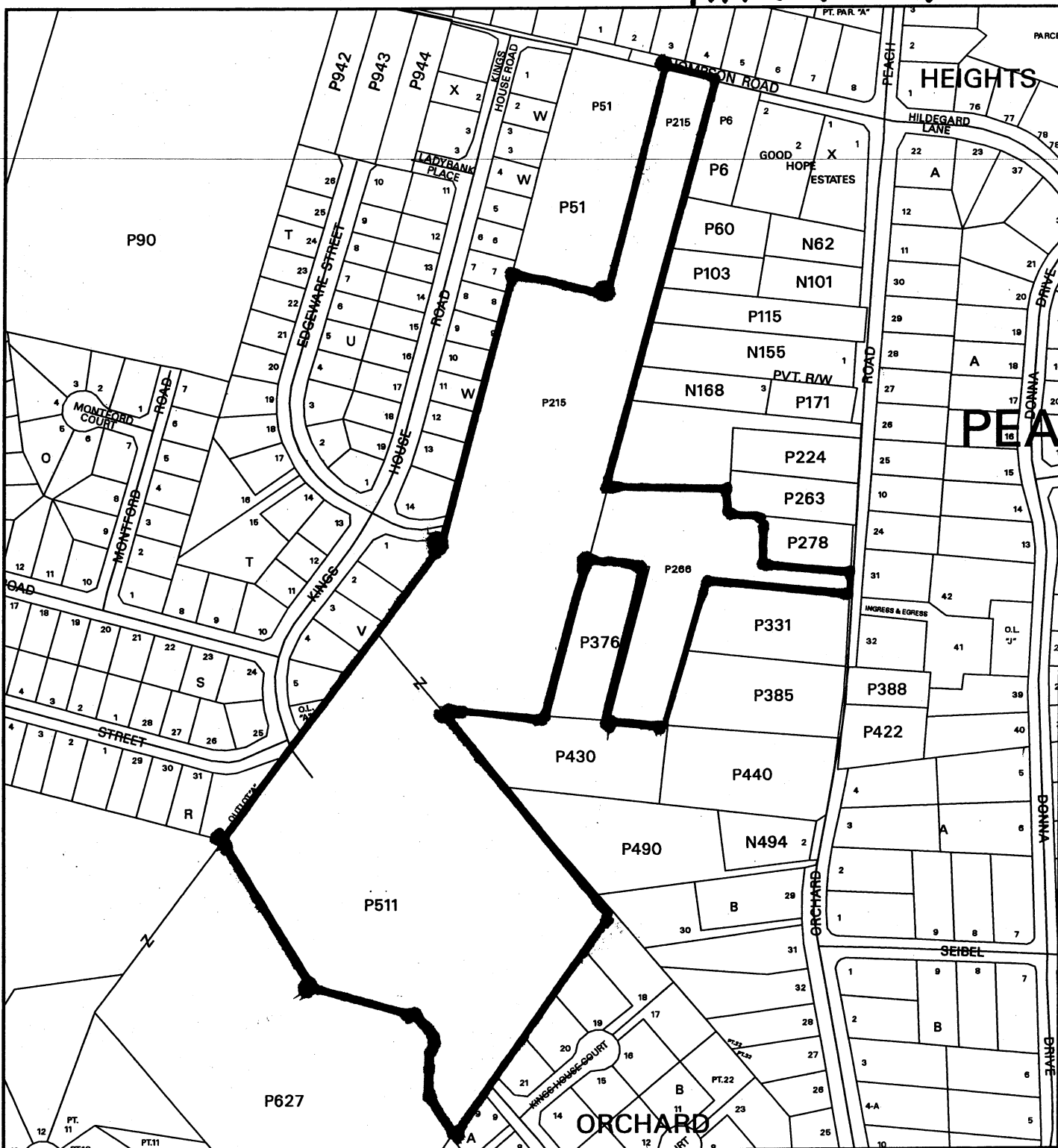


# MITCHELL PROPERTY (1-05107)

Attachment A



Map compiled on July 08, 2005 at 9:58 AM | Site located on base sheet no - 220NE03

## NOTICE

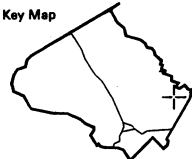
The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland -National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from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

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

Key Map



N



Research & Technology Center



1 inch = 400 feet

1: 4800



Attachment V-L-A

Attachment C

Resolution No.: 15-1088

Introduced: May 26, 2005

Adopted: July 18, 2005

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

**SUBJECT: Designation of Legacy Open Space Class I Sites**

1. The County Council created the Legacy Open Space Program in 2001 to protect resources of exceptional countywide significance by preserving them.
2. The Legacy Open Space Functional Master Plan identifies three different classes of Legacy Open Space properties and County Council approval is required to designate properties as Class I sites. The Planning Board may place Class I properties in involuntary reservation.
3. The Planning Board added the Left Fork Headwaters and the Mitchell properties to the Legacy Open Space program as Natural Resource sites on June 7, 2004.
4. The Left Fork Headwaters properties at the intersection of Good Hope and Spencerville Roads merit Class I designation because they contain good quality forest and significant aquatic resources that contribute to the health of the Upper Paint Branch watershed.
5. The Mitchell properties at Thompson and Peach Orchard Roads merit Class I designation because they contain a large block of good quality forest that contributes to the health of the Upper Paint Branch watershed.

**Action**

The County Council for Montgomery County, Maryland sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following action:

# Attachment VI B

-2-

Resolution No.: 15-1088

The Left Fork Headwaters properties and Mitchell properties are designated as Class I Legacy Open Space properties.

---

This is a correct copy of Council action.

Linda M. Lauer  
Linda M. Lauer, Clerk of the Council



June 9, 2005

**Ms. Cathy Conlon, Acting Supervisor  
Development Review Division  
Maryland National Capital  
Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910**

**Re: Mitchell Property  
Preliminary Plan of Subdivision  
MHG Project No. 87.198.51**

Dear Mr. Conlon:


We are pleased to present this Preliminary Plan of Subdivision Plan for your review. With the submission of this plan we are asking for a waiver of §59-C-1.532. The waiver of the minimum area required for the Cluster Option of Development is warranted to fulfill goals stated in the Cloverly Master Plan and create a more environmentally sensitive development. The cluster option will allow approximately 51% of the site to be retained as open space, conforms to the environmental overlay zone, and provides the required forest conservation on-site.

Additionally, we would like to ask for Planning Board support for a waiver of sidewalks for one side of the street only. We feel that the proposed 19 lots will be adequately served and reduces impervious surface in the Paint Branch Watershed.

Finally, we are requesting a waiver of §50-26(d), an over length cul-de-sac, Edgeware street. The waiver will still allow safe and adequate traffic circulation.

Please let me know if I can be of assistance in your review of our proposal.

Best Regards,

Regardus,  


Michael J. Watkins

# Attachment E

## Citizen Correspondence

February 6, 2005

Ms. Faroll Hamer  
Acting Director  
Montgomery County Department of Park and Planning  
8787 Georgia Avenue  
Silver Spring, MD 20910

INTERNATIONAL CAPITAL

Re: Preliminary Plan 1-05107  
Mitchell Property  
Parcels 215, 266 & 511

Dear Ms. Hamer,

Congratulations on your new position as Acting Director with MNCP&PC. As a former resident of Prince Georges County, I trust the public service you provided to the citizens of Prince Georges you will also be providing in Montgomery County.

I am seeking your help. There is a proposed cluster development that is adjacent to two properties I own on Peach Orchard Road. I have written two letters to MNCP&PC with comments regarding the Mitchell Property subdivision. I have verified that the first letter was received by checking the public files at MNCP&PC. To date, I have not received any correspondence whatsoever from MNCP&PC, Developer, Applicant and/or the Owner. The Developer has only dealt with a few residents of Kings House Road because they are against providing the thru connection for Kings House Road. At the beginning of the subdivision process I was originally in support of the development with conditions but have since changed my views due to the lack of communication that is vital with the subdivision process.

Attached is a 30 x 36 copy of the proposed development sent to me by the Developer's Engineers, Macris, Hendricks & Glascock (MHG). I have colored the parcels I own that also have existing houses. The house at 15214 Peach Orchard Road has a 30 foot wide limited easement whereas the other house at 15220 Peach Orchard Road has a 50-foot wide for any type use easement.

The MHG plan shows the existing driveway to remain. Per Montgomery County Fire & Rescue, a private driveway serving four or more houses must have a 20-foot wide driveway provided for emergency equipment. This plan does not show this requirement.

Providing a 20-foot wide driveway will trigger other required approvals. In order to get an MDE permit and MCDPS SPA water quality plan approval, the developer must demonstrate that any disturbances to the stream and stream valley buffer must be minimized. It appears to me that the Developer has not demonstrated this by providing access via an alternate route. This proposed subdivision is located within the Special Protection Area. It is best for your staff to discuss with you the issues involved with Development within a Special Protection Area.

There is an existing 24" CMP culvert located on the Applicant's property at the existing driveway on Peach Orchard Road that is causing stream channel degradation on my property at 15214. I had established a 200 foot long grassed swale parallel to the existing driveway to minimize erosion and to provide partial water quality for approximately 18 acres of untreated half-acre developed lots. The Property Owner redirected this outfall approximately two years ago so now the runoff flow flows through erosion forming gullies in the forest on my property at 15214. Several mature trees have already been uprooted and fallen (See Figures 1-4 and 8-9). Now that the Applicant is dedicating this road frontage it is the time for an engineered grass swale to be implemented while the opportunity exists for providing partial Water Quality control. This should have been a mitigation requirement since this development is in the SPA. This culvert is also not shown on the plan.

The stream crossing has an existing 15" RCP culvert that is disjointed. There should be a structural inspection to determine if it is suitable for heavy construction equipment or Fire & Rescue equipment crossing. To minimize damage to the existing driveway construction traffic should be prohibit from using the Peach Orchard Road entrance (See Figures 5-7). This would also eliminate having to install appropriate sediment control measures at the stream crossing.

15340 Peach Orchard Road (Parcel 211) was not legally subdivided and should now be included in this subdivision. This will prevent a clouded title from ever arising for a future buyer or problems occurring when a building permit is applied to do an addition or totally rebuild. Parcel 211 was created by a deed L.12948 F.283 in 1994 by reducing the size of Parcel 266, which is a part of the above referenced preliminary plan. This previous deed may have been under the pretext that the land was being used for agricultural purposes. Any agricultural uses have long ceased per the MNCP&PC definition for agriculture. If the intent was to perform forestry operations then this agricultural use was never done.

There is a maximum amount of land that can be conveyed to an adjacent parcel while doing a minor subdivision. The conveyance of land shown on this plan doesn't qualify since this is not a minor subdivision. Parcel D/ Block B can't just be given to parcel 211 without going through the necessary subdivision process. The same process applies to parcel C/Block B being conveyed to parcel 278.

The existing utilities to my two properties are along the south side of the existing driveway within an approximate 20-foot wide grassed area. The existing utilities include one 2" water house connection, one 2" sewer house connection, one 3/4" water house connection, fiber optics, CATV and electric service. The road widening that would be required for Fire & Rescue should occur on the north side of the gravel road. If the widening occurred on the south side of the gravel driveway, there will be huge financial burden and inconvenience to the homeowners if the utilities needed to be maintained by excavating and replacing a driveway overtop.

The MHG plan fails to show the utility poles that cross Parcels 211 & 266 that serve my lot at 15220. This needs to be shown on the plan. (See Figure 17)

The applicant shows a path that is to be for public use on the existing driveway. The driveway length from Peach Orchard Road to 15220 is approximately 800 feet long. This is not prudent especially for the hearing/visually impaired that might use this path at nighttime. It is wiser to relocate the path to the parcel the applicant owns at 15340 Peach Orchard Road (P211) since this driveway will only serve one house. This location also will provide a shorter distance to the closest sidewalk that exists at the intersection of Peach Orchard Road and Thompson Road. There is currently no sidewalk on existing Peach Orchard Road. The lack of police enforcement of vehicular speeds on Peach Orchard Road make it very pedestrian unfriendly. (See Figures 18-22)

My house at 15220 has a 60-year-old septic system. Again, I must voice my concerns about the proposed sewer easement being located outside of the 50-foot easement I am allowed to use for 15220 Peach Orchard Road. This proposed sewer easement on Lot 1/Block B appears to be an obvious spite strip to prevent me from ever tapping into the public sewer. A WSSC easement is for WSSC to have access for maintenance. It does not allow blanket use for anyone to tap into this sewer in the future because it will be located within private property. Since 15220 will be totally surrounded by development with no access to the proposed nearby public sewer then when the septic field fails, approximately 800 feet of pressure sewer will be required to circumvent the stream invert elevation. The financial and environmental costs will be high since this would entail disturbing 300 feet of stream valley buffer, the stream, forest, utility lines, existing driveway, etc. A sewer easement should be granted to 15220 for future use.

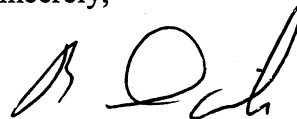
There is an existing 36" diameter poplar tree that is adjacent to the property line at the northwest corner of the Parcel for my house at 15214. Based on the Limit of Disturbance for the proposed Lot 2/Block B, this tree will be very vulnerable to being blown over. I will allow the applicant to enter my property to remove this tree. (See Figures 10-13)



There are numerous problems with this Mitchell Property subdivision. There have been no communication, serious environmental impacts and poor planning on the part of the developer. I hope you will take my concerns into consideration. Your assistance in having one of your staff follow up on my comments would be greatly appreciated. I am willing to meet them at the site.

---

Sincerely,



Brian Davila  
PO Box 255  
Spencerville, MD 20868  
301-577-7688

Cc: Greg Leck – MCDPW&T  
Rick Brush – MCDPS Water Resources  
Joseph Cheung – MCDPS Subdivision Development  
Bob Cooper – MDE

To: Jeff Zyontz & Bill Barron, MNCPPC

Re: Mitchell Property Preliminary Plan (#1-05107)/Proposed Kingshouse Road Connection

Please find below the basis of our opposition to the extension of Kingshouse Road.

