

December 25, 2013

10108 Fleming Avenue, Bethesda MD 20814

M-NCPPC

Development Review Division

8787 Georgia Avenue

Silver Spring, Maryland 20910-3760

Dear Planning Board, Parks officials, and staff,

I write in relation to the proposed development of the Wild Acres parcel adjacent to Grosvenor Lane and Fleming Avenue. I live at 10108 Fleming Avenue and have owned the house there for many years. I request that the Planning Board -- and its staff in their report -- specifically address each of the points below regarding the proposed development plan.

I have a great stake in Fleming Avenue. My wife and I live there and use it every day. My young kids have grown up on the street. My older daughter learned to bike on the bike path. My younger daughter learned to scooter in the same place. Every day, I take my older daughter to the bus stop at the corner of Fleming, and then stroller or scooter along Fleming to my younger daughter's preschool. We sled on the street's margins in winter. We walk and bike along the street to use Fleming Park all the time. My kids collect leaves from the Fleming Avenue trees and spot squirrels, fox, and deer in the woods along Fleming. They have made friends on the street. They trick-or-treat on Fleming on Halloween, make snow angels in the grass alongside it in the winter, jump in its puddles in the Spring, and set up a lemonade stand on it in Summer. We chose to buy our house on Fleming Avenue in part because it was a beautiful, safe, tree-lined street on which to raise kids. Nobody -- not EYA and not the Planning Board staff -- cares more about Fleming Avenue than we do.

You have a lot of power to change our lives. It is very important to us that you hear us out and take seriously each of our concerns in turn and address them.

(1) The Staff Must Delay Its Report, and the Board Must Delay Its Consideration of the Plan, Because of Lack of Notice to Affected Neighbors.

As I said, I live at 10108 Fleming Avenue. I have just learned this week, when someone forwarded me a neighborhood association email, that EYA has proposed not only to change my entire street in dramatic ways, but also to undertake construction that would affect the critical root zones of a major tree on my property, possibly require the removal of a tree on my property, and eliminate the only parking space in front of my house (on a street where no one has garages).

This is a dramatic proposal, one that contemplates serious physical intrusions directly onto my property. And yet, I have never been formally informed of this proposal and only learned of it on December 22, a few days ago! This constitutes a complete lack of notice to an affected neighbor. EYA has known that I am affected neighbor because, searching out the plans this week, I find that my house is included in their plans, and a tree on my property has been numbered as an affected tree that will have its critical root zone potentially undermined and that could be removed. And yet, EYA has never informed me of this in any way -- and I just learned about it this week!

According to the Planning Board website, an applicant "must send a written notice about the requested site plan and a copy of the plan to adjacent and confronting property owners." When EYA revised its plan to directly affect property adjacent to and confronting my property, it was obligated to send me a written notice and copy of the plan. Because it has not done so, it has not followed Planning Board requirements, and I have not received notice of any hearings or seen a physical copy of the plan. Because of this, the only appropriate course for the Planning Board is to suspend consideration of the plan until I have received formal notice, been given a physical copy of the plan, and been given an adequate time after that to consider the plan and provide comments to EYA, Planning Board staff, and the Board.

This lack of notice is real and significant. I never could have assumed that a development marker for a site some distance away from my house could require an actual physical intrusion onto my property. Moreover, because the law required it, it was reasonable to rely on the fact that any changes to the plan on adjacent or confronting properties -- not to mention requiring physical intrusion onto my property -- require EYA to provide me with notice and a copy of the

plans. In addition, from the plans I've just seen, I cannot tell exactly what is proposed on my street. The version on the web that I've just now seen is too grainy (the original might be in color) to understand what is proposed. I need a physical copy of the plan to understand it fully. I can guess at it, and respond to rumors about it, but I simply have not had notice and an opportunity to be heard on this matter. In addition, I assume that other neighbors may be in the same position as me.

I will attempt to raise some preliminary thoughts below about what I can discern about the proposal, but because I have not been notified about the proposal and have not had time to learn about the proposal, I cannot fully assess all of the questions that would be relevant for the Planning Board to take into account. For these reasons, any proposed staff report must be delayed, and any Board consideration of the proposal postponed, until neighbors affected by the plan have been given adequate notice and an opportunity to be heard on changes that directly affect them.

(2) Fleming Avenue Should Not Be Widened.

I understand that EYA did not originally request to widen Fleming Avenue, but that the current proposal to widen Fleming Avenue was proposed by the Planning Board staff -- over the objections of the local community associations and EYA. Moreover, the proposal to widen Fleming would apply to all of Fleming, including pulling out and replacing the existing county-built bikepath across from my house and not adjacent to the EYA property.

The staff's proposal would convert a safe, tree-lined, side-street abutting a bikepath and a park into a 40-foot massive expanse of concrete unseen anywhere in the area. This proposal is not compelled by county law, is dangerous, and contrary to good planning practices. Moreover, it is opposed by everyone who uses the street regularly and is a terrible use of the amenity money potentially available from approval of the project.

A. The Widening of Fleming is Not Required by Current Law.

I understand that the Board staff has said that they want Fleming converted into a 30-foot street with an adjacent (10-foot including the margins?) bike path. Not recognizing the exceptional nature of a residential street adjacent to an historic trolley trail bikepath, a legacy open space property, and a park, the staff have come to the wrong conclusion about what the county rules require.

Even if 30-foot roads are the norm for residential streets, *the county's rules do not speak precisely to the required width of a road that abuts a historic trolley trail bikepath, a legacy open space property, and a park.* It would be perfectly reasonable for the Board to approve a plan that envisions a smaller road or to count the bike path and its margins toward any 30-foot guideline in these exceptional circumstances.

The reason typically given for the 30-foot guideline is that fire engines must be able to traverse the street. First, fire engines, garbage trucks, and other large vehicles can traverse Fleming just fine -- and they have done so for over 60 years. Second, Fleming is not simply a thin street. It is a thin street abutting a paved bikepath. Even if one were to conjure up some gargantuan imaginary fire engine that is twice the width of the fire engines that easily pass down Fleming today, that magical engine would still be able to traverse Fleming in an emergency by driving partly on the bike path. Of course, it's not clear how such an imaginary engine would get out of the fire house.

Moreover, even if Fleming were not in compliance with current county rules, the Planning Board need not require compliance with all of Fleming for this project. *In fact, it would be an extraordinary thing for the Planning Board to require other property owners -- none of whom benefit from the project -- to bear the costs associated with widening Fleming in areas that do not even abut the project.* To make this clear, for the Planning Board to approve this project according to the current EYA plans, one property owner would have to give up part of her land, and others would have to risk loss of trees on their properties and devaluation of their homes caused by an ugly, excessive 40-foot concrete-scape in order to widen part of a street that does not even abut the property. This is definitely not required by any county law or regulation. The Planning Board has discretion here, and should use it.

B. The Widening of Fleming Will Turn a Safe Street Abutting a Bike Path and a Park Into a Dangerous Street.

Right now, Fleming Avenue works very well as it is. It is a quiet, residential, tree-lined street with a (partway) paved bikepath and a park. It is heavily travelled by pedestrians and bikers, and is loaded with kids walking from the local schools to their homes, to the parks, and to other points along the bikepath. It is a wonderful place for families and children because it is one of the few places in the county where families can walk and ride safely together. A major reason the road is safe for both pedestrians and traffic is because the traffic is slowed by the narrow width of the street.

If the Planning Board were to approve the plan to widen Fleming, it would be turning a safe street into a dangerous one. There is good reason to believe that expanding Fleming would make it four or more times more dangerous than it is now; in fact, widening the street almost guarantees injuries and/or fatalities on the street. I'll let the experts explain:

Streets that once served vehicles and people equitably are now designed for the sole purpose of moving vehicles through them as quickly as possible . . . [30-foot roads] put more weight on fire rescue than on the protection of life in general; they try to minimize emergency response time, without considering that the resulting wide streets lead to an increased number of traffic accidents since people drive faster on them. . . . The biggest threat to life safety is not fires but car accidents, by a tremendous margin. . . . A recent study in Longmont, Colorado compared fire and traffic injuries in residential neighborhoods served by both narrow and wide roads. Over eight years, the study found no increased fire injury risk from narrow streets Meanwhile, in the same eight years, there were 227 automotive accidents resulting in injuries, 10 of them fatal. These accidents correlated most closely to street width, with new thirty-six-foot-wide streets being about four times as dangerous as traditional twenty-four-foot-wide streets. *Duany, Plater-Zyberk, and Speck, Suburban Nation: The Rise of Sprawl and the Decline of the American Dream (2000), pp. 66-68.*

Moreover, Fleming is a straight, flat street. If Fleming were widened with a bike path and margins along the side, the effective design speed of the road would appear to be 40+ miles per hour. Drivers will perceive the street to be a wide, easy street on which they can safely ignore speed limits. Nothing could be further from the truth. The tension between the fact that Fleming is a residential street abutting a bikepath and park and the fact that EYA's plan is designed to turn

cars into rocketships creates an unbearable risk. Pedestrian injuries and fatalities would be inevitable.

As I explained above, the Planning Board has discretion here. Fleming Avenue should be designed in a way that maintains the safety of its pedestrians, bike-riders, residents, and park-users. The Board can let the current width of the street remain and keep the street safe, or it can reach out to take the extraordinary step of widening the whole street and make a calculated choice to increase injury and fatality rates along a county bikepath.

C. The Widening of Fleming is Contrary to Good Planning Practices.

Since the Planning Board has discretion on how to handle Fleming, it should follow good planning practices. While traffic flow is a factor to be taken into account in good planning, traffic flow is only one of several factors to be weighed in assessing a design plan. Other factors that should be considered on a residential street with a bikepath and a park:

- (1) How do we maximize the safety of path and park users?
- (2) How do we maximize the usability, quality, and environmental integrity of the street?
- (3) What do the residents, users, and developers want the street to be like?

The first question I have addressed above. Narrower streets are safer streets, and a residential street that abuts a bike path and a park for its full length should not be treated the same as a major thoroughfare. Rather, keeping Fleming thin is the best way to keep path and park users safe.

The second question is also answered in the same way. Cars, trucks, and fire engines easily traverse the street in its current state. Moreover, since Fleming already has three exits and is not very long, there is virtually no downside to encouraging traffic to remain relatively slow. There is, however, a major safety upside to keeping traffic slow along a county bikepath and park on a residential street. In addition, the additional space can be used for greenery, which is more environmentally sound and keeps the street a pleasant place -- unlike 40 feet of treeless concrete baking in the sun.

The answer to the third question is also clear. Recall that the widening of Fleming is not something EYA wanted to do on its own. It is only proposing the widening because the Board staff insisted that EYA include it in the plan. The users of Fleming and the bikepath are united in wanting to keep Fleming thin. This will of the community should be an important factor in exercising the Board's discretion. Moreover, since the request to widen Fleming is purely a staff-generated idea, there will be no one to challenge a decision to keep it thin.

(3) Parking Should be Maintained on the West Side of Fleming Avenue, and the Planning Board Should Require, As a Condition of the Plan, that Permits to Park on Fleming Avenue Be Given Only to Residents of Existing Neighborhood Homes.

I cannot determine this from the plans, but I understand that the EYA proposal -- and many but not all Board staff -- would move the parking spaces on Fleming from the west to the east side of the street. I understand that the community has vociferously opposed this idea, but most of the Board staff have ignored them. To be honest, this idea appears totally gratuitous and comes off as a total slap in the face to the neighborhood. I'll explain why.

The current residents of Fleming live in a 60-year-old neighborhood with small homes built for veterans in the post-war era. These homes have no garages, and the residents completely rely on on-street parking for their cars -- as they have for 60 years. When I park in front of my house to remove my young kids from my car, I can take them directly into the house without crossing the street.

There is no justifiable reason why the residents of an established neighborhood who have no garages should lose the parking spaces they have used for 60 years in order to fulfill the whims of a few planning staff. Every unit in the proposed development has garages and parking spaces. Why in the world would they need additional parking spaces in front of their houses? To propose to move the parking spaces we rely on to the other side of street, forcing us to cross a wide, newly dangerous street with kids to reach our houses every day of our lives is so gratuitously mean-spirited as to be unworthy of a planning staff recommendation.

Moreover, EYA's development creates major parking externalities on our street. Because EYA has proposed to make our street their back alley, Fleming's garage-less residents will now be in competition for spaces with EYA residents who have garages and specified parking. The only reasonable solution to this situation is to require that EYA arrange for a permit parking system on Fleming that only allows for permits for current residents. Otherwise, EYA will have converted our street into their parking lot -- at the expense of long-time homeowners who have no other choice.

(4) The Bike Path and Park Should Be Unobstructed by Roads and Protected by Trees.

It appears -- from what little I can discern from the grainy plans I've downloaded -- that EYA is proposing to bisect the bikepath with a street that empties directly onto the middle of Fleming Avenue. It also appears that EYA is proposing to build the bikepath without a significant barrier of major trees alongside it. Both of these decisions are serious mistakes and should be corrected by the Board.

