




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


**MCPB**  
**Item #**  
**07/19/07**

**MEMORANDUM**

**DATE:** July 5, 2007

**TO:** Montgomery County Planning Board

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

**FROM:** Stephen Smith   
Development Review Division  
(301) 495-4522

**SUBJECT:** Informational Maps and Summary of Record Plats for the Planning Board  
Agenda for July 19, 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 plan drawings for the record plat. The following plats are included:

220070830 – 220070900 Leesborough (8)

**PLAT NO. 220070830 - 220070900**

**Leesborough**

Located on the east side of Georgia Avenue (MD 97), approximately 300 feet south of Arcola Avenue

RT-15 zone: 145 Lots, 13 Parcels

Community Water, Community Sewer

Master Plan Area: Kensington - Wheaton

Batchellors Forest, LLC, Applicant

The record plat has been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120040680 (formerly 1-04068), and Site Plan 820040270 (formerly 8-04027), 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 aforesaid plans.

**RECORD PLAT REVIEW SHEET**

Plan Name: Leesborough Good Counsel Plan Number: 120040680  
 Plat Name: Leesborough 1 of 8 Plat Number: 220070830  
 Plat Submission Date: 1/05/07  
 DRD Plat Reviewer: PW/TA  
 DRD Prelim Plan Reviewer: Rethy Louhn

**Initial DRD Review:**

Signed Preliminary Plan - Date 9/26/06 Checked: Initial CAK Date 3/12/07  
 Planning Board Opinion - Date 2/8/05 Checked: Initial PW Date 1/30/07  
 Site Plan Req'd for Development? Yes  No  Verified By: PW (initial)  
 Site Plan Name: Leesborough Site Plan Number: 820040270  
 Planning Board Opinion - Date 2/8/05 Checked: Initial PW Date 1/30/07  
 Site Plan Signature Set - Date 3/12/07 Checked: Initial DPS Date 5-30-07  
 Site Plan Reviewer Plat Approval: Checked: Initial PAL Date 7-2-07

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 OK Vicinity Map  Septic/Wells N/A  
 TDR note N/A Child Lot note N/A Surveyor Cert OK Owner Cert OK Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>MP</u>	<u>1/10/07</u>	<u>1/26/07</u>	<u>1/24</u>	<u>ok</u>
Research	Bobby Fleury			<u>---</u>	<u>No Comments</u>
SHA	Doug Mills			<u>---</u>	<u>No Comments</u>
PEPCO	Steve Baxter			<u>---</u>	<u>No Comments</u>
Parks	Doug Powell			<u>---</u>	<u>No Comments</u>
DRD	Steve Smith			<u>1/24</u>	<u>See Plat</u>

**Final DRD Review:**

DRD Review Complete: SJS 7-3-07  
 (All comments rec'd and incorporated into mark-up)  
 Engineer Notified (Pick up Mark-up): SJS 4-17-07  
 Final Mylar w/Mark-up & PDF Rec'd: SJS 6-28-07

**Board Approval of Plat:**

Plat Agenda: SJS 7-19-07  
 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. \_\_\_\_\_

# PLAT NO.

## SURVEYOR'S CERTIFICATE

I hereby certify to the best of my knowledge and belief that the information shown herein is true and that it is a subdivision of the property conveyed by OUR LADY OF GOOD COUNSEL HIGH SCHOOL INC. to BATCHELLOWS FOREST, LLC, by a deed dated April 2, 2007 and recorded in Liber 3834 at Folio 410, said property also being part of Parcel A as shown on a subdivision record plat entitled "PARCEL 'A', ARCOLA" and recorded among said Land Records in Plat Book 55 as Plat 4374.

And that once engaged as described herein in the Owner's Certificate heretofore filed in this office, I have performed my duties as set forth in the Montgomery County Code.

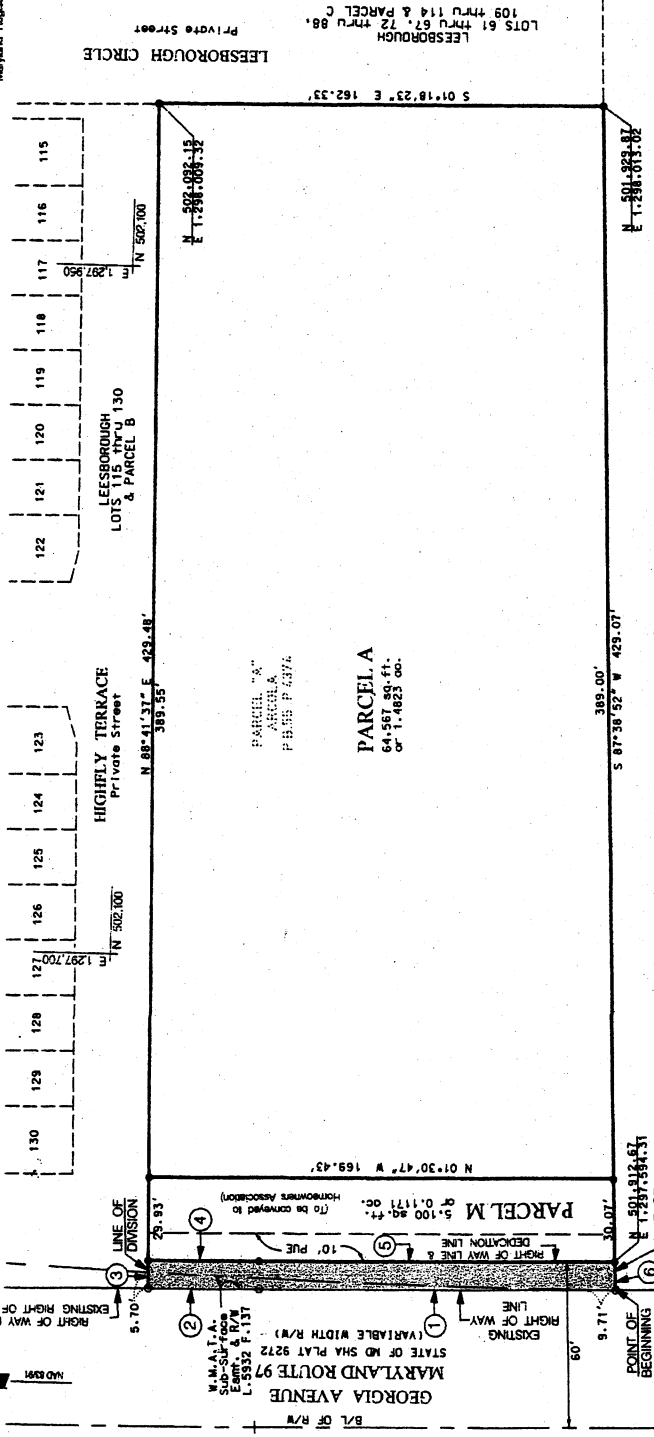
The TOTAL STREET DEDICATION by this plat is 1,701 square feet or 0.0391 acres and the AREA of the lot, which includes 2 PARCELS is 71,368 square feet or 1.6284 acres of land.

Date: 6/26/07  
 Michael Davis  
 Professional Land Surveyor  
 Maryland Registration No. 11033

## OWNER'S CERTIFICATE

As owners of the subdivision, we, our successors, agents and assigns, will cause all records in accordance with Section 20-24(a)(2) of the Montgomery County Code relating to this subdivision to be filed in the office of the Montgomery County Clerk, and we warrant that the plat, maps, surveys, and other documents filed in the office of the Montgomery County Clerk are true and correct and that the plat, maps, surveys, and other documents filed in the office of the Montgomery County Clerk are correct and that the plat, maps, surveys, and other documents filed in the office of the Montgomery County Clerk are correct.

Due June 30, 2007  
 BATCHELLOWS FOREST, LLC  
 A Delaware limited liability company  
 By: [Signature]  
 Its Managing Member  
 By: [Signature]  
 Corporation, a Nevada general partnership,  
 Its Managing Member  
 By: [Signature]  
 Corporation, a Nevada general partnership,  
 Its Managing Member  
 By: [Signature]  
 Witness: [Signature]  
 Witness: Elizabeth A. [Signature]



## SUBDIVISION NOTES

- All terms, conditions, agreements, restrictions and requirements associated with any preliminary plan, site plan, subdivision or other map or plat shall apply to this subdivision. The plat shall not be construed to modify or alter any of the terms, conditions, agreements, restrictions and requirements set forth in any of the foregoing documents.
- The subdivision record plat is not intended to show any matter relating to the title, liens, encumbrances, or other interests in the land, and is not intended to replace an abstract or other title record or other document affecting title.
- The approval of this plat is predicated on the availability of public water and sewer.
- The property shown herein is subject to the requirements of Law 19-100, 2007, relating to the use of the land for residential purposes, including subdivision of a tract of land into lots and appropriate agreements prior to issuance of a subdivision certificate.
- The property is subject to the terms and conditions of an Affordable Housing Fee/Assessment Agreement with the Montgomery County Planning Board.
- The property is zoned H-15.
- This property appears on Montgomery County Tax Maps H0562 and J0122 W552 200' Street No. 215 NN 02, 400 Street No. 408 NW 04.
- This property is subject to the terms and conditions of Plan No. 1-04028 and Site Plan No. 8-04027.
- The plat conforms with the requirements of Chapter 16-1 of the Montgomery County Code regarding Subdivisions, Dedications, and Easements.
- This property is subject to the terms and conditions of the "Common Open Space" Agreement with the Montgomery National Capital Park and Planning Commission, recorded among the Land Records of Montgomery County, Maryland in Liber 3845 at Folio 376.
- This property is subject to the terms and conditions of a Declaration of Conveyance for private open space/parkland, recorded among the Land Records of Montgomery County, Maryland in Liber 3844 at Folio 781.

## SUBDIVISION RECORD PLAT PARCELS A & M LEEBOROUGH LEESBOROUGH

MONTGOMERY COUNTY, MARYLAND  
 DEPARTMENT OF PERMITTING SERVICES  
 MONTGOMERY COUNTY PLANNING BOARD  
 SCALE: 1" = 30'  
 JUNE 2007

Loisdelman  
 Soitez Associates, Inc.  
 ROCKVILLE OFFICE  
 2 Research Place, Suite 100 Rockville, MD 20850 1.301.948.2750 F.301.948.9607  
 Engineering Planning Surveying Environmental Sciences www.LSAssociates.com

AREA TABULATION	
SQ. FT.	ACRES
2 PARCELS	1.6284
ST. DED.	0.0391
PLAT TOTAL	1.6675

GRAPHIC SCALE  
 1" = 30'

AREA DEDICATED TO THE MARYLAND STATE HIGHWAY ADMINISTRATION	
1	N 01°30'47" W 131.46'
2	R = 5,679.58 L = 38.70' CHD. N 07°19'05" W 38.70'
3	N 88°41'37" E 10.00'
4	R = 5,689.58 L = 38.66' CHD. S 01°19'04" E 38.66'
5	S 07°30'47" E 131.31'
6	S 87°38'52" W 10.00'

FEE SIMPLE AREA  
 1,701 SQ. FT. OR 0.0391 ACRES ±  
 SHOWN THUS: [Symbol]

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY L 6703 F. 542	
1	N 01°30'47" W 131.46'
2	R = 5,679.58 L = 38.70' CHD. N 07°19'05" W 38.70'
3	N 88°41'37" E 10.00'
4	R = 5,689.58 L = 38.66' CHD. S 01°19'04" E 38.66'
5	S 07°30'47" E 131.31'
6	S 87°38'52" W 10.00'

FEE SIMPLE AREA  
 1,701 SQ. FT. OR 0.0391 ACRES ±  
 SHOWN THUS: [Symbol]

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

SECRETARY TREASURER \_\_\_\_\_

CHAIRMAN \_\_\_\_\_

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

DIRECTOR \_\_\_\_\_

MONTGOMERY COUNTY, MARYLAND  
 DEPARTMENT OF PERMITTING SERVICES  
 MONTGOMERY COUNTY PLANNING BOARD

M.N.C.P. & P.C. RECORD FILE NO. \_\_\_\_\_

**RECORD PLAT REVIEW SHEET**

Plan Name: Leesborough Good Counsel Plan Number: 120040680  
 Plat Name: Leesborough 1st Plat Number: 220070840  
 Plat Submission Date: 2/05/07  
 DRD Plat Reviewer: PW/A  
 DRD Prelim Plan Reviewer: Rethy Loun

**Initial DRD Review:**

Signed Preliminary Plan - Date 9/26/06 Checked: Initial CAC Date 3/12/07  
 Planning Board Opinion - Date 2/8/05 Checked: Initial PW Date 1/30/07  
 Site Plan Req'd for Development? Yes  No  Verified By: PW (initial)  
 Site Plan Name: Leesborough Site Plan Number: 820040270  
 Planning Board Opinion - Date 2/8/05 Checked: Initial PW Date 1/30/07  
 Site Plan Signature Set - Date 3/12/07 Checked: Initial SJS Date 5-30-07  
 Site Plan Reviewer Plat Approval: Checked: Initial PAK Date 7-2-07

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>MP</u>	<u>1/10/07</u>	<u>1/26/07</u>	<u>1/24</u>	<u>ok</u> <u>No Comment</u>
Research	Bobby Fleury	↓	↓	---	<u>No Comment</u>
SHA	Doug Mills	↓	↓	---	<u>No Comment</u>
PEPCO	Steve Baxter	↓	↓	---	<u>No Comment</u>
Parks	Doug Powell	↓	↓	---	<u>No Comment</u>
DRD	Steve Smith			<u>1/24</u>	<u>Reverse Street Names</u>

**Final DRD Review:**  
 DRD Review Complete: SJS 7-3-07  
 (All comments rec'd and incorporated into mark-up)  
 Engineer Notified (Pick up Mark-up): SJS 4-17-07  
 Final Mylar w/Mark-up & PDF Rec'd: SJS 6-28-07  
**Board Approval of Plat:**  
 Plat Agenda: SJS 7-19-07  
 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. \_\_\_\_\_

# PLAT NO.

## SURVEYOR'S CERTIFICATE

I hereby certify to the best of my knowledge and belief that the information shown herein is true and correct as shown on the plat.

I am a duly Licensed Surveyor of the State of Maryland, and my Certificate of Qualification is on file with the State Department of the Environment, Planning and General Services, in Baltimore, Maryland.

I have personally conducted a field check of the data shown on this plat, and I have personally reviewed the original field notes and all other data on which this plat is based.

And that once engaged as described in the Owner's Certificate hereon, all property corner markers shown on this plat will be set as delineated hereon in accordance with the provisions of Section 90-24(e)(2) of the Montgomery County Code, and that the proposed subdivision is for 1.394 square feet of 0.022 acres and the TOTAL AREA of this plat, which includes 16 LOTS and 1 PARCEL is 501.756 square feet or 1.3718 acres of land.

Date: 02/27/07

MICHAEL B. DAVIS  
Professional Land Surveyor  
Maryland Registration No. 11939

## OWNER'S CERTIFICATE

We hereby establish the Ingress/Egress and Utility Easement, shown hereon, for future connection to W.M.A.T.A. property and adjacent parcels.

As owner(s) of this subsection, we, our successors, agents and assigns will cause all property shown on this subsection to be surveyed and recorded in accordance with Section 50-24(e)(2) of the Montgomery County Code.

There are no recorded suits, claims, liens, leases, mortgages or trusts affecting the property included in this plat or subdivision.

Date: JUNE 20, 2007

BATCHELLORS FOREST, LLC  
A Delaware limited liability company  
By: CELINE HAYES, a Nevada general partnership,  
its Managing Member  
By: COLEEN REEF ESTATE CORPORATION, a Nevada Corporation, its Managing Partner.

