

**MEMORANDUM**

**DATE:** June 30, 2006

**TO:** Montgomery County Planning Board

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

**FROM:** Dolores Kinney, Senior Planner (301) 495-1321 *DK*  
Development Review

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Subdivision of Parcel 496

**PROJECT NAME:** Spring Hill Manor Update

**CASE #:** 120060590 (Formerly 1-06059)

**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** R-90

**LOCATION:** Located on the east side of Spring Hill Lane, approximately 80 feet south of the intersection with Glenmoor Drive

**MASTER PLAN:** Bethesda Chevy Chase

**APPLICANT:** George W. Hugueley

**ENGINEER:** WCG, LLC

**ATTORNEY:** Linowes and Blocher

**HEARING DATE (S):** July 13, 2006 (Deferred from June 22, 2006)

**STAFF RECOMMENDATION:** Approval, pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 2 residential lots.
- 2) The applicant shall comply with the conditions of the final tree save plan, which must be approved by MNCPPC staff prior to any demolition, clearing, or grading on the subject property. Final plan must be in accordance with all conditions of approval in Environmental Planning memo dated May 1, 2006.
  - a) The final tree save plan must save designated trees shown outside the limit of disturbance (LOD) as shown on the preliminary tree save plan signed and dated May 1, 2006.
  - b) Final tree save plan must be prepared, signed and stamped by an ISA certified arborist and include complete details on the proposed tree protection measures. Any trees that need to be removed based on the arborist's review must be replaced at a rate of 1" DBH per every 1" lost.
- 3) The applicant shall comply with the conditions of approval of the MCDPS stormwater management approval dated April 27, 2006.
- 4) The applicant shall comply with conditions of MCDPWT letter dated March 24, 2006, unless otherwise amended.
- 5) Record plat shall reflect common ingress/egress and utility easements over all shared driveways.
- 6) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 7) The record plat shall reflect other necessary easements.

**SITE DESCRIPTION:**

The subject property, identified as Parcel 496 (Subject Property), is located on the east side of Spring Hill Lane, approximately 80 feet south of the intersection with Glenmoor Drive (Attachment A). The Subject Property contains 0.86 acre and is zoned R-90. A dwelling currently exists on the property and will remain.

**PROJECT DESCRIPTION:**

This is a subdivision application for two residential lots for two one-family detached dwellings (Attachment B), one of which already exists. Access to the Subject Property will be via a shared driveway from Spring Hill Lane. Stormwater management will be provided by adding topsoil to all disturbed areas, prior to permanent vegetation stabilization, and adherence to other best management practices and Montgomery County Department of Permitting Services (DPS) regulations.

## **DISCUSSION:**

### Previous Hearing

The preliminary plan was presented to the Planning Board on May 18, 2006, at which time the Board deferred decision on the plan. The preliminary plan proposes an existing dwelling on Lot 1 with frontage on Glenmoor Drive and a dwelling on Lot 2, at the rear of an existing dwelling fronting on Spring Hill Lane. The property owner of Lot 13, which fronts on Spring Hill Lane, testified in opposition to the plan, indicating that the proposed Lot 2 did not meet Section 50-29 (a)(1) of the Subdivision Regulations. The neighbor's representative cited that the shape and orientation of the proposed Lot 13 was not appropriate for the location of the subdivision. The Board deferred the preliminary plan to provide additional time for the applicant to address this issue and to identify similar configurations within the community.

At the June 22, 2006 hearing, the Applicant requested another deferral in part due to opposition from a neighboring property owner. It is Staff's understanding, that the applicant and the neighbor have discussed the plan and the neighbor no longer opposes.

### Staff's Position

The original staff report did not specifically address Section 50-29 (a) (1) of the subdivision regulations, but the issue was evaluated during the review of the application. The dwelling on the proposed Lot 2 will be approximately 140 feet in distance from the existing dwelling on Lot 13. The proposed Lot 2 is in the shape of a pipestem and contains a driveway to be shared by both the proposed lots. The existing dwelling on proposed Lot 1 has a rear yard facing Glenmoor Drive. However, the front of the existing dwelling on Lot 1 and the proposed dwelling on Lot 2 will both be oriented towards the shared access, very similar to a cul-de-sac configuration.

As previously stated, the dwelling on the proposed Lot 1 fronts on Glenmoor Drive. However, the rear of the house faces Glenmoor and the front of the house faces the proposed Lot 2. The front of the dwelling on the proposed Lot 2 faces Spring Hill Lane. The two (2) new dwellings have common orientation towards the private driveway, very similar to the typical orientation of dwellings to a cul-de-sac. The orientation of the two (2) new lots is much like that of other lot orientations in the neighborhood.

Immediately south of the Subject Property are properties which front on Spring Hill Court, which is a cul-de-sac. Lot 11, which fronts on Spring Hill Court, is located to the rear of Lot 12. Lot 12 fronts and faces Spring Hill Lane. The orientation of the lots adjacent to Spring Hill Court is very similar to the orientation proposed for the Subject Property, except the proposed lots obtain access via a driveway instead of a public cul-de-sac.

The above description of Lot 11 references a similar configuration to the proposed preliminary plan and is in the vicinity of the Subject Property. The orientation of "lots-behind-lots" is not uncommon in this area. As such, Staff finds that the orientation of the proposed lots is appropriate for the subdivision and find that Preliminary Plan #120060590 (Formerly 1-06059) Spring Hill Manor Parcel 496, complies with Section 50-29 (a)(1) and all other provisions of the Subdivision Regulations.

The neighboring property also contended that the shape of Lot 2 was not appropriate for the location of the subdivision. The proposed Lot 2 would be created from the existing Parcel 496, which is a pipestem. Although pipestems are not typical lots in this area, this particular configuration is an existing condition. Therefore, the shape of the proposed lot has already existed at the current location. Unlike an application for resubdivision, the proposed lots are not required to be of the same character as the existing lots in the neighborhood.

Section 50-29(a)(1) of the Subdivision Regulations requires that any proposed lot have appropriate lot size, width, shape and orientation for the location of the subdivision. In reference to this preliminary plan, the Board questioned shape and orientation of the proposed Lot 2. Based on the above findings and others, as discussed in the May 18, 2006 Staff memorandum (Attachment A), Staff finds that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the area of the proposed subdivision. Staff continues to recommend approval of the preliminary plan.

