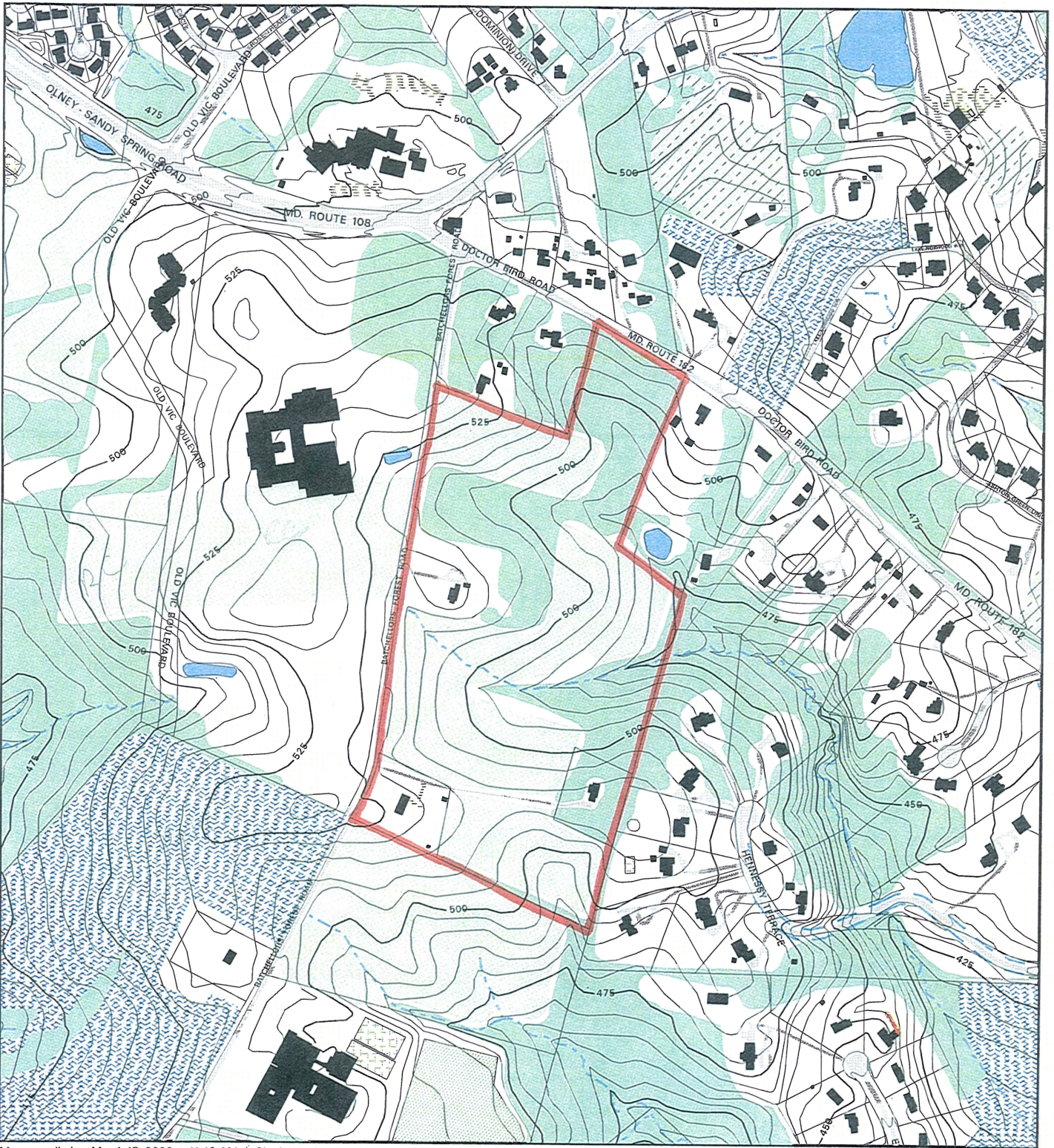


STAFF REPORT ATTACHMENTS
FOR
PRELIMINARY PLAN
#120061100
STANMORE (FORMERLY HYDE PROPERTY)

STANMORE VICINITY MAP



Map compiled on March 15, 2009 at 11:42 AM | Site located on base sheet no - 223NW02

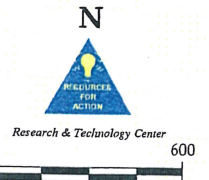
NOTICE

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

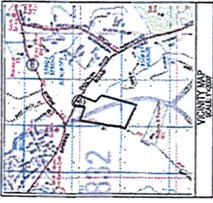
This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area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

