



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item No.
1-3-08

December 20, 2007

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning

FROM: Cherian Eapen, Planner/Coordinator *CE*
Transportation Planning
301-495-4525

SUBJECT: Abandonment Request No. AB-687
Request to abandon approximately 150 feet of unimproved Willington Drive, with a
right-of-way width of 120 feet; right-of-way adjacent to Northwest Branch,
between Lots 6 and 7, Blocks 3 and 4 of Rocky Brook Park Subdivision
West side of New Hampshire Avenue, Silver Spring
White Oak Master Plan; Fairland/White Oak Policy Area

RECOMMENDATION

Staff recommends that the Planning Board approve transmittal of a recommendation of denial for the subject abandonment request to Montgomery County Department of Public Works and Transportation (DPWT) due to the following reasons:

1. The subject right-of-way currently functions as a means of public access to the Northwest Branch Stream Valley Park, connecting to an unpaved trail within the Park, for residents along and adjacent to the built section of Willington Drive and the neighboring community. There is an informal pedestrian path within the right-of-way that connects the built portion of Willington Drive with the Northwest Branch trail. Staff believes that approval of the subject abandonment request could not only reduce, but also complicate, current and future non-vehicular access options to the Park as well as future vehicular access options to several of the undeveloped, but recorded lots along the unimproved section of Willington Drive.

2. A tributary of the Northwest Branch flows within the unimproved right-of-way of Willington Drive. The stream is perennial and is within a Use IV watershed. The right-of-way also contains a high priority riparian forest that is contiguous to the Northwest Branch Stream Valley Park. Approval of the abandonment request could result in future environmental impacts to the stream, fragmenting of the riparian forest, and land disturbing activities within the stream buffer.

DISCUSSION

This memorandum presents staff's review of the subject request to abandon approximately 150 feet of unimproved Willington Drive right-of-way between Lots 6 and 7, Blocks 3 and 4 of Rocky Brook Park Subdivision, within the White Oak Master Plan area and the Fairland/White Oak Policy Area in an RE-1 zone. The section of Willington Drive right-of-way being requested for abandonment represents the terminal 150 feet of Willington Drive that is adjacent the Northwest Branch Stream Valley Park owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC). The abandonment is being requested by Mr. and Mrs. Carey E. Hoobler ("Applicant") residing at 9 Warrenton Drive.

The purpose of this review is to present the Planning Board with staff recommendations on the requested abandonment and to request Planning Board approval to transmit these recommendations to DPWT for a Public Hearing to be held by the County Executive's office on Monday, January 7, 2008.

EXISTING CONDITIONS

Willington Drive is a residential street that extends southwest from Sherbrook Drive to the Northwest Branch, and has a varying right-of-way width of 80-120 feet. The Willington Drive right-of-way was established over a period of five years between 1940 and 1945 through the subdivision process.

The section of Willington Drive between 300-301 Willington Drive and Tanley Road/Gordon Road is currently the only improved section of the roadway, which has a 14-foot wide pavement that is in average to poor condition. Access for Willington Drive residents to New Hampshire Avenue (MD 650) is via Tanley Road. Willington Drive sections to the west of 300-301 Willington Drive to Northwest Branch and to the north of Tanley Road to Sherbrook Drive are not built. There is an informal pedestrian path within the western unimproved right-of-way that connects the improved section of Willington Drive to the Northwest Branch Stream Valley Park.

A street network map for the area near Willington Drive is presented as Attachment 1.

Per Section 49-62 of the Montgomery County Code, the County Council, through a resolution, may abandon the right to use any right-of-way that has been in public use at any time. The subject right-of-way abandonment request comes under the review of the County Council since the right-of-way is currently in public use, accommodating a pedestrian/hiker path and a WSSC line. The

comments from public agencies including M-NCPPC, and hold a public hearing on the abandonment request before forwarding a recommendation on the proposed abandonment to the County Council.

The Applicant currently owns lots on either side of the section of Willington Drive being requested for abandonment, and has indicated (per letter dated August 6, 2007; see Attachment No. 2) that the purpose of the abandonment is to incorporate the right-of-way into their existing property to create adequate acreage to permit the Applicant keep a horse and a pony on the property. The Applicant has also indicated in the letter that if the right-of-way abandonment request is approved, they will create easements on the property to provide for the continued pedestrian/hiker access to/from Northwest Branch Park through the property from/to the Willington Drive right-of-way, and for WSSC.

