



## MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

MEMORANDUM

**DATE:** November 23, 2000  
**TO:** Montgomery County Planning Board  
**VIA:** Joseph R. Davis, Chief *JRD*  
 Development Review Division  
**FROM:** Lawrence R. Ponsford, Supervisor *LRP*  
 Mary Beth O'Quinn, Planner *MBO*  
 Planning Department Staff  
 (301) 495-4587  
 (301) 495-1322

**REVIEW TYPE:** Site Plan

**APPLYING FOR:** 14 single family homes, 30 townhomes  
**PROJECT NAME:** Lerner Property  
**CASE #:** Site Plan 8-02008  
**REVIEW BASIS:** R-200 TDR Zone (59-D); reduced-width tertiary road

**ZONE:** R-200 (3 units) and R-200 TDR (41 units)  
**LOCATION:** Quince Orchard Road, south of Darnestown Road (MD 28)

**MASTER PLAN:** Potomac Subregion Master Plan 1980  
**APPLICANT:** Elm Street Development  
**FILING DATE:** October 15, 2001  
**HEARING DATE:** November 29, 2001



**STAFF RECOMMENDATION FOR SITE PLAN:** Approval of 14 single family homes and 28 Townhouse Units, subject to the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A
2. Conditions of MCDPS stormwater management concept approval dated April 28, 2001.
3. Environmental:  
 Conditions of approval of the Final Forest Conservation Plan (including grading and tree protection information) shall satisfy conditions of approval prior to recording of plat and MCDEP issuance of sediment and erosion control permit.

Final forest conservation plan shall include tree protection measures along the limits of disturbance and a sediment and erosion control plan that is consistent with the forest conservation plan. Conditions include, but are not limited to, the following:

- a. Revise landscape plan to show plantings in steep slope areas that are disturbed for stormwater management facility outfalls in the environmental buffers.
  - b. Provide an arborist's report at signature set for specimen tree save outside of the environmental buffer.
  - c. Landscaping and planting for storm water management facilities subject to staff review in coordination with DPS, prior to signature set.
  - d. Place a Category I Conservation Easements over forest-save areas and environmental buffer; easement(s) to be shown on record plats and site/landscape plans.
  - e. Relocate deck structures out of the stream valley buffer.
  - f. Reforest the floodplain and farm pond as compensation for rear yard intrusions into the stream valley buffer. This reforestation must be bonded.
4. Prior to signature approval of the site/landscape plans, the applicant shall provide the following additional information or revisions to the plans:
- a. **Site Plan:** Signature set to show all easements, limits of disturbance, PUEs, PIEs, HOA common space, dimensions and placement of sidewalks, pedestrian paths, bicycle paths, high priority forest, and storm water facility parcels.
  - b. **Site Design:**
    - i. Lot 40, Compatibility: Shift unit location to continue building line established on Falconbridge Drive by Existing Lot 1 (12100 Triple Crown Road); orient house on Lot 40 to face street; increase the side yard setback to 18 feet on west property line to provide spacing compatible with surrounding development.
    - ii. Lot 40, Drainage: Increase the dimensions of the berm separating Proposed Lot 40 and Existing Lot 1 to provide greater area for landscaping and screening, increased permeable area and improved drainage; provide drainage diagram showing grades and direction of water flow; provide section drawing of road, curb and gutter; provide site sections showing grading relative to street and Existing Lot 1; lower the finished floor level of the unit.
    - iii. Lot 40, Tree Protection: Provide detailed tree protection plan for trees located on Existing Lot 1, including root zone analysis.
    - iv. Lot 40, Landscaping: Provide enlarged landscaping buffer along the west lot line consisting of evergreen trees, hardwood trees, understory plantings and hedges; trees to be installed at 3-inch caliper and/or 10-foot height; provide detailed landscape plan.
    - v. Townhouse Area: Delete Lot 10 to provide view of the stream valley, adequate recreational open space, and access to the

pedestrian trail; delete Lot 27 to provide view of the stream buffer, adequate streetscaping, safe sidewalk connections, and to maintain established building line; provide three additional parallel parking spaces along west side of street.

- vi. Townhouse Area: Shift Townhouses 23-26 slightly northward to align south stub street more closely with view opening to the stream valley.

**c. Site Construction:**

- i. Provide details and specifications for all retaining walls and for outdoor community deck; plans to be submitted at 1/8" scale; show all paving and materials, railings, and label grade changes; label height of each retaining wall.
- ii. Provide sectional drawings for the play area and outdoor community deck at 1/8" scale showing retaining walls, grading, sidewalks, etc.
- iv. All retaining walls shall be constructed of masonry materials, retaining walls to be limited to 8 feet in height.

**d. Site Circulation:**

- i. Pedestrian Trails: Construct pedestrian trail connection through the stream valley in natural surface materials, 4-feet wide, and in accordance with M-NCPPC technical specifications and standards; a ten-foot public access easement shall be provided for the pedestrian trail; provide three pedestrian connections to the trail: (1) from the Falconbridge Road cul-de-sac, (2) from the south end of the private street, and (3) from Quince Orchard Road. Alignment of trail and connection shall be field located by the applicant and Park Planning staff prior to construction. Show pedestrian trail and sitting areas within the Conservation Easement on all drawing sheets.
- ii. Pedestrian Access: Provide a 10-foot public access easement from Falconbridge Drive to the HOA parcel at the rear of proposed Lots 1 and 2 to the HOA parcel at the rear of Lot 40.
- iii. Sidewalks: Provide 10-foot public access easements for sidewalk connections to the trail system.
- iv. Storm water facility access: Specify materials and dimensions for the storm water facility vehicle access lane.
- v. Pedestrian Crossings: Revise pedestrian crossings to provide cross walk(s) perpendicular to street, subject to approval by MCDPS and DPWT; relocate crossing(s) at south portion of townhouse area to provide a single cross walk.

**e. Transportation:**

Comply with recommendations of the MNCPPC Division of Transportation, including:

- i. Obtain written approvals from all utilities regarding the 49-foot right-of-way through the Pepco property prior to record plat.
- ii. Dedicate 80-foot right-of way for Quince Orchard Road and

- additional right-of-way in the north east corner of the site if required by DPWT; construct an eight-foot wide sidewalk/bikepath along the property frontage in accordance with the master plan recommendation; provide pedestrian connection from sidewalk to the natural surface trail, with signage.
- iii. Final location and design of the extension of Falconbridge Drive and driveways to Lots 1-2 and Lot 40, subject to review and approval of sight distance study and any additional required transportation studies by DPS, DPWT and MNCPPC Division of Transportation.
  - iv. Provide parallel parking along west side of private street at Lots 36-26.
- f. Landscape and Lighting:**
- i. Provide specifications for all lighting, including mounting heights, housing, and wattage; provide specifications on furnishings and play equipment and signage; show lighting on site plan and landscape plan drawings;
  - ii. Show photometric lighting plan for play area and community deck;
  - iii. Provide details for signage for public access trails and conservation areas.
  - iv. Provide unified streetscape for private street: parallel parking on west side of street at Lots 28-39; street trees on west side of street spaced evenly 35-40 on center with grass panel at curb; 5-foot sidewalk;
  - v. Provide two 8-foot-wide islands on east side of internal street at Lot 21 to accommodate pedestrian crosswalk and two street trees to frame open view of stream valley.
  - vi. Provide additional ornamental trees for townhouse front yards—at least every other yard;
  - vii. Provide details of landscaping cover for retaining walls;
  - viii. Provide landscaping for public deck area and one additional shade tree for center of play area; provide additional hedges for retaining walls.
- g. TDRs:** Provide 13 TDRs for 41 units of density in the R-200 TDR zone or 11 TDRs for 39 units of density in R-200 TDR zone.  
TDRs to be noted on signature set site plan and record plat.
- h. SPEA:** The Site Plan Enforcement Agreement shall reference the appropriate provisions for the ongoing maintenance of the public amenity areas.

## **SUMMARY OF ISSUES ADDRESSED AT SITE PLAN:**

In the course of site plan review and discussion, staff and the applicant reviewed street design and alignment for the public and private streets, and optimal orientation of the houses.

Urban design issues discussed included siting of the townhouses, view sheds to the open space, and usable, visible and accessible open space, and recreation amenities. Of particular importance was the impact of streetscape on the character of a linear neighborhood along the internal private street.

The efficiency and adequacy of the pedestrian system and placement of the sitting areas were also addressed. Considerable attention has been given to conservation issues, including preservation of the stream valley buffer.

## **ISSUES EXTANT AT THE TIME OF STAFF REPORT**

### **Usable, Visible, and Accessible Open Space: Openings to the Stream Valley**

**APPLICANT POSITION:** Views and access to the stream valley from the townhouse community are adequate.

**STAFF POSITION:** The inherent structural qualities of building attached townhouses on sloping terrain creates a "wall of homes" that blocks visibility, access and use of the stream valley. Adequate, accessible, and well-placed "windows" to the stream buffer are called for to provide visual, physical, and recreational relief adequate to meet the needs of this cluster residential design; and to create an attractive neighborhood compatible with its natural surroundings.

