

## NORTHFIELD ROAD

### RIGHT-OF-WAY ABANDONMENT AB-785



#### Description

Staff requests permission to transmit comments to MCDOT pertaining to Right-of-Way Petition AB-785, which seeks partial abandonment of Northfield Road public right-of-way between Moorland Lane and Greenwich Neighborhood Park in Bethesda.

AB-785

Completed: May-29-2023

MCPB

Item No. 7

June 8, 2023

2425 Reddie Drive

Floor 14

Wheaton, MD 20902

## Planning Staff



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### LOCATION/ADDRESS

8401 Moorland Lane and 5423 Northfield Road, Bethesda

### MASTER PLAN

1990 *Bethesda/Chevy Chase Master Plan*

### ZONE

R-60

### Subject Abandonment Area

3,405 square feet

### APPLICANT

Bradley and Sophie Buslik

### ACCEPTANCE DATE

April 21, 2023

### REVIEW BASIS

Chapter 49-62



### Summary:

- Staff recommends approval with conditions.
- Staff requests permission to transmit the recommendation and comments to MCDOT in advance of their Public Hearing scheduled for July 24, 2023.
- The County Council approves abandonments of improved public rights-of-way. MCDOT is the lead executive agency for this application and must conduct a public hearing, for which MCDOT will provide public notice. Prior to the MCDOT public hearing, the County Executive solicits comments from the Planning Board and other agencies.
- The Applicant requests abandonment of the northern half of an existing public right-of-way on Northfield Road (3,405 square feet), which is currently used as a gravel driveway for 8401 Moorland Lane and 5423 Northfield Road. The southern portion of the right-of-way, proposed to remain, includes an asphalt bicycle and pedestrian pathway that connects to Greenwich Neighborhood Park.
- Staff has not received any public correspondence on the Right-of-Way Petition as of the date of this staff report.

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## SECTION 1: EXECUTIVE SUMMARY

Petitions for abandonment of improved public rights-of-way are subject to approval by the County Council, pursuant to Section 49-62 of the County Code. The County Executive, or Executive's designee, typically Montgomery County Department of Transportation (MCDOT), must hold a public hearing on the Application. MCDOT provides public notice for this hearing. Prior to conducting the public hearing, the County Executive solicits comments from several government agencies, include the Montgomery County Planning Board.

Per Section 49-62, an improved public right-of-way may be abandoned or closed if the Council by resolution finds that:

- (1) the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or
- (2) the abandonment or closing is necessary to protect the health, safety, and welfare of the residents near the right-of-way to be abandoned or closed.

The Applicant for the Subject Abandonment seeks partial abandonment of the eastern terminus of Northfield Road, east of Moorland Lane, in Bethesda. The northern half of this right-of-way has been improved and used as a gravel driveway for 8401 Moorland Lane and 5423 Northfield Road. The Applicant owns both properties. The Applicant plans to combine these two lots and demolish the existing residence on 5423 Northfield Road to be replaced with a private swimming pool.

The southern portion of the Northfield Road right-of-way will continue to provide pedestrian and bicycle access to Greenwich Neighborhood Park by way of a paved trail. There are no plans to extend Northfield Road eastward to connect with Old Georgetown Road (through Greenwich Neighborhood Park), and the Subject Abandonment does not interfere with the existing park access trail. Therefore, Staff recommends approval of the Subject Abandonment on the conditions that sufficient right-of-way will remain to provide access to the park and that the Applicant record all necessary easements to preserve access to existing utilities within the Subject Abandonment.

## SECTION 2: RECOMMENDATIONS AND CONDITIONS

### RIGHT-OF-WAY ABANDONMENT

Staff recommends approval with conditions of the Petition for Right-of-way Abandonment AB-785 which requests partial abandonment of Northfield Road public right-of-way (3,405 square feet) between Moorland Lane and Greenwich Neighborhood Park in Bethesda (“Subject Abandonment”).

1. The remaining southern portion of Northfield Road public-right-of-way must be retained for public bicycle and pedestrian access to Greenwich Neighborhood Park.
2. The Applicant must coordinate with the adjacent property owner (8213 Moorland Lane), WSSC, MCDPS, and Washington Gas to provide utility easements for the existing sewer and gas lines, as necessary prior to record plat.
3. Before consolidating Lots 2 and 3 in Block C, the Applicant must demolish at least one of the primary residential structures on either of the lots.
4. Before issuance of any building permit (other than a demolition permit), the Applicant must record the plat to combine the two lots: Lots 2 and 3 in Block C along with the abandoned right-of-way.

## SECTION 3: ANALYSIS

Northfield Road is a Residential Street that runs from Huntington Parkway on the west and terminates at Greenwich Neighborhood Park to the east in Bethesda. The Subject Abandonment pertains to the northern half of the easternmost block, between Moorland Lane and Greenwich Neighborhood Park. The right-of-way is subject to the 1990 *Bethesda/Chevy Chase Master Plan*, the 2018 *Master Plan of Highways and Transitways*, and Chapter 49 of the County Code (“Road Code”).



