

Attachment D

September 8, 2005

Catherine Conlon, Acting Supervisor
Subdivision Review
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Preliminary Plan 1-05081, aka "Danshes"

Dear Ms. Conlon:

I attended the second DRC meeting for the Danshes subdivision on August 1, 2005. Over the past few months, I have been to several public presentations of Winchester Homes' proposed development of the 99 acre, RNC zoned, parcel. I am writing to express my views about the preliminary plan discussed at the August X DRC meeting.

Since the April DRC meeting, I have seen some good changes in the evolution of this preliminary plan of subdivision. For example, since the April DRC meeting, the developer has made an impressive effort to incorporate the MPDUs into the proposed subdivision. I am pleased that these MPDUs will not be segregated either geographically or, as the developer represented to staff, architecturally. That the MPDU homes will look very much like the market rate houses in the subdivision is appropriate and in keeping with the spirit of the MPDU requirements.

I remain interested in the issue of the buffer between the proposed subdivision and its neighbor to the north, Brooke Run Tree Farm. At the April DRC meeting, the developer proposed a 50-foot buffer. However, in its April 13, 2005 letter, the Agricultural Protection Advisory Board requested a 100-foot buffer for the farm. My understanding is that the developer's current preliminary plan of subdivision still proposes the 50-foot buffer. This is an issue of compatibility. Is a 50-foot buffer adequate? Accordingly, I do suggest that your staff give every consideration to the state Agricultural Preservation Advisory Board's request as stated in its April 13th letter. The tree farm is a Maryland Agricultural Land Preservation Foundation property. The state of Maryland has invested heavily in this property, intending that it stay "farmland forever", for the benefit of all Maryland residents. By skillful application of the RNC zoning regulations, this farm can be well insulated from the effects of development. The subdivision and land use planning decisions made now can either severely burden the farm, or help ensure that this farm remains a vibrant agricultural enterprise well into the future. It is my hope your staff will listen carefully to the farmers, and encourage the developer to make necessary adjustments to accommodate the agricultural enterprises of Brooke Run Tree Farm.

It is my understanding that there is substantial community support for the “open space” on the proposed Danshes subdivision to remain in **agricultural use**. Indeed, the majority of public testimony in the May 19th public hearing on the Rachel Carson Greenway (RCG) rejected a recreational use for this parcel. At the hearing, so many different people testified against a recreational use of the open space in Danshes because they recognized not only that (1) recreational uses too often conflict with agricultural operations, but also that, (2) recreational uses, particularly when they occur in a stream valley setting, have negative environmental consequences.¹ Therefore, I suggest that an agricultural easement be placed on all of the approximately 64 acres of “open space,” which is designated “Parcel C” in the preliminary plan, so this “open space” land can continue to be used for agriculture. I believe that the Planning Board, in its June 16, 2005 work session, ***explicitly and specifically***, rejected the trail staff’s proposal for a recreational use of the open space on the proposed Danshes subdivision.

I was surprised and confused by the statements of trail staff at the August DRC meeting. Doug Powell of trail staff suggested extending the “Rural Legacy Trail” through the Danshes property.

The route of the RCG through Sandy Spring was a rather controversial issue that dominated the May 19th hearing on the RGC. The decision by the Planning Board at its June 16th work session, to choose Option C as the RCG route through Sandy Spring, was applauded by the community. Option C was seen as a consensus route that everyone could embrace. See Attachment 2, the June 15th letter of the Sandy Spring Trails Committee, and Attachment 3, the article from the June 29, 2005 *Olney Gazette*. Contrary to the impression given by trail staff at the August DRC meeting, Segment Five of the Rachel Carson Greenway, i.e., the RCG north of Route 108 in Sandy Spring, is the extension of the Rural Legacy Trail.

The hearing record from the June 16th Planning Board work session shows very clearly that when trail staff proposed going through the interior of Danshes, it was rejected by the Planning Board with virtually no discussion. It would appear that, irrespective of a clear policy decision by the Planning Board on June 16th, trails staff continues to advocate contrary policy, perhaps hoping that the community is no longer paying attention.

Contrary to the impression one might have from trail staff’s pronouncements, the equestrian community does not universally favor a trail over Danshes. Many equestrians have a boarder perspective, though not, apparently, the “regulars,” e.g., the folks from TROT, who often appear before the Planning Board. The equestrians with the broader

¹ See, for example, the March 24, 2005 letter to the Planning Board from the Sandy Spring Trails Committee, in particular, pages B-4 and B-6 and the testimonies of Vince Berg, John Zawitoski and John Parrish at the May 19, 2005 public hearing. I have attached the March 24th Trails Committee letter for your convenience.

perspective understand not only that *equestrians need to ride responsibly* but also that they need to *be respectful of their neighbors*. They also realize that as enjoyable as trail riding is for some, it is only a small part of equestrian sports. There are a number of letters in the hearing record from equestrians with this broader perspective.²

I appreciate your attention to the concerns raised in this letter. I look forward to watching closely this preliminary plan proceed through the subdivision process.

Sincerely,

A handwritten signature in black ink that reads "Fran Hayward". The signature is fluid and cursive, with "Fran" on the top line and "Hayward" on the bottom line.

Fran Hayward

² For example, I note the hearing record contains letters from Peggy Pariso and Laura Metrione.

ATTACHMENT 1

March 24, 2005

Derick P. Berlage, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Rachel Carson Greenway Trail Plan Staff Draft Report,
to be Considered at the March 31, 2005 Meeting of the Planning Board

Dear Chairman Berlage:

The subject of this letter is a document we've yet to see: the Rachel Carson Greenway (RCG) Trail Plan Staff Draft Report will not be available to the public until tomorrow, March 25th. Staff has assured the us that (1) they will include the community's proposed trail route in the draft report for purposes of public hearing and (2) we shall have time during the public hearing to let this sensitive community's voice be heard by our Commissioners. Nonetheless, we thought it so important to communicate the community's perspective on this trail plan and process now, even as you begin your earliest deliberations on the staff draft report.

What we would like you and your colleagues on the Planning Board to do is to keep an open mind. Consider our perspective as you read the staff draft report and our request at the end of this letter.

BACKGROUND

The Sandy Spring Civic Association (SSCA) invited Ms. Lyn Coleman to make a presentation of the proposed RCG trail. In December 2004, Ms. Coleman and Mr. Gene Elliott came to address the SSCA at its regular monthly meeting at the Ross Boddy Center on Brooke Road in Sandy Spring. They made their presentations to a group of forty people that included Delegates Karen Montgomery and Herman Taylor. The neighborhood strongly opposed the three trail options offered by staff. Ms. Coleman seemed rather shocked by the neighborhoods rejection of staff options A, B, and C. She asked the group, "Is there an alignment you could support?" It quickly became apparent that the group was too large to have a conversation of the type needed to respond to Ms. Coleman's plea. Several in the group then proposed an additional meeting with Ms. Coleman in order to see if a solution could be found. Ms. Coleman stated flat out that she did not have time for additional meetings because the deadline for completion of the RGT staff draft report was looming.

