



Horizon Hill: Preliminary Plan No. 120120170

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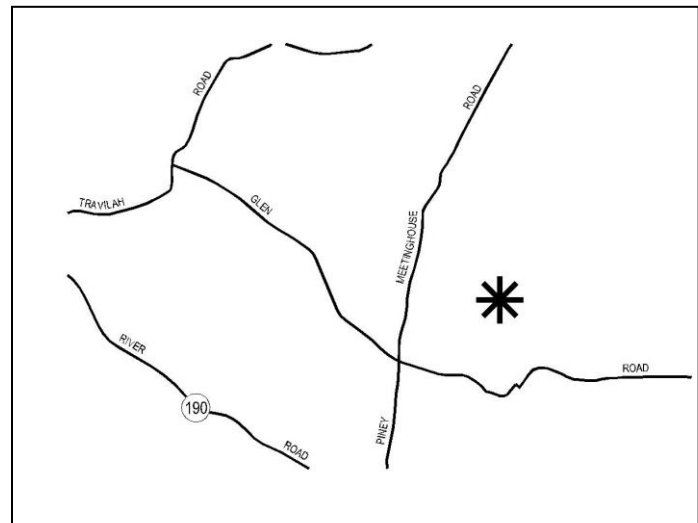
Description

Horizon Hill: Preliminary Plan No. 120120170

A request for three lots for three one-family detached dwelling units as part of a re-subdivision on 6.35-acres in the RE-2 zone; located at 10616 Red Barn Lane on the southwest side of Red Barn Lane in the 2002 Potomac Subregion Master Plan.

Date Submitted: July 31, 2012
Applicant: Charles Rabkin
Review Basis: Chapter 50 and Chapter 22A

Staff Recommendation: Denial



Summary

The Applicant wishes to resubdivide two existing lots that front Red Barn Lane and create three lots using an existing pipestem to Glen Mill Road.

- Staff recommends denial under Section 50-35(l) of the Subdivision Regulations. Section 50-24(k) allows the Planning Board to substitute an alternative requirement for access and other public improvements that are consistent with the Rustic Roads Program; access from Red Barn Lane is consistent with this provision.
- Confirm the Planning Board’s previous action on Preliminary Plan 119892860 (Condition 3) and the current plat, #18005, which denied access to Glen Mill Road limiting access to Red Barn Lane only.
- Glen Mill Road is classified as an Exceptional Rustic Road.
 - Access points should be limited to retain the character of the road
 - Changes to abutting properties and the road that have negative impacts on the character of the road should be avoided.
- Red Barn Lane is a Private Street
 - Access for all three lots is recommended from Red Barn Lane
 - Fire and Rescue Services may require improvements.

- Access point to Glen Mill Road for third lot would remove two trees greater than 24" DBH and an entire hedge row.
- The proposed access from Glen Mill Road is inconsistent with the 1996 Rustic Roads Functional Master Plan and the 2002 Potomac Subregion Master Plan.
- In past practice, this application would be recommended for approval with a condition that access for all three proposed lots be provided from Red Barn Lane. A tree variance requirement is anticipated by Staff for a driveway to Red Barn Lane, so such a condition requires an amended plan and a variance submittal by the Applicant. The Applicant has been unwilling to consider any plan in which lot 3 accesses Red Barn Lane

RECOMMENDATION: Denial.

SITE DESCRIPTION

Preliminary Plan No. 120120170 ("Application" or "Preliminary Plan") is a request to re-subdivide two properties identified as lots 22 and 23 on Tax Map FQ23; located at 10616 Red Barn Lane and consisting of 6.35-acres, zoned RE-2 ("Property" or "Subject Property") into three lots for three one-family detached dwelling units. The Property is within the 2002 Potomac Subregion Master Plan area ("Master Plan"). As depicted in Figures 1 and 2 below, the Property is surrounded by one-family detached dwellings in the RE-2 zone. The Property currently consists of two recorded lots; however, only one has an existing one-family detached dwelling which is served by well water and a private septic system. Access to the dwelling is by a semi-circular driveway from Red Barn Lane, a private road. The current plat¹ for the Property shows that access for Lot 22 to Glen Mill Road is prohibited, which is discussed later in the staff report.

The Subject Property is located within the Piney Branch Special Protection Area ("SPA") within the Watts Branch watershed. The Property is primarily covered by open, mowed lawn. There are ten specimen trees located on the Property. There are no forests, stream buffers, wetlands, or other environmentally sensitive features on or adjacent to the Property.

¹ See Figure 9 (Plat # 18005)

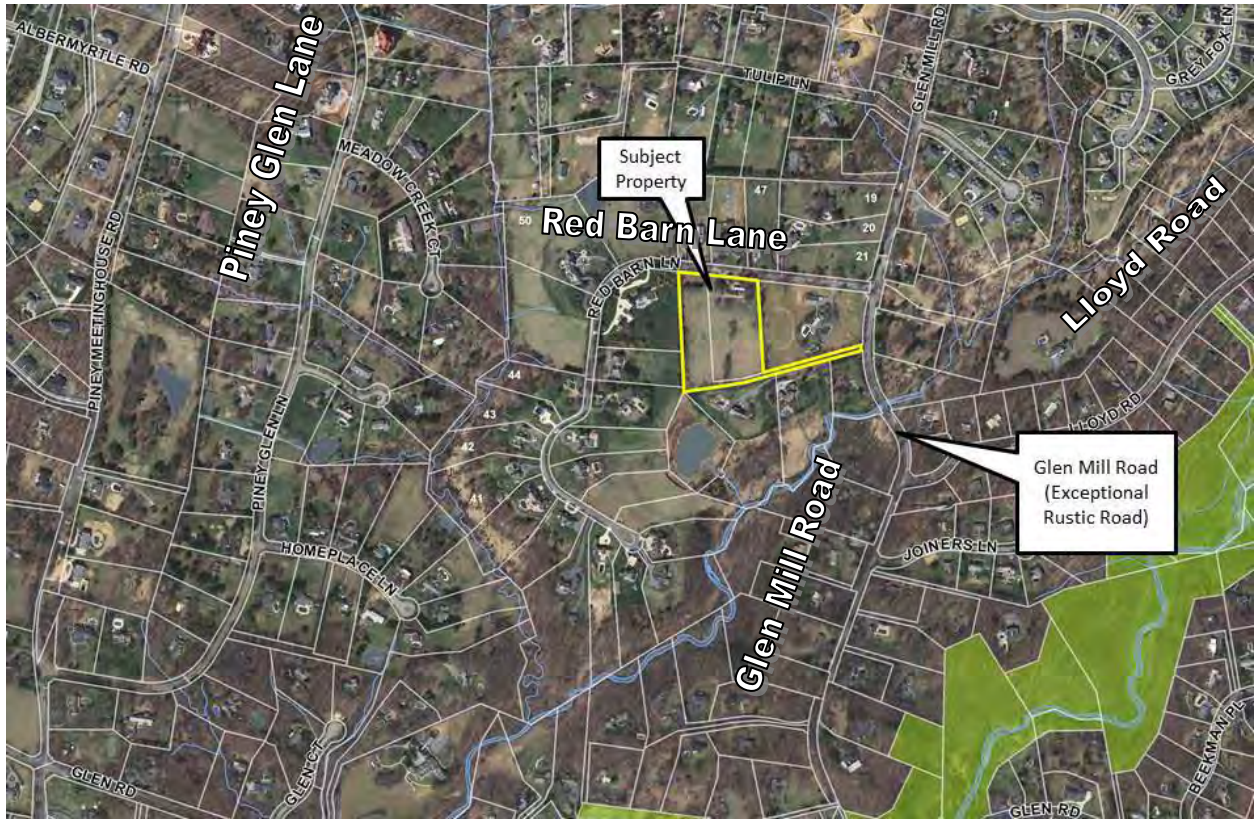


Figure 1 – Vicinity Map



Figure 2 – Subject Property

PROJECT DESCRIPTION

The Applicant proposes to re-subdivide two existing lots into three lots to accommodate three one-family detached dwelling units. The Applicant will keep the existing dwelling unit on proposed Lot 2 (see figure 3 below). All three lots will be approximately 2.1 acres and are generally rectangular in shape. Proposed Lots 1 and 2 will have frontage and access on Red Barn Lane and Lot 3 proposes to have frontage and access on Glen Mill Road. Each new dwelling unit will be served by public water and a private septic system; the existing house will remain on well water and a private septic system.

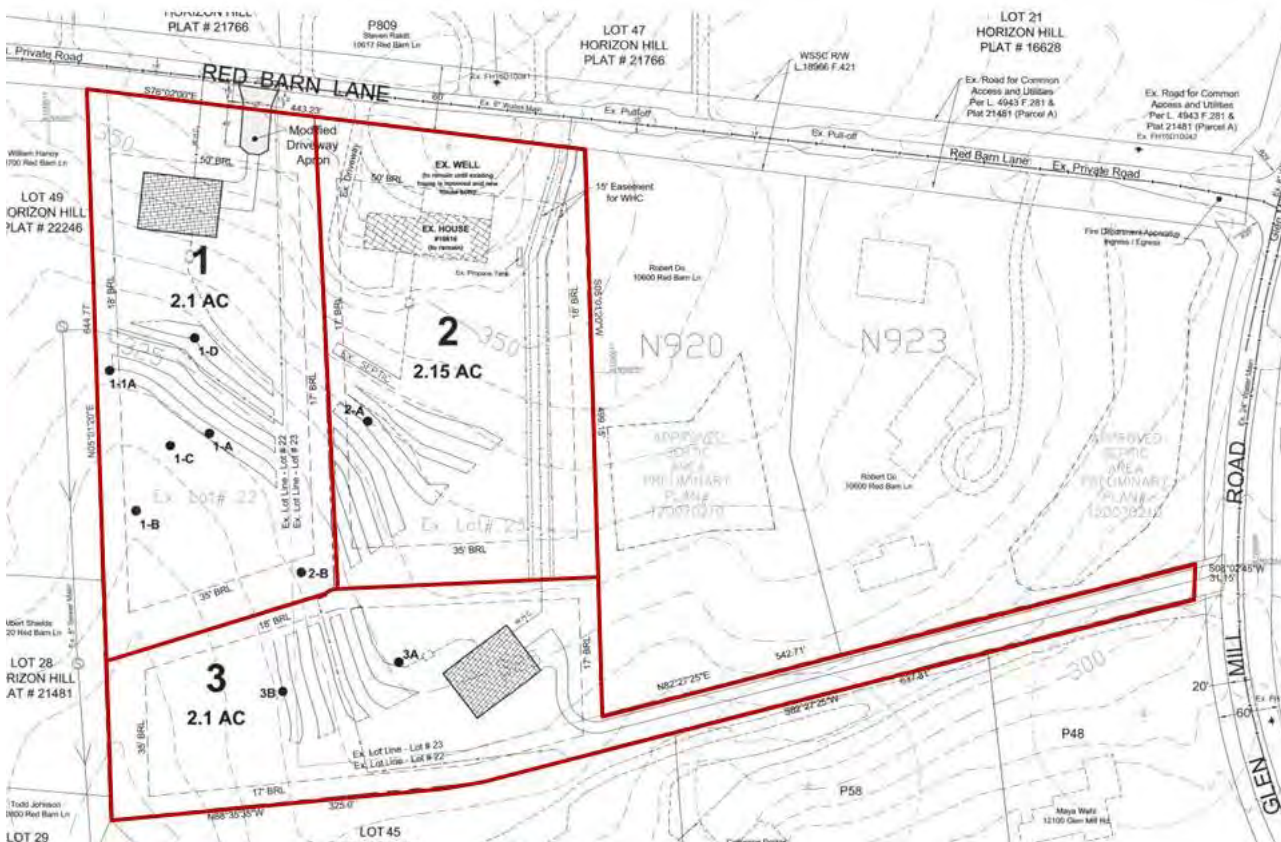


Figure 3 - Proposed Lot Lines

ANALYSIS AND FINDINGS

Conformance to the Potomac Subregion Master Plan and the Rustic Roads Functional Master Plan

The Property is located in the Travilah community area as shown on page 5 of the 2002 Potomac Subregion Master Plan ("Master Plan"). The Master Plan provides overarching recommendations for the general vicinity of the Property but does not specifically address this particular Property. The Master Plan provides the following on the Travilah community area:

“This central and southern portion of the Potomac Subregion is a low-density area that acts as a transition from the higher densities of Potomac and North Potomac to lower densities in Darnestown and the natural environment of the Potomac River” (p. 80).

The Property is not within the sewer service envelope recommended by the Master Plan and is appropriately served by private, on-site septic systems. The Master Plan recommends that the Property and neighboring properties continue to be zoned RE-2. This zone provides the low density transition envisioned by the Master Plan.

The Property is also located in the Watts Branch Watershed and specifically within the Piney Branch subwatershed, which is a SPA. For this area, the Master Plan states,

“The Piney Branch subwatershed is a Special Protection Area (SPA) due to unusually good water quality, a fragile ecosystem, and susceptibility to development pressures” (p. 16).

The Property is zoned RE-2 and is located in the lower Piney Branch area, which remains medium to low density residential zoning despite development pressures. The Master Plan has many references regarding impacts of extending sewer service and potential negative impacts to environmental resources. The Master Plan advises that community sewer allows the potential for maximum density under the zone, increasing imperviousness. The Master Plan recommends that areas zoned for low density development (RE-1, RE-2, and RC) and not already approved for service, be excluded from extension of community sewer service (p. 23).

The 2002 Potomac Subregion Master Plan designated this section of Glen Mill Road as an Exceptional Rustic Road. In March of 1990 there was a Proposal for a Rural Rustic Roads Program. This document was written by a Council-appointed task force to study a “Rural Roads Program.” The task force recommended the creation of a program “to protect and preserve historic, scenic and agricultural roads in Montgomery County”. The task force recommended a list of roads that should be considered—Glen Mill Road was included on p. 62 and this portion was recommended as Exceptional Rustic. This document resulted in the creation of the Rustic Roads Program in 1993, and the designation of roads as Rustic Road or Exceptional Rustic Roads in subsequent master plans.

Page 3 of the 1996 Rustic Roads Functional Master Plan (RRFMP) defines a rustic road as, “a road... which enhances the rural character of the area due to its particular configuration, alignment, scenic quality, landscaping, adjacent views, and historic interest, and which exemplifies the rural and agricultural landscape of the county.” On page 5 the RRFMP defines an exceptional rustic road as a road, “having such unusual and pleasing character as it exists today that preservation of the road in its current state is highly desirable. The road has special characteristics which contribute significantly to the rural, scenic, or historic features of Montgomery County and might lose these specific characteristics if improved or widened.”

The 2002 Potomac Subregion Master Plan also adds the following language on page 110 ... “The Rustic Roads Program was developed, in part, to protect the sylvan nature of the Subregion’s roads, particularly in Watts Branch Glen where Glen Road intersects with Glen Mill and South Glen Roads.”

