

schedule of payment divided in thirds and linked to benchmarks in the development phasing as follows:

1. \$713,000 prior to recordation of the first plat.
2. \$713,000 prior to release of the 150th building permit.
3. \$713,000 prior to release of the 350th building permit.

Based on information from SHA and the applicant, staff forecasts that this payment schedule would deliver approximately two thirds of the total payment, tied to the progress of the development, prior to construction of the Georgia Avenue/Randolph Road intersection project.

Transportation Planning staff concludes that the applicant's site-generated traffic would not exceed the congestion policy standard once the identified improvements are made.

OTHER ISSUES

ELEMENTARY SCHOOL SITE

Pursuant to Section 50-31 – Reservation of land for public use, the Subdivision regulations authorize the Planning Board to reserve land for public use if, during the review of the application, the concerned public agency requests such a reservation. Following that protocol, the Montgomery County Public Schools (MCPS) submitted a letter dated June 21, 2006 (Attachment 4), discussing the need for a new elementary school site in the John F. Kennedy High School attendance area. MCPS requests that a suitable elementary school site be located within the proposed development and asks the Board to place two thirds of the site in reservation and require Winchester Homes to dedicate the remaining one-third of the site.

As noted by MCPS, the subject property represents one of the last and best opportunities in the general area to obtain the necessary acreage for a suitable school site. The letter also discusses why *dedication* of one third of the land area is appropriate since a subdivision of 773 units will yield 196 elementary school aged children, or approximately one-third of a school site or about 4 acres. MCPS believes that a 3 year reservation period is adequate to acquire the remainder of the site.

MCPS had been actively pursuing a combined community center and elementary school at the intersection of Queensguard Road and Layhill Road; this was the subject of some discussion at the original preliminary plan for Indian Spring. The Queensguard site has proven to be infeasible, as wetlands have precluded further consideration of that property for a school. Aside from re-acquisition and rehabilitation of the nearby Saddlebrook facility, a former elementary school, there appear to be no other alternatives given the lack of usable land for a school. The Saddlebrook facility currently serves as

the headquarters for the Park Police and through an agreement with the County it may serve as a relocated Montgomery County Police facility if needed during reconstruction of the Georgia Avenue and Randolph Road intersection.

The applicant has worked with MCPS to identify a school site and to devise a layout that meets the conceptual, programmatic needs of MCPS. The location of the proposed school is shown on Attachment 5 of this report. The layout accommodates a school building, parking, ballfields and stormwater management. MCPS supports this site partly because it has access via a primary street to Layhill Road. Future access to the north would also be provided by Alderton Road once it is constructed through to Bonifant Road. Topography at this location is also suitable for siting a large building.

Staff has recommended that the proposed school site, as shown on the attachment, be placed in reservation only, for a period of 36 months from the date of mailing of the Planning Board's opinion for the preliminary plan. The 36 month period coincides with Phase I of the staging sequence requested by the applicant and supported by staff. Staff does not support the MCPS request to dedicate a portion, or one-third of a school site, because a school site was not identified in the Kensington-Wheaton Master Plan.

The property is located in the northeastern part of the Kensington-Wheaton Master Plan area in the Kennedy High School Cluster, which is part of the down-county consortium. The local elementary school is Glenallan Elementary School. The 1994 Kensington-Wheaton Master Plan does not have any specific discussion or recommendations for schools in relation to this site, or for this part of the Master Plan area, primarily because the Plan was more concerned with the reuse of closed schools due to the declining school population in the previous decade. Although the Plan indicates that the intermediate forecast from Montgomery County Public Schools predict steady increases in the elementary and middle school population in the next decades (page 136), it states: "No additional schools are currently proposed for the Kensington-Wheaton planning area" (page 137) There was no classroom deficit when the master plan was undergoing revision. Without a specific site designated in the Master Plan, staff recommends the 3 year reservation period.

MCPS staff also expressed an interest in the inclusion of Alderton Road to provide a secondary means of access to the future school and improved access to neighborhoods from the north. MCPS staff also notes that schools located on corner lots function better for drop-off and pick-up operations. If the Planning Board chooses to support reservation or reservation and partial dedication of a school site, staff recommends that Alderton Road be built. Furthermore, staff recommends that the applicant be required to construct this section of Alderton Road if MCPS acts on the reservation. Trips generated by the potential school would need to be addressed as part of a Mandatory Referral submitted to the Planning Board for the new school.

