



Preliminary Plan No. 120130050 and Site Plan No. 820130060: Trotters Glen

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Staff Report Date 07/11/13

Description

***A. Preliminary Plan No. 120130050: Trotters Glen (with a Final Forest Conservation Plan)**

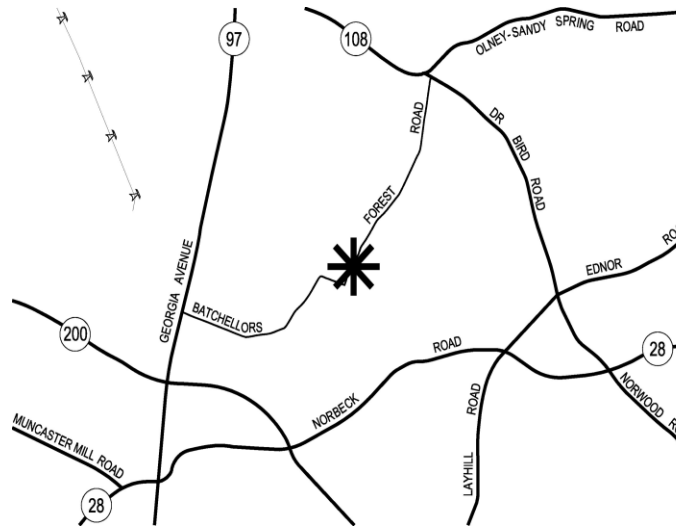
A request for 69 one-family detached dwellings (including 10 MPDU's); located on both sides of Batchellors Forest Road, approximately one mile east of Georgia Avenue on 175.8 acres; RNC Zone; 2005 Olney Master Plan.

Staff recommendation: *Approval with conditions*

***B. Site Plan No. 820130060: Trotters Glen**

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Staff recommendation: *Approval with conditions*



Applicant: Toll Brothers

Submittal Dates: Preliminary Plan – 09/14/2012
Site Plan – 11/27/2012

Review Basis: Preliminary Plan: Chapter 50
Site Plan: Chapter 50-D-3

Summary

The proposed development in Olney includes the following:

- Clustering of 69 lots to create 114.78 acres (65.3%) Rural Open Space
- Modified alignment of B-13 Shared Use Path outside of the existing Emory Church Rd right-of-way
- Overlength culs-de-sacs on all three public roads recommended
- Relocation of the four-board wooden fence 25 feet from centerline along Batchellors Forest Road
- Preliminary Plan provides bicycle, pedestrian and emergency vehicular access to Emory Church and Batchellors Forest Roads, does not provide vehicle access to Emory Church Road
- Removal of an existing pond and conversion to a wetland

SITE DESCRIPTION

The subject property consists of five unplatted parcels (P230, P220, P660, P444, P925), shown on Tax Map HS563. The RNC zoned parcels total 175.8 acres and are located on both sides of Batchellors Forest Road, approximately one mile east of Georgia Avenue. The Property is located in the Southeast Quadrant of the 2005 Olney Master Plan (Image 1).

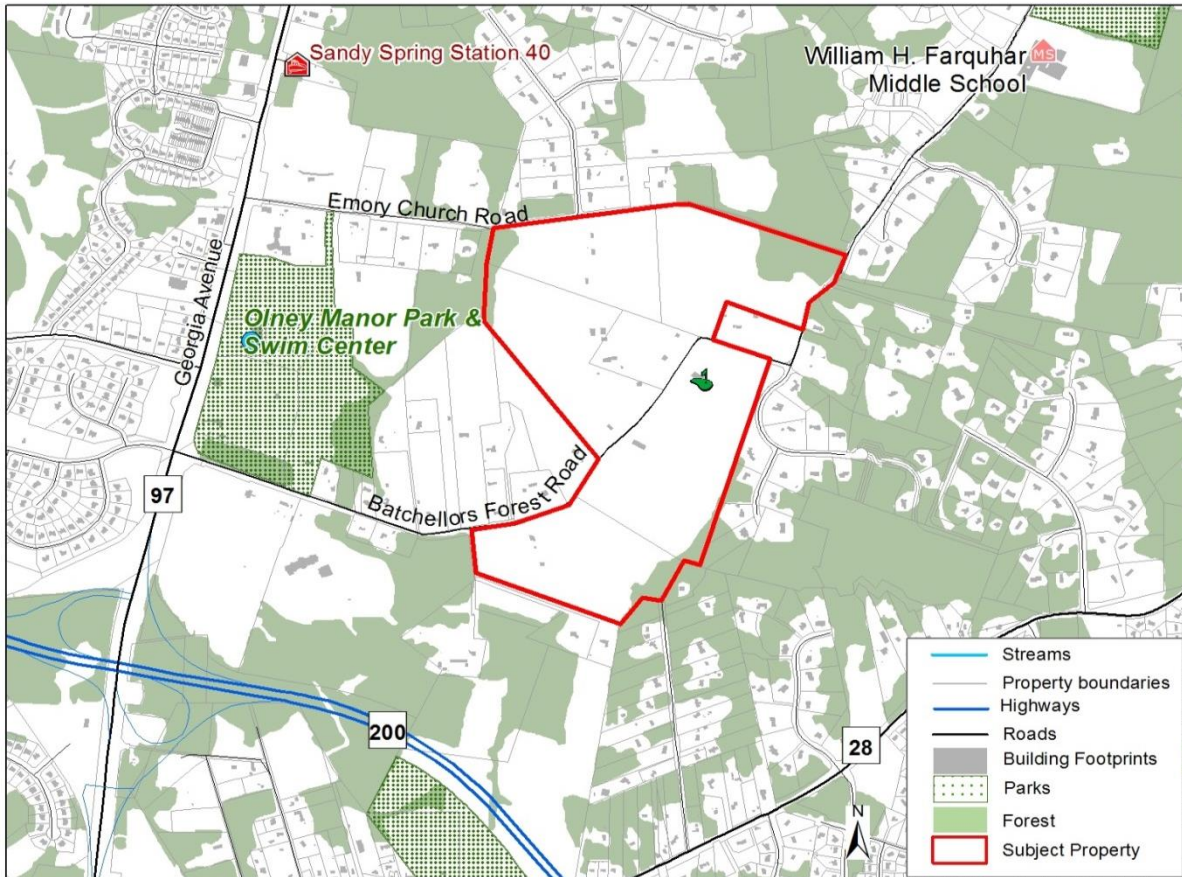


Image 1

The Property is improved with the Trotters Glen golf course, a regulation length 18 hole course, utilizing much of the total area on both sides of Batchellors Forest Road. The primary club house and parking lot for the golf course are located on the east side of Batchellors Forest Road. The features of the golf course include fairways, putting greens, sand traps and a network of cart paths. The Property also includes three existing dwellings, one at the southern portion of the Property, a second directly across from the golf course club house that includes fenced in horse paddocks and stables, and a third in the north central part of the Property (Image 2). The northern boundary of the Property is formed by Emory Church Road, and an unimproved segment of the Emory Church right-of-way that contains public sewer mains. The Property is bisected by Batchellors Forest Road, designated as a rustic road within a prescriptive right-of-way.



Image 2

Surrounding the Property, the predominant land use is large lot residential development, and the zoning is a combination of RE-2 and RC Zones. Many of the surrounding properties are forested or extensively covered with tree canopy, and some are maintained with open lawns or pastoral areas. The Olney Manor Park is located less than half a mile to the west of the Property and the interchange with Georgia Avenue and the Inter-County Connector is less than a mile to the southwest.

The Subject Property is located within the Batchellors Run portion of the Northwest Branch watershed, which is a Use IV stream. The Property has portions of three streams crossing through it, all generally flowing from the northwest to southeast. There are approximately 14 acres of existing forest on the Property, located in the northeast, northwest and southeast corners, in stream valleys. Generally the site is a mix of rolling uplands and stream valley lowlands, with the highest elevations near Emory Church Road, and the lowest elevations in the south, eastern and western edges in the stream valleys. There are wetlands in the northeastern portion of the Property that run into a culvert that drains into a stream, and again along the edge of a stream feeding a man-made pond in the southeast and 100 year FEMA mapped floodplains are found in stream valleys.

PROJECT DESCRIPTION

Toll Brothers (“Applicant”) has applied for both Preliminary Plan and Site Plan review on the Subject Property.

Preliminary Plan

Trotters Glen, Preliminary Plan 120130050 (Attachment A) requests 69 lots for 69 one-family dwelling units and five parcels for Rural and Common Open Space on the Subject Property. The Preliminary Plan proposes 57.53 acres of the total 175.8 acres be included in the lots, 14.63 acres be dedicated as right-of-way for Batchellors Forest Road, Emory Church Road and the three proposed public streets serving the community, and a total of 116.1 acres as open space (114.78 acres or 65.3% as Rural Open space, 1.32 acres as Common Open Space). The proposed lots are clustered in the northern half of the Subject Property which allows homes to use the existing sewer line in the stream valley in the northeastern portion of the Property.

The Preliminary Plan proposes lots on both sides of Batchellors Forest Road at two separate entrances. On the northwest side of the road, 56 lots would be clustered along two public streets (Public Roads B and C). Another 12 lots would be clustered on the southeast side of Batchellors Forest Road, with public street access (Public Road A). The final lot is proposed as a 15 acre conservancy lot around the existing primary dwelling and the associated horse paddocks, and will retain the existing driveway to Batchellors Forest Road. The two other existing dwellings on the Property will be removed. All lots are proposed for public water and sewer service, except for the 15 acre conservation lot, which will remain on existing well and septic.

Vehicular access is proposed to be provided only from Batchellors Forest Road; however, a second alternate emergency vehicle access lane is provided between Public Road B and Emory Church Road on the north side of the Property. A Master Plan designated multi-use trail (B-13) would begin in the northwest corner of the Property, paralleling Emory Church Road for approximately 900 feet before heading southeast through the Property, and eventually intersecting with Batchellors Forest Road in the northeastern portion of the Property. An extensive network of cart paths already exists on site from the current use as a golf course; the Applicant proposes to keep some of these paths as a recreational amenity and remove others that infringe on sensitive environmental areas or will be developed over. All internal streets will have sidewalks on both sides, however Batchellors Forest Road will remain without sidewalks, except for a small section of proposed asphalt trail to connect the two development clusters, and sections of existing cart path that parallel the southeastern side of the road.

Site Plan

Trotters Glen, Site Plan 820130060 (Attachment B) has substantially the same layout as the Preliminary Plan and requests 69 lots for 69 one-family dwellings on the Subject Property. The proposed unit mix includes 59 one-family detached, and 10 semi-detached dwellings, including 10 Moderately Priced Dwelling Units (MPDU). Among the 59 one-family detached dwellings, one includes the existing house and would be located on a 15 acre farm conservation lot, and 58 would be on lots ranging in size between approximately 15,000 and 40,000 square feet. Fifty-six of the proposed lots (including 8 of the MPDUs) will share one access onto the west side of Batchellors Forest road, 12 lots (2 MPDUs) will share a second access point on the east side of Batchellors Forest Road, and the final containing the existing residence is on the west side of Batchellors Forest Road.

Open Space and recreational site amenities are located throughout the Subject Property to meet the needs of future residents and include two open play areas, six seating areas, a pedestrian trail network, a Master Plan bicycle trail segment, and a large amount of open natural area. Open space is located

throughout the proposed development. Areas of open space in the northern half of the Property are used for a variety of reasons including stream valley buffers, natural buffers, and landscaping. A large contiguous area of open space is proposed covering the southern half of the Property and it contains streams, wetlands, forests, uplands and trails. A significant amount of landscaping is proposed on the Subject Property primarily to screen views of the new homes from the existing public roads and surrounding properties, and to make for attractive recreational amenities for future residents.

Compliance with Prior Approvals

The Subject Property was subject to Pre-Preliminary Plan 720120030, heard at a Planning Board hearing on September 27, 2012 (Pre-Preliminary Hearing). There were no binding decisions made at the hearing, however the Planning Board did offer advice on a variety of Master Plan related topics. Generally, the Planning Board was supportive of the concept provided as part of that Pre-Preliminary Plan. Below are the five questions asked of the Planning Board at the Pre-Preliminary Hearing, and the summarized response given by the Planning Board.

1. *Should open space parcel C along Batchellors Forest Road be expanded to accommodate additional landscaping in the rear of homes?*
There was unanimous support of placing landscaping for screening on HOA maintained property and pulling lots slightly away from Batchellors Forest Road
2. *Should there be an internal road that connects Emory Church Road and Batchellors Forest Road?*
There was a majority opinion that the Master Plan implies not providing a through road as a way to preserve the rustic road, and to limit non local traffic. A minority opinion felt not enough information was known at this time to make a decision either way.
3. *Should any lots have direct access to Emory Church Road?*
No direct answer was given by the Planning Board, although discussion on the topic suggested Board Members thought it was covered as part of question two, and may have a visual implication and less of a transportation implication. The Board did discuss a quote from page 31 of the Master Plan that says "Access to new houses should be provided from both Batchellors Forest Road and Emory Church Road." A majority of Board members felt emergency vehicle, bicycle and pedestrian access was adequate access.
4. *Should staff and Applicant investigate a new alignment for segment B-13 Master Planned bikeway to avoid stream impacts?*
The Planning Board unanimously agreed an alternative to the Master Planned route could be studied, but agreed the route shown on the Pre-Preliminary Plan taking the path along Public Road B was not appropriate. Finding a more direct route that avoids environmental features was desired.
5. *Should staff and the Applicant Investigate B-12 as an off-road, shared use path to provide future connection to Park Property?*
If sidewalks are required along Emory Church Road by MCDOT, the Planning Board supported creating a shared off-road path instead. If sidewalks were not required, provide an easement across the Property to the neighboring property to the west and leave section B-12 as an on-road route on Emory Church Road.

PRELIMINARY PLAN

RECOMMENDATION and CONDITIONS

The Preliminary Plan meets all requirements of Chapter 50 of the County Code, the Subdivision Regulations, and substantially conforms with the recommendations of the Olney Master Plan. Staff recommends approval of Preliminary Plan No. 120130050 and the Final Forest Conservation Plan, subject to the following conditions:

1. This Preliminary Plan is limited to 69 lots for 69 dwelling units including 10 MPDUs.
2. The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. 820130060, approved as part of this Preliminary Plan, subject to:
 - a. Prior to signature set, the Applicant must revise the “Planting Schedule” table on Sheet 17 of the approved Final Forest Conservation Plan to match the updated table as shown in Attachment L of this report.
 - b. Prior to signature set, the Applicant must revise the Final Forest Conservation Plan to include the isolated wetland and associated wetland buffer, located north of the existing pond on Sheet 14 of the Final Forest Conservation Plan, within a Category I conservation easement. The Category I conservation easement must be shown on the record plat(s).
 - c. The Final Sediment Control Plan must be consistent with the final limits of disturbance shown on the approved Final Forest Conservation Plan.
 - d. A Category I conservation easement must be shown on the record plat(s) over all areas of stream valley buffer, wetland buffer, forest retention and forest planting, as shown on the approved Final Forest Conservation Plan.
 - e. Forest plantings must be provided over all unforested stream valley buffers as shown on the approved Final Forest Conservation Plan. Distribution and installation of plant materials must be coordinated with M-NCPPC forest conservation inspector at the pre-planting meeting to preserve and enhance the existing diversity of wetland habitat onsite.
 - f. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Additional or adjustments to the tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.
 - g. Prior to the start of clearing and grading, the Applicant must submit a financial security instrument for planting and maintenance of 25.83 acres of forest as shown on the approved Final Forest Conservation Plan, including the planting and maintenance associated with the onsite stream and wetland restoration.
 - h. The Applicant must obtain M-NCPPC approval of a two-year maintenance and management agreement for the forest planting shown on the approved Final Forest Conservation Plan prior to M-NCPPC accepting any on-site planting.
 - i. Prior to the issuance of the 28th building permit the applicant must receive approval of an amendment to the forest conservation plan detailing the limits of disturbance for

the removal of the dam and onsite stream and wetland restoration by M-NCPPC staff. Prior to (the issuance of the 48th building permit, the Applicant must complete the dam breach and restoration work.

- j. The Applicant must obtain M-NCPPC approval of a two-year maintenance and management agreement for the planting associated with the onsite stream and wetland restoration prior to M-NCPPC accepting any on-site planting for this area.
 - k. The Applicant must install permanent Category I Forest Conservation Easement signage and/or permanent split rail fencing or other fencing proposed by the Applicant and acceptable to Staff, along the perimeter of the conservation easements, as shown on the approved Final Forest Conservation Plan.
 - l. The Applicant must remove all existing, unnecessary structures and features located within the stream valley buffers and open space areas, including sand traps, putting greens, wells, buildings, pavement, septic fields, and irrigation features as shown on the approved Final Forest Conservation Plan prior to M-NCPPC accepting any on-site planting.
3. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 28, 2013, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
 4. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
 5. The Applicant must make a lump sum payment of \$23,400.00 to mitigate the PAMR required 2 peak-hour trips prior to the issuance of the first building permit.
 6. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its amended stormwater management concept letter dated May 24, 2013, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
 7. The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.

8. The Applicant must dedicate and show on the record plat(s) the following dedications:
 - a. Thirty five (35) feet from the existing pavement centerline along the Subject Property frontage for Batchellors Forest Road.
 - b. Thirty Nine (39) feet from the existing pavement centerline along the Subject Property frontage for Emory Church Road or from the western Property line to 700 feet east of the intersection with Norbrook Road.

9. The record plat must show necessary easements including the following:
 - a. A public use and access easement over the eight-foot shared use path between the Emory Church right-of-way and the Batchellors Forest Road right-of-way.
 - b. A public use and access easement over all existing and proposed five-foot pedestrian trails located in the Rural Open Space Areas.
 - c. A public use and access easement over the 21-foot wide emergency vehicle access lane.
 - d. The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
 - e. The record plat must have the following note: "The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed.
 - f. The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant must provide verification to Staff prior to release of the final building permit that the Applicant's recorded HOA Documents incorporate the Covenant by reference.

10. A Rural Open Space Easement must be recorded in the Montgomery County Land Records for the 114.78-acre area designated as private Rural Open Space (Parcels A, B, D, E and Lot 57, as shown on the Preliminary Plan). Reference to the recorded easement is to be noted on the record plat(s).

11. Record Plat to reflect a note that the following items are subject to the terms of a Maintenance and Liability easement agreement with Montgomery County
 - a. Any fence or wall within the dedicated right-of-way
 - b. The off road shared use path B-13

12. MPDU's
 - a. The Final number of MPDU's are to be determined at the time of Site Plan

13. The Subject Property is within the Blake School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the elementary and high school level at the single-family detached and single-family attached, unit rates for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

14. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

15. Concurrent Site Plan

- a. Prior to recordation of any plat, Site Plan No.820130050 must be certified by the M-NCPPC Staff.
- b. No clearing, grading or recording of plats prior to certified site plan approval.
- c. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and shared use paths will be determined at Site Plan.
- d. In the event that a subsequent Site Plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width, or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.

ANALYSIS AND FINDINGS – Chapter 50

Conformance to the Master Plan

The Preliminary Plan is in substantial conformance with the Olney Master Plan.

The Master Plan sets out a series of goals for development of the Subject Property in four different sections of the plan; the land use discussion for the Southeast Quadrant, the land use discussion for the Polinger Property, the transportation discussion for the Southeast Quadrant, and the discussion of Rustic Roads. Within the sections of the Master Plan, the reoccurring goals and specific recommendations require the creation of open space and the protection of environmental resources, the provision of bike and pedestrian connectivity and the protection of Batchellors Forest Road as a rustic road. These goals are inter-related and many of the recommendations within the Master Plan implement more than one goal. The proposed subdivision shown on the Preliminary Plan conforms to the Master Plan goals.

Open Space & Environmental Resources

The recommendations of environmental stewardship and the creation of open space are found throughout the Master Plan. The Southeast Quadrant section of the Master Plan calls for establishing a network of public and private open spaces that include all stream valleys and other environmental resources as a means of protecting water quality in the upper reaches of the Northwest Branch watershed (Image 3). The Polinger Property section of the Master Plan further says to cluster development to allow for access to the existing sewer main in the Batchellors Forest tributary located in the northeastern section of the Property. The Preliminary Plan proposes 116.1 acres (66%) of the Subject Property be placed in either Rural or Common open space. The locations of open space on the Property protect all stream valleys, wetlands, steep slopes, and connect with other off site forested areas. The Preliminary Plan also establishes category 1 conservation easements in all stream valley buffers, and fully reforests all buffer areas as required by the Master Plan. Of the 116.1 acres of open space, 114.78 acres (65.3%) is Rural Open Space and 1.32 acres is Common Open Space. The Rural Open space meets the Zoning ordinance requirements for Rural Open Space and allows for landscaping and passive recreation on the Subject Property. The southern half of the Property is one large contiguous area of Rural Open Space that includes streams, forests and an existing network of golf cart paths that will be converted into trails. The Preliminary Plan also satisfies the Master Plan recommendation that some existing ponds be converted into naturalized wetland areas. There is an existing pond and wetland area in the southern portion of the Property, in one of the tributary stream buffers. The Applicant proposes to breach the pond and establish emergent wetlands using grasses, shrubs and small trees that will thrive in the hydric soils, greatly increasing the diversity of habitat on site.

The proposed development clusters the new lots in two development pods, one on the northwest side of Batchellors Forest Road and the other on the southeast side of the road, generally in the white developable areas shown on the map on page 24 of the Master Plan (image 3). The Preliminary Plan substantially follows the Master Plan which recommends that homes should be clustered in the northeastern section of the Property to utilize the existing sewer located in the stream valley crossing the Property and avoid the need to extend new sewer lines in other stream valleys. However, the Master Plan also identifies the existing forest, a stream valley buffer and wetland buffers also located in

the northeastern portion of the Property and recommends that these features be protected from development. The proposed lots are clustered on the northern half of the Property and generally to the east of the conservancy lot. The lots avoid the identified sensitive environmental features, are compatible with adjacent development, are screened from Batchellors Forest Road, and access to gravity sewer lines.

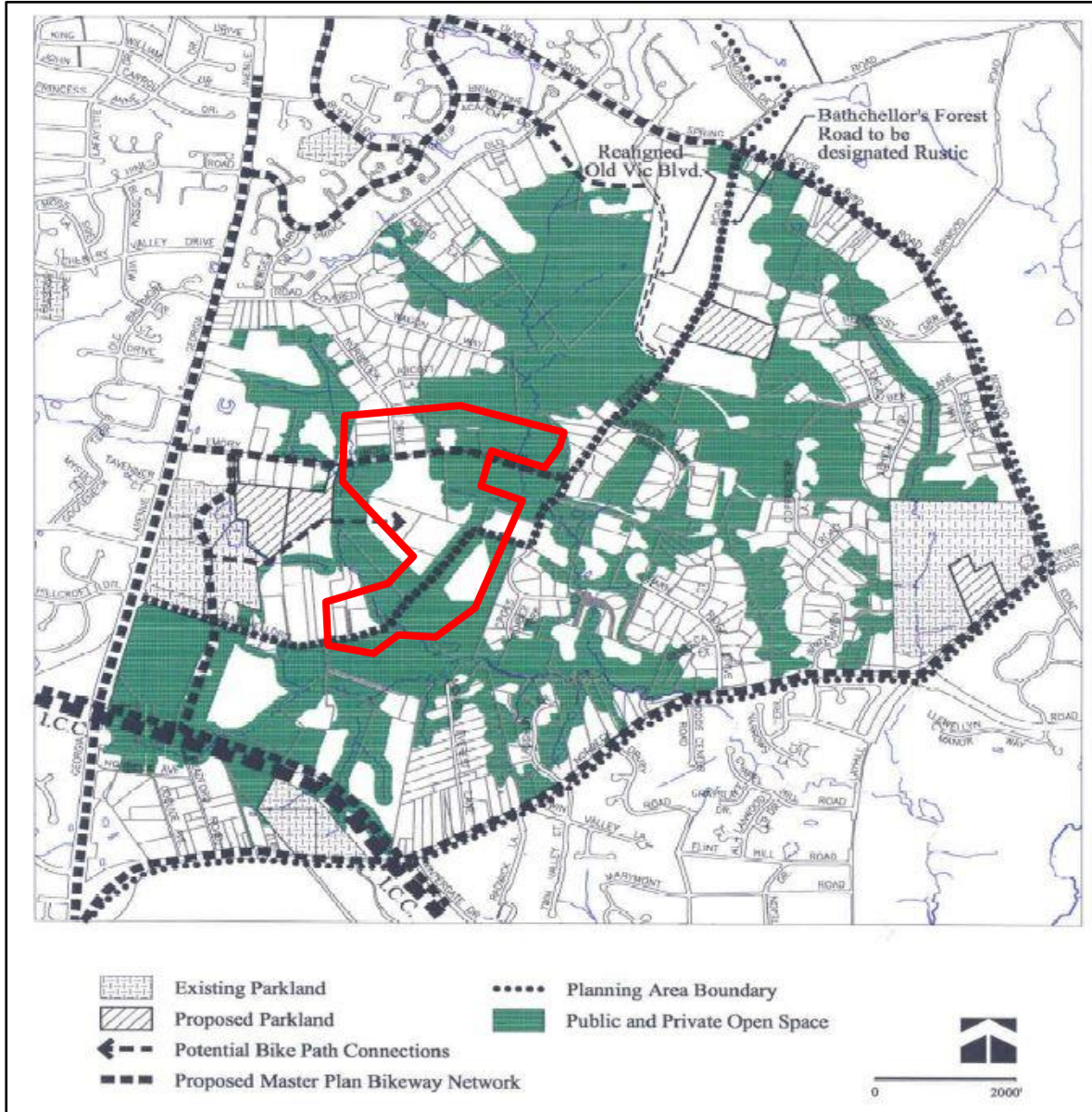


Image 3

Batchellors Forest Road/Rustic Roads

The Master Plan designates Batchellors Forest Road as a Rustic Road, and requires that future developments along the road protect its rustic character. The Preliminary Plan protects the scenic vistas, identified by Staff, along Batchellors Forest Road through the clustering of lots, locating the

entrances away from significant features, and the reconstruction of the wooden four-board fence that lines the existing roadside. Batchellors Forest Road was first identified as a potential Rustic Road and placed on the Interim list in County Bill 20-92 and in Appendix A of the 1996 Functional Master Plan of Rustic Roads, which established the Rustic Road program. Batchellors Forest Road was not included as a designated Rustic Road the 1996 Functional Master Plan of Rustic Roads because the functional plan's study area was limited to land within the boundary of the Functional Master Plan for the Preservation of Agriculture and Rural Open Space of 1980. Other rustic roads that were on the interim list but located outside of the study area of the 1996 Rustic Roads Plan could later be added to the program by recommendation of future master plans. The Master Plan also specifically recommends the RNC Zone for the Subject Property for the combined goal of environmental and rustic road protection.

The Preliminary Plan protects rustic views onto the Property from Batchellors Forest road. On the northwest side of Batchellors Forest Road, the development cluster is located at least 120 feet away from the edge of pavement, and many of the proposed lots wrap about the back side of the 15 acre conservation lot, and behind a wetland buffer that will be reforested. The location of the entrance for Public Road B and the location of the lots create an open view into open space at the 90 degree bend in the road (Image 4). The location of the 15 acre conservation lot and the cul-de-sac of Public Road B both further protect the rustic views on the northwest side of Batchellors Forest Road. On the southeast side of Batchellors Forest Road, the Preliminary Plan proposes open space on the inside corner of the 90 degree bend, to complement the open space on the northwest side of the road. The Preliminary Plan also created about a 30 foot wide open space buffer between the proposed lots and the road right-of-way to allow for landscaping, explained further in the Site Plan analysis.

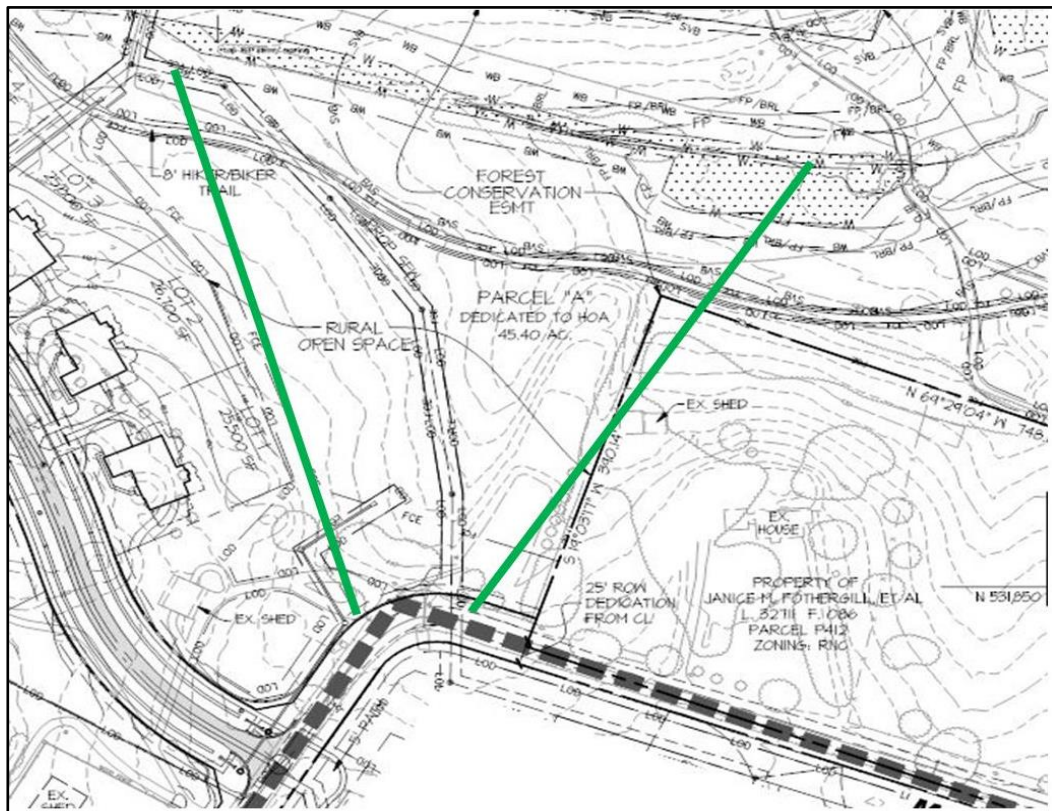


Image 4

The Preliminary Plan, as conditioned, also offers the best protection possible to the rustic features of Batchellors Forest Road without ignoring the recommendations of MCDOT and MCDPS, by keeping the existing pavement width and replacing or retaining the four-board wooden fence and landscaping where possible. The Preliminary Plan proposes no frontage or other roadway improvements beyond a culvert widening deemed necessary by the Montgomery County Department of Fire and Rescue Services. Batchellors Forest Road is the designated “Fire Access Route” for the new development. As such the Montgomery County Department of Fire and Rescue Services have analyzed the route from the nearby fire station on Georgia Avenue and have found a restriction to access at the point where Batchellors Forest Road crosses a stream. The pavement over the current culvert on Batchellors Forest Road is approximately 14 feet wide with metal guardrails on each side of the pavement. The roadway is marked with a one lane bridge sign. Fire and Rescue request this bridge crossing be upgraded to 20 feet of pavement width as a standard to allow two emergency vehicles to pass (Image5). The Applicant has engineered a plan that minimizes the additional pavement as much as possible, and is able to keep the guardrails in their existing location, replacing them with wooden railings. The Applicant, Staff, MCDOT and MCDPS have worked to find a compromise plan for protection and relocation of the four-board wooden fence currently located approximately 5 feet from the edge of pavement along Batchellors Forest Road (Image 6). At issue was whether the fence could be maintained by the Applicant after the land around it was dedicated to the County.

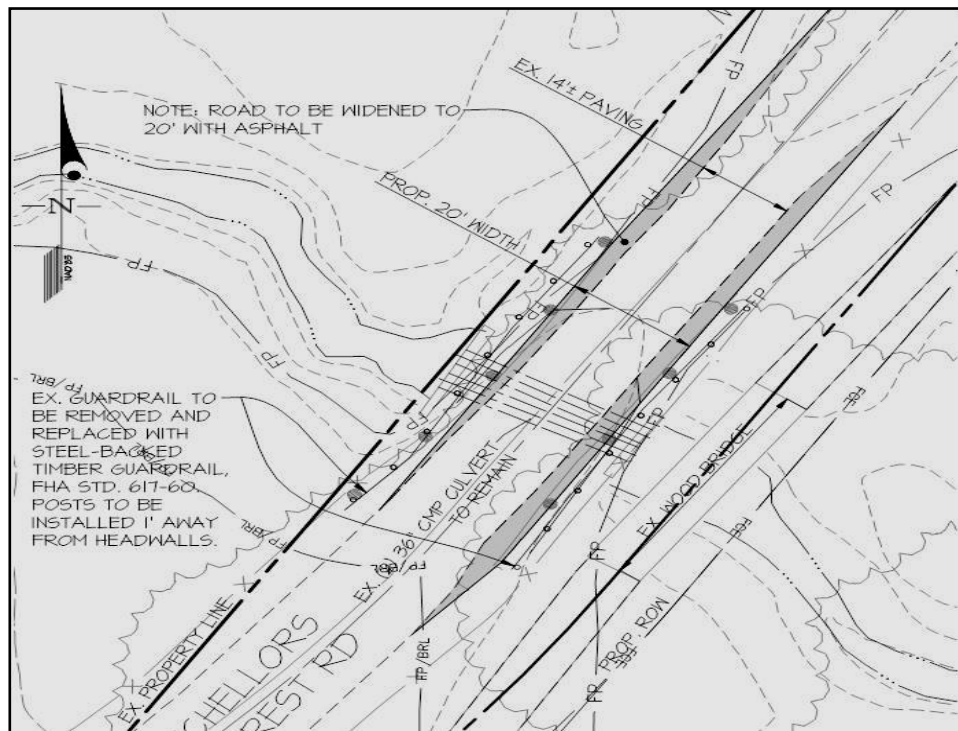


Image5

The original request from MCDPS was to remove the existing fence, and reconstruct it outside of the dedicated right-of-way; approximately 35 feet from road centerline. MCDPS later agreed to allow the fence to remain within the right-of-way but would not allow for future maintenance, which was considered by Staff and the Rustic Roads committee as demolition by neglect and did not find this

provided adequate protection of Batchellors Forest Road’s rustic character. Another option considered was dedicating only 50 feet of right-of-way and two ten foot wide easements for future dedication. This would have allowed the reconstruction of the four board fence out of the right-of-way at approximately 25 feet from roadway centerline. Because of concerns raised by MCDOT about receiving reduced right-of-way, the Applicant, MCDOT and MCDPS ultimately agreed to provide full dedication of 70 feet for Batchellors Forest Road, with a reconstructed and maintained fence located 25 feet from centerline of the pavement of Batchellors Forest Road.

Transportation Access

The Preliminary Plan provides for bicycle and pedestrian access to both Batchellors Forest Road and Emory Church Road; provides future access to Olney Manor Park and provides an off-road bike path identified as B-13 in the Master Plan. The Master Plan makes multiple recommendations to provide multi-modal connections on the Subject Property, and to other sites within the greater Southeast Quadrant of Olney. The *Pollinger Property* section of the Master Plan specifically recommends bicycle and pedestrian connections between Emory Church and Batchellors Forest through the Subject Property and the Southeast Quadrant transportation section of the Master Plan further requires a bicycle and pedestrian connection from the Subject Property to Olney Manor Park. The Master Plan alignment for the B-13 shared use path recommends using the existing, unimproved area of right-of-way for Emory Church Road between Norbrook Road and Batchellors Forest Road. The existing right-of-way, however, runs along a small stream and then crosses a stream and large area of wetlands, and bisects an existing forest. The Applicant and Staff have worked to find an alternative alignment for the B-13 shared use path (Image 7) that avoids the environmental features while still providing a direct connection between Emory Church and Batchellors Forest.



Image 6
Credit: Google Streetview 2012

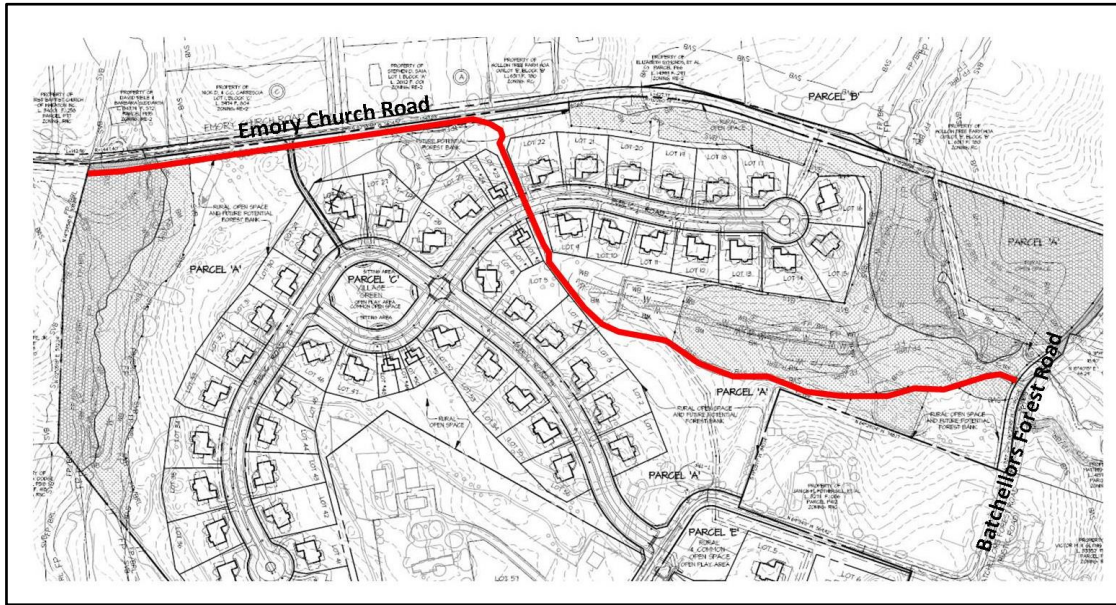


Image 7 *Proposed off-road path shown in Red

To provide the required bicycle and pedestrian access to Olney Manor Park, the Applicant is proposing to extend the B-13 off-road shared use path west along the Property’s frontage with Emory Church Road as an off-road shared use path to the Property’s western border. The parcel to the west of the Subject Property is identified for future park acquisition, and will allow the shared use path to be continued onto Park property once that acquisition is finalized. Bike and Pedestrian access between Batchellors Forest Road and Emory Church Road is further provided by the sidewalks that will be located on both sides of Public Roads A, B and C, and on the proposed alternate emergency access lane, connecting Emory Church Road to Public Road B.

The Preliminary Plan does not provide vehicular access to Emory Church Road, or a vehicular connection between Emory Church Road and Batchellors Forest Road. The Master Plan provided the following quote as part of the Pollinger Property discussion on page 31:

Access to new houses should be provided from both Batchellors Forest Road and Emory Church Road. A Pedestrian and bikeway connection between Emory Church Road and Batchellors Forest Road should be provided through the property.

The Applicant has maintained through the entire plan review process going back to the Pre-Preliminary Hearing that no vehicular connection to Emory Church Road should be made as part of the development of the Subject Property. At the Pre-Preliminary Hearing, the Planning Board was asked to provide advice to the Applicant on the Boards interpretation of the Master Plan. The majority opinion of the Board was that it is not necessary to provide for a vehicular connection to Emory Church Road, as long as adequate bicycle, pedestrian and emergency vehicle access was provided. The Preliminary Plan being reviewed is substantially the same density and layout as was presented to the Planning Board at the Pre-Preliminary Hearing. The Preliminary Plan proposes an emergency vehicle access lane between Emory Church Road and the proposed development, which will be locked with bollards to personal vehicles but accessible to emergency responders. Batchellors Forest Road is the designated emergency access route for

emergency response vehicles, Emory Church Road could be used if found to be necessary by emergency responders. The Applicant has also provided additional material (Attachments N, P, Q) comprised of documents from the public meetings and hearings during the writing of the Master Plan. Attachment N reiterates the Applicant's position on the discussion of access. Attachment P includes discussion over the densities considered for the Southeast Quadrant of Olney and a traffic analysis on page 14 of the attachment stating that even in the high density scenario the number of new units would not exceed what Batchellors Forest Road is capable of handling, and Attachment Q on page four the County Council concluded Emory Church Road was not planned to handle new growth and should not be upgraded to a Primary street.

There is further concern that providing a vehicular connection between Batchellors Forest Road and Emory Church Road may increase non-local through traffic volumes along both roads. With respect to Batchellors Forest Road, the current Master Plan went to considerable lengths to reduce the volume of traffic in the Southeast Quadrant and made significant changes from what had been envisioned by the 1980 Olney master plan. The current Master Plan designated Batchellors Forest Road as a rustic road. This designation was made, in part, based on changes to the proposed transportation network of the greater Southeast Olney area recommended in the 1980 Olney master plan.

Based on this Plan's recommended RNC zoning for vacant and redevelopable properties, the land use pattern in the Southeast Quadrant will remain fairly low-density in nature. The removal of three primary residential roadway extension or realignments, as described in greater detail in the prior discussion on the Southeast Quadrant, will further protect and enhance the low-density character of this quadrant. Therefore, the designation of most of Batchellors Forest Road as rustic would be appropriate. The westernmost section, from Georgia Avenue to a point 1,200 feet east, carries non-local traffic to Olney Manor Recreational Park and should therefore not be classified as rustic. The same consideration for accommodating non-local traffic should be extended 500 feet further to the east if an institutional use is located on the Gandel Property.

The realignment of the northern portion of Batchellors Forest Road as proposed in the 1980 Plan would negatively impact the existing character of Batchellors Forest Road at its junction with that road near Farquhar Middle School since it would require improvements to a much longer section of Batchellors Forest Road. The 1980's Plan realignment of Batchellors Forest Road (P-16) should be modified so that it would extend from its current termini to meet Batchellors Forest Road in a right-angle configuration opposite one of the school driveway entrances. This new alignment of P-16 is henceforth called "Old Vic Boulevard Extended." (Page 100)

The above described changes included removing two master planned roads that would extend Emory Lane from its intersection at Georgia Avenue through the Olney Manor Park and through the Pollinger Property to intersect with Batchellors Forest Road at Barn Ridge Drive in the heart of the Subject Property (Image 8). This road extension would have continue southward and intersect with Norbeck Road (MD28), thus creating a new street through the middle of the Southeast Quadrant that would have connected two major highways and introduced additional traffic (local and non-local) on Batchellors Forest Road. The current Master Plan also recommends a new alignment for the intersection of Old Vic

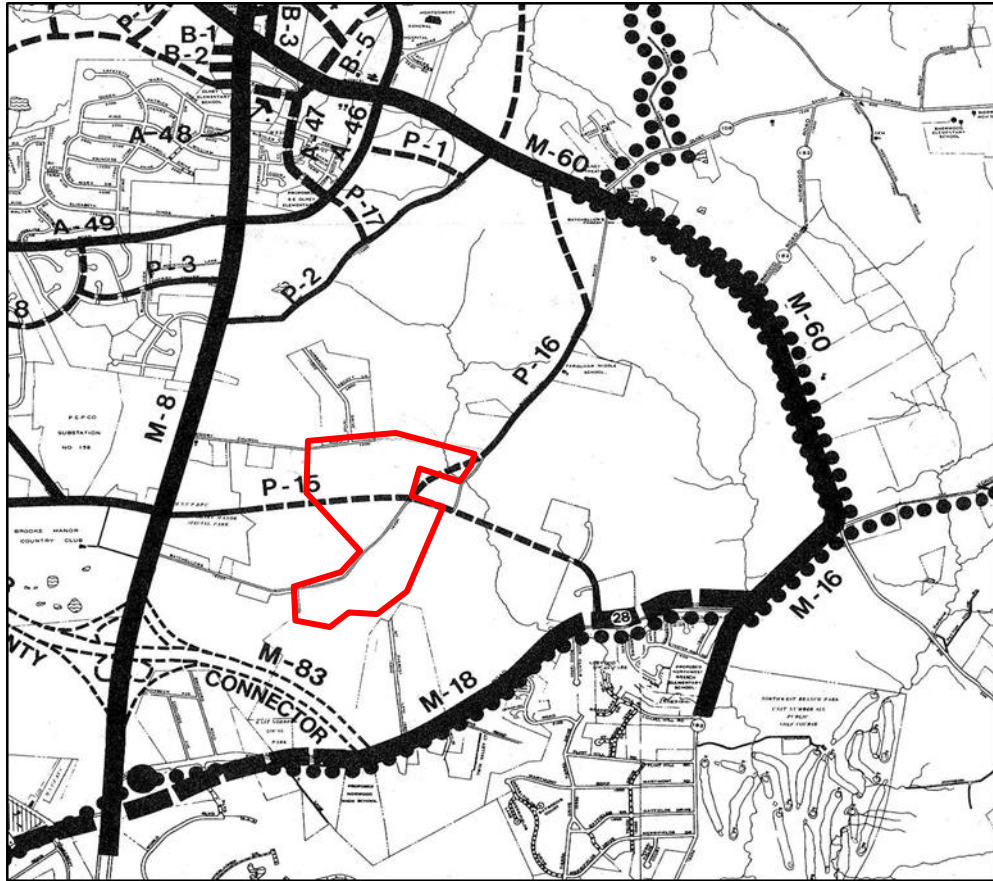


Image 8

Boulevard and Batchellors Forest Road that has Old Vic Boulevard ending in a T-intersection at Farquhar Middle School. This configuration replaced that in the 1980 master plan that had Old Vic Boulevard functioning as the new alignment of Batchellors Forest Road straight to the signalized intersection with MD Route 108 at the new Good Counsel High School site. The T-intersection, as prescribed in the current Master Plan, was done to minimize improvements in order to protect the character of Batchellors Forest Road. By creating this T intersection, the ease of access to Batchellors Forest Road has been reduced making for a more circuitous and inefficient travel path for both local and non-local traffic. Staff concludes that the 2005 Olney Master Plan made the roadway recommendations discussed above to not only address the lower densities envisioned by the new RNC zoning in the South east Quadrant but to also attempt to keep traffic volumes low on Batchellors Forest Road and to minimize non-local traffic.

