

**MCPB AGENDA**  
**ITEM #**  
**DATE: ~~7/20/06 and 7/27/06~~**  
**9/7/06 and 9/14/06**

**MEMORANDUM**



**DATE:** July 7, 2006

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief  
Catherine Conlon, Supervisor  
Development Review Division

**FROM:** Richard Weaver, Planner Coordinator (301) 495-4544  
Development Review Division

**REVIEW TYPE:** Preliminary plan review  
**APPLYING FOR:** Preliminary plan of subdivision for 773 one family residential lots  
(463 detached, 310 attached, including 116 MPDU's)

**PROJECT NAME:** Indian Spring  
**CASE #:** 120060510  
**REVIEW BASIS:** Chapter 50, the Montgomery County Subdivision Regulations

**ZONE:** R-90 and R-200  
**LOCATION:** Located on the east side of Layhill Road (MD 182) approximately  
100 feet north of Randolph Road.

**MASTER PLAN:** Kensington-Wheaton  
**APPLICANT:** Winchester Homes  
**ENGINEER:** Loiederman, Soltesz Associates  
**ATTORNEY:** Lerch, Early and Brewer  
**HEARING DATE:** ~~September 7, 2006 and September 14, 2006~~ **July 20, 2006**

**A previous version of this staff report was released for the postponed July 20, 2006 hearing. The following staff report contains minor changes which are highlighted in red. All attachments to this report remain unchanged.**

**STAFF RECOMMENDATION: Approval, Subject to the Following Conditions:**

- 1) Approval under this preliminary plan is limited to a maximum of 773 one family residential units (a maximum of 463 one family detached and 310 one family attached, including 15% MPDU's).
- 2) Per the Transportation Planning memorandum dated July 7, 2006 the applicant shall:
  - a. Obtain and dedicate sufficient right-of-way from Parcel E, for 35 feet from the centerline of the Indian Spring access road (shown on Entrance Road Concept Plan, dated November 2004) at Layhill Road, and construct an eastbound lane and two westbound approach lanes at the intersection with Layhill Road, as required by SHA.
  - b. Construct external Indian Spring Access Road to environmental primary residential street standards with 26-foot-wide paving, a sidewalk on the north side, and minor storm water management structures within the available right-of-way, as required by DPWT, from Layhill Road to station 20+00 (approximately) east of Layhill Road. The road shall be open to traffic prior to the issuance of the 150<sup>th</sup> building permit.
  - c. Construct internal Indian Spring Access Road (Street "A", within the subject site) as a primary residential roadway with a 70-foot-wide right-of-way, 36-foot-wide paving, and sidewalks on both sides, as required by DPWT, from station ~~20+00~~ 26+50 to the end of Indian Spring Access Road at the community square. Paving to transition from a 26-foot-wide section to a 36-foot-wide section between stations 20+00 and 26+50. The road shall be open to traffic prior to issuance of the 150<sup>th</sup> building permit.
  - d. Construct Tivoli Lake Boulevard extended (south of Street "K" at its southern end to the existing road) as an environmental primary residential roadway with a 70-foot right-of-way, 26-foot-wide paving and a shared use path on the west side. The road shall be open to traffic prior to the issuance of the 580<sup>th</sup> building permit.
  - e. Construct internal Tivoli Lake Boulevard (within the subject site), between Street "K" at its southern end and the community square, as a primary residential roadway with a 70-foot-wide right-of-way, 36-foot-wide paving, and sidewalks on both sides. The road shall be open to traffic prior to the issuance of the 580<sup>th</sup> building permit.
  - f. Design and construct a traffic signal system at the intersection of Layhill Road and Indian Spring Access Road if required by State Highway Administration. Conduct a traffic signal warrant analysis for this location and submit it to SHA when the proposed development reaches 75% completion (at 580<sup>th</sup> unit occupancy).
  - g. Provide a street connection at Foggy Glen Drive to the internal street running north of the community square. This road should also be named Foggy Glen Drive. The road shall be open to traffic prior to issuance of the 650<sup>th</sup> building permit.



- 8) ~~Provide on site one bicycle rack or locker for every 20 automobile parking spaces within the site, not to exceed a total of 20 bicycle racks or lockers.~~ Coordinate with Transportation Planning staff to determine their location and type of bike facilities at the time of Site Plan.
- 9) Provide connections to sidewalks adjacent and abutting the site. Provide adequate space for sidewalks to be determined at site plan.
- 10) Satisfy all requirements of DPWT (memos dated June 20, 2006 and February 10, 2006) and SHA (memos dated February 28, 2006 and June 23, 2006) unless otherwise amended, noted above. ~~The February 10, 2006 letter from DPWT offers conditional approval for this preliminary plan only if Tivoli Lake Boulevard is extended on to the site according to the master plan.~~
- 11) Specific locations of sewer lines and stormwater management outfalls in M-NCPPC parkland to be field located and determined at site plan and to be reviewed by M-NCPPC staff, including parks staff.
- 12) Record Plat shall reflect all areas under Homeowners Association and stormwater management parcels.
- 13) Record plat to place lots within identified school site in reservation for a period not to exceed 36 months from the date of mailing of the preliminary plan opinion.
- 14) The final design for the crossing of Tivoli Lake Boulevard through the environmental buffer will be reviewed as part of the site plan. At a minimum, the site plan design shall include an arched culvert over Bel Pre Creek that restricts the road to no more than two lanes and a sidewalk on one side. The culvert will be designed to provide wildlife passage on both sides of the stream.
- 15) At the site plan stage, the stormwater management concept shall be revised so that Stormwater Management Facility #1 provides water quality controls for offsite drainage. Such controls will be reviewed and approved by DPS and M-NCPPC.
- 16) Record plat to reflect areas to be dedicated to M-NCPPC for parkland as shown on the preliminary plan.
- 17) Record plat to reflect a Category I easement over all areas of forest retention, forest planting, and environmental buffers which are not included in ~~and~~ park dedication areas.
- 18) Prior to the transfer of deed(s) to M-NCPPC for any parkland that will be used for forest mitigation banking, the applicant must satisfy the planting and maintenance requirements for the forest bank area.
- 19) Compliance with the conditions of approval of the preliminary forest conservation plan. Conditions include, but are not limited to, the following:
  - a. Final forest conservation plan will include, but is not limited to, the following items:
    - i. Permanent markers (such as fences or signs) that clearly identify the boundaries of forest retention, forest planting, and environmental buffers.
    - ii. Plan to control invasive plants to minimize their adverse impacts on forest planting areas.
    - iii. Tree protection plan for individual trees 24 inches and greater in diameter at breast height that are located outside a forest stand.
    - iv. Final grading for lots that are adjacent to environmental buffer

areas. Any proposed grading within environmental buffers in the rear of these lots must be reviewed and approved by M-NCPPC at site plan and must include mitigation through forest planting in and adjacent to the affected environmental buffers at a denser rate than the minimum required by the forest conservation law.

- v. Restoration plan for environmental buffer areas that currently have golf course features and where the existing entrance road crosses the buffer.
  - vi. Plan for stream channel restoration, wetlands creation, and any other proposed grading within the environmental buffers as part of converting the golf course to a natural area. Such measures must be submitted for review and approval by M-NCPPC, DPS, and DEP as part of the site plan review process.
- b. In administering the onsite areas approved for use as a forest bank, the applicant shall first offer to sell credits to offsite private development projects for at least one year from the date that long-term protection is provided for the forest bank area after the financial security for the forest planting has been set up. The applicant must provide the necessary financial security to MNCPPC for each bank credit sold.
- 20) Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (“Covenant”). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant’s recorded HOA Documents incorporate by reference the Covenant.
  - 21) Compliance with the conditions of approval of the MCDPS stormwater management approval dated June 27, 2006, including review and approval of a final stormwater management concept prior to site plan approval.
  - 22) No clearing, grading or recording of plats prior to signature set approval.
  - 23) Final approval of the number and location of dwelling units, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan.
  - 24) Final number of MPDU’s as per condition #1 above, to be determined at the time of site plan.
  - 25) This preliminary plan will remain valid for one hundred and nine (109) months or nine (9) years from the approval date, which is the date of mailing of the Planning Board Opinion. Records plats for this project must be recorded according to the staging sequence as follows:

Stage 1 - All land within Phase I and environmental buffers for the entire site, as shown on the approved preliminary plan, shall be recorded within 37 months of the approval date.

Stage II – All land within Phase II, as shown on the approved preliminary plan, shall be recorded within 73 months of the approval date.

Stage III – All land within Phase III, as shown on the approved preliminary plan, shall be recorded within 109 months of the approval date.

Prior to the dates prescribed above a final record plat must be recorded for the lots and open space parcels identified in each phase of development or a request for an extension must be filed in a timely manner with the Planning Board.

- 26) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for twelve years (12) or one hundred and forty-five (145) months from the date of mailing of the Planning Board opinion.
- 27) Other necessary easements.

## **SITE DESCRIPTION**

The subject property is an unrecorded parcels of land located east of Layhill Road in the Kensington-Wheaton Master Plan area (Attachment 1). The property contains the existing Indian Spring Country Club and golf course. The site is surrounded by existing residential uses and stream valleys. To the north are numerous neighborhoods containing predominantly one-family detached dwelling units. To the west, the neighborhoods are a mixture of one-family attached and detached units. The Northwest Branch stream valley forms the eastern boundary of the property with existing one-family detached subdivisions beyond, and to the south across the Bel Pre Creek stream valley, the Tivoli Lake neighborhood contains a mixture of attached and detached one-family residential uses. The property is approximately 1.7 miles to the Glenmont METRO station.

The 308.4-acre site lies within the Northwest Branch watershed (Use Classification IV<sup>1</sup>). The mainstem of Northwest Branch lies along the east property boundary in M-NCPPC parkland, and Bel Pre Creek, a major tributary of Northwest Branch, lies within the site along the southern property boundary. Five smaller tributary streams are also located within the site. Northwest Branch Stream Valley Park surrounds the property to the south and east.

The majority of the land cover on the site is associated with the country club and golf course uses that have existed since the 1950's. The country club facilities include the clubhouse, parking lots, maintenance building and area, tennis courts, driving range, swimming pool, and golf course. About 10 percent of the site (31.7 acres) is covered in forest, most of which is associated with stream valleys.

There are 99.5 acres of environmental buffers onsite. Half of the buffer area is floodplain, all of which is in golf course use. Much of the upland topography on the site is rolling, with some areas of steep slopes along parts of wooded stream valleys adjacent to the flat floodplains of Northwest Branch and Bel Pre Creek.

---

<sup>1</sup> Use IV waters is the state use designation for Maryland streams which have the second highest water quality standards.

## **PREVIOUS PLANNING BOARD REVIEW**

The Planning Board has reviewed two previous applications for the Indian Spring Property including a pre-preliminary plan and a preliminary plan. The previous preliminary plan (1-04108) application was a request for 545 lots with an 18 hole golf course and associated clubhouse. To accomplish this, the applicant requested that a portion of the redeveloped golf course remain in the stream valley buffer. The applicant and staff worked extensively to devise a mitigation package that would offset the impacts to the stream buffers, however, staff was unable to recommend approval of the concept and the Board ultimately denied the application on May 26, 2005 because of unacceptable encroachment into the stream buffer. The current application before the Planning Board is an entirely new application

## **PROJECT DESCRIPTION**

The current proposal (Attachment 2) submitted by the applicant, Winchester Homes (“Applicant”), includes 773 one-family dwelling units which would be developed using the optional method standards in the R-200 zone by providing moderately priced dwelling units (MPDUs). The application is at maximum density and achieves a 22% density bonus with the provision of 15% of the units as MPDU’s. The plan includes 463 one-family detached dwelling units and 310 townhouses, including 116 on-site MPDUs.

The application proposes access to and through the site at three locations: 1) the extension of Tivoli Lake Boulevard from the south; 2) the existing access road from Layhill Road to the west; and 3) Foggy Glen Road to the north. A fourth, future access point will be Alderton Road to the north of the property. Alderton Road is currently discontinuous and will require future dedication and construction by others to complete the road from the Indian Spring property north to Bonifant Road. The extension of Tivoli Lake Boulevard and the Layhill access road are recommended to be built to primary road standards as part of this application.

The proposed project attempts to mix the location of the 310 townhouse units and 463 single family detached dwellings throughout the site, however, in staff’s opinion, the townhouse units could be more dispersed throughout the project, and not so concentrated along the primary streets. The MPDU’s will all be townhouse units and staff believes they are well dispersed within the sticks of attached units.

The project will be developed in three phases; the first phase is located in the western portion of the property and will be the first section to commence construction. The second phase is in the southern section of the property and the third phase is in the northeastern portion of the site. Given the size of the project, the applicant has requested a staged validity period that extends out nine years and is based on the phasing sequence established on the preliminary plan. Staff supports the request for an extended validity period and has provided a condition that details the staging sequence. *See a full discussion of phasing later in this report.*

Phase I may include a school site discussed later in this report. The school site would be located in the northwest portion of the property and will contain approximately 10.0 acres . The school site would front on the Indian Spring access road leading out to Layhill Road. This road, as the applicant has confirmed, will be one of the first roads constructed or improved into the site and will provide the most direct access for Phase I and the school. The applicant intends to move forward with Phase I development as the initial phase regardless of whether the school site is purchased or not.

