



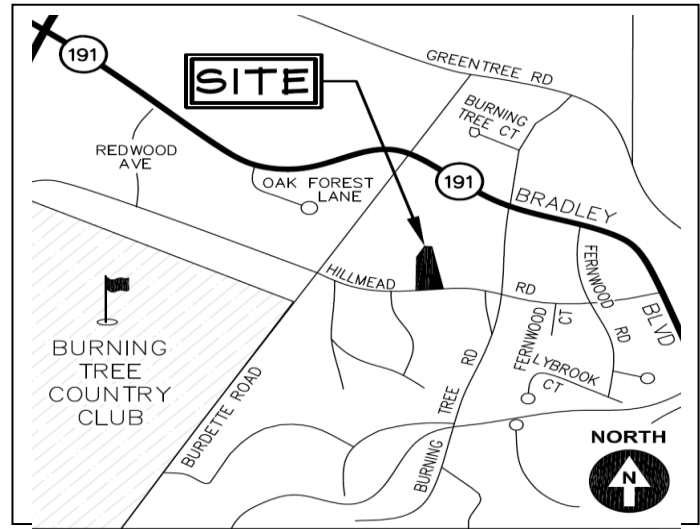
Bradley Hills Grove, Pre-Preliminary Plan 720110110

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Staff Report Date: 1/6/12

description

- This is a pre-preliminary subdivision plan to obtain Planning Board advice on a proposal to subdivide the existing lot into two lots.
- Location: 6817 Hillmead Road, Bethesda
- Zone: R-200
- Size: 2.36 acres
- Master Plan: Bethesda Chevy Chase
- Applicant: James T. Ramey, Trust,
- Trustees: James N. Ramey and Drucilla Stender
- Filing date: June 27, 2011



summary

- Application is a pre-preliminary plan of subdivision.
- Applicant has requested a decision from the Planning Board on the character of the neighborhood and location and types of on-site forest conservation easements.
- Staff recommends approval by the Board of only one aspect of the preliminary plan but does not recommend that the Board bind themselves to any other aspects of the plan.
- Community is opposed to proposed resubdivision due to the location of the proposed new dwelling and impact to the environmental features.

RECOMMENDATION: General finding of no objection to submittal of a Preliminary Plan of subdivision and approval of the location of the front building setback line for proposed Lot 42, and therefore, the location of where lot width at the front building line should be measured.

SITE DESCRIPTION

The subject property shown below, in Exhibit A, consists of platted Lot 16, Block B, which contains 2.36 acres of R-200 zoned land. The property was recorded in 1936 as Lot 8, Block B (Plat 752) and contained approximately 79,065 square feet. In 1940, it was re-recorded as Lot 16, Block B (Plat 1264) and increased to its current size of 102,288 square feet. The site is located on the north side of Hillmead Road, approximately 800 feet east of its intersection with Burdette Road. It has approximately 238 feet of frontage on Hillmead Road. Access to the site is via a driveway from Hillmead Road, which is a 60 foot wide public right-of-way. Presently, the site is developed with a one-family detached dwelling unit and in-ground swimming pool. The surrounding properties are developed with one family detached dwelling units and are also zoned R-200.

The property is located in the Cabin John Watershed, a Use I-P watershed. The county wide Stream Protection Strategy Report rates the Booze Creek stream with pre-poor stream water quality. Approximately 18.6 percent (0.44 acres) of the 2.36 acre site contain slopes greater than 25%. Properties that contain slopes greater than 25% are defined as steep slopes in the Subdivision Regulations. The steepest slopes run horizontally across the western-central portion of the property beginning about 100 feet from Hillmead Road. The elevation is lowest along Hillmead Road, rising 50 feet in elevation towards its peak in the north-central quadrant of the site.

BRADLEY HILLS GROVE (720110110)

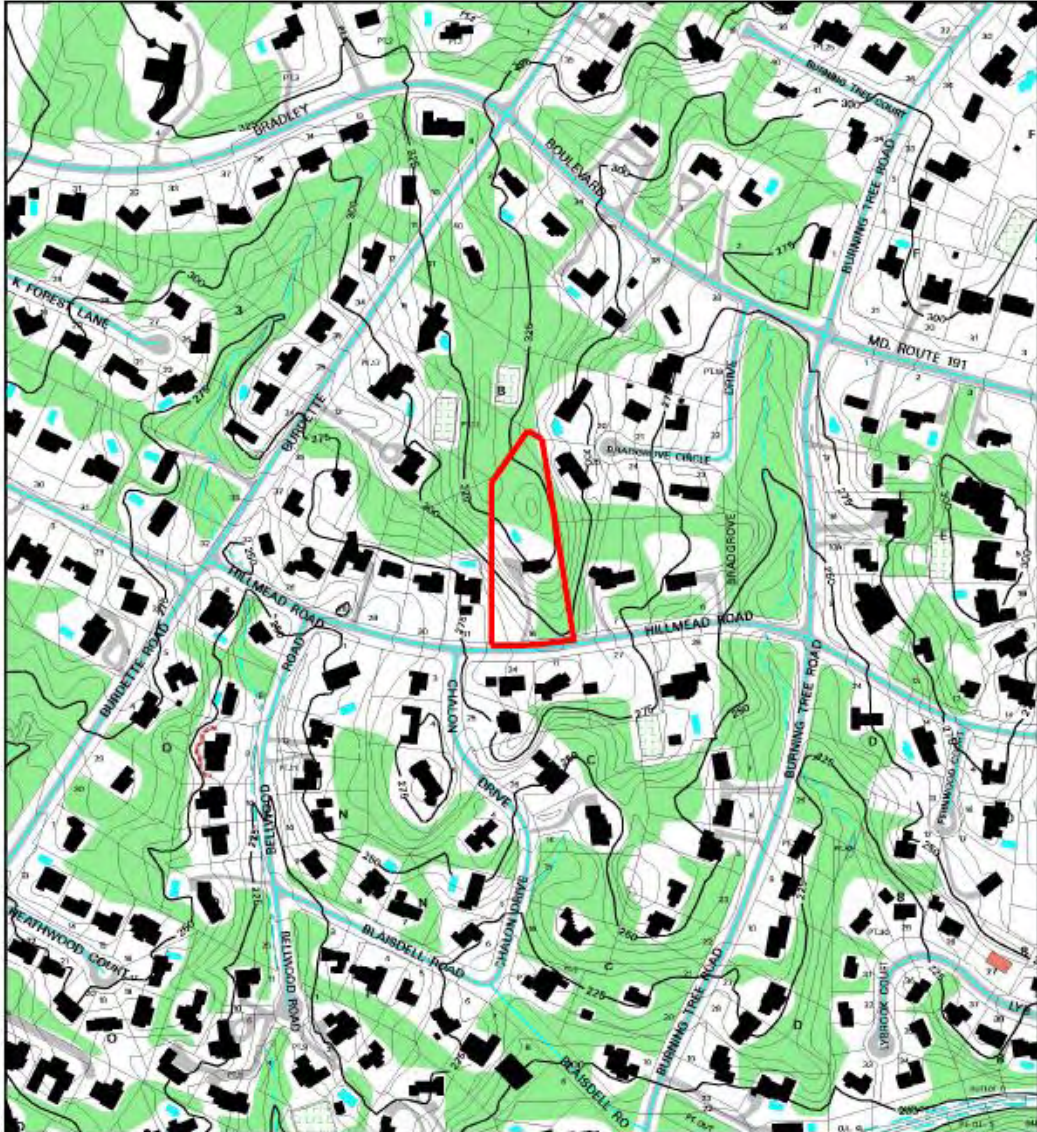


EXHIBIT A
VICINITY MAP

PROJECT DESCRIPTION

This is a pre-preliminary subdivision plan to obtain Planning Board advice on a proposal to subdivide the existing lot into two lots. Existing Lot 16 will be resubdivided into proposed Lot 43 containing approximately 61,003 square feet and proposed Lot 42 will have approximately 41,813 square feet. The existing dwelling on proposed Lot 43 will remain, but its associated driveway will be realigned and placed entirely within the boundaries of new Lot 43 and the existing in-ground swimming pool will be removed. The submitted pre-preliminary plan shows one dwelling unit on proposed Lot 42. Access to each lot would be from separate driveways off of Hillmead Road, a public right-of-way. (Attachment A)

