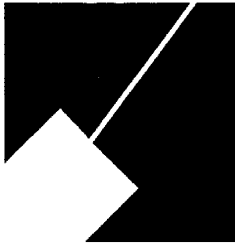


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MCPB
ITEM#6
5/4/06



MEMORANDUM

DATE: April 14, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Subdivision Supervisor *CC*
Development Review Division

FROM: Richard Weaver, Planner Coordinator (301) 495-4544 *RAW*

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: Resubdivision of Part of Lot 5, Part of Lot 7 and Part of Lot 8, Block I,
Hillmead - Bradley Hills

PROJECT NAME: Hillmead/Bradley Hills

CASE #: 120060480

REVIEW BASIS: Chapter 50, including Sec. 50-29 (b)(2), Montgomery County Subdivision
Regulations

ZONE: R-60

LOCATION: Located in the southeast corner of the intersection of Valley Road and
Ridge Road.

MASTER PLAN: Bethesda-Chevy Chase

APPLICANT: Phyllis T. Piotrow

FILING DATE: October 14, 2005

HEARING DATE: April 27, 2006

STAFF RECOMMENDATION: Approval of four lots pursuant to Section 50-29(b)(2), subject to the following conditions:

- 1) Approval under this preliminary plan is limited to four, one-family detached residential lots.
- 2) Final tree save plan must be approved prior to all demolition and construction activity on the subject property. The final tree save plan must be consistent with the limits of disturbance as shown on the preliminary tree save plan, signed and dated 3/29/2006. The proposed development shall comply with the conditions of the final tree save plan, which must be prepared, signed and stamped by an ISA certified arborist and have complete details on the proposed tree protection measures.
- 3) At time of pre-construction meeting, the M-NCPPC Development Review Inspector, in consultation with the Natural Resources Division Urban Forester, will inspect trees along the LOD and determine necessary modifications to the protection measures, and which trees should be removed. All tree removal will be done at the direction of the M-NCPPC staff, but at the applicant's cost. Any trees that need to be removed must be replaced at a rate not to exceed 1" diameter at breast height (DBH) per every 1" DBH lost.
- 4) Compliance with the conditions of approval of the MCDPS stormwater management approval dated March 13, 2006.
- 5) Compliance with the conditions of the MCDPWT approval dated February 9, 2006, unless otherwise amended.
- 6) No grading or disturbance during construction shall result in any temporary or permanent release of uncontrolled drainage onto the adjacent park.
- 7) The developer shall request an inspection with the MNCPPC Natural Resources Division Urban Forester when construction is completed to ensure that all work adjacent to parkland is in accordance with the approved plans. In the event any park tree or portion thereof is dead or dying due to construction or environmental changes resulting from construction and/or clearing, and poses a hazard to either life or property, the applicant shall take such action as necessary to carefully eliminate the hazard as directed by the Natural Resources, Urban Forester.
- 8) Tree protection fencing along the property lines shared with the Parks Department must follow Parks Department guidelines.
- 9) Applicant to stake and provide signage to demarcate park boundary during construction.
- 10) Other necessary easements.

SITE DESCRIPTION:

The Subject Property consists of four parts of lots totaling 1.35 acres in the R-60 zone (Attachment A). The original plat for the Hillmead subdivision was recorded in 1922. Many of the original lots in the Hillmead Subdivision have been resubdivided either by plat or by deed. The subject property includes four parts of lots that have been created by deed.

The property includes an existing house, built in 1935, surrounded by numerous mature trees, including 11 specimens of 24 inches or greater. The site slopes fairly dramatically, approaching 24%, from the east to the lowest part of the site on the west along Valley Road. The current home is built on the upland portion of the site with access to Ridge Road via a circular driveway.

The M-NCPPC Hillmead Neighborhood Park abuts the property to the south and east. Existing lots confronting the property on Ridge Road have generally been platted at the minimum dimensional requirements allowed in the R-60 zone while lots to the west, along Bradley Boulevard and Valley Road, are much larger than the minimum lot sizes permitted. Staff believes these larger lots may have originally been developed on septic systems that typically require larger areas for septic drain fields.

PROJECT DESCRIPTION:

This application is a request for resubdivision of the subject property into 4 residential lots (Attachment B). The preliminary plan shows three lots with access to Ridge Road; two, which will use portions of the existing loop driveway, while a third has its own driveway. The fourth lot will access Valley Drive with a single driveway. The existing house will be removed.

The project has been revised in consultation with Environmental Planning staff and Park staff to address the impact to trees on the property and on the adjacent park. Building locations have been shifted in order to establish acceptable limits of disturbance so that tree impact and loss can be minimized. Although reasonable efforts have been made to move home sites, five specimen trees and six additional significant trees will be removed. The limits of disturbance were modified to minimize impact to trees on park property. Park staff will have the opportunity to walk the limits of disturbance prior to release of building permits for lot 102 to establish the exact location of tree protection fencing. If staff determines that existing park trees cannot be adequately protected, the applicant will be required to remove and replace the trees at a ratio not to be less than one inch diameter at base height (DBH), for every one inch lost.

BACKGROUND

Previous Planning Board Hearing

A pre-application plan for the subject property was presented to the Planning Board in May 2005 to obtain advice on the feasibility of a resubdivision including an additional residential lot. The Board reviewed this 5-lot plan and commented that they did not believe it was in character with the existing neighborhood. Specifically, the Board supported staff's contention that one of the lots that fronted on Valley Road on the 5-lot plan was generally unsuitable for residential development because of the exceptionally small rear yard resulting from the house location on this small corner lot. The Board also considered the relationship of the two proposed lots fronting on Valley Drive with respect to the large lots confronting the subject property on Valley Drive. The Board suggested that the relationship was unacceptable and that it was not consistent with Section 50-29(a)(1), which requires lots to be of the appropriate size, shape,

width and orientation with respect to their location in the subdivision. A majority of the Board members believed that one lot should be eliminated along Valley Drive to achieve a better relationship between the proposed subdivision and confronting lots on Valley Drive.

At the request of the applicant, the Planning Board also commented on sidewalk construction as part of the proposed plan and certain right-of-way requirements. Consistent with road code requirements, the Department of Public Works and Transportation (DPWT) is requiring construction of sidewalks along the frontage of the property. The applicant pointed out that there are no sidewalks in the existing neighborhood and stated that sidewalk construction could affect existing trees. Although the Planning Board does not determine sidewalk requirements, it was the Board's opinion that sidewalks should not be required on Ridge Road. The Board concluded that they did not object to submission of a 4-lot plan.

DISCUSSION

Master Plan Compliance

The Bethesda-Chevy Chase Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations regarding zoning and land uses. The plan recommends that this area maintain existing zoning as adopted and maintain the residential land use consisting of one-family detached homes. The proposed resubdivision complies with the recommendations adopted in the master plan in that it is a request for development of one-family detached residential units.

Conformance with Section 50-29(b)(2)

A. Statutory Review Criteria

This application involves the subdivision of portions of previously platted lots and it is therefore, a resubdivision. In order to approve an application for resubdivision, the Planning Board must find that each of the proposed lots complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

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

B. Neighborhood Delineation

The neighborhood identified by the applicant contains 12 lots, which are illustrated in the "Neighborhood Delineation" (Attachment C). The neighborhood is identical to that reviewed as part of the pre-preliminary plan. The "Data Table" (Attachment D) illustrates the variation in lot shapes, sizes, areas, frontages, widths and alignments for the lots in the neighborhood delineation.

