



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

MCPB

Item #

6/07/07



MEMORANDUM

DATE: May 25, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Supervisor *CC*
Development Review Division

FROM: *MB*
Neil Braunstein (301-495-4532)
Erin Grayson (301-495-4598) *EG*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: Subdivision to create four lots to accommodate four one-family dwelling units

PROJECT NAME: Brand Property

CASE #: 120060120

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-60

LOCATION: Northeast quadrant of the intersection of Dennis Avenue and Carson Street

MASTER PLAN: Kemp Mill

APPLICANT: K&C LLC

ENGINEER: Benning & Associates, Inc.

FILING DATE: August 3, 2005

HEARING DATE: June 7, 2007

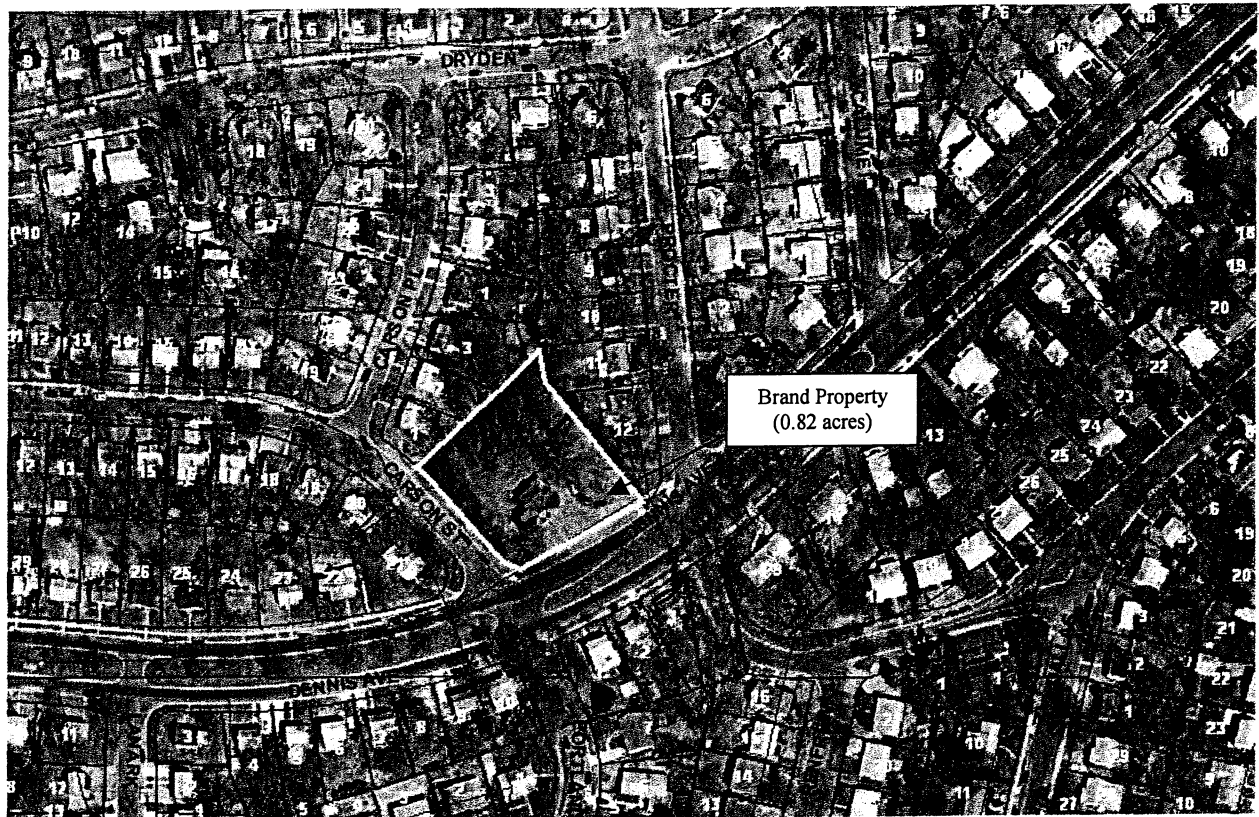
RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to four residential lots for four one-family dwelling units.
- 2) The proposed development must comply with the conditions of the approved tree save plan prior to any demolition, clearing, or grading on the subject property.
- 3) The final sediment control plan must be consistent with limits of disturbance as shown on the Tree Save Plan, dated April 24, 2007.
- 4) The applicant must dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 5) The applicant must construct all road and/or sidewalk improvements within the rights-of-way shown on the approved preliminary plan to the full width mandated by the master plan and to the design standards imposed by all applicable road codes.
- 6) The applicant must provide access and improvements as required by MCDPWT prior to recordation of the plat.
- 7) The applicant must comply with the conditions of the MCDPS stormwater management approval dated November 7, 2006.
- 8) The applicant must comply with conditions of the MCDPWT letter dated November 29, 2005, unless otherwise amended.
- 9) The Record plat must show necessary easements.
- 10) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.

SITE DESCRIPTION

The subject property, pictured below and in Attachment A (Vicinity Map), consists of 0.82 acres located in the northeast quadrant of the intersection of Dennis Avenue and Carson Street. The site is an unrecorded parcel (P796) zoned R-60. The site abuts developed residential lots in the R-60 zone on the north, south, east, and west. The property is served by public water and sewer. A one-family dwelling unit and detached garage currently exist on the subject property, with access from Dennis Avenue. Both of these existing structures will be demolished to accommodate the proposed lots and dwelling units.

The property is located in the Sligo Creek Watershed. Other than several specimen trees, no environmental features exist on the property.



PROJECT DESCRIPTION

The applicant proposes to remove the existing house and garage and create four residential lots on the property. The proposed plan shows two lots with frontage on Carson Street and two lots with frontage on Dennis Avenue. Access to the dwelling units on Carson Street is proposed from Carson Street and access to the dwelling units on Dennis Avenue is proposed from Dennis Avenue. Lot 1 is 9,610 square feet in size, Lot 2 is 7,932 square feet, Lot 3 is 7,452 square feet and Lot 4 is 10,706 square feet in size.

