



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

September 26, 2002

MEMORANDUM

TO: Montgomery County Planning Board

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

Khalid Afzal, Team Leader, Georgia Avenue Planning Team
Community-Based Planning Division *KA*

FROM: Frederick Vernon Boyd, Georgia Avenue Planning Team (301/495-4654) *FVB*

SUBJECT: Public Hearing Draft Upper Rock Creek Area Master Plan

In anticipation of the October 3 Public Hearing, I am providing the Public Hearing Draft Upper Rock Creek Area Master Plan. At the August 1 presentation on the Staff Draft, Planning Board members asked as well for the advisory recommendations of the Upper Rock Creek Master Plan Advisory Group and for a report from the Upper Rock Creek Coalition that contains alternative recommendations for the undeveloped properties in the planning area. I am providing those documents as well.

FB:ha: g:\boyd\mcpbtransmittal.doc
Attachments

**Land Use Recommendations of the
Upper Rock Creek Master Plan Advisory Group
April 10, 2002**

The members of the Upper Rock Creek (URC) Master Plan Advisory Group (MPAG) offer the following land use recommendations regarding the properties noted:

1. **The Hendry Property.** Currently zoned RE-2, the Hendry property should be left as it is now zoned.
2. **The Fraley Property.** Currently zoned RE-1 and RE-2, the property should be left as it is now zoned.
3. **Dungan Property.** A minimum of 90 acres must be reserved for open space, excluding the acreage associated with the ICC right-of-way. These acres must be either placed into the legacy open space program or deeded to a nature conservatory or homeowners' association. The remaining property may be rezoned for sewer and/or cluster with the provision one-half of the dwelling units will be on lots of at least 20,000 sq ft, and that the remaining half will be on larger lots. The maximum number of dwelling units on this property would number 44.
4. **Freeman Property.** A minimum of 180 acres must be reserved for open space, including the 45 acres of forest and wetlands. These acres must be either placed into the legacy open space program or deeded to a nature conservatory or homeowners' association. The remaining property may be rezoned for sewer and/or cluster with a provision for not more than 200 dwelling units with a minimum lot size of 20,000 sq. ft.
5. **Casey Property.** A minimum of 110 acres must be reserved for open space. These acres must be either placed into the legacy open space program or deeded to a nature conservatory or homeowners' association. The remaining property falls into two categories: (1) 40 dwelling units may be constructed with septic in the area south of Magruder on the north perimeter, which is now zoned as RE1 and RE2, in lot sizes ranging from 1 to 7 acres, and (2) the remaining property may be rezoned for sewer and/or cluster with a provision for not more than 115 dwelling units with a minimum lot size of 25,000 sq. ft.

It should be noted that these recommendations provide for an aggregate total of 380 acres to be left as open space. Caps the number of dwelling units at 399 new dwelling units on approximately 424 acres, and quantifies the minimum square footage for lot sizes.

THE UPPER ROCK CREEK COALITION

August 1, 2002

Derick P. Berlage, Chairman
Montgomery County Planning Board
Maryland-National Capitol Park & Planning Commission
8787 Georgia Avenue
Silver Spring MD 20910

Dear Chairman Berlage:

It is our pleasure to transmit to you and your fellow Planning Board members the Statement of Position of the Upper Rock Creek Coalition regarding Land Use in the Upper Rock Creek.

The Upper Rock Creek Coalition is an organization of 15 civic associations and communities representing more than 4,000 homes in the Upper Rock Creek area. The residents of our communities will be directly affected by the Board's review of the Upper Rock Creek Master Plan which is now underway

The Board's staff invited our coalition to submit the views of the affected communities and we are pleased to take this opportunity to do so. We look forward to working with the Board in completing this critically important process.

