



MCPB

Item No.: 9

Date: 7-30-2020

## Rosewood Manor Estates, Preliminary Plan Amendment No. 12006102A

---

Jonathan Casey, Senior Planner, Area 3, [Jonathan.Casey@montgomeryplanning.org](mailto:Jonathan.Casey@montgomeryplanning.org) 301-495-2162

Sandra Pereira, Supervisor, Area 3, [Sandra.Pereira@montgomeryplanning.org](mailto:Sandra.Pereira@montgomeryplanning.org) 301-495-2186

Richard Weaver, Chief, Area 3, [Richard.Weaver@montgomeryplanning.org](mailto:Richard.Weaver@montgomeryplanning.org) 301-495-4544

Completed: 7/17/2020

---

### Description

#### Rosewood Manor Estates, Preliminary Plan

**Amendment No. 12006102A:** Request to extend the Preliminary Plan validity by 16 months and update the Preliminary/Final Water Quality Plan, located on the northside of Rosewood Manor Lane, approximately 1,150 feet east of Woodfield Road (MD 124); 7.87 acres; RE-1 Zone & Upper Rock Creek Overlay zone; 2004 *Upper Rock Creek Area Master Plan*.

**Recommendation** – Approval with conditions

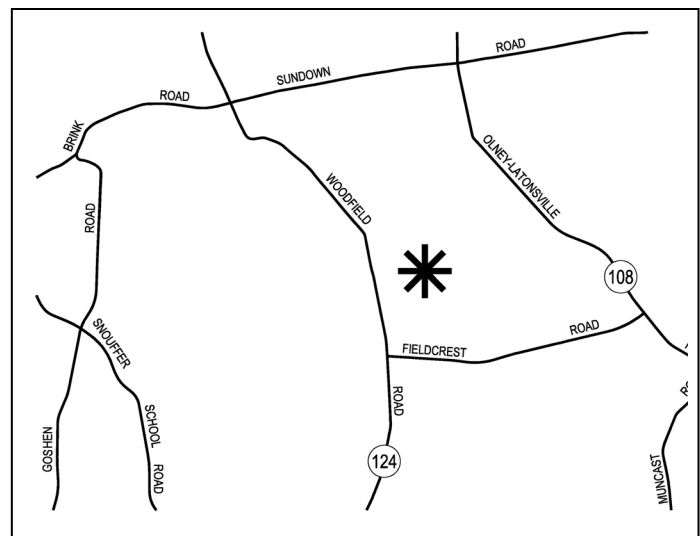
**Applicant:** Allen Roy Builders

(contract Purchaser) Alban Salaman (owner)

**Submittal Date:** August 20, 2019

**Accepted Date:** October 7, 2019

**Review Basis:** Chapter 50 & 19



### Summary

- Staff recommends **approval with conditions**.
- Application to request an extension to the Preliminary Plan validity of Preliminary Plan No. 120061020, which expired on August 22, 2019, by 16 months from the expiration date to December 22, 2020.
- The Application meets all required findings necessary to grant a plan validity extension pursuant to Section 50.4.2.H.1.2 of the Subdivision Code.
- The Planning Board granted three regulatory review extensions, valid until July 30, 2020.
- Extending the Plan validity period will enable the Applicant to complete the record plat process, which has already been initiated.
- The Application includes modifications to the approved driveway layout, which are reflected on the associated Preliminary/Final Water Quality Plan.
- Since the Application will not be served by public sewer, it is exempt from the requirements of the Upper Rock Creek Overlay Zone, including the impervious surface limit of 8 percent.
- Correspondence has been received from the Rosewood Manor Estates Homeowners Association in support of the application.

## SECTION 1 – RECOMMENDATION AND CONDITION

**Preliminary Plan Amendment No. 12006102A:** Staff recommends approval with a condition of the Preliminary Plan Amendment for Plan validity extension. All previous conditions of approval for the Preliminary Plan No. 120061020 remain in full force and effect except for the following:

Revise the following approved conditions:

- 3) ~~The Applicant must comply with the conditions for the preliminary forest conservation plan. The Applicant must meet all conditions prior to the recording of plat(s) or MCDPS issuance of sediment and erosion control permit(s). Conditions include but are not limited to the following:~~
  - a) ~~All forest planting areas must include a five year maintenance program to better ensure forest survival and control of invasive species.~~
  - b) ~~Both existing and planted forest areas must be enhanced through implementation of an exotic and invasive species management plan.~~

The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. 120061020, approved on June 7, 2019.

- 4) ~~The Applicant must comply with the conditions of the MCDPS stormwater management concept and preliminary water quality plan approval dated November 28, 2006.~~

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its Preliminary/Final Water Quality Plan and Stormwater Management Concept letter dated July 9, 2020 and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

- 10) Prior to recordation of the plat, the Applicant must submit to M-NCPPC an executed easement agreement that provides for the access rights and maintenance responsibilities associated with the shared driveway that serves proposed Lots 35 and 36. ~~and adjacent existing Lots 15 and 16.~~

### **Certified Preliminary Plan**

New conditions of approval:

- 12) The Preliminary Plan Amendment will remain valid for 16 months from the original expiration date, August 22, 2019.
- 13) The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).

- 14) The certified Preliminary Plan must contain the following note:

*Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

- 15) Prior to submittal of the Certified Preliminary Plan, the Applicant must update the Upper Rock Creek Special Protection Area information on the Preliminary Plan to be consistent with the Staff Report.

## SECTION 2 – SITE LOCATION AND DESCRIPTION

### Site Location and Vicinity

The subject property is Parcel 356 and 465 on Tax Map GU343, consisting of 7.87 acres, zoned Residential Estate-1 (RE-1), located on the north side of Rosewood Manor Lane, approximately 1,150 feet east of Woodfield Road (MD124) ("Subject Property" or "Property"). The Property is located within the 2004 *Upper Rock Creek Master Plan* ("Master Plan") area. The Subject Property is within the Upper Rock Creek Special Protection Area (SPA), in the Rock Creek watershed.

The Property is undeveloped; however, an existing paved driveway crosses the site to provide access to three adjacent lots from Rosewood Manor Lane.

The Property is surrounded by undeveloped properties to the north, which are owned by the Board of Education, residential lots (Rosewood Manor Estates) to the south and west. East of the Property is a stormwater management pond and the Laytonville Golf Course. All of the above surrounding uses are zoned RE-1.

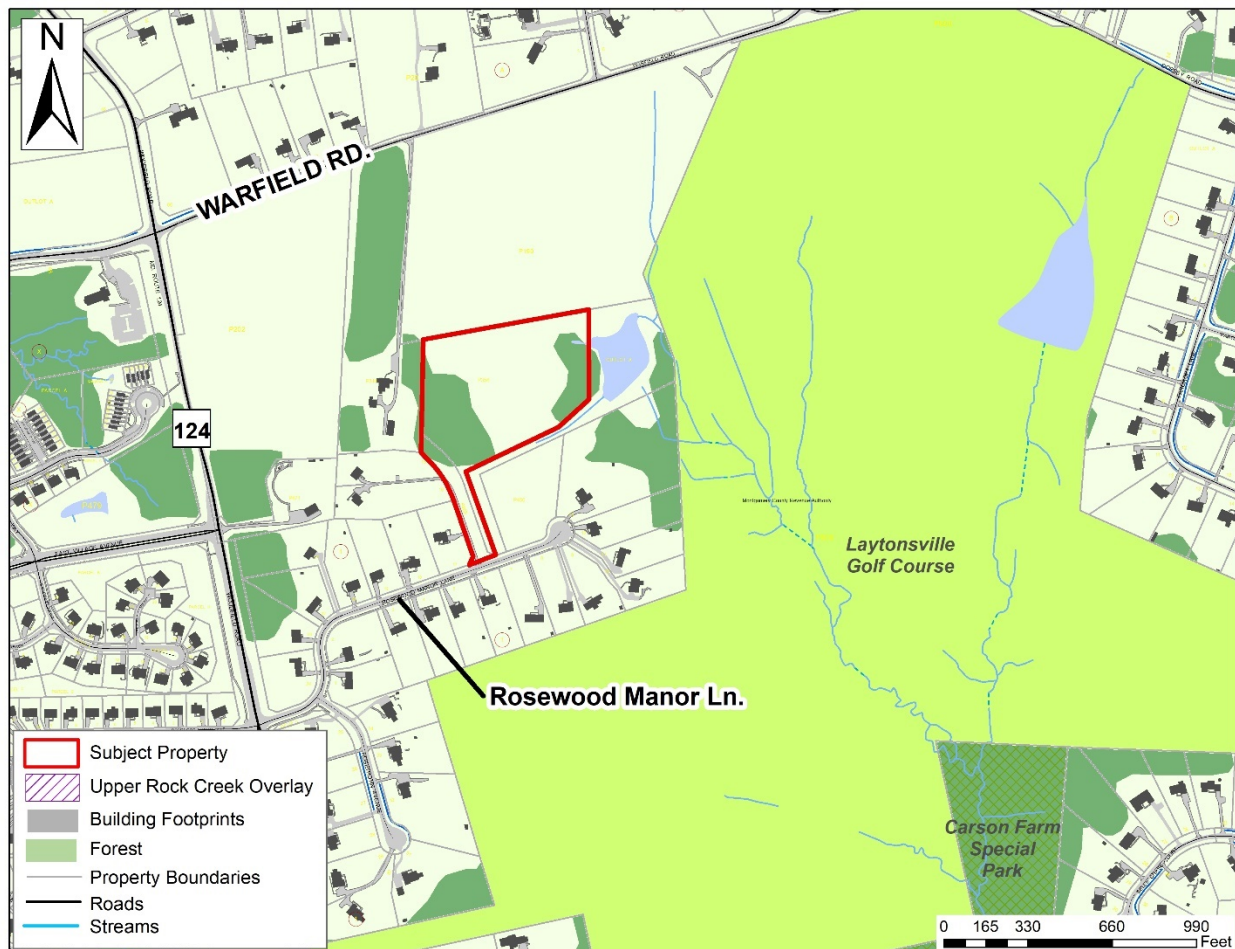


Figure 1 – Vicinity and Zoning



Per the approved Natural Resource Inventory/Forest Stand Delineation Plan No. 420041680, a small area of wetlands exists on the Property, with another small area just off-site to the south. Both of these wetland areas will have 150-foot buffers placed on them and occupy the eastern and southeastern portions of the Property. Forest occupies 1.2 acres of the Subject Property, however, much of the forest consists of invasive, nonnative species. The remainder of the Property is a fallow agricultural field.



Figure 2 – Aerial Map

### SECTION 3 –APPLICATION & PROPOSAL

#### Previous Approvals

##### *Preliminary Plan No. 120061020*

Preliminary Plan No. 120061020, Rosewood Manor Estates, was approved by Planning Board Resolution No. 08-61, mailed on July 22, 2008 (Attachment A), which subdivided the 7.89-acre Property into two lots for two one-family detached dwelling units. This approval included a Preliminary Forest Conservation Plan and a Preliminary/Final Water Quality Plan. A Final Forest Conservation Plan was approved by Staff on

The original approval showed the two lots and two existing lots (Lot 15 & 16) accessing Rosewood Manor Lane via a new shared driveway. The approval included reconfiguring the existing driveway that serves the adjacent Lots 15-17 to the west, by providing access for two of the existing houses (Lot 15 & 16) to the new shared driveway, and removing a segment of the existing driveway, leaving only Lot 17, the southernmost house utilizing the existing driveway (Figure 3).



## **Proposal**

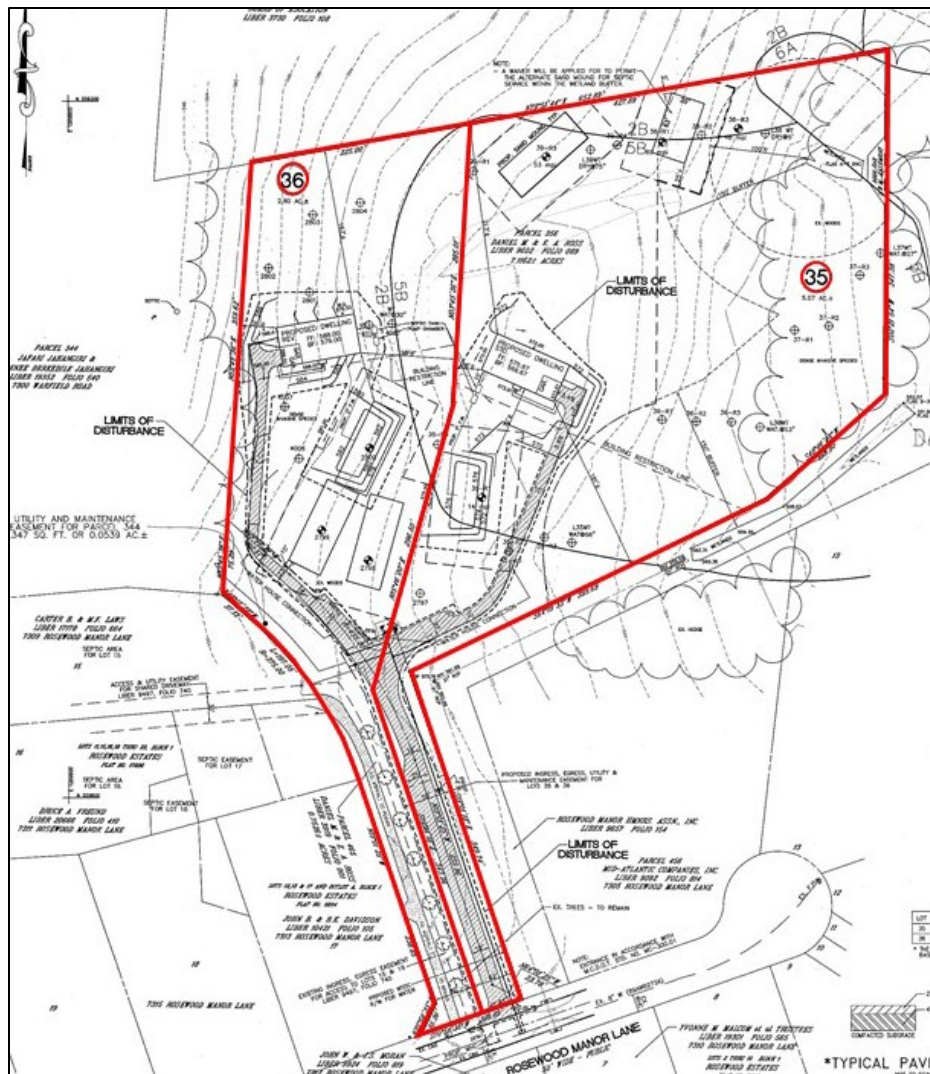
Preliminary Plan Amendment No. 12006102A requests to extend the Plan validity by 16 months from the date of the original Preliminary Plan validity which was August 22, 2019. The Applicant submitted a timely request to extend the validity period on August 20, 2019.