(Attachment B – proposed plan)

ANALYSIS AND FINDINGS

Master Plan Compliance

The Kemp Mill Master Plan does not specifically identify the subject property. In the Land Use and Zoning section of the plan, the property and surrounding development is identified as suitable for one-family detached housing. The proposed subdivision complies with the recommendations adopted in the Kemp Mill Master Plan in that it proposes one-family detached housing consistent with the current density of the neighborhood.

Transportation

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. A four-foot-wide sidewalk currently exists along the Dennis Avenue frontage of the site and the applicant proposes construction of a four-foot-wide sidewalk along the Carson Street frontage of proposed Lots 3 and 4. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

Environment

The site does not contain any streams, wetlands, or floodplains, and there are no environmental buffers on the property. Environmental guidelines for protection of environmentally sensitive areas, therefore, are not applicable to this subdivision.

There is no forest on this property and this site is exempt from the Forest Conservation Law, as a small property. The exemption letter noted that a Tree Save Plan would be required at Preliminary Plan. A Tree Save Plan has been prepared and submitted. The Tree Save Plan proposes to retain trees primarily by restricting disturbance during construction, as indicated by the limits of disturbance.

This property has one specimen tree, five large trees ($\geq 24''$ DBH) and 15 smaller trees in a naturalistic landscape setting. The surrounding properties are in a similar condition. The applicant's Tree Save Plan anticipates the retention of two large trees ($\geq 24''$ DBH), and six smaller trees. Two additional smaller trees may be retained. All off-site and right-of-way trees have tree protection and stress reduction proposed, and will be retained.

The MCPDS Stormwater Management Section approved the stormwater management concept for the project on November 7, 2006, which includes on-site water quality control and on-site recharge via drywells.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot sizes, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the R-60 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan (see Attachment D for agency correspondence).

Citizen Correspondence and Issues

Citizen concerns have been brought to staff's attention regarding this application. Through letters, phone calls and a petition, the major concerns of neighborhood residents have become known. These concerns include: neighborhood character, parking, trees and water runoff.

The original plan submitted by the applicant included a proposal for five lots — four regularly shaped and one irregularly shaped (pipestem). At the Development Review Committee meeting held on September 12, 2005, the applicant was asked to revise the plan to incorporate lots more consistent with existing lots in the neighborhood. At that time, environmental planning staff also expressed concern for adequate tree save and asked for an arborist study to investigate alternatives to the layout in order to save as many significant trees on the property as possible. The original stormwater management concept was denied on August 9, 2005, and the applicant was advised to submit a revised stormwater management plan more appropriate for the neighborhood.

The revised plan includes four lots rather than five, with two lots fronting on Carson Street and two lots fronting on Dennis Avenue. On May 7, 2007, the revised preliminary plan was circulated to 51 people, including adjacent and confronting property owners and all others who had expressed an interest in the plan. The four lots meet the requirements of the zone, which are outlined in Table 1 on page 7 of this report. Although the application is not subject to review under the resubdivision criteria, the proposed lots are in character with surrounding lots with regard to size, shape, frontage and width. The plan includes adequate onsite parking via separate driveways for each dwelling unit leading to proposed 2-car garages. The tree save plan submitted includes the retention of two large trees ($\geq 24"$ DBH), and six smaller trees. The applicant's revised stormwater management concept includes onsite water quality control and recharge via drywells, rather than the rooftop and non-rooftop disconnection credits that were proposed in the original plan. The revised stormwater management plan was reviewed and deemed acceptable by the Montgomery County Department of Permitting Services on November 7, 2006.

In staff's opinion, the applicant has adequately addressed citizen concerns with the recommended changes and subsequent plan revisions.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the Kemp Mill 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 whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

Attachment A – Vicinity Map

Attachment B – Proposed Development Plan

Attachment C – Citizen Correspondence

Attachment D – Agency Correspondence

TABLE 1: Plan Checklist and Data Table

Plan Name: Brand Property				
Plan Number: 120060120				
Zoning: R-60				
# of Lots: 4				
# of Outlots: 0				
Dev. Type: Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	6,000 sq. ft.	7,452 sq. ft. is minimum proposed	NB	4/25/07
Lot Width	60 ft.	Must meet minimum	NB	4/25/07
Lot Frontage	25 ft.	Must meet minimum	NB	4/25/07
Setbacks				
Front	25 ft. Min.	Must meet minimum	NB	4/25/07
Side	8 ft. Min./ 18 ft. total	Must meet minimum	NB	4/25/07
Rear	20 ft. Min.	Must meet minimum	NB	4/25/07
Height	35 feet	May not exceed maximum	NB	4/25/07
Max Resid'l d.u. per Zoning	5 dwelling units	4 dwelling units	NB	4/25/07
MPDUs	N/a		NB	4/25/07
TDRs	N/a		NB	4/25/07
Site Plan Req'd?	No		NB	4/25/07
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes		NB	4/25/07
Road dedication and frontage improvements	Yes		Agency letter	11/29/05
Environmental Guidelines	Yes		Staff memo	4/24/07
Forest Conservation	Exempt		Staff memo	3/22/05
Master Plan Compliance	Yes		NB	4/25/07
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		Agency letter	11/7/06
Water and Sewer (WSSC)	Yes		Agency Comments	9/12/05
Well and Septic	N/A			
Local Area Traffic Review	N/A		Staff memo	9/12/05

BRAND PROPERTY (1-06012)



Map compiled on September 01, 2005 at 11:34 AM | Site located on base sheet no - 213NW01