C. Comparison of the Character of Proposed Lots to Existing

Determinations regarding resubdivision applications are subject to Section 50-29(b)(2) of the Subdivision Regulations. The application must demonstrate a high correlation between the characteristics of the proposed lots and the existing lots in the delineated neighborhood. Specifically, these characteristics are shape, size, alignment, width, frontage, buildable area and suitability for residential use. Based on the analysis of the tabular summaries for these characteristics as discussed below, staff concludes that the proposed resubdivision complies with all seven resubdivision criteria.

Area (buildable): The area of the proposed lots range from 4,750 square feet to 9,518 square feet. The lot areas for the lots in the neighborhood range from 2,669 square feet to 14, 775 square feet. Three of the four proposed lots are larger than the majority of the existing neighborhood lots. The subject property's shape lends itself to very deep rectangular lots that necessarily results in lots that have larger buildable areas. While the proposed lots are larger than the majority of existing lots, they do fall within the overall range of the existing neighborhood for area. **The lots are of the same character with respect to area as compared to the existing lots.**

Lot Size: The existing lots in the neighborhood range in total size from 6,227 square feet to 22,506 square feet. The proposed lots range from 12,646 square feet to 16,380 square feet. Similar to the discussion above regarding area, size follows the same logic in that the shape of the subject property lends itself to deep, rectangular lots that are larger than the majority of lots in the existing neighborhood. Although larger, they are in the middle of the range. Their location, between the larger lots to the west, the smaller lots to the north and the park to the south and east, provides somewhat of a transitional size. **The proposed lots are the same character with regard to size as those existing in the neighborhood.**

Alignment: Lot alignments in the existing neighborhood range from radial, to perpendicular, to corner lots. The proposed lots provide three perpendicularly aligned lots and one corner lot. **The alignments of the proposed lots are of the same character as the lots in the defined neighborhood.**

Lot Frontage: Lots in the existing neighborhood have frontages that range from 62 feet to 130 feet. Three of the proposed lots have frontages of 65 feet, very similar to the majority of lots in the neighborhood. The fourth proposed lot is a corner lot with 100 feet of frontage on Valley Drive and 45 feet along Ridge Road. The house on this corner lot will front on Valley Drive; the two confronting lots on Valley Drive have frontages of 105 and 130 feet. **Based on this analysis the lots are of the same character as all lots in the defined neighborhood with respect to frontage.**

Shape: The existing neighborhood has a variation in lots shapes, including rectangular, irregular and pie shapes. Three of the four proposed lots will be rectangular/irregularly

shaped. The fourth lot will be irregular in shape. **The shapes are of the same character as the existing lots in the neighborhood.**

Width (at the building line): The neighborhood consists of lots that range in width at the building line from 62 ft. to 130 ft. The proposed lots range from 65 ft. to 133 ft. Although the corner lot has the widest width in the neighborhood, it compares very favorably with the lot immediately across the street (Lot 23) with respect to width. A discussion of width at the pre-preliminary plan hearing did focus on the relationship of the lots across the street on Valley Drive. The pre-preliminary plan then showed two lots with frontage on Valley Drive. Staff noted that this was out of character and based their objection to the plan partly on the width issue. This proposal addresses those concerns. **The proposed lots are of the same character with respect to width.**

Suitability: All the proposed lots are suitable for residential use.

Environment

Forest Conservation

Since the property contains no forest and is small in size, it qualified for an exemption from the requirement to submit a Forest Conservation Plan. Per the terms of that exemption (No.405117E) a Tree Save Plan was required.

There are approximately 33 significant or specimen trees on the subject property. The submitted Preliminary Tree Save Plan proposes to protect approximately 14 of these trees by preserving critical root zones (CRZ's) through limit of disturbance (LOD) restrictions. Most of the remaining trees need to be removed to accommodate the home sites and necessary infrastructure. Five trees (#4, #7, #8, #10, and #14, as shown on the Natural Resource Inventory/Forest Stand Delineation) are proposed for retention. In staff's opinion, saving these trees may not be possible due to unavoidable disturbance needed to install driveways and stormwater management. The applicant, however, has committed to try and save these trees. They are included in the tree save plan with the understanding that final decisions about protection measures and retention will be determined at the pre-construction meeting and during construction.

This property is bordered on two sides by Hillmead Local Park. The LOD for lot 102 is on the shared property line with the Park. There is only one significant or specimen tree on MNCPPC property that is likely to be affected by this development, a 33" Tulip Poplar. Measures will be taken to protect this tree. There are also other smaller trees on the park property that may be affected. The park trees provide a valuable screen between the park facilities and the proposed residential lots. Staff is confident that impacts to park trees can be minimized, but recommends that the Development Review Inspector and Urban Forester from the Natural Resources Division examine trees along the LOD at the pre-construction meeting to determine if modifications to the protection measures are needed. Alternatively, M-NCPPC staff may determine that specific trees should be removed and replaced, at the applicant's expense.

The replacement rate will not be more than 1" DBH for every 1" DBH lost; quantities and species type will be determined by the inspectors.

Environmental Buffers

The site does not include any streams, wetlands, or floodplains and there are no environmental buffers on the property.

Sidewalks

In their approval letter, the Montgomery County Department of Public Works and Transportation (MCDPWT) has required that sidewalks be constructed for the road frontages along the subject property as required in the R-60 zone. The applicant has requested a waiver of sidewalks citing issues of tree loss and grading (Attachment E). The Planning Board, pursuant to Section 50-26(h)(3), only has authority to waive sidewalks on tertiary streets, which for this application is Ridge Road. To waive the sidewalks, the Board must make a finding that pedestrians can safely use the streets for walking. In past instances, the Board has granted waivers of sidewalk on one side of a road, and occasionally waived sidewalks altogether for short cul-de-sacs or roadways in low density neighborhoods. The streets in this neighborhood meet the right-of-way dimensions of a tertiary standard street, but function more as secondary, or collector streets. In staff's opinion, using a sidewalk would be safer than walking in the street for pedestrians. However, since no other sidewalks currently exist in the community, and a partial sidewalk along only the applicant's frontage would serve little purpose, staff supports including the future construction of sidewalks on Ridge Road within the covenant for future improvements that is being required by MCDPWT. The applicant will need to approach MCDPWT to request a waiver of sidewalks for Valley Drive as it is a secondary street for which the Board has no authority. Staff would support recommending to MCDPWT that they accept a similar provision in the covenant for future improvements that would include a sidewalk along the property's frontage on Valley Drive for the reasons set forth above.

Citizen Correspondence

Staff received a number of letters concerning the application that are attached to this report (Attachment F). Certain individuals in the neighborhood support County acquisition of the subject property to add to the existing Hillmead Park and oppose the subdivision because of loss of trees, additional runoff and changes to community character. There has also been a request to place the property in the Legacy Open Space Program as detailed below. Per email dated April 21, 2006, the Hillmead Citizen's Association states the following, "The Hillmead Citizen Association in NOT involved in any way with any party for or against the development plans of the Piotrow property on Bradley Blvd in Bethesda Maryland. The Hillmead Citizens Association hereby disassociates itself from any past involvement (implied or real), public or private involving this property."

