

APPENDIX D

TROT

Trail Riders of Today

February 4, 2004

Montgomery County Planning Board
The Maryland National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Springs, Maryland 20910-3760

Re: Preliminary Plan Review No. 1-04011-Meadowsweet/Farquhar Property
Site Plan Review 8-04004-Meadowsweet/Farquhar Property

Dear Planning Board Members:

Trail Riders of Today (TROT), thanks you for the opportunity to comment on the Meadowsweet subdivision plan. TROT is a membership organization whose mission is to preserve, protect, and create equestrian trails statewide.

TROT recommends approval of the Preliminary Subdivision Plan for the Farquhar Property with the following amendments: 1) the placement of an equestrian easement over HOA Parcels C, D and E; and 2) the creation of an equestrian easement generally adjacent to and north of the bikeway shown on the preliminary plat for the entire length of the bikeway. (see Attachment A). The placement of an equestrian easement over the entirety of Parcels C, D and E is necessary to allow riders to better avoid a tree line, wetlands and their buffers, and, when necessary, to adjust their travel path based on trail conditions.

TROT recommends approval of the proposed plan with the above amendments with the knowledge that the proposed easements do not connect the eastern end of the property to Marden Lane. As stated by TROT members at the last Preliminary Plan hearing on the project, existing trails across the Farquhar /Meadowsweet Property provide a critical link in an extensive network of trails which stretch in all directions and provide access to trails in the following parks and open space areas, among others: Dellabrooke, Patuxent River State Park, Rachael Carson, Hawlings River, Paint Branch, Wheaton Regional, Northbranch and Rock Creek parks, Montgomery County Agricultural Center, Schooley Mill Park (Howard County), and the WSSC Patuxent Reservoir Watershed trails in Montgomery, Howard and Prince George's counties.

TROT is willing to recommend approval of the plan without the connection across the property to Marden Lane because upon further research into the public access status of Marden Lane and Slade School Road north of Marden Lane, and the ownership of properties over which the existing trails traverse, it has become obvious that continued access through the Brooke Grove Foundation property is the necessary element in keeping the linkage between the trails south of the Mess property and those north and east of that property (i.e., the Dellabrooke trails and those leading to the Patuxent State Park, and the Hawlings River and Rachael Carson parks). If there continues to be

equestrian access over the Brook Grove property, an easement linking the eastern edge of the Meadowsweet property with Marden Lane is unnecessary since the proposed equestrian easement through the HOA property will link to an existing trail north of the Meadowsweet and Hines' properties. (see depiction of location of trail on Attachment A.) If access to the Brook Grove property is eliminated, an easement to Marden Lane would not provide access to the Mess property and the trails north and east of it since Marden Lane is surrounded by the Brooke Grove property on all sides, except the south.

At the time of the Preliminary Plan hearing, it was believed that public access through Slade School Road had been firmly established and thus an easement across the Meadowsweet property to Marden Lane would result in a direct link up Slade School Road to the Mess property. Subsequent research has indicated that a portion of Slade School Road was at one time dedicated to the county through the subdivision process (see Attachment B), but that in 1997 that portion of the road was abandoned by the county at the request of The Brooke Grove Foundation. The underlying fee for both Marden Lane and Slade School Road is privately owned and both roads are privately maintained.

Despite private ownership, TROT believes that based on historical usage there is public access to the existing Marden Lane and that portion of Slade School Road which originally was also part of Marden Lane. However, since the public access status of these roads has never been formally ascertained, TROT would encourage the Planning Board to use whatever opportunities it has to further public access on these roads, as well as over the existing trails on the Brooke Grove property. This would facilitate the Master Plan goal of "[p]roviding for the many people who ride horses through this area by protecting existing regional and local routes, and by creating new local connections." 1998 Sandy Spring/Ashton Master Plan, page 75.

Unfortunately in 1997 when the portion of Slade School Road dedicated to the county was abandoned, the equestrian community in the area apparently either did not know of the proposed abandonment or did not understand the significance of such action and therefore did not participate in the public hearing process. Commenting on the Meadowsweet subdivision plan has highlighted the need for local equestrians to become more aware of the processes that may affect the trails. It also has highlighted the need for MNCPP staff to clearly know the scope of the trail network and where existing trails are located. If MNCPP staff have this information, they can work with TROT from the earliest stages of a subdivision application so that the trails can be preserved and any trail related issues ironed out early in the application process.

