

SEIBEL'S SUBDIVISION, LOT 2
PRELIMINARY PLAN AMENDMENT NO. 12006060A



Description

Request for a new adequate public facilities (APF) validity period to construct 12 townhouses on platted lots.

COMPLETED: 12/8/2025

PLANNING BOARD HEARING DATE: 12/18/2025

MCPB ITEM NO. 10

Planning Staff

ET

Emily Tettelbaum, Planner III, East County Planning, Emily.Tettelbaum@montgomeryplanning.org, 301-495-4569

KM

Katie Mencarini, Supervisor, East County Planning, Katherine.Mencarini@montgomeryplanning.org, 301-495-4549

CS

Carrie Sanders, Chief, East County Planning, Carrie.Sanders@montgomeryplanning.org,
301-495-4653

LOCATION/ADDRESS

Monarch Court, west side of Greencastle Road,
1,800 feet south of the intersection with Robey
Road, Burtonsville

MASTER PLAN

2023 Fairland and Briggs Chaney Master Plan

ZONE

TLD Zone (approved under prior RT-8 zone)

PROPERTY SIZE

2 acres

APPLICANT

Andrew Battle

ACCEPTANCE DATE

September 12, 2025

REVIEW BASIS

Chapter 50

Summary:

- Staff recommends approval of Preliminary Plan Amendment No. 12006060A with conditions.
- On January 11, 2007, the Planning Board approved Preliminary Plan No. 120060600 to create 12 lots for 12 one-family attached (townhouse) units with a 61-month adequate public facilities (APF) validity period that expired on July 11, 2020 (including eight years of County Council automatic extensions).
- Preliminary Plan No. 120060600 was validated with platting of the approved subdivision.
- On May 7, 2009, the Planning Board approved Site Plan No. 820080220 for construction of 12 one-family attached (townhouse) units.
- Preliminary Plan No. 120060600 and Site Plan No. 820080220 were approved under the Property's prior RT-8 Zone.
- Minor changes to the approved Fire Department access plan are required for this Application, but no other changes are proposed.
- Staff received inquiries about the Project's timeline for construction and the fire/emergency vehicle access.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS	3
PRELIMINARY PLAN AMENDMENT No. 12006060A	3
SECTION 2: SITE DESCRIPTION.....	5
VICINITY.....	5
PROPERTY DESCRIPTION.....	5
SECTION 3: PROJECT DESCRIPTION.....	6
PREVIOUS APPROVALS.....	6
PROPOSAL.....	7
SECTION 4: COMMUNITY OUTREACH	8
SECTION 5: PRELIMINARY PLAN 12006060A FINDINGS AND ANALYSIS.....	8
SECTION 6: CONCLUSION	11
ATTACHMENTS	11

SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN AMENDMENT NO. 12006060A

Staff recommends approval with conditions of Preliminary Plan Amendment No. 12006060A for a new Adequate Public Facilities finding. All site development elements shown on the latest electronic version of Preliminary Plan Amendment No. 12006060A as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.¹ Condition No. 14 is modified and Condition Nos. 16, 17, and 18 are in addition to the previously approved conditions, which remain in full force and effect:

MODIFIED CONDITION

14. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for ~~sixty-one (61) months from the date of mailing of the Planning Board resolution five (5) years from the initiation date of Preliminary Plan Amendment No. 12006060A (as defined in Montgomery County Code Section 50.4.3.J.5).~~

NEW CONDITIONS

16. Fire and Rescue
 - a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its updated letter dated November 25, 2025, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
 - b) Before approval to release any portion of the site plan performance bond, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan, dated November 25, 2025, or as amended.
17. The Certified Preliminary Plan must contain the following notes:
 - a) Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please

¹ For the purposes 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.

refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

- b) The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times during construction."

18. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a) Show resolutions and approval letters on the certified set.
- b) Include the approved Fire Department Access Plan.

SECTION 2: SITE DESCRIPTION

VICINITY

The Property is located on the west side of Greencastle Road, approximately 1,800 feet south of the intersection with Robey Road. Fairland Recreational Park is located east of the Property, across Greencastle Road. Townhouse communities are located directly north and south of the Property and a garden apartment community is located to the west. Forest conservation easements protect a stream, floodplain, and forested area between the garden apartment complex to the west and the townhouse communities to the east.



Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The two-acre Property is comprised of 12 lots (Lots 39-50) and three parcels (Parcels E, F, G) recorded on Plat No. 25393, Greencastle Towns, as approved by Preliminary Plan No. 120060600. The Property is currently zoned TLD (Townhouse Low Density) and located within the 2023 *Fairland and Briggs Chaney Master Plan*; however, the Property was zoned RT-8 (Residential Townhouse) when Preliminary Plan No. 120060600 and Site Plan No. 820080220 were approved.

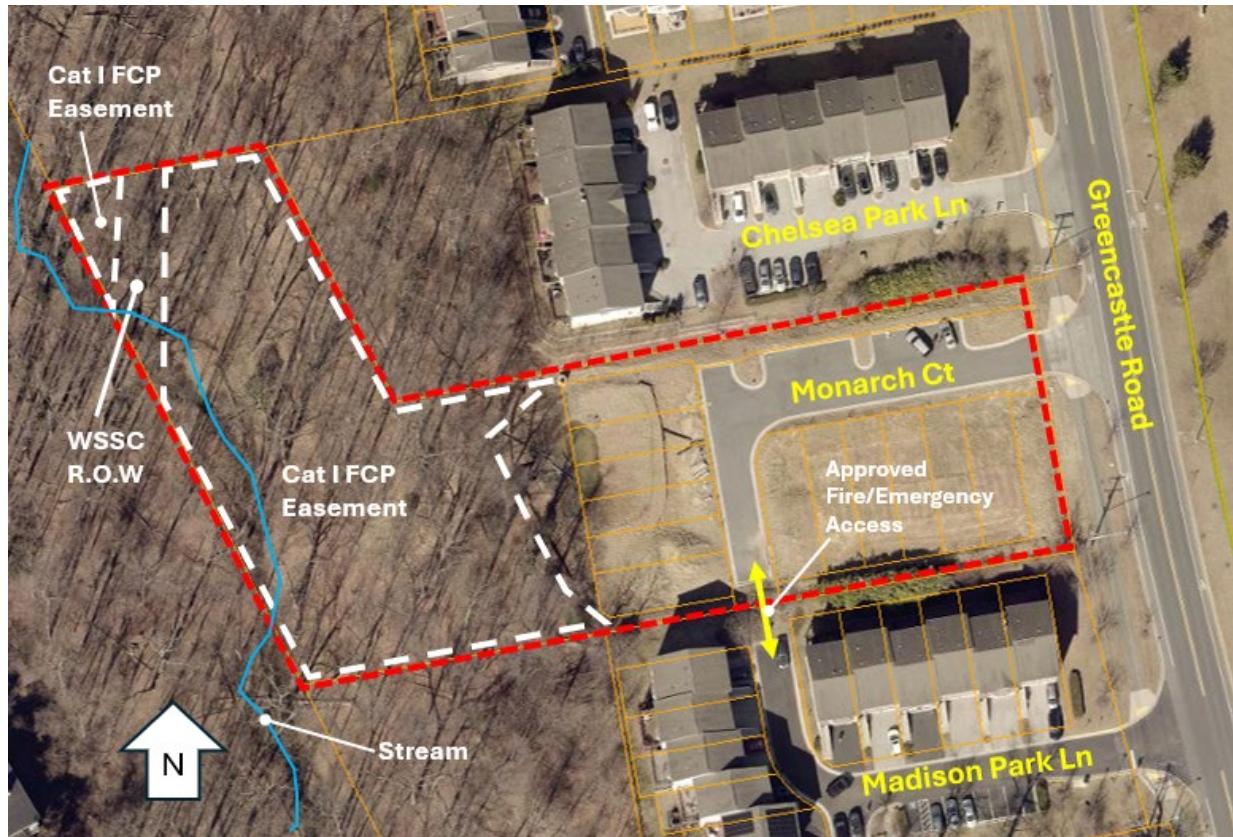


Figure 2 – Subject Property

A driveway from Greencastle Road provides access to Monarch Court, the Property's private road, that will serve the proposed townhouse community. Greencastle Road has an eight-foot-wide asphalt sidepath with a 10-foot-wide buffer along the west (Property) side and a striped bike lane with no buffer on the east side.

The western portion of the Property contains a stream, floodplain and forest, most of which is protected within two Category I Forest Conservation Easements. The two Forest Conservation Easements are separated by a 20-foot-wide Washington Suburban Sanitary Commission (WSSC) right-of-way located in the northwestern portion of the Property.

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

On January 11, 2007, the Planning Board approved Preliminary Plan No. 120060600 (MCPB 07-68), including a Preliminary Forest Conservation Plan, to create 12 lots for 12 one-family attached (townhouse) units with a 61-month adequate public facility (APF) validity period that expired on July 11, 2020, (including eight years of County Council automatic extensions). Preliminary Plan No. 120060600 was validated with platting of the approved subdivision.

On May 7, 2009, the Planning Board approved Site Plan No. 820080220 (MCPB 09-52) for construction of 12 one-family attached (townhouse) units. Site Plan No. 820080220 included approval of a Final Forest Conservation Plan.