Figure 1 – Vicinity Map

### BACKGROUND

Petitioners Bradley and Sophie Buslik (“Applicant”) own the adjoining properties located at 8401 Moorland Lane and 5423 Northfield Road (Lots 2 and 3 in Block C by Plat of Subdivision 1064, “Greenwich Forest”, filed in 1939). The Applicant intends to demolish the existing house at 5423 Northfield Road and subdivide the two properties to create one record lot to allow for the construction of a pool in the backyard. The underlying zoning of the Subject Abandonment and the adjacent properties is R-60.



Figure 2 – Zoning Map

Both properties are accessed from Northfield Road. As evidenced by the site photos, the Northfield Road right-of-way is comprised of a gravel roadway located along the northern half of the right-of-way which provides access only to the Applicant’s properties and a paved pedestrian path located on the southern portion of the right-of-way providing a link to Greenwich Neighborhood Park.

## PROPOSAL

The Applicant is requesting the abandonment of the northern half of the Northfield Road right-of-way between Moorland Lane and Greenwich Neighborhood Park, which contains the gravel driveway. As stated previously in the background section of this report, the Applicant intends to demolish the existing house at 5423 Northfield Road and subdivide the two properties to create one record lot to allow for the construction of a pool in the backyard. There will be no impact to the southern half of the right-of-way containing the pedestrian path.

On April 21, 2023 the Maryland - National Capital Park and Planning Commission (M-NCPPC) received Abandonment Petition AB-785, in accordance with Section 49-62(g) of the County Code (Attachment A).



Figure 3 – View of Subject Abandonment (Northfield Road looking east)



Figure 4 – View of Subject Abandonment, closer view (Northfield Road looking east)

It is important to note that Northfield Road has never been platted to extend beyond (or through) Greenwich Neighborhood Park, and it is not master planned to do so in the future. The 1990 *Bethesda Chevy Chase Master Plan* and the 2018 *Master Plan of Highways and Transitways* both envision the eastern terminus of the roadway at the western boundary of the Greenwich Neighborhood Park, as it exists today.



