

## **Item 3 - Correspondence**

**From:** [Neam, Dominique](#)  
**To:** [MCP-Chair](#)  
**Subject:** FW: Online Meeting November 19. Linden Forest Exhibits.  
**Date:** Tuesday, November 17, 2020 10:56:25 AM  
**Attachments:** [image.png](#)  
[LindenForSidewalkRqmnt.docx](#)

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**From:** Sterling Mehring <yosterling@gmail.com>  
**Sent:** Tuesday, November 17, 2020 10:52 AM  
**To:** Neam, Dominique <Dominique.Neam@mncppc-mc.org>  
**Cc:** Jeffrey Robertson <jeff@casengineering.com>; Lindsey, Amy <amy.lindsey@montgomeryplanning.org>  
**Subject:** Online Meeting November 19. Linden Forest Exhibits.

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Ms. Neam:

I am submitting applicant materials important to our argument to the Planning Board. This was submitted earlier but failed to show up in the staff report.

The summary of our points are in the .doc file. I have also included the photos embedded in the file separately if that is helpful.

Sterling Mehring

**Sterling Mehring**  
**301-807-9200**



## 2424 Forest Glen Rd. Transportation Planning Issue – Sidewalks

Reasons to forgo the removal of the State Roads sidewalk installed 2017-8 and regrade and reinstall along applicant's frontage. Photos attached to illustrate points below.

1. This is apparently not a county priority. The safety of a setback sidewalk was not a priority when this sidewalk was installed by the county and on the county's property at Forest Glen Park. Approximately 318' of frontage did not include this requirement. Even though the 2 modern subdivisions on either side of it provided frontage to do it and the opportunity to require others to install it on either end. **(2x pics)**
2. Recent subdivisions nearby along the same road below did have exceptions to this standard. They dedicated the area for the 80' ROW but did not require the stepped back sidewalk.
  - a. 2001 Belvedere Glen Block A. 4' sidewalk along the curb. Subdivision 2001 **(pic)**
  - b. The Mares Field of Forest Glen 1988. 2 lot subdivision just before the park **(pic)**
  - c. Forest Glen Knolls Block 5 – subdivision of Forest Glen Ct. just after the county park, it also does not set the sidewalk back from the curb between the park and the court. **(pic)**
3. This State Roads Capital Project was installed recently to a high standard with tall curbs and 5' wide pavement. It is wasteful to remove recently installed sidewalk.
4. Relocating the sidewalk will involve removing the entire length of Steel guard rail. My agreement with the neighbors at 2500 Forest Glen Rd. stipulates that I will not remove the guard rail in front of their house and lot. The owners do not favor the relocation of the sidewalk even if I have the State Barricade reinstalled
5. The Historic district to the East does not favor the relocation of the sidewalk. Owners of 2420 Forest Glen Rd prefer the sidewalk remain as installed. The sidewalk standard being suggested requires the Sidewalk to come back to the curb at our property line, where it is steep. The sidewalk along 2420 required a retaining wall to install the existing curb side sidewalk.
6. This requirement while creating a satisfying theoretical consistency on the ground it will be visually anomalous.
7. This requirement would be wasteful. If in the future the 80' ROW becomes a reality on the ground it will require the removal of the existing sidewalk and curb as well as the contemplated sidewalk.
8. 'Fairness'. Making an existing parcel into a buildable lot should not be overly burdened. Our project started with merely trying to get a record plat of the East portion of P674. To make a large existing but not grandfathered parcel into a buildable lot in a location Planning doctrine encourages development. Staff position was it was not appropriate to do so and inclusion of the adjoining parcels was required. Much more frontage, more forest more of everything to regulate and expense to the owner. After 5 months of negotiations and lawyers reviews I was able to get the neighboring owners to agree to be gifted the West portion of the parcel and to have their property included in the subdivision without expense. They are assuming their property will remain unchanged. The unanticipated expenses of complying with tree conservation on my site as well as the acquiescent neighboring property are burdens enough.

Thank you for considering my request for relief from this transportation planning requirement.

Sterling Mehning, [yoSterling@gmail.com](mailto:yoSterling@gmail.com), 301-807-9200



Steep topo at 2420 Forest Glen Rd Historic resource where the sidewalk must rejoin curb sidewalk.



Belvedere Glen Subdivision Block A. Sidewalk and complying with the 80' ROW as planned but with sidewalk to curb installed in front of 3 lots.





