

Resolution No.:	<u>18-980</u>
Introduced:	<u>December 5, 2017</u>
Adopted:	<u>December 5, 2017</u>

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
IN MONTGOMERY COUNTY, MARYLAND**

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By: District Council

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**SUBJECT:** APPLICATION NO. H-119 FOR AMENDMENT TO THE ZONING ORDINANCE MAP, Francoise Carrier, Esquire, Attorney for the Applicant, Nichols Development Company LLC; OPINION AND RESOLUTION ON APPLICATION; Tax Account Numbers 08-00720560, 08-00711190, 08-00720558, 08-00711202, 08-00720718.

**OPINION**

Application No. H-119 requests reclassification of property from the R-90 and CRT C-0.75 R-0.25 H-35 to the TF 10.0 Zone. The Applicant is Nichols Development Company, LLC (Nichols or Applicant). The tract area of the property consists of approximately 2.57 acres of land located at 100 Olney Sandy Spring Road, 12 Olney-Sandy Spring Road, and 17825 Porter Road, Sandy Spring, Maryland. The property is further identified as Parcel P393, Tax Map JT42, Parcel P447, Tax Map JT42, Part of Parcel 395, Tax Map JT42, and Lots 2 and 3 of the Edward C. Thomas Subdivision (Tax Account Numbers 08-00720560, 08-00711190, 08-00720558, 08-00711202, 08-00720718) in the 8th Election District.

Nichols seeks to develop 20 townhouse units on the property. Staff of the Montgomery County Planning Department (Planning Staff or Staff) recommended approval of the application in a report dated May 12, 2017. Exhibit 23. The Montgomery County Planning Board recommended approval on May 30, 2017. Exhibit 28.

The Office of Zoning and Administrative Hearings held a public hearing on June 12, 2017. After the public hearing, it received correspondence and evidence from several individuals stating that the signs required to advertise the application had not been posted at the site. Exhibits 41. The Hearing Examiner scheduled a second hearing for September 11, 2017, over the Applicant's objection. Exhibits 49, 53, 59.

Shortly before the September 11<sup>th</sup> hearing, Nichols submitted two alternative Floating Zone Plans (FZPs), each intended to minimize or eliminate encroachments into the on-site stream valley buffer. Exhibit 72(c) and (d). The Hearing Examiner referred the alternative FZPs to Staff

of the Montgomery County Planning Department (Staff) for comment. Exhibit 75. Staff endorsed FZP A because it eliminated encroachments into the highest priority area of the stream valley buffer and enabled a larger, more useable configuration of contiguous open space. Exhibit 75(a). The September 11, 2017, public hearing proceeded as scheduled with testimony and evidence presented by those in support and opposition. Staff responded to questions posed by the Hearing Examiner regarding the scope of traffic review that would occur at the time of the preliminary plan application. Exhibit 88. All parties were given the opportunity to comment on Staff's response before the record closed on October 2, 2017. Exhibits 91-95. The Applicant provided final versions of the FZPs (with binding elements agreed to at the public hearing). Exhibit 92(d) and (e).

On November 8, 2017, the Hearing Examiner recommended approval of the application. *Hearing Examiner's Report and Recommendation (Report)*. To avoid unnecessary detail in this Opinion, the Report is incorporated herein by reference. Based on a review of the entire record, the District Council finds that the application meets the standards for approval contained in the *2014 Montgomery County Zoning Ordinance* and State law. *Maryland Land Use Article, Code Ann.*, § 21-101(a)(4)(i).

## **SUBJECT PROPERTY**

The subject property consists of 2.379 acres (site area) and is currently zoned R-90 and CRT C-0.75 R-0.25 H-35.<sup>1</sup> It fronts the south side of Md. 108 approximately 200 feet west of the intersection of Md. 108 and New Hampshire Avenue (Md. 650). The property is improved with one single-family dwelling. It slopes downward from Md. 108 to a stream valley buffer in the southern portion of the site. Exhibit 18(b). A perennial stream lies within the buffer. Exhibit 23, p. 16, T. 232, 259.

## **SURROUNDING AREA**

The surrounding area, or the area most directly impacted by the development, must be identified in a floating zone case so that compatibility may be evaluated properly. The District Council agrees with the Hearing Examiner and Planning Staff that the area most directly impacted consists of land within a 1,500 radius of the subject property. From west to east, development includes Sherwood High School, single-family detached homes and townhouses, and auto-oriented commercial retail uses at the intersection of Md. 108/New Hampshire Avenue. An abandoned restaurant, formerly known as Sole D'Italia, is adjacent to the east. The majority of properties east of the intersection are larger lot single-family homes. The District Council finds that the surrounding area transitions in scale from lower intensity institutional uses and single family homes to the west to auto-oriented retail uses at the Md. 108/New Hampshire Avenue intersection. Properties to the east of the intersection are primarily single-family detached homes.

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<sup>1</sup>If the underlying zone is residential, the TF 10.0 Zone measures density by the property's "site area," as defined in Section 4.1.7.A.1 of the Zoning Ordinance. The current zoning is a mix of R-90, a residential zone, and CRT (Commercial Residential Town). In its Report, Staff treated the CRT-zoned portion of the property as a residential zone as well. Exhibit 23, p. 25. Thus, the site area is used to calculate density in this Resolution.

## PROPOSED DEVELOPMENT/FLOATING ZONE PLAN

Nichols seeks to develop 20 4-story townhouse living units on the subject property. The density proposed is approximately 9 dwelling units per acre. Parking for the units is rear-loaded with a total of 40 spaces in garages and driveways. The alternative FZPs differ in two major respects. FZP A (1) removes most encroachments from the western side of the stream valley buffer except for those needed for Porter Road and (2) provides a larger contiguous area of open space. T. 151-152. FZP B removes all of the encroachments from both sides of the stream valley buffer, but the open space is divided into two smaller parcels. Exhibit 92(e); T. 152-154.

Binding elements limit the development to 20 townhouses. Exhibits 92(d) and (e). Building heights are limited to 40 feet, except for townhomes fronting on Md. 108, which are limited to 35 feet. *Id.*; T. 260. The Hearing Examiner found that the units south of Md. 108 will appear to be 30-35 feet high because the property slopes downward from the road. *Report*, p. 35. Another binding element requires the Applicant to provide landscape or other screening between the townhouses in the northwestern portion of the site and the single-family homes located adjacent to the western property boundary. Exhibit 92(d).

Nichols plans to develop a 6,800 square foot mixed use building on the adjacent property east of the site (i.e., the site of the abandoned restaurant). The mixed-use building will contain commercial retail on the first floor and three residential apartments above. T. 12, 106. The building is not part of this application, although information on the building was provided for context. A binding element on both alternative FZPs states that the three residential apartments in the mixed use building may fulfill the MPDU requirements for this project, if these are not provided on-site. Exhibits 92(d) and (e). The commercial building proposed has a total of 30 parking spaces, four above the Code requirements. T. 350; Exhibits 92(d) and (e). Because the grade slopes away from Md. 108, the majority of spaces in the mixed use building will be underground. T. 23.

## NECESSARY FINDINGS

Zoning Ordinance §59-7.2.1.E. establishes the “Necessary Findings” the District Council must make for to approve a Floating Zone application. The District Council’s determination on each are set forth below.

### **A. Required “Necessary Findings” (§59-7.2.1.E.2.)<sup>2</sup>**

*For a Floating zone application the District Council must find that the floating zone plan will:*

- a. substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans;*

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<sup>2</sup> One of the required findings applies only where a non-residential zone is sought for property that is currently zoned residential. See, §59-7.2.1.E.2.f. As the Applicant here requests a residential zone, the standard does not apply to this case and is not included in this Resolution.

1. *Land Use Objectives:* The property lies within the area covered by the 1998 *Sandy Spring/Ashton Master Plan* (Master Plan or Plan). It falls within one of two village centers designated in the Plan - the “Ashton Village Center.” The Plan identified the village centers as one of the elements that form the rural character of the larger Sandy Spring/Ashton Area. These centers were to function as “identifiable centers of community activity.” *Plan*, p. 4. The Plan encouraged revitalization and redevelopment of the centers with additional “community-serving” commercial uses on a small scale. It also supported retaining the “low- to moderate” residential density recommended by the 1980 Master Plan. *Plan*, p. 38. The small scale sought by the Plan is defined by urban design guidelines. *Plan*, pp. 31-32. These guidelines seek to create pedestrian connections, place parking out of view, and activate pedestrian and street frontages through front entrances and porches. *Id.* The Plan recommended adoption of an overlay zone that would permit additional flexibility to incorporate these elements in new development. *Id.*

For this property, the Plan recommended development of single-family detached homes at 1.5 to 5 dwelling units per acre in the R-90 Zone. A sliver of the property (in the CRT portion of the site) lies within property identified by the Plan as “Kimball’s Market.” The Plan recommended commercial expansion of Kimball’s Market because it “contributes significantly to the sense of the community and village’s character.” *Plan*, pp. 38-39.

The introduction to the Plan notifies readers that master plans look ahead 20 years but generally need revision in ten years. *Plan*, p. vii. It also warns that, “the original circumstances at the time of plan adoption will change over time, and that the specifics of a master plan may become less relevant as time goes on.” *Id.* The Applicant presented expert testimony that, as the specifics become less relevant, the development should further the Plan’s more general goals for the Ashton Village Center. T. 230.

The District Council must interpret the Plan in the context of the goals it seeks to achieve and the manner in which it defines those goals. The Master Plan envisioned the village centers as to be centers of community activity. *Plan*, p. 4. The rural character of the village centers is based on the “small scale” of development, which is in turn defined by the design guidelines listed by the Plan. These guidelines encourage design of developments that facilitate interaction, or activity, among members of the community.

The District Council concludes that FZP A meets these guidelines, as did Planning Staff and the Hearing Examiner.<sup>3</sup> Rear-loaded parking enables a larger, more useable configuration of open space, which encourages community interaction. Parking in the rear also facilitates active street fronts because entrances and porches face directly on sidewalks, roadways, and open space. FZP A offers a streetscape that will include walkable connections within the development and a pedestrian connection along Md. 108 to other areas of the community, including the mixed-use building.

The interpretation of “low to moderate” density must be read in context with changes that have occurred in the almost 20 years since adoption of the Plan. The density proposed here (i.e.,

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<sup>3</sup> The Hearing Examiner concluded that FZP B (Exhibit 92(e)) did not conform to the Master Plan’s urban design guidelines because the open space is divided and less useable for the community. The District Council agrees for the reasons contained in the Hearing Examiner’s Report.

around 9 units per acre) is now characterized as “low density” under the 2014 Zoning Ordinance. The Master Plan’s recommendation for R-90 Zoning supports a finding that the density proposed by this application fulfills the goals of the Master Plan, given the passage of time. The R-90 Zone is *not* a rural zone. Rather, it is one of the more intense single-family detached zones under both the 2004 and 2014 Zoning Ordinances. Thus, the Plan never envisioned the lowest densities here that are associated with the rural neighborhoods identified elsewhere in the Plan. The area the Plan recommended for the C-1 (commercial/office) Zone on the eastern side of the property has been rezoned to permit mixed use development under the CRT Zone, which may include multi-family units. Exhibit 23, p. 5; *Zoning Ordinance*, §49-4.1.5. These recommendations reinforce that the Plan did not intend a purely rural environment for the village centers.

The Applicant presented expert testimony that the 4-story townhouse is a new building type that meets an evolving market demand and enables better compliance with the Master Plan urban design guidelines. The height of the townhouses are mitigated not only by the design of the development, but by binding elements and the site’s topography. A binding element limits the height of the homes fronting Md. 108 to 35 feet, the maximum permitted in the R-90 Zone. The Applicant presented expert testimony that the property’s slope downward from Md. 108 will make the remaining homes appear to be between 30 and 35 feet in height. T. 259. The Council finds that FZP A conforms to the goals of the Master Plan.

2. *Environmental Objectives:* Environmental goals of the Master Plan encourage “undisturbed and completely forested stream buffers.” *Plan*, p. 67. The FZPs have evolved to balance protection of the stream valley buffer with superior design of the open space. *Compare*, Exhibits 33, 92(d), 92(e). Staff recommended approval of FZP Plan A because it provided more contiguous open space while minimizing encroachments into the higher priority area of the buffer. Exhibit 75(a). The Applicant presented expert testimony that Plan A provides more active recreational space, a better sense of community, and the formal character typical of a traditional village center, fulfill the land use goals of the Master Plan. Mitigation for the encroachment to the east side of the buffer (in Plan A) will likely improve the water quality of the stream. T. 269. The District Council finds that FZP A meets the Master Plan’s environmental goals.

*b. further the public interest;*

The “public interest” refers to the adequacy and connectivity of public facilities, as well as compliance with adopted County plans and policies. *Md. Land Use Code Annot.* §21-101.

The adequacy of road and transit infrastructure is discussed on Page 7 of this Resolution. There is sufficient right-of-way to build a right-turn lane if required by SHA and still provide street improvements, including sidewalk and street trees. T. 255.

Those in opposition presented some evidence that the Applicant’s preliminary stormwater management strategy would not adequately treat stormwater runoff from the site. The strategy initially submitted showed the storm drain connecting to a sewer manhole. Grades to the road containing the stormwater drain went uphill and could use gravitational flow. T. 181, 236, 240-241. Nichols acknowledged that the preliminary strategy incorrectly connected to a manhole, but submitted supplemental evidence that it could connect to a storm drain on Hidden Garden Lane by

placing pipes under the road, if necessary. T. 276; Exhibit 82(a).

The stormwater management concept plan need not be completed at the rezoning stage. The evidence shows that stormwater management can be treated in accordance with current regulations and the overflow may be released to an off-site facility. The District Council finds that there is sufficient evidence at the rezoning stage that public facilities will be adequate to serve the use.<sup>4</sup>

*c. satisfy the intent, purposes, and standards of the proposed zone and requirements of this Chapter;*

The District Council concludes that the application meets the intent, purposes, and standards of the proposed zone and the Zoning Ordinance, for the reasons explained in this Resolution (below) and in the Hearing Examiner's Report.

*d. be compatible with existing and approved adjacent development;*

The Council finds that the 4-story townhouses are a compatible transition between the adjacent single-family detached homes to the west and the commercial uses to the east. The Applicant presented expert testimony that the transition between the single-family homes along the property's western boundary and the townhomes will be compatible because both structures are oriented side to side and separated by a distance of 70-90 feet. T. 54. Binding elements mitigate the difference in height between the detached homes and townhomes. These require Nichols to (1) screen the townhomes from the single-family homes to the west, and (2) limit the height of the townhomes fronting Md. 108 to 35 feet. Townhomes south of those fronting the road will appear to be 30-35 feet high. Nichols presented expert testimony that the proposed mixed-use building on that site will be "contextually similar" to the townhouses.

Many residents expressed concern that traffic from the development would exacerbate delays and hazardous conditions caused by existing queues on Md. 108. Exhibit 80, T. 196, 213-214, 346. T. 196, 213-214, 346. The extended queues combined with the number of unsignalized intersections between Sherwood High School and the Md. 108/New Hampshire Avenue intersection make it difficult to enter and exit Md. 108. The Hearing Examiner found that queues in front of the property do exist and can create problems for residents trying to enter Md. 108.

The Applicant presented expert testimony that the number of vehicle trips generated by the townhouses (excluding the mixed-use building) is so small that its impact on queues would be statistically insignificant. T. 295. During the busiest peak hour, only approximately 4 trips, or one trip every 15 minutes, will be turning left from Md. 108 onto Porter Road. T. 297. Existing evening volumes are 1,300 vehicles in the evening peak hour. T. 295-296. Planning Staff has advised that they will require the Applicant to study the impact of both the residential and commercial portions of the development on eastbound queues at the time of preliminary plan. Exhibit 88. If, as represented by the Applicant, both the commercial and residential portions of

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<sup>4</sup> Uncontroverted evidence establishes that other public facilities (e.g., schools, police, fire, water and sewer) are adequate to support the use and the Council has already concluded that the application substantially conforms to the Master Plan. *Report*, pp. 21-30, 34.

the development are submitted as a single preliminary plan, the application will likely be subject to a full traffic study. Exhibit 92.

At this stage, the record does not contain a systematic analysis of the frequency and duration of the queues or whether there are sufficient gaps to enable traffic to enter Md. 108. *Report*, p. 29. The District Council finds that the Applicant has submitted sufficient evidence that the traffic from the townhomes only will not have a significant impact on existing conditions. The impact of the combined uses will be considered during the preliminary plan when these issues may be comprehensively addressed.

*e. generate traffic that does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts;*

This section requires the District Council to make a preliminary finding that transportation infrastructure will be adequate to support a proposed development. *Zoning Ordinance*, §59-7.2.1.E.2.e. The principal tool used by the County to evaluate the capacity of transportation facilities to handle a proposed development is Local Area Transportation Review ("LATR"). Properties that generate fewer than 50 person trips are exempt from the LATR traffic test. The District Council finds that the application is exempt from LATR review for the reasons stated by the Hearing Examiner.

#### **B. The Intent of the Floating Zones (§59-5.1.2.)**

The application must meet the intent for all floating zones, stated in §59-5.1.2 of the Zoning Ordinance:

- A. Implement comprehensive planning objectives by:*
  - 1. furthering the goals of the general plan, applicable master plan, and functional master plans;*
  - 2. ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master plan, functional master plan staging, and applicable public facilities requirements; and*
  - 3. allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property; and*

The District Council has already found that the proposed development furthers the goals of the Master Plan and is supported by adequate public facilities. The Applicant presented expert testimony that the building type and topography of the site have been used to accomplish the urban design goals recommended by the Master Plan, protect the highest priority area of the stream valley buffer, and provide a right-turn lane (if required) as well as streetscape improvements on Md. 108. The development satisfies this intent.

- B. Encourage the appropriate use of land by:*
- 1. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;*
  - 2. allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and*
  - 3. ensuring that development satisfies basic sustainability requirements including:*
    - a. locational criteria,*
    - b. connections to circulation networks,*
    - c. density and use limitations,*
    - d. open space standards,*
    - e. environmental protection and mitigation; and*

Staff concluded that the application met this intent by providing residential uses within walking distance of the village center and, if developed with the proposed mixed-use building, will serve the multiple needs of Ashton residents. Exhibit 23. The development incorporates newer building typology to introduce pedestrian friendly design and meet sustainability requirements. The District Council agrees with the Hearing Examiner and Staff that the application fulfills this objective for floating zones.

- C. Ensure protection of established neighborhoods by:*
- 1. establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;*
  - 2. providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and*
  - 3. allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.*

The District Council has already found the development to be compatible with adjacent uses through urban design and binding elements that requiring screening and limit height. Additional binding elements limit both the uses and building types that may be developed. The application uses the design flexibility provided by the building type and Sandy Spring/Ashton Overlay Zone to achieve the urban design goals of the Master Plan. The Council finds that this standard has been met, as did the Hearing Examiner.

### **C. Prerequisites for Application (§59-5.1.3)**

Both the Hearing Examiner and Planning Staff concluded that the application meets the prerequisites for a floating zone. *Report*, p. 37-38. The District Council agrees for the reasons stated in the Hearing Examiner's Report.

### **D. Purpose, Land Uses, and Building Types Permitted by the TF 10.0 Zone (Section 59-5.2)**

#### ***Section 5.2.2. Purpose***

*The purpose of Residential Floating Zones is to:*

*A. allow flexibility in residential development, including site layout, lot size, and placement;*

*\* \* \**

*C. provide residential development that is compatible with the surrounding neighborhood.*

FZP A incorporates the flexible standards of the Sandy Spring/Ashton Overlay Zone, building typology, and urban design guidelines of the Master Plan to generate superior site layout. It is compatible with the surrounding area defined by the Hearing Examiner. From the west, the area transitions from institutional uses and larger lot single family residential to two-story townhouses in the PD-5 Zone and smaller residential dwellings in the R-90 Zone. Auto-oriented commercial uses are to the immediate north and east of the property. The height of the townhomes fronting Md. 108 are limited to 35 feet and the remaining homes will appear to be between 30 and 35 feet. Exhibits 92(d) and (e), *Zoning Ordinance*, §4.4.8.B.3. Townhouses already exist in the surrounding area, although not of the same building type. The building type proposed accomplishes many of the Master Plan's guidelines for the village centers by reducing surface parking, consolidating open space, and creating a walkable streetscape along Md. 108, all of which contribute to the compatibility of the proposed development.

#### **E. Development Standards for the TF 10.0 Zone (Section 59.5.2.5)**

The District Council finds that the application meets all of the development standards of the TF 10.0 Zone for the reasons set forth in the Hearing Examiner's Report. *Report*, pp. 39-40.

#### **F. General Requirements (Article 59-6)**

##### *E. General Requirements*

*1. Parking, recreation facilities, screening, and landscaping must be provided under Article 59-6 as required for the Euclidean zone that establishes uses under Section 5.2.3 for each applicable residential or commercial area.*

The residential townhomes have 40 parking spaces in rear-loaded garages and driveways, the minimum required by the Zone. Some in opposition expressed concern that these would be insufficient when townhome residents hosted visitors. The Applicant's experts suggested that overflow parking could be provided through a shared parking agreement with the mixed use building or a pedestrian connection to adjacent property owned by the Applicant on New Hampshire Avenue. The District Council agrees with the Hearing Examiner that the concerns expressed by those in opposition are speculative at the moment. Because the required number of parking spaces have been provided, the Council finds that parking is adequate to serve the use. Other requirements of Article 6 may be met at the time of site plan review.