The plan has approval from the Montgomery County Department of Permitting Services for a stormwater management concept plan. The stormwater plan uses infiltration trenches, drywells and rain handlers to attenuate the additional runoff generated by the new homes to pre

development levels. Sediment and erosion control measures are not required to be designed until building permit stage, when exact house footprints and other details are known. DPS has approval authority over sediment and erosion controls.

With regard to the character issue; the resubdivision criteria guides the Planning Board's decision making process for resubdivision of existing lots. For this application, the lots are of the same character with respect to all seven criteria. The applicant has made significant strides to save trees along the frontage and to the rear of the new homes to maintain the wooded character that is important to the local residents. Staff from the Department of Parks will walk the Park boundary and make recommendations on any screening that needs to be done to maintain existing views and protect the Park experience.

A recent letter from the Audubon Naturalists Society questions the house setbacks, the project's status as exempt from forest conservation, tree girth measurements, critical root zones, sediment and erosion control measures and the existence of a 100-year floodplain. In staff's opinion, the proposed plan application adequately addresses these issues. While the house locations are not set by the preliminary plan, the setbacks shown on the plan are established by the Zoning Ordinance and are correct on all lots. It is possible that the as-built homes will be located in slightly different locations but must respect the minimum setbacks with grading that adheres to the established limits of disturbance. Staff re-visited the site to verify tree girth and critical root zones and found that they are all accurately shown on the tree save plan within reasonable tolerances. One tree was omitted from the preliminary tree save plan and it will be added to the final tree save plan. As stated above, sediment and erosion controls will be established by MCDPS at the time of the building permit. MCDEP has determined that there is no 100 year floodplain within the adjacent drainage swale because the drainage area to the site is less than 30 acres.

Park Acquisition

Park Planning and Resource Analysis staff has evaluated the site for possible addition to Hillmead Neighborhood Park, located adjacent to the subdivision. The existing park already has active recreation facilities including a playground, tennis and basketball courts, and a large natural area with a well-maintained nature trail. The recently approved 2005 Land Preservation, Park and Recreation Plan does indicate a need for new rectangular soccer/lacrosse fields in the area, however, this site is too small and topographically limiting to accommodate such large playing fields (including parking). It would be difficult; therefore, to justify expenditures for additional land acquisition at this site when there are many other needs to be met throughout the lower County area.

Legacy Open Space (LOS)

The property at 6221 Bradley Boulevard was officially nominated by Sue Ghosh Stricklett, a resident of Bethesda, Maryland, as a potential LOS site. Therefore, staff has evaluated the property with respect to the criteria as outlined in Table 1. Please note that Legacy Open Space staff has not officially responded to Ms. Stricklett's request and that the property owner (Phyllis Piotrow) was initially unaware of the nomination.

This 1.26-acre property represents the northwest corner of the Hillmead Neighborhood Park vicinity. The property is currently maintained as a single-family residence. The main house, built in 1935 is of brick and slate roof construction, consists of approximately 3342 square feet of enclosed area. The associated grounds consist of open lawn area, well maintained landscaping and mature trees. Trees and shrubs common to the property include tuliptree, red oak, white oak, dogwood, azaleas, rhododendron and lilac. Significant areas of periwinkle, vinca, and English Ivy provide ground cover. The property has moderately steep slopes to the west and south. An ephemeral drainage swale exists off the property to the south, within Hillmead NP. Drainage is to Booze Creek. MCDEP considers Booze Creek as an impaired watershed with poor water quality. The drainage area associated with the ephemeral swale is approximately 11.0 acres in size and it therefore does not have an associated 100-year floodplain.

The preliminary plan provides 4 single family detached houses and does not result in any forest clearing or environmental buffer impact. The plan would result in the removal of several specimen trees and may impact the critical root zones of some trees on Park Property. The limits of disturbance for the proposed homes is not significantly larger than the area involving the existing homestead, garage, garden, driveway and open space area.

Legacy Open Space staff conducted a field review for the property in April of 2006. The site does not meet an acceptable level of criteria under any of the six categories for LOS designation (Protection of Environmentally Sensitive Resources, Protection of Water Supply, Conservation of Heritage Resources, Protection of Greenway Connections, Protection of Farmland and Rural Open Space, Protection of Urban Spaces).

Acquisition of the Property did not rate high when evaluated by Legacy Open Space Site criteria (See Table below). Factors considered as part of this evaluation include: watershed designation, headwater position and drainage area, presence of streams, wetlands, seeps vernal pools, other hydrologic features, composition and quality of forest resources, rarity of habitat, historic/archaeological Resources, gaps in major trail corridors identified by the County-wide Park Trail Plan, human or ecological connectivity between parks, natural or historic areas, urban spaces/green boulevards, farmland and rural open space, development potential, vulnerability of resource to development, and Developable Area.

The property rated highest in regards to the LOS, Protection of Urban Spaces category. No additional park needs for Hillmead Neighborhood Park have been identified per conversations with PPRA staff and additional acreage for Hillmead, though potentially beneficial, is not considered to be vital to park integrity. The existing house on the property would further complicate acquisition. Park ownership would necessitate a facility plan for reuse and involve maintenance scheduling and funding. If further evaluated for park acquisition, consideration to cost/benefit analysis should be carefully considered since four recorded R-60 lots in this area of the County could exceed 3 million dollars in purchase cost.

Acquisition of this property would result in a superior geographical park boundary with better geometric symmetry, allowing for the park boundary to be delineated by road on three sides. The additional acreage would provide buffer screening from the adjacent community and

allow for additional open space. LOS staff believes that Program Open Space is a more suitable program with which to evaluate this property, due to potential direct Park benefits and an inability to categorize this site for LOS designation.

Please note that the Legacy Open Space Program is not intended to delay the preliminary plan and the subdivision review process for properties not already listed as Category 1 Sites or identified in applicable master plans or guidance documents for acquisition.

TABLE 1

LEGACY OPEN SPACE SITE EVALUATION MATRIX (Protecting our Quality of Life, environment and economic vitality)