**ATTACHMENTS:**

Attachment A          May 18, 2006 Staff Memorandum

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 #  
May 18, 2006

MEMORANDUM

**DATE:** May 1, 2006

**TO:** Montgomery County Planning Board

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

**FROM:** Dolores Kinney, Senior Planner (301) 495-1321  
Development Review

**REVIEW TYPE:** Preliminary Plan Review  
**APPLYING FOR:** Subdivision of Parcel 496

**PROJECT NAME:** Spring Hill Manor  
**CASE #:** 120060590 (Formerly 1-06059)  
**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** R-90  
**LOCATION:** Located on the east side of Spring Hill Lane, approximately 80 feet south of the intersection with Glenmoor Drive

**MASTER PLAN:** Bethesda Chevy Chase  
**APPLICANT:** George W. Hugueley  
**ENGINEER:** WCG, LLC  
**HEARING DATE:** May 18, 2006

**STAFF RECOMMENDATION:** Approval, pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 2 residential lots.
- 2) The applicant shall comply with the conditions of the final tree save plan, which must be approved by MNCPPC staff prior to any demolition, clearing, or grading on the subject property. Final plan must be in accordance with all conditions of approval in Environmental Planning memo dated May 1, 2006.
  - a) The final tree save plan must save trees shown outside the limit of disturbance (LOD) as shown on the preliminary tree save plan signed and dated May 1, 2006.
  - b) Final tree save plan must be prepared, signed and stamped by an ISA certified arborist and include complete details on the proposed tree protection measures. Any trees that need to be removed based on the arborist's review must be replaced at a rate up to 1" DBH per every 1" lost.
- 3) The applicant shall comply with the conditions of approval of the MCDPS stormwater management approval dated April 27, 2006.
- 4) The applicant shall comply with conditions of MCDPWT letter dated March 24, 2006, unless otherwise amended.
- 5) The applicant shall resolve the fire code issues relating to an approved turnaround and turning radius from Spring Hill Lane prior to record plat.
- 6) Record plat shall reflect common ingress/egress and utility easements over all shared driveways.
- 7) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 8) The record plat shall reflect other necessary easements.

**SITE DESCRIPTION:**

The subject property, identified as Parcel 496 (Subject Property), is located on the east side of Spring Hill Lane, approximately 80 feet south of the intersection with Glenmoor Drive (Attachment A). The Subject Property contains 0.86 acre and is zoned R-90. A dwelling currently exists on the property and will remain.

**PROJECT DESCRIPTION:**

This is a subdivision application for two residential lots for two one-family attached dwellings (Attachment B), one of which already exists. Access to the Subject Property will be via a shared driveway from Spring Hill Lane. Stormwater management will be provided by topsoiling all disturbed areas, prior to permanent vegetation stabilization, and adherence to other best management practices and Montgomery County Department of Permitting Services (DPS) regulations.

## **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 use. The plan recommends that this area maintain the existing zoning as adopted and maintain the residential land use consisting of one-family detached homes. The proposed subdivision complies with the recommendations adopted in the master plan in that it is a request for residential development.

### **Environmental Compliance**

There is no forest on the Subject Property and the site is exempt from Forest Conservation Law as a Small Property.

All specimen trees on the Subject Property are proposed to be retained and the effects of construction suitably mitigated. All off-site trees are proposed to be retained and the effects of construction minimized and mitigated. There are no streams, wetlands, floodplains or environmental buffers on the property.

### **Fire and Rescue Emergency Access**

The Montgomery County Department of Fire and Rescue Services (MCFRS) require sufficient access to properties to accommodate emergency vehicles. MCFRS has reviewed and approved the preliminary plan with a condition that the applicant provides adequate turnaround and turning radius from Spring Hill Lane, prior to recordation of the plat. MNCPPC and MCFRS Staff agree that this modification can be made without alteration of the lot layout.

## **ANALYSIS**

Staff finds that Preliminary Plan #1-20060590 (formerly 1-06059), Spring Hill Manor Parcel 496 conforms to the Bethesda Chevy Chase Master Plan and meets all necessary requirements of the Subdivision Regulations. Staff also finds that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the area of the proposed subdivision, as demonstrated in Attachment C, Data Table. Staff further finds that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

**CONCLUSION:**

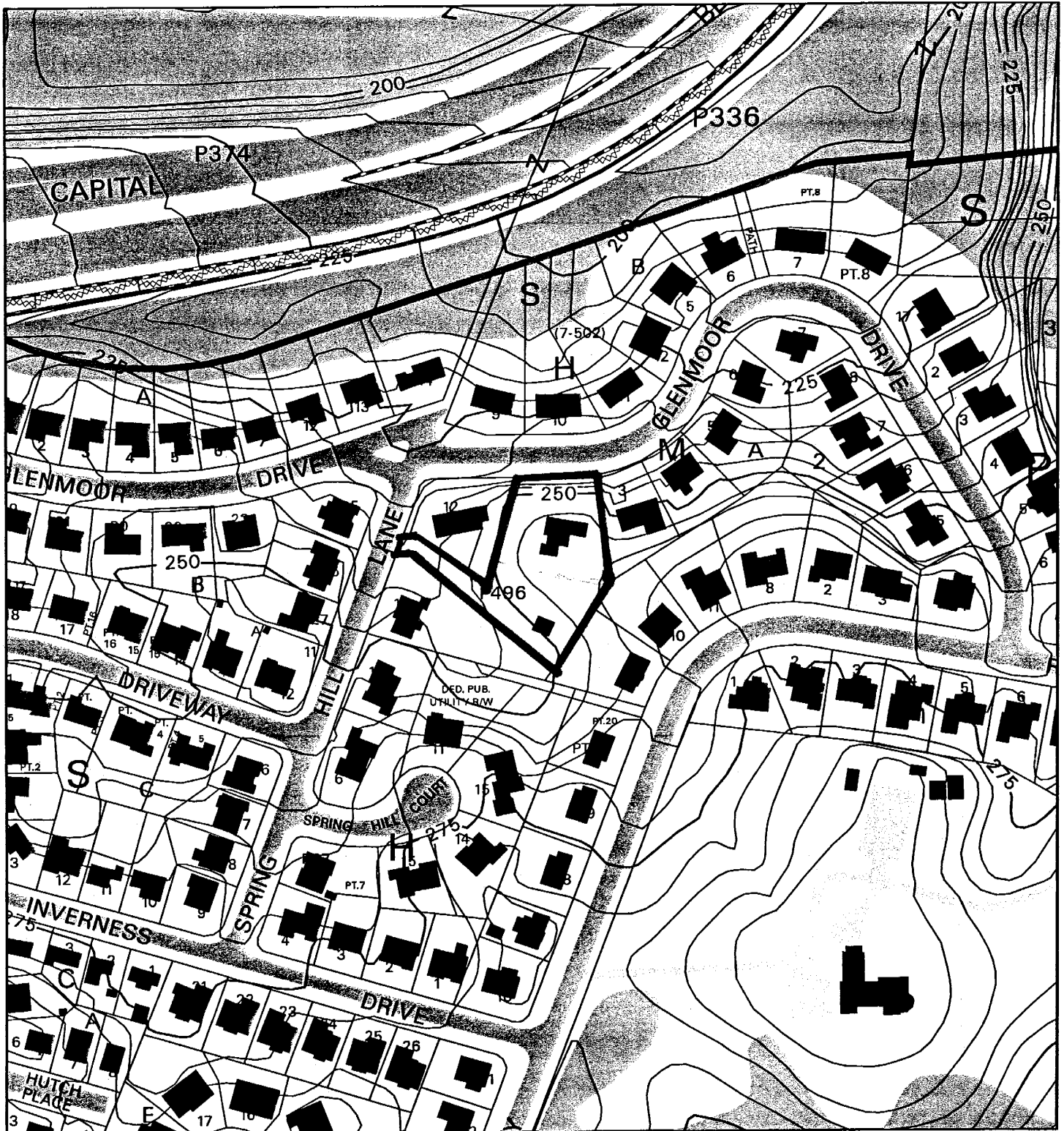
Staff finds that Preliminary Plan #120060590 (Formerly 1-06059) Spring Hill Manor Parcel 496, conforms to all necessary requirements of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan, subject to the above conditions.