First, putting a road across an expanse of county bikepath does two things: (1) it makes the bikepath unsafe; and (2) it renders the bikepath far less useful than it should be.

On safety, it's important to note that the location of the proposed road is mere feet from a county park. This means that kids on bikes will just be picking up speed from the park when the car that doesn't see them crashes into them. If a road is located across the bikepath, kids won't be able to use the bikepath on their own, and those that do will be in danger.

On usefulness, a bikepath that is bisected by roads will not be used by bikers. This is a well-known fact, seen all the time, all over the county, including in our neighborhood. Bikers, knowing they have to cross a road on a bikepath, will instead choose to ride in the middle of the street or on the unbisected sidewalk on the other side of the street. A bikepath only works effectively when its integrity is maintained. To put a regular road across a bikepath totally destroys the basic function of the path.

Second, the location of the new road is out of touch with the community. It does not follow the standard requirement that roads be placed adjacent or across from other roads. Thus, it turns Fleming Avenue into a back alley for EYA's residents. It is hard to understand why the Planning Board staff feels the need to focus on an inappropriate 30-foot guideline while ignoring the county's guidelines on street placement and standard guidelines about the design of bikepaths.

The obvious upshot of this is that, if the Planning Board deems it necessary to provide emergency access from Fleming Avenue, any entrance on Fleming Avenue should be a small macadam road for emergency access only.

Third, as is well-demonstrated in planning literature, bikepaths and other effective pedestrian streets need trees for shade, protection from the sun, and definition. See, for example, *Jacobs, Great Streets*, at pp. 273-76, 293-95. EYA's proposal would turn Fleming from a pleasant, residential, tree-lined street into a barren wasteland of concrete. Even the current paved bikepath is a blazing hot oven in the summer because it lacks trees. If the entire bikepath were to be unprotected by trees, it would become a concrete furnace in the sunlight, and seriously discourage walkers and bikers. The bikepath needs trees -- many, of serious height, and in at least several rows -- to make it a pleasant place. This is an urgent amenity that must be provided by EYA to make the bikepath workable. And it's also necessary to replace a tiny bit of the treed pollution screen from 495 and 270 that EYA is removing from the neighborhood.

Right now, the east side of Fleming is protected by acres of 70 foot trees, and EYA's plan will do almost nothing to make the bike path a pleasant amenity. The Board should make efforts to maintain the wooded character of Fleming and the woods surrounding Fleming Park. It is the most important thing the Board can do to protect the health and environment of our community. The woods are quite dear to us, and our older daughter has been nearly in tears when she learned that someone has proposed to cut down all the trees.

(5) EYA Should Be Required to Provide Additional Amenities, Including Additional Playground Equipment, Park Renovations, Toilet/Water Fountain Facilities, and the Submerging of the Powerlines along Fleming Avenue.

EYA is profiting by creating negative externalities on Fleming and Fleming Park. It should be required to partly compensate for those negative externalities by providing Fleming and Fleming Park with amenities. Right now, it is proposing to do nothing more than provide a few paths in the small amount of woods they're leaving along a six-lane highway (at piddling expense and of questionable value since kids already wander in the woods).

Here are amenities that would actually help compensate for some of the externalities placed on the neighborhood (externalities which include loss of pollution and noise cover, loss of environmental benefits and wildlife, overcrowding of the park and the local schools, enhanced traffic, construction noise and pollution and, hopefully not, changes to Fleming Avenue):

(A) Playground Equipment.

Fleming Park is already overburdened. It's the only park in the neighborhood -- a neighborhood of 700 homes. I take my kids there all the time, and the park is often bursting with people. On a recent Friday evening, I counted 110 people in the park. Have you visited this park? It's a very small, neighborhood park. Can you imagine 110 people in it? There were two baseball games in progress, a soccer practice, two pick-up basketball games, two tennis matches (with people waiting on the benches), a full pavilion with a barbeque and a birthday party, and kids running everywhere on the playground and in every free corner of the park. Kids had to wait in a line to go down the slide.

EYA is proposing to put an additional 153 families *right next to the park*. And what are they proposing to do to deal with the new burden on the park? *Nothing*. Why not? There's barely any playground equipment in Fleming Park. How about requiring EYA to account for their addition to the lines for the slide by adding some extra playground equipment? How about a swingset or something quirky and original that the park can take pride in (like the sculptures in Maplewood park)? How about a really nice additional jungle gym set so the EYA kids can play with the current neighborhood kids without fighting over the monkey bars?

(B) Park Renovations and Facilities.

Since EYA will be placing such a heavy burden on the park, they should be required to make up for it by enhancing the park's facilities. The county, I'm sure, has many ideas. Since EYA will be adding water pipes everywhere, how about a water fountain? How about funding a permanent porta-potty -- or even better, a permanent restroom?

(C) Submerging the Powerlines on Fleming Avenue.

No matter what happens, EYA will be tearing up the side of Fleming Avenue that includes the ancient powerlines. Those powerlines will likely have to be moved and/or managed. This provides a perfect opportunity for the county to work towards another one of its planning goals -- submerging powerlines.

Right now, the powerlines on Fleming Avenue are old, fail frequently, and have exploded right above the bikepath several times. While EYA is tearing up Fleming, they could, at comparatively low cost, arrange for the Fleming powerlines to be submerged, enhancing the streetscape and providing additional power reliability. The community would welcome this change, and it would bring Fleming into line with the rest of the proposed development. It would also be a much better use of EYA's amenity money than turning more trees into concrete.

(D) Improving the Intersection of Grosvenor and Cheshire.

If the Planning Board wants to improve traffic and pedestrian flow affected by the development, altering Fleming Avenue is not the best way to do it. Rather, the real limitation in our neighborhood for cars and fire engines is access to the neighborhood from Old Georgetown Road. When Nations Academy earlier proposed a development on the Wildwood site, their representatives did several traffic studies. They told us that their studies showed that the intersection of Grosvenor and Cheshire "absolutely" had to be changed because it was already overburdened and poorly designed.

Adding 153 families to the neighborhood will undoubtedly stress this highly stressed intersection. If the Planning Board wants to improve traffic flow in the area, they should require

EYA to mitigate the impact shown by the traffic studies, and not arbitrarily pick a street for widening just because it is close to the development.

(6) Housing Along Fleming Should be Consistent with the Character of the Neighborhood.

I can't understand what the streetscape of Fleming will look like from the plans I've downloaded. It appears that EYA will be building houses that dwarf those on Fleming Avenue. If so, the houses should be on a grade level that is below the level of the street. Doing so will also minimize the likelihood that EYA's runoff will end up in our basements.

(7) When Considering Options to Address the Streetscape of Fleming Avenue, the Planning Board Should Strive For Consistency With the Master Plan.

It is important to remember that EYA's proposal flies in the face of the Master Plan. Residents bought on Fleming and in the neighborhood on the assumption that Fleming would be wooded, that the County and community wanted it to be wooded, and that the wooded nature of the street was protected by the Master Plan. My wife and I bought on Fleming in reliance on the Master Plan, and expected that the County would take it seriously and would not alter the Plan without a formal revision process.

Contrary to this expectation, the very first time someone has made a proposal inconsistent with the Master Plan's vision for Wildwood and Fleming, the planning staff has taken the most aggressive tack possible in diverging from the Plan. Since no amendments to the Master Plan have been approved, the Planning Board should be trying its best to implement the legitimate expectations engendered by the Plan. That is, it should be trying to maintain the wooded, residential character of the street as best as possible. Eliminating all trees on Fleming, expanding Fleming, and adding a new street onto Fleming defy the Master Plan and the expectations it created.

Moreover, in considering how to implement any variances from the Master Plan, the Planning Board should be attempting to minimize negative impacts on the community, not increasing those impacts.

(8) EYA Should Be Required to Implement a Construction Plan.

I see nothing in the plans about construction impacts on the community. The Planning Board should insist that EYA follow a construction plan that: (1) requires construction vehicles to enter from Grosvenor, rather than Fleming or Fleming Park; (2) minimizes noise and impact on the neighborhood; and (3) strictly limits construction hours to weekdays from nine to five.

Conclusion.

EYA's proposal turns Fleming Avenue from an historic, wooded, quiet, trolley trail bikepath, park, and street into a broad, noisy, minimally treed boulevard of cookie-cutter design that is out of step with the current community. Not every street in the county needs to be identical, particularly along a special bikepath and historic trail. Where the County can preserve unique character, woods, and amenities for residents, it should do so.

I, my wife, and my daughters are in your hands. We care about our street, and hope you will too. A few small changes to one small edge of huge project will make an enormous difference in our lives and the lives of other who use Fleming Avenue. Please address all the concern raised above.

Thank you,

<JMK>

Jeffrey Klein
10108 Fleming Avenue
Bethesda, MD 20814

Butler, Patrick

From: Joan Hurley <joanhurleyb2242@gmail.com>
Sent: Saturday, September 14, 2013 12:13 PM
To: Butler, Patrick
Cc: Sloan, Joshua; Dickel, Stephanie; rmorley@nchh.org; elke.jordan@verizon.net; Irene Elliott; Pat Davenport; Jody Chase; Ann Bowker; Knaggs, Lynn; Axler, Ed
Subject: Re: Questions from FPCA and WMCA about EYA development

Follow Up Flag: Follow up
Flag Status: Flagged

Many thanks for meeting with us yesterday. It really helped us to understand what your plans are and we really appreciate this.

These are comments from an attorney, Jeff Klein, who lives in our neighborhood. He will be sending this to the Planning Board as well but I wanted to give you a heads up on this.

Here are a few points Mr. Klein would like you to consider.

(1) Inconsistency with the Master Plan -- The proposal flies in the face of the Master Plan. Residents bought on Fleming and in the neighborhood on the assumption that Fleming would be wooded, that the County and community wanted it to be wooded, and that the wooded nature of the street was protected by the Master Plan. But the very first time someone proposes to change that aspect of the Master Plan, the planning staff takes the most aggressive tack possible in diverging from the Plan. Since no amendments to the Master Plan have been approved, the staff should be trying to implement the legitimate expectations engendered by the Plan. That is, they should be trying to maintain the wooded character of the street.

(2) Poor Streetscape Planning -- Increasing the size of the road and adding the bike path alongside it would turn Fleming Avenue into the streetscape of a major boulevard. It would suddenly have the widest expanse of concrete in the entire neighborhood. The street has worked fine at 20 feet and will continue to work fine. At the least, we should use those 10 feet for wooded protection for the bike path. That amount of roadscape is simply inappropriate and out-of-scale for a small, neighborhood street lined with small housing lots. Moreover, it will result in major speed increases on the street, which is now rendered safe along the bikepath mainly by the small size of the street.

(3) Poor Bikepath Planning -- The planning staff is apparently not familiar with Jane Jacobs, Great Streets, or other urban planning literature. Creating a bike path without a significant tree protection creates a boiling, unpleasant, poorly usable concrete expanse. As the literature states, bikepaths must have significant tree cover and shade to be functional. The county has the opportunity to build the bike path properly, and instead is planning concrete instead of trees. Right now, that side of the street is protected by acres of 70 foot trees, and a single line of trees will do almost nothing to make the bike path a pleasant amenity.

(4) Poor Bikepath Design -- Putting a road and a driveway over the bikepath completely destroys the safety and security of the bikepath. Why would they propose this when no one wants it?

(5) Poor Environmental Planning -- The woodline now operates as a pathway for wildlife, a storm drainage region, and contains tons of mature trees. It operates as the primary sound barrier between our neighborhood and the beltway and 270, as well as the primary air pollution barrier. It also connects directly to a county park. A, say, 80-foot barrier of trees would retain significant environmental benefits at minimal cost to the project. Eliminating that barrier would poison our neighborhood with air and noise pollution, not to mention result in unforeseen effects on our neighborhood during storms.

(6) Amenities for the Community -- The project provides insufficient amenities for the community. A shaded bikepath should be amenity #1 for the community, especially since the project's owner will be profiting by dumping hundreds more users on the path. Plus, are they upgrading the park (more play structures, etc.?) to make up for the additional use?

(7) No Exit onto Fleming -- Fleming should not be the new development's back alley. This plan turns us into a cut-through. Moreover, adding that exit will turn us into their parking lot as well. The planning staff should be attempting to minimize negative impacts on the community, not increasing those impacts.

(8) Dull Planning. The planning staff's proposal turns Fleming from an historic, wooded, quiet, trolley trail bikepath and street with unique character into a broad, noisy, minimally treed boulevard of cookie-cutter design that is out of step with the current community. Not every street in the county needs to be identical, particularly along a special bikepath and historic trail. Where the county can preserve unique character, woods, and amenities for residents, they should do so.

6104 Rudyard Drive
Bethesda, Maryland 20814
December 24, 2013

Patrick Butler, Stephanie Dickel, and Khalid Afzal
Montgomery County Planning Department
Maryland – National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Butler, Ms. Dickel, and Mr. Afzal:

On behalf of the Wildwood Manor Citizens Association, this letter addresses two important issues regarding EYA's November 25, 2013, revised plan for its proposed development at Gilbert Grosvenor's former estate, Wild Acres: density and the Legacy Open Space area. Please see my September 29, 2013, letter to M-NCPPC staff for further details on our concerns about this development.

