

Nancy Wendt, President  
The Olney Coalition  
P O Box 744  
Olney, MD 20830

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OCT 16 2003

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

October 17, 2003

3 pages by Fax to 301-495-1320

Mr. Derick Berlage  
Chairman, M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

Dear Mr. Berlage,

I am writing on behalf of The Olney Coalition's 1,500 member households regarding the Olney Master Plan public hearing draft published by M-NCPPC on July 24, 2003. These comments supplement the testimony that I gave on behalf of the Olney Square Citizens Association at the public hearing on September 25, 2003.

In my letter to you dated September 9, I noted that The Olney Coalition has engaged Richard D. Klein. I also noted that due to other pressing commitments, Mr. Klein could not begin his work for us until after September 25. For this reason, I requested the period for review and comment be held open past October 31 to give Mr. Klein time to complete an initial assessment of the Master Plan draft and to help us evaluate how the land uses envisioned in the Master Plan will affect our quality of life.

We appreciate the additional time you gave us even though it was less than half of what we requested.

The criteria our members use to measure their quality of life includes:

- ◆ Schools that deliver a superior education in un-crowded classrooms
- ◆ Transportation facilities including local roads and intersections that deliver good to excellent levels of service 7 days a week, 24 hours a day
- ◆ Preservation of the natural environment and green space that characterize our community and contribute to the health of the Upper Rock Creek watershed where we live
- ◆ Exemplary fire, rescue, EMS, and law enforcement services
- ◆ Peaceful, quiet, and safe surroundings associated with low density semi-rural and suburban neighborhoods

These are the reasons that our members chose to live in Olney.

The Olney Master Plan draft provides a lot of useful information and many recommendations we support. However, it does not give us the information we need to evaluate how future land uses will affect our quality of life. Specifically, the Master Plan draft does not:

60

October 17, 2003 Mr. Berlage

Page 2 of 3

- ◆ Examine the adequacy of existing public facilities or planned (and funded) improvements
- ◆ Describe the conditions that characterize our current quality of life
- ◆ Define the criteria that must be met to preserve and enhance this quality of life
- ◆ Analyze how various growth scenarios could affect this quality of life
- ◆ Explain why the growth scenario associated with recommended land uses is the best option for preserving and enhancing the quality of life elements that we care about.

The Master Plan draft paints a picture of full build-out with maximum densities on every parcel of undeveloped land. The plan provides no justification for this scenario. The Olney Coalition supports Smart Growth aligned with the values held by current and future residents of Olney. We do not support over-development that will adversely affect every element of our quality of life.

Therefore we want the Master Plan re-written to address the following issues.

#### TRAFFIC

- ◆ Document current levels of service for all primary residential roads, arterial roads, and critical intersections.
- ◆ Describe how the 20,000 additional vehicle trips per day associated with the recommended growth from 12,000 to 14,800 households (a 23% increase) will be accommodated without causing deteriorating levels of service.

#### SCHOOLS

- ◆ Document current actual school enrollments and class sizes.
- ◆ Describe how Sherwood / Macgruder High Schools and the other 4 clusters that serve this area will accommodate the 1,500 additional students produced by 2,800 new households without compromising the quality of education. We are particularly interested in how class sizes will be reduced to achieve the benefits found in studies of smaller class size.

#### 32-ACRE SCHOOL SITE

- ◆ Document the justification for transferring the 32-acre school site from the Board of Education to the County.
- ◆ Describe the alternative uses for this site (undeveloped open space, park land for recreation/trails, housing, etc.) and the criteria used to evaluate each alternative.
- ◆ Justify the recommended use and show how it contributes to preserving / enhancing the quality of life for residents who's property adjoins this land as well as for all of Olney.

#### WATER QUALITY

- ◆ Document the current quality of area streams and wetlands.

(61)

October 17, 2003 Mr. Berlage

Page 3 of 3

- ◆ Describe how these environmental resources will be preserved and enhanced. For example, within the Williamsburg Run area how will we know that the streams are safe for our children? Is this area near a critical threshold due to recent developments? What role does the 32-acre county-owned property on Bowie Mill Road play in protecting water quality?
- ◆ Describe how storm water runoff from 2,800 new households will be managed in light of the fact that we lack the technology to reliably duplicate the water absorption and filtration capacity of open green space.

Finally, the current Master Plan was completed in 1980. Presumably, the next update will take another 20 years. Therefore projected needs with respect to the adequacy of public facilities must extend out to 2023.

We know that the Planning Board like the County Council cares about citizen concerns. We are confident that Park and Planning will eliminate the above shortfalls in the Olney Master Plan draft before it is submitted to the County Council for approval next year.

The Olney Coalition appreciates this opportunity to provide input to the process.

Respectfully,



Nancy Wendt  
On behalf of The Olney Coalition

62

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SEP 24 2003

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



Mr. Derick Berlage  
Chairman, M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

16 September 2003

Dear Mr. Berlage,

As Chairman of the Land Use Planning Committee for the Montgomery County Civic Federation, I am writing to support the request of the Olney Coalition for a postponement of the hearing for the Olney Master Plan, currently scheduled for September 18<sup>th</sup>, 2003. The request has been respectfully made in order for the citizens to adequately review and gather data regarding a last minute change in the proposed designation of a 32 acre parcel on Bowie Mill Rd. The Federation is dedicated to the proposition that citizens should be given ample opportunity to participate in the government process. The committee has reviewed the case and found that mistakes were made by the MNCPPC staff in the process of a magnitude that pre-empted the citizens rights to reasonable participation and warrants approval of the request. We further support the request to reschedule hearings related to this property in the Olney Master Plan process after October 31<sup>st</sup> in order to obtain sufficient data to render an informed opinion regarding regional impact.

In brief, a 32 acre parcel of land on Bowie Mill Road in the Olney Master Plan was identified by the MNCPPC staff as Montgomery County Public School property, earmarked for an elementary school. During the Master Plan process, this assumption was utilized in the consideration of the future impact this site would have on the community. However, upon release of the draft for public hearing in late July, which came to the attention of the citizens on 12 August 2003, it came to light that the property had been reportedly handed over to the County, (not recorded in the land records), and was now designated for housing. Numerous issues related to the unfortunate failure of disclosure requires extended time to allow for fair evaluation of the impact imparted by these mistakes, including the following:

- The site is at the headwaters of the Rock Creek, and has environmentally sensitive features that would be impacted by the change in designation.
- Because impervious development has occurred in the watershed since the last time flood plan maps were created, observational evidence exists that a shift in

63

the sites capacity to handle the water has also changed, thus threatening neighboring property as well as impacting future development on the site. Therefore, the site hydrology must be studied.

- Given the change in proposed land use, impact on infrastructure capacity must be considered, including traffic, school and fire and rescue services.

The citizens have hired, at their own expense, an expert to study the most critical environmental / hydrology issues, stated above, so as to provide the citizens and MNCPPC staff with the necessary pertinent information to make the most appropriate recommendations regarding future development on the site. This process will take through mid-October. In taking the action above, the citizens of the Olney Coalition has exhibited exemplary citizenship and constructive participation in the government process, which will provide vital information for optimal planning.

In summary, given the unfortunate error made by MNCPPC staff that prevented the citizens the right to give due consideration of the impact of the proposed future site designation on the community and regional infrastructure; and given that the error further prevented staff from having the time to carefully acquire needed data to analyze environmental and infrastructure impact; and given the initiative of the citizens to obtain relevant expert information which will be essential for the staff to make appropriate recommendations to the Board, we respectfully request that Planning Board postpone the hearings on the Olney Master Plan, or at least provide an extended hearing session after October 31<sup>st</sup> to allow citizen and staff testimony on the Bowie Mill Rd. site.

Thank you for your consideration of this request.

Sincerely,



Thomas J. DeGraba, MD  
Chairman, Land Use Planning Committee  
Montgomery County Civic Federation

Cc: Nancy Wendt  
Councilman Michael Knapp  
Cary Lamari, President MCCF

64

19103 Abbey Manor Drive  
Brookeville, MD 20833

October 10, 2003

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OCT 14 2003

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

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

Dear Chairman Berlage:

We want to voice our strong opposition to the recommendations to designate the 32-acre site on Bowie Mill near Darnell drive for affordable housing and to increase the development density of the southeast quadrant. Our opposition to these two recommendations is based on three major reasons, as follows:

1. The process by which the planning staff made these recommendations was not consistent with the larger Master Planning process. It was almost as if there was an attempt made to sneak these recommendations passed the citizens of Olney and surrounding communities through the backdoor at the 11th hour of the master planning process, done as if to deny the citizens the time to review the recommendations, deliberate on them, and then voice their opinions, either for or against. We are hopeful this was not the intent, but irregardless, the result is that the planning staff denied citizens the adequate opportunity and time to thoughtfully consider these recommendations. This completely flies in the face of what the whole process is supposed to be about. These recommendations should therefore be rejected.

2. Recommendations like these must come with risk mitigation strategies to reduce the probability that the affordable housing and increased density projects will produce the rise in crime and lowering of property values that have followed the implementation of similar recommendations in other communities. Again the apparent hasty manner in which these recommendations have been thrown together by the planning staff clearly demonstrates that the necessary homework to make the implementation of the recommendations a success has not been done. The recommendations should be rejected.

3. The infrastructure to support the increase in population -- from both the low income housing and increased southeast quadrant density recommendations -- has not been adequately planned for. This likely is because these two recommendations made their way into the plan after most of the other recommendations were formulated. One of the major issues that we all believed needed to be dealt with at the outset of the planning process was traffic. Ironically, now at the 11th hour, recommendations are made that will only exacerbate the traffic problems because not enough time has been given by the planning staff to adequately integrate these last-minute recommendations into the rest of the plan. Again both recommendations should be rejected.

Thank you for considering our testimony.

Sincerely,



Charles and Ellen Warner

(65)

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Scott A. Reiber  
Bruce A. Rhoderick  
4504 Daly Manor Pl  
Olney, MD 20832

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

September 12, 2003

Mr. Derick Berlage  
Chairman, M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

Dear Mr. Berlage,

We are writing to request that the public hearing for the discussion on the Olney Master Plan scheduled for September 18, 2003 be rescheduled to a later date, preferably after October 30, 2003. Recently, we have been made aware of "last minute" changes to the Olney Master Plan that have a direct effect on the environment in the Olney area, as well as to the community. We are asking for this rescheduled hearing so that we can have adequate time to assess these changes and their impact to the community, traffic and most importantly, the environment.

The Olney Master Plan changed drastically regarding the 32-acre parcel of land on Bowie Mill (referred to in the plan as item # 17). Originally, this 32-acre plot was described in the staff draft of the Plan as Board of Education land to be used as the future site of the Olney Elementary School. Somewhere between the end of June 2003 and July 24, 2003 when the Olney Master Plan public hearing draft was made available, this changed to County-owned land to be used "for a housing development with a significant portion as affordable housing." This is a drastically different recommendation than a school site and it has unknown implications for the environment, as this area contains woods and a stream. The area also is home to high-powered electric lines and a natural gas pipeline.

Area residents found out about this last minute change on August 12 when the Greater Olney Civic Association (GOCA) called a special meeting to discuss the draft Plan. Due to the last minute nature of this meeting, we were not able to attend. However, we have been attending local meetings of a coalition of residents from several neighborhood civic associations. We have been working diligently to understand what, if any, development the land can support and if there is a potential for an alternative land use that better fits with the community, at large. We don't have the time needed to complete this assessment and work with experts who know and can assist us in this understanding.

In closing, we respectfully request a delayed/rescheduled public hearing date so that area residents have time to assist in the efforts of the entire community with regard to the proposed use of this 32-acre parcel of land, along with a few experts we have engaged. Thank you.

Sincerely,

Scott A. Reiber  
Bruce A. Rhoderick

Cc: Douglas Duncan, County Executive  
Michael Knapp, Council Member, Ward 2  
John Carter, Division Chief, MNCPPC

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Kenneth T. Brown  
Nancy B. Brown  
18100 Darnell Drive  
Olney, MD 20832

September 14, 2003

Derrick P. Berlage  
Chairman, Montgomery County Planning Board  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

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

Dear Mr. Berlage:

I am writing to you about the 32-acre property on the south side of Bowie Mill Road in Olney. The current draft recommends that this land is to be used for a housing development. I oppose any building on this land for several reasons.

1. It is the North Branch of the Rock Creek watershed and needs to be left alone to insure quality clean drinking water. Norbeck Grove (a LARGE housing development of at least 500 houses and townhouses) has been built on the north side of Bowie Mill Road which has put pressure on the wetlands that help filter our drinking water. The Upper Rock Creek Master Plan (page 39) states that "The low density nature of existing development in the planning area limits its impact on the stream quality. Future development of remaining vacant land will affect stream quality and habitat of the Upper Rock Creek watershed." Page 49 further states "The North Branch is the more sensitive tributary of the two in the Upper Rock Creek watershed ... the medium density development that is present in Olney further east puts considerable pressure on the stream. Protecting the headwater resources in a natural, undeveloped state is critical to sustaining the cold water habitat of the stream. Mother Nature does not follow master plan boundaries and we must look at the larger picture.
2. The planning board has already approved the Upper Rock Creek Master Plan (Gazette Community News, August 6, 2003); therefore, it should be allowed to prevail as guidance for the Olney Master Plan rather than contradict it.
3. Bowie Mill Road cannot handle the additional traffic. No traffic mitigation was done with the development of Norbeck Grove and it shows. The Annual Growth Policy (dated April, 2003 and approved July 15, 2003) placed Olney under a moratorium for new subdivisions. There seems to be no way for either a developer or the County to provide an adequate road infrastructure to mitigate traffic resulting from the establishment of affordable housing in the 32-acre Bowie Mill Road field. The moratorium has been in effect for the past 2 years and covers the next 5 years to 2008 (FY 2003 Annual Growth Policy, dated July, 2002, page 7, #1, 3 and 5).
4. This property contains a major gas pipeline through the center of it.
5. This property contains an underground spring and is considered wetlands.
6. This property is home to many plants and animals - including migratory birds and geese.

69



7. This area is a transitional agricultural area - it is NOT suitable for high-density housing (Olney Master Plan pages 15-17, 21). Nowhere in the Olney Master Plan does it mention affordable housing on the Bowie Mill Road site, nor does it make room for R-200 zoning.

There are 22 large (15 are more than 10 acres) open land spaces in Olney. The majority of these lands (15) are zoned RNC. Many of the lands zoned RNC are not as environmentally sensitive as this one is. Why is the headwaters land zoned R-200? This land should be treated the same way the other open land in Olney is treated. If building is to occur, I feel the number of houses should be limited to one house per 2 acres (RE-2 zoning) to protect this sensitive wetland area.

The land on Bowie Mill Road is the ONLY land space in Olney designated for MPDUs. I am not against MPDUs but I am against this land being the ONLY spot for them. This land is being singled out and this is discrimination. If this site is suitable for MPDUs, then ALL the land spaces in Olney should be treated equally and the Master Plan should be revised as such. What makes this land any different? This land is not near any of the services nor is there any good public transportation to get to these services. It would make much more sense to place MPDUs closer to a town center. Again, this land should be treated equally.

My land survey indicates that this land is owned by the Board of Education, not the county. It has been said that the land is a reserved spot for a future school. I bought my house based on this information. I feel lied to by the county because the land records have never been updated to show the change in ownership.

IF building is to occur, environmental, water/sewer, traffic, law enforcement, rescue/fire, and traffic studies need to be done. In addition, any building on this land should be limited to have as little impact on the environment, traffic, and schools as possible. Therefore, a rezoning of the land from R-200 to RE-2 should be considered.

This land needs to be preserved to ensure a quality water supply. If building is to be done, it should be limited and impact studies need to be done. Please take these thoughts into consideration as the plan for Olney is being completed.

Sincerely,

*Kenneth J. Brown*

Kenneth T. Brown

*Nancy B. Brown*

Nancy-B. Brown

cc: Doug Duncan, County Executive  
Executive Office Building  
101 Monroe Street  
Rockville, MD 20850

68

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September 10, 2003

Derrick P Berlage  
Chairman, Montgomery County Planning Board

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


This is concerning the Olney Master Plan proposed for the land use on the 32 acre property on the south side of Bowie Mill Rd. This property is in an area of sensitive wetlands and has been designated as a special protection area discouraging further development which would have a negative impact on the environment and watershed.