Forest Glen Park Frontage





Mares Field Subdivision. Sidewalk to the Western boundary of Forest Glen Park



Forest Glen Knolls, from Forest Glen Ct to Forest Glen Park whose East boundary is visible.

**From:** [Neam, Dominique](#)  
**To:** [Coello, Catherine](#)  
**Subject:** FW: Online Meeting November 19. Linden Forest Exhibits.  
**Date:** Tuesday, November 17, 2020 12:27:29 PM  
**Attachments:** [image001.png](#)  
[18105\\_MDSHA Plat 28932.pdf](#)  
[19554\\_DEED\\_1966\\_MDSHA\\_slope Easement\(L3521\\_F625\).pdf](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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**From:** Sterling Mehring <yosterling@gmail.com>  
**Sent:** Tuesday, November 17, 2020 11:46 AM  
**To:** Neam, Dominique <Dominique.Neam@mncppc-mc.org>  
**Cc:** Jeffrey Robertson <jeff@casengineering.com>  
**Subject:** Re: Online Meeting November 19. Linden Forest Exhibits.

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ok I will follow the written points generally and hopefully you can scroll the photos as I do. I hope they are clear in their connection to the points.

It wont be long, I assume the members review this before the meeting, I won't belabor it .

Also there was a late surprise the staff sprung in me this morning. They are taking a legal position on expired easements. It might be useful to have the attached easements in the board members files if they want to refer to them as we argue the point.

Thank you.

Sterling

**Sterling Mehring**  
**301-807-9200**



On Tue, Nov 17, 2020 at 11:16 AM Neam, Dominique <[Dominique.Neam@mncppc-mc.org](mailto:Dominique.Neam@mncppc-mc.org)> wrote:

Thank you. Feel free to call on me during the meeting for assistance with pulling up the photos.



Dominique

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**From:** Sterling Mehring <[yosterling@gmail.com](mailto:yosterling@gmail.com)>  
**Sent:** Tuesday, November 17, 2020 11:11 AM  
**To:** Neam, Dominique <[Dominique.Neam@mncppc-mc.org](mailto:Dominique.Neam@mncppc-mc.org)>  
**Cc:** Jeffrey Robertson <[jeff@casengineering.com](mailto:jeff@casengineering.com)>; Lindsey, Amy <[amy.lindsey@montgomeryplanning.org](mailto:amy.lindsey@montgomeryplanning.org)>; Coello, Catherine <[catherine.coello@mncppc-mc.org](mailto:catherine.coello@mncppc-mc.org)>  
**Subject:** Re: Online Meeting November 19. Linden Forest Exhibits.

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Dominique:

Thank you for that suggestion. I have added the file as a pdf.

We are learning how to do business in this new online environment. Thank you.

Sterling Mehring

**Sterling Mehring**  
**301-807-9200**



On Tue, Nov 17, 2020 at 10:56 AM Neam, Dominique <[Dominique.Neam@mncppc-mc.org](mailto:Dominique.Neam@mncppc-mc.org)> wrote:

Good morning,

Are these documents you would like displayed while you are providing your testimony or would you like these submitted to the Board before the hearing? I am happy to assist with pulling up the photos during the presentation but it would be easier if they were in one pdf document so I can scroll through them as you are giving your testimony.

Dominique



**Dominique Neam**  
**Technology Solutions Success Team, ITI Division**  
Montgomery County Planning Department  
2425 Reedie Drive, 3<sup>rd</sup> Floor, Wheaton, MD 20902  
[dominique.neam@mncppc-mc.org](mailto:dominique.neam@mncppc-mc.org)  
o: 301.650.5603 c: 240.475.0232



**WE'VE MOVED!**

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT  
2425 REEDIE DRIVE, WHEATON, MD 20902

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**From:** Sterling Mehring <[yosterling@gmail.com](mailto:yosterling@gmail.com)>  
**Sent:** Tuesday, November 17, 2020 10:52 AM  
**To:** Neam, Dominique <[Dominique.Neam@mncppc-mc.org](mailto:Dominique.Neam@mncppc-mc.org)>  
**Cc:** Jeffrey Robertson <[jeff@casengineering.com](mailto:jeff@casengineering.com)>; Lindsey, Amy  
<[amy.lindsey@montgomeryplanning.org](mailto:amy.lindsey@montgomeryplanning.org)>  
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Sterling Mehring