MICHAEL B. DAVIS  
Professional Land Surveyor  
Maryland Registration No. 11939

AREA DEDICATED TO THE MARYLAND STATE HIGHWAY ADMINISTRATION

1	R = 5.679158'	L = 138.41'
2	R = 5.689158'	L = 138.41'
3	R = 5.689158'	L = 138.41'
4	R = 5.689158'	L = 138.41'

FREE SIMPLE AREA  
1.394 SQ.FT. OR 0.032 ACRES,  
SHOWN THEREON

## SUBDIVISION NOTES

- All maps, conclusions, easements, limitations and requirements associated with any preliminary plan, site plan, project plan or other plan, drawing, development of the property, approved by the Montgomery County Planning Board are included in the subdivision. Any other documents or instruments which are necessary to carry out the purpose of this subdivision are also included in this subdivision. All maps and drawings shall be maintained by the Planning Board and available for public review during normal business hours.
- This subdivision record does not intend to show any matter affecting the ownership and use, nor does it intend to restrict the ownership and use of the property. The subdivision record shall not be construed to restrict the ownership and use of the property in any way not intended by the owner.
- The approval of this plat is predicated on the availability of public water and sewer.
- The property shown hereon is subject to the requirements of Chapter 22A of the Montgomery County Code, Code of Ordinances, Title 22A, which includes, but is not limited to, the requirements of the Montgomery County Code regarding the appropriate easements prior to issuance of a subdivision record plat.
- This property is subject to the terms and conditions of an agreement with the Montgomery County Planning Board.
- The property is zoned HT-5.
- This property is subject to the requirements of Chapter 25-A of the Montgomery County Code regarding Moderate Density Residential Units (MDRU).
- This property is subject to the terms and conditions of a Preliminary Plat No. 408-NW-04 and Site Plan No. 0-0487.
- This plat conforms with the requirements of Chapter 25-A of the Montgomery County Code regarding Moderate Density Residential Units (MDRU).
- This property is subject to the terms and conditions of a Preliminary Plat No. 408-NW-04 and Site Plan No. 0-0487.
- This property is subject to the terms and conditions of a Preliminary Plat No. 408-NW-04 and Site Plan No. 0-0487.

### SUBDIVISION RECORD PLAT

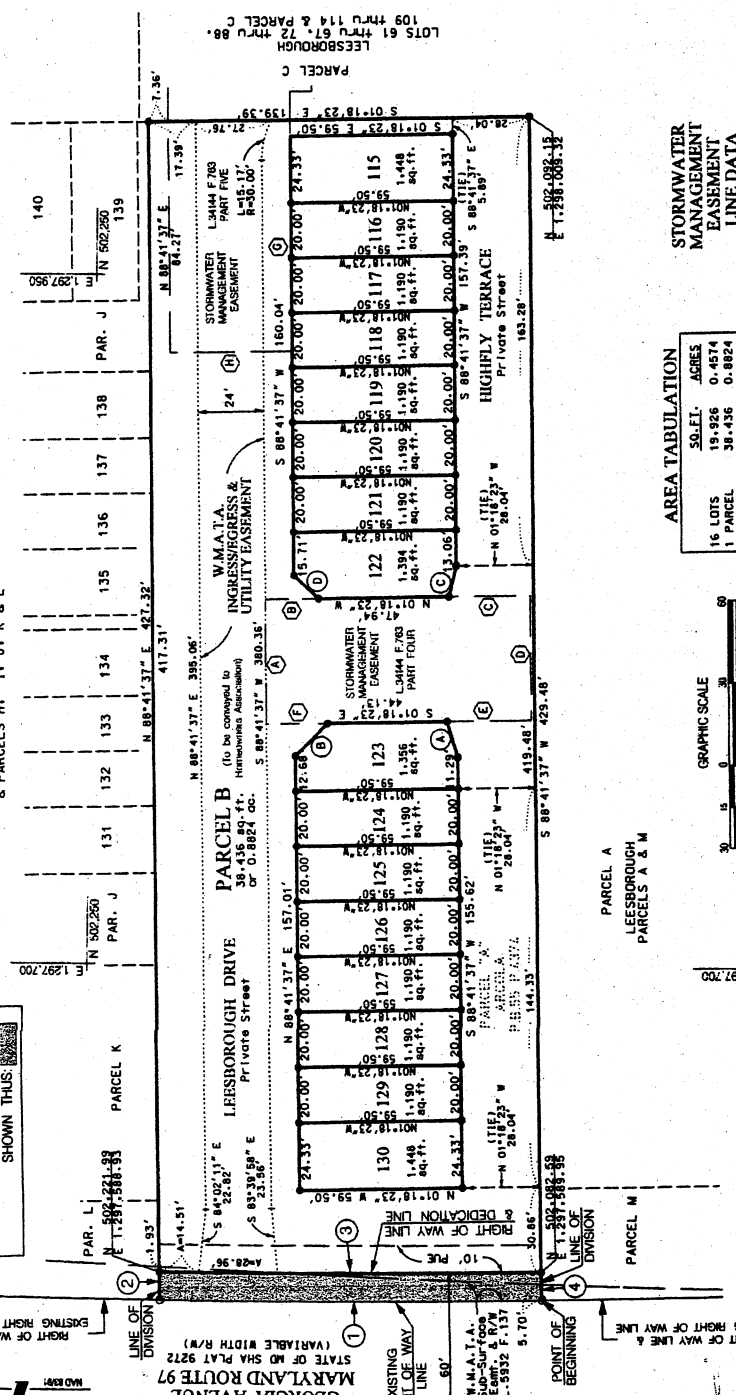
## LOTS 115 thru 130 & PARCEL B

# LEESBOROUGH

WHEATON (130th) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1" = 30'    JUNE 2007

**L** **S** **L** **S** **L** **S**

**Landmark**  
**Survey Associates, Inc.**  
2 Research Plaza, Suite 100, Rockville, MD 20850, L.M.I. #98-2750, L.P.O. #98-9667  
www.LSAssociates.com



STORMWATER MANAGEMENT EASEMENT LINE DATA

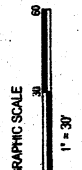
LINE	BEARING	DISTANCE
A	N 88°41'37" E	45.40
B	S 01°18'23" E	19.30
C	S 01°18'23" E	29.53
D	S 88°41'37" W	46.40
E	N 01°18'23" W	30.92
F	N 01°18'23" W	22.12
G	N 88°41'37" E	84.21
H	N 01°18'23" W	44.50

AREA TABULATION

NO.	SO. LEI.	ACRES
16 LOTS	19,925	0.4574
1 PARCEL	38,436	0.8824
ST. DEED.	1,394	0.0323
PLAT TOTAL	59,755	1.3718

LINE DATA

LINE	BEARING	DISTANCE
A	S 72°47'45" W	13.55
B	S 48°18'23" E	16.48
C	N 77°42'06" W	11.53
D	N 42°59'37" E	12.35



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

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

SECRETARY TREASURER

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MONTGOMERY COUNTY, MARYLAND  
DEPARTMENT OF PERMITTING SERVICES

RECORDED: \_\_\_\_\_

M.P.A.T.

CHAIRMAN \_\_\_\_\_  
SECRETARY TREASURER \_\_\_\_\_

M.A.N.C.P. & P.C. RECORD FILE NO. \_\_\_\_\_

**RECORD PLAT REVIEW SHEET**

Plan Name: Leesborough Good Counsel Plan Number: 120040680  
 Plat Name: Leesborough 3d-8 Plat Number: 220070850  
 Plat Submission Date: 1/05/07  
 DRD Plat Reviewer: PW/TA  
 DRD Prelim Plan Reviewer: Rethy Louhn

**Initial DRD Review:**

Signed Preliminary Plan - Date 9/26/06 Checked: Initial CAC Date 3/12/07  
 Planning Board Opinion - Date 2/8/05 Checked: Initial PW Date 1/30/07  
 Site Plan Req'd for Development? Yes  No  Verified By: PW (initial)  
 Site Plan Name: Leesborough Site Plan Number: 820040270  
 Planning Board Opinion - Date 2/8/05 Checked: Initial PW Date 1/30/07  
 Site Plan Signature Set - Date 3/12/07 Checked: Initial SJS Date 5/30/07  
 Site Plan Reviewer Plat Approval: Checked: Initial RAK Date 7-2-07

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>MP</u>	<u>1/10/07</u>	<u>1/26/07</u>	<u>1/24</u>	<u>ok</u>
Research	Bobby Fleury	↓	↓	—	<u>No Comment</u>
SHA	Doug Mills	↓	↓	—	<u>No Comment</u>
PEPCO	Steve Baxter	↓	↓	—	<u>No Comment</u>
Parks	Doug Powell	↓	↓	—	<u>No Comment</u>
DRD	Steve Smith			<u>7/24</u>	<u>See Plat</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  
SJS  
SJS  
SJS

Date  
7-3-07  
4-17-07  
6-28-07

**Board Approval of Plat:**

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

SJS  
 \_\_\_\_\_  
 \_\_\_\_\_

7-19-07  
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**DPS Approval of Plat:**

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

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**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:

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

# PLAT NO.

## SURVEYOR'S CERTIFICATE

I hereby certify to the best of my knowledge and belief, that the plat of subdivision shown hereon is a true and correct copy of the original plat as recorded in the Land Records of Montgomery County, Maryland. I am a duly licensed Professional Land Surveyor in the State of Maryland. My commission expires on 06/30/2007. I am the author of this plat. I have read the provisions of Section 90-24(e)(2) of the Montgomery County Code, which contains 30 LOTS and 1 PARCEL. I am aware that the total area of this plat, which contains 30 LOTS and 1 PARCEL is 74,922 square feet or 1.7200 acres of land.

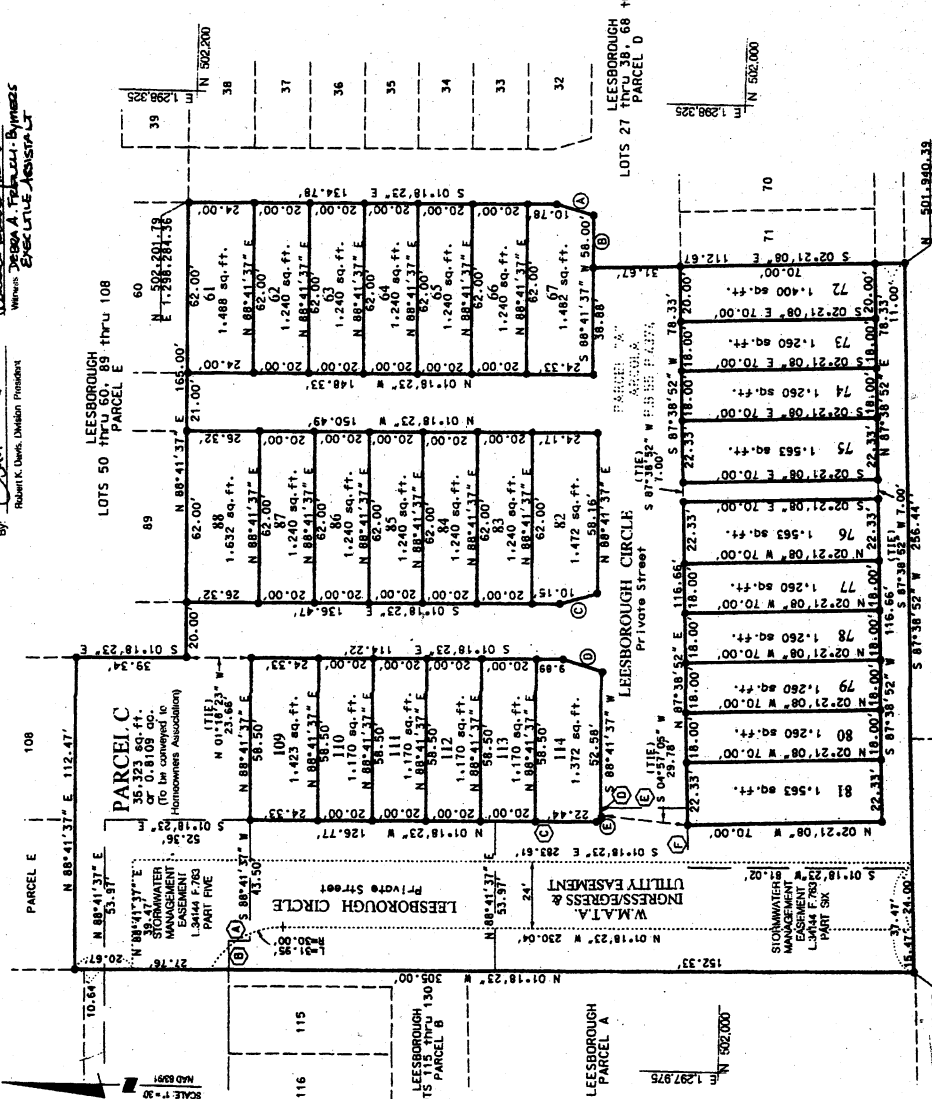
Date: June 10, 2007  
 Michael B. Davis  
 Professional Land Surveyor  
 Maryland Registration No. 11033

## OWNERS CERTIFICATE

There are no recorded easements, liens, leases, mortgages or trusts affecting the property included in this plat of subdivision.

BATCHELLORS FOREST, LLC  
 A Delaware limited liability company  
 By: Catherine Harmon, a Nevada general partnership,  
 its Managing Member  
 By: Center Real Estate Corporation, a Nevada  
 Corporation, its Managing Partner.

By: Robert K. Davis, Division President  
 Robert K. Davis, Division President  
 Executive Assistant



### LINE DATA

BEARING	DISTANCE
N 01°18'23" W	7.86
S 88°41'37" E	10.47
S 01°18'23" E	39.65
N 88°41'37" E	5.04
S 01°18'23" E	31.57
S 87°39'08" W	21.54

### AREA TABULATION

SO. LT.	AREA
30 LOTS	39,599 0.9091
1 PARCEL	35,323 0.8109
PLAT TOTAL	74,922 1.7200

### STORMWATER MANAGEMENT BASEMENT LINE DATA

BEARING	DISTANCE
N 01°18'23" W	7.86
S 88°41'37" E	10.47
S 01°18'23" E	39.65
N 88°41'37" E	5.04
S 01°18'23" E	31.57
S 87°39'08" W	21.54

### AREA TABULATION

SO. LT.	AREA
30 LOTS	39,599 0.9091
1 PARCEL	35,323 0.8109
PLAT TOTAL	74,922 1.7200

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SO. LT.	AREA
30 LOTS	39,599 0.9091
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### AREA TABULATION

SO. LT.	AREA
30 LOTS	39,599 0.9091
1 PARCEL	35,323 0.8109
PLAT TOTAL	74,922 1.7200

## SUBDIVISION NOTES

- All terms, conditions, agreements, standards and requirements associated with any preliminary plan, site plan, project plan or other plan showing compliance of this property, approved by the Montgomery County Planning Board, shall apply to this subdivision. The provisions of this plan, as approved, shall be deemed to be incorporated into this subdivision. The official public files for any such plan are maintained by the Planning Board and available for public review during normal business hours.
- This subdivision record plat is not intended to show any matter affecting the ownership and use, nor every matter restricting the ownership and use of the property. The subdivision record plat is intended to show the location and extent of the subdivision and the location and extent of the easements and other interests in the property. The subdivision record plat is not intended to show the location and extent of the easements and other interests in the property.
- The approval of this plat is predicated on the availability of public water and sewer.
- The property shown hereon is subject to the requirements of Chapter 29a of the Montgomery County Code, which relates to the requirements of the Montgomery County Planning Board and the Montgomery County Planning Board.
- The property is subject to the terms and conditions of an agreement with the Montgomery County Planning Board.
- The property is zoned IT-1.
- This property address on Montgomery County Tax Maps is 41562 and 40122. WRS: 500. Sheet No. 215. NW. 02. 400. Sheet No. 406. NW. 04.
- This property is subject to the terms and conditions of Preliminary Plan No. 10-04-08 and Site Plan No. 10-04-07.
- The plat conforms with the requirements of Chapter 29-A of the Montgomery County Code relating to Subdivision Record Platting Units (URUs).
- The property is subject to the terms and conditions of a Common Open Space Covenant with the Maryland National Capital Park and Planning Commission, Montgomery County, Maryland, as shown on the Land Records of Montgomery County, Maryland, in Lot 28040 and File 578.
- The property is subject to the terms and conditions of a Declaration of Covenants for Towns upon appropriate State coverage recorded among the Land Records of Montgomery County, Maryland in Liber 2414 at Folio 101.

SUBDIVISION RECORD PLAT  
 LOTS 61 thru 67, 72 thru 88,  
 109 thru 114 & PARCEL C  
 LEESBOROUGH

WHEATON (109) ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND  
 ST. ALLE: 1° - 30' JUNE 2007

Leidman  
 Sotres Associates, Inc.