The families that live in this area have made decisions when buying their homes that they backed up to park property and it would not be developed except maybe by the School Board and that was changed about 5 or 7 years ago when the School Board surpluses it back to Park and Planning. We stand behind the recommendations of the URCMP which is to protect and enhance these sensitive tributaries to preserve all the natural resources supported by these wetlands.

There have not been any public survey or opinions discussed as to the potential use for this site since the future school project was changed. The Olney Master Plan does not address remedies for supporting current or future traffic issues, and the current road structure cannot be modified to support the current congestion much less the proposed future development

In conclusion it is not unreasonable to request that the site be preserved as Legacy open green space and that the other public and private sites that are in the area that are available for the same development be taken into consideration

Sincerely,

  
Betty Schell

4100 Waehs Cove  
Olney Md 20832

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September 13, 2003

Mr. Derick Berlage  
Chairman  
Montgomery County Planning Board  
Maryland-National Capital Parks Planning Commission (MNCPPC)  
8787 Georgia Avenue  
Silver Spring, MD 20910

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SEP 16 2003

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

Dear Mr. Berlage:

I recently learned about the draft of the Olney Master Plan and its recommendation for land use just outside of the Norbeck Grove community. As a five-year resident of Norbeck Grove, I am a bit concerned that the Plan recommends that a 32-acre parcel of land on the south side of Bowie Mill Road be used for affordable housing.

While I support the building of affordable housing, I wonder if this location is rather close to already existing moderately priced dwelling units (MPDU). Within the last five years, the Norbeck Grove and Outlands communities have grown very quickly; the two neighborhoods combined now include over one hundred MPDU's. The 32-acre parcel of land is located just across Bowie Mill Road from the Outlands, which is adjacent to Norbeck Grove. I understand that this is one of several parcels of land in the Olney Master Plan that are eligible sites for affordable housing; however, this 32-acre parcel of land is the only one recommended for affordable housing. If more affordable units are built on this site, then perhaps the concentration of affordable housing units would be disproportionately higher in this part of Olney than in other parts of Olney.

From an environmental perspective, I also am concerned about the development of this parcel of land. I understand that an inspection of the site's environmental condition (including its stream, soil, and presence of a gas line and power lines) is currently underway. Therefore, I believe that more time is needed to evaluate the land properly and thoroughly. I propose that a second public hearing on this matter be held after the September 18<sup>th</sup> meeting and/or that the record be left open for an additional seven to ten days in order to extend the period of time for receipt of more public comments.

I enjoy living in the Olney community and in Norbeck Grove; I especially enjoy the small town and semi-rural atmosphere here. The addition of residential units would further crowd this wonderful community and produce more congestion and traffic in the area. Thank you for your consideration of my view regarding the Olney Master Plan's proposal for the 32-acre parcel of land in question.

Sincerely,

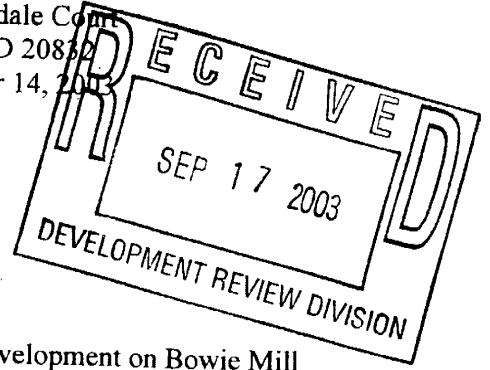
*Helen C. Mao*

Helen C. Mao

4907 DOWNLAND TERRACE  
OLNEY, MD 20832

70

4404 Rendale Court  
Olney, MD 20832  
September 14, 2003



Maryland National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Dear Commission Members,

We are writing to express our concerns about possible additional housing development on Bowie Mill Road, proposed in the new Olney Master Plan in July of 2003. We moved to our current house in December of 2002 after consulting the previous master plan and the proposed recommendations document that was available at that time. In the document, it was noted that traffic conditions on Bowie Mill were in poor shape and that measures should be taken to reduce such congestion. There was no mention in the document of plans to allow for any additional housing developments in the near vicinity of Bowie Mill Road and Rt. 108 in that proposal.

Just a few months later, the new plan proposes to build a significant amount of "affordable housing" directly on Bowie Mill Road, only about 1/2 mile from Rt. 108. Traffic is already so bad between Rt. 108 and Cashell Rd. on Bowie Mill Rd. that it is upsetting to think that an additional 60+ residences might be built directly on the road, adding to traffic concerns. Each day when I pass the intersection of Bowie Mill Rd. and Rt. 108, traffic is backed up on Rt. 108 into the regular travel lanes in the morning between 7:30 and 9:00 a.m., and there is a lineup of several cars at that intersection and the ones at Briars Road and Cashell Road.

The number of children that live near that road, and walk to play at the nearby Olney Square park already are in danger of being hit when walking near or crossing Bowie Mill Road...additional traffic will make this condition even worse. The road is not designed to carry so much traffic through residential neighborhoods where so many homes are close to the street.

Also, there is inadequate public transportation to serve this area, especially for those who may need public transportation from MPDU or HOC housing. The proposed site for development is more than a mile away from all grocery stores, public facilities (library, post office, police station) and is not served by Metrobus or Rail. Only one Ride-on bus services the area, and with limited hours. If new housing is needed in Olney, it should be much closer to the town center, where people can then walk to shop and to public transportation.

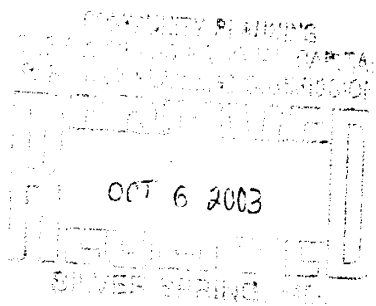
It seems that a better use for this property would be either to retain it as a possible school site as it was originally intended (due to overcrowding at some of the local elementary schools), or reserve it for possible use for another government facility, such as a larger post office or library. It would be wonderful for Olney to develop a handicapped-accessible playground and park, such as Hadley Park in Rockville, since there are so many families in the area who would be able to walk to and enjoy the park. Or, if Longwood Recreation Center needs to be relocated with the Brookeville Bypass, perhaps this area could serve as the new site for it.

I am hopeful that the Planning Committee takes these concerns and recommendations into consideration.

Thank you for your time and consideration,

*Amy Rathbun*  
Amy Rathbun

71



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SEP 24 2003

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

Mariann B. Miller  
18133 Darnell Drive  
Olney, Maryland 20832

September 10, 2003

Derrick P. Berlage  
Chairman, MCPB  
M-NCCPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

Dear Mr. Berlage,

The reason for this letter is to express my concern about the proposed land use as stated in the proposed draft of the Olney Master Plan, in particular with regard to the potential use of the 32-acre site of land just off Bowie Mill road in the Southwest quadrant of Olney, Maryland. The current proposal states that it should be used for a housing development with a significant portion for affordable housing.

The site is approximately 32 acres and sits on the south side of Bowie Mill Road. The property is zoned as R-200, contains a stream, an underground spring, aquifers and some forest. It also contains a gas pipeline and high-tension power lines. It is situated in the eco-sensitive headwaters of the North Branch of the Rock Creek, is part of the Upper Rock Creek wetlands area, is in a special level protection area, and therefore should not be extensively developed. It is for this reason as well as the ones below that I believe the land should not be developed.

1. The Upper Rock Creek Master Plan (URCMP) designates this area as a special protection area and discourages further development, which can have a negative impact on the environment and watershed.
2. The site is not suitable for high-density housing due to its natural and man made limitations: As stated above, it has an underground spring, aquifers, a high water table, bedrock (20 to 50% overburdened), a stream, a natural gas line and high power lines.
3. The URCMP recommends protecting and enhancing these sensitive tributaries to preserve all of the natural resources supported by the wetlands.
4. Traffic and transportation issues exist due to the development of Norbeck Grove and the 1000+ vehicles this development adds to Bowie Mill and Route 108 during peak periods. This area is already under severe stress.
5. This proposed development will add 100's of additional vehicles to already overburdened roads.
6. The site has restrictions stated above and there has been no determination, survey or review completed to determine what could be built on the site.
7. Emergency support services are stretched too thin as it is.

8. It appears that the current road structure cannot be modified to support the current congestion never mind the proposed future development.
9. It is my understanding that as of June 30, 2003, the draft of the plan had for the site used as a potential school. During the approximate three week time period from July 1 to July 24, 2003, the draft was changed to reflect this potential use with absolutely no knowledge of the change by its citizens or input from the community.
10. The County has misrepresented this property at the Park and Planning Office as a School Board Property even though the School Board surplused it back to the Park and Planning approximately 6 years ago. Because of this, buyers bought their properties under false pretenses.
11. It appears that this is one of only two sites in Olney designed for affordable housing when there are more than a dozen public and private sites available for similar development.

I hope you will take these issues into consideration and support the Greater Olney Civic Association recommendation for re-wording of the proposed draft of the Olney Master Plan.

Sincerely,



Mariann B. Miller  
Concerned Homeowner

Arthur Paholski  
18228 Darnell Drive  
Olney, MD 20832

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SEP 17 2003

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

September 15, 2003

Derrick P. Berlage, Chairman  
Montgomery County Planning Board  
M-NCCPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

Dear Mr. Berlage:

I am writing to take issue with the Olney Master Plan's proposed changes that were released this past July. Specifically, I have a problem with item number #17 in the plan. This item addresses the 32-acre parcel on Bowie Mill Road that the Park and Planning Board has recommended as a site to build a significant portion of affordable housing on.

The first problem I have is that four years ago when I bought my home, which borders this site, Park and Planning showed this site as Montgomery County Public Schools land. Now it has come to light that over seven years ago the School system surplused the land back to the County but the records have never been changed to reflect the change in ownership. This disclosure could have swayed my decision to purchase my home.

The second concern is that this site has a very diverse Eco-system and appears to be part of the Upper Rock Creek watershed. In reading the Upper Rock Creek Master Plan it identifies this area as sensitive watershed area and preserve at all costs. I guess the Olney Master Plan planners didn't read the Upper Rock Creek Plan. Also, based on the stream and gas line that runs through the property, how much of the land can actually be developed? Did the planners do their homework or just look at a map?

74

Third, Bowie Mill road is already overburdened with traffic during rush hour. It seems when Norbeck Grove was built they did not take into consideration that roughly 1000 automobiles would be dumped onto this small two lane road, not to mention the additional 750 homes they are talking about building just behind Norbeck Grove. Does anyone actually plan for the traffic, emergency support services, etc that will be needed to handle all of this development, not to mention the additional schools because of this development?

Finally, I know the County has a policy that portions of all new developments must have affordable housing, yet the policy does not always apply to all developments equally. Why is this, if every community stuck to their 12% to 20% policy with no exceptions, affordable housing would not need to be concentrated in one area effecting the value of the units themselves and the surrounding community.

I know that my Community as well as the surrounding Communities feel similar to my views and I hope that the Park and Planning Board, County Executive and other elected officials look closely at the concerns of these communities and fairly evaluate and apply the existing development policies they have established. The County needs to have more space and less sprawl.

Respectfully,

A handwritten signature in black ink, appearing to be "C. J. ...", written over the word "Respectfully,".



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SEP 17 2003

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

4201 Briars Rd  
Olney, MD 20832

September 15, 2003

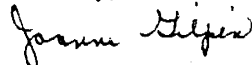
Derrick P. Berlage  
Chairman, Montgomery County Planning Board  
Maryland-National Capital Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Dear Sir,

I have been a resident of Olney for forty six plus years, my husband is a native, living at the above address for 46 years. There are a number of concerns we wish to express.

1. Traffic and transportation issues are already horrendous and adding more vehicles to an already overcrowded road system can only make the situation worse
2. What plans are on the board for modifying our current overcrowded road system without adding additional vehicles from proposed development of Norbeck Grove?
3. Our emergency services, fire/rescue and police, are already overtaxed for this area.
4. Why is this tract being designated for affordable housing when there are a dozen public and private sites available for similar development?
5. We feel our county has been anything but honest in the representation of this tract. Until very recently we were under the impression this was to be a future school.
6. If indeed development of this tract must be done, we certainly hope it will be in a very responsible manner. Once our open space is gone there is no return.

Sincerely,



Joanne Gilpin

\* In regard to the 32 acre property on  
the south side of Bowie Hill Rd. Olney, Md  
gb

76

Chester and Denise Poslusny  
18141 Darnell Drive  
Olney, MD  
20832

Derrick P. Berlage  
Chairman-Montgomery County Planning Board  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

RECEIVED  
SEP 22 2003

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

SUBJECT: PROPOSED REVISION TO OLNEY MASTER PLAN

We have been residents of Olney for over 16 years in the Olney Oaks subdivision and made our choice to live there based on the quiet nature of the section of the subdivision that is surrounded by undeveloped common grounds and a very large tract of land (32 acres along Bowie Mill Road) that was slated for a public school. The nature of this surrounding land was key to our decision to purchase our home.

Based on information learned at a recent Greater Olney Civic Association meeting, we learned that the Montgomery County School Board made a decision in 1996 to surplus this above mentioned 32 acre parcel of land and very few citizens living near that property, and even staff working on the Park and Planning Commission Olney Plan were unaware of that fact until recently. This breakdown in communication with affected stakeholders has been further exacerbated by the fact that recent county records are in error in that they still reflect that this parcel is slated for a future school. Many residents in Olney made their housing choices based on the fact that this property was slated to be a school.

The draft Olney Plan suggests that this parcel should be considered for significant moderate income housing units. At this point in time we strongly recommend that this property be preserved to the extent possible as open green space. This portion of the Olney area is already overcrowded with traffic generated by existing and expanding developments in the Olney and surrounding master plan areas. The Olney schools are currently crowded and additional growth in the area will only challenge these schools further. The Olney area already has significantly more moderate income housing as compared to other parts of Montgomery County and it would be more responsible and fair for the county to plan to build more moderate income houses in other parts of the county to bring them up to Olney's standard.

The specific use of the 32 acre parcel needs to be further studied in a rational and scientific manner. Specifically there are streams that run through the property, a gas line cuts across one portion, and there may be other resources there that would prohibit development. We strongly request that the Olney Plan approval process be delayed until the 32 acre parcel on Bowie Mill road is evaluated by an independent qualified expert to determine just how many acres could be used for building or development, what green space or buffer spaces would be required and where, and just in what locations building of any-kind could be considered. After this information is provided to the citizens, they should have an active role in developing sound and justified alternatives for use of this property.

Sincerely,

*Chester Poslusny*  
*Denise Poslusny*

177

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SEP 22 2003

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

Derrick Berlage  
Chairman Montgomery City Planning Board

M-NCCPC  
8787 Henry Ave  
Silver Spring, MD 20910

01 Daly Manor Rd  
Olney MD 20832  
9/16/03

TO Whom it MAY concern:

The Olney Master plan has proposed for the land south side of Bowie Hill Rd, 32 ACRES, "AFFORDABLE HOUSING."

The existing land is AN ECO sensitive wetland, and should be preserved as open space as much as possible. There is a tree line, stream, forest that must be preserved.

The upper Rock Creek Master Plan designates the area as protected and discourages development. It would IMPACT the environment and water shed.

Further what impact studies concerning transportation on Bowie Hill Rd, pollution contribution, emergency support services such as police fire and rescue have been done?

I ask that the Commission change their plan and Re-zone (RE-2) with significant amount of green space remain.

Olney Coalition has hired experts to examine the wetland to help sustain the position of preserving the wetlands. I support them 100%

CC: Doug Duncan

Thank you  
Sincerely yours,  
Andrea Zastich

Preller, Barbara

From: Linda Dunn [dunn.painted@mindspring.com]  
Sent: Sunday, September 21, 2003 8:48 PM  
To: MCP-Chairman  
Subject: RE: Olney Master Plan Comments/Bowie Mill Issue

RECEIVED  
SEP 22 2003

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

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

From: Linda Dunn [mailto:dunn.painted@mindspring.com]  
Sent: Thursday, September 18, 2003 4:20 PM  
To: 'mcp-chairman@mncppc-mc.org'  
Subject: FW: Olney Master Plan Comments/Bowie Mill Issue

I believe I had an error in the address. Second try.

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

From: Linda Dunn [mailto:dunn.painted@mindspring.com]  
Sent: Monday, September 15, 2003 11:49 PM  
To: 'mcp-chairman@mncppc-mc.org'  
Subject: Olney Master Plan Comments/Bowie Mill Issue

Dear Mr. Berlage,

This e-mail is intended to provide my written comments on the Olney Master Plan, and more specifically the issue of the county owned land on Bowie Mill. Given the September 18<sup>th</sup> public hearing is on Olney Elementary "Back To School Night," I can not attend the public hearing. While this conflict was brought up extensively at the Greater Olney Civic Association Meeting, I recognize the date change will not occur and that less individuals will be able to participate in the "public process." Please know this is not a true indication of public sentiment.

