



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

MCPB
Item #
1/3/08



MEMORANDUM

DATE: December 11, 2007

TO: Montgomery County Planning Board

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

FROM: Erin Grayson (301-495-4598) *EG*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision, Resubdivision

APPLYING FOR: 2 lots for 2 one-family detached dwelling units and 1 outlot

PROJECT NAME: Pollekoff Property

CASE #: 120070600

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RE-2

LOCATION: On the west side of Slidell Road, 3000 feet north of Barnesville Road

MASTER PLAN: Boyds

APPLICANT: David Janis

ENGINEER: Macris, Hendricks & Glascock

FILING DATE: January 22, 2007

HEARING DATE: January 3, 2008

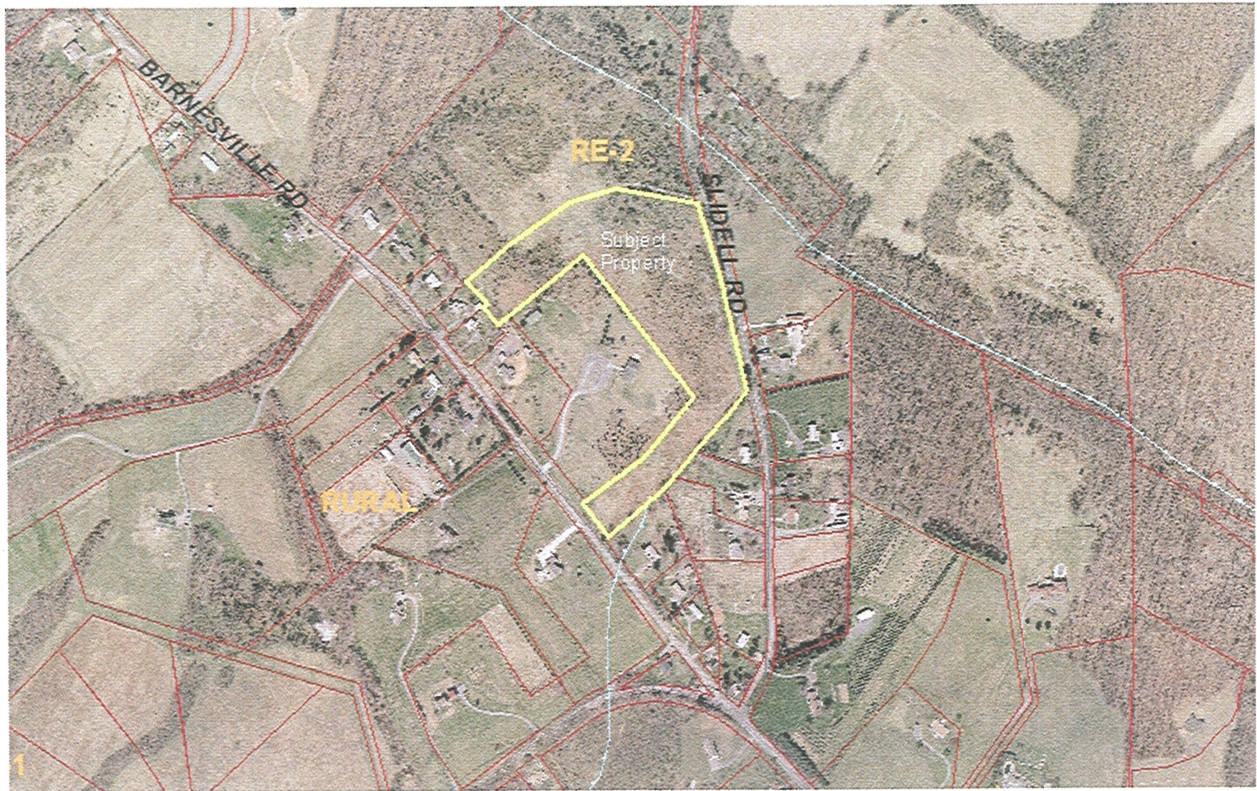
RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 2 lots for 2 one-family dwelling units and 1 outlot.
- 2) The applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 3) The applicant must provide dedication for Slidell Road along the property frontage for a total of 80 feet of Right-of-Way measured from the opposite side of Slidell Road.
- 4) The record plat must reflect a Category I conservation easement over all areas of stream valley buffers and forest conservation.
- 5) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 6) The applicant must comply with the conditions of the MCDPS stormwater management approval dated January 2, 2007.
- 7) The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated December 14, 2007 unless otherwise amended.
- 8) The applicant must satisfy provisions for access and improvements as required by MCDPWT prior to recordation of plat(s).
- 9) Conversion of the proposed Outlot to a buildable lot must be approved by the Montgomery County Planning Board under Section 50-29(b)(2) of the County Code.
- 10) Before any building permit can be issued, the applicable school impact fee required by the 2007-2009 Growth Policy must be paid to MCDPS.
- 11) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution.
- 12) Other necessary easements.