Alternative Procedures for Pre-application Submission

As requested by the applicant, this plan has been submitted for review by the Planning Board under Montgomery County Code, Chapter 50-33A, "Alternative procedure for pre-application submission". Under this procedure an applicant is allowed to submit a concept plan concerning certain aspects of its submission for which the applicant desires a decision by the Planning Board, prior to preparation and submission of a preliminary plan. Section 50-33A of the Subdivision Regulations requires that the Board act to:

- (i) Approve the concept plan;
- (ii) Disapprove it, stating in writing to the applicant the reasons therefore;
- (iii) Approve it, subject to conditions or modifications as the board finds are necessary, with respect to those features of the concept plan on which its decision is requested by the applicant, or recommended by a public agency, to produce a preliminary plan that would meet the requirements of section 50-34 and 50-35, assuming all other features of the preliminary plan not included in the concept plant to be in accordance with the provisions of this chapter.

The Planning Board should note that approval of any feature of a concept plan shall not limit the ability of the Board to impose further conditions as required by subdivision regulations on features of the preliminary plan not included in the concept plan. The Planning Board should further be advised that an approval of a preapplication submission under § 50-33A will be considered binding if the applicant files an application for preliminary plan review within ninety (90) days following the action of the Board on the preapplication submission. If an applicant fails to file such a preliminary plan application within the above-stated time period, any decision on the concept plan shall be deemed to have expired, unless extended by action of the Board.

DISCUSSION OF ISSUES

Applicant's Request

According to the Applicant's Statement/Summary of Application, dated June 27, 2011, the applicant is requesting that the Planning Board approve the submitted pre-preliminary concept plan "specifically addressing the character of the neighborhood and location for (and type of) on-site forest conservation easements." (Attachment B)

Character of the Neighborhood

The applicant's first request is for the Board to provide direction concerning the character of the neighborhood. However, the Board does not make a finding about neighborhood character as part of the resubdivision analysis. Instead, resubdivision requires that the Board make a finding that proposed lots are in character with other lots in the neighborhood based on an analysis of seven specific criteria. The resubdivision criteria are 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.)

To analyze existing and proposed lots, a resubdivision "Neighborhood" must be delineated. The applicant has submitted a map for evaluation in determining the appropriate "neighborhood" for this application. In this instance, the Neighborhood selected by the applicant consists of 33 lots. (Attachment C). The neighborhood includes lots on Hillmead Road, Bradley Boulevard, Bradgrove Circle, Burdette Road, and Bradgrove Drive. All the lots share multiple access points on those streets. Staff agrees with the applicant's neighborhood delineation.

The applicant has provided data tables for the lots in the designated Neighborhood with regard to the seven resubdivision criteria (Attachment D). However, staff does not recommend that the Board make any decision as part of this pre-preliminary plan about whether the proposed lots are in character with the other lots because other information that could affect the Board's decision has not been provided at this time. Instead, staff recommends that the Board address only one specific aspect of the resubdivision analysis: the measurement of the lot width for proposed Lot 42.

Measurement of Lot Width

For resubdivision purposes, lot width is measured at the front building restriction line for a lot. In this application there is some disagreement between the applicant and the community concerning where the established building restriction line is located and how it is measured.

Zoning Ordinance Conformance

Sect. 59 A.2.1 of the Zoning Ordinance defines established building line as *a front yard building line which is greater than the minimum setback required for structures in a designated zone*. The proposed lots were reviewed for compliance with the dimensional requirements of the R-200 zone. According to the Zoning Ordinance, the front yard setback in the R-200 zone is 40 feet. Proposed Lot 42 shows a front yard setback of 40 feet, and this, in turn, defines the lot's established building line. However, as shown on the concept plan, this established building line is closer to the street than other existing established building lines in the neighborhood. Section 59-A-5.33 (c) of the Zoning Ordinance explains the methodology in determining the established building line of Lot 42. Section 59- A-5.33 (c) states the following:

(a) The established building line, as defined in Section [59-A-2.1](#), applies only to new buildings in the R-60, R-90, R-150, and R-200 zones. The established building line does not apply to an alteration or addition to an existing building.

(b) The two or more one-family detached residential buildings considered in determining the established building line must all be:

- (1) within 300 feet of the side property line of the proposed construction site measured along the street frontage;*
- (2) along the same side of the street;*
- (3) between intersecting streets or to the point where public thoroughfare is denied;*
- (4) in existence or approved by a building permit when the building permit application on the subject property is filed;*
- (5) legally constructed; and*
- (6) not on a through lot if the building on the through lot fronts on a street other than the street fronting the subject property.*

(c) The established building line is the minimum setback for the zone, unless there are at least two buildings as described in subsection (b) and more than 50 percent of the buildings described in subsection (b) are set back greater than the minimum, in which case the average setback of all the buildings described in subsection (b), excluding those buildings:

- (1) **in the R-200 zone that are or were ever served by well or septic;** (emphasis added)*
- (2) on the subject property;*
- (3) in a different zone than the subject property;*
- (4) on a through lot that fronts on a street different than the subject property;*
- (5) located on any pipestem, wedge-shaped, or flag-shaped lot; or*
- (6) approved by permit for demolition, except if a building permit was also approved with the same setback, is the established building line, unless the applicant chooses to calculate the setback as the average setback of the two adjoining lots or the applicant chooses to use the front setback of the existing one-family building that was established before demolition, excluding any approved variance, if the existing building meets the minimum setback of the zone. All calculations must be based on a survey that is signed and sealed by a licensed engineer or surveyor. Any building excluded from the established building line restriction must comply with the minimum setback requirement of the zone.*

(d) Corner lots have two front yards and are subject to established building line standards on both streets. At the option of the applicant, a corner lot may use front setbacks of the adjoining buildings on both sides of the corner lot.

According to research submitted by the applicant's engineer the subject property was served by septic until 1969. Abutting property to the east, (6807 Hillmead Road, Lot 7) was also served by private septic until 1964. The Department of Permitting Services (DPS) has the authority to determine the location of homes and the appropriate front yard setback and established building line for lots. To that end, staff submitted the applicant's research to DPS for review and comment with respect to the proposed Established Building Line for Lot 42.

Based on this information, DPS determined that the applicant can determine the method of calculating the established building line from any of the three methods found in 59-A-5.33 (b), (c), or (d).

59-A-5.33 (d) is excluded from consideration as the proposed lot is not a corner lot. The established building line determination was based upon the fact that the buildings within 300 feet of each side of lot 42 and lot 43 were, or are, served by well or septic and are therefore excluded from the calculation by Sec. 59-A-5.33 (c) (1). Therefore, in DPS's opinion the legislation that expanded the language in the established building line section of the Zoning Ordinance allows the applicant to site the house at the minimum setback in the R-200 zone. A copy of DPS's written comment confirming the proposed established building line is included in Attachment E. Based on the submitted concept plan and DPS's determination for the established building line, both lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in the R-200 zone. However, the attorney representing the adjoining neighbors has raised questions about this interpretation.

