

500 VALLEY BROOK
ADMINISTRATIVE SUBDIVISION PLAN NO. 620240120 &
FOREST CONSERVATION PLAN NO. F20240780

Description

Request to subdivide one parcel into two lots, including one flag lot, for two new detached houses. The existing house will be demolished.

COMPLETED: 10/20/2025

PLANNING BOARD HEARING DATE: 10/30/2025

MCPB ITEM NO. 6

Planning Staff



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LOCATION/ADDRESS

500 Valley Brook Drive, Silver Spring

MASTER PLAN

1997 *White Oak Master Plan*

ZONE

R-200

PROPERTY SIZE

67,518 sf

APPLICANT

Yonas Fesehazion

ACCEPTANCE DATE

8/21/2024

REVIEW BASIS

Chapters 50, 22A

Summary:

- Staff recommends approval with conditions of the Administrative Subdivision Plan and Forest Conservation Plan.
- The Subject Application proposes subdivision of the Property into two lots in a flag lot configuration.
- The Property is currently developed with one detached house that will be demolished for construction of the proposed subdivision.
- Planning Board approval is required for the Administrative Subdivision Plan because a flag lot is proposed (Section 50-4.3.C.1.b.).
- Staff received two emails from neighbors with concerns about the proposed subdivision.
- The Planning Board approved three extensions of the regulatory review period for this Application, extending the hearing date from November 14, 2024, to November 6, 2025.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

ADMINISTRATIVE SUBDIVISION PLAN NO. 620240120

Staff recommends approval with conditions of the Administrative Subdivision Plan No. 620240120 to subdivide the lot into two lots for two detached houses. All site development elements shown on the latest electronic version of the Administrative Subdivision Plan No. 620240120 as of the date of this Staff Report submitted via ePlans to the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) are required except as modified by the following conditions.

GENERAL APPROVAL

1. This Administrative Subdivision Plan is limited to two (2) lots for two (2) detached dwelling units.

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

2. The Adequate Public Facilities (“APF”) review for the Administrative Subdivision Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

PLAN VALIDITY PERIOD

3. The Administrative Subdivision Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Administrative Subdivision Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated September 26, 2025, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section, in its stormwater management concept letter dated October 6, 2025, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water

Resources Section if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.

7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section, in its letter dated July 25, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Administrative Subdivision Plan approval.

OTHER APPROVALS

8. Before approval of a record plat or any demolition, clearing, or grading for the Subject Property, the Applicant must receive Staff certification of this Administrative Subdivision Plan.

TRANSPORTATION

Frontage Improvements

9. The Applicant must provide dedication of, and show on the record plat, nine hundred and twelve (912) square feet on Valley Brook Drive, as shown on the Certified Preliminary Plan, to allow future construction of a sidewalk.
10. Before the issuance of the first above-grade building permit or right-of-way permit (whichever comes first), the Applicant must make a de minimis payment of \$26,088 to the Montgomery County Department of Transportation (MCDOT) towards the Capital Improvement Project (CIP) Sidewalk Program Minor Projects P506747 in lieu of constructing frontage improvements along Valley Brook Drive. The payment will be adjusted based on the Federal Highway Administration’s National Highway Construction Cost Index from the mailing date of the Planning Board Resolution to the date of the issuance of the first above-grade building permit or right-of-way permit (whichever comes first). Proof of payment is required.

RECORD PLATS

11. There shall be no clearing or grading of the site before recordation of plat.
12. The record plat must show necessary easements.
13. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
14. The record plat must reflect the following building restriction lines (BRLs) as shown on the Administrative Subdivision Plan:
 - a) A 68-foot BRL from the rear lot line of Lot 2; and
 - b) An 80-foot BRL between the building envelope on Lot 1 and the building envelope on Lot 2.

CERTIFIED ADMINISTRATIVE SUBDIVISION PLAN

15. The Certified Administrative Subdivision Plan must contain the following notes:

- a) Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Administrative Subdivision Plan are illustrative. The final locations of buildings, structures, and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
 - b) The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Administrative Subdivision Plan is required to be on-site at all times.
16. Before submittal of the Certified Administrative Subdivision Plan, the Applicant must make the following changes:
- a) Show resolutions and approval letters on the certified set; and
 - b) Include the approved Fire and Rescue Access plan in the certified set.

FOREST CONSERVATION PLAN NO. F20240780

Staff recommends approval of Forest Conservation Plan No. F20240780 to subdivide the Property into two lots for two new detached houses, subject to the following conditions:

1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the certified Final Forest Conservation Plan.
4. Before the start of any demolition, clearing, grading, or construction for this development Application, whichever comes first, the Applicant must:
 - a) Record an M-NCPPC-approved Certificate of Compliance in an M-NCPPC-approved off-site forest bank within the Northwest Branch Watershed or Priority Area to satisfy the afforestation requirement for a total of 0.24 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Northwest Branch Watershed or Priority Area, or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available at any bank.
 - b) Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all variance tree mitigation plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.

- c) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the variance mitigation trees, fencing, easement markers, and maintenance required for meeting the requirements of the FCP.
- 5. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the approved FCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches, totaling 46 caliper inches, and located outside of any right-of-way or utility easements, including stormwater management easements, as shown on the approved FCP. Adjustments to the planting locations of these trees are permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

SECTION 2: SITE DESCRIPTION

VICINITY

The property subject to Administrative Subdivision Plan No. 620240120 (“Property” or “Site”) is located at 500 Valley Brook Drive, positioned midblock between New Hampshire Avenue (MD 650) and Greenhill Drive. The Property is surrounded by lots with detached houses on all sides. Springbrook High School is also located along this segment of Valley Brook Drive, approximately 1,100 feet west of the Property.



Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The Property is an unplatted parcel, P617, measuring 1.56 acres and developed with a detached home and a two-story shed (Figure 2). The Property is zoned R-200. A driveway on the adjacent property to the east provides vehicle access to the Property via an ingress/egress easement. A gravel driveway extends onto the Property from the ingress/egress easement. The Property does not contain any forest, but significant and specimen trees are scattered on the Property and along the property line.



Figure 2 – Subject Property

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

While the Zoning Map shows a special exception number, No. SE-373, located on the Property, the Applicant is not aware of any special exceptions. Planning and Board of Appeals Staff could not locate any records associated with that plan number.

There are no other regulatory approvals associated with the Site.

