



Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Law of the State of Maryland, Lic. No. 18905 Exp. Date: 04/21/2026

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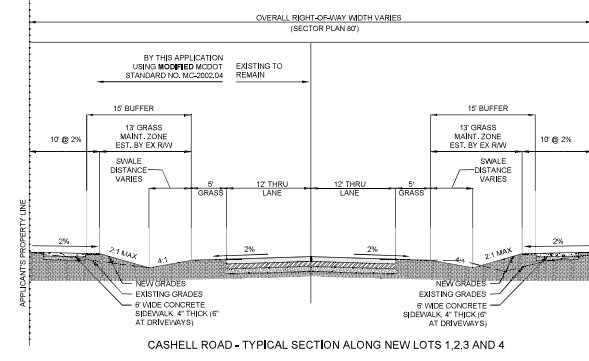
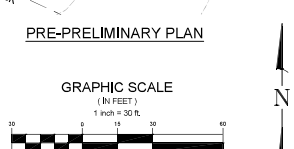
LAND USE ATTORNEY:
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7315 WISCONSIN AVE, STE 800 WEST
BETHESDA, MD 20814
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EMAIL: FCARRIER@BREGMANLAW.COM

- ### KEY NOTES
- [01] ASPHALT PAVING (TYPICAL)
 - [02] NEW SINGLE FAMILY HOUSE
 - [03] NEW DRIVEWAY ENTRANCE PER MC-01.03 WITH 18" X 24" CMP CULVERT
 - [04] STORM WATER MANAGEMENT DRY WELL
 - [05] LIMIT OF DISTURBANCE
 - [11] BUILDABLE AREA
 - [12] NEW LOT LINE
 - [13] EXISTING FIRE HYDRANT
 - [14] NEW WATERLINE
 - [15] NEW SEWER LINE
 - [16] NEW FIRE HYDRANT
 - [21] EXISTING RESIDENTIAL CARE FACILITY TO REMAIN
 - [22] EXISTING 2 STORY MASONRY AND FRAME BUILDING TO BE REMOVED
 - [23] EXISTING POOL AND POOL DECK TO BE REMOVED
 - [24] EXISTING STRUCTURE TO BE REMOVED
 - [25] ALL EXISTING IMPERVIOUS SURFACES AND STRUCTURES ON NEW LOTS 2, 3 AND 4 TO BE REMOVED (TYPICAL)
 - [26] EXISTING DRIVEWAY ENTRANCE TO BE REMOVED
 - [27] EXISTING WALK TO BE REMOVED
 - [28] EXISTING DRIVEWAY TO BE REMOVED
 - [29] EXISTING FENCE TO BE REMOVED
 - [30] EXISTING FENCE TO REMAIN
 - [31] 10' PUE LINE
 - [32] EXISTING WATER AND SEWER SERVICE TO REMAIN APPROXIMATE LOCATION SHOWN BASED ON VSSIC RECORD OF INSTALLATION OF WATER CONNECTION BY PLUMBING PERMIT NO 362832
 - [33] NEW 6" PUBLIC SEWER, SEE CASHELL ROAD - TYPICAL SECTION ALONG NEW LOTS 1, 2, 3 AND 4 (THIS SHEET)

- ### LEGEND
- 37.4 --- EXISTING CONTOUR (2')
 - 37.4 --- NEW CONTOUR (2')
 - + 7.40 --- NEW SPOT ELEVATION
 - NEW ASPHALT PAVING
 - NEW BUILDING
 - EXISTING PROPERTY BOUNDARY
 - NEW PROPERTY BOUNDARY
 - BUILDING RESTRICTION LINE (BRL)
 - EXISTING TREES
 - PROPOSED TREES
 - NEW WATER LINE
 - NEW SEWER LINE
 - EXISTING FENCE
 - EXISTING GAS LINE
 - EXISTING OVERHEAD WIRE
 - EXISTING PUE

