



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

**MCPB**  
**Item #**  
**03/22/07**

**MEMORANDUM**

**DATE:** March 8, 2007

**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 March 22, 2007

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The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plan and site plan, if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code. Attached are specific recommendations and copies of plat drawings for the record plat. The following plats are included:

220070590 – Wootten Subdivision (1)  
220070750 – Norwood Estates (1)  
220061240 – Greenwich Forest (1)  
220070110 – Kensington Gardens

**PLAT NO. 220070590**

Wootten Subdivision

Located on Sandy Spring Road (MD 198), approximately 200 feet east of Dino Drive  
RC zone; 1 lot 1 Outlot

Private Well, Private Septic

Master Plan Area: Fairland

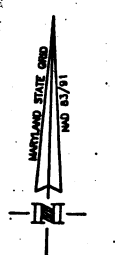
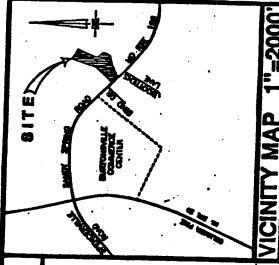
Howard Wootten, Jr., Applicant

This record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Record Plat Review Sheet. Staff has determined that the plat complies with Preliminary Plan No. 120060230, 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.

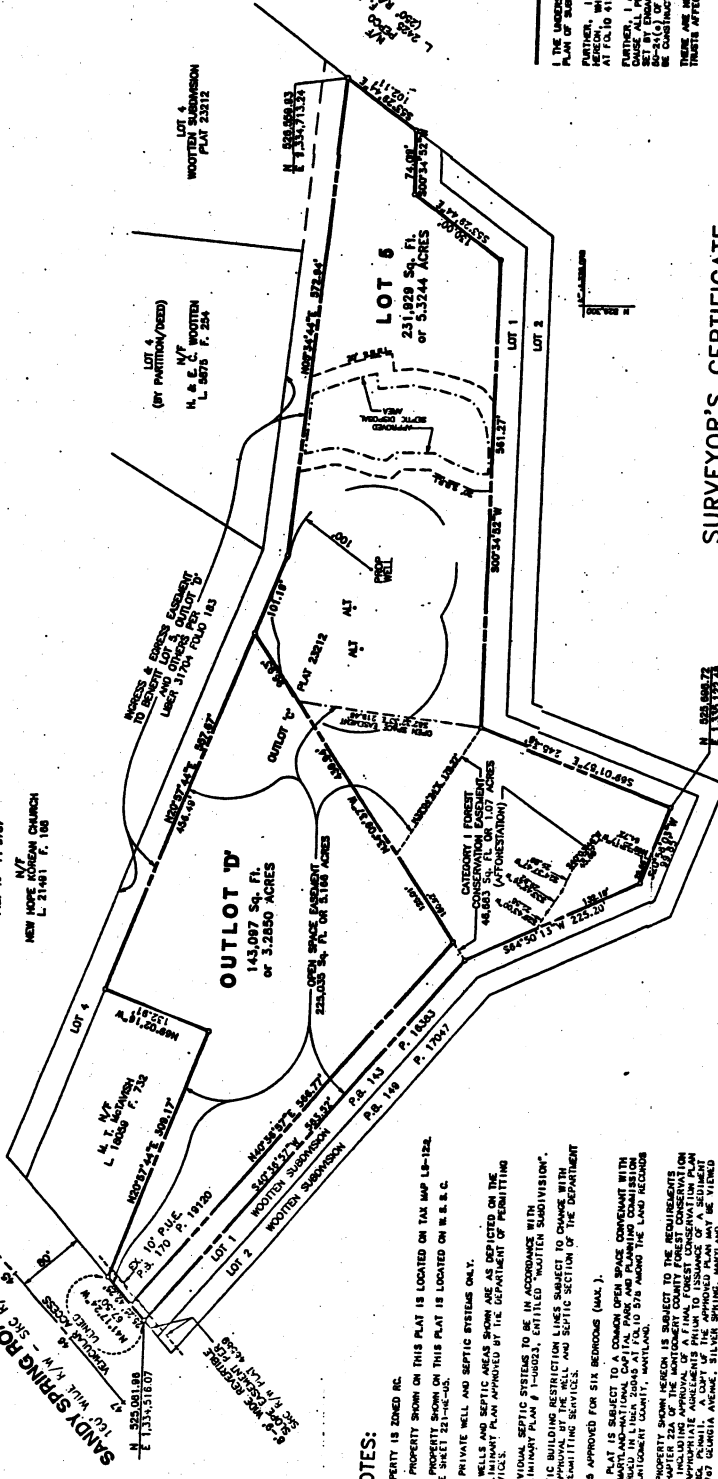


PLAT NO.

PLAT TOTALS	
NUMBER OF LOTS/OUTLOTS	1/1
AREA OF LOTS & OUTLOTS	8.6094 Ac.
AREA OF STREET ENCROACH	0.00000 Ac.
TOTAL AREA THIS PLAT	8.6094 Ac.



LOT 1  
H. T. WOODEN  
L. 1850 P. 725  
NEW HOPE LUTHERAN CHURCH  
L. 21461 P. 108



**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT IT IS A SUBDIVISION OF ALL OF THE LAND DESCRIBED IN A CONVEYANCE FILED IN THE RECORDS OF MONTGOMERY COUNTY, MARYLAND, ON OCTOBER 12, 2001, AND RECORDED IN LINES 1110 THROUGH 1114 OF DEED BOOK 2001-1, MONTGOMERY COUNTY, MARYLAND. I AM A LICENSED SURVEYOR IN MONTGOMERY COUNTY, MARYLAND, AND AM THE AUTHOR OF THIS PLAN. I HAVE CONDUCTED A VISUAL SURVEY OF THE LAND SHOWN ON THIS PLAN AND HAVE FOUND IT TO CONFORM WITH THE RECORDS OF MONTGOMERY COUNTY, MARYLAND.

I FURTHER CERTIFY THAT, IF REQUIRED AS DESCRIBED IN THE OWNER'S CERTIFICATE, THE TOTAL AREA ENCLOSED ON THIS PLAN IS 279,008 SQUARE FEET OR 6.4094 ACRES, NONE OF WHICH IS ENCLOSED TO THIS PLAT.

DATE: 03/07/2007

PROFESSIONAL SEAL AND SIGNATURE OF SURVEYOR

**OWNER'S CERTIFICATE**

I, THE UNDERSIGNED, OWNER OF THE PROPERTY DESCRIBED HEREON, HEREBY ADVICE THIS PLAT OF SUBDIVISION AND ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, SETBACKS, AND TO BE SUBJECT TO THE TERMS OF A DOCUMENT RECORDED IN LIBER 13178 AT F.O. 10 412.