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



N



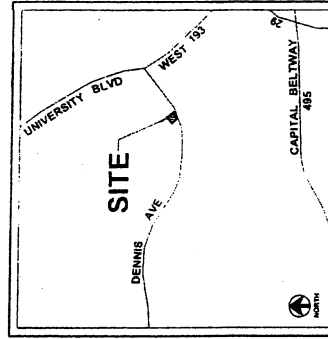
Research & Technology Center



1 inch = 200 feet
1 : 2400

- NOTES:**
1. AREA OF PROPERTY - 35,700 SF
 2. EXISTING ZONING - R-60
 3. NUMBER OF LOTS SHOWN - 4
 4. SITE TO BE SERVED BY PUBLIC WATER & SEWER
 5. EXISTING SEWER & WATER SERVICE CATEGORIES: S-1, W-1
 6. LOCATED IN SLIGO CREEK WATERSHED
 7. DEVELOPMENT STANDARDS:
Frontyards - 25'
Sideyards - total 18', min 8'
Rearyards - 20'
Minimum Lot size - 6,000 sf
 8. UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, PEPCO

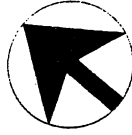
VICINITY MAP
SCALE: 1" = 2,000'



Prepared for:
K&C, LLC.
c/o A. PLATA
P.O. BOX 10447
SILVER SPRING, MD 20914
301-528-0024

Sheet 1 of 1

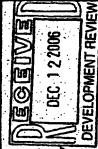
Revisions
Rev. 07/24/06
Rev. 7/14/06



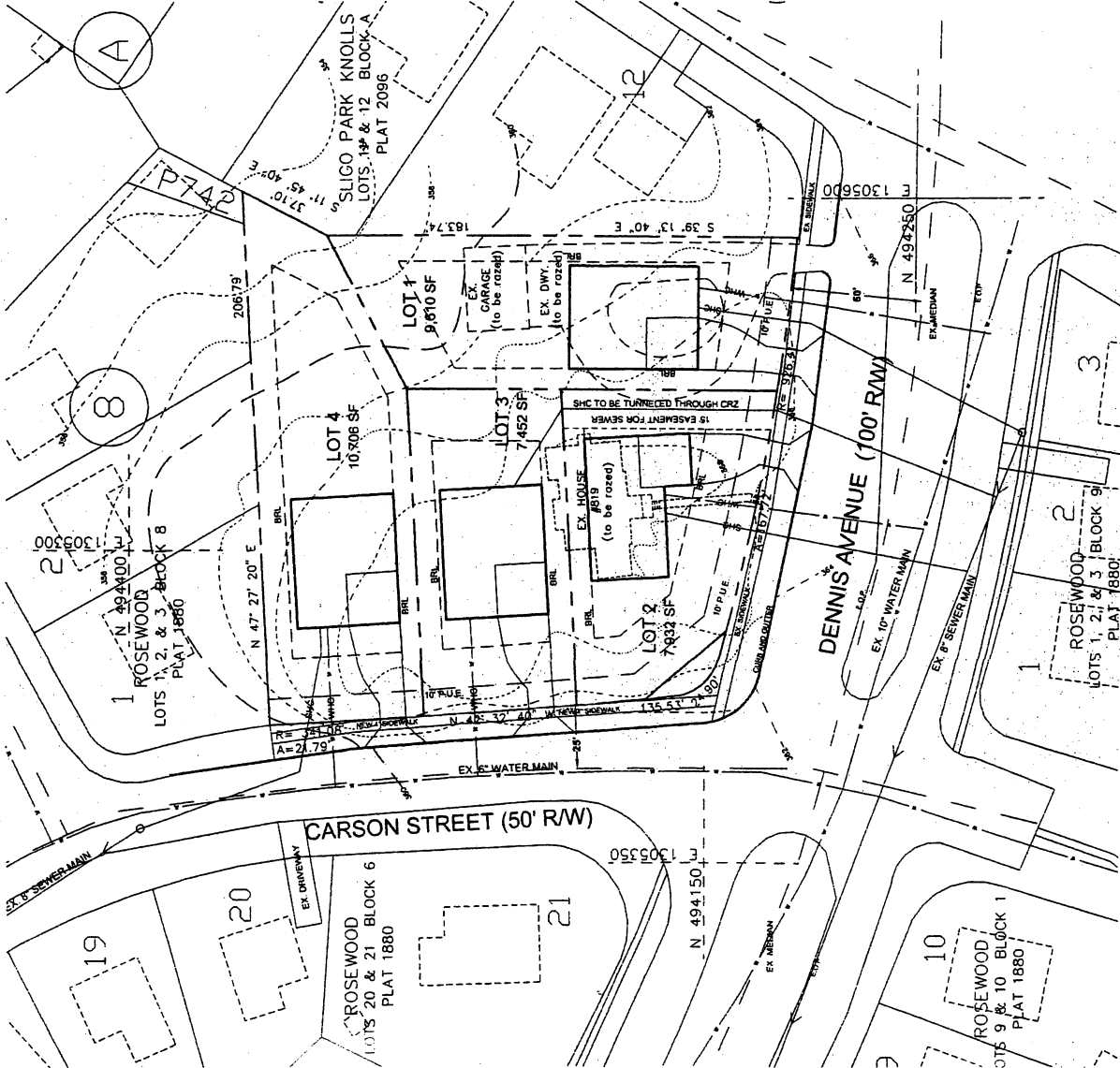
date: AUGUST 2005

scale: 1"=30'

Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301) 948-0240



PRELIMINARY PLAN
BRAND PROPERTY
Montgomery County, Maryland



Catherine Buckler
1027 Carson Street
Silver Spring, MD 20901

M-NCPPC
Development Review Division
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: MNC-P&CP file #1-06012 ("Brand Property")

Dear Reviewer,

I am writing to express my concerns about the proposed subdivision development at the corner of Dennis Avenue and Carson Street in Silver Spring. This property is a lovely wooded lot on which sits a sweet old house, built in 1936 I believe, which has served as a landmark for the area for years and years. I know many people, including myself, who over the years, have expressed interest in purchasing this home and property as it is, should it ever come up for sale.

