

**Preliminary Plan Amendment No. 11991045A: Peterson Property (Lot 5)**

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*JPP*

Joshua Penn, Senior Planner, [Joshua.Penn@montgomeryplanning.org](mailto:Joshua.Penn@montgomeryplanning.org), 301-495-4546

*RAW*

Richard Weaver, Acting Supervisor, [richard.weaver@montgomeryplanning.org](mailto:richard.weaver@montgomeryplanning.org), (301) 495-4544

*JAC*

John Carter, Chief Area 3 Planning Team, [john.carter@montgomeryplanning.org](mailto:john.carter@montgomeryplanning.org) (301) 495-4575

Completed: 4/19/13

**Description**

**Preliminary Plan Limited Amendment No. 11991045A Peterson Property (Lot 5)**

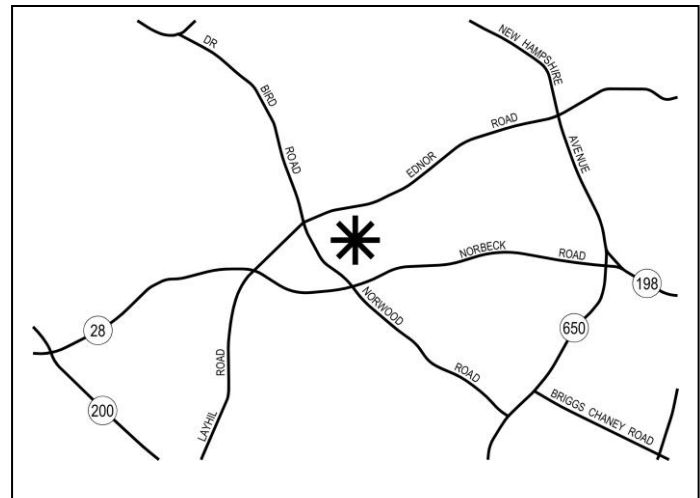
A request to remove a portion of the Category I Conservation Easement located on the northeast side of Norwood Road approximately 2,100 feet north of Norbeck Road, 2.1 acre lot, RE-2C Zone, Cloverly Master Plan

**Staff Recommendation:** Approve, with conditions

**Applicant:** Mitchell and Best Group, L.L.C.

**Subject Property:** Lot 5, Peterson Property

**Submittal Date:** January 10, 2013



Summary

- This Application proposes to remove 0.94 acres of Category I conservation easement.
- The non pipestem area of Lot 5 is currently 100% encumbered by Category I conservation easement and septic easement.
- This Application is not in response to a forest conservation violation

## **STAFF RECOMMENDATION**

Approval of the Limited Amendment to the Preliminary Plan and associated Final Forest Conservation Plan, subject to the following conditions:

1. The Applicant must submit a complete record plat application within three (3) months of the mailing of the Planning Board Resolution and the plat must be recorded within twelve (12) months of the mailing of the Planning Board Resolution. The record plat must reference the standard Category I conservation easement as recorded at liber 13178, folio 412 in the Land Records for Montgomery County, Maryland over the areas identified to remain, as shown on the amended final forest conservation plan.
2. Prior to Planning Board approval of the record plat, the Applicant must submit a Certificate of Compliance to use an offsite forest mitigation bank as approved by staff. The Certificate of Compliance must provide mitigation credits for onsite conservation easement removal of 0.94 acre at a rate of 2:1 ratio (4:1 if existing forest is to be utilized).
3. Prior to Planning Board approval of the record plat, the Applicant must delineate the revised Category I easement boundary with permanent easement markers and appropriate signage.
4. All other conditions of Preliminary Plan No. 119910450 and Forest Conservation Plan No. 119910450 that were not modified herein, as contained in the Planning Board's Opinion dated April 22, 1992, remain in full force and effect.

## **DISCUSSION**

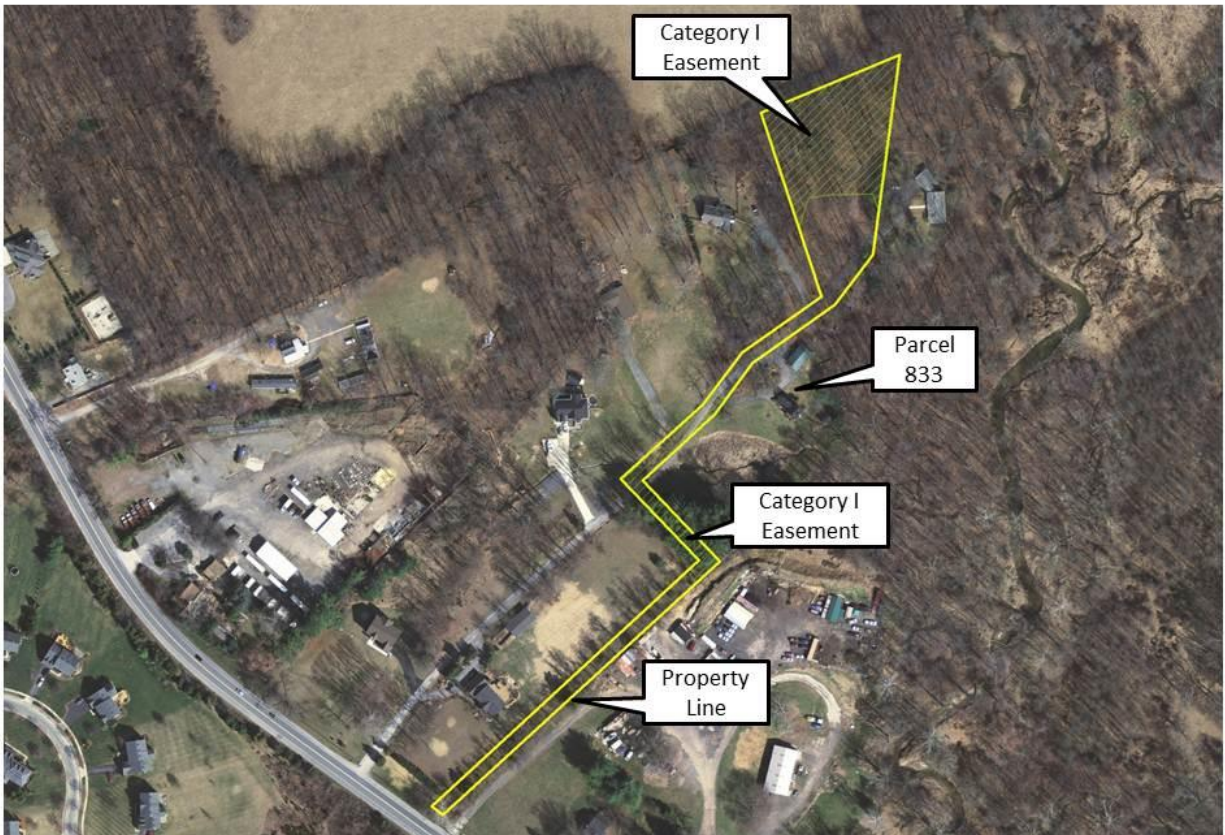
The Montgomery County Planning Board originally approved preliminary plan No. 119910450, Peterson Property, on April 16, 1992 for three (3) lots and two (2) outlots on 11.70-acres of land in the RE-2 zone. The preliminary plan was subject to the forest conservation law (Chapter 22A of the County Code) and a forest conservation plan (FCP) was required. The FCP approved with the 5-lot Peterson Property preliminary plan showed 2.5 acres of existing forest, of which 0.75 acres was to be cleared, thereby generating a 1.5 acre planting requirement which was to be met on-site. The FCP indicated that an easement was to be located on a portion of Outlot 4 (later to become Lot 5).

