

**14915 MOUNT NEBO ROAD, ADMINISTRATIVE
SUBDIVISION PLAN NO. 620230130 AND FOREST
CONSERVATION PLAN NO. F20230440**

Administrative Subdivision Plan to create one lot greater than 5 acres in the Agriculture Reserve (AR) zone for one single-family detached unit.

No. 620230130

Completed: 11-3-2023

MCPB
Item No. 7
November 16, 2023

2425 Reddie Drive
Floor 14
Wheaton, MD 20902

Planning Staff



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LOCATION/ADDRESS

14915 Mount Nebo Road, on the east side of Mount Nebo Road, approximately 4,600 feet south of West Offutt Road

MASTER PLAN

1980 *Preservation of Agriculture & Rural Open Space Functional Master Plan*

ZONE

AR Zone

PROPERTY SIZE

10.07 acres

APPLICANT

Ioana Ballinger

ACCEPTANCE DATE

July 26, 2023

REVIEW BASIS

Ch. 59, 50 and 22A

Summary:

- Although this Application is an Administrative Subdivision Plan under Section 50.6.1.B of the Code, typically acted on by the Director, approval of a lot greater than 5 acres in the AR zone requires Planning Board action.
- The Subject Property qualifies for an exemption from the minimum lot area requirements and lot width requirements of the AR zone under Section 59.7.7.1.D.9. of the Zoning Ordinance.
- The Application substantially conforms to the 1980 *Preservation of Agriculture and Rural Open Space Functional Master Plan* by preserving a large contiguous area of open space (forest) while subdividing for one single-family detached house.
- The Forest Conservation Plan meets the requirements of Chapter 22A.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

ADMINISTRATIVE SUBDIVISION PLAN NO. 620230130

Staff recommends approval with conditions of the Administrative Subdivision Plan No. 620230130 to create one lot for one detached dwelling unit. All site development elements shown on the latest electronic version of the Administrative Subdivision Plan No. 620230130 as of the date of this Staff Report submitted via ePlans to the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) are required except as modified by the following conditions:

GENERAL APPROVAL

1. This Administrative Subdivision Plan is limited to one lot for one detached dwelling unit.

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

2. The Adequate Public Facilities (“APF”) review for the Administrative Subdivision Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

PLAN VALIDITY PERIOD

3. The Administrative Subdivision Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Administrative Subdivision Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated October 30, 2023, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section in its

stormwater management concept letter dated August 1, 2023, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.

7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services, Fire Department Access and Water Supply Section in its letter dated September 28, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Administrative Subdivision Plan approval.
8. Before approval of the record plat, the Applicant must obtain approval of a Well and Septic Plan from the Montgomery County Department of Permitting Services, Well and Septic Section for the proposed private well and septic system.

TRANSPORTATION

Existing Frontage Improvements

9. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a) Approximately 0.42 acres of land as necessary to accommodate thirty-five feet (35) from the existing pavement centerline along the Subject Property frontage for Mount Nebo Road.

RECORD PLATS

10. There shall be no clearing or grading of the site prior to recordation of plat(s).
11. The Applicant must include with the submission of each record plat an affidavit to verify the availability of a TDR for each lot shown on that plat. Include a note referencing the affidavit on record plat.

Easements

12. The record plat must show necessary easements.

Notes and Labels

13. Any record plat for the Subject Property must contain the following note:

Agriculture is the preferred use in the AR Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the Zone.

CERTIFIED ADMINISTRATIVE SUBDIVISION PLAN

14. The certified Administrative Subdivision Plan must contain the following notes:
- a) *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 Administrative Subdivision 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.*
 - b) *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Administrative Subdivision Plan is required to be on-site at all times.*
15. Prior to submittal of the Certified Administrative Subdivision Plan, the Applicant must make the following changes:
- a) Show resolutions and approval letters on the certified set.
 - b) Include the approved Fire and Rescue Access plan in the certified set.

PRELIMINARY/ FINAL FOREST CONSERVATION PLAN NO. F20230440

1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
4. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application, the Applicant must:
 - a) Record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
 - b) Install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.

- c) Install the permanent conservation easement fencing along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
- 5. Prior to the certification of the FFCP the applicant must relocate the “path to studio” along the southern property line to avoid fracturing of the forest.

SECTION 2: SITE DESCRIPTION

LOCATION AND VICINITY

The Subject Property is located at 14915 Mount Nebo Road, on the east side of Mount Nebo Road, approximately 4,600 feet south of West Offutt Road (“Property” or “Subject Property”). The Subject Property is approximately 2.15 miles southwest of the Town of Poolesville and approximately 1.3 miles east of the Potomac River. The Property is also within the Rural West Policy Area and the 1980 *Preservation of Agriculture & Rural Open Space (AROS) Functional Master Plan* (“Master Plan”) area.

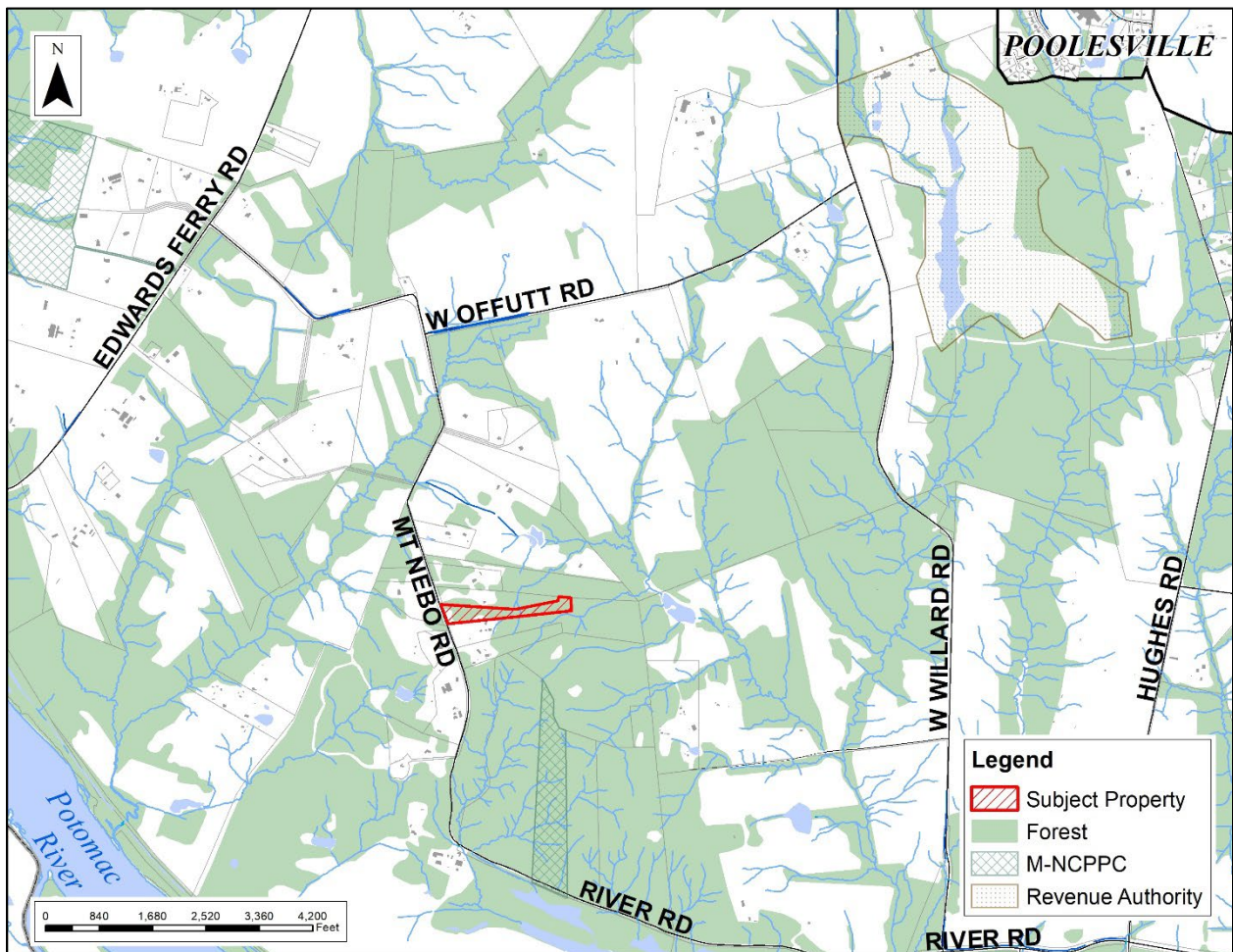


Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The Subject Property consists of 10.07 acres of AR zone land, identified as Parcel P883 (Book 65037 Page 182) on Tax Map BS51. The Property is unimproved other than an existing shed.

As depicted in the figures below, all land surrounding the Subject Property is zoned AR. The predominant land uses are residential and agriculture, with large, forested areas, crop fields and equestrian paddocks.

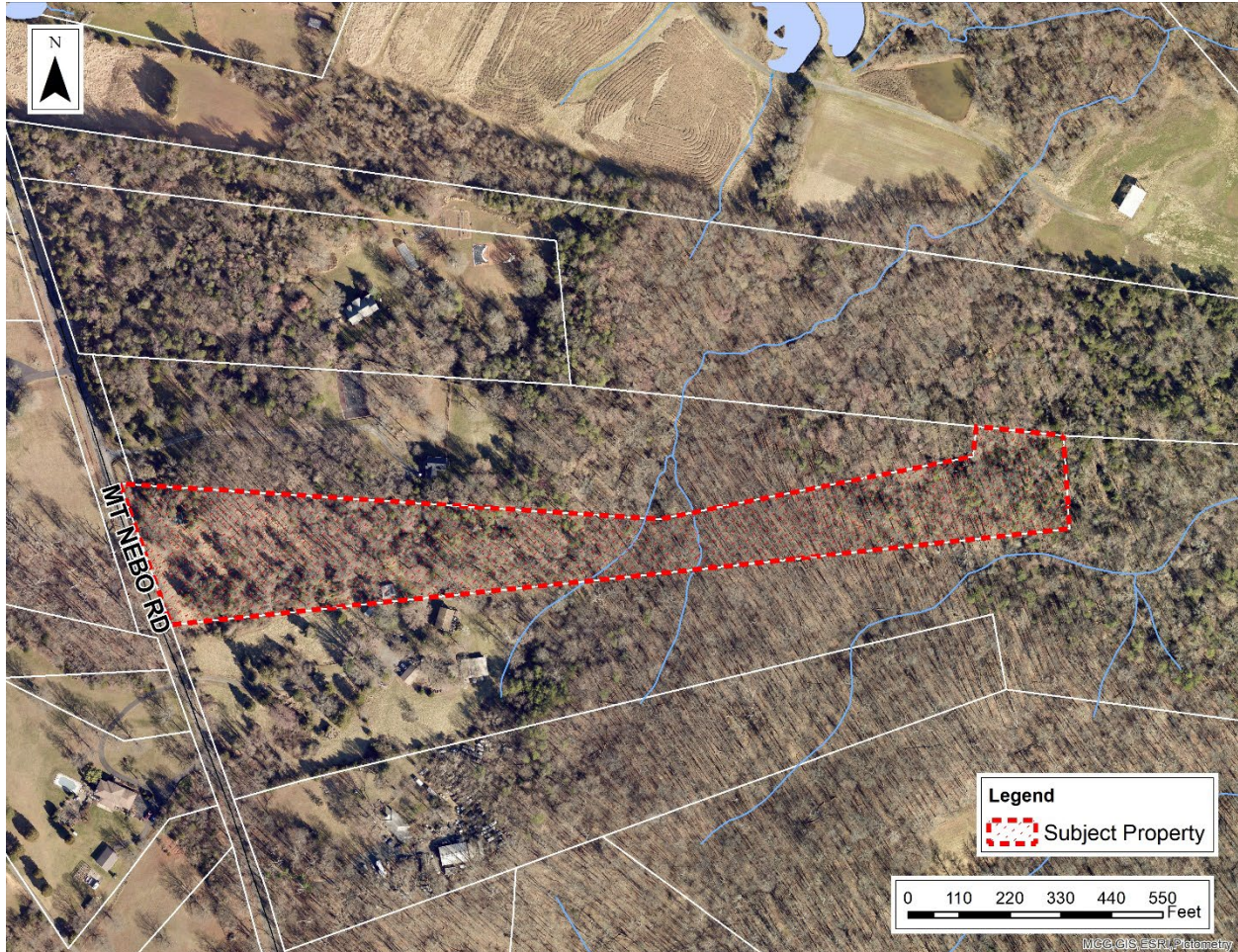


Figure 2 – Aerial View of the Subject Property (2023)

The Subject Property is located within the Horsepen Branch Watershed, classified by the State of Maryland as Use Class I-P waters. Approximately 8.17 acres of the Subject Property is forest. There is a portion of the Property adjacent to Mount Nebo Road that is relatively flat and unforested, where an existing shed is located.

There is one stream on the Property that runs north to south through the existing forest on the eastern half of the Property. There are no wetlands, seeps, springs or other environmental features on the Subject Property.

SECTION 3: PROJECT DESCRIPTION

PROPOSAL

On July 26, 2023, Iona Ballinger (“Applicant”) filed an administrative subdivision plan application designated, “14915 Mount Nebo Road,” Administrative Subdivision Plan No. 620230130 (“Administrative Plan” or “Application”) (Attachment A). An associated Preliminary/Final Forest Conservation Plan, No. F20230440, was filed concurrently with the Administrative Subdivision Plan (Attachment B).

The Application proposes to convert an existing unrecorded parcel into one lot, approximately 9.65 acres in size, to accommodate one new detached dwelling unit, an accessory studio and the existing shed, which is being retained.

The new house will be constructed in the open area of the Property, south of the existing shed. The studio will be constructed within the existing forest, which, as conditioned will be accessible from the rear yard via a natural surface trail (unpaved). A new 10-foot-wide asphalt driveway will be constructed near the south Property line to access Mount Nebo Road, a Rustic Road. The Applicant is dedicating 0.42 acre of land to public right-of-way for Mount Nebo Road.

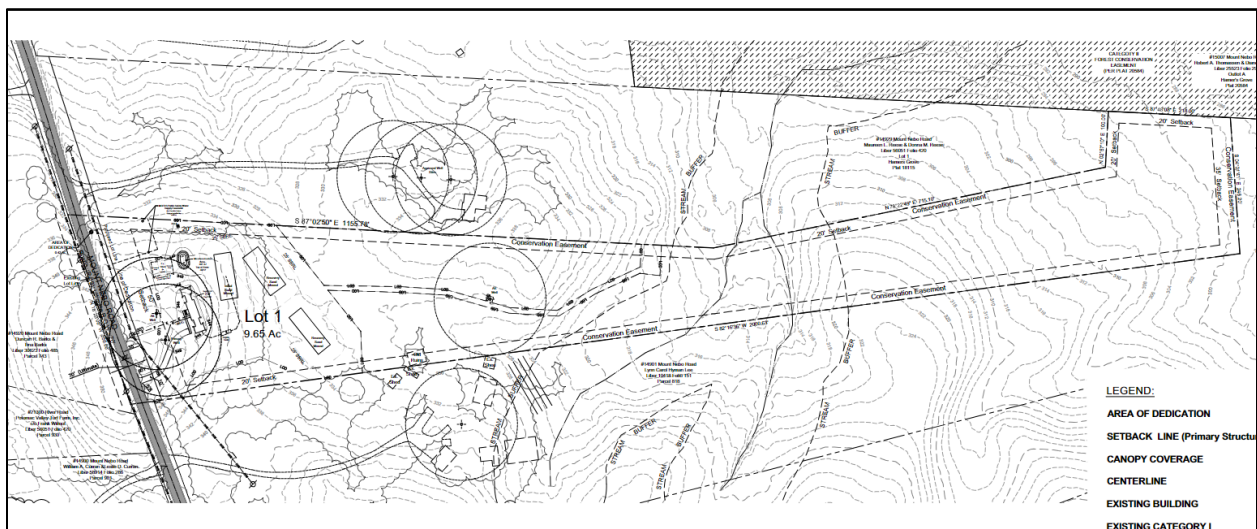


Figure 3 – Administrative Subdivision Plan

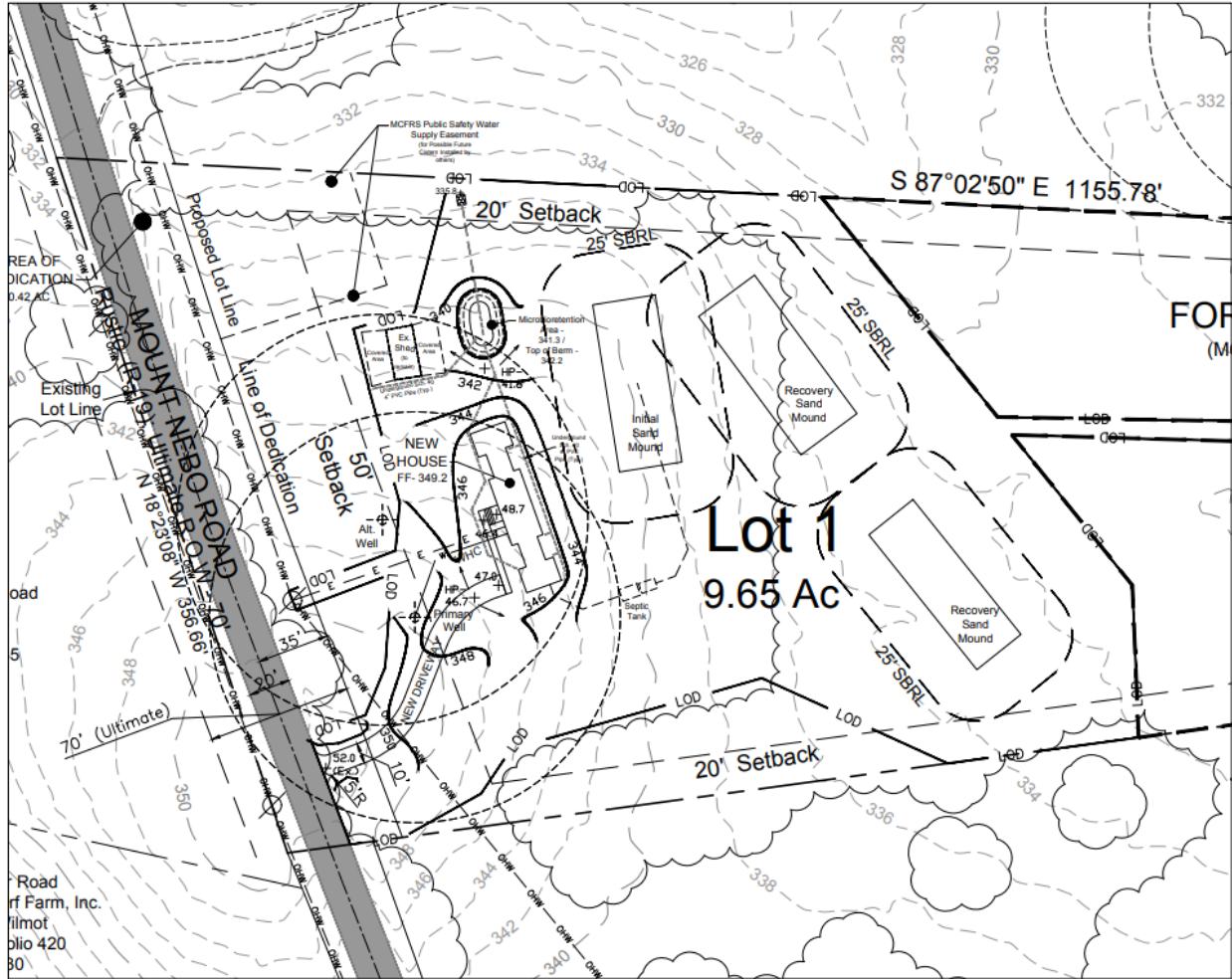


Figure 4 – Administrative Subdivision Plan - Proposed House Location

There are existing overhead electrical lines within the proposed right-of-way that the new house will tie into. A new well and sand mound septic system will be installed to serve the lot. Stormwater management will be met on-site using micro-bioretenion.