## **COMPLIANCE WITH KENSINGTON-WHEATON MASTER PLAN**

The 1989 Kensington –Wheaton Master Plan contains specific language on the Indian Spring property and identifies this property as one of the “critical parcels and areas.” On page 51, it states:

“The total size of these three parcels is 305.28 acres in the R-200 and R-90 zones. There are currently no indications that this large tract is likely to redevelop.

The recommendation is to confirm the existing R-200 and R-90 zoning. This tract should be the subject of a special study should this facility ever become available for redevelopment. Any redevelopment of this tract should provide Class I bicycle and pedestrian access to the nearby trails. A primary road will be needed to provide traffic access to the arterial roads.” (See the Transportation chapter for a more detailed discussion of this requirement.)

In the Transportation chapter on page 98 the Plan states:

“*Indian Spring Access Road* (P-13) provides access to the Indian Spring Country Club. If and when redeveloped with another use, the Country Club should be provided with access from Layhill Road and Randolph Road. Access from Layhill Road should be provided by reconstructing the existing access road to the typical primary residential street standard. Access from East Randolph Road should be provided by extending the primary street named Tivoli Lake Boulevard. The internal street network of any such development should be continuous but designed with the idea of preventing a cut-through traffic movement between Layhill Road and Randolph Road.”

Community-Based Planning staff believes that the proposed subdivision application, with a connection to the existing Tivoli Lake Boulevard, is consistent with the goals and objectives of the Master Plan. For critical parcels and areas, the Plan’s objective is to “ensure that zoning and land use recommendation for sites which have a



potential for future development are consistent with the goals of land use stabilization and compatibility with nearby existing development.” The proposal is an infill development on a large parcel of land pursuant to existing zoning. It is compatible with the adjoining residential areas in terms of use, density, and scale while it meets much higher environmental standards than the adjoining residential subdivision of the past.

Regarding the Master Plan recommendation of a special study for this parcel, staff believes that the analysis performed by the staffs from the M-NCPPC, the County, and the State in the course of review of both the pre-preliminary and the preliminary plans for this property addresses that recommendation. This analysis explored and reviewed all relevant issues in more detail than a special study pursuant to the Master Plan would have done. Had the applicant proposed a rezoning, a special study to explore different alternatives would have been more appropriate. However, since the property is being developed under the existing R-200/R-90 zoning, staff believes that analysis and review performed for this application satisfies the intent of the Master Plan recommendation for a special study.

## **ENVIRONMENT**

The site contains two major streams and their associated buffers and floodplain. There are also several smaller tributary streams within the site. Many of the streams, or their associated buffers, have been impacted by the existing golf course use on the site. The current development proposal includes protection of most of the environmentally sensitive areas, and restoration of the previously impacted areas.

### **Environmental Buffers**

There are 99.5 acres of environmental buffers onsite. Currently, 72.4 acres of these buffer areas are in golf course use. Buffers on site have been disturbed to varying degrees because of the existing golf course use. Some buffer areas are fully forested and are considered to be high priority for preservation. Others are partly or completely within the golf course and are covered in grass that is mowed down to the stream channel. Still other parts have stream channels that have been partly or completely piped or have been converted to aesthetic ponds. Staff is not recommending buffers for long sections of piped stream channels.

Floodplains cover 45.8 acres of the site, all of which are in golf course use. Much of the upland topography on the site is rolling, with some areas of steep slopes along parts of wooded stream valleys adjacent to the flat floodplains of Northwest Branch and Bel Pre Creek. There are numerous individual trees and tree stands that exist throughout the site. Many of these trees are 24 inches or greater in diameter at breast height or are specimens.

As previously noted, most of the buffer areas will be protected within conservation easements or park dedication areas to preserve existing forest, and to be

used for forest planting. There are some environmental buffer areas that are proposed for permanent or temporary encroachments. These encroachments, and staff's justification for recommending that they be permitted, are discussed fully in the Environmental staff memorandum and summarized below.

*Permanent, Unavoidable Buffer Encroachments*

Consistent with past practice in implementing the Planning Board's *Environmental Guidelines*, mitigation is not being recommended for encroachments into the environmental buffers that staff find to be necessary and unavoidable. In this proposal, these encroachments include: the crossing by the proposed primary road from Layhill Road into the site; the crossing by proposed Tivoli Lakes Boulevard extended; and, installation of new sewer lines from the subdivision that must connect to existing sewer lines located in the environmental buffers of Northwest Branch and Bel Pre Creek. There may also be unavoidable SWM outfalls that are located within the buffer areas, but these will be better shown as part of the site plan. For such encroachments, staff will be reviewing the site plan to ensure that the encroachments are minimized.

The environmental impacts of the proposed extension of Tivoli Lake Boulevard are discussed further below.

*Permanent, Avoidable Environmental Buffer Encroachments*

The applicant proposes a limited amount of permanent encroachments into environmental buffers, which could technically be avoided. The areas make up a total of about 4.25 acres. In staff's opinion, these encroachments are avoidable because they do not result from necessary infrastructure elements that are required to be located in the buffer. However, staff finds that each of the proposed permanent encroachments are acceptable if mitigation measures, as described below, are completed. The permanent, avoidable buffer encroachments make up a relatively small portion (about 4.3 percent) of the 99.5 acres of environmental buffers on the site, are located in highly disturbed parts of the buffer, are at or near the beginning of a buffer, and lie in those parts of the buffer that are fragmented and isolated from the rest of the buffer network.

Area A -- This area covers 1.93 acres that include roughly 350 linear feet of small stream channel and surrounding area that are all covered in grass and were part of the country club use. Staff recommends the following mitigation measures: (1) forest planting within another area of onsite environmental buffer at the rate of 2:1 (i.e., 3.81 acres); and, (2) restoring approximately 800 linear feet of channel into a natural stream channel that connects to an existing stream channel. In staff's opinion, the mitigation measures would be of greater benefit to the site's overall environmental buffer network than maintaining the existing 1.93 acres of environmental buffer as a natural, undisturbed area that is isolated and disconnected from other parts of the buffer. The proposed mitigation would allow another part of the environmental buffer to be fully reconnected and restored.

Area B -- This 1.27-acre area is part of the golf course driving range, contains a grass channel, and is the beginning of an environmental buffer for a small tributary. The applicant proposes to locate a SWM facility within this part of the buffer. Staff recommends the following mitigation measures: (1) design a SWM facility to provide SWM quality controls for offsite areas that exceed DPS requirements; and, (2) plant forest within another part of the environmental buffer at a 1:1 rate (1.27 acres).

Area C -- A small golf course pond currently lies within these 1.05 acres of environmental buffer. This buffer is isolated both upstream and downstream from other environmental buffer areas because water flows to and from the pond are piped. The pond contains some wetlands around its edges. The applicant proposes to locate part of a new SWM facility in this area. In staff's opinion, this proposed encroachment is acceptable if a forested wetland is created at a 2:1 rate (2.10 acres) in the Northwest Branch environmental buffer. Staff finds that the creation of a forested wetland within the Northwest Branch environmental buffer will complement the floodplain and wetland features that exist in this buffer and will be more beneficial than maintaining the wetland around the existing, but isolated golf course pond.

#### *Temporary Encroachments into the Environmental Buffers*

Since a large portion of the environmental buffers have golf course features, staff supports the concept of restoring these areas into forested natural areas. Such restoration work will involve some grading. In addition, the applicant proposes to grade some edges of non-forested environmental buffers to avoid abrupt slope changes between the rear of lots and the edge of buffers. In concept, staff finds this is acceptable if the applicant provides restoration planting in and around the affected buffers at a denser rate of trees and shrubs than the minimum required in the Forest Conservation Law. At the site plan stage, staff will review the specific locations and extent of proposed grading for lots adjacent to environmental buffers, as well as proposed forest planting to offset the grading within the buffers.

#### Forest Conservation

The preliminary forest conservation plan shows 2.50 acres of forest clearing (including 0.40 acre of offsite forest removal for Tivoli Lakes Boulevard extended and a connection of a new sewer line to an existing line) and 29.55 acres of forest retention. The plan proposes 66.81 acres of forest planting, of which 19.19 acres are required for the project to meet Forest Conservation Law requirements. Another 7.23 acres are proposed to mitigate avoidable encroachments into the environmental buffer, and 40.39 acres are for a forest mitigation bank. Staff recommends approval of the preliminary forest conservation plan with conditions.

For this subdivision, the existing forest cover, which is 32.05 acres, is less than the afforestation threshold (46.24 acres). In such a situation, the Forest Conservation Law states that all existing forest must be retained and forest planting must occur on-site so the total on-site forest retention and planting is equal to the afforestation threshold, at a

minimum. The Planning Board may waive the forest retention requirement if it finds that retaining all of the forest is “not possible” and the applicant must provide the “maximum possible” on-site retention and on-site forest planting.

For the subject plan, the applicant is proposing 2.50 acres of forest clearing. In staff’s opinion, this clearing is unavoidable because of the need to connect to existing sewer lines, construct the entrance road from Layhill Road, and construct Tivoli Lake Boulevard extended. Other forest clearing is due to grading associated with some proposed lots and internal subdivision roads. Most, but not all, of the individual forest clearing areas are either small or on the edges of forest stands. Proposed forest planting, in combination with the proposed 29.55 acres of on-site forest retention, will result in a total of 48.74 acres of forest which exceeds the minimum on-site forest requirement of 46.24 acres.

As part of the site plan review, staff believes that additional changes to proposed grading and layout will occur and may affect the final proposed amount of forest clearing. Staff will continue to evaluate changes to the project and will determine the final amount of recommended forest clearing at the site plan stage.

#### Forest Mitigation Bank

The applicant is required to plant 19.19 acres of forest to meet the Forest Conservation Law requirements. This planting will be located within the environmental buffers. Some environmental buffers will also be planted in forest as mitigation for proposed environmental buffer encroachments. There remain about 40.39 acres of environmental buffers that could be planted in forest. The applicant proposes to use these remaining buffers to create a forest mitigation bank. Staff supports this concept because it creates a relatively large forest bank in a down county area. In addition, it is located in the Northwest Branch watershed, which currently has no forest banks. To date, the majority of forest banks have been created on upcountry sites in a limited number of watersheds, and many of these banks are on agricultural land.

Much of the proposed forest bank area is located within the park dedication area, which is currently covered with golf course features such as fairways, paths, and sand traps. Staff supports forest banking in future parkland provided the applicant satisfies the planting and maintenance requirements for the forest bank area before M-NCPPC takes ownership of the land. Through this banking, the applicant will restore the existing golf course areas within floodplains and other environmentally sensitive areas, which are the highest priority for reforestation, to natural, forested conditions. The applicant will receive the monetary benefits of selling bank credits, and M-NCPPC will benefit from receiving forested acreage without having to incur the cost of restoration.

## **PARKS**

The Countywide Park Trails Master Plan that was approved by the Planning Board in 1998 provides for a hard surface trail from Alderton Drive south to Wheaton Regional Park. This trail has major regional significance by linking the Matthew Henson Trail to the Northwest Branch trail system thereby ultimately enabling users to travel on bicycle or foot along the entire Northwest Branch Stream Valley Park hard surface trail system to the Master Planned Matthew Henson Trail and then west to connect with the Rock Creek Trail system. This trail connection is recommended in the Plan to be located outside the Northwest Branch stream valley to best protect the natural resources. Consequently, the Applicant is dedicating a green corridor through the development for the trail that is outside stream buffers and will best serve the residents of the proposed development as well as other trail users passing through. This alignment will also provide the most logical trail crossing of Bell Pre Creek. To enhance protection of the existing parkland and aquatic resources therein, the Applicant will be dedicating considerable additional parkland along both Northwest Branch and Bell Pre Creek.

In addition, this subdivision offers an ideal opportunity to link the proposed community, as well as existing nearby residents, to Northwest Branch Stream Valley Park and the master planned natural surface trail that lies on the east side of Northwest Branch. This plan includes the proposed construction by Applicant of a natural surface trail from the development to the master planned natural surface trail along the east side of Northwest Branch, including a pedestrian bridge over Northwest Branch.

## **TRANSPORTATION**

### **Site Access and Vehicular Circulation**

The Kensington-Wheaton Master Plan contains the following language (page 98) regarding vehicular access to, and within the subject site:

*“If and when redeveloped with another use, the Country Club should be provided with access from Layhill Road and Randolph Road. Access from Layhill Road should be provided by reconstructing the existing access road to the typical primary residential street standard. Access from East Randolph Road should be provided by extending the primary street named Tivoli Lake Boulevard. The internal street network of any such development should be continuous but designed with the idea of preventing cut-through traffic movement between Layhill Road and Randolph Road.”*

Given this language, Transportation Planning staff recommends four vehicular access points to the site. These access points include two primary residential and two secondary residential streets. They are as follows:

## **1. Primary residential access from Layhill Road (MD 182)**

The existing Indian Spring Access Road is a private drive that connects Layhill Road to the existing Indian Spring Country Club's parking area. Indian Spring Access Road is buffered from the residential neighborhoods to the north and south by physical barriers, different vertical grades, and existing trees and vegetation. Therefore, it cannot be connected to the adjacent residential streets of Wagon Way and Middlevale Lane on the northeast, and Middlebridge Drive to the southeast. The existing Indian Spring Access Road will be upgraded to a two lane primary residential street. The applicant is providing additional right-of-way along Indian Spring access road at Layhill Road for an eastbound lane, for a total of three lanes at the intersection with Layhill Road: two westbound lanes and one eastbound lane. The available right-of-way varies from 60.5 feet to 70 feet. Since the existing property width does not meet minimum right-of-way width requirements, DPWT will accept a road built to an environmental primary residential standard with a sidewalk on one side and minor storm water management structures within the available right-of-way. In addition, a detailed storm drain and/or floodplain study for this road must be reviewed and approved by DPWT.