FINDINGS

Staff notes that the subject right-of-way will not support a paved roadway that will serve any present or anticipated future vehicular access and/or circulation needs of the undeveloped recorded lots along the unimproved section of Willington Drive or the immediate residential neighborhood, which has generally remained in its original platted form for over 60 years. However, staff recommends that the Planning Board support a recommendation of denial for the subject abandonment request for Willington Drive because of community and environmental impacts.

The above finding/recommendation is based on the overall staff assessment that the abandonment of the subject right-of-way could:

1. Reduce and complicate current and future non-vehicular access options to the Northwest Branch Stream Valley Park as well as vehicular access options to several of the undeveloped recorded lots along the unimproved section of Willington Drive, and
2. Result in future environmental impacts to a tributary of the Northwest Branch (a perennial stream that flows within the unimproved right-of-way of Willington Drive), fragmentation of the high priority riparian forest that is within the right-of-way into multiple private ownerships, and land disturbing activities within the stream buffer/Use IV watershed. We are not aware of any land disturbing activities currently proposed by the applicant. However, the return of this right-of-way to private control increases the likelihood that small amounts of unregulated, but legal, land disturbance will adversely affect the environmental resources in the stream valley.

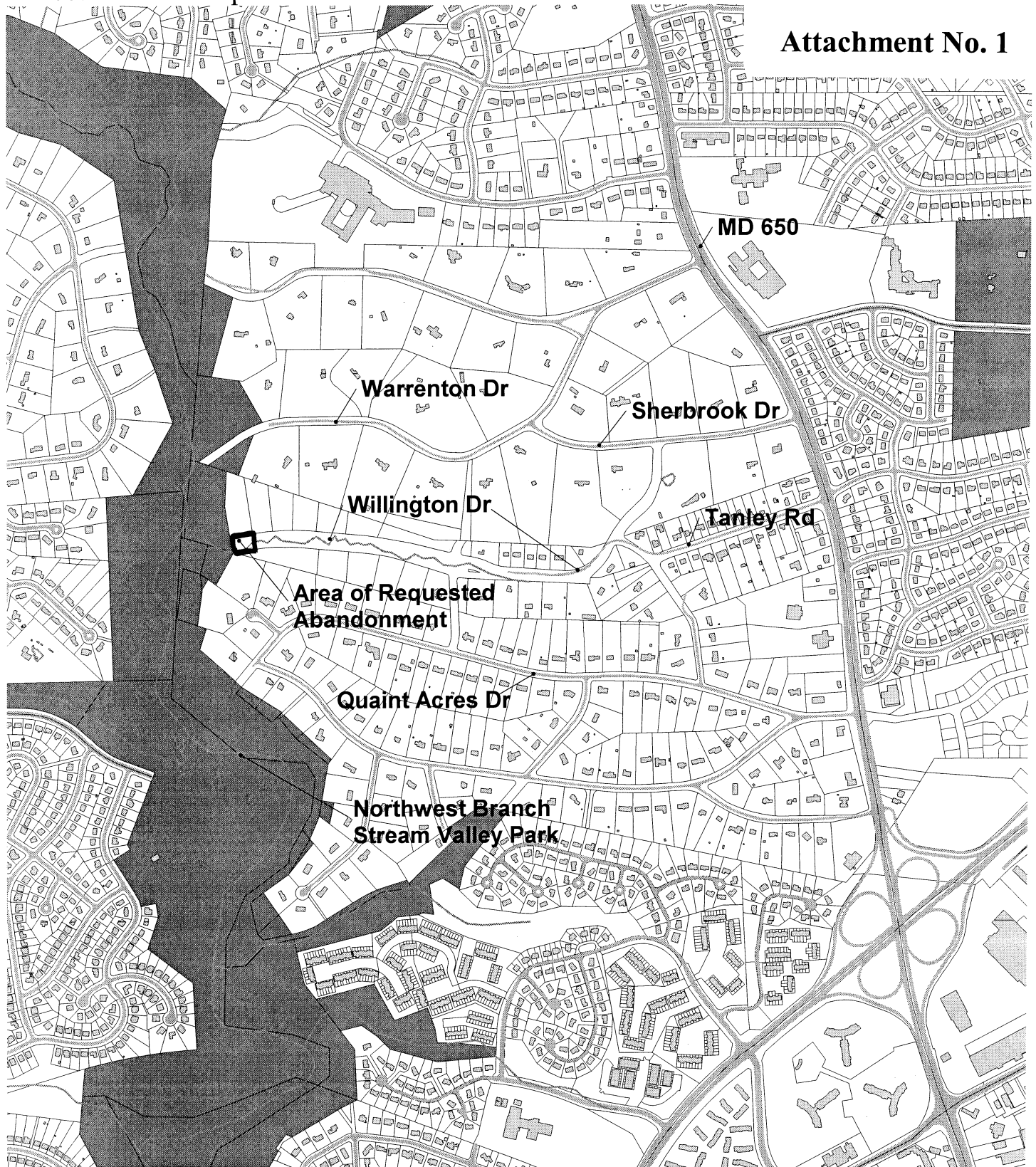
DKH:CE:tc
Attachments

cc: Mike Cassedy
Bill Barron
Cathy Conlon
Candy Bunnag
Dominic Quattrocchi
Larry Cole
Mr. Carey E. Hoobler