Key Map

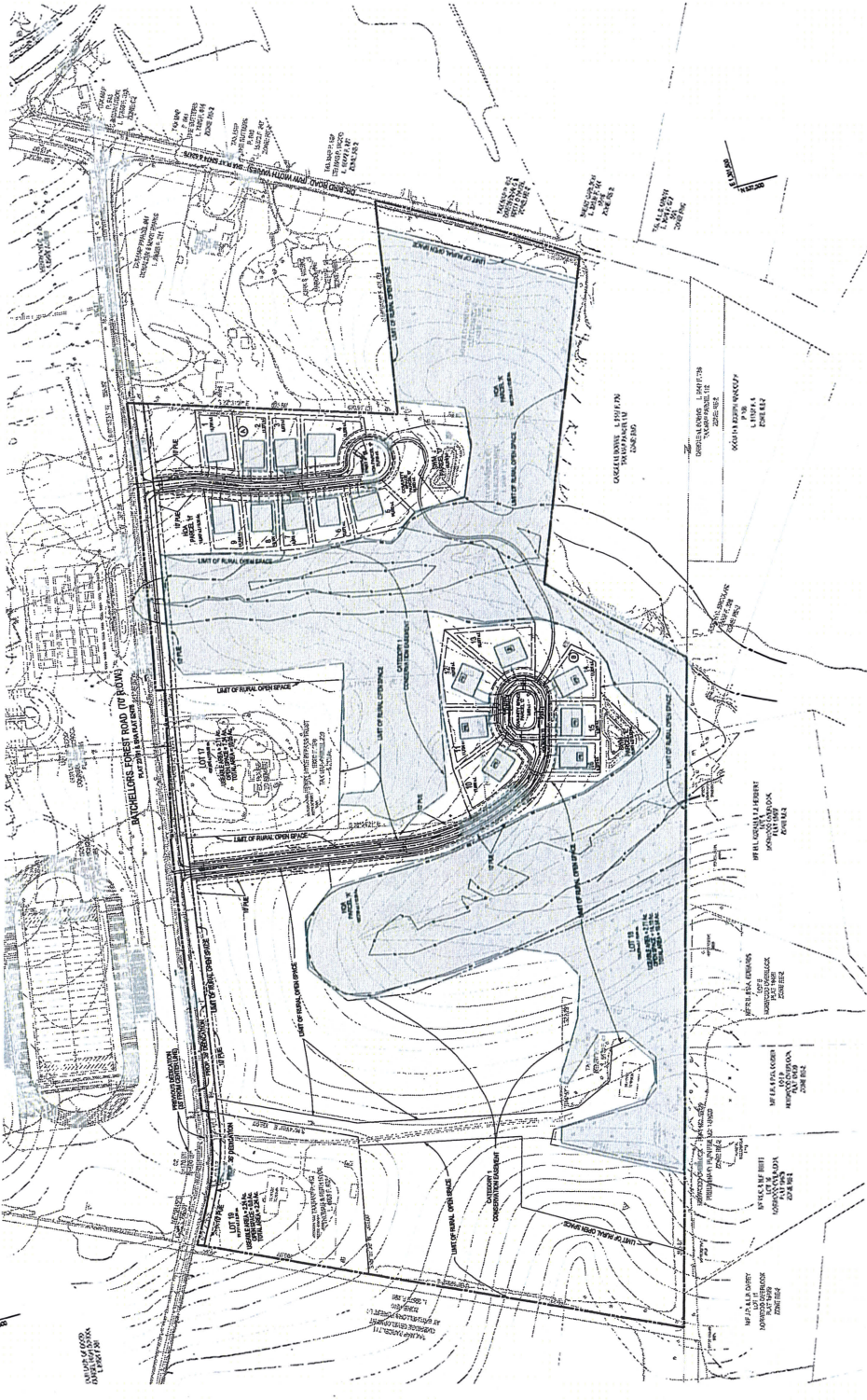


1 inch = 600 feet
1 : 7200

Attachment B



SCALE 1" = 50'



LEGEND
 [Symbol] GRINDER PUMP REQUIRED
 [Symbol] CATEGORY I CONSERVATION BASEMENT AREA

ENGINEERS CERTIFICATE
 I HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF MARYLAND AND THAT I AM THE DESIGNER OF THE ABOVE DESCRIBED PROJECT AND THAT I AM NOT PROVIDING ENGINEERING SERVICES TO ANY OTHER PARTY FOR THE SAME PROJECT.
 PROJECT NAME: _____ DATE: _____
 ENGINEER: _____

PRELIMINARY PLAN FILE NO: 1-20081100

PRELIMINARY PLAN

STANMORE
 (FORMERLY HYDE PROPERTY)
 P-452-L-4883 F602, P-452-L-5170, F01, P-230-L-1800 F04 AND L-14315 F365
 BTH (COUNTY) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF MARYLAND AND THAT I AM THE DESIGNER OF THE ABOVE DESCRIBED PROJECT AND THAT I AM NOT PROVIDING ENGINEERING SERVICES TO ANY OTHER PARTY FOR THE SAME PROJECT.

MISS UTILITY NOTE
 AFTER THE PROPOSED LOT LINES, APPROXIMATE LINES FOR THE MISS UTILITY LINES WILL BE DETERMINED BY THE MISS UTILITY COMPANY. THE MISS UTILITY COMPANY WILL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF THE UTILITY LINES. THE MISS UTILITY COMPANY WILL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF THE UTILITY LINES. THE MISS UTILITY COMPANY WILL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF THE UTILITY LINES.



APPLICANT:
STANKORE LIMITED PARTNERSHIP
 60 M. Thomas Hyde
 1715 Orono, MD 20832
 Phone: (301) 715-7602

Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
1	27,500	27,500	27,500
2	27,500	27,500	27,500
3	27,500	27,500	27,500
4	27,500	27,500	27,500
5	27,500	27,500	27,500
6	27,500	27,500	27,500
7	27,500	27,500	27,500
8	27,500	27,500	27,500
9	27,500	27,500	27,500
10	27,500	27,500	27,500
11	27,500	27,500	27,500
12	27,500	27,500	27,500
13	27,500	27,500	27,500
14	27,500	27,500	27,500
15	27,500	27,500	27,500
16	27,500	27,500	27,500
17	27,500	27,500	27,500
18	27,500	27,500	27,500
19	27,500	27,500	27,500
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23	27,500	27,500	27,500
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27	27,500	27,500	27,500
28	27,500	27,500	27,500
29	27,500	27,500	27,500
30	27,500	27,500	27,500
31	27,500	27,500	27,500
32	27,500	27,500	27,500
33	27,500	27,500	27,500
34	27,500	27,500	27,500
35	27,500	27,500	27,500
36	27,500	27,500	27,500
37	27,500	27,500	27,500
38	27,500	27,500	27,500
39	27,500	27,500	27,500
40	27,500	27,500	27,500
41	27,500	27,500	27,500
42	27,500	27,500	27,500
43	27,500	27,500	27,500
44	27,500	27,500	27,500
45	27,500	27,500	27,500
46	27,500	27,500	27,500
47	27,500	27,500	27,500
48	27,500	27,500	27,500
49	27,500	27,500	27,500
50	27,500	27,500	27,500

Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
1	27,500	27,500	27,500
2	27,500	27,500	27,500
3	27,500	27,500	27,500
4	27,500	27,500	27,500
5	27,500	27,500	27,500
6	27,500	27,500	27,500
7	27,500	27,500	27,500
8	27,500	27,500	27,500
9	27,500	27,500	27,500
10	27,500	27,500	27,500
11	27,500	27,500	27,500
12	27,500	27,500	27,500
13	27,500	27,500	27,500
14	27,500	27,500	27,500
15	27,500	27,500	27,500
16	27,500	27,500	27,500
17	27,500	27,500	27,500
18	27,500	27,500	27,500
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23	27,500	27,500	27,500
24	27,500	27,500	27,500
25	27,500	27,500	27,500
26	27,500	27,500	27,500
27	27,500	27,500	27,500
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29	27,500	27,500	27,500
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33	27,500	27,500	27,500
34	27,500	27,500	27,500
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37	27,500	27,500	27,500
38	27,500	27,500	27,500
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42	27,500	27,500	27,500
43	27,500	27,500	27,500
44	27,500	27,500	27,500
45	27,500	27,500	27,500
46	27,500	27,500	27,500
47	27,500	27,500	27,500
48	27,500	27,500	27,500
49	27,500	27,500	27,500
50	27,500	27,500	27,500

Rockville Office
 ROCKVILLE OFFICE
 100
 ROCKVILLE, MD 20850
 1-301-948-2750 / 1-301-948-9987



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Mailing Date: February 4, 2004

**MONTGOMERY COUNTY PLANNING BOARD
CORRECTED AMENDED OPINION**

Preliminary Plan Review No. 1-02082
Name of Plan: Our Lady of Good Counsel High School
Date of Hearing: April 3, 2003

Action: **PRELIMINARY PLAN: APPROVAL, SUBJECT TO CONDITIONS.** (Motion to approve Preliminary Plan Review No. 1-02082 was made by Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 5-0, Commissioners Berlage, Bryant, Perdue, Robinson, and Wellington voting in favor.)