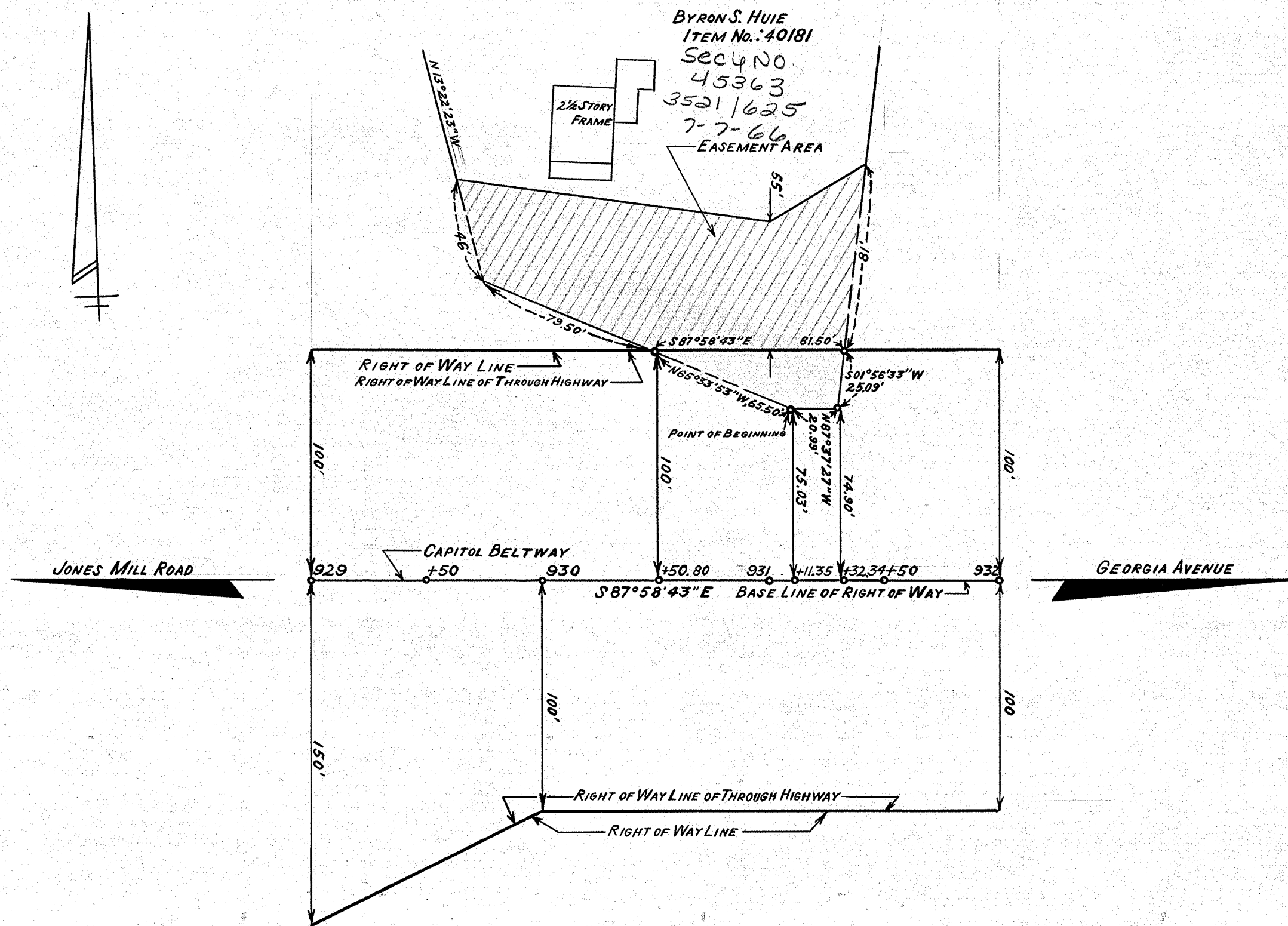
**Sterling Mehring**  
**301-807-9200**





LEGEND FOR DRAINAGE STRUCTURES  
DRAINAGE STRUCTURES CALLED FOR IN THE DEED OR DEEDS TO THE STATE OF MARYLAND TO THE USE OF THE STATE ROADS COMMISSION ARE PLANNED AT APPROXIMATELY THE FOLLOWING STATION LOCATIONS: HOWEVER, THE COMMISSION RESERVES THE RIGHT TO LOCATE OR LATER MOVE SAID DRAINAGE STRUCTURES NOT MORE THAN TWENTY-FIVE (25) FEET, PLUS OR MINUS, FROM SAID DESIGNATED STATIONS.