Staff believes the Preliminary Plan does provide for adequate access to new houses from both Batchellors Forest Road and Emory Church Road with the provided bicycle, pedestrian and emergency vehicle facilities, including the alternate emergency access on Emory Church. Based on this analysis, Staff does not feel there is sufficient reason to require vehicular access to Emory Church Road given the Master Plan language, previous Planning Board advice, and the potential for an unintended increase in non-local vehicle trips to Batchellors Forest Road and Emory Church Road regardless of the potential increase in volume.

Alternatives Considered

There has been ongoing debate throughout the review process of the Subject Property over the interpretation of the Master Plan, particularly the quote from page 31 of the Master Plan, quoted on page 15 of this report over access to new houses. Many of the correspondence received from the community (discussion beginning on page 41 of this report, and Attachments S, T) asks Staff and the Planning Board to re-evaluate the Preliminary Plan with vehicular access provided to Emory Church Road. If the Planning Board chooses to consider vehicle access an important component of access, as discussed on page 37 of the Master Plan, Staff has found the following three alternatives are possible ways of conforming to the Master Plan. In the discussion below, Staff only conceptually describes how these alternatives may work. No formal traffic or design studies were completed looking at these alternatives. Generally, County traffic engineers consider “non-local traffic” to be any trip generated or destined for a point more than ¼ miles away from the intended area of study. In the following discussion, the use of the word “non-local traffic” describes any trip that originated from or is destined to any property not generated as part of the Subject Property.

1. Providing a Circuitous Public Through Connection

This alternative would provide vehicular, pedestrian, bicycle and emergency vehicle access to all new houses to both Batchellors Forest Road and Emory Church Road and would provide the general motoring public with a means of traversing the development to access both roads. Section 50-26(d) of the Subdivision Regulations require that secondary residential streets “shall be planned to discourage their use by nonlocal traffic”, therefore, any public road layout on the Property having such a connecting road would need to be redesigned to provide for a circuitous route between Batchellors Forest and Emory Church Road to reduce the convenience of non-local traffic using this route as a through route. The Applicant would need to submit an updated traffic study for review with a new trip distribution, and an analysis that included the intersection of Emory Church Road and Georgia Avenue to meet LATR guidelines, including professional judgment on the number additional non-local traffic that may use the new interconnection between Emory Church and Batchellors Forest Roads. MCDOT would likely need to approve sight distance for an access to the Property from Emory Church Road, and the Applicant may also be responsible for additional frontage improvements along Emory Church Road. The Applicant would not be responsible for off-site upgrades to Emory Church Road, except for any potential improvements needed at the intersection of Emory Church and Georgia Avenue, depending on the results of the traffic study. Note that Emory Church Road currently has substandard pavement width and has insufficient right-of-way to widen the pavement (and provide necessary drainage and stormwater management) to a 20 foot side standard. To select this option, Staff suggests that the Planning Board would need to defer action on the Preliminary Plan until the required studies have been provided and a redesigned site layout can be evaluated by the necessary Staff and County Agencies.

2. Providing a Private Controlled Vehicle Access to Emory Church

This alternative would require a similar redesign as described in alternative 1; however instead of building all new streets as public streets, the Applicant would provide access from Batchellors Forest Road, and all proposed lots on public streets, and would construct a private street that would connect Emory Church Road to one of the public streets within the community. This private street could be gated, granting ingress and egress only to residents of the new homes, but not to anyone else. This option would eliminate the possibility of additional non-local traffic on Batchellors Forest

or Emory Church Roads, but would provide vehicle access to new houses within the Application from both roads. Bicycle, pedestrian and emergency vehicle access could still be provided from both roads to all new lots. As in alternative 1, the Applicant would need to update the traffic study with new trip distributions and include an analysis of the intersection of Emory Church Road and Georgia Avenue. As in alternative 1, the Applicant would also have to work with MCDOT to determine if additional improvements to frontage along Emory Church would be required. The Planning Board would need to defer action on the Preliminary Plan until the traffic study has been updated and analyzed, and a redesigned Property layout can be evaluated by the necessary Staff and County Agencies.

3. Bifurcate the Community with Non-connected Access to Emory Church Road and Batchellors Forest Road

This alternative would require a redesign of the current Property to provide vehicle access to some homes to Emory Church Road only, and others to Batchellors Forest Road only. The Applicant would still need to provide access for bicycles, pedestrians and emergency vehicles to all new lots. This design would serve to further bifurcate the community which is currently split into two development areas by Batchellors Forest Road by creating three development areas with unique vehicle access points. As in the other alternatives, the Applicant would need to update trip distributions and analyze the intersection of Emory Church Road and Georgia Avenue for compliance with LATR guidelines. MCDOT would have to approve site distance at a proposed access point, and may require additional frontage improvements to Emory Church Road. This alternative would require the Applicant satisfy with the Montgomery County Department of Fire and Rescue that emergency access can be provided to all lots from Batchellors Forest Road through the use of an emergency access lane, or would need to provide emergency access to some lots from Emory Church Road. The Planning Board would need to defer action on the Preliminary Plan until the traffic study has been updated and analyzed, and a redesigned Property layout can be evaluated by the necessary Staff and County Agencies.

Public Facilities

Roads and Transportation Facilities

Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

Local Area Transportation Review (LATR) Analysis

A traffic study dated June 18, 2012 and a supplemental analysis dated March 26, 2013 were submitted to determine the impact of the proposed development on the area transportation system. Two local intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard of 1,450 Critical Lane Volume (CLV) for the Olney Policy Area. The proposed development trips were added to the existing and the background traffic (trips generated from approved but unbuilt developments) to determine the total future traffic volume. The total future traffic volume was then assigned to the critical intersections to evaluate the total future CLVs. The result of CLV calculation is shown in the following table.

CLV Calculations

	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
MD 97/Emory Lane.	1,326	1,362	1,349	1,364	1,369	1,365
MD 355/Batchellors Forest Road.	1,325	1,249	1,335	1,291	1,350	1,318

As shown in the above table, all analyzed intersections are currently operating within an acceptable 1,450 CLV congestion standards and are expected to continue operating within the acceptable standards with background and total future development conditions. Therefore, the subject site plan and preliminary plan applications meet the LATR requirements of the APF review.

Transportation Policy Area Review (TPAR)/Policy Area Mobility Review (PAMR)

The Property is located in the Olney Policy Area. According to the 2012-2016 Subdivision Staging Policy (SSP), the Olney Policy Area is adequate under the roadway test and inadequate under transit test, requiring a 25% of Impact Tax as a TPAR payment. The Preliminary Plan application, however, was completed and submitted before January 1, 2013. According to the current SSP, the application may meet its TPAR requirement by complying with either the current TPAR or the PAMR requirements that were in force immediately before the County Council's SSP resolution, Resolution No. 17-601, which was amended in 2012. The Applicant chose to be reviewed using the PAMR analysis. According to the FY2013 PAMR, there is 5% trip mitigation requirement for the Olney Policy Area. The project will generate a maximum of 28 new PM peak hour trips of which 5% must be mitigated or 2 trips. The current PAMR payments are \$11,700 per trip; therefore the Applicant is required to make a lump sum payment of \$23,400.00 prior to obtaining the building permit to mitigate the 2 peak-hour trips. With the required payments, the Preliminary Plan meets the TPAR requirement under the current SSP.

Adequacy of rights-of-way, access

The Preliminary Plan proposes to create three new public streets, identified currently as Public Streets A, B and C. Each of these public streets will be located in a 74 foot wide right-of-way which meets MCDOT's context sensitive design standards for an open section secondary residential street. Batchellors Forest Road splits the Property into two development areas, with the northern area of 57 new lots sharing one access point at Public Road B and Batchellors Forest. The second development area of 12 lots shared one access point at Public Road A and Batchellors Forest. Both access points were found to be adequate for site distance and operations by MCDOT. The Preliminary Plan also provides for 39 feet of dedication from centerline along Emory Church Road, even though no direct vehicle access is provided between the new lots and Emory Church. The Applicant is proposing the dedication from the western Property boundary east until opposite the eastern property line for the Hollow Tree Farm HOA parcel, or approximately 1,485 feet in length. An existing 30 feet of right-of-way continues east to Batchellors Forest Road, however, there are no existing public improvements in this right-of-way, and the Master Plan does not call for the construction of a road in this right-of-way.

The Preliminary Plan also provides for a 70 foot (35 feet from centerline) dedication for Batchellors Forest Road along all Property frontages as required by the Master Plan. A maintenance easement will be created for any Site Plan elements located within the right-of-way including any fencing, walls or pedestrian paths.

Pedestrian and Vehicle Circulation

The Preliminary Plan proposes extensive opportunities for pedestrian circulation and connection through the provision of the Master Plan shared use path B-13, sidewalks on both sides of all public streets, the use of Batchellors Forest Road as the preferred emergency access road with an alternate route on Emory Church Road with improvements to some existing golf cart paths as a trail network.

The Master Plan identifies an on road bike route along Emory Church Road, and an off road shared use path in the unused Emory Church right-of-way to Batchellors Forest Road. As discussed by Staff at the Pre-Preliminary Hearing, there are substantial environmental concerns over routing a shared use path through the unused right-of-way (section B-13). Staff and the Applicant have created an alternative route to the shared use path that provides for an off road, multi-use asphalt trail from the western Property edge, all the way to Batchellors Forest Road, and substantially avoids environmental resources located in the northeastern corner of the Property. A public access agreement and private maintenance agreement will be provided allowing public use of the shared use path and requiring private maintenance of all portions of the trail not located in a County owned right-of-way. The asphalt shared use path has connections to the sidewalks provided on both sides of all new public streets, providing new residents of this community access to the path, and access to other portions of the community. A single pedestrian crossing is located near the intersection of Public Road "B" and Batchellors Forest Road, to allow pedestrian connectivity to both sides of Batchellors Forest Road. The sidewalk network also connects to a network of natural area pedestrian trails, comprised of abandoned cart paths and some new trail construction in a large portion of the Rural Open Area over the southern half of the Property.

Overlength Cul-de-Sac

In Chapter 50, section 50-26 (b) Roads and streets – Design Standards, culs-de-sac and turnarounds, it states "A cul-de-sac or a street that would end in a turnaround must not be longer than 500 feet, measured on its centerline, unless, because of property shape, size, topography, large lot size, or improved street alignment, the Board approves a greater length." The Applicant has submitted an overlength cul-de-sac justification (Attachment G), acknowledging the creation of cul-de-sacs longer than 500 feet on all three proposed public streets. The justification by the Applicant explains the desire of the Master Plan to create interconnected open space, preserve stream valleys, and protect the character of Batchellors Forest Road is stated as justification that roads cannot be designed to avoid the cul-de-sacs.

Staff agrees that the creation of the overlength culs-de-sac is appropriate for the proposed Preliminary Plan. As described earlier, the layout of the Preliminary Plan is an attempt to achieve multiple Master Plan and site specific goals. The current layout does an adequate job of providing screening of the new lots from Batchellors Forest Road, allows all new lots to be serviced by gravity sewer lines, and provides the open space and environmental protection required by the Master Plan. Further justification is because of the location of environmental features in the northeastern portion of the Property, and to

maintain a 15 acre conservation lot in the shown location. This lot presents an opportunity to maintain one of the last equestrian uses that were once fairly common on Batchellors Forest Road, and provides screening of new lots from Batchellors Forest Road.

Other Public Facilities and Services

All other public facilities and services are available and will be adequate to serve the proposed use. Public water and sewer is available to the Property and will serve 68 of the 69 proposed lots. Other services including natural gas, electric, and telecommunications are available to the Property. The Preliminary Plan has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the submitted Fire Access Plans adequately provide fire and emergency access to the Property (Attachment F). Other public facilities and services, and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. The Property is located within the Blake High School Cluster. As of July 1, 2012, a school facility payment is required at the elementary and high school level.

Environment

The Preliminary Plan is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. Included with the forest conservation plan is a tree variance for impacts and removal of subject trees. Staff finds that the Preliminary Plan is in compliance with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned in the Staff Report.

Environmental Guidelines

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420120870) for this property was approved on February 1, 2012. The NRI/FSD identifies the environmental constraints and forest resources on the subject property. The property contains approximately 13.9 acres of existing forest, 2.7 acres of wetlands, and 29.6 acres of stream valley buffer. A large, instream pond is located in the southern portion of the site.

The Applicant proposes approximately 0.11 acres of encroachment into the environmental buffer for sewer line connections in two locations and one location for a portion of the proposed shared use path. The sewer line connections are necessary in these locations in order to serve the proposed community and connect to existing sewer. The Master Plan recommends a shared use path (B-13) connection between Emory Church Road and Batchellors Forest Road. Due to the steep side slopes along Batchellors Forest Road, it is difficult to connect the path to Batchellors Forest Road without resulting in excessive grading along the side of this Rustic Road. In addition to these concerns, adequate sight distance between pedestrians and motorists was a consideration. The trail is designed to meet Batchellors Forest Road at a flatter location, which minimizes the grading and maximizes visibility at the connection. The impacts to the stream valley buffer are the minimum necessary to achieve this connection. The path does not disturb any wetlands, wetland buffer or 100-year floodplain.

Minor encroachment to the environmental buffers also occurs by stormwater management outfalls in order to provide safe conveyance of stormwater discharges at non-erosive velocities. The remainder of the environmental buffer is shown as protected by a Category I conservation easement.

The FCP proposes to reforest the entire stream valley buffer, resulting in approximately 3.66 acres in excess of the planting required per the forest conservation law. In addition, the existing, large inline pond and surrounding area located in the southern portion of the Property will be restored to a stream and wetlands per the recommendations of the Master Plan. These proposed environmental benefits will mitigate the effects of the stream valley buffer encroachments.

Environmental Guidance in the Master Plan

Per the recommendations in the Master Plan, all stream valleys on the Subject Property should be reforested and any reforestation in excess of that which is required under the forest conservation law may be used for forest banking; whereby forest would be planted and credits sold to meet the requirements of other projects. The FCP proposes reforestation of all stream valley buffers on the Property. Staff supports the idea of a forest bank, however if the Applicant chooses to create a forest bank to include the excess forest planting of 3.66 acres, a separate approval will be required that depicts the specific area that is proposed to be used as a forest bank. The Master Plan also recommends on the Subject Property that the Applicant “convert some of the existing man-made ponds into naturalized wetland areas where appropriate”. The FCP proposes to remove the existing large, inline pond by breaching the dam, and restoring the stream and wetlands in this area. Staff has recommended that the restoration include a variety of wetland habitat (emergent, scrub shrub and forested), and the Applicant has agreed with Staff. The result will include planting a portion of the stream valley buffer with vegetation other than trees; however, the FCP includes planting the same number of trees as would be necessary to meet the density requirements for planting the entire stream valley buffer. The required trees will be planted in a clustered configuration that allows the varied habitat that is desired in this area. Staff believes that this site presents a unique opportunity to create a diverse ecological habitat because of the existing open landscape and the mapped hydric soils that are suitable for wetland restoration.

Forest Conservation

As required by the Forest Conservation Law, a Final Forest Conservation Plan (FCP) (Attachment C) for the project was submitted with the Preliminary Plan. The subject FCP includes 0.77 acres of offsite area that will be disturbed as part of the Preliminary Plan, and approximately 0.59 acres of land dedication that will not be disturbed, resulting in a net tract area of 175.98 acres.

The Preliminary Plan is subject to Section 22A-12(f) of the forest conservation law, which requires any development in a cluster zone to retain or plant a specified percentage of the Property in forest. In this particular case, all onsite forest must be retained and additional forest planted onsite to reach a total onsite forest amount equal to 20 percent of the net tract area. For this Property, the Applicant must save and/or plant 35.20 acres of forest.

Section 22A12(f)(3) states that if the Planning Board finds that the required forest retention is not possible, the Applicant must meet the requirement by providing the maximum possible onsite retention in combination with onsite reforestation and afforestation, not including landscaping. The Subject Property contains 13.89 acres of existing forest. The FCP proposes clearing 0.43 acres of forest, retaining 13.46 acres of forest, and planting 25.83 acres of forest onsite, for a total of 39.29 acres of forest. All retained and planted forests will be protected in a Category I conservation easement. Approximately 0.26 acres of existing forest to be removed is located within the dedicated right-of-way

of Batchellors Forest Road. The Preliminary Plan does not propose clearing this forest, but must include it as forest cleared because there is future potential to clear any forest not in a conservation easement. The remaining 0.17 acres of forest clearing is existing forest located within the dedicated right-of-way of Emory Church Road. The majority of this forest in the right-of-way will be cleared for the construction of an off road multi-use trail and water main installation.

The remaining 13.46 acres of onsite forest will be retained and protected in a Category I conservation easement. The FCP proposes to retain the maximum amount of forest possible; it is only the forest located in the right-of-way dedication areas that will not be retained and/or protected in a conservation easement. In order to comply with Section 22A-12(f)(3), the Applicant must provide 21.74 acres of forest planting onsite, which combined with the 13.46 acres of forest retention, results in the afforestation threshold and the minimum onsite forest required under Section 22A-12(f), 35.20 acres. The forest conservation worksheet requires that the Applicant provide a total of 22.17 acres of planting. The plan proposes to provide 25.83 acres of onsite forest planting, thus satisfying Section 22A-12(f)(3).

Tree Variance

Section 22A-12(b) (3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree, disturbance within the tree's critical root zone (CRZ), or pruning requires a variance. An Applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law.. The law requires no impact to trees that: measure 30 inches or greater, diameter at breast height (DBH); are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request

The Applicant submitted a variance request dated March 20, 2013 for the impacts/removal of trees by the Preliminary Plan (Attachment H). The Applicant has requested a variance for the removal of eight (8) trees that are 30 inches and greater, DBH, and to impact, but not remove, forty (40) others that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law (Attachment J, Tables 1 and 2). The disturbance proposed by the plan will require the removal of Tree #151, the other seven trees (#1, #6, #43, #72, #76, #85, and #86) are included in the request for removal because they are located within the dedicated road right-of-way or public utility easement and therefore have the potential to be removed in the future. Similarly, the plan proposes to impact the critical root zones of thirty-two trees, but eight additional trees were included because a portion of their critical root zone is located within the dedicated road right-of-way, public utility easement, or existing WSSC easement and may potentially be impacted in the future.

Unwarranted Hardship

As per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in an unwarranted hardship. Development on the Property is dictated by the existing site conditions, development standards of the RNC zone, and requirements associated with Master Plan objectives. Most of the Property is open land with numerous

trees scattered throughout. Of the eight trees proposed for removal, seven are located within the rights-of-way of the existing Emory Church and Batchellors Forest roads, and no disturbance to these trees is actually proposed by this plan; however, because of their locations, the potential for their removal and/or disturbance exists. Only one tree (#151) is actually proposed to be removed due to the development of the project. Tree #151 is located in the northeastern part of the Property near an existing house that will be removed. The development is designed to cluster lots in the northern portion of the Property, with a large continuous Rural Open Space parcel to the south, which includes the restoration and protection of environmentally sensitive features. There are numerous trees included in this variance request for potential impact because they are located adjacent to the dedicated right-of-way and public utility easements for Emory Church and Batchellors Forest Roads. Existing buildings, pavement and golf course features that will be removed as part of this project will also temporarily impact the critical roots zones of several trees. Construction of a water line will impact the critical root zone of several trees along Emory Church Road; however, per WSSC requirements, the water line will be constructed within the paved road to minimize disturbance to these trees and other vegetation. Staff has reviewed this variance request and finds that there would be an unwarranted hardship if a variance were not considered.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan:

Variance Findings

Staff has made the following determination based on the required findings that granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*
Granting the variance will not confer a special privilege on the Applicant as the removal and disturbance to the specified trees are due to the development of the Property. The Property contains numerous large trees located within the developable area of the site and within the existing and dedicated road rights-of-way for Batchellors Forest Road and Emory Church Road. Granting a variance request to allow land disturbance within the developable portion of the site is not unique to this Applicant. Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.
2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*
The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing site conditions, Master Plan recommendations for roadway dedication and lot location, and the development standards of the RNC zone.
3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*
The need for a variance is a result of the existing conditions and the proposed site design and layout on the Subject Property, and not a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*
The variance will not violate State water quality standards or cause measurable degradation in water quality. The FCP proposes 3.36 acres of forest planting above the minimum requirement under the forest conservation law. The combined reforestation and landscaping proposed on the site will replace the functions currently provided by the subject trees. In addition, Montgomery County Department of Permitting Services has found the stormwater management concept for the proposed project to be acceptable. The stormwater management concept incorporates Environmentally Sensitive Design (ESD).

Mitigation for Trees Subject to the Variance Provision – There are eight (8) trees proposed for removal in this variance request. Seven of these trees will not be disturbed by this plan, but were included due to their potential to be removed in the future because of their location within the road rights-of-way and/or public utility easements for Emory Church Road and Batchellors Forest Road. No mitigation is recommended for these trees. The entire stream valley buffer will be reforested, including 3.66 acres in excess of the planting required by the forest conservation law; therefore, no additional mitigation is recommended for the removal of the remaining tree (Tree #151). There is some disturbance within the critical root zones of forty trees; however, they will receive adequate tree protection measures. No mitigation is recommended for trees impacted but retained.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on May 9, 2013. On May 20, 2013 the County Arborist issued a letter recommending that the variance be granted, with mitigation. (Attachment K).

Variance Recommendation

Staff recommends that the variance be granted.

Stormwater Management Concept

The MCDPS Stormwater Management Section accepted an amended stormwater management concept for the Application on May 24, 2013. The stormwater management goals will be met using Bio Swales for the roadways and Dry Wells on the lots for rooftops. The concept also requires the existing pond on the Property be upgraded to comply with current State standards or be breached. The Preliminary Plan proposes to breach the existing pond and establishing wetland areas.

Compliance with the Subdivision Regulations and Zoning Ordinance

The Preliminary Plan has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Preliminary Plan meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision in the southeast quadrant of the Master Plan in the RNC zone for purposes of compatibility, environmental protection and Master Plan conformance.

The lots were reviewed for compliance with the dimensional requirements for the RNC Zone Optional Method of Development as specified in the Zoning Ordinance Section 59-C-9.574. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and proposed dwellings can meet setbacks in that zone. The Preliminary Plan is providing for adequate amounts of Rural Open Space and Common Open Space, as required by the RNC Zone. A detailed review is included in the Site Plan Project Data Table for the RNC Zone located on page 31 of this report. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

SITE PLAN

RECOMMENDATION: Approval subject to the following conditions **CONDITIONS**

Conformance with Previous Approvals

1. Preliminary Plan Conformance
 - a. The development must comply with the conditions of approval for preliminary plan 120130050 as listed in the Planning Board Resolution. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DOT conditions, and DPS stormwater conditions.

Parks, Open Space, & Recreation

2. Common Open Space Covenant
 - a. Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the 48th building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.
3. Recreation Facilities
 - a. The Applicant must provide the following recreation facilities: Two Open Play Areas, Six Picnic/Sitting Areas including one gazebo, a Pedestrian System, Natural Area Trails, and a Natural Area.
4. Maintenance of Public Amenities
 - a. The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to: two Open Play Areas, six picnic/sitting Areas including one gazebo, sidewalks, asphalt and natural surface trails, multi-use asphalt path, four board wooden fences, stone walls, landscaping, and all Rural Open Space not in a category 1 easement.

Transportation and Circulation

5. Transportation
 - a. The Applicant must construct a 12-foot wide asphalt emergency access road, and provide four feet of grasscrete pavers on either side of the asphalt, for a total cross-section of 20 feet, located between Emory Church Road and Public Road B.
6. Pedestrian Circulation
 - a. The Applicant must relocate the current pedestrian crossing shown on Batchellors Forest Road at the north side of Public Road B to the south side of Public Road B

Density & Housing

7. Density
 - a. This Site Plan is limited to 69 dwelling units, including 58 new one-family detached units, 10 one family semi-detached units, and one existing one-family detached unit.
8. Moderately Priced Dwelling Units (MPDUs)
 - a. The development must provide 14.49 percent MPDUs on-site as shown on the Site Plan and approved by Department of Housing and Community Affairs letter dated May 15, 2013. The Applicant is receiving a density bonus of 1.19 for providing 14.49 percent MPDUs on-site.
 - b. The MPDU agreement to build shall be executed prior to the release of any building permits.
9. Orientation
 - a. The houses constructed on lots 1, 5, 6, and 12 as shown on the Site Plan must be constructed with building fronts or sides facing Batchellors Forest Road.

Site Plan

10. Surety

Prior to issuance of first building permit within each relevant phase of development, Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

 - a. Applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
 - b. The amount of the bond or surety shall include plant material, recreational facilities, emergency access road, multi-use trails, site furniture, stone walls and fencing within the relevant phase of development.
 - c. Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
 - d. Bond/surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.
11. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

 - a. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment

- Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- b. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.
 - c. Provide each section of the development with necessary roads.
 - d. Street lamps and sidewalks must be installed within six months after each segment of public street construction is completed.
 - e. Street trees shall be planted within six months after the completion of each phase of development
 - f. Landscaping on individual lots shall be planted within six months of the issuance of the use and occupancy permit for the corresponding lot. Landscaping located on Open Space parcels within each phase shall be completed within six months, or the next planting season, of the issuance of the first building permit within the corresponding phase.
 - g. Community-wide pedestrian pathways and recreation facilities, including the relocation and reconstruction of all asphalt or natural surface paths in the Rural Open Space, construction of the gazebo, and the construction of the off road multi-use asphalt trail must be completed prior to issuance of the 48th building permit.
 - h. The Open Play area on Parcel C, also known as the Village Green, and associated seating areas, must be completed prior to the issuance of the first building permit of phase 2 of development, as labeled on the Site Plan.
 - i. The Open Play area on Parcel E, and associated seating area, located on Batchellors Forest Road must be completed prior to the issuance of the 8th building permit in that section.
 - j. Relocation of the four board wooden fences and construction of stone walls along Batchellors Forest Road as shown on the Site Plan must be completed prior to the issuance of the 48th building permit.

12. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Clearly label blocks A and B on the Site Plan and Landscape sheets
- c. Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".

ANALYSIS AND FINDINGS – Sec 59 D 3.4 (c)

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan is not subject to a development plan, diagrammatic plan, a schematic development plan certified by the Hearing Examiner or a project plan.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Subject Property is not subject to an urban renewal plan approved under Chapter 56.

The Property is zoned RNC and the intent of the RNC Zone, paraphrased from Section 59-C-23 is to preserve open land, environmentally sensitive natural resources and rural community character that would be lost under conventional large-lot development. The Zone is also meant as a tool to achieve goals in a master plan that desire maintaining vistas of open space, preserving agrarian character or preserving environmentally sensitive natural resources. The Property proposes to use the cluster method of development, which has a further purpose, found in 59-C-9.571, to preserve large areas on contiguous Rural Open Space through the use of cluster development, when recommended in a Master Plan. The provision of Rural Open Space is a major component of the RNC Zone, and has its own requirements identified in Section 59-C-9.572. Rural Open Space may be managed with reforestation, meadows, wetlands, agriculture and non-structural stormwater, or may be allowed to return to a natural state without human intervention. Passive recreation is allowed, including natural trails or other amenities recommended in the Master Plan, but no active recreation is permitted.

The Proposed Site Plan is being developed under the optional method of development, detailed in Section 59-C-9.574, which has specific minimum criteria on minimum development area, requires a diversity of new lot sizes, encourages a diversity of housing sizes and has specific development standards that differ from the standard method of development. The following data table indicates the proposed development's compliance with the Zoning Ordinance, under the RNC Zone for optional method of development.

Project Data Table for the RNC Zone, Optional Method of Development, 59-C-9.574

Development Standard and the specific citation	Permitted/Required	Proposed for Approval
Area of Development	10 acres	175.8 acres
Density		
Total density (units per acre/No. of units)	0.39 / 69	0.39 / 69
MPDU's	10	10
One-family detached	59	59
One-family semi-detached	10	10
Building Height (feet)		
	35	35 or less
Lot Area (sq. ft.)		
One-family detached (SFD)	4,000	4,000 or greater
One family semi-detached (SFSD)	3,500	3,500 or greater
Building Setbacks (feet)		
Front (from public street)	15	15 or greater
Side (SFD only)	8	8 or greater
Rear (Abuts RNC Zoned land)	30	30 or greater
Rear (Abuts RE-2 Zoned land)	35	35 or greater
Percent Open Space		
Rural Open Space	65%	65.9%
Common Open Space	Required, no minimum	1.34 acres
Lot Coverage		
Single Family Detached	35%	35% or less
Single Family Semi-detached	Not specified	60% or less
Parking		
SFD (2 spaces/dwelling unit)	118	118 (59 two car garages)
SFSD (2 spaces/dwelling unit)	20	20 (10 one car garages + 1 space/driveways)
Accessory Structures Setbacks (feet)		
Front (from street)	60	60 or more
Side	5	5 or more
Rear	5	5 or more

As the project data table presented above indicates, the site plan meets all of the development standards of the zone. The Property is larger than 10 acres, allowing for the use of the optional method of development design standards. With respect to lot area and setbacks, the Site Plan meets or exceeds the minimum required. With regard to building height and density, the Site Plan proposes to be at or below the maximum allowed. With respect to the Rural Open Space and Common Open Space, the Site Plan provides 65.9% Rural Open Space, more than the 65% minimum requirement. The Site Plan also provides Common Open Space, required for any residential neighborhood with 10 dwellings or more (59-C-9.574(e)).

Another requirement of optional method development projects in the RNC Zone is the diversification of lot sizes. The following Lot Size Diversity Table provides a breakdown of ranges of lot sizes and a quantity of lots that fit in each range. The largest concentration of lots are between 23,000 and 26,999 square feet, however there are lots that range from as small as 5,133 square feet for a MPDU dwellings, to as large as 92,042 square feet, not including the 15 acre conservation lot.

Lot Size Diversity Table

Lot size (sq. ft.)	Number of Lots
Under 6,999	6
7,000 – 10,999	3
11,000 – 14,999	1
15,000 – 18,999	3
19,000 – 22,999	10
23,000 – 26,999	22
27,000 – 30,999	11
31,000 – 34,999	3
35,000 and larger	9
15 acre conservancy lot	1
Total	69

This range of lot sizes is appropriate for the Subject Property when considering the lot sizes of the surrounding developments and the surrounding RE-2 RC Zoning. Staff has worked with the Applicant during the review process to ensure lot compatibility, and adequate diversity of lot sizes. The lot size diversity also helps with creating a diversity of house sizes, which is encouraged in the RNC Zone.

- The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

Buildings, Structures, and Landscaping

Buildings and Structures

The location of buildings and structures on the Property is adequate, safe and efficient. The locations of new homes are shown lining the three public streets to create a traditional community feel. The layout of the community adequately avoids disturbance to all the stream valley buffers, wetland buffers and other environmental features. The proposed houses on the northwest side of Batchellors Forest Road

are located away from Batchellors Forest and around the conservancy lot in a layout that efficiently provides room landscaping and screening on HOA owned property. The location of the proposed homes also allows for the paved multi-use trail to cross Public Road C in a landscaped open space area by creating a minimum 25 foot wide open space between lots, with an additional 8 foot minimum setback on each side for the buildings. Four of the proposed homes on the southeast side of Batchellors Forest Road are located closer to Batchellors Forest than homes northwest of the road, and are efficiently oriented in a way that either the front or side of the buildings are visible to the road.

The Site Plan also proposes a series of fences, stone walls and a gazebo as decorative elements across the Subject Property. New four-board wooden fences are proposed along portions of both sides of Batchellors Forest Road, located approximately 25 feet from centerline, along the frontage of the Subject Property. Two low stone walls are also proposed along Batchellors Forest Road on either side of the intersection with Public Road B. These features are mostly for aesthetics and to keep with the rustic character of Batchellors Forest Road. The location of these decorative features is a negotiated compromise between Staff and various County agencies. Setting these features 25 feet from centerline enhance safety for vehicles driving on the road, while adequately maintaining features important to the rustic character of the road. The fence and wall material tie the new community to the larger area by mimicking designs and materials found along surrounding properties. The wooden four-board fence extends most of the length of Batchellors Forest Road and continuing along Public Roads "A" and "B" short distances. Sidewalks will be located in front of the fences along the two new public roads, and an off road path will be located behind the fence along Batchellors Forest Road for both safety and screening purposes. The gazebo proposed as part of the Rural Open Space and recreational amenity is located along one of the existing cart paths, and is positioned to take advantage of a natural high spot in the terrain, providing great views south and west over the Rural Open Space area.

Landscaping

The landscaping provided on the Site Plan is adequate, safe and efficient. The Applicant proposes significant amounts of landscaping on open space parcels across the Property to create naturalized screening of the new houses from surrounding development and from Batchellors Forest Road without blocking all views in or out of the community. Open space buffers were intentionally left along the northern perimeter of the Property adjacent to Emory Church Road to provide open space for plantings that will screen views of new houses from the road. Landscaped buffers are also proposed in an open space parcel along the southeast side of Batchellors Forest Road, screening the twelve lots proposed along Public Road "A" from the road. Additional plantings are located along the rear property lines of lots on the south side of Public Road "A", and the western cul-de-sac of Public Road "B" to minimize views of new homes from Batchellors Forest Road while traveling northeast. Landscaping is also proposed between the residential lots along Public Road B and the 15 acre conservation lot to provide privacy and screening for the conservation lot. Landscaping is also shown in sections along the shared use path (B-13) to naturalize the path in the open space setting. All of these landscaping buffers have natural breaks so that a wall of vegetation is not created, which could completely block views or inhibit wildlife movement.

Additionally, landscaping is proposed on some private lots, especially corner lots, and around the MPDU's to ensure compatibility and to provide for private back yards. An example shown below in image 9 illustrates how rows of plantings will provide the corner lots with back yard privacy that they

otherwise would not have. Detailed landscaping is also proposed around the four seating areas in the Village Green and other Open Play Area for visual interest. Decorative landscaping in the Village Green is clustered around the seating areas to keep views open across the green from the public streets.

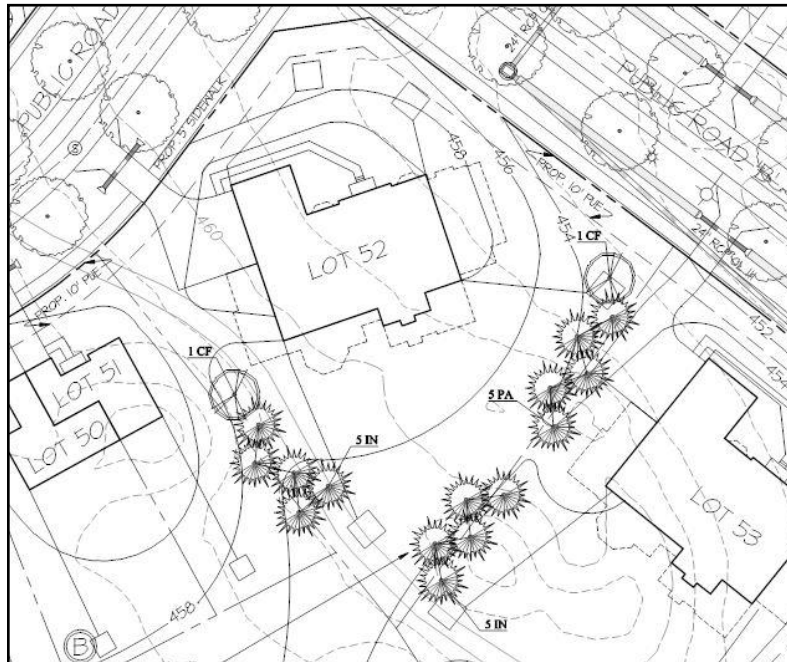


Image9

After discussion with Staff, the Applicant has agreed to provide additional plantings pending approval from MCDOT along the southeast side of Batchellors Forest Road, from the western Property boundary up until the four-board wooden fence begins (Image 10). Originally, Staff had asked that a wooden fence be rebuilt along the entire length of Batchellors Forest Road; however an existing cart path the Applicant wishes to keep for public use was in the way. To keep the feeling of Batchellors Forest Road narrow and rustic, and to provide some separation between the road and the path, the Applicant will provide plantings of various grasses and trees to recreate a hedge row along the road. As with the other landscaped areas, the idea was not to create a wall of vegetation but to create some visual and physical separation without completely blocking access or views.

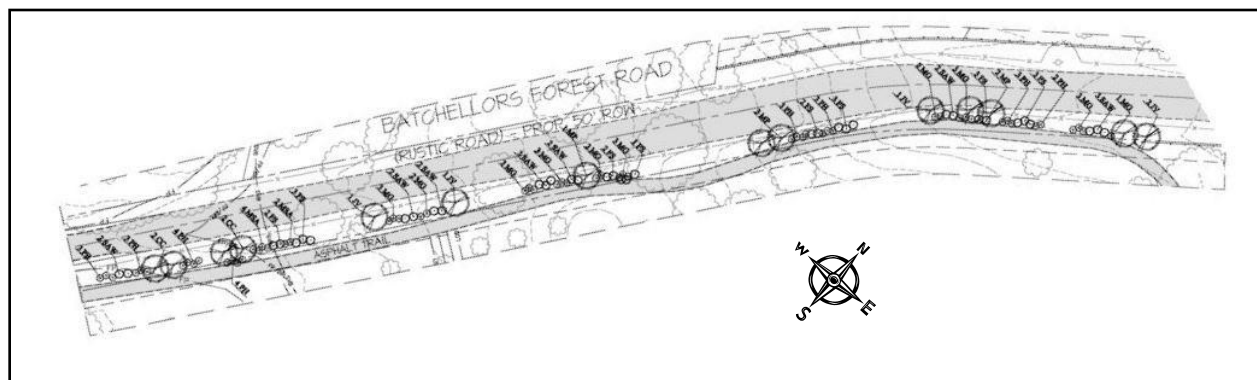


Image10

Open Space and Recreational Facilities

Open Space

The proposed location and quantity of open spaces are adequate, safe and efficient. The Site Plan proposes 114.78 acres (65.3%) Rural Open Space, which exceeds the required 114.27 acres (65%) of Rural Open Space in the RNC Zone. Rural Open Space is supposed to be contiguous and provide for the protection of natural features. The Rural Open Space proposed protects all stream valleys and environmental features, and preserves a large natural area recommended for preservation in the Master Plan. The Applicant is proposing some of the Rural Open Space as part of the 15 acre conservation lot, which is permissible under the Zone and achieves the purpose of protecting the horse paddocks on the conservation lot.

The Site Plan also proposes two areas of Common Open Space for active recreation. The RNC Zone requires Common Open Space in all communities with more than 10 dwellings. The larger 0.95 acre Common Open Space is centrally located and is proposed as an open play area and Village Green, which is further discussed in the recreational facilities section. The Applicant has also agreed to provide a smaller 0.39 acre Common Open Space and open play area on the southeast side of Batchellors Forest Road, which will serve the 12 lots of Public Road "A". The provision of this second open space area was important to Staff because these 12 lots function as a separate development cluster separated from the rest of the community by Batchellors Forest Road.

Recreational Facilities

The proposed location and quantity of the Recreational Facilities are adequate, safe and efficient for the number of lots on the Site Plan. The Applicant is proposing a variety of recreational amenities throughout the Property, including sitting areas, open play areas, natural areas and an extensive trail network. The passive recreational amenities such as the sitting areas, natural areas and pedestrian and trail networks provide amenities that greatly benefit adults and seniors, and the open play areas provide maintained open space for children of all ages to play a variety of games. The quantity of recreational facilities is adequate for the size of the Site Plan, as verified by the Recreation Adequacy table below.

Recreation Adequacy Table

Supply of Facilities	Quantity	Tots	Children	Teens	Adults	Seniors
Recreation Facility	Provided	0 to 4	5 to 11	12 to 17	18 to 64	65+
Picnic/Sitting	6	6.00	6.00	9.00	30.00	12.00
Open Play Area I	2	12.00	18.00	24.00	60.00	4.00
Pedestrian System	1	0.74	2.80	3.09	28.19	2.71
Nature Trails	1	0.37	1.40	2.32	9.40	0.90
Natural Areas	1	0.00	0.70	1.55	6.26	0.30
Total:		19.10	28.91	39.95	133.85	19.92
Adequacy of Facilities						
Total On-site Supply		19.10	28.91	39.95	133.85	19.92
Total Off-site Supply		0.00	0.00	0.00	0.00	0.00
Gross Total Supply		19.10	28.91	39.95	133.85	19.92
Net Total Supply		19.10	28.91	39.95	133.85	19.92
90% Demand		6.62	12.62	13.91	56.38	5.43
Adequate?		yes	yes	yes	yes	yes

The location and design of the recreational amenities are provided in a safe and efficient way. The larger of the two open play areas is 0.95 acres and is shown as the Village Green on the Site Plan. This Village green is centrally located among the 56 lots that are on the northwest side of Batchellors Forest Road. Although this Village Green is surrounded by public roads on all sides, these roads only serve local traffic, and the Green is buffered from the street by street trees, sidewalks and landscaped sitting areas. The second, smaller open play area is 0.39 acres in size and is designed to serve the twelve lots that are southeast of Batchellors Forest Road. This area is accessible by an asphalt path that is part of the larger pedestrian network, and is set back nearly 60 feet from the edge of pavement along Batchellors Forest Road, with a fence, landscaping and an asphalt path all acting as adequate buffering from traffic. Landscaping is provided around both open play areas to enhance the aesthetics and define the space, but not totally block visibility. Four of the six sitting areas are part of the larger Village Green and are located in a way that will help frame the open play area in the center. An additional sitting area is provided along the pedestrian trail next to the smaller open play area. The final sitting area is a gazebo proposed by the Applicant along part of the large network of walking trails in the southern portion of the Property. This gazebo is situated on a knoll to provide for views and a quiet area to relax or picnic. The pedestrian system and natural trails take advantage of the existing golf cart paths located on the southern half of the Property. The Site Plan proposes to keep some of the cart paths, and remove others to limit the total amount of impervious surface in the Rural Open Space. In areas where new path construction is necessary to route the trail out of environmental buffers, a natural surface is proposed. This trail network will be a great amenity to both the future residents of this community, and to other residents within the Southeast Quadrant of Olney.