DEVELOPMENT STANDARDS FOR RE-1 (STANDARD METHOD)					
ZONING REQUIREMENT/DESCRIPTION	PERMITTED / REQUIRED	PROVIDED LOT 1	PROVIDED LOT 2	PROVIDED LOT 3	PROVIDED LOT 4
MIN. LOT AREA PER 59-4.4.6.B.	40,000 SF	40,000 SF OR MORE	40,000 SF OR MORE	40,000 SF OR MORE	40,000 SF OR MORE
MIN. LOT WIDTH AT FRONT BLDG. LINE PER 59-4.4.6.B.	125 FT	125 FT OR GREATER	125 FT OR GREATER	125 FT OR GREATER	125 FT OR GREATER
MIN. LOT WIDTH AT FRONT LOT LINE PER 59-4.4.6.B.	25 FT	25 FT OR GREATER	25 FT OR GREATER	25 FT OR GREATER	25 FT OR GREATER
MAX. DENSITY PER 59-4.4.6.B.	1.09 UNIT / ACRE	0.81 UNIT / ACRE FOR VEHICLE DEVELOPMENT			
MAXIMUM COVERAGE PER 59-4.4.6.B.	15 % LOT 1, 16.65 % LOT 2, 6.72 % LOT 3, 9.18 % LOT 4, 7.87 % 59'	15 % OR LESS	15 % OR LESS	15 % OR LESS	15 % OR LESS
PRINCIPAL BUILDING MIN. FRONT SETBACK / BRL PER 59-4.4.6.B. FOR LOT 1 AND PER 59-4.4.6.B. AND CHAPTER 50-4-C.1. FLAG LOTS FOR LOTS 2, 3 AND 4.	50 FT FOR LOT 1, 45 FT FOR FLAG LOTS 2, 3 & 4	50 FT OR GREATER	50 FT OR GREATER	50 FT OR GREATER	50 FT OR GREATER
PRINCIPAL BUILDING MIN. SIDE SETBACK / BRL PER 59-4.4.6.B. FOR LOTS 1 AND PER 59-4.4.6.B. AND CHAPTER 50-4-C.1. FLAG LOTS FOR LOT 2, 3, AND 4.	17 FT	17 FT OR GREATER	45 FT OR GREATER	17 FT OR GREATER	17 FT OR GREATER
PRINCIPAL BUILDING MIN. REAR SETBACK / BRL PER 59-4.4.6.B.	35 FT	35 FT OR GREATER	35 FT OR GREATER	35 FT OR GREATER	35 FT OR GREATER
PRINCIPAL BUILDING MIN. FRONT SETBACK / BRL PER 59-4.4.6.B. FOR LOT 1 AND PER 59-4.4.6.B. AND CHAPTER 50-4-C.1. FLAG LOTS FOR LOTS 2, 3 AND 4.	35 FT FOR LOT 1, 63 FT FOR FLAG LOTS 2, 3 & 4	35 FT OR GREATER	35 FT OR GREATER	63 FT OR GREATER	63 FT OR GREATER
ACCESSORY STRUCTURES MIN. FRONT SETBACK / BRL PER 59-4.4.6.B.	15 FT	N/A	N/A	N/A	N/A
ACCESSORY STRUCTURES MIN. SIDE SETBACK / BRL PER 59-4.4.6.B.	15 FT	N/A	N/A	N/A	N/A
ACCESSORY STRUCTURES MIN. REAR SETBACK / BRL PER 59-4.4.6.B. FOR LOT 1 AND PER 59-4.4.6.B. AND CHAPTER 50-4-C.1. FLAG LOTS FOR LOTS 2, 3 AND 4.	10 FT FOR LOT 1, 45 FT FOR FLAG LOTS 2, 3 & 4	N/A	N/A	N/A	N/A
MAX. HEIGHT PER 59-4.4.6.B.	50 FT	50 FT OR LESS	50 FT OR LESS	50 FT OR LESS	50 FT OR LESS
SITE PLAN REQUIRED	NO	NO	NO	NO	NO
MIN. PARKING SPACES PER 59-2.2.4. FOR LOT 1 (8 BEDS X 0.25) + (1 EMPLOYEE X 0.5) + 2.5, ROUND UP TO 3 SPACES	3 SPACES	4 SPACES	2 SPACES	2 SPACES	2 SPACES
MIN. PARKING SPACES PER 59-2.2.4. FOR LOTS 2, 3 AND 4	2 SPACES	N/A (SEE ABOVE ROW)	2 SPACES	2 SPACES	2 SPACES
MINIMUM NUMBER OF BICYCLE SPACES PER 59-2.2.4.C	FOR LOT 1: N/A ¹ FOR LOTS 2, 3 & 4: N/A ¹	0 SPACES	0 SPACES	0 SPACES	0 SPACES

NOTES:
 1) NO ACCESSORY STRUCTURES ON LOT 1, 2, 3 AND 4.
 2) SPACES ARE ACCOMMODATED IN NEW ASPHALT PARKING AREA / DRIVEWAY. THE PARKING COUNT REMAINS UNCHANGED AS THE SAME NUMBER OF SPACES WILL BE PROVIDED ON THE NEW PARKING AREA FOR LOT 1.
 3) THERE ARE NO BICYCLE SPACES REQUIRED BECAUSE THE EXISTING RESIDENTIAL CARE FACILITY ONLY INCLUDES 8 BEDS, WHICH IS WELL BELOW 30 BEDS.
 4) NOT APPLICABLE FOR SINGLE FAMILY RESIDENTIAL USES.
 5) THE PROPOSED FRONT BRL ON FLAG LOTS PROVIDES MORE THAN 80' SEPARATION FROM THE BUILDING ENVELOPE OF ALL LOTS BETWEEN THE PROPOSED FLAG LOT AND THE ROAD ON WHICH IT FRONTS, PER CHAPTER 50-4-C.1 OF MONTGOMERY COUNTY CODE, FLAG LOTS.
 6) THE PROPOSED REAR BRL ON FLAG LOTS PROVIDES 80' SEPARATION FROM THE BUILDING ENVELOPE OF ALL LOTS THAT ARE ADJACENT TO THE REAR LOT LINE OF THE PROPOSED FLAG LOT, PER CHAPTER 50-4-C.1 OF MONTGOMERY COUNTY CODE, FLAG LOTS.
 7) THE PROPOSED SIDE BRL ON FLAG LOT 2 PROVIDES 80' SEPARATION FROM THE BUILDING ENVELOPE OF ALL LOTS THAT ARE ADJACENT TO THE REAR LOT LINE OF THE PROPOSED FLAG LOT 2, PER CHAPTER 50-4-C.1 OF MONTGOMERY COUNTY CODE, FLAG LOTS.
 8) FOR SIDE BRL OF LOT 3, NO BUILDABLE LOT IS ADJACENT TO THE REAR LOT LINE OF PROPOSED FLAG LOT 3. SIDE BRL IS THEREFORE PROVIDED PER 59-4.4.6.B OF MONTGOMERY COUNTY CODE.
 9) NO USABLE BUILDABLE AREA IS PRESENT ON EXISTING LOTS 36 AND 37. SIDE BRL FOR LOT 4 IS THEREFORE PROVIDED PER 59-4.4.6.B OF MONTGOMERY COUNTY CODE.