ROCKVILLE OFFICE  
 2 Research Boulevard, Suite 100 Rockville, MD 20850 (301) 948-2750 (301) 948-0967  
 Engineering Planning Surveying Environmental Sciences www.LSAassociates.net



GRAPHIC SCALE  
 1" = 30'

RECORDED  
 PLAT

DATE  
 DIRECTOR

APPROVED  
 SECRETARY TREASURER

CHURMAN  
 SECRETARY TREASURER

APPROVED  
 SECRETARY TREASURER

CHURMAN  
 SECRETARY TREASURER

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 MONTGOMERY COUNTY, MARYLAND  
 DEPARTMENT OF PERMITTING SERVICES  
 L.6703 F.642  
 WASHINGTON METROPOLITAN AREA  
 TRANSIT AUTHORITY  
 APPROVED  
 SECRETARY TREASURER  
 M.N.C.P. & P.C. RECORD FILE NO. \_\_\_\_\_  
 CHURMAN  
 SECRETARY TREASURER  
 APPROVED  
 SECRETARY TREASURER  
 DATE  
 DIRECTOR  
 RECORDED  
 PLAT



**RECORD PLAT REVIEW SHEET**

Plan Name: Leesborough Good Counsel Plan Number: 1 20040680  
 Plat Name: Leesborough 4d-8 Plat Number: 2 20070860  
 Plat Submission Date: 1/05/07  
 DRD Plat Reviewer: PL/TA  
 DRD Prelim Plan Reviewer: Rathy London

**Initial DRD Review:**

Signed Preliminary Plan - Date 9/26/06 Checked: Initial CAC Date 3/12/07  
 Planning Board Opinion - Date 2/8/05 Checked: Initial PW Date 1/30/07  
 Site Plan Req'd for Development? Yes  No  Verified By: PW (initial)  
 Site Plan Name: Leesborough Site Plan Number: 8 20040270  
 Planning Board Opinion - Date 2/8/05 Checked: Initial PW Date 1/30/07  
 Site Plan Signature Set - Date 3/12/07 Checked: Initial SJS Date 5/20/07  
 Site Plan Reviewer Plat Approval: Checked: Initial ~~PW~~ Date 7.2.07

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>MP</u>	<u>1/10/07</u>	<u>1/26/07</u>	<u>1/24</u>	<u>ok</u>
Research	Bobby Fleury	↓	↓	—	<u>No Comments</u>
SHA	Doug Mills	↓	↓	—	<u>No Comments</u>
PEPCO	Steve Baxter	↓	↓	—	<u>No Comments</u>
Parks	Doug Powell	↓	↓	—	<u>No Comments</u>
DRD	Steve Smith	↓	↓	<u>1/24</u>	<u>See PLAT</u>

**Final DRD Review:**

	Initial	Date
DRD Review Complete:	<u>SJS</u>	<u>7-3-07</u>
(All comments rec'd and incorporated into mark-up)		
Engineer Notified (Pick up Mark-up):	<u>SJS</u>	<u>4-17-07</u>
Final Mylar w/Mark-up & PDF Rec'd:	<u>SJS</u>	<u>6-28-07</u>
<b>Board Approval of Plat:</b>		
Plat Agenda:	<u>SJS</u>	<u>7-19-07</u>
Planning Board Approval:	_____	_____
Chairman's Signature:	_____	_____
<b>DPS Approval of Plat:</b>		
Engineer Pick-up for DPS Signature:	_____	_____
Final Mylar for Reproduction Rec'd:	_____	_____
<b>Plat Reproduction:</b>		
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.

## OWNER'S CERTIFICATE

These are the unencumbered sole owners of the fees, easements, mortgages or trusts affecting the property included in this plat of subdivision.

Date: June 20, 2007

**BAYCHELORS FOREST, LLC**  
A Delaware limited liability company  
By: [Signature]  
Robert K. Davis, Treasurer

**By: Context Real Estate Corporation, a Nevada Corporation, its Managing Partner,**  
By: [Signature]  
Robert K. Davis, Treasurer

**Witness: Eileen A. Trebilcock-Bayliss, EREALTY ASSISTANT**  
By: [Signature]

## SURVEYOR'S CERTIFICATE

I hereby certify to the best of my knowledge and belief, that the information shown hereon is true and that it is a subdivision of part of the property conveyed by **OUR LADY OF SOOD COUNSEL** (Case No. 413, 2007) and recorded among the Land Records of Montgomery County, Maryland in Liber 34894 at Folio 40, said property also being part of Parcel A, as shown on a subdivision record plat entitled "PARCEL 'A', ALDOLA" and recorded among said land records in the name of **OUR LADY OF SOOD COUNSEL** (Case No. 413, 2007) on a second state entitled "Lot 2 through 23 - BNA, Lot Book 68 as Plat 6380" and recorded among said Land Records.

As shown on the plat, the area of the Owner's Certificate hereon is shown as **Parcel A** and is shown as **Parcel A** of the Montgomery County Code. There is **NO STREET DIMENSION** by this plat and the TOTAL AREA of the property shown hereon is **10.862 acres** (69,862 square feet) or 1.681 acres of land.

Date: June 20, 2007  
[Signature]  
Michael B. Davis  
Professional Land Surveyor  
Maryland Registration No. 11033

## SUBDIVISION NOTES

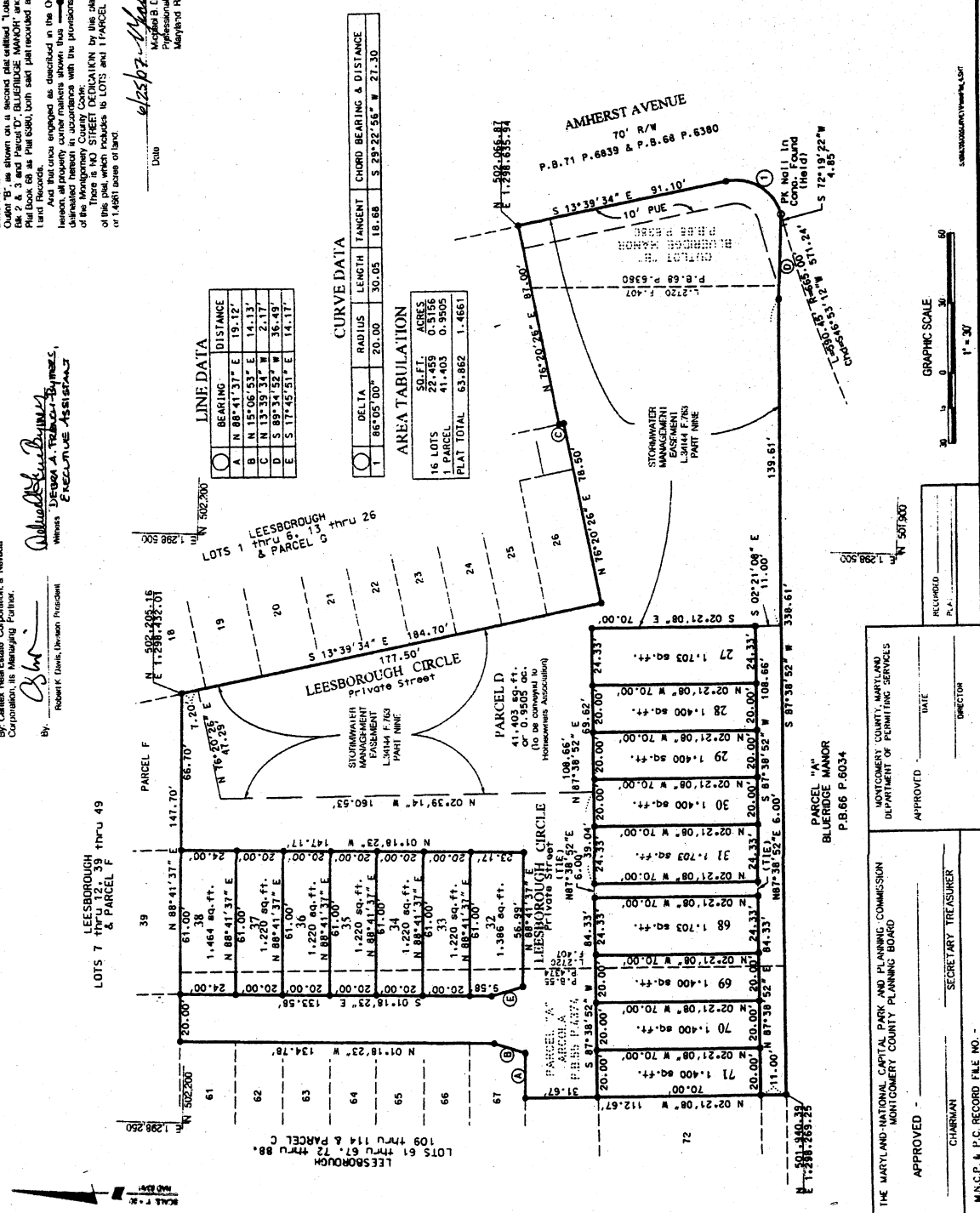
- All terms, conditions, agreements, limitations and requirements of the subdivision shown hereon shall be deemed to be a part of this plat and shall be enforceable by the parties thereto.
- The plat is subject to the requirements of Chapter 20-A of the Montgomery County Code regarding the requirements of the Maryland National Capital Park and Planning Commission's records among the Land Records of Montgomery County, Maryland in Liber 2894 at Folio 516.
- The property is subject to the terms and conditions of a Declaration of Condominium recorded among the Land Records of Montgomery County, Maryland in Liber 3484 at Folio 781.
- This plat conforms with the requirements of Chapter 20-A of the Montgomery County Code regarding the requirements of the Maryland National Capital Park and Planning Commission's records among the Land Records of Montgomery County, Maryland in Liber 2894 at Folio 516.
- The property is subject to the terms and conditions of a Declaration of Condominium recorded among the Land Records of Montgomery County, Maryland in Liber 3484 at Folio 781.

**SUBDIVISION RECORD PLAT**  
**LOTS 27 thru 38, 68 thru 71**  
**& PARCEL D**  
**LEESBOROUGH**  
WHEATON (130) BLECKTON DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1" = 30' JUNE 2007

**Lordleman**  
Soletex Associates, Inc.  
ROCKVILLE OFFICE  
2 Research Place, Suite 100 Rockville, MD 20850 T.301.948.2750 F.301.948.9467  
www.LSAAssociates.com  
Engineering, Planning, Surveying, Environmental Sciences

The undersigned owners of the property described herein, hereby adopt the plan of subdivision and establish the return being recorded hereon, in accordance with the provisions of the Maryland Subdivision Control Act, Chapter 20-A of the Montgomery County Code, and to their respective successors, agents and assigns, and over the land hereon described as a Public Utility Easement, conveyed herein as "10' PUE", with said terms and provisions of such a grant being those set forth in a certain document entitled "Declaration of Terms and Provisions, Context Real Estate Corporation" recorded among the Land Records of Montgomery County, Maryland in Liber 3584 at Folio 467.

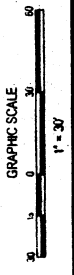
All owners of this subdivision, its successors, agents and assigns will cause appropriate corners and any other monuments to be set by a registered Maryland Surveyor in accordance with Section 50-24(c)(2) of the Montgomery County Code.



LINE NO.	BEARING	DISTANCE
A	N 88°41'37" E	19.12'
B	N 15°06'53" E	14.13'
C	N 13°39'34" W	2.17'
D	S 89°34'52" W	36.49'
E	S 17°45'51" E	14.17'

CHORD BEARING & DISTANCE	TANGENT	LENGTH	RADIUS	DELTA
S 29°22'58" W 21.30'	18.68'	30.05'	20.00'	86°05'00"

NO.	ACRES	SQ. FT.
16 LOTS	22.459	1,545,000
1 PARCEL	41.403	2,844,000
<b>PLAT TOTAL</b>	<b>63.862</b>	<b>4,389,000</b>



APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

SECRETARY-THE INSURER

CHAIRMAN

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

DIRECTOR

RECORDED P.C.

PARCEL "A" BLUERIDGE MANOR P.B.66 P.6034

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

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

**RECORD PLAT REVIEW SHEET**

Plan Name: Leesborough Good Counsel Plan Number: 120040680  
 Plat Name: Leesborough 508 Plat Number: 220070870  
 Plat Submission Date: 1/05/07  
 DRD Plat Reviewer: PW/TA  
 DRD Prelim Plan Reviewer: Rethy Lonon

**Initial DRD Review:**

Signed Preliminary Plan - Date 9/26/06 Checked: Initial CAC Date 3/12/07  
 Planning Board Opinion - Date 2/8/05 Checked: Initial PW Date 1/30/07  
 Site Plan Req'd for Development? Yes  No  Verified By: PW (initial)  
 Site Plan Name: Leesborough Site Plan Number: 820640270  
 Planning Board Opinion - Date 2/8/05 Checked: Initial PW Date 1/30/07  
 Site Plan Signature Set - Date 3/12/07 Checked: Initial SJS Date 5/30/07  
 Site Plan Reviewer Plat Approval Checked: Initial RAK Date 7-2-07

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>MP</u>	<u>1/10/07</u>	<u>1/26/07</u>	<u>1/24</u>	<input checked="" type="checkbox"/> Lot 2 Easement needed <u>ok SJS</u>
Research	Bobby Fleury			<u>---</u>	<u>No Comment</u>
SHA	Doug Mills			<u>---</u>	<u>No Comment</u>
PEPCO	Steve Baxter			<u>---</u>	<u>No Comment</u>
Parks	Doug Powell			<u>---</u>	<u>No Comment</u>
DRD	Steve Smith			<u>1/24</u>	<u>See LAST DRAWING</u>

**Final DRD Review:**

DRD Review Complete: SJS 7-3-07  
 (All comments rec'd and incorporated into mark-up)  
 Engineer Notified (Pick up Mark-up): SJS 4-17-07  
 Final Mylar w/Mark-up & PDF Rec'd: SJS 6-28-07  
**Board Approval of Plat:**  
 Plat Agenda: SJS 7-19-07  
 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. \_\_\_\_\_



**RECORD PLAT REVIEW SHEET**

Plan Name: Leesborough Good Counsel Plan Number: 120040680  
 Plat Name: Leesborough 6 of 8 Plat Number: 220070810  
 Plat Submission Date: 1/05/07  
 DRD Plat Reviewer: PW/TA  
 DRD Prelim Plan Reviewer: Rathy London

**Initial DRD Review:**

Signed Preliminary Plan - Date 9/26/06 Checked: Initial CAC Date 3/12/07  
 Planning Board Opinion - Date 2/8/05 Checked: Initial PW Date 1/30/07  
 Site Plan Req'd for Development? Yes  No  Verified By: PW (initial)  
 Site Plan Name: Leesborough Site Plan Number: 820040270  
 Planning Board Opinion - Date 2/8/05 Checked: Initial PW Date 1/30/07  
 Site Plan Signature Set - Date 3/12/07 Checked: Initial SJS Date 5/29/07  
 Site Plan Reviewer Plat Approval: Checked: Initial PW Date 7.2.07

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>MP</u>	<u>1/10/07</u>	<u>1/26/07</u>	<u>1/24</u>	<u>Need lot 1 Easement</u>
Research	Bobby Fleury				<u>No Comments</u>
SHA	Doug Mills				<u>No Comments</u>
PEPCO	Steve Baxter				<u>No Comments</u>
Parks	Doug Powell				<u>No Comments</u>
DRD	Steve Smith			<u>1/24</u>	<u>Reuse Plat/Street Names</u>

OK SJS

**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>SJS</u>	<u>7-3-07</u>
<u>SJS</u>	<u>4-17-07</u>
<u>SJS</u>	<u>6-28-07</u>

**Board Approval of Plat:**

Plat Agenda:  
 Planning Board Approval:  
 Chairman's Signature:  
**DPS Approval of Plat:**  
 Engineer Pick-up for DPS Signature:  
 Final Mylar for Reproduction Rec'd:

Initial	Date
<u>SJS</u>	<u>7-19-07</u>
_____	_____
_____	_____
_____	_____

**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:

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

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

# PLAT NO.

## OWNER'S CERTIFICATE

We, the undersigned owners of the property described herein, hereby adopt the plan of subdivision, and establish the boundaries of the lots, blocks, streets, and easements, and we grant to the Potomac Electric Power Company, Verizon Communications, Inc., Washington Gas Light Co of MD and to their respective successors, agents and assigns, an easement in, on and over the land herein described as a Public Utility Easement, designed herein as "10' PUE", with said easement and portions of such a grant being those set forth in a certain document recorded in the Montgomery County, Maryland Land Records at Folio 467 and amended by a certain document recorded in the Montgomery County, Maryland Land Records at Folio 467.