Sincerely,

Bob Kneisley
President, Upper Rock Creek Coalition

Espy Driscoll
Bowie Mill Civic Association and
Member of the Upper Rock Creek MPAG

Rosey Poole
Granby Woods Community Association and
Member of the Upper Rock Creek MPAG

cc: All Board Members
John Carter
Fred Boyd

THE UPPER ROCK CREEK COALITION:

AVERY PARK COMMUNITY

BOWIE MILL CIVIC ASSOCIATION

BREADY ROADACOMMUNITY

FRALEY FARMS COMMUNITY

GRANBY WOODS COMMUNITY ASSOCIATION

GRIST MILL COMMUNITY

MILL C REEK TOWNE COMMUNITY

MUNCASTER AREA CIVIC ASSOCIATION

NORBECK MEADOWS CIVIC ASSOCIATION

NORTH GRANBY WOODS CIVIC ASSOCIATION

ROCK CREEK FARMS COMMUNITY

SYCAMORE ACRES COMMUNITY

TWIN LAKES CITIZENS ASSOCIATION

UPPER ROCK CREEK CIVIC ASSOCIATION

WINTERS RUN CIVIC ASSOCIATION

THE UPPER ROCK CREEK COALITION

STATEMENT OF POSITION REGARDING LAND USE IN THE UPPER ROCK CREEK AREA

I. INTRODUCTION

This statement of position is submitted by the Upper Rock Creek Coalition (the "URCC"), an organization comprised of 15 civic associations and communities that collectively represent over 4,000 homes in the Derwood-Rockville-Olney area of Upper Rock Creek ("URC"). These are the communities that will be directly affected by the Montgomery County Planning Board's review of the Upper Rock Creek Master Plan that is now underway. These communities are adjacent or in close proximity to the all the major undeveloped tracts of land in the URC planning area, and their residents will be directly and significantly impacted by whatever decisions are made in the master plan review process.

This statement of position is submitted at the invitation of the Planning Board's staff, and we believe it should be given full consideration in the Planning Board's decision-making process. The statement is based directly on the views expressed by residents of the URCC communities in numerous meetings, surveys, and discussions organized by community leaders over the last year. The statement has been reviewed and endorsed by representatives of each of the 15 associations and communities in the Coalition.

We first set forth a number of basic principles that we believe should guide land-use and development decisions in the Upper Rock Creek (Section II). Based on these principles, we then make specific recommendations with respect to each of the URC's major undeveloped tracts (Section III).

II. GUIDING PRINCIPLES FOR LAND USE IN THE UPPER ROCK CREEK AREA

Our communities are not opposed to further development in the URC area. On the contrary, we fully expect development to occur. However, we believe strongly that any development must be consistent with the land-use and planning principles that Montgomery County has itself promoted for nearly four decades in designing and preserving the URC "residential green wedge." To do otherwise would irreversibly degrade the character of the Upper Rock Creek and the quality of life for its residents.

Accordingly, we believe that the following seven principles – based upon planning tenets embraced by Montgomery County for many years -- should guide the Board's decisions affecting new development in the Upper Rock Creek:

1. **The Upper Rock Creek low-density “residential wedge” must be preserved and protected.**

- Montgomery County has promoted the URC residential wedge for nearly four decades, and has restricted development in the wedge accordingly.
- “The Wedge is as important today as it was 30 years ago...It is very much the green lung of Montgomery County...The Wedge provides a low density and rural housing opportunity which adds to the diversity of land use in the County.” *General Plan Refinement for Montgomery County, M-NCPPC1993.*
- “If the open space concepts are eroded, or significantly changed in character, central Montgomery County might well lose a unique wedge area. Without adherence to the ‘wedges and corridors’ concept, Montgomery County will grow without form or direction.” *Comprehensive Amendment to the Upper Rock Creek Master Plan, M-NCPPC 1985.*
- A key objective is to “maintain a low-density Residential Wedge to provide a large-lot housing resource and as one way to help protect sensitive environmental areas.” *General Plan Refinement, 1993.*

2. **New development in the URC should be consistent with the low-density, one- and two-acre minimum lot character of the surrounding communities.**

- “The residential Wedge will come under pressure to develop more intensively in the future. To ensure that this area remains a low-density Residential Wedge...steps must be taken to preserve its character.” *General Plan Refinement, 1993.*
- “Transitional land uses and densities should not be identified in the wedge area...The more intensive residential uses found in the corridor areas are inappropriate if the wedge is retain its distinct and easily identifiable character.” *1985 Amendment to the Upper Rock Creek Master Plan.*
- Cluster development and sewer by their very nature are not consistent with the character of the surrounding communities.