INTRODUCTION

On February 8, 2002, Our Lady of Good Counsel High School (the "Applicant") submitted a Preliminary Plan Application (the "Original Application") for approval of subdivision of a portion of the property owned by the Hyde family ("Owner") located south of Olney-Sandy Spring Road (MD 108) and Dr. Bird Road (MD 182), and east and west of Batchellors Forest Road. The Application proposed to create one lot on approximately 50 acres of land to house the Good Counsel High School facility. In response to staff's request during the review of this Application, the Applicant revised the Preliminary Plan (the "Amended Preliminary Plan") to include the entire Hyde property which consists of approximately 104 acres of land (the "Property") and to consolidate the entire school campus on the west side of Batchellors Forest Road in order for staff to review the entire Property, to better protect the environmental resources on the Property, and to reserve the right in the future to transfer the existing or potential new residential density to the balance of the Property. Subdivision of the balance of the Property is being deferred and is currently identified as outlots on the Amended Preliminary Plan.

20. Record plat to reflect Category I and II conservation easements, as appropriate, over all forest conservation areas and over the stream valley buffers on the portion of the Property east of Batchellors Forest Road.
21. Compliance with the conditions of approval of the MCDPS stormwater management approval.
22. Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s) and MDSHA prior to issuance of access permits.
23. This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed.
24. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
25. Other necessary easements.
26. Prior to issuance of DPS building permit, the application must demonstrate compliance with the restrictions associated with the provisions in Chapter 31B-10(a)(4) of the Montgomery County Code to the satisfaction of DPS. Activities identified in this Chapter shall not begin or end prior to or after the times specified in Chapter 31B-10(a)(4).
27. The Applicant shall restrict lighted use of the school athletic stadium. The stadium along with the school buildings, parking lots and internal roadway network will be the only facilities with lighting and the use of the athletic stadium for lighted events shall not exceed a maximum of 35 events in any calendar year. If additional flexibility in the lighting or the number of lighted events is needed in the future, Good Counsel will be required to request that the Planning Board amend this condition.
28. Extend the westbound two-lane approach on Old Baltimore Road by approximately 100 feet at the Georgia Avenue intersection to provide additional storage capacity for left-turning vehicles.

DYD:cmd

W:\DYD\OPINIONS\goodcounsel.corrected amended.pbo.final.020204.doc



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF
THE GENERAL COUNSEL

(301) 495-4646
FAX (301) 495-2173

Mailing Date: December 1, 2003

MONTGOMERY COUNTY PLANNING BOARD AMENDED OPINION

Preliminary Plan Review No. 1-02082
Name of Plan: Our Lady of Good Counsel High School
Date of Hearing: April 3, 2003

Action: **PRELIMINARY PLAN: APPROVAL, SUBJECT TO CONDITIONS.** (Motion to approve Preliminary Plan Review No. 1-02082 was made by Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 5-0, Commissioners Berlage, Bryant, Perdue, Robinson, and Wellington voting in favor.)

INTRODUCTION

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On March 3, 2003, an official notice of the public hearing on March 20, 2003 for the Amended Preliminary Plan was sent to the adjoining and confronting property owners, local community associations, and other organizations that requested notice. On March 14, 2003, a notice that the public hearing was rescheduled to April 3, 2003 was sent to the same group of people and organizations. Notice of the rescheduling was also posted on the Planning Board's website and at the time and place for which notice originally had been given pursuant to Section 7 of the Planning Board's Rules of Procedure. On April 3, 2003, the Planning Board held a public hearing on the Amended Preliminary Plan in accordance with the requirements of Art. 28, Md. Ann. Code ("Regional District Act"), Montgomery County Code, Chapter 50 ("Subdivision Regulations"), Montgomery County Code, Chapter 59 ("Zoning Ordinance"), and the Planning Board's Rules of Procedure.

At the public hearing, the Planning Board considered the Amended Preliminary Plan and heard testimony from its expert technical staff ("Staff"), representatives of the Applicant, representatives of the Lake Hallowell Homeowners Association, Greater Olney Civic Association ("GOCA"), and Southeast Rural Olney Civic Association ("SEROCA"), individual property owners in the neighborhood (James Rice and John Weske), and Martin Klauber, the People's Counsel. During the hearing, the Planning Board received evidence into the record on the Amended Preliminary Plan including a Staff Report and analysis of the proposal, a vicinity map, plan drawings, and correspondence from the Applicant, neighbors, and community associations.

THE SUBJECT PROPERTY

The Property is located south of Olney-Sandy Spring Road (MD 108) and Dr. Bird Road (MD 182), and east and west of Batchellors Forest Road. The Property has approximately 104 acres of land with approximately 54 acres of land on the east side of Batchellors Forest Road in the RE-2 zone and approximately 50 acres of land on the west side of Batchellors Forest Road in the RC-zone where the school will be located (the "School Site"). The Property is currently improved with three single-family homes and accessory structures that will remain on the east side of Batchellors Forest Road.

Adjoining the Property to the north on the east side of Batchellors Forest Road are single-family houses and Dr. Bird Road (MD 182), and to the north on the west side of Batchellors Forest Road is the Olney Theatre and Olney-Sandy Spring Road (MD 108). To the south of the Property is the Casey property, which is currently vacant. To the east of the Property is a historic resource (Dr. Bird's house) and a residential subdivision called Norwood Overlook, and to the west of the Property is the Andrew Kim House (assisted living housing) and St. Andrew Kim Korean Catholic Church. The School Site is bounded to the north by MD 108, to the east by Batchellors Forest Road, to the south by the vacant Casey property, and to the west by the Andrew Kim House and a new road to be constructed by the Applicant (identified as Relocated Batchellors Forest Road on the Amended Preliminary Plan).

The Property is within the 1980 Approved and Adopted Olney Master Plan ("Master Plan"). The Master Plan recommends the tract on the west side of Batchellors Forest Road for residential development. Schools are permitted in residential zones by right. Pursuant to Section 59-G-2.19(e) of the Zoning Ordinance, the special exception requirements for private educational institutions do not apply to the use of any lot or tract of land for any private educational institution or parochial school, which is located in a building or on premises owned or leased by any church or religious organization. In this case, the Applicant, which is the future owner of the School Site, is a tax-exempt religious organization.

The Master Plan is currently undergoing an amendment process, which may result in a zoning reclassification for the entire Property. The Applicant has indicated that the Owner intends to develop this site in two phases. The first phase involves the development proposed in the Amended Preliminary Plan. The second phase is not before the Planning Board at this time and the Applicant has indicated that the Owner intends to wait until the new Olney Master Plan is adopted before pursuing development approvals for the second phase. In connection with the development of the first phase, the Applicant has requested that the density potential associated with the School Site be available for development on the entire Property.

Given its current zoning and the potential that the Property may be rezoned through the Master Plan amendment process, the Planning Board finds that density associated with the School Site may be considered across the entire Property, provided that 1) the entire Property is rezoned to one cluster zone, or to two different cluster zones that qualify under the Zoning Ordinance as a combined cluster development; and 2) the School Site is included in any future preliminary plan application. However, there is no guarantee that the Master Plan recommendations will result in rezonings that allow this density allocation and that there is no guarantee that all of the combined potential density will be achieved. For example, subsequent regulatory changes, environmental constraints and/or other factors may result in lower than maximum density on the entirety of the Property.

