



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB

Item # _____

October 26, 2006



MEMORANDUM

DATE: September 28, 2006

TO: Montgomery County Planning Board

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

FROM: Dolores M. Kinney, Senior Planner (301) 495-1321 *DMK*
Development Review Division

REVIEW TYPE: Pre-preliminary Plan of Subdivision, Resubdivision of Existing Lot 20, and Part of Lot 16

APPLYING FOR: Two one-family detached residential lots

PROJECT NAME: Congressional Forest Estates

CASE #: 720060570

REVIEW BASIS: Chapter 50, including Sec. 50-29 (b)(2), Montgomery County Subdivision Regulations

ZONE: R-200

LOCATION: The Subject Property is located near the terminus of Aldershot Drive, approximately 560 feet south of the intersection with Beech Hill Drive.

MASTER PLAN: Potomac

APPLICANT: Scott Nash

ENGINEER: CAS Engineering

FILING DATE: May 11, 2006

HEARING DATE: October 26, 2006

STAFF RECOMMENDATION: Objection to submission of the preliminary plan

SITE DESCRIPTION:

Lot 20 and Part of Lot 16 ("Subject Property") is part of the Congressional Forest Estates Subdivision, which was approved in 1958. Surrounded by one-family detached residential properties, the Subject Property is located at the terminus of Aldershot Drive, approximately 560 feet south of the intersection with Beech Hill Drive (Attachment A). The Subject Property contains 0.97 acres and is zoned R-200. The property contains a dwelling, which will remain. Access to the site is currently directly from Aldershot Drive.

PROJECT DESCRIPTION:

The pre-preliminary plan proposes to create two (2) residential lots for the construction of two one-family detached dwellings, one of which exists (Attachment B). Vehicular access to the property will continue to be directly from Aldershot Drive. The property will be served by public water and sewer.

The subject preliminary plan is submitted pursuant to Section 50-33A of the Subdivision Regulations in which the applicant shall submit a concept plan concerning major aspects of the submission on which a decision of the Board is requested prior to preparation and submission of a preliminary plan. The Board shall act to approve or disapprove, or approve the concept plan subject to such conditions or modifications as the Board finds necessary. The application for a preliminary plan shall be filed within ninety (90) days following the action of the board on the pre-preliminary plan. In this instance, the Applicant requests a Board decision on whether the proposed resubdivision meets the Section 50-29(b)(2) requirements.

DISCUSSION OF ISSUES

Master Plan Compliance

The Potomac Master Plan did not specifically address the Subject Property but highlighted parcels recommended for changes in use and/or density. The master plan supports the retention and reconfirmation of existing zoning for all developed, underdeveloped, and undeveloped land in the subregion, except for those sites recommended for change. The Subject Property is not identified for change in use or density. The proposed preliminary plan is consistent with the master plan because it retains the one-family detached zoning.

Conformance with Section 50-29(b)(2)

A. Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that the proposed lot complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

B. Neighborhood Delineation

In administering the Resubdivision section, the Planning Board must determine the appropriate "Neighborhood" for evaluating the application. The Applicant and Staff do not agree on the neighborhood delineation.

Applicant's Neighborhood

The Applicant has proposed a neighborhood of 42 lots for analysis purposes. The Applicant's neighborhood includes properties which extend south from Bradley Boulevard along Aldershot Drive, MacDonald Road, Beech Hill and North Branch Drive (Attachment C, Applicant's Neighborhood). Staff is of the opinion that the applicant's neighborhood delineation is inappropriate for the purpose of the proposed resubdivision for the following reasons:

- a.) Properties fronting on North Branch do not have frontage or access along the gateway streets, which lead into the neighborhood. The gateway streets are Beech Hill Drive and Aldershot Drive. The same is true for the lots on the east side of Macdonald Drive.
- b.) The lots and dwellings along North Branch Drive create a clustered community within itself because of the orientation of the lots, the number of irregularly shaped lots and the location of the dwellings on the lots.
- c.) The properties along North Branch are clustered in orientation and not comparable to the character of the lots fronting on Aldershot Drive, Macdonald Drive and Beech Hill Drive.

Staff's Neighborhood

Staff's recommended neighborhood includes 32 lots and excludes properties fronting on North Branch Drive and on the east side of MacDonald Road (Attachment C-1). A tabular summary of lot data for both neighborhoods is also attached (Attachments D and D-1).

C. Analysis

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, Staff applied the resubdivision criteria to the Staff's delineated neighborhood ("Neighborhood"). Based on the analysis, Staff finds that the proposed resubdivision would not be of the same character as the existing lots in the Neighborhood. As set forth below, the attached tabular summary and graphical documentation support this conclusion:

Frontage: In a Neighborhood of 32 lots, lot frontages range from 50 feet to 244 feet. All but one lot have frontages greater than 100 feet, with most being greater than 150 feet. The one lot with less than 100 feet of frontage is an unusual configuration at an atypical termination for a public road. This termination, a stub street rather than a cul-de-sac, may have been designed to protect environmental features. The proposed Lot 23 has a lot frontage of 143 feet and Lot 24 has frontage of 71 feet. The proposed Lot 23 will be consistent in character with other lots in the neighborhood, but Lot 71 will be one (1) of two (2) lots with the smallest frontage. **Therefore, Lot 71 will not be of the same character as other lots in the neighborhood.**

