



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item # 8  
02-27-03

**MEMORANDUM**

**DATE:** February 21, 2003

**TO:** Montgomery County Planning Board

**VIA:** Joseph R. Davis, Chief, Development Review Division

**FROM:** A. Malcolm Shaneman, Supervisor, Development Review Division  
Richard Weaver, Senior Planner, Development Review Division

**REVIEW TYPE:** Preliminary Plan - Resubdivision

**APPLYING FOR:** Creation of Five Single Family Detached Dwelling Unit Lots

**PROJECT NAME:** Congressional Forest Estates

**CASE NO.** 1-03042

**REVIEW BASIS:** Chapter 50, Section 50-29 (b)(2) Montgomery County Subdivision

**ZONE:** R-200

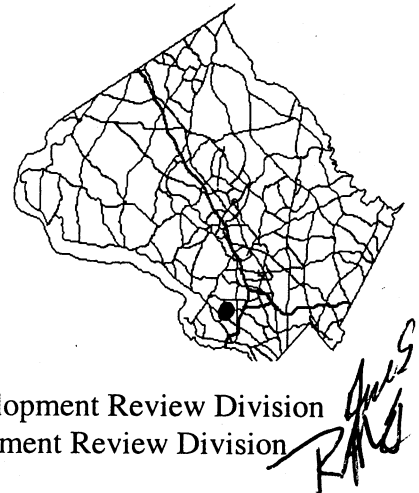
**LOCATION:** On North Branch Drive, Approximately 500 Feet Southeast of the Intersection of Bradley Boulevard (MD 191), Southwest Side of Beech Hill Drive and Aldershot Drive

**VICINITY:** Potomac Subregion

**APPLICANT:** Augustine Homes of Maryland, LLC

**SUBMITTED:** December 12, 2002

**HEARING DATE:** February 27, 2003



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**STAFF RECOMMENDATION:** Approval of Four (4) Lots Only Pursuant to Section 50-29 (b)(2) of the Subdivision Regulations, Subject to the Following Conditions:

### **Recommended Conditions of Approval:**

- (1) Submit a revised preliminary plan and revised forest conservation plan depicting four (4) single family detached dwelling units. Plans must include final house location, final site grading and priority tree preservation areas. Final forest conservation shall include tree preservation measures that are to be taken prior to, during and after construction phases
- (2) Conditions of DPS stormwater management approval, including sediment and erosion control plan prior to issuance of building permit
- (3) Access, including necessary improvements, as required, to be reviewed and approved by MCDPW&T prior to recording of plat(s)
- (4) The Adequate Public Facilities review for this preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- (5) This preliminary plan will remain valid for thirty- seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed
- (6) Necessary easements

### **PROJECT DISCRIPTION: Proposal**

The subject resubdivision proposes the creation of five (5) lots on 2.66 acres, 115,946 square feet, of property south of the intersections of at Aldershot Drive, Beech Hill Drive and North Branch Drive. The subject property is currently comprised of an 83,080 square feet "Outlot" and a 32,840 square feet lot identified as Lot 1 Block C. There is an existing single family dwelling on Lot 1. The dwelling unit is proposed for removal.

The purpose of the resubdivision is to consolidate the "outlot" with the existing recorded lot. The proposed resubdivision will create five (5) lots ranging in size from 20,950 square feet to 29, 800 square feet. The proposed lots will front and will have direct access to all the public rights of way.

### **PROJECT DISCRIPTION: Vicinity**

The subject property is located in the Congressional Forest Estates Subdivision. Most of the subdivision was originally recorded by record plat in 1948. Several other lots within the vicinity, including the subject lot, were created in the mid to late 1950's. The remainder of lots in the Congressional Forest Estates subdivision was added in the late 1970's and early 1980's. The most recent subdivision activity with in the immediate area occurred at the end of North Branch Drive in Block B. The lots identified on the location

maps as Lots 15, 16, 17, 18 and 19 in Block B were approved for recordation in 1996. All five (5) the these lots were created from original Lot 1, shown on the drawing found on page 4 of this memorandum.

### **Master Plan Compliance**

The property is located within the Approved and Adopted Potomac Subregion Master Plan. The master plan does not contain specific recommendations applicable to this property but does give general guidance and recommendations regarding zoning and land use. The master plan recommends that this area maintain the residential R-200 zoning as adopted and maintain the residential land use consisting of single family detached homes.