FURTHER, I AS THE OWNER OF THIS SUBDIVISION, BY DEEDS AND ACTIONS, WILL ENSURE ALL PROPERTY CORNER MARKERS AND ANY OTHER MARKERS ARE MAINTAINED IN ACCORDANCE WITH SECTION 80-24(C) OF THE MONTGOMERY COUNTY AND LAND SURVEYING ACT. I WILL BE RESPONSIBLE TO OCCUPANTS OF THE DWELLINGS TO THESE AREAS AND RECORDED BUILT UPON, LINES, LEASERS, EASEMENTS, ETC. THESE AFFECTING THE PROPERTY INCLUDED IN THIS PLAT OF SUBDIVISION.

DATE: 3-25-07

SIGNATURE: Howard L. Wooten

**SUBDIVISION RECORD PLAT**

**LOT 5 and OUTLOT 'D'**

**WOOTEN SUBDIVISION**

COLESVILLE ELECTION DISTRICT NO. 5  
MONTGOMERY COUNTY, MARYLAND

FOWLER ASSOCIATES, INC.  
500 North Washington Street  
Baltimore, Maryland 21201

Montgomery County, Maryland  
Department of Permitting Services

RECORDED \_\_\_\_\_ PLAT NO. \_\_\_\_\_

DATE \_\_\_\_\_

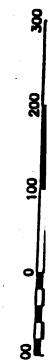
APPROVED \_\_\_\_\_

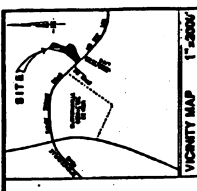
DATE \_\_\_\_\_

CHAIRMAN \_\_\_\_\_ ASST. SECRETARY-TREASURER \_\_\_\_\_

DATE \_\_\_\_\_

FILE NO. \_\_\_\_\_

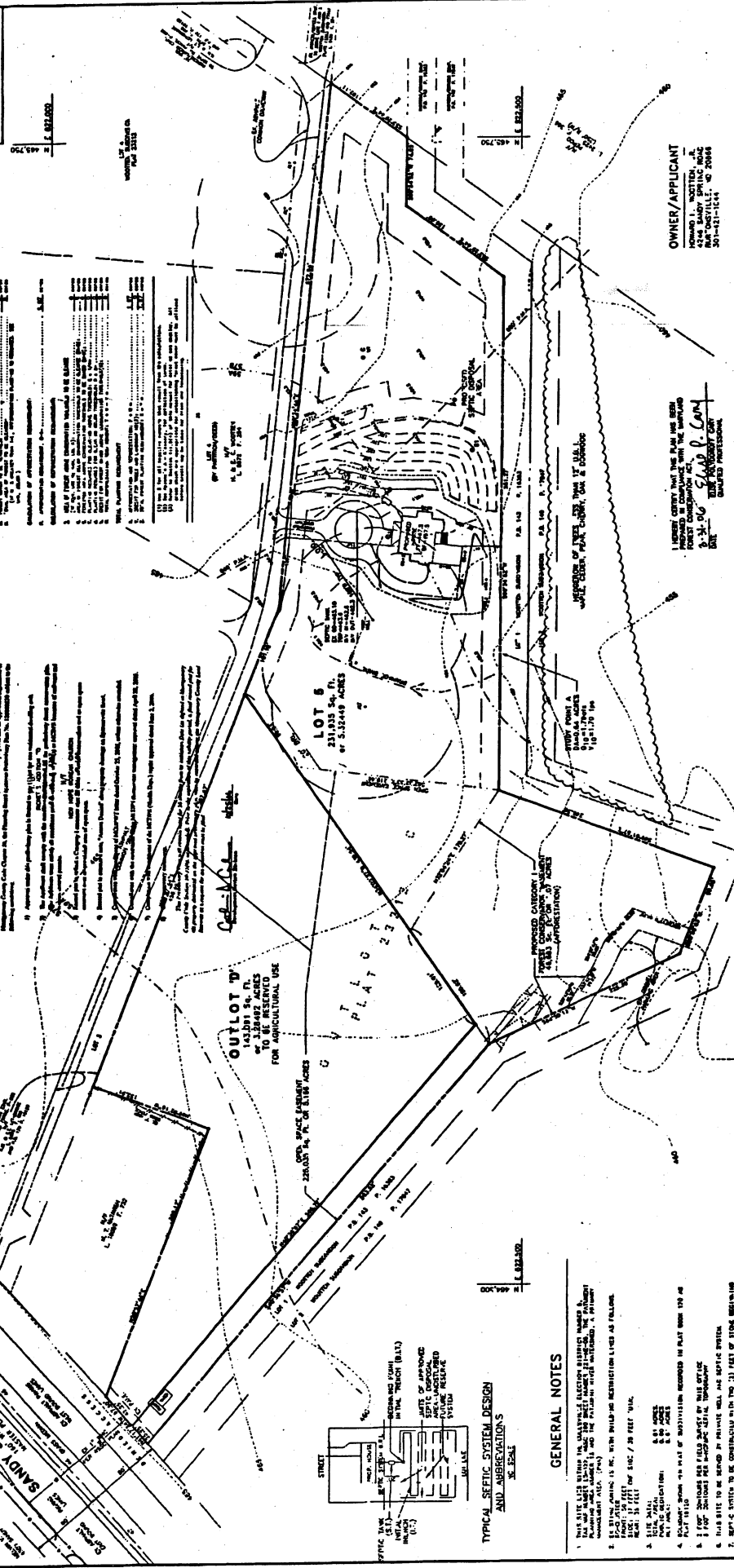




**VICINITY MAP**  
 1" = 4000'  
 443.750' 1" = 4000'  
 443.750'

**GENERAL NOTES**

1. THIS SITE LIES WITHIN THE UNINCORPORATED TOWNSHIP OF SANDY SPRING, HUNTERDON TOWNSHIP, AND THE TOWNSHIP OF SANDY SPRING, HUNTERDON TOWNSHIP, AND THE TOWNSHIP OF SANDY SPRING, HUNTERDON TOWNSHIP.
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10. THE TOWNSHIP OF SANDY SPRING, HUNTERDON TOWNSHIP, AND THE TOWNSHIP OF SANDY SPRING, HUNTERDON TOWNSHIP, ARE SUBJECT TO THE TOWNSHIP ORDINANCES AND REGULATIONS.