As part of the Local Area Transportation Review (LATR), the future traffic condition at the intersection of Layhill Road and the Indian Spring Access Road was analyzed. The applicant's transportation engineer submitted a traffic signal warrant study to SHA to determine if installation of a traffic signal is warranted for the intersection of Indian Spring Road and Layhill Road. SHA, which has the sole authority to approve a traffic signal at this location, has reviewed the traffic study and recommends that an additional (second) westbound approach lane be constructed at Layhill Road. SHA also supports extension of Tivoli Lake Boulevard into the site for better distribution of site traffic to the surrounding roadway network. Transportation Planning staff also recommends the applicant design and install a traffic signal at the intersection of Layhill Road and Indian Spring Access Road if SHA determines in the future, based on a warrant analysis, the need for a traffic signal at this location. SHA recommends that a traffic signal warrant analysis for this location be prepared and submitted to SHA when the proposed development reaches 75% completion.

## **2. Primary residential access from Randolph Road via Tivoli Lake Boulevard**

Tivoli Lake Boulevard currently provides primary access to more than 500 residential units of the Tivoli Community. At the current northern terminus, it is built consistent with primary residential roadway standards, having a 36-foot typical paving width and sidewalks. It terminates near the southern property line of the proposed site near Hugo Circle. Parking exists on both sides of the road. Staff recommends extending Tivoli Lake Boulevard into the proposed site, based on the Kensington/Wheaton Master Plan recommendation to provide for a needed second point of primary access into the site.

In addition to the guidance in the approved and adopted Master Plan, staff believes that the Tivoli Lake Boulevard connection is needed for the following reasons:

- The Tivoli Lake Boulevard extension is needed to provide a second point of access via primary residential streets for the proposed community of 773 homes and a potential elementary school site. The proposed 773 single-family detached and attached units will generate approximately 585 peak-hour trips. According to Section 49-34(d) of the Montgomery County Code, a primary residential street serves as a principal outlet to major highways or arterial roads from a residential development for 200 or more families. According to the Master Plan, a primary residential street is a local traffic collector for vehicles traveling between higher-level streets (Page 89).
- To offer emergency, transit, delivery, and service vehicles, as well as the motoring public an alternate point of ingress/egress to a significantly sized community. It provides an alternative primary route for emergency response from the south, and could potentially reduce the response time of emergency fire, rescue, and police vehicles.
- To support public transit. Transit routes work more efficiently on a connected network than on a series of cul-de-sacs. In a letter dated June 2, 2006 Ride-On Transit Services states support for extension of the existing bus route 31 to serve the new Indian Spring development, contingent upon the Tivoli Lake Boulevard connection.

Regarding the extension of Tivoli Lake Boulevard, the Director of DPWT submitted a letter dated January 27, 2006 (Attachment 3), stating that master planned primary residential roadways and specifically the Tivoli Lake Boulevard connection, be required as a conditions of subdivision approval. The Director of DPWT cites numerous consequences of not making the connection at time of subdivision, including:

- Postponing planned and necessary access (including public safety access) improvements to nearby communities
- Hindering community connectivity
- Concentrating excess travel demand on other system links not envisioned to carry such traffic
- Shifting the financial responsibility for the roadway construction from private developers to taxpayers throughout the county
- Deferring construction to a much later date, given constraints on capital spending and the need to prioritize expenditures to higher classification projects
- Causing significantly higher construction costs due to inflation during the period of the deferment

If the Tivoli Lake Boulevard connection is not made, staff believes that the proposed development could be at risk, should the Indian Spring Access Road be closed due to fallen power line, fallen trees, a car crash or any number of unforeseen hazards.

Restricting the community of 773 homes plus a potential school to a single point of primary residential street access must not be permitted.

The Indian Spring Access Road-Tivoli Lake Boulevard connection, as designed with the public square and traffic circles, provides the benefits of a primary residential road that collects vehicular traffic from residential subdivisions and distributes traffic to arterials while discouraging non-local traffic.

For the reasons discussed, DPWT, Ride-On, SHA, and the majority of MNCPPC staff agree on the need for Tivoli Lake Boulevard to be constructed by the applicant. Staff acknowledges that this extension will result in unavoidable environmental impact to the Bel Pre Creek stream valley. To balance the need for the road with environmental protection, the road is recommended to be tapered from the existing road section to a section design that is recommended for an environmental primary residential roadway. This design calls for 26 feet of pavement and a shared use path on the west side. This recommendation is intended to reduce the limit of disturbance, and environmental impacts, as the road crosses Bel Pre Creek.

### ***Tivoli Lake Boulevard Extended – Environmental perspective***

From an environmental perspective, Tivoli Lake Boulevard extended will have significant environmental impacts. The two points on either side of the stream valley that the road will connect are relatively high above the stream (Bel Pre Creek), and therefore, a large amount of area within the environmental buffer will be permanently filled. Environmental Planning staff would prefer not to extend the roadway. However, based on the need to balance environmental protection with other factors and planning objectives, staff has worked with the applicant on a crossing design to minimize environmental impacts as much as possible.

In Environmental Planning staff's opinion, a road crossing that would minimize environmental impacts would be a bridge structure that spans the stream valley to connect as close to the high points on either side of the valley as possible. The applicant has indicated that this kind of crossing would be cost-prohibitive and proposes a design with the following features to reduce environmental impacts: retaining walls on the southern end of the crossing to minimize clearing and disturbance of forested slopes; creation of fill slopes that are no steeper than 3:1 to allow for planting of trees and shrubs on these slopes up to the road ROW; an arch culvert over the stream that minimizes disruption to the stream channel; a 54-foot culvert opening to allow for a flat path next to the stream for pedestrian and wildlife movement under the road; and a road cross-section with two lanes, no median, and a sidewalk on only one side to keep the road features as narrow as possible through the stream valley.

In staff's opinion, the applicant's proposed design, short of a bridge structure spanning the stream valley, reduces environmental impacts. Staff believes the proposed design for the arch culvert and fill could be modified to further reduce impacts. Staff recommends that these modifications be reviewed during the site plan process.



The following table provides a preliminary comparison of the applicant's current roadway extension, with the option of crossing the stream valley, with just a pedestrian trail connection:

<b>Estimate of Environmental Impact (Approximate)</b>	<b>Type of Crossing Through Bel Pre Creek Stream Valley</b>	
	<b>Pedestrian Trail <sup>2</sup></b>	<b>Tivoli Lake Boulevard Extended (design as proposed by developer)</b>
<b>Area of disturbance within environmental buffer</b>	About 0.28 ac. (12,240 s.f.); buffer is about 280 ft. wide where disturbance would occur.	About 1.15 ac. (49,900 s.f.); buffer is about 280 – 350 ft. wide where disturbance would occur.
<b>Forest clearing</b>	0.11 ac. (5000 s.f.)	0.56 ac. (24,400 s.f.)
<b>Proposed fill:</b> <ul style="list-style-type: none"> <li>• <b>Estimated height in and near environmental buffer</b></li> <li>• <b>Estimated width in and near environmental buffer</b></li> </ul>	<ul style="list-style-type: none"> <li>• Minimal fill</li> <li>• Minimal fill</li> </ul>	<ul style="list-style-type: none"> <li>• Approx. up to 24 feet high</li> <li>• 80 to 150 ft. wide</li> </ul>
<b>Wildlife and pedestrian movement within stream valley.</b>	Movement within stream valley unrestricted by trail.	Movement within stream valley across the road; or under the road through 54-foot wide arch culvert that spans stream.
<b>Ability to plant forest in and near environmental buffer area</b>	Cannot plant on and adjacent to path -- about 0.08 ac. (3390 s.f.)	Cannot plant within road ROW -- about 1.03 ac. (44,977 s.f.)

### 3. Secondary residential access from future Alderton Road

Within the Kensington/Wheaton plan area, Alderton Road has been constructed as a secondary residential roadway that terminates at a private drive for four privately owned lots approximately 300 feet north of the subject site. The road is interrupted at Mathew Henson State Park before continuing north to Bonifant Road in the Aspen Hill plan area. Alderton Road is classified as a Primary Residential road in the Aspen Hill master plan. Each built segments has approximately 15 residential driveways. Staff

<sup>2</sup> Staff's evaluation of the environmental impacts of a trail are based on a preliminary concept that assumes a pedestrian bridge over the stream, a 10-foot wide trail surface, a 40-foot wide corridor for trail construction, same general location as the proposed primary road ROW, and as much at-grade construction as possible.

recommends that a secondary roadway be built on the site to stub out at the northern property limit where the roadway will continue upon redevelopment of the properties north of this site.

Alderton Road, if extended to the site, could connect to the Indian Spring Access Road or to a proposed internal road in the northwest corner of the site as reflected on the applicant's proposal. The applicant has shown a 60-foot ROW for the future connection.

#### **4. Secondary residential access from the existing terminus of Foggy Glen Drive**

Foggy Glen Drive currently terminates at the northern property line of the subject property. It is classified as a secondary residential roadway with a 60-foot-wide right-of-way, and provides a circuitous connection to Layhill Road via Wagon Way, Huxley Cove Court/Sullivan Lane, or Middlevale Lane. Foggy Glen Drive is shown to continue onto the proposed site as a secondary residential roadway with a 60-foot-wide right-of-way, a 26-foot-wide paving section and sidewalks on both sides. In order to be consistent with the existing network, staff believes the roadway on the site should also be called Foggy Glen Drive.

#### **Pedestrian Facilities**

The applicant is proposing a network of new sidewalks and pathways throughout the development. Secondary and tertiary residential streets are proposed to have sidewalks on both sides, with ADA ramps at intersections and marked crosswalks (locations to be determined at site plan). The Indian Spring access road is to have a continuous sidewalk, separated from traffic, on the north side. Tivoli Lake Boulevard is to have a shared-use-path on the west side of the road. Both of these entrance roads are proposed with reduced cross sections to accomplish environmental goals noted above. Part of the waiver package submitted to DPWT for the reduced cross section includes proposing sidewalk along only one side of these two roads. Staff finds that while providing pedestrian facilities on one side of the entrance roads is not ideal for pedestrian access, it does accomplish environmental goals of reduced grading, impervious surface, and reduced tree loss where one sidewalk may be sufficient. Existing sidewalks that intersect the property will be continued onto the site, connecting the pedestrian network where practical. The proposed preliminary plan will not adversely affect the existing pedestrian access.

#### **Local Area Transportation Review (LATR)**

A traffic study was submitted to determine the impact of this application on the local transportation network and was reviewed under the *Local Area Transportation Review (LATR) Guidelines*, adopted and approved July 1, 2004.

The proposed development is expected to generate 471 and 585 additional peak-hour trips during the morning and evening weekday peak periods, respectively. These site-generated trips were added to the existing and background traffic (from approved but

unbuilt developments) to form the total future traffic. Traffic was distributed and assigned to the eight intersections in the study area according to the LATR guidelines. The critical lane volume (CLV) results were then compared to the applicable congestion standards for the Kensington/Wheaton and Glenmont Metro Policy Areas. Table 1 shows the intersection congestion standards and the CLV results for existing, background and two total future traffic conditions: 1) Total future traffic **without** Tivoli Lake Boulevard connection and 2) Total future traffic **with the** Tivoli Lake Boulevard connection to the site. The scenario without Tivoli Lake Boulevard is included for reference purposes only.

Three intersections in the study area, as noted in Table 1, are located in the Kensington/Wheaton Policy Area and have a CLV standard of 1600. One intersection is located in the Aspen Hill Policy Area and has a CLV standard of 1500. Four intersections are in the Glenmont Metro Policy Area, which is situated near Metro, and has a higher policy standard of 1800 CLV's than the others where transit alternatives are not as strong. The developer's traffic study (dated 10/19/05) shows seven of the eight intersections projected to pass the policy area standards in a total traffic condition.

The Georgia Avenue (MD 97) and Randolph Road intersection, however, is not projected to pass the Glenmont policy area standard. The traffic study identifies potential improvements to the intersection that would be needed to pass the LATR test by adding turn lanes. According to the traffic study, Georgia Avenue would need an additional southbound through-right turn lane and a receiving lane on the south side of Randolph Road. A northbound right-turn lane would also be needed on Georgia Avenue. Combined, these improvements would reduce the CLV to below the background traffic condition and could satisfy LATR. The County could require these improvements to satisfy the APF test. However, staff believes that these improvements at this location are not feasible due to right-of way constraints and park impacts. Additionally, at the time of the Pre-Preliminary Plan (7-03058, Hearing on 4/11/04) the Planning Board found that, should improvement of the intersection capacity at Georgia Avenue and Randolph Road be required, the developer would be required to pay a pro-rata share of the project cost at Preliminary Plan review.