The Master Plan identifies Glen Mill Road, at this location (Red Barn Lane to Glen Road), as an Exceptional Rustic road with a minimum right-of-way width of 80-feet and two travel lanes. The evaluation table on page 112 of the Master Plan includes the following criteria for inclusion in the Rustic Roads Program: Compatible planned land use, narrow intended for local use, traffic volume consistent with the rustic status, outstanding natural features, follows historic alignments, accident history suggests safe conditions, significant contribution to natural, agricultural, or historic characteristics, unusual features, and would be negatively affected by modifications. Glen Mill Road at this location meets all ten evaluation criteria and was adopted as an Exceptional Rustic road.

The RRFMP specifically states that, “**The rustic roads designation is not intended to affect the use of adjoining land except in the design of access to subdivision.** It is also not intended to prevent needed improvements to adjoining land uses or to the roads and bridges themselves,” (emphasis added). For consistency with the Potomac Subregion and Rustic Roads Functional Master Plans, the access to the proposed subdivision should protect and maintain the character of the Exceptional Rustic road. As proposed, the access will negatively impact the road, and is inconsistent with the Master Plans. If all access is moved to Red Barn Lane, this Master Plan conflict will no longer exist and the proposal should be consistent with both Master Plans.

Montgomery County Department of Transportation (MCDOT), the Rustic Roads Advisory Committee and the community have all recommended that access be limited to Red Barn Lane in order to protect the Exceptional Rustic road, as discussed below.

Figures 4-9 show visual impacts at various points of access for the Subject Property. The letters (A-D) in figure 4 show the aerial locations, while figures 5-7 show corresponding street level views.



Figure 4: Aerial View



Figure 5: The white arrow shows the proposed Access Point on Glen Mill Road (Point A in the map above). The driveway shown to the left of the arrow is the one the RRAC recommends sharing, if access from Red Barn Lane is not feasible.



Figure 6: Red Barn Lane Frontage West of Existing House and possible access to Red Barn Lane (Point B)



Figure 7: Red Barn Lane Frontage East of Existing House and possible access to Red Barn Lane (Point C)



Figure 8: Red Barn Lane at Intersection of Glen Mill Road (Point D)

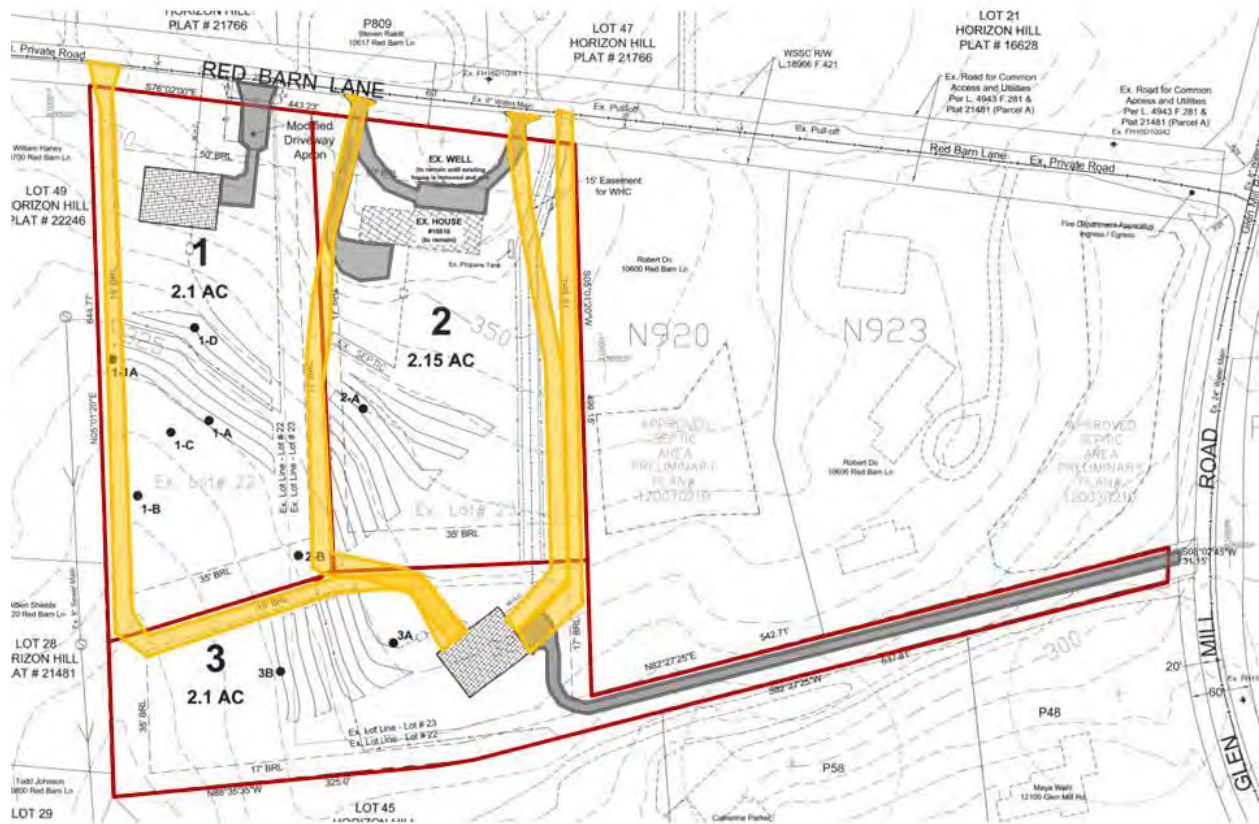


Figure 9: Possible Driveway Alternatives

It is Staff’s position that the Applicant can access Red Barn Lane and still achieve the proposed density being requested. The threshold of considering an access point on Glen Mill Road an Exceptional Rustic Road has not been met since there are viable alternatives which would still achieve a three lot subdivision (figure 9).

Staff concludes that the Application is **not** in substantial conformance with the 2002 *Potomac Subregion Master Plan* or the 1996 *Rustic Roads Functional Master Plan*. This will be discussed further as it relates to the required subdivision findings, Sec. 50-35(I).

Public Facilities

Roads and Transportation Facilities

The Applicant proposes access to Lots 1 and 2 from Red Barn Lane, a private road, and Lot 3 would have access from Glen Mill Road, an exceptional rustic road. In 1990, (after the publication of the Proposal for a Rural/Rustic Roads Program and prior to adoption of the RRFMP) Plat 18005 depicted in Figure 9 was approved by the Planning Board stating “deny access to Glen Mill Road” from Lot 22, ostensibly to force the two lot subdivision to gain all access to Red Barn Lane. The note on the Record plat is a result

of Condition #3 of the Preliminary Plan Opinion #119892860 “No direct driveway access to Glen Mill Road” (Attachment H).

The Application has been reviewed by the MCDOT who determined that the Property has adequate vehicular access and sight distance as proposed (on Glen Mill Road), in a transmittal letter dated, March 14, 2014 (Attachment E). The MCDOT letter does recommend approval of the subdivision, but prefers all access be granted off of Red Barn Lane. MCDOT acknowledges that the Planning Board could allow Access to Glen Mill Road from proposed Lot 3 and notes if this does occur the previous “driveway access denied” note would need to be removed from the plat.

The Rustic Roads Advisory Committee (RRAC) reviewed the proposal on November 27, 2012, and commented on the Application². The RRAC recommends avoiding the creation of a new access point on the exceptional rustic road, Glen Mill Road. The RRAC further advised that if this cannot be done, the Applicant should share the neighbor’s existing driveway to access Glen Mill Road. The Applicant has approached the neighbor(s) with a request to share the existing driveway they currently have for the three lots adjacent to proposed Lot 3. According to the Applicant, the request to share use of the driveway was rejected by one or more neighbors (no documentation provided). Therefore, the Applicant proposes to create a new driveway access point on Glen Mill Road that was presented to the RRAC. Again, the RRAC recommends that Lot 3 have access to Red Barn Lane; however, the RRAC would not oppose access to Glen Mill Road if the Planning Board does not support access on Red Barn Lane or sharing the existing driveway.

The RRAC and the Montgomery County Department of Transportation, agree that access from Red Barn Lane is preferable to access from Glen Mill Road for proposed Lot 3.

Staff does not support access for Lot 3 from Glen Mill Road. Staff believes there are several other options for the location of the driveway to Lot 3 that the Applicant has not evaluated and that should be analyzed. To date, the Applicant has been unwilling to submit information that would be required to analyze the impacts of a driveway for Lot 3, from Red Barn Lane.

² See attached letter dated February 14, 2013.

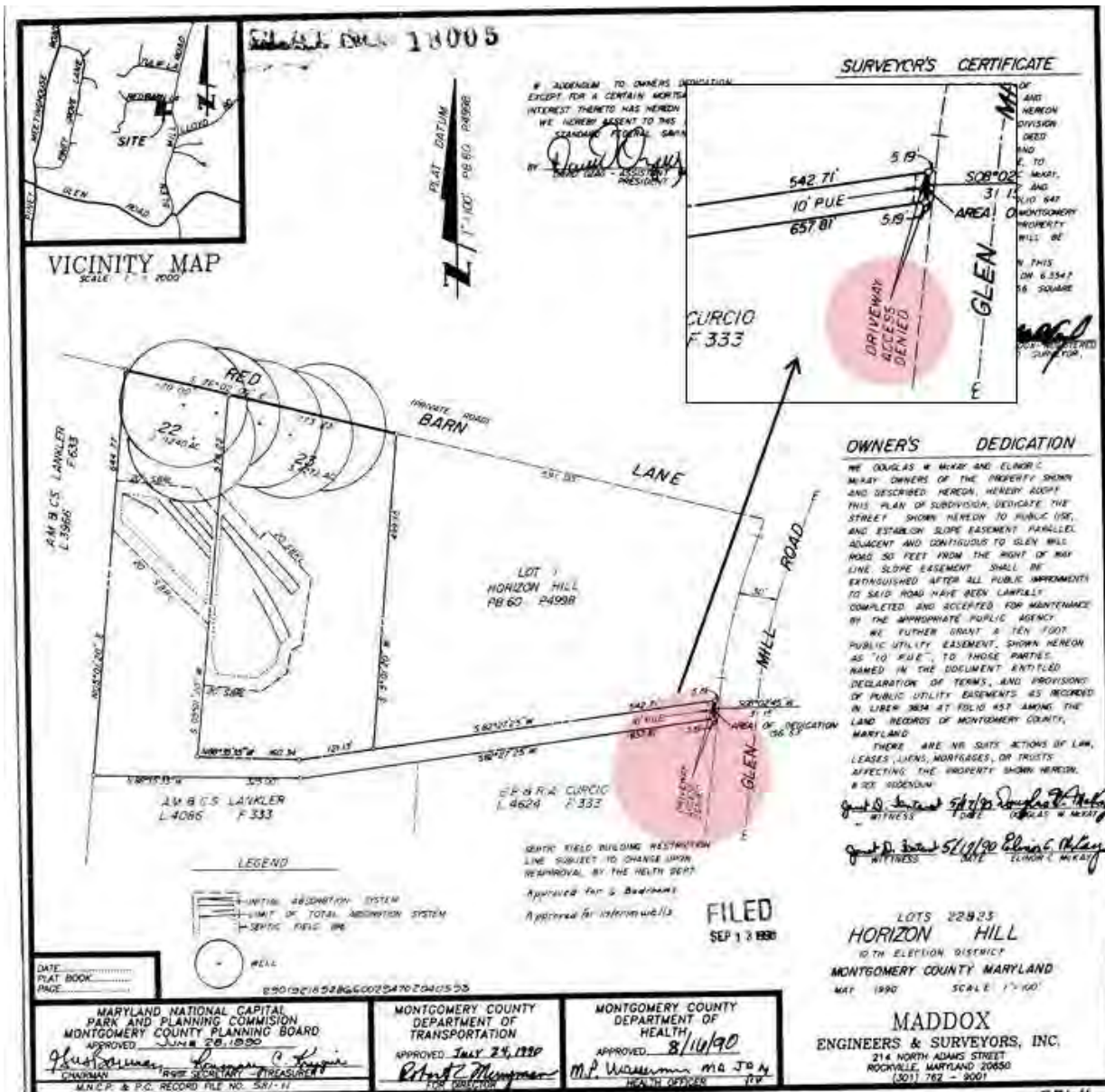


Figure 10 - Plat 18005: Driveway access denied

The Local Area Transportation Review (LATR) guidelines require a traffic study to be performed if the development generates 30 or more peak-hour trips. The Application is expected to generate traffic volumes well below the 30-trip threshold. Therefore, no LATR is required.

According to the 2012-2016 Subdivision Staging Policy (SSP), this Application was submitted before January 1, 2013 and is subject to either Policy Area Mobility Report (PAMR) or Transportation Policy Area Review (TPAR). According to the current SSP, the Application may meet its requirement under TPAR by either complying with all applicable requirements of either TPAR or PAMR that were in force immediately before the County Council's SSP resolution, Resolution No. 17-601, was amended in 2012.

Since this Application is located in the Rural West Policy Area, there are no PAMR or TPAR mitigation requirements.

The Applicant will be required to dedicate their portion of road frontage to bring the total right-of-way width to 80 feet from the opposite property line. The Applicant will dedicate 10 feet from the centerline of Glen Mill Road towards the right-of-way.

There are currently no sidewalks along Red Barn Lane and Glen Mill Road. No sidewalks will be required along this Property's frontage because Red Barn Lane is a private road and Glen Mill Road is an exceptional rustic road, which severely limits the ability to make significant frontage improvements. Sidewalks are not recommended on rustic roads³.

The sight distance for the new driveway location on Red Barn Lane was not reviewed by MCDOT as Red Barn Lane is a private road.

School Capacity

The Subject Property is within the Winston Churchill High School cluster area. Applications approved in FY2016 are subject to a School Facilities Payment to MCDPS at the high school level at the single-family detached unit rate for all units for which a building permit is issued and a School Facilities Payment⁴. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

Other Public Facilities and Services

The Property is located in Tier III according to the Septic Tiers Map for Montgomery County and W-1 and S-6 water and sewer service categories which requires onsite septic systems and public water. Within Tier III, the Planning Board may approve a subdivision for any number of residential lots that would be served by one or more septic systems. Septic system locations were approved for each lot by Montgomery County Department of Permitting Services and are found to be adequate to serve the proposed re-subdivision (Attachment E). The proposed dwelling units will have public water and the existing dwelling unit must connect to public water when a new house is built⁴. The Application was reviewed by the Montgomery County Fire and Rescue Services, which approved the submitted the fire access plan on March 19, 2014, finding that the Application has adequate access for emergency vehicles. Police stations, fire stations, and health clinics are currently operating within the standards set by the Subdivision Staging Policies currently in effect. The Application can be adequately served by all other public facilities and services.

Environment

Environmental Guidelines (2000)

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #4201105200 for Horizon Hill was approved on October 28, 2010 and was subsequently revised on February 3, 2015. The NRI/FSD identified no forest or Stream Valley Buffer on the Subject Property. The Subject Property contains 16 trees 24" DBH to 30" DBH and 11 trees 30" DBH or greater.

