



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

MCPB
Item No.: 8
Date: 12-14-17

Gilburt Residence, Site Plan Amendment for Forest Conservation Plan Purposes, 81992023A

dj

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Completed: 11/30/17

Description

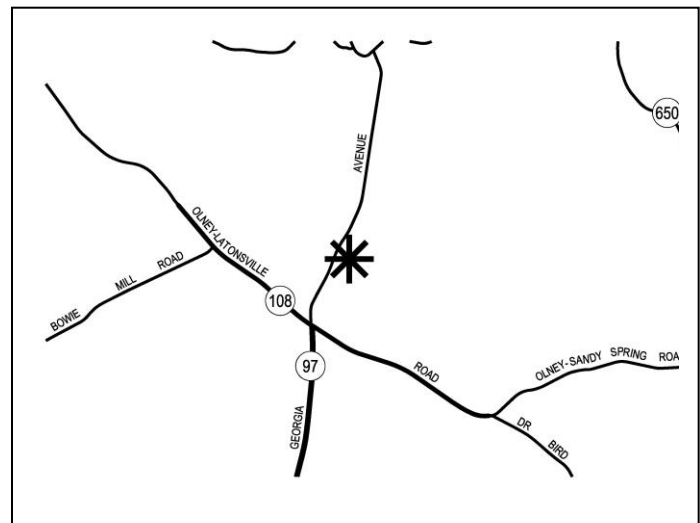
Gilburt Residence: Site Plan No. 81992023A

Application to remove and relocate 693 square feet of Category II Conservation Easement; Located at 2801 Shadowridge Drive, Olney, MD; 0.22 acres; Zoned RE-2/TDR; Olney Master Plan.

Applicant: Mr. Anthony Gilburt

Acceptance Date: May 11, 2017

Review Basis: Chapters 59 and 22A



Summary

- Staff Recommendation: **DENIAL**
- Applicant requests to remove and relocate approximately 693 square feet of Category II Conservation Easement on Lot 44, Block A, Ashley Hollow Subdivision for the purposes of creating buildable area for a swimming pool in rear yard.
- Application raises serious concerns with 1) negative visual impacts, 2) replacement plantings, 3) overall impacts to remaining vegetation, 4) easement enforcement and 5) setting a precedent for easement removal.
- Staff has received two letters in support, and one letter and three emails in opposition to this Application.

SECTION 1 – RECOMMENDATIONS AND CONDITIONS

SITE PLAN NO. 81992023A: Staff recommends denial of the limited amendment to the Site Plan for Forest Conservation Plan purposes.

SECTION 2 – SITE LOCATION AND DESCRIPTION

Site Location

The subject property is located at 2801 Shadowridge Drive, Olney, MD, described as Lot 44, Block A, in the Ashley Hollow Subdivision on Plat No. 19170, Tax Map HT563 (Figure 1 and Attachment A), with a total lot area of 9,563 square feet (0.22 acres) ("Subject Property" or "Property"). The Property is zoned RE-2/TDR and located in the *Olney Master Plan* area.

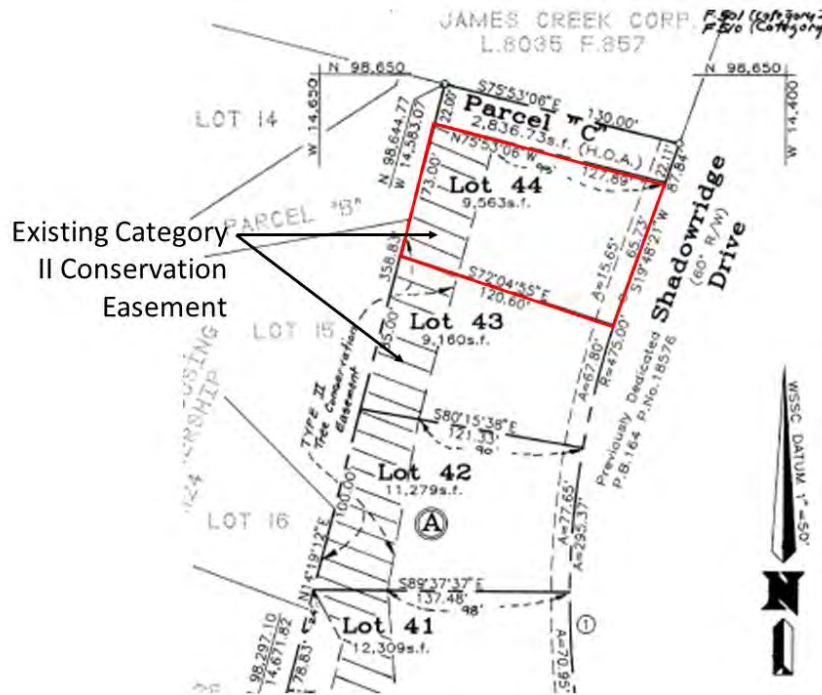


Figure 1 – Record Plat No. 19170

Site Vicinity

The Property is situated near the center of Olney, approximately 2,300 feet north of the intersection of Georgia Avenue (MD 97) and Olney-Laytonsville Road (MD 108). The subdivision in which the Property is located is bounded on the south by Prince Phillip Drive and on the west by MD 97. The Property is surrounded by similar one-family detached and townhouse residential lots on the west side of Shadowridge Drive, and a townhome cluster confronting the Property on the east side of Shadowridge Drive. (Figure 2). North and East of this site the properties are zoned RE-2/TDR, the area immediately confronting this site across Prince Philip Drive is zoned R-200 and to the West across Georgia Avenue is zoned R-200.

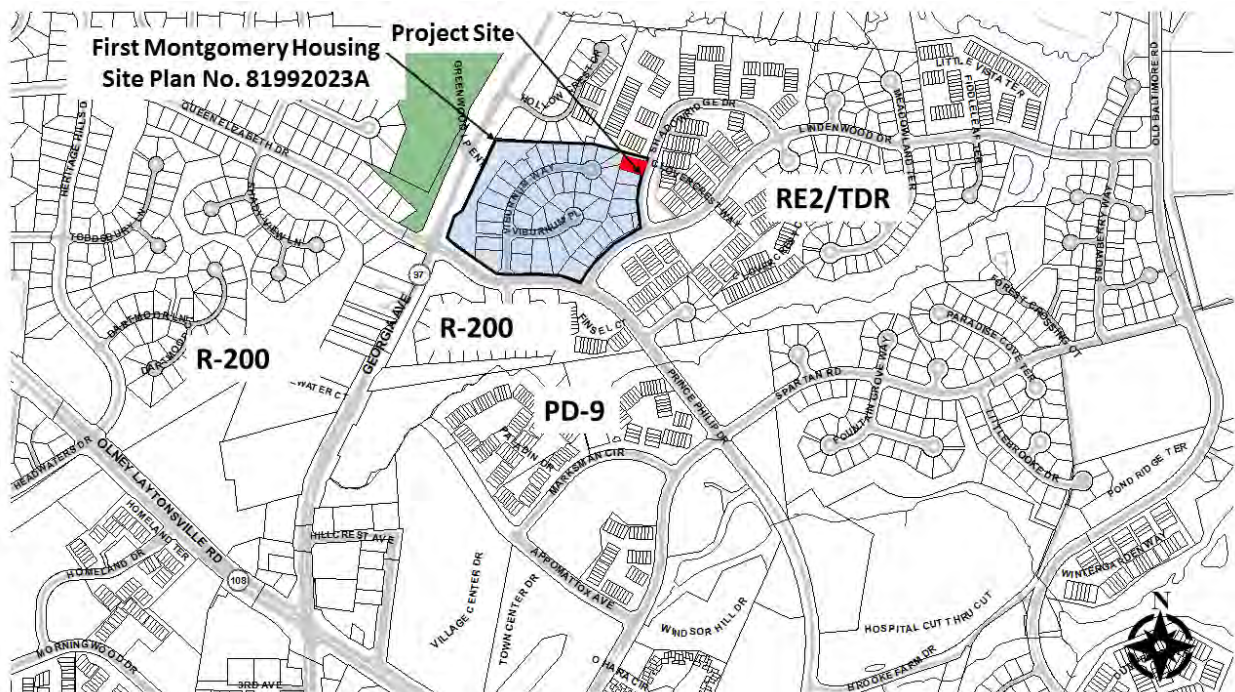


Figure 2 – Site Vicinity

Site Description

The Property is a 9,563 square foot (0.22 acre) lot fronting onto Shadowridge Drive. The Property currently has a two-story single family residential structure.

The Property contains approximately 2,648 square feet of Category II Conservation Easement (28% of the lot) to the rear of the house, which is contiguous to the adjacent Category II Easement in the rear of all the one-family detached residences fronting onto Shadowridge Dr. and Lindenwood Dr. (Figures 3 and 4). The Property is also adjacent to a community walking path, located on an HOA Open Space Parcel C, which provides a pedestrian connection between the cul-de-sac at Viburnum Way and Shadowridge Drive.



Figure 3 – Aerial Photograph of Neighborhood

The existing Category II Conservation Easement (shown in light orange above in Figure 3) is approximately 33 feet wide and runs from Lot 44 (Property) south along the rear of the neighboring properties to Lot 41 where the easement begins to widen out to approximately 45 feet. The Category II Conservation Easement then continues along the rear of Lot 41 and turns to the southwest to the rear of the Lot 35 and varies in width from 35 feet to 65 feet. Within this area, the Category II easement abuts two Category I Conservation Easements (shown in green above in Figure 3).

The length of this easement from Lot 44 to Lot 41 is, for the most part, a homogeneous mix in species, size and conditions since all of the vegetation in this area was protected at the same time. It appears that within Lots 35 to 39, additional plantings were installed as part of the approved Final Forest Conservation Plan (FFCP) and the vegetation is somewhat denser on these lots.

Within the Category II Easement on Lot 44 there are nine deciduous and evergreen trees ranging from 13" to 28" diameter breast height ("DBH"). These trees were shown to have been existing on the FFCP at

the time of approval in 1993, although smaller in size at that time. These trees have had 24 years of protected growth in original and undisturbed soils since the time of FFCP approval in 1993. Therefore, their root systems are well established and the trees exhibit good to excellent health.



Figure 4 – Aerial Photograph of Lot 44

SECTION 3 – APPLICATION AND PROPOSAL

Previous Approvals

Site Plan 819920230

The Montgomery County Planning Board approved Site Plan No. 819920230 “First Montgomery Housing” by written Planning Board Opinion issued on January 22, 1993 (“Opinion”) (Attachment B) which included the Subject Property. As part of that Site Plan approval, the FFCP was required to be reviewed and approved by the Planning Staff.

The FFCP was approved by Staff on April 2, 1993 (Attachment C). Based on the Forest Conservation Plan Worksheet on the FFCP, the overall development had a total reforestation requirement of 2.37 acres. This requirement was met with 0.09 acres of Landscape Credit for street trees, 0.46 acres of On-Site Landscaping, 0.43 acres of On-Site Reforestation and taking the remaining 1.39 acres to an off-site forest bank. The Landscape Credit for street trees was granted for the trees planted in the rights-of-ways along Viburnum Way and Viburnum Place as allowed under Forest Conservation Law. The On-Site Landscaping credit is for those areas of existing vegetation that the FFCP proposed to save, but was not defined as forest and the On-Site Reforestation is for areas that were replanted as per the FFCP. The approved FFCP shows Category I Conservation Easements protecting 3.30 acres of existing forest on the site. The Category II Conservation Easements on the development, including that on Lot 44, were placed to

protect the 0.46 acres of On-Site Landscaping and the 0.43 acres of On-Site Reforestation plantings at the rear of Lots 35 to 40.

Current Application

Site Plan 81992023A

The Application is being reviewed as an Amendment to the Site Plan for Forest Conservation Plan purposes under Plan No. 81992023A (Attachment D). This Application requests to remove and relocate approximately 693 square feet of a total of 2,648 square feet (26%) of the existing Category II Conservation Easement on Lot 44 to create an area behind the existing home that is large enough for the Applicant to install an in-ground pool and patio.

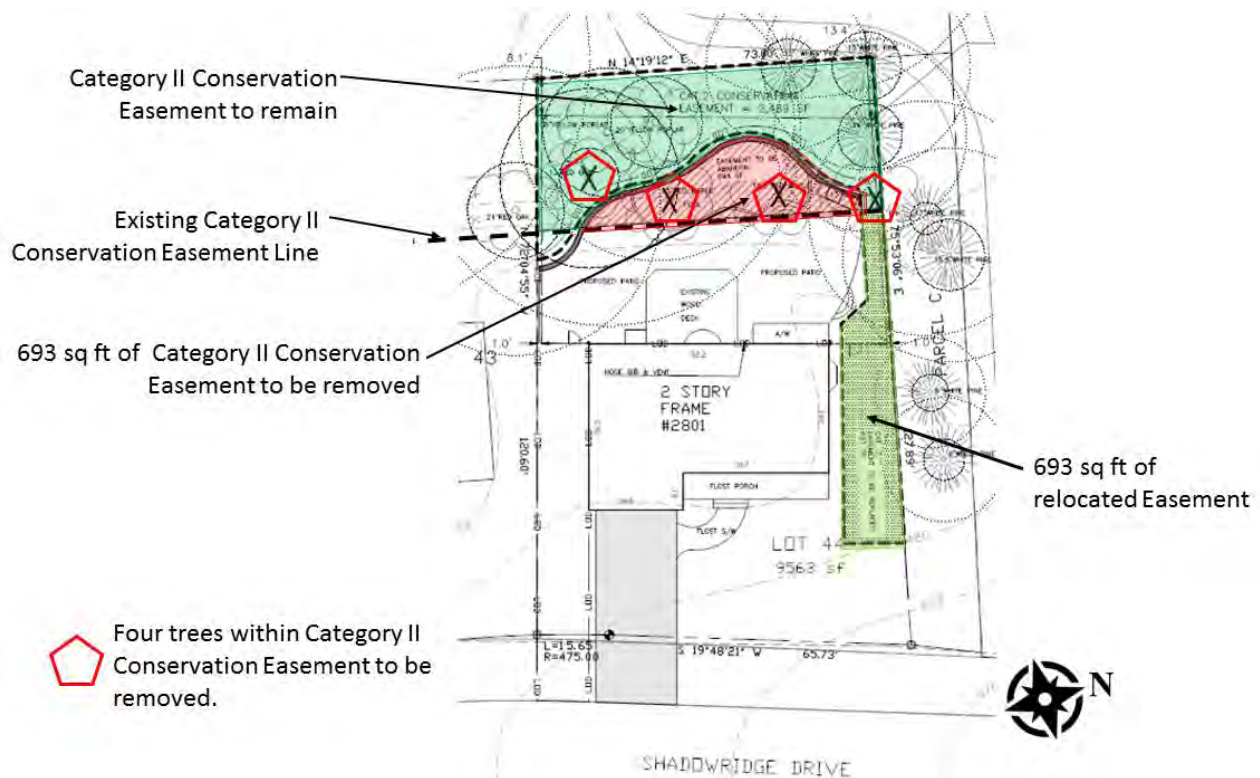


Figure 5 – Proposed Category II Easement relocation on Lot 44

The Applicant proposes to relocate the 693 square feet of easement to the northern sideyard adjacent to the existing house. The relocated strip of Category II Conservation Easement will vary in width from 4-½ feet, where the proposed easement meets the existing easement in the backyard, and then expanding out to 12 feet along the northern side of the house. There is no removal of or impact to trees with a trunk diameter 30-inches and greater (Specimen Trees), which would require an approval of a tree variance from the Planning Board. However, four mature trees ranging from 13" to 16.5" DBH are proposed to be removed. Additionally, four larger trees within the easement and three larger off-site trees all ranging from 14" to 28" DBH will be impacted by this construction (Figure 10). Two of the off-site trees are within the HOA Open Space (Parcel C) and one is on the neighbor's property in the

Category II Conservation Easement and adjacent to Lot 44. To compensate for the tree removal, the Applicant proposes to install plantings within the amended Category II Easement along the rear property line and along the north side of the house proposed to replacement for the removal of overstory trees and to screen this lot from the surrounding residential properties (Attachment D).

SECTION 4 – ANALYSIS AND FINDINGS

PLANNING BOARD REVIEW AUTHORITY

The Forest Conservation Regulations require Planning Board action on certain types of modifications to an approved FFCP. COMCOR 22A.00.01.13.A(2), the Forest Conservation Regulations, state:

Major amendments which entail more than a total of 5,000 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 Applicant proposes to remove/relocate 693 square feet out of a total of 2,648 square feet (28 percent) of a Category II Conservation Easement on the Property. Although this submittal is considered a minor amendment under Section 22A.00.01.13.A of the Forest Conservation Regulations, it has been Planning Board practice to review all plans that remove or significantly change any conservation easement.

FOREST CONSERVATION PLAN

The Site Plan Amendment does not meet all applicable requirements and intent of Chapter 22A regarding forest conservation. Specifically, Staff finds that it does not meet the intent of the approved Category II Conservation Easement that was placed along the rear of Lots 35 through 44, Block A (Figures 3 and 4). The intents and goals of this easement are specified in the Conservation Easement Agreement located at Liber 10728/Folio 510 dated 10/13/1992 in the Montgomery County Office of Land Records (Attachment E), which states, *“WHEREAS the purpose includes the preservation of trees and the natural beauty of the property subject to the easement for purposes of screening the approved new development from the sight of adjacent and abutting property owners....”* The intent of the easement is to protect existing screening vegetation and the landscape plantings shown at the rear of these lots.

The Applicant argues that at the time of the Planning Board’s original action on January 22, 1993 this particular Category II Conservation Easement was not shown on the approved Site Plan or on the FFCP demonstrating that this easement is invalid and recorded in error. However, the easement appears on the recorded Record Plat No. 19170 filed with the Office of Land Records on October 26, 1993 (Attachment A) along with a recorded Conservation Easement Agreement dated October 13, 1992 (Attachment E), and therefore, Staff contends that it is fully enforceable. In addition, when an analysis is made between the FFCP requirements mandated on the approved FFCP and the total area of Category II Conservation Easement on this development, it becomes clear that this type of easement was put in place to protect existing and planted vegetation to meet forest conservation worksheet calculations.



Figure 6 – View down easement with residence on left

Staff finds that the original intent of the Category II easement is being fulfilled with the existing vegetation and mature trees that have been allowed to grow over the past 24 years in the rear of lots 35-44. This finding has been further validated during a site visit on 6/9/2017. Staff found that all the trees on Lot 44 seem to be in good to excellent condition with no visible signs of decay or infestation.

Staff finds that the mature vegetation within this portion of the easement provides significant public benefits. First, the vegetation provides an excellent visual barrier and separation between Lot 44 and the adjoining HOA open space with residential lots beyond. Second, the existing vegetation provides a wonderful source of needed shade along this portion of the walking path that provides a cool area during the warmer summer months (Figures 6 and 7). Third, the mature stand of Tulip Poplar and White Pines provides a community benefit as both a food source, shelter and transitway for various indigenous species of suburban wildlife.