We are very concerned that EYA still proposes to construct 153 new units – now 143 townhouses and 10 single-family houses – at Wild Acres, subtracting only two units/"lots" from the 155 units (including MPDUs) that could be built under the Montgomery County Code Zoning Ordinance on an undeveloped property of this size (35.4 acres) zoned R-90. We believe that the proposed number of new units is too high. Per consultation with our attorney, we believe that it does not appropriately take into account the current buildings and associated property that will remain in Wild Acres' reduced 10.11-acre special exception area for nonprofit office use: the large Grosvenor mansion and the carriage house used by the Society of American Foresters (SAF), the large condominium office building with multiple users, and the caretaker's house. These four buildings and associated property will continue to be used by other entities for other purposes and are not part of this project. EYA apparently proposes to count the caretaker's house and associated property as one "lot," and to count the other three remaining buildings and associated property as only one single "lot." We understand that EYA will not purchase the entire Wild Acres property. We also understand that the SAF buildings and the condo office building will not be under the same ownership. We question whether it is appropriate to assign the SAF buildings/property and the condo office building/property to the same large "lot." EYA in effect appears to be counting them as the equivalent of only one EYA townhouse when calculating the maximum number of units that it can build.

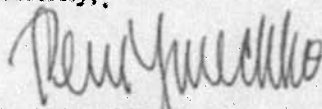
M-NCPPC staff also expressed concerns about density. Staff's May 2013 comments to EYA said, "Each structure being retained as part of the special exception must be located on its own separate lot. Each of these lots/structures counts toward the overall density allowed on the site and the number of proposed residential lots must be reduced, as applicable." Staff's July 2013 comments to EYA said that "[d]ensity is high taking into consideration existing SE uses, compatibility, environmental, and recreation issues" and recommended "reduction of several lots." We note that reducing the number of units to be built could mitigate or resolve environmental and compatibility concerns including the amount of traffic that would be generated, the amount of tree removal and damage proposed, proposed encroachment into the Legacy Open Space area approved by the Planning Board, and potential overcrowding of Fleming Park.

We request that the staff report and/or a separate document provide staff's legal interpretation of the relevant zoning ordinance provisions, etc., regarding the maximum number of new units that EYA could build at Wild Acres, taking into account the four current buildings and associated property that will remain in the reduced 10.11-acre special exception area and be used by other entities for other purposes.

We strongly believe that the entire Legacy Open Space (LOS) area, as approved by the Planning Board in 2008, should be dedicated to M-NCPPC/Parks and added to Fleming Park as forested public green space. Unfortunately, the proposed EYA development would encroach into the LOS area north of Fleming Park, which is needed to buffer and maintain the park. In EYA's November 25 plan, EYA's proposed houses do not encroach as much into this LOS area, and EYA would dedicate somewhat more of this area to M-NCPPC, than earlier plans indicated. These are positive steps in the right direction. But it appears that EYA still would dedicate less than half of this LOS area to M-NCPPC. EYA would remove or damage many trees and – new in the November 25 plan – construct a retaining wall, storm drains, and three bioretention areas/ESD facilities within this LOS area. (Wherever bioretention areas are built on the property, it is important that they be unobtrusive and appear natural.) We ask that the integrity of the full LOS area be assured and the park experience in Fleming Park be preserved and enhanced.

Montgomery County should assure that development is consistent and compatible with Wild Acres' natural and historic resources and character, with its Legacy Open Space and Master Plan for Historic Preservation designations, and with adjacent neighborhoods including Wildwood Manor.

Sincerely, .



Terri Yurechko, President
Wildwood Manor Citizens Association

6104 Rudyard Drive
Bethesda, Maryland 20814
September 29, 2013

Patrick Butler, Stephanie Dickel, and Joshua Sloan
Montgomery County Planning Department
Maryland – National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Butler, Ms. Dickel, and Mr. Sloan:

On behalf of the Wildwood Manor Citizens Association, this letter follows up my March 13 letter to Mr. Butler and Ms. Dickel, and input provided by Ann Bowker, regarding the proposed EYA development at Wild Acres, the former estate of Gilbert Grosvenor.

We believe it is essential to assure that development is consistent and compatible with Wild Acres' natural and historic resources and character, and with adjacent neighborhoods including Wildwood Manor. Wild Acres' historic and natural resources significance is confirmed by inclusion of its southern forested area in the Legacy Open Space program (January 2008) and inclusion of its northern area in the Master Plan for Historic Preservation (March 2009). We believe it is essential to maintain the integrity of the approved Legacy Open Space and Master Plan for Historic Preservation areas.

EYA proposes to build 100% townhouses under Wild Acres' current R-90 zoning using criteria in the Montgomery County Code Zoning Ordinance, section 59-C-1.621, footnote 1, relating to desirability from an environmental perspective and compatibility with adjacent development. We believe EYA's current plans do not adequately assure protection for the environment or compatibility with the rest of the property or with the adjacent neighborhood.

We continue to have serious concerns about the large number of townhouses that EYA proposes to build, traffic that would be generated by residents of so many additional homes and would further stress roads including Grosvenor Lane and the intersections at Old Georgetown Road and Rockville Pike, proposed excessive removal of and damage to trees, proposed encroachment into the Legacy Open Space (LOS) area approved by the Planning Board in 2008, lack of sufficient open/recreation space/amenities, and potential overcrowding of Fleming Local Park. We regret that EYA has not made changes to address and resolve these concerns (except to discuss mitigation of some issues along the boundary of the eastern part of the LOS area). We therefore believe that the development as proposed by EYA should not be approved, or should be approved only with specific conditions to resolve these outstanding concerns/issues.

The Wildwood Manor Citizens Association has not taken a position regarding the location of a second entrance to the development or potential widening of Fleming Avenue.

We believe that the number of townhouses EYA proposes – 153 – is too high. We believe that this number should be reduced, for environmental reasons, to improve compatibility with adjacent existing development and the natural resources and historic character of Wild Acres, and to appropriately take into account the other nonpublic uses of Wild Acres that will remain. As explained in attorney Norman Knopf's August 16 memorandum to M-NCPPC staff, part of Wild Acres already is developed, and the proposed density does not appropriately take into account the current, pre-existing buildings that will remain and associated property, which are not part of this project and will be used by other entities for other purposes. EYA will not own all of Wild Acres. The Society of American Foresters (SAF) will continue to occupy and use the large Grosvenor mansion, carriage house/garage, and associated approach and parking lot. A large condominium office building also will remain, along with an associated parking lot. The caretaker's

cottage will remain as well. As requested by EYA's attorney earlier this year, the Board of Appeals reduced Wild Acres' special exception area for non-profit office use from 35.4 acres to 10.11 acres for these remaining uses, and SAF holds the special exception. Yet EYA proposes to subtract only 2 dwelling units from the maximum of 155 dwelling units that could be built if all 35.4 acres were vacant and undeveloped. As Mr. Knopf's memorandum explains, the 10 already-developed acres that are under the reduced special exception and are not part of this project would accommodate approximately 44 townhouses if this land were undeveloped and part of the project; these 44 townhouses should be deleted.


Reducing the number of townhouses appropriately could resolve or mitigate a number of the environmental and compatibility problems that would result from EYA's proposal, including excessive tree removal and damage, encroachment into the Legacy Open Space area approved by the Planning Board, lack of on-site green/open space and recreation amenities, overcrowding of Fleming Park, and excessive additional traffic.

We strongly support dedication of the entire Legacy Open Space (LOS) area, as approved by the Planning Board in 2008, to M-NCPPC/Parks and addition of this entire area to Fleming Park. Wild Acres includes the last accessible high-quality open green space in our community. We believe it is important to preserve this entire area as forested public green space. Unfortunately, the proposed EYA development encroaches significantly into the LOS area north of Fleming Park, and one of the single-family homes that we understand staff will recommend would be in this LOS area. Staff, the property's owners, and citizens participated in a process that resulted in the Planning Board's 2008 approval of almost 11 acres of Wild Acres (and 4 acres of adjacent State Highway property) for the LOS program. During the meeting at which the Planning Board approved Wild Acres' LOS nomination, the vice-chairman said that they did not want an unclear LOS decision. We do not believe it is appropriate for EYA to redraw the LOS boundary in order to build townhouses, a road, and parking spaces within the approved LOS area. EYA not only proposes to remove all of the trees where these townhouses and this pavement would be, it also proposes significant tree removal and critical root zone damage in the narrow LOS strip that would remain along the current park boundary. Removal of the mature forest in this area would adversely affect the park – especially the playground and tennis courts – and the quality of the park experience. We also are concerned that the proposed development would be right at the edge of the LOS area along most of the rest of the LOS boundary, which would adversely affect the quality of the LOS area and the health of its trees. We do not believe that the county should have to choose between mitigating the damage along the boundary of the eastern LOS area or allowing EYA to encroach into the western LOS area.

We understand that exact LOS boundaries are not final until the land has been dedicated to M-NCPPC, etc., and that minor boundary adjustments could be appropriate in some cases. EYA's proposed encroachment would not be a minor boundary adjustment, however. The LOS area north of Fleming Park has in effect been part of the park throughout the park's decades-long existence. It has provided a forested view, shade, buffer, and screening. As LOS staff told the Planning Board in 2008, it is needed to buffer and maintain the park and it meets LOS criteria. (We would welcome additional – not "replacement" – LOS dedication.)

When community representatives and Mr. Knopf met with staff on September 13, an option that was discussed addresses EYA's failure to provide easily-accessible open space and recreation amenities for townhouse residents, as well as lack of easily-accessible shaded walkways and seating areas for all. We would support using the entire approved LOS area north of Fleming Park, which is at the edge of EYA's development, to provide forested buffer/screening as well as easily-accessible shaded walkway(s), seating area(s), and appropriate recreation amenities – for use of development residents and the general public.

Sincerely,



Terri Yurechko, President
Wildwood Manor Citizens Association

Butler, Patrick

From: Sara Gottovi <saratovi@gmail.com>
Sent: Monday, December 23, 2013 9:03 AM
To: Butler, Patrick
Cc: Dickel, Stephanie; dominic.quatrtrocchi@montgomeryparks.org; Powell, Doug; Knaggs, Lynn; khalid.afzal@montgomeryplanning.org
Subject: Proposed Wild Acres Development

Mr. Butler,

I'm a mom with two young children; we live on Fleming Avenue, across from Mrs. Grosvenor's house. I was concerned about the possible impact on our neighborhood and park from the first announcement of EYA's development plans. I have only become alarmed enough to write since I saw the latest plans yesterday. My biggest concerns relate to road "improvements" along Fleming. It is my understanding from communication with the Neighborhood Association that these "improvements" have entered the plan entirely at the request of the Planning Staff, and that seems to be supported by the record as EYA's original plans, prepared after consultation with the neighborhood, have no such recommendations.

I'm not sure in whose interests the planning staff is charged with acting. In this case, it seems like neither the developers' interests or the neighborhood's interests are particularly important. Perhaps it's the zoning rules and some interest in county-wide uniformity that's motivating some of these ideas. Sadly, these interests in rules and uniformity are overcoming the neighborhood context here in North Bethesda Grove. Bluntly, following these rules in our neighborhood context puts children's lives and the lives of recreational users of the Fleming park and the Bethesda Trolley Trail at risk.

Widening a street puts children at risk for being run over by cars. There's no doubt you are aware of this. Here, the children at risk are not only the residents of Fleming Avenue, but also the hundreds of other children who traverse Fleming Avenue to get to the park. Adults are also, obviously, put at risk with a wider street. Here, these are adults by the thousands who use the Bethesda Trolley Trail for biking, jogging and walking. Not only have you planned to bisect the Trolley trail with a road that will carry more residential traffic than is currently carried in a two or three block radius in the neighborhood now, you've also planned to widen Fleming; have made no mention of continuing the traffic calming humps, and mysteriously have moved parking for current residents, none of whom have garages, across the street from their homes to face oncoming cars with their children on a regular basis (presumably this benefits parking for future residents, all of whom, I should note, have garages). I have no idea what you're thinking with these proposals, but as a mom I think "someone is going to get hurt."

I think someone is going to get hurt based on my daily experience taking my First Grader to the bus stop across Grosvenor Lane. There's a crosswalk, and a big yellow sign for to pedestrian crossing. Heck, there's even a state law mandating that cars stop at the crosswalk. There is rarely a morning that at least 5 or 6 cars don't blow by, disrespectful of all the laws, and of the children. Cars pass by so quickly that the pedestrian crossing signs along Grosvenor are often "taken out." Indeed, there was even a car accident leading to a fatality within one block of Fleming on Grosvenor Lane within the last 7 years or so. Someone was either inattentive or asleep, crashed into parked cars, and severed the legs of a pedestrian exiting her car. She died a few days later in the hospital.