Area: In a neighborhood of 32 lots, lot areas range from 2,485 square feet to 74,475 square feet square feet in area. The proposed Lot 23 has an area of 10,392 and Lot 24 has an area of 7,448 square feet. **The proposed lots will be consistent in character with the existing lots in the neighborhood with respect to area.**

Lot Size: The lot sizes in the delineated Neighborhood range from 15,000 square feet to 100,349 square feet with 65% of the lots between 20,000 to 29,000 square feet. The proposed Lot 23 has a lot size of 22,025 square feet and Lot 24 has a lot size of 20,424 square feet. Although the two proposed lots would be the smallest in the block in which they are located (Block D), the lot sizes of the proposed lots will be of the same character as the existing lots in the Neighborhood.

Lot Width: The lot widths at the front building restriction line in the existing Neighborhood range from 100 feet to 265 feet. The proposed Lot 23, because of the location of the existing house, will have a lot width of 125 feet and Lot 24 will have a lot width of 115 feet. The proposed resubdivision will be of the same character as the other lots in the overall neighborhood but the smallest in size within Block D.

Shape: Seven of the existing lots in the neighborhood are corner lots. Three are rectangular and four are radial lots. The remaining lots are irregular in shape. Although there are other irregular lots in the Neighborhood, the geometric configuration of the lot lines are unlike the existing lots in the neighborhood and will not be consistent in character with the neighborhood.

Alignment: There are seven (7) corner lots in the neighborhood and the remainder are perpendicular lots. **The proposed lots are also perpendicular lots and will be of the same character as the other existing perpendicular lots in the neighborhood.**

Residential Use: The existing lots and the proposed lots are residential in use.

Citizen Correspondence and Issues

This plan submittal pre-dated new requirements for a pre-submission meeting with neighboring residents, however, written notice was given by the applicant and staff of the plan submittal and the public hearing date. As of the date of this report, two (2) citizen letters have been received. A copy of the letters and Staff's response is attached.

The letter from Arthur Downey expresses his concern pertaining to the location of the proposed dwelling on Lot 24. He believes that the proposed house location will have a negative impact on large trees.

Provided that the properties meet the setback requirements of the Zoning Regulations, Chapter 50 does not regulate house location nor is house location evaluated as one of the resubdivision criteria. Furthermore, tree protection is subject to evaluation at the preliminary plan stage.

Another letter was received from Mr. Paul Baribeau who expressed the same concerns pertaining to house location and tree loss. Both Mr. Baribeau and Mr. Downey were advised that tree protection would be considered at preliminary plan. In addition, Mr. Baribeau believes that the proposed development will also result in a significantly higher amount of run-off.

As stated in Staff's attached response letter, water run-off is reviewed in the context of the storm water management concept and subject to the preliminary plan review.

CONCLUSION

Staff's evaluation indicates that the indentation of the lot lines for both of the proposed lots is unlike any others in Staff's recommended Neighborhood and creates lot shapes which are not of the same character as the existing lots. Additionally, Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. As set forth above, the two proposed lots are not of the same character as the existing lots in Staff's recommended neighborhood with respect to shape. Furthermore, the proposed Lot 24 will be one (1) of two (2) lots with the least frontage. Therefore, the proposed resubdivision does not comply with Section 50-29(b)(2) of the Subdivision Regulations. As such, Staff objects to the submission of the preliminary plan.