REVISIONS

NO.	DESCRIPTION	DATE

8TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

FLAT 12386

LOT 33 & PT LOT 34,
BLOCK A
OLNEY ACRES
ALFRED HOUSE/
CASHELL ROAD

PROJ. MGR KJH
DRAWN BY PHR
SCALE 1" = 30'
DATE 05.13.2024

PRE-PRELIMINARY PLAN NO. 72024010
PRE-PRELIMINARY CONCEPT PLAN PP0.03
PROJECT NO. 06,168,14
SHEET NO. 4 OF 4

Pre-Preliminary Plan Application No. 720240010, Olney Acres Subdivision

18100 Cashell Road, Rockville, Maryland

Applicant's Amended Statement of Justification

April 25, 2024

A. Introduction

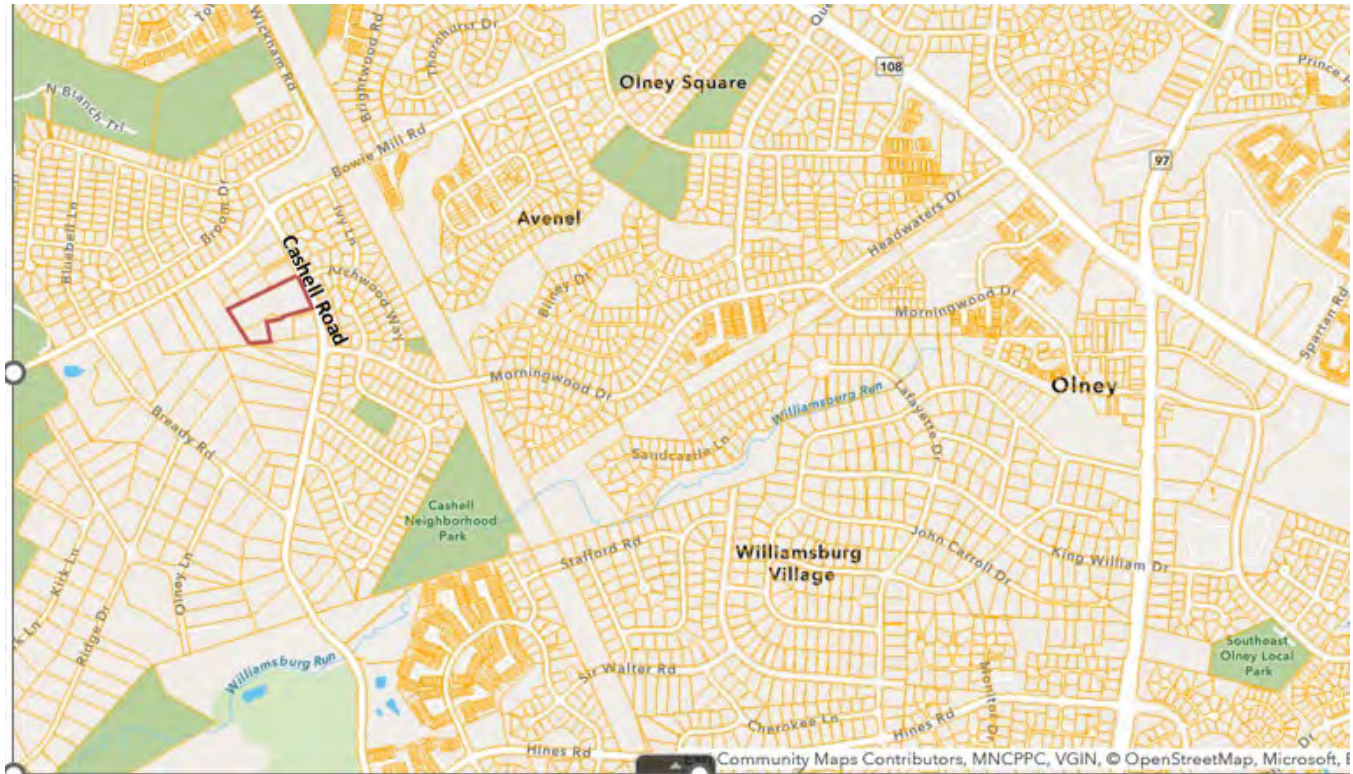
The Veena J. Alfred Trust, represented by trustee Dr. Veena J. Alfred (the "Applicant"), seeks a binding decision from the Planning Board regarding the application of the flag lot provisions of Section 59.50.4.3.C. to the Applicant's property located at 18100 Cashell Road, Rockville (the "Subject Property" or the "Site"), which is located within the Olney Master Plan area. The Applicant requests a finding from the Planning Board that the Applicant's proposed subdivision of the Subject Property into four lots, including three flag lots, satisfies the requirements of Section 59.50.4.3.C, and in particular that, with respect to the flag lots:

- (1) The position of the tract in relation to surrounding properties and rights-of-way permits no feasible way to subdivide other than by creating flag lots.
- (2) Appropriate separation between building envelopes is achieved through 80-foot separations in both directions specified in Section 59.50.4.3.C.1.b.i:
 - a. Between each proposed flag lot and the building envelopes of all lots between each flag lot and Cashell Road; and
 - b. Between each proposed flag lot and the building envelopes of all lots that are adjacent to the rear lot line of the flag lot.
- (3) The setbacks proposed provide appropriate separation between lots.

B. Existing Conditions

The Subject Property consists of Part of Lot 33 and Part of Lot 34, Olney Acres Subdivision. It measures approximately 4.96 acres and is located in the RE-1 zone, about 1.5 miles from the intersection of Georgia Avenue (Rte. 97) and Olney-Laytonsville Road (Rte. 108) in Olney.

Figure 1 – Site Location



The Subject Property is currently developed with an eight-bed Alfred House senior living and memory care facility in the northeast corner of the site. The remainder of the site contains a two-story office building, a swimming pool and two small outbuildings, all of which will be demolished in connection with a future preliminary plan application. The Subject Property contains no noteworthy environmental features. Landscaping consists primarily of grass and perimeter trees spaced along the northern, southern and western boundary lines. The approved Natural Resources Inventory/Forest Stand Delineation indicates that the site has no forest, streams, wetlands or threatened or endangered species. The Subject Property was once the site of a Commercial Riding Stable special exception and an accessory apartment special exception. These special exceptions were revoked in 2010 and 2007, respectively.