The two outlots shown on the Peterson Property preliminary plan were created based on lack of approved septic testing. Subsequent to the approval of this preliminary plan in 1992, the 1998 Cloverly Master Plan ("Master Plan") recommended the RE-2C zone for the Subject Property and also for a large geographic area around the Subject Property. To implement the cluster option, the properties that were recommended for the RE-2C zone were placed within the water and sewer service envelope in the Master Plan. A sewer main was eventually extended near the Subject Property for the Hampshire Greens development. In May of 2000 an application was filed for a minor subdivision to convert Outlot 1 and Outlot 4 into Lot 4 and Lot 5, respectively. Outlot 4 (Lot 5) was encumbered by a septic easement for an adjoining property (Parcel P833). The septic easement was to be abandoned as part of the minor subdivision record plat and both Outlot 4 (Lot 5) and the adjoining P833 would be connected to the public sewer. Record plat #21957 was approved in 2001 showing Lot 4 and Lot 5 with a note added which read "The approval of this plat is predicated on the availability of public water and sewer". The Applicant subsequently purchased Lot 5 with the hopes of building a house but was unsuccessful in gaining access easements from neighboring landowners to extend the sewer house connections from the off-site public sewer mains. Because of the inability to gain access to the available public sewer lines this amendment, designated Preliminary Plan No. 11991045A, ("Application") was filed as a request to re-establish the Subject Property (Lot 5) with a septic reserve area for the adjoining property and to create a second septic reserve area to accommodate a house on the Subject Property. In order to do

this, the Category I easements shown on the current record plat for Lot 5 must be changed to accommodate the both septic reserve areas and to allow a reasonable buildable area for a house.

### SITE DESCRIPTION

The Subject Property is located on the northeast side of Norwood Road, approximately 2,100 feet north of Norbeck Road in the Cloverly Master Plan area. The Subject Property is identified as Lot 5, Peterson Property and is 2.1 acres in size and zoned RE-2C. The Subject Property contains 1.19 acres of Category I conservation easement which comprises 57% of the total lot area. Topography slopes from the north, downhill to the south draining to an offsite tributary of Northwest Branch, a Use IV stream. The Countywide Stream Protection Strategy rates the water quality of the Northwest Branch watershed as good.



**Figure 1: Subject Property**



**Figure 2: Close-up View of buildable area of Subject Property**

**PROPOSAL**

The Application requests removing 0.94 acres of Category I conservation easement of the overall 1.19 acres of easement on the Subject Property. The remaining 0.25 acres of easement will remain. To mitigate for the 0.94 acres of easement area removal, the Applicant proposes to purchase credits in an offsite forest conservation bank.

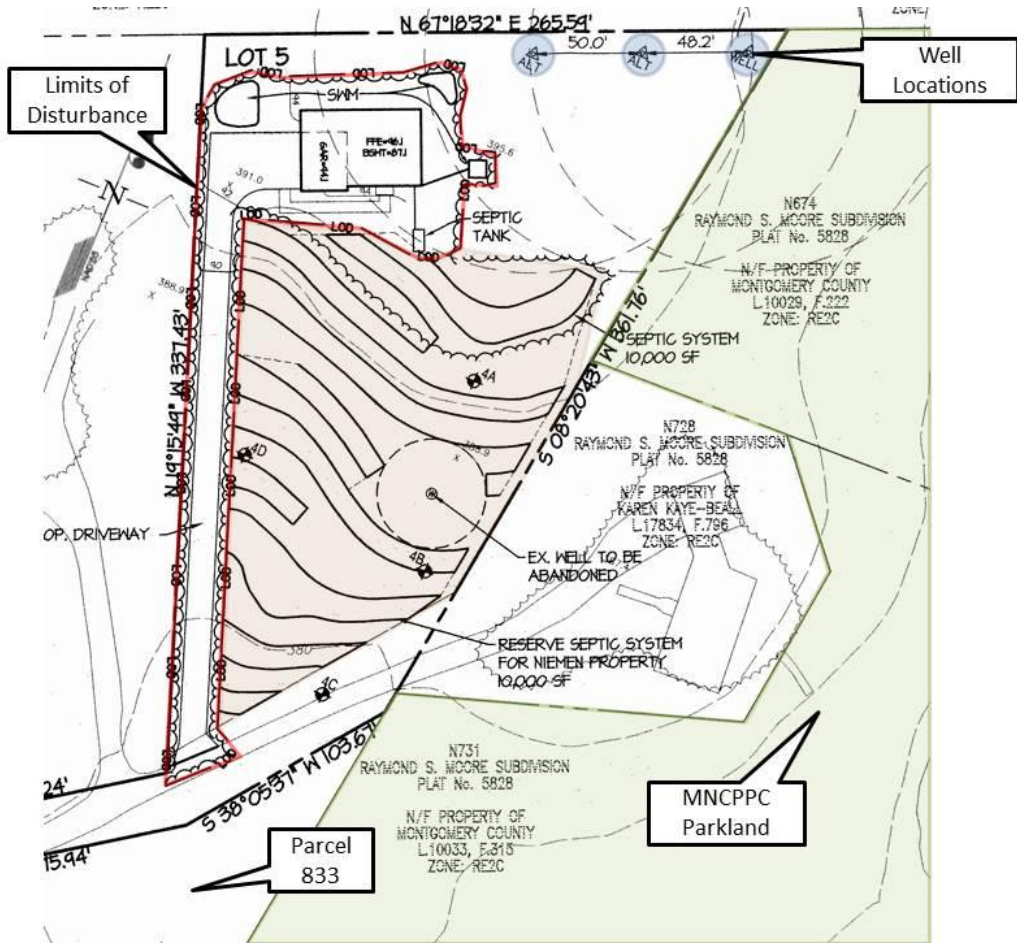


Figure 3: Proposed Development

**PLANNING BOARD REVIEW AUTHORITY**

The Forest Conservation Regulations require Planning Board action on certain types of modifications to an approved FCP. Section 22A.00.01.13.A of the Forest Conservation Regulation states:

*Major amendments which entail more than a total of 5000 square feet of additional forest clearing must be approved by the Planning Board or the Planning Director (depending on who approved the original plan).*

The total modification is greater than the 5000 square foot threshold at 0.94 acres (40,946 square feet). Additionally, staff believes that the removal of, or significant change to, the conservation easement warrants consideration in a public forum with a final decision from the Planning Board.

## REVIEW and ANALYSIS

The Application is a proactive request, to remove a portion of the easement and is not in response to violation. The revision to the easement will provide the Applicant with buildable area on a recorded lot. The Applicant has been working with Staff to come to a mutually supportable mitigation package that meets the statutory requirements of the Planning Board and the needs of the Subject Property owner. In its review of the Application, staff determined that Outlot 4, as shown on the original record plat from 1992, was created as an outlot to prevent issuance of a building permit until a suitable means of sewage disposal could be determined. With the extension of public sewer into the watershed for the Hampshire Greens development, the prior owner of Outlot 4 converted the outlot into a record lot and abandoned the septic reserve area that had been established on the outlot for the adjoining property. The area that comprised the former septic reserve area was to be available for construction of a one family house using public sewer and a sewer connection was to be provided to the adjoining P833 as part of the septic area abandonment. However, attempts by the Applicant to gain access to the off-site sewer main through adjacent private properties and Parkland proved unsuccessful and Lot 5 has remained undeveloped.