We establish the Category I Conservation Easement as shown herein, subject to the terms and conditions set forth in a certain document recorded in the Land Records at Folio 1978 and in Folio 412.

As owners of this subdivision, we, our successors, agents and assigns will cause all property corners and any other monuments to be set by a registered Maryland Surveyor in accordance with Section 56-26(e)(2) of the Montgomery County Code. We warrant that all corners, monuments or marks indicated on this plat are correct and that the plat of subdivision here below indicated their exact location.

this June 20, 2007

DATCHELORS FOREST, LLC  
A Delaware limited liability company  
By: Carlos Gomez, a Nevada general partnership,  
its Managing Member  
By: Corbett Real Estate Corporation, a Nevada Corporation, its Managing Partner

By: *[Signature]*  
Hobart K. Dineen, Division President  
Where: *[Signature]*  
DEBRA A. BROWN, ESQ.  
EXECUTIVE ASSISTANT

## SURVEYOR'S CERTIFICATE

I hereby certify to the best of my knowledge and belief that the information shown herein as to use and that it is a subdivision of part of the property conveyed by OUR LADY OF SOLEMN COUNSEL 1481 58th AVE. in DATCHELORS FOREST, a subdivision of the Montgomery County Parcel 1481 58th AVE. as shown on the Land Records at Folio 410, and that the property shown herein as being part of Parcel A, as shown on an subdivision record plat entitled "PARCEL A, ARCOLA", and recorded in the Montgomery County Land Records at Folio 55 as Plat 574-1, is the same as the property shown herein, as properly corrected in accordance with the provisions of Section 56-29(a)(2) of the Montgomery County Code.

I, the undersigned, a duly Licensed Professional Land Surveyor of the State of Maryland, in accordance with the provisions of Section 56-29(a)(2) of the Montgomery County Code, have surveyed and located the corners of the lots which include 1 LOT 1 and PARCEL 1, 67.71 square feet or 1.6662 acres of land.

Date: June 20, 2007  
*[Signature]*  
Michael J. Dineen  
Professional Land Surveyor  
Maryland Registration No. 11033

## SUBDIVISION NOTES

- All terms, conditions, agreements, limitations and adjustments in this plat shall be subject to the terms and conditions of the other plat, survey, development of the property approved by the Montgomery County Planning Board as required to survey and be established by the recorder in the Land Records at Folio 467 and amended by a certain document recorded in the Land Records at Folio 467.
- This subdivision record plat is not intended to show any other utility, easement, or other right, and the surveyor making this subdivision record plat has no intention to indicate a measurement of title or to depict any other utility, easement, or other right.
- The approval of this plat is predicated on the availability of public water and sewer.
- The property shown herein is subject to the requirements of Chapter 25A of the Montgomery County Code regarding the requirements of a Final Forest Conservation Plan and appropriate agreements prior to issuance of a subdivision certificate.
- This property is subject to the terms and limitations of an Adequate Public Facility Agreement with the Montgomery County Planning Board.
- This property is zoned RT-15.
- The property address for Montgomery County, Tax Map 10542 and 10552 WSS, 200 Street No. 205 NW 02, 400 Street No. 403 NW 04.
- This property is subject to the terms and conditions of Preliminary Plat No. 100-0000 and Site Plan No. 100-0000.
- This plat conforms with the requirements of Chapter 25-A of the Montgomery County Code regarding Adequately Traced Driveway Units (ATDUs).
- This property is subject to the terms and conditions of a Conservation Easement, as shown herein, subject to the terms and conditions of the Capital Park and Planning Commission recorded in the Land Records at Montgomery County Maryland at Folio 28045 at Folio 316.
- This property is subject to the terms and conditions of a Conservation Easement, as shown herein, subject to the terms and conditions of the Capital Park and Planning Commission recorded in the Land Records at Montgomery County Maryland at Folio 28045 at Folio 316.

## STORMWATER MANAGEMENT EASEMENT

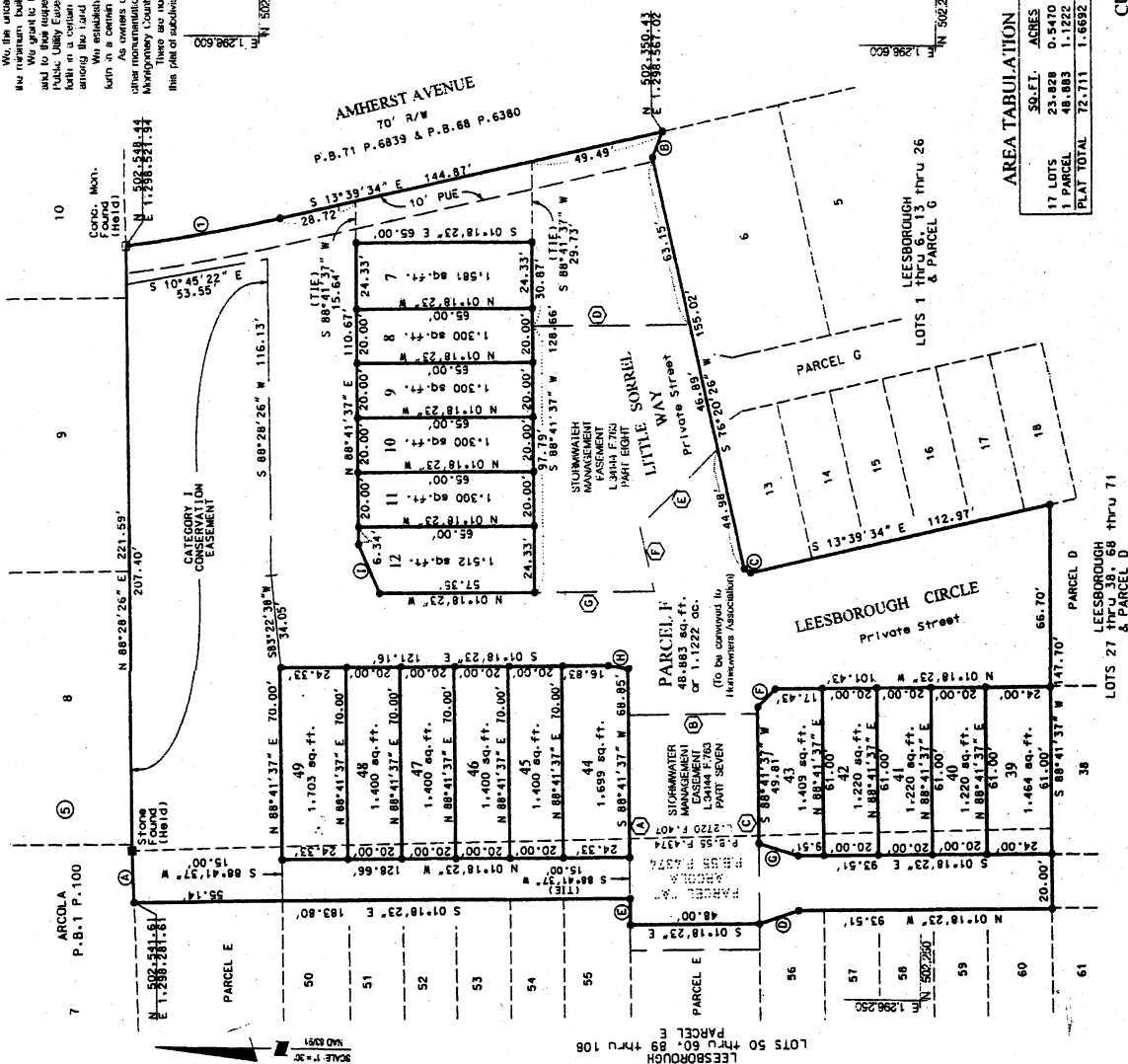
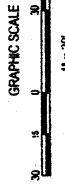
LINE	BEARING	DISTANCE
A	N 88°41'37" E	16.85
B	N 89°48'52" W	10.21
C	S 31°20'26" W	2.83
D	N 19°00'43" W	15.21
E	S 01°18'23" E	58.24
F	N 05°16'04" W	40.50
G	S 16°21'50" W	24.44
H	N 01°18'23" E	44.34

## AREA TABULATION

LINE	BEARING	DISTANCE	SQ. FT.	ACRES
A	N 87°12'15" E	16.85	23,828	0.5470
B	N 89°48'52" W	10.21	48,883	1.1222
C	S 31°20'26" W	2.83	72,711	1.6692
D	N 19°00'43" W	15.21	23,828	0.5470
E	S 01°18'23" E	58.24	48,883	1.1222
F	N 05°16'04" W	40.50	72,711	1.6692
G	S 16°21'50" W	24.44	48,883	1.1222
H	N 01°18'23" E	44.34	72,711	1.6692
TOTAL			311,527	7.1500

## CURVE DATA

DELTA	RADIUS	LENGTH	CHORD BEARING	DISTANCE
1	05°48'24"	575.00	28.16	S 10°45'22" E 58.25



APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

SECRETARY/TREASURER \_\_\_\_\_

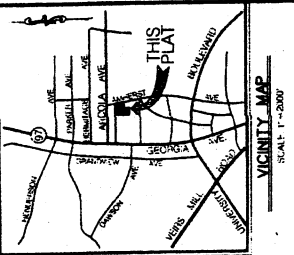
CHAIRMAN \_\_\_\_\_

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

RECORDED  
PLAT \_\_\_\_\_

DATE \_\_\_\_\_

DIRECTOR \_\_\_\_\_



**LEESBOROUGH & PARCEL F**  
SUBDIVISION RECORD PLAT  
LOTS 7 thru 12, 39 thru 49

**LEESBOROUGH**  
WHEATON (13th) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1" = 30'  
JUNE 2007

Soledad Associates, Inc.  
Rockville Office  
2 Research Place, Suite 100 Rockville, MD 20850 (301) 948-2750 (301) 948-3067  
www.LSAassociates.net

**RECORD PLAT REVIEW SHEET**

Plan Name: Leesborough Good Counsel Plan Number: 120040680  
 Plat Name: Leesborough Tdr 8 Plat Number: 220070890  
 Plat Submission Date: 1/05/07  
 DRD Plat Reviewer: PLW/TA  
 DRD Prelim Plan Reviewer: Rathy London

**Initial DRD Review:**

Signed Preliminary Plan - Date 9/26/06 Checked: Initial CRC Date 3/12/07  
 Planning Board Opinion - Date 2/8/05 Checked: Initial PW Date 1/30/07  
 Site Plan Req'd for Development? Yes  No  Verified By: PW (initial)  
 Site Plan Name: Leesborough Site Plan Number: 820040270  
 Planning Board Opinion - Date 2/8/05 Checked: Initial PW Date 1/30/07  
 Site Plan Signature Set - Date 3/12/07 Checked: Initial SJS Date 3/29/07  
 Site Plan Reviewer Plat Approval: Checked: Initial RAL Date 7.2.07

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>MP</u>	<u>1/10/07</u>	<u>1/26/07</u>	<u>1/24</u>	<u>ok</u>
Research	Bobby Fleury				No Comments
SHA	Doug Mills				No Comments
PEPCO	Steve Baxter				No Comments
Parks	Doug Powell				No Comments
DRD	Steve Smith			<u>1/24</u>	See Plan

**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  
SJS  
SJS  
SJS

Date  
7-3-07  
4-17-07  
6-28-07

**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:

SJS  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

7-19-07  
 \_\_\_\_\_  
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 \_\_\_\_\_

**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:

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 \_\_\_\_\_

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

# PLAT NO.

## OWNER'S CERTIFICATE

We, the undersigned, owners of the property described herein, hereby adopt this plan of subdivision and establish the minimum building restriction, setbacks, etc. We grant to the Potomac Electric Power Corporation, its successors, agents, and assigns, the right to use the easement described herein as a Public Utility Easement, designated herein as "PU E", with said terms and conditions of such a great bond, those set forth in a certain document entitled "Declaration of Terms and Provisions for Public Utility Easement" attached to this plat, and recorded in the Land Records of Montgomery County, MD, in Lot 3304 of Folio 457.

As owners of this subdivision, we, our successors, agents, and assigns, will cause all property contained herein to be surveyed and plat by a registered Maryland Surveyor in accordance with Section 56-240(2) of the Montgomery County Code. There are no recorded subsurface easements, leases, mortgages or trusts affecting the property included in this plat of subdivision.

Date: June 20, 2007

BATCHLORS FOREST, LLC  
A Delaware limited liability company

By: Carlos Horvath, a Nevada general partnership,  
its Managing Member

By: Carlos Horvath, a Nevada general partnership,  
its Managing Member

By: Robert K. Davis, Division President

*Robert K. Davis*  
Robert K. Davis, Division President

## SURVEYOR'S CERTIFICATE

I hereby certify to the best of my knowledge and belief, that the information shown herein is true and that it is a subdivision of part of the property conveyed to BATCHLORS FOREST, LLC, by a deed dated April 13, 2007 and recorded among the Land Records of Montgomery County, Maryland in Lot 3304 of Folio 457, and that said Property also being part of "Order 8" as shown on the subdivision record plat for Montgomery County, Maryland, Book 68 of Plat Book 68 of Folio 680. And that once engaged as described in the Other's Certificate herein, all property corner metes shown had been surveyed and delineated hereon in accordance with the provisions of Section 56-240(2) of the Montgomery County Code. There is NO STREET DEDICATION by this plat and the TOTAL AREA of this plat, which encloses 20 LOTS and 1 PARCEL is 49,360 square feet or 1.1336 acres of land.

Date: June 20, 2007  
Montgomery Land Surveyors  
Maryland Registration No. 14033

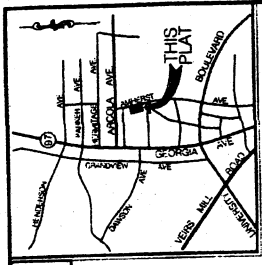
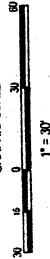
## LINE DATA

BEARING	DISTANCE	50-FT. ACRES
S 13°39'34" E	2.17	0.5929
N 11°20'26" E	2.83	0.4018
S 69°48'55" E	10.21	1.1389
D S 07°22'40" W	13.91	1.1336
E N 33°27'32" W	12.87	
<b>TOTAL</b>	<b>49.360</b>	<b>1.1336</b>