THE PRELIMINARY PLAN

An application for subdivision requires the Planning Board to undertake its legislatively delegated authority under the Regional District Act and the Subdivision Regulations. In order to gain approval, the application must meet the requirements of the Subdivision Regulations and the Zoning Ordinance, which are applicable to the Application.

Section 50-35 of the Subdivision Regulations provides the approval procedure for preliminary subdivision plans. Section 50-35 provides that after presentation to the Planning Board, the Planning Board must act to approve the plan, disapprove the plan, or approve the plan subject to conditions and/or modifications necessary to bring the

plan into accordance with the Montgomery County Code and all other applicable regulations.

The general provisions for lot design for a subdivision are set forth in Section 50-29 of the Subdivision Regulations. Lot size, width, shape and orientation must be appropriate for the location of the subdivision and for the type of use contemplated in order to be approved by the Planning Board. Lots must also abut a dedicated street or public road. Additionally, Section 50-35(k) of the Subdivision Regulations ("Adequate Public Facilities Ordinance" or "APFO") directs the Planning Board to approve preliminary plans of subdivision only after finding that public facilities, including the transportation system, will be adequate to serve the subdivision. Finally, in accordance with Section 50-35(l) of the Subdivision Regulations, a preliminary plan must substantially conform to the applicable master plan, unless the Planning Board finds that events have occurred to render the relevant master plan recommendation no longer appropriate.

DISCUSSION

At the public hearing, Staff recommended approval of the Amended Preliminary Plan, subject to conditions. The record on the Amended Preliminary Plan includes uncontested information about size, width, shape, and orientation of the proposed lot, the relationship of the lot to public roads, and the adequacy of transportation facilities to support the proposed development.

Staff advised the Planning Board that the Original Application did not include the entire Property and as a result of numerous meetings with the Applicant, the entire Property (which is approximately 104 acres before dedication) is included in the Amended Preliminary Plan and the whole school campus has been consolidated and reconfigured on the west side of Batchellors Forest Road due to concerns of Staff and the community about noise and lighting impacts, tree preservation, and environmentally sensitive areas on the east side of Batchellors Forest Road. As a result of this consolidation and reconfiguration of the school facilities, Staff was able to do the following: 1) achieve preservation of substantial tree cover along Dr. Bird Road; 2) provide additional buffer for the residential community that is located along Batchellors Forest Road; 3) relocate the school building and stadium away from the frontage along MD 108; 4) realign the new road to be constructed by the Applicant identified as Relocated Batchellors Forest Road on the Amended Preliminary Plan ("New Road"); 5) maintain the existing Batchellors Forest Road as it currently exists; and 6) allow a transfer of density to the balance of the Property. In addition, Staff presented the Planning Board with a memorandum reviewing the density allocation issue on the balance of the Property, which is identified as Outlot B on the Amended Preliminary Plan.

Staff described the School Site, which is identified as Lot 1 on the Amended Preliminary Plan, to the Planning Board as including the following: 1) a school building somewhat centrally located on the west side of Batchellors Forest Road; 2) visitor and

staff parking north of the school building; 3) athletic fields located close to MD 108; and 4) the stadium at the south end of the School Site with fairly extensive tree preservation area around it. The primary access to the School Site will be from the New Road, which will currently stop just south of the southern parking area and will provide access and drop-off to the west side of the school. There is a right-in and right-out access on MD 108 to the parking area located north of the school building. There are approximately 489 parking spaces on-site with an additional 500 parking spaces on the grass to accommodate large crowds during big school events. The Applicant also indicated that it could arrange for overflow parking by making an agreement with a nearby church to use the church parking facilities and run a shuttle bus from those parking facilities to the school site.

The Applicant's attorney, who also represents the Owner, informed the Planning Board that the entire Property is intended to be subdivided in phases with the first phase of the subdivision before the Planning Board now and the second phase to come after the Olney Master Plan amendment process is completed and the final zoning on the Property is determined. The Applicant described the Transportation Management and Community Liaison Agreement, which was a product from discussions with the People's Counsel and members of GOCA and SEROCA. A component of the Transportation Management and Community Liaison Agreement is the Transportation Management and Community Liaison Committee, which is expected to meet frequently to measure the effectiveness of the mitigation approach the school is taking. The mitigation approach is two-fold: (1) substantially restricting the use of the existing Batchellors Forest Road by an agreement that the students and their families enter into with the school; and (2) transporting students to the school site by bus.

During the hearing, individuals and representatives of community organizations expressed their comments and concerns regarding the Amended Preliminary Plan, including concerns about the following: 1) traffic impacts; 2) lighting at the intersection of Old Vic Boulevard, MD 108, and the New Road; 3) parking during construction, on game days and on special events; 4) violation of the Master Plan's vision for low density housing and preservation of the rural character of this area; 5) residential density allocation; 6) lighting and noise associated with school events; and 7) forest preservation.

Martin Klauber, the People's Counsel, also testified during the hearing. Mr. Klauber explained that the Transportation Management and Community Liaison Agreement is essentially the same mechanism the Board of Appeals uses in special exceptions for private schools to monitor issues and to encourage back and forth communication between the schools and the community.

FINDINGS

After review and consideration of the evidence of record, including testimony given at the public hearing, the Planning Board adopts Staff's recommendation and further finds that:

1. the Preliminary Plan meets all applicable provisions of the Subdivision Regulations including provisions related to the configuration and compatibility standards required for approval;
2. the size, width, shape and orientation of the proposed lot are appropriate for the location of the subdivision and for the proposed use;
3. the lot abuts public streets or roads;
4. the Preliminary Plan substantially conforms to the 1980 Approved and Adopted Olney Master Plan;
5. the site is adequately served by public facilities under the standards imposed by the Annual Growth Policy;
6. the Preliminary Plan meets all applicable provisions of the Zoning Ordinance;
7. this type of use, given that it is a private religious educational institution, does not require the filing of a special exception application;
8. the Applicant had several meetings with Staff, community leaders, and community associations and as a result of these meetings, the Applicant has made substantial changes to the Original Application that enhanced tree preservation and environmental protection, and mitigated traffic impacts and lighting and noise associated with school events;
9. as a result of those changes, the Amended Preliminary Plan complies with all applicable environmental regulations and the proposed use is compatible with the surrounding uses;
10. the traffic analysis and traffic mitigation techniques proposed by the Applicant meet the requirements of the Annual Growth Policy and APFO; and
11. the Transportation Management and Community Liaison Committee will help to monitor the school's compliance with the Transportation Management and Community Liaison Agreement and will provide a mechanism for the community to address any concerns it may have with the school regarding transportation management related issues.