AB-687 Staff Memo.doc

AB-687 Location Map

Attachment No. 1



Map Compiled On 12-17-2007 at 04:20 PM
Map Scale: 1 inch = 1000 feet or 1:12000

0 1000 Feet



The Maryland-National Capital Park and Planning Commission
Montgomery County Department of Park and Planning
Transportation Planning Unit
8787 Georgia Avenue | Silver Spring, Maryland 20910
301.495.4525 voice | 301.495.1302 fax | <http://www.mc-mncppc.org>

- Master Plan of Highways Centerline 2
- Streams
- Street Pavement
- Buildings
- Property
- All Parks
- Municipalities
- Montgomery County

NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods. All planimetric and property-based features are collected at 1:2400 scale and are +/- 2.5 feet of their true location.

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MONTGOMERY COUNTY EXECUTIVE ORDER

COPY

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Abandonment of Portion of Willington Drive F.R. Gordon's Addition to Rocky Brook Park Subdivision Sandy Spring	Executive Order No. 336-07	Subject Suffix AB
Originating Department: Public Works and Transportation	Department Number AB 07-07	Effective Date 11/5/07

AB687

1. Pursuant to Section 49-62 of the Montgomery County Code (2004) as amended, the County Executive or his Designee shall conduct a Public Hearing

at 1:00 p.m. on Monday January 7, 2008
101 Monroe Street, EOB Lobby Conference Room
Rockville, Maryland 20850

to consider an application received from Mr. Carey E. Hoobler, the applicant, seeking abandonment of a portion of unimproved Willington Drive, F.R. Gordon's Addition to Rocky Brook Park subdivision, in Silver Spring.

2. After the aforesaid Hearing, the Hearing Officer shall report his or her findings and recommendations to the County Executive for further consideration as prescribed by County Code.

Approved as to Form and Legality
Office of the County Attorney

APPROVED

By:

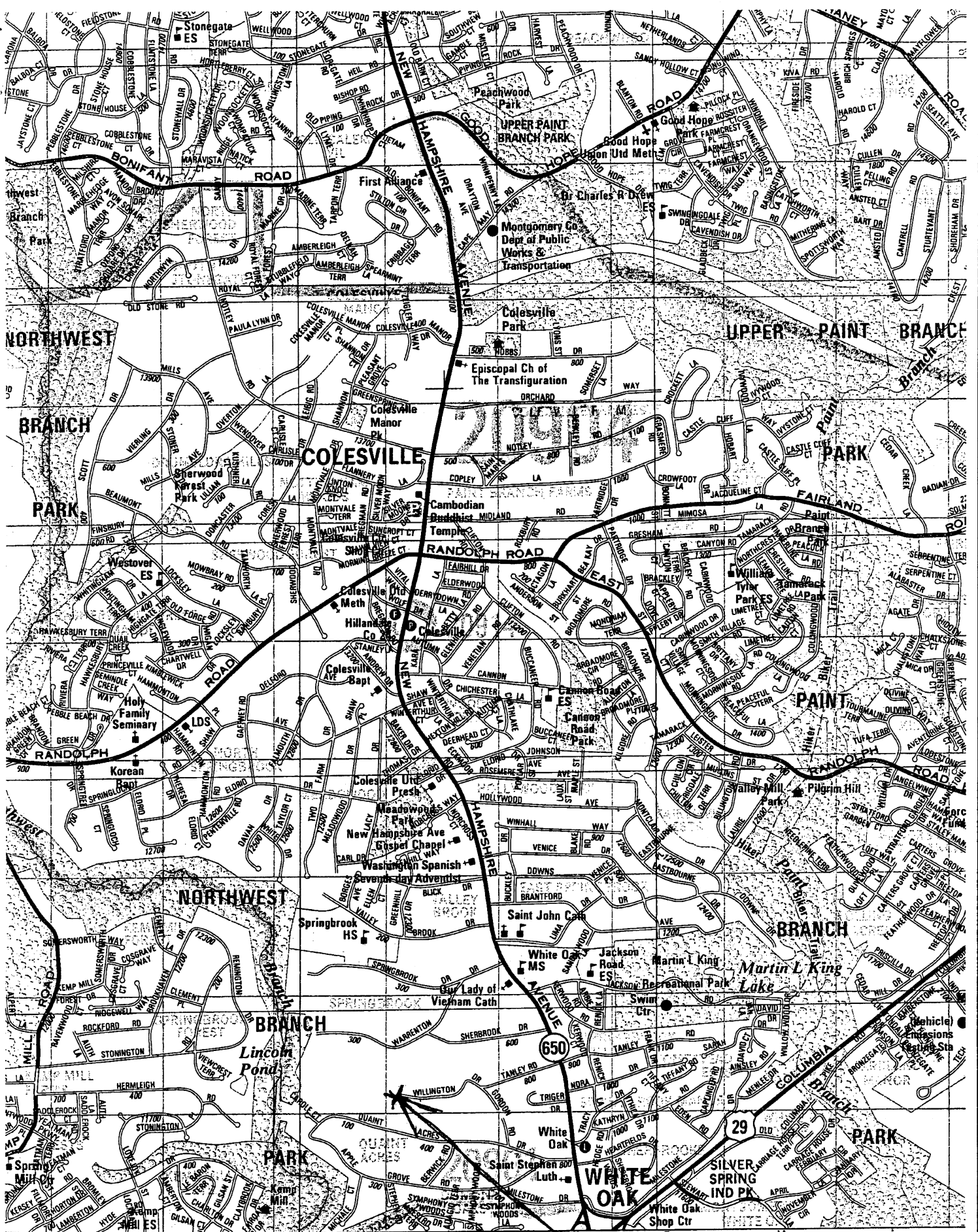
Eileen T. Basaman
Eileen T. Basaman 10/31/2007
Associate County Attorney

