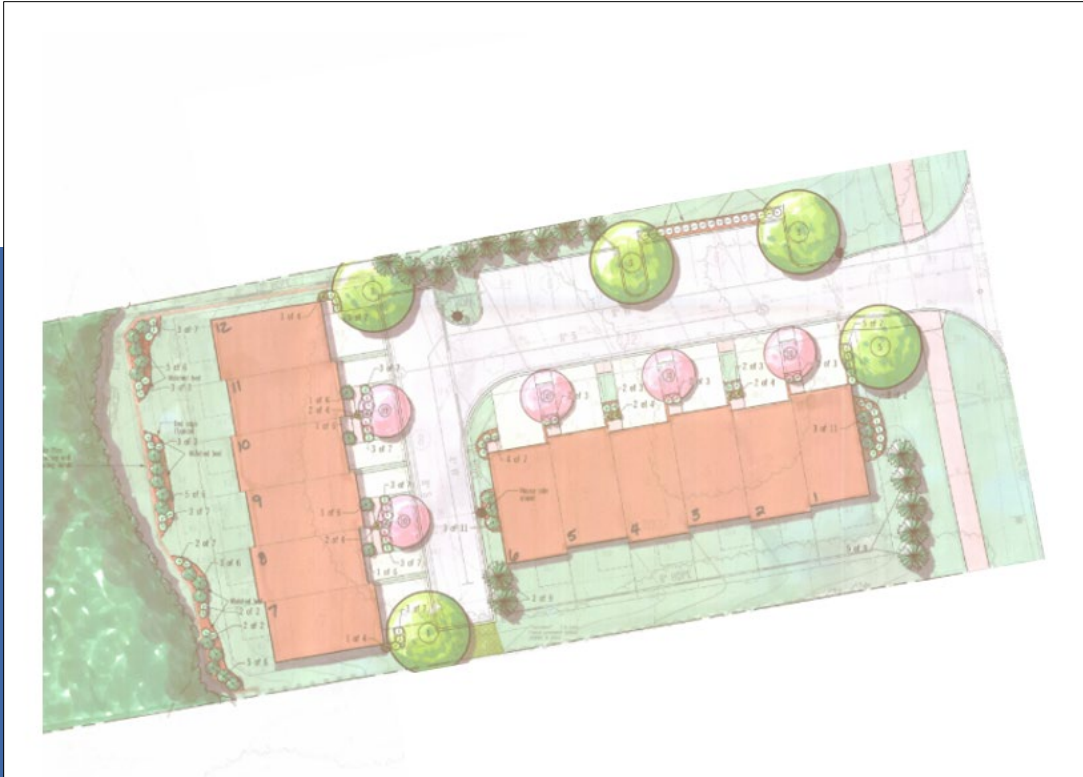


**SEIBEL'S SUBDIVISION, LOT 2  
PRELIMINARY PLAN AMENDMENT NO. 12006060A**



**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.

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## 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.<sup>1</sup> 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