SITE DESCRIPTION

The subject property "Subject Property" or "Property", pictured on the following page and in Attachment A (Vicinity Map), is located in the RE-2 zone in the Boyds Master Plan area. Property zoned RE-2 surrounds the Subject Property on the north, south and east. Property directly west of the Subject Property is zoned Rural. The Property has frontage on both Slidell Road and Barnesville Road. The gross tract area of the site is 12.01 acres and it is a recorded lot. A one-family detached dwelling unit with driveway access from Slidell Road currently exists on the site and will remain.

The subject property lies in the Little Seneca Lake Watershed (Use Class I-P). There are no streams, wetlands, or environmental buffers on-site. There are 6.49 acres of forest on the Property.



PROJECT DESCRIPTION

The applicant proposes to resubdivide the property and create 2 recorded lots and 1 recorded outlot (Attachment B, Proposed Plan). Proposed Lot 3 will contain the existing one-family detached house and septic field. Proposed Lot 4 will contain a new one-family detached dwelling unit. A shared private driveway at the current location is proposed to serve Lots 3 and 4. The Outlot will contain a septic easement that will serve the proposed house on Lot 4. The Outlot meets the minimum lot size for the RE-2 zone but, if the applicant chooses to make the outlot a buildable lot in the future, Planning Board approval will be necessary. This requirement is reflected in recommended condition #9 on page 2 of this report.

ANALYSIS AND FINDINGS

Public Facilities

Roads and Transportation Facilities

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. The

proposed lots generate less than 3 peak-hour trips and, under the new Policy Area Mobility Review (PAMR) guidelines, trip mitigation is not required.

The Subject Property has frontage on both Slidell Road and Barnesville Road. Slidell Road is a rustic road, requiring 80 feet of right-of-way. The applicant proposes to dedicate additional right-of-way to meet this requirement. Additional dedication for Barnesville Road is not required. Sidewalks are not required in the RE-2 zone. A shared driveway from Muncaster Road near the southern property line is proposed to serve the two lots. An ingress/egress and utilities easement is proposed on the shared portion of the driveway located on Lot 3. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public and private improvements.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed dwelling units. The 2 lots will be served by private standard septic systems and private wells. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. The school cluster in which the Subject Property lies is currently in moratorium due to overcapacity at the middle school level, but this preliminary plan proposes only 2 dwelling units and is, therefore, not subject to the moratorium under the 2007-2009 Growth Policy. Nevertheless, the applicant must make a school facilities payment to MCDPS prior to issuance of building permits. Other public facilities and services, such as police stations, firehouses and health services, are operating within the standards set by the Growth Policy Resolution currently in effect. Electrical and telecommunications services are also available to serve the Property.

Environment

There are no existing floodplains, streams, wetlands, or environmentally sensitive areas on the site.