**Figure 4: Current On-lot Easement Coverage**

The Montgomery County Department of Permitting Services has determined that there is viable, second septic reserve area on the Subject Property that could be used to accommodate a house; however, it is within an area of Category I easement. The former septic reserve area for the adjoining P833 also

remains valid and may be re-established on the Subject Property. Staff believes that because of the prior action to convert the outlot to a record lot, there was a definite expectation that a house could be located on the Subject Property. Because of the inability to gain access to public sewer, the use of private septic systems is the only means of providing adequate sewage disposal to a house. Staff believes that this Application to amend the forest conservation easements, establish a new septic reserve area and re-establish a previous septic reserve area is the minimum necessary to allow a building permit to eventually be issued under the current scenario.

As proposed by the Applicant, the mitigation for the easement removal is to replace the easement offsite at a 2:1 ratio. This situation is somewhat unique in that without removing at least a portion of the Category I conservation easement the Applicant will have an unbuildable recorded lot. Under this Application, the Applicant originally proposed retaining more Category I conservation easement on lot, however, Staff believed it would have created an isolated and oddly shaped easement on the rear of a 2.10 acre pipe stem lot that would be difficult to monitor and enforce. Onsite mitigation is generally preferable to offsite mitigation because it provides in-kind and in-place benefits for what is being removed and the Planning Board has found it acceptable to mitigate onsite at a 1:1 ratio. However, Staff could find no acceptable area onsite to mitigate for the easement removal and recommends that all mitigation be taken offsite. The Planning Board practice for the removal of conservation easement, as determined in November of 2008, is a ratio of 2:1 (planting requirement) if taken off-site.

The Application satisfactorily meets the Planning Board's mitigation practice of 2:1 offsite and complies with Chapter 22A, the Montgomery County Forest Conservation Law. Staff supports the revision to the Category I easement to remove 0.94 acres and mitigate it off-site with a 1.88 acre planting requirement.

#### **NOTIFICATION and OUTREACH**

The Subject Property was signed with notification of the upcoming preliminary plan amendment in accordance with adopted procedures. All adjoining and confronting property owners, civic associations, and other registered interested parties will be notified of the upcoming public hearing on the proposed amendment. As of the date of this report, staff has received no inquiries. Any comments received hereafter will be forwarded to the Board.

#### **CONCLUSION**

Staff recommends that the Planning Board approve this Application subject to the conditions enumerated in this staff report.

#### **Attachments:**

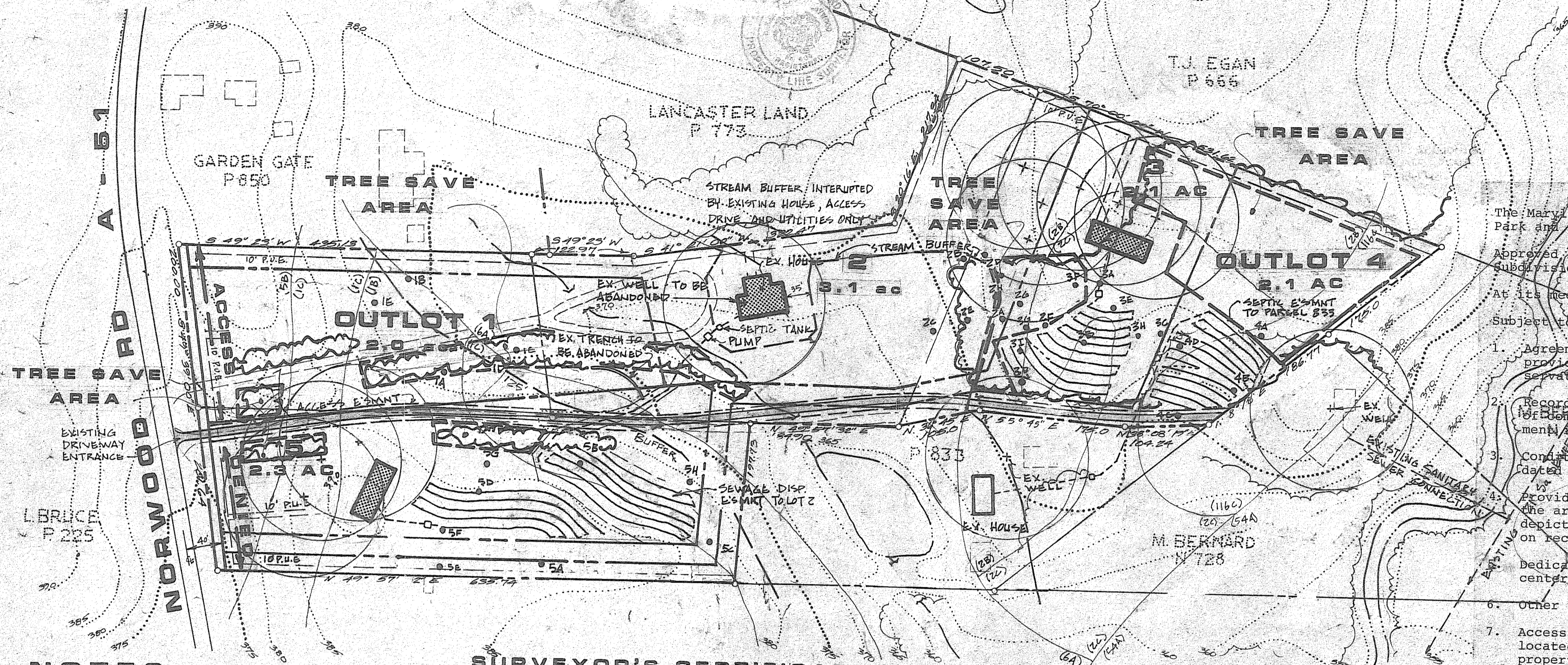
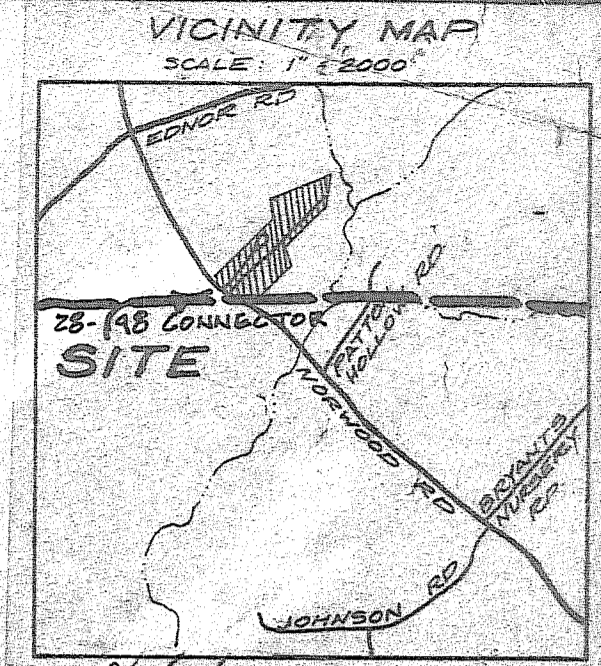
- A. Original Preliminary Plan No. 119910450
- B. Approved Forest Conservation Worksheet
- C. Opinion for Preliminary Plan No. 119910450
- D. Original Plat Preliminary Plan No. 119910450
- E. Plat for Conversion of Outlots to Lots
- F. Montgomery County Department of Environmental Protection Sewer Exception Letter

