

November 11, 2005

Ms. Cathy Conlon  
Development Review Division  
Montgomery County Department of Park & Planning  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Re: Hallman Grove Subdivision  
Application #7-06004  
North Potomac, MD

Dear Ms. Conlon,

I am an architect with a house on Fellowship Lane and our family will be directly affected by the proposed Hallman Grove subdivision. I know that your staff comments for this subdivision are due on November 17<sup>th</sup> and I wanted to share an independent analysis I have completed on the proposed subdivision with you prior to the completion of the staff report. If I am not able to get in touch with you in the next couple of days, I will send a letter to Rose Krasnow.

On November 2<sup>nd</sup>, the developer for the Hallman Grove subdivision presented a revised concept to the community utilizing the MPDU development provisions of Section 59-C-1.6. of the Montgomery County Code Zoning Ordinance. As the proposed density for the development is inconsistent with specific provisions of the ordinance, we are writing in opposition to the proposed Hallman Grove Subdivision as currently presented. The developer is proposing an MPDU development with thirty dwelling units on a 12.65 acre parcel. Fourteen of the proposed dwelling units are proposed as townhouses. The current zoning on this property is a combination of R-200 and R-200 TDR-3. The development provisions of section 59-C-1.62 allow an MPDU density of 2.44 dwelling units per acre or a total of 30 dwelling units for the 12.65 acres provided specific provisions are complied with. Two of the conditional provisions prescribed in the zoning ordinance will not permit the development as currently proposed.

- Section 59-C-1.628 (e) contains specific MPDU development provisions for development in different zones. All of these provisions must be complied with. Paragraph 59-C-1.628 (e) (3) states the following:
  - (3) The total number of dwelling units in the combined development does not exceed the total number that would be permitted if the component areas of the combined tracts were developed separately.

The portion of the parcel located in the R-200 TDR-3 zone is 4.86 acres (Sketch SK-1). Using the tabular density from 59-C-1.62, the developer has proposed a density contribution of 11 dwelling units for this component area of the combined tract. Using the MPDU development criteria of Section 59-C-1.6, 11 dwelling units can not be developed on this component area of the combined tract. Please refer to the attached drawing SK-2 which diagrams the specific development restrictions on this component area. They include significant restrictions imposed by the following:

- The 100 year flood plain and its associated buffers
- The presence of an existing stream and it's associated buffers

- The presence of an existing access easement.
- The requirement for storm water control on this portion of the site.
- The lot size and setback requirements prescribed in 59-C-1.62

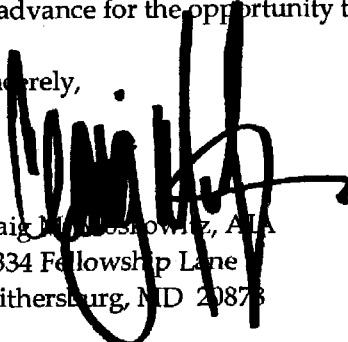
My analysis indicates that no more than 6 dwelling units would be permitted in the separate development of this component tract area. (Refer to SK-3 attached) The zoning ordinance allows these 6 units to be used in the density calculation for the combined tract. The resulting maximum density permitted by the zoning ordinance for the combined tract is 25 dwelling units.

- The proposed development includes 14 townhouses. The development standard's (59-C-1.62) footnote #1 restricts the number of townhouses in an R-200 development zone to 40% of the total. A maximum of 12 townhouses is permitted in a 30 unit development. In the 25 unit development permitted on this combined tract, 10 townhouses would be permitted. The 40% restriction can only be increased if the planning board concludes that the proposed development is more desirable from an environmental standpoint and it is compatible with existing and approved adjacent development. None of the adjacent existing developments include more than 40% of the units as townhouses. Additionally, the proposed solution is environmentally insensitive as it has destroyed a significant portion of the existing mature tree growth (even at buffer zones adjacent to the existing Quince Orchard estates) to achieve a density not allowed by the zoning ordinance.