The Application includes a tree variance to impact one specimen tree, which is necessary to construct the new driveway. Of the 8.17 acres of forest on-site, 1.22 acres of forest will be cleared, and 6.95 acres will be retained in Category I Conservation Easements. The proposed studio and natural surface trail will be located outside of the Forest Conservation Easement.

SECTION 4: COMMUNITY OUTREACH

A pre-submittal community meeting is not required for an Administrative Subdivision Plan. However, applicants must post signs on the development site and provide written public notice. A notice of the Application was sent to all required parties by the Applicant on July 25, 2023. The notice gave the interested parties 15 days to review and comment on the contents of the Application.

As of date of this Staff Report, no correspondence has been received.

SECTION 5: ADMINISTRATIVE SUBDIVISION PLAN 620230130 FINDINGS AND ANALYSIS

APPLICABILITY, SECTION 50.6.1 OF THE SUBDIVISION ORDINANCE

The Application meets the criteria for the Administrative Subdivision process per Section 50.6.1.B as demonstrated below:

B) Subdivision for creation of certain residential lots located in the Agricultural Reserve zone. Up to 5 lots for detached houses may be created under these procedures in the AR zone if:

1. written approval for a proposed well and septic area is received from the Department of Permitting Services before approval of the plat;

As conditioned, before approval of the record plat, the Applicant must obtain approval of a Well and Septic Plan from the MCDPS, Well and Septic Section for the proposed private well and septic system.

2. any required road dedications and public utility easements along the frontage of the proposed lots are shown on the record plat, and the applicant provides any required improvements;

The Property has frontage on one road, Mount Nebo Road, which is classified as *Rustic Road (R-19)* with an ultimate right-of-way of 70 feet. The Applicant is dedicating 0.42 acres of land which is sufficient to achieve the ultimate right-of-way width on Mount Nebo Road (35 feet from the existing centerline). All necessary dedications and public utility easements will be shown on the record plat.

3. the requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat;

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations, as discussed in Findings Section below.

- 4. a covenant is recorded for the unplatted balance of the tract noting that density and development rights have been used for the new lots and noted on the record plat for the lots;**

This criterion is not applicable, because the entire tract of land subject to the Application is being recorded as a buildable lot and recorded on a record plat.

- 5. lots created in the AR zone through this procedure are 5 acres or less, unless approved by the Board; and**

The proposal to convert the existing 10.07-acre parcel into a lot that exceeds the 5-acre lot size limit and requires Planning Board action. The lot shape and proposed house location, on the unforested area on the west side of the Property, allows for maximum retention of a large contiguous area of high priority forest, including a stream. After dedication, the proposed lot will be 9.65 acres.

- 6. forest conservation plan approval and stormwater management and environmental protection requirements, if applicable, are satisfied before approval of the plat.**

The Application is subject to the requirements of Chapter 22A. As conditioned and discussed below in the Technical Review for Forest Conservation section, the Application satisfies the forest conservation requirements.

The Application received approval of a Stormwater Management Concept Plan from the MCDPS, dated August 1, 2023, per Chapter 19 of the County Code. The Stormwater Management Concept demonstrates that stormwater will be managed through bio-retention (Attachment C).

FINDINGS REQUIRED BY SECTION 50.6.3.C, INCLUDING TECHNICAL REVIEW CRITERIA OF SECTION 50.4.3 OF THE SUBDIVISION ORDINANCE

- 1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.**

The Administrative Subdivision Plan meets all applicable sections of the Subdivision Regulations. The proposed lot size, width, shape and orientation is appropriate for the location of the subdivision, taking into account the exemption from the minimum lot area and width of the AR zone and the recommendations of the Master Plan, the existing lot pattern of surrounding properties, and the proposed single residential detached dwelling

contemplated for the Property. The Application does not propose any new residential blocks.

Density if the AR Zone

Per Section 59.4.2.1.F of the Zoning Ordinance, only one single-family dwelling unit per 25 acres is permitted in the AR zone. A development right has to be retained for each single-family dwelling. The Subject Property is approximately 10.07 acres in size and would have been assigned two TDRs (one TDR/5 acres) in 1981, when the property was rezoning RDT (now AR).

Exemption

The 10.7 acre Property cannot be platted under the current AR zoning standards, however, the Subject Property qualifies for an exemption under Section 7.7.1.D.9. of the Zoning Ordinance, *Exempted Lots and Parcels in the Agricultural Zone*, which states that a parcel in the Agricultural Reserve, created before January 6, 1981, is exempt from the minimum lot area and lot width requirements of the AR zone, but must satisfy the requirements of the applicable zone before it's classification into the AR zone.

According to the following deed history submitted by the Applicant (Attachment D), and verified by Staff, the 10.07 Subject Property was created on January 2, 1977. As shown in Figure 5, the Mackenzie Property/Parent Tract was created by deed on July 1, 1953, recorded in Book 1811 and Page 484. The Subject Property is the remaining piece of the parent tract after 24 acres was deeded (Book 3427/Page 085) on October 25, 1965 and 30.17 acres was deeded (Book 4898/Page 239) on January 21, 1977, leaving the Subject Property as a remainder. Parcel 158 has been in the same size, shape, and configuration since prior to January 2, 1977.

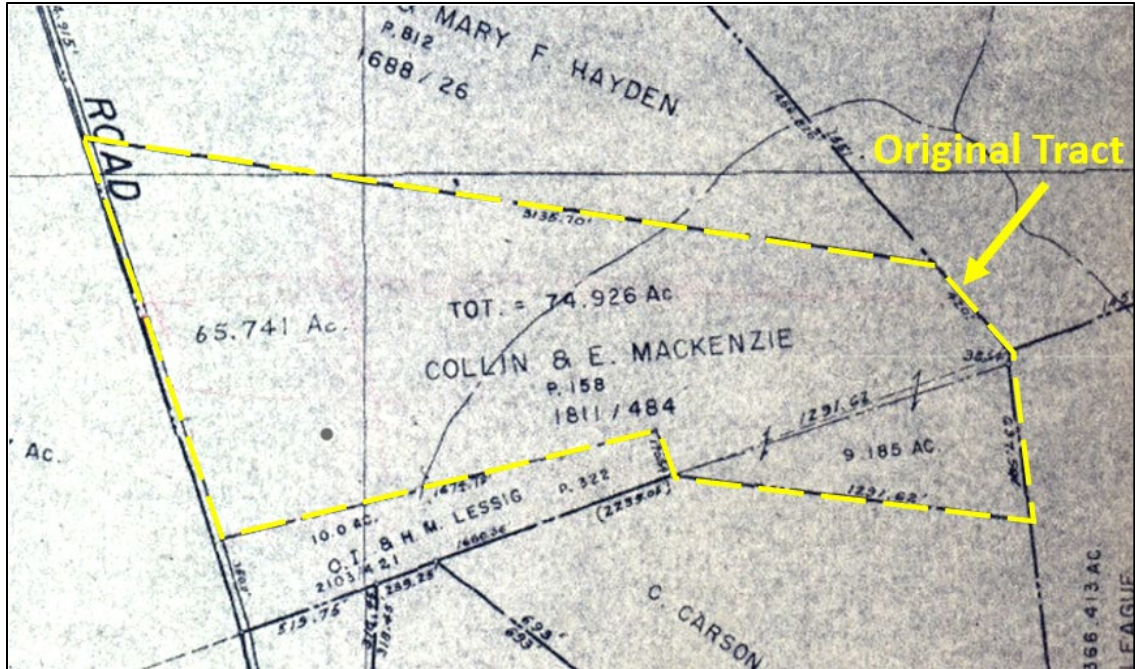


Figure 5 - Original Tract

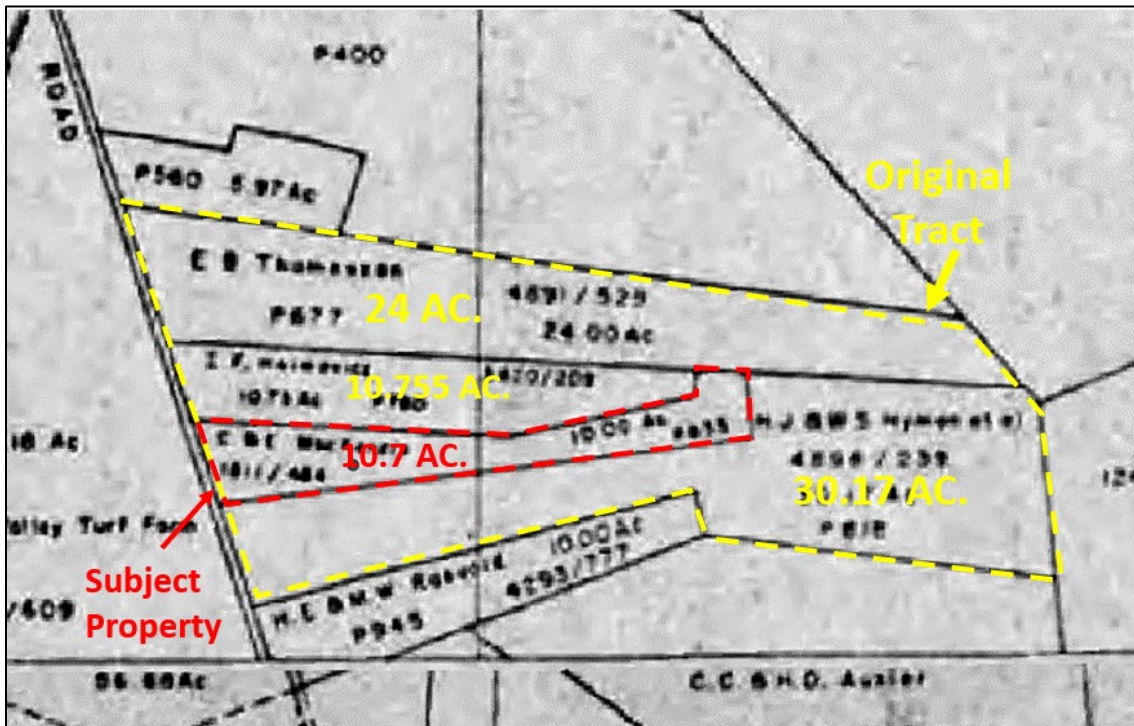


Figure 6 - 1981 Tax Map

On January 21, 1977, the Property was zoned Rural, which required a minimum lot size of five acres and minimum lot width of 300 feet at the front building line. As reflected in Table 1, after dedicating 0.42 acres of right-of-way, the proposed 9.65-acre lot conforms to the dimensional standards of the AR zone, except for lot area and lot width which conform to the standards of the former Rural zone. A summary of this review is included below in the Administrative Subdivision Plan Data Table.

Table 1 – Administrative Subdivision Plan Data Table (AR zone)*

Development Standards	Required/Permitted	Proposed
Max. Density*	1 unit/5 acres	1 unit
Minimum lot size*	5 acres min.	9.65 acres min.
Min. lot width at front building line*	300 ft.	338 ft. or more
Min. lot width at front lot line*	25 ft.	348 ft. or more
Front setbacks (Principal Blg.)	50 ft. min.	50 ft. or more
Side setbacks (Principal Blg.)	20 ft. min.	20 ft. ft. or more
Rear setbacks (Principal Blg.)	35 ft. min.	35 ft. or more
Max Lot Coverage	10%	Not to exceed 10%
Max Building Height (Principal and Accessory)	50 ft.	50 ft. or less
Front setbacks (Acc. Structures)	50 ft. min.	50 ft. or more
Side setbacks (Acc. Structures)	15 ft. min.	15 ft. ft. or more
Rear setbacks (Acc. Structures)	15 ft. min.	15 ft. or more
TDR Required*	1	1

* Per Section 7.7.1.D.9, the Rural zone development standards apply for minimum lot area and lot width because the parcel was created prior to January 6, 1981.

2. *The Administrative Subdivision Plan substantially conforms to the Master Plan.*

1980 Preservation of Agriculture and Rural Open Space Functional Master Plan

The Subject Property is located within P.A. 17, the Poolesville and Vicinity Area of the 1980 *Preservation of Agriculture & Rural Open Space Functional Master Plan*. The Master Plan recommended rezoning the area from the Rural to RDT (now the AR zone). The Master Plan does not make any site-specific recommendations for the Subject Property. This Application does not adversely affect the historic agricultural character of the area. The developable portion of the Subject Property is being located close to the existing road, protecting the existing forest and stream resources behind the house, which is in substantial conformance with the goals of the Master Plan.

2023 Rustic Roads Functional Master Plan Update

The proposed lot will access Mount Nebo Road, which is identified as a Rustic Road in the 2023 *Rustic Roads Functional Master Plan Update* (“RRFMP Update”). The RRFMP Update was approved by County Council in July 2023. Although the approved plan still needs to be approved and adopted by Montgomery County and the full Commission, guidance from the RRFMP Update has been used to evaluate the Application.

Mount Nebo Road, formerly Shepard Road, was designated rustic in the 1996 *Rustic Roads Functional Master Plan*, and the description of the road was brought over to the RRFMP Update largely unchanged. The RRFMP Update states that the road has outstanding natural features and historic value. The significant features identified in the RRFMP Update include the “Alignment with curves and elevation changes along half of the road”.

Mount Nebo Road has an ultimate right-of-way width of 70 feet. As discussed in the proposal section of this Staff Report, a new 10-foot-wide driveway with 5-foot wings (standard residential driveway apron) will be constructed to serve the Subject Property. In the northwest corner of the Property, abutting Nebo Road, the Applicant is recording a Montgomery Fire & Rescue Services Public Safety Water Supply Easement for a possible future cistern (Attachment E). No improvements to the road or access to the cistern easement are planned or being constructed at this time.

The Rustic Roads Advisory Committee (“RRAC”) reviewed the Application At their meeting on July 20, 2023, to determine if it has any effect on Mount Nebo Road. The RRAC supports the proposal with the proposed driveway apron design. The Application has also been reviewed by the MCDOT, which determined that the new driveway has adequate site distance as shown on the Administrative Subdivision (Attachment F).

As previously discussed, the Applicant is dedicating the necessary right-of-way along the frontage of the Subject Property to achieve the Master Plan recommended width. Because of its Rustic Road designation, there are no existing or recommended sidewalks or bikeways.

3. Public facilities will be adequate to support and service the area of the subdivision.

a) Roads and other Transportation Facilities

i. Existing Facilities

Mount Nebo Road is classified as a Rustic Road with an approximate right-of-way width of 70 feet. The existing road is currently 20 feet wide. No bicycle or pedestrian facilities exist along the entirety of Mount Nebo Road.

ii. Proposed public transportation infrastructure

Per the 2018 *Bicycle Master Plan*, no bicycle facilities are master planned for the section of Mount Nebo Road along the Subject Property’s frontage. The Application is exempt from providing frontage improvements based on Section 49-33 of the County Code. Section 49-33(d)(A) states that residential properties of over 25,000 square feet within a rural Road Code area are exempt from providing sidewalks or master-planned bikeways. The Subject Property is approximately 10.07 acres (438,649 square feet) and within a rural Road Code Area.

Additionally, Section 49-33(d)(B) excuses properties from frontage improvements if they are located on a road classified as Rustic or Exceptional Rustic Road. As previously stated, the Subject Property fronts on Mount Nebo Road, a Rustic Road. Therefore, the Application is exempt from providing pedestrian and bicycle facilities.

No additional master planned improvements are required for this Application. Therefore, roads and transportation facilities are adequate to support the Application.

b) Local Area Transportation Review (LATR)

The Property is located in the Rural West Policy, which is categorized as green Policy Area under the *2020 – 2024 Growth and Infrastructure Policy* (the “GIP”). As demonstrated in the Applicant’s Traffic Exemption Statement (“TES”) dated June 1, 2023, the proposed Administrative Subdivision generates fewer than 50 peak-hour person trips in the morning and evening peak hours and is therefore exempt from Local Area Transportation Review under the GIP without further review. Therefore, roads and transportation facilities are adequate to support the Application.

c) School Adequacy Test

The FY24 Annual School Test, approved by the Planning Board on June 22, 2023 and effective July 1, 2023 is applicable to this application. The project is served by Poolesville ES, John Poole MS and Poolesville HS. Based on the FY24 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 2 - Applicable FY2024 School Adequacy

School	Projected School Totals, 2027				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/Deficit		Tier 1	Tier 2	Tier 3
Poolesville ES	562	602	107.1%	-40	No UPP	45	73	157
John Poole MS	478	488	102.1%	-10	No UPP	116	141	160
Poolesville HS	1,508	1,439	95.4%	+69	No UPP	249	371	597

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school’s adequacy status and ceilings, as determined in the Annual School Test. Under the FY24 Annual School Test, development projects approved within these school service areas are not automatically subject to Utilization Premium Payments as identified in Table 2.

Analysis Conclusion and Condition of Approval

Based on the school capacity analysis performed for the one single-family house, using the FY2024 Annual School Test, this application is not subject to a Utilization Premium Payment. Therefore, no UPP condition is required.

d) Other Public Facilities and Services

Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy (“GIP”).

Other public facilities and services are available and adequate to serve the proposed lot. The Subject Property is in the W-6 and S-6 water and sewer service categories, respectively, and will utilize a new on-site private well and a sand mound septic system, consistent with the current service categories. As conditioned, before approval of the record plat, the Applicant must obtain approval of a Well and Septic Plan from the MCDPS, Well and Septic Section for the proposed private well and septic system.

The Application has been reviewed by the Montgomery County Department of Permitting Services, Fire Department Access and Water Supply Section, which determined that the Property has adequate access for fire and rescue vehicles as shown on their approved Fire Department Access Plan dated September 28, 2023 (Attachment E).

Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as telecommunications, police stations, firehouses and health services are currently operating within the standards set by the 2020-2024 Growth and Infrastructure Policy.

The Application can be adequately served by all other public facilities and services.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. Included with the Forest Conservation Plan is a request for a tree variance for impacts and removal of variance trees. The Forest Conservation Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned in the Staff Report and described below.

a) Environmental Guidelines

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420231280 for this Property was approved on March 22, 2023. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The Subject Property is located within the Horsepen Branch Watershed, classified by the State of Maryland as Use Class I-P waters. Approximately 8.17 acres of the Subject Property is forest. There is a portion of the Property adjacent to Mount Nebo Road that is relatively flat and unvegetated, where the shed is located.