**OWNER/APPLICANT**  
 FOWLER ASSOCIATES, INC.  
 CIVIL ENGINEERS & LAND SURVEYORS  
 200 W. 10TH STREET, SUITE 200  
 HUNTERDON TOWNSHIP, NJ 07001

**PRELIMINARY SUBDIVISION AND FOREST CONSERVATION PLAN**  
 PROPOSED LOT 5 AND OUTLOT 'D'  
 A RESUBDIVISION OF OUTLOT 'C'  
 WOOTTEN SUBDIVISION  
 AS RECORDED IN PLAT 23312  
 COLONIAL ELECTRIC DISTRICT NO. 1, HUNTERDON COUNTY, MIDDLESEX COUNTY, NEW JERSEY

**SURVEYOR'S CERTIFICATE**  
 I HEREBY CERTIFY THAT THE PLAN ABOVE DESCRIBED IS AN ACCURATE REPRESENTATION OF THE SURVEY MADE BY ME OR UNDER MY SUPERVISION AND THAT THE SAME IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE NEW JERSEY SURVEYING ACT OF 1968, AS AMENDED.

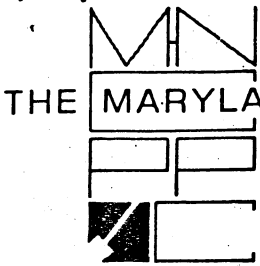
*[Signature]*  
 DATE: 10/15/2008

**SEPTIC SYSTEM DESIGN DATA**

NO.	TYPE	AREA (SQ. FT.)	NO. OF PEOPLE	DESIGN FLOW (GPD)	DESIGN FLOW (MGD)	DESIGN FLOW (MGD)	DESIGN FLOW (MGD)	DESIGN FLOW (MGD)
1	RES.	14,380	1	1700	0.0004	0.0004	0.0004	0.0004
2	RES.	224,000	1	1700	0.0004	0.0004	0.0004	0.0004
3	RES.	231,035	1	1700	0.0004	0.0004	0.0004	0.0004
4	RES.	14,380	1	1700	0.0004	0.0004	0.0004	0.0004
5	RES.	224,000	1	1700	0.0004	0.0004	0.0004	0.0004
6	RES.	231,035	1	1700	0.0004	0.0004	0.0004	0.0004
7	RES.	14,380	1	1700	0.0004	0.0004	0.0004	0.0004
8	RES.	224,000	1	1700	0.0004	0.0004	0.0004	0.0004
9	RES.	231,035	1	1700	0.0004	0.0004	0.0004	0.0004
10	RES.	14,380	1	1700	0.0004	0.0004	0.0004	0.0004

**REVISIONS**

NO.	DATE	DESCRIPTION
1	10/15/2008	ISSUED FOR PERMITS



Date Mailed: OCT 11 2006  
Hearing Date: June 22, 2006  
Action: Approved Staff  
Recommendation  
Motion of Commissioner Bryant,  
seconded by Commissioner Wellington  
with a vote of 4-0;  
Chairman Berlage and Commissioners.  
Bryant, Robinson and Wellington voting  
in favor. Perdue absent.

## MONTGOMERY COUNTY PLANNING BOARD

### OPINION

Preliminary Plan No. 120060230  
NAME OF PLAN: Wooten Subdivision

*The date of this written opinion is OCT 11 2006 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).*

#### INTRODUCTION

On August 18, 2005, Howard L. Wooten, Jr. ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the Rural Cluster (RC) zone. The application proposed to create one (1) lot on 8.61 acres of land located on the north side of Sandy Spring Road, approximately 150 feet east of Dino Drive, in the Fairland Master Plan ("Subject Property"). The application was designated Preliminary Plan No. 120060230 ("Preliminary Plan"). On June 22, 2006, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.

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

### **SITE DESCRIPTION**

The Subject Property, Outlot C, contains 8.61 acres and is zoned Rural Cluster. The site has frontage on Spencerville Road (MD 198) and is in the Fairland Master Plan area. Access to the site is currently allowed on a shared driveway that also serves 5 other homes.

The Subject Property is in the Lower Patuxent, a Use I-P watershed that drains to the Rocky Gorge Reservoir and is within the Patuxent River Primary Management Area ("PMA"). Topography is rather flat; there are no streams or forest on the property.

### **PROJECT DESCRIPTION**

This Preliminary Plan proposes to create one (1) lot for the construction of a one-family detached dwelling unit. The application proposes using the cluster method of development, which requires that 60% of the site remain as open space. This plan anticipates a 5.3-acre lot and a new 3.3-acre outlot. A portion of the proposed lot will be placed in a Category I forest conservation easement. An open space easement will be placed on the entire outlot and a small portion of the proposed lot. The Applicant has signed an Agricultural Declaration of Intent and proposes to continue agricultural activities on the front (southern) portions of the Subject Property, including all of the outlot. The site is partially within the Patuxent PMA, which carries with it a 10% imperviousness limitation. The plan is well under the 10% limitations.

Access to the new lot will be to Spencerville Road via an existing, shared driveway. There is an existing easement agreement between six property owners that allows for the use and maintenance of the driveway between the parties. The Subject Property is included in the easement agreement. SHA has informed staff that they do not object to the proposed lot using the driveway. Fire and Rescue has also reviewed and approved the access to the proposed lot.

## **MASTER PLAN COMPLIANCE**

The Fairland Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations to maintain the low density, residential character of the Patuxent area, which this plan does.

## **ENVIRONMENTAL COMPLIANCE**

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD #4-05263) was approved on April 29, 2005. Aside from the Patuxent River PMA, the 11.35 acre site has no streams, stream buffers or forest.

### **Forest Conservation**

The Applicant submitted a preliminary forest conservation plan for the non-agricultural portions of the Subject Property as part of the Preliminary Plan. Under Section 22A-12(f) of the Montgomery County Code, properties in agricultural resource areas must plant or retain a certain percentage of forest on-site. Since there is no forest on this site, the Applicant will meet the afforestation threshold by planting 1.07 acres of forest on the Subject Property. This forest will be permanently protected by a Category I forest conservation easement.

## **STAFF RECOMMENDATION**

Staff found that the Preliminary Plan conforms to the Fairland Master Plan, meets all necessary requirements of the Subdivision Regulations and Zoning Ordinance. As such, Staff recommended approval of the Preliminary Plan subject to conditions.

## **FINDINGS**

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

- a) The Preliminary Plan No. 120060230 substantially conforms to the Fairland Master Plan.

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



- b) Public facilities will be adequate to support and service the area of the proposed subdivision.

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- c) The size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) 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. 120060230 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060230 subject to the following conditions:

- 1) Approval under this preliminary plan is limited to one (1) lot for one residential dwelling unit.
- 2) The Applicant shall comply 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 forest conservation and an open space easement over all remaining area of open space.
- 4) Record plat to contain a note, "Access Denied" along property frontage on Spencerville Road.
- 5) Compliance with conditions of MCDPWT letter dated October 25, 2005, unless otherwise amended.
- 6) Compliance with the conditions of the MCDPS stormwater management approval dated April 28, 2005.