### **Adjacency Issues and Traffic Concerns: Lot 40**

**APPLICANT POSITION:** The applicant has responded flexibly to citizen concern about Lot 40 within the Western Parcel. The applicant, at the time of staff report, is continuing to offer solutions to the siting, location of the house and the lot grading and landscaping. The applicant will conduct a sight distance study for review by relevant county agencies.

**STAFF POSITION:** The house may be compatibly sited and suitable graded and landscaped to provide a compatible adjacent development. Final placement of the road, its grading, curb and gutter should be determined after any studies are reviewed and approved by DPS, DPWT and MNCPPC Transportation.

**CITIZEN POSITION:** Some citizens the elimination of the lot, while others have expressed a desire to adjust the layout and landscaping. Every citizen response has included multiple concerns about traffic speed, sight distance, the safety of road grading, and the request for stop signs.

VICINITY MAP FOR

# LERNER PROPERTY (8-02008)



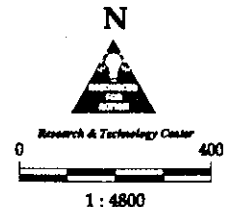
Map compiled on October 08, 2001 at 3:50 PM | Site located on base sheet no - 220NW12

## NOTICE

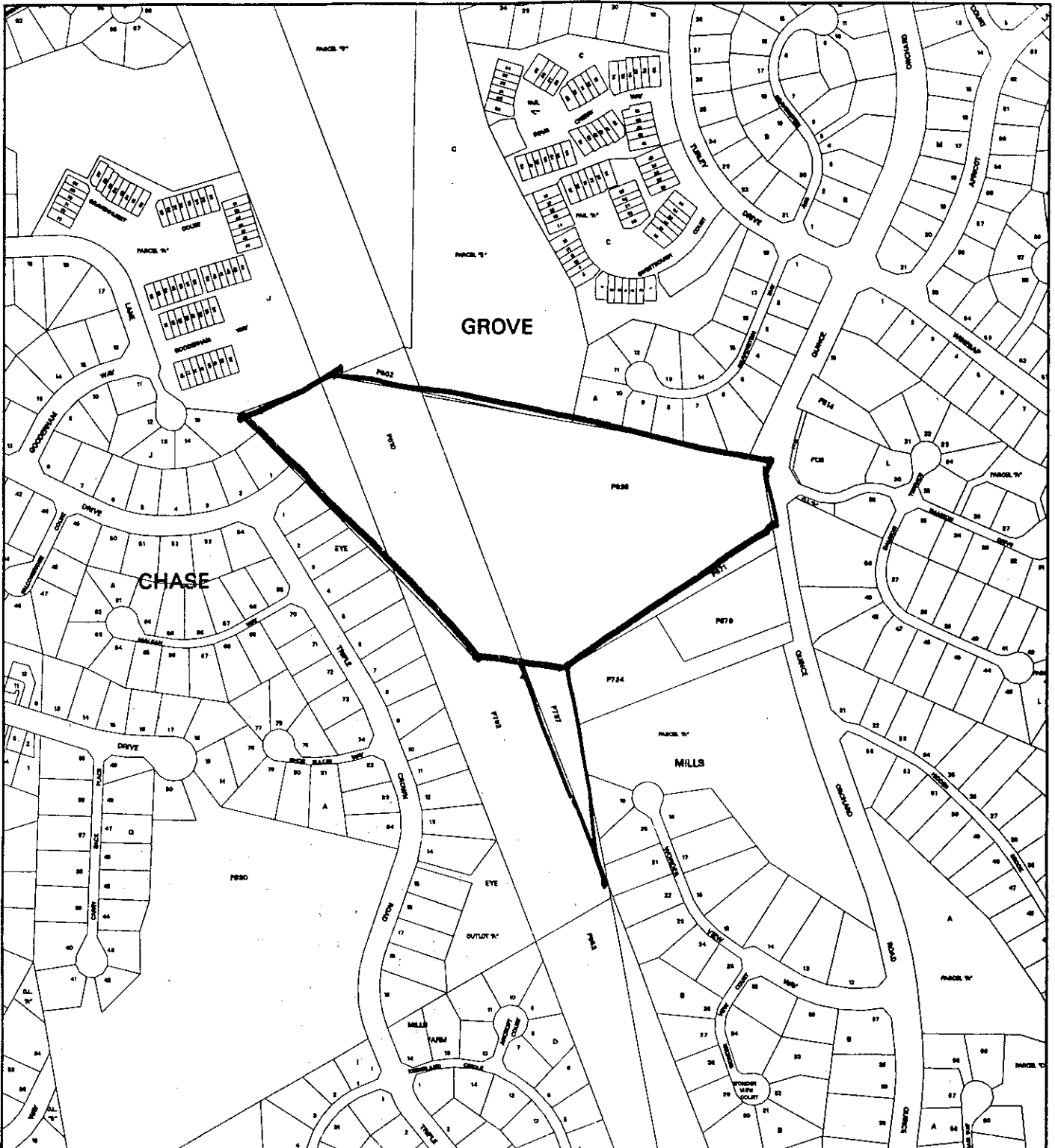
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VICINITY MAP FOR  
**LERNER PROPERTY (8-02008)**



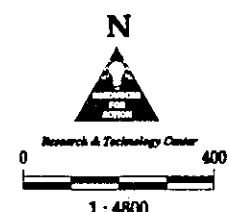
Map compiled on October 22, 2001 at 4:13 PM | Site located on base sheet no - 220NW12

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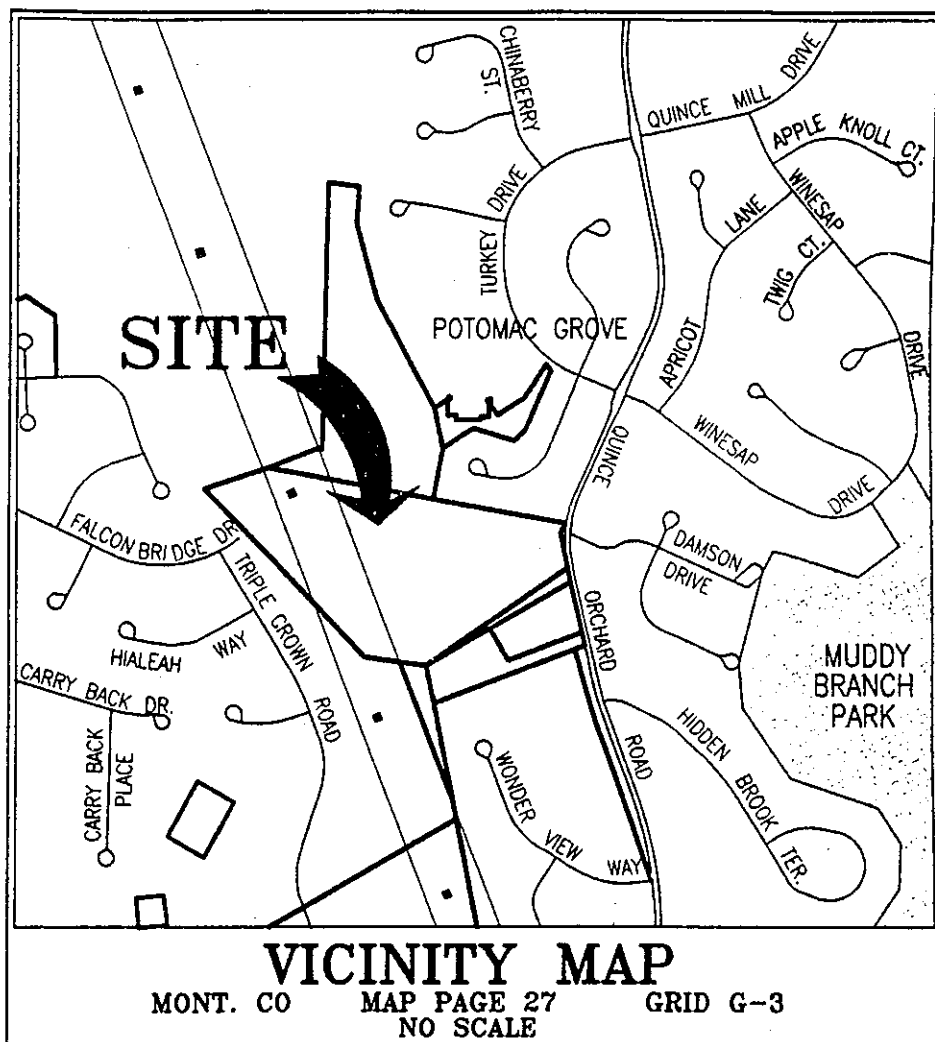


## PROJECT DESCRIPTION: Surrounding Vicinity

The proposed site lies within of the Darnestown vicinity of the Potomac Subregion Master Plan Area. The area features the Muddy Branch Park, a sensitive stream valley park that forms a significant green link stretching from Gaithersburg southwest to the Potomac River. The area consists of numerous residential subdivisions situated on branching cul-de-sacs that frame several linear streams and their surrounding green buffers.