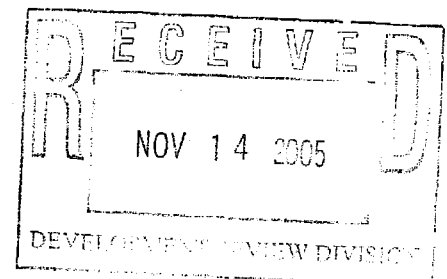
I understand the property owner's right to develop the land, but feel very strongly that the proposed development must be consistent with the density that is permitted by the existing zoning ordinance. The MPDU development concept is intended to encourage the construction of moderately priced housing in the county by granting increased density to developers. This is achieved by reductions in minimum lot sizes and setbacks, etc. On this site, the developer is ignoring the provisions in the zoning ordinance protecting communities from abuse of the MPDU development guidelines to increase the project's density. Restricting development on this site to the 25 units permitted by the zoning ordinance would allow the developer to craft a much more environmentally sensitive solution that would provide appropriate buffers to the existing communities and limit the traffic on existing community roads. I intend to present this information to the planning board on December 1<sup>st</sup> and ask that you include a copy of this package in the documents circulated to the board prior to the hearing. Further, I ask that you give the facts presented above careful consideration prior to completing the staff recommendations to the planning board on this proposed development.

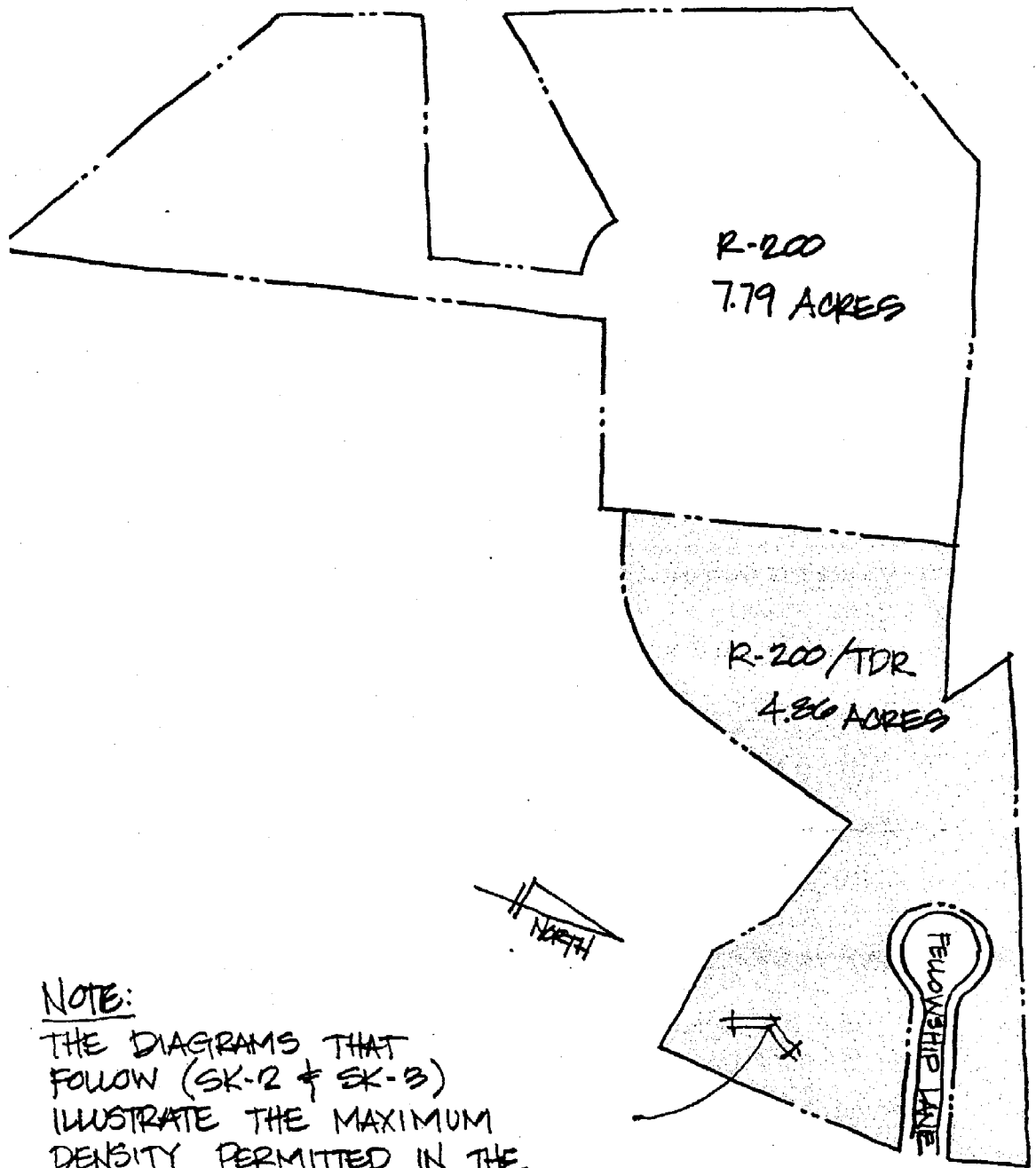
The community is very interested in participating in the development discussions for this parcel. Please keep us informed of the earliest opportunity to express our concerns directly with your staff. Thank you in advance for the opportunity to participate in the development process.