3. **New development in the URC must be balanced with the limited infrastructure available to support it.**

- The narrow, winding 2-lane roads in the Upper Rock Creek are among the most dangerous and congested in Montgomery County. These roads were not

designed to handle the traffic they carry today, and no significant transportation improvements will occur for many years, if ever. In the meantime, local roads and intersections must be improved to relieve the existing high level of traffic congestion to the extent possible.

- Magruder High School and Redland Middle School -- the schools that would serve the majority of any newly developed URC tracts – already exceed their planned capacity and suffer from overcrowding today. The PTAs of those schools are adamantly opposed to any development in the URC that would increase housing density above that permitted under existing zoning and septic/sewer category. Sherwood High School, which would serve the Freeman property, is also over capacity.
- Because of these infrastructure limitations, the density of any new developments in the URC should not exceed the density allowed under current zoning and septic/sewer category (i.e., the density permitted under the 1985 Master Plan).

4. **New sewer and cluster development should not be permitted in the URC.**

- According to the 1993 General Plan Refinement, clustering in the URC should be limited to “logical places for community retail and service centers.” *None of the undeveloped URC parcels meets this test.* They all are miles away from commercial centers and are not served by public transportation.
- Under the recent revision to the Potomac Master Plan, clustering may be justified where necessary to protect uniquely valuable historical or environmental resources that cannot be protected via other means. *None of the undeveloped URC parcels meets this test.* The few historical areas worthy of protection can be preserved under existing zoning or by acquisition. The sensitive environmental areas are located in the tributary valleys and existing environmental guidelines would protect these areas through easements or dedications during the development process.
- In the revised Potomac Master Plan, both the Board and Council *rejected* a sewer and cluster development proposal for the Turkey Foot property because it was outside the Potomac sewer service boundary and it would encourage “leapfrog” applications for sewer service further inside the boundary. *The same factors are present in the Casey and Freeman properties.*
- In no case should developers be permitted to use clustering to increase housing density above that permitted by existing zoning. *Current proposals for cluster development of the Casey and Freeman properties would significantly increase the density that would occur under the existing zoning and sewer category (septic systems).*

5. **Large areas of open space can and should be preserved through the URC's existing zoning and land use restrictions.**

- It is obvious, simply by driving through the area, that large expanses of open space have been preserved in the URC communities that were developed on large, one acre or larger, lots with septic systems in accordance with existing zoning restrictions.
- Continuing to adhere to these restrictions will ensure that large amounts of additional open space in the URC will be preserved in the same way as it has for decades. In that way, the open space will be protected in perpetuity and maintained without taxpayer expense. As the 1985 Master Plan notes, a key objective of the existing zoning and sewer restrictions is “to provide a continuous recognizable open space, both public and private, so as to prevent a coalescence of the dense development in the 70S corridor...”
- Any large tract of open land held under public ownership will inevitably be vulnerable to future development, whether by private developers or by the government itself, especially in light of land trades that are common among public agencies. Sequoyah Elementary School, built on 10 acres designated under the Master Plan as “parkland,” is an example of just such a trade.

6. **Environmentally sensitive areas can and should be protected from development under the URC's existing zoning and land-use principles.**

- The URC contains some of the County's most sensitive and valuable water resources, including headwater streams for Lakes Needwood and Frank. These streams must be protected from excessive development and the impervious surfaces that development creates.
- The 1968 URC Master Plan permitted limited use of cluster development where necessary to protect “sensitive environmental features.” But the cluster option was *removed* in the 1985 Master Plan because of stormwater management problems resulting from small (half-acre) lots, the environmental damage caused by construction of sewer lines, and higher than appropriate densities for the residential wedge.
- Low density residential developments in the URC that utilize large lots and septic systems have protected the sensitive environmental resources of the area. In fact, *homeowners in these communities have significantly increased forestation in the wedge* by extensive planting of trees on land that was formerly open fields and pasture.
- Sensitive environmental areas in undeveloped URC tracts can be protected in the same manner as in the past, by restricting new development to septic systems on minimums of 1-acre and 2-acre lots. Where necessary, these areas can also

be protected by public acquisition or by imposition of conservation easements on the purchasers of private parcels. In addition, land conservation education should be promoted by the County and local citizens with respect to these areas.