Circulation

Pedestrian and vehicular circulation as provided by the Site Plan is adequate, safe and efficient for the number of proposed lots, and the location of the lots on the Subject Property,

Pedestrian

The Site Plan proposes adequate, safe and efficient pedestrian circulation within the community and with adjacent uses. All public streets internal to the community will have five foot wide sidewalks located on both sides of the street, ensuring all lots except the 15 acre conservation lot will have direct access to a sidewalk. Because Batchellors Forest Road is a designated Rustic Road there will not be sidewalks directly built along the road, but a five foot wide asphalt path will be built along the east side of the road for a short segment. This pedestrian path is set back further than a normal sidewalk and will provide pedestrian connections between the new homes and the Rural Open Space trails. Pedestrian circulation is also provided along the off-road multi-use trail (B-13), built as part of a Master Plan shared use path. This will provide for a future connection to Olney Manor Park, and will connect to Batchellors Forest Road. Recreational pedestrian circulation is provided for both with the multi-use trail and with the nature trails located in the southern Rural Open Space. Safety is ensured by using crosswalks and handicap ramps at all internal street crossings, and by planting only street trees approved by MCDOT within the public right-of-ways.

Staff and the community did identify one area of concern with regard to pedestrian safety; the location of pedestrian crossing on Batchellors Forest Road. There is one crossing identified on the Site Plan, located on the north side of the intersection of Public Road “B” and Batchellors Forest Road (red oval, Image 11). There is a concern that site distance may be limited by the presence of a 90 degree curve in the road, located 130 feet north of this location. Although Staff feel there is adequate site distance considering the presence of the 90 degree bend in the road, the Applicant is willing to move the crossing south by approximately 65 feet, to cross at the south side of the intersection of Public Road B and Batchellors Forest Road (green bar, Image 12). This additional 65 feet make for a total distance of 195 feet from the curve in the road and the crossing.

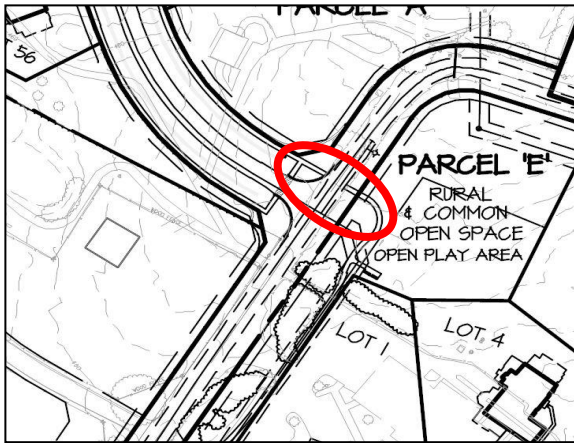


Image 11

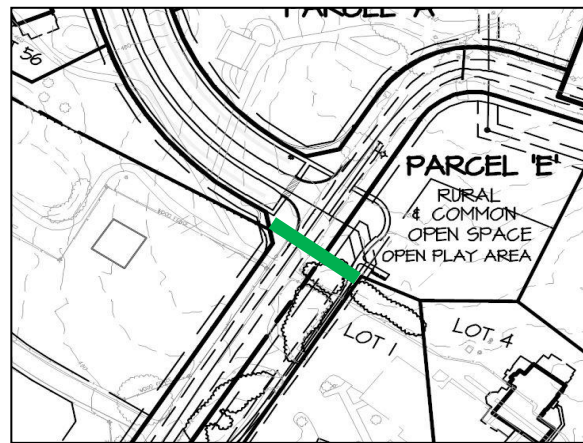


Image 12

Vehicular

Vehicular circulation is adequate, safe and efficient for the development proposed on the Site Plan. The developable lots are located in two separate groupings, with 56 lots sharing one access point on the northwest side of Batchellors Forest Road, and 12 lots sharing a second access point on the southeast side of Batchellors Forest Road. Due to topographical and visibility concerns raised by MCDOT, the two intersections were unable to be located directly across from each other and are instead are staggered approximately 400 feet apart along Batchellors Forest Road. This separation of entrances allows for the maximum of site distance at each intersection. The lots on the northwest side of Batchellors Forest Road are served by two public streets, currently identified as Public Road “B” and Public Road “C” on the Site Plan. The two roads intersect twice, once at a four way intersection, and again at a ‘T’ intersection, creating the Village Green (Image 13).

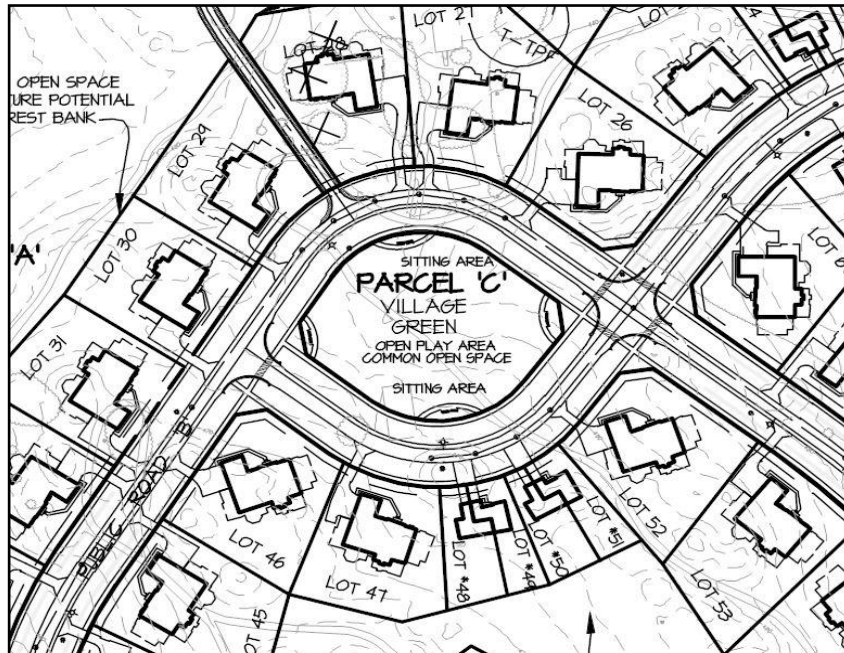


Image 13

These intersections are designed with stop signs and have adequate site distance given the operating vehicle speeds. As in the Preliminary Plan discussion on transportation, the Applicant has submitted a variance request for creating cul-de-sac streets that are longer than 500 feet, which is necessary due to constraints by the environment and the citing of the 15 acre conservation lot.

4. Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.

The proposed structures and uses are compatible with the adjacent and confronting uses and will be compatible with future development plans. The layout of lots on the Site Plan is done to provide lot size compatibility with adjacent development and to provide adequate buffer space for landscaping. With the exception of the two MPDU units proposed, the lots located along Public Road "A" are the largest lots on the proposed Site Plan, and this was done to be compatible with the existing homes built to the east in the RE-2 Zone along Westminster Drive and Cross Timber Terrace. Locating larger lots along Public Road "A" also reduce the total number of lots in this corner of Batchellors Forest Road, minimizing visual impact and allowing for ample landscaping. The proposed houses on the lots that are most visible to Batchellors Forest Road are shown as having their fronts or sides visible to the road, and rears and garages turned away from the road. This design is aesthetically more appealing and will be more compatible with the rustic character of Batchellors Forest Road.

The lots located along Public Roads "B" and "C" are generally smaller than the lots along public road "A", and were designed to maximize clustering, creating for more Rural Open Space and room for landscaping and buffering of the surrounding properties. There is little redevelopment anticipated north of the Subject Property along Emory Church Road, and the Master Plan shows land to the west of the Subject Property as potential future Park property, therefore the proposed layout of lots and homes

is adequately anticipating future surrounding development by not providing room for new road connections.

The four board fences and stone walls proposed along Batchellors Forest Road are designed to be in character with surrounding existing four board fences in the area. Staff worked with various agencies to have the location of the new fences placed as close to the edge of pavement as possible without becoming a safety or maintenance concern.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.

The proposed development is subject to the forest conservation law and meets all the applicable requirements for forest protection under Chapter 22A. The Subject Property has a Final Forest Conservation Plan that will be approved as part of the Preliminary Plan. A detailed discussion on the Final Forest Conservation Plan can be found in the Preliminary Plan section of this report, specifically on pages 23-25. The Site Plan is subject to Chapter 19 regarding water resource protection and stormwater management, also discussed as part of the Preliminary Plan on page 26.

COMMUNITY OUTREACH

The Applicant met all proper signage, noticing, and submission meeting requirements. A pre-submission meeting was held for the Preliminary Plan on Monday July 23, from 6:30pm until 8:30pm, advertised by a letter dated June 29, 2012. Records show 19 parties attended the meeting. Numerous issues were discussed at the meeting, including questions about the prepared traffic study, the Rural Open Space parcels, provided and maintained amenities, environmental features and Batchellors Forest Road. The Applicant addressed all comments as they were raised at the meeting.

A pre-submission meeting was also held for the Site Plan on November 8, 2012, from 6:30pm until 8:30pm, advertised by a letter dated October 29, 2012. Records show 10 parties attended the meeting. The primary topics of discussion were the proposed use for the Rural Open Space, the overall status of the project, and issues pertaining to Batchellors Forest Road. The Applicant addressed all comments as they were raised at the meeting.

The Applicant and MNCPPC staff have met or provided numerous opportunities for communication on with the community over the past year about the Preliminary Plan and Site Plan (Attachment R). The primary issues discussed involved the impacts this development would have to Batchellors Forest Road. Concerns over Batchellors Forest Road include whether a through vehicular connection was warranted between Batchellors Forest Road and Emory Church Road, the results of various traffic studies, the need for safety and fire/rescue improvements, and impact to the rustic character (fence and landscaping). Other topics discussed at community meetings include the maintenance and use of the Rural Open Space by the larger community, the alignment of Master Plan shared use path section B-13 through the Property, the location of recreational amenities, and the location of pedestrian crossing on Batchellors Forest Road. Staff attempted to address concerns as they were raised at each meeting, and Staff's final positions on these issues are clearly discussed as part of the findings made for the Preliminary Plan and Site Plan.

In addition to meetings, Staff has also received written correspondence from 36 different individual parties and four group correspondence regarding the Preliminary Plan and Site Plan, including a citizen petition, Rustic Roads, and GOCA (Attachment S). Staff has also received a traffic analysis, provided by some of the citizens, and prepared by Joe Mehra, of MCV Associates (Attachment T) ("MCV Study"). The following discussion summarizes the comments received by Staff and explains Staff's position.

"Access" to Emory Church Road

The topic that has generated the most correspondence between the community members and Staff is whether or not the Master Plan calls for a vehicular connection between Batchellors Forest Road and Emory Church Road, and whether it's appropriate to build a connection, regardless of the Master Plan language. A majority of the written correspondence received supports establishing a circuitous vehicular connection through the Property, connecting Batchellors Forest Road and Emory Church Road. The proponents of a vehicular connection believe it would provide more efficient access for emergency vehicles, and better traffic circulation for local traffic. The community has offered suggestions to Staff and the Applicant on how to provide some vehicle access to Emory Church Road. These suggestions include providing a direct vehicle route on a public through road, a circuitously designed connection

involving multiple stops and 90 degree turns on public roads, a private gated street with gate access available to only new residents of the community, or providing for right-of-way dedication but not currently constructing a road. Some of these ideas were used when coming up with alternative compliance scenarios that are discussed on pages 18 and 19 of this report. The MCV Study identifies reasons why a connection between Emory Church Road and Batchellors Forest Road for vehicles may not be as great of an impact to the traffic volumes in Southeast Olney as the Applicant believes. The MCV Study calls into debate the number of total trips that would use a Trotters Glen cut through as a bypass for using Old Baltimore Road between Georgia Avenue and Olney - Sandy Spring Road. One argument is the number of new potential trips pointed out in the Applicant's traffic study would almost equal the number of vehicles that currently pass Batchellors Forest Road and instead turn left on Old Baltimore Road in the morning peak hour to access Georgia Avenue, and says it's unreasonable to think that high a volume of trips would change their behavior over an interconnection. The MCV Study also details the distances and estimated travel times between Olney - Sandy Spring Road and Georgia Avenue with three scenarios; using Old Baltimore Road, using the Batchellors Forest Road today, and using Batchellors Forest, with a future connection to Emory Church Road. The findings suggest the shortest and quickest vehicle route is using Old Baltimore Road and not Batchellors Forest, reducing the likelihood that non-local traffic would increase substantially.

A substantial minority of the correspondence, along with the Applicant, disagree and instead say the Master Plan is clear that only bicycle and pedestrian connections are required, and remind Staff of the Planning Board's decision during the Pre-Preliminary Hearing where the Board decided that the Master Plan does not require a vehicular connection. These citizens raise concerns over the safety of Emory Church Road in the event of a substantial increase in vehicle traffic and point to the substandard road width and bad sight distances as the primary concerns.

Staff ultimately agrees with the Applicant that a vehicle connection through the Property to Emory Church Road is not required, with the reasons discussed in detail on pages 14-17 of the Staff Report. Although the MCV Study does make a strong argument that Staff believes where the travel distance and time to use Batchellors Forest Road to Georgia Avenue is less efficient than Old Baltimore Road, and that the Applicant may be overestimating the potential for new non-local trips along Batchellors Forest Road, Staff still does not feel this changes the interpretation of the Master Plan, and does not feel creating a situation that may encourage non-local traffic of any volume is appropriate. The provision of an alternate emergency only access road, however, is supported by Staff and is proposed on both the Preliminary Plan and Site Plan.

Traffic and the use of Olney Manor Park

One of the concerns raised by many in the community is the potential increase in local traffic as a result of the proposed development, particularly in Olney Manor Park. The community letters claim there is existing extensive use of Olney Manor Park as a cut-through route for Batchellors Forest Road traffic wishing to head southbound on Georgia Avenue by both local and non-local traffic. Community members also raised concerns over what would happen to traffic if the entrance to Olney Manor Park were closed, forcing current cut-through traffic to instead continue on Batchellors Forest Road to Georgia Avenue. The community is concerned the intersection of Batchellors Forest Road and Georgia Avenue may fail under our transportation analysis tests if the current cut-through at Olney Manor Park was stopped. Staff has made sure the Applicant's submitted traffic study only uses public streets and

intersections when it did trip distribution for both the background development trips, and the trips generated by the proposed development. Therefore, all trips from Batchellors Forest Road that ultimately were assigned to travel south on Georgia Avenue were modeled to make a right turn on Georgia Avenue north, and then a U-turn at the signal for Emory Lane. No trips were modeled to use the Olney Manor Park roads. Rules on the scope of traffic studies set forth in the LATR and TPAR guidelines do not require the Applicant to study the use of non-public roads or the effects the opening or closing of these non-public roads may have, unless they are identified as trip generators in the background development.

Keeping Batchellors Forest Road Rustic and Safe

Concerns were raised in a lot of the correspondence over development of the Subject Property having a negative impact to the rustic character of Batchellors Forest Road. These concerns were both over the visual impact the development would have on the Property, and the increase in traffic expected as a result of development. Staff and the Applicant have worked to design the community and the amenities in a way that will protect existing view-sheds and screens development through the use of landscaping and topography. Staff has also recommended extreme measures to protect many of the rustic features in the roadway, including locating fencing and landscaping inside of the roadway dedication that will be maintained by the future Homeowners Association. As previously discussed, Staff has also ensured the proposed amount of development is consistent with the Master Plan, and that the proposed access is adequate for the Property and appropriately cited along the road.

Other Issues

To a lesser extent, Staff heard issues related to traffic and safety on Emory Church Road, whether the proposed B-13 bicycle trail alignment is safely located, and whether the RNC Zone is being properly used. Because the current Site Plan does not propose non-emergency motor vehicles having access to Emory Church Road, the concerns over safety and traffic on Emory Church Road are not an issue. There has been discussion between the Applicant and Staff over the ultimate alignment of the bicycle trail segment B-13. Both parties agree the alignment shown on the Preliminary Plan and Site Plan conforms substantially to the goal in the Master Plan, and offers the best site distance possible along Batchellors Forest Road for a connection north of the two 90 degree curves in the road. Staff and DPS have both found the RNC Zone requirements are being adequately met with the Site Plan and no further action is necessary.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Olney Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the Preliminary Plan and Site Plan have been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Citizen concerns have also been heard and addressed to the best of our ability. Therefore, approval of the Preliminary Plan and Site Plan with the conditions specified above is recommended.

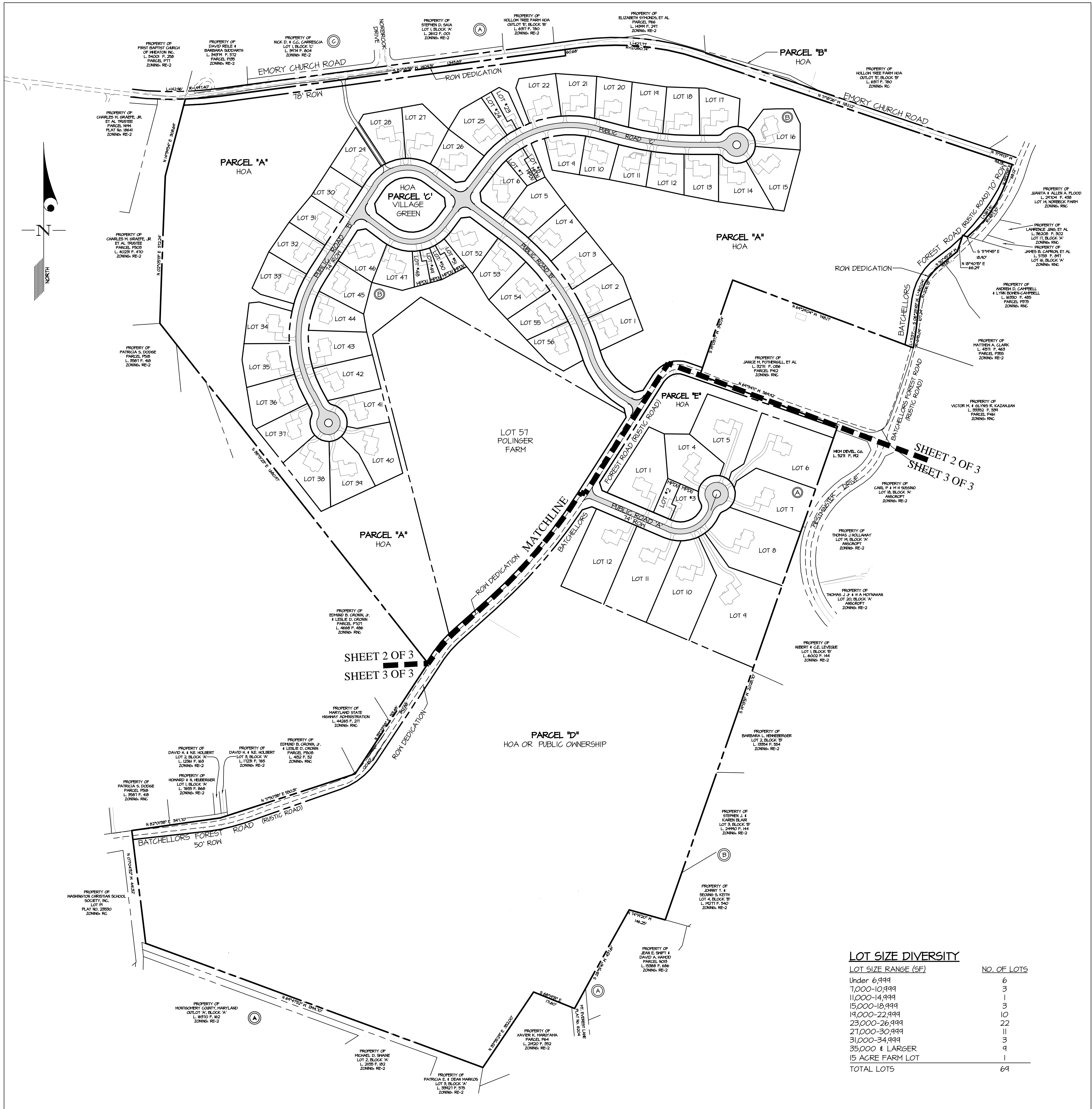
Attachments

- A – Preliminary Plan Composite
- B – Site Plan Composite
- C – Final Forest Conservation Plan Composite
- D – MCDOT Letter
- E – MCDPS Stormwater Letter
- F – Fire Marshal Letter
- G – Culs-De-Sac Variance request
- H – Tree Variance request
- J – Variance Trees table
- K – Arborist Variance approval
- L – Revised forest conservation planting
- M – DHCA Letter
- N – Master Plan interpretation, Applicant
- P – MCPB work session minutes, Jan 15, 2004
- Q – PHED work session minutes, Nov 22, 2004
- R – Citizen outreach
- S - Public correspondence **Addition**
- T – Mehra Traffic Analysis, June 2013

Attachment A

TROTTERS GLEN

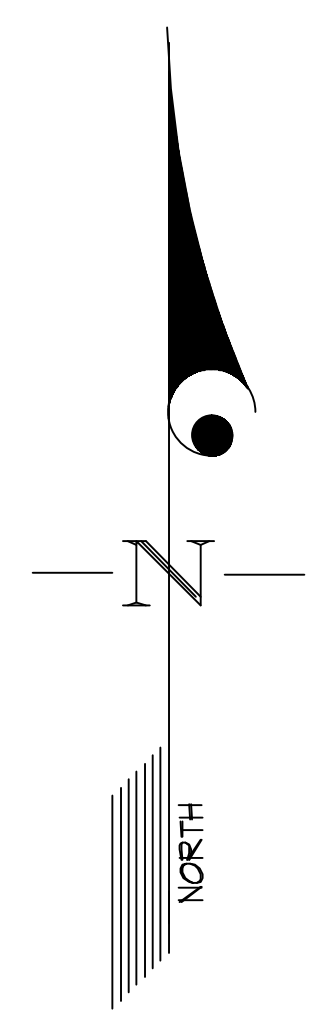
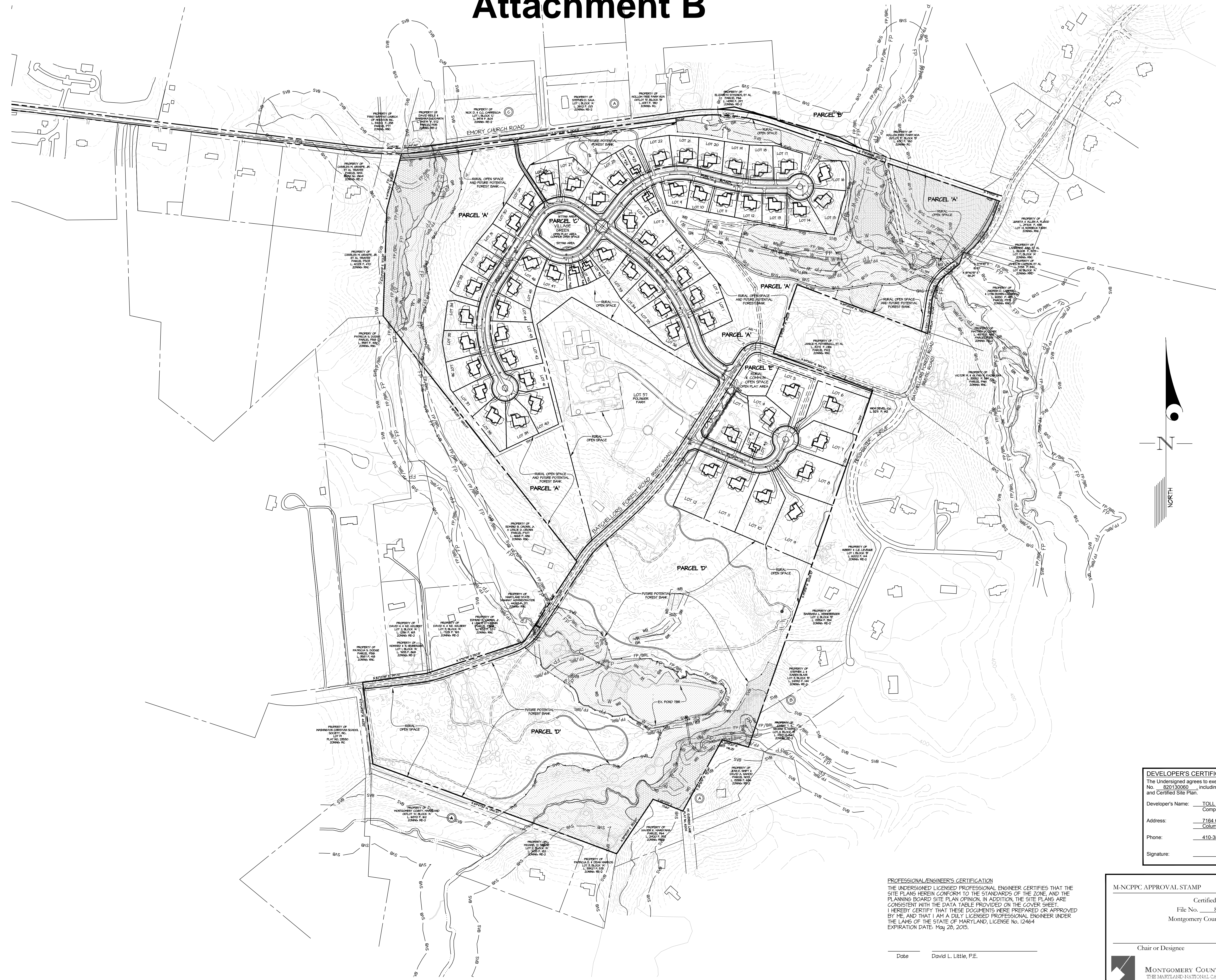
PRELIMINARY PLAN



LOT SIZE DIVERSITY

LOT SIZE RANGE (SF)	NO. OF LOTS
Under 6,999	6
7,000-10,999	3
11,000-14,999	1
15,000-18,999	3
19,000-22,999	10
23,000-26,999	22
27,000-30,999	11
31,000-34,999	3
35,000 & LARGER	4
15 ACRE FARM LOT	1
TOTAL LOTS	69

Attachment B



DEVELOPER'S CERTIFICATE
 The Undersigned agrees to execute all the features of the Site Plan Approval No. 820130060, including Approval Conditions, Development Program, and Certified Site Plan.

Developer's Name: TOLL BROTHERS, INC. Tom Mateya
 Company Contact Person

Address: 7164 Columbia Gateway Drive, Suite 230
 Columbia, Maryland 21046

Phone: 410-381-3191

Signature: _____

PROFESSIONAL ENGINEER'S CERTIFICATION
 THE UNDERSIGNED LICENSED PROFESSIONAL ENGINEER CERTIFIES THAT THE SITE PLANS HEREIN CONFORM TO THE STANDARDS OF THE ZONE, AND THE PLANNING BOARD SITE PLAN OPINION. IN ADDITION, THE SITE PLANS ARE CONSISTENT WITH THE DATA TABLE PROVIDED ON THE COVER SHEET. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE No. 12464 EXPIRATION DATE: May 28, 2015.

Date David L. Little, P.E.

M-NCPPC APPROVAL STAMP

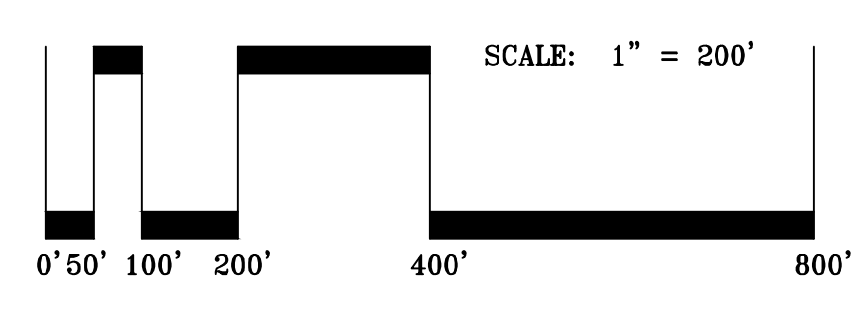
Certified Site Plan
 File No. 820130060
 Montgomery County Planning Board

Chair or Designer _____ Date _____

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

GLW GUTSCHICK LITTLE & WEBER, P.A.
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
 3809 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
 BURTONSVILLE, MARYLAND 20886
 TEL: 301-421-4024 BAL: 410-880-1600 DC/VA: 301-889-2524 FAX: 301-421-4186

DATE	REVISION	BY	APPR.
04.24.13	REVISED PER AGENCY COMMENTS	RLG	MFC
03.05.2013	REVISED PER DRC COMMENTS	RLG	MFC



PREPARED FOR:
 TOLL BROTHERS, INC.
 7164 COLUMBIA GATEWAY DRIVE
 SUITE 230
 COLUMBIA, MD 21046
 ATTN: MR. TOM MATEYA

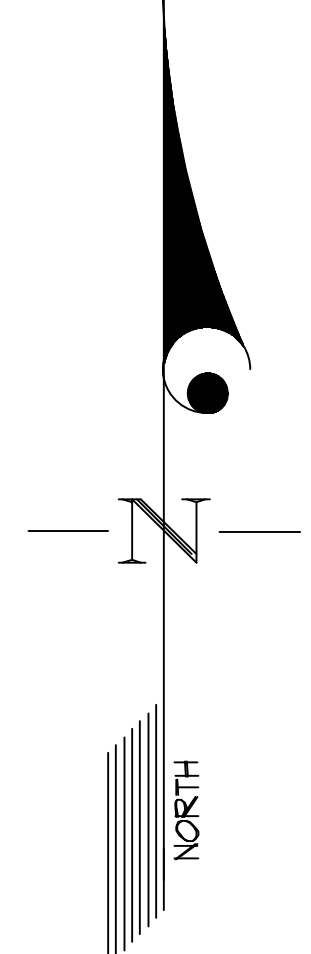
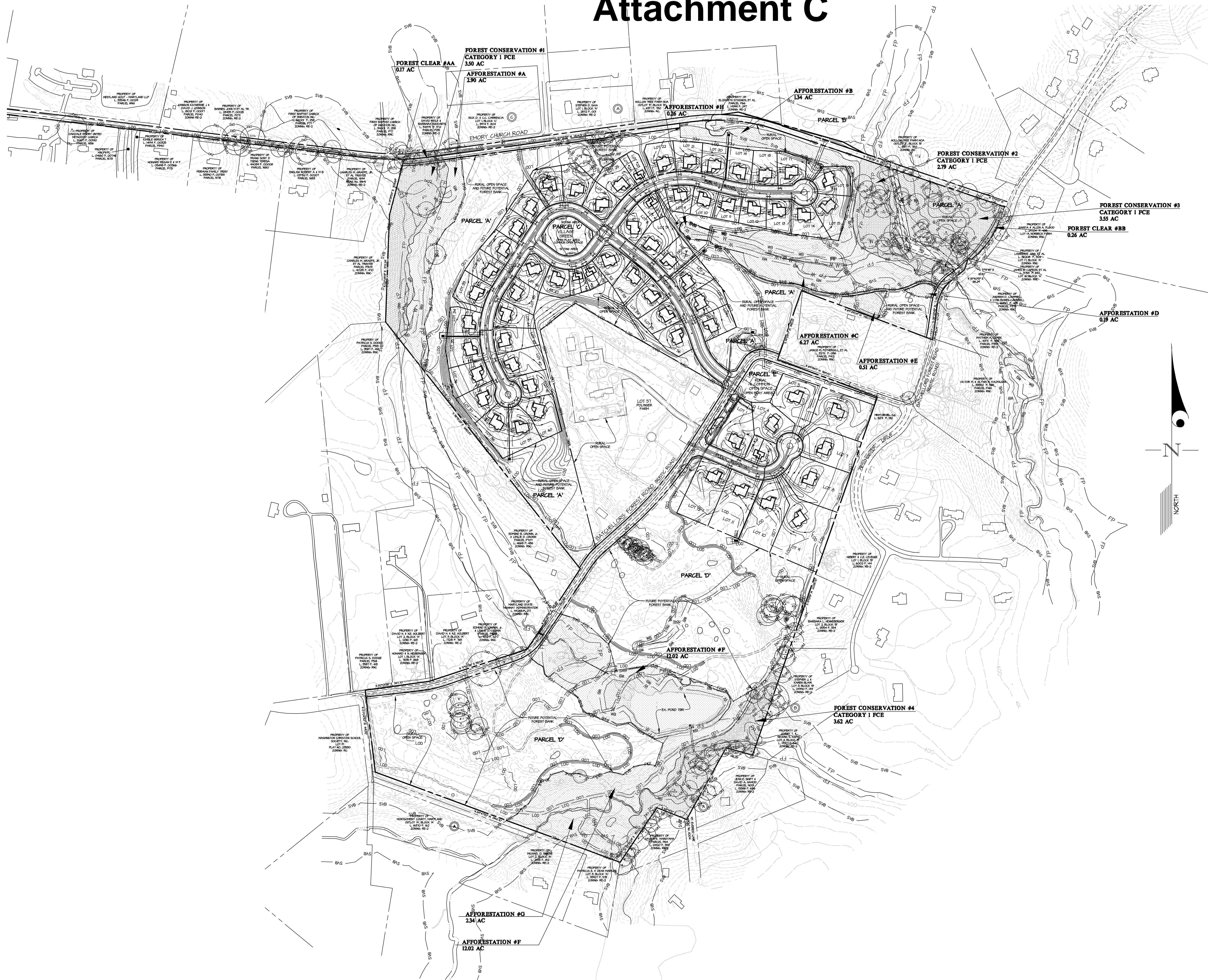
SCALE	ZONING
1"=200'	RNC
DATE	TAX MAP - GRID
NOV., 2012	HS-563 WSSC 222 NW3

COMPOSITE SITE PLAN
TROTTERS GLEN
LOTS 1 THRU 12, BLOCK 'A', LOTS 1 THRU 57, BLOCK 'B'
PARCELS 'A'-'F'

ONELY ELECTION DISTRICT No. 08

G. L. W. FILE No. **11098**
 SHEET **3** OF **32**
 MONTGOMERY COUNTY, MARYLAND

Attachment C



LEGEND

	FCE	FOREST CONSERVATION EASEMENT
		FOREST RETENTION/CONSERVATION AREA
		FOREST CLEARING AREA
		REFORESTATION AREA
		SPECIMEN TREE AND CRITICAL ROOT ZONE
		TREE TO BE REMOVED
	TPF	PERMANENT TREE PROTECTION FENCE
	T-TPF	TEMPORARY TREE PROTECTION FENCE
	RP	ROOT PRUNING
		PERMANENT FOREST CONSERVATION SIGN EASEMENT

DEVELOPERS CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 820130060 including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: TOLL BROTHERS, INC.
Printed Company Name

Contact Person or Owner: TOM MATEYA
Printed Name

Address: 7164 COLUMBIA GATEWAY DRIVE, SUITE 230
COLUMBIA, MARYLAND 21046

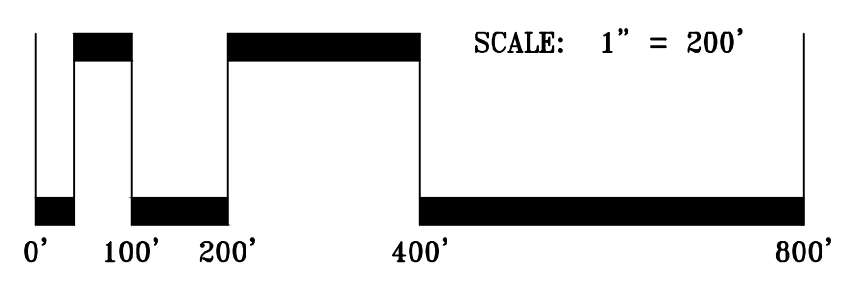
Phone and Email: (410) 381-3411 tmateya@tollbrothersinc.com

Signature: _____

Name/Title: _____

GLWGUTSCHICK LITTLE & WEBER, P.A.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
3909 NATIONAL DRIVE - SUITE 250 - BURTNSVILLE OFFICE PARK
BURTNSVILLE, MARYLAND 20866
TEL: 301-421-4024 BAL: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186

DATE	REVISION	BY	APP'R.
2/28/13	REVISED PER DRC COMMENTS	JGJ	KAF



PREPARED FOR:
TOLL BROTHERS, INC.
7164 COLUMBIA GATEWAY DRIVE
SUITE 230
COLUMBIA, MD 21046
ATTN: MR. TOM MATEYA

SCALE	ZONING
1"=200'	RNC
DATE	TAX MAP - GRID
NOV, 2012	HS-563

COMPOSITE FINAL FOREST CONSERVATION PLAN
TROTTERS GLEN
LOTS 1 THRU 12, BLOCK 'A', LOTS 1 THRU 57, BLOCK 'B'
PARCELS 'A'-'D'
LIBER 4745, FOLIO 427 & LIBER 527, FOLIO 225 & LIBER 7018, FOLIO 636

G. L. W. FILE NO.
11098
SHEET
2 OF 17

Attachment D



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

May 28, 2013

Arthur Holmes, Jr.
Director

Mr. Benjamin Berbert, Senior Planner
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 1-20130050
Trotters Glen

Ben:
Dear Mr. Berbert:

We have completed our review of the preliminary plan submitted on April 24, 2013. A previous October 23, 2012, submission of the plan was reviewed by the Development Review Committee at its meeting on November 26, 2012. We recommend approval of the plan subject to the following comments:

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

1. Necessary dedication for future widening of Emory Church Road in accordance with the master plan.
2. Necessary dedication for Batchellors Forest Road (a Rustic Road) in accordance with the master plan.
3. Dedicate and construct new internal public streets according to Montgomery County standard 2002.04, including sidewalk on both sides of the street. No new structures are permitted within the public right-of-way.
4. Construct an 8 ft shared use trail along the south side of Emory Church Road east of Norbrook Drive, through the site, to its connection with Batchellors Forest Road. Either an 8 ft shared use path or a 5 ft sidewalk is to continue along Emory Church Road west of Norbrook Drive. The facility east of Norbrook Drive may be located in either a parcel dedicated to the County (prompting compliance with County lighting requirements) or within HOA-owned property under a perpetual Public Access Easement (PAE).

Division of Traffic Engineering and Operations

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

5. Traffic calming will be required along Public Road B between Batchellors Forest Road and Public Road C, in accordance with Section 49-30 of the Montgomery County Code. Two parabolic speed humps will be required and shall be located a minimum of 200 ft from the curb line of nearby intersections and 500 ft from other speed humps. Attention must be given toward the alignment of humps as to ensure they do not conflict with driveways. Where feasible, it is preferable that speed humps align with property lines.
6. A new public street connecting Emory Church Road and Batchellors Forest Road is not currently proposed. MCDOT staff notes that the master plan calls for, "Access to new houses should be provided from both Batchellors Forest Road and Emory Church Road." We defer to the Planning Board to interpret and enforce the master plan but note that if a street connection between Emory Church Road and Batchellors Forest Road is recommended or required by the Planning Board, changes to the road network and additional traffic calming may be required for the connecting street and additional traffic analysis will likely be required for LATR purposes due to the potential changes to traffic distribution to local intersections. This may include modifications to existing Emory Church Road and Batchellors Forest Road.
7. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
8. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
9. A Public Improvements Easement may be necessary along Emory Church Road in order to accommodate the required construction of the sidewalk & shared use path. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit construction of this pedestrian infrastructure. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document where necessary to avoid impacts to trees or other environmental considerations. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.
10. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
11. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.

12. We recognize that three of the drainage areas will experience either comparable or reduced flow. While the study provides a qualitative statement that DA-1 should operate adequately, provide quantitative confirmation that the pipe's capacity is adequate for the anticipated flows.
13. The limits of the floodplain and the building restriction lines are to be shown on the plan where applicable. The floodplain is to be dimensioned from the property line.
14. Batchellors Forest Road is classified as a Rustic Road under Section 49-78 of the Montgomery County Code. As such, every effort must be made to preserve the significant features within the right of way of that roadway, but attention must be given toward safety obligations.

In coordination with the Department of Permitting Services (MCDPS) we have agreed that the existing fence must be removed. A new fence is to be build 25 ft from the centerline and be maintained by the applicant or homeowners association. A maintenance & liability agreement must be signed for this relocated fence.

15. Sight distance has been found to be acceptable.
16. In accordance with Section 49-33(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided on both sides of the proposed public streets unless the applicant is able to obtain a waiver from the appropriate government agency.
17. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
18. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at 240-777-2190 or dan.sanayi@montgomerycountymd.gov for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
19. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planting within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at 240-777-7651 or brett.linkletter@montgomerycountymd.gov.
20. Provide a detail of the guardrail to be used along Batchellors Forest Road at the culvert crossing. Guardrail must be acceptable to our department for both purposes of safety as well as maintenance. Coordinate with Mr. Vincent Subramaniam at 240-777-2162 or vincent.subramaniam@montgomerycountymd.gov.

21. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:

- A. Street grading, paving, sidewalks and pedestrian ramps, storm drainage and appurtenances, and street trees along the internal public streets utilizing Context Sensitive Road Design Standard MC-2001.03 (unless modifications are otherwise approved). Two parabolic speed humps are to be installed on Public Road B between Batchellors Forest Road and Public Road C.
- B. Street grading & paving for a 20 ft wide roadway, sidewalks /shared use trail and pedestrian ramps, storm drainage and appurtenances, and street trees along Emory Church Road, utilizing Context Sensitive Road Design Standard MC-2002.04 (unless modifications are otherwise approved).

NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.

- C. Additional road improvements may be required as a result of a review of a traffic study if such study is required by the Planning Board staff.
- D. The applicant needs to submit four copies of the Traffic Study to the MCDOT Division of Traffic Engineering and Operations for our Departmental review.
- E. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
- F. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- G. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- H. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- I. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Mr. Benjamin Berbert
Preliminary Plan No. 1-20130050
May 28, 2013
Page 5

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Andrew Bossi, our Development Review Area Engineer for this project, at andrew.bossi@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

m:\correspondence\FY13\Traffic\Active\120130050, Trotters Glen, MCDOT plan review ltr.doc

cc: Hellen Pollinger Owner
Tom Mateya Toll Brothers
Kevin Foster GLW
David Little GLW
Erica Leatham Ballard & Spahr
John Carter M-NCPPC Area 3
Rich Weaver M-NCPPC Area 3
Ki Kim M-NCPPC Area 3
Catherine Conlon M-NCPPC DARC
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Amy Butler Stevens MCDPS SWFMP
Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Rick Brush MCDPS WRM
Bill Campbell MCDPS WRM
Marie LaBaw MCFRS
Patricia Shepherd MCDOT DTE
Brett Linkletter MCDOT DHS
Dan Sanayi MCDOT DTEO
Fred Lees MCDOT DTEO
Seifu Kerse MCDOT DTEO
Vincent Subramaniam MCDOT DTEO
Tracy Wroe MCDOT DTEO
Andrew Bossi MCDOT DTEO

Attachment E



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

May 24, 2013

Diane R. Schwartz Jones
Director

Mr. David Little
Gutschick, Little & Weber, P.A.
3909 National Drive, Suite 250
Burtionsville, MD 20866

Re: Amended Stormwater Management **CONCEPT**
Request for Trotters Glen
Preliminary Plan #: Pending
SM File #: 241876
Tract Size/Zone: 176.5 acres / RNC
Total Concept Area: 67 acres
Lots/Block: na.
Parcel(s): P230, P220, P660, P444, P925
Watershed: Northwest Branch

Dear Mr. Little:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable** as amended. The stormwater management concept proposes to meet required stormwater management goals via construction of Bio Swales for the roadways and Dry Wells on the lots. This amended stormwater concept approval supersedes the approval letter dated April 27, 2012.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Additional geotechnical testing is required to justify the use of Dry Wells on the lots, especially in areas near the Floodplain and Wetland Buffers. In lieu of Dry Wells, other methods of providing on lot stormwater management may be proposed at the design stage. However, each lot must have full stormwater control. The geotechnical report must be submitted with the initial detailed plan review submittal for sediment control / stormwater review; or, in the case of a formal stormwater concept revision the report must accompany that.
5. Easements for existing stormwater management facilities on the subject property must be formally abandoned prior to plan approval.
6. The stormwater concept is hereby amended to require that the existing pond on the subject property be modified to comply with current MD-378 pond standards, or that the pond be breached. This will likely require additional State and Federal permits. The pond work may be permitted separately from the subdivision development, but the as-built plans for the development must reflect the completed pond modifications.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov

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

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

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

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

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: jb mce

cc: C. Conlon
SM File # 241876

ESD Acres:	67
STRUCTURAL Acres:	na
WAIVED Acres:	na

Attachment F



FIRE MARSHAL COMMENTS

DATE: 15-Apr-13
TO: Kevin Foster
Gutschick Little & Weber, PA
FROM: Marie LaBaw
RE: Trotters Glen
720120030

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **15-Apr-13** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



FIRE MARSHAL COMMENTS

DATE: 15-Apr-13
TO: Kevin Foster
Gutschick Little & Weber, PA
FROM: Marie LaBaw
RE: Trotters Glen
720120030 120130050

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **15-Apr-13** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** 7/11/13 Addition of Preliminary Plan #120130050 *****

Attachment G

April 23, 2013

Montgomery County Planning Board
Maryland National Capital Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Trotters Glen Site Plan - 820130060

On behalf of our client, Toll Brothers, we are requesting a waiver of the Montgomery County Code, Section 50-26.(b), Cul-de-sacs and turnarounds to allow three cul-de-sacs longer than 500 feet.