**ATTACHMENTS:**

Attachment A	Vicinity Map
Attachment B	Preliminary Plan
Attachment C	Data Table
Attachment D	Agency Correspondence
Attachment E	Applicant's Correspondence



# PARCEL 496 - SPRING HILL MANOR (120060590)



Map compiled on December 07, 2005 at 4:00 PM | Site located on base sheet no - 211NW03

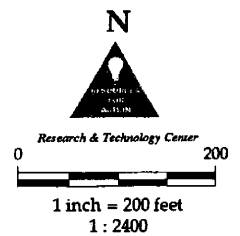
**NOTICE**

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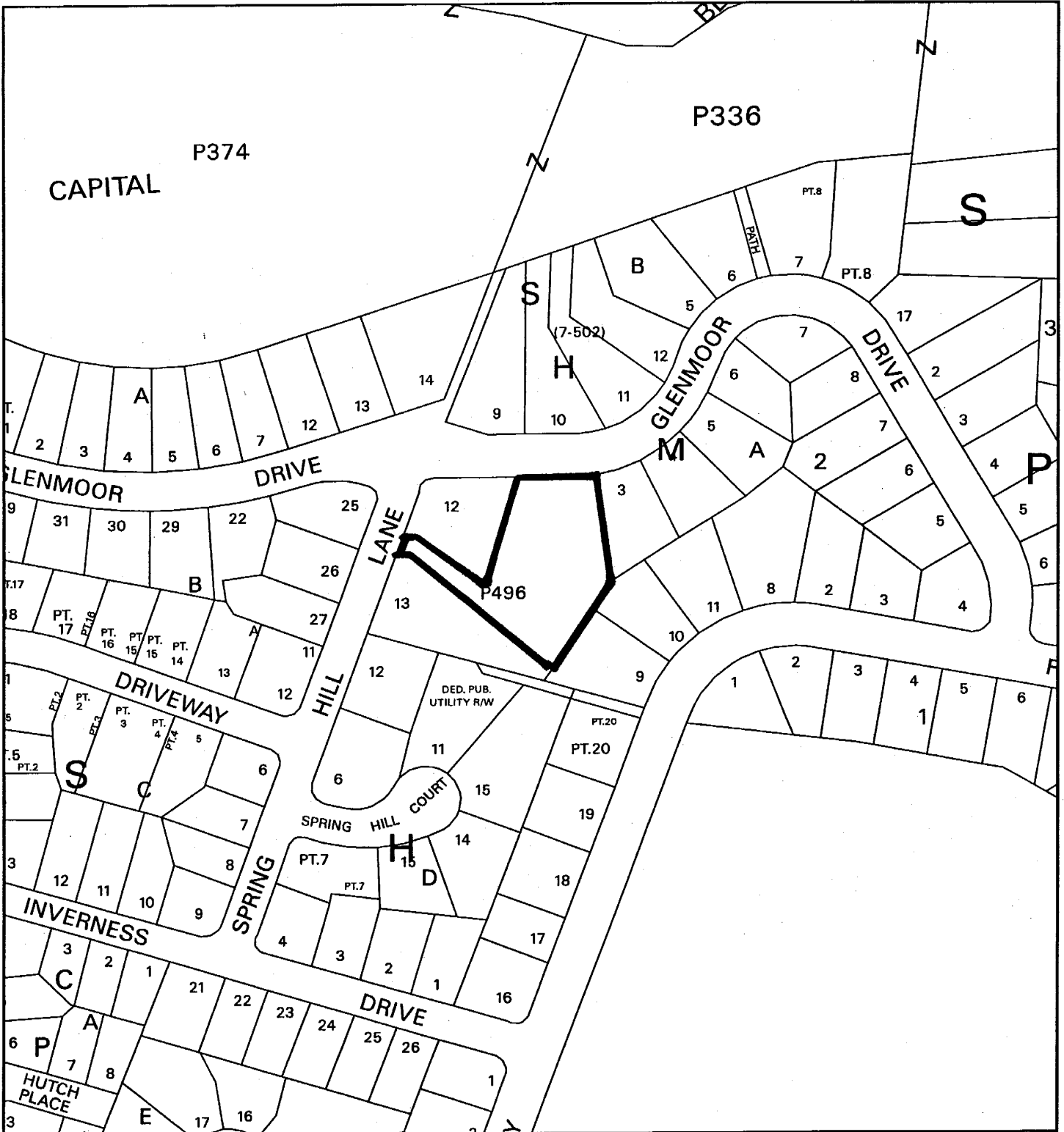
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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



# PARCEL 496 - SPRING HILL MANOR (120060590)



Map compiled on December 07, 2005 at 4:03 PM | Site located on base sheet no - 211NW03

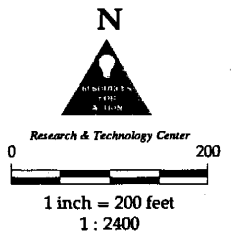
## NOTICE

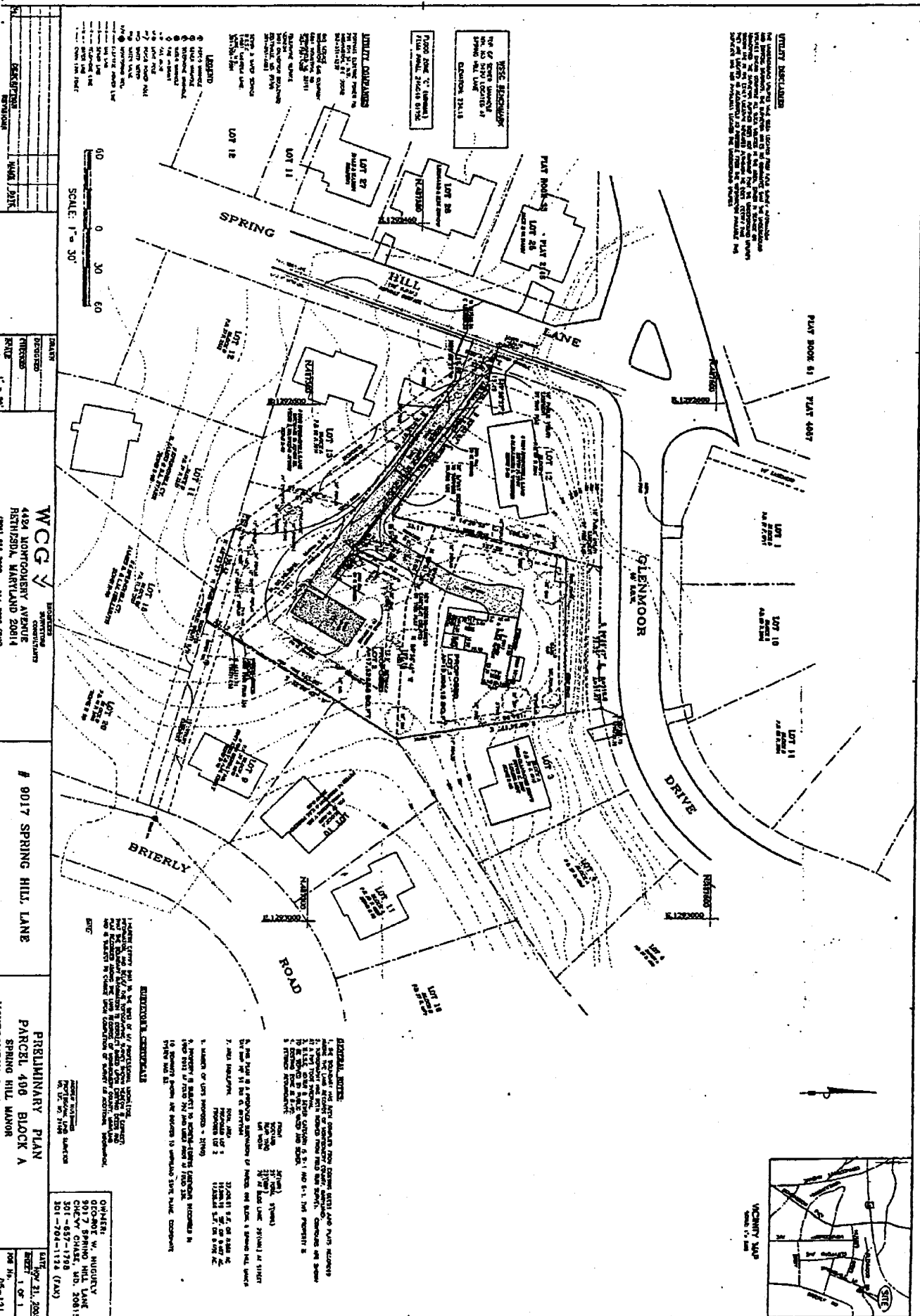
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**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 8787 Georgia Avenue - Silver Spring, Maryland 20910-3760





