



DEPARTMENT OF TRANSPORTATION

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

Arthur Holmes, Jr.
Director

Isiah Leggett
County Executive

August 17, 2012

Ms. Francoise Carrier, Chair
Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Request for Comments on Proposed Abandonment
AB735 – Edgevale Road
Woodside Park Subdivision, Silver Spring

Attachment No. 1

Dear Ms. Carrier:

The purpose of this letter is to request M-NCPPC comments on the proposed abandonment of an unimproved portion of Edgevale Road in the Woodside Park Subdivision of Silver Spring. The Applicants are Ms. Mary Jane Checchi and Mr. Vincent A. Checchi owners of adjoining property. The subject right-of-way (ROW) consists of approximately 2,258 square feet. This abandonment request is associated with a residential development plan.

If possible, I would greatly appreciate receiving your comments by October 17, 2012 (the date of the public hearing).

If either you or your staff need additional information or have questions, please call me at 240-777-7254.

Sincerely,

Michael S. Cassidy

Enclosures

Division of Transportation Engineering

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878 • 240-777-7220 • 240-777-7277
www.montgomerycountymd.gov



Mary Jane Checchi
5409 Spangler Avenue • Bethesda, Maryland 20816
(301) 728-2078
mjchecchi@gmail.com • www.checchibooks.com

June 4, 2012

The Honorable Isiah Leggett
Office of the County Executive
Executive Office Building
101 Monroe Street
Rockville, MD 20850

Re: Petition for Partial Abandonment
Edgevale Road Right of Way

Dear Mr. Leggett:

We are writing to request abandonment of a portion of the dedicated, but unbuilt, Edgevale Road right of way, as shown on Attachment A, pursuant to Section 49, Article 6 of the Montgomery County Code. We believe that the portion of ROW that we request for abandonment "is no longer necessary for present public use or anticipated public use in the foreseeable future" [Section 49-63(c) (1), Montgomery County Code], and is not "the sole means of access to any property" [Section 49-63(d), Montgomery County Code].

The proposed abandonment serves the public interest in a number of important ways, as described below, and will bring to a close more than five years of effort and negotiation within the affected neighborhood. The issue arises in connection with the application by Mary Jane Checchi and Vincent Checchi to resubdivide an adjacent property known as Woodside Park, Part of Parcel C, located at 9206 Watson Road, in Silver Spring. The application was first filed on October 6, 2006. Construction of this portion of Edgevale Road, in whole or in part, is not necessary to serve the proposed resubdivision.

Edgevale Road is a neighborhood street, in Woodside Park in Silver Spring, connecting to Harvey and Watson and Roads. Portions of Edgevale Road were constructed in approximately 1960, but the portion at issue was never constructed. For the past fifty years, the unbuilt portion has existed as a wooded parcel adjoining two large residential properties, one of which is a designated historical site. This unbuilt portion of dedicated Edgevale Road is deep within an established residential neighborhood just west of Colesville Road, north of Dale Drive (south of the Beltway).

After the resubdivision application was filed in late 2006 to create six lots, it encountered some neighborhood opposition, much of it fueled by opposition to having Edgevale Road paved. None of the neighbors wanted to have the unbuilt portion of Edgevale Road constructed, and some were concerned about the number of new lots being proposed. (The number of proposed lots has

Honorable Isiah Leggett
June 4, 2012
Page 2

since been reduced.) One tactic employed by the opponents was to seek to have the residence on the property designated as historic. That effort failed before the Planning Board and the County Council.

On October 14, 2008, during a County Council meeting that marked the final stage of a process that ruled that the Watson Road property is *not* a historic property, Council members urged the owners and neighbors to work together to fashion a solution for the resubdivision application. Since that date, Mary Jane Checchi has met often with interested neighbors, both individually and in groups; exchanged numerous emails and phone calls with neighbors; held two meetings to which all neighbors were invited; met repeatedly with representatives of MNCPPC and Montgomery County Department of Transportation – to fashion an acceptable resolution.