## **DISSCUSSION OF ISSUES TO DATE**

### **Conformance to Chapter 50, Subdivision Regulations**

In order to approve a application for *Resubdivision*, the Planning Board must find that the proposed lot(s) meet all seven of the "Resubdivision" criteria as set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

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

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. In this case, staff recommends that the Planning Board consider the neighborhood shown on the drawing found on page 4 of this report. The neighborhood is defined as all the lots located within the subject block known as Block "C", the lots along the west side of North Branch Drive up to Beech Drive. Also included in the defined neighborhood are all the lots in Block "A" and those first tear of lots along Aldershot Drive in Block "E" to McDonald Drive and south along Aldershot Drive to include Block "D".

The staff and the applicant differ in the area used as the defined neighborhood. The applicant has included additional lots, Lots 3, 4 and 5 in their defined neighborhood. These lots are located on the corner of Bradley Boulevard and Beech Hill Drive in Block "B". Staff did not include these lots in the neighborhood delineation since these lots were created utilizing the "Density Control " development option. This development option provides the averaging of lots sizes with in the development. Historically, in comparing

lots under the resubdivision criteria found in Section 50-29(b)(2), staff has not included other types of development options, such as this, within the defined neighborhood. These development options provide varied lot sizes and development standards that are less restricted than the standard method of development and therefore would skew the resulting characteristics.

## **ANALYSIS and CONCLUSION**

In applying the resubdivision criteria to the analysis area delineated by staff, staff concludes that the proposed resubdivision does not satisfy the criteria set forth in Section 50-29(b)(2) as illustrated by the characteristics set forth in the attached tabular summary. All but one of the proposed lot sizes is considerably smaller than the lots found in the defined neighborhood. In fact the three lots proposed, Lots A, B, D and E are at the lower end of the lots sizes found in the staffs neighborhood delineation. These smaller lots sizes generally produce smaller building areas in which to locate the proposed dwellings.

Staff's concerns are rooted in the compatibility of the proposed lots with the general large lot character of the defined neighborhood. The five (5) lot proposal, in staff's estimation, is out of character with the existing development pattern displayed along the neighboring streets. The site also contains many mature and significant trees that warrant an effort to save as many as possible. By reducing the number of lots to four (4), i.e. eliminating the lot fronting on Beech Hill Drive, Lot A, houses on the other portion of the property could be spread out avoiding areas where significant trees are clustered. Staff is willing to work with the applicant and their representatives in developing a tree preservation plan that is sensitive and acceptable to all parties.

