



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**Item #**  
**7/24/08**



**MEMORANDUM**

**DATE:** July 11, 2008

**TO:** Montgomery County Planning Board

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

**FROM:** Richard A. Weaver (301-495-4544) *RAW*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan of Subdivision (Resubdivision)

**APPLYING FOR:** Five (5) lots for five (5) one-family detached, dwelling units

**PROJECT NAME:** Cabin John Park

**CASE #:** 120070540

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

**ZONE:** R-90

**LOCATION:** South side of MacArthur Boulevard in the southwest corner of the intersection with 79<sup>th</sup> street

**MASTER PLAN:** Bethesda-Chevy Chase

**APPLICANT:** Hemingway Homes

**ENGINEER:** P.G. Associates

**FILING DATE:** January 10, 2007

**HEARING DATE:** July 24, 2008

**RECOMMENDATION:** Approval of five (5) lots pursuant to Section 50-29(b)(2) of the Montgomery County Subdivision Regulations and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to five (5) lots.
- 2) The applicant must comply with the conditions of approval for the preliminary forest conservation plan, including revisions to the Tree Save Plan. The applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 3) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 4) The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated May 27, 2008, unless otherwise amended.
- 5) The applicant must comply with the conditions of access in the U.S. Army Corps of Engineers letter dated September 18, 2007, prior to issuance of building permits.
- 6) The applicant must comply with the conditions of the MCDPS stormwater management approval dated June 27, 2008.
- 7) Prior to recordation of plat, the applicant must provide proof that existing structures have been properly razed with permit(s) from MCDPS.
- 8) The applicant must make the applicable School Facilities Payment prior to issuance of building permits.
- 9) 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 resolution.
- 10) The record plat must show other necessary easements.

## **SITE DESCRIPTION**

The 1.90-acre subject property, "Property" or "Subject Property" is zoned R-90 and is located on the south side of MacArthur Boulevard in the southwest corner of the intersection with 79<sup>th</sup> Street in the Bethesda-Chevy Chase planning area (see Figure 1). The Property is comprised of 3 existing lots identified as Lots 43, 44 and 45, Block 4, Cabin John Park on Tax Map GN21. There are 3 existing homes on the Property; oddly, two single family structures exist on Lot 45, one on Lot 44; , and Lot 43 is vacant. The site abuts MacArthur Boulevard and 79<sup>th</sup> Street. The surrounding uses are all residential in nature. Glen Echo is an eclectic mix of homes representing many different architectural styles and dates of construction.

This site includes 0.81-acres of existing forest and includes 8 trees, 30 inches or greater in diameter at breast height (dbh). Immediately adjacent to the Property boundary and immediately off-site there are 5 trees, 30 inches or greater in dbh. Only 3 of the on-site trees are rated in good condition, the remaining are in fair to poor condition. A small portion of a stream valley buffer (SVB) falls onto the subject site. The off-site stream flows directly to the Potomac River, a Use I-P stream. (see Figure 2)



# CABIN JOHN PARK



Map compiled on February 29, 2008 at 1:11 PM | Site located on base sheet no. 208NW08

## NOTICE

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**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8287 Georgia Avenue - Silver Spring, Maryland 20910-2700

Key Map

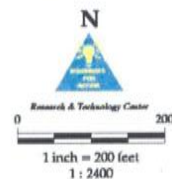


Figure 1





Figure 2

#### **PROJECT DESCRIPTION (Attachment A)**

The preliminary plan proposes a resubdivision of the three lots into five single family residential lots. Two of the lots will front to 79<sup>th</sup> Street and two will front to MacArthur Boulevard. The fifth lot will be a pipestem lot to the rear of the other four lots. Three of the homes will access MacArthur Boulevard with a shared driveway and the other two will access 79<sup>th</sup> Street with a shared driveway. Lot sizes range from 11,800 square feet to 24,700 square feet. All public utilities are readily available to the site including, water and sewer, electric, gas, CATV, and telephone.



A Tree Save Plan, approved by staff, establishes limits of disturbance to provide tree protection measures. While some trees will need to be removed for the development activity, the tree protection measures will protect certain other trees during construction. However, no long term protection measures, i.e., conservation easements, are recommended for these trees. One tree in particular, a 39 inch white oak, is located in the right-of-way of 79<sup>th</sup> Street. While the Tree Save Plan does not anticipate removal of this tree, there is no guarantee that it will survive future road improvements or utility construction. The applicant is required to build a 4 foot wide concrete sidewalk along 79<sup>th</sup> Street, unless the Montgomery County Department of Public Works and Transportation (MCDPWT) approve a waiver. Staff would support said waiver.

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**

The Bethesda-Chevy Chase Master Plan does not make a specific recommendation on the Property but does recommend a continuation of the R-90 zoning for residential uses in this area of the Master Plan. The lots shown on this plan comply with the R-90 zone, and residential use is supported by the Master Plan. Therefore, the proposed subdivision complies with the recommendations adopted in the Master Plan.

### **Public Facilities**

#### **Roads and Transportation Facilities**

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review (LATR). The plan application was submitted after January 1, 2007 and is therefore subject to the Policy Area Mobility Review (PAMR). However, since there are three existing homes that will be replaced, the net increase in units is two. Two new units in the Bethesda-Chevy Chase planning area do not generate enough additional vehicular trips to require either LATR or PAMR mitigation. No dedications to the right-of-way are required of this applicant because existing right-of-ways are in conformance with the Bethesda-Chevy Chase Master Plan roadway recommendations.

The road network consists of access to 79<sup>th</sup> Street and MacArthur Boulevard. 79<sup>th</sup> Street is within a 50 foot right-of-way and is technically not built to county standards and has no sidewalks. It is, however, functional and will provide adequate access to two of the proposed lots. As stated above, although MCDPWT will require a sidewalk along 79<sup>th</sup> Street, planning staff supports a waiver of this requirement. The applicant will need to pursue such a waiver with MCDPWT.

MacArthur Boulevard is built to arterial highway standards within a variable width right-of-way and has a bike path along the southern side of the road. This road provides adequate access for three of the proposed lots and the bike path provides adequate pedestrian access and

circulation. Staff finds that the proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the existing public improvements.

### Other Public Facilities and Services

The plan has been reviewed for adequacy of all public facilities and services. Public water and sewer service is adequate to serve the new lots. All utilities, including Washington Gas, Verizon, and PEPCO, have reviewed the plans and have found that their respective utilities are adequate to serve the proposed lots. The current Annual Growth Policy states that the application is subject to payment of School Facilities Payment since it is in the Walt Whitman cluster which has an elementary school capacity exceeding 105%. Other public services such as police stations, firehouses and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. The application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Property has appropriate access for fire and rescue vehicles. Staff finds that the proposed lots can be adequately served by all public facilities and services.