This application represents a consensus resolution of one of the most important issues—the future of the dedicated, but unbuilt, segment of Edgevale Road, as indicated in the memorandum included as Attachment B. Both the neighbors and the Checchis strongly oppose paving the ROW either in whole or in part, and agree that partial abandonment is the most appropriate solution because of its finality. (See Attachment C for letter from the Rev. Mark Farr, an adjacent property owner.)

This portion of Edgevale Road is not needed now or in the future for traffic flow. Five houses are now proposed for the resubdivision; only one would access Edgevale Road (using the existing driveway of a house that will be torn down), and two houses will access Watson Road, which intersects Edgevale Road. (The other two houses will access Greyrock Road.) Current roads suffice to serve these houses: the impact on traffic of this resubdivision will be negligible. Rather, neighbors strenuously object to the potential of Edgevale Road as a through street: drivers already speed dangerously along Watson Road, using it as a frequent short cut to avoid the traffic light at Colesville Road and Dale Drive. If this portion of Edgevale Road were to be paved, now or in the future, this problem would simply be doubled.

The current Edgevale Road unbuilt ROW is an attractive, leafy greenway enjoyed by children and adults, as seen in the photographs included as Attachment D. On November 7, 2006, in response to the initial resubdivision application, DOT called for “full width dedication and construction of Edgevale Road as a tertiary residential roadway ending in a T-turnaround.” This partial paving would result in a dead-end “road to nowhere” and:

- Grades would be cut by more than 5 feet
- Depending on the grading plan, result in the destruction of either 39 or 40 trees; either 27 or 28 of these outside the ROW.

Honorable Isiah Leggett

Page 3

June 4, 2012

The impact of paving this portion of Edgevale Road would be severe on the historic property (lots 8 and 9) that abuts the Edgevale Road ROW. Because of grading, either a retaining wall 75 feet in length (4 feet at its highest point) would be constructed, partly on the historic property or – if no retaining wall is built – driveway access to the historic property would be extremely steep. This is in addition to the visual impact of replacing grass and trees with pavement, and the negative effect on storm water runoff.

In numerous other ways, the present or future paving of this portion of Edgevale Road, in whole or in part, would conflict with the County's 2008 Context Sensitive "Road Code" standards that call for "input and participation from local stakeholders". As called for, local stakeholders – nearby homeowners, including those whose property abuts the ROW – have been invited into and participated in the decision making process.

An important concept incorporated in these standards applies uniquely to the Edgevale Road situation – that "The project contributes to community character, is in harmony with existing communities and preserves environmental, scenic, aesthetic, historic, and built and natural resources of the area."

Preserving the current unbuilt Edgevale ROW as an unpaved greenway serves each of these goals, while paving directly contradicts them. This grassy area, with mature trees, is a meaningful amenity of this Woodside Forest community. Abandonment of a small portion of the ROW, as we propose, will prevent the paving connection of Edgevale Road and leave the rest of the greenway available for public use, where children can play and dogs be walked. It preserves trees and grass, which is not only visually appealing, but consistent with County efforts to manage drainage and storm water runoff. The historic house will retain its historic, treed setting.

To accommodate pedestrians, we propose a perpetual pedestrian access easement over one of the abandoned outlots, to connect the ROW area with Watson Road. We ask that no improvements be required for the pedestrian path. A county sidewalk built to county standards would not only destroy the beauty and character of the greenway but, due to the steep grade, result in severe damage to the immediate environment, including destruction of numerous trees and impingement on the historic property. Indeed, the damage would be almost as widespread as paving a roadway, and would largely negate the use of the greenway as a play area.

We respectfully urge the partial abandonment of a portion of the currently unbuilt Edgevale Road ROW as the most appropriate means to permanently preserve this green neighborhood amenity.

Honorable Isiah Leggett
June 4, 2012
Page 4

Thank you very much for your consideration of this matter, and please do not hesitate to contact us if you need any additional information.