WAIVERS OF SUBDIVISION

By letter dated June 12, 2006, (Attachment 6) the applicant has requested a number of waivers for consideration, two of which are appropriately considered by the Planning Board: waiver for an overlength cul-de-sac and a waiver of frontage for townhouses on individual lots.

Overlength Cul-de-Sac

There is one cul-de-sac in the proposed subdivision (Street G, Phase III) that exceeds 500 feet in length and, therefore, pursuant to Section 50-26(d), the Board must make a *finding* that for reasons of property shape, size, topography, large lot size or improved street alignments, an overlength cul-de-sac is justified. Staff finds that Street "G", the overlength cul-de-sac, is justified because it accesses a buildable portion of the property that extends onto a peninsula surrounded on three sides by stream valley buffers. To eliminate the cul-de-sac, and otherwise connect the road as a loop, would require encroaching into the stream buffer. The topography of this site is driving the need to use the overlength cul-de-sac to prevent environmental impact. The applicant's letter dated June 12, 2006, with an attached March 9, 2006 letter, explains the need for the waiver (finding) based on the strong desire by staff to protect the stream buffers on the property. Short of removing the proposed lots on Street "G", the cul-de-sac offers the only feasible means to access this area of the property while avoiding stream buffer impact. Staff recommends a finding by the Board to permit the overlength cul-de-sac in this case.

Waiver of Frontage for Townhomes

The letter also asks the Board to consider waiving the frontage requirement for fifteen individually lotted townhomes (Lots 9-23, Block "J") because they front on a private driveway rather than a public street or private street. Staff notes that the fifteen units do front on a common open space area. The applicant cites Section 50-38(a)(2) b that states:

(2) Large Scale Development or Preservation of Open Space, Forest and Tree Conservation, Environmentally Sensitive Area, or Prevention of Soil Erosion. The standards of this Chapter may be modified by the Board if it determines that:

b. A variance will promote the preservation or creation of open space, forest and tree conservation, preservation of environmentally sensitive areas, or the prevention of soil erosion in the public interest. The Board shall also have the power to modify or vary the requirements of this Chapter where, in the opinion of the Board, the preservation, or creation of open space, the prevention of soil erosion or the preservation of exceptional natural topography and trees worthy of preservation in the public interest will best be served.

The applicant argues that the preservation of open space is paramount to this development as witnessed in the first application that was denied by the Planning Board. Staff does not support the applicant's use of the Section 50-38 language as justification for the subject lots. In staff's opinion, this provision should be applied to subdivisions that are creating open space, and environmental benefits over and above minimum requirements. That is not the case in this instance.

As to the waiver request, staff notes that Section 59-C-1.628 (b) of the Zoning Ordinance permits townhouses to front on public streets, private streets or *a common open space*, when MPDU optional method standards are used. In addition, the affected townhouses are accessed by private driveways that could be modified to allow them to "attain the status of a public street" as required in the Subdivision Regulations. For these reasons, staff does not think a waiver of frontage is needed. Rather, access and lot orientation in this area should be analyzed as part of the future site plan. (See following section)

ISSUES TO BE ADDRESSED AT SITE PLAN

The following bulleted items are site plan issues relating to layout, grading, landscaping and design that can most appropriately be addressed by site plan staff. They are raised here to highlight them, and offer the Planning Board opportunity to give input toward the future site plan with regard to these issues.

- Fully address requirements of DPS stormwater management.

The applicant is advised that the DPS stormwater management approval letter anticipates "significant site layout revisions at the time of site plan review." DPS expresses concern about the size of the proposed ponds in relation and proximity to the proposed lots and advises that lots may need to be moved or eliminated to accommodate the required ponds, as determined by a detailed study. DPS has asked for a specific condition of approval that would require the applicant to secure final stormwater management approval prior to site plan approval.

- Grade stormwater management ponds visible from primary residential access roads so that they may be landscaped in a more aesthetic way.

Staff believes that the ponds located throughout the community to handle stormwater management should be more aesthetically pleasing than a standard dry pond with fencing around it. This is especially true for those ponds that are visible from the main primary residential roads, (Tivoli Lake Boulevard and Indian Spring access road) within the subdivision. Detailed site grading and landscaping are most appropriately addressed at the time of site plan.