The State Highway Administration (SHA) has planned and designed a grade separated interchange at the intersection of Georgia Avenue (MD 97) and Randolph Road. The project is scheduled to be bid for construction in May of 2008. When it is complete, Randolph Road will have two travel lanes in each direction under Georgia Avenue. The Planning Board commented on the 35% completion design as a Mandatory Referral (MR 04815-SHA-1) in December 9, 2004. Staff calculates that an Indian Spring development of 773 single-family units will contribute approximately 3.45% of the future traffic volume of the interchange. As a result, Staff recommends that a pro-rata contribution of the project costs is an appropriate alternative to at grade improvements to satisfy LATR. According to SHA, the total project cost is estimated to be \$62,000,000. The applicant's share is therefore \$2,139,000. Staff recommends, and SHA supports, a

**Table 1 – Results of Intersection Capacity Analysis**

Intersection	Congestion Standard <sup>1</sup>	Peak Hour	Traffic Condition			
			Existing	Background	Total w/o Tivoli Lake Blvd <sup>2</sup>	Total w/ Tivoli Lake Blvd
Layhill Road & Bonifant Road	1,500 Aspen Hill	Morning	1,304	1,365	1,429	1,429
		Evening	1,189	1,353	1,407	1,407
Layhill Road & Indian Spring Road	1,600 Kensington/Wheaton	Morning	1,155	1,263	<b>1,556</b>	1,289
		Evening	865	952	<b>1,353</b>	1,056
Layhill Road & Glenallen Avenue	1,800 Glenmont	Morning	828	947	<b>1,043</b>	956
		Evening	980	1,145	<b>1,281</b>	1,155
Layhill Road & Georgia Avenue	1,800 Glenmont	Morning	1,200	1,246	<b>1,384</b>	1260
		Evening	1,071	1,120	<b>1,326</b>	1,127
Georgia Avenue & Randolph Road	1,800 Glenmont	Morning	1,762	<b>1,810</b>	<b>1,925</b>	<b>1,861</b>
		With improvements			1,720	1,672
		Evening	1,684	1,705	1,759	<b>1,837</b>
		With improvements			1,759	1,692
Randolph Road & Glenallen Avenue	1,800 Glenmont	Morning	1,250	1,290	1,311	1,377
		Evening	962	1,001	1,010	1,091
Randolph Road & Tivoli Lake Boulevard	1,600 Kensington/Wheaton	Morning	1,040	1,077	1,080	1,310
		Evening	789	814	821	950
Randolph Road & Kemp Mill Road	1,600 Kensington/Wheaton	Morning	1,263	1,265	1,277	1,277
		Evening	1,270	1,296	1,303	1,303

<sup>1</sup> Congestion Standards for the Aspen Hill, and Kensington/Wheaton Policy Areas.

<sup>2</sup> Condition does not meet the recommendation of the Master Plan for two points of primary access.

schedule of payment divided in thirds and linked to benchmarks in the development phasing as follows:

1. \$713,000 prior to recordation of the first plat.
2. \$713,000 prior to release of the 150<sup>th</sup> building permit.
3. \$713,000 prior to release of the 350<sup>th</sup> building permit.

Based on information from SHA and the applicant, staff forecasts that this payment schedule would deliver approximately two thirds of the total payment, tied to the progress of the development, prior to construction of the Georgia Avenue/Randolph Road intersection project.

Transportation Planning staff concludes that the applicant's site-generated traffic would not exceed the congestion policy standard once the identified improvements are made.

## **OTHER ISSUES**

### **ELEMENTARY SCHOOL SITE**

Pursuant to Section 50-31 – Reservation of land for public use, the Subdivision regulations authorize the Planning Board to reserve land for public use if, during the review of the application, the concerned public agency requests such a reservation. Following that protocol, the Montgomery County Public Schools (MCPS) submitted a letter dated June 21, 2006 (Attachment 4), discussing the need for a new elementary school site in the John F. Kennedy High School attendance area. MCPS requests that a suitable elementary school site be located within the proposed development and asks the Board to place two thirds of the site in reservation and require Winchester Homes to dedicate the remaining one-third of the site.

As noted by MCPS, the subject property represents one of the last and best opportunities in the general area to obtain the necessary acreage for a suitable school site. The letter also discusses why *dedication* of one third of the land area is appropriate since a subdivision of 773 units will yield 196 elementary school aged children, or approximately one-third of a school site or about 4 acres. MCPS believes that a 3 year reservation period is adequate to acquire the remainder of the site.

MCPS had been actively pursuing a combined community center and elementary school at the intersection of Queensguard Road and Layhill Road; this was the subject of some discussion at the original preliminary plan for Indian Spring. The Queensguard site has proven to be infeasible, as wetlands have precluded further consideration of that property for a school. Aside from re-acquisition and rehabilitation of the nearby Saddlebrook facility, a former elementary school, there appear to be no other alternatives given the lack of usable land for a school. The Saddlebrook facility currently serves as

the headquarters for the Park Police and through an agreement with the County it may serve as a relocated Montgomery County Police facility if needed during reconstruction of the Georgia Avenue and Randolph Road intersection.

The applicant has worked with MCPS to identify a school site and to devise a layout that meets the conceptual, programmatic needs of MCPS. The location of the proposed school is shown on Attachment 5 of this report. The layout accommodates a school building, parking, ballfields and stormwater management. MCPS supports this site partly because it has access via a primary street to Layhill Road. Future access to the north would also be provided by Alderton Road once it is constructed through to Bonifant Road. Topography at this location is also suitable for siting a large building.

Staff has recommended that the proposed school site, as shown on the attachment, be placed in reservation only, for a period of 36 months from the date of mailing of the Planning Board's opinion for the preliminary plan. The 36 month period coincides with Phase I of the staging sequence requested by the applicant and supported by staff. Staff does not support the MCPS request to dedicate a portion, or one-third of a school site, because a school site was not identified in the Kensington-Wheaton Master Plan.

The property is located in the northeastern part of the Kensington-Wheaton Master Plan area in the Kennedy High School Cluster, which is part of the down-county consortium. The local elementary school is Glenallan Elementary School. The 1994 Kensington-Wheaton Master Plan does not have any specific discussion or recommendations for schools in relation to this site, or for this part of the Master Plan area, primarily because the Plan was more concerned with the reuse of closed schools due to the declining school population in the previous decade. Although the Plan indicates that the intermediate forecast from Montgomery County Public Schools predict steady increases in the elementary and middle school population in the next decades (page 136), it states: "No additional schools are currently proposed for the Kensington-Wheaton planning area" (page 137) There was no classroom deficit when the master plan was undergoing revision. Without a specific site designated in the Master Plan, staff recommends the 3 year reservation period.

MCPS staff also expressed an interest in the inclusion of Alderton Road to provide a secondary means of access to the future school and improved access to neighborhoods from the north. MCPS staff also notes that schools located on corner lots function better for drop-off and pick-up operations. If the Planning Board chooses to support reservation or reservation and partial dedication of a school site, staff recommends that Alderton Road be built. Furthermore, staff recommends that the applicant be required to construct this section of Alderton Road if MCPS acts on the reservation. Trips generated by the potential school would need to be addressed as part of a Mandatory Referral submitted to the Planning Board for the new school.

## WAIVERS OF SUBDIVISION

By letter dated June 12, 2006, (Attachment 6) the applicant has requested a number of waivers for consideration, two of which are appropriately considered by the Planning Board: waiver for an overlength cul-de-sac and a waiver of frontage for townhouses on individual lots.

### Overlength Cul-de-Sac

There is one cul-de-sac in the proposed subdivision (Street G, Phase III) that exceeds 500 feet in length and, therefore, pursuant to Section 50-26(d), the Board must make a *finding* that for reasons of property shape, size, topography, large lot size or improved street alignments, an overlength cul-de-sac is justified. Staff finds that Street “G”, the overlength cul-de-sac, is justified because it accesses a buildable portion of the property that extends onto a peninsula surrounded on three sides by stream valley buffers. To eliminate the cul-de-sac, and otherwise connect the road as a loop, would require encroaching into the stream buffer. The topography of this site is driving the need to use the overlength cul-de-sac to prevent environmental impact. The applicant’s letter dated June 12, 2006, with an attached March 9, 2006 letter, explains the need for the waiver (finding) based on the strong desire by staff to protect the stream buffers on the property. Short of removing the proposed lots on Street “G”, the cul-de-sac offers the only feasible means to access this area of the property while avoiding stream buffer impact. Staff recommends a finding by the Board to permit the overlength cul-de-sac in this case.

### Waiver of Frontage for Townhomes

The letter also asks the Board to consider waiving the frontage requirement for fifteen individually lotted townhomes (Lots 9-23, Block “J”) because they front on a private driveway rather than a public street or private street. Staff notes that the fifteen units do front on a common open space area. The applicant cites Section 50-38(a)(2) b that states:

(2) Large Scale Development or Preservation of Open Space, Forest and Tree Conservation, Environmentally Sensitive Area, or Prevention of Soil Erosion. The standards of this Chapter may be modified by the Board if it determines that:

b. A variance will promote the preservation or creation of open space, forest and tree conservation, preservation of environmentally sensitive areas, or the prevention of soil erosion in the public interest. The Board shall also have the power to modify or vary the requirements of this Chapter where, in the opinion of the Board, the preservation, or creation of open space, the prevention of soil erosion or the preservation of exceptional natural topography and trees worthy of preservation in the public interest will best be served.

The applicant argues that the preservation of open space is paramount to this development as witnessed in the first application that was denied by the Planning Board. Staff does not support the applicant's use of the Section 50-38 language as justification for the subject lots. In staff's opinion, this provision should be applied to subdivisions that are creating open space, and environmental benefits over and above minimum requirements. That is not the case in this instance.

As to the waiver request, staff notes that Section 59-C-1.628 (b) of the Zoning Ordinance permits townhouses to front on public streets, private streets or ***a common open space***, when MPDU optional method standards are used. In addition, the affected townhouses are accessed by private driveways that could be modified to allow them to "attain the status of a public street" as required in the Subdivision Regulations. For these reasons, staff does not think a waiver of frontage is needed. Rather, access and lot orientation in this area should be analyzed as part of the future site plan. (See following section)

## **ISSUES TO BE ADDRESSED AT SITE PLAN**

The following bulleted items are site plan issues relating to layout, grading, landscaping and design that can most appropriately be addressed by site plan staff. They are raised here to highlight them, and offer the Planning Board opportunity to give input toward the future site plan with regard to these issues.

- Fully address requirements of DPS stormwater management.

The applicant is advised that the DPS stormwater management approval letter states that anticipates "significant site layout revisions may be required at the time of site plan review." DPS expresses concern about the size of the proposed ponds in relation and proximity to the proposed lots and advises that lots may need to be moved or eliminated to accommodate the required ponds, as determined by a detailed study. DPS has asked for a specific condition of approval that would require the applicant to secure final stormwater management approval prior to site plan approval.

- Grade stormwater management ponds visible from primary residential access roads so that they may be landscaped in a more aesthetic way.

Staff believes that the ponds located throughout the community to handle stormwater management should be more aesthetically pleasing than a standard dry pond with fencing around it. This is especially true for those ponds that are visible from the main primary residential roads, (Tivoli Lake Boulevard and Indian Spring access road) within the subdivision. Detailed site grading and landscaping are most appropriately addressed at the time of site plan.



- Minimize isolated open space areas in rear yards of lots.

Within the proposed development there are a number of isolated open space areas that staff believes will be used exclusively by those lots that abut them. Open space is, of course, for the entire community to enjoy and if they are not exposed to the greater community, access to them becomes a problem.

- Increase visibility of Northwest Branch open space by revising layout to create wider breaks between units or load all units on one side of roads.

This plan makes great strides towards preserving the Northwest Branch stream valley and its associated buffer. Unfortunately, most of the views to this resource from the local street network are obstructed by homes and, again, the views become the privilege of a few homeowners from their rear yards. Site plan should investigate ways to open up additional viewsheds down into the stream valley by creating additional breaks in the house locations, single loaded roads, or by shifting house locations, such as on Street “G”, Phase III to the other side of the cul-de-sac.

- Reduce the “tunnel effect” by breaking up the townhome sticks fronting on Tivoli Lake Boulevard in Phases II and III.

Staff has concern about what is seen as a tunnel effect created by the long strings of townhomes along the primary residential streets, especially Tivoli Lake Boulevard. Single family detached units dispersed among these locations may help alleviate this concern.

- For Lots 9-17, Block “J”; investigate connecting the private driveways to the local roads so that the driveways function more as public streets for circulation and access.

## **PHASING PLAN – Attachment 7**

### **Preliminary Plan Phasing**

The Applicant has requested permission to record the proposed lots in 3 phases over a 9 year period which corresponds to the extended validity period for the APF of 12 years. Section 50-35(h)(2)(b) of the Subdivision Regulations gives the Board authority to establish such phasing at the time of the preliminary plan approval. Given the extensive size of subdivision, staff recommends approval of the Applicant’s proposed phasing schedule as established in Condition #27, above.

## Adequate Public Facilities Validity Period

Pursuant to Section 50-20(c)(3) of the Subdivision Regulations, a determination of adequate public facilities made under this section of the regulations is timely and remains valid for no less than 5 and no more than 12 years, as determined by the Planning Board at the time of subdivision. The project proposes 773 dwelling units. For projects of this size and complexity the applicant is requesting the maximum allowable validity period for the finding of Adequate Public Facilities. Within this 12-year period all building permits must be secured. The 12-year APF validity period coincides well with the 9-year preliminary plan validity period in which time all plats must be recorded. Staff finds the request to be consistent with past requests for similarly sized projects and recommends granting the applicant's request.