The original Preliminary Plan granted a 36-month validity period, per resolution No. 08-61, dated July 22, 2008. Per Section 50.4.2.G of the Subdivision code, the Plan validity period for the original Preliminary Plan starts 30 days from the date of mailing indicated on the resolution, in this case August 21, 2008. The County Council then granted four separate two-year automatic extensions to all plan validities, bringing the original Plan validity expiration date to August 22, 2019. This request for an additional 16 months would extend the validity until December 22, 2020 giving the Applicant sufficient time to complete the plat process.

Additionally, contrary to the Preliminary Plan findings in the Resolution, the Application is not subject to the Upper Rock Creek Overlay zone impervious limit of 8% because the limit only applies to development utilizing public sewer, not on-site septic systems. To eliminate any confusion in the future, the Amendment also revises the previous Water Quality Plan findings to better align with SPA regulations. The Montgomery County Department of Permitting Services issued a new approval memo for their portion of the Preliminary/Final Water Quality Plan review (Attachment C).

Staff recommends the Planning Board grant the 16-month extension, as requested, to allow the Applicant to complete the recordation process.





*Figure 4 – Proposed Preliminary Plan*

## SECTION 4 – ANALYSIS AND FINDINGS, SECT. 50.4.2.D

The Preliminary Plan Amendment No. 12006102A does not alter the original intent of the Preliminary Plan No. 120061020 and all findings of Preliminary Plan remain in full force and effect, except as modified by the findings below.

6. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.

#### Preliminary Plan Validity – Section 50.4.2.H

The Preliminary Plan Amendment requests a 16-month extension to the original 36-month Preliminary Plan validity period. The current plan validity expiration date was August 22, 2019. To approve an extension to plan validity, the Board must make the following analysis and findings.

### 1. Extension Request

- a. *Only the Board is authorized to extend the validity period. The applicant must submit a request to extend the validity period of an approved preliminary plan in writing before the previously established validity period expires.*

The Applicant submitted a plan validity extension request to the Planning Board. The request was received on August 20, 2019, before the validity expired on August 22, 2019.

- b. *The Director may approve a request to amend the validity period phasing schedule of an approved preliminary plan if the length of the total validity period of the preliminary plan is not extended. The applicant must submit the request in writing before the previously established validity period of the phase expires.*

This finding is not applicable because this Application does not have a phasing schedule.

- c. *The written request must detail all reasons to support the extension request and include the anticipated date by which the plan will be validated. The applicant must certify that the requested extension is the minimum additional time required to record all plats for the preliminary plan.*

The Applicant has provided a justification statement for the requested extension to the plan validity (Attachment D). The current validity expired on August 22, 2019. The request for 16 months of extended validity from the expiration date will allow the Applicant to finish the plating process, which has been put on hold until the Plan validity is extended. The Applicant has demonstrated that their request is the minimum additional time required to complete recordation of the outstanding plat.

### 2. Effect of failure to submit a timely extension request.

The request was received in a timely manner; therefore, the sub-sections herein does not apply.

### 3. Grounds for extension.

- a. *The Board may only grant a request to extend the validity period of a preliminary plan if the Board finds that:*
  - i. *delays by the government or some other party after the plan approval have prevented the applicant from meeting terms or conditions of the plan approval and validating the plan, provided such delays are not caused by the applicant; or*
  - ii. *the occurrence of significant, unusual and unanticipated events, beyond the applicant's control and not caused by the applicant, have substantially impaired the applicant's ability to validate the plan, and exceptional or undue hardship (as evidenced, in part, by the efforts undertaken by the applicant to implement the terms and conditions of the plan approval in order to validate the plan) would result to the applicant if the plan were not extended.*

The Applicant's Statement of Justification states that the Applicant's ability to validate the plan has been delayed due to multiple unforeseen events, which prevented recordation.

For context, the Preliminary Plan was approved on July 22, 2008 and the recession followed shortly after, reducing demand for new construction homes. In 2011, the real estate market began to rebound and the Applicant submitted a record plat application No. 220111220 (Attachment E). It was at this point that the Applicant began trying to satisfy the conditions of approval resulting in significantly, unforeseen delays, and basis of the Applicant's request.

The primary unforeseen circumstance that impacted the Applicant's ability to validate the Preliminary Plan is the inability to meet Condition 10 of the Preliminary Plan Resolution.

This condition requires the Applicant to work with the adjacent property owner's (Lots 15-17) to implement the shared driveway configuration and associated shared access easement. The existing driveway serving Lot 15-17 is within a recorded access and utility easement and consolidating access on a new shared driveway would also require remove of a section of the existing driveway. The Applicant provided a letter from their representative at Remax documenting their attempts to work with the adjacent property owners (Attachment F).

The Applicant met with Planning Staff on numerous occasions, attempting to find a solution that would let the Record Plat move forward that didn't require removing the existing driveway and remained in the spirit of the Preliminary Plan.

These delays were not a direct result of actions by the Applicant and the Applicant has demonstrated a good faith effort in trying to resolve these issues in a timely manner.

Additionally, the Applicant's validity extension justification states that these significant, unusual and unanticipated events, beyond their control and not caused by the Applicant, have impacted their ability to validate the plan, and that an undue hardship would result to the Applicant if the validity period were not extended. If the validity were not extended, the Applicant would not be able to complete the record plat process which has already been initiated.

To date, the Applicant has recorded the requisite Category I Conservation Easements and is in the final stages of the record plat process.

- b. The applicant bears the burden of establishing the grounds in support of the requested extension.*

The Applicant provided Staff with a justification statement outlining the validity extension request and the necessary justifications.

#### *4. Planning Board considerations for extension.*

- a. The Board may condition the grant of an extension on a requirement that the applicant revise the plan to conform with changes to the requirements of this Chapter since the plan was approved.*

Staff does not recommend the Board require the Applicant to conform to any changes that have occurred in Chapter 50 since the initial approval date.

- b. The Board may deny the extension request if it finds that the project, as approved and conditioned, is no longer viable. The Board must consider whether the project is capable of being financed, constructed, and marketed within a reasonable time frame. The Applicant must demonstrate the project's viability upon request by the Board or the Director.*

The Applicant has confirmed in their extension justification that the Preliminary Plan is still viable from a financial, construction and market standpoint. The Applicant has already submitted their plat application which is currently in the process of being reviewed.

*5. Planning Board action.*

- a. After a duly noticed public hearing, the Board must determine whether it should grant a request for an extension. The requirements for noticing and conducting a public hearing must follow the requirements for a preliminary plan.*

The Preliminary Plan Amendment was noticed like all other amendments pursuant to the requirements of Chapter 50 and the Development Manual. The Amendment is also scheduled for a public hearing before the Planning Board, which was properly noticed.

- b. If voting to approve an extension, the Board must only grant the minimum time it deems necessary for the applicant to validate the plan.*

The Applicant has requested a 16-month extension from the original expiration date, August 22, 2019 and states this is the minimum necessary to complete the validation. Staff supports the Applicant's request.

- c. The Board may only grant an extension to a preliminary plan within the plan's APFO validity period, unless a further extension is allowed by law.*

The requested plan validity extension period falls within the Preliminary Plan's existing APFO validity period, which is not set to expire until August 22, 2021.

- d. An applicant may request, and the Board may approve, more than one extension.*

This is the first request for a plan validity extension made for the current Preliminary Plan approval.

- e. Once a phasing schedule is approved by the Board as part of a preliminary plan approval, the Board must treat any revision or alteration to the schedule other than an amendment approved under Section 4.3.J.7 as a minor amendment to the preliminary plan. Board approval of a revised phasing schedule is required to extend the total length of validity period.*

This finding is not applicable because this Application does not have a phasing schedule.

## **Environment**

### **Upper Rock Creek Special Protection Area Preliminary/Final Water Quality Plan**

The Property is located within the Upper Rock Creek SPA and the Upper Rock Creek Overlay Zone. Per Section 19-62 of the Montgomery County Code, a Preliminary/Final Water Quality Plan was approved as



part of Preliminary Plan No. 120061020. This Application includes an amendment to the Preliminary/Final Water Quality Plan to update the stormwater management plans and to clarify the applicability of the Upper Rock Creek Overlay Zone requirements as discussed previously.

As part of the requirements of the SPA law, a Water Quality Plan should be reviewed in conjunction with a Preliminary Plan and Site Plan. Under Section 19-65 of the Montgomery County Code, the Montgomery County Department of Permitting Services (“MCDPS”) and the Planning Board have different responsibilities in the review of a Water Quality Plan. MCDPS has reviewed and conditionally approved the elements of the amendment to the Preliminary/Final Water Quality Plan under its purview. The Planning Board must determine if SPA forest conservation and planting requirements, environmental buffer protection, and any applicable limits on impervious surfaces have been satisfied. Sec. 19-65(a)(2)(A) of the Montgomery County Code states that:

“In acting on a preliminary or final water quality plan, the Planning Board has lead agency responsibility for:

- (i) Conformity with all policies in the Planning Board’s Environmental Guidelines which apply to special protection areas;
- (ii) Conformity with any policy or requirement for special protection areas, including limits on impervious area, in a land use plan, watershed plan, or the Comprehensive Water Supply and Sewer System Plan; and
- (iii) Any other element of the plan in which the Planning Board has lead agency design, review, and approval responsibility.”

#### MCDPS Special Protection Area Review Elements

In a letter dated July 9, 2020, MCDPS has found the Water Quality Plan and Stormwater Management concept for this Application to be acceptable for their portion of the Preliminary/Final Water Quality Plan under its purview including 1) stormwater management facilities and 2) sediment and erosion control measures.

#### Planning Board Special Protection Area Review Elements

The Planning Board’s responsibilities related to conformance with forest conservation and environmental buffer protection have been met under the approved Final Forest Conservation Plan No. 120061020. Limits on impervious surfaces are defined in the Upper Rock Creek Overlay Zone; however, this Application is exempt from those limits under Chapter 59, Section 4.9.20.B.1.g., which states that development not served by public sewer is *exempt* from the Overlay Zone. The Application proposes the creation of two lots to be served by private sand mounds. Since the Application will not be served by public sewer, it is exempt from the requirements of the Overlay Zone, including the impervious surface limit of 8 percent.

The original Plan approval erroneously included a finding in the Planning Board Resolution MCPB No. 08-61 that the application complied with the 8 percent limit on impervious surfaces. This finding was made in error since the 8 percent impervious surface limit does not apply to the Application.

## SECTION 5 – CITIZEN CORRESPONDENCE AND ISSUES

The Applicant has met all proper signage and noticing requirements for the submitted Applications. The Applicant mailed notice letters on October 8, 2019. As of the date of this Staff Report, correspondence has been received from the Rosewood Manor Estates Homeowners Association (HOA) in support of the Application.

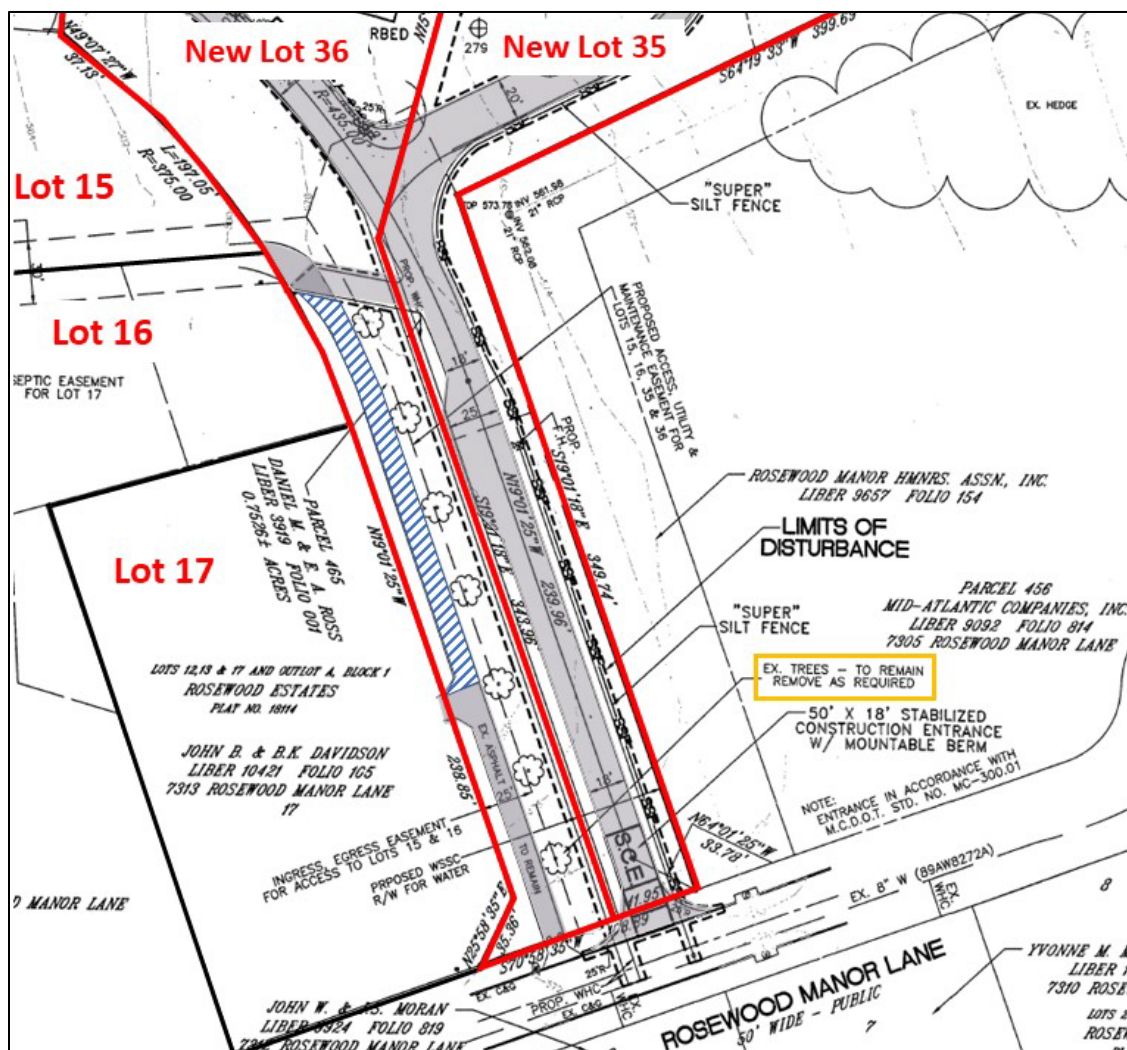


Figure 5 – Preliminary Plan No. 120061020

Throughout the review of the Application, Staff has been in contact with Mr. Warren Simmonson, President of the Rosewood Manor Estates HOA. A letter from the HOA (Attachment G), dated February 10, 2020, identified the following three aspects of the Application that concerned the neighboring property owners:

- 1) *The current owners of Lots 15 and 16 hold a perpetual easement for their existing driveway, and they adamantly oppose sharing a new driveway with two new property owners for logistical, financial and architectural reasons.*

The Original Preliminary Plan called for removing a portion of the existing shared driveway to Lots 15 and 16 (blue hashed area on Figure 5) and installation of a consolidated driveway to be shared with the owners of Lots 35 and 36. The Amendment addressed the neighbors' concerns because removing and consolidation of the driveways is no longer proposed.