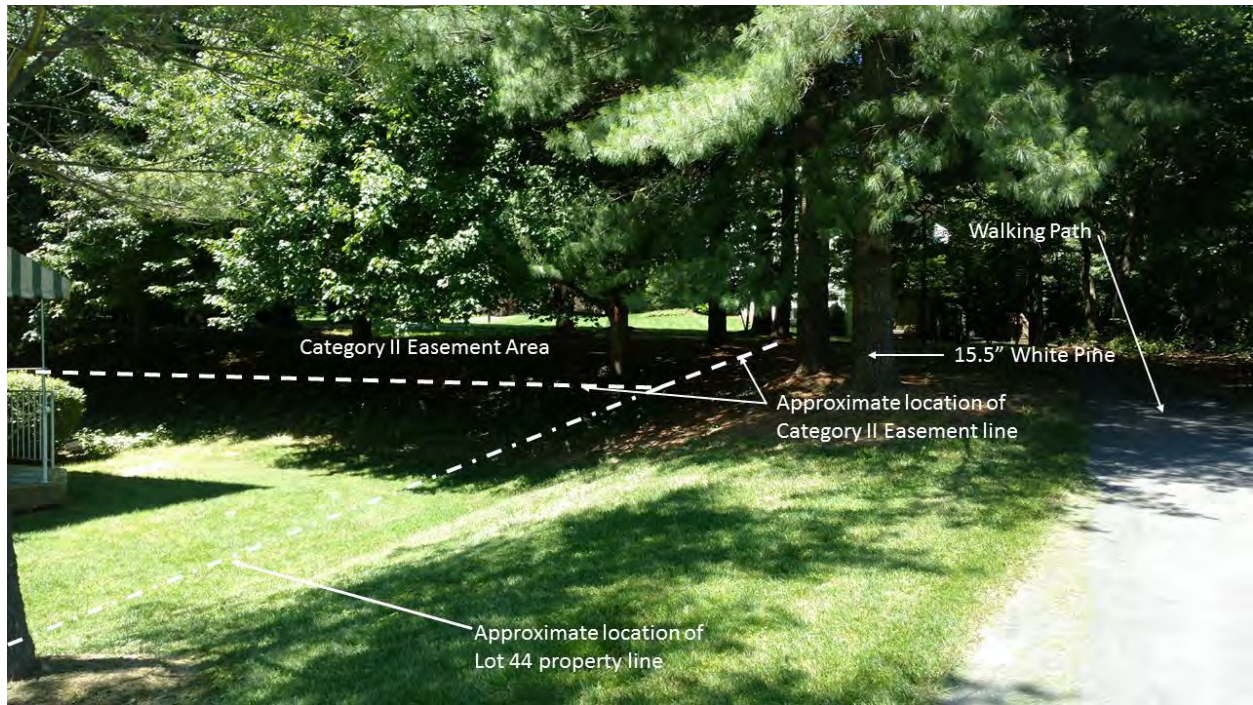


Figure 7 – View of easement area and mature trees with residence on far left

Staff finds that the Applicant’s proposal will have lasting impacts on the integrity and appearance of the recorded Category II Conservation Easement. The Amendment proposes to remove four of the nine trees in the Conservation Easement consisting of a 13” DBH Red Oak, a 15” DBH Red Maple, a 16.5” DBH Red Maple and a 13” DBH Red Maple. The removal of these four trees would severely impact the integrity of the visual screen, tree canopy coverage and the shade provided to the neighborhood open area. In addition to the removal of these four trees, the installation of the pool and patio will impact seven other large trees within the easement including two 28” Tulip Poplars 28” and 20” DBH, one 21” Red Oak and four White Pines ranging from 12” to 17” DBH. Each of these trees will have construction impacts to their respective critical root zones (CRZ) ranging from 4% up to 30% (Table 1). These impacts will have a detrimental effect on these tree’s overall health since The Maryland Extension Service lists both tree species of Tulip Polar and the White Pine as being very sensitive to construction impacts (University of Maryland Extension), n.d. 28 Nov. 2017.

Staff does not support the Applicant’s proposal to remove 693 square feet of Category II Conservation Easement for the following reasons: 1) the physical shape, width and location of the new proposed easement does not address the intent of this Category II Conservation Easement, 2) the proposed landscaping within the new easement is not suitable for this location, 3) long term impacts to remaining vegetation, 4) potential future easement enforcement actions by M-NCPPC and 5) concerns with establishing a precedent for additional conservation easement removal within this development. These reasons are discussed below in detail.

- 1) The Applicant proposes to remove 693 square feet of the existing 33-foot-wide easement and four mature trees. Staff finds this will have significant impact on the visual quality of this portion of the easement. To compensate for this removal of easement, the Applicant is proposing to add a thin strip of Category II Conservation easement between the house and the north property line. The width of this proposed strip varies from 4 ½ feet adjacent to the north side of the pool

to approximately 12 feet toward the front of the property. Given its thin width, this proposed easement will not be able to function as protection for screening vegetation nor is the width adequate to support enough vegetation to provide an adequate visual screen as the original easement currently accomplishes. In addition, this segment of easement will consume the entire side yard of this house and a small portion of the front yard. The location of this easement will limit access to the rear yard and likely cause enforcement issues in the future. Also, a new Category II Conservation Easement that meets M-NCPPC's current standards will need to be recorded in this location. One of the terms of M-NCPPC's Category II Conservation Easement Agreement is to limit plant installations to MD native plants only. The location of this easement will imply to any property owner that this area is an extension of the owner's yard and as such, turf will most likely be installed for there is insufficient space to plant a tree and allow for natural canopy spread. However, turf grasses are not native to MD and per the terms of the easement agreement will not be allowed to be installed and if installed, must be removed. This will result in this area becoming a community eyesore.



Figure 8 – View toward rear of Lot 44 from HOA open space showing wall of screening vegetation in distance at end of path

- 2) In addition to the shape and location of the proposed easement, Staff believes that the proposed landscaping (Figure 9 and Attachment D) within this easement area is not suitable for this location. Staff would discourage any trees from being planted this close to the house. The Applicant proposes to install three overstory shade trees in this area that is very tight and adjacent to the house. Within the thin strip of easement on the north side of the house, the Applicant proposes to install three of the five American Beech (*Fagus grandifolia*) trees. These three trees are located between 12-feet to 18-feet from the wall of the house. The average mature canopy spread of an American Beech tree is 40-feet to 60-feet. This proximity can only lead to structural problems with the existing house from the roots and branches of the trees. As

a result, these trees will be subject to constant pruning and maintenance to prevent damage to the house and roof, to which the Applicant must receive permission to trim before conducting those actions. This constant maintenance can have a negative impact on the overall health of these tree. As a result, Staff would recommend that the easement not be moved to this location, thereby, forcing trees be installed in this area, which would be of insufficient size to support the natural growth and spread of a tree canopy. Also, the Applicant proposes to replace the removal of the four large trees with much smaller immature trees that will take decades to provide the benefit that the current trees provide.

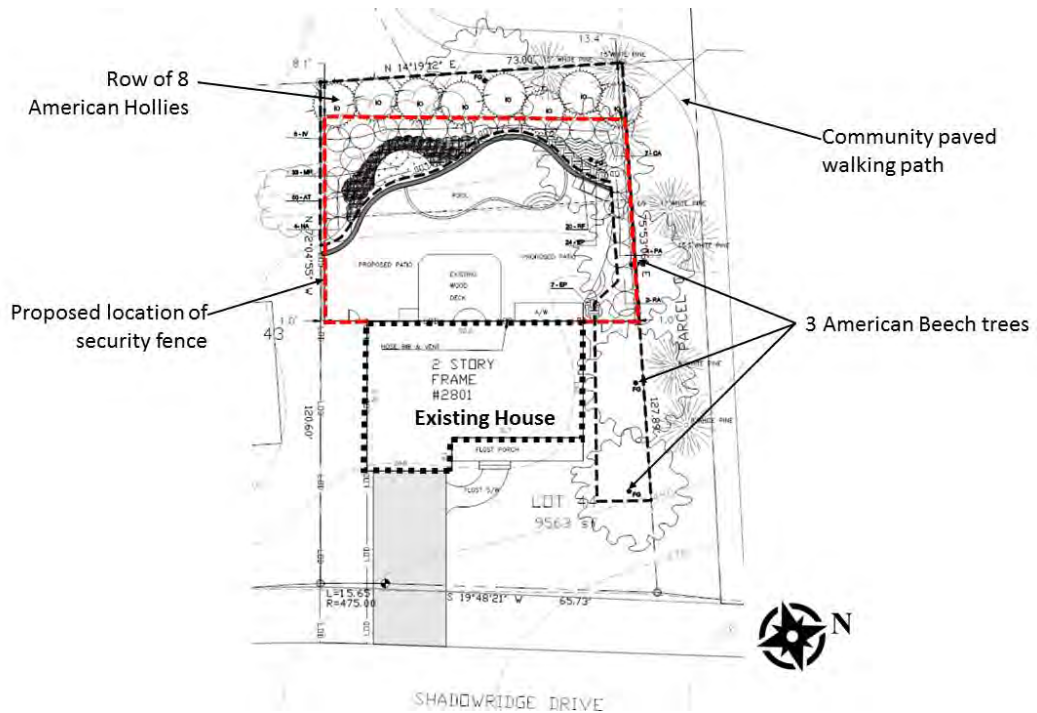


Figure 9 – Proposed Category II Landscaping

- 3) The Applicant is proposing to remove 693 square feet of the existing easement and encroaching 18-feet into a 33-foot wide easement (Figure 11). This would have impacts on seven of the remaining mature trees within this easement (Figure 10 and Table 1). The existing vegetation has been in place before the first development proposal for this site in 1993 and these trees have had 24 years of protected growth within original undisturbed soils. The easement begins approximately at mid-slope in Figure 6 and rises about 3 feet to a relatively flat area at the top of the slope. The easement area starts about at mid-slope, continues up to the flat area and then back to the walking path.

To install the pool and patio, a cut will have to be made into the slope approximately 18 feet into the existing easement and a retaining wall installed within the critical root zones (CRZ) of five of the seven large trees (Figure 10). Incursions into a tree's CRZ is typically handled by performing a root pruning operation along the limit of disturbance (LOD) within the CRZ. Following construction, the root structure will typically regenerate and over time re-establish the root structure to as much of the original CRZ as possible. However, in this case, the installation of the retaining wall prevents any new root growth for occurring along the line of

the wall. This will prevent five of the seven trees (trees #1 to #5 in Figure 10) from regenerating this portion of their root structure, thereby reducing overall nutrient uptake and stability for the trees. Given these permanent impacts to the trees root structures, the long term impacts to the seven trees is greater than what appears on the FFCP. The disturbance of this soil along with the installation of the retaining wall will most likely result in a long term deteriorating health condition possibly to the point of having to remove the remaining trees.

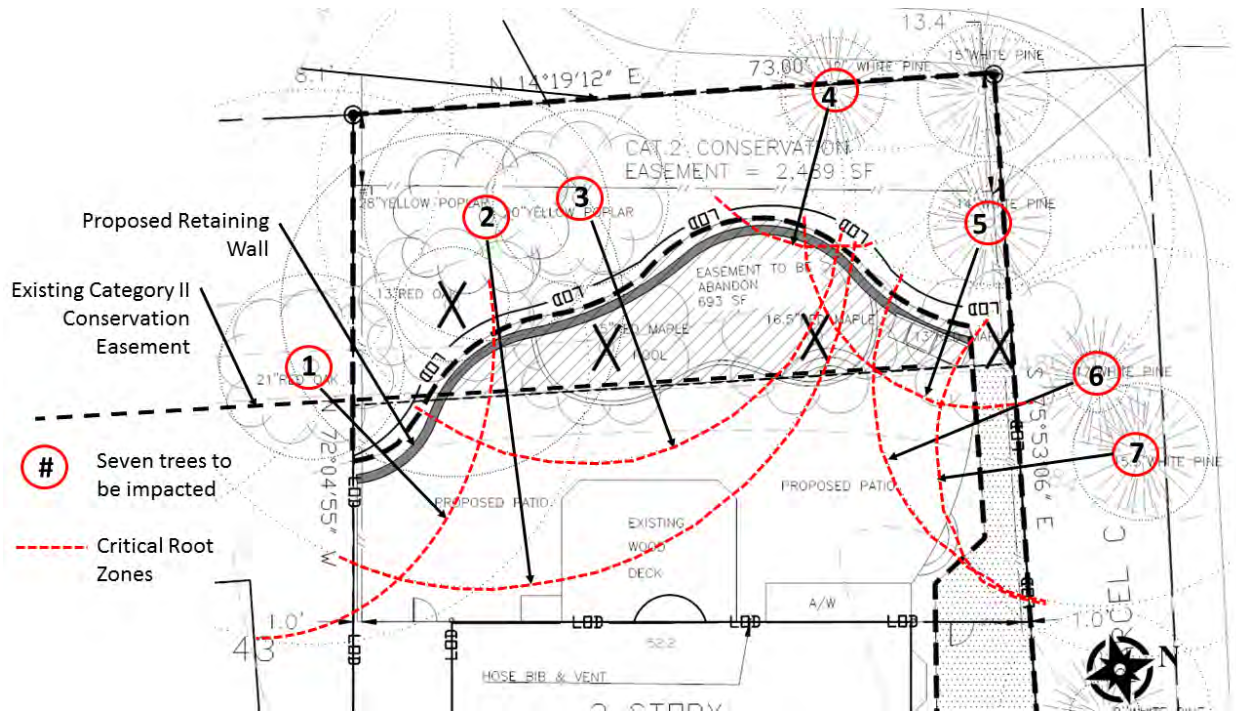


Figure 10 – Proposed Impacts to remaining trees

Tree #	Tree size & type	Total area of CRZ	Area of impacts to CRZ	Percent impact to CRZ
1*	21" Red Oak	3,117.2 sq ft	664.7 sq ft	21
2	28" Tulip Poplar	5,541.6 sq ft	1,548.6 sq ft	28
3	20" Tulip Poplar	2,827.4 sq ft	844.2 sq ft	30
4	12" White Pine	1,017.8 sq ft	45.6 sq ft	4
5	14" White Pine	1,385.4 sq ft	273.0 sq ft	20
6*	17" White Pine	2,042.8 sq ft	440.5 sq ft	22
7*	15 ½" White Pine	1,698.2 sq ft	235.5 sq ft	14

*Off-Site Trees

Table 1 - percentage impacts to remaining trees

- 4) Staff finds that given the location of the proposed Category II Conservation Easement there will be constant easement enforcement issues with any property owner of Lot 44. This area of easement relocation can be seen as a logical extension to the owner's front and side yards. This could lead to constant unintentional violations of the terms of the easement. Also, it is likely

that M-NCPPC will receive constant requests to trim the proposed trees and the existing mature trees in order to prevent damage to the house structure and prevent tree litter from falling into the pool.

- 5) If this application is approved, there are precedent concerns for the removal of additional Category II Easement in this development by other residents. The entire Category II Easement along the rear of lots 35 to 44 is in good condition and removal of this easement may lead to potential removal of other parts of this well functioning easement. There are no unique characteristics or health, safety and welfare issues with this easement on Lot 44 that would justify the removal only on Lot 44 and not on every other lot that has a Category II Easement in this subdivision. As a result, additional requests to remove Category II Conservation Easement within this development, especially Lots 35 through 43, would have to be granted. If further removal does occur this would result in the overall deterioration of the goals and intents of this easement.

Throughout the review process, Staff has attempted to work with the Applicant to balance their desires for a pool and M-NCPPC's goal of minimizing or eliminating impacts to the Category II Conservation Easement. To date, the Applicant has been reluctant to make any substantive alterations to the originally proposed design for the pool and patio (Attachment F). After creating some rough to scale sketches, Staff believes that a pool of similar configuration with associated structures can be installed on the Subject Property without the removal of easement or any vegetation within the easement area (Figure 11). This would simply involve pulling the pool, patio and retaining wall closer to the house and outside of the easement. This may require a redesign or removal of the existing decking structure. Another option would be to redesign the shape of the pool and structures to keep them out of the easement.

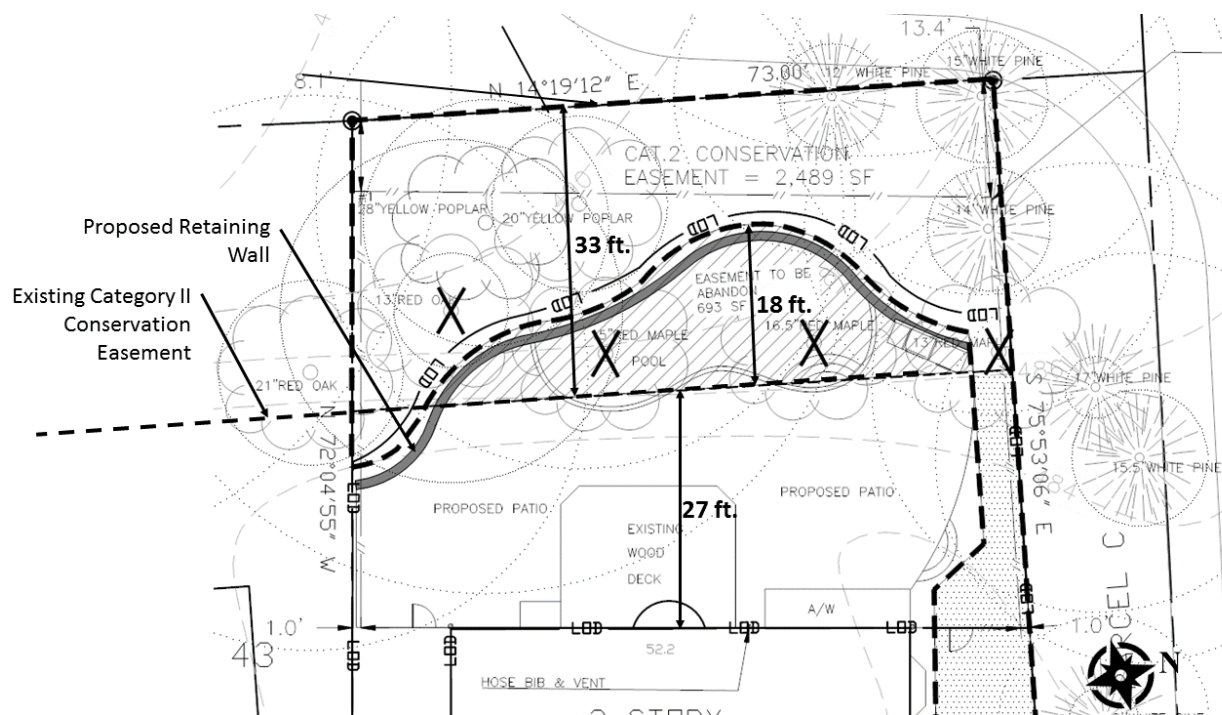


Figure 11 - Rear Yard Measurements

In conclusion, Staff finds that the proposed amendment would violate the goals and intents of the existing Category II Conservation Easement. The current easement is of significant community benefit providing both mature visual screening into and out of Lot 44 along with beneficial shading for the public walking path. Given the above issues and concerns with this Application, removal and relocation of the current Category II Conservation Easement would severely degrade the overall visual and aesthetic community quality of this area, may result in further damage to the remaining trees, may result in potential future enforcement actions and may provide the basis of future requests to remove conservation easements in this development.