Unfortunately, the children of the elderly owner who passed away a while ago (and who I believe had the house built) sold the property to a developer who seems only interested in turning as much profit as possible, rather than considering the needs of the surrounding community.

I have reviewed the copy of the proposal made available to the abutting neighbors and have several practical concerns about it. I do not feel it fits the character of the existing community and I have questions about how the proposal would affect the environment and infrastructure of the surrounding area. I wish to outline these concerns here in hopes that you will consider them when reviewing the proposal.

Some of my concerns are environmental. I have concern for the beautiful canopy of large, old trees that help maintain the wooded character of our neighborhood. These trees not only provide shade and a noise buffer for the nearby houses but also habitat for a wealth of wildlife that is finding refuge in the scarcer and scarcer green space of the area. Also, I am concerned that the loss of green space will affect local runoff. The property sits up on one of the highest points in the neighborhood and this hill heads straight down into Sligo Creek and the backyards and basements of some of our neighbors. Given the hilly nature of the property, I also wonder if the developer plans to change the grading of the property. If so, will this create instability in the surrounding properties?

I also have questions about the electrical infrastructure of our neighborhood. Carson Street is prone to power outages. During any storm of note, we are often the first in the area to lose power and the last to have it restored. I do not know why this is but hope that the appropriate Development Committee Members will consider how the proposed subdivision will affect this pattern of electricity disruption in our neighborhood.

I also have concerns for how this development will affect traffic patterns and parking issues in our neighborhood. The plan proposes three driveways along Carson St, just at the corner with

Dennis. Already it can be tricky to make the right-hand turn onto Carson Street from Dennis Avenue. Because of the angle, it is difficult to see what lies around the corner, be it parked cars, as is currently the case, or cars backing out of a driveway, which would be the case if the proposed houses are built.

One of my biggest concerns is for the character of our neighborhood. Rosewood is a lovely, quiet, diverse, middle-class neighborhood. Our Carson Street community is warm and social. We have many children who like to ride bikes and play ball on our quiet street. The houses are small and yards adequate so that folks spend a fair amount of time outdoors working in their gardens, walking their dogs, and socializing with neighbors. For the last nine years, we have closed the street once a year for a block party. I truly believe that it is the modest nature of the one- and two-story houses and the serene character of the environment (including the green space and trees of the Dennis Avenue property) that help create this great community. While I realize that some development of the Dennis Avenue property may be unavoidable at this point, I know that the community is very concerned that the developer be mindful of the special character of the neighborhood and create a subdivision plan that would not feel out of place either to the existing residents or ones who would live in any proposed houses. Of course my first wish would be to keep the property largely as it is. Barring that, however, I would hope for fewer houses and an assurance that they would be consistent in character with the rest of the neighborhood.

To me it is a tragedy that this lovely property has been sold off to a developer with nothing but money in mind when I'm sure there ~~were~~ could have been many who would have loved to purchase this property and steward the old house and green space in keeping with the spirit of the original owners and the community of which it is a part. In my opinion, the best way to remedy this tragedy is to revise this proposal with an eye to addressing the concerns of the neighbors who will have to live with the finished product for years and years to come.

Thank you for your time in reading my long letter. I hope you will consider my concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Catherine Buckler", followed by a horizontal flourish line.

Catherine Buckler

Susan Gray
1004 Carson Street
Silver Spring, MD 20901
(301) 593-5454
wgray5@starpower.net

M-NCPPC
Development Review Division
Re: Property #1-06012
8787 Georgia Avenue
Silver Spring, MD 20910

August 16, 2005

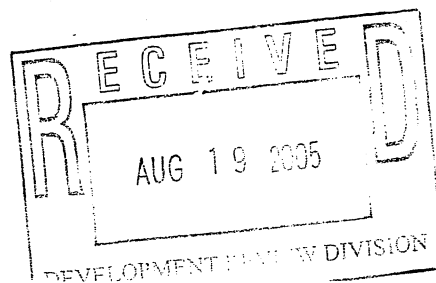
My family has lived on Carson Street in the Rosewood neighborhood for twenty years. It is a neighborhood of small single family homes that were built in the late 1940s or early 1950s. At one time our neighborhood was a part of Sligo Creek park and there are still many of the tall ancient trees still standing. This week we learned of plans to develop the lot on the corner of Carson Street and Dennis Avenue where the original home in this neighborhood is now. When the owner sold her home we were hopeful that the new owners would maintain the house and lot as it was in its wooded natural setting.

Our neighbors whose homes abut the property received notices within the last week of plans to tear down the existing home and build five new homes on the lot. Such development will destroy the charm and beauty of Carson Street. Compared to the homes in Rosewood the new houses would be very large and out of place. Plans are for three homes of 6,000 square feet, facing directly on to Carson Street, one of 7,500 square feet and one of 10,200 square feet facing Dennis. The square footage of our house is hardly a third to a half of the proposed smaller homes. The houses on Carson Street will be dwarfed by the new houses on the corner, making the new homes look out of place and intrusive.

The lot currently has at least twenty wonderful old trees that will be destroyed in the construction of the new homes. The natural setting is a habitat for birds and wildlife that cannot be replaced. Several years ago when plans are made to build the new Blair High School there was much concern because the wooded area where the school was built had been designated as the "lung" for this part of the county. Whatever happened to the conservation of the trees in this area?

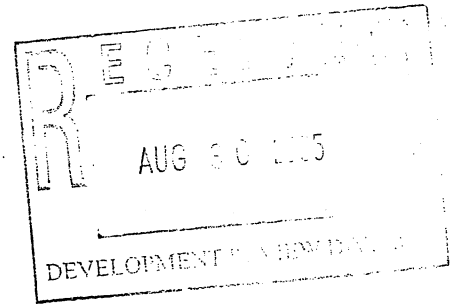
Increasingly "money talks" and the greed of developers wins out over the concerns of environmentalists and property owners who want to protect their older settled neighborhoods. Over and over again we hear about the lack of affordable housing in Montgomery County. Not only is housing difficult to find for lower income families, increasingly there is a lack of mid level income housing as well. The people who serve you, teachers, police, firemen, electricians and mechanics cannot find affordable housing in the county where they work. Why the need to build bigger and more expensive houses in a neighborhood where they don't fit in? What would happen if two or three moderately priced homes were put on our corner, small homes that would not destroy the land and atmosphere of the community around them? Please consider very carefully the impact of this proposal on the Rosewood neighborhood!!


