

Preller, Barbara

R E S I D

OCT 09 2003

From: SoldbyTG@aol.com
Sent: Thursday, October 09, 2003 10:53 AM
To: MCP-Chairman
Subject: Opposition to the Bus lane in Olney MD

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

Mr. Derick Berlage,
I am writing this letter in support of the 9/25/03 testimony given by Sharlene Monroe in opposition to the proposed bus lane on Georgia Ave coming into Olney, MD.

My husband commutes 50 Minutes to Bolling Air Force Base every day and would not utilize this bus system as I'm sure most Olney residents would not. What the bus lane would do for our family is increase the amount of time that he is away from home and add to the frustration and stress of the traffic!

We are opposed to the bus lane for the increased commute times that it will cause Olney residents, the traffic it will bring to our community, we moved here to be out of the congestion of the city.

Sincerely,
Brian and Theresa Graham

MONTGOMERY COUNTY PLANNING BOARD
For inclusion in Public Hearing Record
Re: Olney Master Plan
Date of Hearing: 9-25-03
Date Rec'd: _____
Corres. No.: _____

Mitchell E. Weiner DDS
2006 Carter mill way
Brookeville, MD
20833

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1371
OCT 10 2003

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

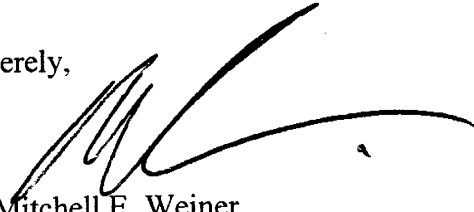
Mr. Derick Berlage
Chairman
Montgomery County Planning Board
MNCPPC
8787 Georgia Ave
Silver Spring, Md 20910

Dear Mr. Chairman I am writing this letter in opposition to the bus way that is being considered for the Olney master plan. For many reasons this will impact our community greatly for the following reasons.

1. Low rider ship
2. Poor parking facilities
3. Increase commute time
4. Encourage more traffic from counties north of Olney
5. More pollution

Please consider the Olney residents have no desire for this now or in the future

Sincerely,



Dr. Mitchell E. Weiner

Preller, Barbara

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OCT 14 2003

From: Maryland Lehmann [rentals@strathmore.org]
Sent: Tuesday, October 14, 2003 8:50 AM
To: MCP-Chairman
Cc: smonroe@morganlewis.com
Subject: georgia avenue busway proposal

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

Dear Chairman, I am e-mailing as I wish to be among those who oppose the construction/installation of the Georgia Avenue Busway into Olney. We work very diligently and passionately to preserve our semblance of a "small town" atmosphere. It is not an easy objective but we do have many successes along the way. I do NOT feel that this Busway would benefit our community in any appreciable way. Thank you, Maryland Lehmann

3924 Brooke Meadow Lane
Olney, Md. 20832

35

Patrick Boyle
18700 Heritage Hills Drive
Brookeville, MD 20833
(301) 260-0968

Mr. Derick P. Berlage
Chairman
Montgomery County Planning Board
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Berlage:

As a member of the Advisory Group for the Olney Master Plan, I must voice my opposition to the proposed Georgia Avenue Busway to be constructed in the center median strip of Georgia Avenue.

County staff raised this idea several times during the advisory group meetings, and as I recall, the objections to the idea far outweighed any support that it might have had. I was quite surprised to see it on the proposed Master Plan.

I agree with the points raised by Sharlene Monroe of Olney in objecting to the proposal. I must also add this: As a daily commuter to downtown Washington who often gets the Metro at Glenmont, I can say that it is extremely unlikely that I would get in my car at home, drive to a parking lot, walk over to a bus to ride to a Metro station to catch a train. Many of us on the Advisory Group who commute, and who know commuters, thought it very unlikely that a significant number of people would find this service worthwhile, and many people objected to how the busway would change the look of our community.

I understand your concerns about traffic and appreciate brainstorming by the planning staff. This is one storm that should wither.

As always, I appreciate your time and attention.

Sincerely yours,

Patrick Boyle

Preller, Barbara

RECEIVED
OCT 14 2003

From: PatrickBoyle1@cs.com
Sent: Monday, October 13, 2003 11:20 PM
To: MCP-Chairman
Subject: Olney M. Plan

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

Dear Chairman:
Please find attached a letter concerning the proposed Busway in the Olney Master Plan. Thank you,

Patrick Boyle
patrickboyle1@cs.com

10/14/2003

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Preller, Barbara

From: Jon Hulsizer [jon@paladinsolutions.net]
 Sent: Monday, October 13, 2003 3:36 PM
 To: mcp-chairman@mncppc-mc.org.
 Cc: smonroe@morganlewis.com
 Subject: Georgia Avenue Busway

RECEIVED
 OCT 14 2003

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

October 10, 2003

Mr. Derick P. Berlage
 Chairman
 Montgomery County Planning Board
 MNCPPC
 8787 Georgia Avenue
 Silver Spring, MD 20910

fax: 301-495-1320

Dear Mr. Berlage:

By my signature below, I express my *opposition to the proposed Georgia Avenue Busway* to be constructed in the center median strip of Georgia Avenue, from the Glenmont Metro station to Spartan Road in Olney. Some, not all, of the reasons follow:

(1) Keep Olney "Green" - In the Transportation Section of the Olney Master Plan, the MNCPPC states numerous times its desire to "minimize the adverse environmental impacts of additional pavement" (p. 81); "seek features that enhance the 'rural gateway' concept for southern Georgia Avenue approaching Olney" (p. 84); and "preserve and enhance the rural and agricultural character of the area" (p. 86). In addition, of the 600 informal surveys returned to the MNCPPC, a majority (70.1%) of respondents stated that they [i.e., Olney residents] "are willing to live with some level of congestion to maintain their suburban, semi-rural quality of life." (See p. 81 of the Olney Master Plan and pp. 1 and 10 of *The Gazette*, "Traffic, Development Top Concerns of Olney Residents," July 3, 2002, Dianne Davenport.) Residents of Olney move to the area to enjoy a rural, pastoral setting with good schools and a strong family-based community. *Bringing a bus line to Olney would negatively affect these positive elements and instead bring unwanted overdevelopment to our area -- and with it the unpleasant noise, congestion, pollution and crime that follow.*

(2) Olney Suffers From a Barrage of Non-County Traffic - As of 1995, over 9,000 vehicles passed through Brookeville each day with an expected increase to 18,000 vehicles by 2020 (p. 85 of the Master Plan). These commuters add considerable congestion and additional time to our commute each day and are unlikely to get out of their cars to utilize public transportation. *Olney residents should not pay the price of further development in its community to accommodate non-County residents.*

(3) Low Ridership - Of the 12,000 working households in Olney, only 17% are employed in

10/14/2003

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Washington, D.C. (2,040 individuals). Of this number, only 7% take public transportation (143 individuals), which compares to a general Metro ridership of 13% elsewhere in the County. Many Olney residents are highly paid professionals who would not utilize public transportation for many reasons: free employer-provided parking, inconvenience (in inclement weather, etc.), increased time needed to take public transportation, inconvenient for getting to business meetings/clients, lack of flexibility for daily family responsibilities (picking up children from sporting and/or extracurricular activities, etc.), emergencies, other issues that may arise during the normal work day.

(4) Safety Concerns at Metro Subway Stops - Much crime has been reported at the Wheaton and Glenmont parking facilities, both with respect to car break-ins and personal assaults. During the winter these numbers increase due to a lack of natural lighting. *Commuters are not going to ride a transportation system if safety concerns are an issue.*

(5) Excessive Cost to Benefit Few - The cost of constructing a seven-mile dedicated busway from the Glenmont Metro Station to Spartan Road in Olney would exceed several million dollars, destroy valuable green space in our community, and waste the taxpayers' dollars of many to benefit very few. Surely a better use of taxpayers' money could be found (e.g., more parking facilities at Glenmont Metro (which fills up by 7:00 a.m. each day), timed lights on Georgia Avenue for speedier southbound travel in the morning, or express bus service from the Norbeck parking lot to the Glenmont station).

(6) Poor/Inadequate Parking Facilities Proposed by the Master Plan - Longwood Recreation Center and/or the Montgomery General Hospital are not viable options. The Longwood Rec Center is already very short on parking facilities for the events it now hosts and there is little room for adding additional parking, much less providing enough additional parking for a commuter lot. The Montgomery General Hospital likewise does not have enough available space for commuter parking.

Please listen to the other surveyed residents, and the goals that the MNCPPC itself has put forth, and *keep Olney green.*

Thank you.

Jon Hulsizer
17110 Fitzroy Way
Olney, MD 20832

&

Paladin Solutions Group
2943 Olney-Sandy Spring Rd.
Olney,
MD 20832

**Steven and Janene Ells
18467 Heritage Hills Drive
Olney, MD 20832
(301) 260-0081**

RECEIVED
OCT 21 2003

October 16, 2003

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

Mr. Derick P. Berlage
Chairman, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910-3760.