Index Ranking (Weighted Score)	Value Range	<u>6221 Bradley Blvd</u>	
Public Water Supply	(0-20)		0
Natural Resources			
Watershed Designation (Use III, IV, P) CSPS Priority, Excel WQ)	(1-5)		0
Patuxent Primary Management Area (1/4 mile from mainstem; 1/8 mile from all tributaries)	(0-10)		0
Priority Subwatershed identified by County-wide Stream Protection Strategy (CSPS)	(0-5)		0
Headwater Position and Drainage Area	(1-5)		0
Wetlands (Quality/Percentage)	(1-5)		0
Streams, Seeps vernal pools, other hydrologic features	(0-5)		0
Forest Resources (acreage/percentage forested)	(0-10)		0
Quality/Age/Stand Composition	(0-5)		0
FID Habitat(min 100ac, part of 500ac, with FID habitat >25% of ac, 300'buffer.)	(0-10)		0
Upland Forest Resource (Significant Lack of Upland Forest in MC Parks System)	(0-10)		0
Significant Trees (Size, Species, Health, Abundance)	(0-5)		3
Rarity of Habitat or Habitat Uniqueness	(0-10)		0
RTES (Factor S and G Ranking/Significance of population)	(0-10)		0
Invasive Plant Species	(-5-5)		-1
Heritage Resources/Local or National Registry Designation	(0-10)		0
Historic/Archaeological Resources (Contribution to Heritage Themes)	(0-5)		0
Heritage Resource Cluster: Farming History, Industry Heritage, Rail Community.	(0-5)		0
Trail/Park Connectivity (Greenway Connections)	(0-10)		0
Gaps in major trail corridors identified by the County-wide Park Trail Plan	(0-10)		0
Human or ecological connectivity betw. Sign. park, natural or historic areas	(0-10)		0
Buffers or protects other significant resources	(0-10)		0
Farmland and Rural Open Space (Agricultural Reserve)	(0-10)		0
Prime Agricultural Soils	(0-10)		0
Working Farms	(0-5)		0
Public Resource Rarity/Availability	(0-10)		0
Scenic Vistas Viewsheds	(0-10)		0
Urban Spaces/Green Boulevards	(0-10)		
Protect open space in areas of high population density, increases public access	(0-10)		8
OTHER (Non LOS Themed) CRITERIA			

Development Potential	(0-10)	10
Vulnerability Criteria	(-10-10)	7
Developable Area (i.e. % of property already encumbered)	(-10-10)	7
Priority Funding Area Water+Sewer/Metro/Supporting Infrastructure	(-10-0)	-3
Particular County-wide, regional, or national significance	(0-10)	0
Park/Public Ownership Suitability, Ease of Maintenance ORI	(0-10)	5
Educational opportunities for broadening interpretation and public understanding	(0-10)	3
	Score (Maximum Score is 300)	39

CONCLUSION:

Section 50-29 (b) (2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. These criteria are: street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. Staff finds that the proposed application complies with all seven criteria.

Staff also believes the proposed plan complies with other requirements of Chapter 50, the Subdivision Regulations, and Chapter 59, the Zoning Ordinance, as summarized in attached Table 2. Therefore, Staff recommends approval of the proposed application.

Attachments

- Attachment A Vicinity Development Map
- Attachment B Proposed Development Plan
- Attachment C Neighborhood Delineation Map
- Attachment D Tabular Summary
- Attachment E Citizen Letters
- Attachment F Agency Letters

Table 2. Preliminary Plan Data Table and Checklist

Plan Name: Hillmead/Bradley Hills				
Plan Number: 120060480				
Zoning: R-60				
# of Lots: 4				
# of Outlots: 0				
Dev. Type: One-family detached residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	6,000 s.f.	12,646 s.f. is minimum proposed	RW	4/14/06
Lot Width	60 ft.	Must meet minimum	RW	4/14/06
Lot Frontage	25 ft.	Must meet minimum	RW	4/14/06
Setbacks				
Front	25 ft. Min.	Must meet minimum	RW	4/14/06
Side	8 ft. Min./ 18 ft. total	Must meet minimum	RW	4/14/06
Rear	20 ft. Min.	Must meet minimum	RW	4/14/06
Height	35 ft. Max.	May not exceed maximum	RW	4/14/06
Max Resid'l d.u. per Zoning	9 dwelling units	4 dwelling units	RW	4/14/06
MPDUs	N/A			
TDR's	N/A			
Site Plan Req'd?	No			
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes	Yes, as shown	RW	4/21/06
Road dedication and frontage improvements	None		.	4/21/06
Environmental Guidelines	Yes	Yes	Staff memo	4/11/06
Forest Conservation	Yes	Yes	Staff memo	4/11/06
Master Plan Compliance	Yes	Yes	RW	4/21/06
Other				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes	Yes	Agency Letter	3/13/06
Water and Sewer (WSSC)	Yes	Yes	Agency memo	11/21/06
10-yr Water and Sewer Plan Compliance	Yes	W-1/S-1	RW	4/21/06
Well and Septic	N/A			
Local Area Traffic Review	N/A			
Fire and Rescue	Yes	Yes	Agency memo	2/24/06

ATTACHMENT A

HILLMEAD/BRADLEY HILLS (120060480)



Map compiled on November 09, 2005 at 10:27 AM | Site located on base sheet no - 210NW06

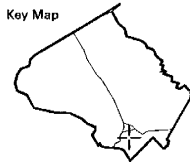
NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

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

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

Key Map



N



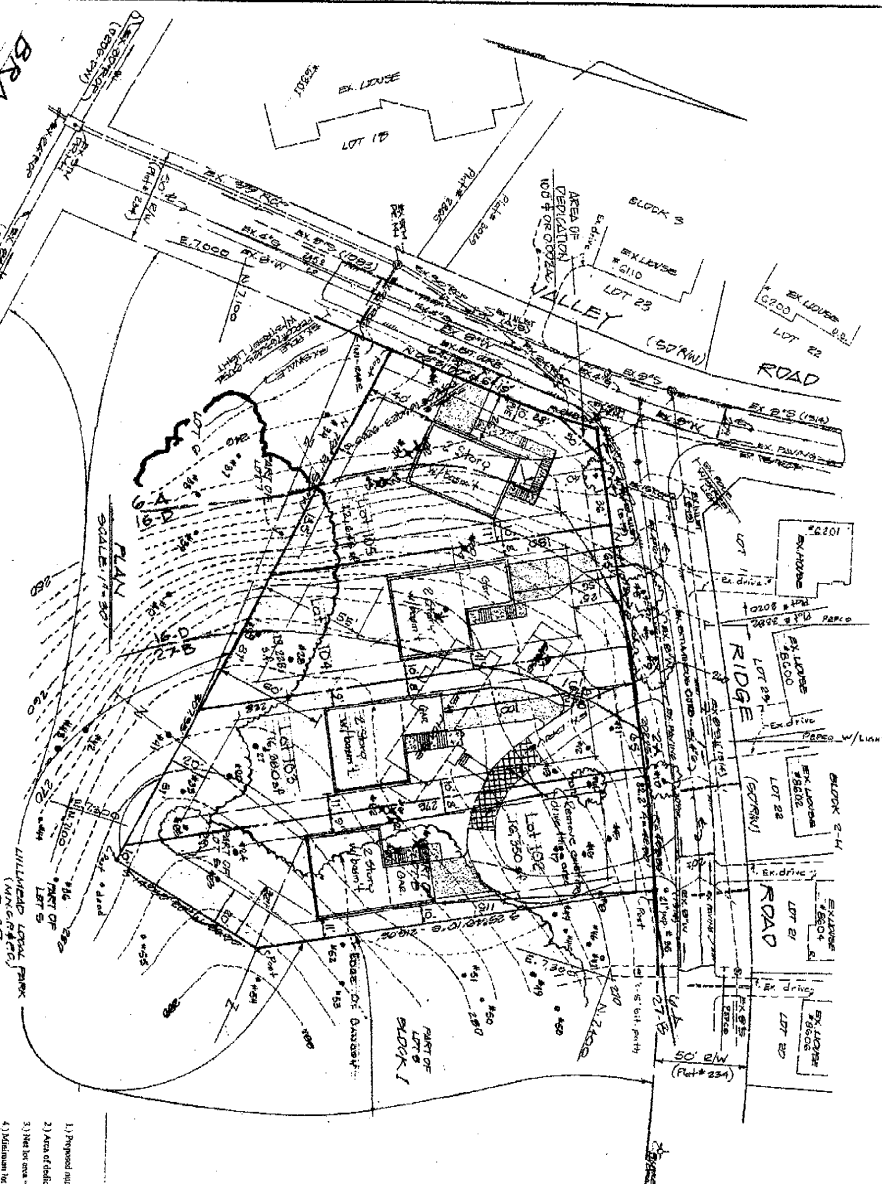
Research & Technology Center



1 inch = 200 feet
1 : 2400

ATTACHMENT B

BRADLEY BOULEVARD
(60' R/W)