- 2) *The current driveway is lined with 30-year old maple trees. The proposed plan that was previously provided to adjacent lot owners and our homeowner's association, had a note that the trees closest to the new driveway would be "removed as required". One of the attractive features of our neighborhood is the double tree line along the entire existing driveway that would be destroyed by removal of some of those trees.*

According to the Amended Preliminary Plan the proposed driveway configuration does not require the Applicant to remove any existing trees that parallel the existing driveway.

- 3) *The location of the third backup sand mound septic system for Lot 35 is located partially within the wetlands buffer. There are concerns that if the sand mound fails, contamination may flow into the stormwater pond (HOA property) resulting in a loss of fish and wildlife as well as potential liability caused by pollution to downstream properties.*

The original Preliminary Plan was reviewed by the MCDPS – Well and Septic Section, which in a letter dated May 23, 2007, determined the sand mound locations are acceptable as shown on the approved Preliminary Plan. Due to the concerns raised by the HOA, Staff contacted MCDPS, who in an email dated May 14, 2020, confirmed that contamination in the manner described is highly unlikely because of how sand mounds are designed (Attachment H).

All concerns raised by the Rosewood Manor Estates HOA have been adequately addressed by Staff.

## **SECTION 6 – CONCLUSION**

The proposed extension to the Preliminary Plan validity meets all of the applicable requirements of Section 50.4.2.H and Chapter 19. The Applicant has provided full documentation for the reason for the extension request and what course of action will be taken to implement the approved Preliminary Plan within the requested extension timeframe. As a result, Staff recommends approval of the requested extension. The Preliminary Plan Amendment meets the requirements of Chapter 19, Water Resource Protection.

### **Attachments**

Attachment A – Planning Board Resolution No. 08-61  
Attachment B – Final Forest Conservation Plan  
Attachment C – MCDPS – SWM and FWQP  
Attachment D – Statement of Justification

Attachment E – Draft Record Plat  
Attachment F – Letter from REMAX  
Attachment G – HOA Letter February 10, 2020  
Attachment H – MCDPS Well and Septic



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

JUL 22 2008

**MCPB No. 08-61**  
**Preliminary Plan No. 120061020**  
**Rosewood Manor Estates**  
**Date of Hearing: December 13, 2007**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION<sup>1</sup>**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on April 10, 2006, Allen Roy Builders ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create two lots on 7.89 acres of land located North side of Rosewood Manor Lane, 1,150 feet east of Woodfield Road ("Property" or "Subject Property"), in the Upper Rock Creek Master Plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120061020, Rosewood Manor Estates ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated November 30, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on December 13, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to  
Legal Sufficiency:

*DMC 7/8/08*  
8787 Georgia Avenue, NCRPC Legal Department Chairman's Office: 301.495.4605 Fax: 301.495.1320

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

WHEREAS, on December 13, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Lynch; seconded by Commissioner Cryor; with a vote of 4-0, Commissioners Cryor, Hanson, Lynch, and Robinson voting in favor; Commission Bryant absent;

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120061020 to create two lots on 7.89 acres of land located North side of Rosewood Manor Lane, 1,150 feet east of Woodfield Road ("Property" or "Subject Property"), in the Upper Rock Creek Master Plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to two lots for two one-family detached dwelling units.
- 2) The Applicant must place a Category I Conservation Easement on those areas that are environmental buffers or are used for forest retention or forest planting.
- 3) The Applicant must comply with the conditions for the preliminary forest conservation plan. The Applicant must meet all conditions prior to the recording of plat(s) or MCDPS issuance of sediment and erosion control permit(s). Conditions include but are not limited to the following:
  - a. All forest planting areas must include a five year maintenance program to better ensure forest survival and control of invasive species.
  - b. Both existing and planted forest areas must be enhanced through implementation of an exotic and invasive species management plan.
- 4) The Applicant must comply with the conditions of the MCDPS stormwater management concept and preliminary water quality plan approval dated November 28, 2006.
- 5) The Applicant must comply with the conditions of the MCDPS, Wells and Septic Section approval dated May 23, 2007.
- 6) The Applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated May 26, 2006, unless otherwise amended.
- 7) The Applicant must satisfy provisions for access and improvements as required by MCDPWT prior to recordation of plat(s).
- 8) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 9) The record plat must show necessary easements.
- 10) Prior to recordation of the plat, the Applicant must submit to MNCPPC an executed easement agreement that provides for the access rights and maintenance responsibilities associated with the shared driveway that serves proposed Lots 35 and 36 and adjacent existing Lots 15 and 16.

- 11) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The Upper Rock Creek Master Plan does not specifically address the Subject Property. The Master Plan recommends retention of existing zoning throughout the Master Plan area in the absence of a specific recommendation for change on a particular property. Thus, in the case of the Subject Property, the Master Plan calls for retention of the existing RE-1 zoning. The proposed subdivision complies with the recommendations adopted in the Master Plan in that it proposes one-family residential development consistent with surrounding development patterns and the current zoning designation.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the Application is not subject to Local Area Transportation Review or other requirements of the recently adopted Growth Policy. Access to the proposed lots will be from a single shared driveway on Rosewood Manor Lane. Sidewalks do not exist and are not proposed on Rosewood Manor Lane; however, the low traffic volume allows safe pedestrian use of the roadway. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate.

Public facilities and services are available and will be adequate to serve the proposed development. The Property will be served by private sand mound septic systems and public water. The Application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the Property. Electrical and telecommunications services are also available to serve the Property.



3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The proposed size, width, shape and orientation of the lots are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the RE-1 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The preliminary forest conservation plan (FCP) shows about 0.20 acres of forest to be cleared. About 1.0 acre of forest is proposed for retention. This produces a 0.77-acre planting requirement as a standard requirement of the law; this will be met by planting in the unforested stream valley buffer.

An additional area of currently unforested environmental buffer area is proposed to be planted in forest on proposed Lot 35 beyond the minimum forest conservation law requirements. This is consistent with the environmental guidelines for special protection areas. The guidelines recommend that unforested environmental buffers on a development site in a SPA be planted in forest, even if the planting exceeds the requirements of the forest conservation law.

Further, this SPA forest conservation plan will provide a five year maintenance program for forest planting areas to better ensure forest survival and control of invasive species. Maintenance programs outside of SPAs are typically for only two years.

The Planning Board finds the preliminary FCP to be acceptable. The preliminary FCP meets both the standard requirements of the County Forest Conservation Law and the additional forest enhancement measures applied in SPAs.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting*

*Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS's standards.*

The MCDPS Stormwater Management Section approved the stormwater management concept and preliminary water quality plan for the project on November 28, 2006. The stormwater management concept includes rooftop and non-rooftop disconnects for water quality control and recharge. Additionally, the majority of the site will drain overland to an existing wet pond. A dry well on proposed Lot 36 is required as a condition of the MCDPS approval. Channel protection is not required because the one-year post-development peak discharge is less than two cubic feet per second.

*6. The preliminary water quality plan (PWQP) is approved by the Planning Board.*

Because the Property is within the Upper Rock Creek Special Protection Area (SPA), a preliminary water quality plan (PWQP) is required for the proposed development. MCDPS approved its portion of the PWQP requirements on November 28, 2006. The Preliminary Plan complies with the 8% limit on impervious surfaces, and an area of currently unforested environmental buffer area is proposed to be planted in forest on proposed Lot 35 beyond the minimum forest conservation law requirements. The Planning Board, therefore, approves the PWQP.

*7. Access will be maintained to adjacent existing lots.*

Three adjacent existing lots currently obtain access to Rosewood Manor Lane via an existing driveway across the Subject Property. The Application proposed to relocate a portion of the existing driveway so that two of the existing lots will share the driveway with the two proposed lots and the third existing lot will continue to be the sole user of the existing driveway.

At the public hearing, a property owner of one of the existing affected lots requested that the driveway not be relocated or removed from its current location. However, the Planning Board determined that if the proposed lots were to use this existing driveway, it would need to be widened from its current ten feet to 20 feet in width, which would require the removal of numerous mature trees. Additionally, installing a new driveway for the proposed lots while retaining the existing driveway for the two existing lots would create an excessive amount of paving that would cause the Subject Property to exceed the 8% limit on impervious surfaces. Therefore, the Planning Board finds that the driveway configuration proposed by the Preliminary Plan is appropriate.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

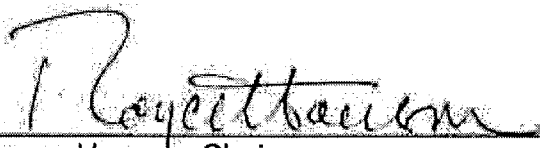
L 2 2 2008 BE IT FURTHER RESOLVED, that the date of this Resolution is \_\_\_\_\_ (which is the date that this Resolution is mailed to all parties of record); and

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

\* \* \* \* \*

CERTIFICATION

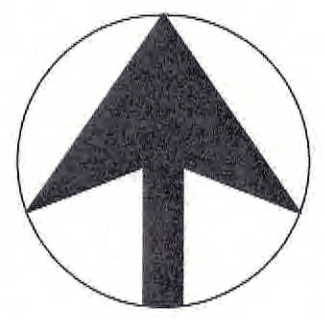
This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Robinson, seconded by Commissioner Cryor, with Commissioners Hanson, Robinson and Cryor voting in favor of the motion, with Commissioner Presley abstaining and Commissioner Alfandre absent, at its regular meeting held on Thursday, July 17, 2008, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Royce Hanson, Chairman  
Montgomery County Planning Board

NDB



04/19/2019

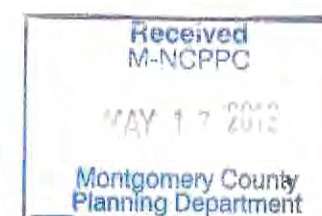


date: 03/14/2019

scale: 1" = 50'

Benning & Associates, Inc.  
Land Planning Consultants  
8933 Shady Grove Court  
Gaithersburg, MD 20877  
(301) 945-4240

**B&A**



## DEVELOPER'S CERTIFICATE - LOT'S 35 and 36

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 120061020, including financial bonding, forest planting, maintenance and all other application agreements.

Developer's Name: Allen Roy Builders  
Print Company Name: \_\_\_\_\_

Contact Person or Owner: Jim Unger  
Print Name: \_\_\_\_\_

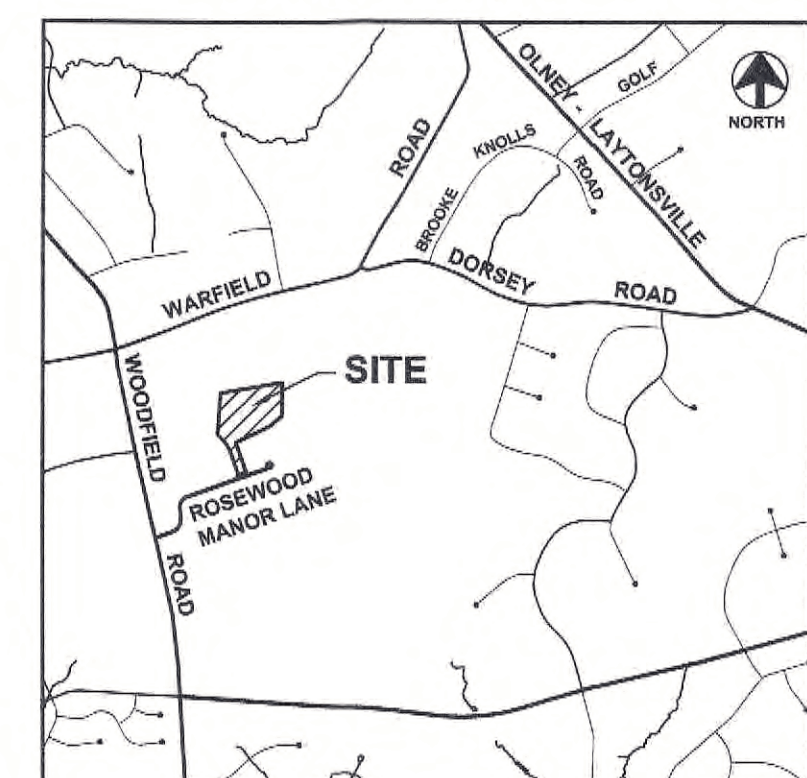
Address: P.O. Box 188, Clarksburg, MD 20871

Phone # and Email: 301-742-9896 junger@alleroysbuilders.com

Signature: *[Signature]* PRESIDENT

Prepared for:  
**Allen Roy Builders**  
c/o Jim Unger  
P.O. Box 188  
Clarksburg, Maryland 20871  
(301) 916-9562

**VICINITY MAP**  
SCALE: 1" = 2,000'



## LEGEND:

AREA SUBJECT TO MITIGATION	+	+	+
AFFORESTATION AREA	○	○	○
CANOPY COVERAGE	—	—	—
CRITICAL ROOT ZONE	—	—	—
EXISTING BUILDING	—	—	—
EXISTING CATEGORY I CONSERVATION EASEMENT	—	—	—
FOREST TO BE CLEARED	—	—	—
FOREST RETENTION AREA	—	—	—
INVASIVE SPECIES	—	—	—
LIMITS-OF-DISTURBANCE	—	—	—
PERMANENT FOREST CONSERVATION SIGN	—	—	—
PROPERTY LINE	—	—	—
PROPOSED CONTOUR	—	—	—
SOILS SERIES DIVIDE	—	—	—
SLIT RAIL FENCE	—	—	—
STREAM	—	—	—
STREAM BUFFER	—	—	—
SUPER SILT FENCE	—	—	—
TREE PROTECTION FENCE	—	—	—

FOREST CONSERVATION WORKSHEET  
ROSEWOOD MANOR ESTATES

## NET TRACT AREA:

A. Total tract area .....	7.87
B. Land dedication areas (parks, county facility, etc.) .....	0.00
C. Land dedication for roads or utilities (not being constructed by this plan) .....	0.00
D. Area to remain in commercial agricultural production/use .....	0.00
E. Other deductions (specify) .....	0.00
F. Net Tract Area .....	7.87

LAND USE CATEGORY: (from Trees Technical Manual)  
Input the number "1" under the appropriate land use, limit to only one entry.

ARA	MDR	IDA	HDR	MPD	CIA
0.00	1.00	0.00	0.00	0.00	0.00

G. Afforestation Threshold .....	0.20 x F =	1.57
H. Conservation Threshold .....	0.25 x F =	1.97

## EXISTING FOREST COVER:

I. Existing forest cover .....	1.20
J. Area of forest above afforestation threshold .....	0.00
K. Area of forest above conservation threshold .....	0.00

## BREAK EVEN POINT:

L. Forest retention above threshold with no mitigation .....	0.00
M. Clearing permitted without mitigation .....	0.00

## PROPOSED FOREST CLEARING:

N. Total area of forest to be cleared .....	0.22
O. Total area of forest to be retained .....	0.98

## PLANTING REQUIREMENTS:

P. Reforestation for clearing above conservation threshold .....	0.00
Q. Reforestation for clearing below conservation threshold .....	0.44
R. Credit for retention above conservation threshold .....	0.00
S. Total reforestation required .....	0.44
T. Total afforestation required .....	0.37
U. Credit for landscaping (may not exceed 20% of "S") .....	0.00
V. Total reforestation and afforestation required .....	0.81

## NOTE:

ENTIRE ENVIRONMENTAL BUFFER TO BE REFORESTED AS PER THE ENVIRONMENTAL GUIDELINES SECTION V. C. 2. a. AN ADDITIONAL 0.4 AC OF PLANTING WILL OCCUR OUTSIDE OF THE SPA WETLAND BUFFER TO SATISFY MITIGATION (0.133 AC AT 3:1 RATIO) FOR THE AMOUNT OF SANDMOUND AREA LOCATED WITHIN SPA WETLAND BUFFER. THE TOTAL REFORESTATION AREA EQUALS 1.61 AC.