## AREA TABULATION

SF LOTS	ACRES
20 LOTS	0.5929
1 PARCEL	0.4018
<b>PLAT TOTAL</b>	<b>1.1336</b>

## GRAPHIC SCALE

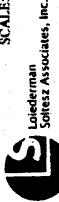


## SUBDIVISION NOTES

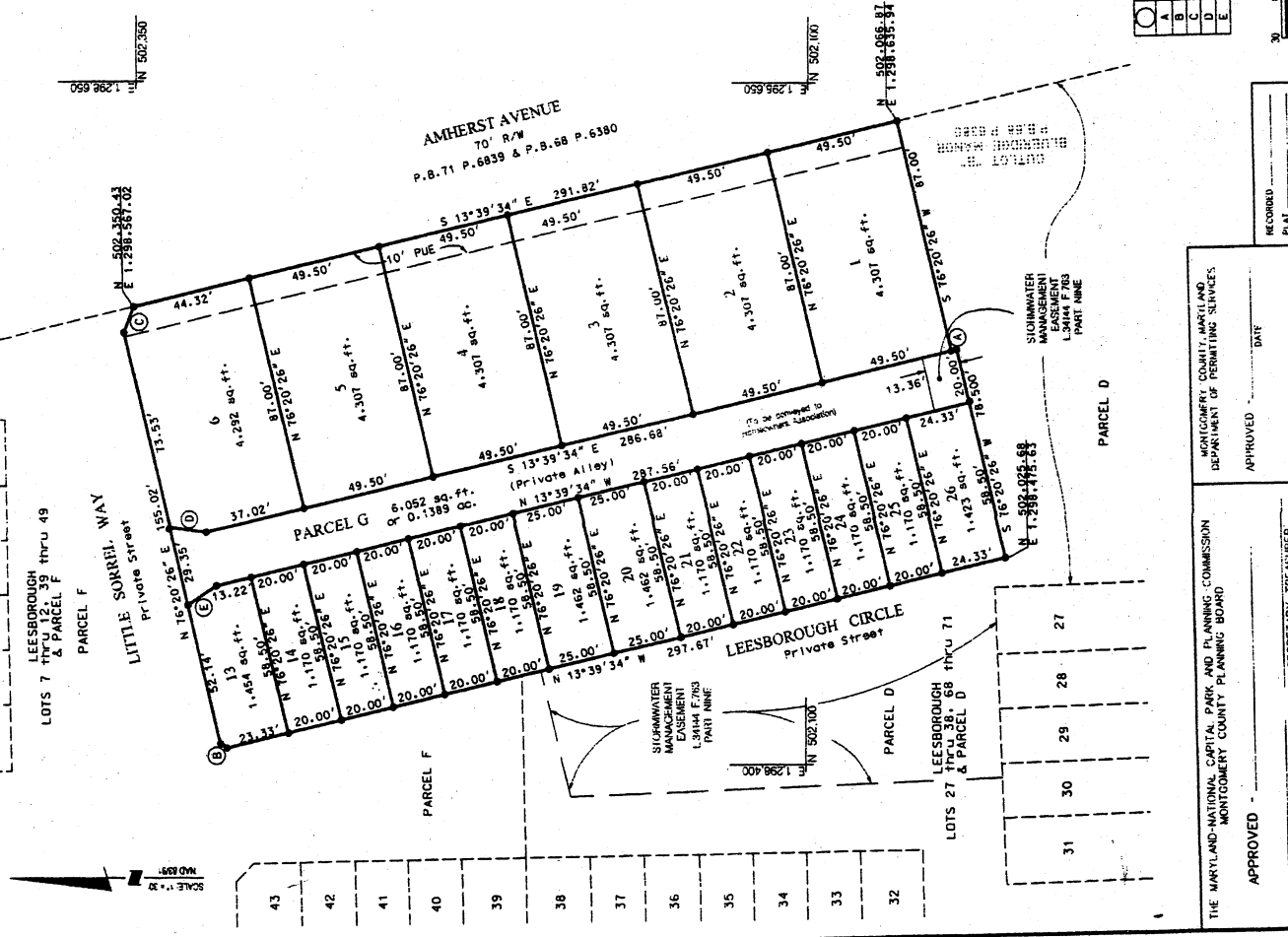
- All easements, agreements, restrictions and encumbrances shown on this plat are shown as they exist on the date of recording of this plat, and are not to be enlarged by the subdivision. The subdivision is subject to all easements, agreements, restrictions and encumbrances shown on this plat, and is not to be enlarged by the subdivision. The subdivision is subject to all easements, agreements, restrictions and encumbrances shown on this plat, and is not to be enlarged by the subdivision.
- This subdivision record plat is not intended to show every matter affecting the ownership and use of the property. The subdivision record plat is not intended to express an intention of title or to subject to the provisions affecting title.
- The approval of this plat is predicated on the availability of public water and sewer.
- The property shown herein is subject to the requirements of Chapter 25A of the Montgomery County Forest Conservation Law, including approval of a Final Forest Conservation Plan and appropriate agreements for its enforcement, if a forest conservation plan is required.
- This property is subject to the terms and conditions of an Adequate Public Facilities Agreement with the Montgomery County Planning Board.
- This property is zoned R1-15.
- This property is subject to Montgomery County Tax Map H2542 and 4022 W2542, 2007 Sheet HX.25E NW 02, 407 Sheet No. 438 NW 04.
- This property is subject to the terms and conditions of Preliminary Plan No. 10461 and Site Plan No. 10-0427.
- This plat conforms with the requirements of Chapter 25A of the Montgomery County Code regarding Moderately Priced Dwelling Units (MPDUs).
- This property is subject to the terms and conditions of a "Covenant Open Space" with the Maryland-National Capital Park and Planning Commission recorded among the Land Records of Montgomery County, Maryland in Lot 3304 of Folio 457.
- This property is subject to the terms and conditions of a Declaration of Covenants for "Private Open Space" recorded among the Land Records of Montgomery County, Maryland in Lot 3304 of Folio 457.

SUBDIVISION RECORD PLAT  
LOTS 1 thru 6, 13 thru 26  
& PARCEL G

LEESBOROUGH  
WIBATON (136) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1" = 30' JUNE 2007



Lotederman  
Soletz Associates, Inc.  
ROCKVILLE OFFICE  
2 Research Place, Suite 100 Rockville, MD 20850 1.301.948.2750 E.301.948.9067  
www.LSAassociates.com  
Engineering Planning Surveying Environmental Sciences



APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

SECRETARY THE ASSURER \_\_\_\_\_

CHAIRMAN \_\_\_\_\_

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
DEPARTMENT OF PERMITTING SERVICES  
MONTGOMERY COUNTY, MARYLAND

RECORDED PLAT \_\_\_\_\_

M.A.C.P. & P.C. RECORD FILE NO. \_\_\_\_\_



**RECORD PLAT REVIEW SHEET**

Plan Name: Leesborough Good Counsel Plan Number: 120040680  
 Plat Name: Leesborough Bd 8 Plat Number: 220070900  
 Plat Submission Date: 1/05/07  
 DRD Plat Reviewer: PW/TA  
 DRD Prelim Plan Reviewer: Rethy London

**Initial DRD Review:**

Signed Preliminary Plan - Date 9/26/06 Checked: Initial OPC Date 3/19/07  
 Planning Board Opinion - Date 2/8/05 Checked: Initial PW Date 1/30/07  
 Site Plan Req'd for Development? Yes  No  Verified By: PW (initial)  
 Site Plan Name: Leesborough Site Plan Number: 820640270  
 Planning Board Opinion - Date 2/8/05 Checked: Initial PW Date 1/30/07  
 Site Plan Signature Set - Date 3/12/07 Checked: Initial SJS Date 5/30/07  
 Site Plan Reviewer Plat Approval: Checked: Initial RAK Date 7.2.07

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>MP</u>	<u>1/10/07</u>	<u>1/26/07</u>	<u>1/24</u>	<u>Little Easement needed on parcel 1</u>
Research	Bobby Fleury				<u>No Comment</u>
SHA	Doug Mills				<u>No Comment</u>
PEPCO	Steve Baxter				<u>No Comment</u>
Parks	Doug Powell				<u>No Comment</u>
DRD	Steve Smith			<u>1/24</u>	<u>Revise per plat</u>

ok SJS 6-29-07

**Final DRD Review:**

	Initial	Date
DRD Review Complete:	<u>SJS</u>	<u>2-3-07</u>
(All comments rec'd and incorporated into mark-up)		
Engineer Notified (Pick up Mark-up):	<u>SJS</u>	<u>4-17-07</u>
Final Mylar w/Mark-up & PDF Rec'd:	<u>SJS</u>	<u>6-28-07</u>
<b>Board Approval of Plat:</b>		
Plat Agenda:	<u>SJS</u>	<u>7-19-07</u>
Planning Board Approval:	_____	_____
Chairman's Signature:	_____	_____
<b>DPS Approval of Plat:</b>		
Engineer Pick-up for DPS Signature:	_____	_____
Final Mylar for Reproduction Rec'd:	_____	_____
<b>Plat Reproduction:</b>		
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.

## OWNER'S CERTIFICATE

We, the undersigned owners of the property described hereon, hereby adopt this plan of subdivision, dedicate the streets to public use, and establish the minimum building setbacks and other regulations for the lots shown on this plan. We, the undersigned owners, warrant that we are the true and lawful owners of the property described hereon, and we warrant that we have the authority to execute this plan of subdivision. We warrant that the property described hereon is not subject to any liens, mortgages, or other encumbrances, and we warrant that we have the authority to execute this plan of subdivision. We warrant that the property described hereon is not subject to any liens, mortgages, or other encumbrances, and we warrant that we have the authority to execute this plan of subdivision.

As owners of this subdivision, we, our successors, agents and assigns will cause all Maryland Surveyors in accordance with Section 50-2-10(b) of the Maryland Code, to be set as delineated hereon in accordance with the provisions of the Maryland Surveyors Act, and we warrant that we have the authority to execute this plan of subdivision.

There are no recorded easements, mortgages, or other encumbrances affecting the property included in this plan of subdivision.

DATE: JULY 22, 2007

GATCHELLOWS FOREST, LLC  
A Delaware limited liability company  
By: Robert C. Davis, Chairman  
Company: Managing Partner

By: Robert C. Davis, Chairman  
Company: Managing Partner

By: Robert C. Davis, Chairman  
Company: Managing Partner

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Company: Managing Partner

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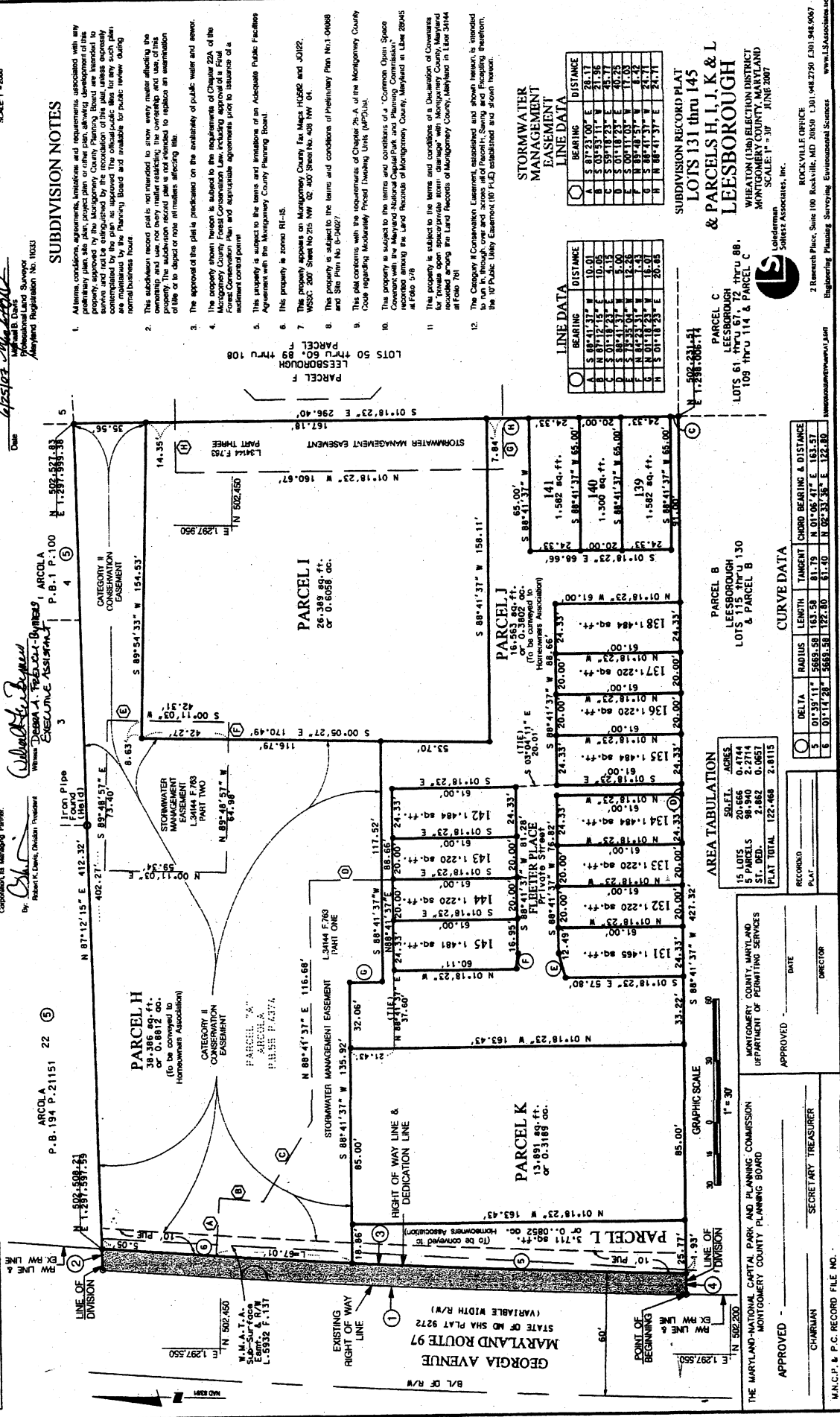
By: Robert C. Davis, Chairman  
Company: Managing Partner

By: Robert C. Davis, Chairman  
Company: Managing Partner

By: Robert C. Davis, Chairman  
Company: Managing Partner

AREA DEDICATED TO THE MARYLAND STATE HIGHWAY ADMINISTRATION	R	L
1	5.679538'	286.12'
2	0.743361'	286.09'
3	0.743361'	10.05'
4	5.669538'	286.38'
5	0.744101'	286.35'
6	8.874337'	10.01'

FEE SIMPLE AREA  
2,862.30 SQ. FT. OR 0.066 ACRES ±  
SHOWN THIS:



## SUBDIVISION NOTES

1. All terms, conditions, agreements, easements and requirements associated with any preliminary plan, site plan, project plan or other plan, including development of this property, approved by the Montgomery County Planning Board are deemed to be incorporated into this subdivision. The subdivision is subject to the terms and conditions of any such plan as maintained by the Planning Board and available for public review during normal business hours.
2. The subdivision record plat is not intended to show every matter affecting the ownership and use of every matter relating to the ownership and use of this property. The subdivision record plat is not intended to replace an examination of title to support or refute information appearing here.
3. The approval of this plat is predicated on the availability of public water and sewer.
4. The property shown hereon is subject to the requirements of Chapter 22A of the Montgomery County Forest Conservation Law, including approval of a Final Forest Conservation Plan and applicable agreements prior to issuance of a subdivision control permit.
5. This property is subject to the terms and conditions of any applicable Public Facilities Agreement with the Montgomery County Planning Board.
6. This property is zoned RT-5.
7. This property appears on Montgomery County Tax Maps H-6582 and J-1022, WSSC, 207 Sheet No. 25 NW 02, 407 Sheet No. 419 NW 04.
8. This property is subject to the terms and conditions of Preliminary Plan No. 14-0488 and Site Plan No. 05-04827.
9. This plan conforms with the requirements of Chapter 29-A of the Montgomery County Code regarding "Moderately Priced Housing Units (permitted)".
10. This property is subject to the terms and conditions of a "Common Open Space Covenant" with the Maryland National Capital Park and Planning Commission, recorded among the Land Records of Montgomery County, Maryland at Liber 26845 at Folio 374.
11. This property is subject to the terms and conditions of a Declaration of Covenants for "Private open space easement" with Montgomery County, recorded among the Land Records of Montgomery County, Maryland at Liber 24144 at Folio 781.
12. The Chesapeake Connection Easement established and shown hereon is intended to be a Public Utility Easement (PUE) established and shown hereon.