PROPOSAL

The Applicant, Yonas Fesehazion, proposes to subdivide Parcel 617 into two lots for two detached houses. The existing house on the Property will be demolished. Lot 2 is proposed as a flag lot, which requires Planning Board review under Section 50-4.3.C.1.b. A proposed curb cut and shared driveway will provide vehicle access to both lots.

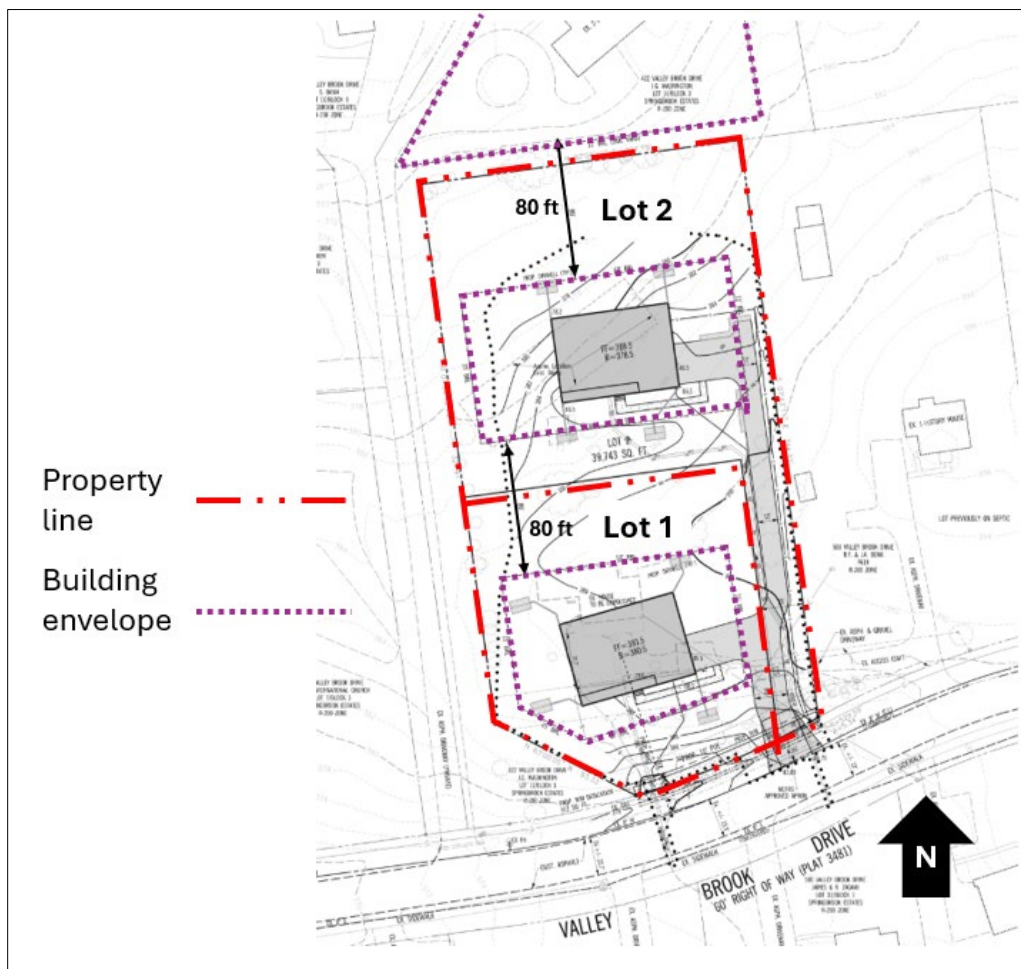


Figure 3: Proposed Subdivision

TRANSPORTATION

The two proposed single-family detached dwelling units will have access to Valley Brook Drive through a new, shared driveway. In lieu of constructing frontage improvements on Valley Brook Drive, the Applicant will pay a fee to the Montgomery County Department of Transportation (MCDOT) into the Capital Improvement Program (CIP) Sidewalk Program Minor Projects P506747 Fund.

ENVIRONMENT

The proposed subdivision is located within an existing residential neighborhood and uses existing infrastructure. While there are no forest, wetlands, or environmental buffers on the Property, there are specimen trees. The Forest Conservation Plan proposes removal of four specimen trees and impacts to one specimen tree.

SECTION 4: COMMUNITY OUTREACH

A pre-submittal community meeting is not required for an Administrative Subdivision Plan. However, applicants must post signs on the development site and provide written public notice. A notice of the Application was sent to all required parties by the Applicant on August 23, 2024. The notice gave the interested parties 15 days to review and comment on the contents of the Application.

Staff received an email from a community member concerned about the Applicant's initial proposal to subdivide the Property into three lots, the proposed shared driveway, and potential drainage issues (Attachment C).

Staff response: Due to the building envelope spacing requirement for flag lots under Section 50-4.3.C.1.b, the Applicant reduced the proposed subdivision to two lots. Planning Staff supports the use of a shared driveway with this subdivision to reduce the amount of impervious surface needed to serve the proposed development and to reduce conflicts in the transportation network.

The DPS-SWM group forwarded correspondence they received during the review of the Stormwater Management Concept ("SWM") Plan from a neighbor on Blink Drive. The neighbor commented that his house flooded the last time there was construction of new homes on Valley Brook Drive.

Staff response: DPS responded to the neighbor that his comment was taken into account in the review on the SWM Plan. The SWM Plan was approved by DPS on October 6, 2025.

SECTION 5: ADMINISTRATIVE SUBDIVISION PLAN 620240120 FINDINGS AND ANALYSIS

APPLICABILITY, SECTION 50.6.1 OF THE SUBDIVISION ORDINANCE

The Application meets the criteria for the Administrative Subdivision process per Section 50.6.1.C, Subdivision for creation of certain residential lots. Up to three lots for detached houses may be created in any residential or rural residential zone under these procedures if:

1. *The lots are approved for the standard method of development;*

Two lots are proposed for standard method development in the R-200 zone.

2. *Written approval for any proposed well and septic area is received from the Department of Permitting Services, Well and Septic Section before approval of the plat;*

The proposed lots will not be served by wells or septic areas, as the Property is served by public water and sewer service and is designated in the W-1 and S-1 categories.

3. *Any required road dedications and associated public utility easements are shown on the plat and the Applicant provides any required improvements;*

As conditioned and described in the findings section, required road dedications and associated public utility easements will be shown on the plat, and the Applicant must provide any required improvements.

4. *The requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat; and*

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations as discussed in the findings section of this report.