There is one stream on the Property that runs north to south through the existing forest on the eastern half of the Property. There are no wetlands, seeps, springs or other environmental features on the Subject Property.

b) Forest Conservation Plan

The Applicant has submitted a Preliminary/Final Forest Conservation Plan No. F20230440 (“FFCP”) (Attachment B) for concurrent review with the application for Administrative Subdivision Plan No. 620230130. The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and complies with the Montgomery County Planning Department’s approved Environmental Guidelines.

The Subject Property is zoned AR and is assigned a Land Use Category of Agricultural and Resource Area (“ARA”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in the Land Use Table of the Trees Technical

Manual. This results in an afforestation threshold of 20% and a conservation threshold of 55% of the Net Tract Area.

The Net Tract Area for forest conservation purposes includes the 9.69 acres, which includes additions for off-site improvements and deductions for the right of way not being improved as part of this Application. There is a total of 8.17 acres of existing forest on the Subject Property with the Applicant proposing to remove 1.22 acres of forest. This results in no afforestation/reforestation requirement.

c) Forest Conservation Tree Variance Findings

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of an historic site or designated with an historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species (“Protected Trees”). Any impact to a Protected Tree, including removal or disturbance within the Tree’s critical root zone (“CRZ”) requires a variance. An application for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Staff recommends that a variance be granted.

Variance Request - The Applicant submitted a variance request in a letter dated June 1, 2023, for the impacts/removal of trees. The Applicant proposes to *impact one* tree (Protected Tree) that is considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Details of the Protected Tree to be affected but retained are listed in Table 3.

Table 3 – Variance Tree Table

Tree No.	Species	DBH	CRZ Impact	Status
ST-3	White oak	50 inches	28%	Moderate condition

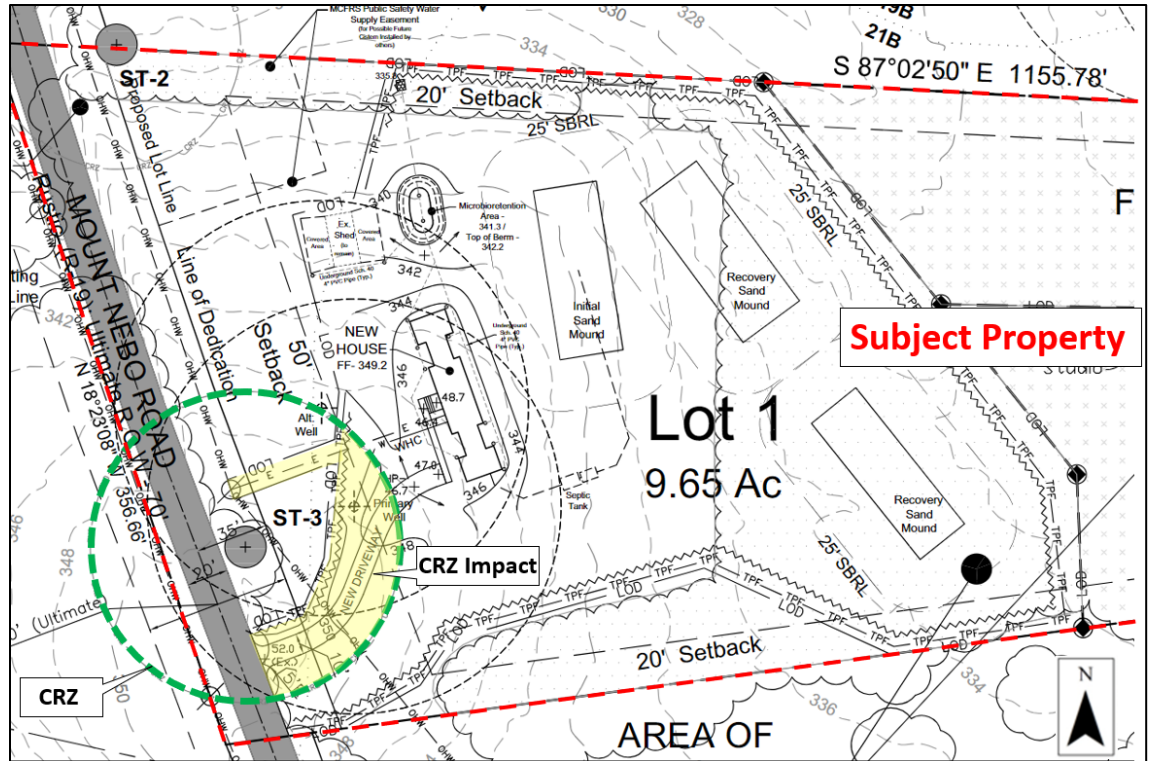


Figure F – Critical Root Zone of Tree ST-3

Unwarranted Hardship Basis - Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of a property. Mount Nebo Road crests in front of the Subject Property where the specimen tree is located. The proposed new driveway is shown in this area for the purpose of safe sight distance. The roadway drops off abruptly in the area north and south of the crest which makes it impractical and potentially unsafe to locate the new driveway anywhere else along the sight frontage. The area immediately south of Tree 3, along the Property frontage, is currently open and ideal for safe passage to and from the Property. Denial of the variance would force the Applicant to place the driveway in a location which would either be unsafe or in a location which would impact another specimen tree (ST-2) located off-site to the north. Therefore, there would be an unwarranted hardship, denying the Applicant reasonable and significant use of the Property for one single-family house, if the variance were not granted.

Variance Findings - Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board in order for a variance to be granted. The following determinations are based on the required findings for granting of the requested variance:

i. Will not confer on the applicant a special privilege that would be denied to other applicants.

Granting the Variance to impact Tree 3 will not confer a special privilege on the Applicant as the impacts are due to necessary development requirements of the site. These impacts cannot be avoided because the proposed driveway location is dictated by the need for adequate sight distance. Due to the existing horizontal alignment of the road, for safety, the proposed driveway must be located adjacent to the variance tree, where the road crests. Impacts from installation of the underground utilities cannot be avoided because electricity is being extended from an existing utility pole, within the CRZ of the Tree 3. Therefore, the granting of this Variance is not a special privilege that would be denied to other applicants.

ii. Is not based on conditions or circumstances which are the result of the actions by the applicant.

The requested Variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested Variance is based on existing site conditions and the requirements to meet development standards, as well as safety regarding the road design and access.

iii. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

The requested Variance is a result of the existing conditions and proposed improvements, not as a result of land or building use on a neighboring property.

iv. Will not violate State water quality standards or cause measurable degradation in water quality.

The Variance will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

Staff does not recommend mitigation for trees impacted but retained. Impacts are being minimized by keeping the driveway as far from the tree as practical and by root pruning between the tree and new driveway. Tree protection measures will also be in place during construction.

Recommendation on the Variance

Approval of the Tree Variance Request to impact, but retain, one tree.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

The Application received approval of a Stormwater Management Concept Plan from the MCDPS, dated August 1, 2023, per Chapter 19 of the County Code. The Stormwater Management Concept demonstrates that stormwater will be managed through bio-retention.

6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.

There are no known burial sites on or adjacent to the Subject Property.

SECTION 6: CONCLUSION

The Administrative Subdivision meets the requirements of Section 50.6.3.C and the technical requirements of Section 50.4.3 of the Subdivision Regulations, and the applicable requirements of Section 50.6.1.B. The lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance, including the aforementioned exemption in Section 59-7.7.1.D.9, and substantially conforms to the recommendations of the AROS *Master Plan*. Access and public facilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Application.

ATTACHMENTS

Attachment A – Administrative Subdivision Plan

Attachment B – Preliminary/Final Forest Conservation Plan and Variance Request Letter

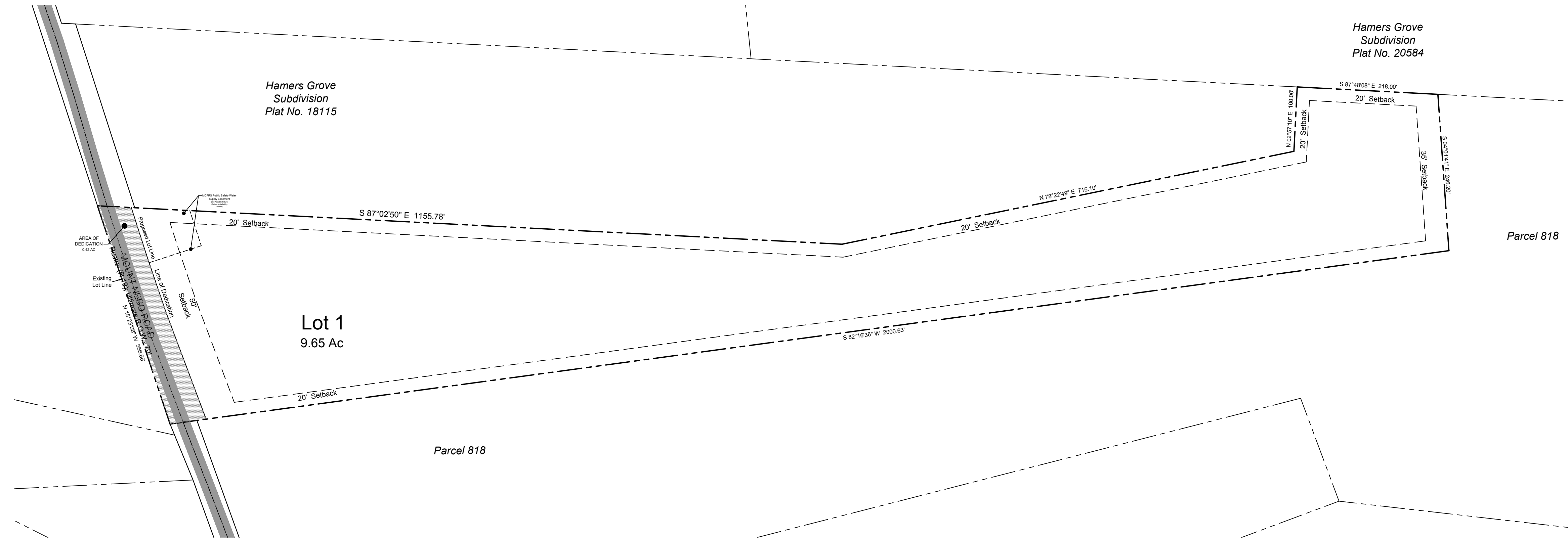
Attachment C – MCDPS, Stormwater management concept letter

Attachment D – Deed history

Attachment E – MCDPS, Fire Department Access and Water Supply letter

Attachment F – MCDOT Letter

14915 Mount Nebo Road - Administrative Subdivision Plan No. 620230130



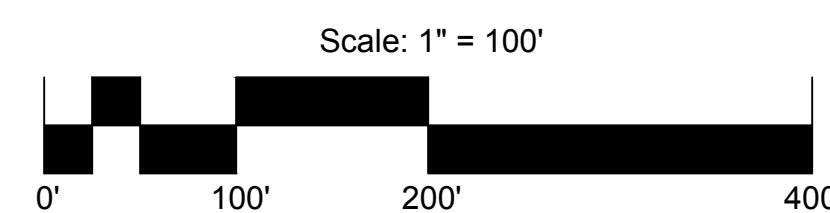
LEGEND:

AREA OF DEDICATION	
BUILDING RESTRICTION LINE	20' BRL
EX. ROAD	
NEW LOT LINE	
PROPERTY LINE	N 32°04'20" W

PROPERTY BOUNDARY FROM A SURVEY BY:
 POTOMAC VALLEY SURVEYS, LLC
 20010 Fisher Avenue Suite F
 Poolesville, MD 20837
 (301)349-5090

Professional Certification:
 I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed landscape architect registered to practice in the State of Maryland.

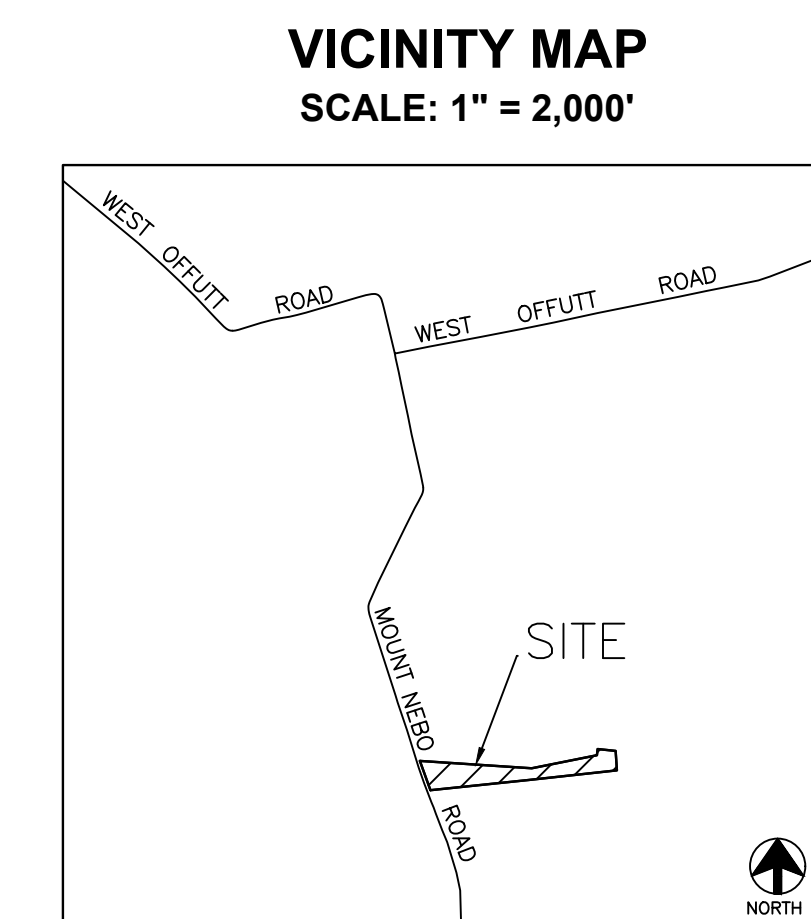
Signature Date Exp. Date
 09-19-2023 10-21-2024



SHEET INDEX:

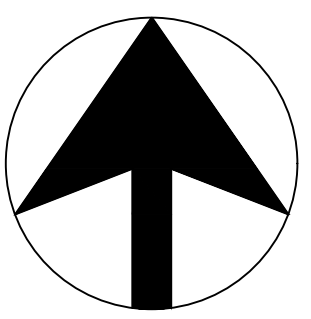
1. Cover Sheet / Lot Diagram
2. Reserved for Future Use
3. Administrative Subdivision Plan
4. Final Forest Conservation Plan 1 of 2
5. Final Forest Conservation Plan 2 of 2
6. Fire Department Apparatus Access & Water Supply Plan

PREPARED FOR:
Ioana Ballinger
 13215 Violettes Lock Road
 Germantown, MD 20874
 (410) 353-4962
 ioballinger@gmail.com



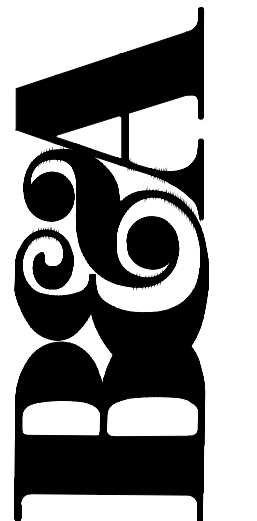
Revisions

Rev. 09-19-23



date: 06/01/2023
 scale: 1" = 100'

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



ADMINISTRATIVE SUBDIVISION PLAN
14915 Mount Nebo Road
 Parcel 833, Tax Map BS51
 Montgomery County, Maryland

DEVELOPMENT STANDARDS: AR Zone		
ZONE: AR	Req.	Lot 1
Lot Size*	5 Acres (Min.)	9.65 Acres
Front Setback (Principal Building)	50' (Min.)	50'
Side Setbacks (Principal Building)	20' (Min.)	20'
Rear Setback (Principal Building)	35' (Min.)	35'
Building Height (Principal and Accessory Buildings)	50' (Max.)	50' or Less
Lot Coverage	10% (Max.)	10% Max. (Less than 1% Shown)
Lot Width @ Building Line*	300' (Min.)	338'
Lot Width @ Front Lot Line*	25' (Min.)	348'
Front Setback (Accessory Structures)	50' (Min.)	50'
Side Setback (Accessory Structures)	15' (Min.)	15'
Rear Setback (Accessory Structures)	15' (Min.)	15'

* Rural zone development standard is applicable to the proposed lot**

per Section 7.7.1.D.9, a lot or parcel in the Agricultural Reserve (AR) zone "is exempt from the minimum lot area requirements and lot width requirements of the AR zone, but must satisfy the requirements of the zone applicable to it before its classification to the AR zone if the lot or parcel was created before January 6, 1981*

*** the subject parcel was created on January 21, 1977 (per deed recorded at Liber 4898 liber 239) and was zoned "Rural" at that time

NOTES:

1. AREA OF PROPERTY - 10.07 AC
2. EXISTING ZONING - AR
3. NUMBER OF LOTS PERMITTED - 1
4. NUMBER OF LOTS SHOWN - 1
5. AREA TO BE DEDICATED TO STREETS - 0.42 AC
6. SITE TO BE SERVED BY AN ON-SITE SAND MOUND SEPTIC SYSTEM & AN ON-SITE WELL.
7. EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-6
8. LOCATED IN HORSEPEN BRANCH WATERSHED (I-P)
9. SOURCE OF 2-FOOT CONTOUR INTERVAL TOPOGRAPHY IS M-NCPPC SHEET 220NW21.



Surveyor's Certification:

I hereby certify that the property boundary shown hereon is based upon an actual survey and is shown accurately to my best knowledge and belief. I also certify that I am a professional land surveyor registered to practice in the State of Maryland.