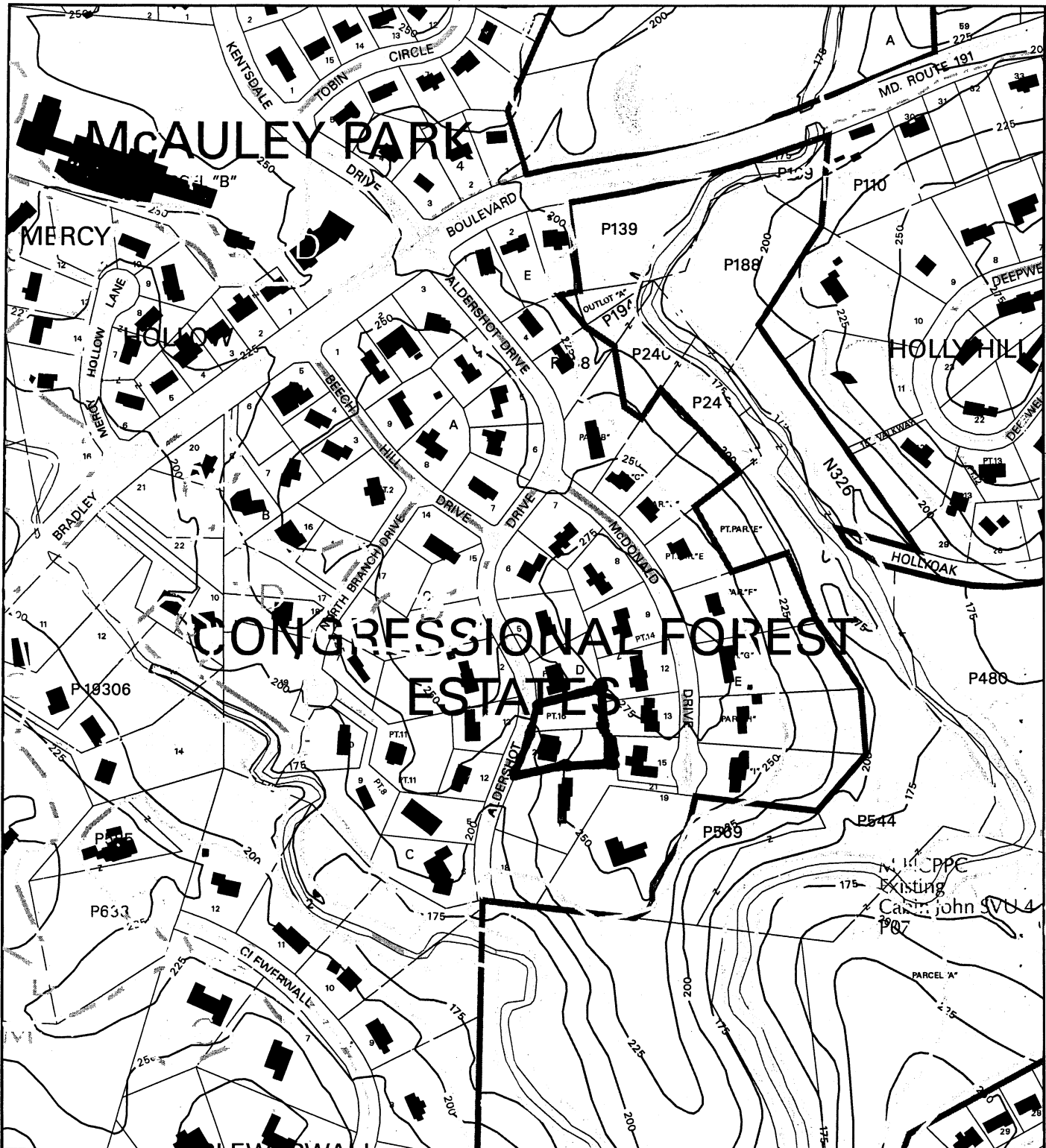
Attachments

Attachment A	Vicinity Development Map
Attachment B	Proposed Development Plan
Attachment C	Applicant's Neighborhood
Attachment C-1	Staff's Neighborhood
Attachment D	Applicant's Neighborhood Tabular Summary
Attachment D-1	Staff's Neighborhood Tabular Summary

Attachment E
Attachment F

Applicant's 50-33A Request
Citizen Letter and Staff's Response

CONGRESSIONAL FOREST ESTATE (720060570)



Map compiled on October 12, 2006 at 8:32 AM | Site located on base sheet no - 211NW08

NOTICE

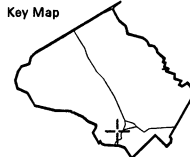
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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

Key Map



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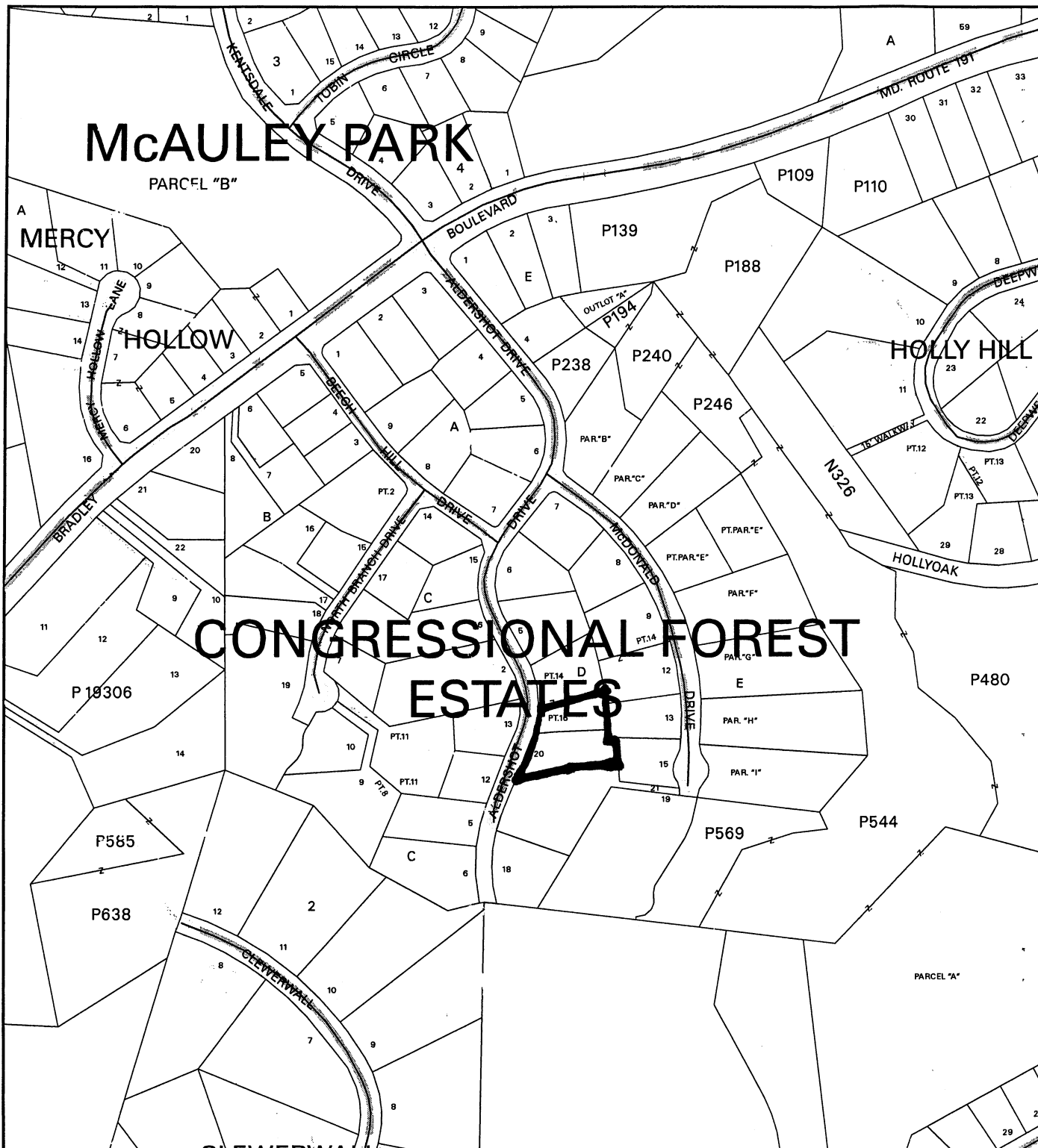


