

MARYLAND DEPARTMENT OF TRANSPORTATION
Robert L. Ehrlich, Jr., *Governor* • Michael S. Steele, *Lt. Governor* • Trent M. Kittleman, *Acting Secretary*

January 29, 2003

Mr. Malcolm Shaneman
Acting Supervisor Development Review
Subdivision Division
Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Montgomery County
MD 182
Norwood Overlook
File No.1-03022
8-03009


Dear Mr. Shaneman:

This office reviewed the submitted plan and offer the following:

- Right-of-way dedication needs to be in accordance with the Master Plan of Highways.
- Access to this property is subject to the "Rules and Regulations" of this Administration with a permit issued by this office for (1) one 25' private street with 150' deceleration lane.
- The term "denied access" is to be placed on the final record plat along the property that abuts MD 182, except at the approved entrance.
- Provide 5' sidewalk along MD 182, if supported by MNCPPC.
- Provide grading and shoulders along MD 182 as needed.

If you have any questions, please contact Greg Cooke at 410-545-5595 or out toll free number in Maryland only 1-800-876-4742 (x5595). You may also email him at (gcooke@sha.state.md.us).

Very truly yours,


For Kenneth A. McDonald Jr., Chief
Engineering Access Permits
Division

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

Mr. Malcolm Shaneman

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January 29, 2003

cc: Mr. Charlie Watkins

Mr. Raleigh Medley

Mr. Augustine Rebish

Mr. Dean Packard\

Mr. Robert Kronenberg-MNCPPC



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

October 22, 2002

Dean Packard
P.G. Associates, Inc.
354B Hungerford Drive
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request
for Norwood Overlook
Preliminary Plan #: 1-03021
SM File #: 206658
Tract Size/Zone: 19.09 acres/RE2
Total Concept Area: 19.09 acres
Tax Plate: JT121
Lots/Block: 1-7
Liber/Folio: 4633/380
Montg. Co. Grid: 21K9
Watershed: Northwest Branch

Dear Mr. Packard:

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 quality control via nonstructural measures. Water quantity control is not required due to low density.

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

1. Water quantity control (CP_v) is not required since the one-year runoff from the developed property is ≤ 2 cfs at any outfall point.
2. Water quality control must be provided by a combination of nonstructural measures, including disconnected imperviousness, dry wells and/or rain barrels at all downspouts. All downspouts must be shown clearly on the engineered sediment control plans, and all must be treated. Rain barrels must be at least 50 gallon capacity. Dry wells must be clearly shown on the plans, and must be at least 20-feet from any house foundation. Stormwater easements are not required for these measures. Disconnection paths must be clearly shown on the detailed sediment control plans.
3. All disturbed areas must be tilled/topsoiled prior to stabilization with grass. This must be clearly noted on the detailed plans.
4. An engineered plan is required for this development. Use of Small Land Disturbance Permits (SLDA's) will not be allowed.
5. If the drainage area to the southeast corner of the site near Doctor Bird Road and Norwood Road is ≥ 30 acres, a floodplain study and floodplain district permit will be required.

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



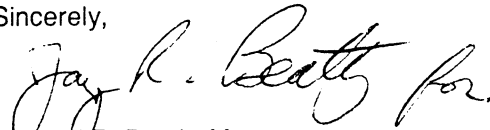
Dean Packard
October 22, 2002
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Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

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 Mark Etheridge at 240-777-6338.

Sincerely,



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

RRB:enm.mce

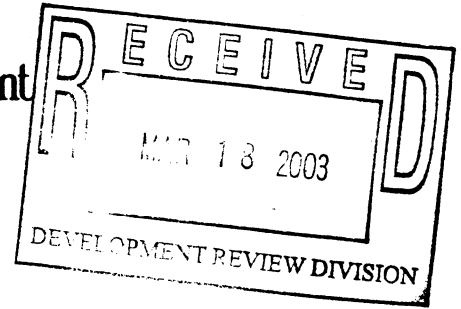
cc: M. Shaneman
S. Federline
SM File # 206658

QN -ON; Acres: 19
QL - ON; Acres: 19



Montgomery County Government

March 17, 2003



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

Dear Mr. Berlage:

On Wednesday, March 12, 2003, the Montgomery County Historic Preservation Commission (HPC) reviewed a proposed site plan (#8-03009) which directly affects a designated historic site the Thomas Moore House (*Master Plan Site #23/120*).