Re: Olney Master Plan Public Hearing Draft 2003

Dear Mr. Berlage:

We are residents of Heritage Hills Drive south of Queen Elizabeth Drive, but north of Maryland Route 108. We write to comment upon Patrick Boyle's testimony at the Olney Mater Plan public hearing. We agree with all of Mr. Boyle's statement. Like him, we request that Heritage Hills Drive be redesignated a residential street rather than an arterial highway. Over the last few weeks, we had several conversations with Khalid Afzal and Dan Hardy about this issue. We appreciate their hard work on the master plan and the time they spent on the phone educating us about the planning process.

We see cars fly down our section of Heritage Hills Drive on their way to Route 108 every day. Many of the cars appear to exceed 40 and even 50 mph. Within the last few months, cars that our neighbors have parked on the street have been hit more than once and were seriously damaged. This is my son's first year at Greenwood Elementary School. He has no sidewalks to walk to the bus stop. I have already witnessed cars flying past a stopped school bus while my son and others at the bus stop were boarding. We want to stop cars from speeding down our street. We want the street to be safe for our kids. We are currently working to request that the County install traffic restraining devices, such as speed bumps, to reign in the outrage of cars tearing up our residential street and creating danger to our kids. We understand that the County will not even consider using traffic restraining devices on streets designated "arterial."

The planning staff informed me that they need an arterial in our wholly residential neighborhood, the northwest quadrant of Olney, to (1) ease the congestion at the town center, the intersection of State Routes 108 and 97 by allowing cars going south on Route 97 toward 108 East to bypass the intersection, and (2) to allow Olney residents the ability to cross from one quadrant of Olney to another without increasing the congestion on either Route 108 or 97.

I do not understand the logic of the need of any street in our residential neighborhood to be, in effect, an "on-ramp" in order to bypass a major controlled intersection. For pedestrians, it is easy to walk across the town center intersection, which has lights, crosswalks, and manageable traffic. It doesn't appear to me that cars bypassing the intersection by taking Heritage Hills Drive

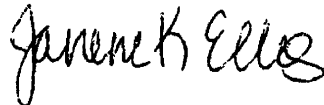
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to Route 108 west save any time, except during morning rush hour, and then no more than a few minutes. For Olney residents who want to commute from the northwest quadrant to either of the adjoining quadrants, there is no reason that the street they drive upon be an arterial highway rather than a primary residential street. None of the County's characteristics for arterial highways seem to match the criteria for "artery status" on any of our quadrant's streets. The houses along our streets front the streets directly. There are no curbs. The driveways go directly onto the streets.

However, if the Planning Board determines that some street must be an arterial in the northwest quadrant, it should not be Heritage Hills Drive. Heritage Hills Drive begins at Route 97, and meanders south-east to Route 108 for over one mile. There are no traffic signals at Route 108 or 97. There is no direct Route from the northwest quadrant of Olney to the northeast quadrant from Heritage Hills Drive. One must go north on 97 to turn onto Gold Mine Road or south on 97 to Owens Road. Similarly, one must go south on 97 to turn onto Prince Phillip Drive to arrive in Olney's northeast quadrant. In contrast, in our northwest quadrant of Olney, Queen Elizabeth Drive has traffic signals at both ends (97 and 108). Queen Elizabeth Drive connects directly to the arterial Prince Phillip Drive on the Route 97 side and Queen Elizabeth Drive on the Route 108 side. In addition, cars bypassing the town center intersection have a substantially shorter ride through the residential neighborhoods on Queen Elizabeth Drive as compared to Heritage Hills Drive; thus, using Queen Elizabeth Drive saves the drivers time and spoils less of the neighborhood.

Therefore, we request that Heritage Hills Drive be designated a primary residential street, not an arterial, to allow us to petition our County government to use traffic restraining devices to prevent cars from going down our street at high rates of speed. Please contact Steven Ellis at (301) 260-0081 if you have any questions.

Sincerely,



Janene K. Ellis



Steven D. Ellis

Afzal, Khalid

From: Michele Peck [roypeck@juno.com]
Sent: Friday, October 17, 2003 2:24 PM
To: Afzal, Khalid
Subject: Master Plan Comments Ga. Ave.

Comments on Olney Master Plan

There is a service road on the west side of Georgia Avenue between the fire house and Emory Lane. It is divided in two parts, one north of Emory Church and one south of Emory Church.

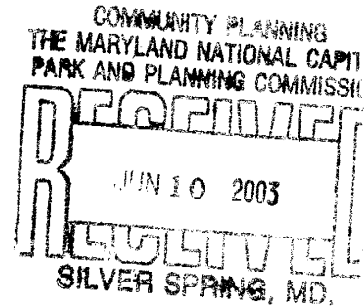
Commercial development is being planned on property on both the north and south sections of this service road. People visiting these sites will most likely return from whence they came. I.E. If they came from the north, they would return to the north. The current traffic pattern requires them to cross two lanes of Georgia Avenue and make a U-turn on Georgia Avenue on either ingress or egress. The U-turn will be at the fire house or Emory Church if they live south of the property or at Emory Church or Emory Lane if they live north of the property. The U-turn when coming from the north section looks like 100 feet from the point where traffic enters Georgia Ave.

If U-turns are disallowed at any of the median cuts, the drivers will use side streets to make their U-turn or add to the congestion at Old Baltimore lane.

In the event that one or both of these sites are developed, it would be beneficial to close both current access points and make one common access point aligned with Emory Church. This would allow ingress and egress to both commercial areas with either a left or right turn in and a right or left turn out. It will require the storm pipe under Georgia Avenue to be extended by less than 100 feet.

Respectfully
Roy Peck

Tanterra Homeowners Association
P.O. Box 25
Brookeville, Maryland 20833



May 30, 2003

Daniel E. Hardy, P.E.
Supervisor
Transportation Planning
County-Wide Planning Division
Montgomery County Department
Of Park & Planning
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Dear Mr. Hardy:

This letter is written on behalf of the Tanterra Homeowners Association to request the designation of Heritage Hills Drive in the Tanterra subdivision be changed from "arterial" to "primary residential."

When our community was built in the 1970s, Heritage Hills Drive was only accessed from Georgia Avenue and Queen Elizabeth. During the 1980s Heritage Hills was extended to connect to Rt. 108, which created an avenue of travel from Rt. 108 to Georgia Avenue, and providing a shortcut to hundreds of non-Tanterra homeowners. This increased traffic volume significantly, as well as speed.

Before the 1980 Olney Master Plan revision, Queen Elizabeth Drive had been designated as an arterial road -- and rightly so. It connects two state roads (Rt. 97 and Rt. 108), offers traffic signals at both these intersections and provides connection to the other arterial routes that the county created around the Rt. 108 and Rt. 97 intersection -- Prince Philip on the northeast end (crossing Rt. 97) and Bowie Mill Road on the southwest end (crossing Rt. 108). During the 1980 Master Plan revision Queen Elizabeth Drive was downgraded to a primary residential.

Our community is troubled by the designation of Heritage Hills for several reasons:

1. Centered in our community is Greenwood Elementary School, which operates at near capacity, with a student base of about 600. About half of those children walk, mainly from our community, and many along Heritage Hills. The volume of traffic and level of speed along our road presents a very serious safety risk to these children.
2. The will of the residents objects to the arterial designation. When a petition was recently circulated on Heritage Hills Drive regarding the change we hereby request, the petition was signed by every homeowner or resident contacted. (To date, only four households have not been contacted.)
3. The speed of traffic on Heritage Hills is far too fast and is getting worse. Under its current designation, speed humps cannot be installed; these are reserved only for primary residential streets. Again, a large volume of cars and excessive speed within a walking school district is not a good mix. The board of the Tanterra Homeowner's Association firmly believes that we need to have the right, now or in the future, to request speed humps if the majority of the affected residents wish to have them.

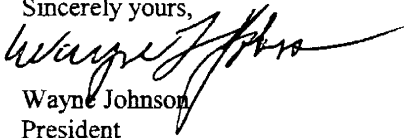
4. Heritage Hills does not provide access to either Prince Phillip or Bowie Mill, the other arterial roads in the vicinity. It does not have street lights at either intersection, which reduces safety at these cross roads as well. (Three accidents occurred last summer during a six week period at the intersection of Heritage Hills Road and Rt. 108.)

5. Arterial roads can be widened to four lanes. We know this is not in the county plans now. But we need to do all that we can now to give the community a stronger voice in any such plans for the future. Our small community could not adequately handle the burden of an increased volume of cars on our roads, nor should it.

We believe strongly that Heritage Hills Drive should be designated as a primary residential street and Queen Elizabeth Drive should be made, as it once was, an arterial roadway. Queen Elizabeth connects to the other arterial roads in the area, is not a walking zone for the elementary grade children (they are bused to Greenwood), and it offers a higher safety measure with traffic lights at both ends.

We look forward to working with you on this matter.

Sincerely yours,



Wayne Johnson
President
Tanterra Homeowners Association

cc: Mr. Khalid Afzal
MNCPPC-MC



Abaris Realty, Inc.