Research & Technology Center

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1 inch = 400 feet
1:4800

CONGRESSIONAL FOREST ESTATE (720060570)



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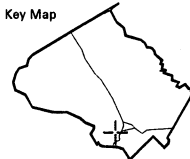
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Key Map



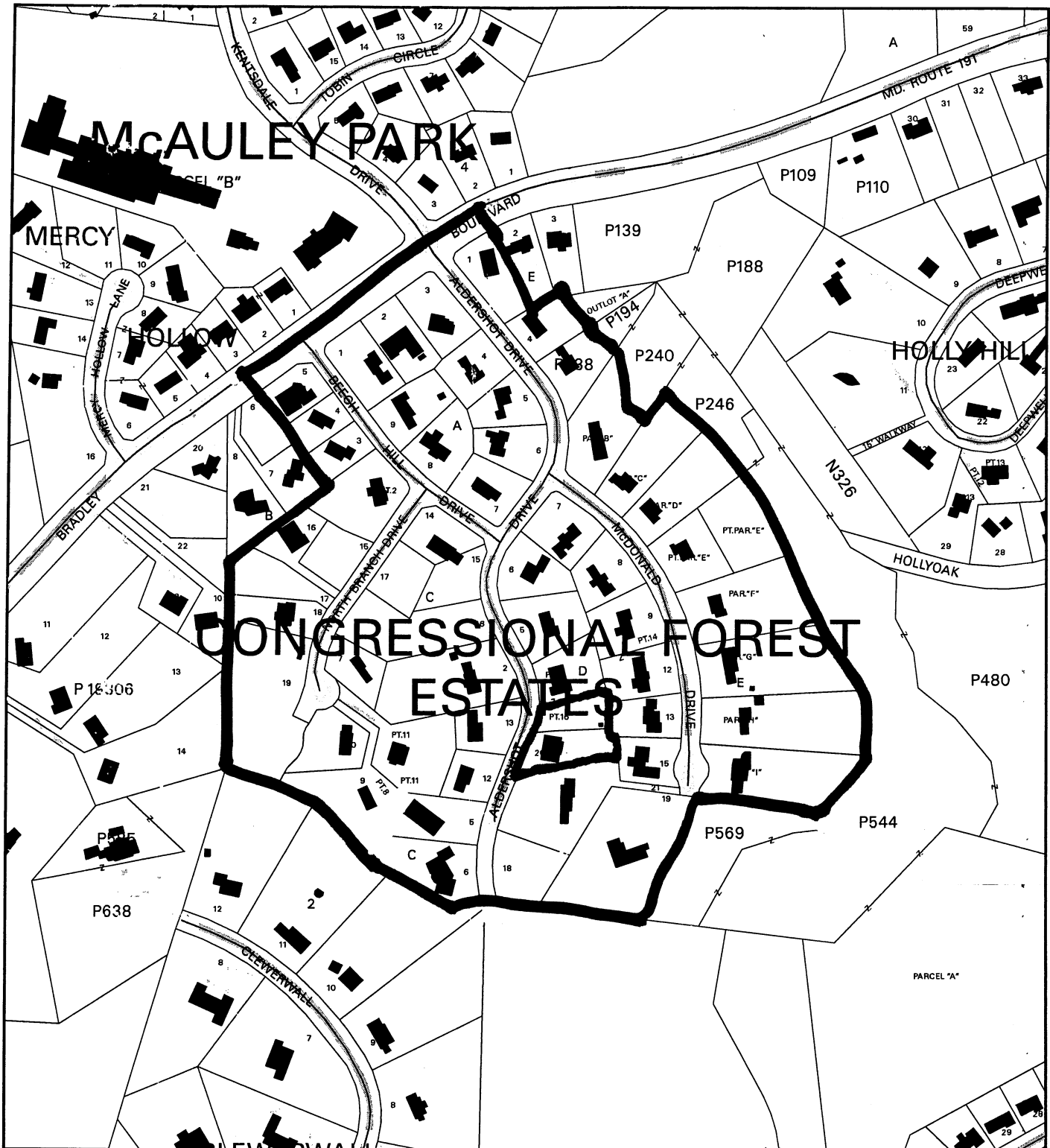
Research & Technology Center

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1 inch = 400 feet