LOT	N.O. BEDROOMS	TEST SITE	TIME IN MIN.	DEPTH OF TESTS	TEST SITE	TIME IN MIN.	DEPTH OF TESTS	TEST SITE	TIME IN MIN.	DEPTH OF TESTS	SEPTIC TANK			INVERT BEGIN FIELD	LENGTH INITIAL SYSTEM	LENGTH ENTIRE SYSTEM	DEPTH STONE
											INVERT LOWEST FIXTURE	INVERT IN	INVERT OUT				
1																	
2	6	5A	13	2 1/2 + 1 3/4	5B	17	3 1/2 + 1 1/4	5C	11	4 + 1 1/4	T.O.B.B.	PUMPED	381.5	217'	1000'	4'	
3	5	3E	6	5 + 1 3/4	3B	10	5 + 1 1/4	3D	25	2 1/2 + 1 1/2	384.6	380.6	380.3	380.0	239'	1000'	4'
4	5	4A	17	2 1/2 + 1 3/4	4B	12	4 1/2 + 1 3/4	4C	20	2 1/2 + 1 1/2	386.8	383.0	382.7	382.5	239'	1000'	4'
5	6	5F	5	4 1/2 + 1 3/4	5A	13	2 1/2 + 1 3/4	5D	23	2 1/2 + 1 1/2	389.1	385.5	385.2	385.0	217'	1000'	4'

**CERTIFICATION OF TEST SITE LOCATIONS**

I HEREBY CERTIFY TO THE ACCURACY AND LOCATION OF THE SEPTIC SYSTEM TESTS INDICATED ON THIS PRELIMINARY PLAN OF SUBDIVISION

SIGNATURE: *[Signature]* DATE: 11-6-91



- The Maryland-National Capital Park and Planning Commission  
 Approved Preliminary Subdivision Plan No. 1-91045  
 At its meeting of 4-16-92  
 Subject to:
1. Agreement with Planning Board to provide for the necessary tree preservation as shown on 4/92 plan
  2. Record plat to reflect delineation of common ingress and egress easement including P833 and P728
  3. Conditions of Health Department memo dated 1/3/92
  4. Provide conservation easement over the area of the stream buffer as depicted on 4/92 plan and reflect on record plat
  5. Dedication of Norwood Road 40' off center line
  6. Other necessary easements
  7. Access to proposed Lot 3 shall be located solely within the Peterson property unless agreement can be reached with the owners of P833 and P728

**NOTES**  
 AREA OF PARCEL: 11.7 ac  
 CURRENT ZONING: RE-2  
 NO. LOTS PERMITTED - 5  
 NO. LOTS SHOWN - 5  
 TAX MAP JS 343  
 NOTE: AREA INSIDE STREAM BUFFER TO BE PUT IN CONSERVATION EASEMENT INTERRUPTED BY EXISTING HOUSE, ACCESS DRIVE AND UTILITIES AS SHOWN.

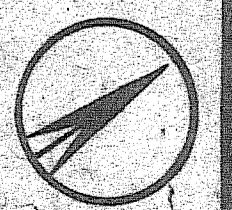
**SURVEYOR'S CERTIFICATE**  
 I HEREBY CERTIFY THAT THE BOUNDARY SHOWN HEREON IS CORRECT TO MY BEST KNOWLEDGE AND BELIEF BASED UPON EXISTING RECORDS AND VISUAL OBSERVATIONS  
 DATE: 12/12/88  
*[Signature]*  
 THOMAS A. MADDOX  
 MD R.P.L.S. # 10860

NOTE: SOILS TAKEN FROM 8/28 PRIOR TO RECORDING OF PLAT  
 SCS - MONTGOMERY COUNTY TECHNICAL STAFF RECOMMENDATION MADE TO MRS. STUART PETERSON BY: *[Signature]*  
 (INTERIM REPORT)  
 OWNER:  
**MR STUART PETERSON**  
 811 NORWOOD RD  
 SILVER SPRING, MD 20904  
 O (301) 584-0100  
 H (301) 774-7388

**PRELIMINARY PLAN**  
**PETERSON PROPERTY**  
 project: **NORWOOD VICINITY**  
 MONTGOMERY COUNTY, MARYLAND

**B&A**  
 Benning & Associates, Inc.  
 Land Planning Consultants  
 8933 Shady Grove Court  
 Gaithersburg, Md. 20877  
 (301) 948-0240

date: FEB. 9, 1990  
 APRIL 6, 1992  
 scale 1 IN = 100 FT  
 north





**PETERSON PROPERTY : 1-91045**

Figure     Forest Conservation Worksheet<sup>1,2,3</sup>

- A. TOTAL AREA OF TRACT: 11.7 acres
- B. AREA WITHIN 100 YEAR FLOODPLAIN (≥ 400 ac. D.A. of Use III/III-P waters): 0 acres
- C. AREA OF LAND TO BE USED FOR AGRICULTURE: 0 acres
- D. AREA WITHIN ROW/EASEMENT FOR WHICH WSSC IS RESPONSIBLE: 0 acres
- E. AREA WITHIN ROW FOR ROADS CONSTRUCTED PARTIALLY OR WHOLLY WITH PUBLIC FUNDS: 0 acres
- F. NET TRACT AREA (A-B-C-D-E): 11.7 acres
- G. LAND USE CATEGORY: RE-2 (from Table 1.) MED. DENS.
- H. AFFORESTATION THRESHOLD (% from Table 2 x F): 2.34 acres
- I. CONSERVATION THRESHOLD (% from Table 2 x F): 2.93 acres
- J. CURRENT FOREST COVER: 2.5 acres
- K. FOREST COVER ABOVE AFFORESTATION THRESHOLD (J-H): .17 acres
- L. FOREST COVER ABOVE CONSERVATION THRESHOLD (J-I): 0 acres

*CALCULATION OF BREAK-EVEN POINT (Forested acres to be saved for no planting requirements):*

- M. IF  $L \leq 0$  AND  $J \geq H$ , BREAK-EVEN POINT EQUALS J: 2.5 acres  
(IF  $J < H$ , THERE IS NO BREAK-EVEN POINT AND AFFORESTATION PLANTING IS REQUIRED. REFER TO P, BELOW.)  
IF  $L > 0$ , BREAK-EVEN POINT EQUALS  $(L \times 20\%) + I$ : - acres
- N. FOREST COVER TO BE SAVED: 1.75 acres
- O. TOTAL AREA OF FOREST TO BE CLEARED: .75 acres  
(IF GREATER THAN J-M, REFORESTATION PLANTING IS REQUIRED. SEE Q-X, BELOW)

*CALCULATION OF AFFORESTATION REQUIREMENT:*

- P. AFFORESTATION REQUIREMENT:  $H - J =$  0 acres

*CALCULATION OF REFORESTATION REQUIREMENT:*

- Q. AREA OF FOREST ABOVE CONSERVATION THRESHOLD TO BE CLEARED  
(If  $L \geq 0$ , use O;  $L < 0$ , use L): 0 acres
- R. AREA OF FOREST BELOW CONSERVATION THRESHOLD TO BE CLEARED (O-Q): .75 acres
- S. FORESTED AREA ABOVE CONSERVATION THRESHOLD TO BE SAVED (N-I): 0 acres
- T. PLANTING REQUIRED FOR CLEARING ABOVE THRESHOLD:  $Q \times \frac{1}{4} =$  0 acres
- U. PLANTING REQUIRED FOR CLEARING BELOW THRESHOLD:  $R \times 2 =$  1.5 acres
- V. CREDIT FOR FOREST SAVED ABOVE CONSERVATION THRESHOLD(S): 0 acres
- W. CREDIT FOR TREES AND LANDSCAPING<sup>3</sup> (MATURE CANOPY x 0.25): 0 acres
- X. TOTAL REFORESTATION REQUIREMENT:  $T + U - V - W =$  1.5 acres

*TOTAL PLANTING REQUIREMENT:*

- Y. AFFORESTATION AND REFORESTATION:  $P + X =$  1.5 ACRES

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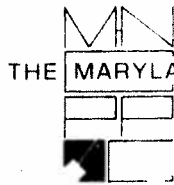
<sup>1</sup> Use 0 for all negative numbers that result from the calculations.

<sup>2</sup> See Appendix A - Glossary, for definition of terms.

<sup>3</sup> Refer to Section III,D of this manual for detailed explanation.

# ATTACHMENT C

Date of Mailing: April 22, 1992



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

Action: Approved Staff Recommendation with Modifications  
(Motion of Comm. Keeney, seconded by Com. Baptiste, with  
a vote of 5-0; Comms. Keeney, Baptiste, Bauman, Floreen  
and Richardson voting in favor.)

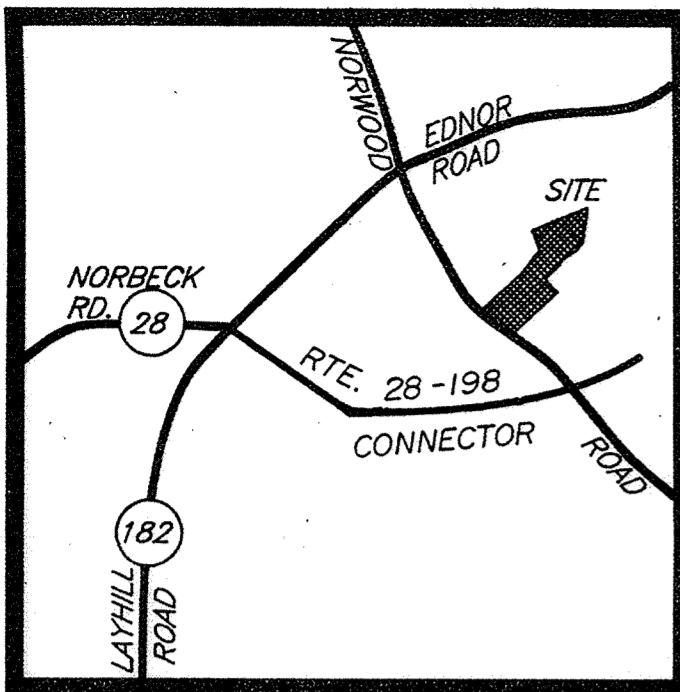
## MONTGOMERY COUNTY PLANNING BOARD

### OPINION

Preliminary Plan 1-91045  
NAME OF PLAN: PETERSON PROPERTY

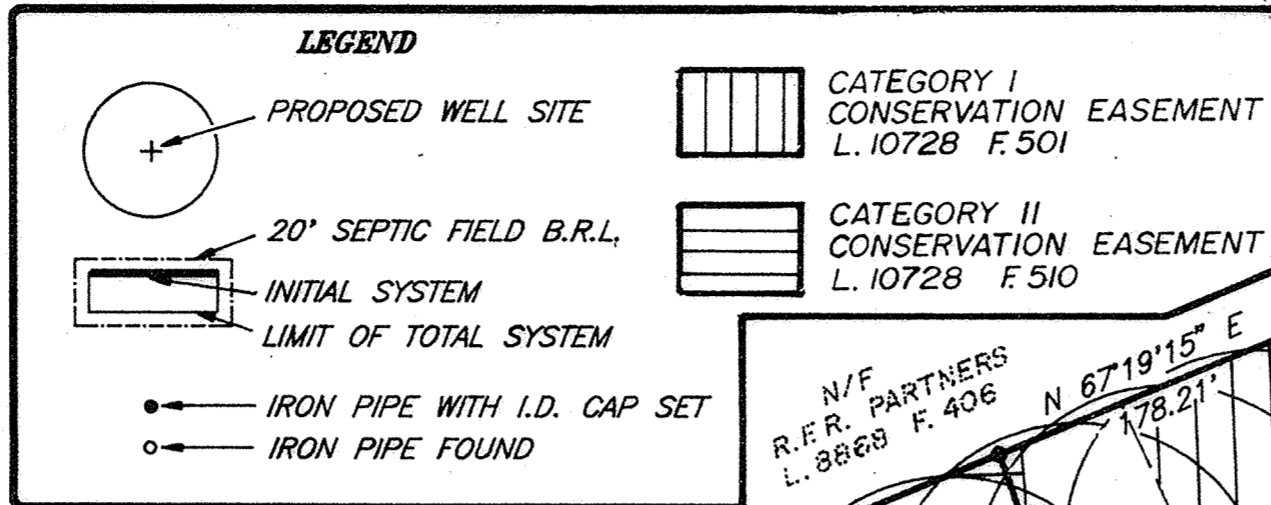
On 04-04-91, STUART PETERSON, submitted an application for the approval of a preliminary plan of subdivision of property in the RE2 zone. The application proposed to create 5 lots on 11.70 ACRES of land. The application was designated Preliminary Plan 1-91045. On 04-16-92, Preliminary Plan 1-91045 was 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. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-91045 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-91045, subject to the following conditions:

1. Agreement with Planning Board to provide for the necessary tree preservation as shown on 4/92 plan
2. Record plat to reflect delineation of common ingress and egress easement including P833 and P728
3. Conditions of Health Department memo dated 1/3/92
4. Provide conservation easement over the area of the stream buffer as depicted on 4/92 plan and reflect on record plat
5. Dedication of Norwood Road 40' off center line
6. Other necessary easements
7. Access to proposed Lot 3 shall be located solely within the Peterson property unless agreement can be reached with the owners of P833 and P728 prior to recording of plat

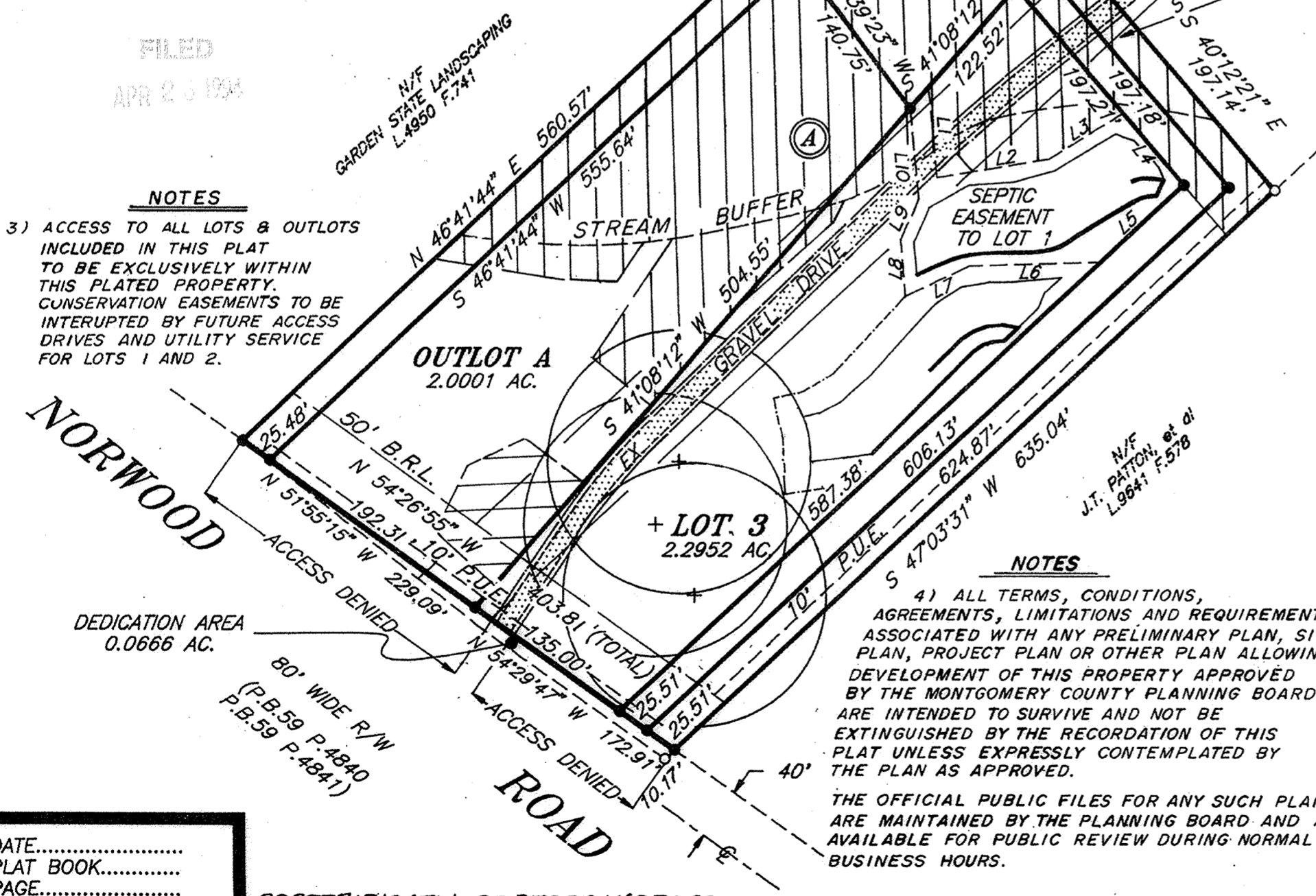


**VICINITY MAP**  
1 INCH = 2,000 FEET

LINE#	BEARING	DISTANCE
L1	S 05°21'54" E	68.96'
L2	N 80°40'35" E	86.30'
L3	N 58°31'08" E	66.33'
L4	S 40°12'21" E	70.99'
L5	S 47°03'31" W	86.42'
L6	S 88°20'19" W	99.34'
L7	S 64°38'53" W	54.63'
L8	N 04°33'27" W	43.46'
L9	N 24°03'44" E	34.20'
L10	N 05°21'54" W	69.23'
L11	N 17°42'41" E	54.66'
L12	N 81°03'47" E	37.40'
L13	S 89°33'44" E	69.15'
L14	S 17°09'52" E	38.04'
L15	S 08°21'26" W	77.51'
L16	S 55°59'14" W	10.52'
L17	S 19°15'06" E	151.62'



- NOTES**
- SEPTIC FIELD BUILDING RESTRICTION LINES ARE SUBJECT TO CHANGE UPON REAPPROVAL BY THE HEALTH DEPARTMENT.
  - LOTS 1 & 3 ARE APPROVED FOR SIX (6) BEDROOM HOMES. LOT 2 & OUTLOT B ARE APPROVED FOR FIVE (5) BEDROOM HOMES.



- NOTES**
- ACCESS TO ALL LOTS & OUTLOTS INCLUDED IN THIS PLAT TO BE EXCLUSIVELY WITHIN THIS PLATED PROPERTY. CONSERVATION EASEMENTS TO BE INTERRUPTED BY FUTURE ACCESS DRIVES AND UTILITY SERVICE FOR LOTS 1 AND 2.

- NOTES**
- ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN ALLOWING DEVELOPMENT OF THIS PROPERTY APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE RECORDATION OF THIS PLAT UNLESS EXPRESSLY CONTEMPLATED BY THE PLAN AS APPROVED.
- THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLANS ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF ALL THAT PROPERTY CONVEYED BY MILO O. PETERSON UNTO STUART PETERSON BY DEED DATED JUNE 18, 1991 AND RECORDED IN LIBER 9809 AT FOLIO 294 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, AND THAT IRON MARKERS HAVE BEEN FOUND OR SET AS INDICATED HEREON, PER SECTION 50-24(e) OF THE MONTGOMERY COUNTY CODE. THE TOTAL AREA SHOWN ON THIS PLAN IS 11.6655 ACRES OF LAND, OF WHICH 0.0666 ACRES IS DEDICATED TO PUBLIC USE.

1-4-93  
DATE  
DANIEL T. CAYWOOD  
PROPERTY LINE SURVEYOR

**OWNER'S DEDICATION**

I, STUART PETERSON, OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON DO HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, DEDICATE THE STREET TO PUBLIC USE AND GRANT SLOPE EASEMENTS PARALLEL, ADJACENT AND CONTIGUOUS TO NORWOOD ROAD TO THE BUILDING RESTRICTION LINE OR AS SHOWN HEREON, FOR THE CONSTRUCTION, RECONSTRUCTION AND MAINTENANCE OF PUBLIC ROADS. SLOPE EASEMENTS SHALL BE EXTINGUISHED AFTER ALL PUBLIC IMPROVEMENTS HAVE BEEN LAWFULLY COMPLETED AND ACCEPTED FOR MAINTENANCE BY THE APPROPRIATE PUBLIC AGENCY.

I FURTHER GRANT TEN FOOT PUBLIC UTILITY EASEMENTS, SHOWN HEREON AS "10' P.U.E.," TO THOSE PARTIES NAMED IN THE DOCUMENT ENTITLED: "DECLARATION OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS," AS RECORDED IN LIBER 3834 AT FOLIO 457 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

THERE ARE NO SUITS, ACTIONS OF LAW, LEASES, LIENS, MORTGAGES OR TRUSTS AFFECTING THE PROPERTY SHOWN HEREON, EXCEPT FOR A CERTAIN MORTGAGE HELD BY MILO O. PETERSON AND THAT SAID MILO O. PETERSON, AS PARTY OF INTEREST THERETO, HEREON INDICATES HIS ASSENT.

Stuart Peterson 8/15/92  
WITNESS DATE STUART PETERSON

I HEREBY ASSENT TO THIS PLAN OF SUBDIVISION;

Stuart Peterson 8/15/92  
WITNESS DATE MILO O. PETERSON

**LOTS 1, 2, 3 AND OUTLOTS A & B  
BLOCK A  
PETERSON'S SUBDIVISION**

ELECTION DISTRICT No. 5  
MONTGOMERY COUNTY, MARYLAND  
AUGUST, 1992 1 INCH = 100 FEET

**MADDOX**  
INCORPORATED  
ENGINEERS • SURVEYORS  
100 PARK AVENUE  
ROCKVILLE, MARYLAND 20850-8000  
(301) 708-9001  
MADDOX PROJECT No. 89020

DATE.....  
PLAT BOOK.....  
PAGE.....

MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION  
MONTGOMERY COUNTY PLANNING BOARD  
APPROVED SEPTEMBER 10, 1992

Chairman: [Signature]  
Asst. Secretary: [Signature]  
Treasurer: [Signature]

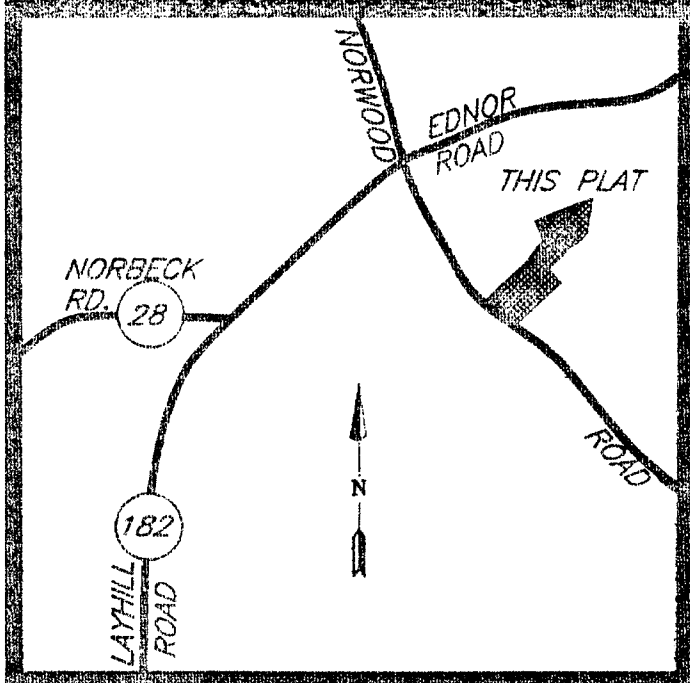
M.N.C.P. & P.C. RECORD FILE NO. 592.23 292372

MONTGOMERY COUNTY  
DEPARTMENT OF  
TRANSPORTATION  
(PIA No. 94-014)  
APPROVED FEBRUARY 24, 1994

[Signature]  
FOR DIRECTOR

MONTGOMERY COUNTY  
DEPARTMENT OF  
HEALTH  
APPROVED MARCH 15, 1994

[Signature]  
HEALTH OFFICER



**LEGEND**

	CATEGORY I CONSERVATION EASEMENT L.10728 F.501 PER P.B.172 P.19328
	CATEGORY II CONSERVATION EASEMENT L.10728 F.510 PER P.B.172 P.19328
	INGRESS/EGRESS EASEMENT LIBER 17822 FOLIO 476.
	IRON PIPE FOUND

**LINE TABLE**

LINE	LENGTH	BEARING
L1	57.61	N47°04'03"W
L2	54.28	N22°20'18"E
L3	49.80	N63°35'16"E
L4	55.87	S52°44'35"E
L5	71.34	S82°32'13"E
L6	38.84	S85°47'52"E
L7	36.95	N33°42'40"E
L8	24.22	N81°42'48"E
L9	110.00	N33°42'40"E
L10	55.05	S48°43'28"E
L11	54.66	S17°42'41"W
L12	37.40	S81°03'47"W
L13	69.15	S89°33'44"E
L14	38.04	S17°09'52"E

**NOTES:**

ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN ALLOWING DEVELOPMENT OF THIS PROPERTY APPROVED BY THE MONTGOMERY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE RECORDATION OF THIS PLAT UNLESS EXPRESSLY CONTEMPLATED BY THE PLAN AS APPROVED. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.

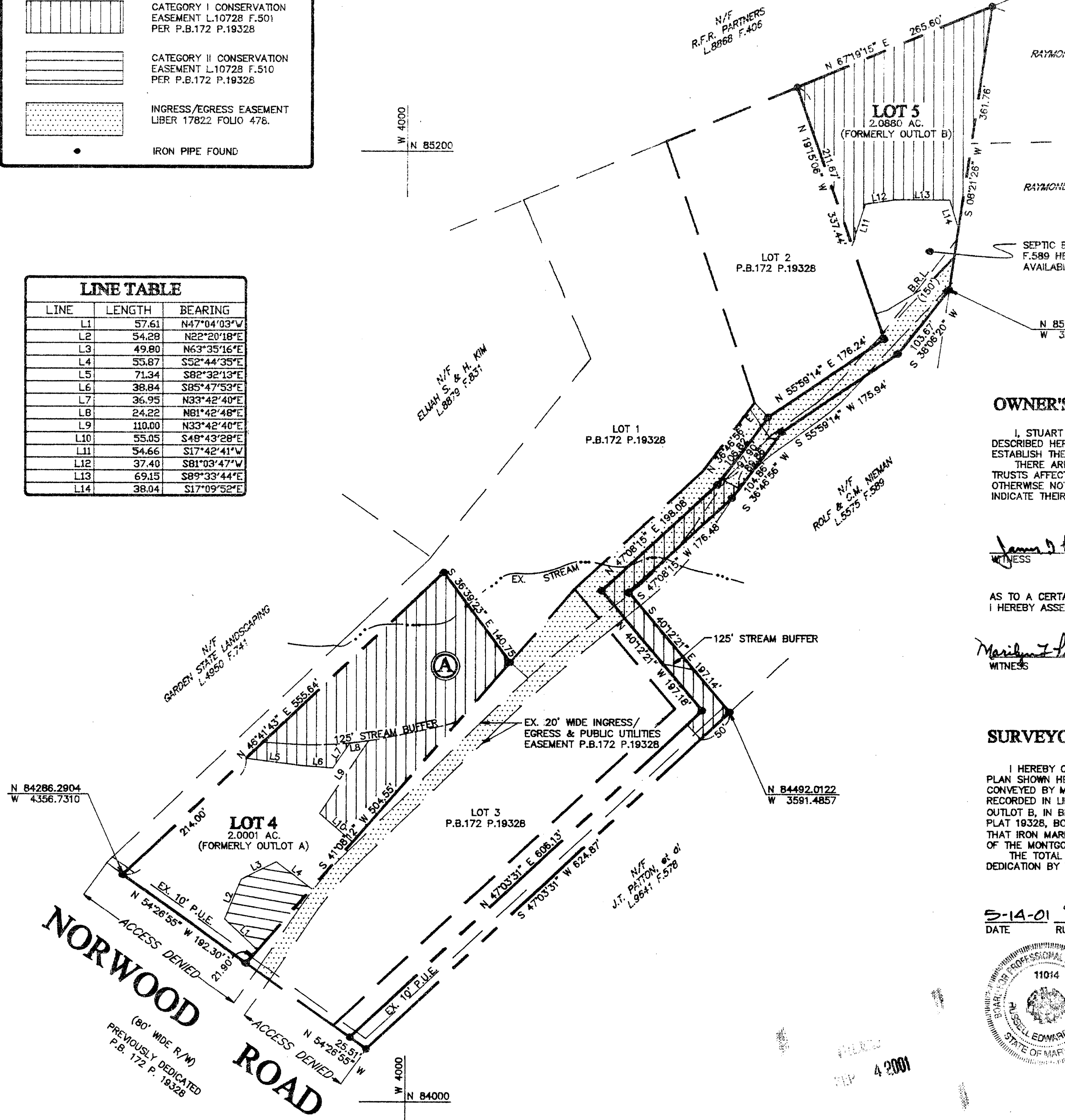
THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE, OF THE PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.

THE PROPERTY SHOWN HEREON IS SUBJECTED TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW OF 1992, INCLUDING APPROVAL OF A FINAL FOREST CONSERVATION PLAN AND APPROPRIATE AGREEMENTS PRIOR TO ISSUANCE OF A SEDIMENT CONTROL PERMIT. A COPY OF THE APPROVED PLAN MAY BE VIEWED AT 8787 GEORGIA AVENUE, SILVER SPRING, MARYLAND.

THIS PLAT CONFORMS WITH THE REQUIREMENTS OF SECTION 50-35A OF THE MONTGOMERY COUNTY SUBDIVISION REQUIREMENTS, BEING CHAPTER 50 OF THE COUNTY CODE. THIS PLAT INVOLVES THE CONVERSION OF OUTLOTS INTO LOTS AS PROVIDED IN SECTION 50-35A (2).

PROPERTY ZONED: RE-2C  
TAX MAP: JS33

THE APPROVAL OF THIS PLAT IS PREDICATED ON THE AVAILABILITY OF PUBLIC WATER AND SEWER.



**OWNER'S CERTIFICATE**

I, STUART PETERSON, OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON DO HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES. THERE ARE NO SUITS, ACTIONS OF LAW, LEASES, LIENS, MORTGAGES OR TRUSTS AFFECTING THE PROPERTY SHOWN HEREON, EXCEPTED AS OTHERWISE NOTED, AND THE PARTIES OF INTEREST THERETO HEREON INDICATE THEIR ASSENT.

James J. Palmer 5/15/01  
WITNESS DATE STUART PETERSON

AS TO A CERTAIN MORTGAGE HELD BY MILO O. PETERSON: I HEREBY ASSENT TO THIS PLAN OF SUBDIVISION

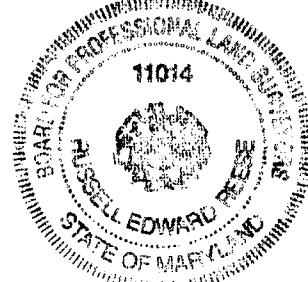
Marilyn Peterson 5/17/01  
WITNESS DATE MILO O. PETERSON

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF PART OF THAT LAND CONVEYED BY MILO O. PETERSON UNTO STUART PETERSON BY DEED DATED JUNE 18, 1991 AND RECORDED IN LIBER 9809 AT FOLIO 294, AND THAT IT IS A RESUBDIVISION OF OUTLOT A AND OUTLOT B, IN BLOCK A OF "PETERSON SUBDIVISION," AS RECORDED IN PLAT BOOK 172 AS PLAT 19328, BOTH AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND; AND THAT IRON MARKERS HAVE BEEN FOUND OR SET AS INDICATED HEREON PER SECTION 50-24(e) OF THE MONTGOMERY COUNTY CODE.

THE TOTAL AREA SHOWN ON THIS PLAT IS 4.0881 ACRES OF LAND. THERE IS NO DEDICATION BY THIS PLAT.

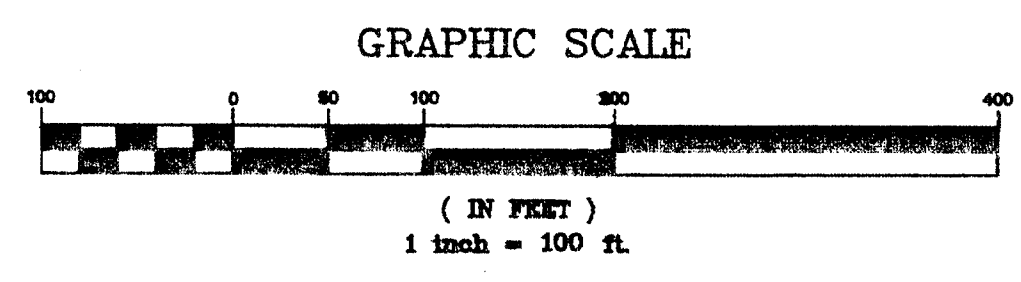
5-14-01  
DATE RUSSELL E. REESE - REGISTERED PROFESSIONAL LAND SURVEYOR, MD No. 11014



**SUBDIVISION RECORD PLAT  
LOTS 4 AND 5, BLOCK A  
(FORMERLY OUTLOTS A & B)  
PETERSON'S SUBDIVISION**

ELECTION DISTRICT No. 5  
MONTGOMERY COUNTY, MARYLAND  
APRIL 2000 1 INCH = 100 FEET

**MADDOX**  
ENGINEERS • SURVEYORS



DATE.....  
PLAT BOOK.....  
PAGE.....

MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
MONTGOMERY COUNTY PLANNING BOARD  
APPROVED May 4, 2000  
Barbara A. Cheller  
SECRETARY - TREASURER

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES  
4/2/01  
DIRECTOR



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Robert Hoyt  
Director

MEMORANDUM

February 15, 2013

TO: Gene Von Gunten, Manager, Well and Septic Section  
Department of Permitting Services

FROM: Alan Soukup, Senior Planner, Water and Wastewater Policy Group  
Department of Environmental Protection

SUBJECT: On-Site Systems for Properties Designated as Service Area Categories 1 or 3

Our office has received a request to allow the use of a private, on-site sanitary system for the following property designated as service area category 1 or 3 in the County's Water and Sewer Plan:

**Address: 803 Nowood Road, Norwood**

	<input type="checkbox"/> Existing Well	<input type="checkbox"/> Existing Septic System
Request for:	<input checked="" type="checkbox"/> New or Repair/Replacement Well	<input checked="" type="checkbox"/> New or Repair/Replacement Septic System
	<input type="checkbox"/> Non-Potable Well (Including Irrigation Wells)	
Property I.D.:	Lot 5, Block A, Peterson's Sub; Acct. no. 03350983 (SDAT: JS33; WSSC: 222NW01)	
Owner:	MB Bancroft LLC	Service Areas: W-3 and S-3
Zoning:	RE-2C	Property Size: 2.08 ac.
Planning Area:	Cloverly - Norwood	Watershed: Northwest Branch

Properties designated as categories 1 or 3 are generally expected to use public (community) water and sewerage systems. This office has reviewed the preceding request and has made the following finding(s):

- <sup>A</sup>DPS may pursue the use of an **interim permit well** for the subject property. <sup>A</sup>
- DPS may pursue the use of an **interim permit septic system** for the subject property
- Public service is not available to the site at this time; the cost and/or timing of extending public service to the property favors the temporary use of an on-site system.
- Although public service is available to this site, the cost of providing service at this time is restrictive.
- The Water and Sewer Plan currently designates the property as category S-3, under which, its service policies do allow for the use of interim on-site systems.
- DPS may pursue the use of a **well permit for non-potable uses only** for the subject property.

Gene Von Gunten  
February 15, 2013

Page 2

- DPS may **not** pursue the use of an interim permit well for the subject property; public water service is available.
- DPS may **not** pursue the use of a non-potable well for the subject property; public water service is available.
- DPS may **not** pursue the use of an interim permit septic system for the subject property; public sewer service is available.
- Other findings:

On-site systems permit approvals: DEP advises the property owner that concurrence with this request to pursue the use of the on-site system proposed does not constitute the County's approval of that system. That responsibility resides with the Department of Permitting Services.]

Future public service connection: Note that interim, on-site system permits require the property owners to connect to public sanitary systems within one year of the time that the public service becomes available, as specified in the County's Water and Sewer Plan.

<sup>A</sup> Prior DEP action: The applicant also requested an exception for an interim permit well. DEP issued a W-3 well exception approval memo to DPS for this property on March 30, 2004; that action remains in effect.

The DPS Well and Septic Section will need to notify DEP-WWPG when the interim, on-site system permit for this project is approved for tracking purposes as part of the Water and Sewer Plan. If you have any questions concerning this case, please contact me either at [alan.soukup@montgomerycountymd.gov](mailto:alan.soukup@montgomerycountymd.gov) or at 240-777-7716.

Attachment(s)

ADS:ads/

R:\Programs\Water\_and\_Sewer\Projects\well-septic\exceptions\alpha-street\N\norwood-rd-803=mobley=s3xptn=2013-0215.doc

cc: Dave Lake, Manager, Water and Wastewater Policy Section, DEP  
Luis Tapia, Unit Coordinator, Permit Services Unit, WSSC  
Dave Shen, Development Services Group, WSSC  
Mary Dolan, Functional Planning Team, M-NCPPC  
Ralph Mobley, Jr., MB Bancroft LLC/Mitchell & Best Homebuilders LLC  
Dave Little, Gutschick, Little & Weber