12009 Nebel Street, Rockville, MD 20852

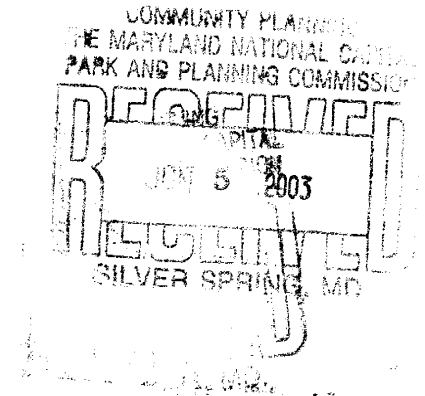
301-468-8919 • Fax: 301-468-0983

Web Site: www.abarisrealty.com



June 4, 2003

Mr. Khalid Afzal
Montgomery County Department of Park and Planning
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



Dear Mr. Afzal:

The Fair Hill Farm Homeowners Association (HOA) is a forty-two (42) townhouse community in Olney, Maryland. The HOA is located at the intersection of Appomattox Way and Spartan Road and includes the streets of Castle Garden Court and Castle Garden Way.

We are concerned about the potential development of the Appomattox Way extension. Since the 1980's when the HOA was developed the Appomattox Way extension has always been a grass and wooded area. We have numerous homes that back to this green area and it provides a perfect buffer between our neighborhood and the Olney Village Mart Shopping Center. For many reasons we would like to preserve this area as a parkland buffer.

We oppose any expansion of Appomattox Way. Our opposition is the expansion of Appomattox Way is not needed. The master plan states that if Prince Phillip is built then Appomattox Way is not needed. The planning board already decided on February 18, 1995 that the road was not needed. Extending Appomattox Way to Georgia Avenue does not solve any traffic problems. Prince Phillip already provides access to Georgia Avenue. Furthermore, residents in Olney as well as the State Highway Administration will not likely want more dangerous left turns onto Georgia Avenue or another traffic signal close to Prince Phillip.

Recently, we have been informed that MNCPPC staff is recommending that a traffic circle is needed around the Olney Town Center. If research supports the need to establish a traffic circle around the Olney Town Center other options such as the expansion of Hillcrest need to be explored. The expansion of Hillcrest would establish the traffic circle without disturbing our neighborhood or our local stream and wetlands. Our HOA would like access to all research-based information gathered by MNCPPC staff that supports the need for a traffic circle around the Olney Town Center.


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Our preferred future use of the Appomattox Way extension is as a park extension of the trailways/greenspace path system, connecting our community to the stream valley open space system. The area should have landscaping and be a pathway connection to Georgia Avenue for pedestrian traffic as previously suggested during the new master plan draft planning process. This use will help make the commercial area of Olney more pedestrian friendly and accessible without having to drive to these commercial areas. A pedestrian bridge can be built to connect to Georgia Avenue with little or no detrimental environmental impact to the local stream and wetlands. As a final step the land should be transferred to the Montgomery County Department of Parks and Recreation or to the MNCPPC Parks Department and out of the hands of the County or Department of Transportation.

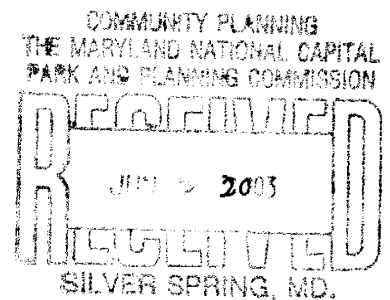
Thank you for your cooperation,

Sincerely,



Shireen Ambush, PCAM
Property Manager for
Fair Hill Farm HOA

CC: Board of Directors



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Chambers Management Inc.

GENERAL OFFICES
12051 TECH ROAD, SUITE B • SILVER SPRING, MARYLAND 20904-1999

TEL. (301) 680-0700 TOLL FREE (866) 680-0800

FAX. (301) 680-0380

CHMBMCMT@AOL.COM

May 29, 2003

REAL ESTATE
MANAGEMENT
SALES
INVESTMENT

Mr. Khalid Afzal
Montgomery County Department of Park and Planning
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Dear Mr. Afzal:

The Townes at Environ Homeowners Association (HOA) is a one hundred and forty-seven (147) townhouse community in Olney, Maryland. The HOA is located along Marksman Circle and Appomatax Way and includes the street of Fox Chase Circle, Paladin Terrace and Paladin Drive.

We are concerned about the potential development of the Appomatax Way extension. Since the 1980's when the HOA was developed the Appomatax Way extension has always been a grass and wooded area. We have numerous homes that back to this green area and it provides a perfect buffer between our neighborhood and the Olney Village Mart Shopping Center. For many reasons we would like to preserve this area as a parkland buffer.

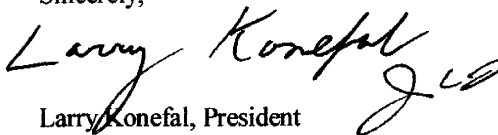
Our opposition is the expansion of Appomatax Way is not needed. The master plan states that if Prince Phillip is built then Appomatax Way is not needed. The planning board already decided on February 18, 1995 that the road was not needed. Extending Appomatax Way to Georgia Avenue does not solve any traffic problems. Prince Phillip already provides access to Georgia Avenue. Furthermore, residents in Olney as well as the State Highway Administration will not likely want more dangerous left turns onto Georgia Avenue or another traffic signal close to Prince Phillip.

Recently, we have been informed that MNCPPC staff is recommending that a traffic circle is needed around the Olney Town Center. If research supports the need to establish a traffic circle around the Olney Town Center other options such as the expansion of Hillcrest need to be explored. The expansion of Hillcrest would establish the traffic circle without disturbing our neighborhood or our local stream and wetlands. Our HOA would like access to all research-based information gathered by MNCPPC staff that supports the need for a traffic circle around the Olney Town Center.

Our preferred future use of the Appomatax Way extension is as a park extension of the trailways/greenspace path system, connecting our community to the stream valley open space system. The area should have landscaping and be a pathway connection to Georgia Avenue for pedestrian traffic as previously suggested during the new master plan draft planning process. This use will help make the commercial area of Olney more pedestrian friendly and accessible without having to drive to these commercial areas. A pedestrian bridge can be built to connect to Georgia Avenue with little or no detrimental environmental impact to the local stream and wetlands. As a final step the land should be transferred to the Montgomery County Department of Parks and Recreation or to the MNCPPC Parks Department and out of the hands of the County or Department of Transportation.

Thank you for your cooperation,

Sincerely,



Larry Konefal, President

Townes at Environ Homeowners Association

We Work For You

47

Chair, Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

March 11, 2003

Dear Sir,

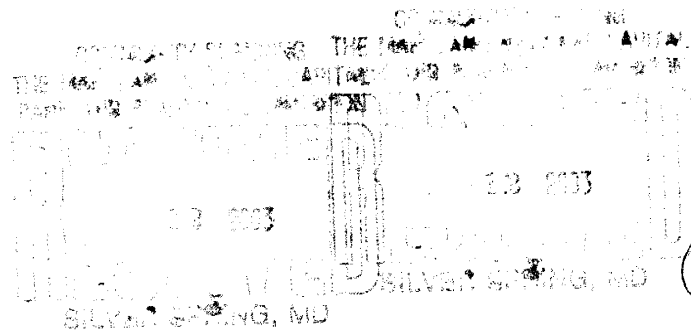
I am writing on behalf of the various owners of the properties collectively known as the "Nash Farm" located on the Brookeville area of Montgomery County. As you know, a number of years ago, the county downzoned this property from one house per two acres to one house per twenty-five acres. As you revise the current Olney Master Plan, we hope that you will reconsider this zoning and substitute instead a Rural Neighborhood Cluster zoning, which would allow a much more reasonable use of this property. As you may know, much of this property is crisscrossed by streams and dense rock formations, which would prevent building in those areas. If houses could be clustered more densely in the buildable areas, this would leave large areas of open space to be enjoyed should this area ever be developed. It would also help avoid the sort of "McMansion sprawl," whose disadvantages were so clearly outlined in a long article in the March 9 Washington Post, which I'm sure you saw. As you know, we have worked hard to preserve this land as a farm while many people around us have sold out to developers. We want to continue to do so as long as possible. As you are no doubt aware, however, it is becoming increasingly difficult each year to farm in Montgomery county, as there are fewer and fewer people available to do the actual farming. Moreover, each year it becomes increasingly difficult to find an insurance company willing to insure farms. It may well eventually become impossible for us to maintain this lifestyle. I hope that you will consider these problems as you consider the Olney Master Plan and revise it appropriately so it benefits everyone involved.

Sincerely,



Jane C. Nash Maller
P.O. Box 709
Olney, MD 20830

cc John Carter
Khalid Aszal



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STRASBURG, VA (540) 465-4040

GAITHERSBURG, MD (301) 565-2560

February 23, 2004

To: DERICK P. BERLAGE, Chairman, and
Members of the Montgomery County Planning Board:

From: Kenneth W. Lyon, President, Greater Maryland Properties.

THE 45 ACRE KUPERSMIDT PROPERTY is the fifth largest undeveloped property in the Southeast Quadrant and deserves the attention given to the other four "Major Properties".

Practically in the shadows of Leisure World, a cluster of smaller RNC lots can be sewered by gravity into the existing line on Norbeck Road. (See attached letter from the WSSC.)

We have no wetlands or floodplain, no significant forests to protect, no steep slopes and no sensitive areas, but we do have a high water table! Denying sewer to the southern portion of the Kupersmidt Property makes even a .2 acre density impossible and is therefore TANTAMOUNT TO CONDEMNATION! RNC without sewer, under these circumstances, is totally unworkable.