North of the site is residential development in the R-200-TDR zone (Quince Orchard Knolls); west of the site is R-200 residential development (Potomac Chase Potomac Grove). The immediate southern edge is bounded by stream valley, beyond which is additional residential development. The eastern boundary of the site is formed by Quince Orchard Road.

The Lerner Property represents one of the most environmentally sensitive and challenging topographical sites in the master plan area.

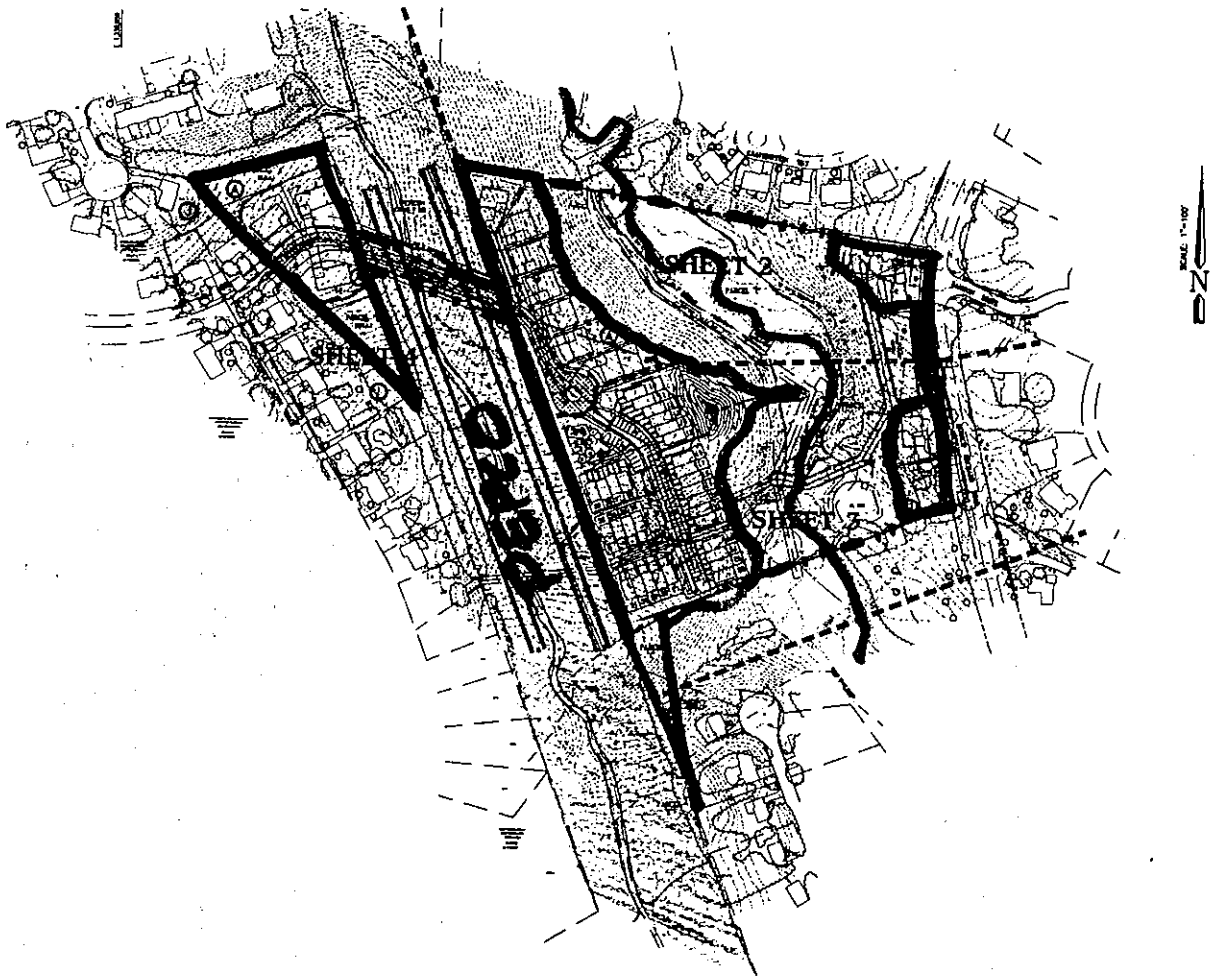




## PROJECT DESCRIPTION: Site Description

The Lerner Property, 15.96 acres that comprises a triangular shaped parcel, spans an east-west swath across a sizable stream valley tributary of the Muddy Branch Stream. The valley contains significant high priority forest with variable slopes and forms a wide band, approximately 400 feet, running north-south through the eastern portion of the site. The site is also divided by a 250-foot wide north-south tract of Pepco Transmission Line Property on its western portion. These two demarcating "stripes" determine a longitudinally-oriented site development that results in three individual, unconnected "pockets" of houses that alternate with the "stripes" --- that is, one "pocket parcel" on each site edge, east and west, and one sandwiched between the two "stripes." [East Parcel, West Parcel, and Middle Parcel]

The challenges of the site are presented by the severely sloping topography and sensitive environment and with the provision of vehicular and pedestrian access, house orientations, and open views of the stream valley.





**MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERSHED MANAGEMENT DIVISION**

Rockville Center - 255 Rockville Pike, Suite 120 - Rockville, Maryland 20850-4166  
Telephone No. 240-777-7780 - FAX No. 240-777-7715

**SUBDIVISION PLAN REVIEW: MNCPPC Development Review Committee (DRC)  
Comprehensive Water Supply and Sewerage Systems Plan Issues**

**MNCPPC File Number: 8-02008**

**DRC Meeting Date: 11/05/2001 06/18/2001**

**Subdivision Plan Name: Lerner Property**

**Proposed Development: 14 single-family houses and 30 townhouses**

**Watershed: Muddy Branch**

**Zoning: R-200/C, R-200/TDR-3**

**Planning Area: Darnestown**

**Site Area: 15.58 acres**

**Location: Quince Orchard Road**

**Engineer: Charles P. Johnson & Associates, Inc. 301-434-7000**

**Water Supply and Sewerage Systems (as specified on the subject subdivision plan or plan application)**

**Proposed Water Supply:**

**Proposed Wastewater Disposal:**

Community (public) WATER system

Community (public) SEWER system

**Existing Service Area Categories: Water: W - 3**

**Sewer: S - 3**

**Water/Sewer Plan Map Amendment: WSCCR 01A-DNT-01**

**Water Supply Comments:**

Yes; the water supply system is consistent with the existing water service area category

**Sewerage System Comments:**

Yes; the sewerage system is consistent with the existing sewer service area category

**\*Additional Comments:**

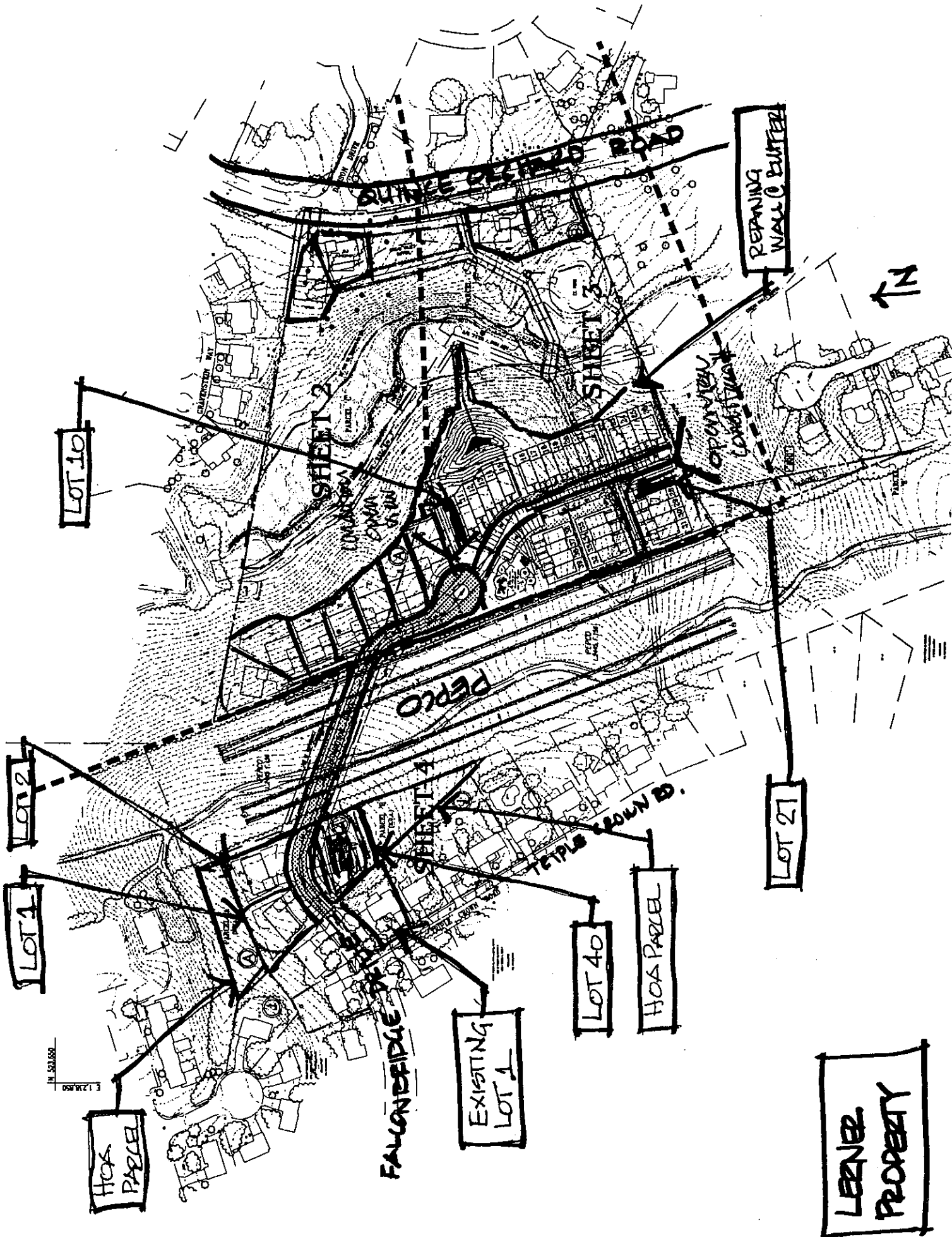
Prior pre-application plan 7-01071.