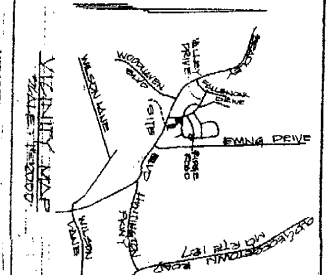
DEVELOPMENT NOTES

- 1) Proposed number of lots - 4
- 2) Area of subdivision - 180 sq. ft. @ 0.002 acres
- 3) Net lot area - 18,000 sq. ft. @ 0.41 acres
- 4) Minimum lot area (60' road) - 6,000 sq. ft.
- 5) Standard lot area - 12,000 sq. ft.
- 6) Largest lot area - 14,300 sq. ft.
- 7) Average lot area - 14,651 sq. ft.
- 8) Maximum lot width @ 60' B.M.L. - 60 ft. (existing)
- 9) Maximum lot frontage - 60 ft. (existing)
- 10) Average lot frontage - 60 ft. (existing)
- 11) Schedule (minimum) - 20' min. front, 20' min. side, 20' min. rear
- 12) Average lot frontage - 60 ft. (existing)
- 13) Schedule (maximum) - 20' min. front, 20' min. side, 20' min. rear

ENGINEER'S CERTIFICATE
I hereby certify that the preliminary plan shown hereon is based on existing plat records and field survey and that the same comply with the provisions of the Subdivision Act of 1922, Chapter 103, of the Laws of the State of Maryland. My commission expires on 12/31/2007.
Date: 11/14/07
Signature: [Signature]

ADDITIONAL STREET NAMES - IN BLOCK

Number	Block	Street Name	Section
1	1	Yellow	1
2	2	Yellow	2
3	3	Yellow	3
4	4	Yellow	4
5	5	Yellow	5
6	6	Yellow	6
7	7	Yellow	7
8	8	Yellow	8
9	9	Yellow	9
10	10	Yellow	10
11	11	Yellow	11
12	12	Yellow	12
13	13	Yellow	13
14	14	Yellow	14
15	15	Yellow	15
16	16	Yellow	16
17	17	Yellow	17
18	18	Yellow	18
19	19	Yellow	19
20	20	Yellow	20
21	21	Yellow	21
22	22	Yellow	22
23	23	Yellow	23
24	24	Yellow	24
25	25	Yellow	25
26	26	Yellow	26
27	27	Yellow	27
28	28	Yellow	28
29	29	Yellow	29
30	30	Yellow	30
31	31	Yellow	31
32	32	Yellow	32
33	33	Yellow	33
34	34	Yellow	34
35	35	Yellow	35
36	36	Yellow	36
37	37	Yellow	37
38	38	Yellow	38
39	39	Yellow	39
40	40	Yellow	40
41	41	Yellow	41
42	42	Yellow	42
43	43	Yellow	43
44	44	Yellow	44
45	45	Yellow	45
46	46	Yellow	46
47	47	Yellow	47
48	48	Yellow	48
49	49	Yellow	49
50	50	Yellow	50
51	51	Yellow	51
52	52	Yellow	52
53	53	Yellow	53
54	54	Yellow	54
55	55	Yellow	55



LIST OF TREES

No.	TYPE	SIZE	REMARKS	LOCATION	CONDITION
1	Maple	24"	10'	on SW line	fair
2	Maple	24"	10'	on SW line	fair
3	Maple	24"	10'	on SW line	fair
4	Maple	24"	10'	on SW line	fair
5	Maple	24"	10'	on SW line	fair
6	Maple	24"	10'	on SW line	fair
7	Maple	24"	10'	on SW line	fair
8	Maple	24"	10'	on SW line	fair
9	Maple	24"	10'	on SW line	fair
10	Maple	24"	10'	on SW line	fair
11	Maple	24"	10'	on SW line	fair
12	Maple	24"	10'	on SW line	fair
13	Maple	24"	10'	on SW line	fair
14	Maple	24"	10'	on SW line	fair
15	Maple	24"	10'	on SW line	fair
16	Maple	24"	10'	on SW line	fair
17	Maple	24"	10'	on SW line	fair
18	Maple	24"	10'	on SW line	fair
19	Maple	24"	10'	on SW line	fair
20	Maple	24"	10'	on SW line	fair
21	Maple	24"	10'	on SW line	fair
22	Maple	24"	10'	on SW line	fair
23	Maple	24"	10'	on SW line	fair
24	Maple	24"	10'	on SW line	fair
25	Maple	24"	10'	on SW line	fair
26	Maple	24"	10'	on SW line	fair
27	Maple	24"	10'	on SW line	fair
28	Maple	24"	10'	on SW line	fair
29	Maple	24"	10'	on SW line	fair
30	Maple	24"	10'	on SW line	fair
31	Maple	24"	10'	on SW line	fair
32	Maple	24"	10'	on SW line	fair
33	Maple	24"	10'	on SW line	fair
34	Maple	24"	10'	on SW line	fair
35	Maple	24"	10'	on SW line	fair
36	Maple	24"	10'	on SW line	fair
37	Maple	24"	10'	on SW line	fair
38	Maple	24"	10'	on SW line	fair
39	Maple	24"	10'	on SW line	fair
40	Maple	24"	10'	on SW line	fair
41	Maple	24"	10'	on SW line	fair
42	Maple	24"	10'	on SW line	fair
43	Maple	24"	10'	on SW line	fair
44	Maple	24"	10'	on SW line	fair
45	Maple	24"	10'	on SW line	fair
46	Maple	24"	10'	on SW line	fair
47	Maple	24"	10'	on SW line	fair
48	Maple	24"	10'	on SW line	fair
49	Maple	24"	10'	on SW line	fair
50	Maple	24"	10'	on SW line	fair
51	Maple	24"	10'	on SW line	fair
52	Maple	24"	10'	on SW line	fair
53	Maple	24"	10'	on SW line	fair
54	Maple	24"	10'	on SW line	fair
55	Maple	24"	10'	on SW line	fair

- GENERAL NOTES**
- 1) Property reference: front of lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55.
 - 2) Property reference: front of lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55.
 - 3) Zone - R-1
 - 4) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 5) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 6) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 7) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 8) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 9) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 10) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 11) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 12) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 13) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 14) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 15) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 16) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 17) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 18) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 19) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 20) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 21) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 22) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 23) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 24) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 25) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 26) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 27) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 28) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 29) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 30) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 31) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 32) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 33) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 34) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 35) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 36) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 37) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 38) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 39) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 40) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 41) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 42) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 43) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 44) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 45) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 46) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 47) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 48) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 49) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 50) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 51) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 52) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 53) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 54) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814
 - 55) Tax map - 0211 Bradley Blvd, Bethesda, MD 20814

