

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

**MCPB  
ITEM #  
03/29/07**



**MEMORANDUM**

**DATE:** March 16, 2007

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RAK*  
Development Review Division

**FROM:** Catherine Conlon (301-495-4542) *CC*  
Development Review Division

**REVIEW TYPE:** Preliminary plan of subdivision

**APPLYING FOR:** 2 lots for 2 one-family detached residential dwelling units

**PROJECT NAME:** Justement Woods

**CASE #:** 120070090

**REVIEW BASIS:** Chapter 50, the Montgomery County Subdivision Regulations

**ZONE:** RE-1

**LOCATION:** Located on the east side of Glen Mill Road, approximately 1,200 feet northwest of its intersection with Glen Road

**MASTER PLAN:** Potomac

**APPLICANT:** Hemingway Homes

**ENGINEER:** PG Associates, Inc.

**ATTORNEY:** Miles & Stockbridge

**FILING DATE:** August 15, 2006

**HEARING DATE:** March 29, 2007

**STAFF RECOMMENDATION: Approval, subject to the following conditions:**

- 1) Approval under this preliminary plan is limited to a maximum of 2 lots for 2 one family detached residential dwelling units.
- 2) The applicant must comply with the conditions of the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment control permits, as applicable. Conditions include compliance with all ISA certified arborist's recommendations and details on the Tree Save Plan dated 3/2/07.
- 3) The applicant must arrange a meeting between its landscape architect and the owners of adjacent lot 5 and parcel P534 to consult with them in regard to the landscape elements to be installed by the applicant along the property's common boundaries with their properties. The applicant must thereafter submit a landscape plan for these areas to the Development Review Division staff for review and approval. The Landscape Plan is intended to provide an appropriate visual buffer between the proposed driveways and the adjacent properties.
- 4) The applicant must comply with the conditions of the MCDPS stormwater management concept approval dated March 5, 2007.
- 5) The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) approval dated September 13, 2006, unless otherwise amended by MCDPWT.
- 6) The applicant must limit impacts to the existing embankment and associated vegetation along Glen Mill Road to those needed to widen the existing driveway using grass pavers, and to address site distance for that driveway per MCDPWT requirements.
- 7) The applicant must comply with the conditions of the MCDPS septic approval dated March 2, 2007.
- 8) The applicant must dedicate road right-of-way for Glen Mill Road along the property frontage to the full width mandated by the Potomac Subregion Master Plan unless otherwise designated on the preliminary plan.
- 9) The applicant must provide access and improvements as required by the MCDPWT prior to recordation of plat(s).
- 10) The applicant must revise the notes and data table on the preliminary plan drawing prior to certification to reflect the correct development standards for the zone.
- 11) The record plat must reflect minimum 30-foot, side and 80-foot, front building restriction lines along the southern and western property boundaries, respectively, as shown on the preliminary plan.
- 12) The record plat must reflect an ingress/egress and utilities easement over the shared driveway.
- 13) The record plat must reflect a 25-foot ingress/egress and utility easement from the shared driveway to existing Outlot "A" on the eastern property boundary.
- 14) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for five (5) years or sixty (60) months from the date of mailing of the Planning Board opinion.
- 15) Other necessary easements will be shown on the record plat.

## **I. SITE DESCRIPTION**

The subject property, identified as Parcel 490, is an unplatted parcel of land containing 2.49 acres in the Residential estate, RE-1 zone. The property is located on the east side of Glen Mill Road, approximately 1,200 feet northwest of its intersection with Glen Road, in an area which has been designated the “Glen” because of its unique natural character (Attachment A). Glen Mill Road is a designated exceptional rustic road in this section. The site contains an existing residential dwelling. Surrounding land uses are one-family detached residential dwellings in the RE-1 zone on the east side of Glen Mill Road, and one-family detached residential dwellings in the RE-2 zone on the west side of Glen Mill Road. The Watts Branch Stream Valley Park is located near the southeastern property boundary, but the property does not abut parkland. The existing access to the site is via driveway from Glen Mill Road. The site is served by public water and private septic.

The property lies within the Watts Branch watershed (a Use I stream). The main stem of Watts Branch flows near the southeastern edge of the property and converges with the Kilgour Branch stream to the south. Both stream valleys are protected as parkland and contain mature woodland. The subject property slopes upward from Glen Mill Road to a high point where the existing house is located, and then begins to slope down to the stream valley. There are no onsite streams, wetlands or floodplain. The site does contain 0.66 acres of forest that is part of the overall Watts Branch forest stand, and several scattered individual trees.

## **II. PROJECT DESCRIPTION**

This is an application for a preliminary plan of subdivision to create two residential dwellings (Attachment B). The proposal includes removal and replacement of the existing dwelling. The new lots continue to have access from Glen Mill Road via one shared driveway. This driveway remains in the same location as the existing driveway, but will be modified to provide a safer entrance to the site. The modification includes removal of one existing tree, and widening the driveway entrance to a total of twenty feet by laying back the slope on the north side of the existing asphalt, and installing grass pavers. This driveway entrance design reflects the comments of the Rustic Roads Advisory Committee, and is intended to help maintain the rustic character of Glen Mill Road.

The proposed dwellings are served by public water and private septic systems. A proposed new water line extension will be constructed underneath the edge of the existing roadway pavement so further disturbance of the embankment along Glen Mill Road is avoided.

## **III. ANALYSIS AND FINDINGS**

### **A. Compliance with the Master Plan**

The Approved and Adopted 2002 Potomac Subregion Master Plan does not specifically identify the subject property for discussion but does give general guidance and recommendations regarding zoning and land use. The plan recommends that this area maintain the existing zoning as adopted and maintain the residential land use consisting of

one-family detached homes. The proposed subdivision complies with the recommendations adopted in the Master Plan in that it is a request for residential development consistent with the Zoning Ordinance development standards for the RE-1 zone.