Uses cluster.

W-3 and S-3 was approved for the three southern parcels on 10/16/01 under Administrative Delegation 2001-6 (WSCCR 01A-DNT-01).

**Prepared by: Alan Soukup/Dorothy Pecson**

**Date prepared: 10/30/2001**



LEARNER  
PROPERTY

## **PROJECT DESCRIPTION: Proposal**

The proposal consists of 14 single family homes and 30 townhomes and uses R-200 Cluster optional method and the R-60 MPDU development standards allowed in the R-200-TDR zone.

Three single family homes are located within the western edge "pocket" in the R-200 zone (Falconbridge Drive). The remaining units are all located in the R-200-TDR zone: 4 single family homes on the eastern edge "pocket" (Quince Orchard Road); 7 single family homes and 30 proposed townhomes in the middle "pocket", sandwiched between the stream valley and the Pepco land.

This middle cluster of houses is accessed from the western parcel via Falconbridge Drive, the reduced-width tertiary road traversing the Pepco land at a diagonal to limit the gradings on the steep terrain. The topography drops over 40 feet from west to east (400 ft to 360 feet) across the Pepco strip. The cul-de-sac bulb forms the midpoint of the linear cluster of homes in the "middle pocket" of the site. From the cul-de-sac, a private drives serves the seven single family homes strung northward, and a private interior street serves the townhomes arranged in a linear form along the stream valley buffer.

On the eastern site edge, four single family homes face Quince Orchard Road in two groups, with the stream valley separating the groups, and visible from the road. The houses back onto the stream valley and each group shares a common entrance drive.

On the western edge, the three houses face Falconbridge Drive, extending the existing residential street by two lots on the north and 1 lot on the south side of the street. The street proposed, arranged in a curvilinear pattern, provide direct access to all three lots.

## PROJECT DESCRIPTION: Prior Approvals

On September 20, 2001 the Planning Board approved the Preliminary Plan of subdivision #1-01071:

*Approval, including waiver under Section 59-C-1.395 (Special Provisiosns for TDR Development, percent of single-family detached dwellings) of the Montgomery County Zoning Ordinance, subject to the following conditions:*

1. *Approval of this preliminary plan is limited to a maximum of Forty-four (44) Dwelling Units; (Thirty (30) single-family attached dwelling units and Fourteen (14) single-family detached dwelling units)*
2. *Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits*
3. *All road rights-of-ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Potomac Master Plan, and to the design standards imposed by all applicable road codes*
4. *All road rights-of-way shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the Potomac Master Plan, unless otherwise designated on the preliminary plan*
5. *Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and forest conservation areas*
6. *Record plat to provide for dedication of 60 feet of right-of-way for Quince Orchard Road*
7. *Compliance with the conditions of MCDPS stormwater management approval*
8. *Access and improvements, as required, to be approved by MCDPWT prior to recordation of plat(s)*
9. *At the time of recordation, applicant to provide verification of the availability of the required number of TDR's for each record plat (Minimum of thirteen (13) TDR's required dependant on Condition No. 10)*
10. *Final location and number of units to be determined at site plan*
11. *No clearing, grading or recording of plats prior to site plan approval*
12. *Location of off-site trail connections to be delineated at site plan*
13. *This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed*
14. *The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion*
15. *Other Necessary easements*

## **DISCUSSION OF ISSUES**

### **ANALYSIS: Conformance to Master Plan**

The proposed development is in conformance with the Approved and Adopted Potomac Subregion Master Plan, (1980). The proposal provides the recommended residential use required number of TDRs for this property in the R-200-TDR for the TDR 3 area.

**ANALYSIS: Conformance to Development Standards**

<b>Lerner Property 8-02008 Site Plan PROJECT DATA TABLE</b>		
<u>Development Standard</u>	<u>Permitted/Reqd</u>	<u>Proposed</u>
Gross Lot Area (ac) R-200 (Cluster)	5.0 acres	15.58 acres
Gross Lot Area (ac) R-200-TDR	NA	14.33 acres
Total Lot Area	NA	15.96 acres
Net Lot Area	NA	15.58 acres
Street Dedication	NA	.38 acres
 <b><u>Density</u></b>		
Dwelling Units:	46	44
R-200 One-family detached	3	3
R-200 TDR One-family detached *	13 units (30%)	11 units (26%)
Townhouse	28 units (70%)	30 units (73%)
<b><u>MPDUs</u></b>	0	0
<b><u>TDRs</u></b>	13	13
 <b><u>Green Space</u></b>		
Forest Conservation	4.50 acres	4.88 acres
HOA Conservation Area	NA	
Building coverage%		
Impervious Area%		
 <b><u>R-200 TDR Single Family Lots</u></b>		
	<b><u>R-60 MPDU Std **</u></b>	
Lot Size	4,000 sf	4,000 sf
Lot width @ street	25'	25'
Front yard	20'	20'
Side yard	NA	4'
Rear yard	NA	18-40'
Parking	22 spaces	40 spaces
 <b><u>R-200 TDR Townhouse Lots</u></b>		
	<b><u>R-60 MPDU Std **</u></b>	
Lot Size	1,500 sf	1,500 sf
Green area	2,000 sf/lot in parcel	2,000 sf/lot in parcel
Parking	60 spaces	
 <b><u>R-200 Cluster Lots</u></b>		
Lot Size	10,000 sf	10,000 sf
Lot width @ street	25'	25'
Front yard	25'	25'
Side yard	10'	10'
Rear yard	0' - 40' ***	35' - 40'
Parking	6 spaces	12 spaces
 * waiver requested		
** 59-C-1.395, footnote 6		
*** 40' at parcel boundary		

## RECREATION CALCULATION

DEMAND POINTS <i>per 100 units</i>	Tots	Children	Teens	Adults	Seniors	TOTALS
	D1	D2	D3	D4	D5	
<b>Housetype</b>						
TH	17	22	18	129	7	
SFH II	13	24	25	106	11	
SFH III	14	19	12	127	13	
DEMAND POINTS <i>per 100 units</i>	Tots	Children	Teens	Adults	Seniors	TOTALS
	D1	D2	D3	D4	D5	
<b>Housetype</b>						
TH	5.10	6.60	5.40	38.70	2.10	
SFH II	1.56	2.88	3.00	12.72	1.32	
SFH III	0.28	0.38	0.24	2.54	0.26	
<b>TOTALS</b>	<b>6.94</b>	<b>9.86</b>	<b>8.64</b>	<b>53.96</b>	<b>3.68</b>	<b>83.08</b>
SUPPLY POINTS	Tots	Children	Teens	Adults	Seniors	TOTALS
	D1	D2	D3	D4	D5	
<b>On Site</b>						
Sitting (3)	3.00	3.00	45.00	15.00	6.00	72.00
Nature Trails	0.35	0.66	0.81	5.81	0.32	7.94
Natural Area	0.00	0.14	0.30	1.27	0.07	1.78
Multi-Age Play	9.00	11.00	3.00	7.00	1.00	31.00
Pedestrian System	0.69	1.97	1.73	24.28	1.66	30.33
<b>On Site Total</b>	<b>13.04</b>	<b>16.78</b>	<b>50.84</b>	<b>53.36</b>	<b>9.04</b>	<b>143.05</b>



## **FINDINGS for Site Plan Review:**

1. The site plan is consistent with the approved Preliminary Plan 1-01071.
2. The site plan meets all of the requirements of the zone in which it is located. See Project Data Table above.
3. The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.

### **a. Location of Buildings**

As conditioned, the location and arrangement of the buildings is adequate, safe, and efficient. The siting of the four houses within the East Parcel creates a pleasant, safe and efficient street frontage on Quince Orchard Road while providing an attractive pattern that offers an open space view of the wooded stream valley buffer from the arterial street and from the future sidewalk/bikeway.