## MISS UTILITY

Call "Miss Utility" at 1-800-257-7777, 48 hours prior to the start of work. The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

## FINAL FOREST CONSERVATION PLAN

ACREAGE OF TRACT	ACREAGE OF ROAD REMAINING IN AGRICULTURAL USE	ACREAGE OF ROAD AND UTILITY R.O.W NOT TO BE IMPROVED	ACREAGE OF EXISTING FOREST	ACREAGE OF EXISTING FOREST RETENTION	ACREAGE OF TOTAL FOREST CLEARED	LAND USE CATEGORY	CONSERVATION THRESHOLD	AFFORESTATION THRESHOLD	FOREST WITHIN WETLANDS TO BE RETAINED	FOREST WITHIN WETLANDS TO BE CLEARED	FOREST WITHIN WETLANDS TO BE PLANTED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE RETAINED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE CLEARED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE PLANTED	FOREST WITHIN STREAM BUFFER TO BE RETAINED	FOREST WITHIN STREAM BUFFER TO BE CLEARED	FOREST WITHIN STREAM BUFFER TO BE PLANTED	FOREST WITHIN PRIORITY AREAS TO BE RETAINED	FOREST WITHIN PRIORITY AREAS TO BE CLEARED	FOREST WITHIN PRIORITY AREAS TO BE PLANTED	STREAM BUFFER - LINEAR FEET	STREAM BUFFER - AVERAGE WIDTH
7.87 AC	0.00 AC	0.00 AC	1.20 AC	1.00 AC	0.20 AC	MEDIUM DENSITY RESIDENTIAL	25% = 1.97 AC	20% = 1.57 AC	0.03 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.10 AC	0.98 AC	0.02 AC	1.19 AC	0.98 AC	0.02 AC	1.19 AC	700'	150'

## FCP NOTES:

- The Limits-of-Disturbance may be adjusted in the field to save adjacent trees.
- Reforestation tree planting to be planted pursuant to the ANSI planting standards.
- The proposed tree planting locations and species shown on this plan can be revised with approval from the forest conservation inspector.
- Protection from deer damage is required to be installed on each tree and shrub before M-NCPPC acceptance of tree planting. See Sheet 2 of 2 for detail. Shrubs may be placed in groupings of 3 to 5 with deer protection around the group planting.
- All tree protection and stress reduction measures are intended to be completed within the limits of the property. Locations of symbols shown on plan for graphic and legibility reasons only.
- The reserve sand mound located within the stream buffer in the northeast of this site will only be constructed after the other two sand mounds sites have failed.
- An Exotic and Invasive Management Plan must be prepared for the entire area placed into a category I conservation easement on this property. This plan will be prepared concurrently with the final forest conservation and planting plan for this property.
- The property is located in the Upper Rock Creek Watershed and Special Protection Area.

NOTE:  
A WAIVER WILL BE APPLIED FOR TO PERMIT THE ALTERNATE SAND MOUND FOR SEPTIC SERVICE WITHIN THE WETLAND BUFFER. AREA OF SANDMOUND WITHIN SPA WETLAND BUFFER TO BE MITIGATED AT 3:1 RATIO.

PERMANENT FOREST CONSERVATION SIGN (TYP.)

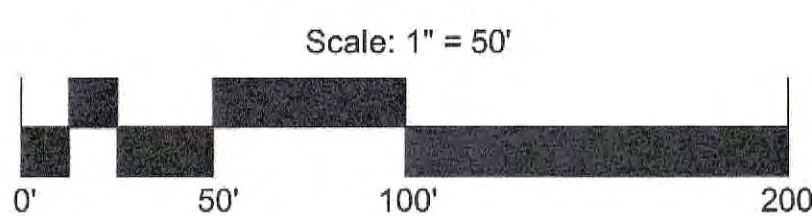
LOT 36  
2.7970 Ac.±

LOT 35  
5.0719 Ac.±

FOREST TO BE CLEARED (LOW PRIORITY)  
0.20 AC

REFORESTATION AREA (HIGH PRIORITY)  
1.61 AC  
(TO BE PLACED IN CATEGORY I CONSERVATION EASEMENT) AREA TO BE CLEARED OF EXOTIC SPECIES

FOREST TO BE CLEARED (HIGH PRIORITY)  
0.02 AC  
FOREST RETENTION AREA (HIGH PRIORITY)  
0.98 AC  
(TO BE PLACED IN CATEGORY I CONSERVATION EASEMENT AREA TO BE CLEARED OF EXOTIC SPECIES AND PLANTED WITH NATIVE HARDWOODS)



Scale: 1" = 50'



Sequence of Events for Properties Required to Comply with Forest Conservation Plans, Exemptions from Submitting Forest Conservation Plans, and Tree Save Plans

The property owner is responsible for ensuring all tree protection measures are performed in accordance with the approved Final Forest Conservation Plan or Tree Save Plan, and as modified in the field by a Planning Department Forest Conservation Inspector. The measures must meet or exceed the most recent standards published by the American Nation Standards Institute (ANSI A300).

Pre-Construction

- An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged and before any land disturbance.
- The property owner must arrange for the meeting and the following people must participate at the pre-construction meeting: the property owner or their representative, construction superintendent, International Society of Arboriculture (ISA) certified arborist / Maryland licensed tree expert (representing owner) that will implement the tree protection measures, The Planning Department Forest Conservation Inspector, and Montgomery County Department of Permitting Services (DPS) Sediment Control Inspector. The purpose of this meeting is to verify the limits of disturbance and discuss specific tree protection and tree care measures shown on the approved plan. No land disturbance shall begin before tree protection and stress-reduction measures have been implemented and approved by the Planning Department's Forest Conservation Inspector.
  - Typical Tree Protection devices include:
    - Chain link fence (four feet high)
    - Super silt fence with wire strung between the support poles (minimum 4 feet high) with high visibility flagging.
    - 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
  - Typical stress reduction measures may include, but are not limited to:
    - Root Pruning with a root cutter or vibratory plow designed for that purpose. Trenchers are not allowed, unless approved by the Forest Conservation Inspector.
    - Crown reduction or pruning
    - Watering
    - Fertilizing
    - Vertical mulching
    - Root aeration mattingMeasures not specified on the plan may be required as determined by the Forest Conservation Inspector in coordination with the property owner's arborist.
- A Maryland licensed tree expert must perform, or directly supervise the implementation of all stress reduction measures. Documentation of the process (including photographs) may be required by the Forest Conservation Inspector, and will be determined at the pre-construction meeting.
- Temporary tree protection devices must be installed per the approved Forest Conservation Plan, Exemption Plan, or Tree Save Plan and prior to any land disturbance. The Forest Conservation Inspector, in coordination with the DPS Sediment Control Inspector, may make field adjustments to increase the survivability of the trees and forest as saved on the approved plan.
- Tree protection fencing must be installed and maintained by the property owner for the duration of the construction project and must not be altered without prior approval from the Forest Conservation Inspector. All construction activity within protected tree and forest area is prohibited. This includes the following activities:
  - Parking or driving of equipment, machinery or vehicles of any type.
  - Storage of any construction materials, equipment, stockpiling, fill, debris, etc.
  - Dumping of any chemicals (i.e., paint thinner), mortar or concrete remainders, trash, garbage, or debris of any kind.
  - Felling of trees into a protected area.
  - Trenching or grading for utilities, irrigation, drainage, ect.
- Forest and tree protection signs must be installed as required by the Forest Conservation Inspector. The signs must be waterproof and wording provided in both English and Spanish.

During Construction

- Periodic inspections will be made by the Forest Conservation Inspector. Corrections and repairs to tree protection devices must be completed within the timeframe given by the Inspector.
- The property owner must immediately notify the Forest Conservation Inspector of any damage to trees, forests, understorey, ground cover, and any other undisturbed areas shown on the approved plan. Remedial actions, and the relative time frames to restore these areas will be determined by the Forest Conservation Inspector.

Post-Construction

- After construction is completed, but before tree protection devices have been removed, the property owner must request a final inspection with the Forest Conservation Inspector. At the final inspection, the Forest Conservation Inspector may require additional corrective measures, which may include:
  - Removal, and possible replacement of dead, dying, or hazard trees
  - Pruning of dead or declining limbs
  - Soil aeration
  - Fertilization
  - Watering
  - Wound repair
  - Clean up of retention areas including trash removal
- After the final inspection and completion of all corrective measures the Forest Conservation Inspector will request all temporary tree and forest protection devices be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both DPS and the Forest Conservation Inspector and cannot be removed without permission of the Forest Conservation Inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.
- Long-term protection measures, including permanent signage, must be installed per the approved plan. Installation will occur at the appropriate time during the construction project. Refer to the approved plan drawing for the long-term protection measures to be installed.

Inspections:

All field inspections must be requested by the applicant. Inspections must be conducted as follows:

Tree Save Plans and Forest Conservation Plans without Planting Requirements

- After the limits of disturbance have been staked and flagged, but before any clearing or grading begins.
- After necessary stress reduction measures have been completed and protection measures have been installed, but before any clearing or grading begins and before release of the building permit.
- After completion of all construction activities, but before removal of tree protection fencing, to determine the level of compliance with the provision of the forest conservation.

Additional Requirements for Plans with Planting Requirements

- Before the start of any required reforestation and afforestation planting.
- After required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start of the maintenance period.
- At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate, release of the performance bond.

MISS UTILITY

Call "Miss Utility" at 1-800-287-7777, 48 hours prior to the start of work. The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

ANALYSIS OF SUITABILITY FOR THE SUITABILITY FOR THE PLANTING SITE AND PRE-PLANTING MEASURES:

Analysis of suitability for the suitability for the planting site

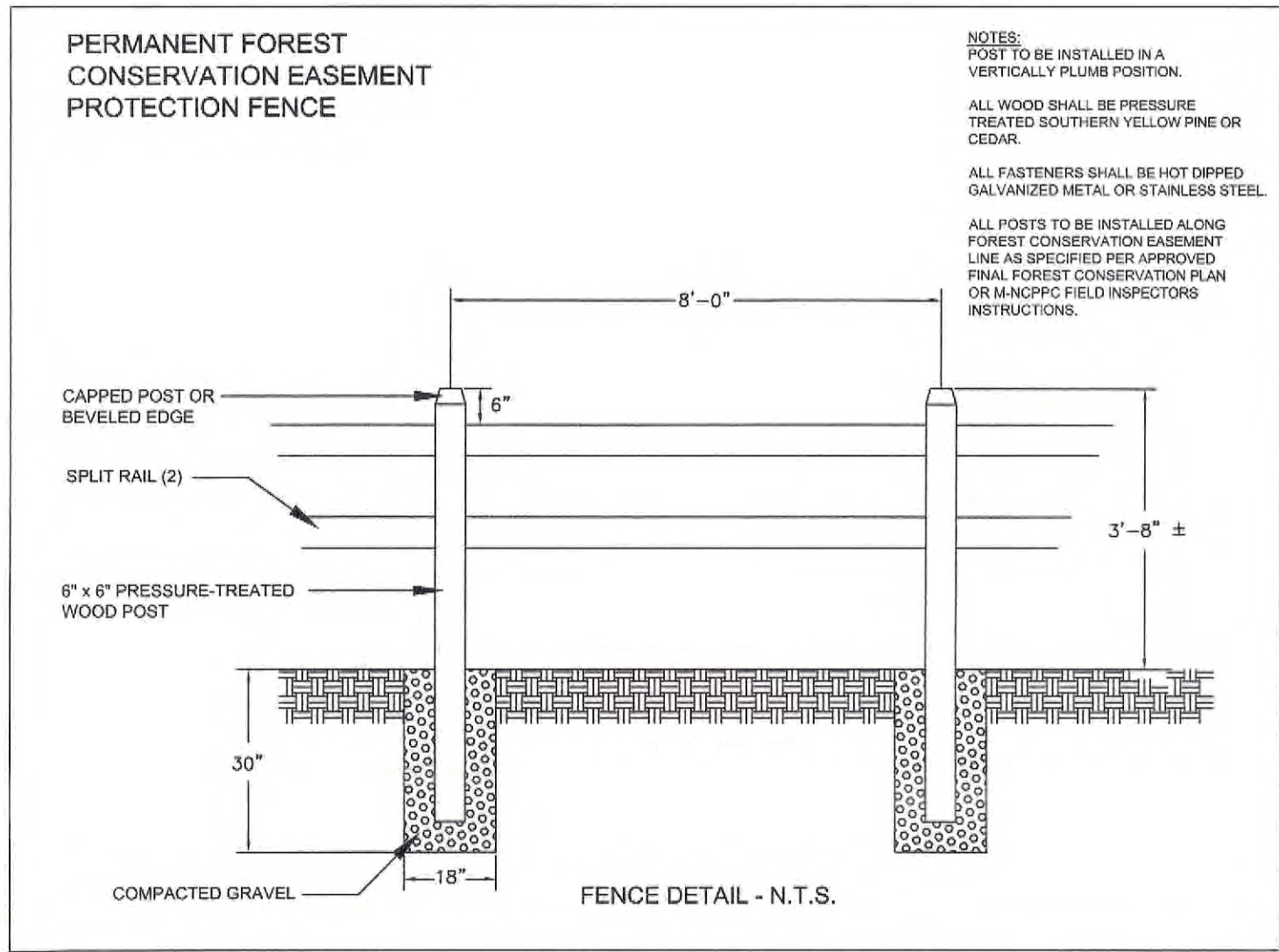
- The entire property is located in the Upper Rock Creek Watershed.
- The soils existing on the property are 2B, 5B, and 6A. 2B and 5B are better suited for crops, 6A is better for woodlands.