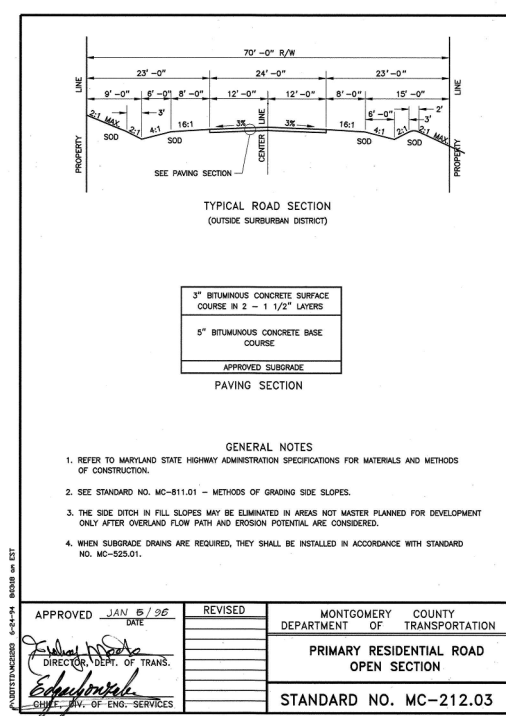
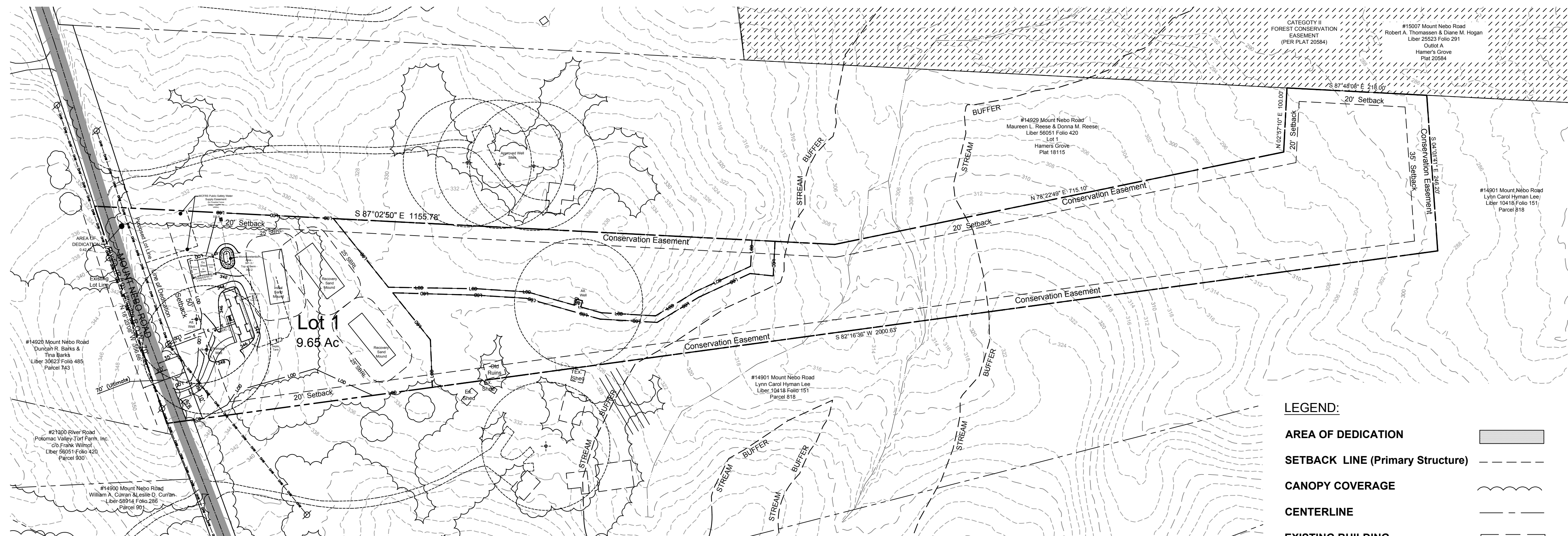
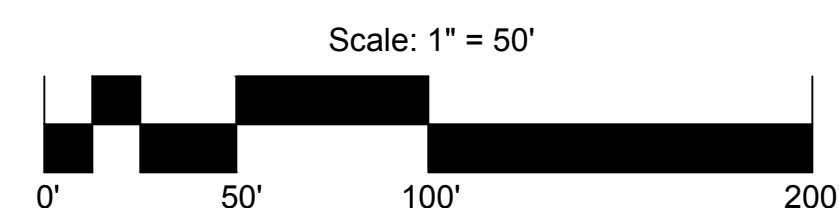
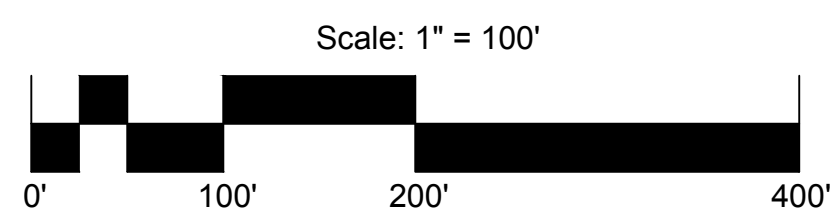
Signature: *Al P. Mitt* Date: 06/04/23 Exp. Date: 06-20-24

PROPERTY BOUNDARY FROM A SURVEY BY:
Potomac Valley Surveys
20010 Fisher Avenue Suite F
Pooleville, MD 20837
(301)349-5090

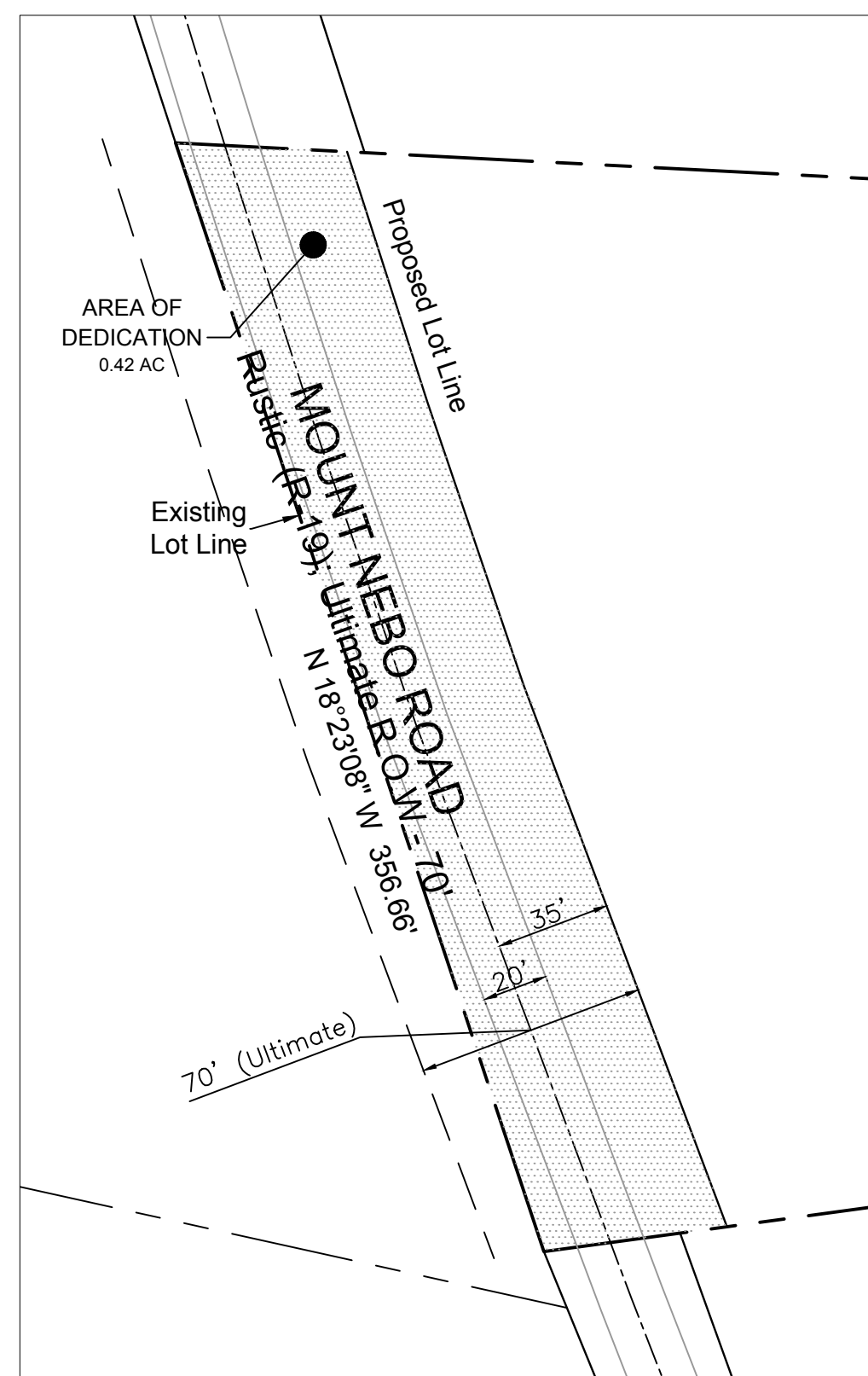
Professional Certification:

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed landscape architect registered to practice in the State of Maryland.

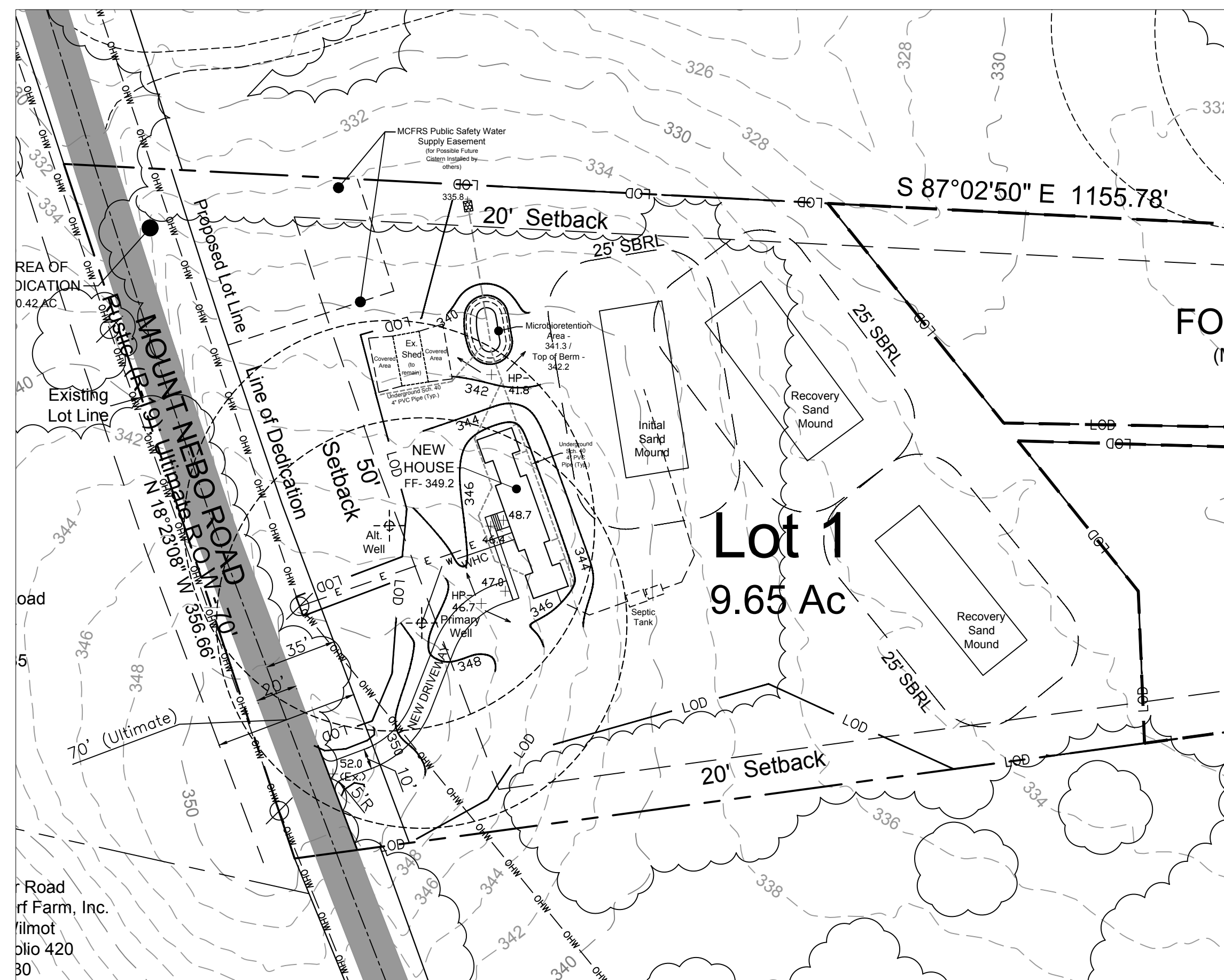
Signature: *BW* Date: 09-19-2023 Exp. Date: 10-21-2024



Note: MC-212.03 is applicable to Mount Nebo Road. No roadway improvements are proposed by this plan since the road has been designated as "Rustic".



DETAIL VIEW: DEDICATION
1" = 50'

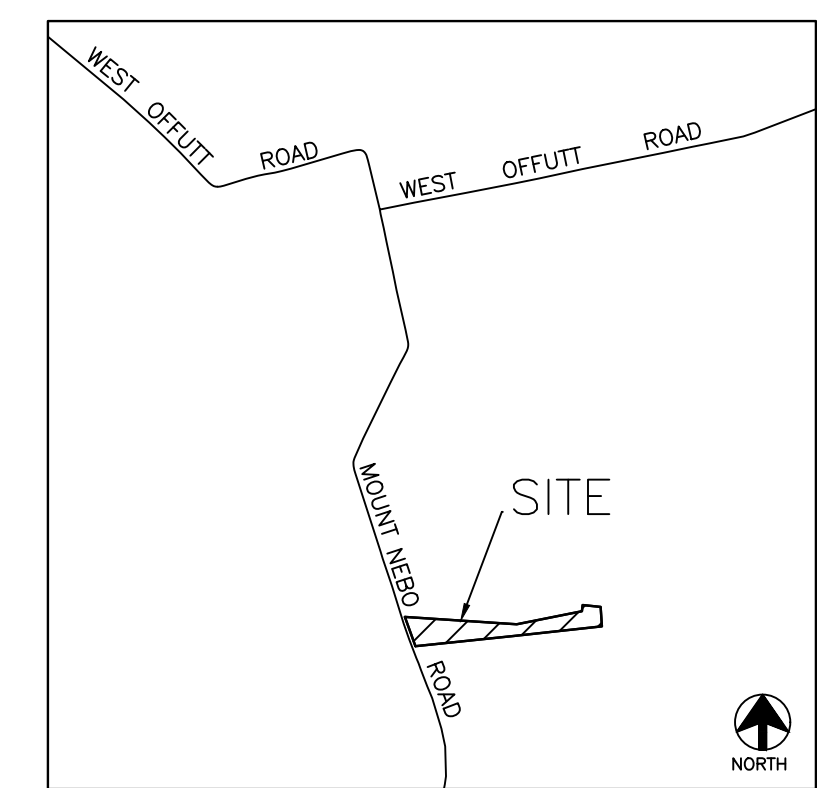


DETAIL PLAN VIEW:
1" = 50'

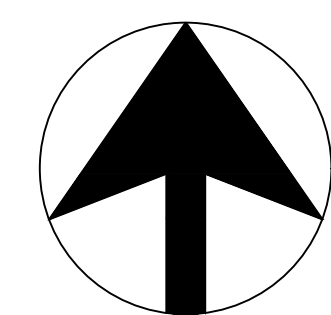
LEGEND:

- AREA OF DEDICATION
- SETBACK LINE (Primary Structure)
- CANOPY COVERAGE
- CENTERLINE
- EXISTING BUILDING
- EXISTING CATEGORY I CONSERVATION EASEMENT
- EXISTING ROAD
- INDEX CONTOUR (2' INTERVAL)
- INTERMEDIATE CONTOUR
- OVERHEAD UTILITIES
- PROPERTY LINE (SUBJECT)
- PROPERTY LINE
- PROPOSED HOUSE
- SAND MOUND
- SEPTIC TANK
- STREAM
- UNDERGROUND UTILITY (Electric)
- UTILITY POLE
- WATER CONNECTION (from well)
- WELL

VICINITY MAP
SCALE: 1" = 2,000'

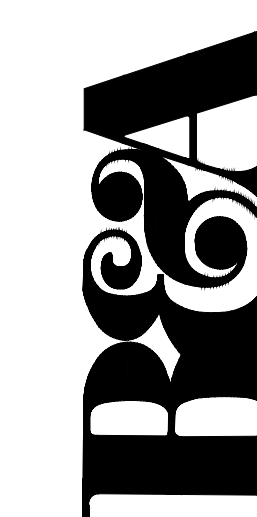


Revisions
Rev. 09-19-23



date: 06/01/2023
scale: 1" = 100'

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



ADMINISTRATIVE SUBDIVISION PLAN
14915 Mount Nebo Road
Parcel 833, Tax Map BS51
Montgomery County, Maryland

WSSC GRID 220NW21

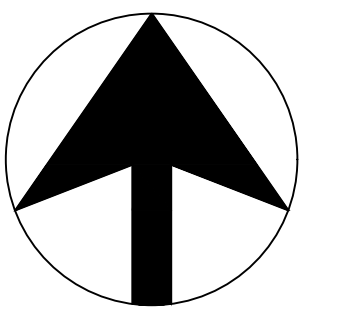
TAX MAP BS561

M-NCPPC FILE NO. 620230130

SHEET 3 OF 3

Revisions

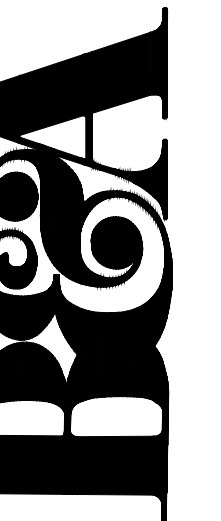
Rev. 09-19-23	



date: 06/01/2023

scale: 1" = 100'

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



PRELIMINARY / FINAL FOREST CONSERVATION PLAN
14915 Mount Nebo Road
Parcel 833, Tax Map BS51
Montgomery County, Maryland

WSSC GRID 220NW21
TAX MAP BS561
M-NCPPC FILE NO. 620230130 & F20230440

LEGEND:

- BUILDING RESTRICTION LINE
- CANOPY COVERAGE
- CENTERLINE
- CONSERVATION EASEMENT
- CRITICAL ROOT ZONE
- EXISTING BUILDING
- EXISTING CATEGORY I CONSERVATION EASEMENT
- EXISTING ROAD
- FOREST TO BE CLEARED
- FOREST RETENTION AREA
- INDEX CONTOUR (2' INTERVAL)
- INTERMEDIATE CONTOUR
- LIMITS-OF-DISTURBANCE
- OVERHEAD LINES
- PERMANENT FOREST CONSERVATION SIGN
- PROPERTY LINE (SUBJECT)
- PROPERTY LINE
- PROPOSED BUILDING
- PROPOSED CONTOUR
- ROOT PRUNING
- SANDMOUND
- SIGNIFICANT TREE
- SPECIMEN TREE
- SOILS SERIES DIVIDE
- STREAM
- STREAM BUFFER
- TREE PROTECTION FENCE / SIGNS
- UTILITY POLE (Ex.)
- UNDERGROUND UTILITY
- WATER HOUSE CONNECTION
- WELL SITE

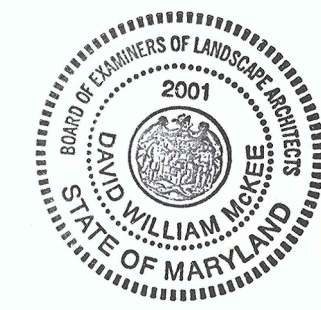
NOTES:

1. AREA OF PROPERTY - 10.07 AC
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4. NUMBER OF LOTS SHOWN - 1
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6. SITE TO BE SERVED BY AN ON-SITE SAND MOUND SEPTIC SYSTEM & AN ON-SITE WELL.
7. EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-6
8. LOCATED IN HORSEPEN BRANCH WATERSHED (I-P).
9. SOURCE OF 2-FOOT CONTOUR INTERVAL TOPOGRAPHY IS M-NCPPC SHEET 220NW21.

