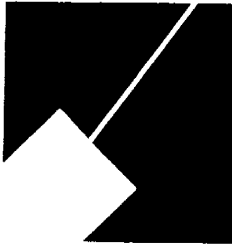


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

OFFICE OF
THE GENERAL COUNSEL

(301) 495-4646
FAX (301) 495-2173

Agenda Date: June 19, 2008

Item # 4
Reconsideration Request

June 16, 2008

REQUEST FOR RECONSIDERATION

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Debra Yerg Daniel, Associate General Counsel
301.495.4646

FROM: Kathleen G. Drohan, Associate General Counsel ^{KGD}
301.495.4646

RE: Reconsideration Request for Sutton Property,
Preliminary Plan No. 120060710

With this memorandum we forward for the Board's review a request for reconsideration of the Sutton Property preliminary plan approval, Preliminary Plan No. 120060710, received from Gerald Barkdoll, a concerned citizen, who resides near the subject property at 12314 Riding Fields Road, Rockville, MD 20850.

I. BACKGROUND

At its January 17, 2008 meeting, the Board approved the Sutton Property preliminary plan by a 3-1 vote, on motion of Commissioner Bryant, seconded by Commissioner Robinson. Commissioner Bryant and Robinson joined Chairman Hanson in voting to approve the plan as conditioned. Commissioner Cryor voted

against the motion. The resolution memorializing the Board's approval was mailed on May 23, 2008, and Mr. Barkdoll filed a request for reconsideration on May 26, 2008.

As discussed in greater detail below, Mr. Barkdoll seeks to have the Board modify its order approving the Sutton Property preliminary plan to permit Riding Fields Road to maintain its current configuration, which terminates in two hammerheads. The Board's resolution calls for the road to be connected.

II. APPLICABLE RULES

A reconsideration request must "specify any alleged errors of fact or law and state fully all grounds for reconsideration because of mistake, inadvertence, surprise, fraud, or other good cause." The Board is responsible for determining if the grounds stated in support of the reconsideration request are sufficient to merit reconsideration.

Only a Board member who voted in the majority of the decision that is the subject of the request for reconsideration can move to reconsider the decision. If there is no motion for reconsideration, the request for reconsideration is denied. Any motion to reconsider must be supported by a majority of the Board members present who either participated in the previous decision or read the record on which it was based.

III. RECONSIDERATION REQUEST

Mr. Barkdoll requests that the Board reconsider its decision to complete Riding Fields Road as a through street. The Board approved this completion, as recommended by Planning Board staff, finding that the connection would be greatly beneficial to the community. This issue was discussed in the Board's resolution:

The Board heard testimony from staff that the current configuration of Riding Fields Road, which now ends in two temporary hammerheads, is designed to eventually connect to provide a continuous through-road. A review of the maps for the area strengthens the argument that each of the road segments of Riding Fields Road had been constructed in such an alignment so that they could one day be connected. The development of the Sutton Property is the key to that connection. As part of the approval of the Sutton Property, the dedication of the necessary right-of-way would allow for the completion of the road by the developer.

The Planning Board also read the letters and heard testimony from residents who opposed the connection believing that the current configuration already allowed for pedestrian connection between the two neighborhoods. The neighbors alleged that the proposed road connection would result in noise nuisance, increased traffic, potential for littering, and easier access to the neighborhood by criminals which would result in a less safe community. They also were concerned about the negative impact to property values that the connection may have on their homes.

Based on the evidence of record, the Planning Board finds that the connection of Riding Fields Road would greatly improve circulation in the local communities now separated by this missing road segment and that non-local traffic is unlikely to use this connection as a reasonable commuting option. The Board further finds that police and fire and rescue access to the general neighborhood would be enhanced because the connection of the road provides two alternatives to access the neighborhoods from the local non-residential streets. The Board also finds that users of the local road network, such as school busses, mail delivery, trash collection and service vehicles would also benefit by shorter drive times.

In making its findings, the Planning Board considered all of the evidence presented and finds that the benefits of connecting the roadway, including the enhanced safety and security for residents by means of increased access to the surrounding area by police, fire and rescue services, far outweigh any speculative harms. Based on this finding, the Planning Board conditions the Applicant to dedicate and construct the connection of the two temporary hammerheads of Riding Fields Road.

Among Mr. Barkdoll's concerns regarding the road connection are (1) that the Board was not aware of certain facts, such as community's opposition to the extension of Riding Fields Road due to the various times documents were filed with the Board, including the day of the hearing, and other documents that were not provided to the Board by staff at the hearing; and (2) that staff's opinion that the connection would benefit the community is contrary to the community's opinions and not supported by facts.¹

Mr. Barkdoll asks the Board to consider seven documents, four of which were not presented to the Board by staff at the hearing. Of these four documents, two are dated after the public hearing on January 17, 2008, and are correspondence drafted by Mr. Barkdoll. The first document, dated almost two months after the public hearing, is a March 10, 2008 email to Ms. Proctor, the Shady Grove Depot manager of MCPS, in which Mr. Barkdoll sets forth his understanding that M-NCPPC staff never contacted Ms. Proctor regarding the Riding Fields Road connection.² The second document, dated approximately three weeks after the hearing, is a February 06, 2008 email

¹ Mr. Barkdoll disagrees that the facts support staff's suggestion that the road connection will provide improved postal service, school bus routing and access for emergency vehicles.

² Attachment One, p. 17.

addressed to a United States Postal Service employee, summarizing information Mr. Barkdoll had requested about mail delivery to the surrounding area.³

The other two of the four documents were dated prior to the public hearing. One document is a November 27, 2007 letter from the applicant's counsel to Planning Board staff requesting its support for approval of the cul-de-sac option⁴ as proposed by the community.⁵ The second document is a November 11, 2007 email from Greg Leck of DPWT to Mr. Barkdoll in which he mentions that at one time Planning Board Transportation staff had recommended that Riding Fields Road not be extended.⁶ The letter goes on to explain that the decision as to whether the road connection should be made is one left to the Planning Board and also points out that staff recommendations are subject to change.

Additionally, in his reconsideration request, Mr. Barkdoll refers to published research that is neither identified nor attached to his request.⁷

In further support of his reconsideration request, Mr. Barkdoll cites "the precedent setting nature of the Board's decision to permit an entire development utilizing sand mounds," but does not explain how this supports a grant of reconsideration. The reconsideration request goes on to state that it pertains only to the Board's approval of the Riding Fields Road connection, which is unrelated to the sand mound issue.⁸

IV. RECOMMENDATION

We do not believe there is any legal deficiency in the Planning Board's action approving the Sutton Property preliminary plan that requires reconsideration. The issue of the Riding Field Road connection was thoroughly considered by the Board at the January 17, 2008 hearing. However, if the Board determines that the reconsideration request demonstrates that there was a mistake, inadvertence, surprise, or fraud in its earlier decision, or that Mr. Barkdoll has shown other good cause for reconsideration, the Board may grant the request.

³ Attachment One, p. 8

⁴ As an alternative to connecting Riding Fields Road, the applicant, Dumont Oaks Corporation, proposed a cul-de-sac at the terminus with a potential pedestrian connection.

⁵ Attachment One, p. 18.

⁶ Attachment One, p. 19.

⁷ Attachment One, p. 4.

⁸ Attachment One, p. 2.

IV. ATTACHMENTS

Attachment One: Mr. Barkdoll's May 28, 2008 reconsideration request (including attachments).

Attachment Two: Staff report dated January 7, 2008 (including attachments).

Attachment Three: Resolution issued May 23, 2008.

ATTACHMENT ONE

GERALD (Jake) BARKDOLL DPA
12314 Riding Fields Road
Rockville, MD 20850
Phone (301) 987-8596
FAX (301) 987-8594
e-mail jakebarkdoll@msn.com

RECEIVED
0567
MAY 28 2008

May 26, 2008

Dr. Royce Hanson
Chairman, Montgomery County Planning Board
Maryland National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Mr. Rollin Stanley
Planning Director
Maryland National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Subject: Case # 120060710, Parcel P241 (tax map ER 51), The Sutton Property

Dear Dr. Hanson and Mr. Stanley

The purpose of this letter is to respectfully request that the Planning Board reconsider the decision it made at its January 17, 2008 meeting, and documented in the Resolution dated May 23, 2008, with respect to connecting Riding Fields Road through from Mount Prospect Drive to Hunting Hills Way.

The applicant submitted two alternate plans. Alternate A shows Riding Fields as continuous from Mount Prospect to Hunting Hills Way. Alternate B shows Riding Fields Road as two sections with a cul-de-sac providing access to the two new lots on the subject property.

It appears that the staff made assumptions concerning the advantages of extending Riding Fields that have turned out to be erroneous. It was not possible for the community to investigate these assumptions in the relatively short time between the issuance of the staff report (1/7/2008) and the hearing (1/17/2008). It is now clear that the staff based its recommendation and Planning Board based its decision on "facts" that are demonstrably not true (see details below). Under section 4.12.1 the Board can reconsider because of the mistake of fact resulting from the inadvertence by staff.

An additional basis for reconsideration is that it also appears that the Planning Board (1) was not aware of the unanimous community preference for alternate B, (2) that the applicant agreed with the community, and (3) the Traffic Engineering section and the M-NCPPC Transportation Planning Staff also agreed that plan B was satisfactory. The agreement to alternate B among the community, the developer and the professional staffs must have been an oversight by the Planning Board when alternate A was selected. This oversight may be due to the fact that certain key documents were omitted from the package received by the board and in addition, some documents were filed at various times and may not have come to the Board's attention prior to the decision.

A third basis for reconsideration is the precedent setting nature of the Board's decision to permit an entire development utilizing sand mounds. Over the years members of the community purchased their homes with the knowledge that the Sutton property had failed to "perk", city sewer was virtually impossible, and sand mounds had been historically rejected - even in the case of single lots. Limited time and resources were devoted to the development of data, evidence, and arguments to support keeping Riding Fields in its current configuration since prior to the Board's Jan 17 decision to allow an entire development using sand mounds, the continuation of Riding Fields was not a likely issue.

Please note this is not a request for reconsideration of the approval of the development, only a request to reconsider the option concerning Riding Fields.

Details relative to the Board's reconsideration include:

1. Riding Fields Road is not classified as a primary road in the Master Plan. Consequently the Board has the discretion to allow it to continue in its current configuration. This would not be a precedent setting decision

since other streets such as Willowbrook Drive have continued as non-connected entities.

2. The staff report asserts that extending Riding Fields Road would provide better postal service. This assertion is not supported by the facts. Hunting Hill Way (ZIP 20878) mail is delivered from the Potomac Post Office by mail carriers traveling East on Travilah Road. Travilah Grove (ZIP 20850) mail is delivered from the Rockville Post Office by carriers traveling West on Travilah Road. Both communities are at the very edge of their perspective ZIP codes so no benefit would derive from routing mail carriers through either community to get to the other. (Attachment A documents the relevant conversation with Postal officials)
3. There are 32 properties in the Travilah Grove community and the owners of all 32 properties have signed one or both petitions that request that Riding Fields Road not be extended through to Hunting Hill Way. A copy of the 3/9/06 petition containing 20 signatures appears as attachment B and a copy of the 1/16/08 petition containing 30 signatures appears as attachment C. The second petition (attachment C) was delivered to the Board by a witness during the hearing and as such did not arrive in time for the staff to consider it prior to developing their recommendations and report to the Board.
4. The staff report argues that in their opinion the effects of extending Riding Fields Road will be beneficial to the local community and the disadvantages inconsequential. This view is contrary to the unanimous opinion of the residents of the community who have first hand knowledge of the situation and must live with the decision on a day-by-day basis. The community includes medical doctors, lawyers, engineers, executives, and other professionals skilled at considering facts and reaching thoughtful conclusions. The advantages and disadvantages were discussed at several community meetings and the community's conclusion (as represented in the previously mentioned petitions) was unanimous – it is best for the community if Riding Fields remains in its current configuration with the addition of a walk/bicycle path between the two communities.
5. The staff report asserts that extending Riding Fields Road would provide improved school bus routing. This assertion was not confirmed by the MCPS Shady Grove Depot manager responsible for establishing bus routes. In addition, she asserted that she had not been contacted by members of the Planning Staff prior to the writing of the staff report. (See attachment D).

6. The developer expressed his support for the same option preferred by the community – a cul-de-sac with a pedestrian connection. An 11/27/07 letter from the developer communicated that preference. (see attachment E) The letter from the developer requesting the cul-de-sac configuration and pedestrian connection was not included in the staff material provided to the Planning Board prior to the hearing.
7. The development Review Group of the Traffic Engineering Section, and M-NCPPC Transportation Planning concurred with a decision to not connect Riding Fields through. Attachment F is a copy of the email presenting the opinions of these two staffs. This email was not included in the staff material presented to the Planning Board prior to the January 17 meeting.
8. The staff report asserted that extending Riding Fields Road would provide better access for emergency access. This assertion was contradicted by John Bentley, captain of Station 31 (the fire and rescue station that serves Hunting Hills and Travilah Grove). He explained that a fire truck or an ambulance coming from Station 31 would travel on Dufief Mill Road to Travilah. To reach Hunting Hills it would turn right on to Travilah. To reach Travilah Grove it would turn left on Travilah. Captain Bentley indicated that no benefit would accrue from having Riding Fields as a through street. (See attachment G).
9. Published research supporting the community's concerns regarding the negative impacts on property values, privacy, and safety was not mentioned or was disregarded in the staff report. Unfortunately there was insufficient time between 1/7/2008 and 1/17/2008 to obtain complete copies of the substantial body of research, summarize it, and present it to the Board during the hearing. Reconsideration of the resolution will provide an opportunity for this relevant research to be considered by the board.

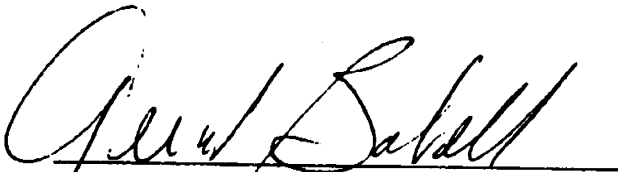
This request for reconsideration is being presented in keeping with section 4.12.1 of the *Rules of Procedure: the Montgomery County Planning Board* which states;

The Planning Director or any Party may petition the board to reconsider a Resolution within ten days after the date of mailing of the resolution. Any request must be in writing, and be filed with the Planning director.

and in keeping with instructions contained in an email from Richard Weaver to Gerald Barkdoll dated 1/25/08 which stated;

under the Planning Board's, Rules of Procedure, the applicant or any party of record, has the ability to ask the Board to reconsider the application. A request for reconsideration can be made only in the 10 day period following the mailing of the Planning Board Resolution on the application.

Thank you for your consideration of this request.

A handwritten signature in cursive script, appearing to read "Gerald Barkdoll", written over a horizontal line.