This sort of recklessness and disrespect for the laws is probably beyond the preview of the planning staff, but it's reality. Bisecting the Trolley Trail with a 153+ car carrying road and widening Fleming so those cars can

travel faster is inviting car-meets-pedestrian or biker. These are County residents and park users we're talking about. There are other options available. EYA was willing to follow them before the planning staff got involved. I strongly urge you to consider more thoroughly the quaint neighborhood context, and the safety of our residents before it is too late.

Finally, with regard to Fleming Park, it is over capacity and does not have enough amenities for the hundreds of kids that use it. It is the only park serving our side of the beltway for several miles. Kids come from outside the neighborhood to use it. With 153 additional families the park will quickly become run down and unusable without an infusion of additional equipment, like a swing set and additional or larger climbing structure.

Thank you for your time and attention to my concerns. I respectfully request that these views make their way to the planning Board as well.

Best Regards,
Sara Gottovi
10108 Fleming Avenue

TO: Planning Staff

RE: EYA development at Wild Acres

I hope you have already noticed that EYA's plans for Fleming Avenue show that they have taken away the current residents' on-street parking and put it on the other side of the street, in front of EYA's new houses. This is not acceptable for the following reasons:

1. Existing houses have only one on-site parking spot, many have at least two cars, and all have visitors from time to time. Proposed homes on the east side of the street will have parking on-site for two cars plus they also will have street parking on their second street, behind them.
2. Pushing the traffic lanes to the west side of the street means there will be busy traffic passing only four feet from the sidewalk, and within one or two feet of very large tree trunks. This is a safety issue.
3. While the traffic lanes on the west run a mere four feet from the sidewalk, on the east they are fully fourteen feet from the hiker biker path which is the sidewalk on that side. This is way out of balance, and is a compatibility problem. If there is parking on the west side of Fleming the traffic lanes will run closer to the middle of the right-of-way where they should be.
4. There must be parking on both sides of Fleming to meet the much increased demand for parking created by the development, and to make Fleming compatible with the rest of the neighborhood. Fleming Avenue north of Grosvenor is a good example of how Fleming Avenue south of Grosvenor should look and could work for everyone involved.

I also feel that the new houses on the east side of Fleming should have lots of the same size and be directly aligned with the already existing lots of the houses on the west side, and that they should be no higher than 35 feet with no rooftop additions, in order to be compatible with the neighborhood.

I also feel that there are way too many trees being taken down or compromised, and that the plans still encroach on the legacy open space. There should definitely be no encroachment on the west side of Fleming, no taking of any property and no compromise of any of the trees on the west side of the street.

I also feel that EYA's computation of how many houses can be built on the Wild Acres property is faulty, and that the traffic engendered by so many extra houses will overwhelm the existing neighborhood like a 350 pound linebacker in airplane coach seat B.

Please acknowledge that you have read and noted these objections and will bring them to the Planning Board's attention.

Thank you.

Irene Elliott
10014 Fleming
Bethesda, MD 20814
301-530-8591

Butler, Patrick

From: Pat Davenport <patdaven@gmail.com>
Sent: Tuesday, December 17, 2013 4:44 PM
To: MCP-Chair
Cc: Butler, Patrick; Dickel, Stephanie; Afzal, Khalid; knopf@knopf-brown.com
Subject: EYA development: Grosvenor estate (Wild Acres)

To: Françoise Carrier

Chair, Montgomery County Planning Board

Dear Ms. Carrier:

I live on Fleming Avenue, across from Wild Acres, the former Gilbert Grosvenor estate and site of the proposed EYA townhouse development. I have taken a look at the final set of plans submitted by EYA. My reaction is one of total dismay. EYA has made virtually no changes to meet the adjacent neighborhood's concerns, and it has introduced new elements that make the development even *less* compatible with our neighborhood and *less* environmentally sensitive than previous plan iterations. Unbelievable!

My concerns are noted below:

Too much density:

- The project exceeds the density permitted by the Zoning Code, given that current uses for office buildings will remain and the caretaker's cottage will be sold as a single-family home. Apparently, to get around the code, EYA put the remaining office buildings and the caretaker's cottage into two disproportionately large lots. How is it that EYA was allowed to do this? How is it that a developer gets to decide how to portion out already-developed property (that will be used by other entities) as well as undeveloped property? Talk about conflict of interest! How can that be legal?

Fleming Avenue:

- It is unnecessary to widen Fleming (south of Grosvenor) to 30 ft. This is completely out of scale with the rest of the neighborhood and unnecessary for traffic flow. Instead, if Fleming must be widened, make the street the same width as Fleming north of Grosvenor—that street accommodates two-way traffic and there is room for parking on both sides of the street. This respects the needs of current neighborhood residents and is also much compatible with other streets in the neighborhood than a 30 ft. boulevard would be.
- The EYA plan shows street parking only on the east side (in front of the EYA homes), and **no parking on the west side** where existing homes are. **This is OUTRAGEOUS.** The existing homes on Fleming have only single-car driveways and many households have two or more cars. The EYA plan not only forces current residents (and their visitors) to find parking across the street from their own homes, but also forces them to compete with development residents and their visitors for that parking space.

Taxpaying homeowners, like me, who have lived in these houses for decades, are being penalized—just to make way for EYA and its development. That places an unfair burden on current residents. I believe this problem could be solved (providing parking for EYA homes and current homes on Fleming) by modeling the street after Fleming north of Grosvenor (see first bullet).

- As I and others have noted previously, the second entrance from the development onto Fleming—intersecting with the bike path and leading to increased vehicular traffic on the street — is a huge safety concern. Fleming and the bike path get heavy use from cyclists, skate-boarding children, walkers, joggers, baby carriages, dog walkers, and children running to and from the park. Someone is going to get hurt. If the county insists on a vehicular entrance, EYA should, at the very least, install a series of speed humps at the second entrance. It is imperative that traffic slows down and stops before crossing the intersection with the bike path. Speed humps should also be installed on Fleming itself to calm the speed of increased traffic resulting from the second entrance.
- EYA's plan shoehorns 10 dwellings along the east side of Fleming, at a height exceeding 35 ft., and apparently these single-family houses would be only 8 feet apart. This is not compatible with our neighborhood. The height of the houses should be limited to 35 feet and EYA should align the property lines of these houses with the houses on the west side of Fleming.

Insufficient parking for development residents:

- EYA does not provide sufficient **convenient** parking for the new homes in the western portion of the EYA development. This is not compatible with our neighborhood. As I and others have noted, although EYA plans to let residents/visitors use the office building parking lot, they will park on Fleming because it will be more convenient—placing unfair burden on current residents.

Insufficient recreational amenities in the development:

- EYA is relying too heavily on already overcrowded Fleming Park to provide recreational amenities for development residents. It's good that EYA is going to add path through portions of the LOS, but that's not enough to prevent further usage stress on Fleming Park. The EYA plan has space designated as "play area," but it needs to provide an actual, equipped playground so that children living in or visiting grandparents in the development won't be forced to wait in the often long lines to use the equipment in Fleming Park.

Environmental harm:

- The development still encroaches on Legacy Open Space. For example, in the LOS area north of Fleming Park, part of a house, two townhouses, and an internal road are within the LOS. Furthermore, the new plan shows that EYA intends to remove many trees in the LOS to make way for storm drains and bioretention areas (whatever they are!). Not only does this strike a blow against environmental protection, these infringements on LOS would be near the park's tennis courts, tot lot, and basketball court. Completely destroying the viewscape and the character of the park.
- The plans show mature trees being clearcut along Fleming and being destroyed elsewhere in the property. How can this be environmentally beneficial?

Thank you for considering these concerns.

Please confirm receipt.

Patricia Davenport

Fleming Avenue

Bethesda, MD

November 20, 2013

Dear Mr. Butler and Ms. Dickel:

I have lived on Broad Street for 45 years near EYA's proposed Grosvenor/Wild Acres development. I am writing about potential adverse effects of that development as proposed. For the last 13 years, I have owned Bernese mountain dogs. The delight of their lives has been to go to Fleming Park in the morning and cavort with other dogs. During my years of going to the park, I have seen tai-chi practitioners, deer, baseball games, basketball games, tennis matches, a marriage proposal, boy scouts, and my favorite this year – tango dancers.

I am a member of Fleming Park Community Association and, since 2008, the association has held a biannual park cleanup. We extend our mission a little into the woods where we have retrieved amazing things – a bicycle, several tires, bats, balls, many beer cans and other “treasures.” We have a member with a truck who transports bulky trash to the dump.

I have a keen interest in what is going to happen to Fleming Park. First, I note the importance of adding to the park the entire Legacy Open Space area as approved by the Planning Board in 2008. EYA's proposed encroachment into the Legacy Open Space area north of the current Fleming Park would largely remove the park's forested buffer there and damage the park experience and environment.

I worry about losing the screen of trees along the edge of the park, from the basketball courts to the tot lot. Removing these trees will make the park much less attractive. The trees enhance the aesthetics/ambiance of the park. (Attached are three photos showing this forested, LOS buffer.) They provide shade, cooling, and an important buffer and view. If a walkway and seating area(s) are added in this forested area, people could walk and sit in the shade there and avoid getting sunburned.

In addition, I am concerned about losing all the tall, native trees that border the bike path along Fleming (see photo 4). Like the trees that border Fleming Park, the mature trees along Fleming are a cherished feature of our neighborhood and provide a pleasant backdrop for all who use the bike path.

I visit the park at all hours of the day and am concerned about the crowding of the tot lot. I have seen children waiting in line to use the equipment. Imagine what it will be like with an additional 153 houses in the neighborhood! The development needs to have a playground with play equipment available for the new families, some of whom will have young children and grandchildren.

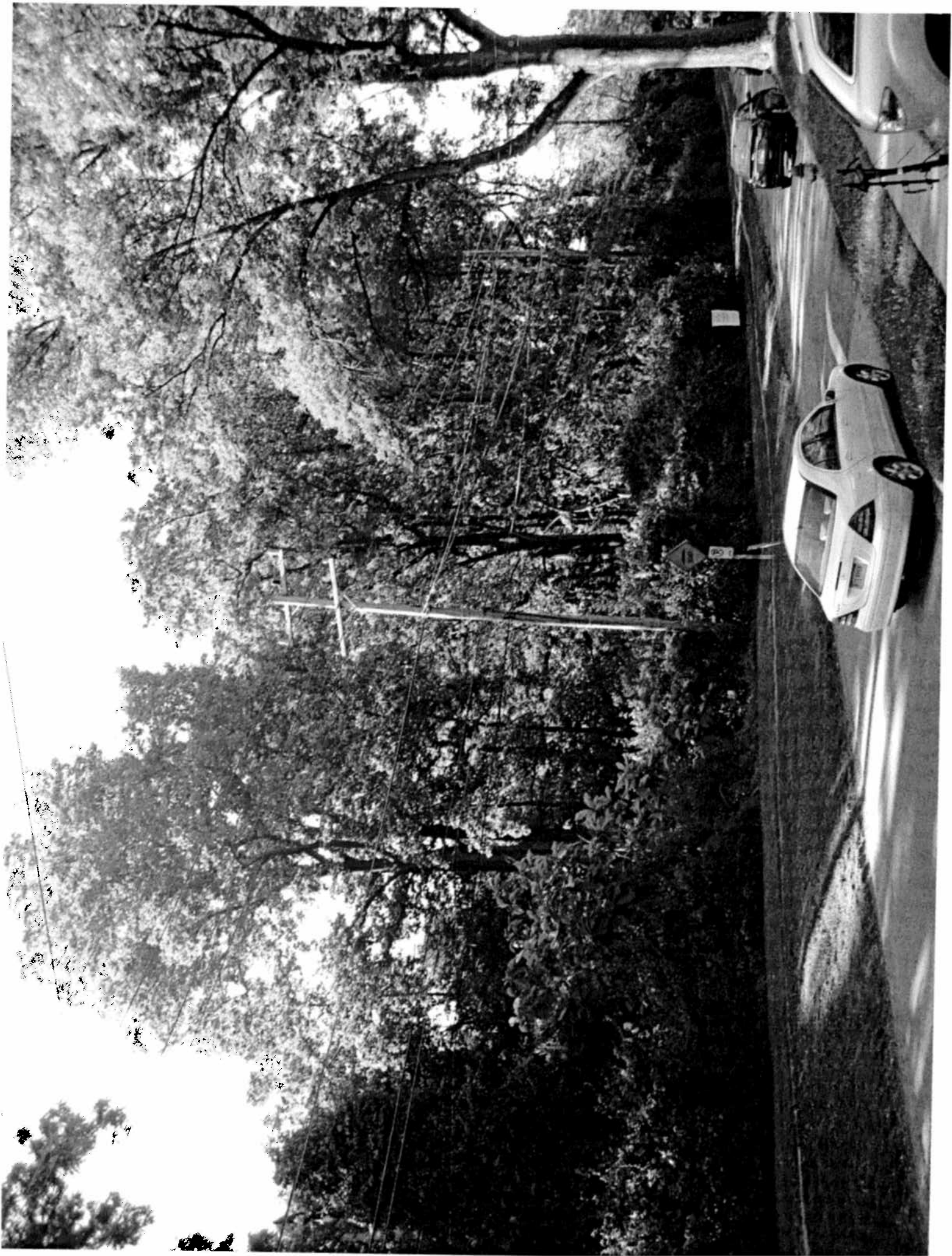
I also have concern with widening Fleming Avenue. This will increase traffic on the street and in the neighborhood and lead to significant safety issues. I have seen children skateboarding on Fleming Avenue, parents pushing strollers, and children skating, riding bicycles and pulling wagons. I worry about what will happen when cars speed through.