- 1) The road connection will permanently damage one of the few remaining pristine natural areas in the northeast section of the county. It is widely known that motor vehicles contribute to the degradation of the environment in a number of ways. Locally, natural areas such as Croyden Falls in Rockville, MD have become polluted with trash from passing vehicles. (See Attachment I - Spring 2005 Pictures of the Paint Branch Left Fork, Attachment II - John G. Hayes Forest Preserve Trail Map & Attachment III - Sept. 2005 Croydon Falls Pictures)
- 2) In her July 18, 2005 DRC Recommendations Candy Bunnag, Countywide Environmental Planner, gives three specific examples of how "...there would be less environmental impacts if the road connection is not made compared to a road connection..." (See Attachment IV, A-C - MNCPPC Development Review Committee Recommendations)
- 3) At the Legacy Open Space (LOS) Public Hearing on June 14, 2005 environmentalists testified against the proposed road connection. Friends of Maydale member Barbara Medina, and Sierra Club representative Ann Ambler, voiced strong opposition based on environmental concerns. No one present, including the property owners, testified in support of the road connection. (Attachment V - Montgomery County Council Tape/DVD)
- 4) The 1997 Master Plan/Review predates the Class I Legacy Open Space designation as approved by the Montgomery County Council on July 18, 2005. The proposed Kingshouse Road connection runs through the Left Fork of the Paint Branch stream buffer and therefore conflicts with the actions of the County Legislative Branch to preserve this special protection area. The stream buffer issue has not been mitigated as per the Mitchell Property Preliminary Plan that was sent out to adjacent homeowners on July 11, 2005. Both sides are in violation. (See Attachment VI, A&B - Montgomery County Council Resolution # 15-1088)
- 5) The road connection also goes against two of the seven visions of the Planning Act, as stated in Article 66B of the Annotated Code of Maryland: Sensitive areas are to be protected, Stewardship of the Chesapeake Bay and the land is to be a universal ethic. As part of the Anacostia Watershed, the Left Fork of the Paint Branch stream falls into this category. We also question if Maryland State regulations are being violated in regard to the removal of the riparian buffer on a Class III stream. (See Attachment VII - Cloverly Master Plan, Conformance with the Maryland Planning Act of 1992 and the General Plan for Montgomery County)
- 6) While the 1997 Cloverly Master Plan mentions the Kingshouse Road "extension" under it's classification as a "Primary Residential Street" it also states that Primary Residential Streets, "May carry some through traffic but their main purpose is to provide access for 200 or more households and to connect arterial roads." On the southern side of Kingshouse Road, the Peach Orchard Estates neighborhood consists of approximately 29 homes. (See Attachment VIII - Cloverly Master Plan, Table 3)
- 7) The most recent Cloverly Master Plan is composed of several sections besides "Transportation". Section VII covers Environmental Resources and dedicates several pages to watershed protection. (Refer to page 77 of the 1997 Cloverly Master Plan)
- 8) Residents on both sides of the proposed road extension, including those from the Good Hope Estates neighborhood, signed approximately 150 petitions opposing the Kingshouse Road Connection. These were submitted to the Montgomery County Council at the June 14 LOS Public Hearing. At the neighborhood meeting with MNCPPC staff this past Friday, September 9, 2005, area residents stated that they are not in favor of a Kingshouse Road connection. We question why staff would consider following the 1997 Master Plan road extension when the Cloverly Community has made it clear that they would not benefit from the proposed road.
- 9) Transportation Planning staff determined that a traffic study was not needed according to Annual Growth Policy (AGP) requirements. This decision is based on the guestimate that the proposed road will generate approximately 20 trips per peek hour, about 10 below the threshold. Residents of Peach Orchard Estates

9/26/2005

maintain that the environmental cost of the road connection is too high in relation to the number of local people who would use it.

10) While the 1997 Cloverly Master Plan does call for connecting communities it also specifies two fundamental planning concepts, "Protect Watersheds and Reinforce the Character of Cloverly's Communities." Given the number of active pedestrians and cyclists currently residing in the neighborhood, a paved path (instead of a road extension) would meet both criteria. For the past twenty-five years area residents have enjoyed visiting the Good Hope Estates community by hiking and biking through the woods. (See Attachment IX - Cloverly Master Plan, Fundamental Planning Concepts)

11) Residents in the immediate area of the Mitchell property were not aware of the 1997 Cloverly Master Plan review. The Residents of Peach Orchard Estates were not included in the Cloverly Master Plan Citizens Advisory Committee. Those who resided in the neighborhood would have actively participated in the process if given the notice/opportunity. Other area homeowners were not in residence at the time. Quentin Remein and other participants confirmed that residents from the surrounding areas generally opposed the road connections. (See Attachment X - Cloverly Master Plan Citizens Advisory Committee)

12) Over the past four months area residents submitted letters and other correspondence opposing the road connection to various Planning Board staff. These missives were not kept in the Public Information file at MNCPPC. Our concerns were not made available to the public.

We would like a written response to these issues by September 30, 2005.

Submitted by Jeanne Taylor, Representing the Residents of Peach Orchard Estates

**Jeanne Taylor**

14904 McIntosh Court  
Silver Spring, MD 20905  
301-879-9539

cc: Cathy Conlon, Rich Weaver, Candy Bunnag, Cherian Eapan, David Adams, Claire Iseli, Marilyn Praisner, Martin Klauber, POESS, Good Hope Estates, Cloverly Civic Association, Environmental Friends, Mitchell & Best, The Mitchell Family

9/26/2005

## Conlon, Catherine

---

**From:** Barron, Bill  
**Sent:** Wednesday, September 21, 2005 1:31 PM  
**To:** Bunnag, Candy; Conlon, Catherine  
**Subject:** FW: Mitchell Property

---

-----Original Message-----

**From:** Barron, Bill  
**Sent:** Wednesday, September 21, 2005 12:03 PM  
**To:** 'FRTJMT@aol.com'  
**Subject:** RE: Mitchell Property

Jeanne,

I agree with many of your points. As you know, we are looking at alternatives to connecting the 2 parts of Kingshouse Road.

That being said, Kingshouse Road was designated as a "Primary Road" in both the 1981 Eastern County Master Plan and the 1997 Cloverly Master Plan. I believe that we must require, at a minimum, the dedication of the right-of-way through the subdivision process--unless the Cloverly Master Plan is amended and the "Primary" designation is removed.

As far as the designation in the Master Plan is concerned, I do not remember the staff or the Citizens Advisory Committee analyzing the Kingshouse Road connection in the detail that is now taking place--especially the environmental implications of the connection. The Cloverly CAC is still functioning and still meeting under its Chair, Ed O'Hara. I have asked them for some help in refreshing my aging memory.

As you know, we are all involved with balancing the community's concerns, the developers "desires", the Master Plan, the Paint Branch, and community traffic "patterns". I hope that we can reach a solution that will be to most everyone's satisfaction.

Please continue to make me and the rest of the staff aware of your questions and your views.

**Bill Barron**  
**Eastern County Team Leader**  
**301-495-4556**

-----Original Message-----

**From:** FRTJMT@aol.com [mailto:FRTJMT@aol.com]  
**Sent:** Thursday, September 15, 2005 1:51 PM  
**To:** Barron, Bill; david.adams@montgomerycountymd.gov  
**Cc:** poess@yahoo.com; Conlon, Catherine; Weaver, Richard; Bunnag, Candy; Eapen, Cherian; Claire.Iseli@montgomerycountymd.gov; Councilmember.Praisner@montgomerycountymd.gov; qr@resein.net; Cameron.Wiegand@montgomerycountymd.gov; bhenry@audubonnaturalist.org; ptbrnchbob@eopb.org  
**Subject:** (no subject)

Via E-mail and Pony Express

September 2005

9/26/2005

## Conlon, Catherine

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**From:** Barron, Bill  
**Sent:** Wednesday, September 21, 2005 1:27 PM  
**To:** Bunnag, Candy; Conlon, Catherine  
**Subject:** FW: Mitchell Property

---

-----Original Message-----

**From:** FRTJMT@aol.com [mailto:FRTJMT@aol.com]  
**Sent:** Wednesday, September 21, 2005 1:09 PM  
**To:** Barron, Bill  
**Cc:** poess@yahooogroups.com; qr@remein.net; bhenry@audubonnaturalist.org; barbflo@earthlink.net; Claire.Iseli@montgomerycountymd.gov; Councilmember.Praisner@montgomerycountymd.gov; ptbrnchbob@eopb.org  
**Subject:** Re: Mitchell Property

Dear Bill:

Thanks for you response.

Your comments, "As far as the designation in the Master Plan is concerned, I do not remember the staff or the Citizens Advisory Committee analyzing the Kingshouse Road connection in the detail that is now taking place--especially the environmental implications of the connection," completely support two of my arguments.

1) The LOS designation happened after the 1997 Master Plan review. In fact, the upgrade to a Class I designation just happened a few months ago. As I've stated before, we were not as smart back then about conservation.

2) The reason you do not remember intense discussion of the Kingshouse Road connection is that the Mitchell Property neighbors were not involved with the 1997 Master Plan review. Two very different individuals from other neighborhoods who were (and still are) directly involved with the process shared their experiences with me. Due to the number of issues at the time, only those neighborhoods with an actual representative present got their issues/concerns discussed.

As stated in our Press Release the Residents of Peach Orchard Estates are very willing to request a Master Plan amendment but we were advised against that action by Marilyn Praisner's office. The concern is that an amendment would open up the area to all kinds of proposals.

As far as balancing the needs of the various stakeholders, the Developer has confirmed that the Planning Transportation folks are the only ones pushing the road connection, simply based on the Master Plan. While I understand the purpose of Master Plans I also know they are not followed religiously. I also realize that the Transportation Planners are doing their job but since none of them live in the affected area I do not believe they are truly stakeholders.

Please share this e-mail with the various staff at MNCPPC.

Again, thanks for your time.

Jeanne Taylor

9/26/2005

## Conlon, Catherine

---

**From:** Bunnag, Candy  
**Sent:** Monday, August 22, 2005 7:51 AM  
**To:** Conlon, Catherine; Weaver, Richard  
**Cc:** Barron, Bill

**Subject:** FW: Your Assistance Please - Preliminary Plan # 1-05107

-----Original Message-----

**From:** FRTJMT@aol.com [mailto:FRTJMT@aol.com]  
**Sent:** Sunday, August 21, 2005 12:42 AM  
**To:** Wellington, Meredith  
**Cc:** MCP-Chairman; poess@yahooogroups.com; qr@remein.net; Claire.Iseli@montgomerycountymd.gov; Councilmember.Praisner@montgomerycountymd.gov; Bunnag, Candy; david.adams@montgomerycountymd.gov; Eapen, Cherian; bhu@gazette.net; barbflo@earthlink.net  
**Subject:** Your Assistance Please - Preliminary Plan # 1-05107

Dear Ms. Wellington:

As a resident of Peach Orchard Estates in Silver Spring I am very concerned about the proposed Kingshouse Road connection. This is part of the Mitchell Property development plan (Preliminary Plan # 1-05107.)

At a June 14 CC Public Hearing, as part of her testimony supporting the Mitchell property as a Class I LOS designation, area resident Kathy Manzo submitted over 200 petitions protesting the proposed road connection.

Today my family visited some friends who live on Snider Lane. I spoke to them about the similar issue they had in 2001. I also reviewed two Gazette articles concerning the Snider Lane/Rainbow Drive connection. We have the exact same concerns as to safety and quality of life issues. In addition, there are environmental concerns since the proposed road would encroach on the Paint Branch stream buffer. We have made our position known to the Transportation Planners at MNCPPC and DPWT but we are not getting any response. (See most recent letter at bottom)

We are wondering what the difference is between the two scenarios and why our area would be treated differently. After local residents successfully appealed the original decision to connect Snider and Rainbow, the new development ended in a cul-de-sac. The residents of Peach Orchard estates would like the same result.

We need to know our rights in this process. Any assistance you can provide would be greatly appreciated.

Thank You,  
Jeanne Taylor ~~~~~

Via E-mail and Pony Express

August 3, 2005

M-MCPC  
8787 Georgia Avenue  
Silver Spring, MD 20910  
Cherian Eapen

DPWT  
101 Orchard Ridge  
Second Floor  
Gaithersburg, MD 20878

9/22/2005

David Adams

Mitchell & Best  
1686 E. Gude Drive  
Rockville, MD 20850  
Marty Mitchell

Dear Sirs:

I am writing in regard to the Mitchell Property, Preliminary Plan # 1-05107 (formerly Pre-preliminary Plan # 7-05055).

This is to voice my concerns and objections over the proposed connection of Kingshouse Road.

Connecting this road will not improve the transportation situation for area residents. If anything it will cause traffic congestion in our local neighborhoods and endanger pedestrians and wildlife.

It will also destroy the natural environment of this special protection area by encroaching on environmental buffer zones designed to protect the ecologically sensitive Paint Branch Stream. The resultant disturbance to this unique forested area will be irreversible.

When the Cloverly Master Plan was reviewed in 1997 the Legacy Open Space program did not exist. We were not as smart about protecting the environment or recognizing the lack of open space in the Northeast section of Montgomery County.

If the goal of the DPWT is to connect neighborhoods then I would like to suggest a paved pedestrian path be built instead of a road. Damage to the area would be minimized and the community would be connected. This plan would certainly be cheaper than building a road connection. It would also ensure that property values in the area remain high.

Please keep Kingshouse Road closed.

Sincerely,

Jeanne Taylor  
14904 McIntosh Court  
Silver Spring, MD 20905  
301-879-9539

cc: Candy Bunnag, County Wide Environmental Planner  
Claire Iseli & Marilyn Praisner, Montgomery County Council

9/22/2005

RECEIVED  
0895  
JUN 14 2005

**MCP-Chairman**

**From:** wltrier@comcast.net  
**Sent:** Tuesday, June 14, 2005 9:55 AM  
**To:** MCP-Chairman  
**Subject:** Mitchell Property, App. #7-05055

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Chairman Derick Berlage  
Montgomery County Planning Board  
Montgomery County Department of Park and Planning  
The M-NCPPC  
8778 Georgia Avenue  
Silver Spring, MD 20910

June 14, 2005

Dear Mr. Berlage,

We are homeowners in Peach Orchards Estates who oppose the **current** development plan for the **Mitchell Property, App. #7-05055**. We are gravely concerned about the proposal to connect the eastern and western portions of Kingshouse Road. While we acknowledge that a thoroughfare at that location may provide some general benefits to the County's Transportation interests, we respectfully suggest that the planned development's overall impact would be overwhelmingly negative to those most affected by it. We are concerned that the proposed cut-through violates the protective stream buffers of the Paint Branch on both ends of Kingshouse Rd. Neither of the two neighborhoods wants to be connected by a high speed thoroughfare, and I strongly believe that the prospective homeowners in the Mitchell development would also prefer to purchase homes on a cul de sac, not a high-speed thoroughfare.

Even though many of my sons' and daughter's soccer teammates and friends from school live on the other side of wooded buffer that currently divides the two neighborhoods, we all prefer it that way. Both neighborhoods enjoy the fact that we can take our families down to the Paint Branch stream and Maydale to observe nature firsthand, without worrying about the dangers of traffic (this is of particular concern as my 9 year old son is hearing impaired and our next door neighbor has an 6 year old with autism). The sense of safety, community and the beautifully forested Paint Branch Stream that forms the pristine headwaters of the Anacostia Watershed attracted us to this neighborhood, and the proposed cut-through places all of it at risk.

The adverse impact upon the: environment, wildlife, safety, traffic and quality have not yet been measured. How much additional run-off, fertilizer and other environmental hazards associated with the current development can Paint Branch handle? **Perhaps it is a bit premature to invade the protective stream buffers of Paint Branch before we have Environmental Impact Statements to measure the adverse impact of the proposed development upon the pristine headwaters of Paint Branch and Maydale?**

We respectfully suggest that matters have changed greatly since the Master Plan was drafted 35 years ago. How much more important is it that we preserve this wonderful little slice of natural Maryland now? As citizens we feel compelled to protect this wonderfully biologically diverse garden and as neighbors we want to preserve the buffers that keeps our respective communities, nice, safe, nurturing and beautiful. Please recognize its value to us all and re-designating the area a Class I Legacy Open Space Area.

Please accept our sincere invitation to show you around our neighborhood, and the nearby forest and stream of the Paint Branch and Maydale. We would love to show you why we need to protect this natural treasure. Thank you for your consideration.

Sincerely,  
Walt, Lisa, Max, Patrick, Jessica and Jack Trierweiler  
14912 McIntosh Ct

6/14/2005



Chairman Derick Berlage  
Montgomery County Planning Board  
Montgomery County Department of Park and Planning  
The M-NCPPC  
8778 Georgia Avenue  
Silver Spring, MD 20910

1-05107  
June 14, 2005

RECEIVED  
2005-1107  
JUL 06 2005

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Dear Mr. Berlage,

We are homeowners in Peach Orchards Estates who oppose the **current** development plan for the **Mitchell Property, App. #7-05055**. We are gravely concerned about the proposal to connect the eastern and western portions of Kingshouse Road. While we acknowledge that a thoroughfare at that location may provide some general benefits to the County's Transportation interests, we respectfully suggest that the planned development's overall impact would be overwhelmingly negative to those most affected by it. We are concerned that the proposed cut-through violates the protective stream buffers of the Paint Branch on both ends of Kingshouse Rd. Neither of the two neighborhoods wants to be connected by a high speed thoroughfare, and I strongly believe that the prospective homeowners in the Mitchell development would also prefer to purchase homes on a cul de sac, not a high-speed thoroughfare.

