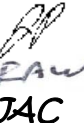


Limited Site Plan Amendment 82003029E: Estates at Greenbriar Preserve

MCS. Molline Smith, Senior Planner Area 3, molline.smith@montgomeryplanning.org, 301-495-4573
 Joshua Penn, Senior Planner Area 3, joshua.penn@montgomeryplanning.org, 301-495-4546
Richard Weaver, Supervisor Area 3, richard.weaver@montgomeryplanning.org, 301-495-4544
John Carter, Chief Area 3, john.carter@montgomeryplanning.org, 301-495-4575

Staff Report Date: 9/27/13

Description

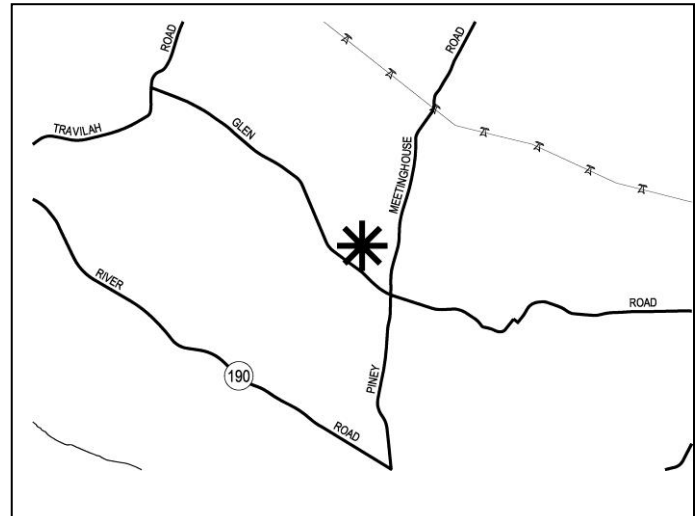
**Limited Site Plan Amendment No. 82003029E
Estates at Greenbriar Preserve**

A request to remove a portion of Category I forest conservation easement and to relocate the easement on an adjacent property (P99). Lots 4 and 5, Block A, located on the south side of Wood Thrush Lane, RNC Zone, Parcel 99, RE-2 Zone, Potomac Subregion Master Plan

Staff Recommendation: *Approval with conditions*

Applicant: Thomas and Kerri Morey (Lot 5)
Marlon and Sherry Maragh (Lot 4)

Submittal Date: April 2, 2013



Summary

This amendment will modify the Category I forest conservation easement as currently shown on the approved Site Plan and Final Forest Conservation Plan which is located in the rear yards of Lots 4 and 5, Block A. The easement will be relocated to Parcel 99 (offsite); which is adjacent to the subject properties and owned by Thomas and Kerry Morey, owners of Lot 5.

- Per the conditions of approval, the record plat will be amended to show the new easements.
- The inception of the proposed modifications was initially raised during the review of a prior Site Plan Amendment, No. 82003029B, Estates at Greenbriar Preserve. Staff has been working with the Applicant to find a suitable resolution that meets the requirements of the Forest Conservation Law and addresses the Applicant's concerns.
- There are no outstanding issues with the changes proposed in this Site Plan application.

STAFF RECOMMENDATION

The modification to the Site Plan and Final Forest Conservation Plan does not alter the overall design character of the development in relation to the original approval and the properties remain compatible with the existing development. Further, the removal of a portion of the Category I forest conservation easement from the rear yards of Lots 4 and 5 and to relocate the easement on an adjacent property will not impact the efficiency, adequacy, or safety of the overall Site Plan with respect to vehicular and pedestrian circulation, open space, landscaping, or lighting.

Staff recommends approval of Site Plan Amendment No. 82003029E, Estates at Greenbriar Preserve with conditions. All site development elements shown on the Site and Landscape Plans stamped "Received" by the M-NCPPC on July 29, 2013 are required except as modified by the conditions below.

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120030450 as listed in the Planning Board Resolution dated April 10, 2003 unless amended.

2. Site Plan Conformance

The development must comply with the conditions of approval for Site Plan No. 82003029B as listed in the Planning Board Resolution dated September 30, 2010, as amended.

Environment

3. Forest Conservation and Tree Save

- a. The Applicant must submit a complete record plat application within ninety (90) days of the mailing of the Planning Board Resolution approving the limited amendment to the Preliminary Plan that removes the Category I conservation easement on lots 4 and 5. The existing conservation easement remains in full force and effect until the record plat is recorded in the Montgomery County Land Records.
- b. The Applicant must demarcate the northern Category I easement boundary line with landscaping timbers (minimum 8" high) and place permanent easement markers along the entire perimeter as recommended by Staff within ninety (90) days of the mailing date of the Planning Board Resolution.
- c. The Category I conservation easement document for the new easements on Parcel 99 must be submitted within ninety (90) days of the mailing date of the Planning Board Resolution and subsequently recorded in the land records prior to Planning Board approval of the Record Plat.

Site Plan

4. Certified Site Plan

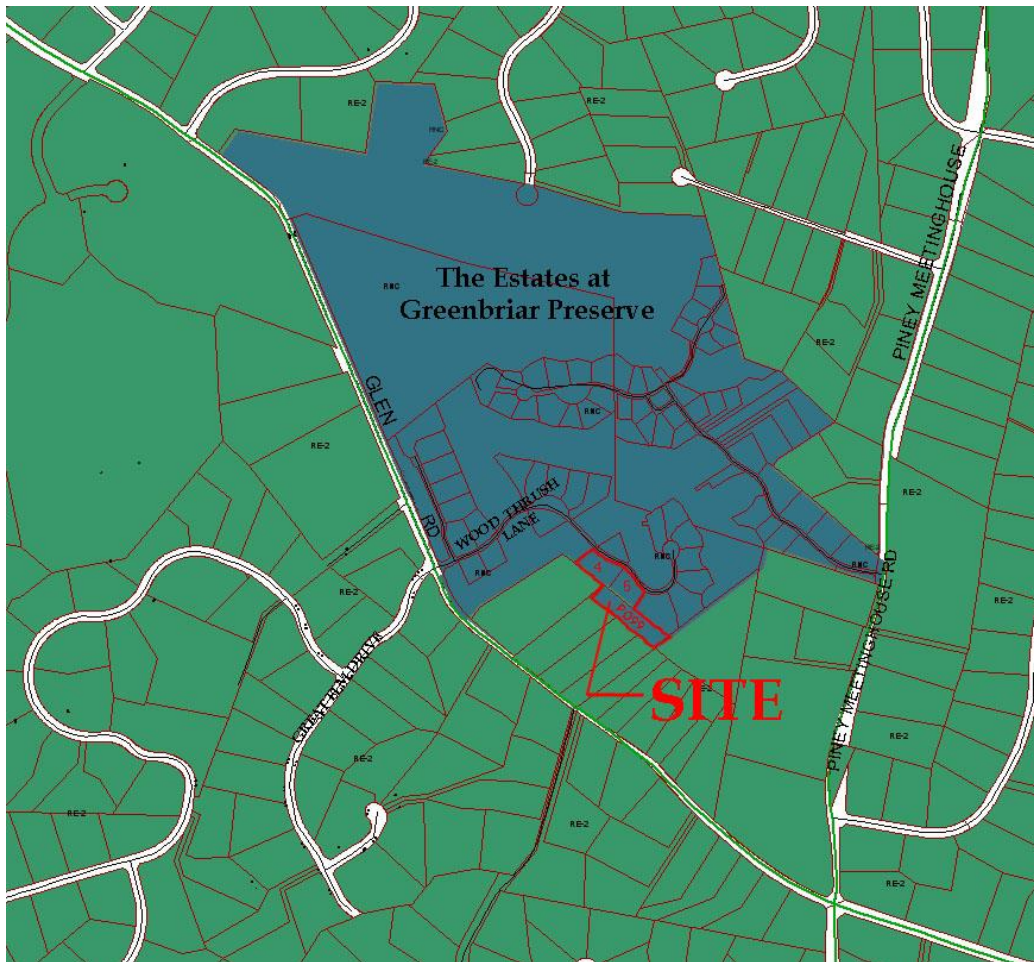
Prior to approval of the Certified Site Plan the following revisions must be made and information provided subject to Staff review and approval:

- a. Include the Final Forest Conservation approval, inspection schedule, and Site Plan resolution on the cover sheet.
- b. Ensure consistency of all details and layout between Site and Landscape Plans.
- c. Include a sheet index and vicinity map on the cover sheet, and an M-NCPPC Approval Stamp and Developer's Certificate near the bottom right corner of each sheet. Add the Site Plan number to the M-NCPPC Approval Stamps.
- d. Revise the Site and Landscape Plans for Lot 4 and Lot 5 to remove the Category I forest conservation easement.

PROJECT DESCRIPTION

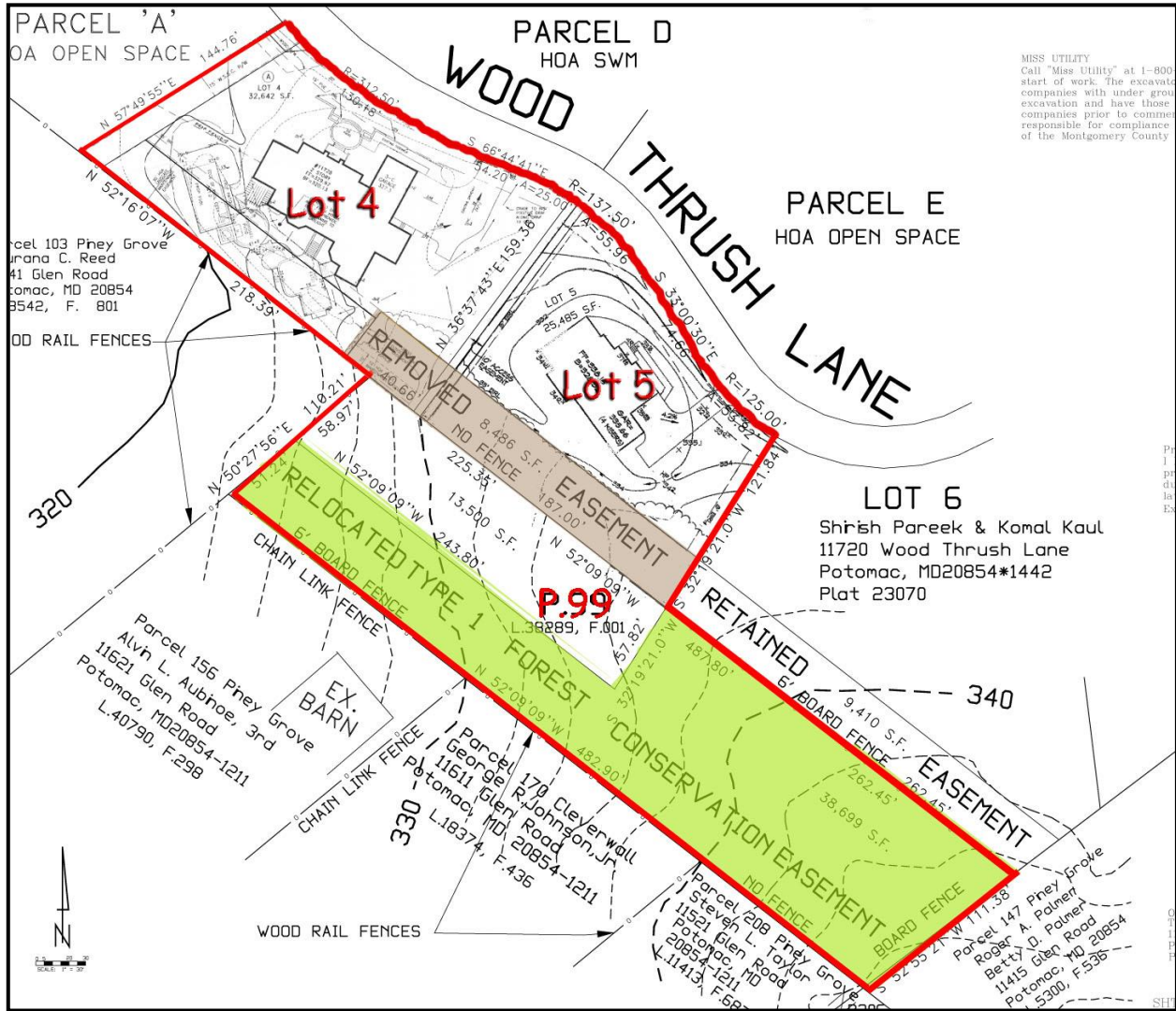
Vicinity & Existing Conditions

The Estates at Greenbriar Preserve subdivision consists of 31 residential lots located on approximately 71.32 acres, zoned RNC (Rural Neighborhood Cluster) within the Potomac Subregion Master Plan. The property is located to the north of Glen Road, west of Piney Meetinghouse Road and south of Albermyrtle Drive within the Greenbriar Branch Watershed. The subdivision was developed under the optional method of development using sewer service to accomplish a tight clustering of lots in order to preserve large areas of open space and forest. A large area of undeveloped open space within the subdivision covers the northern half of the property, and a utility easement runs through the property in the northeast to southeast direction. With the exception of a private museum confronting the subdivision on Glen Road, the neighboring properties are generally zoned RE-2, and they have been developed with residential lots that are 2.0 acres or larger. The residential lot sizes within the subdivision are considerably smaller than lots in the surrounding area.



Vicinity Map

Lots 4 and 5 of Block A, within the Estates at Greenbriar Preserve (“Subject Properties”) are located on the south side of Wood Thrush Lane approximately 1/3 mile from the main entrance off Glen Road. The Subject Properties have a 35-foot wide Category I forest conservation easement that extends along the rear lot lines of a portion of Lot 4, all of Lot 5, and extends across most of the rear yard of Lot 6. The total area of this existing easement is approximately 15,908 square feet as shown on the record plats. This application requests that 8,464 square feet of the total easement located on the Subject Properties be removed and relocated to an abutting (offsite) property.



Site Plan
(Amended Conservation Easements)

Previous Approvals

Preliminary Plan No. 120030450, Estates at Greenbriar Preserve, was approved by the Planning Board on April 10, 2003, (Opinion mailed May 22, 2003) for 31 lots on 71.32 acres of land zoned RNC.

Site Plan No. 820030290, Estates at Greenbriar Preserve, was approved by the Planning Board on October 16, 2003, (Opinion mailed December 11, 2003) for 31 lots on 71.32 acres of land zoned RNC.