Forest Conservation

The Subject Property is covered by an existing Forest Conservation Plan that was approved in April of 2004 as part of Preliminary Plan #120030130, also named Pollekoff Property. As a result, the applicant was not required to submit a new Forest Conservation plan as part of the preliminary plan application. The applicant must comply with the previously approved Forest Conservation Plan, which includes retention of all forest on-site in a Category I Conservation Easement, 7.10 acres in size.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on January 2, 2007. The concept includes on-site water quality control and on-site recharge through the use of drywells and nonstructural methods. Channel protection

volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cubic feet per second.

Master Plan Compliance

The Boyds Master Plan does not specifically identify the Subject Property but does provide general recommendations for zoning and land use. The plan identifies RE-2 zoning along Barnesville Road as suitable “to create a definable edge for the RE-2 zone and to create a more logical zoning transition from Clarksburg to Boyds” (p. 9). Residential land use at this density is considered appropriate due to septic limitations in the area. The Pollekoff Property preliminary plan complies with the recommendations adopted in the Boyds Master Plan in that residential land use is proposed on lots greater than meet the standards of the zone.

Compliance with the Subdivision Regulations and Zoning Ordinance

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

The lots were reviewed for compliance with the dimensional requirements for the RE-2 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Conformance with Section 50-29(b)(2)

A. Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that each of the proposed lots complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

B. Neighborhood Delineation

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate “Neighborhood” for evaluating the application. In this instance, the Neighborhood agreed to by staff and the applicant includes 11 lots. Lots included in the

Neighborhood are located on the north side of Barnesville Road, on either side of Slidell Road. Staff believes the delineated Neighborhood extends far enough to provide an adequate sample of lots in which to compare the proposed resubdivision. All lots are recorded lots zoned RE-2. The selected lots are identified on the Neighborhood Map included in Attachment C. These lots are also identified in the tabular summary of the resubdivision criteria included in Attachment D.

C. Analysis

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, the above-noted resubdivision criteria were applied to the delineated Neighborhood. The proposed lots are of the same character with respect to the resubdivision criteria as other lots within the defined Neighborhood. Therefore, the proposed resubdivision complies with the criteria of Section 50-2(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion.

Frontage:

In a Neighborhood of 11 lots, lot frontages range from 25 feet to 670.32 feet. The proposed lots fall within this range, at 163.50 and 594.79 feet. As a result, the proposed lots will be of the same character as existing lots in the neighborhood with respect to lot frontage.

Alignment:

Ten lots in the proposed neighborhood are perpendicular and 1 lot is a corner lot in terms of alignment. The 2 proposed lots are perpendicular and will, therefore, be in the same character as the majority of existing lots in the neighborhood.

Size:

The lot sizes in the delineated Neighborhood range from 2 acres to 18.94 acres. The proposed lots fall within this range at 4.60 acres and 5.20 acres. The proposed lots will be of the same character as existing lots in the neighborhood when size is evaluated.

Shape:

Six of the 11 lots in the neighborhood are irregular in regards to lot shape. Three lots are irregular/pipestem and 2 lots are rectangular in shape. Both proposed lots are irregular in shape. The two proposed lots will, therefore, be in character with shapes of the existing lots.

Width:

The lot widths at the front building restriction line in the existing Neighborhood range from 150 feet to 670 feet. The proposed lots will have widths of 207 feet and 757.66 feet. Proposed lot 4 will have the largest width for lots within the Neighborhood, but this is also the true of the existing lot being resubdivided so it does not make the new lot out of character. In fact, the resubdivision brings lot width closer to the Neighborhood range. Proposed lots 3 and 4 will be in character with existing lots in the Neighborhood with regards to lot width.

Buildable Area:

In a neighborhood of 11 lots, lot areas range from 36,400 square feet to 448,668 square feet in buildable area. The proposed lots have areas of 68,328 square feet and 168,169 square feet. The proposed lots will be of the same character as other lots in the neighborhood with respect to buildable area.

Suitability for Residential Use: The existing and proposed lots are zoned RE-2 and one-family detached dwelling units are a permitted use in the zone.