Pre-planting measures

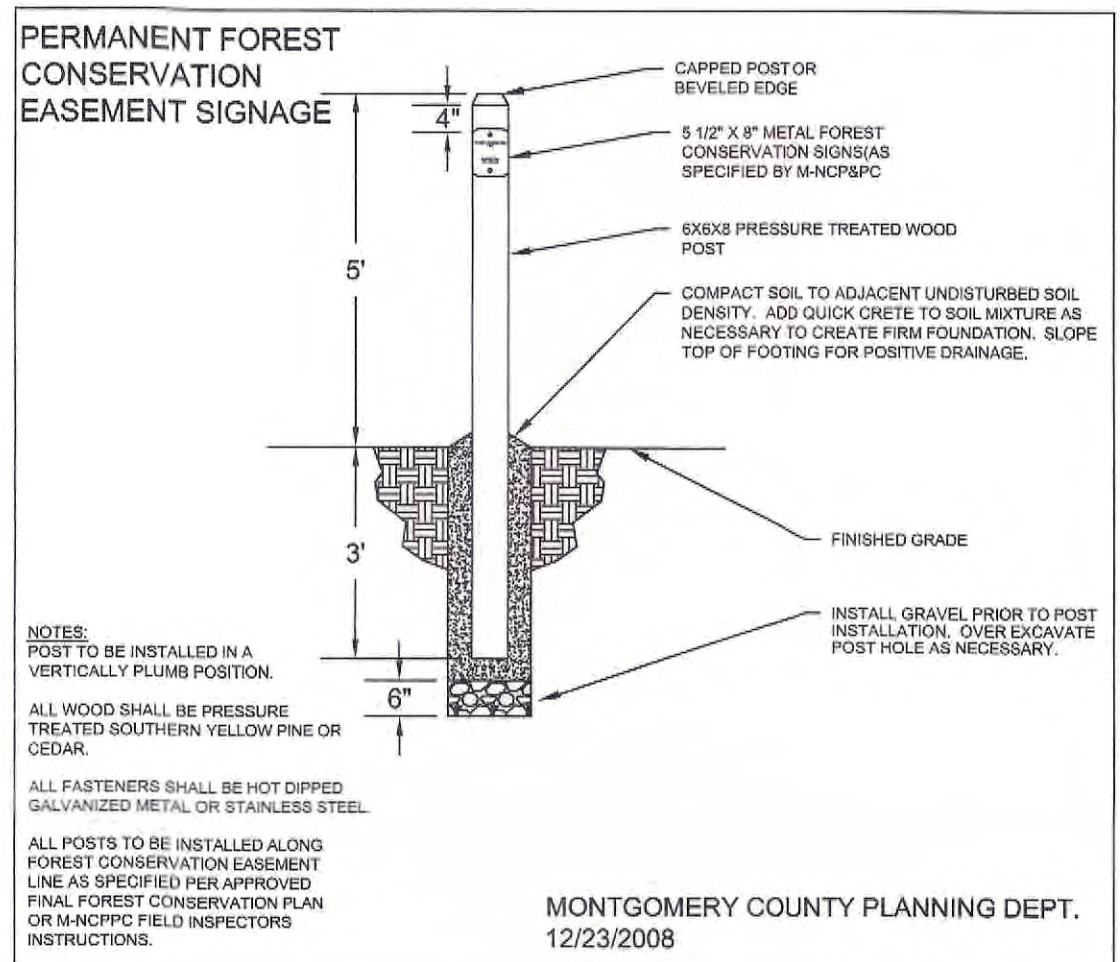
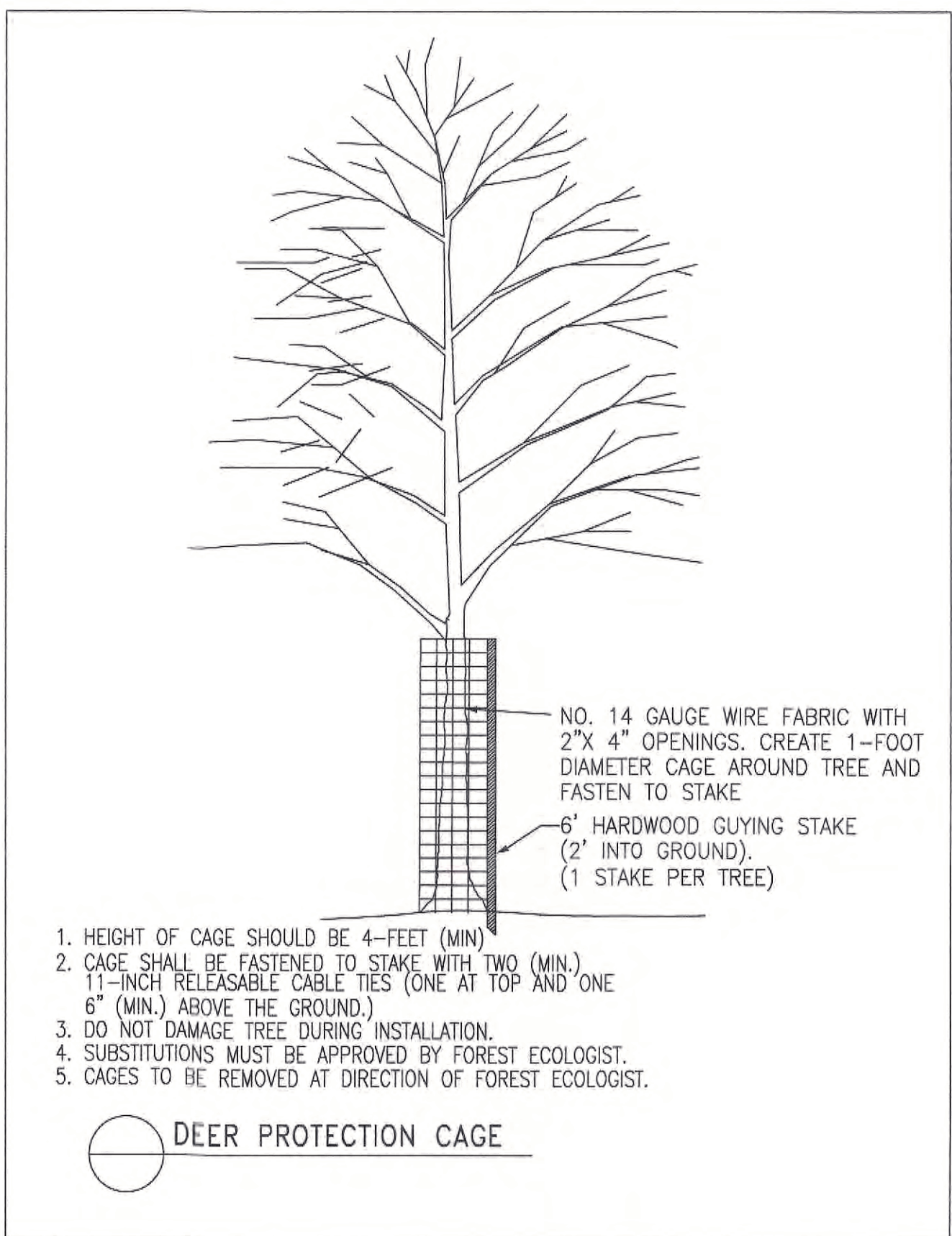
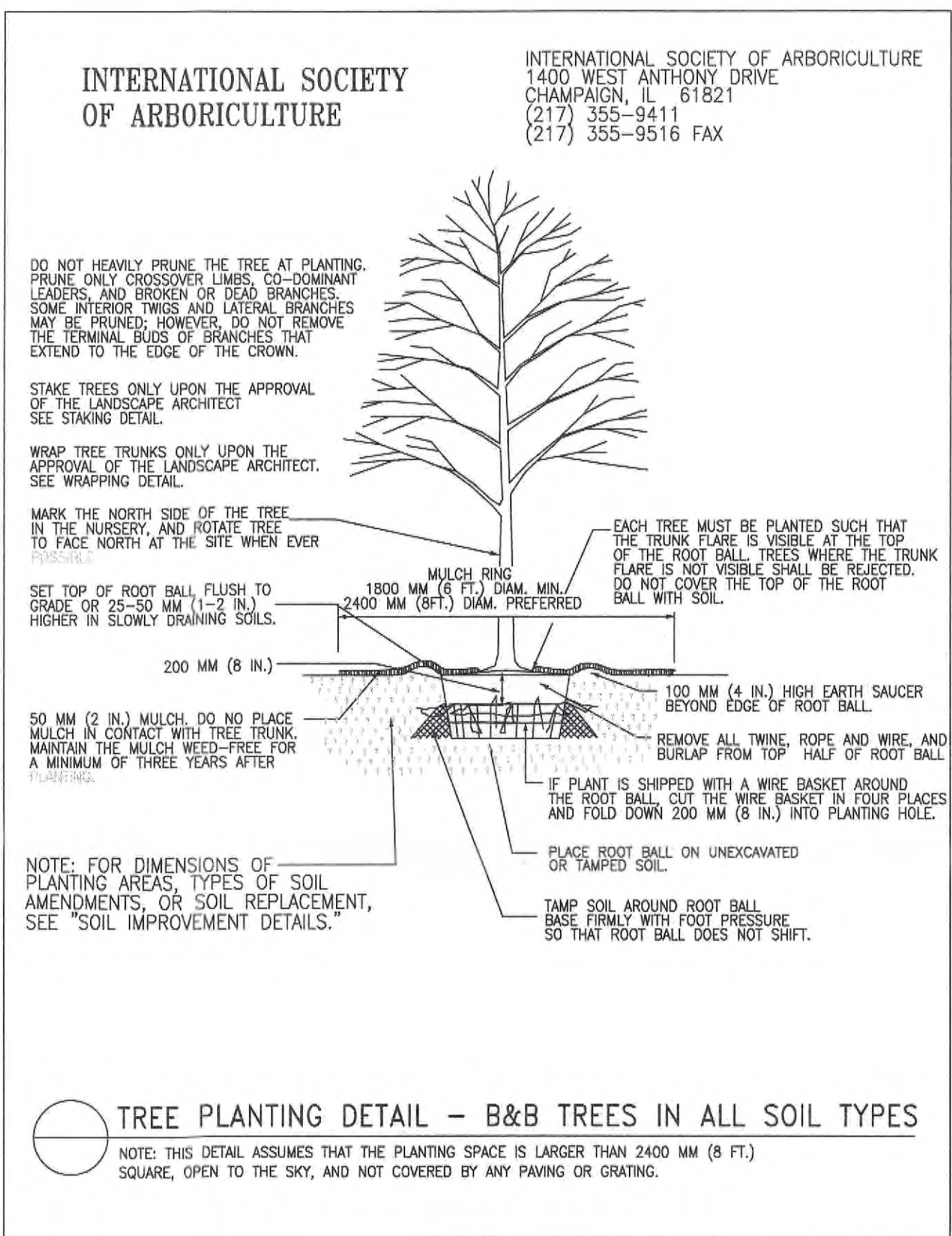
- Afforestation / Reforestation tree planting to be planted pursuant to the ANSI planting standards.
- Protection from deer damage is required to be installed on each tree and shrub before M-NCPPC acceptance of tree planting. Shrubs may be placed in groupings of 3 to 5 with deer protection around the group planting.
- Prior to any planting on the site, a pre-planting meeting with the M-NCPPC Inspector must be arranged.
- The contractor shall locate and verify the existence of all utilities prior to any excavation work.
- All plants shall bear the same relationship to finished grade as the plant's original grade.
- All plants shall be balled & burlapped or container grown as specified. Container grown stock that is root bound will not be acceptable.
- With container grown stock, the container shall be removed and the ball shall be cut through the surface in two vertical locations.
- All plants shall be installed as per details.
- Prior to planting, inspect planting stock. Plants not conforming to the American Standard for Nursery Stock specifications for size, form, vigor or roots, or due to trunk wounds, insects and disease should be replaced.
- Soil tests are to be performed by contractor in all areas proposed for planting to determine deficiencies.
- All existing trash must be removed prior to planting.
- Plants shall be inspected by the contractor and any material that is either damaged or which has root ball compaction, rooted or kninked root systems will be replaced. No plants will be stored on site. Plants will be planted immediately once received from the nursery.
- The area will be moved before planting and invasive species should be treated with herbicide at this time to inhibit their comeback.

LONG-TERM MAINTENANCE PLAN:

- The owner's Maintenance Period shall last for two years after completion of planting as directed by the approval authority (M-NCPPC).
- The owner's maintenance of new planting shall consist of watering, cultivating, weeding, mulching, installing tree shelters, replacement of tree shelters, resetting plants to proper grades or upright position, and furnishing and applying such pesticide sprays and invigorants as are necessary to keep the plants free of insects and disease and in thriving condition.
- Protect planting areas and plants at all times against damage of all kinds for the duration of maintenance period. Maintenance includes temporary protection barriers and signs as required for protection.
- Continuing maintenance will be needed to control competing vegetation until the new plantings become established. This may include repeat mowing, mulching and/or touch treatment of exotics with herbicide. Mowing will be required at least once during each growing season of the two-year maintenance period.
- All plants shall be watered thoroughly twice during the first 24-hour period after planting. All plants shall be watered weekly or more often during the first growing season depending on conditions and species tolerance. All plants shall be watered periodically during subsequent spring, Summer & Fall seasons of the two-year maintenance period as conditions require and as per maintenance agreement.
- Forest planting areas to be covered by a two-year maintenance program, with a two-year bond. The landscape contractor will inspect all planted areas every six months after for two years. At the end of the two year inspection, the contractor will request M-NCPPC inspection and will ensure that the appropriate survival requirements of the original stock level is alive and vigorous.
- In years one and two each forest planting area will be maintained by either mowing or chemical treatment. Control of exotic and invasive species is to be done without the use of herbicides as much as possible. If use of chemicals is unavoidable, contact M-NCPPC (301) 495-4540 for approval prior to application of chemicals.
- During each inspection following planting, the contractor will evaluate the need for additional watering, additional fertilizer or lime and any additional steps to control competing vegetation. The contractor will also assess any disease potential of if any outside influences is having a deleterious affect on the mitigation sites.