## Preliminary Plan Data Table and Checklist

Plan Name: Spring Hill Manor Parcel 496				
Plan Number: 120060590				
Zoning: R-90				
# of Lots: 2				
# of Outlots: 0				
Dev. Type: Two one-family detached dwelling units				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	9,000 sq.ft.	17,529 sq.ft. is minimum proposed	<i>Dmu</i>	May 1, 2006
Lot Width	ft.	Must meet minimum	<i>Dmu</i>	May 1, 2006
Lot Frontage	25 ft.	Must meet minimum	<i>Dmu</i>	May 1, 2006
Setbacks				
Front	30 ft. Min.	Must meet minimum	<i>Dmu</i>	May 1, 2006
Side	8 ft. Min./ 25 ft. total	Must meet minimum	<i>Dmu</i>	May 1, 2006
Rear	25 ft. Min.	Must meet minimum	<i>Dmu</i>	May 1, 2006
Height	35 ft. Max.	May not exceed maximum	<i>Dmu</i>	May 1, 2006
Max Resid'l d.u. or Comm'l s.f. per Zoning	4 d. u.	2 dwelling units	<i>Dmu</i>	May 1, 2006
MPDUs	N/A	N/A	<i>Dmu</i>	May 1, 2006
Site Plan Req'd?	No	No	<i>Dmu</i>	May 1, 2006
<b>FINDINGS</b>				
<i>SUBDIVISION</i>				
Lot frontage on Public Street	Yes	Yes	<i>Dmu</i>	May 1, 2006
Road dedication and frontage improvements	Dedication	Yes	DPWT memo	March 24, 2006
Environmental Guidelines	Yes	Yes	Environmental Planning memo	May 1, 2006
Forest Conservation	Yes	Yes	Environmental Planning memo	May 1, 2006
Master Plan Compliance	Yes	Yes	<i>Dmu</i>	May 1, 2006
Other				
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management	Yes	Yes	DPS	April 27, 2006
Water and Sewer (WSSC)	Yes	Yes	WSSC	
Well and Septic				
Local Area Traffic Review	N/A	N/A	<i>Dmu</i>	May 1, 2006
Fire and Rescue	Yes	Yes	MCFRS	May 2, 2006

**AGENCY  
CORRESPONDENCE**



Robert L. Ehrlich, Jr., *Governor*  
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*  
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

November 1, 2005

Ms. Cathy Conlon  
Supervisor, Development Review  
Subdivision Division  
Maryland National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Re: Montgomery County  
MD 118 General  
Gateway Park Residential  
File Nos. 1-20060470 & 8-20060150

Dear Ms. Conlon:

The State Highway Administration (SHA) would like to thank you for the opportunity to review the preliminary and site plan applications for the Gateway Park Residential development. We have completed our review and have no comments at this time.

If additional information is required from SHA regarding this project, please do not hesitate to contact Mr. Raymond Burns at 410-545-5592, Mr. John Borkowski at 410-545-5595, or by using our toll free number in Maryland only, 1-800-876-4742 (x-5592 for Ray, x-5595 for John). You may also E-mail Ray at [rburns1@sha.state.md.us](mailto:rburns1@sha.state.md.us) or John at [jborkowski@sha.state.md.us](mailto:jborkowski@sha.state.md.us). Thank you for your cooperation.

Very truly yours,

for Steven D. Foster, Chief  
Engineering Access Permits Division

SDF/RB/JAB

cc: Mr. Darrell Mobley (Via E-mail)  
Mr. Augustine Rebish (Via E-mail)  
Mr. Richard Weaver, M-NCPPC (Via E-mail)

My telephone number/toll-free number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • [www.marylandroads.com](http://www.marylandroads.com)



DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION

Douglas M. Duncan  
*County Executive*

Arthur Holmes, Jr.  
*Director*

March 24, 2006

Ms. Catherine Conlon, Subdivision Supervisor  
Development Review Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20060590  
Spring Hill Manor

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 3/20/06. An older version of this plan was reviewed by the Development Review Committee at its meeting on 12/19/05. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show all existing planimetric and topographic details storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways on the preliminary plan.
2. Necessary dedication for Glenmoor Drive and Spring Hill Lane.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. We did not receive complete analyses of the capacity of the downstream public storm system(s) and the impact of the post-development runoff on the system(s). As a result, we are unable to offer comments on the need for possible improvements to the system(s) by this applicant. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to submit this study, with computations, for review and approval by DPS. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread and inlet efficiency computations in the impact analysis.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878  
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

5. The sight distances study has **not** been accepted. Prior to approval of the record plat by DPS, the applicant's engineer will need to show the proposed driveway and connection to the garage for lot#1 on the preliminary plan.
6. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
7. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
8. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required along the frontage to serve the proposed subdivision.
9. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
10. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
11. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
12. Coordinate with Department of Fire and Rescue about their requirements for access.
13. Adjust the common driveway curb return so it does not cross the property line.
14. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - A. Construct the sidewalk as detailed in items 9.
  - B. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study. If the improvements are to be maintained by Montgomery County, they will need to be designed and constructed in accordance with the DPWT Storm Drain Design Criteria.
  - C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
  - D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will



Ms. Catherine Conlon  
Preliminary Plan No. 1-20060590  
Date March 24, 2006  
Page 3

comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

- E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at [sam.farhadi@montgomerycountymd.gov](mailto:sam.farhadi@montgomerycountymd.gov) or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E., Senior Planning Specialist  
Traffic Engineering and Operations Section

m:/subdivision/farhas01/preliminary plans/ 1-20060590, Spring Hill Manor.doc

Enclosures ()

cc: Andrew Husbands, WCG  
George Hugueley  
Joseph Y. Cheung; DPS RWPPR  
Christina Contreras; DPS RWPPR  
Sarah Navid; DPS RWPPR  
Shahriar Etemadi; M-NCPPC TP  
Gregory Leck, DPWT TEOS



