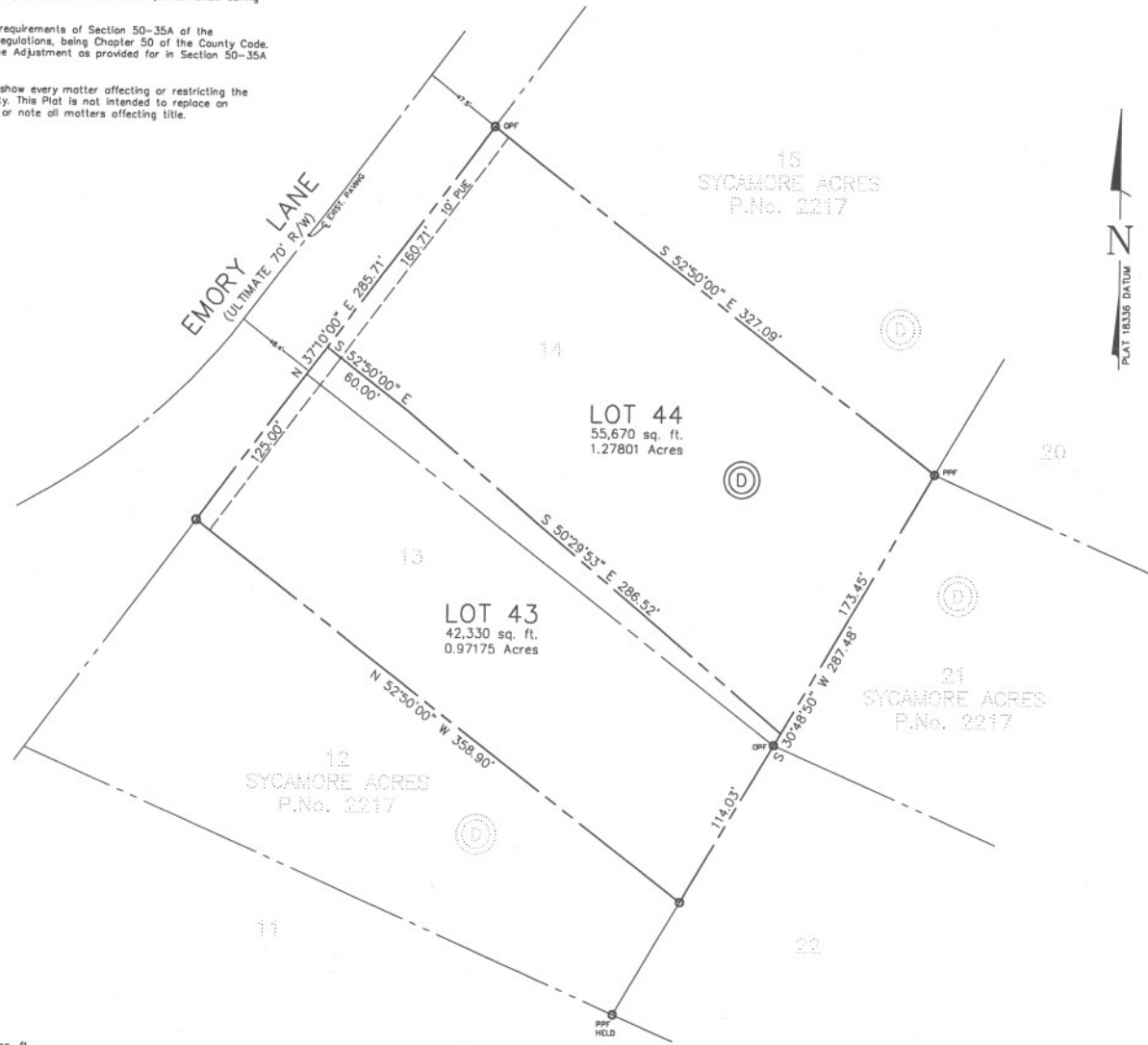
- a) Number of Lots: _____
- b) Written MCDPS approval of proposed septic area: _____
- c) Required street dedication: _____
- d) Easement for balance of property noting density and TDRS: _____
- e) Average lot size of 5 acres: _____
- f) Forest Conservation requirements met: _____