³ Chapter 50-35(q) of the Subdivision Regulations

⁴ Per MCDPS Well and Septic Section memo dated August 13, 2012.

The Property is also located in the Watts Branch Watershed and specifically within the Piney Branch subwatershed, which is within the Piney Branch SPA.

Forest Conservation

A Preliminary Forest Conservation Plan (PFCP) (Attachment B) was submitted for review as part of the Application. The PFCP shows no forest clearing and no forest retention. The PFCP worksheet generates a 1.27 acre planting requirement, which the Applicant proposes to meet through an off-site mitigation bank. An afforestation planting requirement is generated because the Property contains no existing forest and under the Medium Density Residential land use category the Property has a 20 percent afforestation threshold for the net tract area.

Forest Conservation 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. The law requires no impact to trees that: measure 30 inches or greater, DBH ("Protected Tree"); are part of a 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. Any impact to a Protected Tree, including removal or disturbance within the Protected Tree's critical root zone (CRZ) 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. In the written request for a variance, an applicant must demonstrate that strict adherence to Section 22A-12(b)(3), i.e. no disturbance to a Protected Tree, would result in an unwarranted hardship as part of the development of a property.

Unwarranted Hardship

Staff does not entirely support the Applicant's basis for an Unwarranted Hardship as worded in the Variance Request. However, Staff does believe an unwarranted hardship would be created if a Variance were not considered. Based on the distribution of the Protected Trees, the locations of the septic fields, and the location of the existing water line in Red Barn Lane, it would be extremely difficult for the Property to be re-subdivided or redevelop the existing two lots without impacting the CRZ of a Protected Tree. Staff believes for this reason a variance should be considered for this Application.

Variance Request

In October 2014, the Applicant made the initial variance request for the Subject Property. That request was revised several times but always included an analysis of impacts based on a driveway out to Glen Mill Road. The final version of the Variance was submitted on April 10, 2015 and requested impacts to two Protected Trees and the Removal of one Protected Tree.

Tree Number	Botanical Name	Common Name	Size (DBH)	Condition	% CRZ Impacted	Reason for Removal
ST-11	Prunus serotina	Black Cherry	31"	Poor/declining	11%	Installation of Utility

Table 1: Protected Trees Removed

Tree Number	Botanical Name	Common Name	Size (DBH)	Condition	% CRZ Impacted	Reason for Impact
ST-13	Acer saccharinum	Silver Maple	32.3"	Moderate-Poor	9%	Construction Grading
ST-14	Quercus nigra	Water Oak	42.3"	Moderate-Poor	15%	Installation of Utility

Table 2: Protected Trees Proposed for Impact

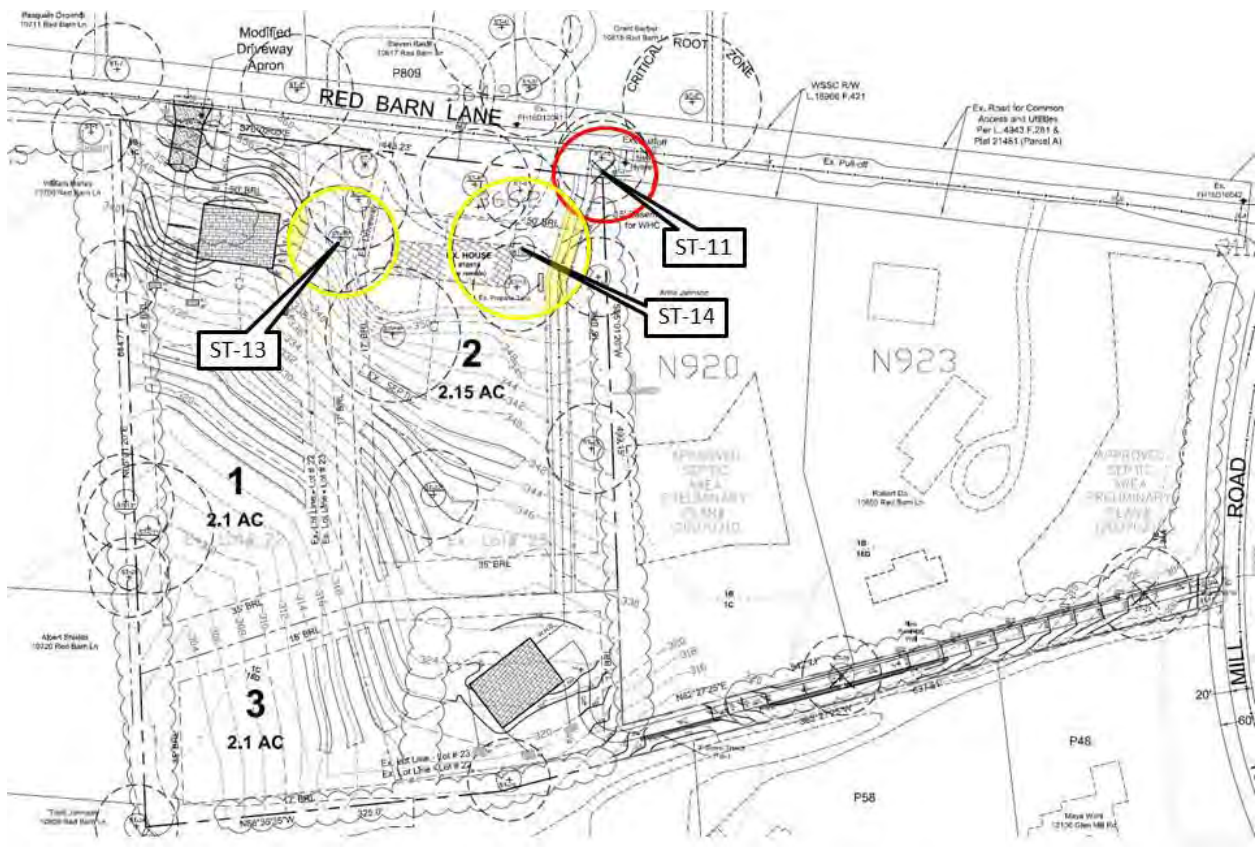


Figure 11: Proposed Variance Evaluated

Variance Findings

The Planning Board must make findings that the Application has met all requirements of section 22A-21 of the County Code before granting the variance. Staff has made the following determination on the required findings for granting the variance:

1. Will not confer on the applicant a special privilege that would be denied to other applicants;

The use of this site for single family residential uses is permitted in the RE2 zone. The proposed lots and buildings meet these zoning requirements as well. As such, the granting of this variance is not unique to this Applicant and does not provide special privileges or benefits that would not be available to any other applicant.

2. Is not based on conditions or circumstances which are the result of the actions by the applicant;

The configuration of the Subject Property, regulatory requirements, and the location of the Protected Trees are not the result of actions by the Applicant. There are no feasible options to reconfigure a 3 lot subdivision and avoid impact to the Protected Trees.

3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property;

The requested variance is not related in any way to a condition on an adjacent, 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 Protected Trees being removed or disturbed are not within a stream buffer, wetland, or a special protection area. A Water Quality Inventory including a Stormwater Management Concept Plan has been by the Montgomery County Department of Permitting Services. Additionally, the mitigation for the removal of ST-11 should offset any other limited water quality issues.

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 for a recommendation prior to acting on the request. Via letter dated May 15, 2015, the County Arborist recommended the variance be approved with mitigation (Attachment D).

Mitigation

Mitigation for Trees Subject to the Variance Provision - There is one (1) tree proposed for removal in this variance request. ST-11 a 31" DBH Black Cherry in poor to declining status; however, Staff does not differentiate mitigation rates for Protected Trees.

Mitigation should be at a rate that approximates the form and function of the trees removed. Therefore, Staff is recommending that replacement occur at a ratio of approximately 1" caliper for every 4" DBH removed, using trees that are a minimum of 3" caliper size. For example, this means that for the 31" DBH of trees removed the Applicant should replace with 7.75 caliper inches of trees or three (3) 3" caliper size, native, canopy trees on the Property. While these trees will not be as large as the tree lost, they will provide some immediate canopy and ultimately replace the canopy lost by the removal of these trees.

There is some disturbance within the critical root zones of two (2) trees, but they are candidates for safe retention and will receive adequate tree protection measures. No mitigation is recommended for trees impacted but retained.

Variance Recommendation

Staff recommends that the variance could be granted with mitigation if the Planning Board chooses to approve the overall subdivision. The submitted FFCP meets all applicable requirements of the Chapter 22A of the County Code (Forest Conservation Law).

Piney Branch SPA WATER QUALITY

Review for Conformance to the Special Protection Area Requirements

As part of the requirements of the SPA law a preliminary plan application must comply with Chapter 19. Under the provision of the SPA law, the Montgomery County Department of Permitting Services is the lead agency for determining applicability of Chapter 19 of the Montgomery County Code including the requirements to either submit a Water Quality Plan or a Water Quality Inventory.

MCDPS has determined that this Application is not required to submit a Water Quality Plan and only requires a Water Quality Inventory. M-NCPPC has no regulatory action involved with the approval of a Water Quality Inventory.

The MCDPS – Water Resources Section approved a Water Quality Inventory, including a stormwater management concept, for the Application by letter dated August 31, 2012. Stormwater management will be accommodated by using Environmental Site Design practices including rooftop disconnects, drywells, and driveway gravel trenches. The stormwater management requirements as provided in Chapter 19 of the County Code will be satisfied.

Compliance with the Subdivision Regulations and Zoning Ordinance

The Application was reviewed for compliance with the Montgomery County Code, Chapter 50 in the Subdivision Regulations. The proposed lots' size, width, shape and orientation are appropriate for the location of the subdivision. Based on a review of the local area development map, figure 11, the lots are comparable in size, width, shape and orientation to existing properties fronting on to Red Barn Lane in the general area.

The lots were reviewed for compliance with the dimensional requirements for the RE-2 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is shown below in Table 3.

Table 3 - Preliminary Plan Data Table

PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan
Minimum Lot Area	2 acres	2.0 acres or larger
Lot Width	150 ft.	150 ft. minimum
Lot Frontage	25 ft.	25 ft. minimum
Setbacks		
Front	50 ft. Min.	Must meet minimum ¹
Side	17 ft. Min./ 35 ft. total	Must meet minimum ¹
Rear	35 ft. Min.	Must meet minimum ¹
Maximum Residential Dwelling Units	3	3
Site Plan Required	No	No

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

Conformance with Section 50-35(l) (Master Plan Conformance)

The proposal does not meet the requirements of this section of the Subdivision Regulations which covers the Master Plan conformance requirements of a Preliminary Plan:

Relation to Master Plan. In determining the acceptability of a preliminary plan submitted under this Chapter, the Planning Board must consider the applicable master plan, sector plan, or urban renewal plan. A preliminary plan must substantially conform to the applicable master plan, sector plan, or urban renewal plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant master plan, sector plan, or urban renewal plan recommendation no longer appropriate.

As described in the Master Plan section above, Staff finds that the proposed subdivision does not substantially conform to the 2002 Potomac Subregion Master Plan or the 1996 Rustic Roads Functional Master Plan due to the negative impact the proposed Lot 3 driveway location will have on the Exceptional Rustic Road. There are multiple driveway routes to Lot 3 from Red Barn Lane that will not impact the Exceptional Rustic Road. (Figure 9).

Conformance with Section 50-24(k) (Rustic Roads conformance)

An alternative requirement for access is available, as allowed under Section 50-24, Required public improvements, which includes the following provision specifically for rustic roads:

Sec. 50-24(k) Notwithstanding the requirements of this Section for any new subdivision that abuts a rustic road, the Planning Board may waive any requirement of subsection (a) or (b) that is incompatible with the rustic road or substitute any alternative requirement that is consistent with the goals of the rustic roads law.

Subsection (a) addresses new roads and subsection (b) addresses existing frontage roads, which reads, in part, “the subdivider shall provide, in addition to and required dedication for widening the existing right-of-way, such reasonable improvement to the road in front of such lots necessary to serve the needs of such subdivision for access and traffic as required by the road construction code...” The Planning Board may waive such improvements on Rustic and Exceptional Rustic roads to assure that the character of the road is protected.

Under the alternative requirement, Staff recommends that previously denied access to Glen Mill Road be maintained and that all access to the subdivision be limited to Red Barn Lane to protect the character of Glen Mill Road.

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

A. Statutory Review Criteria

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

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

B. Neighborhood Delineation In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate “Neighborhood” for evaluating the Application. In this instance, the Neighborhood selected by the Applicant consists of 24 lots, all zoned RE-2, excluding the Subject Property. The Neighborhood provides an adequate sample of the lot and development pattern of the area depicted in Figure 10.



Figure 12 - Re-subdivision Neighborhood shown in red with lot numbers

Table 4 – Re-subdivision Criteria

Lot #	Frontage	Alignment	Size (Ac.)	Shape	Width (ft.)	Area (s.f.)	Area (Ac.)
1	203	Perpendicular	2.10	Rectangular	203	57,823	1.33
2	240	Perpendicular	2.15	Rectangular	240	57,456	1.32
3	31	Flag	2.10	Rectangular	185	62,157	1.43
19	145	Perpendicular	2.53	Rectangular	155	78,046	1.79

Lot #	Frontage	Alignment	Size (Ac.)	Shape	Width (ft.)	Area (s.f.)	Area (Ac.)
20	175	Perpendicular	2.09	Rectangular	168	56,318	1.29
21	203	Corner	2.05	Rectangular	215	46,590	1.07
28	178	Perpendicular	2.03	Rectangular	178	56,375	1.29
29	309	Perpendicular	2.66	Rectangular	270	78,400	1.80
30	258	Perpendicular	2.07	Rectangular	226	55,150	1.27
31	264	Perpendicular	2.00	Irregular	215	52,670	1.21
34	62	Perpendicular	2.05	Rectangular	176	31,568	0.72
35	33	Flag	3.63	Irregular	150	48,611	1.12
36	91	Perpendicular	2.33	Irregular	172	35,859	0.82
37	210	Perpendicular	2.79	Irregular	194	46,314	1.06
38	32	Flag	6.11	Irregular	150	36,529	0.84
39	176	Perpendicular	2.40	Irregular	194	34,211	0.79
40	152	Perpendicular	2.80	Rectangular	189	39,139	0.90
41	79	Perpendicular	3.40	Irregular	150	25,454	0.58
42	132	Perpendicular	2.24	Irregular	158	20,516	0.47
43	109	Perpendicular	2.10	Irregular	150	14,004	0.32
44	308	Perpendicular	2.04	Irregular	292	31,235	0.72
45	0	None	5.13	Irregular	577	66,570	1.53
46	183	Perpendicular	2.00	Rectangular	183	56,534	1.30
47	175	Perpendicular	2.00	Rectangular	175	57,504	1.32
48	363	Perpendicular	4.06	Irregular	392	110,142	2.53
49	710	Perpendicular	4.00	Irregular	636	111,221	2.55
50	206	Perpendicular	5.00	Irregular	227	118,775	2.73

C. Analysis

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, the above-noted re-subdivision criteria were applied to the Neighborhood. The proposed lots are of the same character with respect to the re-subdivision criteria as other lots within the Neighborhood. Therefore, the proposed re-subdivision complies with the seven criteria of Section 50-2(b) (2). As set forth below, the tabular summary shown in Table 4 and graphical documentation depicted in Figure 12 support this conclusion:

Frontage:

In the Neighborhood of 24 lots, lot frontages range from 32 feet to 710 feet. Six of the lots have frontages of less than 100 feet and the remaining 18 lots have frontages of more than 100 feet. Proposed Lot 1 has a frontage of 203 feet on Red Barn Lane and Proposed Lot 2 has a frontage of 240 feet on Red Barn Lane. Proposed Lot 3 has existing frontage of 31 feet on Glen Mill Road and will not change as part of this application. The proposed lots will be of the same character as existing lots in the Neighborhood with respect to lot frontage.