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

April 27, 2006

Robert C. Hubbard  
Director

Mr. Andrew Husbands  
WCG, LLC  
4424 Montgomery Avenue, Suite 201  
Bethesda, MD 20814

Re: Stormwater Management **CONCEPT** Request  
for Spring Hill Manor  
Preliminary Plan #: 1-06059  
SM File #: 219985.  
Tract Size/Zone: 0.86 Ac./R-90  
Total Concept Area: .4024 Ac.  
Parcel(s): 496  
Watershed: Lower Rock Creek

Dear Mr. Husbands:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and recharge via non structural best management practices. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Please meet with the MCDPS plan reviewer prior to submittal of sediment control plan to discuss layout of the driveway trench.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is/is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way



unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,

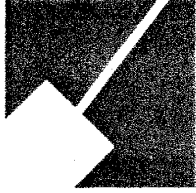


Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB:dm CN219986 Spring Hill Manor.DWK

cc: C. Conlon  
S. Federline  
SM File # 219985

QN -Onsite; Acres: .4024  
QL - Onsite; Acres: .4024  
Recharge is provided



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

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

**MEMORANDUM**

TO: Delores Kinney, Development Review  
Cathy Conlon, Development Review

VIA: Steve Federline, Supervisor, Environmental Planning *SF*

FROM: Amy Lindsey, Environmental Planning *AL*

DATE: May 1, 2006

SUBJECT: Preliminary Plan 120060590  
Spring Hill Manor – Parcel 496

---

The Environmental Planning staff has reviewed the preliminary plan referenced above. Staff recommends approval of the preliminary plan of subdivision with the following condition:

1. The proposed development shall comply with the conditions of the final tree save plan, which must be approved by MNCPPC staff prior to any demolition, clearing, or grading on the subject property. Final plan must be in accordance with all conditions of approval in Environmental Planning memo dated May 1, 2006.
  - a. The final tree save plan must save trees shown outside the limit of disturbance (LOD) shown on the preliminary tree save plan signed and dated 5/1/2006.
  - b. Final tree save plan must be prepared, signed and stamped by an ISA certified arborist and include complete details on the proposed tree protection measures. Any trees that need to be removed based on the arborist's review must be replaced at a rate up to 1" DBH per every 1" lost.

**BACKGROUND**

The 0.86-acre property is located in Montgomery County on Spring Hill Lane in the Bethesda/Chevy Chase Master Plan area. Currently, there is one single-family home on the property. This preliminary plan proposes retaining the existing house and constructing one new one. This property surrounding and confronting uses are all single-family residential. There are no environmental features on the property except for specimen trees. The property is within the Lower Rock Creek watershed.

**Forest Conservation**

There is no forest on this property and this site is exempt from Forest Conservation Law as per 405374E, as a Small Property. The exemption letter noted that a Tree Save Plan was required

at Preliminary Plan and Environmental Planning staff confirmed this upon receipt of the Preliminary Plan.

All specimen trees on this property are proposed to be retained and the effects of construction suitably mitigated. All off-site trees are proposed to be retained and the effects of construction minimized and mitigated.

**Environmental Buffers**

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

Sent By: [unclear]

Burr  
[unclear]

## MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION FOREST CONSERVATION RECOMMENDATIONS

**TO:** Plan review staff, Environmental Planning Section

**SUBJECT:** Project Name Spring Hill Manor Date Recd 5/28/05  
NRI/FSD # 4-05374E

The above-referenced plan has been reviewed by the Environmental Planning Division to determine the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). A determination has been made that the plan qualifies for the following exemption:

**EXEMPTION:**

**Small Property**

- Activity occurring on a tract less than or equal to 1.5 acre in size where there is no existing forest and afforestation requirements would be less than 10,000 square feet, and no specimen or champion trees will be disturbed;
- Activity occurring on a tract less than or equal to 1 acre in size where activity will not result in the clearing of more than 30,000 square feet of existing forest, or any specimen or champion trees, and reforestation requirements would be less than 10,000 square feet.

**Note: Tree Save Plan, including preservation and/or replanting of individual trees is required in lieu of a FCP where trees are impacted. Forest within any priority area on-site must be preserved.**

**NOTE:** Per section 22A-6(b) of the Forest Conservation Law, Tree Save Plans may be substituted for Forest Conservation Plans on properties where the proposed development is exempt from Forest Conservation except that it involves clearing of specimen or champion trees.

**This property is subject to a Tree Save Plan.**

- Tree protection measures are required. Tree save plan must be submitted as part of the preliminary subdivision plan application for M-NCPPC review. A licensed arborist may be required to provide an evaluation of and recommendations for protection measures for specific trees on or near the subject site.
- MNCPPC inspector must be contacted for pre-construction inspection of tree protection measures and authorization to begin any tree clearing.

**This property is not within a Special Protection Area.**

Signature: Candy Bunnag  
Environmental Planning

Date: 7/25/05

cc: Ken West, West Consulting Group (fax: 301-654-7908)

emption.doc r01/03

Post-It® Fax Note	7671	Date	7/25	# of pages	1
To	Ken West	From	Candy Bunnag		
Co./Dept.	West Consulting Group	Co.	MNCPPC		
Phone #		Phone #	301 495 4553		
Fax #	301 654 7908	Fax #			



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## FIRE MARSHAL COMMENTS

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**DATE:** MAY 2, 2006  
**TO:** PLANNING BOARD, MONTGOMERY COUNTY  
**VIA:**  
**FROM:** CAPTAIN JOHN FEISSNER 240.372.2436  
**RE:** APPROVAL OF ~ *SPRING HILL MANOR #1-20060590 WITH CONDITION. SEE BELOW.*

---

**1. PLAN APPROVED.**

- a. Review based only upon information contained on the plan submitted 5- 01- 06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Condition: The fire Code Issues of an approved Turnaround and Turning radius from Spring Hill Lane need to be resolved prior to this plan going to record plat.

cc: Department of Permitting Services



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## FIRE MARSHAL COMMENTS

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**DATE:** MAY 26, 2006  
**TO:** PLANNING BOARD, MONTGOMERY COUNTY  
**VIA:**  
**FROM:** CAPTAIN JOHN FEISSNER 240.372.2436  
**RE:** APPROVAL OF ~ *SPRING HILL MANOR #1-20060590*

---

### 1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 5- 26- 06 . Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services



APPLICANT'S  
CORRESPONDENCE

# ABRAMS & WEST, P.C.

ATTORNEYS AT LAW  
SUITE 760N  
4550 MONTGOMERY AVENUE  
BETHESDA, MARYLAND 20814-3304  
(301) 951-1550  
FAX: (301) 951-1543

JAMES L. PARSONS, JR.  
OF COUNSEL

KENNETH R. WEST  
STANLEY D. ABRAMS  
KEITH J. ROSA

PRACTICING IN MARYLAND AND  
DISTRICT OF COLUMBIA

WRITER'S DIRECT NUMBER  
(301) 951-1540  
EMAIL: "sabrams@awslaw.com"

June 13, 2006

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

RECEIVED  
0845  
JUN 15 2006

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

**RE: Preliminary Plan No. 120060590  
Spring Hill Manor  
June 22, 2006 Agenda**

Dear Mr. Berlage:

This matter was before the Planning Board on May 18, 2006 and at the conclusion of the hearing was requested to be deferred by the applicant. If you will recall I represented Mr. & Mrs. Jones, the owners of Lot 13, Spring Hill Manor abutting the subject property in opposition (See: Attachment A). The basis for our opposition in addition to questioning where an appropriate turnaround would be located on the private driveway, accessing all three (3) lots thereon, which had not yet been approved by the Montgomery County Fire and Rescue Services, we also maintained that the proposed lots did not meet the lot design criteria in §50-29(a) of the Subdivision Regulations.