Susan Gray



Steve and Nora Quade
1103 Dennis Ave
Silver Spring, MD 20901

Review Division of the MNC-P & PC
8787 Georgia Ave
Silver Spring, MD 20910



August 24, 2005

RE: #1-06012, Corner of Dennis Ave and Carson St.

We are writing in regards to the proposed development of the lot at corner of Dennis Ave and Carson St listed subdivision plan. We strongly feel that the plan will not only destroy the character and the charm of this neighborhood but also adversely affect the environment and the neighborhood parking density.

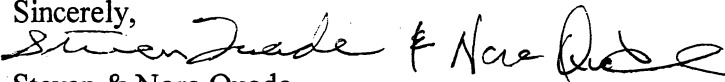
The current neighborhood is composed of houses of similar design that were built around the same time. To raze the current house and replace it with 5 large houses will ruin the continuity of the community appearance and style and lead to houses that would be an eyesore.

The current house and lot is located on a hill with at least 20 older trees, Loss of these trees will decrease the habitat for many of the local birds and increase soil runoff since these trees provide stability to the hill. It also was our understanding that this area is considered a "lung" to Four Corners and removal of the trees will have an adverse effect on this.

The last point we want to make is the traffic is a problem already with an already full on-street parking issue. More houses will only add a strain this situation.

Certainly we would be more amenable if the proposal was for two or three smaller houses that reflect the current neighborhood appearance and style, but we do not think that these five large houses represent the best interest of the Rosewood community.

Sincerely,


Steven & Nora Quade

M-NCPPC
Development Review Division
Re: Property #1-06012
8787 Georgia Avenue
Silver Spring, MD 20910

Sept. 11, 2005

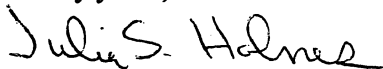
I bought my house on Carson Street in the Rosewood neighborhood three-and-a-half years ago. Despite being new to the area, I was immediately drawn to this neighborhood with its towering trees, moderately-sized homes on appropriately-sized lots, and children playing happily in front yards or riding their bikes up and down the street.

I am very concerned to hear that developers have applied to build five homes on the corner lot of Carson Street and Dennis Avenue. Not only would five new houses look out of place on an open corner lot where only one house currently stands, but they would also create environmental burdens with respect to parking, car traffic and utilities. The effects of major re-grading on water run-off and soil erosion are major issues for those whose properties abut the proposed construction, as well as those of us who live further down on Carson Street. Of concern, too, is whether families with children will still consider Carson Street a safe place to raise children with the increased traffic. Will children still be able to safely ride their bikes on neighborhood streets or chase an occasional errant ball into the street? I am very worried about the effects of this proposed mini-development on the character and culture of our neighborhood.

It is painful to contemplate the destruction of the wonderful old home on the corner of Dennis and Carson Street that will be torn down to make "room" for five houses of yet indeterminate size and construction, as well as the removal of the more than 20 mature trees on the current property.

Please consider the effects of this proposal on the Rosewood neighborhood and explore the possibility of major revisions to the current plans.

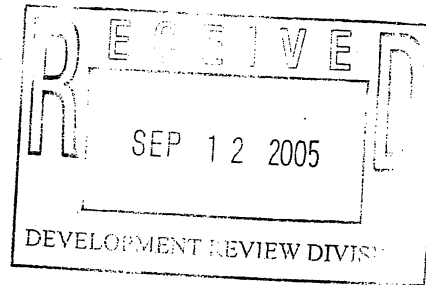
Sincerely yours,



Julia S. Holmes
1016 Carson Street
Silver Spring, MD 20901

Wednesday, September 7, 2005

M-NCPPC
Development Review Division
Re: Property #1-06012
8787 Georgia Avenue
Silver Spring, MD 20910



To Whom It May Concern:

I am opposed to the building of five large houses on the corner Dennis Avenue and Carson Street in the Silver Spring Rosewood community. As a single parent, I purchased my home in this neighborhood because of the old-fashioned brick Cape Cod style homes and the beautiful surrounding environment of trees. This week I learned of plans to develop this lot on the corner of Carson Street and Dennis Avenue where the original home still stands along with some 20 plus tree. Our neighbors whose homes abut the property received notices within the last week of plans to tear down the existing home and build five new homes on this lot.

The lot currently has at least twenty wonderful old trees that will be destroyed in the construction of the new homes. The natural setting is a habitat for birds and wildlife that cannot be replaced. Several years ago when plans are made to build the new Blair High School there was much concern because the wooded area where the school was built had been designated as the "lung" for this part of the county. Whatever happened to the conservation of the trees in this area?

Increasingly "money talks" and the greed of developers win out over the concerns of environmentalists and property owners who want to protect their older settled neighborhoods. Over and over again we hear about the lack of affordable housing in Montgomery County. Not only is housing difficult to find for lower income families, increasingly there is a lack of mid level income housing as well. The people who serve you, teachers, police, firemen, electricians and mechanics cannot find affordable housing in the county where they work. Why the need to build bigger and more expensive houses in a neighborhood where they don't fit in? What would happen if two or three moderately priced homes were put on our corner, small homes that would not destroy the land and atmosphere of the community around them? Please consider very carefully the impact of this proposal on the Rosewood neighborhood!!

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Deborah D. Stroman".