1 : 4800

APPLICANT'S NEIGHBORHOOD MAP CONGRESSIONAL FOREST ESTATE (720060570)

ATTACHMENT C



Map compiled on October 12, 2006 at 8:38 AM | Site located on base sheet no - 211NW08

NOTICE

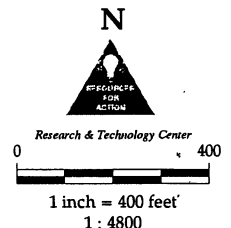
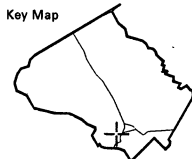
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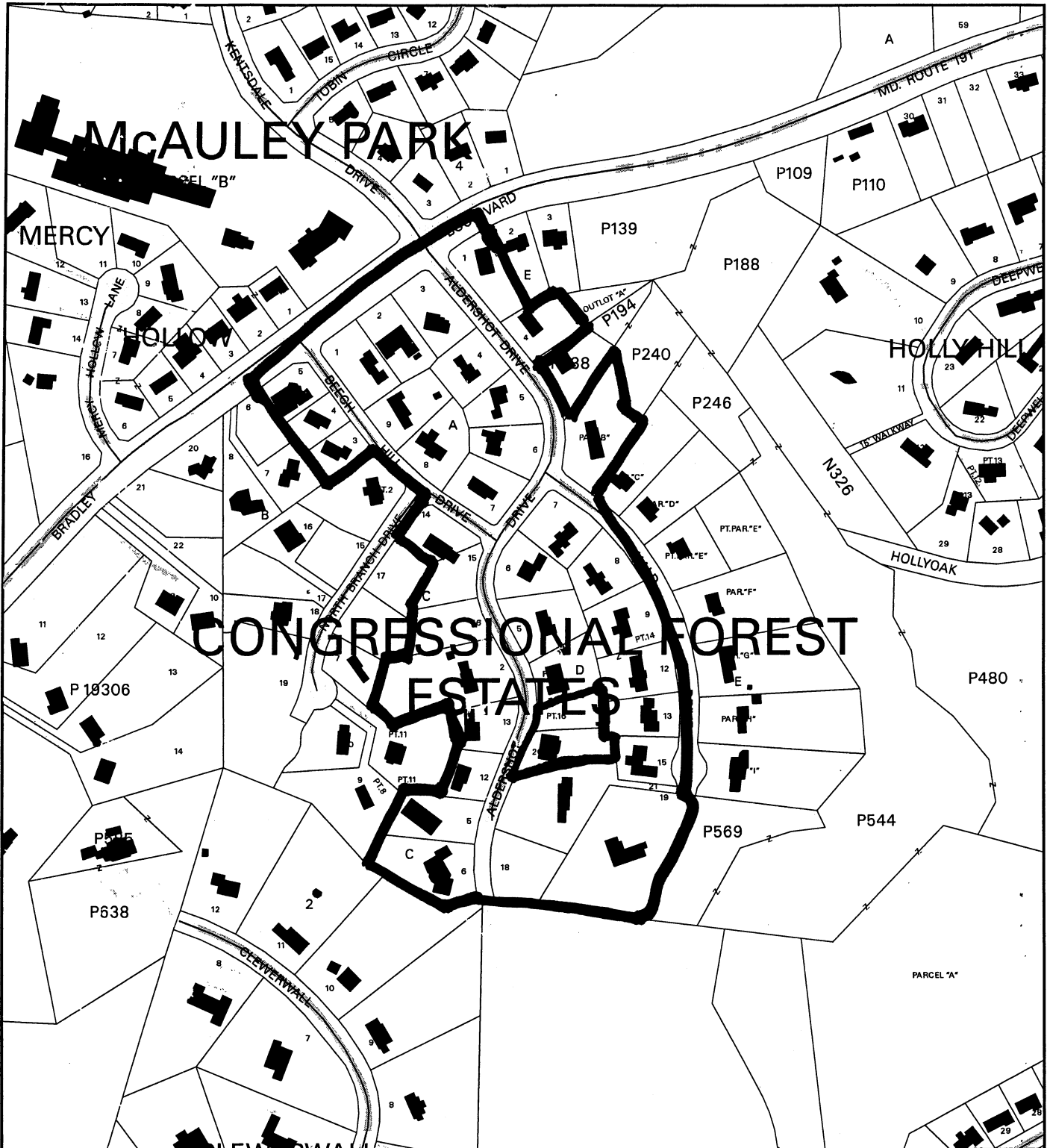
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Key Map