With this in mind, over the next few months (weather permitting), TROT members who ride in the Ashton/Sandy Spring area will map the existing trails in the Master Plan area and give MNCPP staff this mapping data. TROT has a sophisticated GPS system that allows members to ride the trails and then send the mapping information to UMBC where it is superimposed over topographical maps. (Attachment C is one of these maps. It is for the area encompassing the Patuxent River State Park and Rachael Carson Park.) MNCPP staff have agreed to provide tax map information to UMBC so UMBC can superimpose the trail data on tax maps as well. Hopefully, if MNCPP staff have the trails and tax map data, a more formal process can be set up where by staff send the TROT contact in the Ashton/Sandy Spring area a copy of the pre-application plan for each proposed subdivision that would affect existing trails. The TROT contact for the Ashton/Sandy Spring area is:

Sandy Boyd
315 Olney Sandy Spring Road
Ashton, Maryland 20861

301 774-095

TROT appreciates the opportunity to comment on the Meadowsweet subdivision plan and hopes that its participation in this process will lead to a better information base, better information sharing, and ultimately a more comprehensive public trail system.

Very truly yours,


Gale Monahan, President TROT

Cc: Tim McGrath, TROT mapping coordinator
Terry and Doug Farquhar
Randy Fry, Rogers Consulting

ATTACHMENT A

ATTACHMENT B

LAW OFFICES

MILLER, MILLER & CANBY

CHARTERED

200-B MONROE STREET
ROCKVILLE, MARYLAND 20850

(301) 762-5212
FAX (301) 762-6044

129-13 WEST PATRICK STREET
FREDERICK, MARYLAND 21701

(301) 696-1380
(301) 831-4338 WASHINGTON
FAX (301) 696-1385

October 10, 1996

JAMES R. MILLER, JR.*
ROBERT L. BURCHETT
PATRICK C. McKEEVER*
JAMES L. THOMPSON
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER
DIANE M. POOLE
JOSEPH P. SUNTUM
SUSAN W. CARTER
BRUCE N. DEAN
GLENN M. ANDERSON
PAULA L. DAVIS
*OF COUNSEL

Mr. Douglas Duncan
County Executive
Office of the County Executive
Montgomery County Government
101 Monroe Street
Rockville, Maryland 20850

RECEIVED COUNTY EXEC OCT 15 1996

Re: Proposed Road Abandonment and Closure of a Portion of Slade School Road and a Portion of Marden Lane Sandy Spring, Maryland

Dear Mr. Duncan:

I am writing to you on behalf of my client, Brooke Grove Foundation, Inc., to request the abandonment and closure of a portion of Slade School Road and a portion of Marden Lane which crosses my client's property in accordance with Chapter 49 of the County Code. I have attached a filing fee in the amount of \$1500, a list of all property owners whose property abuts the road proposed to be abandoned and closed, a copy of the tax map, a copy of the record plat whereby the roadway sought to be abandoned and closed was originally dedicated to public use, and a copy of the letter received from the neighbors requesting that the roadway be abandoned and closed.

By way of background, the Brooke Grove Foundation is a non-profit institution which provides care to the elderly. The main campus, which consists of approximately 179 acres, is located north of Maryland Route 108 at 18100 Slade School Road in Sandy Spring, Maryland. The campus today is improved with nursing and group homes and has recently received special exception approval for a continuing care retirement community.

Historically, the Brooke Grove Foundation used Marden Lane as its means of ingress and egress to the campus. In approximately 1985, Slade School Road, a private roadway, was constructed by the Brooke Grove Foundation to serve as the primary access from Route 108 into the campus. Slade School Road intersected Marden Lane at

Exhibit No. 1

Mr. Douglas Duncan
October 10, 1996
Page 2

a point north of the point at which Marden Lane crossed onto the Brooke Grove campus. The result was an inverted "Y" intersection.

In 1993, the Slade property (which at the time abutted the Brooke Grove campus immediately east of Marden Lane) was platted into four lots. As a requirement of subdivision, the roadway abutting those four lots (then Marden Lane) was dedicated by plat. (See attached record plat) Subsequently, Brooke Grove acquired the four Slade lots and incorporated them into its campus.