2. *The floating zone plan may provide for additional parking, open space, recreation facilities, screening, or landscaping or further restrict lighting to allow the District Council to make the necessary findings of approval under Section 7.2.1.*

The FZPs do not provide for overflow parking, although possibilities for doing so were presented at the public hearing.

### **G. Sandy Spring/Ashton Overlay Zone**

The development must meet the purpose and development standards of the Silver Spring/Ashton Overlay Zone. The purpose of the Overlay Zone is to (§59-4.9.14.A):

1. *Preserve and enhance the rural village character of the Sandy Spring and Ashton village centers by ensuring an attractive and traditional pattern of houses, commercial establishments, open spaces and their relationship to roadways.*
2. *Encourage a compatible relationship between new or expanded houses or business and traditional neighboring structures that reflects the best of local village character, particularly in terms of scale, siting, design features, and orientation to the site.*

The Council finds that FZP A fulfills the purposes and meets the development standards of the Overlay Zone. The Applicant presented expert testimony that FZP A created a traditional village center with a design that provided open space, active recreation, a sense of community, and formal character that a traditional village center would have. T. 269. The Applicant's expert in architecture testified the mixed-use building design will be compatible in scale and context with the townhouses. T. 108-110. The record includes uncontroverted evidence that the application meets the development standards of the Overlay Zone. Exhibit 23, pp. 25-30.

### **Conclusion**

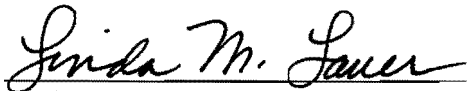
Based on the foregoing analysis, the Hearing Examiner's Report and a review of the entire record, the District Council concludes that the proposed reclassification and development will meet the standards set forth in *2014 Zoning Ordinance* and that it will be consistent with a coordinated and systematic development of the Regional District, as required by the Maryland Land Use Article, Code Ann., § 21-101(a)(4)(i).

### **ACTION**

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland, approves the following resolution:

That Local Map Amendment Application No. H-119, requesting reclassification of five parcels located at 100 Olney Sandy Spring Road, 12 Olney-Sandy Spring Road, and 17825 Porter Road, Sandy Spring, Maryland, in the 8th Election District (Tax Account Numbers 08-00720560, 08-00711190, 08-00720558, 08-00711202, 08-00720718) from the R-90 and CRT C-0.75 R-0.25 H-35 Zones to the TF 10.0 Zone be approved in the amount requested and subject to the specifications and requirements of the Floating Zone Plan A, Exhibit 92(d). The Applicant must submit to the Hearing Examiner for certification a reproducible original and three copies of the Floating Zone Plan approved by the District Council within 10 days of approval.

This is a correct copy of Council action.

A handwritten signature in cursive script that reads "Linda M. Lauer". The signature is written in dark ink and is positioned above the printed name.

Linda M. Lauer, Clerk of the Council

## GENERAL NOTES

1. THE SITE AREA IS 3.04 ACRES.
2. THE SITE IS LOCATED ON WSSC MAP 224NW01.
3. THE SITE IS LOCATED ON TAX MAP GRID JT42.
4. THE SUBJECT PROPERTIES ARE LOCATED ON TAX ASSESSMENT MAP #JT42 WITH TAX ACCOUNT NO'S 08-00720718, 07-00711202, 07-00720560, AND 07-00711190, AND 08-00720558.
5. THE SUBJECT PROPERTY IS ZONED "R-90" AND "CRT-0.75".
6. BOUNDARY AND TOPOGRAPHIC SURVEY WAS CONDUCTED BY VIKI MARYLAND, LLC. ON MAY 23, 2016.
7. THE SUBJECT PROPERTY IS LOCATED IN NORTHWEST BRANCH - RIGHT FORK WATERSHED, A CLASS IV STREAM.
8. THIS SITE IS NOT WITHIN A SPECIAL PROTECTION AREA (SPA) OR PRIMARY MANAGEMENT AREA (PMA).
9. THERE ARE NO WATERS OF THE UNITED STATES LOCATED ON SITE.
10. THE ENTIRE PROPERTY IS SERVED BY PUBLIC WATER. PORTIONS OF THE PROPERTY ARE SERVED BY PUBLIC SEWER SYSTEMS AND ARE CURRENTLY IN SEWER SERVICE CATEGORY S-1. A SEWER SERVICE CATEGORY CHANGE IS PROPOSED FOR THE REMAINDER OF THE PROPERTY.

## DEVELOPMENT PROGRAM

THIS PROJECT WILL BE DEVELOPED IN ONE PHASE.

## BINDING ELEMENTS

The binding elements listed below are applicable to property to be rezoned in LMA NO. H-119.

1. The following uses will be prohibited:  
Group Living  
Cultural Institution  
Golf Course/Country Club  
Community Swimming Pool  
Cable Communications System  
Amateur Radio Facility  
Lawn Maintenance Service  
Railroad Tracks  
Family Day Care, Group Day Care, Day Care Center  
Educational Institution  
Hospital  
Religious Institution

2. Buildings will be limited to townhouse building types and a maximum of 20 townhouses.

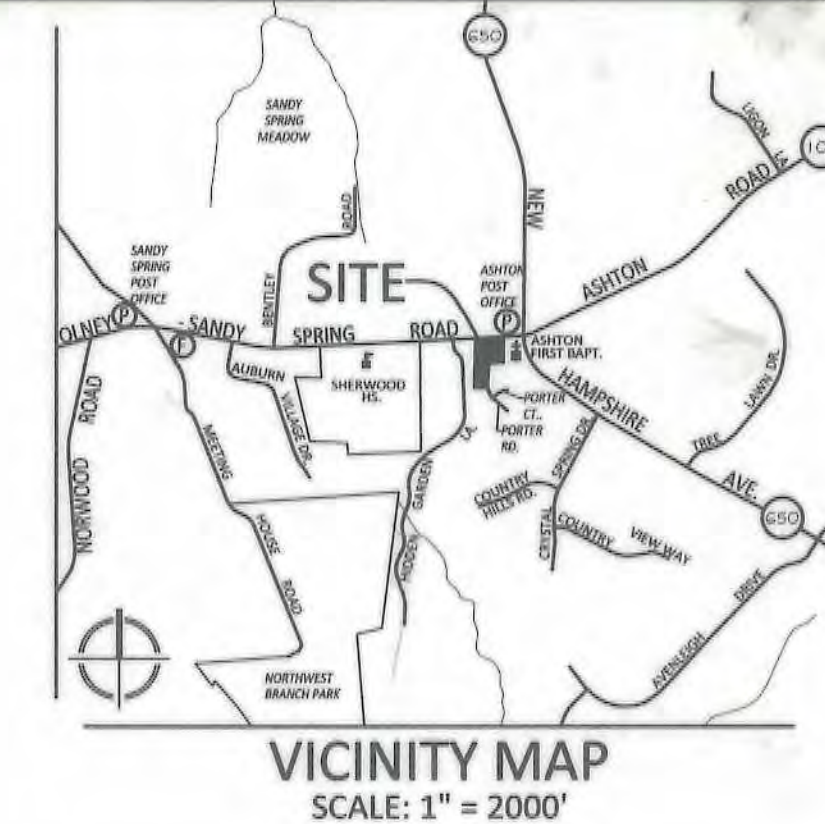
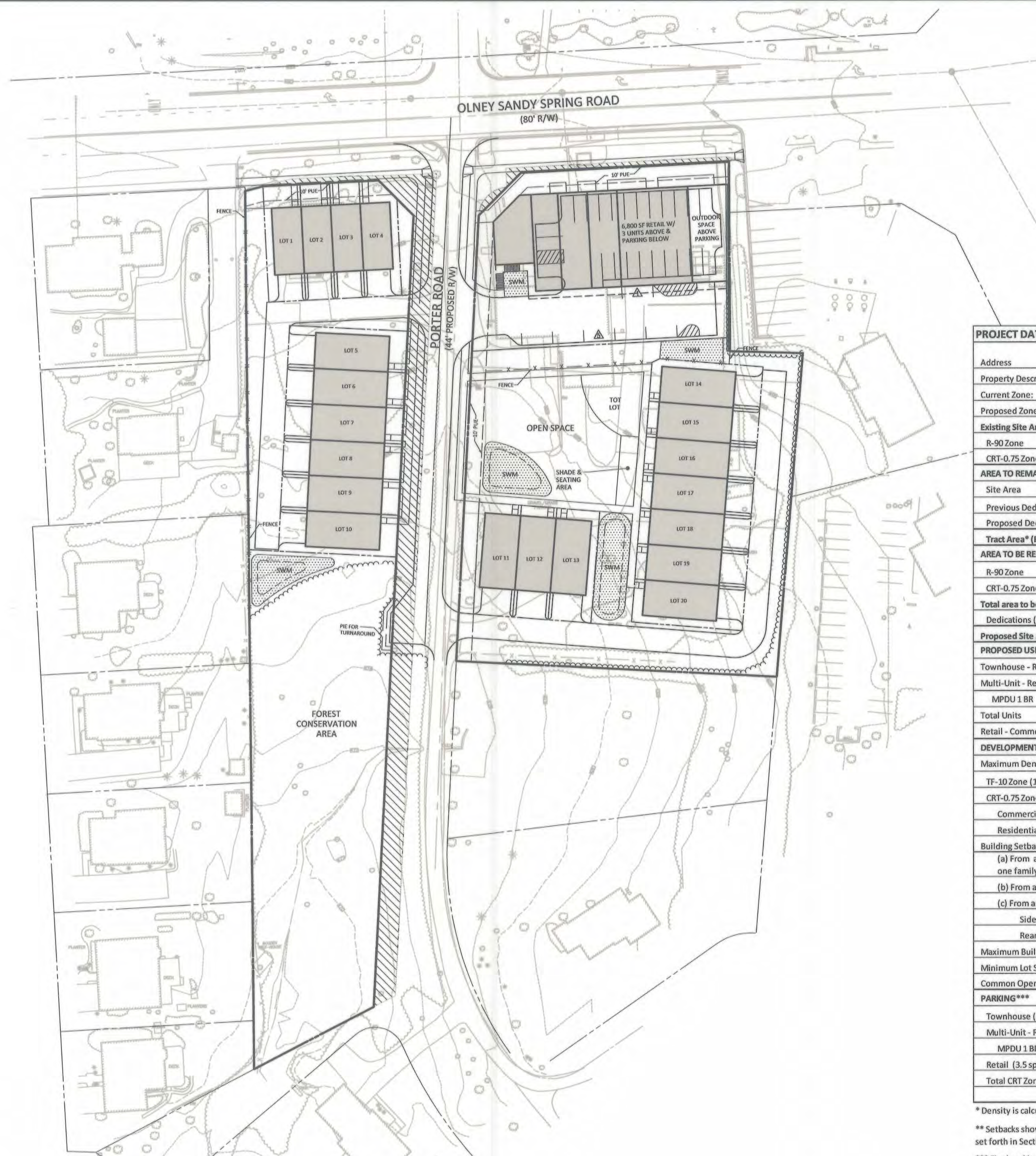
3. Buildings will be limited to a maximum building height of 40 feet and the following minimum setbacks:

From any detached dwelling lot or land classified in a one family detached residential zone (side setback between lot and site boundary)	8 ft.
From any public street	7 ft.
From an adjoining lot	
Side (end unit)	4 ft.
Rear	18 ft.
Rear setback, alley	4 ft.
Rear setback between lot and site boundary	10 ft.

4. The minimum number of parking spaces required in the TF zone will be provided for each townhouse based on final count and type.
5. The required number of Moderately Priced Dwelling Units will be provided either on the property proposed for the TF zone or on the CRT- zoned portion of the site, with the locations to be determined at site plan.
6. Appropriate fencing or landscape screening will be provided at the northwest corner of the site, along the border between the subject property and neighboring homes.
7. The four townhouse units facing MD 108 will be no greater than 35' in height as measured from street grade.

## LEGEND

EXISTING FEATURES	PROPOSED FEATURES
PROPERTY LINES NATURAL GAS CONDUIT WATER LINE SANITARY SEWER STORM DRAIN CONDUIT OVERHEAD WIRES ELECTRICAL CONDUIT TELEPHONE CONDUIT FENCE LINE 10' CONTOUR 2' CONTOUR	LOT LINE PROPOSED DEDICATIONS POTENTIAL STORMWATER MANAGEMENT LOCATIONS STORM DRAIN MANHOLE SANITARY MANHOLE FIRE HYDRANT GAS MANHOLE SIGN POST LIGHT POLE GUY WIRE UTILITY POLE TREE ELECTRICAL MANHOLE



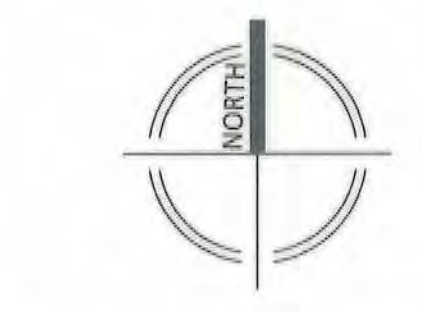
## PROJECT DATA TABLE

Address	Along Porter Road at intersection w/ Olney Sandy Spring Road			
Property Description	Lots 2 & 3, Parcels 393, 395, & 447 / Plat 1438			
Current Zone:	R-90 / CRT-0.75			
Proposed Zone	TF-10 / CRT-0.75			
Existing Site Area	132,566 SF		3.043 AC	
R-90 Zone	86,066 SF		1.976 AC	
CRT-0.75 Zone	46,500 SF		1.067 AC	
AREA TO REMAIN ZONED CRT-0.75				
Site Area	19,765 SF		0.454 AC	
Previous Dedications	8,188 SF		0.188 AC	
Proposed Dedications (Under Future Preliminary Plan)	664 SF		0.015 AC	
Tract Area* (For Density Purposes)	28,617 SF		0.657 AC	
AREA TO BE RE-ZONED TO TF-10	SF		Acres	
R-90 Zone	86,066 SF		1.975 AC	
CRT-0.75 Zone	26,071 SF		0.599 AC	
Total area to be re-zoned (Tract)	112,137 SF		2.574 AC	
Dedications (Under Future Preliminary Plan)	8,523 SF		0.195 AC	
Proposed Site Area	103,614 SF		2.379 AC	
PROPOSED USES				
Townhouse - Residential (in TF-10 Zone)			20 du	
Multi-Unit - Residential (in CRT-0.75 Zone)				
MPDU 1 BR			3 du	
Total Units			23 du	
Retail - Commercial (in CRT-0.75 Zone)			6,800 SF	
DEVELOPMENT STANDARD				
	Permitted / Required		Provided	
Maximum Density*				
TF-10 Zone (10 du/ac)	23.79 du		20 du	
CRT-0.75 Zone (C-0.75, R-0.25)	FAR	SF	FAR	SF
Commercial	0.75	21,463 SF	0.24	6,800 SF
Residential	0.25	7,154 SF	0.09	2,700 SF
Building Setbacks **				
(a) From any detached dwelling lot or land classified in a one family detached residential zone	established by plan		8'	
(b) From any public street	established by plan		7'	
(c) From an adjoining lot				
Side (end unit)	established by plan		4'	
Rear	established by plan		18'	
Maximum Building Height	40'		40'	
Minimum Lot Size	900 SF		900 SF	
Common Open Space (min. 10%)	10,361 SF		10,361 SF	
PARKING***				
	Permitted / Required		Provided	
Townhouse (2 spaces per unit)	40 spaces		40 spaces	
Multi-Unit - Residential (in CRT-0.75 Zone)				
MPDU 1 BR (0.625 spaces per unit)	1.88 spaces		2 spaces	
Retail (3.5 spaces per 1,000 SF)	23.8 spaces		28 spaces	
Total CRT Zone Parking	25.68 spaces		30 spaces	

\* Density is calculated in the TF zone based on site area and in the CRT zone based on tract area.

\*\* Setbacks shown for TF-10 zone only. Proposed development in the CRT zone will meet minimum setbacks as set forth in Section 4.5.3.C

\*\*\* Final parking and the distribution of MPDU's will be determined at site plan. A potential distribution has been used for parking calculations.



SCALE: 1" = 40'

## OFFICE OF ZONING &amp; ADMINISTRATIVE HEARINGS CERTIFICATION

THIS IS A TRUE COPY OF THE FLOATING ZONE PLAN  
(EXHIBIT NUMBER: 92/12) APPROVED BY THE DISTRICT COUNCIL  
ON 12/12/17 BY RESOLUTION NUMBER 18-980  
IN APPLICATION NUMBER LMAH-119  
HEARING EXAMINER  
Lynn A. Roberson  
HEARING EXAMINER'S NAME PRINTED  
DATE 12/17/17



PREPARED FOR:  
NICHOLS  
DEVELOPMENT  
COMPANY  
508 OLNEY SANDY SPRING ROAD,  
SUITE 200  
SANDY SPRING, MD, 20860  
301.924.5258  
MR. TYLER NICHOLS

DESIGN CONSULTANTS

ATTORNEY  
BREGMAN, BERBERT,  
SCWARTZ & GILDAY, LLC  
7315 WISCONSIN AVE.  
SUITE 800 WEST  
BETHESDA, MD, 20814  
240-428-4671  
FRANÇOISE M. CARRIER

PLANNER, CIVIL ENGINEER  
VIKA MARYLAND, LLC  
20251 CENTURY BOULEVARD  
SUITE 400  
GERMANTOWN MD, 20874  
301.916.4100  
JOSHUA SLOAN

## REVISIONS

PER AGENCY COMMENTS	DATE
PER MINCPCC MEETING	4/14/2017
SUBMISSION TO HE	4/21/2017
RE-SUBMISSION TO HE	6/12/2017
SUBMISSION TO HE	9/1/2017
SUBMISSION TO HE	9/25/2017

## PROFESSIONAL SEAL



I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A QUALIFIED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.  
JOSHUA SLOAN, LICENSE NO. 3776  
EXPIRATION DATE 5/13/2018

**PORTER ROAD**  
P393, P447, P395, N417, N445  
SUBDIVISIONS 001 & 0501  
8TH ELECTION DISTRICT  
MONTGOMERY COUNTY,  
MARYLAND  
WSSC GRID: 224NW01  
TAX MAP: JT42

## FLOATING ZONE PLAN A

DRAWN BY: JDC  
DESIGNED BY: JDC  
DATE ISSUED: 03/31/2017  
VIKA PROJECT 50037  
NO.  
SHEET NO. FZP-4



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**Department of Permitting Services**  
**Fire Department Access and Water Supply Comments**

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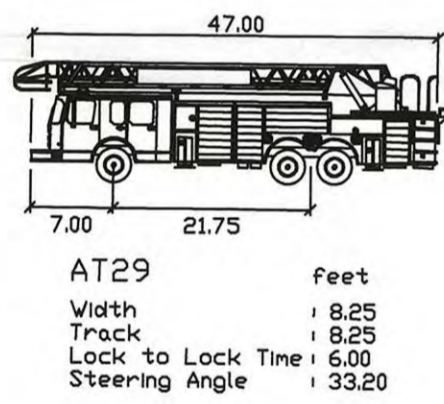
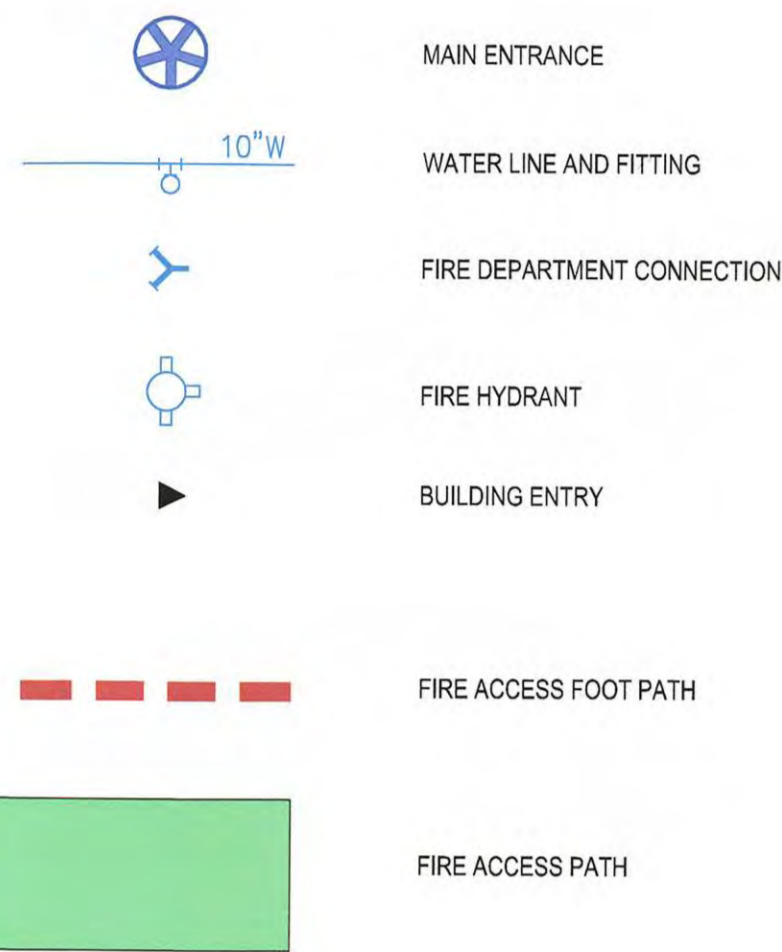
**DATE:** 30-Aug-18  
**TO:** Jagdish Mandavia - mandavia@vika.com  
VIKA, Inc  
**FROM:** Marie LaBaw  
**RE:** Ashton Market  
820180160

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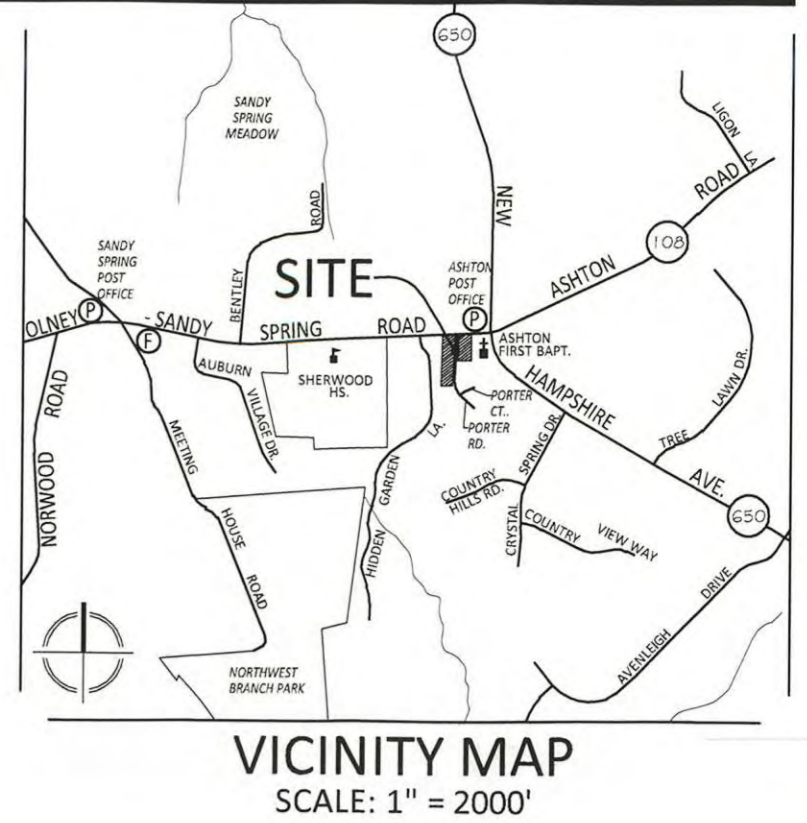
**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **30-Aug-18**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

LEGEND



GENERAL NOTES:  
1. ONE AND TWO-FAMILY DWELLINGS OF THREE (3) STORIES (27' TO HIGHEST SILL, INCLUDING FALSE DORMERS) OR LESS MUST PROVIDE ACCESS TO THE OCCUPIED INTERIOR THROUGH A MAIN SIDE-HINGE DOOR WITHIN 150 FEET OF A FIRE DEPARTMENT ACCESS ROUTE. FOR UNITS OF THREE (3) STORIES OR MORE, ACCESS MUST BE WITHIN (50) FEET OF ACCESS ROUTE.