Figure 3 - Illustrative Site Plan No. 820080220

PROPOSAL

The Applicant is preparing to construct the townhouse community pursuant to prior approvals and requests approval of a new Adequate Public Facilities finding. The only element changing with this Amendment is the paving material for the fire and rescue access connection with the adjacent townhouse community to the south (Figure 4).² The previously approved “Grasspave” surface is replaced with concrete pavement to comply with current requirements. Otherwise, the approved Preliminary and Site Plan remain unchanged.

²The fire and rescue vehicle connection was not constructed with the Greencastle Homeowner’s Association (HOA) townhouse community to the south (see circled area in Figure 4) as required by the approved site plan for that development (No. 820040060, as amended). The HOA is working with the Department of Permitting Services to resolve the site plan violation.



Figure 4 - Redline Fire and Rescue Access Plan

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements. A pre-submittal public meeting is not required for the Subject application. Staff received an email from Councilmember Mink's office asking about the timeline for project construction. Staff updated the Councilmember's office about the status of the Subject Application.

Planning and DPS Staff met with Greencastle HOA ("HOA") representatives to discuss the unbuilt fire and emergency access on HOA property. Staff addressed HOA questions and concerns about working with DPS to remedy the site plan violation and construct the required access on HOA property to connect with the Subject Property.

SECTION 5: PRELIMINARY PLAN 12006060A FINDINGS AND ANALYSIS

The Planning Board approved Preliminary Plan No. 120060600, MCPB No. 07-68, to create 12 lots on the Subject Property with conditions.

Preliminary Plan Amendment No. 12006060A requests a new Adequate Public Facilities (APF) validity period. The Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable, except the APF finding, which is modified below.

Seibel's Subdivision, Lot 2,
No. 12006060A

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

a) *Transportation*

The Property is governed by the 2023 *Fairland and Briggs Chaney Master Plan* and the *Master Plan of Highways and Transitways*. The Property has frontage along Greencastle Road via a single full-movement driveway. Greencastle Road is classified as an Area Connector with an existing right-of-way of 80 feet, which meets the master plan intent. The *Fairland and Briggs Chaney Master Plan* recommends a sidepath and bicycle lane along the segment of Greencastle Road that abuts the Property consistent with the current conditions, so no dedication or frontage improvements are required.

b) *Local Area Transportation Review (LATR)*

The 2024-2028 *Growth and Infrastructure Policy* (“GIP”) requires a transportation impact study for any project that is estimated to generate a net increase of 30 or more vehicle trips in either the morning or evening peak hours. The project proposes the development of 12 townhomes, consistent with the prior approval, which are estimated to generate 5 AM and 6 PM peak hour trips. This development does not exceed the threshold for a new transportation study. Therefore, no additional analysis is required, and the LATR is satisfied with an exemption statement.

c) *Schools*

The Property is located within the Fairland/Briggs Chaney Policy Area, which is categorized as a Turnover Impact Area by the 2024-2028 GIP.

Annual School Test Results

The FY2026 Annual School Test, approved by the Planning Board on June 26, 2025, and effective since July 1, 2025, is applicable. The Property is served by Greencastle Elementary School, Benjamin Banneker Middle School, and Paint Branch High School. The enrollment and capacity projections of these schools reflected in the FY2026 Annual School Test, which evaluates for the 2029-2030 school year, and the default Utilization Premium Payment (UPP) tier placements are shown in Table 1.

Table 1. FY2026 Annual School Test Projections (2029-2030 School Year) & UPP Tier Placements

	Program Capacity	Enrollment	Utilization Rate	Seat Surplus or Deficit	UPP Tier Placement
Greencastle ES	769	693	90.1%	+76	No UPP
Benjamin Banneker MS	803	735	91.5%	+68	No UPP
Paint Branch HS	1,998	2,065	103.4%	-67	No UPP

Based on the FY2026 Annual School Test results above, the Property is not subject to any UPP by default. However, if the Project's enrollment impact estimate exceeds an adequacy ceiling of a school, a partial payment would be required. Table 2 shows the adequacy ceiling of each school to subsequent UPP tiers.

Table 2. FY2026 Annual School Test Adequacy Ceilings

	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Greencastle ES	150	230	346
Benjamin Banneker MS	188	229	350
Paint Branch HS	93	333	633

Enrollment Impact Estimate

Table 3 shows the Project's enrollment impact estimate calculation based on the School Impact Area classification and net residential units proposed, using the FY2026-2027 Student Generation Rates.

Table 3. Student Enrollment Impact Estimate (reflects FY2026-2027 Student Generation Rates)

Type of Unit	Net Number of Units	Turnover ES Student Generation Rate	ES Student Estimate	Turnover MS Student Generation Rate	MS Student Estimate	Turnover HS Student Generation Rate	HS Student Estimate
SF Attached	12	x 0.207	= 2.484	x 0.113	= 1.356	x 0.166	= 1.992
TOTAL (rounded down)			2		1		1

The enrollment impact estimate during an average year throughout the life of this project is estimated to be two (2) elementary school students, one (1) middle school student, and one (1) high school student. This does not exceed the adequacy ceilings identified in Table 2. Therefore, a Utilization Premium Payment is not triggered for this Project.

d) Other Public Facilities and Services

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision.

Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as telecommunications, police stations, firehouses and health services are currently operating within the standards set by the GIP currently in effect.

SECTION 6: CONCLUSION

As conditioned, the Preliminary Plan Amendment application satisfies the applicable standards of the Subdivision Regulations for a new finding of Adequate Public Facilities. Therefore, Staff recommends approval of the Preliminary Plan Amendment with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary Plan Amendment

Attachment B: Prior Approvals

Attachment C: Agency Letters

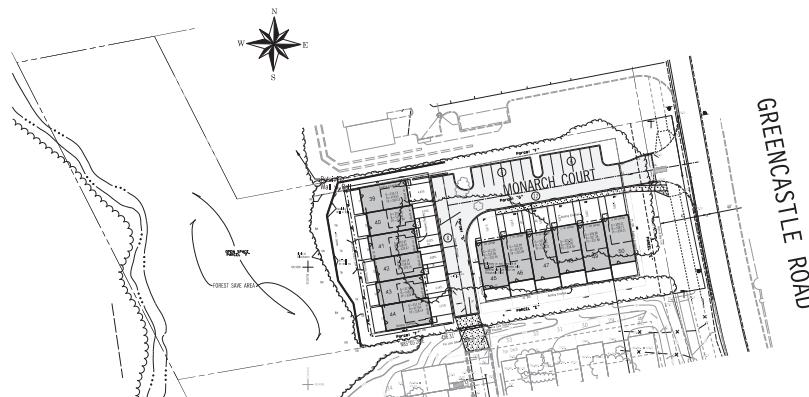
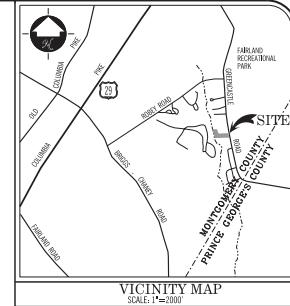
Attachment D: Correspondence

ATTACHMENT A

PRELIMINARY PLAN AMENDMENT 12006060A

SEIBEL'S SUBDIVISION-LOT 2 (NAYLOR PROPERTY)

LOTS 39-50
GREENCASTLE TOWNS



DRAWING INDEX

SHEET 1: **COVER SHEET
SHEET 2: **PRELIMINARY PLAN AMENDMENT APPROVALS
SHEET 3: PRELIMINARY PLAN AMENDMENT

** SHEET ADDED

NOTE: THIS AMENDMENT IS FOR
REAPPROVAL OF EXPIRED APFO.

12006060A

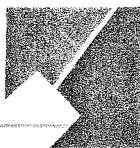
AMENDED PRELIMINARY PLAN
NAYLOR PROPERTY
(GREENCASTLE TOWNS, LOTS 39-50, PARCELS E-G)
COLESVILLE ELECTION DISTRICT #5
MONTGOMERY COUNTY, MARYLAND

DESIGN	SL	1" = 20'
CHECKED	SHEET	1 OF 3
11/18/2025	PLAT DATE	1384 D-

SITE SOLUTIONS, LLC 5525 N Annapolis Drive Mount Airy, Maryland 21771 (301) 538-8606 Planning - Engineering	OWNER: Welch Family Limited Partnership Ten 910 M Street, NW Washington, DC 20001 202-380-9000 Attn: Andrew Battle	REVISION DATE	MISS. UTILITIES: FOR INFORMATION OF UTILITIES, CALL 8-1-1 OR 1-800-527-7777 OR LOGON TO www.811.com or www.dccipp.org 48 HOURS IN ADVANCE OF COMMENCEMENT OF ANY WORK ON THIS PROJECT.	Potential Contaminants: 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 Commonwealth of Maryland, License No. 1936, Expired 06-02-2027.
		NO		



ATTACHMENT B



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

JUN 11 2007

MCPB No. 07-68
Preliminary Plan No. 120060600
Seibel's Subdivision, Lot 2
Date of Hearing: January 11, 2007

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on December 12, 2005, Tricapital Partners, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 12 lots on 2.0 acres of land located on the west side of Greencastle Road, 1,800 feet south of the intersection with Robey Road ("Property" or "Subject Property"), in the Fairland master plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120060600, Seibel's Subdivision ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on January 11, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 200, Bethesda, Maryland 20810 Chairman's Office: 301.495.4605 Fax: 301.495.1320