There are also significant safety issues with a second entrance opening onto Fleming Avenue. Many recreational and bicyclist commuters as well as children travel the bicycle trail daily. I worry about hazards imposed on these individuals once cars speed across their path.

Thank you for considering my concerns.

Joan Hurley
9800 Broad St.
Bethesda, MD 20814
301-530-0798

Attachments: 4 photos









Butler, Patrick

From: Pat Davenport <patdaven@gmail.com>
Sent: Wednesday, November 20, 2013 3:59 PM
To: Butler, Patrick; Dickel, Stephanie
Cc: Afzal, Khalid
Subject: Photos to document 2 of my concerns -- EYA development -- Grosvenor's Wild Acres
Attachments: Parked cars on Fleming Avenue.JPG; Children running along trolley trail where proposed 2nd entrance on Fleming would be.JPG

Good afternoon! I would like to follow up my email (below) with two photos that illustrate two of my concerns.

1) Photo of parked cars on Fleming Avenue: As you can see (and for reasons noted in my email below), parking on Fleming is already extremely limited. Therefore, there needs to be sufficient, **convenient** parking for homes in the western portion of the EYA development. Otherwise, residents and their visitors will park on Fleming, forcing current residents to park elsewhere in the neighborhood.

2) Photo of children running along trolley trail at proposed 2nd entrance: An entrance from the development onto Fleming presents a huge safety hazard. As I've noted before, not every child running or bicycling along the bike path or skateboarding down Fleming will watch for cars coming out of the development. Mark my words: somebody -- some child -- is going to get hurt.

Thank you very much for considering these concerns.

Please confirm receipt.

Patricia Davenport
Fleming Avenue
Bethesda, MD

From: **Pat Davenport** <patdaven@gmail.com>
Date: Thu, Nov 14, 2013 at 4:19 PM
Subject: EYA development -- Grosvenor's Wild Acres
To: "Butler, Patrick" <Patrick.Butler@montgomeryplanning.org>, Stephanie.Dickel@montgomeryplanning.org
Cc: Khalid.afzal@montgomeryplanning.org

Dear Mr. Butler and Ms. Dickel,

Thank you for meeting with my neighbors yesterday about EYA's proposed development for Wild Acres. A job-related commitment prevented me from attending. I live on Fleming Avenue and would like to emphasize a few of my concerns, which I hope you will consider when you prepare your report.

Widening of Fleming Avenue:

- It is unnecessary to widen Fleming to 30 ft. This will make Fleming the size of a major boulevard, which is way out of scale for the neighborhood and unnecessary for traffic flow.
- If you must widen Fleming, use Fleming north of Grosvenor as a model – make it the same width as that street, and parking on both sides. It will be more compatible this way.
- Add speed humps to Fleming. These are currently in place and are essential traffic calming devices.

Insufficient parking for development residents:

- There is insufficient convenient parking for the new homes (townhouses or houses) in the western portion of the EYA development. Although EYA plans to let residents/visitors use the office building parking lot, they will park on Fleming because it will be more convenient. This places an unfair burden on the current residents of Fleming Avenue. Parking on Fleming is already extremely limited. The existing homes, on the west side of Fleming, have single-car driveways and most of the households have at least two cars—some have three cars. Plus there is a fire hydrant, which further reduces the amount of available street parking.
- You know and I know that somebody's grandma is not going to park in the office lot and walk what amounts to a two-block distance to visit a home in the western portion of the development. Moreover, the MPUs, of which there are several in the western portion of the development, have garage space for only one car—and most households nowadays have two cars. Where will that extra car park? In the office parking lot? And residents schlep groceries all the way home from there? No, they will park on Fleming. In addition, if single-family homes are built on the east side of Fleming, their visitors will want to park on Fleming, in front of their destination -- leaving little space for current residents to park.
- Having parking on both sides of Fleming will help alleviate a potential parking crisis.

Second entrance on Fleming:

- Any entrance from the development onto Fleming should be emergency only. **A regular vehicular entrance is a major, major safety hazard.** Fleming and the bike path get heavy use from cyclists, skate-boarding children, walkers, joggers, baby carriages, dog walkers, and children running to and from the park. The second entrance will also cause Fleming and Lone Oak (where there are numerous school bus stops) to be hit hard with cut-through

traffic. And a spill-over effect will be the unsafe situation when the increased cut-through traffic on Lone Oak tries to turn left (southbound) on Old Georgetown Road!

- If the county insists on a vehicular entrance, please install a series of speed humps at the second entrance. It is imperative that traffic slows down and stops before crossing the intersection with the bike path.

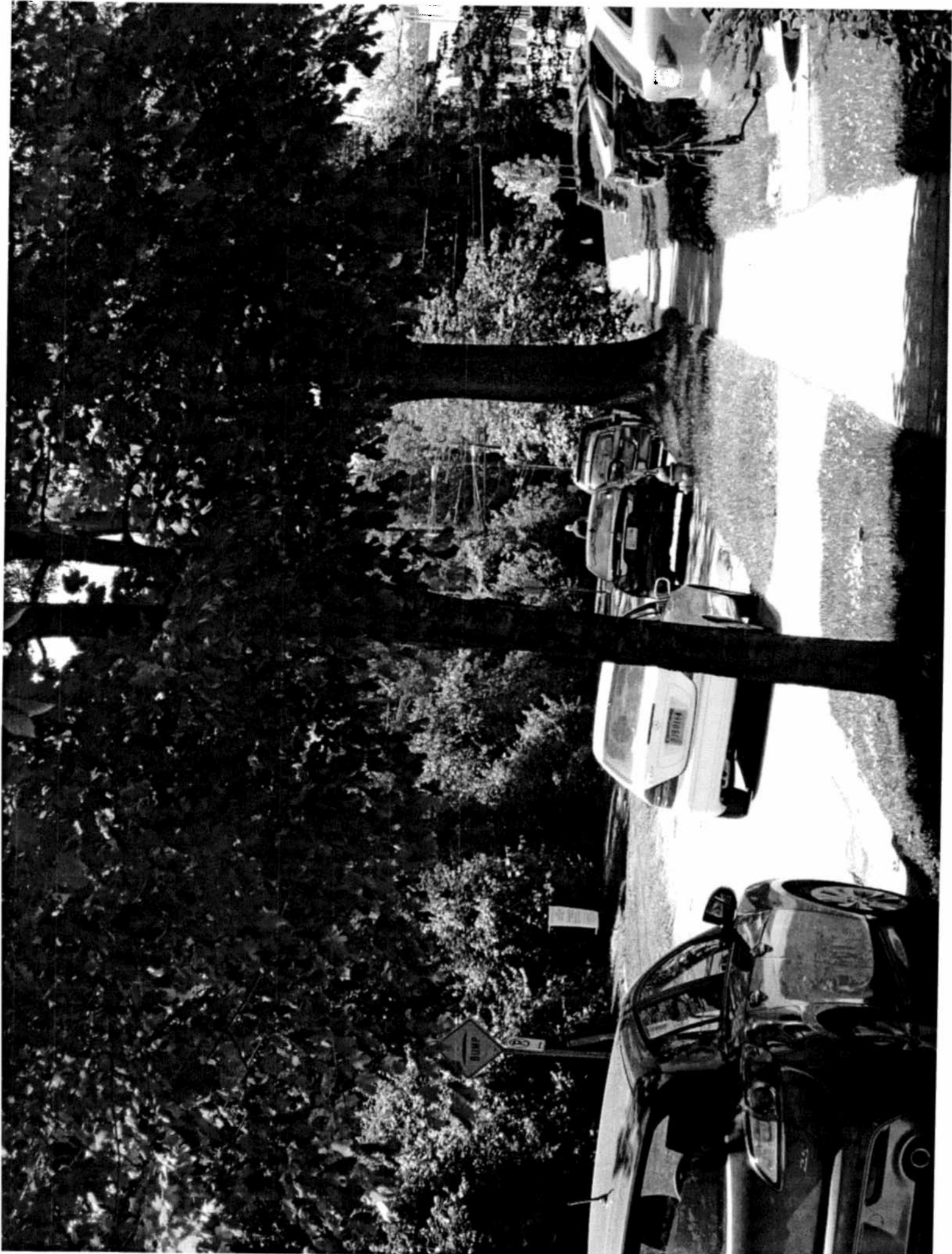
Homes along Fleming:

- If single-family houses are to be built, limit height of houses to 35 feet and align property lines of houses with the houses on the west side of Fleming.

Thank you for considering these concerns as you prepare your report.

Please acknowledge receipt of this email.

Patricia Davenport
Fleming Avenue
Bethesda, MD





Dear Planning Board Members:

I write to urge you to limit the EYA development at Wild Acres to fewer than 153 units, and to urge you as well to deny a development proposal that would encroach upon Legacy Open Space (LOS) designated in 2008.

As you can see from the first and second attached pictures (taken from the south end of Fleming Park), the forest border along the park is quite shallow. The LOS area upon which EYA proposes to build is closest to the children's playground at Fleming Park, possibly the area most in need of sheltering from a major housing development.

It is also worth noting that Fleming Park is used by citizens who live on both sides of I-495, thanks to the Bethesda Trolley Trail, which crosses the Beltway and runs next to the park. Those citizens not in one of the immediate communities next to the park are unaware of the potential loss of forest buffer to the park. When told of it, they are uniformly concerned that a major housing development would be allowed to alter the sheltered character of Fleming Park.

It is rare to find the Bethesda Trolley Trail unused during weekday rush hours, or most daylight hours during the weekends. That contributes to serious concerns about the safety of the pedestrians and bikers using the trail, if a major outlet from the EYA development is allowed to cross the Bethesda Trolley Trail as it flanks Wild Acres.

The proposed egress from the development onto Fleming Avenue also compromises the safety of pedestrians, particularly children, on Lone Oak Drive, which is the closest route from Wild Acres to Old Georgetown Road. As you can see from the third attached photo, Lone Oak Drive (from Fleming Avenue to Old Georgetown Road) has no sidewalks for much of its length, so pedestrians are forced to walk in the active roadway around parked cars. Increased traffic on Lone Oak, a significant possibility if traffic from EYA is allowed to exit directly onto Fleming Avenue, could have tragic consequences.

These concerns can be alleviated simply by reducing the number of housing units in the development to fewer than 153; disallowing development within LOS; and redirecting traffic in the development to Grosvenor Lane.

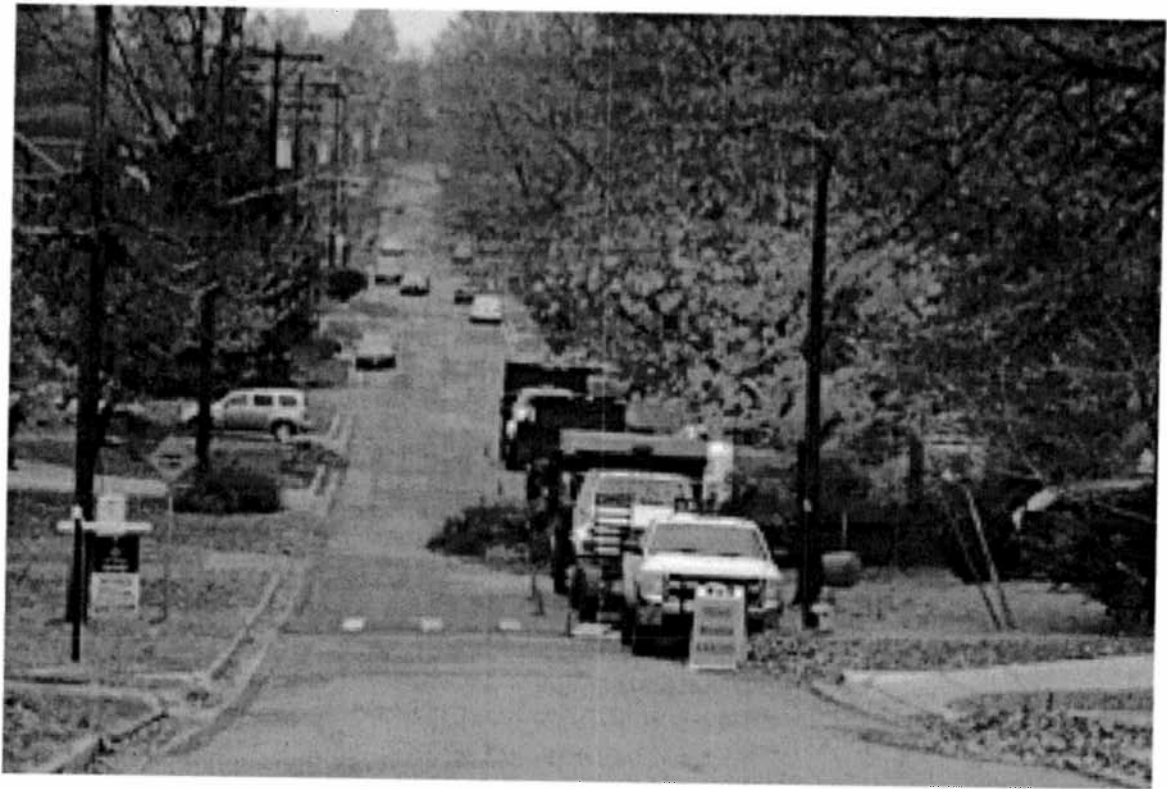
I appreciate your consideration of my views, and will be happy to answer any questions you may have.

