

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DEC 14 2022

MCPB No. 22-106  
Preliminary Plan Amendment No. 12016029A  
Amalyn Bethesda (WMAL Bethesda)  
Date of Hearing: December 1, 2022

## RESOLUTION

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

WHEREAS, on August 3, 2017, the Planning Board, by Resolution MCPB No. 17-053, approved Preliminary Plan No. 12016029A, creating 309 lots (159 one-family detached, 150 one-family attached), one 4.3-acre parcel dedicated to MCPS, and various stormwater management, common open space, private road, and HOA parcels, on 74.83 acres of land, utilizing the Optional Method of Development in the R-90 Zone, located within the northeast quadrant of the intersection of Greentree Road and Interstate 495 ("Subject Property"), in the North Bethesda Policy Area and the North Bethesda/Garrett Park Master Plan ("Master Plan") area; and

WHEREAS, on July 27, 2022, Toll Brothers, Inc ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan for the following: 1) Minor modifications to street grade, layout, and materials; 2) Minor modifications to sidewalk layout and materials; 3) Minor modifications to site landscaping, open space, and stormwater management facilities; 4) Minor modifications to lot layout; 5) Creation of two new phases, 2A and 2B (formerly Phase 2); and 6) Small expansion and minor modifications to the clubhouse on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan Amendment No. 12016029A, Amalyn Bethesda (WMAL Bethesda) ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 17, 2022, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

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2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605 | Fax: 301-495-1320  
[www.montgomeryplanningboard.org](http://www.montgomeryplanningboard.org) | [mco-chair@mncppc.org](mailto:mco-chair@mncppc.org)

Approved as to  
Legal Sufficiency: /s/ Emily Vaias  
M-NCPPC Legal Department

WHEREAS, on December 1, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Branson, seconded by Commissioner Piñero, with a vote of 5-0; Chair Zyontz, Vice Chair Presley, Commissioners Branson, Hill and Piñero voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan Amendment No. 12016029A for the following: 1) Minor modifications to street grade, layout and materials; 2) Minor modifications to sidewalk layout and materials; 3) Minor modifications to site landscaping, open space and stormwater management facilities; 4) Minor modifications to lot layout; 5) Creation of two new phases, 2A and 2B (formerly Phase 2); and 6) Small expansion and minor modifications to the clubhouse on the Subject Property by modifying and replacing in their entirety the following conditions:<sup>1</sup>

#### **Modified Conditions**

17. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated May 2, 2017, and updated on November 10, 2022, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations provided in the letters, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
19. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") - Water Resources Section in its stormwater management concept letter dated May 1, 2017, and updated on August 31, 2022, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations provided in the letters, which may be amended by MCDPS - Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
20. The Planning Board accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section ("MCDPS Fire and Rescue") in its letters dated April 11, 2017, and amended on October 26, 2022, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations provided in the letters, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

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

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

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

This Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect, unless specifically changed by this amendment.<sup>2</sup>

- 3. 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 removal of the crescent along Greyswood Road shifts six lots to front on Greyswood Road rather than a private street adjacent to the crescent. The general layout of the subdivision remains consistent with the original Preliminary and Site Plan approvals and the new open space along Greyswood Road provides visual relief between the blocks of houses. The modified block design along Greyswood Road is consistent with the surrounding residential area and lot size remains consistent with the original Preliminary Plan approval.

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

The Final Forest Conservation Plan (FFCP) has been updated to reflect the removal of the crescent and the modified lot layout on Greyswood Road. The FFCP also documents the removal of Specimen Tree No. 172, a Pignut hickory (*Carya glabra*)<sup>3</sup> with a 50-inch diameter at breast height. The removal was approved as a field call by the Forest Conservation Inspector due to safety concerns because the structural integrity of the tree was impacted by the presence of root rot. In addition, the updated FFCP shows 12.5 caliper inches of

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<sup>2</sup> Preliminary Plan 120160290 was approved under the Subdivision Regulations (Chapter 50) in effect prior to February 13, 2017. The findings herein are from the current Subdivision Regulations and the wording is slightly different from the applicable findings in Preliminary Plan 120160290.

<sup>3</sup> This tree was incorrectly identified previously as a Black Gum (*Nyssa sylvatica*).

mitigation planting provided for the tree removal. All Forest Conservation Law requirements are satisfied.

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

MCDPS approved a revised Site Development Concept Stormwater Management Plan (SWM Concept Plan) on August 31, 2022. The SWM Concept Plan will meet required stormwater management goals via micro-bioretenment and bioswales. In addition, the SWM Concept includes an underground storage facility with a control structure.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 14 2022 (which is the date that this Resolution is mailed to all parties of record); and

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

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Hill, seconded by Commissioner Piñero, with a vote of 4-0; Chair Zyontz, and Commissioners Branson, Hill, and Piñero, voting in favor of the motion, Commissioner Presley necessarily absent, at its regular meeting held on Thursday, December 8, 2022, in Wheaton, Maryland and via video conference.

  
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Jeffrey Zyontz, Chair  
Montgomery County Planning Board