Alignment:

Of the 24 existing lots in the Neighborhood, 20 are perpendicular in alignment, two are flag, and one is a corner lot. Proposed Lots 1 and 2 are perpendicular lots and proposed Lot 3 is a flag lot. The proposed lots are of the same character as existing lots with respect to the alignment criterion.

Size:

The lots in the Neighborhood range from two acres to 6.11 acres. Ten of the 24 existing lots are less than 2.1 acres in size. Proposed Lots 1 and 3 are 2.1 acres in size and proposed Lot 2 is 2.15 acres in size. The proposed lot sizes are in character with the size of existing lots in the Neighborhood.

Shape:

Fourteen of the existing lots in the Neighborhood are irregularly shaped. The remaining ten lots consist of rectangular shaped lots. The proposed lots are rectangular shaped. The shapes of the proposed lots will be in character with shapes of the existing lots.

Width:

The lots in the Neighborhood range from 150 feet to 636 feet in width. Fifteen of the existing lots have widths fewer than 200 feet and nine lots have a width greater than 200 feet. Proposed Lot 1 has a width of 203 feet. Proposed Lot 2 has a width of 240 feet. Proposed Lot 3 has a width of 185 feet. The proposed lots will be in character with existing lots in the Neighborhood with respect to width.

Area:

The lots in the Neighborhood range from 0.32 acres to 2.73 acres in buildable area. Eighteen of the existing lots have a buildable area under 1.5 acres and six have a buildable area over 1.5 acres. Proposed Lot 1 has a buildable area of 1.33 acres. Proposed Lot 2 has a buildable area of 1.32 acres. Proposed Lot 3 has a buildable area of 1.43 acres. The proposed lots will be of the same character as other lots in the Neighborhood with respect to buildable area.

Suitability for Residential Use:

The existing and proposed lots are zoned residential and the land is suitable for residential use.

Citizen Correspondence and Issues

The Applicant notified adjacent and confronting property owners of the pre-submission meeting, as required, held on November 15, 2011 at 7 p.m. at the Potomac Community Library located at 10101 Glenolden Drive. Nine people attended the pre-submission meeting. The owners of 12110 and 12100 Glen Mill road asked questions regarding Lot 3. They were concerned about safe access from Glen Mill Road to the proposed driveway for Lot 3 as well as stormwater runoff from the new driveway onto their properties. The neighbors along Glen Mill Road suggested Lot 3 have access from Red Barn Lane. Other neighbors attending the meeting suggested that Glen Mill Road access was appropriate since Red Barn Lane, a private road, is not built to County standards.

Staff has received nine letters to date, spanning from 2012 to 2014, from neighbors. The following is a summary of their concerns.

- The speed limit on Glen Mill Road is not observed. It is currently difficult to get in and out of the existing adjacent driveway to Lot 3's proposed driveway to Glen Mill Road due to the curves and

slope. Sight lines will be challenging with the additional proposed driveway so close to the existing entrance. An adjacent driveway would be hazardous for the current users of the existing driveway. Sight lines are better and longer at Red Barn Lane.

- The Application sent to the neighbors is lacking in information regarding the construction and design of the proposed driveway from Glen Mill Road. Will there be retaining walls for the new driveway as there are steep slopes? Where would those retaining walls be located?
- How will drainage be addressed? The removal of mature trees will affect the water run-off and erosion as the trees anchor the soil and reduce erosion.
- There will be removal of several mature trees and potentially relocating utility poles. Will the Applicant plant trees between the proposed driveway and the existing driveway?
- There are not sufficient screening opportunities to the adjoining properties creating sound and light disturbances to the nearby residences.
- Glen Mill Road has a rural historic character with dense hedgerow planting along the streetscape. This character would be adversely damaged if mature trees are removed.
- The driveway for Lot 3 should access Red Barn Lane and not Glen Mill Road through an easement access between Lots 1 and 2. Red Barn Lane has lightly traveled low speed road and can safely handle the driveway.
- Is this Plan consistent with the general character of the neighborhood along Red Barn Lane?
- A public notice sign should be located on Glen Mill Road.⁵
- If access to Red Barn Lane is required, there are safety concerns, children, sight distance, inclement weather conditions, and effect on existing neighborhood.
- Access to Red Barn Lane could cause headlights into front windows of adjacent property owners.
- Access to Red Barn Lane could create a long “awkward” driveway along the adjacent property owner’s property and removal of vegetation along Red Barn Lane.
- Access to Red Barn Lane may require a driveway of steep grade creating an unsafe situation.

The overwhelming issue of almost all of the letters received has been over the access point for the third lot, of the nine letters, five requested the access go to Glen Mill Road and four requested access go to Red Barn Lane.

In addition to the nine neighbor letters, we also received a letter from the West Montgomery County Citizens Association (WMCCA). The primary concern of this letter was the proposed access to Glen Mill Road via a parallel drive to serve proposed Lot #3. WMCCA went on to support the RRAC recommendation; "Where alternatives exist, the committee's first preference is to avoid creating new access points on rustic and exceptional rustic roads."

The WMCCA Board voted and oppose the use of the pipestem for an additional driveway; calling it redundant and unnecessary, since all 3 lots can be accessed via Red Barn Lane.

⁵ After this letter was received, the Applicant has posted a public notice sign on Glen Mill Road and has staked the centerline of the driveway for proposed Lot 3.

CONCLUSION

The previously approved Plat (#18005) currently restricts driveway access from Glen Mill Road. The construction of a new access point on Glen Mill Road will negatively impact the Exceptional Rustic Road. The RRAC, MCDOT, and Staff all recommend that the access for proposed Lot 3 be from Red Barn Lane and would only support access to Glen Mill Road if the Planning Board finds access to Glen Mill Road will not be a negative impact on an Exceptional Rustic Road. The Applicant has the ability to achieve the third lot with no impact to an Exceptional Rustic Road by accessing Red Barn Lane.

The Preliminary Plan as shown is not in substantial conformance with the 2002 Potomac Subregion Master Plan and the 1996 Rustic Roads Functional Master Plan. The Planning Board has authority under Section 50-24(k) to substitute an alternative requirement for access to be limited to Red Barn Lane. This Application is recommended for denial pursuant to Section 50-35(l).

Denial of the Application for the following reasons:

- Not in substantial conformance with the 2002 Potomac Subregion Master Plan or the 1996 Rustic Roads Functional Master Plan.
- Negative avoidable impacts to an Exceptional Rustic Road.
- Alternative access is available (would state where it is available).
- Glen Mill Road access is not preferred by MCDOT or RRAC.
- Applicant has not provided additional information on impacts from multiple alternatives to analyze
- Inconsistent with Planning Board's previous action on Preliminary Plan 119892860 (Condition 3) and the current plat, #18005, which denied access to Glen Mill Road.

Attachments

Attachment A – Proposed Development Plan

Attachment B – Forest Conservation Plan

Attachment C – Tree Variance Request

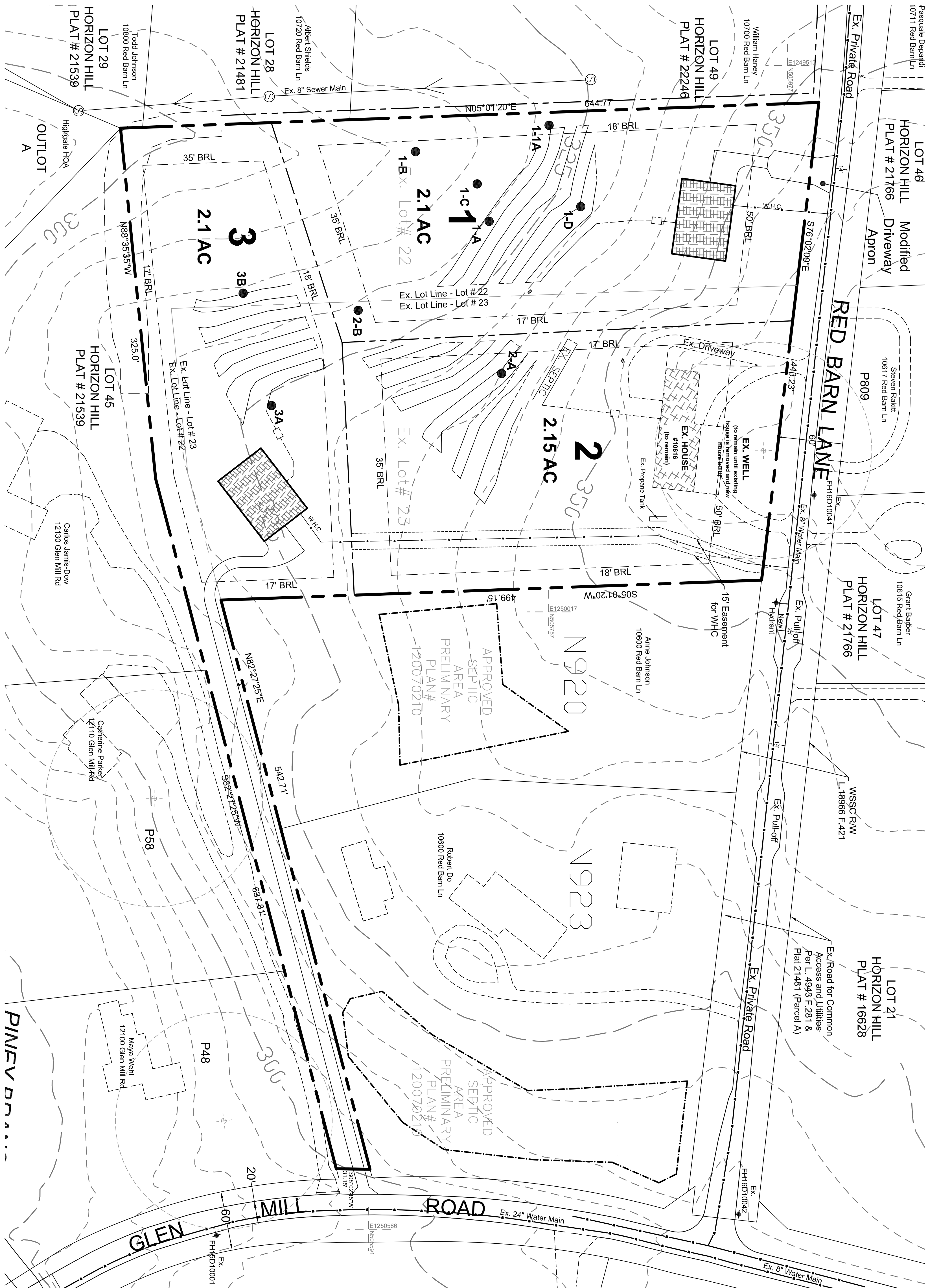
Attachment D – Arborist's Letter

Attachment E – Agency Correspondence

Attachment F – Citizen Correspondence

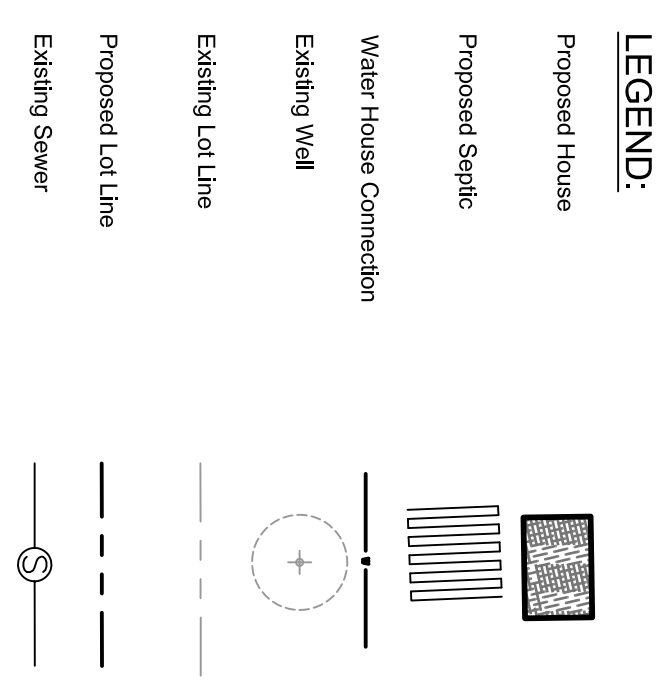
Attachment G – Page 62; 1990 Proposal for a Rural Rustic Roads Program

Attachment H - Preliminary Plan 11989286 McKay Property Opinion

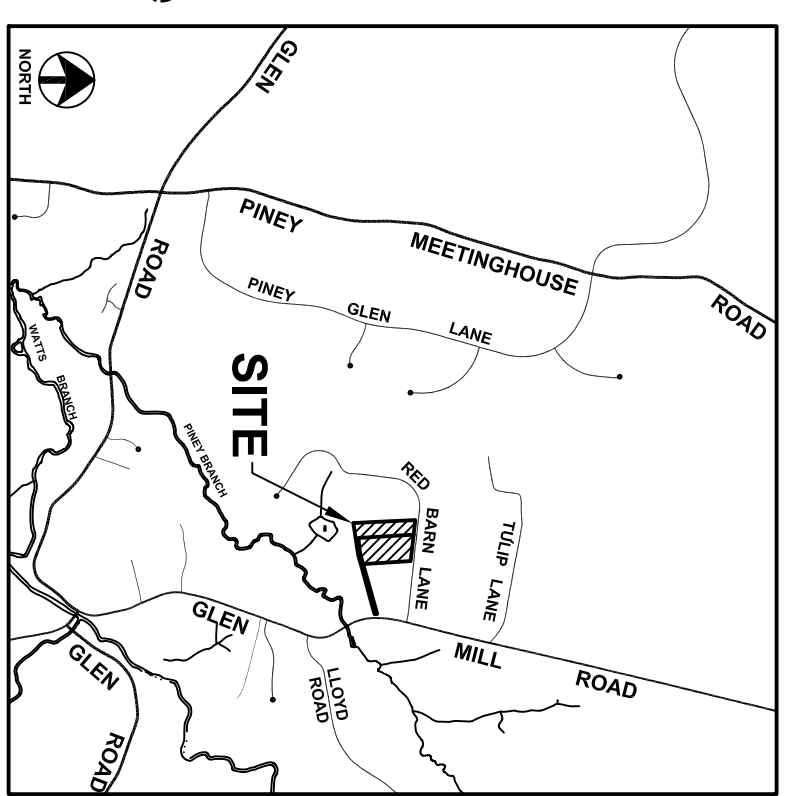


- NOTES:**
1. AREA OF PROPERTY: 6.35 acres
 2. EXISTING ZONING: RE-2
 3. NO. OF LOTS PERMITTED: 3
 4. NO. OF LOTS SHOWN: 3
 5. EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-1
 6. LOTS TO BE SERVED BY PUBLIC WATER AND SEPTIC SYSTEMS.
 7. LOCATED IN PINEY BRANCH SPECIAL PROTECTION AREA.
 8. UTILITIES TO BE PROVIDED BY: Verizon, Potomac Edison
 9. ALL WELL AND SEPTIC AREAS WITHIN 100' OF PROPERTY BOUNDARY ARE SHOWN ACCORDING TO AVAILABLE RECORDS OR VISUAL OBSERVATIONS.

