

**CITY OF ROCKVILLE PLANNING DIVISION  
STAFF REPORT**

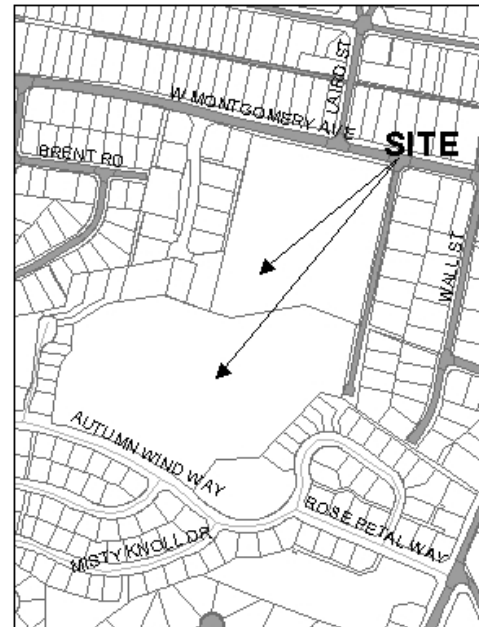
October 20, 2006

**SUBJECT:** Planned Residential Unit Development  
Detailed Application PRU2006-0022A

**Applicant:** Chestnut Lodge Properties, Inc.  
c/o Miller, Miller & Canby  
200B Monroe Street  
Rockville, Maryland 20850

**Date Filed:** May 11, 2006

**Location:** 500 West Montgomery Avenue, generally south of West Montgomery Avenue, west of Thomas Street, North of Autumn Wind Way and east of Tall Grass Court and Henson Oaks Lane.



**REQUEST:**

To approve a Detailed Application for the site plan of the Chestnut Lodge development, the Construction Phasing Plan and the Three-Year Maintenance Program for the trees in the historic section. The site plan includes 36 new one-family detached homes, seven (7) condominiums in the Main Lodge, rehabilitation of the Little Lodge, Frieda's Cottage, and Rose Hill barn, and the reconstruction of the Stable and Icehouse. The Construction Phasing Plan includes timing of infrastructure to be completed, off-site transportation improvements and use of Thomas Street for construction-related vehicles. The Three-Year Maintenance Program includes a budget along with details of the pruning of trees, equipment and safety, pesticide applications and who is qualified to do the work.

**QUESTIONS FROM THE OCTOBER 11, 2006 PLANNING COMMISSION BRIEFING**

- What is the difference in grade between the homes on Tall Grass Court and the proposed homes? – The grade difference between the lots on Tall Grass Court and the proposed homes is listed in the chart below. Both measurements are taken from the rear yard, however, for the Chestnut Lodge homes, it is measured at rear wall of the house.

<b>Chestnut Lodge Lot Number</b>	<b>Elevation at rear building wall</b>	<b>Rose Hill Adjacent Lot</b>	<b>Rear yard elevation</b>
17	26.8	2	22
18	25.5	4	20
19	25.5	6	20.5

- How much is the grade being raised from existing to proposed? – The internal road has been lowered in the area of lots 17 through 19 by approximately four feet. This lowering of the road allows the applicant to install the decorative walls in front and have steps into the house, which raises the houses approximately four to five feet. Therefore, the houses will remain at the existing grade. Also, the raising of the houses allows for the front of the property to drain toward the street, instead of toward the rear of the property.
- Concern that runoff from Lot 17 will flood 315 Autumn Wind Way (Rose Hill lot 1)? – Staff is not concerned that the drainage from lot 17 will flood this home, since there is less drainage area that will flow into the existing inlets. In addition, from the rear of the house to the rear lot line, none of the elevations are changing, due in part to the three mature trees that will be preserved. Also, there is a berm that runs the entire rear property line of this lot, which is meant to allow runoff to seep or drain into the inlet. As with all of the other lots in this section of the development, the applicant proposes the front portion of the house lots drain toward the street.
- Does the entire rear area of the property drain into the inlets? – Currently a large portion of the rear area drains into the inlets. After the development is complete, a much smaller portion will drain into these inlets. Staff has determined that the amount of proposed impervious surface when the development is complete will be equal to or slightly larger than what currently exists on the property.
- What year storms is the applicant required to comply with? – The applicant is required to comply with the one-year and ten-year storms and provide water quality treatment on-site. This is a standard requirement for the developments of this type.
- How are the homes on Tall Grass Court protected from runoff? – Currently the site has six inlets and a berm along the rear portion of lots 17 through 19. These inlets and berm were installed during the construction of the Rose Hill community. The berm is located along the property line between the Tall Grass Court homes and the Chestnut Lodge. Three of the inlets are on the Rose Hill property and three of the inlets are on the Chestnut Lodge property. When the site is completed, there will be less water flowing into these inlets than currently exists. In addition, lots 17 through 19 will have the front portion of the lots drain toward the internal street and only the rear portion of the new lots will drain toward the inlets.
- Are the roads public, while the sidewalks are not? – The applicant proposed a reduced 40-foot right-of-way where the new homes are to be built including the street and a seven-foot tree lawn. The sidewalks are outside of the right-of-way, which allows the houses to be located closer to the street since the front setback measurement includes the

sidewalk. If the sidewalk were in the right-of-way, that area could not be included in the front yard measurement. In addition, with the sidewalks on private property, the applicant can also use the sidewalk area to count toward the lot coverage calculation. All the sidewalks will have a public access easement over them, and the Homeowners Association (HOA) will maintain them because they will be brick pavers.

- Who maintains the front historic portion and what type of activity can occur there? – The trees on parcels A, B, H, I and lot 1 in the front historic portion, will be maintained by the HOA. On lots H, I and lot 1 this does not include the individual landscaping on each lot, which will be maintained by the owner or condominium association. All of these lots, parcels A, B, H, I and lot 1, will allow passive activity to occur, such as walking or strolling through the area.
- Is the HOA reporting the budget and maintenance plan to the City unusual? – As part of the HOA owning and maintaining the historic front section, the applicant is required by the approved Exploratory Resolution (Attachment #6) to submit a budget and maintenance plan to the City every three years. The maintenance plan would contain a comprehensive tree maintenance and landscape maintenance plan providing for the protection, preservation, maintenance and replacement of mature trees and landscaping. The budget would ensure that the funds necessary to maintain the trees and landscaping would be available. The applicant has submitted the first plan and subsequently will submit one to the City every three years. City staff will review it perpetually, unless it is deemed to be no longer necessary. The City has at least one other community, King Farm that is required to submit a budget to the City for review.
- Will the retrofit of the ponds affect the landscaping? – The installation of the retrofit could impact some of the landscaping in order for the applicant to access the ponds. However, the retrofit will not require any re-contouring of the ponds. Once the retrofit is complete, no other impact to the ponds should occur. The applicant has agreed to plant additional landscaping that the Rose Hill community would like around the pond (Condition #44). The Rose Hill community will continue to maintain the landscaping around the ponds.
- Can a trash truck turn around at the end of Thomas Street as proposed by the applicant? – The applicant has revised the end of Thomas Street to show a hammerhead, which has a similar purpose as the cul-de-sac and built to City standards. They have also submitted truck turning templates to show a single unit truck can adequately turn around in the proposed hammerhead at the end of Thomas Street.
- What is the violation process if the front historic portion is not maintained properly? – Staff would inspect the trees and then notify the HOA that the maintenance is not acceptable and request that the problem be fixed. If the HOA does not bring it up to the maintenance standards of the Three-Year Maintenance Program, the City could maintain the historic portion and bill the HOA, although this is not desirable.
- What happens if the trees in the buffer die or are not being maintained? – The HOA is responsible for maintaining the landscape in the buffers. If the buffers were not maintained properly, the City would request the HOA to install new landscaping that

meets the City's planting requirements and the requirements of the approved landscape plan.