7. Homeowners' investments and expectations in the URC should be respected.

- Residents of our communities chose to live, invest, and raise families in the URC in reliance on Master Plan to protect their investments and quality of life. The County must honor this compact with its citizens and resist development proposals, such as sewer and cluster, that would radically alter the character of the residential wedge.
- Land use decisions should not be unduly influenced by development proposals that happen to be on the table during the Master Plan review process, especially considering that the developers and contract purchasers *acquired the properties subject to existing URC zoning and sewer restrictions*. Undue involvement of developers in the public decision-making process can pose a conflict of interest that the Planning Board and Council must avoid.

II. SPECIFIC LAND-USE RECOMMENDATIONS

DUNGAN PROPERTY

Description:

The Dungan property is an irregularly shaped, 131.7-acre parcel of land located on the north side of Muncaster Mill Road near its intersection with Avery Road. Muncaster Mill Road, North Branch Stream Valley Park and the Casey property border the tract. Seven acres are currently zoned RE-1 and 125 acres are zoned RE-2.

Background:

The only access to this property for homeowners would be from Muncaster Mill Road, just south of Avery Road. The Inter-County Connector right-of-way and a branch of the North Branch of Rock Creek bisect the property. It is ecologically significant due to its topography. The property is characterized by steep grades and low-lying wetlands of less than 1 acre. There are over 70 species of trees on the Dungan property. The property is currently on the Legacy Open Space list for acquisition.

Findings:

Cluster development would have an especially damaging impact on this property because of its unique topography. Clustering would require running sewer lines through significant portions of streams and streambeds; it would also require the clear-cutting of the forested area in the stream buffer that serves to filter sediment and provide shade.

The State Highway Administration has indicated that they will not permit the contract purchaser of this property to built a road through the ICC right-of-way. This makes it virtually impossible to develop the land on the northern portion of the property because there is no viable exit.

Recommendations:

We concur with Planning Board staff's recommendations.

- Retain the RE-2 zone for the entire property, which requires reclassifying about seven acres in the northwest corner of the property from RE-1 to RE-2.
- Public acquisition, in perpetuity, of the entire property through the Legacy Open Space Program is appropriate.
- If funds are not currently available under the Legacy Open Space Program, the property should be put into reservation for three years so that the funds can be obtained. If this is not possible, the property should be acquired or made such to an easement held by a nature conservancy or similar organization.
- If the property cannot be acquired, under the Legacy Open Space Program or other means, it should only be developed as currently zoned, 2 acre minimum lots, with septic systems.

CASEY PROPERTY

Description:

The Casey property is a 336-acre tract of land situated at the Northeast intersection of Muncaster Mill and Bowie Mill Roads in the Upper Rock Creek. It borders Sequoyah Elementary School on two sides and Magruder High School on three sides. Currently, it is zoned 228.5 acres RE-1 and 107.5 acres RE-2.

Background:

The land is owned by the Eugene Casey Trust and has been leased out for farming purposes for many years. It is mostly meadows and gently rolling hills. The meadows are separated by tree lines. Much of the land slopes to the North Branch. There are two tributaries to North Branch that rise on and flow through the property. Forests protect much of the more northerly of these two tributaries and some of the southerly tributary. There are wetlands surrounding much of the northerly of these two tributaries, and the southerly tributary originates in a large area of wetlands on the property. There are numerous small streams that surface from time to time over the area.

There are approximately 65 acres of land in environmentally sensitive areas that cannot be developed using either sewer or septic. Parts of this land abut existing parkland. The ICC right-of-way traverses this property.

The entire property lies outside the existing sewer service boundary. In the early 1990s a sewer line was extended from Muncaster Mill Road to the newly-built Sequoyah Elementary School that abuts the Casey property, over the objections of local residents who feared that it might be used for residential development in the future. In approving the sewer extension, the Planning Board specifically promised the community that it would be a narrow (4-inch) line dedicated exclusively and permanently for school use.