Citizen Correspondence and Issues

On February 28, 2007, via email, staff received a letter from Mr. Tom Schwartzbeck regarding the Edna Schwartzbeck property located directly south of the Subject Property along Barnesville Road. Mr. Schwartzbeck's concerns include the following: proximity of the Schwartzbeck septic field to the proposed septic field on the Outlot and subsequent increase in water runoff onto the Schwartzbeck property; erosion in the southeast corner of the Schwartzbeck property; and inadequate storm drains along Barnesville Road.

The proposed septic field on Outlot A was approved by the MCDPS Well & Septic Division on July 6, 2007. The proposed septic field is located 150 feet from the Schwartzbeck Property and meets all requirements for separation from the property line and other septic fields. A newly constructed septic field on the proposed Outlot will not alter current stormwater runoff conditions. Additional stormwater runoff produced by any new construction will be treated through the use of drywells and outfall into the storm drain system along Slidell Road. Staff has directed Mr. Schwartzbeck to report existing storm drain problems along Barnesville Road to the Department of Public Works and Transportation.

CONCLUSION

Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. As set forth above, the two proposed lots are of the same character as the existing lots in the defined neighborhood with respect to each of the resubdivision criteria, and therefore, comply with Section 50-29(b)(2) of the Subdivision Regulations. The proposed lots meet all other requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Boyds Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

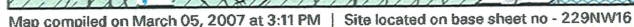
Attachments

Attachment A – Vicinity Development Map
Attachment B – Proposed Development Plan
Attachment C – Neighborhood Map
Attachment D – Neighborhood Data Table
Attachment E – Agency Correspondence
Attachment F– Citizen Correspondence

Table 1: Preliminary Plan Data Table and Checklist

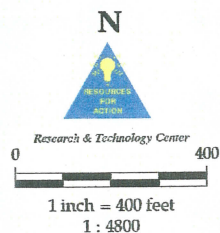
Plan Name: Pollekoff Property				
Plan Number: 120070600				
Zoning: RE-2				
# of Lots: 2				
# of Outlots: 1				
Dev. Type: Standard				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	87,120 sq. ft.	202,217 sq. ft. is min. proposed	EG	12/11/07
Lot Width	150 ft.	207 ft. is minimum proposed	EG	12/11/07
Lot Frontage	25 ft.	163.5 ft. is minimum proposed	EG	12/11/07
Setbacks				
Front	50 ft. Min.	Must meet minimum ¹	EG	12/11/07
Side	17 ft. Min./35 ft. total	Must meet minimum ¹	EG	12/11/07
Rear	35 ft. Min.	Must meet minimum ¹	EG	12/11/07
Height	50 ft. Max.	May not exceed maximum ¹	EG	12/11/07
Max Resid'l d.u. or Comm'l s.f. per Zoning	5 dwelling units	2 dwelling units	EG	12/11/07
Building Coverage	35% Max.	May not exceed maximum	EG	12/11/07
TDRs	No		EG	12/11/07
Site Plan Req'd?	No		EG	12/11/07
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes	EG		12/11/07
Road dedication and frontage improvements	Yes	Agency letter		12/14/07
Environmental Guidelines	Yes	Staff memo		3/26/07
Forest Conservation	Yes	Staff memo		11/17/06
Master Plan Compliance	Yes	EG		12/11/07
Other (i.e., parks, historic preservation)				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes	Agency letter		1/2/07
Water and Sewer (WSSC)	N/a	EG		12/11/07
10-yr Water and Sewer Plan Compliance	Yes	Agency comments		
Well and Septic	Yes	Agency letter		7/6/07
Local Area Traffic Review	N/a	Staff memo		3/26/07
Policy Area Mobility Review				
Fire and Rescue	Yes	Agency letter		7/10/07