Sincerely,

  
Craig M. Koslowitz, AIA  
12334 Fellowship Lane  
Gaithersburg, MD 20878

C:\CMM Data\Hallman Grove\Conlon ltr Hallman Grove North Potomac 2.doc





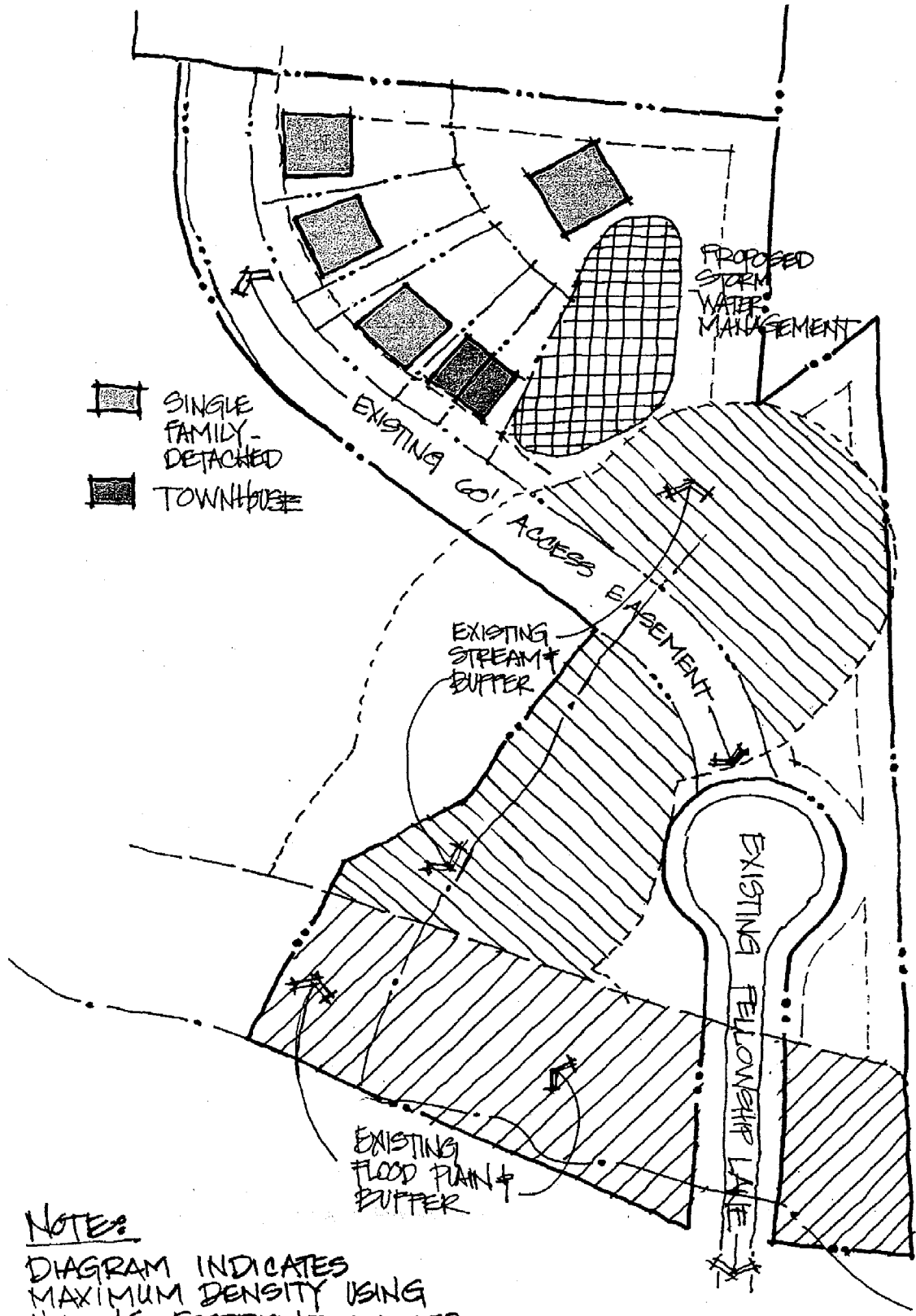
NOTE:



THE DIAGRAMS THAT FOLLOW (SK-2 & SK-3) ILLUSTRATE THE MAXIMUM DENSITY PERMITTED IN THE R-200/TDR-3 COMPONENT AREA OF THE COMBINED TRACT.

DENSITY ANALYSIS  
HALLMAN GROVE SUBDIVISION

1" = 120'  
 SK-1  
 11 NOV 05





-  SINGLE FAMILY-DETACHED
-  TOWNHOUSE

NOTES:

DIAGRAM INDICATES  
 MAXIMUM DENSITY USING  
 HOUSING FOOTPRINT SMALLER  
 THAN DEVELOPER'S PROPOSED  
 HOUSING FOOTPRINT.

R-200/ADR-3 COMPONENT AREA OF  
 COMBINED TRACT

DENSITY ANALYSIS

HALLMAN GROVE SUBDIVISION

1" = 60'

SK-3

11 NOV 05



19650 Club House Road, Suite 105  
Gaithersburg, Maryland 20886-3039  
301-947-8900 • FAX: 301-947-7704

**HALLMAN GROVE**  
**PRE-APPLICATION PLAN # 7-06004**

**WAIVER JUSTIFICATIONS**

**1 OVERLENGTH CUL-DE-SAC**

The justification for extending the Fellowship Lane cul-de-sac beyond the standard length is that there is no alternative to such length. All of the properties surrounding the subject site are fully developed and there is no other way to provide access to the property. There are no streets stubbed into this site from adjoining properties. There is no practical alternative way to provide access to this infill property other than extending Fellowship Lane beyond its current terminus.

**2 REDUCED WIDTH TERTIARY STREET**

Existing Fellowship Lane is constructed within a 50-foot right of way. This request is to allow the extension of Fellowship Lane from its current terminus to be constructed within a 27.33-foot (27'4") right of way. With a 10-foot Public Utility Easement on either side and with a 4-foot sidewalk situated in a Public Improvement Easement, on one side, the practical width of the roadway will be 47.33 feet. However, because of the constraints of the subject property, the reduced width right-of-way will allow the proposed development to provide enhanced environmental benefits for the current and future residents of the neighborhood.

The reduced width tertiary will enable more existing trees to be saved abutting the Quince Orchard Estates subdivision to the south. Not only can more existing trees be retained, but the existing landscape screening can be supplemented with additional landscaping outside the right of way. (Private landscaping cannot be planted within a public right of way).