**Vika**  
ENGINEERS PLANNERS  
LANDSCAPE ARCHITECTS SURVEYORS  
Vika Maryland, LLC  
20251 CENTURY BOULEVARD SUITE 400  
GERMANTOWN, MARYLAND 20874  
PHONE: (301) 916-4100  
FAX: (301) 916-2362  
GERMANTOWN, MD. TYSONS, VA.

PREPARED FOR:  
**NICHOLS  
DEVELOPMENT  
COMPANY**  
508 OLNEY SANDY SPRING ROAD,  
SUITE 200  
SANDY SPRING, MD, 20860  
301.924.5258  
MR. TYLER NICHOLS

DESIGN CONSULTANTS

ATTORNEY  
**BREGMAN, BERBERT,  
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7315 WISCONSIN AVE.  
SUITE 800 WEST  
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240-428-4611  
FRANÇOISE M. CARRIER

PLANNER, CIVIL ENGINEER, LA  
**Vika Maryland, LLC**  
20251 CENTURY BOULEVARD  
SUITE 400  
GERMANTOWN, MD 20874  
301-916-4100  
JOSHUA SLOAN

ARCHITECT  
**EVOLUTIONS DESIGNS**  
12698 SCAGGSVILLE ROAD  
HIGHLAND, MD 20777  
978.234.7592  
COURTENAY WALLACE

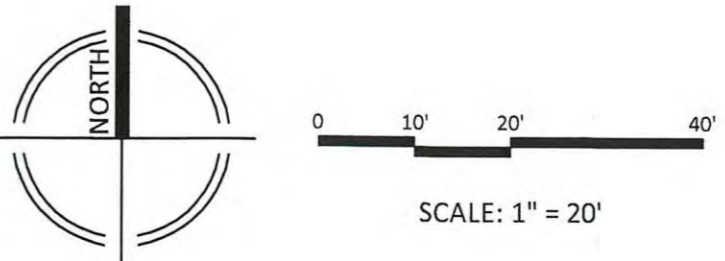
ARCHITECT  
**NVR ARCHITECTURAL  
SERVICES**  
5285 WESTVIEW DRIVE  
SUITE 300  
FREDERICK, MD 21703  
240.405.1900  
DAN SIMON

REVISIONS	DATE
INITIAL SUBMISSION	04/04/18
DRC RESPONSE	07/09/18
REVISED PER COMMENTS	08/13/18
REVISED PER COMMENTS	08/20/18



**ASHTON  
MARKET**  
LOTS 2 & 3, P393, P395, & P447  
PLAT 1438  
SUBDIVISIONS 001 & 0501  
8TH ELECTION DISTRICT  
MONTGOMERY COUNTY,  
MARYLAND  
WSSC GRID: 224NW01  
TAX MAP: JT42

**FIRE CODE ENFORCEMENT**  
Fire Department Access Review  
Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.  
BY: 976 FM: 93 DATE: 8/30/2018



DRAWN BY: JDC  
DESIGNED BY: JS  
DATE ISSUED: 04/04/18  
Vika PROJECT 50037A  
AGENCY NO. 820180160



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

September 28, 2018

Mr. Jagdish Mandavia  
VIKA Maryland, LLC  
20251 Century Blvd. Suite 400  
Germantown, MD 20874

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
The Ashton Market  
Preliminary Plan #: 120180180  
SM File #: 283812  
Total Concept Area: 3.42 ac  
Lots/Block: 2 and 3  
Parcel(s): 393, 395, and 447  
Watershed: Anacostia River

Dear Mr. Mandavia:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via five (5) micro-bioretenention facilities.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Micro-bioretenention facilities designated No. 2 and 3 on the concept plans are designed with an enhanced filter. These planter boxes will be constructed without a bottom and must be designed structurally in order that they can stand on their own without any media inside.
5. Where micro-bioretenention facilities are proposed within 10 feet of a building these must be designed so that they are not a structural component of the building and must include an impermeable liner.
6. The micro-bioretenention facilities will need to be in a stormwater management easement that allows access from public right-of-way.



255 Rockville Pike, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311  
[www.montgomerycountymd.gov/permittingservices](http://www.montgomerycountymd.gov/permittingservices)

Mr. Jagdish Mandavia  
September 28, 2018  
Page 2 of 2

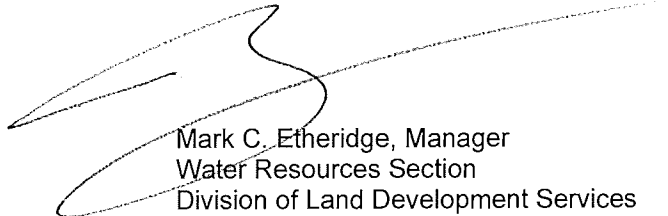
7. The downstream condition will need to be analyzed during the detailed plan review process to demonstrate safe conveyance.

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

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

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

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: jak

cc: N. Braunstein  
SM File # 283812

ESD: Required/Provided 12,550 cf / 12,559 cf  
PE: Target/Achieved: 1.8"/1.8"  
STRUCTURAL: 0.0 cf  
WAIVED: 0.0 ac.



**Sustainable Transportation • Planning • Engineering Solutions, LLC**

6449 Red Keel, Columbia, MD 21044, Suite 100 (410) 718-8660

June 29, 2018

Ms. Laura Hodgson, LEED AP  
Transportation Planner Coordinator  
Montgomery County Planning Department-Planning Area 3  
8787 Georgia Avenue  
Silver Spring, MD 20910

**RE: Ashton Market Gap Study-Olney Sandy Spring Road (MD 108) at Porter Road**

Dear Ms. Hodgson:

This report is in response to your request to prepare a Gap Study on Olney Sandy Spring Road MD 108 at the Porter Road location where the Ashton Market project will gain access. We conducted the study and the results are summarized in this report.

The necessary data required to conduct this study included the following:

1. Conducted traffic counts at the intersection of MD 650 and MD 108 on June 20, 2018.
2. Observed traffic on MD 108 at Porter Road and the traffic entering and exiting Porter Road. The traffic was observed between 7:00-9:15 AM and 5:15-6:45 PM.
3. Traffic entering and exiting Porter Road and their delay were observed. The results are:
  - a) Between 7:00 and 9:15 AM, one vehicle exiting Porter Road turned right with 15 second delay, one with 22 seconds delay, and one went through with 3 seconds delay.
  - b) Between 5:15 and 6:45 PM two vehicles turned left from Porter Road, one with 2 seconds delay and one with 39 seconds delay, one northbound vehicle from Porter Road went through with 17 seconds delay and one vehicle turned left onto Porter Road from MD 108 with no delay. One eastbound vehicle turned right onto Porter Road without any delay. One southbound vehicle went through from the shopping center across the street onto Porter Road with 12 seconds delay.

The purpose of conducting a new traffic counts at the intersection of MD 650 and MD 108 on June 20, 2018 was to compare it to the traffic counts taken on February 13, 2018 in order to determine the effect of schools summer recess on the level of traffic and how that will impact the number and length of the traffic gaps on MD 108. When comparing the two sets of data, the new counts showed total intersection traffic on June 20, 2018 being lower by 6.8% in the AM and 7.4% in the PM Peak hours (during the same PM peak hour of 5:30-6:30). The AM peak hours for both sets of counts were at the same periods (7:45-8:45 AM). However, the June 20, 2018 PM peak hour traffic was between 5:15 and 6:15 vs. February 13, 2018 traffic counts (5:30-6:30).

If the PM peak hour of traffic counts for June 20, 2018 (5:15-5:30 PM) compared to February 13, 2018 (5:30-6:30 PM), it showed an overall intersection traffic being lower only by 3.2%.

In order to replicate a realistic February 18, 2018 peak hour traffic counts, we must compared the two sets



of traffic counts at the same time periods (same AM and PM peak hour periods) for the total eastbound and westbound traffic on MD 108. The results are shown below:

AM Eastbound traffic on MD 108 was 16% lower on June 20, 2018

PM Eastbound traffic on MD 108 was 18% lower on June 20, 2018

AM Westbound traffic on MD 108 was 8% lower on June 20, 2018

PM Westbound traffic on MD 108 was 8% lower on June 20, 2018

In order to compensate for the lower traffic volume in the summer as compared to a typical day when schools are in session, we reduced the length of observed gaps by the highest percentage reduction of 18 percent to determine how reduction in gap time will remove or shorten each intervals and as the result, how many gaps are provided on MD 108 for the traffic to enter and exit Porter Road.

The American Association of State Highway and Transportation Officials (AASHTO) publishes "*A Policy on Geometric Design of Highways and Streets*" where it recommends that for a two-lane highway the following time gaps criteria should be available for traffic to safely enter and exit a minor road. The following gaps are recommended:

- ▶ For a left turn from the major street onto minor street – 5.5 Seconds.
- ▶ For a right turn from minor street onto major street – 6.2 Seconds.
- ▶ For a left /through movements from minor street onto major street – 7.1 Seconds.

As mentioned before, in order to compensate for the lower volume of traffic in the summer time, we reduced the gap times we observed by the same percentage of lower traffic in June vs. February counts. Accordingly, after reduction of gap time, we removed any gap times that would be below the minimum standard established in the AASHTO publications (as shown above) and only counted the gap times (with factored in percentage of reduction in gap time) that still provide for the minimum required times that at least one movement can be accommodated, meaning any gap times with at least 5.5 seconds were included in the study and the rest of the gaps were eliminated. The result of reduced gap times (starting with 7-8 seconds in the raw data attached at end of this report) and number of intervals for the AM and PM peak hours are shown in Table 1 and 2 respectively.

**Table 1 Adjusted Gap Time-AM Peak**

Time	5.74-6.56 Second	7.38-8.2	9.02-9.84	10.66-11.48	12.3-13.12	13.94-14.76	15.58-16.4	17.22-18.04	18.86-19.68	20.5-21.32	22.14-22.96	>23.78	Total Int.
7:45 AM	4	4	7	3	2	1	2	1	2	1	0	1	28
8:00 AM	4	5	3	4	3	1	3	2	1	0	0	1	27
8:15 AM	6	3	2	0	1	0	2	3	0	1	0	1	19
8:30 AM	5	6	4	3	2	1	0	0	0	0	1	1	23
<b>Total</b>	<b>19</b>	<b>18</b>	<b>16</b>	<b>10</b>	<b>8</b>	<b>3</b>	<b>7</b>	<b>6</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>97</b>



Table 2 Adjusted Gap Time-AM Peak

Time	5.74-6.56 Second	7.38-8.2	9.02-9.84	10.66-11.48	12.3-13.12	13.94-14.76	15.58-16.4	17.22-18.04	18.86-19.68	20.5-21.32	22.14-22.96	>23.78	Total Int.
5:30 PM	8	3	1	1	2	1	0	0	0	0	0	1	17
5:45 PM	4	2	3	2	2	2	2	0	0	1	0	0	18
6:00 PM	10	2	1	3	0	0	1	0	1	0	0	0	18
6:15 PM	12	10	6	4	3	4	1	3	0	1	1	1	46
Total	34	17	11	10	7	7	4	3	1	2	1	2	99

The summary of study results showing available gaps are in Table 3.

TABLE 3 Available Gaps for Entering and Exiting Porter Road

Available Gaps	AM Peak Hour	PM Peak Hour
Left Turn From MD 108 onto Porter Road >5.5 Seconds	97	99
Right Turn From Porter Road >6.2 Seconds	78+	78+
Left Turn From Porter Road >7.1 Seconds	78	65

It is important to note that in many of the gaps that are longer than the minimum required timing that is shown in the above table, can accommodate more than one car to entering or exiting Porter Road. For example; at the maximum gap size of 24.36 seconds in the AM peak hour (occurred four times) and 23.78 seconds in the PM peak hour (occurred two times) more than three or four cars can enter and exit at each of those occurrences. Based on the data collected, It means that on average, the majority of traffic exiting or entering Porter Road will not experience more than a few seconds of delay; although our observation revealed one vehicle in 3 hours and 30 minutes of AM and PM peak periods that was delayed 39 seconds to make a left turn, but all others had no delay or a few seconds of delay to make the turn.

Considering the minimal traffic using Porter Road at the present time and the proposed project adding a relatively few trips, available gaps provided are adequate and safe for the traffic entering and exiting Porter Road without too much delay. This study indicates that there will not be any queuing issue for the westbound traffic on MD 108 due to vehicles turning left onto Porter Road or those on Porter Road trying to exit the site.

We believe this study will address the questions and concerns raised by the Planning staff regarding availability of gap time for traffic to safely and efficiently enter and exit Porter Road.

Please feel free to call me if you have any questions.

Sincerely,

Shahriar Etemadi, PTP  
Principal




### Gap Counts-June 20, 2018

Start Time	5-6 Sec.	7-8 Sec.	9-10 Sec.	11-12 Sec.	13-14 Sec.	15-16 Sec.	17-18 Sec.	19-20 Sec.	21-22 Sec.	23-24 Sec.	25-26 Sec.	27-28 Sec.	>29 Sec.	Int. Total
7:00 AM	17	15	4	3	3	4	2	1	4	1	3	0	3	60
7:15	16	15	12	3	3	6	1	1	1	1	1	2	1	63
7:30	7	2	7	5	5	4	0	0	2	1	0	1	0	34
<b>Total</b>	<b>40</b>	<b>32</b>	<b>23</b>	<b>11</b>	<b>11</b>	<b>14</b>	<b>3</b>	<b>2</b>	<b>7</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>324</b>
7:45	10	4	4	7	3	2	1	2	1	2	1	0	1	38
8:00	10	4	5	3	4	3	1	3	2	1	0	0	1	37
8:15	15	6	3	2	0	1	0	2	3	0	1	0	1	34
8:30	12	5	6	4	3	2	1	0	0	0	0	1	1	35
<b>Total AM Peak</b>	<b>47</b>	<b>19</b>	<b>18</b>	<b>16</b>	<b>10</b>	<b>8</b>	<b>3</b>	<b>7</b>	<b>6</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>144</b>
8:45	15	5	5	4	4	3	2	1	0	0	0	0	0	39
9:00	13	5	3	5	2	1	1	0	2	0	1	0	0	33
9:15	19	8	4	4	4	1	1	1	1	0	0	0	0	43
<b>Total</b>	<b>47</b>	<b>18</b>	<b>12</b>	<b>13</b>	<b>10</b>	<b>5</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>115</b>
5:15 PM	12	8	3	1	1	2	1	2	0	0	1	0	0	31
5:30	16	8	3	1	1	2	1	0	0	0	0	0	1	33
5:45	12	4	2	3	2	2	2	2	0	0	1	0	0	30
6:00	12	10	2	1	3	0	0	1	0	1	0	0	0	30
6:15	19	12	10	6	4	3	4	1	3	0	1	1	1	65
<b>Total PM Peak</b>	<b>59</b>	<b>34</b>	<b>17</b>	<b>11</b>	<b>10</b>	<b>7</b>	<b>7</b>	<b>4</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>158</b>
6:30	25	15	8	9	10	3	7	3	0	1	2	1	0	148




# Sustainable Transportation • Planning • Engineering Solutions, LLC

6449 Red Keel, Columbia, MD 21044, Suite 100 (410) 718-8660

Start Date:		Wednesday June 20, 2018												
Intersection # 1:		New Hampshire Avenue (MD 650) and Olney/Sandy Spring Road (MD 108)												
Weather:		Sunny and warm												
	New Hampshire Ave. (MD 650) Northbound			New Hampshire Ave. (MD 650) Southbound			Olney/Sandy Spring Rd (MD 108) Westbound			Olney/Sandy Spring Rd (MD 108) Eastbound			Total	Heavy
Start Time	L	T	R	L	T	R	L	T	R	L	T	R		
6:30 AM														
6:45 AM														
7:00 AM	15	25	13	12	77	17	26	63	1	7	87	14	357	19
7:15 AM	21	44	8	7	104	17	16	109	2	2	88	25	443	18
7:30 AM	24	16	17	4	91	15	20	84	4	4	93	24	396	16
07:45 AM	28	23	10	6	115	12	19	109	2	5	111	26	466	17
8:00 AM	16	35	10	5	103	13	17	125	2	4	98	28	456	15
8:15 AM	32	29	6	8	89	11	15	124	6	9	117	20	466	11
8:30 AM	26	40	13	6	103	14	33	118	1	3	87	28	472	21
8:45 AM	35	37	15	8	71	19	19	120	1	11	91	35	462	17
9:00 AM	30	26	12	10	68	20	23	81	5	9	67	20	371	13
9:15 AM														
Peak Hour														
7:45-8:45	102	127	39	25	410	50	84	476	11	21	413	102	1860	54
4:00 PM														
4:15 PM														
4:30 PM														
4:45 PM														
5:00 PM														
5:15 PM	38	104	28	8	52	8	14	97	7	15	123	39	533	14
5:30 PM	33	112	33	11	49	14	20	124	34	16	104	10	560	9
5:45 PM	41	86	30	3	47	15	10	109	4	15	125	21	506	7
6:00 PM	30	85	24	6	48	12	14	79	4	15	125	21	463	8
6:15 PM	33	84	16	2	37	5	10	95	6	17	106	33	444	9
6:30 PM	37	47	13	6	55	15	6	69	4	10	79	22	363	9
6:45 PM														
Peak Hour														
5:30-6:30	142	387	115	28	196	49	58	409	49	61	477	91	2062	38



Start Date:		Tuesday February 13, 2018												
Intersection # 1:		New Hampshire Avenue (MD 650) and Olney/Sandy Spring Road (MD 108)												
Weather:		Partly Sunny												
	New Hampshire Ave. (MD 650) Northbound			New Hampshire Ave. (MD 650) Southbound			Olney/Sandy Spring Rd (MD 108) Westbound			Olney/Sandy Spring Rd (MD 108) Eastbound			Total	Heavy
Start Time	L	T	R	L	T	R	L	T	R	L	T	R		
6:30 AM	13	13	2	8	71	9	7	32	1	2	43	12	213	10
6:45 AM	23	38	9	7	62	6	11	46	0	6	73	17	298	15
7:00 AM	28	45	6	7	82	9	19	75	0	6	61	16	354	11
7:15 AM	26	24	17	4	71	12	12	101	3	4	64	15	353	18
7:30 AM	48	24	4	6	87	27	24	108	3	6	74	35	446	32
07:45 AM	78	9	2	6	106	46	23	124	0	13	83	42	532	27
8:00 AM	45	30	6	8	104	37	28	111	0	17	105	43	534	18
8:15 AM	30	31	4	9	108	14	25	72	4	15	101	55	468	21
8:30 AM	37	11	8	12	114	10	26	79	1	8	120	36	462	19
8:45 AM	19	23	9	6	103	11	21	94	2	18	85	28	419	15
9:00 AM	32	16	9	13	103	15	22	95	2	6	104	27	444	14
9:15 AM	19	18	8	7	62	11	15	81	1	8	76	21	327	17
Peak Hour 7:45-8:45	190	81	20	35	432	107	102	386	5	53	409	176	1996	85
4:00 PM	27	100	8	10	44	14	19	78	4	22	99	35	460	20
4:15 PM	34	86	11	7	37	5	8	79	2	39	108	53	469	18
4:30 PM	41	96	10	5	36	15	37	82	3	20	87	37	469	20
4:45 PM	25	99	10	10	37	4	20	72	2	22	89	43	433	12
5:00 PM	27	91	6	7	59	15	12	94	6	15	118	39	489	15
5:15 PM	37	103	13	7	47	12	12	99	4	28	92	36	490	8
5:30 PM	57	81	19	8	33	8	8	109	9	30	131	37	530	9
5:45 PM	46	85	27	8	47	15	11	116	5	24	128	50	562	3
6:00 PM	27	118	18	6	54	11	15	110	7	27	99	30	522	7
6:15 PM	30	96	26	4	44	16	16	95	5	23	123	38	516	6
6:30 PM	42	86	12	8	21	7	14	97	12	13	109	34	455	4
6:45 PM	48	96	17	8	30	11	18	96	7	16	44	33	424	4
Peak Hour 5:30-6:30	160	380	90	26	178	50	50	430	26	104	481	155	2130	25

August 24, 2018

Mr. Shahriar Etemadi-  
STS Consulting  
6449 Red keel, Suite 100  
Columbia, MD 21044

Dear Mr. Etemadi,

Thank you for the opportunity to review the Traffic Impact Study (TIS) prepared by STS Consulting, dated March 10, 2018, for the **(Ashton Market development – 18APMO020XX)** in Montgomery County, Maryland. The State Highway Administration (SHA) review is complete and we are pleased to respond.