---

<sup>1</sup> 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

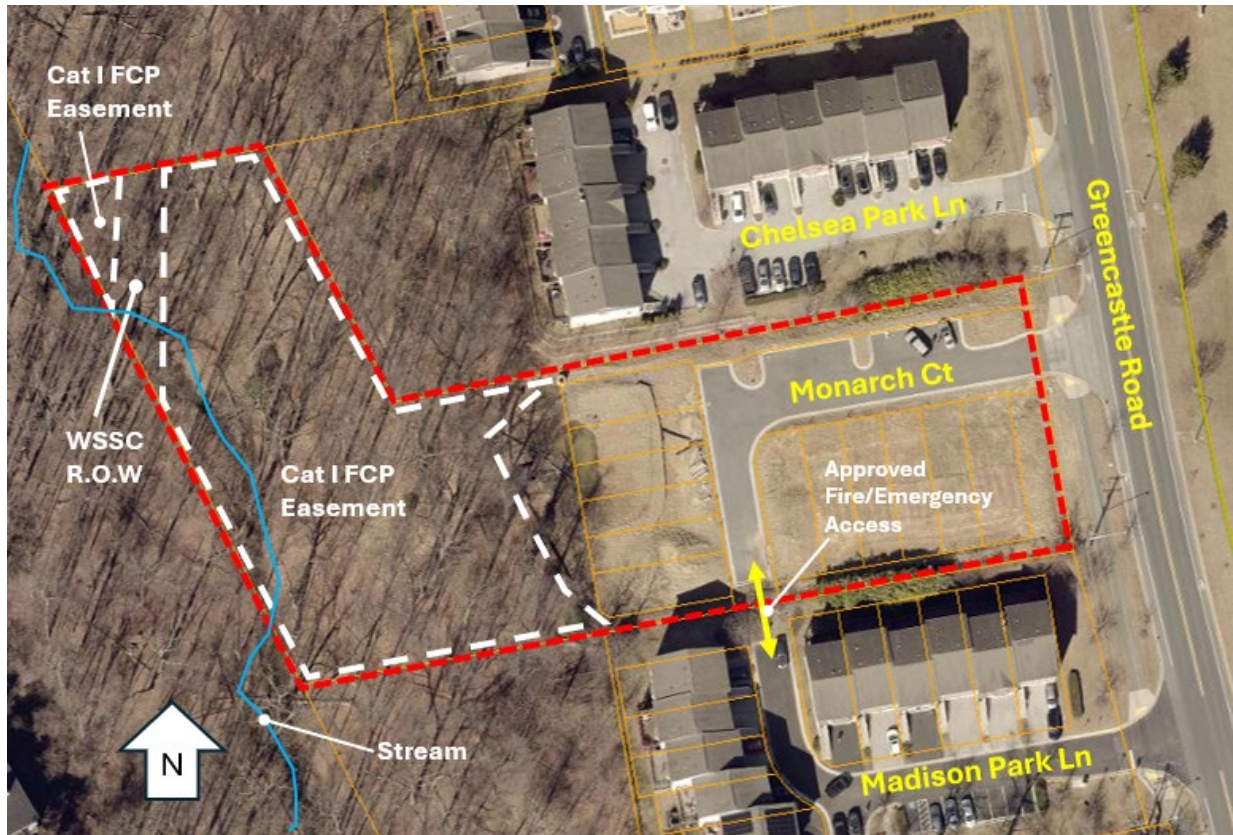
The Property is located on the west side of Greencastle Road, approximately 1,800 feet south of the intersection with Robey Road. Fairland Recreational Park is located east of the Property, across Greencastle Road. Townhouse communities are located directly north and south of the Property and a garden 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).<sup>2</sup> The previously approved “Grasspave” surface is replaced with concrete pavement to comply with current requirements. Otherwise, the approved Preliminary and Site Plan remain unchanged.

<sup>2</sup>The 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.

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### ATTACHMENTS

*Attachment A: Preliminary Plan Amendment*

*Attachment B: Prior Approvals*

*Attachment C: Agency Letters*

*Attachment D: Correspondence*

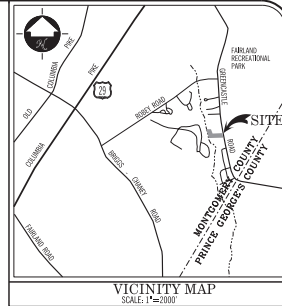


# ATTACHMENT A

## 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

#### SUMMARY OF CHANGES:

1. APF Approval Required.
2. Road Section for Greencastle Road added per Comment.
3. The surface of the fire lane connection between the property to south revised from Grasspave to concrete per Fire & Rescue comments.
4. A gate was added across the fire lane connection to prevent use by unauthorized vehicles.
5. No change to parking or loading areas.
6. No change to landscaping, sidewalk, recreational facility or area.
7. No change to the configuration of open space.
8. No change to any other plan element affecting the overall design, layout, quality, or intent of the plan.
9. No reduction in approved parking to satisfy Article 59-6.