- Notes:
1. This property is zoned RE-1.
 2. The approval of this plat is predicated on the availability of public water and sewer prior to the construction of homes.
 3. The property shown hereon is subject to Chapter 22A of the Montgomery County Forest Conservation Law, including approval of a Final Forest Conservation Plan and appropriate agreements prior to issuance of a sediment control permit.
 4. 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.
 5. This plot conforms with the requirements of Section 50-35A of the Montgomery County Subdivision Regulations, being Chapter 50 of the County Code. This plot involves a Minor Lot Line Adjustment as provided for in Section 50-35A (c)(1).
 6. 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.

PLAT No.



TAX MAP No. HS32



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 Jewell Baker Duloney, personal representative of the Estate of Jack Baker to Jewell Baker Duloney, Richard Gregory Baker and Marsha Baker Lamborne by deed dated August 8, 1986 and recorded among the Land Records of Montgomery County, Maryland, in Liber 7245 of Folio 003; and also being a resubdivision of all of Lots 13 & 14, Block D, as delineated on a plot of subdivision entitled "SYCAMORE ACRES" as recorded among the said Land Records as Plat No. 2217. 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 as delineated hereon 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 plot is 98,000 square feet or 2.24976 acres of land.

Date _____
 Macris, Hendricks & Glascock, P.A.
 By: Douglass H. Riggs, III
 Professional Land Surveyor
 Md. Reg. No. 10712

OWNER'S CERTIFICATE

Jewell Baker Duloney, Richard Gregory Baker and Marsha Baker Lamborne, owners of the property shown hereon, hereby adopt 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 of 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 by set a registered Maryland Land Surveyor, in accordance with Section 50-24(e)(2) of the Montgomery County Code.

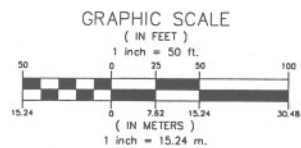
There are no suits, liens, leases, mortgages, or trusts, affecting the property included in this plot of resubdivision.

Date _____ Jewell Baker Duloney
 Date _____ Richard Gregory Baker
 Date _____ Marsha Baker Lamborne

SUBDIVISION RECORD PLAT
 LOTS 43 & 44, BLOCK D
 A RESUBDIVISION OF LOTS 13 & 14, Block D
 SYCAMORE ACRES
 ELECTION DISTRICT No. 2
 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1" = 50' JUNE, 2006

PLAT TABULATION

Number of Lots	=	2
Area of Lots	=	98,000 sq. ft.
Total Area	=	98,000 square feet or 2.24976 acres



I:\052621\mg\18P_20_U1.dwg, 8/23/2006 10:10:50 AM, COPYRIGHT ©2006 MACHRIS, HENDRICKS & GLASCOCK, P.A.

FOR PUBLIC WATER AND SEWER ONLY

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION MONTGOMERY COUNTY PLANNING BOARD APPROVED: _____ CHAIRMAN _____ SECRETARY-TREASURER _____	MONTGOMERY COUNTY, MARYLAND DEPARTMENT OF PERMITTING SERVICES APPROVED: _____ DIRECTOR _____	DATE: _____ Plat No.: _____
---	---	--------------------------------

M.N.C.P. & P.C. RECORD FILE No. _____

RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET

(This form contains 3 pages)

Plat Name: H.M Martins 2nd Add. to Chevy Chase Plat Number: 220062430
 Plat Submission Date: 6/29/06
 DRD Plat Reviewer: T.A. Lam
 DRD Prelim Plan Reviewer: N/A

*For category of minor see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. N/A Checked: Initial TA Date 7/24/06
 Preliminary Plan No. N/A Checked: Initial TA Date 7/24/06
 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 # N/A Road/Alley Widths Easements Open Space N/A Non-standard
 BRLs N/A Adjoining Land Vicinity Map Septic/Wells N/A
 TDR note N/A Child Lot note N/A Surveyor Cert Owner Cert Tax Map
 SPA N/A

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	A. Lindsey	7/18/06	8/4/06	N/C	N/C
Research	Bobby Fleury	↓	↓	7/19/06	OK
SHA	Doug Mills	↓	↓	N/C	N/C
PEPCO	Jose Washington	↓	↓	OK	OK
Parks	Doug Powell	↓	↓	N/C	N/C
DRD	Steve Smith	↓	↓	OK	OK

Final DRD Review:

DRD Review Complete: Initial TA Date 7/25/06
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up): Initial TA Date 8/3/06
 Final Mylar w/Mark-up & PDF Rec'd: Initial TA Date 8/23/06

Board Approval of Plat:

Plat Agenda: Initial TA Date 7/14/06
 Planning Board Approval: _____ Date 9/12/06
 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. _____

RECORD PLAT REVIEW SHEET – MINOR SUBDIVISION SEC-50-35A

Plat Name: H.M. Martins 2nd Add. to Chevy Chase
Plat Number: 220062430
Plat Submission Date: 6/29/06
DRD Plat Reviewer: _____

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: 6/15/06
- e) Sketch plan revised or denied within 10 business days: yes
- f) Final record plat submitted within ninety days: yes
- 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: _____

PLAT NO. 220062430

H.M. Martins 2nd Addition to Chevy Chase

Located on southeast quadrant, intersection of Brookville Road and Turner Street

R-60 zone, 2 lots

Community Water, Community Sewer

Master Plan Area: Bethesda-Chevy Chase

McCullough Residential, LLC, Applicant

M-NCPPC staff and other applicable agencies, as documented on the attached Plat Review Checklist, have reviewed the record plat. This plat involves minor lot line adjustment pursuant to Section **50-35 A (a)(1)** of the Subdivision Regulation, which states:

Minor Lot line Adjustment. The sale or exchange of part of a lot between owners of adjacent lots for the purpose of small adjustments in boundaries; provided:

- e. The total area of the adjustments does not exceed five percent of the combined area of the lots affected by the adjustment;
- f. No additional lots are created;
- g. The adjusted lot line is approximately parallel with the original lot line or, if it is proposed to intersect with the original line, it does not significantly change the shape of the lots involved; and,
- h. The owner submits a sketch plan for review and approval by the Planning Board staff. The sketch plan may be a copy of the existing record plan and must contain the following information:
 - i. proposed lot line adjustment as a dashed line;
 - ii. any buildings, driveways, or other physical improvements located within fifteen feet of the proposed adjusted lot line;
 - iii. any minimum building setback that would be altered by the minor lot line adjustment; and
 - iv. the amount of lot area affected by the minor lot line adjustment.

The sketch plan must be approved, approved with revision or denied, in writing, within ten business days after the plan is submitted or the sketch plan is deemed approved, provided requirements i through iii, above, are met. A final record plat must be submitted to Planning Board staff within ninety days after sketch plan approval or the sketch plan is no longer valid.

Staff applied the above-noted minor subdivision criteria for these lots (shown as lots 86, and 87) and concludes that the proposed minor subdivision complies with the criteria of Section 50-35A (a)(1) of the subdivision regulations and supports this minor subdivision record plat.

NOTES

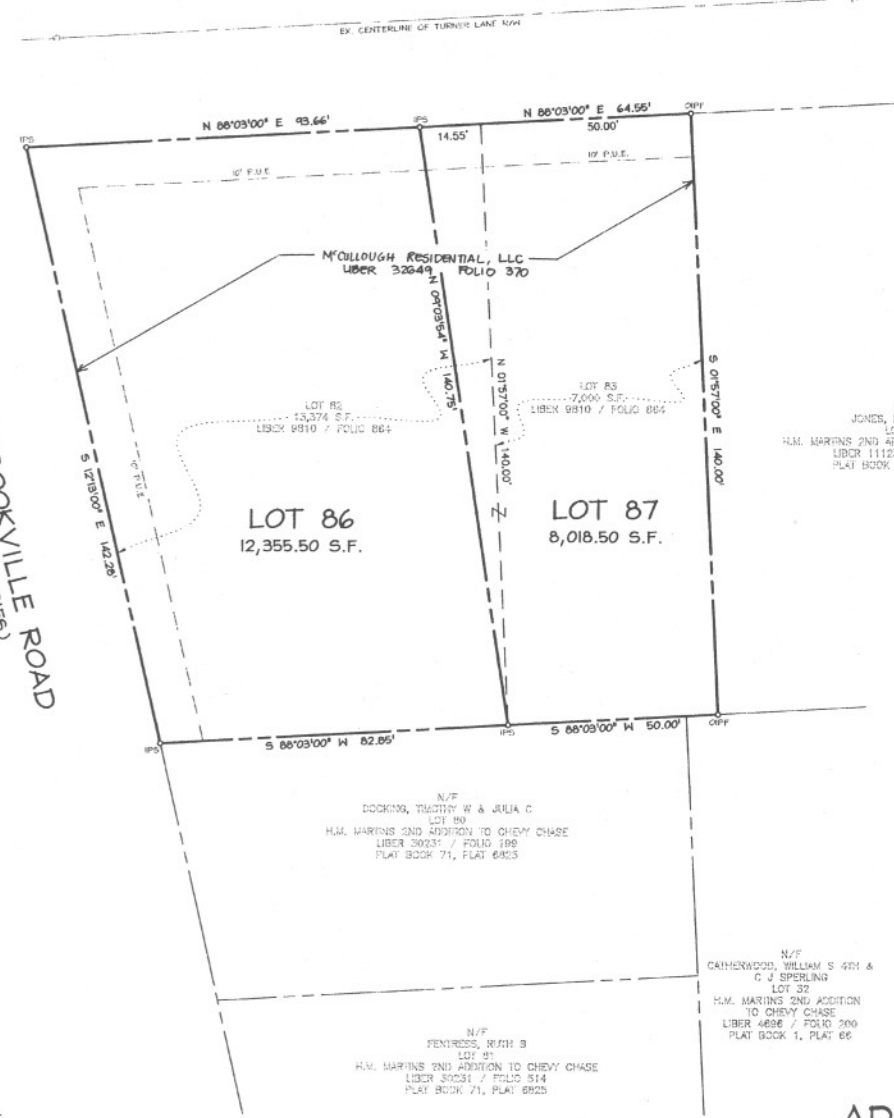
1. WATER CATEGORY: 1 SEWER CATEGORY: 1
2. THE PROPERTY THAT IS THE SUBJECT OF THIS RECORD PLAT IS IN THE R-60 ZONE AS OF THE DATE OF PLAT RECORDATION.
3. IFF/IPS = IRON PIPE FOUND OR IRON PIN SET.
4. THE APPROVAL OF THIS PLAT IS PREDICATED ON THE AVAILABILITY OF PUBLIC WATER AND SEWER.
5. THIS PROPERTY IS SHOWN ON TAX MAP 141 562.
6. THIS PROPERTY IS SHOWN ON H.S.C.C. 200-FOOT SHEET 204 NW 03.
7. ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN, OR OTHER PLAN ALLOWING DEVELOPMENT OF THIS PROPERTY AS APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE UNLESS MODIFIED BY FURTHER ACTION BY THE BOARD. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
8. THIS PLAT CONFORMS TO THE REQUIREMENTS FOR MINOR SUBDIVISION APPROVALS CONTAINED IN SECTION 50-35A OF THE MONTGOMERY COUNTY SUBDIVISION REGULATIONS, BEING CHAPTER 50 OF THE MONTGOMERY COUNTY CODE. THIS PLAT INVOLVES A MINOR LOT LINE ADJUSTMENT, AS PROVIDED FOR IN SECTION 50-36A(1)(i).
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, OF THIS PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.
10. THE PROPERTY SHOWN HEREON IS NOT SUBJECT TO THE REQUIREMENTS OF CHAPTER 22A, MONTGOMERY COUNTY FOREST CONSERVATION LAW.

PLAT No. _____



VICINITY MAP
SCALE: 1" = 200'

TURNER LANE
(50' R/W PER P.B. 1, PLAT 66)



BROOKVILLE ROAD
(R/W VARIES)

OWNER'S CERTIFICATE

WE, McCULLOUGH RESIDENTIAL, 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 "10' P.U.E." TO THOSE PARTIES NAMED IN THE DOCUMENT ENTITLED "DECLARATION OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS", AS RECORDED IN LIBER 3034 AT FOLIO 457 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND. THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES, OR TRUSTS AFFECTING THE PROPERTY SHOWN HEREON, EXCEPT AS INDICATED BELOW.

8-15-06 *Gregory Davis* *Stacie Preston*
DATE WITNESS
GREGORY DAVIS WITNESS
McCULLOUGH RESIDENTIAL, LLC

WE, BRANCH BANKING AND TRUST COMPANY (BBT), HEREBY CONSENT TO THIS PLAN OF SUBDIVISION.
8-18-06 *David Fleming* *Matthew Zell*
DATE WITNESS
DAVID FLEMING WITNESS
SENIOR VICE PRESIDENT

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 MICHAEL J.P. WALTON AND ISABEL GUERRERO UNTO McCULLOUGH RESIDENTIAL, LLC, BY A DEED DATED JUNE 16, 2006, AND RECORDED JUNE 23, 2006 IN LIBER 32649 AT FOLIO 370; ALSO BEING A RESUBDIVISION OF LOTS 82 & 83, H.M. MARTINS 2ND ADDITION TO CHEVY CHASE, AS RECORDED IN PLAT BOOK 156, PLAT 17924, 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 50-24(E) OF THE SUBDIVISION REGULATIONS OF MONTGOMERY COUNTY, MARYLAND.

AUG. 21, 2006 *David John Ritchie*
DATE WITNESS
DAVID JOHN RITCHIE
PROFESSIONAL LAND SURVEYOR
MD REG. NO. 21772

N/F
CAITHERWOOD, WILLIAM S 4TH & C J SHERLING
LOT 32
H.M. MARTINS 2ND ADDITION TO CHEVY CHASE
LIBER 4696 / FOLIO 200
PLAT BOOK 1, PLAT 66

N/F
DOCKING, TIMOTHY W & JULIA C
LOT 80
H.M. MARTINS 2ND ADDITION TO CHEVY CHASE
LIBER 30231 / FOLIO 514
PLAT BOOK 71, PLAT 6825

Department of
Permitting Services
Montgomery County, Maryland
Date: _____
Approved: _____
Director

PLAT TABULATION

NUMBER OF LOTS.....	2
NUMBER OF PARCELS.....	0
AREA OF LOT.....	20,374
AREA OF PARCEL.....	0
AREA OF STREET DEDICATION.....	0
TOTAL AREA.....	20,374 SQ. FT. (0.468 ACRES)

Recorded _____
Plat No. _____

CAS ENGINEERING
CIVIL · SURVEYING · LAND PLANNING
A DIVISION OF CAS ENTERPRISES, INC.
108 West Ridgeville Boulevard, Suite 101, Mount Airy, Maryland 21771
DC Metro (301) 607-8031 FAX (301) 607-8045

SUBDIVISION RECORD PLAT
LOTS 86 & 87
H.M. MARTINS 2ND
ADDITION TO CHEVY CHASE

A RESUBDIVISION OF LOTS 82 & 83
BETHESDA (7TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 20' JUNE, 2006

The Maryland National Capital Park and Planning Commission
Montgomery County Planning Board
Approved: _____
Chairman Aest. Secretary - Treasurer
M.N.C.P. & P.C. Record File No. _____