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Freda Hall, President of the Sandy Spring Civic Association, wrote you a letter dated January 16, 2005. See Attachment A. In her letter, Ms. Hall asked that Ms. Coleman be granted additional time for completion of the staff draft report in order that the community could work with trails staff to come up with a solution to the problem of routing a regional trail through Sandy Spring. You most graciously convened a meeting in your office on January 18th. Four members of the newly formed Sandy Spring Trails Committee attended the January meeting. In addition to you, MNCPPC was represented by trail planner Lyn Coleman and community planner, Piera Weiss. The Trails Committee unveiled its response to Ms. Coleman's December challenge, "Is there a trail alignment the neighbors could support?" The community generated trail option was named option "D" at the January meeting in your office. But by February 16th (when trails staff presented the proposed route to the Sandy Spring Museum Board) this route developed by the Trails Committee, Option "D," had morphed into Option "A". (The community is understandably confused by the apparent renaming of its proposed route.) While the meeting you convened was a productive start, it really was only a start. Unfortunately, we have not been able to meet again with Ms. Coleman at her office, nor has she been able to return to the Sandy Spring Civic Association to present her latest trail options to our many interested neighbors.

We sought a follow-up meeting with Ms. Coleman not only to glean the benefits of her expertise and evolving thoughts, but also to check that the community's route is accurately portrayed in the RCG draft report and catch any mistakes that may have inadvertently found their way into this report before it is released to the public. Additionally, we had hoped that if discussions continued, we could refine the neighborhood trail option, or perhaps come up with an even better route, a proposal that more closely met the desires of staff as well as the needs of the community.

Because we have closely tracked staff presentations of the proposed routes through Sandy Spring (Segment 5), we are nearly certain that the draft report for the RCG Trail will suffer from a number of shortcomings and inaccuracies. Even without the benefit of reading the staff draft, we are concerned that the staff draft report before you:

- **Fails to identify the proposed trail routes in a specific manner.** This report should contain a detailed, specific, property-by-property analysis of the routes proposed for the trail options. The report should use accurate information regarding property ownership and refer to properties that are the site of business operations by the name the business uses in dealing with the public or the name commonly used by the customers of the business. We have observed that periodically the staff may refer to a property or business by a name no one else has ever heard of.

- **Fails to specify the type of easement desired by staff as well as the methods and means of acquiring the proposed easements.** When county trails go through parkland owned by the county, the issues are simple and few, and MNCPPC's authority is well defined. This trail presents many complex issues. So much of the land proposed in the trail option recommended by staff for this regional trail is not only privately owned, it is composed of small residential parcels, or agricultural land encumbered by protective easements. In short, staff's preferred trail option goes through lands extremely unlikely to ever come in for subdivision. Thus, the desire lines proposed by staff are unrealistic given the reality that these properties will not ever be subdivided. In their public outreach efforts, trails staff has neither identified the type of easement desired nor the proposed means of acquiring a public right of way.
- **Fails to adequately inform the public because the map sizes are far too small.** We have noticed a general trend in staff reports: the graphics are not good enough. In particular, the legends of maps are fuzzy and difficult to discern clearly because the maps are so small.

Directing your attention to the staff preferred proposal, we are concerned that this draft report:

- **Confuses staff's desires with neighborhood needs.**

In the staff preferred option, i.e., the path to the Sandy Spring Museum and down Bentley Road, the staff has totally misconstrued the neighborhood's request.

The community, through the Sandy Spring Trails Committee, requested trail connectivity for the neighborhood named Sandy Spring Meadows, aka "the Meadows." We made this request in order that the children living in this neighborhood could have the possibility of a safe passage to the Ross Boddy Center via walking or biking. This local trail is desired in part because a number of children from the Meadows are in the "Homework Club," an after school program at the Ross Boddy Center. Currently, the children in the Homework Club are bused to Ross Boddy.

The reasonable action to take, and the request the Trails Committee made, is that the Meadows neighborhood be given a pathway through the Sandy Spring Fire Department property and through the WSSC parcel adjoining the Danshes property. The requested path then proposed using the new streets and sidewalks of the soon to be built Danshes subdivision. The Meadows neighborhood children could thus be spared the dangers of exposure to the traffic on MD Route 108 as well as the difficult intersection of Brooke and Meeting House Roads where they intersect with Route 108.

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The staff preferred option takes our request and uses it to justify their own goals. Instead of taking the children north, and through their familiar neighborhood for as long as possible, i.e., along the route suggested by the Trails Committee, it takes the Meadows children out of their neighborhood from the south, directs them east along (the north side of) route 108, and then down Bentley Road. It makes no sense to take these children south when their ultimate destination is the Ross Boddy Center, well north of "the Meadows" neighborhood. Staff has taken a need for a local trail and converted it into an inappropriate justification for their preferred regional trail alignment.

- **Confuses the Master Plan for Additional Study of a Trail.**

The applicable master plan for Segment 5 of the RCG trail is the 1998 Ashton-Sandy Spring Master Plan. Please note that this Master Plan, is approved and adopted by the County Council, unlike, for example, the County-wide Park Trails Plan. When there is a conflict between a Master Plan and a trail plan which plan prevails?

Please look at pages 30, 59, and 74 from the Sandy Spring-Ashton Master Plan provided in Appendix A on pages A-1 through A-3. Note that in Sandy Spring no regional trails whatsoever are shown north of MD route 108. Regional trails north of route 108 may have been proposed at the time the Master Plan was in its draft form, but County Council, in its wisdom, removed them.

This community has made an extraordinary effort to work with staff and come up with a solution to their problem of routing a natural surface trail through Sandy Spring over private land in a rapidly developing rural area. Additionally, the community's option is in keeping with the letter and spirit of RNC zoning, abides by the Master Plan and honors this community's serious respect for agriculture and the environment. The staff preferred option affords none of these advantages.¹

- **Denigrates the Integrity of the RNC Zoning.**

Trail staff's preferred option proposes to cut right through a Maryland Agricultural Land Preservation Trust Property. To the extent this plan obliquely proposes MNCPPC acquisition of farmland as parkland in any newly filed, or yet to be filed, preliminary plan, it undercuts county agricultural policy and is against the spirit, if not the letter, of the RNC zoning.

Moreover, the Montgomery County Farm Bureau is on record as opposing any future acquisition of parkland by MNCPPC. In 2004, the farmers formally adopted a Resolution

¹ Please note "Recreational facilities in the rural open space are limited to trails and related amenities or other facilities recommended in the master plan." See amendments to Section 59-C-9.572, Rural Open Space, effective November 15, 2004, Ordinance No.: 15-31.

pertaining to "Property Rights/Publicly Owned Land" which states, in part, "Farm Bureau is opposed to any acquisition of parkland in Montgomery County by any government entity." See Appendix B, pages B-2 and B-3. Farmers have also gone on record as opposing trails through stream valleys, because "Trail systems along waterways increase runoff, cut swaths through wooded riparian zones and impact other environmentally sensitive areas." See letter of George Lechlider, Chairman, Montgomery County Soil Conservation District, to Councilman Steve Silverman, Appendix B, page B-4.

- **Proposes a thematically confused Segment 5.**

The staff's proposed route of the RCG regional trail through Sandy Spring, Segment 5, tries too hard to be all things to all people, with the result that it will lack clarity and distract from the coherence that a thematic trail should have.