- If something goes wrong with the drainage, what can the City do legally? – The HOA documents require the owner of individual lots to not impede the inlets or other drainage features, including removal of the swales. If the owner were to impede these drainage passages, then the HOA could require the owner to remedy the problem. Additionally the applicant has proposed dry wells on some lots for drainage of individual lots. The lots that have dry wells will be required to show them on the plat that the owner will receive. Also, staff will review the as-builts drawings for this development (Condition #21), which should show the slope of the individual lot, to ensure that drainage meets the required minimum of 2.5 percent slope away from the home. This is one of the first projects that DPW will review in this way. If the house does not conform to the required slope, staff will require the applicant to fix the site in order to provide better drainage. Attached (Attachment #5) is a draft of the form and as-built drawing that will be submitted to the City for review.
- Where is will the emergency access and what will it look like? – Emergency access (Parcel F) is located between the proposed internal road in the Chestnut Lodge development and Autumn Wind Way, between lots 14 and 15 as shown on the plans (Attachment #7). The emergency access will have a six-foot wide sidewalk in the middle of two eight-foot wide grass crete pavers. These pavers are designed to allow fire trucks and other emergency vehicles to pass over them safely. If the Rose Hill and Chestnut Lodge communities, along with the City agree to make it a public road, the emergency access parcel is wide enough to accommodate a city street and sidewalks.
- Is the applicant proposing pervious paving? – The applicant has not studied this at this time. However, the use of pervious pavers still would require the use of the two stormwater ponds in the Rose Hill community.

## **BACKGROUND**

### **Planned Residential Unit Exploratory Application Resolution of Approval**

In February 2006, the Mayor and Council approved the construction of 36 new homes and detached garages, the rehabilitation of the Main Lodge, including alterations, the Little Lodge and Rose Hill Barn and the reconstruction the Icehouse and Stable. The applicant will also convey Frieda's Cottage to Peerless Rockville for use as a single-family dwelling. In addition, the two large tracts of land in the front portion of the site containing mature trees will be maintained by the homeowners association (HOA) for the community. The new homes will be located in the rear of the property and have detached garages that will not be allowed to be converted to any other use. The Main Lodge will be converted to seven condominiums, with three units in the new addition and the other four units in the historic portion. The renovated Little Lodge will be a single family detached home while the reconstructed Stable and Icehouse will be accessory structures to it. The Rose Hill Barn will be converted to an accessory structure for one of the new single-family detached homes.

The approved PRU Exploratory plan includes an internal road that will access the property using the existing entrance at the intersection of West Montgomery Avenue and Laird Street. An emergency access will be provided from the internal road to Autumn Wind Way in Rose Hill. Fire and rescue services will only use this access point in order to enter or exit the site in case of an emergency. A future public street connection could be built in this location; however, the approval of the Rose Hill and Chestnut Lodge Homeowners Associations (HOAs) and the City of Rockville would be required.

The two large tracts of land in the front historic area of the site will be the remaining area after parcels have been created for the Main Lodge, Little Lodge and Frieda's Cottage. These two parcels, Parcel A and Parcel B, have an approximate total area of 4.7 acres (208,000 square feet). The homeowners association will maintain this area along with Parcels I (Main Lodge), H (Frieda's Cottage), and Lot 1 (Little Lodge). All of these parcels will be subject to a maintenance plan that includes tree maintenance, a lawn maintenance program and a budget. Per the Resolution, the first maintenance plan must be approved at this Detailed Application stage. After the first approval, the homeowners association must submit a maintenance plan every three years unless the City terminates the program. Also, when the homeowners association submits the maintenance plan, the City reviews it for completeness and may require changes to the plan.

The applicant is required to install the buffers that were recommended in the *Comprehensive Master Plan*, which was adopted in 2002 by the Mayor and Council. A 10-foot buffer will be installed along the rear portion of the property abutting the homes on Tall Grass Court, Henson Oaks Lane, and Autumn Wind Way. A 20-foot buffer will be replanted along the right-of-way of Autumn Wind Way. The Chestnut Lodge homeowners association will maintain all of the buffers.

The applicant is required to construct three off-site improvements including sidewalks, curb and gutter, and driveway aprons along the west side of Laird Street from West Montgomery Avenue to Anderson Avenue; along the east side of Luckett Street from Anderson Avenue to Beall Avenue; and along Harrison Street between Forest Avenue and North Van Buren Street. In addition, they are required to install a sidewalk, curb and gutter along the east side of Thomas Street. These improvements will be phased, according to a schedule developed for this Detailed Application.

### **Previous Detailed Application Approval**

Detailed Application PRU2006-0022B was approved on August 9, 2006. This application consisted of the Demolition portion of the Construction Phasing Plan, which was required to be approved by the Planning Commission. The Demolition portion of the Construction Phasing Plan allowed the applicant to start related demolition work on the site while continuing to work on the site plan and related issues. This Detailed Application approval does not allow for the removal of the historic buildings until the Site Plan Detailed Application is approved (PRU2006-0022A).

## **ANALYSIS**

### **Construction Phasing Plan**

The Construction Phasing Plan consists of the use of Thomas Street, the retrofit of the two Rose Hill community stormwater ponds, new home construction, rehabilitation of historic structures and off-site improvements.

#### Use of Thomas Street during Construction

During demolition, the applicant is only permitted to use Thomas Street to allow construction workers' personal vehicles to access parking and for customers to access the sales trailer. No heavy truck traffic is permitted during demolition. The applicant proposes to use Thomas Street for heavy truck traffic only during construction of the internal road's front section in the historic area. In order to allow for material deliveries to continue during the construction of Bullards Circle in the historic section of the site, Thomas Street may be used for a limited period of up to four (4) months (Condition #40). An extension to this four (4) month allowance may be granted by the City if a reasonable need (weather, delays, force majeure) is presented to and approved by DPW.

#### Retrofit of Bullards and Falls Ponds in the Rose Hill community

The applicant will complete the retrofit of the Bullards and Falls ponds in the Rose Hill community prior to the issuance of the 20<sup>th</sup> one-family building permit (Condition #41). This retrofit will bring the ponds up to current standards and will affect the concrete riser in the pond. No contouring of the ponds will occur. The applicant has agreed (Condition #44) to replace any landscaping that is damaged when the ponds were being worked on.

#### New Home Construction

The applicant proposes to build two or three model homes first, with no more than eight homes being constructed at one time on the site. New home construction will be based on market demand.