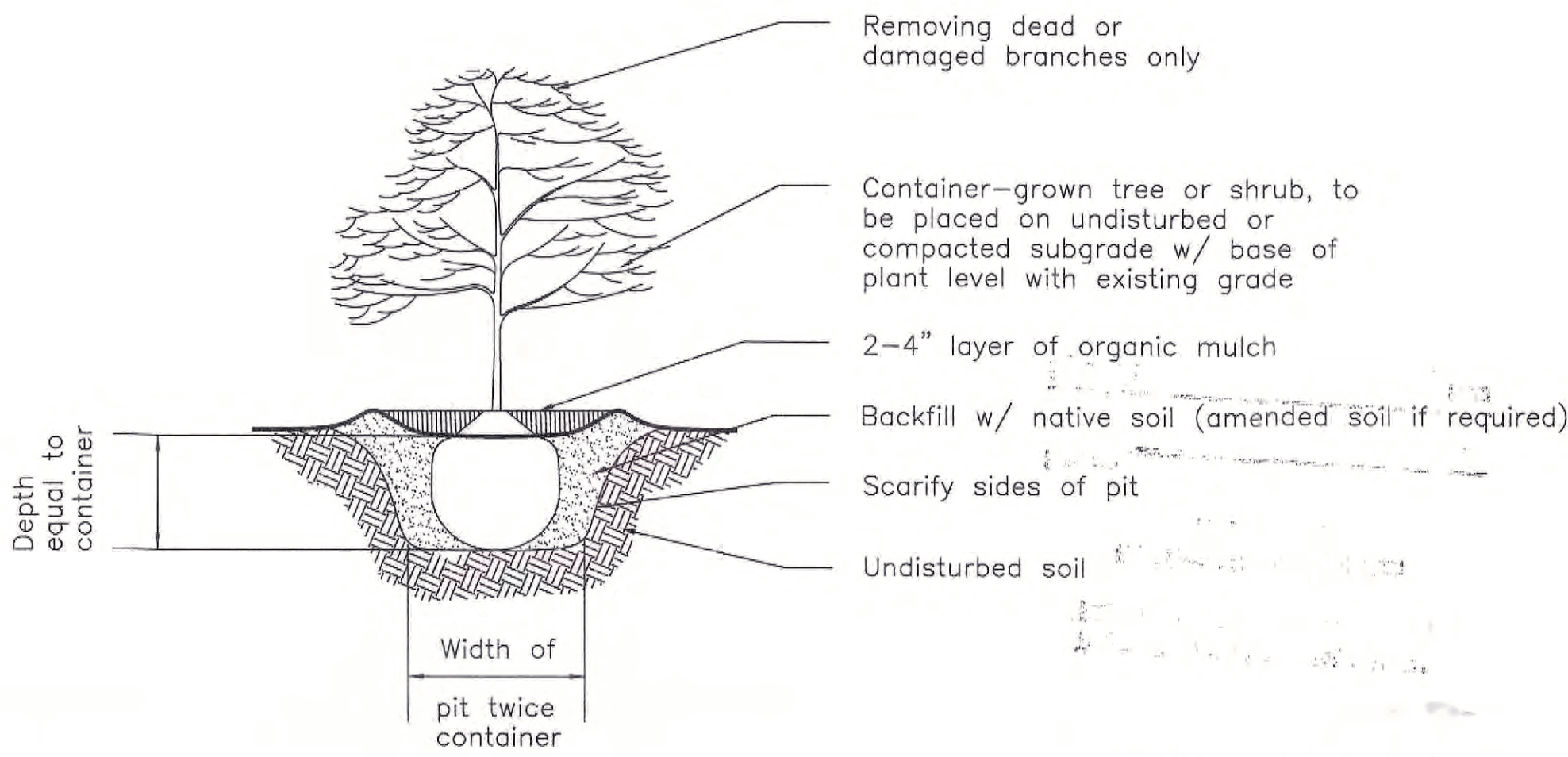


PLANT SCHEDULE - RECOMMENDED SPECIES LIST					
REFORESTATION AREA (1.61 AC) 322 TREES 54 SHRUBS					
TREES: 322					
QUANTITY	SIZE	SCIENTIFIC NAME	COMMON NAME	SPACING	COMMENTS
65	3/4-1" Cal.	<i>Acer rubrum</i>	Red Maple	12-18' O.C.	B&B
65	3/4-1" Cal.	<i>Liriodendron tulipifera</i>	Tulip Poplar	12-18' O.C.	B&B
64	3/4-1" Cal.	<i>Nyssa sylvatica</i>	Black Gum	12-18' O.C.	B&B
64	3/4-1" Cal.	<i>Platanus occidentalis</i>	American Sycamore	12-18' O.C.	B&B
64	3/4-1" Cal.	<i>Quercus rubra</i>	Northern Red Oak	12-18' O.C.	B&B
SHRUBS: 54					
QUANTITY	SIZE	SCIENTIFIC NAME	COMMON NAME	SPACING	COMMENTS
14	18" - 24"	<i>Hammamelis virginiana</i>	American Witch-Hazel	Cont.	
14	18" - 24"	<i>Lindera benzoin</i>	Spidicebush	Cont.	
13	18" - 24"	<i>Viburnum dentatum</i>	Maple-leaf Viburnum	Cont.	
13	18" - 24"	<i>Viburnum prunifolium</i>	Arrowwood Viburnum	Cont.	



MISS UTILITY

Call "Miss Utility" at 1-800-287-7777, 48 hours prior to the start of work. The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.



PLANTING DETAIL - SHRUB Container Grown

FINAL FOREST CONSERVATION PLAN NOTES:

- REFORESTATION / AFFORESTATION REQUIREMENTS  
1. AFFORESTATION / REFORESTATION FOR ROSEWOOD MANOR ESTATES #120061020 1.61 ACRES
2. PROPOSED PLANTING DENSITY:  
200 TREES 3/4-1" CAL/AC  
33 SHRUBS 18-24" HEIGHT/AC
3. NUMBER OF TREES TO BE PLANTED: 200 x 1.61 AC = 322 TREES
4. NUMBER OF SHRUBS TO BE PLANTED: 33 x 1.61 AC = 54 SHRUBS
5. SURVIVABILITY REQUIRED AT END OF TWO-YEAR MAINTENANCE PERIOD: 322 TREES x 75% = 242 TREES  
54 SHRUBS x 75% = 41 SHRUBS

DEVELOPER'S CERTIFICATE - LOT'S 35 and 36

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 120061020, including financial bonding, forest planting, maintenance and all other application agreements.

Developer's Name: Allen Roy Builders  
Print Company Name

Contact Person or Owner: Jim Unger  
Print Name

Address: P.O. Box 148, Clarksburg, MD 20871

Phone # and Email: 301-763-9496 jurger@allenroybuilders.com

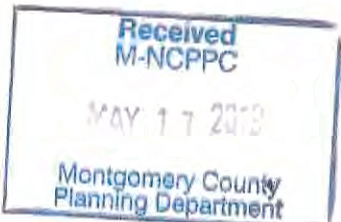
Signature: [Signature] Date: 6/7/19

04/19/2019

date: 03/14/2019

scale:

Bearing & Associates, Inc.  
Land Planning Consultants  
8933 Shady Grove Court  
Gaithersburg, MD 20877  
(301) 946-0240



FINAL FOREST CONSERVATION PLAN  
ROSEWOOD MANOR ESTATES  
BLOCK 1; LOTS 35 & 36  
(Parcels 356 & 465; Tax Map GU33)  
Montgomery County, Maryland



INVASIVE SPECIES MANAGEMENT PLAN: GENERAL NOTES

1. An Invasive Species Management Plan is required for this site in accordance with condition 3.b. of the Montgomery County Planning Board's approval of Preliminary Plan No. 120061020.
2. The areas to be managed for invasive species treatment are the areas identified as proposed home site's and sandmounds on Lots 35 & 36, and on Lot 35 the area to the north in the Reforestation Area.
3. A pre-treatment meeting with the MNCPPC plan enforcement inspector is required prior to the initiation of this management plan. The contractor responsible for implementing this plan must be at the meeting. The schedule for treatments and implementation of the recommendations for each species is to be discussed at the meeting. Work will be performed by a Maryland licensed pesticide applicator under Pest Control category 2 and subcategory 3-A (further described in section 15.05.01.08 of COMAR). A M-NCPPC Planning Department Inspector shall review and approve any proposed alternative treatments and/or chemicals to be used by the pesticide applicator prior to application.
4. A minimum of 4 treatment applications instances will be required to accomplish invasive species removal and control on this site. The timing for each treatment is dependant upon time of year when the initial treatment is conducted and the type and volume of species encountered. Treatment options for each species dependant on time of year are noted in the recommendations for each species. The minimum 4 treatments instances are to occur over a period of at least two calendar year.
5. Invasive species on this site include or may include: Rosa multiflora, Rubus Species, and Polygonum perfoliatum.
6. Other non-native invasive species may be present. If necessary as determined by the MNCPPC Forest Conservation Inspector during the initial pre-treatment meeting, the contractor is to refer to "Best Management Practices for Control of Non-Native Species", published by M-NCPPC Parks - Natural Resources Stewardship Section, January 2015, for additional information regarding the control and management of other observed invasive species.

NON-NATIVE SPECIES TREATMENT RECOMMENDATIONS

- NOTES:
1. Removal recommendations from "Best Management Practices for Control of Non-Native Species", M-NCPPC Parks - Natural Resources Stewardship Section, January 2015.
2. Basal bark and cut stem treatment are the preferred chemical treatment methods; use foliar treatment in limited areas only where the other methods will not produce satisfactory results and where the risk to desirable plant species is minimal.

**Ailanthus altissima (Tree-of-heaven)**  
**Mechanical Treatment:**  
• Hand pulling or cutting of small trees is NOT RECOMMENDED due to vigorous re-sprouting.

**Chemical Treatment:** Herbicide treatments are the most effective approach with this invasive. Always be prepared to spray new stump sprouts or root suckers that emerge after the top of the tree is killed.

**Cut Surface ("Hack and Squirt")**  
•An effective method for larger trees (greater than 4 inches in diameter). Use a triclopyr salt (e.g., Garlon 3A), either full-strength or diluted 1:1 in water, mixed with blue marker dye. Use care, as the Garlon 3A signal word is DANGER.  
•Make cuts with a sharp hatchet, spacing them 1.5 inches apart. Immediately apply herbicide with a spray bottle using a fine stream. Do not cut a continuous girdle with this tree.

**Basal bark treatment**  
•Excellent method for all sizes, especially smaller trees. •Use triclopyr ester @ 20% (e.g., Garlon 4 in oil carrier such as Arborchem Basal Oil or Timberland JBL—follow label instructions). •Ready-to-use triclopyr products such as Pathfinder II are also highly effective.

**Foliar spray**  
•Use this method only on re-growth below applicator's shoulder height. •Use triclopyr salt @ 2% (e.g., Garlon 3A). Always use the lowest concentration that proves effective. •Add approved blue marker dye.

Polygonum perfoliatum (Mile-a-minute or Devil's tearthumb)

**Mechanical Treatment:** Seedlings and vines can easily be pulled as long as thick gloves and sturdy clothing are worn.

- Manual removal can be done throughout the summer; June through July is optimal before the fruits mature.
- The vines can be "reeled in" and balled up in piles that can be left to dehydrate for several days before disposal.
- Treatment sites should be rechecked frequently.  
Where practical, mow or trim mile-a-minute to prevent the plants from flowering and fruiting.

**Chemical Treatment:**  
•Use glyphosate with a surfactant, to ensure adherence to the waxy leaf coverings.  
•Because mile-a-minute is an annual, chemical treatments will provide no control once the vines have produced seeds. Foliar applications (Review information on pp. 3 & 6-7; contact NRS before initiating any foliar spray project)  
•Use glyphosate products, such as Roundup Pro—or Rodeo or Aqua Neat in wet areas—@ 2% or less. If mile-a-minute is your only target, concentrations as low as 1% should work. Always use the lowest concentration that proves effective.  
•Add a surfactant at 0.5% to aquatic herbicides.  
•Triclopyr products—e.g., Garlon 3a @ 1 to 2%—will also kill mile-a-minute.  
•Impact on desirable plants is virtually unavoidable.  
•Add approved blue marker dye.

**Rubus phoenicolasius (Wineberry)**  
**Mechanical Treatment:**  
• Small patches can be pulled by hand or dug with a spading fork, preferably when ground is moist. •Large patches can be mowed or bush-hogged, but this should be followed with herbicide treatment about six months later (prior to frost).  
**Chemical Treatment:** Wineberry can be treated with either glyphosate or triclopyr. Foliar spray: (Contact NRS before initiating any foliar spray project)  
• Foliar spray may be applied to existing patches or to re-growth following mowing. •Non-native blackberries have been successfully treated in the Southeast with glyphosate products (e.g., Roundup Pro, or Rodeo in wet areas) at concentrations ranging from 0.5% to 1.5%. Always use the lowest concentration that proves effective.  
• Use glyphosate in late summer to early fall; mowing 40 to 60 days after treatment may increase the level of control. •Triclopyr products (e.g., Garlon 3A in water) @ 1% may be successful if applied in midsummer. •Add approved blue marker dye

Rosa multiflora (Multiflora Rose)

**Mechanical Treatment:**  
• Cut with power or hand tools only.  
• Uproot small stumps of less than 5 stems.

**Chemical Treatment (Cut Stump):**  
• Apply to freshly cut stumps or foliar re-growth.  
• Most effective late in growing season or while plant is dormant (winter months).  
• Use glyphosate @ 25% (e.g., RoundupPro) or triclopyr@25% (e.g., Garlon 3A in water) or ready-to-use triclopyr products such as Pathfinder II.

**Chemical Treatment (Foliar Spray):**  
• Early re-growth or low-growing plants can be effectively treated with foliar spray using a glyphosate or triclopyr products @ 2%.  
• Use approved blue marker dye.

Alliaria petiolata (Garlic Mustard)

**Mechanical Treatment:**  
• Remove whole plants by hand.  
• Pull first year rosettes with certain identification September-March.  
• When cutting, flowering stems should be cut close to ground level to prevent plants from developing new growth.  
• Once flowers are present, cut material must be bagged and removed from the site.

**Chemical Treatment (Cut Stems):**  
• Only apply herbicide where risk to desirable species is minimal.  
• This can be done in early spring or in late fall (NOTE: Fall treatment involves spraying garlic mustard's first-year rosettes – the plant is a biennial.

**Chemical Treatment (Foliar Spray):**  
• Use a glyphosate product (e.g., Roundup Pro) at low concentrations, no greater than 1.5%.  
• Herbicide applied during the winter to kill over-wintering rosettes may be used as long as the temperature is above 45°F and rain is not expected for at least 8 hours.  
• Use approved blue marker dye.

Hedera helix (English Ivy)

**Mechanical Treatment:**  
• Hand pull stems from the ground layer.  
• Climbing vines on trees can be cut near the base and several inches higher up to kill the upper portions of the vine. It is best to remove this small piece of vine if it can be done without removing the bark from the tree.  
• Do not pull vines from trees.  
• Be careful to cut each stem.

**Chemical Treatment (Basal Bark):**  
• Herbicide treatment can be done year round.  
• On climbing stems, use triclopyrester @ 20% (e.g., Garlon4 in oil carrier—follow label instructions), or a ready-to-use triclopyr product such as Pathfinder II.  
• Avoid application onto host tree (pull stem away from base of host tree before applying herbicide).

**Chemical Treatment (Cut Stem):**  
• Herbicide treatment can be done year round.  
• Use triclopyr salt @ 25% (e.g., Garlon3A in water) or ready-to-use triclopyr products such as Pathfinder II.  
• Accessible low-growing plants should be cut and herbicide immediately applied to cut stems with a spray bottle or backpack sprayer.  
• For climbing vines, cut a section from the vine (a window) and treat the rooted portion with herbicide.

**Chemical Treatment (Foliar Spray):**  
• Use triclopyr salt (e.g., Garlon 3A in water)@ 5%  
• Add a 0.5% non-ionic surfactant.  
• This approach is most effective if low-growing plants are cut, allowed to re-grow, and the herbicide is applied to the new foliage.  
• Use approved blue marker dye.

Lonicera japonica (Japanese Honeysuckle)

**Mechanical Treatment:**  
• Cut the vine at ground level and as high as can be reached (cutting a window). Portions of vines that stay rooted will remain alive and must later be treated with herbicide, pulled out, or cut repeatedly until no re-growth occurs.  
• Don't pull vines out of trees.

**Chemical Treatment (Cut Stem):**  
• Herbicide treatment can be done year round.  
• Use glyphosate@ 25% (e. g., Roundup Pro) on cut surfaces.  
• Treat when temperatures are above 45° if possible for better absorption.

**Chemical Treatment (Foliar Spray):**  
• Herbicide treatment can be done year round.  
• Use glyphosate@ 25% (e. g., Roundup Pro) on cut surfaces.  
• Treat when temperatures are above 45° if possible for better absorption.  
• Use approved blue marker dye.