The HPC recommended approval of the proposed subdivision plan with the following conditions:

1. A tree protection/conservation plan will be prepared by a qualified professional and incorporated into the signature set and approved by M-NCPPC staff in coordination with Historic Preservation staff. A certified arborist will implement this approved plan.
2. No building will be allowed on the land that is located within the viewshed of the historic house. In addition, any new plantings or fences within this viewshed will require approval by M-NCPPC staff in coordination with Historic Preservation staff. The viewshed and its restrictions will be documented on the record plat.
3. A planting plan to include evergreen and deciduous trees will be implemented in the southeast corners of Lots 1 and 2. This planting plan will be included in the landscape plan for the site and will be reviewed as part of the site plan.
4. The environmental setting of this historic resource will be reduced to include Lots 1, 2, 6, 7 and Lot 5, the proposed location of the historic house and its collection of outbuildings.
5. With the intent to insure that the siting of the house on Lot 2 will not interfere with the viewshed of the historic house, building restriction lines will be established. These lines are to include a 35' north and south setback from the lot lines and a 50' west setback from the lot line and a 50' east setback from the viewshed line. These building restriction lines will be delineated on the site plan.

Historic Preservation Commission

6. With the intent to insure that the massing of the house on Lot 2 will not interfere with the viewshed of the historic house, the proposed house and garage will not exceed 6,000 gross sq. ft. (excluding basement and attic.) If the applicant desires to build in excess of this amount, the applicant will need to have the proposed house reviewed and approved by the Historic Preservation Commission prior to applying for a building permit.

The members of the HPC who attended this meeting unanimously approved the site plan with the above conditions. If you have any questions, please feel free to contact my staff at 301-563-3400.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven L. Spurlock", written over a horizontal line.

Steven L. Spurlock, AIA
Chairman

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	17214 Doctor Bird Road, Sandy Spring	Meeting Date:	03/05/03
Resource:	Thomas Moore House <i>Master Plan Site # 23/120</i>	Report Date:	03/04/03
Review:	SUBDIVISION	Public Notice:	02/12/03
Case Number:	Site Plan #8-03009	Tax Credit:	None
Applicant:	James Hooper (BRP, LLC, Contract Purchaser)	Staff:	Michele Naru

Proposal: Subdivide the property, creating 7 lots

Recommendation: Support the proposed subdivision with conditions

This staff report was revised after a meeting with the applicants on March 3, 2003. This report reflects the issues that were discussed and resolved at this meeting.

STAFF RECOMMENDATION: Staff recommends that the HPC support this subdivision proposal with the following conditions:

1. A tree protection/conservation plan will be prepared by a qualified professional and incorporated into the signature set and approved by M-NCPPC staff in coordination with Historic Preservation staff. A certified arborist will implement this approved plan.
2. No building will be allowed on the land that is located within the viewshed of the historic house. In addition, any new plantings or fences within this viewshed will require approval by M-NCPPC staff in coordination with Historic Preservation staff. The viewshed and its restrictions will be documented on the record plat.
3. A planting plan to include evergreen and deciduous trees will be implemented in the southeast corners of Lots 1 and 2. This planting plan will be included in the landscape plan for the site and will be reviewed as part of the site plan.
4. The environmental setting of this historic resource will be reduced to include Lot 5, the proposed location of the historic house and its collection of outbuildings.
5. With the intent to insure that the siting of the house on Lot 2 will not interfere with the viewshed of the historic house, building restriction lines will be established. These lines are to include a 35' north and south setback from the lot lines and a 50' west setback from the lot line and a 50' east setback from the viewshed line. These building restriction lines will be delineated on the site plan.
6. With the intent to insure that the massing of the house on Lot 2 will not interfere with the viewshed of the historic house, the proposed house and garage will not exceed 6,000 gross sq. ft. (excluding basement and attic.) If the applicant desires to build in excess of this amount, the applicant will need to have the proposed house reviewed and approved by the Historic Preservation Commission prior to applying for a building permit.

SITE DESCRIPTION

This proposal involves the parcel of land on which the recently approved *Master Plan* Site # 23/120, the Thomas Moore house, is located. The current environmental setting is parcel 390 on tax map JT 21, which encompasses 18.76 acres. The Amendment to the *Master Plan for Historic Preservation* for Olney-Sandy Spring-Goshen, adopted July 9, 2002, stated that the environmental setting for this property may be reduced at the time of subdivision or development.