The arrangement of the homes within the Middle Parcel, situated between the stream valley and the Pepco land is generally adequate, safe, and efficient for the single family homes. However, the siting of the townhomes in a tight row along the stream buffer along with an extensive retaining wall, in effect creates a "wall of homes" that blocks views of the stream valley, and visibility of access points to the natural areas of the site. Staff recommends deletion of Lots 10 and 27 and modest shifting of units to create adequate and efficient view windows to the forest conservation area.

The arrangement of the three houses within the West Parcel, facing Falconbridge Drive is generally adequate for Lots 1 and 2. However, the siting of the house on Lot 40 presents problems in its relationship to the existing pattern of homes on Falconbridge Drive and at Triple Crown Road. Staff recommends shifting the location of this unit on Lot 40 in order to achieve better compatibility, safer driveway access and enhanced landscaping. [See relevant conditions: #4 (b)(i, ii, iii, iv). The siting of the houses in the group must accommodate public access to the HOA space at the rear of these houses.

### **b. Open Spaces**

Natural open space consists of Forest Conservation Areas within the Environment Buffer (4.88 acres), including the stream buffer with a woodland trail. Other areas include the multi-age play area, and an open deck for sitting and picnic recreation near the storm water facility, located about 150 feet off the internal street on the Middle Parcel.

Stormwater management quantity and quality controls are being provided by a

quality and quantity control facility with surface sand filters. The facilities are located outside the environmental buffers, although their outfalls must be located within the environmental buffer to safely convey the treated stormwater to the stream.

The amount and disposition of the open space meets the forest conservation requirements. However, visibility and access to the natural areas are seriously limited by the extensive use of retaining walls throughout the site—more than 1,000 linear feet of retaining walls are proposed, with continuous wall segments of up to 270 feet. The continuous retaining wall at the rear of the townhouses adjoining the stream buffer prohibits access and views of the recreational stream valley for a community of townhouses that the applicant proposes to develop at one of the highest density standards (R-60 MPDU standards).

Staff recommends that visible, usable, and accessible open space be provided to meet the needs of the cluster design by: deletion of Lot 27 at the south end of the street to allow a view of the stream buffer from the 400-foot private street and to provide an access route to the nature trail; by deletion of Lot 10 at the cul-de-sac (north end of the private street), to provide an adequate window to the stream valley and to provide adequate access point to the trail, stream buffer and pedestrian system.

**c. Landscaping and Lighting**

Landscaping for the site consists of street trees and landscape panels along the internal “main street.” A variety of ornamental trees are proposed for the front yards, to complement the street trees and low landscaping along the internal streets. The play areas and public amenities are attractively landscaped and provide shade.

Landscaping along the public roads is attractive, with a variety of shade trees, screening trees, and ornamentals.

Staff recommends additional landscaping elements that frame views of the woodlands and a few additional street trees along the public roads to “complete” the streetside of the development. In addition, staff requests that landscape treatment be provided for the numerous retaining wall surfaces that are open and visible from the public amenity areas and from the internal street.

**d. Recreation**

The proposal provides adequate amenities, which meet the requirements of the recreation guidelines. Recreation amenities utilize the unique natural character of the site, in addition to providing a formal play and sitting area. The multi-age play area is adequately and safely sited with efficient access via the pedestrian system. However, staff recommends better views and access to the recreational

amenities to encourage their use, and provide efficient access to the pedestrian/trail system, sitting areas, and community deck. The provision of a thorough visible and accessible pedestrian system with crosswalks and the trail link through the woods will significantly enhance the recreational amenities.

**e. Vehicular and Pedestrian Circulation**

The street connections to the site are in accordance with the concurrent Preliminary Plan. The existing neighboring community has many concerns with the safety of traffic on the proposed street extension, road grading, and vehicle speeds; the residents have requested a sight distance study and the installation of traffic calming measures. The issues are currently under review by DPS and DPWT. Staff recommends that the final siting of Falconbridge Drive public street extension be determined upon review and approval of the sight distance study and any other required studies by DPS, DPWT and MNCPPC Division of Transportation.

The layout within the Middle Parcel, the cul-de-sac bulb, private drive and private internal street are adequate and efficient. The street layout makes the most efficient use of the sites, and creates the opportunity for a unified streetscape that identifies the development as a neighborhood. Staff recommends that the parallel parking be carried to the south end of the street with a sidewalk to provide a unified streetscape and a complete pedestrian system.

The pedestrian system is safe and efficient. Sidewalks are provided on both sides of the internal street, with parallel parking along one side. Sidewalks are provided for all groupings of houses, with adequate lead to the play area. Staff recommends an enhanced connection to the nature trail south of Lot 9 by the deletion of Lot 10) and a second connection at the south end of the internal street to provide a visible, usable and complete pedestrian system.

Staff recommends field location of the nature trail and construction in a natural surface to preserve the greatest number of trees, minimize impervious surface, and to provide appropriate grades for pedestrians.

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

The houses in the East Parcel along Quince Orchard Road provide a compatible massing, spacing and landscaping with the existing and proposed development.

The linear arrangement of the buildings in the Middle Parcel and the use of attached townhomes correspond to the limits of tributary stream buffer. The arrangement of the

street with houses in two directions, house fronts on the east side and house sides on the west offers design variety with different yard types and spacing, visual interest, an enlivened street, more attractive landscaping, and parallel parking. Staff recommends parallel parking along the interior street at Units 26-36 to achieve uniformity of streetscaping and a compatible view of the stream buffer at the south site boundary.

The orientation and siting of the three houses in the West Parcel along Falconbridge Road deserve greater attention, with respect to creating a compatible environment with the existing development. Staff recommends front yard and side yards setbacks that maintain the building lines established in the surrounding neighborhood to achieve compatible relationships. Great care should be taken in grading and drainage, landscaping, and driveway location for Lot 40 in its relationship with the existing adjacent Lot 1.

The requirement of public access easements to the HOA parcels at the rear of the proposed lots should be considered as well in providing for compatible relationships for Lots 1-2, and Lot 40.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

Forest conservation requirements have been met by the preservation of 4.88 acres of forest, most of which is within the stream valley buffer. This area exceeds the site's break-even point of 4.5 acres. The forest conservation area, including the stream valley buffer, will be located within common open space. A Category I conservation easement will be placed over the forest conservation area and stream valley buffer.

Staff recommends allowing Lot 2 along Quince Orchard Road to intrude into the stream valley buffer because an existing single-family house is located in the stream valley buffer. The applicant will demolish the existing structure and replace it with a new single-family house. The new single-family house will be completely outside of the stream valley buffer. The extent of the stream valley buffer intrusion for the new lot is similar to the yard area for the existing single-family home.

Based on the size of the property, the amount of existing forest, and the amount of forest proposed to remain, the applicant has no forest planting requirements. Approximately 0.44 acres of floodplain are not forested and the applicant is not required to reforest this area. However, as compensation for the intrusion into the stream valley buffer, which is 0.14 acres, the applicant agrees to reforest the unforested portions of the floodplain, remove the existing farm pond, and then to reforest the location of the former farm pond

## APPENDIX

- A. Standard conditions dated October 10, 1995
- B. Correspondence referenced in report

### APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement, Development Program, and Homeowners Association Documents for review and approval prior to approval of the signature set as follows:
  - a. Development Program to include a phasing schedule as follows:
    - i. Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
    - ii. Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
    - iii. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
    - iv. Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
    - v. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
    - vi. Coordination of each section of the development and roads;
    - vii. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
  - a. Environmental buffers at least 150 feet wide;
  - b. Limits of disturbance;
  - c. Methods and location of tree protection;
  - d. Forest Conservation areas;
  - e. Conditions of DPS Stormwater Management Concept approval letter;
  - f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
  - g. Conservation easement boundary;
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
4. No clearing or grading prior to M-NCPPC approval of signature set of plans.



November 20, 2001

Revised: November 26, 2001

**MEMORANDUM:**

TO: Mary Beth O'Quinn, Planner  
Development Review Division

VIA: Ronald C. Welke, Supervisor *for KHK*  
Transportation Planning

FROM: Ki H. Kim, Planner *KHK*  
Transportation Planning

SUBJECT: Site Plan No. 8-02008  
Lerner Property

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This memorandum represents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject site plan application for the proposed 44 residential units for the Lerner Property located in the North Potomac Policy Area.

**RECOMMENDATION**

Transportation Planning staff recommends the following conditions related to approval of this site plan.

1. Development of this site plan is limited to a total of 44 dwelling units.
2. Obtain written approvals from all utilities regarding the 49' right-of-way through the Pepco easement prior to record plat.
3. Dedicate 80' right-of-way for Quince Orchard Road and additional right-of-way in the northeast corner of the site if required by the Department of Public Works and Transportation (DPWT) and construct an eight-foot wide bikepath along the property in accordance with the master plan recommendation.
4. Satisfy DPWT's sight distance requirement for the driveway entrance to Lot 40.

## **DISCUSSION:**

### **Site Access and Circulation**

The extension of Falconbridge Drive as a 26' curb and gutter street with a 5' sidewalk on one side across the Pepco right-of-way to the site provides safe and adequate access for vehicles, bicycles and pedestrians. Seven-foot sidewalks are provided on both sides of the private parking area.