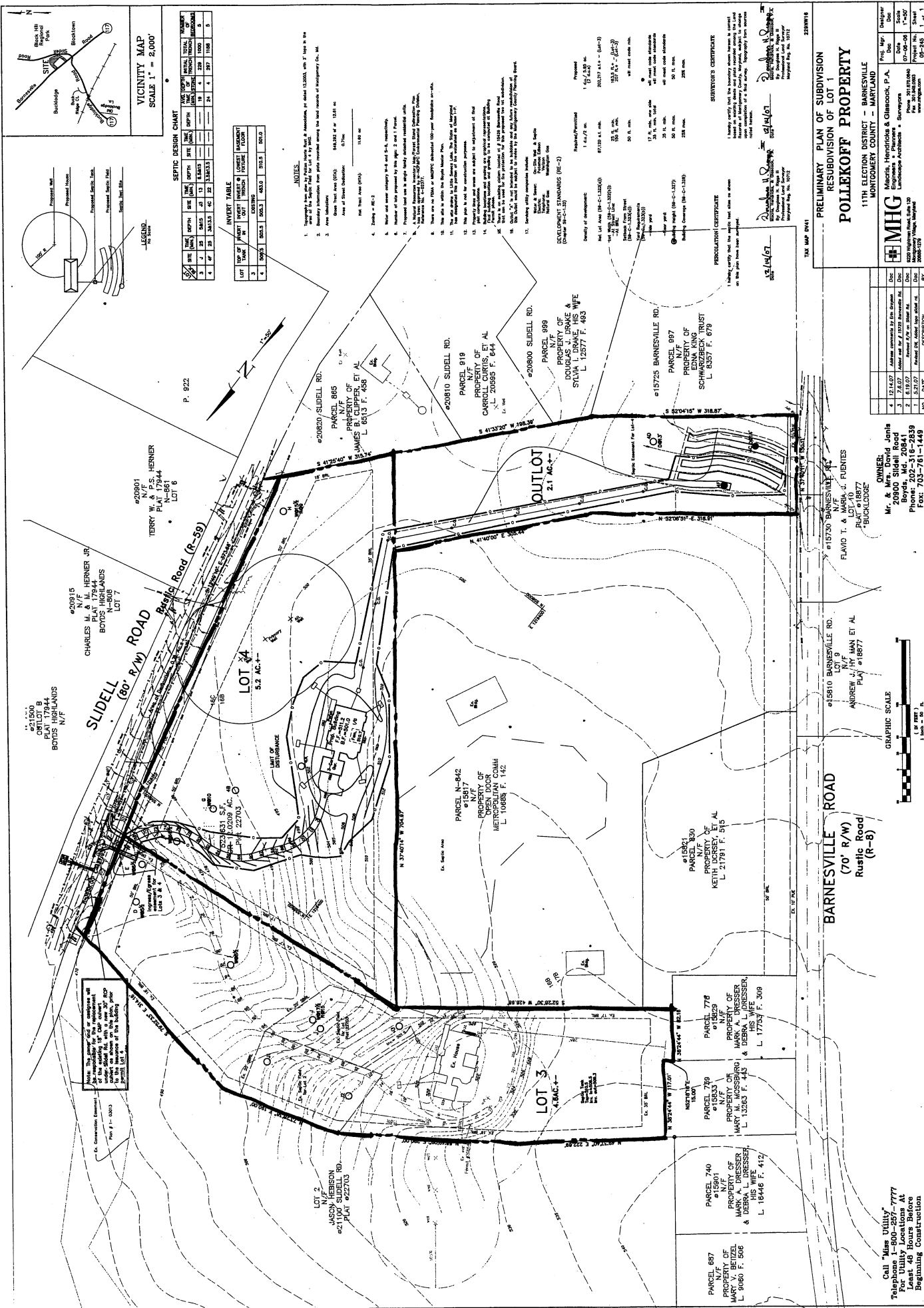
¹ As determined by MCDPS at the time of building permit.