MNCPPC Legal Department www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

100% recycled paper

ATTACHMENT B

MCPB No. 07-68

Preliminary Plan No. 120060600

Seibel's Subdivision

Page 2

WHEREAS, on January 11, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Robinson; seconded by Commissioner Wellington; with a vote of 4-0, Commissioners Hanson, Perdue, Robinson, and Wellington voting in favor; Commissioner Bryant absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120060600 to create 12 lots on 2.0 acres of land located on the west side of Greencastle Road, approximately 1,800 feet south of the intersection with Robey Road ("Property" or "Subject Property") subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 12 lots for 12 one-family attached residential dwelling units.
- 2) The Applicant must comply with the conditions of the preliminary forest conservation plan. The Applicant must meet all conditions prior to recording of plats(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable. Conditions include the following:
 - a. The final forest conservation plan must be submitted with the site plan and must include the following items:
 - i. Permanent signs to clearly delineate the conservation easement boundary near the proposed lots.
 - ii. The final forest conservation plan must include a survey and critical root zone analysis of trees, 10 inches and greater in diameter at breast height, within 50 feet on either side of the limits of disturbance.
 - iii. A certified arborist's report to evaluate whether the 38" diameter red oak (offsite) can be protected. If the oak can be protected, the arborist's report must include appropriate tree protection measures. If the tree cannot be protected, the final FCP must include notes for mitigation plantings in the vicinity of the red oak, including offsite if the adjacent owner agrees.
 - iv. Include the 0.09-acre road right-of-way in the forest conservation plan worksheet.
 - b. If the 38" red oak cannot be protected, the Applicant must submit financial security and a maintenance and management agreement for the mitigation plantings prior to the start of clearing and grading.
- 3) The Applicant shall construct the proposed private streets to the minimum structural standards of a public tertiary street, and a minimum of 20 feet wide.
- 4) Final approval of the number and location of buildings, dwelling units, MPDUs, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 5) No clearing, grading or recording of plats prior to certified site plan approval.

ATTACHMENT B

MCPB No. 07-68

Preliminary Plan No. 120060600

Seibel's Subdivision

Page 3

- 6) The Applicant shall comply with the conditions of approval of the MCDPS stormwater management approval dated June 20, 2005, unless otherwise amended by MCDPS.
- 7) The Applicant shall comply with conditions of MCDPWT letter dated March 24, 2006, unless otherwise amended by MCDPWT.
- 8) The record plat shall depict a Category I conservation easement over the forest retention area.
- 9) The Applicant shall dedicate, and the record plat shall reflect, 25 feet of additional right of way dedication along the Greencastle Road property frontage, for a total of 40 feet from the centerline.
- 10) The record plat shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant shall provide verification to Commission staff prior to release of final building permit that the Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 11) The record Plat shall reflect all areas under Homeowners Association ownership and specifically designate stormwater management parcels.
- 12) The record plat shall reflect public use ingress/egress easements over all private streets.
- 13) Other necessary easements shall be shown on the record plat.
- 14) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution.
- 15) The signed preliminary plan will depict the connection of the emergency only access from the end of the private street to the Day Property on the south.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County 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 Greencastle/Briggs Chaney section of the Fairland master plan area, and identified in the Fairland Master Plan as part of Area 12 (p. 43-44). The Master Plan recommends a mix of detached and townhouse development for the site and finds it suitable for the RT-8 zone. The Master Plan also encourages open space, which would incorporate stream buffer areas. Consistent with the Master Plan goals, the Preliminary Plan proposes a townhouse development that protects environmentally sensitive areas.

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

ATTACHMENT B

MCPB No. 07-68

Preliminary Plan No. 120060600

Seibel's Subdivision

Page 4

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the Application is not subject to Local Area Transportation Review. The proposed private street and pedestrian access to the property will be safe and adequate.

Section 50-29(a)(2) of the Subdivision Regulations states that individually recorded lots shall abut on a street or road which has been dedicated to public use, or which has acquired the status of a public road. Multifamily and condominium units that are not located on individually recorded lots may abut a private street or right-of-way.

The Preliminary Plan proposes one-family attached residential dwellings on individual lots that front on a private street. But the Planning Board finds that the street has the status of a public street based on the street being fully accessible to the public; accessible to fire and rescue vehicles, as needed; and designed to minimum public road standards, except for right-of-way and pavement widths. Pavement width will be at least 20 feet and the minimum turning radii for emergency vehicles are provided. The circulation pattern and street terminus are acceptable. Recording of a public use and access easement over the road, as required by this approval, will ensure appropriate public access.

3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

The Application has been reviewed for compliance with, and meets, all applicable sections of Chapter 50 of the Montgomery County Code. Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the RT-8 zone as specified in the Zoning Ordinance. The lots as proposed meet all the dimensional requirements for area, frontage, width and setbacks in that zone. The Application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan.

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

A 1.19-acre forest is located west of the existing dwelling on the property. A large portion of the forest is within an environmental buffer area. The western

ATTACHMENT B

MCPB No. 07-68

Preliminary Plan No. 120060600

Seibel's Subdivision

Page 5

boundary of the site contains a tributary of Little Paint Branch (Use I waters) and associated 100-year floodplain.

The preliminary forest conservation plan retains 0.94 acres of the forest within a Category I conservation easement located in the proposed common open space. The forest retention area exceeds the break-even point of 0.54 acre. Therefore, no reforestation is required. The forest retention area includes the environmental buffer. The preliminary forest conservation plan meets the requirements of the County Forest Conservation Law.

The Applicant will retain a 38-inch red oak located on the adjacent Day Property. The approved final forest conservation plan for the Day Property, showed that the oak could be protected. The Day Property forest conservation plan showed that approximately 22 percent of the oak's critical root zone would be disturbed as a result of development. Development of the Subject Property, will increase the proposed critical root zone disturbance to approximately 42 percent. The Applicant's plan considers the tree to be protected. Staff was not convinced, however, that this was the case since more than one-third of the tree's critical root zone will be disturbed by the combined construction activities on both the Day Property subdivision and the Subject Property subdivision. Therefore, Staff recommended an evaluation by a certified arborist as part of the final forest conservation plan for the Subject Property to determine whether the tree may be preserved and, if so, indicate the appropriate tree protection measures. If the arborist determines that the tree cannot be protected from the impacts of both subdivisions, Staff recommended removal of the tree during development of the Subject Property. The Applicant will have to mitigate the loss by planting native trees.

The Subject Property also contains two tulip poplar trees located outside of the environmental buffer. However, these trees are in the middle of the site, in the area where a row of six lots (Lots 7 through 12) is proposed. The loss of these trees cannot be reasonably avoided.

The environmental buffer is proposed to be protected as part of the forest conservation area. It will be protected by a Category I conservation easement within the proposed open space area for the subdivision.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS's standards.*

ATTACHMENT B

MCPB No. 07-68

Preliminary Plan No. 120060600

Seibel's Subdivision

Page 6

MCDPS approved a stormwater management concept for the site on June 20, 2006 that included on-site quality control via construction of a structural sand filter, and on-site recharge via nonstructural measures. The application provides adequate control of stormwater runoff from the site.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) 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 among the Montgomery County Land Records or a request for an extension must be filed; and

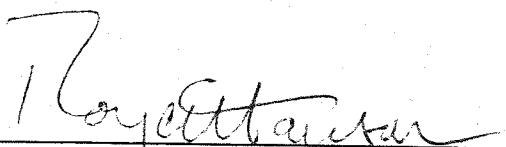
BE IT FURTHER RESOLVED, that the date of this Resolution is JUN 11 2007 (which is the date that this Resolution is mailed to all parties of record); and

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

At its regular meeting, held on Thursday, May 31, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Robinson, seconded by Commissioner Perdue, with Chairman Hanson, Vice Chair Perdue, and Commissioner Robinson present and voting in favor, and Commissioners Bryant and Wellington absent. This Resolution constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 120060600, Seibel's Subdivision



Royce Hanson, Chairman
Montgomery County Planning Board

DMK

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

MCPB No. 09-52
Site Plan No. 820080220
Project Name: Naylor Property
Date of Hearing: May 7, 2009

MONTGOMERY COUNTY PLANNING BOARD**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on April 15, 2008, Tricapital Partners, LLC ("Applicant"), filed an application for approval of a site plan for twelve (12) one-family attached dwelling units on ("Site Plan" or "Plan") on 2 acres of RT-8 zoned land, located on Greencastle Road, 1,800 feet from the intersection at Greancastle and Robey Road ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820080220, Naylor Property ("Site Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated April 22, 2009, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on May 7, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on May 7, 2009 the Planning Board approved the Application subject to conditions on the motion of Commissioner Alfandre; seconded by

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, N.W., Suite 1000, Washington, D.C. 20010 Chairman's Office: 301.495.4605 Fax: 301.495.1320

Christina Sonent www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

100% recycled paper

ATTACHMENT B

MCPB No. 09-52
Site Plan No. 820080220
Naylor Property
Page 2

Commissioner Presley; with a vote of [5-0], Commissioners Alfandre, Cryor, Hanson, Presley, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820080220 for twelve (12) one-family attached dwelling units, on 2 gross acres in the RT-8 zone, subject to the following conditions:

1. Zoning Ordinance Compliance

The proposed development must comply with the purpose clause of the RT-8 Zone as approved by the Zoning Case G-821 (Resolution dated January 18, 2005) unless amended. This Property is subject to the appropriate densities and uses allowed in the RT zones.