I am a resident of Norbeck Grove, which is off of Bowie Mill. My issue with the proposed wording for this location in the latest version of the staff draft is three fold:

- 1. The recommendation does not represent the outcome of a true planning process.**  
The wording was a surprise to most Olney residents and did not exist in previous versions over the past year. The argument that it is not a change is empty. While the designation may not change, a recommendation that singles out affordable housing as opposed to just restating its current designation demonstrates that the planning process is heavily influenced by the county council, not by good planning processes and decisions. Inadequate time has passed to determine the best use of the land if it is not used for a school as originally identified and its environmental issues. For those of us who bought property after consulting with the current Master Plan, the recommendation as worded is a breach of trust. While one might chalk it up to an errors and omissions issue, I believe that legal action is likely based on the misrepresentation and subsequent fast tracking of the process. At the very least, the wording should indicate only its current designation and no more. Due process and time are needed for people to raise concerns. Fast tracking is a sign that something is wrong.
- 2. Olney's semi-rural characteristics and the location of the site show it is not a good location for "affordable housing."**  
Olney is not a major job area like Bethesda, Gaithersburg, or Silver Spring. Someone living off of Bowie Mill must own a car to get anywhere, and commuting times are long. There is no grocery or other store within a reasonable walking distance. There are no sidewalks to facilitate travel by bike or by foot. While someone can get to work via the bus, it is not very direct and they are unlikely to work in Olney. Shopping, doctors, etc... all must be done by car. I also firmly believe and have read articles, etc... that indicate that affordable housing is more successful when part of a larger program as in the MPDUs at Norbeck Grove. Concentrating too much affordable housing in one area is not usually successful. Also,

9/22/2003

79

surely there are numerous other areas that from a planning perspective are much more optimal (e.g., closer to jobs, easier to travel by foot). But is the issue whether the site is appropriate or whether it is just easier because the county owns the land. Planning should keep in mind the intended residents.

**3. Traffic and related issues.**

While I have been told that traffic will not be a major consideration in determining whether there is affordable housing, it can not be ignored. Taking 2-3 cycles to get through a light is counter productive. As a business executive in Montgomery County (VP of Finance for a major company), I hire people whose concern is most often commute time, not housing price. While businesses need a mix of skilled and unskilled labor, the issue I have personally faced most often is trying to convince someone to work for me despite the traffic and congestion in the Washington Met area. I am not saying affordable housing is not a concern, only that it is clearly below traffic issues. Southwest Olney contains primarily one lane roads with poor intersections. Additional traffic is a MAJOR concern (and a safety issue if you enter against traffic as this location would). I know housing prices have increased. But all development now contains provisions for MPDUs as in Norbeck Grove. Also, all the articles and speeches keep identifying the cost of houses, NOT the cost to be a home owner. With interest rates significantly lower, the after interest and taxes cost is not nearly as great as the picture that is painted. I know the prices even after interest have increased, but no one even factors that in when identifying housing costs.

I want to thank you for taking the time to read this somewhat long e-mail. I have a great passion for ensuring that "average citizens" are heard in our "public process." I recognize you have a difficult job balancing the various constituents. I would appreciate it if you would give thoughtful pause to the proposed language in the Olney Master Plan draft and see whether it is truly aligned with the right "planning" objectives.

Respectively submitted,

Linda Dunn

9/22/2003

80

**Afzal, Khalid**

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**From:** Linda Dunn [dunn.painted@mindspring.com]  
**Sent:** Wednesday, August 20, 2003 11:16 PM  
**To:** Afzal, Khalid  
**Subject:** Olney Master Plan

Dear Mr. Afzal,

As a resident of Norbeck Grove in Olney, I was horrified to find out tonight at a special HOA meeting that affordable housing had suddenly been made an option for the site on Bowie Mill Rd. that was previously designated as a school. In my business experience, things don't just happen, there is an individual accountable for that action and I would like to know who made that change. It also seems very quick that the property had been transferred to the county in the middle of the master plan process. In addition to my concern for my property value, as a commuter to Bethesda, I sometimes wait 2-3 lights to get from Bowie Mill to Muncaster Mill Rd. This type of action is the antithesis of planning. I plan to join the multitudes of Norbeck Grove residents who will fight this proposed change. A master plan is supposed to take into account the community's needs. If an additional school truly is not needed (which is contrary to all the issues I hear about school crowding), why not put a much needed daycare facility (everyone gets on waiting lists for decent daycare) or elderly daycare or residences (as boomers age they need somewhere to go) instead. I do recognize that some affordable housing is needed, but to put it in more rural areas with one lane roads and already very congested traffic as opposed to places like Bethesda, or right off 270 or by metro stations does not make sense.

Perhaps my greatest issue with this situation is the lack of a process which values public input. Most Olney residents were absolutely surprised by these proposed changes to the Master Plan. The next public hearing is set for September 18<sup>th</sup> which is coincidentally the same day that Olney Elementary School has its back to school night. Am I expected to choose between meeting my Kindergartener's teacher or attending a meeting to save the value of my property? When people realize the date this meeting has been set, you will hear a public outcry. I suggest you change and publicize the change of the meeting date so the representation you get is truly democratic. I have worked hard and selected Olney over other areas in the county (e.g., North Potomac, Darnestown) for the prime reason of feeling I knew what type of area/community I was buying into, but now I feel like the political process has run amuck and I am in front of a steamroller with no way to change the situation. Please work for us and restore my faith in "the system."

Sincerely,

Linda Dunn  
Norbeck Grove Resident

81

1/27/2004

19103 Abbey Manor Drive  
Brookeville, MD 20833

October 10, 2003

RECEIVED  
OCT 14 2003

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

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

Dear Chairman Berlage:

We want to voice our strong opposition to the recommendations to designate the 32-acre site on Bowie Mill near Darnell drive for affordable housing and to increase the development density of the southeast quadrant. Our opposition to these two recommendations is based on three major reasons, as follows:

1. The process by which the planning staff made these recommendations was not consistent with the larger Master Planning process. It was almost as if there was an attempt made to sneak these recommendations passed the citizens of Olney and surrounding communities through the backdoor at the 11th hour of the master planning process, done as if to deny the citizens the time to review the recommendations, deliberate on them, and then voice their opinions, either for or against. We are hopeful this was not the intent, but irregardless, the result is that the planning staff denied citizens the adequate opportunity and time to thoughtfully consider these recommendations. This completely flies in the face of what the whole process is supposed to be about. These recommendations should therefore be rejected.
2. Recommendations like these must come with risk mitigation strategies to reduce the probability that the affordable housing and increased density projects will produce the rise in crime and lowering of property values that have followed the implementation of similar recommendations in other communities. Again the apparent hasty manner in which these recommendations have been thrown together by the planning staff clearly demonstrates that the necessary homework to make the implementation of the recommendations a success has not been done. The recommendations should be rejected.
3. The infrastructure to support the increase in population -- from both the low income housing and increased southeast quadrant density recommendations -- has not been adequately planned for. This likely is because these two recommendations made their way into the plan after most of the other recommendations were formulated. One of the major issues that we all believed needed to be dealt with at the outset of the planning process was traffic. Ironically, now at the 11th hour, recommendations are made that will only exacerbate the traffic problems because not enough time has been given by the planning staff to adequately integrate these last-minute recommendations into the rest of the plan. Again both recommendations should be rejected.

Thank you for considering our testimony.

Sincerely,



Charles and Ellen Warner

82

October 8, 2003

The Honorable Derick P. Berlage  
Chairman, Montgomery County Planning Board  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

RECEIVED

OCT 08 2003

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

Dear Mr. Berlage:

I am writing out of concern and frustration at the proposed developments on the 32- acre site off Bowie Mill Road and the 332-acre site near Route 108 in Olney. These projects are being "railroaded" into Olney without regard for Olney's citizens or its landscape.

I am not a citizen who professes "not in my neighborhood." I want affordable housing. I want growth, albeit smart growth. I do not, as I am sure you do not want, to have Olney become a high density area choking in overcrowded roads, schools, community facilities and businesses. Olney is not immune to these problems now and the addition of these two sites would significantly alter the quality of life and the quality of education in Olney.

Please ensure that the Montgomery County Planning Board makes Olney a symbol of smart growth in Montgomery Country. Please do not allow these sites to be developed. And if development is inevitable, I impress upon you and the Planning Board to make certain that the necessary infrastructure is in place PRIOR to developing.

Sincerely,



Dorothy Cahill McDonald  
4416 Thornhurst Drive  
Olney, MD 20832  
301-570-1790

83



October 16, 2003

Mr. Derick P. Berlage, Chairman  
Maryland-National Capital Parks & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

**Re: Comments on Draft Olney Master Plan (32-acre Parcel of County-owned Land on South Side of Bowie Mill Road)**

Dear Mr. Berlage:

We are submitting these comments in our capacity as local homeowners (4712 Brightwood Road in the Oatland Farm development) who, like most of our neighbors and fellow Olney residents, are very interested in the long-term implementation of the Olney Master Plan and potential changes that could result from consideration by the M-NCPPC Planning Board of new land use recommendations. Before moving to Olney in 1997, we dutifully researched the Olney Master Plan and other county land records – not simply because we were interested in what residential, commercial, open space and other development had occurred to date – but because we wanted to be in a position to draw some conclusions with greater certainty about our *future* quality of life in this area. Recent revelations regarding potential development in the greater Olney area, including the Bowie Mill Road site, have shaken our confidence in longstanding county processes whereby land use decisions are supposed to be proposed, publicly noticed, fully debated, and ultimately made based on a thorough and supportable record. As outlined below, the process, i.e., the “rules” whereby issues are resolved often are as important as the substantive criteria used to make sound land use decisions.

By way of background, Robin is an active member of the Oatland Farm Board of Directors. The Oatland Farm community, which is directly across from the Bowie Mill Road site, is a neighborhood consisting of 309 single-family homes and town homes, including 47 moderately priced dwelling units (MPDUs). Quin is an attorney whose career includes both public service and private sector positions in the Washington, D.C. area focusing on energy and environmental issues that affect state and national public policies that often require lawmakers and regulators to balance competing energy, environmental and economic interests. We believe the mix of professional, civic and community activities that we currently are involved in provide us with a perspective that allows us to comment intelligibly on the Bowie Mill Road site.

Like the typical Olney and Montgomery County resident, we aspire to have a nice place to live that includes extensive open space and a pristine environment in our individual neighborhood, good schools, reasonable transportation options and a well-planned infrastructure to support same, and responsive public services and elected officials. Regarding the latter, we appreciate the time and effort necessary for M-NCPPC staff and

the County Council to adequately address contentious land use and development issues, yet trust our concerns and recommendations will be fully considered.

The balance of these comments focus initially on our concerns with the review and notification process that has unfolded regarding the Bowie Mill Road site, and then on several of the key substantive issues that still need to be fully addressed, including our recommendations for the best use of this space from the perspective of Olney residents like us that are most immediately impacted.

I. Procedural Irregularities and Necessary Next Steps

The Bowie Mill Road site originally was recommended as a location for a new high school in the 1980 Master Plan and, at some point thereafter, considered as a possible elementary school site. We now know that the Montgomery County Public Schools (MCPS) ultimately determined the land was not needed, and decided to surplus it and transfer it to the county. The land is now zoned R-200, as are all single family detached homes that built around the property.

In hindsight, it is apparent the land transfer between MCPS and the county was not recorded, which severely limited the extent to which a current or prospective resident, or any other interested party could determine the status of the property. In fact, it was not until the July 24, 2003 release of the Public Hearing Draft that even a handful of Olney residents learned about the county's acquisition of the land and consideration of new development options. These options included a recommendation that "If the property is not needed for educational purposes, it should be used for affordable housing."

The details of this recommendation are unclear, which reinforces our belief that it was formulated quickly and inconsistently with past best practice regarding the process for resolving contentious land use decisions. More likely, the recommendation is linked solely to the county-wide initiative to identify affordable housing sites. While a laudable goal, not every undeveloped site is appropriate for affordable or any other kind of housing.

While news of the property status change and recommendations have now spread throughout Olney – largely via neighbor-to-neighbor contacts, and *not* via direct communications from county officials to all immediately affected neighborhoods – there has been little time and opportunity for individual homeowners and neighborhood associations to review suggested development alternatives and associated impacts, and to provide meaningful input to M-NCPPC and other county authorities.

We believe that M-NCPPC should have notified all affected communities regarding the change in status of the Bowie Mill Road site immediately after deciding that development of the property for non-school uses was a possibility. While we recognize that any change to the Master Plan is an iterative, complex, time-consuming and probably stressful process, this does not obviate M-NCPPC's notification and communication obligations. In that vein, we note that it was through the Public Hearing Draft – and not a

concerted effort by M-NCPPC to reach out to all affected neighborhoods – that our neighbors and we learned of the land transfer and its possible implications. Accordingly, while the M-NCPPC's public communications may have met the "legal" minimum of public notification consistent with applicable state and county regulatory requirements, the practical value of this notification was deminimis or non-existent. In cases like this, the spirit and the letter of the law are equally important.

In retrospect, had we and other Olney residents been afforded an opportunity to engage earlier in the process *and* with a full appreciation of all salient facts known to M-NCPPC, we could have ensured that all relevant issues of importance from our perspective were researched thoroughly. Similarly, and if necessary, we would have had adequate time to engage outside expertise on key land use, environmental, hydrologic, community planning and other issues presented by the Bowie Mill Road site. Finally, we and other residents of Oatland Farm and surrounding neighborhoods would have had time to coordinate and collate our issues and concerns; ironically, this likely would have resulted in a more efficient process than the current situation where individual residents and neighborhoods are weighing in on an ad-hoc basis.

The bottom line? This process needs to be slowed down and reinvigorated with a 60- or 90-day public comment period that past best practice confirms is appropriate and standard for these types of community development issues. Informed comments regarding all options, including the possibility of new dwellings and the related issues of building types and density, waiver of the current moratorium and the potential number of MPDUs, and environmental and infrastructure impacts, are critical. Going forward, we encourage M-NCPPC to take steps to ensure that all affected, i.e., surrounding communities are notified of emerging land use issues as soon as is practicable. This change in practice will help minimize chances that the unfortunate experience with the Bowie Mill Road site is repeated.

## II. Key Land Use Considerations and Recommendations

While we do not know what M-NCPPC's (or the County Council's) final views will be with respect to the future use of the Bowie Mill Road site, we would like to submit our preferences for the record. We recommend designation of the property as natural parkland or open space, with no development other than walking trails or perhaps a small, pervious gravel parking lot. Neighborhood parks – especially those that provide fitness trails within walking distance of a large number of residential neighborhoods – are both too rare (even in generally fitness sensitive Montgomery County!) and a boon for communities in heavily populated counties surrounding Washington, D.C. that increasingly are experiencing growing traffic and other infrastructure problems. Maintenance of the two streams, wetlands area, floodplain and abundant native flora collectively also would help protect the North Branch of upper Rock Creek.

The Bowie Mill Road site is not that near, much less in Olney town center. It is in a vehicle-dependent residential area that currently is under a moratorium because school capacity and transportation infrastructure have been exceeded. If the county ultimately

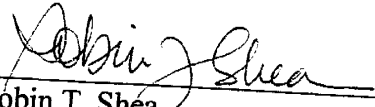
decides to sell the land after determining that a portion of the Bowie Mill Road site is suitable for housing, we strongly recommend that the maximum number of dwelling units should not be allowed to exceed the standard R-200 zoning limit. We understand that there exists a variety of potential interpretations of this zoning limit and its exceptions, hence we want to emphasize that we are referring to *low density* development.

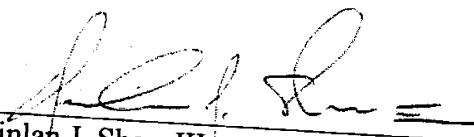
A significantly limited number of units – in contrast to a far larger number that we believe a developer typically would seek to build in an geographical area of this size – would lessen the imminent impact on roads and schools, as well as be more consistent with the character of the many surrounding neighborhoods. Even with a lesser number of units, however, we note that it likely would be necessary to upgrade public transportation in the immediate vicinity given that the Bowie Mill Road site is not within walking distance of Georgia Avenue transit options. Transportation, i.e., automobile costs are the second largest expense for most low-income families that are able to avail themselves of new MPDUs. This is why the Washington Regional Network has indicated that it is more appropriate to maximize affordable housing near metro stations and other transit service hubs.