5. *Forest conservation, stormwater management, and environmental protection requirements are satisfied before approval of the plat.*

As further discussed in the findings section of this report, all forest conservation, stormwater management, and environmental protection requirements are satisfied

**FINDINGS REQUIRED BY SECTION 50.6.3.C, INCLUDING TECHNICAL REVIEW CRITERIA
OF SECTION 50.4.3 OF THE SUBDIVISION ORDINANCE**

The Administrative Subdivision Plan would create two lots for two detached houses. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County, and City agencies.

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

a) *The block design is appropriate for the development or use contemplated*

The proposed subdivision is located within an existing block, and no changes to the block are proposed with this Application.

b) *The lot design is appropriate for the development or use contemplated*

The lot design is appropriate for the residential uses contemplated and accommodates the proposed houses and other infrastructure necessary to serve each lot. In addition, the proposed subdivision complies with the requirements for flag lots under Section 50-4.3.C.1.b as follows:

- i) The position of the Property in relation to surrounding properties and rights-of-way permits no feasible way, other than use of a flag lot, to subdivide the Property into two lots; and
- ii) Building restriction lines on the plat will ensure at least 80 feet of separation between the flag lot (Lot 2) and:
 - (1) the building envelopes of all lots that are adjacent to the rear lot line of Lot 2; and
 - (2) the building envelopes of all lots that are between Lot 2 and Valley Brook Drive.

c) *The Administrative Subdivision Plan provides for required public sites and adequate open areas*

The 1997 *White Oak Master Plan* (“Master Plan”) does not contain any recommendations for the Property to provide public sites or open areas for recreation, transportation, or utilities.

d) *The Lot(s) and Use comply with the basic requirements of Chapter 59*

Single-unit living is a permitted use in the R-200 Zones. As summarized in Table 1, the proposed lots comply with the basic requirements of Chapter 59.

Table 1: Data Table, R-200 Standard Method Development (Section 59-4.4.7)

Development Standard	Permitted/ Required	Proposed Lot 1	Proposed Lot 2
Tract Area	n/a	1.56 ac (67,972 sf)	
Prior Dedication	n/a	-	
Proposed Dedication	n/a	0.2 ac (912 sf)	
Site Area	n/a	1.54 ac (67,060 sf)	
Lot Area (min)	20,000 sf	27,493 sf	39,567 sf
Lot width at Front Building Line (min)	100 ft	100 ft or greater	100 ft or greater
Lot Width at Front Lot Line (min)	25 ft	25 ft or greater	25 ft or greater
Density (max)	2.18 units/acre	1.28 units/acre (2 units)	
Coverage	25%	25% or less	25% or less
Principle Building setbacks			
Front	40 ft	40 ft or established building line	40 ft or established building line
Side	12 ft	12 ft or greater	12 ft or greater
Sum of Side	25 ft	25 ft or greater	25 ft or greater
Rear	30 ft	30 feet or greater	30 feet or greater
Building Restriction Lines (Sec 50-4.3.C.1.b)	Required	Satisfied	
Site Plan Required	n/a	No	

2. The Administrative Subdivision Plan substantially conforms to the Master Plan.

The Property is within the 1997 *White Oak Master Plan* (“Master Plan” or “Plan”) area. The Master Plan has no specific recommendations for the Property. However, the Plan envisions the Plan area remaining primarily residential in nature and recommends that infill development follow the established residential pattern (page 13). The proposed subdivision is consistent with the residential pattern of the neighborhood.

3. Public facilities will be adequate to support and service the area of the subdivision.

a) Roads and other Transportation Facilities

i) Existing Facilities

Per the Chapter 49 of the County Code, Valley Brook Drive functions as a Neighborhood Street with a prescribed minimum right-of-way of 60 feet. There are

currently no pedestrian or bicycle facilities on the north side of Valley Brook Drive (Site side), but there is a sidewalk along the south side opposite the Site. There are no transit facilities along Valley Brook Drive, but there are nearby transit stops along New Hampshire Avenue.

ii) *Proposed public transportation infrastructure*

The Application currently shows 60 feet of right-of-way; however, in order to accommodate a future sidewalk, the Applicant will dedicate 912 square feet of right-of-way along the Subject Property frontage on Valley Brook Drive. Per the 2024 *Complete Streets Design Guidelines*, Valley Brook Drive should have a six-foot-wide buffered sidewalk. Instead of constructing this facility, the Applicant will contribute \$26,088 to the Montgomery County Department of Transportation (for the Capital Improvements Project Sidewalk Program Minor Projects P506747) towards a Sidewalk Capital Improvement project. Per Policy No. M-NCPPC 2022-01A, this Project may pay a fee in lieu of constructing frontage improvements because it is a project with less than three residential units, and it would require the relocation of utilities (a gas main in this instance). This fee-in-lieu contribution was also reviewed and approved by MCDOT.

b) *Local Area Transportation Review (LATR)*

Per the 2023 LATR Guidelines¹, subdivisions of four or fewer single-family detached houses generate less than five new peak hour person trips, which is significantly fewer than the 50-trip threshold for a transportation impact study. As a result, the Application is not subject to further Local Area Transportation Review (LATR) analysis.

c) *Schools*

i) *School Impact Area Classification*

The Property is located within the Colesville Policy Area, which is categorized as a Turnover Impact Area by the 2024-2028 *Growth and Infrastructure Policy*.

ii) *Annual School Test Results*

The FY2026 Annual School Test, approved by the Planning Board on June 26, 2025, and effective since July 1, 2025, is applicable.

The Property is served by Burnt Mills Elementary School, Francis Scott Key Middle School, and Springbrook High School. The enrollment and capacity projections of these schools are reflected in the FY2026 Annual School Test, which evaluates for

¹ The Subject Application was submitted prior to January 1, 2025, and is therefore subject to the 2023 LATR Guidelines.

the 2029-2030 school year, and the resultant Utilization Premium Payment (UPP) tier placements are shown in Table 2. Based on the FY2026 Annual School Test results above, the Application is not subject to any UPP by default.

Table 2: FY2026 Annual School Test Projections (2029-2030 School Year) & UPP Tier Placements

	Program Capacity	Enrollment	Utilization Rate	Seat Surplus or Deficit	UPP Tier Placement
Burnt Mills ES	720	762	105.8%	-42	No UPP
Francis Scott Key MS	952	997	104.7%	-45	No UPP
Springbrook HS	2,100	1,828	87.0%	+272	No UPP

d) Other Public Facilities and Services

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories, which will be adequate to serve the proposed subdivision. Dry utilities, including electricity, gas, and telephone, are also available to the Property. Other utilities, public facilities, and services, such as electric, telecommunications, police stations, firehouses, and health services, are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Application satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, and is in compliance with the Montgomery County Planning Department's Environmental Guidelines, as further discussed in the findings for Forest Conservation Plan No. F20240780, see Section 6.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

The Application received approval of a Stormwater Management Concept Plan from the MCDPS, dated October 6, 2025, per Chapter 19 of the County Code. The SWM Concept Plan demonstrates that stormwater can be reasonably applied to the subject properties and that full compliance through environmental site design is feasible. There are no additional environmental protection requirements to be met.