SECTION 5 – CITIZEN CORRESPONDENCE AND ISSUES

The Property was properly signed with notification of the upcoming Site Plan amendment prior to the May 11, 2017, submission. All adjoining and confronting property owners, civic associations, and other registered interested parties have been notified of the submitted application to amend the Category II Conservation Easement on Lot 44.

As of the date of this report, Staff has received two letters supporting the application, and one letter and three emails opposing this application (Attachment G). The supporting correspondence both state that these citizens believe that this Application will result in an improved community image and should be allowed to move forward. The opposition correspondence believes that the removal of a portion of the easement along with the removal of the four large trees will adversely affect the visual quality of the neighborhood by the removal of a significant amount of screening and shade. The opposition also has concerns about the aesthetics of the 6-foot high wooden fence when no other similar structure exists in this area. Finally, the opposition also believes that as a result of removing these trees that surface drainage and runoff may become an issue.

SECTION 6 – CONCLUSION

The proposed amendment meets all requirements established in Chapter 22A, Forest Conservation Law. Therefore, denial of the Application with the conditions specified herein is recommended.

Staff finds that the current Category II Conservation Easement provides many positive benefits to the community as a whole and is of high value to the community. The Amendment would have a negative impact on both the functioning and visual appeal of this easement and thereby have a negative impact on the surrounding neighborhood by eliminating this amenity that the neighborhood has come to appreciate and depend on. In addition, the Amendment does not meet the intent of the existing Category II Conservation Easement. Staff does not support the removal and proposed incursions into the Category II Conservation easement nor the relocation of this easement on Lot 44.

Staff finds that the amended Category II Conservation Easement, as proposed by the Applicant, will not compensate for, nor replace the functionality of the current easement. The proposed landscaping will only lead to maintenance issues with the house and the overall health of the trees. The proposed easement will be problematic from an enforcement standpoint and may result in conflicts in the future

between the Planning Department and any property owner of Lot 44. Finally, the existing easement is of immense community benefit that would be irreplaceable if altered or removed.

Staff recommends that the Planning Board deny this Site Plan Amendment for forest conservation plan purposes for the reasons stated within this staff report.

ATTACHMENTS

- A. Approved Plat No. 19170
- B. Original Planning Board Opinion dated 1/22/1993
- C. Original FFCP dated 4/2/1993
- D. Amended FFCP dated 10/18/2017
- E. Existing Category II Conservation Easement Agreement
- F. Attorney Response Letter dated 10/25/2017
- G. Citizen Correspondence

PLAT NO. 19170

Surveyor's Certificate

I hereby certify that the plan shown hereon is correct; that it is a subdivision of a part of the property acquired by First Montgomery Housing Limited Partnership, a Maryland limited partnership,

January 8, 1988, from Francis O. Day III and Stanley S. Halle, by deed dated January 8, 1988, and recorded among the Land Records of Montgomery County, Maryland in Liber 8111 at Folio 124; that iron pipes shown thus —○—, will be placed as indicated, at the approved finished grade, in accordance with the Montgomery County Code, Section 50-24 (e); that the total area included in this plan of subdivision is 57,315.34 square feet or 1.3158 acres of land, of which none is to be dedicated to public

3/19/93
DATE

JACK KONTGIAS
REGISTERED LAND SURVEYOR
MD REG. NUMBER 10663

Curve Data Chart

No.	Radius	Arc	Delta	Tangent	Bearing	Chord
1	475.00'	295.37'	35°37'42"	152.64'	S01°59'30"W	290.64'
2	535.55'	75.74'	08°06'12"	37.93'	S64°59'17"W	75.68'

Notes

- (H.O.A.) Designates those parcels to be dedicated to the Homeowners Association.
- The 4 TDR's required by this plat were established by a document recorded among the Land Records of Montgomery County, Maryland in Liber 11374 at Folio 487 and conveyed to First Montgomery Housing Limited Partnership by Liber 11374 at Folio 504, having serial Numbers 12-4114 THRU 12-4117.
- Development of this site is subject to THE FOREST CONSERVATION LAW OF 1992. *
- Development subject to a site plan enforcement agreement with the MONTGOMERY COUNTY PLANNING BOARD.
- This plat is subject to the terms and conditions of a Declaration of Covenants for Open Space recorded in Liber 11687 at Folio 607. (NOTES CONT.)

3(cont.) Conservation easements shown hereon subject to L. 10728 P. 90 (Category I) and L. 10728 P. 90 (Category II).

JAMES CREEK CORP.
L. 8035 F. 857

Owner's Dedication

We, First Montgomery Housing Limited Partnership, a Maryland limited partnership, Bush Construction Corporation, Managing General Partner, by Eugene C. Cook, Vice President, owner of the property shown hereon and described in the "SURVEYOR'S CERTIFICATE", hereby adopt this plan of subdivision, establish the minimum building restriction lines, and grant to Montgomery County, Maryland slope easements twenty-five (25) feet wide across all Lots and Parcels, adjacent, contiguous and parallel to all street right of way lines, as required by Montgomery County Ordinance Number 4-115. Said slope easements shall be extinguished at such time as the public improvements, on the abutting street rights of way, have been completed and accepted for maintenance by Montgomery County, Maryland.

Further, We grant to the Washington Suburban Sanitary Commission (W.S.S.C.) such exclusive rights as necessary for the construction, reconstruction, operation, maintenance and repair of the sanitary sewers and/or water mains and appurtenances within the water and/or sanitary sewer rights of way/easements shown hereon, if any, subject to and together with the conditions contained in a right of way document from the grantor (s) their successors and assigns to the W.S.S.C. and to be recorded hereafter.

Further, We grant to the Potomac Electric Power Company and to the Chesapeake and Potomac Telephone Company of Maryland and to Washington Gas Light Company, and to their respective successors and assigns, an easement, in, on and over the land hereon, and described as Ten (10) foot wide Public Utility Easement, designated as "10' P.U.E.", with the said terms and provisions of such grant being those set forth in a certain document entitled "DECLARATION OF TERMS AND PROVISIONS FOR PUBLIC UTILITY EASEMENTS", and recorded among the Land Records of Montgomery County, Maryland in Liber 3834 at Folio 457, said terms and provisions being incorporated herein by this reference.

Further, We dedicate the street and street widening strips as shown hereon to public use. There are no suits or actions at law, leases, liens, mortgages or trusts affecting the property shown hereon, except for certain deeds of trust and the parties in interest thereto have below indicated their assent.

DATE May 12, 1993

ATTEST Marc B. Sharp
MARC B. SHARP
ASSISTANT SECRETARY

FIRST MONTGOMERY HOUSING
LIMITED PARTNERSHIP, BY
BUSH CONSTRUCTION CORPORATION,
MANAGING GENERAL PARTNER

BY: Eugene C. Cook
EUGENE C. COOK
VICE PRESIDENT

We hereby assent to and join in this plan of subdivision.

DATE 5-18-93

NATIONSBANK OF VIRGINIA, N.A.

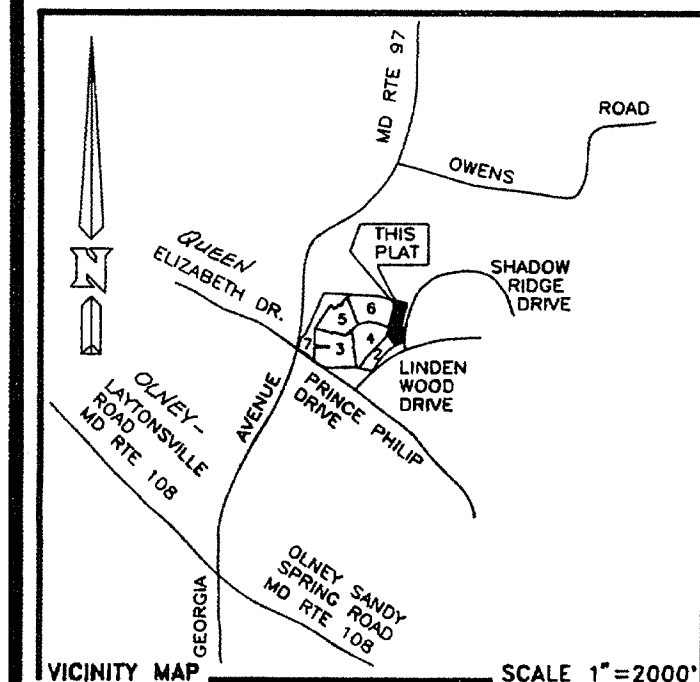
WILSON P. HYDE
TRUSTEE

CHRISTINE M. EVERLY
TRUSTEE

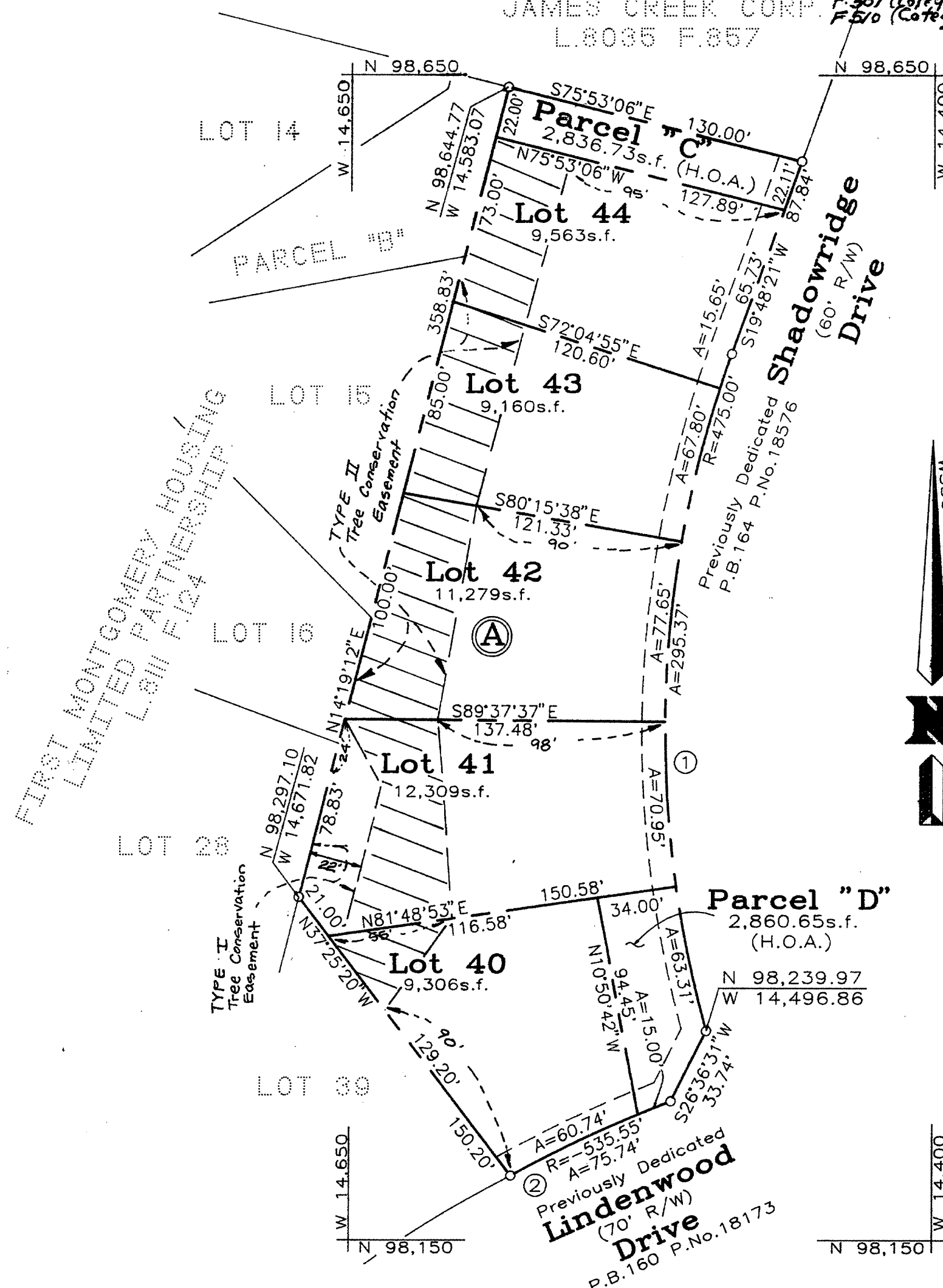
NOTES CONT.

- 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 plan are maintained by the PLANNING BOARD and available for public review during normal business hours.
- Development zoned RE-2/TDR4 and is using the standards of the R-90 zone (cluster).

Lots 40 thru 44 and
Parcels "C" and "D", Block "A"
Ashley Hollow
Olney (8th) Election District
Montgomery County, Maryland
Scale 1" = 50' February, 1993



VICINITY MAP SCALE 1"=2000'



293104192041892023 2TDR4011396
For public water and sewer systems only.

P.I.A. No. # 95.065

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

MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD

DEPARTMENT OF TRANSPORTATION
MONTGOMERY COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL RESOURCES
MONTGOMERY COUNTY, MARYLAND

5 Lots
2 Parcels

Approved JUNE 3, 1993

Approved SEPTEMBER 3, 1993

Approved SEPTEMBER 10, 1993

CHAIRMAN
ASS. SECRETARY-TREASURER

DIRECTOR OR DESIGNEE

DIRECTOR OR DESIGNEE

RECORDED:
PLAT BOOK:
PLAT NO:

TRADE NAME
MONTGOMERY KONTGIAS ENTERPRISES
2900 LINDEN LANE • SUITE 200 • SILVER SPRING, MD 20910 • 301/398-5888

SHEET
1 of 7
FMPLAT1.DWG
DANF ACAD
92P-008-326

MBA 334 1349-6189-1

591-4

PLAT NO. 19171

Surveyor's Certificate

I hereby certify that the plan shown hereon is correct; that it is a subdivision of a part of the property acquired by First Montgomery Housing Limited Partnership, a Maryland limited partnership.

from Francis O. Day III and Stanley S. Halle, by deed dated January 8, 1988, and recorded among the Land Records of Montgomery County, Maryland in Liber 8111 at Folio 124; that iron pipes shown thus - O - will be placed as indicated, at the approved finished grade, in accordance with the Montgomery County Code, Section 50-24 (e); that the total area included in this plan of subdivision is 49,052.42 square feet or 1.1261 acres of land, of which none is to be dedicated to public use.

3/19/93
DATE

JACK KONTGIAS
REGISTERED LAND SURVEYOR
MD REG. NUMBER 10663

Owner's Dedication

We, First Montgomery Housing Limited Partnership, a Maryland limited partnership, Bush Construction Corporation, Managing General Partner, by Eugene C. Cook, Vice President, owner of the property shown hereon and described in the "SURVEYOR'S CERTIFICATE", hereby adopt this plan of subdivision, establish the minimum building restriction lines, and grant to Montgomery County, Maryland slope easements twenty-five (25) feet wide across all Lots and Parcels, adjacent, contiguous and parallel to all street right of way lines, as required by Montgomery County Ordinance Number 4-115. Said slope easements shall be extinguished at such time as the public improvements, on the abutting street rights of way, have been completed and accepted for maintenance by Montgomery County, Maryland.

Further, We grant to the Washington Suburban Sanitary Commission (W.S.S.C.) such exclusive rights as necessary for the construction, reconstruction, operation, maintenance and repair of the sanitary sewers and/or water mains and appurtenances within the water and/or sanitary sewer rights of way/easements shown hereon, if any, subject to and together with the conditions contained in a right of way document from the grantor (s) their successors and assigns to the W.S.S.C. and to be recorded hereafter.

Further, We grant to the Potomac Electric Power Company and to the Chesapeake and Potomac Telephone Company of Maryland and to Washington Gas Light Company, and to their respective successors and assigns, an easement, in, on and over the land hereon, and described as Ten (10) foot wide Public Utility Easement, designated as "10' P.U.E.", with the said terms and provisions of such grant being those set forth in a certain document entitled "DECLARATION OF TERMS AND PROVISIONS FOR PUBLIC UTILITY EASEMENTS", and recorded among the Land Records of Montgomery County, Maryland in Liber 3834 at Folio 457, said terms and provisions being incorporated herein by this reference.

Further, We dedicate the street and street widening strips as shown hereon to public use.

There are no suits or actions at law, leases, liens, mortgages or trusts affecting the property shown hereon, except for certain deeds of trust and the parties in interest thereto have below indicated their assent.

DATE May 12, 1993

ATTEST Marc B. Sharp BY: Eugene C. Cook
MARC B. SHARP
ASSISTANT SECRETARY
EUGENE C. COOK
VICE PRESIDENT

FIRST MONTGOMERY HOUSING
LIMITED PARTNERSHIP BY
BUSH CONSTRUCTION CORPORATION
MANAGING GENERAL PARTNER

We hereby assent to and join in this plan of subdivision.

DATE 5-18-93

NATIONSBANK OF VIRGINIA, N.A.