### Environment

#### Environmental Guidelines

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was submitted for the Subject Property. Environmental Planning staff approved NRI/FSD 420071110 on January 10, 2007. The NRI/FSD identifies one stream approximately 105 feet off the southwest corner of the subject site. A small portion (0.02 acres or 871 square feet) of the stream buffer carries onto the subject site. There are no wetlands, floodplains, steep slopes, or erodible soils on the subject site. There are no rare, threatened, or endangered species on the property. The plan meets all applicable requirements for protection of environmentally sensitive areas.

#### Forest Conservation

There are 0.81-acres of existing forest on the subject site. The on-site forest is a mature, mixed hardwood forest dominated by Red Maple (*Acer rubrum*) White Oak (*Quercus alba*) and Mockernut Hickory (*Carya tomentosa*). There are 12 trees on the subject property that are 24 inches dbh or greater with 8 of those trees greater than 30 inches dbh.

The preliminary forest conservation plan indicates the removal of 0.79-acres of forest and the preservation of 0.02-acres of forest within the stream buffer. Staff does not support the application of a Category I conservation easement over the 0.02 acres of forested stream buffer on the subject site. The stream buffer is small (0.02 acres or 871 square feet), does not by itself meet the size requirements of the legal definition of forest which is 10,000 square feet, nor is it next to a forest that is permanently protected. For these reasons, staff does not recommend a conservation easement on proposed lot 74. Instead, all forest on the subject site will be counted as cleared in the forest conservation worksheet. There is no potential for planting on site, so the reforestation requirements must be met offsite. The final forest conservation plan will determine whether the requirements will be satisfied by actual forest planting or a fee in lieu.



The applicant has prepared and submitted a tree save plan for many of the large and specimen trees that are to remain standing. The plan also identified at least 15 trees to be saved that are less than 24 inches dbh and greater than 15 inches dbh. The recommended conditions of approval include the requirement that the tree save plan be expanded to identify specific tree protection measures for all trees 15 inches dbh that have more than 30 percent of their critical root zone impacted by the proposed development.

The table below lists trees that are 24 inches and greater from the NRI/FSD, their size, condition, and whether or not they are proposed to be retained or removed.

Tree Number	Common Name	Size (DBH)	Condition	Saved or Removed
1	Pin Oak	35	Good	Save
2 (felled by storm)	<del>Red Oak</del>	47	<del>Good</del>	Save
3	White Oak	39	Fair	Save
4	Pin Oak	25	Poor	Save (Recommend removal)
5	American Elm	35	Fair	Save
6	Red Maple	24	Fair-Poor	Remove
7	Red Maple	26	Fair	Remove
8	Red Oak	36	Fair	Save
9	White Oak	28	Fair-Poor	Save (Recommend removal)
10	Red Oak	37	Fair	Save
11	Pin Oak	33	Good	Remove
12	Box-Elder	30	Very Poor	Remove

An arborist's report that accompanied the tree save plan recommends the removal of tree number 4, a 25-inch dbh pin oak, because of several structural defects with the tree. The NRI/FSD identified this tree in poor condition. It should be removed. The arborist report also recommended the removal of tree #9, a 28-inch dbh white oak, because of an extreme lean and proximity to a future house. The NRI/FSD identified this tree in fair-poor condition. It should also be removed.

The tree save plan submitted recommends tree protection fencing, root pruning, mulching, branch pruning, and cabling for the trees to be saved. For high impact trees, such as trees 1, 2, 3, and 5 the arborist report recommends additional tree protection including root aeration matting, subsurface fertilization, supplemental watering, and a seasonal integrated pest management plan. The arborist recommends a multi-year maintenance plan to inspect all retained trees for soil moisture; weeds; insects and diseases; granular and liquid bio-stimulation; and hazard pruning of dead, dying, and declining limbs.

### Stormwater Management

A stormwater management plan was approved by the Montgomery County Department of Permitting Services on March 5, 2007, and updated on June 27, 2008. The stormwater

management concept consists of infiltration trenches, drywells and credit for rooftop disconnects. Quantity control will not be required because the post development discharge levels will be less than 2.0 cubic feet per second. The applicant has proffered to construct the infiltration trenches to exceed the MCDPS approved infiltration capacity by 50%, in order to further reduce runoff and to increase the amount of rainwater that re-enters the groundwater system. This was proffered in response to citizens concerns about downstream flooding of a nearby stream.

### **Compliance with the Subdivision Regulations and Zoning Ordinance**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections, including the requirements for resubdivision as discussed below. The existing neighborhood consists of a variety of lot shapes, sizes, orientation and widths. In comparing the proposed lots to the existing lots staff finds that the proposed lots exhibit many of the same characteristics of the existing neighborhood with respect to lot size, width, shape and orientation and that they are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

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

#### **A. Statutory Review Criteria**

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**

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate "Neighborhood" or "defined Neighborhood" for evaluating the application (Attachment B). In this instance, the Neighborhood selected by the applicant, and agreed to by staff, consists of the 21 lots in the R-90 zone located within the same block as the Subject Property and also includes those lots within the adjacent two blocks, 5 and 6, that abut the Property to the east of 79<sup>th</sup> Street. Staff finds that this defined Neighborhood provides an



adequate representation of the overall characteristics of the lot patterns in the area. A tabular summary of the area based on the resubdivision criteria is included in Attachment C.

### C. Analysis

#### Comparison of the Character of Proposed Lots to Existing

In performing the analysis, the above-noted resubdivision criteria were applied to the defined Neighborhood. Staff finds that the proposed lots are of the same character with respect to the resubdivision criteria as other lots within the defined Neighborhood and that the proposed resubdivision complies with the criteria of Section 50-2(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:

**Frontage:** The proposed lots will be of the same character as existing lots in the neighborhood with respect to lot frontage. Four of the proposed lots have frontages within a range of 90 to 131 feet and they are well within the range of lot frontages (25 - 248 ft.) for the Neighborhood. Proposed lot 74 is a pipestem configuration with a frontage of 25 feet. There are three other pipestems within the 21-lot Neighborhood. Staff finds that pipestem lots, while not prevalent, have been established within the Neighborhood and that proposed Lot 74 has a high correlation with the frontage characteristic of the defined Neighborhood.

**Alignment:** The proposed lots are of the same character as existing lots with respect to the alignment criterion. Four of the proposed lots align in a perpendicular fashion to the street, including Lot 70 which is a corner lot, as do the majority of the existing lots in the Neighborhood. The proposed pipestem lot (Lot 74) aligns in a similar way as the other pipestem (panhandle) lots in the Neighborhood although existing Lot 62, Block 4, exhibits an unconventional panhandle configuration. All proposed lots are similar in alignment to the lots in the Neighborhood.