Although access into the Brooke Grove campus via Marden Lane is still possible, it is discouraged both by the Foundation and by the residents who live along Marden Lane. Indeed, during the recent special exception approval process, the residents who live along Marden Lane south of the Brooke Grove campus requested that the entire length of Marden Lane which was within the Brooke Grove property limits be renamed "Slade School Road". It was the position of these neighbors that as long as any of the facilities at the Brooke Grove Foundation had a "Marden Lane" address, visitors would turn off of Route 108 onto Marden Lane, rather than Slade School Road, in order to access the property.

Accordingly, the Planning Board took action to rename a section of Marden Lane as Slade School Road. The section of Marden Lane which was renamed Slade School Road included all of that right-of-way previously dedicated by plat as Marden Lane, with the exception of the southernmost section of approximately 375 feet. The area which was renamed Slade School Road is identified on the attached Notice of Street Name Change, dated September 22, 1994.

There are two families who reside north of the Brooke Grove campus and use Marden Lane/Slade School Road for ingress and egress. These two families were reluctant to receive new mailing addresses and it was decided that the section of Marden Lane above Hickory Knoll Road (as illustrated on the attached Notice) would temporarily remain as "Marden Lane".

Brooke Grove is currently in the process of subdividing the entire 179 acre campus into four large lots. As a result, the lot lines for the Slade Property subdivision have been or will be extinguished. It is no longer necessary to retain a portion of Slade School Road/Marden Lane as a public right-of-way because the four new lots will have frontage on either Maryland Route 108 or Brooke Road, both public rights-of-way.

The Brooke Grove Foundation has received a letter signed by most of the residents along Marden Lane requesting that the Foundation erect an electronic gate at the point where Marden Lane crosses into the Brooke Grove campus. (See attached copy) These residents desire this gate because it will prevent traffic going to and from

Mr. Douglas Duncan

October 10, 1996

Page 3

Brooke Grove from using Marden Lane and will require such traffic to use Slade School Road. The Foundation supports this request because a gate at this location will also provide additional security for the elderly residents of Brooke Grove.

There are two families who reside at the end of Slade School Road, immediately north of the Brooke Grove campus, who currently use this private lane as the means of ingress and egress to their respective properties. If a gate is erected by Brooke Grove, these two families (and their successors) will be provided with a coded card or other device which will permit them to have continued access from Route 108 along Marden Lane. Similarly, these two families (and their successors) will have a right of access from Route 108 along Slade School Road.

Abandonment of the public right-of-way dedicated by plat as Marden Lane (a portion which has been renamed Slade School Road) is logical insofar as the only reason the roadway was ever dedicated as a public right-of-way was because it was necessary to provide frontage for the four "Slade Property" lots. These lots have been acquired by Brooke Grove and have been or will be extinguished by the recordation of a new record plat.

Moreover, this section of roadway (which measures approximately 930 feet in length) is the only section of roadway within the Brooke Grove campus which is dedicated to public use. It is doubtful that the County wishes to maintain this segment of roadway, located entirely within the confines of the Brooke Grove campus.

In conclusion, this public right-of-way is no longer necessary and the abandonment/closure requested is necessary to protect the health, safety and welfare of the residents in the neighborhood of the roadway to be abandoned.

Thank you for your attention to this matter.

