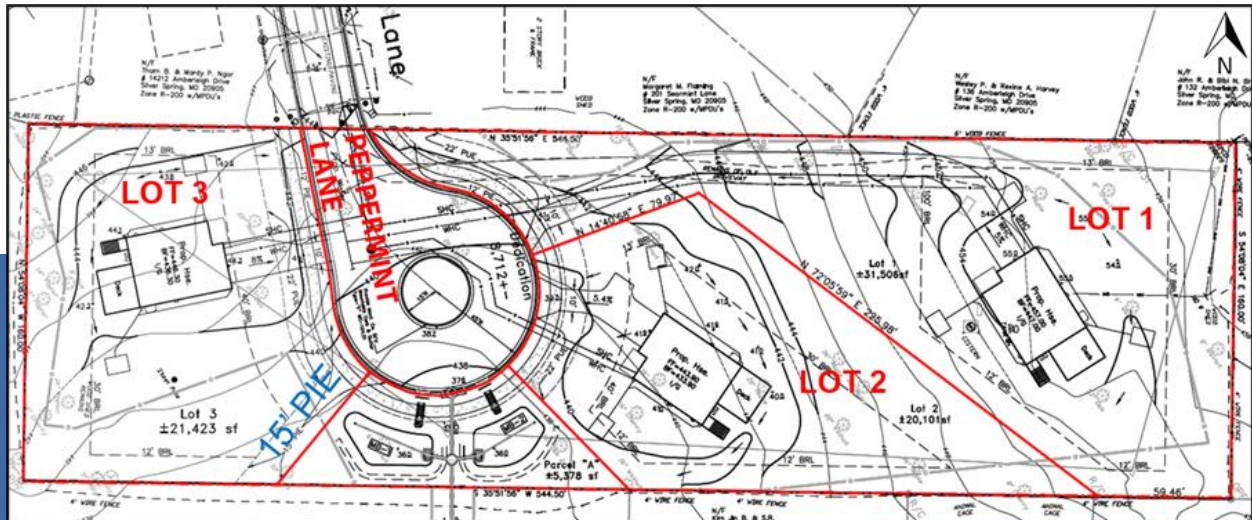


BEALL'S MANOR SUBDIVISION LOTS 1-3

PRELIMINARY PLAN AMENDMENT NO. 12014003A



Request to reinstate Preliminary Plan No. 120140030, which was approved for three (3) lots for three (3) single-family dwelling units, and extend the Adequate Public Facilities (APF) validity period by 2.5 additional years.

COMPLETED: 7/11/2025

PLANNING BOARD HEARING DATE: 7/24/2025

MCPB ITEM NO. 6

Planning Staff

<i>JS</i>	Jeff Server, Planner III, Upcounty Planning, jeffrey.server@montgomeryplanning.org , 301.495.4513
<i>SP</i>	Sandra Pereira, Supervisor, Upcounty Planning, sandra.pereira@montgomeryplanning.org , 301.495.2186
<i>PB</i>	Patrick Butler, Chief, Upcounty Planning, patrick.butler@montgomeryplanning.org , 301.495.4561

LOCATION/ADDRESS

On Spearmint Lane, 160 feet east of Amberleigh Terrace

MASTER PLAN

1997 *Cloverly Master Plan*

ZONE

R-200

PROPERTY SIZE

2 acres

APPLICANT

Hawakil Bay Park, LLC

ACCEPTANCE DATE

March 6, 2025

REVIEW BASIS

Chapters 50 and 59

Summary:

- Staff recommends **approval with conditions** of Preliminary Plan Amendment No. 12014003A.
- The Planning Board approved Preliminary Plan No. 120140030 (Beall's Manor Subdivision Lots 1-3) to create three (3) lots for three (3) single-family detached dwelling units by Resolution dated July 29, 2014.
- The Preliminary Plan was not validated as the three (3) lots were not platted prior to the plan validity period expiration, which was August 28, 2023. The original APF validity period approved with the subdivision will expire on August 29, 2025.
- The Applicant requests Preliminary Plan No. 120140030 be reinstated with a validity period of two (2) years, per Section 50-4.2.H.2.b.
- The Applicant requests a 2-1/2-year extension to the existing APF validity period, per Section 4.3 of Chapter 50; and a waiver of Subdivision Section 50-4.3.J.7.c to waive the requirement of "DPS issuing building permits for at least 50% of the entire subdivision before the application for extension is filed."
- The Amendment will not result in any changes to the original design or layout of the Preliminary Plan approval.
- No community correspondence has been received to date.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 12014003A

Staff recommends approval with conditions of the Preliminary Plan Amendment to reinstate Preliminary Plan No. 120140030, which was approved for three (3) lots for three (3) single-family dwelling units and extend the Adequate Public Facilities validity period. All site development elements shown on the latest electronic version of Preliminary Plan Amendment No. 12014003A as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions. The following Condition No. 12 modifies the previously approved condition and Condition No. 14 is a new condition in addition to all other conditions, which remain in full force and effect:

Modified Condition

12. The Adequate Public Facility (APF) review for the Preliminary Plan Amendment will remain valid for two-and-a-half (2-1/2) years from the current expiration date until February 29, 2028 ~~eighty five (85) months from the date of mailing of the Planning Board resolution.~~

New Condition

PLAN VALIDITY PERIOD

14. The Preliminary Plan will remain valid for two (2) years from the initiation date (as defined in Montgomery County Code Section 50.4.2.G) of this Amendment, and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

SECTION 2: SITE DESCRIPTION

SITE DESCRIPTION

The Subject Property is located at the terminus of Spearmint Lane, approximately 150 feet southeast of the intersection with Amberleigh Terrace and consists of a 2.0 acre unplatted parcel (P823, Tax Map JR563) and zoned R-200 ("Property" or "Subject Property"). The Property is located west of New Hampshire Ave (MD 650), south of Amberleigh Drive and north of the Inter-County Connector (MD 200). The Property is within the "Suburban Communities" of the 1997 *Cloverly Master Plan*. The only improvements on the Property consist of the remains of an old driveway that enters the Property at the existing terminus of Spearmint Lane. The Property is surrounded on the north, east and south by single-family residential dwellings and to the south with community open space, all of which are

zoned R-200. Spearmint Lane was left as a stub at the Property boundary to provide access to the existing dwelling on the Property.

The Subject Property is located within the Northwest Branch watershed; this portion of the watershed is classified by the State of Maryland as Use Class IV waters. There are no streams, wetlands, 100-year floodplains, or environmental buffers located on or adjacent to the Property. There are no steep slopes, highly erodible soils, and no forest on the Property. The Property slopes approximately five percent from north to south. Thirteen large trees are located on the Property.