In addition, the reduced width right of way will enable a wider forest conservation easement area. It is proposed that an approximately 75' wide forest conservation easement be created abutting the Mountain View Estates subdivision, about 25' wider than the 50' minimum forest conservation area width. The reduced width right of way will also permit creation of a wider separation between the sides of homes abutting those conservation easements. Specifically, by reducing the right of way width, lots and homes can be "shifted" towards the right of way to create a wider area, away from the "shift" for forest conservation and wider side yards for the lots closest to the forest conservation area. This will provide ample side yard widths and thereby reduce the temptation of homeowners to encroach into the adjacent conservation easement areas for personal use. The conservation area will not be placed within private lots, but instead will be conveyed to a community homeowners association as a separate HOA parcel to assure its long-term viability.

Beyond these site-specific issues, the reduced width right of way will ultimately reduce the amount of imperviousness on the site and create less impact on the runoff and downstream areas. It will help to create a more environmentally sensitive development and a neighborhood that is more environmentally compatible with the natural environment.

August 15, 2005

MNCPPC  
Attn: Ms. Cathy Conlon  
8787 Georgia Ave.  
Silver Spring, MD 20910

RE: Application #7-06004

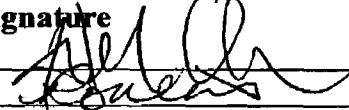
Dear Ms. Conlon:

We the undersigned residents of Quince Orchard Estates have received a pre-submission packet for Hallman Grove in North Potomac. After reviewing this document, we have some issues with the site plan that need your consideration. There are basically two major items at hand. These issues are the location of the road directly behind our homes and the loss of very mature and irreplaceable trees. The proposed road will obviously have many cars on it at various times of the day. It also comes within 15 feet of residents' property lines. Is this allowable? We thought there was an easement that was not to be encroached upon. The trees are another issue that needs to be addressed. There has been a lot of news in the press lately about the removal of mature trees from certain areas. If you have ever been to this site you would see that the trees are more than a part of the character of the area. They are what make the area. We will get to the point... We would like full consideration in keeping as many mature trees as possible. If the road stays where it is (which is not desirable) we would like assurances that there will be a significant buffer between our properties and the proposed road. There are NO "Forest Save" or "Forest Plant" areas for the residents along the side of the road. Why Not?? Headlights, noise, exhaust, etc. are the major concerns to develop a buffer. In order for us to be comfortable with this buffer we would actually like to walk the property and have a county official point out or mark each tree that will be removed and to submit to us what type of trees will be used for a buffer. We are not talking about planting saplings that will be something in ten years. We are talking about possibly Leyland cypress or something else that is fast growing. We also do not want trees removed that will expose the Pepco lines that are on the property where the town homes will be.

On another matter, the residents in the front of Quince Orchard Estates are confronted with another problem with this development - More traffic! The issue that needs to be addressed is the impact on traffic within our community. With thirty new dwellings slated, this will equate to approximately 75 vehicles. When these cars leave the neighborhood they will have two options. One option would be to go straight out Fellowship Lane to Quince Orchard Road and the second option would be to take a right on Fellowship Way and then a left on Quince Valley Drive, to get to Quince Orchard Road. When option #2 is chosen, the vehicles will be driving through an area in which a lot of children play. It is important to note that this area does not have sidewalks and there are also two bus stops along this route. What is the possibility of scaling back the number of dwellings on the said property as most of the proposed single family dwellings are on approximately 7,000 sq. ft. lots?

Thank you for your understanding and attention to this matter. We feel we can all work in a mutual way to appease all parties. Please let us know when there will be a public forum on this subject.