**Size:** The proposed lot sizes are in character with the size of existing lots in the neighborhood. The range of lot sizes for the proposed lots is from 11,800 square feet to 24,700 square feet. The range of lots sizes in the existing Neighborhood range from 8,767 square feet to 26,896 square feet. The proposed lots fall well within the range of the lot sizes for the Neighborhood.

**Shape:** The shapes of the proposed lots will be in character with shapes of the existing lots. There are a wide variety of lot shapes within this Neighborhood; the proposed lot shapes, rectangular and irregular, can be found in numerous instances within the defined Neighborhood

**Width:** The proposed lots will be in character with existing lots in the neighborhood with respect to width. The range of widths for the existing lots is from 75 feet to 165 feet. The proposed lots will range in width from 90 feet to 170 feet. Proposed Lot 74, the pipestem lot, is not within the range of lot widths for the Neighborhood. It has the widest width because of the way that width is measured for the pipestem. In actuality,

given the likely orientation of the house, the lot has a very similar width and will not be out of character. The lot is shown to be five feet wider than the next widest lot. Staff finds that it is of the same character as the other lots in the Neighborhood.

**Area:** The proposed lots will be of the same character as other lots in the neighborhood with respect to buildable area. The range of proposed lot buildable areas (4,185 square feet to 9,715 square feet) is well within the range of lot areas for the defined Neighborhood which is 2100 square feet to 15,600 square feet.

**Suitability for Residential Use:** The existing and the proposed lots are zoned residential and the land is suitable for residential use.

#### **Citizen Correspondence and Issues** (Attachment D)

This application was submitted prior to the requirement that applicants hold pre-submission meetings with interested citizens and site posting was not required. At the time of submission, the plan was mailed out to all adjacent and confronting property owners and local Civic Associations in compliance with the applicable requirements. The plan was also correctly noticed for public hearing.

This application has generated quite a bit of citizen concern and involvement. Both the Applicant and staff have responded to numerous phone calls and have attended meetings with local citizens to hear their concerns and attempt to address them through plan revisions to the extent possible. Attached to the correspondence section of this report is a list of the meetings that applicant has held with the citizens who requested a meeting. Written correspondence was also received from the Cabin John Citizens Association (CJCA) in a letter dated March 6, 2007, and from adjacent property owners Gary and Judy Barnhard (Lot 69, Block 4) by letter and email dated February 28, 2007 and July 19, 2007, respectively (attached).

The CJCA letter cited the following six concerns:

- 1) Opposition to homes with rears facing MacArthur Blvd;
- 2) support for only four homes, or five, if the "Shaw" house was retained;
- 3) preservation of two trees on 79<sup>th</sup> Street;
- 4) groundwater and flooding issues;
- 5) opposition to trash collection on 79<sup>th</sup> Street; and
- 6) the "enclave" of homes was not consistent with the open community characteristics.

Concerns of the adjacent property owners include:

- 1) inclusion of proposed Lot 74 as a pipestem lot;
- 2) lack of onsite tree save and green space;
- 3) amount of paved surface and stormwater runoff concerns; and
- 4) concerns about the proposed house size, scale and layout.



The proposed plan has addressed the majority of these concerns. The two homes that front on MacArthur will now face the road. Permission to use the existing driveway to MacArthur Blvd. has been granted by the Army Corps of Engineers. Three homes will share a driveway out to MacArthur, thereby reducing the number of homes using 79<sup>th</sup> Street to two; this had also been expressed as a concern.

The driveway and limits of disturbance to the two homes on 79<sup>th</sup> Street have been designed to minimize impact to the 39 inch white oak discussed in the environmental section of this report. The plan does not provide for the long term protection of this tree since it is in the public right-of-way. Staff has advised the citizens that the tree will be protected to the extent possible during construction, but future road improvements or the future burial of public utilities within the PUE could result in disturbance to this tree.

As to overall tree save and green space, the application establishes a limit of disturbance that results in what staff believes is the minimum clearing necessary to construct the proposed houses and extend driveways. Although forest conservation requirements will be met offsite, a significant number of the onsite trees will be protected during construction. There is no reason to believe that wholesale clearing will take place after construction given the aesthetic value of the trees and the cost that would be associated with removal.

The issues related to downstream flooding were discussed and analyzed at length as part of the review. The Applicant's engineer suggests that this property has a propensity to sheet flow water off the site due to a surface clay layer. To limit this sheet flow, the applicant has proposed, and MCDPS has incorporated into their stormwater concept approval, an infiltration trench on the down slope edge of the driveway from MacArthur Boulevard to capture water and infiltrate it into the ground. MCDPS has verified that subsurface conditions support infiltration. To provide additional control and capture more water than the County regulations require, the Applicant has proffered to increase the infiltration capacity of the trench by 50%. This is also shown on the approved stormwater management concept

The CJCA also objected to trash collection for the new homes taking place on 79<sup>th</sup> Street and asked that it be done at a location interior to the site. Trash collection for any new lots will be handled in the same way as existing lots on 79<sup>th</sup> Street and MacArthur Boulevard. There is no legal prohibition against trash collection at the curb for the new residents and this is not an issue that can be addressed as part of the subdivision. The Applicant has discussed providing an aesthetic trash collection screen on 79<sup>th</sup> Street to hide trash bins, but the ultimate solution to the neighbor's concerns will likely need to be worked out with the future homeowners.

Finally, both the CJCA and adjacent property owners expressed opposition to the initial versions of this plan which had the rears of homes facing the local streets. In those earlier versions, the homes fronted to a central driveway circle which generated concerns about a "panhandle" subdivision. The thought was that the layout of this subdivision was not consistent with that which is found in the defined Neighborhood. The proposed plan has addressed this concern by fronting the homes to the streets. The resulting lot pattern correlates well with the patterns found to the west and east of the Subject Property where lots interior to the lots fronting on the local street network have been established. As noted in the resubdivision analysis above,

in staff's opinion the one proposed pipestem lot is not out of character with the existing neighborhood. The Applicant did consider rehabilitating one of the homes on the site, the Shaw house, but decided that it was not feasible to renovate the house. This house is not a designated historic resource.

Staff finds that the community concerns have been adequately addressed by this preliminary plan and the explanations provided in this staff report.