- Minimize isolated open space areas in rear yards of lots.

Within the proposed development there are a number of isolated open space areas that staff believes will be used exclusively by those lots that abut them. Open space is, of course, for the entire community to enjoy and if they are not exposed to the greater community, access to them becomes a problem.

- Increase visibility of Northwest Branch open space by revising layout to create wider breaks between units or load all units on one side of roads.

This plan makes great strides towards preserving the Northwest Branch stream valley and its associated buffer. Unfortunately, most of the views to this resource from the local street network are obstructed by homes and, again, the views become the privilege of a few homeowners from their rear yards. Site plan should investigate ways to open up additional viewsheds down into the stream valley by creating additional breaks in the house locations, single loaded roads, or by shifting house locations, such as on Street "G", Phase III to the other side of the cul-de-sac.

- Reduce the "tunnel effect" by breaking up the townhome sticks fronting on Tivoli Lake Boulevard in Phases II and III.

Staff has concern about what is seen as a tunnel effect created by the long strings of townhomes along the primary residential streets, especially Tivoli Lake Boulevard. Single family detached units dispersed among these locations may help alleviate this concern.

- For Lots 9-17, Block "J"; investigate connecting the private driveways to the local roads so that the driveways function more as public streets for circulation and access.

PHASING PLAN – Attachment 7

Preliminary Plan Phasing

The Applicant has requested permission to record the proposed lots in 3 phases over a 9 year period which corresponds to the extended validity period for the APF of 12 years. Section 50-35(h)(2)(b) of the Subdivision Regulations gives the Board authority to establish such phasing at the time of the preliminary plan approval. Given the extensive size of subdivision, staff recommends approval of the Applicant's proposed phasing schedule as established in Condition #27, above.

Adequate Public Facilities Validity Period

Pursuant to Section 50-20(c)(3) of the Subdivision Regulations, a determination of adequate public facilities made under this section of the regulations is timely and remains valid for no less than 5 and no more than 12 years, as determined by the Planning Board at the time of subdivision. The project proposes 773 dwelling units. For projects of this size and complexity the applicant is requesting the maximum allowable validity period for the finding of Adequate Public Facilities. Within this 12-year period all building permits must be secured. The 12-year APF validity period coincides well with the 9-year preliminary plan validity period in which time all plats must be recorded. Staff finds the request to be consistent with past requests for similarly sized projects and recommends granting the applicant's request.

CITIZEN INPUT

The applicant, staff, community and the Mid County Citizens Advisory Board have met in numerous formal discussions. This project has been reviewed in an open format, with a great deal of information sharing between all parties. Following is a list of the formal meetings that have been conducted:

November 1, 2005	Tivoli Homeowners Association
November 29, 2005	People's Counsel
December 6, 2005	Tivoli Homeowners Association
January 31, 2006	Layhill View Citizens Association
February 1, 2006	Tivoli Homeowners Association
February 1, 2006	Meeting with Attorney for Tivoli
March 6, 2006	Greater Colesville Civic Association
March 16, 2006	Layhill Alliance
April 20, 2006	Layhill Groups at MNCPPC
May 23, 2006	Layhill View Citizens Association
May 30, 2006	Meeting with Attorney for Tivoli
June 6, 2006	Layhill View Traffic Consultant
June 20, 2006	Mid-County Citizens Advisory Board
June 29, 2006	Tivoli Lake Community/Attorney

As noted above, Winchester Homes, staff, citizens committees and individuals have had numerous opportunities to review plans, understand the process, ask questions, and provide input on the pending application. Staff has also received many letters emails, and other correspondence that highlight many diverse issues. Traffic was always a main focal point at every meeting and it was a concern from all communities in and around the project. The staff report and attached transportation staff report goes into great detail about Local Area Transportation Review, traffic distribution, access, and road improvements. Staff believes that the local traffic network as proposed, with the Tivoli Lake connection, and improvements to the Randolph/Georgia intersection is adequate to serve the community as proposed.

While some neighbors oppose any development on the property, most understood that the Indian Spring property does have considerable development potential under the R-200 and R-90 zones and the discussions were always cordial. Many citizens question why the original plan submittal (1-04108) was unacceptable given the large amount of green space (golf course) that remained within that proposal. Staff explained that the golf course encroached, significantly into the stream valley buffer and that the amount of encroachment was unacceptable. The goal of the environmental guidelines and forest conservation law is to have the stream buffers undisturbed and reforested.