## CITIZEN INPUT

The applicant, staff, community and the Mid County Citizens Advisory Board have met in numerous formal discussions. This project has been reviewed in an open format, with a great deal of information sharing between all parties. Following is a list of the formal meetings that have been conducted:

11/1/05	Applicant meeting with Tivoli Homeowners Assoc.
11/29/05	Applicant meeting with the People's Counsel
12/6/05	Applicant meeting with Tivoli Homeowners Association
<u>1/24/06</u>	<u>Staff meeting with Layhill View Citizens Association</u>
1/31/06	Applicant meeting with Layhill View Citizens Association
2/1/06	Applicant meeting with Tivoli Homeowners Association
2/1/06	Applicant meeting with Attorney for Tivoli
3/6/06	Applicant meeting with Greater Colesville Civic Association
3/16/06	Applicant meeting with Layhill Alliance
4/20/06	Staff meeting with northern and western Layhill Civic Group Representatives and Attorney at MNCPPC
5/23/06	Applicant meeting with Layhill View Citizens Association
5/30/06	Applicant meeting with Attorney for Tivoli
6/6/06	Applicant meeting with Layhill View Traffic Consultant
6/20/06	Staff and Applicant meeting with Mid-County CAB
6/29/06	Staff meeting with Tivoli Lake Community Representatives and Attorney

As noted above, Winchester Homes, staff, citizens committees and individuals have had numerous opportunities to review plans, understand the process, ask questions, and provide input on the pending application. Staff has also received many letters emails, and other correspondence that highlight many diverse issues. Traffic was always a main focal point at every meeting and it was a concern from all communities in and around the project. The staff report and attached transportation staff report goes into great detail about Local Area Transportation Review, traffic distribution, access, and road improvements. Staff believes that the local traffic network as proposed, with the Tivoli

Lake connection, and improvements to the Randolph/Georgia intersection is adequate to serve the community as proposed.

While some neighbors oppose any development on the property, most understood that the Indian Spring property does have considerable development potential under the R-200 and R-90 zones and the discussions were always cordial. Many citizens question why the original plan submittal (1-04108) was unacceptable given the large amount of green space (golf course) that remained within that proposal. Staff explained that the golf course encroached, significantly into the stream valley buffer and that the amount of encroachment was unacceptable. The goal of the environmental guidelines and forest conservation law is to have the stream buffers undisturbed and reforested.

The current application is at maximum density and achieves a 22% density bonus with the provision of 15% of the units as MPDU's. Aside from the discussion of the Tivoli Lake Boulevard extension, staff acknowledges that there will be a moderate increase in traffic generated by this development. The development, at full build out of 773 units, will contribute 3.45% of the total traffic to the intersection of Georgia Avenue and Randolph Road. Staff believes that anyone who has attended the meetings is well aware of the Local Area Transportation Review guidelines, which our transportation planners must use to determine traffic impact and that it focuses attention on master plan/major roads, notably the Georgia Avenue and Randolph Road intersection. At this time, the SHA has slated the intersection improvements to commence at this intersection as early as 2008. Development at Indian Spring may, however, precede the opening of the new intersection to traffic but for the most part the two projects should be moving forward concurrently. Staff is confident that the payment schedule agreed to by SHA and the applicant is the correct course of action.

The Tivoli Lake community is adamantly opposed to the extension of Tivoli Lake Boulevard citing concerns about additional and unsafe cut through traffic conditions, environmental impact to Bel Pre Creek, disruption to the community and even the lack of need for the connection to be made. Staff has been consistent from the submittal of this application that the road connection is needed, along with the other recommended connections, to serve a development of this size and the staff report addresses this issue. Staff and MCDPWT are conditioning the approval of this development on the extension of Tivoli Lake Boulevard. The Environmental Planning Section has also worked with the applicant to provide an environmentally responsible crossing that minimizes fill and grading in the stream buffer. Staff will continue to refine the crossing as part of the site plan.

There is, however, an equally vocal group of citizens to the north and west of the proposed project who support the extension of Tivoli Lake Boulevard. These neighbors strongly support the extension since it is their belief that a single primary access on to Layhill Road only will create unacceptable conditions on that road as well as their local road network. Staff strongly agrees that without the Tivoli Lake connection this community will not function well for the reasons cited in this report.

## CONCLUSION

Staff has reviewed this plan for conformance to all applicable requirements of the Subdivision Regulations, Zoning Ordinance and the Kensington-Wheaton Master Plan. In all cases, staff determined that the application is in conformance with these regulations and guidelines. Based on the review, staff recommends approval of the submitted application (120060510) with the conditions cited above.

### ATTACHMENTS:

- Attachment 1 – Vicinity Map
- Attachment 2 – Preliminary Plan
- Attachment 3 – DPWT Approval
- Attachment 4 – MCPS Letter
- Attachment 5 – School Site Exhibit
- Attachment 6 – Waiver Request
- Attachment 7 – Phasing Plan
- Attachment 8– Other Agency Approvals
- Attachment 9 - Correspondence
- Attachment 10 – Correspondence received after July 14, 2006

Preliminary Plan Data Table and Checklist

<b>Plan Name: Indian Spring</b>				
<b>Plan Number: 120060510</b>				
<b>Zoning: R-200 and R-90</b>				
<b># of Lots: 773</b>				
<b># of Outlots:</b>				
<b>Dev. Type: Single Family Residential</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval on the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	6,000 s.f. - sfd 1,500 s.f. - sfa	Must meet minimum		7/7/06
Lot Width	Est. by site plan.	Must meet minimum		7/7/06
Lot Frontage	25 ft. for sfd sfa est. at site plan	Must meet minimum		7/7/06
Setbacks				
Front	25 ft. Min. from public street	Must meet minimum		7/7/06
Side	Est. at site plan or 20 feet to non- MPDU zone	Must meet minimum		7/7/06
Rear	Est. at site plan or 20 feet to non- MPDU zone	Must meet minimum		7/7/06
Height	3 stories or 40 ft.	May not exceed maximum		7/7/06
Max Resid'l d.u. per Zoning	773	773		7/7/06
MPDUs	116 at 15%	116		7/7/06
TDRs	N/a	N/a		
Site Plan Req'd?	Yes	Yes		7/7/06
<b>FINDINGS</b>				
<i>SUBDIVISION</i>				
Lot frontage on Public Street	Lots front on public streets, private streets and open space.			7/7/06
Road dedication and frontage improvements	Dedications and Improvements as required		Agency letter and TP memo	6/20/06 and 7/6/06
Environmental Guidelines	Stream Buffers protected		EP memo	7/3/06
Forest Conservation	On-site		EP memo	7/3/06
Master Plan Compliance	Complies with Master Plan		CPB memo	
Other (i.e., parks, historic preservation)	Park requirements met		PPRA memo	
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management	Approved		Agency letter	6/27/06
Water and Sewer (WSSC)	Available			
10-yr Water and Sewer Plan Compliance	W-1 and S-1			7/7/06
Well and Septic	N/A			
Local Area Traffic Review	Meets LATR		TP memo	
Fire and Rescue	Approved by MCFRS		Agency letter	6/26/06
Other (i.e., schools)	MCPS reservation request		Agency letter	6/21/06



COPY

**CORRESPONDENCE RECEIVED AFTER JULY 13, 2006 & ADDED  
TO INDIAN SPRING (1-06051) MAILING LIST**

COPY

MCP-Chairman

From: BBKn13@att.net  
Sent: July 22, 2006 4:32 PM  
To: MCP-Chairman  
Subject: Tivoli Lake Blvd. Extension

RECEIVED  
1081  
JUL 24 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Dear Mr. Berlage:

I would just like to register my position AGAINST the extension of Tivoli Lake Boulevard in Silver Spring.

One reason offered is that it would allow quicker access to the new Indian Lake subdivision by emergency vehicles. I have repeatedly timed the trip from the fire station and police station at Georgia and Randolph to Indian Lake, and the time difference is less than a minute -- and that's only assuming they would drive recklessly fast through Tivoli!!!

Thanks for taking this into account,

Sincerely,

Brian and Connie Knowlton,  
1623 Hugo Circle  
Silver Spring, Md. 20906

✓ Added  
8/24/06  
PSC



**MCP-Chairman**

**From:** Michael Seamon [mseamon@msphouse.com]  
**Sent:** July 17, 2006 2:18 PM  
**To:** MCP-Chairman  
**Subject:** Tivoli Lake Blvd extension

RECEIVED  
1080  
JUL 20 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Dear Mr. Berlage:

I reside at 1715 Wilcox Lane off of Tivoli Lake Blvd, intersecting Randolph Rd.

I am writing to express my opposition to the planned extension of Tivoli Lake Blvd.

Please contact me directly if you require additional information.

Regards,

Michael Seamon

07/19/2006

AUG. 2. 2006 12:10PM

KNOFF AND BROWN

NO. 4295 Trp. 2-PI Bd

OPY

LAW OFFICES OF  
KNOFF & BROWN  
401 EAST JEFFERSON STREET  
SUITE 206  
ROCKVILLE, MARYLAND 20850  
(301) 545-6100

Added  
8/23/06  
PSC

E-MAIL LAWFIRM@KNOFF-BROWN.COM  
FAX: (301) 545-6103

July 31, 2006

RECEIVED  
1088  
AUG 02 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

VIA FACSIMILE  
(301) 495-1310

Derick Berlage, Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Preliminary Plan - 12006051  
Request for Hearing Date Change

Dear Chairman <sup>Derick</sup> Berlage:

On behalf of our client, Tivoli Homeowners Association, which represents over 550 homes, we request a change in the hearing date in the above referenced matter. The hearing is currently scheduled for the evening of September 7, 2006. We request that there be a slight postponement of the hearing, to the evening of the following week, September 14, 2006, or if that is not available, to the evening of September 21.

The reason for this request is as follows. The hearing had been originally scheduled for the evening of July 20, 2006. A large number of residents had worked for many hours to prepare a coordinated presentation for the hearing on that date on behalf of the Association. Many had arranged their vacation schedules to be sure they would be present at the hearing. The Association had notified the entire community by flyer and otherwise of the hearing date and many other residents arranged their vacation and other schedules to attend on that evening and to testify as individuals.

Five days prior to the July 20<sup>th</sup> hearing, the Association learned by chance that the hearing had been postponed. The July 20<sup>th</sup> hearing was postponed and rescheduled for September 7<sup>th</sup>, without any communication with the Association, although we understand that the applicant was contacted by Planning Board staff.

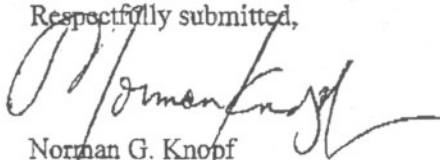
The new hearing date, two days after Labor Day, plays havoc with the community's effort to make a coordinated presentation at the hearing, and with the community's effort to have its residents attend the hearing and to participate. Some community residents will still be on vacation and others will have just returned, including community representatives who changed vacation plans in order to be available in July.

Derick Berlage, Chairman  
July 31, 2006  
Page 2

Accordingly, we respectfully request that the hearing be postponed just one week, to the evening of September 14, or if that date is not available, to the evening of September 21<sup>st</sup>. We believe this small postponement will not prejudice the applicant and will provide a fairer opportunity for the Tivoli community, as well as residents of other communities, to be heard.

We thank you for your consideration of our request.

Respectfully submitted,



Norman G. Knopf  
Attorney for the Tivoli Homeowners  
Association

cc: Jason Blackman [Via fax (301) 495-1310]

COPY

**MCP-Chairman**

✓ e-mailed  
8/23/06  
PSC

**From:** JRbretco@aol.com  
**Sent:** August 03, 2006 9:27 AM  
**To:** MCP-Chairman  
**Subject:** Tivoli Lake Blvd extension

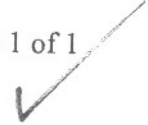
RECEIVED  
1128  
AUG 10 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Dear Mr. Berlage - This e-mail is being sent to you to voice my extreme opposition to the proposed extension of Tivoli Lake Blvd to Indian Spring. There has not been enough research into the impact on the Tivoli residents. We are talking not only about traffic but health concerns for our children and more importantly safety. The relatively now quiet neighborhood will obviously be highly impacted. I would like an answer as to why the developer can't exclusively use the entrance to the Indian Spring Country Club on Layhill Rd rather than destroy our neighborhood with pollution from vehicles just to allow them another access. It is wrong and you know it but it seems money and big business always are in power. Please don't bury us with this proposal

08/10/2006

COPI



**MCP Chairman**

**From:** Grosser, Tim [grossert@mcc.gov]  
**Sent:** July 12, 2006 1:59 PM  
**To:** MCP-Chairman  
**Subject:** Proposed Tivoli thru-way

RECEIVED  
1021  
JUL 13 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Dear Madam / Sir:

I am a resident of Hugo Circle ( 1581 Hugo Circle ) and would like to add my voice to the opposition to the proposed Indian Springs Housing Development thru-way to Randolph Road.

I don't believe that carving up what little green space left is in the best interest of the residents of Montgomery County or that a bridge and access road through Tivoli will benefit either community.