As shown in more detail in Figures 2 and 3, the Subject Property fronts on Cashell Road to the east and confronts single-family homes in the R-200 zone across Cashell Road. The Subject Property is bordered to the north, south and west by property zoned for large-lot residential use in the RE-1 zone. The Subject Property is flanked by flag lots to the north and south. Moreover, most of the

abutting properties are either flag lots, undevelopable outlots, or undevelopable portions of residential lots:

- To the north, the proposed flag lots abut two properties. One is a flag lot that was created in 1982 and was later acquired by the Applicant and developed with an Alfred House senior living and memory care facility in a residential-style building. The other is an undevelopable, 17,000-square-foot outlot. In addition, two of the three closest lots to the north are flag lots.
- To the west, the proposed flag lots abut the rear, undeveloped portion of a long, thin residential lot that fronts on Bowie Mill Road.
- To the south, the proposed shared entrance drive abuts Lot 44, an existing residential flag lot; to the west of the “flagpole” portion of Lot 44 is Lot 35, a residential lot that fronts on Cashell Road. Lot 35 is neither between a proposed flag lot and the road nor near the rear lot line of any of the proposed flag lots, so it does not trigger any special spacing requirements. Finally, the proposed flag lot in the southwest corner of the Site abuts to the south the effectively unbuildable triangular tips of two irregularly-shaped residential lots, plus a vacant portion of an outlot containing outbuildings associated with an adjoining residential lot.