Location of Forest Conservation Easements

The applicant submitted a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420112110 which was approved on 9/22/11. The NRI/FSD showed approximately 1.12 acres in forest cover with additional trees scattered over much of the remaining parcel. There are two high priority forest stands onsite with over 84 significant trees, less than 30 inches dbh and 23 specimen trees greater than 30 inches dbh. Stand A is 0.45 acres, closest to Hillmead Road, and contains slopes greater than 25% with invasive vines covering much of the forest floor. Stand B is 0.66 acres, located in the northern half of the property with a large rock outcrop at the highest elevation point. Stand B has a higher density and distribution of woody shrub and native groundcover species. Stand B extends beyond the property boundaries and is considered part of a larger 17.2 acres high quality contiguous forest. As stated previously approximately 0.44 acres or (18.6 %) of the site has slopes greater than 25%. The steepest slopes run horizontally across the western-central portion of the property beginning about 100 feet from Hillmead Road. The property's elevation is lowest along its southern edge at Hillmead Road and rises 50 feet in elevation towards its peak in the north-central quadrant of the site.

These environmental features can impact future development on the site. A Forest Conservation Plan and a stormwater management concept plan are not required for submittal with a pre-preliminary plan application and the applicant has chosen not to submit either of these plans at this time. Without this information which would show impacts to the existing environmental features including steep slopes and high quality forest, staff cannot evaluate the applicant's request to know location and types of onsite easements that will be required. Additionally, information contained in either a forest conservation plan or stormwater management plan, could change or relocate any proposed easements recommended during the review of this pre-preliminary plan application. Therefore, staff recommends that the Board decline to act on the applicant's request for location and types of conservation easements on the subject site. However, it should be noted that both lots contain significant environmental features which may be placed in conservation easements at the time of preliminary plan review. Retention of these environmental features may reduce the buildable area for the proposed lots.

Citizen Correspondence

Applicants for pre-preliminary plans of subdivision are not required to hold a pre-submission meeting with neighboring residents. The applicant did not meet with the residents, but staff has received letters from the community in opposition to this application. Staff met with residents and their attorney on September 14, 2011 to discuss their concerns regarding the steep slopes on site, extensive

use of retaining walls, impact on trees, little useable rear yard, and the proposed established building line for Lot 42. The residents also hired an engineer to prepare an established building line study which is included in Attachment F. A letter from the Board of Directors of the Bradley Boulevard Citizens Association opposing this submission focused on street frontage, alignment, size, shape, lot width area and established building line. Copies of these community letters are also included in Attachment F. The applicant did not address the concerns raised by the community.

CONCLUSION

As stated previously, staff recommends that the Planning Board find that the lot width may be measured at the front building restriction line for the R-200 zone as opposed to any established building restriction line. For the reasons stated above, staff recommends that the Planning Board decline to act on the location and types of on-site forest conservation easements. Furthermore, staff recommends that the Planning Board not give any further specific guidance regarding the proposed subdivision, but instead advise the applicant to submit a preliminary plan of subdivision for further review. The following list includes, but is not limited to, items that will need to be addressed by the applicant at the time of submission:

- Submittal of a Forest Conservation Plan
- Submittal of a Tree variance
- Submittal of a Stormwater management concept plan
- Show adequate steep slope protection
- Submittal of Sediment erosion and control plan
- Show conformance to the Master Plan
- Address MCDOT comments (Attachment G)

Attachments

- Attachment A – Proposed Pre-Preliminary Concept Plan
- Attachment B - Applicant's Letter requesting Planning Board review
- Attachment C – Neighborhood Map
- Attachment D – Data Table
- Attachment E – Department of Permitting Services letter
- Attachment F - Community letters and engineer's study
- Attachment G – MCDOT memos

Table 1: Pre-Preliminary Plan Data Table and Checklist

Plan Name: Bradley Hills Grove				
Plan Number: 720110110				
Zoning: R-200				
# of Lots: 2				
# of Outlots: N/A				
Dev. Type: Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	20,000 sq. ft.	41,813 sq. ft. minimum	KAR	1/6/12
Lot Width	100 ft.	113 ft. minimum	KAR	1/6/12
Lot Frontage	25 ft.	113 ft. minimum	KAR	1/6/12
Setbacks				
Front	40 ft. Min.	Must meet minimum ¹	KAR	1/6/12
Side	12ft. Min./25 ft. total	Must meet minimum ¹	KAR	1/6/12
Rear	30 ft. Min.	Must meet minimum ¹	KAR	1/6/12
Height	30 ft. Max.	May not exceed maximum ¹	KAR	1/6/12
Max Resid'l d.u. per Zoning	5	2	KAR	1/6/12
MPDUs	N/A	N/A	KAR	1/6/12
TDRs	N/A	N/A	KAR	1/6/12
Site Plan Req'd?	No	N/A	KAR	1/6/12

¹ As determined by MCDPS at the time of building permit



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STATEMENT / SUMMARY OF APPLICATION
Proposed Lots 42 - 43, Block B
Bradley Hills Grove

September 27, 2011

PRE-APPLICATION PLAN APPLICATION
M-NCPPC FILE No. 720110110

The subject Pre-Application Plan proposes a 2-lot subdivision of the existing Lot 16, as described under Liber 27972 at Folio 433 and in Plat Book 20, Plat No. 1264. The existing house will remain. The property is currently zoned R-200. The proposed subdivision meets the requirements of the R-200 zone and, per Section 50-29(b)(2) of the Montgomery County code, meets the character of the surrounding neighborhood with respect to frontage, alignment, size, shape, area, and suitability for residential use.

We are requesting Planning Board approve the above referenced Pre-Application Plan in accordance with Montgomery County Code Section 50-33A and the Manual of Development Review Procedures for Montgomery County, MD, specifically addressing character of the neighborhood and location for (and type of) on-site forest conservation easements.

GENERAL NOTES

- 1) FRONT YARD SETBACK - 25.00' (SEE PLAN)
- 2) SIDE YARD SETBACK - 5.00' (SEE PLAN)
- 3) REAR YARD SETBACK - 5.00' (SEE PLAN)
- 4) TOTAL LOT AREA - 1.00 AC (SEE PLAN)
- 5) PROPOSED LOT 42 - 0.40 AC (SEE PLAN)
- 6) PROPOSED LOT 43 - 0.60 AC (SEE PLAN)
- 7) LOCAL UTILITIES INCLUDE: WATER, SEWER, GAS, ELECTRIC, TELEPHONE, CABLE, AND FIBER OPTIC.
- 8) ALL UTILITIES TO BE DELETED OR RELOCATED AS SHOWN ON THIS PLAN.
- 9) ALL UTILITIES TO BE DELETED OR RELOCATED AS SHOWN ON THIS PLAN.
- 10) ALL UTILITIES TO BE DELETED OR RELOCATED AS SHOWN ON THIS PLAN.
- 11) ALL UTILITIES TO BE DELETED OR RELOCATED AS SHOWN ON THIS PLAN.
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- 20) ALL UTILITIES TO BE DELETED OR RELOCATED AS SHOWN ON THIS PLAN.