Thomas J. Street
Assistant Chief Administrative Officer

Distribution:

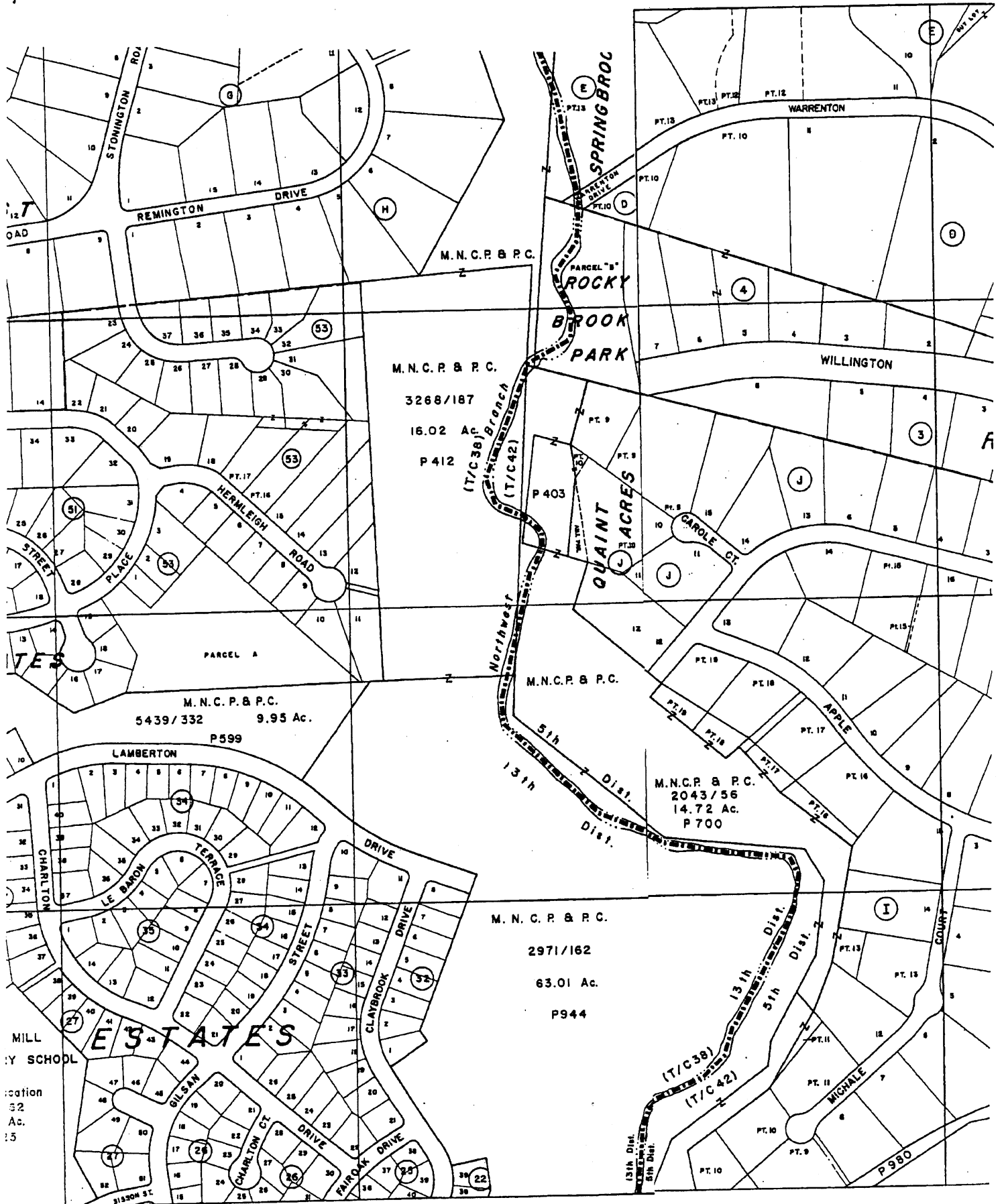
Department of Public Works and Transportation
Department of Finance