Figure 2 – Immediate Surroundings

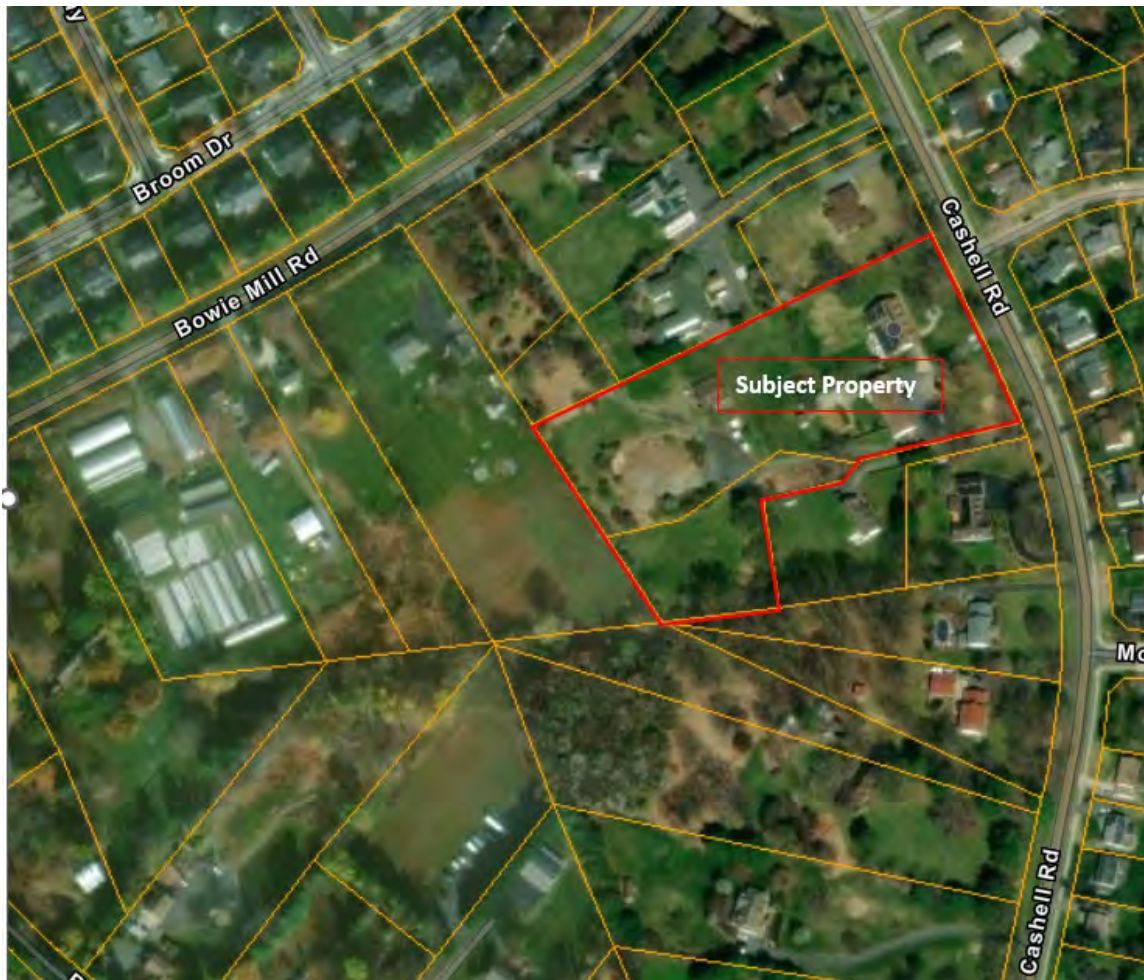


Figure 3 – Lotting Diagram



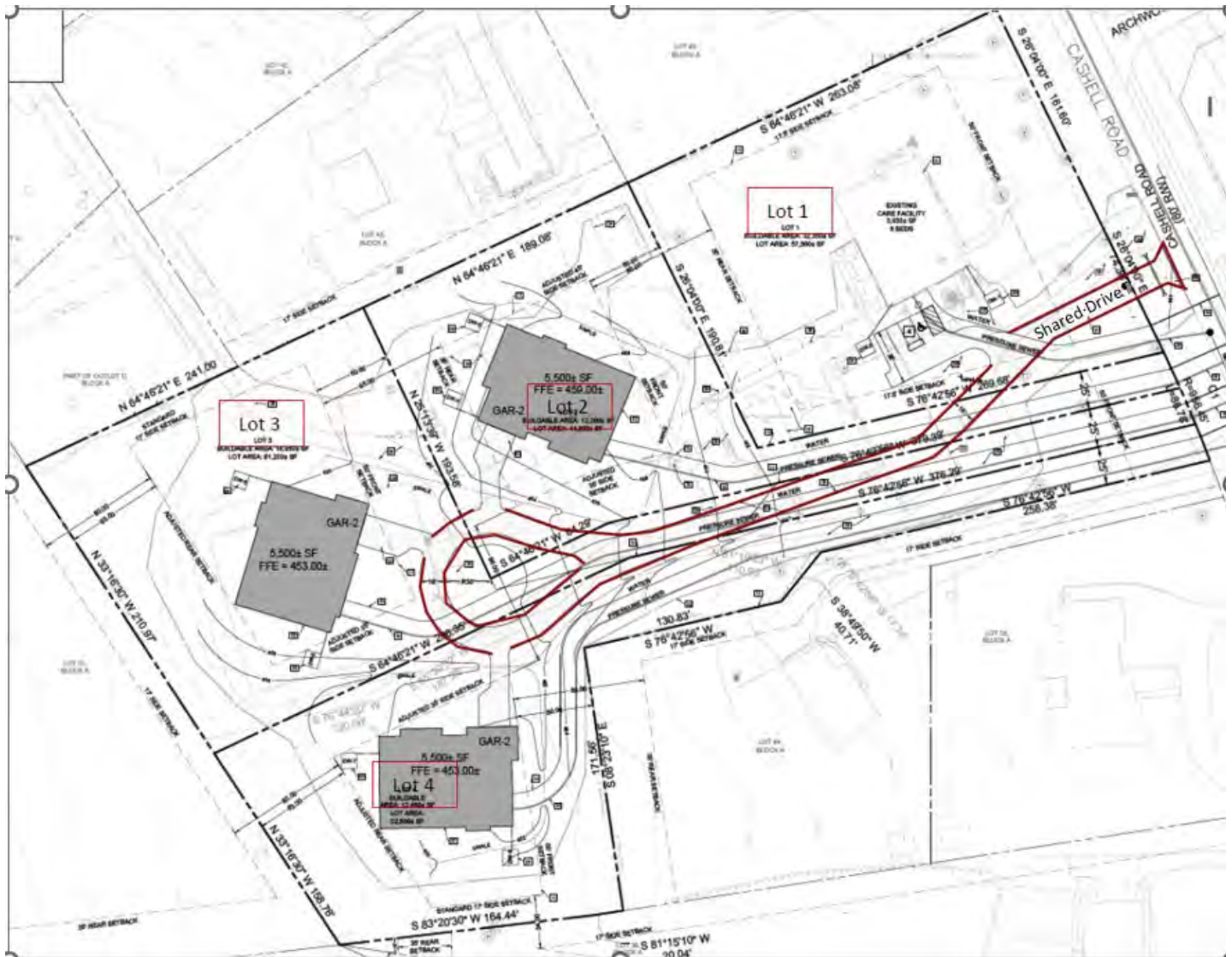
C. Procedural Posture

The Subject Property was the subject of Preliminary Plan No. 120220070, approved in September, 2022, for a one-acre lot (intended as an appropriately-sized lot for the existing assisted living facility) and a four-acre outlot (the “2022 Preliminary Plan”). A final subdivision plat has not been submitted in connection with the 2022 Preliminary Plan. Instead, the Applicant presents this Pre-Preliminary Plan to explore the viability of a four-lot subdivision.

D. Subdivision Description

The eight-bed Alfred House facility on the Subject Property is part of a group of similar facilities owned and operated by the Applicant at various locations around the County. As part of long-term planning for the Alfred House portfolio, the Applicant seeks to create a one-acre lot for the Alfred House facility located on the Subject Property and divide the remainder of the property into three one-acre residential flag lots, with a shared driveway for all four lots that culminates in a cul-de-sac for the three residential properties. The submitted Pre-Preliminary Concept Plan is excerpted in Figure 3 below.

Figure 3 –Pre-Preliminary Concept Plan



E. Preliminary Plan Findings

1. Flag Lot Provisions

This pre-preliminary plan has been submitted to confirm the Applicant's conviction that the proposed subdivision satisfies the flag lot provisions in Montgomery County Code Chapter 50, Section 59.50.4.3.C.b, quoted below in bold and italics.

b. Flag lots. The Board must not approve flag lots, except where unusual topography, environmental conditions, or the position of the tract in relation to surrounding properties and rights-of-way permit no other feasible way to subdivide and the Board determines that appropriate separation between building envelopes can be achieved. In approving a flag lot, the following provisions apply:

i. in residential zones, the Board must require building restriction lines as needed to provide separation of at least 80 feet between the building envelope of the proposed flag lot and:

(a) the building envelopes of all lots that are adjacent to the rear lot line of the proposed flag lot; and

(b) the building envelopes of all lots that are between the proposed flag lot and the road on which it fronts;

ii. the Board may require additional building restriction lines to ensure appropriate separation between building envelopes and to provide appropriate location of the building envelope within the lot; and

iii. all building restriction lines must be shown on the plat.

The Subject Property is comprised of two irregularly shaped parcels with approximately 236 feet of frontage on Cashell Road. Plainly put, the position of the tract in relation to the surrounding properties presents no feasible way to subdivide the property into three residential lots without creating flag lots. Due to Subject Property's limited street frontage and the location of the existing structure on proposed Lot 1, creation of a lot for the existing use that satisfies applicable development standards leaves a maximum of 75 feet of road frontage available for the remaining four acres of land. Thus, without a flag lot configuration, this five-acre tract of land can be subdivided into only two lots – the Alfred House one-acre lot and a single four acre lot. At a time when the County is working hard to encourage housing production and increase density where appropriate, forcing the Applicant to develop this property at well below the modest one-acre lot density allowed in the R-1 zone would represent a loss of two viable residential lots that are entirely compatible with the surrounding community.

Moreover, as shown on Figure 2 above, three of the surrounding properties are flag lots, and many are not standard one-acre residential lots, but are long, thin rectangles; lots and outlots without street frontage; and long, thin triangles. Clearly, given the configuration of adjacent lots, the neighborhood will not be adversely affected by the creation of three additional flag lots.