ZONING STANDARDS:		
ZONE: RE-2	Req.	Prov.
Lot Size	2.0 AC	2.0 AC or larger
Front Setback	50'	50' or more
Sideways	17' min., 35' total	17' or more
Rearyard	35'	35' or more
Building Height	50' Max.	50' or less
Lot Coverage	25% Max.	3%
Lot Width @ Building Line	150'	150' or more
Frontage	25'	25' or more

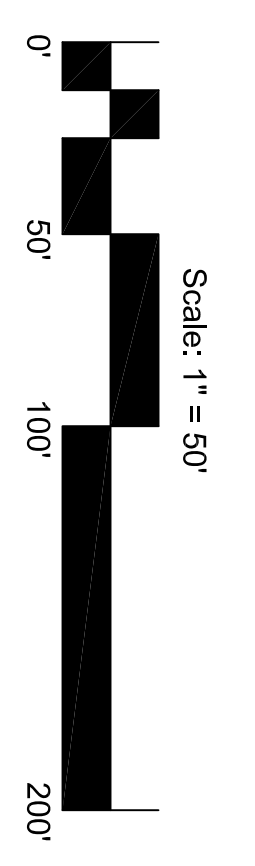


VICINITY MAP
SCALE: 1" = 2,000'



The building footprint(s) shown on the Preliminary Plan are illustrative. Final buildings locations will be determined during the building permit process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.

Surveyor's Certificate
I hereby certify that the boundary shown hereon is correct to my best knowledge and belief based upon existing records and field observations.
Date: 6/11/19
Signature: [Signature]



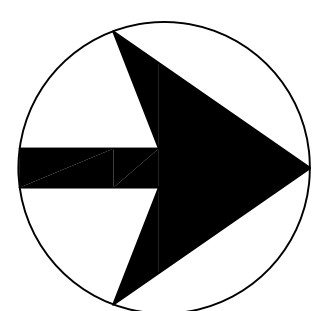
PREPARED FOR:
Charles Rabkin & Mari Plagege
10616 Red Barn Lane
Potomac, MD 20854
301-738-1102

PRELIMINARY PLAN
HORIZON HILL
(Resubdivision of Lots 22 & 23)
Montgomery County, Maryland



Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301)948-0240

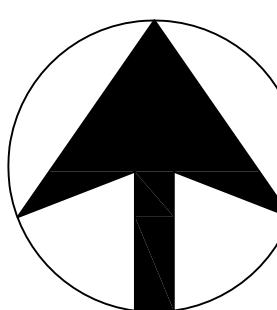
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Sheet 1 of 1
Revisions

NO.	DATE	DESCRIPTION

Rev. 4-10-15

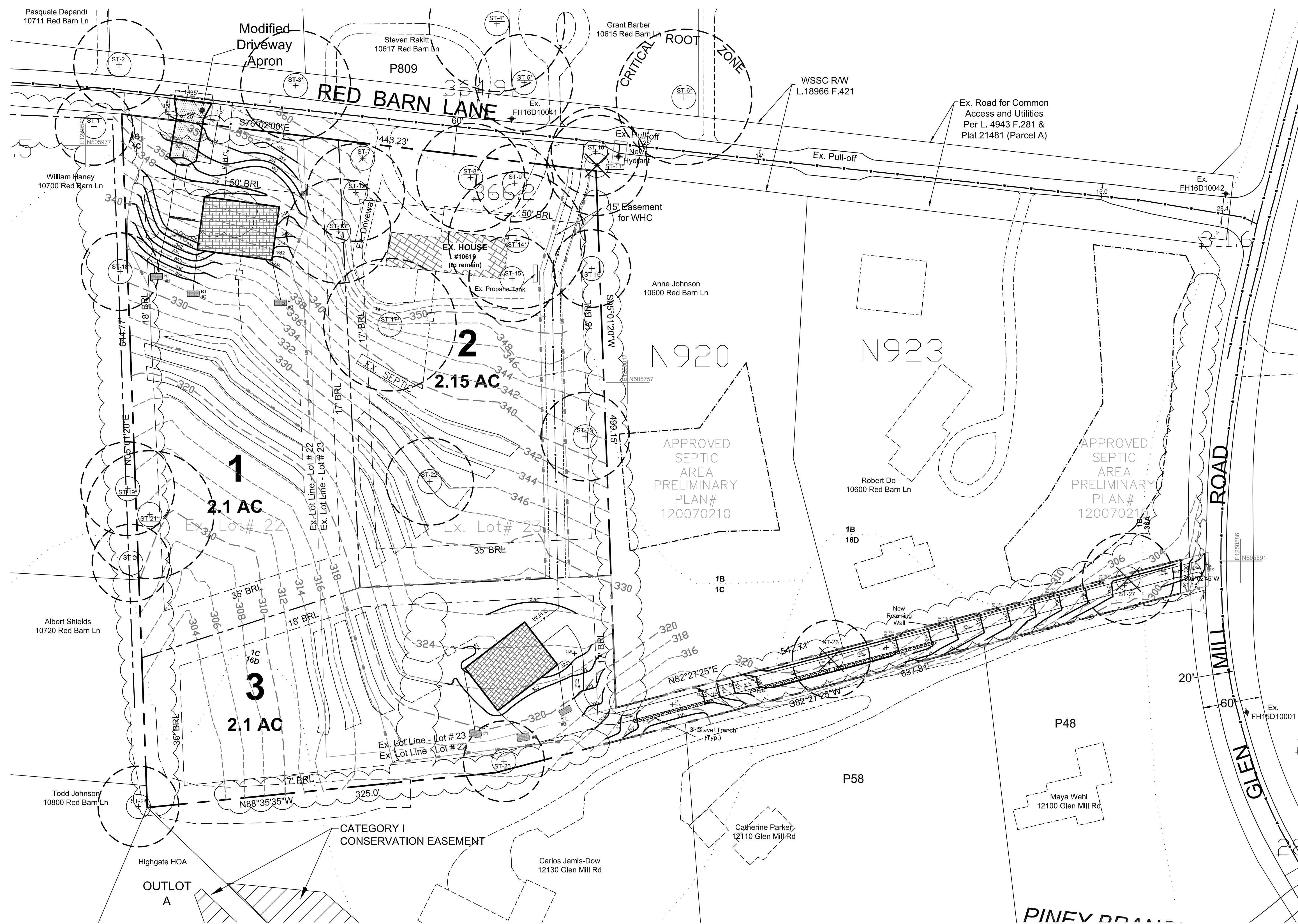


date: 07/23/2012
scale: 1" = 50'

Bonning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301)948-0240



PRELIMINARY FOREST CONSERVATION PLAN
HORIZON HILL
(Resubdivision of Lots 22 & 23)
Montgomery County, Maryland



NOTES:

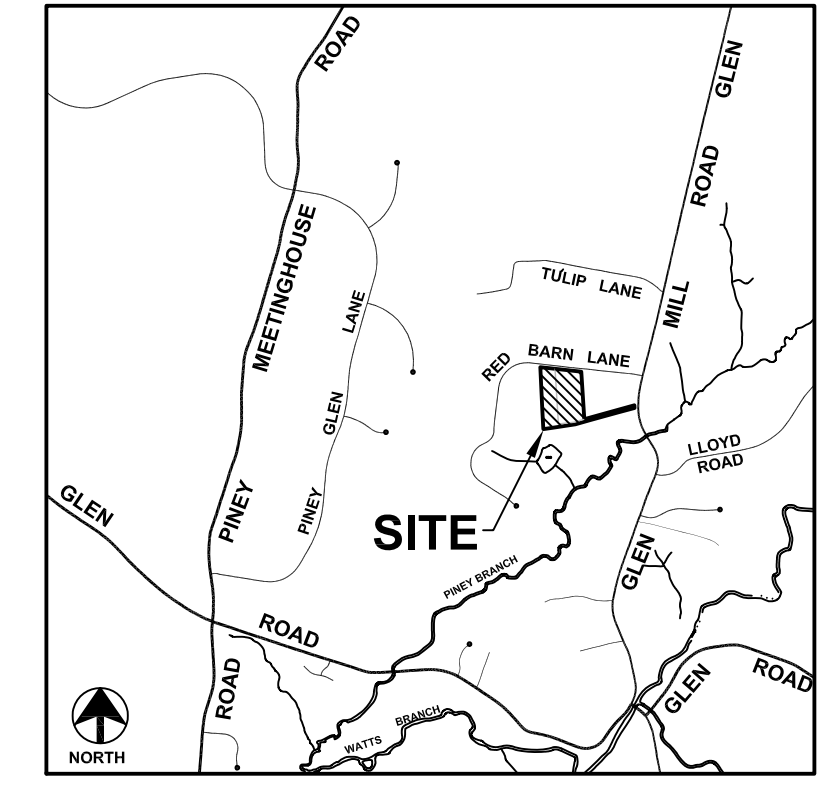
1. AREA OF PROPERTY: 6.35 acres
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7. LOCATED IN PINEY BRANCH SPECIAL PROTECTION AREA
8. UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, Potomac Edison
9. ALL WELL AND SEPTIC AREAS WITHIN 100' OF PROPERTY BOUNDARY ARE SHOWN ACCORDING TO AVAILABLE RECORDS OR VISUAL OBSERVATIONS.

LEGEND:

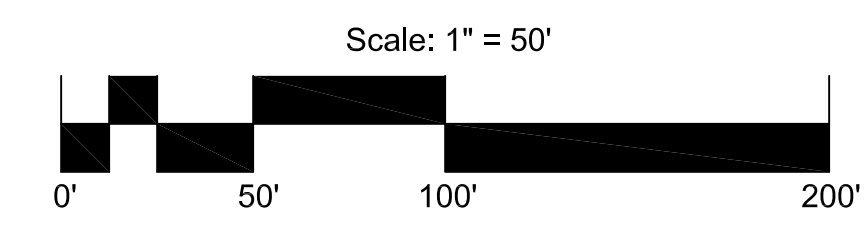
- Significant Tree
- Specimen Tree
- Critical Root Zone
- Existing Contour
- Tree to be removed
- Proposed Grading
- Proposed New House
- Raintank
- Gravel Trench
- Retaining Wall
- Limit-of-Disturbance



VICINITY MAP
SCALE: 1" = 2,000'



SOURCE OF TWO-FOOT CONTOUR INTERVAL TOPOGRAPHY:
THOMAS A. MADDOX, PROFESSIONAL LAND SURVEYOR
8933 SHADY GROVE CT
GAITHERSBURG, MD 20877
301-984-5804



PREPARED FOR:
Charles Rabkin & Mari Plagge
10616 Red Barn Lane
Rockville, MD 20854
301-738-1102

Benning & Associates, Inc.

LAND PLANNING CONSULTANTS
8933 Shady Grove Court
Gaithersburg, MD 20877
Phone: 301-948-0240
Fax: 301-948-0241
E-mail: jmaisel@benninglandplan.com

To: Mr. Josh Penn, M-NCPPC Area 3
From: Joshua O. Maisel
Date: October 27, 2014 (Revised 04/10/15)
Re: Horizon Hill - Request for Variance (M-NCP&PC #120120170)

Dear Mr. Penn,

In accordance with Section 22A-21 of the Montgomery County Code, we are writing to request a variance for the removal of 1 specimen tree and the impact to 2 additional specimen trees located on the subject property. Plans for this project identify 27 significant trees on or near the property and 12 of these are specimen-size trees with a diameter-at-breast-height of at least 30" (with the exception of ST-19, a 29" White Pine which is a specimen for its species). As indicated above, the project as planned impacts only 3 of the specimen-size trees. Furthermore, the 1 specimen-size tree which we request to remove has been identified as hazard tree and is recommended for removal irrespective of the planned development. Given these facts and the additional information which follows, we respectfully ask for your approval of this variance request.

Project Description

The subject property is zoned RE-2 and located within the limits of the Potomac Subregion Master Plan. The owners, Charles Rabkin & Mari Plagge, intend to re-subdivide the property into 3 residential building lots. Located within the area proposed for new construction is one specimen tree that will require a variance for removal. The one tree proposed to be removed is identified on the Preliminary Forest Conservation Plan (PFCP) as ST-11.

ST-11, a 31" Black Cherry in dead-hazard condition, is located in the public right-of-way at the northeast corner of the property in an area where construction activities are proposed. A water line to serve a new residence is proposed within 10' of this tree. The tree was classified as a hazard tree on the approved Natural Resources Inventory/ Forest Stand Delineation Plan. This tree is a risk to public health, safety, and welfare due to its proximity to Red Barn Lane and should be removed regardless of any impact from the development.

There are two specimen trees that will not be removed which require a variance due to small impacts from construction activities. The two trees are identified on the PFCP as ST-13, and ST-14. ST-13, a 32" Silver Maple in moderate condition, is located in the northern central portion of the property in an area proposed for construction activities. Minor grading associated with the new house on Lot 1 will impact only 8% of the critical root zone. This tree will be retained. ST-14, a 40" Water Oak in moderate-poor condition, is located in the northeastern portion of the property in an area where construction activities are proposed. A water line which will serve a new residence is to be installed

within 40' of the tree. Construction activities and the associated grading will impact only 12% of the critical root zone. This tree will also be retained.