2. Preliminary Plan Compliance

The proposed development must comply with the conditions of approval for preliminary plan No. 120060600 as listed in the Planning Board Resolution dated January 11, 2007, unless amended. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DPWT conditions, and DPS stormwater conditions.

3. Environmental (as referenced in the Staff Report dated April 22, 2009)

- a. The proposed development must comply with all the conditions of approval for the Final Forest Conservation Plan (FFCP) prior to plat recordation or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control as appropriate.
- b. The proposed development must comply with the arborist's report dated October 14, 2008.
- c. Record plat must show all areas of forest retention, forest planting and environmental buffering within a Category I Conservation Easement.
- d. The proposed development is subject to Stormwater Management Concept approval conditions dated June 20, 2005 unless amended and approved by the Montgomery County Department of Permitting Services.

4. Common Open Space Covenant

- a. The record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant").
- b. Applicant shall provide verification to M-NCPPC Staff prior to issuance of the 9th (the same number used for completion of amenities) building permit that Applicant's recorded Homeowners Association Documents incorporate by reference to the Covenant.

ATTACHMENT B

MCPB No. 09-52
Site Plan No. 820080220
Naylor Property
Page 3

5. Landscaping

- a. The proposed plant materials shall be installed to meet the standards of the American Standards for Nursery Stock (AAN) with regard to the correct size and type as specified within the plant list and planting plan.
- b. An alternate plant list may be provided on the Landscape and Lighting plan; to accommodate plant substitutions.
- c. The proposed plantings shall be properly installed and maintained so as not to conflict with the public right of way, and/or cause damage to any existing public utilities.

6. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b. All onsite light fixtures must be semi cut-off fixtures with house-side shields and refractive panels.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels of the on-site light fixtures shall not exceed 0.5 foot-candles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles shall not exceed 14 feet, including the mounting base.

7. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lighting and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c. Community-wide pedestrian pathways, including the 8-foot wide bike pathway, must be completed within 6 months of the completion of the road construction.
- d. Provide each section of the development with necessary roads.
- e. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, and other features.

ATTACHMENT B

MCPB No. 09-52
Site Plan No. 820080220
Naylor Property
Page 4

8. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b. Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading."
- c. Ensure consistency of all details and layout between Site Plan and landscape plan.
- d. Provide a building envelope (with setbacks labeled on the Site Plan) that will account for any minor and/or major shifts in the final construction of the proposed buildings.
- e. Provide a diagram delineating the location of the on-site Green Area.

BE IT FURTHER RESOLVED that all site development elements as shown on the Naylor Property drawings stamped by the M-NCPPC on March 26, 2009, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

A diagrammatic plan, schematic development plan, and/or a project plan are not required for the subject site. However, the use and density of this Site Plan are consistent with the Zoning case for G-821.

2. *The Site Plan meets all of the requirements of the RT-8 zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed use is allowed in the RT-8 Zone. The purpose of the RT-8 Zone is to provide suitable sites for townhouses while providing amenities normally associated with less dense zoning categories. The Site Plan fulfills this purpose by providing 12 townhouse units, additional guest parking in combination with 1

ATTACHMENT B

MCPB No. 09-52
Site Plan No. 820080220
Naylor Property
Page 5

to 2 car garages, and adequate open spaces that support the functional uses of the site.

Requirements of the RT-8 zone

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the developments standards proposed for approval. The Board finds, based on the aforementioned data table, and other uncontested evidence and testimony of record, that the Application meets all of the applicable requirements of the RT-8 Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Data Table

Development Standards Approved by
the Planning Board and Binding on
the Applicant

Building Height	35 feet
Building Setback	
Public Street	25 feet
Rear	20 feet
Side (End Unit)	10 feet
Green Area	75%
Building Coverage	12%
Internal Landscaping for Parking	8.8%
Parking Spaces	36 spaces (2 spaces per unit, plus 12 visitor spaces).

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

The buildings and structures of the proposed development are located perpendicular and parallel to the main access road (Greencastle Road), which is

ATTACHMENT B

MCPB No. 09-52
Site Plan No. 820080220
Naylor Property
Page 6

appropriate for the character envisioned by the Master Plan. The overall layout is very similar to the character and pattern of surrounding developments. The locations of the buildings and structures are safe, adequate, and efficient.

The open space provided protects the stream valley, preserves the existing vegetation, and separates the proposed uses from adjoining properties. The landscaping is a visual screen for the proposed surface parking, a traditional foundation planting area for the units, and ornamental interest all-year round. The interior lighting will create enough visibility to secure the grounds, however does not cause any glare on the adjacent roads or properties.

Existing pedestrian sidewalks (directly adjacent to the main access road), efficiently integrate the site with its surroundings. Although on-site recreation is not required for developments less than 25 units, Fairland Recreational Park is located within walking distance along Greencastle Road. The vehicular circulation directs traffic into and through the site with minimal impacts to the pedestrian circulation. The paved areas for both pedestrian and vehicular traffic are designed to minimize the impact to the natural environment, while efficiently reducing the need for excess impervious surfaces. Essentially these details adequately and efficiently address the needs of the proposed usage, while establishing a safe and sustainable living environment.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposed development is compatible with the adjacent uses and pending development plans. The structures are in scale with the nearby buildings and will not adversely impact existing and/or proposed adjacent uses.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The stormwater management (SWM) concept consists of on-site water quality control via construction of a bio-filter. Onsite recharge is via nonstructural measures. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cubic feet per second. The SWM concept for this Property was approved on June 20, 2005.

The proposed development is not subject to water resources protection; however it is subject to the forest conservation law. The final forest conservation plan (FFCP) shows 0.25 acres of forest clearing and 0.94 acres of forest retention. Based upon the forest conservation worksheet, the Applicant will have no

ATTACHMENT B

MCPB No. 09-52
Site Plan No. 820080220
Naylor Property
Page 7

afforestation/reforestation requirement as the break-even point has been met or exceeded on this site.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

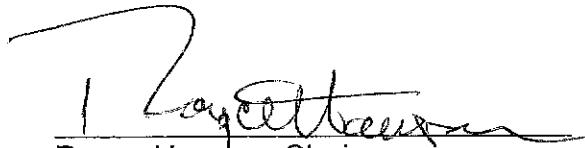
BE IT FURTHER RESOLVED, that the date of this Resolution is JUN 16 2009 (which is the date that this Resolution is mailed to all parties of record); and

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 Cryor, seconded by Commissioner Robinson, with Commissioners Hanson, Robinson, Cryor, and Presley voting in favor of the motion, and Commissioner Alfandre absent, at its regular meeting held on Thursday, June 11, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board

ATTACHMENT C



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

DATE: 09-Mar-09

TO: Jeffrey Lewis - jsl@ssimd.net
Site Solutions, Inc.

FROM: Marie LaBaw

RE: Naylor Property (Seibel's Subdivision Lot 2 - Monarch Court)
820080220 12006060

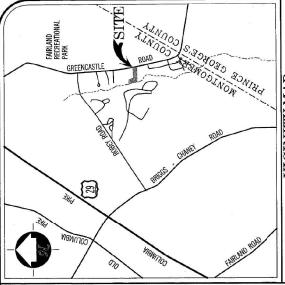
PLAN APPROVED

1. Review based only upon information contained on the plan submitted 24-Feb-09 .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** 11/15/2025 12006060A - Revised emergency vehicle through access from Monarch Court to Madison Park Lane *****

***** 11/25/2025 Revise 12006060A 11/15/2025 approval to remove improvements from Day Property 120090020 82004006B *****

ATTACHMENT C



VICINITY MAP

SCALE: 1" = 2000'

General Notes

1. Topographic and surface information shown is from a aerial topo survey by AER Survey, Inc., Date, W.
2. Boundary indicated is based on a description of property as "Sect 10, Twp 10, R 12, M. & P. C. P. C. 1000 ft. S. of the intersection of the State Line and the road leading to the Monarch Court." Plat Book 1, Plat 100, recorded as Rec. No. 10, 1907.
3. There are no known historic resources on this property.
4. There is no evidence of portion of stream bed on the property above the elevation of the stream buffer.
5. This property will be constructed in a single phase.

1/8" = 50 ft.

1/16" = 25 ft.

1/32" = 12.5 ft.

1/64" = 6.25 ft.

1/128" = 3.125 ft.

1/256" = 1.5625 ft.

1/512" = 0.78125 ft.

1/1024" = 0.390625 ft.

1/2048" = 0.1953125 ft.

1/4096" = 0.09765625 ft.

1/8192" = 0.048828125 ft.

1/16384" = 0.0244140625 ft.

1/32768" = 0.01220703125 ft.

1/65536" = 0.006103515625 ft.

1/131072" = 0.0030517578125 ft.

1/262144" = 0.00152587890625 ft.

1/524288" = 0.000762939453125 ft.

1/1048576" = 0.0003814697265625 ft.

1/2097152" = 0.00019073486328125 ft.

1/4194304" = 0.000095367431640625 ft.

1/8388608" = 0.0000476837158203125 ft.

1/16777216" = 0.00002384185791015625 ft.

1/33554432" = 0.000011920928955078125 ft.

1/67108864" = 0.0000059604644775390625 ft.

1/134217728" = 0.00000298023223876953125 ft.

1/268435456" = 0.000001490116119384765625 ft.

1/536870912" = 0.0000007450580596923828125 ft.

1/107374184" = 0.00000037252902984619140625 ft.

1/214748368" = 0.000000186264514923095703125 ft.