§50-29(a) requires a finding that the lot size, width, shape and orientation shall be appropriate for the location. While this is not a resubdivision under the standards of §50-29(b)(2) the criteria here and the purpose of this section involving an original subdivision are substantially similar. Both standards allow you to evaluate how the proposed subdivision (or resubdivision) impact surrounding properties and fit in amongst adjacent properties (ie. symmetry of lot design). We continue to maintain that the subject subdivision based upon the criteria of shape and orientation in §50-29(a) are not appropriate based on the following considerations:

- (1) None of the lots along Spring Hill Lane and Glenmoor Drive have a shape similar to the shape and orientation of the proposed lots.
- (2) None of the lots in this community require access to be shared with an abutting lot. In fact, in this case three lots share the single access to Spring Hill Lane (ie.: Lots 12 and proposed lots 1 & 2).
- (3) None of the lots in the community have what amounts to a three (3) tier set of houses between two parallel streets. This configuration orients the house on proposed Lot

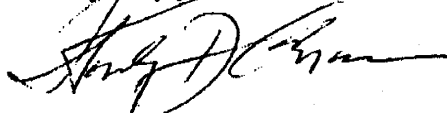
2 to have a front looking onto the rear of my clients home on Lot 13 involving serious issues of compatibility, privacy and breaks the symmetry of the lot design in the neighborhood.

The history of the Spring Hill Manor subdivision is instructive in that this property should be considered with more scrutiny similar to a resubdivision than an original subdivision. In 1957 the area in the southeast and northeast quadrant of the Spring Hill Lane and Glenmoor Drive was under the ownership of Burton Builders, Inc. In February, 1957 the Planning Board approved Block's A and B of Spring Hill Manor which included Lots 1 & 2 (later resubdivided into Lots 12 & 13) and established a 27' wide private drive between the two lots connecting to an area under the applicants ownership but was not included in that subdivision plan (See Plat No. 4815, attached hereto as Attachment B). The following month, in March 1957, the Planning Board approved a preliminary plan for the same applicant creating Lots 3-11 of Block A which abuts the subject property to the east and again did not include the subject property in the subdivision (Plat No. 4859, Attached as Attachment C). Finally in October, 1957 Burton Builders, Inc. (and others) resubdivided lots 1 & 2 into the current lots 12 & 13 respectively changing slightly the size of the two lots but again not including the 27' wide private drive or the subject property (Plat No. 5034, Attachment D). The lots involved in these subdivisions and the surrounding community were thereafter developed with single family homes.

Thus, the original subdivider Burton Builders, Inc. choose not to include the subject property in the original surrounding subdivision approvals, and therefore assumed the risk, as did any subsequent owners, of not being able to meet subsequent subdivision regulations including the lot design criteria and being able to create more than a single lot. My client deserves the same protection in light of the history of this property and the current lot design standards as they would receive if the subject property had been previously approved as a recorded lot and now chose to resubdivide. Why give this subdivider more protection and leniency because the predecessor in title chose not to include this property while subdividing all the surrounding property into recorded lots?

Thank you for your consideration of my clients position.

Very truly yours,

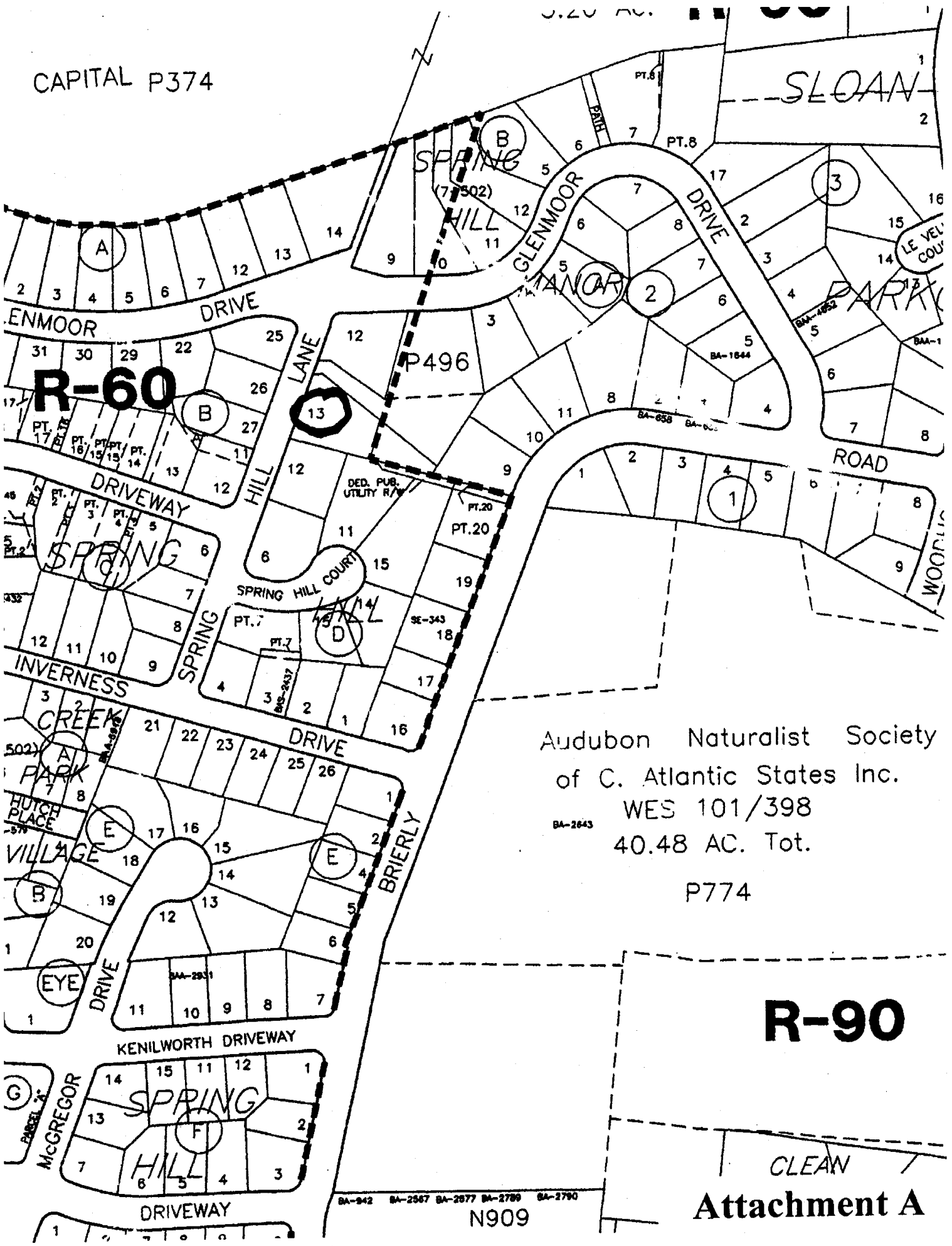


Stanley D. Abrams

SDA:dw  
Enclosures

cc: Mr. & Mrs. Michael Jones  
Nathan Finkelstein, Esq.  
All Planning Board Members  
Delores Kinney  
Andrew A. Husbands

CAPITAL P374



Audubon Naturalist Society  
 of C. Atlantic States Inc.  
 WES 101/398  
 40.48 AC. Tot.