Findings:

The 1985 Master Plan relies on zoning and the restriction of sewer north of Muncaster Mill Road to maintain low density and protect the environmentally sensitive areas. The surrounding homes, developed under these restrictions, are on lots that average more than 3 acres and are of varying sizes and architectural styles. The land is gently rolling with some wooded areas, many trees and shrubs, and large expanses of open space. It has an open, serene, and rural appearance.

Future development of the Casey property should be consistent with the character of the open, low density neighborhood that surrounds it. Development should take place on a *minimum* of one-acre lots with septic systems. (The fact that there are many surface and close to the surface small streams makes cluster development especially inappropriate for this property.)

The infrastructure to support this area lags far behind the already existing development that has occurred over the past 20 years. Muncaster Mill and Bowie Mill roads have heavy traffic congestion, not only at peak commuting hours, but also when the three schools in the area start in the morning and end in the afternoon. This is further aggravated by traffic lights at each of the two "T" intersections that are less than 600 feet apart, and by inadequate turn lanes between Bowie Mill, Needwood, and Muncaster Mill roads. These intersections are failing now, and the roads have already been proven unsafe. Adding ingress and egress access to the Casey property in such close proximity will only increase the safety hazards and cause more congestion.

Two schools that serve this area, Redland Middle School and Magruder High School, in the Magruder cluster are over capacity now and are projected to continue as such for the foreseeable future.

Recommendations:

For the reasons above, we concur with the staff's "Option 2" for development of the Casey property, septic systems on lots of at least one acre. We oppose the staff's "Option 1," cluster development. Our detailed recommendations are as follows:

- Retain the current, 1985 Master Plan zoning and sewer service restrictions, i.e. no public sewer service north of Muncaster Mill Road.
- Adhere to the densities anticipated by the 1985 Master Plan under septic system development.
- Provide buffer areas immediately east of Sequoyah Elementary School and the soccer fields, and the existing neighborhood to the north, as well as around Magruder High School and along Bowie Mill Road.
- Conservation easements to preserve wetlands and sensitive areas are appropriate as part of septic development. This land is primarily farmland and therefore, with the exception of the forested areas surrounding the two tributaries and wetlands, mostly treeless. Past history has shown that private ownership of property with homes on large lots (minimum of one acre) results in substantial plantings of trees and shrubs that add to the protection and preservation of the land. Land conservation education should be initiated by local citizens and the County, with future purchasers signing covenants to protect sensitive areas.
- Environmentally sensitive land located in the tributary valleys, wetlands and forests that surround the northerly tributary and that abut the existing parkland should be buffered and dedicated as open space in order to keep it in its natural and undeveloped state as prescribed by existing environmental guidelines. The sensitive areas surrounding the southerly tributary should also be buffered with sufficient land to protect it and connect it to the existing parkland and dedicated as open space. This land (approximately 65 acres) should be publicly acquired and held in perpetuity in its open and natural state.
- Public acquisition of the historic Cashell house along with a sufficient number of acres to protect the outbuildings, trees and landscape is appropriate.

FREEMAN PROPERTY

Description:

The Freeman Property is a 332-acre tract. It fronts Route 108 along its northeast edge. On its west and southern edges, it borders two fingers of the North Branch Stream Valley Park. On its northern edge, it borders property known generally as the Riggs Property. It is part of the residential wedge and serves as the transition to the agricultural wedge. The parcel is currently zoned RE-1.

Background:

The land is owned partly by the Carl Freeman Companies and partly by the Virginia Freeman Marital Trust. Approximately half of it is wooded. The remaining portion is gently rolling farmland, with sections of the farmland separated by thick tree lines. Much

of the land slopes to the North Branch Stream Valley and is heavily wooded with stands of mature hardwood trees. A large percentage of the land -- perhaps as much as half -- has formally been delineated as wetlands.

Approximately half of the property could not be developed using either sewer or septic because it is in wetlands and/or because it is very steeply sloped and slopes toward the North Branch. The entire tract is dotted with hundreds of percolation test sites that first appeared approximately 18 to 24 months ago.