Permitting existing sewer to be used for a small southern portion of the Kupersmidt land can easily accommodate the units allowed by a .33 density, leaving the balance of the land in open space. This would be FAR BETTER ENVIRONMENTALLY than covering the entire tract with shallow sub-surface septic drain fields on yet a few more "estate lots". A revised sewer envelope can well include only the southern portion of the total 45 acres.

WE ASK THAT YOU REVIEW AND CORRECT THIS CRITICAL MATTER.

Respectfully submitted by:
Kenneth W. Lyon for E.M. Kupersmidt

cc to: All parties of interest

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**HOUSING
OPPORTUNITIES
COMMISSION**
OF MONTGOMERY COUNTY, MD

10400 Detrick Avenue
Kensington, Maryland 20895-2484
(301) 929-6700

February 13, 2004

RECEIVED
FEB 18 2004

Mr. Derick Berlage
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

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

Dear Mr. Berlage,

As a result of the survey of surplus County property, the Housing Opportunities Commission (HOC) became aware of the Bowie Mill site. We are excited about its potential to contribute to the supply of affordable housing in the form of a mixed income development. The site also presents a unique opportunity to implement innovative and high quality housing design. Your current considerations of the Olney Master Plan will significantly shape what happens to this property. We want to share our vision for it with you as you proceed through your deliberations of the Staff Draft.

A vacant property this large presents a unique opportunity for the County's decision makers to do something productive and dramatic in the cause of affordable housing. We envision using the site to spotlight how innovative, attractive and feasible a fairly dense, mixed income housing community can be. In fact, Commissioner Ralph Bennett has already introduced his architecture students to the property and challenged them to produce creative approaches to building a mixed income housing community there. With 32 acres, it is large enough to fashion a genuine community.

A clear, unequivocal Planning Board recommendation to use the Bowie Mill site for affordable housing will streamline the development approval process. The PD zones might be a good place to begin in figuring out how to bring a compatible housing community to the site. Those zones require a development plan and site plan approval. They also require conformance with the master plan.

To emphasize factors you already know, the affordability of the housing is enhanced by keeping land prices down, hence the attraction of using surplus public land. In addition, affordable housing on the Bowie Mill site is not a substitute for affordable housing elsewhere in Olney, and vice versa. Scattering affordable housing has been a fundamental principle of the County's housing policy for at least thirty years.

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Mr. Derick Berlage
February 13, 2004
Page Two

We're excited about the potential here. HOC could bring the County a premier, innovative, mixed income community that provides housing for the full range of residents. We look forward to continuing to discuss our ideas for this property with you.

Sincerely yours,



D. Scott Minton
Executive Director

Preller, Barbara

From: Shalom Lewis [shalomlewis@yahoo.com]
Sent: Tuesday, February 10, 2004 2:07 PM
To: MCP-Chairman; county.council@montgomerycountymd.gov
Subject: Planning board recommendations for Olney Master Plan

RECEIVED
01/94
FEB 11 2004

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

Dear Council Members and Planning Board Chairman,

I am a resident of Olney, specifically on Bowie Mill Road. I have been involved in the Master Plan Amendment process from the beginning, and I was a member of the MPAG working with Khalid Afzal. I am very concerned about the proposed development for the 32-acre parcel of land on Bowie Mill Road.

In my opinion, the level of congestion on Bowie Mill Road is already a problem. I also agree with the Planning Board recommendation that some housing should be allowed on this parcel of land. I can tell you from first-hand experience that Bowie Mill Road is currently the favored route for commuters and truckers traveling between Gaithersburg/North Rockville and Olney, Clarksville, Damascus, Laytonsville, Ashton, Sandy Spring, and Brookeville. My home is in the north-eastern end of the street, where there are many young families and the homes are built relatively close to the street. I have reason to be concerned for the safety of my family every time we exit or enter our driveway. In addition, speed, litter, and noise are significant problems for all the residents in this section of our street.

I want to make it clear that a significant number of homes built along Bowie Mill Road will only make matters worse to the point of unbearable. I heard a rumor that Fannie Mae is trying to force a large number of low-cost housing units into this site. This is a big mistake. This cannot be allowed to happen. Access to public transit from this site is very poor, and expanding the road to handle the increased traffic and needed Metro busses would have a negative impact on the quality of life and nature of the community. Currently all buildings on Bowie Mill Road are single-family homes or farms. I can tell you now that the residents in this part of Olney are all asking whether they will have to relocate in order to maintain their current quality of life.

Please let me know if my information is incorrect. If not, tell me what I can do to help change this plan.

Thank you,
Shalom Lewis
18516 Bowie Mill Road
Olney, MD 20832
shalomlewis@yahoo.com

Do you Yahoo!?
Yahoo! Finance: Get your refund fast by filing online.
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MEMO to Montgomery County Planning Board
From Pamela Lindstrom
Subject: Olney Master Plan

In my ongoing interest in the implementation of the balanced land use concepts, I read the draft of the Olney Master Plan, some public input and staff reports for the Planning Board worksessions. The draft plan does not fulfill the spirit of the balanced land use concept adopted by the Board and the County Council after the Transportation Policy Report. There were good reasons for adopting those principles, and they should not casually slip away.

The balanced land use (BLU) concept advises the following for Olney:

1. Most of the planning area is beyond the reach of public transit;
2. The whole Georgia Avenue corridor has a large surplus of housing over jobs, causing excessive long-distance commuting, especially to the I 270 Corridor.
3. Olney an even lower job/housing balance than the Georgia Avenue corridor as a whole.

The recommendation was to whittle away housing capacity from the undeveloped properties in the fringes, and add jobs in the Town Center. I acknowledge the underlying vision of Olney as a satellite bedroom town. But the concept has been carried too far. The overwhelming need to commute outward is bad for the residents and for the natural areas in and around Olney.

The draft master plan states the objective of improving the job/housing balance, however, it does not propose zoning or development capacities that would achieve that objective. Recent actions by the Planning Board would make the ratio even worse.

The analysis done for the TPR shows that the land use modifications contained in the transit scenario reduce Olney's peak hour vehicle trips by 10% compared to the master planned baseline, and reduce trips to the I 270 Corridor by 19%. That is a very significant reduction of traffic, on road systems that are similar. (Neither the baseline nor the transit scenario includes the ICC. The baseline contains the partial extension of Midcounty Highway; the transit scenario widens Muncaster Mill Road to four lanes.)

To achieve such a reduction, the BLU scenario added 1000 jobs to the capacity of the Town Center, and reduced the housing capacity by about 1000. The draft plan adds some job capacity (300,000 square feet, or about 600-900 jobs, depending on how much of the business is retail). But it also ADDS housing units. The j/h ratio remains at 0.57, the lowest of any fairly densely developed area of the County.

It looks like achieving the BLU reduction in housing growth below 13,000 is not possible. But it CAN be reduced to below the 14,400, which is the buildout of current zoning. The zoning capacity has apparently increased since 2000 - when the TPR analysis was done, the zoning capacity was about 13,500. We have that now existing and in the pipeline, and can still build nearly 1000 more units!

This increase is bad for more issues than just traffic. The impervious area count for many stream valleys is already over the recommended limit of 10-12%, a situation to be made worse by the ICC.

I realize that the Board is strongly motivated to stem the leaking away of moderately priced housing. But rezoning which adds hundreds of dwelling units, just for the small fraction of MPDUs makes no sense. The costs are too great. Furthermore,0 savings for housing will be offset by higher transportation costs, since every trip by any household member will require a car.

I recommend the following: Reduce the housing densities recommended in the Southeast Quadrant and the other large parcels in Southern Olney. It is a good idea to increase housing in the Town Center, but that should also be compensated by reductions elsewhere.

Set the same low limits on impervious area that were set in Upper Rock Creek. Southern Olney contains the headwaters for the same streams that you tried so hard to protect Upper Rock Creek; it makes no sense to allow more impervious area here.

Add somewhat more employment to the center. This should definitely NOT be predominantly retail. The plan refers to "retail and commercial" businesses. But commercial is often a synonym for retail. What the Olney Town Center needs is some businesses to provide jobs that can support families and avoid long commutes out of the area, not just second or third jobs in chain stores for low pay.

I will support increased housing at Shady Grove and any reasonable location at a Metro station or other places near job centers. But not in Olney. The Planning Board has received extensive testimony from the Olney civic associations that appears to oppose MPDUs. In fact, they are opposing the big increase in housing density that goes along with MPDUs. The Board members need to think more clearly about where that housing density is appropriate and where it is not. If you make the same case in Olney as you make in Shady Grove, you risk turning neighborhood activists everywhere against affordable housing.