1/429496736" = 0.0000000931322574615478515625 ft.

1/858993472" = 0.00000004656612873077392578125 ft.

1/1717986944" = 0.000000023283064365386962890625 ft.

1/3435973888" = 0.0000000116415321826934814453125 ft.

1/6871947776" = 0.00000000582076609134674072265625 ft.

1/1374389552" = 0.000000002910383045673370361328125 ft.

1/2748779104" = 0.00000000145519152283668518065625 ft.

1/5497558208" = 0.0000000007275957614183425903125 ft.

1/10995116416" = 0.00000000036379788070917129515625 ft.

1/21990232832" = 0.00000000018189894035458564753125 ft.

1/43980465664" = 0.000000000090949470177292823765625 ft.

1/87960931328" = 0.0000000000454747350886464118828125 ft.

1/175921862656" = 0.00000000002273736754432320594453125 ft.

1/351843725312" = 0.000000000011368683772161602972265625 ft.

1/703687450624" = 0.0000000000056843418860808014861328125 ft.

1/140737490128" = 0.000000000002842170943040400743065625 ft.

1/281474980256" = 0.00000000001421085471520200372153125 ft.

1/562949960512" = 0.000000000007105427357601001860765625 ft.

1/1125899921024" = 0.0000000000035527136788005009303828125 ft.

1/2251799842048" = 0.000000000017763568394402504460765625 ft.

1/4503599684096" = 0.0000000000088817841972012522303828125 ft.

1/9007199368192" = 0.000000000004440892098600626115165625 ft.

1/18014398736384" = 0.0000000000022204460493003130575828125 ft.

1/36028797472768" = 0.000000000011102230246500156528765625 ft.

1/72057594945536" = 0.0000000000055511151232500782643828125 ft.

1/144115189891072" = 0.000000000027755575616250391321765625 ft.

1/288230379782144" = 0.00000000001387778780812519566083125 ft.

1/576460759564288" = 0.0000000000069388939040625978304165625 ft.

1/1152921519128576" = 0.000000000003469446952031254895203125 ft.

1/2305843038257152" = 0.000000000017347234760156252447603125 ft.

1/4611686076514304" = 0.0000000000086736173800781251223803125 ft.

1/9223372153028608" = 0.00000000000433680869003906256119603125 ft.

1/18446744306057216" = 0.0000000000021684043450195032359803125 ft.

1/36893488612114432" = 0.0000000000108420217250097516799603125 ft.

1/73786977224228864" = 0.0000000000054210108625004758399803125 ft.

1/147573954448457728" = 0.0000000000271050543125002379199603125 ft.

1/295147908896915456" = 0.0000000000135525271562501194999803125 ft.

1/590295817793830912" = 0.00000000000677626357812505974999603125 ft.

1/1180591635587651824" = 0.000000000033881317890625279374999603125 ft.

1/2361183271175303648" = 0.00000000001694065894531251396874999603125 ft.

1/4722366542350607296" = 0.000000000008470329472656256984374999603125 ft.

1/9444733084701214592" = 0.000000000042351647363125349218574999603125 ft.

1/18889466169402429184" = 0.0000000000211758236815625174692874999603125 ft.

1/37778932338804858368" = 0.00000000001058791184312508734644374999603125 ft.

1/75557864677609716736" = 0.000000000005293955921562504373221874999603125 ft.

1/151115729352019433472" = 0.0000000000264697796078125021861109374999603125 ft.

1/302231458704038866944" = 0.00000000001323488980390625010545547874999603125 ft.

1/604462917408077733888" = 0.000000000006617444901953125005227739374999603125 ft.

1/1208925834816155467776" = 0.00000000003308722450976562500261386974999603125 ft.

1/2417851669632310935552" = 0.000000000016543612254881250013069349374999603125 ft.

1/4835703339264621871104" = 0.0000000000082718061274406250006347469374999603125 ft.

1/9671406678529243742208" = 0.00000000004135903063720312500031738349374999603125 ft.

1/19342813357058487484416" = 0.00000000002067951531860156250015869174999603125 ft.

1/38685626714116974968832" = 0.000000000010339757659300781250007934874999603125 ft.

1/77371253428233949937664" = 0.0000000000051698788296503906250039674374999603125 ft.

1/15474250685646989967536" = 0.000000000025849394148125195312500198374999603125 ft.

1/30948501371293979935072" = 0.000000000012924697074062597656250009874999603125 ft.

1/61897002742587959870144" = 0.00000000000646234853703125488281250049374999603125 ft.

1/123794005485179599400288" = 0.0000000000323117426850625244140625002469374999603125 ft.

1/247588010970359198800576" = 0.0000000000161558713425312512205312500123474999603125 ft.

1/495176021940718397600152" = 0.0000000000080779356712562506102625000617374999603125 ft.

1/990352043881436795200304" = 0.000000000040389678356253125305131250030874999603125 ft.

1/198070408776287359040608" = 0.000000000020194839178125157557562500154374999603125 ft.

1/396140817552574718080316" = 0.0000000000100974195890625787787812500077374999603125 ft.

1/792281635105149436160632" = 0.000000000005048709794531253939391250003874999603125 ft.

1/158456327020289873232124" = 0.0000000000252440489725625196969712500019374999603125 ft.

1/316912654040579746464248" = 0.00000000001262202448625312598348712500009674999603125 ft.

1/633825308080159492928496" = 0.0000000000063110122431251491944437125000048374999603125 ft.

1/126765061616031898585692" = 0.00000000003155506121562512457222187125000024174999603125 ft.

1/253530123232063797171384" = 0.0000000000157775306078125622361109371250000120874999603125 ft.

1/507060246464127594342768" = 0.00000000000788876530390625311355547871250000604374999603125 ft.

1/101412049292825198685552" = 0.00000000003944382651953125155677739371250000302174999603125 ft.

1/202824098585650397371104" = 0.000000000019722143259765625078388693712500001510874999603125 ft.

1/405648197171300794742208" = 0.0000000000098610716295312539104437125000007554374999603125 ft.

1/811296394342601589484416" = 0.000000000049305358147656251955221871250000037774999603125 ft.

1/162259278684803117896832" = 0.0000000000246526790739062598261109371250000188874999603125 ft.

1/324518557369606235793664" = 0.00000000001232633953597656249130547871250000944374999603125 ft.

1/649037114739201271587328" = 0.00000000000616316976803125245652739371250000472174999603125 ft.

1/129807422947840254317456" = 0.0000000000308158488001562512282643712500002360874999603125 ft.

1/259614845895680508634912" = 0.000000000015407924400078125614132187125000011804374999603125 ft.

1/519229691791361017269824" = 0.000000000007703962200039062530706437125000005902174999603125 ft.

1/103845938392702023453968" = 0.0000000000385198110001953125153532187125000029510874999603125 ft.

1/207691876785404046907936" = 0.00000000001925990550009765625077064371250000147554374999603125 ft.

1/415383753570808093815872" = 0.000000000009629951850024881251385321871250000367774999603125 ft.

1/830767507141616187631744" = 0.000000000048149759250012446250691643712500001838874999603125 ft.

1/166153501428323237326348" = 0.0000000000240748796250062231253458218712500009194374999603125 ft.

1/3323070028

ATTACHMENT C

From: [Etheridge, Mark](#)
To: [Jeff Lewis](#)
Subject: RE: Naylor Property
Date: Monday, July 21, 2025 8:17:41 AM

Hi Jeff –

As long as there are no additional improvements being proposed, and no change to the site layout is anticipated, a revised stormwater management concept would not be required. The existing stormwater management concept approval will remain valid.

Mark C. Etheridge
Manager
Water Resources Section | Montgomery Co. Department of Permitting Services
2425 Reddie Drive, 7th Floor
Wheaton, MD 20902
240-777-6338
Mark.etheridge@montgomerycountymd.gov



From: Jeff Lewis <jsl@ssimaryland.com>
Sent: Friday, July 18, 2025 3:00 PM
To: Etheridge, Mark <Mark.Etheridge@montgomerycountymd.gov>
Subject: Naylor Property

[EXTERNAL EMAIL]

Hi Mark, hope all is well.

We need to apply for a Preliminary Plan amendment for this project since the APF approval has expired. P&P has requested we get from you something stating that a SWM Concept revision is not required. This project has a sediment control permit (237209) and most of the site features have already been installed. The Preliminary Plan amendment will only cover the APF and there will be no change to the site layout. I would assume a response to this email would be sufficient.

Thanks and be well.

Jeff

Jeffrey S. Lewis, P.E.
Site Solutions, LLC
5525 N Annapolis Drive

ATTACHMENT C

Mount Airy, MD 21771
O. 301-540-7990, ext 24
C. 301-538-8606
jsl@ssimaryland.com



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

ATTACHMENT C

From: [Torma, Rebecca](#)
To: [Tettelbaum, Emily](#)
Subject: RE: Preliminary Plan Amendment No.12006060A, Seibel's Subdivision Lot 2
Date: Thursday, December 4, 2025 10:58:41 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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

I have no comment.