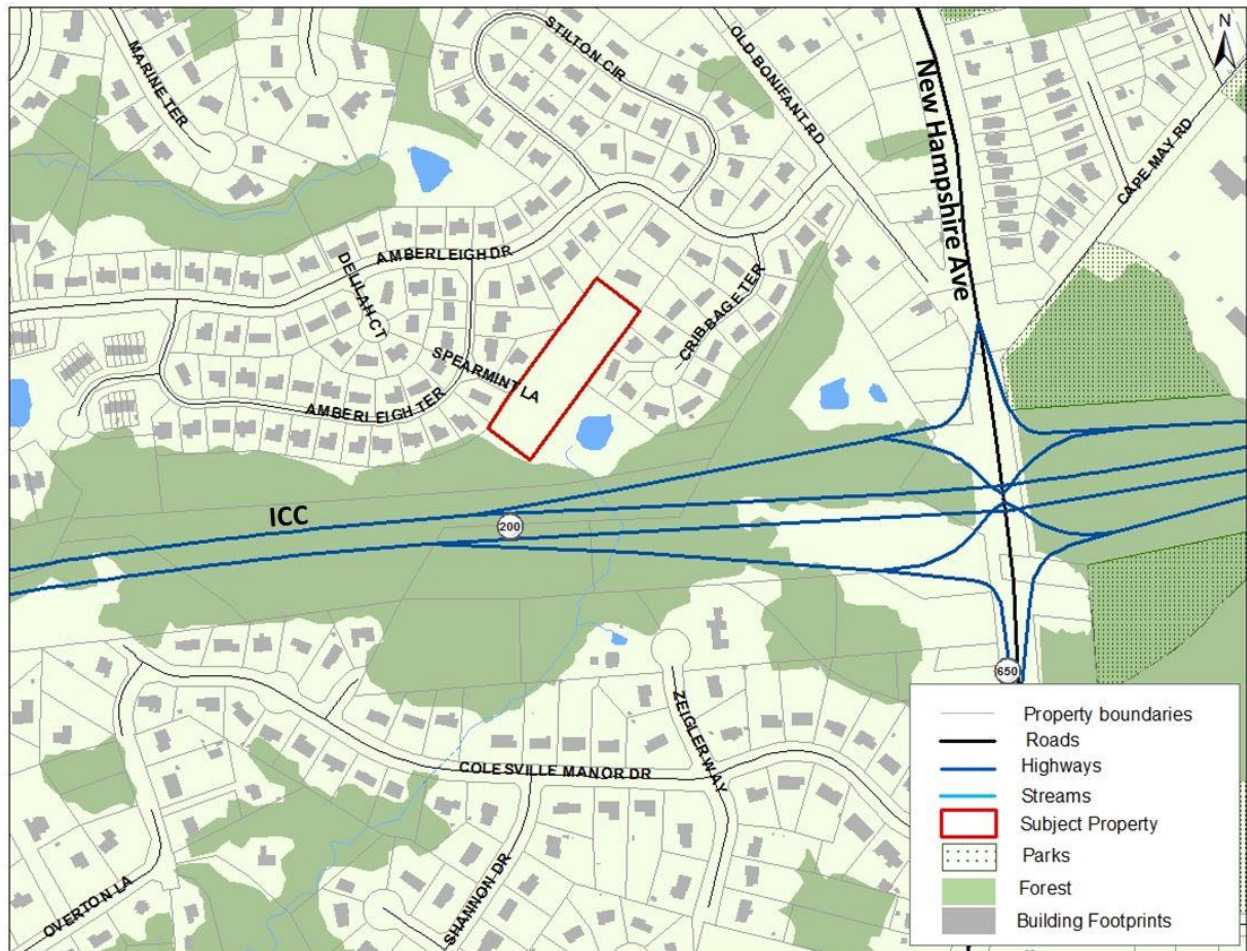


Figure 1 – Vicinity Map (Subject Property outlined in red)

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

Preliminary Plan No. 120140030

On July 17, 2014, the Planning Board approved Preliminary Plan No. 120140030 (MCPB Resolution No. 14-54, dated July 29, 2014) to create three (3) lots on two (2) acres of R-200 zoned land (Attachment C).

PROPOSAL

Preliminary Plan Amendment No. 12014003A was accepted on March 6, 2025 (“Application” or “Amendment”) and requests reinstatement of the Preliminary Plan approval and an extension to the existing Adequate Public Facilities validity period. The Amendment would establish a new Preliminary Plan validity period and an extended APF validity period. The Preliminary Plan reinstatement and extension to the APF validity period would afford the Applicant the necessary time to obtain Record Plats for the three lots, complete the required public infrastructure and improvements, and pull building permits for the proposed three (3) single family detached units. The request for the Preliminary Plan reinstatement is in accordance with Section 50.4.2.H.2.b. of the Montgomery County Code, which permits the Board to reinstate a Preliminary Plan if practical difficulty or undue hardship is demonstrated by the Applicant. The extension of the existing APF validity period is in accordance with Section 50.4.3.J.7 of the Montgomery County Code, which permits the Board to extend the validity period for a determination of adequate public facilities.

The Application also seeks approval of a waiver to provide relief from specific findings required to extend the adequate public facilities validity. As discussed in this Staff Report, the Applicant’s requests are justified, and Staff recommends the Planning Board approve the reinstatement, extension, and associated waiver. No additional modification or physical changes are proposed. As evident in the Applicant’s Statement of Justification (Attachment B), and detailed in the findings below, the Applicant has suffered a practical difficulty by acquiring the Subject Property with an expired Preliminary Plan validity, which prevented completion of the record plat process. Additional undue hardship would occur should the Preliminary Plan not be reinstated with an extended APF validity period. As discussed in Section 5 below, the Amendment does not alter the intent of the original Preliminary Plan approval.

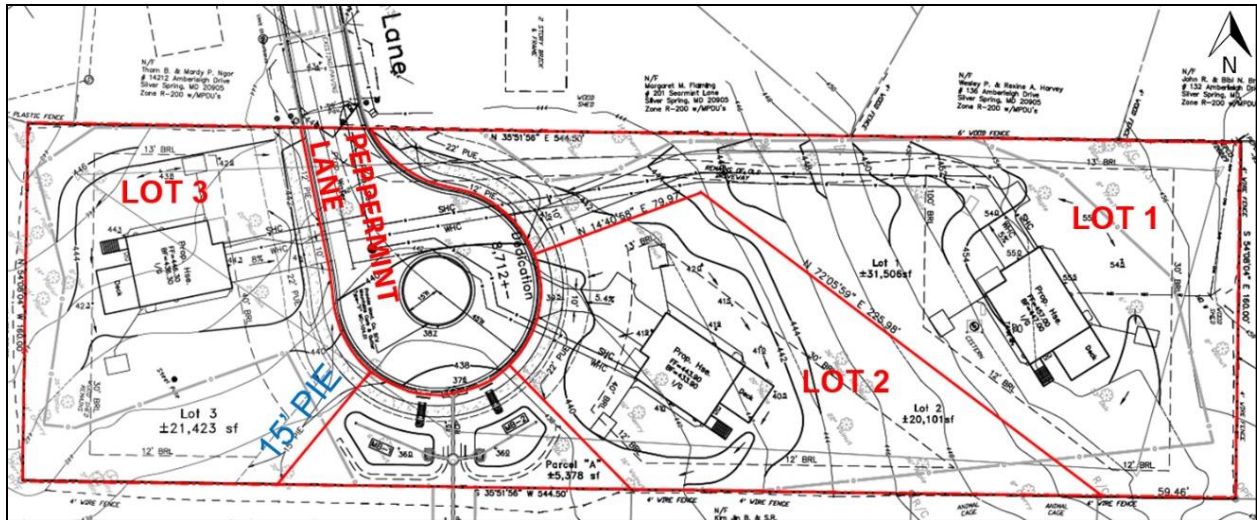


Figure 2 – Approved Preliminary Plan Layout with Three Lots Outlined

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all application submittal, noticing, and sign posting requirements under COMCOR 50.10.01.04 of the Subdivision Regulations. The required hearing notice sign was adequately posted at the Subject Property. Written notice of the Application was mailed by the Applicant to all required parties.