Site Plan amendment No. 82003029A was approved by the Planning Board on November 15, 2007, (Resolution mailed December 13, 2007) for modifications to the subdivision's entrance features, Landscape Plan, pedestrian and vehicular circulation systems, and limits of disturbance.

Site Plan amendment No. 82003029B was approved by the Planning Board on September 23, 2010, (Resolution mailed September 30, 2010) for the deletion of Condition 1B from the original resolution and the removal of a 6-foot fence between Parcel 99 and the southern property boundary of Lot 5, Block A, being one of the lots constituting the Subject Property.

Site Plan amendment No. 82003029C was approved by the Planning Director on March 11, 2010, for modifications to the existing curb alignment, entrance gate, call box, handicap ramp and site details.

Site Plan amendment No. 82003029D was approved by the Planning Director on March 4, 2012, for enhancements to the Landscape Plan on Lot 4, Block A, being one of the lots constituting the Subject Property. The enhancements included: plantings, a private swimming pool, patio and walkway added to the rear yard of Lot 4 (i.e. within the Homeowner's Association Maintenance Easement).

Proposal

Site Plan amendment No. 82003029E ("Application" or "Amendment") is a request to revise the Site Plan and Final Forest Conservation Plan to remove 8,486 square feet of Category I forest conservation easement from the rear yards on the Subject Properties and to create approximately 38,699 square feet of new easement on an adjacent property, Parcel 99, which is owned by the owners of Lot 5, Block A. The Application is not in response to a violation, but is a proactive request by the Applicants to remove an existing conservation easement on their lots. The removal of the 8,486 square feet (0.19 acres) of unforested Category I forest conservation easement will allow the Applicant to have more usable area within the rear yards of their homes.

The 0.19 acres of Category I easement along the rear of Lots 4 and 5 no longer meets the definition of forest. Since the Category I conservation easement was recorded the overall density of trees has declined due to storm damage, poor soils, and edge effect. The edge effect¹ on this thin strip of what was forest, has promoted growth of invasive undergrowth prohibiting the regeneration of trees as they died off in response to naturally occurring events.

The Planning Board's practice for the removal of a conservation easement, as determined in November of 2008, is a minimum ratio of 2:1 planting requirement if taken offsite. If offsite existing forest is to be used instead of planting new forest the requirement would be doubled. To mitigate the removal of the easement from Lots 4 and 5, the Application proposes protecting existing forest on the adjacent property (Parcel 99), which has been acquired by the owners of Lot 5. To meet the Planning Board's 2:1 mitigation practice, the removal of 0.19 acres (8,486 square feet) results in a requirement to protect 0.888 acres (38,699 square feet) of existing, unprotected forest in easement on Parcel 99 (4:1 area).

Under the Applicant's proposal, the boundaries of the new Category I easement on Parcel 99 will be demarcated with permanent signage and separated from non-easement area by a hardscape feature. Staff originally suggested a split-rail fence as is typically recommended as the means of providing a hard line between easement and non-easement areas where active backyard recreation will be in close proximity to the easement. The Applicant recommended that a fence would require additional maintenance, and a fence would be a visual impairment to the forested area. The Applicant has recommended a ground based hard delineation in the form of landscape timbers, or other staff approved equivalent, placed on grade to a height of no less than eight inches at the easement line closest to the house on Lot 5. Staff believes that the timbers with appropriate signage will provide the necessary barrier to prevent accidental encroachments from lawn mowers and other landscaping activities into the easement area.

The Application complies with Planning Board's practice to allow removal of Category I conservation easements. Staff recommends approval with the conditions recommended in this report.

Community Outreach

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence on this matter.

¹ In [ecology](#), **edge effects** refer to the changes in [population](#) or [community](#) structures that occur at the boundary of two [habitats](#). In the case of a forest where the adjacent land has been cut, creating an open land/forest boundary, sunlight and wind penetrate to a much greater extent, drying out the interior of the forest close to the edge and encouraging growth of opportunistic species at the edge.

FINDINGS AND ANALYSIS

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Subject Properties are not subject to a development plan, diagrammatic plan, schematic development plan, nor a project plan was required for this Site.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

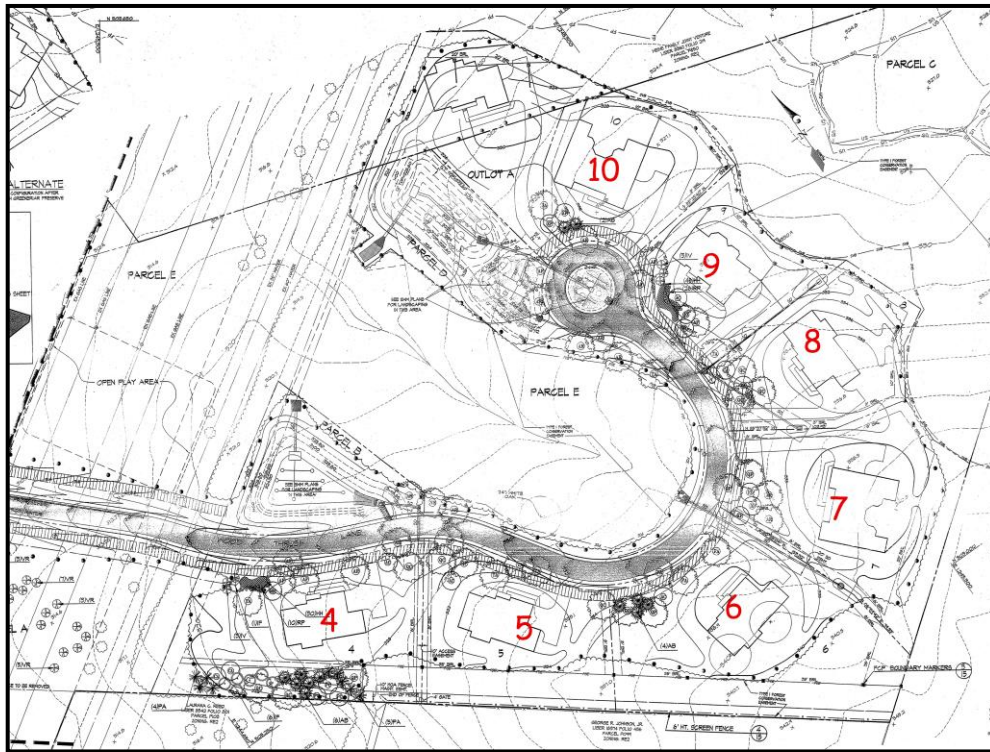
The residential uses are allowed in the RNC Zone and the modifications to the Site Plan fulfill the intent to preserve open land, environmentally sensitive natural resources and rural community character that would be lost under conventional large-lot development. The existing homes will remain in the same locations, and there are no substantial changes to the major views from the neighboring properties toward the Subject Properties. Adjoining properties will continue to be adequately buffered by the existing landscaping on Lot 4 and the forest on Parcel 99. The amendments requested under this Application meet all of the development standards of the RNC Zone.