## **CONCLUSION**

Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. As set forth above, the five proposed lots are of the same character as the existing lots in the defined neighborhood with respect to each of the resubdivision criteria, and therefore, comply with Section 50-29(b)(2) of the Subdivision Regulations. The proposed lots meet all other requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Bethesda-Chevy Chase Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

## **Attachments**

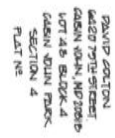
Attachment A - Preliminary Plan	Attachment C – Resubdivision Table
Attachment B – Neighborhood Delineation	Attachment D – Correspondence



Table 1: Preliminary Plan Data Table and Checklist

<b>Plan Name: Cabin John Park</b>				
<b>Plan Number: 120070540</b>				
<b>Zoning: R-90</b>				
<b># of Lots: 5</b>				
<b># of Outlots: 0</b>				
<b>Dev. Type: Single Family Detached</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	9,000sq. ft.	11,800sq. ft. minimum		2/29/08
Lot Width	75 ft.	90 ft. minimum		2/29/08
Lot Frontage	25 ft.	25 ft. minimum		2/29/08
Setbacks				2/29/08
Front	30 ft. Min.	Must meet minimum <sup>1</sup>		2/29/08
Side	8ft. Min./ 25 ft. total	Must meet minimum <sup>1</sup>		2/29/08
Rear	25 ft. Min.	Must meet minimum <sup>1</sup>		2/29/08
Height	35 ft. Max.	May not exceed maximum <sup>1</sup>		2/29/08
Max Resid'l d.u. or Comm'l s.f. per Zoning	9	5		2/29/08
MPDUs	N/A			2/29/08
TDRs	N/A			2/29/08
Site Plan Req'd?	No			2/29/08
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street		Yes		2/29/08
Road dedication and frontage improvements		Yes	Agency letter	4/5/07
Environmental Guidelines		Yes	Staff memo	2/27/08
Forest Conservation		Yes	Staff memo	2/27/08
Master Plan Compliance		Yes		2/29/08
Other (i.e., parks, historic preservation)				
<b>ADEQUATE PUBLIC FACILITIES</b>				
Stormwater Management		Yes	Agency letter	3/5/07
Water and Sewer (WSSC)		Yes	Agency comments	3/26/08
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	3/26/08
Well and Septic		N/A		
Local Area Traffic Review		N/A		
Policy Area Mobility Review		N/A		
Transportation Management Agreement		No		2/29/08
School Cluster in Moratorium?		Yes		2/29/08
School Facilities Payment		Yes		2/29/08
Fire and Rescue		Yes	Agency letter	
Other (i.e., schools)				

<sup>1</sup> As determined by MCDPS at the time of building permit.



THIS PLAN LIES WITHIN THE BETHESDA/CREEVE CHASE  
SUBDIVISION BY AVAILABLE DEEDS AND PLATS.  
EXTENDING 200 FEET, 200  
WEST, 200 STREET 200 N.W.  
TAX MAP (D121)  
THERE ARE NO WETLANDS OR FLOODPLAIN ON THIS PROPERTY.  
WATERSEAL - POTOMAC RIVER, CLOSURE  
SOILS - ELLENBORO SET 170K, 3 IN. CLAY (41H)  
ALCO MAP - MONTGOMERY CO. PAGE 15, GRID A-11  
UTILITY COMPANIES:

[illegible]

### Development Data

DATE 06/06/01

Alan Evans  
JAMES H. HARRIS, P.E. AND ASSOCIATES

[illegible]

PRELIMINARY PLAN  
LOTS 70-74, PARCELA-BLOCKB  
CABIN JOHN PARK  
SECTION 4  
BETHESDA ELECTION DISTRICT N<sup>o</sup> 7  
MONTGOMERY COUNTY, MARYLAND

**P.G. ASSOCIATES, INC.**  
CIVIL ENGINEERS \* SURVEYORS \* LAND PLANNERS  
932 HUNGERFORD DRIVE, SUITE 4B  
ROCKVILLE, MARYLAND 20850  
PHONE (301) 309-1361

SA	REV. PER FIRE MARSHAL & FOX HTR INC. COT TO	11/08
RF	F. B. I. - 76	8/98
DS	DER FIVE MILE 12 - (CITY OF DEN.)	11/08
FS	REV. PCA FIRE MARSHAL	4/08
	Rev. 10-25-07	
D.R.	Revisions per DRC comments	5/10/07
BY	DESCRIPTION REVISIONS	DATE



40  
st  
47-A

CTION 2

MACARTHUR

STREET

SEVEN

LOCKS

APARK

SE

Scale

Cabin John Park

Resubdivision Table Cabin John Park, Lots 44 - 46

Subdivision	Section	Lot#	Block	Street Address	Area (± F.)	Shape	Frontage	Width	
Cabin John Park	4	42	4	8016 MacArthur Blvd	8,767	Irregular	123	75'	
Cabin John Park	4	47	4	6424 79th Street	20,000	Rectangular	100'	100'	
Cabin John Park	4	48	4	6420 79th Street	20,000	Rectangular	100'	100'	
Cabin John Park	4	59	4	6415 81st Street	12,286	Irregular	103	100	
Cabin John Park	4	60	4	6417 81st Street	25,774	Irregular	25	90'	
Cabin John Park	4	61	4	6419 81st Street	23,216	Irregular	253	100	
Cabin John Park	4	62	4	6409 81st Street	26,896	Rectangular	80'	80'	
Cabin John Park	4	63	4	6407 81st Street	20,538	Irregular	25	120'	
Cabin John Park	4	64	4	6405 81st Street	12,448	Irregular	95'	95'	
Cabin John Park	4	65	4	6412 79th Street	13,000	Irregular	20'	75'	
Cabin John Park	4	66	4	8025 Riverside Ave	25,000	Irregular	40	125	
Cabin John Park	4	68	4	8014 MacArthur Blvd	9,046	Irregular	87'	87'	
Cabin John Park	4	69	4	8012 MacArthur Blvd	24,657	Irregular	25	100	
Cabin John Park	4	60	5	7906 MacArthur Blvd	18,229	Irregular	100'	100'	
Cabin John Park	4	61	5	7900 MacArthur Blvd	20,062	Irregular	100'	100'	
Cabin John Park	4	62	5	7816 MacArthur Blvd	20,086	Irregular	128'	120	
Cabin John Park	4	64	5	7905 Woodrow Place	17,500	Rectangular	100	100'	
Cabin John Park	4	66	6	6431 79th Street	20,000	Rectangular	100'	100'	
Cabin John Park	4	69	6	7902 Woodrow Place	29,992	Irregular	120'	120	
Cabin John Park	4	77	6	6423 79th Street	10,000	Irregular	100'	100	
Cabin John Park	4	78	6	7910 Woodrow Place	10,000	Rectangular	100	100	
Cabin John Park	4	80	6	6415 79th Street	9,393	Rectangular	100'	100	
Summary					18,040		92	99'	



Proposed Lots									
Cabin John Park	4	70		13,545	Irregular	142'	132'		
Cabin John Park	4	71		13,650	Rectangular	130	130		
Cabin John Park	4	72		13,445	Irregular	92	91		
Cabin John Park	4	73		13,445	Rectangular	85	85'		
Cabin John Park	4	74		22,429	Irregular	25'	110'		
Cabin John Park	4	Parcel A		9,830					