As noted above, while the ecological sensitivity of the Bowie Mill Road site lends itself to low-intensity uses such as open space or parkland, development options that severely limit the number and density of new dwellings are clearly preferable to those that do not. It is critical that we manage new growth in a way that neither contravenes the water quality within the upper Rock Creek watershed nor leads to increased water runoff. Sound and sensitive building must be a part of the county's Best Management Practices.

In closing, we very much appreciate the opportunity to submit these comments on the Bowie Mill Road site and look forward to working with M-NCPPC staff and other county officials in the coming months on this important matter. If you have any questions, either of us can be reached at 301/774-0980. With highest regards, we are,

Sincerely yours,

  
Robin T. Shea

  
Quinlan J. Shea, III

cc: Khalid Afzal, MNCPPC, Community-Based Planning Division  
Michael Knapp, Montgomery County Council  
Marilyn Praisner, Montgomery County Council

(87)

Richard & Michele Young  
4839 Broom Drive  
Olney, MD 20832  
301-260-1666  
moonwriting@yahoo.com

October 16, 2003

RECEIVED  
OCT 20 2003

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

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

RE: Olney Master Plan and the Bowie Mill Property

Dear Mr. Berlage,

We are writing to voice our concerns about the parcel of land on Bowie Mill Road that has recently been recommended for development of affordable housing. We do not disapprove of affordable housing but do feel that developing that piece of property that way would have significant negative impact on the immediate neighborhoods right off of Bowie Mill Road. Norbeck Grove is one of those communities.

Currently, the traffic up and down Bowie Mill Road is heavy and dangerous. We have been held up at the intersection of Bowie Mill Road and Rt. 108 both at rush hours and during the middle of the day, waiting to make a turn. Fifteen or more cars can be lined up and down Bowie Mill Rd. during rush hour waiting to get onto Rt. 108 and onto Muncaster Mill Rd. This problem would be significantly increased should a new housing development be put on that property.

There have also been a significant number of accidents occurring along Bowie Mill Road, especially at the intersections of Bluebell Lane and Wickham Road. More traffic would increase this problem as well. The speed of cars traveling along this stretch of road has become dangerous - my 17 year old babysitter was taken to the hospital after her car was hit at high speed by another car traveling down Bowie Mill.

Finally, we feel that our quality of life would be threatened by another set of dwellings in this small space. As the writer of Norbeck Grove's community newsletter, I am aware of the increase of crime and personal theft that has occurred in this neighborhood within the past few years (not all of these incidents get reported to the police - even though the HOA Board and community management company try to stress the importance of making sure they do.) By

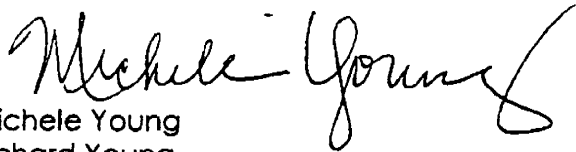
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further increasing the already dense population of people in this area, the crime rate and the pollution rate is sure to increase as well.

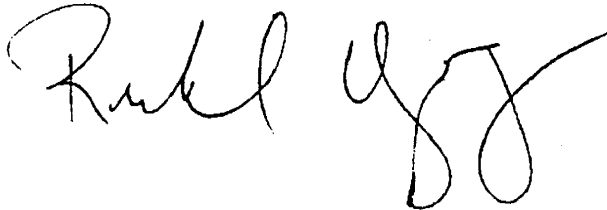
Our neighborhood, Norbeck Grove, has a good proportion of affordable housing, as does the Oatlands community next door. There must be another way that this parcel of land could be used to enhance our neighborhoods instead of putting more stress on the availability of roads, schools and on our environment. Affordable housing should not become the excuse the county makes to push overwhelming development through approval channels. Have any traffic or environmental studies been done on this area? Has any consideration been made to the funding given our local schools?

We feel very strongly on this issue and will be attending forthcoming meetings on both the Olney Master Plan and the Upper Rock Creek Master Plan development. We also plan to closely watch the County Council and planning boards to determine which elected members are taking our interests into consideration as these development issues surface.

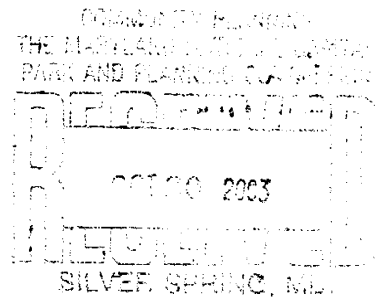
Sincerely,



Michele Young  
Richard Young



32-2002-400



Richard & Michele Young  
4839 Broom Drive  
Olney, MD 20832  
301-260-1666  
moonwriting@yahoo.com

October 16, 2003

Mr. Khalid Afzal  
Project Manager  
MNCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

RE: Olney Master Plan and the Bowie Mill Property

Dear Mr. Khalid,

It has come to our attention that you are the project manager who was responsible for recommending a change in development plans for the parcel of land off of Bowie Mill Road. As residents of Norbeck Grove, a neighboring community, we feel that we must speak out against your proposed change.

This land, originally slated for a new school seems unsuitable for use as yet another dense community along this Bowie Mill route. The past eight years has brought much development along this corridor with communities like Norbeck Grove and the Oatlands including much affordable housing in their borders. Continued high-density development seems sure to erode the quality of life that **all** of our neighbors have moved to Olney to attain.

The Olney school system cannot withstand this high pace of development. My children attend Olney Elementary and already have sat in classrooms of up to 28 children. As a parent, I am concerned with the possibility of even higher classroom numbers. **Does your plan include additional funding for Olney Elementary?** Additionally, trying to get back and forth to school is a problem with increasing traffic problems and packed busses. **Has anyone studied what impact your project would have on our schools and our traffic?**

**And what about things like the environment and the crime rates?** As active members of our community Homeowner's Board and the writer of the newsletter for Norbeck Grove, we are aware of the increase of crime and personal theft that occurs in our community. The increase of cut-through traffic and littering is also a noted problem among our neighbors. **Has anyone from your office come to Norbeck Grove to look at traffic, crime and environmental issues?**

90

While this parcel of land should be used for something, we feel that a quick decision like a new housing development is unacceptable without a significant measure of thought going into the local services that will be affected. We strongly believe that your office should take a little more time to review impacts to

- Traffic
- Schools
- Environment
- Crime
- Quality of life for current communities

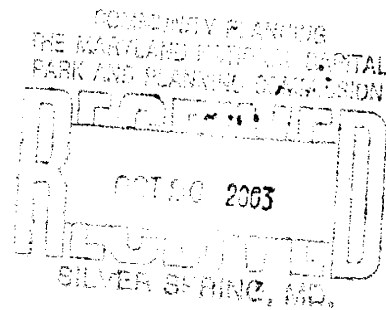
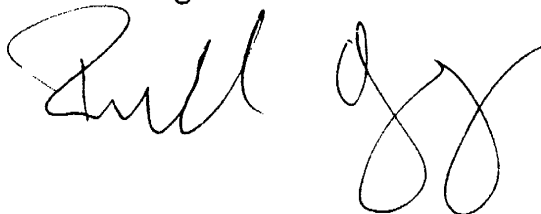
before continuing with this plan.

We will be watching closely to see who in Rockville will be planning development in Olney with consideration to the above issues and to current homeowners. We will be attending your meetings to hear with interest how these issues are being approached. I hope we will see that your recommendations for this land are fully backed by intense research and studies showing how development will not adversely impact our life here in Olney.

Sincerely,



Michele Young  
Rich Young





Rick Coburn  
4826 Waltonshire Circle  
Olney, MD 20832

September 17, 2003

Mr. Derick Berlage  
Chairman, M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

RECEIVED  
OCT 20 2003

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

Dear Mr. Berlage:

I have recently learned of a recommendation in the Olney Master Plan Public Hearing Draft – a recommendation with which I have major concerns.

Item #17 recommends that a 32-acre site on Bowie Mill Road be used for affordable housing. It appears that 78 housing units, including 12 MPDU's, could be approved for the site under the planning staff recommendation.

My concern is that this potential density seems inconsistent with the local environment. The site has high tension power lines in the western portion of the property, a major gas pipeline on the southeastern portion, a natural spring on the northern portion, and a stream feeding into the North Branch of Upper Rock Creek flows through the northwest quarter of the property.

It also seems inappropriate to single this property out for affordable housing, when 117 affordable housing units have been added in the area (Norbeck Grove and Oatland Farms) in the past five years. This area is more than a mile from the town center, and is not well served by busses. Access to the site would be from Bowie Mill Road, a road that may best be classified as a primary residential road, and is quickly becoming overburdened.

While some people believe the affordable housing program is a panacea for attracting businesses to the County, many others believe it may create more problems than it solves. I personally believe it should not trump other quality of life issues, exacerbating problems such as school overcrowding, traffic congestion, deteriorating water quality, etc. These factors, combined with the lack of public input, suggest this recommendation be revisited.

Sincerely,



Rick Coburn

92

RECEIVED  
OCT 16 2003

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

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

18801 Breeze Way Circle  
Olney, MD 20832

October 12, 2003

Dear Chairman Berlage,

We are writing to voice our extreme concern about the proposal to build 716 units on the 332-acre Freeman property adjacent to Rt. 108, the Oatlands and Norbeck Grove Communities in Olney, MD. We only learned of the proposal 2 weeks ago at our annual Oatlands Farm Home Owners Association meeting. The M-NCPPC recommendation called for 80 to 120 single-family homes and townhomes to be built on the property. The new proposal is seven times larger than the original recommendation.

It seems to me that there is a flaw in the planning process. My wife and I checked the Master Plan before purchasing our house. We bought in this community because of the small town qualities and rural characteristics of Olney. We want to maintain the community feeling that exists now. It is wrong that a developer can simply submit a proposal for an absurd number of units that is seven times larger than the original recommendation and actually be approved. What happened to our democratic process?

We would like you to think about the impact this development would have on the roads, schools, traffic, and everyday living here in Olney. We do not have the roads to handle the current traffic in Olney. Our shopping centers are overwhelmed already. 716 new units would only add to this problem.

Please consider the impact of the proposed development on the environment. The density of cluster development, excessive impervious areas, and related water runoff will jeopardize the existing Rock Creek parkland and natural resource watershed area.

The best part of this country is that we have a representative democracy. As our elected representative, we are urging you and the Council to send this proposal back to M-NCPPC for a full staff review and schedule another public hearing on the Upper Rock Creek Master Plan. Thank you very much for your time and attention to this matter.

Sincerely,

Kevin and Lita Yates

*Kevin Yates*  
*Lita Yates*

93

92-0114

**Preller, Barbara**

---

**From:** Steven Gudelsky [sgudelsky@comcast.net]  
**Sent:** Thursday, October 16, 2003 11:20 PM  
**To:** MCP-Chairman  
**Subject:** Olney Master Plan

**R E C E I V E D**  
**OCT 16 2003**

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

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

Dear Mr. Berlage,

I am a concerned homeowner and a native Washingtonian.  
My neighborhood and my home are in your hands.

Please, keep Olney the rural community we moved into 10 years ago.

Our small town community is growing in density,  
that's ideal for the 97/108 intersection of Town Center,  
However, the farmland around Olney must stay zoned for large lots on well and septic.

Are we not endangering Rock Creek and the watershed if sewers are introduced?

What's happened to the plan of wedges and corridors?

I hope you agree that the density of our community should not be compromised.

Thank You,

Steven Gudelsky  
18306 Dundonnell Way  
Olney, MD 20832

94

# 20

Mr. & Mrs. Brian J. Finan  
18149 Darnell Drive  
Olney, Maryland 20832

September 14, 2003

Mr. Derrick P. Berlage  
Chairman, Montgomery County Planning Board  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RECEIVED  
1279  
SEP 16 2003

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

Subject: Olney Master Plan Draft

Dear Mr. Berlage,

My wife Kathy and I have been residents of the county since 1983. We have lived in Olney since building our home on Darnell Drive in 1987.

We are writing to you today to express our concern over the proposed building of moderately priced dwelling units on Bowie Mill Road. This 32-acre site was designated for a school when we bought and constructed our nearby home 16 years ago. I sold real estate in the county for 5 years in the late 1980's and am a supporter of MPDUs.

We would ask that you take steps necessary for a complete review of the MPDU proposal in the draft Olney Master Plan. The County Planning Board has already approved the Upper Rock Creek Master Plan, which seems to contradict the proposals of the draft Olney Plan. We recommend that the Upper Rock Creek Plan prevail as the guidance for this section of the county.

My concern is the location on Bowie Mill of any new housing. I have seen Bowie Mill migrate from a quiet back road to a jammed tributary. The Norbeck Grove community of 500 homes at Bowie Mill and Cashell roads was constructed without apparent traffic mitigation studies and the result is clogged roads during commuting hours. The Annual Growth Policy (dated April 2003 and approved July 15, 2003) placed Olney under a moratorium for new subdivisions. There does not seem to be any way either a developer or the county can provide adequate road infrastructures to mitigate the increased traffic posed by yet another new subdivision,

95

Winchester  
Homes Inc.

6905 Rockledge Drive, Ste 800  
Bethesda, Maryland 20817  
Tel (301) 803-4800  
Toll Free (800) 527-8558  
Fax: (301) 803-4900



# **OLNEY MASTER PLAN TESTIMONY**

**And Exhibits**

**SEPTEMBER 25, 2003**

**NORBECK CROSSING**

Testimony of Robert Harris and James Long  
Olney Master Plan  
Norbeck Crossing (part of Golden Bear Area No. 10)  
September 18, 2003

Good evening. I am Bob Harris and with me is Jim Long of Winchester Homes. Our testimony will focus on the southwestern 32 acre portion of the 85 acre Golden Bear Area, referred to as "Area 10" at page 31 of the Draft Plan. We have provided you with copies of this testimony as well as reduced size versions of the boards we will be discussing over the next several minutes. I will explain some of the land use principles our plan addresses and Jim will walk you through the concept itself.

Before we begin, we would like to thank Staff for their efforts over the past months in developing this plan. The Draft Plan is an effort to address a variety of issues facing the County including the importance of expanding our housing supply to meet the County's housing supply problems. At the same time, we believe the Golden Bear area requires a closer look so that it can better accommodate such housing needs and do so in a transit oriented manner. We believe the property is a prime example of the opportunities available to the Planning Board to address the challenge you accepted last March to help respond to the housing crisis.

As you see on the board before you (Board 1, Vicinity Map), the 32 acres on which our testimony focuses, is located in the northeastern corner of the Norbeck Road/Georgia Avenue intersection, just south of the master planned alignment for the ICC. From a highway perspective, the property is served by

Georgia Avenue which is a six lane divided highway, and by Maryland Route 28 which is now two lanes but is being widened to four lanes with a grade separated interchange at Georgia Avenue. It thus has both north/south and east/west highway access, not to mention its future accessibility via the ICC. Perhaps more importantly, it also directly adjoins a County Park and Ride lot. As reflected in the second board (Board 2, Bus Route Plan), the property thus enjoys substantial transit service as well. These six bus routes include both Metrobus and Ride-On service which provide frequent service to the Rockville, Shady Grove, Glenmont and Wheaton Metro stations, as well as many other destinations. In fact each of the six lines begins or ends at a Metro station. Transit service for this property is thus superior to most County locations, other than those right at Metro stations.

From a transit perspective, however, the best is yet to come. The County plans to build a dedicated busway between the Olney Town Centre and the Glenmont Metro station. In order to provide express service, the busway will have only one stop between those two points - on Georgia Avenue right at this property. This will result in extraordinary additional transit opportunities not only for residents of our project, but for the area in general. As we all work together to address the County's housing needs, we need to consider properties like this one as key resources not to be used unwisely. As some of you are aware, over the past several years I have spent considerable time working with the Urban Land Institute on smart growth issues. Working both independently and with various smart growth advocates, ULI developed a series of criteria to

help guide future development. Among the most significant was the call for development at locations with bus or rail service, designed at transit-oriented densities. For transit nodal points such as this, not directly at Metro stations, but well served by buses, those criteria call for densities at a minimum of 7 units per acre. The State of Maryland's Smart Growth Scorecard calls for the same threshold as the minimum density to effectively utilize transit service and to support the investment of public funds in transit infrastructure.