LEGEND

- Part of Lots and Parcels (Not Included)
- Adjacent Building Restriction Lines
- Neighborhood Boundary (Assumed)
- Subject Property

TABULAR NOTES

- 1) FOR THE PURPOSES OF THIS NEIGHBORHOOD MAP ANALYSIS, HORIZONTAL CURVES ARE TO BE USED TO DETERMINE THE LOCATION OF THE CENTERLINE OF THE ROAD.
- 2) LOT AREAS ARE BASED ON AVAILABLE RECORD PLAT INFORMATION.
- 3) PARTS OF LOTS AND PARCELS ARE EXCLUDED FROM THIS ANALYSIS, BUT HAVE BEEN INCLUDED FOR REFERENCE.
- 4) UTILITY LOCATIONS ARE BASED ON AVAILABLE RECORD PLAT INFORMATION.
- 5) ALL UTILITIES TO BE DELETED OR RELOCATED AS SHOWN ON THIS PLAN.
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PROPOSED LOTS 42 & 43 BLOCK 4

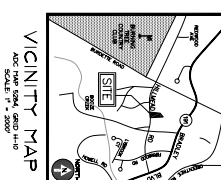
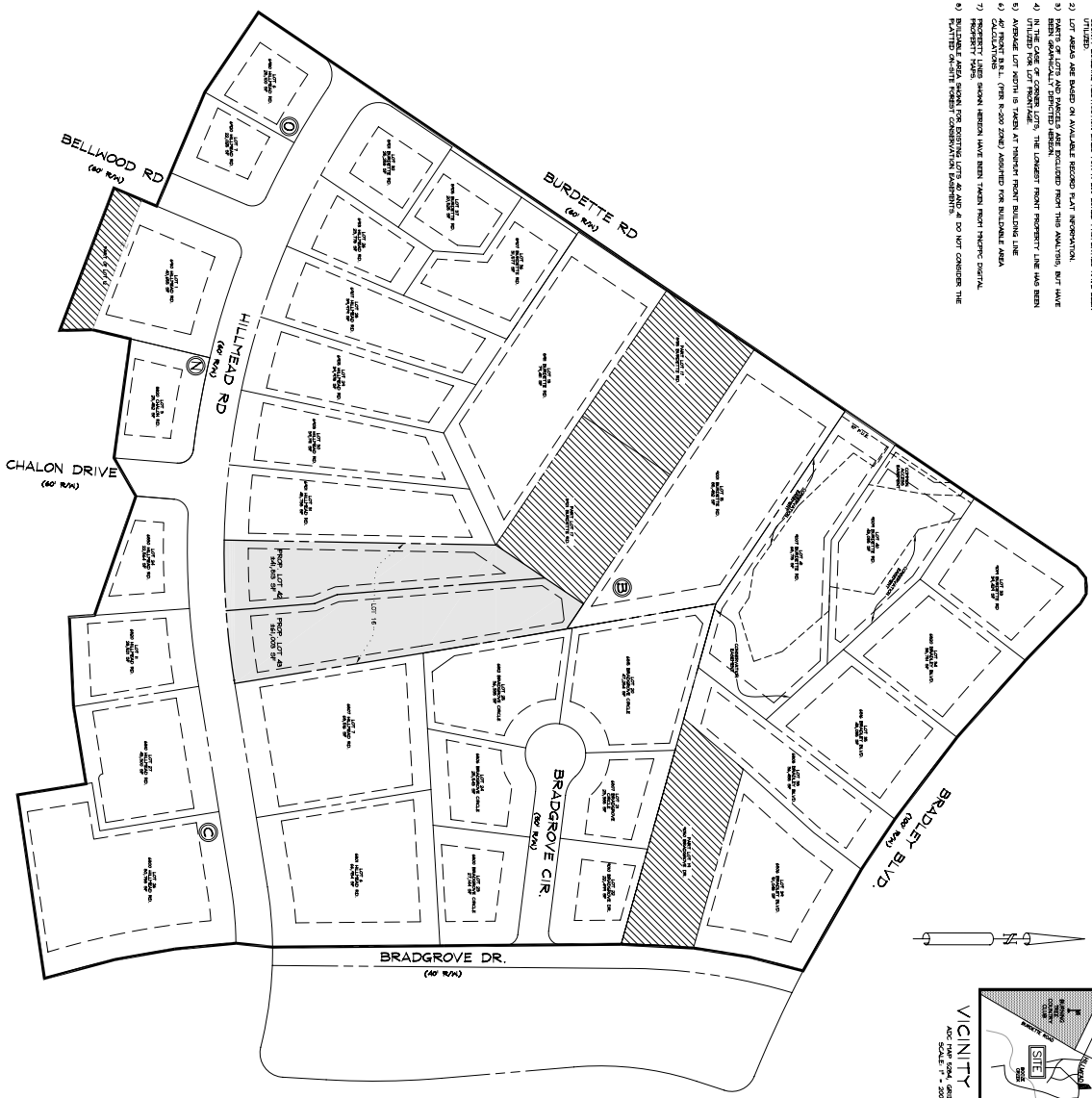
ADJACENT LOTS AND PARCELS (NOT INCLUDED)

Lot No.	Area (Ac)	Area (Sq Ft)	Front Yrd. Setback (Ft)	Side Yrd. Setback (Ft)	Rear Yrd. Setback (Ft)	Notes
1	0.40	17,424	25.00	5.00	5.00	
2	0.60	26,136	25.00	5.00	5.00	
3	0.40	17,424	25.00	5.00	5.00	
4	0.60	26,136	25.00	5.00	5.00	
5	0.40	17,424	25.00	5.00	5.00	
6	0.60	26,136	25.00	5.00	5.00	
7	0.40	17,424	25.00	5.00	5.00	
8	0.60	26,136	25.00	5.00	5.00	
9	0.40	17,424	25.00	5.00	5.00	
10	0.60	26,136	25.00	5.00	5.00	
11	0.40	17,424	25.00	5.00	5.00	
12	0.60	26,136	25.00	5.00	5.00	
13	0.40	17,424	25.00	5.00	5.00	
14	0.60	26,136	25.00	5.00	5.00	
15	0.40	17,424	25.00	5.00	5.00	
16	0.60	26,136	25.00	5.00	5.00	
17	0.40	17,424	25.00	5.00	5.00	
18	0.60	26,136	25.00	5.00	5.00	
19	0.40	17,424	25.00	5.00	5.00	
20	0.60	26,136	25.00	5.00	5.00	

PROPOSED LOTS 42 & 43 BLOCK 4

ADJACENT LOTS AND PARCELS (NOT INCLUDED)

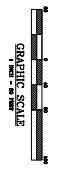
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20	0.60	26,136	25.00	5.00	5.00	



WSSC GRID: 211 N4 07, TAX MAP: GP 341
 BRADLEY HILLS GROVE
 PROPOSED LOTS 42-43, BLOCK B

P.B. 20, PLAT 1264, CIRCA 07/09/1940
6817 HILLMEAD ROAD
 BETHESDA (7TH) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
NEIGHBORHOOD MAP

DATE	BY	REVISION	PROJECT	DATE
08/24/10	EBT	INITIAL SUBMITTAL TO MCMPC	10-24B	12/20/10
08/26/10	EBT	REVISED PER MCMPC INITIAL SUBMITTAL COMMENTS	ILLUMINATION	N/A
09/01/10	EBT	REVISED PER MCMPC DEC COMMENTS	ALH	N/A
10/06/10	EBT	TO CLIENT'S ATTORNEY	SCALE	1" = 80'
12/02/10	EBT	FINAL REVISIONS TO MCMPC/ATTORNEY	APPROVAL	CAS



6817 HILLMEAD ROAD
 PROPOSED LOTS 42, & 43,
 BRADLEY HILLS GROVE, BLOCK B
 NEIGHBORHOOD MAP

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 CIVIL - SURVEYING - LAND PLANNING
 A DIVISION OF CAS ENTERPRISES, INC.
 108 West Ridgeline Boulevard, Suite 101, Mount Airy, Maryland 21771
 DC Metro (301) 607-8031 FAX (301) 607-8045

PROPOSED LOTS 42, & 43, BLOCK B
6817 HILLMEAD ROAD

CAS Project No. 10-248

Comparable Lot Data Table (Sorted in descending order by Lot Size)