Section 50-26.(b) provides that a cul-de-sac or a street that would end in a turnaround must not be longer than 500 feet, measured on its centerline, unless, because of property shape, size, topography, large lot size or improved alignment, the Board approves a greater length.

Section 50-38.(a)(1) of the Montgomery County Code gives authority to Montgomery County Planning Board to "grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.

The Subject Property, Trotters Glen is located in southwest Olney, on Batchellors Forest Road approximately 1000' from the intersection of Georgia Avenue and Batchellors Forest Road. The Subject Property is 175.80 acres, it is zoned RNC, and 69 single family detached lots are proposed, 10 of which are MPDU's. The Subject Property is surrounded by neighborhoods zoned RNC or RE-2 with single family detached houses on lots of various sizes.

The 69 single family detached lots are clustered into small neighborhoods on the northern portion of the property with a Common Open Space parcel as a community focal point. The neighborhoods are located away from the more sensitive natural resources such as, steep slopes, the Batchellors Forest tributary, mature woodland, and an existing pond. The majority of the remaining undeveloped area will remain as Rural Open Space which runs throughout the project with the vast majority in the southern portion of the property. In most cases the Rural Open Space will provide a separation between the proposed lots and adjacent subdivisions. The Rural Open Space will be reforested in appropriate areas to both screen homes from view and create a more natural wooded landscape.

The following proposed cul-de-sacs are over 500' long:

Public Road 'A' is 645' long

Public Road 'B' is 970' long

Public Road 'C' is 1,196' long.

The subject property is bisected by Batchellors Forest Road which has been designated in the Olney Master Plan as a Rustic Road. After meetings with the Rustic Roads Committee a request was made to reduce the number of entrances in to the Trotters Glen development and thus minimize the impacts to the rustic character of Batchellors Forest Road. The Applicant has complied and the current street layout shows only two entrances off Batchellors Forest Road. One entrance serves the area west of Batchellors Forest Road and the other entrance serves the east side of Batchellors Forest Road. As a result, the entrance cul-de-sac roads must be longer than the 500' maximum length because they cannot loop back through the property to Batchellors Forest Road and create another entrance point.

The current owner will retain a 15+ acre lot for her existing home which is located in the center of the northern portion of the property. The large size and shape of this lot and its central location causes all new development roads to be routed around it resulting in cul-de-sacs longer than the 500' maximum.

The Trotters Glen site plan street layout provides for the clustering of smaller lots to avoid sensitive natural landscape features such as stream valleys, steep slopes and woodlands. The shape and topography of the property requires long cul-de-sacs that are laid out on flatter, less sensitive areas of the property away from these valuable resources. Additionally, clustering lots leaves a large amount of open space which benefits the motorists and pedestrians alike.

The Applicant requests that the Planning Board consider and approve a waiver for three cul-de-sacs longer than the 500' maximum for the following reasons:

1. The Olney Master Plan states "a clustered development would be the best mechanism to create significant open space and protect the rustic character of Batchellors Forest Road (The Olney Master Plan has designated Batchellors Forest Road a Rustic Road). Allowing culs-de-sac longer than 500' would permit the clustering lots away from Batchellors Forest Road and minimize the visibility of development impacts from a Rustic Road. Granting the requested waiver would therefore not be inconsistent with the purposes and objectives of the Master Plan. Additionally, the Applicant has met with the Rustic Roads committee which requested that the number of entrances into the development be minimized to reduce the

impacts to Batchellors Forest Road. The Committee has approved the road layout for the development.

2. Granting the waiver is not adverse to the public interest because it would create a safer, more enjoyable driving experience. Longer cul-de-sacs allow for clustering of lots away from Batchellors Forest Road to reduce visibility of the development from a Rustic Road. Granting the waiver also encourages fewer intersections of development roads with Batchellors Forest Road and thus creates an environment that is safer for both pedestrians and motorists alike.

3. The waiver is the minimum necessary to provide relief from the requirements. While the three proposed cul-de-sacs for which we are requesting a waiver do provide access to the number of lots allowed in the RNC zone, they are not so long that they disturb any existing streams, wetlands, steep slopes or other sensitive natural resources existing on the property.

Attachment H

March 20, 2013

Forest Conservation Program Manager
Environmental Planning Section
Maryland National Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Trotters Glen
Variance Request

On behalf of our client, Toll Brothers, Inc., we are requesting a variance of Section 5-1607.(c).(2).(III) Natural Resources of the Maryland State Code.

5-1607.(c) (2) The following trees, shrubs, plants and specific areas shall be considered priority for retention and protection, and they shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the state or local authority, that reasonable effects have been made to protect them and the plan cannot be reasonably altered. The applicant qualifies for a variance under Section 5-1611 of this subsection.

(III) Trees having a diameter measured 4.5 feet above the ground of

(1) 30 inches, or

(2) 75 % of the diameter measured 4.5' above the ground, of the current state champion tree of that species as designated by the Department.

Section 5-1611 of the Maryland State Code grants the authority to Montgomery County (local authority) for approval of the variances, and Section 22A-21 Variance, of the Montgomery County Code establishes the criteria to grant a variance.

The subject property, Trotters Glen, Parcel , is located approximately ½ mile east of the intersection of Georgia Avenue (MD Rte. 197) and Batchellors Forest Road in Olney, a community in Montgomery County, Maryland. The property is irregularly shaped and comprised of mostly gently rolling, open land with scattered specimen trees and mature woodland along its edges. It is currently maintained as a golf course with a club house, cart paths, and a large pond in the southeast corner. Three residences are located on the property, two of which will be removed. Batchellors Forest Road runs through the property and is designated a 'rustic road' by the Maryland National Park and Planning Commission. The neighborhoods surrounding the property are single family detached houses in the Batchellors Forest Estates subdivision to the south, the Anscroft subdivision to the west, and Norbrook Village subdivision to the north and other single lot detached non-subdivision homes.

The applicant is requesting a variance to affect the following trees that measures 30" or greater in diameter at breast height (dbh).

We would like to remove the following tree:

Tree #151 – 27" and 30" dbh Black Walnut (twin), good condition.

We would like to remove the following trees in a dedicated right-of-way or public utility easement:

Tree #1 – 35”dbh, Black Walnut, poor condition
Tree #6 – 61”dbh, Tulip Poplar, fair condition
Tree #43 – 47”dbh, White Ash, poor condition
Tree #72 – 33”dbh, Black Oak, good condition
Tree #76 – 30”dbh, White Oak, poor condition
Tree #85 – 33”dbh, Black Oak, good condition
Tree #86 – 37”dbh, Tulip Poplar, good condition

We would like to impact the critical root zones of trees:

Tree #11 – 31”dbh, Black Walnut, good condition
Tree #12 – 41”dbh, Black Walnut, good condition
Tree #13 – 35”dbh, Sweet Gum, good condition
Tree #14 – 37.5dbh, American Elm, good condition
Tree #15 – 32.5dbh, Black Walnut, good condition
Tree #30 – 36”dbh, Tulip Poplar, good condition
Tree #31 – 55”dbh, Tulip Poplar, good condition
Tree #32 – 35”dbh, Black Cherry, poor condition
Tree #35 – 36”dbh, Tulip Poplar, good condition
Tree #40 – 31.5”dbh, Black Walnut, good condition
Tree #41 – 30.5” Black Walnut, poor condition
Tree #42 – 32.5”dbh, Black Walnut, poor condition
Tree #157 – 42”dbh, Tulip Poplar, good condition
Tree #177 – 30”dbh, Willow, good condition
Tree #182 – 34”dbh, Tulip Poplar, good condition
Tree #189 – 33”dbh, Willow, good condition
Tree #192 – 38.5”dbh, Willow, good condition
Tree #196 – 32.5”dbh, Willow, good condition
Tree #199 – 31.5”dbh, Norway Spruce, good condition
Tree #200 – 32”dbh, Canadian Hemlock, good condition
Tree #201 – 33.5”dbh, Norway Spruce, good condition
Tree #204 – 43”dbh, Green Ash, good condition
Tree #205 – 32”dbh, Green Ash, good condition
Tree #220 – 30”dbh, Tulip Poplar, good condition
Tree #233 – 31”dbh, White Oak, good condition
Tree #234 – 41”dbh, Tulip Poplar, good condition
Tree #235 – 50”dbh, Tulip Poplar, good condition
Tree #238 – 44”dbh, Tulip Poplar, good condition
Tree #240 – 44”dbh, Tulip Poplar, good condition
Tree #241 – 47”dbh, Tulip Poplar, good condition
Tree #242 – 52”dbh, Tulip Poplar, good condition
Tree #243 – 52”dbh, Red Maple, good condition

We would like to impact the critical root zones of trees in a dedicated right-of-way or public utility easement:

Tree #44 – 40”dbh, Tulip Poplar, good condition
Tree #45 – 38”&24”, Black Gum (twin), good condition

Tree #47 – 30”dbh, Black Oak, good condition
Tree #48 – 31”dbh, Tulip Poplar, good condition
Tree #49 – 38”dbh, Tulip Poplar, good condition
Tree #52 – 42”dbh, White Ash, poor condition
Tree #63 – 33”dbh, Tulip Poplar, good condition
Tree #75 – 33”dbh, Tulip Poplar, poor condition

Section 22A-21 (b) lists the criteria for the granting of the variance requested herein. The following narrative explains how the requested variance is justified under the set of circumstances described above.

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship:

Great care has been taken by the applicant to minimize impacts to any of existing trees on the property. The property has been used principally as a golf course for the past several decades as well as homesites for several residences, barns and outbuildings. During that time numerous significant specimen trees grew up around the houses and in select areas suited to a golf course. On the applicant’s property, the Montgomery County Master Plan calls for the clustering of homes on smaller lots to allow the remaining area to be left undisturbed and put in open space. In particular, the Master Plan recommends “cluster development on the northeastern portion of the property away from the stream valley to the south”. As a result the applicant is required to concentrate development in areas to avoid sensitive natural resources such as steep slopes, stream valleys, and mature woodland.

Removal of Tree #151

Tree #151 is located in the northeast part of the property near an existing house that is slated for removal. The tree was planted in this location to screen the house from nearby golf tees. Proposed roads and site grading has been adjusted to avoid other nearby trees with the result being that these three trees could not be saved. In particular, lots were reduced in size and roads were pulled further to the south away from a group of mature trees in order to save them.

Removal of Trees in a Dedicated Right-of-Way or Public Utility Easement - #1, 6, 43, 72, 76, 85, 86

Batchellors Forest Road R/W and PUE

Trees #1, 6, 43, 76, 85, and 86 are located within the dedicated right-of-way of Batchellors Forest Road. Subdivision regulations require this R/W and Public Utility Easement to be dedicated so there is the potential for these trees to be removed in the future. However, the Applicant has no road improvements or tree removal planned.

Emory Church Road R/W

Trees #72 lies within the Emory Church Rd R/W and has the potential to be removed at a later time. The applicant is not required to make any road improvements within the Emory Church R/W in this location and thus there will be no impacts to Tree #72 or its CRZ.

Impacts to CRZ’s in a Dedicated Right-of-Way and/or Public Utility Easement - Tree #40, 41, 44, 45, 47, 48, 49, 52, 63,75

Batchellors Forest Road

The CRZ's of Trees #40, 41, 44 and 45 lie within the dedicated R/W resulting in a potential impact. Subdivision regulations require the Applicant to dedicate this R/W, however, no road improvements are required within the Batchellors Forest R/W in this location and so their CRZ's will not be impacted.

Emory Church Road R/W

Tree CRZ of Tree #75 crosses into the Emory Church R/W resulting in a potential impact. The applicant is not required to make any road improvements within the existing Emory Church R/W in this location and thus there will be no impacts to the CRZ of Tree #75.

WSSC Sewer Easement - Existing

Trees #47, 48, 49, 52, and 63 are located in an existing WSSC sewer easement. The Applicant has no planned development work within the easement and will not be impacting any CRZ of any trees.

Impacting Critical Root Zones (CRZ) of Trees #11, 12, 13, 14, 15, 30, 31, 32, 35, 42, 157, 177, 182, 189, 192, 196, 199, 200, 201, 204, 205, 220, 233, 234, 235, 238, 240, 241, 242, 243.

Trees #11, 12, 13, 14, 15, and 220 are located adjacent to an existing house, garage and driveway that are planned to be removed. The house and garage are currently abandoned and in disrepair and located on land that will be owned to the Trotters Glen Homeowners Association. The HOA is small (69 homeowners) and will not have the need or means to maintain the house. Special care will be taken during the removal process. The demolition equipment will be positioned out of the critical root zones (on the northeast side of the house) and will remove and drag the house piece by piece in that direction away from the specimen trees. After the house and garage are removed, a smaller backhoe (such as a Bobcat) will be positioned outside of the CRZ and reach in to remove the foundation walls. Clean up will be done by individuals rather than mechanized equipment. To the greatest extent possible, no demolition equipment be located within the CRZ of either of the trees.

Trees #199, 200 and 201 are located at the rear of Lot 27 and require a minor amount of grading in less than 20% of their CRZ's. The grading is needed to carve a small swale for positive drainage away from the house on Lot 27 which would also drain additional water to the tree's CRZ. The CRZ of Tree #201 is also impacted by the removal of a sand trap. Removal of the trap requires minor excavation to remove the existing sand in the trap and then backfill with soil.

Trees #31, 32, 35, 177, 182 are located adjacent to asphalt cart paths to be removed. Based on staff comments, we have utilized more of the existing trail to reduce the impacts from removing it. Special care will be taken when removing the asphalt. The demolition equipment (backhoe) will be positioned out of their CRZ's and will grab and lift or drag the chunks of asphalt out away from the specimen trees and into a truck. The demolition equipment will work outside the CRZ to avoid compaction of roots.

Trees #30, 31, 32 will be impacted by the excavation of approximately 8" of soil over a 14' x 14' area for a concrete pad to place a gazebo and the excavation of approximately 6" of soil for an asphalt trail approximately 5' x 24' that leads to the gazebo. The excavation is will occur at the outside edge of the CRZ's of Trees #30 and 31 resulting in a very minor impact. The excavation will impact approximately 10% of the CRZ of Tree #32. Special care will be taken when removing the soil. The demolition equipment (backhoe) will enter the CRZ from one point of the CRZ, excavate soil and back out to load into a truck that is positioned outside of the CRZ in an effort to minimize impacts to the remainder of the CRZ.

Trees #40, 41, and 42 will have a small impact due to the removal of an existing asphalt driveway. The demolition equipment (backhoe) will be positioned out of their CRZ's and will grab and lift or drag the chunks of asphalt out away from the specimen trees and into a truck. The demolition equipment will work outside the CRZ to avoid compaction of roots.

Tree #157 will have a very minor impact due to the removal of a sand trap that lies within approximately 2% of the outer portion of the CRZ. In this case the sand will be removed and replaced with soil. The backhoe will be located outside of the CRZ to minimize its impact.

Trees #189, 192, and 196 are located adjacent to a maintenance shed and asphalt parking area associated with the shed. The small area of the top 8" (approximately) of soil within their critical root zones will be impacted by the removal of the asphalt parking area. Special care will be taken when removing the asphalt. The demolition equipment (backhoe) will be positioned out of the critical root zones and will grab lift or drag the chunks of asphalt out away from the specimen trees and into a truck. The demolition equipment will not work within the CRZ to avoid compaction of roots.

Trees #204, 205 will have an 8' hiker/biker trail run within their critical root zones. The Master Planned trail has been requested/required by MNCPPC to keep the trail within the public R/W of Emory Church Rd for as great a length as possible. In order to do that we impact the CRZ's of #204 and 205. To construct the trail a minor impact occurs due to digging down approximately 8" to put down a 4" layer of gravel and then 4" of asphalt.

The CRZ's of trees #233, 234, 235, 238, 240, 241, 242, 243 will be impacted by the construction of a water line in Emory Church Road. The water line provides a connection to the closest and most direct existing water source to the project and is required by the Washington Suburban Sanitary Commission. The WSSC requirement that the water line run in the paved road to minimize disturbance to vegetation and sensitive natural resources on either side of the road.

2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas:

Not granting this variance would cause undue hardship on the applicant because based on the existing zoning only limited areas are available to build on the property. The applicant has followed the requirements of the zoning regulations. Nearby developments have been allowed to develop in this manner and therefore the Applicant would be denied the ability to fully utilize the property. Having a virtually unbuildable parcel is an unwarranted hardship to the applicant and by enforcement of this chapter will deprive the landowner the rights to build on the property. Granting of the variance will ultimately allow the property to be developed.

3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance:

The variance will not violate state water quality standards or cause measurable degradation in water quality. All proposed land development activities will require sediment control and or storm water management plan approvals by Montgomery County.

4. Provide any other information appropriate to support the request:

As mentioned above, great care has been taken to locate development to avoid impacting significant and specimen trees. The applicant recognizes the value and need for mature trees and has selected areas to locate the houses that would impact the trees the least amount. Special attention will be given to any construction work that may impact the critical root zones of specimen trees. In particular:

The Applicant believes that the information set forth above is adequate to justify the requested variance to impact the critical root zone of four specimen trees on the subject property. Furthermore, the Applicant's request for a variance complies with the "minimum criteria" of Section 22A-21 (d) for the following reasons:

1. This Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant.
2. The variance request is not based on conditions or circumstances which result from the actions of the applicant. The applicant did not create the existing site conditions, including the random location of the specimen trees.
3. The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property. All of the conditions discussed above exist on Parcel P103.
4. Loss of the requested trees will not violate State water quality standards or cause measurable degradation in water quality.

If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

Michael Clay
Senior Planner/Landscape Architect

Attachment J

Trees to be Removed

Tree No.	Common Name	Botanical Name	D.B.H.	Tree Condition	Location
1	Black Walnut	<i>Juglans nigra</i>	35 inch	Poor	Road R/W
6	Tuliptree	<i>Liriodendron tulipifera</i>	61 inch	Fair	Road R/W
151	Black Walnut	<i>Juglans nigra (twin)</i>	38 & 30 inch	Good	Lot 28
43	White Ash	<i>Fraxinus americana</i>	47 inch	Poor	Road R/W
72	Black Oak	<i>Quercus velutina</i>	33 inch	Good	Road R/W
76	White Oak	<i>Quercus alba</i>	30 inch	Poor	Road R/W
85	Black Oak	<i>Quercus velutina</i>	33 inch	Good	Road R/W
86	Tuliptree	<i>Liriodendron tulipifera</i>	37 inch	Good	P.U.E.

Trees to be Retained

Tree No.	Common Name	Botanical Name	D.B.H.	C.R.Z. Radius	Tree Condition	Location
11	Black Walnut	<i>Juglans nigra</i>	31 inch		Good	Removal of ex. bldg., etc.
12	Black Walnut	<i>Juglans nigra</i>	41 inch		Good	Removal of ex. bldg., etc.
13	Sweet Gum	<i>Liquidambar styraciflua</i>	35 inch		Good	Removal of ex. bldg., etc.
14	American Elm	<i>Ulmus Americana</i>	38 inch		Good	Removal of ex. bldg., etc.
15	Black Walnut	<i>Juglans nigra</i>	33 inch		Good	Removal of ex. bldg., etc.
30	Tuliptree	<i>Liriodendron tulipifera</i>	36 inch		Good	Proposed gazebo adjacent to ex. path
31	Tuliptree	<i>Liriodendron tulipifera</i>	55 inch		Good	Ex. cart path removal, prop. gazebo
32	Black Cherry	<i>Prunus serotina</i>	35 inch		Poor	Ex. cart path removal, prop. gazebo
35	Tuliptree	<i>Liriodendron tulipifera</i>	36 inch		Good	Ex. cart path removal
40	Black Walnut	<i>Juglans nigra</i>	32 inch		Good	Prop. sewer, Road R/W
41	Black Walnut	<i>Juglans nigra</i>	31 inch		Poor	Road R/W
42	Black Walnut	<i>Juglans nigra</i>	33 inch		Poor	Storm drain outfall
44	Tuliptree	<i>Liriodendron tulipifera</i>	40 inch		Good	Road R/W
45	Black Gum	<i>Nyssa sylvatica (twin)</i>	38 & 24 inch		Good	Road R/W
47	Black Oak	<i>Quercus velutina</i>	30 inch		Good	Ex. WSSC Easement
48	Tuliptree	<i>Liriodendron tulipifera</i>	31 inch		Good	Ex. WSSC Easement
49	Tuliptree	<i>Liriodendron tulipifera</i>	38 inch		Good	Ex. WSSC Easement
52	White Ash	<i>Fraxinus Americana</i>	42 inch		Poor	Ex. WSSC Easement
63	Tuliptree	<i>Liriodendron tulipifera</i>	33 inch		Good	Ex. WSSC Easement
75	Tuliptree	<i>Liriodendron tulipifera</i>	33 inch		Poor	Road R/W
157	Tuliptree	<i>Liriodendron tulipifera</i>	42 inch		Good	Sand trap removal
177	Willow	<i>Salix sp.</i>	30 inch		Good	Ex. golf cart path removal
182	Tuliptree	<i>Liriodendron tulipifera</i>	34 inch		Good	Ex. golf cart path removal
189	Willow	<i>Salix sp.</i>	33 inch		Good	Ex. building removal
192	Willow	<i>Salix sp.</i>	39 inch		Good	Ex. building removal
196	Willow	<i>Salix sp.</i>	33 inch		Good	Ex. building removal
199	Norway Spruce	<i>Picea abies</i>	32 inch		Good	Grading Lot 27
200	Canadian Hemlock	<i>Tsuga canadensis</i>	32 inch		Good	Grading Lot 27
201	Norway Spruce	<i>Picea abies</i>	34 inch		Good	Grading Lot 27, sand trap removal
204	Green Ash	<i>Fraxinus pennsylvanica</i>	43 inch		Good	Hiker/biker trail in EC Road R/W
205	Green Ash	<i>Fraxinus pennsylvanica</i>	32 inch		Good	Hiker/biker trail in EC Road R/W
220	Tuliptree	<i>Liriodendron tulipifera</i>	30 inch		Good	Removal of ex. bldg., etc.
233	White Oak	<i>Quercus alba</i>	31 inch		Good	Water line in Emory Church Road

Trees to be Retained, Continued

234	Tuliptree	<i>Liriodendron tulipifera</i>	41 inch		Good	Water line in Emory Church Road
235	Tuliptree	<i>Liriodendron tulipifera</i>	50 inch		Good	Water line in Emory Church Road
238	Tuliptree	<i>Liriodendron tulipifera</i>	44 inch		Good	Water line in Emory Church Road
240	Tuliptree	<i>Liriodendron tulipifera</i>	44 inch		Good	Water line in Emory Church Road
241	Tuliptree	<i>Liriodendron tulipifera</i>	47 inch		Good	Water line in Emory Church Road
242	Tuliptree	<i>Liriodendron tulipifera</i>	52 inch		Good	Water line in Emory Church Road
243	Red Maple	<i>Acer rubrum</i>	52 inch		Good	Water line in Emory Church Road

Attachment K



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

May 20, 2013

Françoise Carrier, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Trotters Glen – Revised, DAIC 820130060, NRI/FSD application accepted 12/20/2011

Dear Ms. Carrier:

The County Attorney's Office has advised that Montgomery County Code Section 22A-12(b)(3) applies to any application required under Chapter 22A submitted after October 1, 2009. Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

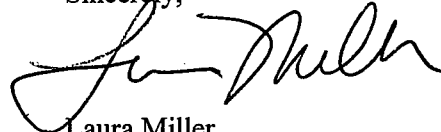
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that revisions to the LOD are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Robert Hoyt, Director
Walter Wilson, Associate County Attorney
Mark Pfefferle, Chief

Attachment L

Final Forest Conservation Plan Table To Be Revised

PLANTING SCHEDULE

PLANTING AREA	SIZE	STOCKING RATE (100/AC)	PLANTING SCHEME
AFFORESTATION PLANTING AREA 'A'	290 AC	290 - 15'-2' CAL STOCK	A
AFFORESTATION PLANTING AREA 'B'	134 AC	134 - 15'-2' CAL STOCK	D
AFFORESTATION PLANTING AREA 'C'	627 AC	627 - 15'-2' CAL STOCK	B
AFFORESTATION PLANTING AREA 'D'	0.19 AC	19 - 15'-2' CAL STOCK	A
AFFORESTATION PLANTING AREA 'E'	0.51 AC	51 - 15'-2' CAL STOCK	C
AFFORESTATION PLANTING AREA 'F'	1202 AC	1202 - 15'-2' CAL STOCK	B
AFFORESTATION PLANTING AREA 'G'	234 AC	234 - 15'-2' CAL STOCK	D
AFFORESTATION PLANTING AREA 'H'	0.26 AC	26 - 15'-2' CAL STOCK	A
TOTAL PLANTING AREA	2583 AC	2583 - 15'-2' CAL STOCK	

Attachment M



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

May 15, 2013

Mr. Benjamin Berbert
Area 3 Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Trotters Glen
Preliminary Plan No. 120130050
Site Plan No. 820130060

Dear Mr. Berbert:

The Department of Housing and Community Affairs (DHCA) has reviewed the applicant's revisions to the above Preliminary and Site Plans and finds that the applicant has addressed DHCA's Development Review Committee (DRC) comments. DHCA therefore recommends Approval of the Preliminary and Site Plans.

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: Richard Weaver, M-NCPPC
Tom Mateya, Toll Brothers Inc.

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Division of Housing

Moderately Priced
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& Loan Programs
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Landlord-Tenant Affairs
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leathame@ballardspahr.com

May 21, 2013

Via E-mail

Benjamin Berbert
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Preliminary Plan No. 120130050; Trotter's Glen
Master Plan Recommendations

Dear Ben:

As was discussed before the Planning Board during the September 27, 2012 Pre-Preliminary Plan consideration, the access to the new Trotter's Glen community was designed based upon the recommendations of the Master Plan. Specifically, the Master Plan states that the property should be developed under the RNC Zone at a density of 0.33 units per acre and, among other things that "access to new houses should be provided from both Batchellors Forest Road and Emory Church Road. A pedestrian and bikeway connection between Emory Church Road and Batchellors Forest Road should be provided through the property."

With respect to such access, the illustrative map of new roadways in the Olney region does not show any new roads through this property, nor does it envision Emory Church Road as a primary street serving the community (as described below, this was the original intention of the Master Plan). Consequently, the Preliminary Plan provides the bicycle and pedestrian "access" specifically recommended in the Plan, but not a public street connecting the two roads.

The ambiguity of the Master Plan language was described to the Planning Board during the public hearing on the Pre-Preliminary Plan, at which residents in the area testified in support and opposition to various elements of the Pre-Preliminary Plan, including the access from existing public road (we note that SEROCA testified in support of the proposal). After a full debate on the matter, the Planning Board concluded that the Master Plan language with respect to "access" from Emory Church Road referred solely to pedestrian and bicycle access, in addition to the proposed emergency access to the site from Emory Church Road. This Preliminary Plan reflects the conclusions made by the Planning Board at that hearing.

DMEAST #16822485 v1

As background for this conclusion, we have summarized below the discussions by the various agencies over the Master Plan language, as was described to the Planning Board at the Pre-Preliminary Plan hearing.

Master Plan Deliberations. The language used in the Master Plan was the result of thoughtful deliberations between the Planning Board and the County Council with respect to the amount of density that could be accommodated in the Southeast Quadrant of Olney and the road(s) that would serve the new communities. Specifically, Batchellors Forest Road was intended to be the sole means of access from the development on Trotter's Glen, as well as the other residential communities fronting on the street, based on the modeling done with respect to evaluation of the development sites.

Over the course of the Planning Board and Council worksessions, the recommendations for the Southeast Quadrant ("SEQ"), in which Trotter's Glen is located, were refined to ensure that the area remained low-density and the existing character of the roadways was respected.

First, the impact of future development on Batchellors Forest Road was evaluated to determine the appropriate density for properties with access to the road, ensuring that it would retain its Rustic Road character. Over the course of several Planning Board and Council worksessions, Staff reviewed various development scenarios and modeled the transportation impact *solely* on Batchellors Forest Road. The models did not assume that traffic would use any other public or private street; none of the various analyses consider a secondary access to Trotter's Glen, or any other development, that would divert trips off of Batchellors Forest Road. Based these assumptions, the Master Plan anticipated that Batchellors Forest Road would serve as the sole access to Trotter's Glen. Significant attention was paid to the models, as evidenced by the number of pages devoted to discussing them, and at no time, did the modeling, the analysts, nor the public suggest a secondary or alternative access to Trotter's Glen was necessary.

Second, during the initial stages of the planning process, Emory Church Road was proposed as a primary roadway, to be extended to the east (taking into account the existing but unused right-of-way). However, this recommendation was ultimately rejected by the Council. (We surmise that the ambiguity in the Master Plan language is a result of this action because the vestiges of the original language were never revised.) As a result, the Master Plan intended to preserve the existing condition of Emory Church Road in its current substandard condition. Adding additional trips, such as those that it would have to accommodate as a result of a connection with Batchellors Forest Road, would require significant improvements in direct contrast to the character recommended by the Master Plan.

The memos and staff reports highlighting these discussions are attached:

1. The **January 15, 2004 Planning Board** memo included a Transportation Analysis of the traffic impacts of four development options for various properties in the SEQ. The findings noted the following:
 - None of the options would have a significant impact on the area's transportation network.
 - None of the all-residential development scenarios, even those that would result in measurable changes in traffic volumes, would affect the proposed Rustic Road

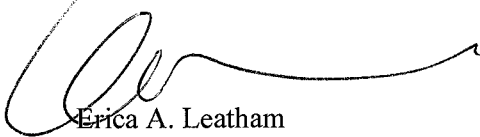
classification of Batchellors Forest Road since the number of dwelling units relying on Batchellors Forest Road for access would remain below the threshold of 200 units and the average daily traffic (ADT) would be below the threshold of 3,000 ADT for a Rustic Road classification. (See page 14.)

As noted above, this model relied on Batchellors Forest Road to accommodate all traffic from Trotter's Glen.

2. The **November 22, 2004 PHED Worksession** on the Master Plan concentrated on transportation elements that had been raised by the Committee at its September 30, 2004 worksession. When addressing these elements, the PHED committee concluded that there was no need to upgrade Emory Church Road to a primary road "unless the Council approves further development that this road would serve." No additional development was approved and the road was not upgraded. (See page 4.)

If you need any additional information, please contact me at your earliest convenience.

Very truly yours,



Erica A. Leatham

EAL/

Attachments

cc: Thomas M. Mateya RLA
Kevin Foster
Michael Clay

Attachment P

MCPB
Item # 11
1/15/04



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

January 9, 2004

MEMORANDUM

TO: Montgomery County Planning Board

VIA: John A. Carter, Chief *JAC*
Community-Based Planning Division

FROM: Khalid Afzal, Georgia Avenue Team Leader (301/495-4650)
Community-Based Planning Division *KA*

Mary Dolan, Supervisor, Environmental Planning *MD*
Countywide Planning Division

Dan Hardy, Supervisor, Transportation Planning *DKH*
Countywide Planning Division

SUBJECT: Olney Master Plan Public Hearing Draft Worksession No. 2:
Southeast Quadrant Land Use and Zoning - Continuation from 1/8/04

RECOMMENDATION: Approval of Option 4 for rezoning the 30 developable properties in the Southeast Quadrant as follows:

1. Properties of 10 acres or more in the proposed sewer envelope to be zoned RNC at a maximum density of 0.33 units per acre;
2. Properties of less than 10 acres in the proposed sewer envelope to be zoned RE-2 on sewer; and
3. Properties outside the sewer envelope to be zoned RE-2 on septic.

Option 4 is the staff's proposed modification of the Public Hearing Draft recommendations for the developable properties in the Southeast Quadrant, not including the Golden Bear Triangle Area.

INTRODUCTION:

This is the second worksession for the proposed Olney Master Plan amendment. During the first worksession on November 6, 2003 on land use and zoning issues in the Southeast Quadrant (SEQ), the Planning Board asked for additional information regarding the low-density rural character of the area; imperviousness analysis for proposed densities; jobs and housing balance; the diversity of housing in Olney; and the definition of the Rural Open Space in the RNC Zone. This report provides the information requested by the Planning Board and includes staff response to the comments raised by the community and property owners since the publication of the Public Hearing Draft. It concludes by requesting the Planning Board's approval of Option 4 for proposed zoning of all developable properties in the SEQ. The report is organized into the following sections:

1. **OUTSTANDING ISSUES** is a brief summary of the outstanding issues in the Southeast Quadrant that are addressed in this worksession;
2. **EXISTING CONDITIONS** describes the current Master Plan and regulatory framework for the Southeast Quadrant;
3. **PROPOSED CONCEPT** lays out the basis for the land use and zoning recommendations in the Southeast Quadrant and how they fit in with the overall plan for Olney;
4. **ALTERNATIVE SCENARIOS** describes the four rezoning options for the developable properties in the SEQ;
5. **ANALYSES** evaluates the four density options in terms of their impacts on the environment, transportation, area's rural character, and the Master Plan's jobs/housing balance, including a more detailed assessment of the four major sewered properties;
6. **RURAL OPEN SPACE IN THE RNC ZONE** addresses the Planning Board's inquiry of the definition of the Rural Open Space in the RNC Zone in the context of these two properties;
7. **SUMMARY OF THE PUBLIC TESTIMONY** includes the issues raised by the community and the property owners during and after the public testimony and the staff's response to these comments; and
8. **OPTION 4** is the staff's preferred option based on the analyses contained in this report and staff is requesting that the Planning Board approve this option as a modification to the recommendations for developable properties in the SEQ contained in the Public Hearing Draft.

SECTION 1: OUTSTANDING ISSUES

The primary outstanding issue in the Southeast Quadrant (SEQ) is the proposed density on the four major properties: Polinger, Hyde, Casey and Northwest Investment (NWI). The Community believes that the overall future growth in the Southeast Quadrant as recommended in the Public Hearing Draft is too high for this area and would negatively impact the traffic, the environment, the rural character of Batchellors Forest Road, and the local schools. The property owners and prospective developers, on the other hand, have indicated that the proposed densities should be higher than the 0.33 units per acre proposed in the Draft Plan.

Representatives of the Hyde property have presented to the staff a proposal for 41 units, which translates into 0.4 or 0.82 units per acre depending upon whether or not the Good Counsel site is included in the calculation. Representatives of the Polinger property have requested a density of 0.45 units per acre; representatives of NWI have requested a density higher than the Draft Plan without a specific number of units per acre. No testimony was submitted on behalf of the Casey property but staff has learned since the first worksession that property is under contract for residential development.

Staff has addressed the other major issue of unfair treatment of smaller than 10-acre properties in the SEQ by proposing to modify the Public Hearing Draft zoning recommendation for such properties, which would also address the issue of the requirement of Rural Open Space on the Gandel property if it is rezoned to RNC and developed for a private school.

SECTION 2: EXISTING CONDITIONS

The Southeast Quadrant (SEQ) is the area bounded by Georgia Avenue, Old Baltimore Road, MD 108, Dr. Bird/Norwood Road, Layhill Road and Norbeck Road. Batchellors Forest Road is the only through road in this quadrant connecting Dr. Bird Road with Georgia Avenue. Farquhar Middle School is located on Batchellors Forest Road near Dr. Bird Road. The entire quadrant covers approximately 2,508 acres and has a mix of RE-2, RC and LDRC zoning. It has approximately 795 acres of land in various size parcels that are considered vacant or redevelopable based on their current use and zoning. The Master Plan right-of-way of the ICC passes through the southern edge of this area near the intersection of Georgia Avenue and Norbeck Road.

The Southeast Quadrant contains two of the main tributaries forming the headwaters of the Northwest Branch (of the Anacostia River): Batchellors Forest and Batchellors Forest East Tributaries (see map of subwatersheds). These Use IV stream systems are in relatively good condition and relatively uninterrupted forested stream valley buffers support the Bachelors Forest Tributary. Both tributaries have forested areas in the headwaters of the first order streams.

There are relatively few wetlands (by acreage and proportion of watershed coverage) within this portion of Northwest Branch. In the headwaters of Northwest Branch, about half the wetlands are associated with man-made ponds. Only about one-third of the wetlands lie within public lands. There are no stream valley parks in the SEQ.

The Northwest Branch is part of a long-standing effort on the part of the U.S. Army Corp of Engineers, State and local agencies to improve conditions in this largely developed watershed. Several projects are underway and more are planned, mostly downstream of the Master Plan area.

1980 Plan Recommendations for SEQ

The 1980 Master Plan envisioned the Southeast Quadrant of Olney as a "transitional agricultural area." It stated, "large farms still operate, but preliminary residential development plans have already been submitted for many of them. If this land is

developed into 2 acre lots, the opportunity for any type of farming will be lost and the agricultural and open space character of the area will disappear.” It recommended a rural cluster option with an overall density of one unit per five acres. The Plan believed that “development in accord with the rural cluster would: encourage a mix of farms and residential uses; encourage the leasing or rental of open space to area farmers; secure the rural character of the southeast area.” The Plan recommended that “public water and sewer be made available to implement the rural cluster concept in the southeast area.”

The 1980 Plan also envisioned the southeast area as a buffer between the Town Center and Sandy Spring/Ashton. It stated that “The need for a buffer between Olney Town and the rural communities of Sandy Spring and Ashton also supports low density residential uses east of Georgia Avenue. Rock Creek Park surrounds the western portion of Olney Town and provides a natural limit to urban development. No such barrier exists to the east. Thus, low-density uses are especially important as a transition from Olney Town east to Sandy Spring/Ashton...The satellite concept consists of an urbanized area surrounded by open space. Although existing and proposed residential development in the sewer envelope west of Georgia Avenue has weakened the buffer concept somewhat, the potential still exists for a strong transition from urban landscape to rural countryside east of Georgia Avenue. Low density development will create the needed visual and physical break.” It recommended large lot residential development east of Georgia Avenue for the Southeast Quadrant (Analysis Area 4 in the 1980 Plan) “to create a low density buffer around Olney Town Center.”

The 1980 Plan gave the property owners the option to develop on community water and septic in the RE-2 Zone, or rezone to five-acre densities (RC or LDRC) on community water and sewer. Some properties have utilized the sewer/cluster option and the area today is a mix of RE-2, RC and LDRC Zones. Over the past 20 years, it has become less agricultural and the few remaining large properties are being planned for residential development.

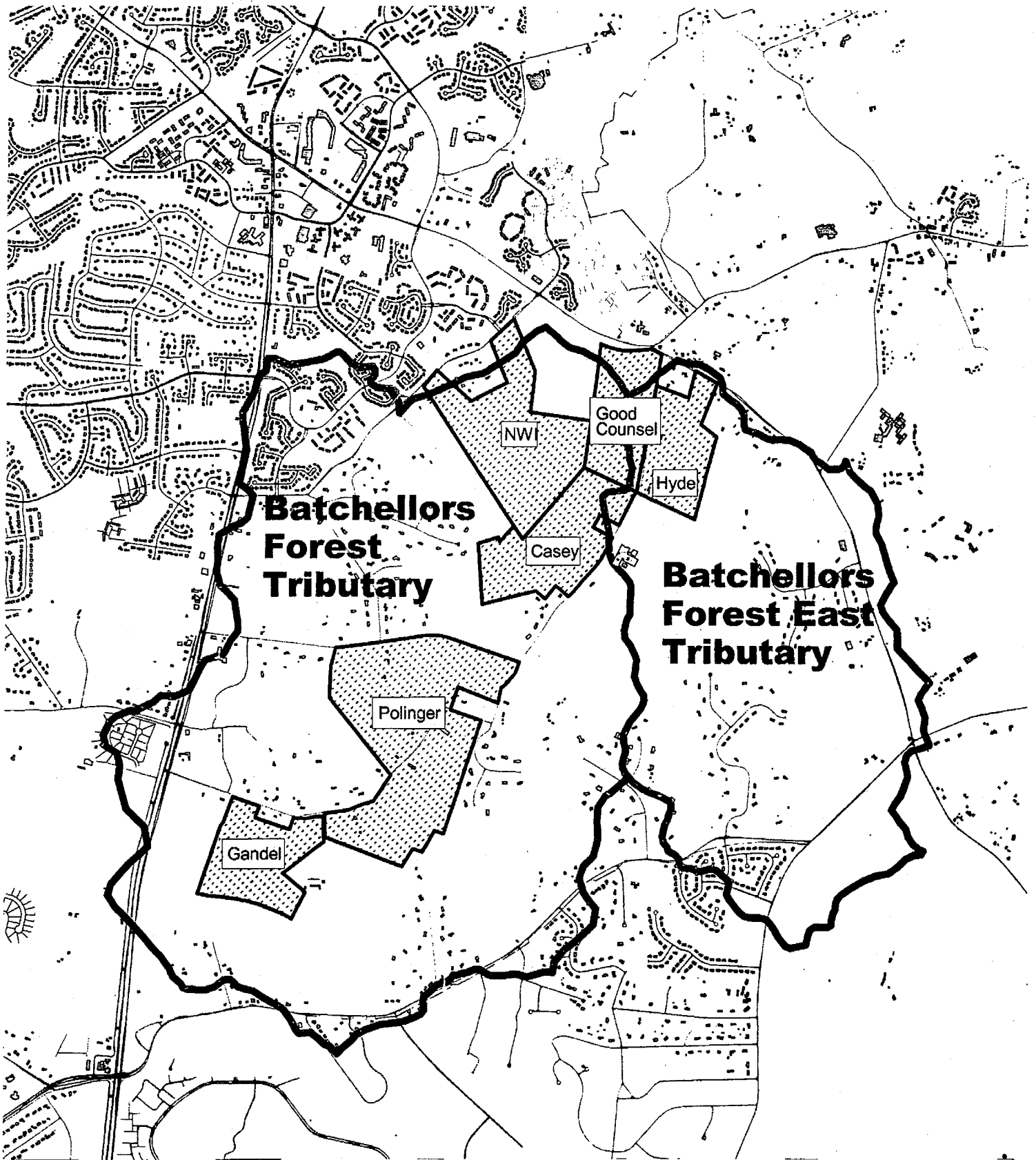
SECTION 3: PROPOSED CONCEPT FOR SOUTHEAST QUADRANT

The proposed land use concept for the Southeast Quadrant is based on the following four elements:

- 1) Protection of open space and the sensitive environmental resources including the headwaters of the Northwest Branch;**
- 2) Protection of the low-density rural character of the area;**
- 3) Improve the jobs/housing balance in the planning area;**
- 4) Reinforce the current diversity of housing types in Olney.**

1. Protection of Open Space and Environmental Resources

The Southeast Quadrant contains significant environmental resources including the headwaters of the Northwest Branch. The area currently does not have any stream valley parkland and a very small portion of the stream valley is protected though



**Batchellors
Forest
Tributary**

**Batchellors
Forest East
Tributary**

NWI

Good
Counsel

Hyde

Casey

Polinger

Gandel

conservation easements. Larger areas are protected by homeowners associations and by the conversion of the Red Door Store property to parkland.