Gerald Barkdoll

CC: See attached mailing list

MAILING LIST

| | | | |
|--|--|---|--|
| Tony & Marina Miller 13706 Mt. Prospect Dr. Rockville, MD 20850 | Rod and Terry Yassin 13602 Mt. Prospect Dr. Rockville, MD 20850 | Jon and Lori Studner 13604 Mt. Prospect Dr. Rockville, MD 20850 | Steven Yank & Annie Chu 13705 Mt. Prospect Dr. Rockville, MD 20850 |
| Tom and FangYing Chao 13701 Mt. Prospect Dr. Rockville, MD 20850 | Steve Smith 13717 Mt. Prospect Dr. Rockville, MD 20850 | Mitch and Lisa Frost 13611 Mt. Prospect Dr. Rockville, MD 20850 | Steven and Ruthellen Wolf 13613 Mt. Prospect Dr. Rockville, MD 20850 |
| Dan and Sue Lehr 12313 Riding Fields Road Rockville, MD 20850 | Chris and Leslie Keenan 12305 Riding Fields Road Rockville, MD 20850 | Harl and Maya Ramamurthy 12300 Riding Fields Road Rockville, MD 20850 | Joel and Sue Neaman 12304 Riding Fields Road Rockville, MD 20850 |
| Young and Ae Lee 12315 Riding Fields Road Rockville, MD 20850 | Soraya Karmand 12312 Riding Fields Road Rockville, MD 20850 | Edward Kemp 13508 Hunting Hill Way N. Potomac, MD 20878 | G Jagadeesh 13712 Mt. Prospect Dr. Rockville, MD 20850 |
| John Jacobs 13609 Mt. prospect Dr. Rockville, MD 20850 | William Pappas Natalie Estates HOA 11406 Royal View Court North Potomac, MD 20878 | George Sauer Citizens For Better Montgomery 8307 Post Oak Road Potomac, MD. 20854 | Cheryl Berger Natalie Estates HOA 849-F Quince Orchard Blvd. Gaithersburg, MD 20878 |
| Wayne Goldstein Montgomery Preservation Inc. Montgomery Co. Civic Assoc. 3009 Jennings road | George Barnes Westmont. Co. Citizens Assn. 10311 Glen Road Potomac, MD 20854 | Julius Cinque Northern Mont. Co. Alliance 223 Slidell Road Boyd's, MD 20841 | Salome Creighton Potmac Chase Est. Citizens Assn. 26 Glenhurst Court N. Potomac, MD 20878 |
| Timothy McGrath TROT PO Box 190 Dickerson, MD 20842 | Connie Beck 7828 Hidden Meadow Ter. Potomac, MD 20854 | Pedro Porro 5729 Bradley Blvd. Bethesda, MD 20814 | Adam Greenberg Potomac Chamber 9812 Falls Rd. Suite 114 Box 321 Potomac, MD 20854 |
| Marvin Welman Montgomery Co. Taxpayers Lg. PO Box 826 Rockville, MD 20848 | Barbara Andreassen Pot. Chase Estates Cit. Assn. 13624 Glenhurst Rd. N. Potomac, MD 20827 | President Darnestown Civic Assn. 14100 Darnestown Rd. Darnestown, MD 20874 | Jim Fary Sierra Club - Montgomery County Group 2836 Blue Spruce Lane Silver Spring, MD 20906 |
| Carol Vandam Falk 13100 Esworthy Rd. N. Potomac, MD 20878 | Dolores Milmoie Auduboun Naturalist Society 8940 Jones Mill Road Chevy Chase, MD 20815 | Eric Gilliland Wash. Area Bicyclist Assn. 1803 Conn. Ave. NW - 3rd Fl Washington, DC 20009 | Contact Washington Area Transit Auth. 600 Fifth St. NW Washington, DC 20001 |
| John Luke Mont. Co. Air park 7940 Air Park Road Gaithersburg, MD 20879 | Thomas Moseley 12329 McCrossin LN Potomac, MD 20854 | Potomac Wilton Gun Club 12230 McCrossin LN Potomac, MD 20854 | Clyde W. & V J Pray 13517 Hunting hill Way N. Potomac, MD 20878 |
| Manibhai G & Manjhu M Patel 13525 Hunting Hill Way N. Potomac, MD 20878 | Donna M Fraley Trustee 11825 Centurion Way Potomac, MD 20854 | Sina P & Nina D Fuzlin 11832 Centurion Way Potomac, MD 20854 | Mitchell P. Rules c/o Michael G Ryan 12" Fl. 2099 Pa. Ave. NW Washington, DC 20036 |

John Dunenfeld et al
12308 McCrossin LN
Potomac, MD 20854

Thomas K C & Margot M Chang Khoo
12300 McCrossin LN
Potomac, MD 20854

Bryan & Dawn Robertson Coapstlick
12328 McCrossin LN
Potomac, MD 20854

Robert & Katherine Denham
12304 McCrossin LN
Potomac, MD 20854

Russell & M E Allnut
12312 McCrossin LN
Potomac, MD 20854

Oto & C E Tubelis
2760 Calle Olivo
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Sutton Homes Inc.
C/O Rodger Charim
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McLean, VA 22101

David Podolsky Esq.
25 West middle lane
Rockville, MD 20850

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Holland & Knight LLP
3 Bethesda Metro St., Suite 800
Bethesda, MD 20814

Mr. Rollin Stanley, Planning Director
Maryland National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Robert Paul Hillerson, President
DuMont Oaks Corp.
801 Wayne Avenue Suite 300
Silver spring, MD 20910

Dr. Royce Hanson Chairman,
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Bob and Laurie Parr
13610 Mt. Prospect Drive
Rockville, MD 20850

A

Mail Delivery Routes

Gerald Barkdoll (jakebarkdoll@gmail.com)

Wed 2/06/08 1:16 PM

samuel.e.montano@usps.gov

Ed

Thanks for calling me this morning and for the information you provided during our phone conversation. The purpose of this email is to repeat the major parts of our conversation just to make sure I noted them correctly.

Mail to Hunting Hill Way (ZIP 20878) is now delivered out of the Potomac Post Office and mail to Mount Prospect Road and Riding Fields Road (ZIP 20850) is delivered out of the Rockville Post Office. There is a proposal to complete Riding Fields Road between Hunting Hill Way and Mount Prospect. If Riding Fields is extended through, the post offices that now serve Hunting Hill Way and Mount Prospect Riding Fields will continue to serve the same ZIP codes and the houses they now serve. Since mail delivery vehicles from Rockville come across Travilah from the east and mail delivery vehicles from the Potomac Office come across Travilah from the west there is no apparent reason why any of the vehicles will use Riding Fields as a through street.

Thanks for your help.

Like

Gerald Barkdoll
12314 Riding Fields Road
Rockville, MD
20850



B

**REQUEST FROM MEMBERS OF THE
TRAVILAH GROVE COMMUNITY**

Reference plan number 120060710 (the Sutton Property)

The members of the Travilah Grove community who have signed below respectfully request that as the reference property is developed, that Riding Fields Road continue to exist in its current configuration (as two separate segments).

The following are reasons for continuing Riding Fields in two separate segments rather than as a thru street:

1. The portion of Riding Fields Road in the Travilah Grove community has become a community area for bicycle riding, family strolls, jogging, dog walking and other activities. Several members of the community recovering from surgery have used Riding Fields Road as the site for their post-surgery exercise regime. These benefits would be lost if Riding Fields was opened to through traffic.
2. Keeping the current configuration will avoid the noise, nuisance, and added hazards of increased traffic (commuters, service and delivery trucks, trash and recycle trucks, etc.) on both Riding Fields and Mount Prospect.
3. Keeping the current configuration will keep Riding Fields and Mount Prospect clear of trash thrown from drive-thru traffic as is perpetually evident on Travilah Road.
4. Provide safe pathways for horseback riders to traverse the area without crossing lines of vehicular traffic.
5. Increasing the number of entrances into the two communities will have a detrimental affect on the crime rate of the two communities such as robberies, break-ins, drive thru incidents, etc. as documented in the Department of Justice's publication (*Lasting Streets and Alleys to Reduce Crime*: (Lawbreakers do not like to enter into communities with only one escape route and where strangers are readily recognized).
6. Increasing the number of entrances into the two communities will have a detrimental affect on the feeling of safety held by members of the two communities (see previously referenced DOJ document).
7. A reduction of the actual and the perceived safety of a community will have a negative impact on property values.

9

8 The addition of 1, 2 or even 3 houses on the Sutton property with access through Riding Fields should not precipitate a change affecting the 32 families in the Travilah Grove community as well as a similar number in the Hunting Hills community.

The following members of the Travilah Grove community are formally requesting that Riding Fields be continued in its current configuration and not changed to a thru street

[Signature]
12314 Riding Fields RD
3/7/06

[Signature]
13105 Mount Prospect Dr
3/7/06

[Signature]
13721 Mt Prospect Dr
3/7/06

[Signature]
13511 Mount Prospect Dr
3/7/06

[Signature]
13613 ...
3/7/06

[Signature]
12305 Riding Fields Rd
3/7/06

[Signature]
23 S ...
3/7/06

[Signature]
12304 Riding Fields Rd
3/7/06

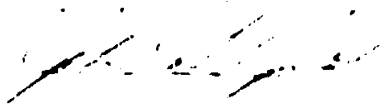
Terry & Rod Hensley
13602 Mt Prospect Dr
Rockville, MD 20850
(301) 726-2500 3/4/10

Arthur & Vivian Korman
13706 Mount Prospect Dr
Rockville, MD 20850
3/8/2000

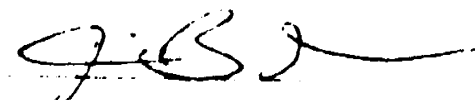
Frank & Jan Studer
13604 Mt Prospect Dr
Rockville MD 20850

5/5/10
6 Jody Kersh
15112 Mount Prospect Drive
Rockville, MD 20850
301 208-5200

DANIEL & SUSAN LAHR
12313 RIDING FIELDS ROAD
ROCKVILLE, MD 20850


James J. - 6/2/10
15112 Mount Prospect Drive
Rockville, MD 20850
301 208-5200

Marie & Guffe
13717 Mt. Prospect Dr.
Rockville, MD 20850


13708 Mt. Prospect Dr.
Rockville, MD 20850
301-721-0010

Edward H Kemp
13508 Hunting Hill Way
N. Potomac Md 20878

Stacy Korman Korman
12312 RIDING FIELDS ROAD
Rockville md 20850
7/8/10

724 R R

13610 Mt Pleasant R

R.R. 4, Mt. Pleasant

5/1/06

Alan Ramanoff

12300 Ridgely Field Road

Rockville, MD 20850

5/8/06

C

REQUEST FROM MEMBERS OF THE TRAVILAH GROVE COMMUNITY

Reference plan number 120060710 (the Sutton Property)

The members of the Travilah Grove community who have signed below respectfully request that if the reference property is developed, that the use of sand mounds are done in a way that assures they will not become a nuisance in the community, that lots are shaped so as to maintain the pleasing appearance of the area and that a walking/bicycling path be constructed to connect the two communities rather than developing a roadway for cars and trucks.

Paul Babell
Linda Snyder
12314 Riding Horse Rd
1/9/08

Achoua
13710 MT PROSPECT DR
ROCKVILLE MD 20850
1/9/08

Janning She
13711 Mount Prospect Dr
Rockville MD 20850
1/9/08

[Signature]
[Address]
[Address]

Peggy Culler
13721 Mount Prospect Dr
Rockville MD 20850
1/9/08

Frank D'Avanzo
13718 Mt Prospect Dr
Rockville MD 20850
1/9/08

[Signature]
[Address]
[Address]
1/9/08

[Signature]
[Address]
[Address]
1/9/08

Anthony Knapp
13704 Mt Prospect Dr
Rockville, MD 20850
1/12/09

Janice Heaman
13304 Riding Fields Rd
Rockville Md
20850

Janet D. Knapp
13704 Mt Prospect Dr
Rockville, MD 20850
1/12/09

Kathleen Wilfong
13650 Mt Prospect Dr
Rockville, MD 20850
1/12/09

John C. Miller
13711 Mt Prospect Dr
Rockville, MD 20850
1/12/09

Therese R.
13610 Mt Prospect Dr
Rockville, MD 20850
1/12/09

GENIE STANTON
13304 Riding Fields Road
Rockville MD 20850
1/12/09

Terry Waring Redington
13602 Mt Prospect Dr
Rockville MD
20850

Kevin P. ...
13304 Riding Fields Rd
Rockville, MD 20850
1/12/09

Rachel ...
13604 Mt Prospect Dr
Rockville, MD 20850
1/12/09

John Hancock
12300 Parking Fields Rd.
Rockville, MD 20850
1/12/08

S. Glat
13716 Mt. Prospect Dr.
Rockville, MD 20850
1/12/08

Wendy C
13705 Mt. Prospect Dr.
Rockville, MD 20850
1/12/08

G. Jagadeesh
13712 Mount Pleasant Dr
Rockville, MD 20850
1/12/08

Michael (unclear)
13611 Mt. Prospect Dr
Rockville, MD 20850
1/15/08

[Faint handwritten text]

Tina & Mary Lynn Price
13600 Mt Prospect Dr
Rockville, MD 20850
1/13/08

Tina Price
12345 Parking Fields Rd
Rockville, MD 20850
1/13/08

Jessica [unclear]
12311 [unclear] Dr
Rockville, MD 20850
1/15/08

Kristina L. Walters
13608 Mt Prospect Dr
Rockville, MD 20850
1/15/08

Enthoria Vlahos
13711 Mount Prospect Dr.
Rockville, MD 20850
1/15/08

Ken 3 Lee Pelt
12313 RIDING FIELDS RD
ROCKVILLE, MD 20850
1/15/08

Robert S. Farnham
13606 Mount Prospect Dr
Rockville, MD 20850
1/15/08

D

Riding Fields Road

Gerald Barkdoll (jakebarkdoll@msn.com)

Mon 3/10/08 11:16 AM

Peggy Proctor (peggy_proctor@mcpsmd.org)

Ms. Proctor

Thank you for meeting with me today to discuss the proposed extension of Riding Fields Road. Your description of the annual Spring process for developing school bus routes was very informative and helpful. Of particular interest was the attention you and members of your staff give to being aware of, and considering community interests and desires during the scheduling process. These considerations are of course in addition to your consideration of student numbers and locations. As we discussed members of the Travilah Grove community are very concerned about increased traffic through the community if Riding Fields is extended, and it was interesting to hear that you had experience a substantial change in traffic when your "no outlet" street became a through street.

Based on our discussion my understanding is that you first leaned of the possible extension of Riding Fields from me, and (has been their practice) have not been previously contacted by any Montgomery County Park and Planning staffs concerning how changes in the configuration of Riding Fields Road might impact school bus routing.

Thanks for taking some time from your very busy schedule to meet with me and discuss this topic of community interest.