Lot	Block	Subdivision	Frontage	Alignment	Lot Size	Lot Shape	Width	Buildable Area
15	B	BRADLEY HILLS GROVE	181.7 Feet	perpendicular	85,482 S.F.	irregular	181.7 Feet	60,902 S.F.
26	C	BRADLEY HILLS GROVE	219.9 Feet	corner	80,758 S.F.	L-shaped	326.5 Feet	52,541 S.F.
13	B	BRADLEY HILLS GROVE	175.00 Feet	perpendicular	79,411 S.F.	irregular	175.0 Feet	56,853 S.F.
41	B	BRADLEY HILLS GROVE	100.0 Feet	perpendicular	68,715 S.F.	irregular	100.0 Feet	49,285 S.F.
7	B	BRADLEY HILLS GROVE	225.0 Feet	perpendicular	68,516 S.F.	rectangular	225.0 Feet	46,877 S.F.
6	B	BRADLEY HILLS GROVE	216.4 Feet	corner	66,934 S.F.	rectangular	276.4 Feet	39,750 S.F.
43	B	BRADLEY HILLS GROVE	121.9 Feet	perpendicular	61,003 S.F.	irregular	118.1 Feet	41,946 S.F.
39	B	BRADLEY HILLS GROVE	379.1 Feet	corner	51,048 S.F.	irregular	209.0 Feet	29,005 S.F.
20	B	BRADLEY HILLS GROVE	70.5 Feet	perpendicular	47,254 S.F.	irregular	116.6 Feet	33,870 S.F.
31	B	BRADLEY HILLS GROVE	125.0 Feet	perpendicular	45,738 S.F.	irregular	121.7 Feet	28,725 S.F.
27	C	BRADLEY HILLS GROVE	210.0 Feet	perpendicular	43,300 S.F.	rectangular	210.0 Feet	26,514 S.F.
40	B	BRADLEY HILLS GROVE	158.1 Feet	perpendicular	43,085 S.F.	irregular	158.1 Feet	28,822 S.F.
35	B	BRADLEY HILLS GROVE	170.1 Feet	perpendicular	43,035 S.F.	rectangular	170.1 Feet	26,569 S.F.
42	B	BRADLEY HILLS GROVE	116.5 Feet	perpendicular	41,813 S.F.	irregular	113.0 Feet	24,100 S.F.
1	N	BRADLEY HILLS GROVE	375.2 Feet	corner	40,655 S.F.	rectangular	204.5 Feet	20,344 S.F.
28	B	BRADLEY HILLS GROVE	125.2 Feet	perpendicular	39,979 S.F.	irregular	121.3 Feet	25,543 S.F.
29	B	BRADLEY HILLS GROVE	125.2 Feet	perpendicular	39,978 S.F.	irregular	121.3 Feet	23,692 S.F.
33	B	BRADLEY HILLS GROVE	404.7 Feet	corner	39,429 S.F.	rectangular	243.5 Feet	19,042 S.F.
30	B	BRADLEY HILLS GROVE	125.4 Feet	perpendicular	39,191 S.F.	irregular	121.0 Feet	23,690 S.F.
34	B	BRADLEY HILLS GROVE	170.3 Feet	perpendicular	38,751 S.F.	rectangular	170.3 Feet	22,907 S.F.
38	B	BRADLEY HILLS GROVE	100.0 Feet	perpendicular	36,485 S.F.	rectangular	100.0 Feet	21,637 S.F.
25	B	BRADLEY HILLS GROVE	75.5 Feet	perpendicular	36,335 S.F.	irregular	123.4 Feet	24,563 S.F.
36	B	BRADLEY HILLS GROVE	110.3 Feet	perpendicular	31,577 S.F.	rectangular	110.3 Feet	17,148 S.F.
11	C	BRADLEY HILLS GROVE	130.0 Feet	perpendicular	28,521 S.F.	rectangular	133.3 Feet	15,275 S.F.
23	B	BRADLEY HILLS GROVE	300.5 Feet	corner	27,144 S.F.	rectangular	185.3 Feet	11,186 S.F.
24	B	BRADLEY HILLS GROVE	152.03 Feet	perpendicular	25,543 S.F.	rectangular	147.0 Feet	12,328 S.F.
3	N	BRADLEY HILLS GROVE	298.2 Feet	corner	25,452 S.F.	rectangular	185.0 Feet	9,481 S.F.
32	B	BRADLEY HILLS GROVE	302.8 Feet	corner	25,258 S.F.	rectangular	160.0 Feet	9,563 S.F.
6	O	BRADLEY HILLS GROVE	294.5 Feet	corner	25,100 S.F.	rectangular	165.3 Feet	9,822 S.F.
26	B	BRADLEY HILLS GROVE	136.4 Feet	perpendicular	23,778 S.F.	rectangular	122.6 Feet	12,223 S.F.
21	B	BRADLEY HILLS GROVE	151.8 Feet	perpendicular	23,385 S.F.	rectangular	148.0 Feet	10,545 S.F.
24	C	BRADLEY HILLS GROVE	257.3 Feet	corner	22,564 S.F.	irregular	185.1 Feet	8,365 S.F.
22	B	BRADLEY HILLS GROVE	289.9 Feet	corner	22,499 S.F.	rectangular	172.5 Feet	7,968 S.F.
7	O	BRADLEY HILLS GROVE	276.1 Feet	perpendicular	22,025 S.F.	rectangular	161.8 Feet	7,939 S.F.
37	B	BRADLEY HILLS GROVE	142.0 Feet	perpendicular	20,525 S.F.	irregular	142.0 Feet	9,661 S.F.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

October 18, 2011

Ms Kathy Reilly
MNCPPC
8787 Georgia Ave
Silver Spring, MD 20910

Dear Kathy,

I have reviewed the information you provided me on the established building line for the property located at 6817 Hillmead Road in Bethesda. The property in question is located in the R-200 zone. In my review, I looked at the following definition and criteria found in the *Zoning Ordinance* in making my decision.

Building line, established: A front yard building line which is greater than the minimum setback required for structures in a designated zone. See section 59-A-5.33.

59-A-5.33. *Established building line.*

(a) *The established building line, as defined in Section 59-A-2.1, applies only to new buildings in the R-60, R-90, R-150, and R-200 zones. The established building line does not apply to an alteration or addition to an existing building.*

(b) *The two or more one-family detached residential buildings considered in determining the established building line must all be:*

- (1) *within 300 feet of the side property line of the proposed construction site measured along the street frontage;*
- (2) *along the same side of the street;*
- (3) *between intersecting streets or to the point where public thoroughfare is denied;*
- (4) *in existence or approved by a building permit when the building permit application on the subject property is filed;*
- (5) *legally constructed; and*
- (6) *not on a through lot if the building on the through lot fronts on a street other than the street fronting the subject property.*

(c) *The established building line is the minimum setback for the zone, unless there are at least two buildings as described in subsection (b) and more than 50 percent of the buildings described in subsection (b) are set back greater than the minimum, in which case the average setback of all the buildings described in subsection (b), excluding those buildings:*

- (1) *in the R-200 zone that are or were ever served by well or septic;*
- (2) *on the subject property;*
- (3) *in a different zone than the subject property;*

- (4) *on a through lot that fronts on a street different than the subject property;*
 - (5) *located on any pipestem, wedge-shaped, or flag-shaped lot; or*
 - (6) *approved by permit for demolition, except if a building permit was also approved with the same setback, is the established building line, unless the applicant chooses to calculate the setback as the average setback of the two adjoining lots or the applicant chooses to use the front setback of the existing one-family building that was established before demotion, excluding any approved variance, if the existing building meets the minimum setback of the zone. All calculations must be based on a survey that is signed and sealed by a licensed engineer or surveyor. Any building excluded from the established building line restriction must comply with the minimum setback requirement of the zone.*
- (d) *Corner lots have two front yards and are subject to established building line standards on both streets. At the option of the applicant, a corner lot may use front setbacks of the adjoining buildings on both sides of the corner lot.*

The application in question is for a new house on the subject property in the R-200 zone. As such, the applicant can determine the method of calculating the established building line from any of the three methods found above in 59-A-5.33 (b), (c), or (d). 59-A-5.33 (d) is excluded from consideration since this is not a corner lot.