#### Rehabilitation/Reconstruction of the Historic Structures

The applicant has two main buildings, the Main Lodge and Little Lodge, and three accessory buildings, the Stable, Icehouse and Rose Hill barn, to rehabilitate or reconstruct. The Main Lodge, which will consist of seven condominiums, is required to have the exterior substantially complete by the issuance of the 33<sup>rd</sup> one-family building permit. This is in accordance with the approved Resolution (Attachment #6). The rehabilitation of the Little Lodge and Stable will commence when the certificates of approvals are granted by the HDC, the record plat is recorded and the building permits are issued or by the issuance of the 33<sup>rd</sup> building permit for the new single-family homes. The reconstruction of the Icehouse will commence when rehabilitation of

the Little Lodge and Stable are 80 percent complete and be complete prior to issuance of the occupancy permit for the Little Lodge. Lastly, the rehabilitation of the Rose Hill barn will commence with the construction of the home on that lot and will be completed prior to the issuance of the occupancy permit for the home.

### Off-Site Improvements

In the Exploratory Application approval, the applicant is required to construct several sidewalks and other related improvements near the site. The Construction Phasing Plan states the timing of these improvements. The Laird Street and Luckett Street improvements will commence upon the issuance of the 12<sup>th</sup> occupancy permit and be completed within 120 days. The Thomas Street improvements will commence upon the issuance of the 33<sup>rd</sup> occupancy permit or with the issuance of first building permit for the homes on Thomas Street. Also, these improvements should be completed within 120 days of the start date. However, the applicant will make a payment in the amount of the cost of improvements to Harrison Street instead of constructing the sidewalk. This amount was accepted by the applicant and approved by DPW staff. Staff is accepting the payment since some residents where the sidewalk would go do not want it. The money will go into a fund to build another sidewalk in the West End neighborhood.

### **Three-Year Maintenance Program for the Historic Section**

The applicant has submitted a maintenance plan and budget for the Historic section (Attachment #2). The plan details the general maintenance of the trees as well as company qualifications, equipment and safety and pesticide applications. The Forestry staff has reviewed the plan and found it acceptable, with minor modifications (Condition #4).

### **Homes on Thomas Street**

The applicant proposes low points in conjunction with private inlets for lots 3, 4, and 5 in order to collect and convey stormwater generated from these lots. This method of stormwater collection and conveyance is proposed in order to accommodate the construction of the decorative walls fronting these properties. While this is an acceptable means of collecting and conveying stormwater, the City typically prefers to minimize the use of low points and private inlets on private lots due to the potential for these inlets to become clogged, resulting in standing water on lots. It is the staff's understanding that the Chestnut Lodge HOA will maintain these inlets rather than homeowners, and therefore accepts the design as proposed.

### **Granite curb with brick paver gutter**

The applicant proposes to use a granite curb with a brick paver gutter pan in the historic area of the internal road. The granite and brick would be installed in place of the concrete curb and gutter. The only place that granite curb and brick pavers have been used in the City is in the Town Center area. Staff asked the applicant to provide a lifecycle cost of the granite curb and brick gutter versus the standard concrete curb and gutter (Attachment #3). This lifecycle cost

shows that the City can save money with the use of the granite curb and brick gutter. Therefore, staff has accepted the use of the granite curb and brick paver for the historic section of roadway in this development. Staff has recommended a condition (Condition #38) that allows the applicant to install the granite curb and brick gutter. In addition, the condition also states that the applicant must deliver five sections of granite curb to the Maintenance Facility prior to the final occupancy permit being issued. This will ensure that the City has extra granite if a section should need to be replaced.

### **Width of Right-of-Way in Historic Section**

The applicant and staff have agreed to a 40-foot right-of-way for the internal road within the historic section. The applicant through a maintenance agreement will maintain any structures, such as sidewalk or other items such as a swale. Staff is not requesting the applicant move the swale or sidewalks out of the right-of-way further from their proposed location, which could impact the trees.

### **Median at the Entrance to the Development**

At the entrance into the site, the applicant had proposed a median between the two lanes exiting and one lane entrance into the development. The proposed median would have a “rolled” curb, which would allow for a large vehicle to roll over it if it could not make the turn into the development within the lane. The Manual of Uniform Traffic Control Devices (MUTCD) on public streets recommends this median. However, the applicant has provided truck-turning templates that show that tractor-trailers cannot make a left or right turn into the site, unless they run over the median. Therefore, staff recommends and the applicant has agreed (Condition #1c) that the median will be removed from the plans.

### **Private utilities and Decorative Walls**

On several lots in the development, the applicant proposes private storm drains, which run perpendicular under the decorative retaining walls in the front yards. The applicant proposes that the homeowners association maintain these stormdrains and retaining walls. Staff has agreed to allow the private utilities under the decorative walls if they are sleeved (Condition #20). This will allow for easier maintenance and repair of the utilities in the future.

### **Public Utility Easements (PUE) and Location of Electrical Transformers**

The applicant has submitted a revised utility layout plan to the utility companies. This revised plan allows for a ten-foot PUE on both sides of the internal road in the rear portion. The portion of PUE under the sidewalk would not have any utilities placed under it, but would be adjacent to the right-of-way and allowing easy access to the PUE. The proposed PUE would allow Washington Gas on one side of the road and the other utilities on the other side. This would allow the gas company to have the required separation and eliminate the need for utilities under the sidewalk.

For the Main Lodge, the applicant proposes a 10-foot PUE either perpendicular from West Montgomery Avenue or perpendicular from Thomas Street (Attachment #7). Both PUEs will be in the eastern side (Parcel B) of the historic area and will convey “dry” utilities (electric, cable, telephone). The PUE off West Montgomery Avenue will run perpendicular and then make a sharp right turn toward the Main Lodge. The PUE off Thomas Street would be adjacent to the other existing utilities, gas and water. The utility companies are currently reviewing the plan for the location of PUEs. Once the utility companies have agreed upon a location for the PUE, DPW staff will evaluate the locations and this will be shown on the final record plat.

## **Grading**

### Overall Site

Staff has reviewed the overall grading of the Chestnut Lodge site. Staff believes that the houses on lots 17 through 19 can only be slightly reduced in height if the decorative walls were removed. The applicant has lowered the grade of the proposed road by approximately four feet. This lowering allows the houses to have the 1.5-foot to 2-foot decorative walls. In addition, the applicant added several steps up to the house. With the decorative walls and the steps into the house, it raises the proposed, elevation of the house to the existing grade on the site or slightly higher. If the applicant were to lower the grade level further, it would affect the rest of the rear portion of the development. The reduction of the grade at the homes on lot 17 through 19 could require retaining walls along the Thirty Oaks boundary as well as on the eastern side of the rear portion of the property. In addition, the reduction could also allow for more drainage onto lots 17 and 19. Staff has reviewed and accepted the overall grading of the site, and will continue to review it as the homes are being constructed and after each one is completed.

### Individual Lot

The applicant has proposed that the front of the lots drain toward Bullard’s Circle and the rear portion of the lot, drain toward the backend. Staff has determined that each lawn shall be graded to a minimum of 2.5 percent slope (Condition #21). Therefore, the rear portion of each lot will be sloped a minimum of 2.5 percent toward the rear property line and the front of the lot will be sloped a minimum of 2.5 percent toward the front. This will allow for correct runoff away from the homes.