# Gary & Judy Barnhard

Attachment D

8012 MacArthur Boulevard  
Cabin John, Maryland 20818  
(301) 320-2582 (Voice)  
[jbarnhard@may-barnhard.com](mailto:jbarnhard@may-barnhard.com)  
[barnhard@barnhard.com](mailto:barnhard@barnhard.com)

**DATE:** February 28, 2007

**TO:** Development Review Division  
Maryland-National Capitol Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

**SUBJECT:** Preliminary Plan/Cabin John Park Plan #120070540  
Resubdivision Proposal for lots proximate to the intersection of 79<sup>th</sup> Street  
and MacArthur Boulevard, Cabin John Maryland

Dear Sirs:

As adjacent landowners (8012 MacArthur Boulevard) to the subject property proposed for resubdivision and Cabin John community residents for over 15 years, my wife and I wish to express our profound reservations with respect to the proposed resubdivision and recommend that it be disapproved as submitted.

Specific concerns we have with the proposed plan include:

(1) The proposed site plan is conforming to R-90 zoning requirements in name only, requiring the approval of a pipestem lot for access to street front when in fact no access would be provided to that street front. Since 1991 the approval of pipestem lots in general, and in Cabin John in particular, has been based on extraordinary circumstances which required significant conservation concessions, meeting both the letter and the spirit of the resubdivision criteria, and cooperation with the community as a precondition of approval (reference resubdivision which created lots 68 and 69 in the same block). This proposed site plan offers no significant environmental concessions, does not meet the spirit if not the letter of the resubdivision criteria, and disregards input provided by the community.

(2) The proposed site plan is actually a request to create up to five defacto pipestem lots gerrymandered to live within the letter of the R-90 zoning requirements, without triggering the requirement to establish a new public right-of-way cul-de-sac. This is inconsistent with the spirit if not the letter of the established resubdivision criteria of Frontage, Alignment, and Shape.

(3) The proposed lots would all have homes which front inward to the non-existent cul-de-sac, which results in multiple back yards facing onto MacArthur Boulevard. This positioning/placement is utterly inconsistent with existing streetscape on MacArthur Boulevard, which consists of homes fronting to the street. Furthermore, the proposed



streetscape for 79<sup>th</sup> Street is inconsistent with branch streets, courts, and cul-de-sacs in the neighborhood.

(4) The proposed resubdivision does not meet the tree save requirements and seeks to redress this by purchasing offsets on other property. This is inconsistent with a commitment to responsible development, which establishes the preservation and stewardship of the natural environment as the starting point for site plan development not a requirement to be bought off.

(5) The logistics of providing services to between four to five homes via a single shared driveway hybrid will necessarily overwhelm the streetscape. Imagine four to five houses worth of trash cans & recycling bins all brought in some cases over 300 feet to reach the curb. Just how will the utilities be run? How will the mail be delivered? How will delivery trucks reach the homes? How will fire trucks reach the houses and manage to turn around? Eventually, every site plan that is to be executed must reconciled with reality. This plan is definitely not there.

(6) The ingress and egress for four to five homes via a private drive curb cut on 79<sup>th</sup> Street with a minimum of two cars per home would necessarily become a dominant factor in the residential traffic pattern of 79<sup>th</sup> Street. The proposed plan creates a problem which public right-of-way streets with intersections are intended to solve but which are precluded by design in case. In effect, the plan would leave the community with a traffic problem for which no reasonable conforming solution could be implemented in the future.

(7) The site plan calls for a disproportionate land area to be devoted to paved surface which will further contribute to the diminution of green space and exacerbate already intractable water run-off issues.

(8) The four square ornamental concrete farmhouse located on the corner of 79<sup>th</sup> Street & MacArthur Boulevard, built proximate to the turn of the century, is a treasured historic landmark for the Cabin John Community. The proposed site plan and the stated intention of the proposed developer specifically disregards any effort to save the structure.

(9) The preservation of green space, wooded areas, and provisions for natural habitat have been an integral part of the environmental and land use planning that is a hallmark of our communities commitment to fostering responsible development. The land proposed for development is at the visual center of the Cabin John community, is adjacent to land covered by existing conservation and stream buffer easements, and serves as the natural habitat for numerous species including nesting Pileated Woodpeckers (*Dryocopus pileatus*). Accordingly, we feel any development of the property in question warrants special consideration and coordination with Cabin John community.

Thank you very much for your careful consideration of the proposed resubdivision request and our comments to the same. As members of the Cabin John Community we rely on your professional engagement to ensure that responsible development is not allowed to



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

May 16, 2008

Mr. Gary Barnhard  
8012 MacArthur Boulevard  
Cabin John, Maryland 20818

RE: Preliminary Plan No.120070540, Cabin John Park

Dear Mr. Barnhard:

Please accept this letter as a response to your letter dated February 28, 2007, where you provided specific questions regarding the proposed development of the Cabin John Park property which is adjacent to your residence on MacArthur Boulevard. As you are aware, this plan has been revised a number of times to address the concerns of both staff of Park and Planning and the concerns of the community. I understand that the applicant, Hemmingway Homes, has met with the community representatives on a number of occasions and have been in contact with you to discuss your individual concerns. I also believe that you have been provided the most recent version of the plan that shows five (5) lots: two with driveway access to 79<sup>th</sup> Street and three lots with a shared driveway to MacArthur Boulevard. Some of the questions you raise in the February letter have been addressed by the revised plans.

Based on our meeting at your residence, followed by the walk of the site on March 19, 2008, I have been in contact with the applicant again to express your continued concerns about tree save, access via shared driveways, drainage and preservation of the house at the corner of MacArthur Boulevard and 79<sup>th</sup> Street. The applicant has contacted you to understand your remaining issues. Although the layout of the subdivision is not likely to change dramatically, the applicant has done additional test borings on the site to see if drainage from the site can be improved and they continue to work with the Department of Permitting Services and the Department of Public Works and Transportation to fine tune the stormwater management and storm drain plans. The tree save plan has not changed to date, but may do so since one of the oak trees on 79<sup>th</sup> Street has been damaged by a recent storm. How this may affect the limits of disturbance along 79<sup>th</sup> Street is not known at this time. Suffice to say, however, significant forest conservation easements on a property of this size are not supported by the Planning Board and are not supported by staff.

The applicant also held an open house at the house at the corner of MacArthur Blvd. and 79<sup>th</sup> Street that you believe merits consideration as a historic resource. I have been in touch with Clare Kelly of our Historic Preservation staff and she informed me that she sent you the



necessary paperwork to nominate the structure. Please forward her the information that you assemble and we will inform the Planning Board as to the status of her review of that material.