CONCLUSION

Based on the testimony, evidence, and exhibits presented as well as the contents of the Preliminary Plan file, the Planning Board finds Preliminary Plan No. 1-02082 to be in accordance with the Subdivision Regulations and the Zoning Ordinance of the Montgomery County Code and the provisions of the Regional District Act. Therefore, the Planning Board approves Preliminary Plan No. 1-02082 in accordance with the Subdivision Regulations, subject to the following conditions:

1. Limit the total high school enrollment to no more than 1,200 students and the size of the building to three stories and 210,000 square feet of gross floor area.
2. Limit paved parking areas to three lots containing no more than approximately 489 parking spaces.
3. Coordinate the new road alignment (Relocated Batchellors Forest Road) with the alignment of Old Vic Boulevard at the intersection with Olney-Sandy Spring Road (MD 108).
4. Coordinate all improvements along MD 108 with the Maryland State Highway Administration (MDSHA).
5. Place the term "denied access" on the final record plat along all property abutting MD 108 and Dr. Bird Road (MD 182) except at approved entrance locations.
6. Dedicate right-of-way along MD 108 to provide 60-feet of right-of-way from the centerline as shown on the preliminary plan dated January 14, 2003.
7. Provide a five-foot sidewalk along MD 108.
8. Dedicate right-of-way along MD 182 to provide 60-foot of right-of-way from the centerline of MD 182 shown on the preliminary plan dated January 14, 2003.
9. Construct the new road (Relocated Batchellors Forest Road) to full primary road standards to the southern driveway to the school.
10. Per the pending updated Olney Master Plan, dedicate a 70-foot right-of-way transitioning to 80-foot right-of-way for the new road (Relocated Batchellors Forest Road).
11. Provide a five-foot sidewalk along the east side of the new road (Relocated Batchellors Forest Road) and an eight-foot Class I bikeway along the west side of the new road (Relocated Batchellors Forest Road).
12. Lighting along sidewalks and roadways shall meet IES-NA standards and approved by MCDPW&T.
13. Coordinate with SHA with respect to implementation of the recommendations in the signal warrant study for the intersection of MD 108 and Old Vic Boulevard and the new road (Relocated Batchellors Forest Road).
14. Enter into a Transportation Management Agreement with The Montgomery County Planning Board and MCDPW&T prior to recording of plat.
15. Compliance with the conditions of approval for the preliminary forest conservation plan including the submittal of a final forest conservation plan prior

to recording of plat(s) or MCDPS issuance of sediment and erosion control permits. In addition to the standard requirements, the final forest conservation plan must include:

- a) a detailed tree protection plan prepared by a certified arborist for all trees along the edges of forest retention areas which will be impacted by site grading and construction;
 - b) verification that all proposed forest retention areas meet minimum requirements for size and composition;
 - c) forest conservation worksheet calculations which separately reflect the school and residential uses on the Property;
 - d) a phasing plan for the proposed reforestation planting on the school property and on the residential portion of the Property;
 - e) prior to recording plat for the school site (Lot 1), Applicant to establish required conservation easements on Outlot B and to record in the land records a restrictive covenant, acceptable to technical staff, which states that forest conservation easements established on Outlot B contain areas, which are created towards the forest conservation requirements of the proposed school site. Record plat for Lot 1 to reference restrictive covenants.
16. All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the Applicant, to the full width mandated by the Olney Master Plan unless otherwise designated on the preliminary plan.
17. All road right-of-ways shown on the approved preliminary plan shall be constructed, by the Applicant, to the full width mandated by the Olney Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed by _____" are excluded from this condition.
18. Submit final landscape and lighting plan for technical staff review and approval to assure compatible light levels on adjoining residential community. Lighting plan to include all details of lighting fixtures within the parking area and proposed stadium.
19. Applicant shall coordinate with the Greater Olney Civic Association, or other designated community entity for the purpose of providing reasonable use, by the community, of Good Counsel High School's athletic facilities.

20. Record plat to reflect Category I and II conservation easements, as appropriate, over all forest conservation areas and over the stream valley buffers on the portion of the Property east of Batchellors Forest Road.
21. Compliance with the conditions of approval of the MCDPS stormwater management approval.
22. Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s) and MDSHA prior to issuance of access permits.
23. This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed.
24. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
25. Other necessary easements.
26. Prior to issuance of DPS building permit, the application must demonstrate compliance with the restrictions associated with the provisions in Chapter 31B-10(a)(4) of the Montgomery County Code to the satisfaction of DPS. Activities identified in this Chapter shall not begin or end prior to or after the times specified in Chapter 31B-10(a)(4).
27. The Applicant shall restrict lighted use of the school athletic stadium. The stadium along with the school buildings, parking lots and internal roadway network will be the only facilities with lighting and the use of the athletic stadium for lighted events shall not exceed a maximum of 35 events in any calendar year. If additional flexibility in the lighting or the number of lighted events is needed in the future, Good Counsel will be required to request that the Planning Board amend this condition.

DYD:cmd

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed: May 28, 2003

Action: Approved Staff Recommendation
Motion of Comm. Bryant, seconded by
Comm. Robinson with a vote of 5-0;

Comms. Berlage, Bryant, Perdue,
Robinson and Wellington voting
in favor

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-02082

NAME OF PLAN: Our Lady of Good Counsel High School

On 02/08/02, Our Lady of Good Counsel High School submitted an application for the approval of a preliminary plan of subdivision of property in the RC/RE-2 zone. The application proposed to create 1 lot on 99.7 acres of land. The application was designated Preliminary Plan 1-02082. On 04/03/03, Preliminary Plan 1-02082 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-02082 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02082.

Approval, Subject to the Following Conditions:

- 1) Limit the total high school enrollment to no more than 1,200 students and the size of the building to three stories and 210,000 square feet of gross floor area
- 2) Limit paved parking areas to three lots containing no more than approximately 489 parking spaces
- 3) Coordinate Relocated Bachelors Forest Road alignment with the alignment of Old Vic Boulevard at the intersection with Olney-Sandy Spring Road (MD 108)
- 4) Coordinate all improvements along MD 108 with the Maryland State Highway Administration (MDSHA)
- 5) Place the term "denied access" on the final record plat along all property abutting MD 108 and Dr. Bird Road (MD 182) except at approved entrance locations
- 6) Dedicate right-of-way along MD 108 to provide 60-foot of right-of-way from the centerline as shown on the preliminary plan dated January 14, 2003
- 7) Provide a five-foot sidewalk along MD 108.
- 8) Dedicate right-of-way along MD 182 to provide 60-foot of right-of-way from the centerline of MD 182 as shown on the preliminary plan dated January 14, 2003
- 9) Construct Relocated Bachelors Forest Road to full primary road standards to the southern driveway to the school