Tim

JUL 10 2006  
DEVELOPMENT RE

-----  
Tim Grosser  
1581 Hugo Circle  
202-521-3698 (o  
240-462-5794 (cel

✓ Added  
8/23/06

tg\_anush@yahoo.com

COPY

✓ added  
6/23/0

MCP-Chairman

From: bsgoulet@juno.com  
Sent: July 12, 2006 11:55 AM  
To: MCP-Chairman  
Subject: Indian Springs Project - Tivoli Lake Boulevard extension

RECEIVED  
JUL 13 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Dear Mr. Serlage,

I want to express my strong request to **stop the Tivoli Lake Boulevard extension**. I am an original home owner in Tivoli so I have enjoyed 17+ years of being able to walk through my community and enjoy a safe street with community only traffic. Many times I was on a walker and then I advanced to a cane but I was still able to get some much needed exercise without the worry of being struck by a vehicle on Tivoli Lake Blvd. I have been able to walk quietly and safely with my daughter, my grandchildren and my dog through this peaceful community.

The proposed extension will have a terrible impact on our community as well as the environment. It will also create an inordinate amount of cut-through traffic in our community and make it almost impossible for us to exit our street, much less be able to walk without fear of being struck by speeding vehicles. I have seen the number of fatal accidents at Randolph and Tivoli Lake Blvd. increase over the years. I hope you can request those stats for your review. The extension will certainly increase the number of deaths at our intersection.

I hope you will consider my request and vote no for the extension.

Thanking you in advance for your time and consideration of this matter,

RECEIVED  
JUL 18 2006  
DEVELOPMENT REVIEW

Beverly S Goulet  
1649 Nordic Hill Circle  
Silver Spring, MD 20906-5929  
301-929-0740

COPY

MCP-Chairman

Added ✓  
RECEIVED  
JUL 13 2006

From: Alexander, Michael P. [Michael.Alexander@USPTO.GOV]  
Sent: July 12, 2006 1:52 PM  
To: MCP-Chairman  
Subject: Indian Springs Country Club

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Dear Mr. Derick Berlage and members of the board,  
I am a resident at 1665 Hugo Circle in the Tivoli Community and about 40 feet from Tivoli Lake Boulevard. I am against the extension of the road at Tivoli Lake Boulevard.

You already know or will know the reasons against the extension. I voice my support for those arguments. However, I would like to add my personal observation that two deer regularly walk past the back of my house through the woods along the fence that separates Tivoli from Indian Springs. They walk from east to west across the area that would be extended. Regardless of what wildlife thruway was set up further down the road near the stream, these deer will be block from using that thruway by the fence separating Tivoli from Indian Springs. Please consider this as a representation of the harm to the wildlife and environment. Please carefully weigh the benefit of the road extension versus the harm. The harm has been clearly explained to me, and the benefit is questionable. If you see it the same way, please do not allow the extension.

Michael Alexander  
1665 Hugo Circle  
Silver Spring, MD 20906  
571-272-8558

RECEIVED  
JUL 18 2006  
DEVELOPMENT REVIEW

COPY  
MCP-Chairman

Added  
8/23/06  
PSC

RECEIVED  
JUL 13 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

From: S. Friedman [sosfriedman@verizon.net]  
Sent: July 12, 2006 11:08 AM  
To: MCP-Chairman  
Subject: SUSPECT: Preliminary PPlan No. 120060510, Indian Spring

I have been a resident of Tivoli for more than 20 years. I enjoy its peaceful, tree lined roads. However, this quiet park-like existence is threatened if Tivoli Lake Boulevard is extended through to the new Indian Spring development.

The extension will bifurcate the neighborhood and irreparably change its character. The Master Plan does suggest the extension; however, it was adopted 20 years ago. Traffic patterns and environmental concerns have changed since then. Also, it should be remembered, the Master Plan is just that, a plan. It is not something that must be implemented. Particularly, when it is to the detriment of an existing communities.

The road extension will create a cut through for traffic between Layhill and Randolph Roads and back again. And with the extension of Alderton Road into Indian Spring from the north., a direct cut through will be created linking ICC traffic from the north to Randolph Road and Kemp Mill Road in the south. This increased cut through traffic would be hazardous to both the existing communities and the planned Indian Spring community.

I ask that you and all the other Commissioners carefully consider all evidence presented before it concerning the extension of Tivoli Lake Boulevard and the Indian Spring project.

Samuel J. Friedman  
1421 Casino Circle  
Silver Spring, MD 20906

RECEIVED  
JUL 18 2006  
DEVELOPMENT REVIEW



**COPY**  
MCP-Chairman

*Also e-mailed*

**From:** Cornell, Steve - Washington DC [Steve.Cornell@wdc.usda.gov]  
**Sent:** July 12, 2006 11:10 AM ✓  
**To:** MCP-Chairman  
**Cc:** Barbara and David Patrick  
**Subject:** SUSPECT: Tivoli Lake Boulevard....

**RECEIVED**  
JUL 13 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Dear Mr. Berlangue,

I am writing to express my opposition to the extension of Tivoli Lake Boulevard. I am a resident with two young boys, who's house backs directly to Tivoli Lake Blvd. I fear for their safety as they explore and become young men. Even now, without an expansion, speeding violations occur without attention and I have to teach my 3 year old and 1 year old not to play beyond the trees (30 feet from the road). Also, we have an extensive amount of foot traffic across Tivoli Lake Blvd from residents who walk from shopping, bus, and metro. These residents jay walk across Tivoli Lake Blvd to reach destinations on Ingram Terrace, Casino Circle, and Casino Court. Extending Tivoli Lake Blvd will only increase the car traffic, thus increasing the probability of pedestrian accidents, not to mention my children's safety. Other, better, options exist to allow for the Indian Springs project to move forward. With the approval of the ICC, I fear the Tivoli Lake Blvd expansion will also provide an alternative route through my neighborhood to reach the ICC. This would create even more stress on our neighborhood, stress on Tivoli Lake Blvd, and would prompt a further roadway size increase to accommodate this "cut through" traffic -- further endangering my children.

In summary, do not approve the extension of Tivoli Lake Blvd.

Thank you for your time.

Steve

\_\_\_\_\_  
Steve Cornell  
Economist  
U.S. Department of Agriculture  
Farm Service Agency  
Economic and Policy Analysis Staff  
Dairy & Sweeteners Analysis Group  
202-720-6833

*Added to list*

**RECEIVED**  
JUL 18 2006  
DEVELOPMENT REVIEW

**COPY**  
MCP-Chairman

**From:** Robert Jevic [bobjevec@earthlink.net]  
**Sent:** July 12, 2006 11:21 AM  
**To:** MCP-Chairman  
**Subject:** Tivoli Road Extension

**RECEIVED**  
JUL 13 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

*Added  
8/23/06  
PSC*

Dear Chairman Berlage:

I am an owner of a home in the Tivoli development and am writing to you to express my extreme opposition to the proposal to extend Tivoli Lake Boulevard through the proposed Indian Spring development to connect with Layhill Road. I am aware the Planning Board will meet on July 20, 2006 to hold a hearing on this issue. If it were not for exceptional circumstances, I would definitely be present at the hearing to voice my deep concerns and strong opposition to this proposal.

Extending Tivoli Lake Boulevard will create a cut-through between Randolph Road and Layhill Road, dramatically increasing the traffic through our community. There is nothing that can be done to prevent this road being used as a cut-through. The traffic of the county results in drivers seeking any route, no matter how circuitous, that they feel will keep them moving to their destination. The increased traffic would be a hazard for children playing on the common parklands adjacent to the road and to people walking through the community and crossing the street. A suddenly more active roadway would definitely divide the community and restrict its diversity.

If you would walk from the point where Tivoli Lake Boulevard now ends to the Tivoli property line with Indian Spring, this is what you would see. After about 150 feet there is a 70-foot drop-off at what I estimate to be about a 45° angle leading through a forested area and flood plain to Bel Pre Creek along the border with Indian Spring. Extending Tivoli Lake Boulevard through this pristine area will be environmentally detrimental to the Tivoli Community and the new Winchester community on Indian Spring.

I am aware that the Master Plan for the area shows a connection between Randolph and Layhill. Of course, you well know that almost forty years ago, the Maryland Court of Appeals cautioned organizations such as the Maryland Park and Planning Commission against blind adherence to master plans. The approval of a master plan by a planning commission is a guide to County Commissions sitting as a regional zoning council but is not binding upon them. *Truitt v. Board of Public Works*, 243 Md. 375, 391, 221 A.2d 370, 380 (1966). So much has changed in lower Montgomery County since the Master Plan for this area was adopted. The elimination of scarce open space in this part of the county coupled with this environmentally destructive road extension does not fit well with any concept of smart growth. Indeed, I understand that the developer's own traffic studies indicate that the Indian Spring development does not require an extension of Tivoli Lake Boulevard to create a safe community at Indian Spring.

**RECEIVED**  
JUL 18 2006  
DEVELOPMENT REVIEW

For the past 17 or more years we have enjoyed the peaceful development that has grown into a diverse family-oriented community. The extension of Tivoli Lake Boulevard will divide the community, destroying its unique character.

We expect our public institutions to adjust and respond to public needs and preferences.

Blindly pushing forward with a plan developed years ago, without reference to the wishes of the people affected by the plan would, in my opinion, not be responsible humanistic behavior.

In short, I urge you to reject any plan that calls for the extension of Tivoli Lake Boulevard.

Sincerely,

/s/

Robert J. Jevic  
1636 Nordic Hill Circle  
Silver Spring, MD 20906

**COPY**  
MCP-Chairman

*1-mailed  
8/13/06  
PSC*



**From:** laurencehs@aol.com  
**Sent:** July 12, 2006 11:06 AM  
**To:** MCP-Chairman  
**Subject:** PLEASE DO NOT EXTEND TIVOLI LAKE BLVD.

**RECEIVED**  
JUL 13 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Dear Chairman Berlage:

I am writing to you so that you will hopefully NOT agree with the divided staff opinion on Indian Spring that would extend Tivoli Lake Boulevard -- divided because your environmental staff notes the significant environmental harm that would be created by extending the road as part of the Indian Spring development. Do not, in the words of Joni Mitchell, agree to "pave paradise" and extend Tivoli Lake Boulevard -- it is not necessary.

Sincerely,

Laurence HS

**Check out AOL.com today.** Breaking news, video search, pictures, email and IM. All on demand. Always Free.

**RECEIVED**  
JUL 18 2006  
DEVELOPMENT REVIEW

COPY

MCP-Chairman

✓  
1-mailed  
8/23/06  
PSC

**From:** rschecker@aol.com  
**Sent:** July 12, 2006 10:56 AM  
**To:** mcp-chairman@mncppc-mc.org.  
**Subject:** Stop the Extension of Tivoli Lake Boulevard!

RECEIVED  
JUL 13 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Dear Chairman Berlage:

We are writing to you to oppose the staff report on the Indian Spring development that would extend Tivoli Lake Boulevard to create a cut-through to Layhill Road. The negative impacts of the extension of Tivoli Lake Boulevard are numerous -- the significant negative environmental impacts, the destruction of the stable Tivoli community, the traffic burdens -- all argue in favor of rejecting the extension of Tivoli Lake Boulevard. PLEASE reject this ill-advised proposal.

Sincerely,

Larry and Rene Schecker

18 year residents of the Tivoli Community

Check out AOL.com today. Breaking news, video search, pictures, email and IM. All on demand. Always Free.

RECEIVED  
JUL 18 2006  
DEVELOPMENT REVIEW

**MCP-Chairman**

**From:** McIntyre, Nise [Nise.McIntyre@marriott.com]  
**Sent:** July 12, 2006 10:44 AM  
**To:** MCP-Chairman  
**Subject:** SUSPECT: NO TO TIVOLI LAKE BOULEVARD EXTENSION

RECEIVED  
JUL 13 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Mr. Berlage,

I would like to voice my opinion that Tivoli Lake Blvd. not be extended.

Denise McIntyre  
2 Casino Court  
Silver Spring, MD 20906

✓ Added  
8/23/06

*Nise*  
IS Security Services  
Security Administrator  
Marriott International  
One Marriott Drive  
Washington, DC 20058  
240-632-6000  
Fax Number 1-301-644-7172

<https://extranet.marriott.com/sdm/RequestCenter/application.do>

This communication contains information from Marriott International, Inc., that may be confidential. Except for personal use by the intended recipient, or a expressly authorized by the sender, any person who receives this information is prohibited from disclosing, copying, distributing, and/or using it. If you have received this communication in error, please immediately delete it and all copies, and promptly notify the sender. Nothing in this communication is intended to operate as an electronic signature under applicable law.

RECEIVED  
JUL 18 2006  
DEVELOPMENT REVIEW

# COPY

## MCP-Chairman

**From:** lisoprn@aol.com  
**Sent:** July 12, 2006 9:30 AM  
**To:** MCP-Chairman  
**Subject:** Tivoli Lake Blvd

RECEIVED  
JUL 13 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Dear Sir,

I wish to comment on the proposed extension of Tivoli Lake Blvd. The extension of the road will subject our neighborhood to traffic cutting through on a continual basis particularly during the rush hours. I also feel that the road will negatively impact the environment as proposed by the environmental study that was undertaken by a independent consultant.

I look forward to the scheduled Park and Planning meeting on July 20th.