The applicant should submit the sight distance analysis to satisfy DPWT's sight distance requirement for the driveway entrance to Lot 40.

### **Local Area Transportation Review:**

The proposed 44 residential units would generate less than 50 trips during the peak hour of the morning (7:00 to 9:00 A.M.) and evening (4:00 to 6:00 P.M.) peak periods. Thus, the proposed development would not require Local Area Transportation Review.

### **Policy Area Review:**

The current FY02 AGP indicates that the North Potomac Policy Area has housing staging ceiling capacity available (1,305 units as of October 31, 2001) to accommodate the proposed development.

KHK:cmd



**THE MARYLAND-NATIONAL CAPITAL PARK AND  
PLANNING COMMISSION**

Department of Park & Planning, Montgomery County, Maryland  
8787 Georgia Avenue, Silver Spring, Maryland 20910

**MEMORANDUM**

**TO:** Mary Beth O'Quinn, Planner Coordinator, Development Review

**FROM:** Mark Pfefferle, Planner Coordinator, Environmental Planning *MP*

**DATE:** November 26, 2001

**SUBJECT:** Lerner Property Forest

---

Concerns have arisen over the quality of forest on the Lerner property. The Lerner property consists of 15.96 acres. The site includes 12.6 acres of forest and three distinctive forest stands.

Resident raised concerns over the forest quality in the R-200 cluster zone that is west of the high voltage electricity right-of-way. In the Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) this area is identified as forest stand 3. This stand is approximately 1.7 acres in size and completely forested. The forest is characterized as upland forest with a predominantly oak canopy. There are few invasive plants and the stand is more diverse than other areas of the site, but is still a young forest. The dominant species in the stand is red oak. There are no significant trees and only one tree has a dbh greater than 24 inches. A significant tree is any with a dbh greater than 30 inches. The soils are moderately drained and slightly eroded. This forest stand is similar in quality to other forest stands on the property.

The forest stand is completely outside the stream valley buffer and classified as a priority 2 forest. In comparison, priority 1 forested areas have the highest priority for preservation and include all areas within the stream valley buffer. The applicant proposes to clear 7.8 acres of forest and retain 4.9 acres for the entire site. Based on the requirements of the Forest Conservation Regulation and the Tree Manual, the applicant is preserving 1.9 acres of forest more than is required. In stand 3, the applicant proposes to clear 0.9 acres of forest and retain 0.8 acres of forest. The forest clearing is for the roadway and 3 single-family lots.



# Memo

**To:** Mary Beth O'Quinn  
**From:** Callum Murray  
**Date:** November 5, 2001  
**Subject:** Lerner Property

I refer to your inquiry regarding the TDR density pertaining to the above property.

The property is split-zoned R-200 and R-200/TDR west and east respectively of the PEPCO line. The September 1982 Amendment to the 1980 Approved and Adopted Potomac Subregion Master Plan designated the area east of the PEPCO line as a receiving area suitable for TDR-3 development for 10 acres or more.

Map 28 of the Amendment denotes generalized locations for the receiving areas. As such, it can be interpreted that an Amendment requirement for the adjacent Darnestown Area 2 should also be applied to this area. The requirement is that new lots adjoining existing subdivided lots be of the same size and character as existing lots.

I hope the above is of assistance.



## DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

August 28, 2001

Robert C. Hubbard  
Director

Mr. Saeyin Oh  
Charles P. Johnson & Associates, Inc.  
1751 Elton Road  
Silver Spring, MD 20903

Re: Stormwater Management **CONCEPT** Request  
for Lerner Property  
SM File #: 203637  
Tract Size/Zone: 9 Ac/R200  
Total Concept Area: 12.1 Ac  
Tax Plate: ESST  
Lots/Block: N/A  
Parcel(s): 610, 628, 671, 679, 724, 737  
Liber/Folio: 2445/F156; 17667/845  
7515/533; 6684/487  
Montg. Co. Grid: 27G3  
Watershed: Muddy Branch

Dear Mr. Oh:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quantity control via a dry pond and on-site water quality control via a sand filter.

The following **condition** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

- A vegetated swale must be provided to convey runoff from the rear of 3 townhouses and 1 single-family house.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact William Campbell at 240-777-6345.

Sincerely,

Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

MCCOYVERN

November 6, 2001

Mr. Gregory M. Leck  
Department of Public Works and Transportation  
Division of Traffic and Parking Services  
Development Review Unit  
101 Monroe St., 11<sup>th</sup> Floor  
Rockville, MD 20850-2589

RECEIVED  
011744  
NOV 8 2001

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

Dear Mr. Leck,

I am extremely concerned for the safety of children and residents as increased traffic continues to speed through our neighborhood. I also notice a lack of signs to remind drivers of their speed and location.

I have resided at the corner of Triple Crown Rd. and Falconbridge Drive for more than 10 years. This is an established neighborhood with children aged newborn to teen. This particular corner of the neighborhood has become a pass through route for motorists traveling from Quince Orchard Rd. to Jones Lane and vice versa. As more housing developments are built along Quince Orchard Rd. and Jones Lane and those children are assigned to attend Jones Lane Elementary School, parents, busses and school staff travel along Horse Center, Triple Crown and Falconbridge to get to Jones Lane Elementary School. This situation will only worsen with the proposed extension of Falconbridge Drive into yet another housing development (Preliminary Plan No. 1-01071, Lerner Property).

Please note that the intersection of Falconbridge Drive and Jones Lane is currently congested when the school parking lot is closed during student arrival and dismissal times. This intersection has been specified, by the elementary school principal, as a drop off/pick up area. In addition, the other portion of Triple Crown Road has speed bumps. These impediments cause drivers to use our section of Triple Crown Road instead since it does not have speed bumps. These factors create an environment ripe for disaster.

I encourage you to review this situation. For example, there are currently no signs along Falconbridge Drive to remind drivers of the speed limit and safety concerns of the area.

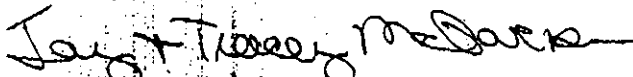
We need:

- Speed Limit signs
- School Zone sign
- Caution Children Walking sign
- Slow Children Playing sign
- Speed bumps and Stop signs should be considered

Since Montgomery County continues to develop pockets of land within established neighborhoods, the appropriate support systems need to be installed before a speeding vehicle kills one of our children.

Please contact me at your earliest convenience to discuss other options available to improve this deadly situation. I can be reached on 301-926-0557. Your immediate attention to this matter is greatly appreciated.

Sincerely,



Jay and Tracey McGovern  
12100 Triple Crown Rd.  
N. Potomac, MD 20878

CC: Malcolm Shaneman, Development Review Division, MNCPPC  
Commissioner Wellington, MNCPPC  
Phil Andrews, Montgomery County Council  
Jim Grant, President, North Potomac Citizen's Association  
Jeff Gatling, Agent, Fox Hills North Community Association

LOFTUS

Date: November 8, 2001

Malcolm Shaneman, Supervisor  
Development Review Division  
MNCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20919-3760

Re: **Development Of Single Family And Many Townhomes  
At Triple Crown Rd And Falconbridge Drive  
(Lerner Property File Number 1-01071)**

Dear Mr. Shaneman,

The purpose of this letter is to express our concerns regarding the proposed residential development referenced above. We live at 12112 Triple Crown Road (Block I, Lot 3), opposite the PEPCO right-of-way from the new development. From our research and conversations with the County and developer, we understand that this project will most likely be approved, regardless of the opinions and wishes of the current homeowners. Notwithstanding this, we have two very specific concerns that we would like to raise with the County staff and Planning Board for consideration.

**First, is the traffic impact.** The scope of this development does not require a formal traffic study per the current County rules, however, we have been given no information as to how the existing neighborhood roads will be changed to accommodate the 44 new residences. Please consider the following:

- Provide a stop sign on Triple Crown Road at the intersection of Triple Crown and Falconbridge Drive.
- Post speed limit signs and "Slow Children at Play" signs along Falconbridge Drive. Currently, there is NO signage on this main thoroughfare.
- Consider speed humps along the newly extended Falconbridge Drive. Cars will start at the new cul-de-sac, speed up the hill, under the power lines and crest the hill on a turn in front of two homes. The lack of homes and driveways in the right-of-way will undoubtedly encourage higher speeds each way.
- Consider speed humps along Triple Crown Road. As a neighborhood, we have been trying to add these for some time, to discourage the cut through from Quince Orchard Road.