The established building line determination was based upon the fact that the buildings within 300 feet of each side of lot 42 and lot 43 were, or are, served by well or septic and are therefore excluded from the calculation by Sec. 59-A-5.33 (c) (1).

It is my opinion that the legislation that expanded the language in the established building line section allows the applicant to site the house at the minimum setback for the zone.

Should you have any questions please feel free to contact me on 240-777-6255.

Sincerely,

Susan Scala-Demby
Zoning Manager

ABRAMS & WEST, P.C.

ATTORNEYS AT LAW

SUITE 760N

4550 MONTGOMERY AVENUE

BETHESDA, MARYLAND 20814-3304

(301) 951-1550

FAX: (301) 951-1543

JAMES L. PARSONS, JR.
OF COUNSEL

WRITER'S DIRECT NUMBER
(301) 951-1540
EMAIL: "sabrams@awsdlaw.com"

KENNETH R. WEST
STANLEY D. ABRAMS
KEITH J. ROSA

PRACTICING IN MARYLAND AND
DISTRICT OF COLUMBIA

August 10, 2011

Ms. Rose Krasnow, Chief, Area I
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

**RE: Pre-Preliminary Plan 720110110
Bradley Hills Grove
DRC Meeting - August 15, 2011**

Dear Rose:

I represent Mr. & Mrs. Alan Hammerschlag residing at 6901 Hillmead Road, Bethesda, MD (Lot 31, Block B) next to proposed Lot 42 on the above referenced Pre-Preliminary Plan. My clients are opposed to this plan and we have expressed the reasons for that opposition in a letter to Kathy Reilly (see attached). As noted in that letter, my clients have retained an engineer to prepare an analysis and advised Ms. Reilly that we would submit the same when received as further support in opposition to the pre-preliminary plan. Since Ms. Reilly will not be at the DRC meeting, she suggested that the engineers study be submitted directly to you.

The attached engineers study reflects:

- (1) That approval of the resubdivision will adversely affect environmentally sensitive areas, specifically the 25% slopes in the forested areas in violation of §50-32 of the Subdivision Regulations.
- (2) That the proposed plan does not meet the resubdivision criteria in §50-29(b)(2) of the Subdivision Regulations. The Proposed Lot 42 has the smallest lot width on this block and is therefore not compatible. As reflected on the attached "Building Line Exhibit" the proposed setback of a residence along Hillmead Road is only 40', considerably less than all other homes on this road and well in front of the average setback in this block. Further, the constraints on Proposed Lot 42 create a significantly smaller buildable area when compared

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AUG 10 2011

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Montgomery County
Planning Department

to other lots on this same side of Hillmead Road. These factors create a subdivision which is not of the same character as the rest of the block.

- (3) That the proposed plan does not conform to the Established Building Line requirements of §59-A-5.33 of the Zoning Ordinance. As reflected on the "Building Line Exhibit," the proposed house is considerably in front of the Established Building Line and the Established Building Line goes through the steep slopes and forested area.

In conclusion, the Resubdivision Criteria and the Established Building Line are intended to maintain the established character of existing residential neighborhoods when considering the effects of in-fill development. The proposed plan would adversely impact my client's use and enjoyment of their property and be totally out of character in this neighborhood. Thank you for considering my clients concerns in this matter.

Very truly yours,



Stanley D. Abrams

SDA:dw
Enclosures

cc: Alan Hammerschlag
Kathy Reilly
Dick Hurney



HURON
CONSULTING

August 8, 2011

Mr. Stanley D. Abrams, Esq.
Abrams & West, P.C.
4550 Montgomery Avenue, #760N
Bethesda, Maryland 20814

Re: Bradley Hills Grove Pre-Preliminary plan 720110110

Dear Mr. Abrams,

We have reviewed the information provided on the above referenced Pre-Preliminary Plan Application. The plan is for the resubdivision of existing Lot 16 into proposed Lots 42 & 43. The existing house and garage on Lot 43 are to remain. The existing driveway to the existing house will be removed and a new driveway constructed. The garage it appears will be altered from a side loaded to a front loaded garage. A new house is proposed to be constructed on Lot 42. In our opinion, we do not feel this application meets the requirements of:

- 1) Chapter 50 Subdivision of Land Section 50-32 Special controls for environmentally sensitive areas
- 2) Chapter 50 Subdivision of Land Section 29(b) (2) Resubdivision
- 2) Chapter 59 Zoning ordinance 59-A-5.33 Established Building Line

The three sections are attached.

Section 50-32 discussion

Section 50-32 provides the Board authority to protect environmentally sensitive area by restricting subdivisions. The application indicates areas of over 25 % slopes in a forested area. . The shading of these areas stops at the edge of the proposed driveway. However, it appears that the grades under the proposed driveway are at the same slope and therefore exceed 25%. There is a retaining wall along the existing driveway which would require removal. There are steps leading from the existing driveway to the front door traversing the steep slopes. The steps are in the proposed driveway and will be removed. The new driveway would require grading within the steep slope area. All of these grading issues will impact the steep slope forested areas. Approving this subdivision will adversely affect environmentally sensitive areas as defined by county regulations.

Section 50-29-(b) (2) discussion.

A resubdivision must be in the same character of the other lots in the same block. As seen on the attached exhibit the seven existing houses on the block are set back an average of 104 feet from the right of way. The proposed house is at the 40 foot building restriction line. The house is 45 feet deep. The entire house is in front of the average setback. If the building line is established using the two adjacent houses, per DPS criteria at building permit, the entire house would be situated in front of both houses. Both houses on the adjoining lots would view the rear of the proposed house.

Based on Section 50-32 (e) (1) a building restriction line would be required at the rear of the proposed lot to designate the environmentally sensitive area. The steep slope area bisects the proposed lot decreasing the buildable area of the lot to approximately 4800 square feet. The chart on the plan for "Comparable Lot data by buildable areas" ranges from 60,902 square feet to 7939 square feet. Lot 42 is incorrectly shown as 23,755 square feet of buildable area. The buildable area for Lot 42 of 4800 square feet is not comparable to the other lots.

Proposed Lot 42 would have the smallest lot width as indicated on the plans. Lot width is not comparable.

The proposed resubdivision would not be in same character as the rest of the block.

Section 59 -A-5.33 Established Building Line.

The applicant makes the argument that since the lot was on well and septic at some time; the Established building line does not pertain. Section 59-A-5.33 (a) states that the established building line applies to new buildings in the R-200 zone.

59-A-5.33 (b) states the criteria for determining the established building line. There is no exclusion for well and septic under subsection (b). The table below demonstrates that the two lots, Proposed Lot 43 and Existing Lot 31, meet the 6 criteria under 59-A-5.33 (b)

	Proposed lot 43	Existing lot 31
1) Within 300 feet of side property line	yes	yes
2) Along same side of street	yes	yes
3) Between intersecting streets	yes	yes
4) In existence	yes	yes
5) Legally constructed	yes	yes
6) Not on a through lot	yes	yes

As stated above, the proposed house on Lot 42 is totally in front of Established Building Line using the two lots per 59-A-5.33 (b). DPS uses the same procedure for the established building line at building permit. Furthermore, the Established Building Line goes through the steep slope forested area, thus requiring impacts to the environmentally sensitive areas.

Subsection (c) is after subsection (b). The well and septic exclusion is a subset of subsection (c) (1) and not subsection (b).