7) Compliance with conditions of the MCDPS (Health Dept.) septic approval dated June 2, 2006.

8) Other necessary easements.

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

\* \* \* \* \*

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGALITY  
DYB 2/8/06  
M-NCP

**CERTIFICATION OF BOARD VOTE ADOPTING OPINION**

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At its regular meeting, held on **Thursday September 14, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Bryant seconded by Commissioner Wellington, by a vote of 3-2, with Commissioners Bryant, Wellington, and Robinson present and voting in favor of the motion, and Chairman Hanson and Vice Chair Perdue abstaining, **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. 120060230, Wooten Subdivision.**



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Certification As To Vote of Adoption  
M. Clara Moise, Technical Writer

**PLAT NO. 220070750**

Norwood Estates

Located on Bryants Nursery Road, approximately 1000 feet northeast of Norwood Road

RE-2 zone; 2 lots

Private Well, Private Septic

Master Plan Area: Cloverly

Duc Dam, Sung Song, Joe Song, Chi Truong. Applicant

This record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Record Plat Review Sheet. Staff has determined that the plat complies with Preliminary Plan No. 120060720, 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: Boyant's Nursery Rd Plan Number: 120060720  
 Plat Name: Norwood Estates Plat Number: 220070750  
 Plat Submission Date: 11/29/06  
 DRD Plat Reviewer: PW/TA  
 DRD Prelim Plan Reviewer: Cathy London

**Initial DRD Review:**

Signed Preliminary Plan - Date 8/23/06 Checked: Initial Dml Date 1/2/07  
 Planning Board Opinion - Date 7/13/06 Checked: Initial PW Date 12/13/06  
 Site Plan Req'd for Development? Yes      No  Verified By: PW (initial)  
 Site Plan Name:      Site Plan Number:       
 Planning Board Opinion - Date      Checked: Initial      Date       
 Site Plan Signature Set - Date      Checked: Initial      Date       
 Site Plan Reviewer Plat Approval: Checked: Initial      Date     

Review Items: Lot # & Layout  Lot Area  Zoning  Bearings & Distances   
 Coordinates  Plan #  Road/Alley Widths  Easements  Open Space NA  
 Non-standard BRLs NA Adjoining Land  Vicinity Map  Septic/Wells   
 TDR notes NA Child Lot note NA Surveyor Cert  Owner Cert  Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>A. Wincey</u>	<u>12/7/06</u>	<u>1/22/07</u>	<u>NC</u>	<u>NC</u>
Research	<u>Bobby Fleury</u>			<u>12/22</u>	<u>see sheet</u>
SHA	<u>Doug Mills</u>			<u>NC</u>	<u>NA</u>
PEPCO	<u>Steve Baxter</u>			<u>NC</u>	<u>OK</u>
Parks	<u>Doug Powell</u>			<u>NC</u>	<u>NA</u>
DRD	<u>Steve Smith</u>			<u>12/22</u>	<u>see sheet</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>TA</u>	<u>3/5/07</u>
<u>TA</u>	<u>1/2/07</u>
<u>TA</u>	<u>2/29/07</u>

**Board Approval of Plat:**

Plat Agenda: TA 3/22/07  
 Planning Board Approval:       
 Chairman's Signature:     

**DPS Approval of Plat:**

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

**Plat Reproduction:**

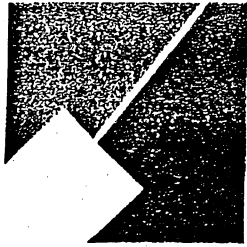
Addressing:       
 File Card Update:       
 Final Zoning Book Check:       
 Update Address Books with Plat #:       
 Update Green Books for Resubdivision:       
 Notify Engineer to Seal Plats:       
 Engineer Seal Complete:       
 Complete Reproduction:       
 Sent to Courthouse for Recordation:     

No.





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

RECEIVED  
JUL 17 2006

Date Mailed: JUL 13 2006  
Hearing Date: June 1, 2006  
Action: Approved Staff Recommendation  
Motion of Commissioner Wellington,  
seconded by Commissioner Bryant, with a  
vote of 5-0;  
Chairman Berlage and Commissioners  
Bryant, Perdue, Wellington, and Robinson  
voting in favor

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 120060720  
NAME OF PLAN: Bryant's Nursery Road

INTRODUCTION

The date of this written opinion is JUL 13 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).

On 1/12/06, Atlantic Heritage Construction, LLC ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the RE-2 zone. The application proposed to create 2 lots on 8.05 acres of land located on the northwest side of Bryant's Nursery Road, approximately 200 feet northwest of the intersection with Holly Grove Road, in the Cloverly master plan area. The application was designated Preliminary Plan 120060720 ("Preliminary Plan"). On 6/01/06, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.



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

### **SITE DESCRIPTION**

Part of Parcel 125 is located on the northwest side of Bryant's Nursery Road, approximately 200 feet northwest of the intersection with Holly Grove Road. ("Subject Property"). The Subject Property contains 8.05 acres and is zoned RE-2.

### **PROJECT DESCRIPTION**

This is a preliminary plan of subdivision to create two (2) lots for the construction of two (2) one-family detached dwelling units. The proposed lots will be served by private well and standard private septic. Access to the Subject Property will be via a shared driveway from Bryants Nursery Road.

### **MASTER PLAN COMPLIANCE**

The Cloverly Master Plan did not specifically address the Subject Property but did provide general guidance and recommendations for development patterns and density. These recommendations were designed to provide a transition between the suburban areas to the east and the agricultural areas to the west and to protect Darnestown's residential character. The Master Plan confirmed the RE-2 zoning, and the current preliminary plan comports with the RE-2 zone development standards.

### **TRANSPORTATION**

#### **Site Location, Access, Circulation, and Transportation Facilities**

The Subject Property is located along Bryants Nursery Road, to the south of Norbeck Road Extended. Access to the proposed dwelling units is proposed from Bryants Nursery Road, which is designated as a rustic road between Norwood Road and New Hampshire Avenue (MD 650).

### Master Plan Roadways and Pedestrian/Bikeway Facilities

The Approved and Adopted 1997 *Cloverly Master Plan* includes the following nearby master-planned roadway, bikeway, and pedestrian facilities:

1. Norbeck Road Extended, as an east-west two to four-lane major highway (M-18) with a minimum right-of-way width of 150 feet between Layhill Road to the west and MD 650 to the east, with a proposed rural streetscape and a Class I bikeway (PB-33); also a dual bikeway (DB-21; i.e., a shared-use path and bike lane) in the Countywide Bikeways Functional Master Plan. This roadway connects Norbeck Road (MD 28) with Spencerville Road (MD 198).
2. Bryants Nursery Road, between Norwood Road to the southwest and MD 650 to the northeast, as a rustic road.