Very truly yours,

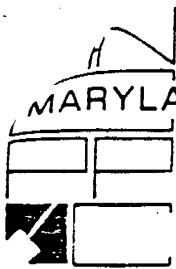
MILLER, MILLER & CANBY



Susan W. Carter

SWC:djn

cc: Fran Marcus
Carl Howe
Dennis Hunter
Ed Wallington
Lee Cunningham



MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

September 22, 1994

Notice of Street Name Change

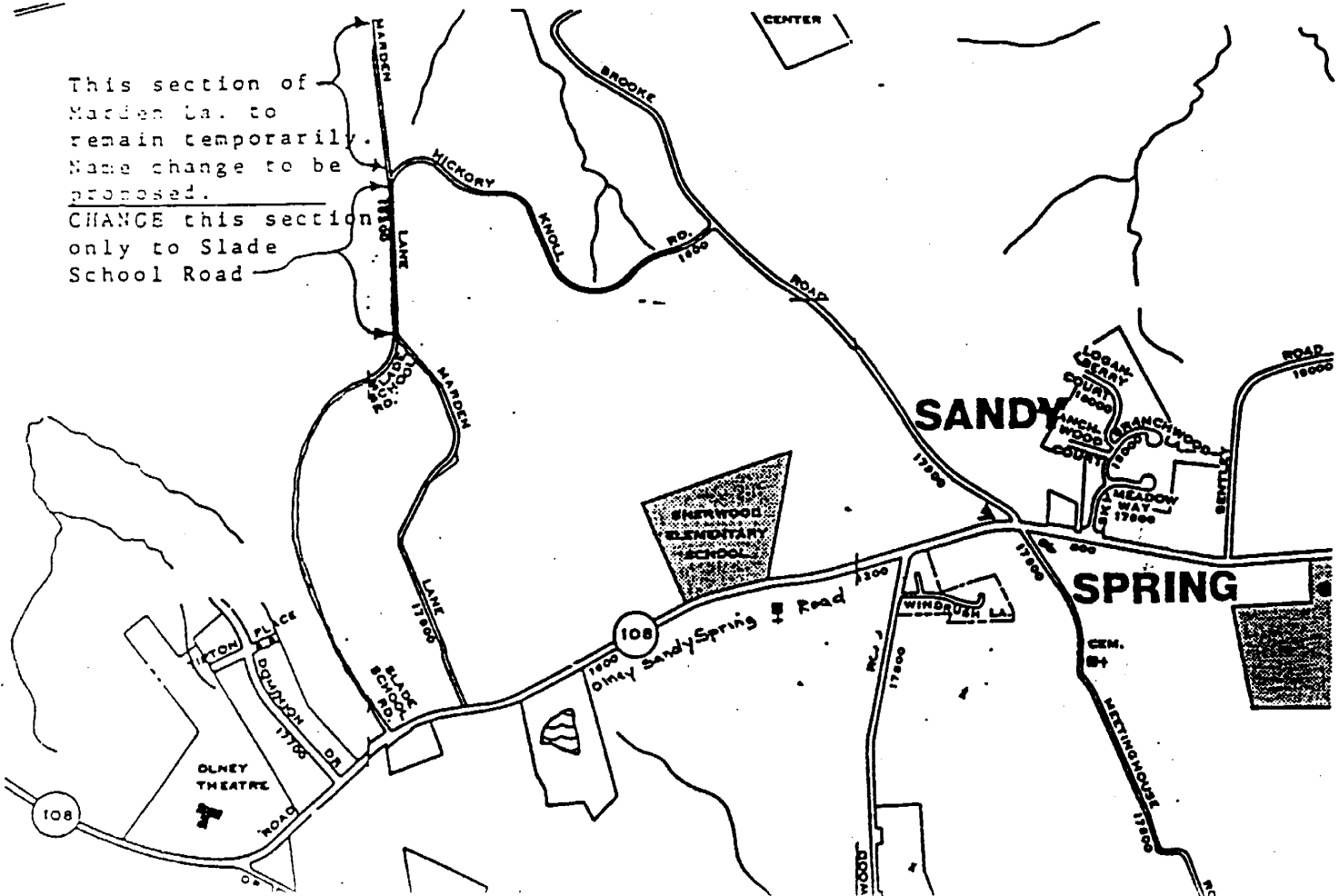
On September 10, 1994 the Maryland National Park and Planning Commission changed the name of a section of MARDEN LANE to SLADE SCHOOL ROAD. The section being changed is the 18100 and 18200 blocks only, as shown on the map below.

Please make all appropriate changes to your records. Questions regarding this name change should be directed to the Street Name Section of this Commission.

Fred H. Flaherty
Property Address and
Street Name Section
(301) 495-4613

This section of Marden La. to remain temporarily. Name change to be proposed.