- Proposed development to be located on Olney Sandy Spring Road (MD 108) along Porter Road will include 20 Townhomes, 3 apartment units and 6,800 square feet of commercial use.
- The following intersections were analyzed under existing, background and future conditions:
  - MD 108
  - MD 650
- The report concludes that the study intersections will continue to operate at acceptable levels of service under future conditions.

Based on the information provided, please address the following comments in a point-by-point response:

**Travel Forecasting and Analysis Division (Scott Holcomb):**

1. TFAD previously commented that the intersection of MD 108 and Porter Road be included in the analyses as it essentially acts as the main access into the site. The applicant stated that this intersection should not be included as it was not part of the scope approved by the County. We respectfully disagree with the scope but will defer to the District 3 Access Management and Traffic offices to the necessity of addressing this intersection given the relatively low volume for the development.
2. TFAD agrees with the responses to the other previous comments.

**Traffic Development & Support Division (Ahmad Sheikh Yusif):**

1. Please note that TDSD had reviewed the TIS resubmittal for the above-mentioned project and we offer no further comments for the Ashton Market development. If you have any questions or concerns, please let me know.

**District 3 Traffic Comments (Derek Gunn):**

1. Our office recommends shortened cycle lengths at the MD 108 at MD 650 intersection to create more gap opportunities for Porter Road users and the developer should consider installing signage and appropriate pavement markings (i.e. Do Not Block Intersection, etc.) to ensure safe ingress and egress at the site location.
2. Based upon field observations, *removing or relocating the trees and vegetation along MD 108* that are obstructing the intersection sight distance.

The SHA concurs with the report findings for this project as currently proposed and will not require the submission of any additional traffic analyses. However, an access permit will be required for all construction within the SHA right of way. Please submit one (1) set of the proposed improvement plans (including a set of hydraulic plans and computations) and a CD containing the plans and all supporting documentation to the Access Management Division at 9300 Kenilworth Avenue, Greenbelt, MD 20770, attention of Mr. Kwesi Woodroffe. For electronic submissions create an account with our new online system <https://mdotsha.force.com/accesspermit>. Please reference the SHA tracking number on any future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. Please note, if this project has not obtained an SHA access permit and begun construction of the required improvements within five (5) years of this approval, extension of the permit shall be subject to the submission of an updated traffic impact analysis in order for SHA to determine whether the proposed improvements remain valid or if additional improvements will be required of the development.

Shahriar Etemadi  
18APMO020XX  
Page 3 of 3  
08/24/18

If you have any questions, or require additional information, please contact Mr. Kwesi Woodroffe at 301-513-7347, by using our toll free number (in Maryland only) at 1-800-749-0737 (x7347), or via email at [kwoodroffe@sha.state.md.us](mailto:kwoodroffe@sha.state.md.us) or [shaamdpermits@sha.state.md.us](mailto:shaamdpermits@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Andre Futrell', with a stylized flourish at the end.

Andre Futrell,  
District Engineer, District 3, SHA

AF/ar

cc:

Jamie Chapman (VIKA)-[chapman@vika.com](mailto:chapman@vika.com)  
Rola Daher (OPPE - TFAD)  
Jack Goode (D3 - Traffic - PG Co.)  
Derek Gunn, Acting ADE Mo Co., District #3 – Traffic  
Laura Hodgson (Montgomery Planning)  
Scott Holcomb (TFAD - MO Co.)  
Tyler Nichols (Nichols Contracting)- [tnichols@nicholscontracting.com](mailto:tnichols@nicholscontracting.com)  
Errol Stoute (OOTS - TDSD)  
William Stroud (OOTS - TDSD)  
Oscar Yen (OOTS - TDSD)



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

**OFFICE OF THE CHAIR**

May 30, 2017

Ms. Lynn Robeson  
Office of Zoning and Administrative Hearings  
Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

**SUBJECT: Local Map Amendment H-119: Porter Road**  
Request for a reclassification of 2.57 acres of land from R-90 and CRT C-0.75 R-0.25 H-35 to TF-10 (Townhouse Floating) zone.

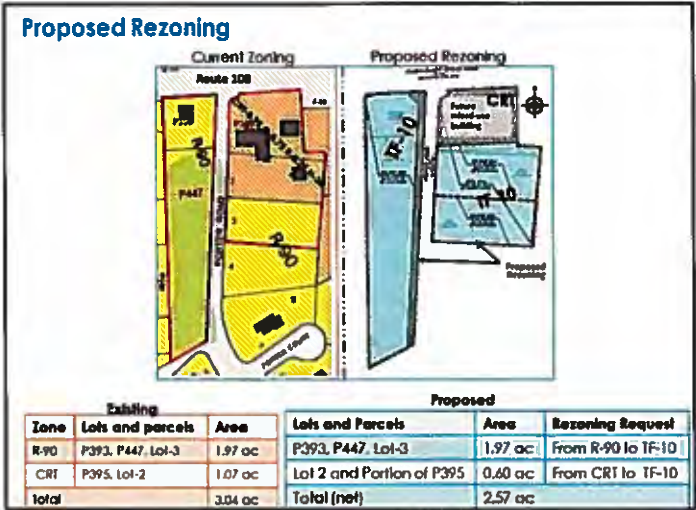
Dear Ms. Robeson:

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission reviewed Local Map Amendment (LMA) Application H-119 and its accompanying Floating Zone Plan at our regularly scheduled meeting on Thursday, May 25, 2017. The Planning Board unanimously recommended approval of Local Map Amendment H-119 and the associated Floating Zone Plan.

The Applicant, Nichols Development Company, LLC seeks rezoning of 2.57 acres of land from the R-90 and CRT zones to the TF-10 zone for development of 20 townhouses as part of a development that includes a mixed-use commercial/residential building on the adjoining 0.47 acre of land. The portion of the 3.04-acre overall development site on which the mixed-use building will be placed is not part of the proposed rezoning, however, it is discussed in the requested rezoning review for contextual purposes.

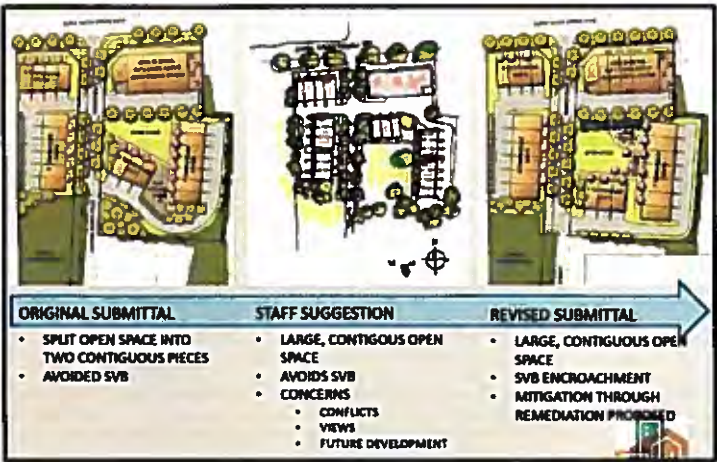
The Board agreed with the Technical Staff's findings that the proposed development meets all applicable standards of the Townhouse Floating (TF) Zone and complies with the purpose clause of the Townhouse Floating Zone; furthers the goals of *the 1998 Sandy Spring Master Plan*; and satisfies the intent statement and necessary findings for a rezoning to the TF-10 Zone.

Figure 1



The Planning Board had an extensive discussion on alternative site designs that will be part of the analysis of the proposal at subsequent regulatory reviews. The Applicant’s original submittal, Staff’s suggested alternative, and the Applicant’s revised submittal were looked at to try to determine which would best address concerns regarding encroachment into the stream valley buffer, right-of-way improvements and circulation as well as possibilities of maximizing open-space. The Board noted that the zoning review stage does not allow for in-depth analysis of environmental, transportation and design issues, and that the design layout will be evaluated in more detail at Preliminary Plan and Site Plan review when details of the project will be further developed and refined.

Figure-2: Considerations for Upcoming Regulatory Reviews



Ms. Lynn Robeson  
May 30, 2017  
Page Three

The Planning Board adopted the findings and recommendations that may be found in the staff report including staff's recommendation for the Applicant to proffer the following binding element:

*Binding Element*

*The maximum number of townhouses on the Subject Property will not exceed 20.*

On a motion made by Commissioner Norman Dreyfuss, and seconded by Commissioner Natali Fani-Gonzalez, with Commissioner Gerald R. Cichy, Vice-Chair Marye Wells-Harley, and Chair Casey Anderson in agreement, the Planning Board, by a vote of 5 to 0, recommended that Local Map Amendment H-119 be approved.

If you have any questions, please contact Elsabett Tesfaye at (301) 495-1301 or [elsabett.tesfaye@montgomeryplanning.org](mailto:elsabett.tesfaye@montgomeryplanning.org).

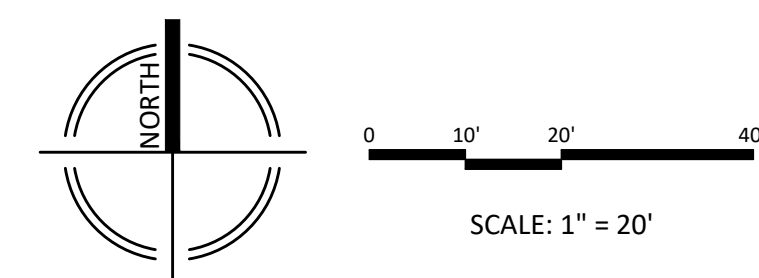
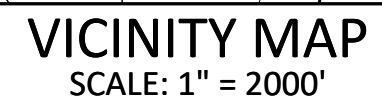
Sincerely,



Casey Anderson  
Chair

cc: Martin L Grossman, Director, Office of Zoning and Administrative Hearings  
Elsabett Tesfaye, Planner Coordinator, Area 3, M-NCPPC

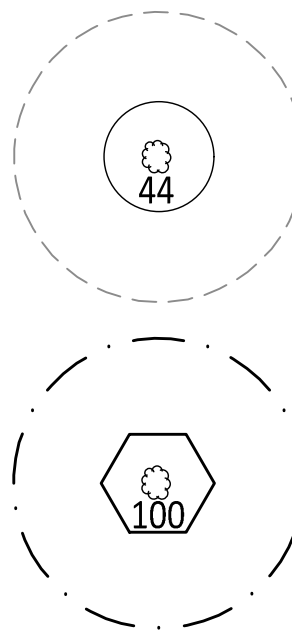
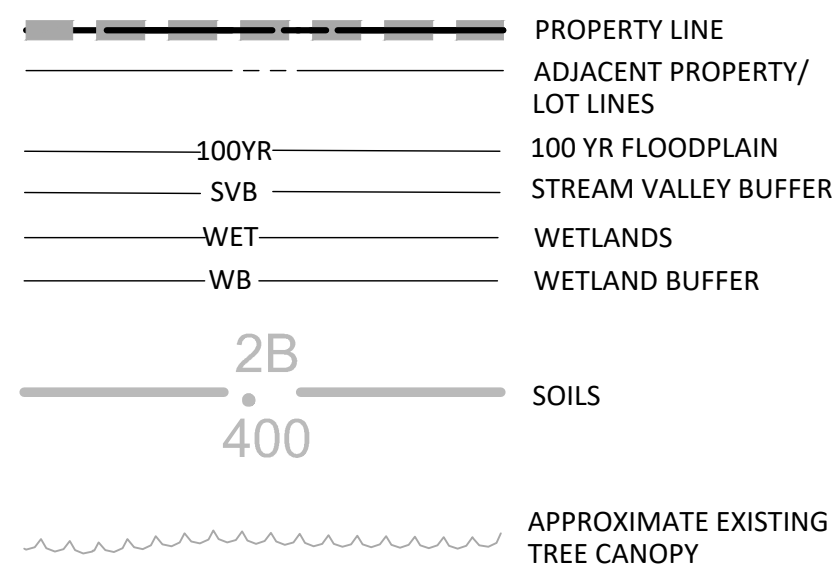
Attachment: Technical staff report



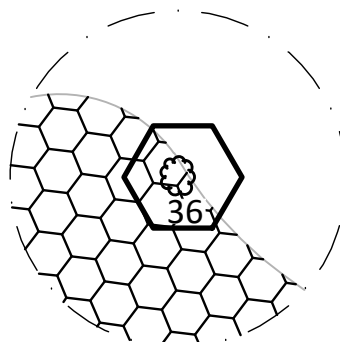
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

LAYOUT: FFCP 200. Plotted By: OBrien

## LEGEND



EXISTING SIGNIFICANT  
TREE 24-29.5" DBH W/  
CRITICAL ROOT ZONE  
(CRZ) SHOWN



EXISTING SPECIMEN  
TREE W/CRZ IMPACT  
SHOWN FOR WHICH A  
TREE VARIANCE  
REQUEST TO IMPACT  
OR REMOVE THE TREE  
HAS BEEN SUBMITTED



INLET PROTECTION

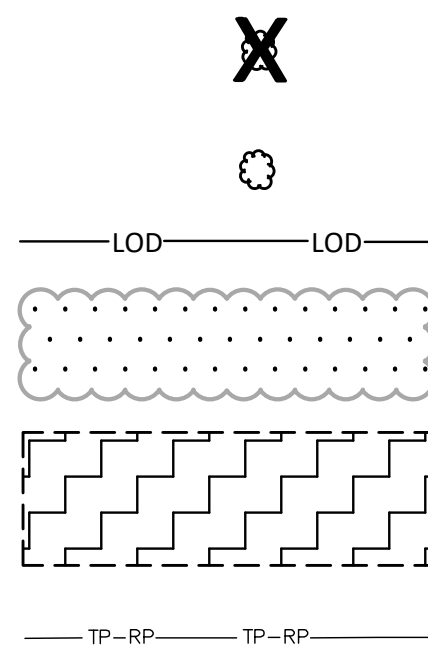
INLET PROTECTION

STABILIZED  
CONSTRUCTION ENTRANCE

REMOVABLE PUMPING STATION

PROPOSED NEW PAVING  
INFILTRATION TRENCH

DRY WELL



EXISTING TREE TO  
BE REMOVED

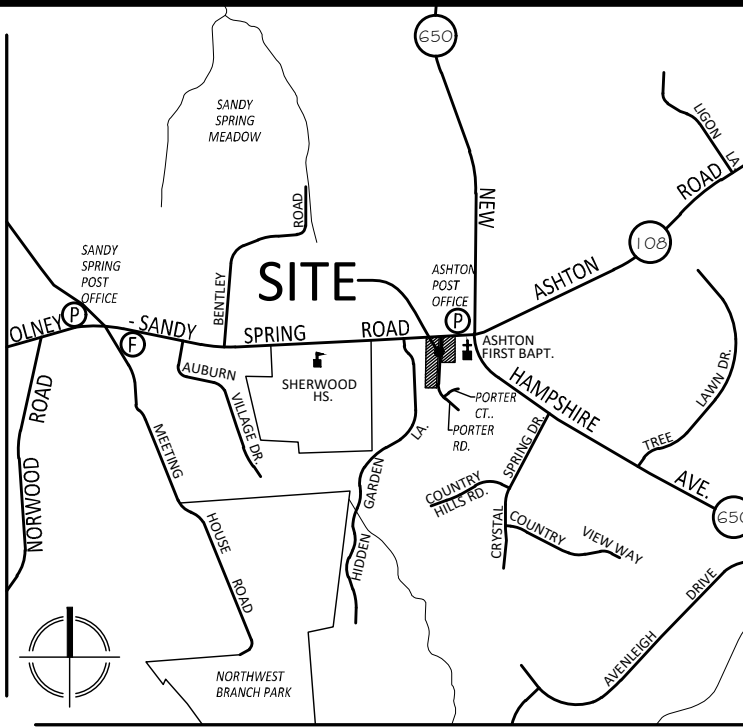
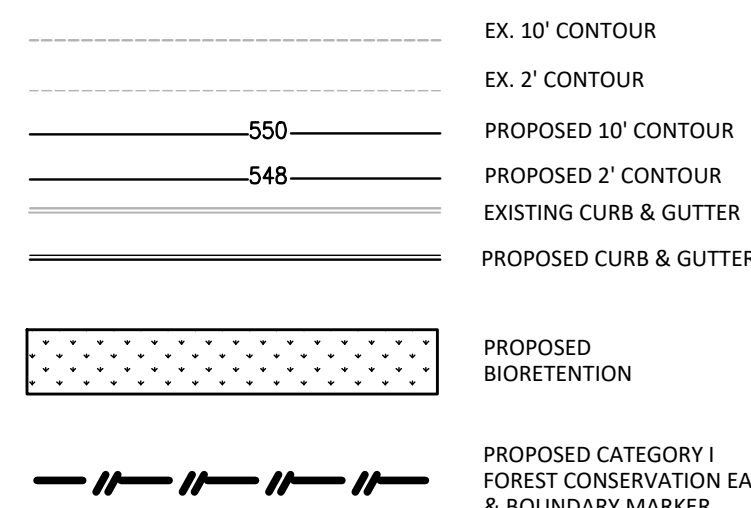
EXISTING TREE ≤ 24" DBH

### LIMITS OF DISTURBANCE

EXISTING TREE FOREST LINE

EXISTING FOREST TO BE  
REMOVED

ROOT PRUNING TRENCH AT CONSTRUCTION  
TREE PROTECTION FENCE W/SIGNS; AT LOD,  
SHOWN OFF-SET FOR CLARITY



VICINITY MAP  
SCALE: 1" = 2000'



ENGINEERS PLANNERS  
LANDSCAPE ARCHITECTS SURVEYORS  
VIKA MARYLAND, LLC  
20251 CENTURY BOULEVARD SUITE #400  
GERMANTOWN, MARYLAND 20874  
PHONE: (301) 916-4100  
FAX: (301) 916-2262  
GERMANTOWN, MD. TYSONS, VA.

PREPARED FOR:  
NICHOLS  
DEVELOPMENT  
COMPANY  
508 OLNEY SANDY SPRING ROAD,  
SUITE 200  
SANDY SPRING, MD, 20860  
301.924.5258  
MR. TYLER NICHOLS

## DESIGN CONSULTANTS

ATTORNEY  
BREGMAN, BERBERT,  
SCWARTZ & GILDAY, LLC  
7315 WISCONSIN AVE.  
SUITE 800 WEST  
BETHESDA, MD, 20814  
240-428-4671  
FRANÇOISE M. CARRIER

PLANNER, CIVIL ENGINEER, LA  
VIKA MARYLAND, LLC  
20251 CENTURY BOULEVARD  
SUITE 400  
GERMANTOWN, MD 20874  
301.916.4100  
JOSHUA SLOAN

**ARCHITECT**  
**EVOLUTIONS DESIGNS**  
12698 SCAGGSVILLE ROAD  
HIGHLAND, MD 20777  
978.234.7592  
COURTENAY WALLACE

**ARCHITECT**  
**NVR ARCHITECTURAL**  
**SERVICES**  
5285 WESTVIEW DRIVE  
SUITE 100  
FREDERICK, MD 21703  
240.405.1900  
DAN SIMON

REVISIONS	DATE
INITIAL SUBMISSION	04/04/18
DRC RESPONSE	07/09/18
REVISED PER COMMENTS	08/13/18
REVISED PER COMMENTS	08/20/18
REVISED PER COMMENTS	10/16/18

PROFESSIONAL SEAL

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULICENSED PROFESSIONAL ISA CERTIFIED ARBORIST AND REGISTERED LANDSCAPE ARCHITECT, UNDER THE LAWS OF THE STATE OF MARYLAND.