*****Please see the link below for the new application process*****
<https://www.montgomerycountymd.gov/dot-dir/Resources/Files/DevRevApplication.pdf>

Rebecca Torma | Manager, Development Review
Director's Office | Department of Transportation
101 Monroe Street
10th Floor
Rockville MD 20850
(240) 777-2118 (work)
(240) 383-5252 (cell)
Rebecca.torma@montgomerycountymd.gov

From: Tettelbaum, Emily <Emily.Tettelbaum@montgomeryplanning.org>
Sent: Thursday, December 4, 2025 10:49 AM
To: Torma, Rebecca <Rebecca.Torma-Kim@montgomerycountymd.gov>
Subject: Preliminary Plan Amendment No.12006060A, Seibel's Subdivision Lot 2

[EXTERNAL EMAIL]

Hi Rebecca,

I am reviewing, Seibel's Subdivision, Lot 2. As you know, the APF associated with the previously approved subdivision has expired, and the Planning Board needs to make a new APF finding. Could you please confirm that DOT does not have any comments at this time and that you recommend approval of the Preliminary Plan Amendment?

Thank you,
Emily

ATTACHMENT C



Emily Tettelbaum

Planner III, East County Planning Division
Montgomery County Planning Department
2425 Reddie Drive, Floor 14, Wheaton, MD 20902
emily.tettelbaum@montgomeryplanning.org
o: 301-495-4569



ATTACHMENT D

From: [Hondowicz, David](#)
To: [Tettelbaum, Emily](#)
Cc: [Sanders, Carrie](#)
Subject: RE: Background for Preliminary Plan Amendment 12006060A
Date: Tuesday, November 18, 2025 11:46:56 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

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

Great, that's very helpful. Thanks so much!

DAVID HONDOWICZ (HE/HIM/HIS)

Sr. LEGISLATIVE AIDE | CONSTITUENT SERVICES

OFFICE OF COUNTY COUNCILMEMBER KRISTIN MINK

MONTGOMERY COUNTY - DISTRICT 5

OFFICE PHONE (240) 777-7955

DIRECT PHONE (240) 777-7947

CELL PHONE (301) 785-3466

From: Tettelbaum, Emily <Emily.Tettelbaum@montgomeryplanning.org>

Sent: Tuesday, November 18, 2025 11:46 AM

To: Hondowicz, David <David.Hondowicz@montgomerycountymd.gov>

Cc: Sanders, Carrie <carrie.sanders@montgomeryplanning.org>

Subject: RE: Background for Preliminary Plan Amendment 12006060A

You don't often get email from emily.tettelbaum@montgomeryplanning.org. [Learn why this is important](#)

[EXTERNAL EMAIL]

Hi David,

I have an update for you on this preliminary plan amendment application. The fire access issue described in my previous email has been resolved, and the application should go before the Planning Board in late December or early January.

Best Regards,
Emily

Emily Tettelbaum

Planner III, East County Planning Division
Montgomery County Planning Department
2425 Reddie Drive, Floor 14, Wheaton, MD 20902
emily.tettelbaum@montgomeryplanning.org
o: 301-495-4569

ATTACHMENT D



From: Tettelbaum, Emily
Sent: Thursday, November 13, 2025 9:43 AM
To: 'Hondowicz, David' <David.Hondowicz@montgomerycountymd.gov>
Cc: Sanders, Carrie <Carrie.Sanders@montgomeryplanning.org>
Subject: RE: Background for Preliminary Plan Amendment 12006060A

Hi David,

Thank you for reaching out to us about this application. The original Preliminary Plan, No.12006060, for this subdivision was approved in 2007, and the adequate public facilities (APF) approval has since expired. I have attached the resolution for your reference. An associated site plan for the project was approved in 2009.

My understanding is that the developer/builder was trying to pull the building permits when the expired APF validity was flagged by a building permit reviewer. Since the APF validity period has expired, the Planning Board must make a new APF finding. This type of application is typically straightforward, but in this case an issue has come up with the fire department access. Here is the latest update from the project engineer: "The issue is the adjacent subdivision. It never built the emergency access to the property line per their approved plans. Both projects relied on each other for their fire/rescue access. The owner of the current application has offered to construct it if adjacent owner allows it. Marie [fire department access review] is going to provide some pressure by means of violation notice." Unfortunately, I think the time frame for approval of this amendment is dependent on the Madison Park Lane community granting approval to allow construction of the fire access connection. The figure below shows the cross-property fire access with a red arrow.

I hope this information is helpful. Feel free to contact me if you have further questions.

Best Regards,
Emily

ATTACHMENT D



Emily Tettelbaum

Planner III, East County Planning Division
Montgomery County Planning Department
2425 Reddie Drive, Floor 14, Wheaton, MD 20902
emily.tettelbaum@montgomeryplanning.org
o: 301-495-4569



From: Hondowicz, David <David.Hondowicz@montgomerycountymd.gov>

Sent: Wednesday, November 12, 2025 3:30 PM

To: Tettelbaum, Emily <Emily.Tettelbaum@montgomeryplanning.org>

Cc: Sanders, Carrie <carrie.sanders@montgomeryplanning.org>

Subject: Background for Preliminary Plan Amendment 12006060A

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

Good afternoon:

I'm looking for the status/context of the above referenced Preliminary Plan Amendment. It's currently a

ATTACHMENT D

vacant area within a broader townhouse community where there is consternation by area residents about the storage of construction materials, etc. and how long the property is taking to develop. Putting code compliance issues aside and long story, short, based on my initial research on DAIC, etc. it appears that this Preliminary Plan amendment is pending, with the latest activity this past September. The delays since the adoption of the original preliminary plan in 2018 appear likely because of fiscal issues (i.e. bankruptcy) that the property owner has gone through.

What I was hoping you could tell me, at a minimum, what the anticipated timeframe is for the pending amendment and any other background summary about where things stand with getting this property built out. The community is in the process of setting up a meeting with Councilmember Mink and in preparation, I hope to help her understand the potential regulatory leverage to get things moving.

Thanks in advance,

DAVID HONDOWICZ (HE/HIM/HIS)

Sr. LEGISLATIVE AIDE | CONSTITUENT SERVICES

OFFICE OF COUNTY COUNCILMEMBER KRISTIN MINK

MONTGOMERY COUNTY - DISTRICT 5

OFFICE PHONE (240) 777-7955

DIRECT PHONE (240) 777-7947

CELL PHONE (301) 785-3466



ATTACHMENT D

Tettelbaum, Emily

From: Bergner, Alana C. <acbergner@lerclearly.com>
Sent: Thursday, November 20, 2025 6:59 PM
To: Tettelbaum, Emily
Cc: Ruhlen, Christopher M.
Subject: RE: Application 12006060A
Attachments: Madison Park Lane.pdf

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

Emily,

Thanks so much for your flexibility and responsiveness, and taking the time to speak with us today. As we discussed on the call earlier today, I am providing a photograph of the area at the end of Madison Park Lane, where the access area was intended to be located. You can see the sewer cover that protrudes significantly from the ground, which may complicate efforts to pave the area. This illustrates one of several issues the Association will need to address before it could install an access area—namely, the removal of the light pole and signage, engaging an engineer, obtaining bids, potential site plan amendments, a potential vote of the Association members to approve the expenditure, etc. Given these numerous factors, we believe this cannot reasonably be resolved quite as quickly as Marie would like.

We are looking forward to the call with Marie tomorrow, and if there is any other information we can provide you ahead of the call, please let us know.

Thanks again,
Alana

Alana C. Bergner, Attorney
Lerch, Early & Brewer, Chtd. *rising to every challenge for 75 years*
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814
T 301-907-2805 | F 301-986-0332 | Main 301-986-1300
acbergner@lerclearly.com | [Bio](#)

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.

www.lerclearly.com

From: Tettelbaum, Emily <Emily.Tettelbaum@montgomeryplanning.org>
Sent: Thursday, November 20, 2025 11:17 AM
To: Ruhlen, Christopher M. <cmruhlen@lerclearly.com>
Cc: Bergner, Alana C. <acbergner@lerclearly.com>
Subject: RE: Application 12006060A

I will send a Teams invite so I do not forget about it.



ATTACHMENT D

Emily Tettelbaum

Planner III, East County Planning Division
Montgomery County Planning Department
2425 Reddie Drive, Floor 14, Wheaton, MD 20902
emily.tettelbaum@montgomeryplanning.org
o: 301-495-4569



From: Ruhlen, Christopher M. <cmruhlen@lerchearly.com>
Sent: Thursday, November 20, 2025 11:14 AM
To: Tettelbaum, Emily <Emily.Tettelbaum@montgomeryplanning.org>
Cc: Bergner, Alana C. <acbergner@lerchearly.com>
Subject: RE: Application 12006060A

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

Thanks Emily. 1:30 PM would be perfect. If you will be available at your office number, we will give you a call then (or we can use Teams if you like).

I think we probably only need 15 minutes and will try to be efficient with your time.

Thanks,
Chris

Christopher M. Ruhlen, Attorney
Pronouns: He, Him, His
Lerch, Early & Brewer, Chtd. [rising to every challenge for 75 years](#)
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814
T 301-841-3834 | F 301-347-1762 | Main 301-986-1300
cmruhlen@lerchearly.com | [Bio](#)

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.
www.lerchearly.com

From: Tettelbaum, Emily <Emily.Tettelbaum@montgomeryplanning.org>
Sent: Thursday, November 20, 2025 11:12 AM
To: Ruhlen, Christopher M. <cmruhlen@lerchearly.com>
Cc: Bergner, Alana C. <acbergner@lerchearly.com>
Subject: RE: Application 12006060A

Hi Chris and Alana,

How about 1:30 or 2 this afternoon? Otherwise, tomorrow morning after 9 works for me.