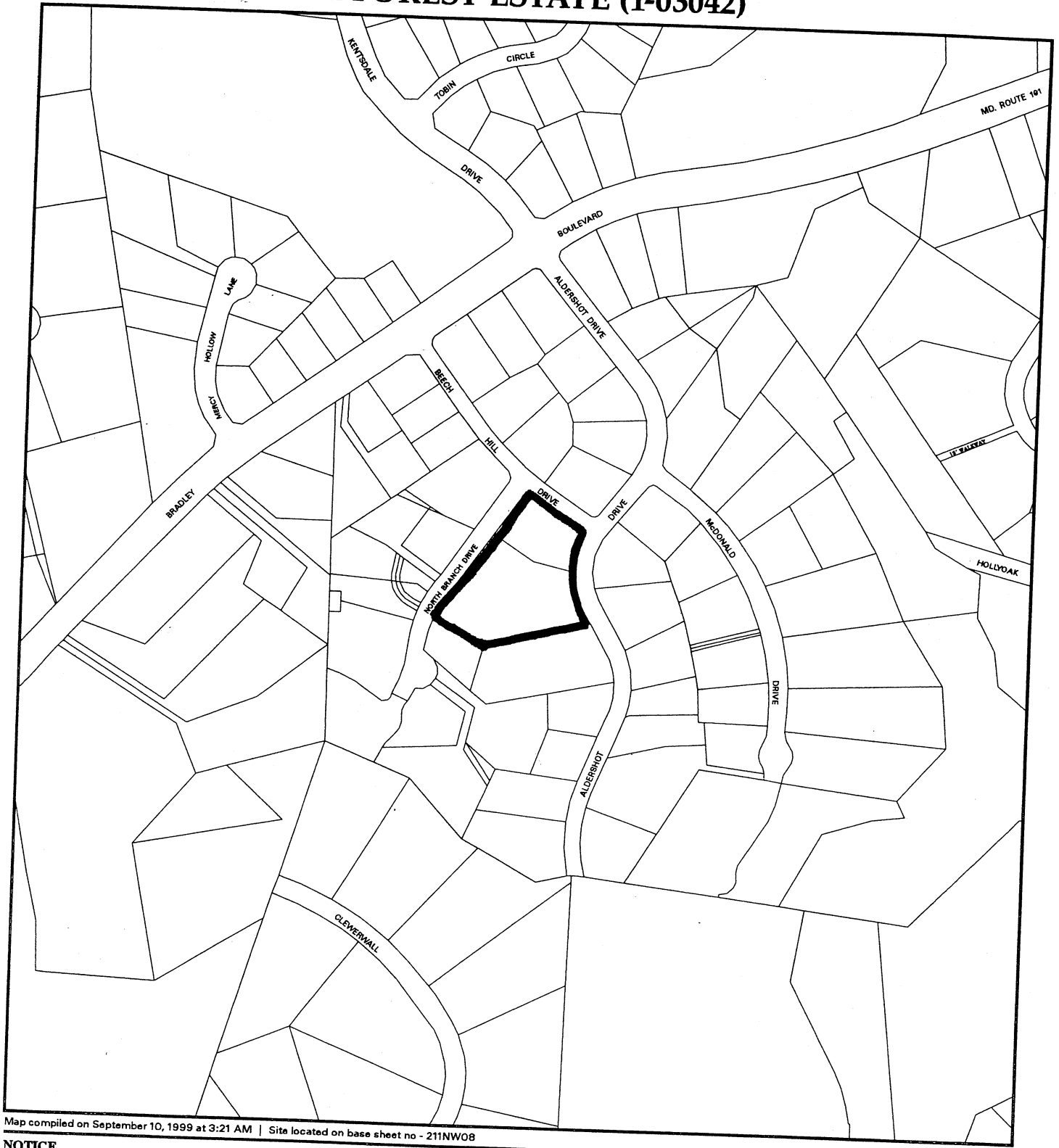
It should be reiterated that the Planning Board must find that the proposed resubdivision substantially meets *all* of the resubdivision criteria found in Section 50-29(b)(2). Staff finds that this application for five (5) lots fails to satisfy the characteristics of size and area and finds that a four (4) lot plan would be more compatible in size and area when compared to the other lots found in the defined neighborhood.

## ATTACHMENTS

|   |      |
|---|------|
| Vicinity Development Map  | 5    |
| Neighborhood Delineation Map  | 6    |
| Proposed Redubdivision Plan   | 7    |
| Original Congressional Forest<br>Estates Subdivision<br>Record Plat | 8    |
| Tabular Summary   | 9    |
| Correspondence Recieved Todate                                      | 10 - |

VICINITY MAP FOR

# CONGRESSIONAL FOREST ESTATE (1-03042)



Map compiled on September 10, 1999 at 3:21 AM | Site located on base sheet no - 211NW08

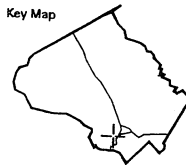
### NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



1 : 4800

VICINITY MAP FOR  
**CONGRESSIONAL FOREST ESTATE (1-03042)**



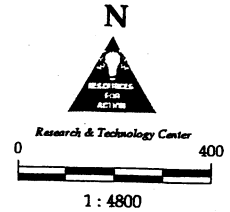
Map compiled on January 06, 2003 at 12:37 PM | Site located on base sheet no - 211NW08

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**LOTS 14A, 15A, 15B, 16A, and 17A, BLOCK 3  
RANDOLPH FARMS  
FILE No. 1-02080  
Comparable Lot Data Table (40' Front Setback)**