NOTE: THIS AMENDMENT IS FOR  
REAPPROVAL OF EXPIRED APFO.

#### SITE SOLUTIONS, LLC

5555 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

#### MISS UTILITY NOTE:

FOR LOCATION OF UTILITIES CALL 8-1-1 OR 1-800-251-7777  
OR VISIT [www.c8811.com](http://www.c8811.com) OR [www.affinity.net](http://www.affinity.net)  
48 HOURS IN ADVANCE OF COMMENCEMENT OF ANY WORK  
ON THIS PROJECT.

THE LOCATION OF EXISTING UTILITIES SHOWN ON THIS PLAN WERE  
TAKEN FROM BEST AVAILABLE RECORDS AND ARE NOT GUARANTEED  
BY SITE SOLUTIONS, INC. IT IS THE RESPONSIBILITY OF THE  
CONTRACTOR TO LOCATE ALL EXISTING UTILITIES BOTH HORIZONTALLY  
AND VERTICALLY BY MEANS TEST PITS BY HAND, IF NECESSARY.

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. 19195, Expiration 06-02-2027.

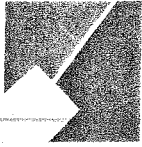


12006060A

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

REA DESIGN	SCALE	1" = 20'
CHECKED	SHEET	1 of 3
11/18/2025 PLOT DATE	1384 PROJ. NO.	D-

## 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

#### RESOLUTION<sup>1</sup>

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

---

<sup>1</sup> 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, Spring, Maryland 20910

M-NCPPC Legal Department

www.MCParkandPlanning.org

Chairman's Office: 301.495.4605 Fax: 301.495.1320

E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

## **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

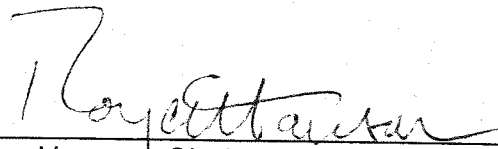
BE IT FURTHER RESOLVED, that the date of this Resolution is JUN 11 2007 (which is the date that this Resolution is mailed to all parties of record); and

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 Greencastle 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:

*Christina Jones*

8787 Georgia Avenue, Suite 1010 Chairman's Office: 301.495.4605 Fax: 301.495.1320

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)



## ATTACHMENT B

MCPB No. 09-52  
Site Plan No. 820080220  
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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.

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### 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.

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Site Plan No. 820080220  
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### 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

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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

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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

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Site Plan No. 820080220  
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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

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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

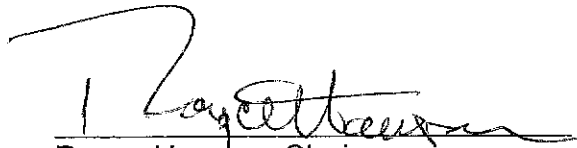
BE IT FURTHER RESOLVED, that the date of this Resolution is JUN 16 2009 (which is the date that this Resolution is mailed to all parties of record); and

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



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

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**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

**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 top the site layout is anticipated, a revied 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](mailto:Mark.etheridge@montgomerycountymd.gov)



---

**From:** Jeff Lewis <[jsl@ssimaryland.com](mailto:jsl@ssimaryland.com)>  
**Sent:** Friday, July 18, 2025 3:00 PM  
**To:** Etheridge, Mark <[Mark.Etheridge@montgomerycountymd.gov](mailto: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](mailto: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](#)

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**[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  
10<sup>th</sup> Floor  
Rockville MD 20850  
(240) 777-2118 (work)  
(240) 383-5252 (cell)  
[Rebecca.torma@montgomerycountymd.gov](mailto: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](mailto: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](#)