Thanks,
Emily



ATTACHMENT D

Emily Tettelbaum

Planner III, East County Planning Division
Montgomery County Planning Department
2425 Reddie Drive, Floor 14, Wheaton, MD 20902
emily.tettelbaum@montgomeryplanning.org
o: 301-495-4569



From: Ruhlen, Christopher M. <cmruhlen@lerclearly.com>
Sent: Thursday, November 20, 2025 10:56 AM
To: Tettelbaum, Emily <Emily.Tettelbaum@montgomeryplanning.org>
Cc: Bergner, Alana C. <acbergner@lerclearly.com>
Subject: RE: Application 12006060A

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

Hi Emily,

If you have a few minutes to touch base on this before 2:30 PM today, I should be free. After that, I will be at the Planning Department and we might be able to chat briefly if I happen to see you there. (Otherwise, Friday morning should be fairly open for me.)

Thanks,
Chris

Christopher M. Ruhlen, Attorney
Pronouns: He, Him, His
Lerch, Early & Brewer, Chtd. rising to every challenge for 75 years
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814
T 301-841-3834 | F 301-347-1762 | Main 301-986-1300
cmruhlen@lerclearly.com | [Bio](#)

[Subscribe to the Zoned In blog](#)

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.

www.lerclearly.com

From: Bergner, Alana C. <acbergner@lerclearly.com>
Sent: Thursday, November 20, 2025 8:13 AM
To: Emily.Tettelbaum@montgomeryplanning.org
Cc: Ruhlen, Christopher M. <cmruhlen@lerclearly.com>
Subject: Application 12006060A

Good morning Ms. Tettelbaum,

My firm represents Greencastle Homeowners Association, Inc. (“Association”), and we are reaching out on behalf of the Association regarding the above-referenced pending application. I am working with Chris Ruhlen on this matter and have copied him here.

ATTACHMENT D

It has been brought to our attention that aspects of the Association's site plan are being reviewed by Marie LaBaw in concert with her review of the applicant's site plan. We would like to schedule a meeting with you and our client to discuss the matter to see what options the Association may have and establish a path forward. If we could get that scheduled some time in the next week or so, we would really appreciate it.

Prior to a meeting with our client, Chris and I would like to have a quick call with you to discuss specifics of Ms. LaBaw's concerns. If you have any availability today or tomorrow for a call, please let me know if we can get on your calendar.

Thank you,
Alana

Alana C. Bergner, Attorney
Lerch, Early & Brewer, Chtd. rising to every challenge for 75 years
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814
T 301-907-2805 | F 301-986-0332 | Main 301-986-1300
acbergner@lerchearly.com | [Bio](#)

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.
www.lerchearly.com

ATTACHMENT D



ATTACHMENT D

Tettelbaum, Emily

From: Bergner, Alana C. <acbergner@lerclearly.com>
Sent: Thursday, November 20, 2025 3:23 PM
To: LaBaw, Marie
Cc: Ruhlen, Christopher M.; Tettelbaum, Emily
Subject: Re: Preliminary Plan Amendment No. 12006060A, Seibel's Subdivision Lot 2

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

Confirming 12:30. My legal assistant will circulate a Teams link shortly.

Thanks,
Alana

Get [Outlook for iOS](#)

Alana C. Bergner, Attorney
Lerch, Early & Brewer, Chtd. [rising to every challenge for 75 years](#)
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814
T 301-907-2805 | F 301-986-0332 | Main 301-986-1300
acbergner@lerclearly.com | [Bio](#)

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.
www.lerclearly.com

From: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>
Sent: Thursday, November 20, 2025 3:20:50 PM
To: Bergner, Alana C. <acbergner@lerclearly.com>
Cc: Ruhlen, Christopher M. <cmruhlen@lerclearly.com>; Tettelbaum, Emily <emily.tettelbaum@montgomeryplanning.org>
Subject: Re: Preliminary Plan Amendment No. 12006060A, Seibel's Subdivision Lot 2

Tomorrow all I have left is half an hour @ 12:30pm. If there has been no progress, on Monday I will forward the Madison Park Lane site plan (Day Property 82004006B) to our site plan enforcement and fire code compliance groups.

S Marie LaBaw PhD, PE
Fire Department Access and Water Supply
Department of Permitting Services
2425 Reddie Drive, 7th Floor
Wheaton, Maryland 20902
(240) 773-8917 Office
Marie.LaBaw@montgomerycountymd.gov

From: Bergner, Alana C. <acbergner@lerclearly.com>
Sent: Thursday, November 20, 2025 2:43 PM
To: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>
Cc: Ruhlen, Christopher M. <cmruhlen@lerclearly.com>; Tettelbaum, Emily

ATTACHMENT D

<emily.tettelbaum@montgomeryplanning.org>

Subject: RE: Preliminary Plan Amendment No. 12006060A, Seibel's Subdivision Lot 2

[EXTERNAL EMAIL]

Good afternoon Marie,

We've had a chance to speak with our client, and also with Emily Tettelbaum at Planning (copied here). We are hoping to schedule a call to discuss this issue with you as soon as possible. Please let me know whether you have some time tomorrow morning to set up a conference call with Chris, Emily, and me. If the morning doesn't work, we could do afternoon before 1:30 or Monday morning if necessary.

Please let me know.

Thanks,
Alana

Alana C. Bergner, Attorney
Lerch, Early & Brewer, Chtd. rising to every challenge for 75 years
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814
T 301-907-2805 | F 301-986-0332 | Main 301-986-1300
acbergner@lerchearly.com | [Bio](#)

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.

www.lerchearly.com

From: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>
Sent: Friday, November 14, 2025 12:17 PM
To: Bergner, Alana C. <acbergner@lerchearly.com>
Cc: Ruhlen, Christopher M. <cmruhlen@lerchearly.com>
Subject: Re: Preliminary Plan Amendment No. 12006060A, Seibel's Subdivision Lot 2

Ok, thanks. Mr. Battle still has to go to the Planning Board on his site plan amendment. He can do the corrective work before that (as early as next week), which would be nice since this is a life safety code violation, but worst case if the community hasn't agreed by Mr. Battle's board date (TBD), I won't be able to wait any longer on sending this to the DPS enforcement group.

S Marie LaBaw PhD, PE
Fire Department Access and Water Supply
Department of Permitting Services
2425 Reedie Drive, 7th Floor
Wheaton, Maryland 20902
(240) 773-8917 Office
Marie.LaBaw@montgomerycountymd.gov

From: Bergner, Alana C. <acbergner@lerchearly.com>
Sent: Friday, November 14, 2025 11:56 AM
To: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>

ATTACHMENT D

Cc: Ruhlen, Christopher M. <cmruhlen@lerclearly.com>

Subject: RE: Preliminary Plan Amendment No. 12006060A, Seibel's Subdivision Lot 2

[EXTERNAL EMAIL]

Good morning Marie,

I appreciate you reaching out on this. We have provided the Board with their options to move forward and are awaiting their response. They should be reviewing everything shortly, and we hope to have an update to convey by next week.

Thanks,
Alana

Alana C. Bergner, Attorney
Lerch, Early & Brewer, Chtd. [rising to every challenge for 75 years](#)
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814
T 301-907-2805 | F 301-986-0332 | Main 301-986-1300
acbergner@lerclearly.com | [Bio](#)

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.

www.lerclearly.com

From: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>
Sent: Friday, November 14, 2025 9:20 AM
To: Ruhlen, Christopher M. <cmruhlen@lerclearly.com>; Bergner, Alana C. <acbergner@lerclearly.com>
Subject: Re: Preliminary Plan Amendment No. 12006060A, Seibel's Subdivision Lot 2

Any chance of an update on this? Mr. Battle is willing to install a gate and get to work on the surface/subgrade next week, but he needs written permission from the community to operate on their side of the property line.

S Marie LaBaw PhD, PE
Fire Department Access and Water Supply
Department of Permitting Services
2425 Reedie Drive, 7th Floor
Wheaton, Maryland 20902
(240) 773-8917 Office
Marie.LaBaw@montgomerycountymd.gov

From: Ruhlen, Christopher M. <cmruhlen@lerclearly.com>
Sent: Wednesday, November 12, 2025 1:55 PM
To: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>; Bergner, Alana C. <acbergner@lerclearly.com>
Subject: RE: Preliminary Plan Amendment No. 12006060A, Seibel's Subdivision Lot 2

[EXTERNAL EMAIL]

This is helpful Marie, thank you. I think the surface change approval sounds like the way to go.

We will get back to you on the access control issue. Thanks again for your help.

ATTACHMENT D

- Chris

Christopher M. Ruhlen, Attorney

Pronouns: He, Him, His

Lerch, Early & Brewer, Chtd. rising to every challenge for 75 years
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814
T 301-841-3834 | F 301-347-1762 | Main 301-986-1300
cmruhlen@lerclearly.com | [Bio](#)

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.

www.lerclearly.com

From: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>

Sent: Wednesday, November 12, 2025 1:54 PM

To: Ruhlen, Christopher M. <cmruhlen@lerclearly.com>; Bergner, Alana C. <acbergner@lerclearly.com>

Subject: Re: Preliminary Plan Amendment No. 12006060A, Seibel's Subdivision Lot 2

It was always required to be an impervious surface/subgrade (which incidentally means grass was never going to grow nicely there), so using concrete won't change any stormwater or previous surface numbers. I've done a surface change approval post-certified site plan on another project and I don't believe Planning was involved, but I'll leave deciding on notification to your discretion.