Findings:

The 1985 Master Plan relies on zoning and the restriction of sewer north of Muncaster Mill Road to protect the environmentally sensitive areas. The fact that there are two portions of the North Branch Stream that border the majority of the property indicates that this site is in an environmentally sensitive location. It also suggests that the site can only support a very limited numbers of residences in its current state and that more intensive development could pose significant harm to the wetlands and the North Branch Stream.

The infrastructure that serves this area lags far behind development. Route 108 has heavy traffic congestion, primarily during peak commuting hours. Muncaster Road has heavy traffic congestion during peak commuting hours and also during other times, such as during events at the nearby Muncaster Farm Park, during Sundays when the many churches in the region attract worshippers and when schools in the area open and close. Nearby Bowie Mill Road is heavily congested at the same times. Several key intersections in the area (notably Route 108 and Muncaster Road; Bowie Mill Road and Muncaster Mill Road; Route 108 and Georgia Avenue; and Muncaster Road and Muncaster Mill Road) require drivers to sit through three to four light cycles before they may pass through. Numerous fatal accidents have occurred in recent years on the above-named roads, largely due to the fact that traffic from outside this region uses these roads.

If the Freeman property is developed with a point of traffic ingress-egress onto Route 108, which the owner indicates it is planning, it will exacerbate the above-described traffic conditions. Further, the access point to Route 108 could create a safety hazard since non-peak traffic on Route 108 often travels at 60-70 mph.

Recommendations:

We do not concur with the staff's recommendation to develop the Freeman property in a cluster arrangement with sewer. Sewer lines would disturb sensitive streambed areas. Additionally, cluster development would produce higher density development than would result from septic systems under current zoning, and would not be consistent with the character of the neighboring communities. Our recommendations are as follows:

- Retain the current, 1985 Master Plan zoning and sewer service restrictions (i.e. no public sewer service for this property).

- Adhere to the low densities anticipated by the 1985 Master Plan under septic system development.
- Provide a buffer area on the east and west edges of the property to protect the North Branch Stream.
- Conservation easements to preserve wetlands and sensitive areas are appropriate as part of septic development.
- The site is approximately half farmland. The farmland portion is mostly treeless, except for the tree-lines which separate the sections of farmland. Because so many property owners in Upper Rock Creek and surrounding areas have tended to plant trees and shrubs on their land, these factors could add protection for sensitive areas. Land conservation education should be initiated by local citizens and the County.
- Environmentally sensitive land, such as the stream valley areas, wetlands and the 45 acres of forests on the Freeman property, should be buffered and dedicated as open space in order to protect it and keep it in its natural and undeveloped state. This land should be publicly acquired and held in perpetuity.

FRALEY PROPERTY

Description:

This 130-acre farm property is in two pieces. The main and western portion is located on Bowie Mill road. The second portion lies to the east of the main farm and is adjacent to the North Branch Stream Valley Park. Currently, the west parcel is zoned RE-1 and the east parcel is zoned RE-2.

Background:

The Fraley family has owned this land for many years. It is a working farm and therefore most of the property is planted or open pastureland. Three tributaries to the mainstem of Rock Creek rise and fall on this property. There is also a tributary to North Branch that flows through the eastern portion of the property.

Findings:

This property does not contain significant amounts of natural resources. However, it is a long distance from existing sewer lines and providing sewer to this property would require construction through existing parkland that does contain significant forest and wetlands. Traditional gravity service through the stream valley is no more desirable on this property than it is in the North Branch subwatershed.

In the mid 1980s, the Fraley family sold a 250-acre parcel of land that lies to the east of the main farm. This property was developed with homes on large lots using well and

septic. Any future development of the remaining parcels of this farmland should be consistent with the character of the surrounding neighborhood.

Recommendations:

We concur with staff's recommendations.

- Retain the current RE-1 and RE-2 zoning
- Any future development should be with well and septic systems.
- Conservation easements to preserve wetlands and other sensitive areas are appropriate.

HENDRY PROPERTY

Description:

This 230-acre farm is located on Muncaster Road, just north of Rock Creek crossing. Currently, it is zoned RE-2.

Background:

The Hendry farm has been owned and farmed by the Hendry family for many years. It is primarily open pastureland. Three tributaries to the mainstem of Rock Creek rise on and flow through the property.