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**[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](mailto: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 Reedie Drive, Floor 14, Wheaton, MD 20902  
[emily.tettelbaum@montgomeryplanning.org](mailto:emily.tettelbaum@montgomeryplanning.org)  
o: 301-495-4569

## ATTACHMENT D



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**From:** Tettelbaum, Emily  
**Sent:** Thursday, November 13, 2025 9:43 AM  
**To:** 'Hondowicz, David' <[David.Hondowicz@montgomerycountymd.gov](mailto:David.Hondowicz@montgomerycountymd.gov)>  
**Cc:** Sanders, Carrie <[Carrie.Sanders@montgomeryplanning.org](mailto: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](mailto:emily.tettelbaum@montgomeryplanning.org)  
o: 301-495-4569



**From:** Hondowicz, David <[David.Hondowicz@montgomerycountymd.gov](mailto:David.Hondowicz@montgomerycountymd.gov)>

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

**To:** Tettelbaum, Emily <[Emily.Tettelbaum@montgomeryplanning.org](mailto:Emily.Tettelbaum@montgomeryplanning.org)>

**Cc:** Sanders, Carrie <[carrie.sanders@montgomeryplanning.org](mailto: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@lercheearly.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@lercheearly.com](mailto:acbergner@lercheearly.com) | [Bio](#)

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---

**From:** Tettelbaum, Emily <Emily.Tettelbaum@montgomeryplanning.org>  
**Sent:** Thursday, November 20, 2025 11:17 AM  
**To:** Ruhlen, Christopher M. <cmruhlen@lercheearly.com>  
**Cc:** Bergner, Alana C. <acbergner@lercheearly.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](mailto:emily.tettelbaum@montgomeryplanning.org)  
o: 301-495-4569



---

**From:** Ruhlen, Christopher M. <[cmruhlen@lercheearly.com](mailto:cmruhlen@lercheearly.com)>  
**Sent:** Thursday, November 20, 2025 11:14 AM  
**To:** Tettelbaum, Emily <[Emily.Tettelbaum@montgomeryplanning.org](mailto:Emily.Tettelbaum@montgomeryplanning.org)>  
**Cc:** Bergner, Alana C. <[acbergner@lercheearly.com](mailto:acbergner@lercheearly.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  
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[cmruhlen@lercheearly.com](mailto:cmruhlen@lercheearly.com) | [Bio](#)

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**From:** Tettelbaum, Emily <[Emily.Tettelbaum@montgomeryplanning.org](mailto:Emily.Tettelbaum@montgomeryplanning.org)>  
**Sent:** Thursday, November 20, 2025 11:12 AM  
**To:** Ruhlen, Christopher M. <[cmruhlen@lercheearly.com](mailto:cmruhlen@lercheearly.com)>  
**Cc:** Bergner, Alana C. <[acbergner@lercheearly.com](mailto:acbergner@lercheearly.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](mailto:emily.tettelbaum@montgomeryplanning.org)  
o: 301-495-4569



---

**From:** Ruhlen, Christopher M. <[cmruhlen@lercheearly.com](mailto:cmruhlen@lercheearly.com)>  
**Sent:** Thursday, November 20, 2025 10:56 AM  
**To:** Tettelbaum, Emily <[Emily.Tettelbaum@montgomeryplanning.org](mailto:Emily.Tettelbaum@montgomeryplanning.org)>  
**Cc:** Bergner, Alana C. <[acbergner@lercheearly.com](mailto:acbergner@lercheearly.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  
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7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814  
T 301-841-3834 | F 301-347-1762 | Main 301-986-1300  
[cmruhlen@lercheearly.com](mailto:cmruhlen@lercheearly.com) | [Bio](#)

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**From:** Bergner, Alana C. <[acbergner@lercheearly.com](mailto:acbergner@lercheearly.com)>  
**Sent:** Thursday, November 20, 2025 8:13 AM  
**To:** [Emily.Tettelbaum@montgomeryplanning.org](mailto:Emily.Tettelbaum@montgomeryplanning.org)  
**Cc:** Ruhlen, Christopher M. <[cmruhlen@lercheearly.com](mailto:cmruhlen@lercheearly.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**