Wilson P. Hyde
WILSON P. HYDE
TRUSTEE

Christine M. Everly
CHRISTINE M. EVERLY
TRUSTEE

FILED

OCT 26 1993

Lots 35 Thru 39, Block "A" Ashley Hollow

Olney (8th) Election District
Montgomery County, Maryland
Scale 1"=50' March, 1993

MONTEGOMERY/KONTGIAS ENTERPRISES
Surveyors • Planners • Engineers
2900 LINDEN LANE • SUITE 200 • SILVER SPRING, MD 20910 • 301/588-5696

SHEET
2 of 7
FMPLAT2.DWG
DANF ACAD
92P-008-326

Curve Data Chart

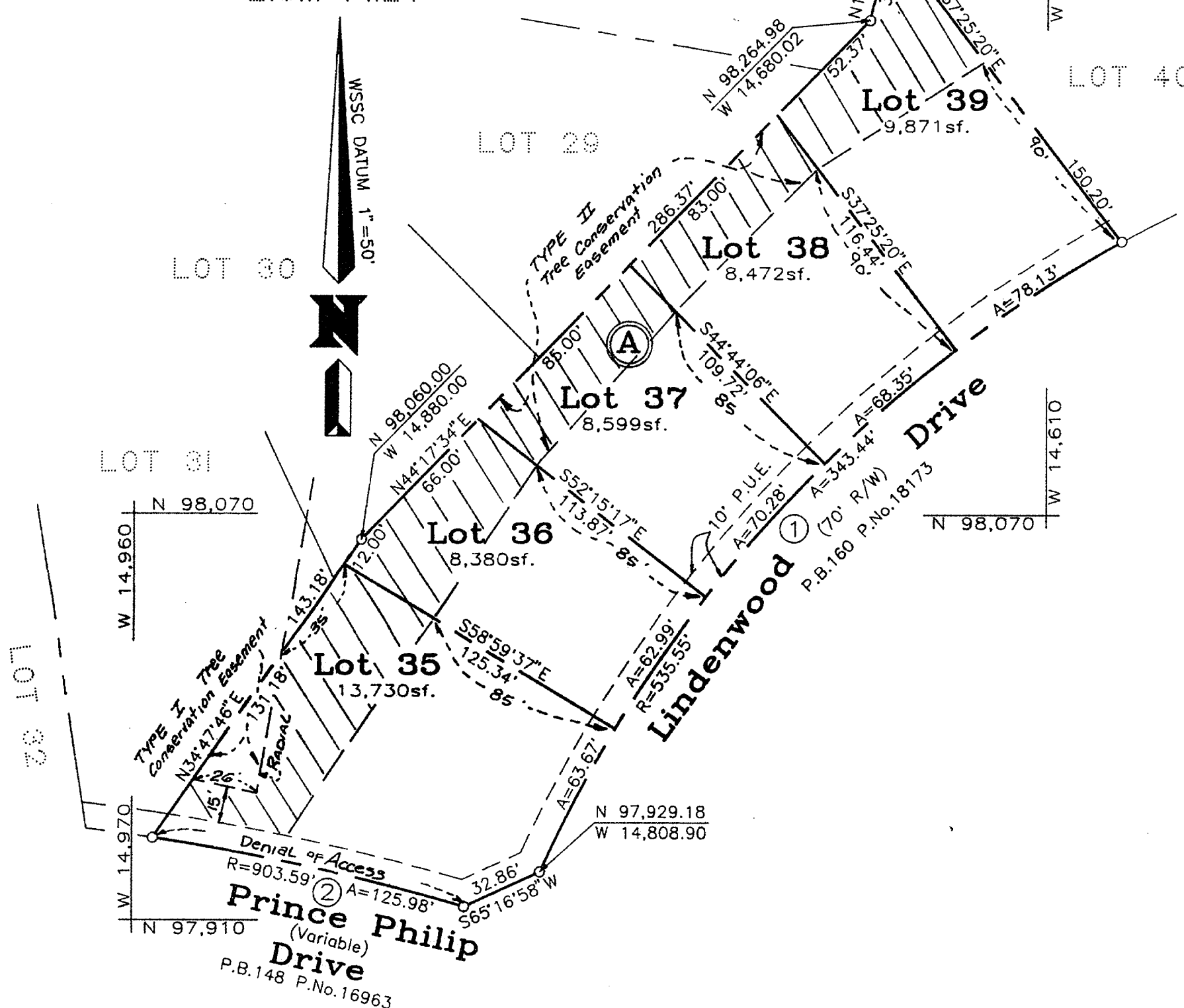
No.	Radius	Arc	Delta	Tangent	Bearing	Chord
1	535.55'	343.44'	36°44'33"	177.86'	S42°33'55"W	337.58'
2	903.59'	125.98'	07°59'18"	63.09'	N77°37'21"W	125.88'

Notes

- (H.O.A.) Designates those parcels to be dedicated to the Homeowners Association.
- The 4 TDR's required by this plat were established by a document recorded among the Land Records of Montgomery County, Maryland in Liber 11324 at Folio 476 and conveyed to First Montgomery Housing Limited Partnership by Liber 11324 at Folio 489, having serial Numbers 17-4038 AND 17-4039.
- Development of this site is subject to THE FOREST CONSERVATION LAW OF 1992. *
- Development subject to a site plan enforcement agreement with the MONTGOMERY COUNTY PLANNING BOARD.
- 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 plan maintained by the PLANNING BOARD and available for public review during normal business hours.
- Development zoned RE-2/TDR4 and is using the standards of the R-90 zone (cluster).

*3 (cont.) Conservation easements shown hereon
subject to L. 10728 F. 501 (Category I)
and L. 10728 F. 510 (Category II)

FIRST MONTGOMERY HOUSING
LIMITED PARTNERSHIP
L. 8111 F. 124



2931051920416920232TDR4011396
For public water and sewer systems only.

P.I.A. No. N/A

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

MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD

DEPARTMENT OF TRANSPORTATION
MONTGOMERY COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL RESOURCES
MONTGOMERY COUNTY, MARYLAND

5 Lots

Approved JUNE 3, 1993

Approved SEPTEMBER 3, 1993

Approved SEPTEMBER 10, 1993

RECORDED:

PLAT BOOK:

PLAT NO:

MNCP&PC Record File No. 591-5

DIRECTOR OR DESIGNEE

DIRECTOR OR DESIGNEE

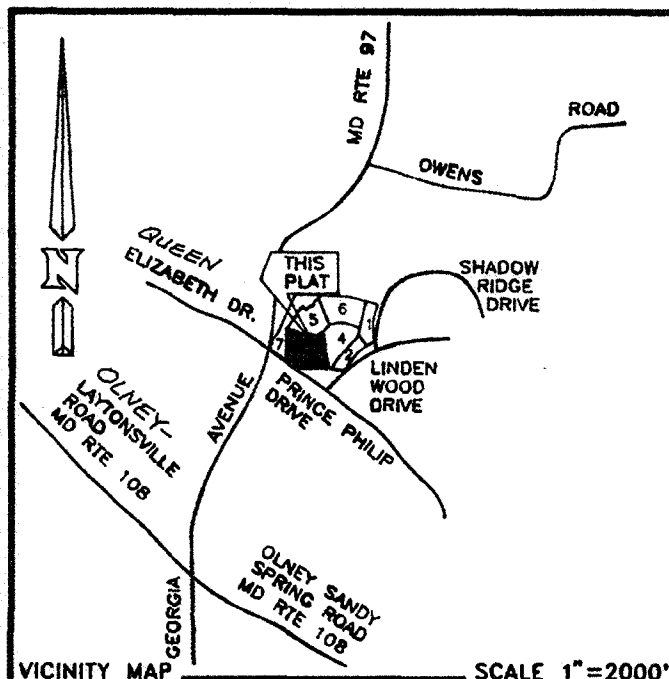
TRADE NAME

MONTEGOMERY/KONTGIAS ENTERPRISES

2900 LINDEN LANE • SUITE 200 • SILVER SPRING, MD 20910 • 301/588-5696

MBA 35U 1249 - 6189-2

591-5



Curve Data Chart

No.	Radius	Arc	Delta	Tangent	Bearing	Chord
1	903.59'	160.87'	10°12'02"	80.65'	N88°24'05"W	160.66'
2	223.36'	169.03'	43°21'31"	88.79'	N71°49'14"W	165.02'
3	365.00'	80.27'	12°36'02"	40.30'	N08°32'47"E	80.11'
4	315.00'	82.36'	14°58'50"	41.42'	S09°44'10"W	82.13'
5	195.00'	50.52'	14°50'34"	25.40'	N84°49'29"E	50.38'
6	245.00'	47.52'	11°06'49"	23.84'	S86°41'21"W	47.45'

Notes

- (H.O.A.) Designates those parcels to be dedicated to the Homeowners Association.
- The 8 TDR's required by this plat were established by a document recorded among the Land Records of Montgomery County, Maryland in Liber 11324 at Folio 476 and conveyed to First Montgomery Housing Limited Partnership by Liber 11324 at Folio 489, having serial Numbers 17-4042 thru 17-4049.

PLAT NO. 19172 Surveyor's Certificate

I hereby certify that the plan shown hereon is correct; that it is a subdivision of a part of the property acquired by First Montgomery Housing Limited Partnership, a Maryland limited partnership.

January 8, 1988, from Francis O. Day III and Stanley S. Halle, by deed dated County, Maryland in Liber 8111 at Folio 124; that iron pipes shown thus -O-, will be placed as indicated, at the approved finished grade, in accordance with the Montgomery County Code, Section 50-24 (e); that the total area included in this plan of subdivision is 147,530.01 square feet or 3.3868 acres of land, of which 30,073.80 square feet or 0.6904 acres of land are hereby dedicated to public use.

3/19/93
DATE

JACK KONTGIAS
REGISTERED LAND SURVEYOR
MD REG. NUMBER 10663

- Development of this site is subject to THE FOREST CONSERVATION LAW OF 1992, Conservation Easements shown hereon subject to L.10728 F. 501 (Category I) and L.10728 F. 510 (Category II)
- Development subject to a site plan enforcement agreement with the MONTGOMERY COUNTY PLANNING BOARD.

(NOTES CONT.)

Owner's Dedication

We, First Montgomery Housing Limited Partnership, a Maryland limited partnership, Bush Construction Corporation, Managing General Partner, by Eugene C. Cook, Vice President, owner of the property shown hereon and described in the "SURVEYOR'S CERTIFICATE", hereby adopt this plan of subdivision, establish the minimum building restriction lines, and grant to Montgomery County, Maryland slope easements twenty-five (25) feet wide across all Lots and Parcels, adjacent, contiguous and parallel to all street right of way lines, as required by Montgomery County Ordinance Number 4-115. Said slope easements shall be extinguished at such time as the public improvements, on the abutting street rights of way, have been completed and accepted for maintenance by Montgomery County, Maryland.

Further, We grant to the Washington Suburban Sanitary Commission (W.S.S.C.) such exclusive rights as necessary for the construction, reconstruction, operation, maintenance and repair of the sanitary sewers and/or water mains and appurtenances within the water and/or sanitary sewer rights of way/easements shown hereon, if any, subject to and together with the conditions contained in a right of way document from the grantor (s) their successors and assigns to the W.S.S.C. and to be recorded hereafter.

Further, We grant to the Potomac Electric Power Company and to the Chesapeake and Potomac Telephone Company of Maryland and to Washington Gas Light Company, and to their respective successors and assigns, an easement, in, on and over the land hereon, and described as Ten (10) foot wide Public Utility Easement, designated as "10' P.U.E.", with the said terms and provisions of such grant being those set forth in a certain document entitled "DECLARATION OF TERMS AND PROVISIONS FOR PUBLIC UTILITY EASEMENTS", and recorded among the Land Records of Montgomery County, Maryland in Liber 3834 at Folio 457, said terms and provisions being incorporated herein by this reference.

Further, We dedicate the street and street widening strips as shown hereon to public use.

There are no suits or actions at law, leases, liens, mortgages or trusts affecting the property shown hereon, except for certain deeds of trust and the parties in interest thereto have below indicated their assent.

DATE May 13, 1993

ATTEST *Marc B. Sharp*
MARC B. SHARP
ASSISTANT SECRETARY

FIRST MONTGOMERY HOUSING
LIMITED PARTNERSHIP BY
BUSH CONSTRUCTION CORPORATION
MANAGING GENERAL PARTNER

Eugene C. Cook
EUGENE C. COOK
VICE PRESIDENT

We hereby assent to and join in this plan of subdivision.

DATE 5-18-93

Wilson P. Hyde
WILSON P. HYDE
TRUSTEE

NATIONSBANK OF VIRGINIA, N.A.

Christine M. Everly
CHRISTINE M. EVERLY
TRUSTEE

FILED

OCT 26 1993

Lots 1 Thru 4, 23, 24, 32 Thru 34, Block "A" Ashley Hollow

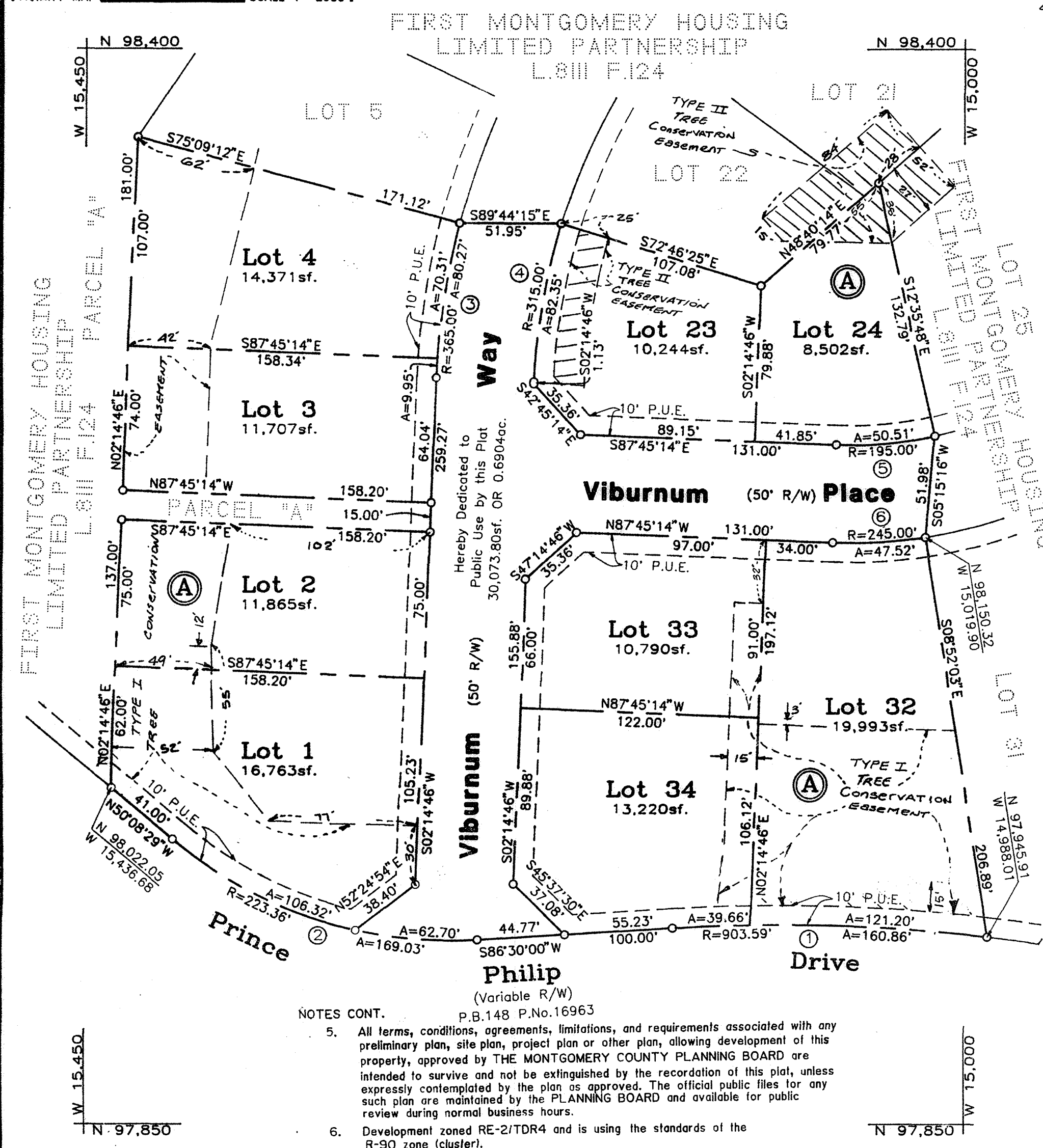
Olney (8th) Election District
Montgomery County, Maryland
Scale 1"=50' March, 1993

9 Lots

RECORDED: _____
PLAT BOOK: _____
PLAT NO: _____

TRADE NAME
MONTGOMERY/KONTGIAS ENTERPRISES
2900 LINDEN LANE • SUITE 200 • SILVER SPRING, MD 20910 • 301/588-5696

SHEET
3 of 7
FMPLAT3.DWG
DANF ACAD
92P-008-326



NOTES CONT.

- 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 plan are maintained by the PLANNING BOARD and available for public review during normal business hours.
- Development zoned RE-2/TDR4 and is using the standards of the R-90 zone (cluster).

2931061920418920232TDR4011396

For public water and sewer systems only.

P.I.A. No. 93-066

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

MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD

DEPARTMENT OF TRANSPORTATION
MONTGOMERY COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL RESOURCES
MONTGOMERY COUNTY, MARYLAND

Approved JUNE 3, 1993

James C. Kuntz
CHAIRMAN
James C. Kuntz
ASST. SECRETARY-TREASURER

Approved SEPTEMBER 3, 1993

Robert D. Newman
DIRECTOR OR DESIGNEE

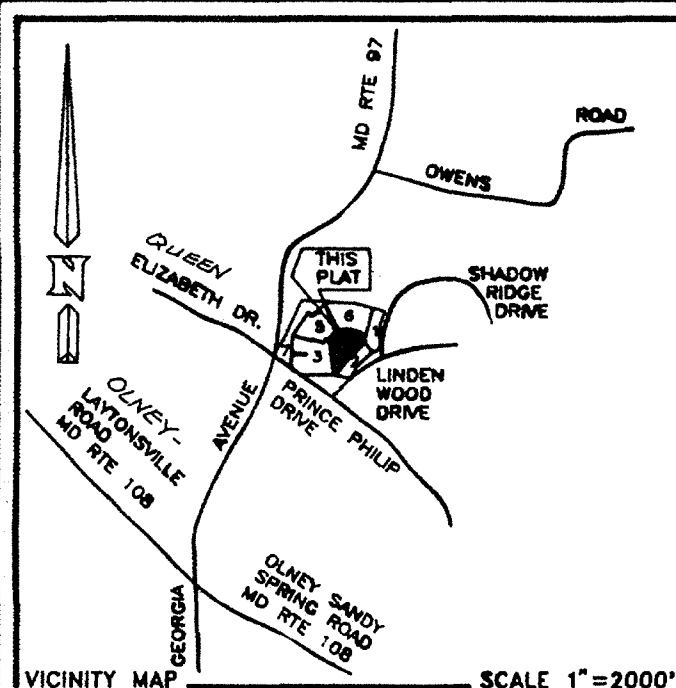
Approved SEPTEMBER 10, 1993

Stanley S. Halle
DIRECTOR OR DESIGNEE

MNCP&PC Record File No. 591-6

MOA 33U 1249-6129-3

591-6



Curve Data Chart

No.	Radius	Arc	Delta	Tangent	Bearing	Chord
1	195.00'	80.75'	23°43'38"	40.96'	N65°32'23"E	80.18'
2	38.00'	39.04'	58°51'30"	21.44'	N24°14'49"E	37.34'
3	55.00'	262.43'	273°22'48"	51.85'	S48°29'32"E	75.45'
4	38.00'	26.51'	39°58'29"	13.82'	S68°12'38"W	25.98'
5	245.00'	140.72'	32°54'34"	72.36'	S64°40'40"W	138.80'
6	903.59'	26.54'	01°40'58"	13.27'	N82°26'55"W	26.54'

Notes

- (H.O.A.) Designates those parcels to be dedicated to the Homeowners Association.
- The 6 TDR's required by this plat were established by a document recorded among the Land Records of Montgomery County, Maryland in Liber 11370 at Folio 026 and conveyed to First Montgomery Housing Limited Partnership by Liber 11370 at Folio 036, having serial Numbers 10-4091 thru 10-4096.

PLAT No. 19173 Surveyor's Certificate

I hereby certify that the plan shown hereon is correct; that it is a subdivision of a part of the property acquired by First Montgomery Housing Limited Partnership, a Maryland limited partnership, from Francis O. Day III and Stanley S. Halle, by deed dated January 8, 1988, and recorded among the Land Records of Montgomery County, Maryland in Liber 8111 at Folio 124; that iron pipes shown thus - O - , will be placed as indicated, at the approved finished grade, in accordance with the Montgomery County Code, Section 50-24 (e); that the total area included in this plan of subdivision is 106,408.94 square feet or 2.4428 acres of land, of which 15,988.58 square feet or 0.3671 acres of land is dedicated to public use.

3/19/93
DATE

JACK KONTGIAS
REGISTERED LAND SURVEYOR
MD REG. NUMBER 10663

- Development of this site is subject to THE FOREST CONSERVATION LAW OF 1992. *
- Development subject to a site plan enforcement agreement with the MONTGOMERY COUNTY PLANNING BOARD.

(NOTES CONT.)
*3 (cont.) Conservation easements shown hereon subject to L. 10728 F. 501 (Category I) and L. 10728 F. 510 (Category II).