Even though many of my sons' and daughter's soccer teammates and friends from school live on the other side of wooded buffer that currently divides the two neighborhoods, we all prefer it that way. Both neighborhoods enjoy the fact that we can take our families down to the Paint Branch stream and Maydale to observe nature firsthand, without worrying about the dangers of traffic (this is of particular concern as my 9 year old son is hearing impaired and our next door neighbor has an 6 year old with autism). The sense of safety, community and the beautifully forested Paint Branch Stream that forms the pristine headwaters of the Anacostia Watershed attracted us to this neighborhood, and the proposed cut-through places all of it at risk.

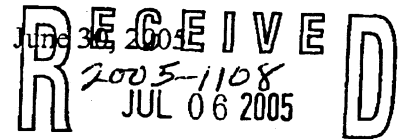
The adverse impact upon the: environment, wildlife, safety, traffic and quality have not yet been measured. How much additional run-off, fertilizer and other environmental hazards associated with the current development can Paint Branch handle? Perhaps it is a bit premature to invade the protective stream buffers of Paint Branch before we have Environmental Impact Statements to measure the adverse impact of the proposed development upon the pristine headwaters of Paint Branch and Maydale?

We respectfully suggest that matters have changed greatly since the Master Plan was drafted 35 years ago. How much more important is it that we preserve this wonderful little slice of natural Maryland now? As citizens we feel compelled to protect this wonderfully biologically diverse garden and as neighbors we want to preserve the buffers that keeps our respective communities, nice, safe, nurturing and beautiful. Please recognize its value to us all and re-designating the area a Class I Legacy Open Space Area.

Please accept our sincere invitation to show you around our neighborhood, and the nearby forest and stream of the Paint Branch and Maydale. We would love to show you why we need to protect this natural treasure. Thank you for your consideration.

Sincerely,  
Walt, Lisa, Max, Patrick, Jessica and Jack Trierweiler  
14912 McIntosh Ct  
Silver Spring, Maryland 20905  
(301) 879-0875

Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

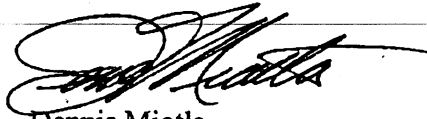


I have reviewed the development plans for Roberts Landing, Parcel 210 Maryland as provided by Gutschick, Little & Weber and I would like to express some concerns that I have with the plan. They are as follows:

- 1) There are many acronyms that are not defined; this makes the map somewhat useless for detailed review.
- 2) Before you rule on this plan, I hope you will provide enough time for the public to request copies of the application, the forest conservation plan, the traffic study, review of historic sites, and any and all exemption requests. This will take me several weeks, others may require more time.
- 3) The plan alludes to two phases but they are not explained. Hopefully the nature and rationale for the two phases will be explained in the permits or related documents.
- 4) This land has gone feral for many years and as such it has become the home to countless varieties of animals and birds. What protection will the state and the county afford these unknown inhabitants as construction eliminates this habitat? Has there been an Environmental Assessment or at least a survey of flora and fauna so you know what habitats are going to be destroyed?
- 5) More importantly, what consideration has been given to the displaced wildlife? Clearly there is an enormous, unmanaged deer population in these 80 acres of woods and they will be driven out during development. The surrounding neighborhoods will suffer the consequences in lawn damage and the inevitable increase in deer collisions with automobiles.
- 6) There appears to be some sort of horse trail included in the plan. I welcome horses to the area but fear that these trails will become the playground for dirt bikes and ATVs. What protection or consideration is the county planning to prevent such and outcome? Has the county police department and fire department been given an opportunity to review and comment on this plan? These cul-de-sacs are going to be tough to maintain and patrol.

I recognize the need to develop this land but that development should be carefully managed to limit the impact on the environment and to retain as much of the existing woodland as is possible. Developers are in the business of making money, which is a fact not a criticism. It is your responsibility to assure that in the course of making money they do the least amount of damage and create the fewest problems for the overall community. Once this gets started it will be you and the people of Montgomery County and the

immediate community and not them that will have to deal with the consequences. Thank you for your service to the people of the county and I am confident that you will exercise due diligence in your review of this plan.

A handwritten signature in black ink, appearing to read "Dennis Miotla", with a long horizontal flourish extending to the right.

Dennis Miotla  
14505 Falling Leaf Court  
Darnestown, MD 20878

Via Fax & E-Mail

May 23, 2005

Mr. Bruce Johnston  
Chief, Division of Capital Development  
Montgomery County Department of Public Works and Transportation  
101 Monroe St., 10<sup>th</sup> Floor  
Rockville, Md. 20850

Dear Mr. Johnston:

1-05107

As concerned citizens we are writing in response to your agency's recommendations to connect Kingshouse Rd. under the pre-preliminary development plan for the **Mitchell Property, App. #7-05055**.

We are urging you and your staff to reconsider this recommendation given the considerable negative impact it would have on the safety and well-being of residents in the long-established communities on either side of the existing road and to the Special Protection Area. These concerns have not yet been factored into the decision, but we believe they are supported by the intent of the Master Plan to discourage "excessive cut-through traffic," as well as the Transportation Policy Task Force goal to "enhance livability in our neighborhoods."

Good Hope Estates, to the west of the site, is a community of several hundred homes that has been well served by the existing road configuration. Residents can enter and exit from several different directions to key points throughout the Cloverly area without delay. Despite these ample existing options, many residents would take advantage of a newly connected road to cut a few seconds off the drive to Peach Orchard Rd. As a result, the adjoining streets in that neighborhood—Hopefield, Aylesbury, Craddock, and Kingshouse—would also see a significant increase in traffic.

Peach Orchard Estates, on the eastern side of Kingshouse Rd., where we live, has been a much smaller, self-contained neighborhood (consisting of a few dozen homes) for more than 35 years. Consisting of a dead end (at Kingshouse Rd) and 2 cul de sacs, this quiet community attracts just a few dozen vehicles each day.

Connecting the road would allow for several hundred additional traffic trips along Kingshouse Rd. to Peach Orchard Rd. each day. It would create a dangerous hazard for the pedestrians, bicyclists, and particularly the many young children who, for lack of any sidewalks, walk in the street to go to and from school bus stops or to visit neighbors' homes each day. There are several special needs children in our neighborhood (including our 3) who would be put at increased risk.

Many of the homeowners chose this neighborhood because of the serenity and security. Prior to purchasing our homes, several residents reviewed the Master Plan and expressed concerns to Planning Staff about the potential for connecting the roads. We were told that given that the neighborhoods on either side had been long-established, that the property in between had been designated as a Special Protection Area, and that the County had found no compelling need during all the intervening years to complete the extension, the road was unlikely to ever be connected. We think there is a strong argument to be made that connecting the road no longer fulfills the intent of the Master Plan, nor adheres to the present environmental guidelines for a Special Protection Area.

The alignment of Kingshouse Rd. goes directly through the stream buffer at both ends of the proposed connection. Connecting the road, and attracting thousands of additional vehicle trips each week, would require additional infrastructure (i.e.: sidewalks) and much more frequent maintenance of the surface. This activity could further endanger the stream buffer and the surrounding sensitive area. There would also be a need for traffic calming measures to prevent Kingshouse Rd. from becoming a high-speed cut-through, and for mitigation strategies to cope with the inevitable backup of traffic where it meets Peach Orchard Rd. The high volume of traffic exiting onto Peach Orchard would create additional safety concerns considering the generally excessive speed of traffic on that road already and the blind curve leading up to the intersection.

We are not opposed to the development of the private property. But we would ask that you and your staff consider a more reasonable design that would enhance, rather than degrade, the existing surrounding communities and minimize impact to the stream buffer, as required under the county's environmental guidelines. Ending an extended Kingshouse Rd. with a dead end barrier similar to the ones that have marked the sites for decades, or with an attractive cul de sac, would preserve the unique quality of both communities and ease the safety concerns of all residents.

It appears the only reason for connecting the road is the Master Plan designation. The detrimental impact that such a connection would pose to these two long-established neighborhoods, and the added environmental concerns in an era of increased commitment to preservation of our pristine stream, should trump a dated Master Plan. It is important to note that there have also been precedents on this issue in the Cloverly region, as similar efforts to connect roads—McNeil Lane, Snider Lane, Rainbow Dr.—have been reconsidered due to the concerns for citizens' safety and for their quality of life.

Again, we urge you to seriously consider this new evidence and reassess your recommendation for the connection of Kingshouse Rd in light of the many disadvantages to residents and the Special Protection Area.

Sincerely,

Jeanne & Frank Taylor  
14904 McIntosh Ct.  
Silver Spring, MD 20905  
301-879-9539

cc: Attached

2020 Cradock Street  
Silver Spring, MD 20905  
September 10, 2005

Development Review Division  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Mitchell Property  
Preliminary Subdiv. Plan 1-05107

To Whom It May Concern:

Thank you for inviting property owners affected by the proposed subdivision to comment on the preliminary plan referenced above. Our property is located on the corner of Cradock Street and Kingshouse Road, directly across the street from the wooded trail entering the Maydale Nature Center. Because of our location, our concerns about the proposed cluster housing focus on two themes, as described below.

Environmental Impact Concerns

Has the developer filed an Environmental Impact Statement? If so, what has been the response of the county review? We are concerned about the current problems of trash dumping, seemingly uncontrolled growth of invasive plant species in and at the edge of the Maydale property, and deer from the Center who feed in neighborhood gardens. Given increased human population pressure on the Center which the proposed construction will bring, we expect that these problems can only worsen in the absence of adequate county parks funding with specific attention to Maydale. Perhaps the developer should be required to fund mitigation measures?

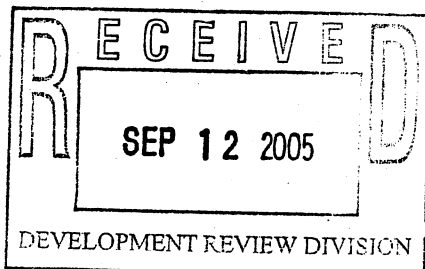
Traffic Concerns

Neighborhood traffic now regularly speeds along Kingshouse Road, posing risks to joggers, dog-walkers, children on scooters, and others who must share the street with vehicles because of the absence of sidewalks. If Kingshouse Road is extended, as proposed, cut-through traffic to and from Peach Orchard Road will only worsen these unsafe conditions. We urge the county to add both sidewalks and traffic-calming measures as a condition of making Kingshouse Road a through street.

Your attention to these concerns will be greatly appreciated. We look forward to receiving information about any scheduled public hearing.

Very truly yours,

*Dorothea Atwell*  
for Dorothea and Wilbur Atwell



Rich #1-05107

Via E-mail and Pony Express

September 7, 2005

To: Derick Berlage, Chairman, MNCPPC

*Re: Urgent - Dated Material - ICC Park Replacement and the Mitchell Property*

I was just informed that with the selection of the ICC route, the State of Maryland needs to compensate Park and Planning with other land to replace the parkland that will be taken to build the ICC.

The Mitchell Property, with its **"large block of good quality forest and wetlands"** is an ideal replacement property. Area residents currently hike to and from the adjacent parkland and Maydale Nature Center. Furthermore, the Montgomery County Public School system currently utilizes Maydale Park and Nature Center for educational field trips.

**Since the Montgomery County Council recently voted to upgrade the Mitchell property to a Class I Legacy Open Space designation, and since development in this area is imminent, and since adequate funding to acquire land is always a challenge, the Planning Board needs to take immediate advantage of this unique opportunity.**

**The Planning Board needs to move the Mitchell property to number one on their replacement property priority list.** There should be no question in the minds of County Planners that this land is worth acquiring through the state program since the County Legislative Branch has overwhelmingly deemed it so.

The timing of this unprecedented replacement strategy is a gift. Please use it to acquire and protect the Left Fork of the Paint Branch.

Thank you for your consideration.

Sincerely,



Jeanne Taylor,  
Resident of Peach Orchard Estates  
14904 McIntosh Court  
Silver Spring, MD 20905  
301-879-9539

\*MC - MNCPPC ICC Study, Planning Board Briefing # 7

cc: List

**Conlon, Catherine**

**From:** Riese, Jeffrey [Jeff.Riese@montgomerycountymd.gov]  
**Sent:** Thursday, October 14, 2004 9:40 AM  
**To:** Bunnag, Candy  
**Cc:** Eapen, Cherian; Conlon, Catherine  
**Subject:** RE: Mitchell Property -- Kingshouse Road connection

1-05107

ndy, yes we would need cul de sacs to properly terminate the road. I thought this was worked out in earlier discussions. environmental primary (closed section, narrower pavement, no parking or driveways) is possible. This would require rear dind garages served from a private alley. Jeff

FFREY I. RIESE  
NIOR PLANNING SPECLIST.  
BDIVISION REVIEW  
ONTG. COUNTY DPWT  
AFFIC OPERATIONS  
[jeff.riese@montgomerycountymd.gov](mailto:jeff.riese@montgomerycountymd.gov)

-----Original Message-----

**From:** Bunnag, Candy [mailto:Candy.Bunnag@mncppc-mc.org]  
**Sent:** Thursday, October 14, 2004 9:28 AM  
**To:** Riese, Jeffrey  
**Cc:** Eapen, Cherian  
**Subject:** Mitchell Property -- Kingshouse Road connection

Jeff -- If, for some reason, the Kingshouse Rd. connection was not made, would there be a requirement to create formal road terminations (e.g., cul-de-sacs or other feature) at the current two stubs? If so, what would the termination configuration be? Thanks. Candy

Candy Bunnag  
Environmental planner  
M-NCPPC  
County-wide Planning Division  
8787 Georgia Ave.  
Silver Spring, MD. 20910

301-495-4543  
301-495-1303 (fax)  
[candy.bunnag@mncppc-mc.org](mailto:candy.bunnag@mncppc-mc.org) <<mailto:candy.bunnag@mncppc-mc.org>>



Conlon, Catherine

---

**From:** Riese, Jeffrey [Jeff.Riese@montgomerycountymd.gov]  
**Sent:** Thursday, October 14, 2004 10:28 AM  
**To:** Bunnag, Candy  
**Cc:** Eapen, Cherian; Conlon, Catherine  
**Subject:** RE: Mitchell Property -- Kingshouse Road connection

---

ess the answer is there would be a level of disturbance whichever method was chosen, sorry.