SIGNIFICANT TREE CHART: TREE TO BE REMOVED

TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	COMMENTS	%CRZ IMPACT	REASON FOR IMPACTS / REMOVAL
ST-11	Prunus serotina	Black Cherry	31"	Dead-Hazard	Dead standing, remove ASAP	11%	Dead standing tree with a target; installation of utility line

SIGNIFICANT TREE CHART: TREES IMPACTED / NOT REMOVED

ST-13	Acer saccharinum	Silver Maple	32.3"	Moderate-Poor	Growing on slope with good response root flairs, exposed roots with wounds, co-dominant leaders, response wood growth at branch union, adjacent to driveway, broken dead limbs with decay, dead leader tree is in decline	9%	Grading and construction activities will impact a portion of critical zone
ST-14	Quercus nigra	Water Oak	42.3"	Moderate-Poor	Enormous amount of response wood growth in the root collar and lower trunk, possible indicator of internal decay, tree should have a Level III Hazard Assessment and be closely monitored for hazards, large broken scaffold limbs with decay, carpenter ants observed, co-dominant leader, response wood growth at branch union, broken dead limbs with decay	15%	Installation of utility line will impact critical root zone

Requirements for Justification of Variance:

Section 22A-21(b) *Application requirements* states the applicant must:

1. Describe the special conditions peculiar to the property which would cause unwarranted hardship;
2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
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 granting of the variance; and
4. Provide any other information appropriate to support the request.

In addition, Section 22A-21(d) indicates 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.

In accordance with Section 22A-21(b), please note the following:

There are special conditions unique to the property which would cause unwarranted hardship should the variance not be approved. The subject property has the unique circumstance of having frontage along a public road (Glen Mill Road) and a private street (Red Barn Lane). The property already consists of 2 lots with access to Red Barn Lane including the lot which contains the owner's residence (Lot 2). Therefore, the primary reason for the application to subdivide the site is to create proposed Lot 3. For a variety of reasons including the condition of Red Barn Lane (sub-standard), ownership of Red Barn Lane (privately owned by others), and relationships between existing and proposed homesites, the use of the Glen Mill Road frontage is proposed for access to Lot 3. The pipestem where this access will be located contains two significant trees but no specimen trees. In addition, the property has the unique circumstance of being adjacent to a public water main in Red Barn Lane and a public water main in Glen Mill Road. However, the water main in Glen Mill Road is a large-diameter pipe and WSSC is opposed to tapping directly into this main line. For this reason, it is necessary to tap into the water line in Red Barn Lane for all of the proposed lots including Lot 3 which does not abut Red Barn Lane. To provide water service to this lot, the location of the water house connection has been carefully planned to avoid major impacts to significant or specimen trees within a proposed easement area on Lot 2. However, given the arrangement of large trees on the property near Red Barn Lane, some impact is unavoidable. We are requesting to remove ST-11 due partly to the impact from the planned water line to Lot 3. However, this tree is a dead-hazard tree and needs to be removed irrespective of the planned activity. Overall, despite the unique circumstances of the property and the prevalence of specimen trees on or near the site, the impact from the proposed development is minimal and results only in the removal of one specimen tree (also a hazard tree). Alternative options for driveway access to Lot 3 from Red Barn Lane were considered and all would result in additional and more substantial impacts to specimen trees. These impacts and the need for additional variances are avoided with the plan as proposed.

Should this variance not be approved, the property owner would be deprived of rights commonly enjoyed by others in similar circumstances. This project has been designed to meet or exceed all development standards for the RE-2 zone but certain impacts to specimen trees are unavoidable if the property is to be developed. Access to the WSSC public water system is needed as the property is within water service category W-1. However, without a variance for certain impacts to specimen trees as detailed earlier, the property owner would be deprived of gaining access to the public water system. The proposed water line to Lot 3 has been carefully planned so that its impact is slight to one specimen tree and more significant to another specimen tree which is a dead-hazard tree and needs to be removed in any case.

The granting of a variance will not result in a violation of State water quality standards or any measurable degradation in water quality. There are no environmentally sensitive features such as streams, floodplains, or wetland areas located on the property. Furthermore, the project has been planned to provide environmental site design (ESD) practices in accordance with the latest State and County requirements for stormwater management and the Montgomery County Department of Permitting Services has approved a Stormwater Management Concept Plan for the project.

In accordance with Section 22A-21(d), please note the following:

Approval of this variance does not confer a special privilege to the applicant which would be denied to others. Conversely, approval of the variance permits the applicant to develop the property in accordance with the RE-2 zone similar to what has occurred at nearby properties for other applicants. Approval of the variance allows the applicant to conduct minor grading and to access the public water system. These privileges are commonplace and necessary for development of land in the RE-2 zone.

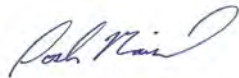
The requested variance is not based upon conditions or circumstances caused by the applicant. Instead, the applicant has painstakingly reviewed all of the possibilities for development of the property in accordance with zoning and subdivision standards in order to present plans which are in keeping with these standards. The applicant is requesting the variances in advance of any activities which might impact specimen trees on the site. The applicant has minimized impact to specimen trees to the greatest extent possible based upon the circumstances of the site.

The requested variance does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. As has been documented, the requested variance is a result of planned development of the subject property.

Finally, the requested variance will not violate State water quality standards or cause measurable degradation in water quality. The requested variance if approved would result in impacts to two specimen trees one of which will remain and the other of which should be removed irrespective of the planned development. Water quality on the property is not affected by these actions.

For the above reasons, we respectfully request approval of a variance for this project in accordance with the requirements of Section 22A-21 of the Montgomery County Code. If you have any questions or concerns regarding this request, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joshua O. Maisel".

Joshua O. Maisel, RLA
ISA Certified Arborist # MA-4514A
ISA Tree Risk Assessment Qualified
PNW/ISA Certified Tree Risk Assessor # CTRA 918



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Lisa Feldt
Director

May 15, 2015

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

RE: Horizon Hill, DAIC 120120170, revised NRI/FSD accepted on 1/20/2015

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). 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.

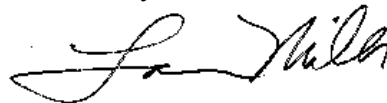
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, 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 minor revisions to the impacts to trees subject to variance provisions 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: Josh Penn, Planner Coordinator



RUSTIC ROADS ADVISORY COMMITTEE

February 14, 2013

Dave McKee
Benning & Associates
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877

Re: Horizon Hill
Preliminary Plan No. 120120170

Dear Mr. McKee:

We are writing to thank you for your presentation to the Rustic Roads Advisory Committee on November 27, 2012. The applicant proposes three residential lots on Glen Mill Road, an exceptional rustic road, and Red Barn Lane; two lots are proposed with access on Red Barn Lane and one is proposed with access on Glen Mill Road. The current plat shows "Driveway Access Denied" on Glen Mill Road.

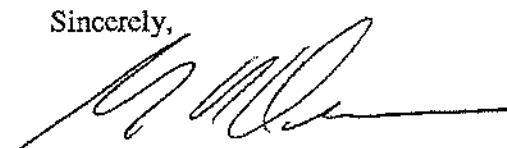
The Committee recommends the following for the proposed access on the exceptional rustic road:

1. Where alternatives exist, the committee's first preference is to avoid creating new access points on rustic or exceptional rustic roads.
2. The committee's next preferred option is to share access points (e.g., by creating a shared driveway, or in this case, using the existing shared driveway).
3. In cases where no alternative location or shared access is possible, and a new access point on a rustic road is deemed necessary and appropriate by the regulatory agencies, then new access points should be as narrow as possible. (In this case, a 10-to-12-foot wide driveway is proposed within the existing pipestem.)

The property owner indicated to the RRAC that sight distances along Red Barn Lane are inadequate to allow access for the third driveway. A sight distance evaluation was not presented to the Committee. -

Thank you for providing us with an opportunity to review this project. If you have any questions regarding our comments, you may contact us through our staff coordinator, Mr. Jay Beatty in the Department of Permitting Services at 240-777-6340.

Sincerely,



Greg Deaver, Chair
Rustic Roads Advisory Committee

Committee Members:

Christopher Marston, Robert Goldberg, Marc Miller
Greg Glenn, Eric Spates, Angela Butler



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

March 14, 2014

Ms. Katherine Holt, 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. 120120170
Horizon Hill

Katherine:
Dear Ms. Holt:

We have completed our review of the preliminary plan dated July 23, 2012. This plan was reviewed by the Development Review Committee at its meeting on September 4, 2012; a series of inter-agency meetings with the applicant ensued regarding the site access. We now 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 (DPS) in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication for Glen Mill Road (Exceptional Rustic Road; 80 ft right-of-way) in accordance with the master plan. Coordinate with DPS and the Rustic Roads Committee as necessary.
2. The record plat for the two existing lots (plat no. 18005) indicates a denial of access note along the Glen Mill Road site frontage. We understand this restriction was a condition of the Planning Board's April 5, 1990 approval of the original preliminary plan for this site (McKay Property; plan no. 119892860).

We have not been able to verify the rationale for this restriction; presumably it was made to protect the character of Glen Mill Road – which was among the roads being considered for special protection under the March, 1990 “Proposal for a Rural/Rustic Roads Program” and an assumption that site access would be available from Red Barn Lane.

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

The applicants submit that technical difficulties and community issues would ensue if all site access were to occur via Red Barn Lane. Their consultant has submitted a sight distance study which demonstrates adequate visibility at the proposed driveway for Lot 3 on Glen Mill Road.

We would prefer to have all site access occur off Red Barn Lane but understand that the Planning Board may allow proposed Lot 3 to locate its entrance on Glen Mill Road. If the Planning Board makes that ruling, we will not oppose that decision. However, the record plat will need to properly document deletion of the "driveway access denied" note on record plat no. 18005.

3. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Ms. Monet Lea, our new Development Review Area Engineer for this project, at monet.lea@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

m:\correspondence\FY14\Traffic\Active\120120170, Horizon Hill, 031414 FINAL MCDOT plan review ltr.doc

cc: Charles Rabkin & Mari Plagge
David McKee Benning & Associates, Inc.
Joshua Maisel Benning & Associates, Inc.
John Carter M-NCPPC Area 3
Callum Murray M-NCPPC Area 3
Rich Weaver M-NCPPC Area 3
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Catherine Conlon M-NCPPC DARC
Atiq Panjshiri DPS RWPR
Sam Farhadi DPS RWPR
Marie LaBaw MCFRS
Andrew Bossi MCDOT DO
Monet Lea MCDOT DTEO



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: HORIZON HILL Preliminary Plan Number: 1- 20120170

Street Name: GLEN MILL ROAD Master Plan Road Classification: EXCEPTIONAL RURAL RUSTIC

Posted Speed Limit: 30 mph

Street/Driveway #1 (_____) Street/Driveway #2 (GLEN MILL ROAD PROPOSED)

Sight Distance (feet) OK?
 Right _____
 Left _____

Sight Distance (feet) OK?
 Right 330' ✓
 Left 470' ✓

Comments: _____

Comments: _____
Recertification of previous evaluation performed on 10/18/2013 to detect possible changes in seasonal foliage. Sight distance is sufficient

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*	Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)
Tertiary - 25 mph	150'	
Secondary - 30	200'	
Business - 30	200'	
Primary - 35	250'	
Arterial - 40	325'	
(45)	400'	
Major - 50	475'	
(55)	550'	

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

[Signature] 10/18/2013
 Signature Date

#10850
 PLS/P.E. MD Reg. No.
 EXPIRES 4/3/2014



Montgomery County Review:	
<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved:
By:	<u>[Signature]</u>
Date:	<u>3/14/14</u>



FIRE MARSHAL COMMENTS

DATE: 19-Mar-14
TO: Joshua Maisel - benninglandplan@aol.com
Benning and Associates
FROM: Macie LaBaw
RE: Horizon Hill
720110050 120120170

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **19-Mar-14**. 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.

***** All Planning Board opinions relating to this plan or any subsequent revisions shall be submitted to the Office of the Fire Marshal for further review.**

Access from Red Barn Lane and/or Glen Mill Road are acceptable provided that either option meets fire department vehicular access code requirements.

If access is provided to Lot 3 from Red Barn Lane, prescriptive life safety code per Montgomery County Code Chapter 22 Section 22-32 requires 20 feet of pavement. If any prescriptive code requirement cannot be met, reasons must be justified and performance-based design measures shall be proposed for review. ***

August 31, 2012

Mr. Pete Staley
Benning & Associates, Inc.
8933 Shady Grove Court
Gaithersburg, Maryland 20877

Re: Water Quality Inventory for Horizon Hill Lot 22 &
23
SM File #: 241667
Tract Size/Zone: 6.35 acres/RE-2
Total Concept Area: 6.35 acres
Watershed: Piney Branch

Dear Mr. Staley:

Based on a review by the Department of Permitting Services Review Staff, the Water Quality Inventory for the above mentioned site is **acceptable**. This site is located within the Piney Branch Special Protection Area. The stormwater management concept proposes to meet required stormwater management goals via rooftop disconnects, drywells, and driveway gravel trenches.

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. The proposed dry wells and driveway gravel trenches must meet Montgomery County requirements for spacing from water wells as well as septic tanks and trenches. As shown, driveway gravel trench #2 will need to be relocated. Show all off site well arch locations on the detailed sediment control plans.
5. A two foot wide grass buffer will be required between the driveway and the proposed gravel trenches.

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 Water Quality Plan 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

Pete Staley
August 31, 2012
Page 2

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 Leo Galanko at 240-777-6242.

Sincerely,

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

RRB:img

cc: C. Conlon
SM File # 241667

ESD Acres:	6.35
STRUCTURAL Acres:	0.0
WAIVED Acres:	0



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

MEMORANDUM

August 13, 2012



TO: Cathy Conlon
Maryland National Capital Park and Planning Commission

FROM: Diane Schwartz Jones, Director *Diane R.S. Jones*
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: Horizon Hill , 120120170

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on January 31, 2011.

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.
2. The record plat must show the septic system easements as they are shown on this plan.
3. Lot 2 must connect to public water when a new house is built.

If you have any questions, please contact John Hancock at 240-777-6318.

cc: Surveyor
File

WSSC

PLAN REVIEW COMMENTS

M-NCPPC (MONTGOMERY) DEVELOPMENT REVIEW COMMITTEE

WSSC STANDARD COMMENTS APPLICABLE FOR ALL PLANS REVIEWED:

1. WSSC comments are made exclusively for this plan review based on existing system conditions at this time. We will reevaluate the design and system conditions at the time of application for water/sewer service.
2. **Coordination with other buried utilities:**
 - a. Refer to WSSC Pipeline Design Manual pages G-1 and G-2 for utility coordination requirements.
 - b. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC right-of-way unless specifically approved by WSSC.
 - c. Longitudinal occupancy of WSSC rights-of-way (by other utilities) is not permitted.
 - d. Proposed utility crossings of WSSC pipelines or rights-of-way that do not adhere to WSSC's pipeline crossing and clearance standards will be rejected at design plan review. Refer to WSSC Pipeline Design Manual Part Three, Section 3.
 - e. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including, impacts to proposed street, building and utility layouts.
 - f. The applicant must provide a separate "Utility Plan" to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and rights-of-way.
 - g. Upon completion of the site construction, utilities that are found to be located within WSSC's rights-of-way (or in conflict with WSSC pipelines) must be removed and relocated at the applicant's expense.
3. **Unless otherwise noted:** ALL extensions to WSSC's system require a request for 'Hydraulic Planning Analysis' and need to follow the System Extension Permit (SEP) process. Contact WSSC's Development Services Center at (301-206-8650) or visit our website (www.wsscwater.com/Development_Services) for requirements. For information regarding connections or Site Utility (on-site) reviews, you may visit or contact WSSC's Permit Services at (301) 206-4003.