Sincerely,

Vincent A. Checchi

Vincent A. Checchi

Mary Jane Checchi

Mary Jane Checchi

Attachments:

- A. Description of Partial Roadway Abandonment
- B. Memorandum of October 2010 Meeting Concerning Partial Abandonment
- C. Letter from Rev. Mark Farr, Adjacent Property Owner
- D. Photographs (2) of Right of Way

SCHEDULE A
DESCRIPTION OF A
PARTIAL ROADWAY ABANDONMENT
PART OF EDGEVALE ROAD
PLAT No. 2188

Being a parcel of land, located in Election District No. 13 of Montgomery County, Maryland, hereinafter described in, through, over and across Edgevale Road, a 50 foot Right-of-Way as delineated on a plat of subdivision entitled "Section 7, WOODSIDE PARK" as recorded among the Land Records of Montgomery County, Maryland as Plat No. 2188 and being more particularly described by Macris, Hendricks and Glascock, P.A. on May 23, 2012 in the Maryland State Plane NAD 83/91 datum as follows:

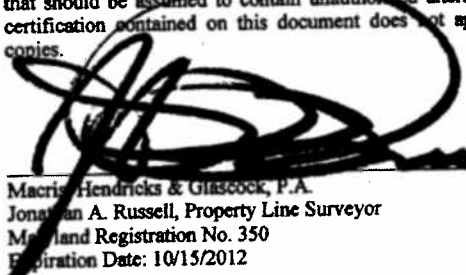
Beginning at an open pipe found on the southerly right-of-way line of said Edgevale Road; said pipe also being at the northerly common corner of Lots 9 and 10, Block D-2 as delineated on a plat of subdivision entitled "Section 7, WOODSIDE PARK" as recorded among said Land Records as Plat No. 4787, then leaving said pipe and the northerly corner of said Lots 9 and 10, Block D-2 to cross and include part of Edgevale Road

1. North 28°59'37" East, 50.15 feet to a point on and 108.98 feet from a pinched pipe found at the end of the 8th or North 61°00'30" West, 175.80 foot line of a conveyance from Dina A. Davis to Mary Jane Checchi by deed dated June 27, 2008 and recorded among said Land Record in Liber 35799 at Folio 419; said point also being on the northerly right-of-way line of said Edgevale Road, then binding with part of said 8th