The applicant has also agreed to submit for approval as part of the single-family detached permit application a builder’s site plan for each home (Condition #21). This permit will be reviewed and approved by DPW prior to issuance of the SFD permit. The builder’s site plans shall ensure that the site grades are in conformance with the grades shown on the Signature Set. Also, when site work is complete, an as-built drawing and certification of grades shall be submitted ensuring that the site grades are in conformance with the builder’s site plans and the Signature Set. An example of the builder’s site plan and certification letter is included (Attachment #5).

## Required Findings

Per Section 25-567 of the Zoning and Planning Ordinance, the Planning Commission shall approve a detailed application if it finds:

- (1) *That all requirements and findings necessary to the issuance of a Use Permit under Division 2 (Use Permit) of Article V hereof have been met; and*

The applicant is in compliance with this condition. With the recommended conditions, this application will not adversely affect the health or safety of persons in or adjacent to the neighborhood, not be detrimental to the public welfare, not overburden existing and programmed public facilities and not constitute a violation of any provision of this Code or other applicable law. The proposed plan has not substantially deviated from the approved Exploratory Application.

- (2) *That all requirements and findings necessary for the approval of a Preliminary Plan under Division 2 (Special Requirements related to Use and Development) of Article XV hereof have been met; and*

The proposed layout of the site meets the provisions for a Preliminary Plan and is consistent the Master Plan of developing the site into a residential neighborhood and saving the historic structures. In addition, it will not overburden the public utilities or be detrimental to the public welfare. The proposed development is consistent with the adjacent neighborhoods. Also, the applicant proposes a similar topography and impervious area to what is currently exists on-site.

- (3) *That the Detailed Application complies, without substantial deviation, with the terms and conditions of approval of the Exploratory Application by the Council; and*

The application is in compliance with the approved Exploratory Application. The application contains the same number of units, provides buffers between the development and adjacent communities, and includes a Construction Phasing Plan and a Three-Year Maintenance Program.

- (4) *That the requirements of Division 5 (Open Space, Common Areas and Recreational Facilities in Cluster or Planned Residential Unit Developments) of this Article have been met.*

The applicant is not proposing any open space to be dedicated to the City.

## STAFF RECOMMENDATION

Staff recommends approval of the Detailed Application with the following conditions listed below and subject to conditions approved with PRU2006-0022B by the Planning Commission. Note that the conditions in *italics* are from the Resolution of Approval for the Exploratory Application.

1. Submit for approval by the Chief of Planning, eleven (11) copies of the Detailed Application plans as shown to the Planning Commission including the revisions required at the October 25, 2006 meeting. These plans, along with the landscape plan, will constitute the Signature Set for the project when stamped and signed by the City.

- a. Construction Phasing Plan
  - b. The revision date on the plans must be date of approval by Planning Commission.
  - c. Removal of the three (3) foot wide mountable island shown at the entrance to Bullards Circle.
  - d. *Three trees per each single-family residential lot as required by the Subdivision Regulations of the Zoning and Planning Ordinance. Required street trees may not be used to meet this requirement.*
2. No building permit is to be submitted prior to the approval of the Signature Set.
  3. *The applicant shall identify a designee(s) and alternate designee(s) who will serve as liaison to the community throughout the duration of construction. The designee or an alternate designee shall be accessible throughout the hours of construction, including weekends. Prior to the issuance of the first grading permit, the applicant shall provide in writing a contact name and phone number to the Chief of Planning and to residents whose property abuts the site and to the presidents of surrounding Homeowners Associations and civic associations.*
  4. Submission for the approval of the City Forester, the Three-Year maintenance plan, revised to make minor modifications approved by Forestry staff.
  5. *All tree preservation and planting requirements of the City's Forest and Tree Protection Ordinance (FTPO) shall be met on site.*
  6. *The applicant shall work closely with the City's Forestry staff to develop a Forest Conservation Plan to facilitate preservation of quality specimen trees within the Historic District. A Conservation easement shall be placed over Parcels A, B, H, and I and Lot 1 to ensure long-term protection of trees within the Historic Districts designated for preservation in accordance with the FTPO.*
  7. Submission, for the review and approval of the Planning Commission, of a Final Record Plat for the property. Plat must be recorded prior to the issuance of a building permit for building construction.
  8. *Invasive exotic tree and plant species shall be removed and eradicated throughout the site, except that, subject to the approval of the City Forester, such as trees and/or plants may remain where they are deemed to be integral to the historic fabric and context of the landscape.*
  9. A copy of the utility plans will be forwarded to the utility companies (Washington Gas, Verizon, and Pepco) in order to get their input on the location of the PUE. A copy of their approval shall be submitted to DPW prior to issuance of DPW permits and recording of any plats.
  10. Record plats shall be recorded prior to issuance of DPW permits. The record plat shall reference lots that have dry wells and surface drainage swales on them. Standard language shall be drafted and included on the record plat that is intended to preserve and maintain the dry wells and surface drainage swales.
  11. Dry wells shall be located such that they do not conflict with patios, decks, and any other proposed lot improvements.
  12. Obtain MSHA approval for all proposed improvements within the State right-of-way. Work within the state right-of-way cannot begin without MSHA permits.

13. The proposed entrance feature at Bullards Circle is located within a Traffic Signal easement. This easement must be abandoned/created, amended, revised or modified or the improvements are licensed or permitted as necessary to ensure that the entrance feature is compatible with the easement. The easement must sufficiently accommodate all the necessary traffic signal appurtenances for the correct functioning of the traffic signal. Abandonment is subject to Mayor and Council approval.
14. A SWM maintenance agreement shall be provided for the SWM structure located within Parcel C. This shall be provided prior to issuance of the Stormwater Management permit.
15. Transformers must be located within the Public Utility Easements (PUE's).
16. Abandon existing water lines at the main, unless otherwise approved by DPW at the time of detailed engineering.
17. Assess the condition of the existing sewer currently serving the Main Lodge building, including a CCTV evaluation. A copy of the evaluation report must be submitted to DPW, including a copy of the CCTV recording, prior to approval of detailed engineering. If the pipe is not in satisfactory condition based on the City staff review of the information then the line must be repaired, lined, or replaced to the satisfaction of the DPW.
18. Brick pavers located within the emergency access parcel (Parcel F), shall be designed to withstand the proposed traffic loads.
19. Verify that there is acceptable capacity to receive proposed storm drain flows within the 21-inch storm drain behind lot 17. Preliminary computations indicate that there is sufficient capacity, however, detailed drainage calculations shall be submitted as part of the detailed engineering and shall be based on as-built information. If there is insufficient capacity, then the receiving system shall be upgraded to the satisfaction of DPW to ensure that adequate capacity is provided.
20. All storm drains, public and private, that pass beneath any retaining wall, shall be sleeved to facilitate future maintenance and repair.
21. Lawns shall be graded to a minimum of 2.5 percent slope. Builder's site plans shall be submitted for approval as part of the SFD permit application and shall be reviewed and approved by DPW prior to issuance of the SFD permit. The builder's site plans shall ensure that the site grades are in conformance with the grades shown on the Signature Set. Once site work is complete, an as-built drawing and certification of grades shall be submitted for review, to ensure that the site grades are in conformance with the builder's site plans and the Signature Set. An example of the builder's site plan and certification letter is included as an attachment (Attachment #5).
22. *The applicant shall construct a five (5) foot concrete sidewalk along the west side of Laird Street from West Montgomery Avenue to Anderson Avenue, along with any incidental improvements, included but not limited to, curb and gutter, street pavement, driveway aprons, drainage improvements, and tree/grass panels where feasible, per the City's Standards and Details for Construction.*
23. *The applicant shall construct a five (5) foot concrete sidewalk on the east side of Luckett Street from Anderson Avenue to Beall Avenue, along with any incidental improvements, including, but not limited to, curb and gutter, street paving, driveway aprons, and tree/grass panels where feasible, per the City's Standards and Details for Construction.*