| Lot #        | Block        | Frontage       | Alignment                | Lot Size          | Lot Shape              | Width          | Buildable Area   |
|--------------|--------------|----------------|--------------------------|-------------------|------------------------|----------------|------------------|
| 19           | B            | 295            | parallel                 | 88,163            | irregular              | 91             | 7,505            |
| 2            | C            | 184            | perpendicular            | 63,094            | rectangular            | 174            | 46,782           |
| 21           | D            | 157            | parallel                 | 59,042            | irregular              | 265            | 36,333           |
| 9            | C            | 24             | perpendicular            | 52,351            | irregular              | 172            | 19,177           |
| 6            | C            | 159            | perpendicular            | 42,558            | irregular              | 148            | 27,474           |
| 5            | D            | 202            | perpendicular            | 32,412            | rectangular            | 170            | 17,887           |
| 3            | A            | 218            | perpendicular            | 30,852            | rectangular            | 132            | 12,146           |
| 18           | D            | 206            | parallel                 | 30,453            | rectangular            | 186            | 16,070           |
| 5            | C            | 124            | perpendicular            | 30,311            | rectangular            | 127            | 17,519           |
| 17           | B            | 37             | perpendicular            | 29,686            | pipestem               | 109            | 7,611            |
| 1            | A            | 220            | perpendicular            | 29,174            | rectangular            | 134            | 12,187           |
| 6            | D            | 216            | perpendicular            | 28,953            | rectangular            | 134            | 13,997           |
| 7            | D            | 182 (3)        | perpendicular            | 28,761            | rectangular            | 164            | 11,432           |
| 1            | E            | 244            | parallel                 | 28,479            | rectangular            | 246            | 9,590            |
| 9            | A            | 147            | perpendicular            | 28,357            | rectangular            | 131            | 15,776           |
| 8            | A            | 169 (3)        | perpendicular            | 28,150            | irregular              | 166            | 15,023           |
| 7            | A            | 180 (3)        | parallel                 | 28,000            | rectangular            | 194            | 11,095           |
| 4            | A            | 150            | perpendicular            | 27,750            | rectangular            | 152            | 13,190           |
| 10           | C            | 92             | parallel                 | 27,166            | irregular              | 170            | 12,871           |
| 2            | A            | 121            | perpendicular            | 27,126            | rectangular            | 121            | 15,201           |
| 6            | A            | 169            | perpendicular            | 26,336            | rectangular            | 115            | 12,237           |
| <b>C</b>     | <b>C</b>     | <b>123</b>     | <b>perpendicular</b>     | <b>25,652</b>     | <b>rectangular</b>     | <b>120</b>     | <b>13,525</b>    |
| <b>D</b>     | <b>C</b>     | <b>143</b>     | <b>perpendicular</b>     | <b>24,953</b>     | <b>rectangular</b>     | <b>134</b>     | <b>12,864</b>    |
| 20           | D            | 131            | perpendicular            | 24,916            | rectangular            | 97             | 12,014           |
| 5            | A            | 182            | perpendicular            | 24,674            | rectangular            | 117            | 10,920           |
| 16           | B            | 25             | perpendicular            | 24,427            | pipestem               | 174            | 10,325           |
| 4            | E            | 142            | perpendicular            | 23,363            | rectangular            | 136            | 11,546           |
| 7            | C            | 146            | perpendicular            | 23,002            | rectangular            | 135            | 9,438            |
| 18           | B            | 94             | perpendicular            | 22,517            | rectangular            | 92             | 8,210            |
| <b>E</b>     | <b>C</b>     | <b>164</b>     | <b>parallel</b>          | <b>21,729</b>     | <b>rectangular</b>     | <b>165</b>     | <b>8,631</b>     |
| <b>A</b>     | <b>C</b>     | <b>163</b>     | <b>parallel</b>          | <b>21,722</b>     | <b>rectangular</b>     | <b>159</b>     | <b>6,935</b>     |
| 13           | C            | 169            | perpendicular            | 21,497            | rectangular            | 129            | 10,735           |
| <b>B</b>     | <b>C</b>     | <b>158</b>     | <b>perpendicular</b>     | <b>21,418</b>     | <b>rectangular</b>     | <b>147</b>     | <b>8,297</b>     |
| 15           | B            | 165            | perpendicular            | 21,406            | rectangular            | 150            | 8,989            |
| 12           | C            | 142            | perpendicular            | 20,277            | rectangular            | 147            | 7,645            |
| <del>5</del> | <del>B</del> | <del>167</del> | <del>parallel</del>      | <del>17,677</del> | <del>rectangular</del> | <del>122</del> | <del>6,763</del> |
| <del>2</del> | <del>B</del> | <del>98</del>  | <del>perpendicular</del> | <del>15,014</del> | <del>rectangular</del> | <del>90</del>  | <del>7,227</del> |
| <del>4</del> | <del>B</del> | <del>100</del> | <del>perpendicular</del> | <del>15,000</del> | <del>rectangular</del> | <del>90</del>  | <del>7,176</del> |

**NOTES:**

1. All lot statistics taken from available record plats.
2. Parts of lots and parcels were not included.
3. Longest front property line used for frontage calculation on corner lots.
4. A 40' Front Building Restriction Line (per zone) was assumed for buildable lot calculations.

February 21, 2003

Mr. D. P. Berlage  
Chairman, Planning Commission  
Maryland-National Capital Park and Planning Commission  
Silver Spring  
MD 20910  
Fax No: 301-495-1320

Subject: Congressional Forest Estates  
File No. 1-03042

Dear Mr. Berlage,

I am writing on behalf of my wife (Blanca Moreno-Dodson) and myself to express our concern over the proposed development project referenced above. We are the homeowners of Lot 7, Block C that is immediately adjacent to the proposed development.

The first concern is the proposed number of houses. We believe that a reduction in the number of houses from 5 to 3 or 4 would be beneficial to the community. The reason is simple: to preserve the character and privacy of the neighborhood. The great majority of the neighborhood is heavily wooded with the existing houses benefiting from this natural privacy. We bought our house almost 2 years ago because of the location and privacy. Our privacy would be completely destroyed if the proposed house were built on Lot D. The value of our house as a "home" would suffer with this invasion of our privacy.

Likewise, this proposed construction would have a "ripple effect" on the community converting the value of existing homes to land-value based rather than house & land which is the basis for tax assessment.

The forest across the street from the proposed development on N. Branch was "clear-cut" and replaced with 4 new houses with virtually none of the original trees remaining. This is in stark contrast to the heavily wooded forest, which now exists on the site of the proposed development and throughout the rest of the neighborhood. Just because the neighborhood has had to endure one attack on its rural character is no reason to approve another!

I would also note for the record that there exists a large stone outcropping on Lot D, which would have to be removed by blasting in order to excavate for a proposed house.

This stone outcropping is not mentioned at all on the proposed site plan!

The habitats of the existing flora and fauna would be destroyed in this process not to mention the dangers of blasting in a residential neighborhood.

This could be easily averted by consolidating Lots D & E with a single house to be built as shown on Lot E only.

In addition to the foregoing concerns, the proposed construction is on a steep hill with a watershed that flows directly onto our property. Reducing the number of homes on N. Branch Dr. from 3 to 2 would certainly help to alleviate the water runoff problem.

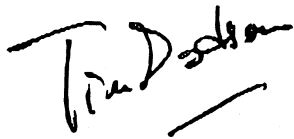
In conclusion, I think that the concerns of deforestation, water runoff, blasting, destruction of natural habitats and resulting loss of privacy can all be adequately addressed by preserving as much of the existing forest as possible. After all, the name of our neighborhood IS Congressional FOREST (emphasis added) Estates!

The best way to preserve as much of the existing forest is to strike a balance between the desire of a developer to build as much as possible and the need of the community to preserve (it's character) as much as possible.

The best way to achieve this balance is to limit the number of houses constructed. I urge you to support a reduction therefore in the number of houses from 5 to 3 or 4 at a maximum.

Thank you for your consideration

Timothy Dodson and Blanca Moreno-Dodson



**SIMOR L. MOSKOWITZ**

9207 Beech Hill Drive

Bethesda, MD 20817

(301) 469-6879(h)

(202) 662-4208(o)

(202) 393-5350(fax)

E-mail: smoskowitz@jhip.com

February 21, 2003

**BY TELECOPIER**

(301) 495-1320

Mr. Derrick. P. Berlage, Chairman  
Montgomery County Planning Board  
The Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Congressional Forest Estates  
**Subdivision File No. 1-03042**

Dear Mr. Berlage,

This will refer to the planned (5-house) development on the property on North Branch Drive, bounded by Aldershot Drive and Beech Hill Drive in Congressional Forest Estates, West Bethesda (Master Plan Area: Bethesda, PA-35), identified by the above-captioned file. In anticipation of the Subdivision Plan Public Hearing scheduled for February 27, 2003, please consider the following comments.

My wife and I are very concerned about the proposed development. The property is located in a neighborhood that is heavily wooded, and this in part defines the character of the neighborhood – hence the name Congressional *Forests* Estates. In fact, the trees were a prime reason why we purchased our home on *Beech* Hill Drive (Lot 8, Block A of Plat 2162) across the street from the subject property in 1983. Several years ago, a development (Lots 15-19, Block B of Plat 20401) was squeezed into a similarly wooded property on North Branch Drive, across the street from the subject property and proposed development, which effectively de-nuded the property of its trees. The houses were wedged into the site in a way which left no room for trees. Unfortunately, the previous process was such that the neighbors did not have a chance to weigh in and voice their concerns before the developer there went ahead and logged the property (as opposed to later in the process when water

run-off concerns were addressed). At this time, however, we hope that the Board will consider our concerns, and help us maintain the character of Congressional *Forests* Estates.

The development is planned on a 2.5-acre lot which, according to the developer's preliminary plans, contains 104 trees, including a large number of old growth trees and several specimen beech trees. Construction will result in the destruction of a large number of the 104 trees. In fact, the developer is committing to **safeguard only four (4) of the 104 trees** on the property, is planning to **destroy six (6) specimen trees** (more than half the number of specimen trees), and will likely need to raze a large number of smaller trees in order to build the houses. We appreciate that trees must be removed within the footprint of a house and its driveway, as well as within a reasonable surrounding area(s) to allow for construction and later use by the ultimate purchaser/homeowner, and we certainly are not against the development of the property according to applicable zoning. However, we do object to the removal of more trees than is necessary to build the proposed homes, to the extent that their removal is unnecessary to the construction process, and will adversely impact upon the character of the neighborhood as has already occurred, as noted above.

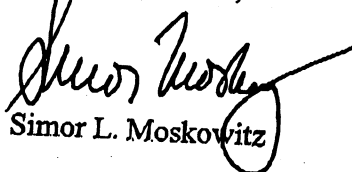
It is our understanding that the developer similarly is in favor of maintaining as many trees as possible to build a greener neighborhood. In this regard, we note that S. Robert Kaufman is mentioned in *Building Greener Neighborhoods, Trees as Part of the Plan* (American Forests and National Association of Home Builders, 1995) – a book which advocates the advantages of saving, planting, and transplanting more trees in ... developments, and the rewards of doing so -- as among "... developers, builders...who verified that the techniques and information presented in this book accurately reflect those used out in the field...".

**What we would like to see is representatives of the Montgomery County Planning Board, the developer and the neighbors/Homeowners' Association meet and walk the property to designate which of the 104 trees which will be retained, and agree to insure that they will not be destroyed/removed in the development process; and that any approval of the proposed subdivision plan be conditioned upon such a meeting and agreement.**

Lastly, we are concerned about run-off. The development will be located at the top of a steep incline as a result of which houses in the vicinity may be affected by the run-off, especially if a large number of trees are removed. Please note that the Homeowners' Association for the neighborhood is hiring an engineering firm to investigate this potential problem.

In view of the foregoing, we urge the Montgomery County Planning Board to review the developer's plans in detail, require that approval be conditioned upon an agreement as to which of the identified trees will be removed, and approve a development plan that would safeguard at least 7 specimen trees and 35% of the smaller trees.

Very Truly Yours,

  
Simor L. Moskowitz

9114 North Branch Drive  
Bethesda, Maryland 20817  
February 21, 2003

RECEIVED  
FEB 21 2003

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

Mr. D. P. Berlage  
Chairman, Planning Commission  
Maryland-National Capital Park and Planning Commission  
Silver Spring  
MD 20910  
Fax No: 301-495-1320

Dear Mr. Berlage,

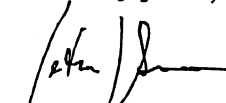
I am a resident of Congressional Forest Estates and join my neighbors to voice concern of the planned development on the property bounded by Aldershot Drive, Beech Hill Drive, and North Branch Drive (Case Number 1-03042) in Congressional Forest Estates. I strongly urge you to consider the following:

- The neighborhood, as the name of the development states, is characterized by highly wooded lots. The plan as filed indicates a radical departure from this approach and would undermine the nature of the entire neighborhood.
- As the many letters that you are receiving indicate, the wooded nature of the development is a valued characteristic of this neighborhood. This quality has been carefully maintained and indicates the clear desires of the resident families.
- Clear environmental issues, especially potential runoff from this steeply pitched lot, must be taken into account.
- The plan indicates removal of specimen trees apparently far beyond that allowed by code. If this is correct I strongly urge the Planning Commission to enforce existing regulations.
- Density of houses and proximity to North Branch Drive again appear to be contrary to the nature of the neighborhood and would lesson the value of both the new development itself as well as the neighboring properties.

I hope that the Planning Commission takes these fact in consideration and requires an environmental analysis of the proposed changes, prevention of the loss of any of the specimen trees, reduction in planned removal of smaller trees to maintain the character of the neighborhood, and reduction in the number of proposed houses.

I appreciate your attention, and join my neighbors in urging your attention in this very serious matter.

Sincerely yours,

  
Peter J. Bruns

DAVID FLORIN

February 21, 2003

VIA FACSIMILE

Mr. D.P. Berlage  
Chairman, Planning Commission  
Maryland-National Capital Park and  
Planning Commission  
Silver Spring, Maryland 20910

RECEIVED  
FEB 21 2003

Re: Congressional Forest Estates  
File No.: 1-03042

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

Dear Mr. Berlage:

I am writing to you with respect to the planned (5-house) development at the corner of Aldershot Drive and Beech Hill Drive in Congressional Forest Estates, North Bethesda to be built by Augustine Homes of Maryland LLC.

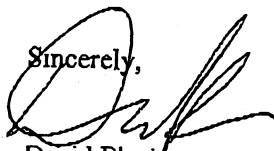
I am very concerned about the proposed development on this property. The property is located in a beautiful, quiet neighborhood that is heavily wooded. The development is planned on an approximately 2.5 acre lot that contains a large number of old growth trees, including several specimen beech trees. Construction will result in the destruction of most of the 104 trees. In fact, the developer is committing to **safeguard only four of the 104 trees** on the property, **is planning to destroy six specimen trees** (more than half the number of specimen trees), and will likely need to raze a large number of smaller trees in order to build the houses. This will clearly destroy the beauty of this area, would be a travesty and we believe contrary to the Commission's belief in preserving our forests and green space.

Furthermore, I am concerned about run-off. The development will be located on a steep incline. Houses in the vicinity may be affected by the run-off, especially if a large number of the trees are removed. The Homeowners Association for the neighborhood is hiring an engineering firm to investigate the matter.

As such, without a reduction in the number of houses on the lot, the development will almost certainly be entirely out of character with the rest of the neighborhood. We ask that the Planning Commission send a representative to meet with us to walk the site and see for itself what the destruction of these trees will do. Also, I urge the Planning Commission to review the developer's plans in detail, and approve a development plan that would safeguard at least 7 specimen trees, 35% of the smaller trees and deal with the potential run-off issue.

Thank you for taking the time to consider this.

Sincerely,



David Florin  
9216 Beech Hill Drive  
Bethesda, Maryland 20817  
(H) 301-469-8041  
(W) 202-624-2755



February 20, 2003

Mr. D. P. Berlage  
Chairman, Planning Commission  
Maryland-National Capital Park and Planning Commission  
Silver Spring  
MD 20910  
Fax No: 301-495-1320

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FEB 21 2003

Subject: Congressional Forest Estates  
File No. 1-03042

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THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

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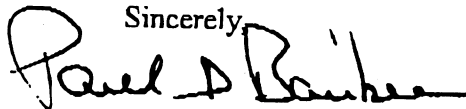
I am writing to you in respect of the planned (5-house) development at the corner of Aldershot Drive and Beech Hill Drive in Congressional Forest Estates, North Bethesda.

I am very concerned about the proposed development. The property is located in a neighborhood that is heavily wooded. The development is planned on a 2.5-acre lot that contains a large number of old growth trees, including several specimen beech trees. Construction will result in the destruction of a large number of the 104 trees. In fact, the developer is committing to safeguard only four of the 104 trees on the property, is planning to destroy six specimen trees (more than half the number of specimen trees), and will likely need to raze a large number of smaller trees in order to build the houses.

Furthermore, I am concerned about run-off. The development will be located on a steep incline. Houses in the vicinity may be affected by the run-off, especially if a large number of trees are removed. The Homeowners Association for the neighborhood is hiring an engineering firm to investigate the matter.

As such, without a reduction in the number of houses on the lot, the development will almost certainly be entirely of character with the rest of the neighborhood. I urge the Planning Commission to review the developer's plans in detail, and approve a development plan that would safeguard at least 7 specimen trees and 35% of the smaller trees.

Sincerely,



Paul D. Baribeau  
9112 Aldershot Drive  
Bethesda, MD 20817

From Laura Hoffman

9108 North Branch Dr, Beth MD 20817

Regarding Congressional Forest Estates  
subdivision file # 1-03042

RECEIVED  
FEB 21 2003

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

To Donald P. Borlage and members of the Planning Board:

Our family has two concerns about the proposed subdivision: construction traffic and tree loss.

North Branch Drive is a street with many young children. I am worried about all the heavy trucks and increased construction traffic on our quiet street.

Is there any way to keep the trucks to one of two entrances so the kids can still ride bikes on the street?

Our second worry is the loss of trees. Only 4 trees on the property are marked to be saved. This is a neighborhood of large and many trees; we hope the new subdivision will reflect this as well.

Thank you for your consideration,  
Laura Hoffman

Paul Rudolf, M. D., J. D.  
9110 North Branch Drive  
Bethesda, Maryland 20817

February 21, 2003

Mr. D. P. Berlage  
Chairman, Planning Commission  
Maryland-National Capital Park and Planning Commission  
Silver Spring  
MD 20910  
Fax No: 301-495-1320

Subject: Congressional Forest Estates  
File No. 1-03042

RECEIVED  
FEB 21 2003

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

Dear Mr. Berlage,

I am a resident of Congressional Forest Estates and am writing this letter to express my deep concerns about Augustine Land and Development Inc.'s proposed 5-house development in Congressional Forest Estates in the 2-½ acre area bounded by Aldershot Drive, Beech Hill Drive, and North Branch Drive.

Both the property itself, and the neighborhood are heavily wooded. The development is planned on a 2.5-acre lot that contains a large number of old growth trees, including several specimen beech trees. The preliminary plan indicates that only four of the one hundred and four trees on the property will NOT be destroyed by the construction. In fact, the developer is planning to destroy six specimen trees (more than half the number of specimen trees on the property), and will likely need to raze a large number of smaller trees in order to build the houses. I understand that Montgomery County requires that 20% of trees on a property must be safeguarded when that property is developed. I urge the Park and Planning Commission to enforce this requirement and to ensure that ALL the specimen trees on the property are safeguarded as part of this 20% requirement.

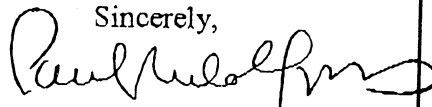
Furthermore, I am very concerned about run-off. The development will be located on a steep incline. There are houses on Aldershot Drive and North Branch Drive that will be directly affected by the run-off from this new development. If a large number of trees are removed the run off problems will be even worse and may permanently affect those properties. Preventing run off problems may require the safeguarding of more than 20% of the trees on the property. The Homeowners Association for the neighborhood is hiring an engineering firm to investigate this matter.

I urge the Planning Commission to review the developer's plans in detail and assure that at least 20% of the trees on the property (including all specimen trees) are

safeguarded and to assure that there will be no run off problems on Aldershot and North Branch Drives. In my view, achieving both these objectives may require safeguarding more than 20% of the trees as well as reducing the number of houses built to four, or even three.

Thank you for considering these concerns and recommendations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Rudolf".

Paul Rudolf, M. D., J. D.

DONALD B. CRAVEN  
ROBERT S. STRAUSS BUILDING  
1333 NEW HAMPSHIRE AVENUE, N.W.  
WASHINGTON, D.C. 20036

February 21, 2003

VIA FACSIMILE

Mr. D.P. Berlage  
Chairman, Planning Commission  
Maryland-National Capital Park and Planning Commission  
Silver Spring, MD 20910

Re: Congressional Forest Estates  
File No. 1-03042

Dear Mr. Berlage,

I am writing you expressing my concern with respect to the planned (5-house) development at the corner of Aldershot Drive and Beech Hill Drive in Congressional Forest Estates, North Bethesda. I reside with my family on North Branch Drive, on a lot virtually adjacent to the proposed development.

The proposed development is located on a 2.5 acre lot in a neighborhood that is heavily wooded, and contains a large number of old growth trees, including several specimen beech trees. As now proposed, construction will result in the destruction of most of the 104 trees on the property. In fact, at this time, the developer has committed to saving **only four of the 104 trees, is planning to destroy six specimen trees** (more than half the number of specimen trees), and will likely need to raze a large number of smaller trees in order to build the houses.

Since our lot is situated below the proposed development, I am also very concerned about run-off from the higher elevation of the proposed development to lots and roads which lie adjacent to or below the proposed development. The development is located on a steep incline and houses in the vicinity will likely be affected by the run-off, especially if a large number of trees are removed. The Homeowners Association for the neighborhood is hiring an engineering firm to investigate the matter.

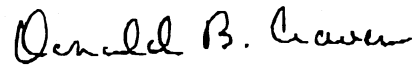
RECEIVED  
FEB 21 2003

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

Mr. D.P. Berlage  
February 21, 2003  
Page Two

Unless the number of houses on the lot is reduced, the development will almost certainly be out of character with the rest of the neighborhood. I urge the Planning Commission to review the developer's plans in detail, and approve a development plan that would safeguard at least seven specimen trees and 35% of the smaller trees, and reduce the number of houses to be built.

Sincerely,



Donald B. Craven  
9107 North Branch Drive  
Bethesda, MD 20817