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

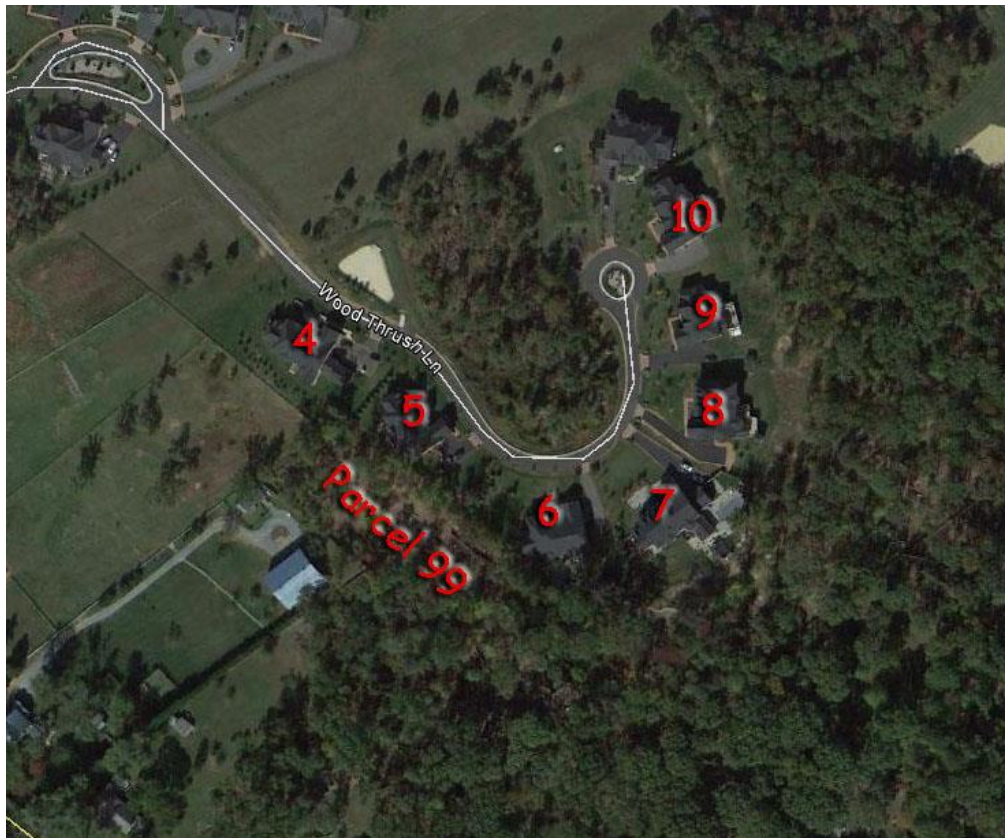
The location of existing buildings and structures, community open spaces, recreational facilities, pedestrian and vehicular systems within the development will remain the same, and they are adequate, safe and efficient.

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

This Application requests no alteration to the structures or uses within the subdivision or the Subject Properties. By relocating the conservation easement to Parcel 99 (offsite), both Lot 4 and Lot 5 will have larger usable rear yards, and free of easements. The easement that is removed will be replaced with more than four times the existing easement area, and it will result in a wider and more dense forest being protected, thereby increasing the visual buffer to adjacent development. The existing forest within the rear yard of Lot 6 will remain intact and continue to provide screening as envisioned by the original Site Plan approval.



Approved Landscape Plan



Aerial Photograph

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The revisions to the Forest Conservation Plan, as requested by this Application, allows the revised plan to continue meeting all applicable requirements of Chapter 22A. The original Site Plan and all subsequent amendments continue to comply with the Forest Conservation Law. The Application proposes no changes that initiate a new stormwater management concept under Chapter 19 of the County Code; therefore, this does not apply.

CONCLUSION

Staff recommends approval of the Application subject to the conditions recommended in this staff report.

APPENDICES

- A. Letter of Justification
- B. Previous Approvals
- C. HOA Approval Letter
- D. Submitted Forest Conservation Plans

STATEMENT OF JUSTIFICATION / LETTER OF EXPLANATION

PLAN AMENDMENT TO BE CONSIDERED BY
THE MONTGOMERY COUNTY PLANNING BOARD

SITE PLAN AMENDMENT 82003029E

Name of Plan: Estates at Greenbriar Preserve

Plan Number: 82003029E

Current Zoning: RNC

No. of Proposed Lots/Area Included: 31 Lots

Geographical Location: 11724 and 11728 Wood Thrush Lane, Potomac, Maryland 20854 / Lots 4 and 5

The owners of Lot 4 (Marlon R. and Sherry L. H. Maragh) and Lot 5 (Thomas C. and Kerri R. Morey) (collectively, the “Applicant”) of the Estates at Greenbriar Preserve are requesting a Site Plan Revision to relocate the 35 foot Category I forest conservation easement (the “FCE”) that runs the length of the rear of Lot 5 and a portion of the rear of Lot 4 to P099 Glen Road (“P099”). P099 is a wooded lot owned by the owners of Lot 5, Thomas C. and Kerri R. Morey. P099 is not part of the Estates at Greenbriar Preserve.

The Category I forest conservation easement would be relocated to P099 and would cover an amount of square footage that is greater than 4 times the square footage of the existing easement on Lots 4 and 5. The existing FCE on Lots 4 and 5 is 8,486 square feet. The proposed new easement on P099 is 38,699 square feet. In addition, the new Category I forest conservation easement on P099 would be at least 50 feet wide at all points.

Previously, the owners of Lot 5, Thomas C. and Kerri R. Morey requested and the Montgomery County Planning Board granted a site plan amendment to remove an existing fence that ran the length of P099 and separated Lot 5 from P099, which are both owned by them. The 10’ HOA Fence Maintenance Easement would also be removed as part of the new record plat recorded as part of the site plan revision.

The Applicants are now requesting that the FCE be relocated to P099 for the following reasons:

- The FCE is located very close to the homes that were built on Lots 4 and 5. At its closest point, the FCE is only approximately 10 feet from the house on Lot 5. The Applicants want to move the FCE farther away from the houses.
 - Because of the proximity of the FCE to our houses (most importantly, the underbrush that we are not permitted to touch), we have had a significant problem with deer ticks. These are the ticks that cause lyme disease. Ms. Kerri Morey has contracted (and been treated for) lyme disease. In addition, we have removed ticks on numerous occasions from our children. In addition, a guest in the Moreys home was playing in our backyard and when he came inside from playing, we removed 100+ microscopic deer ticks from his body. Together we have six small children (newborns through age 6) and so this poses a tremendous health risk.
 - The Applicants also wish to have more usable open space directly behind their houses.
- The Moreys have to pass through the FCE to access P099, which creates more disturbance to the natural habitat than if the FCE were located on P099. The Moreys intent in purchasing P099 was to have additional space for their children to play. Therefore, there is currently significant foot traffic between Lot 5 and P099, which can occur only through the existing FCE. It is also especially hard to enforce a FCE with small children as they may not understand that they cannot move sticks from the FCE, etc., especially when the FCE is a strip between two pieces of land.
- The existing FCE is only 35 feet wide. The proposed relocated forest conservation easement on P099 will be much larger and will do much better in achieving the objectives of the forest conservation laws.

APPENDIX A: Letter of Justification

- P099 is a wooded lot and looks the same as the existing FCE. Therefore, this “swap” would accomplish what was intended to be accomplished by the FCE, while providing the County more than four times as large a forest conservation easement and allowing the Applicants maximum use of their property.
- The Estates at Greenbriar Preserve HOA has consented to the removal of the FCE and 10’ HOA Fence Maintenance Easement on Lot 4 and Lot 5.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Executive Director

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: December 11, 2003
SITE PLAN REVIEW #: 8-03029
PROJECT NAME: The Estates at Greenbriar Preserve

Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Robinson with a vote of 3-0, Commissioners Berlage, Bryant and Robinson voting for, no Commissioners voting against. Commissioners Perdue and Wellington were necessarily absent.