Address  
15605 Fellowship Way  
15605 Fellowship Way  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature  
  
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\_\_\_\_\_  
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August 15, 2005

MNCPPC

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8787 Georgia Ave.  
Silver Spring, MD 20910

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Address
15600 Fellowship Way
5 Quince Valley Ct.
12221 Quince Valley Dr
15600 Fellowship Way
5 Quince Valley Ct.
15508 Fellowship Way
12221 Quince Valley Dr
12212 MOSEL TERRACE

Signature
[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]

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Lot #	Address
34	12348 Quince Valley Dr.
35	12344 Quince Valley Dr.
36	12340 " "
37	12352 Quince Valley Dr.
38	12356 Quince Valley Dr.
39	12360 Quince Valley Dr.
40	12364 Quince Valley Dr.
41	Rental Unit for Now

Signature
<i>Andrew Beach</i>
<i>Kenneth Deryn</i>
<i>Tim</i>
<i>Brian Claverton</i>
<i>Robert A. ...</i>
<i>John D. ...</i>
<i>Lucretia ...</i>

16 August 2005

Ms. Cathy Conlan  
Development Review Division  
Montgomery County Department of Park & Planning  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Re: Hallman Grove Subdivision  
Application #7-06004  
North Potomac, MD

Dear Ms. Conlan,

We are writing in opposition to the Hallman Grove Subdivision as currently proposed. The developer is proposing a cluster development with thirty dwelling units on a 12.65 acre parcel. The current zoning on this property is a combination of R-200 and R-200 TDR-3. We understand the property owner's right to develop the land, but feel very strongly that the proposed development must be consistent with the density that could be achieved within the existing zoning. Cluster development concepts are intended to encourage the provision of green space and buffers around development. This is achieved by clustering the housing with reduced setbacks, etc. On this site, the developer is attempting to use the cluster development concept to increase the project's density by including land in the density calculation which cannot be developed.

We have prepared the attached drawing and density calculations to highlight areas that must be subtracted from the total lot area to determine the maximum number of units that can be developed on this site. As you can see from our analysis, the developer has overstated the allowable density on the property by at least 11 dwelling units. Given the odd geometry of the tract of land and the many restrictions to development, we do not believe that more than 22 dwelling units could be developed without the implementation of a cluster concept. Further, the proposed development does not satisfy one of the key requirements of a cluster concept - the provision of additional buffers and green space for the community. Little or no buffer has been provided for the homes in Quince Orchard Estates which will back up to the proposed access road for the development.

We are very interested in participating in the development discussions for this parcel and ask that we all be kept informed of the earliest opportunity to express our concerns directly with your staff. Thank you in advance for the opportunity to participate in the development process in our neighborhood.

Address

Signature

12324 Fellowship Lane, Gaithersburg, MD 20878

[Signature]

12324 Fellowship Lane, Gaithersburg, MD 20878

[Signature]

12410 Fellowship Lane, Gaithersburg, MD 20878

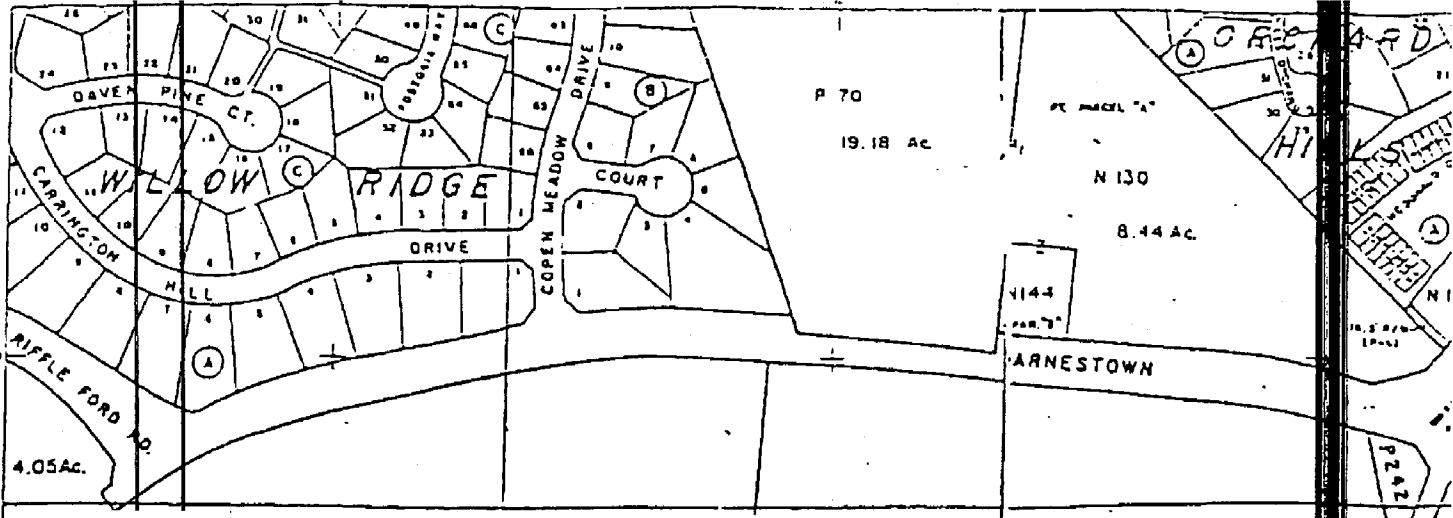
Gerard A. Green, Jr.