The current application is at maximum density and achieves a 22% density bonus with the provision of 15% of the units as MPDU's. Aside from the discussion of the Tivoli Lake Boulevard extension, staff acknowledges that there will be a moderate increase in traffic generated by this development. The development, at full build out of 773 units, will contribute 3.45% of the total traffic to the intersection of Georgia Avenue and Randolph Road. Staff believes that anyone who has attended the meetings is well aware of the Local Area Transportation Review guidelines, which our transportation planners must use to determine traffic impact and that it focuses attention on master plan/major roads, notably the Georgia Avenue and Randolph Road intersection. At this time, the SHA has slated the intersection improvements to commence at this intersection as early as 2008. Development at Indian Spring may, however, precede the opening of the new intersection to traffic but for the most part the two projects should be moving forward concurrently. Staff is confident that the payment schedule agreed to by SHA and the applicant is the correct course of action.

The Tivoli Lake community is adamantly opposed to the extension of Tivoli Lake Boulevard citing concerns about additional and unsafe cut through traffic conditions, environmental impact to Bel Pre Creek, disruption to the community and even the lack of need for the connection to be made. Staff has been consistent from the submittal of this application that the road connection is needed, along with the other recommended connections, to serve a development of this size and the staff report addresses this issue. Staff and MCDPWT are conditioning the approval of this development on the extension of Tivoli Lake Boulevard. The Environmental Planning Section has also worked with the applicant to provide an environmentally responsible crossing that minimizes fill and grading in the stream buffer. Staff will continue to refine the crossing as part of the site plan.

There is, however, an equally vocal group of citizens to the north and west of the proposed project who support the extension of Tivoli Lake Boulevard. These neighbors strongly support the extension since it is their belief that a single primary access on to Layhill Road only will create unacceptable conditions on that road as well as their local road network. Staff strongly agrees that without the Tivoli Lake connection this community will not function well for the reasons cited in this report.

CONCLUSION

Staff has reviewed this plan for conformance to all applicable requirements of the Subdivision Regulations, Zoning Ordinance and the Kensington-Wheaton Master Plan. In all cases, staff determined that the application is in conformance with these regulations and guidelines. Based on the review, staff recommends approval of the submitted application (120060510) with the conditions cited above.

ATTACHMENTS:

- Attachment 1 – Vicinity Map
- Attachment 2 – Preliminary Plan
- Attachment 3 – DPWT Approval
- Attachment 4 – MCPS Letter
- Attachment 5 – School Site Exhibit
- Attachment 6 – Waiver Request
- Attachment 7 – Phasing Plan
- Attachment 8– Other Agency Approvals
- Attachment 9 - Correspondence

Preliminary Plan Data Table and Checklist

Plan Name: Indian Spring				
Plan Number: 120060510				
Zoning: R-200 and R-90				
# of Lots: 773				
# of Outlots:				
Dev. Type: Single Family Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	6,000 s.f. - sfd 1,500 s.f. - sfa	Must meet minimum		7/7/06
Lot Width	Est. by site plan.	Must meet minimum		7/7/06
Lot Frontage	25 ft. for sfd sfa est. at site plan	Must meet minimum		7/7/06
Setbacks				
Front	25 ft. Min. from public street	Must meet minimum		7/7/06
Side	Est. at site plan or 20 feet to non- MPDU zone	Must meet minimum		7/7/06
Rear	Est. at site plan or 20 feet to non- MPDU zone	Must meet minimum		7/7/06
Height	3 stories or 40 ft.	May not exceed maximum		7/7/06
Max Resid'l d.u. per Zoning	773	773		7/7/06
MPDUs	116 at 15%	116		7/7/06
TDRs				
Site Plan Req'd?	Yes	Yes		7/7/06
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Lots front on public streets, private streets and open space.			7/7/06
Road dedication and frontage improvements	Dedications and Improvements as required		Agency letter and TP memo	6/20/06 and 7/6/06
Environmental Guidelines	Stream Buffers protected		EP memo	7/3/06
Forest Conservation	On-site		EP memo	7/3/06
Master Plan Compliance	Complies with Master Plan		CPB memo	
Other (i.e., parks, historic preservation)	Park requirements met		PPRA memo	
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Approved		Agency letter	6/27/06
Water and Sewer (WSSC)	Available			
10-yr Water and Sewer Plan Compliance	W-1 and S-1			7/7/06
Well and Septic	N/A			
Local Area Traffic Review	Meets LATR		TP memo	
Fire and Rescue	Approved by MCFRS		Agency letter	6/26/06
Other (i.e., schools)	MCPS reservation request		Agency letter	6/21/06