## STORMWATER MANAGEMENT EASEMENT LINE DATA

LINE DATA	BEARING	DISTANCE
A	S 87°23'00" E	28.11'
B	S 03°53'11" W	21.56'
C	S 59°18'23" E	45.71'
D	S 01°18'23" W	5.00'
E	S 89°41'37" W	12.48'
F	S 01°18'23" E	1.32'
G	S 89°41'37" W	24.71'
H	S 01°18'23" E	21.71'

## STORMWATER MANAGEMENT EASEMENT LINE DATA

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F	S 01°18'23" E	1.32'
G	S 89°41'37" W	24.71'
H	S 01°18'23" E	21.71'

## SUBDIVISION RECORD PLAT

LOTS 131 thru 145

& PARCELS H, I, J, K & L

LEESEBOROUGH & PARCELS B, C & D

WHEATON (130) SECTION INSTRUCT

SCALE: 1" = 30'

ROCKVILLE OFFICE  
2 Research Place, Suite 100 Rockville, MD 20850  
Engineering, Planning, Surveying, Environmental Sciences  
www.LSAssociates.net

LEESEBOROUGH & PARCELS B, C & D  
WHEATON (130) SECTION INSTRUCT  
SCALE: 1" = 30'

LEESEBOROUGH & PARCELS B, C & D  
WHEATON (130) SECTION INSTRUCT  
SCALE: 1" = 30'

LEESEBOROUGH & PARCELS B, C & D  
WHEATON (130) SECTION INSTRUCT  
SCALE: 1" = 30'

## AREA TABULATION

SOLEL	ACRES
15 LOTS	0.4144
5 PARCELS	98.940
ST. DEB.	2.882
PLAT TOTAL	122.466

## CURVE DATA

DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING & DISTANCE
5	01°35'11"	5689.58	163.50	N 01°06'47" E 163.51
6	01°14'20"	3689.58	122.60	N 02°33'35" E 122.60

## APPROVED

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_  
DIRECTOR \_\_\_\_\_

## SECRETARY

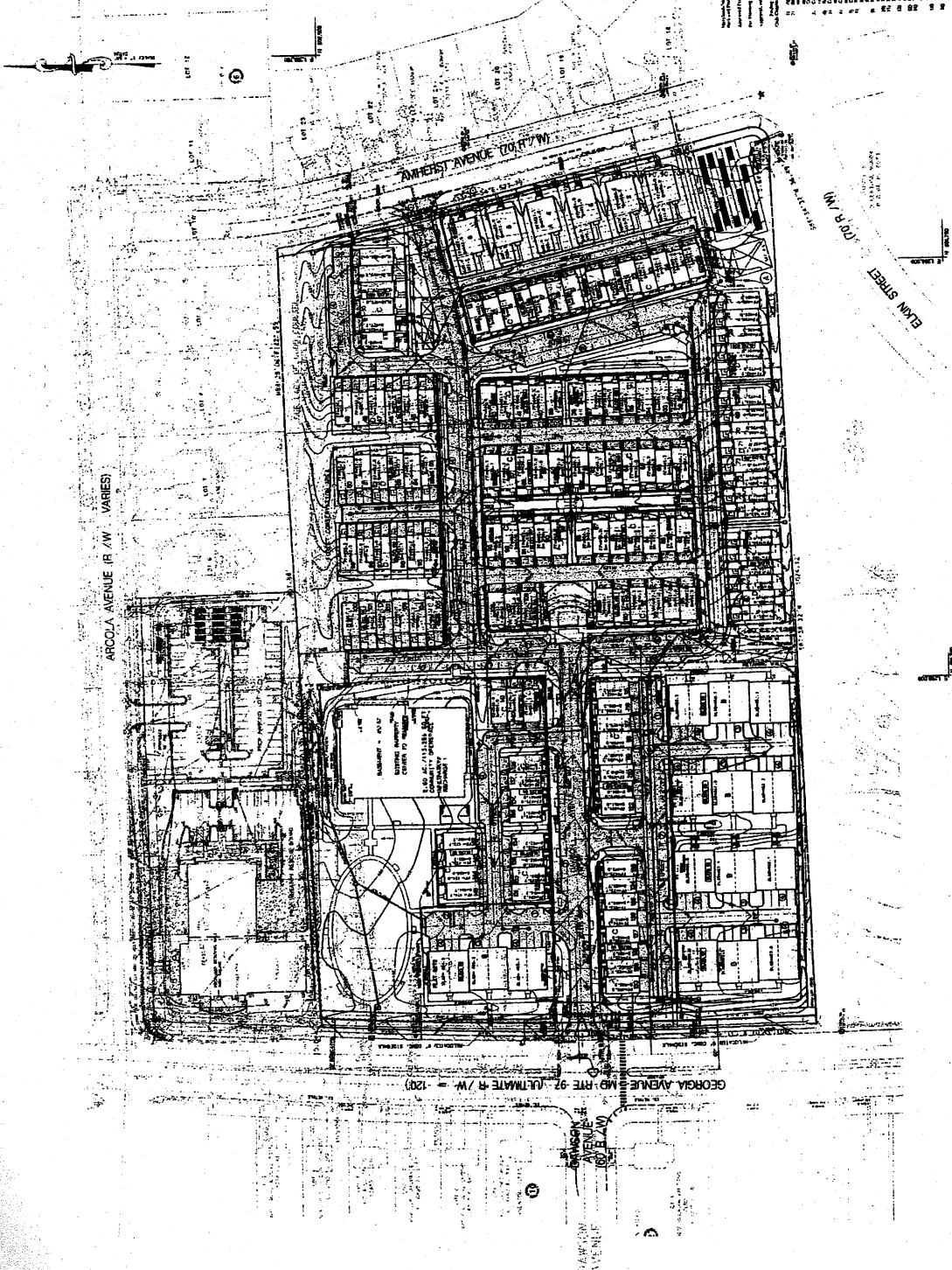
SECRETARY/TREASURER \_\_\_\_\_

## CHAPMAN

CHAPMAN \_\_\_\_\_

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

M.A.C.P. & P.C. RECORD FILE NO. \_\_\_\_\_



ARCOLA AVENUE (R/W - VARIES)

AMHERST AVENUE (20' R/W)

LEESVILLE LANE

GEORGIA AVENUE (MD RTE 97 - ULTIMATE R/W - 120')

DAWSON AVENUE



Rockville Planning, Inc.  
Rockville Office  
1000 Rockville Road  
Rockville, MD 20850  
1-801-548-2110 (301) 948-2067

Project Name: \_\_\_\_\_  
Client: \_\_\_\_\_  
City: \_\_\_\_\_  
County: \_\_\_\_\_

Date	Revised	By	For

APPLICANT:  
**BATCHLORS FOREST, L.L.C.**  
300 GREENHILL ROAD  
DUMFRIES, VA 22027  
(703) 746-3200



MISS BY ELITY NOTE  
THIS PLAN HAS BEEN REVIEWED AND FOUND TO BE IN ACCORDANCE WITH THE ZONING AND SUBDIVISION ACTS OF MONTGOMERY COUNTY, MARYLAND, AND THE SUBDIVISION ACT OF 1942 AND THE ZONING AND SUBDIVISION ACTS OF 1959 AND 1976.

ENGINEER'S CERTIFICATE  
I, the undersigned, being a duly licensed Professional Engineer in the State of Maryland, hereby certify that this is a true and correct copy of the Plans for the project described above, as filed for public review and approval by the Planning Board of Montgomery County, Maryland, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

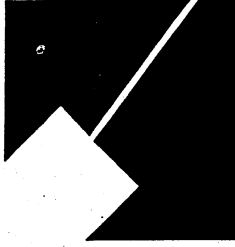
**PRELIMINARY PLAN**

**LEESBOROUGH**  
L 2750 F.437  
18th BLDG DISTRICT  
MONTGOMERY COUNTY, MARYLAND

NO. OF SHEETS	2
SHEET NO.	2

NOTES:  
1. THIS PLAN IS SUBJECT TO ALL APPLICABLE ORDINANCES, REGULATIONS, RULES AND ORDINANCES OF THE PLANNING BOARD OF MONTGOMERY COUNTY, MARYLAND, AND THE SUBDIVISION ACT OF 1942 AND THE ZONING AND SUBDIVISION ACTS OF 1959 AND 1976.  
2. THIS PLAN IS SUBJECT TO ALL APPLICABLE ORDINANCES, REGULATIONS, RULES AND ORDINANCES OF THE PLANNING BOARD OF MONTGOMERY COUNTY, MARYLAND, AND THE SUBDIVISION ACT OF 1942 AND THE ZONING AND SUBDIVISION ACTS OF 1959 AND 1976.  
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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

Date Mailed: **FEB 08 2005**

**Action:** Approved Staff  
Recommendation with modifications  
**Motion** of Commissioner Bryant,  
seconded by Commissioner Wellington,  
with a vote of 5-0;  
Chairman Berlage and Commissioners  
Bryant, Perdue, Robinson, and  
Wellington voting in favor.

**MONTGOMERY COUNTY PLANNING BOARD**

**OPINION**

Preliminary Plan 1-04068

NAME OF PLAN: Leesborough (Good Counsel)

*The date of this written opinion is FEB 08 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal in Circuit Court within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions (Rule 7-203, Maryland Rules of Court - State).*

On 3/9/04, Batchellors Forest, L.L.C. submitted an application for the approval of a preliminary plan of subdivision of property in the RT-15 zone. The application proposed to create 190 lots on 13.86 acres of land located at 200 feet south of Arcola Avenue directly fronting Georgia Avenue (MD 97) and Amherst Avenue, in the Kensington Wheaton master plan area. The application was designated Preliminary Plan 1-04068. On 11/4/04, Preliminary Plan 1-04068 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 Development 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; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

### **SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD<sup>1</sup>**

During the hearing, oral testimony was provided by Mr. Joe Davis on behalf of the Montgomery County, Wheaton Redevelopment Program supporting the position taken to continue negotiations with the applicant to negotiate the acquisition of the Rafferty Center and the land surrounding the Rafferty Center in concert with County efforts to acquire the WMATA parcel. The Rafferty Center and area directly surrounding the Rafferty Center, including buildings 1-5 and open play area will be placed in reservation as part of Preliminary Plan No. 1-04068 until September 30, 2006, in order to structure a deal with the applicant, Montgomery County and WMATA.

Written testimony was provided from Ms. Joan Rubin, Vice President of Wheaton Regional Park Neighborhood Association, who recognized that the Applicant had met county parking requirements but had questions regarding the calculation of parking spaces for the units and the Rafferty Center.

The applicant, who was represented by counsel, agreed with the revised conditions presented by staff at the hearing and addressed concerns from the community as well as the reservation area proposed for the Rafferty Center. The applicant agreed to keep the Commission apprised of progress of the negotiations for the retention of the Rafferty Center.

Nobody presented written evidence or testimony at the public hearing in opposition to the plan, and the record of this application does not contain any contested issues.

### **FINDINGS**

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies<sup>2</sup>; the applicant's position; and other

---

<sup>1</sup> The hearings on Preliminary Plan 1-04068 and Site Plan 8-04027 for the subject development were combined. As such, some of the testimony provided at the hearing addressed Site Plan issues as well as Preliminary Plan issues.

<sup>2</sup> The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and

evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds that with the conditions of approval:

- a) The Preliminary Plan No. 1-04068 substantially conforms to the Kensington Wheaton 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 ("DPS") that the Stormwater Management Concept Plan meets DPS' standards.
- f) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

#### **CONDITIONS OF APPROVAL**

Finding Preliminary Plan No. 1-04068 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-04068, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 201 dwelling units.
- 2) Record a plat of reservation to place the existing Rafferty Center, the open space area to the west of the Rafferty Center, and the 24 units (buildings 1 through 5), for a period not beyond September 30, 2006. During the reservation period, the applicant shall have the right to enter into the reservation area and demolish the school building except the Rafferty Center.

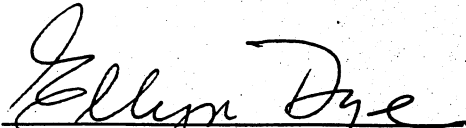
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Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

- 3) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 4) Record plat to reflect dedication of 60 feet from centerline of Georgia Avenue.
- 5) Construct east-west private street connection from Georgia Avenue (Dawson Street extended) to Amherst Avenue to public street standards.
- 6) Coordinate with State Highway Administration regarding change to access improvements on Georgia Avenue prior to recordation of plat(s)
- 7) Compliance with conditions of DPWT letter dated, October 29, 2004, unless otherwise amended.
- 8) Provide a 24-foot wide ingress-egress and utility easement on future Dawson Avenue and Street "C" and continuing from Street "C" to the common property line as shown on the preliminary plan for future connection to WMATA (P920) site to the south.
- 9) Provide proper notification to prospective home purchasers of future connection to WMATA site as outlined in Site Plan condition #3.
- 10) No clearing, grading or recording of plats prior to signature set approval.
- 11) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 12) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff.
- 13) Final numbers of MPDU's as per condition #11 above to be determined at the time of site plan.
- 14) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed.
- 15) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 16) Other necessary easements.

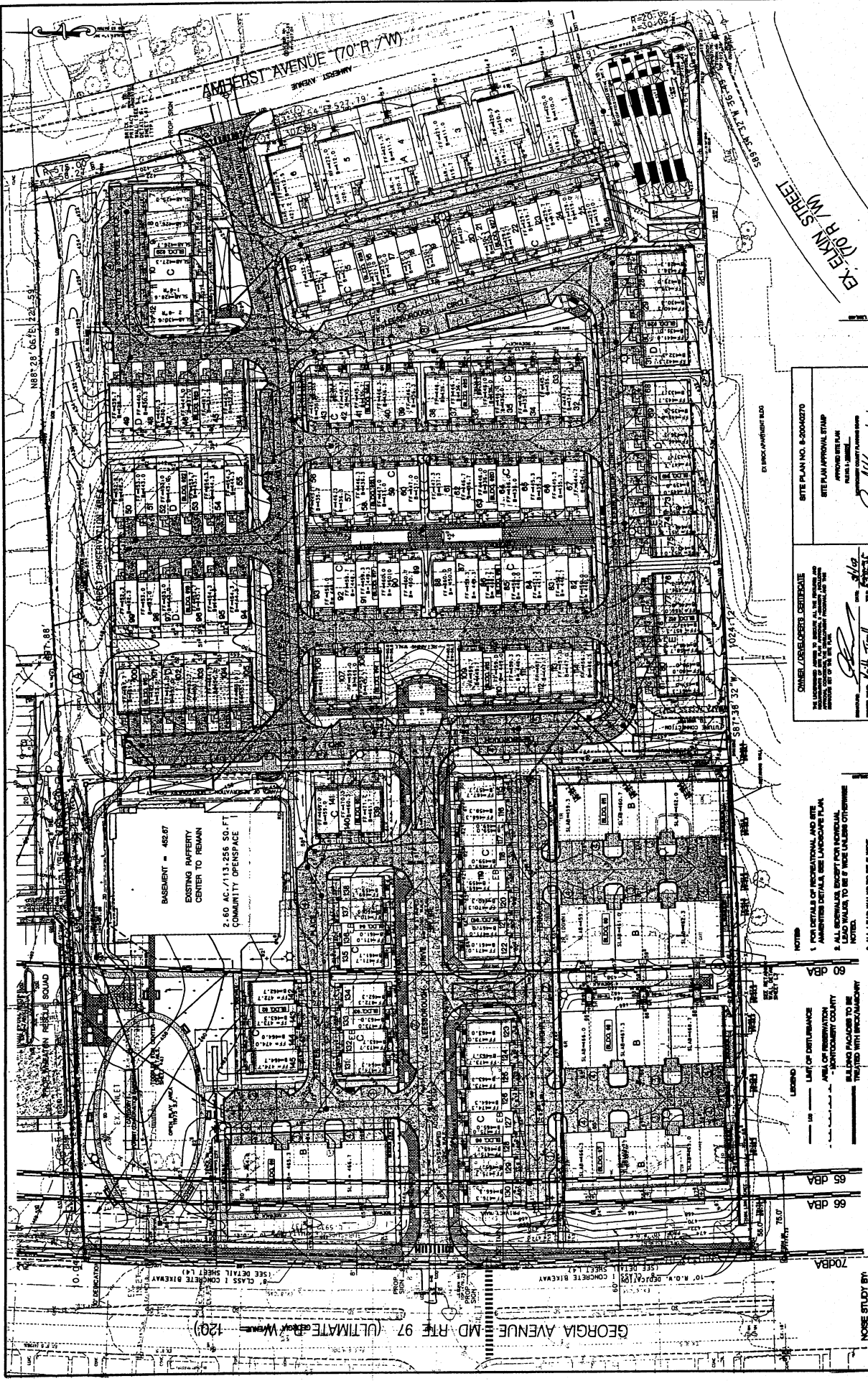
**CERTIFICATION OF BOARD VOTE ADOPTING OPINON**

At its regular meeting, held on Thursday, February 3, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Bryant, seconded by Commissioner Wellington, with Commissioners Berlage, Perdue, Bryant, Robinson, and Wellington voting in favor of the motion, adopted the attached 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. 1-04068, Leesborough (Good Counsel).

  
Certification As To Vote of Adoption  
Technical Writer







**CERTIFIED SITE PLAN**

**LEESBOROUGH**  
 L 2720 F. 407  
 100 ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND

SEE SHEET S3 FOR MINIMUM SETBACKS OF ALL UNITS

OWNER/DEVELOPER'S CERTIFICATE

MEASUREMENTS MADE BY ME OR BY AN ENGINEER OR SURVEYOR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF ACCURATE AND CORRECT AND TO THE BEST OF MY BELIEF IN ACCORDANCE WITH THE REQUIREMENTS OF THE TITLE.