PROPERTY BOUNDARY FROM A SURVEY BY:
Potomac Valley Surveys
20010 Fisher Avenue Suite F
Poolesville, MD 20837
(301)349-5090

Professional Certification:
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed landscape architect registered to practice in the State of Maryland.

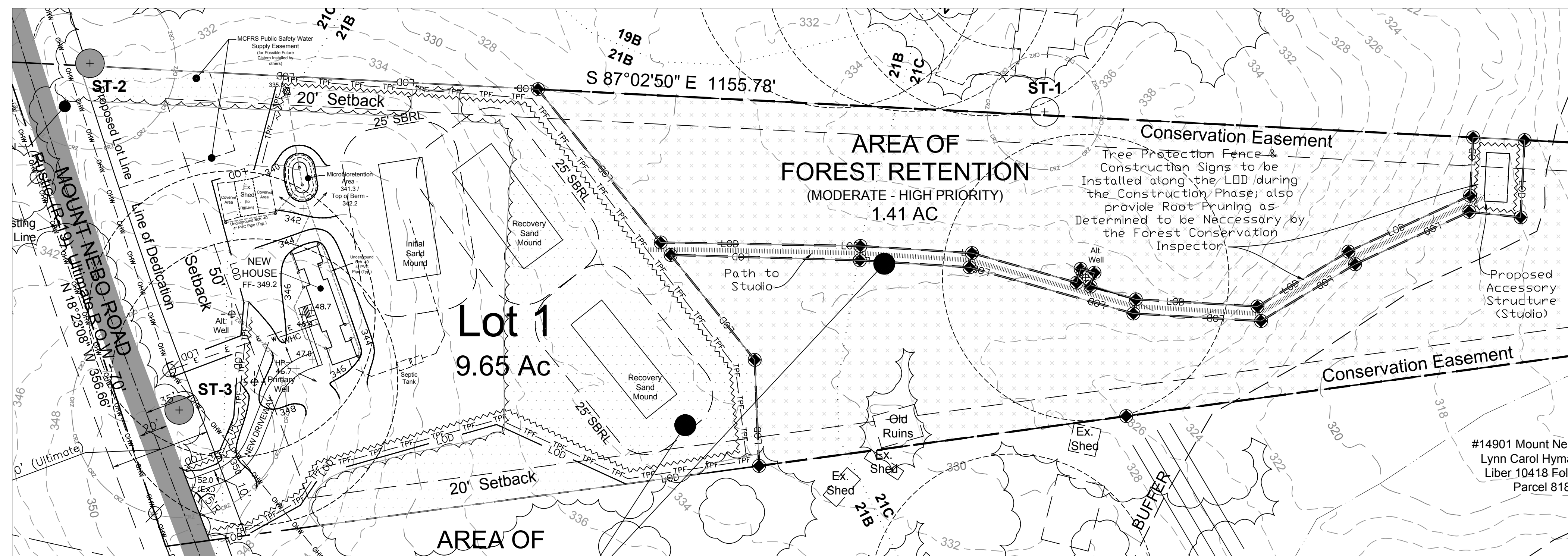
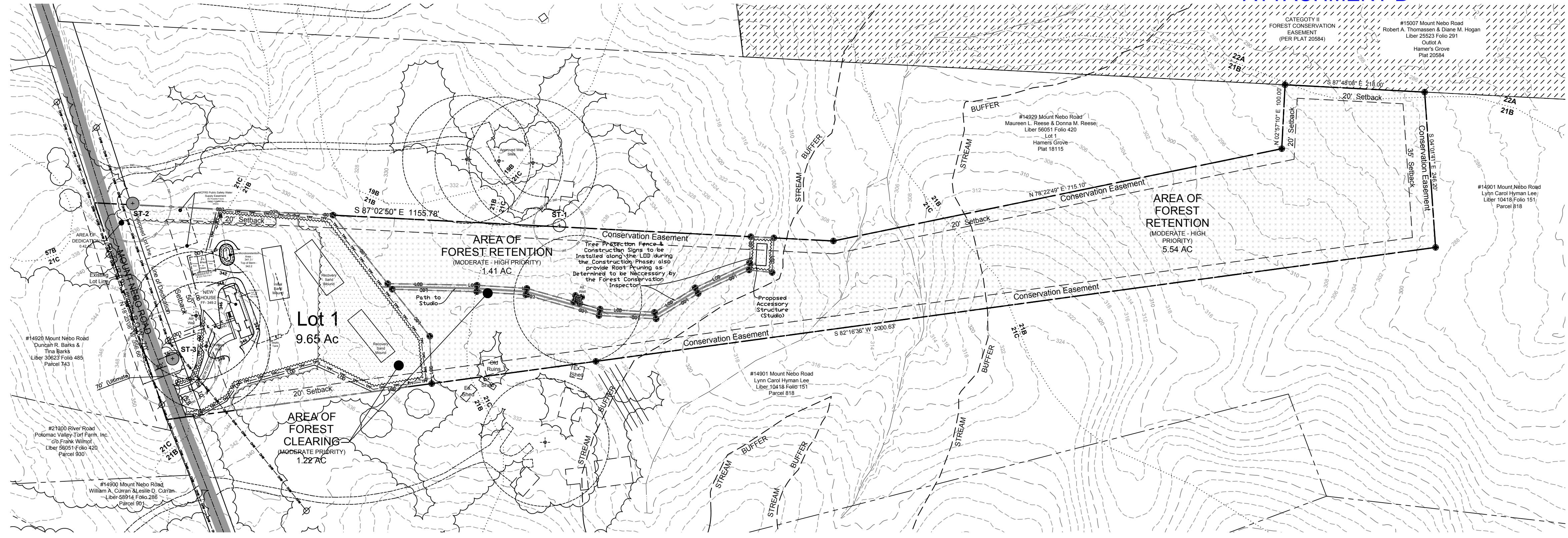
Signature: Date: 09-19-2023 Exp. Date: 10-21-2024



DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. F20230440 including, financial bonding, forest planting, maintenance and all other application agreements.

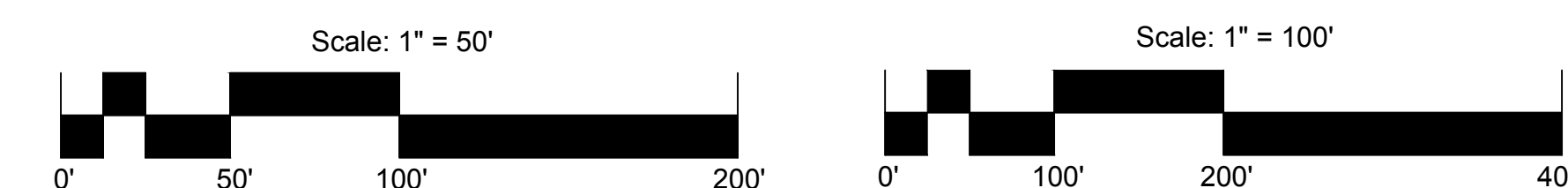
Developer's Name: Ioana Ballinger
Print Company Name
Contact Person or Owner: Paul Baines & Ioana Ballinger
Print Name
Address: 13215 Violettes Lock Road, Germantown, MD 20874
Phone # and Email: (410)353-4962 / ioballinger@gmail.com
Signature: _____



DETAIL VIEW:
1" = 50'

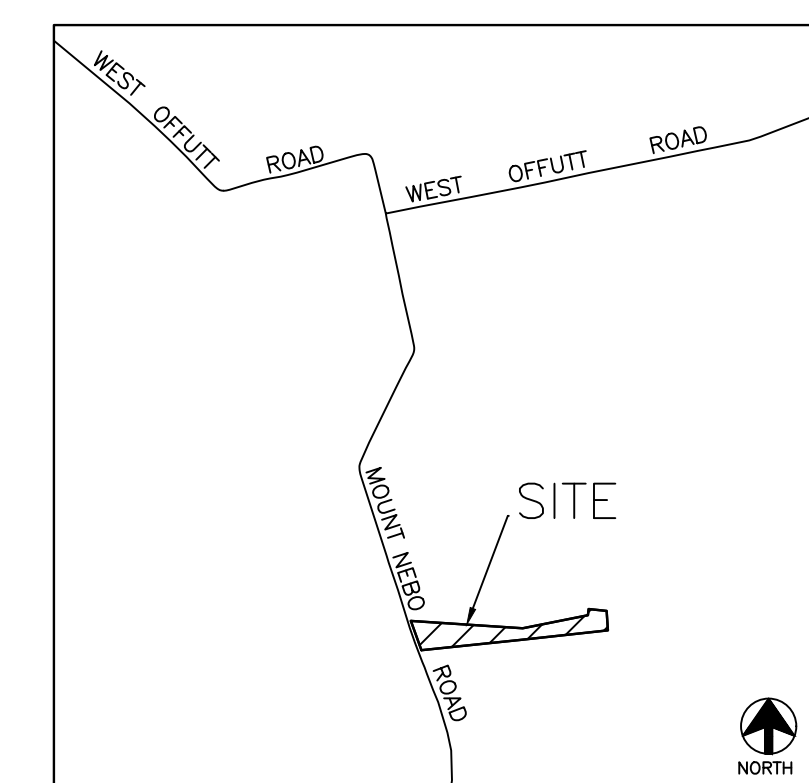
SIGNIFICANT / SPECIMEN TREE TABLE						
TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	COMMENTS	STATUS
ST-1	<i>Liriodendron tulipifera</i>	Tulip Poplar	26.8"	Good	Broken dead limbs with decay, adventitious limbs, co-dominant leaders	To Remain
ST-2*	<i>Liriodendron tulipifera</i>	Tulip Poplar	40.0" Estimate	Moderate-Poor	Poison Ivy & Bittersweet climbing trunk, was multi-stem, included wood, basal rot, tree has been pruned, co-dominant leaders, adventitious limbs, broken dead limbs with decay	To Remain
ST-3*	<i>Quercus alba</i>	White Oak	50"	Moderate-Poor	Was multi-stem, included wood, phototropic lean, possible basal rot, dead broken limbs with decay, adventitious limbs, co-dominant leaders, multiple vine species climbing trunk, galls	To Remain

*SPECIMEN TREE



PREPARED FOR:
Ioana Ballinger
13215 Violettes Lock Road
Germantown, MD 20874
(410) 353-4962
ioballinger@gmail.com

VICINITY MAP
SCALE: 1" = 2,000'



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 National 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 following people should 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 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 systems
 Measures not specified on the Forest Conservation 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 trees and forest shown as saved on the approved plan.
- Tree protection fencing must be installed and maintained by the property owner for the duration of construction project and must not be altered without prior approval from the Forest Conservation Inspector. All construction activity within protected tree and forest areas 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 remainder, trash, garbage, or debris of any kind.
 - Felling of trees into a protected area.
 - Trenching or grading for utilities, irrigation, drainage, etc.

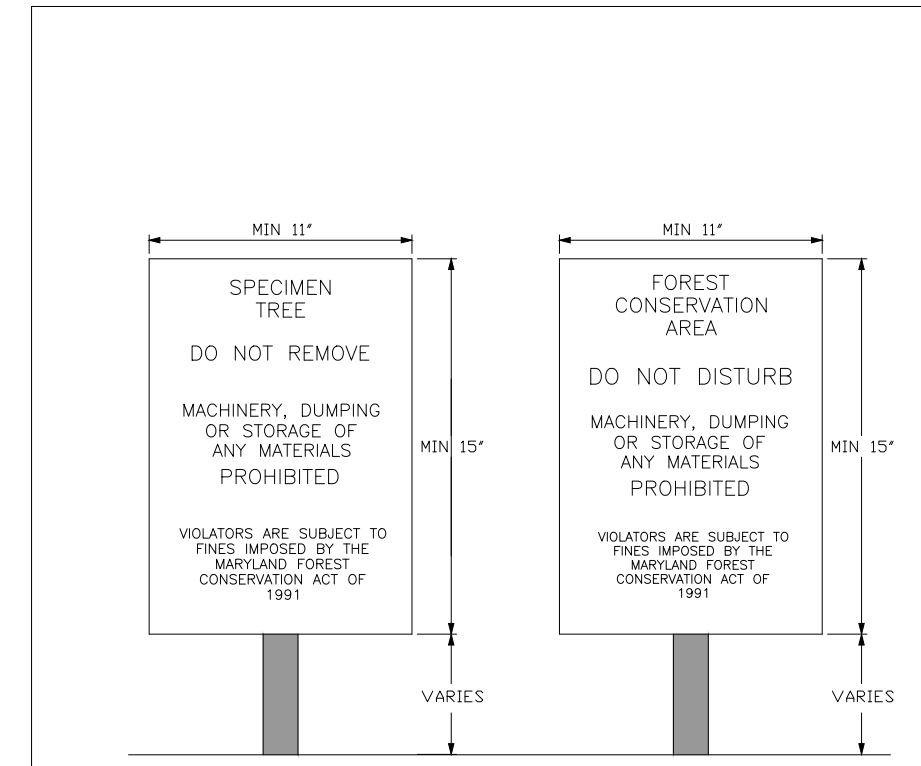
- Forest and tree protection signs must be installed as required by the Forest Conservation Inspector. The signs must be waterproof and wording provided in both English and Spanish.

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, understory, ground cover, and any other undisturbed areas shown on the approved plan. Remedial actions, and the relative timeframes to restore these areas, will be determined by the Forest Conservation Inspector.

Post-Construction

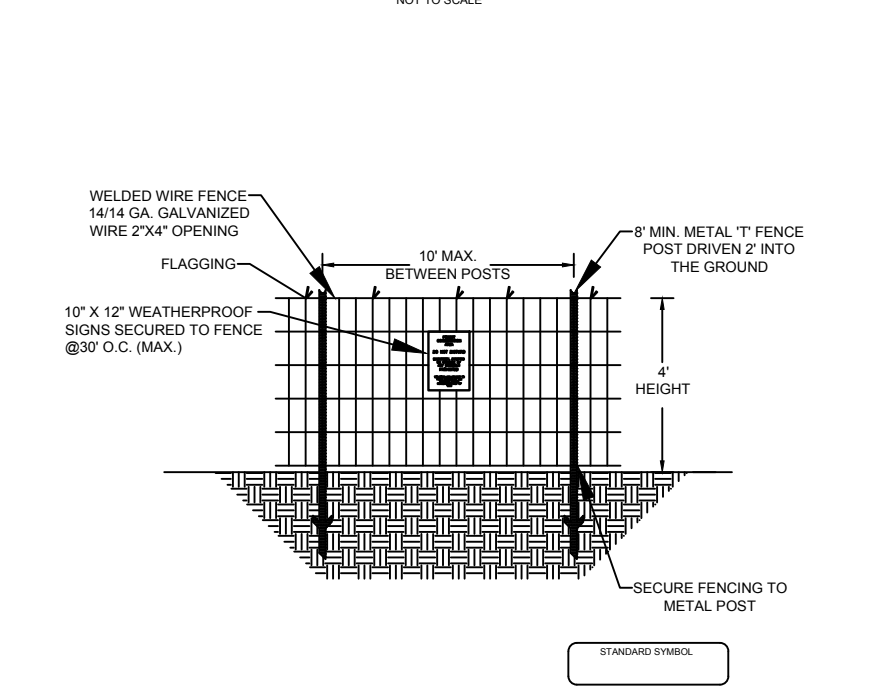
- After construction is completed, but before tree protection devices have been removed, the property owner must request a final inspection with the Forest Conservation Inspector. At the final inspection, the Forest Conservation Inspector may require additional corrective measures, which may include:
 - Removal, and possible replacement, of dead, dying, or hazardous 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.



- NOTES:
- BOTTOM OF SIGNS TO BE HIGHER THAN TOP OF TREE PROTECTION FENCE.
 - SIGNS TO BE PLACED APPROXIMATELY 50 FEET APART, CONDITIONS ON SITE AFFECTING VISIBILITY MAY WARRANT PLACING SIGNS CLOSER OR FARTHER APART.
 - ATTACHMENT OF SIGNS TO TREES IS PROHIBITED.

CONSTRUCTION SIGNS

TREE PROTECTION FENCE DETAIL



- NOTE:
- FENCING MAY BE COMBINED WITH SEDIMENT CONTROL FENCING.
 - LOCATION AND LIMITS OF FENCING SHOULD BE COORDINATED IN FIELD WITH ARBORIST.
 - BOUNDARIES OF PROTECTION AREA SHOULD BE STAKED PRIOR TO INSTALLING PROTECTIVE DEVICE.
 - ROOT DAMAGE SHOULD BE AVOIDED.
 - PROTECTION SIGNAGE IS REQUIRED.
 - FENCING SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.

MONTGOMERY COUNTY PLANNING DEPARTMENT - M-NCPPC
MONTGOMERYPLANNING.ORG

DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. F20230440 including, financial bonding, forest planting, maintenance and all other application agreements.

Developer's Name: Ioana Ballinger
Print Company Name _____

Contact Person or Owner: Paul Baines & Ioana Ballinger
Print Name _____
Address: 13215 Violette Lock Road, Germantown, MD 20874
Phone # and Email: (410)353-4962 / ioballinger@gmail.com
Signature: _____

INSPECTIONS

All field inspections must be requested by the applicant.

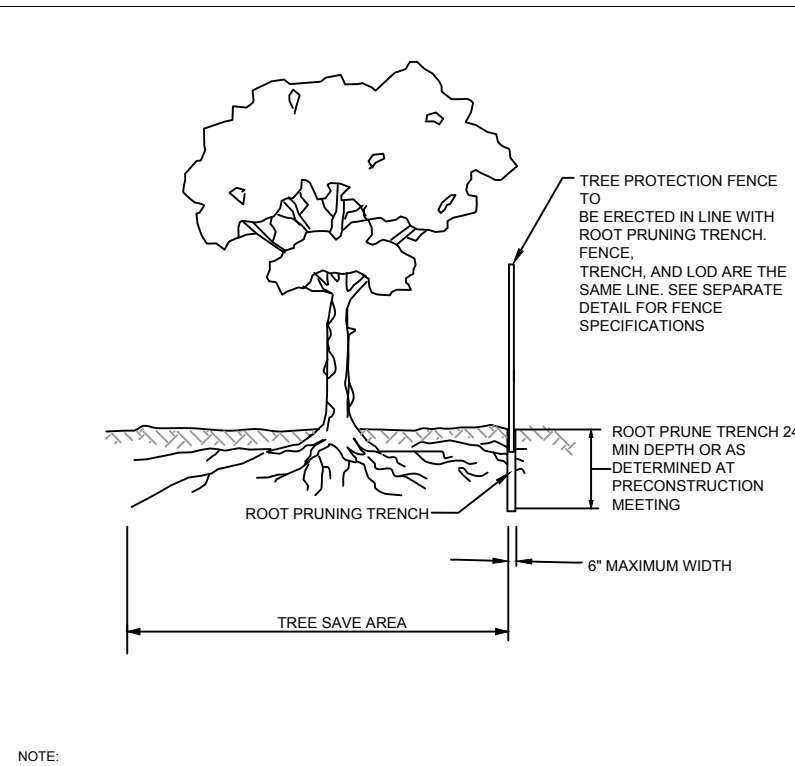
Field Inspections must be conducted as follows:

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 and grading begin 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 the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start the maintenance period.
- 2 years after reforestation and afforestation have been completed, to determine survival and assess necessary maintenance activities for the remaining duration of the maintenance and management period.
- At the end of the maintenance period to determine the level of compliance with the provisions of the planning plan, and if appropriate, release of the performance bond.