Following is a point by point response to your nine questions and concerns enumerated in your letter. Your letter is enclosed to this response letter as reference.

(1) Your letter states that the lots only meet the R-90 zoning standards in name only, by suggesting that the pipestem would be allowed without any environmental concessions, as was your lot and the neighboring lot. I believe that you base this on the assumption that pipestems are only allowed in extraordinary circumstances and that there needs to be some type of precondition with the community to allow them and with significant concessions.

Pipestems are not exclusively used in extraordinary circumstances. They are typically used where a parcel of land has limited road frontage, but where developable portions of the property are removed geographically from the road. The pipestem is allowed so the lot can have required frontage on the nearby road. This is the case with the Cabin John Park property. It has significant depth and does have developable areas that are set back from the road network. It is similar to the property that created your lot and your neighbor's lot (68 and 69) where the property was rather long and linear, requiring a pipestem for your lot to reach the street. The concessions made for your lot were based on an entirely different set of circumstances. The property upon which your house sits was heavily encumbered with stream valley buffers. Concessions were not made to allow pipestems; rather, they were made to allow the house sites to encroach into the buffer area.

I see numerous examples of pipestem lot configurations in your neighborhood and do believe that they, to a certain degree, help establish the character of the neighborhood. I understand that they are not without potential conflict, but we rely on well constructed ingress/egress and maintenance agreements to spell out how they will be used and maintained by future homeowners.

2) Your issues with five pipestem lots seem to have been addressed with the new plan layout that fronts units to the street and relies on two driveways, one to 79<sup>th</sup> Street for two homes, and one driveway to MacArthur Boulevard serving three homes. A cul-de-sac is not recommended because of the undesirable amount of imperviousness that it would require and it can be avoided with the use of two shared driveways. The use of shared driveways to serve these lots is preferable since it reduces imperviousness as opposed to a driveway for each lot and it is consistent with the Subdivision Regulations and Zoning Ordinance. You also suggest that by not requiring a cul-de sac, it is inconsistent with the resubdivision criteria. I would suggest that requiring a cul-de-sac in a neighborhood where there is none would be out of character.

3) As indicated above, the homes now front to the street, and we agree that it works better with the neighborhood.

4) You do not believe that this development meets the Tree Save requirements because it proposes to meet forest conservation requirements off-site. The method of individual tree save on-site with forest conservation requirements being met off-site is consistent with many

Planning Board actions on forest conservation issues. Staff and the Planning Board have been sensitized to the problems encountered with establishing forest conservation easements on private property, especially in denser zones such as R-90. The continued protection of the preserved forest, maintenance, and inspection of these "pocket" forests, behind homes are extremely difficult to police. Our enforcement staff has had continuing problems with homeowners in situations where easement are established in close proximity to home sites or in areas that are difficult to see from a public street. Violations of forest conservation easements are reduced when easements are established in areas of large contiguous forest that are in less densely developed areas.

5) The concern about four or five homes on a shared driveway and the location those homeowner's trash cans, mailboxes and recycling bins at the end of the driveway has been addressed by splitting the subdivision with three lots on one driveway and two lots on the other.

6) Too many homes accessing 79<sup>th</sup> Street was raised as an issue with the original submittal. Again, this seems to have been addressed by using two separate access points.

7) Your concerns about too much hard surface with the original submittal have also been resolved somewhat by elimination of the large asphalt turnaround that was proposed in the original submittal. The new plan has less impervious surface.

8) The applicant has considered preservation of the ornamental concrete house at the corner of 79th Street and MacArthur Boulevard. There is no historic designation of this structure; the applicant has not expressed any intention to preserve the house. Our Historic Preservation staff will review any submittals for nomination of that structure or the Cabin John areas as a whole.

9) You question if this development is being responsible. I agree that it is at the center of Cabin John, being across the street from the small shopping center and near the intersection of MacArthur Boulevard and Seven Locks Road. It is also adjacent to a protective easement on your property. The property is however, an upland property that is relatively flat in contrast to adjoining properties that are moderately sloped. There is a small, 0.02 acre portion of the property that would be in the environmental buffer, however, that are is not proposed to be disturbed. The applicant is investigating the potential problems with the property that relate to the soils and bedrock. The applicant has dug additional test pits to verify the depth of bedrock on the lower end of the property so that the claimed runoff issues can be more closely examined. Should these issues be addressed satisfactorily, this property is relatively developable for single family residences. Trees will be protected to the extent possible.

The Pileated Woodpecker is not on the Maryland or Montgomery County list of Rare, Threatened or Endangered Species, Nov. 2007.



You will be notified of any upcoming Planning Board dates for this item. Please contact me if you have any questions regarding this transmittal. I have a new email address: [richard.weaver@montgomeryplanning.org](mailto:richard.weaver@montgomeryplanning.org) and my phone number is (301)-495-4544.

Sincerely

A handwritten signature in dark ink, appearing to read 'Richard Weaver', written in a cursive style.

Richard Weaver  
Subdivision Coordinator  
MNCPPC

cc: Hemingway Homes  
PG Associates  
File 120070540

Enclosure

# CABIN JOHN CITIZENS ASSOCIATION

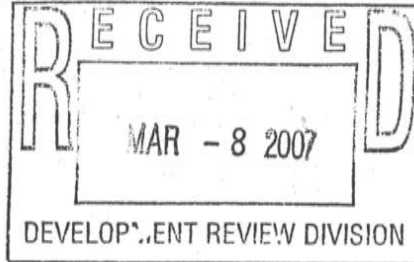
P.O. Box 31, Cabin John, MD 20818

Organized 1919

Charter Member Montgomery County Civic Federation

Burr Gray - President

Larry Heflin - Vice President



Bruce Wilmarth - Treasurer

Gary Barnhard - Secretary

BY FAX

March 6, 2007

Development Review Division  
Montgomery County Department of Park & Planning  
8787 Georgia Ave.  
Silver Spring, MD 20910

Re: Comments on File Number 120070540; Preliminary Plan for Development of  
5 Lots in Cabin John Park

To Whom It May Concern,

On behalf of the Cabin John Citizens Association (CJCA), please find below CJCA's comments on File Number 120070540: proposed five lot development in Cabin John Park at the intersection of 79<sup>th</sup> St and MacArthur Blvd. These comments are the result of 1.5 hrs of discussion among over 50 residents at the CJCA monthly meeting of January 23, 2007, following a presentation by Dean Packard of P.G. Associates (civil engineers for the developer Hemmingway Homes).