**Secondly, we would strongly urge the County to reconsider the development of the home proposed in Lot 40, as we feel this one home, more than any in this 44 unit development, severely and detrimentally impacts the existing neighborhood and the existing residence at 12100 Triple Crown Road**

Page 2

(Block 1, Lot 1). This new home is basically in the backyard of 12100, which will inappropriately disturb and disrupt the quiet enjoyment of their home. Our issues with this lot include:

- Elevation difference between the new home and existing is more than 10 feet. The new home will tower above the existing, creating significant visual impact and privacy issue.
- Odd shaped lot, which forces a non-uniform house orientation to meet the set back requirements.
- The Lot 40 home will create a drainage impact to the existing home -- regardless of the developer's attempt to divert otherwise.
- The driveway of the new home enters the road at the **high point and on the curve** creating limited site distance to enter the road and an unsafe condition.
- The existing residence's rear yard and tree grove along the property line will be encroached in order for the developer to remove the numerous trees, grade the lot and build the proposed home. What assurances and recourse does this property owner have when the developer trespasses onto their property and causes damage? Simply installing protection such as flagging or a snow fence will not protect existing trees from possible root damage caused by equipment and machines.
- The development can survive the loss of this home and remain economically feasible.

We would like an opportunity to meet with the appropriate staff reviewer to discuss these concerns prior to the staff's completion of review and preparation of the written report. We would appreciate the County's consideration of the existing homeowner's views, rather than just the developer's agenda, prior to the formal hearing with the Planning Board. We have left several voicemail messages without return call to this regard. Please call either myself or my wife at the numbers below to arrange a meeting.

Thank you for your consideration,



Tim & Becky Loftus

12112 Triple Crown Road

North Potomac, MD 20878

Daytime (202) 625-5510

Evening (301) 869-7131

cc: Mr. Arthur Holmes Jr., Chairman, Montgomery County Planning Board  
Mr. John Thompson, Division Chief, Department of Public Works and Transportation  
Mr. Phil Andrews, The Montgomery County Council

Wayne and Katherine Carney  
12108 Triple Crown Road  
North Potomac, Maryland 20878

Development Review  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

*Site Plan*

11-6-01

Dear Sirs and Madams,

We are writing to you concerning the Lerner Property Development (plan # 1-02033), planned by Elm Street Development. We received the proposed site plan in the mail, and had some serious concerns about it.

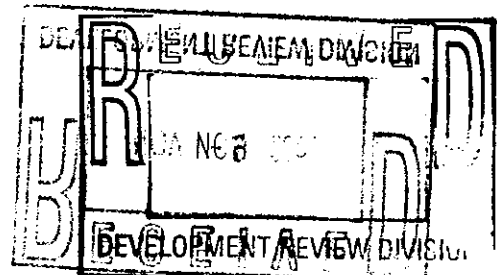
- 1) Traffic study requirements were requested by the dissenting member of the Planning Board during the public hearing, but are not listed as being needed. Falconbridge Drive is the main walkway for students walking to Jones lane Elementary School. We feel very strongly, for the safety of our children, that a traffic study needs to take place and traffic calming recommendations placed in the development plans.
- 2) We strongly urge that Lot 40 not be built for the following reasons:
  - a. Odd shaped lot with strange house orientation to meet set-back requirements.
  - b. Visual/drainage encroachment to existing Lot 1. Where trees once filtered and lessened runoff to the Lot 1 yard (at a 30% slope), the area will be impervious with no trees and a 10 foot drop into Lot 1.
  - c. 10 foot drop from Lot 40 to existing Lot 1, so new home is "on top" of existing one.
  - d. Extraordinary tree removal for 1 house.
  - e. Dangerous driveway entrance onto road at the curve, which is also the high point, and this makes for a blind entrance.
  - f. Dangerous cluster of 3 driveways.
  - g. Devalued existing Lot 1.
  - h. Trees on Lot 1 could be damaged on both sides of property owners existing fence.
  - i. Easement in question between Lot 40 and existing Lot 1.
- 3) Smart Growth emphasizes access to public transportation. There is no public transportation available anywhere near Falconbridge Drive. However, it is available on Quince Orchard Road, which could be an alternate entranceway to this new development. This would also alleviate the traffic on Falconbridge Drive and promote safety for our children.

We urge you to please consider these points when deciding to approve of or disapprove this development. Thank you very much.

Sincerely,

Wayne Carney  
Katherine Carney

Cc: Blaire Ewing, MC Council President  
Phil Andrews, MC Council representative  
North Potomac Citizens Association



Cynthia N. Kebba  
12620 Falconbridge Drive  
North Potomac, MD 20878

November 10, 2001

Mr. Malcolm Shaneman  
Development Review Division  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20907

RE: Site Plan No. 1-02033; Preliminary Plan No. 1-01071

Dear Mr. Shaneman:

After reviewing the site plan submitted by Elm Street Development for the Lerner property, as referenced above, I have several comments and concerns.

As a homeowner on Falconbridge Drive, I am very concerned about the new development's impact on traffic volume on Falconbridge Drive and Triple Crown Road, the two main roads in our neighborhood. The intersection of Falconbridge Drive and Triple Crown Road is already a dangerous corner. Falconbridge curves just before the intersection and traffic volume and vehicle speed have always been problems. Stop signs will be needed at this intersection, particularly after it becomes a three-way intersection and the entrance to the new development of 44 homes. Measures to slow traffic and inhibit vehicles from using these roads as short cuts from other neighborhoods are also needed.

In addition to the traffic and safety concerns presented by this new development, it appears that the property at 12100 Triple Crown Road (McGoverns) will be adversely affected by Lot 40 as shown on the site plan. This impact could be abated by either eliminating Lot 40 or at least re-orienting and/or moving the house on Lot 40 toward the east. Currently, the house is shown to be approximately 10 feet from the McGoverns' property line. While this may meet minimum setback requirements, it appears that eliminating Lot 40 or shifting the location of the proposed house would:

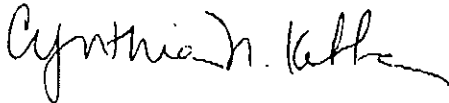
1. Limit the need for tree removal at the southwest property line of Lot 40, thereby allowing retention of a mature tree buffer and reducing the risk of damage to remaining trees at 12100 Triple Crown Road.
2. Reduce the amount of grading required immediately adjacent to 12100 Triple Crown;



3. Provide better alternatives for stormwater drainage. As currently shown in the site plan, much of the runoff would be directed toward the McGovern lot, with few trees left to stem the flow. In addition, drainage from the house on Lot 40, if built, should be directed to the street via its roof and gutter design;
4. Allow for improved spacing of the driveways of the proposed houses on the west side of the PEPCO easement. As currently shown, these driveways converge at the same point creating an additional safety issue.

I appreciate your attention to these concerns and I expect that these issues will be addressed in the staff report on the site plan and at the Planning Board hearing.

Sincerely,



Cynthia Kebba

cc: Jim Grant, President, North Potomac Citizens' Association  
Jeff Gatling, Agent, Fox Hills North Community  
Commissioner M. Wellington, MNCPPC

MUMS

November 9, 2001

Malcolm Shanahan  
Development Review  
Montgomery County Planning Board  
8787 Georgia Ave.  
Silver Spring, MD 20907

RE: Lerner Property Subdivision File No: 1-01071

Dear Sir:

My family and I have lived at the intersection of Falconbridge Dr. and Triple Crown Rd. for three years. We have two small children, ages 5 and 3 and another baby due in January. We selected Fox Hills North, and our property in particular, for many reasons including: the quality of schools, the neighborhood and sense of community, the sidewalks, and the mature trees on and surrounding the property.

While we knew that development at the end of Falconbridge was a possibility, and is now, most certainly a reality, I would ask you to consider some factors when deciding exactly how the new subdivision will be designed.

First and foremost is traffic. Falconbridge is a very busy thoroughfare, despite its distance from a major street. Commuters, students, school buses, and delivery trucks use the street as access to the entire subdivision as well as a cut-through to Quince Orchard Road. Students use Falconbridge as the walkway to Jones Lane Elementary. The combination of traffic and pedestrians is often dangerous. There is not a stop sign at the intersection of Falconbridge and Triple Crown to slow drivers down. Many drivers exceed 30 (some exceed 40) miles an hour rounding the corner. To further complicate matters, there are no speed limit, school zone, or children playing signs on Falconbridge. There is a single (and ineffective) yield sign at the intersection with Triple Crown.

My request is to limit access to the new subdivision to roads built off of Quince Orchard Rd. and prohibit access from Falconbridge. Quince Orchard is already being considered for improvements that will help manage additional traffic. There are no plans for improving Falconbridge Drive. Adding 80-100 cars onto an already overly taxed residential street is a recipe for disaster, putting walkers, runners, students and small children unnecessarily at risk.

An entrance (and exit) on Quince Orchard also seems to me to be "smarter" growth than additionally taxing Falconbridge and Triple Crown. Quince Orchard offers commuters Montgomery County bus service. The closest access to bus service from our home is on Jones Lane and Rt. 28 (over 2 miles away).

If this request is not reasonable, then, at the very least, we would like to see **additional traffic calming devices incorporated as an integral part of this development.**

Another major concern for my family is the loss of mature growth trees. My husband and I selected our home because of the mature trees and lot size found with "older" homes in the area. We support

Montgomery County leadership in their efforts to preserve green space and conserve the environment. We hope that in considering the design of this new development, will continue your leadership in this area, by including as many mature trees and open spaces as possible between existing homes and newer ones.

I appreciate your time and consideration of these comments.