Findings:

This land does not contain substantial amounts of sensitive natural resources, with the exception of the portion that lies on a forested tributary valley that is being considered by Park and Planning for parkland acquisition. However, this property is also a substantial distance from existing sewer lines. Providing public sewer service to the property using traditional types of gravity sewer lines would require construction through existing parkland that does contain significant forest and wetlands.

Recommendations:

We concur with the staff's recommendations.

- Retain the current RE-2 zoning.
- Any future development should be with well and septic.
- Utilize conservation easements to preserve wetlands and other sensitive areas as

appropriate.

WOODLAWN PROPERTY

Description:

The Woodlawn property is a 79-acre tract of land located along Needwood road, about 600 feet south of Muncaster Mill Road. Lake Needwood lies to the west; Rock Creek Regional Park to the south; and residential communities lie to the east and north. The 79 acres are currently zoned RE-2.

Background:

The property is primarily meadow with some forest in the eastern and western most parts of the land. Proposed rights of way for both the ICC and the Mid-County Highway Extended run through this property making it very difficult to develop. The intersection of the two proposed roads is on the eastern most part of the property.

Findings:

The proposed rights of way not only make it very difficult to develop this land, but also significantly reduce the number of acres that can be developed. While the property is not far from existing sewer lines, the property on the west should be developed on septic to maintain low density and to be consistent with the character of the surrounding neighborhoods. The homes should be set back from the road to maintain the rural appearance of the area. Depending on the final outcome of the rights of way for the proposed roads, the land east of Needwood Road could be held for trails, dedicated parkland, and possibly adding a right hand turn lane from Needwood to Muncaster Mill. (There are several homes that will be effected if the proposed roads are constructed)

Recommendations:

We concur with the staff that the primary intent of this property be residential development. We are opposed to any institutional use for it. We do not concur with the staff's recommendation to change the zoning from RE-2 to RE-2C. Our recommendations are as follows:

- Leave the property as currently zoned.
- Require that the western part of the property be developed using septic.
- Do not develop the land east of Needwood. Create trails, dedicate open space, improve Needwood Road depending on the outcome of the rights of way.

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Montgomery County Planning Board
 For inclusion in Public Hearing Record
 Re: Upper Rock Creek MP
 Date of Hearing: 10-3-02
 Date Rec'd: 9-27-02
 Corres. No.: _____

9/26/02

Fax Transmission Sheet

To: Mr. Derick Berlage, Chairman
 Montgomery County Planning Board

R E C E I V E **D**
 SEP 27 2002

From: Alan Strelser
 (301) 926-1234

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

Material Faxed: Comments on the Drafts
 Upper Rock Creek Master Plan Report.
 Hearing scheduled for 10/3/02

No. of Pages Faxed Including Transmitted: 5

Fax Telephone No: (301) 495-1320

September 26, 2002

Mr Derrick P. Berlage, Chairman
Montgomery County Planning Board, M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Sir:

I read the Upper Rock Creek Master Plan Draft Report and offer the following comments. I hope you will consider them during the hearing on October 3. My comments are limited to the Land Use / Residential Wedge Areas segment of the draft.

- Residents of the Plan area are overwhelmingly opposed to any zoning change for the five major undeveloped properties in the Residential Wedge (Hendry, Freley, Dungan, Casey and Freeman).
- We are delighted that the Plan Draft essentially leaves the current large lot/septic system zoning intact for the first three properties listed above.
- We are dismayed that the Draft recommends rezoning the Casey and Freeman properties

from large lot/septic to cluster housing using sewer systems. The almost total opposition of Upper Rock Creek residents to use of community sewer systems was expressed at a Master Plan Advisory Group meeting held on January 7, 2002. The Park and Planning Staff participated in that meeting.

- The use of sewer systems could be an ecological threat to the community and may lead to future density increases that are inconsistent with our "green" section of Montgomery County. We see no highly significant benefits flowing from a change from septic zoning. Because it is possible to extend nearby sewer lines into the Casey and Freeman Properties does not mean it should be done without compelling reasons.