Applicant proposes one lot with a standard shape (the lot approved for the existing Alfred House in the 2022 Preliminary Plan) and three residential flag lots. All lots will have appropriate separation between building envelopes, as discussed further below. Each of the three flag lots is designed with front and rear building restriction lines that create a separation of at least 80 feet between the building envelope on the flag lot and (a) the building envelope on any lot abutting to the rear, including other flag lots proposed in this subdivision; and (b) the building envelope on any lot between a proposed flag lot and Cashell Road.¹ Thus, to the front and rear, each proposed flag lot will have an 80-foot or better separation from other lots.

For lots within a residential zone, Section 59.50.4.3.C.b.1(a) requires a finding by the Planning Board that the building restriction lines “provide separation of at least 80 feet between the building envelope of the proposed flag lot and . . . the building envelopes of all lots that are *adjacent* to the rear lot line of the proposed flag lot[.]” (emphasis added)

The principal question raised by this application is the interpretation of the word “adjacent” as it appears in Section 59.50.4.3.C.b.1(a), quoted above. The Planning Board has the authority to apply an interpretation that considers a property to be adjacent to the rear lot line of a flag lot for purposes of the flag lot restrictions if the closeness, orientation or other feature of a proposed flag lot create a need for an 80-foot separation to avoid or minimize adverse impacts on the existing lot. The Planning Board is not required to consider a property to be adjacent to the rear lot line of a flag lot for these purposes solely because the existing lot and proposed flag lot share a side lot line.

The County typically has side setbacks that are much narrower than front and rear setbacks. This reflects an expectation that side yards typically are not used as actively as front and rear yards, so neighboring homes can be compatibly situated with fairly narrow side setbacks. In the RE-1 zone, the minimum side setback is 17 feet, with a minimum sum of both side setbacks equal to 35 feet. In contrast, the minimum front setback is 50 feet and the minimum rear setback is 35 feet.

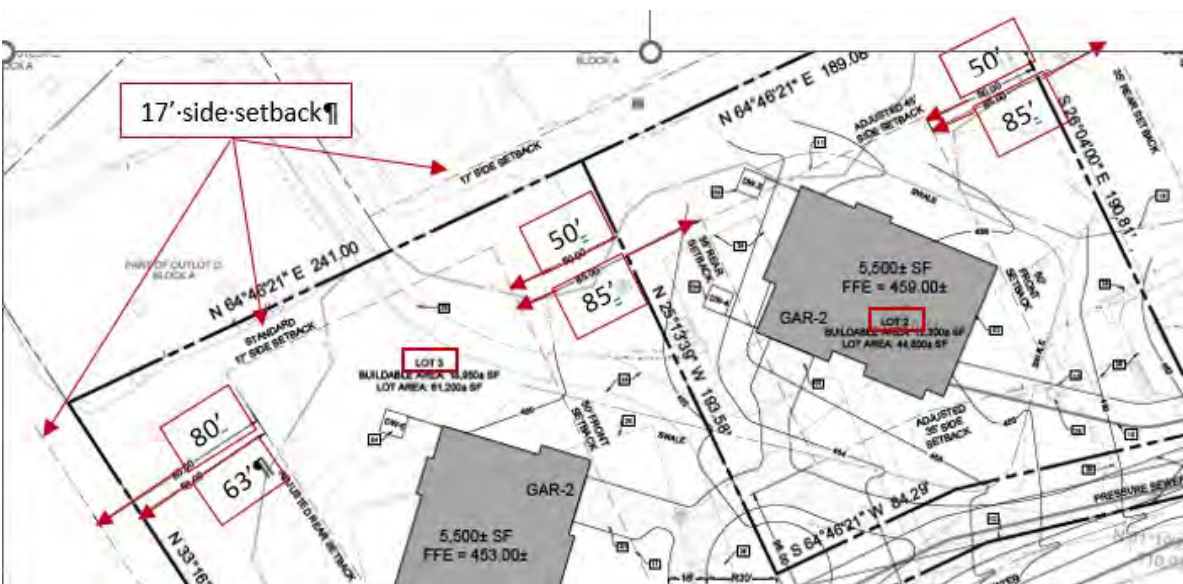
The word “adjacent” is defined in Section 59.1.4.2.A as “[b]eing close to or nearby without requiring the sharing of a common boundary.” In the flag lot context, this should not be interpreted to automatically require a flag lot to provide 80 feet of separation for any lot that abuts the flag lot’s side lot line and therefore could be considered near the flag lot’s rear lot line. There may be instances where an 80-foot separation along a side lot line is appropriate, e.g., if the side lot line of a flag lot

¹ Some of the separations are 85 feet due to the RE-1 zone’s 35-foot rear setback and 50-foot front setback.

abuts the front or rear lot line of an existing lot. From a policy and land planning standpoint, it makes sense to require extra spacing to prevent a flag lot from imposing unusual proximity on an existing residential lot, for example by building a house 17 feet from the existing lot's rear lot line. Typically, rear yards face other rear yards, so each lot provides a minimum 35-foot setback, creating a total of 70 feet between the two houses to the rear.

This is not always true, of course, particularly with the layout of flag lots. If a flag lot were built with its side yard abutting a rear yard, it might be appropriate to require the flag lot to provide an extra-large setback to ensure that the new house doesn't loom over the rear yard of the existing house. In this case, the only location where the side lot line of a proposed flag lot abuts a buildable lot that is arguably close to the rear lot line of the flag lot is along the boundary between existing Lot 43 and proposed Lot 2². Lot 43 is developed with an assisted living facility in a residential-style building that sits approximately 17 feet from the shared lot line with Lot 2. Requiring an 80-foot separation at this location would result in spacing much greater than is typical where two side yards abut, and even greater than where two rear yards abut, with the flag lot supplying 63 feet of setback and the existing lot providing only 17 feet. In fairness, and to create a more sensible relationship between the two side yards, the Applicant proposes a 45-foot side setback in this location – enough to create an 80-foot separation if Lot 43 were contributing the standard 35-foot rear yard setback. This proposed setback is shown in the detail below from the northern part of Figure 3.