Gerald Barkdoll

12314 Riding Fields Road

Rockville, MD 20850

(17)

Holland+Knight

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J Bethesda Metro Center, Suite 800
Bethesda, MD 20814-6337
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E

November 27, 2007

Robert R. Harris
301 215 6407
robert.harris@hklaw.com

Mr. Richard Weaver
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Sutton Property (Preliminary Plan No. 120060710)

Dear Rich:

As you are aware, this Preliminary Plan application shows two alternatives with respect to Riding Fields Way: either a full connection of the two existing road segments, or a cul-de-sac (with a possible pedestrian connection). Although you have suggested a full road connection, we understand the community is opposed to that approach. We also have been informed by the Montgomery County Department of Public Works and Transportation that they are open to either option and the developer favors the cul-de-sac. Therefore, this letter is to request your support for and approval of the cul-de-sac option preferred by the community. If you have any questions, please let me know.

Sincerely,



Robert R. Harris

cc: Robert Hillerson
Dave Weiss
Cathy Conlon

4960608_v1

F

RE: Formal Petition regarding connection of Riding Fields Road (Sutton Property, 1-20060710)

Leck, Gregory (Greg.Leck@montgomerycountymd.gov)
Mon 11/05/07 11:11 AM
Gerald Barkdoll (jakebarkdoll@msn.com); Farhadi, Sam
(Sam.Farhadi@montgomerycountymd.gov)
ihillerson@aol.com; catherine.conlon@mncppc-mc.org;
ki.kim@mncppc-mc.org; Wolanin, Emil
(Emil.Wolanin@montgomerycountymd.gov); Feissner, John
(John.Feissner@montgomerycountymd.gov); David Little
(dlittle@glwpa.com)

Dear Mr. Barkdoll,

Thank you for your continued input in this matter and efforts to pursue a resolution of your community's concerns.

Please understand that the decision to require a connection between a new development with adjacent property is a matter for the Montgomery County Planning Board, as part of their review of the pending preliminary plan. Please convey your request directly to the Planning Board for their consideration. I do not believe a meeting with DPWT is necessary at this time.

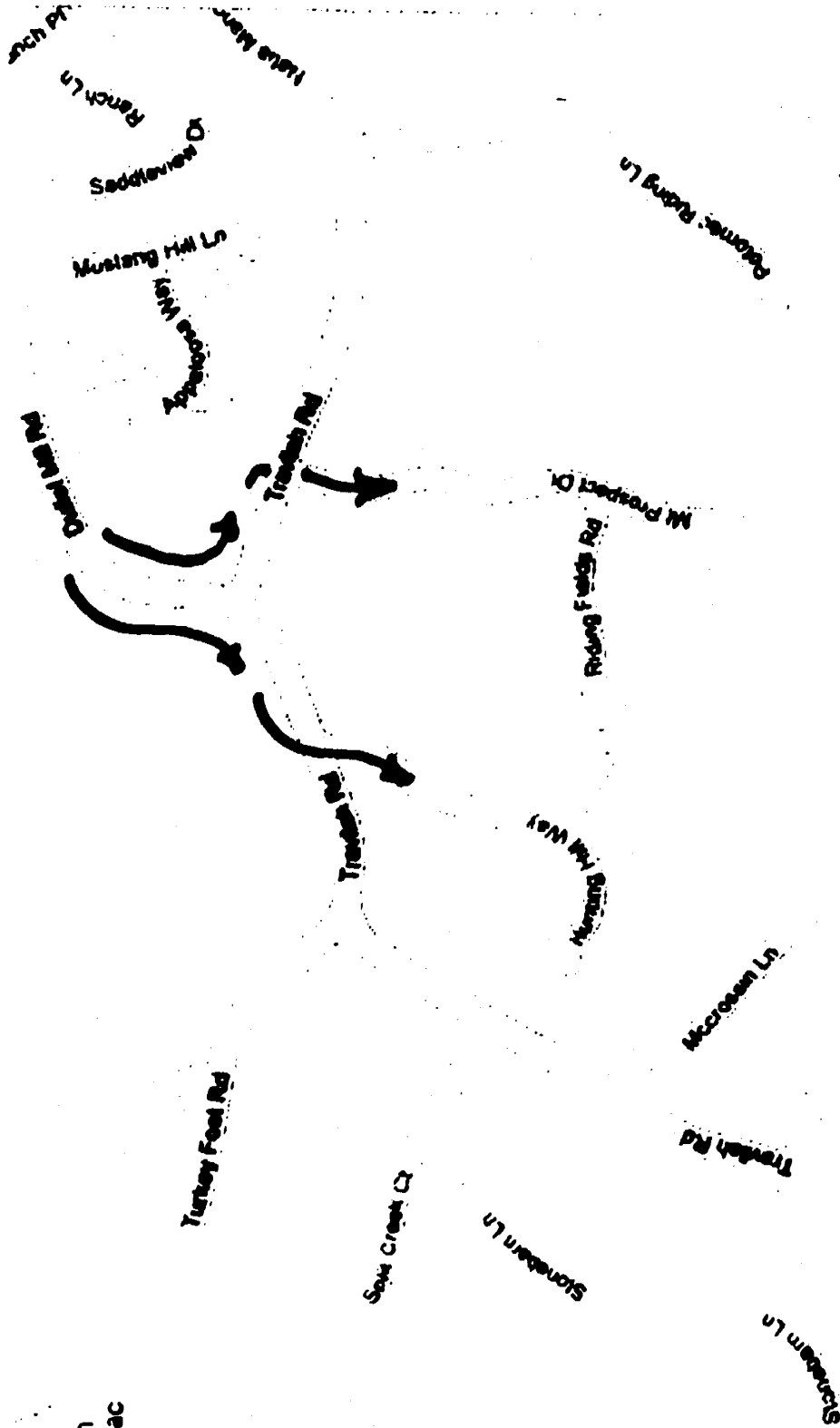
I am surprised to hear that the developer is being required to connect the two sections on Riding Fields Road. Although that was our department's DRAFT recommendation when we originally reviewed the plan, we later modified that position following the exchanges with you and Mr. Ki Kim of M-NCPPC Transportation Planning. Nevertheless, it is important to realize that staff recommendations are just that - they are recommendations to the Planning Board and subject to change.

The April 17, 2006 letter that Mr. Farhadi addressed to Ms. Cathy Conlon of the M-NCPPC Development Review Division indicated we concurred with the recommendation of M-NCPPC Transportation Planning (to not connect the two ends of Riding Fields Road) subject to having both sections of that street properly terminate and provide access for the proposed lots. Mr. Farhadi's comment remains unchanged.

Thank you for your cooperation and assistance in this matter.

Respectfully,
Greg Leck, Manager
Development Review Group
Traffic Engineering and Operations Section
Division of Operations
Montgomery County Department of Public Works and Transportation
101 Orchard Ridge Drive, 2nd floor
Gaithersburg, Maryland 20878
greg.leck@montgomerycountymd.gov
office: 240-777-2197
fax: 240-777-2080

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

MCPB
ITEM # 3
1/17/08



MEMORANDUM

DATE: January 7, 2008

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

Catherine Conlon *CC*
Development Review Division

FROM: Richard A. Weaver, Coordinator *RAW*
Development Review Division (301) 495-4544

REVIEW TYPE: Preliminary plan of subdivision

APPLYING FOR: 7 lots for 7 one-family detached residential dwelling units

PROJECT NAME: Sutton Property

CASE #: 120060710

REVIEW BASIS: Chapter 50, the Montgomery County Subdivision Regulations

ZONE: RE-2

LOCATION: Located at the northern terminus of Centurion Way and on the eastern side of McCrossin Lane

MASTER PLAN: Potomac

APPLICANT: Dumont Oaks

ENGINEER: Gutschick, Little and Weber, P.A.

FILING DATE: January 6, 2006

HEARING DATE: January 17, 2008

STAFF RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to a maximum of 7 lots for 7 one family detached residential dwelling units.
- 2) The applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 3) The applicant must comply with the conditions of the MCDPS stormwater management concept approval dated January 4, 2007.
- 4) The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) approval dated March 24, 2007, unless otherwise amended by MCDPWT.
- 5) The applicant must dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 6) The applicant must construct all road improvements within the rights-of-way shown on the approved preliminary plan to the full width mandated by the master plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
- 7) The record plat(s) must reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 8) The record plat must reflect a public use and access easement over all private streets.
- 9) The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 10) The applicant must comply with the conditions of the MCDPS, Wells and Septic Section approval dated December 4, 2007.
- 11) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for five (5) years or sixty (60) months from the date of mailing of the Planning Board opinion.
- 12) Other necessary easements will be shown on the record plat.

I. SITE DESCRIPTION (Attachments A and B)

The subject property, "Subject Property or Property", identified as Parcel 241 on tax map ER 51, is an unplatted parcel of land containing 25.00 acres in the RE-2 zone. The Property is located on the east side of McCrossin Lane at the northern terminus of Centurion Way in the Potomac Master Plan area. The Property also has frontage to Riding Fields Way. The site is currently vacant. Surrounding land uses are one-family detached residential dwellings in the RE-2 zone with more recently constructed homes to the south and east and older homes to the north and west.

The Property is bisected by a tributary stream to the Sandy Branch (a Use I stream) which flows to the Potomac River. A second ephemeral channel also crosses the site and has been

designated as "waters of the U.S." and if disturbed, would require appropriate permitting from state and federal agencies. Public water is available to the site; however, public sewer is not.

There are 2.82 acres of forest and several stands of trees on the Property, including 18 specimen trees. The most notable stand of trees is in the ephemeral channel. This stand of trees is dominated by Sycamores in good condition.

II. PROJECT DESCRIPTION (Attachment C)

This is an application for a preliminary plan of subdivision to create seven lots for residential use. The stream valley and its buffer will continue to bisect the site, therefore, to avoid impact to the stream valley, access to the lots will be split; five lots will access an extension of Centurion Way and two lots will access Riding Fields Road. Centurion Way will be completed as a public cul-de-sac on the southern limits of the site, with a private cul-de-sac extending from the public cul-de-sac on to the Property. Riding Fields Road on the eastern edge of the site is not completed through the Subject Property. The existing road terminates at two points on the Subject Property's boundary as two temporary hammerheads. The development of the Property will allow the road to be completed as a through street. McCrossin Lane is a substandard street; no proposed lots will access this road. The Department of Public Works and Transportation will only require the proper termination of McCrossin Lane as a cul-de-sac. No other improvements are required on McCrossin Lane.

As mentioned above, the Property can be served with public water but will require individual, on-site sewage disposal systems. Due to site conditions, standard trench, septic systems are not feasible, therefore, the use of sand mound systems is proposed for all of the lots. Each lot must have three approved sand mound locations per County requirements. One sand mound location will be for the initial sand mound system, the other two locations are held as reserve, or back up fields, should the previous system need to be replaced.

III. ISSUES

A variety of issues related to this application were discussed as part of the review; most notably, the use of sand mounds. Staff met several times with the applicant and interested parties who requested meetings so that all issues could be discussed and addressed prior to the Planning Board hearing. Given the civic interest in this plan, staff hosted a community forum on December 10, 2007 with all interested party who still had unanswered questions on the plan. Staff of MCDPS, MCDPWT, and planning staff attended to provide clear rationale for their agencies recommendations. Following is a discussion of some of the most critical staff issues. Citizen issues and correspondence are discussed further in this report.

Sand Mounds

The proposed plan includes sand mounds to serve all seven lots shown on the plan. From the perspective of some interested parties, sand mounds are not a proven technology and their use may provide an opportunity for density that should not be permitted and/or that possibly endanger water quality. From a staff perspective, the use of sand mounds is not an issue, but the

configuration of lots and houses in relation to the proposed mounds – and the use of offsite easements to provide them – is.

By law, sand mounds are allowed as an acceptable method of on-site sewage disposal in the County. There is no language in the Subdivision Regulations, Zoning Ordinance or the Potomac Master Plan that would otherwise prohibit their use on this property. In previous applications within the Agricultural and Rural Open Space (AROS) planning area, the Planning Board has expressed strong opposition to sand mound systems, specifically for properties that are zoned Rural Density Transfer (RDT). This based on the belief that sand mounds meet the definition of an “alternative individual system” which is/are not recommended for use by the AROS plan. The fact that sand mound systems allow residential development where it could not otherwise be approve using standard trench septic systems has surfaced as a critical issue within the RDT zone.

Sand mounds have been used for the last 20 years in this County with very good results as confirmed by MCDPS, Well and Septic staff. They have been approved for use in the rural zones and in the residential estate zones including the RE-2 zone, however, not for the number of lots this plan includes. Given the available density on this 25.0 acre property within the RE-2 zone, initial versions of the plan attempted to locate 10 lots on the Property. This plan was not supported by staff at the DRC due to layout issues and sand mound easements on adjacent lots. The plan was revised and resubmitted as an eight lot plan. While vastly improved, the eight lot plan continued to show sand mound easements on adjacent properties. Staff and the applicant had numerous discussions on sand mound easements over the ensuing months

Sand Mound Easements

The allowed practice of reserving area on an adjacent lot for another lot's septic system has been done successfully with standard trench septic systems and sand mound systems. Although the historical experience of sand mound easements is limited, MCDPS staff is aware of only one incident where a standard trench septic easement became problematic for two adjacent lot owners. Planning staff believes that standard trench systems and sand mound systems, while serving the same purpose, are very different. Unlike trench system reserve areas, the reserve areas for sand mounds must be maintained in almost pristine condition, with no compaction of the soil regime. No significant structures may be placed in the sand mound reserve areas. An upper, virgin layer of soil is critical to the functioning of the sand mound and must be protected if a mound is ever to be built on it. This is a heavy encumbrance on the reserve area that is not always conducive to ones enjoyment of the open yard area, especially if it is to protect your neighbor's' sand mound on your property or visa-versa.

The other difference with sand mounds is that they are above ground features, not subsurface. Once they are constructed they remain visible and may be objectionable to some. Once a standard trench system is built, it can be re-vegetated and “forgotten”. Staff envisioned the potential for conflicts between neighbors over the preservation of reserve area easements, and the construction of replacement sand mounds, in a neighbor's back, side or front yard. Pursuant to Subdivision Regulations Section 50-2 – *Purpose of chapter*, Sec (a), the Planning Board has

the authority to provide for the “Harmonious development of the district”. It was staff’s opinion that sand mound easements had a real potential to create disharmony.

To address this, the applicant again revised the application to eliminate one lot on the west side of the private cul-de-sac so that each proposed lot now contains only its own sand mound locations. The reduction of one lot to achieve this was necessary because the locations of the approved sand mounds are rigid. They could not be shifted in response to lot line shifts. The current plan has no sand mound easements on adjacent lots. This has addressed the most critical issue related to sand mounds from a staff perspective. The current plan will ensure that each sand mound and reserve area is under the control of the homeowner within their own lot.

Extension of Riding Fields Road

As discussed in the Transportation section of this report, staff supports this road connection. It is a connection that will complete a discontinuous road that was intended to be connected by virtue of its temporary terminations. Staff has evaluated the potential for non local use and believes the road will be used for the most part, only by local residents. No grounds have been provided to support the belief that the road connection will introduce a criminal element into the area, and the nominal increase in local traffic flow will not noticeably increase noise, pollution or pedestrian safety. The new connection will not be a practical route for anyone other than the local residents.