*[Signature]*  
 DATE: 11/11/11  
 TITLE: ARCHITECT  
 COMPANY: *[Signature]*

**APPLICANT:**  
**BATCHELORS FOREST, L.L.C.**  
 500 GAITHERSBURG ROAD  
 GAITHERSBURG, MD 20878  
 (301) 251-1100

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	11/11/11
2	REVISIONS	
3	REVISIONS	
4	REVISIONS	
5	REVISIONS	
6	REVISIONS	
7	REVISIONS	
8	REVISIONS	
9	REVISIONS	
10	REVISIONS	

**NOTES:**

- FOR DETAILS OF FOUNDATIONAL AND SITE AMENITIES DETAILS, SEE LANDSCAPE PLAN.
- ALL RESIDUALS, ROOFING, ETC. FOR INDIVIDUAL LEAD WALLS, TO BE 2" WIDE UNLESS OTHERWISE NOTED.
- ALL LEAD WALLS TO BE 2" WIDE.

**NOISE STUDY BY:**  
 ROYCE, INC.  
 1990 PINEWOOD DRIVE, SUITE 100  
 COLLEGE PARK, MARYLAND 20740  
 410-887-7789

**ATTY: RICHARD FERRIN**

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](http://www.mncppc.org)

Date Mailed: FEB 08 2005

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

**MONTGOMERY COUNTY PLANNING BOARD**

**OPINION**

Site Plan No.: 8-04027  
Project: Leesborough

The date of this written opinion is FEB 08 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal in Circuit Court within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions (Rule 7-203, Maryland Rules of Court - State). This site plan shall remain valid as provided in Section 59-D-3.8.

**INTRODUCTION**

On November 4, 2004, Site Plan Review #8-04027 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 SUBJECT PROPERTY**

The 13.86-acre site is situated south of Arcola Avenue between Georgia Avenue and Amherst Avenue and is the present location of Good Counsel High School. The front of the site on Georgia Avenue contains the High School and parking which wraps completely around the entire building. There are three entrances into the school site from Georgia Avenue and an additional entrance from Amherst Avenue behind the one-family detached units that back up to the site. In the center of the site, east of the main building,

is the lighted running track and ball field. The field is terraced approximately twenty feet lower than the existing building and is separated by bleachers. The site levels off for about 160 feet and then drops off sharply 25-30 feet toward Amherst Avenue. The overall site changes in elevation by approximately 50 feet from Georgia Avenue to Amherst Avenue.

The parking areas contain shade trees and shrubs in the island areas and there is foundation planting around the existing building. Larger shade trees, forming a hedgerow on the northern property line, provide a buffer to the existing residential homes that front on Arcola Avenue and back to the site. Additional buffers of primarily shade trees exist at the northeastern property line along Amherst Avenue and along the back of the apartment building in the southeast corner of the site.

The surrounding neighborhood includes the property at the intersection of Georgia Avenue and Arcola Avenue, which is the new location of the Wheaton Rescue Squad (Plat book 609, page 89). An overflow gravel parking lot for the school is directly east of the Wheaton Rescue Squad site. Directly across Arcola Avenue, at the intersection of Georgia Avenue is the Wheaton Regional Library and its associated parking, and directly north of the Library is the Montgomery County Recreational Center containing the Wheaton Community Center and the Wheaton Youth Center.

The residential properties surrounding the subject site are all part of different blocks in the Blueridge Manor subdivision. The section to the north of the property is Block 5 (Plat Book A-5) contains one-family detached units, while the section across Amherst Avenue is Block 1 (Plat Book 179, page 39), contains one-family residential properties and zoned R-90. The residential subdivision across Georgia Avenue is known as Wheaton Hills and is zoned R-60. Southeast of the subject site is the Blueridge Manor apartment complex, a 2.5-to-3-story brick building, (Plat book 176, page 18) that is zoned R-20. The vacant WMATA site (Plat book 530, Page 28 [Parcel 920]) directly to the south is zoned R-90/TDR. The properties across Georgia Avenue are zoned R-90.

## **BACKGROUND**

### **Schematic Development Plan**

Zoning application No. G-798 was approved on June 17, 2003 for the reclassification of 14.74 acres of the site from the R-90 Zone to the RT-15 Zone. The site was rezoned from R-90 to RT-15 by Local Map Amendment (G-798) and adopted as Resolution (No. 15-226) on June 17, 2003. Binding Elements of the Re-Zoning Application include provisions addressing retention of the Rafferty Center, buffers to adjacent properties, establishment of community open space and numbers and types of units.

## PROPOSED DEVELOPMENT

The applicant proposes to develop the existing Good Counsel High School site in Wheaton with 190 dwelling units. The Development Plan permitted a maximum of 201 dwelling units. The breakdown of units consists of 139 one-family attached units, 45 multi-family condominium units and 6 one-family detached units, including a total of 24 moderately priced dwelling units ("MPDUs") on the site.

### Vehicular and Pedestrian Circulation

There are two public access points into the site: one from Georgia Avenue and the second access from Amherst Avenue. The access from Georgia Avenue is a right-in, right-out only turning movement, preventing vehicles from turning left into the site from southbound Georgia Avenue. The access from Amherst Avenue is a 24-foot-wide full turning movement in and out of the site. Vehicular circulation in the property consists of a private road network with alleys and main driveways to serve all of the units. All of the units are rear loaded garage units, with the exception of the townhouses on the southern boundary that back up to the apartments and the townhouses on the northern boundary whose ends face the adjacent one-family detached units.

There is no public vehicular circulation for the existing Rafferty Center on the subject property. Civic and community groups will be permitted to park in the surface parking facility behind the Wheaton Rescue Squad station for events and meetings. Montgomery County ("County") is entering into negotiations with the applicant to place a portion of the property in reservation in order to secure a larger land area for the Rafferty Center that could accommodate on-site parking, pedestrian access and a better visual setting for the Rafferty Center.

Pedestrian circulation consists of ten-foot wide stamped concrete sidewalks from the proposed entrance off of Georgia Avenue to the first internal intersection. An 8-foot-wide Class I bikeway is proposed along the Georgia Avenue frontage with a 5-foot grass panel and a double row of shade trees. Pedestrian circulation consists of 4-foot-wide sidewalks adjacent to the private drives through the site to serve all of the units and 5-foot-wide sidewalks parallel to the two private streets. A direct pedestrian system connects the primary entry from Georgia Avenue to Amherst Avenue through the site. A sidewalk connects the Rafferty Center to the surface parking facility that is part of the Wheaton Rescue Squad currently under construction. A connection is also being made to Amherst Street at the southeastern property corner for a more direct route to the post office and commercial retail shops to the south and east.

### Building Design and Layout

The applicant proposed four different types of units with varying footprints and sizes as shown on the plan. Six one-family detached units are opposite the existing one-family units that front on Amherst Avenue. The consistency of one-family unit types on Amherst Avenue provides a component of compatibility to the existing neighborhood. The forty-five condominium units are located with frontage on Georgia Avenue while the remaining condos are located in the southwest corner of the site. The condo units are two over one units with the MPDUs located on the bottom floor. A minimum of three tandem parking spaces are provided for each condo building. The remaining 139 townhouses consist of front-loaded and rear-loaded garages. The standard front-loaded garages are located on the southern boundary and back up to the adjacent two-story Blue Ridge apartment buildings and the townhouses on the northern boundary whose ends face the adjacent one-family detached units. The remaining townhouses are accessed via alleys while the fronts of the units are situated in a mews type setting. The approved binding element of the Schematic Development Plan allows a 35-foot height limit for the structures.

The mix of unit styles serves as a transition from the apartment and commercial uses to the south and one-family detached units to the north and east of the site.

### Landscape and Lighting

Landscaping consists of a complement of street trees in tree panels along Dawson Avenue, the primary entry into the property from Georgia Avenue. This streetscape is a formal treatment with 10-foot-wide stamped concrete that terminates into a private amenity plaza at the intersection with Street 'D'. The intent of the formal streetscape was to highlight the primary entry into the site and accent the CBD type streetscape leading to Georgia Avenue. The remainder of the private streets contains shade trees at the intersections and near the parallel parking bays. The alleys consist of primarily flowering trees, shrubs and groundcover to provide definition and scale in the islands. A combination of paving treatments and patterns will be provided in the alleys to further accentuate the alley conditions. Conditions have been placed on the site plan to allow for screening of above ground utilities in the parking islands. The mews areas in the front of the townhouse units will include centralized seating areas and ornamental tree and shrubs.

The eight-foot-wide bike path along Georgia Avenue includes a staggered double row of Zelkovas for the entire property frontage. The formal open play area in front of the Rafferty Center is lined with shade trees to define the oval walkway and create an entry to the building. Amherst Avenue contains street trees 50 feet on center and is consistent with the typical suburban streetscape for a primary right-of-way.

Evergreen screening will be on the southern boundary for the adjacent apartment buildings and drive aisles that provide access for the condos. An afforestation area will be provided at the northern boundary to provide screening and buffering to the adjacent one-family detached homes. The plant material in this area has been increased in size to lessen the impact of the new development to the existing homes. This area will also be placed in a Category I Forest Conservation easement for protection.

The proposed lighting consists of a traditional style luminaire, listed as *Hadco* Baltimore V65, mounted on sixteen foot-tall cast aluminum poles. Light fixtures are proposed along the primary entrances and interior loop roads for safety of the residents of the units. No fixtures are proposed directly adjacent to property lines. Reflectors and refractors of the fixtures will be installed on all lights in proximity to residential properties to negate glare.

### Recreation

The applicant is claiming credit for providing a tot lot, open play area, pedestrian system and indoor community space within the Rafferty Center to satisfy the requirements of the Recreation Guidelines. The tot lot and open play area are located in the northwest corner of the site directly in front of the Rafferty Center. In addition to seating near the tot lot, three other seating areas have been incorporated into amenity plaza areas located at the intersecting streets for visibility and use. The applicant needs the Rafferty Center to satisfy their recreation requirements. Off-site credit is being taken for activity areas in Wheaton Regional Park and Wheaton Community Center.

The applicant is being required to provide an alternate plan to show how the recreation requirements are being satisfied if the Rafferty Center is not retained since credit is being taken for proposed activity within the building. The revised plan must be reviewed and approved by the Planning Board prior to release of the 133<sup>rd</sup> building permit.

### Forest Conservation

The applicant has a planting requirement of 2.08 acres, which will be met through a combination of on-site landscaping to satisfy their forest conservation requirements. The proposed afforestation area will be placed in a Category I forest conservation easement. Trees for this area have been increased from the standard size of ¾-1" caliper to 2" caliper for the purpose of a denser screen to the adjacent residential properties. A split-rail fence is also required at the edge of the easement area to prevent damage to installed plant material and clearly identify the area as a protected easement.

This property has an approved stormwater management concept by MCDPS dated August 24, 2004. Stormwater management consists of on-site water quality control via construction of multiple structural sand filters; and, on-site recharge, via recharge trenches.

### **SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD**

During the hearing, oral testimony was provided by Mr. Joe Davis on behalf of the Montgomery County, Wheaton Redevelopment Program supporting the position taken to continue negotiations with the applicant to negotiate the acquisition of the Rafferty Center and the land surrounding the Rafferty Center in concert with County efforts to acquire the WMATA parcel. The Rafferty Center and area directly surrounding the Rafferty Center, including buildings 1-5 and open play area will be placed in reservation as part of Preliminary Plan No. 1-04068 until September 30, 2006, in order to structure a deal with the applicant, Montgomery County and WMATA.

Written testimony was provided from Ms. Joan Rubin, Vice President of Wheaton Regional Park Neighborhood Association, who recognized that the Applicant had met county parking requirements but had questions regarding the calculation of parking spaces for the units and the Rafferty Center.

The applicant, who was represented by counsel, agreed with the revised conditions presented by staff at the hearing and addressed concerns from the community as well the reservation area proposed for the Rafferty Center. The applicant agreed to keep the Commission apprised of the progress of the negotiations for the retention of the Rafferty Center.

Nobody presented written evidence or testimony at the public hearing in opposition to the plan, and the record of this application does not contain any contested issues.

### **FINDINGS**

Based on all of the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development.

The site plan is consistent with the approved Schematic Development Plan and binding elements as part of the Re-Zoning Classification for the RT-15 Zone (G-798) approved by Resolution No. 15-226 on June 17, 2003.



2. The Site Plan meets all of the requirements of the zone in which it is located.

The Site Plan meets all of the requirements of the RT-15 Zone as demonstrated in the following Project Data Table:

**PROJECT DATA TABLE**

Zoning:	RT-15
Proposed Use:	139 one-family attached, 6 one-family detached and 45 multi-family condominium dwelling units
Development Method:	RT-15 with MPDUs
Total Site Area:	13.86 acres

<u>Development Standard</u>	<u>Permitted or Required</u>	<u>Proposed</u>
Permitted Density:	201*	190 (139 one-family attached, 6 one-family detached & 45 multi-family condos)
Minimum Tract Area:	1.0 ac.	13.86 ac.
Coverage Limitations: (%)		
Min. Green Space	30%	46%
Community Open Space:	2.0 ac.*	2.6 ac.
Max. Building Height (ft.):	35	35
Minimum Building Setbacks (ft.):		
From any public street	20	
Georgia Avenue		55 *
Amherst Avenue		50 *
From any adjoining lot:		
Side/end unit	8	8
Rear	20	20
Parking:		
Residential	380spaces	472 spaces
(2 spaces per unit @190 units)		

\*Binding Element of G-798

MPDU CALCULATIONS

MPDUs Required @ 12.5%	24 dwelling units
MPDUs Provided	24 dwelling units

RECREATION CALCULATIONS

Demand Points (Required per 100 d.u.'s)	<u>Tots</u>	<u>children</u>	<u>teens</u>	<u>adults</u>	<u>seniors</u>
SFD III (6)	0.80	1.10	1.40	7.60	0.80
Townhouses (139)	23.6	30.60	25.0	179.0	9.70
Garden Units (45)	<u>5.00</u>	<u>6.30</u>	<u>5.40</u>	<u>53.10</u>	<u>7.20</u>
<b>Total Demands Pts.</b>	<b>29.40</b>	<b>38.00</b>	<b>31.80</b>	<b>239.70</b>	<b>17.70</b>

**Supply Points**

On-Site Facilities:

Pedestrian system	2.9	7.60	6.30	107.40	8.00
Open Play Area I	6.00	9.00	12.00	30.00	2.00
Tot Lot	9.00	2.00	0.00	4.00	1.00

**Indoor Community**

<b>Space (Rafferty Bldg)</b>			<b>2.90</b>	<b>5.70</b>	<b>9.50</b>	<b>71.60</b>	<b>7.10</b>
Picnic/Sitting Areas (6)	<u>6.00</u>	<u>6.00</u>	<u>9.0</u>	<u>30.00</u>	<u>12.00</u>		
<b>Total On-Site Supply</b>	<b>26.80</b>	<b>30.30</b>	<b>36.80</b>	<b>243.00</b>	<b>30.10</b>		
<b>Total Off-Site Credit</b>	<b>9.40*</b>	<b>10.60*</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>		
<b>Total Supply Points</b>	<b>36.20</b>	<b>40.90</b>	<b>36.80</b>	<b>243.00</b>	<b>30.10</b>		
<b>Percent of Requirements</b>	<b>123%</b>	<b>108%</b>	<b>116%</b>	<b>102%</b>	<b>170%</b>		

\*Off-site credit is being taken (max. 35%) for Wheaton Regional Park, Wheaton Community Center.

3. The locations of the buildings and structures, the open spaces, the landscaping, the recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient.

- a. Location of Buildings and Structures

The location of the buildings is adequate and efficient to the surrounding road network and urban setting. The buildings were designed to provide frontage on the primary roads with the rear of the property being served by private alleys. The front of the buildings have been placed as close to the street frontage as possible while still allowing for steps, street trees and lights as well as amenity landscaping and features such as ornamental fencing.

Twenty-four Moderately Priced Dwelling Units (MPDU's) have been selectively integrated into the framework of the market rate townhouse and condominium units. This provides for a mix of design and unit type within each block.

The applicant will negotiate the transfer of ownership of the Rafferty Center building to the Montgomery County Department of Recreation by the end of a reservation period established between the two parties and conditioned on the preliminary plan. If retained, the Rafferty Center will be maintained by the Montgomery County Department of Recreation as conditioned by the Development Plan and binding elements of the zoning reclassification for maintenance by a public entity.