line reversed and part of said northerly right-of-way
line of said Edgevale Road

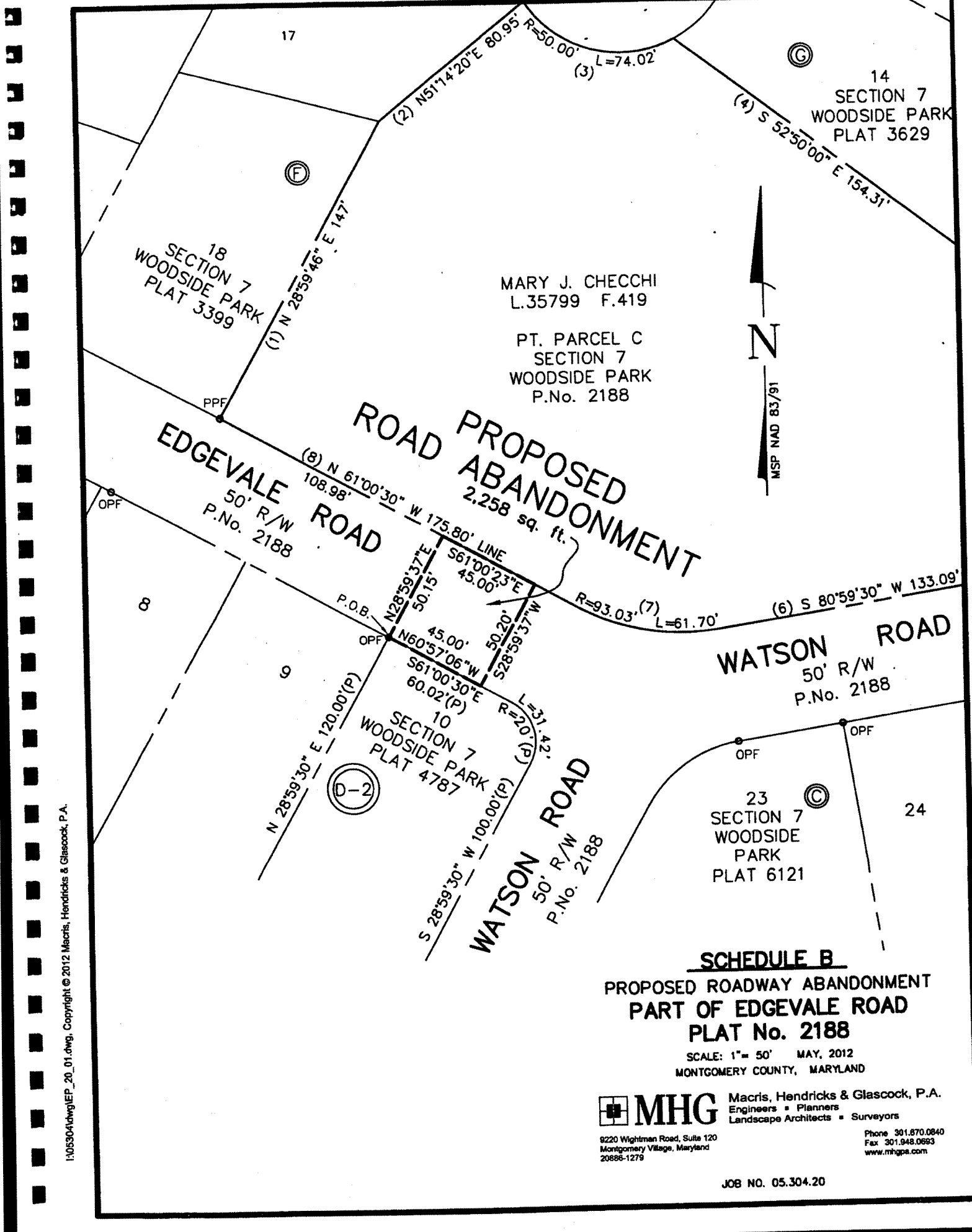
2. South 61°00'23" East, 45.00 feet to a point, then leaving said 8th line
and part of said northerly right-of-way line of
Edgevale Road to cross and include part of said
Edgevale Road
3. South 28°59'37" West, 50.20 feet to a point on said southerly right-of-
way line of Edgevale Road and the northerly line of
said Lot 10, Block D-2, then binding with said
southerly right-of-way line of Edgevale Road and
the northerly line of said Lot 10, Block D-2
4. North 60°57'06" West, 45.00 feet to the point of beginning; containing
an area of 2,258 square feet or 0.0518 acres of land
and as delineated on Schedule B, attached hereto
and made a part hereof by this reference.

Certified correct to the best of our professional knowledge,
information and belief and this description was prepared by me and
is in conformance with Title 9, Subtitle 13, Chapter 6, Section .12
of the Minimum Standards of Practice for Land Surveyors. If the
seal and signature are not violet colored, the document is a copy
that should be assumed to contain unauthorized alterations. The
certification contained on this document does not apply to any
copies.


Macris, Hendricks & Glascock, P.A.
Jonathan A. Russell, Property Line Surveyor
Maryland Registration No. 350
Expiration Date: 10/15/2012



SA_RD ABNDNMNT_JR-2012-05-23.doc
05.304.20



SECTION 18
WOODSIDE PARK
PLAT 3399

SECTION 14
WOODSIDE PARK
PLAT 3629

MARY J. CHECCHI
L.35799 F.419

PT. PARCEL C
SECTION 7
WOODSIDE PARK
P.No. 2188

ROAD PROPOSED
ABANDONMENT
2,258 sq. ft.