Susan Muma  
12505 Falconbridge Dr.  
Gaithersburg, MD 20878  
301/948-2241

cc: Phil Andrews, Montgomery County Council  
Blair Ewing, Montgomery County Council  
Sallie Stewart, Charles P. Johnson and Associates, Inc.

BKLN

DIV. M45, STEEL HEADS  
ORIG TO BKD



Potomac Electric Power Company

Real Estate Department  
1900 Pennsylvania Avenue, NW  
Washington, DC 20068

D. B. COLLISON  
Manager

202 388-2775  
202 388-2648 Fax  
dbcollison@pepco.com

August 13, 2001

Mr. Mike Bingley  
Project Manager  
Elm Street Development  
6820 Elm Street, Suite 200  
McLean, Virginia 22101

Re: Quince Orchard to Bells Mill 230kV Transmission Line Property No. M-212  
Proposed Fee Simple Road Crossing (Falconbridge Drive)- Elm Street  
Development

Dear Mr. Bingley:

We have reviewed your request for a fee simple road crossing on the subject property of Potomac Electric Power Company ("Pepco"), as depicted on the plans submitted by Charles P. Johnson and Associates, Inc. on behalf of Elm Street Development ("ESD").

We shall further consider the granting of the proposed fee simple road crossing provided ESD, as owner of the property adjoining the subject Pepco property, agrees to the following stipulations:

**THIS LETTER DOES NOT CONSTITUTE APPROVAL OF THE SUBJECT FEE SIMPLE ROADWAY CROSSING OF PEPSCO PROPERTY, NOR DOES IT GRANT ANY PERMISSION TO ENTER UPON PEPSCO'S PROPERTY.**

1. ESD's use of Pepco's property shall be limited to one fee simple road crossing (the "Property"), as depicted on the plans submitted. The plans submitted shall be revised to depict any temporary grading area needed during the original construction period.
2. All stipulations applied to the Property shall be binding on successors in ownership of the Property.
3. Pepco does not grant blanket Public Utility Easements ("PUE") on their transmission line properties. All future utilities proposed within the Property, such as telephone, cable TV, gas, etc., shall not be installed on the Property without prior written permission from Pepco.

Mr. Mr. Bringley

2 of 5

Re: Quince Orchard to Bells Mill 230kV Transmission Line Property No. M-212  
Proposed Fee Simple Road Crossing (Falconbridge Drive)- Elm Street  
Development

3. ESD shall dedicate the Property to public use for road and street purposes within one year from the date on the proposed deed.
4. No other uses of the Property will be permitted unless prior written permission is obtained from Pepco.
5. Extreme care shall be used in the location and operation of all equipment to ensure that such equipment will at no time come within 20 feet of Pepco's electric circuits attached to steel structures or within 10 feet of any other electric circuits.
6. Care shall be used to avoid damaging any utilities which are located underground within the Property. At least 48 hours in advance of commencing work on the Property, ESD shall notify "Miss Utility" (telephone 1-800-257-7777).
7. There is an underground counterpoise wire (grounding wire) running the length of the Pepco transmission line properties, and the portion of the wire that lies within the proposed road crossing may have to be removed during the course of grading. ESD shall cut and remove this wire as necessary, marking the ends that remain in the ground to either side of the road with a brightly painted steel fence post. After the grading is completed ESD shall install the necessary length of #4 AWG copperweld wire, 30 inches below grade across the roadway between the two marking posts described above. After the wire has been installed BOA shall notify Pepco's Real Estate Department at 202-388-2775 and Pepco will splice the loose ends together. The plans submitted shall be revised to note that ESD will install the wire and that this counterpoise wire replacement is a requirement.
8. In the event the installation, construction, reconstruction, operation, maintenance, repair and or inspection of the roadway necessitates the relocation and/or adjustment of any of the Pepco facilities or equipment, ESD shall promptly reimburse Pepco for the cost of such relocation and/or other adjustment.
9. ESD shall be responsible for any damages to Pepco property or facilities arising directly or indirectly from this use of Pepco property and shall promptly reimburse Pepco for the cost of repairing any such damages.
10. The slopes within the Property shall be no steeper than 4:1.

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Re: Quince Orchard to Bells Mill 230kV Transmission Line Property No. M-212  
Proposed Fee Simple Road Crossing (Falconbridge Drive)- Elm Street  
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11. The submitted plans shall indicate that ESD shall provide and install driveway entrances at the centerline of each side of the Property. The entrances shall be constructed in accordance with Montgomery County Department of Transportation Standard 23D. The entrance width shall be 16 feet and the apron shall extend to the edge of the road right-of-way. ESD shall install a metal, heavy-duty, farm-type gate at each entrance, and the entrance construction shall include the grading necessary beyond the end of the apron to provide an access with a maximum grade of 6:1 until it meets the original grade of the right-of-way property. The entrance construction shall also include any stone and/or drainage pipes necessary to provide suitable access to Pepco's adjoining property.
12. ESD shall provide and install permanent guardrails as shown on the plans. The guardrails are to be constructed in accordance with Maryland State Highway Administration standards for a Guardrail W Beam Barricade (Standard No. D-660.01). These guardrails are to be constructed outside of the road right-of-way, parallel to and immediately adjacent to the edge of the road right-of-way. The guardrails shall extend across the entire width of the Pepco adjoining property with the exception of the one 16 foot opening which is to be aligned with the driveway entrance described above. The guardrails must swing a 90 degree arch at each end so that the terminal end is pointing away from the road.
13. No trees shall be planted on the Property. Pepco reserves the right to trim, cut or remove any trees or brush located on the Property.
14. ESD may install streetlights, however any installed on the Property shall not exceed 8 feet in height.
15. Any debris left on the Property or the adjoining Pepco property as a result of this use shall be removed by ESD.
16. Should this use of the Property create any erosion or drainage problems, ESD shall promptly take the necessary corrective action.
17. Upon completion of the work, any disturbed areas within the Property shall be properly graded and sodded or fertilized and seeded in accordance with accepted practices.

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Re: Quince Orchard to Bells Mill 230kV Transmission Line Property No. M-212  
Proposed Fee Simple Road Crossing (Falconbridge Drive)- Elm Street  
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18. Pepco reserves the right to construct and maintain in, over, under, along, through and across said Property such overhead and/or underground electric transmission and/or distribution cables, pipes, conduits and/or wire and appurtenant facilities (including ground, neutral, or static wires and/or cables) as Pepco may from time to time deem necessary or advisable.
19. ESD shall provide Pepco with a Surety Bond, bonding unto Potomac Electric Power Company the sum of Fifteen Thousand Dollars (\$15,000.00) during the period of original construction. The Bonding Company shall meet the following criteria:
  - (a) Best's Rated Surety
  - (b) A-8 United States Treasury Listed
  - (c) Licensed in the State of MarylandThe Surety Bond release shall be at the sole discretion of Pepco following a site inspection when construction is completed.
20. ESD will indemnify and hold harmless Pepco and its employees (which shall be deemed to include Pepco's directors, officers, employees, agents and servants) against any and all losses, expenses, demands, claims and liability in connection with injuries and property damage to persons, firms or corporations (including the parties hereto and their respective employees, agents and servants) caused by or growing out of ESD's presence on the Property. ESD agrees to defend at their expense, including attorney's fees, any suit or action brought against them or Pepco, or both of parties, based on any alleged injuries or damages, losses and expenses.
21. If ESD fails to perform any of the work or to comply with any of the stipulations set forth, Pepco may upon the expiration of 30 days written notice to ESD perform such work as is necessary to bring ESD's use of the Property into compliance with the stipulations, and the cost of such work shall be paid by ESD. ESD agrees to pay, upon demand from Pepco the costs of any such work performed by Pepco.
22. ESD shall furnish to Pepco, subject to Pepco's approval, a metes and bounds description and a recordable plat, prepared and certified by a surveyor licensed by the State of Maryland, of the proposed fee simple roadway crossing, the associated temporary easement and construction strip areas.
23. All future correspondence and documents concerning the Property shall refer to the Property as Pepco property M-212.

Mr. Mr. Bringley

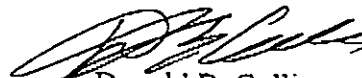
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Re: Quince Orchard to Bells Mill 230kV Transmission Line Property No. M-212  
Proposed Fee Simple Road Crossing (Falconbridge Drive)- Elm Street  
Development

24. ESD or the current owner of record of the property adjoining the Property, shall forward to Pepco a letter certifying the current owner of record of the land adjoining the Property and listing the name and address of the owner of record, name, title and means by which individuals are authorized to sign documents on behalf of the current owner of record.

If the foregoing stipulations are acceptable on behalf of ESD/owner of record of the adjoining property, please so indicate by having the enclosed copy of this letter executed by an authorized officer/agent and returned to Mr. D. B. Collison, Manager, Real Estate Department of this company. The acknowledged copy of this letter must be received by Pepco within 30 calendar days of the date of this letter. Upon receipt of said acknowledged letter and the requested documents we will continue the processing of this request.

Sincerely,



Donald B. Collison

ELM STREET DEVELOPMENT

READ AND AGREED: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Title

\_\_\_\_\_  
Date