Owner's Dedication

We, First Montgomery Housing Limited Partnership, a Maryland limited partnership, Bush Construction Corporation, Managing General Partner, by Eugene C. Cook, Vice President, owner of the property shown hereon and described in the "SURVEYOR'S CERTIFICATE", hereby adopt this plan of subdivision, establish the minimum building restriction lines, and grant to Montgomery County, Maryland slope easements twenty-five (25) feet wide across all Lots and Parcels, adjacent, contiguous and parallel to all street right of way lines, as required by Montgomery County Ordinance Number 4-115. Said slope easements shall be extinguished at such time as the public improvements, on the abutting street rights of way, have been completed and accepted for maintenance by Montgomery County, Maryland.

Further, We grant to the Washington Suburban Sanitary Commission (W.S.S.C.) such exclusive rights as necessary for the construction, reconstruction, operation, maintenance and repair of the sanitary sewers and/or water mains and appurtenances within the water and/or sanitary sewer rights of way/easements shown hereon, if any, subject to and together with the conditions contained in a right of way document from the grantor (s) their successors and assigns to the W.S.S.C. and to be recorded hereafter.

Further, We grant to the Potomac Electric Power Company and to the Chesapeake and Potomac Telephone Company of Maryland and to Washington Gas Light Company, and to their respective successors and assigns, an easement, in, on and over the land hereon, and described as Ten (10) foot wide Public Utility Easement, designated as "10' P.U.E.", with the said terms and provisions of such grant being those set forth in a certain document entitled "DECLARATION OF TERMS AND PROVISIONS FOR PUBLIC UTILITY EASEMENTS", and recorded among the Land Records of Montgomery County, Maryland in Liber 3834 at Folio 457, said terms and provisions being incorporated herein by this reference.

Further, We dedicate the street and street widening strips as shown hereon to public use.

There are no suits or actions at law, leases, liens, mortgages or trusts affecting the property shown hereon, except for certain deeds of trust and the parties in interest thereto have below indicated their assent.

DATE May 12, 1993

ATTEST Marc B. Sharp
MARC B. SHARP
ASSISTANT SECRETARY

FIRST MONTGOMERY HOUSING
LIMITED PARTNERSHIP BY
BUSH CONSTRUCTION CORPORATION
MANAGING GENERAL PARTNER

Eugene C. Cook
EUGENE C. COOK
VICE PRESIDENT

We hereby assent to and join in this plan of subdivision.

DATE 5-18-93

NATIONSBANK OF VIRGINIA, N.A.

Wilson P. Hyde
WILSON P. HYDE
TRUSTEE

Christine M. Everly
CHRISTINE M. EVERLY
TRUSTEE

NOTES CONT.

- 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 plan are maintained by the PLANNING BOARD and available for public review during normal business hours.
- Development zoned RE-2/TDR4 and is using the standards of the R-90 zone (cluster).

FILED
OCT 26 1993

Lots 25 Thru 31, Block "A" Ashley Hollow

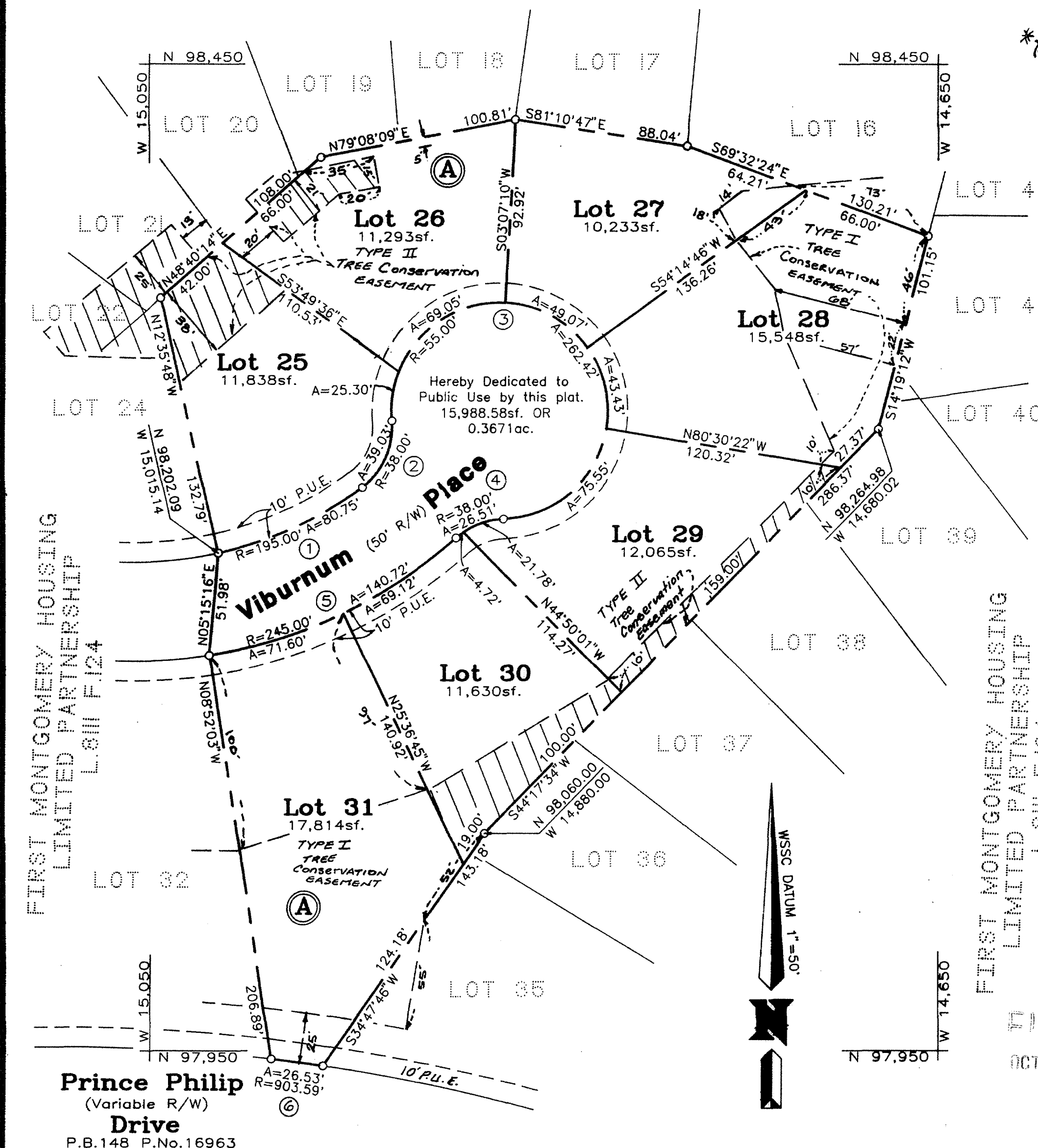
Olney (8th) Election District
Montgomery County, Maryland
Scale 1"=50' March, 1993

7 Lots

RECORDED: _____
PLAT BOOK: _____
PLAT NO: _____

TRADE NAME
MONTGOMERY/KONTGIAS ENTERPRISES
2000 LINDEN LANE • SUITE 200 • SILVER SPRING, MD 20910 • 301/586-5696

SHEET
4 of 7
FMPLAT4.DWG
DANF ACAD
92P-008-326



Prince Philip
Drive
P.B.148 P.No.16963

2931071920418920232TDR4 011396

For public water and sewer systems only.

P.I.A. No. # 93-067

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

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

DEPARTMENT OF TRANSPORTATION
MONTGOMERY COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL RESOURCES
MONTGOMERY COUNTY, MARYLAND

Approved JUNE 3, 1993

Chris Bauman
CHAIRMAN
Approved September 3, 1993
P. 551-7 SECRETARY-TREASURER

Approved SEPTEMBER 3, 1993

Robert P. Thompson
DIRECTOR OR DESIGNEE

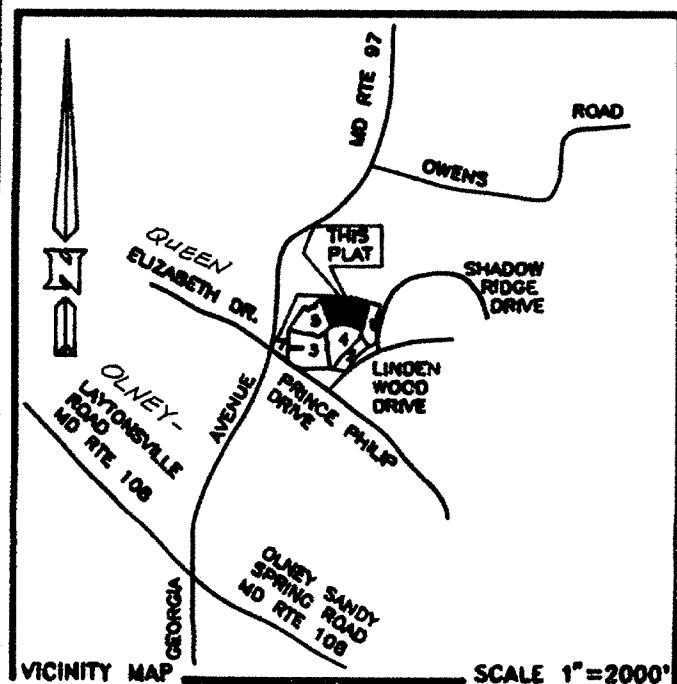
Approved SEPTEMBER 10, 1993

Stan Wray
DIRECTOR OR DESIGNEE

MNCP&PC Record File No. 591-7

MSA 5511249-6129-4

591-7



O Curve Data Chart

No.	Radius	Arc	Delta	Tangent	Bearing	Chord
1	365.00'	183.37'	28°47'06"	93.67'	N83°02'01"E	181.45'
2	38.00'	31.41'	47°21'28"	16.66'	N73°44'50"E	30.52'
3	55.00'	263.71'	27°42'55"	50.65'	S07°25'34"W	74.52'
4	38.00'	31.41'	47°21'28"	16.66'	N58°53'42"W	30.52'
5	315.00'	158.50'	28°49'46"	80.96'	S83°00'41"W	156.83'

Notes

- (H.O.A.) Designates those parcels to be dedicated to the Homeowners Association.
- The 7 TDR's required by this plat were established by a document recorded among the Land Records of Montgomery County, Maryland in Liber 11370 at Folio 026 and conveyed to First Montgomery Housing Limited Partnership by Liber 11370 at Folio 036, having serial Numbers 10-4097 Thru 10-4103.

(NOTES CONT.)

PLAT NO. 19174

Surveyor's Certificate

I hereby certify that the plan shown hereon is correct; that it is a subdivision of a part of the property acquired by First Montgomery Housing Limited Partnership, a Maryland limited partnership.

from Francis O. Day III and Stanley S. Halle, by deed dated January 8, 1988, and recorded among the Land Records of Montgomery County, Maryland in Liber 8111 at Folio 124; that iron pipes shown thus - O -, will be placed as indicated, at the approved finished grade, in accordance with the Montgomery County Code, Section 50-24 (e); that the total area included in this plan of subdivision is 121,064.70 square feet or 2.7793 acres of land, of which 20,358.55 square feet or 0.4674 acres of land are dedicated to public use.

3/19/93
DATE

JACK KONTGIAS
REGISTERED LAND SURVEYOR
MD REG. NUMBER 10663

Owner's Dedication

We, First Montgomery Housing Limited Partnership, a Maryland limited partnership, Bush Construction Corporation, Managing General Partner, by Eugene C. Cook, Vice President, owner of the property shown hereon and described in the "SURVEYOR'S CERTIFICATE", hereby adopt this plan of subdivision, establish the minimum building restriction lines, and grant to Montgomery County, Maryland slope easements twenty-five (25) feet wide across all Lots and Parcels, adjacent, contiguous and parallel to all street right of way lines, as required by Montgomery County Ordinance Number 4-115. Said slope easements shall be extinguished at such time as the public improvements, on the abutting street rights of way, have been completed and accepted for maintenance by Montgomery County, Maryland.

Further, We grant to the Washington Suburban Sanitary Commission (W.S.S.C.) such exclusive rights as necessary for the construction, reconstruction, operation, maintenance and repair of the sanitary sewers and/or water mains and appurtenances within the water and/or sanitary sewer rights of way/easements shown hereon, if any, subject to and together with the conditions contained in a right of way document from the grantor (s) their successors and assigns to the W.S.S.C. and to be recorded hereafter.

Further, We grant to the Potomac Electric Power Company and to the Chesapeake and Potomac Telephone Company of Maryland and to Washington Gas Light Company, and to their respective successors and assigns, an easement, in, on and over the land hereon, and described as Ten (10) foot wide Public Utility Easement, designated as "10' P.U.E.", with the said terms and provisions of such grant being those set forth in a certain document entitled "DECLARATION OF TERMS AND PROVISIONS FOR PUBLIC UTILITY EASEMENTS", and recorded among the Land Records of Montgomery County, Maryland in Liber 3834 at Folio 457, said terms and provisions being incorporated herein by this reference.

Further, We dedicate the street and street widening strips as shown hereon to public use.

There are no suits or actions at law, leases, liens, mortgages or trusts affecting the property shown hereon, except for certain deeds of trust and the parties in interest thereto have below indicated their assent.

DATE May 12, 1993

ATTEST Marc B. Sharp
MARC B. SHARP
ASSISTANT SECRETARY

FIRST MONTGOMERY HOUSING
LIMITED PARTNERSHIP, BY
BUSH CONSTRUCTION CORPORATION
MANAGING GENERAL PARTNER

BY: Eugene C. Cook
EUGENE C. COOK
VICE PRESIDENT

We hereby assent to and join in this plan of subdivision.

DATE 5-18-93

NATIONSBANK OF VIRGINIA, N.A.

Wilson P. Hyde
WILSON P. HYDE
TRUSTEE

Christine M. Everly
CHRISTINE M. EVERLY
TRUSTEE

NOTES CONT.

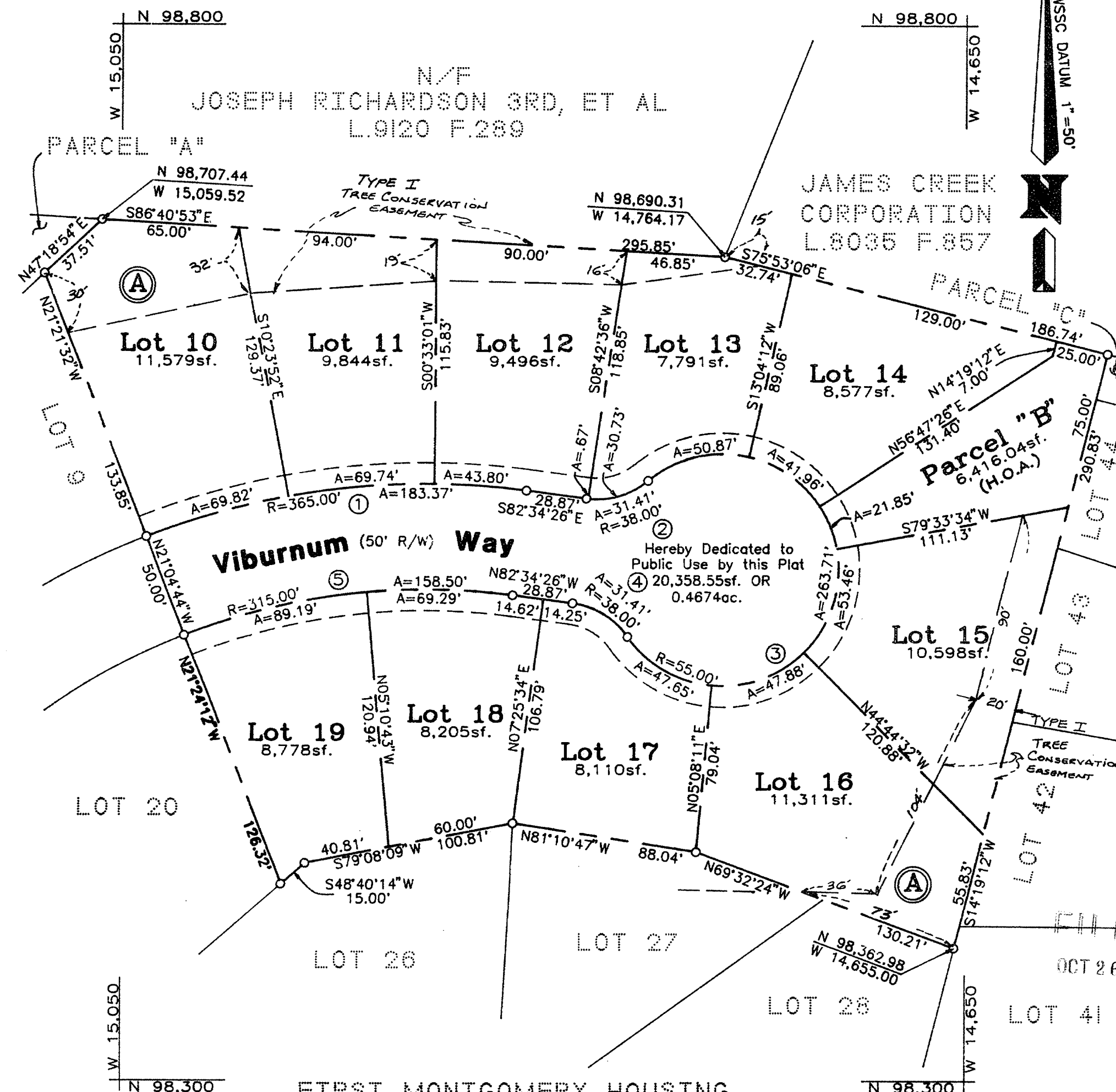
- All terms, conditions, agreements, limitations, and requirements associated with any preliminary plan, site plan, project plan or other plan, allowing development of this property, approved by THE MONTGOMERY COUNTY PLANNING BOARD are intended to survive and not be extinguished by the recordation of this plat, unless expressly contemplated by the plan approved. The official public files for any such plan are maintained by the PLANNING BOARD and available for public review during normal business hours.
- Development zoned RE-2/TDR4 and is using the standards of the R-90 zone (cluster).
- This plat is subject to the terms and conditions of a Declaration of Covenants for Open Space recorded in Liber 16876 at Folio 607.
- Development of this site is subject to THE FOREST CONSERVATION LAW OF 1992. (cont.)

Lots 10 Thru 19, and
Parcel "B", Block "A"
Ashley Hollow

Olney (8th) Election District
Montgomery County, Maryland
Scale 1"=50' March, 1993

MONTEGOMERY/KONTGIAS ENTERPRISES
TRADE NAME
2900 LINDEN LANE • SUITE 200 • SILVER SPRING, MD 20910 • 301/588-5888

SHEET
6 of 7
FMPLAT6.DWG
DANF ACAD
92P-008-326



FIRST MONTGOMERY HOUSING
LIMITED PARTNERSHIP
L.8111 F.124

293125192041892023

For public water and sewer systems only.

P.I.A. No. 93-068

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

MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MONTGOMERY COUNTY PLANNING BOARD

DEPARTMENT OF TRANSPORTATION

MONTGOMERY COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL RESOURCES

MONTGOMERY COUNTY, MARYLAND

Approved JUNE 24, 1993

Thomas Bauman
CHAIRMAN
ASST. SECRETARY-TREASURER

MNCP&PC Record File No. 591-B

Approved SEPTEMBER 3, 1993

Robert J. Thompson
DIRECTOR OR DESIGNEE

Approved SEPTEMBER 10, 1993

Stan Wray
DIRECTOR OR DESIGNEE

10 Lots
1 Parcel

RECORDED:

PLAT BOOK:

PLAT NO:

MBA SSU 1249-6129-5

591-8

NOTES CONT.