Sincerely,

Jody Chase, Ph.D.
Vice-President, Fleming Park Community Association
Fleming Avenue Resident







Butler, Patrick

From: Graeme Browning <graeme.browning@verizon.net>
Sent: Wednesday, November 20, 2013 5:27 PM
To: Afzal, Khalid; Dickel, Stephanie; Butler, Patrick
Subject: Concerns about impact of proposed Wild Acres development on Fleming Park

Dear Mr. Afzal, Ms. Dickel and Mr. Butler

I'm writing to express my concerns regarding two matters pertaining to the proposed Wild Acres development.

First, I am very concerned about public safety if an access road to the Wild Acres development is built across the current bike path near the park. My concern on this issue also extends to the widening of Fleming Avenue. Second, as someone who uses Fleming Park a great deal, I'm disturbed about the impact on the park – and particularly the children's playground – of having this development so close to its boundaries.

I have lived on Kingswood Road for almost 20 years and have walked my dogs in Fleming Park on most Saturdays and Sundays, as well as on occasional weekdays, for the last 10 of those years. I often walk the dogs along Fleming Ave. too, so I have regularly observed the public usage of the bike path and the street.

A large number of bicyclists, walkers and families with children use the bike path on weekends. Many of the kids walk in front of their parents, sometimes quite far ahead. Having been the mother of a small child I know that little ones have no concept of the danger of bolting across driveways and roads. Bicyclists and walkers can get also distracted and not see a car suddenly appearing from a row of townhouses and driving in front of them. Frankly, I think the presence of an access road across the bike path is an accident waiting to happen.

It is the impact of the Wild Acres development on the park itself, however, that concerns me most. The playground is in almost constant use, from what I see. On weekdays mornings mothers and nannies bring the littlest ones to play, and in the afternoons somewhat older children (approximately kindergarten through 2nd grade) are there. On weekends whole families come to the playground. There are usually so many children there that every piece of equipment is in use.

Finally, I'm not exaggerating when I say that Fleming Park is the highlight of the neighborhood to me. It has provided a cool, beautiful haven for walks (with dogs and without), picnics, meetings with friends -- even simply a place to sit and think. I'm distressed that there will be virtually no tall trees to screen the boundary between the park and the development. If this happens I won't be visiting the park again.

Sincerely
Graeme Browning

Butler, Patrick

From: Graeme Browning <graeme.browning@verizon.net>
Sent: Monday, September 30, 2013 4:55 PM
To: Butler, Patrick; Sloan, Joshua; Dickel, Stephanie
Subject: EYA Development at Wild Acres

Dear Mr. Butler, Mr. Sloan and Ms. Dickel,

I want to add my comments regarding the development of Wild Acres to others that you have received. I have lived at 5814 Kingswood Ave. for 18+ years. Our street is very narrow. In fact, when there are cars parked on both sides of the street there's only room for one car to get through.

I've heard that there are plans to widen Fleming Ave. to accommodate the Wild Acres development and I'm very, very concerned about this. I fear that cars trying to cut through to Old Georgetown Road will drive down the newly-widened Fleming Ave. and try to go up to Old Georgetown on Kingswood. Our street simply can't handle an increased flow of traffic, particularly in morning rush hours when many of us who live on the street are trying to get out of our own driveways.

This possible turn of events is also very worrisome because we have experienced an influx of young families on our street and there are young children walking to the bus stop in the mornings. As a mother, I am concerned that a heavier flow of traffic on Kingswood at that time will pose a risk to those children.

Thank you for considering my concerns.

Best regards,
Elizabeth G. Browning
5814 Kingswood Road
301-530-1940

Butler, Patrick

From: Ann Bowker <glenwood543@gmail.com>
Sent: Saturday, October 19, 2013 11:54 AM
To: Butler, Patrick; Dickel, Stephanie; Sloan, Joshua; Powell, Doug; Quattrocchi, Dominic
Cc: Terri Yurechko; Rebecca Morley; Joan Hurley; Pat Davenport
Subject: WMCA and FPCA recommendations for Fleming Park improvements

Follow Up Flag: Flag for follow up
Flag Status: Completed

Joint Fleming Park Community Association and Wildwood Manor Citizens Association Recommendations for Fleming Park Improvements

Fleming Local Park is the only park and the last open green space for the 1,000+ homes in the adjacent neighborhoods represented by the Fleming Park Community Association (FPCA) and the Wildwood Manor Citizens Association (WMCA). The park is well used and highly valued by neighborhood residents, who not only use the park for recreation but also have park clean-ups and remove alien invasive plants there.

EYA proposes to build 153 additional homes next to the park, including solid walls of townhouses and pavement right at and within the Legacy Open Space (LOS) area approved by the Planning Board in 2008. EYA's proposed encroachment into most of the LOS area just north of the current park would involve extensive tree removal, would leave only an inadequate few trees (some with critical root zone damage) at the park's border, and would virtually eliminate the natural shading, cooling, buffer, screening, and forested view that have been integral parts of the year-round park experience for park users. The park will become overused and overcrowded, and the park experience will be seriously degraded, unless M-NCPPC acts to assure the integrity of the park and the full LOS area, to preserve and enhance the park, and to provide sufficient open space/forest and recreation amenities for current neighborhood residents and the new townhouse residents.

We agree with M-NCPPC staff concerns that EYA's proposed on-site open space and recreation amenities are not adequate and EYA's plans are too reliant on the adjacent park. EYA should provide sufficient, appropriate additional/new on-site and off-site recreation amenities to accommodate the range of people who will live in its new development and to keep the park from becoming overcrowded. Recreation amenities in the park, as expanded to include the full LOS area, would be used by both current neighborhood residents and townhouse residents. We believe that these amenities should include easily accessible shaded walkways/trails and shaded seating areas in the forested LOS area north of the current Fleming Park, and a natural surface loop trail in the more uneven terrain of the forested LOS area east of the current Fleming Park. (We understand that M-NCPPC and EYA are discussing staff's priorities for "improvements needed" at Fleming Park, with the goal of having EYA make some of these improvements. It appears that of staff's 7/2013 top four "priorities for improvements needed" at Fleming Park, only one -- provide a natural surface loop trail -- is an additional recreation amenity, and none of the next four staff priorities is an additional recreation amenity. Some of the staff "priorities" do not appear to be needed at our park and/or appear to be the responsibility of M-NCPPC/Parks.)

It is important to assure that there are sufficient appropriate recreation amenities for tots, children, teens, adults, and seniors in Fleming Park and in EYA's development. WMCA and FPCA want to work with M-NCPPC to help determine and implement appropriate additions and improvements to our local park.

FPCA and WMCA strongly support the following first priority recommendations for Fleming Park.

1. Assure that the entire Wild Acres Legacy Open Space (LOS) area approved by the Planning Board on January 17, 2008, is dedicated to M-NCPPC and added to Fleming Park, to buffer and maintain the park and protect and preserve the forest, open space, and park experience. We also would welcome additional -- not "replacement" -- LOS dedication.
2. Provide easily-accessible shaded seating areas, shaded walkways/trails, and as appropriate, shaded play/exercise area(s) in the LOS Park Dedication Area north of the current Fleming Park.
3. Provide a natural surface trail loop in the LOS Park Dedication Area east of the current Fleming Park, with direct access connections to the existing park and the proposed development.
4. Conduct a non-native invasive (NNI) plant species removal program. Also, remove dead and dying trees, and remove poison ivy where it is near walkways/trails and the softball field.

We also support the following second priority recommendations for Fleming Park, in this priority order.

1. Provide appropriate landscape plantings (after completing #1 - #4 above).
2. Add swings.
3. Add water/drinking fountain(s).
4. Backfill and regrade the low area in right field of the softball field.
5. Add fences behind/near the basketball courts, especially the court closest to the trees and slope.
6. Upgrade existing lighting for the tennis and basketball courts to current park standards. (Note that there currently are signs in the park saying "no use after sunset"; use of the tennis and basketball courts after sunset should be clarified.)
7. Provide appropriate Americans with Disabilities Act (ADA) access, as needed.
8. Upgrade existing ADA improvements to existing playground equipment, as needed.

We have concerns about the following "improvements" proposed by M-NCPPC/Parks in July 2013.

1. Modifying the existing parking lot to provide 12 additional spaces: We would not object if some spaces could be added by appropriate restriping, although we note that the current parking spaces are not particularly wide. However, we oppose any additional paving (impervious or pervious). (Note that the existing parking lot is currently striped for 26 cars, not 24 cars.) Park users say that the current parking lot has sufficient spaces (except occasionally when there is larger-than-usual attendance at a softball game).
2. Re-grading the field to accommodate a soccer field: We are concerned that this would result in traffic and parking problems on Fleming Avenue, etc., and do not view this as a priority.

Butler, Patrick

From: Alissa Merrill <asmdc1997@yahoo.com>
Sent: Wednesday, October 16, 2013 9:22 PM
To: Butler, Patrick; Sloan, Joshua; Dickel, Stephanie
Subject: EYA Townhouse/Residence Development - Grosvenor Lane and Fleming Avenue (Bethesda)

Dear Planning Board Members:

I understand you are reviewing the plans and designs for the EYA development on Grosvenor Lane in Bethesda (20814). I have a few concerns I would like to share with you. I do hope you will strongly consider these, as you move into the next stage of the Planning process.

First, as a mother, community member, and wife of a bicycle rider, I am strongly opposed to the addition of an access road beside Fleming Park onto Fleming Avenue. This is one of the most unsafe concepts that I could imagine and there are two reasons why: (1) overall traffic and usage and (2) the safety of the Park visitors and passersby.

I am unaware of whether you have done a study observing the pedestrian, bicycle, and vehicular traffic. Therefore, I will share that it is steady, and on some days, high and/or busy. The area is used not only by the immediate Fleming Park area residents, but also by the students and families from the French School; residents of other nearby neighborhoods (including the high-rises by the Metro); and people from all over the County using the bike path.

Additionally, having a road anywhere near the playground is a major hazard. While I would like to believe that children are watched like hawks, this is NOT the reality. Children run off to chase balls. They take a bike ride while siblings are on the playground. And, they wander or run off simply to be defiant. The existing parking lot is as unsafe as I would prefer right now. However, at least it is a buffer of sorts to Fleming Avenue. Adding a road used by approximately 150 homes (300 cars - or more?), which would abut the playground/park and cross a key street and bike bath, is unwise and potentially tragic.

Second, I can not convey enough my dismay with the removal of trees in our entire area. In the over four years I have lived in this neighborhood, I have seen the removal of double-digit numbers of trees due to building and development. This DOES NOT include Pepco's efforts to remove trees and parts of trees hindering power lines.

In the design plans, it appears that almost all (if not all) of the trees will be removed. I am appalled. Most of the land is low-lying, and the land and its trees provide a huge source of environmental benefits from the air we breathe (especially directly next to the exhaust-laden Beltway) to the rainwater it absorbs to the shade it provides to the Park and surrounding streets. It is also home to wildlife and some amazing natural entities. I cannot imagine the removal of acres of trees, especially knowing this is the last of the natural areas in our entire neighborhood.

It is critical to note that Fleming Park is in a particularly low-lying area. Our neighborhood is full of swamp and/or pond-like areas. The County has done little to take on this issue. We do not have the infrastructure - as evidenced by a recent sewage back-up caused by a drain obstruction down the street from my house - to take on such a large endeavor. One of my neighbors reminded me of a

pond, which was in the back of Fleming Park, when her (now-grown) children were young. I don't know if it's still there. With such a large development, I can already envision a flooded Fleming Park with no trees to absorb the water and ineffective drainage for the amount of downward running water. Drainage, and subsequently environmental, issues could be quite significant.

I strongly believe that the existing area, including the Legacy Open Space, can be used as or transformed into a private park location or as a habitat. Not only would this maximize the space, but it reduces the chance for the overuse of Fleming Park. I do not agree with removing as much as is being planned. There are too many benefits to keeping as much of the natural space as possible.