CONGRESSIONAL FOREST ESTATE (720060570)



Map compiled on October 12, 2000 at 8:38 AM | Site located on base sheet no - 211NW08

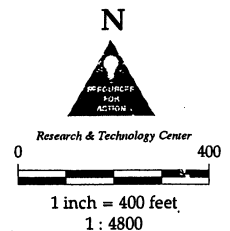
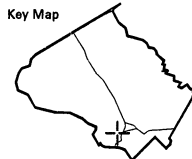
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Key Map



Applicant's Recommended Neighborhood Congressional Forest							
Lot #	Block	Frontage	Alignment	Size	Shape	Width	Buildable Area
	B	25	Perpendicular	24,427	Pipestem	11	11,945
9	C	26	Perpendicular	52,351	Pipestem	172	19,177
17	B	41	Perpendicular	29,686	Irregular	90	5,577
19	D	50	Perpendicular	100,349	Irregular	162	74,475
10	C	92	Perpendicular	2,716	Irregular	160	13,405
18	B	94	Perpendicular	22,517	Irregular	86	6,458
3	B	100	Perpendicular	15,014	Rectangular	100	7,227
4	B	100	Perpendicular	15,000	Rectangular	100	7,176
2	A	121	Perpendicular	27,126	Irregular	121	15,201
16	C	123	Perpendicular	50,669	Irregular	120	11,185
5	C	124	Perpendicular	30,311	Rectangular	127	17,519
7	C	124	Perpendicular	23,002	Irregular	135	9,438
12	D	135	Perpendicular	24,443	Irregular	128	14,230
12	C	142	Perpendicular	20,277	Irregular	147	2,485
4	E	142	Perpendicular	23,363	Irregular	126	11,546
9	A	147	Perpendicular	28,357	Irregular	131	15,776
4	A	150	Perpendicular	27,750	Irregular	152	8,669
5	B	150	Corner	17,677	Corner	150	6,320
15	D	151	Perpendicular	22,146	Irregular	137	9,702
21	D	157	Perpendicular	59,042	Irregular	265	36,333
15	C	158	Perpendicular	21,396	Irregular	147	9,118
6	C	159	Perpendicular	42,558	Irregular	148	27,474
14	C	163	Corner	21,683	Corner	137	7,452
17	C	164	Perpendicular	21,745	Irregular	164	8,667
9	D	164	Perpendicular	29,436	Irregular	145	17,399
15	B	165	Perpendicular	21,406	Irregular	150	8,989
6	A	169	Perpendicular	26,336	Radial	115	10,069
8	A	169	Perpendicular	28,150	Irregular	166	15,023
13	C	169	Perpendicular	21,497	Radial	129	4,637
7	A	180	Corner	28,000	Corner	194	6,036
5	A	182	Perpendicular	24,674	Radial	117	5,003
7	D	182	Corner	28,761	Corner	164	8,504
2	C	184	Perpendicular	63,094	Irregular	174	46,782
8	D	197	Perpendicular	29,497	Irregular	168	13,094
5	D	202	Perpendicular	32,412	Irregular	170	17,887
18	D	206	Perpendicular	30,453	Irregular	186	16,070
6	D	216	Perpendicular	28,953	Radial	134	13,997
3	A	218	Corner	30,852	Corner	132	9,423
1	A	220	Corner	29,174	Corner	134	9,526
1	E	244	Corner	28,479	Corner	246	8,674
19	B	295	Perpendicular	88,163	Irregular	91	5,833
13	D	1125	Perpendicular	22,744	Irregular	113	11,579
Proposed Lots							
23	D	143	Perpendicular	22,025	Irregular	125	10,392
24	D	71	Perpendicular	20,424	Irregular	115	7,448

Staff's Recommended Neighborhood Congressional Forest							
Lot #	Block	Frontage	Alignment	Size	Shape	Width	Buildable Area
5	A	182	Perpendicular	24,674	Radial	117	5,003
6	A	169	Perpendicular	26,336	Radial	115	10,069
2	A	121	Perpendicular	27,126	Irregular	121	15,201
4	A	150	Perpendicular	27,750	Irregular	152	8,669
7	A	180	Corner	28,000	Corner	194	6,036
8	A	169	Perpendicular	28,150	Irregular	166	15,023
9	A	147	Perpendicular	28,357	Irregular	131	15,776
1	A	220	Corner	29,174	Corner	134	9,526
3	A	218	Corner	30,852	Corner	132	9,423
4	B	100	Perpendicular	15,000	Rectangular	100	7,176
3	B	100	Perpendicular	15,014	Rectangular	100	7,227
5	B	150	Corner	17,677	Corner	150	6,320
12	C	142	Perpendicular	20,277	Irregular	147	2,485
15	C	158	Perpendicular	21,396	Irregular	147	9,118
13	C	169	Perpendicular	21,497	Radial	129	4,637
14	C	163	Corner	21,683	Corner	137	7,452
5	C	124	Perpendicular	30,311	Rectangular	127	17,519
6	C	159	Perpendicular	42,558	Irregular	148	27,474
2	C	184	Perpendicular	63,094	Irregular	174	46,782
15	D	151	Perpendicular	22,146	Irregular	137	9,702
13	D	125	Perpendicular	22,744	Irregular	113	11,579
12	D	135	Perpendicular	24,443	Irregular	128	14,230
7	D	182	Corner	28,761	Corner	164	8,504
6	D	216	Perpendicular	28,953	Radial	134	13,997
9	D	164	Perpendicular	29,436	Irregular	145	17,399
8	D	197	Perpendicular	29,497	Irregular	168	13,094
18	D	206	Perpendicular	30,453	Irregular	186	16,070
5	D	202	Perpendicular	32,412	Irregular	170	17,887
21	D	157	Perpendicular	59,042	Irregular	265	36,333
19	D	50	Perpendicular	100,349	Irregular	162	74,475
4	E	142	Perpendicular	23,363	Irregular	126	11,546
1	E	244	Corner	28,479	Corner	246	8,674
Proposed Lots							
23	D	143	Perpendicular	22,025	Irregular	125	10,392
24	D	71	Perpendicular	20,424	Irregular	115	7,448