This is an Expressway, and no access either vehicular, pedestrian and/or animal will be permitted across the lines designated "Right of Way Line of Through Highway" except by means of such public road connections as the Commission may construct or permit to be constructed.



LOCATED IN MONTGOMERY COUNTY

PREPARED BY

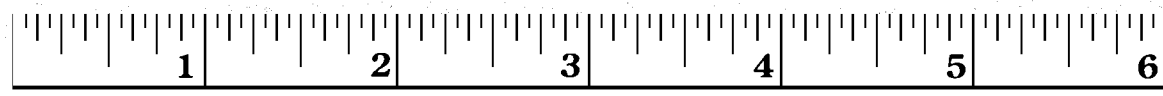
BUREAU OF DESIGN *Henry F. Cheim*  
CHIEF CONDEMNATION DATA

BOOK No's	REVISIONS
21-155	PART OF PLAT No. 15408

STATE ROADS COMMISSION  
OF MARYLAND  
CAPITOL BELTWAY  
CONTRACT No. M512-18-320  
PLAT No. 28932

SCALE: 1" = 50'  
ISSUED *June 12* 1963  
*Le Rapt. More*  
RIGHT OF WAY ENGINEER

NAME OF REPORTER PROPERTY OWNERS AS SHOWN ON THIS PLAT ARE THOSE OF ORIGINAL GRANTORS TO THE COMMISSION. THE APPROXIMATE PROPERTY LINES SHOWN WERE NOT ESTABLISHED BY ACTUAL SURVEY, BUT ARE INTENDED FOR AN APPROXIMATE GUIDE ONLY.



Maryland State Archives

SENT TO RECORD OFFICE ON: MARCH 8, 1985



Recorded July 7th, 1966-at-2:31 P.M.

LIBER 3521 FOLIO 625

FORM RW 25 (Revised 3/62)  
LEGAL DEPARTMENT  
300 West Preston Street  
Baltimore 1, Maryland  
Mail Address - P. O. Box 717  
Baltimore 3, Maryland

**DEED**  
TO  
THE STATE OF MARYLAND  
TO THE USE OF  
THE STATE ROADS COMMISSION  
OF MARYLAND

PAGE 1  
Right of Way Item No.  
40181  
S. R. C. Contract No.  
M 512-18-320

This Deed, Made this 5th day of July in the year 1966

(A) WHEREAS, the State Roads Commission of Maryland, acting for and on behalf of the State of Maryland, finds it necessary to acquire the land, easements, rights and/or controls, shown and/or indicated on State Roads Commission of Maryland's Plats Numbered 28932

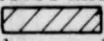
which are duly recorded, or intended to be recorded, among the Land Records of

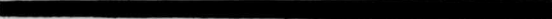
Montgomery County (ies) in the State of Maryland in order to lay out, open, establish, construct, extend, widen, straighten, grade and improve as a part of the State Roads System of Maryland, a highway and/or bridge, together with the appurtenances thereto belonging, under its Contract Number M 512-18-320 and known as the

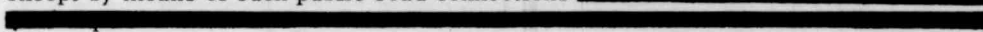
Capitol Beltway and to thereafter use, maintain and/or further improve said highway and/or bridge, as a part of the Maryland State Roads System.

(B) NOW, THEREFORE, THIS DEED AND RELEASE WITNESSETH: That for and in consideration of the above premises, One Dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, we do hereby grant and convey unto the STATE OF MARYLAND, TO THE USE OF THE STATE ROADS COMMISSION OF MARYLAND, its successors and assigns, FOREVER IN FEE SIMPLE, all our right, title and interest, free and clear of all liens and encumbrances, in and to

(C) ALL THE LAND, together with the appurtenances thereto belonging, or in anywise appertaining, lying between the outermost lines designated "Right of Way Line," as shown and/or indicated on the hereinbefore mentioned plats, all of which plats are made a part hereof, so far as our property and/or our rights may be affected by the said proposed highway and/or bridge, and the appurtenances thereto belonging, or in anywise appertaining.