The proposed plan for the SEQ refines the planning concept contained in the 1980 Plan by continuing to protect the headwaters of the Northwest Branch. It prohibits new sewer mains in the stream valleys and recommends that existing sewer lines be used, where feasible through gravity, to cluster development and save large areas of forest along streams and headwaters. New sewer lines should not be extended along tributaries in the western portion of the Batchellors Forest tributary above the Intercounty Connector (ICC) right-of-way because environmental benefits would not outweigh the potential impacts to the streams. And it recommends densities that are considered appropriate to keep overall imperviousness in the watershed at acceptable levels.

The most important feature of any land use scenario in the Southeast Quadrant is the preservation of existing forest and wetlands, which, combined with the restoration of degraded wetlands, stream buffers and upland forest, will help preserve a continuous green infrastructure. Clustering development away from environmental resources and the maintenance of these resources in common ownership with conservation easements is essential to maintain a green infrastructure, regardless of density. Environmental restoration is particularly important on the Polinger and the Red Door Store properties. The latter was recently added to the park system, and restoration planning is underway.

2. Protection of Low-Density Rural Character of the Area

The term low-density character in the SEQ refers to a visual quality and appearance that comes from a combination of low-densities, houses on generally large lots, rolling topography, large undeveloped properties that contain forested areas and farm fields, and a narrow two-lane road with constrained right-of-way, sharp turns, heavy tree cover in some areas, and views of open fields and forested edges. Despite the decrease in farming and agricultural uses in the recent past, the SEQ area still has some large tracts of land (Casey, Hyde) being used to raise crops, which gives a rural and pastoral feel to the area, especially as one travels along Batchellors Forest Road.

The rural or rustic character of the SEQ is especially evident along Batchellors Forest Road, which is the only through road in the area. In 1996, it was designated as an Interim Rustic Road by the Rustic Roads Functional Master Plan. Despite some gaps along its entire length, this road has attributes to qualify it as a Rustic Road. Extension of Emory Lane and connection to Barn Ridge Drive proposed in the 1980 Master Plan as an east-west connection through this area were never implemented and are no longer considered appropriate due the potential adverse environmental and community impacts.

The proposed concept for the SEQ is based partly on the objective of protecting and enhancing the rural character of the SEQ. The Plan recommends designating Batchellors Forest Road as a rustic road and clustering all new development on larger properties and careful placement of these clusters away from stream valleys, forested areas and open fields to protect scenic vistas and views of rural landscape critical to

preserving the rural character of the area, especially along Batchellors Forest Road. These factors, however, are more design oriented and are recommended as design guidelines in the Public Hearing Draft to influence the subdivision and site plan stage of the approval process.

In addition to preserving critical viewsheds through clustering and the placement of these clusters in appropriate areas on a site, compatibility of new subdivisions with the existing pattern of development is important in protecting the rural character of the SEQ. Two significant measures of compatibility are the average and minimum lot sizes. Although not stated directly in the Public Hearing Draft, the proposed concept is based on the assumption that a minimum lot size of approximately 15,000 square feet is appropriate for future developments along Batchellors Forest Road. Whereas estimating the minimum lot size, and the number of units near that threshold, is not possible without formal site plans by developers, the average lot size can be estimated and is used in the analysis of the four options included in this report.

3. Improve Jobs/Housing Balance in the Planning Area

The proposed concept for the Southeast Quadrant is also guided by the need to improve the jobs/housing balance in the planning area. A balanced land use plan from a jobs/housing perspective implies that for every worker there is a housing unit available in the area. For the Washington Metropolitan region, a balanced job/housing ratio is considered to be 1.6, which means that there are 1.6 jobs for every household in the area.

Olney today has a jobs/housing ratio of 0.54. Achieving a significant improvement to this ratio would require a departure from the area's established land use pattern and the Master Plan's goal of continuing the concept of Olney as a satellite town in the residential wedge of the County. It would require creating a bigger and a different type of employment center in Olney than is implied in the satellite town concept; and it would require reducing the housing element in Olney. The Public Hearing Draft realizes that creating additional commercial land is not feasible since the area has an established, attractive land use pattern and doing so would severely disrupt this pattern. A major reduction in housing growth is also not feasible because there are few developable sites left in the planning area and there is a strong demand for housing in the County. The Draft Plan, therefore, relies on fine-tuning the existing land use pattern by increasing future job opportunities in the Town Center within the parameters of a satellite town concept, and not increasing the overall housing growth beyond the 1980 Master Plan level. Since the SEQ has more residential developable land than any other quadrant in Southern Olney, any increase in permitted densities from the 1980 Plan level would negatively impact the jobs/housing ratio in the planning area.

4. Reinforce the Diversity of Housing Types in Olney

Continuing the policy of creating a diverse mix of housing types and locations is a critical component of the proposed plan. Olney today (Census 2000) has approximately 12,000 housing units with another 1,500 in the pipeline (approved but not built). The remaining developable land, under existing zoning and the 1980 Master Plan, has the

potential to add another 900 units for a total buildout of approximately 14,400 units. The current development pattern has a diverse mix of housing types: as of June 2002, the single-family detached house is the predominant unit type at 72 percent of the entire housing stock, followed by townhouses at 23 percent and multi-family units at 5 percent. Most of this housing stock is located in Southern Olney and was developed over a long period of time in various zoning districts (RE-1, RE-2, RC, R-200, R-60, R-90, R-20, R-30, PD-7, PD-9, RT-8, RT-12.5) resulting in a variety of housing styles, lot sizes and site layouts.

The proposed concept for the SEQ assumes that in the central part of the quadrant along Batchellors Forest Road, the protection of environmental resources and the rural character of the area is a primary objective while the Golden Bear Triangle area of the quadrant is more suited to achieving the housing goals of the Master Plan. Only the few larger properties of more than 50 acres in the sewer envelope have the potential to generate any significant number of housing units if allowed higher densities. However, some of these properties are also the ones that have large rural vistas and environmental resources that need protection in any future development scenarios. On balance, the few additional housing units achieved from higher densities on these properties would not be worth the adverse environmental impacts caused by increased imperviousness, traffic and loss of visual quality of the area.

The Public Hearing Draft plan proposes to increase the permitted densities in the Golden Bear Triangle area of the SEQ. That area will be discussed in more detail during the housing worksession in the near future.

SECTION 4: ALTERNATIVE SCENARIOS

Staff has analyzed four different options for the SEQ for impacts of various densities relating to environment, traffic, character/compatibility, and jobs/housing balance. The three rezoning options assume the Golden Bear Triangle area to be RE-2/TDR-2 (R-200) as proposed in the Public Hearing Draft. All four options assume Good Counsel High School on the western portion of the Hyde property (Hyde west), master plan alignment of the ICC through the master plan area, parts of Georgia Avenue Busway, and the proposed MD 28 widening. All sewered options also assume transfer of 9 units from the Good Counsel site under the current RC Zone to Hyde East. The options are:

1. Existing zoning/1980 Master Plan option
2. Public Hearing Draft option
3. Property owners' requested densities option
4. Modified staff recommendation option

1. Existing Zoning/1980 Master Plan Option

This option is based on the current zoning of RE-2 and RC/LDRC zoning under the 1980 Master Plan. It is further divided into three scenarios since the properties in the SEQ have the option to either develop under RE-2 on septic or apply for LDRC at 0.2 units per acre on sewer. The first two scenarios, 1A and 1B, can be viewed as low- and

high-yield scenarios since it is not clear how many properties will develop on septic and how many will apply for sewer. Scenario 1C modifies the high-yield option (1B) to replace 19 units with Washington Christian Academy (WCA) on the Gandel property. In all scenarios of Option 1, NWI and Kimble properties are assumed to be at 0.2 units per acre since they are already zoned RC and LDRC, respectively.

Maximum housing yields are 157 units for 1A (RC at 0.2 per acre), 230 units for 1B (RE-2 at 0.33) and 211 units for 1C (RE-2 at 0.33 with WCA on Gandel). This means that if no zoning changes are recommended for the SEQ, the full build out of the area under current zoning will yield somewhere between 157 and 230 additional units on all vacant and redevelopable properties in the SEQ outside the Golden Bear Triangle area.

2. Public Hearing Draft Option

This option is based on the recommendations in the Public Hearing Draft for rezoning all vacant and redevelopable properties to RNC with a maximum density of 0.33 units per acre under the Optional Method of Development applicable to all properties of more than 10 acres, and 0.2 units per acre for others under the Standard Method of Development.

Option 2 assumes that 5 units from the 17.2-acre Casey I on the east side of Batchellors Forest Road will be transferred to the 75.4 acre Casey II on the west side of the road and that Casey I will be dedicated as parkland for active recreation. It assumes that 9 units will be transferred from the Good Counsel High School site under its current RC zoning to Hyde East (only Hyde East will be rezoned to RNC). It also assumes that the Gandel property will have up to 12 units on septic (no WCA assumed for this option).

This option yields a maximum of 213 units on all vacant and redevelopable properties in the SEQ outside the Golden Bear Triangle area.

3. Property Owners' Requested Densities Option

This option is based on the property owners' request to rezone the four large properties of more than 50 acres at 0.45 units per acre. The four properties are: Polinger, 176 acres; Hyde, 49.7 acres; Casey, 92.6 acres; and NWI, 104.6 acres. Although the developer of the Hyde property has requested 41 lots (0.82 units per acre), including the three existing homesteads on the property, staff has analyzed that property at 0.45 units per acre similar to other properties. The developer's proposal for the Hyde property is discussed in more detail in SECTION 6: RURAL OPEN SPACE IN THE RNC ZONE, of this report.

Option 3 assumes that if the larger properties are allowed 0.45 units per acre, the smaller properties in the sewer envelope would be given similar densities to be consistent across all sewer properties; they are assumed at 0.4 units per acre under RE-2C. Properties outside the sewer envelope are assumed to be at a maximum of 0.33 units per acre.

This option assumes that 7 units will be transferred for Casey I to Casey II and that Casey I will be dedicated to parkland for recreation purposes; 9 units will be transferred from Good Counsel High School to Hyde East and that the Gandel property will be developed with WCA.

This option yields a maximum of 291 units on all vacant and redevelopable properties in the SEQ outside the Golden Bear Triangle area.

4. Modified Staff Recommendation Option

This option addresses the concerns raised by owners of properties smaller than 10 acres in the SEQ that the Public Hearing Draft zoning recommendations treat their properties unfairly by not allowing them the option to achieve the higher density of 0.33 per acre since, unlike the larger properties, they would be limited to maximum of 0.2 units per acre under the RNC Zone's Standard Method of Development.

Staff proposes to address the equity issue by recommending that all properties outside the sewer envelope, and properties of less than 10 acres within the sewer envelope, remain in the RE-2 Zone. Properties outside the sewer envelope would depend upon the perc tests to determine the density achievable up to 0.5 units per acre. RE-2 properties in the sewer envelope would be given the option to connect to sewer if they choose to do so, and allowed a maximum density of 0.33 units per acre pursuant to design guidelines and open space requirements contained in the Master Plan. This option would allow consistent densities for all properties in the SEQ regardless of their size and whether they are within the sewer envelope.

Similar to the Public Hearing Draft option, this option assumes that 5 units from Casey I will be transferred to Casey II and that Casey I will be dedicated as parkland for active recreation. It assumes 9 units transferred from the Good Counsel High School site to Hyde East and that only Hyde East will be rezoned to RNC. However, unlike the Public Hearing Draft Option, this option assumes that the Gandel property will be rezoned to RC on septic and that the WCA will replace the maximum 12 units allowed under RC on this property as discussed in Section 6 of this report.

This option yields a maximum of 236 units on all vacant and redevelopable properties in the SEQ outside the Golden Bear Triangle area.

The following table is a summary of these four options:

Table 1: Summary of Development Options

Source	Option	Zoning for Redevelopable Properties	Estimated Maximum Yield	Gandel Property as:
Current zoning based on 1980 Master Plan	Option 1A	RC	157 units	12 units
	Option 1B	RE-2/RC	230 units	19 units
	Option 1C	RE-2/RC	211 units	WCA
Public Hearing Draft Plan Recommendations	Option 2	RNC	213 units	12 units
Property Owners' Requested Densities	Option 3	RNC	291 units	WCA
Modified Staff Recommendations	Option 4	RNC/RE-2/RC	236 units	WCA

SECTION 5: ANALYSES

Environmental Analysis

The goal of the Public Hearing Draft Plan is to keep the imperviousness in the Batchellors Forest Tributary below 11% and the Batchellors Forest East subwatershed below 8%. The Northwest Branch is a Use IV stream, and the Countywide Stream Protection Strategy Update (CSPS Update, 2003) indicates that these tributaries are currently in good to fair condition. The CSPS update indicates that, on average, streams degrade from good to fair at around 8%. While it would be ideal to keep both tributaries below 8%, Park and Planning models indicate that 11% hard surface imperviousness in the Batchellors Forest Tributary would likely keep the stream from degrading severely. Allowing imperviousness of 12% or higher would almost certainly result in decline from good to fair conditions.

Major Findings

- A goal of hard surface imperviousness¹ below 11% in the Batchellors Forest Tributary is highly desirable. Given that the Good Counsel High School is already approved, road improvements such as the ICC and the Georgia Avenue Busway are planned, and a greater intensity of development is proposed for the Golden Bear Triangle area, there is very little allowance for more imperviousness in the Southeast Quadrant, especially in the Batchellors Forest Tributary. The subwatershed imperviousness resulting from existing and committed development (including Good Counsel High School) in the Batchellors Forest Tributary is

¹ All estimates of imperviousness include only hard surface imperviousness including buildings, driveways, roads, sidewalks and parking lots. See the Environmental Analysis section for the rationale for this goal.

already almost 8%. Adding the road improvements proposed by the Master Plan (including the ICC), results in about 9% imperviousness. Upzoning the Golden Bear area from RE-2 to R-200 increases it to about 9.5% imperviousness. This leaves very little room for growth in imperviousness elsewhere in the quadrant if a goal of below 11% imperviousness for the subwatershed is to be met.

- With exception of the lowest projection for development under the Master Plan (Option 1A), Option 2 results in the lowest imperviousness. It brings the level in the Batchellors Forest Tributary to approximately 10.8%, with the modified staff recommendation (Option 4) projected to result in 11.4%. However, it is unlikely that 11.4% imperviousness will be reached in Option 4 because some property owners may retain their large lots or soil conditions may not allow the full estimated density of 0.33 units per acre on septic systems used in this analysis. Thus, Option 4 is considered reasonable by staff.
- Committed imperviousness in the Batchellors Forest East subwatershed is less than 6% due to the very low density of the existing development. Adding the proposed road improvements would bring the imperviousness to 6.5%. None of the options would increase the imperviousness to higher than 8%. However, the significant gaps in the forest within the stream buffer on existing developed properties could contribute to somewhat lower stream quality than might be expected at 8% imperviousness. Maintenance of the forest and wetlands on the Hyde property is critical to maintaining this stream. Reforestation of stream buffer on the Hyde and Red Door Store properties will further stabilize the stream in the future.
- The Gandel property is not recommended for sewer connection. The degree of clearing needed and the potential location of septic systems for residential development are unknown because perc tests are not available. The Washington Christian Academy proposal could retain a larger block of forest on the east and south sides of the site than a residential development on septic, which has a higher potential to cause forest fragmentation. On the other hand, a residential development under RC zoning would likely result in lower imperviousness, especially if the area suitable for septic systems occurs outside this forest block.

Imperviousness Analysis of Alternative Scenarios

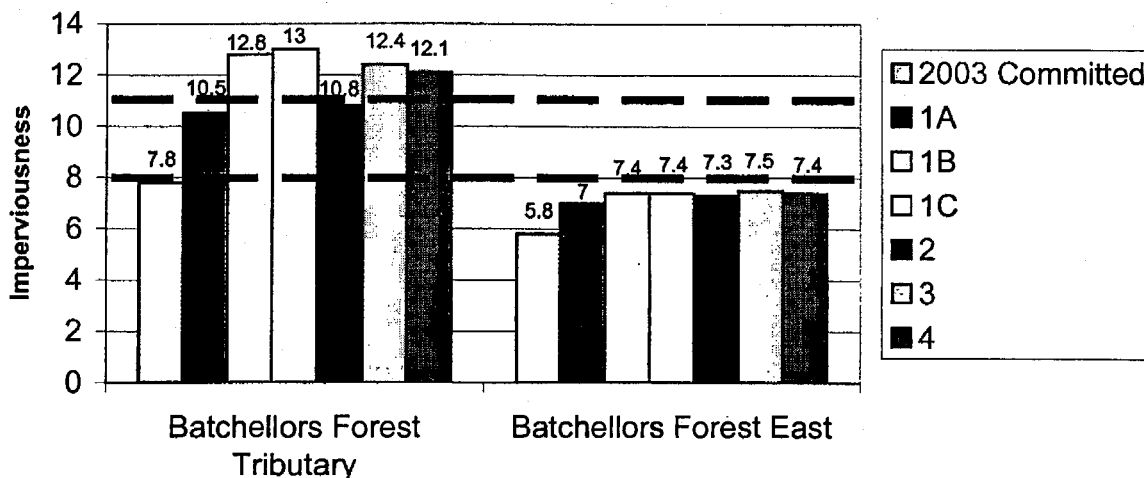
Table 1 and Exhibit 1 show the estimated imperviousness in the two subwatersheds for the four options discussed in this report. These estimates are based on hard surface imperviousness only, a departure from the methodology used in Upper Rock Creek and Potomac. The Countywide Stream Protection Strategy (1998), its 2003 update, and much of the literature uses hard surface imperviousness. To avoid confusion, staff has used this method.

Table 1: Estimated Imperviousness of Land Use Options*

	2003	Option 1			Option 2	Option 3	Option 4
		1A	1B	1C			
Batchellors Forest Tributary	7.8	10.5	12.8	13	10.8	12.4	11.4
Batchellors Forest East	5.8	7.0	7.4	7.4	7.3	7.5	7.4

*The 2003 column includes the Good Counsel High School. Estimates for each option include the road improvements recommended by the draft master plan, including the 6-lane ICC in the master plan alignment.

Figure 1. Hard Surface Imperviousness in the Batchellors Forest Subwatersheds



Option 3 (Property Owners' Option) increases the hard surface imperviousness in the Batchellors Forest Tributary subwatershed to over 12%. This has the potential to degrade water quality beyond what is desirable in the headwaters of a Use IV stream.

Although 1B and 1C also show higher than 12% imperviousness, they are the high-yield options with and without WCA. Option 1 should be viewed as somewhere between 10.5 (1A) and 12.8 (1B) since not all developable properties would achieve the higher maximum yield under current zoning.

For Option 4 (Modified Staff Recommendation), the increased imperviousness on the smaller properties without sewer would result in about 47 new acres of imperviousness if fully built out at projected densities resulting in subwatershed imperviousness of about 11.4%. However, this is considered a theoretical maximum because some properties of less than 10 acres may retain their large lots or soil conditions may not allow the full estimated density of 0.33 units per acre on septic systems assumed in this analysis.

The imperviousness of any of these options could be increased by proposals for private institutional facilities, special exceptions and, to a lesser degree, by expansion of existing homes. This possibility is another reason not to increase density beyond the Master Plan or the Modified Staff Recommendation (Option 4).

Staff also analyzed the effects of an imperviousness cap on the new development in the Batchellors Forest Tributary (BFT). To remain below 11%, less than 40 acres of additional imperviousness could be added in the subwatershed. A 10% hard surface cap on the 728 acres of developable property (in the BFT) would result in almost 73 additional acres of imperviousness resulting in about 13% in the BFT, while an 8% cap would give a little over 58 acres resulting in over 12% imperviousness in the subwatershed. The Public Hearing Draft recommendations, which do not involve an imperviousness cap, would result in about 35 acres of imperviousness resulting in less than 11% imperviousness in the BFT.

Staff does not recommend an imperviousness cap for developable properties in the SEQ since properties vary in their imperviousness for each option as demonstrated by Table 2 below. A single imperviousness cap would either result in higher than acceptable imperviousness for the subwatersheds or, if set too low, would severely impact the development potential of some of the properties.

Table 2: Imperviousness Calculations for Major Properties in SEQ

Property	Option #	Number of Units	Zoning	Imperviousness	
				Acres	%
Polinger 176 acres	1A	35	RC	7.2	4.1%
	1B & 1C	58	RE-2	17.6	10.0%
	2 & 4	58	RNC	9.3	5.3%
	3	79	RNC	12.6	7.2%
Hyde 49.7 acres	1A	18	RC	2.0	4.1%
	1B & 1C	16	RE-2	5.0	10.0%
	2 & 4	25	RNC	4.0	8.0%
	3	31	RNC	5.0	10.0%
Casey 75.4 acres	1A	18	RC	3.1	4.1%
	1B & 1C	30	RE-2	7.5	10.0%
	2 & 4	30	RNC	4.8	6.4%
	3	41	RNC	6.6	8.7%
NW Investments 104.6 acres	1A, 1B, 1C	20	RC	4.3	4.1%
	2 & 4	34	RNC	5.4	5.2%
	3	47	RNC	7.5	7.2%
Gandel 60 acres	1A	12	RC	2.5	4.1%
	1B	19	RE-2	6.0	10.0%
	1C, 2,3,4	0	RNC	9.0	15.0%

Transportation Analysis

Staff analyzed the traffic impacts of the four options (and three different scenarios for Option 1) for development properties in the Southeast Quadrant. While a formal proposal has not been submitted for the Gandel Property, options 1C, 3 and 4 in this analysis assumes an ultimate population of 1,100 students based on the public hearing testimony and meetings with the representatives of WCA. The transportation analysis considered three measures of effectiveness:

- Effect on the overall transportation balance in the Public Hearing Draft Plan.
- Effect on average daily traffic in the SEQ.
- Effect on the Draft Plan recommendation of Batchellors Forest Road as a rustic road.

The findings of the transportation analyses are:

1. From an overall land use and transportation balance perspective in the Olney Master Plan area, none of these options will have a significant effect on the area's transportation network.
2. Some of these options will result in higher traffic volumes on the local traffic network in the SEQ. This effect is especially significant for options with higher densities on properties along Batchellors Forest Road.
3. None of the all-residential development scenarios, even those that would result in measurable changes in traffic volumes, would affect the proposed rustic road classification of Batchellors Forest Road since the number of dwelling units relying on Batchellors Forest Road for access would remain below the threshold of 200 units and the average daily traffic (ADT) volume would be below the threshold of 3,000 ADT for a rustic road classification.
4. The potential development of the Gandel property as a private educational institute for 1,100 students, however, would cause the traffic volume on Batchellors Forest Road between the Gandel property and Georgia Avenue (MD 97), a segment approximately 1,500 feet in length, to exceed 3,000 ADT. From a traffic perspective, the WCA has a greater impact on potential changes to the roadway network than the various density options analyzed in this report.

Each of the three measures of effectiveness is discussed in the following paragraphs.

Effect on Overall Transportation Balance

As described on page 82 of the Public Hearing Draft of the Olney Master Plan, the year 2025 forecast Average Congestion Index (ACI) for the Olney Policy Area equals the current Annual Growth Policy (AGP) congestion standard of 0.55.

This analysis assumes the Public Hearing Draft Option (213 units) as the baseline option for comparison purposes. The highest yield option, Option 3, therefore, could add as many as 78 additional housing units (291-213) in the SEQ outside the Golden Bear Triangle area.

An additional 78 units, approximately one-half of one percent over the Public Hearing Draft Plan projection of approximately 14,800 housing units in the entire Olney Master Plan area at build-out, would have a negligible affect on the overall balance between transportation and land use in the Public Hearing Draft Plan. Staff expects the effect on average congestion levels from this additional development to be minimal for three reasons: 1) a substantial amount of congestion is due to through traffic, not traffic generated by Olney households; 2) the total number of current and potential new housing units in the SEQ is smaller than the other three quadrants of Olney; and 3) trips generated by residents in the southeast quadrant have a somewhat lower impact on the overall Olney roadway network by virtue of their location near the southern edge of the Plan area and the prevailing commuting patterns to and from locations to the south than do those generated by other Olney residents.

Effect on Average Daily Traffic

Table 2 presents Average Daily Traffic (ADT) volumes based on the vehicle trip generation estimates for a typical weekday under each of the alternative development scenarios analyzed. The average vehicle trip generation rates (from the 7th Edition of the *Institute of Transportation Engineers Trip Generation Manual*) are 9.57 trips per weekday for a single-family detached dwelling unit and 2.48 trips per student for a private school serving kindergarten through 12th grade.

Table 2: Weekday Vehicle Trip Generation Estimates

	Option 1 (current Zoning)			Option 2 (PH Draft) 213 units	Option 3 (Property Owners) 291 units	Option 4 (Modified PH Draft) 236 units
	1a 157units	1b 230 units	1c 211 units			
Resid'I ADT	1502	2201	2019	2038	2785	2259
WCA ADT	0	0	2728	0	2728	2728
TOTAL	1502	2201	4747	2038	5513	4987

The analysis was conducted for average daily trips rather than peak hour trips for two reasons. First, the examination of rustic road classification relies on an analysis of daily trips rather than peak hour trips. Second, since the afternoon peak trip generation period for schools is typically earlier than the peak trip generation period for homes; a comparison of the land uses is facilitated by examination of daily totals rather than peak hour totals.

The introduction of the WCA has the most significant effect on total trip generation rates. In Option 3, the 2,728 trips generated by the 1,100 students alone are nearly equivalent to the 2,785 trips generated by the 291 dwelling units. Staff notes that the trip generation characteristics attributed to the WCA reflect average rates from ITE, and

do not include specific operations plans or travel demand management strategies that the applicant may propose. As of December 24, 2003, staff does not have a specific proposal from the WCA to reflect in the analyses. The actual trip generation rate of the WCA will be a function of many factors, including staff and student transit options and the nature and frequency of special events at the school.

Effect on Batchellors Forest Road Rustic Classification

The Public Hearing Draft Plan recommends that the entire length of Batchellors Forest Road be classified as a rustic road for its entire length between Georgia Avenue (MD 97) and Doctor Bird Road (MD 108). From a transportation perspective, the recommendation is based primarily on two quantitative factors; the number of dwelling units that rely on the roadway for access, and the estimated travel demand on the roadway. Montgomery County Code states that a primary residential road is one that serves an existing or prospective residential development for 200 or more families.

As shown in Table 3, staff estimates that currently there are 45 residential units reliant on the portion of Batchellors Forest Road south of Farquhar Middle School. Staff estimates that under the zoning recommended in the Public Hearing Draft Plan (Option 2), the number of residential units relying on this portion of Batchellors Forest Road will increase to as many as 159, lower than the 200 unit threshold described in the County Code. Under Options 3 and 4, the residential unit yield increases to as many as 192 residential units, remaining below the 200-unit threshold. Staff therefore finds that none of the options would affect the recommendation to classify Batchellors Forest Road as a rustic road based upon the County Code description of a primary road classification.

Table 3 also presents estimated average daily traffic (ADT) volumes on different portions of Batchellors Forest Road. Section 49-78 (b) of the County Code states that a rustic road must be a low volume road with traffic volumes that do not detract significantly from the rustic character of the road. The 1996 Rustic Roads Functional Master Plan (RRFMP) suggests that roadways with an ADT volume less than 3,000 can be considered low-volume roads.

The range of weekday trips generated by the residential component of each scenario is directly proportional to the number of dwelling units in each scenario. Option 3, the property owners' proposal, for example, has 37% more dwelling units and therefore 37% more vehicle trips than Option 2, the Public Hearing Draft Plan option.

Staff estimates that the current ADT volume on Batchellors Forest Road ranges from 620 to 1,440 vehicles, with traffic volumes highest at each end of the road and lowest in the middle (exhibit 3). Under Option 2 (the Public Hearing Draft Plan), the estimated ADT volume on the southern segment of Batchellors Forest Road ranges between 1,440 and 2,630 vehicles. Options 1c, 3 and 4 include the Washington Christian Academy, and the westernmost segment of Batchellors Forest Road in these options reaches approximately 5,000 ADT.

Table 3. Effect of Development Options on Batchellors Forest Road Classification

Number of Dwelling Units Reliant on Rustic Road for Access						
Existing	Option 1a	Option 1b	Option 1c	Option 2	Option 3	Option 4
45	136	189	170	159	192	170

Note: County Code indicates that Primary Residential Street designation applies for neighborhoods with > 200 units

Estimated Average Daily Traffic Volumes on Batchellors Forest Road							
Location	Existing	Option 1a	Option 1b	Option 1c	Option 2	Option 3	Option 4
East of MD 97	1280	2440	2830	4990	2630	5180	5010
East of Gandel Property	770	1860	2200	2580	2050	2770	2600
At Batchellor's Run	630	1390	1530	1910	1480	2000	1930
South of Farquhar MS	620	1350	1490	1870	1440	1960	1890
South of MD 108	1440	450	470	510	470	540	520

Note: Rustic Roads Functional Master Plan suggests that roadways with ADT volumes > 3,000 are not suited for rustic road classification

The evaluation of the relationship between a private educational institute and a rustic road requires consideration of qualitative concerns in addition to quantitative traffic volume measures. In particular, additional information is needed to assess the amount of vehicular and pedestrian activity that might be generated by either special events or community access to the campus. If the Gandel property is developed with WCA for 1,100 students, the western limit of the rustic road classification of Batchellors Forest Road would need to be reevaluated. At this time, insufficient information exists regarding the nature and extent of the proposed WCA operations for staff to make a conclusive recommendation regarding the suitability of the rustic road classification between the Gandel property and Georgia Avenue.

Compatibility/Rural Character Analysis

The compatibility analysis of the four options focuses primarily on average lot size of the various development scenarios. Although another measure would be the minimum lot size and the number of lots near that threshold, such detailed analysis is not possible without actual development proposals for each site from developers. Staff has used the estimated average lot size and how close that number is to the 15,000 square foot minimum lot size in various scenarios to qualitatively assess the compatibility of each scenario.

The existing development pattern in the SEQ is predominantly of large lots on septic or sewer mostly based on the two-acre minimum lot size of the 1966 Master Plan and the subsequent RE-2 and RC zoning of the 1980 Plan.

Of the four options, Option 1 (between 157 to 230 units) would result in minimum lot sizes most compatible with the existing development pattern in the SEQ since the RC/LDRC zoning has a minimum lot size of 1.0 acre and the RE-2 Zone has a minimum lot size of two acres. However, due to these larger minimum lot sizes under current zoning, Option 1 would consume more land for housing lots leaving less for open space to protect the rural character of the area.

Since the open space to be protected is the same on all other options, leaving roughly the same amount of land to be divided into maximum permitted housing lots (assuming consistent estimated numbers for roads and stormwater management areas for all sewered option), any increase in the permitted densities tends to drive the average lot sizes lower, and therefore, less compatible with the existing pattern.

Table 3 is a comparison of the estimated average lot sizes of the four large, sewered properties under various options analyzed in this report.

Table 3: Comparison of Average Lot Sizes

Property	Option	Density/ Zoning	Max. Units	Rural Open Space Acres (%)	Average Lot Size SF
Polinger (176 acres)	1a	0.2/RC	35	105.6 (60%)	65,000
	1b & 1c	0.33/RE-2	58	0.0	100,000
	2&4	0.33/RNC	58	97.2 (65%)	39,000
	3	0.45/RNC	79	97.2 (65%)	28,800
Hyde (49.7 acres)	1a	0.2/RC	18	26.25 (60%)	50,000
	1b&1c	0.33/RE-2	16	0.0	100,000
	2&4	0.33/RNC	25	28.62 (65.4%)	20,400
	3	0.33/RNC	31	28.62 (65.4%)	16,200
Casey (75.4 acres)	1a	0.2/RC	18	45.24 (60%)	65,000
	1b&1c	0.33/RE-2	30	0.0	100,000
	2&4	0.33/RNC	30	53.36 (78.2%)	21,850
	3	0.45/RNC	41	53.36 (78.2%)	18,000
NWI (104.6 acres)	1a, 1b, 1c*	0.2/RC	20	62.67(60%)	65,000
	2&4	0.33/RNC	34	78.4 (83%)	19,500
	3	0.45/RNC	47	78.4 (83%)	14,500

* All three existing zoning scenarios for NWI are based on its current zoning of RC.

Jobs/Housing Balance Analysis

The Olney Master Plan area today (2000) has approximately 7,528 jobs and 13,500 housing units (built and approved). This yields a jobs/housing ratio of 0.55. Under the 1980 Master Plan, the Olney area has the potential to generate approximately 900 additional housing units (between 800 and 1,000 units depending upon the perc rates of some of the properties on septic systems) with a potential full build-out of approximately 14,400 housing units in the future. Jobs projections indicate that by 2025 there will be 7,838 jobs in Olney resulting in a jobs/housing ratio of 0.54. Although the Public Hearing Draft Plan adds more jobs in the Town Center and supports future job growth at the Montgomery General Hospital, it adds another 400 units to the Town Center to create a mixed-use urban center resulting in an estimated jobs/housing ratio of 0.53.

As Table 4 below indicates, the jobs to housing ratios will decline in all options. This is mainly due to the fact that there is no additional land left for commercial development; job growth will come primarily from higher intensity of uses through redevelopment and additions on the existing commercial properties. Future job/housing balance in Olney will be determined largely by the potential housing growth on the remaining developable residential properties.

Table 4: Jobs/Housing Balance Comparison

	Current (2000)	Option 1			Option 2	Option 3	Option 4
		1A	1B	1C			
Jobs	7,528	7,838	7,838	7,888*	7,838	7,888*	7,888*
Housing	13,500	14,364	14,437	14,418	14,820	14,898	14,843
Jobs/Housing Ratio	0.55	0.545	0.542	0.547	0.528	0.529	0.531

* 50 jobs assumed for WCA

The difference between Option 2 and 3 is due to the fact that Option 2 (Public Hearing Draft Option) does not include WCA on Gandel property. If WCA is assumed for Gandel in Option 2, the jobs/housing ratio increases to 0.532, better than all other rezoning options

SECTION 6: RURAL OPEN SPACE IN THE RNC ZONE

Representatives of the two properties, Hyde and Gandel, have requested that the definition of Rural Open Space in the RNC Zone be modified to allow ballfields and other active recreational uses in the Rural Open Space preserved under the Optional Method of Development of the RNC Zone. At the first worksession the Planning Board asked the staff to address this question.

Based on staff's recommendations for these two properties, a text change to the RNC Zone is not necessary. Staff's proposal to rezone the Gandel property to RC, instead of RNC as recommended in the Draft Plan, eliminates the issue of Rural Open Space on the Gandel property. On the Hyde property, the developer's proposal to rezone Good Counsel to RNC to achieve 41 lots still involves using part of the recreation facilities on the Good Counsel High School site for Rural Open Space on Hyde East. Staff does not support the density proposed by the developer. Instead, staff recommends a density of 0.33 units per acre on Hyde East and retaining the RC on the Good Counsel site, which makes any changes to the definition of the Rural Open Space unnecessary.

SECTION 7: SUMMARY OF PUBLIC TESTIMONY AND STAFF RESPONSE

The following table summarizes the specific recommendations in the Public Hearing Draft, public hearing testimony and comments on these recommendations or issues; and the proposed staff response to each.

#	Recommendation/Issue	Public Comment	Staff Response
1	Properties of more than 10 acres within the recommended community sewer service envelope should be allowed to develop at a maximum of 0.33 units per acre on community sewer. (p.22)	SEROCA, Others: 0.33 units per acre for the large sewerable properties is too high...will have adverse impacts on the environmental resources, low-density character, groundwater recharge, traffic on Batchellors Forest and Emory Church Roads, and the area schools.	The proposed density of 0.33 units per acre is generally consistent with the current average density of all developed properties in the SEQ. Cluster development at 0.33 units per acre pursuant to the provisions of the RNC Zone and Master Plan guidelines, would minimize the adverse environmental impacts of slightly higher densities on some of the larger properties under the 1980 Plan. <i>Retain draft recommendation of maximum 0.33 units per acre in the proposed sewer envelope for properties of more than 10 acres.</i>
2	All properties of more than five acres currently zoned RE-2 in the Southeast Quadrant should be rezoned to RNC. (p. 22) (#5 Pachulskja and Other Properties, p. 28) (#14 Danshes and other properties, p.35) (#16, Kimble and Graefe properties, p. 36) Properties of less than 10 acres in the RNC Zone would be limited to 0.2 units per acre, properties of larger than 10 acres would be allowed 0.33 units per acres.	SEROCA, Others: Unfair and inequitable...applies different densities to different parcels... increases the values of certain larger properties that have access to public sewer and devalues other smaller ones and those not on sewer.	Staff proposes to address the equity issue by proposing to retain the current RE-2 Zone for properties of less than 10 acres outside the sewer envelope. Properties smaller than acres within the sewer envelope should remain as RE-2 and allowed to connect to sewer with a maximum of 0.33 units per acre. Modify the Draft Plan recommendation for properties of less than ten acres, outside the sewer envelope to RE-2 on septic with a maximum of two units per acre. Note: Kimble and Graefe properties' park acquisition recommendation will be discussed during the worksession on Parks and Recreation issues.
3	Polinger Property: Rezone the Polinger property from RE-2 to RNC on community water and sewer with 0.33 units per acre. (Property #8, p. 22-23)	Bob Harris, Attorney; Dave Ager, Planning Consultant: Maximum permitted density on this property	The proposed rezoning of the property from RE-2 on septic to RNC on sewer with maximum 0.33 units per acre is consistent with the overall land use and zoning concept for SEQ. It is slightly higher than what the property would be allowed under the 1980

	29, 30)	should be 0.45 units per acre, similar to the Sandy Spring/Ashton Master Plan since this area is closer to the Aspen Hill area and has fewer sensitive environmental resources than the Upper Rock Creek Master Plan area. Also, 0.45 units per acre would provide economic justification for converting the existing golf course into a housing development.	would be allowed under the 1980 Plan. Any additional density would be detrimental to the low-density character of SEQ and the environmental resources on the site. Retain the Draft Plan recommendations for the Polinger property.
4	<p>Hyde Property:</p> <p>1. Retain the current RC Zone on community water and sewer with 0.2 units per acre for the western portion of the Hyde property.</p> <p>2. Rezone the eastern portion of the Hyde property to RNC on community water and sewer, if feasible, with 0.33 units per acre. (p.27)</p>	<p>Steve Kaufman, Attorney:</p> <p>1. Western portion of the property be identified on the Master Plan maps as the future home of the Good Counsel High School.</p> <p>2. Entire Hyde property (107 acres on both side of Batchellors Forest Road) should be rezoned to the RNC Zone with the actual density to be determined at the subdivision stage.</p> <p>3. Modify the RNC Zone definition of "Rural Open Space" to include recreational areas such as ballfields.</p>	<p>1. Master Plan maps and zoning maps generally do not show the proposed project because if the project is discontinued, the maps would be incorrect for the next 20 years. The text of the Master Plan does refer to the proposed Good Counsel High School on the western part of the Hyde property.</p> <p>2. The western portion of the property has been approved by the Planning Board for the development of Good Counsel High School (GCHS) under the current RC Zone. Staff believes that no change is necessary or needed for that portion of the Hyde property.</p> <p>The proposed rezoning of the eastern portion of the property from RE-2 on septic to RNC on sewer is consistent with the overall land use and zoning concept for SEQ. Any additional density would be detrimental to the low-density character and environmental resources on the site.</p> <p>3. See Section 6: Rural Open Space in the RNC Zone, in this report.</p> <p>Retain the Draft Plan</p>

			recommendations for the Hyde property.
5	<p>Northwest Investment Property: Rezone the Northwest Investment (NWI) property from the existing RC to the RNC Zone on community water and sewer with maximum 0.33 units per acre. (p. 33)</p>	<p>Jody Kline, Attorney: The property should have higher density than the proposed 0.33 units per acre because: although it is zoned RC it should be considered as RE-2 since it was never developed as RC, so the previous downzoning from RE-2 to RC never occurred; and You can see townhouses across the street from this property. This site is in a transition area and should be zoned RE-2.</p>	<p>The proposed rezoning of the property to RNC on sewer with 0.33 units per acre is higher than what the property is currently allowed under the RC zone. The site contains the headwaters of the Northwest Branch. Any additional density would be detrimental to the environmental resources on the site and the low-density character of SEQ. Retain the draft recommendations for the NWI property.</p>
6	<p>Gandel Property: Rezone Bruzee, Gandel, Lyons and Kupersmidt properties from RE-2 to RNC on community water and septic with 0.2 units per acre. Protect the existing forest and stream buffers through conservation easements on individual lots. (p.29, 30)</p>	<p>Steve Robins, Attorney for Washington Christian Academy: 1. The Master Plan should specifically recommend that the Gandel property be serviced by public sewer via WSSC grinder pump service to the west. 2. Remove statement in the Master Plan that the preferred option for the property is preservation in its entirety, if possible. 3. Play fields should count towards the open space requirements of the RNC Zone. 4. Master Plan should have language that acknowledges that an appropriate use of the property would be to house a private school.</p>	<p>1. The potential sewer service via grinder pump should be decided by the WSSC and the Council at the time of the subdivision and development of the property. Master Plan should not make project-specific recommendations for grinder pumps. Extending gravity sewer to this property through stream valleys is not recommended. 2. Staff still believes that the preferred option for the Gandel property is preservation in its entirety. Staff recommends preserving a major portion of the property in forest. If possible, preserve the entire property through transfer of density or purchase as off-set for other projects. 3. Rezoning the property from RE-2 to RC instead of RNC as recommended in the Draft Plan, would eliminate the issue of Rural Open Space requirement for this property. 4. Master plans have a 20-year horizon and therefore should not</p>

			<p>make project-specific recommendations for any site.</p> <p>1. Modify the Draft Plan recommendation to rezone the property to RC on septic with a maximum of 0.2 units per acre.</p> <p>2. Recommend property for housing on septic or an institutional use with low imperviousness.</p>
7	<p>Kupersmidt Property: 1.Rezone Bruzee, Gandel, Lyons and Kupersmidt properties from RE-2 to RNC on community water and septic with 0.2 units per acre. Protect the existing forest and stream buffers through conservation easements on individual lots. (p. 29, 30)</p>	<p>Ken Lyons for Kupersmidt: Kupersmidt property should be sewerred.</p>	<p>Providing sewer service to the Kupersmidt property would be contrary to the Master Plan's policy of no new sewer mains in the stream valleys. Kupersmidt is not serviceable from existing sewer lines and therefore should not be included in the sewer envelope.</p> <p>Retain the Draft Plan recommendations for the Kupersmidt property.</p>
8	<p>Rezone all existing LDRC properties to RNC on community water and sewer with 0.2 units per acre. Delete the current LDRC Zone from the Zoning Ordinance. (p. 24, Public Hearing Draft)</p>	<p>SEROCA: This recommendation is unnecessary. Only one property left to be developed under LDRC and should retain the LDRC zoning for potential future development</p>	<p>LDRC exists only in the Southeast Quadrant of Olney. Plan recommendation would delete this zone without impacting the land use on any of the subject properties. The undeveloped property in question--The Kimble Property--is recommended for Park acquisition. Retain Draft Plan recommendation to rezone all LDRC properties to RNC with a maximum of 0.2 units per acre.</p>
9	<p>Environmental concerns in the Southeast Quadrant.</p>	<p>Delores Milmoie for Audubon Naturalist Society, Ann Wiley, others:</p> <p>1. Ground Water Recharge.</p> <p>2. Ten percent imperviousness limitation.</p>	<p>1. With the exception of the Hyde property, the ground water recharge protection areas shown on the map submitted with Delores Milmoie's testimony are either already developed or not recommended for sewer service in the draft plan.</p> <p>2. The recommended zoning would result in residential development with generally less than 9 percent</p>

			imperviousness, making the proposed ten percent limit unnecessary. Total imperviousness in the Batchellors Forest Tributary will increase from approximately 9.5 percent to 11.5 percent under the existing zoning or the proposed RNC Zone at the recommended densities.
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SECTION 8: OPTION 4

Modified Staff Recommendation (0.33 for all, except Gandel w/WCA on RC)
Draft December 31, 2003

A	B	C	D	E	F	G	H	I	J
#	Property	Acreage		Max Yield	Comments				
Sewered properties >10 acres RNC at 0.33									
1	Caseyl	17.2		0	Recommended for park acquisition				
2	Casey II	75.40		29	5 units transferred from Casey I				
3	Hyde	49.70		25	9 units from GCHS site under current RC				
4	NWI	104.60		34					
5	Pachulskja	10.20		3					
6	Polinger	176.00		58					
7	Sub-Total	433.10		149					
8 Sewered properties <10 acres RE-2 sewered at 0.33									
9	Applegate	6.63		2					
10	Brownley	9.67		3					
11	Campbell	7.50		2					
12	Koenig	7.20		2					
13	Kozorski	6.98		2					
14	Little	6.89		2					
15	Mckeever	5.60		1					
16	Miller	7.25		2					
17	Weidner	7.20		2					
18	Sub-Total	64.92		18					
19 Other Properties on septic RE-2 at 0.33 (except Gandel w/WCA on RC)									
20	Barnes	8.00		2					
21	Bowns	6.00		1					
22	Bruzee	24.00		7					
23	Cronin	16.00		5					
24	Danshes	38.60		12					
25	Dodge	26.14		8					
26	Doherty	15.00		4					
27	Flannery	5.70		1					
28	Gandel	60.00		WCA	WCA to replace 12 units under RC				
29	Graefe	10.36		3	Recommended for park acquisition				
30	Hanks	10.70		3					
31	Johnson	6.17		2					
32	Kimble	16.48		5	Recommended for park acquisition				
33	Kuperschmid	45.11		14					
34	Lyons	8.94		2					
35	Sub Total	297.20		69					
36	Total SEQ	795.22		236					

Note: Option 4 assumes GCHS on Hyde west, master plan alignment of ICC, parts of Georgia Avenue Busway, and MD 28 widening

D:\Olney\SEQ Option 4 Modified Staff Recommendation

Attachment Q

PHED COMMITTEE #2
November 22, 2004

MEMORANDUM

November 18, 2004

TO: Planning, Housing, and Economic Development (PHED) Committee
FROM: Glenn Orlin, ^{GO} Deputy Council Staff Director
SUBJECT: Olney Master Plan—follow-up on transportation elements

Note: Committee members should bring their copies of the Draft Plan to the worksession.