- From the community's perspective, the only assured beneficiaries of extending sewer systems into the properties would be the developers. They then would have a precise development yield rather than an as yet undetermined yield under current septic zoning. Since prudent developers undoubtedly factored the yield risk

of the current zoning into their land purchase cost, we see no reason to relieve them of that risk at our expense.

- The recommendations for cluster/sewer zoning do not address our infrastructure concerns. Many of the schools in the Upper Rock Creek area are at or above design student capacity. Magruder High School is far above capacity and continues to increase without the added burden of zoning change induced growth. Key roads such as Muncaster Mill Road are very dangerous and already carry more traffic than they should. The unavailability of funds places possible remediation far into the future.
- The Draft Plan states the difficulty of estimating the development yield for unperced acreage but does provide an estimate for the the Freeman Property based on planning area percing averages. The Plan provides no estimates of development yield for the Casey Property under current zoning. At the January 7 Advisory Group meeting, we heard that this property could have a very low

development yield; much lower than under
cluster/sewer zoning. This possibility and
the effect of a zoning change on the
development yield and value of the property
are not mentioned in the Plan draft. We
do not understand the omission.

Thank you for the opportunity to comment.

Sincerely,
Alan Strelser

ALAN STRELSER
19812 Meredith Drive
Derwood, Md. 20855
Tel. No. (301) 926-1234

Montgomery County Planning Board

For inclusion in Public Hearing Record

Re: Upper Rock Creek MP

Date of Hearing: 10-3-02

Date Rec'd: 9-27-02

Corres. No.:

Preller, Barbara

From: Derek Woods [dwoods150@comcast.net]
Sent: Thursday, September 26, 2002 1:39 PM
To: MCP-Chairman
Subject: Re Upper Rock Creek Master Plan.

RECEIVED
 SEP 27 2002

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

Dear Chairman Berlage and Members of the County Council,

In reviewing the Upper Rock Creek Master Plan, please consider the lives of the people who have chosen to buy in this area because of the way it had been developed in the past, according to last Master Plan guide lines. We all chose to live out here because of larger plot sizes and the semi rural look of the area. We investigated future development on the farms and saw that they were zoned as 1 or larger acreage on well and septic. We also knew because of the way that land percs that there would be fewer houses here. Please maintain the old guide lines for zoning as laid out in the last Master Plan. Cluster housing will add **more** houses to our area compared to how many sewer and septic can handle.

Please also consider the fact that our roads, schools and infrastructure can not take the added pressure of cluster housing without lots of major changes. When the sewer lines were extended to build Sequyoah Elementary School we were assured that it would not be used for any further development. Already the Casey House has been tied into it. When are the promises going to be kept? The land that Sequyoah School is on was not meant to be developed either. So how do we know what will happen to any land that the developers are promising that will be left as parkland will stay like that in the future, as promises to us keep on being broken.

Magruder High School is already the 2nd largest high school in the area and is operating at capacity in spite of additions that were added recently. How much bigger can it get?

Roads in our area are already dangerously congested. See the accident/death rate on Muncaster Mill Road. Something must be done with the roads **before** you allow any more development and along with that more cars on the roads. **The infrastructure in our area must be improved before any more development.**

Sincerely,

Lesley and Derek Woods
 18401 Azalea Drive,
 Derwood MD 20855

9/27/2002

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Preller, Barbara

From: Lydia Ellis, Ed Issues [lellis@aft.org]
Sent: Friday, September 20, 2002 10:35 AM
To: MCP-Chairman
Subject: Development on the Casey Property, URC Master Plan

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

I support Option 2 because the lowest density of homes will be built under septic sewer category and zoning.

- The character of the residential, rural wedge will be destroyed by cluster housing.
- Public sewer will increase density by 50 percent to 100 percent over septic.
- At least 65 acres of open space will be protected by existing environmental requirements.
- Magruder and Reland schools are over capacity.
- Failing intersections already exist on local roads and solutions for high traffic volumes are unresolved.

Mr. & Mrs. James M. Ellis
Resident 22 years

Montgomery County Planning Board
For inclusion in Public Hearing Record
Re: <u>Upper Rock Creek MP</u>
Date of Hearing: <u>10-3-02</u>
Date Rec'd: <u>9-29-02</u>
Corres. No.: _____