IV. ANALYSIS AND FINDINGS

A. Compliance with the Master Plan

The Approved and Adopted 2002 Potomac Subregion Master Plan does not specifically identify the subject property for discussion but does give general guidance and recommendations regarding zoning and land use. The plan recommends that this area maintain the existing zoning as adopted and maintain the residential land use consisting of one-family detached homes. The proposed subdivision complies with the recommendations adopted in the Master Plan in that it is a request for residential development consistent with the Zoning Ordinance development standards for the RE-2 zone.

B. Public Facilities

1. Roads and Transportation Facilities

Local Area Transportation Review

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. The application was submitted prior to January 1, 2007 and, therefore, is also not subject to Policy Area Mobility Review (PAMR) under the new 2007-2009 Growth Policy.

Private Streets in the RE-2 Zone.

Pursuant to Section 59-C-1.34.1, lots in the RE-2 zone may front on to a private street if the Planning Board finds that as part of the subdivision approval the private cul-de-sac:

1. Provides safe and adequate access
2. Has sufficient width to accommodate the dwelling units proposed;
3. Will better protect significant environmental features on and off site than would a public road; and
4. Has proper drainage.

Staff supports the termination of Centurion Way as a publicly dedicated cul-de-sac, with the extension of a private cul-de-sac on to the Property, as permitted in the RE-2 zone, for access to five of the lots. This based on the following findings by staff:

Safe and adequate access

The pavement width (20 feet) for the private cul-de-sac is identical to that of the publicly dedicated portions of Centurion Way. Since the private street will serve only five lots, it will be adequate for residents, pedestrians, service and emergency vehicles. Fire and Rescue has approved the plan. MCDPWT will approve the final design and construction plans for the private road.

Sufficient width to accommodate the lots

The pavement width will be identical to Centurion Way which was deemed adequate to serve a greater number of lots in the review of the Palatine subdivision. The private cul-de-sac is the same width as would be a shared driveway were it approved as part of this plan. Again, Fire and Rescue has approved the plan.

Protect significant environmental features

Staff supported the private cul-de-sac and recommended its use on this development to better protect the grove of Sycamores trees. The private cul-de-sac will require less grading than a public street and is able to reduce the impacts to trees, especially to the grove of Sycamores near the entrance off of the Centurion Way cul-de-sac.

Proper drainage.

The plan shows adequate drainage swales to convey water to the existing swales on Centurion Way.

Access and Circulation

Staff also finds that the proposed public and private street network will provide safe vehicular and pedestrian access and circulation. The right-of-ways as shown on the plan comply with the local master plan, and the construction of the roads represent a completion

of roads that already exist. No sidewalks on any of the streets are proposed due to the low-density zoning of this and surrounding properties. There is no sidewalk system on any of the local streets to connect to.

Completion of Riding Fields Road (Attachment D)

Staff recommends the completion of Riding Fields Road as a through street. This connection will provide better access not only for the local residents, but also for emergency equipment, school busses, and postal delivery vehicles, as well as, pedestrian circulation. As with all new road connections, staff considered the potential for use of this road by non-local traffic as a "cut-through". Staff believes that only under very limited circumstances would non-local motorists use this connection since it provides no apparent convenient alternative through route to points of destination. Rather, it benefits the local community and vehicles providing service to the local community.

McCrossin Lane is a substandard road, and while it is not classified as a rustic road, it does have certain rural elements that give it a rustic character. The plan does not anticipate any access to McCrossin Lane; therefore, the County will not require upgrades to its length except for the dedication and construction of a cul-de-sac at its terminus on the Subject Property. The remainder of McCrossin Lane will remain in its current configuration.

2. Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The Property will be served by public water and private sand mound septic systems. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are operating according to the applicable Growth Policy resolution¹ and will be adequate to serve the Property. Gas, electrical and telecommunications services are also available to serve the Property.

C. Environment

Environmental Buffers

The Property does contain a tributary stream to the Sandy Branch and, therefore, will have stream buffers associated with it. The buffers will be protected by a Category I easement and shown on the record plat. The ephemeral channel has been deemed "water of the U.S." and therefore, comes under the jurisdiction of the Maryland Department of the Environment and the Army Corps of Engineers for any disturbance. At this time, the applicant proposes to bridge the channel for the necessary driveway crossing. Permits, if required, will have to be issued by the appropriate agency.

¹ This application is not subject to the new 2007-2009 Growth Policy because it was submitted prior to January 1, 2007.

Forest Conservation

The proposed plan satisfies the requirements of Montgomery County Code, Chapter 22A for forest conservation. The application includes a preliminary forest conservation plan that proposes to protect certain forest and trees during construction of the property, and includes long-term protection of 2.5 acres of forest on-site and 2.82 acres of reforestation.

Stormwater Management

The MCDPS Stormwater Management Section reconfirmed their approval of the stormwater management concept for the project on August 14, 2007. The proposed stormwater management plan provides on-site water quality control and onsite recharge via nonstructural methods. Water quantity control is not required because the one-year post development peak discharge is less than 2 cubic feet per second.

D. Conformance to the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations, and Chapter 59, the Zoning Ordinance and meets the applicable requirements. Access and public facilities will be adequate to support the proposed lots and uses. The lots were reviewed for compliance with the dimensional requirements specified in the Zoning Ordinance for the RE-2 zone and, as proposed, will meet all applicable dimensional requirements for area, frontage, and width in that zone. A summary of this review is included in attached Table 1.

Section 50-29(a)(1) Findings

Staff also reviewed the proposed subdivision for compliance with Section 50-29(a)(1) of the Subdivision Regulations, which states:

“Lot Dimensions. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated in order to be approved by the Board.”

The plan is somewhat unique in that it uses sand mounds exclusively to serve all lots. As discussed, one of the main objectives of staff was to minimize the potential for conflicts between future lot owners regarding protection of, and construction of, future sand mound systems. The most recent version of this plan reduced the lot count by one and re-configured the lots to place each lot's sand mounds on that lot. In some cases this effort has resulted in lot shapes that are less than conventional since the sand mound areas are not always immediately adjacent to the house they will serve. The lot shapes have not, however, resulted in atypical house locations. Each house will generally front to the street on which it has access and the width of the lot at the location of the house will meet all zoning requirements for lot width. For these reasons, staff believes that the lot shapes are appropriate for the type of development that is anticipated for this Property and that the subdivision complies with all aspects of 50-29(a)(1).

CITIZEN CORRESPONDENCE (Attachment E)

As stated above, the level of citizen concern with regard to this plan was high. Through phone calls, emails, letters, petitions and meetings, the neighbors and civic associations shared a wide array of issues regarding development of this property. They shared the concern of staff that offsite sand mound easements on RE-2 lots would cause conflicts between neighbors. They are also concerned that the use of sand mounds sets a precedent for achieving density by a means that should not be permitted. They also express concern about potential failures, replacement of mounds, unsightliness of sand mounds, and failure of the County to follow sand mound design requirements. At the community forum on December 10th other issues surfaced regarding tree protection, drainage, and stormwater management. The connection of Riding Field Road as a through street has also been discussed at length.

Sand Mounds

Some of the neighbors' fears about sand mounds are based on the premise that sand mounds are fated to immediate failure or will fail prematurely and that MCDPS is powerless to force homeowners to cease using a failed system. At the public forum, however, MCDPS expressed confidence in their sand mound design and the track record of the systems that have been built. The life expectancy of a sand mound is at least 25 years. They note that all septic systems, trench or sand mound, will eventually fail and, for systems of modern design, the reserve areas are there for repair or replacement of the failed system.

MCDPS has authority to require repair or replacement of a failed system and can require a home to be put on a holding tank if the situation warrants such measures. As with all septic systems that may fail, they will rely on the actual homeowner to report the failure or will act on inquiries from anyone reporting a possible failure. This system has been applied successfully for many years in the county, and MCDPS is not concerned about their ability to ensure proper operation of the proposed systems.

Concerns were also raised that the proposed sand mounds do not meet the county and state design criteria and, therefore, will be more likely to fail. Specifically, questions were raised about the orientation of proposed mounds in relation to existing site topography, and their location in relation to existing trees and onsite drainage paths. MCDPS has closely reviewed the location of each proposed mound location and found that they are fully compliant with all standards. In all instances where their approval includes a variation from the strictest standards of the state requirements, the state requirements permit the variation if, in the professional judgment of the reviewing agency, they will not impair the operation of the system.

Tree Preservation

Neighbors questioned the tree preservation measures on the property, but were generally pleased with the protection of the grove of Sycamores along the ephemeral channel on the southern border of the Property. The initial application was revised to change a proposed shared

driveway to a private street. With the private cul-de-sac, one driveway has been eliminated thereby allowing the plan to protect additional trees. In fact, over 90% of the specimen trees on the property will be protected.

Drainage and Stormwater Management

The meeting also produced a bit of discussion regarding stormwater management and drainage through the Property. The neighbors questioned whether MCDPS had accounted for all off-site drainage along McCrossin Lane that may flow into the ephemeral channel and cause flooding. MCDPS stated at the community forum that even if all of the McCrossin Lane drainage were to enter the channel, its floodplain would not change significantly. Nevertheless, the applicant subsequently submitted a revised floodplain study to MCDPS for review that takes into account any additional flows from McCrossin Lane that may be able to enter the ephemeral channel. MCDPS has confirmed based upon their review of this revised study that there is no change to the floodplain delineation and no additional limitations on the location of home sites.

Connection of Riding Field Road

Another issue that has been raised is the connection of Riding Field Road. A petition dated March 9, 2006, from local residents cited numerous reasons why they believed that the road should not be connected, including:

- Use of the current road as a walking path
- Noise, nuisance and hazards of increased traffic
- Trash thrown from vehicles
- Horseback riding
- Allowing more avenues for criminals to enter and exit the community
- A reduction in the feeling of a safe community
- Negative impact to property values
- Unfair to residents to place 1, 2 or 3 homes on Riding Field Road

Staff responded to these concerns in an email attached to the petition and have addressed the road connection in this staff report.

Notice

The preliminary plan was submitted prior to the requirement to hold a pre-submission meeting. The plan was adequately noticed and sent out to adjacent and confronting property owners in conformance with procedures established at the time of submission. Ms. Ginny Barnes, of the West Montgomery Citizens Association did question whether the plan should be scheduled for the Planning Board so soon after the last revisions to the plan were submitted, because they were not received by interested parties within thirty days of the tentative hearing.

Staff explained that the policy to provide at least thirty days of review for a plan that is re-noticed to interested parties applies when a "major" revision to a plan occurs. The most recent change does not constitute a "major" revision, other than it allowed staff to be in a posture

to support the application. The most recent plan again, reduced the lot count by one, from eight to seven.

E. CONCLUSION

Staff's review of Preliminary Plan #120060710, Sutton Property, indicates that the plan complies with Chapters 50 and 59 of the Montgomery County Code. The proposed plan conforms to the Potomac Master Plan recommendation for residential development in the RE-2 zone. Public facilities will be adequate to support and service the area of the proposed subdivision, and the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision. The application has also been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application is recommended with the conditions specified above.

ATTACHMENTS:

- Attachment A - Site Map
- Attachment B - Site Air Photo
- Attachment C - Proposed Preliminary Plan
- Attachment D - Riding Fields Air Photo
- Attachment E - Citizen Correspondence

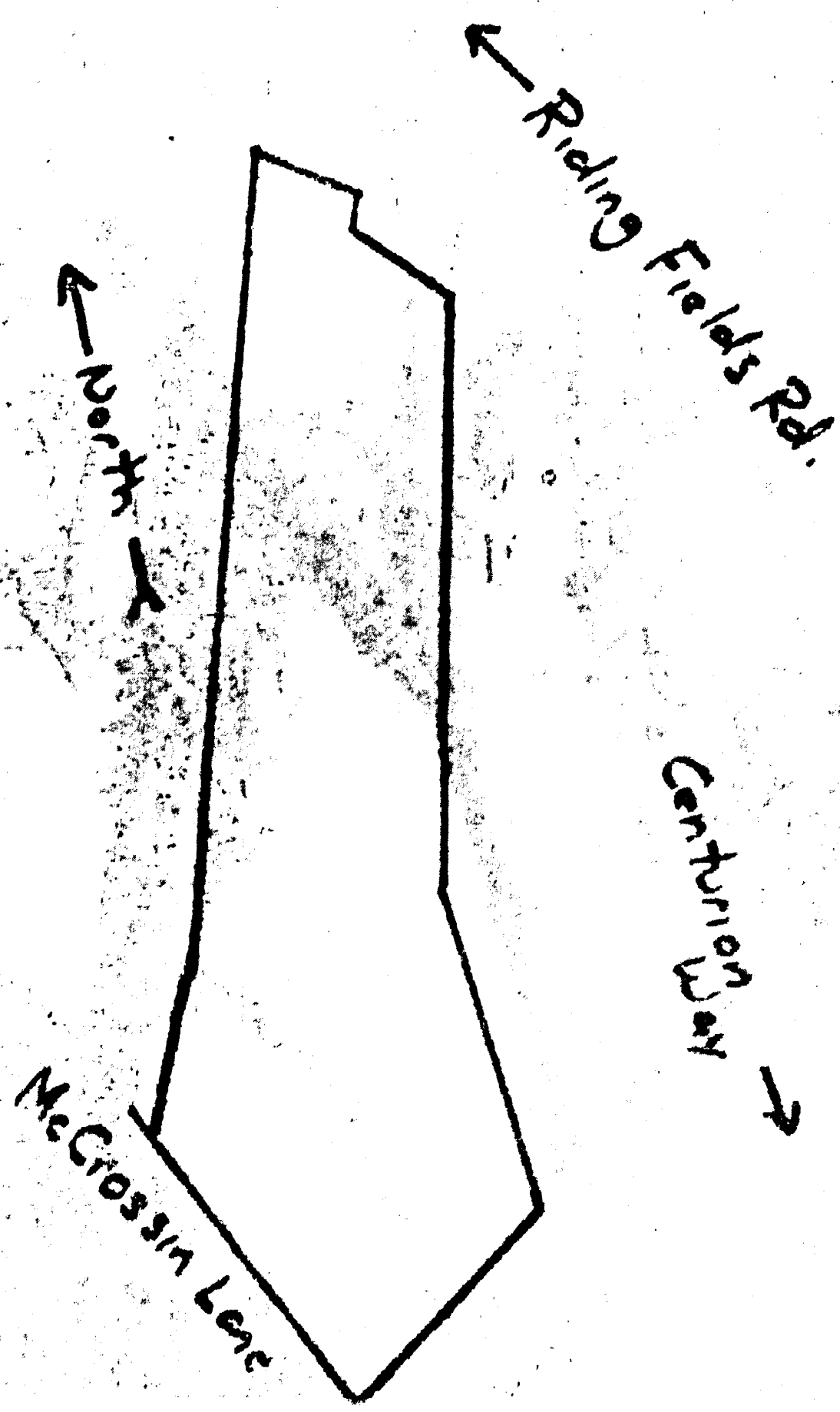
Table 1: Preliminary Plan Data Table and Checklist