HOLLAND & KNIGHT LLP

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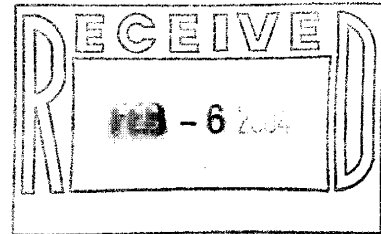
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| *Representative Office | |

February 6, 2004

ROBERT R. HARRIS
301-215-6607
robert.harris@hklaw.com

HAND DELIVERY

Derrick Berlage, Esq.
Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910



Re: Olney Master Plan - Golden Bear Property

Dear Chairman Berlage:

I found the Planning Board's discussion of the Olney Master Plan housing issues last night to be very interesting. It was clear that you and your fellow commissioners are working diligently to find new housing opportunities in Olney to meet future population growth in a way that recognizes the environment, the transportation system, and neighborhood compatibility. I fully support the effort to expand housing opportunities beyond those possible under the previous Olney Master Plan adopted nearly 25 years ago.

I want to respond to several of the questions you and the other commissioners raised with respect to the Golden Bear property and the PD-7 zoning you discussed. First, with respect to the question of design and development controls under the PD-7 Zone, you and the County Council together have perhaps the most comprehensive controls of any zone. The PD Zone itself has an extensive list of purposes to be addressed by any development, including urban design which facilitates interaction; a range of housing types; effective open space; pedestrian circulation; unified development; and compatibility. The PD Zone also is one of a limited number of zones in Montgomery County requiring proof of these objectives through review of a Development Plan under § 59-D-1 of the Zoning Ordinance at the time of rezoning. This means that the

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property would not be rezoned by Sectional Map Amendment under the Master Plan, but rather, requires the individual property owner to prepare a Development Plan showing how the property would be developed and addressing the various standards of the PD-7 Zone. Therefore, even before the property is rezoned, you and the Council will determine the appropriate response to these and other issues. The zone also requires both subdivision and Site Plan approval. Under the Subdivision Regulations, the Preliminary Plan of Subdivision must conform with recommendations in the Master Plan. Therefore, through Master Plan provisions, this zone gives the County a maximum of control in terms of traffic, environment, compatibility, design, pedestrian safety and other issues.

Second, the discussion focused on both the 32-acre area closest to the Georgia Avenue/Norbeck Road intersection (the area controlled by Winchester Homes) as well as the remainder of the 85-acre "Golden Bear Area." Use of the PD Zone for this entire area would enable integrated development for its entirety probably beginning with the 32-acre portion for which concept plans have already been prepared, and followed later by the remainder if and when those property owners are interested in incorporating their properties into a comprehensive planned development. When such zoning and development applications proceed, you obviously will have the ability to ensure that all of the pieces fit together in the comprehensive manner as envisioned by PD zoning.

We remain committed to addressing each of the pertinent issues related to development of this property. We appreciate the Planning Board's initial recommendation of PD-7 zoning in order to accomplish this.

Very truly yours,

HOLLAND & KNIGHT LLP



Robert R. Harris

cc: Planning Board Members
John Carter
Khalid Afzal

Afzal, Khalid

From: Jack & Pauline Barnes [bak.mim@verizon.net]
Sent: Thursday, February 12, 2004 2:30 PM
To: Afzal, Khalid
Subject: FW: Draft Olney Master Plan

-----Original Message-----

From: **Jack & Pauline Barnes** [mailto:bak.mim@verizon.net]
Sent: Monday, February 09, 2004 10:47 AM
To: Khalid.Afzal@mncppc.mc.org
Subject: FW: Draft Olney Master Plan

-----Original Message-----

From: **Jack & Pauline Barnes** [mailto:bak.mim@verizon.net]
Sent: Friday, February 06, 2004 10:22 AM
To: Khalid.Afzal@mncppc.mc.org
Subject: Draft Olney Master Plan

Dear Mr. Afzal:

Thanks for the opportunity to express our concerns over the Plan as it relates to our property on Emory Church Road. I am writing on behalf of myself, my brother, and sister—co-owners of the 8 acres listed as "CHAS & BENJ 602/228". There is an error in the acreage stated for our property: it should be 8 acres, not 10.

- First, there is a real need for a Glossary of Terms: several acronyms don't mean anything unless they are defined. For example, what does "RNC" mean—it is mentioned several times in the Draft. Clarify "community water and sewer" vs. "community water and septic systems": for example, this vagueness appears on pages 34 and 35.
- How did the Advisory Group/Planning Board arrive at the zoning changes made in the Draft? We need to know the Criteria used in developing the changes.
- We are opposed to the proposed downzoning of our property from "RE-2" to "RNC" ON COMMUNITY WATER AND SEPTIC SYSTEMS with 0.2 units/acre. Our land is on slow-poor PERC soil. Excluding us from the proposed Sewer Service Area would greatly increase the potential for Northwest Branch watershed contamination from septic system escape from any system we were to place on the property. When we were living on the farmette years ago, we had various instances of septic system escape!
- Please let us know the next steps in moving to final approval of the Plan. WHEN WILL THE NEXT PUBLIC HEARING BE HELD?

Sincerely,

JOHN M. BARNES
et. al.

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January 30, 2004

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

From: The Olney Coalition
Barbara Falcigno, Secretary

Re: Recommended Use of 32-Acre School Site on Bowie Mill Road

Dear Chairman Berlage:

I am writing to express the Olney Coalition's concern that the search for suitable locations for affordable housing and the DHCA's accelerated disposition process for surplus school sites have disrupted the normal community based master planning process.

As a result, the staff recommendation for the 32-acre school site on Bowie Mill Road states: "If the property is not needed for educational purposes, it should be used for affordable housing." This recommendation was developed without community input and without consideration of other needs or possible land uses. The Olney Coalition does not support this recommendation.

Throughout the MPAC discussions, the team lead believed the site would be a school. At some point between June 2003 and the release of the Public Hearing Draft in July 2003, the recommended use changed. There was no notification of this change in the land use recommendation to adjacent property owners and no alternative uses were assessed by the public.

The Olney Coalition is working with the planning staff to provide community input and to explore other possible uses. Right before the Christmas holiday, a survey was sent out to 300 homes in the neighborhoods surrounding the site (Norbeck Grove, Briar Acres, Olney Oaks, Olney Square, Olney Acres, Oatland Farms). We had a 23% response rate and have shared the results with staff. The results show that the most desirable use for this property is recreation and the least desirable use is housing.

We request the Planning Board close the gap regarding public input for this site by taking the following three actions.

- 1) Notify adjacent property owners of the change in recommended use.
- 2) Direct staff to evaluate other needs and alternative uses for this site.
- 3) Hold at least one well-publicized meeting to involve the public in a discussion of alternative uses.

Thank you for your consideration.

Sincerely,



Barbara Falcigno
Secretary, Olney Coalition

Copies to: J. Robinson, M. Wellington, A. Bryant, W. Purdue, S. Silverman (County Council)

RECEIVED

JAN 30 2004

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

58



Norbeck
COUNTRY CLUB

March 5, 2004

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

Derick Derlage
Chairman
Montgomery County Planning Board
Maryland National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Olney Master Plan - Norbeck Country Club

Dear Mr. Derlage:

I am writing on behalf of Norbeck Country Club which is a member owned club operating a golf course, tennis facility, pool, health club and clubhouse for the benefit of its members and their guests on 198 acres contained within the Olney master plan area. The property is currently zoned RE-1 and apparently is proposed to be rezoned RNC with a density of one unit per three acres. Norbeck is requesting that the zoning for its property remain unchanged. Although we have no plans to develop the property, the Board of the Club has a responsibility to its members to preserve the value of the property. Also that value allows us to borrow funds to improve and maintain our facilities.

This year will be Norbeck's fiftieth anniversary as a country club. During that time we have preserved a large area of open space and conserved the forests and stream beds on the property to the benefit of the residences in the area. It appears that as a reward for not developing the property as others around us have (e.g. Brooke Manor), your staff has decided to down zone the property. The environmental issues suggested to me by the staff as justification for the change are virtually the same now in regard to the property as they have been for the last twenty years. Nothing has changed which would be a basis for the down zoning.

Over the last ten years and in particular over the last year, the agencies of government that appear to want to encourage the maintenance of open space, have in very real and practical ways discouraged it. Norbeck is not a wealthy club. In order to stay in business and "compete" in the country club market place, we have had to incur debt and expend virtually millions of dollars to upgrade and augment our golf course and facilities. Without these efforts the Club would not be able to stay in business, and the open space would no doubt be gone to residential development.

Instead of facilitating this effort, your agency and other governmental agencies have caused us to spend incredible amounts of time and money for no beneficial reason to complete these renovations. As examples of this, we lost six months in our current building schedule when your

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staff refused to approve permits and demanded we plat the property despite a previous waiver of subdivision plat requirements (ultimately the Board again waived the requirement). We have also been required to provide inventories, surveys and tree conservation agreements (at substantial cost) despite the fact that we plant trees every year and will not be removing any as part of the current projects. There are many other examples.

If the staff and the Planning Board want to encourage the maintenance of open space, you should look for ways to assist not hinder the efforts of those that provide it. Down zoning the property sends the message that owners, such as Norbeck, had better develop their properties while they can before they are arbitrarily devalued.

We have protected the forests and streams on our property and maintained the open space in the middle of upscale residential development. In return, all we are asking is that you leave the current zoning in place. I thank you for your consideration, and if you have any questions please contact me at 301-699-5800.