A pre-submission meeting was not required as this Application is a minor amendment to Preliminary Plan No. 120140030. As of the published date of this Staff Report, no community correspondence has been received.

SECTION 5: PRELIMINARY PLAN 12014003A FINDINGS AND ANALYSIS

The Planning Board approved Preliminary Plan No. 120140030, MCPB No. 14-54, to create three (3) lots for three (3) single-family detached dwelling units on the Subject Property with conditions. The Preliminary Plan was valid until August 29, 2023, by which time plats needed to be recorded for the three (3) lots in the Preliminary Plan, however the plats were never recorded.

Preliminary Plan Amendment No. 12014003A requests to reinstate Preliminary Plan No. 120140030 and extend the existing Adequate Public Facilities validity period. The proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

PRELIMINARY PLAN REINSTATEMENT

Section 50.4.2.H.2.a of the Montgomery County Code states that failure to submit an extension request in a timely fashion will void all non-validated portions of a preliminary plan. Section 50.4.2.H.2.b. further states that the Board may reinstate a Preliminary Plan and establish a new validity period, with or without a new APF review, if the Applicant demonstrates practical difficulty or undue hardship.

For this Amendment, the reinstatement of the Preliminary Plan establishes a new 2-year Preliminary Plan validity period, and an extension of 2-1/2 years to the existing APF validity period. The reinstatement will allow the Applicant to plat the three lots for the single-family detached units, complete the required public infrastructure and improvements, and pull building permits.

As detailed in Table 1 below, the Preliminary Plan was originally approved on July 29, 2014, and provided a 5-year plan validity period, starting at the 30-day initiation date of August 28, 2014, which then expired on August 28, 2019. Through County Council legislative actions, the Preliminary Plan was automatically extended by an additional two years by SRA No. 15-01 to August 28, 2021, and then extended a second time for an additional two years by SRA No. 20-01 to August 28, 2023.

Table 1: Approved Staged Development Validity Period

Action	Approved Development	Validity Duration	Updated Validity Expiration
Original Preliminary Plan Approval (MCPB Resolution No. 14-54)	120140030	5 years	8/28/2019
County Council Automatic Extension (SRA No. 15-01)	One automatic 2-year extension for active preliminary plans	2 years	8/28/2021
County Council Automatic Extension (SRA No. 20-01)	One automatic 2-year extension for active preliminary plans	2 years	8/28/2023

As detailed in the Statement of Justification for the reinstatement, the Applicant has experienced practical difficulty by acquiring the Subject Property with an expired Preliminary Plan validity, which prevented the Preliminary Plan from being validated. To date, the three lots have not been platted and consequently the single-family detached dwelling units were not constructed as originally approved. In addition, the public infrastructure and improvements were not constructed for the three lots. The previous owners of the Property delayed implementing and validating the original Preliminary Plan, thus resulting in expiration of the preliminary plan. The Applicant's request for the reinstatement would allow them to move forward with platting the three lots, completing the public infrastructure and improvements per the original Preliminary Plan approval, and constructing the three single-family detached dwelling units.

Staff recommends approval of the request. The Application to reinstate the Preliminary Plan does not alter the intent of the original approval and the only changes to conditions of approval are those necessary to complete the record plat process and extend the APF validity period, as detailed below.

ADEQUATE PUBLIC FACILITIES (APF) VALIDITY EXTENSION

Section 50.4.3.J.7 of the Montgomery County Code authorizes the Board to extend the validity period for a determination of APF, subject to the following findings:

7. Extensions.

a. Application. *Only the Board may extend the validity period for a determination of adequate public facilities; however, a request to amend any validity period phasing schedule may be approved by the Director if the length of the total validity period is not extended.*

i. The applicant must file an application for extension of an adequate public facilities determination or amendment of a phasing schedule before the applicable validity period or validity period phase expires.

The Applicant filed the request to extend the current APF validity period on March 6, 2025, before August 29, 2025, the current expiration date.

ii. The applicant must submit a new development schedule or phasing plan for completion of the project for approval.

The development of the three-lot residential subdivision is a single-phase project, subject to the proposed APF validity period.

iii. For each extension of an adequate public facilities determination:

(a) the applicant must not propose any additional development above the amount approved in the original determination;

No additional development is proposed.

(b) the Board must not require any additional public improvements or other conditions beyond those required for the original preliminary plan;

No additional public improvements or conditions are required.

(c) the Board may require the applicant to submit a traffic study to demonstrate how the extension would not be adverse to the public interest;

The Proposed Development falls within the Cloverly Policy Area, which is classified as a Yellow Policy Area under the 2024-2028 *Growth and Infrastructure Policy* (“GIP”). A

Transportation Impact Study (“TIS”) was not required as part of this Application. As demonstrated in the Applicant’s Transportation Exemption Statement (“TES”) dated February 9, 2025, the Proposed Development will generate less than 30 net new vehicle trips during the morning and evening peak hours. More specifically, the proposed development is expected to generate three (3) net new vehicle trips during the morning peak hours and four (4) during the evening peak hours (Table 2 below). Therefore, this Application falls within the 30 net new vehicle trips threshold, and it is exempt from providing further transportation analysis addressing Local Area Transportation Review (“LATR”) Guidelines. Lastly, as previously confirmed by MCDOT, the Application will meet the requirements and comments as stipulated in their letter dated March 21, 2014 (Attachment D), and all the public infrastructure and improvements will be constructed upon approval of this Application.

Table 2: Trip Generation Analysis

	ITE Trip Generation Vehicle Rates		Adjusted Vehicle Rates Cloverly Policy Area		Total Vehicle Trips	
	AM	PM	AM	PM	AM	PM
Proposed: Three (3) Single Family Detached Units	3	4	3	4	3	4
Net New Vehicle Trips					3	4

(d) *an application may be made to extend an adequate public facilities period for a lot within a subdivision covered by a previous adequate public facilities determination if the applicant provides sufficient evidence for the Board to determine the amount of previously approved development attributed to the lot; and*

Not applicable because the lots are not recorded and are thus not part of a subdivision covered by a previous APF determination.