| Plan Name: Sutton Property | | | | |
|--|--|---|------------------|-------------|
| Plan Number: 120060710 | | | | |
| Zoning: RE-2 | | | | |
| # of Lots: 7 | | | | |
| # of Outlots: 0 | | | | |
| Dev. Type: One Family Residential | | | | |
| PLAN DATA | Zoning Ordinance Development Standard | Proposed for Approval the Preliminary Plan | Verified | Date |
| Minimum Lot Area | 87,120 sq.ft. | 87,120 sq.ft. is minimum proposed | RW | 1/7/08 |
| Lot Width | 150 ft. | 260 ft. is minimum proposed | RW | 1/7/08 |
| Lot Frontage | 25 ft. | 25 ft. is minimum proposed | RW | 1/7/08 |
| Setbacks | | | | 1/7/08 |
| Front | 50 ft. Min. | Must meet minimum ¹ | RW | 1/7/08 |
| Side | 17ft. Min./ 35 ft. total | Must meet minimum ¹ | RW | 1/7/08 |
| Rear | 35 ft. Min. | Must meet minimum ¹ | RW | 1/7/08 |
| Height | 50 ft. Max. | May not exceed maximum ¹ | RW | 1/7/08 |
| Max Resid'l d.u. or Comm'l s.f. per Zoning | 12 | 7 | RW | 1/7/08 |
| MPDUs | N/A | | | |
| TDRs | N/A | | | |
| Site Plan Req'd? | No | | RW | 1/7/08 |
| FINDINGS | | | | |
| SUBDIVISION | | | | |
| Lot frontage on Public Street | | | RW | 1/7/08 |
| Road dedication and frontage improvements | | | Agency letter | 3/24/07 |
| Environmental Guidelines | | | EP Memo | 1/7/08 |
| Forest Conservation | | | EP Memo | 1/7/08 |
| Master Plan Compliance | | | RW | 1/7/08 |
| Other (i.e., parks, historic preservation) | | | N/A | |
| ADEQUATE PUBLIC FACILITIES | | | | |
| School Facilities Payment | | | N/A ² | |
| Stormwater Management | | | Agency Letter | 1/4/07 |
| Water and Sewer (WSSC) | | | Agency Letter | 2/13/06 |
| 10-yr Water and Sewer Plan Compliance | | | Agency Letter | 2/13/06 |
| Well and Septic | | | Agency letter | 12/4/07 |
| Local Area Traffic Review | | | N/A | |
| Policy Area Mobility Review | | | N/A ² | |
| Fire and Rescue | | | Agency Letter | 6/25/07 |
| Other (i.e., schools) | | | RW | |

¹ As determined by MCDPS at the time of building permit.

² 2004-2008 Growth Policy Applies

Attachment 20





*Added
01/23/07*

Attachment "E"

January 28, 2006

M-NCPPC
Development Review Division
8787 Georgia Ave
Silver Spring, Maryland 20910-3760

TO: Development Review Committee

RE: Preliminary Plan #120060710



I am writing to express my concern over the development of 25 acres nestled in between 2 small communities (Travilah Grove & Hunting Hills Estates).

We have lived in the Travilah Grove development since it was built. One of the benefits of our small community is the fact that there are no through streets which has meant less traffic and a safer place for our children. It is my understanding that with the proposed development by Dumont Oaks Corporation, Riding Fields Road would become a through street. This would certainly have a negative impact for our community and our children.

There are currently 2 different Homeowner Associations with approximately 50 – 55 homes between the 2 existing communities. Because we are small, we must assume the maintenance costs for our roads, street lighting, and other common areas. The new proposed development would have the advantage of the money we have already spent on this, move in, and then take advantage of the roads, lighting and common areas. There needs to be consideration given to this, especially since the new development would accelerate maintenance requirements for our roads that they use. They should pay there fair share for maintenance costs and adhere to the covenants we all do to maintain the value and beauty of our communities. There should also be NO construction traffic of any kind using our roads for the very same reasons.

Lastly, I wanted to express concern over the destruction of mature trees and other landscaping on the property to be developed. It takes decades for many of the trees to reach the maturity level as found on the property and planting small replacement trees never have an effect for decades to come. Please give this consideration since the current landscape provides a beauty, screening and sound buffering much desired by us all.

Thank you in advance for giving me the opportunity to voice my concerns.

Christopher T. Keenan

Christopher T. Keenan
301-977-8112
12305 Riding Fields Road
Rockville, MD 20850

Handwritten signature and date: J. Studner 2/23/06

Conlon, Catherine

From: Ehrlich, Roberta on behalf of MCP-CR
Sent: Monday, February 06, 2006 10:16 AM
To: Conlon, Catherine
Subject: FW: Deliver to Development Review

Good morning. I replied to this e-mail and said that I was forwarding it to you. Please help him. Thanks,
Roberta

-----Original Message-----

From: JStudner@aol.com [mailto:JStudner@aol.com]
Sent: Friday, February 03, 2006 10:26 AM
To: MCP-CR
Cc: MCP-Chairman
Subject: Deliver to Development Review

Re Plan #120060710

As you are aware, this property, has two forested tributaries of Sandy Branch. As an owner of a neighboring community I am concerned over many aspects of this plan. First, it sits adjacent to the Historic Mount Prospect site. It will impact the current subdivisions and the historic property in a negative manner. I believe the current plan, and its use of sand mount septic will not foster the county's stated incentive measure to reduce density and encourage lot patterns that preserve farm land. I am concerned that the sand mount septic will emit odors that based upon prevailing winds will impact the Travilah Grove Community. Furthermore, a chance exists of pollution to the two stream tributaries. It appears not new rock and water studies have been performed on the property, and some appear to be located in the wetlands. This does not even speak to the potential issue of any impact on protected wildlife in the wetlands which will be impacted. I am further concerned about the plan as depicted shows the Potomac Horse paths route now cutting across yards and driveways. This is a potential hazard. Lastly, I am of the opinion that Riding Fields should not be cut through to the community because of the impact it will have on the HuntingHills and Travilah Grove communities. It has been shown that such a cut through will increase crime in the existing subdivisions. This plan has substantial flaws and should be denied. This property should not be developed.

Thanks.

2/6/2006

To,
Development Review Division
Maryland-National Capital Park & Planning
8787 Georgia Ave
Silver Spring, Md. 20910-3760



Sub; Preliminary Plan. # 120060710, Sutton Property

Dear Sir:

In reference to the property review plan # 120060710, located @ 1319 feet S.W. of Travilah Road & adjacent to McCrossin Lane, I have reviewed the plans and noticed the connection of Riding Fields Road, which is not a thru road at present. I, strongly oppose the completion of the road, because it will cut-off the 'Horse-Track' road, which is being heavily used by the Horse Riding Association. Also, once the street is opened to the traffic than it will increase the criminal activities, because of the un-wanted traffic traveling thru this road. All the residents of the Hunting Hill Way Sub-Division have shown concern about the increase traffic.

My name is Mani G. Patel, and I, live at 13525 Hunting Hill Way. The new street, Riding Fields Road is on the corner of my property, and it will definitely affect me most. I request not to disturb this road, and just keep it 'as is', so, the 'Horse-Track' could be used, and crimes could be controlled.

My phone Number is 301-330 2766 for any questions.

Thanks.

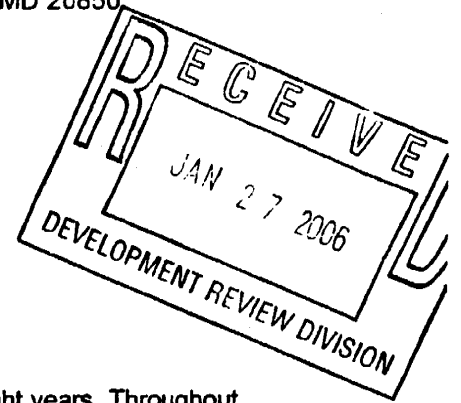
Yours very truly,

A handwritten signature in black ink, appearing to read "Mani G. Patel".

Mani G. Patel,
1-27-06

*Added
9/22/07*

Young Y. Lee & Ae K. Lee
12315 Riding Fields Road
Rockville, MD 20850



January 24, 2006

M – NCPPC
Development Review Division
8787 Georgia Avenue
Silver Spring, Maryland
20910-3760

Dear Sir or Madam:

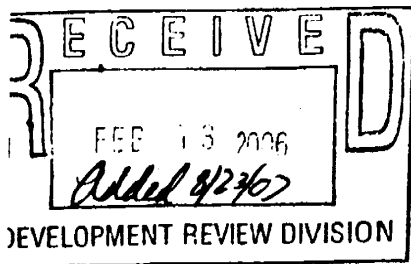
We have been residents of the Travilah Grove community for about eight years. Throughout the eight years that we have been residing here there has been no problems at all. We have lived here and enjoyed the security and privacy this neighborhood brings. So it has come to our attention that Riding Fields Road would be opened through to Hunting Hills Road. This plan for having a two exit road would cause much disturbances and problems for our community as well as ourselves. With the connection of Riding Fields and Hunting Hills, the flow of traffic would increase, thus causing a disturbance to our quiet community. The neighborhood children play near or on the road, and this road is used for exercising, walking our dog, bicycling, and many other activities. To increase traffic flow, the safety of the pedestrians as well as the children would be at stake. The neighborhood would lose this benefit of a safe environment with the joining of Hunting Hills and Riding Fields. Also the noise level of the once quiet road will be at a disturbing level with both the residents of Riding Fields and Hunting Hills traversing our road. A major concern would be the safety our neighborhood relating to crime. We have not had any crime related incidents in our community and we would like to keep it that way. We would lose the security and safety as well as the privacy due to our home's location.

Another concern is the construction of multiple homes in the northern portion of the 25 acre lot across from our home, according to the Preliminary Plan #120060710. The development of these homes would increase traffic flow. Some reasons were stated above as to why an increase of traffic would endanger the residents of this community. We believe that our current environment is the most beneficial and secure. To change it would not only be detrimental to us but to the other residents residing in this neighborhood. For eight years we have lived peacefully and happily and we would wish to continue to do so without changing this fact. Thank you for taking the time to read this letter and we hope that this letter brought some insight as to why Riding Fields and Hunting Hills should not be connected and why more homes should be developed.

Sincerely,

A handwritten signature in black ink, appearing to read "Young Y. Lee".

Young Y. Lee
Resident of Travilah Grove



13706 Mount Prospect Drive
Travilah Grove Subdivions
Rockville, MD 20850

January 30, 2006

To M-NCPPC
Development Review Division
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Reference: Preliminary Plan # 120060710 (Sutton Property, Rockville)

To the Members of the Sutton Property Review Division,

It has come to our attention that Dumont Oaks Corporation has submitted a plan to build ten homes on and adjacent to Riding Fields Road in the Travilah Grove subdivision.

As long-time residents of Travilah Grove we have some serious concerns about the proposed development.

1. Opening up Riding Fields Road to Hunting Hills and the Palatine subdivisions will drastically increase the thoroughfare of through traffic. It also has the potential of increasing crime in the area because of multiple entrances into the community.
2. The increased traffic will mar the tranquility of our neighborhood and make it dangerous for the residents to walk/jog, walk their dogs, or for children to ride their bikes or walk to and from the school bus on Travilah Road especially as they are no sidewalks or pedestrian crossing in our subdivision.
3. Jamming three homes in close proximity on Riding Fields road will mar the scenic setting of the current development where each house sits on two or more acres of land.
4. Building sand mounds will be an eyesore in our neighborhood. Not only will they mar the aesthetics of our neighborhood, but they have been known to leak and overflow during heavy rains causing untreated sewage to leach into the ground and the adjoining stream. At the very least, the homes in the new subdivision should be spaced apart sufficiently to allow for below ground septic fields as were approved for the Travilah Grove subdivision.
5. Cutting down of mature trees will add to the soil erosion and take away valuable land used by the deer population which is quite extensive in Travilah Grove. Until the county has plans to control or relocate the deer population, they shouldn't attempt to wipe them

out of their current habitats. The new trees planted by the developer in our community are still a mere three or four feet in height, and not enough to provide cover for the deer population.

6. The plan for Sutton Property will encroach on the old farm house and the surrounding area.

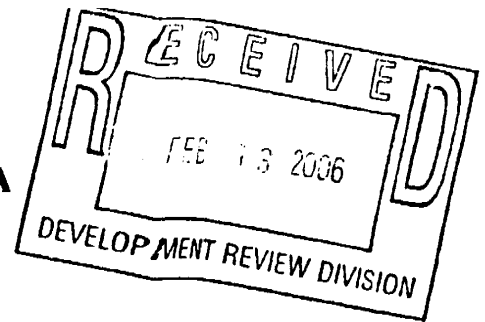
We hope that the Planning Review Division will take the time to address these concerns. We also hope that you will evaluate the plan for Sutton Property so that it conforms to the requirements set for Travilah Grove.

Yours respectfully,

Anita Kapoor

Anita and Vimal Kapoor

GERALD (Jake) BARKDOLL DPA
12314 Riding Fields Road
Rockville, MD 20850
Phone (301) 987-8596
FAX (301) 987-8594
e-mail jakebarkdoll@msn.com



February 3, 2006

M-NCPPC
Development Review Division
8787 Georgia Ave,
Silver Spring, MD 20910-3760

Reference Preliminary Plan #120060710

Members of the Review Division

The purpose of this letter is to present a number of questions raised by a Professional Engineer who has started a review of the preliminary plan. His review is not yet complete, but I thought it was important for you to have these preliminary comments and questions in time for your consideration at your Feb. 13 meeting.

1. The sand mound widths scale on the plan at 30 feet but the plan view on sheet #2 shows the width's to be 41 feet. Which is correct? If the width is actually 41 feet, how will that impact the feasibility and location of the mounds?
2. Test holes for rock and water table are dated 3/30/89 and 4/9/91. Is this data still valid with respect to current day conditions? Was this dated data used in the design of the sand mounds?
3. The primary mounds on lots 8 and 9 appear to be too close to the property line.
4. Why are there only 3 water table tests on lots 8 and 9?
5. There are no water table tests on lot 10 (Test 21D is on adjoining property)
6. Has an exemption been obtained to allow the BRL on lots 8, 9 and 10 to be located within the boundaries of wetlands?
7. Has it been determined that no endangered species such as the bog turtle exist with the designated wetlands?

Thank you for your consideration. I will provide additional comments and questions as appropriate.

A handwritten signature in cursive script that reads "Gerald Barkdoll". The signature is written in black ink and is positioned below the typed name.

COPY FOR PARK & LEARNING Cmt.
HAND DELIVERED 1/12/06

GERALD (Jake) BARKDOLL DPA
12314 Riding Fields Road
Rockville, MD 20850
Phone (301) 987-8596
FAX (301) 987-8594
e-mail jakebarkdoll@msn.com

January 11, 2006

Mr. Robert Hillerson
Dumont Oaks Corporation
801 Wayne Ave.
Suite 300
Silver Spring, MD
20910

Mr. Hillerson

The purpose of this letter is to continue our exchange of information started a few weeks ago when we spoke by phone. At that time we agreed to keep each other informed of information relevant to the development of the 25 acre property known as the Sutton Property (NRI/FSD # 4-06122).