Third, and finally, I have a four-year old. From what I understand, there are five developments being planned or under consideration for the Ashburton-North Bethesda-Walter Johnson district. Ashburton is already on the verge of being overcrowded. The addition of this many homes, and in turn families, shocks me. The EYA plans are calling for approximately 150 residences. While this does not seem like a dent, it makes a tremendous negative impact when combined with four other large developments. I highly disagree with such growth and excessiveness of school and class sizes.

While there may be other issues at hand, these are the primary ones, which impact my family now and will over the next 15 or so years. I appreciate your time. You are welcome to contact me anytime. And, thank you for addressing these concerns regarding the EYA development between Grosvenor Lane and Fleming Avenue.

Sincerely:

Alissa Thornton on behalf of the Thornton Family
5815 Greenlawn Drive
Bethesda, MD 20814

Butler, Patrick

From: scott butera <scbutera@yahoo.com>
Sent: Tuesday, October 15, 2013 8:38 PM
To: Butler, Patrick; Dickel, Stephanie; Sloan, Joshua
Subject: EYA Flemming Park

I hope to write a more formal letter next week but realize I may not have the time and simply wanted to make a few points. First off let me say I am pro growth and think having some nice town homes in the area is great.

That said I have the following concerns.

1. The thought of an entrance on Flemming to the new community seems like a terrible idea for all other homes in the neighborhood. Lone Oak Drive and Kingswood both have speed bumps on them already because of the significant amount of cut through traffic they get already.
With narrow streets, no sidewalks and an area that keeps getting more and more kids this seems like a recipe for a disaster. This is an area that has lots of new and renovated homes coming and more cut through traffic would make it less appealing for families.
2. The park would need a major upgrade and it does not seem unreasonable to make EYA pay for it since it will be a selling point for the homes they build. The park is often very crowded but when it is baseball season it is really bad because kids use it before and after the games. If it could be expanded and I mean really expanded not just adding a few swings I think it would go a long way on making the area residents happy.
3. The Ashbuton area is exploding with growth with dozens of homes being torn down or renovated as I type. I know of three just on my block of maybe 10-15 homes that are owned by builders not to mention At least 10 others are in process that can be seen. Between the 155 EYA homes and a few other major projects it would seem we need another school. I know at Ashbuton they have 6 kindergarden classes and in general the school is very overcrowded. This seems like it can be fixed but just needs to be addressed before all the new properties come online.

Thank you for reading

Regards

Scott Butera
Lone Oak Drive

Butler, Patrick

From: Ann Bowker <glenwood543@gmail.com>
Sent: Monday, September 30, 2013 7:44 PM
To: Butler, Patrick; Dickel, Stephanie; Sloan, Joshua
Cc: Terri Yurechko; Quattrocchi, Dominic; Powell, Doug
Subject: Wild Acres, Legacy Open Space, and EYA's proposed development

I'd like to reiterate some of the points made by neighborhood representatives and attorney Norman Knopf regarding the Legacy Open Space area at Wild Acres, the former estate of Gilbert Grosvenor.

- We strongly support dedication of the entire Wild Acres Legacy Open Space (LOS) area as approved by the Planning Board January 17, 2008, to M-NCPPC and addition of this entire area to Fleming Local Park. We would welcome additional -- not "replacement" -- LOS dedication at Wild Acres as well.
- Wild Acres includes the last accessible open/green space in our community. We believe it is important to preserve Wild Acres' entire designated LOS area as forested public green space and to add it to Fleming Park. We ask that the integrity of the full LOS area be assured and the park experience in Fleming Park be preserved and enhanced.
- In 2007 and 2008, community members actively participated, along with staff and Wild Acres' owners, in the official process that resulted in the Planning Board's approval of almost 11 acres of Wild Acres and 4 acres of adjacent State Highway property for the LOS program. The area is to be protected as a Legacy Open Space Natural Resources Site through dedication through the development review or special exception process (if a new development or special exception use is proposed), and it should be added to Fleming Park. At the meeting at which the Planning Board approved Wild Acres' nomination, staff said that the entire nominated area meets LOS criteria and that the LOS area just north of Fleming Park is important for buffering and maintaining the park. The same LOS boundaries are shown in the map of Wild Acres shown at the meeting and in staff's January 11, 2008, memorandum for the meeting, and in at least 5 county documents since then. As requested by Josh Sloan, Mr. Knopf's August 16, 2013, memorandum describes this documentation.
- We are very concerned that EYA's current plans for a townhouse development at Wild Acres show significant encroachment into the LOS area north of the current Fleming Park. Most of this approved LOS area would be lost, and all or part of 11 townhouses, an internal street, and 8 on-street parking spaces would be built there. We are very concerned that EYA not only proposes to remove all of the trees in the LOS area where these townhouses and this pavement would be built, it also proposes significant tree removal and critical root zone damage in the narrow LOS strip that would remain along the current park boundary. We also are very concerned that in the recommendation that we understand staff will make for Fleming Avenue, the southernmost single family home would be inside the LOS area north of Fleming Park.
- We support staff's efforts to add the eastern part of the LOS area to Fleming Park, to mitigate the damage that would be caused along the northern boundary of this part of the LOS area, and to add a natural surface loop trail in this forested area. We regret that staff apparently do not plan to object to EYA's proposed encroachment into the western part of the designated LOS area, north of Fleming Park -- to EYA's redrawing of the LOS boundary to suit its own purposes. We do not believe that the county should have to choose between mitigating the damage along the boundary of the eastern LOS area or preserving the western LOS area.
- As Mr. Knopf and we have explained, we believe that EYA proposes to build too many units, because it is not appropriately taking into account the significant current buildings/uses and associated property that will remain at Wild Acres and will continue to be used by other entities for other purposes. We are very concerned that staff appear to concur with EYA's self-serving method of calculating the number of

townhouses it can build and with EYA's proposed encroachment into the designated LOS area north of Fleming Park. If EYA reduced the number of townhouses/units appropriately, it could easily revise its plans -- to stay out of the entire LOS area as approved in January 2008 and to mitigate tree removal and damage along the entire northern LOS boundary. (The site drawings that EYA initially showed us did not include encroachment into the LOS area.)

- We understand that exact LOS boundaries are not final until the land has been dedicated to M-NCPPC, etc., and that minor boundary adjustments could be appropriate in some cases. EYA's proposed encroachment into the LOS area north of Fleming Park would not be a minor boundary adjustment, however. This encroachment is a substantial change that would adversely affect the park experience in the most used part of Fleming Park. It would completely change the character of the park and the view toward the north -- from a forested, shaded buffer/screen along the playground, tennis courts, etc., to a view through an inadequate few trees to a wall of townhouses, a road, and parked cars. It would eliminate the forested view, natural shading, cooling, buffer, and screening that park users have enjoyed since the park was established decades ago.
- Fleming Park is well used and highly valued by neighborhood residents. With the addition of approximately 150 additional homes at its northern boundary (and compounded by EYA's apparent refusal to include appropriate open space and recreation amenities within its development), Fleming Park will become overused and overcrowded, and the park experience will be degraded, unless the entire designated LOS area is added to the park and appropriate recreation amenities are added/improved.
- When community representatives and Mr. Knopf met with staff on September 13, 2013, we discussed an option that addresses EYA's failure to provide sufficient easily-accessible green/open space and recreation amenities for townhouse residents, as well as lack of easily-accessible shaded walkways and seating areas for all: using the entire approved LOS area north of Fleming Park, which is at the edge of EYA's development, to provide forested buffer/screening as well as easily-accessible shaded walkways/trails, shaded seating areas, and as appropriate, additional shaded recreation amenities -- for use by development residents and the general public. Healthy native trees including tulip poplar, sassafras, redbud, and dogwood would be retained (and invasive non-native species such as bush honeysuckle should be removed). Choosing this option for the entire LOS area north of the current Fleming Park would preserve it as a pleasant natural area that will be used and enjoyed by seniors, adults, teens, children, and tots (with their parents/caregivers) and will buffer and maintain the park.

Ann Bowker
5908 Grosvenor Lane

Butler, Patrick

From: Elke Jordan <elke.jordan@verizon.net>
Sent: Monday, September 30, 2013 8:25 AM
To: Butler, Patrick
Cc: Sloan, Joshua; Dickel, Stephanie
Subject: EYA development, staff recommendations

Dear Mr. Butler,

I was not able to attend the meeting that the Fleming Park Community Association had with you on September 13, regarding the staff comments on the EYA development of Wild Acres. However, I understand you will accept written comments from us and so I hereby send you some of my reactions to the staff recommendations for this development. I am the treasurer of FPCA and I live on Fleming Avenue.

I am pleased with the staff's proposal to put single family houses along Fleming Avenue instead of a solid block of town houses. This will create a much better transition between the new development and existing neighborhoods. I agree that car access to these houses should be from the back only, i.e. from inside the EYA development, and not from Fleming. I also support the height limitations for those houses.

However, even with the minor reduction in the number of townhouses resulting from the above change, I still think that too many townhouses are being proposed for the site. It is not rational that the extensive existing and remaining structures on the property are being ignored in calculating the number of townhouses to be allowed. What if the whole property was covered with office buildings, would you still allow 153 townhouses to be built on top of the offices? I fail to see the logic. If appropriate adjustments in the number of townhouses were made, then there would be no issue of building in the LOS areas and proper buffering along Fleming Avenue and along the border with Fleming Park would be easily accommodated. With the current plans we would lose all our tree vista and all protection from the noise and pollution of the Interstates that surround us. Trees clean the air, townhouses do not.

The current plans call for no open or recreational space within the EYA development. This will put great stress on Fleming Park, which is heavily used. EYA should be asked to leave some space for recreational purposes within the development, whether that be a tot lot, a picnic area or some other form of park. A good place to put this area would be where currently planned houses/townhouses are intruding into the LOS. That way the LOS area would at least be open space and would blend well with the abutting Fleming Park, providing some buffer from the townhouses.

I am opposed to widening Fleming Avenue, as I don't see the purpose. I understand your proposal would widen the middle section of this road along the EYA boundary, but leave the ends narrow as they are now. To what purpose? And why would Fleming become the widest street in the development? If you must widen it at least make it compatible with the usual width in the neighborhood, i.e. along Dickens and Edward.

Finally I have serious concerns about establishing a second entrance to the development from Fleming. This entrance is not necessary and will just create a huge traffic influx into the neighborhood, not only from the EYA development, but cut through traffic between Old Georgetown and Grosvenor as well as cut through the EYA development itself. Why do you want to encourage that? It will make our neighborhood unsafe for drivers and pedestrians and cause even more congestion. An emergency entrance might be justifiable, but a regular road is a disaster. Our streets are not designed to accommodate such a road and the traffic it will spew. This is an old development with narrow streets and cars parked on both sides. Many houses do not have driveways. Children abound. An entrance to Fleming from the EYA development will also endanger the bicyclists and others using the bike path. Regardless of who has right of way, the bicyclists will zoom past the intersection and not all cars will stop. I see no benefits to a second entrance and only down sides. I encourage you to think through all the ramifications again.

Thank you for giving us the opportunity to provide input as you develop your recommendations. I look forward to seeing your final report.

Elke Jordan
Fleming Avenue
Bethesda, Maryland

Cc: Stephanie Dickel, Joshua Sloan,

Dear Planning Board,

My name is Jennifer Gorman Wright. For almost 20 years, my husband, Roy and I, have lived across from Fleming Park, and more recently the added section of the active Bethesda Trolley Trail. We have three boys---a toddler (2 years-old), and twin boys (12), as well as a 2 year-old Golden Retriever.

I am writing to express my serious concerns about EYA's development plans for the property at 5800 Grosvenor Lane. I have two major concerns.

ONE: I find it egregious that EYA's plans do NOT include a playground for children with play equipment for its 300 plus new residents. The "so called upgrades" (*I would NOT call them upgrades*) EYA plans to make to Fleming Park in lieu of onsite amenities will in no way mitigate the impact of the significant increase in the park's use and will most certainly overburden the park. Please see my testimony documented below.

TWO: I am also horrified that the plans include an entrance onto Fleming Avenue from the new development. The entrance will cross the well-used Trolley Trail and the sidewalk that children use to access Fleming Park. This endangerment of the population that uses Fleming Avenue---numerous toddlers, care-takers with babies in strollers, bikers, runners, walkers and canines ---- is alarming. With 300 cars entering and exiting the development across the sidewalk that serves the park every day, it is not a question of *whether* a child will get hit by a car; it's only a question of *when* and even *how often*. Studies have definitively shown that intersections that mix pedestrians, cyclists, and cars are dangerous and result in injuries and even death. The original EYA plans had one egress to the new development onto Grosvenor Lane. Staff revisions to the plans have placed the egress in a dangerous place on Fleming. I am terribly afraid what the future portends for our neighborhood children, bikers, runners, dogs and walkers if this plan is approved. If there isn't adequate planning to ensure the safety of the population using Fleming---the sidewalks, bike path, the park, the road---there could be real potential liability. The neighborhood associations will hold the city of Bethesda, developers and planning people accountable should accidents result as a consequence of this excessive usage. I certainly believe this is a foreseeable and avoidable incident.