### Local Area Transportation Review

The Preliminary Plan, consisting of two single-family detached dwelling units, will generate less than 30 total peak hour trips during the weekday morning (6:30 a.m. - 9:30 a.m.) and evening (4:00 p.m. - 7:00 p.m.) peak periods (two total peak hour trips, respectively). Therefore, the subject development is not required to satisfy Local Area Transportation Review.

### Cohasset Drive

Cohasset Drive, which terminates at the southern edge of the Subject Property, was originally recommended by the Department of Public Works and Transportation (DPWT) for dedication as a cul-de-sac. If the cul-de-sac were dedicated, it would encroach into the stream valley buffer. Staff's evaluation of the preliminary plan balanced the need to protect the natural environment with the access issue and determined that the extension of the Cohasset Drive cul-de-sac is not necessary.

### ENVIRONMENT

The 10.14-acre site lies within the Northwest Branch watershed (Use IV waters). The Bryant's Nursery Tributary of Northwest Branch traverses through the western portion of the site. The stream's floodplain, a small wetland, and the environmental buffer for the stream and wetland also lie within the site. The environmental buffer encompasses 6.11 acres of the site, of which 3.13 acres are in forest cover. The forest is a bottomland, mixed hardwood stand dominated by red maple and sycamore. White ash, tulip poplar, and black walnut are also common trees in the forest.

The eastern portion of the property includes individual trees, some of which are of specimen size. There are also large and specimen size trees adjacent to the Subject Property on Parcel 251. One offsite tree is a 62" black gum.

### Forest Conservation

The preliminary forest conservation plan proposes to retain all of the existing forest (4.03 acres), which would be placed in a Category I conservation easement. The conservation easement would lie within proposed Lot 1.

Staff found that the forest retention area is configured so that there is enough separation between the proposed house for Lot 1 and the conservation easement to allow for usable yard areas on the lot. Staff recommended that permanent markers, such as permanent fences or signs, be installed along the conservation easement boundary so that the lot owner is aware of the location of the conservation easement.

The preliminary forest conservation plan includes a tree protection component for large trees that are proposed to be retained onsite and adjacent to the site. Two specimen trees on the site are proposed for removal because the house and septic field for proposed Lot 1 would be located near or over these trees. The proposed driveway and ingress/egress/utility easement to serve Lot 1 has been configured to protect several large and specimen trees on and off the site. Staff found that the proposed limits of disturbance will adequately protect these specific trees and recommended that a final tree save plan be part of the final forest conservation plan. The final tree save plan would identify additional tree care measures, if needed, for those specimen trees that are proposed for retention. In addition, staff recommended that potential impacts to trees on adjacent Lot 19 be identified by the Applicant's arborist and that the affected property owner be notified of these possible impacts.

Staff found that the preliminary forest conservation plan, with staff's recommended conditions, met the requirements of the County Forest Conservation Law.

### Environmental Buffers

The environmental buffer is located on proposed Lot 1. The buffer and the forest within the buffer area are to be protected with a Category I conservation easement. In addition, staff recommended against the dedication of right-of-way for a potential cul-de-sac for Cohasset Drive. The cul-de-sac would not serve any existing or proposed development and would involve filling in sections of streams and loss of priority forest.

## STAFF RECOMMENDATION

Staff found that the Preliminary Plan conforms to the Cloverly Master Plan and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommended approval of the Preliminary Pan, subject to conditions.

## FINDINGS

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

- a) The Preliminary Plan No. 120060720 substantially conforms to the Cloverly Master Plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- 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.

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

### CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120060720 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060720, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two (2) residential lots for the construction of two (2) one-family detached dwelling units.
- 2) Forest retention areas and environmental buffers to be placed in Category I conservation easement. Easement to be shown on record plat.
- 3) Do not extend Cohasset Drive right-of-way into the environmental buffer on the site.
- 4) Compliance with the conditions of approval of the preliminary forest conservation plan. Conditions include, but are not limited to, the following:
  - a. Revise the preliminary forest conservation plan to indicate that 1.22 acres of existing forest and up to 2.98 acres of newly planted forest within the conservation easement may be used as a forest mitigation bank subject to M-NCPPC staff approval of a plan for planting and/or managing for natural regeneration.
  - b. Final forest conservation plan to include permanent markers (such as permanent fences or signs) to clearly identify boundaries of the Category I conservation easement.
  - c. Final forest conservation plan to include a final tree save plan that covers additional tree care measures for individual specimen trees proposed for retention and that identifies trees on Lot 19 that may be impacted. The applicant shall notify the affected property owner on Lot 19 of such impacts.
- 5) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 6) Access and improvements as required to be approved by SHA prior to issuance of access permits.
- 7) The Applicant shall comply as requested by the Maryland State Highway Administration (SHA) in the letter dated May 18, 2006:
  - a. For Norbeck Road Extended: the Applicant shall place in reservation the area shown on Attachment No. 2 in the Transportation Planning memo ("Reservation Area B") until a final Record of Decision for the MD 28/MD

198 Corridor Improvement Study is issued by the FHWA, and that Record of Decision does not include Reservation Area B, or any portions thereof, within the final Norbeck Road Extended/MD 28/MD 198 alignment.

- 8) At least 90 days prior to submission of any building or construction permit for the subject development, the applicant shall provide a certified written notice to SHA, Engineering Access Permits, Division Office of Highway Development regarding applicant's intent to proceed forward with the proposed development on the site. The applicant shall concurrently send a copy of this letter to the Maryland-National Capital Park and Planning Commission, c/o Chief, Transportation Planning.
- 9) The Applicant shall locate all site improvements outside of Reservation Area B until the reservation requirements (according to Condition 7 above) for Norbeck Road Extended/MD 28/MD 198 are met.
- 10) The final record plat shall delineate Reservation Area B. The extent of reservation shown on the final record plat shall conform to those limits requested/identified by SHA per Attachment No. 2 in the Transportation Planning memo.
- 11) Consistent with the 1997 Approved and Adopted *Cloverly Master Plan*, dedicate and show on the final record plat right-of-way along Bryants Nursery Road that provides for a minimum of either 35 feet from the roadway centerline, or 70 feet from the opposite roadway right-of-way line.
- 12) Limit future development on the property as part of this preliminary plan to a maximum of two single-family detached dwelling units, which shall be served by a single shared access driveway off Bryants Nursery Road.
- 13) Compliance with conditions of DPWT letter dated, April 13, 2006, unless otherwise amended.
- 14) Compliance with the conditions of the MCDPS stormwater management approval dated January 10, 2006.
- 15) Compliance with conditions of the MCDPS (Health Dept.) septic approval dated October 20, 2005.
- 16) Other necessary easements.

