



Attachment 3

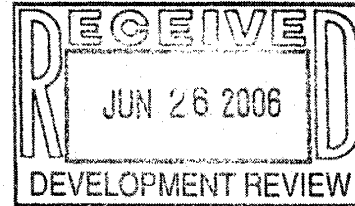
DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

June 20, 2006

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



RE: Preliminary Plan # 1-20060510
Indian Spring Country Club

Dear Ms. Conlon:

We have completed our review of the revised four sheet preliminary plan dated October 21, 2005 (and amended details subsequently received on June 14, 2006). This latest plan was reviewed by the Development Review Committee at its meeting on November 21, 2005. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to MCDPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

Our conditional approval of this plan is predicated on the need to provide the master-planned primary classification roadway "P-13" [Street "A" - extension of Tivoli Lake Boulevard out to Layhill Road (MD 182)] through this development - as noted in Mr. Arthur Holmes, Jr.'s letter of January 27, 2006 (copy attached). We are not aware of any decisions or actions which would invalidate the master planned connection. As a result, we believe the applicant should be required to implement the vehicular connection proposed on Sheet 3A of 4 - or - obtain approval from the County Council (to delete this roadway connection) prior to development approval by the Planning Board.

1. Previous comments contained in our February 10, 2005 letter (for the original preliminary plan for this site, file no. 1-04108) remain applicable unless modified below.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

2. General – provide a minimum of one hundred (100) feet of tangent space (not including curb returns) between all proposed intersections with alleys; any reductions of this policy will need a site specific justification statement with an analysis of other options considered and their respective impacts.

We reserve the right to prohibit on-street parking throughout the development as needed for traffic operations and safety.

3. Sheets 1 and 4 – we recommend the typical section and plan view for “Tivoli Lake Boulevard” be revised to read “Foggy Glen Drive” between the community square and the northern limit of the development – to differentiate this section of secondary residential street from the master planned primary roadway through the development.
4. Sheet 2 – given the constraints due to nearby adjacent development, topography, and landscaping, we support approval of the modified roadway typical sections and non-standard design features proposed within the right-of-way for Street A between Layhill Road (MD 182) and Street D. Those features include:
 - reducing the pavement width on Street A down to twenty six (26) feet – instead of the thirty six (36) foot wide section proposed in the master plan [narrowed from 36 feet between its intersection with Layhill Road (MD 182) and centerline station 5+30];
 - allowing the introduction of “Stormfilter” (or approved equivalent canister-style) stormwater management structures within the right-of-way – subject to providing thirty six (36) foot wide pavement section from MD 182 through the area of those structures, all stormwater management structures to be located entirely behind the curbline, and final approval of the structures by the Department of Permitting Services (DPS) Right-of-Way Permitting and Plan Review Section at the permit stage;
 - eliminating sidewalk on one side of the roadway and street trees on both sides of the right-of-way; and
 - allowing the introduction of retaining walls within the right-of-way to constrain the disturbed area to the public right-of-way

It appears that there will not be sufficient room in the area of the thirty six wide pavement on Street A to install underground public utilities (other than conduit for electric street lights) due to the proposed encumbrances in the shelf behind the curb (due to the proposed stormwater management structures and retaining walls). We will not allow underground public utilities to be located longitudinally under the roadway pavement. At this time, it appears that underground public utilities will need to access this site from other roadways and that it will not be feasible to locate them in the right-of-way for Street A between Layhill Road (MD 182) and Street D. We are willing to revisit this situation with the applicant, your Office, and DPS at the Site Plan and/or permit stages.

5. Also on Sheet 2, dedicate the right-of-way and grant the necessary easements for the proposed "60' Fut. R/W" intersecting Street B near centerline station 9+25. Also, if a secondary street is needed to access the adjacent property, does Street B need to be upgraded to a secondary roadway (which would affect the street design and lot layout)?
6. Ensure a minimum of two hundred fifty (250) feet of sight distance in each direction at side street intersections with Street A/Tivoli Lake Boulevard Extended. The visibility at its proposed intersection with Street D appears questionable.

Ensure a minimum of one hundred fifty (150) feet of sight distance along all tertiary streets and two hundred (200) feet along all secondary residential streets.

7. Sheet 3A – as noted on page 1, our conditional approval of this plan is predicated on constructing the master planned extension of Tivoli Lake Boulevard into this site.

Given the constraints due to nearby adjacent development, topography, and landscaping, we support approval of the alternative (environmental) primary roadway typical section and non-standard design features proposed within the right-of-way for the extension of Tivoli Lake Boulevard between existing Hugo Circle and the intersection with proposed Street K. Those features include:

- reducing the pavement width on Street A down to twenty six (26) feet;
- constructing an environmentally sensitive stream crossing structure; and
- allowing the introduction of public utilities in a manhole and conduit system within that right-of-way, within the stream crossing area, for a maximum distance of two hundred (200) feet.

We note the plan view does not delineate a sidewalk on the east side of this roadway – although one is shown on the typical section on Sheet 1. Sidewalk (and/or off-road bikepath) is required of the streets within this subdivision per Section 49-35(e). We do not believe this street will qualify for a sidewalk waiver under Section 49-43 (b.1). We are willing to work the applicant, your Office, and DPS at the Site Plan and/or permit stages to identify alternative sidewalk location(s) within the right-of-way in an effort to minimize the limits of grading in the stream crossing area.

8. Sheet 4 - the public "square" proposed (at the intersection of Tivoli Lake Boulevard with Street "A") should be designed to accommodate the turning movements of a fire truck.

Will the Community Square be dedicated to public use? If not (and it is intended to be a parcel in private ownership), we will need the applicant to grant a ten (10) foot wide Public Improvements Easement around its perimeter. The executed Declaration of Public Improvements Easement document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat.

The proposed alleys on Street K (approximately one hundred and one hundred thirty feet east of proposed Tivoli Lake Boulevard) need to be realigned to intersect opposite one another.

Ms. Catherine Conlon
Preliminary Plan No. 1-20060510
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No driveway access or on-street parking will be permitted around the traffic circle at the north end of the property (near the connection with Foggy Glen Drive). For that reason (and because this traffic circle will have a limited affect on traffic calming), we recommend that traffic circle be removed from the plans.

Waiver from the Montgomery County Planning Board for overlength cul-de-sac on Street G.

9. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
10. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Traffic Systems Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
11. Coordinate with our Mr. Philip McLaughlin of our Division of Transit Services, at 240-777-5825, for provision of on-site Ride On bus route(s) and related amenities.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at greg.leck@montgomerycountymd.gov or (240) 777-2190.

Sincerely,



Gregory M. Leck, Manager
Development Review Group
Traffic Engineering and Operations Section

m:/subd/gml/docs/1-20060510, Indian Spring Country Club
Enclosures (2)

cc: Michael Lemon; Winchester Homes, Inc.
Edward C. Wallington; Loiederman Soltesz Associates, Inc.
Steven A. Robins; Lerch, Early & Brewer, Chartered
Richard Weaver; M-NCPPC Development Review
Shahriar Etemadi; M-NCPPC Transportation Planning
Mark Etheridge; DPS Water Resources
Raymond Burns; MSHA EAPD
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Philip McLaughlin; DPWT DTS



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

January 27, 2006

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

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

Dear Chairman Berlage:

It has come to my attention that several pending preliminary plans have been prepared in an effort to persuade the Planning Board not to require the applicants to construct Master Planned Primary Residential roadways through their developments as a condition of their subdivision approvals. Two projects which readily come to mind are the Mitchell Property (file no. 1-05107) and Indian Springs Country Club (file no. 1-20060510). The Mitchell Property project pertains to the master planned connection of Kingshouse Road through that development while the Indian Springs plan concerns the master planned extension of Tivoli Lake Boulevard into that site.

We understand that some Planning Board staff, in response to input from nearby communities and/or environmental groups, are considering recommendations to require those applicants to dedicate the rights-of-way, but not to build these roadways. DPWT is very concerned with this approach to community building. We believe that such proposals, if they were to be approved by the Planning Board, would have several negative consequences including but not limited to:

- postpone planned and necessary access (including public safety access) improvements to nearby communities
- hinder community connectivity
- concentrate excess travel demand on other system links not envisioned to carry such traffic
- shift the financial responsibility for the roadway construction from the private developers to taxpayers throughout the County, if these roads are ever built
- defer the construction to a much later date, given the constraints on capital spending and the need to prioritize expenditures to much higher classification projects
- result in much higher construction costs due to inflation during the period of the deferment
- more likely result in eliminating the construction of these roads – since any opposition today will be magnified for a future capital improvements program project - once the proposed homes have been occupied
- set a seriously negative precedent by which citizen opponents would have yet another mechanism to obviate the intentions of adopted master plans.



Office of the Director

101 Monroe Street, 10th Floor • Rockville, Maryland 20850-2540 • 240/777-7170; FAX 240/777-7178
Located one block west of the Rockville Metro Station

Mr. Derick P. Berlage
January 27, 2006
Page 2

Since the streets under consideration are primary residential roadways, it is our Department's position that they were planned to provide local traffic circulation and site access to the nearby communities. We believe the County Council envisioned the applicants would be required to dedicate and construct these master planned roadways within their developments as a condition of subdivision approval. Any proposal to postpone construction will result in de-facto elimination of such facilities and therefore would constitute an amendment to the Master Plan. Therefore, we believe that such decisions would need the approval of the County Council - *as a prerequisite of subdivision approval.*

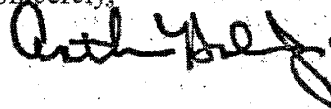
Private sector advocates of postponing the implementation of these master planned roadways should be required to satisfactorily demonstrate the impact of the diverted trips. Likewise, if it is Planning Board staff that is advocating deferral of this construction, they should substantiate their position through similar public safety access and transportation analyses, along with a thorough evaluation of the fiscal repercussions of the funding shift.

The time for narrow consideration of only environmental concerns and opposition by neighbors, without equal consideration of the more global social and economic implications, is past. As the stewards of the master plans, both of our agencies need to evaluate all aspects of these controversial ideas fully, carefully, and without bias.

Our preliminary plan review letters will continue to require the applicants to dedicate and construct these roadways within the proposed developments so long as they remain in the affected Master Plans. We urge the Planning Board to uphold the intent of those documents as well by supporting and enforcing this position.

Thank you for your cooperation and assistance.

Sincerely,



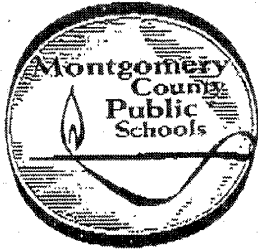
Arthur Holmes, Jr.
Director

AH/pc

cc: Bruce Romer
Robert C. Hubbard
Thomas W. Carr, Jr.
Faroll Hamer
Richard C. Hawthorne
Rose Krasnow

bcc: Michael C. Hoyt
Edgar A. González
Al R. Roshdieh
Bruce E. Johnston
Emil J. Wolanin (M:\subdivision\GML\GML\DOCS\M-NCPPCAH to DB ltr re objecting to allowing developers to not build MP roads, 013106 final DRAFT.doc)

Attachment 4



850 Hungerford Drive - Rockville, Maryland - 20850-1747

Telephone (301)

279-3425

Department of Facilities Management, 7361 Calhoun Place, Suite 400, Rockville, MD 20855

FAX -301-279-3737

June 21, 2006

Ms. Cathy Conlon
Development Review Division
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Ms. Conlon:

Re: Indian Spring—Preliminary Plan # 120060510

We continue to remain concerned that the Indian Spring development will exacerbate existing elementary school capacities and request that, as a condition of Preliminary Plan approval, the Applicant be required to place an acceptable elementary school site in reservation for three years. In addition, the Applicant should dedicate one third of an elementary school site at no cost to the Board of Education.

The development proposes 773 units, which will yield 196 elementary-aged students, approximately one-third of an elementary school. This development is within the attendance area of Glenallan Elementary School and E. Brook Lee Middle School and in the base area for John F. Kennedy High School. As demonstrated in the attached chart, current enrollments in the elementary schools in the vicinity are creating space deficits, with 27 relocatable classrooms at Glenallan, Georgian Forest and Bel Pre elementary schools. The yield of 196 elementary students supplies the nexus to justify the one-third dedication.

When the Applicant began the development process for Indian Spring in 2003, Montgomery County Public Schools (MCPS) indicated the concern that existing schools in the John F. Kennedy Cluster were over-crowded. In response to this concern, the Applicant began a cooperative effort with MCPS staff to identify an elementary school site within the service area.

The prime candidate was the former East Layhill Elementary School site on Queensguard Road in Silver Spring, where the East County Community Recreation Center is to be constructed. The site is shown as a future school site in the Approved and Adopted 1994 Aspen Hill Master Plan. However, it was surplused and deeded to the Montgomery County government in 1997. Since that time, programmatic changes and class-size reduction have impacted capacity needs throughout the county.

Ms. Cathy Conlon

-2-

June 20, 2006

A feasibility plan was prepared that proposed the collocation of the school with the community recreation center. To provide for parking and drop-off facilities, the collocation concept required the acquisition of an adjacent, privately owned three-acre parcel to be assembled with the 9.3-acre recreation center site.

Further studies of the three-acre parcel indicated the existence of wetlands soils. In September of 2005, MCPS staff and a consultant met with Mr. Bob Cooper of the Maryland Department of the Environment (MDE) at the East Layhill site to discuss the specific characteristics associated with the site, the public need for an elementary school, and the proposal to search for mitigation opportunities within the watershed. As a result of this meeting, Mr. Cooper requested that MCPS submit an Alternative Site Analysis for further study.

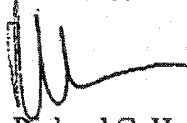
In November of 2005, MCPS staff transmitted an Alternative Site Analysis that explained the criteria used in its determination that the East Layhill site was the best choice for an elementary school site. The analysis included specific details of each of the four alternative sites: Saddlebrook Local Park, Matthew Henson Greenway, Middlevale Local Park and Indian Spring. (A copy of the report is attached.)

In December 2005, MCPS received notification that MDE "cannot recommend proceeding with plans to use the proposed site (East Layhill) for an elementary school."

As explained earlier, there is clearly an identified need for another elementary school in the Aspen Hill Master Plan area. MCPS has clearly performed its due diligence in identifying alternate sites, including the East Layhill site, but the alternate sites are not conducive to school construction. Because MCPS now has no other viable options for a suitable site for an elementary school to serve this portion of the John F. Kennedy Cluster, MCPS is requesting a school reservation for three years and dedication of one-third of an elementary school site. Since the recommended size for an elementary school is 12 acres, the dedication would consist of four acres.

Thank you for the opportunity to comment. Should there be additional questions, please contact me at 301 279 3425.

Sincerely,



Richard G. Hawes, Director
Department of Facilities Management

RGH:jlc

Enclosures

Copy to:

Mr. Crispell

Ms. Turpin

Mr. Robins

Mr. Lemon

**INDIAN SPRING
Preliminary Plan Application**

5/17/2006

INDIAN SPRING CC	# of Units	Glenallan	Lee	Kennedy
		ES K - 5	MS 6 - 8	HS 9 - 12
Single-Family Detached	463	140	53	70
Single-Family Attached	310	56	50	64
TOTAL STUDENT YIELD	773	196	103	134

Projected Enrollment and Space Availability								
Schools	Actual 05-06	06-07	07-08	08-09	09-10	10-11	11-12	Current On site Relocatables
Glenallan ES								8
Program Capacity	288	288	288	288	288	288	288	
Enrollment	413	412	395	395	397	401	406	
Available Space	(125)	(124)	(107)	(107)	(109)	(113)	(118)	
Georgian Forest ES								11
Program Capacity	319	319	319	319	319	319	319	
Enrollment	431	435	436	425	421	411	421	
Available Space	(112)	(116)	(117)	(106)	(102)	(92)	(102)	
Bel Pre ES (K-2)*								8
Program Capacity	381	381	381	381	381	381	381	
Enrollment	488	494	497	504	506	508	509	
Available Space	(107)	(113)	(116)	(123)	(125)	(127)	(128)	
Strathmore ES (3-5)*								0
Program Capacity	434	434	434	434	434	434	434	
Enrollment	433	419	419	421	425	431	436	
Available Space	1	15	15	13	9	3	-4	

*Bel Pre ES and Strathmore ES are paired schools



MARYLAND DEPARTMENT OF THE ENVIRONMENT
 1800 Washington Boulevard • Baltimore MD 21230
 410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.
 Governor

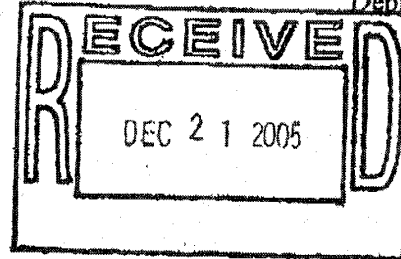
Water Management Administration
 Wetlands and Waterways Program
 Phone: 410-537-3768
 Fax: 410-537-3751

Kendl P. Philbrick
 Secretary

Michael S. Steele
 Lt. Governor

Jonas A. Jacobson
 Deputy Secretary

December 19, 2005



Montgomery County Public Schools
 Department of Facilities Management
 Attn: Richard G. Hawes, Director
 7361 Calhoun Place, Suite 400
 Rockville, Maryland 20855

Project: Montgomery County Public Schools – East Layhill Elementary School Site (Pre-application)

Dear Mr. Hawes:

I am responding to your submittal dated December 1, 2005 to the Nontidal Wetlands and Waterways Division of the Water Management Administration regarding the above referenced project. The submittal included an Alternative Site Analysis and requested "guidance as to whether to proceed with the wetlands application for the proposed site".

At this time the Division cannot recommend proceeding with plans to use the proposed site for an elementary school. This is based on the fact that the site contains extensive forested nontidal wetlands and the headwaters to an unnamed tributary to the Northwest Branch, a Use IV waterway. Under the State's Nontidal Wetlands Regulations (COMAR 26.23.01.01), wetlands adjacent to Use IV waters are considered to have "significant plant or wildlife value". According to preliminary plans presented by Montgomery County Public Schools (MCPS), the entire wetland system and headwater stream would need to be impacted to use this site. MCPS staff was advised of the Division's concerns over this site at the Montgomery County Wetlands Coordinating Committee meeting on August 30, 2005 and again during a field review of the site on September 13, 2005.

In addition to the Division's concerns it should be noted that the wetland and waterway impacts associated with the proposed site would also be subject to approval by the U. S. Army Corps of Engineers. As part of the joint State/federal permitting process, the application would be subject to comment by various State and federal agencies including the Md. D.N.R., Md. Historical Trust, U.S. E.P.A, and U.S. Fish and Wildlife Service. The State and federal resource agencies generally oppose projects that involve lot fill in wetlands and waterways. The application would also be subject to public comment with the opportunity for a public informational hearing. Based on recent permit applications in the Northwest Branch watershed, significant public concern over the project could be expected.

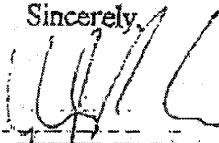
It is recommended that a more intensive alternative site search be conducted. The

alternative site analysis indicates that four additional sites were examined however three of them are existing parks which would unlikely be suitable sites due to their existing use. If existing parks are considered suitable for school development, more detail about why the sites were rejected should be provided. For instance, the analysis for Middlevale Neighborhood Park lists constraints as "traversed by two streams" but there is no indication of whether this site would require greater impact than the proposed East Layhill site. Aren't the extensive forested nontidal wetlands and headwater stream channel a constraint for the East Layhill site? In addition to addressing alternate sites, consideration of expansion of existing school facilities to meet the need for additional capacity should also be thoroughly addressed. Further information on the Alternative Site Analysis requirements can be found in COMAR 26.23.02.05.

If after further consideration of alternative sites the East Layhill site is selected as the only practicable alternative, significant efforts must be made to minimize adverse impacts to nontidal wetlands and waterways on the site. Finally, mitigation for unavoidable stream and wetland impacts will be required within the watershed.

Thank you for providing the opportunity for pre-application comments on this project. Should you have any further questions regarding the above comments, please contact me at (410) 537-3803.

Sincerely,



Robert P. Cooper
Chief, Southern Region
Nontidal Wetlands and Waterways Division

Cc: U. S. Army Corps of Engineers (Jack Dinne)
MNCPPC Environmental Review (Steve Federline)
Environmental Systems Analysis, Inc. (Mark Burchick)

Alternative Analysis Options of Potential Elementary School Sites

Montgomery County Public Schools
Downcounty Consortium Elementary School #29

Background

Enrollment figures indicate that an elementary school is needed in the area designated as the Kennedy High School Base Area, highlighted in red on the attached drawing labeled "Downcounty Consortium Base Area" map. A new elementary school would relieve overutilization at Bel Pre/Strathmore, Georgian Forest and Glenallan elementary schools.

In considering candidate school sites, staff with Montgomery County Public Schools (MCPS) identified the following sites: East Layhill Site, Matthew Henson Greenway Trail, Saddlebrook Local Park, Middlevale Neighborhood Park and the existing Indian Spring Country Club.

The preferred site for the elementary school is the East Layhill site on Queensguard Road. A concept plan was prepared, proposing collocation with the future Midcounty Community Recreation Center. The community recreation center, currently in the design stage of development, is to be located on a 9.3-acre site adjacent to the Layhill Village Local Park. The collocation design would require acquisition by the Board of Education of a three-acre parcel adjacent to the recreation parcel for assemblage with the 9-acre site.

After a wetlands delineation determined the existence of wetlands on a portion of the three-acre site, a Wetland Permit Pre-Application Meeting was held on September 13, 2005 with Mr. Bob Cooper of the Maryland Department of the Environment, Mr. Mark Burchick of ESA and Mary Pat Wilson of Montgomery County Public Schools. At the recommendation of Mr. Cooper, following is an updated review of alternative analysis options of potential elementary school sites.

Site Criteria

The current Board of Education standard for an elementary school is 12 usable acres. Some departure from the standard can be accepted if playfields, afforestation or stormwater management facilities can be provided off-site. In any case, the total programmed facilities of an elementary school must be accommodated on the site. Additional criteria include location in a specific target area, access to a primary road, availability of utilities, cost, compatible adjacent use and reasonable timing of site availability.

Following is an analysis of the four alternative sites that supports the reasoning behind a collocated facility at the East Layhill site.