Deborah D. Stroman
Resident
1101 Carson Street
Silver Spring, Maryland, 20901

Jesse McCormick and Alysha Serdula
10203 Carson Place
Silver Spring, MD 20901

M-NCPPC
Development Review Division
8787 Georgia Avenue
Silver Spring, MD 20910

Re: #1-06012 Dennis Avenue 0' +/- E of Carson Street

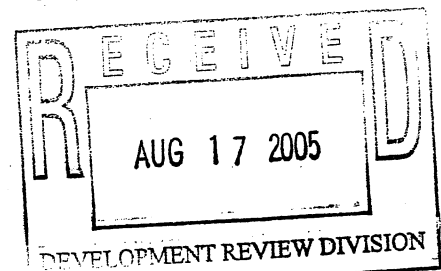
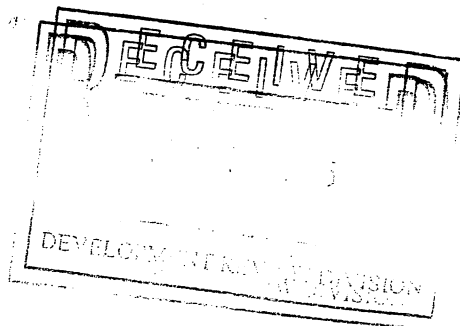
Dear Sir/Madam:

It is much to our disappointment to have to be writing this letter. We are responding to a proposal that would take the neighboring property of our back yard and make it into five separate properties. This proposal is upsetting to us not only because it affects our personal privacy in our newly purchased home, but also because it affects the quality of our entire neighborhood and surrounding environment.

Back in October of last year, we were looking for a quiet neighborhood to settle down in. Having spent the last three years living in the midst of the new construction in Downtown Silver Spring, we knew that we wanted a peaceful, well established neighborhood with a bit of history. When we passed the lot on the corner of Dennis Avenue and Carson Street, we saw a beautiful house on an amazing plot of land. We saw character in that house and knew that this was the neighborhood that we wanted to live in. We purchased our property even though it was close to Dennis Avenue, which is a major thoroughfare, because we reveled in the tranquility and peacefulness of ours and our neighbor's yard.

The lot on the corner of Dennis Avenue and Carson Street harbors 20 gigantic oak trees which are teeming with various types of birds and other wildlife. Many afternoons we simply stretch ourselves out in hammocks in the back yard and absorb the myriad of natural events going on all around us. We do not see these gorgeous old trees, or the habitat they provide, in the new subdivision plans and that worries us greatly.

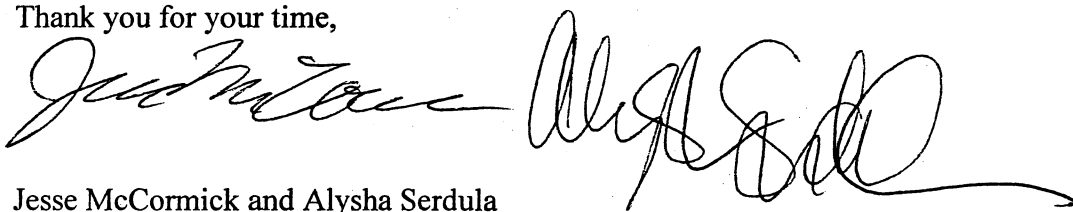
Beyond our concerns of our immediate environment are our concerns for Sligo Creek Park which is located less than half a mile, directly down the hill, from the proposed subdivision. Many people and organizations, including M-NCPPC itself, have been involved in restoring and maintaining the delicate ecology of Sligo Creek. The demise of 20 historic oak trees as well the quadrupling of the amount of impervious surface area on land would create much higher levels of runoff that would be highly detrimental to the ecology of Sligo Creek Park.



storm water run-off into Sligo Creek is a significant problem in maintaining the delicate ecosystem of the creek and the surrounding park. Sligo Creek has undergone major restorations over the last several years at a cost of several million dollars of taxpayers' money. With the proposed construction on this property, the stormwater runoff situation will get worse and will increasingly damage the creek and the surrounding wetlands, possibly undermining all of the work which has been done.

We ask that you please consider all of the implications that this proposal has on our personal well being as well as the well being of our neighborhood and the environment. Please do not allow the subdivision of this magnificent property.

Thank you for your time,

The image shows two handwritten signatures in black ink. The signature on the left is 'Jesse McCormick' and the signature on the right is 'Alysha Serdula'. Both signatures are fluid and cursive.

Jesse McCormick and Alysha Serdula

I oppose the proposed subdivision #1-06012 at 819 Dennis Ave, Silver Spring MD. The proposed changes will negatively impact our community in many ways such as, but not limited to:

- Increased traffic and reduced safety for our children.
- Increased storm water runoff effecting not only our basements but also near by Sligo Creek.
- Reducing the natural buffer and tree canopy provided by the existing properties foliage.
- Reducing the character and cohesion of our neighborhood by removing a commonly shared landmark.
- Replacing said landmark it with several new construction houses that do not fit in with the feel and style of the surrounding neighborhood.

Name: Shagufta N Hussain
Address: 1117 Carson St, Silver Spring MD 20901
Signed: Shagufta N Hussain Date: 9-10-05

Name: Jack Welsh
Address: 1006 Carson St.
Signed: JP Welsh Date: 9-10-05

Name: Paul Sleman
Address: 1104 CARSON ST.
Signed: Paul Sleman Date: 9-10-05

Name: Cory Gray
Address: 1004 Carson St
Signed: Cory Gray Date: 9/10/05

Name: Angela Serdula
Address: 1004 Carson St
Signed: Angela Serdula Date: 9/10/05

Name: Steven Quade
Address: 1103 Dennis Ave
Signed: Steven Quade Date: 9/10/05

Name: Norell Dube
Address: 1103 Dennis Ave
Signed: Norell Dube Date: 9/10/05

Name: Sandra Henman
Address: 1201 Dennis Ave
Signed: Sandra Henman Date: 9/10/05

Name: MARK Johnson
Address: 1108 CARSON ST
Signed: MARK Johnson Date: 9-10-05

I oppose the proposed subdivision #1-06012 at 819 Dennis Ave, Silver Spring MD. The proposed changes will negatively impact our community in many ways such as, but not limited to:

- Increased traffic and reduced safety for our children.
- Increased storm water runoff effecting not only our basements but also near by Sligo Creek.
- Reducing the natural buffer and tree canopy provided by the existing properties foliage.
- Reducing the character and cohesion of our neighborhood by removing a commonly shared landmark.
- Replacing said landmark it with several new construction houses that do not fit in with the feel and style of the surrounding neighborhood.