CHANGE this section only to Slade School Road




Sandy Boyd
315 Olney Sandy Spring Road
Ashton, Maryland 20861

301 774-095

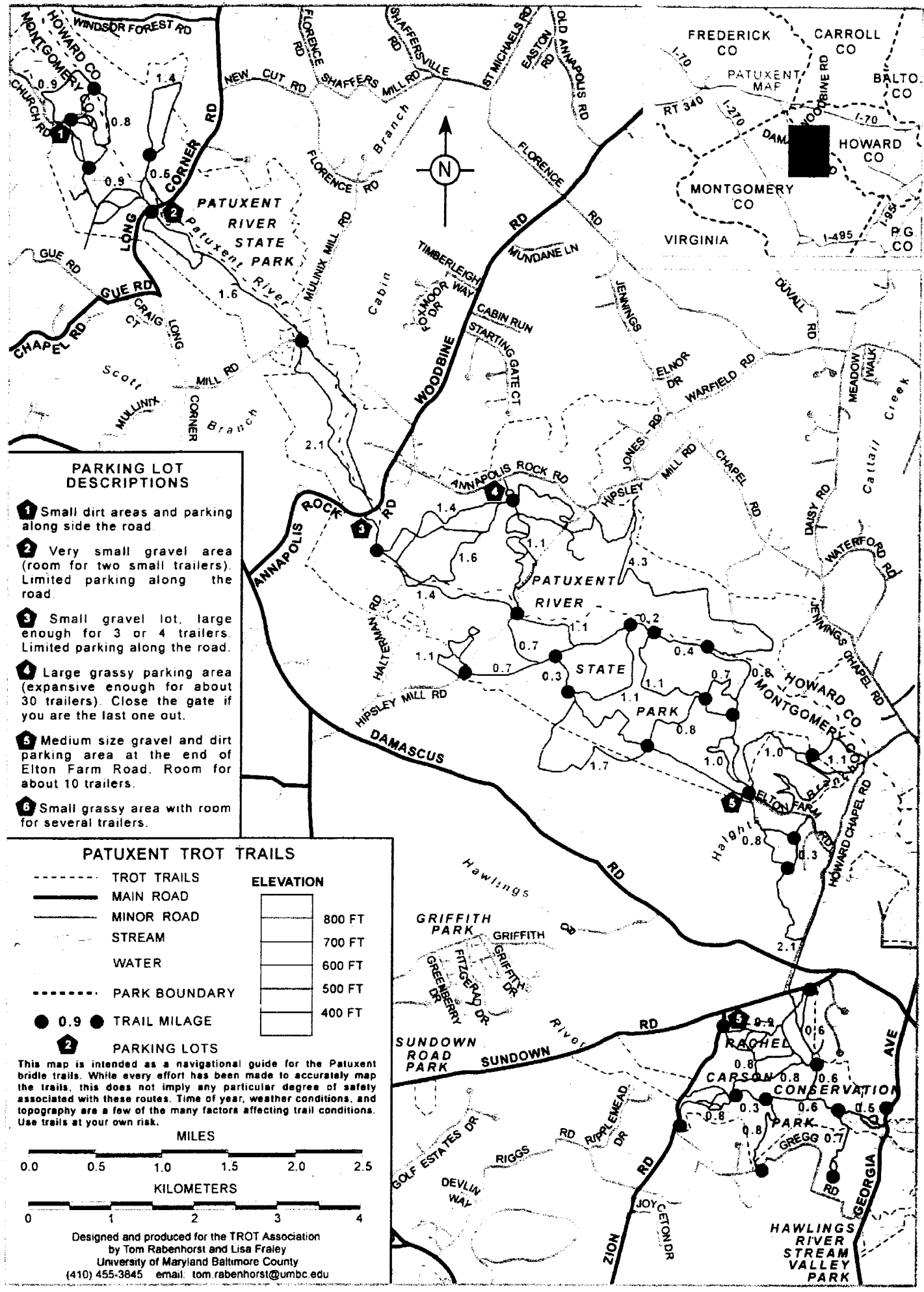
TROT appreciates the opportunity to comment on the Meadowsweet subdivision plan and hopes that its participation in this process will lead to a better information base, better information sharing, and ultimately a more comprehensive public trail system.

Very truly yours,


Gale Monahan, President TROT

Cc: Tim McGrath, TROT mapping coordinator
Terry and Doug Farquhar
Randy Fry, Rogers Consulting

ATTACHMENT C



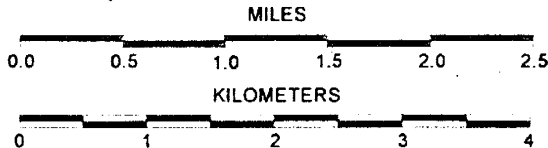
PARKING LOT DESCRIPTIONS

- 1 Small dirt areas and parking along side the road.
- 2 Very small gravel area (room for two small trailers). Limited parking along the road
- 3 Small gravel lot, large enough for 3 or 4 trailers. Limited parking along the road.
- 4 Large grassy parking area (expansive enough for about 30 trailers). Close the gate if you are the last one out.
- 5 Medium size gravel and dirt parking area at the end of Elton Farm Road. Room for about 10 trailers.
- 6 Small grassy area with room for several trailers.