The date of this written opinion is December 11, 2003, (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, as provided in the Maryland Rules of Procedure, on or before January 11, 2004 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this Site Plan shall remain valid for as long as Preliminary Plan #1-1-03041 is valid, as provided in Section 59-D-3.8.

On October 16, 2003, Site Plan Review #8- 03029 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and evidence submitted in the record on the application. Based on 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 an approved development plan or a project plan for the optional method of development if required;*
2. *The Site Plan meets all of the requirement of the RNC zone, and is consistent with an urban renewal plan approved under Chapter 56 (if required);*

3. *The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*
4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development;*
5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation;*
6. *The Site Plan meets all applicable requirements of Chapter 19 regarding water resource protection*

Therefore, the Montgomery County Planning Board APPROVES Site Plan #8-03029, which consists of 31 Lots on 71.32 acres, subject to the following conditions:

1. Lighting and Landscaping Plan

- A. The landscape berm and buffer area shall be added to the rear of Lots 3 and 4 to buffer the Reed residence from the views of the adjacent homes. The details of the berm and landscaping shall reflect the proposal for Lots 1 and 2 and shall be reviewed by staff. Berms along the utility corridor shall be developed as is feasible per the utility company restrictions.
- B. A fence shall be installed the length of the Johnsons' wooded lot. The type of fence shall be either a six foot board on board, three-board horse fence or other similar fence per the requirements of the Johnsons. The fence may be located on the proposed subdivision lots or the Johnson's lot if they desire. Applicant to include type of fence in final signature set documentation if provided by the Johnsons prior to January 15, 2004. The phasing for installation shall be referenced in the SPEA construction-phasing plan.
- C. Applicant to submit, prior to release of signature set, lighting plans to reflect full cut off luminaries with a concealed light source to reduce glare, with no light trespass beyond the site boundaries and light distributions focused on the road and not on the adjoining off-site properties. A point to point photometric grid and light fixture cut sheet shall be submitted for staff review. The lights shall not be located within the underground utility easement area (to reduce visibility) and the lights shall be turned off or reduced in power later in the evening.
 - i. The community open space areas shall be revised to provide enhanced public sitting areas with benches, landscaping conducive to defining public spaces and paths to allow for access.

2. Environmental Planning

- A. Compliance with all conditions for final forest conservation plan approval. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
 - 1. Required site inspections by M-NCPPC monitoring staff (as specified in "Trees Technical Manual")
- B. Approval of the following items by M-NCPPC staff prior to DPS issuance of the sediment and erosion control permit:
 - 1. Tree Protection Plan: A detailed evaluation of edge trees along the proposed limit of disturbance shall be provided by a state-qualified professional (per COMAR 08.19.06.01) to determine trees appropriate for save, and recommend stress reduction measures. Special consideration should be given to recognize and address potential die-back associated with underlying serpentine conditions.
 - 2. Planting Area on Lots 5 and 6, and part of Lot #4: supplemental planting shall be provided for all areas within the 35' Tree Preservation/Planting Area that is not feasible for forest/tree retention.
 - 3. Record plat to show Category One forest conservation easement over all forests saved, as designated as "tree save" on the forest conservation plan revised 10/7/03, and forest saved within 35' Tree Preservation/Planting Area. The easement area may include the planting of understory at the request of the developer per M-NCPPC staff review and approval.
 - 4. All forest save areas within lots shall be delineated by split-rail fence or other staff-approved permanent method for demarcation.
 - 5. Applicant shall submit technical report regarding serpentine conditions to County DPS for their information and review. If determined applicable by DPS after this review, this site plan shall comply with asbestos performance plan recommendations from Montgomery County DEP and DPS dated July 1, 2002.

3. MNCPPC Parks

- A. Dedication to M-NCPPC of the 27.19 acres west of the Transcontinental Gas line right of way, and the open space land between the right of way and lots 27 to 31.
- B. Dedicated land to be conveyed at time of record plat and not to include any stormwater management ponds or facilities and to be conveyed free of trash

and unnatural debris with the boundaries adequately staked and signed to delineate between parkland and private lots.

- i. Applicant to establish a Public Use Trail Easement over the open space land portion of Parcel E between Private Road E and Glen Road, to enable off road public trail access to the dedicated parkland from the entrance road.

4. Division of Permitting Services

- A. Conformance to the Conditions of DPS Stormwater Management Concept approval letter dated March 3, 2003.

5. Transportation

- A. Submit an exhibit to staff confirming the terminus of the internal street (Greenbriar Branch Drive) with the adjacent Greenbriar Preserve subdivision.
- B. Private drive to conform to Planning Board adopted "Guideline for Private Streets."

6. Signature Set Documentation

- A. Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to release of the signature set as follows:

Development Program to include a phasing schedule and the following:

1. Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
 2. Community-wide pedestrian pathways and sitting areas must be completed prior to seventy percent occupancy of each phase of the development.
 3. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 4. Site Plan Enforcement Agreement to delineate maintenance and dedication of rural open space.
 5. Site Plan Enforcement Agreement to reference that the all future homeowners shall be notified prior to sale of lot that the existing homeowners may and will have horses and other agricultural uses on site and that they are located near the entrance to a M-NCPPC park..
- B. Signature set of site, landscape/lighting, forest conservation and sediment and erosion Control plans to include for M-NCPPC technical staff review

prior to approval by Montgomery County Department of Permitting Services (DPS):

- i. Undisturbed stream buffers, except for SWM outfalls.
 - ii. Limits of disturbance.
 - iii. Methods and locations of tree protection
 - iv. Forest Conservation areas.
 - v. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - vi. The development program inspection schedule and Site Plan Opinion.
 - vii. Conservation easement boundary.
 - viii. Streets trees 45-50 feet on center along all private streets, except where roadway abuts forest save area.
- C. No clearing or grading prior to M-NCPPC approval of final forest conservation plans and DPS approval of all final sediment and erosion control plans and final stormwater management plans.



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

MCPB No. 07-119
 Site Plan No. 82003029A
 Project Name: Estates at Greenbriar Preserve
 Hearing Date: November 15, 2007

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on July 11, 2007, MTR Land LLC ("Applicant"), filed a site plan amendment application designated Site Plan No. 82003029A ("Amendment") for approval of the following modifications:

1. Entrance features:
 - a. Addition of two brick entrance gazebos.
 - b. Addition of brick entrance walls with cast stone identification signs on both sides of the entrance.
 - c. Addition of brick and stone wall and piers with decorative metal fence and a white four rail fence along Glen Road.
2. Refinement of landscape plan to provide additional shrub masses at the subdivision entrance, and additional evergreen, shade and flowering trees along Glen Road.
3. Sidewalks and streets:
 - a. Substitution of material for internal and entry sidewalks from concrete to concrete pavers.
 - b. Revision of all private streets to comply with the Fire Department requirement of 20-foot wide access. Updated the typical road section for private residential street accordingly.
 - c. Revision of entry road width and elimination of roadway-island per Fire Department requirements.
4. Driveways in all lots:
 - a. Addition of brick headwalls on either side of driveway culverts.
 - b. Addition of concrete paver driveway aprons.
5. Addition of a brick retaining wall in front of sidewalk on Lot 13.
6. Lots 11 & 12:
 - a. Adjusted limits of disturbance to the whole extent of the property.
 - b. Adjusted location of buffer plantings between Lots 11 and 12.