PRELIMINARY PLAN

A REVISION OF PART OF LOTS 5, 7 & 8, BLOCK 1 HILLMEAD/BRADLEY HILLS

2nd ELECTION DISTRICT OF MONTGOMERY COUNTY, MD

TAX MAP ON 53, W-200, 15 2104 N.W. 2007

FOR: PHYLLIS POTROW 2221 BRADLEY BL. BETHESDA, MD 20814 301.368.0048

REVISIONS BY: [Blank]

13938 Layhill Road Silver Spring, MD 20906 301-471-8527 Fax 301-426-3139

Sutherland

Scale: AS SHOWN

Sheet 1 of 1

ATTACHMENT C

BETHESDA - NEIGHBORHOOD DELINEATION



Map compiled on May 10, 2004 at 1:33 PM. Site located on base sheet no. 210NW06

NOTICE

The information on this map was prepared by the Montgomery County Department of Park and Planning. It is intended for informational purposes only and does not constitute a contract. The user assumes all responsibility for the use of the information. The Department of Park and Planning does not warrant the accuracy or completeness of the information. The Department of Park and Planning is not liable for any damages, including consequential damages, arising from the use of the information. The Department of Park and Planning is not responsible for any errors or omissions in this map. The Department of Park and Planning is not responsible for any changes in the information after the date of compilation. The Department of Park and Planning is not responsible for any changes in the information after the date of compilation.

Key Map



	Building Footprint		Wetland
	Road		Open Land
	Acreage		Meadow
	Unimproved Land		Forest
	Building Footprint		Wetland
	Road		Open Land
	Acreage		Meadow
	Unimproved Land		Forest

Proposed Development
"POTROW"
 08-09-05
 SCALE: 1"=100'

Plans prepared by
 M. L. Sutherland
 13938 Layhill Road
 Silver Spring, MD 20906
 301/871-6527

ATTACHMENT D

COMPARABLE LOT DATA TABLE – PIOTROW PROPERTY

Hillmead/ Bradley Hills

(August 21, 2005)

LOT #	BLOCK #	FRONTAGE L.F.	ALIGNMENT	SIZE S. F.	SHAPE	WIDTH @ B.R.L.	BUILDABLE AREA
+ 1	2-H	N/A	Corner	7,210	Rectangle	70'+/- 100'+/-	2,750 sq.ft.
+ 23	“	62'	Perpendicular	6,227	“	62'	2,280 “ “
+ 22	“	62'	“	6,616	“	62'+/-	2,668 “ “
+ 21	“	62'	Radial	7,903	”	62'+/-	3,390 “ “
+ 20	“	61'	“	7,623	“	62'+/-	3,442 “ “
+ 19	“	61'	“	7,556	“	62'+/-	3,360 “ “
+ 18	“	61'	“	7,138	“	62'+/-	2,576 “ “
+ 17	“	61'	Perpendicular	7,306	“	62'+/-	3,212 “ “
+ 16	“	76'	Radial	7,220	“	63'+/-	3,080 “ “
+ 15	“	100.22'	“	7,200	Pie	73'+/-	2,600 “ “
* 22	3	110'	Radial	22,506	Irregular	105'+/-	14,775 “ “
* 23	“	148'	“	19,623	“	130'+/-	12,880 “ “
AVERAGE		<u>78.3'</u>	-	<u>9,511</u>	-	<u>74.3'+/-</u>	<u>5,174 “ “</u>
PROPOSED LOTS							
+ 102	1	65'	Perpendicular	16,350	Rectangle	65'	9,350 “ “
+ 103	“	65'	“	16,380	“	65'	9,518 “ “
+ 104	“	65'	“	13,228	“	65'	7,238 “ “
+ 105	“	N/A	Corner	12,646	Irregular	63' & 133'	4,750 “ “
AVERAGE		<u>+ 65'</u>	-	<u>+ 14,651</u>	-	<u>+ 78'+/-</u>	<u>+ 7,714 “ “</u>

+ These lots are a resubdivision of land shown on Plat 234 (1922).

* These lots have been resubdivided two (2) times – 1951 (plat # 2865) = 3 lots + 1 outlot & 1952 (plat # 3029) = 2 lots.

ATTACHMENT E

Weaver, Richard

From: TOM WHITEMAN [tom.whiteman@verizon.net]

Sent: Friday, April 21, 2006 9:56 AM

To: Berlage, Derick; Hamer, Faroll; Conlon, Catherine; Weaver, Richard

Cc: councilmember.denis@montgomerycountymd.gov; sarobins@lercheearly.com

From: Tom Whiteman: President Hillmead Citizen Association

The Hillmead Citizen Association is NOT involved in any way with any party for or against the development plans of the Piotrow property on Bradley Blvd in Bethesda Maryland.

The Hillmead Citizens Association hereby disassociates itself from any past involvement (implied or real), public or private involving this property.

Tom Whiteman
President Hillmead Citizen Association
8723 Ridge Road
Bethesda, MD 20817
301-469-9111

Tom Whiteman
24 hour 301-469-9111
tom@tomwhiteman.com
www.tomwhiteman.com
Long and Foster Realtors
O- 301-907-7600
Fax- 301-469-5433
www.homesdatabase.com/tomwhiteman/pw_login.shtml



HILLMEAD CITIZENS ASSOCIATION

February 3, 2006

Derick Berlage
Chairman
Montgomery County Planning Board
Montgomery County Department of Park & Planning
The Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: County acquisition of property adjoining playground facility in Hillmead Park, Bethesda, Maryland.

Dear Chairman Berlage:

Last year on Labor Day, you will remember attending the ribbon-cutting ceremony of the new Hillmead playground at Hillmead Park in Bethesda, Maryland. This was a memorable success story for the Hillmead Citizens Association and Hillmead residents who raised more than \$20,000 to pay for the equipment. The Department of Park & Planning provided the playground design and installed the equipment.

We recently learned that the Department of Park & Planning may be interested in a County purchase of the privately-owned property adjoining Hillmead playground for purposes of expanding Hillmead Park's playground facilities.

The Hillmead Citizens Association is very excited about the opportunity to work with the Department of Park & Planning once again and to mobilize community support for an expansion of the playground facilities.

We believe that a County acquisition of the property adjoining Hillmead playground and expansion of playground facilities not only has wide community support; it is also the best way to prevent disruption and damage to the property's unique environmental characteristics:

1. The back of the property is a repository for rainwater and also a drainage point for a creek that runs through Hillmead;
2. The property is adjoining the new Hillmead playground, the woodland look and feel of which is a great source of pride and joy for the children;
3. The property is adjoining Hillmead park, one of the few remaining urban park land in Montgomery County that continues to sustain a belt of old growth forest trees, spectacular greenery, and a wild life sanctuary.

The Hillmead Citizens Association intends to shortly conduct a community survey, consisting of nearly 300 households, on two issues:


1. Whether community members support a County acquisition of the property adjoining Hillmead playground?
2. If so, what kind of expansion of park facilities would they prefer?