EDGEVALE ROAD
50' R/W
P.No. 2188

WATSON ROAD
50' R/W
P.No. 2188

SECTION 10
WOODSIDE PARK
PLAT 4787

WATSON ROAD
50' R/W
P.No. 2188

SECTION 23
WOODSIDE PARK
PLAT 6121

SCHEDULE B
PROPOSED ROADWAY ABANDONMENT
PART OF EDGEVALE ROAD
PLAT No. 2188

SCALE: 1" = 50' MAY, 2012
MONTGOMERY COUNTY, MARYLAND

MHG Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors

8220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279

Phone 301.870.0840
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JOB NO. 05.304.20

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MEMORANDUM
Of
October 2010 Meeting Concerning
Partial Abandonment of Edgevale Road Right of Way

BACKGROUND: A 50' wide unimproved right of way alongside the 9206 Watson Road property runs between Watson Road and Harvey Road. When W.C. & A.N. Miller submitted an application for development of the 9206 property in 2006, it did not address the right of way.

In its November 7, 2006 Development Review Comments in response to the Miller application, Montgomery County DOT called for "full width dedication and construction of Edgevale Road as a tertiary residential roadway ending in a T-turnaround." Sidewalks would also be required.

Negative neighbor reaction to this requirement – which would have replaced a green space and some 40 trees with an unsightly "road to nowhere" – led to neighbors filing a historic preservation petition for the house at 9206 Watson Road. The petition was not successful, but the process consumed nearly a year's time.

As co-owner of the property (with my brother), I met repeatedly, and variously, with Cathy Conlon, Rich Weaver, and Greg Leck, as well as with neighbors of the Watson Road property, looking for a solution that would permit development of the property and avoid paving the Edgevale right of way. Neighbors sought a permanent solution: they want assurance that Edgevale will never be paved.

2010 MEETING

At some point in the fall of 2010, two neighbors of the property contacted Council Member Ervin's office. I was not aware of the call; I believe they were looking for a way to break the impasse. It is my understanding that Council Member Ervin asked Emil Wolanin of DOT to arrange a meeting to address the issue.

The meeting took place on October 13, 2010. Present at the meeting:

- Emil Wolanin, DOT
- Greg Leck, DOT
- Dewa Salihi, DOT
- Rich Weaver, Park and Planning*
- Mary Jane Checchi, property owner
- Rev. Mark Farr (adjacent property owner)
- Steve Crum (Macris, Hendricks, Glascock)

*Mr. Weaver no longer covers the Silver Spring area for Park and Planning

Memorandum

Page 2

I raised the issue of a waiver on any requirement to pave Edgevale ROW. Mr. Wolanin stated that, if the county did not want to use the road, it would prefer to abandon it. I stated that a problem with abandoning the ROW was the fact that the neighborhood enjoyed using this public space, which has trees and grass; and that I had no desire to acquire extra land through the abandonment. Rev. Farr agreed on both counts. Mr. Wolanin explained that it is possible to abandon only a portion of Edgevale. This would ensure, for all practical purposes, that Edgevale would never be constructed. He sketched out the portion suggested for abandonment.

I left the meeting with the clear impression that this was a consensus resolution to a problem with had long eluded resolution. Neighbors are pleased with the abandonment strategy, as they see it as permanent solution.

I raised the issue of a sidewalk, and stated that the neighbors did not want a county pedestrian walkway because of the damage it would do to trees. Mr. Leck stated that DOT would be "silent" on the sidewalk issue, except to ask for an easement for an unimproved pedestrian path.

DEVELOPMENT REVIEW COMMITTEE

In submitting an amended application to develop the property at 9206 Watson Road, we explained that abandonment of a portion of Edgevale ROW was part of the plan. At DRC (March 19, 2012), the Park and Planning Staff did not express opposition to the abandonment, and is waiting on the outcome of the abandonment process. We agree with P & P staff that an unimproved perpetual pedestrian access easement should be provided for over the abandoned area.