Such transit-oriented development is appropriate for this property for other reasons as well. As Jim will show you when he walks you through the Concept Plan, these densities are consistent with both the natural and built environment in this area.

From a natural environment standpoint, the property is primarily cleared land with no priority forests, no streams and no wetlands. In terms of urban design, it is bordered on the south by Leisure World developed at approximately 9 units per acre and across Georgia Avenue by a townhouse community at 12.5 units per acre and a commercial area. To the north is the Intercounty Connector right-of-way which separates it from Olney proper and ties it more to the Aspen Hill area with its very different housing types and densities. To the east would be redevelopment of the remainder of the Golden Bear Area at 2 units per acre as Staff has recommended.

There are few undeveloped areas in the County with such highway access, existing and future transit service and overall compatibility. Particularly here, where the proposed development will replace an existing



driving range that is not, and never was, very popular with the local residents, the concept should be advocated. Olney needs to provide more than the 400 total additional housing units the draft Master Plan calls for and it should have a greater diversity of unit types; this site provides one of the best opportunities to do so. We ask that you designate it TDR-7 with either an R-90 or R-200 base. Now let me have Jim show you Winchester's plan for the property, referred to as "Norbeck Crossing".

Good evening. Thanks again for the opportunity to make this presentation. As you are aware, Winchester Homes is working throughout the County to provide a wide variety of housing types, price ranges and product. We have participated in the MPAG process in this Master Plan, have met with local residents and civic leaders and thank them for their input. While we understand they support the Staff Recommendation for redevelopment at 2 units per acre, we believe our alternative respects the interests of the community while responding to the County's housing expectations in terms of supply, location, transit serviceability, and pricing.

Let me walk you through the concept. First, as you will see from the board before you (Board 3, Environmental Features), as Bob indicated, this is a unique site in that there are no environmental constraints which impact potential development. The property can be redeveloped very efficiently using existing road access, sewer and water connections and other existing public

facilities without impacting any environmentally sensitive areas. We have also taken into consideration the ultimate design of the Georgia Ave./Route 28 interchange, providing for the main entrance into our community to be located at the traffic signal shown on the state plan, and are cooperating with them to minimize right of way issues. Second, the illustrative plan (Board 4) reflects a density of 7 units per acre overall, with the greatest densities focused in the western portion of the property, close to Georgia Avenue and the transitway, tapering down towards the east, eventually transitioning to a density of only 2 units per acre for the remainder of the Golden Bear area. This enables Winchester to offer a variety of housing types in Olney to improve housing opportunities for a range of income levels including working families. On the west, we propose townhomes, both rear loaded and front loaded. Further to the east, we propose larger single family homes as a transition. Finally, we have interspersed throughout the project 2 over 2 townhouse units to ensure an appropriate response to the affordable housing objective and MPDU requirements. In this regard, I would note that Olney can and should do more to meet the housing needs of our teachers, fire fighters, researchers, service workers and those I would call working class families. For many, such residents, units of the type envisioned at Norbeck Crossing are the answer.

The development is also highly transit-oriented, enabling residents to avoid the need to own multiple cars. Much of the new housing envisioned in Olney will be on large lots or at RNC projects. The market rate units there will be more expensive and the projects may or may not have MPDU's depending on

the County's pending legislation. By designating this property for development at a density of 7 units per acre, you will ensure a responsible number of new MPDU's integrated with a diversity of market rate housing. While this is not always popular in a community, it is an essential component for the region and a commitment you and the County Council have made.

Norbeck Crossing will offer these units in an attractive, pedestrian oriented configuration. The board before you (Board 5, Design Perspective) is a representation of the streetscape and product types which we envision for Norbeck Crossing. The Concept Plan shows the extensive array of pedestrian and open space components including the ties to both the Park and Ride facility and the future Georgia Avenue transitway.

We ask the Planning Board to consider this alternative. If zoned for only 2 units per acre, the property would either remain a driving range or would be developed as large, single family garage and automobile orientated homes for a limited number of new residents, with only 9 MPDU's and very little transit usage. Under our proposal, we would have a much wider variety of housing types and prices, all with a significant relationship to existing and future transit facilities. Rather than 9 MPDU's, our proposal could supply as many as 41 MPDU's, and many of the other units would be available in price ranges where the housing demand is greatest. As an additional benefit, this density is achieved through the purchase of TDR's, thus helping to preserve farmland and open space.

In closing let me refer back to the issue of access to transit. The linkage of density and transit access is perhaps the most prominent feature of the new AGP you and Staff have worked so hard reviewing this year, so much so that you are recommending that fully one half of all future housing growth in the County be concentrated in Metro station areas. If pedestrian access to Metro is now the gold standard for higher density development, this is at least a silver medal site with a Park and Ride next door, and six existing bus lines, each of which begins or ends at one of four Metro stations, and future express busway.

Thank you for your consideration.

# 457544\_v1

103

**Golden Bear Area  
Housing Development at 7 Dwelling Units Per Acre**

Existing and future housing demand require active effort to provide housing opportunities to fullest possible extent.

- population/household forecasts for County and Olney area.
- County Council admonition in County Housing Policy and previous Planning Board directives.
- includes MPDU's, workforce housing and market rate units.

New Olney Master Plan must reach well beyond existing plan developed 25 years ago.

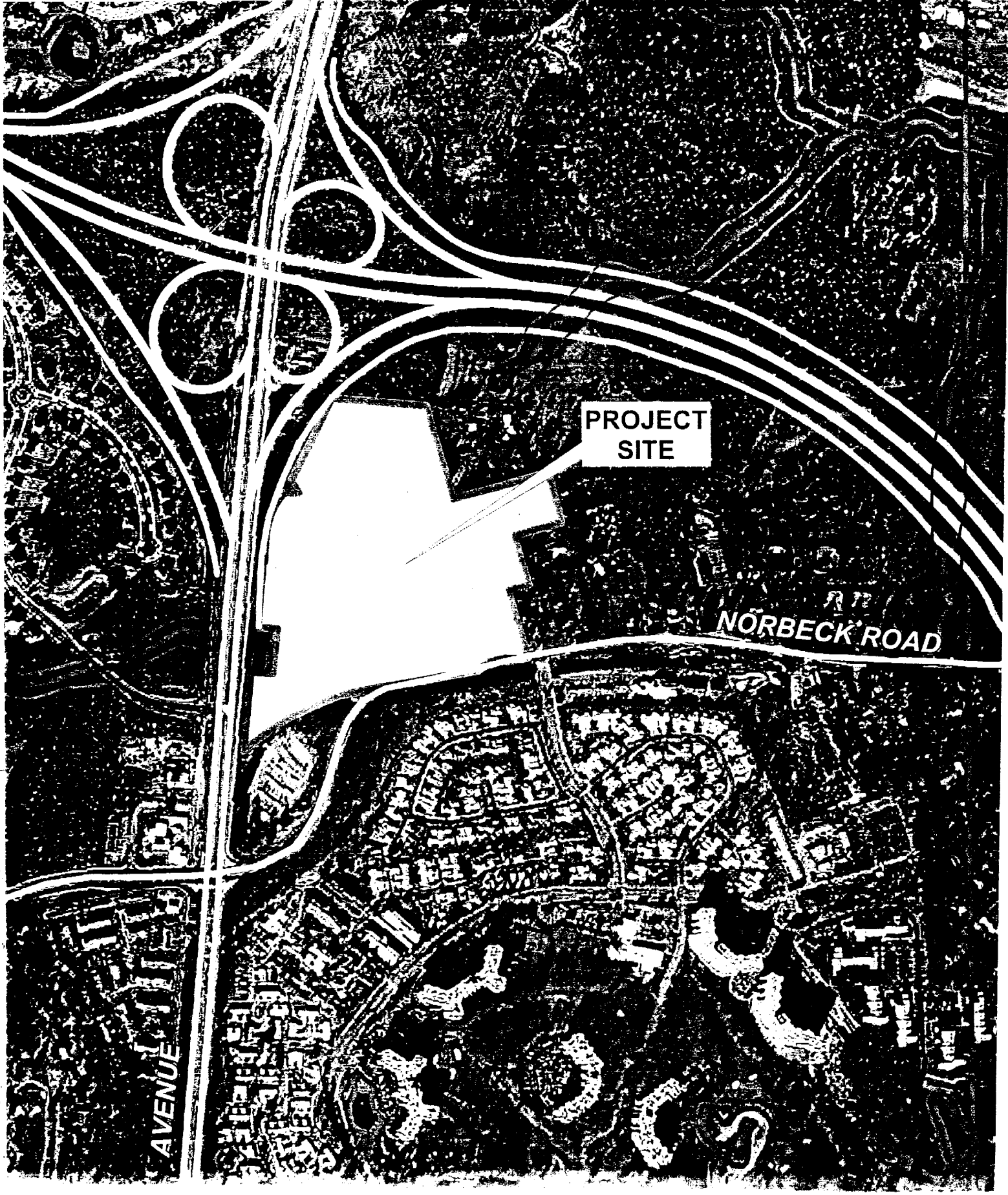
Golden Bear area provides superior opportunity to respond

- existing transportation nodal point
  - roads
  - bus service
  - park and ride
- future transportation services
  - widened roads/east west capacity
  - interchange
  - busway
- school capacity
- no environmental constraints (streams, wetlands, forest, farmland, etc.)
- ability to achieve compatibility at higher densities due to ICC, Leisure World etc.
- existing sewer lines/utilities not requiring cost/environmental impact of extension.
- conversion of "unappreciated" commercial use to housing.

Winchester plan is responsive to planning goals.

- transit serviceable density (minimum of 7 dwelling units/acre for major bus service)
- TDR purchase .
- step down in densities
- variety of housing including workforce units and MPDU's (not considered on other Olney sites)