1. The residents were almost unanimous in their concern that the proposed plan will result in two homes that have back yards facing MacArthur Blvd. It seems likely that the future homeowners will be inclined to build backyard fences for privacy. These two houses are quite centrally located in what is the heart of Cabin John. If fences are erected, it will detract from the nice open feel of the area and present a more limited feel to those people coming through Cabin John and traveling along MacArthur Blvd. Until now, those areas have been open. There was support for using the existing driveway onto MacArthur if it resulted in having the two homes face MacArthur. Our understanding is that the County has not supported use of this existing driveway.

2. The community did not support five homes on the parcel unless one of those homes was the Shaw house (ornamental concrete structure at intersection of 79<sup>th</sup> and MacArthur Blvd). The community would not object to four homes total, provided that our other comments are addressed.



3. As always, tree preservation is a major concern. Mr. Packard stated that Hemingway Homes would protect the two large trees adjacent to 79<sup>th</sup> St. We expect the County to enforce all tree protection standards.

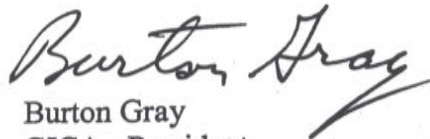
4. The community was concerned about possible groundwater and flooding issues affecting houses downhill from the development. We expect the development to meet state stormwater management requirements. Mr. Packard stated that the common collector basin for all of the homes would be deliberately oversized in order to alleviate community concerns. We ask that the County check the proposal to see if this is the case.

5. Concern was expressed over the additional traffic and trash collection that would be centered at the entry of the cul de sac onto 79<sup>th</sup> St. We would like an indication from the County as to whether trash pickup would occur within the cul-de-sac, or whether the new homeowners would be expected to bring their materials out to 79<sup>th</sup> St.

6. There was a concern that the plan is contrary to CJCA's consistent opposition to pipestem lots since the whole proposal appears to be sort of a giant pipestem lot. It is true that the proposal creates a small association of five homes that will be sort of a private enclave. While it is the case that there are a couple of other associations in the midst of Cabin John (Cabin John Gardens for one), the general feeling was that a small enclave like the one proposed is not entirely consistent with our open community.

Ever since 1919, the Cabin John Citizens Association has worked to further the interests of the Cabin John community (bordered by the Potomac River, the Beltway, and the Cabin John Parkway), and has served as a forum for discussion of problems and concerns. All residents of Cabin John and people who own property there are by definition members of the Association. There are approximately 650 households in Cabin John.

We hope that the County will take the community's concerns into consideration as you review the proposal. We sincerely hope that the County will not support a scenario that will likely result in more privacy fences facing MacArthur Blvd and the center of Cabin John. Please call me (703-607-2740 (w)) if you have any questions.



Burton Gray  
CJCA - President

# Gary & Judy Barnhard



8012 MacArthur Boulevard  
Cabin John, Maryland 20818  
(301) 320-2582 (Voice)  
[jbarnhard@may-barnhard.com](mailto:jbarnhard@may-barnhard.com)  
[barnhard@barnhard.com](mailto:barnhard@barnhard.com)

**DATE:** February 28, 2007

**TO:** Development Review Division  
Maryland-National Capitol Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

**SUBJECT:** Preliminary Plan/Cabin John Park Plan #120070540  
Resubdivision Proposal for lots proximate to the intersection of 79<sup>th</sup> Street  
and MacArthur Boulevard, Cabin John Maryland

Dear Sirs:

As adjacent landowners (8012 MacArthur Boulevard) to the subject property proposed for resubdivision and Cabin John community residents for over 15 years, my wife and I wish to express our profound reservations with respect to the proposed resubdivision and recommend that it be disapproved as submitted.

Specific concerns we have with the proposed plan include:

- (1) The proposed site plan is conforming to R-90 zoning requirements in name only, requiring the approval of a pipestem lot for access to street front when in fact no access would be provided to that street front. Since 1991 the approval of pipestem lots in general, and in Cabin John in particular, has been based on extraordinary circumstances which required significant conservation concessions, meeting both the letter and the spirit of the resubdivision criteria, and cooperation with the community as a precondition of approval (reference resubdivision which created lots 68 and 69 in the same block). This proposed site plan offers no significant environmental concessions, does not meet the spirit if not the letter of the resubdivision criteria, and disregards input provided by the community.
- (2) The proposed site plan is actually a request to create up to five defacto pipestem lots gerrymandered to live within the letter of the R-90 zoning requirements, without triggering the requirement to establish a new public right-of-way cul-de-sac. This is inconsistent with the spirit if not the letter of the established resubdivision criteria of Frontage, Alignment, and Shape.
- (3) The proposed lots would all have homes which front inward to the non-existent cul-de-sac, which results in multiple back yards facing onto MacArthur Boulevard. This positioning/placement is utterly inconsistent with existing streetscape on MacArthur Boulevard, which consists of homes fronting to the street. Furthermore, the proposed



streetscape for 79<sup>th</sup> Street is inconsistent with branch streets, courts, and cul-de-sacs in the neighborhood.

(4) The proposed resubdivision does not meet the tree save requirements and seeks to redress this by purchasing offsets on other property. This is inconsistent with a commitment to responsible development, which establishes the preservation and stewardship of the natural environment as the starting point for site plan development not a requirement to be bought off.

(5) The logistics of providing services to between four to five homes via a single shared driveway hybrid will necessarily overwhelm the streetscape. Imagine four to five houses worth of trash cans & recycling bins all brought in some cases over 300 feet to reach the curb. Just how will the utilities be run? How will the mail be delivered? How will delivery trucks reach the homes? How will fire trucks reach the houses and manage to turn around? Eventually, every site plan that is to be executed must reconciled with reality. This plan is definitely not there.

(6) The ingress and egress for four to five homes via a private drive curb cut on 79<sup>th</sup> Street with a minimum of two cars per home would necessarily become a dominant factor in the residential traffic pattern of 79<sup>th</sup> Street. The proposed plan creates a problem which public right-of-way streets with intersections are intended to solve but which are precluded by design in case. In effect, the plan would leave the community with a traffic problem for which no reasonable conforming solution could be implemented in the future.

(7) The site plan calls for a disproportionate land area to be devoted to paved surface which will further contribute to the diminution of green space and exacerbate already intractable water run-off issues.

(8) The four square ornamental concrete farmhouse located on the corner of 79<sup>th</sup> Street & MacArthur Boulevard, built proximate to the turn of the century, is a treasured historic landmark for the Cabin John Community. The proposed site plan and the stated intention of the proposed developer specifically disregards any effort to save the structure.

(9) The preservation of green space, wooded areas, and provisions for natural habitat have been an integral part of the environmental and land use planning that is a hallmark of our communities commitment to fostering responsible development. The land proposed for development is at the visual center of the Cabin John community, is adjacent to land covered by existing conservation and stream buffer easements, and serves as the natural habitat for numerous species including nesting Pileated Woodpeckers (*Dryocopus pileatus*). Accordingly, we feel any development of the property in question warrants special consideration and coordination with Cabin John community.