12410 Fellowship Ln., Gaithersburg, MD 20878

[Signature]

15715 Quince Orchard Gaithersburg, MD 20878

Vernon S. Green

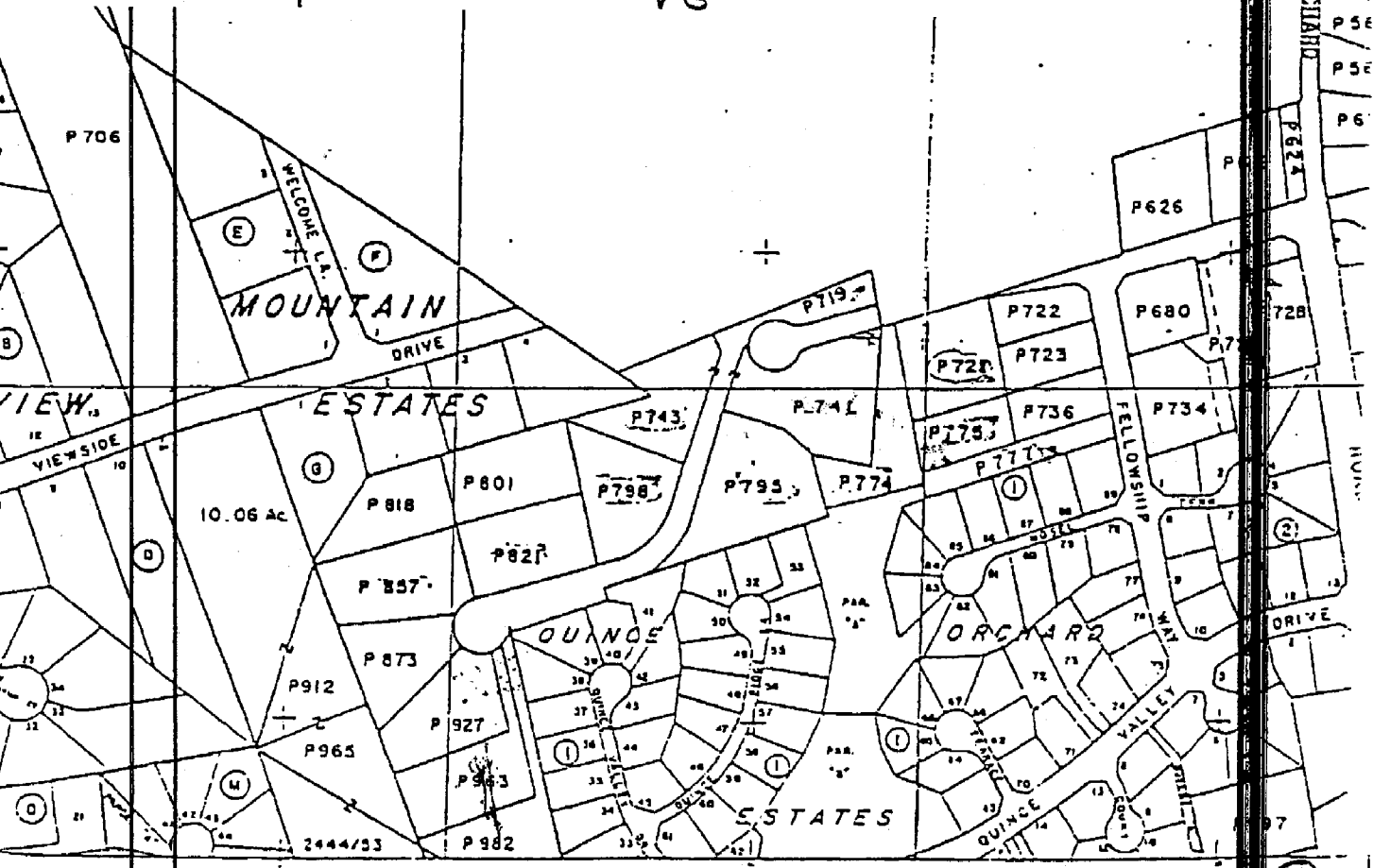


To make a long story short:  
 parcels P719, P741, P743 all make  
 up the TDR area. However parcel P719,  
 which consists of 2.46 acres is the  
 roadway easement. How can this  
 be included in the total acreage.

d of Education  
 6973 / 395  
 31.86 AC  
 P306

<u>P719</u>	2.46	Referto last sentence in first paragraph of letter dated 16 Aug 05 VG
<u>P741</u>	1.18	
<u>P743</u>	.91	
	<u>4.55</u>	

S2



F5

(21)

MONTGOMERY COUNTY, MD

268721 5611

APPROVED BY mp

MAR 31 2004

\$1,266.15 RECORDATION TAX PAID

\$1,833.33 TRANSFER TAX PAID

**DEED**

THIS DEED made this 30<sup>th</sup> day of March, 2004, by and between **IDA PEARL GREEN**, unmarried, Grantor, and **WILLIAM THOMPCKINS HALLMAN, EUGENE AUSTIN HALLMAN, ESTHER MAE LYONS, EVELYN ROBERTA HALLMAN, EVON HALLMAN, DWIGHT HALLMAN, and DAVID HALLMAN**, Grantees;