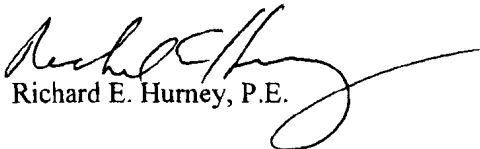
Conclusion

The steep slopes pose a significant challenge to developing the two lots without impacting the sensitive areas. Significant grading will be required on both lots to construct the new house, revise the existing house, remove the existing driveway and construct a new driveway.

Even if those environmental problems can be overcome the Resubdivision is not compatible with the surrounding houses. Meeting the Resubdivision criteria for compatibility and the Established Building Line criteria are two separate requirements. We do not believe that the application meets either requirement. If the proposed Lot 42 cannot meet the subsection (b) calculations, it is difficult to argue that the character of the area is the same. If it were compatible it would meet subsection (b) or at least be close to meeting the requirements. It does not meet the criteria by approximately 100 feet.

In our opinion the pre-preliminary plan application should not proceed forward in the process.

Sincerely,



Richard E. Hurney, P.E.

CC: Alan Hammerschlag

ABRAMS & WEST, P.C.

ATTORNEYS AT LAW

SUITE 760N

4550 MONTGOMERY AVENUE

BETHESDA, MARYLAND 20814-3304

(301) 951-1550

FAX (301) 951-1543

JAMES L. PARSONS JR.
OF COUNSEL

WRITER'S DIRECT NUMBER
(301) 951-1546

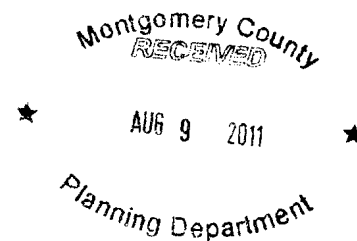
EMAIL: sabrams@awsdlaw.com

KENNETH R. WEST
STANLEY D. ABRAMS
KEITH J. ROSA

PRACTICING IN MARYLAND AND
DISTRICT OF COLUMBIA

• August 3, 2011

Ms. Kathy Reilly, Area I
Master Plan Coordinator
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910



**RE: Bradley Hills Grove Resubdivision
Pre-Preliminary Plan No. 720110110
Hillmead Road, Bethesda, MD**

Dear Ms. Reilly:

I represent Mr. & Mrs. Alan Hammerschlag, residing at 6901 Hillmead Road, Bethesda, MD (Lot 31, Block B) next to proposed Lot 42 on the above referenced Pre-Preliminary Plan. My clients are opposed to this plan application for the reasons expressed below.

The subject property has severe topographic constraints as reflected in the pre-preliminary plan submittal and contains a number of specimen and significant trees. The scale of the topography and other site conditions cannot really be appreciated without an inspection in the field. These conditions force any development on proposed Lot 42 to the front of that lot, forward of my clients home location and in close proximity to my clients home on Lot 31. This is totally out of character with other homes constructed along this block of Hillmead Road, infringes on their privacy and disrupts the existing viewshed.

As a resubdivision, the proposed plan must conform to the standards of §50-30(b)(2) of the Subdivision Regulations, which govern resubdivision applications. The proposed plan does not conform to these standards. First, as reflected on the applicant's "Neighborhood Map," proposed Lot 42 has an average lot width of 88.7' which is significantly more narrow than existing lots along Hillmead Road and a narrower average Lot width than any other lot in Block B of the Bradley Hills Grove Subdivision.

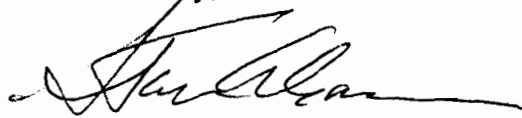
The 40' setback from the street is less than the setback of my clients home and any other home on this end of Hillmead Road, leaving the proposed Lot 42 standing out as a glaring non-conformity with the siting of other homes and the established building line requirement of §59-A-5.33(b) of the Zoning Ordinance. We have retained an engineering firm to perform a study and provide you with an exhibit supporting this contention, hopefully in time for the DRC meeting on August 15, 2011.

The Applicant's pre-preliminary plan attempts to exclude from the established building line for Proposed Lot 42 because the proposed Lot 42 & 43 are alleged exemptions under §59-A-5.33(c)(1) & (c)(2). The existing house on Existing Lot 16 & Proposed Lot 43 is served by well and septic; however the subject property was originally subdivided in 1936 (Plat 752, Blocks B, D and part of Lot C, Bradley Hills Grove) which reflects a sign off block on the plat as suitable for public water and sewer. This same WSSC note is on a 1940 resubdivision of the subject property creating existing Lot 16, Block B. The assessment records reflect that the house on existing Lot 16 was not constructed until 1938. Therefore, the subject property should have been served by public water and sewer and not eligible for any exemption under §59-A-5.33(c)(i) as being property "in the R-200 Zone that are or were ever served by well & septic." When subdivided, the property was undeveloped and I am unaware of any legal provisions at the time the house was built that gave the property owner the option to not use public sewer and water if they were available. The exemption to the established building line should not apply.

Finally, proposed Lot 42 is not of the same character and suitability for residential use as other properties within the existing block. Due to topographic constraints, the buildable area, unlike other properties on this block, forces construction toward Hillmead Road with a minimal setback and toward my clients property. A dwelling constructed in that limited area would be closer to the road than other homes along the same side of this street. The severe topography will create a cut and fill situation into the hillside with the requirement of substantial retaining walls and potential damage to existing specimen and significant trees. With the limiting site conditions, this property is suitable for residential use as an existing single lot but not with two lots as proposed. As proposed, my client will be staring into the rear of a dwelling on proposed Lot 42 which is a condition which the established building line restriction was intended to prevent, particularly in in-fill development situations.

I hope you will consider these comments in your evaluation of this plan. As previously stated, we will also provide you with the results of our engineers study as soon as they are available.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stanley D. Abrams", written in black ink.

Stanley D. Abrams

SDA:dw

cc: Alan & Bonnie Hammerschlag
Richard Hurney

August 10, 2011

Ms. Kathy Reilly, Area I
Master Plan Coordinator
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

re: Bradley Hills Grove Resubdivision
Pre-Preliminary Plan No. 720110110
Hillmead Road, Bethesda, MD 20817

Dear Ms. Reilly:

I am Louise Y. Postman, M.D., residing at 6807 Hillmead Road, Bethesda, MD, next to proposed Lot 42 on the above referenced Pre-Preliminary Plan. I will share with you my reasons for being opposed to this plan application for the property next to mine.

The lot proposed to be subdivided is a beautiful treed lot with lovely old and beautifully grown trees. If subdivided, one of the homes will be very close to the road, forward of the current home, and forward of the homes on either side. Furthermore, all of the homes on that side of the street in the same block are, as my home and the one on the other side of Lot 42 (Hammerschlag, 6901 Hillmead Road), are set well back of the road. Then the new proposed construction would be stuck out in front of other home locations, and would be in the view of current homes, which homeowners have thought were protected by zoning from having their views disrupted and having a loss of privacy, as would be entailed by the current proposal.

So we would lose large and old trees, privacy and view. Such values are very important to those of us who have chosen to own and reside in a lovely neighborhood offering those very values now threatened.

I understand that the proposed resubdivision would not conform to standards of the Subdivision Regulations, as detailed in a letter to you by Stanley Abrams, Esq., representing my neighbors, Mr. and Mrs. Alan Hammerschlag. The

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Montgomery County
Planning Department

proposal also places the new home in front of the established building line requirement of §59-A-5.33(b) of the Zoning Ordinance.

I believe the above-mentioned letter refers to my home as being served by septic tank and well water. This is not the case, as my home has both city water and sewer.