The Committee deferred making a recommendation on the following issues from its September 30 worksession:

Bowie Mill Road. The Norbeck Meadows Citizens Association (NMCA) testified in favor of down-classifying Bowie Mill Road from an arterial to a primary residential street, noting that the road is narrow and has many driveways, and that many houses are set close to the road.

Council staff recommendation: Retain the arterial classification for Bowie Mill Road. This is one of the few places where a road crosses the North Branch of Rock Creek, and so the only direct connection from northwest Olney to Muncaster Mill Road. The deletion of the planned Cherry Valley Drive connection magnifies the importance of maintaining this road's classification.

Cashell Road (p. 90). Cashell Road is currently master-planned as a 2-lane arterial between Bowie Mill Road and Emory Lane (both arterials themselves) on the west side of Olney. The Draft Plan calls for the portion that is part of the Olney Ring Road arterial—from Bowie Mill Road to Hines Road—to remain as an arterial, but it recommends the southern segment from Hines Road to Emory Lane to be down-classified to a primary residential street. The Draft Plan is clear on the motivation for this change: "Civic groups along the southern portion of Cashell Road are interested in pursuing traffic calming devices appropriate for primary residential roadways and have sought reclassification of Cashell Road as a primary residential street." In other words, they want speed humps.

The Executive opposes the down-classification for several reasons:

- *Cashell Road functions as an arterial in that it connects two arterials.* But primary residential streets also typically connect two arterials.
- *It is already carrying traffic typical of an arterial.* This is true, especially in the southern portion recommended to be down-classified. Planning staff estimates current ADT to be 7,400 north of Hines Road and 10,600 north of Emory Lane. The forecasted ADT for 2025 for these segments are 9,900 and 13,500, respectively. While there is not a direct correlation between traffic volume and classification, the amount of traffic suggests the significance of this road as a through route.
- *Cashell Road will carry more traffic than if Cherry Valley Drive were extended across the North Branch of Rock Creek to Muncaster Mill Road. The Plan should include text describing the impact the deletion of the extension will have on Cashell Road.* (This extension was deleted in the Upper Rock Creek Master Plan update, and all parties agree to take it off the Olney Plan as well.) Planning staff concurs with this finding for the northern portion, but its analysis shows that the volume on the southern portion would remain largely unchanged.
- *Cashell Road is the only north-south road connecting MD 115 and MD 97 (via Emory Lane).* But the Cashell Road/Hines Road route—which the Draft Plan would retain as an arterial route—makes a similar connection.
- *The bikeway recommendations on p. 108 recommends Cashell Road as being a ‘shared road’ (having an on-road bikeway), but that would require more right-of-way than currently exists.* On-road bikeways are common on primary residential streets, however, and Planning staff does not expect the loss of 10’ of right-of-way (from 80’ to 70’) to be a major deterrent.
- *Cashell ES and the Olney Indoor Swim Center are accessible from this road.* But elementary schools are better sited within a neighborhood on a primary residential street. Even with speed humps on the lower portion of Cashell Road, this would not be a major deterrent to residents driving to the swim center.

NMCA, on the other hand, believes that all of Cashell Road should be down-classified to a primary residential street. However, that would further weaken the Olney Ring Road concept that has tried to steer much of the inter-neighborhood traffic away from the Georgia Avenue/MD 108 intersection, which was cited by many in the public hearing as over congested and unsafe for pedestrians.

Council staff recommendation: Concur with the Executive to retain Cashell Road as an arterial throughout. This is admittedly a close call, but Council staff is concerned about the loss of effective capacity should Cashell Road, with its significant existing and future traffic volume, become a street with speed humps. In the last few years too many roads that truly function as arterials have been re-classified to primary residential streets in order to receive traffic calming treatments. The price is more congestion. In this case, the effect would be slower traffic on Cashell Road—a good thing—but more traffic on Hines Road and through the Georgia Avenue/MD 108 intersection in the Town Center.

Heritage Hills Drive and Queen Elizabeth Drive (p. 90). The 1968 Plan included two arterials in Olney's northwest quadrant: Queen Elizabeth Drive from MD 108 near its intersection with Bowie Mill Road to Georgia Avenue across from Prince Philip Drive; and Heritage Hills Drive from MD 108 to a then-planned high school site west of Georgia Avenue. The 1980 Plan down-classified Queen Elizabeth Drive to a primary residential street, but retained Heritage Hills Drive as an arterial, extending it to connect to Georgia Avenue. The current Draft Plan calls for down-classifying Heritage Hills Drive to a primary residential street, leaving no portion of the Olney Ring Road arterial in the northwest quadrant.

The Executive recommends retaining Heritage Hills Drive as an arterial because it connects two arterials and because it helps alleviate traffic in the Town Center.

According to the Planning staff's March 12 report to the Board, several members of the Tanterra community worked constructively to develop consensus among the Tanterra, Brookville Knolls and Olney Manor communities to switch the arterial designation from Heritage Hills Drive to Queen Elizabeth Drive. However, lack of an established civic association and designated contacts in Olney Manor prevented both Planning staff and the Tanterra community from getting input from the Olney Manor community.

Some of the characteristics of these two roads are nearly identical:

- They both connect between Georgia Avenue and MD 108.
- They both maintain an arterial-standard right-of-way width of 80'.
- They are both 2-lane roads with grass shoulders, without sidewalks, and generally built to primary residential street standards.
- They carry similar traffic loads, each in the 3,000-4,000 ADT range.

The two differ, however, in the following ways:

- Queen Elizabeth Drive carries about twice as much through traffic as Heritage Hills Drive.
- Queen Elizabeth Drive has traffic signals at both Georgia Avenue and MD 108, while Heritage Hills Drive does not have a signal at either of its intersections with these highways.
- Queen Elizabeth Drive aligns to the Olney Ring Road arterial in the northeast quadrant (Prince Philip Drive) directly across Georgia Avenue, and it is only a one-block jog from the continuation of the Ring Road in the southwest quadrant (Bowie Mill Road). The Heritage Hills Drive intersections are more than a half-mile from these points.
- Queen Elizabeth Drive does not pass near a school, while Heritage Hills Drive passes within a block of Greenwood ES.

In the Staff Draft Plan, the Planning staff noted the importance of having an arterial connection in this quadrant, but recommended that Heritage Hills Drive be retained as that connection because it passed near the elementary school. It was also concerned about making a change in classification to Queen Elizabeth Drive because of the inability to solicit input from Olney Manor. The Board, however, recommends that both roads be primary residential streets,

and that the Department of Public Works and Transportation conduct a traffic operations and safety study on both roads.

Council staff recommendation: Between Georgia Avenue and MD 108, classify Queen Elizabeth Drive as a 2-lane arterial within its current 80' right-of-way. Concur with the Planning Board that Heritage Hills Drive be down-classified to a primary residential street. The comparisons point to Queen Elizabeth Drive as the logical arterial connection through the northwest quadrant for the Olney Ring Road: it is exactly or nearly aligned with the rest of the Ring Road, its access points are controlled by signals, and a higher proportion of the traffic is through traffic than on Heritage Hills Drive. In Council staff's view, the fact that Greenwood ES is near Heritage Hills Drive is more of a reason for it to be the primary residential street rather than an arterial.

Bikeways. The Executive Branch recommends a set of further bikeway recommendations not contained in the Draft Plan. Council staff has had further discussion with DPWT and M-NCPPC staffs about these points; each are addressed separately below:

- *Executive Branch comment:* Provide shared use connections on parcels to be developed that front on Batchellor's Forest Road. Because this road is a rustic road, children need internal connections to safely reach the middle school [Farquhar MS]. Council staff concurs with the Executive Branch's concern and proposes amending Recommendation #6 regarding Olney's Southeast Quadrant (see p. 23) to read:

6. [Integrate] Connect properties in the quadrant with bikeways, walkways and park trails to enhance pedestrian and bicycle access to parks, schools, and other facilities [for pedestrians and cyclists].

- *Executive Branch comment:* Upgrade Emory Church Road to a primary roadway with a shared use path. This road connects to Georgia Avenue and will carry the bulk of the traffic in the area. At its September 30 worksession, the PHED Committee concurred with the Draft Plan, unless the Council approves further development that this road would serve that would merit its upgrade to a primary residential street.
- *Executive Branch comment:* Provide a path on Layhill and Ednor Roads on the park [north] side to connect MD 28 to Northwest Branch Stream Valley Park proposed trail. Council staff does not agree. There is already a planned shared-use trail on the south side of Layhill Road between MD 28 and Norwood Road (SP-31) and it continues on the south side of Ednor Road between Norwood Road and New Hampshire Avenue (SP-40 in the Sandy Spring/Ashton Master Plan). This south-side trail would cross the proposed Northwest Branch Stream Valley Park trail. A second trail would be duplicative, expensive, add unnecessary impervious surface, and would be difficult to wedge into Ednor Road's constrained right-of-way.
- *Executive Branch comment:* Provide a path in North Branch Stream Valley Park south of the Intercounty Connector to MD 115 and on the north side of MD 115, in addition to

the path on Emory Lane. Council staff does not agree. The Final Draft notes that the area in North Branch Park south of the ICC is a sensitive biodiversity area. The Emory Lane bike path—partially built and partially planned—can connect to MD 115 albeit less directly.

- *Executive Branch comment: Provide a path in the proposed park and from North Branch Stream Valley Park to Cashell Road. No change to the Final Draft is necessary.* The Final Draft already includes a proposed shared use path, SP-33, to make this connection.
- *Executive Branch comment: Provide a path from the proposed path north of the former Oaks Landfill to Zion Road. Council staff does not agree.* The Blue Mash natural-surface trail around the edge of the former landfill makes this connection, but the Parks Department does not recommend paving it. There is access to this park for bikers at MD 108.
- *Executive Branch comment: Provide a path from Georgia Avenue to Hawlings River Stream Valley Park. Council staff does not agree.* There are no hard-surface trails within the park to which such a trail would connect. Bikers can already reach the edge of the park via Georgia Avenue or Brighton Dam Road.
- *Executive Branch comment: Provide a sidewalk along Cashell Road since there will be land uses needing pedestrian access. No change in the Final Draft is necessary.* The Final Plan does not make recommendations about specific sidewalks. The inference is that sidewalks should be built along all streets and roads. Noting the need for them here would beg the question of whether they are needed along other streets that are not specifically mentioned.
- *Executive Branch comments: Address the need for safe pedestrian access on parcels being rezoned from cluster to non-cluster zoning. Provide pedestrian and bikeway connections between the commercial areas, including the Town Center. Provide a network of shared use paths in large developable parcels. No change in the Final Draft is necessary.* These notions are already infused in the plan and in the subdivision review process.

Transit center or park-and-ride facility? Under the Final Draft the main transit component of the plan would continue to be the Georgia Avenue Busway, which would run in the MD 97 right-of-way from Glenmont to Olney. There is an issue about the supportive facilities for the busway, however.

The Final Draft suggests park-and-ride possibilities: a park-and-ride lot at Longwood Recreation Center and improved access to the Norbeck Road park-and-ride lot. The Final Draft also notes that WMATA's Regional Bus Study identified the campus of Montgomery General Hospital as a logical site for a park-and-ride lot (pp. 99-100).

There is no mention of a transit center, which is somewhat more substantial than a park-and-ride lot. For example, a transit center would have two or more bus bays, depending upon the

number and frequency of bus routes serving the area. Planning staff do not believe that the level of present and future development in Olney warrants a transit center; that bus routes may begin in Olney but that there is little need to transfer between routes. On the other hand, the Department of Public Works and Transportation has requested and the Council has programmed \$240,000 to develop plans for an Olney Transit Center, although it is a lower priority; the study is scheduled for FYs09-10.

The plan should state whether or not there should be a transit center in Olney ultimately and, if so, to identify some potential sites. DPWT and Planning staffs have been requested to present their respective perspectives on this issue. Council staff has no opinion at this time, except that if the Council were to include a transit center in the plan, then the eventual redevelopment of the shopping center in Olney's northeast quadrant would be one potential site for it.

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Citizens Outreach, Trotters Glen

2012

Pre-Preliminary Plan

Jan. 12 - Community Meeting (SEROCA, Applicant)
Feb. 14 - Community Meeting (GOCA, Applicant)
Feb. 28 - Rustic Roads Advisory Committee Meeting (Applicant)
April 9 - DRC Meeting (MNCPPC, Applicant)
April 19 - Meeting at MNCPPC (public hearing room, Applicant)
May 16 – SEROCA Meeting (Staff Q&A at 16320 Batchellors Forest Rd, MNCPPC)
June 20 - SEROCA meeting (informal executive committee meeting at 16510 Batchellors Forest Rd, Applicant)
Aug. 15 - Residents Landscaping Sub-committee Meeting (Applicant)
August 29 - Residents Community Meeting (16740 Batchellors Forest Rd, MNCPPC, Applicant)
September 27 - Planning Board Hearing

Preliminary/Site Plan

June 29 – Community Meeting for Preliminary Plan
November 6 - Community Meeting for Site Plan
November 26 - Preliminary Plan DRC

2013

Preliminary/Site Plan

January 22 – Meeting with select residents living on BF Road (MNCPPC)
January 29 - Rustic Road Committee meeting (Applicant)
February 4 - Site Plan DRC (MNCPPC, Applicant)
February 12 – Preliminary & Site Plan at GOCA (Applicant)
February 20 - SEROCA meeting (Site Plan presentation, Applicant)
February 27 - Site meeting with DOT, DPS, MNCPPC, Applicant, Engineer
April 23 – Meeting with Rustic Roads Committee about revised fence and entrance feature locations. (Applicant)
April 24 – Meeting with select residents living on BF Road (MNCPPC)
June 19 – Meeting with select residents living on BF Road (MNCPPC)

Attachment S

Berbert, Benjamin

From: Ann G. Wylie <awylie@umd.edu>
Sent: Friday, February 01, 2013 2:11 PM
To: Carter, John; Berbert, Benjamin; Weaver, Richard
Cc: 'John Wylie (jvwylie@gmail.com)'; jFother987@aol.com; Pease-Fye, Meg
Subject: access to Emory Church Road for development at Trotters Glen

Dear Members of the Planning Board staff;

I am writing to request that the Trotters Glen project on Batchellors Forest Road include access to Emory Church Road, and that the developer be asked to improve that portion of Emory Church Road that serves the entrance. It is simply unacceptable that when needed there are not several means of access to Georgia Avenue for all of these people moving into Trotters Glen. I understand and support that this access not be the primary access to the new development, and that there be traffic mitigation to discourage cut through traffic for those coming north on Georgia looking for access to 108 or other points east. It would also be helpful in your planning that you use this opportunity to consider discouraging people from coming south on Batchellors Forest Road to access the ICC by placing stop signs on Batchellors forest Road at the entrance to Trotter Glenn development wherever reasonable. This would help both the residents of Batchellors forest road and Trotters Glen.

It is simply unreasonable to ask Batchellors forest road residents to absorb the entire impact of development when the Trotters Glen development fronts on another road, and one on which a stop light at Georgia Avenue has been planned! Even without a stop light, access to Emory Church makes sense.

I have been a resident of this area for more than 37 years, as have many of my neighbors. We value our way of life and in fact have been deprived of the right to develop our land at higher density in order to preserve the rural character of this area as an asset for the entire Olney community. To ask us to simply serve as a pretty place for hundreds of cars to drive through when some of this burden can be mitigated, thereby protecting the rural character of our road, with little real impact to others, is unfair.

I appreciate your consideration.

Ann G. Wylie
16244 Batchellors Forest Road
Olney, MD

Berbert, Benjamin

From: B. S. Brownley, Ed. D. <brownley@tidalwave.net>
Sent: Friday, February 01, 2013 3:10 PM
To: Berbert, Benjamin
Subject: Access for Emory Church and Batchellors Forest Roads

Importance: High

Dear Mr. Berbert;

Good afternoon

I am requesting your support in obtaining an access road to connect Emory Church Road (ECR) and Batchellors Forest Road (BFR) through the Trotter's Glen development. Just to be clear, I would not favor a direct route that can be seen from either road— I would suggest a very circuitous route, appropriately signed for Local Traffic, and containing roundabouts around green spaces. Such an access would support the residents by providing multiple means of egress, which is critical, particularly during thesevere weather events we've had recently. As a reminder, two years ago, during Snow-magedon, we had, as you recall, several feet of snow. BFR was beautiful.

However, there was no vehicular access for over 48 hours, and then only 4 x 4s could get through. Please notice that this was wide enough for one vehicle – and when a vehicle got stuckjust beyond the poles on the right, residents were completely blocked from that direction. My main concern is that someone may need emergency assistance. My mother-in-law is a resident in The Amahl home, a private senior care facility, is in the center of BFR. They routinely require and receive the services of ambulances – fortunately they did not during this Snow-magedden. I cannot fathom the outcome if there was an emergency.

More recently, we had the derecho and Hurricane Sandy. Both of these events blocked travel along BFR, making it impassable, due to downed trees and power lines. I was not able to get home that night because of the blockages. I am anticipating the opening of Old Vic Road as another access to the community, but the sales representative in the new housing development told me that this would not happen until all house constructions would be finished. Additionally, more access is needed because of the increased traffic. It is virtually impossible to exit the community during school dismissal and start. These types of events would also have similarly completely cut off residents of ECR.

From a safety standpoint, it only makes sense to have multiple access points to any community or development. To only have one way on and one way off a road is a dangerous scenario for its residents.

Other considerations are:

- An access road would provide the new homeowners and ECR residents a safe and efficient means to access southbound Georgia Avenue via the traffic light at ECR
- Traffic through Olney Manor Park would be reduced, particularly during rush hour and during pick-up and drop-off times for Washington Christian Academy. This would also provide a safer environment for park users and limit expected volume in future fromFarquhar Middle School expansion, Trotter's Glen, Pulte's Batchellors Forest, and Stanmore developments.
- Conformity with the Master Plan's intent to have access to new houses provided from both BFR and ECR – if this is in question, we have many "long-time" residents on BFR who were actively engaged in the 2005 Master Plan process who can remind P and P of the intent.
- Help BFR preserve the rustic road designation by sharing traffic volumes.

Finally, my concern is for the new homeowners who pay upwards of \$1 M for a new home who come to discover, the hard way, that the surrounding infrastructure leaves much to be desired. This is the time for vision and to provide necessary infrastructure proactively, so we don't have the need to be reactive later.

Many thanks for your time and consideration to this matter.

Sincerely,

Blanche S. Brownley, Ed. D.
16400 Cross Timber Terrace
Olney, MD 20832

Berbert, Benjamin

From: andrew campbell <alcamp2@msn.com>
Sent: Sunday, February 03, 2013 4:25 PM
To: Berbert, Benjamin; Carter, John; Weaver, Richard
Subject: Trotters Glen Proposed Development

I would like to take this opportunity to comment on the proposed Toll Brothers, Trotter's Glen (TG) development on Batchellors Forest Road.

1.) The proposed bike path thru the development comes out onto Batchellors Forest Rd. (BFR) right on the hill going down to Batchellors Creek. This is one of the most dangerous spots on the entire road as is evidenced with the fatal accident that occurred there on Fri. 2/01/2013. It also has a high bank that would have to be cut through to level it with the road. This would not only lead to erosion of the bank but more than likely water would flow into BFR and in the winter could create an icy patch on an already dangerous stretch of road. This would also impact the water quality of the creek. It makes much more sense to have the bike path come out on the relatively flat surface near the edge of the development and the Snee's property east of the 90 degree turn, down from the entrance of the proposed development or down near the creek at the bottom of the hill where the field is level with the road surface, not almost five feet above the road surface where the proposed bike path comes out. Near the creek however will have a negative potential to cause additional runoff into the creek.

2.) The access from TG to Emory Church Road.(ECR) The Olney Master Plan states that any future development of the Pollinger property have access to ECR as well as BFR. However, it was purposely left vague as to what type of access. At the very least I feel that there should be emergency access between TG and ECR as this would benefit both communities. However, if what we were told at the meeting that we had last week at Park and Planning is correct, that any more than one additional house on ECR would require widening of ECR to a minimum of the agreed changes with Streams of Hope Church prior to their development denial, then TG should be able to access ECR.

3.) The proposed lot sizes. It was our understanding when the Olney Master Plan was approved that the developments on BFR would vary their lot size to prevent the "cookie cutter" appearance of most developments and to protect the rural rustic character of BFR. The plans from Toll Brothers don't really conform to this intention at all. The varying lot sizes should be located throughout the development, not have one area with large lots and the rest with smaller similar sized lots.

Please take these comments into consideration in your Development Review Meeting.

Thank you,

Lynn and Andrew Campbell
16619 Batchellors Forest Road

Berbert, Benjamin

From: L CLAUDIA HANLON <ponydublin@msn.com>
Sent: Saturday, February 02, 2013 2:10 AM
Subject: Trotters Glen Development Review Committee Meeting--Feb. 4, 2013
Importance: High

Greetings,

It has come to our attention that there is a question about whether or not a connection between Batchellors Forest Road (BFR) and Emory Church Road (ECR) should be made in the new development known as Trotters Glen. As residents of Norbrook Drive, let us state unequivocally that we believe such a connection should NOT be made. Further, let us state that we can see absolutely no justification for this and that there is no Master Plan recommendation to support such a connection.

Because so much open land was available along BFR was the strong motivation many years ago for having BFR designated officially a "rustic road" as a measure to save it from the undesirable effects of development that could/would possibly take place in the future. That future is now here. The golf course, Trotters Glen located on Batchellors Forest Road (land expanse is on both sides of BFR) has been sold to the Toll Brothers with development plans underway.

As explained at a meeting of SEROCA by Toll Brothers representatives, this development does not plan to have an exit onto Emory Church Road which shares a very short boarder with the property. However, it is very clear that some of our friends and neighbors are unhappy with the various developments along Batchellors Forest Road and the anticipated increase in traffic. Our small neighborhood (a dead-end with one access to Georgia Avenue) consists of three streets. We believe that the residents and members of SEROCA on Emory Church Road, Norbrook Drive, and Ascott Lane are fully sympathetic with the concerns of the residents of the very long and scenic Batchellors Forest Road. But destroying Emory Church Road and our neighborhood is not a way to resolve the development issues on Batchellors Forest Road.

As SEROCA president, Meg Pease Fye testified before the Planning Board, there is **No New Position** from SEROCA and SEROCA's official position of September 27, 2012 **has not changed.**

Please note: My neighbor Mrs. Barbara Jackson and her daughter Ms. Dawn Jackson do not have access to a computer at their home 17000 Norbrook Drive, and we are submitting this letter together using the computer of L.Claudia Hanlon, ponydublin@msn.com. Please consider this as three letters from three different people who are in agreement.

Respectfully,

L.Claudia Hanlon, 16908 Norbrook Drive, Olney, 20832
Mrs. Barbara Jackson, 17000 Norbrook Drive, Olney, 20832
Ms. Dawn Jackson, 17000 Norbrook Drive, Olney, 20832

Berbert, Benjamin

From: Elizabeth Symonds <esymonds52@gmail.com>
Sent: Saturday, February 02, 2013 6:53 PM
To: Weaver, Richard; Carter, John; Berbert, Benjamin
Subject: Trotters Glenn Development

Dear Sir:

In light of Monday's scheduled planned Development Review Committee meeting on the Trotters Glen development, I would like to reaffirm the views I expressed before the Planning Board during the pre-preliminary plan hearing on September 27, 2012.

I live in the last house on Emory Church Road, which is a narrow, dead end road with mature trees on both sides. My house faces the Trotters Glen golf course. I strongly support the position my neighborhood association took during the September hearing regarding the issue of access from the new development. The SEROCA position, which remains unchanged, is as follows:

"[O]ne of SEROCA's highest priorities is to preserve the rustic road designation of Batchellors Forest Road and to ensure that traffic from any new development is mitigated to permit the community to continue to enjoy this scenic road with the least disruption possible. As previously stated, we emphasize that traffic calming techniques and/or devices appropriate to a rural rustic road (to assure that the traffic along Batchellors Forest Road remains local and not commuter in nature) should be required in the plan. Based upon these considerations, SEROCA will not oppose the plan's proposal that the new houses in the development should access only Batchellors Forest Road."

As I noted in my previous testimony, the staff report addressing this issue correctly stated that "Emory Church is a substandard road with insufficient right-of-way and an almost rustic character of its own." Adding additional traffic from a new development will make it very difficult to safely drive on this road. It will make safely walking and running along the road (which I do on practically a daily basis, often in the dark) impossible. Even the addition of a few cars and trucks going to and from the rental property on the Polinger property has made it significantly more difficult to walk along the road. The impact if access were permitted from the new development is almost unimaginable.

The staff report accurately stated that "[t]he change to the character of Emory Church Road . . . was a significant community issue when the Wheaton Baptist Church application was reviewed." The change to the character of our road if access is permitted from the new development would probably be even more drastic, which is why I unequivocally oppose it.

I have great respect and compassion for my neighbors on Batchellors Forest Road, which is one of the loveliest roads in our area. Nonetheless, I urge you to continue to support SEROCA's position (which does not urge access from the development on to Emory Church Road). I also would ask that you make the installation of traffic calming devices on Batchellors Forest Road a high priority.

Thank you very much for taking these views into consideration as you make your recommendations.

Sincerely,

Elizabeth Symonds

2800 Emory Church Road
Olney, MD 20832

Berbert, Benjamin

From: Kathleen Bowser <kmbowser@earthlink.net>
Sent: Wednesday, February 06, 2013 1:24 PM
To: Berbert, Benjamin; Carter, John; Weaver, Richard; TMATEYA@tollbrothersinc.com
Subject: Emory Church Road/ Batchellors Forest Road Connection

It has come to our attention there is a question as to whether or not a connection between Batchellors Forest Road and Emory Church Road should be made in the development known as Trotters Glen. As residents of Norbrook Drive, we believe such a connection should NOT be made. There is no justification for this and as you will note, there is no Master Plan recommending to support such a connection. We are members of SEROCA and know their position on this topic has remained the same since September 27th, 2012.

Destroying Emory Church Road and our neighborhood is not a way to resolve the development issues of Batchellors Forest Road. If the placement of emergency ONLY access onto Emory Church Road is a viable option and if it would not result in any deleterious impact to the rural character of Emory Church Road, then that option should be carefully reviewed but also getting input from the community.

Thank you for taking the time to read this e-mail. Your response to it would be most appreciated.

Michael & Kathleen Bowser
17017 Norbrook Drive
Olney, MD 20832

Berbert, Benjamin

From: Leslie Bragg <Leslie.Bragg@stjes.com>
Sent: Monday, February 04, 2013 10:05 AM
To: Berbert, Benjamin; Carter, John; Weaver, Richard
Subject: TROTTERS GLEN access road

The purpose of this email is to ask for your consideration and support to include an access road to connect Emory Church Road (ECR) and Batchellors Forest Road (BFR) in the Trotter's Glen Development plan. Apparently, the plan has been revised, without input from surrounding property owners or SEROCA. Residents of Batchellors Forest Road have purposely chosen to live in a quiet, rural environment, yet one that is close to many amenities. From meetings we have had with Toll Brothers, it appears this is one of the reasons they would like to build in our community; and would be one of their marketing angles.

Yet, to maintain the rustic character of Batchellors Forest Road, it would clearly be beneficial to mitigate local traffic through ECR. Moreover, from a safety concern, an access road should be provided, which is why it is part of the Master Plan. An access road would provide the new homeowners and ECR residents a safe and efficient means to access southbound Georgia Avenue via the traffic light at ECR.

- Traffic through Olney Manor Park would be reduced, particularly during rush hour and during pick-up and drop-off times for Washington Christian Academy. This would also provide a safer environment for park users.
- The access road would help to ease a future leap in traffic volume due to Farquhar Middle School expansion, the opening of Old Vic, Trotter's Glen development, completion of the Pulte build out and the Stanmore development.
- The access road would conform with the Master Plan's intent to have access to new houses provided from both BFR and ECR
- The access road would help BFR preserve the rustic road designation by sharing traffic volumes.

Please thoughtfully consider the necessity to include the access road in the proposed development of the Trotter's Glen property.

We look forward to working with Toll Brothers and Park and Planning on this project.

Leslie and Barry Bragg
16909 Batchellors Forest Road
Olney, MD 20832

Berbert, Benjamin

From: paige121753@aol.com
Sent: Sunday, February 03, 2013 3:17 PM
To: Berbert, Benjamin; Carter, John; Weaver, Richard; TMATEYA@tollbrothersinc.com
Subject: Trotters Glenn, Toll Brothers Development

Dear Sirs.

It has come to my attention that there is a question about whether or not a connection between Batchellors Forest Road (BFR) and Emory Church Road (ECR) should be made in the new development known as Trotters Glen. As a 25+ year resident of Norbrook Drive, let me state unequivocally that a connection should NOT be made. I see absolutely no justification for this and that there is no Master Plan recommendation to support such a cut-through.

SEROCA's position (dated September 27, 2012) has been and remains to this day:

Emory Church Road/Batchellors Forest Road Link:

SEROCA understands the Developer's desire not to divide or break the community into distinct pieces. As already stated, one of SEROCA's highest priorities is to preserve the rustic road designation of Batchellors Forest Road and to ensure that traffic from any new development is mitigated to permit the community to continue to enjoy this scenic road with the least disruption possible. As previously stated, we emphasize that traffic calming techniques and/or devices appropriate to a rural rustic road (to assure that the traffic along Batchellors Forest Road remains local and not commuter in nature) should be required in the plan. Based upon these considerations, SEROCA will not oppose the plan's proposal that the new houses in the development should access only Batchellors Forest Road.

As SEROCA president, Meg Pease Fye testified before the Planning Board to this fact, as SEROCA had specifically approved THIS language. I was in attendance at the September meeting and a great deal of thought and compromise between neighbors went into the above position. **Again, there is NO NEW position from SEROCA and SEROCA's official position HAS NOT CHANGED.**

If placing an emergency ONLY access onto Emory Church Road is a viable option AND if it would not result in any deleterious impact to the rural character of ECR, then this option should be reviewed carefully with input from the community.

It is very clear that some of our friends and neighbors are unhappy with the various developments along Batchellors Forest Road and the anticipated increase in traffic. I believe that the residents and members of SEROCA on Emory Church Road, Norbrook Drive, and Ascott Lane are fully sympathetic with these concerns. Those neighbors living on Batchellors Forest, however, knowingly purchased homes that were on a *through* road, while it is a beautiful, rustic road, it was intended to carry traffic from Georgia Avenue over to Route 108. Likewise, those of us living on ECR, Norbrook & Ascott, purchased homes in a neighborhood of dead-end streets. Destroying Emory Church Road and our neighborhood is not a way to resolve the development issues on Batchellors Forest.

Thank you for your consideration.
Sincerely,

Liz Erwin
16816 Norbrook Drive
Olney, MD 20832

Berbert, Benjamin

From: Mary Howard <mpfhoward@verizon.net>
Sent: Tuesday, February 05, 2013 11:26 AM
To: Berbert, Benjamin
Subject: Trotters Glen Traffic Issue

Benjamin Berbert, Montgomery County Planning

Dear Sir,

It has come to our attention that a connection between Batchellors Forest Road (BFR) and Emory Church Road (ECR) may be under consideration in association with the new Trotters Glen development. As residents of Emory Church Road, we wish to state our position that such a connection should NOT be made. Such a connection is not supported by a Master Plan recommendation. Neither is it supported by SEROCA's official stance on this issue, as recapped below.

Emory Church Road/Batchellors Forest Road Link:

SEROCA understands the Developer's desire not to divide or break the community into distinct pieces. As already stated, one of SEROCA's highest priorities is to preserve the rustic road designation of Batchellors Forest Road and to ensure that traffic from any new development is mitigated to permit the community to continue to enjoy this scenic road with the least disruption possible. As previously stated, we emphasize that traffic calming techniques and/or devices appropriate to a rural rustic road (to assure that the traffic along Batchellors Forest Road remains local and not commuter in nature) should be required in the plan. Based upon these considerations, SEROCA will not oppose the plan's proposal that the new houses in the development should access only Batchellors Forest Road.

Our position does not preclude EMERGENCY ONLY access onto ECR if such access can be implemented without impact to the rural character of ECR. However, the pursuit of such an option should involve review and input on the part of the affected community.

Although we are sympathetic to the traffic concerns of our BFR neighbors, we believe that an ECR cut-through will do little or nothing to resolve BFR traffic problems and could, in fact, encourage more non-local traffic on parts of BFR. While gains from a BFR-ECR link are doubtful at best, a ECR cut-through will most certainly destroy the rural character of the Emory Church Road neighborhood.

Respectfully,

Regan and Mary Howard
3315 Emory Church Rd.
Olney, MD 20832

Berbert, Benjamin

From: Pease-Fye, Meg <Meg.PeaseFye@fda.hhs.gov>
Sent: Friday, February 01, 2013 11:21 AM
To: Berbert, Benjamin; Carter, John; Weaver, Richard
Cc: Tom Mateya (TMATEYA@tollbrothersinc.com)
Subject: Trotter's Glen - access to ECR

Good afternoon

I am requesting your support in obtaining an access road to connect Emory Church Road (ECR) and Batchellors Forest Road (BFR) through the Trotter's Glen development. Just to be clear, I would not favor a direct route that can be seen from either road. I would suggest a very circuitous route, appropriately signed for Local Traffic, and containing roundabouts around green spaces. Such an access would support the residents by providing multiple means of egress, which is critical, particularly during the severe weather events we've had recently. As a reminder, two years ago, during Snowmagedon, we had, as you recall, several feet of snow. BFR was beautiful.



However, there was no vehicular access for over 48 hours, and then only 4 x 4s could get through. The photo below shows how it looked in front of Trotter's Glen. Please notice that this was wide enough for one vehicle. and when a vehicle got stuck just beyond the poles on the right, residents were completely blocked from that direction.



It looked like this at both ends of the road – except just south of Farquhar Middle School (and south of Old Vic) the cleared path ended abruptly - the way was blocked entirely, until a loader got through from the north end several days later. I remember thinking at the time: I hope no one needs an ambulance.

But clearly someone needed emergency assistance:



The Amahl home, a private senior care facility, is in the center of BFR. They routinely require and receive the services of ambulances . fortunately they did not during this Snow-magedden.

More recently, we had the derecho and Hurricane Sandy. Both of these events blocked travel along BFR, making it impassable, due to downed trees and power lines. These types of events would also have similarly completely cut off residents of ECR..

From a safety standpoint, it only makes sense to have multiple access points to any community or development. To only have one way on and one way off a road is a dangerous scenario for its residents.

Other considerations are:

- An access road would provide the new homeowners and ECR residents a safe and efficient means to access southbound Georgia Avenue via the traffic light at ECR
- Traffic through Olney Manor Park would be reduced, particularly during rush hour and during pick-up and drop-off times for Washington Christian Academy. This would also provide a safer environment for park users and limit expected volume in future from Farquhar Middle School expansion, Trotter's Glen, Pulte's Batchellors Forest, and Stanmore developments.
- Conform with the Master Plan's intent to have access to new houses provided from both BFR and ECR . if this is in question, we have many long-time residents on BFR who were actively engaged in the 2005 Master Plan process who can remind P and P of the intent.
- Help BFR preserve the rustic road designation by sharing traffic volumes.

Finally, my concern is for the new homeowners who pay upwards of \$1 M for a new home who come to discover, the hard way, that the surrounding infrastructure leaves much to be desired. This is the time for vision and to provide necessary infrastructure proactively, so we don't have the need to be reactive later.

Many thanks for your time and consideration to this matter.

Meg Pease-Fye, M.S., R.A.C.

Office of International Programs
Office of Global Regulatory Operations and Policy
U.S. Food and Drug Administration

Phone: 301.796.1130

Berbert, Benjamin

From: Michael Cafarelli <mcafarellisr@msn.com>
Sent: Sunday, February 03, 2013 9:32 PM
To: Berbert, Benjamin; Carter, John; Weaver, Richard; tmateya@tollbrothersinc.com
Subject: Trotters Glen Development

John Carter, Benjamin Berbert Richard Weaver and Tom Mateya:

I request that you reject any proposal to connect Batchellors Forest Road to Emory Church Road in the new development at Trotters Glen. This proposal will not benefit those in the new development or those living on Bachelors Forest Road. It would only have a detrimental effect on our community (on Emory Church Road, Norbrook Drive, and Ascott Lane).

As a group our community effectively lobbied and used legal action to stop a previously planned inappropriate development that would have had a detrimental effect on our community. If the proposal to connect Batchellors Forest Road to Emory Church Road is considered we will have an organized legal and lobbying effort to stop it.

Please save yourself and our community a lot time and effort by rejecting the proposal for the needless connection of Batchellors Forest Road to Emory Church Road.

Take Care,

Michael Cafarelli

16801 Norbrook Road

Olney Maryland 20832

301-706-0988

Berbert, Benjamin

From: Michael Swaine <mdswaine5@me.com>
Sent: Wednesday, March 13, 2013 11:03 AM
To: Berbert, Benjamin
Cc: Michael Swaine; Patty Markos
Subject: A Please for Equity of Acces From BFR and ECR to Pollinger Development

Michael D. Swaine
16307 Batchellors Forest Road
Olney, Maryland 20832
301-570-3114

March 13, 2013

Ben Berbert

Montgomery County Planning Department

8787 Georgia Avenue

Silver Spring, MD 20910

Dear Mr. Berbert:

As residents served by Batchellors Forest Road, we have a direct interest in the 69 home development currently planned for the Trotters Glen development, located in the southeast quadrant of Olney. These and other homes under construction or approved will triple the number of homes on the road. We ask that approval of this Toll Brothers development plan be denied unless there is full vehicle access for the residents of the development to Emory Church Road.

We ask that this requirement be placed on Toll Brothers for the following reasons:

For the Polinger Trotters Glen property, the **Olney Master Plan states on page 31 “Access to new houses should be provided from both Batchellors Forest Road and Emory Church Road.”** Furthermore, the Plan as well as testimony given at the time of the Master Plan approval process reflects the understanding that this refers to vehicular access as well as bike and pedestrian. **Limiting access to Batchellors Forest Road alone is a violation of the Olney Master Plan.**

- A traffic light has just been installed at the intersection of Georgia and Emory Church Road, allowing safer access to Georgia Avenue, both north and south.
- Use of Emory Church Road by the new residents will limit the use of the road through Olney Manor Park to access Georgia Avenue by the light at Emory Lane. Concerns have been expressed that increased traffic through the park will impact its patrons and create significant safety and usage issues.
- Batchellors Forest Road has been formally designated as a Rustic Road, the only road in the south eastern part of the County to have such a designation. It will be impacted not only by the Trotters Glen development, but also by new development at its north end (virtually **tripling** the number of homes) as well as the expansion of Farquhar. To maintain the rustic rural character, and its status as a Rustic Road, every possible effort should be made to limit traffic growth and mitigate existing traffic. Use of the Emory Church Road alternative by the homeowners in the new development will reduce vehicular traffic and encourage pedestrians and bicycle use on Batchellors Forest Road.
- The traffic studies completed by Toll Bros. are unreliable given what we know to be the current traffic use of Batchellors Forest Road.
- Emergency vehicles coming from the Sandy Spring Fire Station will have a more direct and faster access to these 69 new homes from Georgia Avenue.
- The staff of the Panning board has indicated to us that their preference is for connectivity; having two means of exit for a community of this size is simply good community planning.

Sincerely,

Michael D. Swaine

Berbert, Benjamin

From: Norman Wang <ncwang2010@gmail.com>
Sent: Saturday, February 02, 2013 12:52 PM
To: Berbert, Benjamin
Subject: concedrns at Batchellors Forest Rd. in Olney

Hello:

I am a resident of Olney. We live in a house on Batchellors Forest Rd.

I am writing to you to voice our concerns and support the idea of creating a connection road between Batchellors Forest Rd. and Emory Church Rd.

As you know, there will be three new residential developments along BFR and the expansion of Faquier school will add 300 additional students. These will add tremendous amount of traffic volume to BFR. There was a fatal accident yesterday on BFR; the road was blocked for almost 8 hours. In addition to accidents, the road has been closed for weather related reasons many times in the past.

We support the idea of crating a new connection road between BFR & ECR. The road will be a very circuitous route, appropriately signed for Local Traffic Only, and containing round-about around green spaces. Such an access would support both the existing and new residents by providing multiple means of egress.

From a safety standpoint, it only makes sense to have multiple access points to any community or development. To only have one way on and one way off a road is a dangerous scenario for its residents.

Thanks for your time and consideration to this matter.

Regards,

Norman Wang & Yow-Ming Wang

16525 Batchellors Forest Rd.
Olney, MD 20832

Berbert, Benjamin

From: Carter, John
Sent: Monday, March 04, 2013 9:24 AM
To: Berbert, Benjamin; Weaver, Richard
Subject: FW: Please DENY the current development plan by Toll Brothers.