The first theme of Segment 5 is the Underground Railroad. Next we are offered Quaker Heritage or Traditions, with the premiere trail "feature" of the Quaker Meeting House, which is a private building, not generally open to the public, situated on a private road. Finally, we are given the Night Sky, splitting the difference, if possible, between how stars were used for navigation by those escaping slavery and something, but don't ask us what, about Rachel Carson. But seriously, if the point of the RCG trail is to celebrate the ideas Rachel Carson expounded, then it is difficult to find the point of Segment 5. The Rural Legacy Trail is an excellent trail, complete in itself. *Let it be.* If we are trying to celebrate the work of Rachel Carson, then the community developed option makes far more sense than the staff option because, by going west at the Sandy Spring, it allows a Rachel Carson theme to unfold outside the path of the Rural Legacy Trail.

- **Indulges in the fantasy that a park-like setting for the RCG Trail can be maintained outside the County Park System.**

Through this rapidly developing Segment 5 area, staff criticizes the community developed trail option because it utilizes already dedicated natural surface trails in newly built, or soon to be built, subdivisions. They see this as a draw back, but we see the achievability of the community's trail option *as a selling point, marking it as the clearly superior route.* At some point, the desire lines drawn by staff must intersect with what can be realistically achieved. We believe that public access can be achieved, through the community's option, in a few short years, though it may not be the 24/7 public access over County-owned land to which trail staff, and MNCPPC, has grown accustomed.

Despite staff misgivings, either their preferred option or the community's proposal can be a thematic interpretive trail. Signage and paper handouts are not the only way to implement the interpretive programs and thematic content of the regional trail, especially as it transverses privately owned land. Celebrate Rachel Carson in Segment 5 as staff has proposed to celebrate Rachel Carson in the segment adjoining the house where Rachel Carson lived when she wrote *Silent Spring*. The house is privately owned, but staff has discussed publicly the possibility that

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the owner of the home will allow, perhaps on a special day such as Rachel Carson's birthday, limited public access to the property.

In Sandy Spring there is a long-standing tradition of property owners graciously allowing the public access to their property on certain days and at clearly defined hours. One needs to look no further than the Friends Community on Meeting House Road. The Quaker Community has graciously opened its private road to the public and allowed limited use of its Meeting House for county sponsored events like the Emancipation Day Celebration, though, we note, not for the recent RCG Trail walks on March 19th.

If trail staff wants the Rural Legacy Trail, or the Underground Railroad Trail, or the RCG Trail, (so many names, so little land) to continue north, outside the boundaries of the county park system, then it needs to think about *persuading* landowners, i.e., landowners who are unlikely to come in for subdivision, to allow limited public access. When a particular landowner has many good experiences opening his property to the public, and sees first hand the good his generosity makes possible, he may become motivated to grant a public use easement. This is most likely to happen if the event of allowing limited public access is appreciated by the community and becomes a cherished event in the life of the community.

So many of the best institutions in Sandy Spring were made possible by the generosity of individuals who gave their land for a ideal they believed in. From James Brooks, who granted the Friends Community the land they still own and cherish on Meeting House Road, to Helen Bentley, who donated acreage from her farm to the Sandy Spring Museum, *the best things come from individuals whose generosity motivates them to leave a legacy*, not from Park & Planning negotiations with developers.

Our request: Delete the staff preferred option from this draft report. It enjoys virtually no community support. If it is permitted to remain on the table as an option for the RCG Trail, it may very well become the issue that dominates the public hearing, should you chose to hold one. If you and the other Commissioners act to remove the staff preferred option, you will free the Sandy Spring community to utilize its energy and creativity to work with staff to solve the difficult problems posed by this trail. Don't allow the public hearing to become a guaranteed mobilization against the staff recommended option, which is opposed by many elected officials at both the state and county levels.

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For all of the reasons set forth above, we ask that you embrace the community's option.

Respectfully submitted,

Fran Hayward

Fran Hayward, Co-Chair
Sandy Spring Trails Committee

Stan Slater/bs

Stan Slater, Co-Chair
Sandy Spring Trails Committee

January 16, 2005
Sandy Spring Civic Association
19215 Chandlee Mill Road
Sandy Spring, MD 20860

Mr. Derick Berlage, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland, 20950

Dear Mr. Berlage:

The Sandy Spring Civic Association met with Trail Planning staff, Lyn Coleman and Gene Elliott, at our December 13th meeting. Our Civic Association invited your staff to our monthly meeting to make sure that people who could not attend the two October public presentations would be aware of the proposed Regional Trail through Sandy Spring, and have an opportunity to ask your staff questions. Over 40 people attended our meeting, including State Delegates Karen Montgomery and Herman Taylor.

Between your October public meetings and the staff presentation in December, we discussed this project at our November meeting. The outcome of that was a letter that we sent to your staff with many of our questions so that staff could be prepared ahead of time. Our meeting site closes at 8 p.m. and we wanted to make the most of our time with your staff.

At our December meeting with your staff, the community made it clear that we did not like the trail options proposed by your staff. We were then challenged by your staff to come up with a better alternative right then and right there. Knowing that it is very difficult to have a real discussion with 40 people, we suggested that the Civic Association set up a representative committee to work with your staff on this proposal. Your staff let us know that their schedule called for issuing a Staff Draft in February. This would not allow time for our community input.

We discussed this further at our January meeting. People felt strongly that we want to meet the challenge of your staff and come up with something better for our community. We would like your help to make that happen. I think your staff will be relieved if we slow down the accelerated schedule so that MNCPPC won't issue a plan that will meet with substantial opposition in the community. Perhaps if we take a little longer and work together, we can come up with something that we can all support. Thank you for your help.