- 10) Per the pending updated Olney Master Plan, dedicate a 70-foot right-of-way transitioning to 80-foot right-of-way for Relocated Bachelors Forest Road
- 11) Provide a five-foot sidewalk along the east side of Relocated Bachelors Forest Road and an eight-foot Class I bikeway along the west side of Relocated Bachelors Forest Road
- 12) Lighting along sidewalks and roadways shall meet IES-NA standards and approved by MCDPW&T.
- 13) Coordinate with SHA with respect to implementation of the recommendations in the signal warrant study for the intersection of MD 108 and Old Vic Boulevard and Relocated Bachelors Forest Road
- 14) Enter into a Transportation Management Agreement with The Montgomery County Planning Board and MCDPW&T prior to recording of plat
- 15) Compliance with the conditions of approval for the preliminary forest conservation plan. Submission of final forest conservation plan prior to recording of plat. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits. In addition to the standard requirements, the final forest conservation plan must include:
 - a) a detailed tree protection plan prepared by a certified arborist for all trees along the edges of forest retention areas which will be impacted by site grading and construction
 - b) Verification that all proposed forest retention areas meet minimum requirements for size and composition
 - c) forest conservation worksheet calculations which separately reflect the school and residential uses on the property
 - d) a phasing plan for the proposed reforestation planting on the school property and on the residential portion of the property
 - e) prior to recording plat for the school site (Lot 1) applicant to establish required conservation easements on Outlot B and to record in the land records a restrictive covenant, acceptable to technical staff, which states that forest conservation easements established on Outlot B contain areas which are created towards the forest conservation requirements of the proposed school site. Record plat for Lot 1 to reference restrictive covenants
- 16) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Olney Master Plan unless otherwise designated on the preliminary plan
- 17) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Olney Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition
- 18) Submit final landscape and lighting plan for technical staff review and approval to assure compatible light levels on adjoining residential community. Lighting plan to include all details of lighting fixtures within the parking area and proposed stadium
- 19) Applicant shall coordinate with the Greater Olney Civic Association, or other designated community entity for the purpose of providing reasonable use, by the community, of Good Counsel High School's athletic facilities

- 20) Record plat to reflect a Category I easement over all areas of stream valley buffers, wetland and forest conservation Record plat to reflect Category I and II conservation easements, as appropriate, over all forest conservation areas and over the stream valley buffers on the portion of the property east of Bachellors Forest Road
- 21) Compliance with the conditions of approval of the MCDPS stormwater management approval
- 22) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s) and MDSHA prior to issuance of access permits
- 23) Final Planning Board opinion to reflect remaining overall residential density allocation
- 24) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 25) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 26) Other necessary easements
- 27) Prior to issuance of DPS building permit, the applicant must demonstrate compliance with the restrictions associated with the provisions in Chapter 31B-10(a)(4) of the Montgomery County Code to the satisfaction of DPS. Activities identified in this Chapter shall not begin or end prior to or after the times specified in Chapter 31B-10(a)(4).
- 28) The applicant shall restrict evening use of the school athletic stadium, it along with the school buildings, parking lots and internal roadway network will be the only facilities with lighting and the use of the athletic stadium for evening events shall not exceed a maximum of 35 events in any calendar year. If additional flexibility in the lighting of the number of evening events is needed in the future, Good Counsel will be required to request the Planning Board amend this condition

Attachment D
RECEIVED
NOV 25 2008
DEVELOPMENT REVIEW

Stephen Z. Kaufman
301.961.5156
skaufman@linowes-law.com

November 26, 2008

Via Hand Delivery

Ms. Cathy Conlon
Maryland-National Capital Park
& Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Stanmore – Preliminary Plan No. 1-20061100 (the “Preliminary Plan”)

Dear Cathy:

On behalf of the property owners, the Hyde family, and their family partnership, Stanmore Limited Partnership (the “Applicant”), the purpose of this letter is to respond to your request for a written justification of the points which support density transfer in the above-referenced Preliminary Plan. The justification is based on the following points:

- (1) the quid pro quo trade-off in locating Our Lady of Good Counsel High School (the “School”) entirely on the west side of Batchellors Forest Road as discussed in the history section below;
- (2) the cluster regulations permit a combined cluster in two or more zones, each of which has provisions for cluster development, such as the RC and RNC zones (the zones of the original entire Hyde property are split with the west side RC and the east side RNC); and
- (3) Maryland case law, which provides support for a transfer of density where two tracts of land had been joined and treated as a single tract by plan under consideration as is the situation in the present case.

Ms. Cathy Conlon
November 26, 2008
Page 2

History

As you know, the original Hyde Property was approximately 104 acres located on both sides of Batchellors Forest Road near its intersection with Dr. Bird Road in the southeast quadrant of Olney. Because the Olney Master Plan process was underway when the School was obligated to move out of its campus facilities in Wheaton within a certain time frame, the School had to proceed forward with a preliminary plan of subdivision for a portion of the Hyde Property (approximately 50 acres out of 104 acres). The School's original plan was to locate its new facilities on the northern portion of the Hyde Property on both sides of Batchellors Forest Road. However, as a result of very specific requests made by Park & Planning staff and the community, the School's preliminary plan was revised several times to move the School's facilities entirely to the west side of Batchellors Forest Road (the southern portion of which had been planned for residential development), and to include the entire Hyde Property (instead of only the School site portion) in a two-phase preliminary plan process in order for staff to comprehensively review the entire property, retain the existing Batchellors Forest Road as a rural and rustic resource, and maximize stream valley protection and forest preservation on the entire property.

The School was only able to move forward with its relocation plan provided that the preliminary plan proceeded in two phases: (1) the School first on the west side of Batchellors Forest Road; and (2) the balance of the Hyde Property on the east side of Batchellors Forest Road as a cluster residential community with the residential density from the west side being permitted to be transferred to the east side of Batchellors Forest. For assurance that the two phases of the preliminary plan would proceed in such a manner, a note indicating that such a density transfer would be permitted at the second phase of the subdivision was placed on the School's record plat, which was approved by the Planning Board. Without reaching an agreement of this understanding (among several others) with Park & Planning staff and bringing it to the attention of the Planning Board at the preliminary plan hearing, the requested changes to the Preliminary Plan described above and the relocation of the School would not have been possible. Accordingly, the quid quo pro involved continues to justify the density transfer, as approved by the Planning Board in the approval of the School's record plat.

Combined Cluster

Although the combined cluster regulations (Section 59-C-1.526) are contained within the residential zones section of the Zoning Ordinance, those regulations simply set forth elements necessary to permit a combined cluster in two or more zones as in this case with the RC and

Ms. Cathy Conlon
November 26, 2008
Page 3

RNC zones which make up the split zoning of the original Hyde Property that occurred as part of the sectional map amendment intended to implement the adopted Olney Master Plan Amendment. Each zone has provisions for cluster development. Those elements, which are satisfied by the Preliminary Plan for the Hyde Property, are as follows:

1. The tracts to be combined for development share a common boundary with one another sufficient to provide a unified development which will achieve the purposes of cluster development;
2. The total area of the combined tracts meets the largest minimum area requirement for cluster development found in the zoning classifications of the individual tracts;
3. No uses shall be permitted in any part of the combined tract except those that are permissible in the zone in which that part is classified;
4. The total number of dwelling units in the combined development does not exceed the total number that would be permitted if the component areas of the combined tracts were developed separately; and
5. The amount of green area in the combined development is not less than the total amount that would be required if the component areas of the combined tracts were developed separately.