(D) AND THE GRANTORS DO FURTHER GRANT unto the State of Maryland, to the use of the State Roads Commission of Maryland, its successors and assigns, the right to create, use and maintain on the area of the land shown hatched thus  on the above designated plats, such slopes as are necessary to retain and support the highway and/or adjacent property; it being agreed between the parties hereto, however, that at such time as the contour of the land over which this slope easement is granted is changed so that the easement required for slopes is no longer necessary to retain, support or protect the highway construction within the area conveyed in fee simple, then said easement for slopes shall cease to exist.

(G) AND THE GRANTORS DO FURTHER GRANT unto the State of Maryland, to the use of the State Roads Commission of Maryland, its successors and assigns, ANY AND ALL RIGHT WHATSOEVER of the GRANTORS, their heirs, successors and assigns, of any means whatsoever of ingress or egress between the THROUGH HIGHWAY and their remaining property across the lines which are designated "Right of Way Line of Through Highway," to the end that there never will be any vehicular, pedestrian and/or animal access to or from said Through Highway and their remaining property across those lines which are so marked on the above mentioned plats, except by means of such public road connections 

 as the "COMMISSION" may construct, or permit to be constructed.

(\*) Page 1, Revised 9/1/63 CONTINUED ON PAGE 2



(J) AND THE GRANTORS HEREIN do hereby covenant and agree, on behalf of themselves, their heirs, successors and assigns, to abide by and respect each and every control or restriction set forth in this instrument of writing, it being the intention of this conveyance to perpetuate all the rights and privileges granted to the State of Maryland, to the use of the State Roads Commission, by this deed. It is expressly understood and agreed that these covenants shall run with and bind upon the GRANTORS, their heirs, successors and assigns, forever.

(K) IT BEING part of the same property conveyed unto Bryon Stacy Huie, et ux, from Robert Conroy, Trustee, by deed dated 9/13/44 and recorded among the Land Records of Montgomery County in Liber 949, folio 265.

(V) TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, roads, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

(W) IT IS UNDERSTOOD AND AGREED that the Commission shall have no further obligation or liability for the results of construction, reconstruction, maintenance or further construction of said highway and/or bridge.

(X) TO HAVE AND TO HOLD the land and premises above described and mentioned and hereby intended to be conveyed unto the proper use and benefit of the State of Maryland, to the use of the State Roads Commission of Maryland, its successors and assigns forever in fee simple, together with the rights, easements, privileges and controls hereinbefore mentioned.

(Y) AND the grantors covenant that they have neither done, nor suffered to be done, anything to encumber the property, easements and/or rights, etc., hereby conveyed, and that they will execute such other and further assurances of same as may be requisite. The property conveyed in fee simple by this instrument is 0.03 acre.

(Z) AND \_\_\_\_\_  
join in this conveyance for the purpose of releasing the land, easements and/or rights herein conveyed from the operation and effect and any mortgage and/or lien which they hold upon the property of the grantors, retaining their rights as mortgagees and/or lienors in and to the remainder of the land of the grantor not affected by this conveyance.

IN WITNESS WHEREOF we have hereunto set our hands and seals.

WITNESS	<u>Mary Louise Eiker</u>	<u>Zoe G. Huie</u> (SEAL)
WITNESS	_____	<u>Zoe G. Huie, surviving tenant by the entirety</u>
WITNESS	_____	<u>of Byron Stacy Huie</u> (SEAL)
WITNESS	_____	_____ (SEAL)
WITNESS	_____	_____ (SEAL)
WITNESS	_____	_____ (SEAL)
WITNESS	_____	_____ (SEAL)
WITNESS	_____	_____ (SEAL)
WITNESS	_____	_____ (SEAL)
WITNESS	_____	_____ (SEAL)
WITNESS	_____	_____ (SEAL)

SEE PAGE 4 FOR ACKNOWLEDGMENTS

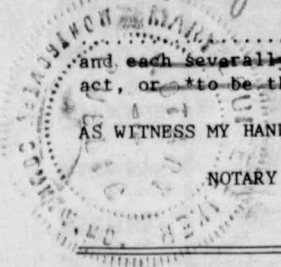
LIBER 3521 FOLIO 626



STATE OF MARYLAND - COUNTY OF MONTGOMERY

PAGE 4-FORM RW-25

I hereby certify that, before me, the subscriber, a NOTARY PUBLIC of the STATE OF MARYLAND, in and for  
Montgomery County, personally appeared ZOE G. HUIE



and each severally acknowledged the foregoing deed and release to be ~~his~~ \*her or \*their respective  
act, or ~~to be the act of the said body corporate.~~ (NOTE: strike out the words not applicable.)