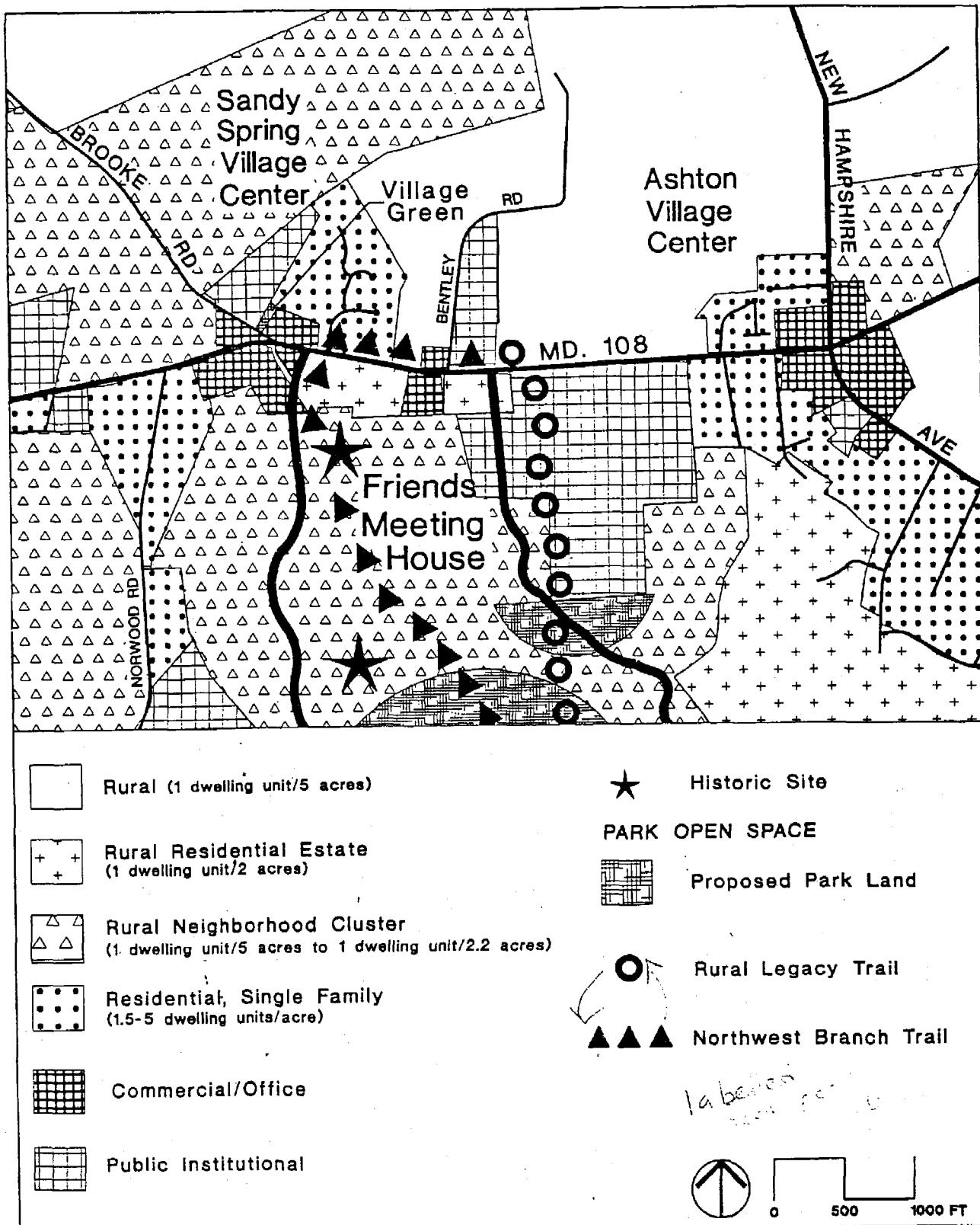
Yours truly,

Freda Hall
President

cc: Lyn Coleman, Trail Planning Supervisor
Charles Loehr, Director, MNCPPC

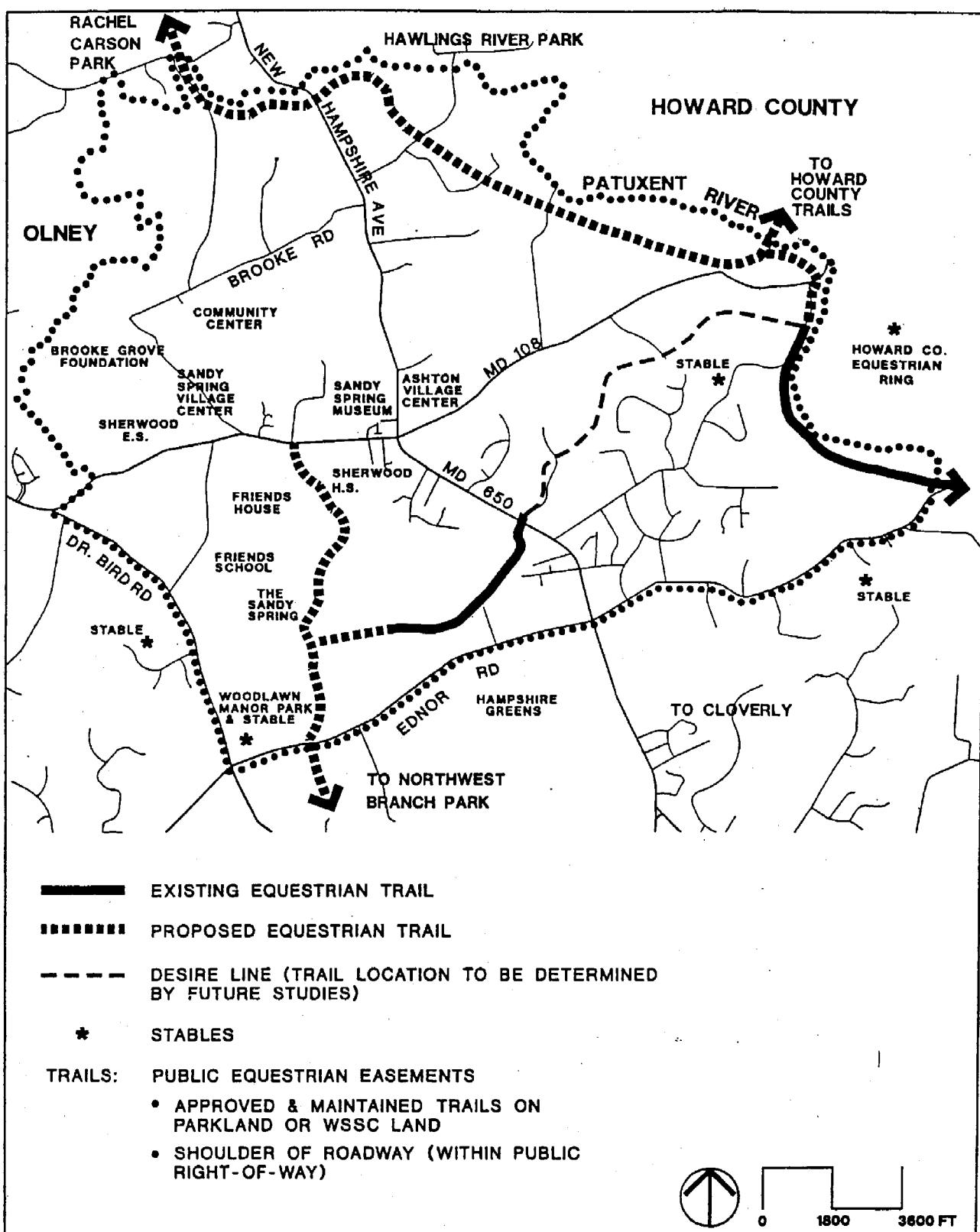
VILLAGE CENTERS

FIGURE 14



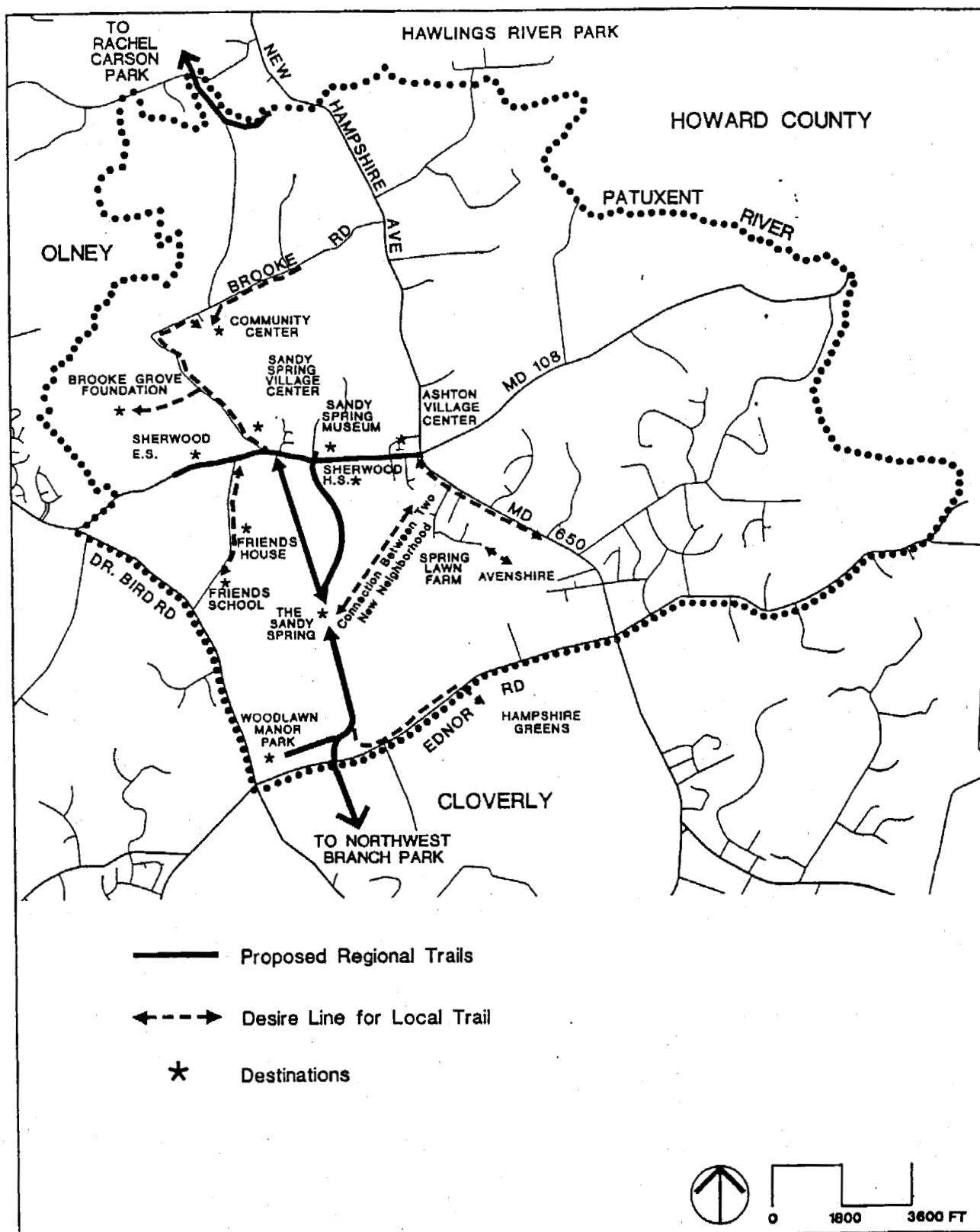
EQUESTRIAN TRAIL SYSTEM

FIGURE 28



PEDESTRIAN PATHS

FIGURE 23



**MONTGOMERY COUNTY FARM BUREAU
2004 RESOLUTIONS (NEW)**

**Resolution Committee: Roscoe Whipp, Chair, Bill Anderson, Pam Saul, Jeremy Criss,
Chuck Schuster, George Lechlider, Vince Berg, Doug Tregoning**

1. GRIDLOCK ON AREA ROADS

The cost of traffic congestion in the DC region -- as measured in wasted time and gasoline while idling in gridlock -- is the highest in the nation. Today, the Washington area is second only to Los Angeles in traffic congestion. At the current rate of traffic growth, Montgomery County traffic is expected to double in the next 15 years. The average commute time in the DC area is 30 percent higher than the national average. Traffic gridlock drives up transportation costs and causes high rates of air pollution. The cost of doing business becomes significantly higher for farmers because they can't get their crops to market, buy inputs or get deliveries to their operations in a timely manner due to the increasing gridlock in the Baltimore/Washington metropolitan area. Farm Bureau strongly urges State and Local governments build new roads such as the Inter County Connector and improve existing roads such as the Baltimore and Washington Beltways and Interstates 270, 70 and 95. (FEDERAL, STATE & COUNTY)

2. INTEGRATED APPROACH FOR DEER MANAGEMENT

Montgomery County Farm Bureau supports a comprehensive effort where all stakeholders do their part to reduce the white-tailed deer population. The growing population of deer has created an environment that negatively impacts farmers, (crop damage) motorists (vehicle-deer collisions) and residents (lyme disease cases and damage to shrubs/trees). Farm Bureau recommends the following action items:

- Create new facilities for transporting, handling, and processing deer.
- Increase managed hunts on public lands and coordinated with adjacent private property owners.
- Revise the County's weapon law Chapter 57 to provide greater flexibility for hunting inside the urban area.
- Sponsor workshops between hunters and landowners to promote effective deer Management.
- Seek support from DNR to provide greater flexibility of hunting regulations in Montgomery County. (COUNTY/STATE)

**3. HORTICULTURE ZONING TEXT AMENDMENT-
LANDSCAPE CONTRACTORS**

The Farm Bureau supports a new Land Use Policy that would create a friendly environment for Landscape Contractors and other similar horticultural based businesses as a permitted use by right under specific conditions in certain defined areas of Montgomery County. The horticultural industry generates \$125 million dollars

7. PUBLIC OWNED TRANSFERABLE DEVELOPMENT RIGHTS(TDR'S)

The Farm Bureau does not support the sale of public owned TDRs. The County should not disrupt the TDR market and prevent the sale of any private owned TDRs. The County should develop new TDR receiving capacity that would be approved with the understanding that both private and public owned TDRs would be identified for use in these new areas. (COUNTY)