(e) *if the remaining unbuilt units would generate more than 10 students at any school serving the development, the Board must make a new adequate public facilities determination for school adequacy for the remaining unbuilt units under the school test in effect at the time of Board review.*

The three (3) unbuilt units will not generate more than 10 students at any school serving the development or any more students than were approved with the original Preliminary Plan so no new adequacy school test is required. The number of students generated by this Amendment is estimated to generate 0 elementary school students, 0 middle school students, and 0 high school students during an average year throughout its life.

Section 50-4.3.J.7.c of the Subdivision Regulations sets forth the specific criteria that must be satisfied for approval of the extension of the APF determination for exclusively residential subdivisions, as follows:

c. Exclusively residential subdivisions. The Board may extend a determination of adequate public facilities for an exclusively residential subdivision beyond the otherwise applicable validity period if the Department of Permitting Services has issued building permits for at least 50 percent of the entire subdivision before the application for extension is filed. The Board may approve one or more extensions if the aggregate length of all extensions for the development does not exceed:

- i. 2.5 years for a subdivision with an original validity period of 7 years or less; or*
- ii. 6 years for a subdivision with an original validity period longer than 7 years*

The original validity period for the APF was seven (7) years, therefore, the extension can be for two-and-one-half (2.5) years. However, because the Preliminary Plan has not been validated nor plats recorded, the Applicant has not obtained any building permits or commenced construction for any lots. Therefore, a waiver from the requirement under 50-4.3.J.7.c to have “building permits for at least 50 percent of the entire subdivision” is needed.

SUBDIVISION WAIVER – SECTION 50-9.1

Section 50-9.1 of the Subdivision Regulations authorizes the Board to modify or waive any portion of the Subdivision Regulations. In granting a waiver, the Planning Board must make certain findings, set forth in Section 50-9.3.A.

Per Section 50-9.3., to grant a waiver, the Planning Board must find that:

- 1. due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;**

As noted above, since Preliminary Plan 120140030 was approved, practical difficulties for the Applicant have arisen. To date, the three lots have not been platted and consequently the single-family detached dwelling units were never constructed. Additionally, the public infrastructure and improvements were also not constructed as per the original Preliminary Plan approval. The previous owners of the Property delayed implementing and validating the original Preliminary Plan, thus resulting in the expiration of the Preliminary Plan. The Applicant is unable to satisfy the requirements of 50-4.3.J.7.c because the Montgomery County Department of Permitting Services (“MCDPS”) is required to have issued building permits for at least 50 percent of the entire subdivision before the application for extension is filed. This requirement would have necessitated that for an application as small as this to have filed for two of the three building permits. Two of the three lots would then be ready to record plats, leaving the remaining lot to move forward with the APF at building

permit process. A small property, such as the Subject Property, would more than likely be a singular plat, which would also be concurrently validated. The small size of this project makes it both impractical and inefficient to have already implemented 50% of the building permits for the Subject Property. The Applicant will need to not only have the Preliminary Plan reinstated, as discussed above, but also have the current APF validity period extended so that the three lots can be platted to move forward in a single phase with the subdivision and building permits issued. In this case, the strict application of this section is not needed to ensure public health, safety and general welfare. If this Application is approved and implemented, the required improvements and infrastructure associated with this Amendment will improve elements of public safety by upgrading existing pedestrian and bicycle connections, and the project will add to a more complete community with much needed housing within the community.

2. *the intent of the requirement is still met; and*

The intent of the requirement being waived is “DPS issuing building permits for at least 50% of the entire subdivision before the application for extension is filed.” The intent of the requirement for 50% building permits suggests that an Applicant needs to prove that progress was made on a subdivision prior to expiration of the APF, meaning there was good intention to complete the project, but issues were encountered along the way. For this Amendment, the small size of the project makes it both impractical and not useful to apply this metric of 50% of the building permits for the Subject Property. The Applicant has demonstrated their commitment to moving forward more quickly by acquiring the Property and fixing the existing issues. The Applicant acquired the Subject Property from a previous owner that never validated the Preliminary Plan by platting the three lots. This resulted in the expiration of the Preliminary Plan validity period. The Applicant will need to not only have the Preliminary Plan reinstated, as discussed above, but also have the current APF validity period extended so that the three lots can be platted to move forward with the subdivision and building permits issued. The intent of the requirement will be met with the reinstatement of the Preliminary Plan and the extension of the APF validity period. The Applicant will fully comply with the Conditions of Approval by platting the three lots and completing the required public infrastructure and improvements as specified in MCDOT’s letter dated March 21, 2014 (Attachment D).

3. *the waiver is:*

a. *the minimum necessary to provide relief from the requirements; and*

b. *consistent with the purposes and objectives of the General Plan.*

As discussed, the Applicant cannot meet the criteria to extend an exclusively residential subdivision because the Preliminary Plan must be validated before meeting any of the thresholds identified in the criteria. As such, a waiver of Section

50-4.3.J.7.c is the minimum necessary to provide relief from the requirements. If approved, this Application, including the waiver, will provide a reasonable amount of time for the Applicant to plat the three residential lots and complete the public infrastructure and improvements as conditioned by the original Preliminary Plan. Once realized, this subdivision will provide needed housing within Montgomery County. The waiver is consistent with the objectives of the General Plan (*Thrive 2050*) because the development will provide needed housing and improvements to connectivity for pedestrian, bicycle, and vehicular infrastructure. The Application will provide three single-family detached dwelling units, which meets the General Plan's recommendation for increasing the overall housing supply to meet the needs of a growing population. The Application will also provide a 15-foot-wide public improvement easement ("PIE") on Lot 3, along the common property line with Parcel A. The PIE will serve as a pedestrian connection to a future pedestrian path to connect to New Hampshire Avenue, which meets the General Plan's recommendation for emphasizing multimodal transportation by providing connectivity for walking, biking, and transit to-and-from the new dwelling units. Lastly, the Application directly ties into the existing framework of the surrounding subdivision and improves the last piece of developable property within the North Sherwood Forest neighborhood in Silver Spring.

SECTION 6: CONCLUSION

The Application, with the proposed modification to Condition 12 and addition of Condition No. 14, satisfies the criteria for granting reinstatement of the Preliminary for two (2) years, pursuant to Section 50-4.2.H.2.b. Further, the Application meets the requirements for granting of the waiver under 50-9.3 of the Subdivision Regulations, to allow approval of an extension of the APF for two-and-one-half (2.5) years, pursuant to Section 50-4.3.J.7.c.

Therefore, Staff recommends approval of the Preliminary Plan reinstatement, the Waiver, and APF extension. As proposed, the three (3) approved lots continue to meet all requirements established in the applicable Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the 1997 *Cloverly Master Plan*.