105



PROJECT  
SITE

NORBECK ROAD

AVENUE J



51

Y7

51

PARK AND RIDE

Y7 52

52, 53

Y8, Y9



ICC MASTER PLAN ALI

GEORGIA AVENUE

RE ALIGNMENT

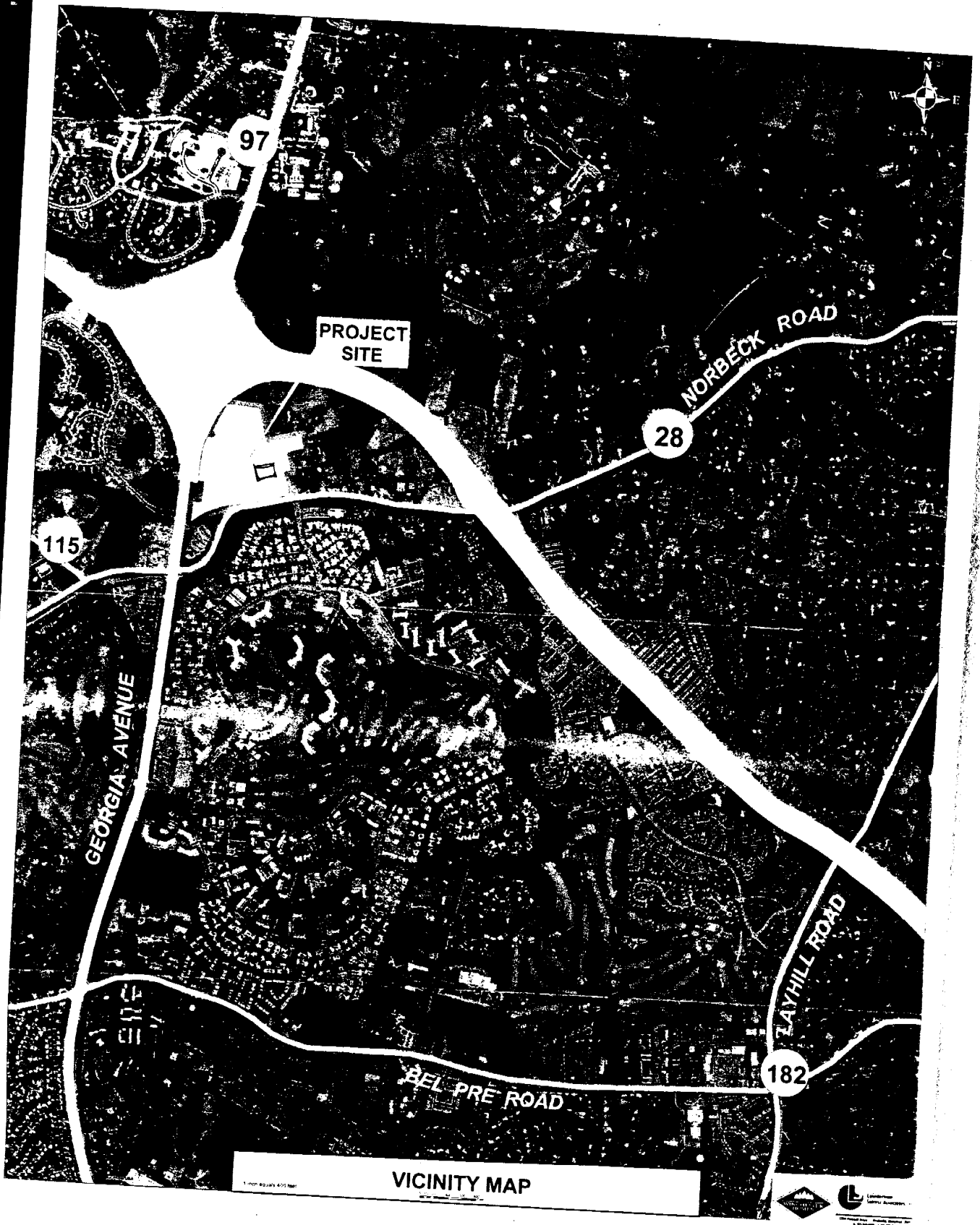
NORBECK ROAD

MD RT 28

PARK & RIDE







108

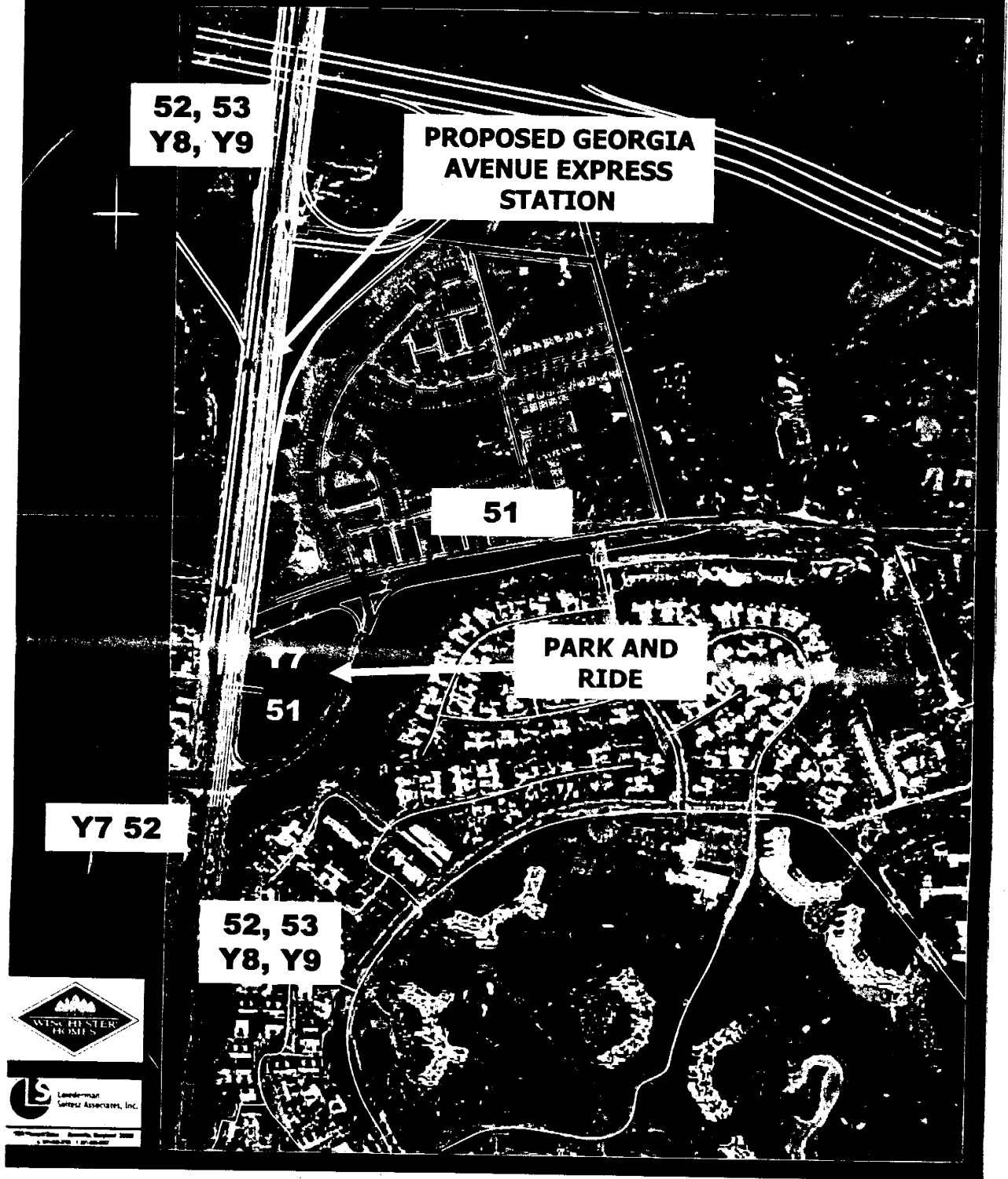


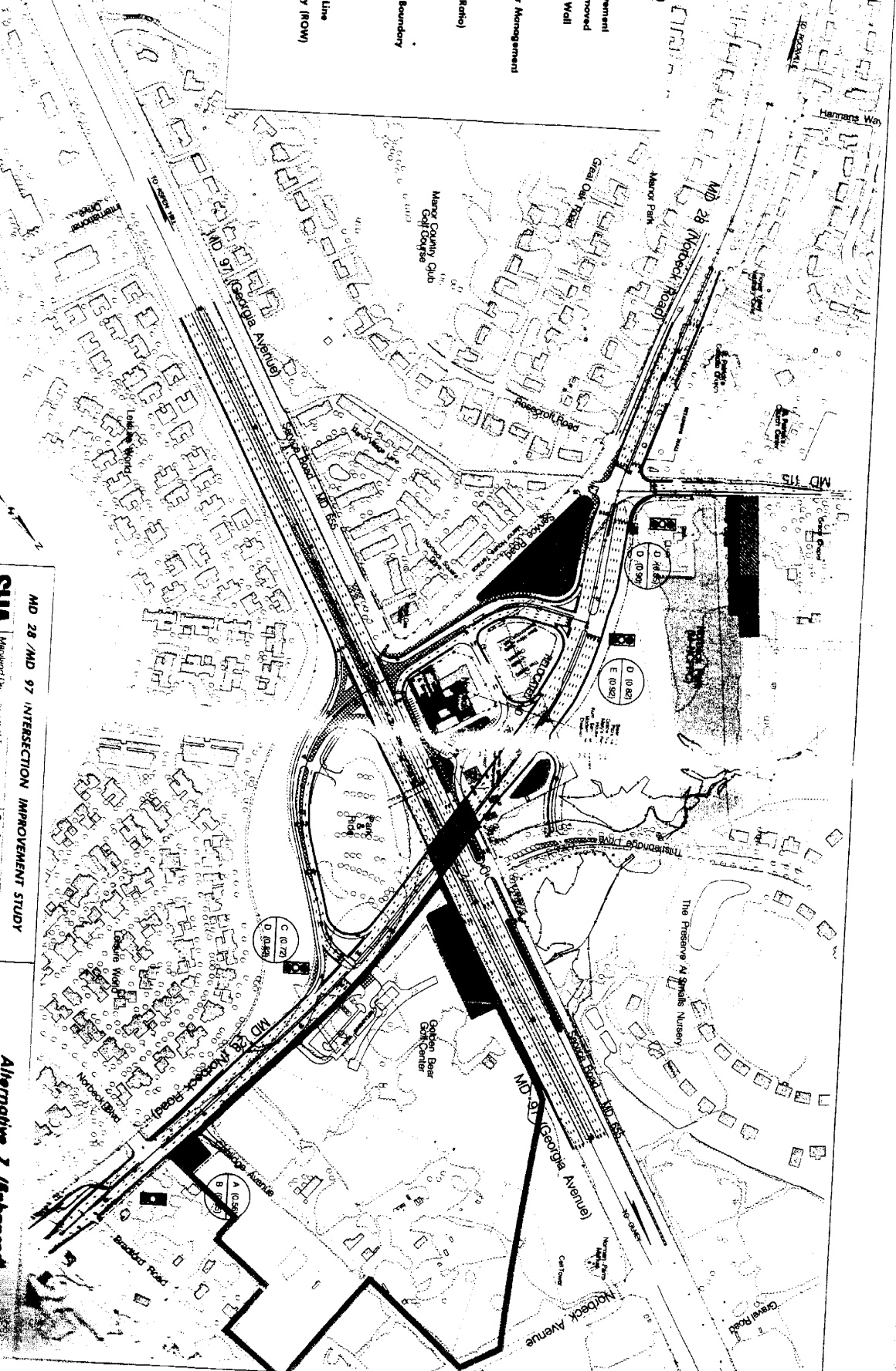
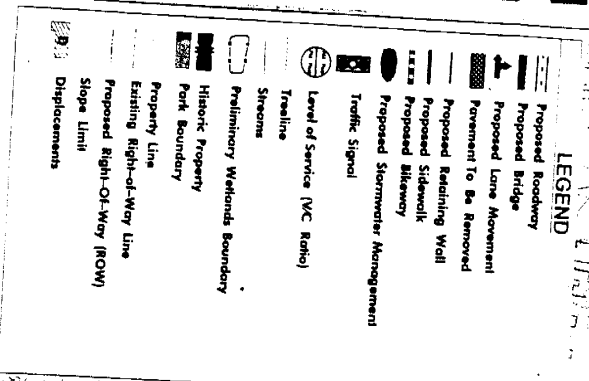
**LS** Lorederman  
Soltész Associates, Inc.  
1390 Piccard Drive Rockville, Maryland 20850  
P 301-944-2750 F 301-944-9067

**PROPOSED IMPROVEMENTS  
AND CONCEPT PLAN**

109

# Bus Routes and Proposed Georgia Ave. Express Bus Station





**MD 28 / MD 97 INTERSECTION IMPROVEMENT STUDY**

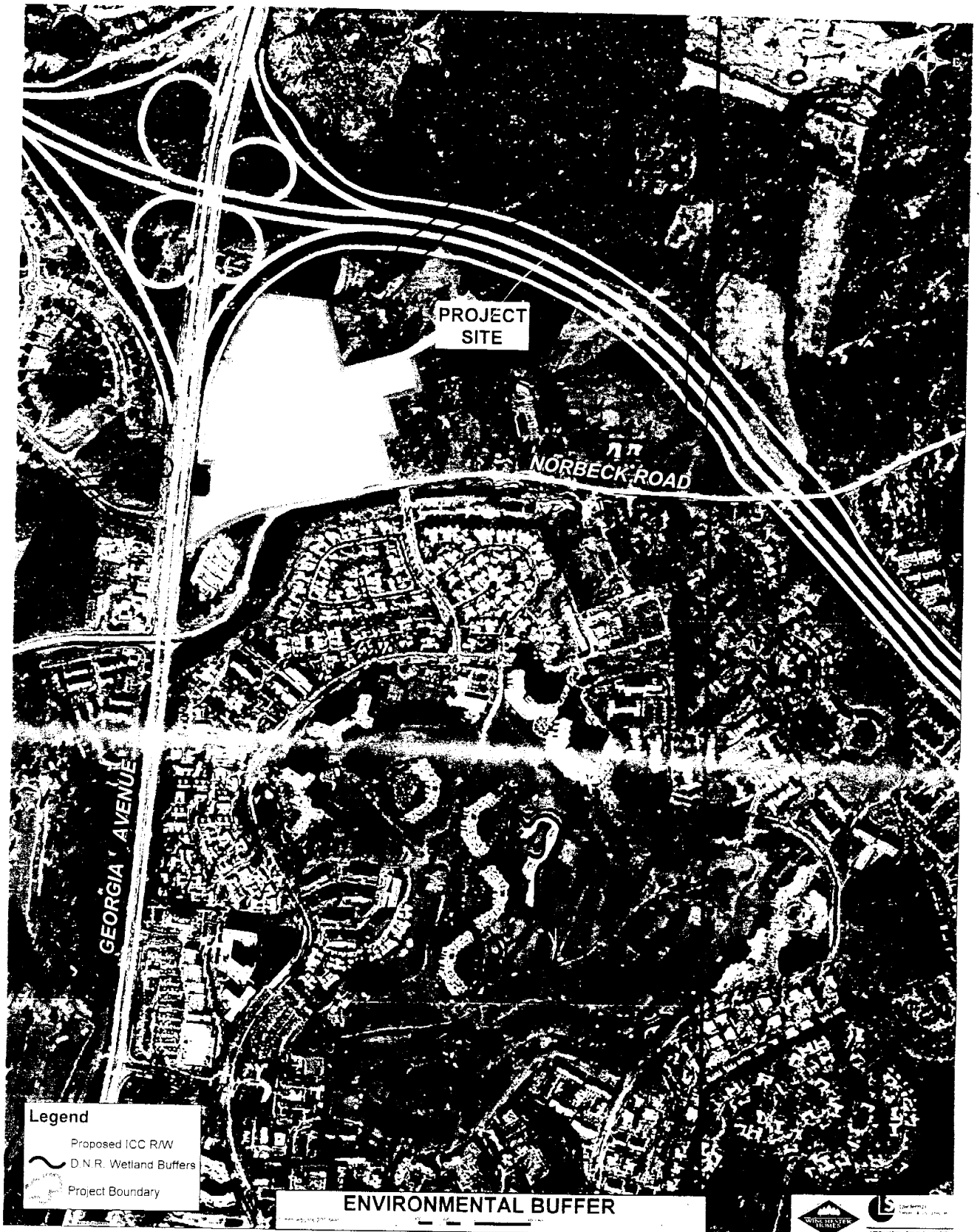
**SHA** Maryland Department of Transportation  
 STATE HIGHWAY ADMINISTRATION  
 PROJECT PLANNING DIVISION

Scale: 1" = 100'

February 24, 2003

**Alternative 7 (Enhanced)**  
 Relocated MD 28  
 Depressed Under MD 97





**Legend**  
Proposed ICC R/W  
D.N.R. Wetland Buffers  
Project Boundary

**ENVIRONMENTAL BUFFER**



112



ATTORNEYS

**ROBERT G. BREWER, JR.**  
DIRECT 301.657.0165  
RGBREWER@LERCHEARLY.COM

September 25, 2003

Hon. Derick Berlage  
Chair, Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Staff Draft: Olney Master Plan  
Testimony of Small's Nursery

Dear Mr. Berlage:

On behalf of our client, Small's Nursery, this letter constitutes the written testimony supplementing the oral testimony presented to the Planning Board regarding the Staff Draft of the Olney Master Plan.

We respectfully request that the Planning Board recommend the Small's Nursery parcel for townhouse zoning at RT 12.5 density to permit the development of between 40—50 townhouses, including MPDUs. This request is based on the unique geographic factors associated with this site, and the compatibility of townhouses with surrounding uses.

The Small's Nursery site is approximately five acres in size within the northwest quadrant of Georgia Avenue and Norbeck Road. It adjoins the 175 acre Preserve at Small's Nursery residential development completed in the last few years. The Albert Abramson family purchased the Small's Nursery property in the early 1960s, and was unable to develop it for many years due to Inter-County Connector plans and Annual Growth Policy moratoria. The Preserve at Small's Nursery consists of 130 houses in an RE-1 cluster subdivision; another 45 lots were conveyed to the State Highway Administration for an ICC ramp. This subdivision still has a five acre park site waiting to be dedicated and partially constructed by the developer.

In recent years, the State Highway Administration has been planning an interchange for Georgia Avenue and Norbeck Road. SHA's current design proposes Norbeck Road to cross Georgia Avenue underground, with its new northern trajectory and associated ramps traversing the Small's Nursery property. This would cause the reserved park site to be used for the new interchange, and leave the isolated parcel of approximately five acres suitable for townhouse use. The developer's park development funds, plus funds from SHA, would be used by the Parks Department for park use at another location nearby. The townhouse site would be surrounded by relocated Norbeck Road and a wooded open space area; it would have access to relocated Norbeck Road at two locations.

113



Small's Nursery requests RT 12.5 townhouse for this property for at least the following reasons:

- the site meets the RT zone's compatibility criteria:
  - the site is appropriate for townhouse use given the interchange design which isolates the site between the busy interchange and a wooded buffer area of the Preserve at Smalls Nursery;
  - the site will now have direct access onto Norbeck Road, avoiding any direct access through the Preserve at Small's Nursery;
  - the site is in the immediate vicinity of other RT and C-1 zoned uses.
- the site also meets the RT zone's transition use criteria:
  - the townhouse use of this site would act as an appropriate buffer between the nearby C-1 zoned uses, the relocated Norbeck Road and interchange ramps, and the single family detached housing community of the Preserve at Small's Nursery;
  - the townhouse use of this site would be consistent with the Staff's recommended townhouse use for the Golden Bear property across Georgia Avenue.
- RT zoning at this site would help increase the stock of more affordable housing in the southern Olney area without jeopardizing any precious environmental resources, rustic roads, or stream valleys for sewer service.

The Staff recommends retaining the site's existing RE-1 and R-200 zoning, and indicating it would be suitable for special exception uses. Small's Nursery does not believe that this recommendation is very practical in light of the low likelihood of success of the most promising special exception uses, especially elderly housing. Given the proximity of the Leisure World community in the immediate vicinity, a different residential use—townhouses—is much more appropriate for this site and is consistent with another townhouse community nearby. Therefore, we respectfully request that the Planning Board recommend the Small's Nursery site as suitable for townhouse zoning (RT-12.5).

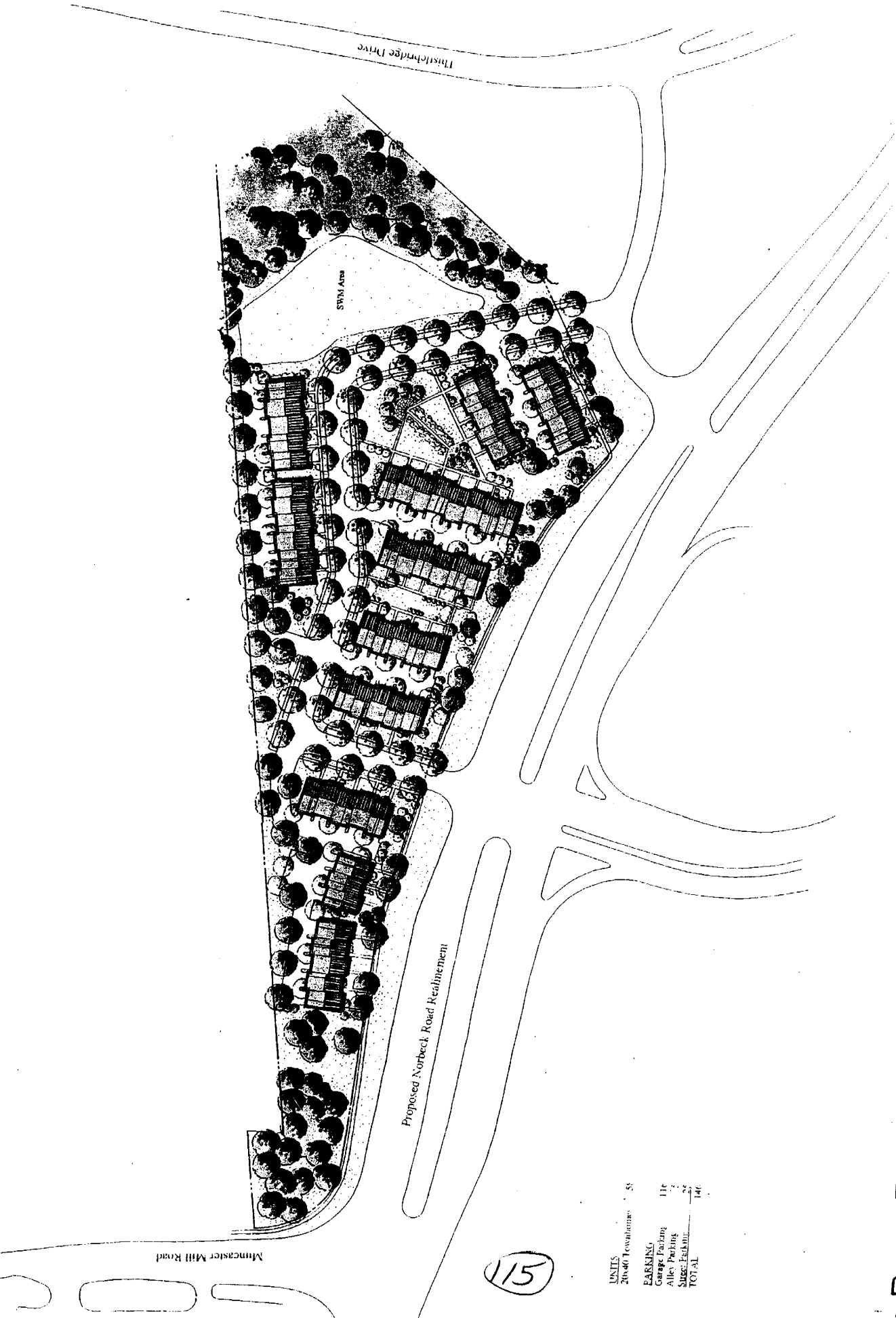
Thank you very much. We look forward to working with the Planning Board and its Staff in the upcoming worksessions.