- 6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.**

The Applicant has not had notice of any burial site, and the Property is not included in the Montgomery County Cemetery Inventory.

- 7. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.**

No other provisions apply to the Subdivision.

SECTION 6: FOREST CONSERVATION PLAN NO. F20240780 FINDINGS AND ANALYSIS

ENVIRONMENTAL GUIDELINES

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved on June 30, 2023 (NRI/FSD No. 420231020). The Property is currently developed with one single-family home. There are six specimen trees distributed throughout, and just outside, the Property, but there are no forest, streams, wetlands, or environmental buffers present.

The submitted Forest Conservation Plan (“FCP”) is in conformance with the Montgomery County Planning Department’s Environmental Guidelines, as there are no streams or sensitive environmental features on the Property.

FOREST CONSERVATION PLAN

The Application meets the requirements of Chapter 22A, the Montgomery County Forest Conservation Law (“FCL”) and the Montgomery County Planning Department’s *Guidelines for Environmental Management of Development in Montgomery County* (“Environmental Guidelines”). FCP No. F20240780 was submitted for review and approval concurrently with Administrative Subdivision Plan No. 620240120. The FCP includes a conceptual layout for the proposed development.

The total net tract area for forest conservation purposes is 1.59 acres, which includes the Subject Property of 1.56 acres plus off-site work of 0.3 acres of work within the ROW. The Property is zoned R-200 and is classified as High Density Residential (“HDR”) as defined in Section 22A-3 of Chapter 22A and specified in the *Trees Technical Manual*. The Property contains no forest, and the Application proposes to meet the 0.24-acre forest conservation requirements offsite. This is acceptable because there are no priority planting areas onsite.

VARIANCE

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree’s critical root zone (“CRZ”), requires a variance under Section 22A-21 (“Variance”). Otherwise, such resources as defined under Section 22A-12(b)(3) must be left in an undisturbed condition. There are six specimen trees located on the Property and just beyond the Property boundary.

This Application will require the removal or CRZ impact to five Protected Trees as identified in Table 3. The Variance request is for the removal of four and impacts to one Protected Tree for the subdivision of the Property and construction of two detached houses and driveways. Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made for a Variance to be granted.

Table 3: Impacts to Protected Trees

Tree ID	Common Name	Scientific Name	DBH	% Impact	Status
6	Silver Maple	<i>Acer saccharinum</i>	60 in.	74%	Remove
8	Norway Maple	<i>Acer platanoides</i>	45 in.	98%	Remove
9	Gingo	<i>Ginkgo biloba</i>	46 in.	63%	Remove
10	Red Cedar	<i>Juniperus virginiana</i>	30 in.	93%	Remove
13	Black Cherry	<i>Prunus serotina</i>	36 in.	1%	Save

In accordance with Section 22A-21(a), the Applicant requested a Variance, and Staff agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use for subdivision of the Subject Property for two homes without the Variance. If the variance were denied, then the Applicant would be precluded from subdividing the Property into two lots for two detached houses as allowed by-right in the Property's R-200 Zone.

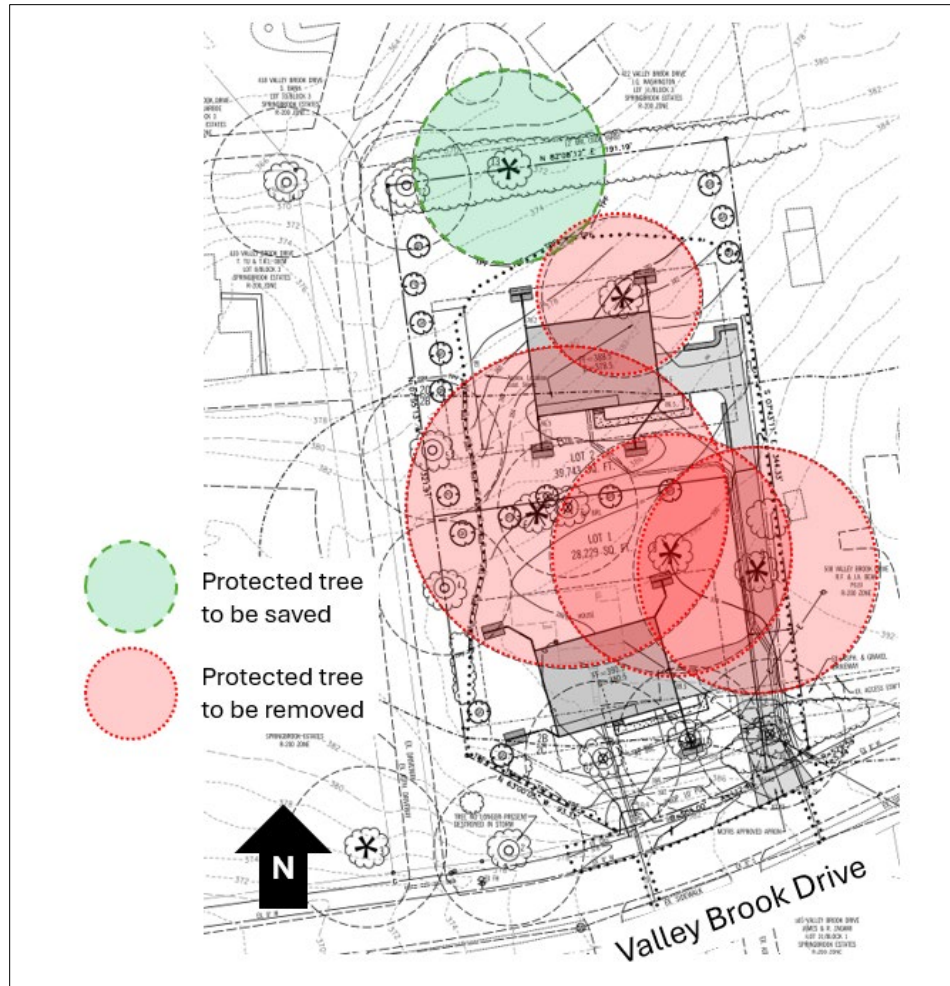


Figure 4: Impacts to Protected Trees

The specimen trees to be removed, Nos. 6, 8, 9, and 10, are located in the middle of the Property and will be within the limits of disturbance and heavily impacted by the construction of the driveway and the new houses. Saving these trees is not practical or possible. Tree No. 13 is located along the northern Property line. It will be minimally impacted by the grading for proposed Lot 2 and will be saved. Staff has made the following determinations in the review of the Variance request and the proposed Forest Conservation Plan.