Very truly yours,



Robert H Rosenbaum
First Vice President

N:\COMM\Debbie\NORBECK\derlage letter.doc

September 25, 2003

Stephen Z. Kaufman
301.961.5156
skaufman@linowes-law.com

Emily J. Vaias
301.961.5174
evaias@linowes-law.com

Via Hand Delivery

Derick Berlage, Chairman and
Members of the Planning Board
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Olney Master Plan Public Hearing/Staff Draft -- Hyde Property

Dear Mr. Berlage and Members of the Planning Board:

On behalf of the property owners and contract purchasers of the Hyde Property, the Hyde family and Centex-Laing, we are submitting the comments below on the Olney Master Plan Public Hearing /Staff Draft (the "Draft"). The Hyde Property consists of approximately 107 acres on both sides of Batchellors Forest Road near its intersection with Dr. Bird Road. (The Hyde Property is partially identified on pages 25 and 26 of the Draft. We note that the maps do not show the western portion of the Hyde Property. To avoid any confusion, we strongly recommend that the western portion of the Hyde Property be identified as the future home of Our Lady of Good Counsel High School.) As you are already aware, Our Lady of Good Counsel High School ("Good Counsel") is planning to relocate from Wheaton to the western half of the Hyde Property, currently zoned RC (Rural Cluster), and has received preliminary plan approval. The Draft recommends retaining the current RC Zone on the western half of the Hyde Property at a density of 0.2 units per acre. As for the eastern portion of the Hyde Property, it is currently zoned RE-2 and the Draft recommends rezoning it to RNC (Rural Neighborhood Cluster) at a density of 0.33 units per acre.

First and foremost, our position is that the entire Hyde Property should be rezoned to RNC and the density of the Hyde Property should be determined by the unique physical characteristics of the Property and the development standards of the RNC zone, not by an arbitrary number set forth in the Master Plan. The Draft selects this arbitrary 0.33 units per acre density for all of

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Derick Berlage, Chairman and
Members of the Planning Board
September 25, 2003
Page 2

the larger properties in the Southeast Quadrant when each property may have its own assets and restrictions that may warrant a different density. The RNC Zone has significant development design restrictions including unit type, lot size, lot coverage, and both common and rural open space requirements, which will be defined at the time of site plan review. These criteria should be applied at that time and an appropriate housing density ascertained by review of an actual neighborhood design rather than set by a broad guideline such as the Master Plan. Regulating density through planning is prohibited by Maryland case law. In *West Montgomery County Citizen Association v. M-NCPPC*, 309 Md. 183, 522 A.2d 1328 (1987), the Court of Appeals invalidated a Montgomery County zoning decision concerning density because that decision was made by the District Council through the "planning process" rather than through the "zoning process" as required by State law.

Further, in order to achieve a reasonable development density and provide needed community services, the definition of "Rural Open Space" should be expanded to include recreational areas such as ball fields. As the Olney area matures, providing these areas becomes more critical to properly serve the community and avoid long commutes for recreational activities.

We strongly believe application of the optional method of development under the RNC zone to the entire Hyde Property, both the eastern and western portions, will best achieve the public goals of preserving sensitive environmental areas and open space, minimizing impervious area, and protecting the character of existing neighborhoods. These goals would be achieved through the use of existing public infrastructure, dedication of natural open space, flexibility in lot sizes, and site plan approval under the optional method of development. Dedication of open space also will provide the best environmental protection because the open space would be under government control and ownership.

Finally, if MPDUs are required in the RNC and other low density zones, the number of MPDUs required should be calculated by first determining the base density of the property, utilizing the development standards of the optional method of development (as discussed above). Thereafter, when MPDUs are added in an agreed upon percentage based on the requirements of Chapter 25A of the Montgomery County Code, a second set of development standards (similar to those used in existing MPDU zones) should apply to allow flexibility in unit types (including townhouses), lot sizes (as small as 2,000 square feet), rural open space (reducing the requirement from 65% to 50%), and lot coverage (e.g., increasing coverage from 35% to 50%).

As the Board is aware, this Property is currently going through the subdivision process and the property owners, through Good Counsel's Preliminary Plan Application, have reserved the

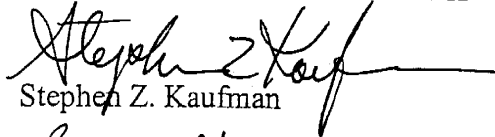
Derick Berlage, Chairman and
Members of the Planning Board
September 25, 2003
Page 3

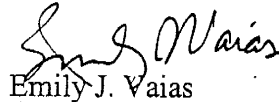
right to transfer density to the remaining portion of the Property. Assuming a cluster zone is used, the balance of the Property will be before the Board for further subdivision revision.

Thank you for your consideration of our comments. Should you have any questions, we will be present at the public hearing to answer them on September 25th. We look forward to working with the Planning Board and Staff at the worksessions to follow.

Sincerely yours,

LINOWES AND BLOCHER LLP


Stephen Z. Kaufman


Emily J. Vaia

cc: Mr. Henry Hyde
Mr. Art Raimo
Mr. Howard Katz
Mr. Robert Larkin
Janet Meiburger, Esq.
Yum Yu Cheng, Esq.

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

March 9, 2004

Stephen Z. Kaufman
301.961.5156
skaufman@linowes-law.com

SCHEDULED EXPRESS DELIVERY

Mr. Derick P. Berlage, Chairman, and
Members of the Planning Board
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Olney Master Plan, Casey Property, Southeast Quadrant of Olney – March 18
Worksession

Dear Chairman Berlage and Members of the Planning Board:

With respect to the above identified property and as a follow up to my recent letter to you dated February 4, 2004 (copy attached), the purpose of this correspondence is to forward to you a revised illustrative development plan for the Casey property which reflects changes in response to a number of comments received from your staff regarding sensitive environmental areas and relocation and clustering of units to provide a view corridor from Batchellors Forest Road.

You will recall the property contains approximately 91.88 acres, of which 16.76 is located on the east side of existing Batchellors Forest Road adjacent to the Farquhar Middle School. It is the current intent of the developer to dedicate the 16.76 acres for a park adjacent to the Middle School as part of the open space calculation for this property. Further, in addition to the issues raised in our February 4 letter regarding an appropriate density for properties in the southeast quadrant of Olney, we believe the environmental issues in the Olney Planning Area are significantly different than those of Upper Rock Creek Master Planning Area where the RNC zone was proposed at a .33 of an acre unit density to protect its unique environmental characteristics. The southeast quadrant of Olney, unlike Rock Creek, is not as environmentally fragile, and given the need for housing in the County, housing densities should exceed the Upper Rock Creek proposal. Accordingly, we respectfully request that the densities in the southeast quadrant in Olney should be set at least at .45 to .5 of a unit per acre, given its transitional nature between the Olney Town Center and the Sandy Spring Planning Area, where .48 of a unit per acre was achieved on the properties zoned RNC.

This particular transitional aspect is in fact recognized in the current approved Master Plan on pages 32 and 33, wherein the southeast quadrant is referred to as a buffer zone between the Olney Town Center and the more rural communities of Sandy Spring and Ashton. Accordingly, given this transitional nature and the fact that the densities are considered to be

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Mr. Derick Berlage, Chairman
Members, Montgomery County Planning Board
March 9, 2004
Page 2

significantly lower in Sandy Spring, wherein actual densities approach .48 of a unit per acre, it would appear that the transitional density should be at least that and perhaps greater.

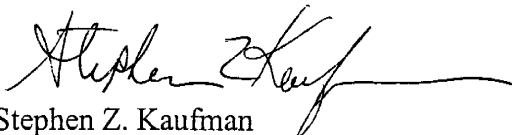
Additionally, as the staff draft points out Old Vic (formerly "Batchellors Forest Road Relocated") will allow existing Batchellors Forest Road to maintain its current rustic features and will in fact divert traffic from Route 108 through the Hyde property (Good Counsel site) and through the Casey property to a T intersection at existing Batchellors Forest just in front of Farquhar Middle School. Thus, this relocated residential primary street will also give a more direct access to residents living on the Casey, Hyde and Northwest properties to the Town Center, which is less than one mile to the west along Route 108 and will simultaneously maintain Batchellors Forest Road's low-traffic character. Accordingly, the Casey property's proximity to both Farquhar Middle School, the proposed Good Counsel High School, the Olney Theatre Centre, and several religious institutions in the immediate environs make for an ideal walkable community and would suggest a greater density than the more rural areas of Sandy Spring and Rock Creek.

In closing, just to reiterate, the illustrative plan which is provided takes into account the suggestions of your staff and represents a density of approximately .45 of a unit per acre. As can readily be seen, the rural character of the existing Batchellors Forest Road with significant setbacks of well over 300 feet provides both a preservation of the rural character of the area and a sorely needed housing resource, on lots of varying sizes, potentially including MPDUs.

Thank you for your consideration of these comments. As indicated earlier, we will be in attendance at the worksession on the 18th.