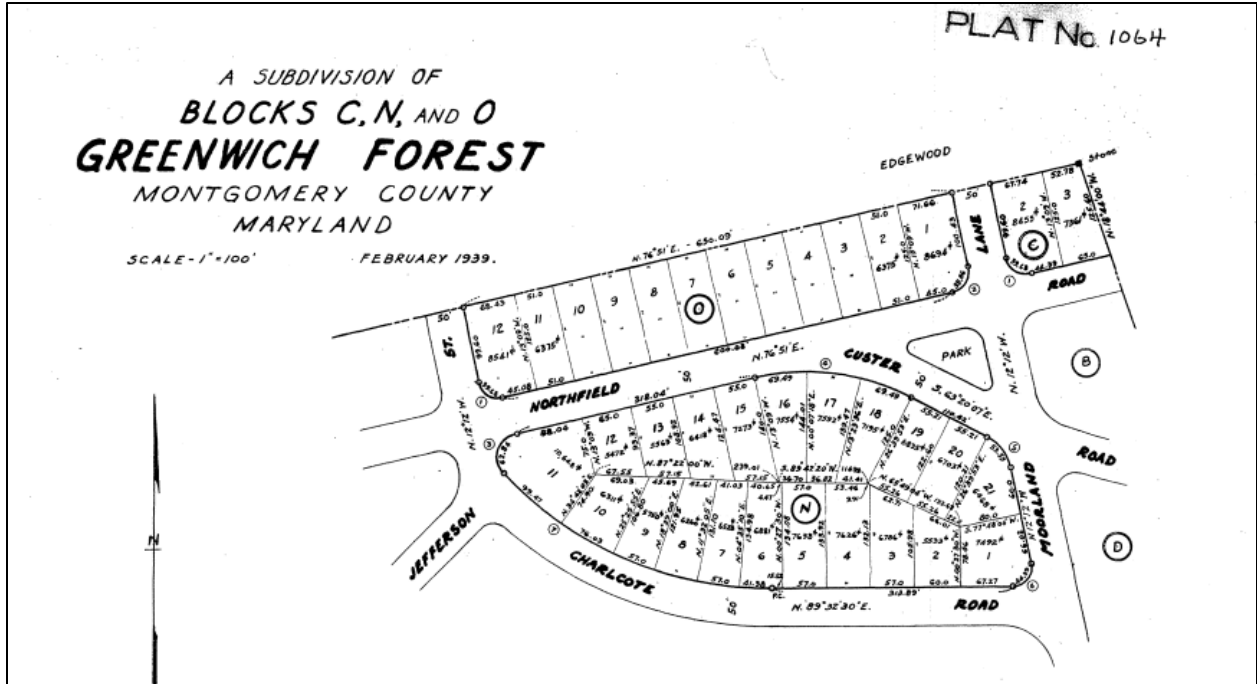


Figure 5 – Excerpt from Plat 1064, Filed March 9, 1939

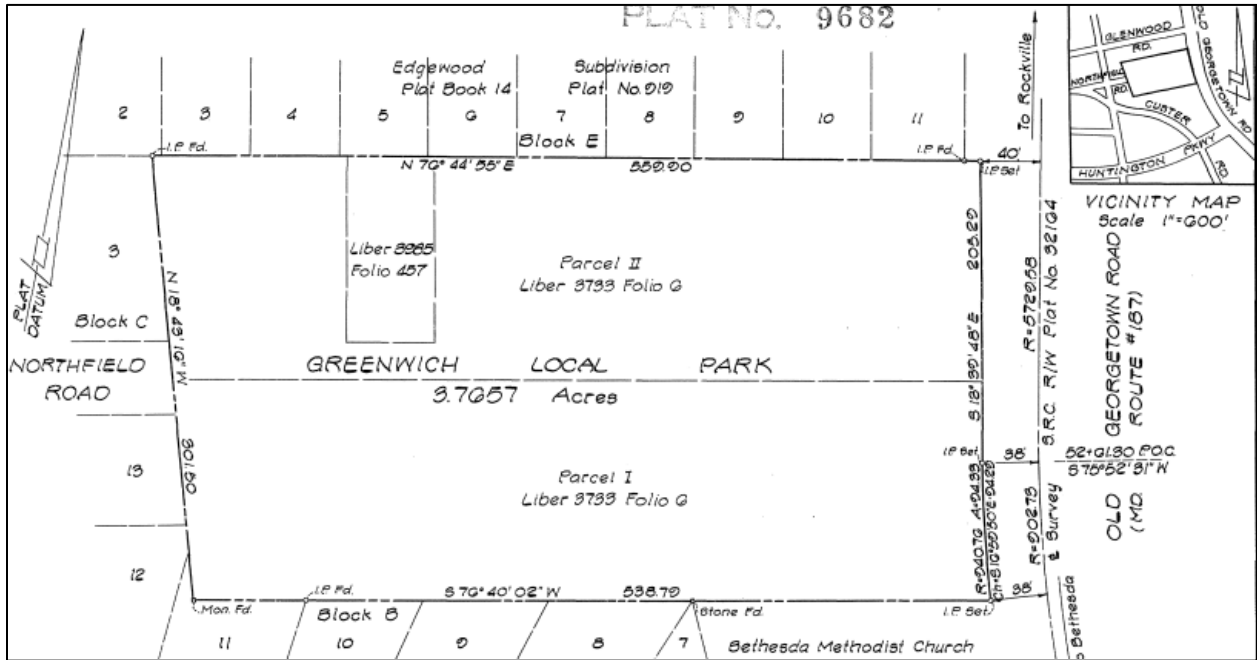


Figure 6 – Excerpt from Plat 9682, Filed September 9, 1970

## SECTION 4: FINDINGS AND ANALYSIS

The Application meets the findings required by Section 49-63 *Decision of the Council*.

### FINDINGS REQUIRED BY SECTION 49-63

- c. A right-of-way may be abandoned or closed if the Council by resolution finds that:**
- 1. the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or**
  - 2. the abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed**

The Subject Abandonment is no longer necessary for present public use or anticipated public use in the foreseeable future. The Subject Abandonment consists of the northern half of the very short block of Northfield Road between Morland Lane to the west and Greenwich Neighborhood Park to the east. The only residences that use this segment of Northfield Road for access are 8401 Moorland Lane and 5423 Northfield Road, both of which are owned by the Applicant. The northern portion is currently improved and used as a shared gravel driveway for both lots. This portion of the Northfield Road public right-of-way has not been used for public access. The Subject Abandonment does contain an existing sewer main and existing gas main. Both mains provide house connections to the Property as well as to the property to the south (8213 Moorland Lane). The sewer and gas mains are contained and terminate within the Subject Abandonment. As conditioned, the Applicant will coordinate and provide easements to the respective utility companies and to the neighboring property owner, as necessary.

The southern half of Northfield Road between Morland Lane and the park have been in regular public use for decades. This portion of public right-of-way has been improved with an asphalt bicycle and pedestrian trail, providing public access to the Greenwich Neighborhood Park. The path is screened with dense vegetation. The existing trail and vegetation are proposed to remain.

As stated previously, there are no plans to extend Northfield Road to connect to Old Georgetown Road. If the Subject Abandonment is approved, public access to the park will be effectively unchanged from its current condition. Therefore, the Subject Abandonment is no longer needed for present use or anticipated use in the future.

## SECTION 5: CONCLUSION

Staff recommends the Planning Board support Petition AB-785 for a portion of Northfield Road, with the recommended conditions of approval included in the staff report and transmit comments to the Montgomery County Department of Transportation.

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### ATTACHMENTS

*Attachment A: Right-of-way Petition AB-785*

*Attachment B: Plats 1064 and 9862*