24. *The Applicant shall upgrade Thomas Street as described below:*
  - a. *East side improvements include four (4) foot brick paver sidewalk, curb and gutter, driveway aprons and incidental improvements, including pavement replacement and grading from West Montgomery Avenue to the dead end of Thomas Street.*
  - b. *West side improvements include a five (5) foot brick paver sidewalk from the proposed path on the north side of Frieda's Cottage on Parcel B to the dead end of Thomas Street. Improvements shall include curb and gutter, driveway aprons, and incidental drainage improvements, including, pavement replacement and grading from the end of the asphalt curb to the dead end of Thomas Street. Thomas Street shall be widened to the standards of the City's secondary residential street in front of the three proposed new homes and Frieda's Cottage. This widening shall occur on the west side of Thomas Street.*
  - c. *The design of these improvements shall provide for adequate drainage and shall be reviewed by DPW during detailed engineering. Drainage for the entire street shall be reviewed during detailed engineering.*
25. The applicant shall make a payment, in lieu of construction of the Harrison Street improvements, in the amount of \$64,371.20, on or before July 1, 2007.
26. The Laird and Lockett Street Improvements will commence prior to the issuance of the 12<sup>th</sup> occupancy permit and the construction of the improvements will be completed within 120 days thereafter, subject to force majeure.
27. Thomas Street improvements will commence prior to the issuance of the 33<sup>rd</sup> occupancy permit or the building permit for the first house on Thomas Street. Construction of the improvements will be completed within 120 days thereafter, subject to force majeure.
28. *A signing and pavement marking plan shall be submitted to DPW and approved by the Chief of Traffic and Transportation prior to issuance of DPW permits, except those onsite permits related to sediment and erosion control, clearing and grubbing, grading, sanitary sewer lines and water lines. All internal and external traffic control devices (i.e. signs, signals, marking and devices placed on, over or adjacent to a roadway or pathway to regulate, warn or guide pedestrians and/or vehicular traffic) shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).*
29. *The applicant shall contribute \$6,500 to the City's bus shelter CIP fund for installation of a bus shelter in the vicinity of the development. The contribution must be paid prior to issuances of the first building permit.*
30. *Provide a total of at least five (5) bicycle parking spaces for the condominium units at a safe and convenient location as determined at detailed engineering.*
31. *The applicant shall contribute \$6,000 to the City's Transportation Improvement CIP Fund for the upgrading of the existing traffic signals to include pedestrian countdown signals (12 signal heads @ \$500 each) at West Montgomery Avenue and Great Falls Road and at West Montgomery Avenue and Laird Street. The payment must be made prior to the issuance of the first building permit.*
32. A street lighting plan shall be submitted to DPW and approved by the Chief of Traffic and Transportation prior to the issuance of DPW permits, except those permits related to

- onsite sediment and erosion control, clearing and grubbing, grading, sanitary sewer lines and water lines.
33. A traffic signal relocation and control plan for MD 28 and Bullards Circle shall be submitted to DPW and MSHA for review and approval. Work within the state right-of-way cannot begin without MSHA permits.
  34. *The applicant shall make a Transportation Demand Management (TDM) contribution of \$600 per dwelling unit, except for Frieda's Cottage. These funds will be used for various programs designed to reduce the number and impact of vehicle trips within Planning Area 4 (West End and Woodley Gardens East-West). A payment of \$600 shall be made before the issuance of each single family dwelling building permit. A payment of \$4,200 shall be made prior to the issuance of the building permit for the Main Lodge.*
  35. Comply with the SWM concept approval letter dated October 3, 2006, with the understanding that yard grades will be a minimum of 2.5 percent slope.
  36. Submit detailed engineering plans for sediment control, stormwater management and public improvements for review and approval by DPW.
  37. Post Bonds and obtain permits from the Department of Public Works for sediment control, stormwater management and public improvements.
  38. Granite curb can be used within the historic district portion of Bullards Circle, including a brick gutter in conjunction with the granite curb. Provide more detail at the detailed engineering stage to ensure that the brick gutter is installed and appropriately supported such that it can withstand the proposed use. Staff will also require additional details showing that the brick gutter can be properly depressed so that the grass swale captures and treats the maximum amount of run-off possible. If the details provided at the time of detailed engineering are not adequate to support the necessary function of the gutter, then a concrete gutter will be required in place of a brick gutter. The applicant must deliver five (5) sections of granite curb, in addition to those required for Bullard's Circle construction, to the City's Maintenance Facility prior to the issuance of the final occupancy permit.
  39. Contribute \$5,000 for the upgrade of three (3) existing streetlights on Thomas Street. This contribution shall be made prior to the issuance of the 33<sup>rd</sup> occupancy permit or the building permit for the first house on Thomas Street.
  40. In order to allow for material deliveries to continue during the construction of Bullards Circle in the historic section of the site, Thomas Street may be used for a limited period of up to four (4) months. An extension to this four (4) month period may be granted by the Chief of Traffic and Transportation if a reasonable need (weather, delays, force majeure) is presented to the DPW. The use of Thomas Street for material deliveries is contingent upon the milling and overlaying of the entire street to be completed with the other Thomas Street improvements (as noted in Condition #24) or once the need to use Thomas Street deliveries is no longer required; whichever, is most prudent based on the condition of Thomas Street.
  41. The retrofit of the off-site SWM facilities (Bullards Pond and Falls Pond) must be completed by the issuance of the 20<sup>th</sup> building permit. The applicant may request an extension from DPW in writing, 30 days prior to getting issued the 20<sup>th</sup> building permit if the work will not be completed by such time.

42. An easement shall be provided to the City of Rockville for the structural maintenance of the off-site SWM facilities (Bullards Pond and Falls Pond). This easement must be provided prior to completion of the retrofit of these two ponds.
43. Building permits for any homes will not be issued until the applicant provides a plan and letter to DPW for review and acceptance showing how emergency vehicles will access the site and how adequate fire protection will be provided during building construction. The plan must be submitted to DPW 30 days prior to the issuance of the first building permit. No occupancy permits will be issued until base paving is completed for the entire length of Bullards Circle.
44. The applicant will replant any landscaping around Bullards Pond and Falls Pond that is damaged due to the retrofit of the ponds.
45. This application is subject to the details in the "Schedule of Demolition and Construction of the Chestnut Lodge Project" dated October 20, 2006.

## **NOTIFICATION**

Staff notified approximately 1,000 citizens along with the presidents of the West End Citizens Association, Rose Hill, Rose Hill Falls and Thirty Oaks Homeowners Associations.