Sincerely,

LINOWES AND BLOCHER LLP


Stephen Z. Kaufman

SZK:bta

Enclosures

cc: Mr. John Carter
Mr. Khalid Afzal
Ms. Mary Dolan

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

February 4, 2004

Stephen Z. Kaufman
301.961.5156
skaufman@linowes-law.com

Mr. Derick Berlage, Chairman
Members, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Casey Property, Southeast Quadrant of Olney - Olney Master Plan Worksession
February 5, 2004

Dear Chairman Berlage and Members of the Planning Board:

With respect to the above-identified property, please be advised that our firm has recently been retained by the Oxbridge Company ("Oxbridge") to represent them in the Olney Master Plan process. Oxbridge recently become the contract purchasers of the subject property. The property contains approximately 91.88 acres, of which 16.76 is located on the east side of existing Batchellors Forest Road, with the balance of the property located on the west side of the Road, immediately adjacent on the north to the Hyde property and on the west to the Northwest property.

The purpose of this correspondence is to bring to your attention a preliminary plan of development (at a density of approximately .5 unit per acre) which Oxbridge had the engineering firm of Dewberry and Davis prepare with a diversity of lot sizes which also complies with all development standards voiced at the County Council Upper Rock Creek hearing for the RNC zone.

The density of .5 units to the acre is requested in an effort to both achieve a number of priorities which have been raised in this Master Plan process and by the County Council as well as provide an appropriate economic return. Specifically, there has been a serious question raised concerning the mix of lot sizes that can be achieved at the lower densities which were ultimately recommended in the Rock Creek Master Plan (i.e., 33 units per acre). As you can see from the enclosed plan, at .5 of a unit per acre, a range of lot sizes can be achieved from as small as 8,000 square feet, to as high as 11.8 acres, with the predominate lot sizes ranging in the middle. Additionally, an open space percentage of approximately 69% can be achieved at an estimated impervious calculation of 8.21%. The concept plan also anticipates that the 16.76 acres of land on the east side of Batchellors Forest Road would be dedicated to the Parks Department as it is immediately adjacent to the Farquhar Middle School. It should also be

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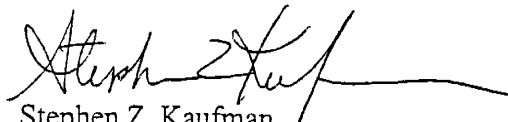
Mr. Derick Berlage, Chairman
February 4, 2004
Page 2

noted that relocated (or new Batchellors Forest Road) which traverses the property to be developed by the Good Counsel High School also will traverse the Casey property and intersect existing Batchellors Forest Road in front of Farquhar Middle School.

We do apologize for the lateness of this submission. Unfortunately, because the purchase contract was only recently entered into, this was the earliest Oxbridge could transmit its development plan to you for consideration. We will be available to discuss this matter at the worksession on February 5, and look forward to continuing working with Planning Board and Staff as this Master Plan moves towards approval by the County Council.

Sincerely,

LINOWES AND BLOCHER LLP


Stephen Z. Kaufman

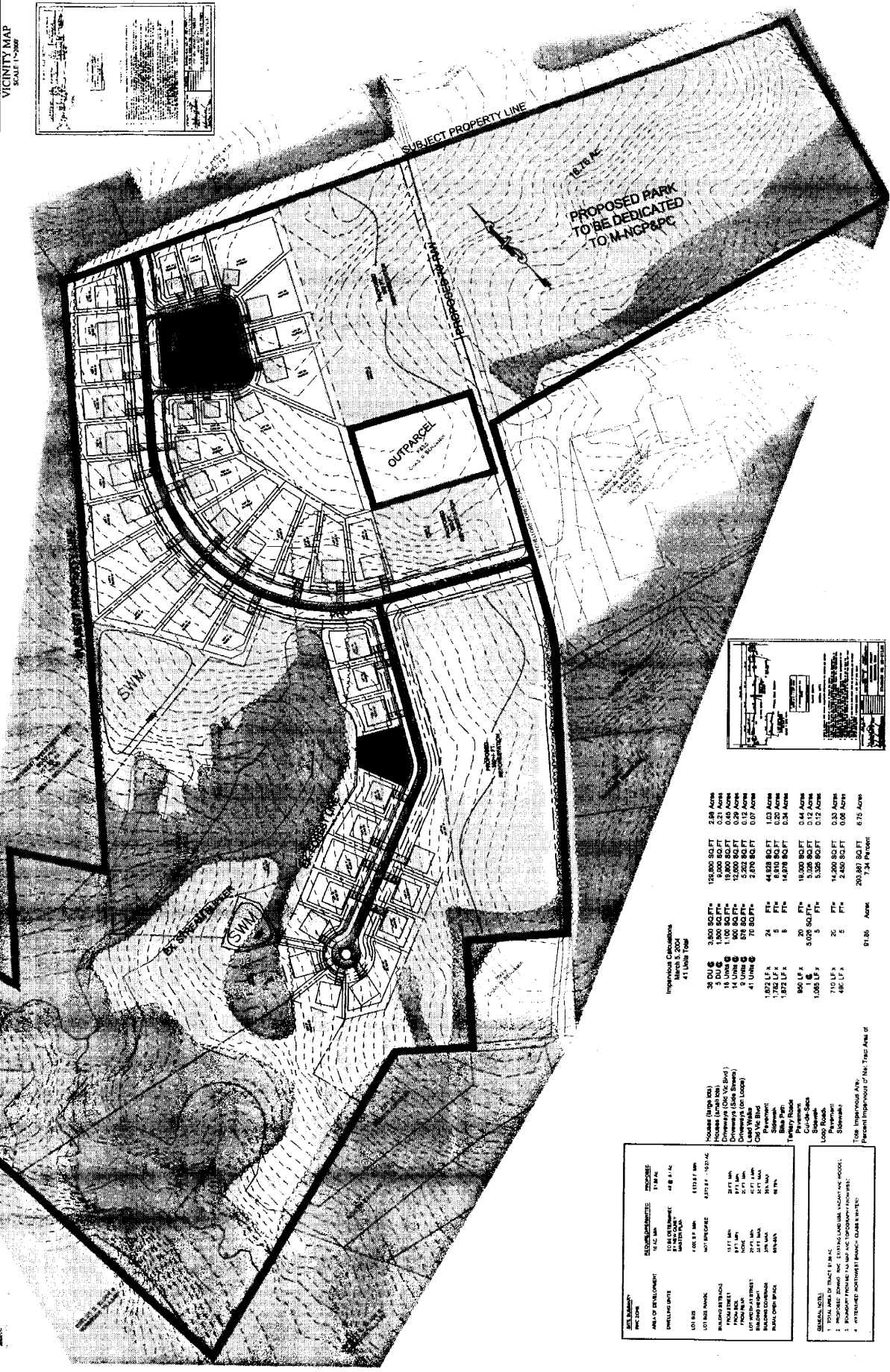
SZK:bta

cc: Mr. Khalid Afzal
Mr. John Carter
Mr. Sami Totah
Mr. Elliot Totah
Mr. James Crawford

| NO. | REVISION | BY | DATE |
|-----|---|----|--------|
| 1 | ADDED SWIMMING POOL, BATH, AND ACCESSORY BUILDING | MS | 3/3/04 |
| 2 | REVISED SWIMMING POOL, BATH, AND ACCESSORY BUILDING | MS | 3/3/04 |
| 3 | REVISED SWIMMING POOL, BATH, AND ACCESSORY BUILDING | MS | 3/3/04 |

SCALE IN FEET

Rural Open Space Calculations
 Gross Tract 91.88 Acres
 Rural Open Space 64.11 Acres
 Percent Open Space 69.78 %



VICINITY MAP
 SCALE: 1"=1/2 MI

| DESCRIPTION | AREA (AC) | PERCENT |
|---------------------|-----------|---------|
| TOTAL AREA OF TRACT | 91.88 | 100% |
| RURAL OPEN SPACE | 64.11 | 69.78% |
| IMPROVED AREAS | 27.77 | 30.22% |

Impervious Calculations
 March 5, 2004
 41 Lots Total

| Lot # | Area (sq ft) | Area (Ac) |
|--------------|----------------|-------------|
| 1 | 125,000 | 2.84 |
| 2 | 15,000 | 0.34 |
| 3 | 15,000 | 0.34 |
| 4 | 15,000 | 0.34 |
| 5 | 15,000 | 0.34 |
| 6 | 15,000 | 0.34 |
| 7 | 15,000 | 0.34 |
| 8 | 15,000 | 0.34 |
| 9 | 15,000 | 0.34 |
| 10 | 15,000 | 0.34 |
| 11 | 15,000 | 0.34 |
| 12 | 15,000 | 0.34 |
| 13 | 15,000 | 0.34 |
| 14 | 15,000 | 0.34 |
| 15 | 15,000 | 0.34 |
| 16 | 15,000 | 0.34 |
| 17 | 15,000 | 0.34 |
| 18 | 15,000 | 0.34 |
| 19 | 15,000 | 0.34 |
| 20 | 15,000 | 0.34 |
| 21 | 15,000 | 0.34 |
| 22 | 15,000 | 0.34 |
| 23 | 15,000 | 0.34 |
| 24 | 15,000 | 0.34 |
| 25 | 15,000 | 0.34 |
| 26 | 15,000 | 0.34 |
| 27 | 15,000 | 0.34 |
| 28 | 15,000 | 0.34 |
| 29 | 15,000 | 0.34 |
| 30 | 15,000 | 0.34 |
| 31 | 15,000 | 0.34 |
| 32 | 15,000 | 0.34 |
| 33 | 15,000 | 0.34 |
| 34 | 15,000 | 0.34 |
| 35 | 15,000 | 0.34 |
| 36 | 15,000 | 0.34 |
| 37 | 15,000 | 0.34 |
| 38 | 15,000 | 0.34 |
| 39 | 15,000 | 0.34 |
| 40 | 15,000 | 0.34 |
| 41 | 15,000 | 0.34 |
| Total | 203,987 | 4.67 |

| ITEM | DESCRIPTION | AREA (SQ FT) | AREA (AC) |
|--------------|---------------------------|--------------|-----------|
| 1 | RESIDENTIAL UNITS | 15,000 | 0.34 |
| 2 | DRIVEWAYS (10% V.C. Blvd) | 1,000 | 0.02 |
| 3 | DRIVEWAYS (5% V.C. Driv) | 500 | 0.01 |
| 4 | CONCRETE (Slope Drains) | 2,000 | 0.05 |
| 5 | LAND WALKS | 10,000 | 0.23 |
| 6 | CONCRETE (Lot Driv) | 10,000 | 0.23 |
| 7 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 8 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 9 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 10 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 11 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 12 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 13 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 14 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 15 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 16 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 17 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 18 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
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| 31 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 32 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 33 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 34 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 35 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 36 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 37 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 38 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 39 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 40 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| 41 | CONCRETE (V.C. Blvd) | 10,000 | 0.23 |
| Total | 203,987 | 4.67 | |