We would be happy to forward to you the results of this survey once it is concluded. We invite your input and feed-back on this project and hope to work with your office in addressing community concerns.

You may direct questions or comments to either Sue Ghosh Stricklett at: (301) 365-0360 [sueghosh@aol.com] or Harriet Kuhn at: (301) 469-8705 [adamandharriet@yahoo.com].

Thank you for your kind attention.

Sincerely,

 2-3-06
Tom Whiteman

President


Marion Danis

Vice President


Sue Ghosh Stricklett

Secretary

 4/1/06
Alana Dzurek

~~Hillmead Newsletter~~ TREASURER

Adam & Harriet Kuhn 
Hillmead List Serve

CC: Councilman Howard Denis, Montgomery County Council

Weaver, Richard

From: KayBeane@aol.com
Sent: Friday, April 21, 2006 5:47 AM
To: Krasnow, Rose; Weaver, Richard; Bradford, Mary; Gries, William; Powell, Doug
Subject: Piotrow/Hillmead/ property and the Preliminary Plan number is 1-20060480.

As Sent to Councilman Denis today, 4/21/2006

Piotrow/Hillmead/ property and the Preliminary Plan number is 1-20060480.

Dear Councilman Denis:

Please accept my 2nd thank you on the wonderful job your staff did on our Hillmead Park and Play area. I was there with the scissors, a camera and met you at the ribbon cutting ceremony.

It's a great park for our community and served this neighborhood well! We need nothing more than that! **ESPECIALLY** when it means robbing a long term contributing member of our neighborhood of her retirement plan. I am appalled that this would be considered in Montgomery County & especially by intervention from YOUR office!

Having lived in this HILLMEAD community for almost 30 years and raised my FIVE children on land abutting the park and playground, I feel you should listen to the neighborhood as a whole!

Please do not consider intervening to delay the May 4 hearing, or oppose her property sale. Follow the rules & regulations set by this county!

In reading and rereading all that has been submitted, I would like to clearly state to you that the Hillmead Citizens Association is not in agreement with a few neighbors idea to ask Montgomery County to buy the Piotrow Property! **MUCH LESS** block her ability to sell HER subdivided land to whoever she pleases.

I sincerely hope that *a few neighbors* do not try to make you believe that it is a unanimous decision **to block the Piotrow subdivision/sale**, when indeed it is only a handful of neighbors.

Isn't your office supposed to be advocating for this community as a whole! Please do not think, in any way shape or form that a few neighbors speak for the Hillmead Community. They do not!

Sincerely

Kay Balaban Beane
8709 Melwood Rd.
Bethesda, MD 20817
301 365 5272
Resident of Hillmead since 1978
kaybeane@aol.com

BRIAN E. FROSH
16th Legislative District
Montgomery County

Chairman
Judicial Proceedings Committee



Toll Free
301-858-3124 Washington Area
410-841-3124

Home Office
4810 Grantham Avenue
Chevy Chase, Maryland 20815-5536
301-652-2888
brian_frosh@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401-1991

April 14, 2006

RECEIVED
0488
APR 17 2006

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

Mr. Derek Berlage, Chairman,
Montgomery County Planning Board
The Maryland-National Capital Park
& Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Chairman Berlage:

I understand an application has been made to subdivide and develop a parcel of land adjacent to Hillmead Park, potentially impacting the Park as well as the tree cover along Bradley Boulevard in Bethesda.

I know the Park and adjacent tract well, having played there as a child. For decades, the Park has made a vital contribution to the quality of life in the community. Last year, I was pleased to participate a ceremony celebrating the Park's renovation and was struck by what a remarkable facility it is, a place of recreation and enjoyment for children and adults alike.

The parcel in question is a significant amount of open space, a little over an acre in size. Preserving it as an undeveloped tract would be an investment in the community that would pay dividends in coming years as our population continues to grow.

I am writing to ask the County to consider acquiring the property with local Program Open Space dollars and incorporating it into Hillmead Park. I urge the Department and its staff to evaluate this possibility as quickly as possible and will be happy to help in any way I can.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian E. Frosh', written in a cursive style.

Brian E. Frosh



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

April 7, 2006

RE: Preliminary Plan for Subdivision of Piotrow property adjacent to Hillmead Park

Dear Chairman Berlage,

On behalf of the Audubon Naturalist Society, I am writing to address the Preliminary Plan proposed for Piotrow property adjacent to Hillmead Park in Bethesda. This plan calls for extensive clearing of a significant forest stand in down county Montgomery, which has already experienced a dramatic loss of tree cover. According to the County's own *Forest Preservation Strategy*, our forest cover has declined from 45% in 1973 to just 28% in 2000. I know you share the belief that urban areas in the down county need green space too, particularly in light of increasing problems with air quality, stormwater runoff, as well as the loss of natural visual touchstones in older residential areas.

As you know, Audubon's mission is to help protect and preserve natural resources in the region. We have numerous environmental concerns regarding this proposal. We fully endorse the community's efforts to catalogue and advocate against the potential environmental impacts of this ill conceived plan. This four lot subdivision, with two lots sitting on a steep slope, will cause irreparable and irreversible damage to Hillmead Park, a park in which the community has already invested time and resources to equip, plan and preserve. Working with the Montgomery Parks Foundation, the "Friends of Hillmead Park" are to be commended for their extraordinary efforts. But this proposed subdivision presents a significant hurdle to protect the park land. Just like the citizens of Clarksburg, this team of activists have done their homework. We hope that staff will give them the attention and respect they deserve.

In our view, this preliminary plan is not compliant with the County's set back rules. In addition the tree-saving plan does not accurately reflect the girth of the trees, the tree cover or the critical root zones. The subdivision plan application wrongly claims that the property qualifies for forest conservation exemption. The application also has not addressed serious concerns regarding erosion and sediment control. Further there is no mention of the creek in back of the property that may qualify as a 100 year flood plain.

We hope your staff will be supportive of the community. We would also like to request that the County look into possible acquisition options for all or part of the subdivision proposal. I intend to testify in opposition to this plan as proposed on behalf of our 20,000 members.

Sincerely,

Dolores Milmoie
Maryland Conservation Advocate

Weaver, Richard

From: Wende Mack [wbm_dcm@msn.com]
Sent: Thursday, April 20, 2006 5:14 PM
To: Berlage, Derick; Howard Denis
Cc: Krasnow, Rose; Cathy Conlon; Weaver, Richard; Bradford, Mary; Gries, William; Powell, Doug; Phyllis Piotrow
Subject: Piotrow/ Hillmead property (#1-20060480)

We are writing to express our opinion on an issue that has arisen in our community regarding the Piotrow/Hillmead property, Preliminary Plan #1-20060480.

Our friend and neighbor, Phyllis Piotrow, is awaiting approval from the MNCPPC on a site plan for the development of her property at 6221 Bradley Boulevard. She has a contract to sell based on this approval. It is a move she has given careful consideration to over the past two or three years. She has been working closely with the County on this matter for over a year and has had every reason to expect that all the loose ends were just about resolved and her settlement could take place.

The issue is, a small group of neighbors has decided that it would rather have Park and Planning buy the property in order to extend the Hillmead Park. The group has submitted a proposal to that effect to the Park and Planning.