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the said Grantor does hereby grant, convey, bargain, sell and quit-claim unto the said Grantees, their heirs and assigns, in fee simple, forever, all of her right, title and interest in and to that property situated in the County of Montgomery, State of Maryland, and described as follows:

Parcel 719, Outlot "A", consisting of approximately 2.46 acres;  
Parcel 741, Lot 1, Block "A", consisting of 1.18 acres; and  
Parcel 743, Lot 2, Block "B", consisting of 0.91 acres  
All part of land called PEACE AND PLENTY in a deed recorded in Liber 11067 at Folio 387.

TR	FU	STATE	20.00
RECORDING FEE			20.00
TR TAX STATE			516.67
TOTAL			556.67
Rest	TR	PK	RCPT # 30641
Mar 31 2004			11:13
			01-26 PM

TO HAVE AND TO HOLD said lands and premises unto said Grantees, as Tenants in Common, their heirs and assigns, in fee simple, forever, in respective shares as follows:

WILLIAM THOMPCKINS HALLMAN	22.5%
EUGENE AUSTIN HALLMAN	22.5%
ESTHER MAE LYONS	22.5%
EVELYN ROBERTA HALLMAN	22.5%
EVON HALLMAN	5.0%
DWIGHT HALLMAN	2.5%
DAVID HALLMAN	2.5%

*Inf Subjection #'s:* 01827963  
01827952  
00393792

2004 MAR 31 P 1:28

FILED  
MOLLY O. RUHL  
CLERK'S OFFICE  
MONTGOMERY CO, MD

16-67  
20  
20