## **ATTACHMENTS:**

1. Construction Phasing Plan
2. Three-Year Maintenance Program
3. Lifecycle cost for Granite Curb/Brick Gutter
4. Stormwater Letter dated October 3, 2006
5. Grading Certification Letter and Drawing
6. Approved Exploratory Resolution
7. Site Plans (Circle )
8. Landscape Plans (Circle )

## **Schedule of Demolition and Construction of the Chestnut Lodge Project**

The development of the Chestnut Lodge Project will proceed in two major phases.

- I. Phase I Detailed Application for Building Demolition – Part A and Part B (PRU2006-0022B)
  - A. Demolition of all structures in non-historic area (Part A)
  - B. Demolition of certain approved structures within the historic district area (Part B)

Demolition activities relative to any historic structure pursuant to Part B will not commence until after the Phase II Detailed Application for New Construction (PRU2006-0022A) has been approved by the Planning Commission.
- II. Phase II Detailed Application for New Construction (PRU2006-0022A)
  - A. Site Development
  - B. New Home Construction, Rehabilitation of Historic Structures, and Off-Site Improvements

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### **I. Phase I Detailed Application for Building Demolition – Part A and Part B (PRU2006-0022B)**

Demolition activities are generally separated into two sub-phases:

- “Part A” relative to the back portion of the property or non-historic area; and
- “Part B” relative to the front portion of the property or historic area.

Before commencement of demolition activities in Part A and Part B, the limits of clearing and grading (LOD) will be flagged, tree protection installed, and sediment and erosion control established.

- A separate tree preservation plan and sediment and erosion control plan has been prepared and submitted as part of the Phase I Detailed Application for Building Demolition.
- Additional sediment and erosion control measures and modifications to the Forest Conservation Plan, as strictly necessary for the site development work, may be required and will be reviewed/approved as part of the Phase II Detailed Application for New Construction (PRU2006-0022A).

Stabilization measures relative to the existing historic structures will be implemented prior to commencement of any demolition activities, as more fully described in a memorandum prepared by Oehrlein & Associates Architects (dated July 12, 2006) and submitted previously to the City’s historic preservation staff.

Locations for construction access, storage, staging and parking areas are as indicated in the Phase I Detailed Application for Building Demolition. The existing driveway and parking lot located off of Thomas Street may not be used for construction access during Phase I. However, a sales trailer may be located in this area during Phase I.

- A. PART A - Demolition of all structures in non-historic area: The non-historic structures located in the back portion of the property will be demolished in approximately the following order once necessary permits/approvals are obtained:

[NOTE: The precise order in which the non-historic structures are demolished may vary slightly depending on subcontractor requirements.]

1. The four dormitory “Cottages”
2. Workshop/Laundry
3. Stanley’s House
4. Greenhouse
5. Gymnasium, Pool, and Pool Deck
6. Maintenance Shop
7. Doctor’s Office Building
8. Pump House

- B. PART B – Demolition of certain approved structures within the historic district area: Demolition activities relative to any historic structure will not commence until after the Phase II Detailed Application for New Construction (PRU2006-0022A) has been approved by the Planning Commission.

Once necessary permits/approvals are obtained, demolition relative to certain historic structures will commence in the following order:

1. Upper Cottage
2. Stable
3. Removal of the one story east wing (a.k.a. Annex “A”) of the Lodge for construction of Bullard Circle (NOTE: The other non-historic additions to the Lodge will be removed closer to the start of rehabilitation work on the Lodge.)
4. Dismantling of the Ice House

## **II. Phase II Detailed Application for New Construction (PRU2006-0022A)**

### **A. SITE DEVELOPMENT**

1. Initial site preparation: Once the site is clear of demolished buildings, driveways, walkways, overhead wiring and on-site poles, etc., the balance of the limits of clearing and grading and tree protection will be flagged in the field, inspected and installed. Additional sediment control measures will be installed consistent with the Detailed Application Plans.

2. The applicant will notify the Thomas Street residents of the commencement of the use of Thomas Street. The applicant will mail a copy of the letter to the Thomas Street residents include the length of duration of the use, the type of trucks will use Thomas Street, the hours of activity and the liaison and alternate liaison's name and phone number. If an extension is granted by the Chief of Traffic and Transportation, the applicant must mail a new notice to the Thomas Street residents stating the above information.

3. Construction activity and access:

**a. Initial Phase**

**i. Construction of Bullards Circle in historic section:**

Subsequent to the Demolition Phase and assuming road construction can be commenced in November or early December, Applicant will have the historic portion of Bullards Circle completed with grading, granite curb, brick pavers, underground utilities, base paving and stabilization within about 4months (Condition #40). An extension to this four month allowance may be granted by the City if a reasonable need (weather, Acts of God, or other unforeseen delays such as war, strikes, etc., referred to as force majeure, is presented to DPW.

1) Estimate of construction truck traffic on Thomas Street: During this initial phase of construction, Thomas Street will be used for delivery trucks (*approximately 10-16 trucks per week*) for the land development process for materials such as sewer and water pipe, storm sewer pipe, storm sewer inlets and precast structures, gravel (CR-6), granite curb, brick for the gutters, etc. and asphalt.

**iii. Model home construction:** During the initial phase of construction, Applicant will also probably commence the model home construction (either 2 or 3 model homes). No occupancy permit may be issued until base paving for the entire Bullards Circle has been completed (Condition #43). The building permit may be issued for the homes, prior to the base paving if the applicant has provided a plan and letter for emergency vehicle access and in case of emergencies (Condition #43). This plan must be submitted and accepted by DPW staff.

1) Estimate of construction truck traffic on Thomas Street: If model home construction is commenced at the same time that the historic portion of Bullards Circle is under construction, Thomas Street can be expected to service and provide access to additional

delivery trucks for such items as concrete for foundations, steel, lumber packages and other materials such as dry wall, etc. This delivery process for the model home construction should amount to *approximately 6 to 8 truck deliveries per week* for approximately 3 to 5 months that could run concurrently with the construction of the historic portion of Bullards Circle. The use of Thomas Street is limited to a four-month period unless an extension is granted by DPW (Condition #40).

**b. House Construction Phase:** Once the historic portion of Bullards Circle has been base paved, all of the heavy truck traffic and deliveries will be re-routed from Thomas Street to Bullards Circle except when there are traffic conflicts and reasonable consideration and flexibility for safety requires occasional Thomas Street deliveries.

**i. Timing of base paving:**

- 1) Due to the time of the year and the fact that base paving and stabilization of the historic portion of Bullards Circle cannot be completed or installed probably until April or May 2007 depending upon temperature and moisture, it will probably not be possible to re-route the heavy truck traffic from Thomas Street to Bullards Circle until early May at the soonest. Any re-routing of heavy truck traffic must follow the four month allowance and possible time extension mentioned above in 2.a.i.
- 2) Prior to base paving the first portion of Bullards Circle, the water main, minor storm drain and conduit will need to be installed and traffic signal boxes adjacent to West Montgomery Avenue will have to be relocated. Paving cannot be installed unless the temperature is 35° and rising on a steady basis.

