

Date of mailing: March 11, 1996



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

Action: Approved Staff Recommendation with Modifications  
(Motion of Comm. Baptiste, seconded by Comm. Richardson, with  
a vote of 3-0; Comms. Baptiste, Richardson, and Hussmann voting  
in favor, with Comms. Aron and Holmes being absent).

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-96048  
NAME OF PLAN: GREENTREE ESTATES, LOTS 1-9

On 12-18-95, TAMARA CORPORATION, submitted an application for the approval of a preliminary plan of subdivision of property in the R200 zone. The application proposed to create 9 lots on 5.30 ACRES of land. The application was designated Preliminary Plan 1-96048. On 03-07-96, Preliminary Plan 1-96048 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-96048 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-96048, subject to the following conditions:

Approval, including waiver of internal sidewalk, subject to:

- (1) Compliance with Environmental Planning Division approval regarding the requirements of the forest conservation legislation (as part of the preliminary plan). Applicant must satisfy all conditions prior to recording of plat or MCDEP issuance of sediment and erosion control permit, as appropriate (submit final Forest Conservation Plan for technical staff approval prior to recording of plats)
- (2) Dedication of Greentree Road for 60' right-of-way
- (3) Prior to recording of plats, submit verification of MCDEP stormwater management approval in compliance with concept dated 3/7/96
- (4) Record plat to reflect delineation of conservation easements over the areas of tree preservation
- (5) Access and improvements as required by MCDOT
- (6) Other necessary easements

- (7) This preliminary plan will remain valid until April 11, 1999 (37 months from the date of mailing which is March 11, 1996) Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.



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

MCPB No. 13-158  
Preliminary Plan No. 11996048A  
Greentree Estates, Lot 3  
Date of Hearing: November 14, 2013

NOV 18 2013

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, the Planning Board, by Opinion dated March 11, 1996, approved Preliminary Plan No. 119960480, creating 9 lots on 5.3 acres of land in the R200 zone, including Lot 3 located at 9704 Carmel Court ("Subject Property"), in the Potomac Policy Area, Potomac Subregion master plan ("Master Plan") area; and

WHEREAS, on May 5, 2011, Thomas M. Hurson ("Applicant"), filed an application for an amendment to the previously approved preliminary plan to modify the Category I Conservation Easement on the Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11996048A, Greentree Estates, Lot 3 ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 1, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on November 14, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 11996048A to modify the Category I Conservation Easement on

Approved as to  
Legal Sufficiency

*Christina Sorensen* 11/16/13  
MNCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

the Subject Property by adding the following conditions:<sup>1</sup>

1. The Applicant must submit a complete record plat application within ninety (90) days of the mailing of the Planning Board Resolution approving the limited amendment to the Preliminary Plan that delineates the revised Category I conservation easement. The existing conservation easement remains in full force and effect until the record plat is recorded in the Montgomery County Land Records by the Applicant.
2. The record plat must reference the standard Category I conservation easement as recorded at liber 13178, folio 412 in the Land Records for Montgomery County, Maryland over the areas identified to remain under easement, as shown on the amended final forest conservation plan.
3. The Applicant must submit a Certificate of Compliance to use an M-NCPPC approved offsite forest mitigation bank within ninety (90) days of the mailing of the Planning Board Resolution approving Preliminary Plan No. 11996048A. The Certificate of Compliance must provide 0.04 acres (1,768 square feet) of mitigation credit for the removal of 0.02 acres (884 square feet) of Category I conservation easement. The Applicant must delineate the revised Category I conservation easement boundary on the property with permanent easement markers and appropriate signage as shown on Preliminary Plan No. 11996048A no later than ninety (90) days from the recordation of the record plat and the new conservation easement.
4. All other conditions of Preliminary Plan No. 119960480 and Forest Conservation Plan No. 119960480 that were not modified herein, as contained in the Planning Board's Opinion dated March 11, 1996, remain in full force and effect.

BE IT FURTHER RESOLVED, that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED, that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.*
2. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The Applicant is mitigating the removal of 884 square feet of Category I conservation easement with the purchase of credits in an off-site forest conservation bank at a 2:1 planting ratio. The mitigation meets the requirements of the Forest Conservation Law and complies with the Planning Board's policy for easement removal.

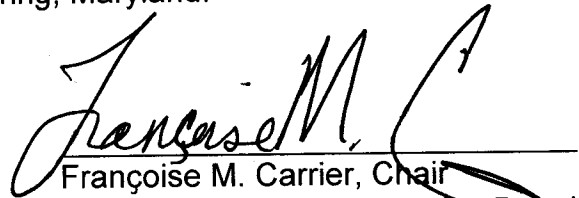
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 18 2013 (which is the date that this Resolution is mailed to all parties of record); and

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).

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**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 Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, November 14, 2013, in Silver Spring, Maryland.

  
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Françoise M. Carrier, Chair  
Montgomery County Planning Board

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