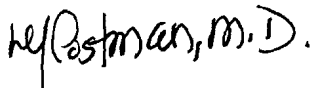
I am also concerned as to the hill which is on my property which borders Lot 42. What would happen to my property as a result of their cutting and filling in order to accommodate an additional dwelling on the lot?

Further, may I point out that many properties in the neighborhood have undergone major revisions or tear-downs and rebuilds, while preserving major and lovely trees; it is clearly not necessary to have the major unattractive changes to the land and vegetation being proposed to build anew if that is desired. I also believe that a good price can be obtained by the owners of the lot (and home), without subdivision, as the location is exceedingly desirable as is the land itself. I do not know enough about the house to comment on it.

Please consider the very negative impact of the current proposal on the neighbors and the neighborhood, changes which the regulations themselves have been designed to prevent. As a 27-year resident of this neighborhood, I want to receive the protections of the current regulations.

Thank you for your consideration.

Most sincerely,



Louise Y. Postman, M.D.

cc: Alan Hammerschlag

August 9, 2011

Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760



RE: Pre-Application Plan 720110110

This letter addresses concerns about the proposed Bradley Hills Grove Pre-Application Plan 720110110, located at 6817 Hillmead Road, Bethesda, Md. 20817

The homes on the block of 6817 Hillmead Rd have a frontage having the appearance of either a Village Green or a canopy of mature trees. Both features adding to the real estate value of this area of Bradley Hills Grove. The proposed home on lot 42 does not conform to this pattern-with the proposed house lacking the frontage of the other homes on the block. The other homes on this block also have driveways adequately spaced from one another to give each home privacy. Placing the driveway on lot 42 a few feet from the driveway of 6901 Hillmead is not conforming to the neighborhood driveway pattern. Situating the driveway in this location will most likely disturb the root system of the mature trees at 6901 Hillmead. In addition, this placement will allow for automobile traffic and exhaust to be a few yards away from the eating area of that property. And, it will look as if the driveway on lot 42 is an extension of the the adjacent driveway and an entry into that properties garage.

One needs only to look at the development at the corner of Chalon and Blaisdell (down the street) to see when thoughtful respect for the existing homes and properties are not taken into consideration.

Also, are there long term plans for additional development of lots 42 and 43.

A handwritten signature in cursive script that reads "Alice DeWys".

Alice DeWys
6830 Hillmead Rd.
Bethesda, Md 20817

**Bradley Boulevard Citizens Association
7101 Longwood Drive
Bethesda, MD 20817**

September 8, 2011

Ms. Kathy Reilly, Area I
Master Plan Coordinator
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

**Re: Bradley Hills Grove Resubdivision
Pre-Preliminary Plan No. 720110110
Hillmead Road, Bethesda, MD**

Dear Ms. Reilly:

Undersigned is president of the Bradley Boulevard Citizens Association (BBCA). The above referenced matter has been brought to my attention via notice and one of the affected neighbors, Alan Hammerschlag.

As apparent from exhibits submitted, the proposed house is completely in front of the average setback for the other homes on the block. Further, the lot would be the smallest width lot on the block. A principal purpose of the Bradley Boulevard Citizens Association is to preserve the character of the neighborhood. Adherence to §50-29(b)(2) provides the BBCA and Montgomery County with the necessary tools.

After having an opportunity to review the information concerning the resubdivision of lot 16 into proposed lots 42 and 43, the BBCA Board of Directors has determined to oppose the requested application. Given that the proposed lot and house location does not comport with the existing character of that block with respect to street frontage, alignment, size, shape, width, or area, I trust that the Montgomery County Planning Board will agree.

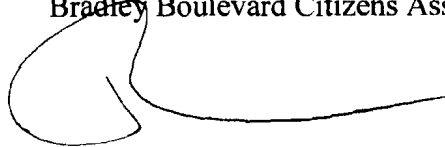
Huron Consulting and Mr. Stanley D. Abrams previously wrote to you on this subject. Rather than repeating the points and arguments made in those two letters I include them for your convenience and perusal and state that the BBCA Board agrees with the positions taken.

Page 2 of 2
Letter to Ms. Reilly
Re: Bradley Hills Grove Resubdivision
Dated September 8, 2011

For the foregoing reasons, I respectfully request that the application be disallowed. Please let me know if you have any questions or if there is any further information I can provide in support of the BBCA position in this matter. With kindest regards, I remain

Very truly yours,

Bradley Boulevard Citizens Association

A handwritten signature in black ink, appearing to read "Jason D. Smolen", written over the typed name below.

Jason D. Smolen, President

JDS:so



Attachment G

DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

DEC 6 2011

★ November 29, 2011

Ms. Kathy Reilly; Lead Reviewer
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Pre-Preliminary Plan No. 7-20110110
Bradley Hills Grove

Dear Ms. Reilly:

We have completed our review of the above-referenced pre-preliminary plan. The following comments are tentatively set forth for the subsequent submission of a preliminary plan:

1. Show all existing topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, utilities, rights of way and easements, trees and/or vegetation, etc.) on the preliminary plan.
2. At the preliminary plan stage provide Storm drainage and/or flood plain studies, with computations. Analyze the capacity of the existing public storm drain system and the impact of the additional runoff. If the proposed subdivision is adjacent to a closed section street, include spread computations in the impact analysis.
3. Necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. Show the location of proposed driveways on the preliminary plan.
5. At the preliminary plan stage, submit a completed, executed Montgomery County Sight Distance Evaluation certification form for our review and approval.
6. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
7. Public Improvements Agreement (PIA) will be an acceptable method of ensuring construction of the required public improvements. The PIA details to be determined at the record plat stage. The PIA will include, but not necessarily be limited to the following improvements:
Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

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Pre-Preliminary Plan No. 7-20110110 Bradley Hills Grove
November 29, 2011
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8. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to the following improvements:
 - A. Improvements to the public right of way, if any are required, will be determined at the preliminary plan stage based on a review of the additional information requested earlier in this letter.

Thank you for the opportunity to review this pre-preliminary plan. If you have any questions or comments regarding this letter, please contact me at (240) 777-2197 or david.adams@montgomerycountymd.gov.

Sincerely,



David C. Adams, Engineer III
Development Review Team and Planning Team

M:/subd/720110110BradleyHillsGrove.29Nov2011

cc: James R. Ramey, James T. Ramey Trust
Eric Tidd, CAS Engineering
Cherian Eapen, M-NCPPC Area 1
Greg Leck
Pre-Preliminary Plan folder



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

December 6, 2011

Ms. Kathy Reilly; Lead Reviewer
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Pre-Preliminary Plan No. 7-20110110
Bradley Hills Grove

Dear Ms. Reilly:

This letter is to amend our November 29, 2011 comment letter on Pre-Preliminary Plan No. 7-20110110 for Bradley Hills Grove to delete Comment #7 because of its conflict with Comment #8 which specifies that a permit and bond will be required if we determine that improvements in the public right-of-way are required at the preliminary plan stage. All other comments in our previous letter remain in effect unless modified below:

1. Comment #8 in the November 29th letter becomes comment #7.; Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The Permit shall include, but not necessarily limited to the following improvements:
 - A. Improvements in the public right-of-way, if required, will be determined at the preliminary plan stage based upon a review of additional information requested in our November 29, 2011 letter.

Thank you for the opportunity to review this pre-preliminary plan. If you have any questions or comments regarding this letter, please contact me at (240) 777-2197 or david.adams@montgomerycountymd.gov.

Sincerely,

David C. Adams, Engineer III
Development Review Team and Planning Team

M:\subd\720110110BradleyHillsGrove-Revised.05Dec2011

Office of the Director

101 Monroe Street, 10th Floor • Rockville, Maryland 20850 • 240-777-7170 • 240-777-7178 FAX
www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

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