PATUXENT TROT TRAILS

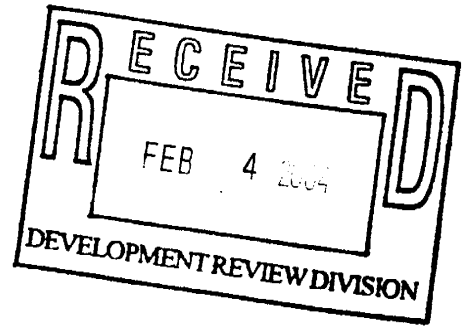
-----	TROT TRAILS	ELEVATION
————	MAIN ROAD	
———	MINOR ROAD	
~~~~~	STREAM	
~~~~~	WATER	
-----	PARK BOUNDARY	
● 0.9 ●	TRAIL MILEAGE	
2	PARKING LOTS	

This map is intended as a navigational guide for the Patuxent equestrian trails. While every effort has been made to accurately map the trails, this does not imply any particular degree of safety associated with these routes. Time of year, weather conditions, and topography are a few of the many factors affecting trail conditions. Use trails at your own risk.



Designed and produced for the Trot Association
 by Tom Rabenhorst and Lisa Fraley
 University of Maryland Baltimore County
 (410) 455-3845 email: tom.rabenhorst@umbc.edu

Douglas B. Farquhar
Ann T. Franklin
1601 Olney-Sandy Spring Road
Sandy Spring, Maryland 20860



February 2, 2004

Robert Kronenberg, RLA
Maryland-National Capital Park and Planning Commission
Montgomery County Department of Park and Planning
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Re: Preliminary Plan No. 1-04011, Site Plan No. 8-04004,
Meadowsweet/Farquhar Property

Dear Mr. Kronenberg:

This letter will confirm that we, the owners of the residence and 5.5 acres located at 1601 Olney-Sandy Spring Road, Sandy Spring, Maryland, are willing to grant an easement for equestrian traffic along the front of our property, bordering Route 108, as we have discussed on tours of the property with TROT representatives over the last month. This will also confirm that we are willing to grant a conservation easement over the front of our property, ensuring that there will be no further building on the southern part of our property, other than the new driveway as reflected on the preliminary plan and site plan that has been submitted. Both of these commitments are contingent on the Preliminary Plan and Site Plan for the entire 70 acre property being approved in the form (or substantially the same form) as the plans that have been submitted to the MNCPPC.

If you have any questions, please do not hesitate to call. Doug can be reached during the day at 202-737-9624.

Sincerely,

A handwritten signature in black ink that reads "Doug B. Farquhar".

Douglas B. Farquhar

A handwritten signature in black ink that reads "Ann T. Franklin".

Ann T. Franklin

cc: John Chirtea

John M. Hines
18001 Marden Lane
PO Box 125
Sandy Spring, Maryland, 20860

February 2, 2004

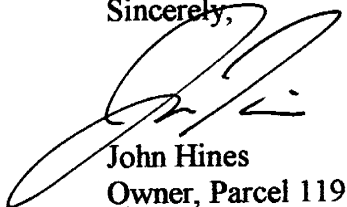
Mr. Robert Kronenberg
Development Review
MNCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Meadowsweet – Farquhar Property
MNCPPC No. 1-04011

Dear Mr. Kronenberg:

Please accept this letter as a formal notification that as the property owner of Parcel 119, I grant the member of the local equestrian community permission to use the trail as identified by Pulte Homes. This is not an easement but permission for use of the trail for the equestrian activity and is limited to the equestrian trail identified as part of the subdivision development application by Pulte Homes.

Sincerely,



John Hines
Owner, Parcel 119

CC: S. Coniglio, Pulte Homes
M. Shaneman, MNCPPC
T. Farquhar
R. Frey, RCI