8. OFFICE OF THE PEOPLES COUNSEL

The Farm Bureau opposes the Office of Peoples Counsel because we feel it represents nothing more than a Public Defenders Office for land use cases using tax dollars for arming those individuals who are virtually in opposition of everything.

Montgomery County's land use review and approval process requires a tremendous amount of resources (time and money) invested by landowners without any assurance or certainty that approvals will be achieved. The Farm Bureau believes the Office of Peoples Counsel places an additional component of risk and uncertainty upon the landowner. Risk and uncertainty for any business represents a "death knell" for any businessman or woman interested in establishing, let alone expanding a business in Montgomery County.

The future growth of businesses in Montgomery County is in jeopardy as many land use decisions are now significantly influenced by just one complaint or just one action. Montgomery County needs visionary leaders that will understand and support the needs of businesses. Strong leadership occurs when public decisions are made with the interests and benefits of Montgomery County as a whole, not just one individual or Office of Peoples Counsel. The Farm Bureau believes the long-term economic impact of this office will contribute to many businesses and industries leaving the County altogether. (COUNTY)

9. PROPERTY RIGHTS/PUBLICLY OWNED LAND

Farm Bureau is opposed to any public entity taking private property, without just compensation to the property owner, for the so-called public good. Government entities often extort landowners by requiring them to donate land or provide easements in order to receive the permits required to proceed with a development project. Farm Bureau opposes the taking of private property without just compensation for the property owner.

Over 50,000 acres in Montgomery County is currently in parkland. This is almost 1/6 of the entire land in the county. This land is mostly underutilized, poorly maintained and frequently overrun by noxious and invasive plants. Farm Bureau is opposed to any additional acquisition of parkland in Montgomery County by any means by any

government entity.

Additional wildlife habitat is unnecessary as farmers are currently overrun by deer, groundhogs, geese, raccoons and beaver. No additional land should be added as this land is permanently removed from the tax rolls and becomes an increasing burden on a park system already struggling to maintain the vast acreage currently in their control. (STATE, LOCAL & FEDERAL)

10. TREE MAINTENANCE ALONG UTILITY LINES & ROADS

In light of the disasters due to power outages from recent storms, State and County regulations regarding tree trimming and removal need to be simplified to allow more aggressive tree trimming. Farm Bureau supports updating the State Roadside Tree Law and Regulation to allow for the effective trimming and removal of hazardous trees and branches considered hazardous to traffic, utilities and public safety. Trimming to remove trees and branches should be allowed on a regular trimming cycle.

Montgomery County has a large urban climax forest that has aged beyond its maturity. Farm Bureau urges that a public education program be undertaken by local governments and/or utility companies to educate County citizens on the facts that trees do not live forever and there is a need to inspect, harvest or remove older, hazardous and diseased trees. (STATE & COUNTY)

11. MD AGRICULTURAL LAND PRESERVATION FOUNDATION (MALPF) - FUNDING

The County Farm Bureau supports increased funding for MALPF. The Farm Bureau must recognize that an increase in administrative staff support for MALPF will be necessary to handle the increase in workload that would result from increased funding. All citizens benefit from the preservation of farmland and the investment of increased funding should be shared between all citizens of the State. Several States, including Pennsylvania, have already set a precedent for issuing bonds to purchase easements and the State of Maryland should seriously consider the funding option as it would demonstrate that all citizens are stakeholders in farmland preservation.
(STATE & COUNTY)

Mr. Steven Silverman
President, Mont. Co.
County Council
100 Maryland Avenue
Rockville, Md. 20850

Re: Bill #22-02 Water Quality-
Trail Location

Dear Councilman Silverman,

The Montgomery Soil Conservation District discussed the above proposed bill during our July 12, 2002 meeting. Our Board supports Bill #22-02. The passage of this bill would reduce non-point source pollution within our neighboring stream valleys. Trail systems along waterways increases runoff, cuts swaths through wooded riparian zones and impact other environmentally sensitive areas. These systems also bring humans closer to the waters edge whereby additional forms of pollution will occur. Finally trails become wildlife corridors that connects overly populated wildlife herds to local croplands, thereby creating financial burdens on farmers.

By way of this letter, we request the Council's favorable passage of this bill. Please share this letter with fellow council members. Thank you for the consideration given this matter.

Sincerely,

George Lechlider
Chairman, MSCD



DEPARTMENT OF ECONOMIC DEVELOPMENT

July 8, 2002

Douglas M. Duncan
County Executive

David W. Edgerley
Director

TO: Jeffrey Bourne
Department of Recreation

FROM: Jeremy V. Criss, Agricultural Services Manager
Department of Economic Development

SUBJECT: Comments: Bill #22-02 Water Quality-Trail-Location

Jeremy V. Criss

On behalf of the Department of Economic Development and the Montgomery County Agricultural Advisory Committee (AAC) of which I provide administrative staff support, I am scheduling the above referenced subject for the next AAC meeting which is scheduled for July 16, 2002 at 7:30p.m.

The AAC would like to go on record and request to the County Council that the public hearing record be kept open until Friday, July 19, 2002. This request will provide sufficient time for the AAC to discuss the issue on July 16, 2002 and formulate written comments or recommendations before the end of the week.

On behalf of the AAC, thank you for your understanding. Should you have any questions, please call me at 301-590-2830.

cc: Rebecca Domaruk
Office of the County Executive

a:bourne(july 2002)

Concerns of Farmers

A Network of Trials in Montgomery County
In response to Bill #22-02 Water Quality-Trail Location
Prepared by Jeremy V. Criss, Agricultural Services Manager

For many years, farmers have experienced instances where dirt bike riders, cyclist and horseback riders trespass on their farms.

These cases of trespassing represent a negative impact on the farmers in terms of economic crop loss and violation of private property rights and safety.

Common courtesy and respect for individual property rights is a basic social responsibility that all citizens should recognize.

Unfortunately, there are many citizens that believe the rural and farming areas of the county belong to all citizens for their use and enjoyment.

Through MNCPPC, the County Government has adopted functional Master Plans for Open Space Preservation and a Trail Network throughout stream valley parks.

The County farmers have concerns regarding the implementation of recommendations for Open Space Preservation which incorporates Connectivity of Trails.

Supporting Bill #22-02 which prohibits the development of County trails, represents a mechanism to address the long standing concerns of County farmers with respect to the impacts of trespassing: infringement of private property rights, personal safety/security and economic crop losses.

ATTACHMENT 2

June 15, 2005

By Hand Delivery

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

RE: Rachel Carson Greenway Trail through Sandy Spring

Dear Commissioners:

The people of Sandy Spring have come to a consensus: Option C is their choice for a regional trail through Sandy Spring.

On June 13th, the Sandy Spring Civic Association met. In attendance were all three of our state delegates and about forty members of our community. Folks gathered to hear trail planner Lynn Coleman present the proposals for the Rachel Carson Greenway (RCG) trail through Sandy Spring. The neighbors listened to Ms. Coleman present Options A, B, C, and a new trail alignment, Option D. They heard the comments of many neighbors. By the end of the evening, the group decided, by consensus, that Option C was the best of the four options. Everyone could live with Option C.

In comparison to other proposals on the table, Option C does not interfere with our local farms and agricultural enterprises. Option C entails minimal environmental disruption and infringes least on residences. Moreover, Option C would help revitalize our downtown businesses and perhaps be a catalyst for implementing the objectives of the Sandy Spring – Ashton Master Plan. Our hardworking state delegates agreed at the meeting to do their utmost to obtain revitalization funding.

While we feel the Option A route developed by the Sandy Spring community best meets the criteria of the regional trail, we tried hard to be responsive to Ms. Coleman's request for a trail route over which Park & Planning would have complete control in order to provide necessary "policing, maintenance, signage, and interpretative opportunities." Option C does accomplish this objective.

Options B and D are **not** supported by this community. Staff does not support Option A. Therefore, Option C, which we understand to be acceptable to staff as well as provide clear community benefits, strikes the right balance for all.

The neighbors were most appreciative of Ms. Coleman's recent visit to the Ross Boddy Center and thank her for her efforts to facilitate this process. **We ask you to now endorse the consensus choice of the Sandy Spring community by adopting Option C for Segment Five of the RCG trail.**

Respectfully submitted,

[Signature]

Fran Hayward, Co-Chair
Sandy Spring Trails Committee

Wednesday, June 29, 2005 o

Sandy Spring trail route chosen

Planning Board selects 'compromise' path to fill gap

by Liza Gutierrez

Staff Writer

The highly debated Rachel Carson Greenway connection through the Sandy Spring community has been resolved thanks to a compromise devised by Greater Sandy Spring Green Space.

The county Planning Board finalized the 25-mile trail — that begins at the southern boundary of Montgomery County and continues northward to the Patuxent River State Park — by choosing the so-called Option C to fill the gap through Sandy Spring.

From the south, the trail will connect around the Sandy Spring, for which the community is named, run partially down Olney-Sandy Spring Road (Route 108) and by the community's historic district, then follow a portion of Brooke Road.

Greater Sandy Spring Green Space put the route, known as Option C, on the table after haggling over options A and B did not result in a selection.

"It's always great when you win one, and I feel that we won one," said John Chirtea, president of the organization. "It's a route whose right of way is largely already determined."

Part of choosing Option C means

See Trail, page A-13

TRAIL

Continued from A-1

county Park and Planning will have to construct sidewalks in a certain area around the historic district to create a safer passage, said Park and Planning spokeswoman Marion Joyce. And although some work still remains to be completed, like posting appropriate signs and trail markings, people already can use the path.

Option B was not acceptable to the majority of the community members, and option A was not acceptable to Park and Planning staff, said Fran Hayward of the Sandy Spring Civic Association's trails committee.

"Plan C sort of came a little bit out of the blue," Hayward said about the compromise route that Greater Sandy Spring Green Space proposed just two weeks before a May public hearing on the issue. The civic association and many other community residents did not have a chance to review it before it was presented to planning officials.

Nonetheless, "this option was a sensible option all along," Hayward said.

One final community meeting with trail planning supervisor Lyn Coleman on June 13, just before a June 16 Planning Board worksession, helped seal the deal.

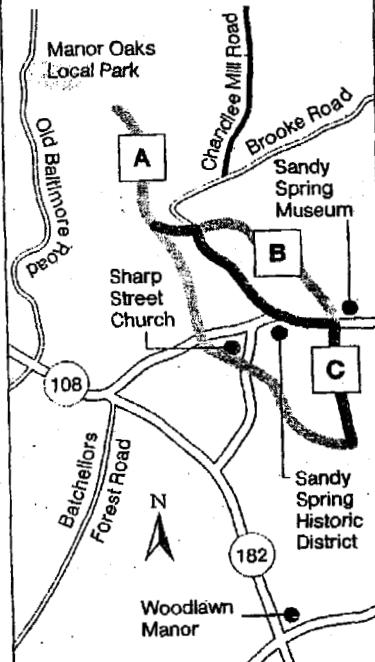
Chirtea said about 50 community members that represented a wide range of interests — equestrian, hiking and biking — attended the meeting. After reviewing all options, 90 percent of those attending raised their hands to support option C, Chirtea said.

Coleman evidently did a good job of conveying the community sentiment to the board, he added.

"Option C, which we understand to be acceptable to staff as well as provide clear community benefits, strikes the right balance for all," Hayward said on behalf of the civic association in a June 15 letter to the Planning Board.

Rachel Carson Greenway Trail Corridor Plan

Park and Planning will designate Option C as the Rachel Carson Greenway through Sandy Spring.



Source: Montgomery County Park and Planning
Tom Madigan/The Gazette

It has minimal impact on the environment, infringes the least on residences, and would help revitalize downtown businesses, she wrote.

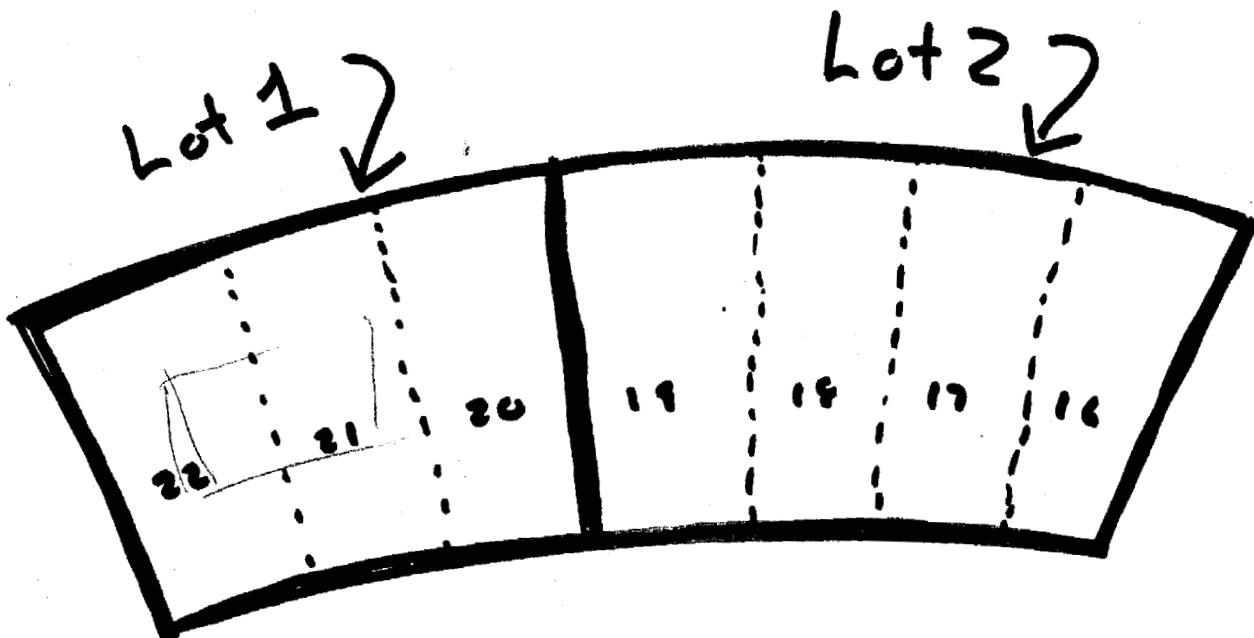
Hayward also praised District 14 delegates Herman L. Taylor Jr., Karen S. Montgomery and Anne R. Kaiser for their interest and involvement in the issue.

It is "incredible that these three state delegates were so attuned to the community issues," she said.

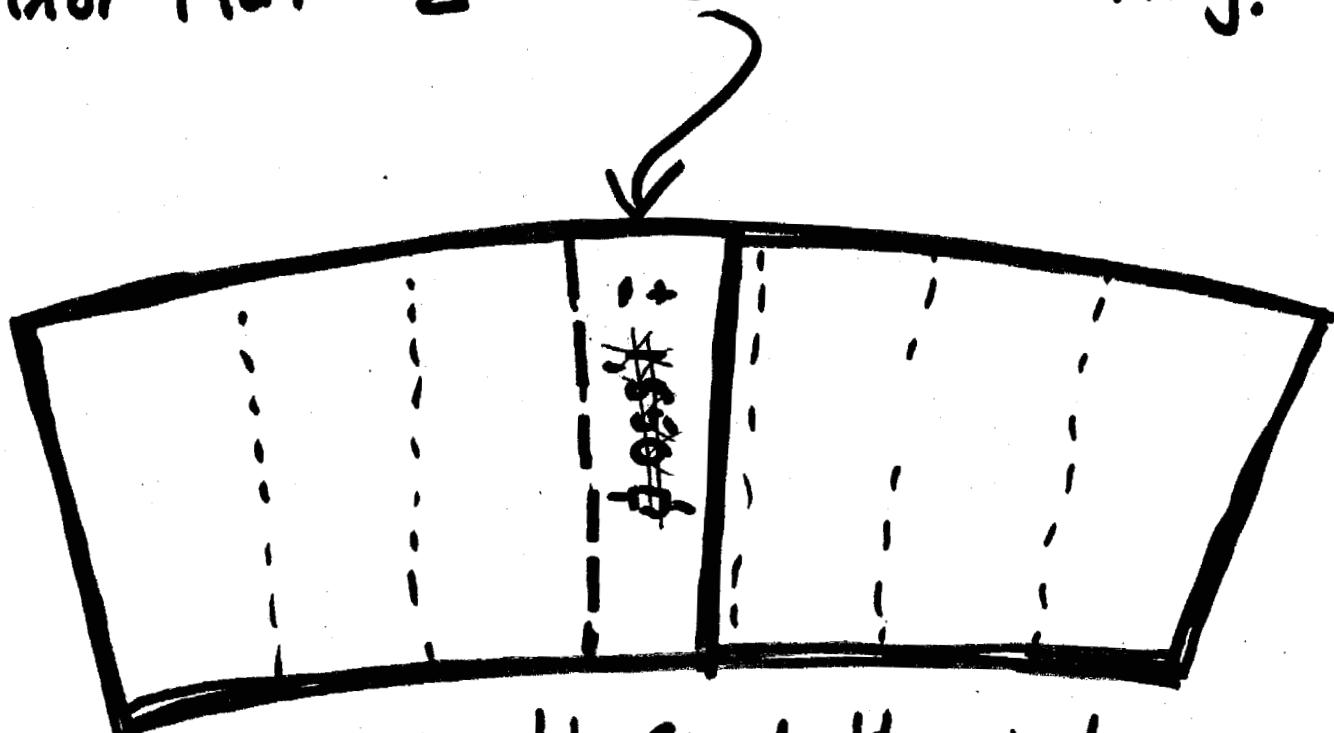
Taylor, who lives in Ashton, said he was happy about the role he played.

"We followed the process very closely," he said. "At the end of the day, I believe that helped."

*Minor Plat #1 - Consolidation of existing lots



*Minor Plat #2 - 5% Lot Line Adj.



~~*by Govt~~ * We can do this under one
single plat application



AGRICULTURAL PRESERVATION ADVISORY BOARD

April 13, 2005

Ms. Catherine Conlon, Acting Supervisor
Subdivision Section
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Preliminary Plan 1-05081

Dear Ms. Conlon:

The Agricultural Preservation Advisory Board (APAB) met on April 12, 2005 to discuss the proposed preliminary plan 1-05081, which is before the Development Review Committee (DRC) for their consideration. The APAB was asked to review this preliminary plan at the request of the adjacent landowner, who is the owner/operator of an agricultural operation which is encumbered by a Maryland Agricultural Land Preservation Foundation (MALPF) easement.

Please consider our review, comments and recommendations as an official position of the APAB; we request that such be entered into the public record for this proposed subdivision.

Background:

1. The subdivision (preliminary plan 1-05081) is being proposed directly adjacent to a property which is protected by a State of Maryland Agricultural Easement (MALPF) dated October 23, 1985 and recorded November 25, 1985 among the land records of Montgomery County in Liber 6935 Folio 673. This easement restricts the use of the property to an agricultural use; the property is currently in production, primarily as a horticultural nursery, operated by the owner.

2. The landowner/farmer contacted the APAB regarding specific concerns about the location of some of the proposed lots in this subdivision as being directly on the boundary of the preserved farm. The farmer is very concerned about the placement of those specific lots (31-36) and the impact they would have on his agricultural operation. It is important to note that an agricultural operation of this type will be subject to periodic

chemical and fertilizer applications, as well as the potential for the generation of dust and noise due to operation of machinery. Naturally the landowner/farmer is concerned about potential complaints from potential adjacent homeowners given their close proximity to the agricultural operation.

Findings and Comments :

The APAB believes the concerns noted by landowner/farmer are well founded. It has been well documented that residential development adjacent to production agricultural land creates inherent conflicts. Given our experience in working with residential landowners in fielding agricultural complaints, we believe that unless there is some modification to the lot configuration, it is inevitable that there will be conflicts between the subdivision and the agricultural operation.

The Agricultural Preservation Advisory Board (APAB) has discussed the impact of residential subdivisions adjacent to production agriculture lands with Judy Daniel, MNCPPC Rural Planner, on numerous occasions. The APAB believes that during the subdivision design phase, all efforts should be undertaken to consider placing a buffer from agricultural operations within a proposed subdivision. In view of the significant financial investments made by the State and County, we need to make every effort to create an environment that is conducive for agricultural productivity and viability so that lands can be maintained and protected for future generations.

This particular easement was settled in 1985. Under the terms of the easement, if it can be demonstrated that the land is no longer feasible or profitable for farming after 25 years, the farmer can petition the State to terminate the agricultural easement. The easement will reach the 25-year threshold in about 5 years, and given the pattern of development that continues to encircle this operation, the landowner could make a compelling case to the State for easement termination. The County should consider every means at its disposal so it does not give this landowner another reason for seeking easement termination.

This is an important agricultural operation to the County, as it is a component of the \$125,300,000 economic contribution horticultural operations make to the County's economy. At this time, The continued preservation of this farm is in the best interest of the County, the farmer and the community that surrounds the farm property. Therefore we must take action to mitigate the impact of the proposed subdivision on the agricultural operation.

Recommendations:

Therefore, the APAB makes the following recommendations:

1. A 100 foot forested buffer should be established and positioned between lots 31, 32, 33, 34, 35, 36 and the boundary of the protected farm

2. DRC should consider the 100 foot forested buffer to help fulfill the forest conservation requirements of subdivision and place the buffer area under a forest conservation easement.

3. Given the proximity of the subdivision to the farm property, the DRC should mandate that the developer erect a fence that will provide a physical boundary between the two properties. Since it is likely children will be playing in and around the subdivision area, for their safety, a fence to provide protection and a physical boundary will prevent children from wandering onto the farm property when farm machinery is in operation.

The APAB hopes you find our review, comments and recommendations helpful as this preliminary plan evolves. It is our hope and desire that the DRC will implement our recommendations and provide the means necessary to mitigate the impacts this proposed subdivision will have on the adjacent agricultural operation. We look forward to working with the DRC and offer our further guidance and assistance as this plan moves forward.

If you have any comment or questions regarding the APAB's position and recommendations, please contact John Zawitoski, staff to the APAB at 301-590-2831. He will be glad to assist you in addressing any comments you may have.

Sincerely,



Michael Sutherland, Chairman
Agricultural Preservation Advisory Board

cc: Derick Berlage, Chairman MCPB
Michael Knapp, County Council
Bill Barron, MNCPPC
John Zawitoski, DED (APAB)

April 21, 2005
18000 Bentley Road
Sandy Spring, MD 20860

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

RE: Preliminary Plan #1-05081

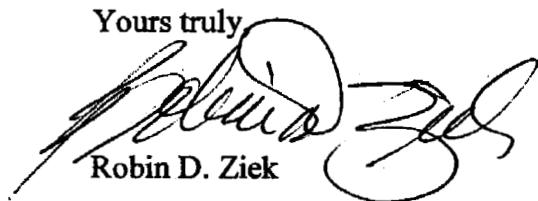
Dear Chairman Berlage:

As a resident of Sandy Spring, I'd like to comment on the inclusion of five townhouses in a separate enclave of the proposed development of the Danshes Property along Brooke Road. Sandy Spring is a wonderful conglomeration of all types of homes. We need affordable homes in Montgomery County, and I'm glad to see five such homes included in this subdivision.

However, I think the disparity between the large single-family homes to one side, and five townhomes to the other side of the road is the wrong message. There are many ways to integrate large and small homes. The Kentlands development is just one good example of this. We have a great local example at Hidden Garden Way in Ashton, with an integration of attached homes and detached homes, without calling out any disparity. And there are other good examples, which your staff will surely know, that illustrate a more compatible subdivision proposal.

Thank you for your consideration. I hope you will request that the subdivision be redesigned to incorporate the five affordable units within the general layout of the subdivision.

Yours truly,



Robin D. Ziek

cc: Bentley Road Civic Association