**ii. Thomas Street related construction activities:** During construction of (1) the three Chestnut Lodge homes fronting on Thomas Street, (2) the Thomas Street curb, gutter and sidewalk improvements, as well as (3) the rehabilitation of Frieda's Cottage by Peerless Rockville, Thomas Street will be used for delivery of the materials for the houses and the materials to construct the street. (It is noted that the timing of these activities may run concurrently with the House Construction Phase.)

- 1) Estimate of construction truck traffic on Thomas Street: Construction of one house can take approximately 3 to 5 months and requires approximately 6-8 truck deliveries per week. Construction of the Thomas Street improvements may take up to 4 months and require 10-14 truck deliveries per week.

4. Retrofit of off-site stormwater ponds in Rose Hill:

- a. During the course of construction on the rear portion of Chestnut Lodge to the rear of the historic district, the onsite sediment and erosion control measures that will be installed will accommodate the stormwater run-off into the traps. The retrofitting of the pond will not be necessary until such time as the grading, installation of utilities, storm sewer and dry utilities, and curb and gutter are complete in the rear portion of the property. The retrofit of stormwater management facilities (Bullards Pond and Falls Pond) must be completed by the issuance of the 20<sup>th</sup> building permit.
- b. The applicant cannot remove the sediment control traps until the Rose Hill stormwater management facilities are retrofitted.

5. General order of site development activities as discussed in II.A.2.: Construction of Bullard Circle through the historic area will precede the construction of Bullard Circle in the rear portion of the site. The development in the rear portion of the site will proceed on the following basis:

- a. Balance of sediment and erosion control measures installed
- b. Clearing and grubbing
- c. Mass grading (i.e., the site is put to rough grade and sub-grade compacted where necessary)
- d. Installation of utilities and utility crossings for entire site as follows:
  - i. sanitary sewer / water
  - ii. storm drain
  - iii. gas lines
  - iv. conduit for electric, phone, cable which may be under sidewalks (NOTE: direct connections to houses are done house by house as they are delivered)
- e. Fine grading of right-of-ways and lots
- f. Installation of stone, curb and gutter and base paving for Bullard Circle and Thomas Street will be completed in phases that coincide with individual lot construction as discussed in II.A.2.
- h. Install balance of conduit and dry utilities
- i. Install surface paving (i.e., topping the street)
- j. Stabilize site

**k.** Retrofit off-site stormwater pond(s), which must be completed by the issuance of the 20<sup>th</sup> building permit (Condition #41)

**B. NEW HOME CONSTRUCTION, REHABILITATION OF HISTORIC STRUCTURES, AND OFF-SITE IMPROVEMENTS**

1. Model homes: Once necessary permits/approvals are obtained, construction of 2 or 3 model homes will commence after the rough grading of the model home lots are complete. (NOTE: The possible locations for model homes are Lots 26, 27, 28, 37).
2. Frieda's Cottage: Transfer of Frieda's Cottage to Peerless Rockville will occur as per agreement with Peerless Rockville. The developer is informed by Peerless Rockville that the rehabilitation of Frieda's Cottage will commence within 150 days after the recordation of the deed of transfer.
3. Little Lodge, Stable and Ice House: Rehabilitation of the Little Lodge and the Stable will commence as soon as Certificate of Approvals are granted by the HDC, the Record Plat recorded and building permits issued or prior to the issuance of the 33<sup>rd</sup> building permit for the new single-family homes. Reconstruction of the Ice House will commence when rehabilitation of the Little Lodge and Stable are 80% complete. The Ice House will be reconstructed and completed prior to issuance of an occupancy permit for the Little Lodge.
4. New single family homes: New home construction will proceed based on market demand. Based on current (2006) market trends, it is anticipated that the developer would begin construction on at least one house per month, but with no more than 5 to 8 houses under construction at any one time. Due to site and crew management issues as well as cost-efficiency and quality control issues, it is not practical to have concurrent construction activity on more than 5 to 8 houses at one time.
  - a. Installation of public utility service to the individual houses will take place during house construction, which will include installation of roof leaders to dry wells, sewer and water house connections, transformer switches, junction boxes, pedestals, terminals, cable, valves and service lines to the houses with conduit for electric, phone and cable as well as gas transmission lines to the houses.
  - b. Sidewalks, street trees, street lights, as required, and the appropriate landscape buffers and fences (including the Thirty Oaks split rail fence in accordance with Exploratory Resolution No. 3-06, paragraph 9.e.) will be installed and/or planted as part of the development.

5. Off-site improvements: In accordance with Exploratory Resolution No. 3-06, paragraph 12, the following construction schedule for the off-site improvements is predicated on the City's acquisition of any and all necessary right of ways, easements, and/or authorizations from affected property owners, if any.
  - a. *Laird and Luckett Street Improvements*: Applicant will commence construction prior to issuance of the 12<sup>th</sup> single-family detached occupancy permit. Construction of the improvements will be completed within 120 days thereafter, subject to weather, Acts of God, or other unforeseen delays such as war, strikes, etc., referred to as force majeure, which could require additional time to complete. (Condition #26)
  - b. *Harrison Street Improvements*: Per the City's request, Applicant will make a payment in lieu of construction in the amount of \$64,371.20 on or before July 1, 2007. (Condition #25)
  - c. *Thomas Street Improvements*: Applicant will commence construction prior to the issuance of the 33<sup>rd</sup> single family detached occupancy permit or the building permit for the first house on Thomas Street. Construction of the improvements will be completed within 120 days thereafter, subject to weather, Acts of God, or other unforeseen delays such as war, strikes, etc., referred to as force majeure, which could require additional time to complete. (Condition #27)
6. Barn: Rehabilitation of the Barn will commence with the construction of the home on Lot 13, and will be completed prior to the issuance of the occupancy permit for the home on Lot 13.
7. Lodge: Rehabilitation of the exterior of the existing Lodge, all structural improvements, construction of the exterior envelope and parking garage of the proposed addition will be substantially complete and the building weather-tight prior to the issuance of the 33<sup>rd</sup> single family building permit. However, depending upon sales the commencement and completion of some of the units may be accelerated.

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October 19, 2006

City of Rockville Planning Commission  
Rockville City Hall  
111 Maryland Avenue  
Rockville, MD 20850

Re: Detailed Application No. PRU2006-0022A,  
Application of Chestnut Lodge Properties, Inc.

Dear Chair Ostell and Members of the Planning Commission:

During the Planning Commission's October 11<sup>th</sup> meeting, planning staff provided a briefing on the status of the City's review of the Phase II Detailed Application for New Construction for the Chestnut Lodge Project. Staff provided a summary of various issues being reviewed and analyzed by staff, including the status of discussions relative to those issues with the Applicant, many of which have already been resolved.

In addition, other issues were raised by members of the Commission at the October 11<sup>th</sup> meeting which were also addressed by the planning staff as well as by the Assistant City Attorney at the meeting. However, on behalf of the Applicant, we wanted to take this opportunity to provide these additional written responses to further assist the Commission in its final review and approval of the above referenced Detailed Application.

- 1. Public access easement / public use of the front historic area: To what extent will members of the public be able to utilize and enjoy the front historic open space area?**

As indicated by staff, a Declaration of Covenants and Conditions will be recorded on the Chestnut Lodge property that subjects all of Parcels A and B (within the front historic district area) to a public access easement, which will run to the benefit of Chestnut Lodge homeowners and citizens of Rockville for the purpose of allowing passive uses only, such as walking about and through those Parcels. Consistent with other historic preservation and tree conservation easements also applicable to the property, activities such as picnicking, ball-playing, kite-flying or any other active recreational pursuits, other than walking or strolling, will be prohibited in this area.