JEFFREY I. RIESE  
SENIOR PLANNING SPECIALIST  
SUBDIVISION REVIEW  
MONTG. COUNTY DPWT  
TRAFFIC OPERATIONS  
[jeff.riese@montgomerycountymd.gov](mailto:jeff.riese@montgomerycountymd.gov)

-----Original Message-----

**From:** Bunnag, Candy [mailto:Candy.Bunnag@mncppc-mc.org]  
**Sent:** Thursday, October 14, 2004 9:56 AM  
**To:** Riese, Jeffrey  
**Cc:** Eapen, Cherian; Conlon, Catherine  
**Subject:** RE: Mitchell Property -- Kingshouse Road connection

Jeff -- The reason I asked the question is to determine if there would be some level of disturbance in the environmental buffer area even if the primary road connection was not made. Environmental Planning is not opposing the primary road connection, but we have made comments to look at ways to reduce road disturbance/grading within the buffer. Candy

-----Original Message-----

**From:** Riese, Jeffrey [mailto:Jeff.Riese@montgomerycountymd.gov]  
**Sent:** Thursday, October 14, 2004 9:40 AM  
**To:** Bunnag, Candy  
**Cc:** Eapen, Cherian; Conlon, Catherine  
**Subject:** RE: Mitchell Property -- Kingshouse Road connection

Candy, yes we would need cul de sacs to properly terminate the road. I thought this was worked out in earlier discussions. An environmental primary (closed section, narrower pavement, no parking or driveways) is possible. This would require rear loading garages served from a private alley. Jeff

JEFFREY I. RIESE  
SENIOR PLANNING SPECIALIST  
SUBDIVISION REVIEW  
MONTG. COUNTY DPWT  
TRAFFIC OPERATIONS  
[jeff.riese@montgomerycountymd.gov](mailto:jeff.riese@montgomerycountymd.gov)

-----Original Message-----

**From:** Bunnag, Candy [mailto:Candy.Bunnag@mncppc-mc.org]  
**Sent:** Thursday, October 14, 2004 9:28 AM

**To:** Riese, Jeffrey  
**Cc:** Eapen, Cherian  
**Subject:** Mitchell Property -- Kingshouse Road connection

Jeff -- If, for some reason, the Kingshouse Rd. connection was not made, would there be a requirement to create formal road terminations (e.g., cul-de-sacs or other feature) at the current two stubs? If so, what would the termination configuration be? Thanks. Candy

---

Candy Bunnag  
Environmental planner  
M-NCPPC  
County-wide Planning Division  
8787 Georgia Ave.  
Silver Spring, MD. 20910

301-495-4543  
301-495-1303 (fax)  
[candy.bunnag@mncppc-mc.org](mailto:candy.bunnag@mncppc-mc.org) <mailto:candy.bunnag@mncppc-mc.org>

**Conlon, Catherine**

---

**From:** Barron, Bill  
**Sent:** Wednesday, September 21, 2005 1:31 PM  
**To:** Bunnag, Candy; Conlon, Catherine  
**Subject:** FW: Mitchell Property

-----Original Message-----

**From:** Barron, Bill  
**Sent:** Wednesday, September 21, 2005 12:03 PM  
**To:** 'FRTJMT@aol.com'  
**Subject:** RE: Mitchell Property

Jeanne,

I agree with many of your points. As you know, we are looking at alternatives to connecting the 2 parts of Kingshouse Road.

That being said, Kingshouse Road was designated as a "Primary Road" in both the 1981 Eastern County Master Plan and the 1997 Cloverly Master Plan. I believe that we must require, at a minimum, the dedication of the right-of-way through the subdivision process--unless the Cloverly Master Plan is amended and the "Primary" designation is removed.

As far as the designation in the Master Plan is concerned, I do not remember the staff or the Citizens Advisory Committee analyzing the Kingshouse Road connection in the detail that is now taking place--especially the environmental implications of the connection. The Cloverly CAC is still functioning and still meeting under its Chair, Ed O'Hara. I have asked them for some help in refreshing my aging memory.

As you know, we are all involved with balancing the community's concerns, the developers "desires", the Master Plan, the Paint Branch, and community traffic "patterns". I hope that we can reach a solution that will be to most everyone's satisfaction.

Please continue to make me and the rest of the staff aware of your questions and your views.

**Bill Barron**  
**Eastern County Team Leader**  
**301-495-4556**

-----Original Message-----

**From:** FRTJMT@aol.com [mailto:FRTJMT@aol.com]  
**Sent:** Thursday, September 15, 2005 1:51 PM  
**To:** Barron, Bill; david.adams@montgomerycountymd.gov  
**Cc:** poess@yahoo.com; Conlon, Catherine; Weaver, Richard; Bunnag, Candy; Eapen, Cherian; Claire.Iseli@montgomerycountymd.gov; Councilmember.Praisner@montgomerycountymd.gov; qr@remein.net; Cameron.Wiegand@montgomerycountymd.gov; bhenry@audubonnaturalist.org; ptbrnchbob@eopb.org  
**Subject:** (no subject)

Via E-mail and Pony Express

September 2005

9/26/2005

**Conlon, Catherine**

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**From:** Barron, Bill  
**Sent:** Wednesday, September 21, 2005 1:27 PM  
**To:** Bunnag, Candy; Conlon, Catherine  
**Subject:** FW: Mitchell Property

---

-----Original Message-----

**From:** FRTJMT@aol.com [mailto:FRTJMT@aol.com]  
**Sent:** Wednesday, September 21, 2005 1:09 PM  
**To:** Barron, Bill  
**Cc:** poess@yahooogroups.com; qr@remein.net; bhenry@audubonnaturalist.org; barbflo@earthlink.net; Claire.Iseli@montgomerycountymd.gov; Councilmember.Praisner@montgomerycountymd.gov; ptbrnchbob@eopb.org  
**Subject:** Re: Mitchell Property

Dear Bill:

Thanks for you response.

Your comments, "As far as the designation in the Master Plan is concerned, I do not remember the staff or the Citizens Advisory Committee analyzing the Kingshouse Road connection in the detail that is now taking place--especially the environmental implications of the connection," completely support two of my arguments.

1) The LOS designation happened after the 1997 Master Plan review. In fact, the upgrade to a Class I designation just happened a few months ago. As I've stated before, we were not as smart back then about conservation.

2) The reason you do not remember intense discussion of the Kingshouse Road connection is that the Mitchell Property neighbors were not involved with the 1997 Master Plan review. Two very different individuals from other neighborhoods who were (and still are) directly involved with the process shared their experiences with me. Due to the number of issues at the time, only those neighborhoods with an actual representative present got their issues/concerns discussed.

As stated in our Press Release the Residents of Peach Orchard Estates are very willing to request a Master Plan amendment but we were advised against that action by Marilyn Praisner's office. The concern is that an amendment would open up the area to all kinds of proposals.

As far as balancing the needs of the various stakeholders, the Developer has confirmed that the Planning Transportation folks are the only ones pushing the road connection, simply based on the Master Plan. While I understand the purpose of Master Plans I also know they are not followed religiously. I also realize that the Transportation Planners are doing their job but since none of them live in the affected area I do not believe they are truly stakeholders.

Please share this e-mail with the various staff at MNCPPC.

Again, thanks for your time.

Jeanne Taylor

9/26/2005

**Conlon, Catherine**

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**From:** Bunnag, Candy  
**Sent:** Monday, August 22, 2005 7:51 AM  
**To:** Conlon, Catherine; Weaver, Richard  
**Cc:** Barron, Bill  
**Subject:** FW: Your Assistance Please - Preliminary Plan # 1-05107

-----Original Message-----

**From:** FRTJMT@aol.com [mailto:FRTJMT@aol.com]  
**Sent:** Sunday, August 21, 2005 12:42 AM  
**To:** Wellington, Meredith  
**Cc:** MCP-Chairman; poess@yahoo.com; qr@remlein.net; Claire.Iseli@montgomerycountymd.gov; Councilmember.Praisner@montgomerycountymd.gov; Bunnag, Candy; david.adams@montgomerycountymd.gov; Eapen, Cherian; bhu@gazette.net; barbflo@earthlink.net  
**Subject:** Your Assistance Please - Preliminary Plan # 1-05107

Dear Ms. Wellington:

As a resident of Peach Orchard Estates in Silver Spring I am very concerned about the proposed Kingshouse Road connection. This is part of the Mitchell Property development plan (Preliminary Plan # 1-05107.)

At a June 14 CC Public Hearing, as part of her testimony supporting the Mitchell property as a Class I LOS designation, area resident Kathy Manzo submitted over 200 petitions protesting the proposed road connection.

Today my family visited some friends who live on Snider Lane. I spoke to them about the similar issue they had in 2001. I also reviewed two Gazette articles concerning the Snider Lane/Rainbow Drive connection. We have the exact same concerns as to safety and quality of life issues. In addition, there are environmental concerns since the proposed road would encroach on the Paint Branch stream buffer. We have made our position known to the Transportation Planners at MNCPPC and DPWT but we are not getting any response. (See most recent letter at bottom)

We are wondering what the difference is between the two scenarios and why our area would be treated differently. After local residents successfully appealed the original decision to connect Snider and Rainbow, the new development ended in a cul-de-sac. The residents of Peach Orchard estates would like the same result.

We need to know our rights in this process. Any assistance you can provide would be greatly appreciated.

Thank You,  
Jeanne Taylor ~~~~~

Via E-mail and Pony Express

August 3, 2005

M-MNCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910  
Cherian Eapen

DPWT  
101 Orchard Ridge  
Second Floor  
Gaithersburg, MD 20878

9/22/2005

David Adams

Mitchell & Best  
1686 E. Gude Drive  
Rockville, MD 20850  
Marty Mitchell

Dear Sirs:

---

I am writing in regard to the Mitchell Property, Preliminary Plan # 1-05107 (formerly Pre-preliminary Plan # 7-05055).

This is to voice my concerns and objections over the proposed connection of Kingshouse Road.

Connecting this road will not improve the transportation situation for area residents. If anything it will cause traffic congestion in our local neighborhoods and endanger pedestrians and wildlife.

It will also destroy the natural environment of this special protection area by encroaching on environmental buffer zones designed to protect the ecologically sensitive Paint Branch Stream. The resultant disturbance to this unique forested area will be irreversible.

When the Cloverly Master Plan was reviewed in 1997 the Legacy Open Space program did not exist. We were not as smart about protecting the environment or recognizing the lack of open space in the Northeast section of Montgomery County.

If the goal of the DPWT is to connect neighborhoods then I would like to suggest a paved pedestrian path be built instead of a road. Damage to the area would be minimized and the community would be connected. This plan would certainly be cheaper than building a road connection. It would also ensure that property values in the area remain high.

Please keep Kingshouse Road closed.

Sincerely,

Jeanne Taylor  
14904 McIntosh Court  
Silver Spring, MD 20905  
301-879-9539

cc: Candy Bunnag, County Wide Environmental Planner  
Claire Iseli & Marilyn Praisner, Montgomery County Council

9/22/2005

RECEIVED  
0895  
JUN 14 2005

**MCP-Chairman**

**From:** wltrier@comcast.net  
**Sent:** Tuesday, June 14, 2005 9:55 AM  
**To:** MCP-Chairman  
**Subject:** Mitchell Property, App. #7-05055

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

June 14, 2005

Chairman Derick Berlage  
Montgomery County Planning Board  
Montgomery County Department of Park and Planning  
The M-NCPPC  
8778 Georgia Avenue  
Silver Spring, MD 20910

Dear Mr. Berlage,

We are homeowners in Peach Orchards Estates who oppose the **current development plan for the Mitchell Property, App. #7-05055**. We are gravely concerned about the proposal to connect the eastern and western portions of Kingshouse Road. While we acknowledge that a thoroughfare at that location may provide some general benefits to the County's Transportation interests, we respectfully suggest that the planned development's overall impact would be overwhelmingly negative to those most affected by it. We are concerned that the proposed cut-through violates the protective stream buffers of the Paint Branch on both ends of Kingshouse Rd. Neither of the two neighborhoods wants to be connected by a high speed thoroughfare, and I strongly believe that the prospective homeowners in the Mitchell development would also prefer to purchase homes on a cul de sac, not a high-speed thoroughfare.

Even though many of my sons' and daughter's soccer teammates and friends from school live on the other side of wooded buffer that currently divides the two neighborhoods, we all prefer it that way. Both neighborhoods enjoy the fact that we can take our families down to the Paint Branch stream and Maydale to observe nature firsthand, without worrying about the dangers of traffic (this is of particular concern as my 9 year old son is hearing impaired and our next door neighbor has an 6 year old with autism). The sense of safety, community and the beautifully forested Paint Branch Stream that forms the pristine headwaters of the Anacostia Watershed attracted us to this neighborhood, and the proposed cut-through places all of it at risk.

The adverse impact upon the: environment, wildlife, safety, traffic and quality have not yet been measured. How much additional run-off, fertilizer and other environmental hazards associated with the current development can Paint Branch handle? **Perhaps it is a bit premature to invade the protective stream buffers of Paint Branch before we have Environmental Impact Statements to measure the adverse impact of the proposed development upon the pristine headwaters of Paint Branch and Maydale?**

We respectfully suggest that matters have changed greatly since the Master Plan was drafted 35 years ago. How much more important is it that we preserve this wonderful little slice of natural Maryland now? As citizens we feel compelled to protect this wonderfully biologically diverse garden and as neighbors we want to preserve the buffers that keeps our respective communities, nice, safe, nurturing and beautiful. Please recognize its value to us all and re-designating the area a Class I Legacy Open Space Area.

Please accept our sincere invitation to show you around our neighborhood, and the nearby forest and stream of the Paint Branch and Maydale. We would love to show you why we need to protect this natural treasure. Thank you for your consideration.

Sincerely,  
Walt, Lisa, Max, Patrick, Jessica and Jack Trierweiler  
14912 McIntosh Ct

6/14/2005

Chairman Derick Berlage  
Montgomery County Planning Board  
Montgomery County Department of Park and Planning  
The M-NCPPC  
8778 Georgia Avenue  
Silver Spring, MD 20910

1-05107  
June 14, 2005

RECEIVED  
2005-1107  
JUL 06 2005

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Dear Mr. Berlage,

We are homeowners in Peach Orchards Estates who oppose the **current development plan for the Mitchell Property, App. #7-05055**. We are gravely concerned about the proposal to connect the eastern and western portions of Kingshouse Road. While we acknowledge that a thoroughfare at that location may provide some general benefits to the County's Transportation interests, we respectfully suggest that the planned development's overall impact would be overwhelmingly negative to those most affected by it. We are concerned that the proposed cut-through violates the protective stream buffers of the Paint Branch on both ends of Kingshouse Rd. Neither of the two neighborhoods wants to be connected by a high speed thoroughfare, and I strongly believe that the prospective homeowners in the Mitchell development would also prefer to purchase homes on a cul de sac, not a high-speed thoroughfare.

Even though many of my sons' and daughter's soccer teammates and friends from school live on the other side of wooded buffer that currently divides the two neighborhoods, we all prefer it that way. Both neighborhoods enjoy the fact that we can take our families down to the Paint Branch stream and Maydale to observe nature firsthand, without worrying about the dangers of traffic (this is of particular concern as my 9 year old son is hearing impaired and our next door neighbor has an 6 year old with autism). The sense of safety, community and the beautifully forested Paint Branch Stream that forms the pristine headwaters of the Anacostia Watershed attracted us to this neighborhood, and the proposed cut-through places all of it at risk.

The adverse impact upon the: environment, wildlife, safety, traffic and quality have not yet been measured. How much additional run-off, fertilizer and other environmental hazards associated with the current development can Paint Branch handle? **Perhaps it is a bit premature to invade the protective stream buffers of Paint Branch before we have Environmental Impact Statements to measure the adverse impact of the proposed development upon the pristine headwaters of Paint Branch and Maydale?**

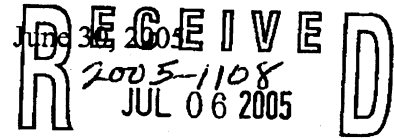
We respectfully suggest that matters have changed greatly since the Master Plan was drafted 35 years ago. How much more important is it that we preserve this wonderful little slice of natural Maryland now? As citizens we feel compelled to protect this wonderfully biologically diverse garden and as neighbors we want to preserve the buffers that keeps our respective communities, nice, safe, nurturing and beautiful. Please recognize its value to us all and re-designating the area a Class I Legacy Open Space Area.

Please accept our sincere invitation to show you around our neighborhood, and the nearby forest and stream of the Paint Branch and Maydale. We would love to show you why we need to protect this natural treasure. Thank you for your consideration.

Sincerely,  
Walt, Lisa, Max, Patrick, Jessica and Jack Trierweiler  
14912 McIntosh Ct  
Silver Spring, Maryland 20905  
(301) 879-0875



Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910



I have reviewed the development plans for Roberts Landing, Parcel 210 Maryland as provided by Gutschick, Little & Weber and I would like to express some concerns that I have with the plan. They are as follows:

- 1) There are many acronyms that are not defined; this makes the map somewhat useless for detailed review.
- 2) Before you rule on this plan, I hope you will provide enough time for the public to request copies of the application, the forest conservation plan, the traffic study, review of historic sites, and any and all exemption requests. This will take me several weeks, others may require more time.
- 3) The plan alludes to two phases but they are not explained. Hopefully the nature and rationale for the two phases will be explained in the permits or related documents.
- 4) This land has gone feral for many years and as such it has become the home to countless varieties of animals and birds. What protection will the state and the county afford these unknown inhabitants as construction eliminates this habitat? Has there been an Environmental Assessment or at least a survey of flora and fauna so you know what habitats are going to be destroyed?
- 5) More importantly, what consideration has been given to the displaced wildlife? Clearly there is an enormous, unmanaged deer population in these 80 acres of woods and they will be driven out during development. The surrounding neighborhoods will suffer the consequences in lawn damage and the inevitable increase in deer collisions with automobiles.
- 6) There appears to be some sort of horse trail included in the plan. I welcome horses to the area but fear that these trails will become the playground for dirt bikes and ATVs. What protection or consideration is the county planning to prevent such and outcome? Has the county police department and fire department been given an opportunity to review and comment on this plan? These cul-de-sacs are going to be tough to maintain and patrol.