Figure 4 – Northern Boundary of Proposed Flag Lots 2 and 3



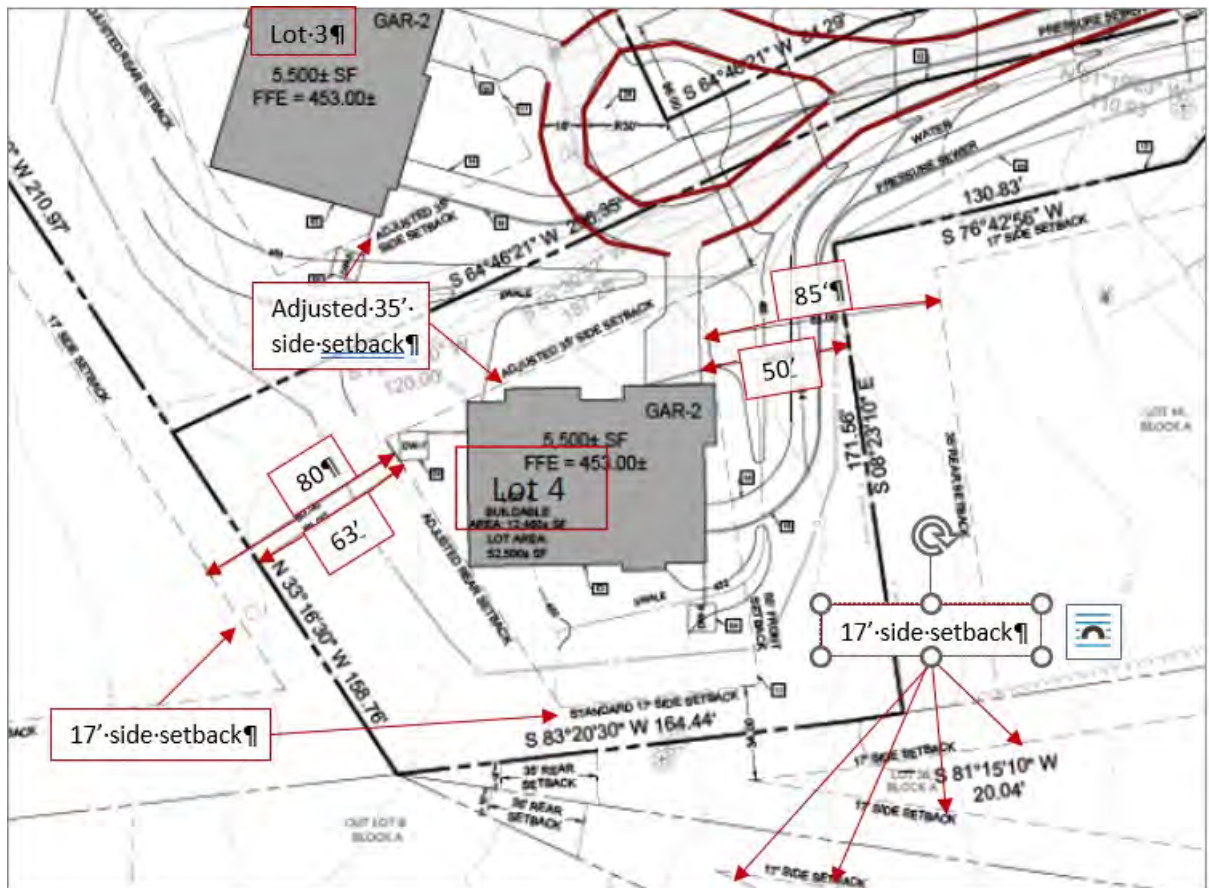
The detail above also shows a standard 17-foot side setback along the north side of Lot 3 where the adjoining property is an outlet with no building envelope.

² The northern side lot line of proposed Lot 3 abuts a portion of Lot 43's southern side lot line, but Lot 43 cannot reasonably be considered close to the rear lot line of proposed Lot 3.

The Applicant proposes the following for the remaining side setbacks, as shown on the detail below from the southern part of Figure 3.

- Lot 4 southern side lot line: standard 17-foot side setback provided because the adjoining and nearby properties (an unbuildable outlot and the narrow, triangular tips of Lots 36 and 37) have no or virtually no building envelope)
- Internal side lot lines within proposed subdivision: adjusted 35-foot side setbacks provided to create a compatible relationship among Lots 2, 3 and 4 and their shared cul-de-sac. Because of its location, proposed Lot 2 is entitled to an 80-foot separation between its rear building envelope line and the building envelope on Lot 3, but no where else. Proposed Lots 3 and 4 have a traditional side-lot-to-side-lot relationship, so there is no reason to consider either of these flag lots “adjacent” to the rear lot line of the other flag lot and requiring an 80-foot separation. Nonetheless, the Applicant has chosen a 35-foot side setback for each of these lots because the large front setbacks and enhanced rear setbacks tend to drive placement of the houses towards the cul de sac, making it potentially crowded if the setbacks were the standard 17 feet.

Figure 5 –Internal and Southern Lot Lines



As demonstrated above, the proposed layout of the three flag lots allows the Board to determine that the appropriate separation between building envelopes has been achieved. The proposed lot and setback configuration permits the construction of a single-family detached home on each proposed flag lot at a comfortable distance from each other and from all existing nearby single-family residences.

2. General Subdivision Findings

Although the Applicant requests a binding Planning Board determination only with regard to the flag lot provisions discussed above, the following discussion outlines anticipated compliance with the standard requirements for preliminary plan approval under Montgomery County Code Chapter 50, Section 4.2.D., quoted below in bold and italics. No changes are proposed from the 2022 Preliminary Plan other than the flag lot configuration.