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

\* \* \* \* \*

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL SUFFICIENCY

DMD 6/26/06  
M-NCPPC LEGAL DEPARTMENT

**CERTIFICATION OF BOARD ADOPTION OF OPINION**

At its regular meeting, held on **Thursday, June 29, 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 120060720, Bryant's Nursery Road**. Commissioner Wellington was absent.



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



**PLAT NO. 220061240**

Greenwich Forest

Located on Lambeth Road, approximately 100 feet east of Overhill Road

R60 zone; 1 lot

Community Water, Community Sewer

Master Plan Area: Bethesda - Chevy Chase

Frederick Lybrand & Ann Fowler, 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 lot 6 and part of lot 7) and concludes that the proposed minor subdivision complies with the criteria of Section 50-35A (a)(3)b of the subdivision regulations and supports this minor subdivision record plat.

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

Plat Name: Greenwich Forest  
Plat Number: 22006124  
Plat Submission Date: 12/14/05  
DRD Plat Reviewer: Taslima Alam

Select which Category of Minor Subdivision and fill information as required

Requirements under Sec 50-35A (A)

(1) Minor Lot Adjustment

- a) Total area does not exceed 5% of combined area affected: \_\_\_\_\_
- b) No additional lots created: \_\_\_\_\_
- c) Adjusted line is approximately parallel/does not significantly change shape of the lots: \_\_\_\_\_
- d) Date sketch plan submitted: \_\_\_\_\_
- e) Sketch plan revised or denied within 10 business days: \_\_\_\_\_
- f) Final record plat submitted within ninety days: \_\_\_\_\_
- g) Sketch shows following information:
  - i. proposed lot adjustment: \_\_\_\_\_
  - ii. physical improvements within 15 feet of adjusted line: \_\_\_\_\_
  - iii. alteration to building setback: \_\_\_\_\_
  - iv. amount of lot area affected: \_\_\_\_\_

(2) Conversion of Outlot into a Lot

- a) Outlot not required for open space or otherwise constrained: \_\_\_\_\_
- b) Adequate sewerage and water service/public or private: \_\_\_\_\_
- c) Adequate public facilities and AGP satisfied: \_\_\_\_\_
- d) Any conditions/agreements of original subdivision: \_\_\_\_\_
- e) Special Protection Area, Water Quality Plan required: \_\_\_\_\_

(3) Consolidation Of Two of More Lots

- a) Any prior subdivision conditions: \_\_\_\_\_
- b) Part of lot created by deed prior to June 1 1958: ✓ (Created by plat)

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

**Initial Review:**

Review Items: Lot # & Layout \_\_\_\_\_ Lot Area \_\_\_\_\_ Zoning \_\_\_\_\_ Bearings & Distances \_\_\_\_\_  
 Coordinates \_\_\_\_\_ Plan # \_\_\_\_\_ Road/Alley Widths \_\_\_\_\_ Easements \_\_\_\_\_ Open Space \_\_\_\_\_  
 Non-standard BRLs \_\_\_\_\_ Adjoining Land \_\_\_\_\_ Vicinity Map \_\_\_\_\_ Septic/Wells \_\_\_\_\_  
 TDR note \_\_\_\_\_ Child Lot note \_\_\_\_\_ Surveyor Cert \_\_\_\_\_ Owner Cert \_\_\_\_\_ Tax Map \_\_\_\_\_  
 SPA \_\_\_\_\_

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment					
Research	Bobby Fleury				
SHA	Doug Mills				
PEPCO	Jose Washington				
Parks	Doug Powell				
DRD	Steve Smith				

**Final DRD Review:**

DRD Review Complete: \_\_\_\_\_  
 (All comments rec'd and incorporated into mark-up)  
 Engineer Notified (Pick up Mark-up): \_\_\_\_\_  
 Final Mylar w/Mark-up & 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**

**Date**

No. \_\_\_\_\_

## RECORD PLAT REVIEW SHEET

Plat Name: Brookmont      Plat File Number: 2-06041  
 Submission Date: 9/16/05      Due Date: \_\_\_\_\_  
 DRD Plat Reviewer: TA      DRD Prelim. Plan Reviewer: \_\_\_\_\_

**Initial DRD Review:**

Signed Preliminary Plan:      Date \_\_\_\_\_      Checked: Initial \_\_\_\_\_      Date \_\_\_\_\_  
 Planning Board Opinion:      Date \_\_\_\_\_      Checked: Initial \_\_\_\_\_      Date \_\_\_\_\_  
 Site Plan Required For this 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 \_\_\_\_\_  
 Lot #'s & Layout \_\_\_\_\_ Lot Area \_\_\_\_\_ Zoning \_\_\_\_\_ Bearings & Distances \_\_\_\_\_ Coordinates \_\_\_\_\_ Plan # \_\_\_\_\_  
 Road/Alley Widths \_\_\_\_\_ Easements \_\_\_\_\_ Open Space \_\_\_\_\_ Non-standard BRLs \_\_\_\_\_ Adjoining Land \_\_\_\_\_  
 Vicinity Map \_\_\_\_\_ Septic/Wells \_\_\_\_\_ TDR note \_\_\_\_\_ Surveyor Cert. \_\_\_\_\_ Owner Cert. \_\_\_\_\_ Tax Map \_\_\_\_\_  
 Child Lot Note \_\_\_\_\_  
 Site Plan Reviewer Plat Approval:      Checked \_\_\_\_\_      Initial \_\_\_\_\_      Date \_\_\_\_\_

Agency Reviews Req'd	Reviewer	Date Sent	Date DUE	Date Rec'd	Comments
Envir.	S. Pedernine	9/21/05	10/10/07	10/20/05	No comments
Research	Bobby Fleury	"	↓	9/22/07	OK
St. Hwy.	Doug Mills	"	↓	NC	NC
DPS	Granville Campbell	"	↓	NA	NA
PEPCO	Jose Washington	"	↓	NC	OK
Parks	Doug Powell	"	↓	NC	NA
DRD	Steve Smith	✓		10/15/05	see mark up

**Final DRD Plat Review:**

DRD Review Complete:      Initial TA      Date 1/10/05  
 (All comments rec'd and incorporated into mark-up)  
 Engineer Notified - (Pick up Mark-up):      Initial TA      Date 1/10/05  
 Final Mylar w/Mark-up & PDF Rec'd.:      Initial TA      Date 2/28/07  
**Board Approval of Plat:**  
 Plat Agenda:      Initial TA      Date 3/22/07  
 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: \_\_\_\_\_      Initial \_\_\_\_\_      Date \_\_\_\_\_  
 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: \_\_\_\_\_  
 Send to Courthouse for Recordation: \_\_\_\_\_

No. \_\_\_\_\_



**PLAT NO. 220070110**

Kensington Gardens

Located on Everett Street, approximately 225 feet east of Connecticut Avenue

R-90 zone; 1 lot

Community Water, Community Sewer

Master Plan Area: Kensington Wheaton

Peter and Monica Haley, 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:

- c. 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.
- d. 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 lot 7) and concludes that the proposed minor subdivision complies with the criteria of Section 50-35A (a)(3)b of the subdivision regulations and supports this minor subdivision record plat.