I recognize the need to develop this land but that development should be carefully managed to limit the impact on the environment and to retain as much of the existing woodland as is possible. Developers are in the business of making money, which is a fact not a criticism. It is your responsibility to assure that in the course of making money they do the least amount of damage and create the fewest problems for the overall community. Once this gets started it will be you and the people of Montgomery County and the

immediate community and not them that will have to deal with the consequences. Thank you for your service to the people of the county and I am confident that you will exercise due diligence in your review of this plan.

---

A handwritten signature in black ink, appearing to read "Dennis Miotla", with a stylized, flowing script.

Dennis Miotla  
14505 Falling Leaf Court  
Darnestown, MD 20878

Rich #1-05107

Via E-mail and Pony Express

September 7, 2005

To: Derick Berlage, Chairman, MNCPPC

*Re: Urgent - Dated Material - ICC Park Replacement and the Mitchell Property*

I was just informed that with the selection of the ICC route, the State of Maryland needs to compensate Park and Planning with other land to replace the parkland that will be taken to build the ICC.

The Mitchell Property, with its **"large block of good quality forest and wetlands"** is an ideal replacement property. Area residents currently hike to and from the adjacent parkland and Maydale Nature Center. Furthermore, the Montgomery County Public School system currently utilizes Maydale Park and Nature Center for educational field trips.

**Since the Montgomery County Council recently voted to upgrade the Mitchell property to a Class I Legacy Open Space designation, and since development in this area is imminent, and since adequate funding to acquire land is always a challenge, the Planning Board needs to take immediate advantage of this unique opportunity.**

**The Planning Board needs to move the Mitchell property to number one on their replacement property priority list.** There should be no question in the minds of County Planners that this land is worth acquiring through the state program since the County Legislative Branch has overwhelmingly deemed it so.

The timing of this unprecedented replacement strategy is a gift. Please use it to acquire and protect the Left Fork of the Paint Branch.

Thank you for your consideration.

Sincerely,



Jeanne Taylor,  
Resident of Peach Orchard Estates  
14904 McIntosh Court  
Silver Spring, MD 20905  
301-879-9539

\*MC - MNCPPC ICC Study, Planning Board Briefing # 7

cc: List

MAY 25, 2005

LETTER TO MONTGOMERY COUNTY OFFICIALS:

I am writing as a concerned citizen regarding your agency's recommendations to connect Kingshouse Rd. under the pre-preliminary development plan for the Mitchell Property, App. #7-05055. I am urging you and your staff to reconsider this recommendation given the considerable negative impact it would have on the safety and well-being of residents in the long-established communities on either side of the existing road and to the Special Protection Area. **These concerns have not yet been factored into the decision, but I believe they are supported by the intent of the Master Plan to discourage "excessive cut-through traffic," as well as the Transportation Policy Task Force goal to "enhance livability in our neighborhoods."**


Good Hope Estates, to the west of the site, is a community of several hundred homes that has been well served by the existing road configuration. Residents can enter and exit from several different directions to key points throughout the Cloverly area without delay. Despite these ample existing options, many residents would take advantage of a newly connected road to cut a few seconds off the drive to Peach Orchard Rd. As a result, the adjoining streets in that neighborhood—Hopefield, Aylesbury, Craddock, and Kingshouse—would also see a significant increase in traffic.

Peach Orchard Estates, on the eastern stretch of Kingshouse Rd., where I live, has been a much smaller, self-contained neighborhood (about two dozen homes total) for more than 35 years. Consisting of a dead end (at Kingshouse Rd) and two cul de sacs, **this quiet community attracts just a few dozen vehicles each day.**

Connecting the road would allow for several hundred additional traffic trips along Kingshouse Rd. to Peach Orchard Rd. each day. **It would create a dangerous hazard for the pedestrians, bicyclists, and particularly the many young children who, for lack of any sidewalks, walk in the street to go to and from school bus stops or to visit neighbors' homes each day. There are also several school-age Special Needs children in both neighborhood who would be put at increased risk.**

Many of the homeowners chose this neighborhood because of the serenity and security. Prior to purchasing our homes, several residents reviewed the Master Plan and expressed concerns to Planning Staff about the potential for connecting the roads. We were told that given that the neighborhoods on either side had been long-established, that the property in between had been designated as a Special Protection Area, and **that the County had found no compelling need during all the intervening years to complete the extension, the road was unlikely to ever be connected.** Obviously we realize now that we were ill-advised. However, **I think there is a strong argument to be made that connecting the road no longer fulfills the intent of the Master Plan, nor adheres to the present environmental guidelines for a Special Protection Area.**

The alignment of Kingshouse Rd. goes directly through the stream buffer at both ends of the proposed connection. Connecting the road, and attracting thousands of additional vehicle trips each week, would require additional infrastructure (i.e.: sidewalks) and much more frequent maintenance of the surface. **This activity could further endanger the stream buffer and the surrounding sensitive area.** There would also be a need for traffic calming measures to prevent Kingshouse Rd. from becoming a high-speed cut-through, and for mitigation strategies to cope with the inevitable backup of traffic where it meets Peach Orchard Rd. The high volume of traffic exiting onto Peach Orchard would create additional safety concerns considering the generally excessive speed of traffic on that road already and the blind curve leading up to the intersection.



I am not opposed to the development of the private property. But I would ask that you and your staff consider a more reasonable design that would enhance, rather than degrade, the existing surrounding communities and minimize impact to the stream buffer, as required under the county's environmental guidelines. Ending an extended Kingshouse Rd. with a dead end barrier similar to the ones that have marked the sites for decades, or with an attractive cul de sac, would preserve the unique quality of both communities and ease the safety concerns of all residents.

It appears the only reason for connecting the road is the Master Plan designation. The detrimental impact that such a connection would pose to these two long-established neighborhoods, and the added environmental concerns in an era of increased commitment to preservation of our pristine stream, should trump a dated Master Plan. It is important to note that there have also been precedents on this issue in the Cloverly region, as similar efforts to connect roads—McNeil Lane, Snider Lane, Rainbow Dr.—have been reconsidered due to the concerns for citizens' safety and for their quality of life.

Again, I urge you to seriously consider this new evidence and reassess your recommendation for the connection of Kingshouse Rd in light of the many disadvantages to residents and the Special Protection Area.

Sincerely,

A handwritten signature in black ink that reads "H C Taylor". The signature is written in a cursive, slightly slanted style.

HARRY C. TAYLOR  
2224 Kingshouse Road  
Silver Spring, MD 20906  
301-438-7319

May 25, 2005

Ms. Cathy Conlon  
Development Review Division:  
Montgomery County Planning Board  
Montgomery County Department of Park & Planning  
The M-NCPPC  
8787 Georgia Avenue  
Silver Spring MD 20910

Dear Ms. Conlon:

We are writing as concerned citizens regarding your agency's recommendations to connect Kingshouse Rd under the preliminary development plan for the Mitchell Property, App. #7-05055. We are urging you and your staff to reconsider this recommendation given the considerable negative impact it would have on the safety and well being of residents in the long-established communities on either side of the existing road and to the Special Protection Area. These concerns have not yet been factored into the decision, but we believe they are supported by the intent of the Master Plan to discourage "excessive cut-through traffic" as well as the Transportation Policy Task Force goal to "enhance livability in our neighborhoods."


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Peach Orchard Estates, on the eastern stretch of Kingshouse Rd., where we live, has been a much smaller, self-contained neighborhood (about two dozen homes total) for more than 35 years. Consisting of a dead end (at Kingshouse Rd) and two cul de sacs, this quiet community attracts just a few dozen vehicles each day.

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Many of the homeowners chose this neighborhood because of the serenity and security. Prior to purchasing our homes, several residents reviewed the Master Plan and expressed concerns to Planning Staff about the potential for connecting the roads. We were told that given the neighborhoods on either side had been long-established, that the property in between had been designated as a Special Protection Area, and that the county had found no compelling need during all the intervening years to complete the extension, the road was unlikely to ever be connected. Obviously we realize now that we were ill-advised. However, we think there is a strong argument to be made that connecting the road no longer fulfills the intent of the Master Plan, nor adverse to the present environmental guidelines for a Special Protection Area.

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for mitigation strategies to cope with the inevitable backup of traffic where it meets Peach Orchard Rd. The high volume of traffic exiting onto Peach Orchard would create additional safety concerns considering the generally excessive speed of traffic on that road already and the blind curve leading to the intersection.

We are not opposed to the development of the private property. But we would ask that you and your staff consider a more reasonable design that would enhance, rather than degrade, the exiting surrounding communities and minimize impact to the stream buffer, as required under the county's environmental guidelines. Ending an extended Kingshouse Rd. with a dead end barrier similar to the ones that have marked the sites for decades, or with an attractive cul de sac, would preserve the unique quality of both communities and ease the safety concerns of all residents.

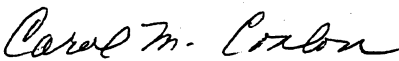
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Again, we urge you to seriously consider this new evidence and reassess your recommendation for the connection of Kingshouse Rd in light of the many disadvantages to residents and the Special Protection Area.

Sincerely,



William T. Conlon, Jr.



Carol M. Conlon

2213 Kings House Road  
Silver Spring MD 20905-4311  
(301)384-6437

Cathy Conlon  
Development Review Division  
Montgomery County Planning Board  
Montgomery County Dept. of Parks and Planning  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

June 13, 2005

Dear MS Conlon,

We are homeowners in Peach Orchards Estates who oppose the **current** development plan for the **Mitchell Property, App. #7-05055**. We are gravely concerned about the proposal to connect the eastern and western portions of Kingshouse Road. While we acknowledge that a thoroughfare at that location may provide some general benefits to the County's Transportation interests, we respectfully suggest that the planned development's overall impact would be overwhelmingly negative to those most affected by it. We are concerned that the proposed cut-through violates the protective stream buffers of the Paint Branch on both ends of Kingshouse Rd. Neither of the two neighborhoods wants to be connected by a high speed thoroughfare, and I strongly believe that the prospective homeowners in the Mitchell development would also prefer to purchase homes on a cul de sac, not a high-speed thoroughfare.

Even though many of my sons' and daughter's soccer teammates and friends from school live on the other side of wooded buffer that currently divides the two neighborhoods, we all prefer it that way. Both neighborhoods enjoy the fact that we can take our families down to the Paint Branch stream and Maydale to observe nature firsthand, without worrying about the dangers of traffic (this is of particular concern as my 9 year old son is hearing impaired and our next door neighbor has an 6 year old with autism). The sense of safety, community and the beautifully forested Paint Branch Stream that forms the pristine headwaters of the Anacostia Watershed attracted us to this neighborhood, and the proposed cut-through places all of it at risk.

The adverse impact upon the: environment, wildlife, safety, traffic and quality have not yet been measured. How much additional run-off, fertilizer and other environmental hazards associated with the current development can Paint Branch handle? **Perhaps it is a bit premature to invade the protective stream buffers of Paint Branch before we have Environmental Impact Statements to measure the adverse impact of the proposed development upon the pristine headwaters of Paint Branch and Maydale?**

We respectfully suggest that matters have changed greatly since the Master Plan was drafted 35 years ago. How much more important is it that we preserve this wonderful little slice of natural Maryland now? As citizens we feel compelled to protect this wonderfully biologically diverse garden and as neighbors we want to preserve the buffers that keeps our respective communities, nice, safe, nurturing and beautiful. Please recognize its value to us all and re-designating the area a Class I Legacy Open Space Area.

Please accept our sincere invitation to show you around our neighborhood, and the nearby forest and stream of the Paint Branch and Maydale. We would love to show you why we need to protect this natural treasure. Thank you for your consideration.

Sincerely,  
Walt, Lisa, Max, Patrick, Jessica and Jack Trierweiler  
14912 McIntosh Ct  
Silver Spring, Maryland  
20905  
(301) 879-0875





**Conlon, Catherine**

**From:** FRTJMT@aol.com  
**Sent:** Tuesday, June 07, 2005 10:32 PM  
**To:** jbrocker@gazette.net; gmacdonald@gazette.net; montgomery@gazette.net; mocoextra@washpost.com; lenhartj@washpost.com; eilperinj@washpost.com; fahrenheit@washpost.com; John.Matthews@abc.com; editor-mc@thesentinel.com; Steven.A.Portnoy@abc.com; mmiller@wtopnews.com  
**Cc:** Bruce.Johnston@montgomerycountymd.gov; Claire.Iseli@montgomerycountymd.gov; bhenry@audubonnaturalist.org; qr@remein.net; barbflo@earthlink.net; Sogand.Seirafi@montgomerycountymd.gov; dcd.design@montgomerycountymd.gov; Etemadi, Shahriar; Conlon, Catherine; Krasnow, Rose; MCP-Chairman; Councilmember.Praisner@montgomerycountymd.gov; Councilmember.Perez@montgomerycountymd.gov; Councilmember.Leventhal@montgomerycountymd.gov; Councilmember.Denis@montgomerycountymd.gov; Councilmember.Andrews@montgomerycountymd.gov; Councilmember.subin@montgomerycountymd.gov; Councilmember.Floreen@montgomerycountymd.gov; Councilmember.Knapp@montgomerycountymd.gov; ptbrnchbob@eopb.org; ddunmire@eopb.org; l-appelbaum@mindspring.com; dmilmoe@audubonnaturalist.org; mailbox@solutionsnotsprawl.org; lwvmc@erols.com; Robert@AnacostiaWS.org; Jim@AnacostiaWS.org; masaya@anacostiaws.org; center@cwpc.org; poess@yahoogroups.com; cvatovec@mwcog.org; Cameron.Wiegand@montgomerycountymd.gov  
**Subject:** Press Advisory - Mitchell Property Appl. #7-05055

**Peach Orchard Estates, Montgomery County, MD**

**Contact:**  
**Kathy Manzo**  
[kmanzo@epe.org](mailto:kmanzo@epe.org)

Tuesday, June 7, 2005

**\*\*\*PRESS ADVISORY\*\*\******Local Residents Fight to Preserve Paint Branch Special Protection Area***

SILVER SPRING, MD - Residents of Peach Orchard Estates are fighting to preserve the Left Fork of the Paint Branch, a Special Protection Area, by opposing the connection of Kingshouse Road, and urging county staff to preserve the site more aggressively in the development review. The road connection, part of the twenty-five year old Cloverly Master Plan, is being considered in conjunction with a new housing development in what is known as the Mitchell Property. (App. # 7-05055) The proposed road connection now conflicts with the area's newer designation as a Special Protection Area.

The area in question runs along the Left Fork of the Paint Branch adjacent to Upper Paint Branch Park; the proposed road would disturb or destroy a large section of the protected stream buffer. Letters of protest have gone out to the Montgomery County Department of Public Works and Transportation, the Montgomery County Council, and the Montgomery County Planning Board.

In addition to the negative environmental impact, members of the community maintain that the road connection would endanger the safety of pedestrians by greatly increasing the amount of cut-through traffic in the neighborhood. The proposed connection would link the smaller Peach Orchard Estates with that of Good Hope, a community with about 650 homes, more than 20 times the size of its neighbor.