ATTACHMENTS

Attachment A: Preliminary Plan Composite

Attachment B: Statement of Justification

Attachment C: MCPB Resolution No. 14-54

Attachment D: MCDOT Letter dated March 21, 2014

ATTACHMENT A

NOTE:
THIS AMENDMENT IS ONLY TO RE-INSTATE THE APPROVED AND
CERTIFIED PRELIMINARY PLAN. THERE IS NO CHANGE TO THE
DESIGN OR USE .



VICINITY MAP
SCALE 1" = 2,000'

LEGEN

-
- Legend:
- Limits of Disturbance
 - Proposed Contours
 - Existing Contours
 - Boundary Subject Site
 - New Paving

NOTE

1. Topography from survey by Macris, Hendricks & Dascoek P.A., 2' contour interval.
2. Boundary information from survey by MHG and Montgomery County tax map JR-563.
3. Water and sewer category W-1 and S-1, respectively.
4. The property is zoned R-200. The proposed land use is Residential.
5. Number of lots proposed by this plan: 3 and one Parcel.
6. A Natural Resources Inventory Map/Forest Stand Delineation Plan has been approved by the M-NCP&PC Environmental Planning Division, # 4-20131760
7. The site drains to the Northwest Branch in the Anacostia River Watershed. The State of Maryland has designated this portion of the watershed as Class IV waters.
8. This plan is not for construction purposes.
9. Property lines and areas are subject to adjustment at final plot computations.
10. Building footprints shown on this Preliminary Plan of Subdivision are illustrative. Final building locations will be determined during the Building Permit process. Please refer to the zoning data table for development standards such as, setbacks, building restriction lines and lot coverage for each Lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
11. Servicing utility companies include:

Water & Sewer: WSSC
Electric: PEPCO
Telephone: Verizon
Natural Gas: Washington Gas

AREA TABULATION

TOTAL SITE AREA	2.00+- Ac. or 87,120 s.f. +- PROPOSED ROAD DEDICATION
NET SITE AREA	1.80+- Ac. or 78,408 s.f. +- TOTAL SITE AREA

DEVELOPMENT STANDARDS (R-200 St)

Density of development:	Required/Permitted 3	Proposed 3 d.u.
Net Lot Area	20,000 s.f. min.	20,000 s.f. min.
Lot Width -At Street Line: -At BRL:	25 ft.min. 100 ft.min.	25 ft.min. 100 ft.min.
Setbacks -Front -side yard -rear yard	40 ft.min. 12 ft.Min. Total 25' 30 ft.min.	40 ft.min. 12 ft.min. Total 25' 30 ft.min.
Building Height	45 ft. to highest pt. of any roof or 40 ft. to the mean height	45 ft. to highest pt. of any roof or 40 ft. to the mean height
Building Coverage	25% max.	25% max.

WSSC 219 NE 1

PRELIMINARY PLAN OF SUBDIVISION

PP# 12014003A
BEALL'S MANOR SUBDIVISION
LOTS 1-3

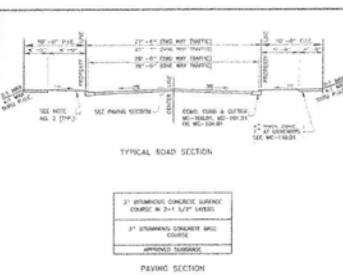
PARCEL - 823 L.30510 F. 191
5TH ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND

M.A. Design Group LLC
Consulting Engineers

1705 Chester Mill Road
Silver Spring, MD 20906
Tel 240.271.9759

Proj. Mgr M.A	Designer M.A
Date 2/9/2025	Scale as-shown
PRJ-NO. 25-03	Sheet 3 of 4

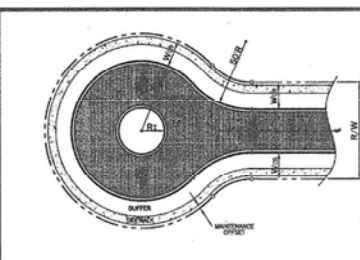
C-100

[illegible]

ENERAL INC

1. REFER TO MINNAPACK STATE HIGHWAY ADMINISTRATION SPECIFICATIONS FOR MATERIALS AND METHODS OF CONSTRUCTION.
2. THE SLOPE BEHIND THE CURB SHOULD BE 2% FOR A GRADE OF 3" - 12" FROM THE FACE OF CURB.
3. SURFACE AREA OF BRIST SLATS SHALL REMAIN ENTIRELY EXPOSED.
4. TOP OF CURB ELEVATION (20" PAVEMENT) = CENTERLINE ELEVATION + 0.11' (TOP 6" CURB RISE)
5. TOP OF CURB ELEVATION (20" PAVEMENT) = CENTERLINE ELEVATION + 5.62' (TOP 6" CURB RISE)

APPROVED JAN 9 1966 SAC	REVISED	MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION
<i>John H. Fisher</i> DIRECTOR, DEPT. OF TRNSP.		MODIFIED TERTIARY RESIDENTIAL STREET
<i>Edmund J. Smith</i> CHIEF, DIV. OF ENGR. & SURVEYING		STANDARD NO. MC-210.03



ROADWAY CLASSIFICATIONS	RADIUS OF ISLAND (R _i)	RADIUS OF CUL-DE-SAC PARKING (R _{cs})
PRIMARY, SECONDARY, TERTIARY RESIDENTIAL STREETS	15'	45'
COMMERCIAL, INDUSTRIAL, BUSINESS DISTRICT STREETS	24'	60'

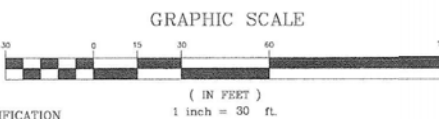
GENERAL NO

1. THE WIDTH FROM FACE OF CURB TO RIGHT-OF-WAY LINE (TW) SPECIFIED ON THE APPROACH ROAD STANDARD SHALL BE MAINTAINED AROUND ENTIRE CUL-DE-SAC. WIDTHS AND LATERAL LOCATIONS OF CURBSIDE ELEMENTS SUCH AS SIDEWALKS, SHALL ALSO BE MAINTAINED.
2. A 50' COUNTER (R=45') PAVED CUL-DE-SAC IS MINIMUM REQUIRED BY FIRE SAFETY CODE - APPROACH ROAD.
3. CURB AND GUTTER ON CENTER ISLAND TO BE 10-12.0" WITH SPILLED GUTTER.
4. PAVING SECTION AND THICKNESS WITH CMA-DE-SAC SHALL CONFORM TO THE SAME PAVING SECTION AS THE APPROACH ROAD.
5. CENTER ISLAND TO BE THICKENED TO DOWN AT 2% MAX. GRAVOC AND STABILIZED WITH 50/50 OR LOW-GROWING PLANTS (NO TREES).

APPROVED 2020 04/25/21 DATE 04/25/21
DIRECTOR, DEPARTMENT OF TRANSPORTATION
SIC, DIVISION OF TRANSPORTATION ENGINEERING

MONTGOMERY COUNTY
DEPARTMENT OF TRANSPORTATION
CUL-DE-SAC
CURB AND GUTTER ROADS
STANDARD NO. MC-222.C

Existing SWM
Pond



BOUNDARY CERTIFICATION

I hereby certify that the boundary shown hereon is correct based on existing deeds and plats recorded among the Land Records of Montgomery County, Maryland, subject to change upon completion of a final survey. Topography from sources noted hereon.