- NOTE:
- RETENTION AREAS WILL BE SET AS PART OF THE REVIEW PROCESS AND PRECONSTRUCTION MEETING.
 - BOUNDARIES OF RETENTION AREAS MUST BE STAKED AT THE PRECONSTRUCTION MEETING AND FLAGGED PRIOR TO TRENCHING.
 - EXACT LOCATION OF TRENCH SHALL BE DETERMINED IN THE FIELD IN COORDINATION WITH THE FOREST CONSERVATION (FC) INSPECTOR.
 - TRENCHES SHOULD BE IMMEDIATELY BACKFILLED WITH EXCAVATED SOIL OR OTHER ORGANIC SOIL AS SPECIFIED PER PLAN OR BY THE FC INSPECTOR.
 - ROOTS SHALL BE CUT USING VIBRATORY KNIFE OR OTHER ACCEPTABLE EQUIPMENT.
 - ALL PRUNING MUST BE EXECUTED WITH LOD SHOWN ON PLANS OR AS AUTHORIZED IN WRITING BY FC INSPECTOR.

ROOT PRUNING DETAIL



FOREST CONSERVATION WORKSHEET
14915 Mount Nebo Road / Plan No. F20230130

NET TRACT AREA:

A. Total tract area ...	10.07
B. Additions to tract area (Off-Site Work, etc.; construction required by this plan)...	0.04
C. Land dedication acres (parks, county facility, etc.) ...	0.00
D. Land dedication for roads or utilities (construction not required by this plan) ...	0.42
E. Area to remain in commercial agricultural production/use ...	0.00
F. Other deductions (specify)	0.00
G. Net Tract Area	9.69

LAND USE CATEGORY: (from Chapter 22A-3. Definitions)
Input the number "1" under the appropriate land use, limit to only one entry.

ARA	CDR	MDR	IDA	HDR	MPD	O	CIA
1	0	0	0	0	0	0	0

G. Afforestation Threshold ... 20% x G = 1.94
H. Conservation Threshold ... 55% x G = 5.33

EXISTING FOREST COVER:

I. Existing forest cover	8.17
J. Area of forest above afforestation threshold	6.23
K. Area of forest above conservation threshold	2.84

BREAK EVEN POINT:

L. Forest retention above threshold with no mitigation	5.90
M. Clearing permitted without mitigation	2.27

PROPOSED FOREST CLEARING:

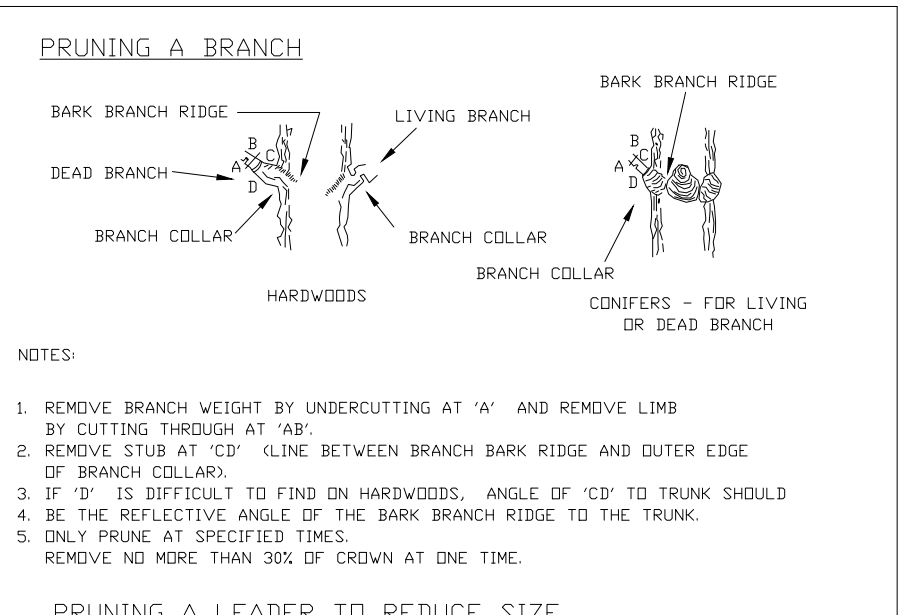
N. Total area of forest to be cleared	1.22
O. Total area of forest to be retained	6.95

PLANTING REQUIREMENTS:

P. Reforestation for clearing above conservation threshold	0.61
Q. Reforestation for clearing below conservation threshold	0.00
R. Credit for retention above conservation threshold	1.62
S. Total reforestation required	0.00
T. Total afforestation required	0.00
U. Credit for landscaping (may not be used to meet reforestation requirement if project is located outside an Equity Focus Area (EFA). For projects within EFA, may not exceed 20% of "S")	0.00
V. Total reforestation and afforestation required	0.00

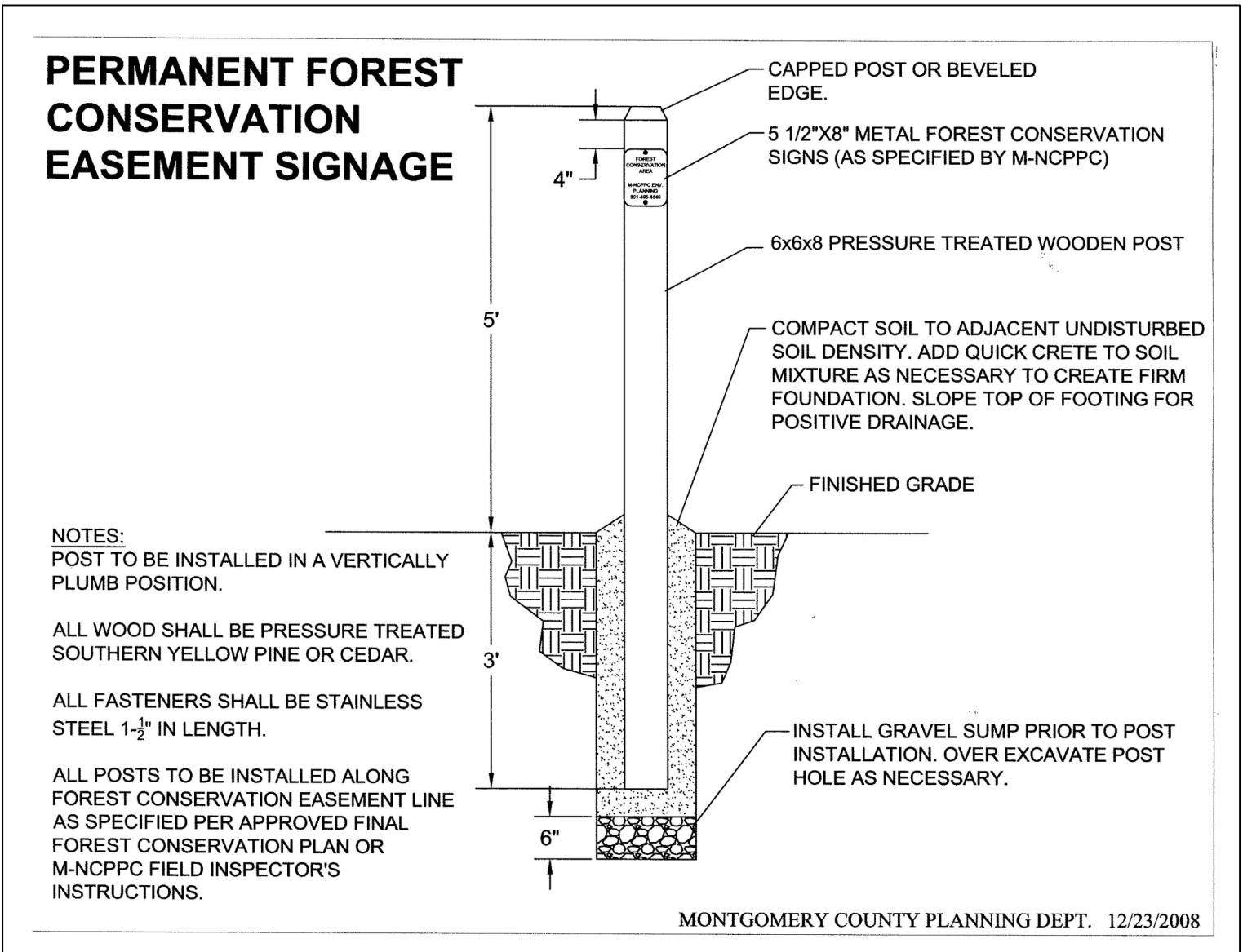
worksheet date 4/3/2023

- FCP Worksheet Notes:**
- Addition to tract area is for off-site LOD in right-of-way (0.04 ac).
 - Subtraction from net tract area is the area dedicated to public right-of-way (0.42 ac).
 - Existing forest excludes forested area deducted from net tract in dedication (0.01 ac).



- PRUNING A BRANCH**
- REMOVE BRANCH WEIGHT BY UNDERCUTTING AT 'A' AND REMOVE LIMB BY CUTTING THROUGH AT 'B'.
 - REMOVE STUB AT 'C' (LINE BETWEEN BRANCH BARK RIDGE AND OUTER EDGE OF BRANCH COLLAR).
 - IF 'D' IS DIFFICULT TO FIND ON HARDWOODS, ANGLE OF 'C' TO TRUNK SHOULD BE THE REFLECTIVE ANGLE OF THE BARK BRANCH RIDGE TO THE TRUNK.
 - ONLY PRUNE AT SPECIFIED TIMES.
 - REMOVE NO MORE THAN 30% OF CROWN AT ONE TIME.
- PRUNING A LEADER TO REDUCE SIZE**
- REMOVE TOP WEIGHT BY UNDERCUTTING AT 'A' AND REMOVE LIMB BY CUTTING THROUGH 'B'.
 - REMOVE STUB AT 'C' PARALLEL TO THE BARK BRANCH RIDGE.
 - ONLY PRUNE AT SPECIFIED TIMES.
 - NO MORE THAN 30% OF CROWN TO BE REMOVED AT ONE TIME.
 - DIAMETER OF LATERAL BRANCH SHOULD BE NO LESS THAN 30% OF THE DIAMETER OF THE LEADER.

TREE PRUNING



- NOTES:
- REMOVE BRANCH WEIGHT BY UNDERCUTTING AT 'A' AND REMOVE LIMB BY CUTTING THROUGH AT 'B'.
 - REMOVE STUB AT 'C' (LINE BETWEEN BRANCH BARK RIDGE AND OUTER EDGE OF BRANCH COLLAR).
 - IF 'D' IS DIFFICULT TO FIND ON HARDWOODS, ANGLE OF 'C' TO TRUNK SHOULD BE THE REFLECTIVE ANGLE OF THE BARK BRANCH RIDGE TO THE TRUNK.
 - ONLY PRUNE AT SPECIFIED TIMES.
 - REMOVE NO MORE THAN 30% OF CROWN AT ONE TIME.
- ALL WOOD SHALL BE PRESSURE TREATED SOUTHERN YELLOW PINE OR CEDAR.
- ALL FASTENERS SHALL BE STAINLESS STEEL 1-1/2" IN LENGTH.
- ALL POSTS TO BE INSTALLED ALONG FOREST CONSERVATION EASEMENT LINE AS SPECIFIED PER APPROVED FINAL FOREST CONSERVATION PLAN OR M-NCPPC FIELD INSPECTOR'S INSTRUCTIONS.
- MONTGOMERY COUNTY PLANNING DEPT. 12/23/2008

Forest Conservation Data Table

Tract	Number of Acres	
	Retained	Cleared
Remaining in Agricultural Use	10.07	-
Road & Utility ROWs ¹	0.42	-
Total Existing Forest	8.17	-
Forest Retention	6.95	-
Forest Cleared	1.22	-

Land Use & Thresholds ²	Threshold	
	Conservation Threshold	Afforestation Threshold
Land Use Category	ARA	ARA, MDR, IDA, HDR, MPD, or CIA
Conservation Threshold	55%	percent
Afforestation Threshold	20%	percent

Stream(s)	Total Channel Length (ft.) ³		Average Buffer Width (ft.) ³	
	Retained	Cleared	Retained	Cleared
Stream(s)	185	100	100	100

Acres of Forest in	Retained			Cleared			Planted		
	Wetlands	100-Year Floodplain	Stream Buffers	Priority Areas	Wetlands	100-Year Floodplain	Stream Buffers	Priority Areas	
Wetlands	0	0	0	0	0	0	0	0	
100-Year Floodplain	0	0	0	0	0	0	0	0	
Stream Buffers	1.26	0	0	0	0	0	0	0	
Priority Areas	0	0	0	0	0	0	0	0	

Professional Certification:
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed landscape architect registered to practice in the State of Maryland.

Signature: [Signature] Date: 09-19-2023 Exp. Date: 10-21-2024

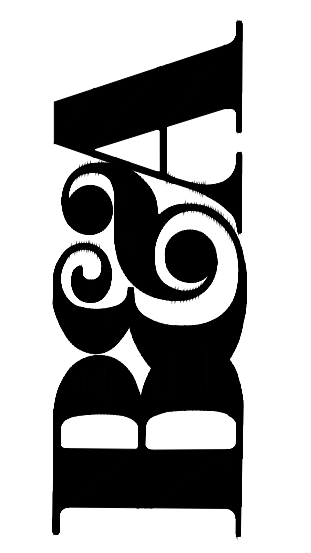


Revisions

Rev. 09-19-23

date: 06/01/2023
scale:

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



PRELIMINARY / FINAL FOREST CONSERVATION PLAN
14915 Mount Nebo Road
Parcel 833, Tax Map BS51
Montgomery County, Maryland

Benning & Associates, Inc.

LAND PLANNING CONSULTANTS
8933 Shady Grove Court
Gaithersburg, MD 20877
Phone: 301-948-0240
E-mail: dmckee@benninglandplan.com

To: Mr. Patrick Butler, Chief – M-NCPPC Upcounty Planning Area
From: David W. McKee
Date: 06-01-2023
Re: 14915 Mount Nebo Road – MNCPPC File Nos. 620230130 & F20230440

Dear Mr. Butler,

In accordance with the requirements of Section 22A-21 of the County Code and on behalf of the applicant for this project, I am writing to request a variance from the provisions of Chapter 22 as it applies to this project. Specifically, a variance is required to impact one (1) specimen tree. The subject application proposes to create 1 new building lot for the construction of a new single-family home.

The tree which requires a variance for proposed impacts is as follows:

SPECIMEN TREE CHART						
TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	%CRZ IMPACTED	Status
ST-3	Quercus alba	White Oak	50"	Moderate-Poor	28%	Retain

Specific impacts to the tree included in this variance request is as follows:

ST-3, a 50" White Oak, is located on-site along the edge of Mount Nebo Road. The tree will be located within the public right-of-way area after land is dedicated to the County as shown on the Forest Conservation Plan for the property. The tree will be impacted by the installation of a new private driveway within it's critical-root-zone and from an underground utility connection needed to provide electricity to the new home. Impacts to the tree can be minimized by keeping the driveway away from the tree as much as practical and by root pruning the area between the tree and new driveway. tree is proposed to be retained with tree protection measures to be employed as shown on the plan.

Requirements for Justification of Variance:

Section 22A-21(b) *Application requirements* states the applicant must:

1. Describe the special conditions peculiar to the property which would cause unwarranted hardship;
2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of granting of the variance; and
4. Provide any other information appropriate to support the request.

There are special conditions peculiar to the property which would cause unwarranted hardships should the variance not be approved. Mount Nebo Road crests in front of the subject property where the specimen tree is located. The proposed new driveway is shown in this area for the purpose of safe sight distance. The roadway drops off abruptly in the area north and south of the crest which makes it impractical and potentially unsafe to locate the new driveway anywhere else along the sight frontage. The area immediately south of the tree along the site frontage is currently open and ideal for safe passage to and from the site. Denial of the variance would force the applicant to place the driveway in a location which would either be unsafe or in a location which would impact another specimen tree (ST-2) located off-site to the north.

Should this variance not be approved, the property owner would be deprived of rights commonly enjoyed by others in similar circumstances. The proposed new lot has been carefully planned to meet the requirements of the AR zone and other development standards. Other property owners with land in the AR zone have been allowed to develop their properties in accordance with the requirements of the zone.

The granting of a variance to remove specimen trees will not result in a violation of State water quality standards or any measurable degradation in water quality. The project has been planned to comply with the latest State and County stormwater management requirements and will provide environmental site design (ESD) practices to address these requirements. Furthermore, the specimen tree in question is not proposed to be removed.

In addition to the above, Section 22A-21(d) indicates that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

This request for a variance will not confer a special privilege that would be denied to other applicants. Approval of the requested variance will allow the property owner to develop the property in a manner appropriate for the AR zone given the circumstances of the site.

This variance request is not based on conditions and circumstances which are the result of actions by the applicant. The applicant has not taken any actions other than to propose subdivision in accordance with Master Plan and Zoning Ordinance requirements.

The request for a variance does not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

Granting this variance request will not violate State water quality standards or cause measureable degradation in water quality. As stated earlier, the project has been planned to comply with the latest State and County stormwater management requirements and will provide environmental site design (ESD) practices to address these requirements.

For the above reasons, we respectfully request approval of this request for a variance from provisions of Section 22A-21 of the Montgomery County Code. If you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'David W. McKee', with a stylized flourish at the end.

David W. McKee



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

August 1, 2023

Mr. David McKee
Benning & Associates, Inc.
8933 Shady Grove Court
Gaithersburg, MD 20877

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
14915 Mount Nebo Road
Preliminary Plan #: 620230130
SM File #: 289574
Tract Size/Zone: 9.6 ac. / AR
Total Concept Area: 0.61 ac.
Lots/Block: NA
Parcel(s): 833
Watershed: Horsepen Branch

Dear Mr. McKee:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via the use of micro-bioretenion.

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.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

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**.

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



2425 Reedie Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permittingervices

Mr. David McKee
August 1, 2023
Page 2 of 2

Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to 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 Patrick Fitzgerald at 240-777-6362.

Sincerely,

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

cc: Neil Braunstein
SM File # 289574

ESD: Required/Provided 318 cf / 318 cf
PE: Target/Achieved: 1.0"/1.0"
STRUCTURAL: N/A cf
WAIVED: N/A cf.

AFTER RECORDING, RETURN TO:
IOANA BALLINGER
13215 Violettes Lock Road
Germantown, MD 20874

MONTGOMERY COUNTY, MD
APPROVED BY Kam

KVS Title, LLC
File No. 21-49441
Tax ID # 03-0001-00038412
Title Insurer: Westcor Land Title Insurance Company

JAN - 6 2022

\$ 1869.^w RECORDATION TAX PAID
\$ 2100.^w TRANSFER TAX PAID

This Deed, made this 20 day of December, 2021, by and between **JAMES E. WALKER, Jr.** and **JUDITH BROADHURST**, GRANTORS, and **IOANA BALLINGER**, GRANTEE.