WSSC Comments
Development Review Committee Meeting
Agenda Date: September 4, 2012

Plan No.

Subdivision Name

1. 120120170

Horizon Hill

Comments continued...

Any grading, change in pipe loading (including but not limited to proposed fill or excavation), adjustment to manhole rims, fire hydrant relocations, placement of access roads or temporary haul roads, temporary sediment control devices, paving construction or construction related activity of any kind over an existing WSSC water or sewer main or within an existing WSSC right-of-way requires advance approval by WSSC. Any proposed public street grade establishment plan (GEP) with an existing WSSC water or sewer main of any size located within the existing or proposed public street right-of-way requires WSSC approval directly on the original GEP prior to approval of the GEP by the County Department of Public Works and Transportation. Any work (design, inspection, repair, adjustment, relocation or abandonment of existing WSSC facilities) is done at the sole expense of the applicant/builder/developer. Contact WSSC Relocations Unit at (301) 206-8672 for review procedures and fee requirements. *See WSSC Design Manual, C-5.1 and Part Three, Section 11.*

Show and label all existing nearby water and/or sewer service connections that may be impacted by the proposed development. The existing water service connection serving Lot 47 may conflict with the proposed connection to serve Lot 3.

Maya Weyl
12100 Glen Mill Road
Potomac
MD 20854

Tel: 301 294 9310 (Home)
: 202 473 2076 (Work)



To:

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

October 6, 2012

Dear Sirs,

Re: Preliminary Application Concerning M-NCP&PC File #120120170 (Horizon Hill): Lots 22 & 23 (also identified as Lot 3 on the Plan)

I am writing to express certain concerns regarding the above-mentioned Preliminary Application. Those concerns include the following:

1. I live at the address indicated in the heading to this letter. My property sits alongside a considerable stretch of the proposed new driveway to the new house proposed on lots 22 & 23 and runs down the steep slope that commences by the proposed new driveway. My house is located at the bottom of that steep slope.

I am therefore extremely concerned with further erosion and water run-off that may affect my property and house.

At present, there are many mature trees on the strip of land that would need to be cleared to make way for the proposed new driveway. Those trees help anchor the soil and help reduce erosion. The trees and other plantings on that land also assist with water absorption and retention and thus help reduce water run-off. That benefit will be lost if that strip of land is cleared of its current trees and other plantings.

2. Glen Mill Road has a historic rural character. Clear cutting the existing mature trees and other plantings to make way for the proposed new driveway will result in a "naked landscape" view behind (immediately to the north of) my property, significantly adversely affecting the historic rural character of the neighborhood.

3. Additional traffic running immediately alongside (to the north of) my property will result in undesirable increased noise impact to my property.

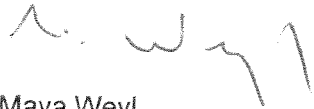
4. As a very important point to note, the exit/entry of the proposed new driveway onto Glen Mill Road is likely to be hazardous. That exit/entry point sits right in a curve on a sloping part of

Glen Mill Road that, notwithstanding posted (but routinely disregarded) speed limits to the north and south, is routinely/typically travelled at relatively high speed by passing vehicles. Due to the curve in the road at that point, combined with the hilly and further curving nature of Glen Mill Road to both the north and the south, it is not possible to see a safe distance in either direction especially taking into account the speed with which traffic routinely passes along that stretch of road. I speak in this regard from personal experience as the entrance to my own driveway is only a very short distance down the road from the proposed new driveway exit/entrance. Although I am a very experienced driver, I literally (without exaggeration) fear for my safety on each occasion when I have to turn left into my own driveway when coming from the southerly direction. The features of the road described above will inevitably similarly impact the proposed new driveway exit/entrance onto Glen Mill Road.

The proposal is particularly odd in this regard as Red Barn Lane, immediately to the north, is a very lightly and slowly traveled road with a much wider and more safely situated exit/entrance onto Glen Mill Road. An alternatively located driveway to the proposed new house on Lots 22 and 23, running instead from Red Barn Lane, would therefore clearly avoid the safety issues noted above.

I would be grateful if you could keep me informed of progress with the application as well as the public hearing date and location.

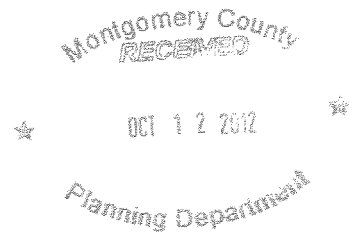
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Maya Weyl', written in a cursive style.

Maya Weyl

Maya Weyl
12100 Glen Mill Road
Potomac
MD 20854

Tel: 301 294 9310 (Home)
: 202 473 2076 (Work)



To:

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

October 7, 2012

Dear Sirs,

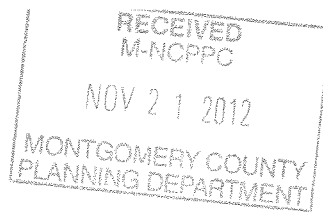
Re: Preliminary Application Concerning M-NCP&PC File #120120170 (Horizon Hill): Lots 22 & 23 (also identified as Lot 3 on the Plan)

With reference to point 4 of my letter of yesterday's date (copy attached for your ease of reference), I inadvertently omitted to mention that the sight lines along Glen Mill Road (in both northerly and southerly directions) from the intersection of Red Barn Lane and Glen Mill Road are much longer than those possible at the junction point of the proposed new driveway and Glen Mill Road. The former therefore provide for a less hazardous driving environment.

Yours sincerely,

A handwritten signature in black ink, appearing to read "M Weyl".

Maya Weyl



November 18, 2012

Regarding Preliminary Plan File # 720110050, Horizon Hill, lots 22 and 23

Lead Reviewer
Development Review Division
M-NCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Dear Lead Reviewer,

We are the owners of Horizon Hill Lot 45, a property adjacent to the proposed rezoning plan.

We are writing to voice our opposition with the submitted Sub division plan, as sent to us by Benning and Associates, Inc., because this proposal could considerably impact adversely the enjoyment of our property, specially the access and egress of our property. The information provided to us is missing proposed grading for the newly created lots or driveway, plans for sanitary sewer or septic layout for Lot 1, and information regarding management of water runoff and erosion from the proposed subdivision.

Given the information thus far provided, some of our concerns are:

1. Two of the re-zoned lots will be accessed from Red Barn lane while the newly created third one (Lot 3) will be accessed from Glen Mill Road. This will be accomplished through a driveway parallel and adjacent to the one we currently share with our next-door neighbors.
 - a. As it is now, given the speeding traffic in Glen Mill Road and the curves and hills before and after our driveway's entrance, exiting or entering our driveway is already a challenge. Having an adjacent driveway will only make it hazardous for us and the future users of the proposed new driveway.
 - b. We do not find enough information in the document sent to us about how the proposed driveway will be built. The terrain through which this new driveway would course is not flat and placing the new driveway in this narrow space may require building retaining walls either between the new driveway and ours, or between the new driveway and the lots to the north of it. This may create drainage issues. Since the new driveway may be higher than ours, water may drain into ours and any snow removed from the higher driveway may fall into ours.

- c. Additionally, creating the new driveway will require removing several mature trees and possibly relocating utility poles. Will they place any trees to act as separators between the two-way traffic that would move through these two adjacent narrow driveways?
 - d. Removing mature trees along Glen Mill Road to create the proposed new driveway will alter the rural character of this road.
 - e. We think that a simpler, safer, and more environmentally friendly, solution would be to create an easement access between Lots 1 and 2 to access Lot 3 from Red Barn Lane. The latter is a less travelled road that leads to a proper intersection with Glen Mill Road.
2. We see proposed septic areas for Lots 2 and 3, but do not see on the plan any sanitary sewer or septic layout for Lot 1. Were soil tests for septic purposes done and or approved for this Lot?
 3. We do not find information regarding management of water runoff and erosion from the proposed subdivision. Since we are downhill from the proposed subdivision, decisions made regarding these matters will affect us.
 4. Is this plan consistent with the general "character of the neighborhood" along Red barn Lane?

We realize the plan is labeled "pre-preliminary" but we are lacking information regarding proposed grading for the newly created lots or driveway, plan for sanitary sewer or septic layout for Lot 1, proposed storm drainage, and landscape plans. We would like to have such information to properly evaluate this proposal and its impact on the adjacent properties such as ours.

Could you please let us know what is the current status of this proposal and when is the hearing date and location for it? We can be reached at 301.385.9626, 301.806.8819, or at patriciacortazar@yahoo.com

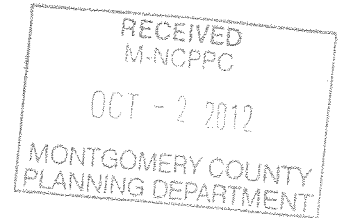
Thank you,



Carlos Jamis-Dow and Patricia Cortazar
12130 Glen Mill Road
Potomac, Maryland, 20854-1923
Phone:

M-NCPPC
Development Review Division
8787 Georgia Avenue
Silver Spring, Maryland, 20910-3760

September 27, 2012



Re: Preliminary Plan File # 1201200170, Horizon Hill, lots 22 & 23

Dear Lead Reviewer,

As an adjoining property owner we are writing to express our opposition to the referred Preliminary Sub division plan. Currently the information provided is not sufficient for a complete review without topography or proposed landscaping plan but some of our preliminary concerns are as follows:

1. Lot 3 on the plan utilizes a parallel 25 foot pipe stem to access Glen Mill Road immediately adjacent to our driveway which we believe will adversely impact the safety of our driveway entrance onto Glen Mill Road. Glen Mill is a heavily traveled connector road with cars traveling at high speed with a curve and slope at their proposed entry point. Sight lines will be challenging with the additional proposed driveway so close to the existing entrance.
2. Glen Mill Road has a rural historic character with dense hedgerow planting along the street scape. We believe this character would be adversely damaged by such an enlarged disruption in the hedgerow opening to create a second drive way entrance so close to the first.
3. The access pipe stem driveway proposed on the plan is shown through a heavily wooded area, has steep slopes and will create drainage issues onto our property and our neighbors' properties. We will be opposed to removing the existing mature trees which will be necessary to install a driveway in the pipe stem. The proposed design will require retaining walls which are not shown on the plan.
4. The tight 25 foot access drive pipe stem will not allow sufficient screening opportunities to the adjoining properties creating sound and light disturbances to the nearby residences.
5. The plan does not currently provide the required 50 foot front yard setback. 17 feet is shown on the plan.
6. Lastly we believe a preliminary plan public notice sign should be located on Glen Mill Road at the proposed driveway entrance in order to properly notify the Glen Mill Road community of the upcoming hearing and preliminary plan. Currently only those residents on Red Barn Lane would see the sign. Since lot 3 is proposed to front on Glen Mill Road a posting there should be required to give proper notice to all those effected.

We would suggest that the plan for lot 3 be revised to allow for a safe access path to Red Barn Lane where the lightly traveled low speed road can safely handle the driveway which would then lead to a proper safe street intersection onto Glen Mill from Red Barn Lane.

We feel that a grading plan, landscape plan, storm drainage plan, forest protection plan and traffic study would all be necessary to properly study this application. Please keep us up to date on the progress of the plan and expected hearing date.

We can be reached at 240-603-9014. Thank you,



Catherine Parker

Stephen and Catherine Parker
12110 Glen Mill Road
Potomac, Maryland, 20854

Stephen Parker AIA, LEED AP
President, Founding Partner

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William C. Haney

233 Barton Avenue
Palm Beach, Florida 33480

June 19, 2014

M0-NCPPC
Development Review Division
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Re: Horizon Hill
Preliminary Plan No. 120120170

Ladies and Gentlemen:

I wish to submit comments concerning one aspect of this preliminary plan: the suggestion that access for lot 3 be from Red Barn Lane, not Glen Mill Road. By way of background, my wife and I were 20 year residents of the area, first at 12305 Glen Mill Road, then at 10700 Red Barn Lane. We were the second family to move into the Highgate subdivision. We attended the first neighborhood meeting relating to the proposed plan and have kept fully informed of its evolution.

I feel very strongly that access for lot 3 should be from Glen Mill Road, for the following reasons:

1. Safety – Family Use of Red Barn Lane. Red Barn Lane is populated with families, some with very young children. These families walk, jog, ride, bike and play on the street. They walk their dogs on the street. Adding traffic to Red Barn Lane – in particular, adding additional traffic very close to a blind crest in the road – increases the danger to Red Barn Lane residents. Contrary to one commenter's suggestion, Red Barn Lane is not a gently driven street. Just as the county has had difficulty enforcing speed limits on Glen Mill Road, the neighborhood has found it difficult if not impossible to slow cars on Red Barn Lane. Too many cars speed up from Glen Mill and over the blind hill crest on Red Barn. Safety considerations for placing access on Red Barn versus Glen Mill are at best a wash, and in my opinion favor placing access on Glen Mill.
2. Safety – Winter Use of Red Barn Lane. In icy and wet conditions, the rise up to, and down from, the crest of Red Barn Lane becomes very slippery for cars, even with prompt plowing. We have had several incidents of cars running off Red Barn Lane. Adding additional traffic to the mix obviously worsens this hazard.

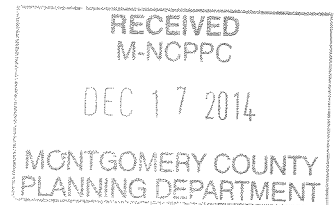
3. Safety – Winter Lot 3 Ingress and Egress. Use of a long, steep driveway in winter or other slippery conditions would be dangerous for the residents of lot 3.
4. Environment. A long, steep driveway would form a path over which water and debris would accumulate, accelerate and dump in a concentrated manner.
5. Effect on Viewshed. When the Highgate subdivision was created, care was taken to protect the views from homes facing the pond located on the community's common area. We, and other homeowners, agreed to a viewshed easement across our properties. A long, steep driveway leading to lot 3 would constitute an eyesore for all of those in the viewshed.
6. Fairness. Allowing access to lot 3 imposes on Red Barn Lane all of the "costs" of such access. Red Barn Lane neighbors will have to pay for wear and tear caused by the inevitable construction traffic, and later residential traffic, attributable to lot 3, and there may be no fair mechanism in place to reimburse the neighborhood for this cost. Just as surely as properties along the "pipe stem" might be devalued by a driveway running by their properties, Red Barn Lane properties, especially those adjacent, but also those in the viewshed, will be devalued by construction of a long driveway. Highgate residents purchased lots and constructed homes based on the assumption that the existing pipe stem shown in all documents provided to them would serve as the access for one of the lots in question.

I appreciate the opportunity to comment on issues affecting this beautiful area.