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7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814

T 301-907-2805 | F 301-986-0332 | Main 301-986-1300

[acbergner@lerchearly.com](mailto:acbergner@lerchearly.com) | [Bio](#)

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## ATTACHMENT D





# ATTACHMENT D

**Tettelbaum, Emily**

---

**From:** Bergner, Alana C. <acbergner@lercheearly.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

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

Thanks,  
Alana

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T 301-907-2805 | F 301-986-0332 | Main 301-986-1300  
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**From:** LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>  
**Sent:** Thursday, November 20, 2025 3:20:50 PM  
**To:** Bergner, Alana C. <acbergner@lercheearly.com>  
**Cc:** Ruhlen, Christopher M. <cmruhlen@lercheearly.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](mailto:Marie.LaBaw@montgomerycountymd.gov)

---

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

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T 301-907-2805 | F 301-986-0332 | Main 301-986-1300  
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**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 Reddie Drive, 7th Floor  
Wheaton, Maryland 20902  
(240) 773-8917 Office  
[Marie.LaBaw@montgomerycountymd.gov](mailto:Marie.LaBaw@montgomerycountymd.gov)

---

**From:** Bergner, Alana C. <[acbergner@lerchearly.com](mailto:acbergner@lerchearly.com)>

**Sent:** Friday, November 14, 2025 11:56 AM

**To:** LaBaw, Marie <[Marie.LaBaw@montgomerycountymd.gov](mailto:Marie.LaBaw@montgomerycountymd.gov)>



## ATTACHMENT D

**Cc:** Ruhlen, Christopher M. <[cmruhlen@lerchearly.com](mailto:cmruhlen@lerchearly.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**

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**From:** LaBaw, Marie <[Marie.LaBaw@montgomerycountymd.gov](mailto:Marie.LaBaw@montgomerycountymd.gov)>

**Sent:** Friday, November 14, 2025 9:20 AM

**To:** Ruhlen, Christopher M. <[cmruhlen@lerchearly.com](mailto:cmruhlen@lerchearly.com)>; Bergner, Alana C. <[acbergner@lerchearly.com](mailto:acbergner@lerchearly.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 Reddie Drive, 7th Floor  
Wheaton, Maryland 20902  
(240) 773-8917 Office  
[Marie.LaBaw@montgomerycountymd.gov](mailto:Marie.LaBaw@montgomerycountymd.gov)

---

**From:** Ruhlen, Christopher M. <[cmruhlen@lerchearly.com](mailto:cmruhlen@lerchearly.com)>

**Sent:** Wednesday, November 12, 2025 1:55 PM

**To:** LaBaw, Marie <[Marie.LaBaw@montgomerycountymd.gov](mailto:Marie.LaBaw@montgomerycountymd.gov)>; Bergner, Alana C. <[acbergner@lerchearly.com](mailto:acbergner@lerchearly.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**

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**From:** LaBaw, Marie <[Marie.LaBaw@montgomerycountymd.gov](mailto:Marie.LaBaw@montgomerycountymd.gov)>

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

**To:** Ruhlen, Christopher M. <[cmruhlen@lerchearly.com](mailto:cmruhlen@lerchearly.com)>; Bergner, Alana C. <[acbergner@lerchearly.com](mailto:acbergner@lerchearly.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@lerchearly.com](mailto:cmruhlen@lerchearly.com)>

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

**To:** LaBaw, Marie <[Marie.LaBaw@montgomerycountymd.gov](mailto:Marie.LaBaw@montgomerycountymd.gov)>; Bergner, Alana C.