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the Variance to remove or disturb the Protected Trees listed in Table 3 will not confer a special privilege on the Applicant as the impacts are necessary to subdivide the Property to allow for the construction of two new homes as permitted by right in the Property's R-200 Zone. Other applicants would be granted such a variance under similar circumstances.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested Variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested Variance is based on existing site conditions and the requirements to meet development standards and County Code requirements. The Applicant has designed the Project to minimize the impacts to Protected Trees to the extent possible.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested Variance is a result of the existing conditions and the required improvements on the Property, and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The Variance will not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being removed are not located within a stream buffer, wetland, or a special protection area. Mitigation trees will be planted on the Subject Property to replace the lost form and function of the Protected Trees being removed.

Mitigation for Trees Subject to the Variance Provisions

The FCP includes the removal of 181 inches of DBH of Protected Trees. Per Section 22A-21(e), the Applicant is planting mitigation trees at a ratio of 1 caliper inch replaced for every 4 of trunk diameter

removed. Additionally, these trees will be located outside of utility and stormwater management easements and rights-of-way. The Applicant is proposing to plant 46 inches of native canopy trees, using a minimum size of 3-inch caliper tree.

Recommendation on the Variance

Staff recommends approval of the variance, with mitigation plantings.

SECTION 6: CONCLUSION

The Administrative Subdivision meets the requirements of Section 50.6.3.C and the technical requirements of Section 50.4.3 of the Subdivision Regulations, and the applicable requirements of Section 50.6.1.C. The lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the 1997 *White Oak Master Plan*. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan. The Forest Conservation Plan complies with the Environmental Guidelines and satisfies the requirements of Chapter 22A.