Please send comments by January 7, 2008, to Michael Cassedy, Department of Public Works & Transportation, 101 Monroe Street, 10th Floor, Rockville, MD 20850 or via e-mail michael.cassedy@montgomerycountymd.gov Phone: 240-777-7254



B 1 NW
ADC Map 31
D 31
E 180,000 FT 1 NE
Joins Map 37
F 29
G
H 2 NE

Tax Map 3Q52



AB 687

Mr. & Mrs. Carey E. Hoobler
9 Warrenton Drive
Silver Spring, Maryland 20904

August 6, 2006

Mr. Thomas Reise
Chief of Property Acquisition
Department of Transportation
Tenth Floor
County Office Building
Rockville, Maryland 20850

Dear Mr. Reise,


We hereby request the abandonment of the last 150' of the end of Willington Road (paper street). We own both sides of the road and the abandonment of the Row there and subsequent inclusion of that property into our existing property would allow us enough acreage to keep my wife's horse and pony here.

There is an occasionally used footpath for which we would want to create an easement for its continued use and the only utility in the paper street is WSSC, which we of course expect to provide the necessary easement for as well.

Please find a check for \$2,500 for the abandonment-filing fee.

Thank you for your help and consideration.

Sincerely,



Carey E. Hoobler

enclosure

P.S. I can be reached on 301-370-5438 cell
or 301-625-0701 office phone + fax

RURAL AB 687

RURAL

RE-1

PARCEL "B"

ROCKY

BROOK
PARK

RE-1

QUANT
ACRES

PT. 12
PT. 13

PT. 12

WARRENTON

PT. 10

PT. 13

PT. 10

PT. 13

PT. 10

#9
Warrenton
(Hobler)

4

5

4

3

2

6

7
150'

Requested
Abandonment

WILLINGTON

(Hobler)

6

5

4

3

3

PT. 9

SE-273
SE-1601

PT. 9

BA-1601 SE-273

PT. 9

15

J

13

6

5

4

3

P403

P408

PT. 10

10

CAROLE CT.

15

14

14

PT. 15

16

PT. 15

13

12

APP.



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

TO: Cherian Eapen, Transportation Planning

FROM: Candy Bunnag, ^{CB}Planner Coordinator, Environmental Planning Section,
Countywide Planning Division

DATE: December 19, 2007

SUBJECT: Abandonment Case No. AB-687, Abandonment of Approximately 150
Feet of Unimproved Willington Drive

Environmental Planning staff does not support the proposed abandonment. The right-of-way of unimproved Willington Drive lies within a forested stream valley that is connected to the Northwest Branch Stream Valley Park. A tributary of Northwest Branch flows within the entire unimproved portion of the right-of-way. The abandonment request proposes to include the right-of-way into private property. Incorporating the land into private property may result in land disturbance activities within the forested stream valley and adjoining forest associated with the development of the private property. At this time, staff believes the stream valley would be better protected by maintaining the public right-of-way.

The entire ROW contains high priority, riparian forest contiguous to protected forest within MNCPPC parkland. Protecting this stream and associated forest through public ownership of the ROW should be continued until a comprehensive, environmentally-sensitive solution can be found for access to many recorded lots adjoining this unbuildable roadway section. Establishing a precedent will likely lead to other abandonment proposals along the ROW, further fragmenting the riparian forest into multiple private ownerships, and leaving open the possibility of land disturbing activities and loss of stream valley and adjacent forest that are not subject to local regulatory review.