

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

February 10, 2026

MCPB No. 25-146
Preliminary Plan No. 120250080
Cabin John Park
Date of Hearing: December 18, 2025

RESOLUTION

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

WHEREAS, on February 19, 2025, Daniel Demeria (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create three lots and three units on 2.38 acres of land in the R-90 zone, located on 80th Place, 115 feet East of 81st Street (“Subject Property”), in the Bethesda/Chevy Chase Policy Area and 1990 *Bethesda Chevy Chase Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120250080, Cabin John Park (“Preliminary Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20250330; and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 8, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 18, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Pedeem, seconded by Vice Chair Linden, with a vote of 4-0-1; Chair Harris, Vice Chair Linden, Commissioners Hedrick and Pedeem voting in favor, and Commissioner Bartley abstaining.

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Approved as to
Legal Sufficiency: /s/ Allison Myers
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120250080 to create three lots and three units on the Subject Property, subject to the following conditions:¹

General Approval

1. This Preliminary Plan is limited to three (3) lots for one (1) single-family dwelling unit on each lot.

Adequate Public Facilities

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50-4.3.J.5).

Plan Validity Period

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50-4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

Outside Agencies

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated November 11, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section in its stormwater management concept letter dated August 6, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

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

7. 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 letter dated May 18, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

Environment

8. Except for forest management practices coordinated with Planning Department Staff, the homeowners of lots within this subdivision, and/or their successors, agents and assigns shall not perform any clearing, mowing, tree removal or other disturbance within the existing sewer easement and/or drainage easement on the eastern portions of the Subject Property (within the Stream Valley Buffer). However, the Grantees rights relative to the utility easements are not diminished in any way and associated utility personnel are not restricted from performing any required work within their respective easements.

Transportation

Frontage Improvements on Existing Roads

9. Before the issuance of right-of-way permit, the Applicant will make a financial contribution to MCDPS in the amount of \$7,600 towards the General Sidewalk Fund for the cost of adding two (2) feet of extra pavement for a four-foot-wide (4 ft) bikeable shoulder, per the 2018 *Bicycle Master Plan*, as referenced in the MCDOT letter dated November 11, 2025. Proof of payment is required.

Record Plats

10. There shall be no clearing or grading of the site before recordation of plat(s).
11. The record plat must show necessary easements.
12. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
13. The record plat must reflect the building restriction lines (BRLs) as shown on the Certified Preliminary Plan including the following:
 - a) A variable width BRL for the eastern setback for Lot 1 (located at least 25 feet from the conservation easement).
 - b) A variable width BRL for the eastern and western setbacks for Lot 2 (the eastern setback must at least 25 feet from the conservation easement).
 - c) A variable width BRL for the eastern side setback for Lot 3 (located at least 25 feet from the conservation easement).

14. Before issuance of each building permit the project engineer must certify to Planning Staff that the approved building permit house location conforms to approved BRLs for each lot as shown on the certified Preliminary Plan and record plat.

Certified Preliminary Plan

15. 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 issuance of building permit(s). Please 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.*

16. 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.
- c) Add notes to each sheet indicating that coordination with the National Park Service and/or the Army Corp of Engineers is necessary for any activities within the MacArthur Boulevard ROW such as but not limited to utility connections and construction traffic.
- d) The Applicant shall add a notation under the 80th Place Notes that the “Future sidewalks to be built by others.”

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

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The layout of the subdivision, including its size, width, shape, orientation, and density is

appropriate for the single-family use located in the R-90 Zone, given its location and the type of development or use contemplated and the applicable requirements of Chapter 59. The lots meet or exceed the area and dimensional requirements of the R-90 zone. Minimum lot size, width, setbacks, and lot coverage are all adhered to with this application as shown in table below.

a) *The block design is appropriate for the development or use contemplated*

The block design is existing and appropriate for the development and use for three single family homes. The length, width, and shape of the block are compatible with the development pattern in the neighborhood in which the Site is located.