Approved as to
 Legal Sufficiency:
 8787 Georgia Ave

[Handwritten Signature]
 5/15/07

MCPB No. 07-119
 Site Plan No. 82003029A
 Estates at Greenbriar Preserve
 Page 2

APPENDIX B: Previous Approvals

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated November 1, 2007 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on November 15, 2007, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82003029A; and

BE IT FURTHER RESOLVED that all site development elements as shown on the Estates at Greenbriar Preserve drawings stamped by the M-NCPPC on July 11, 2007, shall be required; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

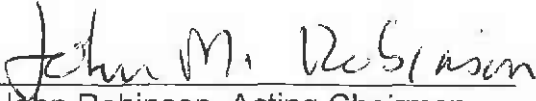
BE IT FURTHER RESOLVED, that the date of this written resolution is DEC 13 2007 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

At its regular meeting, held on Thursday, November 15, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Bryant, seconded by Commissioner Cryor, with Acting Chairman Robinson and Commissioners Bryant, Cryor, and Lynch voting in favor, and Chairman Hanson absent, ADOPTED the above Resolution, which constitutes the final decision of the Planning Board and memorializes

the Board's findings of fact and conclusions of law for Site Plan No. 82003029A, Estates at Greenbriar Preserve.


John Robinson, Acting Chairman
Montgomery County Planning Board



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

MCPB No. 10-130
Site Plan No. 82003029B
Project Name: Estates at Greenbriar Preserve, Lot 5
Hearing Date: September 23, 2010

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on January 14, 2010, Thomas C. & Kerri R. Morey ("Applicant"), filed a Limited Amendment application designated Site Plan No. 82003029B ("Amendment"). The Applicant originally requested a Limited Site Plan Amendment to include the removal of the Forest Conservation Easement and the 6 foot fence along the property. However, due to Staff's initial review of the proposal, the Applicant changed the application to a Consent Amendment that only requests removal of the 6 foot fence along the property and retains the Forest Conservation Easement. The Applicant is now requesting approval of the following modifications:

1. Deletion of the Condition 1B from the approved resolution Site Plan No. 820030290 (dated December 11, 2003); and
2. Removal of the 6-foot fence (as referred in Condition 1B) along the southern property boundary, directly adjacent to the Johnson property (P099).

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated September 13, 2010 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report");

WHEREAS, on September 23, 2010, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing");

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No. 82003029B;

Approved as to
Legal Sufficiency:

Christina Sonnet 9/13/10

8787 Georgia Avenue, N.W., Suite 200, Silver Spring, MD 20910
MNCPPC Legal Department 201 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

BE IT FURTHER RESOLVED, that this Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connections with the originally approved site plan; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information;

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8;

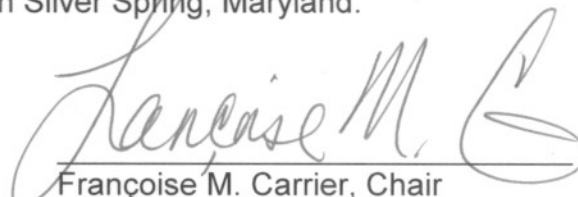
BE IT FURTHER RESOLVED, that the date of this written Resolution is SEP 30 2010 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion, at its regular meeting held on Thursday, September 23, 2010, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board



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

Memorandum

TO: Rollin Stanley, Planning Director

VIA: Rose Krasnow, Chief *R&K*
Robert Kronenberg, Supervisor *R&K*
Development Review Division

FROM: Molline Smith, Senior Planner *mes*
Development Review Division

RE: The Estates at Greenbriar
SITE PLAN #82003029C

DATE: March 4, 2010

Pursuant to Montgomery County Code Division 59-D-3.7 (Minor Amendments), the Planning Director may approve in writing certain applications for an amendment to the Certified Site Plan. Administrative or "Director Level" Amendments are modifications to the approved Certified Site Plan that are considered minor in nature and do not alter the intent and objectives of the plan.

A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DRD Intake Section is also not required; however, submittal of the application to DRD is applicable. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and require approval of the Planning Director.

On February 12, 2010, NV Homes ("Applicant") filed a site plan amendment application designated Site Plan No. 82003029C ("Amendment") for approval of the following modifications:

1. Modify the existing curb alignment and island details;
2. Modify the entrance gate and handicap ramp; and
3. Relocate the call box with keycard.

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on February 16, 2010. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff did not receive any correspondence from the parties of record.

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

This Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:



Rollin Stanley, Planning Director

3-11-10

Date Approved



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

Date: 03-02-12

TO: Rollin Stanley, Planning Director
VIA: John Carter, Chief for Area 3 *JC*
Richard Weaver, Acting Supervisor for Area 3
FROM: Molline Smith, Senior Planner for Area 3 *MOS.*
PROJECT: The Estates at Greenbriar Preserve, (82003029D)

RECOMMENDATION

Staff recommends approval of the Amendment to Certified Site Plan 82003029D: The Estates at Greenbriar Preserve.

PROJECT DESCRIPTION

On January 17, 2012, Sherry H. Marlon R Maragh, ("Applicant") filed an application for an Administrative Amendment to the Certified Site Plan designated No. 82003029D, The Estates at Greenbriar Preserve ("Application"). The Application requests approval of the following modifications:

Modifications to the existing landscape plan on Lot 4 Block A to add a private swimming pool, patio and walkway within the Homeowner's Association Maintenance Easement; which is located along the rear property line. The Applicant has an approval letter from the Homeowner's Association.

DISCUSSION

As required, the Applicant placed proper signage on the property and sent notices regarding the amendments to all required parties on November 1, 2011. The notice gave interested parties 15 days to review and comment on the contents of the Application. Staff has not received any correspondence from the interested parties.

FINDINGS

In accordance with the Montgomery County Zoning Ordinance: Section 59-D-3.7(d), Staff finds that the Certified Site Plan Amendment meets the following:

8787 Georgia Avenue, Silver Spring, Maryland 20910
www.MontgomeryPlanning.org
301.495.4600

(1) Does not:

- a. Increase the building height
- b. Increase the floor area
- c. Increase the number of dwelling units
- d. Prevent circulation on any street or path

(2) Modifies one or more of the following elements of the approved Site Plan:

- a. A parking or loading area
- b. landscaping, a sidewalk, recreational facilities, public use space, or green area in a manner that does not alter basic elements of the plan; or
- c. Any other plan element that will have a minimal effect on the overall design, layout quality, or intent of the plan.

The modification proposed in this project will not change the building height, the floor area, the number of dwelling units or prevent circulation on any street or path in accordance with the previous approvals.

The Applicant proposes to modify the existing Landscape Plan for Lot 4 Block A only. The proposed modifications will overlap the Homeowner's Association Maintenance Easement; which was originally established to provide adequate landscape buffering from the neighboring Reed residence. Per Condition 1A and 1B of the approved resolution, the applicant is proposing a 6-foot board fence along the property boundary and evergreen trees. Staff finds that the original intent of Condition 1A and 1B will be accomplished with the installation of the 6-foot board fence along the rear property line and a densely planted evergreen buffer between the fence and the proposed pool and patio deck. Staff has further recommended the use of existing plant material to further screen major views from the roadway and neighboring properties.