This group has every right to make such a proposal, of course, but it is hard to understand why it waited a whole year, to the point where it is the last minute from the perspective of Ms Piotrow, who has retired and moved out of the house. Also, Ms Piotrow was never consulted nor made aware of the action by these neighbors.

The proposal is being presented as having wide support in the community. However, it is very likely that many residents know nothing about it because the neighborhood's listserv does not include all households. There apparently has been no effort to use other means of contacting the entire community.

Moreover, the recent listserv survey on the subject covered the general idea about extending the park without including any background information about Ms Piotrow's work with Park and Planning on the matter, or the fact that Park and Planning had no interest in buying.

No matter what the merits or drawbacks might be to this proposal, we believe that it should have been instigated more than a year ago, if at all, and that it should have included input from the entire community, and that the community should have been apprised of all the work done so far on the project by Ms Piotrow and Park and Planning. At this late date, we believe it to be an injustice to Ms Piotrow for this proposal to go forward.

We also believe that a private citizen should have the right to dispose of personal real estate as he or she sees fit as long as all the necessary rules and regulations are followed. We hope that Park and Planning will be allowed to follow its own regulations, which Ms Piotrow has been faithful in complying with from the beginning.

One last point is that the present park is already subject to acts of vandalism. Damage has actually been done to the tennis courts on more than one occasion, and there has been evidence of drug activity and

alcohol use on the premises. At two different times small campsites have appeared in the area behind the tennis courts. It seems logical that an expanded park would bring expanded problems and would adversely affect the immediate neighbors.

We hope that you will take our thoughts into consideration when this issue comes up for discussion at the upcoming hearing, scheduled for May 4.

Wende and Donald Mack
6204 Greentree Road
Bethesda, MD

Crampton, Pamela

From: sueghosh@aol.com
Sent: Sunday, April 02, 2006 10:14 PM
To: Weaver, Richard
Cc: Crampton, Pamela; adamandharriet@yahoo.com
Subject: M-NCPPC Hillmead-Bradley Hills/120060480 - Update from Hillmead

Dear Mr.Weaver:

Please find attached a copy of an updated letter to Chairman Berlage and a copy of the online Hillmead survey. This letter has been copied to Councilman Howard Denis. We further intend to discuss the contents of this letter at our meeting tomorrow with the Councilman.

Please feel free to call me or Harriet.Kuhn should you have any questions.

Thanks.

Sue Ghosh Stricklett
(301) 365-0360

SUE GHOSH STRICKLETT

8733 Ridge Road, Bethesda, MD 20817

Phone: (301) 365-0360

Fax: (301) 365-0565

E-Mail: sueghosh@aol.com

Transmitted Via E-mail

April 3, 2006

Derick Berlage
Chairman
Montgomery County Planning Board
Montgomery County Department of Park & Planning
The Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Preliminary Plan for Subdivision of property adjacent to Hillmead Park

Dear Chairman Berlage:

On behalf of the numerous supporters of Hillmead Park, let me sincerely thank you for your continued interest in the park and the environmental concerns expressed by Hillmead residents.

I wish to bring to your attention the results of the online survey conducted by the Hillmead Citizens Association (See Below). The survey result demonstrates overwhelming community support for the park and a possible County acquisition of the property adjacent to the park. The online survey, however, is limited to those residents who participate in the Hillmead List Serv and also have access to the internet. The Hillmead Citizens Association has yielded to the request of Phyllis Piotrow, the owner of the property adjacent to the park, and will not be proceeding with a hard copy survey canvassing all 283 Hillmead Households as had been originally planned. Mrs. Piotrow has insisted that such a survey will pose a barrier to an expedited approval of her subdivision application by the County and the subsequent sale of her property to a developer who, according to her, has agreed to purchase the property contingent on final approval of the subdivision application by the County.

Separately, my neighbor Harriet Kuhn and I are leading a petition of the donors of last year's playground upgrade - the "Friends of Hillmead Park" - who wish to voice their concern against environmental encroachment to park property. For your information, the playground now lacks a swing set, which the community badly wanted. There is money left over from the fundraising (after paying for the playground equipment) that would have accommodated the additional equipment. But we decided against expanding the existing footprint of the playground in order to clear an area for the swing set. This was done specifically to protect the trees now shared between the playground and the property in question. The Montgomery Parks Foundation, the organization that sponsored the Friends of Hillmead Park fundraising, is aware of the petition underway and has advised us that they will closely monitor the subdivision application process and any potential environmental impact to the park. We will forward the petition to your attention later this week.

Finally, let me reiterate that the subdivision application remains incomplete and has failed to address many of the environmental concerns expressed by Hillmead residents in earlier letters to you and to Mr. Richard Weaver of Developmental Review Division.

The application paperwork in the public records remains deficient as follows:

1. The property qualifies as a "forest" under the Montgomery County Code, Part II (the "Code"), Section 22A. The property is more than 1.3 Acres with more than 10,000 sq. ft. of wooded area. In addition, the definition of forest should be liberally construed since the property adjoins a 4.3 Acre public park, shares with the park critical root zones and tree cover of numerous specimen trees, and a majority of the trees in this heavily wooded area exceed 20 feet in height. Consequently, the subdivision application must comply with all requirements of Section 22A Article II, including forest stand delineation during the preliminary review process and a detailed and well-documented forest conservation plan. The applicant has submitted a tree saving plan that does not meet the compliance requirements of Article II of Section 22A.
2. The subdivision application does not qualify for the exemption noted in Section 22A-5(r)(1): "An activity occurring on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion trees, and afforestation requirements would not exceed 10,000 sq. ft". The property may be less than 1.5 acres. But there are a large number of specimen trees on the property as well as on park property next to it, all of which have a network of interlocking critical root zones and tree cover for the entire wooded area at Hillmead Park. Afforestation on the property itself is likely to exceed 10,000 sq. ft. Any afforestation of park property is simply unacceptable.
3. The back of the property in question shares a creek and constitutes a "watercourse or drainage" under Section 19-1. The existing home on the property is also on a hill and two of the four new homes proposed in the subdivision application will be situated on a slope. Therefore, all necessary documents must be submitted to obtain an erosion and sediment control permit under Section 19-3 and 19-4 in conjunction with a forest conservation plan under Section 22A Article II. No documentation has been submitted at this time to meet the Section 19-3 or 19-4 compliance requirements.
4. The proposed subdivision is a "land-disturbing activity" as defined by the Montgomery County Code, Part II, Section 19-36 and the creek in the back of the property is a "floodplain" and a "floodway" as defined by Section 19-37. A flood plain district permit is required under Section 19-37 in conjunction with the forest conservation plan. The property in question does not qualify for a waiver of this permitting requirement specified by Section 19-37(b). No documentation has been submitted at this time to meet Section 19-37 compliance requirements.

We hope that the subdivision review process will ensure that the foregoing and all applicable provisions of the Code will be zealously enforced and the Department of Park & Planning is able to allay resident fears of environmental encroachment into a public park that is viewed by all as a community treasure.

I thank you for your kind attention.

Sincerely,

Sue Ghosh Stricklett

CC: Councilman Howard Denis; Richard Weaver