b) *The lot design is appropriate for the development or use contemplated*

As discussed below, the Preliminary Plan meets all applicable sections of the Subdivision Code. The associated lots are appropriate in size, shape, width, and orientation, taking into account the recommendations of the 1990 *Bethesda-Chevy Chase Master Plan*, the existing lot pattern of surrounding properties, and the single-family detached typology contemplated for the Property. The size and dimensions of the lots are appropriate for the Project location, with Lot 1 having frontage on 80th Place and Lots 2 and 3 having frontage on MacArthur Boulevard. Access to all three lots is provided from 80th Place, which is appropriate considering the environmental features of the site and the Master Plan recommended access restrictions from the MacArthur Boulevard frontage.

c) *The Preliminary Plan provides for required public sites and adequate open areas*

i. Master Planned Sites/Local Recreation

The Property is in compliance with Section 50-4.3.D, “Public Sites and Adequate Public Facilities,” of the Subdivision Code. There are no Master Plan recommendations for public facilities or local recreation requirements for the Subject Property.

ii. Transportation and Utilities

The Application provides ten-foot-wide (10 ft) Public Utility Easements for each lot for County maintenance along the two frontages. No additional right-of-way dedication from the Subject Property is required for 80th Place or MacArthur Boulevard. The Applicant will also pay a fee-in-lieu for frontage improvements on MacArthur Boulevard. No other dedications or transportation improvements are required.

d) *The Lot(s) and Use comply with the basic requirements of Chapter 59*

The lots were reviewed for compliance with the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance. The lots meet all dimensional requirements for area, frontage, width, and setbacks in that zone as follows:

Cabin John Park Preliminary Plan Data Table for R-90 Zone, Standard Method, Section 59-4.4.8

R-90	Required by the Zone	Approved		
		Lot 1	Lot 2	Lot 3
Minimum Lot Area	9,000 square feet	26,062 square feet	55,809 square feet	21,718 square feet
Frontage (on Street or Open Space)	Required, except as exempt under Chapter 50	Complies	Complies	Complies
Minimum Lot Width at BRL	75 feet	86 feet	172 feet	177 feet
Minimum Lot Width at Front Lot Line	25 feet	48 feet	167 feet	147 feet
Maximum Lot Coverage	30%*	≤ 30%	≤ 30%	≤ 30%
Front Setbacks, min.	30 feet	≥ 30 feet	≥ 30 feet	≥ 30 feet
Side Setbacks, abutting Residential, min.	8 feet min./ 25 feet total	≥15 feet / > 25 total	≥15 feet / > 25 total	≥15 feet / > 25 total
Rear Setbacks, min.	25 feet	≥ 25 feet	≥ 25 feet	≥ 25 feet
Maximum Building Height	35 feet	≤ 35 feet	≤ 35 feet	≤ 35 feet

** The lots are not subject to the Residential Infill Compatibility coverage requirements of Chapter 59-4.4.1.B.2. because the lots were not created by a plat recorded before January 1, 1978 nor were the lots created by a plat of resubdivision of fewer than 6 lots from a lot previously created by a plat recorded before January 1, 1978.*

2. *The Preliminary Plan substantially conforms to the Master Plan*

a) *Land Use*

The Property is located in the Palisades subsection of the 1990 *Bethesda-Chevy Chase Master Plan*. The Master Plan generally reconfirmed the existing single-family detached, low-density residential zoning throughout the Property's vicinity. The Master Plan also has general and site-specific recommendations for the Property (Page 65). The Master Plan specifically recommends single-family use for the Property and notes a potential for six dwelling units. The Master Plan also recommends enhancing and protecting trees and the onsite slope (and the associated character) and specifies no additional curb cuts on MacArthur Boulevard while preserving the green quality of the boulevard as a scenic route.