Residents are now getting set to urge the County Council to take an aggressive stance on preservation of the

Special Protection area. The council will vote on a recommendation from the Montgomery County Planning Board to move the Mitchell site to a Class I Open Space designation. This designation would lend greater urgency and importance to the campaign to protect the stream and its surroundings. As a Class I property it could be immediately considered available for acquisition or for some type of easement that will satisfy the protection category for the property.

In response to the Planning Board's recommendation the County Council will hold a public hearing on June 14th at 1:30 p.m. to consider the change in status. Residents have asked environmental experts to provide testimony in support of their attempt to protect this unique natural environment. Several residents are also planning on testifying against the proposed Kingshouse Road connection.

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May 26, 2005

**Re: Mitchell Property, App #7-05055**

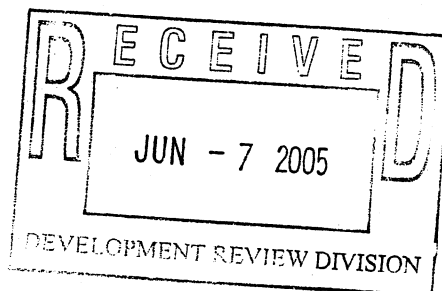
Cathy Conlon  
Development Review Division  
Montgomery County Planning Board  
Montgomery County Department of Park & Planning  
The M-NCPPC  
8787 Georgia Ave.  
Silver Spring, Md. 20910

Dear Ms. Conlon:

Please enter this letter into the public record for the Mitchell Property, App #7-05055

Thank you for your time.

John Manzo  
14905 McIntosh Ct.  
Silver Spring, Md. 20905  
(301)879-8774



Re: Mitchell Property, App. # 7-05055.

May 26, 2005

Mr. Bruce Johnston  
Chief, Division of Capital Development  
M.C. Dept. of Public Works and Transportation  
101 Monroe St., 10th Fl  
Rockville, Md. 20850

Dear Mr. Johnston:

I request that your staff reconsider its recommendation to connect Kingshouse Rd. under the pre-preliminary development plan for the Mitchell Property, App. #7-05055. The recommendation is not informed with regard to the considerable negative impact it will have on the existing communities along both stretches of Kingshouse Rd. and the stream buffer it will go directly through.

I realize the Master Plan designated Kingshouse Rd. as a connecting road, but at this late stage (35 years after the neighborhoods have established themselves as separate and sufficiently supported by existing streets) doing so will be more of a detriment than benefit. The master plan also aims to discourage "excessive cut-through traffic" through neighborhoods, and the Transportation Policy Task Force defined a key goal to "enhance livability in our neighborhoods." Also, the Master Plan was drafted prior to the area being designated for Special Protection under the county's environmental guidelines.

Connecting the road would bring excessive cut-through traffic through a large swath of Good Hope Estates, and would destroy the essential serene nature of Peach Orchard Estates, where I live. It would also create a dangerous situation for pedestrians and, especially, for the schoolchildren who walk throughout the neighborhoods each day. There are several Special Needs students in each neighborhood who would be in danger as well.

Connecting the road no longer fulfills the intent of the master plan, nor adheres to the environmental guidelines for a special protection area.

I do not oppose building on the private property, but the current plan to connect the road would place an unreasonable burden on the existing communities and put the stream buffer, and the brown trout, at grave risk. I request that your office consider a more reasonable design with greater consideration for these critical issues.

It appears the only reason for connecting the road is the master plan designation. I am aware that other similar efforts to connect roads—McNeil Lane, Snider Lane, Rainbow Dr.—have been reconsidered due to the concerns for citizens' safety and quality of life. I urge you to give this project the same consideration.

Sincerely,

John R. Manzo  
14905 McIntosh Ct.  
Silver Spring, Md. 20905  
(301)879-8774

CC: Montgomery County Planning Board  
Montgomery County Council

May 25, 2005

Cathy Conlon  
Development Review Division  
Montgomery County Planning Board  
Montgomery County Department of Park & Planning  
The M-NCPPC  
8787 Georgia Ave.  
Silver Spring, MD 20910

Dear Ms. Conlon:

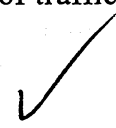
We are writing as concerned citizens regarding a preliminary development plan (**Mitchell Property, App. #7-05055**) to connect Kingshouse Road. I am urging you and your staff to consider not allowing this connection to be made given the considerable negative impact it would have on the safety and well-being of residents in the long-established communities on either side of the existing road. We believe that connecting the road does not follow the objective of the Master Plan to discourage "excessive cut-through traffic," as well as the Transportation Policy Task Force goal to "enhance livability in our neighborhoods."

Peach Orchard Estates, on the eastern stretch of Kingshouse Road, where we live, has been a small, self-contained neighborhood (about two dozen homes total) for more than 30 years. Consisting of a dead end (on Kingshouse Road) and two cul-de-sacs (Kingshouse Court and McIntosh Court), this quiet community attracts just a few dozen vehicles each day.

Good Hope Estates, to the west of the site, is a community of several hundred homes that has been well served by the existing road configuration. Residents can enter and exit from several different directions to key points throughout the Cloverly area without delay. Despite these ample existing options, many residents would take advantage of a newly connected road to cut a few seconds off the drive to Peach Orchard Road. As a result, the adjoining streets in that neighborhood—Hopefield, Aylesbury, Craddock, and Kingshouse—would also see a noticeable increase in traffic.

Connecting the roads would allow for several hundred additional traffic trips along Kingshouse Road to Peach Orchard Road each day. The eastern portion of Kingshouse Road is about half the width of the western portion of Kingshouse Rd and was obviously not designed for the same amount of traffic. This connection will create a dangerous hazard for the pedestrians, bicyclists, and particularly the many young children who, for lack of any sidewalks, walk in the street to go to and from school bus stops or to visit neighbors' homes each day. There are also several school-age Special Needs children in both neighborhoods who would be put at an increased risk.

There would also be a need for traffic calming measures to prevent Kingshouse Road from becoming a high-speed cut-through, and for mitigation strategies to cope with the inevitable backup of traffic where it meets Peach Orchard Road. The high volume of traffic exiting



onto Peach Orchard would create additional safety concerns considering the generally excessive speed of traffic on that road already and the blind curve leading up to the intersection.

Many of the homeowners chose this neighborhood because of the serenity and security. Prior to purchasing our home we were told that given that the neighborhoods on either side had been long-established, that the property in between had been designated as a Special Protection Area, and that the County had found no compelling need in 30 years to complete the extension, the road was unlikely to ever be connected. Obviously we realize now that we were ill-advised. However, I think there is a strong argument to be made that connecting the road no longer fulfills the intent of the Master Plan.

We are not opposed to the development of the private property, however, we would ask that you and your staff consider a more reasonable design that would enhance, rather than degrade, the existing surrounding communities. Ending an extended Kingshouse Road with a dead end barrier similar to the ones that have marked the sites for decades, or with an attractive cul-de-sac, would preserve the unique quality of both communities and ease the safety concerns of all residents.

It appears the only reason for connecting the road is the Master Plan designation. The detrimental impact that such a connection would pose to these two long-established neighborhoods should trump a dated Master Plan. It is important to note that there have also been precedents on this issue in the Cloverly region, as similar efforts to connect roads—McNeil Lane, Snider Lane, Rainbow Drive—have been reconsidered due to the concerns for citizens' safety and for their quality of life.

Again, we urge you to seriously consider our concerns and reassess your recommendation for the connection of Kingshouse Road in light of the many disadvantages to residents on either side.

Sincerely,

A handwritten signature in cursive script that reads "Robert & Janet Beaton". The ink is dark and the signature is fluid.

Robert and Janet Beaton  
5 Kingshouse Ct.  
Silver Spring, MD 20905  
(301) 384-4973  
rbeaton@islinc.com

May 26, 2005

**Re: Mitchell Property, App #7-05055**

Cathy Conlon  
Development Review Division  
Montgomery County Planning Board  
Montgomery County Department of Park & Planning  
The M-NCPPC  
8787 Georgia Ave.  
Silver Spring, Md. 20910

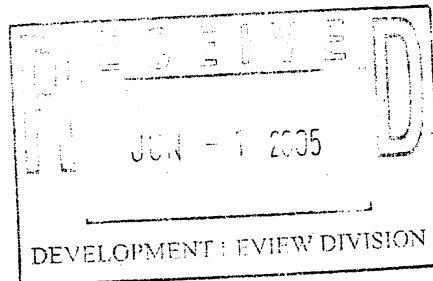
Dear Ms. Conlon:

Please enter this letter into the public record for the Mitchell Property, App #7-05055

Thank you for your time.

Sincerely,

Kathleen Kennedy Manzo  
14905 McIntosh Ct.  
Silver Spring, Md. 20905  
(301)879-8774



Re: pre-preliminary development plan for the Mitchell Property, App. #7-05055. Please enter into public record.

May 23, 2005

Mr. Bruce Johnston  
Chief, Division of Capital Development  
M.C. Dept. of Public Works and Transportation  
101 Monroe St., 10th Fl  
Rockville, Md. 20850

Dear Mr. Johnston:

I am writing as a concerned citizen regarding your agency's recommendations to connect Kingshouse Rd. under the pre-preliminary development plan for the Mitchell Property, App. #7-05055. I am urging you and your staff to reconsider this recommendation given the considerable negative impact it would have on the safety and well-being of residents in the long-established communities on either side of the existing road and to the Special Protection Area. **These concerns have not yet been factored into the decision, but I believe they are supported by the intent of the Master Plan to discourage "excessive cut-through traffic," as well as the Transportation Policy Task Force goal to "enhance livability in our neighborhoods."**

Good Hope Estates, to the west of the site, is a community of several hundred homes that has been well served by the existing road configuration. Residents can enter and exit from several different directions to key points throughout the Cloverly area without delay. Despite these ample existing options, many residents would take advantage of a newly connected road to cut a few seconds off the drive to Peach Orchard Rd. As a result, the adjoining streets in that neighborhood—Hopefield, Aylesbury, Craddock, and Kingshouse—would also see a significant increase in traffic.

Peach Orchard Estates, on the eastern stretch of Kingshouse Rd., where I live, has been a much smaller, self-contained neighborhood (about two dozen homes total) for more than 35 years. Consisting of a dead end (at Kingshouse Rd) and two cul de sacs, **this quiet community attracts just a few dozen vehicles each day.**

Connecting the road would allow for several hundred additional traffic trips along Kingshouse Rd. to Peach Orchard Rd. each day. **It would create a dangerous hazard for the pedestrians, bicyclists, and particularly the many young children who, for lack of any sidewalks, walk in the street to go to and from school bus stops or to visit neighbors' homes each day. There are also several school-age Special Needs children in both neighborhood who would be put at increased risk.**

Many of the homeowners chose this neighborhood because of the serenity and security. Prior to purchasing our homes, several residents reviewed the Master Plan and expressed concerns to Planning Staff about the potential for connecting the roads. We were told that given that the neighborhoods on either side had been long-established, that the property in between had been designated as a Special Protection Area, and **that the County had found no compelling need during all the intervening years to complete the extension, the road was unlikely to ever be connected.** Obviously we realize now that we were ill-advised. However, **I think there is a strong argument to be made that connecting the road no longer fulfills the intent of the Master Plan, nor adheres to the present environmental guidelines for a Special Protection Area.**

The alignment of Kingshouse Rd. goes directly through the stream buffer at both ends of the proposed connection. Connecting the road, and attracting thousands of additional vehicle trips each week, would require additional infrastructure (i.e.: sidewalks) and much more frequent maintenance of the surface. **This activity could further endanger the stream buffer and the surrounding sensitive area.** There would also be a need for traffic calming measures to prevent Kingshouse Rd. from becoming a high-speed cut-through, and for mitigation strategies to cope with the inevitable backup of traffic where it meets Peach Orchard Rd. The high volume of traffic exiting onto Peach Orchard would create additional safety concerns considering the generally excessive speed of traffic on that road already and the blind curve leading up to the intersection.



I am not opposed to the development of the private property. But I would ask that you and your staff consider a more reasonable design that would enhance, rather than degrade, the existing surrounding communities and minimize impact to the stream buffer, as required under the county's environmental guidelines. Ending an extended Kingshouse Rd. with a dead end barrier similar to the ones that have marked the sites for decades, or with an attractive cul de sac, would preserve the unique quality of both communities and ease the safety concerns of all residents.

It appears the only reason for connecting the road is the Master Plan designation. The detrimental impact that such a connection would pose to these two long-established neighborhoods, and the added environmental concerns in an era of increased commitment to preservation of our pristine stream, should trump a dated Master Plan. It is important to note that there have also been precedents on this issue in the Cloverly region, as similar efforts to connect roads—McNeil Lane, Snider Lane, Rainbow Dr.—have been reconsidered due to the concerns for citizens' safety and for their quality of life.

Again, I urge you to seriously consider this new evidence and reassess your recommendation for the connection of Kingshouse Rd in light of the many disadvantages to residents and the Special Protection Area.

Sincerely,

Kathleen Kennedy Manzo  
14905 McIntosh Ct.  
Silver Spring, Md. 20905  
(301)879-8774

Cc:     Montgomery County Planning Board  
          Montgomery County Council

May 25, 2005

Cathy Conlon  
Development Review Division  
Montgomery County Planning Board  
Montgomery County Department of Park & Planning  
The M-NCPPC  
8787 Georgia Ave.  
Silver Spring, Md. 20910

Dear Ms. Conlon:


I am writing to express a number of concerns regarding the pre-preliminary development plan for the **Mitchell Property, App. #7-05055**. I am urging you and your staff to consider the negative impact this plan would have on the safety and well-being of residents in the long-established communities on either side of the existing road and to the already stressed condition of the Left Fork of the Paint Branch.

Making the Kingshouse Road connection would allow for hundreds of vehicle trips per day from Good Hope Estates through our quiet enclave, Peach Orchard Estates, that presently sees just a few dozen vehicles each day. **It would create a dangerous hazard for the pedestrians, bicyclists, and particularly the many young children who, for lack of any sidewalks, walk in the street to go to and from school bus stops or to visit neighbors' homes each day. There are also several school-age Special Needs children in both neighborhoods who would be put at increased risk.**

The alignment of Kingshouse Rd. goes directly through the stream buffer at both ends of the proposed connection. In addition to clearing trees, the road construction will require significant grading of a steep slope at one end where there is the greatest impact on the stream buffer. Connecting the road, and attracting thousands of additional vehicle trips each week, would require additional infrastructure (i.e.: sidewalks) and much more frequent maintenance of the surface. **This activity will further endanger the Left Fork of the Paint Branch and the surrounding sensitive area.**

There would also be a need for traffic calming measures to prevent Kingshouse Rd. from becoming a high-speed cut-through, and for mitigation strategies to cope with the inevitable backup of traffic where it meets Peach Orchard Rd. The high volume of traffic exiting onto Peach Orchard would create additional safety concerns considering the generally excessive speed of traffic on that road already and the blind curve leading up to the intersection.

**I think there is a strong argument to be made that connecting the road no longer fulfills the intent of the Master Plan, nor adheres to the present environmental guidelines for a Special Protection Area.** It is important to note there are precedents on this issue in the Cloverly region, as similar efforts to connect roads—McNeil Lane,



Snider Lane, Rainbow Dr.—have been reconsidered due to the concerns for citizens' safety and for their quality of life.

The portion of the Mitchell property that abuts the Upper Paint Branch Park through which the Left Fork of the Paint Branch runs is a wooded sloped area. **The Left Fork and Main Stem of the Paint Branch are already in trouble** without any additional development. Where the Left Fork runs behind our home we have observed severe bank erosion and over the last few years two new channels have developed and several large trees have fallen into the stream.