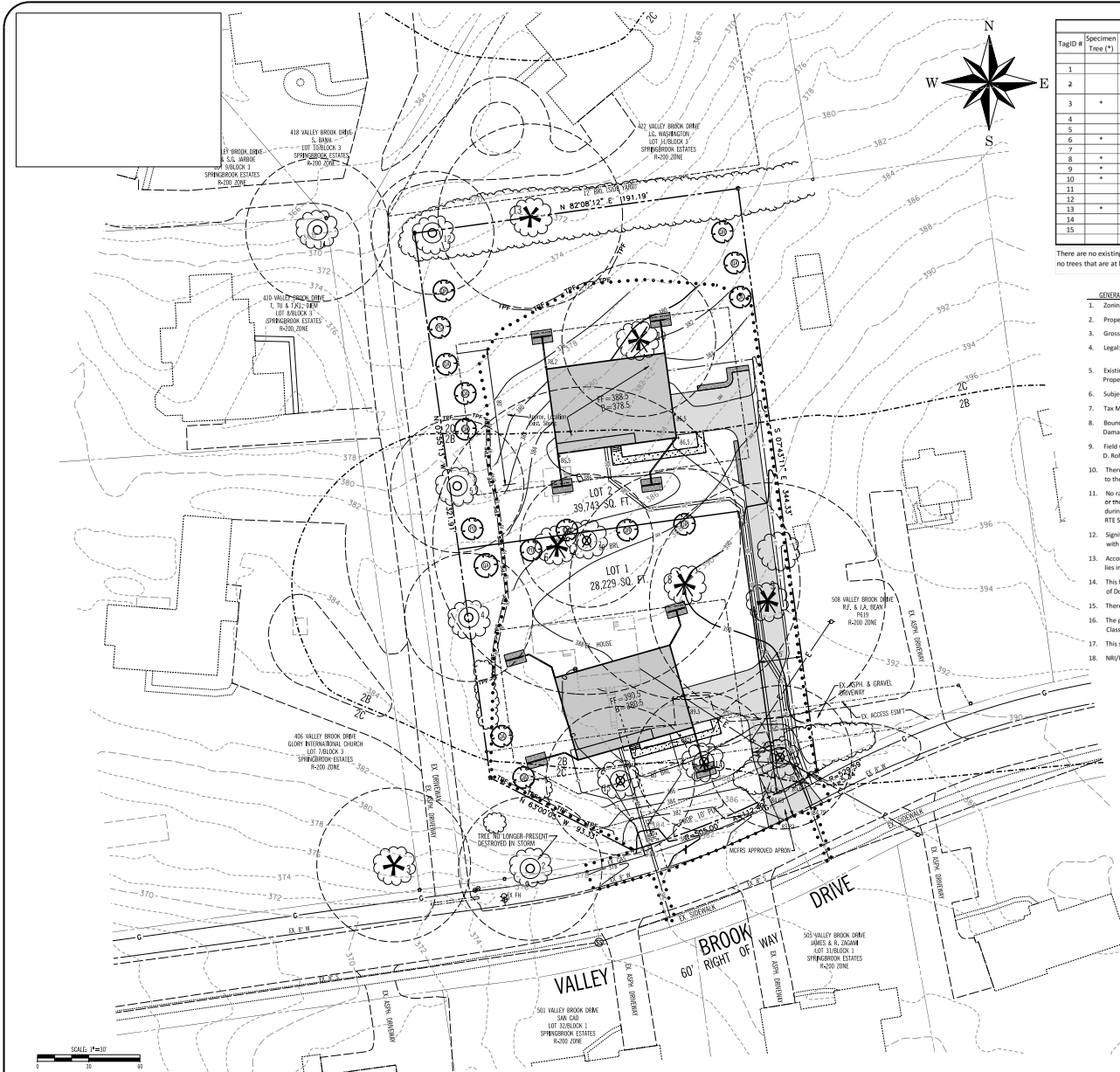
ATTACHMENTS

Attachment A: Administrative Subdivision Plan/Forest Conservation Plan

Attachment B: Agency Letters

Attachment C: Community Correspondence

ATTACHMENT A

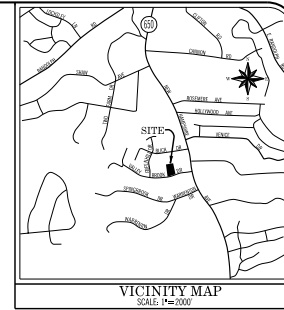


SIGNIFICANT & SPECIMEN TREE ACTION LIST									
TagID #	Specimen Tree (*)	Botanical Name	Common Name	D.B.H. (in.)	Tree Condition	CRZ Area (sq. ft.)	% CRZ Saved	Save (S) / Remove (R)	Remarks
1		<i>Acer saccharinum</i>	Silver Maple	28	Good	5,542	23	R	Within LOD
2		<i>Prunus pennsylvanica</i>	Kwanzoan Cherry	28	Poor	5,542	98	S	Off-site, Tree Destroyed in Storm
3	*	<i>Prunus pennsylvanica</i>	Kwanzoan Cherry	30	Good	6,362	100	S	Off-site
4		<i>Acer platanoides</i>	Norway Maple	25	Poor	4,418	81	S	Within LOD
5		<i>Juniperus virginiana</i>	Red Cedar	26	Good	4,778	89	S	Within LOD
6	*	<i>Acer saccharinum</i>	Silver Maple	60	Poor	25,447	26	R	Within LOD
7		<i>Acer platanoides</i>	Norway Maple	36	Good	4,778	0	R	Within LOD
8	*	<i>Acer platanoides</i>	Norway Maple	45	Good	14,314	2	R	Within LOD
9	*	<i>Gingko biloba</i>	Ginkgo	46	Good	14,957	37	R	Within LOD
10	*	<i>Juniperus virginiana</i>	Red Cedar	30	Good	6,362	7	R	Within LOD
11		<i>Acer saccharinum</i>	Silver Maple	28	Good	5,542	100	S	Within LOD
12		<i>Ulmus americana</i>	White Elm	24	Good	4,072	100	S	Within LOD
13	*	<i>Prunus serotina</i>	Black Cherry	30	Good	9,161	99	S	On Property Line
14		<i>Juniperus virginiana</i>	Red Cedar	27	Good	5,153	4	R	Within LOD
15		<i>Juniperus virginiana</i>	Red Cedar	29	Good	5,945	9	R	Within LOD

There are no existing trees that are the size of the the National, State, or County Champion Tree, and no trees that are at least 75% of the current State Champion trees for their species.

GENERAL PLAN NOTES

- Zoning: R-200
- Property Address: 500 Valley Brook Drive, Silver Spring, MD 20904
- Gross Tract Area: 1.56 Ac. (67,977 sq. ft.)
- Legal: Unrecorded Parcel P617
Property ID: 05-03036204
- Existing Water & Sewer Categories: W-1, S-1
Property currently served by public water & a private septic system.
- Subject Property is located on WSC Title #216NE01
- Tax Map: 10563
- Boundary, Topo & Tree Locations per Goode Surveys, LLC, Damascus, MD. (2022).
- Field work for this NRI/FSO performed by J. Lewis and D. Rohrbaugh of Site Solutions, Inc. in October 2022.
- There are no historical resources located on or adjacent to the subject property.
- No rare, threatened or endangered plant or animal species or their habitats were observed as the subject property during the field work for this NRI/FSO. A Maryland DNR HTS Species Database check has confirmed this observation.
- Significant and Specimen tree DBH measurement was done with a cloth diameter tape.
- According to FEMA Map 24031C070D the subject property lies in Flood Zone "X" - an area of minimal flood hazard.
- This forest conservation plan was prepared under the supervision of Donald Rohrbaugh, III, RLA #461.
- There are no wetlands present on the property.
- The property lies within the Northwest Branch Watershed, Maryland Class IV. This property does not lie within the Patuxent TMA.
- This site is not within a Special Protection Area (SPA).
- NRI/FSO #420231020, Approved 06/30/2023.



SOILS TABLE

SYMBOL	SOIL NAME	SLOPE	ERODIBLE*	HYDRIC	REMARKS
2C	Glenely silt loam	3 - 8%	No	No	Well-drained
2C	Glenely silt loam	8 - 15%	No	No	Well-drained, Prime farmland soil

Reference: *Custom Soil Resource Report for Montgomery County, Maryland, U.S.D.A. Natural Resources Conservation Service, NCEPFC, January, 2000
* Per Erodible Soils List, Appendix C, "Environmental Guidelines".
Note: Soil Boundary lines do not show up within the limits of this plan.

PLANT LIST - Mitigation Trees for Removal of Specimen Trees

KEY #	BOTANICAL NAME	COMMON NAME	SIZE*	QUANTITY	REMARKS
QA	<i>Quercus alba</i>	White Oak	1" - 3 1/2" dbh / 14' - 30' Ht.	5	B & B. Full crown and well-branched
QR	<i>Quercus rubra</i>	Northern Red Oak	1" - 3 1/2" dbh / 14' - 30' Ht.	5	B & B. Full crown and well-branched
FO	<i>Ficus occidentalis</i>	American Sycamore	1" - 3 1/2" dbh / 14' - 30' Ht.	3	B & B. Full crown and well-branched
				Total	13

SIZE* - All trees must be installed on site prior to the start of construction to take root condition. Soil Amendments, mulch, and water, etc., as specified in Appendix C of the NRI/FSO. (Under 2023), most recent edition, published by the American Nursery & Landscape Association, Washington, DC.

Specimen Tree Replacement / Mitigation Requirement

Four (4) Specimen Trees to be removed, as follows:

Tree #6 (50"), 8 (40"), 9 (40") & 10 (30") = 181" dbh

Replacement required at 1/4 DBH removed = 181"/4 = 45"

16 Mitigation Trees required at minimum 1" dbh.

LEGEND

	Property Boundary		Critical Root Zone (CRZ)
	Existing Contours - 2-foot Interval		Proposed Mitigation Tree
	Existing Tree Canopy Edge		Significant/Specimen Trees to be Removed
	Proposed Tree Canopy Edge		Tree Protection Fence
	Specimen Tree & Tree Number		Proposed Limit of Disturbance - L.O.D.
	Significant Tree & Tree Number		Root Pruning Locations
	Soil Type Lines & Labels		

F20240780

SITE SOLUTIONS, LLC

5525 N Annapolis Drive
Mount Airy, Maryland 21771
(301) 540-7990

OWNER:

YONAS G. FESHAZON
500 VALLEY BROOK DRIVE
SILVER SPRING, MD 20904

MISS. UTILITY NOTE:

FOR LOCATION OF UTILITIES CALL 8-1-1 OR 1-800-251-7777
OR VISIT US AT www.811.com OR www.811.org
48 HOURS IN ADVANCE OF COMMENCEMENT OF ANY WORK
ON THIS PROJECT.
THE LOCATION OF EXISTING UTILITIES SHOWN ON THIS PLAN WERE
TAKEN FROM BEST AVAILABLE RECORDS AND ARE NOT GUARANTEED
BY SITE SOLUTIONS, INC. IT IS THE RESPONSIBILITY OF THE
CONTRACTOR TO LOCATE ALL EXISTING UTILITIES BOTH HORIZONTALLY
AND VERTICALLY BY MEANS TEST PITS BY HAND, IF NECESSARY.