From: Ruhlen, Christopher M. <cmruhlen@lerclearly.com>

Sent: Wednesday, November 12, 2025 1:48 PM

To: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>; Bergner, Alana C. <acbergner@lerclearly.com>

Subject: RE: Preliminary Plan Amendment No. 12006060A, Seibel's Subdivision Lot 2

[EXTERNAL EMAIL]

Thanks Marie, Alana and I will discuss next steps.

In addition to the access control, I think I understood that you are recommending that the HOA change the surface material for the turnaround to concrete. Do you think that we should touch base with the Planning Department to confirm that the change would not require an amendment to the Site Plan? (I would hope that they could accept an email from you for their files, if anything is needed.)

Thanks,
Chris

Christopher M. Ruhlen, Attorney

Pronouns: He, Him, His

Lerch, Early & Brewer, Chtd. rising to every challenge for 75 years
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814
T 301-841-3834 | F 301-347-1762 | Main 301-986-1300
cmruhlen@lerclearly.com | [Bio](#)

ATTACHMENT D

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.

www.lerclearly.com

From: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>

Sent: Wednesday, November 12, 2025 1:36 PM

To: Ruhlen, Christopher M. <cmruhlen@lerclearly.com>; Bergner, Alana C. <acbergner@lerclearly.com>

Subject: Re: Preliminary Plan Amendment No. 12006060A, Seibel's Subdivision Lot 2

I don't have a problem with Mr Battle installing the access control, gate or collapsible bollards. I haven't signed his amendment yet, so that should be an easy add if he's amenable.

S Marie LaBaw PhD, PE
Department of Permitting Services
Montgomery County, MD

From: Ruhlen, Christopher M. <cmruhlen@lerclearly.com>

Sent: Wednesday, November 12, 2025 12:45:13 PM

To: Bergner, Alana C. <acbergner@lerclearly.com>; LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>

Subject: RE: Preliminary Plan Amendment No. 12006060A, Seibel's Subdivision Lot 2

[EXTERNAL EMAIL]

Thanks Alana, and hi Marie. It might be helpful to speak briefly about this issue if you have time for a short call before the end of the week. I want to make sure that the HOA will be able to bring their property into compliance without triggering the need for any amendments of their plans on file with the Planning Department.

I am available until 3 PM today, between 2- 4 PM on Thursday, or on Friday until 3 PM if any of those times work for you.

Thanks,
Chris

Christopher M. Ruhlen, Attorney

Pronouns: He, Him, His

Lerch, Early & Brewer, Chtd. rising to every challenge for 75 years

7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814

T [301-841-3834](tel:301-841-3834) | F [301-347-1762](tel:301-347-1762) | Main 301-986-1300

cmruhlen@lerclearly.com | [Bio](#)

Subscribe to the Zoned In blog

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.

www.lerclearly.com

From: Bergner, Alana C. <acbergner@lerclearly.com>

Sent: Wednesday, November 12, 2025 12:38 PM

To: LaBaw, Marie <marie.labaw@montgomerycountymd.gov>

Cc: Ruhlen, Christopher M. <cmruhlen@lerclearly.com>

Subject: FW: Preliminary Plan Amendment No. 12006060A, Seibel's Subdivision Lot 2

Good afternoon Marie,

ATTACHMENT D

It was a pleasure speaking with you last week regarding the Association's certified site plan requirements. We are currently working with our client to determine their preferred path forward. In the meantime, I wanted to connect you with our Land Use attorney, who has been assisting me with aspects outside my area of expertise. Chris, who is copied here, raised the possibility of requesting that Andrew Battle's team install bollards or a gate on his side of the emergency access area, since his site plan is still under review, rather than the Association potentially needing to amend theirs to include the bollards or gate. Is this something we can discuss with you?

Thanks,
Alana

Alana C. Bergner, Attorney
Lerch, Early & Brewer, Chtd. [rising to every challenge for 75 years](#)
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814
T [301-907-2805](#) | F [301-986-0332](#) | Main [301-986-1300](#)
acbergner@lerchearly.com | [Bio](#)

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.

www.lerchearly.com

From: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>
Sent: Thursday, November 6, 2025 12:47 PM
To: Katz, Ruth O. <rokatz@lerchearly.com>; Andrew Battle <andrew@cadecapital.com>
Cc: Heidi Liester <hliester@tidewaterproperty.com>; Jeff Lewis <jsl@ssimmaryland.com>;
kcornell@tidewaterproperty.com; bjordan@tidewaterproperty.com; info@tidewaterproperty.com;
anowlin@tidewaterproperty.com; Bergner, Alana C. <acbergner@lerchearly.com>
Subject: Re: Preliminary Plan Amendment No. 12006060A, Seibel's Subdivision Lot 2

Ms. Katz, Mr. Battle's engineer has provided me with a revised fire lane signage and marking plan for your use. I have attached it here along with the existing order for Madison Park Lane, the amended fire department access plan that Mr. Battle has agreed to install at his expense to bring both sites into compliance, and a blank fire lane order form for your property manager to fill out per the instructions found in the also attached information packet.

If your client is amenable, please return the completed two-page fire lane order form so I can process a revised order for Madison Park Lane.

If you have any questions, feel free to reach out.

S Marie LaBaw PhD, PE
Fire Department Access and Water Supply
Department of Permitting Services
2425 Reddie Drive, 7th Floor
Wheaton, Maryland 20902
(240) 773-8917 Office
Marie.LaBaw@montgomerycountymd.gov

From: Katz, Ruth O. <rokatz@lerchearly.com>
Sent: Thursday, November 6, 2025 8:47 AM
To: Andrew Battle <andrew@cadecapital.com>

ATTACHMENT D

Cc: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>; Heidi Lester <hliester@tidewaterproperty.com>; Jeff Lewis <jsl@ssimaryland.com>; kcornell@tidewaterproperty.com <kcornell@tidewaterproperty.com>; bjordan@tidewaterproperty.com <bjordan@tidewaterproperty.com>; info@tidewaterproperty.com <info@tidewaterproperty.com>; anowlin@tidewaterproperty.com <anowlin@tidewaterproperty.com>; Bergner, Alana C. <acbergner@lerclearly.com>
Subject: RE: Preliminary Plan Amendment No. 12006060A, Seibel's Subdivision Lot 2

You don't often get email from rokatz@lerclearly.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

Hi Mr. Battle,

I am reviewing this matter and will get back to you after review.

Thanks,

Ruth

Ruth O. Katz, Managing Partner
Lerch, Early & Brewer, Chtd. [rising to every challenge for 75 years](#)
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814
T 301-657-0188 | F 301-347-1534 | Main 301-986-1300
rokatz@lerclearly.com | [Bio](#)

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.

www.lerclearly.com

From: Andrew Battle <andrew@cadecapital.com>

Sent: Wednesday, November 5, 2025 5:44 PM

To: Katz, Ruth O. <rokatz@lerclearly.com>

Cc: LaBaw, Marie <marie.labaw@montgomerycountymd.gov>; Heidi Lester <hliester@tidewaterproperty.com>; Jeff Lewis <jsl@ssimaryland.com>; kcornell@tidewaterproperty.com; bjordan@tidewaterproperty.com; info@tidewaterproperty.com; anowlin@tidewaterproperty.com

Subject: Fw: Preliminary Plan Amendment No. 12006060A, Seibel's Subdivision Lot 2

Ruth, /Hello

I wanted to update you regarding the access lane that is dedicated for fire and emergency access. As the adjacent property owner, I am in the process of constructing access to connect with the existing access easement. During the recent renewal of the APF with the county, the Fire Department noted that the access on the adjacent property is not in compliance. I've informed Marie Labaw that I would reach out to Tidewater to work through this issue.

As of today, Heidi Lester requested that I send you this correspondence for your review. Please see the attached information.

Let me know if you need any additional details.

Thanks

Andrew Battle

ATTACHMENT D

240-299-6916

From: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>
Sent: Monday, October 27, 2025 9:13 PM
To: Andrew Battle <andrew@cadecapital.com>
Cc: Jeff Lewis <jsl@ssimaryland.com>
Subject: Re: Preliminary Plan Amendment No. 12006060A, Seibel's Subdivision Lot 2

As you are progressing forward with 12006060A Seibel's Subdivision Lot 2, it has come to my attention the project neighboring yours, 82004006B on Madison Park Drive, is not in compliance with its certified site plan, specifically the connection to your site via the recorded Access Easement for Emergency Vehicles (see attached approved plans and record plats). There is currently parking in the way, a light pole, and it appears that no approved surface was installed for emergency vehicles to traverse.

This is in direct violation of the certified site plan and places the community at risk due to noncompliance with life safety code under Montgomery County Code Chapter 22, Montgomery County Executive Regulation 29-08AM (which was applicable at the time of approval), and NFPA 1 Chapter 18. If something were to happen now that the issue has been identified, the community might be liable if emergency response is impacted due to lack of access.

FYI it appears that this location will require a fire lane on both sides to restrict parking and maintain clear access. I've attached a blank order, an information packet with directions on creating an order, and a sample signage plan. Both your project and Madison Park Drive will need to create orders.

Let me know if you have any questions.

S Marie LaBaw PhD, PE

Fire Department Access and Water Supply
Department of Permitting Services
2425 Reddie Drive, 7th Floor

Wheaton, Maryland 20902

(240) 773-8917 Office
Marie.LaBaw@montgomerycountymd.gov