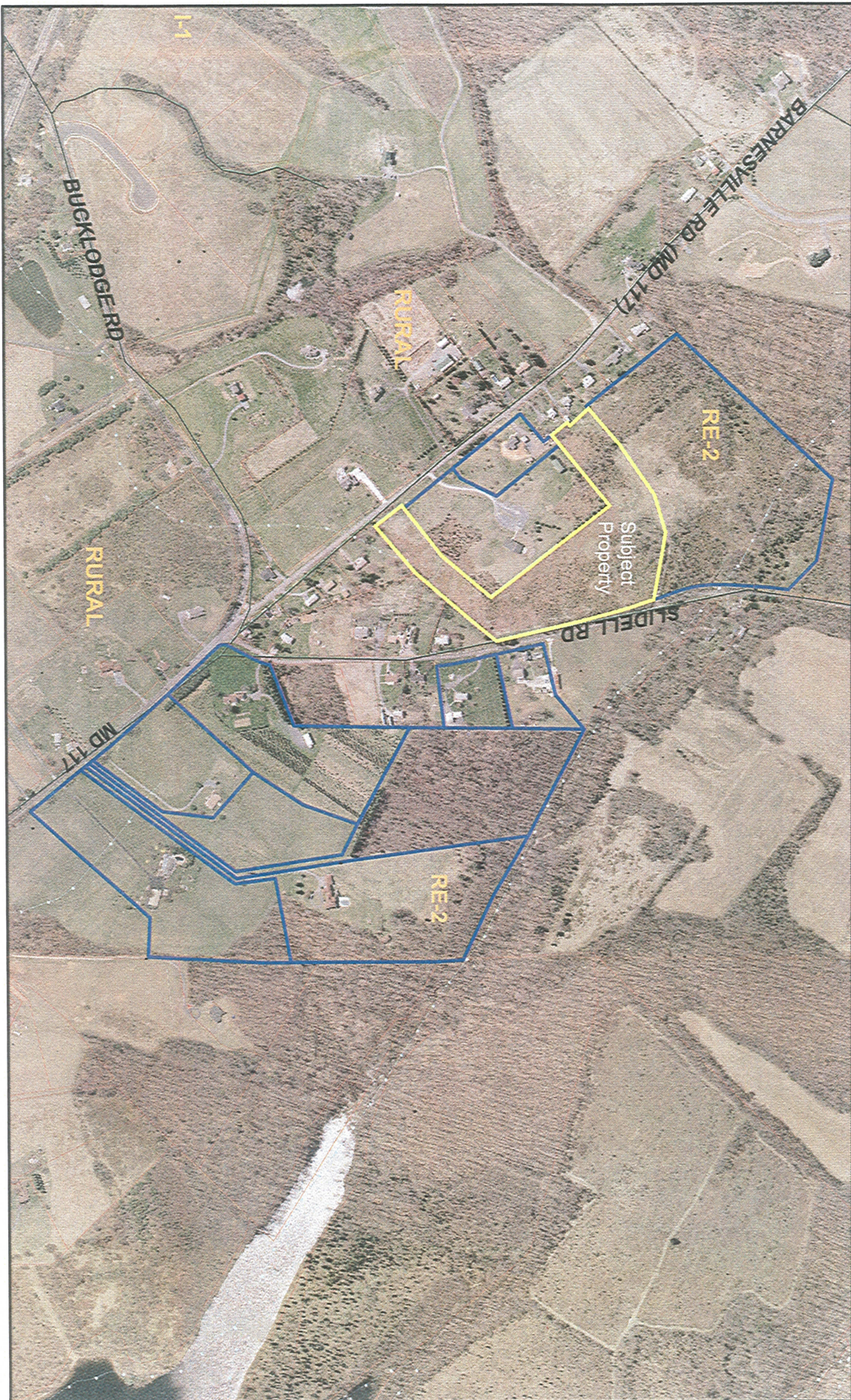
This map was created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area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