As you might expect the potential development of this property has sparked quite a bit of interest in the Travilah Grove and Hunting Hills Communities. I do not claim to represent either of these communities but I have heard from a substantial number of the homeowners in the Travilah Grove Community, and feel obliged to communicate their feelings and concerns to you. During our phone conversation you agreed that having information that you can use during the initial layout of the property is much more valuable to you than leaning about community interests and concerns after you have committed significant thought and resources to the project.

In summary, here is what I have heard to date:

1 - There is very strong interest in avoiding having Riding Fields become a through street. Riding Fields Road now carries only local traffic and of course no through traffic from neighboring communities. As a result it has become a safe place for bicycling riding, dog walking, family walks and jogging. In addition, members of the community are aware of the fact that through streets have an impact on the rate of crime in a community. It has been pointed out that some communities have gone to substantial expenses to close through streets to reduce crime. It seems criminals just don't like to operate in areas with only one way out. A member of the Hunting Hill Homeowner Board advised me that their community is equally opposed to making Riding Fields a through street, and I expect that you will hear directly from that community.

2 - A concern has been expressed that if the houses built on the property - and particularly the northern most 4 or 5 acres that abut the two communities - are as large and grandiose as the homes built most recently in the Palatine development they will be strikingly out of character with existing homes in the two communities. In addition, any houses built on the northern portion of the property will be adjacent to a house and farm buildings that are of historical significance and will destroy parts of the property that are well suited to farming. Concern has been expressed that the removal of the various stands of trees and reshaping the current terrain will destroy what is now a beautiful and even idyllic environment.

3 - A concern has been expressed by some members of the community that the use of sand mounds to accommodate individual house septic systems will produce unsightly and unattractive contours. As noted in previous concerns this is a particular concern for the northern most 4 or 5 acres that abut the two communities.

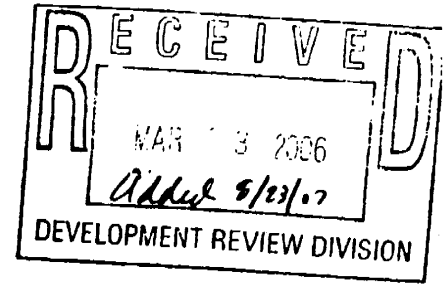
4 - A final concern has been expressed as to the continued access to the (horse) riding trails that are protected by easement of right-of-way on various parts of the property.

For your information, there are at least two members of the community who would be interested in purchasing some or all of the land in the northern most portion of the property in order to assure that the nature of the community remains unchanged. We hope that you will consider this interest as you consider your plans for the property.

Thank you for your consideration.

Sincerely

GERALD (Jake) BARKDOLL PE
12314 Riding Fields Road
Rockville, MD 20850
Phone (301) 987-8596
FAX (301) 987-8594
e-mail jakebarkdoll@msn.com



March 9, 2006

Mr. Sam Farhadi
101 Orchard Ridge Drive
Second Floor
Gaithersburg, MD
20878

Mr Farhadi

The purpose of this letter is to provide a good quality hard copy of the email I sent earlier today. The purpose of the email (and this letter) is to thank you for your interest and guidance during our recent phone conversation concerning the development plan for the Sutton Property (plan #120060710), and to formally submit a petition as you suggested. I certainly appreciated your willingness to listen to and acknowledge the interests of the community during our conversation. In addition, the members of the Travilah Grove community appreciate this opportunity to formally express their wishes concerning Riding Fields Road.

The attached petition presents the community's request that Riding Fields Road continue to exist in its current configuration (as two separate segments), presents some of the reasons for this request, and contains 20 signatures of community members.

Members of the community stand ready to meet informally with you and other officials involved in the approval process if this would be necessary to assure that Riding Fields Road continues to exist as two separate segments. We look forward to receiving your response to this request.

Sincerely

Gerald Barkdoll PE

Cc: Greg Leck
Cathy Conlon ✓

REQUEST FROM MEMBERS OF THE
TRAVILAH GROVE COMMUNITY

Reference plan number 120060710 (the Sutton Property)

The members of the Travilah Grove community who have signed below respectfully request that as the reference property is developed, that Riding Fields Road continue to exist in its current configuration (as two separate segments).

The following are reasons for continuing Riding Fields in two separate segments rather than as a thru street:

1. The portion of Riding Fields Road in the Travilah Grove community has become a community area for bicycle riding, family strolls, jogging, dog walking and other activities. Several members of the community recovering from surgery have used Riding Fields Road as the site for their post-surgery exercise regime. These benefits would be lost if Riding Fields was opened to through traffic.
2. Keeping the current configuration will avoid the noise, nuisance, and added hazards of increased traffic (commuters, service and delivery trucks, trash and recycle trucks, etc.) on both Riding Fields and Mount Prospect.
3. Keeping the current configuration will keep Riding Fields and Mount Prospect clear of trash thrown from drive-thru traffic as is perpetually evident on Travilah Road.
4. Provide safe pathways for horseback riders to traverse the area without crossing lines of vehicular traffic.
5. Increasing the number of entrances into the two communities will have a detrimental affect on the crime rate of the two communities such as robberies, break-ins, drive thru incidents, etc. as documented in the Department of Justice's publication (*Losing Streets and Alleys to Reduce Crime*. (Lawbreakers do not like to enter into communities with only one escape route and where strangers are readily recognized).
6. Increasing the number of entrances into the two communities will have a detrimental affect on the feeling of safety held by members of the two communities (see previously referenced DOJ document).
7. A reduction of the actual and the perceived safety of a community will have a negative impact on property values.

8. The addition of 1, 2 or even 3 houses on the Sutton property with access through Riding Fields should not precipitate a change affecting the 32 families in the Travilah Grove community as well as a similar number in the Hunting Hills community.

The following members of the Travilah Grove community are formally requesting that Riding Fields be continued in its current configuration and not changed to a thru street.

Clare Saldaña ✓
12314 RIDING FIELDS RD

3/7/06

Walter Chen ✓
13705 Mount Prospect Dr.

3/7/06

Theresa ✓
Tracy
13701 Mt. Prospect Dr.

3/7/06

Walter Chen ✓
13644 Mount Prospect Dr.

3/7/06

Sten A Wolf ✓
13613 Mount Prospect Dr.

3/7/06

Christopher T. Keenan
12305 Riding Fields Rd.

3/8/06

John
12315 Riding Fields Rd
Rockville, MD 20850

3/8/06

Susan Neame
12304 Riding Fields Rd
Rockville MD 20850

3/7/06

Terry & Rod Haring
13602 Mt Prospect Dr
Rockville MD 20850 ✓
(301) 208-0850 3/8/06

Edward & Lori Studer ✓
13604 Mt. Prospect Dr.
Rockville MD 20850

DANIEL & SUSAN LAHR ✓
12313 RIDING FIELDS ROAD
ROCKVILLE, MD 20850

Mike & Guffin ✓
13717 MT. PROSPECT DR.
Rockville, MD 20850

Edward A Kemp ✓
13508 Hunting Hill Way
N. Potomac Md 20878

Anita & Vimal Kapoor (Pur) ✓
13706 Mount Prospect Dr.
Rockville, MD 20850
3/8/2006

SSMD ✓
G. Jagadeesh
13712 Mount Prospect Drive
ROCKVILLE, MD 20850
(301) 208-8260

John H. Jacobs ✓
13609 Mount Prospect Dr.
Rockville, MD 20850
301-529-6806

G.B.J.
13708 Mt. Prospect Dr.
Rockville, MD 20850
301-721-0010

Sriya Yajani Kamath ✓
12312 RIDING FIELDS ROAD
Rockville md-20850
3/8/06

Theresa R. R.
13610 Mt Prospect Dr
Rockville, MD 20850
3/7/66



Harri Ramantony
12300 Ritzing Field Road
Rockville, MD 20850
3/9/66

Weaver, Richard

From: Gerald Barkdoll [jakebarkdoll@msn.com]
Sent: Wednesday, November 07, 2007 10:19 AM
To: Weaver, Richard
Cc: Bob Hillerson; Conlon, Catherine
Subject: RE: Sutton Property

Mr. Weaver

Thank you for your prompt and detailed response to my email. Your attention to this issue is greatly appreciated although I do not agree with the assumptions underlying your conclusions. One point in particular has to do with the presumption that the two developments in question are part of an existing or potential "neighborhood". Although some individuals in each of the developments know each other and socialize the two certainly do not fit the concept of an existing or potential single neighborhood. Individuals who purchased properties here (and paid premium prices) were attracted by the fact that lots range from a minimum of 2 acres to well over 6 acres and were free from through traffic. If you have not visited the two developments I believe it would help you understand the setting - this is not Kentlands. You will note for example that there are no sidewalks.

As you mention it will be important that the Planning Board have alternatives to consider and we appreciate having the plan that is being reviewed by the Board include the option of continuing Riding Fields in its current configuration.

In your email you mention that the topic will be addressed in detail in the report provided to the Planning Board prior to the meeting. How can members of the community obtain a copy of that report prior to the meeting? And, so that schedules may be adjusted - what is your best guess as to when the meeting will take place?

I recognize your job is not an easy one, and involves many variables. Thank you again for your prompt and detailed response.

Gerald Barkdoll PE
12314 Riding Fields Road
Rockville, MD 20850

> Subject: RE: Sutton Property
> Date: Wed, 7 Nov 2007 09:04:21 -0500
> From: Richard.Weaver@mncppc-mc.org
> To: jakebarkdoll@msn.com; Catherine.Conlon@mncppc-mc.org
> CC: rhillerson@aol.com
>
> Mr. Barkdoll,
>
> I am the lead reviewer for the Sutton Property application and will package the reviews of all staff into a single staff report to the Planning Board. My staff report will need to make a recommendation (Approve, Deny, Approve with conditions) on the application that will include provisions for the transportation needs of the subdivision. As I write this response to your email I am glancing at a map of the local area around the Sutton Property, including your neighborhood on Riding Fields and Mount Prospect Drive as well as the homes on Hunting Hill Way. The map further convinces me that there are more positives to the connection of Riding Fields than negatives. So you know, staff and the Planning Board have a long history of avoiding permanent dead ends and cul-de-sacs when possible, and supporting the connection of communities by roads and pedestrian systems. It is rooted in the belief that connected neighborhoods make better neighborhoods. I am convinced that this connection in no way will accommodate non-local traffic; the vast majority of users of this connection will be the local homeowners and those service vehicles that need access to these homes. I see no scenario where a motorist would use this new road connection as a convenient commuter route or as a means to avoid congested local intersections, except in the most severe cases where a nearby intersection is possibly blocked by an accident and traffic may logically utilize the residential street network. I will acknowledge that traffic is likely to marginally increase along the street in front of your house, however, your home has always existed at the temporary terminus of a road that was anticipated to be connected to the other terminus coming from Hunting Hill Drive. With the potential development of the Sutton Property, now is the only reasonable opportunity that the Planning Board will have to require

the continuation of this road.

>
> Staff believes that pedestrian use of this road can and will continue, and given the expected low volume of traffic, it can be done safely, including any equestrians who may make use of the shoulders. Staff does not believe that the potential increase in noise and trash generated by new vehicular trips will be of such a level to outweigh the benefits the connection will have for services; that will include quicker emergency response times and more efficient postal and school bus pickup service. The Issue regarding better access for criminals and their activities is countered by the improved access for emergency responders. For the Board to purposely minimize access and allow or create neighborhoods that are difficult to navigate in order to thwart criminals seems a bit draconian, especially in this County that prides itself on relatively low crime rates and a top notch police force. To suggest that the Board now support dead end communities as a response to fears of increased criminal activity is a bad precedent to set and staff would absolutely oppose it. What I can offer you is that staff will have the applicant slightly revise the plan for the Board hearing to show the cul-de-sac of Riding Fields in a background tone. Should the Board wish to discuss this issue they will have both options shown to them graphically.

>
> This email and all correspondence received will be part of the record and included with the staff report on the Sutton Property. The issue of this road connection will be discussed in detail in the report. I do think that you will want to be at the hearing when it is scheduled to express your concerns to the Planning Board personally. Having said all this, you should also know that staff currently does not support the application, even with the connection of Riding Fields. Staff continues to struggle with the placement of sand mounds on the proposed lots. In our minds, the placement of sand mounds on neighboring lots should be eliminated or severely limited and their location on lots should be controlled. Our ability to mandate that is somewhat limited and, as such, we are still at loggerheads with the applicant on those issues.

>
> I am hopeful that this response gives you a clear idea on where Development Review Division staff is on this application. I have to provide the Planning Board with a single, staff recommendation that is based on conformance with the Subdivision Regulations (Chapter 50), the Potomac Master Plan and the Zoning Ordinance (Chapter 59). Although there is some disagreement over this road connection with other agencies, I have to sort through those issues and present the Board with a report that reflects my best professional judgment. It is the Planning Board, however, that has the final say on all matters related to subdivisions and they should hear your views. I look forward to hearing from you.

>
> Richard Weaver, Coordinator
> Development Review Division

>
> -----Original Message-----
> From: Gerald Barkdoll [mailto:jakebarkdoll@msn.com]
> Sent: Monday, November 05, 2007 12:59 PM
> To: Conlon, Catherine; Weaver, Richard
> Cc: Bob Hillerson
> Subject: Sutton Property

>
>
> MS. Conlon and Mr. Weaver

>
> The purpose of this email is to ask for your guidance involving an issue relating to the development plan for the Sutton Property (Plan number 120060710). A bit of history will inform our request.

>
> On March 9, 2006 members of the Travilah Grove community submitted a formal petition respectfully requesting that as the subject property is developed, Riding Fields Road continue to exist in its current configuration (as two separate segments). The petition was signed by more than half of the homeowners in the community (more signatures would have been obtained but we mistakenly believed that time was of the essence).

>
> Members of the community cited the following reasons and support for their request:

>
> 1. The portion of Riding Fields Road in the Travilah Grove community has become a community area for bicycle riding, family strolls, jogging, dog walking and other activities. Several members of the community recovering from surgery have used Riding Fields Road as the site for their post-surgery exercise regime. These benefits would be lost if Riding Fields was opened to through traffic.

