

## Item 10 - Correspondence

**From:** [Donald E. Chamberlin](#)  
**To:** [Nieze, Ugonna](#); [Johnsen, Douglas](#); [MCP-Chair](#)  
**Cc:** [Putman, Jim](#); [Faustini, Lou](#); [Pereira, Sandra](#); [Butler, Patrick](#)  
**Subject:** Planning Board Hearing re Pre-Preliminary Plan Number 720240020 31 Oct 2024 Item 10  
**Date:** Saturday, October 26, 2024 2:32:59 PM

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

Greetings all,

The Patuxent Watershed Protective Association (PWPA) has examined the revised plan for the Kirk Farm lot located at 2505 Tall Timbers Road.

We approve the revision to reduce the number of houses on the lot from 2 to 1, and the change of access to Tall Timbers Road, and the elimination of the extensive driveway from Brooke Farm Road and the large Fire Department turn-around cul-de-sac. These changes are in line with the general objective of reducing, insofar as practicable, the impervious coverage of lots, and protecting stream valley buffers, within the Hawlings River Watershed, which is a section of the Patuxent Watershed.

Additionally we recommend that a Category 1 Forest Conservation Easement be established on the subject property across the full width of the property from the southern Stream Valley Buffer limit to Brooke Farm Drive. There was such an easement on the previous plan for this property, and it should be continued under the revised plan in order to protect the stream valley buffer area.

We note one item requiring clarification: on page 4 of the staff packet for the Planning Board hearing, the Property Description paragraph says there is a 150-foot stream valley, but the revised plan 720240020 shows the stream valley buffer as being 125 feet from the center line of the stream. Please clarify which limit is correct for this property.

Finally, since [mcatlas.org/zoning](http://mcatlas.org/zoning) shows the water and sewer category for the property as being W-1 S-6, but the 720240020 plan shows a water and sewer connection to the WSSC water and sewer lines running along Tall Timbers Road, it will be necessary for the applicant to submit a Water and Sewer Category Change request to change the category to W-1 S-1 and connect to the sewer line. PWPA recommends approval of a sewer connection for this property. It is doubtful that the required primary and reserve septic areas would fit on the property outside of the stream valley buffer area, and the neighboring houses are all connected to the existing water and sewer lines.

Regards,

Donald E. Chamberlin, Representative  
*[Patuxent Watershed Protective Association](#)*

**From:** [Johnsen, Douglas](#)  
**To:** [Donald E. Chamberlin](#); [Njeze, Ugonna](#); [MCP-Chair](#)  
**Cc:** [Putman, Jim](#); [Faustini, Lou](#); [Pereira, Sandra](#); [Butler, Patrick](#)  
**Subject:** RE: Planning Board Hearing re Pre-Preliminary Plan Number 720240020 31 Oct 2024 Item 10  
**Date:** Monday, October 28, 2024 5:12:12 AM

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Mr. Chamberlin,

As the Environmental Reviewer I can address the 2 issues you have raised pertaining to the Forest Conservation Easement and the Stream Valley Buffer width.

First, this application is a Pre-Preliminary Plan which does not require a Forest Conservation Plan nor does it require an Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) Plan. Neither of those plans have been applied for in this case. If the applicant decides to move forward with development on this property, they will need to first obtain approval of an NRI/FSD plan. Then they will need to file for a Forest Conservation Plan. It's the Forest Conservation Plan that will set the conservation easements on the property. Under Chapter 22A of the County Code, i.e. the Forest Conservation Law, we are required to protect any environmental features on the property including stream valley buffers by placing a Category I Conservation Easement over those items. We will also protect any forest that is not shown to be removed and the forest that isn't shown to be removed will also be placed into conservation easement.

Second, is the stream valley buffer. I cannot explain the error between the staff report and the submitted plan. I can tell you that this site is within the Hawlings River-James Creek watershed which is designated by the State of MD as a Use Class IV-P stream. As such, the Environmental Guidelines specifies a minimum stream buffer offset from the edge of the stream of 125-ft. The stream buffer offset is based on the specified Use Class and the slope of the land adjacent to the stream. The stream buffer will not be set until the NRI/FSD has been submitted and approved.

Ugo can assist you with other concerns you may have on this application. Thank you.

Doug Johnsen, PLA, ISA  
**Planner III**  
**Upcounty Planning Division**  
**Montgomery County Planning Dept.**  
**2425 Reddie Dr., 13<sup>th</sup> Floor**  
**Wheaton, MD 20902**  
(O) 301-495-4559

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**From:** Donald E. Chamberlin <dechamb@verizon.net>  
**Sent:** Saturday, October 26, 2024 2:33 PM  
**To:** Njeze, Ugonna <Ugonna.Njeze@montgomeryplanning.org>; Johnsen, Douglas <douglas.johnsen@montgomeryplanning.org>; MCP-Chair <mcp-chair@mncppc-mc.org>  
**Cc:** Putman, Jim <jputman2727@gmail.com>; Faustini, Lou <lou@faustini.com>; Pereira, Sandra <sandra.pereira@montgomeryplanning.org>; Butler, Patrick