Our family uses the park multiple times a day, along with the majority of our neighbors. Fleming Park is a community park---everyone watches out for everyone else. The EYA development will overburden Fleming Park with excessive public usage. As the planning board, I'm sure is aware, this area has changed dramatically over the past 5 years. Older couples without children have moved out and large newly built 4-5 bedroom family homes have replaced smaller 2 bedroom homes. This change has brought a huge shift in the population of the neighborhood. The majority of homes include 2-4 young school children and dogs. As it is, the park amenities have NOT kept up with the growth in the community. The playground area already desperately needs new, modern playground equipment, as well as swings, water fountains, and the new rubber ground cover for toddlers and young children. The basketball courts need a fence around them so the ball doesn't roll down the hill and into the stream in the woods.

The Park and surrounding area is already frequently populated with such a mix in "class-of-user" that it's dangerous. Often older "big" kids are mixing with the younger toddlers on the inadequate equipment, which presents a danger to the younger children. Babies, care-takers, toddlers and young children play amongst older children playing baseball and soccer and near bikers and runners by the trail. Fleming Park is already inadequate due to the recent new development and significant growth in population in

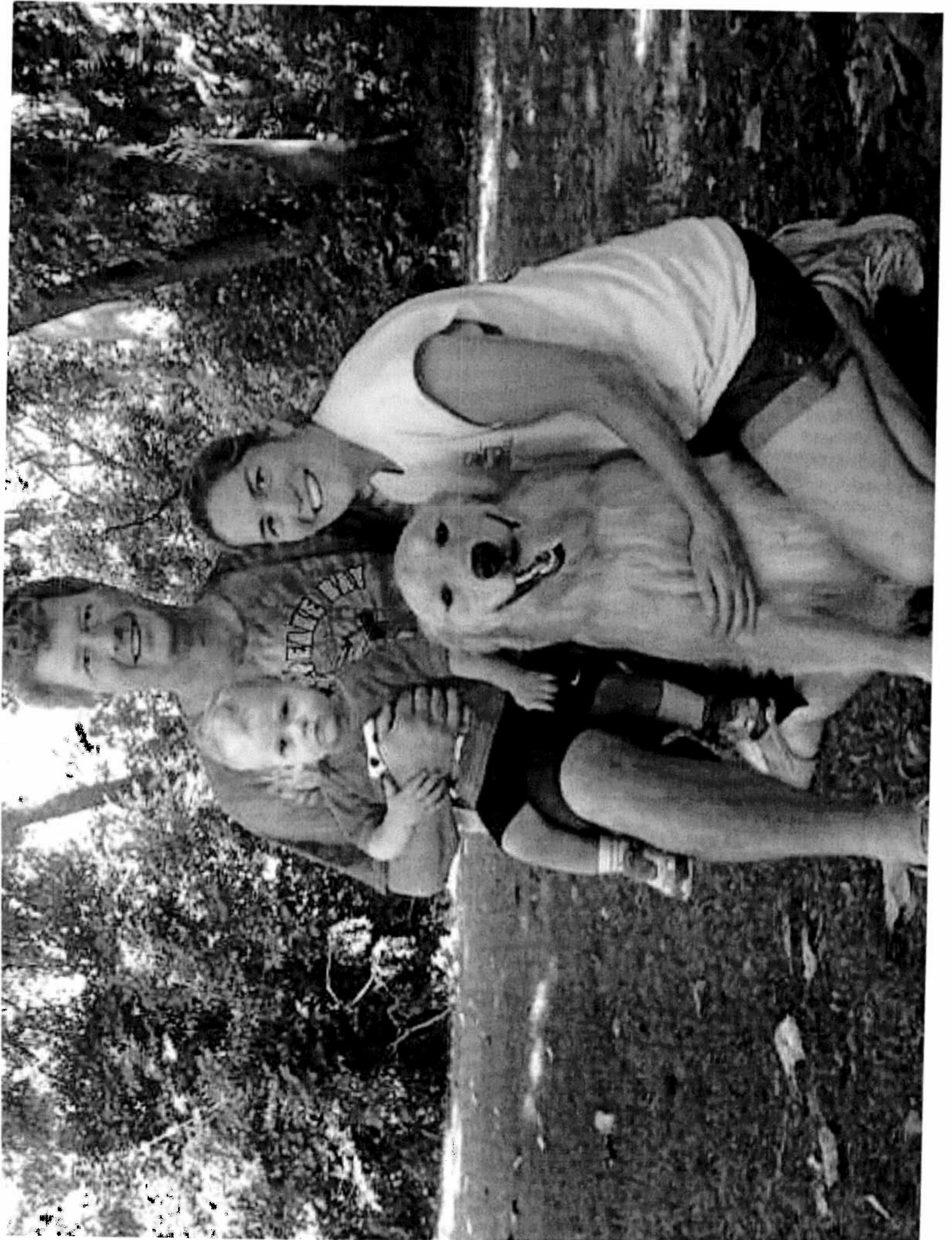
the area adding usage from 300 plus new residents that don't have their own on-site amenities will overburden Fleming Park and make it a dangerous and unsafe place to play for all users.

Below is a description (testimony) of the kind of usage Fleming Park currently experiences: In the mornings, the park is actively used by fitness groups and tennis players, as well as a very large canine and owner population. During the school day, pre-K children and babies and their care-takers descend on the park and playground during the pre-nap and the post-nap activity times. Post-nap time, the schools are out and many school children go to Fleming Park to play. Elementary, middle-school and high school students gather in the park and do homework in the shelter and on the picnic tables, play tennis, basketball, baseball, soccer and kickball, walk their dogs, and play on the playground. The park is already overburdened, especially on weekends and weekday afternoons and evenings, when there are 40-50 children vying for time on the playground in addition to adult basketball and tennis players on the courts as well as county baseball and softball games. It is essential that EYA be required to include equipment on their property for the children at the development so as not to further tax the already strained Fleming Park.

Thank you for your time and consideration.

Jennifer Gorman Wright

P.S. A photo of 4 of our 6 family members enjoying Fleming Park is attached.





TO: Joshua Sloan, Patrick Butler and Stephanie Dickel
Maryland-National Capital Park and Planning Commission

FROM: Fleming Park Community Association and Wildwood Manor Citizens
Association representatives

RE: Development of Wild Acres by EYA: Planning staff plans received from Patrick Butler,
August 22, 2013

DATE: September 5, 2013

Thank you for promptly and fully keeping us informed about staff recommendations for EYA's proposed development at Wild Acres.

We have studied the staff proposal sent to us by Patrick Butler on August 22, 2013. This is a significant departure from the EYA plans with regard to the part of the proposed development that is next to Fleming Avenue. We agree that single family houses facing Fleming are potentially preferable to a wall of the backs of townhouses. However, we have a number of questions about the details of your proposal, as well as some amendments we would like to propose. We will need your response to our questions and proposals to evaluate the impact on our community, and we want to meet with you soon to follow up.

Our comments are listed below, grouped thematically.

REGARDING THE NUMBER OF UNITS TO BE BUILT

1. Staff recommends that rather than build 18 townhouses along Fleming Avenue that face away from Fleming Avenue, EYA instead should build 9 single-family homes that face Fleming Avenue. This would result in a reduction of the total number of units by 9, from the 153 requested by EYA to 144. As detailed in the August 16, 2013 memorandum from our attorney Norman Knopf, we believe that more than 9 units should be deleted. Will staff recommend any changes to the rest of the proposed townhouses?
2. We need to know from the county about the number of lots, and exactly where they are and exactly what they are used for. This information is important.

REGARDING GREEN SPACE, LEGACY OPEN SPACE AND FLEMING PARK

3. We want to see as many of the mature trees along Fleming Avenue and throughout Wild Acres preserved as possible. For example, wherever possible/appropriate, current trees that would be in the front, side, and back yards of the single-family homes along Fleming should be saved. What requirements/proposals would there be for saving current trees along Fleming? What are the plans for replacement greenery where appropriate?
4. The proposed detached house closest to Fleming Park, and apparently also some of the remaining townhouses, are intruding into the Legacy Open Space (LOS) area approved by the

Planning Board in January 2008. We believe that all of the LOS area approved by the Planning Board should be dedicated to M-NCPPC/Montgomery County and added to Fleming Park. Preserving the entire approved LOS area north of the current Fleming Park would buffer the park and preserve the park experience in this most-used part of the park, and also would provide recreational space for the new development as well as the general public. Such space will be sorely needed as Fleming Park is already crowded.

5. What improvements currently are being proposed/planned for Fleming Park? Is there opportunity for community input regarding these improvements? Are open space/recreational amenities within the EYA development being required, so the park does not become over-used?

6. We want to see a tree buffer between the park and the development along the entire length of the park line. What are the plans for such a buffer? We also need greenery along the Bethesda Trolley Trail to protect it from the houses built on Fleming.

REGARDING THE NEW HOUSES ALONG FLEMING AVENUE

7. Are the single family lots aligned with the existing lots on the west side of Fleming, as they seem to be in your drawing? Would the single family homes be built on lots of at least 9,000 square feet, consistent with the R-90 zoning?

8. You suggest a height limit of 35 feet for the single family houses. This should be an absolute limit that includes any rooftop structures such as barbecues, stairwells, etc. The houses should not loom over other houses on Fleming.

9. What are plans for lighting along Fleming Avenue? It shouldn't be overly bright or obtrusive and should be night sky friendly. We believe that the current level of lighting is adequate.

10. As you know, we are very concerned about parking issues. We support the plans to put driveway access to the new houses behind them, to back load from the new street within the complex, thus leaving the bike path a nearly driveway-free passage along the front. The houses should have two-car garages large enough to accommodate two family-size cars. However, we feel certain that the residents of those houses will sometimes want to park in front of them – or at least their teenagers and guests will find the front of the house the most convenient access. Without any parking on the east side of Fleming, they will have to park on the west side, causing the residents on the west side to have to park elsewhere if they arrive later. There is already a squeeze for parking among the current residents of these small lots when any household owns two or more vehicles, when there are guests, and where the fire hydrant reduces the available parking. What plans can be put in place to solve this parking problem?

REGARDING THE WIDENING OF FLEMING AVENUE

11. Does this plan also propose to widen Fleming Avenue in the 98/9900 block which runs next to Fleming Park, or is it just the 10000/10100 block that will be widened, and will that include the entire block from Grosvenor Lane to the paved park entrance, including the part not abutting EYA property? Will the existing bike path from Grosvenor Lane south to the Wild Acres property line have to be torn out and re-built, and will this interfere with the storm drainage pipe that was put in when the bike path was built?

12. It is essential that the current speed bumps on Fleming Avenue be replaced after the widening. We consider the speed bumps to be critical for preventing speeding and reducing cut-through traffic.

13. Do we understand correctly that the new street is planned for two 11-ft. lanes of traffic and one 8-ft. parking lane on the west side, keeping the west side curb in place as it is now? Are you aware that this may be wider than the block of Fleming Avenue north of Grosvenor Lane, and wider than any other street in the neighborhood excepting Broad Street and Grosvenor Lane itself?

14. Are you aware that Fleming Avenue itself is used by many joggers and cyclists (including children)? A wider street that will accommodate two way traffic raises safety issues. We believe the speed limit should be 25 miles per hour.

15. The telephone poles on the east side of Fleming will need to be moved. They should be moved into the front yards of the new houses, as was done on Fleming to the north of Grosvenor Lane. We would hope that there are plans to plant greenery along the 6-ft. strip between the road and the bike path, but any trees should be chosen so they do not interfere with the wires. As long as everything will be torn up along the street anyway, could the wires be placed underground?

16. Will the bike path be built up to the level of the new street or will it be left to follow whatever topography remains after the street is widened? We are particularly concerned with the block from Grosvenor south on Fleming, where the land slopes sharply down from the present trolley bed, and storm water drainage has been a problem in the past.

REGARDING THE NEW ENTRANCE TO THE COMPLEX FROM FLEMING AVENUE

17. Is the proposed entrance to the development from Fleming a green way providing pedestrian entry and emergency access only, or is it a fully paved street allowing full access for all residents, etc.? We do not support a regular street entrance from Fleming.

18. If the access from Fleming is a paved regular street, Fleming Avenue would become an extension of the entrance, which half the residents would find more convenient than the entrance off Grosvenor Lane. This would cause a significant increase of traffic on Fleming, and is presumably a major reason why Fleming would be widened. It also would increase traffic on Lone Oak and Kingswood. What are the plans for managing this increased traffic and keeping

the neighborhood safe and peaceful? Are you aware that many joggers and pedestrians (including children) use Kingswood and Lone Oak on their way to and from the park? Are there plans to “improve” any of the other streets in our neighborhood?

19. What would be the plans for the safety of the many users of the bike path when crossing that busy entrance way on Fleming?

20. During the construction phase, there should be no construction traffic using the Fleming Avenue entrance. In fact, we would like the single family houses to be constructed first so that they can act as a buffer for the construction noise from the rest of the development.