From: Joe Pasternak [<mailto:JoePastnak@aol.com>]
Sent: Saturday, March 02, 2013 11:20 AM
To: Joe Pasternak
Subject: Please DENY the current development plan by Toll Brothers.

As a resident living off of a side street served by Batchellors Forest Road in Olney, I would like to add my voice to those that have a direct interest in the 69 home development currently planned for the Trotters Glen development, located in the southeast quadrant of Olney. These and other homes under construction or approved will triple the number of homes on the road. We ask that approval of this Toll Brothers development plan **be denied** unless there is full vehicle access for the residents of the development to Emory Church Road.

I am sure you have heard the compelling reasons that dual access is a must:

- For the Polinger Trotters Glen property, the **Olney Master Plan states on page 31 “Access to new houses should be provided from both Batchellors Forest Road and Emory Church Road.”** Furthermore, the Plan as well as testimony given at the time of the Master Plan approval process reflects the understanding that this refers to vehicular access as well as bike and pedestrian. **Limiting access to Batchellors Forest Road alone is a violation of the Olney Master Plan.**
- A traffic light has just been installed at the intersection of Georgia and Emory Church Road, allowing safer access to Georgia Avenue, both north and south.
- Use of Emory Church Road by the new residents will limit the use of the road through Olney Manor Park to access Georgia Avenue by the light at Emory Lane. Concerns have been expressed that increased traffic through the park will impact its patrons and create significant safety and usage issues.
- Batchellors Forest Road has been formally designated as a Rustic Road, the only road in the south eastern part of the County to have such a designation. It will be impacted not only by the Trotters Glen development, but also by new development at its north end (virtually **tripling** the number of homes) as well as the expansion of Farquhar. To maintain the rustic rural character, and its status as a Rustic Road, every possible effort should be made to limit traffic growth and mitigate existing traffic. Use of the Emory Church Road alternative by the homeowners in the new development will reduce vehicular traffic and encourage pedestrians and bicycle use on Batchellors Forest Road.
- Emergency vehicles coming from the Sandy Spring Fire Station will have a more direct and faster access to these 69 new homes from Georgia Avenue.
- The staff of the Panning board has indicated to us that their preference is for connectivity; having two means of exit for a community of this size is simply good community planning.

Very respectfully submitted,

Joseph Pasternak and Patricia Liszewski

16430 Cross Timber Terrace
Olney, Maryland 20832

Berbert, Benjamin

From: Rich Hastings <richhastings@verizon.net>
Sent: Sunday, February 03, 2013 9:27 PM
To: Berbert, Benjamin
Subject: Trotters glen

Please be advised that I fully support a connection between batchellors forest and Emory church roads within the pollinger development.

Rich Hastings

Sent from my iPhone

Berbert, Benjamin

From: Tworkowski, Robert <Robert.Tworkowski@bp.com>
Sent: Monday, February 04, 2013 11:04 AM
To: Berbert, Benjamin
Cc: Sorensen, Sonja (UBC)
Subject: Trotters Glen Property in Southeast Olney

Dear Representative:

My family and I wanted to express our thoughts on the proposed development of the Pollinger property on Batchellors Forest Road.

It is clear that the development of this property is inevitable. One of the primary concerns to me and my family is the traffic on Batchellors Forest Road. This road as we all know is deemed as a Rural and Rustic Road and that is why many of the property owners have chosen to live at this location - for its natural beauty.

The road does not have southern access to Georgia Avenue and thus all west bound traffic must go through the Park (For cutting across Georgia to get in the left hand lane and doing a U-Turn at the light is very dangerous.) A Park should not be used for through traffic. For the traffic exiting on Dr. Bird from the east side of Batchellors Forest Road - left hand turns are almost impossible due to the excessive traffic stopped at this light and the blind curve where people come off of 108 heading south on Dr. Bird makes this intersection already very dangerous. So by putting extra traffic on this road without an alternative or improvement is just not wise. The road is not designed for it!

That is why from a community perspective - having another out for the traffic on Emory Church Road appears to be a favorable alternative and one we support.

Thank you for the time and attention you have given this matter.

Robert J. Tworkowski
HSSE Environmental Coordinator
BP Products North America Inc.
760 Roosevelt Avenue
Carteret, New Jersey 07008
240-461-0750

Berbert, Benjamin

From: matt <justmtc@yahoo.com>
Sent: Wednesday, March 13, 2013 9:41 AM
To: Berbert, Benjamin
Subject: Batchellors Forest Rd

Stella T Johnson
16250 Batchellors Forest Rd
Olney, MD 20832

March 13, 2013

Ben Berbert
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Ben Berbert:

As residents served by Batchellors Forest Road, we have a direct interest in the 69 home development currently planned for the Trotters Glen development, located in the southeast quadrant of Olney. These and other homes under construction or approved will triple the number of homes on the road. We ask that approval of this Toll Brothers development plan be denied unless there is full vehicle access for the residents of the development to Emory Church Road.

We ask that this requirement be placed on Toll Brothers for the following reasons:

- For the Polinger Trotters Glen property, the **Olney Master Plan states on page 31 “Access to new houses should be provided from both Batchellors Forest Road and Emory Church Road.”** Furthermore, the Plan as well as testimony given at the time of the Master Plan approval process reflects the understanding that this refers to vehicular access as well as bike and pedestrian. **Limiting access to Batchellors Forest Road alone is a violation of the Olney Master Plan.**
- A traffic light has just been installed at the intersection of Georgia and Emory Church Road, allowing safer access to Georgia Avenue, both north and south.
- Use of Emory Church Road by the new residents will limit the use of the road through Olney Manor Park to access Georgia Avenue by the light at Emory Lane. Concerns have been expressed that increased traffic through the park will impact its patrons and create significant safety and usage issues.
- Batchellors Forest Road has been formally designated as a Rustic Road, the only road in the south eastern part of the County to have such a designation. It will be impacted not only by the Trotters Glen development, but also by new development at its north end (virtually **tripling** the number of homes) as well as the expansion of Farquhar. To maintain the rustic rural character, and its status as a Rustic Road, every possible effort should be made to limit traffic growth and mitigate existing traffic. Use of the Emory Church Road alternative by the homeowners in the new development will reduce vehicular traffic and encourage pedestrians and bicycle use on Batchellors Forest Road.
- The traffic studies completed by Toll Bros. are unreliable given what we know to be the current traffic use of Batchellors Forest Road.
- Emergency vehicles coming from the Sandy Spring Fire Station will have a more direct and faster access to these 69 new homes from Georgia Avenue.
- The staff of the Planning board has indicated to us that their preference is for connectivity; having two means of exit for a community of this size is simply good community planning.

Sincerely,

Stella T Johnson

Berbert, Benjamin

From: Steve Fye <sfye@metropaving.net>
Sent: Thursday, January 31, 2013 9:46 AM
To: Berbert, Benjamin; Carter, John; Weaver, Richard
Cc: tmateya@tollbrothersinc.com
Subject: Access to the Pollinger Development

Sirs:

It is my understanding that Toll Brothers, Inc.'s site plan for the Pollinger Development will be under review shortly. I am writing to urge that the plan include access to Emory Church Road from that portion of the Pollinger Development that is North of Batchellors Forest Road. Connection with Emory Church Road would provide easier access to Georgia Avenue for a majority of the 56 lots, rather than traveling Batchellors Forest Road. It would also provide an additional point of entry to the community, in the event of an emergency. Thank you for your consideration.

Stephen W. Fye, V.P.
Metro Paving Corporation
phone = 301-454-8111 ext. 103
cell = 240-338-8198

Greetings:

I am very concerned about recent rumors that a connection between Batchellors Forest Road (BFR) and Emory Church Road (ECR) is still being considered, and/or open to debate, in the new development on the Trotters Glen property. As a resident of ECR, I feel quite strongly that such a connection should not be made. Our house is at the very end of ECR, and as such is in a particularly vulnerable position if a second entrance to the development were created so close to our home (assuming it would be at or near the intersection with Norbrook Road). The resulting additional traffic, as I understand it, would likely require ECR to be widened. There is no Master Plan recommendation to support such a connection, and the developer, Toll Brothers, had at least originally stated that they had no intention of creating a second access point to their neighborhood in addition to the one on BFR.

I have been a member of the South East Rural Olney Civic Association (SEROCA) for the past 12+ years, and its treasurer for nearly 10 years. I feel it is important to clarify that SEROCA's position on this issue, as voted on at our meeting last September), is:

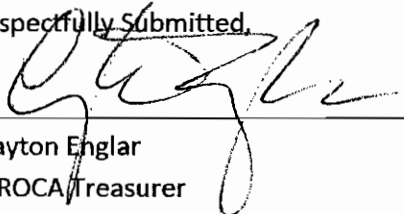
"SEROCA understands the Developer's desire not to divide or break the community into distinct pieces. As already stated, one of SEROCA's highest priorities is to preserve the rustic road designation of Batchellors Forest Road and to ensure that traffic from any new development is mitigated to permit the community to continue to enjoy this scenic road with the least disruption possible. As previously stated, we emphasize that traffic calming techniques and/or devices appropriate to a rural rustic road (to assure that the traffic along Batchellors Forest Road remains local and not commuter in nature) should be required in the plan. Based upon these considerations, SEROCA will not oppose the plan's proposal that the new houses in the development should access only Batchellors Forest Road."

Please note that SEROCA's president, Meg Pease Fye, testified before the Planning Board to this fact. There is *no new position* from SEROCA, and our official position *has not changed*.

However, if placing an "emergency-only" access point on ECR is a viable option, and if it would not result in any significant impact to the rural character of our street and the neighborhood in general, then this option should be reviewed carefully with input from the community.

It is very clear that several of our friends and neighbors who live on or just off of BFR are unhappy with the several recent developments along BFR, and the anticipated increase in traffic. I believe that the residents and members of SEROCA on ECR, and the adjoining Norbrook Drive and Ascott Lane, are very sympathetic to these concerns. Destroying Emory Church Road and our neighborhood, however, is not a way to resolve the development issues on Batchellors Forest Road.

Respectfully Submitted,



Clayton Englar
SEROCA Treasurer
2800 Emory Church Rd.
Olney, MD 20832

Greetings:

It has come to my attention that there is a question about whether or not a connection between Batchellors Forest Road (BFR) and Emory Church Road (ECR) should be made in the new development known as Trotters Glen. As a confronting land owner to the proposed development, let me state unequivocally that I believe such a connection should NOT be made. Further, let me state that I can see absolutely no justification for this and that there is no Master Plan recommendation to support such a connection.

Our local community (Emory Church Road, Norbrook Drive, and Ascott Lane) as well as SEROCA, GOCA, and numerous other civic associations fought a four and a half year battle against an inappropriate (and illegal) development on Emory Church Road. A significant part of the objection to this project was the expected increased traffic the development would bring AND the destruction of the rural character of the road as a result of the proposed and required road upgrades.

In her September 10, 2012 opinion, Judge Burrell echoed the Montgomery County Council's April 8, 2008 imperative that "the Planning Board ensure that deleterious environmental impacts...and potential road improvements (such as to Emory Church Road) are minimized." For nearly five years it has been the Council's stated position that the Planning Board is to ENSURE that road improvements to Emory Church Road are minimized; and less than five months ago, a circuit court judge restated and affirmed this position.

In the Polinger Property section of the 2005 Olney Master Plan, the following statement is made: "*Access to new houses should be provided from both Batchellors Forest Road and Emory Church Road.*" However, what form this access should take (vehicular for residents, vehicular for fire/rescue only, pedestrian, bicycles, etc.) is not specified in this sentence. Interestingly enough, the statement which immediately follows the one above is "*A pedestrian and bikeway connection between Emory Church Road and Batchellors Forest Road should be provided through the property.*" It is very clear in this section that a connection between the two roads should be for pedestrians and bicycles only. If the designers of the 2005 Olney Master Plan had intended for a public road to go through from Batchellors Forest Road to Emory Church Road, they would have specified it. In fact, they did not and no inference that the Master Plan encourages or recommends a vehicular connection can be made. The ONLY connection recommended in the Olney Master Plan concerning Batchellors Forest Road and Emory Church Road is clearly stated in Recommendation item 4, page 32: "***Provide a pedestrian path between Emory Church Road and Batchellors Forest Road through the property.***" There is no other mention anywhere in the Master Plan recommending or even suggesting that vehicular access through a development on the Polinger Property should ever connect Batchellors Forest Road and Emory Church Road. Again, in her September 10, 2012 opinion, Judge Burrell affirmed the significance of the Olney Master Plan in land development cases. While her decision specifically addressed sewer and environmental impacts, the language of her decision upholds the primacy of the Olney Master Plan. Absent a recommendation for linking these two roads in the Master Plan, coupled with a clear

recommendation that any linkage be for pedestrian and bicycle use, I do not believe that allowing a road to link ECR and BFR is in conformance with the 2005 Olney Master Plan.

As far as I am aware, no residents of Emory Church Road, Norbrook Drive, and Ascott Lane are not requesting a connection between Emory Church Road and Batchellors Forest Road. In fact, I believe that the residents of Emory Church Road, Norbrook Drive, and Ascott Lane are expressly against such a connection. The only reason why these residents have not written letters opposing this connection thus far is because SEROCA has a stated position AGAINST such a connection. However, realizing that Park and Planning have received a few letters in favor of such a connection, I can assure you that you will receive letters clearly opposing this option.

Regarding SEROCA's position, nothing has changed which should be construed as requiring a new position on this matter. SEROCA's position (dated September 27, 2012) has been and remains to this day:

Emory Church Road/Batchellors Forest Road Link:

SEROCA understands the Developer's desire not to divide or break the community into distinct pieces. As already stated, one of SEROCA's highest priorities is to preserve the rustic road designation of Batchellors Forest Road and to ensure that traffic from any new development is mitigated to permit the community to continue to enjoy this scenic road with the least disruption possible. As previously stated, we emphasize that traffic calming techniques and/or devices appropriate to a rural rustic road (to assure that the traffic along Batchellors Forest Road remains local and not commuter in nature) should be required in the plan. Based upon these considerations, SEROCA will not oppose the plan's proposal that the new houses in the development should access only Batchellors Forest Road.

As SEROCA president, Meg Pease Fye testified before the Planning Board to this fact, as SEROCA had specifically approved THIS language. Again, there is NO NEW position from SEROCA and SEROCA's official position HAS NOT CHANGED.

The notion that slight revisions to the Toll Brothers development plans would negate a previously approved resolution is inappropriate and unacceptable. As you well know, Toll Brothers will likely be required by Park and Planning to revise their plans numerous times before one shovel goes into the ground. The latest "revisions" have absolutely nothing to do with the issue of a roadway connecting Batchellors Forest Road and Emory Church Road. The changes are minor and include a revised hiker/biker trail, two revised cul-de-sacs, and removal of a small round-about because it was too close to another. These minor changes have nothing to do with the roadway connection issue and do not require notification of neighbors and civic associations. Any inference that the developer intentionally withheld this information or misled SEROCA and our neighbors is completely out of place.

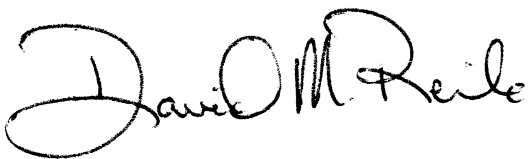
I am aware that at some point, Toll Brothers removed the emergency access from Emory Church Road. I checked into this and have been informed that this was based on a stated preference of the Fire Department. Apparently the preferred access was off of Batchellors Forest Road with a

recommendation to enlarge a bridge. If placing an emergency ONLY access onto Emory Church Road is a viable option AND if it would not result in any deleterious impact to the rural character of ECR, then this option should be reviewed carefully with input from the community.

Some have suggested that the new (soon to be implemented) fully functioning light at Emory Church Road changes everything. It most assuredly does not change the facts above. If anything, it makes an even stronger case against connecting Batchellors Forest Road and Emory Church Road. If these two roads were connected, the residents of all 56 houses to be built between the two roads would then likely enter and exit onto Emory Church Road. That would mean that upwards of 100+ cars several times a day, generating hundreds of trips, would be traversing Emory Church Road just from this new development alone. This narrow dead end road is not equipped for such traffic. And if, as suggested by the traffic studies, a minimum of 5% of the current traffic on Batchellors Forest Road and Georgia Avenue were to use this new connection, that could add hundreds of additional trips to Emory Church Road AND Batchellors Forest Road. As a result, Batchellors Forest Road would likely lose its rustic road designation. Additionally, Emory Church Road would have to be widened, resulting in significant tree loss and environmental disturbance. This would be clearly counter to the admonition that the Planning Board ensure that improvements to Emory Church Road are minimized and deleterious environmental impacts be avoided.

It is very clear that some of our friends and neighbors are unhappy with the various developments along Batchellors Forest Road and the anticipated increase in traffic. I believe that the residents and members of SEROCA on Emory Church Road, Norbrook Drive, and Ascott Lane are fully sympathetic with these concerns. Destroying Emory Church Road and our neighborhood, however, is not a way to resolve the development issues on Batchellors Forest Road.

Respectfully Submitted,

A handwritten signature in black ink that reads "David M. Reile". The signature is written in a cursive style with a large, looping initial "D".

David M. Reile
3100 Emory Church Road
Olney, MD 20832

Richard & Jennifer DiPietro

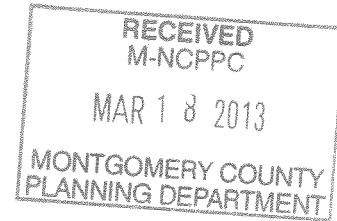
16604 Norbeck Farm Drive

Olney, MD 20832

Phone: 301-774-9262, Fax: 301-774-1962

March 4, 2013

Ben Berbert
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910



Dear Mr. Berbert,

As residents served by Batchellors Forest Road, we have a direct interest in the 69 home development currently planned for the Trotters Glen development, located in the southeast quadrant of Olney. These and other homes under construction or approved will triple the number of homes on the road. We ask that approval of this Toll Brothers development plan be denied unless there is full vehicle access for the residents of the development to Emory Church Road.

We ask that this requirement be placed on Toll Brothers for the following reasons:

- For the Polinger Trotters Glen property, the **Olney Master Plan states on page 31 “Access to new houses should be provided from both Batchellors Forest Road and Emory Church Road.”** Furthermore, the Plan as well as testimony given at the time of the Master Plan approval process reflects the understanding that this refers to vehicular access as well as bike and pedestrian. **Limiting access to Batchellors Forest Road alone is a violation of the Olney Master Plan.**
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- Batchellors Forest Road has been formally designated as a Rustic Road, the only road in the south eastern part of the County to have such a designation. It will be impacted not only by the Trotters Glen development, but also by new development at its north end (virtually **tripling** the number of homes) as well as the expansion of Farquhar. To maintain the rustic rural character, and its status as a Rustic Road, every possible effort should be made to limit traffic growth and mitigate existing traffic. Use of the Emory Church Road alternative by the homeowners in the new development will reduce vehicular traffic and encourage pedestrians and bicycle use on Batchellors Forest Road.
- The traffic studies completed by Toll Bros. are unreliable given what we know to be the current traffic use of Batchellors Forest Road.
- Emergency vehicles coming from the Sandy Spring Fire Station will have a more direct and faster access to these 69 new homes from Georgia Avenue.
- The staff of the Planning board has indicated to us that their preference is for connectivity; having two means of exit for a community of this size is simply good community planning.

Sincerely,

Richard and Jennifer DiPietro
16604 Norbeck Farm Drive
Olney, MD 20832

RECEIVED

MAK 25 2013

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

March 22, 2013

Dear, *Mr. Carrier*

As residents served by Batchellors Forest Road, we have a direct interest in the 69 home development currently planned for the Trotters Glen development, located in the southeast quadrant of Olney. These and other homes under construction or approved will triple the number of homes on the road. We ask that approval of this Toll Brothers development plan be denied unless there is full vehicle access for the residents of the development to Emory Church Road.

We ask that this requirement be placed on Toll Brothers for the following reasons:

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- The traffic studies completed by Toll Bros. are unreliable given what we know to be the current traffic use of Batchellors Forest Road.
- Emergency vehicles coming from the Sandy Spring Fire Station will have a more direct and faster access to these 69 new homes from Georgia Avenue.
- The staff of the Planning board has indicated to us that their preference is for connectivity; having two means of exit for a community of this size is simply good community planning.

Sincerely,

Andrea + Judith Dodge
16260 Batchellors Forest Rd
Olney MD 20832

E. R. Gasser
2429 Westminster Dr.
Olney, MD 20832

March 21, 2013

Ben Berbert
Montgomery County Planning Board
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910



Dear Mr. Berbert:

As a resident served by Batchellors Forest Road, I have a direct interest in the 69 home development currently planned for the Trotters Glen development, located in the southeast quadrant of Olney. These and other homes under construction or approved will triple the number of homes on the road. I ask that approval of this Toll Brothers development plan be denied unless there is full vehicle access for the residents of the new development to Emory Church Road.

Emergency vehicles coming from the Sandy Spring Fire Station will have a more direct and faster access to these 69 new homes from Georgia Avenue. We are talking about **Life Safety!!** All it takes is one time – a minor traffic accident, a tree down, a water main break (all pretty common in this county) at the entrance off Batchellors Forest Rd. – and police, fire or ambulance is delayed and someone is seriously injured or god forbid dies – someone living in a new house close to a non-existent street access from Emory Church Rd – and you would be responsible! Common sense people – access from Emory Church Rd is required for the health and safety of the residents – their safety should not be compromised because Toll Brothers wants to make a higher profit.

In addition, I ask that street access from Emory Church Rd be required of Toll Brothers for the following reasons:

- For the Polinger Trotters Glen property, the **Olney Master Plan states on page 31 “Access to new houses should be provided from both Batchellors Forest Road and Emory Church Road.”** Furthermore, the Plan as well as testimony given at the time of the Master Plan approval process reflects the understanding that this refers to vehicular access as well as bike and pedestrian. **Limiting access to Batchellors Forest Road alone is a violation of the Olney Master Plan.**
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only by the Trotters Glen development, but also by new development at its north end (virtually **tripling** the number of homes) as well as the expansion of Farquhar. To maintain the rustic rural character, and its status as a Rustic Road, every possible effort should be made to limit traffic growth and mitigate existing traffic. Use of the Emory Church Road alternative by the homeowners in the new development will reduce vehicular traffic and encourage pedestrians and bicycle use on Batchellors Forest Road.

- The traffic studies completed by Toll Bros. are unreliable given what we know to be the current traffic use of Batchellors Forest Road. Let's apply a little common sense – Toll Brothers paid for the traffic studies – what did you expect the results to be?
- The staff of the Panning board has indicated to us that their preference is for connectivity; having two means of exit for a community of this size is simply good community planning.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "E. R. Gasser", with a long horizontal flourish extending to the right.

E. R. Gasser

The Flannery Family
16236 Batchellors Forest Road
Olney, MD 20832

February 28, 2013

Ben Berbert
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910
benjamin.berbert@montgomeryplanning.org

Dear Mr. Berbert:

As homeowners/residents served by Batchellors Forest Road, we have a direct interest in the 69 home development currently planned for the Trotters Glen development, located in the southeast quadrant of Olney. These and other homes under construction or approved will triple the number of homes on the road. We ask that approval of this Toll Brothers development plan be denied unless there is full vehicle access for the residents of the development to Emory Church Road. We ask that this requirement be placed on Toll Brothers for the following reasons:

- For the Polinger Trotters Glen property, the Olney Master Plan states on page 31 “Access to new houses should be provided from both Batchellors Forest Road and Emory Church Road.” Limiting access to Batchellors Forest Road alone is a violation of the Olney Master Plan.
- A traffic light has just been installed at the intersection of Georgia and Emory Church Road, allowing safer access to Georgia Avenue, both north and south.
- To maintain the rustic rural character, and Batchellors Forest status as a Rustic Road, the only road in the south eastern part of the County to have such a designation, every possible effort should be made to limit traffic growth and mitigate existing traffic.
- The traffic studies completed by Toll Bros. are unreliable given what we know to be the current traffic use of Batchellors Forest Road.
- Emergency vehicles coming from the Sandy Spring Fire Station will have a more direct and faster access to these 69 new homes from Georgia Avenue.
- The staff of the Planning board has indicated to us that their preference is for connectivity; having two means of exit for a community of this size is simply good community planning.

Sincerely,



Pat Flannery
Cell Phone – 703-282-7440

On behalf of the entire Flannery family:

Kady Flannery
Jim Flannery
Peter Flannery
Molly Flannery
Kerryanne Flannery

Janice Fothergill
16510 Batchellors Forest Road
Olney, MD 20832

January 28, 2013

Mr. Tom Mateya
Regional Director
Toll Brothers
7164 Columbia Gateway DR
Suite 230
Columbia, MD 21046

Dear Tom:

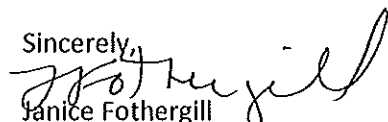
I understand a new site plan has been submitted to Park and Planning which will be reviewed on Monday, February 4th.

Neither SEROCA nor the adjacent property owners, have received the revised site plan (via mail delivery or courtesy email), so SEROCA (and GOCA) does not have a formal position on the new plan. I understand changes have been made which are consequential to me, and as landowner with a large adjacent property line, most directly and grossly impacted by the Pollinger golf course development

Please be aware that as home owner I strongly support an access road through the development and connecting Batchellors Forest Road and Emory Church Road. This will allow your customers and new home owners, a safe and efficient means of travel southbound on Georgia Avenue via with the traffic light at Emory Church Road. Further, this will assist in mitigating traffic volumes from the new development onto Batchellors Forest Road and help preserve the rustic character by sharing new traffic volumes. By contrast, Emory Church Road is subject to improvements as a secondary road, however as developer I understand your requirement pertains only to the Emory Church Road/Pollinger frontage and relevant intersections. The Olney Master Plan does not specifically state that there should be NO CONNECTION between Batchellors Forest Road and Emory Church Road, and the Master Plan guidance is further provided that "access to new houses should be provided to both Batchellors Forest Road and Emory Church Road". I envision the access road to be designated for Local Traffic only, make ample use of traffic mitigating devices, and create a new Toll Brothers community with charm and character.

I expect that there will be further issues to review and discuss

Please also note that I have replaced Chuck Graefe as Vice President of SEROCA.

Sincerely,

Janice Fothergill

Cc: Mr. John Carter/Mr. Ben Berbert
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910

Rich Weaver
Montgomery County Planning

John V. Wylie
16244 Batchellors Forest Road
Olney, MD 20832

Feb 26, 2013

Dear Mr. Weaver

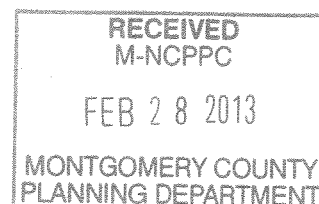
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We ask that this requirement be placed on Toll Brothers for the following reasons:

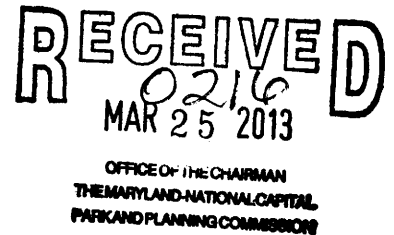
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- The staff of the Planning board has indicated to us that their preference is for connectivity; having two means of exit for a community of this size is simply good community planning.

Sincerely,

John and Ann Wylie



Laurie Stinchcomb
2430 Westminster Drive
Olney, MD 20832
240-751.0043



Tuesday, March 19, 2013

Dear Community Leaders:

The fact that Montgomery County does not care about the safety of our children is a *stunning reality* for some of us here in Olney. Citizens of the Batchellors Forest Road area witness this fact *every single day*.

Batchellors Forest Road is a designated "*Rustic Road*" which means that Montgomery County chose to preserve and exemplify the rural and agricultural character of the road unique to Montgomery County. "*Rustic Roads*" are roads that have such an unusual and pleasing character that preservation of the road is highly desirable for the community. "*Rustic Roads*" are preserved under the "Rustic Roads Program" which provides for a system of evaluating, protecting, and enhancing these scenic roadways similar to Batchellors Forest Road. These roads are listed and described in the "*Rustic Roads Functional Master Plan*" and are further designated in the "*Olney Master Plan*".

There are two schools located on Batchellors Forest Road and another that is directly adjacent to Batchellors Forest Road. As a "*Rustic Road*", Batchellors Forest Road is a series of ***blind curves, blind hills, steep slopes, hidden drives, drainage ditches, narrow or non-existent shoulders not large enough to accommodate two school buses or a vehicle in trouble. There are several sections where the road is simply too narrow for school buses and cars to pass each other, and there are bridges that allow only one car to cross at a time. In addition, there are no sidewalks or bike lanes in an area where children, dog walkers, bikers, horseback riders and joggers frequent because of the rural nature of the road. The posted speed limit is 25 mph however, the average speed***

*is closer to 40/45 mph and at times even higher. Sadly, one 19 year old, a graduate of Sherwood High School, just lost his life on Batchellors Forest Road. Regrettably, there will be **more** tragic accidents involving minors if the capacity on this road is allowed to increase as desired by the builders **and** community officials. A “perfect storm” has been created wherein there will be more fatalities on this road...it is inevitable. Montgomery County should already be aware of this fact and if they are not...let this letter **serve as notice** of the **dangerous and negligent** condition of Batchellors Forest Road. There is not one crosswalk on this road yet students cross Batchellors Forest every day to get to Olney Manor Park.*

In essence, Batchellors Forest Road, even without the projected increase in traffic from the new homes, *is one big “troublespot”*. Narrow roadways such as Batchellors Forest Road make it difficult for drivers to safely maneuver in emergency and nonemergency situations-*THERE SIMPLY IS NOT ENOUGH ROOM now, nor will there be with the addition of supplementary vehicles!*

While roadway safety, due to the overall physical features of Batchellors Forest Road is questionable, there is the added problem of there being only two entrances/exits out of the Batchellors Forest Road area. Futhermore, one entrance/exit to Batchellors Forest is off of Georgia Avenue and the other is off of Dr. Bird Road. It is impossible to safely enter or exit from Georgia Avenue because the traffic has become so congested due to the advent of the ICC. Thus, drivers on Batchellors Forest Road must enter and exit **through** Olney Manor Park thereby creating yet **another dangerous condition where small children are playing in the park**. The Olney Manor Park cut through has become a regular thoroughfare for traffic from Batchellors Forest Road. **Once again, this path endangers the children of the community who frequent an extremely busy park.**

Additionally, citizens are unable to safely exit out on to Dr. Bird Road because the entrance to Batchellors Forest Road is extremely close to Route 108 thereby giving no time for a driver to pull out on to Dr. Bird without being hit from

traffic turning *onto* Dr. Bird Road from Route 108 or from traffic traveling *from* Dr. Bird to Route 108.

As a resident of the Batchellors Forest Road area I am stunned everyday at the amount of "*near misses*" that I witness either between cars or between cars and pedestrians or bicyclists due to the excessive speeds at which cars *cut through* this neighborhood to avoid the heavy traffic on Georgia and Dr. Bird Avenues.

Now, Toll Brothers and Pulte Homes have been granted the right to develop an additional 69 homes off of the already *overburdened Rustic Road*. These developments will triple the number of homes on this already hazardous road. For reasons unfathomable to me and in *direct opposition* to the safety of our children (and in direct opposition to the Olney Master Plan), there has been a reluctance either by the developers or by community leaders to allow additional access for ingress/egress from Emory Church Road.

There *must* be *more* than just the singular Batchellors Forest Road entrance and exit! The continued development being granted by community leaders to the Batchellors Forest Road area dictates the use of Emory Church Road as an additional means of access and is the *ONLY viable* alternative at the present time.

Roadway, school and pedestrian safety *should be* of the utmost importance to all involved! Allowing Emory Church Road to be used as planned would be a reasonable improvement that will ultimately save lives on this inherently dangerous road. For the safety of all, please allow the addition of Emory Church Road as a means of ingress/egress.

Sincerely,


Laurie Stinchcomb

Regular U.S. Mailing List

Francoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Mr. John Carter
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910

Mr. Rich Weaver
Montgomery County Planning Department
8787 Georgia Avenue
SilverSpring, MD 20910

Nancy Navarro
Montgomery County Council, District #4
100 Maryland Avenue
Rockville, MD 20850

Mr. Isaiah Legget
Executive, Montgomery County
Executive Office Building
101 Monroe St., 2nd Floor
Rockville, MD 20830

The Gazette
Editorial Dept.
9030 Comprint Court
Gaithersburg, MD 20877

Toll Brothers, Inc.
250 Gibraltar Road
Horsham, PA

February 1, 2013

Dear Ben, Rich, and John:

First let me thank you all for taking the time to meet with our crew last week. You do have your hands full!

I guess what I took away from the meeting as the most compelling threat to our community was that the developer is obviously in the driver's seat . . . is this the way it always is? I'd like to see a little more gumption from you guys. I was struck by John Carter's question to Rich Weaver along the lines of "Rich, if you had your druthers, would you like to see Trotters Glen connected via roadway to Emory Church and the answer was "YES." And YES is the RIGHT answer . . . from a planning viewpoint it is always advantageous to have more than one way in and out of a community and certainly if I lived at Trotters Glen I would want it. And isn't there a public policy effort to attain connectivity? So PLEASE, stand up to the developer and tell him that . . . if he doesn't like it, he can go elsewhere. I am unclear actually why the developer does not want it—it would be a plus for me if I were seeking a house there. I was also struck by John's view of the present layout—I think he is quite right and that some changes could be made to make it more desirable, both in terms of how it meets the RNC requirements and how it appears to the existing community.

And YES is the right response in terms of interpreting the language of the Master Plan which calls for Trotters Glen access to both BFR and Emory. They would have written that access would be from Batchellors Forest . . . period. Or that no access to Emory Church is intended. Or some other language equally clear. Quite coincidentally, I'm currently involved in a major effort to clean up my den and came across testimony on the Olney Master Plan dated Sept 25, 2003. "I am concerned that access to new houses on the Pollinger property *should* be provided from both Batchellors Forest Rd and Emory Church . . . Emory Church Road is an extremely narrow road, with a width of no more than 20-25 feet and no sidewalks. It is inappropriate to utilize this road to access a new development with scores of houses. . . " And it goes on, but guess who submitted it? Elizabeth Symonds. She has certainly been consistent in her argument *if not* her interpretation of the MP. I might add that her description of Emory Church applies equally to BFR.

Should you let the Planning Board's pre-preliminary decision on connectivity stand, it will be disappointing and then REALLY critical to make the developer contribute to traffic mitigation measures on BFR (and widening the bridge is not what I had in mind).

Sincerely,

Leslie Cronin, 301-924-1529

Meseretu Amare
16609 Norbeck Farm Drive
Olney, MD. 20832

March 3, 2013

Ben Berbert
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD. 20910

Dear Mr. Berbert :

As residents served by Batchellors Forest Road, we have a direct interest in the 69 home development currently planned for the Trotters Glen development, located in the southeast quadrant of Olney. These and other homes under construction or approved will triple the number of homes on the road. We ask that approval of this Toll Brothers development plan be denied unless there is full vehicle access for the residents of the development to Emory Church Road.

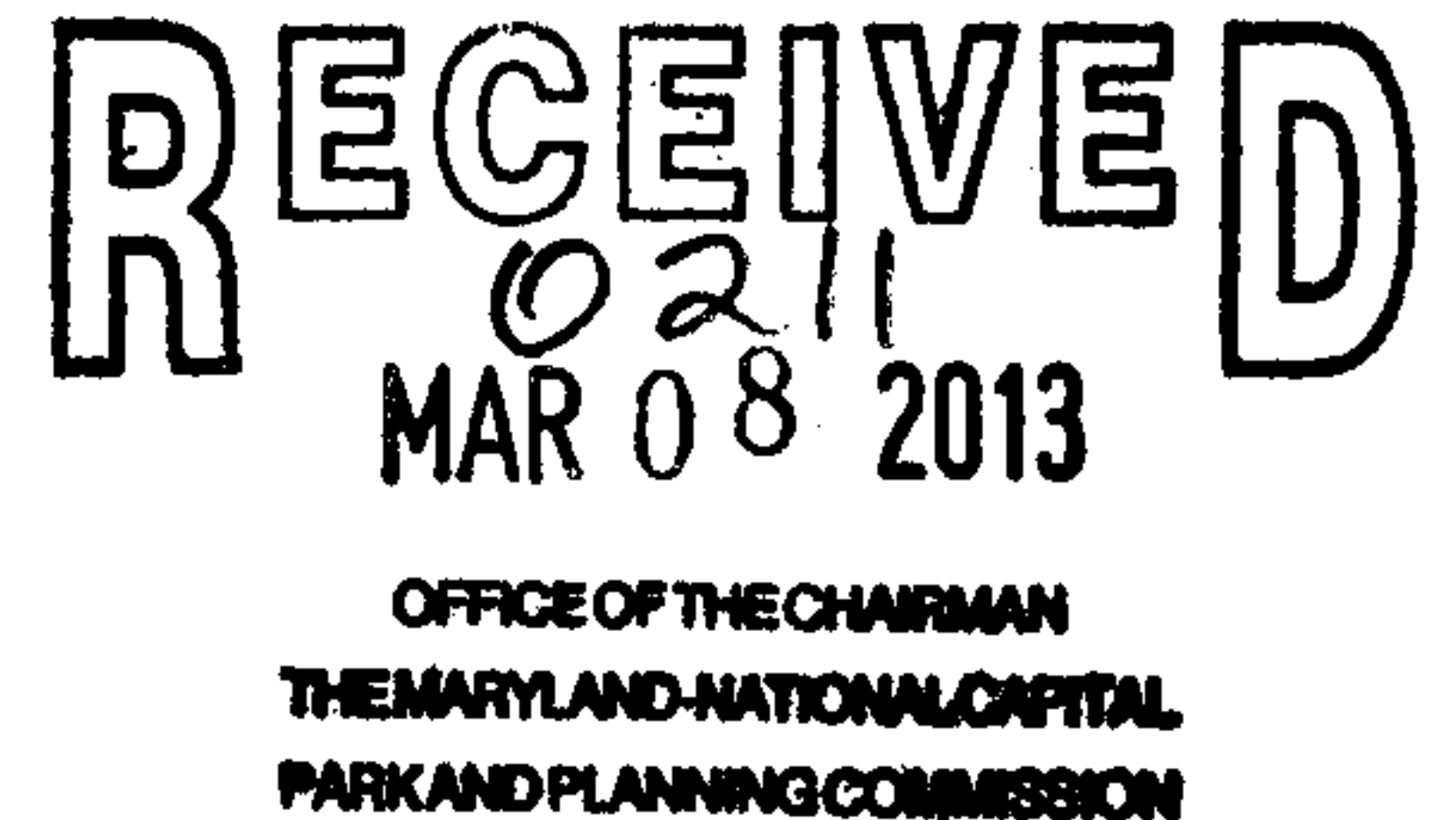
We ask that this requirement be placed on Toll Brothers for the following reasons:

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- Emergency vehicles coming from the Sandy Spring Fire Station will have a more direct and faster access to these 69 new homes from Georgia Avenue.
- The staff of the Planning board has indicated to us that their preference is for connectivity; having two means of exit for a community of this size is simply good community planning.

Sincerely,
Meseretu Amare

Patricia S Dodge
16300 Batchellors Forest Rd
Olney, MD 20832-2630

Francesca Carrier
Chairman Planning Bd.
M-N-C PPC



As residents served by Batchellors Forest Road, we have a direct interest in the 69 home development currently planned for the Trotters Glen development, located in the southeast quadrant of Olney. These and other homes under construction or approved will triple the number of homes on the road. We ask that approval of this Toll Brothers development plan be denied unless there is full vehicle access for the residents of the development to Emory Church Road.

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- The traffic studies completed by Toll Bros. are unreliable given what we know to be the current traffic use of Batchellors Forest Road.
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- The staff of the Planning board has indicated to us that their preference is for connectivity; having two means of exit for a community of this size is simply good community planning.

Sincerely,

Patricia S. Dodge

*Thank you for considering
this request.
Resident since March 1951.*

ROYAL S DELLINGER
2423 WESTMINSTER DRIVE
OLNEY, MARYLAND 20832-2637
301.924.5596 (HOME)
240.994.4104 (CELL)
ROYAL.DELLINGER@GMAIL.COM

RECEIVED
0233
MAR 29 2013

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

March 28, 2013

Chairman Francoise Carrier
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Chairman Carrier:

We are residents served by Batchellors Forest Road and have a direct and immediate interest in the effects of the 69 home Toll Brothers development currently planned for "Trotters Glen" located in the southeast quadrant of Olney. This development, along with current and approved construction, will triple the number of homes on the road, threaten our "Rustic Road" status, and quite likely create an unnecessary safety hazard that can easily be avoided. We ask that approval the Toll Brothers development plan for Trotters Glen be denied absent full vehicle access for the residents of the development to Emory Church Road.

We ask that this requirement be placed on Toll Brothers for the following reasons:

- For the Polinger "Trotters Glen" property, the Olney Master Plan states on page 31, ***"Access to new houses should be provided from both Batchellors Forest Road and Emory Church Road."*** Furthermore, the Plan, consistent with testimony given at the time of the Master Plan approval process, reflects the understanding that this refers to vehicular access as well as bike and pedestrian. **Limiting access to Batchellors Forest Road alone is a violation of the Olney Master Plan.**
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Letter to Chairman Carrier

March 28, 2013

Page two of two

- The traffic studies completed by Toll Bros. are unreliable given what we know to be the current traffic use of Batchellors Forest Road.
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We respectfully request your thoughtful consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Royal S Dellinger', with a long horizontal flourish extending to the right.

Royal S Dellinger

Greetings:

2 February 2013

It has come to our attention that there is a question about whether or not a connection between Batchellors Forest Road (BFR) and Emory Church Road (ECR) should be made in the new development known as Trotters Glen. As residents of Ascott Lane, **let us state clearly that we believe such a connection should NOT be made.** Further, let us state that there is absolutely no justification for this and that there is no Master Plan recommendation to support such a connection.

SEROCA's position (dated September 27, 2012) has been and remains to this day:

Emory Church Road/Batchellors Forest Road Link:

SEROCA understands the Developer's desire not to divide or break the community into distinct pieces. As already stated, one of SEROCA's highest priorities is to preserve the rustic road designation of Batchellors Forest Road and to ensure that traffic from any new development is mitigated to permit the community to continue to enjoy this scenic road with the least disruption possible. As previously stated, we emphasize that traffic calming techniques and/or devices appropriate to a rural rustic road (to assure that the traffic along Batchellors Forest Road remains local and not commuter in nature) should be required in the plan. Based upon these considerations, SEROCA will not oppose the plan's proposal that the new houses in the development should access only Batchellors Forest Road.

As SEROCA president, Meg Pease Fye testified before the Planning Board to this fact, as SEROCA had specifically approved THIS language. Again, there is NO NEW position from SEROCA and SEROCA's official position HAS NOT CHANGED.

If placing an emergency ONLY access onto Emory Church Road is a viable option AND if it would not result in any deleterious impact to the rural character of ECR, then this option should be reviewed carefully with input from the community.

It is very clear that some of our friends and neighbors are unhappy with the various developments along Batchellors Forest Road and the anticipated increase in traffic. Residents and members of SEROCA on Emory Church Road, Norbrook Drive, and Ascott Lane are fully sympathetic with these concerns. Destroying Emory Church Road and our neighborhood, however, is not a way to resolve the development issues on Batchellors Forest Road.

Respectfully Submitted,

Charles and Molly Stier
2901 Ascott Lane
Olney, MD 20832

May 6, 2013

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

RE: Trotters Glenn Application # 820130060
June 13, 2013 Preliminary Plan Hearing

Madam Chair and Board Members:

We understand that a Preliminary Plan Hearing to discuss the Trotters Glen Application #820130060 has been scheduled for June 13, 2013. The residents of Batchellors Forest Road (BFR) are very concerned with the preservation of the Rural and Rustic Road designation that BFR has been granted under the existing Master Plan. We are writing to request postponement of this hearing until the next regularly scheduled meeting of the Planning Board. Our reasons for requesting this delay are described below.