<patrick.butler@montgomeryplanning.org>

**Subject:** Planning Board Hearing re Pre-Preliminary Plan Number 720240020 31 Oct 2024 Item 10

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Regards,

Donald E. Chamberlin, Representative

***Patuxent Watershed Protective Association***

**From:** [Jason Eustace](#)  
**To:** [MCP-Chair](#)  
**Cc:** [Jessica Eustace](#); [Robert McNally](#); [Mary Jane Geraci](#); [Susan Ramsay](#); [ram423@aol.com](mailto:ram423@aol.com); [Viola Wiercinski](#)  
**Subject:** Kirk Farm - Issues & Alternatives  
**Date:** Tuesday, October 29, 2024 9:23:28 AM  
**Attachments:** [Kirk Farm - Other Considerations.docx](#)

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

Good Morning,

I have signed up to speak later this week regarding the Kirk Farm, however I wanted to share our community's thoughts in advance as there was not an option to include our thoughts when I registered to speak. I have attached the document in MS Word as well as included it below. In addition I have included a link to a series of pictures which help frame the community's concerns and support for an alternative access to the Kirk Farm Property.

### **Proposal for Optimized Development of Subject Property: Relocate Home and Use Brooke Farm Drive for Access**

*Property Overview:* The 1.5-acre Subject Property is a through parcel with frontage on two public roads: Brooke Farm Drive to the north and Tall Timbers Road to the south. Brooke Farm is a paved, county-maintained road designed to meet transportation and infrastructure standards, while Tall Timbers is an unpaved, narrow gravel street serving only a few homes, making it unsuitable for additional traffic or construction.

**Community's Position:** While the community supports the construction of a single-family home, we strongly oppose the current proposal for house placement and access from Tall Timbers Road. These plans would result in adverse impacts on the surrounding neighborhood, environment, and infrastructure.

We propose the following adjustments to ensure responsible development:

#### **1. Access from Brooke Farm Drive, with Stream Valley Buffer Remediation**

*Acknowledging the Challenge:* We recognize that accessing the property from Brooke Farm Drive presents a challenge due to the stream valley buffer in the northern section of the lot. The stream buffer, while important for environmental protection, does not make access from Brooke Farm impossible. Rather, it requires careful, thoughtful remediation.

*Potential Solutions:* Solutions such as constructing a small bridge or similar environmentally sensitive structure could provide access to the property without disturbing the stream buffer. These types of developments are common and have been successfully implemented in other environmentally protected areas. Such remediation would allow access from the fully maintained, paved Brooke Farm Drive, minimizing

long-term damage to local infrastructure and preventing the need for unnecessary improvements to Tall Timbers Road. Overall a better solution where everyone in the community benefits.

*Preserving the Environment:* A well-planned remediation effort, such as a bridge or elevated driveway, would maintain the integrity of the stream buffer while ensuring the property is accessible from a safer, more reliable road. By incorporating sustainable construction techniques, it is possible to balance development with environmental preservation, aligning with county regulations and best practices.

## **2. Environmental and Aesthetic Damage from Southern House Placement**

*Excessive Tree Removal:* Placing the house at the southernmost point would require clear-cutting the forested area, removing the natural tree barrier between the property and neighboring homes. This would reduce privacy, degrade the landscape, and diminish property values. More critically, it would exacerbate water runoff problems for existing homes along Fort William Street, which have already invested substantial sums to address flooding caused by recent development.

*Impact on Stormwater Runoff:* By shifting the house further north or positioning it centrally on the lot, tree removal would be minimized. Preserving the trees helps maintain the area's natural stormwater absorption capacity, reducing the likelihood of increased flooding. This adjustment is critical to protecting the neighborhood from further water damage and erosion.

## **3. Inadequate Traffic Study for Tall Timbers Road**

*Incomplete and Misleading Analysis:* The traffic study provided for this development only addresses impacts on Brooke Farm Drive and completely overlooks the effects on Tall Timbers Road. Adding construction traffic and permanent use by residents would increase traffic by over 20%, far exceeding what the gravel road can handle without significant upgrades. The study must be updated to accurately reflect this change in the development plan.

*Unnecessary Road Deterioration:* Tall Timbers Road cannot sustain the additional burden from construction vehicles and long-term residential traffic. Its narrow width, lack of maintenance, and gravel surface make it highly vulnerable to rapid deterioration, creating an unsustainable burden on both the residents and the county. Brooke Farm Drive is fully equipped to handle such traffic, eliminating the need for costly improvements to Tall Timbers.

## **4. Fire Safety and Emergency Access Concerns**

*Questionable Fire Safety Exemption:* The decision to exempt this property from a fire inspection due to pre-2010 plans raises significant concerns. The fact that the property failed a percolation test over 15 years ago, which prevented the original house from being built, underscores the importance of ensuring the site meets all modern safety standards before proceeding with development.

*Short-sighted Decision:* It is unclear why the county would forgo a thorough fire inspection for a site that failed basic environmental tests in the past. The county should prioritize public safety by ensuring that the property complies with all fire codes and safety regulations, especially considering the changes in the environment and neighborhood since the initial testing was done. Allowing construction to move forward without re-evaluating the site's safety features is short-sighted and could result in future liabilities. The current access via Tall Timbers is inadequate for emergency vehicles, further highlighting the importance of using Brooke Farm Drive, which meets modern fire and transportation requirements.