Very truly yours,

Robert G. Brewer, Jr.

cc: Mr. Gary Abramson  
Arnold J. Kohn, Esq.

114



115

UNITS	20x40 Townhomes	58
PARKING	Garage Parking	116
	Alley Parking	2
	Street Parking	27
	TOTAL	146

115 NORBECK ROAD TOWNHOMES — CONCEPT SITE PLAN — OPTION II

IES

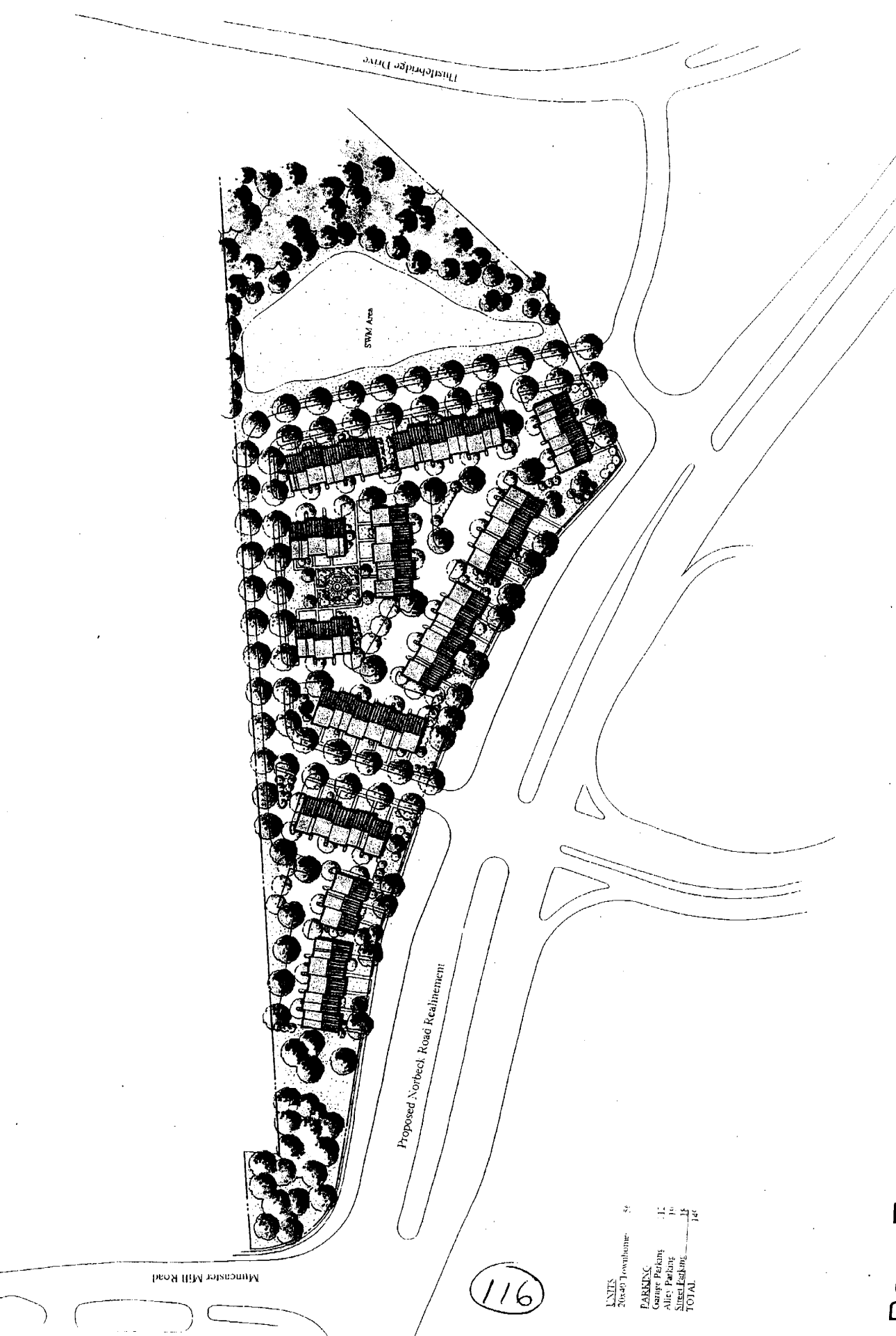
RYLAND

THE LESSARD ARCHITECTURAL GROUP INC.  
 8803 WESTWOOD CIRCLE EAST, SUITE 400, WILLOW PARK, CO 80201-7600  
 TEL: 703-760-9328 FAX: 703-760-9328

C 25.5C ICC  
 1" = 50'

N





116

UNITS	20x40 Townhome	54
<b>PARKING</b>		
Garage Parking		11
Street Parking		16
Shared Parking		13
<b>TOTAL</b>		<b>40</b>

**K ROAD TOWNHOMES** — **CONCEPT SITE PLAN**  
**OPTION 1**

THE LESSARD ARCHITECTURAL GROUP INC.  
 8603 WESTWOOD CENTER DR. SUITE 400 WILSON, VA 22188 TEL: 703-765-9344 FAX: 703-765-4328



# Memorandum

**To:** File  
**From:** Robby Brewer and Kathy Sullivan  
**Date:** October 23, 2002  
**Re:** Small's Nursery - development of 5 acres in Olney, Maryland

---

You asked me to research the feasibility of pursuing the development of 5 acres of property zoned RE-1 (the "Property") in Olney, Maryland under (i) various special exception scenarios and (ii) the best and highest use available pursuant to the Montgomery County Zoning Ordinance (the "Zoning Ordinance"). My research included a review of the applicable regulations set forth in the Zoning Ordinance.

## **I. Special Exception Uses.**

The following are permitted special exception uses in the RE-1 zone:

1. Accessory apartment;
2. Bed and breakfast (3-5 rooms);
3. Large group home;
4. Elderly and/or handicapped housing;
5. Life care facility;
6. Cable communications;
7. Pipelines;
8. Public utilities buildings, public utility structures, and telecommunication facilities;
9. Radio and television broadcasting stations and towers;
10. Antique shops;
11. Landscape contractor;
12. Retail nursery or garden center;
13. Transitory use;
14. Wholesale nursery or garden center;
15. Animal boarding places;
16. Chancery;
17. Charitable or philanthropic institution;

18. Child day care center;
19. Community redevelopment areas;
20. Day care facility for more than 4 senior adults and persons with disabilities;
21. Domiciliary care home for more than 16 residents;
22. Educational institutions, private;
23. Family burial sites;
24. Funeral parlor or undertaking establishments;
25. Home health practitioner's office;
26. Home occupation, major;
27. Hospice care facility;
28. Hospitals;
29. Hospitals, veterinary;
30. Nursing home;
31. Offices, medical practitioner, for use by other than a resident of the dwelling;
32. Golf courses and country clubs;
33. Private clubs and service organizations;
34. Riding stables;
35. Swimming pools, community; and
36. Country market.

As you know, the Property is located in an area with very limited access to major roadways. In addition, the Property is adjacent to a park and a small commercial strip, making many of the special exception uses listed above, including hospitals and private educational institutions, incompatible with the surrounding area. A number of other uses are not realistic because of their lack of economic viability on a five acre parcel in this particular location. Accordingly, I have chosen the following 5 possible uses that would have the greatest potential on the Property and have briefly analyzed them below.

A. Life Care Facility:

A life care facility is a permitted special exception use in the RE-1 zone. Generally, 15 units are allowed per acre of gross tract area, but in all single family residential zones, the Board of Appeals may require lower density for purposes of compatibility with surrounding uses. In addition to the uncertainty regarding density, there is a required minimum green area of 50% of the total tract area, which further limits the total possible number of units. Other factors affecting economic feasibility include the requirement of

obtaining and maintaining state agency approvals, mandatory age restrictions on occupants, and the additional cost of constructing units that are equipped for elderly occupants. In addition, Leisure World, a very large retirement community, is located diagonally across from the Property, and we believe it houses an existing life care facility. Finally, the location of the Property and the limited access to major roadways may further hamper the feasibility of a project that caters to an elderly population that may be in greater need of emergency vehicle access.

B. Elderly or Handicapped Housing:

Elderly or handicapped housing is also a permitted special exception use in the RE-1 zone. There are a number of logistical and economic factors, however, which make this special exception use difficult to implement. As mentioned earlier, Leisure World is located diagonally across from the Property at the southeast corner of the intersection of Routes 97 and 28, and presumably provides a sufficient level of elderly units for the surrounding area. Accordingly, it is unlikely that Montgomery County has a need for elderly or handicapped housing in this location. Additionally, the competitive presence of Leisure World such a short distance away creates an undesirable economic position. Other factors that make elderly or handicapped housing unlikely to succeed at this location include the income sensitive requirements: at least thirty percent of the units must be reserved for moderately priced dwelling units (alternatively, fifteen percent of the units must be reserved for households of very low income, or twenty percent must be reserved for low income). In addition, there must be adequate access to public transportation and medical centers, and the development must be protected from excessive noise and pollution. While there is adequate access in the vicinity of the Property, it is not proximate. Montgomery General Hospital is the closest medical center, at over five miles away. In addition, the close proximity of Routes 97 and 28 may result in excessive noise in the area, a condition that may be worsened shortly if the State Highway Administration places an interchange at that location. An additional factor negating the possibility of this type of development is the limited access to major roadways. Although Routes 97 and 28 are nearby, getting to those roadways from the Property may prove difficult. Elderly or handicapped housing

faces many of the limiting factors set forth in the paragraph on life care facilities.

C. Child day care facility

The primary problems facing the implementation of a child day care facility on the Property are (i) limited access to major roadways, (ii) the requirement that the use be compatible with surrounding uses, and (iii) the requirement that the site provide adequate area for discharge and pick up of children. Even if the site were to provide adequate area for discharge and pickup, the lack of access would result in traffic delays and backups as parents attempted to pick up/drop off children and return to the main roadways. In addition, an extra burden inherent in maintaining this type of special exception use is compliance with all state and county requirements. These factors make the child day care facility an unlikely use for the Property.

D. Nursing Home

The primary problem with the creation of a nursing home on the Property is the lack of access to main roadways. Most nursing homes are placed on arterial roadways because of the frequent visits from family, friends and vendors. It is very uncommon to place a nursing home on an out of the way side street. Additionally, to provide quality health care to an elderly population, a facility must be able to guarantee quick and easy access for emergency vehicles. The location of the Property makes it difficult to make that guarantee.

E. Domiciliary care home for more than 16 residents

Because this special exception use is subject to all of the special exception standards for a nursing home and is similar to a nursing home in that it shares the need for quick and easy access for emergency vehicles, this use would be difficult to implement on the Property.

## II. Townhouse Use for the Property

After considering many factors, including existing uses in the surrounding neighborhood, it appears that the most viable for the Property is the R-T Zone, which permits townhouses in various densities. The purpose of the R-T zone is to provide townhouses in areas where a buffer is appropriate to separate industrial, commercial or high density housing from low density, single family uses.

The Property appears to be a fitting location for the R-T zone because of the uses in the greater surrounding area: the northeast quadrant of the Route 97 and Route 28 intersection is zoned RE-2, which requires 2 acres per unit. The southeast quadrant is zoned PRC (planned retirement community) and houses Leisure World. The northwest quadrant contains a C-1 zoned area, which is used for convenience commercial purposes, an R-200 zoned area, which is a residential zone requiring a minimum lot area of 20,000 square feet per housing unit, and an RE-1 zoned area, which requires a minimum of one acre per unit. In the southwest quadrant, a C-1 zone is adjacent to the intersection. The C-1 zone is utilized by small commercial uses. Beyond the C-1 zone in the southwest quadrant is an R-T 12.5 zoned area, which allows for 12.5 townhouse units per acre. There are well over 75 townhouse units in this area. Southwest of the townhouses lies an RE-200 zoned area, including Manor Country Club.

Based upon our brief analysis, and in light of the surrounding uses, we believe the R-T zone would be an appropriate zone for the Property to buffer the existing commercial uses in the northwest quadrant from the Preserve at Small's Nursery and the other single family residential zones nearby.

In addition to the buffer argument, the R-T zone is an attractive option because of the breadth of possibility set forth in the Zoning Ordinance: the "intent" of the zone is to provide for the "maximum amount of freedom possible in the design of townhouses and their grouping and layout". The density of the R-T zone ranges from 6 units to 15 units per acre. The only limitation set forth in the Zoning Ordinance with respect to development in this zone is that 50% of the lot must be green, unless approved for R-T 15, which provides that 30% of the lot remain green.

Given the surrounding uses, the buffer opportunity and the flexibility provided in the R-T zone, it appears that a rezoning to townhouse development is the most appropriate land use for the Property. The R-T 12.5 zone likely is the most appropriate density for the Property, as this is the density of the existing townhouses located in the southwest quadrant of the intersection.

AGENDA DATE: FEBRUARY 5, 2004  
AGENDA ITEM: \_\_\_\_\_

LAW OFFICES

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January 27, 2004

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

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PATRICK C. MCKEEVER  
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MICHAEL G. CAMPBELL  
SOO LEE-CHO  
W. CHRISTOPHER ANDREWS  
*\*Of Counsel*

RE: Olney Master Plan Amendment;  
Mess Property (204.49 acres)

Dear Mr. Berlage and Members of the Planning Board:

Thank you in advance for your consideration of the following remarks on behalf of Dr. Charles and Marilyn Mess, owners of the 204.49 acre parcel of land fronting on Old Baltimore Road as shown highlighted in yellow on the attached tax plat map. For your convenience in reviewing our previous comments on behalf of the Messes, and our discussions with Staff, I have attached prior correspondence relating to the status of the Mess property in the Olney Master Plan amendment.

During a meeting with Mr. Afzal and Ms. Dolan conducted in November, 2003, Ms. Dolan thanked us for submitting information provided by David McKee of Benning & Associates. (See McKee letter dated December 16, 2002 attached to Kline letter to the Planning Board dated October 19, 2003.) Ms. Dolan pointed out that Mr. McKee's conclusion (that the Mess property would likely yield approximately 0.434 dwelling units per acre if development occurred using septic systems) would be more convincing if we actually had percolation test results for the Mess property itself, rather than providing observations and conclusions based on Mr. McKee's experience and after drawing comparisons to comparable properties.

Our first thought was that we would not be able to provide Ms. Dolan the information which she sought. The Messes have never actively assessed the development potential of their property so that they had conducted no percolation or water table tests themselves. However, after considering Ms. Dolan's comments further, the Messes recalled that an adjacent property owner, Brooke Grove Nursing Home, did conduct, with the Messes' permission, percolation tests on a portion of the Mess property adjacent to the existing (although now vacated) nursing home (which we have highlighted in blue on the attached tax plat map). Following up on Ms. Dolan's request, we visited the Well and Septic Office of the Montgomery County Department of Permitting Services and obtained copies of the results of Brooke Grove's tests for the Mess property. That information was provided to Mr. McKee. Mr. McKee then re-evaluated his earlier conclusion in the light of actual test results for the Mess property itself.

I am pleased to enclose a supplemental report from Mr. McKee in which he has concluded that his earlier recommendation — that the Mess property would support one dwelling unit per 2.3 acres (0.434 DU's per acre) under septic development — was correct based on his review of the actual percolation test results on the Mess property and based on his experience with test results for soils found on the Mess property outside of the testing area. With Mr. McKee's assistance, the Messes believe that they have demonstrated that one residence per three acres (0.33 DU's per acre density), as recommended in the Master Plan, is overly conservative and underestimates the true development potential of their property.