Had a preliminary plan for the original Hyde Property in its entirety (all 104 acres) been submitted, clustering of development over the entire tract of land, with the School on the west side and all the residential density on the east side of Batchellors Forest Road would have been permitted under these regulations because the total number of dwelling units over the entire tract would not exceed the total number that would be permitted along with the school use on a portion of the remaining total property.

Maryland Case Law

In *People's Counsel for Baltimore County v. Crown Development Corp.*, 328 Md. 303 (1991), the applicants attempted to transfer unused density from one tract of land to another tract of land and the Board of Appeals refused to permit a transfer of density units between two tracts of land that had not, unlike the present case, been joined as one in their subdivision application and were, therefore, not treated as a single tract by the plan under consideration. The Court of Appeals held that the Board was correct in its decision based on the facts that the first development plan did not in any manner suggest that it was part of a larger tract or that a

Ms. Cathy Conlon
November 26, 2008
Page 4

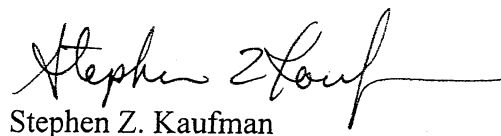
second tract of land would ever be involved, and that the nearby property owners who entered into an agreement with the developer to limit development on the first tract had no reason to believe that they needed to protect themselves against later utilization of unused density. *Id.* at 310.

Clearly, given the history and facts of the instant case, the preliminary plan for the School and the remaining Hyde Property is distinguishable from the cited case in that the two tracts of land were joined as one and were considered as one preliminary plan (albeit in two phases as requested by staff) for the purpose of a comprehensive review of the entire property for many reasons, among which were to maximize stream valley protection and forest preservation on the property as a whole versus as two separate tracts. In addition, all parties involved including nearby property owners were aware throughout the Olney Master Plan and preliminary plan process of the request of the Applicant to transfer density from one side of the property to the other side of the property. Accordingly, Maryland case law clearly appears to support a density transfer through the stated principle that where two tracts of land are joined and treated as a single tract by the subdivision plan under consideration (as has been the case in this Preliminary Plan process) that transfer and clustering of the overall potential residential density is and should be permitted.

Thank you for your consideration of our comments and we request that you find support of the density transfer as originally envisioned.

Sincerely yours,

Linowes and Blocher LLP



Stephen Z. Kaufman

cc: Mrs. Elizabeth Hyde
Mr. Hank Hyde
Mr. Tom Hyde
Yum Yu Cheng, Esq.

Table 1-2: Service Area Categories

Service Area Categories	Category Definition and General Description
W-1 and S-1	Areas served by community systems which are either existing or under construction. - This may include properties or areas for which community system mains are not immediately available or which have not yet connected to existing community service.
W-2 and S-2	Categories W-2 and S-2 are not used in Montgomery County. (State definition: Areas served by extensions of existing community and multi-use systems which are in the final planning stages.)
W-3 and S-3	Areas where improvements to or construction of new community systems will be given immediate priority and service will generally be provided within two years or as development and requests for community service are planned and scheduled.
W-4 and S-4	Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. - This includes areas generally requiring the approval of CIP projects before service can be provided.
W-5 and S-5	Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period. - This category is frequently used to identify areas where land use plans recommend future service staged beyond the scope of the six-year CIP planning period.
W-6 and S-6	Areas where there is no planned community service either within the ten-year scope of this plan or beyond that time period. This includes all areas not designated as categories 1 through 5. - Category 6 includes areas that are planned or staged for community service beyond the scope of the plan's ten-year planning period, and areas that are not ever expected for community service on the basis of adopted plans.



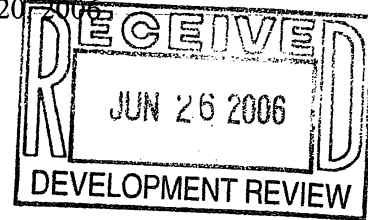
Attachment F

DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

June 20, 2006



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

RE: Preliminary Plan #1-20061100
Stanmore

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated "April 2006". This plan was reviewed by the Development Review Committee at its meeting on 06/19/06. We recommend approval of the plan subject to the following comments:

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

1. Show/label all existing planimetric and topographic details specifically paving, storm drainage, existing rights of way and easements on the preliminary plan. Also correct the location of Old Vic Boulevard.
2. Necessary dedication for Batchellors Forest Road in accordance with the Master Plan. Also correct the preliminary to delete the truncations and right of ways for the private streets.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. Since the access will be from a roadway included on the Rustic Roads Program, stake and pavement mark the proposed driveway location(s) for our evaluation of the impact on the Rustic Road features. As such, every effort must be made to preserve the significant features within the right of way of that roadway.
5. Record plat to reflect denial of access along Batchellors Forest Road except for the two proposed private streets.



Division of Operations

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

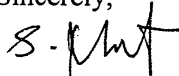
22

Ms. Catherine Conlon
Preliminary Plan No. 1-20061100
Date June 20, 2006
Page 2

6. Waiver from the Montgomery County Planning Board for lot(s) on a private right of way.
7. 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.
8. Access and improvements along Dr. Bird Road (MD 182) as required by the Maryland State Highway Administration.
9. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
10. 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.
11. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.

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

Sincerely,



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

m:/subdivision/farhas01/preliminary plans/ 1-20061100, Stanmore.doc

Enclosures ()

cc: Keith Tunell, Centex Homes
Jim Belcher, Loiederman Soltesz Assoc
Stephen Kaufman, Linowes & Blocher
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Raymond Burns, MSHA
Preliminary Plan Folder
Preliminary Plans Note Book



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

February 10, 2009

Mr. Taghi Behzadi
Loiederman Soltesz Associates, Inc.
2 Research Place, Suite 100
Rockville, MD 20850

Re: **Revised Stormwater Management CONCEPT**
Request for Stanmore (Hyde Property)
Preliminary Plan #: 1-20061100
SM File #: 221608
Tract Size/Zone: 50.93 acres / RNC
Total Concept Area: 10 acres
Lots/Block: N/A
Parcel(s): 452, 459, 239, 401
Watershed: Northwest Branch

Dear Mr. Behzadi:

Based on a review by the Department of Permitting Services Review Staff, the **revised** stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site channel protection measures via dispersion of flows; on-site water quality control via installation of two Montgomery County Sand Filters along with additional, nonstructural measures; and onsite recharge via nonstructural methods augmented, if possible, via additional storage below the proposed sand filters.

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. Additional outfalls should be constructed along "Private Street B" to better disperse flows, if possible.
5. Results of in-place geotechnical investigations for the proposed sand filter locations must accompany the initial submission for detailed plan review. Failure to include the geotechnical report will result in the plans being returned without review.
6. This approval supersedes the approval granted on May 8, 2006 and the subsequent reconfirmation dated May 24, 2007.