2. **Surface water drainage:** What measures are in place to ensure that surface water runoff into the rear yards of the MPDUs on Tall Grass Court Lot 17 from the Chestnut Lodge lots is prevented?

The existing topographic condition along with the existing storm drain inlets currently prohibits runoff water from entering the adjacent lots. A berm exists on top of the shared rear lot lines and there are storm inlets that exist on both sides of the berm. The existing grades on the Chestnut Lodge side of the berm convey all of the Chestnut Lodge site runoff to the existing inlets (which are also on the Chestnut Lodge property).

The proposed development plan for Chestnut Lodge will not disturb the existing drainage system described above. In fact, virtually no surface water from the Chestnut Lodge site is expected to enter the rear yards of the lots along Tall Grass Court. The lots in Chestnut Lodge have been regraded to force the stormwater from the lots to Bullard's Circle. The proposed grading of the site will result in less water flowing towards the rear yards of the Tall Grass lots even with the new homes on Chestnut Lodge than what is currently flowing in that direction today. To the extent that there is any surface water draining towards the rear lots of the homes on Tall Grass Court, it will be blocked by the existing berm.

3. **Property maintenance and HOA related issues:** What enforcement and/or oversight mechanisms will be available to the City in order to ensure that the front historic open space area, landscape buffers, trees, etc. are adequately maintained by the Chestnut Lodge HOA? What oversight authority will the City have relative to the Chestnut Lodge HOA annual budget?

A comprehensive tree maintenance and landscape maintenance plan that provides for the protection, preservation, maintenance, and replacement of mature trees and landscaping within the historic district areas on the property has been submitted by the Applicant, in compliance with the Chestnut Lodge Exploratory Application Resolution No. 3-06. A similar plan must be submitted every three years, unless modified or terminated by the City.

A budget containing the estimated costs of the maintenance programs and the means by which such programs will be funded is required as part of the comprehensive tree/landscape maintenance plan. In addition, the City has the authority to require Applicant or its successor HOA to submit annual reports to the City describing its conformance with the work program, inclusive of information relative to its annual budget.

The City has the right to take enforcement action pursuant to the Rockville City Code for the violation of any conditions or requirements set forth in the Resolution, which includes the aforementioned tree/landscape maintenance plan. If the City determines that the Applicant or its successor HOA has failed to comply, the City has the right (but not the obligation) to enter the property, perform any necessary repairs/maintenance, and then assess the cost to Applicant or HOA.

4. **Grading issues:** What is the difference in grade/elevation between the backyards of the MPDUs on Tall Grass Court and the backyards of the adjoining Chestnut Lodge lots? What is the existing grade/elevation difference out on the site today and how will the Chestnut Lodge development be altering that grade, if any?

The Chestnut Lodge property is an in-fill site that is surrounded by existing improvements, properties, lots and topography. The Chestnut Lodge site is surrounded by West Montgomery Avenue, Thomas Street, the Rose Hill community, Autumn Wind Way and the homes along Tall Grass Court and the Buckingham Community. The grades and adjacent improvements are fixed and established. The proposed Chestnut Lodge Plan is designed to fit within these constraints and provide transitions along its boundaries. We must also grade the interior of the Chestnut Lodge site to assure that there is a minimum 2.5% on all lots. Changing the topography on the southwest corner of the site has far reaching implications for the plan and its ability to address design criteria required by the City, ADA requirements and requests of neighbors and City staff to save trees and retain the Victorian style that is integral to the Chestnut Lodge Plan.

Today, the difference in grade between the backyards of the MPDU lots on Tall Grass Court and the adjoining rear portion of the Chestnut Lodge property ranges from 6 to 8.5 feet. After development of Chestnut Lodge, the difference in grade/elevation between the backyards of the Tall Grass Court lots and the backyards of the new Chestnut Lodge lots will range from 4 to 5 feet. It is important to note that in any development there is usually an increase of 1 to 2 feet from existing grade to proposed grade. For instance, the Rose Hill development plans showed an original elevation of 419 feet prior to construction and a proposed and now existing elevation of 420 feet for the MPDU lots on Tall Grass Court.

Nonetheless, in response to the City's concerns, the future Bullard's Circle has been lowered by approximately 3 feet at its low point to keep the elevation of the proposed homes as low as possible. This generates approximately 15,000 cubic yards of dirt which will need to be hauled off the site at a substantial and significant cost. Lowering the street any further will have major impacts to the site and its future residents. Currently the maximum street grade is approximately 3.8 percent. Increasing the street grade to lower the homes in the rear will result in street and sidewalk grades greater than 5 percent and also result in an ill engineered site and a sidewalk grade in excess of 5% violate ADA requirements. Additional retaining walls will be required between homes to make lot to lot grading work. The current height of the retaining walls proposed for the interior lots will need to be significantly increased. Lowering rear yards of lots adjacent to Autumn Way and the Buckingham Property will put the rear yards in a "hole" as related to adjacent property. This change will also result in storm drainage problems. Lowering the site in this area will result in yard grades flatter than 2.5% on lots as well as compound other grading issues on the lots, which is a violation of City policy that is meant to minimize drainage issues. In addition, Chestnut Lodge Properties, Inc. is trying to preserve a significant walnut tree on Lots 20 and 21 and four trees on Lot 17. Lowering the site any more will likely make it impossible to save these trees. The grades on the Site Grading Plans of the Detailed Application have addressed all the issues raised by the Staff and the Planning Commission and protected the houses on Tall Grass Court with a major landscaping buffer and decorative wall in place of the

existing dilapidated wall and poorly maintained buffer area while preserving the character of the proposed Chestnut Lodge Victorian-style community.

5. **Emergency access road:** Will the access road be wide enough for emergency vehicle use? Is there a sidewalk for pedestrians? If the access road is ever proposed to be opened to general vehicular traffic, how would that be accomplished with respect to agreements between the two impacted communities, i.e., Rose Hill and Chestnut Lodge?

The width of the emergency access road has been approved as sufficient for emergency vehicle use. Applicant's Detailed Application plans include a paved pedestrian path through the center of emergency access road.

In accordance with the Chestnut Lodge Exploratory Application Resolution No. 3-06, before the emergency access road can ever be opened for general vehicular traffic, the City must obtain a written request from both the Rose Hill Homeowners Association and the Chestnut Lodge Homeowners Association to do so.

6. **Thomas Street hammerhead / turn-around:** Has adequate space been provided to allow trucks to turn-around on Thomas Street?

The Detailed Application plans show a "hammerhead" at the end of Thomas Street, which was designed and reviewed by Transportation Staff to allow single unit trucks to adequately turn around on Thomas Street.

We hope this information provides the Commission with helpful additional background to assist in the review and approval of the foregoing application.

Sincerely yours,

MILLER, MILLER & CANBY



Soo Lee-Cho

cc: Rebecca Torma  
Morty Levine  
Rob Baker  
Dan Pino  
Linda MacDermid  
Jody S. Kline, Esquire