Mary Jane Checchi

Sunnyside

1102, Edgevale Road Silver Spring, MD 20910

The Honorable Isiah Leggett
Office of the County Executive
Executive Office Building
101 Monroe Street
Rockville, MD 20850

June 4, 2012

Dear Mr. Leggett:

I hope you are very well. I have appreciated your brave and innovative stances on both transportation and immigration and your fiscal leadership here in Montgomery County – and indeed had a chance to compliment you on all this once, when we shared a panel together on service and volunteering in Rockville some time back, when I was serving as Senior Director of President G.H.W. Bush's Points of Light Foundation.

I am writing to you today on another smaller though still important matter. I am the owner of a historic property in Silver Spring that borders a parcel of land owned by Mary Jane Checchi and her brother Vincent Checchi, who seek development of their property. My adjoining land will be significantly affected by any process of alteration. The development of that land has been in sometimes hostile dispute, between her and a large group of most active neighbors for more than six years now. Ms. Checchi and I met when we were both representing opposing sides of that dispute in front of the Montgomery Council in Rockville.

However, this story now takes what might be an unexpected turn.

The Council told us to go away and basically come up with a solution between the different parties. So I led a group of neighbors who met repeatedly with Ms. Checchi, over several years, building a new, better relationship and constructing a joint plan. These negotiations were sometimes tough. Everyone had to give something.

I have sat through many hours of meetings with Montgomery officials, fire, planning and all the rest. Ms. Checchi has sat through more. It is my understanding that all the relevant MC requirements will be met by this plan. A key part requires Montgomery County to abandon a small parcel of the Edgevale

Road right of way between our two properties.

It is also my understanding that the proposal as it now stands *would have the joint support of the group of neighbors and the Checchis*, and thus will be a worthy solution.

After all this time, coming up with a joint proposal seems to me not only unlikely in these circumstances, but a model of what can be achieved when neighbors try to work together, (rather than as so often, one side winning and one side losing). For this, I credit both the Council and the Office of the County Executive for leading us in this direction, and I would be happy to say so to any interested party. Compromise can sometimes work!

I therefore am respectfully submitting my personal support as a neighbor to the abandonment action and Ms. Checchi's plan and hope that you will be able to similarly support it. Though I am sure it is not everything to any one side, after all these years, it is a model outcome.

I believe it is time to move on, with this agreement as the basis. I want to underscore how much effort Mary Jane Checchi has put into finding solutions that take into account the diverse views of those who abut the property and fashioning a proposal that is fair to all.

Please support the partial abandonment of Edgevale Road right of way and the plan and let us finally put this small but thorny issue to rest, which is the outcome now surprisingly available to us.

I would be happy to offer any further elucidation upon request.

Thank you for your time and leadership.

Sincerely,

 M. Farr

Rev. Mark Farr

 MIC

Eapen, Cherian

From: Sarah R. Knight <sknight@montgomerycountymd.gov>
Sent: Tuesday, September 18, 2012 12:59 PM
To: Eapen, Cherian; Michael.Cassedy@montgomerycountymd.gov
Cc: Marc Johnson; Marc Johnson
Subject: Letter of support for Case Number AB735 - Edgevale Road

Attachment No. 2

To Whom It May Concern:

We are writing to you concerning Case Number AB735 - Edgevale Road. Our home - Lot 10 on the plan - sits at the corner of Watson Road and Edgevale Road.

We fully support abandoning a portion of Edgevale Road and understand that 2 small outlots will be created as a result. We further understand and agree that ownership of Outlot B will attach to our property.

We have read the letter of application for partial abandonment of Edgevale ROW submitted by Mary Jane Checchi and Vincent Checchi on June 4, 2012 and agree with it.

We oppose paving a pedestrian path on the ROW and want to maintain the unabandoned ROW in its current state.

Please don't hesitate to be in touch with us if you have questions regarding this letter of support. We would be happy to provide any further information you may require.

Sarah R. Knight and Marc E. Johnson

--
Sarah R. Knight
9204 Watson Road
Silver Spring, MD 20910