The Application demonstrates substantial conformance to the Master Plan by providing a moderate level of new single-family use, achieving a greater housing supply. The three-lot layout substantially complies with the recommendations by achieving a balance of development while protecting as much forest on the Property as feasible. The subdivision meets the Area Land Use Guidelines through the redevelopment of a property without creating a significant demand increase in public infrastructure and transportation needs. There are no new curb cuts or access to MacArthur Boulevard and the onsite slopes and associated character are enhanced and protected by the overall Application.

b) *Environment*

The *Bethesda-Chevy Chase Master Plan* has extensive recommendations and major goals on the protection of the Palisades' delicate, irreplaceable environmental features such as steeply sloped areas of 25 percent and greater, highly erodible soils, mature trees and streams. These Master Plan goals are addressed by the environmental protections and enhancements associated with this Application and accompanying forest conservation plan, such as the protection of existing forest in a Category I Conservation Easement, removal of existing man-made debris and invasive species, planting of supplemental native species, modified Building Restriction Lines (BRLs) to further protect the new easement areas from potential future encroachment, and installation of fencing and signage to physically delineate and protect the Easement areas. The development envelope is limited to the flat, upland areas covering approximately one-third of the site, while avoiding areas of steep slopes and stream valley buffers within the remaining undisturbed portions of the Property. Therefore, the overall Application will perpetuate the unique environmental features, wooded hillsides, and the special open space character as recommended by the Master Plan.

The Master Plan also includes recommendations (Pages 20, 70 and 137) for federally owned property currently in a natural state to be maintained as protected open space and to design any new sewer or water lines to protect natural features in parklands.

The Application addresses the Master Plan recommendations by utilizing directional boring for the sewer connections within the MacArthur Boulevard right-of-way, which is federally owned.

c) Noise

The Property is adjacent to MacArthur Boulevard, which has an Annual Average Daily Traffic (AADT) of greater than 5,000 to 20,000 trips and is therefore subject to a noise analysis to demonstrate conformance with the 1983 Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development (“Noise Guidelines”). The Noise Guidelines stipulate a 65 dBA Ldn maximum noise level for outdoor recreation areas and 45 dBA Ldn for indoor areas. However, per the noise analysis report dated August 13, 2025, the Property is only noise impacted at the southern fringe and the Application will remain compliant with the Noise Guidelines with respect to transportation noise impact upon residential land uses, without any further analysis or noise mitigation measures.

d) Transportation

The 2018 *Bicycle Master Plan* recommends bikeable shoulders on MacArthur Boulevard. As an Area Connector, a six-foot-wide (6 ft) street buffer and six-foot-wide (6 ft) concrete sidewalk would typically be required as frontage improvements. However, the Subject Property qualifies for a De Minimis payment instead of constructing the recommended improvements per policy no. 2022-01B (De Minimis Criteria for Very Small Residential and Commercial Development Projects). As conditioned, the Applicant must pay a fee-in-lieu of \$7,600 to MCDOT rather than construct frontage improvements. No other transportation improvements are required. However, the Applicant will provide ten-foot-wide (10 ft) Public Utility Easements (PUEs) within their property for County maintenance along the frontages of each new lot.

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

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 subdivision.

Dry utilities including electricity, gas, and telephone are also available to serve 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 Growth and Infrastructure Policy currently in effect.

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

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan No. F20250330, which are included in a separately approved resolution and are incorporated herein.

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

The Board finds that this provision is met, as MCDPS approved the Stormwater Management Concept Plan on August 6, 2025. The plan will meet stormwater management requirements using Environmental Site Design to the Maximum Extent Practicable for each lot with no waivers.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 4.3.M*

The Board finds that this provision is not applicable, as the Applicant has no actual or constructive notice of a burial site and the Property is not included in the Cemetery Inventory.

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

Per 50.4.3.K.2.a. the Board must restrict the subdivision or development of environmentally sensitive areas or any land it finds to be unsafe for development because of potential for flooding or stream erosion, soils with structural limitations, unstabilized slope or fill, steep slopes, or similar environmental or topographical conditions. The Application restricts the development of environmentally sensitive areas through the overall layout and conservation easements, limits of disturbance, and Building Restriction Lines (BRLs). The Board finds that these measures will appropriately restrict the proposed subdivision to protect the environmentally sensitive areas of the Property.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

February 10, 2026

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

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 Hedrick, seconded by Commissioner Pedoeem, with a vote of 4-0; Chair Harris, and Commissioners Bartley, Hedrick and Pedoeem, voting in favor of the motion, Vice Chair Linden being necessarily absent at its regular meeting held on Thursday, February 5, 2026, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board