Sincerely,

William C. Haney

December 14 2014
Lead Reviewer
Development Review Division
8787 Georgia Ave.
Silver Spring, MD 20910-3760



Dear Lead Reviewer:

I live across the Red Barn Lane from Charles Rabkin and Mari Plagge. My children and I moved into our custom built home in the Fall of 2009. I understand from Charles and Mari that Park and Planning are still stuck on the idea that access to Lot 3 of their proposed subdivision should be from Red Barn Lane rather than Glen Mill Road.

This makes no sense. It's obviously preferable to create a drive that would run parallel to the extant drive to the other homes sited at the bottom of Horizon Hill. In this way, my neighborhood would be best served as no mature trees along Red Barn Lane would be destroyed, the vista from Red Barn Lane would not be disturbed and the safety of my children, neighbors and our pets would be maintained.

My home as well as Charles and Mari's is located at the crest of Red Barn Lane just as one approaches the entrance to the Highgate subdivision. The traffic on Red Barn Lane has increased exponentially since 2009. The argument that Red Barn Lane is currently a lightly and slowly travelled road is preposterous. Adding an additional drive from Lot 3 would add to the already potentially hazardous traffic at the crest of the Hill.

Park and Planning's suggestion that the Lot 3 should access Red Barn at a perpendicular to exit/enter at the crest of this dangerous and low visibility intersection is misguided. In addition, the angle from which cars would approach an exit to Red Barn would be steep enough to throw headlights directly into our second floor bedrooms.

Yes, it is true that our current neighbors and future neighbors who access their homes from Glen Mill Road should be very cautious. I think it's time for Park and Planning to do a traffic study in light of the burgeoning development of all lots along Glen Mill Road that has occurred since 2009. There is definitely a call for more signage to slow down the traffic speeds of all traffic on Glen Mill Road especially around the intersection with Glen Road and the one lane bridge. The argument that one more driveway from Lot 3 being a "tipping point" to an already dangerous curve in Glen Mill Road is a farce. On the other hand, adding the driveway to Red Barn should and must be avoided as on margin, this would severely downgrade the quality and serenity of our neighborhood.

I thank you for consideration of my concerns.

Sincerely,

A handwritten signature in black ink, appearing to be "Peter Daniel". The signature is fluid and cursive, with a large loop at the end.

Peter Daniel

To Whom It May Concern:

I am writing to comment on the subdivision proposed by my neighbors, Charles Rabkin and Mari Plagge. I am the owner of the adjacent lot, between their property and Glen Mill Road. I previously lived in the house at the corner for nearly 50 years, where my late husband and I raised our children. When we sold this house in 2007, we kept the extra lot for our family. Indeed, my son Randy may eventually move back to Red Barn Lane when he retires.

I understand that my neighbors have proposed siting a new home at the rear of their property, close to the lot line between us. The proposal calls for the driveway for this new home to go along the rear of my property out to Glen Mill road. My neighbor even owns the land which accommodates the route for the new driveway. I have no objection to this plan and believe it makes the most sense. The new home will be in a cluster with two other homes that already share a driveway onto Glen Mill Road.

I was recently dismayed to learn that Park and Planning staff may require that the new house access Red Barn Lane instead. Unfortunately, satisfying this arbitrary requirement may lead to running a long awkward driveway all along our common side lot line, with undesirable pavement thereby interrupting the vegetation between us. More importantly, construction of this long driveway would remove two especially beautiful trees in particular, which greatly enhance views from my property. Therefore, I am strongly opposed to placing this new driveway on my side lot line, especially as other, much more sensible alternatives exist.

I wish to go on record as a staunch supporter of the subdivision plan as proposed. This plan provides the best opportunity to preserve the remaining rural characteristics of my long-time neighborhood. The alternative access favored by Park and Planning staff would be highly detrimental to my property, and to my neighbor's property, with no benefit to anyone else.

Please feel free to contact me if you need additional information.

Sincerely,

Anne Hale Johnson

RANDALL HALE JOHNSON
16000 COMUS ROAD
CLARKSBURG MD 20871

June 4, 2014

M-NCPPC
Development Review Division
8787 Georgia Avenue
Silver Spring MD 20910-3760

To Whom It May Concern,

This letter is written to confirm my family's position regarding the Plagge-Rabkin subdivision.

I strongly oppose moving the new driveway of their proposed subdivision to the side lot line along our family's (Mrs. Anne H. Johnson) property.

This lot is likely to be my future home, and the side driveway would be highly undesirable. The proposed change would also require cutting down several significant trees that screen and enhance the property. I much prefer our neighbor's original plan to use their own strip of land behind my mother's property for the new driveway out to Glen Mill Road.

Thank you for your consideration.

Sincerely,


Randall Hale Johnson

Penn, Joshua

From: Steve Rakitt <srakitt@gmail.com>
Sent: Friday, December 26, 2014 11:48 AM
To: Murray, Callum; Penn, Joshua; Weaver, Richard
Subject: Rabkin/Plagge Lot 3 Proposal

December 26, 2014

Lead Reviewer
Development Review Division
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Dear Lead Reviewer:

We live at 10617 Red Barn Lane in Potomac, directly across the street from Charles Rabkin and Mari Plagge. We understand that they are seeking to have Parks and Planning approve access to Lot 3 of their proposed subdivision via Glen Mill Road. We fully support their proposal.

We moved here in October, 2011 and thoroughly enjoy the peaceful quietude of the area -- with one exception. Our home is located at the highest point of Red Barn Lane and the speed with which cars are coming over the crest is alarming. We have a young child, along with dogs and cats, and we are fearful that something terrible might happen.

Having a driveway for the Rabkin/Plagge's Lot 3 come to Red Barn Lane instead of Glen Mill Road makes absolutely no sense, for several reasons:

1. Another driveway at the crest of Red Barn Lane will significantly increase the likelihood that a severe accident will take place;
2. Building a driveway with such a steep grade will be treacherous in the winter and dangerous throughout the year. The proposed driveway going to Glen Mill will be at grade;
3. A driveway coming up at such an angle will cause headlights to come directly into our house, when we currently have no such issues. The proposed driveway going to Glen Mill will not cause anyone any inconvenience of headlights pointing into their homes.

There are times when a homeowner proposal just makes sense. Charles and Mari's plan to have a new driveway with access to Glen Mill Road - directly adjacent to an existing driveway for the current cluster of homes off Glen Mill Road - is one such plan.

We can be reached at 301-300-0184. Thank you for your consideration.

Sincerely,

Karen & Steven Rakitt

Subject: FW: Horizon Hill subdivision proposal

From: ginnybarnes@juno.com [mailto:ginnybarnes@juno.com]

Sent: Friday, April 04, 2014 11:07 AM

To: Wright, Gwen; Carrier, Francoise

Cc: Murray, Callum

Subject: Horizon Hill subdivision proposal

WEST MONTGOMERY COUNTY CITIZENS ASSOCIATION

P.O. Box 59335 Potomac, Maryland 20854

Founded 1947

April 4, 2014

To: Planning Director Gwen Wright - MNCPPC

Re: Horizon Hill (MNCPPC #120120170) Potomac Subregion

The property owner of the proposed 3 lot subdivision contacted WMCCA seeking support for a proposed access off Glen Mill Rd. for one lot in addition to using Red Barn Lane for the other 2 lots. Glen Mill Road is an Exceptional Rustic Road from Red Barn Lane to Glen Rd.. There is a pipestem driveway serving three properties and the applicant seeks to build a parallel driveway to serve one of his 3 lots. In a letter to the applicant's consultant dated February 13, 2013, the Rustic Roads Advisory Committee stated: "Where alternatives exist, the committee's first preference is to avoid creating new access points on rustic and exceptional rustic roads." We concur. The WMCCA Board has voted to oppose the use of the pipestem for an additional driveway. It is redundant and unnecessary, since all 3 lots can be accessed via Red Barn Lane.

We have other concerns about the subdivision proposal, most notably the steep slopes where septic fields are proposed and any loss of mature trees. We hope the proposal, if approved will be subject to the new County Tree Canopy Protection legislation. We appreciate the opportunity to comment.

Sincerely,

Ginny Barnes, *President*

West Montgomery County Citizens Association

Potomac, Md. 20854

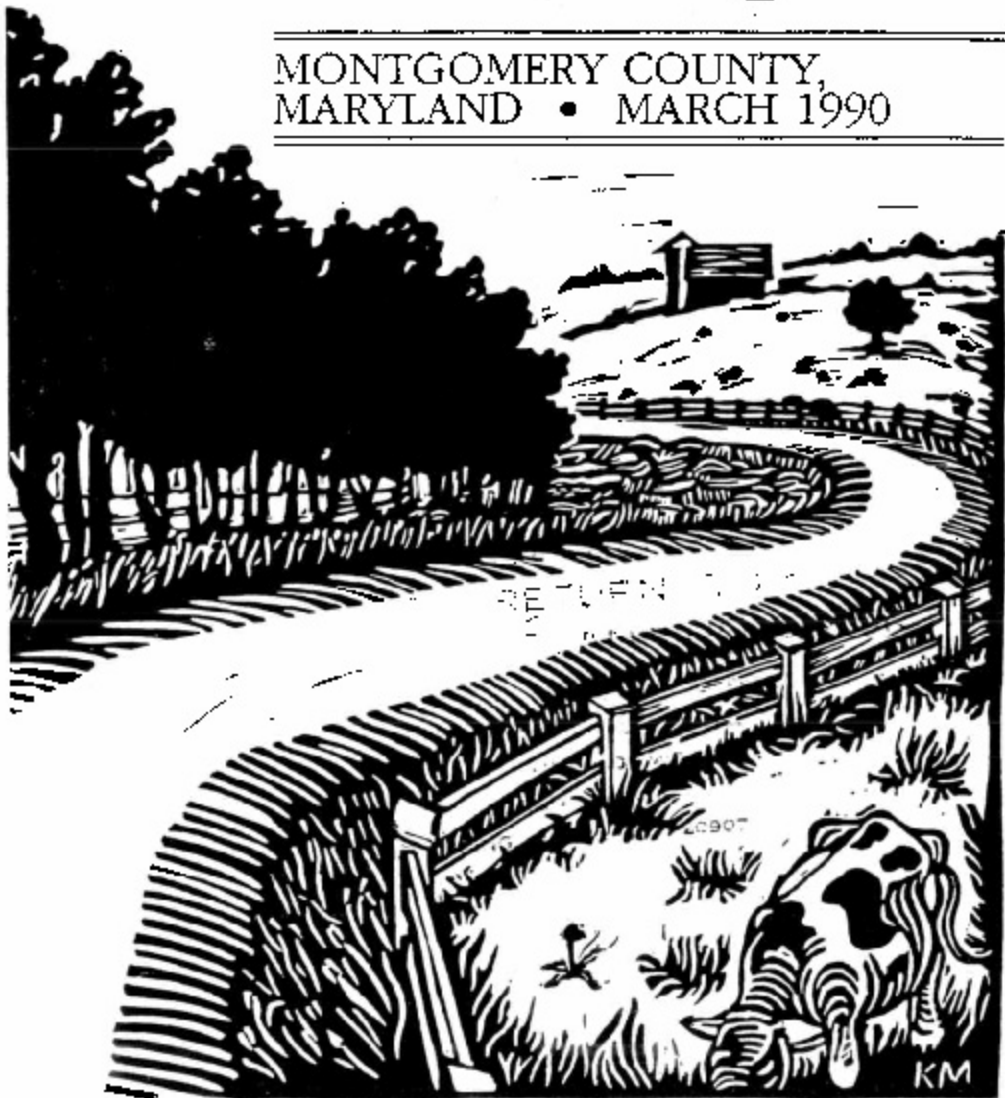
(301) 762-6423

www.wmcca.org

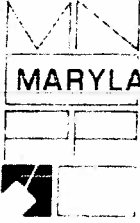


Proposal for a Rural/Rustic Roads Program

MONTGOMERY COUNTY,
MARYLAND • MARCH 1990



Rural	Black Rock Road	Rt. 28 to Service Creek Park	1.8	Narrow, paved, unshaded road, historic Black Rock Mill and Sugar Branch stream valley, scenic.	exception
Rural	Rockwell Lane	Glen Mill Road to second Park	1.0	Tarred road with large trees near industrial area, section cited does not serve new developments.	exception
Rural	Brighton Oak Road	New Hampshire Avenue to Brooksville	0.4	Steeply winding, narrow road crossing two segments of Matthews River Park.	
Rural	Brupper Road	Basson to end	1	Passes through area noted as rural community in Eastern Montpelier County Master Plan.	
Rural	Brooksville Road	Brooksville to Lawrenceville Road	1.0	Unpainted road crosses Todd Branch and Yellow River Branch stream valleys, rolling hills and some residences.	
Rural	Brooklogg Road (rd 117)	Barnesville Road and rd 28	4	Connects Barnesville Road with Route 28. Passes several other recommended rural roads, vernacular style homes visible from roadway, Passes several large farms.	
Rural	Carroll Hill Road	entire length	2	Rural road passing border of Little Bennett Park, Farms visible on both sides of road.	
Rural	Clayton Road	entire length	0.3	Road enjoys scenic views along with serpentine trail through woods. Some homes, Jordan's NH Animal Farm.	exception
Rural	Dance Hill Road	entire length	2	Narrow, winding road bordering stream and Basson Regional Park. Some residential development, location of Butler's Orchard six-hundred-acre farm.	exception
Rural	Edward's Ferry Road	From Edward's Ferry (D&C) to Whites Ferry Road	2	Narrow road passing many diversified farms and leading to historic Edward's Ferry site which is now part of D&C Canal National Park.	exception
Rural	Essex School Road	entire length		Country Road through woods and open vistas. Some residences. Jordan's NH Animal Farm Park.	exception
Rural	Eltun Park Road	Howard Chapel to end	0.8	Crosses tributaries of Patuout and Rolling Farmland. Serves as access to John Faranhouse.	exception
Rural	Glen Mill Road	Red Barn to Glen	1	Passes stream valley and horse pastures. Narrows through Glen area to the Glen bridge. Original alignment allowed for resting area for horses working over Glen Mill.	exception



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation, (Motion of Comm. Floreen, seconded by Comm. Henry, with a vote of 5-0; Commissioners Floreen, Henry, Bauman, Keeney and Hewitt voting in favor).

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-89286
NAME OF PLAN: MCKAY PROPERTY

On 12-11-89, D. & E. MCKAY, submitted an application for the approval of a preliminary plan of subdivision of property in the RE2 zone. The application proposed to create 2 lots on 6.35 ACRES of land. The application was designated Preliminary Plan 1-89286. On 04-05-90, Preliminary Plan 1-89286 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-89286 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-89286, subject to the following conditions:

APPROVAL, including waiver of street frontage, subject to:

1. Conditions of Health Department memo dated 1/22/90
2. Dedication of Glen Mill Road 35' off center line
3. No direct driveway access to Glen Mill Road
4. Necessary easements

Date of Mailing: April 10, 1990