Thank you very much for your careful consideration of the proposed resubdivision request and our comments to the same. As members of the Cabin John Community we rely on your professional engagement to ensure that responsible development is not allowed to

be an oxymoron/contradiction in terms. If you have any questions concerning our comments please contact us.

Sincerely,

Gary P. Barnhard

Judith P. Barnhard

CC: Cabin John Citizens Association



# ***CABIN JOHN PARK***

## ***Summary of meetings with the citizens***

***10/26/06***

Met with Rick and Noah Cantor and Gary Barnhard at the site.

Discussed previous development proposal Gary proposed, site issues regarding the number of lots and the potential for working together on the project. Discussed the character of the existing "sears" block house and possibility of saving it.

***11/1/06***

Met with Rick, Noah and the neighborhood citizens.

Discussed the number of lots, trees to be saved, timing of project and houses proposed.

***1/23/07***

Attended the Citizens Association scheduled meeting.

Discussed the water runoff from the site and what we are proposing to do to minimize it. Discussed the stormwater management concept, preliminary plan layout and what trees we were proposing to save. Explained the forest conservation measures and discussed the lot configuration and number of lots.

***5/29/07 ?***

Attended the Citizens Association scheduled meeting.

Discussed the updates to the plans regarding our commitment to design the stormwater management measures to exceed the county requirements by 50% to help minimize water runoff leaving our property. Discussed the proposal to provide a homeowners association. Discussed providing a landscape screen along MacArthur Boulevard. Asked about where the trash will be picked up. Discussed about the potential for saving the existing house at the corner of MacArthur and 79<sup>th</sup> street. Discussed the lot configuration and number of lots. Discussed the results of the soil test pits on the property. My observations included a consistent loam layer of soil to a depth of 10 ½ feet. It was observed that the loam layer was very dense in the top three feet. This dense layer discourages infiltration and causes more water to runoff from the site. At a depth of 10 ½ feet, fractured, ripable rock began to appear which I explained was not the bedrock layer. I explained that some of the water in the soil will migrate along this layer at 10 ½ feet which follows the contour toward the river. Some of the downstream neighbors had complained of wet basements. Having not done any tests on their property I supposed that their basements were deep enough to encroach near the fractured rock layer where the soil may be more saturated and if proper waterproofing measures and foundation

drains were not in place it would possibly explain why there were wet basements. I proposed to provide infiltration onsite, directed away from any adjoining downstream basements to store water underground on our property in the soil layer between 3 and 10 ½ feet. This will remove some of the water running onto the neighboring properties and retain it onsite.

**7/17/07**

Attended the Citizens Association scheduled meeting with Rick, Noah and their architect.

Discussed the updates to the plans, stormwater management concept, forest conservation and proposed tree save measures. I restated my intention to improve the stormwater runoff issues at final construction plan design by providing the over-designed onsite infiltration measures. I restated my commitment to save the two grand oak trees along 79<sup>th</sup> street. Rick and his architect went over the proposed design for the houses and how they may look and blend in with the existing neighborhood. We discussed the homeowners association, trash pickup, saving the existing house and the lot configuration.

**4/22/08**

Attended the Citizens Association scheduled meeting.

Discussed the latest adjustments to the plan regarding house layout, tree save and stormwater management. Discussed the impact of the toppling of the 47" oak tree along 79<sup>th</sup> street. Offered to move the house on Lot 71 further away from the 38" oak tree since the 47" oak is gone. Discussed the proposed stormwater management in detail again. The downstream owner below Lot 71 is worried about the onsite infiltration creating water in his basement. I explained that when we design the final construction drawings, we would install berms or direct the water runoff away from his house and install infiltration trenches as far as possible from his house. Discussed that we will store the first 1 ½ inches of runoff onsite (50% above standard) in underground infiltration for the proposed impervious areas. There is a homeowner on Lot 52 on Riverside Drive that was concerned about excess runoff creating more of a problem for her. There is a stream that runs about 150 west of our property, parallel to 79<sup>th</sup> street from MacArthur Boulevard and above, under the Clara Barton Parkway to the river. Unfortunately this homeowner has her house in the floodplain adjacent to the stream. Development in the watershed over the last 100 years has created uncontrolled runoff that has flooded her house. About 1/3 of our property would drain to stream that runs next to her house. She has asked me to design our property to avoid making her situation worse. I said that I have to strike a balance between creating too much onsite infiltration and the minimum. I explained that in my professional opinion that increasing the amount of water controlled from 1 inch to 1 ½ inch would benefit her that except for large storms, less water would be released from our site without creating more problems for the neighbors with basement problems. I had requests to build underground pipe facilities to store or direct the water to 79<sup>th</sup> street. I explained that since there is no drainage system in 79<sup>th</sup> street that would be a



huge project improve all of 79<sup>th</sup> street and five lots did not warrant the expense and the county does not require such measures. Also piping the water to 79<sup>th</sup> street would cause the removal of the 38" oak tree that the neighborhood so coveted. I replied to a previous comment about the possibility of the rock being only 3 feet deep on the rear of Lot 74. This had prompted concerns that was the reason for water entering the downstream basements. I had previously explained that rock does not generally follow an elevation but it usually follows the contour at a consistent depth. We had recently dug an addition test site (five in all across the property) where the soil conditions were identical at each of the locations which proved my previous point that there was no rock at 3 feet. There was some agreement that there was no easy solution and I committed to provide the best construction design possible to balance all of the concerns. Some of the neighbors feel that the existing house at the corner of MacArthur Boulevard and 79<sup>th</sup> street should be designated historic. I explained that there is no designation nor any application to designate the house and I did not feel there was justification to make the house historic. The house has been opened up to the neighbors for inspection and there is some consensus that there is nothing of value worth saving since the house is in such disrepair. Hemingway Homes has offered to use the pre-cast blocks the house was built with as architectural features on the property. The last item discussed was who was responsible for the 47" oak tree laying on the auxiliary house along 79<sup>th</sup> street and when would it be removed since it was a hazard.

In summary, my client and I have met with and have willingly spent countless hours discussing these issues with the neighboring citizens. At this point with the preliminary plan, I have done everything possible to justify the design of the proposed five lots. The neighbors have been cooperative and willing to discuss and debate the warrants of the plan. I have done everything possible to satisfy the neighbors' concerns with the preliminary design. I have committed to do everything possible to minimize any potential drainage issues, save as many trees as possible, minimize the proposed impervious area and provide final design plans that are compatible with the existing neighborhood.

Dean Packard, PE  
Project Engineer