Microstegium vimineum (Japanese Stilt Grass)

**Mechanical Treatment:**  
• Target maturing plants in summer where stands are accessible to mowers or power trimmers. Cut or mow June through August before plants go to seed.  
• Hand pull areas inaccessible to equipment.

**Chemical Treatment (Foliar Spray):**  
• Where monocultures exist without intermingled desired vegetation, extensive infestations can be treated with glyphosate.  
• Use Roundup-type products @ 1%. If spraying in late summer, use a 1.5% mix for better results on mature plants.  
• Use approved blue marker dye.  
• Provide follow-up treatments 1-2 weeks after initial spraying.



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Final Forest Conservation Plan  
APPROVAL

Plan No. 120061020

Signature: [Signature] Date: 6/7/19

DEVELOPER'S CERTIFICATE - LOT'S 35 and 36

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 120061020 including, financial bonding, forest planting, maintenance and all other application agreements.

Developer's Name: Allen Roy Builders  
Print Company Name  
Contact Person or Owner: Jim Unger  
Print Name  
Address: P.O.Box 188, Clarksburg, MD 20871  
Phone # and Email: 301-748-3498 junger@allenroybuilders.com  
Signatures: [Signature] [Signature]





## DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Mitra Pedoeem  
Director

July 9, 2020

Mr. Stuart Darley  
Colbert Matz Rosenfelt, LLC  
2835 Smith Avenue, Suite G  
Baltimore, Maryland 21209

Re: **COMBINED PRELIMINARY AND FINAL  
WATER QUALITY PLAN/SITE  
DEVELOPMENT STORMWATER  
MANAGEMENT PLAN** for  
Rosewood Manor Estates  
Preliminary Plan #: 120061020  
SM File #: 286246  
Tract Size/Zone: 7.87 acres/RE-1  
Total Concept Area: 7.87 acres  
Lots/Block: Lots 35 and 36/Block 1  
Parcel(s): N/A  
Watershed: Upper Rock Creek SPA

Dear Mr. Darley:

Based on a review by the Department of Permitting Services Review Staff, the Preliminary and Final Water Quality Plan for the above-mentioned site is **acceptable**. The Preliminary and Final Water Quality Plan proposes to meet required stormwater management goals via rooftop and non-rooftop disconnections and dry wells.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**. A Special Protection Area stream monitoring and BMP monitoring fees will be required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to



255 Rockville Pike, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311  
[www.montgomerycountymd.gov/permittingervices](http://www.montgomerycountymd.gov/permittingervices)



*Mr. Stuart Darley*  
*July 9, 2020*  
*Page 2 of 2*

reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at 240-777-6242.

Sincerely,

*Mark Etheridge*

Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: lmg

cc: N. Braunstein  
SM File # 286246

ESD: Required/Provided 2,488 cf / 2,506 cf  
PE: Target/Achieved: 1.0"/1.0"  
STRUCTURAL: 0 cf  
WAIVED: 0 ac.

# Colbert Matz Rosenfelt

*Civil Engineers • Surveyors • Planners*



*Revised July 16, 2020  
Revised July 13, 2020  
Revised April 16, 2020  
Revised March 3, 2020  
November 21, 2019*

The Maryland National Capital Park and Planning Commission  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Subject: Rosewood Manor Estates  
MCPB No 08-61  
Preliminary Plan No 12006102A

Please accept this request for extension of a Preliminary Plan.

Applicant/Contract Purchaser  
Jim Unger  
Allen Roy Builders, Inc.  
23221 Davis Mill Road  
Germantown, MD 20876  
Phone: 301-742-8496  
Email: [junger@allenroybuilders.com](mailto:junger@allenroybuilders.com)

Attorney  
Patricia McKenzie  
26317 Ridge Road  
Damascus, MD 20872  
Phone: 301-253-0552  
Email: [patricia.a.mckenzie@verizon.net](mailto:patricia.a.mckenzie@verizon.net)

Owner  
Alban Salaman, Successor Trustee  
Estate of Elizabeth A. Ross  
c/o Holland & Kight  
800 17<sup>th</sup> Street  
Washington, DC 20006  
Email: [alban.salaman@hklaw.com](mailto:alban.salaman@hklaw.com)

The Subject Preliminary Plan was approved by the Planning Board on July 22, 2008. Approval of the Subject Plan was valid until August 22, 2019.

The subject Project lies within the Upper Rock Creek Special Protection Area. An existing common-use driveway, serving abutting properties lies within the narrow strip of land by which the subject Property fronts upon and gains access to Rosewood Manor Lane.

Montgomery County Planning Board  
Rosewood Manor Estates  
Preliminary Plan No, 120061020A  
Request for Preliminary Plan Extension  
November 21, 2019, *Rev'd. March 3, 2020, Rev'd. April 16, 2020,*  
*Rev'd. July 13, 2020, Rev'd. July 16, 2020*  
Page -2-

During review of Preliminary Plan No. 120061020, representatives of the Planning Department Staff determined that it would best to remove the existing driveway and construct a new driveway that would serve the existing abutting properties and the 2 new lots being created. This requirement is documented in finding 7 of the staff report and condition 10 of the resolution of the Planning Board's approval of that Preliminary Plan.

The required adjustment to the means of access for the abutting properties required that the abutting property owners concur with the relocation of their driveway and execute various documents to be recorded among the Land Records. Neither of the affected abutting property owners were willing to agree to make such an adjustment. The Developer continued to communicate with the abutting owners, over the next couple of years, but they were not willing to reasonably agree to the relocation of the driveway.

As time went on, the Real Estate Market took a bit of a down turn, and the demand for new homes reduced significantly. The County Council recognized this situation, and saw fit to pass an Ordinance extending the validity time period for Preliminary Plan approvals affected by the market condition.

As the Real Estate Market began a resurgence, the Developer desired to move forward with the project once again. Not being able to obtain agreement for relocation of the existing access driveway, we met with representatives of the Planning Department Staff in January, 2019 in an effort to move forward with the project without having to relocate the existing driveway. Based upon the prior efforts of the Developer, it was agreed that the project could move forward to Record Plat without relocating the existing driveway, and still be within the spirit of the approved Preliminary Plan and in compliance with the requirements of the Upper Rock Creek Special Protection Area.

An updated Record Plat, based upon retaining the existing driveway, was submitted shortly after the meeting with the Planning Department Staff. All Record Plat comments from both Planning Department Staff and the Department of Permitting Services were addressed by May, 2019 with the exception of Recording references for the Conservation Easement and the Ingress Egress Easements. This would have left sufficient time for the Record Plat to be approved by the Planning Board

Montgomery County Planning Board  
Rosewood Manor Estates  
Preliminary Plan No, 120061020A  
Request for Preliminary Plan Extension  
November 21, 2019, Rev'd. March 3, 2020, Rev'd. April 16, 2020,  
Rev'd. July 13, 2020, Rev'd. July 16, 2020  
Page -3-

and Recorded prior to expiration of the Preliminary Plan if these documents could have been signed in a timely manner.

Following the death of her husband, Mrs. Ross created a Trust, naming herself as Trustee and Mr. Alban Salaman as Successor Trustee. Mrs. Ross died on January 18, 2018 leaving Mr. Salaman as the Successor Trustee of the Estate of Elizabeth A. Ross. In accordance Mrs. Ross's Last Will and Testament, the Property had to be transferred from the Elizabeth A. Ross Estate to the Elizabeth A. Ross Trust before any actions could be taken relative to the property.

The Deed conveying the Property from the Elizabeth A. Ross Estate to Mr. Salaman as Successor Trustee of the Elizabeth A. Ross Trust was recorded on June 2, 2019. Mr. Salaman, as Successor Trustee, executed the requisite Ingress Egress Easement on July 2, 2019 and the Conservation Deed of Easement on July 18, 2019. These documents were recorded on July 26, 2019 and August 6, 2019 respectively.

This did not allow sufficient time to complete the Planning Board Approval and Record Plat Recording process prior to expiration of the original Preliminary Plan.

*More recently, the project progress has been slowed due to impacts of the coronavirus. Statewide, jurisdictions have not been holding public hearings or meetings. Additionally, a combined Preliminary and Final WQP has received approval from DPS.*

As a result of the delays incurred, outlined above, we hereby request, on behalf of the Applicant, an extension of the Preliminary Plan approval to December 22, 2020 be granted. This would be a 16 month extension from the expiration date.

Thank you for your consideration of this request.

*Kenneth J. Colbert*

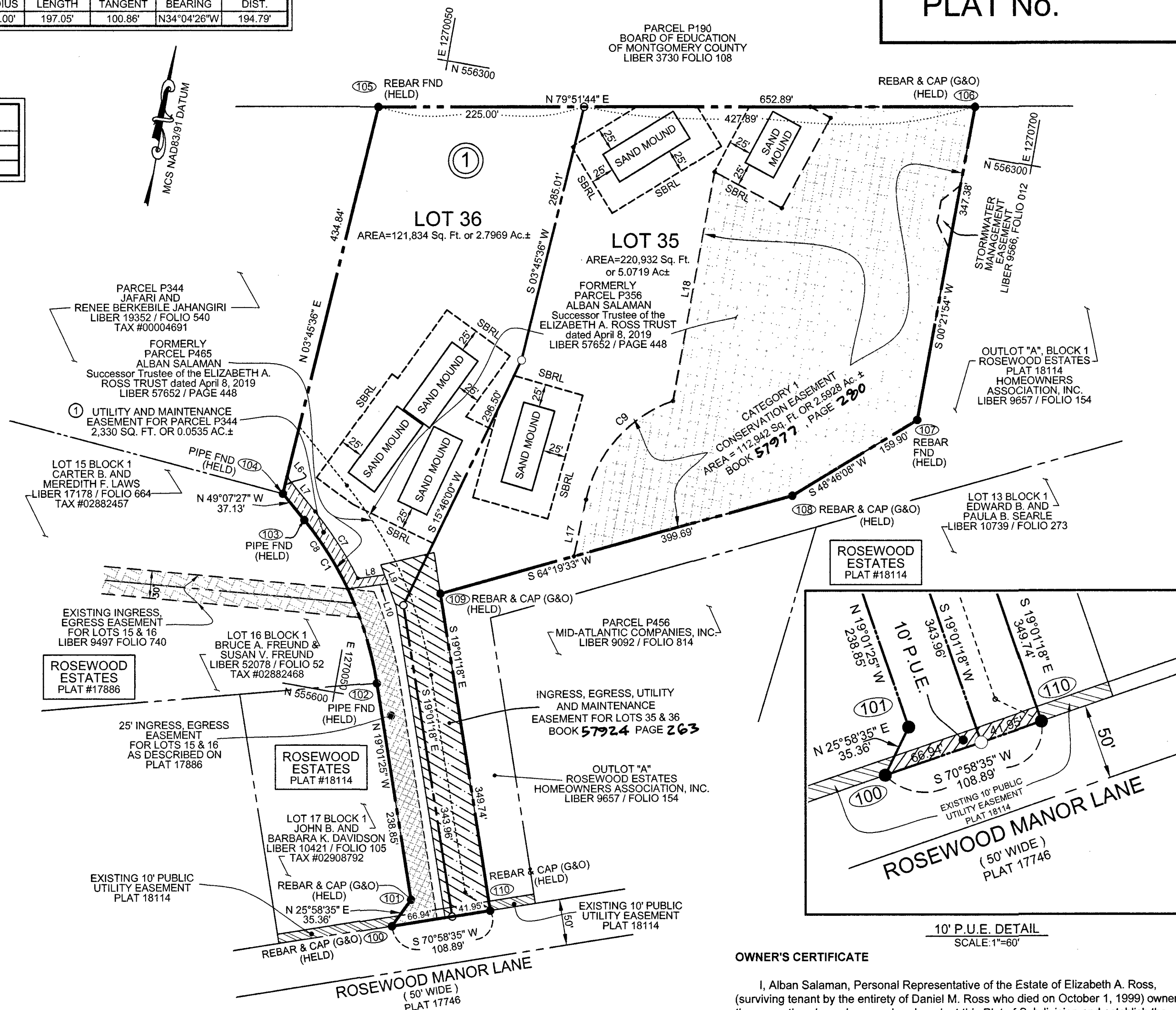
Kenneth J. Colbert, P.E.  
Consultant to  
Colbert Matz Rosenfelt



UTILITY AND MAINTENANCE EASEMENT FOR PARCEL P344 - LINE TABLE		
LINE	BEARING	LENGTH
L6	N03°45'37"E	18.81'
L7	S49°07'27"E	48.48'
L8	N72°04'41"E	29.37'
L9	S30°32'18"E	10.21'
L10	S72°00'14"W	44.11'

UTILITY AND MAINTENANCE EASEMENT FOR PARCEL P344 - CURVE TABLE					
CURVE	RADIUS	LENGTH	TANGENT	BEARING	DIST.
C7	390.00	86.98'	43.67'	N43°03'06"W	86.79'
C8	375.00	89.18'	44.80'	S42°41'01"E	88.97'

BOUNDARY - CURVE TABLE					
CURVE	RADIUS	LENGTH	TANGENT	BEARING	DIST.
C1	375.00'	197.05'	100.86'	N34°04'26"W	194.79'



## GENERAL NOTES

- This Subdivision Record Plat is not intended to show every matter affecting the ownership and use, nor every matter restricting the ownership and use, of the property. The Subdivision Record Plat is not intended to replace an examination of title or to depict or note all matters affecting title.
- 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.
- Property markers located in field marked thus: ● property markers to be set shown thus: ○
- Zoned: RE-1
- Tax Map: GU33
- The lots shown hereon are limited to the uses and conditions as required by Preliminary Plan # 120061020. Any proposed changes in uses will require further planning board review and approval.
- An Ingress, Egress, Utility and Maintenance Easement across part of Parcel P356 and Parcel P465 as shown hereon is to benefit Lots 35 and 36 for the purpose of Ingress, Egress and installation and maintenance of utilities has been recorded in Book 57924, Page 263.
- There is no 100-Year Floodplain located on the subject site.
- Subject site is located on W.S.S.C. 200-Scale sheet 228 NW 7.
- This property is served by public water and private septic systems only. (W1 and S6)
- Septic building restriction lines are subject to change with Montgomery County Department of Permitting Services Approval.
- Septic Area for Lot 35 is Approved for a three (3) bedroom house and Septic Area for Lot 36 is Approved for a six (6) bedroom house.

## OWNER'S CERTIFICATE

I, Alban Salaman, Personal Representative of the Estate of Elizabeth A. Ross, (surviving tenant by the entirety of Daniel M. Ross who died on October 1, 1999) owner of the properties shown hereon, hereby adopt this Plat of Subdivision and establish the Minimum Building Restriction Lines.

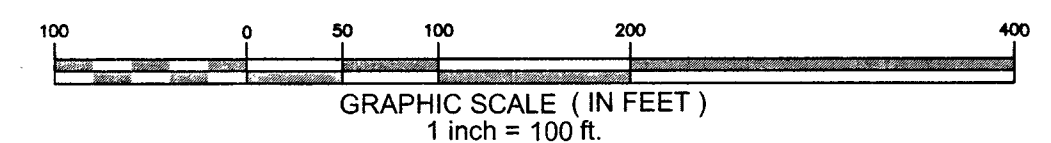
I further grant a "Utility and Maintenance Easement" for Parcel P344 designated hereon, for the purpose of installation, maintenance and repair of a water service line and meter, subject to terms and provisions to be set forth in a document to be recorded among the land records of Montgomery County, Maryland hereafter.