The applicant is being required to provide an alternate plan to show how the recreation requirements are being satisfied if the Rafferty Center is not retained since credit is being taken for proposed activity within the building. The revised plan must be reviewed and approved by the Planning Board prior to release of the 133<sup>rd</sup> building permit through a site plan amendment process. This revised plan may impact or change the location of some of the proposed units and open space.

- b. Open Spaces

Open space for this project is adequate, safe, and efficient and provides the necessary buffers to adjacent properties and uses while meeting the requirements of the zone.

Binding element number 13 of the rezoning classification required that two acres of community space be provided along the northern boundary of the site. The two acres could include reforestation areas; open play areas, as well as the Rafferty Center. The location of the open space provides for a buffer to the adjacent residential properties that front on Arcola Avenue and a physical separation from the Wheaton Rescue Squad to the proposed units on the site. The open space that provides the separation from the residences will be placed in a Category I forest conservation easement and planted with oversized plant material for a more effective screen. The open space situated around the Rafferty Center will include an open play area, tot lot and seating areas for the community.

If the Rafferty Center is not retained by Montgomery County, the applicant must submit a revised plan for review by the Planning Board demonstrating how the alternative open space and recreation amenities will be accommodated for the subdivision.

Additional open space is provided at the center of the site in the shape of a central plaza visually prominent to the residents of the site. The internal green space between the fronts of the townhouse units will form a mews setting with ornamental planting and private sitting areas.

c. **Landscaping and Lighting**

The landscaping and lighting proposed is adequate and efficient.

Landscaping consists of a complement of street trees in tree panels along Dawson Avenue, the primary entry into the property from Georgia Avenue. This streetscape is a formal treatment with 10-foot-wide stamped concrete that terminates into a private amenity plaza at the intersection with Street 'D'. The remainder of the private streets contains shade trees at the intersections and near the parallel parking bays. The alleys consist of primarily flowering trees, shrubs and groundcover to provide definition and scale in the islands. Conditions have been placed on the site plan to allow for screening of above ground utilities in the parking islands. The mews areas in the front of the townhouse units will include centralized seating areas and ornamental tree and shrubs.

The eight-foot-wide bike path along Georgia Avenue includes a staggered double row of Zelkovas for the entire property frontage, while Amherst

Avenue contains the standard street trees at 50 feet on center. The formal open play area in front of the Rafferty Center is lined with shade trees to define the oval walkway and create an entry to the building.

Additional landscaping is provided for screening along the property boundaries to buffer the adjacent apartment complex to the north. Landscaping is also provided at the end of the alleys for the condo units for screening of potential development on the WMATA property. Plant material in the afforestation area at the northern end of the property has been increased in size from the typical planting requirement for screening of adjacent one-family detached units. This planted buffer area is approximately 50-feet in width.

Nineteen foot-tall poles, including fixture and mounting height, are proposed along the primary entrances and interior loop roads for safety of the residents of the units. Reflectors and refractors of the fixtures will be installed on all lights in proximity to residential properties to negate glare.

d. Recreation

The proposed recreational facilities are adequate, safe and efficient.

The applicant is providing a tot lot, open play area, pedestrian system and indoor community space within the Rafferty Center to satisfy the requirements of the Recreation Guidelines. The applicant needs the Rafferty Center to satisfy their recreation requirements. Off-site credit is being taken for activity areas in Wheaton Regional Park and Wheaton Community Center.

The tot lot and open play area are located in the northwest corner of the site directly in front of the Rafferty Center. In addition to seating near the tot lot, three other seating areas have been incorporated into amenity plaza areas located at the intersecting streets for visibility and use.

The applicant is required to provide an alternate plan to show how the recreation requirements will be satisfied if the Rafferty Center is not retained since credit is being taken for proposed activity within the building. The revised plan must be reviewed and approved by the Planning Board prior to release of the 133<sup>rd</sup> building permit. The plan would need to address location of the recreation amenities, open space and relation to existing and proposed units.

e. **Vehicular and Pedestrian Circulation** -

Vehicular and pedestrian circulation is adequate, safe, and efficient, providing pedestrian connections and crossings on the private streets.

Vehicular circulation consists of two access points from Georgia Avenue and Amherst Avenue. The following streets will be 24-foot-wide private roads: Dawson Avenue and Street D at the intersection of Amherst Avenue and the first alley. The entrance from Georgia Avenue is a direct line into the site terminating at a T-intersection, which forms a loop road that connects to the access point at Amherst Avenue. Private courts and alleys serve all of the townhouse, condo and one-family detached units. Nearly all of the unit types have rear-loaded garages except for the townhouse units on the southern boundary adjacent to the existing apartment complex at Blueridge Manor and the townhouses on the northern boundary whose ends face the adjacent one-family detached units.

Although the Rafferty Center will be preserved and maintained by the Montgomery County Department of Recreation, there is no public vehicular circulation for the building. The present concept is that civic and community groups will be permitted to park in the surface parking facility behind the Wheaton Rescue Squad for events and meetings.

Pedestrian circulation consists of 4-foot-wide sidewalks adjacent to the private drives through the site to serve all of the units and 5-foot-wide sidewalks parallel to the two private streets. A direct pedestrian system connects the primary entry from Georgia Avenue to Amherst Avenue through the site. A sidewalk connects the Rafferty Center to the surface parking facility that is part of the Wheaton Rescue Squad currently under construction. A connection is also being made to Amherst Street at the southeastern property corner for a more direct route to the post office and commercial retail shops.

The site plan also incorporates improvements for pedestrian circulation via an 8-foot-wide Class I bikeway within the right-of-way on Georgia Avenue. The bikeway will provide greater pedestrian circulation to downtown Wheaton and the metro and bus stations.

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

The locations of the buildings are compatible with existing uses and adjacent development.

The proposed mix of one-family detached and attached uses to the north, south and east are compatible with the surrounding development comprised of primarily of one-family detached units to the north and west and multi-family to the south. The multi-family units along Georgia Avenue and on the southwestern boundary create an area of low-to-medium density that is in keeping with the transitional neighborhood to the south.

The mix of unit styles serves as a transition from the apartment and commercial uses to the south and one-family detached units to the north and east of the site.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The planting requirement of 2.08 acres will satisfy the forest conservation requirements through a combination of on-site landscaping and off-site forest plantings for optional method projects. The afforestation area will be placed in a Category I forest conservation easement and will consist of 2" caliper trees, providing a substantial buffer to the adjacent one-family detached homes north of the site.

6. 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.

### **PLANNING BOARD ACTION AND CONDITIONS**

The Montgomery County Planning Board APPROVES Site Plan Review #8-04027 for 6 one-family detached dwelling units, 139 one-family attached units and 45 multi-family units on 13.86 gross acres in the RT-15 Zone with the following conditions:

1. Rafferty Center
  - a. During the reservation period, the applicant shall continue good-faith negotiations with Montgomery County for the purpose of securing property around the Rafferty Center for additional open space, parking and access as described in the letter dated October 15, 2004, from Montgomery County Mid-County Services to the Honorable Derick P. Berlage. Six months before the expiration of the reservation period required as part of the approval of Preliminary Plan No. 1-04068, the applicant shall provide the Planning Board with a report regarding the status of these good-faith negotiations with Montgomery County.

- b. If an agreement between the applicant and Montgomery County cannot be reached, and the Rafferty Center cannot be retained, the applicant shall amend the approved site plan to show an alternate layout and design that addresses the open space and recreation requirements, as well as the overall design intent. The revised site plan must be approved by the Planning Board prior to the issuance of the 133<sup>rd</sup> building permit.

2. Development Plan Conformance

The proposed development shall comply with the binding elements listed in the Zoning Map Amendment G-798 and associated Development Plan.

3. WMATA Access

The applicant shall provide a 24-foot-wide ingress/egress easement on Dawson Avenue and Street 'C' from Georgia Avenue to the WMATA property (Parcel 920) to the south of the subject site to accommodate future development of the WMATA property. The access shall be referenced in the Homeowners Association documents and on the record plat. Language shall be included in the Homeowners Association documents, which provides notification for the potential for future development on the WMATA property (Parcel 920) through the subject site.

4. Site Design

- a. Provide architectural drawings showing brick/masonry facades or similar type product material (not vinyl siding) for the fronts and sides of all of the buildings visible from the public street and internal driveway.
- b. All retaining walls shall be constructed of masonry to complement the building facades. Provide a detail of the retaining walls on the site plan.
- c. Provide a utility plan and layout for the alleys and drives. Meters, A/C units and other utilities shall be combined where possible so as not to compete with planting in the islands.
- d. Provide the location of the mailbox clusters on the site plan. The locations of the clusters shall not impede the visibility of the prominent amenity features on the site plan such as the amenity plazas or central gathering areas. A letter from the U.S. Post Office shall be provided at signature set accepting the proposed locations.



- e. Enlarge the seating and plaza area at the west end of Street 'D' and north of building #5 to become a more visible plaza area for residents of the community and visitors of the Rafferty Center.
- f. Relocate end units 38, 61 and 88 to buildings 25, 20 and 18, respectively, to create a better view shed from the amenity plaza to Street 'C'.

5. Landscaping

- a. Provide shade trees on the south side of Street 'C' in front of buildings 12, 19 and 26.
- b. Provide additional planting around the seating area at the intersection of Street 'B' and 'D'.
- c. Provide additional foundation planting for the buildings facing Georgia Avenue.
- d. Provide 4' x 10' tree pits with amended soil panels on Dawson Avenue. Shade trees in the tree pits shall be spaced approximately 30 feet on center.
- e. Remove the privacy wood fence that provides screening of the pad spaces to the units. The screening for the pad spaces to the units shall be constructed of materials to complement the building facades. Provide a detail of the screening at signature set.
- f. All meters and utilities located within the islands between all units shall be screened with evergreen shrubs or masonry walls to match the building facades.
- g. Relocate the central feature in the mews (units 61 and 88) to line up with the amenity plaza and relocated units.
- h. Provide a typical foundation-planting plan for the fronts of the units.
- i. Provide additional features that complement the architecture or hardscape elements in the mews and in the fronts of the units that reflect the amenity plaza and urban design elements such as ornamental fencing and paving patterns to complement the facades.

6. Lighting

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.
- b. All light fixtures shall be full cut-off fixtures.
- c. Deflectors/refractors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.

- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.
- e. The height of the light poles shall not exceed 19 feet including the mounting base and fixture.
- f. Relocate the fixture adjacent to unit 114 outside of the sidewalk.
- g. Relocate the fixture adjacent to unit 26 and the stormwater management facility outside of the sidewalk.

7. Pedestrian Circulation

- a. Provide a sidewalk connection to the Rafferty Center from Street 'D' north of unit 141, if the Rafferty Center is retained.
- b. Provide a five-foot clear area from the tree pits to the back of the sidewalk on Dawson Avenue. Sidewalk on Dawson Avenue and amenity plaza areas to be stamped concrete.
- c. Provide an eight-foot-wide concrete Class I bikeway parallel to the east side of Georgia Avenue.

8. Recreation Facilities

Provide a tot lot; open play area, pedestrian system, 6 seating areas and indoor community space in the Rafferty Center to satisfy the requirements of the Recreation Guidelines.

9. Maintenance Responsibility

The applicant and subsequent homeowners association shall be responsible for maintaining recreation facilities that are under their control. If the Rafferty Center and open space area to the west of the Rafferty Center, including the 24 units (buildings 1-5) are acquired by the County, the Montgomery County Department of Recreation shall be responsible for maintaining the Rafferty Center and surrounding land acquired. In addition, the homeowners association shall be responsible for maintaining the plaza amenity areas, lighting, landscaping and elements of the streetscape that are under their control.

10. Moderately Priced Dwelling Units (MPDUs)

The proposed development shall provide (24) twenty-four (or 12.5 percent of the total number of units) Moderately Priced Dwelling Units (MPDUs) on the site.

11. Transportation

The applicant shall comply with the conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated October 15, 2004.

12. Forest Conservation

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated October 25, 2004 [Appendix C]:

- a. The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (DPS) issuance of sediment and erosion control permits.
- b. Record plat of subdivision shall reflect a Category 1 and II conservation easement over all areas of afforestation and forest conservation.
- c. The applicant shall plant the afforestation area in the first planting season after the issuance of the building permit for properties adjoining the forest conservation area.
- d. Applicant shall construct a split rail fence in the Category I easement to delineate the planting area and also to protect the trees within the forest conservation easement.

13. Noise Attenuation

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated October 25, 2004 to attenuate noise from Georgia Avenue (MD 97):

- a. Certification from an engineering firm that specializes in acoustical analysis, that the building shell for residential dwelling units to be constructed within the unmitigated 65 dBA Ldn noise contour, is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The certification from the engineer that specializes in acoustical analysis shall be reviewed and approved by M-NCPPC Environmental Planning staff

prior to issuance of building permits. Any changes that may affect acoustical performance, after the issuance of a building permit, shall be approved by the acoustical engineer in advance of installation and M-NCPPC Environmental Planning staff prior to their implementation.

- b. Applicant shall conduct an outdoor-to-indoor noise analysis of constructed units to ensure the 45 dBA Ldn interior noise level is achieved within the unmitigated 65 dBA Ldn contour after construction and shall present verification of noise levels to M-NCPPC Environmental Planning staff prior to occupancy of the residential units.
- c. For all residential dwelling units to be constructed within the 65 dBA Ldn unmitigated noise contour, the applicant/developer/builder shall disclose in writing to all prospective purchasers that those homes are impacted by existing and future highway noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the Illustrative Site Plan(s) on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and with all Deeds of Conveyance. Notification shall be provided to M-NCPPC staff prior to issuance of any building permit.
- d. Provide the 70 dBA and 65 dBA lines on the site plans.

14. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated August 24, 2004.

15. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the 133rd building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

16. Development Program

Applicant shall construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. Development Program shall include a phasing schedule as follows:

- a. Streets tree planting shall progress, as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
- b. Community-wide pedestrian pathways, including the 8-foot-wide Class I bikeway, and recreation facilities (except the indoor community space), including the tot lot, open play area and amenity plazas, shall be completed prior to issuance of the 133rd building permit.
- c. Landscaping associated with each street and building shall be completed as construction of each facility is completed.
- d. Afforestation Area shall be planted to start the two-year warranty and maintenance period upon completion of units 49, 50, 99 and 100 and Street 'C'. Forest Conservation signs shall be placed at the end of each street and alley to inform residents of the area to be planted.
- e. Pedestrian pathways including sidewalks in the front of the units and connections to the public and private roads shall be completed as construction of each building and street is completed.
- f. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- g. Coordination of each section of the development and roads.
- h. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

17. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of signature set of plans.

18. Signature Set

Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Opinion.
- b. Limits of disturbance.

- c. Methods and locations of tree protection.
- d. Forest Conservation easement areas.
- e. MPDU and recreation facility calculations. Applicant shall provide a note on the site plan indicating the supply taken for the Rafferty Center and that a revised plan must be submitted to the Planning Board for review and approval prior to release of the 133<sup>rd</sup> building permit if the Rafferty Center is not retained.
- f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- g. All other items specified in the site design, landscape, lighting, recreation, pedestrian circulation, maintenance responsibility and forest conservation conditions of approval above.
- h. Details of the masonry walls and fences, ornamental features and paving elements associated with the front yards.

19. Homeowners Association Documents

Applicant shall provide documentation to prospective buyers in the Homeowners Associations Documents with regard to maintenance responsibility of the plant material, paving, benches and amenities between the building and curb line, which includes the public utility easement (PUE). The Homeowners Association Documents shall also contain language concerning the public ingress/egress easement to the WMATA site (Parcel 920) to Georgia Avenue and potential for future development through the subject site. The Homeowners Association documents shall be reviewed and approved by M-NCPPC staff prior to approval of signature set.

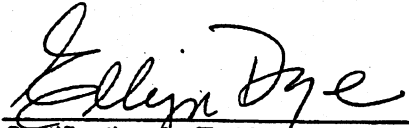
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[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL SUFFICIENCY  
Dyo 1/28/05  
M-NCPPC LEGAL

**CERTIFICATION OF BOARD VOTE ADOPTING OPINION**

At its regular meeting, held on Thursday, February 3, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Bryant, seconded by Commissioner Wellington, with Commissioners Perdue, Bryant, Robinson, and Wellington voting in favor of the motion, and Commissioner Berlage abstaining, adopted the attached Opinion, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Site Plan 8-04027, Leesborough (Good Counsel).

  
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Certification As To Vote of Adoption  
Technical Writer