<[acbergner@lerchearly.com](mailto:acbergner@lerchearly.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**

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**From:** LaBaw, Marie <[Marie.LaBaw@montgomerycountymd.gov](mailto:Marie.LaBaw@montgomerycountymd.gov)>

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

**To:** Ruhlen, Christopher M. <[cmruhlen@lerchearly.com](mailto:cmruhlen@lerchearly.com)>; Bergner, Alana C. <[acbergner@lerchearly.com](mailto:acbergner@lerchearly.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@lerchearly.com](mailto:cmruhlen@lerchearly.com)>

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

**To:** Bergner, Alana C. <[acbergner@lerchearly.com](mailto:acbergner@lerchearly.com)>; LaBaw, Marie <[Marie.LaBaw@montgomerycountymd.gov](mailto: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**

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**From:** Bergner, Alana C. <[acbergner@lerchearly.com](mailto:acbergner@lerchearly.com)>

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

**To:** LaBaw, Marie <[marie.labaw@montgomerycountymd.gov](mailto:marie.labaw@montgomerycountymd.gov)>

**Cc:** Ruhlen, Christopher M. <[cmruhlen@lerchearly.com](mailto:cmruhlen@lerchearly.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**  
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**From:** LaBaw, Marie <[Marie.LaBaw@montgomerycountymd.gov](mailto:Marie.LaBaw@montgomerycountymd.gov)>  
**Sent:** Thursday, November 6, 2025 12:47 PM  
**To:** Katz, Ruth O. <[rokatz@lerchearly.com](mailto:rokatz@lerchearly.com)>; Andrew Battle <[andrew@cadecapital.com](mailto:andrew@cadecapital.com)>  
**Cc:** Heidi Liester <[hliester@tidewaterproperty.com](mailto:hliester@tidewaterproperty.com)>; Jeff Lewis <[jsl@ssimaryland.com](mailto:jsl@ssimaryland.com)>;  
[kcornell@tidewaterproperty.com](mailto:kcornell@tidewaterproperty.com); [bjordan@tidewaterproperty.com](mailto:bjordan@tidewaterproperty.com); [info@tidewaterproperty.com](mailto:info@tidewaterproperty.com);  
[anowlin@tidewaterproperty.com](mailto:anowlin@tidewaterproperty.com); Bergner, Alana C. <[acbergner@lerchearly.com](mailto: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](mailto:Marie.LaBaw@montgomerycountymd.gov)

---

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

## ATTACHMENT D

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

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[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](tel:301-657-0188) | F [301-347-1534](tel:301-347-1534) | Main [301-986-1300](tel:301-986-1300)  
[rokatz@lercheearly.com](mailto:rokatz@lercheearly.com) | [Bio](#)

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**From:** Andrew Battle <[andrew@cadecapital.com](mailto:andrew@cadecapital.com)>  
**Sent:** Wednesday, November 5, 2025 5:44 PM  
**To:** Katz, Ruth O. <[rokatz@lercheearly.com](mailto:rokatz@lercheearly.com)>  
**Cc:** LaBaw, Marie <[marie.labaw@montgomerycountymd.gov](mailto:marie.labaw@montgomerycountymd.gov)>; Heidi Liester <[hliester@tidewaterproperty.com](mailto:hliester@tidewaterproperty.com)>; Jeff Lewis <[jsl@ssimaryland.com](mailto:jsl@ssimaryland.com)>; [kcornell@tidewaterproperty.com](mailto:kcornell@tidewaterproperty.com); [bjordan@tidewaterproperty.com](mailto:bjordan@tidewaterproperty.com); [info@tidewaterproperty.com](mailto:info@tidewaterproperty.com); [anowlin@tidewaterproperty.com](mailto: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 Liester 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](mailto:Marie.LaBaw@montgomerycountymd.gov)>  
**Sent:** Monday, October 27, 2025 9:13 PM  
**To:** Andrew Battle <[andrew@cadecapital.com](mailto:andrew@cadecapital.com)>  
**Cc:** Jeff Lewis <[jsl@ssimaryland.com](mailto: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 Reedie Drive, 7th Floor

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