Date _____

Macris, Hendricks, & Glascock, P.A.
By: Barry E. Hoyle
Professional Land Surveyor
Maryland Reg. No. 21135
Expiration Date: June 21st, 2016

ENGINEER
M.A DESIGN GROUP LLC
1705 Chester Mill Road
Silver Spring, MD, 20906
Contact: Mamo Assefa, PE
Tel. #: 240-271-9759
email: ma_design_group@yahoo.com

OWNER/APPLICANT
HAWAKIL BAY PARK LLC
 227 Bel Pre Road, Suite 124
 Silver Spring, MD, 20906
 Contact: Aaron Eyob
 Tel. #: 484-264-5198
 email: aaronieta@gmail.com



TAX MAP JR 563

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 LAWS OF THE STATE OF
MARYLAND LICENSE NO. 21718 EXPIRATION DATE
09/16/2026

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



Date: June 13, 2025

Re: Beall's Manor Subdivision Lots 1-3
PP No. 12014003A
 Amendment to Certified Preliminary Plan number 120140030,
Statement of Justification

The following statements are presented to demonstrate compliance with Chapter 50-4.2. D of the Subdivision Regulations.

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](#)

HAWAKIL BAY PARK LLC is the owner of the property for this application which is located at the terminus of Spearmint Lane Silver Spring, Maryland. The property contains approximately 2.0 acres and comprises of Parcel "823". The property is zoned R-200 and will be developed as an extension of the adjacent cluster subdivisions.

The property is unimproved and slopes north to south approximately 5%. The site contains a few large caliper trees that are considered specimen trees, that will need to be removed, the applicant will mitigate the loss by planting new trees per the Montgomery County Planning Board Regulation COMCOR No.22A.

Access to the property will be from the existing terminus of Spearmint Lane and will be extended onto the applicant's property and then terminate into a newly constructed Montgomery County standard Tertiary Cul-De-Sac. This Cul-De-Sac will provide safe access for the three new homes as well as for safe emergency services access. The proposed houses will be served by three new single driveways from this Cul-De-Sac.

The Application proposes to re-subdivide Parcel 823 into three buildable lots for the construction of three single family residential homes, which is below the allowable density under the cluster option.

Storm water Management facilities will be provided for the development in accordance with environmental site design standards. The stormwater management practices include micro-bioretenention and dry wells.

*This amendment does not change any of the elements of the approved and certified preliminary plan, the amendment was required because of the delay in implementation of the plan by the previous owner which caused the approval to expire. This application is to reinstate the approval and allow the current owner to proceed to plat the approved lots. **The owner wishes to reinstate the Preliminary Plan validity period for three (3) years.***

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. The development has been vetted through the Montgomery County Development review process and has been found to be compliant with the requirements of the County.

It is also our understanding that the findings of the Adequate Public Facilities (APF) for the subdivision are valid until the end of August 2025, and the owner requests an extension of the validity of the APF for an additional 2.5 years.

Also attached is a request for a waiver from the conditions of the Montgomery County Code, Chapter 50-Subdivision of Land, Section 50.4.3.J.7.c

2. the preliminary plan substantially conforms to the master plan

At the time of the review the project had conformed with the Cloverly Master plan. As of the writing of this justification there has not been any update to the master plan and therefore, we can infer that it still does.

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

It is our understanding that the adequacy public facilities were adequate at the time of the approval and certification of the preliminary plan for subdivision and is still the case.

4. all Forest Conservation Law, [Chapter 22A](#) requirements are satisfied

Forest conservation plan was submitted and approved. The Approved plans and letter are included in the initial submission.

5. all stormwater management, water quality plan, and floodplain requirements of are satisfied

The Stormwater management concept has been approved by DPS and therefore the project has indicated Environmental Sensitive Design (ESD) that address both quality and quantity controls. There is no regulated flood plain in the vicinity of the project site

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 is no physical indication of a burial site at the project site and the Montgomery County Cemetery Inventory.

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

None

Sincerely,



Mamo Assefa, PE
Civil Engineer,

Owner/Applicant
Aaron Eyob
Hawakil Bay Parks LLC

Date: June 13, 2025

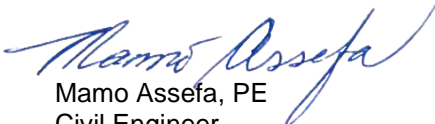
Re: Beall's Manor Subdivision Lots 1-3
PP No. 12014003A
Amendment to Certified Preliminary Plan number 120140030,
Request of Waiver of the conditions of Section 50.3.4.3.J.7.c of The Montgomery County Code

The owner is hereby requesting a waiver from the requirements of **Section 50.3.4.3.7.c** of The Montgomery County Code, excerpted below:

Exclusively residential subdivisions. The Board may extend a determination of adequate public facilities for an exclusively residential subdivision beyond the otherwise applicable validity period if the Department of Permitting Services has issued building permits for at least 50 percent of the entire subdivision before the application for extension is filed.

Beall's Manor is an exclusively residential subdivision and is therefore subject to the condition referenced above. However, because the subdivision has not yet been platted, and the purpose of the pending amendment is to reinstate the expired Preliminary Plan of Subdivision and extend the validity of the Adequate Public Facilities Finding to allow for platting, compliance with the aforementioned condition is not presently feasible. As a platted subdivision is a prerequisite for the issuance of building permits, the condition cannot be satisfied at this stage. Accordingly, we hereby respectfully request a waiver of the referenced requirement.

Sincerely,


Mamo Assefa, PE
Civil Engineer,

Owner/Applicant
Aaron Eyob
Hawakil Bay Parks LLC



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

MCPB No. 14-54
Preliminary Plan No. 120140030
Beall's Manor
Date of Hearing: July 17, 2014

JUL 29 2014

RESOLUTION

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

WHEREAS, on August 27, 2013, Charlie Gilroy - RCG Development, LLC ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create 3 lots on 2.0 acres of land in the R-200 zone, located at the terminus of Spearmint Lane, approximately 150 feet southeast of the intersection with Amberleigh Terrace ("Subject Property"), in the Cloverly Policy Area, Cloverly Master Plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120140030, Beall's Manor ("Preliminary Plan" 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 July 3, 2014, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 17, 2014, the Planning Board held a public hearing on the Application, and at the hearing heard testimony and received evidence submitted for the record on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board approves Preliminary Plan No. 120140030 to create three lots on the Subject Property, subject to the following conditions:¹

¹ 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.