Lisa Sommer  
1563 Hugo Circle  
Silver Spring, Md. 20906

✓ Added  
8/23/06  
TSC

**Check out AOL.com today.** Breaking news, video search, pictures, email and IM. All on demand. Always Free.

RECEIVED  
JUL 18 2006  
DEVELOPMENT REVIEW

COOPY

*e-mailed  
8/23/06  
PSC*

**MCP-Chairman**

**From:** sringe4@aol.com  
**Sent:** July 12, 2006 8:53 AM  
**To:** MCP-Chairman  
**Subject:** Tivoli Lake Blvd. extension

RECEIVED  
JUL 13 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Gentle People:

My elderly mother and I have lived at 4 Tivoli Lake Court since we moved to the Washington area in 1991. We love the quiet community and the abundant green space. The one difficulty we have encountered is the poor sight line when turning from Tivoli Lake Court onto the Boulevard. It would be adequate, of course, if people observed the posted speed limits, but they don't. The projected extension of the Boulevard and the certain increase in both the number of vehicles and their speed is frightening. The quality of life--and the safety--of residents of Tivoli Lake Court will be seriously compromised if the extension is approved.

Sincerely,  
Sharon H. Ringe

Check out AOL.com today. Breaking news, video search, pictures, email and IM. All on demand. Always Free.

RECEIVED  
JUL 18 2006  
DEVELOPMENT REVIEW



COPY

MCP-Chairman

From: bonniegaywalker@juno.com  
Sent: July 12, 2006 8:23 AM  
To: MCP-Chairman  
Subject: Indian Springs Project

RECEIVED  
JUL 13 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Good Morning Mr. Berlage,

This email is being sent to express my strong recommendation to "stop the Tivoli Lake Boulevard extension." It will have a terrible impact on our community as well as the environment. It will also create an inordinate amount of "cut-through" traffic through our community and make it almost impossible for us to exit our street.

Another grave concern is the safety of the children in the community. With the amount of traffic that will occur, it will be very difficult for them as Tivoli Lake Boulevard is the main access road to go anywhere in our community.

Please consider the above and vote "no" for the extension.

Thank you for your time and consideration of this matter.

Respectfully yours,

Bonnie G. Walker  
1651 Nordic Hill Circle  
Silver Spring, MD 20906

✓ added  
8/23/06  
PSC

RECEIVED  
JUL 13 2006  
DE TO-... REVIEW

07/13/2006

COPY

MCP-Chairman

From: Angela M Bednarczyk [ambednarczyk@juno.com]  
Sent: July 11, 2006 10:14 PM  
To: MCP-Chairman  
Subject: Indian Springs Project

RECEIVED  
JUL 13 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Dear Chairman Berlage;

I purchased a townhouse in Tivoli last year, because it is a quiet, safe, park-like place for me to live, and one that my dog also enjoys. I knew when I bought my home that there was an issue about extending Tivoli Lake Boulevard into the new housing development that will sadly replace the Indian Springs Country Club. I am NOT in favor of this extension, for the following reasons:

- \*environmental impact on Bel Pre Creek and the area surrounding the creek - which is THE MAJOR CONCERN
- \*increased traffic into Tivoli - including a large number of "cut through" drivers wanting to get to Randolph Road
- \*along with the traffic, additional pollution in the community
- \*impact on the safety of our children waiting for buses on Tivoli Lake Boulevard, and people walking on that road
- \*possible impact on our overflow parking (we are unable to park on our streets, and guests must park on the boulevard)

Previous to moving to Tivoli, I lived for 30 years on Cedar Avenue in Takoma Park. This street leads down to the Takoma Metro station. After the metro station opened, we tried to control the "cut through" traffic that polluted our streets and made walking dangerous. We installed speed bumps and stop signs. At the end of our street, we had a "right turn only" intersection, to discourage people from turning left and going to the metro. NONE of these measures changed the traffic flow at all - as people continued to use our street, making an illegal turn on Eastern Avenue, and getting to the metro. Because of my previous experience in Takoma Park, I feel it is imperative that the Planning Board carefully consider the impact of the road extension - and what it will do to promote people using our roads as the "back way" to get to Randolph Road.

I would appreciate your careful consideration of the problems with extending Tivoli Lake Boulevard, and in doing so, that you encourage the Board to reject the proposal for the extension. Thank you very much.

Sincerely,

Angela M. Bednarczyk, Ph.D.  
1555 Hugo Circle  
Silver Spring, MD 20906  
(301) 942-3125

✓ Added  
8/23/06  
PSC

RECEIVED  
JUL 18 2006  
DEVELOPMENT REVIEW

# COPY

## MCP-Chairman

RECEIVED  
JUL 13 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

**From:** Marsha Mogowski [m.mogowski@conservation.org]  
**Sent:** July 12, 2006 7:35 AM  
**To:** MCP-Chairman  
**Subject:** Indian Spring development: Please Stop the Tivoli Lake Boulevard Extension

To: MNCPPC Park and Planning Board

From: Marsha Mogowski  
1647 Hugo Circle (Tivoli Community)  
Silver Spring, MD 20906

Date: July 12, 2006

RE: Indian Springs Development and Proposed Extension to Tivoli Lake Boulevard

As a member of the Tivoli Community, and as a registered voter and taxpayer in Montgomery County, I want to voice my strong opposition to the proposed extension of Tivoli Lake Boulevard from its current dead end in Tivoli through to the proposed new Indian Springs community.

This proposed road extension is unnecessary and would be very destructive to both the local environment and our community.

Tivoli is a wonderful oasis in the sea of development that is the greater metropolitan area. In 2001 I was looking for a home in the Silver Spring area and after I saw Tivoli for the first time, I never looked at another community -- I simply waited until the right home became available here. My townhouse is about one-half block from the site of the proposed extension, and my backyard backs up to the Indian Springs property. I will be personally impacted by any road extension -- I will see it, I will hear it, I will have to deal with the increased traffic coming and going from my home.

I oppose the extension of Tivoli Lake Boulevard on the following grounds:

1. At least two traffic studies say the road extension it is not necessary.
2. No matter how the road is constructed, with whatever traffic mitigation strategies, it will become a cut through from Randolph Road to Layhill Road. I understand that the Master Plan intends for the road extension NOT to be a cut through, but it will happen. Build it and they will come -- it is just what happens. And the increased traffic will profoundly change the quiet, safe-haven nature of our community.
3. Road construction would destroy a piece of woods and negatively impact Bel Pre Creek - on a piece of land that I understand is actually Montgomery County park land. I believe that Montgomery County has enacted some excellent environmental laws and policies in the years since the Master Plan was written, and these environmental policies speak more to current issues and conditions than the Master Plan. The environmental policies should override the Master Plan.
4. The traffic Master Plan provides guidelines, not set-in-stone requirements. Accordingly, current conditions and community preferences must override guidelines created nearly 20 years ago.

✓ Added  
8/23/06  
PSC

DEVELOPMENT REVIEW  
JUL 18 2006

Thank you for your consideration of these factors as you make decisions regarding this road extension. I respectfully urge that the extension NOT be mandated.

Marsha Mogowski

07/13/2006

**COPY**  
MCP-Chairman

**From:** Ehrlich, Roberta on behalf of MCP-CR  
**Sent:** July 18, 2006 11:03 AM  
**To:** MCP-Chairman  
**Subject:** FW: SUSPECT: Indian Spring Project

**RECEIVED**  
JUL 20 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

-----Original Message-----

**From:** dottywolf@comcast.net [mailto:dottywolf@comcast.net]  
**Sent:** Thursday, July 13, 2006 9:17 PM  
**To:** MCP-CR  
**Subject:** SUSPECT: Indian Spring Project

Dear Chairman Berlage,

As a fourteen year owner/resident at Tivoli, I am compelled to let you know that I am unequivocally opposed to the extension of Tivoli Lake Boulevard. Bifurcating Tivoli and adding much new traffic through our development will put children, elderly residents using walkers, canes and wheel chairs at risk, not to mention the immeasurable damage to the environment this plan will engender.

I sincerely hope that the Parks and Planning Committee will take this under consideration and preserve Tivoli as it is, a wonderful place to own a home.

Sincerely,  
Dorothy Wolf  
1453 Casino Circle  
Silver Spring, MD 20906  
301 949-9047

Added  
8/23/06  
PSC

COPY

*E-mailed*

**MCP-Chairman**

**From:** AngoraRabbits@aol.com  
**Sent:** July 23, 2006 12:00 AM  
**To:** MCP-Chairman  
**Subject:** Tivoli Lake Extension

RECEIVED  
JUL 24 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

To Mr. Derrick Berlage,

The purpose of this email is to express our opposition to the Tivoli Lake Blvd extension for all of the previous, detailed reasons that our residents have expressed at several Park and Planning meetings. Access can most certainly be gained from Layhill Rd. rather than making the Tivoli community a literal thoroughfare. We, as residents of Tivoli love the present, safe haven that Tivoli offers.... free of traffic congestion and all that a cut-through implies. We were originally attracted to the area, 7 years ago for that very reason.  
Tivoli Lake Residents:

Karen McNally  
David McNally  
Byron Diaz

COPY

Crampton, Pamela

From: Crampton, Pamela  
 Sent: Thursday, July 20, 2006 10:41 AM  
 To: 'BYarrington@aol.com'  
 Cc: Weaver, Richard  
 Subject: RE: (no subject)

✓ Already  
 Added  
 psc

*Mr. Yarrington:*

I received your e-mail w/your attachment and have: (1) forwarded a copy to Richard Weaver, the assigned planner; and (2) placed the original (e-mail attachment) in the file. For further information and/or questions, you may direct them to **Richard Weaver at (301) 495.4544**, or by way of this e-mail, by simply using "REPLY ALL" to this e-mail. This will ensure that the proper parties receive immediately all correspondence pertaining to the above referenced preliminary plan.

Thank you for your patience.

***Pamela Crampton***  
***Development Review Division***  
***Maryland-National Capital Park & Planning Commission***  
***301.495.4586***

-----Original Message-----

**From:** BYarrington@aol.com [mailto:BYarrington@aol.com]  
**Sent:** Wednesday, July 19, 2006 9:32 PM  
**To:** Crampton, Pamela  
**Subject:** (no subject)

Ms. Crampton:

Thank you for calling me back about my April 10 letter. As we discussed, I was not able to find a copy of it in the Staff Report for the MCPB work on the Indian Spring development decision-making. Please ensure that it makes it into the Indian Spring Staff Report.

After reviewing what the Staff Report had to say, I realized that the inclusion of my letter was especially important. The staff cites the local Master Plan, which has a statement that attempts to prevent "cut-throughs" in the development of Indian Spring. In my letter, I quantify how many intersections and driveways a driver cutting through Layhill View, as currently planned, would pass. This is not currently done by staff in its report or in any other comment letter.

Please enclose a copy of this email with my letter as it is circulated to staff and other decision-makers so that this is understood.

7/20/2006

Thanks for your help!

-B. Peter Yarrington



COPY

B. Peter Yarrington  
1809 Crystal Lane  
Silver Spring, MD 20906

Derick P. Berlage, Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Rose Krasnow, Division Chief  
Development Review Division  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Cathy Conlon, Supervisor  
Subdivision Section  
Development Review Division  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

April 10, 2006

Dear Chairman Berlage, Ms. Krasnow and Ms. Conlon:

I am writing you concerning the proposed development of the Indian Spring Country Club (ISCC) property by Winchester Homes. I live in the Layhill View subdivision adjacent to the property and the existing ISCC access road, and decisions regarding the development would directly affect me and my family.

When the Montgomery County Planning Board (MCPB) and its staff review any proposal for the development of the ISCC property, I respectfully request that the following three issues be considered.

**1. Compatibility.** Please ensure that traffic studies and planning accurately account for existing traffic and neighborhoods. My neighbors and I are very fortunate to have met with representatives of Winchester Homes and your staff, enabling us to better understand the development proposed for ISCC and the review process at MCPB. We understand that the proposal may include up to three access points: Tivoli Lake Boulevard, as designated by Wheaton's Master Plan; the existing ISCC access road, which is part of the ISCC property and connects to Layhill Road; and a possible attachment to Foggy Glen Drive, within our neighborhood. Tivoli Lake Boulevard was constructed in part to provide an access to the ISCC property, should it be developed. This road does not have any driveways directly connected to it, and, as its name implies, is a divided roadway intended to carry traffic. The ISCC access road is a connection that already exists and is in use. The use of both of these roads as access to a development at ISCC is compatible with the area Master Plan, and is compatible with local traffic.

However, any proposal to use tiny Foggy Glen Drive as a connection to the proposed 770-home ISCC development would be extremely incompatible with existing neighborhoods and traffic. If a resident of a development at ISCC were to use the route out of our neighborhood used by most of our existing neighborhood traffic, they would

have to first negotiate a tiny bottleneck at Foggy Glen Drive, Foggy Glen Court, and Wagon Way; then proceed through our neighborhood down Wagon Way to Middlevale Lane and continue to the stoplight at Layhill Road. Using this route, the driver would go past 10 intersections within our neighborhood, and pass many driveways (approximately 80). Our neighborhood road system already carries a full complement of cars; it is inconceivable that it was meant to convey any percentage of traffic from a 770-home development starting at one of its smallest, most-distant segments.

The views expressed in this letter are my own. However, please understand that the incompatibility of an access via Foggy Glen to any large development at ISCC is the largest reason for the rapid organization of Layhill View Community Association, its meetings with developers, your staff, the People's Counsel for Montgomery County, and its current work to hire land use professionals and legal representation.