The 2002 Master Plan designates the section of Glen Mill Road from Red Barn Lane to Glen Road, including the frontage of the subject property, as an exceptional rustic road. Such designation is intended to protect the rustic character of the road and its associated vegetation. According to the Approved and Adopted 1996 Rustic Roads Functional Master Plan, the rustic roads designation is not intended to affect the use of adjoining land except in the design of access to the subdivision. It is also not intended to prevent needed improvements to adjoining land uses or the roads and bridges themselves. For the subject application, it has been determined that removal of one tree and widening of the existing driveway is needed to provide safe ingress and egress for fire and rescue vehicles and the future residents of the proposed houses. The driveway widening will require some re-grading of the embankment next to the roadway. To minimize the visual impact of the widening, grass pavers will be used instead of asphalt. The proposed plan has been reviewed and conceptually approved by DPWT, DPS and the Rustic Roads Advisory Committee. Therefore, the proposed plan has been found to adequately protect the rustic character of Glen Mill Road.

## **B. Transportation**

The proposed driveway will provide safe and adequate vehicle and pedestrian access to the site with the proposed improvements. Sidewalks are not required along this rustic road. The proposed development is not required to undergo Local Area Traffic Review (LATR) since it generates far fewer than 30 peak-hour vehicle trips.

## **C. Environment**

The subject property contains no streams, wetlands or floodplain. Approximately 0.66 acres of forest are located in the north- and southeast corners of the property.

### Environmental Buffers

Other than the small amount of existing forest, the subject property does not contain environmentally sensitive areas and there are no environmental buffers.

### Forest Conservation

The proposed plan satisfies the requirements of Montgomery County Code, Chapter 22A for forest conservation. The application included a preliminary forest conservation and tree save plan which proposes to protect certain forest and trees during construction of the property, but does not include any long-term protection. Because none of the existing 0.66 acres of forest will be permanently protected, the application results in a 1.26-acre reforestation planting requirement. The applicant proposes to meet this requirement by payment of a fee-in-lieu. This payment is permitted for properties less than 5 acres in size

pursuant to Section 22A-12(g)(2)(D) of the forest conservation law. The plan for short-term tree protection was prepared by a certified arborist and includes specific measures for protection and care of on-site, and immediately off-site trees that will be implemented both during and after construction.

#### Stormwater Management

The MCDPS Stormwater Management Section reconfirmed their approval of the stormwater management concept for the project on March 5, 2007. The proposed stormwater management plan provides on-site water quality control and onsite recharge via nonstructural methods. Water quantity control is not required because the one-year post development peak discharge is less than 2 cubic feet per second.

#### **D. Conformance to the Subdivision Regulations and Zoning Ordinance**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations, and Chapter 59, the Zoning Ordinance and meets the applicable requirements. Access and public facilities will be adequate to support the proposed lots and uses. The lots were reviewed for compliance with the dimensional requirements specified in the Zoning Ordinance for the RE-1 zone and, as proposed, will meet all applicable dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1.

#### Section 50-29(a)(1) Findings

Staff also reviewed the proposed subdivision for compliance with Section 50-29(a)(1) of the Subdivision Regulations, which states:

“Lot Dimensions. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated in order to be approved by the Board.”

Several members of the surrounding community have expressed opposition to the proposed subdivision based on the belief that it does not comply with this section.

#### Citizen Position

The citizens' position with regard to this issue is summarized in several letters that have been attached to this report (Attachment C). They object to the size of the proposed lots based on the fact that, although underlying zoning permits 40,000 square foot lots, the homes in the immediate vicinity are on lots which average greater than 2 acres in size. They point out that this larger lot size has resulted in a pattern of spacing between individual homes that would be disrupted if two lots are permitted on the subject property. They are concerned that the placement of houses on these lots will create a cluster of homes that is not consistent with the surrounding area. Finally, they point out that the Potomac Master Plan recognized the

unique character of this area through designation of Glen Mill Road as an exceptional rustic road, and that the view of the homes from the roadway will affect this character. As such, they believe that the proposed lots are not the appropriate size for their location in the subdivision.

#### Applicant's Position

In their letter dated March 14, 2007 (Attachment D), representatives of the applicant argue that the proposed application involves subdivision, not resubdivision, of land. As such, the requirement is that lots be appropriate for the location of the subdivision, as opposed to each of the lots being of the same character as existing lots. They also point out that the proposed lots, and not future house locations, are the basis of the subdivision review. They state that, based on the RE-1 zoning ordinance requirements, the proposed lots are appropriately sized to accommodate single family homes within the required building restriction lines and, therefore, should be approved.

#### Staff's Position

After detailed review of the latest version of the proposed preliminary plan, staff finds that the size, width, shape and orientation of the proposed lots are appropriate for the location of the subdivision. The Potomac Master Plan recognizes the existing character of the Glen, but does not identify any standards for neighborhood design or other particular measures that should be applied to development in the area. The proposed lots are smaller than immediately surrounding lots, but they exceed the minimum development standards of the underlying zone and have been found to fully satisfy the requirements for access, septic, and stormwater management. The proposed houses may be visible from Glen Mill Road, but as previously noted, the Rustic Roads Functional Master Plan states that designation of a rustic or exceptionally rustic road is not intended to affect the adjacent land use except in the design of the access. Access in this instance has been designed to minimize the impacts along Glen Mill Road. Absent any further specific recommendations in the applicable master plan, staff finds that the proposed subdivision represents the type of development and use contemplated for this RE-1 zoned land.

### **E. CITIZEN CONCERNS**

In addition to their opposition to the proposed lot sizes, area residents have also raised several other issues about which they have concerns. They include: grading impacts to the embankment along Glen Mill Road; impact to trees; location of the proposed driveways and septic fields; and potential drainage problems. The concerns regarding the road embankment and tree loss revolve largely around maintaining the overall character of, and view from, Glen Mill Road. There is also a concern about the potential for tree loss over the long term that could affect the environmental character of the overall "Glen" area. Given the safety concerns associated with the existing driveway access point (i.e., visibility and emergency vehicle access), it has been determined that impacts to the embankment along Glen Mill Road cannot be avoided, however, measures have been required to minimize those impacts, as noted above.

Although the proposed plan does not include onsite easements that provide long-term protection of forest and individual trees, the applicant has committed to a detailed plan for tree protection that will be implemented during construction of houses. Measures will be taken to avoid clearing of any trees unless it is necessary for construction of the houses or installation of the initial septic trenches. Additionally, the applicant is required to implement the measures recommended by their certified arborist to mitigate any negative impacts on trees that remain. The applicant's arborist believes, and staff agrees, that most of the onsite trees will be successfully preserved during construction. Although preservation does not guarantee that subsequent property owners will not remove trees at a later date, experience has shown that treed lots are desirable, and most owners do not clear trees that are in good condition, because they add value to the lot.

The concerns related to septic field location and site drainage are most significant for the owners of adjacent Lot 5, because their house is downhill from the subject property. They question whether their house is safe in the event of a septic failure on the proposed lots. Authority for the approval of proposed septic fields lies with MCDPS, and they have conditionally approved the subject plan. In response to the neighbor's specific concerns, a MCDPS representative stated that it is their experience that septic systems in this area typically function for about 30 years, at which time the septic reserve areas are used to continue serving the homes. MCDPS reports that they very rarely have to prompt individuals to fix septic problems in a timely manner. MCDPS inspectors can be called to investigate any septic system overflows, and in the event it is necessary, have authority to issue citations to insure that necessary actions are taken promptly. The proposed septic fields meet all requirements for size, percolation rates, and distance from property boundaries. The neighbor's well location is 190 feet from the closest portion of the proposed septic reserve area, which exceeds the 100 foot standard.

MCDPS also has authority over the stormwater management plan for the subject property. They have approved a concept for the control of runoff from the site using non-structural measures such as grass swales and dry wells. They have determined that use of these measures will limit the stormwater runoff from this site to no more than the pre-existing conditions. It is possible that the amount of drainage currently reaching existing Lot 5 will be reduced by the re-grading and controls associated with the proposed development.

Finally, the neighbors on both sides of the proposed development expressed concern about the relationship of proposed houses and driveways to their own homes. The applicant has tried to address concerns about house location by reconfiguring the originally proposed orientation of the lots, and agreeing to minimum front and side yard setbacks for proposed Lot 6. The setbacks maintain the same minimum distance between the proposed home and Glen Mill Road as homes on the adjacent lots, and maximize the distance between the proposed home and the existing house to the south. Locating driveways along the property boundaries could not be avoided given the MCDPS limitations on placing them over the septic fields. The applicant has agreed to work with the affected neighbors to develop a landscape plan that will minimize impacts from the driveways.

#### **IV. CONCLUSION**

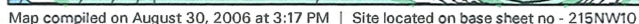
Staff's review of Preliminary Plan #120070090, Justement Woods, indicates that the plan complies with Chapters 50 and 59 of the Montgomery County Code. The proposed plan conforms to the Potomac Master Plan recommendation for residential development in the RE-1 zone. Public facilities will be adequate to support and service the area of the proposed subdivision, and the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision. The application has also been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application is recommended with the conditions specified above.

#### **ATTACHMENTS:**

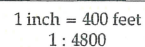
- Attachment A - Vicinity Map
- Attachment B - Proposed Preliminary Plan
- Attachment C - Citizen Correspondence
- Attachment D - Applicant Correspondence
- Attachment E - Referenced Agency Correspondence

TABLE 1. Preliminary Plan Data Table and Checklist

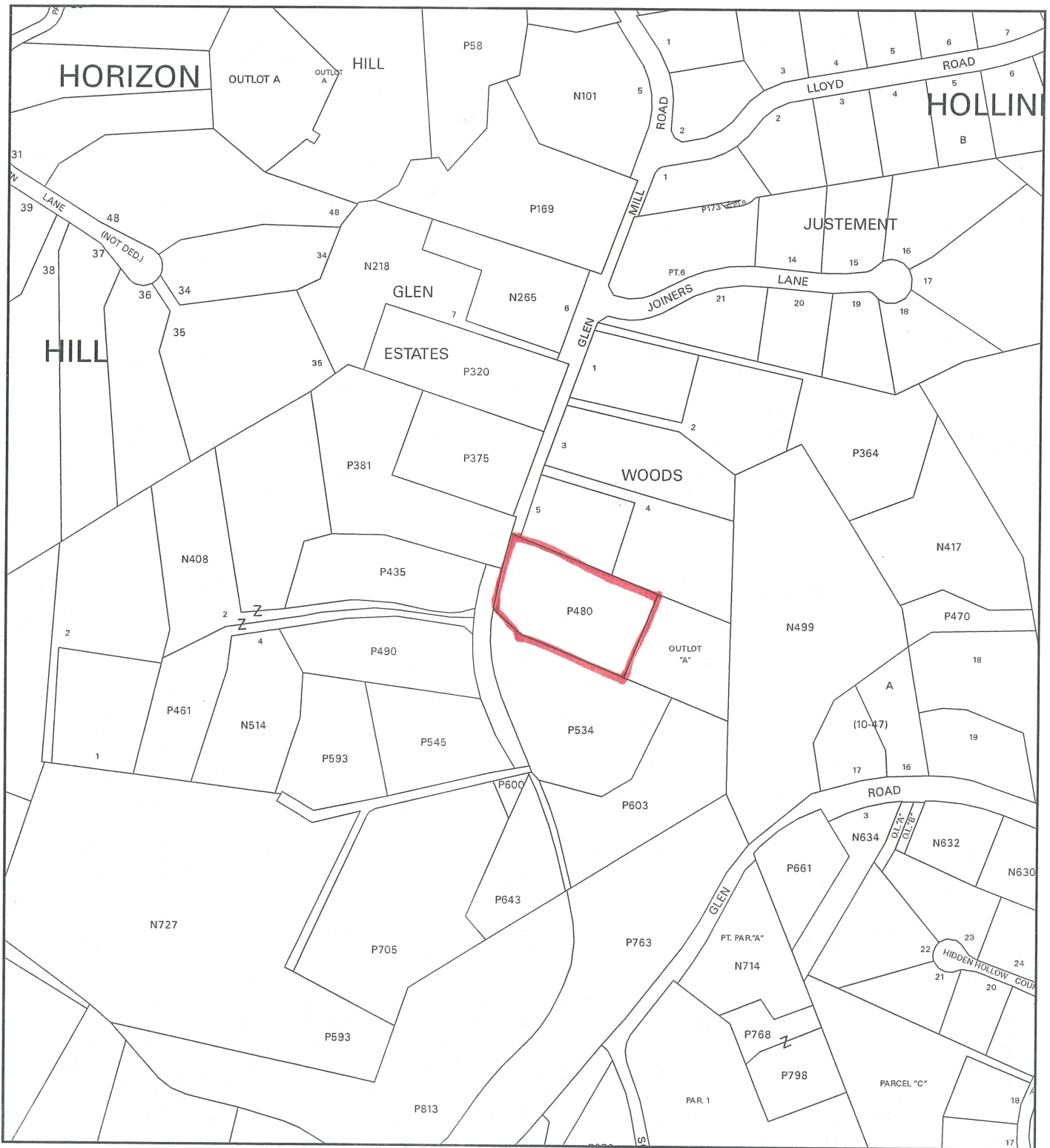
| <b>Plan Name: Justement Woods</b>          |                                            |                                                 |                 |                     |
|--------------------------------------------|--------------------------------------------|-------------------------------------------------|-----------------|---------------------|
| <b>Plan Number: 120070090</b>              |                                            |                                                 |                 |                     |
| <b>Zoning: RE-1</b>                        |                                            |                                                 |                 |                     |
| <b># of Lots: 2</b>                        |                                            |                                                 |                 |                     |
| <b># of Outlots: n/a</b>                   |                                            |                                                 |                 |                     |
| <b>Dev. Type: One-Family Residential</b>   |                                            |                                                 |                 |                     |
| PLAN DATA                                  | Zoning Ordinance Development Standard      | Proposed for Approval on the Preliminary Plan   | Verified        | Date                |
| Minimum Lot Area                           | 40,000 s.f.                                | 46,609 s.f.                                     | CAC             | 3/16/07             |
| Lot Width                                  | 125 ft.                                    | Must meet minimum                               | CAC             | 3/16/07             |
| Lot Frontage                               | 25 ft.                                     | Must meet minimum                               | CAC             | 3/16/07             |
| Setbacks                                   |                                            |                                                 |                 |                     |
| Front                                      | 50 ft.                                     | Must meet minimum 80 ft. btl proposed for Lot 6 | CAC             | 3/16/07             |
| Side                                       | 17 ft. min/35 ft. total                    | Must meet minimum 30 ft. btl proposed for Lot 6 | CAC             | 3/16/07             |
| Rear                                       | 35 ft.                                     | Must meet minimum                               | CAC             | 3/16/07             |
| Height                                     | 50 ft.                                     | May not exceed maximum                          | CAC             | 3/16/07             |
| Max Resid'l d.u. per Zoning                | 2                                          | 2                                               | CAC             | 3/16/07             |
| MPDUs                                      | N/a                                        | N/a                                             | CAC             | 3/16/07             |
| TDRs                                       | N/a                                        | N/a                                             | CAC             | 3/16/07             |
| Site Plan Req'd?                           | No                                         | No                                              | CAC             | 3/16/07             |
| <b>FINDINGS</b>                            |                                            |                                                 |                 |                     |
| <b>SUBDIVISION</b>                         |                                            |                                                 |                 |                     |
| Lot frontage on Public Street              | Yes                                        |                                                 | CAC             | 3/16/07             |
| Road dedication and frontage improvements  | Dedications and improvements as required   |                                                 | Agency letter   | 9/13/06<br>12/11/06 |
| Environmental Guidelines                   | N/A                                        |                                                 | EP memo         | 3/2/07              |
| Forest Conservation                        | Fee-in-lieu                                |                                                 | EP memo         | 3/2/07              |
| Master Plan Compliance                     | Complies with Master Plan                  |                                                 | CAC             | 3/16/07             |
| Other (i.e., parks, historic preservation) | Rustic Roads Committee recommendations met |                                                 | RRC letter      | 1/17/07             |
| <b>ADEQUATE PUBLIC FACILITIES</b>          |                                            |                                                 |                 |                     |
| Stormwater Management                      | Approved                                   |                                                 | Agency letter   | 3/5/07              |
| Water and Sewer (WSSC)                     | Water Available                            |                                                 | Agency comments | 12/11/06            |
| 10-yr Water and Sewer Plan Compliance      | W-1 and S-6                                |                                                 | Agency comments | 12/11/06            |
| Well and Septic                            | Septic approved                            |                                                 | Agency letter   | 3/2/07              |
| Local Area Traffic Review                  | N/a                                        |                                                 | CAC             | 3/16/07             |
| Fire and Rescue                            | Approved by MCFRS                          |                                                 | Agency letter   | 1/14/07             |



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# JUSTEMENT WOODS (120070090)



Map compiled on August 30, 2006 at 3:22 PM | Site located on base sheet no - 215NW10

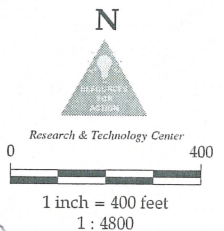
## NOTICE

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**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760



2



Attachment C

## CITIZEN CORRESPONDENCE

# WEST MONTGOMERY COUNTY CITIZENS ASSOCIATION

P.O. Box 59335 • Potomac, Maryland 20859-933

Founded 1947

March 2, 2007

Cathy Conlon Subdivision Supervisor Development Review Division Maryland National  
Capital Park and Planning Commission

Dear Ms. Conlon,

Thank you for taking the time to meet with neighbors on the Justement Woods development plan. This project is cause for a number of concerns from the greater community because of the location and significance to Potomac's historic Glen, a unique area of two converging stream valleys, stream valley parkland and two narrow bridges where once stood a grain mill and dam, a general store and the hub of a lively farming community. The roads leading into and out of the Glen grew from former Indian trails. Glen Mill Rd. is designated an 'Exceptional Rustic' Road. The area is wooded with mature trees and compatibility of any development with the surrounding environment is crucial.

The Rustic Roads Program in Montgomery County is dysfunctional and poorly managed. DPWT routinely disrespects the character of Rustic Roads in the residential 'green wedge' by overzealous cutting, incremental pavement widening and the inability to police homeowners who illegally cut tress in the ROW, often without even knowing they live on a Rustic Road. It is only through the diligence of the community that our Rustic roads receive any regard from our government. Therefore, we are very concerned about the proposed solution to the shared driveway on this project with the widening intended and the use of nearly twice the original driveway width in 'grasscrete'. The greater width, use of grass instead of a tree lined roadway is not compatible with the environmental features of the Glen or an Exceptional Rustic Road.

Lot size, location and compatibility of housing are also a concern. While the zoning adjacent to the proposal on the (east) side of Glen Road is RE-1, the surrounding lots exceed that size and the opposite (west) side of Glen Mill is RE-2 zoning. In addition, the pattern of development has favored a modest architectural treatment harmonious with the historic and predominantly forested character of the Glen with its converging Watts and Kilgour Branch stream valleys and one lane bridge. The subject property sits on a rise and commands height sufficient to make storm water runoff a concern to adjoining neighbors.

Sadly, the developer has shown a distinct disinclination to build houses compatible with the existing neighborhood and has actually stated an intent to construct

large, contemporary mansions which, by their visibility on the site added to the loss of large trees required for two septic fields cannot help but forever alter the visual, rural character intended to be preserved here by the Master Plan, our environmental safeguards and the Rustic Roads Program. It cannot be stated too strongly what preserving Potomac's historic Glen means to the entire community.

An additional area of concern involves the existence of an outlot on the rear of the property which abuts the Watts Branch Stream Valley Park. The owner of the outlot expect access to be provided though this site though there has been talk of his donating the parcel as parkland. Currently though, the owner is going forward with a pre-preliminary plan and we are unsure of the ultimate outcome.

Lastly, the beauty of this property lies in the setting, the woodlands and set-back of the existing house. We are saddened by the loss of mature trees necessary to create two large houses and their required septic fields. Any tree cutting along Glen Mill Road we consider to be unacceptable. We appreciate the lengths to which staff has gone to find solutions to siting the houses, saving trees and accommodating substantial individual concerns of neighbors. We still do not believe the plan as proposed is satisfactory to the basic concerns of adjacent neighbors or the community at large. We regret the developer is not willing to work with our community to achieve a better solution.

Sincerely,

Ginny Barnes  
Environmental Chair, WMCCA  
10311 Glen Rd.  
Potomac, Md. 20854  
(301) 762-6423

cc: Dr. Royce Hanson and members of the Planning Commission

M-NCPCC  
Development Review Division  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

7 March 2007

Dear Planning Board Members,

We are writing this letter to you in order to share our concerns about the proposed subdivision of 11731 Glen Mill Rd. Certainly, we are saddened to see the home, which was designed and built by the late architect Mr. Louis Justement, my grandfather, taken down. However, it is not that part to which we object; rather it is the manner in which the new development is proposed. The property is under contract to a developer who plans to subdivide the property into two one-acre lots in order to build two homes. Our home and property is immediately next to the proposed development and thus we are concerned about the development plans and the manner in which the proposed homes may affect us, and the general neighborhood.

All of the homes in this neighborhood are on lot sizes larger than the 1-acre zoning. Our house is on 3.22-acres. The zoning across the street is 2 acres. The proposed subdivision would create lots much smaller than many of the surrounding properties.

The developer, Mr. Cantor, of Hemingway homes has stated that his only interest in the property is to make money and that he is planning on selling the homes for 2 million apiece. It is clear that the houses he plans to build would be much larger than the surrounding houses.

The houses in the Justement Woods development are spaced apart in a wooded setting. The placement of the homes in the proposed subdivision would create a cluster of houses not consistent with the surrounding neighborhood. In addition it would provide access to an out lot behind the property that could potentially add a third house. It could also provide precedent for further infill development.

Many large trees would need to be removed to accommodate the development. The removal of so many mature trees would further reduce the wooded rural feel of the area as well as increase run off. Trees on our property, including large oaks, would have their root zones disturbed and we are concerned about their survival.

This area is part of the Potomac Glen and is bordered by the Watts Branch Park, (to which my mother sold over 3 acres when it was established). It is a heavily wooded area with a rustic open feel and has been designated as a rustic road. Many people including numerous groups of 20-30 bicyclists riding together enjoy it. We feel that the proposed development does not fit in with the surrounding neighborhood and ask that you do not approve it.

Thank you for your consideration.

Sincerely,

Shawn and Lucy Justement

## Conlon, Catherine

---

**From:** kacoba@comcast.net  
**Sent:** Wednesday, September 06, 2006 9:02 PM  
**To:** LoanDoc@aol.com  
**Subject:** FW: Re: Mtg. 9/11/06 Justement Woods Subdivision

----- Forwarded Message: -----

From: kacoba@comcast.net  
To: catherine.conlan@mncppc-mc.org  
Cc: MVKA@comcast.net  
Subject: Re: Mtg. 9/11/06 Justement Woods Subdivision  
Date: Thu, 07 Sep 2006 00:54:58 +0000

> Dear Ms. Conlan,

>

> In reference to the proposed subdivision in Justement Woods on Glen Mill Road  
> (PPN # 120070090) and in advance of the meeting scheduled for Monday, September  
> 11, 2006, my husband and I have the following objections/ comments:

>

> 1. Although this property is located in an area that is zoned RE-1 and may  
> meet the minimum standards of lot size permitted, it is in a unique, heavily  
> wooded enclave, adjacent to parkland and surrounded by homes with lots that are  
> substantially larger than 1 acre. In the immediate vicinity, the homes have an  
> average of over 2 acres. The neighboring homes are situated in a manner that  
> maximizes privacy by providing generous distances between each home that far  
> exceed the minimum for the zoning category. In spite of Glen Mill Road being  
> the boundary between 2 acre and 1 acre zoning, there is a seamless merging of  
> the two sides of the street creating a charming overall neighborhood. If this  
> property is subdivided it would compromise the whole character of the  
> neighborhood and appear conspicuously wedged in where it does not naturally fit.  
> It's current size is totally consistent with the existing neighborhood.

>

> 2. The placement of house proposed on lot 6 would be also be completely  
> inconsistent with neighboring properties. It would be extremely close to and  
> towering over the property at 11801 Glen Mill Road. Further, Its close  
> proximity to Glen Mill Road, although within setback guidelines, protrudes  
> forward in front of its neighbors on both sides and would be an abrupt departure  
> from the otherwise scenic vistas.

>

> 3. The triangular wedge shapes of the proposed lots (6 & 7) would completely  
> deviate from the surrounding ones which are all square or rectangular pipestems.  
> Thus, making them inconsistent in both size and shape.

>

> 4. The property is located in the heart of Potomac's most historic area .  
> Glen Mill Road is designated "exceptionally rustic" in this location because  
> it is the very thing the rustic roads program was intended to protect. As you  
> climb north on Glen Mill Road from the one lane bridge over the Watts Branch,  
> there is no question that the rustic roads program was "defined "by what  
> surrounds you. Clearly, it has "...outstanding natural features, outstanding  
> vistas of rural landscape and contributes to the natural... and historic  
> character of the area." ( Potomac Master Plan ) Any alteration to the existing  
> driveway along Glen Mill Road or the natural stands of trees along the  
> embankment of the roadway would permanently destroy the this unique area. What  
> good is a program that preserves the roadway if the natural landscape,  
> outstanding vistas, and outstanding natural features bordering it are  
> obliterated?

>

>

> Respectfully submitted,

>

> Katherine & Marc Babin  
> 11909 Glen Mill Road  
> Potomac, MD, 20854

September 7, 2006

Cathy Conlon  
Supervisor, Subdivision Section  
Development Review Section  
Montgomery County Department of Park and Planning

**Re: Proposed Subdivision of the Chang Property on Glen Mill Road**

Dear Ms. Conlon,

My husband and I reside with our family at 11801 Glen Mill Road in Potomac. Our property is directly next door to the Changs' property, and thus to the proposed subdivision site. We write to express our objections to the proposed subdivision and to express our sincere worry for the future of the entire area if the subdivision is permitted to take place as currently planned.

The Changs plan to sell their property to a builder who in turn plans to split the property in two. One of the proposed homes (Proposed Lot 6) is so close to our home as to completely deprive us of any semblance of privacy from either our yard or upstairs bedrooms. It is also so close to Glen Mill Road as to be inconsistent with the placement of other homes on the road. Such placement would simply defeat the purpose of designating Glen Mill Road as an "Exceptional Rustic Road".

We are also extremely concerned about the placement of the septic field for the aforementioned house. Our property lies down hill from the proposed subdivision and already suffers from flooding and drainage problems in heavy precipitation. Although the septic field is designed to flow into the ground rather than downhill, there is always the possibility of malfunction. In the event of a septic field malfunction, our property would be devastated.

It is our understanding that Chapter 50 (Section 29(A)) of the Montgomery County Code confers upon you the authority to limit and refuse proposed lot designs such as the ones in this case. We implore you to exercise that authority and refuse to allow the proposed subdivision to proceed as planned. We moved to Potomac, Maryland from Pennsylvania five years ago and specifically chose our current location because of its privacy and rustic charm. We sincerely hope that the financial goals of the involved parties will not be allowed to trump the preservation of scenic beauty and privacy.

Sincerely,  
Mark and Victoria Turco

December 8, 2006

Catherine Conlon  
Supervisor, Subdivision Section  
Development Review Section  
Montgomery County Department of Park and Planning

**Re: Proposed Subdivision of the Chang Property on Glen Mill Road**

Dear Ms. Conlon,

As you know, my husband and I reside with our family at 11801 Glen Mill Road in Potomac, directly next door to the Changs' property, and thus to the proposed subdivision site. We write to reiterate our concerns regarding this proposed subdivision.

First, we are extremely worried about the placement of the septic fields. Mr. Van Guten, the septic expert, was not present at the September 11, 2006 meeting over which you presided and which I attended. I was also unable to find any report by Mr. Van Guten in the file. Accordingly, our concerns with respect to the placement and safety of the septic fields have not been adequately addressed. Furthermore, it is our understanding that the proposed plans should clearly delineate the placement of our well for the purpose of septic review. As our well is not listed on the plans we do not understand how the committee can conduct a thorough review of the septic issue.

Second, we are concerned about drainage and storm run-off issues. As previously stated, our property lies down hill from the proposed subdivision and already suffers from flooding and drainage problems in heavy precipitation. What effect will the proposed construction have on our property?

Finally, we are concerned about the potential loss of many trees. While the developer has stated that he wishes to preserve trees, his plans to do so seem vague indeed. For example, will his choice of heat affect this matter? Propane has been mentioned as a possible heating source for the proposed homes. We recently buried a small propane tank in our yard for a gas cook top and learned that the placement of such tanks can not interfere with the root structure of trees. Amongst such logistical crowding problems as the placement of the septic fields, driveways, heating issues and others, it seems that there is very little in the form of a concrete plan to conserve trees on the property.

We can not overemphasize the importance of this matter to us, as it directly impacts our property and the investments we have made in it. We hope that you and the entire committee are receptive to our concerns.

Sincerely,  
Victoria A. Turco on behalf of  
Victoria and Mark Turco

03/12/07 15:29 FAX 301 762 0363

MILES & STOCKBRIDGE

004

Page 1 of 1

**Conlon, Catherine**

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**From:** LoanDoc@aol.com  
**Sent:** Friday, September 01, 2006 10:27 AM  
**To:** catherine.conlon@mncppc-mc  
**Cc:** kacoba@comcast.net  
**Subject:** Glen Mill Road subdivision Sept 11 06 meeting

**Dear Catherine,**

**This letter is regarding the proposed subdivision on Glen Mill Road. As a neighbor it saddens me to think a resident of the "Glen" would want to compromise the integrity of the neighborhood they have called home. The appeal and charm of the homes on Glen Mill Road is due to the subtle charm and placement of the homes on large 2 acre lots. The homes blend with the scape making each property its own sanctuary. We have a sense of community while still being able to respect privacy. To allow a builder to come in and cut one lot into two and comprise the integrity of our community is incomprehensible. The lots would not be consistent with the neighborhood in size or shape. The set back of the one house is not consistent with the neighborhood and would be obtrusive and an eye sore to the rustic charm of the neighborhood.  
Thank you for your attention to this matter.**

**Sincerely,**

**Debra Walker  
11811 Glen Mill Rd.  
Potomac, Md. 20854**

11

Mar 10 07 02:53p

Marc Babin

1-301-838-1909

p.2

December 7, 2006

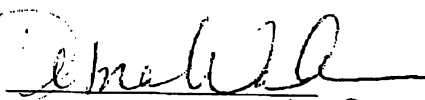
**Re: Proposed Subdivision of Chang Property on Glen Mill Road**

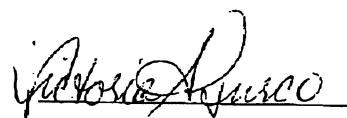
To the Members of the Committee:

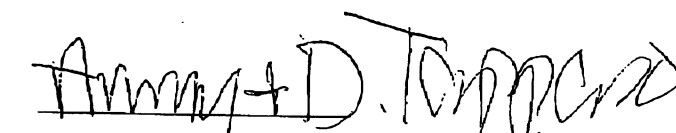
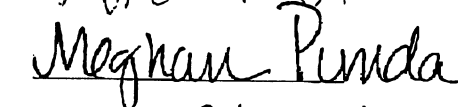
We, the residents of the area adjacent and near to the proposed subdivision of the Chang property on Glen Mill Road in Potomac, Maryland, write to express our concerns regarding this proposed subdivision and subsequent construction on the land.

We worry that this subdivision will be incompatible with the designation of Glen Mill Road as an Exceptional Rustic Road. Specifically, we worry that the proposed houses will be placed too close to the road or too close to neighboring homes. We also worry that, despite assurances to the contrary, multiple trees will be cut down, thereby changing the character of the entire area and resulting in a loss of privacy for everyone.

We ask that you consider our concerns when reviewing this matter and use your discretion to help protect and preserve this beautiful, wooded area. Thank you.

  
11811 Glen Mill Rd.  
Potomac, Md. 20854

  
11801 Glen Mill Rd.  
Potomac, MD 20854

  
11821 Glen Mill Rd.  
POTOMAC, MD 20854  
  
11901 Glen Mill Rd.  
Potomac, MD 20854

Mar 10 07 02:54p Marc Babin

1-301-838-1909

p.3

Cheryl Kirt  
10412 Joiners Ln.  
Potomac, MD 20854

Anne Walker  
10405 Joiners Ln.  
Potomac, MD 20854

Judith Biggar Maguire  
10401 Joiners Lane  
Potomac MD 20854

Kathene Babin  
~~Kathene & Marc Babin~~  
11909 Glen Mill Rd.  
Potomac, MD 20854

Jane Shawn Justen  
Shawn + Lucy  
11721 Glen Mill Rd.  
Potomac, MD 20854

Mary R. Shamp  
11760 Glen Mill Rd.  
Potomac, MD 20854

Karin Currie  
10401 Lloyd Rd.  
Potomac, MD 20854

Eleanor E. Williams  
Murieth E. Williams  
11740 Glen Mill Rd  
Potomac, MD 20854-1915

Nancy A. Madden  
11730 GLEN MILL RD  
POTOMAC MD 20854-1915

Larry & Sharon Summers  
11768 Glen Mill Rd  
Potomac, MD 20854

Justen & Lucille Beards  
11752 Glen Mill Road  
Potomac, MD, 20854

Richard Sin  
11920 Glen Mill Rd  
Potomac MD 20854

# MILES & STOCKBRIDGE P.C.

Stephen J. Orens  
301-517-4828  
sorens@milesstockbridge.com

March 14, 2007

Ms. Catherine Conlon, Supervisor  
Development Review Division  
The Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Justement Woods

Dear Cathy:

Thank you for taking the time to meet with us regarding the Justement Woods Subdivision. We especially appreciate your discussing the distinction between the standards to be applied to an original subdivision, such as Justement Woods, as compared to the more restrictive standards that apply to a re-subdivision application. Following our discussion we reviewed the Subdivision Regulations in order to gain further insight into the Planning Board's position, as it was explained to us.

The applicable County Code sections that govern original subdivision are found in subsection (a) of Section 50-29 of the Subdivision Regulations.

That provision is as follows:

## 50-29. Lot Design.

### "(a) General Provisions

(1) Lot Dimensions. Lot size, width, shape and orientation **shall be appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan**, and for the type of development or use contemplated in order to be approved by the board." (Emphasis added.)

We contrasted this language with the re-subdivision criteria in subsection (b) of Section 50-29, which is as follows:

### "(b) Additional requirements for residential lots.

(1) \*\*\*

(2) Resubdivision. Lots on a plat for the resubdivision of any lot, tract or other parcel of land that is a part of an existing subdivision previously recorded in a plat book **shall be of the same character** as to street frontage, alignment, size, shape, width,

**area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.” (Emphasis added.)**

The emphasis that we have placed on the text above demonstrates a key distinction in the way the Subdivision Regulations intend that these two different standards be applied.

The standards for an original subdivision are intended to assure that the size, width, shape and orientation of lots in a new subdivision are appropriate for the location of the subdivision, as opposed to the re-subdivision criteria that require re-subdivided lots to be of the same character as the other lots in the same subdivision. A determination that the size, width, shape and orientation of lots in an original subdivision are appropriate for the location does not mean that lots in an original subdivision must be of the same character as lots in an adjacent or nearby subdivision.

The analysis for an original subdivision is intended to determine whether the size, width, shape and orientation of lots in the proposed original subdivision are appropriate for the type of development or use proposed (*i.e.* residential) and the master plan recommendations that apply to the area. This analysis not the same analysis intended by the re-subdivision criteria for the division of existing lots in an existing subdivision. This distinction is not merely splitting hairs- there is a real difference between these standards and we hope to see that reflected in the staff report.

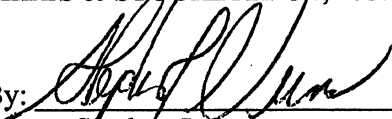
Finally, there was discussion regarding the neighbors’ indication that the subdivision application was deficient due to the closeness of the proposed new homes to each other. We reiterate the fact that the house locations are not the basis for a subdivision review, but rather the Planning Board is obligated to review the lots with regard to size, width, shape and orientation. The zoning ordinance establishes minimum setback requirements and both of the proposed lots are appropriately sized to accommodate single family homes within the zoning building restriction lines. A review of the application, as filed, reflects it is in conformance with the standards and regulations applicable to an original subdivision in this zone and that the subdivision is consistent with the master plan.

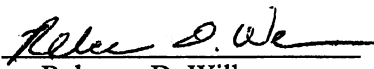
We appreciate your time and attention to the application and your willingness to build bridges with both the applicant and the neighbors.

Page 3

We look forward to bringing this plan to the Planning Board for review.

Sincerely  
MILES & STOCKBRIDGE, P.C.

By:   
Stephen J. Orens

By:   
Rebecca D. Willens

Cc: Hemingway Homes  
Dean Packard

Attachment E

## AGENCY CORRESPONDENCE



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Reginald Jetter  
Acting Director

March 5, 2007

Mr. Dean Packard  
PG Associates, Inc.  
932 Hungerford Drive, Suite 48  
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request  
for Justement Woods Reconfirmation  
Preliminary Plan #: 1-07009  
SM File #: 227838  
Tract Size/Zone: 2.49acres/RE-1  
Total Concept Area: 2.49 acres  
Lots/Block: 6&7  
Parcel(s): 480  
Watershed: Watts Branch

Dear Mr. Packard:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and onsite recharge via nonstructural methods. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
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 development.

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 Nadine Vurdelja Piontka at 240-777-6334.

Sincerely,

A handwritten signature in black ink, appearing to read "Rich. Brush", written over the word "Sincerely,".

Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB:dm CN227838

cc: C. Conlon  
S. Federline  
SM File # CN227838

QN -onsite; Acres: 2.49 acres  
QL - onsite; Acres: 2.49 acres



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Reginald Jetter  
Acting Director

MEMORANDUM

March 2, 2007

TO: Ms. Cathy Conlon, Development Review,  
Maryland National Capital Park and Planning Commission

FROM: Reginald Jetter, Acting Director  
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: #1-20070090, Justement Woods, 2 lots

This is to notify you that the status of the plan received in this office on March 1, 2007, is as follows:

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.
2. All existing buildings to appear on the record plat.
3. All existing wells and septic systems to be properly abandoned and sealed.
4. The septic areas shown on this plan are to be carefully protected throughout the construction process. There must be no physical disturbance or compaction of the soil that would decrease the effectiveness of the septic systems. The existing driveway that is located within the septic area for lot 6 is to be carefully removed without digging into the soil any deeper than the bottom of the driveway base. There is to be no stockpiling of soil on the septic reserve areas.
5. All storm-water management structures must have the appropriate setbacks from the septic areas.

If you have any questions, contact Gene von Gunten at (240) 777-6319.

cc: Owner





DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION

Douglas M. Duncan  
County Executive

Arthur Holmes, Jr.  
Director

September 13, 2006

Ms. Catherine Conlon, Subdivision Supervisor  
Development Review Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20070090  
Justment Woods

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 08/11/06. This plan was reviewed by the Development Review Committee at its meeting on 09/11/06. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show/label all existing planimetric and topographic details specifically the trees and embankment that obstruct the sight distance, paving, storm drainage, driveways adjacent and opposite the site as well as existing rights of way on both sides and easements on the preliminary plan.
2. Provide necessary dedication for Glen Mill Road in accordance with the Master Plan and justify the location of it (as there is no right of way existing now).
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. Septic systems cannot be located within the right of way nor slope or drainage easements.
5. We did not receive complete analyses of the capacity of the downstream public storm system(s) and the impact of the post-development runoff on the system(s). As a result, we are unable to offer comments on the need for possible improvements to the system(s) by this applicant.  
Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to submit this study, with computations, for review and approval by DPS. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same.
6. The sight distance study has not been accepted since it does not reflect the trees (not just one tree) and embankment that obstruct the sight distance and how extensive the tree removal would be to acquire adequate sight distance.




Division of Operations

Ms. Catherine Conlon  
Preliminary Plan No. 1-20070090  
Date September 13, 2006  
Page 2

7. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
8. The access will be from a roadway included on the Rustic Roads Program (Glen Mill Road). Based on coordination with Rustic Roads Committee, the widening of the driveway can not happen without major impact to the significant features within the right of way of that roadway. Therefore DPWT does not support the common driveway and widening its pavement unless both the Rustic Roads Committee and minimum sight distance requirements are met.
9. Record plat to reflect denial of access along Glen Mill Road except for the existing driveway.
10. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
11. Revise the plan as necessary to meet the requirements of the Montgomery County Department of Permitting Services with regard to wells and/or septic systems.
12. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
13. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
14. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at [sam.farhadi@montgomerycountymd.gov](mailto:sam.farhadi@montgomerycountymd.gov) or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E., Senior Planning Specialist  
Development Review Group  
Traffic Engineering and Operations Section  
Division of Operations

m:/subdivision/farhas01/preliminary plans/ 1-20070090, Justment Woods.doc

Enclosures ()

cc: Rick Cantor, Hemingway Homes  
Dean Packard, PG Associates  
Joseph Y. Cheung; DPS RWPPR  
Christina Contreras; DPS RWPPR  
Sarah Navid; DPS RWPPR  
Shahriar Etemadi; M-NCPPC TP  
Gregory Leck, DPWT TEOS  
Preliminary Plan Folder  
Preliminary Plans Note Book



RUSTIC ROADS ADVISORY COMMITTEE

January 17, 20057

Ms. Catherine Conlon, Supervisor  
Development Review Division  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Preliminary Plan #1-20070090 Justement Woods

Dear Ms. Conlon:

We are writing to advise you of our recommendations concerning the subject plan which was discussed at our meeting on September 14, 2006.

The Rustic Roads Advisory Committee supports preservation of the existing embankment and all trees along the edge of the road that do not pose a safety risk. The new water line should be installed under the roadway pavement, not encroaching into the embankment. Any widening of the driveway required for emergency vehicles should be accomplished using grass pavers so that the net effect is to maintain or decrease the extent of actual asphalt pavement. Additionally, we are in favor of preserving the trees on site that will buffer the view of the new homes.

We appreciate the opportunity to comment on this plan. If you have any questions regarding our comments, you may contact us through our staff coordinator, Ms. Sarah Navid in the Department of Permitting Services.

Sincerely,

Jim Arnoult, Interim Chair  
Rustic Roads Advisory Committee

Cheryl Imperatore  
Todd Butler Fred Lechliden  
Mike Seebold Kevin Foster  
Laura Van Etten