P774

**R-90**

**Attachment A**

BA-242 BA-2567 BA-2677 BA-2786 BA-2790  
N909



PLAT No 5034

OWNER'S DEDICATION

We, Alfred S. Gordon, Jr. and Jane T. Gordon, '43 wife and Burton Builders, Inc. a heretofore Corporation, by Ernest M. Burton, President and James E. Burton, Secretary, owners of the property shown and described herein, hereby, cede the part of subdivision, especially the residential building restriction area. The right of way shown herein for the construction, maintenance and operation of sanitary and storm sewers is hereby dedicated to the public for the purposes stated.

Witness my hand and seal of said Corporation this 1st day of August, 1957.

Alfred S. Gordon, Jr. President  
 Jane T. Gordon Secretary

Ernest M. Burton President  
 James E. Burton Secretary

**ENGINEER'S CERTIFICATE**

I, **John H. Maddox**, Engineer, do hereby certify that the plan shown hereon is correct; that it is a subdivision of part of the land conveyed by A.S. Cleveland, et al to Burton Builders, Inc. by deed dated August 17, 1956 and recorded in Liber 27 folio 100 and also a re-subdivision of Lots 1 and 2, Block 4 and Lots 1, 2, 3, 4, Block B as shown on a plat of Spring Hill Manor recorded on the 14th day of August, 1957 in Liber 28 folio 465. (B) Burton Builders, Inc. has reserved a part of the land conveyed by Burton Builders, Inc. to Alfred S. Gordon, et al by deed dated and recorded in Liber 27 folio 100 and also conveyed to Montgomery County, Maryland, and the same makes this and the copies marked thereto or in place where shown. Date - 31st day of August, 1957.

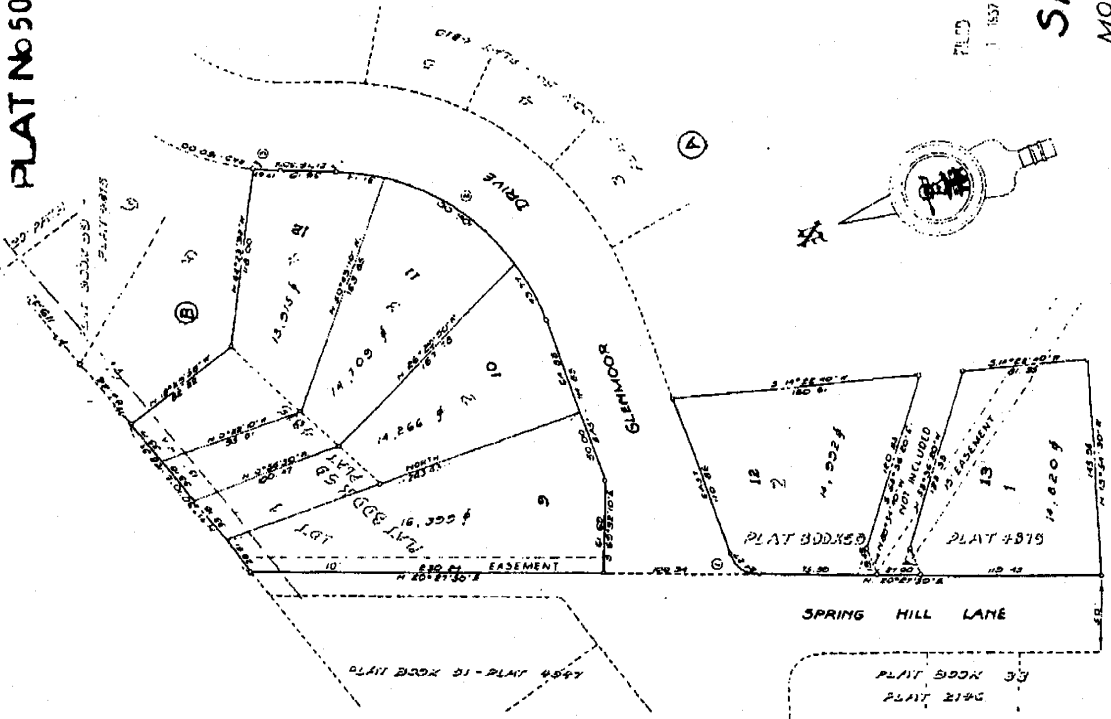
**John H. Maddox**, Engineer  
 Montgomery County, Maryland

By: **John H. Maddox**  
 Montgomery County, Maryland

LOT	AREA	AREA	PERCENT	AREA	PERCENT
1	14,820	14,820	100.00	14,820	100.00
2	14,820	14,820	100.00	14,820	100.00
3	14,820	14,820	100.00	14,820	100.00
4	14,820	14,820	100.00	14,820	100.00
5	14,820	14,820	100.00	14,820	100.00
6	14,820	14,820	100.00	14,820	100.00
7	14,820	14,820	100.00	14,820	100.00
8	14,820	14,820	100.00	14,820	100.00
9	14,820	14,820	100.00	14,820	100.00
10	14,820	14,820	100.00	14,820	100.00
11	14,820	14,820	100.00	14,820	100.00
12	14,820	14,820	100.00	14,820	100.00
13	14,820	14,820	100.00	14,820	100.00
14	14,820	14,820	100.00	14,820	100.00
15	14,820	14,820	100.00	14,820	100.00
16	14,820	14,820	100.00	14,820	100.00
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18	14,820	14,820	100.00	14,820	100.00
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20	14,820	14,820	100.00	14,820	100.00
21	14,820	14,820	100.00	14,820	100.00
22	14,820	14,820	100.00	14,820	100.00
23	14,820	14,820	100.00	14,820	100.00
24	14,820	14,820	100.00	14,820	100.00
25	14,820	14,820	100.00	14,820	100.00
26	14,820	14,820	100.00	14,820	100.00
27	14,820	14,820	100.00	14,820	100.00
28	14,820	14,820	100.00	14,820	100.00
29	14,820	14,820	100.00	14,820	100.00
30	14,820	14,820	100.00	14,820	100.00

PARTS OF BLOCKS A & B  
**SPRING HILL MANOR**  
 MONTGOMERY COUNTY, MARYLAND  
 SCALE 1"=50' AUG, 1957

MADDOX & HOPKINS - ENGINEERS  
 SILVER SPRING, MARYLAND



THE MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION  
 APPROVED: **Dele G. C. 2-1957**  
 Secretary

PLAT No. 4815

PLAT BOOK 33 OWNERS DEDICATION  
PLAT 2756

We, Burton Builders, Inc. a Maryland Corporation, by Ernest W. Burton, President and Lewis A. Martin, Secretary, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines, dedicate the streets and paths to public use, and reserve the Easements as shown for the construction, maintenance and operation of sanitary and storm sewers.