2. 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 plan are maintained by the PLANNING BOARD and available for public review during normal business hours.

3. Development zoned RE-2/TDR4 and is using the standards of the R-90 zone (cluster).

4. This plat is subject to the terms and conditions of a Declaration of Covenants for Open Space recorded in Liber 11687 at Folio 607.

5. Development of this site is subject to THE FOREST CONSERVATION LAW OF 1992. Conservation easements shown herein subject to L. 10728 F. 501 (Category I) and L. 10728 F. 510 (Category II).

Surveyor's Certificate

I hereby certify that the plan shown hereon is correct; that it is a subdivision of a part of the property acquired by First Montgomery Housing Limited Partnership, a Maryland limited partnership,

from Francis O. Day III and Stanley S. Halle, by deed dated January 8, 1988, and recorded among the Land Records of Montgomery County, Maryland in Liber 8111 at Folio 124; that iron pipes shown thus - O - , will be placed as indicated, at the approved finished grade, in accordance with the Montgomery County Code, Section 50-24 (e); that the total area included in this plan of subdivision is 94,635.81 square feet or 2.1725 acres of land, of which none is to be dedicated to public use.

3/9/93
DATE

[Signature]
JACK MONTGAS
REGISTERED LAND SURVEYOR
MD REG. NUMBER 10663

Curve Data Chart

No.	Radius	Arc	Delta	Tangent	Bearing	Chord
1	350.00'	105.22'	17°13'31"	53.01'	N58°45'14"W	104.83'

Notes

- (H.O.A.) Designates those parcels to be dedicated to the Homeowners Association. (NOTES CONT.)

Owner's Dedication

We, First Montgomery Housing Limited Partnership, a Maryland limited partnership, Bush Construction Corporation, Managing General Partner, by Eugene C. Cook, Vice President, owner of the property shown hereon and described in the "SURVEYOR'S CERTIFICATE", hereby adopt this plan of subdivision, establish the minimum building restriction lines, and grant to Montgomery County, Maryland slope easements twenty-five (25) feet wide across all Lots and Parcels, adjacent, contiguous and parallel to all right of way lines, as required by Montgomery County Ordinance Number 4-115. Said slope easements shall be extinguished at such time as the public improvements, on the abutting street rights of way, have been completed and accepted for maintenance by Montgomery County, Maryland.

Further, We grant to the Washington Suburban Sanitary Commission, (W.S.S.C.) such exclusive rights as necessary for the construction, reconstruction, operation, maintenance and repair of the sanitary sewers and/or water mains and appurtenances within the water and/or sanitary sewer right of way/ easements shown hereon, if any, subject to and together with the conditions contained in a right of way document from the grantor (s) their successors and assigns to the W.S.S.C. and to be recorded hereafter.

Further, We grant to the Potomac Electric Power Company and to Chesapeake and Potomac Telephone Company of Maryland and to Washington Gas Light Company, and to their respective successors and assigns an easement, in, on and over the land hereon, and described as Ten (10') foot wide Public Utility Easement designated hereon as "10' P.U.E.", with said terms and provisions of such grant being those set forth in a certain document entitled "DECLARATION OF TERMS AND PROVISIONS FOR PUBLIC UTILITY EASEMENTS", and recorded among the Land Records of Montgomery County, Maryland in Liber 3834 at Folio 457, said terms and provisions being incorporated herein by this reference.

Further, We dedicate the street and street widening strips as shown hereon to public use.

There are no suits or actions at law, leases, liens, mortgages or trusts affecting the property shown hereon, except for certain deeds of trust and the parties in interest thereto have below indicated their assent.

DATE May 12, 1993
ATTEST Marc B. Sharp
MARC B. SHARP, ASSISTANT SECRETARY
FIRST MONTGOMERY HOUSING LIMITED PARTNERSHIP, BY BUSH CONSTRUCTION CORPORATION MANAGING GENERAL PARTNER

BY: Eugene C. Cook
EUGENE C. COOK,
VICE PRESIDENT

DATE 5-18-93
We hereby assent to and join in this plan of subdivision.

NATIONSBANK OF VIRGINIA, N.A.

Wilson P. Hyde
WILSON P. HYDE
TRUSTEE

Christine M. Everly
CHRISTINE M. EVERLY
TRUSTEE

OCT 26 1993

Parcel "A", Block "A" Ashley Hollow

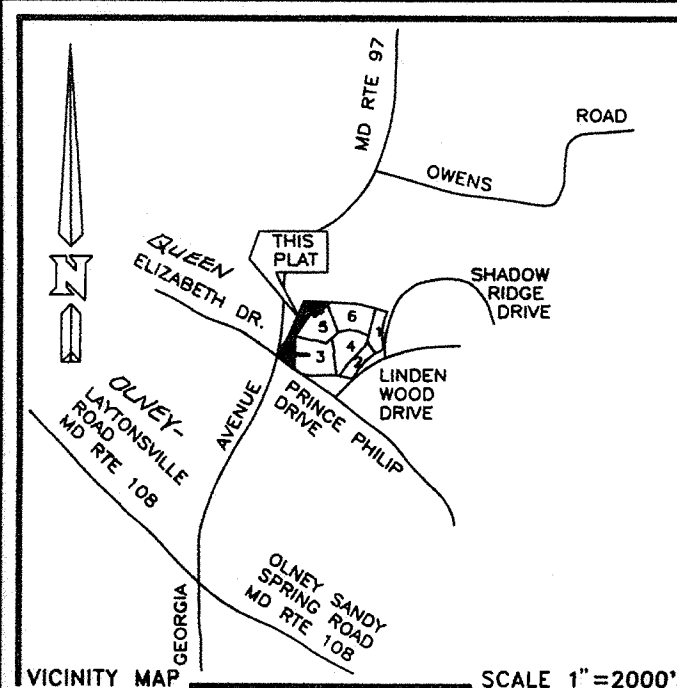
Olney (8th) Election District
Montgomery County, Maryland
Scale 1"=50' March, 1993

1 Parcel

RECORDED: _____
PLAT BOOK: _____
PLAT NO: _____

[Signature]
MONTGOMERY/KONTGIAS ENTERPRISES
Surveyors • Planners • Engineers
2900 LINDEN LANE • SUITE 200 • SILVER SPRING, MD 20910 • 301/588-5696

SHEET
7 of 7
FMPLAT7.DWG
DANF | ACAD
92P-008-326



N 98,570
W 15,600

Georgia Avenue
Md Route 97
(Variable R/W)
P.B. 148 P.No. 16963

(H.O.A.)
Parcel "A"
94,635.81sf. OR 2.1725ac.

Prince Philip Drive
(Variable R/W)
P.B. 148 P.No. 16963

STATE HIGHWAY
ADMINISTRATION
L. 9417 F. 841

FIRST MONTGOMERY HOUSING
LIMITED PARTNERSHIP
L. 6111 F. 124

Viburnum (50' R/W) Way

293126 192041892023
For public water and sewer systems only.

P.I.A. No. 93-069

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

MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD

DEPARTMENT OF TRANSPORTATION
MONTGOMERY COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL RESOURCES
MONTGOMERY COUNTY, MARYLAND

Approved JUNE 24, 1993
[Signature]
CHAIRMAN
MNC&PC Record File No. 591-9

Approved SEPTEMBER 3, 1993
[Signature]
DIRECTOR OR DESIGNEE

Approved SEPTEMBER 10, 1993
[Signature]
DIRECTOR OR DESIGNEE

MCA 88U 1249-6129-6

591-9

PLAT NO. 19176

Surveyor's Certificate

I hereby certify that the plan shown hereon is correct; that it is a subdivision of a part of the property acquired by First Montgomery Housing Limited Partnership, a Maryland limited partnership.

January 8, 1988, from Francis O. Day III and Stanley S. Hall, by deed dated County, Maryland in Liber 8111 at Folio 124; that iron pipes shown thus - O - will be placed as indicated, at the approved finished grade, in accordance with the Montgomery County Code, Section 50-24 (e); that the total area included in this plan of subdivision is 98,186.17 square feet or 2.2540 acres of land, of which 15,628.65 square feet or 0.3588 acres of land are dedicated to public use.

3/19/93
DATE

JACK KONTGIAS
REGISTERED LAND SURVEYOR
MD REG. NUMBER 10663

Curve Data Chart

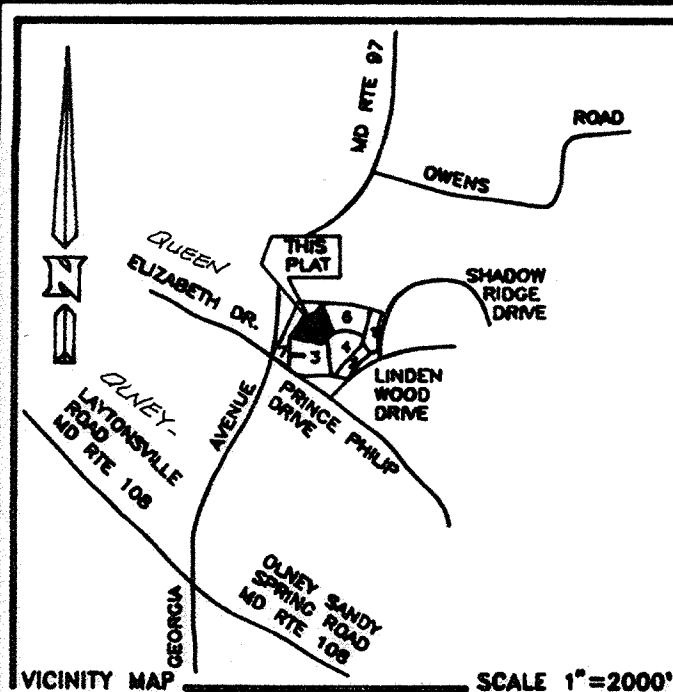
No.	Radius	Arc	Delta	Tangent	Bearing	Chord
1	365.00'	342.70'	53°47'40"	185.15'	N41°44'38"E	330.25'
2	315.00'	282.42'	51°22'13"	151.50'	S42°54'42"W	273.06'

Notes

- (H.O.A.) Designates those parcels to be dedicated to the Homeowners Association.
- The 8 TDR's required by this plat were established by a document recorded among the Land Records of Montgomery County, Maryland in Liber * at Folio * and conveyed to First Montgomery Housing Limited Partnership by Liber * at Folio *, having serial Numbers * thru *.

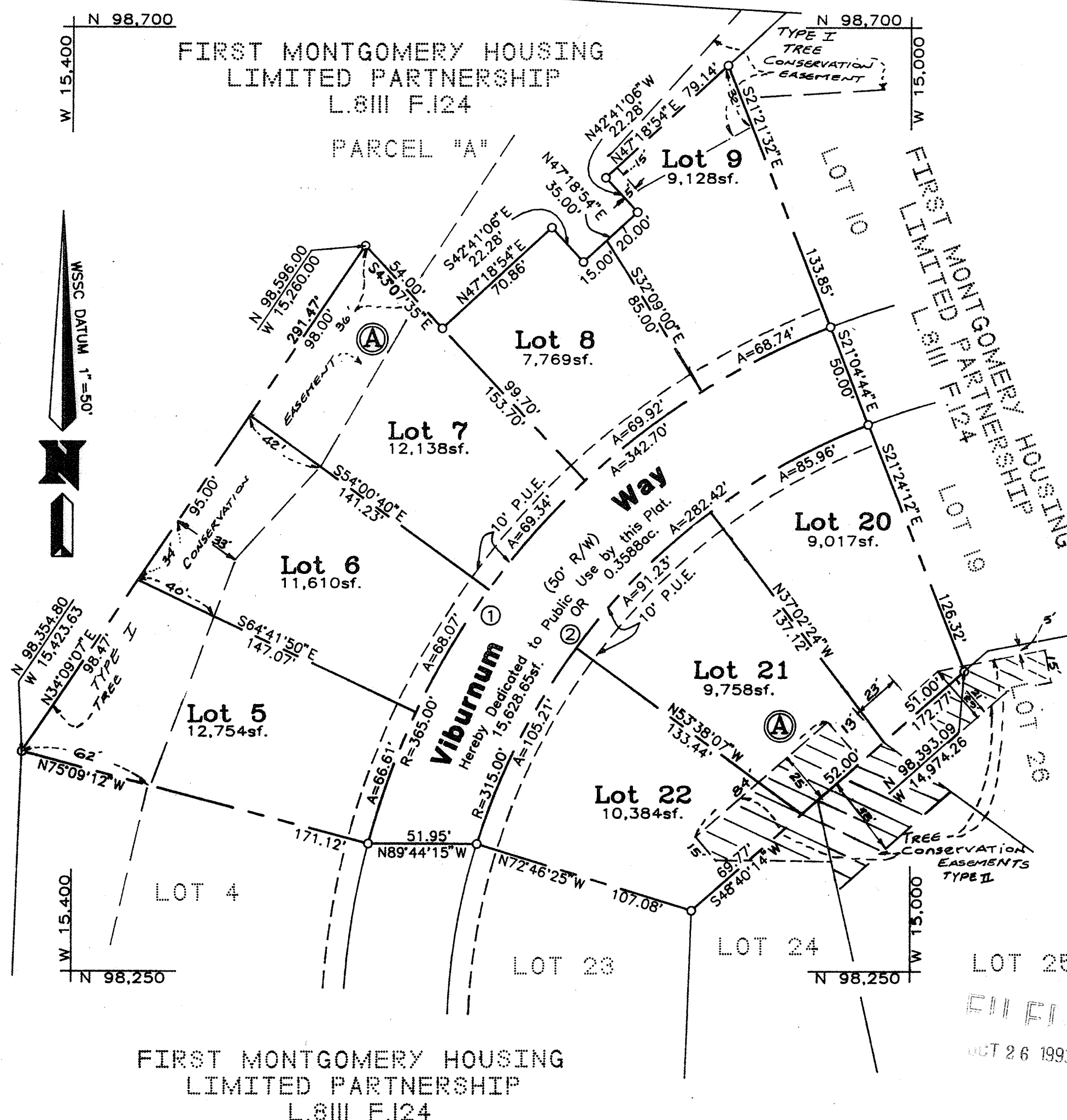
(NOTES CONT.)

* T.D.R. CHART *					
No.	Estm't. Transfer	Serial	Numbers		
T.D.R.	Liber/Folio	Liber/Folio			
1	11506 069	11506 276	10-4155 Thru 10-4158		
2	11374 487	11374 504	12-4118		
3	11324 476	11324 487	17-4050 Thru 17-4052		



FIRST MONTGOMERY HOUSING LIMITED PARTNERSHIP L.8III F.124

PARCEL "A"



FIRST MONTGOMERY HOUSING LIMITED PARTNERSHIP L.8III F.124

Owner's Dedication

We, First Montgomery Housing Limited Partnership, a Maryland limited partnership, Bush Construction Corporation, Managing General Partner, by Eugene C. Cook, Vice President, owner of the property shown hereon and described in the "SURVEYOR'S CERTIFICATE", hereby adopt this plan of subdivision, establish the minimum building restriction lines, and grant to Montgomery County, Maryland slope easements twenty-five (25) feet wide across all Lots and Parcels, adjacent, contiguous and parallel to all street right of way lines, as required by Montgomery County Ordinance Number 4-115. Said slope easements shall be extinguished at such time as the public improvements, on the abutting street rights of way, have been completed and accepted for maintenance by Montgomery County, Maryland.

Further, We grant to the Washington Suburban Sanitary Commission (W.S.S.C.) such exclusive rights as necessary for the construction, reconstruction, operation, maintenance and repair of the sanitary sewers and/or water mains and appurtenances within the water and/or sanitary sewer rights of way/easements shown hereon, if any, subject to and together with the conditions contained in a right of way document from the grantor (s) their successors and assigns to the W.S.S.C. and to be recorded hereafter.

Further, We grant to the Potomac Electric Power Company and to the Chesapeake and Potomac Telephone Company of Maryland and to Washington Gas Light Company, and to their respective successors and assigns, an easement, in, on and over the land hereon, and described as Ten (10) foot wide Public Utility Easement, designated as "10' P.U.E.", with the said terms and provisions of such grant being those set forth in a certain document entitled "DECLARATION OF TERMS AND PROVISIONS FOR PUBLIC UTILITY EASEMENTS", and recorded among the Land Records of Montgomery County, Maryland in Liber 3834 at Folio 457, said terms and provisions being incorporated herein by this reference.

Further, We dedicate the street and street widening strips as shown hereon to public use.

There are no suits or actions at law, leases, liens, mortgages or trusts affecting the property shown hereon, except for certain deeds of trust and the parties in interest thereto have below indicated their assent.

DATE May 12, 1993

ATTEST Marc B. Sharp
MARC B. SHARP
ASSISTANT SECRETARY

FIRST MONTGOMERY HOUSING LIMITED PARTNERSHIP BY Eugene C. Cook
BUSH CONSTRUCTION CORPORATION
MANAGING GENERAL PARTNER

We hereby assent to and join in this plan of subdivision.

DATE 5-18-93

Wilson P. Hyde
WILSON P. HYDE
TRUSTEE

NATIONSBANK OF VIRGINIA, N.A.

Christine M. Everly
CHRISTINE M. EVERLY
TRUSTEE

NOTES CONT.

- 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 plan are maintained by the PLANNING BOARD and available for public review during normal business hours.
- Development zoned RE-2/TDR4 and is using the standards of the R-90 zone (cluster).
- Development of this site is subject to THE FOREST CONSERVATION LAW OF 1992. Easements shown hereon subject to L.10728 F.501 (Category I) and L.10728 F.510 (Category II).

Lots 5 Thru 9 and 20 Thru 22, Block "A"

Ashley Hollow

Olney (8th) Election District
Montgomery County, Maryland
Scale 1"=50' March, 1993

8 Lots

RECORDED: _____
PLAT BOOK: _____
PLAT NO: _____

TRADE NAME
MONTGOMERY/KONTGIAS ENTERPRISES
2800 LINDEN LANE • SUITE 200 • SILVER SPRING, MD 20910 • 301/580-5808

SHEET
5 of 7
FMPLAT5.DWG
DANF ACAD
92P-008-326

293127192041892023
For public water and sewer systems only.

P.I.A. No. #93-070

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

MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD

DEPARTMENT OF TRANSPORTATION
MONTGOMERY COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL RESOURCES
MONTGOMERY COUNTY, MARYLAND

Approved JUNE 24, 1993
Shirley Bauman
CHAIRMAN

Approved SEPTEMBER 3, 1993
Robert R. Morgan
DIRECTOR OR DESIGNEE

Approved SEPTEMBER 10, 1993
Stan Morgan
DIRECTOR OR DESIGNEE

MNCP&PC Record File No. 591-10

MSA SSU 1249-6129-7

591-10



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

O P I N I O N

SITE PLAN REVIEW #8-92023

DATE MAILED: January 22, 1993

PROJECT: FIRST MONTGOMERY HOUSING

Action: Approval subject to conditions. Motion was made by Commissioner Floreen, seconded by Commissioner Baptiste, with a vote of 5-0, Commissioners Aron, Baptiste, Bauman, Floreen, and Richardson voting for.