Key Map





Pollekoff Property (120070600) Neighborhood Map



Legend

Subject Property



Resubdivision Neighborhood



ATTACHMENT D**Pollekoff Property (120070600) Resubdivision Data Table**

SUBDIVISION	LOT	FRONTAGE	SIZE	AREA	WIDTH	SHAPE	ALIGNMENT
Pollekoff Property	Proposed Lot 3	163.50	4.60	68,328	207	Irregular	Perpendicular
Pollekoff Property	Proposed Lot 4	594.79	5.20	168,169	757.66	Irregular	Perpendicular
Kingsbury Heights	2	306.62	8.20	190,900	306.62	Irregular	Perpendicular
Kingsbury Heights	3	407.55	2.00	38,000	390	Rectangular	Perpendicular
Boysd Highlands	6	288	2.23	36,400	300	Rectangular	Perpendicular
Boysd Highlands	7	225	2.17	38,000	225	Irregular	Perpendicular
Boysd Highlands	1	441.35	10.00	340,000	441.35	Irregular	Corner
Pollekoff Property	2	670.32	18.94	360,000	670	Irregular	Perpendicular
Boysd Highlands	3	25.00	11.20	396,396	700	Irregular/ pipestem	Perpendicular
Boysd Highlands	4	25.00	12.20	448,668	150	Irregular/ pipestem	Perpendicular
Boysd Highlands	10	300.00	11.00	405,108	290	Irregular	Perpendicular
Boysd Highlands	8	373.00	5.00	161,172	340	Irregular	Perpendicular
Boysd Highlands	9	373.00	5.00	139,392	340	Irregular/ pipestem	Perpendicular



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

January 2, 2007

Reginald Jetter
Acting Director

Mr. Matthew Pohlhaus
Macris, Hendricks and Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886-1279

Re: Stormwater Management **CONCEPT** Request
for Pollekoff Property
Preliminary Plan #: NA
SM File #: 229596
Tract Size/Zone: 7.3 acres/RE-2
Total Concept Area: .21 acres
Lots/Block: Lot 4-outlot A
Parcel(s): NA
Watershed: Little Seneca Creek

Dear Mr. Pohlhaus:

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

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

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

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

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable



12/14/07 FRI 09:02 FAX 2407772080

TRAFFIC ENGR

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DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

December 14, 2007

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

RE: Preliminary Plan #1-20070600
Pollekoff Property

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 10/26/07. This plan was reviewed by the Development Review Committee at its meeting on April 4, 2007. 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. Necessary dedication for Slidell Road and Barnesville Road in accordance with the Master Plan.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
4. Slidell Road and Barnesville Road are classified as a "Rustic Roads" under Section 49-78 of the Montgomery County Code. As such, every effort must be made to preserve the significant features within the right of way of these roadways.
5. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
6. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
7. Revise the plan as necessary to meet the requirements of the Montgomery County Department of Permitting Services with regard to wells and/or septic systems.

Division of Operations

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

Ms. Catherine Conlon
Preliminary Plan No. 1-20070600
Date December 14, 2007
Page 2

8. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan. Also homeowners' documents to establish each driveway user's (property owner's) rights & responsibilities with respect to use, maintenance, & liability of the common driveway.
9. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
10. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
11. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Improvements to the existing public storm drainage system as proposed on the preliminary plan. At the permit stage the applicant will coordinate with DPWT Division of Capital Development to seek DPWT participation in those improvements. If the participation deemed not possible, the applicant solely will bear the responsibility to perform above improvements in accordance with the DPWT Storm Drain Design Criteria.
 - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - C. 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.

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

Sincerely,



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

Attn: Dave Crow



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid Joyner
Director

MEMORANDUM

July 6, 2007

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

FROM: Carla Reid Joyner, Director
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: # 1-20070600,

Pollekoff Property, re-subdivision of
lot 1

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on July 6, 2007.

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.
2. The septic easements must appear on the record plat as they are depicted on the preliminary plan.