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

Plat Name: Kensington Gardens  
Plat Number: 220070110  
Plat Submission Date: 7/20/06  
DRD Plat Reviewer: Taslima Abm

Select which Category of Minor Subdivision and fill information as required

Requirements under Sec 50-35A (A)

(1) Minor Lot Adjustment

- a) Total area does not exceed 5% of combined area affected: \_\_\_\_\_
- b) No additional lots created: \_\_\_\_\_
- c) Adjusted line is approximately parallel/does not significantly change shape of the lots: \_\_\_\_\_
- d) Date sketch plan submitted: \_\_\_\_\_
- e) Sketch plan revised or denied within 10 business days: \_\_\_\_\_
- f) Final record plat submitted within ninety days: \_\_\_\_\_
- g) Sketch shows following information:
  - i. proposed lot adjustment: \_\_\_\_\_
  - ii. physical improvements within 15 feet of adjusted line: \_\_\_\_\_
  - iii. alteration to building setback: \_\_\_\_\_
  - iv. amount of lot area affected: \_\_\_\_\_

(2) Conversion of Outlot into a Lot

- a) Outlot not required for open space or otherwise constrained: \_\_\_\_\_
- b) Adequate sewerage and water service/public or private: \_\_\_\_\_
- c) Adequate public facilities and AGP satisfied: \_\_\_\_\_
- d) Any conditions/agreements of original subdivision: \_\_\_\_\_
- e) Special Protection Area, Water Quality Plan required: \_\_\_\_\_

(3) Consolidation Of Two of More Lots

- a) Any prior subdivision conditions: \_\_\_\_\_
- b) Part of lot created by deed prior to June 1 1958: \_\_\_\_\_

(4) Further Subdivision of Commercial/Industrial/Multi-Family Lot  
Any subdivision/conditions; APF agreement satisfied: \_\_\_\_\_

(5) Plat of Correction

- a) All owners and trustees signed: \_\_\_\_\_
- b) Original Plat identified: \_\_\_\_\_

(6) Plats for Residentially Zoned Parcels Created by Deed prior to June 1958

- a) Deed(s) submitted: \_\_\_\_\_
- b) Developable with only one single family detached unit: \_\_\_\_\_

(7) Plat for Existing Places of Worship, Private Schools, Country Club, Private Institution, and Similar Uses located on Unplatted Parcels

- a) Adequate Public Facilities satisfied: \_\_\_\_\_
- b) Street dedication required: \_\_\_\_\_
- c) Forest conservation: \_\_\_\_\_
- d) Storm-water-management: \_\_\_\_\_
- e) Special Protection Area/Water Quality Plan: \_\_\_\_\_
- f) Landscaping and lighting plan including parking lot layout: \_\_\_\_\_

g) Approved Special Exception: \_\_\_\_\_

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

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

**Initial Review:**

Review Items: Lot # & Layout  Lot Area  Zoning  Bearings & Distances   
 Coordinates NA Plan # NA Road/Alley Widths  Easements  Open Space NA  
 Non-standard BRLs NA Adjoining Land  Vicinity Map  Septic/Wells NA  
 TDR note NA Child Lot note NA Surveyor Cert  Owner Cert  Tax Map   
 SPA NA

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	A. Lindsey	7/27/06	8/11/06	NC	NA
Research	Bobby Fleury			7/28/06	OK
SHA	Doug Mills			NC	NC
PEPCO	Jose Washington			NC	OK
Parks	Doug Powell			NC	NA
DRD	Steve Smith			9/3/07	OK

**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
JA	3/5/07
JA	9/11/06
JA	3/2/07
JA	3/22/07

**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. \_\_\_\_\_



PLAT NO.

OWNERS' CERTIFICATE

WE, PETER R. AND MONICA R. HALEY, OWNERS OF THE PROPERTY, SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND ESTABLISH THE TEN (10) FOOT PUBLIC UTILITY EASEMENT SHOWING HEREON, FOR THE PARTS HEREIN NAMED IN THE DOCUMENT ENTITLED "DECLARATION OF COVENANTS AND PROVISIONS OF PLANNED RESIDENTIAL DEVELOPMENT RECORDED IN LIBER 3634 AT FOLIO 457 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

THERE ARE NO LEASES, LIENS OR TRUSTS ON THE PROPERTY INCLUDED ON THIS PLAN OF SUBDIVISION EXCEPT FOR A CERTAIN DEED OF TRUST HELD BY SEVERN SAVINGS BANK AND THE PARTIES OF INTEREST THEREIN HEREBY ASSENT TO THIS PLAN OF SUBDIVISION.

DATE 2/23/07

PETER R. HALEY, OWNER

DATE 2/23/07

MONICA R. HALEY, OWNER

ALAN J. WATT, PRESIDENT SEVERN SAVINGS BANK

WE HEREBY ASSENT TO THIS PLAN OF SUBDIVISION.

GENERAL NOTES

- 1. 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 UNLESS MODIFIED BY FURTHER ACTIONS 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.
2. THIS PLAN CONFORMS WITH REQUIREMENTS FOR MINOR SUBDIVISION APPROVED BY COUNTY AND M.S.C. REG. 150-35-A OF THE MONTGOMERY COUNTY SUBDIVISION RECORDS BEING CHAPTER 50 OF THE COUNTY CODE. THIS PLAN INVOLVES A CONSOLIDATION OF TWO OR MORE LOTS OR PARTS OF LOTS INTO ONE LOT AS PROVIDED FOR IN SECTION 50-35 A (c)(3).
3. THIS SUBDIVISION RECORD PLAN IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER AFFECTING THE SUBDIVISION RECORD PLAN IS NOT INTENDED TO REFLECT THE EXAMINATION OF TITLE OR TO DEPEND OR NOTE ALL MATTERS AFFECTING TITLE.
4. THERE IS NO ADDITIONAL DEDICATION TO PUBLIC USE PER THIS PLAN.

- 5. THE APPROVAL OF THIS PLAN IS PREDICATED ON THE ADEQUACY AND AVAILABILITY OF PUBLIC WATER AND SEWER.
6. THIS PROPERTY IS CURRENTLY ZONED R-90.
7. ALL EXISTING AND PROPOSED DEVELOPMENT ON THIS PROPERTY IS SUBJECT TO THE STANDARDS UNDER MONTGOMERY COUNTY ZONING ORDINANCE R-90 ZONE, EXCEPT THAT THE SIDE BUILDING RESTRICTION LINE CAN CONFORM TO THE ZONING DEVELOPMENT STANDARDS IN EFFECT AT THE TIME OF THE ORIGINAL PLAN RECORDATION.
8. THE EXISTING SINGLE FAMILY DWELLING ON THE LOT SHOWN AS LOT 14 DEPICTED ON THIS RECORD PLAN CONFORMS TO REQUIREMENTS OF SECTION 59-8-5.3 OF THE MONTGOMERY COUNTY ZONING ORDINANCE. THE EXISTING DWELLING MAY BE ALTERED, RENOVATED OR REBUILT IN ACCORDANCE WITH APPLICABLE ZONING DEVELOPMENT STANDARDS. THIS PROVISION DOES NOT EXEMPT THE SUBJECT PROPERTY FROM MEETING OTHER LEGAL REQUIREMENTS IMPOSED BY OTHER GOVERNMENTAL AGENCIES FOR REVIEW AND APPROVAL FOR RESIDENTIAL DEVELOPMENT.
9. LOTS SHOWN HEREON APPEAR ON MONTGOMERY COUNTY TAX MAP HP-42 AND W.S.S.C. SHEET #1212NM04.
10. THIS PROPERTY IS EXEMPT FROM THE MONTGOMERY COUNTY FOREST CONSERVATION LAW OF 2002.

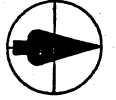
SUBDIVISION RECORD PLAN LOT 14, BLOCK 2

KENSINGTON GARDENS

A RESUBDIVISION OF PART OF LOT 7, BLOCK 2 WHEATON (13th) ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND SCALE: 1" = 20' FEBRUARY 2007

Prepared by SNIDER & ASSOCIATES LAND SURVEYORS

20270 Goldenrod Lane, Suite 110 Germantown, Maryland 20876 301/948-5100 Fax 301/948-1286



SURVEYOR'S CERTIFICATE

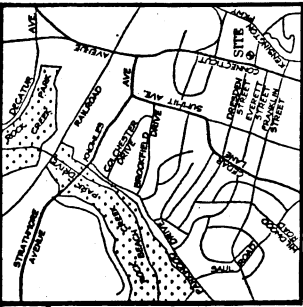
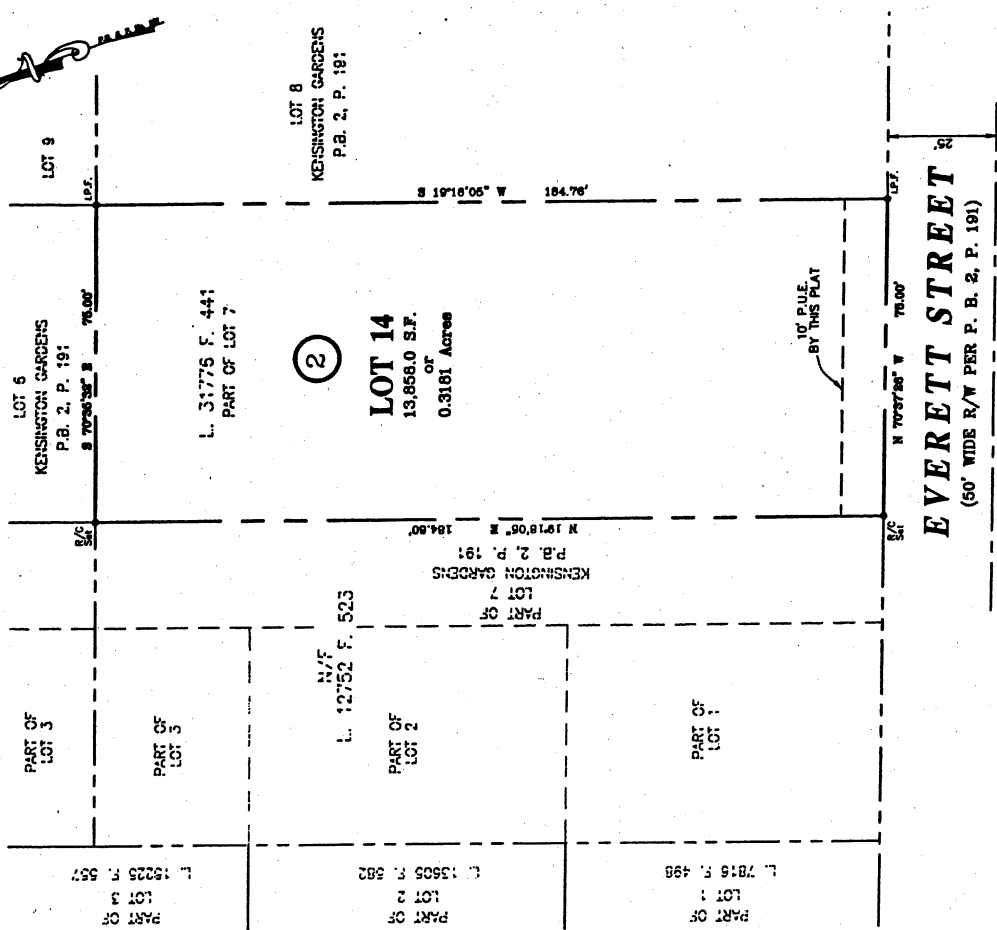
I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT IT IS A RESUBDIVISION OF ALL OF THE LANDS CONVEYED TO PETER R. HALEY AND MONICA R. HALEY KNOWN AS PART OF LOT 7, BLOCK 2 AS SHOWN ON A PLAN TITLED KENSINGTON GARDENS AND BEING RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN PLAT BOOK 2, PLAT NO. 191 SAID LOT HAVING BEEN CONVEYED BY WALLACE T. DUNCAN, JR. AND ELIZABETH B. DUNCAN BY DEED, DATED JANUARY 25, 2006, AS RECORDED IN LIBER 31746, FOLIO 441; AND THAT PROPERTY CORNERS MARKED THUS ARE IN PLACE AS SHOWN HEREON.

DATE 2-13-2007

Joseph E. Snider, Surveyor, MARYLAND REG. #12129

Lot 14 = 13,858.0 S.F. OR 0.3181 Ac. Dedication Area = N/A Total Area = 13,858.0 S.F. OR 0.3181 Ac.

Department of Permitting Services Montgomery County, Maryland. Drafted, Checked, Job No., Recorded, Plat No., Approved: Director, Maryland National Capital Park and Planning Commission Montgomery County Planning Board. Approved:



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