ENGINEERING

A Division of CAS Enterprises, Inc.

ATTACHMENT E

civil engineering • surveying • land planning

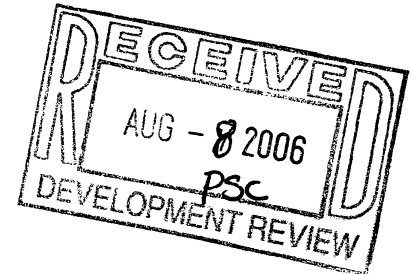
108 West Ridgeville Boulevard, Suite 101 • Mount Airy, Maryland 21771
phone 301/607-8031 • fax 301/607-8045 • www.casengineering.com

7th psc
August 8, 2006

The M-NCP&PC
Subdivision Development Section
8787 Georgia Avenue, 2nd Floor
Silver Spring, MD 20910

Attn: Ms. Cathy Conlon

Re: **File 720060570**
9109 & 9113 Aldershot Drive
Proposed Lots 23 & 24, Block D
Congressional Forest Estates



Dear Cathy:

Pursuant to our conversation, please find attached the revised Pre-Application Plan (8 copies), Neighborhood Map (2 copies), and Lot Data Tables (2 copies). Although, owner does not plan to remove the existing house (on Lot 23), you had expressed concern with regard to the location of a new house, should the subject house be removed. Based on current Established Building Line criteria, the front building restriction line for the Proposed Lot 23 is 40' (the minimum for the zone). As a result, a new house could be constructed in the same location as the existing house. Please keep in mind that this is very unlikely as the existing house was newly constructed in 1997.

The Neighborhood Map has also been revised to include the lots to the east of McDonald Drive. Although they are termed parcels, each was recorded by plat. The Lot Data Tables have also been revised. We believe that the proposed subdivision meets the requirements of Section 50-29(b)(2), where lots shall be of the same character as to street frontage, alignment, size, shape, width, area, and suitability for residential development. No new "lows" or "highs" with respect to these criteria and within this neighborhood are being proposed. The subdivision also maintains the existing house and does not create a non-conforming situation.

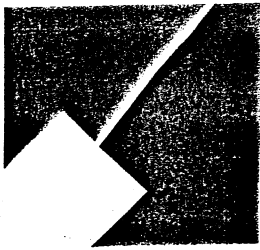
We ask that you please schedule this project for a Planning Board Hearing in accordance with Section 50-33A(3). We specifically ask that the Board render a decision on Section 50-29 only. If you have any questions or need any additional information please do not hesitate to call.

Sincerely,

Jeffrey A. Robertson
Project Manager

cc: M. Hutt
S. Nash

CITIZEN CORRESPONDENCE



July 26, 2006

Mr. Arthur T. Downey
9119 Aldershot Drive
Bethesda, MD 20817

RE: Congressional Forest Estates
Pre-preliminary Plan # 720060570

Dear Mr. Downey:

The referenced pre-preliminary plan is currently under review by the staff of the Maryland National Capital Park and Planning Commission (MNCPPC). The property subject to the plan review is located on the east side of Aldershot Drive, approximately 560 feet south of the intersection with Beech Hill Drive.

Staff is in receipt of your letter to Catherine Conlon dated May 16, 2006 and acknowledges your concerns. Please note that tree preservation issues are reviewed under the forest conservation regulations and subject to the preliminary plan review. The preliminary plan may be submitted for review only if the Board agrees with the lot configuration as submitted with the pre-preliminary. At the present time, the pre-preliminary plan review continues and as of the date of this letter, a Planning Board hearing date has not been scheduled. You are a party of record and will be notified of the date of the hearing.

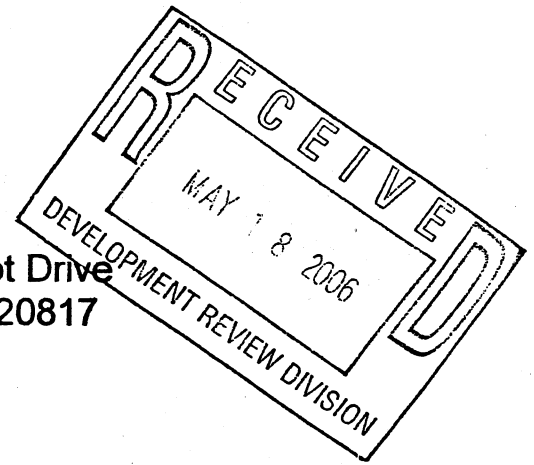
Should you have questions or need further assistance, please do not hesitate contact me at (301) 495-1321.