Approved as to
Legal Sufficiency

David Lieb
MNCPPC Legal Department
www.montgomeryplanningboard.org

Phone: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chair@mncppc-mc.org

- 1) The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan No. 120140030, approved as part of this Preliminary Plan, subject to:
 - a. The Final Forest Conservation Plan must be approved prior to recordation of the plat.
 - b. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.
 - c. Prior to any clearing, grading, or demolition on the Property, the Applicant must record a Certificate of Compliance Agreement executed by the Applicant and the Planning Board or its designee for the offsite forest planting requirement.
 - d. The Final Sediment Control Plan must be consistent with the final limits of disturbance as approved by M-NCPPC Staff.
 - e. The Applicant must comply with all tree protection and tree save measures shown on the approved Final FCP. Tree save measures not specified on the Final FCP may be required by the M-NCPPC forest conservation inspector.
- 2) The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated March 14, 2014, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 3) Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 4) The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated May 2, 2014, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 5) The Applicant must dedicate all road rights-of-way to the full width of 27'4" as designated on the Preliminary Plan.

- 6) The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes.
- 7) Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of a 5-foot wide sidewalk along the property frontage around Spearmint Lane Cul-de-sac, unless construction is waived by MCDPS.
- 8) The certified Preliminary Plan must contain the following note:

"Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s)."
- 9) The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 10) Record plat must reflect a 15-foot public improvement easement (PIE) on Lot 3 as shown on the Preliminary Plan.
- 11) Record plat must show necessary easements.
- 12) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
- 13) The Subject Property is within the Springbrook High School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the middle school level at the single-family detached unit rate for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

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

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

The Subject Property is located in the southern portion of the 1997 Cloverly Master Plan ("Master Plan") area, known as the "Suburban Communities," and is located in the North Sherwood Forest neighborhood. The Master Plan does not make any specific recommendations for the Property or nearby residential properties. However, for "Suburban Communities" the Master Plan generally recommends to "join new development with existing neighborhoods through street and pedestrian connections." The proposed subdivision substantially conforms to the recommendations adopted in the Cloverly Master Plan in that the proposed development directly ties into the existing framework of the surrounding subdivision and improves the last piece of developable property within the North Sherwood Forest neighborhood. In addition, the Application provides a 15-foot wide public improvement easement (PIE) on Lot 3, along the common property line with Parcel A. The PIE will serve as a pedestrian connection to a future pedestrian path that will connect to New Hampshire Avenue.

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

Roads and Transportation Facilities

Local Area Transportation Review

The Local Area Transportation Review (LATR) guidelines require a traffic study to be performed if a development generates 30 or more weekday peak-hour trips. The three proposed dwelling units will generate only three morning peak-hour trips and four evening peak-hour trips. Therefore, no LATR is required.

Transportation Policy Area Review (TPAR)

The Property is located in the Fairland/White Oak Transportation Policy Area, which is defined as *inadequate* under the roadway test and *adequate* under the transit test for TPAR. To mitigate the roadway test the Applicant must make a TPAR Mitigation Payment, equal to 25 percent of the General District Transportation Impact Tax, pursuant to the 2012-2016 Subdivision Staging Policy. The timing and amount of the payment must be in accordance with Chapter 52 of the Montgomery County Code.

Road Design

In order to transition into the built section of Spearmint Lane, the Applicant proposes to extend the stub of existing Spearmint Lane as a modified tertiary residential street (Montgomery County Road Code Standard Number MC-210.3) with 26 feet of pavement and total right-of-way width of 27'4". MCDOT has approved the road section

and with Staff concurs that the reduced width tertiary section is the only feasible way to complete Spearmint Lane which was also built to reduced width tertiary standards. Spearmint Lane will terminate on the Property in a new cul-de-sac, which will adequately serve as access to the new lots.

The Application includes a sidewalk around the new cul-de-sac bulb in conformance with road code standards. However, there is no other sidewalk on the existing section of Spearmint Lane that would provide a connection to the existing sidewalk on Amberleigh Terrace, the closest existing sidewalk to the Property. The surrounding neighborhood was built with sidewalks on only one side of the roads and partially around the existing cul-de-sacs. Although the Master Plan recommends that new development be joined to existing neighborhoods, in this case, Spearmint Lane can serve as a vehicular and pedestrian connection to the surrounding neighborhood's pedestrian and vehicular network. The proposed cul-de-sac is expected to be a low traffic area and, therefore, the pavement without a sidewalk will be safe and adequate for pedestrian use.

The Application has been reviewed by the Montgomery County Department of Transportation, which concluded that the Property has adequate vehicular access and site distance as mentioned in their letter dated, April 1, 2014. Vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

Other Public Facilities and Services

All other public facilities and services including electric, telecommunication, police and health services are available and adequate to support and serve the proposed dwelling units. The Property is located in the W-1 and S-1 water and sewer service categories which permit public water and sewer connection. The Application has been reviewed by Washington Suburban Sanitation Commission, which has determined that there is an existing eight-inch water main and an eight-inch gravity sewer main in the existing section of Spearmint Lane that will be extended and are adequate to serve the Property.

The Application has been reviewed by the Montgomery County Department of Fire and Rescue Service, which has determined that the Property has adequate access for fire and rescue vehicles by transmittal dated, April 1, 2014 (Attachment D of staff report).

The Application is in the Springbrook High School Cluster, which is operating at an inadequate level (over 105% utilization) at the middle school level according to the current Subdivision Staging Policy. Therefore, the Applicant must make a School Facilities Payment to MCDPS at the middle school level at the single-family detached, unit rate for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The Application has been reviewed for compliance with the Subdivision Regulations and meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations of the Cloverly Master Plan and the intended residential use. The subdivision achieves the Master Plan recommendations by joining new development to existing neighborhoods and properly terminating Spearmint Lane in a cul-de-sac. The lots are appropriately dimensioned and provide for an orderly completion of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the R-200 Zone. The proposed lots meet all the dimensional requirements for area, frontage, width, and setbacks in the R-200 Zone. A summary of this review is included in Table 3 of the staff report. The Application has been reviewed by other applicable County agencies, all of whom have recommended approval of the plan.

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

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Property on June 17, 2013. There are no sensitive environmental features or forest on the Property. A Preliminary Forest Conservation Plan has been submitted for review (Attachment E of staff report). The Application includes 0.06 acres of offsite disturbance for the construction of a sewer connection on Spearmint Drive and a storm drain that will outfall to an existing offsite stormwater management facility. There are eight specimen trees, each with a diameter at breast height (DBH) greater than 30 inches, and five significant trees with a DBH greater than or equal to 24 inches located on the Property. One significant tree is located offsite, west of the Property. There is a 0.31 acre forest planting requirement, which the Applicant will meet offsite.

B. Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to nine Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

Section 22A-12(b)(3) of the 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 ("Protected Tree"); are part of a historic site or designated with an historic structure; are designated as a 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. Any impact to a Protected Tree, including removal or disturbance within the Protected Tree's critical root zone (CRZ) requires a variance. An applicant 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.

The Applicant submitted a variance request dated January 31, 2014 for the removal of seven Protected Trees and impact to one Protected Tree. All of these Protected Trees are rated in poor or fair condition.