The Thomas Moore house, built in 1885, is a large Victorian-era dwelling having a T-shaped footprint and a complex roofline. It is a frame structure, set upon a stone foundation and covered with a cross gable roof with jerkin-head ends and brick chimney stacks with corbelled caps. The house is characterized by its Victorian massing and detailing, including projecting bays, dormer windows, wrap-around porch, long and narrow 2/2 windows and scroll-sawn porch detailing.

The house was built by Thomas L. Moore, Jr. on a tract of land deeded to him by his father on the occasion of his marriage. The Moore house is an elegantly designed Victorian villa that enjoys a commanding view of its existing rural landscape.

PROPOSAL:

The applicant proposes to subdivide the 18.76-acre parcel to create 7 lots. The proposed lot (Lot 5) for the existing house and its outbuildings would be 2.46 acres. The remaining acreage would be divided as follows:

- Lot 1 - 2.26 acres
- Lot 2 - 2.18 acres
- Lot 3 - 3.57 acres
- Lot 4 - 3.18 acres
- Lot 6 - 2.00 acres
- Lot 7 - 2.05 acres
- Forest Conservation Easement - 4.9 acres

STAFF DISCUSSION:

The HPC sits in an advisory capacity to the Planning Board in terms of subdivisions.

Staff has been working with applicants and their developers on this proposed development plan for this site for over a year. The applicants have incorporated several of staff's comments in this proposed plan, including the reduction of the number of lots, the placement of the houses on newly-created lots away from the historic house's line of sight along Doctor Bird Road, the use of a shared driveway for Lots 6 and 7, and the retention of the historic house and its outbuildings on a single lot.

There are two major concerns staff still has with the proposed plan. First, the applicants have delineated trees "to be saved" on their site plan in areas where they could not be retained. These areas include septic fields, areas to be significantly graded, and areas where proposed pavement is to be installed. The retention of the mature landscape surrounding a historic house is an important element to creating a compatible development plan for a historic resource. The Commission's recommendation to the Planning Board should include this issue and a requirement for a tree protection/conservation plan.

Secondly, staff continues to be concerned with the proposed location and massing of the house to be sited on Lot 2. The applicants, under the advice of staff, have moved the proposed driveway to the northeast

elevation of the house, in order to achieve a better site line. Staff would recommend that a building location

and massing restriction be implemented to ensure that this proposed house will not interfere with the viewshed of the historic house. Additionally, staff would encourage the use of tree plantings in the southeast corners of Lots 1 and 2 to help to buffer the rear elevations of these houses from Doctor Bird Road and promote the vista to the house. The retention of this vista will further help to retain some of the existing rural setting of this parcel of land.

Additionally, the HPC does have review and approval authority over construction activities within the current environmental setting, which includes the entire parcel of land. Staff would recommend that the Commission reduce the environmental setting of this historic resource to only include Lot 5, which contains the historic house and its outbuildings.

As an additional note, the alteration of the existing driveway continues to concern staff. The retention of historic features such as driveways and their associations with the historic main road should not be compromised. Staff would encourage the applicant to utilize more of the existing driveway to help retain this historic relationship. This could be a good opportunity to make use of Maryland's Smart Codes.

LAW OFFICES

MILLER, MILLER & CANBY

AGENDA DATE: 27 MARCH 2003

AGENDA ITEM: # _____

CHARTERED

200-B MONROE STREET
ROCKVILLE, MARYLAND 20850

(301) 762-5212
FAX (301) 762-6044

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MICHAEL G. CAMPBELL
SOO LEE-CHO**
W. CHRISTOPHER ANDREWS***
**Of Counsel*
***Admitted in Maryland and California*
****Admitted only in Tennessee*

March 20, 2003

Montgomery County Planning Board
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Preliminary Plan No. 1-03022.
Site Plan Review No. 8-03009.
"Norwood Overlook"

Dear Mr. Berlage and Members of the Planning Board:

While I may be a bit premature in making this statement, the Applicant anticipates being in agreement with and accepting each of the conditions recommended for preliminary plan approval and site plan review approval for the "Norwood Overlook" subdivision that you will be reviewing on Thursday, March 27th. Numerous meetings on this project with the Development Review Division Staff, particularly Robert Kronenberg, have made the Applicant feel comfortable that its plan will satisfy all of the Staff's conditions.