DATE: NOV. 17, 1956 BURTON BUILDERS, INC.  
1400 NORTH GLENNON  
LONE & MARTIN SECT. 6, TRACT 14 BURTON, PRESIDENT  
STANLEY F. HOPKINS, SECRETARY

We assent to this plan of subdivision

Date: NOV. 17, 1956

*Ernest W. Burton*  
Ernest W. Burton, President  
Burton Builders, Inc.

*Lewis A. Martin*  
Lewis A. Martin, Secretary  
Burton Builders, Inc.

ENGINEERS CERTIFICATE

We hereby certify that the plan shown hereon is correct, that it is a subdivision of part of the land conveyed by A. S. Cleveland et us, and E. K. Burton, et us to Burton Builders, Inc. by deed dated August 17, 1956 and recorded in Liber 31 Falls among the Land Records of Montgomery County, Maryland, and that names marked thus and sizes marked thus are in place where shown

Date: Nov. 21, 1956 Maddox & Hopkins

BY: *Stanley F. Hopkins*  
Stanley F. Hopkins  
REGISTERED PROFESSIONAL ENGINEER  
PLANO SUBDIVISION NO. 1985

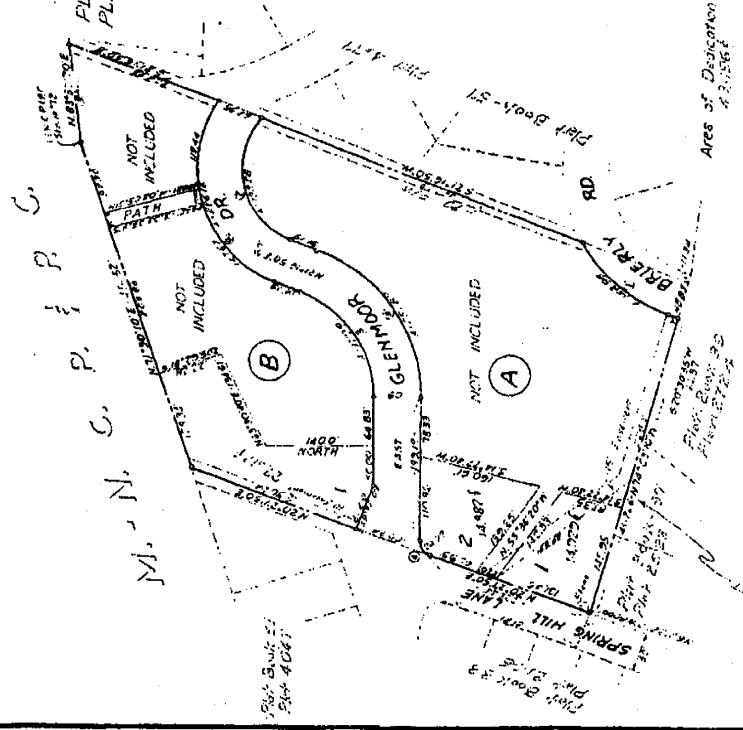
FILED  
MAR 12 1957

BLOCKS A & B  
**SPRING HILL MANOR**  
MONTGOMERY COUNTY MARYLAND  
SCALE: 1"=100'

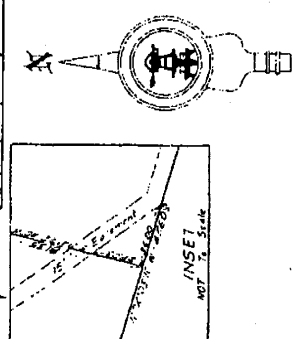
MADDOX & HOPKINS - ENGINEERS  
SILVER SPRING - MARYLAND

MARYLAND NATIONAL CAPITAL PLANNING COMMISSION

APPROVED: February 27, 1957  
*Stanley F. Hopkins*  
Stanley F. Hopkins  
REGISTERED PROFESSIONAL ENGINEER  
M&C-RE-C-RECORDED FILE NO. 1985



BLK	AREA	ACRES	FRONT	DEPT	AREA	FRONT	DEPT	AREA
A	1	1.10	100	100	1100	100	100	1100
A	2	1.10	100	100	1100	100	100	1100
B	1	1.10	100	100	1100	100	100	1100
B	2	1.10	100	100	1100	100	100	1100



#4

**ABRAMS & WEST, P.C.**

ATTORNEYS AT LAW

SUITE 760N

4550 MONTGOMERY AVENUE

BETHESDA, MARYLAND 20814-3304

(301) 951-1550

FAX: (301) 951-1543

JAMES L. PARSONS, JR.  
OF COUNSEL

KENNETH R. WEST  
STANLEY D. ABRAMS  
KEITH J. ROSA

PRACTICING IN MARYLAND AND  
DISTRICT OF COLUMBIA

WRITER'S DIRECT NUMBER  
(301) 951-1540  
EMAIL: "sabrams@awdlaw.com"

June 16, 2006

RECEIVED  
0865  
JUN 19 2006

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

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

**RE: Preliminary Plan No. 120060590  
Spring Hill Manor  
June 22, 2006 (Agenda Item #6)**

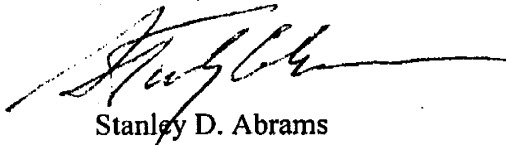
Dear Mr. Berlage:

By letter dated June 13, 2006, I directed a letter to you further detailing the opposition to the above referenced preliminary plan by my clients Mr. & Mrs. Jones, the owners of the abutting property (Lot 13 and Parcel A). One of the reasons for objection was that the proposed plan did not conform to the lot design criteria of the subdivision standards (§50-29(a)), in part because none of the lots in the surrounding community require access to be shared with an abutting lot and in this case "three lots share the single access to Spring Hill Lane (i.e.: Lots 12 and proposed Lots 1 & 2)". This is in error. Actually, the proposed private driveway will provide the access for four (4) lots and one parcel of land. (Lots 12 & 13, proposed lots 1 & 2 and Parcel A which is a separate parcel to the rear of Lot 13 owned by Mr. & Mrs. Jones). Parcel A, an unrecorded parcel, was not identified on the preliminary plan of the application as a separate parcel and has a right of access over the driveway by an existing easement.

These facts increase the non-conformity with other lots and lot design in the neighborhood and non-conformity of the proposed lot design of this subdivision reflecting non-adherence to lot design standards in terms of shape and orientation.

Thank you for the opportunity to correct and clarify my previous letter and position of the neighboring property owner.

Sincerely,



Stanley D. Abrams

SDA:dw



cc: Mr. & Mrs. Michael Jones  
Nathan Finkelstein, Esq.  
All Planning Board Members  
Delores Kinney  
Robert Dalrymple, Esq.