On August 11, 1992, First Montgomery Housing Limited Partnership submitted an application for the approval of a site plan for property in the RE-2/TDR-4 zone. The application was designated Site Plan Review #8-92023.

On January 14, 1993, Site Plan Review #8-92023 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 on the testimony and evidence presented by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, and which is make a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan meets all of the requirements of the zone in which it is located.
2. The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient.
3. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

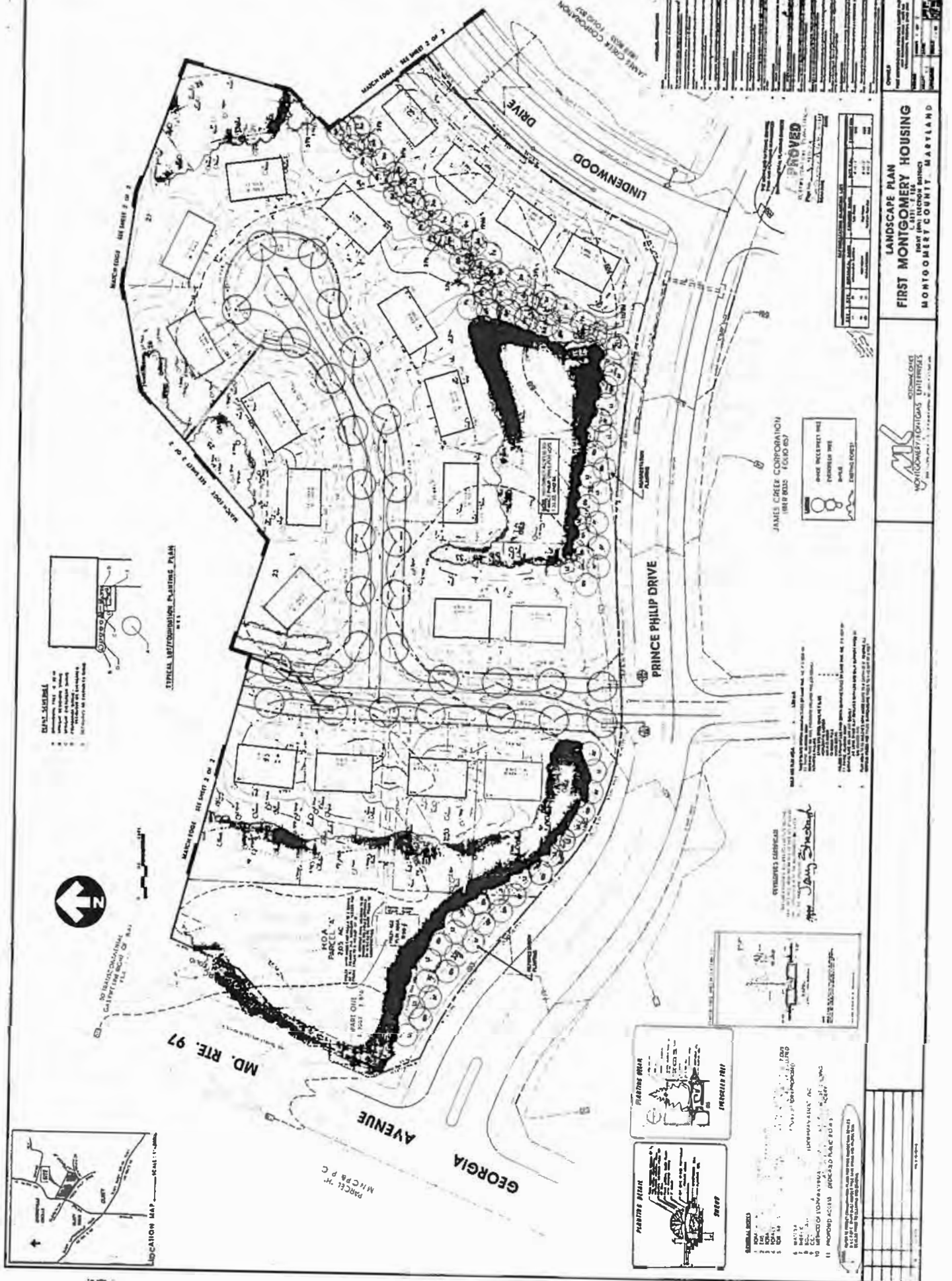
The Montgomery County Planning Board approves Site Plan Review #8-92023 as follows:

44 dwellings - one-family detached, including 37 TDR's

subject to the following conditions:

1. Submit a Site Plan Enforcement Agreement, Development Program, and Homeowners Association Documents for review prior to approval of the initial building permit.

2. The following information must be clearly shown on the signature set of site and landscape plans and must be incorporated into the sediment and erosion control plan:
 - a. Limit of disturbance line
 - b. Methods of tree protection
 - c. The development program inspection schedule
 - d. Clearing and grading schedule
 - e. Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development
 - f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading
3. The five-foot wide asphalt trails shall be constructed to the standards of the Parks Department. The trail located between Lots 2 and 3 must be constructed prior to the acceptance of any occupancy permits.
4. Final forest conservation plan must be reviewed and approved by staff prior to the signature set of plans and recordation of plats. Plan must include revisions per the January 8, 1993, Environmental Planning staff recommendations, noted on the marked up drawing.
5. Forest conservation and planting areas shall be placed in Category I Conservation Easements. Easement agreements should include provisions for the multi-age play area and the stormwater management facilities. Transcontinental Gas Pipeline right-of-way should be excluded from the easement.
6. Prior to recordation of plats, applicant must provide the location of off-site forest planting areas and legal documentation which exhibits the right of access and long-term protection of these areas.
7. Final sediment and erosion control plans to be reviewed and approved by staff prior to submission to MCDEP. Tree protection areas as shown on the final forest conservation plan must be incorporated into the sediment control plan. Sediment trap on lots 6, 7, and 8 should be relocated away from the tree save line.
8. Stormwater management structures are not permitted on private lots. Lots 8, 9, and 40, adjacent to the trench locations must be recorded to exclude the stormwater easement area.
9. No clearing or grading prior to Planning Department approval of signature set of plans.
10. Compliance with the five conditions as stated in Montgomery County's DOT letter dated January 12, 1993.

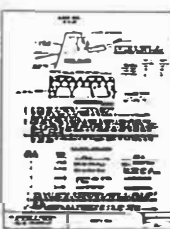
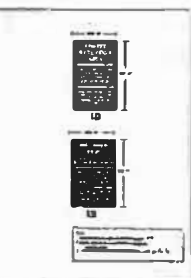
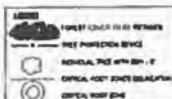
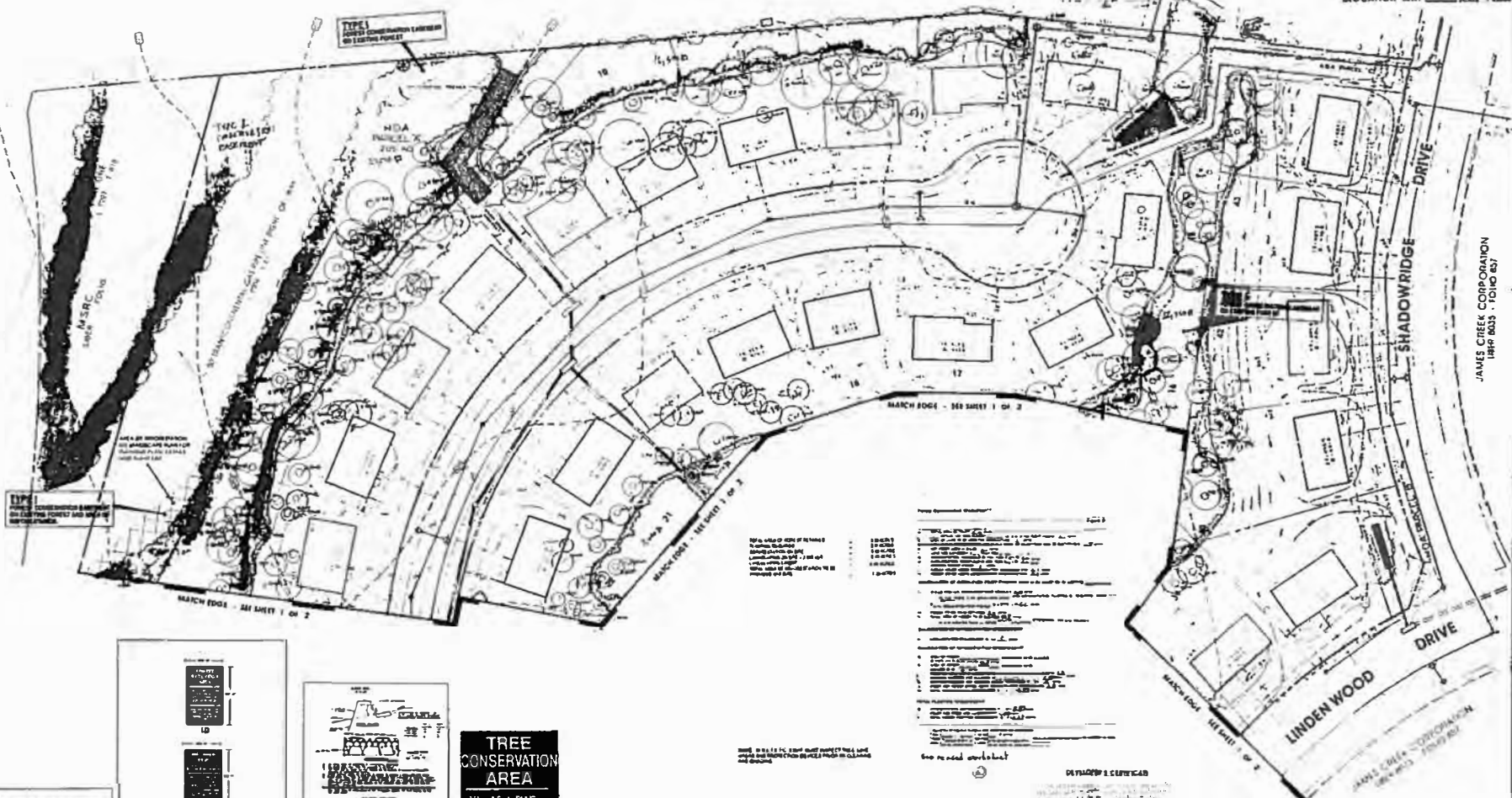


GEORGIA AVENUE MD. RTE. 97



JOSEPH RICHARDS 3rd, et al
184 P 01.70 1040 707

JAMES CREEK CORPORATION
1819 0035 1040 857



Notes:
1. All trees to be removed shall be removed within 30 days of the date of this plan.
2. All trees to be preserved shall be preserved within 30 days of the date of this plan.
3. All trees to be preserved shall be preserved within 30 days of the date of this plan.
4. All trees to be preserved shall be preserved within 30 days of the date of this plan.
5. All trees to be preserved shall be preserved within 30 days of the date of this plan.
6. All trees to be preserved shall be preserved within 30 days of the date of this plan.
7. All trees to be preserved shall be preserved within 30 days of the date of this plan.
8. All trees to be preserved shall be preserved within 30 days of the date of this plan.
9. All trees to be preserved shall be preserved within 30 days of the date of this plan.
10. All trees to be preserved shall be preserved within 30 days of the date of this plan.

LANDSCAPE ARCHITECT'S CERTIFICATE
I hereby certify that this plan and the information contained herein are true and correct to the best of my knowledge and belief, and that I am a duly licensed landscape architect in the State of Maryland.

DETAILED 1. CERTIFICATE
JAMES CREEK CORPORATION
1819 0035 1040 857

DATE	2/1/81
BY	J. C. RICHARDS 3RD
FOR	JOSEPH RICHARDS 3RD, ET AL



FOREST CONSERVATION PLAN
FIRST MONTGOMERY HOUSING
L-0111-122
SHEET 2 (JUNE SECTION DISTRICT)
MONTGOMERY COUNTY, MARYLAND

DATE	2/1/81
BY	J. C. RICHARDS 3RD
FOR	JOSEPH RICHARDS 3RD, ET AL

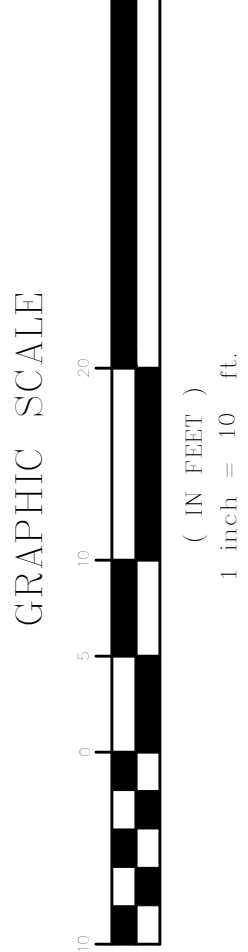
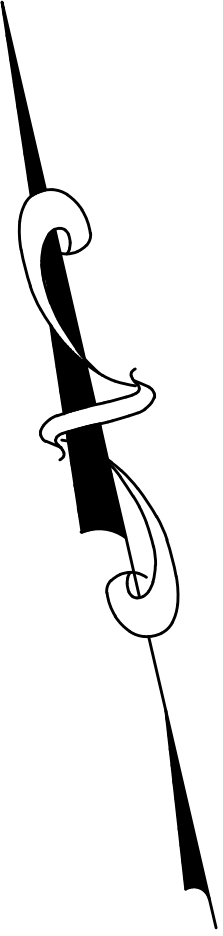


SITE VISITS CONDUCTED ON MARCH 28, 2017 AND APRIL 19, 2017 VERIFYING SIZE OF TREES SHOWN ON PLAN.



LEGEND

- PROPERTY BOUNDARY
- EXISTING CONTOUR LINE
- PROPOSED EVERGREEN TREES
- PROPOSED CANOPY TREES
- PROPOSED SHRUBS
- PROPOSED ORNAMENTAL GRASSES & HERBACEOUS PERENNIAL
- EXISTING TREE TO REMAIN
- STONE RETAINING WALL
- PROPOSED LIMITS OF DISTURBANCE
- PROPOSED CAT.2 CONSERVATION EASEMENT
- PROPOSED WOOD PRIVACY FENCE
- EXISTING CATEGORY 2 CONSERVATION EASEMENT



MNCPPC# 81992023A

TITLE

AMENDED
FINAL FOREST CONSERVATION
PLAN

PROJECT

FIRST MONTGOMERY HOUSING
GILBERT RESIDENCE
2801 SHADOWRIDGE DR

PREPARED FOR

MR. AVI GILBERT
2801 SHADOWRIDGE DR
OLNEY, MD 20832

NORTON LAND DESIGN

LANDSCAPE ARCHITECTURE + ENVIRONMENTAL PLANNING
5146 DORSEY HALL DRIVE, 2ND FLOOR
ELICOTT CITY, MD 21042
BALT 443.542.8198 DC 240.342.2329
WWW.NORTONLANDDESIGN.COM

REVISIONS

NO.	DATE	DESCRIPTION
1	08/19/2017	ISSUED FOR PERMIT
2	09/15/2017	REVISED PER COMMENTS
3	10/10/2017	REVISED PER COMMENTS
4	10/10/2017	REVISED PER COMMENTS
5	10/10/2017	REVISED PER COMMENTS
6	10/10/2017	REVISED PER COMMENTS
7	10/10/2017	REVISED PER COMMENTS
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95	10/10/2017	REVISED PER COMMENTS
96	10/10/2017	REVISED PER COMMENTS
97	10/10/2017	REVISED PER COMMENTS
98	10/10/2017	REVISED PER COMMENTS
99	10/10/2017	REVISED PER COMMENTS
100	10/10/2017	REVISED PER COMMENTS

WATER CLASS

IV-P

WATERSHED

HAWKINGS

REVIEW FLOOR PLAN

MAP

2403102180

PRELIMINARY

POTOMAC RIVER

200 SHEET

HT5563

225NWO3

PAGE 21

GRID L-5.6

SCALE

AS SHOWN

DATE

AUG 2017

PROJ. NO.

17-031

SHEET NO.

L-1.2

SITE LANDSCAPE PLANTING SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	SIZE	FORM	SPACING	QUANTITY	COMMENTS
TREES							
10	ILEX OPACA	AMERICAN HOLLY	10'-12'	B&B	SHOWN	8	
F6	FAGUS GRANDIFOLIA	AMERICAN BEECH	3" CAL.	B&B	SHOWN	5	
SHRUBS							
HA	HYDRANGEA ARBORESCENS	SMOOTH HYDRANGEA	18"-24"	#3	SHOWN	4	
IV	ILEX VERTICILLATA	WINTERBERRY HOLLY	18"-24"	#3	SHOWN	6	
CA	CLETHRA ALNIFOLIA	SUMMERSWEET CLETHRA	2'-3'	#3	SHOWN	7	
RA	RHUS AROMATICA	FRAGRANT SUMAC	2'-3'	B&B	SHOWN	2	
PA	VIBURNUM DENTATUM	ARROWOOD VIBURNUM	18"-24"	B&B	SHOWN	4	
ORNAMENTAL GRASS, AND HERBACEOUS PERENNIAL							
AT	ASCLEPIAS TUBEROSA	BUTTERFLY WEED	QUART	CONT.	18 O.C.	80	
EP	ECHINACEA PURPUREA	EASTERN PURPLE CONEFLOWER	QUART	CONT.	18 O.C.	31	
RF	RUBECKIA FULGIDA	ORANGE CONEFLOWER	QUART	CONT.	18 O.C.	20	
MR	MULLENBERGIA REVERCHONII	RUBY MUHLY	QUART	CONT.	18 O.C.	33	

CERTIFICATION OF QUALIFIED PROFESSIONAL
I, MICHAEL A. NORTON, CERTIFY THAT I AM A QUALIFIED PROFESSIONAL LANDSCAPE ARCHITECT, AND THAT I AM NOT PROVIDING MY SERVICES IN VIOLATION OF ANY APPLICABLE LAWS, RULES, OR REGULATIONS, AND THAT I AM NOT PROVIDING MY SERVICES IN VIOLATION OF ANY APPLICABLE LAWS, RULES, OR REGULATIONS.

10-10-17
DATE
MICHAEL A. NORTON
REGISTERED PROFESSIONAL
10/10/17

ATTACHMENT E

LIBER FULTON
10728.510

[Handwritten signature]

CONSERVATION EASEMENT AGREEMENT

Category II

DEFINITIONS

Grantor: Fee simple owner of real property subject to a:

- (i) Plan approval conditioned on compliance with a
or
- (ii) Plan approval conditioned on compliance with a
conservation agreement (issued pursuant to
Chapters 50 or 59, Montgomery County Code).

Grantee: Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ("Commission").

Planning Board: Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission.

Planning Director: Director of the Montgomery County Planning Department of The Maryland-National Capital Park and Planning Commission, Montgomery County, or Director's designee.

Plan: Sediment control permit approved pursuant to Montgomery County Code Chapter 19, preliminary plan approved under Montgomery County Code Chapter 50; site plan, development plan, planned unit development or special exception application submitted pursuant to Montgomery County Code Chapter 59; mandatory referral reviewed pursuant to Article 28 of Maryland State Code Annotated; approved major utility construction (as defined by Washington Suburban Sanitary Commission's regulations).