AS WITNESS MY HAND AND NOTARIAL SEAL, this 5th day of July in the year 1966.

NOTARY SEAL

Mary Louise Eiker NOTARY PUBLIC.  
My Commission expires July 1, 1967

Front Foot benefit charges not returned by this deed  
WASHINGTON SUBURBAN SANITARY COMMISSION  
Supervisor of Assessments

To Secretary - State Roads Commission.

This conveyance has been recorded in  
the Right of Way Division Ledger.

No Extra property was acquired by deed

Extra property has been acquired and  
entered in property record - Form RW-91

INDEXED IN LEDGER DATE

By: Ledger Clerk.

OFF CONVEYANCES MADE.

This is to certify that the within  
instrument has been prepared by the  
undersigned, an attorney duly  
admitted to practice before the  
Court of Appeals of Maryland.

Norman Polski  
Norman Polski

502

DEED  
1966 JUL 7 PM 2:31  
FROM  
PR. ST. OFFICE

Zoe G. Huie, 16 CO. MD.

TO  
THE STATE OF MARYLAND  
TO THE USE OF  
THE STATE ROADS COMMISSION  
OF MARYLAND

Received for Record July 7, 1966

at 2:30 o'clock P.M. Same day recorded

in Liber C.K.W. No. 3521, Folio 625

one of the Land Records of

Montgomery County, Md.  
and examined per

Gayton K. Wadsworth, Clerk.

Cost of Record \$

Return to:

Right-of-Way Dept.,

State Roads Commission

Box 717

Baltimore 3, Md.

13-1-152300

TRANSFER TO GOVERNMENTAL, RELIGIOUS,  
OR CHARITABLE ORGANIZATION

JUL 7 1966

All Taxes on assessments certified to the  
Collector of Taxes for Montgomery County  
Md. by H. Huie have been paid Dept. of  
Finance, Montgomery County, Md.  
This statement is for the purpose of  
recording and is not assurance as to the  
taxation even for prior periods, nor does it  
guarantee satisfaction of outstanding tax sales

Paul T. Brown



manifest  
Grantee Box 717 Balt. 3, Md. 8-23-66

Recorded July 7th, 1966-at-2:31 P.M.

LIBER 3521 FOLIO 628

*murphy*

FORM RW 25 (Revised 3/63)  
LEGAL DEPARTMENT  
300 West Preston Street  
Baltimore 1, Maryland  
Mail Address - P. O. Box 717  
Baltimore 3, Maryland

**DEED**  
TO  
THE STATE OF MARYLAND  
TO THE USE OF  
THE STATE ROADS COMMISSION  
OF MARYLAND

PAGE 1  
Right of Way Item No.  
55306  
S. R. C. Contract No.  
M 534-4-341

**This Deed,** Made this 21<sup>st</sup> day of June in the year 1966.

(A) WHEREAS, the State Roads Commission of Maryland, acting for and on behalf of the State of Maryland, finds it necessary to acquire the land, easements, rights and/or controls, shown and/or indicated on State Roads Commission of Maryland's Plats Numbered 32318

which are duly recorded, or intended to be recorded, among the Land Records of

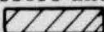
Montgomery County (ies) in the State of Maryland in order to lay out, open, establish, construct, extend, widen, straighten, grade and improve as a part of the State Roads System of Maryland, a highway and/or bridge, together with the appurtenances thereto belonging, under its Contract Number M 534-4-341 and known as the

Md. Route 97

and to thereafter use, maintain and/or further improve said highway and/or bridge, as a part of the Maryland State Roads System.

(B) NOW, THEREFORE, THIS DEED AND RELEASE WITNESSETH: That for and in consideration of the above premises, One Dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, we do hereby grant and convey unto the STATE OF MARYLAND, TO THE USE OF THE STATE ROADS COMMISSION OF MARYLAND, its successors and assigns, FOREVER IN FEE SIMPLE, all our right, title and interest, free and clear of all liens and encumbrances, in and to

(C) ALL THE LAND, together with the appurtenances thereto belonging, or in anywise appertaining, lying between the outermost lines designated "Right of Way Line," as shown and/or indicated on the hereinbefore mentioned plats, all of which plats are made a part hereof, so far as our property and/or our rights may be affected by the said proposed highway and/or bridge, and the appurtenances thereto belonging, or in anywise appertaining.

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(\*) Page 1, Revised 9/1/63 CONTINUED ON PAGE 2