*Ensuring Compliance with Current Codes:* Before any construction approval is granted, the property must undergo a comprehensive review to ensure it complies with fire safety standards. Modern fire trucks require adequate width, turning radius, and stable road conditions, none of which are present on Tall Timbers Road. Brooke Farm Drive, on the other hand, is wide enough to accommodate emergency vehicles and provides safer, quicker access to the property.

## **5. Avoiding Unnecessary Construction Disruption**

*Temporary Turnaround Not Needed:* The argument for a temporary turnaround on Tall Timbers Road during construction is baseless. Nearby developments, such as on Lot 14, completed construction without such a measure, using the property itself for turnaround space. Introducing temporary infrastructure would further damage the gravel road and disrupt buried utilities, such as power lines and sewer pipes. Using Brooke Farm Drive as the access point eliminates the need for such a disruption.

*Better Construction Access via Brooke Farm:* Brooke Farm Drive's paved surface provides sufficient space for construction vehicles to maneuver without impacting the surrounding neighborhood. This road has been used for previous developments without issue, and continuing this practice will minimize disruption to both the property and neighboring areas.

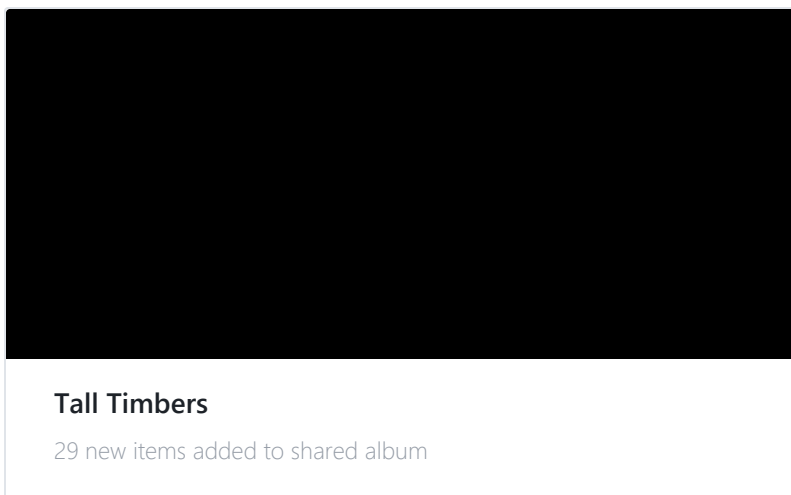
**Pictures:** I have attached a series of pictures which highlights the conditions of Tall Timbers Road as well as some of the challenges for more than one car to travel on the road. Our neighbors had some guests over which highlights what happens when there is a small increase in traffic. On the contrary the last series of pictures highlights Brooke Farm Road which is paved and wide enough to accommodate two buses passing side by side. Lastly in the pictures I highlighted the limited access to the property from Tall Timbers with the construction cones. Here is a link to the photo album

<https://photos.app.goo.gl/JM9Hu2jqxepM1pym8>

**Conclusion:** Shifting the house location further north on the lot and using Brooke Farm

Drive for access, with environmentally sensitive remediation for the stream buffer, is the most practical and responsible approach. This proposal minimizes negative environmental impacts, protects community aesthetics, and ensures the safety and functionality of the development. Ignoring these concerns and proceeding with the current plan would result in unnecessary infrastructure strain, environmental degradation, and safety risks. Brooke Farm Drive provides a safe, fully developed access point, while thoughtful mitigation techniques (like a bridge) can preserve the integrity of the stream buffer, ensuring this development aligns with county regulations and community standards.

### [Tall Timbers](#)



Regards,

Jason

Jason K. Eustace  
240-281-3664





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**From:** [Viola Wiercinski](#)  
**To:** [MCP-Chair](#)  
**Subject:** Kirk Farm plan number: 720240020  
**Date:** Tuesday, October 29, 2024 11:05:56 AM

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

To whom it may concern,

We are the owners of 2601 Tall Timbers Rd., we moved to Olney because it is a great place to live and our neighborhood is just magical. Our house was in a bad shape, for the last 11 years we spent so much money to fix the house, take care of the grass and the trees around to protect them from getting sick so we do not have to cut them. Trees are protecting us from getting flooded. We also put drainage between our property and the road, it was necessary because we had standing water there with mud and mosquitos. We contributed several times to fix the road.

My husband and I are originally from Poland, we were always amazed how many trees there are in Maryland and how wonderful the city we are living in. We have all we need in Olney, we have a theater, great schools, stores, restaurants..., and at same time we have our own magical place with lots of trees around. We need to consider keeping the beauty of Olney as it is.

We are really worried about more traffic on the road, there is barely space for us as neighbors. Please consider using Brooke Farm Drive since it is in a good shape, no money needs to be spent to fix it.

Sincerely,

Greg, Viola Wiercinski  
301-503-8934