I am writing, however, about a problem that the Board will be asked to address during your March 27th meeting. As the Staff reports will indicate, the Historic Preservation Commission has reviewed the Applicant's proposal. While recommending approval of the preliminary plan and site plan, HPC further recommended that it retain jurisdiction and architectural review of new structures to be located on lots 1, 2, 6 and 7, as well as review and approval of Historic Area Work Permit applications for the Thomas Moore house on Lot 5. The Applicant requests that the Planning Board, pursuant to its authority under Chapter 24A of the County Code, reject this overreaching attempt by the Historic Preservation Commission and define a more reasonable "environmental setting" over which the HPC would have further review authority.

The Thomas Moore house (now owned by Dr. and Mrs. James Hooper) is a designated historic resource listed on the Master Plan of Historic Sites. You will hear next Thursday, however, how its current physical condition, setting and appearance is due almost exclusively to the efforts of Dr. and Mrs. Hooper, who accepted historic designation reluctantly and with the understanding that such designation would not inhibit their ultimate development plans for the property. The Applicant is sensitive to the importance of the Thomas Moore house as a designated historic resource and has always anticipated that, in the future, that historic resource would be the subject of HPC review for any modifications to the structure. Neither the Hoopers nor the contract purchaser expected that two-thirds of the new houses in this subdivision would be burdened with HPC review.

During reviews of the preliminary plan/site plan by the historic preservation planning staff, concerns were expressed about the new residence to be constructed on Lot 2. In response to these concerns, the Applicant and Staff developed a number of limitations on the development potential of a residence on Lot 2, with the purpose of ensuring that the house on that lot would be clearly subordinate to the Thomas Moore house. A list of the restrictions for development on Lot 2 agreed to by the Applicant are attached to this letter in a memorandum entitled "Modifications to 'Norwood Overlook' Plans per Historic Preservation Commission discussions."

As a result of the discussions and negotiations, HPC's staff recommended to the Commission approval of the preliminary plan and site plan with the condition that Lot 5 (the Thomas Moore house) and Lot 2 remain within the jurisdiction of HPC review (Staff Report attached). Unfortunately, at the HPC meeting on March 5th, the Commission was tending to the position that the entire "front tier" of lots (i.e., Lots 1, 2, 5, 6 and 7) should be the subject of future HPC review in order to protect the integrity of the historic resource (Lot 5). Before a vote was taken on such recommendation, however, the Applicant asked for a deferral in an effort to construct additional conditions to give HPC a higher level of comfort that the houses on Lots 1, 6 and 7 would not adversely impact the historic resource and, therefore, did not need to be the subject of future HPC review at the time of issuance of historic area work permits. I have attached a copy of a summary which we prepared and submitted to HPC outlining conditions that the applicant would accept in order to ensure protection of the Thomas Moore house.

When the Applicant appeared before the Historic Preservation Commission on March 12th, it became apparent that the Applicant's further concessions set forth in the attached summary were not adequate to satisfy the concerns of the Commission. (See March 17, 2003 letter from HPC to Derick Berlage, attached.) The historic preservation planning staff, of course, still recommended approval of the preliminary plan and site plan with continuing HPC jurisdiction over only Lots 2 and 5. I understand that Ms. Gwen Marcus of the historic preservation planning staff will be available on March 27th to provide the preservation planning staff's perspective on this matter. I would like to add that, for the March 12th meeting, Robert Kronenberg, of the Development Review Division, was kind enough to give up his evening to attend the HPC meeting and may have additional observations to make on this subject.

Unfortunately, the Planning Board is now being asked to "referee" this dispute between HPC and the Applicant. Having offered all of the concessions listed on the attached memorandum, the Applicant will not shy away from accepting them as conditions of the preliminary plan and/or site plan. However, speaking candidly, had we known that HPC was going to be so conservative, the Applicant would not have made the broad concessions listed on the attached documents.

When the Hoopers and the Applicant started this process, they fully anticipated that the Thomas Moore house (the Hoopers' residence) would remain the subject of HPC review prior to the issuance of any historic area work permits. As was explained to them, at the time of subdivision the Planning Board would reduce the environmental setting (which today covers the entire 19.09 acre parcel of land) to the Hooper residence and certain of its important, support outbuildings. No residential subdivision which I have ever presented to the Planning Board has included architectural and historic review over new residences to be constructed on the property, let alone four residences as has been proposed by HPC.