**I am not opposed to the development of the private property.** I am however extremely concerned that significant cutting of trees and overall construction disruption and debris will cause even more irreversible damage to the Left Fork of the Paint Branch. **I would ask that you and your staff consider a plan with even less impact that will not degrade the existing surrounding communities and will significantly minimize impact to the stream buffer.**

Perhaps one solution is for the county to consider partial acquisition of the portion of the Mitchell property along Upper Paint Branch Park where the connecting road and eight houses are shown on the pre-preliminary plan. This would include the sloping woodland area and would eliminate the need for clearing even more trees for storm water management ponds and controls. If nineteen houses can be built on the upper, more level area, is it worth the cost to the environment to build another eight houses?

Again, I urge you to seriously reassess your recommendation for the connection of Kingshouse Road and the number of homes proposed in light of the many disadvantages to residents and the Left Fork of the Paint Branch Special Protection Area.

Sincerely,

A handwritten signature in cursive script that reads "Ernie Falcone".

Ernie Falcone  
2201 Kingshouse Road  
Silver Spring, MD 20905

May 25, 2005

Cathy Conlon  
Development Review Division  
Montgomery County Planning Board  
Montgomery County Department of Park & Planning  
The M-NCPPC  
8787 Georgia Ave.  
Silver Spring, Md. 20910

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Snider Lane, Rainbow Dr.—have been reconsidered due to the concerns for citizens' safety and for their quality of life.

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Again, I urge you to seriously reassess your recommendation for the connection of Kingshouse Road and the number of homes proposed in light of the many disadvantages to residents and the Left Fork of the Paint Branch Special Protection Area.

Sincerely,



Abbie Chessler  
2201 Kingshouse Road  
Silver Spring, MD 20905



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

November 21, 2006

**MEMORANDUM**

**TO:** Richard Weaver, Development Review Division

**FROM:** Candy Bunnag, <sup>CB</sup>Planner Coordinator,  
Environmental Planning,  
Countywide Planning Division

**SUBJECT:** Preliminary Plan No. 120051070 and Special Protection Area (SPA)  
Preliminary and Final Water Quality Plan for the Mitchell Property

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**RECOMMENDATIONS**

Staff recommends approval of the preliminary subdivision plan and Special Protection Area (SPA) preliminary and final water quality plan with the following conditions:

1. Prior to recording of the plat, the applicant must enter into an agreement with the Planning Board to limit impervious surfaces to no more than 10.0 percent.
2. Prior to release of building permits, the applicant must demonstrate conformance to the impervious surface limits as shown on the preliminary plan. Any modification to this plan which increases site imperviousness must require Planning Board action.
3. Applicant must place a Category I conservation easement or dedicate as M-NCPPC parkland those areas that are environmental buffers or are used for forest retention or forest planting.
4. Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must meet all conditions prior to the recording of plat(s) or MCDPS issuance of sediment and erosion control permit(s). Conditions include but are not limited to the following:
  - a. Final forest conservation plan to include the following:
    - i. Forest planting plan for 0.2 acre on Lot 1.
    - ii. Permanent fence to be located along the boundary of the forest planting area on Lot 1, Block 3.
    - iii. Permanent signs to be located along the boundary of the Category I conservation easement on Lot 2, Block B

5. Applicant must replace the existing culvert in the stream under the existing gravel driveway with a pedestrian bridge. Plans for removing the culvert and installing a pedestrian bridge must be submitted for review and approval by DPS, in coordination with M-NCPPC staff, prior to release of sediment and erosion control permits.
6. Applicant must complete the construction of the pedestrian bridge prior to release of the sixth building permit.
7. The applicant must reconstruct the segment of the existing driveway that is to be converted to a pedestrian path as a pervious surface path.
8. The applicant must construct the proposed pedestrian paths that connect the sidewalk on Street A to Peach Orchard Road and connect into M-NCPPC parkland as pervious surface paths.
9. The applicant must dedicate the southern stormwater management facility and surrounding environmental buffer and open space as M-NCPPC parkland.
10. The applicant must provide funding that is to be used by M-NCPPC Parks Department to cover the costs of inspection and maintenance of the southern stormwater management facility. The amount of funding and timing of payments must be reviewed and approved by M-NCPPC Parks Department staff prior to approval of record plats.
11. Applicant must conform to the conditions as stated in the Department of Permitting Services (DPS) letter dated November 20, 2006 (Attachment A).

## **SITE DESCRIPTION**

The 36.2-acre site lies within the Upper Paint Branch Special Protection Area (SPA). Paint Branch and its tributaries upstream of I-495 are Use III streams (natural trout waters)<sup>1</sup>. The site lies within the Left Fork Tributary subwatershed. M-NCPPC stream valley parkland is adjacent to the southern boundary of the subject site.

The southern portion of the site lies within the environmental buffer of the Left Fork Tributary. A small portion of the eastern property lies within the environmental buffer of a small tributary of Left Fork. An existing driveway from Peach Orchard Road lies within the environmental buffer and serves two existing houses. Roughly three acres of the site lie within environmental buffer areas. The remainder of the site is upland.

About 27.5 acres of the site are covered in forest. There are various stands of forest on the site, including a stand dominated by southern red oak, stands of mature tulip

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<sup>1</sup> Paint Branch supports a naturally –reproducing brown trout population. This stream system is a unique resource for Montgomery County because it is the only stream system in the county with a proven, consistent long-term self-sustaining trout population.

poplars, and stands containing mixes of deciduous and coniferous trees. The southern portion of the property has a concentration of pine species, including white pine, loblolly pine, and Virginia pine. A 20-foot wide WSSC right-of-way and associated linear strip of cleared area cuts through the pine forest stand. This cleared area is the result of WSSC installation of a water line many years ago. The remainder of the site is in meadow.

## **ANALYSIS AND FINDINGS**

### **Review for Conformance to the Special Protection Area Requirements, Including the Environmental Overlay Zone**

As part of the requirements of the Special Protection Area Law (Article V of the Montgomery County Code (Water Quality Review in Special Protection Areas)), a combined preliminary and final water quality plan must be reviewed in conjunction with a preliminary plan application<sup>2</sup>. Under the provision of the law, the Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of a water quality plan. DPS has reviewed and approved the elements of the preliminary and final water quality plan under its purview. The Planning Board responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and the Environmental Overlay Zone requirements, including site imperviousness limits, have been satisfied.

DPS has reviewed and conditionally approved the elements of the final water quality plan under its purview (see Attachment A).

The Planning Board must act on the SPA combined preliminary and final water quality plan before it can take action on the subdivision plan.

#### **Site Performance Goals**

As part of the water quality plan, several performance goals were established for the site: maintain stream base flows, minimize storm flow runoff increases, minimize increases to ambient water temperatures, minimize sediment loadings, minimize nutrient loadings, and control insecticides, pesticides, and toxic substances.

#### **Site Imperviousness**

The Upper Paint Branch SPA has a ten percent (10%) site imperviousness limit on land development projects. The imperviousness limit is set forth in the Environmental Overlay Zone for the Upper Paint Branch SPA. The water quality plan proposes a site

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<sup>2</sup> Section 19-62 (b) of the Montgomery County Code states that "except as otherwise expressly provided in this Chapter, the requirements for a water quality inventory and a preliminary and final water quality plan apply in any area designated as a special protection area to a person proposing a land disturbing activity on privately owned property:...who is required by law to obtain approval of a development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan..."



imperviousness of 10 percent. This consists of 19 houses, associated driveways and leadwalks, a public tertiary street with a sidewalk, three driveway aprons for access to the stormwater management facilities, and a very small section of widening on existing Thompson Road.

An existing driveway is located within the eastern environmental buffer area. It currently serves two existing houses on properties adjacent to the subject site. The applicant proposes to create a new driveway that would serve the two houses through the new subdivision. Staff recommends that the part of the existing driveway that would not be needed for access by the two houses should be reconfigured to become a pervious, natural surface path for pedestrians. In addition, an existing culvert for the driveway should be replaced with a pedestrian bridge over the small stream that flows under the driveway. These changes would result in less existing impervious surfaces in the environmental buffer of the small stream.

### Environmental Buffers

Environmental buffers are located on the southern and eastern ends of the site. The eastern environmental buffer and some adjacent upland area are proposed to be in HOA common open space as a forest preservation area (i.e., Category I conservation easement area). This is acceptable to staff.

Staff notes that originally, the proposed preliminary subdivision plan showed a connection of the two existing sections of Kingshouse Road through the subject property. This connection would have resulted in the placement of impervious surfaces and loss and fragmentation of forest near and within an environmental buffer for the Left Fork Tributary of the Paint Branch. If the preliminary subdivision plan continued to show the road connection, the proposed connection and adjoining lots would have been contrary to the designation on July 18, 2005 by the Montgomery County Council of the property as a Class I Legacy Open Space Property. The County Council's designation of the property as a Class I Legacy Open Space site allows for preservation of land via donation, dedication, easement or acquisition with Planning Board authority to place the property in involuntary reservation if an appropriate method of protection is not identified during the development process.

The County Council designated the subject site for the following reasons:

- The property is part of a "critical mass" of like resources that perform an important environmental function of protecting the unique aquatic resources of the Upper Paint Branch Special Protection Area.
- The designation of the upper Paint Branch watershed as a SPA places high priority in providing extraordinary protection measures to maintain the watershed's natural resources. Such measures can include retaining wide natural areas near large streams and maximizing the separation between land disturbance areas and riparian areas.
- The property provides ecological connectivity to significant natural areas in the Upper Paint Branch Stream Valley Park

- The southern portion of the property helps to buffer and thereby protect other significant resources in the Paint Branch
- The property contains good quality forest and a diversity of habitats to support wildlife

By eliminating a connection of Kingshouse Road through the subject property, the applicant can protect and dedicated a large area as M-NCPPC parkland that is made up of the southern environmental buffer area and adjacent upland forest. In the currently proposed configuration, the proposed subdivision is able to significantly cluster the proposed development away from the stream system and to preserve the most environmentally-sensitive portion of the site as a large forested area that is connected to the largely, forested environmental buffer in existing stream valley parkland. Impervious surfaces and most of the land disturbance activities due to construction of this subdivision is significantly located further away from the Left Fork Tributary and its buffer. Staff believes the currently proposed subdivision is consistent with the Council's designation of the property as a Legacy Open Space site.

#### Stormwater Management Concept

To help meet the project's performance goals, the stormwater management (SWM) concept includes the following features:

There is one SWM extended detention dry pond proposed in the southwestern portion of the site that would provide water quantity controls for the subdivision. Water quality controls will be provided by sand filters, dry wells, and grassed channels.

#### Sediment Control

DPS is requiring the use of redundant sediment control measures. These include, but are not limited to sediment traps in series or sediment traps with forebays. Site grading will be phased whenever possible to minimize the amount of disturbed area at any one time.

#### Forest Conservation

The preliminary forest conservation plan (FCP) shows about 13.69 acres of forest to be cleared. About 13.80 acres of forest are proposed for retention. This is above the project's break-even point of 12.73 acres. Therefore, no forest planting is required to comply with the forest conservation law.

However, an area of currently unforested environmental buffer area is proposed to be planted in forest on proposed Lot 1, Block 3. This is consistent with the Planning Board's "Environmental Guidelines". The guidelines recommend that unforested environmental buffers on a development site in a SPA be planted in forest, even if the planting exceeds the requirements of the forest conservation law.

Staff finds the preliminary FCP to be acceptable. The preliminary FCP meets the requirements of the County Forest Conservation Law.

### **Ownership of Stormwater Management Facilities (SWM)**

As cited in condition no. 9, staff recommends that the proposed southern SWM facility, which is a water quantity facility, be dedicated to M-NCPPC. Staff's recommendation is consistent with the Planning Board action on previous subdivisions regarding ownership of SWM facilities in the Upper Paint Branch SPA where a proposed SWM facility is adjacent to either existing or dedicated parkland<sup>3</sup>

To ensure adequate funds to maintain the SWM quantity facility, staff recommends, as condition no. 8, that the applicant establish a fund for use by Parks staff to cover the costs of inspection and maintenance.

The intent of staff's two recommendations is to ensure that these facilities have a relatively high chance of being adequately maintained in the long-term. Proper maintenance of SWM facilities is critical if the high water quality conditions of this SPA stream system are to be preserved. For this proposal, staff believes the best opportunity for proper maintenance is through M-NCPPC ownership supplemented by a developer-created maintenance fund.

In 1995, an interagency work group was formed under the direction of the Planning Board as part of the master plan process for the Eastern Montgomery County planning areas. This workgroup was directed to formulate a strategy and specific recommendations to protect the high quality conditions of the Upper Paint Branch stream system. One recommendation from the work group was that new SWM facilities be publicly owned and maintained. The work group noted that historically, privately-owned SWM facilities in the county generally have been less intensively maintained than publicly-owned structures. In addition, the work group indicated that a publicly-owned facility affords a greater chance of being properly monitored and maintained than a privately-owned facility. Staff's recommendations (condition nos. 5 and 6) are consistent with the work group's recommendations.

With respect to the proposed SWM water quality structures, which are separated from the quantity facility and are located within the subdivision, staff believes that ideally, these structures should be owned and maintained by M-NCPPC because of the reasons stated above. However, the proposed structures will be surrounded by residential lots and parcels and will not be adjacent to parkland. Parks staff believe the location of these proposed SWM water quality facilities will make it difficult for Parks to maintain them. Since these facilities will be adjacent to residential lots, Parks staff believes maintenance measures such as mowing the grass and trash collection will be accomplished more frequently by the HOA than by Parks. Therefore, Parks staff believes the facility should be owned by the Homeowners' Association.

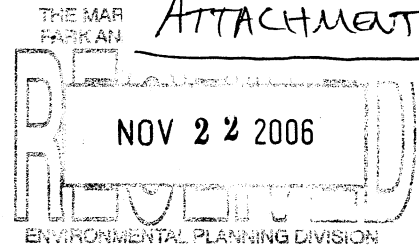
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<sup>3</sup> These subdivisions include: Allnutt Property, preliminary plan 1-94096; Peach Orchard Property, 1-95050; Baldi Property, 1-98065; Hunt Lion's Den Property, 1-98095; Hunt-Miles Property, 1-98094.

It should be noted that the county's stormwater management law provides for some degree of county maintenance of residentially-owned SWM facilities. A SWM facility on residential property (including HOA property) that is constructed to approved county standards after March 2, 2002 will have its structural maintenance<sup>4</sup> done by the Montgomery County Department of Environmental Protection. However, maintenance activities such as landscaping, grass cutting, and trash removal must still be done by the property owner. Staff believes these changes to the SWM law will improve the chances of a HOA-owned SWM facility being properly maintained in the long-term. But staff believes the chances for proper inspection and maintenance of a privately-owned SWM facility is still not as high as a publicly-owned facility, especially if the facility is somewhat removed from private lots. In addition, with a publicly-owned SWM facility, *all* aspects of a facility's inspection and maintenance needs (i.e., structural and non-structural needs) are administered by a public agency that has a major commitment to protecting a valuable natural resource.

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<sup>4</sup> Structural maintenance is the inspection, construction, reconstruction, modification, or repair of any part of stormwater management facility undertaken to assure that the facility remains in the proper working condition to serve its intended purpose and prevent structural failure. Structural maintenance does not include landscaping, grass cutting, or trash removal.



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

November 20, 2006

Robert C. Hubbard  
Director

Mr. Steven L. Wilde  
Macris, Hendricks and Glascock, P.A.  
9220 Wightman Road, Suite 120  
Montgomery Village, Maryland 20886-1279

Re: **REVISED Preliminary/Final Water**  
Quality Plan for the Mitchell Property  
SM File #: 218749  
Tract Size/Zone: 36 Ac/RE-1  
Tax Plate: Ks 121, 341, 342  
Parcels: P051, P215 and P266  
Montg. Co. Grid: 31K2  
Watershed: Upper Paint Branch

**SPECIAL PROTECTION AREA**

Dear Mr. Wilde:

Based on a review by the Department of Permitting Services, the Revised Preliminary/Final Water Quality Plan (PFWQP) for the above mentioned site is conditionally approved. This approval is for the elements of the Final Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream valley buffer encroachments. The plan was revised to delete the vehicular access from Peach Orchard Road and replace it with access from the proposed "Street A". The existing gravel driveway off Peach Orchard Road will be converted to pedestrian access.