Witnesseth –

That in consideration of the sum of Two Hundred Ten Thousand and 00/100 Dollars (\$210,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantors do hereby grant and convey to the said Grantee, as sole owner, in fee simple, and described as follows:

All that piece or parcel of land lying and being situate in the State of Maryland, County of Montgomery and being more particularly described as follows:

ALL THAT piece or parcel of ground situate, lying and being in the 3rd Election District of Montgomery County, Maryland, being part of the same land which Collin Mackenzie and Elizabeth McKenzie, his wife obtained from Roger A. Hayden and Mary F. Hayden, his wife, by deed dated the 1st day of July, 1953 recorded in the Land Records of Montgomery County, Maryland in Liber 1811 at Folio 484 and being described as follows, to wit:

BEGINNING at the end of 39.5 perches on the dividing line between Lots numbered One (1) and Two (2) in the division of the lands of Robert Peter, Sr., it being a stone now planted, and running North 70° East, a distance of 1,680.36 feet; thence South 86° East a distance of 1,291.62 feet, the above line to have a 3° allowance, thence with 1° 45' allowance, North 4° 15' West a distance of 637.56 feet; thence with 3° allowance, the following courses and distances, North 41° 15' West a distance of 420.00 feet; thence North 81° 45' 26" West a distance of 3,135.70 feet to a point in the westerly line of the whole tract; thence South 17° 30' East a distance of 1,901.21 feet to the point of beginning; containing 84,926 acres of land, more or less; together with such rights, title and interest as the grantor may have in a Right of way fifteen (15) feet wide over the lands of John H. Williams, said Right-of-Way beginning at a stone at the end of the 5th line of said tract and running over the road as now used to the public road from Sycamore Landing Road to the road which loads to Edward Ferry; and being part of the same land and Right of Way conveyed unto Stephan Elasser and Margaret Elasser, his wife, by deed

7949.80 NRS
1080 SIT
20
90
km

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) KAB 65037, p. 0182, MSA_CE63_64994. Date available 01/19/2022. Printed 06/21/2023.

from Stanley J. Rogan and Maggie J. Rogan, his wife, dated March 2, 1950 and recorded among the Land Records of Montgomery County, Maryland in Liber 1354 at Folio 56.

SAVING AND EXCEPTING those portions conveyed by Deeds as follows:

- 10.00 acres per Deed recorded in Liber 2103 at Folio 421;
- 24.00 acres per Deed recorded in Liber 3427 at Folio 085;
- 10.755 acres per Deed recorded in Liber 3820 at Folio 209; and
- 30.17 acres per Deed recorded in Liber 4898 at Folio 239.

The property conveyed hereby contained 10.00 acres of land.

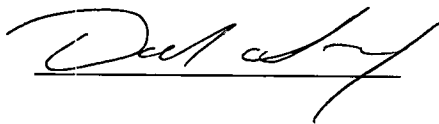
BEING the fee simple property which, by Deed dated 6/24/2015, and recorded 7/1/2015 in Liber 50608 at Folio 277, among the Land Records of the County of Montgomery, Maryland, was granted and conveyed by Jeremy K. Fishman, Samuel D. Williamowsky and Erica T. Davis, Substitute Trustees unto JAMES E. WALKER, Jr. and JUDITH BROADHURST.

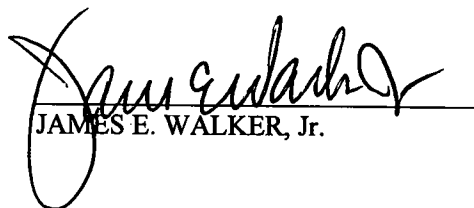
Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said IOANA BALLINGER, as sole owner, in fee simple.

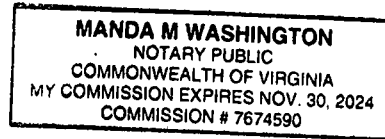
And the Grantors hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant Specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

In Witness Whereof, Grantors have caused this Deed to be properly executed and sealed the day and year first above written.



 (SEAL)
JAMES E. WALKER, Jr.

STATE OF Virginia }
COUNTY OF Fauquier } ss



I hereby certify that on this 20 day of December, 2021, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared JAMES E. WALKER, Jr., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]
Notary Public
My Commission Expires: 11/30/2024

See Attached (SEAL)
JUDITH BROADHURST

STATE OF _____ }
COUNTY OF _____ } ss

I hereby certify that on this 20th day of December, 2021, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared JUDITH BROADHURST, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public
My Commission Expires: _____

THIS IS TO CERTIFY that the within Deed was prepared by or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

[Signature]
Attorney **DAVID KANSTOROOM**

KVS Title, LLC
7550 Wisconsin Avenue, Suite 500
Bethesda, MD 20814

STATE OF Maryland } ss
COUNTY OF Frederick

I hereby certify that on this 20th day of December, 2021, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared JAMES E. WALKER, Jr., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public
My Commission Expires: _____

Judith Broadhurst (SEAL)
JUDITH BROADHURST

STATE OF Maryland } ss
COUNTY OF Frederick

I hereby certify that on this 20th day of December, 2021, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared JUDITH BROADHURST, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

VICTORIA ANNA ARELLANO
NOTARY PUBLIC
FREDERICK COUNTY
MARYLAND
MY COMMISSION EXPIRES APRIL 30, 2022

[Signature]
Notary Public
My Commission Expires: _____

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

[Signature]
Attorney **DAVID KANSTOROOM**

KVS Title, LLC
7550 Wisconsin Avenue, Suite 500
Bethesda, MD 20814

MARYLAND FORM WH-AR

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

2021

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor JUDITH BROADHURST

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).

14915 Mount Nebo Road, Poolesville, MD 20837

3. Reasons for Exemption

Resident Status

Checked box

As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

Unchecked box

Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence

Unchecked box

Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Handwritten signature of witness

JUDITH BROADHURST

Name

12/20/21 Date

Handwritten signature of Judith Broadhurst

Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

Date

Title

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) KAB 65037, p. 0186, MSA_CE63_64994. Date available 01/19/2022. Printed 06/21/2023.

State of Maryland Land Instrument Intake Sheet

Baltimore City County: Montgomery

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only. (Type or Print in Black Ink Only--All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

1 Type(s) of Instruments
2 Conveyance Type Check Box
3 Tax Exemptions (if applicable) Cite or Explain Authority

4 Consideration and Tax Calculations
Table with columns: Consideration Amount, Finance Office Use Only, Transfer and Recordation Tax Consideration

5 Fees
Table with columns: Amount of Fees, Doc. 1, Doc. 2, Agent, Tax Bill, C.B. Credit, Ag. Tax/Other

6 Description of Property
SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

7 Transferred From
Doc. 1 - Grantor(s) Name(s)
Doc. 2 - Grantor(s) Name(s)

8 Transferred To
Doc. 1 - Grantee(s) Name(s)
Doc. 2 - Grantee(s) Name(s)

9 Other Names to Be Indexed
Doc. 1 - Additional Names to be Indexed (Optional)
Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information
Instrument Submitted By or Contact Person
Name: Nicole Holton
Firm: KVS Title, LLC
Address: 7550 Wisconsin Avenue, Suite 500
Bethesda, MD 20814 Phone: ()

11 Assessment Information
IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER
Will the property being conveyed be the grantee's principal residence?
Does transfer include personal property? If yes, identify:
Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line
Table with columns: Terminal Verification, Agricultural Verification, Whole, Part, Tran. Process Verification, Transfer Number, Date Received, Deed Reference, Assigned Property No.

REMARKS:
Space Reserved for County Validation

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) KAB 65037, p. 0187, MSA_CE63_64994. Date available 01/19/2022. Printed 06/21/2023.

LR - Deed (w Taxes)
 Recording only ST20.00
 Name: BALLINGER
 Ref:
 LR - Deed (with Taxes)
 Surcharge 40.00
 LR - Deed State
 Transfer Tax 1,050.00
 LR - NR Tax - 1kd
 7,949.80

SubTotal: 9,059.80

Total: 9,059.80
 01/12/2022 12:56
 CC15-CA
 #15786504 CC0602 -
 Montgomery
 County/CC06.02.06 -
 Register 06



DOCUMENT VALIDATION PAGE
FOR CLERK'S USE ONLY
 (EXCLUDED FROM PAGE COUNT FOR CERTIFIED COPY)

KAREN A. BUSHELL
 Clerk of the Circuit Court for Montgomery County
 50 Maryland Avenue
 Rockville, Maryland 20850
 Recording and Licensing
 (24C) 777-9470

This Deed

HMS 5875 FOLIO 718

Tax Account No./Parcel Identifier

Made this 10th day of April 1982 by and between COLLIN MACKENZIE and ELIZABETH MACKENZIE HIS WIFE

party(ies) of the first part, and AS TO A ONE-HALF INTEREST FERRY A. WALKER and JAMES E. WALKER and BELLO M. WALKER HIS AS TENANTS BY THE ENTIRETY TO A ONE-HALF REMAINING INTEREST.

party(ies) of the second part:

Witnesseth, that in consideration of the sum of \$ 330,000 receipt of which is hereby acknowledged and which the party(ies) of the first part certify under the penalties of perjury as the actual consideration paid or to be paid including the amount of any mortgage or deed of trust outstanding, the said party(ies) of the first part do(es) grant and convey unto the party(ies) of the second part in fee simple as follows: all that property situate in ... County, State of Maryland, described as:

LEGAL DESCRIPTION OF LAND

DEED	15.00
RTX	330.00
STT	375.00

STATE TRANSFER TAX IN THE AMOUNT OF \$ N/A SIGNATURE k. Richardson

which has the address of ...

Subject to covenants, easements and restrictions of record.

To Have and to Hold said land and premises above described or mentioned and hereby intended to be conveyed, together with the buildings and improvements thereupon erected, made or being, and all and every title, right, privileges, appurtenances and advantages thereunto belonging, or in anywise appertaining, unto and for the proper use only, benefit and behoof forever of said parties of the second part in fee simple. Being the same property described in Liber ... among the said Land Records.

And said party(ies) of the first part do hereby covenant to warrant specially the property hereby conveyed; and to execute such further assurances of said land as may be requisite.

Witness my (our) hand(s) and seal(s) on the day and year first hereinbefore written.

Signed, sealed and delivered in presence of,

JOHN R. LEWELLYN

Collin Mackenzie (SEAL)
Elizabeth Mackenzie (SEAL)

STATE OF MARYLAND }
COUNTY OF MONTGOMERY }

On this 10th day of April, 1982, before me, the undersigned officer, personally appeared

known to me (or satisfactorily proven) to be the person(s) whose name(s) is (are) subscribed to the within instrument and acknowledged that he (she) (they) has (have) executed the same for the purposes therein contained. In witness whereof, I have hereunto set my hand and official seal.

My commission expires: 7/1/82

JOHN R. LEWELLYN Notary Public

(over)

I certify that this instrument was prepared under the supervision of an attorney admitted to practice before the Court of Appeals of Maryland.

Sylvia S. Sullivan

SYLVIA S. SULLIVAN

Conroy, FitzGerald, Ballman & Ridgway, Chartered

4110-A

CLERK'S NOTATION Document submitted for record in a condition not permitting satisfactory photographic reproduction.

This Deed

CLERK'S OFFICE
MONTG. CO., MD.

Made this 31st day of December, 1976, by and between
COLLIN MACKENZIE and ELIZABETH MACKENZIE, his wife
1977 JAN 21 PH 1:57

party (ies) of the first part, and

HARRY JOSEPH HYMAN and WANDA STALLINGS HYMAN, his wife, as Tenants by the Entirety, to an undivided 2/3 interest and LYNN CAROL HYMAN LEE, as to the remaining undivided 1/3 interest

party (ies) of the second part:

WITNESSETH, that in consideration of the sum of Ten Dollars and other good and valuable considerations, receipt of which is hereby acknowledged, the said party (ies) of the first part do(es) grant and convey unto the party (ies) of the second part in fee simple as Joint Tenants all that property situate in Montgomery County, State of Maryland, described as:

Legal description attached hereto

JAN-21-77	PAID 1 0 2 9	CLK.GT.M.C.	-- RTXECK	246.40
JAN-21-77	PAID 1 0 3 0	CLK.GT.M.C.	-- STECK	280.00
JAN-21-77	PAID 1 0 3 1	CLK.GT.M.C.	DED --ECK	10.00

Being the same property described in Liber 1811 folio 484, among the said Land Records.

Subject to covenants and restrictions of record.

TO HAVE AND TO HOLD said land and premises above described or mentioned and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereunto belonging or appertaining, unto and to the only proper use, benefit and behoof forever of said party of the second part in fee simple.

TOGETHER with the building and improvements thereupon erected, made or being; and all and every, the rights, alleys, ways, water, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

AND the said party (ies) of the first part covenant (s) that they will warrant specially the property hereby conveyed; and that they will execute such further assurances of said land as may be requisite.

WITNESS their hand (s) and seal (s).

TEST:

Collin Mackenzie (SEAL)
Collin Mackenzie

Elizabeth Mackenzie (SEAL)
Elizabeth Mackenzie

STATE OF MARYLAND }
COUNTY OF MONTGOMERY } ss

On this 31st day of December, 1976, before me, the undersigned officer, personally appeared Collin Mackenzie and Elizabeth Mackenzie, his wife

known to me (or satisfactorily proven) to be the person (s) whose name (s) (are) subscribed to the within instrument and acknowledged that ~~they~~ (they) ~~has~~ (have) executed the same for the purposes therein contained.

In witness whereof I have hereunto set my hand and official seal.

My commission expires : 7/1/78

Bernard Kanstoroom
Notary Public



I HEREBY CERTIFY that I am an attorney admitted to practice before the Court of Appeals of Maryland, and that I have prepared this instrument.

Bernard H. Kanstoroom

246.40
280.00
10

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) HMS 4898, p. 0239, MSA_CE63_4856, Date available 08/30/2007. Printed 06/21/2008

Parts of tracts of land called "DOUBLE DISTILLED BRANDY" and etc., Poolesville (3rd) District, Montgomery County, Maryland, and being more particularly described as follows:

BEGINNING for the same at the beginning of the 2nd line of a conveyance from Roger Hayden to Collin MacKenzie for 84.926 acres of land and recorded among the land records of Montgomery County, Maryland in Liber 1811 at folio 484, thence with the lines of said conveyance and to include a part of said land S. 83° 00' E. 1291.62 feet thence N. 04° 15' W. 637.56 feet thence with part of the 4th line N. 41° 15' W. 122.55 feet thence with part of the south line of the G.C. Fisher land and recorded in Liber 3427 at folio 85, N. 86° 25' 13" W. 997.81 feet thence S. 03° 34' 37" E. 246.20 feet thence S. 82° 43' 40" W. 1963.23 feet to the westerly side of Mt. Nebo Road (formerly called Sheppard Road) and the 6th line of the 1st mentioned conveyance with said road and said line S. 17° 30' E. 391.21 feet more or less to beginning of the 10.00 acres of land conveyed to Oscar I. Lessig and recorded in Liber 2103 at folio 421 thence leaving said road with the north and east lines thereof N. 76° 08' 50" E. 1675.10 feet thence S. 20° 00' E. 170.34 feet to the place of beginning. Containing 30.17 acres of land, more or less.

Recd

FROM
COLLIN MCKENZIE and
ELIZABETH MCKENZIE, his
wife

TO
HARRY JOSEPH HYMAN and
WANDA STALLINGS HYMAN,
his wife, and
LYNN CAROL HYMAN LEE

Received for Record on the
day of 19..... M.
at o'clock M.
and recorded in Liber No. at
Folio et seq, one of
the Land Records of

Clerk

LAW OFFICES
LEVITAN, EZRIN, CRAMER,
WEST & WEINSTEIN
1400 BIRLOW BUILDING
1400 BIRLOW BUILDING
WASHINGTON, D.C. 20005
(800) 658-0915

JAN 21 1977

37-384/2
1/21/77

All Taxes on instruments certified to the
Collector, Tax & Assessment Office,
Montgomery County, Maryland, are hereby
certified to be correct.

Notary Public for the State of Maryland
My Commission Expires on

\$500.00



ALREADY DEEMED THIS PROPERTY HAS BEEN DUAL
RECORDED IN THE MONTGOMERY COUNTY
LAND RECORDS.

TRANSMITTED TO THE
MONTGOMERY COUNTY
CLERK'S OFFICE
3-17-77 384/2

After recording please mail to:
LEVITAN, EZRIN, CRAMER, WEST & WEINSTEIN
1400 BIRLOW BUILDING - 545 Wisconsin Ave.
Washington, D.C. 20005

After Recording Please mail to Grantees:

10507 Tulip Lane
Potomac, Maryland

Case No. S-1408-P



**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 28-Sep-23
TO: David McKee
Benning and Associates
FROM: Marie LaBaw
RE: 14915 Mount Nebo Road
620230130

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **25-Sep-23** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** Water supply easement *****

Benning & Associates, Inc.

8933 Shady Grove Court
Gaithersburg, MD 20877
Phone: 301-948-0240
dmckee@benninglandplan.com

To: S. Marie LaBaw, PhD PE - MCDPS / Fire Code Enforcement Office

Date: September 25, 2023

Re: 14915 Mount Nebo Road - MNCPPC #620230130

Dear Ms. LaBaw:

Attached herewith is an updated Fire Department Apparatus Access & Water Supply Plan for the subject property for your review and approval. This plan is being submitted as part of an Administrative Subdivision for conversion of an existing parcel into a building lot for one single-family residence.

Please let me know if you have any questions or need additional information for approval of this plan.

