

procedure in the RDT zone if a pre-preliminary plan is submitted and approved by either the Planning Board or Planning Board staff, under the procedures for submission and approval of a pre-preliminary plan of subdivision. In addition:

(A) Written approval for a proposed septic area must be received from the Montgomery County Department of Permitting Services, Well and Septic Section before recording the plat;

(B) Any required street dedications along the frontage of the proposed lots must be shown on the record plat;

(C) An easement must be recorded for the balance of the property noting that density and TDRs have been used for the new lots. Reference to this easement must be noted on the record plat for the lots;

(D) Lots created in the RDT zone through the minor subdivision procedure must not exceed an average lot size of 5 acres in size unless approved by the Planning Board in the review of a pre-preliminary plan of subdivision; and

(E) Forest conservation requirements must be satisfied before recording the plat.

Montgomery County Code § 50-35A(a)(3) authorizes the Planning Board to approve or deny a pre-preliminary plan, or approve it “subject to such conditions or modifications as the board finds are necessary . . . to produce a preliminary plan.”

Here, the Planning Board states in its brief that its disapproval of the Dufresnes’ pre-preliminary plan was based on its findings that: (1) “the size and location of the proposed lots was inconsistent with the recommendations of the AROS Master Plan and RDT zone”; and (2) the plan did not satisfy forest conservation requirements pursuant to Montgomery County Code § 50-35A(a)(8)(E) because “the proposed forest conservation plan . . . did not