Forest Conservation Plan: Forest Conservation Plan approved by

FILED
BETHE A. SKELTON
CLERK OF THE COURT
MONTGOMERY COUNTY, MD

92 OCT 13 A 8:43.8

NO FEE - MCFPC

the Montgomery County Planning Board or Planning Director pursuant to Chapter 22A, Montgomery County Code ("FCP").

Exhibit A:

- (i) FCP approved as a condition of receiving Plan approval;
or
- (ii) Approved and signed Plan referencing this Easement Agreement.

WITNESSETH

This Agreement reflects a grant of easement by Grantor to Grantee.

WHEREAS Grantor (or Grantor's agent) has obtained authority to develop pursuant to a Plan in accordance with Montgomery County, Maryland laws; and

WHEREAS, the Planning Board or other approving authority Grantor's Plan conditioned upon a requirement that development occur in strict accordance with a FCP approved by the Planning Board after full review of the Plan pursuant to the provisions of Montgomery County Code Chapter 22A (Forest Conservation); Chapter 50 (Subdivision Regulations); and/or Chapter 59 (Zoning Ordinance); and/or

the Planning Board approved Grantor's Plan conditioned upon subjecting the property to be developed ("Property"), or a portion of the Property, to a conservation easement pursuant to the provisions of Montgomery County Code Chapter 50 (Subdivision Regulations) and/or Chapter 59 (Zoning Ordinance) for the purposes set forth below running in favor of Grantee; and

WHEREAS, the location of this easement ("Easement") is as shown on Exhibit A (incorporated by reference into the terms of this Agreement); and

WHEREAS the purpose includes preservation of trees and the natural beauty of the property subject to the easement for purposes of screening the approved new development from the sight of adjacent and abutting property owners to ensure maximum compatibility between the existing and proposed new developments; and

WHEREAS the purpose includes prevention of any destruction, construction or alteration that will tend to mar or detract from such natural beauty; and

WHEREAS, the parties intend for the conditions and covenants contained in this agreement to run with the land in perpetuity and to be binding on all subsequent owners and occupants of the Property; and

WHEREAS, the parties intend that a servitude be placed upon the Property which establishes perpetual control over the Easement in the Planning Board.

NOW, THEREFORE, the Grantor has executed this Agreement for no monetary consideration but for the purpose of ensuring compliance with development standards imposed by Montgomery County law as a condition of development approval. The Grantor does hereby grant and convey unto the Commission, in perpetuity, an Easement on the Property of the size and location described in Exhibit A, and further described on the applicable record plat(s)

of the nature and character described herein. This Easement constitutes a covenant real running with the title of the land, and is granted to preserve, protect and maintain the general topography and natural character of the land. Grantor, its heirs, successors and assigns covenant to abide by the following restrictions within the Easement:

1. The foregoing recitals are agreed to and incorporated herein and shall be binding upon the parties.

2. No tree with a diameter greater than six inches (at a height of four feet from the ground) or more than thirty feet in height (measured from the ground) ("Trees") may be cut down, removed or destroyed without prior written consent from the Planning Board staff. Diseased or hazardous Trees or Tree limbs may be removed to prevent personal injury or property damage after a minimum of ten business days' notice to the Planning Board, unless such notice is not practical in an emergency situation.

3. Understory plant materials including, but not limited to brush, shrubs, saplings, seedlings, undergrowth and vines may be cut down, removed or destroyed without prior written consent of the Planning Director, provided their removal does not damage, injure or kill Trees or create erosion or slope stability problems.

4. Fences are permitted within the Easement provided their construction and maintenance can be executed in compliance with the restrictions of this agreement.

5. Mowing may occur, provided it does not damage, injure or kill Trees. Grantor may supplement existing or replace dead Trees or undergrowth with new plantings provided that new plantings are characteristic of trees or undergrowth materials native to Maryland.

6. The following activities may not occur without prior written consent from the Planning Director:

- a. Construction (including roadways, private drives, paths and trails), excavation, grading or retaining walls.
- b. Erection of any building or structural improvements on or above ground, including (but not limited to) sheds, dog pens, play equipment and retaining walls.
- c. Activities which in any way could alter or interfere with soil or slope stability or drainage (including alteration of stream channels, stream currents or stream flow).

The Planning Director may approve these activities upon a finding that the proposed activity will not interfere with the purposes stated above, and in particular with tree preservation; screening existing and proposed developmental from adjacent and abutting landowners; and preservation of open space. This approval exception shall be narrowly interpreted, and the Director is under no obligation to authorize any of these activities when approval is requested.

7. Timber cutting or any other industrial or commercial activities shall not occur.

8. No posting of any advertising, including signs or billboards, shall occur.

9. No dumping of unsightly or offensive man-made materials, including construction materials and debris. No dumping of ashes, sawdust or grass clippings shall occur except in a properly located, designed and maintained compost pile. Upon prior written approval of the Planning Director, suitable heavy fill may be placed to control and prevent erosion that would conflict with the purposes of this easement provided that the fill is covered by arable soil or humus and properly stabilized.

10. The Easement shall not be used as a site for any major public utility installations such as, but not limited to, electric generating plants, electric transmission lines, gas generating plants, gas storage tanks, radio or microwave relay stations, and telephone exchanges except upon prior written from the Planning Director. Nothing in this paragraph prevents the construction or maintenance of (on, over or under the property) facilities normally needed to serve a residential neighborhood and which have been approved by the appropriate reviewing agencies. These facilities should be located to prevent or minimize any loss of trees.

11. All rights reserved by or not prohibited to Grantor shall be exercised so as to prevent or to minimize damage to the

forest and trees, streams and water quality, plant and wildlife habitats, and the natural topographic character of the Easement.

12. Grantor authorizes Planning Board representatives to enter the Property and Easement at reasonable hours for the purpose of making periodic inspections to ascertain whether the Grantor, its heirs, or assigns have complied with the restrictions, conditions, and easements established herein. This Easement does not convey to the general public the right to enter the Property or Easement for any purpose. The Easement does not restrict or enlarge access to the general public in common open space held under community or homeowner association control beyond any access rights created by the applicable community or homeowner association covenants and by-laws.

13. Upon finding a violation of any of the restrictions, conditions, covenants and easements established by this Agreement, the Planning Board shall have the right to enforce such provisions in accordance with any statutory authority (including, if applicable, the imposition of civil monetary fines or penalties in amounts and by such means as may be promulgated from time to time). The Planning Board also may seek injunctive or other appropriate relief in any court of competent jurisdiction, including the right to recover damages in an amount sufficient to restore the property to its original natural state, including the right to recover damages in an amount sufficient to restore the Property to its original natural state, and Grantor agrees to pay for court costs and reasonable attorney fees if the

Planning Board successful seeks judicial relief.

14. Grantor agrees to make specific reference to this Easement in a separate paragraph of any sales contract, mortgage, subsequent deed, lease or other legal instrument by which any possessory or equitable interest is conveyed.

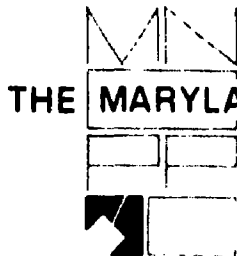
15. No failure on the part of the Planning Board to enforce any covenant or provision herein shall waive the Planning Board's right to enforce any covenant within this agreement.

16 All written notices required by this Agreement shall be sent to the Planning Director, 8787 Georgia Avenue, Silver Spring, Maryland 20910.

TO HAVE AND TO HOLD unto the Commission, its successors and assigns forever, this Grant shall be binding upon the heirs, successors and assigns of the Grantor and shall constitute a covenant real running with the title of the Property.

cmro:categ2.eas

LIBER FILED
10728.518



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

**OFFICE OF
THE GENERAL COUNSEL**

(301) 495-4646

FAX (301) 495-2173

October 8, 1992

Clerk of the Circuit Court
Judicial Center
50 Courthouse Square
Rockville, Maryland 20850

Dear Clerk:

Please record among the Land Records of Montgomery County, Maryland the attached conservation easements on behalf of the Maryland-National Capital Park and Planning Commission. The Commission is a state-created agency authorized to buy, sell and otherwise dispose of real property interests pursuant to Article 28 of the Annotated Code of Maryland and therefore is exempt from transfer and recording fees.

Your cooperation in this regard is appreciated.

Sincerely,

**Michele Rosenfeld
Associate General Counsel**

MMR:ejc
Enclosure

c:consease.ltr

McMillan Metro, P.C.

ATTORNEYS AT LAW

October 25, 2017

VIA REGULAR MAIL
VIA ELECTRONIC MAIL:

Mr. Douglas Johnsen
 Planning Area Three Division
 The Maryland-National Capital Park and Planning Commission
 8787 Georgia Avenue
 Silver Spring, Maryland 20910

Stephen J. Orens
 Of Counsel

Direct: 240-778-2324
 sores@mcmillanmetro.com

Maryland Bar
 District of Columbia Bar

Re: Gilburt Residence - Forest Conservation Plan Amendment
 Plan No. 819920230A

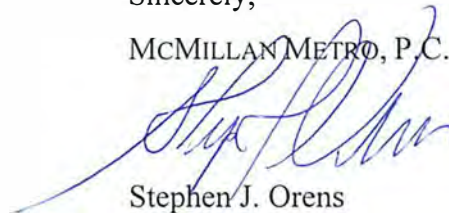
Dear Mr. Johnson:

Please consider this correspondence as our response to the eplans comment requesting submission of an alternative plan depicting the pool relocated outside of the alleged easement depicted on the recorded plat.

If staff is requesting that we provide a drawing illustrating that the relocation of the pool outside of the alleged easement area is not physically possible, and that such relocation will not result in the preservation of the four undersized trees, please so inform us. However, if the request for an alternative plan was intended for some other purpose, please be advised that we decline to submit an alternative plan at this time and request that the plan submitted be reviewed as required by the Planning Board's Rules of Procedure, and scheduled for Planning Board action at the earliest available date.

Sincerely,

MCMILLAN METRO, P.C.



Stephen J. Orens

SJO/onk

cc: Gwen Wright, Planning Director
 Richard A. Weaver, Chief, Planning Area Three Division
 Mr. Avi Gilburt, Esquire
 Michael A. Norton, ASLA
 Peter E. Ciferri, Esquire



SHADOWRIDGE DRIVE
Olney, Md

September 6, 2017

RECEIVED
SEP 12 2017

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

The Honorable Casey Anderson, Chair
The Honorable Gerald R. Cichy, Commissioner
The Honorable Norman Dreyfuss, Commissioner
The Honorable Natali Fani-Gonzalez, Commissioner
The Honorable Tina Patterson, Commissioner
The Montgomery County Planning Board
The Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

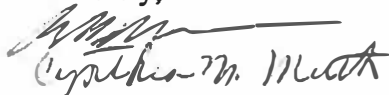
Re: Gilburt Residence Plan Amendment

Dear Chair Anderson and Commissioners:

We are Avi Gilburt's immediate neighbors on Shadowridge Drive. We support Mr. Gilburt's request to redefine the boundaries of the easement that has prevented him from using and enjoying his back yard. Mr. Gilburt has shared with us the plans to plant 9 trees to replace four trees that have to be removed in order for him to have the use of his back yard and install a modest sized swimming pool for his family. We appreciate the extensive landscaping proposed by Mr. Gilburt and in our opinion the plan will enhance the appearance of our community.

We urge approval of the proposed amendment. Thank you for considering our opinions. If you have any further questions, please contact us at the address or phone number below.

Sincerely,



Robert B. and Cynthia M. Muth
2803 Shadowridge Drive
Olney, MD, 20832

301 570-9267

18511 Viburnum Way
Olney, Md. 20832

Date: September 8, 2017

The Honorable Casey Anderson, Chair
The Honorable Gerald R. Cichy, Commissioner
The Honorable Norman Dreyfuss, Commissioner
The Honorable Natali Fani-Gonzalez, Commissioner
The Honorable Tina Patterson, Commissioner
The Montgomery County Planning Board
The Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

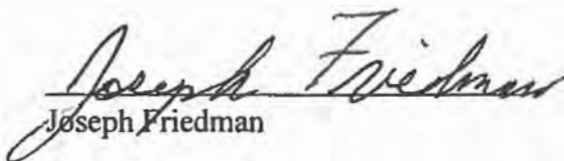
Re: Gilburt Residence Plan Amendment

Dear Chair Anderson and Commissioners:

I am Avi Gilburt's neighbor in the James Creek Subdivision living in close proximity to his residence. I support Mr. Gilburt's request to redefine the boundaries of the easement which will enable Mr. Gilburt and his family to use and enjoy his back yard. I am aware of his plans to plant nine trees to replace four trees that have to be removed in order for him to have the use of his back yard and to install a modest sized swimming pool for his family. I appreciate the extensive landscaping proposed by Mr. Gilburt, and in my opinion the plan will enhance the appearance of our community and neighborhood.

I urge approval of the proposed amendment. Thank you for considering my opinion.

Best Regards,


Joseph Friedman

May 30, 2017

Lucy P. Wilson
18526 Viburnum Way
Olney, Maryland 20832



MNCPCC
Development Application and Regulatory Coordination Division
8787 Georgia Avenue
Silver Spring Maryland 20910-3760

Re: Plan Number 81992023A
2801 Shadowridge Drive Olney Maryland

Below please find my comments relating to the Minor Amendment of Approved Plan which includes the removal of several mature trees, both deciduous and evergreen, located in a Category Two Conservation Easement. My understanding is that the owner/applicant is requesting approval from MNCPCC to remove mature trees exists in the Category Two Easement area located along the rear of his property and add trees to the side of this property and in another location of his rear yard that will be inside a 6' privacy fence that he is considering installing on his property line.

As you know, the property is subject to a Category Two Conservation Easement. The location of this easement, and the trees that are included in this area, was relied upon by myself and others as an area that would enjoy certain protection from removal of trees. The property line of the subject property is approximately 1' from a walking path that runs along the rear and side of the property. I have included pictures so that the proximity of the path to the conservation easement is more apparent.

The removal of the trees, relocation of the conservation easement, and proposed fence along the property line is being proposed in order to accommodate a swimming pool, surrounding hardscape, and retaining wall to be installed on the property. Due to the topography and small size of the lot, a hillside needs to be excavated, a retaining wall erected, and the property owner has communicated that the new landscaping/trees will be installed along the inside portion of the proposed fence and along the side of the property due to lack of space.

My concern and objection is that the removal of trees within the conservation easement will have a negative impact on the community as a whole and that the proposed resolution of adding trees inside the fence is not a reasonable or equitable alternative. The current view, openness and the canopy that the trees currently provide will be eliminated and replaced with a 6' privacy fence. This proposed solution does not adequately address the adverse impact.

I expressed my concern to Mr. Gilbert and suggested that the fence should be moved closer to his property at least a foot or two off the property line so that mature trees and landscaping can be planted along the outside of the fence. I understand that this would result in reducing the footprint of his pool and hardscape however it is my opinion that this would be more of a reasonable solution to address the removal of trees from the rear yard. Additional landscape along the side yard provides landscape

screening to the neighboring subdivision but not our own community. Further, the removal of mature trees should be carefully evaluated in order that the absolute minimum number of trees be removed.

I have attached several pictures for your review. The pictures are reflective of the size and height of the trees, and how removal of all the proposed trees would dramatically alter the area and existing conservation easement.

I respectfully request the careful consideration of the planning board and hope that a solution that addresses these concerns can be attained.

Sincerely,

A handwritten signature in black ink, appearing to read "Lucy P. Wilson". The signature is fluid and cursive, with the first name "Lucy" and last name "Wilson" clearly distinguishable.

Lucy P. Wilson









From: Sue Bray
To: [Johnsen, Douglas; MCP-Chair](#)
Subject: Comments RE: Site Plan 81992023A
Date: Tuesday, June 20, 2017 11:47:58 AM

Dear Montgomery County Planning Board,

I am writing to voice my concern regarding the proposed amendments to the Gilbert Residence, Site Plan No: 81992023A. As a nearby neighbor, I am concerned about the impact of amending the Forest Conservation Easement on the Gilbert lot. In reviewing the plan, as well as visiting the site, I worry that this change is not only quite drastic, but will forever impact the landscape and ecosystem in the area.

The trees in the easement on the Gilbert lot are well established. In cutting them down, it will be impossible to recreate their benefits to the environment. During the warm months, I frequent the path that borders the Forest Conservation Easement on a regular basis. The area is well visited by, and supports, quite a vast amount of wildlife (squirrels, chipmunks, deer, birds, rabbits, and foxes, to name a few). Without this Forest Conservation Easement, the ecosystem developed in our area will suffer.

While the trees in the easement support wildlife, they also aid in filtering rainwater and minimizing runoff. By cutting down the trees and cutting into the earthen hill (to create a retaining wall), there will be a major impact to storm water management. Rainwater flows down Viburnum Way and into the storm drain in the cul-de-sac. However with heavy rains, a great deal of water ends up bypassing the storm drain and flowing into the Conservation Easement. There, nature does it's thing and allows the water to filter through the ground to be absorbed. Without the trees to anchor what little dirt that will remain after construction, I fear there will be significant erosion and/or flooding of homes at the bottom of the hill.

It is my personal belief that having all of the Forest Conservation Easements that are within the area are important for the aesthetic look of the neighborhood, as well as for the structure and support of the ecosystem. The easements were created by the Montgomery County Planning Department for a variety of reasons, none of which have disappeared. Green space is important, especially with the increased development in the area.

"I speak for the trees, for the trees have no tongues."

-- Dr. Seuss, The Lorax

I urge you to vote against allowing the amendment to the Forest Conservation Easement at the Gilbert Residence, Site Plan No: 81992023A.

Sincerely,

Susanne Bray
18517 Viburnum Way
Olney, MD 20832

From: Amy Blachere
To: [Johnsen, Douglas](#)
Subject: Opposition to the Tree Conservation Easement
Date: Tuesday, August 22, 2017 9:40:27 PM

Mr. Johnsen,

My husband and I live in Ashley Hollow HOA with our family. Our address is 18516 Viburnum Way.

We are in opposition to the request to alter the Category II Conservation Easement at the rear of the Gilbert's property.

We do not want to lose the green space and trees in that area. Also, we have concerns regarding how the storm water would drain, and the likelihood of erosion in that area.

Please do not approve this request to alter the easement.

Sincerely,

Amy & John Blachere
301-260-8385

From: mcolliton@aol.com
To: [Johnsen, Douglas](#)
Subject: Gilburg Residence at 2801 Shadowridge Dr.; Plan No. 81992023A
Date: Wednesday, August 23, 2017 4:32:49 PM

Dear Mr. Johnsen,

We live at 18518 Viburnum Way, Olney, MD. This is in the Ashley Hollow subdivision, where the Gilburg home is located. We would like to express our opposition to the proposed changes to the Conservation Easement and slope of the rear hill to accommodate a pool. The removal of so many trees is a drastic alteration and defeats the purpose of the Conservation Easement. To modify the hill, as needed for the pool, will affect the drainage for the community. Please place this email in the record for the plan and notify us, by email, if a hearing is scheduled to consider the plan.

Thank you for your consideration.

J. Michael Colliton
Karen R. Brandt
18518 Viburnum Way
Olney, MD 20832