The developer for Trotters Glen has previously presented unsubstantiated traffic flow numbers to the Rural and Rustic Road Committee and the Planning Board for a road connection between the proposed Trotters Glen development and Emory Church Road. The basis for these numbers has been requested by residents of BFR and, to date has not been received. We do not believe the numbers present a valid argument, but simply an estimate based on erroneous assumptions. Unfortunately, development decisions are being made based upon these unsubstantiated numbers. We would like the opportunity to review this document if it exists, and provide our findings to the Rural and Rustic Road Committee and the Planning Board.

BFR has two routes of entry/exit separated by more than two miles: one to the west onto Georgia Avenue and the other to the east onto Dr. Bird Road. It is not possible to go safely south on Georgia Avenue from Batchellors Forest, and it is very difficult to go north on Dr. Bird Road. When accessing southbound Georgia, drivers go through Olney Manor Recreational Park to use the light at the Emory Lane and Georgia Avenue intersection.

Residents of the new Trotters Glen, Pulte, and proposed Stanmore developments, as well as the opening of Old Vic, will create additional traffic pressure on the Park, increasing safety concerns. We feel that Trotters Glen should not be designed to route routine traffic, unassociated with Olney Manor activities/use, through the park. We feel this is a safety concern that has not been adequately addressed.

An Emory Church Road connection already exists in the Trotters Glen development plan to provide access for emergency vehicles. We would like this connection to be expanded so that it can service everyday traffic to and from Trotters Glen.

The functioning light at the intersection of Emory Church Road and Georgia Avenue can safely and simply route the Trotters Glen traffic north or south on Georgia Avenue. The Emory Church Road route also provides a more direct route from the fire station on Georgia to Trotters Glen, a safer and quicker alternative to using BFR as a primary access. The Emory Church alternative is half the distance to the proposed Trotters Glen development when compared to the Batchellors Forest Road alternative.

The Trotters Glen development jeopardizes the Rural and Rustic nature of the road with increased traffic and the perceived need to modify the existing one-lane bridge for emergency vehicles. This bridge, which was a factor in the road being named rustic and rural, has served this community just fine for well over fifty years. Further, we believe that modifying the bridge will cause a significant increase in speeding of routine traffic through this area, making it less safe to navigate, and certainly less safe for the Cronins to exit their driveway. Improvements should be made to Emory Church Road to accommodate these emergency vehicles as opposed to changing the character of BFR and jeopardizing the BFR Rural and Rustic Road designation. The Rustic Road Committee has recommended retaining this one-lane bridge on BFR for traffic mitigation reasons.

As of this time there has been no formal traffic evaluation regarding connecting the Trotters Glen development to Emory Church Road and any effect it would have on the traffic on BFR. We believe that until such a study is completed, an equitable and complete evaluation of the impact of Trotters Glen traffic on the Park and the status/preservation of the BFR Rural and Rustic Road designation cannot be made.

The BFR community plans to conduct an independent traffic study evaluation that will review the existing traffic studies conducted to date as well as the potential impact of installing a road from the Trotters Glen development to Emory Church Road and how that would affect traffic on BFR. We anticipate that this evaluation will take approximately 2-3 months to complete. While we have been attentive to the need for this evaluation for a while, two issues have held us up:

- (1) The traffic numbers presented by the developer to the Rural and Rustic Road Committee and Park and Planning lack evidentiary support. We have repeatedly requested these studies from the developer and have received nothing.

- (2) We have encountered difficulty in finding a firm to conduct this evaluation because so many such firms have or want to work for Toll Brothers. We have now located several firms willing to conduct the evaluation.

We respectfully request that the Trotters Glen Application discussions be postponed and removed from the June 2013 agenda until these new data are available.

We look forward to hearing from you.

Ann B. Wylie
John Wylie
Richard Wilson
Deanna H. Nelson
Thomas W. Fry
[Signature]
Trotters Glen
John Fry
Christie D. Woin
Ed. Woin
Laurie Stinchcomb

Residents of Batchellors Forest Road

2

Robert J. Tworowski

Robert J. Tworowski
16237 Batchellors Forest Road
Olney, Maryland 20832
C - 240-461-0750

PETITION

Whereas Batchellors Forest Road has been formally designated as a Rustic Road, the only road in the southeastern part of the County to have such a designation;

Whereas the Rustic Road character of Batchellors Forest Road is a recognized asset of the Olney community;

Whereas, without action now, planned development on the road threatens the Rustic Road designation;

Whereas Toll Brothers is in the final stages of planning for a 69 home development at Trotters Glen Golf Course without access to Emory Church Road, leaving these residents access only to Batchellors Forest Road;

Whereas the residents of Trotters Glen will increase the amount of vehicle traffic through Olney Manor Park, since this is the only signaled intersection at Georgia Avenue available to them;

Whereas the Toll Brothers plan violates the Olney Master Plan which specifically states, in regard to the development of this property "Access to new houses should be provided from both Batchellors Forest Road and Emory Church Road;"

Whereas a traffic light has just been installed at the intersection of Georgia and Emory Church Road, providing safe and direct access to Georgia Avenue;

Whereas it is a straightforward matter to design a system of roads within Trotters Glen to discourage cut-through traffic using Emory Church from outside the development;

We the undersigned request that The Greater Olney Civic Association (GOCA) recommend against approval of the development plan and the Planning Board to deny approval of the Trotters Glen development until there is access to this development from Emory Church Road:

1. George R Howard & Rose M Howard
16901 Batchellors Forest Rd.
2. Laurie Stinchcomb Laurie Stinchcomb
2430 Westminster Dr.
3. Paula Dowelly, MD
2412 Nabeck Farm Olney MD 20832
4. ~~Hyman W. Fry~~
16740 Batchellors Forest Rd, Olney 20832
5. Marie A' Susinno
2515 Westminster Olney Md 20832
6. ~~2515 WESTMINSTER DR, OLNEY MD 20832~~
7. Steven & MINELVA Holloway
2503 Westminster Dr., Olney, Md) 20832
8. ROYAL & JULIE DECLINGER
2423 WESTMINSTER DR. 20832
9. Michael J. Rinaldi, D
2421 WESTMINSTER DR
OLNEY, MD 20832
10. Helen Moyer
2501 Westminster Dr.
Olney, MD 20832
11. Clait Stinchcomb
2430 Westminster Dr., Olney, MD Clait Stinchcomb
12. Gabriel A Kavaler
16431 CROSSTIMBER TER
OLNEY MARYLAND 20832

15. Karen and Stephen Blair
16410 Cross Timber Terrace
Olney MD 20832
16. Ann B. White
16244 Batchellors Forest Rd
Olney, MD 20832
17. John V. Nylis
16244 Batchellors Forest Rd
Olney, MD 20832
18. Leslie A. Cronin
16320 Batchellors Forest Rd
Olney MD 20832
19. Olney MD 20832
20. ROBERT TWENKOWSKI
16237 BATCHELLOWS FOREST RD.
OLNEY, MD 20832
21. Sonja Sorenson
16237 Batchellors Forest Rd
Olney, MD 20832
22. MICHAEL D. SWAINE
16307 BATCHELLOWS FOREST RD.
OLNEY, MD 20832
23. OLNEY, MD 20832
24. Patricia Mark
16309 Batchellors Forest Rd
Olney, Md 20832
25. DEAN A MARKOS Forest Rd
16309 Batchellors
Olney, MD 20832
26. Michael and Blanche Brunley
16400 Cross Timber Ter.
Olney, MD 20832
27. Joe + Patty Pasternok
16430 Cross Timber Terrace, Olney, MD 20832
- 28.

Self Hall

29. 16421 Cross Timber Ter
Olney MD 20832

30. Matt Clark
16531 Beechbluffs Forest Rd,
Olney, MD 20832



31. Rose Marie Howard
16901 Batschells Forest Rd
Olney MD 20832

32.

33. E. R. Hoover
2429 W Westminster Dr
Olney MD

34. MICHAEL LUMPKIN
2426 WESTMINSTER DR.
OLNEY, MD 20832

35. Elias Rizzo
16421 Cross Timber Terr
Olney, MD 20832

37. Joyce N. Rizzo
16421 Cross Timber Terrace
Olney, MD 20832

38. Laurie Rizzo Hall
16421 CROSS Timber Terrace
OLNEY, MD. 20832

40.

41.

42.

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Whereas, without action now, planned development on the road threatens the Rustic Road designation;

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Whereas the Toll Brothers plan violates the Olney Master Plan which specifically states, in regard to the development of this property "Access to new houses should be provided from both Batchellors Forest Road and Emory Church Road;"

Whereas a traffic light has just been installed at the intersection of Georgia and Emory Church Road, providing safe and direct access to Georgia Avenue;

Whereas it a straightforward matter to design a system of roads within Trotters Glen to discourage cut-through traffic using Emory Church Road from outside the development;

We the undersigned request that the Greater Olney Civic Association (GOCA) immediately recommend against approval of the development plan and that the Montgomery County Planning Board deny approval of the Trotters Glen development until there is access to this development from Emory Church Road.

RODGER NELSON  7 May 2013
16224 BATCHELLORS FOREST RD Olney Md 20832

Deanna H. Nelson Deanna H. Nelson May 7, 2013
16224 Batchellors Forest Rd., Olney, Md. 20832

RICHARD G. HASTINGS Richard G. Hastings 7 May 2013
16231 Batchellors Forest Rd Olney, Md 20832

Joice Sist Joice Sist
16231 Batchellors Forest Rd Olney Md 20832

Mahmood Darakhshan Mahmood Darakhshan May-7-13
16230 Batchellors Forest Rd Olney, md 20832

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Dendy Pan

M. G. G. G.

17415 Batchellors Forest Rd

Olney, MD 20832

Greetings:

It has come to my attention that there is a question about whether or not a connection between Batchellors Forest Road (BFR) and Emory Church Road (ECR) should be made in the new development known as Trotters Glen. As a confronting land owner to the proposed development, let me state unequivocally that I believe such a connection should NOT be made. Further, let me state that I can see absolutely no justification for this and that there is no Master Plan recommendation to support such a connection.

Our local community (Emory Church Road, Norbrook Drive, and Ascott Lane) as well as SEROCA, GOCA, and numerous other civic associations fought a four and a half year battle against an inappropriate (and illegal) development on Emory Church Road. A significant part of the objection to this project was the expected increased traffic the development would bring AND the destruction of the rural character of the road as a result of the proposed and required road upgrades.

In her September 10, 2012 opinion, Judge Burrell echoed the Montgomery County Council's April 8, 2008 imperative that "the Planning Board ensure that deleterious environmental impacts...and potential road improvements (such as to Emory Church Road) are minimized." For nearly five years it has been the Council's stated position that the Planning Board is to ENSURE that road improvements to Emory Church Road are minimized; and less than five months ago, a circuit court judge restated and affirmed this position.

In the Polinger Property section of the 2005 Olney Master Plan, the following statement is made: "*Access to new houses should be provided from both Batchellors Forest Road and Emory Church Road.*" However, what form this access should take (vehicular for residents, vehicular for fire/rescue only, pedestrian, bicycles, etc.) is not specified in this sentence. Interestingly enough, the statement which immediately follows the one above is "*A pedestrian and bikeway connection between Emory Church Road and Batchellors Forest Road should be provided through the property.*" It is very clear in this section that a connection between the two roads should be for pedestrians and bicycles only. If the designers of the 2005 Olney Master Plan had intended for a public road to go through from Batchellors Forest Road to Emory Church Road, they would have specified it. In fact, they did not and no inference that the Master Plan encourages or recommends a vehicular connection can be made. The ONLY connection recommended in the Olney Master Plan concerning Batchellors Forest Road and Emory Church Road is clearly stated in Recommendation item 4, page 32: "***Provide a pedestrian path between Emory Church Road and Batchellors Forest Road through the property.***" There is no other mention anywhere in the Master Plan recommending or even suggesting that vehicular access through a development on the Polinger Property should ever connect Batchellors Forest Road and Emory Church Road. Again, in her September 10, 2012 opinion, Judge Burrell affirmed the significance of the Olney Master Plan in land development cases. While her decision specifically addressed sewer and environmental impacts, the language of her decision upholds the primacy of the Olney Master Plan. Absent a recommendation for linking these two roads in the Master Plan, coupled with a clear

recommendation that any linkage be for pedestrian and bicycle use, I do not believe that allowing a road to link ECR and BFR is in conformance with the 2005 Olney Master Plan.

As far as I am aware, no residents of Emory Church Road, Norbrook Drive, and Ascott Lane are not requesting a connection between Emory Church Road and Batchellors Forest Road. In fact, I believe that the residents of Emory Church Road, Norbrook Drive, and Ascott Lane are expressly against such a connection. The only reason why these residents have not written letters opposing this connection thus far is because SEROCA has a stated position AGAINST such a connection. However, realizing that Park and Planning have received a few letters in favor of such a connection, I can assure you that you will receive letters clearly opposing this option.

Regarding SEROCA's position, nothing has changed which should be construed as requiring a new position on this matter. SEROCA's position (dated September 27, 2012) has been and remains to this day:

Emory Church Road/Batchellors Forest Road Link:

SEROCA understands the Developer's desire not to divide or break the community into distinct pieces. As already stated, one of SEROCA's highest priorities is to preserve the rustic road designation of Batchellors Forest Road and to ensure that traffic from any new development is mitigated to permit the community to continue to enjoy this scenic road with the least disruption possible. As previously stated, we emphasize that traffic calming techniques and/or devices appropriate to a rural rustic road (to assure that the traffic along Batchellors Forest Road remains local and not commuter in nature) should be required in the plan. Based upon these considerations, SEROCA will not oppose the plan's proposal that the new houses in the development should access only Batchellors Forest Road.

As SEROCA president, Meg Pease Fye testified before the Planning Board to this fact, as SEROCA had specifically approved THIS language. Again, there is NO NEW position from SEROCA and SEROCA's official position HAS NOT CHANGED.

The notion that slight revisions to the Toll Brothers development plans would negate a previously approved resolution is inappropriate and unacceptable. As you well know, Toll Brothers will likely be required by Park and Planning to revise their plans numerous times before one shovel goes into the ground. The latest "revisions" have absolutely nothing to do with the issue of a roadway connecting Batchellors Forest Road and Emory Church Road. The changes are minor and include a revised hiker/biker trail, two revised cul-de-sacs, and removal of a small round-about because it was too close to another. These minor changes have nothing to do with the roadway connection issue and do not require notification of neighbors and civic associations. Any inference that the developer intentionally withheld this information or misled SEROCA and our neighbors is completely out of place.

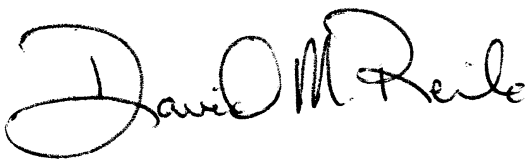
I am aware that at some point, Toll Brothers removed the emergency access from Emory Church Road. I checked into this and have been informed that this was based on a stated preference of the Fire Department. Apparently the preferred access was off of Batchellors Forest Road with a

recommendation to enlarge a bridge. If placing an emergency ONLY access onto Emory Church Road is a viable option AND if it would not result in any deleterious impact to the rural character of ECR, then this option should be reviewed carefully with input from the community.

Some have suggested that the new (soon to be implemented) fully functioning light at Emory Church Road changes everything. It most assuredly does not change the facts above. If anything, it makes an even stronger case against connecting Batchellors Forest Road and Emory Church Road. If these two roads were connected, the residents of all 56 houses to be built between the two roads would then likely enter and exit onto Emory Church Road. That would mean that upwards of 100+ cars several times a day, generating hundreds of trips, would be traversing Emory Church Road just from this new development alone. This narrow dead end road is not equipped for such traffic. And if, as suggested by the traffic studies, a minimum of 5% of the current traffic on Batchellors Forest Road and Georgia Avenue were to use this new connection, that could add hundreds of additional trips to Emory Church Road AND Batchellors Forest Road. As a result, Batchellors Forest Road would likely lose its rustic road designation. Additionally, Emory Church Road would have to be widened, resulting in significant tree loss and environmental disturbance. This would be clearly counter to the admonition that the Planning Board ensure that improvements to Emory Church Road are minimized and deleterious environmental impacts be avoided.

It is very clear that some of our friends and neighbors are unhappy with the various developments along Batchellors Forest Road and the anticipated increase in traffic. I believe that the residents and members of SEROCA on Emory Church Road, Norbrook Drive, and Ascott Lane are fully sympathetic with these concerns. Destroying Emory Church Road and our neighborhood, however, is not a way to resolve the development issues on Batchellors Forest Road.

Respectfully Submitted,

A handwritten signature in black ink that reads "David M. Reile". The signature is written in a cursive style with a large, looping initial "D".

David M. Reile
3100 Emory Church Road
Olney, MD 20832

February 1, 2013

Dear Ben, Rich, and John:

First let me thank you all for taking the time to meet with our crew last week. You do have your hands full!

I guess what I took away from the meeting as the most compelling threat to our community was that the developer is obviously in the driver's seat . . . is this the way it always is? I'd like to see a little more gumption from you guys. I was struck by John Carter's question to Rich Weaver along the lines of "Rich, if you had your druthers, would you like to see Trotters Glen connected via roadway to Emory Church and the answer was "YES." And YES is the RIGHT answer . . . from a planning viewpoint it is always advantageous to have more than one way in and out of a community and certainly if I lived at Trotters Glen I would want it. And isn't there a public policy effort to attain connectivity? So PLEASE, stand up to the developer and tell him that . . . if he doesn't like it, he can go elsewhere. I am unclear actually why the developer does not want it—it would be a plus for me if I were seeking a house there. I was also struck by John's view of the present layout—I think he is quite right and that some changes could be made to make it more desirable, both in terms of how it meets the RNC requirements and how it appears to the existing community.

And YES is the right response in terms of interpreting the language of the Master Plan which calls for Trotters Glen access to both BFR and Emory. They would have written that access would be from Batchellors Forest . . . period. Or that no access to Emory Church is intended. Or some other language equally clear. Quite coincidentally, I'm currently involved in a major effort to clean up my den and came across testimony on the Olney Master Plan dated Sept 25, 2003. "I am concerned that access to new houses on the Pollinger property *should* be provided from both Batchellors Forest Rd and Emory Church . . . Emory Church Road is an extremely narrow road, with a width of no more than 20-25 feet and no sidewalks. It is inappropriate to utilize this road to access a new development with scores of houses. . . ." And it goes on, but guess who submitted it? Elizabeth Symonds. She has certainly been consistent in her argument *if not* her interpretation of the MP. I might add that her description of Emory Church applies equally to BFR.

Should you let the Planning Board's pre-preliminary decision on connectivity stand, it will be disappointing and then REALLY critical to make the developer contribute to traffic mitigation measures on BFR (and widening the bridge is not what I had in mind).

Sincerely,

Leslie Cronin, 301-924-1529

Greetings:

2 February 2013

It has come to our attention that there is a question about whether or not a connection between Batchellors Forest Road (BFR) and Emory Church Road (ECR) should be made in the new development known as Trotters Glen. As residents of Ascott Lane, **let us state clearly that we believe such a connection should NOT be made.** Further, let us state that there is absolutely no justification for this and that there is no Master Plan recommendation to support such a connection.

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As SEROCA president, Meg Pease Fye testified before the Planning Board to this fact, as SEROCA had specifically approved THIS language. Again, there is NO NEW position from SEROCA and SEROCA's official position HAS NOT CHANGED.

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Respectfully Submitted,

Charles and Molly Stier
2901 Ascott Lane
Olney, MD 20832

Meseretu Amare
16609 Norbeck Farm Drive
Olney, MD. 20832

March 3, 2013

Ben Berbert
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD. 20910

Dear Mr. Berbert :

As residents served by Batchellors Forest Road, we have a direct interest in the 69 home development currently planned for the Trotters Glen development, located in the southeast quadrant of Olney. These and other homes under construction or approved will triple the number of homes on the road. We ask that approval of this Toll Brothers development plan be denied unless there is full vehicle access for the residents of the development to Emory Church Road.

We ask that this requirement be placed on Toll Brothers for the following reasons:

- For the Polinger Trotters Glen property, the **Olney Master Plan states on page 31 “Access to new houses should be provided from both Batchellors Forest Road and Emory Church Road.”** Furthermore, the Plan as well as testimony given at the time of the Master Plan approval process reflects the understanding that this refers to vehicular access as well as bike and pedestrian. **Limiting access to Batchellors Forest Road alone is a violation of the Olney Master Plan.**
- A traffic light has just been installed at the intersection of Georgia and Emory Church Road, allowing safer access to Georgia Avenue, both north and south.
- Use of Emory Church Road by the new residents will limit the use of the road through Olney Manor Park to access Georgia Avenue by the light at Emory Lane. Concerns have been expressed that increased traffic through the park will impact its patrons and create significant safety and usage issues.
- Batchellors Forest Road has been formally designated as a Rustic Road, the only road in the south eastern part of the County to have such a designation. It will be impacted not only by the Trotters Glen development, but also by new development at its north end (virtually **tripling** the number of homes) as well as the expansion of Farquhar. To maintain the rustic rural character, and its status as a Rustic Road, every possible effort should be made to limit traffic growth and mitigate existing traffic. Use of the Emory Church Road alternative by the homeowners in the new development will reduce vehicular traffic and encourage pedestrians and bicycle use on Batchellors Forest Road.
- The traffic studies completed by Toll Bros. are unreliable given what we know to be the current traffic use of Batchellors Forest Road.
- Emergency vehicles coming from the Sandy Spring Fire Station will have a more direct and faster access to these 69 new homes from Georgia Avenue.
- The staff of the Planning board has indicated to us that their preference is for connectivity; having two means of exit for a community of this size is simply good community planning.

Barbara Falcigno
President
OLNEY OAKS

June 17, 2013

John Webster
Executive Vice President
MANOR OAKS

Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD

Howard Greif
First Vice President
NORBECK GROVE

Kathy Curtis
Second Vice President
LAKE HALLOWELL

Dear Chairwoman Carrier and Planning Board Commissioners:

Mark Hill
Recording Secretary
CAMELBACK VILLAGE

After many meetings and long discussions, the Greater Olney Civic Association approved the following motion:

Greg Intoccia
Corresponding Secretary
ASHLEY HOLLOW

Ruth Laughner
Treasurer
WILLIAMSBURG VILLAGE

Whereas the addition of 69 homes in Trotters Glen will almost double the number of current homes living off Batchellors Forest Road, GOCA believes that another method of egress is needed from that community to access southbound Georgia Avenue other than having the traffic use Batchellor's Forest Road and cut through Olney Manor Recreation Park to access 97S at Emory Lane. The park has already complained about safety with cut-through traffic and GOCA feels that additional cut-through traffic from the new community will make matters worse. GOCA feels a second method of egress should be constructed. The simplest method would appear to be the connection of Emory Church Road to the Trotters Glen property since Emory Church Road already abuts the Trotters Glen property and traffic could access Georgia Avenue via an existing traffic signal without cutting through the park and the already failing signal at Emory Lane/97. An alternate, and perhaps more desirable option, would be to connect Mt. Everest Lane to the Trotters Glen property allowing traffic to exit on Route 28 to get to 97. This option minimizes F-level congestion that has already occurred between the ICC and Emory Lane. These two suggested options do not preclude other possible options of egress from the new development to 97S OTHER than cutting through the park.

There are currently approximately 50 homes along Batchellors Forest and adding the already approved Stanmore (13 more homes) and Batchellors Forest (37 homes) as well as the proposed Trotters Glen (69 homes), the number of homes will total ~ 170 homes. Throughout the Olney Master Plan discussions (2002-2005), staff predicted as long as the number of total housing units stayed under 200 units, Batchellors Forest Road would still meet the the Rustic Road requirements of less than 3,000 trips per day¹. However, no analysis was done on how these vehicles would access southbound Georgia Avenue. Currently it appears over 300 cars use Olney Manor Park (data supplied by Dr. Anne Wylie's analysis of Toll Brothers' traffic study data) as a means to access Georgia Ave south. The members of GOCA find it unacceptable that traffic funnels through the park and the additional development along Batchellors Forest Road may double or even triple that number. Mike Little, manager of Olney Manor Recreational Park, has shared that

speeding through the park has been a growing problem and he has had park police in the park to catch speeders. The parking lot also has several speed bumps and the asphalt is breaking up.

To not use the park to access southbound Georgia Ave from Batchellors Forest Road, a vehicle must first travel north, cross three lanes of traffic in 0.1 miles (~500 feet on a 50 mile an hour road), and make a u-turn at Emory Lane. At peak hours, traffic at Emory Lane backs up south of Batchellors Forest Road which forces these vehicles to travel to the next signalized intersection approximately 0.5 miles north at Emory Church Road to make a u-turn. The State Highway Administration has been very clear that they would not approve a light at Batchellors Forest Road and Georgia Avenue due to its proximity to the light at Emory Lane. A traffic light at that intersection would also have other unintended consequences.

None of these scenarios are safe for drivers or users of the park. Thus the members of GOCA feel there needs to be safe access to southbound Georgia Ave from this relatively large development. We suggest two options (connect Batchellors Forest Road to Emory Church Road or to Mount Everest Lane), but we do not feel these preclude other possibilities. Any connection should be circuitous and long in order to discourage any non-local traffic and to maintain the rural nature of the area.

The Olney Master Plan states on page 31 in the discussion of the Polinger Property that “Access to new houses should be provided from both Batchellors Forest Road and Emory Church Road.” The next sentence is specific for “A pedestrian and bikeway connection between Emory Church Road and Batchellors Forest Road should be provided through the property.” In the bulleted recommendations on pages 31 and 32, nothing is mentioned about a vehicular access between these two roads. In 2006, there was a pre-preliminary plan from a different developer that connected these two roads through that proposed development. No issue was made by the local community at that time about the connection.

GOCA's concern is to protect park users from additional through traffic as well as ensuring vehicles can safely reach southbound Georgia Avenue from these developments.

Sincerely,

Barbara Falcigno

Barbara Falcigno
President
Greater Olney Civic Association

1. In 2002, there were 630 average daily trips on Batchellors Forest Road south of Farquhar Middle School (Olney Master Plan, page 101). In 2012, Toll Brother's Traffic Study shows 1,500 average daily trips in the southern area of Batchellors Forest Road and the only new housing development that has been built since 2002 is Batchellors Forest which has only a handful of homes occupied at this time (Exhibit 1 of Memorandum dated 9/20/2012). Washington Christian Academy and Good Counsel High School were constructed post 2002.

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June 18, 2013

Via Electronic Mail

Honorable Francoise Carrier
Chair, Montgomery County Planning board
8787 Georgia Avenue
Silver Spring, Maryland

Re: Trotters Glen (Proposed Development of the Polinger Property in Olney)

"When I use a word," Humpty Dumpty said in rather a scornful tone, "it means just what I choose it to mean -- neither more nor less."

"The question is," said Alice, "whether you can make words mean so many different things."

"The question is," said Humpty Dumpty, "which is to be master -- that's all."

-- Lewis Carroll, *Alice Through the Looking Glass*

Dear Chairwoman Carrier,

My name is John Lyons. I have resided at 16301 Batchellors Forest Road in the Southeast Quadrant of Olney since 1997. My property is adjacent to an extreme edge of the Polinger property, away from the areas where homes will be built. From 1999 through 2007, I was very actively involved in land use issues in the Greater Olney area, and I continue to monitor them with great interest. During the entire period of the Olney Master Plan ("OMP") update and revision, I served as president of the South East Rural Olney Civic Association ("SEROCA"). During the same period, I also served as an officer of the Greater Olney Civic Association ("GOCA") in various capacities, including vice president, executive vice president and ultimately

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president. In addition, I was an active member of the OMP Advisory Committee. On behalf of both SEROCA and GOCA, I engaged extensively with Planning Board staff on OMP issues, made written submissions to the Planning Board regarding various OMP issues, and prepared and delivered testimony at Montgomery County Planning Board and County Council hearings on OMP issues. I am intimately familiar with the land use, environmental and transportation issues in Olney's Southeast Quadrant ("SEQ"), as well as the Olney Master Plan's careful consideration and balancing of numerous competing interests in the SEQ. With respect to land use issues, my primary concern has always been to ensure fidelity to the OMP, which reflects multiple years and countless hours of dedicated Planning Board staff and community effort and is designed to balance and protect the interests of all stakeholders in the Olney planning area.

I am prompted to write in response to a number of assertions and arguments advanced by Toll Brothers and some members of the Olney community with respect to the OMP's recommendation for access from the Polinger property to both Batchellors Forest Road and Emory Church Road. These assertions and arguments were most recently expressed in Toll Brothers' Statement of Justification concerning Trotters Glen, dated April 24, 2013, and in the letter of its outside counsel, Erica A. Leatham, to Ben Berbert of the Planning Board staff, dated May 21, 2013.

Having literally spent years working on the OMP and land use issues in the SEQ, I am disturbed to read the tortured reasoning and intellectual gymnastics of those claiming that the plain language of the OMP does not mean what it says, particularly when they were not present and had nothing to do with the arduous, multi-year deliberations that led to the OMP's thoughtful recommendations. Toll Brothers' arguments in particular immediately bring to mind Humpty Dumpty and the famous colloquy quoted at the top of this note. Toll Brothers and others would have all of us, especially you, believe that the OMP's clearly stated recommendation for dual access from the Polinger property to Batchellors Forest Road and Emory Church Road is somehow "ambiguous" and does not mean what it says because the transportation plan for the SEQ does not call for a connection between the two roads. That's nonsense. That argument conflates two independent and unrelated concepts: (1) access to/from the property to two different roads; and (2) a direct connection between those same two roads.

During the OMP process, access from the Polinger property was discussed, analyzed and debated extensively among the Advisory Committee and Planning Board staff. For example, there was concern about feeding all of the traffic from the northwest portion of the property on to Batchellors Forest Road, which previously had been designated an interim rural rustic road pending the OMP revision and update. One alternative under consideration was to extend Emory Road – not to be confused with Emory Church Road – through Olney Manor Park and across the intervening privately owned properties to provide a direct connection from the Polinger property to the full-function traffic signal at the intersection of Emory Lane and Georgia Avenue. That possible solution was ultimately rejected in part because of the significant impact it would have had on the intervening privately owned properties and the streams and wetlands they contain. The extension of Emory Lane was also rejected because there was a view that Emory Church Road could accommodate some additional local traffic from the Polinger property

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without overwhelming the road, given that the northwest portion of the development would also directly access Batchellors Forest Road, which would also carry all of the traffic from the smaller, southeast portion of the development. In any event, the OMP recommendation that the developed Polinger property should provide access to both Batchellors Forest Road and Emory Church Road was the product of careful and thoughtful deliberation by the OMP Advisory Committee and Planning Board staff, and it was left intact throughout the Planning Board's and the County Council's consideration of the OMP. For Toll Brothers and others who were not involved in the OMP process generally, or the OMP's recommendations for the Polinger property in particular, to come along now nearly 10 years later and suggest that the recommendation is ambiguous and cannot possibly mean what it says is both offensive and blatantly self-serving, albeit unsurprising.

In addition, it is worth noting that today the intersection of Emory Church Road and Georgia Avenue has a full-function traffic signal, which was not contemplated or assumed by the OMP. That new signal provides controlled and safe movements from Emory Church Road across and onto Georgia Avenue (particularly southbound Georgia Avenue), movements that are also available at the intersection of Emory Lane and Georgia Avenue but not at the intersection of Batchellors Forest Road and Georgia Avenue. As a matter of sensible planning and good public policy, the Planning Board simply cannot ignore this critically important fact: Emory Church Road can provide at least some residents of Trotters Glen (*i.e.*, residents of the northwest portion of the Polinger property) with direct and efficient access to a fully controlled and safe intersection at Georgia Avenue, where the speed limit in that area is 50 miles per hour. Although a full-function traffic signal was not part of the OMP's rationale for dual access to the Polinger property, it now serves as an additional, independent reason to support the OMP's recommendation for dual access and to render unthinkable any decision not to adhere to that recommendation.

With respect to the arguments of Toll Brothers and others that the OMP does not recommend a road connection between Batchellors Forest Road and Emory Church Road, so what? First, the transportation network analysis for the SEQ determined that the level of planned development in the SEQ, coupled with the objective of retaining and preserving the SEQ's rural character to the extent possible, resulted in a conclusion that significant new arterial or secondary roads, or new interconnections between or among existing roads, were neither necessary nor desirable in the SEQ. Second, there is nothing in the OMP or the transportation network analysis of the SEQ that says there should not be such a connection – direct or indirect – in the context of developing the Polinger property. On the contrary, it was anticipated and understood during the OMP process that providing access to both Batchellors Forest Road and Emory Church Road from the Polinger property would likely provide some degree of interconnection between the roads. Third, and most important, there is nothing inherent in the recommendation to provide access from the Polinger property to both roads that requires Toll Brothers to build a direct, relatively high-speed, unimpeded thoroughfare between the roads. Indeed, a creative approach to laying out the internal roads of the development – including requiring two or more turns and/or traffic calming devices – should be able to yield access to both roads without creating the appearance or the allure of a thoroughfare or "short cut" between the roads and without

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June 18, 2013

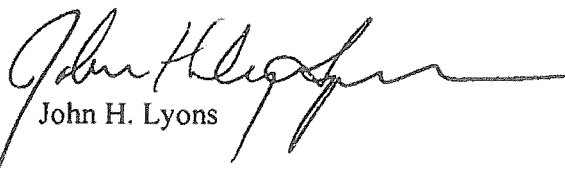
separating the northwest portion of the property into two distinct and unconnected areas (as Toll Brothers implies would be necessary). Such a creative design may be less convenient and perhaps more costly for Toll Brothers, but it is not difficult to imagine and it would ensure that the OMP's recommendation for access to the Polinger property is properly implemented. One would think that where there is a will, there should be a way.

Now that it is "real," the development of the Polinger property, and specifically the dual access issue, has revealed strong differences of opinion among some residents of the SEQ – differences that either did not exist or were not apparent 8-10 years ago. That's not terribly surprising, especially given that some residents have moved to the SEQ since the OMP was finalized and adopted 8 years ago. At the same time, it unfortunately means that today there is no clear consensus one way or the other within the community on the dual access issue. Today, the community and its civic association, SEROCA, does not speak with one voice on this issue.

However, the lack of community consensus today is no reason for ignoring and effectively vitiating the OMP's clearly stated recommendation for dual access from the Polinger property. Master plans exist to create a longer-term vision of the future of a community while attempting to balance and protect the interests of all stakeholders in the community. Master plan objectives and recommendations are meant to provide planning predictability for all stakeholders and are not to be ignored or set aside when they prove inconvenient or otherwise not to the liking of a developer or a subset of community members. Master plan integrity, and fidelity to adopted master plans, has been a bedrock principle of county planning for decades and has guided the orderly development of numerous projects in the Olney area and the SEQ.

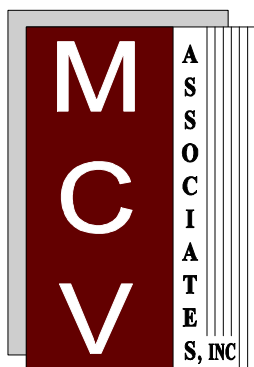
It is my understanding that certain Planning Board staff assigned to evaluate the proposed Trotters Glen development may have previously authored a memorandum about the project in which they acquiesced to Toll Brothers' arguments against providing dual access to the property and request to provide single access (*i.e.*, only to Batchellors Forest Road). If that is the case, such acquiescence is incomprehensible and unacceptable. If staff does not reverse course on its own, the Planning should refuse to participate in Toll Brothers' Humpty Dumpty-like efforts to obfuscate and redefine the OMP's crystal clear dual-access recommendation for the Polinger property. The Planning Board should reject those efforts, uphold the OMP's dual access recommendation, and require vehicular access from the Polinger property to both Batchellors Forest Road and Emory Church Road. Otherwise, the Planning Board faces the risk of another litigation arising from a failure to adhere to the OMP.

Respectfully submitted,



John H. Lyons

Attachment T



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PLANNING . ENGINEERING . INFORMATION TECHNOLOGY

MEMORANDUM

TO: Leslie Cronin
FROM: Joe Mehra, PE., PTOE
SUBJECT: Trotters Glen Traffic Analysis
DATE: June 27, 2013

JOB: J-815

Trotters Glen is a proposed residential development located off Batchellors Forest Road in the Olney Policy Area of Montgomery County, Maryland. A Traffic Impact Analysis was conducted for the proposed development by Lenhart Traffic Consulting, Inc. (Lenhart), report dated December 18, 2011. An updated study was prepared dated March 26, 2013. I reviewed both the studies, conducted site reconnaissance and conducted some additional traffic analysis.

LENHART TRAFFIC ANALYSIS

The traffic analysis utilized industry standard procedures and methodologies utilizing the scope and background development data provided by M-NCPPC and new traffic data collected by Lenhart. The study concludes that the project will satisfy the LATR guidelines. The Critical Lane Volume standard for the intersection levels of service for the Olney Policy area is 1,450. The study results in the following CLVs for the two intersections analyzed.

Intersection	Existing CLV		Background CLV		Total CLV		Policy
	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak	Threshold
MD 97/Emory lane	1345	1362	1381	1364	1424	1365	1450
MD 97/Batchellors Forest	1325	1249	1335	1291	1350	1318	1450

A review of the CLV for the intersection of MD 97 and Emory lane shows that Lenhart has computed the AM peak hour CLV for this intersection incorrectly. For the eastbound direction,

Lenhart adds the traffic for all three movements and factors by 0.37 (lane use factor for three lanes) to compute the critical lane volume for this movement resulting in 195 vehicles. The left turn volume during the AM peak hour is only 107 vehicles, which is less than the CLV. Therefore, the CLV computation has to exclude the left turn volume and include only through and right turns and apply a lane use factor of 0.53. However, this error is negated by the fact that the eastbound right turns on Emory Lane can occur at the same time as the northbound left turns on MD 97. The net impact is that the CLV remains within the acceptable standards for Olney Policy Area.

Maryland State Highway Administration has computed the levels of service at this intersection. Based on traffic data collected on March 1, 2012, Maryland SHA states that this intersection is currently operating at LOS E and LOS D during the AM and PM peak hours, respectively.

CONNECTION THROUGH TROTTERS GLEN (Between Batchellors Forest Road and Emory Church Road)

There has been a lot of discussion about connecting Batchellors Forest Road and Emory Church Road through Trotters Glen. Lenhart in his letter dated September 20, 2012 to Toll Brothers has estimated that connecting Batchellors Forest Road and Emory Church Road through Trotters Glen can add 800 to 1,600 vehicles per day along the northern section of Batchellors Forest Road as traffic diverts from their existing route using Old Baltimore Road to travel from MD 108 to MD 97. Lenhart states that the new connection would likely invite additional non-local trips to use this route, mostly in the morning peak hour. However in his analysis, he diverts 10% of the total daily traffic on to the new route to come up with the diversion of 800 to 1600 trips per day. Further, he shows that the travel distances using Old Baltimore Road is the same as using Batchellors Forest Road. It should be noted that MSHA traffic data shows that a total of 759 vehicles turn left from MD 108 to Old Baltimore Road during the morning two hour peak period (7 AM to 9 AM). Lenhart's estimate that 800 to 1,600 vehicles will cut-through Trotters Glen to bypass Old Baltimore Road primarily during the AM period means that each and every vehicle would cut-through Batchellors Forest Road to avoid Old Baltimore Road. This is an unrealistic projection.

Further, it was stated that a comprehensive cut-through study would have to be initiated by the Council of Governments (COG) and would take many months to undergo such an expansive study of the surrounding traffic. The reference to COG to do such a study is incorrect for two reasons: 1. The COG models are not at a micro level model and will not be able to analyze a neighborhood cut-through traffic such as through Trotters Glen (I do not believe even Batchellors Forest Road would be in COG's network). 2. M-NCPPC models are more detailed for Montgomery County and would be more applicable than COG Models.

I conducted my analysis using travel distances and travel time between Batchellors Forest Road at MD 182 and MD 97 at Batchellors Forest Road using the three alternative routes. Two are existing routes and the third route would be created if a roadway connection is established between Batchellors Forest Road and Emory Church Road. The existing route would use MD 182/MD 108, turn left at Old Baltimore Road and then turn left at MD 97 to reach Batchellors Forest Road. There is a second existing route to go from MD 182/MD 108 to MD 97 at Batchellors Forest Road. This route consists of turning on to Batchellors Forest Road at MD 108, turning right on MD 97 to go north and then making a u-turn at Emory Lane. The third route is the new route consisting of

turning left at Batchellors Forest Road from MD 182, turn right at the subdivision road through Trotters Glen and then turn left on Emory Church Road and another left on MD 97 to reach Batchellors Forest Road. It should be noted that this route involves a circuitous route through Trotters Glen. Further, Batchellors Forest Road has two 90 degree curves and a STOP sign.

The approximate travel distances for the three routes are as follows:

Existing Old Baltimore route is 2.6 miles

Existing Batchellors Forest Road and MD 97 route is 3 miles

New route using Batchellors Forest Road and Trotters Glen is 3 miles

The existing Old Baltimore Road route has higher posted speed limits of 35 to 50 miles per hour. The route involves driving through four traffic lights (one at MD 182, two on MD 108 and one on MD 97). MSHA provides levels of service at the four signalized intersections on this route. The intersection of MD 182 at Batchellors Forest Road is currently operating at LOS A during the AM peak hour. The intersections of MD 108 at Old Vic Blvd and at Old Baltimore Road are currently operating at LOS D during the AM peak hours. The intersection of MD 97 at Old Baltimore Road is currently operating at LOS F during the AM peak hour. Therefore, the delay on this route is primarily through the intersection MD 97 at Old Baltimore Road (turning left on to MD 97). The travel delays through the three signalized intersections on MD 108 and MD 97 average 40 seconds each based on the traffic data from MSHA and using HCS analysis in Synchro model. The total travel time for this route is estimated to be approximately 7.3 minutes.

The second existing route through Batchellors Forest Road has a posted speed of 25 miles per hour. The travel speeds on Batchellors Forest Road are low due to the roadway geometry and the presence of STOP sign. Further, the traffic has to make a u-turn on MD 97 at Emory Lane to travel south on MD 97. The estimated travel time for this route is approximately 9.8 minutes during the AM peak period.

The new route through Trotters Glen is very similar to the second existing route. The travel distances are approximately the same and essentially the commuter travels through Trotters Glen instead of MD 97 to head south on MD 97. The travel time for this route would be similar to the existing second route using Batchellors Forest Road.

A comparison of the travel distances and travel times for the three routes show that there is no real savings in using the second or the third route through Batchellors Forest Road to avoid Old Baltimore Road. As a matter of fact, if Lenhart's diversion theory is correct, many motorists should be using Batchellors Forest Road "today" to avoid driving on Old Baltimore Road. These motorists would not wait for a new connection between Batchellors Forest Road and Emory Church Road to divert from Old Baltimore Road.

Therefore, in my professional opinion there would be an insignificant amount of cut-through traffic on Batchellors Forest Road and Trotters Glen during the AM peak period. Therefore, Batchellors Forest Road would not be expected to exceed the 3,000 vehicles per day threshold for rustic roads, due to the potential cut-through traffic. The proposed Trotters Glen development would be adding 640 daily vehicle trips to the northern section of Batchellors Forest Road.

CONCLUSIONS

A detailed analysis of cut-through traffic through Trotters Glen shows that there will be an insignificant amount of cut-through traffic due to the roadway connection between Batchellors Forest Road and Emory Church Road. A similar route exists today which could be potentially used for cut-through. The cut-through traffic would not impact the rustic roads traffic threshold of Batchellors Forest Road.

Please contact me if you have any questions.