Douglas L. Kooser, RLA  
ISA Arborist Certificate No. MA-4521-A

ASHTON  
MARKET

LOTS 2 & 3, P393, P395, & P447  
PLAT 1438  
SUBDIVISIONS 001 & 0501  
8TH ELECTION DISTRICT  
MONTGOMERY COUNTY,  
MARYLAND  
WSSC GRID: 224NW01  
TAX MAP: JT42

# FINAL FOREST CONSERVATION PLAN

DRAWN BY: DLK  
DESIGNED BY: DLK  
DATE ISSUED: 01/01/10

VIKA PROJECT	50037A
AGENCY NO.	820180160

SHEET NO. FFCP 201

LAYOUT: FFCP 201. Plotted By: QBrian



April 4, 2018

July 9, 2018

Area 3 Division  
Montgomery County Planning Department  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

**Re: Forest Conservation Tree Variance Request  
Ashton Market  
Preliminary Forest Conservation Plan 120180180  
VIKA # VM50037A**

Dear Ms. Kishter:

On behalf of our client, Nichols Development Company, we are submitting this Tree Variance Request to comply with Natural Resources, Title 5, Section 5-1607 of the Maryland Code that requires the Applicant to file for a variance to remove or impact any tree greater than 30" in diameter-at-breast-height (dbh); any tree with a dbh equal to or greater than 75% of the current state champion; trees that are part of a historic site or associated with a historic structure; any tree designated as the county champion tree; and any tree, shrub, or plant identified on the rare, threatened or endangered list of the U.S. Fish and Wildlife Service of the Maryland Department of Natural Resources, if a project did not receive Preliminary Forest Conservation Plan Approval prior to October 1, 2009.

This Tree Variance Request is accompanying the submission of Preliminary Forest Conservation Plan 120180180. NRI 420170860 was approved 03/15/2017.

The 3.04-acre Property is in Olney, Montgomery County, Maryland. It is currently developed with commercial and residential uses and surface parking facilities. It is generally bounded by Olney-Sandy Spring Road (Maryland Route 108) to the north, retail and gas station to the east, residential buildings to the south and east. The proposed mixed-use project on Porter Road at its intersection with Olney Sandy Spring Road in Ashton, Maryland. The project will enliven the Ashton Village Center, in keeping with the vision of the applicable master plan, while remaining consistent with the rural village character of the area. The project will replace dilapidated structures and undeveloped land with a modest mixed-use building containing approximately 6,800 square feet of retail/service space on the ground floor and three apartment-style rental living units on the second floor, as well as 20 townhouses and associated common open space. It will also preserve valuable stream valley buffer in a forest conservation easement, while taking steps to improve the health of the on-site spring.

This request proposes allowing impact to seventeen (17) specimen trees with seven (7) specimen trees to be preserved and removal of ten (10) specimen trees.

Table 1 on the following page lists the Variance specimen trees as they are identified on the Preliminary Forest Conservation Plan and provides their respective proposed impacts.

**VIKA Maryland, LLC**

20251 Century Boulevard, Suite 400 • Germantown, Maryland 20874 • 301.916.4100 Fax 301.916.2262  
Tysons, VA • Germantown, MD • Washington, DC  
[www.vika.com](http://www.vika.com)

**Table 1**

TREE NO.	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)*	CONDITION	CRZ (SF)	CRZ IMPACT (SF)	CRZ IMPACT %	DISPOSITION
<b>ON-SITE TREES (TAGGED)</b>								
41	Fraxinus americana	White Ash	35	Good	8,659	8,659	100.00	REMOVE
42	Fraxinus americana	White Ash	36	Good	9,161	9,161	100.00	REMOVE
43	Acer rubrum	Red Maple	36	Fair/Good	9,161	9,161	100.00	REMOVE
47	Fraxinus americana	White Ash	44.5	Fair	13,998	13,998	100.00	REMOVE
50	Juglans nigra	Black Locust	31.5	Fair/Good	7,014	7,014	100.00	REMOVE
51	Liriodendron tulipifera	Tulip Poplar	41	Fair/Good	11,882	11,882	100.00	REMOVE
54	Liriodendron tulipifera	Tulip Poplar	31	Fair	6,793	6,793	100.00	REMOVE
106	Liriodendron tulipifera	Tulip Poplar	30.5	Good	6,576	6,576	100.00	REMOVE
<b>OFF-SITE TREES</b>								
65	Liriodendron tulipifera	Tulip Poplar	33	Good	7,698	7,698	100.00	REMOVE
100	Quercus rubra	No. Red Oak	30	Good	6,362	521	8.19	SAVE
101	Quercus rubra	No. Red Oak	51	Good	18,385	4,444	24.17	SAVE
102	Juglans nigra	Black Walnut	32	Good	7,238	24	0.33	SAVE
107	Liriodendron tulipifera	Tulip Poplar	38.5	Good	10,477	4,845	46.24	REMOVE
108	Liriodendron tulipifera	Tulip Poplar	31	Fair	6,793	617	9.08	SAVE
113	Quercus palustris	Pin Oak	38.5	Good	10,477	3,776	36.04	SAVE
117	Liriodendron tulipifera	Tulip Poplar	31.5	Good	7,014	386	5.50	SAVE
120	Liriodendron tulipifera	Tulip Poplar	38	Fair/ Good	10,207	106	1.04	SAVE

\*DIAMETER AT BREAST HEIGHT

The Assessment was performed by Nina Paterno during a site visit in March of 2016. A visual at-grade-level inspection with no invasive, below grade, or aerial inspections was performed for each tree. Decay or weakness may be hidden out of sight for large trees.

**1. Tree # 41: 35" White Ash (Fraxinus americana):** Tree #41 is located near Olney-Sandy Spring Road.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Extensive at 100% as the tree lies entirely within the project limits of disturbance for the construction
- **Disposition:** Tree #41 is specified to be removed.



2. **Tree # 42: 36" White Ash (*Fraxinus americana*):** Tree #42 is located between an existing shed and existing restaurant parking lot.
  - **Field Condition:** Good
  - **Proposed CRZ Impact:** Extensive at 100% as the tree lies entirely within the project limits of disturbance for the construction
  - **Disposition:** Tree #42 is specified to be removed.
3. **Tree # 43: 36" Red Maple (*Acer rubrum*):** Tree #43 is located near an existing building.
  - **Field Condition:** Fair/Good
  - **Proposed CRZ Impact:** Extensive at 100% as the tree lies entirely within the project limits of disturbance for the construction
  - **Disposition:** Tree #43 is specified to be removed.
4. **Tree # 47: 36" White Ash (*Fraxinus americana*):** Tree #47 is located within the existing forest close to Porter Road.
  - **Field Condition:** Fair
  - **Proposed CRZ Impact:** Extensive at 100% as the tree lies entirely within the project limits of disturbance for the construction
  - **Disposition:** Tree #47 is specified to be removed.
5. **Tree # 50: 31.5" Black Locust (*Robinia pseudoacacia*):** Tree #50 is located within the existing forest.
  - **Field Condition:** Fair/Good
  - **Proposed CRZ Impact:** Extensive at 100% as the tree lies entirely within the project limits of disturbance for the construction
  - **Disposition:** Tree #50 is specified to be removed.
6. **Tree # 51: 41" Tulip Poplar (*Liriodendron tulipifera*):** Tree #51 is located within the existing forest.
  - **Field Condition:** Fair
  - **Proposed CRZ Impact:** Extensive at 100% as the tree lies entirely within the project limits of disturbance for the construction
  - **Disposition:** Tree #51 is specified to be removed.
7. **Tree # 54: 31" Tulip Poplar (*Liriodendron tulipifera*):** Tree #54 is located within the existing forest.
  - **Field Condition:** Fair
  - **Proposed CRZ Impact:** Extensive at 100% as the tree lies entirely within the project limits of disturbance for the construction
  - **Disposition:** Tree #54 is specified to be removed.
8. **Tree # 106: 30.5" Tulip Poplar (*Liriodendron tulipifera*):** Tree #106 is located within the existing forest.
  - **Field Condition:** Good
  - **Proposed CRZ Impact:** Extensive at 100% as the tree lies entirely within the project limits of disturbance for the construction
  - **Disposition:** Tree #106 is specified to be removed.
9. **Tree # 65: 33" Tulip Poplar (*Liriodendron tulipifera*):** Tree #65 is a street tree located outside of the project site along Porter Road.



- **Field Condition:** Good
  - **Proposed CRZ Impact:** Extensive at 100% as the tree will be impacted due to disturbance for the construction of the proposed sewer line.
  - **Disposition:** Tree #65 is specified to be removed.
10. **Tree # 100: 30" Northern Red Oak (*Quercus rubra*):** Tree #100 is located outside of the project site between existing driveways.
- **Field Condition:** Good
  - **Proposed CRZ Impact:** Minimal at 8.19% as the tree will be impacted due to disturbance for the construction.
  - **Disposition:** Tree #100 is specified to be saved.
11. **Tree # 101: 51" Northern Red Oak (*Quercus rubra*):** Tree #101 is located outside of the project site between existing driveways.
- **Field Condition:** Good
  - **Proposed CRZ Impact:** Extensive at 24.17% as the tree will be impacted due to disturbance for the construction.
  - **Disposition:** Tree #101 is specified to be saved.
12. **Tree # 102: 32" Black Walnut (*Juglans nigra*):** Tree #102 is located outside of the project site between existing driveways.
- **Field Condition:** Good
  - **Proposed CRZ Impact:** Minimal at 0.33% as the tree will be impacted due to disturbance for the construction.
  - **Disposition:** Tree #102 is specified to be saved.
13. **Tree # 107: 38.5" Tulip Poplar (*Liriodendron tulipifera*):** Tree #107 is a tree located outside of the project site along a residential driveway.
- **Field Condition:** Good
  - **Proposed CRZ Impact:** Extensive at 46.24% as the tree will be impacted due to disturbance for the construction of the proposed sewer line.
  - **Disposition:** Tree #107 is specified to be removed.
14. **Tree # 108: 31" Tulip Poplar (*Liriodendron tulipifera*):** Tree #108 is a tree located outside of the project site along a residential driveway.
- **Field Condition:** Fair
  - **Proposed CRZ Impact:** Minimal at 9.08% as the tree will be impacted due to disturbance for the construction of the proposed sewer line.
  - **Disposition:** Tree #108 is specified to be saved.
15. **Tree # 113: 38.5" *Quercus palustris* (*Quercus palustris*):** Tree #113 is a tree located outside of the project site along a residential driveway.
- **Field Condition:** Good
  - **Proposed CRZ Impact:** Extensive at 36.04% as the tree will be impacted due to disturbance for the construction of the proposed sewer line.
  - **Disposition:** Tree #113 is specified to be saved.



**16. Tree # 117: 31.5" Tulip Poplar (*Liriodendron tulipifera*):** Tree #117 is a tree located outside of the project site within the residential subdivision

- **Field Condition:** Good
- **Proposed CRZ Impact:** Minimal at 5.50% as the tree will be impacted due to disturbance for the construction of the proposed sewer line.
- **Disposition:** Tree #117 is specified to be saved.

**17. Tree # 120: 38" Tulip Poplar (*Liriodendron tulipifera*):** Tree #120 is a tree located outside of the project site within the residential subdivision

- **Field Condition:** Fair/Good
- **Proposed CRZ Impact:** Minimal at 1.04% as the tree will be impacted due to disturbance for the construction of the proposed sewer line.
- **Disposition:** Tree #120 is specified to be saved.

#### **Justification Narrative for Tree Disturbance**

We submit the following rationale in support of the request for a Forest Conservation Tree Variance:

The 3.04-acre property is located near Olney-Sandy Spring Road in Olney, Montgomery County, Maryland. The proposed project will consist of mixed-use development with retail, townhouses, and multi-unit residential buildings. The property was rezoned through sectional map amendment H-116 to the CRT zone. The Applicant proposes to build a two-story mixed-use building with on-site parking, 6,800 square feet of retail/services on the ground floor, and three rental apartments on the second floor, as well as 20 rear-loaded townhouses and associated common open space. Based on pre-filing discussions with the Department of Housing and Community Affairs, the Applicant anticipates that the three multi-family units will be provided as Moderately Priced Dwelling Units ("MPDUs"). One of these units is planned to have two bedrooms and the other two will each have one bedroom. The project will be built in a single phase and is proposed to proceed under the standard method of development.

The site is currently developed with single family residential homes and a restaurant. The proposed Preliminary Plan will allow for mixed-use redevelopment and 20 townhomes which will provide additional housing for the area, including 12.5% MPDUs.





For approval, the Variance Request must:

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and
4. Provide any other information appropriate to support the request.

We submit the following rationale in support of the request for a Forest Conservation Tree Variance:

1. The requested tree variance is necessary for implementation of this mixed-use residential and townhome project. There is an approved NRI for the site and redevelopment is proceeding through the development approval process with the submission of the Preliminary Plan. Not granting the requested variance is an unwarranted hardship because of the layout necessary to implement a design that is congruent to the zoning and recommendations approved through the County planning process. There are seventeen (17) variance trees impacted or removed by the proposed residential and commercial redevelopment for which the Preliminary Plan has been submitted for approval. Strict protection of all variance trees would deprive the Applicant from making any significant changes to the site due to their location and the extent of their critical root zone. Because of the location and dispersal of the trees throughout the Property, and the extent of their critical root zones, the inability to remove the Subject Trees would prevent the Applicant from making any significant changes to the site or developing the Property in a manner that is consistent with the Master Plan.
2. Based on the existing and recently approved zoning, the master plan recommendations generally related to the creation of an urban village in Ashton, and the regulatory standards for development applicable to such sites, enforcement of the variance rules would deprive the landowner of rights commonly enjoyed by others. To maintain as much protected stream valley buffer as possible, but implement the necessary and required infrastructure, several trees are impacted or removed. These impacts have been minimized by clustering development and locating it away from the buffer, but can't be avoided completely. If this variance was rejected, the property owner would not be able to develop their property even to the minimum zoning standards and would, thus, be unjustly deprived their basic land rights.
3. To address water quality issues and ensure water quality standards will be upheld, the proposed development will provide stormwater management where none currently occurs and mitigate impacts through significant planting. The stormwater management for the site will be designed per the Environmental Site Design (ESD) to the maximum extent practicable (MEP). There are no existing stormwater management facilities on site. The proposed development includes five (5) micro bio-retention facilities that will collect and treat run-off. No structural facilities were proposed to supplement the ESD requirement because of the large stream valley buffer. To further maintain water quality a substantial number of new street trees and on-site deciduous and understory trees are being planted. These will capture, filter, and reduce the quantity and velocity of run-off.
4. A significant redesign of the site is proposed with the revised submittal. This reduces impacts to the SVB – removing all private drives and buildings – and moves the required vehicular turn-around to the south of the existing spring and stream. In all, the project is designed to balance the natural and recreational amenities of the site. The project will enliven the Ashton Village Center, in keeping with the vision of the applicable master plan, while remaining consistent with the rural village character of the area. The project will replace dilapidated structures and undeveloped land with a modest mixed-use building containing approximately 6,800 square feet of retail/service space on the ground floor and three apartment-style rental living units on the second floor, as well as 20 townhouses and associated common open space. It will also preserve



valuable stream valley buffer in a forest conservation easement, while improving the health of the spring through storm water management, pervious buffers, and new plantings.

Thank you for your consideration of this Tree Variance Request. We believe that the supporting information provided with this letter justifies the variance to remove ten (10) specimen trees and allow limited impact to seven (7) specimen trees to be preserved. If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further.

Sincerely,  
**VIKA Maryland, LLC.**

*Joshua C. Sloan, RLA, ASLA, AICP, LEED AP ND, SITES AP  
Vice President & Director of Planning & Landscape Architecture*

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DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

Clarence J. Snuggs  
Director

September 11, 2018

Mr. Jonathan Casey  
Area 3 Division  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Ashton Market  
Preliminary Plan No. 120180180  
Site Plan No. 820180160

Dear Mr. Casey:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plans and recommends Approval.

Sincerely,

Lisa S. Schwartz  
Senior Planning Specialist

cc: Jamie Chapman, VIK A Maryland, LLC  
Françoise Carrier, Bregman, Berbert, Schwartz & Gilday, LLC

S:\Files\recurring\Housing\MPDU\Developments\Ashton Market (aka Porter Road)\Ashton Market DHCA Letter\_9-11-2018.docx

Division of Housing

Affordable Housing

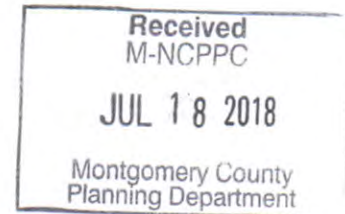
Common Ownership Communities

Landlord-Tenant Affairs

Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)

July 16, 2018



Mr. J. Bernard Nebel  
Mrs. Carole S. Nebel  
17707 Country Hills Road  
Ashton, MD 20861

Jonathan Casey  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, 20910

Dear Mr. Casey:

We are the owners of the property located at 17707 Country Hills Road in Ashton, Maryland. Fred Nichols of Nichols Development approached us in June to ask whether we would be willing to allow a public path through our property to connect Porter Road with Hidden Garden Lane, as part of his new project on Porter Road. We informed Mr. Nichols at that time, that we would be opposed to a public path crossing through our property.

Sincerely,

A handwritten signature in blue ink that reads "Carole S. Nebel".

Carole S. Nebel

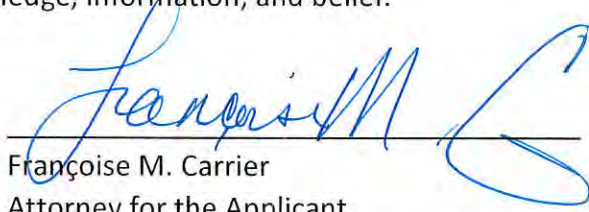
AFFIDAVIT OF COMMUNITY MEETING

1. I hereby certify that Nichols Development Company conducted a pre-submission community meeting on Wednesday, January 24, 2018, at 7:00 p.m., at the Ross Boddy Community Center, 18529 Brooke Road, Sandy Spring, Maryland in advance of filing preliminary plan and site plan applications for the Ashton Market project at the intersection of Olney Sandy Spring Road and Porter Road in Ashton, Maryland.
2. I hereby affirm that the community meeting was noticed and conducted in accordance with the requirements of the Montgomery County Zoning Code and the Montgomery County Planning Board's Development Review Manual.

I, Françoise M. Carrier, swear and affirm under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief.

Date:

Feb. 9, 2018

  
\_\_\_\_\_  
Françoise M. Carrier  
Attorney for the Applicant  
BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

STATE OF MARYLAND

\*

\*

to Wit:

\*

COUNTY OF MONTGOMERY

On this 9 day of Feb., 2018, before me, the undersigned officer, personally appeared, Françoise M. Carrier, known to me (or satisfactorily proven) to be the person whose name subscribed to the within instrument, and having been properly authorized, executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF, I hereunder set my hand and official seal.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 08/14/2018

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

ATTORNEYS AT LAW  
7315 WISCONSIN AVENUE  
SUITE 800 WEST  
BETHESDA, MARYLAND 20814-3244  
TELEPHONE: (301) 656-2707 FACSIMILE: (301) 961-6525

[www.bregmanlaw.com](http://www.bregmanlaw.com)  
Françoise M. Carrier [fcARRIER@bregmanlaw.com](mailto:fcARRIER@bregmanlaw.com)

January 8, 2018

*Via First Class Mail*

Dear Neighbor,

Nichols Development Company invites you to attend a Preliminary Plan and Site Plan Pre-Application Meeting to review plans for the future development of The Ashton Market. The project is located on approximately three acres of land at the intersection of Olney Sandy Spring Road and Porter Road in Ashton, about 370 feet west of the intersection of Olney Sandy Spring Road and New Hampshire Avenue. As you may be aware, approximately two acres of the property were recently rezoned to the TF 10 zone (Townhouse Floating zone, maximum density ten units per acre) by unanimous vote of the Montgomery County Council. The remaining half-acre portion of the property is zoned CRT-0.75, C-0.75, R-0.25, H-35 (Commercial Residential Town zone, maximum floor area ratio 0.75).

Nichols Development Company plans to file Preliminary Plan and Site Plan applications in the next few weeks for approval of a mixed-use building with 6,800 square feet of ground-floor retail space with on-site parking and three second-floor apartments, 20 townhouses and associated common open space, and a stream valley buffer/forest conservation area.

In compliance with the County's zoning ordinance, this meeting will be held to share the plans for this project with you. At this meeting, the applicant will describe the proposal and answer any questions you may have. The meeting will be held at the **Ross Boddy Community Center, 18529 Brooke Road, Sandy Spring, on Wednesday, January 24, 2018 from 7:00 to 8:00 p.m.** RSVPs are appreciated, but not required. You may email your RSVPs to [pmackel@nicholscontracting.com](mailto:pmackel@nicholscontracting.com) or call (240)324-9850.

To find out more about the development review process, please contact the Montgomery County Planning Department at 301-495-4610 or visit its website at [www.montgomeryplanning.org](http://www.montgomeryplanning.org).

We look forward to meeting with you on January 24.