**Site Description:** The site is located east of Kingshouse Road and south of Thompson Road. This proposal is for the construction of 19 single-family dwellings and an associated public road. All of the proposed lots will access from the proposed public road. The common driveway off Peach Orchard Road will be converted to pedestrian access. The rest of the site will remain as public or private open space. This site is tributary to the Left Fork of the Upper Paint Branch. This watershed has been designated as a Special Protection Area.

**Stormwater Management:** Channel protection measures for this site will be provided via construction of an extended detention dry pond. This structure will provide channel protection volume for the one-year storm with a maximum detention time of 12 hours (per State standards). Quality control will be provided via a combination of structural and non-structural measures, including dry wells, surface sand filters and grassed channels. The proposed public street will be open section with flat bottom ditches or swales.

**Sediment Control:** Redundant sediment control structures are to be used throughout the site. These are to include upland sediment traps that drain to secondary traps down grade, or when this is not feasible sediment traps with forebays will be acceptable. The total storage volume is to be 125% of the normally required volume. All sediment trapping structures are to be



equipped with dewatering devices. Also, due to the sensitive nature of the watershed, the use of flocculants, compost material or other measures to increase the effectiveness of sediment removal may be required in the detailed sediment control plan. The following features are to be incorporated into the detailed sediment control plan:

1. The earth dikes that direct runoff to the sediment traps are to be constructed using trapezoidal channels to reduce flow rates.
2. Silt fence alone will not be allowed as a perimeter control. The use of super silt fence will be acceptable for small areas of disturbance.
3. The site grading shall be phased whenever possible to limit disturbance and immediate stabilization is to be emphasized.

**Performance Goals:** The performance goals that were established at the pre-application meeting are to be met as specified in the Preliminary and Final Water Quality Plan. They are as follows:

1. Minimize storm flow run off increases.
2. Minimize increases to ambient water temperatures.
3. Minimize sediment loading.
4. Maintain stream base flows.
5. Minimize nutrient loading and control insecticides, pesticides and toxic substances.

**Monitoring:** The monitoring must be in accordance with the BMP monitoring protocols which have been established by the Department of Permitting Services (DPS) and Department of Environmental Protection (DEP), and as described in DEP's BMP Monitoring Requirements Attachment dated May 5, 2006.

Prior to the start of any monitoring activity, a meeting is to be held on site with DEP, DPS, and those responsible for conducting the monitoring to establish the monitoring parameters. **One year of pre-construction monitoring must be completed prior to the issuance of a sediment control permit.**

**Conditions of Approval:** The following conditions must be addressed in the initial submission of the detailed sediment control/stormwater management plan. This list may not be all inclusive and may change based on available information at the time of the subsequent plan reviews:

1. Provide clear and unimpeded access to all stormwater management structures from a public right-of-way.
2. All of the stormwater management (SWM) structures must be on SWM parcels.

3. Retaining walls are not to be placed in SWM parcels. Additionally, SWM structures are not to be located in the Public Utility Easement or the Public Improvement Easement.
4. Water quality structures that are to be used for sediment control must have a minimum undisturbed buffer of two feet from the bottom of the sediment trap to the bottom of the stormwater structure.
5. All proposed dry wells must be located at least 20' from house foundations.
6. Unless precluded by the presence of groundwater, two feet of stone (dead storage) is to be provided below the underdrain pipe of all of the proposed surface sand filters to provide additional groundwater recharge.
7. Due to the proximity of the proposed detention pond to the stream valley buffer, install drainage tile in the bottom of the pond to ensure it remains dry.
8. The surface area of the sand filters shall be at least 125% of the minimum design requirement.
9. Nonstructural water quality control must be provided for all developed areas that do not drain to the structural water quality facilities.
10. The flat bottom roadside swales along the public road must be approved by the Department of Public Works and Transportation (DPWT). A minimum 2 foot wide bottom is preferable, if allowed by DPWT. If a 2 foot wide bottom is not allowed, use the widest bottom width achievable.
11. Minimize the use of insecticides and fertilizers via a residential Integrated Pest Management Plan as part of the Homeowners Association (HOA) documents. A draft of this plan/document must be submitted as part of the initial submittal of the detailed stormwater management/sediment control plan. The final document is to be submitted prior to plan approval.
12. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
13. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
14. MCDPS reserves the right to require the developer to provide full-time, third-party, on-site, sediment control inspection if the department decides the goals of the Water Quality Plan are not being met.
15. The existing culvert under the gravel driveway off Peach Orchard Road must be removed and the stream restored in that area. The culvert must be replaced with a pedestrian bridge.
16. This revised Preliminary/Final Water Quality Plan approval supercedes the approval granted on May 11, 2006.

Steven L. Wilde  
November 20, 2006  
Page 4

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 Water Quality Plan requirements.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at (240) 777-6338.

Sincerely,



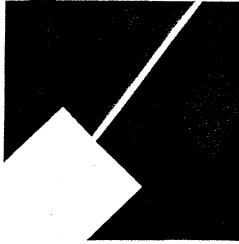
Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB:dpm:CN218749

cc: C. Conlon (MNCPPC-DR)  
C. Bunnag (MNCPPC-ED)  
M. Sommerfield (MCDEP)  
SM File # 218749

Qn: on-site 36 ac.  
Ql: on-site 36 ac.  
Recharge provided on-site





November 28, 2006

**MEMORANDUM**

TO: Catherine Conlon, Supervisor  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning

FROM: Cherian Eapen, Planner/Coordinator  
Transportation Planning  
301-495-4525

CE

SUBJECT: Preliminary Plan No. 120051070  
Mitchell Property  
Cloverly Policy Area

This memorandum summarizes Transportation Planning staff's review of the subject preliminary plan to build 19 single-family detached dwelling units on the property, in an RE-1 Zone within the Cloverly Policy Area. The development will not require Adequate Public Facilities (APF) determination as it will not generate 30 or more total peak hour trips during the weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. The proposed 19 units are estimated to generate 18 total peak-hour trips during the morning peak-period and 21 total peak-hour trips during the evening peak-period.

**RECOMMENDATIONS**

Transportation Planning staff recommends the following conditions to approve this preliminary plan:

1. Approval under this preliminary plan is limited to 19 single-family detached dwelling units.
2. The applicant shall dedicate and show on the record plat the following rights-of-way that is consistent with the 1997 Approved and Adopted *Cloverly Master Plan*:

- a. Thompson Road – 70 feet from the opposite roadway centerline.
  - b. Peach Orchard Road – 35 feet from the roadway centerline.
  - c. Proposed interior tertiary residential street (“Street A”) – full width of 50 feet.
3. The applicant shall show on the record plat the right-of-way that is consistent with the 1997 Approved and Adopted *Cloverly Master Plan* for Kingshouse Road through the property as an “Easement for Future Dedication” – should construction of the master-planned primary residential roadway become necessary in the future.

Note: Given the unique environmental quality of the portion of the property (a designated Class I Legacy Open Space property) over which this section of Kingshouse Road would traverse, Transportation Planning staff does not recommend dedication of roadway right-of-way for Kingshouse Road as part of this subdivision. The above condition is consistent with recommendations included in the letter from the Montgomery County Department of Public Works and Transportation (DPWT) dated April 3, 2006 (see Attachment No. 1). It is Transportation Planning staff’s opinion that the transportation needs of the surrounding community, such as neighborhood connectivity and circulation, and fire truck and school bus accessibility, can be satisfactorily met with the existing local street network.

4. The applicant shall construct an eight-foot wide natural surface (i.e., pervious) path connection through the property between Peach Orchard Road to the east and Edgeware Street/Kingshouse Road to the west, and to Craddock Street/Kingshouse Road to the south along the west side of the property. The entire path shall be constructed prior to the release of the 14<sup>th</sup> building permit, and shall be delineated as appropriate (with either non-continuous railroad ties, split-rail fence, or another feature that is acceptable to staff). The path shall also have appropriate barricade features at its endpoints to prevent use by unauthorized vehicles.
5. The applicant shall construct an eight-foot wide paved connection from “Street A” to the proposed sidewalk and natural surface path along the west side of “Street A” (in place of the four-foot wide connection shown on the plan). This widening shall not result in the total imperviousness related to the development exceeding 10.0 percent.
6. The applicant shall construct the internal public street “Street A” as a tertiary residential street (to DPWT Standard No. MC-210.05 – Modified Open Section Tertiary Residential Street with Sidewalks and Street Trees). Transportation Planning staff supports a Planning Board waiver of the requirement to construct a sidewalk (under DPWT Standard No. MC-210.05) along the west side of “Street A” between Thompson Road and the natural surface path.
7. The applicant shall adjust lot lines, as necessary, to accommodate the private driveway (along the north side of Lot 6; Block 1) and the natural surface path (along the south side of Lot 5; Block 1) completely within proposed Parcel E.

## DISCUSSION

### Site Location and Access

Mitchell Property is located between the communities of Peach Orchard Estates, Peach Orchard Heights and Good Hope Estates, with Thompson Road to its north, Peach Orchard Road to its east and Kingshouse Road to its west. The Upper Paint Branch Park is to the south of the property. Land use in the vicinity of the site is primarily residential.

The subject development is proposed with a total of 19 lots. All lots will have access to Thompson Road via a tertiary residential street (called "Street A" on the plan). Access to two additional parcels, currently with access to Peach Orchard Road, is relocated as part of this development to Thompson Road via "Street A" to provide environmental mitigation.

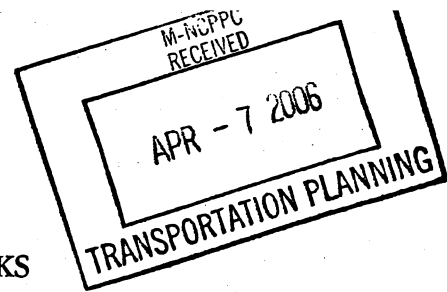
### Master Plan Roadway and Pedestrian/Bikeway Facilities

The 1997 Approved and Adopted *Cloverly Master Plan* describes the nearby master-planned roadway, pedestrian and bikeway facilities as follows:

1. Thompson Road (to the north of the property), between the terminus of Rainbow Drive at Briggs Chaney Middle School to the west and Peach Orchard Road to the east, as a two-lane primary (P-8), with a minimum right-of-way width of 70 feet. A Class III bikeway (PB-36) is recommended in the master plan for this roadway.
2. Kingshouse Road (to the southeast, west and through the property), between Thompson Road to the north and Peach Orchard Road to the east, as a two-lane primary (P-11), with a minimum right-of-way width of 70 feet.
3. Peach Orchard Road (to the east of the property), between MD 198 to the north and Briggs Chaney Road to the south, as a two-lane primary (P-10), with a minimum right-of-way width of 70 feet.

SE:ce  
Attachment

cc: Greg Leck  
Bob Simpson  
Dan Hardy  
Rich Weaver  
Bill Barron  
Candy Bunnag  
Brenda Sandberg  
Vic Bryant  
Ralph Mobley



DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION

Douglas M. Duncan  
*County Executive*

Arthur Holmes, Jr.  
*Director*

April 3, 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 No. 1-20051070  
Mitchell Property

Attachment No. 1

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated November 10, 2005. This plan was reviewed by the Development Review Committee at its meeting on December 5, 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. This letter supercedes our October 11, 2005 letter for the previous preliminary plan prepared for this proposed subdivision.
2. Necessary dedication along Peach Orchard Road and Thompson Road in accordance with the master plan.
3. Record plat to reflect an "Easement for Future Dedication" of the right-of-way for the master planned connection of Kingshouse Road – should construction become necessary at a future date. The "Easement for Future Dedication" area will need to follow the intended roadway alignment and be of adequate width to accommodate the future right-of-way along with any necessary easements. The record plat should establish the limits of the right-of-way area and the necessary revertible and perpetual easements by metes and bounds. The record plat will need to include a note to explain that, if this road construction is ever required – by a capital project or under a permit – the applicant, their successors, assigns, or transferees will dedicate the necessary right-of-way and grant the necessary revertible and perpetual easements - at no cost to the County.



Division of Operations

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

4. Full width dedication and construction of the proposed interior public street.
5. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line. It appears that a slope easement may be needed from the property west of the proposed interior public street.
6. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
7. Public Improvements Easements will be necessary along the proposed interior public street, in accordance with DPWT design standard MC-210.05 ("Tertiary Residential Street, Open Section with Sidewalks and Street Trees"). A Public Improvements Easement will also be necessary along the Thompson Road site frontage, in accordance with DPWT design standard MC-212.05 ("Master Plan Primary Road, Open Section with Sidewalk, Bikepath and Street Trees"). The applicant will need to execute a Declaration of Public Improvements Easement document for these easements. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. It appears that a Public Improvements Easement may be needed from the private property west of this site, along the proposed interior public street.
8. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
9. The sight distances study was accepted under the previous preliminary plan. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
10. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway. The applicant should coordinate the design of their private common driveway(s) with the Department of Fire and Rescue Services prior to record plat.
11. Waiver will be needed from the Montgomery County Planning Board for overlength cul-de-sac and elimination of the sidewalk on one side of the proposed tertiary street.
12. Dedication or reservation of park and/or school sites as required by the Montgomery County Planning Board or the Montgomery County Board of Education.
13. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
14. Provide driveway aprons to access the proposed stormwater management ponds.

15. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
16. 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.
17. 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.
18. Public Improvements Agreement (PIA) will be an acceptable method of ensuring construction of the required public improvements within the County right of way. The PIA details will be determined at the record plat stage. The PIA will include, but not necessarily be limited to, the following improvements:
  - A. Street grading, paving, shoulders, sidewalks and handicap ramps, side drainage ditches and appurtenances, and street trees along the proposed interior public street in accordance with DPWT design standard no. MC-210.05, terminating in a cul-de-sac\*\*. If the Planning Board eliminates a sidewalk on one side of this street, grade and sod the sidewalk shelf area. The geometry of the cul-de-sac will need to satisfy the design criteria of the Department of Fire and Rescue Services regarding emergency vehicle turnaround design.
  - B. Across the Thompson Road site frontage, construct sod shoulder eight (8) wide\*, construct parallel and adjacent side drainage ditch, plant street trees, grade back to natural ground at a 2:1 slope\*\*, grade and sod the area of the sidewalk shelf. Sod or seed as directed all other areas from the edge of the shoulder to the property line.

\* NOTE: improvements to be in accordance with DPWT design standard no. MC-212.05 ("Master Plan Primary Road – Open Section with Sidewalk, Bikepath and Street Trees"); front edge of shoulder to be set back per that standard to allow for future pavement widening by others

\*\* NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.
  - C. Enclosed storm drainage and/or engineered channel (in accordance with the DPWT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
  - D. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

Ms. Catherine Conlon  
Preliminary Plan No. 1-20051070  
April 3, 2006  
Page 4

- 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 ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- G. 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 me at [greg.leck@montgomerycountymd.gov](mailto:greg.leck@montgomerycountymd.gov) or (240) 777-6000.

Sincerely,



Gregory M. Leck, Manager  
Development Review Group  
Traffic Engineering and Operations Section

m:/subd/gml/pp/1-20051070, Mitchell Property, FINAL

Enclosure

cc: Martin Mitchell; Mitchell & Best Homebuilders, LLC  
Michael Watkins; Macris, Hendricks & Glascock, P.A.  
Richard Weaver; M-NCPPC DRD  
Shahriar Etemadi; M-NCPPC TP  
Cherian Eapen; M-NCPPC TP  
Candy Bunnag; M-NCPPC EPD  
John Feissner; MCDFRS  
Joseph Y. Cheung; MCDPS RWPPR  
Christina Contreras; MCDPS RWPPR