Name: RACHEL M. O'HARA
Address: 10207 CARSON PLACE N Silver Spring, MD 20901
Signed: [Signature] Date: SEP 10, 2005

Name: Staci Spruill
Address: 1116 Carson St Silver Spring, MD 20901
Signed: [Signature] Date: 9/10/05

Name: Adam Zimmerman
Address: 10207 Carson Place Silver Spring, MD 20901
Signed: [Signature] Date: 9/10/05

Name: Ahmar Lubis
Address: 1802 Carson Street Silver Spring, MD 20901
Signed: [Signature] Date: 9/10/05

Name: Diana Lubis
Address: 2204 Greenery Ln Silver Spring, MD 20901
Signed: [Signature] Date: 9/10/05

Name: T.F. McGinn
Address: 1107 Carson St Silver Spring, MD 20901
Signed: SS MD Date: 9/10/05

Name: Kristi Mashon
Address: 1111 Carson St Silver Spring, MD 20901
Signed: SS MD 20901 Kristi Mashon Date: 9/10/05

Name: Thaysha Hawkins
Address: 1293 Dennis Ave Silver Spring, MD 20901
Signed: Marybeth Hambard Date: 9/10/05

Name: Madeline Mashon
Address: 1111 Carson St Silver Spring, MD 20901
Signed: Madeline Mashon Date: September 10, 2005

I oppose the proposed subdivision #1-06012 at 819 Dennis Ave, Silver Spring MD. The proposed changes will negatively impact our community in many ways such as, but not limited to:

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- Replacing said landmark it with several new construction houses that do not fit in with the feel and style of the surrounding neighborhood.

Name: Tara Sheldon
Address: 1023 Carson St. Silver Spring, MD 20901
Signed: [Signature] Date: 9-10-05

Name: KRISTIE DAVIS
Address: 1023 CARSON ST Silver Spring, MD 20901
Signed: [Signature] Date: 9-10-05

Name: Patrice Jossner St Michel
Address: 1105 Carson St. Silver Spring, MD 20901
Signed: PATRICE St Michel Date: 9-10-05

Name: JASON STMICHEL
Address: 1105 CARSON ST Silver Spring, MD 20901
Signed: [Signature] Date: 9-10-05

Name: Emily E. Sudbrink
Address: 10214 Tenbrook DR Silver Spring, MD 20901
Signed: Emily E. Sudbrink Date: 9-10-05

Name: Jesse McCormick
Address: 10203 Carson Pl Silver Spring, MD 20901
Signed: [Signature] Date: 9/10/05

Name: Carolyn Ibić
Address: 1106 Carson St. Silver Spring, MD 20901
Signed: Silver Spring MD Carolyn Ibić Date: 20901

Name: Lauren Jones
Address: 8820 1st Ave Silver Spring, MD 20901
Signed: Lauren Jones Date: 9/10/05

Name: Mike Mashon
Address: 1111 Carson St Silver Spring, MD 20901
Signed: [Signature] Date: 9/10/05

I oppose the proposed subdivision #1-06012 at 819 Dennis Ave, Silver Spring MD. The proposed changes will negatively impact our community in many ways such as, but not limited to:

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- Replacing said landmark it with several new construction houses that do not fit in with the feel and style of the surrounding neighborhood.

Name: Beyhan Ibici
Address: 1106 Carson St. Silver Spring, MD 20901
Signed: Beyhan Ibici Date: 9-10

Name: Marissa Pace
Address: 1004 Carson St. Silver Spring, MD 20901
Signed: Marissa Pace Date: 9-10-05

Name: Patricia L Rinsinger
Address: 10203 Proctor St. Silver Spring, MD 20901
Signed: Patricia Rinsinger Date: 9/11/05

Name: Martha Sue Bray
Address: Martha Sue Bray Silver Spring, MD 20901
Signed: 39 Philadelphia Ave, Takoma Park Date: 9/11/05

Name: Pita Lubis
Address: 1002 Carson St Silver Spring, MD 20901
Signed: Pita Lubis Date: 9/11/05

Name: Indra Hidayat
Address: 1002 Carson St Silver Spring, MD 20901
Signed: Indra Hidayat Date: 9/11/05

Name: JOSE A. GONZALEZ
Address: 10200 CARSON PI Silver Spring, MD 20901
Signed: SILVER SPRING MD 20901 Date: 9/11/05

Name: Beatriz Gonzalez
Address: 10200 Carson Place Silver Spring, MD 20901
Signed: Beatriz Gonzalez Date: 9/11/05

Name: Sherrell Goheen
Address: 10004 Sidney Rd Silver Spring, MD 20901
Signed: Sherrell Goheen Date: 9-11-05

I oppose the proposed subdivision #1-06012 at 819 Dennis Ave, Silver Spring MD. The proposed changes will negatively impact our community in many ways such as, but not limited to:

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- Replacing said landmark it with several new construction houses that do not fit in with the feel and style of the surrounding neighborhood.