The Homeowner's Association (HOA) and the Applicant have a signed agreement for the utilization of the HOA's maintenance easement for landscape purposes under the certain conditions (*see the attached letter*). The HOA will retain the rights to the easement; however the property owner will maintain the planting buffer and all elements constructed within the easement.

CONCLUSION

Staff recommends approval of the Administrative Amendment to the Certified Site Plan in accordance with the required findings. This Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8. The Applicant is responsible for submitting a certified site plan, after approval, for the specific modifications.

ACCEPTED & APPROVED BY:



Rollin Stanley, Planning Director

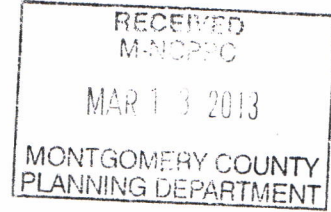
3-4-12

Date Approved

March 1, 2013

Thomas C. and Kerri R. Morey
11724 Wood Thrush Lane
Potomac, MD 20854

Marlon R. and Sherry L. Maragh
11728 Wood Thrush Lane
Potomac, MD 20854




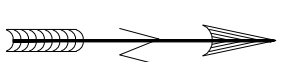
Re: Forest Conservation Easement on Lot 4 and Lot 5

Dear Homeowners:

We received and have reviewed your request to remove the Category I forest conservation easement on the back of your properties at 11724 Wood Thrush Lane, Potomac, MD (Lot 5) and 11728 Wood Thrush Lane, Potomac, MD (Lot 4). On behalf of the Estates at Greenbriar Homeowners Association (the "HOA"), I hereby consent to your removal of the Category I forest conservation easement on your property. I understand that you will filing an application with the Montgomery County Planning Department regarding the removal of the Category I forest conservation easement on your property and hereby acknowledge that the HOA does not have any objection to that application.

Sincerely,


Debbie Will
Estates at Greenbriar Homeowners Association



FOREST STAND SUMMARY TABLE

Table with 2 columns: STAND 1 and SUCCESSIONAL STAGE: Intermediate. Rows include Dominant & Co-dominant species, Common understory species, Basal area, Size class of dominant species, % canopy closure, Common herbaceous species, % herbaceous coverage, % of tree species in canopy, % of living trees per acre, and Priority Rating.

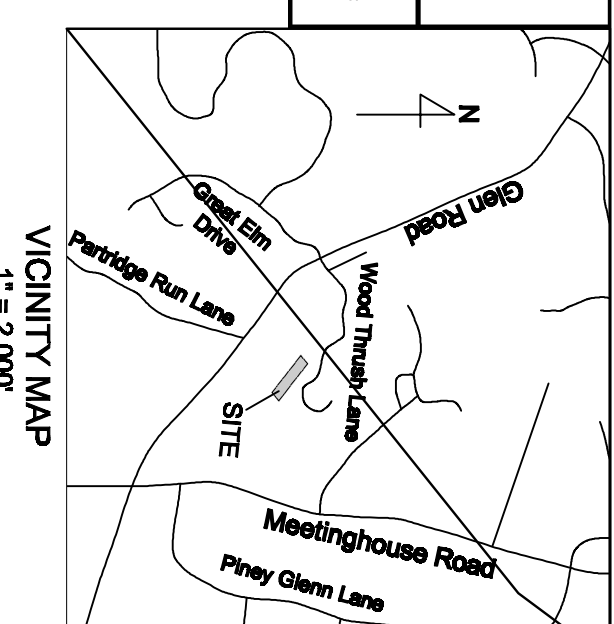
SITE STATISTICS TABLE

Table with 2 columns: SITE STATISTICS TABLE and SOILS INFORMATION. Rows include Total acreage of site, Total acreage of forest, Acreage of wetland, Acreage of forested stream buffer, Acreage of open area stream buffer, Total acreage of stream buffer, Acreage of floodplain, Acreage of non-forest, and Soil types.

SOILS INFORMATION

Table with 4 columns: SOIL, SYMBOL, ERODIBILITY (K FACTOR), RUNOFF POTENTIAL (HYDROLOGIC GROUP), and HYDRIC RATING. Row 1: 119Ac, 35B, 32 (Moderate), C (Moderately high), Not Hydric.

Table with 4 columns: SOIL, SYMBOL, ERODIBILITY (K FACTOR), RUNOFF POTENTIAL (HYDROLOGIC GROUP), and HYDRIC RATING. Row 2: 119Ac, 35B, 32 (Moderate), C (Moderately high), Not Hydric.



FOREST SUMMARY

This 1.19 acre property (Parcel 099) is located approximately 1,500 feet from the intersections of Wood Thrush Lane and Glen Road in Montgomery County, Maryland. It is a landlocked parcel found directly behind Lots 5 and 6 and a small portion of it lies behind Lot 4. Parcel 099 is part of the Piney Grove community. It is zoned RE-2 (residential, one family - minimum lot area of 2 acres for each dwelling). The owner of the property lives in Lot 5 which is zoned RNC (rural neighborhood cluster, minimum of 5 acres for each dwelling; cluster required) and is part of the community, the Estates at Greenbrier.