Sincerely,



Françoise M. Carrier

**Abutting and Confronting Property Owners Invited to Community Meeting Held January 24, 2018 for The Ashton Market**

Parcel Tax No.	Owner Name (First)	Owner Name (Second)	Address Line 1	Address Line 2	City	State	Zip
2564466	HESTER SETH W & D D		17901 ASHTON CLUB WAY		ASHTON	MD	20861
2564295	RESIDENT		17941 ASHTON CLUB WAY		ASHTON	MD	20861
	RAPTIS ATHANASIOS K & A A		19205 OLNEY MILL ROAD		OLNEY	MD	20832-1261
2564284	RESIDENT		17945 ASHTON CLUB WAY		ASHTON	MD	20861
	VPC TWO CORPORATION	STACY L. SPANN, RESIDENT AGENT	10400 DETRICK AVENUE		KENSINGTON	MD	20895
2564273	GUZMAN MARIA TERESA	SNAVELY JULIE L	17947 ASHTON CLUB WAY		ASHTON	MD	20861
2564262	THOMAS EUGENIA M		17949 ASHTON CLUB WAY		ASHTON	MD	20861
2564251	PRAUSER MONICA E		17951 ASHTON CLUB WAY		ASHTON	MD	20861-9721
2564240	DAVIS MICHAEL L CO TRUSTEE	KANE DAVIS PATRICIA A CO TRUSTEE	17953 ASHTON CLUB WAY		ASHTON	MD	20861-9721
3028773	ROMANS SUSAN K		17801 HIDDEN GARDEN LANE		ASHTON	MD	20861
3028751	KUCHINSKI JOHN M &	NICOLE L WOLANSKI	17809 HIDDEN GARDEN LANE		ASHTON	MD	20861-3621
3028762	CROMPTON PETER D & LIAHONA L		17805 HIDDEN GARDEN LANE		ASHTON	MD	20861-3621
3028625	SCHWAM MICHAEL E	SCHWAM ERIN M	17813 HIDDEN GARDEN LANE		ASHTON	MD	20861-3621
3028614	WARSAW LEWIS & R L		17817 HIDDEN GARDEN LANE		ASHTON	MD	20861-3621
	NICHOLS MANAGEMENT, INC.		17830 NEW HAMPSHIRE AVENUE		ASHTON	MD	20861
701043	PMIG MD 085 LLC		17840 NEW HAMPSHIRE AVENUE		ASHTON	MD	20861
	PMIG MD 085 LLC		2359 RESEARCH COURT		WOODBIDGE	VA	22192-2457
2493803	ASHTON VILLAGE LIMITED PARTNERSHIP		17900 NEW HAMPSHIRE AVENUE		ASHTON	MD	20861
	ASHTON VILLAGE LIMITED PARTNERSHIP		704 CLOVERLY STREET		SILVER SPRING	MD	20905
706683	FIRST BAPTIST CHURCH OF ASHTON		2 PORTER COURT		ASHTON	MD	20861
	FIRST BAPTIST CHURCH OF ASHTON		P.O. BOX 136	17826 NEW HAMPSHIRE AVENUE	ASHTON	MD	20861
718896	MEYER FREDERICK W & T D		3 PORTER COURT		ASHTON	MD	20861
	MEYER FREDERICK W & T D		P.O. BOX 123		ASHTON	MD	20861-0123
701486	BERKHEIMER DAVID M & SL		4 PORTER COURT		ASHTON	MD	20861
701497	SCOVILLE STEPHEN E		17810 PORTER ROAD		ASHTON	MD	20861
3028603	NORRIS PETER M &	NIEN-TZU LO	106 OLNEY SANDY SPRING ROAD		ASHTON	MD	20861-3608
3028591	JALALI KUCHAK K & I K		108 OLNEY-SANDY SPRING ROAD		ASHTON	MD	20861
	SARAH HILL DYE, ESQ.	CARNEY, KELEHAN, BESLER, BENNETT & SCHERR, LLP	10715 CHARTER DRIVE	SUITE 200	COLUMBIA	MD	21044

Association Code	Association Name	Position	Name	Address 1	City	State	Zip
CA0472	Ashton Oaks Homeowners Assn.	President	Philip Wilkerson	18411 New Hampshire Ave.	Ashton	MD	20861
HO0845	Ashton Village Homeowners Assn.	MTM Mgmt. Associates	Evelyn Arillo	12 Orin Club Drive	Ashton	MD	20861
CA1236	Bentley Road Civic Assn.		Fran Hayward	18010 Bentley Road	Sandy Spring	MD	20860
CA1236	Bentley Road Civic Association	President	Robin Ziek	18000 Bentley Road	Sandy Spring	MD	20860
CW6786	East County Citizens Advisory Board	Chair	Peter Myo Khin	3300 Briggs Chaney Road	Silver Spring	MD	20904
CA1398	Greater Ashton Civic Association		Jennifer Fajman	17922 Pond Road	Ashton	MD	20861
CW3450	Montgomery County Civic Federation	President	Jim Zepp	P.O. Box 1123	Bethesda	MD	20827-1123
CW3450	Montgomery County Civic Federation	President	Jim Zepp	10602 Lockridge Drive	Silver Spring	MD	20901
CW6785	Montgomery County Renters Alliance Inc.	Chair	Hermoine Freeman	P.O. Box 7773	Silver Spring	MD	20907-7773
CW6785	Montgomery County Renters Alliance Inc.	Executive Director	Matthew Losak	1001 Spring Street, Ste. 316	Silver Spring	MD	20910
CW0969	Montgomery County Taxpayers League	President	Joan Fidler	P.O. Box 532	Glen Echo	MD	20812
CW0969	Montgomery County Taxpayers League	President	Joan Fidler	7400 Pyle Road	Bethesda	MD	20817
CW1135	Montgomery Preservation, Inc.	President (At-Large)	Eileen McGuckian	P.O. Box 4661	Rockville	MD	20849-4661
CW1135	Montgomery Preservation, Inc.	Director	Judith Christensen	6 Walker Avenue	Gaithersburg	MD	20877
CW0683	Northern Montgomery County Alliance	Chair	Julius Cinque	22300 Slidell Road	Boyds	MD	20841
CA0841	Olney Transportation Coalition	Chairman	Louis Iaquina	3416 Olandwood Court, Ste.	Olney	MD	20832
CA1382	Sandy Spring Ashton Rural Preservation Consortium	Chair	Michelle Layton	17905 Ednor View Terrace	Ashton	MD	20861
CA0357	Sandy Spring Civic Assn.	President	Phyllis Carroll	P.O. Box 205	Sandy Spring	MD	20860
CA0357	Sandy Spring Civic Assn.	Resident Agent	Robin Ziek	18000 Bentley Road	Sandy Spring	MD	20860
CA0867	Sharpe St. United Meth. Ch. Comm. Assn.	Contact	Joseph Stull	13828 Liberty Road	Mount Airy	MD	21771
HO0902	Spring Lawn Farm Homeowners Assn.	President	Kathleen Wheeler	P.O. Box 263	Ashton	MD	20861
CA1313	Washington Metro Area Transit Authority	Managing Director, Planning	Shyam Kannan	600 Fifth Street NW	Washington	DC	20001
HO1189	Wyndcrest Homeowners Assn. Inc.	President	Arnold Mahachek	17812 Hidden Garden Lane	Ashton	MD	20861
HO1189	Wyndcrest Homeowners Assn., Inc.	Community Services Assn.	Debbie Loso	18401 Woodfield Road, Ste.	Gaithersburg	MD	20879
	Orchards of Sandy Spring Homeowners Association, Inc.		c/o SFMC, Inc.	12084 Cadet Court	Manassas	VA	20109

**Ashton Market**  
**Preliminary Plan and Site Plan Applications**  
**Pre-Submission Community Meeting**  
**Kennedy-Shriver Aquatic Center**  
**5900 Executive Boulevard, North Bethesda, MD**  
**February 5, 2018, 7:30 p.m.**

**SIGN-IN SHEET – PLEASE PRINT**

<b>Name</b>	<b>Address including email</b>	<b>Would you like to be a party of record?</b>
<b>Phyllis White</b>	16815 Lehigh Drive Sandy Spring, MD 20860 <a href="mailto:phyllistaylorwhite@hotmail.com">phyllistaylorwhite@hotmail.com</a>	yes
<b>Bill Tate</b>	1704 Gamewell Road Silver Spring, MD 20905	yes
<b>Richard Banvard</b>	17530 New Hampshire Avenue Ashton, MD 20861	No
<b>Peter Austin</b>	P.O. Box 187 Ashton, MD 20861 <a href="mailto:Jha111@verizon.net">Jha111@verizon.net</a>	yes
<b>Kathy Virkus</b>	1047 Wind Riser Lane Sandy Spring, MD 20860	yes
<b>Erin Schwan</b>	17813 Hidden Garden Lane Ashton, MD 20861	yes
<b>Pat Arillo</b>	12 Orion Club Drive Ashton, MD 20861	yes

**Ashton Market Community Meeting Sign-In Sheet cont.**

<b>Name</b>	<b>Address including email</b>	<b>Would you like to be a party of record?</b>
<b>Lorne &amp; Beth Garrettson</b>	18001 Bentley Road Sandy Spring, MD 20860	yes
<b>John Lynn &amp; Kathy Lynn</b>		no
<b>Harold Huggins</b>	Ashton First Baptist Church 17826 New Hampshire Avenue Ashton, MD 20861 <a href="mailto:hugginsrealty@comcast.net">hugginsrealty@comcast.net</a>	yes
<b>Kathleen Wheeler</b>	17609 Country View Way Ashton, MD 20861 <a href="mailto:Mail4thewheelers@verizon.net">Mail4thewheelers@verizon.net</a>	yes
<b>Caroline Hussman</b>	20311 New Hampshire Avenue Brinklow, MD 20862 <a href="mailto:chussman@verizon.net">chussman@verizon.net</a>	yes
<b>Carter Willson</b>	1682 East Gude Drive Suite 301 Rockville, MD 20850 <a href="mailto:cw@carterbuildersmd.com">cw@carterbuildersmd.com</a>	yes
<b>Peter Norris</b>	106 Olney Sandy Spring Road Ashton, MD 20861 <a href="mailto:Dr.Cloud@gmail.com">Dr.Cloud@gmail.com</a>	yes
<b>Ellen Hartge</b>	140 Haviland Mill Road Brookeville, MD 20833 <a href="mailto:Ellen.hartge@gmail.com">Ellen.hartge@gmail.com</a>	yes

<b>John Hartge</b>	140 Haviland Mill Road Brookeville, MD 20833 <a href="mailto:john.hartge@gmail.com">john.hartge@gmail.com</a>	yes
<b>David Hartge</b>	140 Haviland Mill Road Brookeville, MD 20833 <a href="mailto:dandl@toad.net">dandl@toad.net</a>	yes
<b>Bim Schauffler</b>	1121 Goldmine Road Brookeville, MD 20833 <a href="mailto:bimschauffler@me.com">bimschauffler@me.com</a>	yes
<b>Miche Booz</b>	208 Market Street Brookeville, MD 20833 <a href="mailto:mbooz@michebooz.com">mbooz@michebooz.com</a>	yes
<b>Paul Mangus</b>	17410 New Hampshire Avenue Ashton, MD 20861 <a href="mailto:mangusp@bna-inc.com">mangusp@bna-inc.com</a>	yes
<b>Mike Siravo</b>	17715 Country Hill Road Ashton, MD 20861	yes
<b>Tom Farquhar</b>	18008 New Hampshire Avenue Ashton, MD 20861	yes
<b>Dave Berkheimer</b>		
<b>Eva Coffman</b>	17800 Pond Road Ashton, MD 20861	
<b>Dan Gerecht</b>	113 Crystal Spring Drive Ashton, MD 20861	
<b>Shefali Dhila</b>	405 Ashton Road Ashton, MD 20861	yes

<b>Douglas Farquhar</b>	1601 Olney Sandy Spring Road Sandy Spring, MD 20860	yes
<b>Michelle Layton</b>	P.O. Box 403 Ashton. MD 20861	yes
<b>Diane Kimble</b>	1001 Ashland Drive Ashton, MD 20861	yes
<b>David Williams</b>	17826 New Hampshire Avenue Ashton, MD 20861 <a href="mailto:w.davidwilliams88@gmail.com">w.davidwilliams88@gmail.com</a>	yes
<b>Chris Burt</b> <b>District Director</b> <b>Del. Queen's Office</b>	8637 Watershed Court Gaithersburg, MD 20877	yes
<b>Gregory Bacon</b>	18474 Brooke Road Sandy Spring, MD 20860	
<b>Deborah Bissell</b>	17840 Shotley Bridge Place Olney, MD 20832	yes
<b>Donna Selder</b>	1805 Gamewell Road Silver Spring, MD 20905	yes
<b>Jennifer Schaufler</b>	1121 Goldmine Road Brookeville, MD 20833	yes
<b>K. Rice</b>	19100 New Hampshire Avenue Brinklow, MD 20862	yes
<b>James Williams</b>	17713 Norwood Road Sandy Spring, MD 20860	yes

<b>Sharon Blinder Hill</b>	c/o Sandy Spring Bank One Ashton Road Ashton, MD 20861	yes
<b>Stephen E. Scoville</b>	17810 Porter Road Ashton, MD 20861 <a href="mailto:Steve.sail@live.com">Steve.sail@live.com</a>	yes

Ashton Market

Preliminary Plan and Site Plan Applications

Pre-Submission Community Meeting

Ross Boddy Community Center

18529 Brooke Road, Sandy Spring, Maryland

January 24, 2018, 7:00 p.m.

SIGN-IN SHEET - PLEASE PRINT

Name	Address including email	Would you like to be a party of record?
Phyllis White	16815 Lehigh Dr Sandy Sp, MD 20860 PhyllisTaylorWhite@hotmail	yes
BILL TATE	1704 GAMBELL RD SILVER SPRING 20905	<del>NO</del> YES
Richard Banvard	17530 New Hampshire Ave Ashton, Md 20861	No
Peter Austin	Box 187 Jha111@ ASHTON verizon.net	yes
Kathy Virkus	1041 Windrush Lane Sandy Spring, MD 20860	Yes
ERIN SCHWAN	17813 HIDDEN GARDEN LN ASHTON 20861	YES
Pat Arillo	12 Orion Club Dr. Ashton, Md. 20864	yes

Ashton Market Community Meeting Sign-In Sheet cont.

Name	Address including email	Would you like to be a party of record?
horne Beth Garrettson	18001 Bentley Rd Sandy Spring	Yes
JOHN LYNN + KATHY LYNN		46
H. Haggins	Ashton East Chase Haggins Realty @ COMCAST.NET	YES
KATHLEEN WHEELER	17609 COUNTRY VIEW WAY Ashton, 20861 mail4thewheelers@verizon.net	yes
Caroline Hussman	20311 New Hampshire Ave Brimlow MD 20862 chussman@verizon.net	yes
Carter Willson	cw@carterbuildersmd.com	yes
Peter Norris	106 Olney Sandy Spring Rd. Ashton MD 20861 dr.cloud@gmail.com	yes.
Ellen Hartge	140 Haviland Mill Rd Brooksville ellen.hartge@gmail.com	yes
John Hartge	140 Haviland Mill Rd Brooksville MD 20863 John.Hartge@gmail.com	Yes

Ashton Market Community Meeting Sign-In Sheet cont.

Name	Address including email	Would you like to be a party of record?
David Hartge	140 Hawland mill B'ville 20833 dandl@toad.net	Y
Bim Schuffler	1121 Goldmine Rd. B'ville, MD 20833 bimschuffler@me.com	Y
Miché Booz	208 Market St. Poooville, MD 20833 mbooz@michebooz.com	Y
Paul Mangus	17410 New Hampshire Ave Ashton, MD 20861 mangus@bna-inc.com	Y
Mike Sirard	17715 Country Hill Rd Ashton, Md. 20861	Y
Tom Farquhar	18008 New Hampshire Ave Ashton, MD 20861	Y
DAVE BERKELEMER		
EVA Coffman	17800 Pond Rd Ashton, MD	
Dan Gerecht	113 Crystal Spring Dr Ashton MD	

Ashton Market Community Meeting Sign-In Sheet cont.

Name	Address including email	Would you like to be a party of record?
Shefali Dhila	405 Ashton Rd Ashton, MD	Yes
Douglas Farquhar	1601 Olney Bldg Sp. Rd Sandy Spring MD 20860	Yes
Michelle Layton	P.O. Box 463 Ashton, MD 20861	Yes
Diane Kruble	<del>1001</del> Ashland Dr. Ashton, MD	yes
David Williams	17826 New Hampshire Ave. w. david.williams88@gmail.com	Yes
Disto Director. DEL. Queen's Office Chris Buet	8637 Watershed CT Gaithersburg, MD 20877	yes
Byron Brewer	18474 Brooke Rd Sandy Spring Rd 20860	
Deborah Bassell	17840 Shotley Bridge Pl Olney, MD 20832	yes

Ashton Market Community Meeting Sign-In Sheet cont.

Name	Address including email	Would you like to be a party of record?
Donna Selden	1805 Gamewell Rd. Silver Spring, MD	Yes
Jennifer Schaffter	1121 Goldmine Rd. Brookeville, MD 20833	Yes
Kym Linc	1910 New Hampshire Brynclaw, MD 20862	yes
James Williams	17713 Norwood Rd, Sandy Spring MD	yes
Shum Bluder Hill	40 Sandy Spring Bank 1 Ashton Rd Ashton MD	Yes
Scoville	Stere.sail@live.com	Yes

**The Ashton Market Meeting Minutes  
Site Plan/Preliminary Plan Application  
January 24, 2018**

The pre-submission community meeting for the proposed site plan/preliminary plan application for the Ashton Market was held at the Ross Boddy Community Center, 18529 Brooke Road, Sandy Spring. The meeting began at approximately 7:00 p.m.

The following representatives of the development team presented information:

Françoise Carrier, Counsel for Applicant, Bregman, Berbert, Schwartz & Gilday  
Frederick Nichols, President, Nichols Contracting, Inc.  
Joshua Sloan, Director of Planning and Landscape Architecture, VIKA Maryland

The following individuals were also present for the development team, but did not present:

Tyler Nichols, Project Manager, Nichols Contracting, Inc.  
Paula Mackel, Executive Assistant/Sales Coordinator, Nichols Contracting, Inc.  
Jennifer Wiggins, Counsel for Applicant, Bregman, Berbert, Schwartz & Gilday

Mr. Nichols introduced the development team representatives and announced that the project has been rebranded as The Ashton Market.

Ms. Carrier welcomed the attendees and explained the development team's objectives in seeking a site plan and preliminary plan approval for 20 townhomes and a mixed-use building with three rental apartments on the subject property. The subject property is within walking distance of Sherwood High School. The mixed-use building will be located on the site of the former Sol D'Italia restaurant. Ms. Carrier explained that the development plan anticipates construction of approximately four townhomes facing Olney Sandy Spring Road with stoops and sidewalks to enhance the rural village atmosphere of central Ashton. The remaining townhomes on either side of Porter Road will face an open green.

Ms. Carrier displayed a schematic depicting the current layout of the proposed project and explained that, because of the natural slope of the subject property, parking for the mixed-use building can be accommodated below the building. She stated that having townhomes and the mixed-use building facing the street was important to the development team and was in accord with the Sandy Spring/Ashton Master Plan because they will activate the road and make central Ashton more pedestrian friendly. Parking for all townhomes will be accessed around the back through alleyways.

Ms. Carrier further explained that the development team is placing the southern portion of the development into a forest conservation easement with permanent environmental protection. The stream, which is currently degraded, will be restored. The development team intends to remove invasive plants and dead trees. In their place will be new, native species that will provide improved habitat for wildlife.

Ms. Carrier summarized the applicable procedures for the Montgomery County Planning Board's review and approval of the site plan and preliminary plan application, including that a portion of the subject property had recently been rezoned to permit the construction of townhomes. The development team anticipates submitting the site plan and preliminary plan application in February 2018 with a public hearing in June or July of 2018. It is hoped that the Planning Board will vote on the application at that hearing. Assuming that the project moves forward, Ms. Carrier announced that the development team would then undertake creation of the final plans, which would likely take through the end of the year. Thus, construction would begin, at the earliest, in 2019.

Mr. Sloan spoke next, describing the proposed plan in greater detail. Mr. Sloan is working with architects and civil engineers to develop the grading plans, roof lines, and elevations; resolve parking issues; and to explore the options for an outdoor café area in the mixed-use building. With regard to the townhouses, Mr. Sloan's team is currently defining the landscaping and townhouse stoops, resolving issues with stormwater management, and exploring ways to screen the parking/alleyways and trash areas. The team is also further defining the open green, including the placement of shade trees, sitting areas, and a small playground. Mr. Sloan articulated that the design is focused on creating the feel of a small village center, including activating the streets and making the design walkable and interesting.

Mr. Sloan further described the forest conservation area, noting that it will, in part, capture rainwater and filter it through plants and the soil. The development team intends to undertake restoration work in the conservation area to remove invasive species and replace them with new, native plants that will provide better habitat for birds, pollinators, and other wildlife. To this effect, the team has retained an arborist.

In addition to the project team, over forty individuals from the Ashton community attended the meeting, as indicated on the attached meeting sign-in sheet. After Mr. Sloan's presentation, Ms. Carrier invited the community to ask questions freely and various topics were raised as follows:

**1. Whether the development team had considered increasing project density?**

Mr. Sloan explained that the development could have been designed more densely, but that the development team felt that added density would subtract from the small village atmosphere of Ashton. Mr. Nichols added that additional density would have limited the amount of parking space for each of the townhouses. Mr. Nichols believes it is important that each townhouse have two garage parking spaces and two driveway parking spaces.