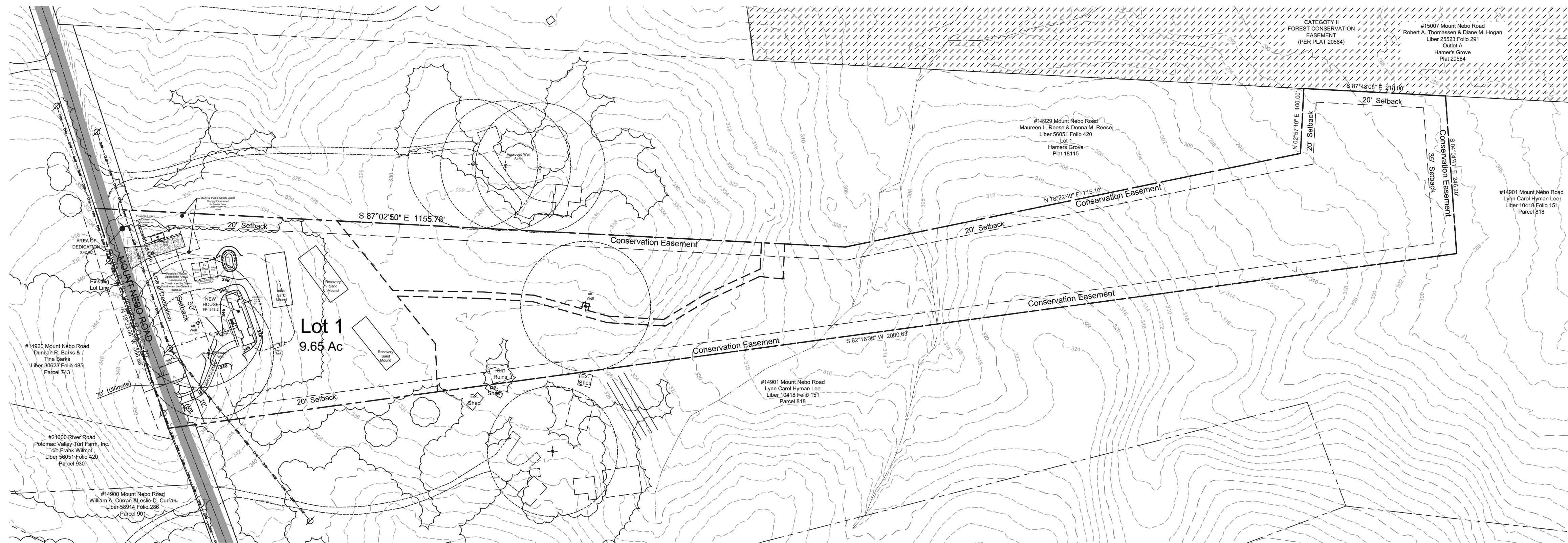
Sincerely,



David W. McKee

LEGEND:

- SETBACK LINE (Primary Structure)
- CANOPY COVERAGE
- CENTERLINE
- EXISTING BUILDING
- EXISTING CATEGORY I CONSERVATION EASEMENT
- EXISTING FENCE
- EXISTING ROAD
- INDEX CONTOUR (2' INTERVAL)
- INTERMEDIATE CONTOUR
- OVERHEAD UTILITIES
- PROPERTY LINE (SUBJECT)
- PROPERTY LINE
- PROPOSED HOUSE
- SAND MOUND
- SEPTIC TANK
- STREAM
- UNDERGROUND UTILITY (Electric)
- UTILITY POLE
- WATER CONNECTION (from well)
- WELL



FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY NOTES:

1. The purpose of this plan is to address requirements of Executive Regulation 8-16 (Fire Safety Code - Building Construction) as appropriate for the proposed subdivision.
2. The proposed lot is to be accessed by way of a new private driveway, providing access to the subject property only, from Mount Nebo Road.
3. For water supply, a MCFRS Public Safety Water Supply Easement is to be provided as shown on the plan for possible future installation of a 30,000 gallon cistern by others. The easement is to be recorded in the Land Records of Montgomery County, Maryland prior to the recordation of the plat for the subdivision.
4. Mount Nebo Road is an existing public road which has a measured width of 20' along the front of the subject property.
5. The posted speed limit along Mount Nebo Road is 25 MPH.

FRICION LOSS CALCULATIONS-

1. Static Head: Hydrant Elev. 338.5 - Drop Tube Invert Elev. 325.4 = 13.1'
2. Friction Head -
Drop Tube & Suction Pipe Length: 13.1'
90° Ell: 1 x 18.92' = 18.92'
Total = 32.02'
32.02 l.f. of 6" Galv. Pipe x 0.0086 l.f. = 0.28'
3. Total Head = 13.4'

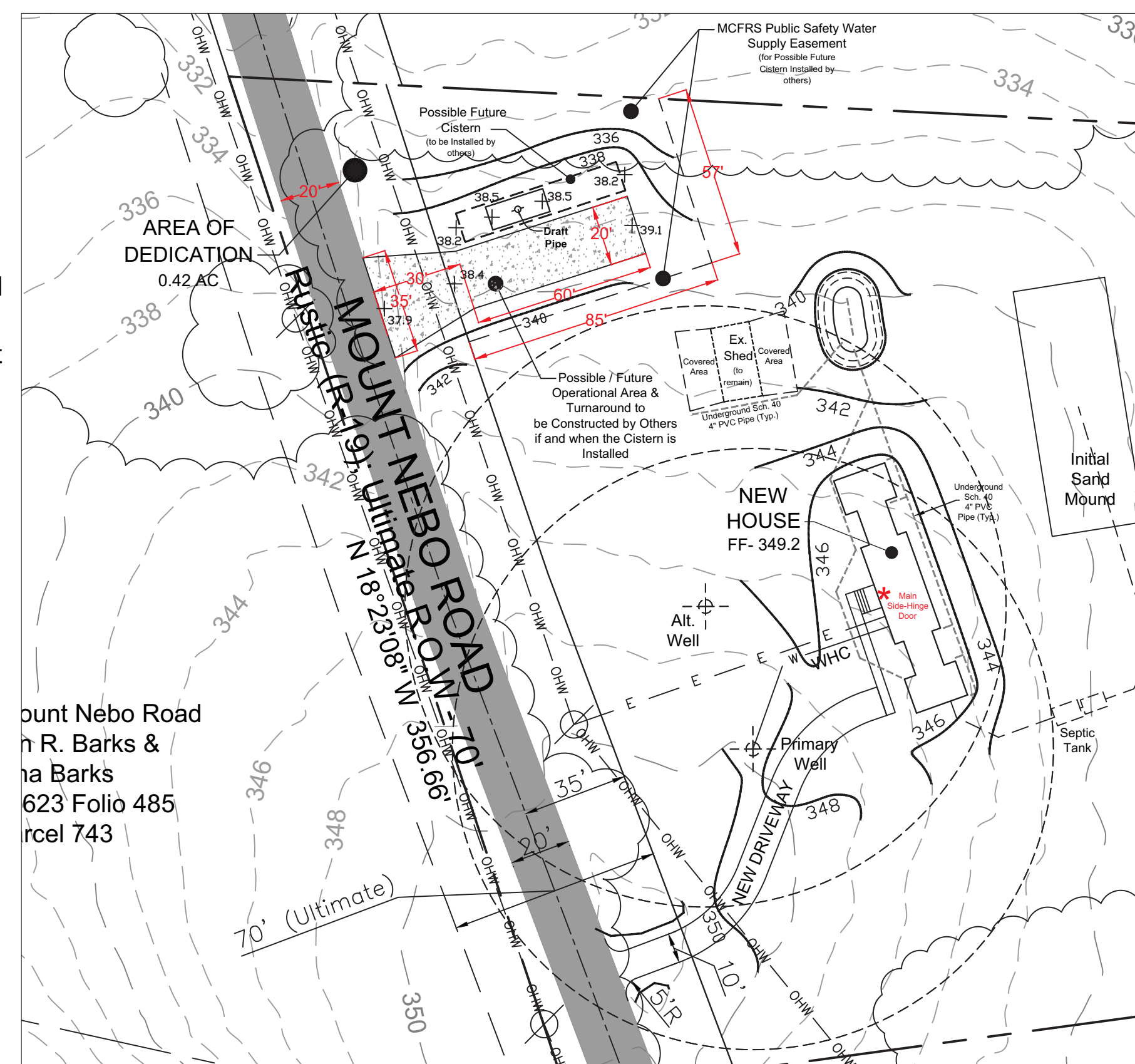
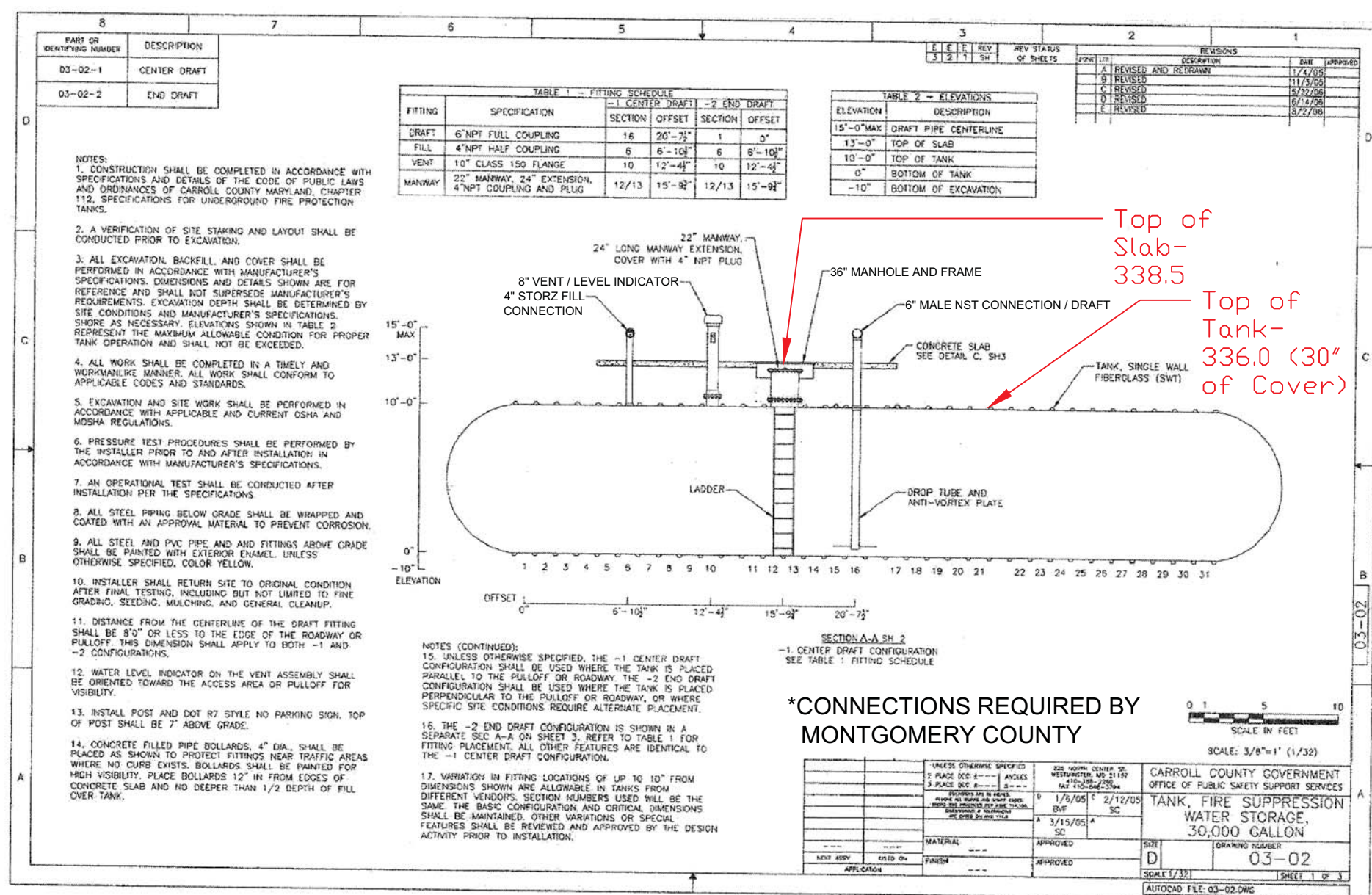
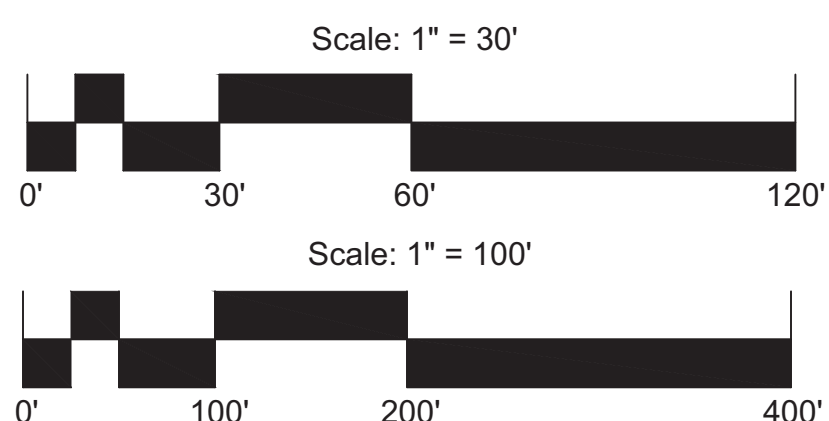
Professional Certification:
I hereby certify that this Fire Department Apparatus Access Plan has been prepared in accordance with the requirements of Executive Regulation 8-16 (Fire Safety Code - Building Construction) to the best of my knowledge.

Signature: Date: 09-19-2023



NOTES:

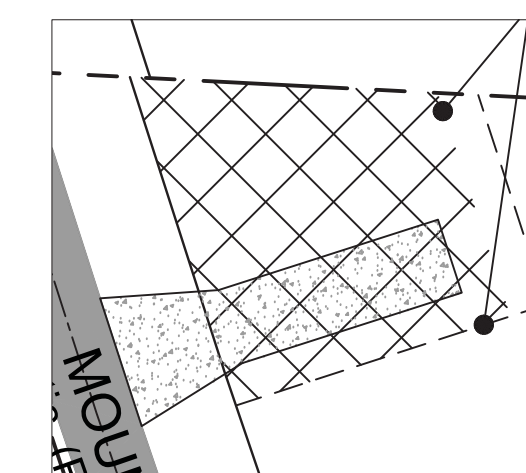
1. AREA OF PROPERTY - 10.07 AC
2. EXISTING ZONING - AR
3. NUMBER OF LOTS PERMITTED - 1
4. NUMBER OF LOTS SHOWN - 1
5. AREA TO BE DEDICATED TO STREETS - 0.42 AC
6. SITE TO BE SERVED BY AN ON-SITE SAND MOUND SEPTIC SYSTEM & AN ON-SITE WELL.
7. EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-6
8. LOCATED IN HORSEPEN BRANCH WATERSHED (I-P).
9. SOURCE OF 2-FOOT CONTOUR INTERVAL TOPOGRAPHY IS M-NCPPC SHEET 220NW21.



DETAIL VIEW:
1" = 40'

ELEVATION	DESCRIPTION
337.5	EXISTING GRADE AT PROPOSED TANK SITE
338.5	PROPOSED CONCRETE SLAB ELEVATION
339.5	PROPOSED DRAFT PIPE CENTERLINE ELEVATION
336.0	PROPOSED TOP OF TANK ELEVATION *
326.0	PROPOSED BOTTOM OF TANK ELEVATION
325.2	PROPOSED BOTTOM OF EXCAVATION ELEVATION

*top of tank must be at or below front line (30") to prevent freezing



EASEMENT:
1" = 50'

FIRE CODE ENFORCEMENT

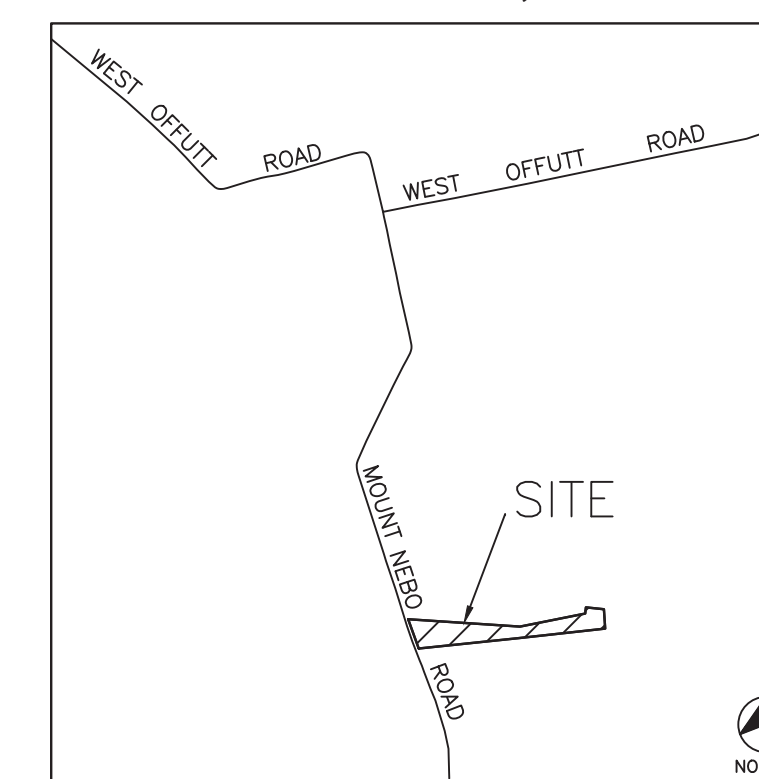
Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

BY: *SAC* PM: 43 DATE: 9/28/2023

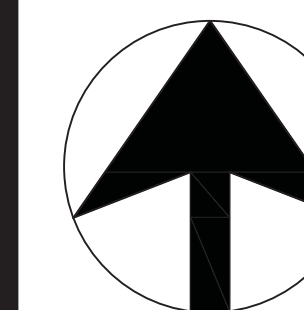
PREPARED FOR:
Ioana Ballinger
13215 Violette Lock Road
Germantown, MD 20874
(410) 353-4962
ioballinger@gmail.com

VICINITY MAP
SCALE: 1" = 2,000'



Revisions

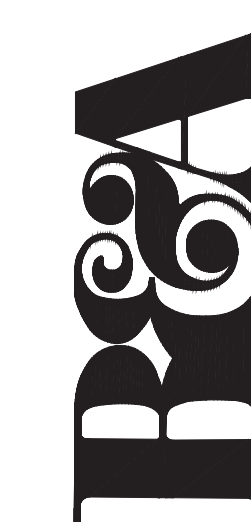
Rev. 09-19-23



date: 06/01/2023

scale: 1" = 100'

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



FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY PLAN
14915 Mount Nebo Road
Parcel 833, Tax Map BS51
Montgomery County, Maryland



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher Conklin
Director

October 30, 2023

Mr. Jonathan Casey, Planner II
Up-County Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Drive
Wheaton, Maryland 20902

RE: Administrative Plan No. 620230130
14915 Mount Nebo Road

Dear Mr. Casey:

We have completed our review of the administrative plan uploaded to Eplans on September 25, 2023. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on August 15, 2023. We recommend approval of the plan subject to the following comments:

Significant Plan Review Comments

1. The applicant shall dedicate thirty-five (35) feet from the existing centerline along the Mount Nebo Road frontage.

Standard Plan Review Comments

2. All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. Septic systems cannot be located in the slope and drainage easements or right-of-way.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX
www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

5. The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.
6. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation certification form is enclosed for your information and reference.
7. Posting of a right-of-way permit bond is a prerequisite to DPS approval of the record plat. The right-of-way permit will include, but not necessarily be limited to providing permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.
8. Erosion and sediment control measures as required by Montgomery County Code 19-10(02) and on-site stormwater management, where applicable, shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

Thank you for the opportunity to review this administrative plan. If you have any questions or comments regarding this letter, please contact me at william.whelan@montgomerycountymd.gov or (240) 777-2173.

Sincerely,

William Whelan

William Whelan
Development Review Team
Office of Transportation Policy

Enclosures (1)

Sight Distance Certificate

Sharepoint/transportation/director's office/development review/WhelanW/620230130 14915 Mount Nebo Road-MCDOT Review Letter 103023.docx

cc: Sharepoint Correspondence 2024

cc-e:	David McKee	Benning & Associates
	Brett Brown	MNCP&PC
	Sam Farhadi	MCDPS RWPR
	Marie LaBaw	MCFRS