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

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

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

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

Sincerely,

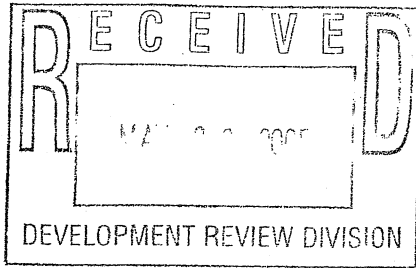


Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm mce

cc: C. Conlon
M. Pfefferle
SM File # 221608

QN -ON; Acres: 10
QL - ON; Acres: 10
Recharge is provided



May 18, 2006

Suzanne L. Duclos
16812 Batchellors Forest Road
Olney, MD 20832

The Maryland-National Capital Park & Planning Commission
Cathy Conlon
Development Review
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Development of Casey Property, Batchellors Forest Road (120061100)

Dear Ms. Conlon:

I recently received the Preliminary Plan of Subdivision for the Casey property by Oxbridge Development. The plan is dated February 2006. Unfortunately the quality of the Preliminary Plan map is very poor and illegible. Therefore I am only able to comment on the overall site location of the lots. Is there a legible copy?

I reside at 16812 Batchellors Forest Road. The Casey property adjoins my property on two sides. I have several concerns with the Preliminary Plan of February 2006 which I shared with Khalid Afzal.

My concerns are as follows:

1. The Casey property consists of approximately 75 acres on the west side of BFR. Currently the northeast view from my property is unobstructed to the point of Good Counsel HS. This will change significantly with the proposed plan.
2. The plan provides for street B to run alongside my property. Unfortunately I cannot read the proposed width of street B, nor its proximity to my property line. Considering its size in relation to that of my driveway and house on the map, the size and location of street B will negatively impact my property.
3. The plan provides for 8 homes directly behind my 1.6 acre parcel. These 8 lots are all less than 1 acre in size. I am told by Khalid that the 8 lots range from

20,000 sq ft to 34,000 sq ft in size. The small lot size considering the 75 acre area does not seem consistent with maintaining the rural nature of BFR. I understand the concept of clustering; however the homes can be "clustered" on more appropriately sized lots.

4. The placement of the 8 lots appear to be up against my rear property line and that of my neighbors. With 75 acres on the site with a significant portion of that as fields please consider setting back the new development from existing homes.

5. My house and driveway are located on the east side of my property. I am on well and septic. My well is located directly out my side door facing the Casey property and is approximately 50 feet from the Casey property line. Note my own impervious driveway area in proximity to the location well. Adding to the existing imperviousness and possible contamination from the roadway are of concern.

I am willing to discuss my concerns with your department. Again because of the poor quality of the plan map my comments and concerns are limited. I would appreciate being provided with a legible copy of the preliminary plan.

Most sincerely,



Suzanne L. Duclos

cc: Khalid Afzal MNCPP
Robert J. Tworkowski SEROCA

Conlon, Catherine

From: Robert F. Berg [robert.berg7@verizon.net]
Sent: Saturday, August 16, 2008 12:35 PM
To: Conlon, Catherine
Cc: Afzal, Khalid; Robert.Tworkowski@bp.com; sharondooley@comcast.net
Subject: Hyde property (Stanmore) on Batchellors Forest Road
Attachments: GSSGS to Conlon (Hyde property) 16 Aug 2008.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Catherine Conlon
Development Review Division
The Maryland-National Capital Park and Planning Commission

Dear Ms. Conlon,

Greater Sandy Spring Green Space is concerned about the latest proposal for development of the Hyde property on Batchellors Forest Road. As the local land trust in this area, we support development that promotes environmental benefit for the wider community and preserves the rural character of eastern Montgomery County. Our particular concerns are as follows.

1. The proposal does not promote contiguous open space.
2. The project continues to rely on grinder pumps.
3. The density is higher than we believe is allowed by the RNC zone.
4. The proposed houses seem to be too close to existing homes on Dr. Bird Road.

The attached letter explains those concerns and how they could be addressed by removing one of the roadways and by applying lot size reductions. Please feel free to contact me or any other Green Space board member about this matter.

Sincerely,

Bobby Berg
President, Greater Sandy Spring Green Space, Inc.
<http://www.sandyspringgreenspace.org/>

WORK 301-975-2466
HOME 301-570-5139

CC:
Khalid Afzal, Community Based Planning, MNCPPC Bob Tworkowski, President, SEROCA Sharon Dooley, President, GOCA

Greater Sandy Spring Green Space, Inc.
P.O. Box 92, Sandy Spring, MD 20860
www.sandyspringgreenspace.org

August 16, 2008

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

RE: Stanmore (formerly Hyde Property) 120061100 (Pre-Preliminary Plan, File # 7-2006-0100)

Dear Ms. Conlon:

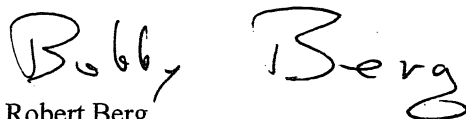
On January 11, 2006, Greater Sandy Spring Green Space, Inc. ("Green Space") sent comments on the submitted Pre-Preliminary Plan for the Hyde Property on Batchellors Forest Road. Today, we'd like to comment on the latest proposal. As the local land trust in this area, we support development that promotes environmental benefit for the wider community and preserves the rural character of eastern Montgomery County. At our June meeting, the Green Space Board reviewed the Hyde Property subdivision proposal, and we ask your consideration of our following concerns.

1. The proposal does not promote contiguous open space.
2. The project continues to rely on grinder pumps, although they are specifically discouraged in the Olney Master Plan. It is disappointing that proposals continue to come before you that do not comply with the local master plan.
3. The density is too high, due to an apparently false interpretation of the RNC zone that moves density from one parcel to another. Where else is this permitted in the county?
4. The proposed houses are too close to existing homes on Dr. Bird Road in a way that seems unnecessary and unneighborly.

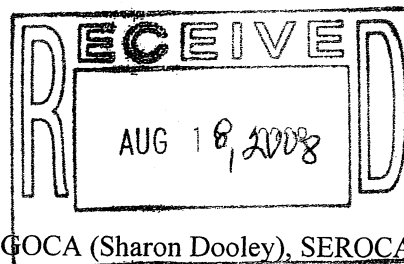
To better address these concerns, we ask that you require further clustering by removing one of the roadways and by applying lot size reductions. The RNC zone, which provides an option for varying lot sizes to as small as 3000 square feet, has the flexibility to accomplish these changes. The result will be a contiguous and larger open space for either continued agricultural use or habitat. Both land cultivation and rural habitat are part of the heritage of this area, and all efforts should be made to assure their preservation while providing for new homes.

Please remember that Green Space is willing to hold a conservation easement on the contiguous open space to assure that it will remain open in perpetuity. We have worked with MNCPPC and developers in our area, and we are proud of our track record.

Thank you,



Robert Berg
President, Greater Sandy Spring Green Space, Inc.



cc: Khalid Afzhal (Community Based Planning), GOCA (Sharon Dooley), SEROCA (Bob Tworkowski)

GSSGS Mission: To promote, for the benefit of the general public, the preservation, protection and balanced use of open space and natural resources within the vicinity of Sandy Spring, Ashton, and surrounding areas within Montgomery County.