

ATTACHMENT 16



**Statement of Justification for Private Roads
WMAL BETHESDA
Preliminary Plan No. 120160290**

**October 27, 2016
March 3, 2017 (Revised)
April 7, 2017 (Revised)**

On behalf of Toll Brothers, Inc. (the “Applicant”), and in accordance with Subdivision Regulation Amendment 16-01 Section 4.2.E.4.b., this statement is submitted to justify the proposed private streets as part of the WMAL development proposal.

I. Introduction

As part of the accompanying Preliminary Plan application, the Applicant is proposing a series of private streets with and without abutting greenways for the overall development. The two main spines of the community, namely the extension of Greyswood Road to Greentree Road and the extension of Renita Lane to Greentree Road will be public streets, but the remaining roads -- all of which are internal to the development, are proposed as private. The community’s Homeowner Association will maintain these private roadways, with fees set to ensure that an appropriate reserve fund is available for any required maintenance and replacement.

Critically, as required by SRA 16-01, the proposed private roads satisfy the threshold requirements for consideration as a private road. The private roads are not needed to maintain area circulation (as compared to the two proposed public roads – Greyswood/Greentree and Renita) or to provide a continuous corridor to serve the public. Moreover, the private roads are not needed for communication infrastructure or future public transportation. In addition, the proposed private roads would otherwise be classified as a tertiary road or an alley. Given that the

private roads are internal to the property; they will not result in a segmented road ownership or in any way adversely affect any other property.

II. Design Elements

The proposed design elements of the proposed private roads that do not meet the public road standards are as follows:

Road Section

Alternate sections noted on plan. Based on tertiary road standards as noted on the plan.

3% cross slope from side to side, no crown on greenway streets

Surface drainage with curb cuts, no inlets

Sidewalk on one side of the private road parcel, sidewalk on the adjoining greenway/ESD/Recreation parcel. Sidewalks provided adjacent to all units, but not on both sides of a particular parcel

Streets located in 50' wide parcel with adjoining HOA green parcel (most cases) for SWM and community use. Both private parcels comprise the community green street.

Materials (to be determined at site plan)

Sidewalks (Alternate surface, brick or pavers, likely not concrete, not DOT section)

Crosswalks (Alternate surface, brick or pavers, likely not paint, not DOT detail)

Parallel Parking Spaces; (Alternate surface, brick or pavers, likely not asphalt)

Street; Mostly asphalt per County Tertiary road standard, some areas potentially alternate surface, brick or pavers.

Lights; Street lights to be decorative fixtures vs. County standard

Signage; To be decorative vs. County standard, potentially to include community banners and wayfinding signs

Entrance features/monuments; to be located in the private street parcel (not allowed by County) per site plan

Landscape

Trees; Native trees and other species to be used vs. limited approved County list.

Plantings; Low landscaping (i.e. flowers) to be planted in street parcel

Geometry

Various, intersections medians and road layout shown typically not accepted by the County.

Fire and Rescue approval granted 10/17/16.

III. Justification

Generally speaking, the land plan for the WMAL development calls for private streets chiefly to implement excellence in design with a Green Streets program: bio-retention facilities, special paving, alternate materials and landscaping within and adjacent to the road surface.

However, current Department of Transportation (“DOT”) directives serve to limit provision of Environmental Site Design (“ESD”) features within a public roadway. A typical ESD facility in a residential area is sloped from the sides down to the level bottom, which allows the facility to store and treat stormwater without overflowing onto the adjacent road or sidewalk. Although this depth may vary, a rule of thumb is to provide at least one vertical foot from the facility top to the bottom, which requires three feet horizontally on each side of the treatment area. The typical six-foot grass panel within 50’ R/W public residential streets would not therefore provide any of the level treatment area needed for the facility, and the 12-foot grass panel within 70’ R/W public residential streets would still only provide approximately 20% of the required treatment for the site’s design drainage divides. Both would require construction of supplemental facilities outside of the Right-of-Way. Although the facility design may be modified to use vertical side walls, these require protective fencing that is not preferred at the immediate frontage of lots at the WMAL residential development, and would also necessitate a greater quantity of facilities – and associated curb cuts or shallow inlets for conveyance – to provide breaks at proposed driveways. Therefore, to implement a signature community that will

be known for excellence in design and progressive application of ESD stormwater management, private roads are proposed.

Specifically, inclusion of the Green Streets provides an environmental benefit, more pleasant pedestrian connections and healthier passageways to help create a “Place” -- a community that will be an example for full integration of design and environmental sensitivity and will seamlessly connect to the surrounding community.

Despite being privately held and managed by the (to be established) homeowner’s association, the private roads will be built to the corresponding public road standards (i.e., the tertiary residential street as noted on the plan) with respect to paving and design detail, including surface depth, structural design, width and cross section dimensions, and horizontal alignment requirements. The roads will be open to the public, pursuant to easements to be recorded prior to development. As a result, the streets will “look and feel” like public streets to the neighborhood and provide internal connectivity equal to that of public streets.

As described above, the stormwater management features most desired by the State and County environmental agencies cannot be fully accommodated in public streets. As a result, the ESD facilities would need to be located entirely within lot areas or on open space parcels separate from the neighborhood ESD facilities. This would create the practical difficulty of locating ESD facilities on individual lots, which is not supported by the other County agencies.

In addition, the flexibility sought is to add features that demonstrate excellence in design and progressive implementation of ESD without the limitations of the public road standards, while completely satisfying construction and safety objectives. Specifically, stormwater management as proposed is a series of greenways along the road. The road is proposed to drain on the surface to the series of ESD cells along the street rather than draining to inlets and then

piped to the storm water facilities. This system better meets the intent of the regulations to treat smaller and equally distributed facilities for ESD, as required by State and County regulations, which are somewhat at odds with DOT regulations, leading to another practical difficulty.

Finally, DOT strictly controls the standards for size, materials, and landscaping in the right-of-way to limit the public maintenance obligations. However, in this instance, at site plan, alternate materials in addition to concrete and asphalt may be used for roads, sidewalks and trails associated with the private streets. Landscaping will be added to areas to unify the green areas over and above the standard lawn and street trees required (if public roads, the variety of plant species is also limited to a short County list).

The vision is to upgrade the public realm for the community via alternate drainage, materials and landscaping in coordination with the site stormwater management features desired under current State and County regulations. These features otherwise cannot be achieved using public street standards within a public right-of-way. This practical difficulty is easily avoided by allowing private streets.

The Master Plan recommends a public road connection between Greentree and Greyswood Roads, and the Applicant is not proposing a waiver for this street. Importantly, at the request of the Planning Board staff, Fire/Rescue, and DOT, the Applicant is proposing that Renita Lane be a public road. Consistent with the General Plan, the Applicant is also proposing a network of roads through new communities that take into account the most up-to-date environmental features.

Finally, as noted, the private streets will be constructed to the minimum public road standards, have a 20-foot pavement width with adequate turning radii at intersections where needed for emergency access, and provide appropriate circulation throughout the site and

connections to public roads. Each street will be placed within its own separate parcel and will be subject to an easement. As a result, the private streets are not averse to the public interest.

Sincerely,
Rodgers Consulting, Inc.

A handwritten signature in black ink, appearing to read "Gary F. Unterberg". The signature is written in a cursive, flowing style.

Gary F. Unterberg, RLA, LEED AP BD+C
Senior Vice President