Professional Certification

Donald W. Rohrbaugh, III
M.E. Reg. Landscape Architect #451
2-10-2024
Date



PRELIMINARY/FINAL FOREST CONSERVATION PLAN

500 VALLEY BROOK DRIVE

PARCEL P617

COLEVILLE ELECTION DISTRICT #5
MONTGOMERY COUNTY, MARYLAND

ASL	SCALE	1"=30'
CDRAWN		
DATE		
CHECKED		
DATE		
PLUT DATE		
3044		
D-		

ATTACHMENT B



Department of Permitting Services Fire Department Access and Water Supply Comments

DATE: 16-Jul-25
TO: Jeffrey Lewis - jsl@ssimd.net
Site Solutions, Inc.
FROM: Marie LaBaw
RE: 500 Valley Brook Drive
620240120

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **16-Jul-25**. 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.

ATTACHMENT B



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

September 26, 2025

Ms. Emily Tettelbaum, Planner III
Mid County Planning Division
The Maryland-National Capital
Park & Planning Commission (M-NCPPC)
2425 Reedie Drive,
Wheaton, MD 20902

RE: Administrative Subdivision Plan Letter
Administrative Plan No. 620240120
500 Valley Brook Drive

Dear Ms. Tettelbaum:

We completed our review of the Administrative Subdivision Plan uploaded to eplans on August 11, 2025. A previous version of this plan was reviewed by the Development Review Committee at its September 10, 2024, meeting. This project is tentatively scheduled for the October 30, 2025, Planning Board meeting. We recommend approval of the plan, subject to the following comments:

Significant Plan Comments

1. Valley Brook Drive:
 - a. Per Complete Street Design Guidelines (CSDG), this roadway is classified as a Neighborhood Street with a minimum 60-ft right-of-way.
 - b. Based upon CSDG and the existing roadway being an open section roadway, the applicant shall dedicate between 5.7 ft and 8.0 ft of right-of-way, for a total right-of-way width varying between 65.7 ft and 68.0 ft, as shown on the plan, to accommodate the following roadway cross-section features along the site frontage:
 - a 6-ft minimum shoulder
 - a 9-ft swale
 - a 1-ft buffer
 - a 6-ft sidewalk
 - a 2-ft maintenance strip

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

ATTACHMENT B

Ms. Emily Tettelbaum
Administrative Subdivision Plan No. 620240120
September 26, 2025
Page 2

- c. The project qualifies for a de-minimis payment as per MNCPPC requirements in the amount of \$26,088 for the site frontage improvements. We recommend that the applicant make the payment to the Capital Improvements Project (CIP) Sidewalk Program Minor Projects (P506747) prior to the recordation of the plat. The payment will be inflated based on the Federal Highway Administration's National Highway Construction Cost Index from the mailing date of the Planning Board resolution to the date of the payment.

Standard Plan Review Comments

1. All Planning Board Opinions relating to this plan or any subsequent revision, project plans, or site plans should be submitted to the MCDPS in the package for record plats, storm drain, grading, paving plans, or application for an access permit. Include this letter and all other correspondence from this department.
2. The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.
3. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation certification form is enclosed for your information and reference.
4. Trees in county right of way—spacing and species must follow the applicable MCDOT standards. Tree planting within the public right-of-way must be coordinated and approved by MCDPS Right-of-Way Plan Review Section at the time of permit.
5. The Developer shall provide Erosion and sediment control measures as required by Chapter 19 and on-site stormwater management where applicable (at no cost to the County) at locations deemed necessary by the MCDPS and will comply with their specifications. Erosion and sediment control measures are to be built prior to the construction of streets, houses, and/or site grading. They are to remain in operation (including maintenance) as long as the MCDPS deems them necessary.
6. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - a. Street trees along Valley Brook Drive.

NOTE: the Public Utilities Easement should be graded on a side slope not exceeding 4:1.

- b. Permanent monuments and property line markers, as Section 50.4.3(G) of the Subdivision Regulations.

ATTACHMENT B

Ms. Emily Tettelbaum
Administrative Subdivision Plan No. 620240120
September 26, 2025
Page 3

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Billy Whelan, our Development Review Engineer, at william.whelan@montgomerycountymd.gov or (240) 777-2194.

Sincerely,

William Whelan

William Whelan, Engineer III
Development Review Team
Office of Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\WhelanW\620240120 500 Valley Brook Drive - MCDOT Review Letter 092625.docx

Attachment: Sight Distance Form

cc: Sharepoint Correspondence – Preliminary Plans

cc-e: Jeff Lewis	Site Solutions, Inc.
Amy Lindsey	MNCPPC
Florence Dwyer	MNCPPC
Alex Weintraub	MNCPPC
Sam Farhadi	MCDPS RWPR

ATTACHMENT B



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

October 6, 2025

Mr. Jeffery Lewis, P.E.
Site Solutions, Inc.
13700 Joyce Place
Clarksburg, Maryland 20871

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
200 – 500 Valley Brook Drive
Preliminary Plan #: 620240120
SM File #: 291806
Tract Size/Zone: 1.56 AC, 67972 SF/R-200
Total Concept Area: 67972 SF
Parcel(s): P617
Watershed: Northwest Branch/IV
Redevelopment (Yes/No): NO

Dear Mr. Lewis:

Based on a review by the Department of Permitting Services Review Staff finding all applicable code requirements have been met, the stormwater management concept for the above-mentioned site is **acceptable**. The plan demonstrates, to the satisfaction of DPS, that stormwater management can be reasonably applied to the subject properties and that full compliance through ESD is feasible.