>

- > 2. Keeping the current configuration will avoid the noise, nuisance, and added hazards of increased traffic (commuters, service and delivery trucks, trash and recycle trucks, etc.) on both Riding Fields and Mount Prospect.
- >
- > 3. Keeping the current configuration will keep Riding Fields and Mount Prospect clear of trash thrown from drive-thru traffic as is perpetually evident on Travilah Road.
- >
- > 4. Continue safe pathways for horseback riders to traverse the area without crossing lines of vehicular traffic.
- >
- > 5. Increasing the number of entrances into the two communities will have a detrimental affect on the actual crime rate of the two communities such as robberies, break-ins, drive thru incidents, etc. as documented in the Department of Justice's publication Closing Streets and Alleys to Reduce Crime. (Lawbreakers do not like to enter into communities with only one escape route and where strangers are readily recognized).
- >
- > 6. Increasing the number of entrances into the two communities will have a detrimental affect on the feeling of safety held by members of the two communities (see previously referenced DOJ document).
- >
- > 7. A reduction of the actual and the perceived safety of the community will have a negative impact on property values.
- >
- > 8. The addition of 1, 2 or even 3 houses on the Sutton property with access through Riding Fields should not precipitate a change affecting the 32 families in the Travilah Grove community as well as a similar number in the Hunting Hills community.
- >
- > Following the submittal of the petition we received an email that stated:
- >
- > Since the Transportation Planning Section of MNCPPC does not have any problem with disconnection of Riding Fields Road, we can accept that as well.
- > Please note that both ends should properly terminate and one of them should extend inside the property, in order to provide access for the proposed houses.
- > Thanks,
- > Sam Farhadi
- >
- > In addition, the builder received a copy of a (April 17, 2006) letter to you with a corresponding statement. The builder revised the plans on the basis of that communiqué.
- >
- > I recently received a copy of the plan and to my surprise noted that it had been revised once more and that the two sections of Riding Fields were shown connected. I subsequently had several phone and email exchanges with individuals involved in the original decision. Although none are anxious to become embroiled in a dispute, all indicate that their original advice still stands.
- >
- > Members of the Travilah Grove community recognize that there may be some hypothetical advantages to making Riding Fields a through street in terms of emergency access. However it is almost impossible to imagine a set of circumstances where a through street would be advantageous; while the advantages of the current configuration (as detailed above) are already being enjoyed by many members of the community on a daily basis.
- >
- > The interest in maintaining the current configuration continues unabated and appears even stronger than it was a year and a half ago. A number of members of the community are certainly willing to attend and give testimony at the Planning Board detailing their personal experiences with the items listed above. Some members of the community have proposed obtaining expert advice to support the safety argument (Item 5 above) or legal guidance.
- >
- > I recognized that staff recommendations for Items before the Planning Board play an important and persuasive part of the decision making process. If at all possible we are hoping that the staff under your direction will reconsider what appears to be the current recommendation. We certainly stand ready to provide additional information, meet with you and members of your staff, or do whatever is needed to keep Riding Fields Road, in its current configuration, as a community asset.
- >
- > With regards

Weaver, Richard

From: Gerald Barkdoll [jakebarkdoll@msn.com]
Sent: Wednesday, December 05, 2007 11:18 AM
To: Weaver, Richard
Cc: Conlon, Catherine
Subject: Traffic on Through Two Communities
Attachments: Traffic Patterns at Travilah ES.doc

Richard

On 11/7/07 you sent me an email addressing the concerns mentioned in the community petition and subsequent emails. I appreciate the time and energy it took to develop this point-by-point response. The purpose of this email is to provide data that was not available to you when you wrote your email, and to advise you of the community's interest in pursuing an option that would satisfy your interest in 'connection of communities through ... pedestrian systems'. In your email you stated:

'As I write this response to your email I am glancing at a map of the local area around the Sutton Property, including your neighborhood on Riding Fields and Mount Prospect Drive as well as the homes on Hunting Hill Way. The map further convinces me that there are more positives to the connection of Riding Fields than negatives. So you know, staff and the Planning Board have a long history of avoiding permanent dead ends and cul-de-sacs when possible, and supporting the connection of communities by roads and pedestrian systems. It is rooted in the belief that connected neighborhoods make better neighborhoods. I am convinced that this connection in no way will accommodate non-local traffic; the vast majority of users of this connection will be the local homeowners and those service vehicles that need access to these homes. I see no scenario where a motorist would use this new road connection as a convenient commuter route or as a means to avoid congested local intersections, except in the most severe cases where a nearby intersection is possibly blocked by an accident and traffic may logically utilize the residential street network.'

I had heard members of the community comment on the twice a day rush hour congestion around Travilah Elementary School. The attached document contains data collected during three days of observations of the traffic flows and delays, and suggests how they are likely to increase traffic through Travilah Grove and Hunting Hills.

You should also be aware that 16 members of the Travilah Grove community and a Board Member from the Hunting Hills community met last week to discuss Riding Fields Road. There was unanimous objection to connecting Riding fields through to allow cars, busses and trucks but there was also unanimous support for a bicycle and walking path between the two communities. Members of the community continue to wonder why the established and satisfactory traffic patterns in two communities with a total of about 50 houses should be impacted by the addition of 1 or 2 new houses.

Thanks again for your hard work on this topic - I know it is not easy finding satisfactory solutions to situations with so many cross cutting variables. Fortunately in this case it appears there is an option that accommodates nearly all of the perspectives and is viewed as a positive improvement.

Regards

Jake

THE IMPACT OF TRAFFIC CONGESTION AT TRAVILAH ELEMENTARY SCHOOL IF RIDING FIELDS IS MADE A THROUGH STREET

Members of the community have long observed and commented on the congestion at the stop sign at the intersection of Riding Fields Road and Dufief Mill Road. The twice a day congestion is related to normal commuter traffic plus the coming and going of school busses and parents delivering their children to Travilah Elementary School. Traffic counts were made to quantify these observations.

Opening up Riding Field Road through to the Hunting Hill community will provide a way to avoid the daily congestion and delay that occurs at the stop sign where Travilah and Dufief Mill Roads intersect¹. Some drivers on Travilah who plan to turn left at the stop sign but have experienced past delays or see a delay ahead, will look for an alternative. Once they learn that turning left on Mount Prospect and then right on Riding Fields will get them through to Hunting Hill Way and back on Travilah on the other side of the congestion – they are likely to take that route. Since congestion due to increased traffic tend to increase exponentially rather than linearly, traffic through the two communities will increase exponentially as additional housing developments are completed along Travilah and vehicular traffic continues to increase.

In addition to the impact of current congestion, traffic patterns are likely to be impacted by the recent installation of speed traps on Travilah. If Riding Fields Road is reconfigured drivers traveling either direction on Travilah will quickly discover that the two speed traps can be circumvented by traveling the slightly longer route through the two communities.

A member of the County's traffic staff advised that there have been no traffic studies of that intersection during the past 10 years.

Traffic patterns and flow were recorded at the intersection for two days Wednesday, Nov 14 and Thursday, Nov. 15. The traffic patterns were recorded during the peak morning period (7 AM to 9 AM). Congestion has also been reported in the afternoon but traffic patterns and congestion have not yet been recorded for that time period.

Based on 24 one-minute observations over the two hour period, the traffic flow was estimated to be 445 vehicles per hour on east bound on Travilah (approaching the intersection) and 368 vehicles per hour west bound on Dufief Mill (approaching the intersection). Drivers on Travilah waiting to turn right after stopping at the stop sign had to deal with the 368 east bound flow, while drivers waiting to turn left at the stop sign had to deal with both lines of traffic or 813 vehicles per hour. A number of the 813 vehicles slow down and turned to travel east on Travilah. This traffic flow produced

¹ It should be noted that Travilah contains a 90 degree turn at this location with a stop sign at the 90 degree turn. On the other hand Dufief and the western segment of Travilah are a "straight through" thoroughfare with no stop sign.

occasional queues on Dufief Mill Road as drivers waited for the intersection to clear. Vehicles slowing to turn add to the congestion and delays.

The impact of this heavy traffic flow had an impact on the cars on Travilah arriving at the stop sign. There were a total of 101 vehicles that approached and stopped at the stop sign between 8:30 and 9:30 AM on Nov. 15. The table below shows the number of vehicles that turned right and left after stopping. It also shows the number of vehicles that encountered a delay due to oncoming traffic and turning vehicles, and the number that did not. The delays ranged from waiting for one vehicle to turn or pass, to waiting for multiple vehicles. Vehicles turning left of course had to wait for simultaneous breaks in traffic in two directions. At times there was a queue of 2 to 4 vehicles waiting at the stop sign.

**DRIVER EXPERIENCE AT STOP SIGN
(1 Hour observation)**

| | VEHICLES TURNING LEFT | VEHICLES TURNING RIGHT |
|---|--------------------------|---------------------------|
| VEHICLES NOT EXPERIENCING A DELAY | 9 | 21 |
| VEHICLES EXPERIENCING A DELAY | 60 | 11 |

In the future, the 60 drivers that previously experienced a delay, and particularly the drivers who observed a queue as they approached the stop sign are likely to look for alternatives. Once they discover the Mount Prospect – Riding Fields option either through trial and error or through observing other drivers duck down Mount Prospect, they are likely to join the parade through the two communities.

The traffic patterns at the intersection of Hunting Hills and Travilah were observed to determine if drivers who chose the alternative route were likely to encounter a subsequent delay at that intersection. Only 8 cars entered the flow of traffic on Travilah from Hunting Hills from 8:30 to 9:30 on Nov. 16, and no queues developed, so this is not likely to be a deterrent.

PETITION OF CONCERN FOR PRECEDENT AND CONSEQUENCES

To: Montgomery County Planning Board

Re: The SUTTON PROPERTY DEVELOPMENT PLAN -- GLW File No. 05087

October 2007

- Change the 'shared driveway' to a county road which will be maintained according to Montgomery County standards, where the quality of road maintenance will NOT be subject to an individual homeowner's opinion of need for maintenance. This will also eliminate the need to grant an exception for a pipe stem driveway shared by 5 houses (when 4 houses is the current law).
- Study and document the soundness of putting a road 'on top of' the ephemeral waterbed.
- Study and document uphill sand mounds viz a viz impact of hard rain, runoff, and potential for leeching into perennial creek.
- It is our understanding that Leesburg, Virginia, is currently dealing with failed mound issues, get 'lessons learned' from Leesburg before proceeding with an 'all sand mound' development so that we do due diligence in minimizing negative consequences before rather than after a mishap.
- Ensure that trees are retained or replaced along the entire length of the property that abuts McCrossin Lane to retain its character.
- Review treatment of existing trees in Forest Conservation Plan.

Attendees
Respectfully,
Members of West Montgomery City Citizens Assoc
at mtg on 10/10/07

| Name | Address | Phone Number/email for contact |
|--------------------|------------------------------------|--------------------------------|
| PEGGY DENNIS | 11115 Fawcett Rd, Potomac | 301-983-9738 |
| SANDRA BRADLEY | 9400 KENDALE RD 20854 | 301 365 5900 |
| LIZA DURANT | 11620 Beall Mountain Rd 20854 | 301 806 2300 |
| Laurie Pary | 13610 Mt Prospect Dr 20850 | 301 975 9599 |
| Diana Conway | 10600 River Rd Potomac 20854 | 301-983-6124 |
| Lois Williams | 9419 Thrush Lane, Potomac 20854 | 301 299-7236 |
| Susanne Lee | 12900 Circle Dr Rockville 20850 | 301-738-7987 |
| Cynthia Summers | 10311 GLEN RD POTOMAC 20854 | 301.762.6423 |
| Diane Cameron | 3102 Edgewood Rd Kensington, MD | 301-933-1210 |
| Crystal Fall | 13100 Esplanade Rd N. Potomac, Md | 301-963-6779 |
| Betsi Dahan | 9805 Hall Rd Potomac MD | 301-983-1773 |
| Elizabeth Cousins | 10404 Lloyd Road Potomac MD | 240.314.0384 |
| Jan Seem | 9308 Garden Ct. Potomac MD | 301 923 4359 |
| Michael McMill | 11905 Grogenscroft Rd. Potomac Md | 301-424-4974 |
| Jeff Parment | 9920 Potomac Manors Dr. Potomac Md | 301-765-9506 |
| PARVIN NAVID | 5605 FOREST PL BETHESDA | 301)325-6401 |
| Mona Roachei | 12704 Travilah Rd Potomac 20854 | 301-583-8577 |
| Michael | 12829 McCrossin Lane Pot. Md. | 301-977-8982 |
| Michael R. West | 300 BRIGHTON DAM RD) | 301 774 6369 |
| | | |
| | | |

November 10, 2007

Mr. Royce Hanson
Chairman, Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

RECEIVED
1381
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OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Mr. Hanson:

Please find attached a document outlining key concerns and questions regarding the Sutton Property in Montgomery County (Plan 120060710). To attempt to answer these questions, we have already spoken on several occasions and exchanged emails with a number of staff at Park and Planning who are assigned some part of responsibility for the review of the Sutton Property Development Plan. All have assured us that regulations have been followed with no exceptions or variances being given. We are even more concerned. Our own reading of the regulations indicates several significant exceptions have been made. It is both curious and disturbing that a couple of the important regulations contain wording that allow reviewing staff to ignore the guidance in the regulation. We believe the Development Plan as currently presented poses the real probability of long-term unintended consequences both to public health and community legal issues.

To assist us with more comprehensive understanding of the Plan and the development process, we also consulted with a Montgomery County engineer who has worked for and with the MC Parks and Planning for many years. Our discussions with him confirmed that our concerns were valid.

We are requesting a written response to the questions and concerns presented here. As we understand the plan is being revised, we would also like to meet with staff to discuss what changes (if any) to the plan may address these concerns. We are available to meet at your convenience.

Respectfully,

 Cherie Coulter

Thomas M. Moseley
12329 McCrossin Lane
Potomac, MD 20854
Business: 301-977-3982

Cherie Coulter
Cell 202-997-0596

cc: see attached list

Letter to Mr. Royce Hanson
November 10, 2007
Page 2

Cc: George Barnes
Ginny Barnes
Vince Berg
Cathy Conlin
Jean Cryor
Amy Hart
Gene Lynch
Dan Drazen
Bob Mills
Alison Robinson
John Robinson
Betty Petrides

**Concerns and Questions regarding the SUTTON PROPERTY DEVELOPMENT PLAN -- GLW
File No. 05087 -- Plan # 120060710
November 10, 2007**

1. We are requesting a Flood Plain Study of the US Ephemeral Water.

Our own estimate is that there may be as much as 60 acres outside of the Sutton Property that drains into the US ephemeral waters located toward the part of the property that fronts on McCrossin Lane. The water just uphill of this area - on my (adjacent) property - has been as high as 2 feet deep, and 50-100' wide, with continuous flow for up to a week during really heavy rains. This is the area where the long pipestem driveway is to be located as well as several sand mounds. There is already a Flood Plain area along McCrossin Lane where no houses, septic or wells have been allowed in past development. As noted above, Montgomery County has designated the soil in this area as having generally poor drainage. Irrespective of how many acres drain into this area, we request that a flood plain study be done to ensure that locating sand mounds in the area is truly safe.

2. A Storm Water Management Plan is not evident on the Development Plan.

A Storm Water Management Plan is not apparent on the Development Plan so it cannot be examined or reviewed by concerned citizens. At what point will the community have an opportunity to review the Storm Water Management plan? Has a formal written Plan actually been waived or deferred? If so, what was the rationale for doing so. It is our understanding that a Storm Water Management Plan is suppose to be worked out and documented before the Planning Board meets to vote on the Plan.

3. The Number, Size and Location of Sand Mounds is of great concern both as potential public health problem and for unintended legal consequences.