**2. Whether the planned development would be compatible with the single family homes surrounding it?**

Ms. Carrier stated that she did believe the development was compatible with the various uses of all the neighboring properties, noting that in addition to the single family homes that abut the planned development to the west and south, there is a townhouse development and a shopping

center across the street and a gas station, office building, and church abutting the subject property to the east and southeast.

**3. Would Porter Road be widened all the way to Porter Court?**

Ms. Carrier replied that Porter Road would be widened from the point at which it intersects with Olney Sandy Spring Road until the end of the townhouses to the south. Porter Road will not be widened all the way to Porter Court.

**4. Whether traffic from the planned development would adversely impact Ashton's already problematic traffic?**

Ms. Carrier announced that the development team has retained a transportation expert to conduct a traffic study. Based on Ms. Carrier's experience, she does not anticipate that SHA will approve an additional traffic signal at the intersection of Porter Road and Olney Sandy Spring Road. Ms. Carrier encouraged attendees to contact the County and SHA to discuss traffic solutions, as such discussions were beyond the scope of this particular planned development project.

**5. Whether the size, scale, and intended uses of the planned development would increase parking problems in the immediate area, which are already a problem, especially in the existing townhome development and shopping center across the street to the north?**

Mr. Nichols explained that because Nichols Contracting owns the office building abutting the subject property, guests and related overflow parking for the townhouses may use existing parking for the office building. In that way, overflow parking for the townhouses will not encroach on parking for the mixed-use building. The development plan includes a footpath from the existing office building parking lot to the townhomes for this purpose.

Mr. Sloan further clarified that the development team is still exploring the design of the mixed-use building, and, as such, has not determined the exact number of parking spaces that the mixed-use building will require. Mr. Sloan stated, however, that the planned development would meet all parking code requirements. His current estimate was around thirty parking spaces.

Ms. Carrier thanked the community for bringing parking issues in the greater Ashton area to the attention of the development team. Ms. Carrier stated that the development team has no plans for its residents, employees, visitors, or anyone else to use the shopping center parking across Olney Sandy Spring Road in lieu of the parking available on the subject property. While the number of spaces was not yet finalized, Ms. Carrier confirmed that the planned development would meet all zoning code requirements and would ultimately be determined by the finalized operational uses work within the building. Ms. Carrier further stated that the development team had not yet considered whether there was any need for overflow parking for any anticipated retail uses.

**6. What are additional details about the planned apartments in the mixed-use building?**

Mr. Sloan stated that there would be three apartments, of around 900 square feet each, along the top floor of the three-story, mixed-use building. Parking for those apartments would be below grade and would be accessible via an elevator from the parking area.

**7. Whether storm water would run off the subject property and flood neighboring parcels?**

Mr. Sloan stated that the team was still finalizing the stormwater management plan, but the current design allows for water to be channeled down Porter Road to the southern part of the townhouse development at which point it would be diverted and filtered before entering pipes. Mr. Sloan assured the neighbors that stormwater would not increase on neighboring properties as a result of the development. Mr. Sloan confirmed that stormwater management plan included reference to both 10 year and 100 year storm predictions and that his strategy was to adequately address flooding events.

Ms. Carrier explained that Montgomery County has strict and complex stormwater management regulations and that the planned development would meet all requirements and be approved by the County before the development could be constructed. Ms. Carrier stated that Montgomery County's stormwater management requirements are more stringent than they were in the past. Thus, while older developments in the area may have inadequate stormwater management plans, that does not mean that stormwater plans for this development will also fail to adequately capture and divert stormwater.

**8. Will the planned widening and grading of the northern portion of Porter Road account for the fact that water runs off Highway 108 down Porter Road and pools on those properties located at the bottom of Porter Road?**

Mr. Sloan stated that his strategy not only considers rainfall but other sources that cause water to enter the subject property. Mr. Sloan stated that the civil engineer on his team could address the question more fulsomely, but that the stormwater management plan does intend to address that issue as well.

**9. What is the height and square footage of the townhouses?**

Ms. Carrier stated that the townhouses facing Olney Sandy Spring Road would be 35 feet. The development team intends to request a 40 foot building height for the remaining townhouses. But, because of the grade of the subject property, those remaining townhouses would actually sit lower than those on the road. Each townhouse will have about 3,000 square feet of space.

**10. Will there be pedestrian crosswalks across Olney Sandy Spring Road? Olney Sandy Spring Road is dangerous for children walking to the high school. Sidewalks are needed. SHA has told us to just walk on the side of the street.**

Ms. Carrier has no information from the County on the issue of the crosswalks yet. The County and SHA make those decisions, not the development team. Ms. Carrier stated that the entire frontage of the planned development will have ample sidewalks and encouraged those in the community to work with the County and SHA to identify where additional sidewalks may be needed.

**11. What are additional details about the planned retail space in the mixed-use building?**

Ms. Carrier stated that it is still too early for the development team to know exactly how much retail will be in the building.

Mr. Sloan clarified that the current plan estimates around 6,500 square feet in the building, including a kitchen space for the café/restaurant.

**12. How will trash be handled? How will trucks unload?**

Ms. Carrier stated that trash will be collected in the parking areas, both for the mixed-use building and the townhomes. Garbage trucks will go down the alleys to pick up trash from the collection areas. Delivery trucks will pull into a loading area underneath the mixed-use building to unload.

**13. The development team is not ready to answer a lot of our questions at this stage. Our civic association only gave us two days' notice of this meeting. We would like a second community meeting once the development team finalizes its plans.**

Ms. Carrier confirmed that the development team strictly followed the County's procedures for mailing out notices of the community meeting and encouraged anyone who was dissatisfied with the process to contact the County for additional information.

**14. Are there ways to minimize light pollution?**

Mr. Nichols stated that the lighting plan would be approved by the County.

Mr. Sloan confirmed that the development team is exploring different lighting plans, including ways to reduce light pollution and the amount of light glare coming from the subject property.

**15. What type of buffering will exist between the townhomes and the single family homes?**

Ms. Carrier explained that the development will include fences and strategic landscaping to provide buffering. The development team has not yet identified the type of fencing it intends to employ, but it will be six feet tall and opaque.

Mr. Sloan stated that the buffering will run from the stormwater management area up to Olney Sandy Spring Road and will not include the forest conservation area.

**16. Is the FAR for this development 7.5?**

Ms. Carrier replied that the zoning allowance for the residential use is an FAR of 0.75 and the proposed mixed-use building would have an actual FAR of 0.274. The townhouse density is about 10 units per acre.

**17. What are the fire marshal regulations for this type of project?**

Ms. Carrier mentioned that the fire marshal's code was too numerous to list, but that the development would meet or exceed all requirements. Ms. Carrier assured the community that nothing would be built and operated without the approval of the Fire Marshal.

Mr. Sloan added that the southern portion of the widened part of Porter Road would be sufficient to allow a fire truck to turn around, in complete compliance with County regulations.

**18. Will the development be green?**

Mr. Sloan explained that the development has no plans for solar roofs, but that it is being built to the functional equivalent of LEED Silver or Energy Star, though the development is not using those particular measurements of environmental construction.

The meeting officially ended at approximately 8:45 p.m.

Prepared by: Jennifer Wiggins  
Bregman, Berbert, Schwartz & Gilday  
7315 Wisconsin Avenue, Suite 800 West  
Bethesda, Maryland 20814  
Telephone: (301) 656-2707  
Facsimile: (301) 961-6525  
lwiggins@bregmanlaw.com  
*Attorney for Guardian Realty Investors, LLC*

Preliminary Plan 120180180  
Site Plan 820180160  
Project Name: Ashton Market

## **AFFIDAVIT IN COMPLIANCE WITH MONTGOMERY COUNTY ZONING ORDINANCE**

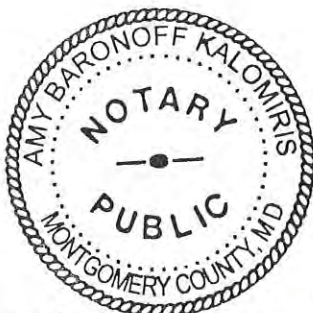
On this 10<sup>th</sup> day of January, 2018, before me the subscriber,  
a Notary Public of the State and County aforesaid,  
personally appeared Shawn Grimm who made oath  
in due form of law as follows:

That on January 9, 2018, at least 15 days before the January 24, 2018  
Community Meeting signs announcing the date, time, and location of the  
community meeting were erected for the above captioned Plan on the Subject  
property, in accordance with the required distances and positioning as set  
forth in the above mentioned Ordinance.

Shawn Grimm

*Signature*

Subscribed and sworn to, before me,  
on the day and year above written.



SEAL

Amy Baronoff Kalamiris

*Notary Public*

My Commission Expires: September 2018

**NOTICE OF PRE-SUBMITTAL COMMUNITY MEETING FOR  
PORTER ROAD PRELIMINARY PLAN/SITE PLAN**

**TO DISCUSS DEVELOPMENT OF ONE  
MIXED-USE BUILDING AND 20 TOWNHOUSES.**

**Property:** Approx. 3 acres of land at the intersection of Olney  
Sandy Spring Road and Porter Road in Ashton, MD

**Zone:** CRT-0.75 & TF-10

**Date:** Wednesday, January 24, 2018

**Time:** 7:00-8:00pm

**Location:** Ross Boddy Community Center;  
18529 Brooke Road, Sandy Spring

**Applicant:** Nichols Development Company, 301-924-5258

2018/01/09

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2018/01/09

**From:** [elizabeth.thornton](#)  
**To:** [Casey, Jonathan](#)  
**Subject:** Ashton Marketplace proposed development  
**Date:** Sunday, October 21, 2018 9:48:45 PM

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Dear Mr. Casey,

I am writing voice my opinion (and I know it is the opinion of many others who may not find the time to write) about the proposal for developing the Porter Road property on the southeast of 650 and 108. Many people myself included, are delighted that the property will be used again and in particular the retail spaces and workforce housing above them would be welcome. The townhouses, however, are out of scale with the neighborhood and certainly don't align with the rural village character in the Master Plan. 20 townhouses are simply too many for the site. Seeing the way the Thomas development in Sandy Spring overshadows the historic buildings and the other townhouses they are next to, brings to life what my corner will look like if the plan as proposed goes through. Please consider downsizing the project to make it a better fit.

Yours sincerely,

Elizabeth Thornton  
Quailhill Box 187  
Ashton, MD 20861

May 22, 2018

Montgomery County Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Dear Montgomery County Park and Planning Commission Board members,

We are writing on behalf of the Sandy Spring-Ashton Rural Preservation Consortium (SSARPC). As our name implies, SSARPC's mission is to support development in Ashton and Sandy Spring that conforms to the 1998 Master Plan in order to preserve the historic rural villages that are Sandy Spring and Ashton.

In this letter, we express our strenuous opposition to the Preliminary Plan 120180180/Site Plan 820180160 for The Ashton Market. The existing Master Plan for Sandy Spring and Ashton requires, as the Statement of Justification filed by the Applicant correctly asserts, that "development preserve and enhance rural character" (p. 16). The mass and scale of the proposed plan, as proposed by Nichols Development Company, is the antithesis of rural character. Proposed overbuilding on a site that is too small for the planned development, its incompatibility with the existing structures around it in size and scale, questions about parking and, of course, its non-conformance to the Master Plan compel us to reach out to you in hopes that you will deny this plan as written. Additionally, the flawed use by the developer of terms such as "modest increase" (p. 8), "small development" (p. 8), and "low density" (p. 9) demonstrate that this plan is contrary to the actual intent of the Master Plan.

To begin, the description of the Ashton Village Center in the Sandy Spring- Ashton Master Plan states, "the plan recommendations for limited commercial use and moderate to low-density residential use are confirmed, with changes primarily to address character." The size and scope of this project does not in any way move to "preserve and enhance the rural village character" of Ashton.

As the Statement of Justification filed by the Applicant repeatedly and correctly asserts, the applicable zoning code requires compatibility with surrounding residential buildings, and buildings of only "low- to moderate-density" residential townhouses. Yet, the plan proposes 20 townhouses, each with about 3,000 square feet of usable living area, and claims that is compatible with the townhouse development across Route 108. That development, however Ashton Village, which has a roughly consistent number of dwelling units per acre, has much smaller townhouses: 1,000 to 1,300 square foot of usable living space, with and a much lower height than the proposed plan.

Calling townhouses that are two to three times larger than the existing neighborhood "compatible," or calling such a concentration of townhouses "low- to

moderate-density" is completely contrary to the Master Plan. To say that this "mixed use building contributes to the rural village character..." (p.16) is inconceivable. The word "rural" appears in the Master Plan 264 times and, while one could argue what the word rural means, we certainly know what it is not. It is not a 20 townhouses wriggled into a space this small.

The attached graphic, which shows the preliminary plan superimposed on a plat of existing properties, shows that the density of footprints for the 20 townhouses outstrips the existing neighboring developments on a massive scale.

We also ask that the planning staff look carefully at parking. While allotting only 32 parking spaces for the commercial building and the apartments, the plan explicitly depends on the use of neighboring commercial property "currently owned by the Applicant" to accommodate "overflow parking" on "evenings and weekends". The Applicant thus admits that overflow parking is necessary: the massive amount of automobiles that will accompany these large townhouses will exceed the allotted two spaces per townhouse. In fact, the Applicant plans to build a bridge and walking path to this overflow parking (p. 6) which speaks to the fact he foresees the need.

But the overflow which the developer proposes to meet with the neighboring property, although currently owned by the applicant, may not be available under new ownership of either the townhouses or of the commercial building. Promises of present flexibility do not guarantee that the residents' needs can be accommodated in the future, under different ownership. Besides, although the Plan claims to meet requirements for parking for commercial development, the Applicant mentions that the planned use is restaurants, which have higher parking requirements.

We request that the planning staff recognize the importance of compliance not only with the technical requirements of the planning ordinances, but also the requirement that residential property use conform with low- to moderate-density, and be compatible with the existing rural neighborhood. While we support the mixed-used development of the property, and the street-facing commercial properties, the number and height of the townhouses must be reduced to match the existing residential neighboring buildings.

The SSARPC is particularly concerned about the scale and size of the residential units in light of the fact that approval of this plan, as proposed, would set a horrible precedent for the nearby undeveloped corners of the Ashton Crossroads, Route 108's intersection with New Hampshire Avenue. Mr. Nichols appears to be trying to leverage his present development – the townhouses being constructed next to the Sandy Spring Bank – to argue that the massive scale he is proposing for the Ashton Market site is compatible. We can foresee Mr. Nichols and other developers using the scale of this project as a basis to argue for urban-scale density on the remaining corners of the Ashton crossroads, if his plan for Porter Road is approved.

Finally, the use of a 6 foot, opaque fence to buffer these townhouses from the existing homes (p. 4) seems a slap in the face of the existing owners. After years of living with rural, natural open space, neighbors will now have to look at a fence that benefits the applicant, not the existing neighbors.

The SSARPC urges the Planning Board to use the existing Master Plan as a guideline to help keep Ashton a “rural historic community” (p.8) by approving incoming development that meets its intent, not by having to stretch words and buildings into spaces that they don't belong.

Sincerely,

Michelle Layton  
Co-Chair SSARPC

Donna Selden  
CO-Chair SSARPC

# BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

ATTORNEYS AT LAW  
7315 WISCONSIN AVENUE  
SUITE 800 WEST  
BETHESDA, MARYLAND 20814-3244

TELEPHONE (301) 656-2707  
FACSIMILE (301) 961-6525

[www.bregmanlaw.com](http://www.bregmanlaw.com)

VIRGINIA OFFICE  
5529 LEE HIGHWAY  
ARLINGTON, VIRGINIA 22207

## OF COUNSEL:

EDWARD WEISS (DC)  
MARK L. ROSENBERG (MD DC)  
FRANÇOISE M. CARRIER (MD DC CA)  
ANDREAS N. AKARAS (MD DC)

KAY B. SCHWARTZ (1956-2011)

[fcARRIER@bregmanlaw.com](mailto:fcARRIER@bregmanlaw.com)

DOUGLAS M. BREGMAN (MD DC)  
LAURENCE H. BERBERT (MD DC)  
TIMOTHY P. SCHWARTZ (MD DC VA)  
MARK A. GILDAY (MD DC)  
GEOFFREY T. HERVEY (MD DC VA)  
CATHERINE B. HARRINGTON (MD DC VA)  
KEVIN B. McPARLAND (MD DC)  
HEATHER LIBMAN KAFETZ (MD DC)  
DANIELLE T. ERKMANN (VA ONLY)  
WENDY D. PULLANO (MD DC)  
CHRISTOPHER B. BOWMAN (DC VA)  
CHRISTINE E. SINDALL (MD DC)  
KEVIN G. BARKER (MD DC NY)  
BELLA HELFORD (MD NY NJ)  
STEPHEN J. WHELAN (DC VA)  
JENNIFER (LUCY) WIGGINS (MD DC NY)  
KATHERINE A. WILSON (MD DC)

July 27, 2018

Casey Anderson, Chair and  
Members of the Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Preliminary Plan Application 120180180  
Site Plan Application 820180160, Ashton Market  
Response to Letter from Sandy Spring-Ashton Rural Preservation Consortium

Dear Chair Anderson and Members of the Planning Board:

My firm represents Nichols Development Company, LLC, the applicant ("Applicant") in the applications referenced above (the "Applications"). Please consider this letter as the Applicant's response to a letter submitted in opposition to the Applications by the Sandy Spring-Ashton Rural Preservation Consortium, dated May 22, 2018 (the "Opposition Letter").

The Opposition Letter contends that the proposed project is inconsistent with the 1998 Sandy Spring/Ashton Master Plan (the "1998 Master Plan"), and that project would fail to preserve and enhance the rural village character of the Ashton Village Center. The Applicant strongly disagrees.

As a local company with its offices in nearby Sandy Spring, the Applicant recognizes and values the rural village character of the Ashton Village Center. The proposed project is fully consistent with the limited commercial use and moderate- to low-density residential use that are hallmarks of rural village character. The project's residential density is less than 10 units per acre, consistent with the County's Townhouse Low Density (TLD) zone, which allows 9.07 units per acre, and less than the Townhouse Medium Density (TMD) Zone, which allows 12.10 units per acre. This density is necessary to bring added activity and vitality to improve the character of the neighborhood and support the limited commercial uses. The project will also bring a new mixed-use building to Ashton, with a 30-foot maximum height and architectural details that will enhance the village center while providing a site for

subject property: Rural, Rural Cluster, Rural Neighborhood Cluster, RE-2, RE-1, R-200, R-90, and R-60. Thus, 40-foot height limits are considered compatible in this setting. Moreover, due to a drop in elevation from north to south, these townhomes will appear shorter than 40 feet from Olney Sandy Spring Road and from nearby homes.

The 1998 Master Plan encourages stores and other uses that are at a compatible scale and will provide services to local residents and create pedestrian traffic. Plan at 32. It recommends small, well-landscaped parking areas that are out of view of common spaces and active fronts, rather than between buildings and the street. *Id.* The proposed project satisfies these objectives. The mixed-use building will create pedestrian traffic and provide space for retail and other services for local residents at a scale that is compatible with the Ashton Village Center. Parking will be provided entirely behind the building and mostly underneath it.

The Opposition Letter argues that the proposed development is not compatible with existing townhouses across Olney Sandy Spring Road because the existing dwellings are smaller in size than the townhomes proposed in this case. This contention is misplaced. Compatibility does not depend just on footprint or square footage, but on overall massing, which is addressed for this project by sloped roofs, offset façades, front stoops, and other architectural measures. As noted earlier, a slight increase in the density of units per acre is important at this location to sustain the viability of the commercial uses that the Master Plan calls for and that *all* of the community members who have participated in this case support.

#### **1998 Master Plan: Goals for Ashton Village Center**

The 1998 Master Plan provided far less guidance for the Ashton Village Center than for the larger Sandy Spring Village Center. For the Ashton Village Center, the 1998 Master Plan confirmed limited commercial use and moderate to low-density residential, which is consistent with the project proposed here. See Plan at 38; Zoning Code Sec. 59.4.4.11 and 59.4.4.12 (defining low-density townhouse as nine dwelling units per acre and medium-density townhouse as twelve units per acre). The 1998 Master Plan sought to maintain scale and encourage improvements to character. Plan at 38. This is precisely what the Applicant hopes to achieve: a high-quality, small-scale mixed-use building with a small development of moderate density housing replacing a dilapidated, abandoned commercial building and a somewhat run-down single-family home.

The 1998 Master Plan's only specific guidance related to Porter Road was in reference to Kimball's Market, which once stood on the corner location where the Applicant proposes a new mixed-use building. The 1998 Master Plan described Kimball's Market, which has not existed for some years, as contributing "significantly to the sense of community and the village's character." Plan at 38. It recommended increasing the amount of commercially-zoned land to support an expansion of Kimball's Market. The Applicant proposes to construct a new mixed-use building at that location, with the expectation that it will not only replace the existing deteriorated structures but also make a renewed contribution to Ashton's sense of community and character. The site and building have been designed specifically with these goals in mind, and the townhouses will help support the revitalization of commercial uses that have struggled to survive for many years.

much-needed local services and amenities. For twenty years, virtually the only development that the status quo density and uses in Ashton have led to is one property converting to a suburban retail use (the CVS at the corner of New Hampshire Avenue and MD 108), which serves drive-through traffic more than it creates any sense of place or village center character. The proposed townhouses and mixed-use building are an opportunity to bring positive change that resists suburban patterns of surface-parked strip malls and large-lot, auto-oriented single uses.