Name: Holly HARNES
Address: 10202 CARSON PLACE Silver Spring, MD 20901
Signed: Holly Harnes Date: 9/10/05

Name: Ed Ruppert
Address: 10202 Carson Place Silver Spring, MD 20901
Signed: [Signature] Date: 9-10-05

Name: Catherine Buckler
Address: 1027 Carson St, Silver Spring, MD 20901 Silver Spring, MD 20901
Signed: [Signature] Date: 9/10/05

Name: Julia S. Holmes
Address: 1014 Carson St. Silver Spring, MD 20901
Signed: Silver Spring, MD 20901 Date: 9/10/05

Name: Carolyn Howell Ayer
Address: 1014 Carson St Silver Spring, MD 20901
Signed: SS 20901 Date: Sept 10, 2005

Name: Frances Gapp
Address: 1110 CARSON ST Silver Spring, MD 20901
Signed: FRANCES GAPP Date: 9/10/2005

Name: Lori L. Beyer
Address: 901 Dennis Ave Silver Spring, MD 20901
Signed: [Signature] Date: 9-10-05

Name: Jane Welsh
Address: 1104 Carson St Silver Spring 20901 Silver Spring, MD 20901
Signed: Jane Welsh Date: 9-10-05

Name: Sarah Killiany
Address: 1019 Carson St Silver Spring 20901 Silver Spring, MD 20901
Signed: [Signature] Date: 9/10/05

I oppose the proposed subdivision #1-06012 at 819 Dennis Ave, Silver Spring MD. The proposed changes will negatively impact our community in many ways such as, but not limited to:

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- Reducing the character and cohesion of our neighborhood by removing a commonly shared landmark.
- Replacing said landmark it with several new construction houses that do not fit in with the feel and style of the surrounding neighborhood.

Name: Meghan Killiany
Address: 1019 Carson St. Silver Spring, MD 20901
Signed: (M) Kyle Kull Date: 9/10/05
Silver Spring MD 20901

Name: FRANK KURAT
Address: 261 CONGRESSIONAL LN Silver Spring, MD 20901
Signed: [Signature] Date: 9/10/05

Name: James Kessler
Address: 904 Lanark Way Silver Spring, MD 20901
Signed: James Kessler Date: 9/10/05

Name: Ozgur Vural
Address: 8508 East West Hwy Silver Spring, MD 20901
Signed: [Signature] Date: 9/10/05

Name: Susan Kidel
Address: 904 Lanark Way Silver Spring, MD 20901
Signed: [Signature] Date: 9/10/05

Name: Susan Gray
Address: 1004 Carson Street Silver Spring, MD 20901
Signed: Susan C. Gray Date: 9/10/05

Name: Wayne R Gray
Address: 1004 Carson St. Silver Spring, MD 20901
Signed: [Signature] Date: 09/10/05

Name: Jessica Pare
Address: 1108 Carson Street Silver Spring MD Silver Spring, MD 20901
Signed: [Signature] Date: _____

Name: Darrell E Shannon Jones
Address: 1109 CARSON STREET Silver Spring, MD 20901
Signed: [Signature] Date: 9-10-05

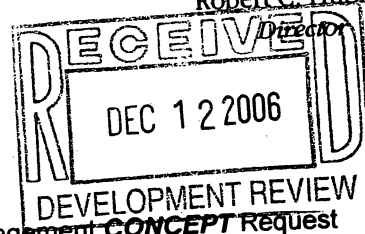


DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

November 7, 2006

Robert C. Hubbard



Mr. David McKee
Benning & Associates, Inc.
8933 Shady Grove Court
Gaithersburg, MD 20877

Re: Stormwater Management **CONCEPT** Request
for Brand Property
Preliminary Plan #: 1-06012
SM File #: 219819
Tract Size/Zone: R-60
Total Concept Area: .82 acres
Parcel(s): P 796
Watershed: Sligo Creek

Dear Mr McKee:

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 drywells. 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.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Lot grading must be shown on the detailed plan in accordance with the approved concept plan to direct as much runoff from the houses as possible to the street.

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 William Campbell at 240-777-6345.

Sincerely,



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

RRB:dm

cc: C. Conlon
S. Federline
SM File # 219819

QN -not required; Acres: .82
QL - onsite; Acres: .82
Recharge is provided



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

November 29, 2005

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 No. 1-96012
Brand Property

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated August 3, 2005. This plan was reviewed by the Development Review Committee at its meeting on September 12, 2005. 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 all existing planimetric and topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, bus stops, utilities, etc.) as well as existing rights of way and easements on the preliminary plan. The plan should be updated to reflect all existing planimetric details opposite the proposed development and the names of the adjacent streets.
2. Dedicate right-of-way truncation on the corner of Carson Street and Dennis Avenue.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. 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.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

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. If the proposed subdivision drains to an existing closed section street, include spread computations in the impact analysis.

5. The sight distances study has **not** been accepted. Prior to approval of the record plat by DPS, the applicant's engineer will need to submit a revised sight distances certification form for the two driveway proposed on Dennis Avenue. The revised form will need to reflect the correct classification and speed limit for Dennis Avenue.
6. 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.
7. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
8. We recommend the Planning Board require the applicant to extend the proposed sidewalk on Carson Street to the intersection with Carson Place and extend the widened sidewalk on Dennis Avenue to its intersection Robin Road (and provide handicap ramps at their termini).
9. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Construct four (4) foot wide concrete sidewalk and handicap ramps across the Carson Street site frontage. Construct five (5) foot wide concrete sidewalk ramps and handicap ramps across the Dennis Avenue site frontage. See note 8.
 - B. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study. If the improvements are to be maintained by Montgomery County, they will need to be designed and constructed in accordance with the DPWT Storm Drain Design Criteria.
 - C. Plant street trees across the Carson Street and Dennis Avenue site frontages.
 - D. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

Ms. Catherine Conlon
Preliminary Plan No. 1-96012
November 29, 2005
Page 3

- E. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- F. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

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

Sincerely,



Gregory M. Leck, Manager
Traffic Safety Investigations and Planning Team
Traffic Engineering and Operations Section

m:/subd/gml/docs/pp/1-96012, Brand Property

Enclosures (2)

cc: A. Plata; K & C LLC
David McKee; Benning & Associates, Inc.
Richard Weaver; M-NCPPC DRD
Shahriar Etemadi; M-NCPPC TP
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR