



MCPFB  
05.22.03  
Item #2

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

**MEMORANDUM**

**DATE:** May 15, 2003  
**TO:** Montgomery County Planning Board  
**VIA:** Michael Ma, Supervisor *Ma*  
Joseph R. Davis, Division Chief  
Development Review Division  
**FROM:** Mary Beth O'Quinn *mbog*  
Planning Department Staff  
(301) 495-1322



**REVIEW TYPE:** Site Plan Review  
**CASE #:** 8-03022  
**PROJECT NAME:** Wheaton Place  
**APPLYING FOR:** Approval of 9 Townhouses (RT-12.5) and 1 Existing One-Family Detached Home (R-60)  
**REVIEW BASIS:** Site Plan Review is required in the RT-12.5 Zone  
Article 59-D of the Montgomery County Zoning Ordinance

**ZONE:** R-60 and RT-12.5  
**LOCATION:** Intersection of Horde Street and Windham Lane  
**MASTER PLAN:** Wheaton Sector Plan, Amendment, 1990  
**APPLICANT:** Windham Lane, LLC (Mr. Michael Fisher)  
**FILING DATE:** April 11, 2003  
**HEARING DATE:** May 22, 2003

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**STAFF RECOMMENDATION:** Approval of 9 new townhouses and 1 existing one-family home, subject to the following conditions:

1. Stormwater Management  
Conditions of MCDPS stormwater management concept approval dated April 11, 2003.
2. Prior to signature set approval provide the following information subject to staff review and approval:
  - a. Site Plan
    - i. Site Plan Signature Set shall show all easement lines, LODs, Right-of-Way dimensions and centerlines;
    - ii. Provide details of furnishings and walls/fencing;
    - iii. Provide solid brick facing wall for the west ends of the internal driveways to screen headlights from the adjoining residences;
    - iv. Provide the development program inspection schedule;

- v. Street trees 40-50 feet on center along all public streets.
- b. Landscape Plan
  - i. Revise the spacing of the Zelkova street trees to provide evenly staggered double row and add one additional tree at the south end of the double tree row;
  - ii. Provide methods and locations of tree protection;
  - iii. Provide note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
  - iv. Provide Red Oak street trees, sidewalk, and lighting along Windham Lane, in coordination with Transportation Planning and DPWT recommendations.
- c. Lighting Plans  
Provide lighting details and specifications, including lamp type, wattage, house shields, and mounted height; include as part of landscape drawing.
- 3. Site Plan Enforcement Agreement  
Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:
  - a. Development Program to include a phasing schedule as follows:
    - i. Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets;
    - ii. Landscaping associated with each parking lot and building must be completed as construction of each facility is completed;
    - iii. Pedestrian pathways and seating area(s) associated with each facility shall be completed as construction of each facility is completed;
    - iv. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
    - v. Coordination of each section of the development and roads;
    - v. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features;
  - b. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit;
  - c. No clearing or grading prior to M-NCPPC approval of signature set of plans.

**SITE PLAN REVIEW ISSUES:**

1. Vehicular Access and Parking

The application initially proposed a single row of townhouses facing Horde Street, with 10 curb cut driveway entrances along the street frontage. This layout would create an interrupted sidewalk with minimal parking spaces.

- Applicant Position: Applicant proposes a revised site design with three curb cuts & on-street parking.  
Citizen Position: Citizens have expressed concern about overflow parking with the initial plan. Citizen response to the revised plan has been positive.  
Staff Recommendation: Subdivision and Site Plan staffs support the applicant's revised layout that accommodates the DPWT and DPS recommendations. The new design reduces the number of curb cuts, provides safer pedestrian passage across the site frontage, allows space for the street trees and provides seven additional curbside parking spaces.

2. Unit Orientations, Neighborhood Privacy, and Noise

The shape and grading of this site along with the existing surrounding development create a challenge for successful contextual development. The site is sandwiched between two existing housing developments: 1) the condominiums adjoining on the west that face the subject site; and 2) the Army Housing across Horde Street to the east that presents its back to this public street. These location and orientation of the existing structures provides questionable definition of "front" and "back" with respect to the public street.

- Applicant Position: The revised design addresses the issue of unit orientation, including new locations for the units, attractive side elevations, and additional landscaping and fencing.  
Citizen Position: Citizens have asked about the orientation of the new houses, with particular concern about the rear-to-front façade juxtaposition. Other concerns expressed include adequate privacy noise attenuation, and building height.  
Staff Recommendation: Staff recommends the applicant's revised plan, which solves the "front" and "back" issues by rotating the units 90-degrees providing finished side elevations to Horde Street and to the condominiums. The revised site plan features rear facades of the oriented internally to the site, away from the surrounding existing houses. Additional landscaping and fencing is proposed along the west property line.

3. Stormwater Management

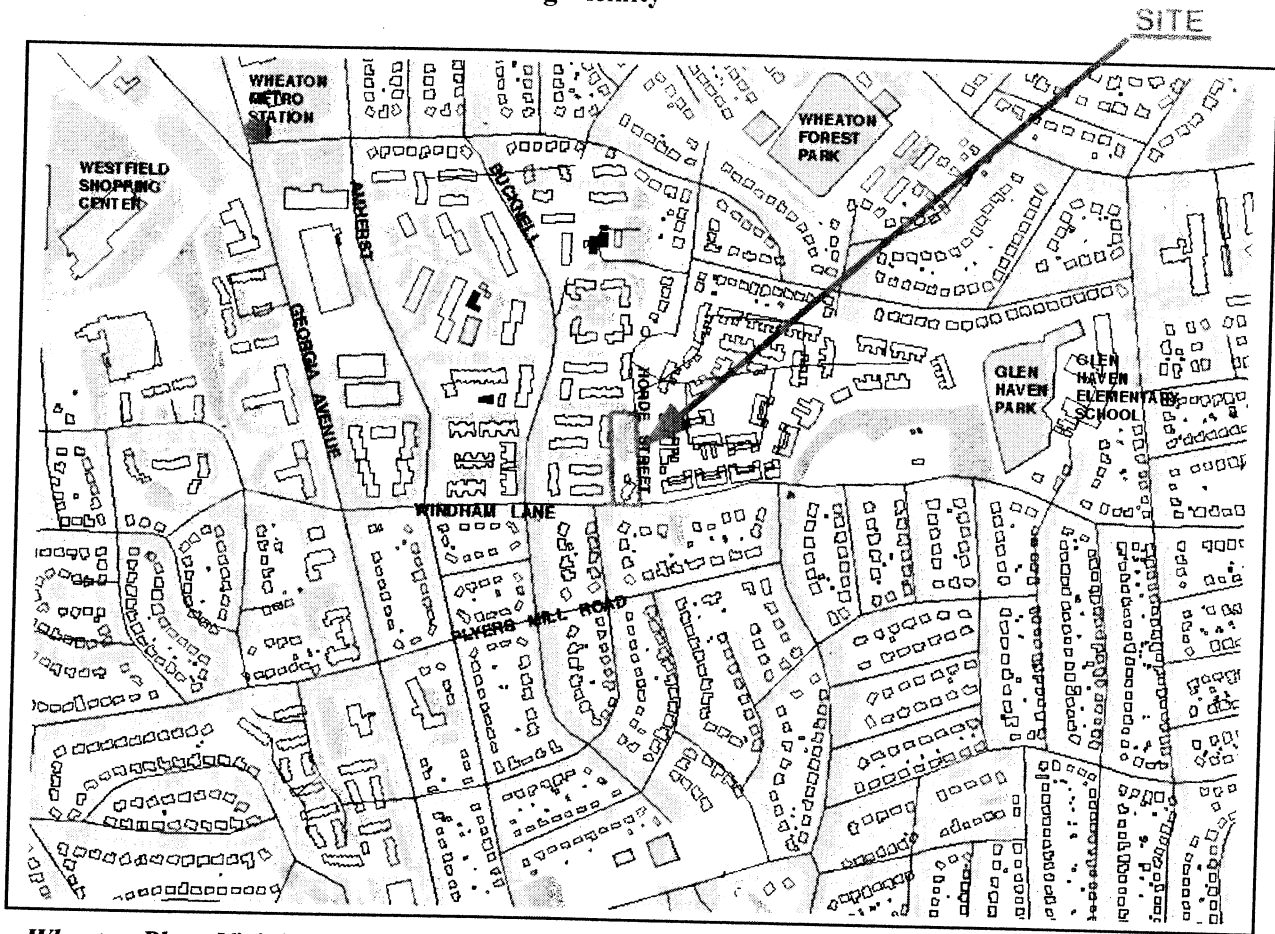
The site features a noticeable grade drop of eight to ten feet from the Horde Street frontage across the site to the condominiums adjoining the site on the west. This existing topography has established a flow pattern that empties naturally onto the adjoining site.

- Applicant Position: The revised SWM concept addresses this concern.  
Citizen Position: Citizens are concerned that the existing run-off flow will be increased by the impact of the proposed development.  
Staff Recommendation: The revised site plan required new review and approval of the Stormwater Management concept. The Department of Permitting Services reviewed the revised stormwater management plan and has stated that the flows created by the existing conditions and any additional flows will be accumulated on the project property and diverted from the property to the Horde Street storm drain to accommodate the 10-year storm. This design will alleviate the flow to the neighboring property.

4. Transportation Issues

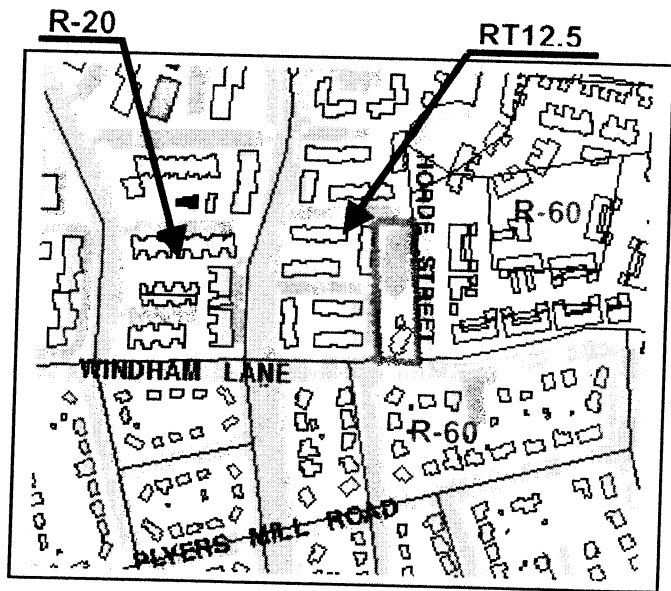
Road improvements and the widening of Windham Road are discussed as part of the concurrent Preliminary Plan. See Page 7 of this report for detail drawing showing curb alignments.

**PROJECT DESCRIPTION: Surrounding Vicinity**



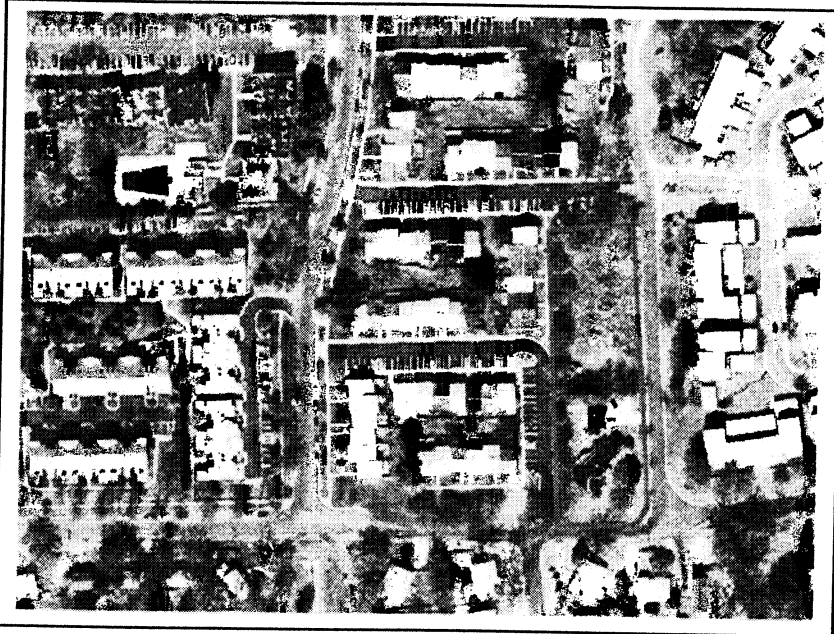
*Wheaton Place Vicinity Map*

The subject property, located in the Glen Haven neighborhood, within the Wheaton CBD Sector Plan Area, is composed of two parcels zoned R-60 and RT-12.5. The site lies approximately 1/2 mile west of Georgia Avenue, 800 feet north of Viers Mill Road, and within 1 mile of the Wheaton Metro Station. The Westfield Shopping Center is located approximately 3/4 mile north on the west side of Georgia Avenue. Neighborhood landmarks include Glen Haven Natural Park, 1,200 feet to the east, adjoining the Glen Haven Elementary School, Wheaton Forest Park, 1/2 mile to the northeast and Evans Parkway Natural Park to the south. Zoning to the south and east is R-60; the residential area immediately to the west is developed as RT-12.5; further the west, across Bucknell Drive is a residential area developed under R-20 zoning.



*Planometric Map showing zoning*

## Site Description



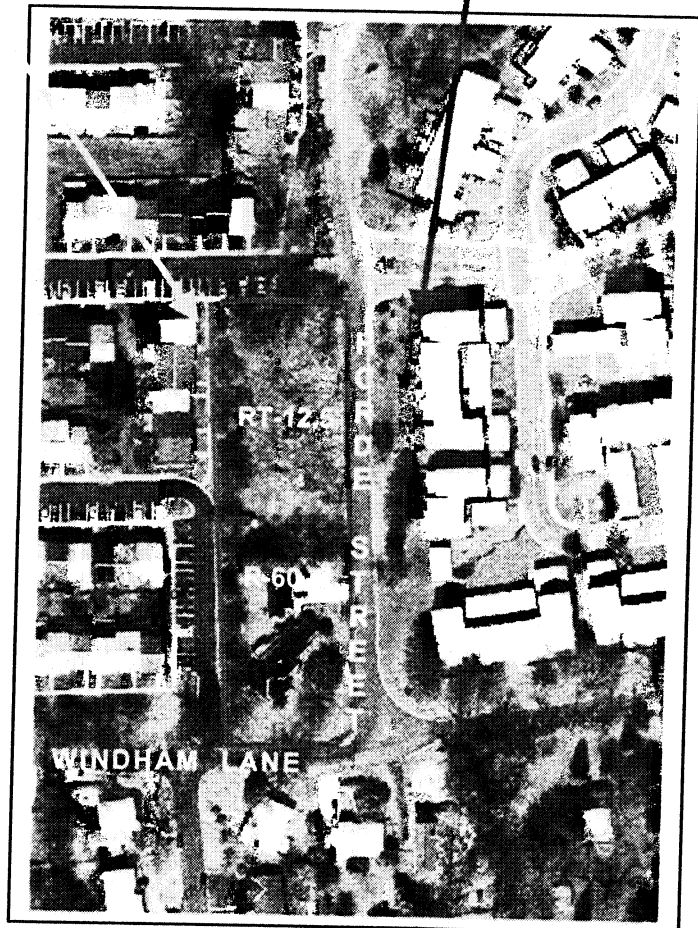
*Close-up aerial photograph of the site and immediate neighborhood*

Army Housing  
Rear Façade  
faces Horde St

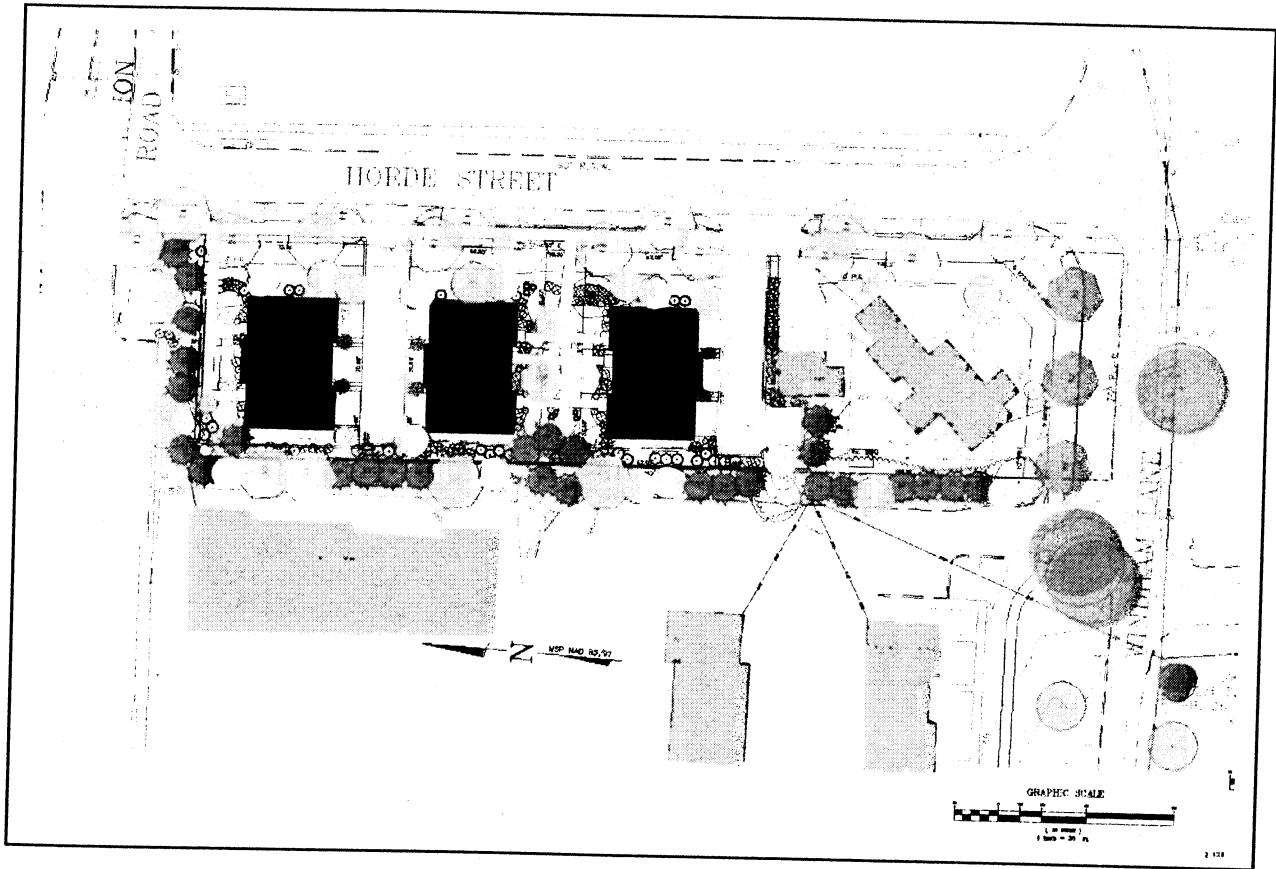
Windham Lane and Horde Street form, respectively, the southern and eastern site boundaries. The long rectangular shaped property, approximately 144 feet by 415 feet running north-south, features a ranch-style home on single R-60 lot at the south end, shifted at an angle to the street intersection. Army Housing comprises the apartment structures to the east. The Wheaton Place condominiums are sited immediately to the west.

The remaining portion of the site, zoned RT-12.5, is currently unimproved; the site contains a three healthy Red Oak trees at the north end of the parcel. Several specimen species stand off-site near the western and southern site boundaries. The most significant aspect of the existing site is its topography which slopes at about a 7% grade downward from Horde Street on the east to the condominiums on the west. The entire site is a tributary to Windham Branch, a Use I-P tributary to Sligo Creek. There are no stream buffers or floodplains.

*Aerial photograph showing the site and the façade orientation of adjacent properties*



**PROJECT DESCRIPTION: Proposal**



The housing proposed is comprised of three groups of three townhouses and the existing one-family home on the corner. The placement of the units mitigates the “front-rear” orientation challenges created by the existing surrounding development. The facades facing Horde Street and the existing townhouse development to the west will be attractively finished side walls. The two southern most house groups face each other, creating a small internal courtyard with seating and ornamental trees. The northern most house row faces north and the existing townhouses across the Wheaton Place driveway. The design of the three groups reduces the number of curb cuts to two, allowing on-street parallel parking and a double row of street trees on Horde Street. The applicant

proposes a retaining wall along the western boundary of the site, with generous landscaping that will provide screening and buffering between the housing developments, and will serve to articulate the existing pedestrian path system that serves the existing townhouses to the west. Stormwater management will accommodate within the site all 10-year flood flow, and direct the run off water to the storm drains on Horde Street.

County requirements for road improvements have been revised to require less widening that initially recommended in response to community concerns for tree preservation, road width, and traffic speed.



**ANALYSIS: Conformance to Development Standards**

**PROJECT DATA TABLE**

<b>Wheaton Place Development Standard</b>	<b>Site Plan 8-03022 R-60/RT12.5 Total Areas</b>	<b>R-60/RT12.5 Permitted/Reqd</b>	<b>R-60/RT12.5 Proposed</b>
<b>Gross Site Area</b>			
Total Gross Tract Area	43,618 sf	20,000 sf	43,618 sf
Gross Tract - R-60 Zone	17,046 sf		
Gross Tract - RT 12.5 Zone	26,572 sf		
Area of Public Dedication	6,207 sf		
Total Net Tract	37,411 sf		
Proposed Use			
<b><u>Development Standards R-60</u></b>			
Lot Area (minimum)		6,000 sf	17,046 sf
Density (maximum)		12.5 du/acre	2.5 du/acre
<b>Building Setbacks</b>			
From detached dwelling in like zone		30 feet minimum	30 feet
From public street		25 feet minimum	25 feet
From adjoining lot - side		10 feet minimum	10 feet
From adjoining lot - rear		20 feet minimum	20 feet
<b>Building Height</b>			
		35 feet maximum	35 feet
<b><u>Development Standards RT-12.5</u></b>			
Tract Area (minimum)		20,000 sf	26,572 sf
Density (maximum)		12.5 du/acre	10 du/acre
<b>Building Setbacks</b>			
From detached 1-family zone dwelling		30 feet minimum	30 feet
From public street		25 feet minimum	25 feet
From adjoining lot - side		10 feet minimum	10 feet
From adjoining lot - rear		20 feet minimum	20 feet
<b>Building Height</b>			
		35 feet maximum	35 feet
<b>Building Coverage</b>			
Footprint Coverage		35% maximum	28%
Green Area		50% minimum	52%





**FINDINGS** for Site Plan Review:

1. *The site plan is consistent with an approved development plan or a project plan for the optional method of development, if required.*
2. *The site plan meets all of the requirements of the zone in which it is located. See Project Data Table above.*
3. *The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

a. Location of Buildings

The location of the building, and the disposition of open spaces and pedestrian ways are adequate, safe, and efficient. The revised layout, showing three groups of three townhouses, solves the challenging problems of orientation that have been created by the siting of the existing adjacent residential development. The proposal will present attractive finished side facades facing the existing townhouses to the west; front elevations will face the corresponding fronts across the Wheaton Place Drive at the north end; and, finally, the townhouse rears will present to the rear of the existing one-family home at the south end of the development.

b. Open Space

Attractive and functional open space is provided for this compact, urban townhouse community. The design proposed provides adequate and efficient open space that creates a well-balanced site plan with respect to the pattern of solid and void, that is, the relationship of the buildings to the open spaces and surrounding homes. The open space between two of the townhouse rows functions as a mini-courtyard with seating and ornamental landscaping. This space is thoughtfully dimensioned for distance, recreational use, and screening. Attractive landscaping frames this open space in a compatible scale with appropriate plantings.

c. Landscaping and Lighting

Formal landscaping and lighting provide consists of a staggered, double row of Zelkova street trees along Horde Street that will provide a generous tree canopy for the public sidewalk and at the same time an attractive streetscape “front” for the public street. Red Oaks are proposed as the street trees for the north side of Windham Lane.

The open space along the long, west side of the site adjoining the existing condominiums will contain a generous buffer of evergreens, hardwoods, and ornamental trees for screening and visual interest between the townhouses and the adjoining properties that enhances the pedestrian path for the adjacent residences. The applicant has proposed to provide additional planting off site for the Wheaton Square East Condominiums. This varied landscaping treatment at the north end of the site will improve the appearance of that location.

d. Recreation

The proposal is exempt from recreation requirements because the number of units in the development is less than twenty-five.

e. Vehicular and Pedestrian Circulation

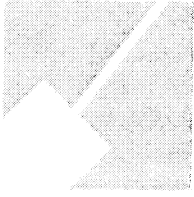
The vehicular and pedestrian circulation proposed of the revised plan offers safe and efficient means of ingress and egress to the site. The reduced number of curb cuts on Horde Street from 10 driveway cuts to 3 represents a significant improvement in safety for those walking or driving near the site. As described on Page 3, this change permits a pedestrian route with far fewer interruptions, allows for seven on-street parking spaces, and provides adequate dimensions for a generous row of street trees.

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

The proposed development represents a desirable housing component within the Wheaton CBD. While higher density housing is typically more compatible with the CBD character, the compact layout of these townhouses achieves an improved and compatible streetscape and allows the creation of a balanced pattern of structures and open spaces that relate well to the surrounding condominiums and to the apartment-style Army Housing across Horde Street. This site design, with its variety, scale, and materials forms a development pattern that offers a greater degree of compatibility than would a replication of adjacent housing types on this property.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The applicant proposed to plant street trees and landscape areas on site to meet the 0.15 acres afforestation requirements.



**THE MARYLAND-NATIONAL CAPITAL PARK AND  
PLANNING COMMISSION**

**Department of Park & Planning, Montgomery County, Maryland**  
8787 Georgia Avenue, Silver Spring, Maryland 20910

**MEMORANDUM**

TO: Mary Beth O'Quinn

FROM: Mark Pfefferle, Planning Coordinator, Environmental Planning Division *MP*

DATE: April 30, 2003

SUBJECT: Preliminary Plan 1-03052 and Site Plan 8-03022  
Wheaton Place

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The Environmental Planning staff has reviewed the preliminary and site plans referenced above. Staff recommends approval of the preliminary and site plans with the following condition.

- **Compliance with the conditions of approval of the final forest conservation plan.**

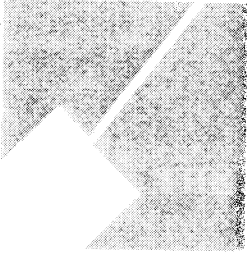
**Background**

The Environmental Planning Division staff reviewed the preliminary and site plans submitted for Wheaton Place, a 0.99-acre site, at the intersection of Windham Lane and Horde Street in Wheaton. The site is zoned RT12. The entire site is a tributary to Windham Branch, a Use I-P tributary to Sligo Creek. There are no stream valley buffers, wetlands buffers or floodplains on site.

There is an existing single-family residence, with detached garage, on site. There are trees on the property but no forest as defined by the Forest Conservation Law.

**Forest Conservation**

The applicant has submitted a preliminary and final forest conservation plan for review. The applicant proposes to plant street trees and landscape areas to meet their afforestation requirements.



April 29, 2003

**MEMORANDUM**

TO: Mary Beth O'Quinn, Urban Designer  
Development Review Division

Malcolm Shaneman, Supervisor  
Development Review Division

VIA: Ronald C. Welke, Supervisor  
Transportation Planning

FROM: Janet E. Gregor, Planner Coordinator *JEG*  
Transportation Planning

SUBJECT: Preliminary Plan 1-03056  
Site Plan 8-03022  
Wheaton Place  
Kensington/Wheaton Policy Area

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This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject concurrent preliminary and site plans.

**RECOMMENDATION**

Transportation Planning staff recommends the following conditions as part of the APF test related to approval of the subject preliminary and site plans:

1. Limit the site plan to no more than one existing single-family detached dwelling unit and nine new townhouse units.
2. Dedicate 43 feet of right-of-way along Windham Lane to provide a 70-foot right-of-way consistent with primary road standards along the property frontage.
3. Dedicate 25 feet of right-of-way along the property frontage on Horde Street to provide a 60-foot right-of-way consistent with secondary residential street standards.

4. Widen Windham Lane to 36 feet of pavement and construct a five-foot sidewalk with street trees between Bucknell Drive and Horde Street.
5. Construct a four-foot sidewalk with street trees along Horde Street.

## **DISCUSSION**

### Site Location and Access

The site is located on the north side of Windham Lane, south of McMahon Road, and west of Horde Street in Wheaton. Access to individual units will be from Horde Street. Sidewalk will be provided along Horde Street and Windham Lane to provide pedestrian access to the site.

### Master Plan Roadways and Bikeways

Windham Lane, P-9, is classified as a primary street with a recommended 70-foot right-of-way under the Kensington-Wheaton Master Plan. The section of Windham Lane between Bucknell Drive and Horde Street is substandard. The master plan recommends that Windham Lane be extended in the future to Inwood Avenue. Staff recommends that the applicant widen Windham Lane to primary road standards (i.e., 36 feet, curb and gutter, five-foot sidewalk and street trees).

Horde Street is not a master planned street. There are no planned bikeways in the vicinity of the site.

### Local Area Transportation Review (LATR)

Wheaton Place is expected to generate five peak-hour trips in the weekday morning peak period (6:30 to 9:30 a.m.) and eight peak-hour trips during the weekday evening peak period (4:00 to 7:00 p.m.). A traffic study was not required because the site-generated trips fall below the 50-trip threshold established for a traffic study in the LATR Guidelines.

### Policy Area Review

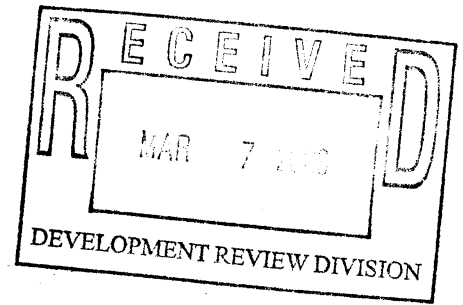
Wheaton Place is located in the Kensington/Wheaton Policy Area. As of March 31, 2003, this policy area had a remaining capacity of 2,502 housing units.

JG:ct

cc: Khalid Afzal  
Greg Leck  
Greg Cooke  
Mary Goodman

March 6, 2003

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



Subject: Application for Subdivision Approval – Preliminary Plan 1-03056 Wheaton Place

Dear Committee Members:

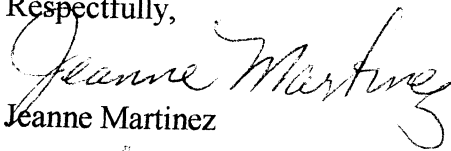
We, the undersigned, have gathered the names on the attached petition to ask that Windham Lane not be changed if the proposed townhouses on Horde Street are approved.

We, along with our neighbors in the Wheaton Square East community, would like to express our concerns about the development plans for Wheaton Place. We think that too many townhouses are in the plans. The developers want to build 9 townhouses with double garages. However, their plans to solve the drainage problems are inadequate, proposing to use rain barrels to collect rain water. The developers want to put up a 72" board fence after removing the entire vegetation screen between the two properties.

We are also submitting a copy of a letter, in which the concerns of the owners on Bucknell Drive are expressed.

Thank you very much for your consideration.

Respectfully,

  
Jeanne Martinez

  
Marie Sacks

Enclosures: 2

cc: Mary Beth O'Quinn, M-NCPPC  
Malcom Shaneman, M-NCPPC  
Ron Welke, M-NCPPC

301/649 3606

**PETITION AGAINST THE WIDENING OF  
WINDHAM LANE, SILVER SPRING, MD**

We, the homeowners of Windham Lane, Silver Spring, Maryland, are concerned about the possibility of the widening of Windham Lane. We see no need for this because the road ends in a deadend lane.

We call on the County to maintain the current roadway width and condition between Bucknell Drive and Horde Street, and to preserve the trees along Windham Lane.


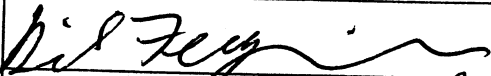
Over the last thirty years, there has been no traffic congestion or other problem, but widening the roadway would allow people to drive at a higher speed, which would make our street much more dangerous.

We hope that you will consider our wishes to preserve our environment.

FULL NAME	ADDRESS
1. <i>Jeanne R. Mastura</i>	2017 Windham Lane Wheaton, MD 20902
2. <i>Michael Martinez</i>	2017 Windham Lane Wheaton, MD 20902
3. <i>Harpeth Suras</i>	1900 Dayton St Silver Spring, MD 20902
4. <i>W. Paul Lewis</i>	1900 Dayton St. Silver Spring, MD 20902
5. <i>Ernst Weber</i>	2011 Windham Ln S.S. Md
6. <i>Philip Weber</i>	2011 Windham Ln S.S. MD
7. <i>LJUBOMIR TOMIC</i>	2013 WINDHAM LN. <i>Princeton</i>
8. <i>DUBRAVKA TOMIC</i>	2013 WINDHAM LN. <i>Princeton</i>
9. <i>KRISTINA TOMIC</i>	2013 WINDHAM LN. S.S. MD 20902
10. <i>Ana Tomic</i>	2013 Windham Ln. <i>Princeton</i>
11. <i>Mary Ann Grove</i> <i>MARY ANN GROVE</i>	1904 Windham Ln. S.S. MD 20902
12. <i>Lawrence S. Grove</i> <i>LAWRENCE S. GROVE</i>	1904 Windham Ln. S.S. MD 20902
13. <i>E. G. Bagnedano</i>	1901 Dayton ST. S.S. Md. 20902
14. <i>Maia L.B. Kania</i>	1901 Dayton ST. S.S. Md. 20902
15. <i>Leslie J. Kania</i>	1901 DAYTON ST. S.S. MD. 20902
16.	



FULL NAME	ADDRESS
17. Samuel Feldman	10709 Bucknell Dr. SS MD 20902
18. MARY FELDMAN	10709 Bucknell Drive S.S. 20902
19. Alan Keboq	2021 WINDHAM LN SS MD
20. Gloria Cinco	10725 Bucknell Dr SS Md 20902
21. Robert Davis	1902 Windham Lane, S.S., MD 20902
22. Barbara Davis	1902 Windham Lane, SS MD 20902
23. Melanie Davis	1902 Windham Lane, SS MD 20902
24. Jimmy Dyer	10715 Bucknell Drive, S.S. MD 20902
25. Davina Seck	2019 Windham Lane S.S. MD 20902
26. Bonnie J Redmond	10704 Bucknell Dr SS. MD 20902
27. Signie Rubin	10704 Bucknell Dr SS. MD 20902
28. Edward J Dolbow	1914 Windham Ln. Silver Spring, 20902
29. Marie Sacks	2019 Windham Ln. Silver Spring MD 20902
30. Michael Heaney	10708 Bucknell Dr. SS MD 20902
31. Candia Medina	10717 Bucknell Dr. SS MD 20902
32. Nayra Medina	10717 Bucknell dr. S.S. MD 20902
33. Gabriella Medina	10717 Bucknell dr. S.S. MD 20902
34. Judith H. Lim	2015 Windham Ln. S.S. MD 20902
35.	

Michael FULL NAME David Feigenson	ADDRESS
	2015 Windham Ln Wheaton Md 20902
	2015 Windham Ln Wheaton Md 20902
Mr. & Mrs. Richard Armstrong	1910 Windham Ln Silver Spring, Md. 20902
Pauline B. Thompson	2001 Windham Lane, Wheaton, Md. 20902

January 13, 2003

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

Subject: Application for Subdivision Approval: Preliminary Plan 1-03056, Wheaton Place

Dear Committee Members:

The undersigned resident-property owners adjacent to, or nearby, the subject property have several concerns regarding the compatibility of future development based on this requested subdivision of the subject site zoned RT 12.5.

We are concerned that approval of the subdivision as proposed will result in the construction of townhouses with a rear-to-front orientation to adjacent units; that the height of three story buildings will greatly diminish the natural lighting source to the existing two story units; that any new development increasing the amount of stormwater runoff and subsurface water pressure will cause water penetration in the basements of the existing units; and that the privacy of owners of adjacent units will be compromised.

Therefore, we request that the Committee defer its consideration of this application, given the incomplete information provided by the developer pertaining to the design of units and the issues and concerns presented in this letter by impacted property owners and residents.

#### Description of Area Surrounding Site

The Wheaton Square East Condominium (WSE) community borders the subject site on the north and west. Constructed around 1968, the 63-unit townhouse condominium community consists of single-family townhouse attached units with four to seven units in each row. Each unit is a two-story structure with a sub-surface basement. Three private driveways run through the condominium property and connect to either Bucknell Drive or Windham Lane. East of Horde Street there is a multifamily complex. South of the site are single family detached homes.

One of the rows, consisting of six units, faces the subject property on the west property line of the subject site and runs from the north property line of the subject site south approximately 140 feet. The distance from the unit façade of this building to the property line is approximately 25 feet.

### Issues and Concerns of Property Owners

- How will buildings on the site be oriented? Based on the subdivision plan, the rear of the proposed units will face the front of the existing units on the west property line. The distance from the façade of fronting units to the property line is approximately 25 feet. For the residents-owners of these units, the rear-to-front orientation of structures at this close proximity exposes them to undesirable odors from garbage, noise from backyard activities, and other unforeseen conditions during the life of the existing property. Given the information provided about the proposed development it will diminish the relative value of our units and their desirability to future residents and owners.

A more compatible orientation would be to build the units facing the existing units. Units to the west and east of the subject property would have front-to-front or rear-to-rear orientation, respectively.

- Will the design and arrangement of units to be built block natural lighting (day and night) from adjacent buildings? Existing units are two levels above grade, approximately 25 feet high. According to the sub-division plan, buildings constructed on the site will be three levels above grade, approximately 35 feet high. A difference of ten feet in building height will exist between the proposed and existing buildings. The three story buildings will block the natural light source to the existing units from the east.
- Will stormwater runoff to adjacent property increase? The subject property slopes downward towards the west property line. Some residents along the west property line are currently experiencing drainage problems after rains. Has the developer made adequate provisions to avoid an increase in stormwater runoff to the adjacent property?
- Will sub-surface groundwater and pressure towards the existing units on the west property line increase? Existing units adjacent to the subject site have basements below grade. We are concerned with the possibility that the proposed development will increase underground water and pressure around basements and cause them to leak. Basements in some units in the WSE have already been damaged by water penetration. Will the construction of additional units in its vicinity contribute to this problem?
- How will the units be aligned with existing units to maintain maximum privacy? Will adjacent WSE residents along the west property line – and their movements -- have adequate privacy from Wheaton Place property owners? The owner/developer has not made elevation and unit plans available to residents so that they can determine the impact of the unit design and height of units on their privacy.

The undersigned residents and owners are willing to continue meeting with the owner/developer to resolve these issues. However, given the information provided about the proposed development at this time, we request that the committee defer approval of the application.

Respectfully,

The undersigned residents of the  
Wheaton Square East Condominium Community

Resident's Name	Signature	Address
MIGUEL A. GOMEZ	M. GOMEZ	10807 BUCKNELL DR
Hannah Klein	Hannah Klein	10839 Bucknell
PAUL TAYLOR	<del>Paul Taylor</del>	10844 Bucknell Dr.
FRED BINEY	<del>Fred Biney</del>	10801 Bucknell Dr.
SHEWANNE ANNE	<del>Shewanne Anne</del>	301-649 10803
DORA CANO	Dora Cano	10805 Bucknell Dr.

Bucknell  
Dr



**Abaris Realty, Inc.**

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Web Site: [www.abarisrealty.com](http://www.abarisrealty.com)



November 20, 2002

John Lerner and Michael Fisher  
Windham Lane LC  
5110 Ridgefield Road, Suite 413  
Bethesda, MD 20816

Re: Proposed townhouse project at the corner of Horde Street  
and Windham Lane, Wheaton, MD

Dear Messrs. Jon Lerner and Michael Fisher:

This letter is to reiterate all of the items that the Condominium members and Windham Lane LC have agreed to in regards to your proposed townhouse project. These items are as follows:

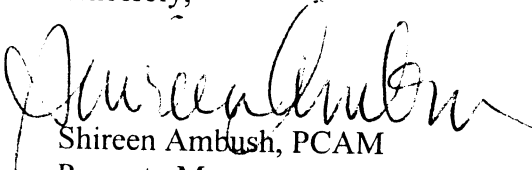
1. Overflow parking is a valid concern of the Condominium, and the Developer has satisfied this issue by building 2 car garage units instead of the 1 car garage units that were originally proposed.
2. The landscaping between the properties was also a concern of the Condominium, and after meeting with the Condominium and the Developer, it was agreed that the Developer will keep some of the existing trees which are deemed to be "quality trees" by the Condominium. All nuisance/weed trees and undergrowth will be cleared out by the Developer and the Developer will plant appropriate plantings that will be mutually agreed upon by the Condominium and the Developer to fill in the area between the two properties.
3. The Developer will provide a retaining wall that will be located approximately 10' from the property line on the developer's property.
4. The Developer shall install 42" tall board on board fencing on top of the retaining wall. In the event that the Developer is able to redesign his units so that no retaining wall or a retaining wall of less than 18" is required, then the Developer shall build a 72" tall board on board fence on the property line.
5. The Developer has agreed to replace the 3' sign open link fence on the north side of the property with a new 72" tall board on board fence in as close to this location as allowed taking into consideration the SWM facility on the Developer's property.



6. Drainage is a main concern to the Condominium with respect to roof water and ground water. The Developer has agreed to install rain barrels at each townhome to collect roof water from the gutters and downspouts. The Developer has also agreed to install swails and other appropriate drainage systems so that the drainage of rain water from the property will not impact the condo property any more significantly than what currently exists.
7. In regards to Windham Lane, the Condominium would hope that the existing trees along the roadway remain intact and that no changes be made to Windham Lane adjacent to the Condominium's property. Please see the attached petition signed by many residents of the Condominium and adjacent properties urging this position.

Please include this letter in your site plan application.

Sincerely,

  
Shireen Ambush, PCAM  
Property Manager

CC: Board of Directors  
Malcolm Shaneman, MNCPPC Community Relations

**PETITION AGAINST THE WIDENING OF  
WINDHAM LANE, SILVER SPRING, MD**

We, the homeowners of Windham Lane, Silver Spring, Maryland, are concerned about the possibility of the widening of Windham Lane. We see no need for this because the road ends in a deadend lane.

We call on the County to maintain the current roadway width and condition between Bucknell Drive and Horde Street, and to preserve the trees along Windham Lane.

Over the last thirty years, there has been no traffic congestion or other problem, but widening the roadway would allow people to drive at a higher speed, which would make our street much more dangerous.

We hope that you will consider our wishes to preserve our environment.

FULL NAME	ADDRESS
1. Jeanne K. Martini	2017 Windham Lane Wheaton, MD 20902
2. Michael Martinez	2017 Windham Lane Wheaton, MD 20902
3. Harjith Suras	1900 Dayton St Silver Spring, MD 20902
4. H. Paul Lewis	1900 Dayton St. Silver Spring, MD 20902
5. Craig Weber	2011 Windham Ln S.S. Md
6. Philip Weber	2011 Windham Ln S.S. Md
7. LUBOMIR TOMIC	2013 WINDHAM LN. Potomac
8. DUBRAVKA TOMIC	2013 WINDHAM LN. Potomac
9. KRISTINA TOMIC	2013 WINDHAM LN. SSMD 20902
10. Ana Tomic	2013 Windham Ln. Potomac
11. MARY ANN GROVE	1904 Windham Ln. S.S. MD 20902
12. LAWRENCE S. GROVE	1904 Windham Ln. S.S. MD 20902
13. E. J. Bagnedano	1901 Dayton ST. S.S. Md. 20902
14. Maria L.B. Kania	1901 Dayton ST. S.S. Md. 20902
15. Leslie J. Kania	1901 DAYTON ST. S.S. MD. 20902
16.	



FULL NAME	ADDRESS
17. Samuel Feldman	10709 Bucknell Dr. SS MD 20902
18. HILARY FELSMAN	10709 Bucknell Drive S.S. 20902
19. Alan Keboq	2021 WINDHAM LN SS MD
20. Gloria Cinco	10725 Bucknell Dr SS Md 20902
21. Robert Davis	1902 Windham Lane, SS, MD 20902
22. Barbara Davis	1902 Windham Lane, SS MD 20902
23. Melanie Davis	1902 Windham Lane, SS MD 20902
24. Kimberly Dyer	10715 Bucknell Drive, SS. MD. 20902
25. Davina Suech	2019 Windham Lane SS. MD 20902
26. Bonnie J Redmond	10704 Bucknell Dr SS. MD 20902
27. Suzanne Rubin	10704 Bucknell Dr SS. MD 20902
28. Edward Dalbow	1914 Windham Ln. Silver Spring, 20902
29. Marie Sacks	2019 Windham Ln. Silver Spring MD 20902
30. Michael Heaney	10708 Bucknell Dr. SS MD 20902
31. Andrea Medina	10717 Bucknell Dr. SS MD 20902
32. Maura Medina	10717 Bucknell dr. S.S. MD 20902
33. Gabriella Medina	10717 Bucknell dr. S.S. MD 20902
34. Judith H. Lim	2013 Windham Ln. SS. MD. 20902
35.	

FULL NAME	ADDRESS
Michael David Feigenson M.D. Feigen	2015 Windham Ln Wheaton Md 20902
M.D. Feigen	2015 Windham Ln Wheaton Md 20902
Mr. & Mrs. Richard Anthony	1910 Windham Ln Silver Spring, Md. 20902
Pauline B. Thompson	2001 Windham Lane, Wheaton, Md. 20902



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December 4, 2002

John Lerner & Michael Fisher  
Windham Lane LC  
5110 Ridgefield Road, Suite 413  
Bethesda, MD 20816

Re: Proposed townhouse project at the corner of Horde Street and Windham Lane,  
Wheaton, MD

Dear Messrs. Jon Lerner and Michael Fisher:

This letter shall serve as a supplement to my previous letters to you dated November 20, 2002. I have since received feedback from other residents of the community regarding various concerns which were not included in the previous letter I sent you. They are as follows:

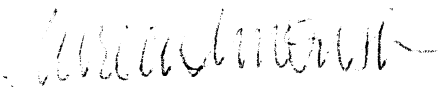
- The plantings between the back of the house on the corner of Windham Lane and Horde Street and Wheaton Square East Condominium are not fully defined on the schematic provided by the developer. It would be desirable to have assurances that this area will be landscaped appropriately.
- There is one tree at the corner of the townhouse section which might be kept, though it requires more extensive pruning and shaping – in particular, an offshoot of the trunk on the easternmost side of the tree which contains several low hanging branches should be removed. This tree is identified as Black Walnut tree #19. The tree may interfere with the drainage system and we agree that the tree should be removed. The developer's schematic shows planting of a new oak and a new maple in the same area.
- There is deep concern about the drainage. We are requesting reassurance on the following points:
  1. Is the developer's engineering of the drainage professional and state of the art?
  2. If there is any run-off not handled by the drainage engineering and the back yard of the new units, would all new plantings absorb less of the unhandled run-off than would a mix of old and new plantings? Or would all new plantings absorb about the same amount of surface water as would a mix of old and new? If drainage is unaffected and new trees and evergreens are 3' deep and 12-15' high as promised, then we support a clean-sweep of all the old vegetation with the exception of Maple #30.



- The developer has agreed to visually connect the new development to the adjoining Wheaton Square East development by planting additional lilac trees. Three lilacs will be planted on WSE property along Horde Street, on the west side of the utility lines. Two lilacs will be planted on WSE property on the north boundary between WSE and the new development. These trees along with 5 Leyland cypress trees planted by WSE will replace 7 small nuisance trees along Horde Street which the developer will remove. The trees to be replaced were severely pruned by utility companies because of proximity to utility lines, leaving them stunted and misshapen and with poor canopies. Please refer to the photos and diagram attached.

Thank you for considering this letter as a supplement to the previous letter that was sent dated November 20, 2002. I will continue to keep you informed as residents approach me with comments or concerns. I also thank you for being so accommodating in addressing the concerns and request of the Wheaton Square East Condominium residents.

Sincerely,



Shireen Ambush, PCAM  
Property Manager

Cc: Board of Directors  
Paul Taylor, Resident WSEC

- 1x - 6x ave mis-shapen trees, severely trimmed due to proximity to utility lines - they will be removed by the developer
- Wheaten Square has planted 5 new Leyland pines to replace some of the trees along fence
- Developer will plant additional lilacs  $\oplus$  to connect WSE to the new development.
- New lilacs + pines will be maintained by Wheaten Square condominium & will not interfere w/utility wires