Under 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. Development on the Property is dictated by the existing conditions on the site, development standards of the R-200 Zone, and County agency requirements. The affected Protected Trees are located throughout the Property and the layout of the development is dictated to some extent by the pre-determined access to the Property from the existing terminus of Spearmint Lane. The shape of the Property, the required cul-de-sac, and the necessary stormwater management features limit the ability to avoid disturbing the Protected Trees. If the variance were not considered, the development anticipated on this R-200 zoned Property could not occur. There would be an unwarranted hardship if a variance were not considered. The County Arborist recommends that the variance be granted with mitigation.

The Board made the following findings necessary to grant the Variance:

1. Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.

Granting the variance will not confer a special privilege on the Applicant as the removal and impacts to the Protected Trees is due to the development of the Property in a manner consistent with surrounding development, and the existing condition of the Protected Trees which are either in poor or fair condition. Granting a variance request to allow land disturbance within the developable portion of the Property is not unique to this Applicant.

2. The need for the Variance is not based on conditions or circumstances that are the result of the actions by the Applicant.

The need for the variance is not based on conditions or circumstances that are the result of actions by the Applicant. The requested variance is based upon existing site conditions and the development standards of the R-200 zone.

3. The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.

The need for a variance is a result of the existing conditions, and the proposed site design and layout on the subject Property.

4. Granting the Variance 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. Onsite mitigation for the removal of the trees will replace the functions currently provided by the Protected Trees. In addition, Montgomery County Department of Permitting Services has found the stormwater management concept for the proposed project to be acceptable.

Mitigation for the Variance is at a rate that approximates the form and function of the tree removed. The mitigation is based on Staff's practice at the time the variance request was received whereby mitigation was not required for trees in poor condition.

The Board approved replacement of Protected Trees at a ratio of approximately one-inch caliper for every four-inch DBH removed. Mitigation for the removal of the three Protected Trees in fair condition (Trees #1, 7, and 8) must be provided in the form of nine native canopy trees with a minimum size of three inches in diameter at breast height. While these trees will not be as large as the trees lost, they will provide some immediate canopy and will help augment the functions lost. No mitigation is required for

Protected Trees impacted but retained. Mitigation for the loss of the Protected Trees will be provided onsite.

5. *All storm water management requirements shall be met as provided in Chapter 19, article II, title "storm water management", Section 19-20 through 19-35.*

MCDPS approved a stormwater management concept on May 2, 2014. The concept proposes to meet the required stormwater management goals via dry wells and micro-biofilters located both on-lot and on Parcel A. In addition, there is an existing stormwater pond that is capable of serving as an overflow if necessary, pending MCDPS final design approval.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

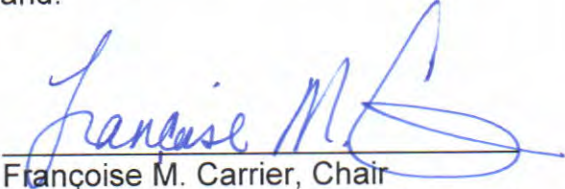
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 29 2014 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, July 17, 2014, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board

MR. RICHARD BRUSH, MANAGER
MCDPS-WATER RES. PLAN REVIEW
255 ROCKVILLE PIKE
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ROCKVILLE, MD 20850

MS. LISA SCHWARTZ
DHCA
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4TH FLOOR
ROCKVILLE, MD 20850

MS. SUSAN SCALA-DEMBY
MCDPS-ZONING
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MR. CHRISTOPHER ANDERSON MPDU
MANAGER, DHCA
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MR. GREG LECK
MCDOT
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GIATHERSBURG, MD 20878

MR. ATIQ PANJSHIRI
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MR. ALAN SOUKUP
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MR. RICHARD BRUSH, MANAGER
MCDPS-SEDIMENT/STORMWATER
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MR. ESHAN MOTAZEDI
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MR. GENE VON GUNTEN
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DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

March 21, 2014

Mr. Jonathan Casey, Senior Planner
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120140030
Beall's Manor

JONATHAN
Dear Mr. Casey:

We have completed our review of the revised preliminary plan dated February 24, 2014. This plan was previously reviewed by the Development Review Committee at its meeting on September 23, 2013. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, preliminary 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. Include this letter and all other correspondence from this department.

General Site Layout and Right-of-Way Review Comments

1. Show necessary dedication of 27'-4" per standard MC-210.03 (Modified Tertiary Residential Street).
2. Public Improvements Easements will be required along all Modified Tertiary classification roadways. The Declaration of Public Improvements Easement document is to be recorded in the Land Records of Montgomery County. The deed reference is to be provided on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.
3. Grant a 15' PIE for a connector trail towards New Hampshire Avenue. The placement of this easement to be determined prior to certified preliminary plan. Coordinate with Ms. Patricia Shepherd of the Division of Transportation Engineering at (240) 777-7231.
4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

Mr. Jonathan Casey
Preliminary Plan No. 120140030
March 21, 2014
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5. Given that MD 200 is a State-maintained roadway, we defer to the Maryland State Highway Administration regarding the capacity analysis for the downstream storm drain system. The runoff from the site is tributary to an existing adjacent stormwater management facility, which ultimately conveys under the Intercounty Connector (MD 200) via a 72" RCP culvert.
6. Prior to certification of the preliminary plan, design the storm drains at the end of the cul-de-sac on Spearmint Lane to not discharge within the PUE. Also, revise the downstream drainage analysis plan to address inconsistencies in the placement of the storm drains (in relation to the preliminary plan) and the erroneous labeling of the drainage areas and stormwater management facilities.
7. This site is located in the Northwest Branch (Class IV) watershed. In accordance with Section 49-33(l) of the Montgomery County Code, curb and gutter may not be installed in an environmentally sensitive watershed unless certain waiver criteria have been satisfied.
8. Based on a review of the information submitted to date, a waiver to allow curb and gutter has not been granted for this site. As a result, open section roadways will be required within this subdivision. (The Department of Permitting Services may lift this requirement if the applicant is able to provide documentation which satisfactorily demonstrates the use of curb and gutter will not significantly degrade water quality. This documentation is to be submitted in triplicate to Mr. Atiq Panjshiri of MCDPS, for subsequent review and comment by this Department and the Maryland-National Capital Park & Planning Commission (Environmental Planning Division.)
9. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
10. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards (unless a Design Exception is granted). Tree planning within the public right of way must be coordinated with Mr. Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.
11. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - a. Street grading, paving, curbs and gutters, storm drainage and appurtenances, and street trees along extended Spearmint Lane as a modified tertiary street.
 - b. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
 - c. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

Mr. Jonathan Casey
 Preliminary Plan No. 120140030
 March 21, 2014
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- d. Erosion and sediment control measures as required by Section 50-35(j) 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.
- e. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. William Haynes, our Development Review Area Engineer for this project, at william.haynes@montgomerycountymd.gov or (240) 777-2132.

Sincerely,

Gregory M. Leck, Manager
 Development Review Team

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Enclosures ()

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