**The Messes were advised that the Master Plan recommendation for their property of 0.33 dwelling units per acre was based on the property's estimated yield under septic system. At a minimum, based on the reliable information provided by Mr. McKee, the Messes ask that the land use recommendation for their property be modified to allow development under the RNC Zone with a density of at least 0.45 dwelling units per acre.**

Having performed the exercise suggested by Staff regarding the likely yield that can be achieved by septic on the Mess property, the owners would like to further point out that their property is an opportunity to provide greater density in the Olney Master Plan area in a location where existing infrastructure is available to accommodate density greater than 0.33 dwelling units per acre. The land use context in which the Mess property sits is readily demonstrated in the attached tax plat map. To the north is the RE-2C zoned development known as "Manor Oaks". Also to the north is development under the RNC zone ("Dellabrooke" recommended in the Ashton-Sandy Spring Master Plan for up to 0.45 DU's per acre and developed with 15,000 - 19,000 square foot lots abutting the Mess property).

The Messes are well aware of the environmental and natural importance of the eastern half of their property and they are prepared to work with public agencies to see that property preserved in its natural state. However, it seems wasteful to the Messes to have the property developed with only 67+ dwelling units (0.33 dwelling units per acre) when the Mess property confronts existing residential development at much higher levels of density. Examples of this fact are found in the confronting or nearby subdivisions of:

Christie Estates (SFD's)	4.90 dwelling units per acre
Manor Oaks (Townhouses)	8.13 dwelling units per acre
Hallowell (Townhouses)	7.49 dwelling units per acre

In addition, the Mess property is confronted by Brooke Grove Elementary School which has two influences on this neighborhood: It introduces an institutional use in the neighborhood but also means that children generated by dwelling units on the Mess property will have pedestrian access to an immediately adjacent elementary school. Furthermore, on the issue of area infrastructure, Old Baltimore Road is a 70 foot wide master planned street connecting Route 108 with residential areas to the north and to Route 97 via Prince Philip Drive. Therefore, abutting the prominent boundary of the Mess property frontage is an important arterial street.



Given the pattern of surrounding development, and the opportunities which exist to introduce development on the Mess property without creating incompatibilities on the property's western edge, **the Messes ask that the Planning Board consider their property for development of the RNC zone with density at a level of 0.45 dwelling units per acre (which would allow up to 88 residences) with clustering toward the Old Baltimore Road frontage.**

Thank you for your consideration of these comments which we understand will be reviewed at your February 5<sup>th</sup> work session.

Sincerely,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "JODY KLINE". The signature is written in a bold, slightly slanted, sans-serif style.

Jody S. Kline

JSK:cdp

Enclosures

cc: Mr. Khalid Afzal  
Mary Dolan  
Dr. & Mrs. Charles Mess  
David McKee

LAW OFFICES

# MILLER, MILLER & CANBY

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November 1, 2002

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ROBERT E. GOUGH  
MICHAEL G. CAMPBELL  
SOO LEE-CHO\*\*  
W. CHRISTOPHER ANDREWS\*\*\*  
*\*Of Course!*  
*\*\*Admitted only in California*  
*\*\*\*Admitted only in Tennessee*

Mr. Khalid Afzal  
Community Based Planning Division  
Maryland-National Capital Park  
and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

RE: Olney Master Plan Amendment  
Mess Property;  
18420 Brooke Grove Road, Olney, MD;

Dear Khalid:

Thank you for your telephone message explaining the background of the potential land use recommendation for the Mess property in the anticipated Staff Draft.

As I mentioned, we are following your suggestion and are trying to develop a reasonable projection of the development potential of the Mess property. We should be able to share the results of our research with you within a couple of weeks.

I note in the October 8, 2002 "Staff Recommendations, Olney Master Plan Update" that you have revised the text of the recommendations relating to the Mess property so that it reads:

- "8. Acquire environmentally sensitive portion of the Mess property through dedication; rezone the property from RE-2 to RNC with a Master Plan recommended density of maximum one unit per 3.5 acres."

Since you have invited us to demonstrate how a yield on the Mess property might result in more successful than one unit per 3.5 acres, I would like to suggest that the Staff Draft Master Plan, when published, contain the following language so that we can continue a dialogue about the reasonable development potential of the Mess property under its current RE-2 zoning:

- "8. Acquire environmentally sensitive portion of the Mess property through dedication; rezone the property from RE-2 to RNC with a Master Plan recommended density of ~~maximum one unit per 3.5 acres.~~ based on a reasonable likelihood of development potential under existing zoning and septic."

As you can see from our suggested text, this language will allow the Messes to realize their goal of coming close to achieving the theoretical yield from RE-2 zoning, but only if we can provide convincing evidence that the actual yield using septic systems is greater than one unit per 3.5 acres, a ratio that apparently does not have any empirical basis at this time.

Thank you for your consideration of these comments and suggestions. As soon as we have assembled the material on the potential development yield of the Mess property, I will contact you to schedule another meeting.

Sincerely yours,

MILLER, MILLER & CANBY

A stylized, handwritten signature in black ink that reads "Jody". The letters are bold and slightly slanted, with a thick horizontal line above the "y".

Jody S. Kline

JSK:dlt

cc: Mary Dolan  
Dr. and Mrs. Charles Mess  
David McKee

LAW OFFICES

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W. CHRISTOPHER ANDREWS  
*\*Of Counsel*

October 19, 2003

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

Re: Olney Master Plan Amendment;  
Public Hearing Testimony

Dear Chairman Berlage and Members of the Planning Board:

Following up on my testimony at the September 25th public hearing on behalf of Dr. Charles and Marilyn Mess, I would like to submit the following additional information for your further consideration.

I note that the Staff draft Olney Master Plan describes our client's property as "...the 198-acre Mess property...". (Staff draft, page 24). You may have noted that the tax map that I handed out during the Public Hearing showed the Mess property to contain, in one large chunk, 203.75 acres, as well as some additional parcels of varying acreage. Although it is of no great consequence in the Master Plan, except possibly to have an accurate tabulation of possible dwelling units, we thought that you would like to have an accurate description of the total acreage of the Mess property. Accordingly, attached to this letter is a schedule prepared from the records of the State Department of Assessments and Taxation showing the total acreage of land owned by Dr. Charles and Marilyn Mess (and the acreage associated with each of those parcels). The tabulation shows that the total acreage of contiguous land owned by the Messes is 204.49 acres. We recommend that the text of the Master Plan be modified to properly reflect this acreage figure.

More important, is our request that you seriously study the attached report from David McKee from Benning and Associates regarding the development potential of the Mess property. As I mentioned during the public hearing, Mr. McKee is extremely knowledgeable about septic development as evidenced by his frequent appearance before the Planning Board on behalf of subdivisions that will rely on septic systems. You will note that, based on information available to Mr. McKee from the Mess's records, the County's soils maps and the results of percolation tests on surrounding properties, Mr. McKee has concluded that the likely yield that could be achieved on the Mess property if it was developed using septic systems would be **one dwelling unit per 2.3 acres of land area. This research and conclusion contradicts the premise under which the Staff recommendation for development of the Mess property was set at 1 dwelling unit per 3 acres.**

When considering the recommendations contained in the Staff Draft Plan, the Messes are comfortable with the thought that their property might ultimately be developed under the standards of the RNC zone. They also recognize the important environmental nature of the eastern side of their property. They do believe, however, that the recommended development density for their property should not be less than they would likely be able to achieve using septic systems, particularly if M-NCPPC is looking to acquire the eastern half of the Mess's property through dedication.

Thank you for your consideration of these supplemental comments and the attached information.

Sincerely,

~~MILLER, MILLER & CANBY~~

**JODY KLINE**

Jody S. Kline

JSK/cas

Enclosures

cc: Khalid Afzal  
Mary Dolan  
Dr. and Mrs. Charles Mess  
David McKee

PROPERTY OWNED BY CHARLES AND M. MESS

<u>Tax ID No.</u>	<u>Parcel or Lot</u>	<u>Acreage (+/-)</u>
08-00711884	Parcel 200	203.75 Acres
08-02961065	Block B, Outlot A, Christie Estates	.10 Acres
08-02960493	Block B, Outlot B, Christie Estates	.18 Acres
08-02960505	Block B, Outlot C, Christie Estates	.07 Acres
08-02961076	Block F, Outlot A, Christie Estates	.39 Acres
	<b>TOTAL</b>	<b>204.49 Acres</b>

130



**Benning & Associates, Inc.**  
Land Planning Consultants

8933 Shady Grove Court  
Gaithersburg, Md. 20877  
(301) 948-0240

December 16, 2002

Mr. Jody S. Kline  
Miller, Miller & Canby, Chartered  
200-B Monroe Street  
Rockville, MD 20850

Re: Mess Property

Dear Mr. Kline,

Several weeks ago, you asked me to determine what the expected lot yield would be for the Mess Property if it were developed under the current RE-2 zoning with septic systems. As you know, much of our work involves projects where on-site sewage disposal is a requirement. What follows is an evaluation of the property given our experience with similar properties coupled with specifics about the site itself.

When looking at a property to determine what the expected lot yield will be, the primary consideration is the type of soil on the site with respect to its appropriateness for on-site sewage disposal. The Soil Survey of Montgomery County, Maryland published jointly by the United States Department of Agriculture and the Natural Resources Conservation Service lists and maps the soil types for the entire County. The Soil Survey also makes a general determination as to the suitability of each soil type for "sanitary facilities" including septic tank absorption fields. The subject property is primarily composed of soil types 1B (Gaila), 1C (Gaila), and 2B (Glenelg). For these soils, the Soil Survey notes that limitations for septic systems are slight (1B) to moderate (1C, 2B). Without question, the soils on the Mess Property are among the very best for on-site sewage disposal. In fact, of the approximately 87 different soil type designations listed in the Survey, only 2 are listed as having "slight" limitations and only 17 have "moderate" limitations. All of the others are listed as having "severe" limitations for septic tank absorption fields.

Of course, the ultimate determination as to the suitability of a property for on-site sewage disposal is made by the Well & Septic Section of Montgomery County through the process of percolation testing. The Soil Survey is a good start but holes must be dug on the property to make specific findings. Problems that may be encountered include a shallow depth to bedrock, a very high water table, the presence of fractured rock, or soil

(131)

with a very slow percolation rate. I can say without reservation that these problems are not usually found within the Gaila and Glenelg soils. As suggested in the Soil Survey which describes these soils as being "very deep and well drained," the percolation test success rate is generally very high and few problems are typically encountered. For projects with a soil mix similar to the Mess Property, the testing process is completed much sooner and is less costly, and the ultimate lot arrangement is influenced less by the location of the septic areas than on projects with less suitable soils.

Our experience in working on projects with these soils is consistent with the information found in the Survey. A good example of this is the Hoover Property (MNCP-PC #1-02101) that was recently approved by the Planning Board. The Hoover Property consisted of about 86 acres of land with a predominance of soil types 1C and 2B. The percolation testing on this property was very successful with most of the test sites passing on the very first attempt. There were a few areas where a high water table was encountered but this was overcome by testing for a shallower system design (tile field system). The plan was approved by the Well and Septic Section of the County and by the Planning Board with a total of 40 lots for a density of 1 dwelling unit for every 2.17 acres. The Hoover and Mess properties are similar in many respects. They are both zoned RE-2, their soil make-up is very much the same (Mess is actually better due to the presence of 1B soil), and they have similar topographic features. As a matter of preference, public water was made available to most of the lots in the Hoover Property. Public water is present near the Mess Property and could be extended into the site.

One difference between the Mess and Hoover properties that should be noted is the requirement for differently sized septic areas for the two sites. The Mess Property is located within the Hawlings River watershed that is part of the Patuxent River watershed while the Hoover property is not. Projects within the Patuxent River watershed are required to establish an area 17,000 square feet in size for on-site sewage disposal whereas other areas of the County need a minimum of 10,000 square feet of area. The requirement for larger septic fields in the Patuxent River watershed might be a significant factor in the arrangement of lots in the rural cluster zone where lots can be as small as 40,000 square feet; however, with the two-acre minimum lot size in the RE-2 zone, the effect of the larger septic area is not as great. A two-acre lot generally has more than enough space for the home site, septic field, and well sites if needed with additional area left over for protection of stream buffer areas or forest conservation. In fact, most of the lots on the Hoover Property have excess area that could have been used for a larger septic field.

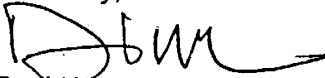
Another good comparison to the Mess Property is the "King" property in the Laytonsville area that was developed under RE-2 zoning standards a few years ago (Harrison C. King, Thomas King, John King, and Augusta Mae Wayne properties). This property was actually developed as four separate projects but the sites are contiguous and interrelated. Altogether, 200 acres of land was divided into 82 lots using on-site septic systems and private wells (about 1 dwelling unit for every 2.4 acres). Again, the septic field requirement for the "King" properties was a minimum of 10,000 square feet, however, the soils were not as amenable to percolation testing as the soil on the Mess property. Testing on these properties was difficult in some areas as expected and those areas not as conducive to septic fields were left as larger lots resulting in a slightly lower lot yield as compared to the Hoover property. Still, where testing was successful, the two-acre lots that resulted have excess land area available to accommodate a larger septic system as required in the Patuxent watershed.



Considering the above, I would expect the likely yield on the Mess Property to be about 1 lot for every 2.3 acres. Compared to the Hoover Property, this is equivalent to providing another 5,600 square feet of space per lot. This extra space would more than compensate for the requirement of large septic fields throughout the project given that most lots in an RE-2 project can already accommodate the larger system without an increase in lot size.

Please feel free to call if you have any questions on the above or need any additional information.

Sincerely,



David W. McKee



**Benning & Associates, Inc.**  
Land Planning Consultants

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(301) 948-0240

January 22, 2004

Mr. Jody S. Kline  
Miller, Miller & Canby, Chartered  
200-B Monroe Street  
Rockville, MD 20850

Re: Mess Property

Dear Mr. Kline,

Last month, you contacted me to request additional information related to the expected lot yield on the subject property with septic systems. Specifically, you asked for a review and analysis of actual soil tests that occurred on the property in 1989. The tests were run on behalf of an adjacent property owner, Brooke Grove Nursing Home, to establish a septic easement on the Mess property. Previously, we determined that the likely yield would be about 1 lot for every 2.3 acres of land. This determination was based upon a review of the soils on the property as depicted in the Soil Survey of Montgomery County, Maryland and our experience on other similar projects (see report dated 12/16/02).

In response to your latest request, we reviewed in detail all of the test data from the work done on the Mess property. We found that the results are very consistent with the expectations stated in our earlier report. This was not surprising. As stated in our letter to you in December 2002, "the soils on the Mess property are among the very best for on-site sewage disposal".

On the Mess property, percolation tests were run at 12 different test sites. At each site, both deep tests and shallow tests were run to establish a zone of soil meeting the County's requirements. This covered a pretty large area on the Mess property located just to the north of the nursing home site. Passing tests resulted more than 87% of the time and the percolation rate was unusually good. The County prefers a percolation test rate of between 1" in 5-minutes and 1" in 30-minutes. The average rate for tests on the Mess property was about 1" in 11-minutes. A rate between 10-20 minutes is ideal. On properties with less desirable soil, it is common to find much slower average rates of between 20-25+ minutes.

A high water table was observed in a portion of the area tested on the Mess property. This was expected and is similar to what was found on a part of the Hoover Property referenced in our earlier report. The water table on the Mess property ranged from 6-10' deep in the one area - deep enough to allow for a shallow system design (tile field). In support of this, every site tested on the Mess property passed the shallow test

134

support of this, every site tested on the Mess property passed the shallow test requirement. As for other problems (i.e. shallow bedrock, fractured rock, slow percolation rate), none were encountered. This is all consistent with the expectations indicated in the Soil Survey.

Based upon the tests that were run, the County approved the establishment of a large septic reserve easement (about 10 acres in size) on the Mess property for the adjacent Brooke Grove Nursing Home. In addition, tests were also run on the nursing home property and all of the available space on that property was set aside for septic use as well. This kind of large scale uninterrupted use of land for sewage disposal is only possible where the very best soil properties are present.

Based upon all of the above, the finding of our initial report that the likely lot yield would be 1 lot for every 2.3 acres of land still stands. The available data showing a predominance of passing tests, a very good test rate, and the presence of excellent shallow soils supports our earlier findings.

Please contact me if any further information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. McKee', with a long horizontal flourish extending to the right.

David W. McKee