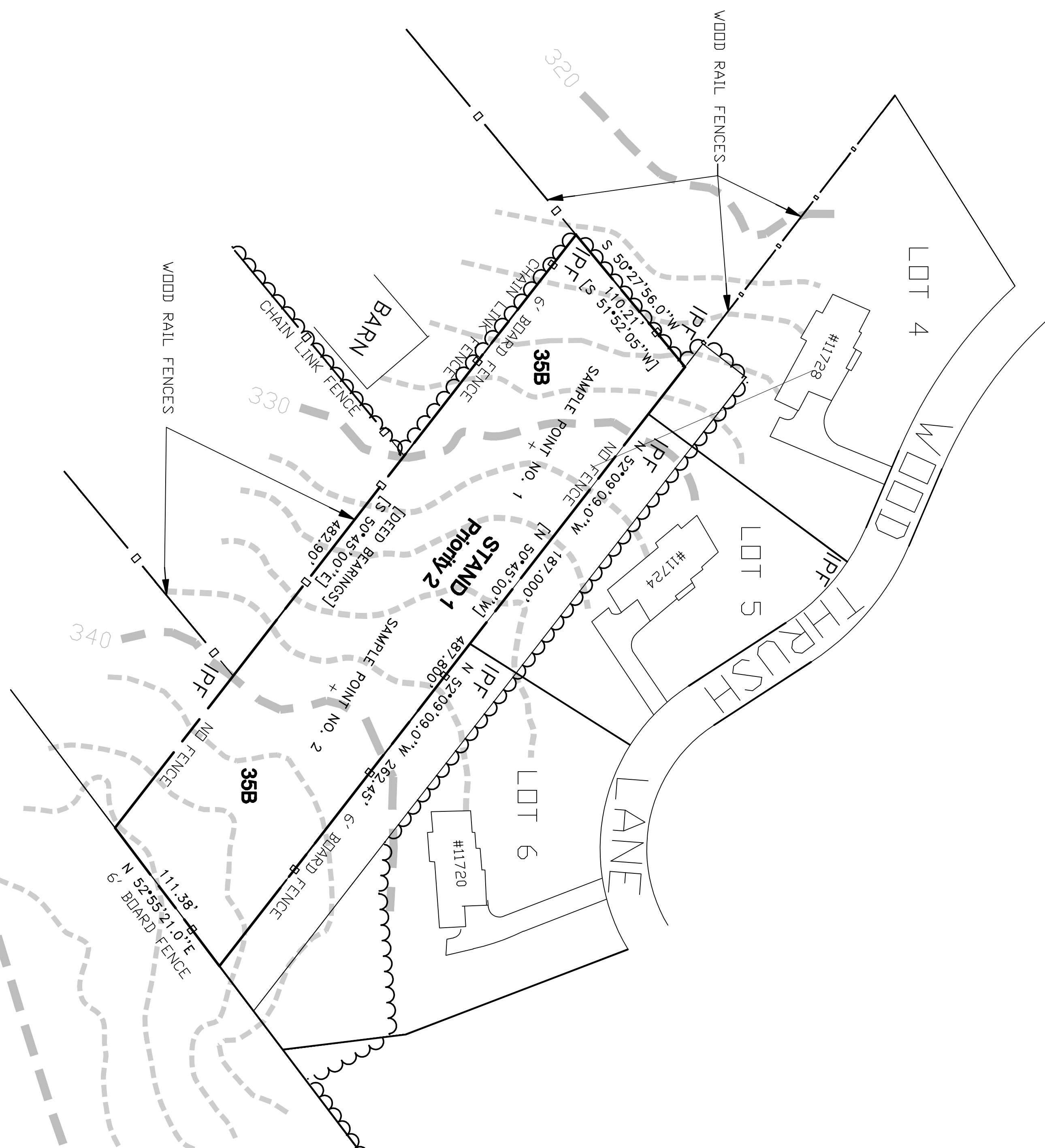
This past summer many trees were either blown over or partially blown over in a strong storm. Therefore the landowner decided to cut down and remove some of the trees that they considered hazardous. Before the storm the site was completely wooded. The storm and the cutting and removal of the trees has affected the density of the forest. The site was examined after the storm and the tree removals on August 17, 2012 by Cynthia Tuck or Tuck's Consulting Forestry Services, LLC.

Only one soil type is found on this property. It is the chrome and conowingo soil type with 3 to 8% slopes. It is not a hydric soil. It has a moderate erosion factor (K factor = .32) and a moderately high runoff potential (hydrologic group C). The pH of the soil is 6.7 which is considered neutral. Stand 1 encompasses the entire property. The canopy layer is dominated by American beech (Fagus grandifolia), American holly (Ilex opaca), white oak (Quercus alba) and red maple (Acer rubrum). Other trees found in the canopy included black gum (Nyssa sylvatica), pin oak (Quercus palustris) and Virginia pine (Pinus virginiana). The canopy coverage was only 50% and the understory coverage was even less at 30%. The understory was made up of American holly, black gum and American beech. The herbaceous coverage was 0% although grass is growing near point 1 but outside of the sampling area. The invasive species coverage was also 0%. Greenbrier and some small blueberry shrubs were found on the site but outside of the sampling area.

The forest cover type for this stand is one of the upland oak types such as northern red oak or white oak - black oak - northern red oak. Roughly 120 trees > 2" DBH are growing in this stand on a per acre basis. This figure combined with the basal area averaging only 65 square feet per acre means that the stand is understocked.

Several trees were found to be large enough to be either significant or specimen trees but they were either blown over or were too damaged to meet the standards of these classifications.

Although this stand has undergone a great deal of disturbance and will continue to feel the effects of this disturbance for years, it can still recover. Seed blown in from the surrounding area and seed already in the litter will sprout. Stump sprouts will grow. As the new regeneration takes hold new habitat will be available to attract different species of wildlife. Although the stand is understocked now, in time it will regenerate.



GENERAL NOTES

- 1. The owner / applicant is Thomas C. & Kent R. Morey, 11724 Wood Thrush Lane, Potomac, MD 20854.
2. Tax Map-FQ12 Subdivision-0001 Parcel-099 Account Number-01603038 AD-C-5293,C2 © 2010
3. Existing Zoning: RE-2 (Residential, One-Family minimum lot area of 2 acres for each dwelling)
4. The source of the 100 year floodplain information shown on the plan is FEMA panel 340D. No 100 year floodplains exist on this property.
5. In a letter dated October 16, 2012 the Maryland Department of Natural Resources (DNR) Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site. However, their database records do indicate that the species listed below are known to occur within close proximity of the project site. Therefore the site was examined on November 2, 2012 to determine if these species are present. None of these seven species were found on the site.
Featherhobble (Stenanthrum gramineum)
Leonard's Sulticap (Scutellaria bonardi)
Shrimp Gentian (Gentiana villosa)
Potato Dandelion (Krigia dandelion)
Two-flowered Milkgrass (Milkia nutans)
Leatherwood (Dirca palustris)
Low Birdweed (Calyptegia sphitameae)
6. The site is part of the Lower Potomac River Direct Watershed - White Branch. The state designated water use for the watershed is I/P-2.
7. No perennial or intermittent streams are located on the property.
8. There are no known cultural features, historical sites or archeological sites located on the property.
9. According to the Maryland Department of Environment (MDE), there are no wetlands located on this site.
10. No critical habitat areas have been observed or documented by the MD DNR on this site.
11. According to the Maryland DNR this site has not been identified by as a potential forest interior dwelling species (PIDS) habitat.
12. No current County and/or State Champion trees were found on the property.
13. No trees were found on the property with a DBH that is 75% or more of the DBH of the current County and/or State Champion trees.
14. No significant or specimen trees were found on the property or within 100' or ft.
15. According to the Natural Resource Conservation Service (NRCS), there aren't any slopes greater than 25% on this site and there aren't any slopes between 15 and 25% that are associated with erodible soils.
16. According to MCA/TLAS this site is not part of a special protection area (SPA).
17. This site is not part of a primary management area (PMA).
18. The field data was collected on August 17, 2012 by Cynthia Tuck of Tuck's Consulting Forestry Services, LLC.

GENERAL DISCLAIMER

- 1. The boundary lines, topography, street layout, building layout, etc. were done by others. The forestry information is based on the forester or Tuck's Consulting Forestry Services, LLC if the forestry information is incorrect because of work done by others.

NATURAL RESOURCE INVENTORY CERTIFIED BY:

Table with 2 columns: Name and Title. Row 1: Cynthia Tuck, Registered Forester #282. Row 2: Tuck's Consulting Forestry Services, LLC.

TUCK'S CONSULTING FORESTRY SERVICE, LLC

8419 POPLAR HILL DRIVE CLINTON, MD 20735 (301)868-7328 • Fax (301)868-7328 CTuck456@gmail.com 29

PARCEL 099 PINEY GROVE LOT 4 & LOT 5 THE ESTATES OF GREENBRIAR PRESERVE NATURAL RESOURCE INVENTORY & FOREST STAND DELINEATION 11724 WOOD THRUSH LANE POTOMAC, MD 20854 (1st) ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND

Table with 2 columns: DATE and SCALE. Row 1: DATE: 11/12/12, SCALE: 1"=50'. Row 2: FILE NO., SHEET NO., OF 1.