- 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 proposed preliminary plan satisfies these requirements. The layout and density are appropriate for the use and the area. The surrounding neighborhood has three existing flag lots and several irregularly-shaped lots interspersed among lots that are rectangular and roughly one acre in size. The proposed subdivision will convert two irregularly-shaped parts of lots into one rectangular, one-acre lot and three one-acre flag lots. Both of these types of lots are present in the surrounding neighborhood, making the subdivision layout appropriate for the location as well as the proposed use. The proposed subdivision also satisfies applicable requirements of Chapter 59, as shown on the Zoning Analysis Table included on the submitted pre-preliminary concept plan.

- 2. The preliminary plan substantially conforms to the master plan.***

The Subject Property is located in the Southern Olney area of the Olney Master Plan, approved and adopted 2005 (the "Master Plan"). The Master Plan contains no recommendations specific to the Subject Property. For southern Olney, the Master Plan encourages protection of existing communities by avoiding a proliferation of commercial uses, clustering new housing to preserve existing forest along streams and headwaters, and locating new housing along existing sewer lines. Master Plan at 22. The Subject Property contains no streams, headwaters or forest, and is served by public water and sewer. No new commercial uses are proposed. Accordingly, the proposed subdivision will substantially conform to the goals and recommendations of the Master Plan.

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

All necessary public facilities will be adequate for the area of the subdivision. The subdivision will result in a decrease in trips by removing the existing office building. School impacts from three additional single-family homes will be minor. The Subject Property is served by public water and sewer systems as well as electric, gas, and telecommunications services. The proposed project is expected to have no impact on the adequacy of other public facilities, such as police and fire stations.

As noted in the Transportation Statement submitted with the 2022 Preliminary Plan, because the existing and continuing Alfred House facility on the Subject Property generates fewer than 50 person trips in the morning and evening peak hours, the Applicant was not required to submit a Traffic Study and was not responsible for any roadway or off-site improvements under the County's Growth and Infrastructure Policy. We expect this to be the case for the proposed four-lot subdivision as well.

In the 2022 Preliminary Plan approval, the Applicant was required to provide a dedication as needed to accommodate 80 feet from the opposite right-of-way line along the Site frontage for Cashell Road. The Applicant is prepared to accept the same condition in connection with the proposed four-lot subdivision.

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

The Applicant will submit an amendment to the Final Forest Conservation Plan approved in connection with the 2022 Preliminary Plan when a new Preliminary Plan application or a Preliminary Plan amendment is submitted with a four-lot configuration.

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

To be addressed at the time of preliminary plan review.

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 50-4.3M.*

The Applicant is not aware of any burial site within the subdivision boundary, nor is any such burial site listed in the Montgomery County Cemetery Inventory.

7. *Any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied.*

Not applicable.

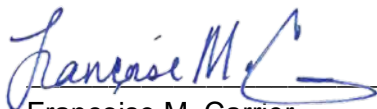
Conclusion

The Applicant requests the Planning Board's determination that the proposed four-lot configuration satisfies the requirements of Section 59.50.4.3.C.b.1(a) pertaining to flag lots and provides appropriate separations between lots.

This submission is intended to satisfy the requirements of the Code and the Planning Board's submission standards for a pre-preliminary plan application. If amended or supplemental information becomes necessary to support the present application, the Applicant will make a supplemental submission in a timely fashion.

Respectfully submitted,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By:  _____
Françoise M. Carrier

Server, Jeffrey

From: Wolford, Patricia <Patricia.Wolford@montgomerycountymd.gov>
Sent: Tuesday, May 7, 2024 9:12 AM
To: Francoise Carrier
Cc: Pereira, Sandra; Server, Jeffrey; 'plavay@mhgpa.com'; K Hughes
Subject: RE: Pre-Preliminary Plan No. 720240010 - BRL confirmation

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Francoise,

DPS zoning is in agreement with the MNCPPC planning staff's position for the setbacks as proposed on the Pre-Preliminary Concept Plan, sheet PPO.03 as submitted with the Pre-Preliminary Plan application No. 720240010.

Thank you,
Tricia

Patricia D. Wolford

Section Manager for Zoning Review
Department of Permitting Services
2425 Reedie Drive, 7th Floor
Wheaton, Maryland 20902
240-777-6245

From: Francoise Carrier <fcarrier@bregmanlaw.com>
Sent: Monday, May 6, 2024 12:39 PM
To: Wolford, Patricia <Patricia.Wolford@montgomerycountymd.gov>
Cc: Pereira, Sandra <sandra.pereira@montgomeryplanning.org>; Server, Jeffrey <Jeffrey.Server@montgomeryplanning.org>; 'plavay@mhgpa.com' <plavay@mhgpa.com>; K Hughes <khughes@mhgpa.com>
Subject: Pre-Preliminary Plan No. 720240010 - BRL confirmation

[EXTERNAL EMAIL]

Dear Tricia,

As discussed during our meeting with planning staff on May 3, 2024, please confirm that DPS agrees with planning staff's position in support of the setbacks (to be renamed building restriction lines) shown on the Pre-Preliminary Concept Plan, sheet PPO.03, submitted with Pre-Preliminary Plan application No. 720240010.

Thank you,

Françoise



Françoise M. Carrier
BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC
7315 Wisconsin Avenue, Suite 800 West
Bethesda, Maryland 20814
301-656-2707 **PHONE** | 301-961-6525 **FAX** | 240-428-4671 **MOBILE**
Email: fcARRIER@bregmanlaw.com
www.bregmanlaw.com/



For more helpful Cybersecurity Resources, visit: <https://www.montgomerycountymd.gov/cybersecurity>

Server, Jeffrey

From: Donald E. Chamberlin <dechamb@verizon.net>
Sent: Wednesday, March 27, 2024 9:35 PM
To: Server, Jeffrey
Subject: Pre-Preliminary Plan 720240010

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Mr. Server,

The Patuxent Watershed Protective Association has no objection to the subdivision proposed in Pre-Preliminary plan 720240010.

/s/ Donald E. Chamberlin, Representative
Patuxent Watershed Protective Association