I further grant to those parties listed in that certain declaration recorded in Liber 3834 at Folio 457 among the Land Records of Montgomery County, Maryland the 10 foot wide Public Utility Easements designated hereon as 10' P.U.E. subject to the terms and provisions for Public Utility Easements indicated within said declaration.

The Owner's or their successors and assigns will cause all property corners markers and any other required monuments, to be set by a Registered Maryland Land Surveyor, in accordance with Section 50.4.3.G of the Montgomery County Code.

There are no suits, actions, trust, liens or leases affecting the property included in this subdivision plat.

*Alban Salaman, Trustee* 7/18/2019  
ALBAN SALAMAN, Successor Trustee of the ELIZABETH A. ROSS TRUST dated December 17, 1998



## SURVEYOR'S CERTIFICATE

I hereby certify the Plat shown hereon is correct, that it is a subdivision of all that land conveyed to Alban Salaman, Successor Trustee of the Elizabeth A. Ross Trust by a deed dated April 8, 2019 and recorded among the Land Records of Montgomery County, Maryland in Liber 57652, Page 448.

I hereby certify that, once engaged as described in the Owner's Certificate hereon, all property markers and other boundary markers as shown thus: ○ will be set in accordance with the requirements of Section 50.4.3.G of the Montgomery County Code.

The total area included in this Subdivision Plat is 342,766 Square Feet or 7.8688 Acres, none of which is to be dedicated to public use.

*Thomas M. Hoffman, Jr.* 6/27/19  
Thomas M. Hoffman, Jr. Date  
MD Registered Property Line Surveyor No. 267  
Expires: July 28, 2020

## LEGEND

①	UTILITY AND MAINTENANCE EASEMENT FOR PARCEL P344	
	INGRESS, EGRESS, UTILITY AND MAINTENANCE EASEMENT FOR LOTS 35 & 36	
	10' PUBLIC UTILITY EASEMENT (P.U.E.)	
	CATEGORY 1 CONSERVATION EASEMENT	
	EXISTING 10' PUBLIC UTILITY EASEMENT (PUE) PLAT NO. 18114	
	EXISTING INGRESS, EGRESS EASEMENT FOR LOTS 15 & 16 LIBER 9497 FOLIO 740	
	25' INGRESS, EGRESS EASEMENT FOR LOTS 15 & 16 AS DESCRIBED ON PLAT 17886	

PLAT CORNER COORDINATES		
NUMBER	NORTHING	EASTING
100	555360.5540	1270156.2680
101	555392.3417	1270171.7558
102	555618.1469	1270093.9013
103	555779.4971	1269984.7667
104	555803.7929	1269956.6951
105	556237.6973	1269985.2116
106	556352.6182	1270627.9123
107	556005.2452	1270625.6999
108	555899.8552	1270505.4462
109	555726.6898	1270145.2211
110	555396.0473	1270259.2110

The Maryland National Capital Park and Planning Commission  
Montgomery County Planning Board

Approved: \_\_\_\_\_

Chairman

Assistant Secretary Treasurer

M.N.C.P. & P.C. Record File No.

Montgomery County Department of  
Permitting Services

Approved: \_\_\_\_\_

Director

Recorded: \_\_\_\_\_

Plat Number: \_\_\_\_\_

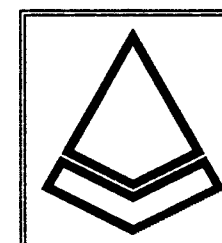
Colbert Matz Rosenfelt

Engineers \* Surveyors \* Planners

2835 Smith Avenue, Suite G  
Baltimore, Maryland 21209

Telephone: (410) 653-3838

Facsimile: (410) 653-7953



SCALE: 1" = 100'

DATE: June 27, 2019

JOB NO.: 2003-092

DESIGNED: CMR

DRAWN: TRB / AKC / KJC

CHECKED: TMH

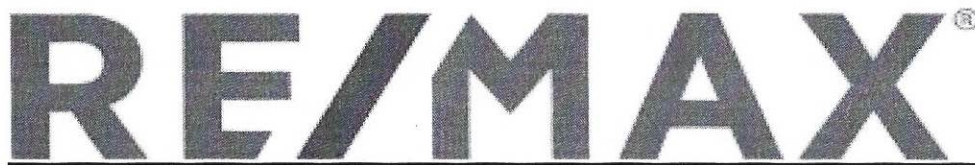
FILE: 2003092 REC PLAT

SHEET 1 OF 1

SUBDIVISION RECORD PLAT  
ROSEWOOD ESTATES  
LOTS 35 AND 36, BLOCK 1

1st ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND





**Rosewood Manor, Laytonsville, MD**

Per request from my client Mr. James Unger, President of Allen Roy Builders, Inc., I delivered the "Access, Utility and Maintenance Easement and Agreement" documents as follow:

**July 15, 2017-** I delivered the document to Mr. Law with my business card and explained it. He Said that he will discuss with other two neighbors and will let me know. He also mentioned that Mr. Freund is out of town and is not sure when he will return since he had a house in Florida that was damaged by storm.

I knocked on Mr. Davidson's and no one answered. The same with Mr. Jahangiri.

**July 18, 2017-** I delivered the document to Mr. Davidson as he was coming home in his drive way and he said he will discuss with his neighbors and let me know. Mr. Freund was not home. I also delivered the document with my business card to Mr. Jahangiri's son and he said his parents are not home but will give them the envelope with document and my business card when they arrive home.

**July 24, 2017-** I drove to all 4 residences and no one answered.

Prior to end of the month I left a voice message for Mr. Law since he gave his business card to Me.

**August 21, 2017-** I tried again. Mr. Law had questions and concerns about utility being cut off and it will cost him. I assured him that it will not be cut off evening time and if any will be between 9:00am to 5:00pm before they get home. He said they did not have a chance to discuss this together with neighbors being summer and vacation but will let me know. Other neighbors were not home.

**August 22, 2017-** I returned to see if I can see Mr. Freund but was not successful. I knocked on

Mr. Davidson and young man assuming may be his son said he is not available. I also went to Mr. Jahangiri's house and a young lady voice from inside asked who it is and when I introduced myself that she said they are not home and background was a dog barking as well. As I was walking to my car she opened and yelled don't come back here again. It was dark and could hear the dog so I got to my car and drove away.

**August 26, 2017-** I went back and met Mr. Freund and gave the document to him and explained it. He said he will not sign this since he does not want to lose any trees and will talk with neighbors. "I will not sign this document" repeated.

**September 7, 2017-** I went and knocked on door of Mr. Law, Freund and Davidson with no luck. Just checking to see if they had signed this.

I went there twice (once during am and another at pm).

**September 8, 2017-** I made another attempt with no luck.

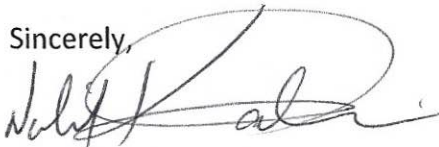
**September 24, 2017-** Another attempt was made with no success in reaching them.

**November 2, 2017-** I went to all those residences and no one answered

**November 30, 2017-** I went to all those residences and no one answered

Few times I thought someone may be home due to seeing cars in drive way or lights being on but no one answered the door.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nahid Kiani-Anaraki', written over a horizontal line.

Nahid Kiani-Anaraki

(301)675-6762



## Rosewood Estates Homeowners Association, Inc.

**Officers:**

Warren Simonsen, President  
 Matt Yates, Vice President  
 Beth Smith, Treasurer  
 David Stephenson, Secretary  
 John Moran, Comm. Liaison

February 10, 2020

Montgomery County Planning Board  
 8787 Georgia Ave, 2nd floor  
 Silver Spring, MD 20910

Attn: Jonathan Casey

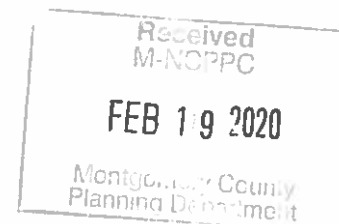
Mr. Casey,

I am writing to you on behalf of the Rosewood Estates Homeowner's Association (Code HO1352) to express several concerns regarding Preliminary Plan No. 12006102A. Our neighborhood is adjacent to two residential homes that are proposed to be constructed on Lots 35 and 36. At our recent annual homeowner's meeting, three aspects of the proposed construction resulted in a lengthy discussion that raised serious concerns with the members of our neighborhood.

Our first concern involves the proposal to eliminate a portion of the existing shared driveway to Lots 15 and 16 and the relocation of the driveway to a consolidated driveway to be shared with the owners of Lots 35 and 36. The current owners of Lots 15 and 16 hold a *perpetual easement for their existing driveway, and they adamantly oppose sharing a new driveway with two new property owners for logistical, financial and architectural reasons.* Second, the current driveway is lined with 30-year old maple trees. The proposed plan that was previously provided to adjacent lot owners and our homeowner's association, had a note that the trees closest to the new driveway would be "removed as required". One of the attractive features of our neighborhood is the double tree line along the entire existing driveway that would be destroyed by removal of some of those trees. Our third concern involves the proposed location of a sand mound septic system for Lot 35 that is located in a buffer zone for wetlands. The wetlands are the headwaters for Rock Creek. We are concerned that contamination may flow into the pond owned by our homeowner's association resulting in a loss of fish and wildlife as well as potential liability caused by pollution to downstream properties.

We would appreciate your consideration of our concerns during the review process for the proposed plan. If you have any questions, please call me on my cell (302-641-5435). Thank you for your time and assistance.

s/ Warren P. Simonsen 2/10/2020  
 Warren P. Simonsen Date  
 President, Rosewood Estates  
 Homeowners Association, Inc.



**From:** [Benham, Heidi](#)  
**To:** [Casey, Jonathan](#); [Galanko, Leo](#); [Kishter, Mary Jo](#)  
**Subject:** RE: Rosewood Manor Lane (CMR Contract No.: 2003-092) Updated SWM Computations SM File #224440  
**Date:** Thursday, May 14, 2020 9:32:25 AM  
**Attachments:** [image001.png](#)

Thanks for sending the plan. The reserve mound in question is within the 150' buffer from the wetland, however, 150' buffers do not apply to onsite sewage disposal systems. As long as the sand mound (not including the 25' SBRL) is at least 100' from all bodies of water then it is in compliance. It appears the mound is at least 200' from the edge of the pond and over 100' from the wetland. Such a separation distance would not raise concerns about contamination of the pond if or when the sand mound fails. Typically when a mound fails the effluent leaks out to the immediate area since the failure occurs at the aggregate sand interface in the mound and is not usually soil related.

Please let me know if you have any other questions.

Heidi Benham  
 Manager, Well and Septic  
 Dept. of Permitting Services  
 255 Rockville Pike, 2<sup>nd</sup> floor  
 Rockville, MD 20850  
 240-777-6318

---

**From:** Casey, Jonathan <[Jonathan.Casey@montgomeryplanning.org](mailto:Jonathan.Casey@montgomeryplanning.org)>  
**Sent:** Wednesday, May 13, 2020 2:40 PM  
**To:** Galanko, Leo <[Leo.Galanko@montgomerycountymd.gov](mailto:Leo.Galanko@montgomerycountymd.gov)>; Kishter, Mary Jo <[maryjo.kishter@montgomeryplanning.org](mailto:maryjo.kishter@montgomeryplanning.org)>  
**Cc:** Benham, Heidi <[Heidi.Benham@montgomerycountymd.gov](mailto:Heidi.Benham@montgomerycountymd.gov)>  
**Subject:** RE: Rosewood Manor Lane (CMR Contract No.: 2003-092) Updated SWM Computations SM File #224440

**[EXTERNAL EMAIL]**

Thanks. I've attached a copy of the plan for reference.

**Jonathan Casey**  
 Senior Planner | Area 3

---

**From:** Galanko, Leo <[Leo.Galanko@montgomerycountymd.gov](mailto:Leo.Galanko@montgomerycountymd.gov)>  
**Sent:** Wednesday, May 13, 2020 2:31 PM  
**To:** Casey, Jonathan <[Jonathan.Casey@montgomeryplanning.org](mailto:Jonathan.Casey@montgomeryplanning.org)>; Kishter, Mary Jo <[maryjo.kishter@montgomeryplanning.org](mailto:maryjo.kishter@montgomeryplanning.org)>  
**Cc:** Benham, Heidi <[Heidi.Benham@montgomerycountymd.gov](mailto:Heidi.Benham@montgomerycountymd.gov)>  
**Subject:** RE: Rosewood Manor Lane (CMR Contract No.: 2003-092) Updated SWM Computations SM File #224440

I have never heard of a problem like that. I have "cc" Heidi Benham (Well and Septic) also in case she has any issues with this (she would need to see a plan for locations). As I remember the pond is far away (100'+) and is a only for SWM treatment not recreational.

**Leo M. Galanko, CPESC, CPSWQ**  
**Special Protection Area Coordinator**  
 Land Development/Water Resources  
 Montgomery County Department of Permitting Services  
 255 Rockville Pike, Rockville Maryland 20850-4166  
 Phone (240) 777-6242  
[leo.galanko@montgomerycountymd.gov](mailto:leo.galanko@montgomerycountymd.gov)

---

**From:** Casey, Jonathan <[Jonathan.Casey@montgomeryplanning.org](mailto:Jonathan.Casey@montgomeryplanning.org)>  
**Sent:** Wednesday, May 13, 2020 1:34 PM  
**To:** Galanko, Leo <[Leo.Galanko@montgomerycountymd.gov](mailto:Leo.Galanko@montgomerycountymd.gov)>; Kishter, Mary Jo <[maryjo.kishter@montgomeryplanning.org](mailto:maryjo.kishter@montgomeryplanning.org)>  
**Subject:** RE: Rosewood Manor Lane (CMR Contract No.: 2003-092) Updated SWM Computations SM File #224440

**[EXTERNAL EMAIL]**

Hi Leo,

We do not have any reason to deny. They are proposing a limited increase in imperviousness from what was previously approved, and the hard impervious cap doesn't apply since they aren't utilizing public sewer.

On a slightly different note, the community association did express some concern that the northeast reserve sand mound is partially in the buffer (it was approved this way) and that it could potentially contaminate the pond if it failed. Have you every heard of a scenario like that? I assume contamination is unlikely and failure, if it were to occur could be reasonably contained with little impact to the surrounding area.

Thanks,

**Jonathan Casey**  
 Senior Planner | Area 3

---

**From:** Galanko, Leo <[Leo.Galanko@montgomerycountymd.gov](mailto:Leo.Galanko@montgomerycountymd.gov)>  
**Sent:** Wednesday, May 13, 2020 1:22 PM  
**To:** Kishter, Mary Jo <[maryjo.kishter@montgomeryplanning.org](mailto:maryjo.kishter@montgomeryplanning.org)>  
**Cc:** Casey, Jonathan <[Jonathan.Casey@montgomeryplanning.org](mailto:Jonathan.Casey@montgomeryplanning.org)>