Attachment 3

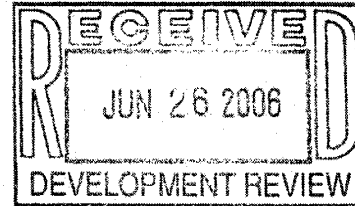
DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

June 20, 2006

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



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

Dear Ms. Conlon:

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

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

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

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



Division of Operations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Catherine Conlon
Preliminary Plan No. 1-20060510
June 20, 2006
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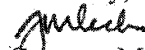
No driveway access or on-street parking will be permitted around the traffic circle at the north end of the property (near the connection with Foggy Glen Drive). For that reason (and because this traffic circle will have a limited affect on traffic calming), we recommend that traffic circle be removed from the plans.

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

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

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

Sincerely,


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

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

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



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

January 27, 2006

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

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

Dear Chairman Berlage:

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

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

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



Office of the Director

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

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

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

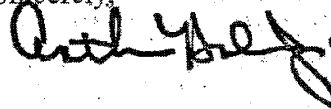
Private sector advocates of postponing the implementation of these master planned roadways should be required to satisfactorily demonstrate the impact of the diverted trips. Likewise, if it is Planning Board staff that is advocating deferral of this construction, they should substantiate their position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

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

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

Thank you for your cooperation and assistance.

Sincerely,



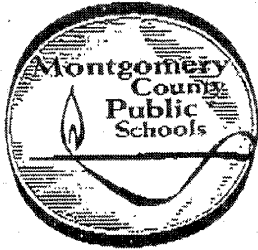
Arthur Holmes, Jr.
Director

AH/pc

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

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

Attachment 4



850 Hungerford Drive - Rockville, Maryland - 20850-1747

Telephone (301)

279-3425

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

FAX -301-279-3737

June 21, 2006

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

Dear Ms. Conlon:

Re: Indian Spring—Preliminary Plan # 120060510

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

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

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

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

Ms. Cathy Conlon

-2-

June 20, 2006

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

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

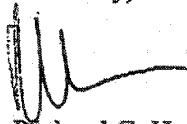
In November of 2005, MCPS staff transmitted an Alternative Site Analysis that explained the criteria used in its determination that the East Layhill site was the best choice for an elementary school site. The analysis included specific details of each of the four alternative sites: Saddlebrook Local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

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

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

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

Sincerely,



Richard G. Hawes, Director
Department of Facilities Management

RGH:jlc

Enclosures

Copy to:

Mr. Crispell

Ms. Turpin

Mr. Robins

Mr. Lemon

**INDIAN SPRING
Preliminary Plan Application**

5/17/2006

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

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

*Bel Pre ES and Strathmore ES are paired schools



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

Robert L. Ehrlich, Jr.
 Governor

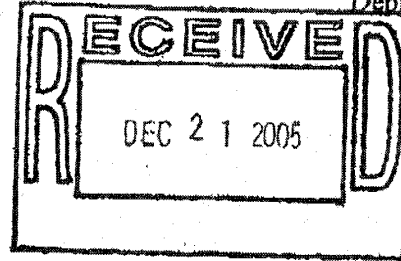
Water Management Administration
 Wetlands and Waterways Program
 Phone: 410-537-3768
 Fax: 410-537-3751

Kendl P. Philbrick
 Secretary

Michael S. Steele
 Lt. Governor

Jonas A. Jacobson
 Deputy Secretary

December 19, 2005



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

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

Dear Mr. Hawes:

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

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

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

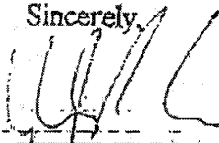
It is recommended that a more intensive alternative site search be conducted. The

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

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

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

Sincerely,



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

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

Alternative Analysis Options of Potential Elementary School Sites

Montgomery County Public Schools
Downcounty Consortium Elementary School #29

Background

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

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

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

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

Site Criteria

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

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