At the Planning Board's hearing on March 27th, the Applicant is now forced to focus its limited time for presentation on issues of historic preservation rather than the normal issues to be considered at the time of preliminary plan and site plan review. This letter is an attempt to familiarize the Planning Board in advance with the issues in this case, and the necessity of the Planning Board's curtailing the sincere but overreaching attempts of HPC to control siting, massing, height and architecture of other houses which the Applicant and, largely, the historic preservation planning staff, believe is beyond the environmental setting needed to be regulated by the Historic Preservation Commission.

Thank you for your consideration of these comments. We look forward to discussing these matters further with you on March 27th.

Sincerely yours,

MILLER, MILLER & CANBY

JODY KLINE

Jody S. Kline

JSK:dlt

Enclosures

cc: Gwen Marcus
Michele Naru
Malcolm Shaneman
Rich Weaver
Robert Kronenberg
Michele Rosenfeld, Esquire
Tariq El Baba, Esquire
Dr. and Mrs. James Hooper
Brad Bernstein
Brian Gallagher
Dean Packard

**MODIFICATIONS TO "NORWOOD OVERLOOK" PLANS
PER HISTORICAL PRESERVATION COMMISSION DISCUSSIONS**

I. VIEW SHED

The "view shed" boundaries have been extended to encompass greater areas in front of Lots 6 and 7. While the views to and from the site have not actually changed, the Applicant has materially expanded the area in which no residences, fences or constructed features will detract from unobstructed views of the historic resource on Lot 5. This area of prohibited construction will be confirmed on the record plat of subdivision.

II. VISIBILITY AND SETTING OF OUTBUILDINGS

Commissioner Watkins expressed concerns about the proposed residence on Lot 6 constricting the view of the outbuildings behind the Hooper house and constraining the environmental setting. The Applicant will relocate the proposed residence on Lot 6 to the east to improve the views of the existing garage and existing shed and to increase the separation between the new house and the outbuildings. Preliminarily, the engineer has concluded that the house on Lot 6 can be moved eastward five feet. Relocation of a greater distance may be possible but must be balanced with an elevation change which conflicts with the applicant's efforts to make the structure on Lot 6 subordinate in height to the historic resource (described in paragraph III, below).

Other modifications, particularly changes to the entrance roadway described in paragraph IV below, are also expected to strengthen the view from Norwood Road to the historic resource and its outbuildings.

III. CONTROLS ON HEIGHT OF NEW RESIDENCES

The applicant has determined that the existing Hooper residence is approximately 31 feet tall. The top of the roof line of the historic resource is, therefore, at elevation 511.5.

The applicant would accept a condition that all residences to be constructed on Lots 1, 2, 5 and 6 would have rooflines that would not exceed elevation 511.5. Furthermore, to ensure that the house on Lot 6 is clearly subordinate to the historic resource, the applicant proposes the following restrictions for the residence to be constructed on Lot 6:

A. The first floor elevation will be 3.5 feet lower than the first floor elevation of the Hooper residence.

B. The roof pitch will be 10:12 or less, thus making the roof pitch less steep than the Hooper residence

(At this point in time, the actual height of the residence to be constructed on Lot 6 cannot be determined because the depth of the residence has not yet been designated by a contract purchaser).

IV. HISTORIC DRIVEWAY

The applicant has also studied how to address Ms. O'Malley's inquiry about the historic driveway.

At a minimum, a short stretch of the driveway has to be realigned so that it is perpendicular to Norwood Road in accordance with the access permit requirements of the State Highway Administration and the Montgomery County Department of Public Works and Transportation.

Within the property, however, the applicant has modified its plan to utilize more of the original driveway in such a manner that it reinforces the view toward the historic resource by making sure that driveways for Lots 6/7, and the continuation of the drive to the four other lots, are "spurs" that do not detract from the historical access to the site.

V. LANDSCAPING AND SCREENING

The applicant has agreed with Staff how greater use of landscaping and planting can be employed to diminish the visibility, particularly at the time of the initial view of the site, of the new residences. While topography makes it impossible to completely screen the new residences, strategic placement of trees can create obstructed or "filtered" views of the new residences thus causing the viewer's eye to focus on the historic resource in its environmental setting of mature trees.

VI. TREATMENT OF LOT 2

The applicant continues to accept the recommendations set forth in the Staff report dated March 4, 2003 that regulates the siting (Staff recommended Condition No. 5) and the size (not to exceed 6,000 square feet, excluding basement and attic) of the new house to be constructed on this lot. In paragraph III above, the applicant has already committed to ensure that the height of this new house will be lower than the height of the historic resource. For this lot, the height of the new house will be between eight and ten feet below the roof peak of the Hooper residence.