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

1. The potential for impacts to downstream properties exists from the post-subdivision development of lots 1 and 2. Should significant changes to the proposed grading of either lot at final design stage vary from this concept, a new drainage study must be conducted and certified by the applicant, analyzing pre and post development runoff conditions, prior to the approval of a sediment control plan, with a copy of the study placed in the DPS sediment control file. DPS approval of this Stormwater Management Concept is for the demonstrated conceptual compliance with required environmental runoff treatment standards only. Approval of this stormwater management concept does not create or imply any right to divert or concentrate runoff onto any adjacent property without that property owner's permission, where required by law. It is the design professional's civil responsibility to provide adequate drainage design for any proposed improvements at final design stage to ensure that the project meets relevant laws and regulations.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this project.



2425 Reedy Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permittingervices

ATTACHMENT B

Jefferey Lewis, P.E.
10/06/2025
Page 2 of 2

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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

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 Alex Weintraub at 240-777-6356.

Sincerely,

Mark Etheridge

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

cc: Neil Braunstein
SM File # 291806

Lot 1

ESD: Required/Provided 689 cf / 720 cf
PE: Target/Achieved: 1.2"/1.25"
STRUCTURAL: N/A cf
WAIVED: N/A cf.

Lot 2

ESD: Required/Provided 873 cf / 904 cf
PE: Target/Achieved: 1.2"/1.24"
STRUCTURAL: N/A cf
WAIVED: N/A cf.

ATTACHMENT C

Etheridge, Mark

From: Etheridge, Mark
Sent: Friday, June 6, 2025 12:38 PM
To: John Cordes
Subject: RE: Stormwater management Plan Number 620240120

Mr. Cordes –

Thank you for your email. I will forward a copy of the letter to the design engineer so he is aware of the issues you describe, and we will take your information into consideration during our review of the stormwater management concept.

I apologize for any confusion about the detailed information included in the notification letter that you received from the design engineer. As expressed in that letter, we do not expect citizens to understand and make comment on the plans. The plans are included in the notification so that you will be aware of the project location, and we ask that you make us aware of any existing erosion or flooding issues in the general area of the project so that we may take that information into consideration during our compliance review of the submission.

Our review will be specific to stormwater management compliance items. If you have additional concerns or questions about the Administrative Subdivision application for MNCPPC Plan No. 620240120, you can contact the MNCPPC lead reviewer:

EMILY TETTELBAUM
Emily.Tettelbaum@montgomeryplanning.org
(301)495-4569

Sincerely,

Mark C. Etheridge
Manager
Water Resources Section | Montgomery Co. Department of Permitting Services
2425 Reddie Drive, 7th Floor
Wheaton, MD 20902
240-777-6338
Mark.etheridge@montgomerycountymd.gov



From: John Cordes <johncordes@comcast.net>
Sent: Wednesday, June 4, 2025 3:24 PM
To: Etheridge, Mark <Mark.Etheridge@montgomerycountymd.gov>
Subject: Stormwater management Plan Number 620240120

[EXTERNAL EMAIL]

ATTACHMENT C

Hello, Mr. Etheridge -- This email is in reference to a stormwater management plan in my neighborhood (Valleybrook, in Silver Spring). The plan apparently pertains to potential construction at 500 Valley Brook Drive, and can be identified via the following numbers: **M-NCPPC Plan Number 620240120** and **Stormwater Management File No. 291806**.

My home is on Blick Drive, the next street over from Valley Brook Drive. Site Solutions, LLC, recently sent me a letter and maps in connection with a proposed stormwater plan. I frankly found both the maps and the letter incomprehensible to a layman like myself. If Montgomery County expects citizens to comment on stormwater plans, it needs to provide information, or require private companies to provide information, that an ordinary citizen can understand without consulting a civil engineering professional.

I will say this. The last time there was construction of new homes off of Valley Brook Drive, my house was severely flooded twice from runoff water, forcing me to reconfigure my back yard to create a swale redirecting the water around my house (rather than into it). It was costly. I hope that this time the County's reviewing authorities take the time to insist on workable stormwater management to avoid damage to adjacent properties like mine.

That is my only comment at this time, pending a clearer explanation down the road of what is really going on.

Thank you.

John Cordes
513 Blick Drive
Silver Spring, MD 20904

240-535-9395
JohnCordes@Comcast.net

ATTACHMENT C

From: janet.remmers@verizon.net
To: [Tettelbaum, Emily](#)
Subject: Comments on Plan for 500 Valley Brook Drive
Date: Thursday, August 29, 2024 10:02:07 PM

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

Hi Emily,

I have comments on the application for 500 Valley Brook Drive. Please let me know if you are not the correct person that I should send comments to.

I have two main comments: 1) the number of new lots being proposed and 2) the shared driveway

It appears the project is to subdivide a lot into 3 lots, and to demolish the existing house and build 3 new houses.

It is difficult to understand the proposed lot boundaries and the proposed driveways to the 3 lots from the drawings provided.

1. Creating three lots in this area seems too crowded, even if it is within the zoning lot size. Because of the pipestem configuration, it is too crowded. It is aesthetically unattractive to the neighborhood. It looks like the houses are stacked on each other. Two lots would be preferable, with only 1 lot with a pipestem. Three lots will also impact the drainage to surrounding properties. With 2 lots, there would be less impervious surface. The existing houses on the downhill side of the new lots will get a lot of added water from drainage with the proposed plan, even with the proposed drywells and micro infiltrations. Over time, drywells require maintenance, which often gets neglected. Relying on the drywells is not practical. It may sound good to get the plan approved, but over the long run, the downhill properties will be adversely affected.

2. The proposed 3-lot plan is also creating the access problem for the driveways. I strongly recommend the plan **NOT** include any “shared driveway”, but rather to have entirely separate driveways for each lot within their own property boundaries. The separate driveways should not abut each other.

I recommend the house on lot 1 have a driveway that goes directly onto Valley Brook Drive. The driveways for lots 2 & 3 should be completely separate and only within the respective property boundaries. Or better yet, only have 2 lots as mentioned in the comment above.

In general, “shared driveways” can become a nightmare for the future owners, even with easement documentation. I own a house with a pipestem driveway shared by another lot. It started out okay 40 years ago, but with subsequent owners, it has been problematic. Issues of shared maintenance (snow removal, repairs and replacement of the concrete

ATTACHMENT C

driveway), blocking the driveway by parking in the lane, etc. My lot is also downhill from other properties. I am aware of the problems caused by drainage from the uphill properties. There are at least 13 other houses in my community with shared driveways, and they all agree that shared driveways are awful. Please reconsider this.

These issues impact people's lives. The plan may meet certain environmental or zoning codes, but the plan can have a significant human impact. You may not realize the impact it can have, until you have lived it like I have.

Thank you for considering these comments.

Janet Remmers