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LINOWES
AND | BLOCHER LLP
ATTORNEYS AT LAW

March 10, 2004

Stephen Z. Kaufman
301.961.5156
skaufman@linowes-law.com

Mr. Derick P. Berlage, Chairman, and
Members of the Planning Board
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Southeast quadrant of the Olney Master Plan; property identified as the Hyde property, consisting of approximately 107 acres located on both sides of existing Batchellors Forest Road near its intersection with Dr. Bird Road

Dear Chairman Berlage and Members of the Planning Board:

With regard to the above-identified Master Plan draft and property, and on behalf of our client, Batchellors Forest, LLC, (a joint venture entity partnership consisting of Centex Homes, a Nevada general partnership, and WL Homes, LLC, a Delaware limited liability company doing business as John Laing Homes, Washington Division), we would like to take one last opportunity to present to you our client's position and vision with regard to both an appropriate residential density and zoning classification for the entire Hyde property.

By way of background, you will recall that at staff's request the Good Counsel campus preliminary plan was revised in order to consolidate the campus facilities entirely on the western portion of the Hyde property. As a result of this change, maximum stream valley protection and forest preservation was achieved, as was retention of existing Batchellors Forest Road as a rural and rustic resource. The contract purchaser, Batchellors Forest LLC, and the School applicant agreed to make the requested revisions only with the understanding that (1) the residential density from the western portion of the property could at a later date be transferred to the eastern portion of the property, (2) public water and sewer would be available to facilitate the development of the eastern portion of the property, and (3) the use of a cluster zone (for example, RNC) would ultimately be recommended by the revisions to the Master Plan. The western portion of the property currently has cluster zoning that permits utilization of public water and sewer (5 acre cluster).

Subsequently, the revised Good Counsel preliminary plan was approved and is now vested for placement of the High School on that portion of the Hyde property west of existing Batchellors

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Mr. Derick Berlage, Chairman
March 10, 2004
Page 2

Forest Road. The staff Master Plan draft does, in fact, recognize that density (under either the existing zoning and/or potentially under reclassification to the RNC zone) attributed to the western portion of the Hyde property is to be transferred to the eastern portion under applicable cluster provisions. Unfortunately, contrary to our repeated requests, the staff draft only recommends the eastern portion of the Hyde property be rezoned to the RNC Cluster Zone, in part, we believe, because it would be difficult, given the institutional use on the western portion of property to meet the current RNC minimum 65% open space requirement. We agree with staff that this is a significant issue, however, we have also stated on numerous occasions, including our letter of September 25, 2003 (copy enclosed) that current RNC development standards need to be modified with regard to both potential for MPDU inclusion and for future institutional uses either permitted as a matter of right or by special exception within the zone (of which there are several).

Accordingly, once again we respectfully request that the Board give serious consideration to placing the entire Hyde property into the RNC Zone with the further request that when the zone is modified as directed by the County Council to provide development standards for the inclusion of MPDUs, the proposed text amendment also take into account institutional uses which in all likelihood otherwise will never be able to meet either open space requirements or impervious cap standards being applied on a case-by-case basis in low density areas. Also, as pointed out in our September 25, 2003 letter, not only should the percentage of open space required be adjusted to accommodate MPDUs and non-governmental institutional uses, the definition of what qualifies as open space needs to be addressed. Specifically, we have suggested that recreational ballfields and/or other passive grass areas be counted towards open space percentage requirements.

Regarding an appropriate level of density for the entire Hyde property, clearly, the southeast quadrant of the Olney Master Plan is somewhat different than the recently revised Rock Creek Master Plan. Olney has from the point of adoption of the 1966 Master Plan been viewed as an area with significant present and future housing potential due to its close proximity to employment centers and the nearby availability of public and private services within the town center. These factors, taken into account with recent developments regarding potential legislation to require MPDU's in the RNC and other low-density zones, strongly suggest that .33 units per acre in the RNC Zone is a significant under-utilization of this resource which has adequate public facilities immediately available. Rather, we recommend (as has been recommended by many others) a more appropriate base density for the southeast quadrant of the Olney Master Plan is at least .45 units per acre with an increase to .48 units if MPDUs are required. If .48 units per acre is permitted over the entire Hyde property, but clustered on the eastern portion as originally proposed when the high school site was relocated, it would

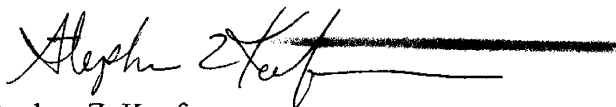
Mr. Derick Berlage, Chairman
March 10, 2004
Page 3

potentially provide 50 units of housing, including the three existing residences occupied by Hyde family members.

Lastly, for your consideration at the upcoming worksession on March 18 and for Staff's review, we have provided an illustrated development plan prepared by our engineering consultant Dewberry, which demonstrates 50 units can easily be accommodated on the portion of the Hyde property east of Batchellors Forest Road by allowing inclusion of a portion of the open space on the high school site (either in its natural state or as recreational fields) to be counted toward the open space requirement for the residentially developed portion on the eastern side of Batchellors Forest Road. Thank you for consideration of these remarks. We will be present at the worksession and be prepared to answer any questions you may have.

Sincerely,

LINOWES AND BLOCHER LLP



Stephen Z. Kaufman

SZK:bta

Enclosures

cc: Mr. Khalid Afzal
Mr. John Carter
Ms. Mary Dolan

SIERRA

103 North Adams Street
Rockville, MD 20850



CLUB

Montgomery County Group
Phone (301) 294-0466

March 8, 2004

RECEIVED
MAR 10 2004

Mr Derick Berlage, Chair
Planning Board

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

Dear Mr Berlage,

As part of the Olney Master Plan, we request that Bachelor's Forest Tributary of the North West Branch of the Anacostia River, be made a Special Protection Area with an environmental overlay and an impervious cap of 8%. The Bachelor's Forest Tributary is probably the cleanest and most biologically diverse tributary of the Northwest Branch watershed. We are spending millions of dollars on restoring the Anacostia River and parts of the Northwest Branch. It would simply be better to protect a known high quality resource than to have to restore it in the future. Also, the Bachelor's Forest Tributary can be a source for the aquatic organisms that cannot tolerate polluted waters or sediment. As we achieve success in restoring the Anacostia River and parts of the North West Branch, this source of biodiversity becomes increasingly important. A recent example is the transferring of some organisms from the Northwest Branch to reintroduce them into the Sligo Creek restoration efforts. These organisms were historically present in Sligo Creek, but had been extirpated by pollution. Finally, the County's Stream Protection Plan evaluates the Bachelor's Forest Tributary very highly. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jim Fary".

Jim Fary, Chair
Conservation Committee

cc: Jim Caldwell, DEP

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... To explore, enjoy, and protect the nation's scenic resources...

Printed with Soy-based Ink on 100% Recycled Paper (15% post-consumer)

Preller, Barbara

RECEIVED

MAR 10 2004

From: Jane Osburn [jgosburn@earthlink.net]
Sent: Tuesday, March 09, 2004 9:00 PM
To: MCP-Chairman
Subject: Batchellor's Forest

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

Derick Berlage, Chairman
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

March 9, 2004

Dear Chairman Berlage,

I am writing to voice my support for the recent proposal to create a Special Protection Area for the Batchellor's Forest Tributary of the Northwest Branch, providing for an impervious cap limit of 8% for this area. This protection is warranted and needed because Batchellor's Forest is a mature forest that provides habitat for a large variety of forest interior birds, some of which are either watchlist, or rare, threatened, or endangered species. This last April, Montgomery County's Park & Planning Environmental Resources Inventory for Olney and Vicinity confirmed the existence of significant upland forest habitat in this area. Please support this important set of protections for Batchellor's Forest.

Thank you for your consideration.

Jane Osburn
10204 Big Rock Rd
Silver Spring, MD 20901

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3/10/2004