Sincerely,

Dolores Kinney, Senior Planner
Development Review Division

cc: Catherine Conlon, Supervisor, Development Review - MNCPPC
Steve Federline, Supervisor, Environmental Planning - MNCPPC
Eric Tidd, CAS Engineering

9119 Aldershot Drive
Bethesda Md 20817
May 16, 2006



M-NCP&PC
Subdivision Office,
Development Review Division
8787 Georgia Avenue
Silver Spring, Md 20910

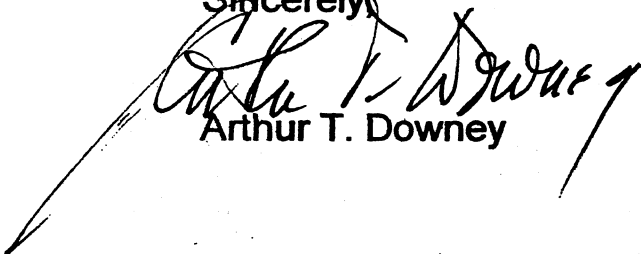
Re: File # 7-20060570

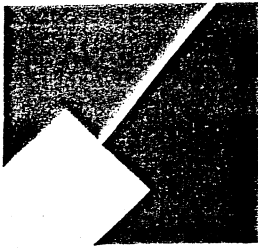
Dear Sir/Madam:

Cas Engineering provided us with a copy of the concept plan that was filed with the Montgomery County Planning Board, and invited us to submit to you any written comments.

We have no comments on the proposed Lots. However, we object to the location of the proposed house on proposed Lot 24. We recognize that the proposed house shown on the plan is for "conceptual" purposes only. Nevertheless, in our view, the house should be located further to the South and East. Its proposed location will be destructive of large trees, including the root system of trees on our adjacent Lot 14. If the proposed house were positioned even ten feet to the South and to the North, there would be significantly less damage to those trees.

Sincerely,


Arthur T. Downey



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

July 26, 2006

Mr. Paul D. Baribeau
9112 Aldershot Drive
Bethesda, MD 20817RE: Congressional Forest Estates
Pre-preliminary Plan # 720060570

Dear Mr. Baribeau:

The referenced pre-preliminary plan is currently under review by the staff of the Maryland National Capital Park and Planning Commission (MNCPPC). The property subject to the plan review is located on the east side of Aldershot Drive, approximately 560 feet south of the intersection with Beech Hill Drive.

Staff is in receipt of your letter to Catherine Conlon dated June 13, 2006 and acknowledges your concerns. Staff also has concerns with the pre-preliminary as submitted. Information pertaining to water run-off and tree save has not been submitted with the pre-preliminary plan. Please note that water run-off is reviewed in the context of the storm water management concept. Tree preservation issues are reviewed under the forest conservation regulations. Both the storm water management concept and the forest conservation guidelines will be subject to preliminary plan review. The preliminary plan may be submitted for review only if the Board agrees with the lot configuration as submitted with the pre-preliminary. At the present time, the pre-preliminary plan review continues and as of the date of this letter, a Planning Board hearing date has not been scheduled. You are a party of record and will be notified of the date of the hearing.

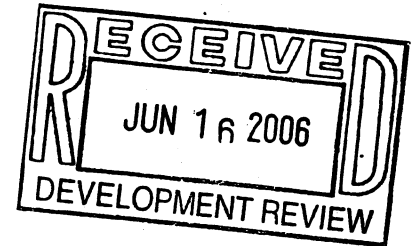
Should you have questions or need further assistance, please do not hesitate contact me at (301) 495-1321.

Sincerely,

Dolores Kinney, Senior Planner
Development Review Divisioncc: Catherine Conlon, Supervisor, Development Review - MNCPPC
William Campbell, Department of Permitting Services
Steve Federline, Supervisor, Environmental Planning - MNCPPC
Eric Tidd, CAS Engineering

June 13, 2006

Ms. Catherine Conlon
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenues
Silver Spring, MD 20910



Ref: file No. 7-20060570

Dear Ms. Conlon,

In response to the notice of application for the creation of two proposed lots, which I only became aware of this past week, I have the following concerns:

- The proposed house is too close to the adjacent houses, which is not consistent with house spacing in the neighborhood at large;
- The development as shown would result in the loss of a many old growth trees;
- Development would very likely result in higher than average run-off and potential water drainage problems. The lot is on a steep hill, and its additional development would result in the loss of a substantial amount of natural absorption capacity;
- A substantial part of the land proposed for development was never intended for development. It was formerly part of the adjacent lot, until it was sold to the current owners.

In my view, the lot should not be subdivided and should remain as a single entity, which conforms to its original conception.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul D. Baribeau". The signature is fluid and cursive, with the first name "Paul" and last name "Baribeau" clearly distinguishable.

Paul D. Baribeau
9112 Aldershot Drive
Bethesda, MD 20817