**2. The InterCounty Connector.** It is my understanding that Winchester Homes did not include local traffic increases from the planned InterCounty Connector (ICC) and its intersection with Layhill Road in their traffic studies because the ICC has not yet been fully approved. If this is correct, and the ICC were to now be approved or significantly advanced before an ISCC development were to be approved, then a very significant problem would exist. Clearly, a sizeable development at the ISCC property cannot be reviewed with a traffic study that does not include the local traffic that would be generated by the ICC.

Please ensure that traffic resulting from an approval of the ICC is included in any traffic study you review as part of a proposal for the ISCC property. A failure to consider these two simultaneous impacts could seriously affect my neighborhood, and surrounding neighborhoods as well.

**3. Safety.** My request for consideration of the issues above is not just for the sake of our neighborhood's livability, but for safety as well. The addition to our neighborhood of even a small percentage of the traffic generated by the number of homes proposed for ISCC requires a significant safety analysis due to the drastic and immediate changes to the mix of traffic, driveways, pedestrians, and children it would produce. I believe any traffic studies used in the ISCC proposal need to fully address these issues: (1) the safety of drivers, pedestrians, and children in the Layhill View neighborhood; (2) that the intersection of Layhill and Bel Pre/Bonifant roads already has one of the highest accident rates in the county; and (3) the effects of the proposal on that and other critical intersections, both before and after interchanges to an ICC highway at Layhill Road.

Thank you for your consideration of these issues. Feel free to contact me using the address and telephone number at the top of this letter.

B. Peter Yarrington

COPY

**B. Peter Yarrington**  
1809 Crystal Lane  
Silver Spring, MD 20906

Derick P. Berlage, Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Rose Krasnow, Division Chief  
Development Review Division  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Cathy Conlon, Supervisor  
Subdivision Section  
Development Review Division  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

**April 10, 2006**

Dear Chairman Berlage, Ms. Krasnow and Ms. Conlon:

I am writing you concerning the proposed development of the Indian Spring Country Club (ISCC) property by Winchester Homes. I live in the Layhill View subdivision adjacent to the property and the existing ISCC access road, and decisions regarding the development would directly affect me and my family.

When the Montgomery County Planning Board (MCPB) and its staff review any proposal for the development of the ISCC property, I respectfully request that the following three issues be considered.

**1. Compatibility.** Please ensure that traffic studies and planning accurately account for existing traffic and neighborhoods. My neighbors and I are very fortunate to have met with representatives of Winchester Homes and your staff, enabling us to better understand the development proposed for ISCC and the review process at MCPB. We understand that the proposal may include up to three access points: Tivoli Lake Boulevard, as designated by Wheaton's Master Plan; the existing ISCC access road, which is part of the ISCC property and connects to Layhill Road; and a possible attachment to Foggy Glen Drive, within our neighborhood. Tivoli Lake Boulevard was constructed in part to provide an access to the ISCC property, should it be developed. This road does not have any driveways directly connected to it, and, as its name implies, is a divided roadway intended to carry traffic. The ISCC access road is a connection that already exists and is in use. The use of both of these roads as access to a development at ISCC is compatible with the area Master Plan, and is compatible with local traffic.

However, any proposal to use tiny Foggy Glen Drive as a connection to the proposed 770-home ISCC development would be extremely incompatible with existing neighborhoods and traffic. If a resident of a development at ISCC were to use the route out of our neighborhood used by most of our existing neighborhood traffic, they would

have to first negotiate a tiny bottleneck at Foggy Glen Drive, Foggy Glen Court, and Wagon Way; then proceed through our neighborhood down Wagon Way to Middlevale Lane and continue to the stoplight at Layhill Road. Using this route, the driver would go past 10 intersections within our neighborhood, and pass many driveways (approximately 80). Our neighborhood road system already carries a full complement of cars; it is inconceivable that it was meant to convey any percentage of traffic from a 770-home development starting at one of its smallest, most-distant segments.

The views expressed in this letter are my own. However, please understand that the incompatibility of an access via Foggy Glen to any large development at ISCC is the largest reason for the rapid organization of Layhill View Community Association, its meetings with developers, your staff, the People's Counsel for Montgomery County, and its current work to hire land use professionals and legal representation.

**2. The InterCounty Connector.** It is my understanding that Winchester Homes did not include local traffic increases from the planned InterCounty Connector (ICC) and its intersection with Layhill Road in their traffic studies because the ICC has not yet been fully approved. If this is correct, and the ICC were to now be approved or significantly advanced before an ISCC development were to be approved, then a very significant problem would exist. Clearly, a sizeable development at the ISCC property cannot be reviewed with a traffic study that does not include the local traffic that would be generated by the ICC.

Please ensure that traffic resulting from an approval of the ICC is included in any traffic study you review as part of a proposal for the ISCC property. A failure to consider these two simultaneous impacts could seriously affect my neighborhood, and surrounding neighborhoods as well.

**3. Safety.** My request for consideration of the issues above is not just for the sake of our neighborhood's livability, but for safety as well. The addition to our neighborhood of even a small percentage of the traffic generated by the number of homes proposed for ISCC requires a significant safety analysis due to the drastic and immediate changes to the mix of traffic, driveways, pedestrians, and children it would produce. I believe any traffic studies used in the ISCC proposal need to fully address these issues: (1) the safety of drivers, pedestrians, and children in the Layhill View neighborhood; (2) that the intersection of Layhill and Bel Pre/Bonifant roads already has one of the highest accident rates in the county; and (3) the effects of the proposal on that and other critical intersections, both before and after interchanges to an ICC highway at Layhill Road.

Thank you for your consideration of these issues. Feel free to contact me using the address and telephone number at the top of this letter.

B. Peter Yarrington

COPY

MCP-Chairman

**From:** robert pugh [rppugh@earthlink.net]  
**Sent:** July 13, 2006 1:53 PM  
**To:** MCP-Chairman  
**Subject:** Indian Springs Developmwnt project: Tivoli Lake Blvd. Extension

RECEIVED  
1044  
JUL 17 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

I am a homeowner in the Tivoli community, and enjoy a safe and quiet lifestyle here. This communication is extended to encourage your denial of the extension of Tivoli Lake Blvd. in your consideration of the Indian Springs requested development. To extend the Blvd. (it's really just a 2 lane street, with parking on both sides) would serve to not only provide for a "cut-through" from Bel-pre, Layhill Road and other roads to Randolph Road, but it would actually encourage it. One need only look at existing cut-through traffic on Glenallan, between Layhill Road and Randolph Road to project the considerable glut that would be expected. If a safety issue is proffered, then i ask that you consider the arguments that fire and emergengy response teams would NOT utilize a Tivol Lake Blvd. alternative because more direct routes will be used, regardless of a Tivoli alternative. The extension would substantially increase traffic through our neighborhood and create commensurate safety and noise polution problems. Please hear our plea ----- an extension is neither needed, nor wanted. It should not be extended just because it exists on the master plan--- a plan is just that, a plan, not a mandate for disruption of our quiet enjoyment of this peaceful neighborhood.

Thank you for your thoughtful consideration,

Robert P pugh  
55 Tivoli Lake Court  
Silver Spring

✓ Added  
8/23/06  
PSC

COPY

MCP-Chairman

**From:** LEB9001@aol.com  
**Sent:** July 13, 2006 2:13 PM  
**To:** MCP-Chairman  
**Subject:** Tivoli Lake Boulevard Extension

RECEIVED  
JUL 17 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Mr. Berlage:

We are appealing to you not to approve the Tivoli Lake Boulevard Extension. It will destroy our safe and peaceful neighborhood of 20 years and divide the community in half threatening the safety of our residents, both young and old.

I live at 1511 Hugo Circle, which is approximately 20 yards from Tivoli Lake Blvd.

Thank you for giving this your immediately consideration.

Lee Barge and Frances Barge

✓ Added  
8/23/06  
PSC



COPY

MCP-Chairman

RECEIVED  
JUL 17 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

**From:** cynthia borys [cyborys@hotmail.com]  
**Sent:** July 14, 2006 7:21 AM  
**To:** MCP-Chairman  
**Cc:** Rach3rd@aol.com; celestwiser@aol.com; mgertzman@netzero.net; marciaharrad@yahoo.com; BAPatrick@aol.com; patrick2657@comcast.net; gfrizzera@aol.com; grossert@mcc.gov; Marilyn\_roberts@comcast.net; m.mogowski@conservation.org; marilyn.roberts1@verizon.net  
**Subject:** Vote "No" to Tivoli Blvd Exension

DATE: July 14, 2006

TO: Mr. Derick Berlage

FROM: Cynthia Borys (Tivoli Resident)

Extending Tivoli Blvd will do nothing but divide the communities physically and destroy the quality of life for all who moved and invested in the area to have a safe environment. Please do not approve the recommendation to proceed with the extension of Tivoli Lake Blvd. There are other options that can meet a reasonable consensus among all concerned and that will not disrupt the quality of life for folks who have lived and invested in the area over the past 20 years and want to keep the community a safe and welcoming environment. Please take heed of the negative longterm impact on the environment and on people's lives, and refonsdier options. Surely the talent and technical know-how we have available to us can come up with other solutoins that meet the needs of the county without and bring people together--and not destroy communities that have added value to the county and are anchors for sane and managed growth.

The extension will destroy the safety and fabric of the neighborhood in Tivoli that has been built over the past 20 years, to say nothing of the divisiveness it will cause among the communitis and residents. There has to be a better way to address the traffic issues of the County without destroying and takin down the quality of the environment and the safety of its residents.

Families with children and seniors make up a great portion of the residents in Tivoli. Moving traffic through what has been a residential neighborhood will endanger children who play in the area and render movement difficult for seniors. The extension has already introduced divisiveness among adjoining neighborhoods that will have a longterm negative impact on all of us.

There are other options by which the quality and safety of life in Tivoli--and the environment--can be adopted to meet current growth of the Coutry. Disrupting people's lives and community harmony should not be one of them.

Cynthia Borys

1561 Hugo Circle, Silver Spring Md. 20906

301-933-6507

✓ Added  
8/23/06  
PSC

Cynthia Borys

cyborys@hotmail.com

COPY

MCP-Chairman

From: Katherine Heitzler [katianh@hotmail.com]  
Sent: July 15, 2006 12:02 PM  
To: MCP-Chairman  
Subject: TivoliLakeBoulevard\_extension

RECEIVED  
JUL 17 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Hello Mr Derick Berlage:

We Live at 1607 Hugo Circle and we strongly oppose  
TivoliLakeBoulevard\_extension. Thanks Katia&Jim Heitzler

✓ added  
8/23/06  
PSC



COPY

e-mailed  
8/23/06

**MCP-Chairman**

**From:** Richard Augustin [augustinrf@earthlink.net]  
**Sent:** July 15, 2006 2:44 PM  
**To:** MCP-Chairman  
**Subject:** Tivoli Lake B'lv Extension

RECEIVED  
JUL 17 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

I want to express my opposition to the proposed extension of Tivoil Lake Boulevard. I have attended several of the meetings in the past and plan to attend others if necessary. However, it shouldn't be necessary since the development's opposition has been made crystal clear before. I haave been a resident of Tivoli for twenty years and cherish the bucolic environment that continues to exist. Please don't destroy it!

Thank you,  
Florence Augustin

COM

MCP-Chairman

*e-mailed*

From: Success605@aol.com  
Sent: July 15, 2006 6:01 PM  
To: MCP-Chairman  
Cc: Success605@aol.com  
Subject: I am opposed to Extention of Tivoli Lake Boulevard

RECEIVED  
JUL 17 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Dear Mr. Berlage,

I am a concerned Montgomery County taxpayer and have lived and voted in the County since 1989. I am very upset at the "over development" and cutting down of trees in what was once a beautiful County. The Tivoli Lake Blvd. attempt to extend is the latest in such a sad trend.

Please consider the "little man" and oppose such an extension.

Thank you for your consideration in this most serious matter.

Sincerely,

Michele McCarthy

COPY

MCP-Chairman

---

From: melody vanhorn [mdv@boo.net]  
Sent: July 16, 2006 1:52 PM  
To: MCP-Chairman  
Subject: Tivoli Lake Blvd. extension

RECEIVED  
JUL 17 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Mr. Berlage,

I am a resident of the Tivoli development and have been since the inception. It is quite troubling to me that our neighborhood, which is a quiet, peaceful retreat for us who pay substantially for this environment, will be made into a general thoroughfare. I sincerely hope that you realize and acknowledge the Tivoli homeowners' vigorous opposition to this planned extension of Tivoli Lake Blvd. Thank you.

Melody D. VanHorn  
1706 Nordic Hill Circle  
Silver Spring, MD 20906  
301.933.0013

✓ Added  
8/23/06  
PSC

OPX e-mailed  
8/23/06  
MCP-Chairman

**From:** Hjmarpaung@aol.com  
**Sent:** August 04, 2006 2:04 PM  
**To:** MCP-Chairman  
**Subject:** Tivoli Lake Boulevard Extension

RECEIVED  
1127  
AUG 10 2006

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Dear Mr. Berlage:

As peace loving residents of Tivoli and for the sake of human safety and tranquility, my wife and I vehemently oppose the proposed extension of Tivoli Lake Boulevard.

Please vote in the negative. Thank you for your attention and assistance.

Sincerely,  
Henry J. Marpaung

08/10/2006