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

CC:
Surveyor
File

Grayson, Erin

From: Tom K Schwartzbeck [tom.schwartzbeck@sherwin.com]
Sent: Thursday, April 12, 2007 2:24 PM
To: Grayson, Erin
Subject: FW: Pollekoff Property Plans #1-20070600 influence and impact on Edna King Schwartzbeck Trust Property

Thanks , please confirm you received. This is the letter I submitted with my concerns earlier.

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

From: Tom K Schwartzbeck [mailto:tom.schwartzbeck@sherwin.com]
Sent: Wednesday, February 28, 2007 12:00 PM
To: pamela.crampton@mncppc-mc.org
Subject: FW: Pollekoff Property Plans #1-20070600 influence and impact on Edna King Schwartzbeck Trust Property

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

From: Tom K Schwartzbeck [mailto:tom.schwartzbeck@sherwin.com]
Sent: Wednesday, February 28, 2007 10:36 AM
To: Pamela.Crampton@mncptc-org
Subject: Pollekoff Property Plans #1-20070600 influence and impact on Edna King Schwartzbeck Trust Property

This email is in reference to the Pollekoff Property Plan # 1-20070600.

This property adjoins the Edna Schwartzbeck Trust property at the lower Southern end. The proposed sewer fields are very close to the Trust property and the sewer fields on the Trust property are in the same general low lying area across the property border line. I have numerous concerns. Right now the Storm Water flow and soil erosion from the Pollekoff Property and others runs directly across the Trust property and in heavy rains and snow melts has actually filled up the sewer fields and backed up the water/sewer flow and has additionally caused water to flow into the basement of the Trust home. Any additional water/sewer introduced into the ground at or near that area as proposed by the new site plan would just add to the saturation of the ground in that area and reduce the water absorption into the ground causing even more problems for the Trust Property. In addition to the already uncontrolled storm water flow there has been years of top soil erosion that has washed onto the Trust property from the Pollekoff and Open Door Metro Comm. Property (that was once the Johnson Farm)and surrounding properties connecting to the Pollekoff property causing topographical change in the Schwartzbeck Trust property where the two properties adjoin and onto the Trust property.

The water flow from the Pollekoff and surrounding properties flows across the Trust property to its Southeast lowest corner to a drainage pipe that goes under Barnesville Rd. and continues onto the Fuentes Property. This pipe is NOT shown on the plans but the water flow is extremely exaggerated with every heavy rain and snow melts. So again the problems is the additional water /sewer will be transferred (piped) to the ground in that area causing additional ground water and ground saturation which will prohibit and reduce the water that can absorbed in that area therefore affecting the Schwartzbeck Trust sewer fields and the huge amount of storm water crossing the Trust property as it heads for the under road drain. This drain has never has never been upgraded in size in 40 yrs .

This is a real concern . I think that the sewer fields could be located closer to the proposed Building on the Pollekoff Property and not near the Trust Property . Regardless of that location the storm water management must be dealt with aggressively to either redirect the water flow to stay onto the Pollekoff Property and cross under the road at a different point without running directly across the Trust property or keep it onto the property until it is absorbed into the ground which will most likely cause the same type of issues. Years ago the water flow would follow the Pollekoff property (was then the Johnson property) line down to the road and then make a fairly abrupt left turn and then run parallel to Barnesville Rd. until it reached the under road drainage pipe. But due to the unmanaged fields and lack of aggressive contour ground management the erosion has changed the water flow. This is NOT only a Pollekoff Property problem it is also caused by the adjoining property Open Door Metro Comm. even more so because they own the largest part of the "area" which the storm water flows from.

Please do not allow this to go unsolved as it will create real additional problems for the Trust Property. Thank you for your review and consideration. We of course are willing to work with all in good faith to solve the problems. We are not willing to cause the Trust expense for issues not caused by the trust. I am confident there is a way to get everyone what they need with some adjustments to the plans and additional aggressive management of the storm water flow and continued soil erosion.

I am Thomas Schwartzbeck Trustee and son of Edna Schwartzbeck. My address is 10521 Aubinoe Farm Drive, Bethesda , Md. 20814 and my phone is 301 910 4827.