- a. This is the first such entire development plan predicated exclusively on sand mounds in the Potomac Subregion. The sole reason for the use of sand mounds is that the soil is too poor to perk for conventional septic. This Travilah-West Rockville area has been classified by Montgomery County as an area with soil which is problematic for sand mounds.
- b. We believe that this is also the first time a plan calls for locating all the sand mounds for one lot on an adjacent residential lot. Specifically, the sand mounds have been clustered such that: 2 lots have 6 mounds each, 2 lots have no mounds (mounds are located on other lots), a fifth lot has 5 mounds, a sixth lot has 1 mound (the other 2 mounds being located on the 5-mound lot with an easement), and the 7th and 8th lots have the requisite 3 mounds each located on their own property.
- c. The Plan shows sand mounds to be built where trees currently exist. Regulation 28-93AM (p. 18, Health H-7) says that, with no exception, shall a mound be built where there are trees, nor are sand mounds allowed on stumps. In the current Plan schematic, it appears that these stumps will be in the absorption area of the mound.
- d. State law indicates mounds are to be 25 feet apart horizontally. County regulation says 50' apart, but this can be waived in certain circumstances (Reg 28-93AM, p. 27, Health 2-C). These circumstances don't seem to be identified anywhere. What were the circumstances that

**Concerns and Questions regarding the SUTTON PROPERTY DEVELOPMENT PLAN -- GLW
File No. 05087 -- Plan # 120060710**

November 10, 2007

deemed it acceptable to set aside this guidance?

The Sutton Property is located in the Travilah-West Rockville area that has been documented by Montgomery County as a problem area for sand mounds. Lots 2, 3, 5, 6, 8 have sand mounds that are side by side, and touching, with no space in between. In building a mound next to one that has failed, the absorption area could easily be compromised. Yet, the guidance Montgomery County has documented for itself and its staff to take is not being followed here.

- e. The size of mounds on the plan is the minimum (10,000 sf) allowed. The house footprint allows for extremely large homes, i.e., - 3750 sf per floor x 3 is > 11000 sf per home without garage or driveway. Is this reasonable? Is this the way most plans in Montgomery County are configured?
- f. In general, the sheer concentration of mounds together on a property which has so little parkable area seems questionable. All distances of mounds to lot lines and buildable areas, are the minimum allowances (no doubt, one of the reasons mounds abut one another). Many mounds are uphill of perennial waters located on one lot (with no mounds on an adjacent uphill lot). None of these mounds are the state-specified 25' distance from one another. Any leeching of these particular mounds downhill would be into the US perennial waters that empty into watershed. It would seem that the concentration of so much human waste, bordering a flood plain, and uphill from these perennial waters, in an area designated as problematic for sand mounds, can potentially have negative consequences for the health of the watershed.

4. Road vs Shared Pipestem Driveway

It is our understanding that Montgomery County currently permits 4 homes to be served by a single pipestem driveway. This plan calls for 5 homes on the "driveway", requiring that an exception or variance be granted - is this correct? If not, can you provide the regulation number which allows for five homes on a shared driveway? Also, the "driveway" is close to and on top of the US ephemeral waters, requiring removal of trees. How will the driveway/road be built? This is the area mentioned earlier which has been seen to overflow its banks by 100' wide during really heavy rain.... Another reason we want to see the Storm Water Management Plan delineating how and where Storm Water Management will be handled.

5. Centurion Way Circle Location

The Centurion Way turnaround is located at the beginning of the pipestem driveway rather than the end where it would actually serve as a functional turnaround serving the new homes. The current plan has a curving driveway that ends in a 'fire-truck' turnaround using one home's driveway. This seems to be creating the same problem that the new McCrossin Lane circle fixes.

**Concerns and Questions regarding the SUTTON PROPERTY DEVELOPMENT PLAN -- GLW
File No. 05087 -- Plan # 120060710
November 10, 2007**

6. Property lines of the lots are oddly configured.

Why are the lot lines drawn so oddly along the new Centurion Way? Just because there is no regulation that says one cannot draw a lot in such an odd manner, doesn't mean it should be allowed. Most home owners expect that their property line goes to the road, and treat the property as such. Are more easements or covenants going to be required to ensure that homeowners don't use their property if it's on the other side of the road from the rest of their lot? Which homeowner is responsible for mowing and other maintenance of these pieces of lot which cross the road?

- 7. We propose that the County Attorney General review community encumbrance and potential unintended consequences that could occur in the Sutton Plan as a result of:**
- a. Centurion Way residences owning small pieces of land on the other side of the road, where property lines do not follow the street.**
 - b. Homeowners essentially owning a long stretch of road that is designated as driveway, which would not be maintained by the County in accordance with County standards.**
 - c. Repair and replacement of sand mounds on 'other people's' property. Even with easements, the access could be difficult between unfriendly neighbors, expensive due to fences, driveways, walls, patios, trees, outbuildings, pools, tennis courts, sprinkler systems, utilities, walkways and gardens built unintentionally in an area that impedes mound access. Even when access is not a problem, unintentional damage to the "other person's" property may occur by contractors. In addition, the speed with which repair or replacement by the responsible homeowner may be so slow that leeching damage, odor, and health problems may have to be born by the homeowner who has the mounds on their property.**
 - d. No flood plain study or designation in an area with notably poor soil for mound siting.**





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

MAY 23 2008

MCPB No. 08-28
Preliminary Plan No. 120060710
Sutton Property
Date of Hearing: January 17, 2008

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on January 6, 2006, Dumont Oaks Corporation ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create ten (10) lots on 25.0 acres of land located at the northern terminus of Centurion Way ("Property" or "Subject Property"), in the Potomac Subregion Master Plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120060710 ("Preliminary Plan" or "Application"); and

WHEREAS, after completion of septic testing and agency review of the Application, the Applicant revised the Preliminary Plan to create seven (7) lots; and

WHEREAS, Staff issued a memorandum to the Planning Board, dated January 7, 2008, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on January 17, 2008, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
Legal Sufficiency:

[Signature] 5/12/08

WHEREAS, on January 17, 2008, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant; seconded by Commissioner Robinson, with a vote of 3-1; Commissioners Bryant, Hanson and Robinson voting in favor, Commissioner Cryor voting to deny, and Commissioner Lynch necessarily absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120060710 to create seven (7) lots on 25.0 acres of land located at the northern terminus of Centurion Way ("Property" or "Subject Property") in the Potomac Subregion Master Plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to a maximum of seven (7) lots for seven (7) one family detached residential dwelling units.
- 2) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 3) The Applicant must comply with the conditions of the MCDPS stormwater management concept approval dated January 4, 2007.
- 4) The Applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) approval dated March 24, 2007, unless otherwise amended by MCDPWT.
- 5) The Applicant must dedicate all road rights-of-way shown on the approved Preliminary Plan to the full width mandated by the Master Plan unless otherwise designated on the Preliminary Plan.
- 6) The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the Master Plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
- 7) The record plat(s) must reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 8) The record plat must reflect a public use and access easement over all private streets.
- 9) The record plat must reflect all areas under Homeowners' Association ownership and specifically identify stormwater management parcels, if any.
- 10) The Applicant must comply with the conditions of the MCDPS, Wells and Septic Section approval dated December 4, 2007.
- 11) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for five (5) years or sixty (60) months from the date of mailing of the Planning Board Resolution.

- 12) Other necessary easements will be shown on the record plat.
- 13) Prior to recordation of plat, the Applicant must submit a sand mound landscaping plan for staff review and approval. This plan must include provisions for: landscaping of the mounds, buffer planting to screen the mounds from adjacent properties; and a minimum two-year maintenance period for the buffer planting. The screening buffer must include planting with either large-stock material, or fast-growing species of smaller stock material.
- 14) The Applicant must draft a covenant to be referenced in, and enforced through, the Homeowners Association (HOA) documents that include requirements for the long-term maintenance of the sand mounds and associated landscaping by future homeowners. M-NCPPC staff must review the proposed language of the covenant prior to recordation of the plat to verify that it contains appropriate provisions. The Applicant must provide verification to M-NCPPC staff prior to release of final building permit that Applicant's recorded HOA documents incorporate by reference the covenant.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference (except as modified herein) and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. The Preliminary Plan substantially conforms to the Master Plan.

The Approved and Adopted 2002 Potomac Subregion Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations regarding zoning and land use. The Master Plan recommends that this area maintain the existing zoning as adopted and maintain the residential land use consisting of one-family detached homes. The proposed subdivision complies with the recommendations adopted in the Master Plan in that it is a request for residential development consistent with the Zoning Ordinance development standards for the RE-2 zone. The Planning Board finds that the Preliminary Plan is in conformance with the Master Plan.

2. Public facilities will be adequate to support and service the area of the proposed subdivision.

Roads

The Planning Board finds that with the completion of Riding Fields Road, the termination of Centurion Way and McCrossin Lane with a cul-de-sac, the construction of the private cul-de-sac, and with the approvals of MCDPWT and the

Montgomery County Fire and Rescue Services, the road network will provide safe and adequate access for the proposed subdivision.

Riding Fields Road

The Board heard testimony from staff that the current configuration of Riding Fields Road, which now ends in two temporary hammerheads, is designed to eventually connect to provide a continuous through-road. A review of the maps for the area strengthens the argument that each of the road segments of Riding Fields Road had been constructed in such an alignment so that they could one day be connected. The development of the Sutton Property is the key to that connection. As part of the approval of the Sutton Property, the dedication of the necessary right-of-way would allow for the completion of the road by the developer.

The Planning Board also read the letters and heard testimony from residents who opposed the connection believing that the current configuration already allowed for pedestrian connection between the two neighborhoods. The neighbors alleged that the proposed road connection would result in noise nuisance, increased traffic, potential for littering, and easier access to the neighborhood by criminals which would result in a less safe community. They also were concerned about the negative impact to property values that the connection may have on their homes.

Based on the evidence of record, the Planning Board finds that the connection of Riding Fields Road would greatly improve circulation in the local communities now separated by this missing road segment and that non-local traffic is unlikely to use this connection as a reasonable commuting option. The Board further finds that police and fire and rescue access to the general neighborhood would be enhanced because the connection of the road provides two alternatives to access the neighborhoods from the local non-residential streets. The Board also finds that users of the local road network, such as school busses, mail delivery, trash collection and service vehicles would also benefit by shorter drive times.

In making its findings, the Planning Board considered all of the evidence presented and finds that the benefits of connecting the roadway, including the enhanced safety and security for residents by means of increased access to the surrounding area by police, fire and rescue services, far outweigh any speculative harms. Based on this finding, the Planning Board conditions the Applicant to dedicate and construct the connection of the two temporary hammerheads of Riding Fields Road.

Centurion Way

The Planning Board finds that Centurion Way should be terminated as an overlength cul-de-sac. Currently, there are two options for connection Centurion Way. One option involves crossing a stream valley in order to connect to existing Riding Fields Road. The second option would extend Centurion Way to McCrossin Lane which is a substandard public street along the southwestern boundary of the Property. Ending Centurion Way as an overlength cul-de-sac avoids impacting the stream valley and avoids extensive and unnecessary improvements to a rural road. As such, the Planning Board approves Centurion Way as an overlength cul-de-sac pursuant to the provisions of § 50-26(b) of the Subdivision Regulations due to the Property's topography and the improved street alignment of Centurion Way.

Private cul-de-sac

The Planning Board adopts the staff's analysis and finds that the private cul-de-sac from the terminus of Centurion Way on to the Subject Property to serve five (5) of the proposed seven (7) lots is appropriate pursuant to Sec. 59-C-1.34.1 of the Zoning Ordinance. The private cul-de-sac will provide: safe and adequate access, sufficient width to accommodate the dwelling units proposed, protection of significant environmental features and proper drainage.

Other Public Facilities and Services

The Planning Board finds that other public facilities and services are available and will be adequate to serve the proposed units. The Property will be served by public water and private sand mound septic systems. The Application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other pertinent agencies involved with the provision of public facilities have recommended approval of the Application. The Planning Board finds that the proposed subdivision can be adequately served by all public facilities, including community water, private onsite sand mound systems, schools, health clinics, police stations and fire protection in accordance with the Growth Policy resolution currently in effect.² Gas, electrical and telecommunication services are also available to serve the Property.

With respect to the use of sand mounds on this Property, the Planning Board finds that sand mounds are an accepted practice in the County to dispose of sewage in the RE-2 zone. Neither the Potomac Subregion Master Plan, the Zoning Ordinance, nor the Subdivision Regulations include language that restricts the use

² This application is not subject to the new 2007-2009 Growth Policy because it was submitted prior to January 1, 2007.

of sand mounds on the Subject Property. Based on the evidence of record, including a lengthy discussion with a representative from the Montgomery County Department of Permitting Services Well and Septic Section, the Board finds the sand mounds are appropriate for this site and are in conformance with the applicable regulations.

In addressing the aesthetic features of sand mounds, the Board finds the Applicant must minimize the visual impact of the mounds using techniques such as landscaping, screening and buffering. The landscaping and buffer plan, as well as a plan for short-term maintenance of the planting, will be reviewed and approved by M-NCPPC staff. Long-term requirements for the future homeowners will be included in a covenant referenced in the HOA documents for the subdivision. The HOA will have sole enforcement responsibility for the long-term execution of the landscaping requirements.

3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations and Chapter 59, the Zoning Ordinance, and the Planning Board finds that the Application meets all applicable sections. The Subject Property is zoned RE-2 and the large lot nature of the surrounding development provides a variety of lot sizes and shapes. The Planning Board finds that the size, width, shape and orientation of the proposed lots are appropriate for the location of the subdivision. In particular, the Planning Board finds that the configuration of the lots are appropriate and necessary to avoid the creation of sand mound easements on adjacent lots while remaining harmonious with the surrounding development.

4. The proposed plan satisfies the requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

The Planning Board finds that the Application satisfies the requirements of the Forest Conservation Law with a combination of on-site forest retention and planting. The Application includes a preliminary forest conservation plan, approved on January 7, 2008, that will protect certain forest and trees during construction of the property, and includes long-term protection of 2.5 acres of forest on-site and 2.82 acres of reforestation in a Category I easement.

5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting

Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.

The MCDPS Stormwater Management Section reconfirmed their approval of the stormwater management concept for the project on August 14, 2007. The proposed stormwater management plan provides on-site water quality control and onsite recharge via nonstructural methods. Water quantity control is not required because the one-year post development peak discharge is less than two (2) cubic feet per second

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

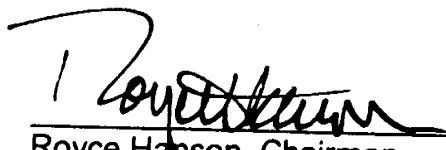
Y. 23. 2008 BE IT FURTHER RESOLVED, that the date of this Resolution is _____ (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

At its regular meeting, held on Thursday, May 15, 2008, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Vice Chair Robinson, seconded by Commissioner Bryant, with Chairman Hanson, Vice Chair Robinson, and Commissioners Bryant and Cryor present and voting in favor. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 120060710, Sutton Property.



Royce Hanson, Chairman
Montgomery County Planning Board