### **1998 Master Plan: Vision and Overall Goals**

The vision of the 1998 Master Plan was to preserve the character of Sandy Spring/Ashton as a historic rural community. See Plan at 9. One of the principal means of attaining this vision was to preserve the rural landscape while accommodating new residential development in clusters, with more intense development in the two village centers: Sandy Spring, located roughly 2/3 mile west of the Subject Property, and Ashton, which has its center about 670 feet east of the Subject Property. The Subject Property is on a side street on the edge of the Ashton Village Center, tucked in between existing commercial and residential developments. It lacks the location and visibility to contribute to the rural landscape, making it an ideal place to accommodate a small amount of development.

The 1998 Master Plan encouraged development and revitalization of the village centers as important elements of rural character and the business of daily life. See Plan at 29-31. At the same time, it called for balancing density increases to maintain the small size and scale of the existing centers. Here, the Applicant proposes no increase in commercial density and only a modest increase in residential density, which is consistent with other nearby townhouse developments and necessary to support the desired commercial component.

The Plan called for traditional rural village design, with height limits compatible with the Sandy Spring Historic District, buildings facing the main road, active fronts such as porches and street entrances, and maintaining the existing mix of commercial and residential zoning within the village centers. *Id.* The present Applications are consistent with these recommendations.

- The mixed-use building is proposed with a maximum height of 30 feet, consistent with the height anticipated in the 1998 Master Plan for commercial sites. *Id.* All parking will be below or behind the building.
- The four townhouses facing Olney Sandy Spring Road will have a maximum height as measured from the road of 35 feet. This is consistent with the Sandy Spring-Ashton Rural Village Overlay Zone, which was adopted to implement the 1998 Master Plan. The front stick of townhouses will have individual entrances facing Olney Sandy Spring Road, providing active fronts along the main road, with driveway and garage access in the rear.
- The 16 townhouses that do not front on Olney Sandy Spring Road are proposed at a height of 40 feet. This is a traditional townhouse scale for homes with rear-loaded garages, and is the same height recently approved by the Planning Board for a townhouse project the Applicant has under construction in the nearby Sandy Spring Village Center. A 40-foot height is also consistent with the maximum height permitted (in some cases under optional method, or like this case, with Planning Board approval) in all of the zones found in the general neighborhood of the

**Changes Since the 1998 Master Plan**

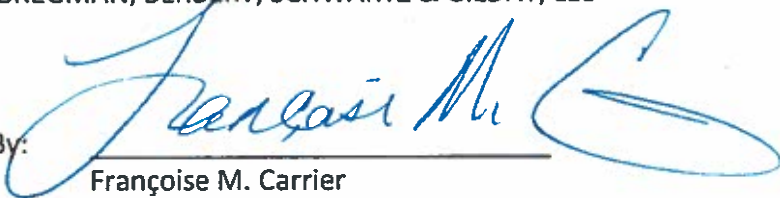
Three points related to present conditions, 20 years after adoption of the 1998 Master Plan, merit consideration. First, the expansion of commercial zoning put in place following the 1998 Master Plan did not save the previous commercial use on the subject property or encourage new uses to serve the local community. Second, the zoning and density did not provide the necessary incentive to create development patterns that would support the envisioned walkable, active, mixed-use center that would traditionally anchor a rural village. Third, building and stormwater technologies have evolved significantly over the past 20 years, giving us different market demands for housing and better ways to address infrastructure; this results in designs that would not have been evident – even to the most progressive planners – during the 1998 planning.

The proposed project is an opportunity to enhance the Ashton Village Center with much-needed community-serving commercial uses in a pedestrian-friendly setting, supported by moderate-density housing, all at a compatible size and scale and with architectural details carefully chosen to be consistent with the character of the surrounding area. We thank you for your consideration and look forward to presenting these applications to you.

Sincerely,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By:



Françoise M. Carrier

cc: Richard Weaver  
Jonathan Casey  
Tyler Nichols  
Fred Nichols



# Sandy Spring-Ashton Rural Preservation Consortium

*We are pro-Master Plan, not anti-development*

*MCCF Community Hero Award, January 2009*

24 October 2018

Casey Anderson

Chairman, Montgomery County Planning Board

By email: [MCP-Chair@mncppc-mc.org](mailto:MCP-Chair@mncppc-mc.org)

Re: Ashton Market, Site Plan 820180160, Preliminary Plan 120180180

Dear Mr. Anderson,

We write to encourage the members of the Montgomery County Planning Board to visit – individually or in groups – Route 108 in Sandy Spring within the next couple of weeks, so that they may better evaluate whether the proposed Ashton Market development (whose Site Plan is scheduled for consideration at the Board's November 15, 2018 meeting) is consistent and compatible with surrounding uses. Many Sandy Spring residents believe it is not. It is very difficult to capture the reasons in photographs or in written or oral testimony. In this case, a site visit would be worth a thousand photographs.

The Ashton Market development calls for commercial and residential floor area of more than 69,000 square feet on a three acre parcel. Specifically, the developer is seeking to build 6,800 square feet of commercial space, three apartments totaling 3,100 square feet, 16 townhouses of 3,000 square feet each, and 4 townhouses of 2,800 square feet each. All but four of the townhouses will be 35 feet high (to the midpoint of the roof line), and the massing of the townhouses would closely replicate the Thomas Village townhouse development that has been constructed at the west end of Sandy Spring, on the south side of Route 108 just east of the intersection of Route 108 and Norwood Road. Under the Sandy Spring Ashton Master Plan and the zoning amendment approved for the Ashton Market parcels, the Ashton Market development must be consistent or compatible with the surrounding area, in keeping with the intent of the Master Plan to protect the rural character of the area. It is nearly impossible to portray in photographs the density and size of the large mass of townhouses in Thomas Village, but a drive by will show

*Kathleen J. H. Wheeler*

Kathleen J. H. Wheeler, President

Spring Lawn Farm Homeowners Association

*Douglas B. Farquhar*

Douglas B. Farquhar

*Ann T. Franklin*

Ann T. Franklin

1601 Olney Sandy Spring Road, Sandy Spring, MD 20860



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

October 22, 2018

RECEIVED  
OCT 22 2018

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

Dear Jonathan Casey:

I am writing in reference to Ashton Market, Site Plan Number 820180160, Preliminary Plan Number 120180180.

I live in the same house my parents built in 1954, one mile north of Route 108 on New Hampshire Avenue. What happens to this area impacts my family and friends. While I salute some aspects of the proposed Ashton Market project I have always been skeptical of the size and density of the housing units behind the commercial unit that faces Route 108. I have tried to keep an open mind in that the property could be of much greater benefit to the neighborhood than its present abandoned status.

I approve of the commercial building with affordable residences above. The townhouses are a different matter. After seeing how the townhouses in Fred Nichols' "Thomas Village" in Sandy Spring have been squeezed into their location and how the new buildings loom over and dramatically dominate their neighbors I fear that the 20 townhouses of Ashton Market will have the same damaging effect on Ashton.

I am appalled that the Ashton Market has gotten this far with Mr. Nichols trumpeting that he's only doing what he has been given permission to do by County planners. Doesn't the Planning Board realize nothing in Ashton or Sandy Spring comes close to the size and density of what Mr. Nichols is trying to force upon the community? The phrase "out of character" has no better application than how Ashton Market's size and shoe-horned fitment is totally out of harmony with its neighbors and the community at large. This callous disregard is what killed any character Olney once had and it will be a sad day when the open and rural nature of the Ashton-Sandy Spring area is left in the hands of developers and their government enablers.

In one of the first community meetings about Ashton Market I asked a Nichols presenter if it were possible to have more townhouses. With unexpected honesty, the reply was "no". Later, Mr. Nichols huffed that he could have planned for 28 townhouses but no one in the room bought it. The game is to go for the maximum and hope for the best. If you grant Mr. Nichols his 20 big townhouses, he wins and the community loses.

Sincerely,

October 22, 2018

Walt and Nancy Fennell  
17513 Hidden Garden Lane  
Ashton, MD 20861

Casey Anderson  
Chairman  
Montgomery County Planning Board  
Via email: [MCP-Chair@MNCPPC-MC.org](mailto:MCP-Chair@MNCPPC-MC.org)

RE: Ashton Market Site, Plan 820180160, Preliminary Plan 120180180

Mr. Anderson:

A few comments on the proposed Ashton Market Site currently before your Committee:

1) **Ashton Village.** The applicant has made several comments<sup>1</sup> regarding the need to bring “activity and vitality” to Ashton. These comments seem to imply that the Ashton area is dying or that perhaps without the addition of 20 townhomes the businesses within Ashton will fail to thrive.

Currently, within the Ashton Village Center there are no fewer than nine businesses. Nine businesses within a very small shopping center. This includes, but is not limited to, a dry cleaner, cigar store, nail salon, hair salon, three restaurants, a convenience store and a US Post Office. My wife and I have lived in Ashton for six years. To the best of my knowledge all of these establishments (with the exception of the cigar store) have been in business and located in the Ashton Village Center for six years, and we believe that most of them have been in business and located in the Ashton Village Center for many years prior to 2012 when we moved to Ashton.

We bring up this point, because according to the Small Business Administration (SBA), the majority of small businesses fail within five years of opening their doors.<sup>2</sup> According to the same document from the SBA, the failure rate of small business at year 7 is 60% and the failure rate of small businesses at year 10 is 67%. So the fact that nearly all of the small businesses in the Ashton Village Center – have been in business and located in the Ashton Village Center for at least five years or longer – clearly demonstrates that the existing density of Ashton is sufficient to support these business – *without* the need to modify or change the current density in Ashton.

The applicant has also noted that CVS has recently built within Ashton. The applicant notes that the CVS mainly supports “drive-through traffic” and that it does not “create any sense of place or village”. It is unclear how the applicant defines a “sense of place or village” but the mere fact that CVS decided to build within Ashton refutes the need to add to the “vitality” of Ashton.

CVS is a national chain. As such is it an organization with a significant amount of resources, including resources to complete comprehensive residential/density/foot traffic studies prior to investing in any location to ensure sufficient volumes to support new store construction. CVS has an existing location in

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<sup>1</sup> Applicant “comments” were taken from the applicant witness testimony during the September 11, 2018 hearing before the Office of Zoning and Administrative Hearings

<sup>2</sup> [https://www.sba.gov/sites/default/files/SurvivalRatesAndFirmAge\\_ADA\\_0\\_0.pdf](https://www.sba.gov/sites/default/files/SurvivalRatesAndFirmAge_ADA_0_0.pdf)

Olney, just 3.1 miles from the location in Ashton. Despite the close proximity to Olney, and despite the need to "bring vitality" to Ashton through the proposed zoning change, CVS made the business decision to build in Ashton. The decision by a national chain to build within Ashton – under the existing residential density – is at odds with the applicant's assertion that Ashton needs increased density for vitalization purposes.

The applicant has not articulated how the change in zoning and the addition of 20 townhomes will create a "sense of community". If the applicant intends for the commercial building to draw more of the community together – than I would argue that many, many, more parking spaces would be needed as the current plan barely provides enough parking for the employees of the proposed business portion of the development and the residents of the proposed townhomes. Where will the community park? The Urban Bar-B-Que restaurant located in Sandy Spring provides many more parking places than the proposed Ashton Market – and that parking lot is full to overflowing during peak business hours.

**2) The Grade/Slope of the Porter Road Property.** There is significant queuing in both the eastbound and westbound lanes of Route 108 during rush periods. The queuing is especially bad as you approach the intersection with New Hampshire Avenue which is roughly the length of 10 car from the proposed site.

We have personally exited Porter Road on more than one occasion, and we would encourage members of the Committee to make a left hand turn from Porter Road into the westbound lane of Route 108 during the morning or evening rush. Queuing in the eastbound lane of Route 108 combined with the away/downhill slope of Porter Road makes it impossible to observe if there are any cars approaching from the New Hampshire intersection. Sitting in the downhill position of Porter Road, you simply cannot see over the tops of the cars which have queued in the eastbound lane of Route 108 which creates an unsafe condition when attempting to make a left hand turn. Increasing the density to area in question will only exacerbate the hazard of leaving Porter Road/the commercial area and result in an increase in traffic accidents.

**3) Height Restrictions/Scale of Ashton.** The Master Plan is clear that 30 feet is the maximum height intended for the rural character of Ashton to be preserved. The Master Plan on pages 31, 81 and 82 references the specific intent to limit the height of buildings in the Ashton area to be no more than 30 feet and that heights should be consistent with the Sandy Spring Historic District. This wording is in plain – as is the entire Master Plan – and really is not subject to debate. 30 feet is 30 feet. 40 feet is 40 feet. There is a clear distinction between these two measurements. 40 feet is 33.3% larger/taller than 30 feet. Stating that there is no substantive difference in these two measurements is the equivalent of stating that there is not a noticeable difference between the Empire State Building – the 35<sup>th</sup> tallest building in the world at 1,250 feet and the Taipei Tower – the 8<sup>th</sup> tallest building in the world at 1,667 feet. The assertion that the scale of Aston will not be altered by allowing buildings to increase by 33.3% is the equivalent of stating that there would not be a noticeable difference between a 128 ounce of gasoline and a 96 ounce "gallon" of gasoline. Likewise there would be a noticeable difference if the length of a football field was changed from 300 feet to 225 feet. 40 foot townhomes and 40 foot commercial buildings will be noticeable and they will change the scale of the Aston Village.

**4) The Master Plan.** The applicant has made several references to overlay zones and underlay zones and floating townhome zones. The applicant has also noted that the Master Plan is over 20 years old and currently out of date with concepts that could not have been "evident – even to the most progressive planners". The Master Plan is just that *the Master Plan* and that has to count for something – otherwise why do we have a Master Plan? The 1998 Master Plan was subject to a significant amount of review and scrutiny before it was approved by the Community and several layers/departments within Montgomery County. The 1998 Master Plan included over 100 changes to the 1980 version of the Master Plan. Clearly

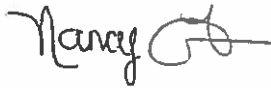
this indicates that a high level of review, scrutiny and thought was given to the Master Plan in 1998. After all of the review, after all of the scrutiny, and after 100 changes to the 1980 Master Plan the intended use for the referenced property remained low density. The members of the Master Planning Team and the County clearly intended for the area in question to remain a low density area. Furthermore, they clearly intended for the character of Ashton to remain "rural" which is why the current Master Plan uses the word "rural" over 600 times within the 150 page document. Expanding the density of the property in question and increasing the building heights beyond those permitted in the Master Plan is simply incongruent with the very clear intent and spirit of the Master Plan.

Thank you for your work on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Walt Fennell". The signature is stylized with a cursive script.

Walt Fennell

A handwritten signature in black ink, appearing to read "Nancy Fennell". The signature is stylized with a cursive script.

Nancy Fennell

Email

Porter Road Project


Priority  
Normal

Due

Status Reason  
Received

Owner  
 Area 3

Email

**From**  melouise4@gmail.com

**To**  <MCP-Chair MCP-Chair>;  MCP-Chair #;  mcp-chair@mncppc-mc.org;  MCP-Chair@mncppc-mc.org

**Cc**

**Subject** Porter Road Project

Date Sent

Direction

Incoming

I am opposed to this project because there is already a huge backup of traffic in Ashton. Adding 40 more vehicles every day will be very problematic. The size and quantity is much too large for the space there. We don't need more sales space. The commercial building already in Ashton is mostly empty. Why make more empty commercial space . Too many apartments are not in keeping with the area. Louise Megginson Ashton, MD

**Regarding**  Porter Road Project

**Duration**

File Name

There are no Attachments to  
or

0 - 0 of 0 (0 selected)

**Dear Planning Board Members ::**

Please reconsider the decision to allow Fred Nichols to develop his current plan for Porter Road in Ashton. It is FAR too big for the area in question. I realize I am one voice, but I have behind me a legion of voices who have given up—cynically believing you can't fight City Hall (would that there were one!) They feel the futility of trying to share their opinions with a planning board THEY SAY has already BOUGHT the idea from the developer anyway. I hope that's not true.

The overarching problem is that Ashton desperately needs a DESIGNER not a DEVELOPER to create a holistic plan for what would ultimately become a "destination" ...a true village concept for people to visit and say, "I wish I lived here!" Ashton is NOT developing in that manner. It is scattershot.

Nichols has created an attractive complex of buildings with his own office and Christopher's Hardware, but when compared with his dark brown brick building on New Hampshire Ave., one can see that both styles in no way resemble each other. It is a hodge-podge approach that will make our town look like it was designed by someone cutting letters out of a newspaper to make a ransom note.

**Add to that, the 20 town houses he's building in Sandy Spring—however handsome they are in the individual details of their architecture—the effect is completely neutered by their density. It looks rather like an urban beehive. Please don't let this happen in Ashton. Here are the main problems on Porter Road:**

1. **THE COMMERCIAL BUILDING ::** The large building on 108 containing the 3 commercial businesses and the upstairs 3 apartment units has far, FAR too few parking spaces. Offering space in the office building parking lot and walking through is not tenable. Any restaurant will eventually dry up and move on if there is no easy place to park. **CUTTING OUT AT LEAST 6 OF THE TOWNHOUSES WILL HELP.** It also needs several on-street spaces, requiring that the building move back from the road slightly.
2. **HEIGHT OF TOWNHOUSES ::** They are way too tall. I don't see the necessity of a false top story even if it is the current style and method. It makes these townhouses look as if they are 4 stories. Regardless, houses of this size are not necessary, and NOT according to the Master Plan (even if it HAS been altered to allow townhouses, they shouldn't be this tall)
3. **PARKING ::** Woefully inadequate. Reduce the number of townhouses at least by 6
4. **EGRESS ::** This is one of the MOST troublesome problems. Any who have done traffic surveys HAVE NOT DONE THEM AT PEAK RUSH HOURS. Yes, sadly, Ashton DOES have a rush hour. IT HAS TWO OF THEM! These are the times when the morning traffic at the light in Ashton backs up well beyond Sherwood High School which ALSO has its own problems trying to get their busses into the school. IF 20 NEW TOWNHOUSES ARE BUILT ON PORTER ROAD, THEY WILL PROVIDE UP TO 40 MORE CARS (if there are two wage-earners in the household, which there will almost certainly be since houses this size are upwards of half a million dollars)

**The complex in Sandy Spring has two exits. . . one with it's own light.**

The proposed complex on Porter Road has only one exit for up to 40 cars. This intersection will NEVER have a light since it is so close to the present traffic light. There will always be a line of traffic backed up from the light which means those eager to make the light will never allow the egress of cars from Porter Road until the light turns red. And then possibly one or two cars will be allowed into the line out of pity. Imagine YOU are the eighteenth person in the line waiting to get out of this new complex. THIS SERIOUSLY NEEDS RETHINKING. WE HAVE SEEN THE TRAFFIC. WE LIVE HERE!

**Please don't let this project proceed at the current density.**

**Thank you for your consideration.**

- Charles Glendinning

Downloaded from <http://ajph.org/> on November 10, 2014

**CHARLES GLENDINNING**  
103 Country View Court  
Ashton, MD 20861  
H :: 301.774.3154  
C :: 301.980.1087

## Email

## Sandy Spring: Porter...

Priority  
Normal

Due




Status Reason  
ReceivedOwner  
 Area 3

## Email

## From

 Susan Fifer Canby

## To

 <MCP-Chair MCP-Chair>;  MCP-Chair #;  mcp-chair@mncppc-mc.org;  
 MCP-Chair@mncppc-mc.org

## Cc

## Subject

Sandy Spring: Porter Road Proposal.

## Date Sent

## Direction

## Incoming

1. We are OPPOSED to the project at its current scale. 2. It contradicts the Master Plan. 3. Parking is inadequate for 20 townhouses and a large commercial building. 4. Creation of a busy intersection for up to 40 more cars with no other way out is terrible planning...

PLEASE do not approve at this scale. The project could go forward IF reduced to 16 houses and careful traffic flow analysis which would be fair to Mr. Nichols and the community.

Best,

Susan Fifer Canby and Thomas Canby

Sent from my iPhone  
6855 Haviland Mill Road  
Clarksville,Md 21029  
Susanfifercanby@gmail.com

## Regarding

 Sandy Spring: Porter Road Proposal.

## Duration

File Name

There are no Attachments to  
or

0 - 0 of 0 (0 selected)

## Casey, Jonathan

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**From:** Amy Medd <amymedd@gmail.com>  
**Sent:** Friday, November 2, 2018 12:20 PM  
**To:** Casey, Jonathan  
**Subject:** Ashton Market

**Follow Up Flag:** Follow up   
**Flag Status:** Flagged

Ashton Market

Site Plan Number: 820180160

Preliminary Plan Number: 120180180

Jonathan,

I am a resident on Hidden Garden Lane and am concerned about the plans for the adjacent Ashton Market. The townhouses are quite large and numerous and there is already too much traffic and limited land for rainwater runoff in this area. I moved to Maryland from Southern Chester County PA a few years ago and the volume of people in this residential area is disturbing. Thankfully I leave for work at 6:30 in the morning, and come home late so I miss the worst of the traffic when it is nearly impossible to get out of this neighborhood onto 108.

Can you send me the date, time & location for the next planning meeting (I think it is the 15th of November?) or send a link to the info? I'd like to testify if possible.

Thank you,

Amy